

**Submission
No 392**

**INQUIRY INTO EDUCATION AMENDMENT (ETHICS
CLASSES REPEAL) BILL 2011**

Organisation: NSW Council For Civil Liberties

Date received: 24/02/2012



NSW COUNCIL FOR CIVIL LIBERTIES SUBMISSION INQUIRY INTO THE EDUCATION AMENDMENT (ETHICS) ACT 2010

1. Summary

NSWCCL considers the introduction of secular Ethics Classes as an alternative to Special Religious Education (SRE) classes in 2010 to have been an important reform, going some way towards providing parents and children in public schools with long denied, secular options to faith based SRE classes. We are therefore, strongly opposed to the Education Amendment (Ethics Classes Repeal) Bill 2011. It aims to reverse this reform and reinstate the discriminatory denial of **any** alternative educational activity for children choosing not to attend faith based SRE classes: a truly anomalous denial of rights in public schools which are otherwise required by legislation to provide 'strictly non-sectarian and secular instruction.'¹

2. Need for Inquiry

We are responding to this Inquiry by the General Purpose Standing Committee (No 2) because the matter is of great importance.

However, we share the frustration of many in the community, at what appears to be a totally redundant review process. The arguments for and against the provision of non-faith based ethics classes as alternatives to SRE have been fully canvassed prior to 2010 and an open consultative process was followed - including the development of an ethics curriculum by the widely respected St James Ethics Centre. Ethics classes were trialled in some public schools and the resulting review of this trial recorded overwhelming support for those school communities.

It is far too early in the implementation process for there to be significant new information to provide to this Inquiry.

3. NSWCCL Position: Repeal of the Education Amendment (Ethics) Act 2010.

¹ S30 of the NSW Education Act states: In government schools, the education is to consist of strictly non-sectarian and secular instruction. The words *secular instruction* are to be taken to include general religious education as distinct from dogmatic or polemical theology.

NSWCCL is not opposed to religion or to faith based religious education. We are strong supporters of the fundamental right to freedom of religious belief and expression.

NSWCCL also strongly supports the separation of church and state as a core principle underpinning robust democracy, and as a necessary principle for the protection of civil rights including freedom of religion and speech –and also including, of course, the freedom to hold and express agnostic or atheist views.

Public schools are centrally important sites for maintenance and strengthening of democracy and should be secular. Our policy position is therefore opposed to the provision of SRE as part of curriculum in public schools:

Faith based religious education (as distinct from general religious and ethics education) has no place within the curriculum of secular, public schools. The NSW Education Act 1990 should be amended to remove the anomalous clause (S 32) establishing a requirement for a set allocation of time each week for special religious education.²

We will continue to advocate for the removal of SRE from public schools and for the full protection of their important secular character. In the interim, we strongly support the introduction of Ethics Classes as an alternative to SRE, because, it removes the extraordinary, discriminatory prohibition of alternative educational activities to children not wishing to attend faith based religious classes.

NSWCCL has formally stated its position on this educational and civil rights reform:

Pending this amendment, the 2010 decision by the then NSW Government to allow schools to provide secular ethics classes as an alternative is supported as a partial remedy to the inappropriate and discriminatory prior provision, which prohibited students not wishing to attend a faith based Special Religious Education class from any alternative secular educational activity³.

However, we do not think the existing provision is sufficiently comprehensive. The new S33(A) inserted by the Education Amendment (Ethics) Act 2010 does not mandate the provision of ethics classes in all schools. While the Minister is prohibited from banning them, public schools do not have to offer them. Section 33A (2) (a) provides only a limited entitlement - if “it is reasonably practical” to make ethic classes available.

Given that the Act mandates the provision of SRE, it is not acceptable that the alternative of a non faith based educational activity, is not similarly mandated. It is discriminatory.

4. Matters Relating to Objectives, Curriculum, Implementation etc

While these are important matters, CCL does not intend to make detailed comment.

² Policy Resolution unanimously endorsed at the 2011 AGM of the NSW Council for Civil Liberties.

³ Policy Resolution unanimously endorsed at the 2011 AGM of the NSW Council for Civil Liberties

As a general comment CCL supports the study of ethics and general education about religions (non faith based and non sectarian) as proper and useful educational experiences for children and young people in all Australian schools.

The new Ethics in Schools curriculum should be subject to regular review and revision by the relevant educational bodies with professional and community input- as is the case for all formal curriculum offerings. This is a more appropriate context for a review of these matters and would normally and sensibly be undertaken when the implementation of ethics classes in public schools has had time to settle.

5. NSWCCCL Recommendations

5.1.1. The Education Amendment (Ethics) Act 2010 should not be repealed.

5.1.2. The entitlement to attend alternative ethics classes should be extended to all students attending public schools. The Education Act 1990 (S.33A) should be amended so that the provision of ethics classes as an alternative to SRE is a mandatory curriculum offering in all public schools as is the case with SRE.

We are aware that the Committee is holding a number of public hearings now and in early March. NSWCCCL would be available to speak with the Committee if desired.

This submission was prepared on behalf of the NSW Council for Civil liberties by Dr Lesley Lynch.

Dr Lesley Lynch
Assistant Secretary
NSW Council For Civil Liberties
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NSW Council For Civil Liberties

The New South Wales Council for Civil Liberties (CCL) is committed to protecting and promoting civil liberties and human rights in Australia.

CCL is a Non-Government Organisation (NGO) in Special Consultative Status with the Economic and Social Council of the United Nations, by resolution 2006/221 (21 July 2006).

CCL was established in 1963 and is one of Australia's leading human rights and civil liberties organisations. Our aim is to secure the equal rights of everyone in Australia and oppose any abuse or excessive power by the State against its people.