

Submission  
No 239

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

**Organisation:** Catholic Conference of Religious Educators in State Schools  
(CCRESS)

**Date received:** 27/02/2012

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# Catholic Conference of Religious Educators in State Schools (CCRESS)

Submission to the Legislative Council  
Inquiry into the Education Amendment  
(Ethics Classes Repeal) Bill 2011

February 2012

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## EXECUTIVE SUMMARY

1. The Catholic Conference of Religious Educators in State Schools (CCRESS) has responsibility for the provision of Catholic Special Religious Education (SRE) in New South Wales and its membership is drawn from each of the eleven Catholic Dioceses in NSW.
2. CCRESS represents over 5,000 Catholic SRE volunteers who educate approximately 100,000 students in DEC schools weekly. These volunteers are recruited and coordinated locally through Diocesan SRE agencies known as Confraternities of Christian Doctrine (CCD). These agencies prepare curriculum documents and provide training for SRE volunteers.
3. At the end of 2009 a trial of “Ethics Classes” in NSW government schools was approved by the Minister for 2010.
4. In November 2010, the Kenneally Labor Government amended the NSW Education Act 1990 to give legal status to “ethics as a secular alternative to special religious education”.
5. The Catholic Church was disappointed with this decision, regarding it as unnecessary. However, since the commencement of the 2011 academic year CCRESS’ position has been to continue to work for the strengthening of SRE within the framework of the 2010 amendments to the Education Act and to do so by engaging with Special Education in Ethics (SEE) providers and volunteers. While the Catholic Church’s initial opposition to the introduction of SEE classes was justified, removal of SEE classes subsequent to the development of certain curriculum materials and training of volunteers would, it is acknowledged, create a new set of problems for parents and schools. CCRESS and the Inter Church Commission of Religious Education in Schools (ICCOREIS) have made numerous public statements to this effect. (See Attachment 2)
6. CCRESS is of the view that the more SEE is promoted as an alternative to SRE the more evident it will become that effective approaches to the management of students whose parents exclude them from particular classes is best achieved at a school level. A Statewide response to local parent decisions is misconceived.
7. The history of the Ethics pilot demonstrates that there is no objective process for the development and approval of any Ethics course(s) for implementation in Government schools. This lack of an Ethics course development process is exacerbated by the fact that by virtue of Section 33 A(3) of the Education Act neither the Minister nor the Director – General can amend or replace an Ethics course once it commences. This means that there is neither any process for assessing the suitability of any Ethics

course for any year of schooling nor any mechanism for reviewing and amending a course for a year of schooling once it commences.

8. Consistent with Section 33 of the Education Act, a key concern of CCRESS is that SEE should only be offered to students after parents have advised that they do not wish their children to participate in SRE. This approach gives effect to the intention of the legislation which provides for SEE as an alternative to SRE but only after parents have objected to SRE. This aspect of the Guidelines has not been understood or applied in a number of schools.
  9. The Catholic Church, other Christian Denominations and other Faith Traditions provide SRE without cost to either the Government or to school communities. CCRESS is of the strong view that the same cost free delivery requirement should apply to Primary Ethics (PE) as the nominated provider of SEE and that neither the St James Ethics Centre (SJEC) nor PE should be the recipient of funding from Government or Parents and Citizens Associations (P&C) since this would constitute an inequity. (See <http://www.ethics.org.au/living-ethics/primary-ethics>).
  10. CCRESS does not believe that the Education Amendment (Ethics) Act should be repealed. However, CCRESS advises that certain technical amendments would be desirable for the purpose of legislative clarity and to ensure that schools offer SRE to students first and before other options.
  11. Consistent with section 19 of the Education Act CCRESS believes that there is a need for a SEE development and approval process to be established. This process is particularly necessary to address the anomaly created by section 33A (3) that once an Ethics course commences “a government school cannot be directed (by the Minister or otherwise) not to make ...Ethics available at the school”.
- This anomaly leaves the SEE curriculum as the only curriculum operating in State Schools that is not subject to Ministerial oversight.
12. The Provision of SRE classes in DEC Schools has since 1880 been a positive aspect of NSW public education which has contributed both to the formation of young people in the faith tradition of their families and to the formation of good citizens with sound ethical frameworks. The historic role of and current policy framework for SRE is documented in the 1980 Ministerial Report “Religion in Education in NSW Government Schools” (The Rawlinson Report).
  13. Having carefully considered the terms of reference of the Inquiry, CCRESS makes the following recommendations.
    - a) That the provision of Special Education in Ethics in public primary schools continue.

- b) That the provision of Special Education in Ethics in public primary schools be wholly supported and financed by the recognised Provider without additional financial support from government or Parents and Citizens Associations.
- c) That the DEC properly implement Guidelines consistent with the Education Act to ensure that Ethics classes operate as an alternative option offered only to those students who have been withdrawn from SRE classes at the request of his or her parents. Adoption of this recommendation would give effect to the original purpose of the legislation.
- d) That Section 33 A (3) of the Education Act be amended to restore the authority of the Minister for Education as established under Section 19 of the Education Act to oversee all aspects of the implementation and administration of SEE classes and associated curriculum development. (As advised in the recommendations of the Catholic Education Commission made on 30 November 2010 to both Mr Piccoli and Ms Firth, provided as Attachment 3)
- e) That to avoid confusion and for the avoidance of doubt Section 33A (1) of the Act be amended to read:

“Subject to the requirements of this Section, Special Education in Ethics is allowed as a secular alternative to special religious education at Government schools after a parent exercises their right under section 33 to object to Religious Education being provided to their child.”
- f) That the existing DEC Implementation Guidelines be reviewed and reissued to ensure consistency with the legislation.

## A. INTRODUCTION

- A.1 The Catholic Conference of Religious Educators in State Schools (CCRESS) has responsibility for the provision of Catholic Special Religious Education (SRE) in New South Wales and its membership is drawn from each of the eleven Catholic Dioceses in NSW.
- A.2 CCRESS advises the NSW Bishops on matters pertaining to SRE and acts in accordance with the directives of the NSW Bishops. Bishop Patrick Power (Archdiocese of Canberra and Goulburn) has designated responsibility for CCRESS.
- A.3 CCRESS represents over 5,000 Catholic SRE volunteers who educate approximately 100,000 students in DEC schools weekly. These volunteers are recruited and coordinated locally through Diocesan SRE agencies known as Confraternities of Christian Doctrine (CCD). These agencies prepare curriculum documents and provide training for SRE volunteers.
- A.4 CCRESS reminds the present Inquiry that the current policy environment within which SRE operates was set through a process of Ministerial Inquiry. That is, SRE functions within public policy parameters set by the 1980 Ministerial review “Religion in Education in NSW Government Schools” and its report known as the Rawlinson report. CCRESS input to this review takes the Rawlinson model for SRE delivery as its starting point.
- A.5 As part of its process for planning the delivery of Catholic SRE in public schools, CCRESS and its member CCDs work cooperatively with the Director-General’s Consultative Committee on SRE.
- A.6 CCRESS makes this submission to the Inquiry at the invitation of the Committee Chair, Hon Marie Ficarra MLC.
- A.7 CCRESS acknowledges the contribution of the Catholic Education Commission, NSW to the development of this submission.

## B. BACKGROUND

Set out below are some of the key background facts and developments, as identified by CCRESS, relating to the introduction of Ethics classes

- B.1 At the end of 2009 a trial of “Ethics Classes” in NSW government schools was approved by the Minister for 2010.
- B.2 The Catholic Church opposed the implementation of Special Education in Ethics (SEE) Classes for a number of key reasons including:
- Appropriate school-based alternatives for students whose parents object to SRE have always or should always have been available consistent with Section 33 of the current Education Act. Moreover, given that Section 33 has formed part of every NSW Education Act since 1880, the challenge of providing alternative educational experiences for SRE “opt out” children has always been a present and real challenge for Government school Principals, a challenge historically addressed by local schools.
  - The challenge of local schools addressing the needs of “opt out” students could not be eliminated by the introduction of Special Education in Ethics since parents can exclude their children from either or both SRE and SEE.
  - The challenge of “opt out” students can only be addressed locally and local schools should be supported so that they can flexibly respond to needs of children whose parents object to their children participating in either or both SRE and SEE.
  - Parents should not be required to make a false choice between Religious Education and the study of Ethics. Parents should be able to choose both education in Religion and education in Ethics for their children.
- B.3 A review of the trial of SEE was conducted by Dr Sue Knight. The Catholic Church’s submission to this inquiry is provided as Attachment 1.
- B.4 In November 2010, the Kenneally Labor Government amended the NSW Education Act 1990 to give legal status to “ethics as a secular alternative to special religious education”.
- B.5 The Catholic Church was disappointed with this decision, regarding SEE classes as unnecessary in order to provide educationally sound alternatives for students who had been exempted from SRE by their parents. However, since the commencement of the 2011 academic year CCRESS’ position has been to continue to work for the strengthening of SRE within the framework of the 2010 amendments to the Education Act and to do so by engaging with SEE providers and volunteers. While the Catholic Church’s initial opposition to the introduction of SEE classes was justified, removal of SEE classes subsequent to the development of certain

curriculum materials and training of volunteers would, it is acknowledged, create a new set of problems for parents and schools.

CCRESS and the Inter Church Commission of Religious Education in Schools (ICCOREIS) have made numerous public statements to this effect. (See Attachment 2)

- B.6 Throughout 2011 and now in 2012, SEE provides an alternative to Special Religious Education (SRE) in a limited number of DEC schools.

## **C. LEGISLATIVE COUNCIL INQUIRY INTO THE EDUCATION AMENDMENT (ETHICS CLASSES REPEAL) BILL 2011**

- C.1 It is understood that the Ethics Classes Repeal Bill is a Private Member's Bill introduced by the Reverend Fred Nile following notice of motion on 4 May 2011. The Bill simply provides for the repeal of Section 33A of the Act and it has no other provisions or effect.
- C.2 The Inquiry has two terms of reference being to inquire into and report on:
- a. The stated objectives, curriculum, implementation, effectiveness and other related matters pertaining to the current operation of 'special education in ethics' being conducted in State schools, and*
  - b. Whether the Education Amendment (Ethics) Act 2010 should be repealed.*
- C.3 CCRESS wishes to briefly comment on each of these Inquiry focus issues.

## **D. ADVICE TO THE INQUIRY ON THE ISSUES IDENTIFIED IN THE TERMS OF REFERENCE**

### **Terms of Reference A**

#### ***D.1 SEE Objectives***

- D.1.1 SEE Classes have been and are supported as a strategy by some stakeholders in public education as a means of providing an alternative for students whose parents do not wish their children to attend SRE. Anecdotal evidence from providers and from media reports in 2011 suggested that these classes have not as yet been widely introduced across DEC schools. A shortage of volunteers appears to be an issue for the St James Ethics Centre course. In those schools where SEE has commenced, there exists a significant number of students whose parents do not support either SRE or SEE classes for their children. Consequently local DEC schools still need to provide credible alternatives for non-SRE and non-SEE students consistent with DEC's implementation of Religious Education Procedures 2011, Section A11.
- D.1.2 CCRESS is of the view that the more SEE is promoted as an alternative to SRE the more evident it will become that effective approaches to the management of students whose parents exclude them for particular classes can only be achieved at a school level. A Statewide response to local parent decisions is misconceived.

#### ***D.2 SEE Curriculum***

- D.2.1 It is difficult for contributors to this inquiry to comment comprehensively on the nature of the SEE Curriculum as the total program has not been made available publicly despite numerous requests. By comparison Catholic SRE materials are available publicly and they can be accessed by contacting local Catholic Diocesan SRE Coordinators.
- D.2.2 Catholic experts in the area of Ethics education expressed their concerns about the nature of the sample curriculum materials through the 2011 CCRESS submission to the Ethics Pilot Review conducted by Dr Knight.
- D.2.3 In summary, CCRESS understands that despite the Ethics pilot having been reviewed, the St James Ethics Centre has not as yet developed a complete Ethics course for any one year of schooling.
- D.2.4 The history of the Ethics pilot demonstrates that there is no objective process for the development and authorisation of any Ethics course(s) for implementation in Government schools. This lack of an Ethics course development and authorisation process is exacerbated by the fact that by virtue of Section 33 A(3) of the Education Act neither the Minister nor the Director – General can amend or replace an Ethics course once it commences. This means that there is neither any process for assessing

the suitability of any Ethics course for any year of schooling nor any mechanism for reviewing and amending a course for a year of schooling once it commences.

### ***D.3 SEE Implementation***

- D.3.1 The observation of members of CCRESS who operate in Government schools is that the implementation Guidelines intended to support the legislative mandate for SEE, and specifically the daily operation of ethics classes, often are not adhered to fully in many Government schools.
- D.3.2 In the view of CCRESS this seems to be due to a lack of understanding of the Guidelines. There is a need for Regional DEC personnel to liaise more closely with School Principals and SRE School Coordinators to ensure that the DEC Ethics Guidelines are understood properly and applied.
- D.3.3 Consistent with Section 33 of the Education Act a key concern of CCRESS is that SEE should be offered only to students after parents have advised that they do not wish their children to participate in SRE. This approach gives effect to the intention of the legislation which provides for SEE as an alternative to SRE but only after parents have objected to SRE. This aspect of the Guidelines has not been understood or applied in a number of schools.
- D.3.4 Clarification of SEE's status as a program of study for students exempted by their parents from SRE rather than as an alternative form of SRE should be clearly stated in the Guidelines. In making this point CCRESS acknowledges that Section 33A (1) of the legislation appears to be inconsistent with Section 33A (2) of the legislation. Section 33A (2) states that a child is entitled to receive SEE if the parents object to SRE. CCRESS highlights the ambiguity in drafting of Section 33A (1) and Section 33 A (2) as being at the heart of much of the confusion in Government Schools with respect to the identity of those students who should be participating in SEE rather than SRE.
- D.3.5 Given the above cited drafting problem CCRESS advises that section 33A (1) of the Act should be amended to read: "Subject to the requirements of this Section, Special Education in Ethics is allowed as a secular alternative to special religious education at Government schools after a parent exercises their right under section 33 to object to Religious Education being provided to their child".
- D.3.6 Since SEE is an alternative provision for students whose parents object to Religious Education, CCRESS argues that the negotiation of the timing of SRE (and consequently SEE) lessons be coordinated at a local level by SRE providers. SEE will thus be offered at a time which does not inhibit SRE provision.

#### ***D.4 SEE Effectiveness***

- D.4.1 CCRESS does not consider itself in a position to comment on the effectiveness of the SEE classes as the total curriculum package for a full year of schooling has not been made publicly available. We would reiterate that it is understood that an Ethics programme spanning only two school terms appears to have been developed.
- D.4.2 This lack of a full SEE curriculum resulted in a number of students returning to non-SRE supervision or indeed to SRE classes half way through the 2011 school year. This development caused disruption in schools involving lost educational continuity for students, SRE providers and SEE volunteers alike.

#### ***D.5 Other Related Matters***

- D.5.1 The Catholic Church, other Christian Denominations and other Faith Traditions provide SRE without cost to either the Government or to school communities. CCRESS is of the strong view that the same cost free delivery requirement should apply to Primary Ethics (PE) as the nominated provider of SEE and that neither the St James Ethics Centre (SJEC) nor PE should be the recipient of funding from Government or Parents and Citizens Associations (P&C) since this would constitute an inequity. (See <http://www.ethics.org.au/living-ethics/primary-ethics>).
- D.5.2 That is, any SRE and/or SEE curriculum support provided by Government or Parent Bodies must be inclusive of all students enrolled by any public school. A key principle of public policy in the area of Religious Education in Government schools must be the non-discriminating recognition of the prior right of parents to have their children educated according to each family's conscientiously held religious beliefs (Refer United Nations International Covenant on Civil and Political Rights at Article 18 (4)) *The State Parties to the present covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to assure the religious and moral education of their children in conformity with their own religious convictions.*

### **Terms of Reference B**

#### ***D.6 Whether the Education Amendment (Ethics) Act 2010, should be repealed***

- D.6.1 CCRESS does not believe that the Education Amendment (Ethics) Act should be repealed. However, CCRESS advises that certain technical amendments would be desirable for the purpose of legislative clarity and to ensure that schools offer SRE to students first and before other options.
- D.6.2 CCRESS maintains that the Church was justified in arguing throughout 2010 that SEE legislation was not necessary in order to provide educationally sound alternatives for students who have been exempted from SRE by their parents. It is however

acknowledged that it is a completely different matter to remove these classes after a full year of operation. CCRESS appreciates that the removal of SEE after the development and implementation of some curriculum materials and the training of available volunteers would be disruptive for school communities. Also CCRESS would regard such a course of action as being counter-productive to the good work done by thousands of SRE teachers since any decision to rescind SEE could create a negative climate for SRE in some schools. In this context CCRESS respects the right of parents of students in NSW Government Schools to opt out of SRE classes and *then* to choose an alternative educational experience for their child; a right that the Education Act has always acknowledged.

D.6.3 However, CCRESS, based on advice from the Catholic Education Commission (CEC) is concerned that the 2010 amendments to the Education Act are flawed since they actually place SEE in an unprecedented and favoured position.

D.6.4 The relevant provisions of the Education Act which apply to both SRE and SEE classes are set out below:

### ***30 Secular instruction***

*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.*

### ***32 Special religious education***

- (1) In every government school, time is to be allowed for the religious education of children of any religious persuasion, but the total number of hours so allowed in a year is not to exceed, for each child, the number of school weeks in the year.*
- (2) The religious education to be given to children of any religious persuasion is to be given by a member of the clergy or other religious teacher of that persuasion authorised by the religious body to which the member of the clergy or other religious teacher belongs.*
- (3) The religious education to be given is in every case to be the religious education authorised by the religious body to which the member of the clergy or other religious teacher belongs.*
- (4) The times at which religious education is to be given to children of a particular religious persuasion are to be fixed by agreement between the principal of the school and the local member of the clergy or other religious teacher of that persuasion.*
- (5) Children attending a religious education class are to be separated from other children at the school while the class is held.*
- (6) If the relevant member of the clergy or other religious teacher fails to attend the school at the appointed time, the children are to be appropriately cared for at the school during the period set aside for religious education.*

### **33 Objection to religious education**

*No child at a government school is to be required to receive any general religious education or special religious education if the parent of the child objects to the child's receiving that education.*

#### **33A Special education in ethics as secular alternative to special religious education (Inserted November 2010)**

- (1) Special education in ethics is allowed as a secular alternative to special religious education at government schools.*
- (2) If the parent of a child objects to the child receiving special religious education, the child is entitled to receive special education in ethics, but only if:*
  - i. it is reasonably practicable for special education in ethics to be made available to the child at the government school, and*
  - ii. the parent requests that the child receive special education in ethics.*
- (3) A government school cannot be directed (by the Minister or otherwise) not to make special education in ethics available at the school.*

D.6.5 CCRESS argues that these sections need to be read in conjunction with and subject to Section 19 of the Education Act 1990 "General Functions of the Minister".

#### **19 General functions of Minister**

*The Minister has the following functions:*

- (a) to exercise the functions in connection with the [school](#) curriculum that are conferred or imposed on the Minister under Part 3,*
- (b) to establish and supervise the operation of [government schools](#) under Part 6,*
- (c) to exercise the functions in connection with registration that are conferred or imposed on the Minister under Part 7,*
- (d) to determine, having regard to the requirements of Part 8 and the advice of the [Board](#), the general method of assessment of candidates for the [recognised certificates](#) (whether by public examination or other form of assessment),*
- (e) to determine, having regard to the requirements of Part 8 and the advice of the [Board](#), the nature of the information appearing on the [recognised certificates](#) or records of achievement issued by the [Board](#),*
- (f) to carry out such educational audits and program reviews as the Minister considers appropriate to assess and improve the quality of education for [school](#) children in New South Wales,*
- (g) any other function conferred or imposed on the Minister under this Act.*

D.6.6 In November 2010, with the agreement of Bishop Peter Ingham, the Bishop then responsible for CCRESS, and Bishop Anthony Fisher, Chair CEC NSW, the Catholic Education Commission NSW (CEC, NSW) made representations to the NSW Parliament on the then amendments to the NSW Education Act 1990 concerning the provision of SRE and Ethics classes in Government schools.

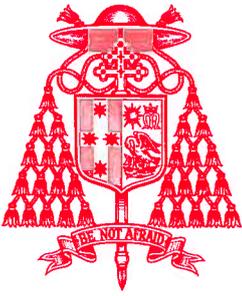
A copy of the correspondence provided to the then Minister and Shadow Minister setting out the Catholic Church's position concerning the "Ethics" amendments to the Education Act is provided as Attachment 3 to this paper.

- D.6.7 Consistent with section 19 of the Education Act, CCRESS believes that there is a need for a SEE development and approval process to be established. This process is particularly necessary to address the anomaly created by section 33A (3) that once an Ethics course commences "a government school cannot be directed (by the Minister or otherwise) not to make ...Ethics available at the school".
- D.6.8 This anomaly leaves the SEE curriculum as the only curriculum operating in State Schools that is not subject to Ministerial oversight.
- D.6.9 SRE in all its forms is oversights by the Director-General's Consultative Committee on SRE which itself is subject, pursuant to Section 19 of the Education Act, to the oversight of the Minister for Education acting on the advice of the Director General of Education.

## **E. RECOMMENDATIONS OF CCRESS TO THE PARLIAMENTARY INQUIRY**

- E.1 The provision of SRE classes in DEC Schools has since 1880 been a positive aspect of NSW public education which has contributed both to the formation of young people in the faith tradition of their families and to the formation of good citizens with sound ethical frameworks.
- E.2 Having carefully considered the terms of reference of the Inquiry, CCRESS makes the following recommendations.
- a) That the provision of Special Education in Ethics in public primary schools continue.
  - b) That the provision of Special Education in Ethics in public primary schools be wholly supported and financed by the recognised Provider without additional financial support from government or Parents and Citizens Associations.
  - c) That the DEC properly implement Guidelines consistent with the Education Act to ensure that Ethics classes operate as an alternative option offered only to those students who have been withdrawn from SRE classes at the request of his or her parents. Adoption of this recommendation would give effect to the original purpose of the legislation.
  - d) That Section 33 A (3) of the Education Act be amended to restore the authority of the Minister for Education as established under Section 19 of the Education Act to oversee all aspects of the implementation and administration of SEE classes and associated curriculum development. (As advised in the recommendations of the Catholic Education Commission made on 30 November 2010 to both Mr Piccoli and Ms Firth, provided as Attachment 3)
  - e) That to avoid confusion and for the avoidance of doubt, Section 33A (1) of the Act be amended to read:  
“Subject to the requirements of this Section, Special Education in Ethics is allowed as a secular alternative to special religious education at Government schools after a parent exercises their right under section 33 to object to Religious Education being provided to their child.”
  - f) That the existing DEC Implementation Guidelines be reviewed and reissued to ensure consistency with the legislation.

Polding Centre  
133 Liverpool Street  
Sydney NSW 2000



Dr Sue Knight  
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Magill SA 5072

Dear Dr Knight,

**SUBMISSION RELATING TO SPECIAL RELIGIOUS EDUCATION  
AND ETHICS CLASSES IN NSW PUBLIC SCHOOLS**

**A. THE SUBMISSION: ITS GENESIS**

This document is the formal submission of the Catholic Church of New South Wales to the review of the trial of Ethics classes during time set aside for Special Religious Education (SRE) in New South Wales Department of Education and Training Schools.

This submission represents the views of the Catholic Bishops of NSW and Catholic Conference of Religious Educators in State Schools (CCRESS). Further to this, the submission is indicative of the attitude of a wide cross-section of the Catholic Community to the trial and any proposed extension of it. Approximately 37,000 Catholics added their signatures to a petition desiring correct and full implementation of the current SRE policy guidelines. Members of other Christian denominations involved in the delivery of SRE also signed the petition, and the petition with more than 50,000 signatures was handed to the Speaker of the House on June 24, 2010, for presentation to the Parliament. By comparison, the petition conducted by Ms Penny Sharpe MLC, in favour of the Ethics trial and the extension of it gained approximately 2000 signatures.

This submission follows the meeting of the spokesperson for the NSW Bishops for SRE, Bishop Peter Ingham, and members of CCRESS with representatives of the Office of the Minister for Education and Training on March 17, 2010. At that meeting, senior office staff indicated that a contribution to the review process from the Church would be welcomed.



The meeting provided Church representatives with the opportunity to express several serious concerns, namely:

- The lack of consultation and dialogue with key providers of SRE in the process leading to the introduction of Ethics classes on a trial basis;
- The trial implementation process;
- The nature of the Ethics course itself; and
- The continuing lack of consultation about the trial and the review process that is to evaluate it.

The Minister for Education's Office responded to our concerns by offering an apology. It also offered a commitment to involve the Catholic Church in future discussions and in the review of the program.

## **B. THE ISSUES OF CONCERN**

The submission addresses a number of issues:

1. The Government's decision to implement the trial of Ethics classes;
2. The continuation of Ethics classes in an educationally effective manner;
3. Curriculum content; and
4. The inquiry process in the trial classes.

### **1. THE GOVERNMENT'S DECISION TO IMPLEMENT THE TRIAL OF ETHICS CLASSES:**

In considering the Government's decision to implement the trial of Ethics classes we have reached a number of conclusions:

- *The introduction of the trial of Ethics classes is in breach of the policy implementation document* in relation to SRE and is contrary to the spirit of the legislation.
- *The offer of Ethics classes was made to all students.* This was a clear breach of the agreement made with religious traditions after the announcement of the trial. It had been agreed that the Ethics class would be offered only to the parents of students who had already chosen to opt their child out of SRE. This in effect heightened the perception of it being in competition in SRE, rather than being complementary to it.
- *The trial, and any proposed extension of it, is an inappropriate response to a difficulty experienced in an unspecified number of public schools.* According to media reports, the Parents and Citizens Association (P&C) claimed that a significant number of non-



SRE students were not being profitably engaged during the time when SRE lessons were taking place and that an alternative had to be provided. In our experience, the claims made by representatives of the P&C and cited in Parliament by Greens MP Dr John Kaye, that up to 80% of students were opting out of SRE, are false and misleading. Research by members of the Catholic Conference of Religious Educators in Public Schools (CCRESS) attests to the fact that across the State, 70-75% of Catholic students continue to attend the SRE classes.

- *The issue at stake is the failure on the part of some schools to implement the policy guidelines: it is a school management matter.* The policy implementation document allows for a range of supervised, student-centered and educationally-sound activities for students who choose not to attend SRE classes. Parents of children who do not attend SRE classes are justified in requiring that their children be profitably engaged during this time. When this does not occur, their annoyance is understandable. The issue can be remedied easily by proper implementation of the current guidelines.
- *The types of activities that can currently be employed for students who do not attend SRE classes are an educationally valid and valuable use of the students' time.* Any school that is employing activities for non-SRE students that are not educationally valid should be required to overcome this school management issue by implementing current policy effectively.

## **2. THE CONTINUATION OF ETHICS CLASSES IN AN EDUCATIONALLY EFFECTIVE MANNER**

The Catholic Church has approximately 5000 volunteers who teach SRE in schools across the State. These SRE teachers are required to undertake regular courses in curriculum content, pedagogy and classroom behavior management. They also receive ongoing training in relation to child protection accreditation. In total, Catholic SRE teachers complete a minimum of 65 hours course work as part of their ongoing accreditation process. The funding of these courses and the provision of resource materials represent a substantial expense for the Catholic Church. Other Churches would also have similar expenses.

The resources that the Catholic Church and other Churches invest in SRE raise a serious question about the nature and extent of the pre-service and in-service education and training that will be offered to – and required of – the teachers of Ethics classes.

Some sectors of the community rightly recognise that Ethics classes will incur a financial cost, as SRE classes do. The suggestion that some P&Cs would fundraise to meet these costs is a genuine concern. It would, in fact, be an inequity if any P&C chose to support Ethics classes without giving proportionate support to students in SRE classes. It would be a matter of discrimination against students and their families on the basis of religion not to do so. It



would also raise the question: does the P&C support all students and their families or only some?

### **3. CURRICULUM CONTENT AND PEDAGOGY**

The inquiry methodology that underpins the Ethics curriculum is based on moral relativism. Relativism espouses an individual expression of right and wrong predicated on subjective norms. There is no objective reality or truth: all points of view are equally valid and acceptable.

This is not simply a matter of freedom of expression and mutual respect for different points of view. Relativism does not provide a sound or helpful basis from which to encourage moral reflection in children. Opinion may be interpreted as fact, and right and wrong may become interchangeable, mere matters of opinion, none of which are wrong, and all of which are equally valid. The result is greater confusion about moral and ethical questions rather than greater clarity.

Since there is a range of approaches to ethical issues, it would seem sensible that any ethics courses should be based on the social consensus on basic moral principles that exists in Australian society and informs individual and community decision making. This would seem to be an essential starting point for Ethics classes offered to NSW public school students.

Only two lessons in the series of ten lessons were accessible for the public to review. These two were the lesson on *Fairness* and lesson on *Lying and telling the truth*. No explanation for this has been given, despite the considerable public interest in the issue, and the right of all parents to know what their children are being taught. The refusal to release the complete series of lessons also obviously hinders the capacity for stakeholders to review the trial of Ethics classes.

The lesson on *Fairness* appears to undermine the authority of parents, schools and institutions by putting the opinion of students on an equal status with the informed and considered opinion of adults. The rationale in the teacher notes in the lesson on fairness, for example, refers to children as 'often subject to the dictates of adults'. The use of the word, 'subject' implies that this is an undesirable situation and can undermine the right and obligation of parents or carers to make decisions and give thoughtful directions to children for their education, protection and good.

By default, this establishes a paradigm of relationship between children and adults that assumes an equality of maturity that is simply not possible. While certainly equal in human



dignity, children are not equal in life experience, including education, and hence in their ability to make good decisions.

In the lesson on *Lying and telling the truth*, a range of scenarios are listed for students to evaluate what are described as ‘shades of grey’ judgments about levels of acceptability with regard to telling lies. It fails to start with the premise that lying is wrong or not acceptable, which must be the basis for investigating scenarios that present problems and issues that individuals sometimes face in being truthful. Parents would expect that the principle ‘lying is wrong’ would be the basis for this, even without an exploration of the religious thinking that has led to this the general acceptance of this principle in our society. Encountering differing standpoints in the course of the lesson with regard to the various scenarios is expected and understandable. It is not however, accompanied by any clear direction to the teacher, to provide some guidance if and when required, about what may make some instances of lying more serious than others.

Students in primary schools are reaching a critical point in their moral development. For their good, the good of society and of our nation, we need to offer them sound ethical guidance. Based on the two lessons we have been able to review, we have concerns about the ability of the course that was trialled to provide this guidance.

While certainly not solely the role of any Church group to evaluate the appropriateness of lessons prepared for public school children, after our initial examination of the only two lessons made publicly available, we would hope that an ethics course that gives more concrete guidance on ethical issues could be developed, and offered to all students outside of SRE timeslots.

#### **4. THE INQUIRY PROCESS IN THE TRIAL CLASSES**

The Ethics course invokes an anthropological approach but does not explore it. It refers to moral and social concerns such as ‘equality, impartiality, rights, obligations and desserts’ (See Introduction to lesson on *Fairness*), but does not explain these terms nor offer an age-appropriate contextualization of them to allow the students to form an adequate understanding of them. In effect, it cannot, because there are no objective norms in the curriculum. Those teaching the classes are not directed to correct errors or assist students to identify thinking that is faulty or based on incorrect premises. This is a matter of serious concern and would seem to defeat the purpose of an Ethics course. It makes it unlikely that the benefits that parents may expect for their children in opting for Ethics classes will not be delivered.



### **C. CONCLUSION AND RECOMMENDATIONS**

The provision of SRE classes in public schools has been a positive inclusion in the curriculum for decades, and at no cost to the Government. Current legislation and policy provide students who do attend SRE classes with educationally acceptable, alternative activities.

The proposed Ethics classes, as evidenced by the recently concluded trial, raise serious questions in relation to content and pedagogy.

Having carefully considered the matter, we recommend:

- I. The Government ensure that the current legislation and policy in relation to SRE in Government schools is fully implemented;**
- II. That, if required, public schools be provided with assistance to implement the legislation and policy;**
- III. That Ethics classes, if continued, be held at a time different from SRE classes so that all children can take attend;**
- IV. That the content and pedagogy of Ethics classes, if continued, be formulated by a competent body of educators that includes representatives from the Churches; and**
- V. That the Catholic Church be involved in any further discussions in relation to SRE in public schools.**

We welcome the opportunity to discuss this matter further with you, and look forward to your response.

Yours sincerely,

CARDINAL GEORGE PELL AND BISHOP PETER INGHAM  
REPRESENTING THE CATHOLIC BISHOPS OF NSW AND CRESS

11 August 2010



11 November, 2011

## **MEDIA RELEASE**

Since the changes in the legislation regarding the provision of Special Religious Education in State Schools in December 2010, the Catholic Church as a provider of SRE has moved to coexist and cooperate with ethics teachers in the schools where ethics classes have been introduced.

The Hon Rev Fred Nile's action to remove Ethics classes is no doubt an expression of his strong support for Special Religious Education in State Schools. However, the Catholic Conference of Religious Educators in State Schools (CCRESS) regards this action as being counter-productive to the good work done by thousands of SRE teachers.

The Catholic SRE curriculum delivers an ethical framework based upon a relationship with a loving God who is the source of goodness and truth. Nevertheless, CCRESS respects the right of parents of students in NSW State Schools to opt out of SRE classes and to choose ethics as an alternative to non-scripture.

At its meeting this week CCRESS, the organising body of the major provider of SRE in NSW has re-affirmed its position not to support this action to remove ethics classes as an alternative to non-scripture.

**Mr Jude Hennessy**  
**CCRESS Liaison Officer**



30 November 2010

The Hon. Verity Firth M.P.  
Minister for Education, Skills  
and Youth Affairs  
Governor Macquarie Tower  
1 Farrer Place,  
SYDNEY NSW 2000

Mr Adrian Piccoli M.P.  
Shadow Minister for Education, Skills  
and Youth Affairs  
104 -110 Banna Ave  
GRIFFITH NSW 2680

**RE: *Education Amendment (Ethics) Bill 2010: Proposed Amendment and Request for Consultation***

Dear Ms. Firth and Mr. Piccoli,

At the specific request of the NSW Catholic Bishops, the CEC NSW wishes to express to you its concerns about the inadequate provisions of the *Education Amendment (Ethics) Bill 2010* now before the NSW Parliament, and to propose a constructive amendment.

The CEC acknowledges the right and duty of any Government to regulate the provision of study, including Ethics courses, provided for students attending Government schools. CEC also acknowledges the inherent right of parents to seek exemption from particular courses of study on the grounds of conscientious belief.

However, CEC believes the proposed Bill to be inherently flawed because it:

- (i) Actually privileges Ethics classes, since as a consequence of the proposed clause 33A (3) Ethics classes are effectively removed from Ministerial or Departmental oversight once any school commences any course.
- (ii) Creates an educational hazard in that for the first time a course of study will be able to operate in a NSW School even if the general community and its representative Government identify objective concerns with its content, methodology or viability, since, once established, an Ethics course will not be able to be either modified or terminated by either the Minister or the Director-General.
- (iii) Compromises the Minister in relation to the recommendations of the recent *NSW Ethics Course Trial. Final Report* (October 2010) by failing to give the Minister adequate scope for determining the nature of an ethics course, criteria for approval of content and the requirements for approving teachers for such a course.

Consistent with both the structure of the Education Act and the stated intention of the Government to provide an alternative to SRE lessons, CEC advises that the preferred way for the Government to address the educational needs of children exempted from SRE classes should be to amend Section 19 of the Education Act, "General Functions of the Minister".

That is, following the current section 19(b):

*To establish and supervise the operation of Government Schools under Part 6;*

a new section 19 (b) (i) could be inserted to read:

*19(b)(i)*

*To approve a course or courses of instruction for children exempted by parental request from Special Religious Education in a Government school pursuant to section 33 of Part 6.*

The Education Act currently provides for Special Religious Education to students enrolled in Government schools, while the Act and its administration have always ensured (since the *Public Instruction Act 1880*) that the provision of such SRE courses is oversighted by the Minister and the Education department. The current amendment to section 33, by contrast, creates an inequality between SRE and its alternatives by deleting the Minister's and the Department's regulation of any course.

This proposed CEC amendment to Section 19 would resolve this inequality by allowing the Minister to approve a range of courses and thereby address the needs of all children whose parents object to any course, whether that course is grounded in religion, philosophy or ethics. Indeed section 26 of the Education Act currently provides for children in government schools to be exempted on conscientiously held religious grounds from any class.

Moreover, a new section 19 (b) (i) would also better address the underlying issues identified as providing the impetus for the trial, that is, how a Government school provides for those students exempted from SRE and unwilling to attend any alternative course in Ethics. The amendment of Section 33 is at best only a partial and irregular solution to this issue.

This suggested action in creating a new section 19 (b) (i) would result in:

- (i) Section 32, Special Religious Education being preserved without amendment.
- (ii) Section 33, Objection to Religious Education being preserved without amendment.
- (iii) A new section 19(b) (i) which will provide the Minister with the statutory power to establish courses of instruction for students whose parents object to SRE and with the requisite flexibility and oversight about the content and conduct of such courses.

CEC recommends this advice to both the Government and Opposition for consideration.

Even given the current legislative timetable and process, CEC stands ready to engage in any further consultative process in relation to the matter of the provision of educational options for students exempted from SRE classes by their parents. You are advised to contact in the first instance Mr. Ian Baker, Director – Education Policy and Programs on [ian.baker@cecnsw.catholic.edu.au](mailto:ian.baker@cecnsw.catholic.edu.au) or on 9287 1515.

Kind Regards,

Brian Croke

*Executive Director*