

**REPORT OF PROCEEDINGS BEFORE**

**GENERAL PURPOSE STANDING COMMITTEE No. 2**

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

**At Sydney on Monday 27 February 2012**

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**The Committee met at 9.30 a.m.**

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**PRESENT**

The Hon. M. A. Ficarra (Chair)

The Hon. D. Clarke

Dr J. Kaye

The Hon. S. Mitchell

The Hon. S. Moselmane

Reverend the Hon. F. J. Nile

The Hon. E. M. Roozendaal

**CHAIR:** Welcome to the second public hearing of the General Purpose Standing Committee No. 2 inquiry into the Education Amendment (Ethics Classes Repeal) Bill 2011. I acknowledge the Gadigal people of the Eora nation, the traditional custodians of this land, and pay respects to their elders, past and present.

The terms of reference for this inquiry require us to look at the objectives, curriculum, implementation and effectiveness of ethics classes in New South Wales State schools and to consider whether the legislative change allowing ethics classes in government schools should be reversed. Today we will be hearing from Associate Professor Philip Cam and Ms Catherine Byrne, PhD scholar of Macquarie University's Centre for Research and Social Inclusion, the Inter-Church Commission on Religious Education in Schools, the Department of Education and Communities, and the Anglican Education Commission. The Committee will hold a third public hearing on Monday 12 March.

Copies of the Committee's broadcasting guidelines are available on the table at the door. In accordance with the guidelines, members of the media may film or record Committee members and witnesses. However, people in the public gallery should not be the primary focus of any filming or photographs. I remind media representatives that they must take responsibility for what they publish about the Committee's proceedings. Witnesses, members and their staff are advised that any messages should be delivered through the attendants or the Committee clerks.

Committee hearings are not intended to provide a forum for people to make adverse reflections on others. The protection afforded to Committee witnesses under parliamentary privilege should not be abused during these hearings. I therefore request that witnesses focus on the issues raised by the terms of reference and avoid naming individuals. The Committee has agreed that any questions taken on notice by witnesses should be answered within 21 days of the date on which the questions are forwarded to them. I remind everyone to please turn off their mobile phones for the duration of the hearing.

**PHILIP ARTHUR CAM**, Adjunct Associate Professor, School of Humanities, University of New South Wales, affirmed and examined:

**CHAIR:** Could you please state the capacity in which you appear before the Committee, whether as an individual or as a representative of an organisation?

**Professor CAM:** I am not representing any organisation. I am attending on my own behalf. I have been asked by the Committee to attend.

**CHAIR:** Professor Cam, do you wish to make an opening statement? It is not obligatory, but if you wish to, you may.

**Professor CAM:** I will read a brief statement, if I may, just to set some background and the extent of my involvement in the thing you are interested in. Currently I am adjunct Associate Professor at the School of Humanities of the University of New South Wales, having retired from the university in 2008 after 24 years of service. I have had over 20 years of involvement in the field of philosophy for children, both in Australia and overseas, including work in teacher education and writing books for children and teachers in addition to my academic publication. Some of my work in education focuses on ethics, including philosophical stories and teacher instruction manuals, co-authoring documents on ethical behaviour in the national curriculum for the Australian Curriculum, Assessment and Reporting Authority [ACARA], and most recently completing a book on teaching ethics in schools that was commissioned by the Australian Council for Educational Research Press.

On 16 April 2009 I had a meeting with Simon Longstaff and Colleen MacKinnon from the St James Ethics Centre. They were seeking my advice on introducing an ethics program for special religious education [SRE] students in State schools. At the meeting I proposed that the most sensible way forward was to begin with a pilot that might, if successful, form the basis for the development of a more extended program. Then I was subsequently engaged by the St James Ethics Centre to develop the classroom materials for the pilot, to train those who are going to teach it, and to monitor its implementation throughout term one in 2010. When Primary Ethics was established late in 2010, I was invited to join the board, and did so. Over the summer I extended the lessons I had developed for the pilot to become the first two terms of work for years 5 and 6, there being at that stage no other curriculum. Then at the beginning of the school year in 2011, I provided refresher training for those continuing to teach in the program as well as helped to train over 100 new recruits.

Concerns over Primary Ethics' unrealistic expectations of creating a professionally developed curriculum without financial support for recruiting the relevant range of expertise led me to resign from the board in February last year. I have had no further connection with Primary Ethics or involvement in its program. From anecdotal evidence provided by volunteers who have since approached me, and a few have, and from the curriculum framework, which is available on the Primary Ethics website, I must say that my concerns seem to have been borne out so far. I also believe that the focus on ethics is too narrow, especially for a seven-year program, and that a broader program and philosophy would make a more fitting counterpart to religious instruction for students who have opted out of special religious education. That is a brief statement for background.

**CHAIR:** Thank you. Professor Cam, for the interest of the Committee, could you expand on those two issues of concern that you have—the direction towards philosophy rather than the way you perceive it at the moment?

**Professor CAM:** Yes, certainly. Primary Ethics, as you may know, is an organisation operating almost without a budget. In the business of curriculum development—and some people here may know about this—that is quite a difficult and complex task. To do it professionally requires quite a range of expertise. We are dealing here with Kindergarten to Year 6, so we need people who have a background in early childhood education, people with appropriate developmental understanding and qualifications, knowledge of the classroom, as well as people who have a background in ethics and in pedagogy. There is a whole range of people. It takes some resources to pull a committee of people like that together and to get them to do that work. Those people are a bit thin on the ground, actually. Some of them would have to come from interstate in order to do this really well. Primary Ethics to date has not had the resources to be able to assemble a group of people like that to do that work. That was my concern. It still is my concern.

If you look on the Primary Ethics website, you can see a curriculum framework. It is only a framework at this stage, so it is very preliminary and it is a work in progress, quite clearly. But if you look at some of the materials that they are proposing or some of the topics that they are proposing, for example, many of them do not seem to be age appropriate. I can fill out those details with examples, if people are interested. But I think there are problems there about the implementation of the Primary Ethics curriculum. I have those concerns. I certainly was not able, in my capacity, to do that work alone. I do not have the expertise to do that, especially for early childhood, in an appropriate way. I do not think that Primary Ethics has the capacity to do it—not to date. I think they are seeking charitable status and if they achieve that they may get the funding that they need to do this properly but I think that is all in the lap of the gods, as it were.

**CHAIR:** From my reading of some of the other submissions received by the Committee, including submissions from special religious education [SRE] providers, concern has been raised about age appropriateness of classes, learning tools and curriculum not only for the ethics classes but also for the SRE, and it has been suggested that this should be a focus for recommendations from this Committee moving forward for the Department of Education and Communities to review. You have touched on the ethics curriculum framework—and the Committee would appreciate some of those examples—but do you feel confident in making any observations on the SRE or do you really not have any experience of that?

**Professor CAM:** I have very little experience of that—certainly not for very many years—and I have no idea what that is like now. I have seen some examples but only those examples the rest of us have seen on television—on *Compass* and so forth. I would think, just from my limited observation of it, that probably what has been put by those people is a pretty fair thing. In other words, if we are actually looking at a religious education and moral education we should really be looking perhaps at the whole thing and seeing how we might improve the delivery to children. That seems to a reasonable call but once again it is based, in my case, on very limited evidence as to what happens in SRE classes.

**CHAIR:** Just before I pass over to my colleagues—

**Professor CAM:** I am sorry. You did ask me a second question about philosophy, which I had not quite got to. I think there has been a lot of misunderstanding in what I have read in the press about the term "ethics". That term is important to everyone and people come at it in many different ways. Insofar as it was involved in the pilot program it was drawing upon the history of philosophy—that is, Western philosophy I might add. Although anyone who knows that history would realise that in fact the history of Western thought has been very much involved with Christianity. The two are actually very deeply entwined in their history. So ethics in that sense is actually a branch of philosophy. But that is a very a fairly narrow focus. I mean if you were looking at the big and important questions of religion, questions about ultimate reality, about what we can know and what we can hope for, these sorts of things are actually also addressed in the history of philosophy.

So once again that is entwined with religion, not just by Western philosophy but in Eastern philosophy too—but it is Western philosophy that I know and represent. So those larger questions about meaning of life, our place in the universe, ultimate reality, what we can know and what we can hope for, it seems to me are not just ethical questions—I hate to use technical jargon here—but in philosophy they would be called metaphysical questions, epistemological questions. These are very important questions. Now children who are growing up without a faith, who come from homes that have no faith or whose parents prefer them not to attend SRE, it seems to me that they might well face those questions and learn to think about them, and philosophy actually provides a way of doing this. In the Western tradition it is 2,500 years old and it seems to me that those children who are bereft of any thoughtful engagement with those larger questions that religion would traditionally bring to them have missed out on something very important. I would think that philosophy there was actually a much broader kind of umbrella and something suitable for them rather than just ethics.

**CHAIR:** So broadening not only the term used for the classes but—

**Professor CAM:** Broadening the scope of what is being looked at by the kids, yes. I would think so.

**The Hon. DAVID CLARKE:** Are you aware of the work of Dr Tobin from the Plunkett Centre for Ethics?

**Professor CAM:** No.

**The Hon. DAVID CLARKE:** Dr Tobin gave evidence before this Committee last Friday and in uncomplicated terms she was basically saying that she was concerned about this program because she felt that ethics more or less dealt with right and wrong. She did not feel that younger children were getting as definite an idea as they should have as to what is right and what is wrong and therefore that made it more difficult when they taught these grey areas: What do you do in this situation? Do you go this way or do you go that way. Do you understand that point?

**Professor CAM:** Yes, I think so.

**The Hon. DAVID CLARKE:** What would your response be to that concern?

**Professor CAM:** First of all ethics does not just deal with right and wrong, of course; it also deals with good—that is very important. Something I notice, by the way, in its general terms is missing in the current curriculum framework. But also, of course, it deals with better and worse conduct as we all know.

**The Hon. DAVID CLARKE:** The grey areas she was referring to.

**Professor CAM:** They are not so grey often, are they? I mean we often know what would be better and what would be worse, and why that might be so. Sometimes, of course, we are truly perplexed at any age—you would be and I would be in some situations. It is not just a matter of black-and-white, is it? The right and wrong is really important. There are things we regard for good reason to be clearly right and clearly wrong, and we would be misleading children and we should not be engaging in some sort of discussion where we would misled them about such matters. On the other hand, there are many things where we are thinking about improving our conduct. We are thinking about improving what we do, how we conduct our affairs. Politicians I suppose are very much engaged in that business. I think that is also true about children and parents—parents want their children not just to do the right thing but to be better citizens, to do things in a better way and to improve themselves. What I would say to this is that I think both things are important; you should not neglect either of them.

**The Hon. DAVID CLARKE:** Do you think that this course does neglect to some extent the concept of teaching to young children the very clear difference between right and wrong and what is good and bad?

**Professor CAM:** I do not think so but once again it is very hard for me to tell because I am not clear what exactly what is being taught in the curriculum. I mean in the curriculum that I wrote for the pilot I can answer that, but if you are talking about what is currently available I really do not know the details. All I know is what is publicly available on the website.

**The Hon. DAVID CLARKE:** Does what is publicly available deal with this issue or is it too sketchy?

**Professor CAM:** I think it is a little sketchy to see because the devil, as they say, is in the detail here and you cannot see it.

**The Hon. SHAOQUETT MOSELMANE:** The Committee has received a number of submissions and in evidence given to the Committee so far it has been said that the ethics classes are pretty much complementary to the SRE. From the perspective of someone who assisted the pilot study is that your view?

**Professor CAM:** I guess in a way it is, but it depends on what you mean by complementary.

**The Hon. SHAOQUETT MOSELMANE:** Not conflicting with—

**Professor CAM:** No, I do not think there is a conflict as I see it. Partly, of course, this has to depend upon administrative matters, not about the content of the course. I mean administrative matters have to do with the way in which students enter into the ethics program as opposed to going to SRE. There may be some conflicts there in the way that has been administered, as I understand it, but I have not had any firsthand knowledge of that. If you are talking about the content of the course once again I do not have anything but the kind of bare framework, but I would not have thought that there was a conflict there. I cannot see that. What would be the basis of it? I am not sure.

**The Hon. SHAOQUETT MOSELMANE:** One submission—I cannot remember the name now—was effectively saying they teach way of thinking as opposed to the unthinking methods of the SRE and that the

students were more receptive to a non-thinking approach as opposed to the logical, analytical approach of the ethics program.

**Professor CAM:** Certainly the ethics program, I am sure—once again I am speaking here without the details—but given that I am sure it is based in many ways on the pilot work that I was doing, there is certainly an appeal for reason in the ethics program. There is no question of that, about reason and evidence and good grounds, a thoughtful investigation of these matters. I would think it is a bit of a caricature of SRE to say that it is based upon unreason. I am not in a position to make an informed judgement on that but I would be pretty surprised if it were. I mean, I would have thought, going back to my own days in schools or even Sunday school that it was not like that in my experience. It was very thoughtful.

**The Hon. SHAOQUETT MOSELMANE:** Do you think ethics classes will survive? Given the picture you have painted that it is underbudgeted or does not have a budget, it survives on volunteers and the curriculum is not yet fully developed, will it survive into the future?

**Professor CAM:** That, I think, is very hard to tell. I would say, quite frankly, that it cannot successfully deliver what it is trying to deliver without substantial resources. It just simply cannot. That is with the best will in the world. I mean, you just need a lot of work, a lot of expertise. And you just cannot keep it together without some resources.

**The Hon. SHAOQUETT MOSELMANE:** What would be your recommendations and suggestions?

**Professor CAM:** In regard to what should happen in general terms?

**The Hon. SHAOQUETT MOSELMANE:** Yes.

**Professor CAM:** I think the whole thing needs to go back and be kind of re-thought. I do not think that as it stands Primary Ethics can actually carry the load that it is trying to carry. It either would need to be funded or there would need to be a thought about other providers. As I said at the outset, I also think quite frankly that this focus upon ethics, which it turned out to be unfortunately divisive—and I think a lot of misunderstanding involved—is too narrow and it does not raise a lot of the kinds of questions that would be, as it were, complementary to what happens in SRE. It just does not. Questions about reality, about knowledge, about faith, about belief, a whole lot of things that are fundamentally important—they do not come into it.

**The Hon. SHAOQUETT MOSELMANE:** You said you developed the pilot program.

**Professor CAM:** Yes.

**The Hon. SHAOQUETT MOSELMANE:** Did you draw on overseas examples of programs that are made in Sweden and other countries you may have drawn on?

**Professor CAM:** Some of the work that I draw on actually comes from the United States but in fact I have been for over 20 years now involved in this and without being immodest I suppose I am a world authority in this field. So very largely I draw upon my own work and also the work of Matthew Lipman, who was my mentor in this. He is a great educator and philosopher; he died a couple of years ago.

**The Hon. SHAOQUETT MOSELMANE:** Obviously there is a great gap between teaching university students philosophy and teaching years 4 and 5.

**Professor CAM:** Yes, of course.

**The Hon. SHAOQUETT MOSELMANE:** How do you as a professor in philosophy who has taught university students draw a program that would manage teaching five-year-olds or six-year-olds?

**Professor CAM:** Of course, it was Years 5 and 6, which is the year range that I have mainly written for and worked for. But I have actually been a school teacher in an earlier life—I have not always been a university academic—and I have a background in education and qualifications in education as well as philosophy. I have also had children around the house and so on, so I have a whole range of experience like that and I have written for children over many years. In general terms, you might think that philosophy is a very esoteric, bookish sort of discipline for maybe the university alone. I might point out, by the way, that New South

Wales is now alone in Australia in not having philosophy as an HSC level subject. It is the only State in Australia that now does not have it. That is food for thought.

Philosophy for children in the earlier years is something which is a worldwide phenomenon. There was a wonderful book published a couple of years ago by UNESCO called *Philosophy: A School of Freedom*, which details philosophy at all levels in all the member states of the United Nations around the world. And you find that in fact this work is very widespread. I can put it in a nutshell. If you are looking at say 10, 11, 12-year-olds, they can play a very good game of rounders but they are not in the A baseball league. And we would think this about mathematicians, historians and other subject areas, too. It is just that we in this country, particularly in this State, are unused to the idea of philosophy in schools. That is not true in other parts of the world.

**The Hon. SHAOQUETT MOSELMANE:** Do you think that it is correct to call ethics classes as a philosophical relativism course?

**Professor CAM:** No, not at all. I have seen some of this. That is a very important issue. Relativism—and I have to be kind of quick here—is the view as extreme that it is whatever you happen to think. It is up to you. It seems to me that the work is anything but that. It is not. In fact, the tough line on this is you are not just simply entitled to your opinion. You actually have to have grounds and reasons for it. You have to think it through. You have to listen to what other people have to say and consider the matter. So the appeal to reason and evidence and the basis of your belief and opinions is not relativistic. It is the basis on which we all properly form our opinions and try to justify them.

**The Hon. SHAOQUETT MOSELMANE:** You said earlier that you form your opinions and views based on Western philosophy. Given that Australia is a multicultural—

**Professor CAM:** Sorry, it is not so much the opinions but the subject matter of philosophy that I have been brought up with in universities here and at Oxford University where I did my graduate studies and so on. That is a tradition which is different from the philosophies of the east. It begins with Plato and Aristotle and Socrates and goes on up through the Western traditions.

**The Hon. SHAOQUETT MOSELMANE:** Do you think there is room also to bring Eastern philosophy into the teachings of ethics and philosophy?

**Professor CAM:** There is certainly room for it. It is not something in which I have the expertise. I suppose one view—and I have not thought about this one view—would be that if you look at Australian society and where we are placed there is good reason for people, for our students growing up, to have some understanding of Eastern thought. That is not an unreasonable kind of thing to say.

**The Hon. SHAOQUETT MOSELMANE:** Would that cause an issue? You said earlier Western philosophy based on Christian thoughts and Eastern philosophy would not be—

**Professor CAM:** That is not at all true.

**The Hon. SHAOQUETT MOSELMANE:** Can you explain?

**Professor CAM:** I should say that one of the things I did not mention that I have done over quite a few years is be involved in mainly in East Asia with a UNESCO associated body, which is the Asia Pacific Philosophy Education Network for Democracy, which I chaired for many years and I was involved with philosophers and educationalists right across East Asia and most of those people come from non-Christian traditions. They come from Buddhist traditions, for example, Chinese traditions, Confucianism and so forth. If you attend those meetings, and I edited a series of books with those people, you know, including their writings, it is not all like that. They are as thoughtful, intelligent and inquiring as the rest of us. More recently I have been involved with Arab-Asia dialogues with UNESCO on about five or six occasions and I would say the Arabic traditions, at least at their representative meetings that are sponsored by UNESCO, are also the same.

**Reverend the Hon. FRED NILE:** One thing I am curious about, you are almost quoted as the expert on the Primary Ethics curriculum but you said a moment ago you only worked on the trial curriculum.

**Professor CAM:** That is correct.

**Reverend the Hon. FRED NILE:** Have you had a role on the actual Primary Ethics curriculum?

**Professor CAM:** Not really. What happened was that over the summer of 2010 leading into term one of 2011 when Primary Ethics was at the very last moment I think given the green light to start in classrooms—Primary Ethics was a very new body—they asked me to extend the curriculum I had written for the pilot, which was one term of work, just 10 lessons actually, to 20 weeks, which I did over that summer. That was the beginning curriculum for Primary Ethics in the first half of last year. Since my departure from Primary Ethics in, I think, February last year, they have developed a new curriculum. I have no detailed knowledge of that, as I said, only what I see on the website and that is just a curriculum framework. That is the sum total of my involvement in it. So in a way I am not, unfortunately, very well placed to answer the questions you might want to ask about that curriculum

**Reverend the Hon. FRED NILE:** Looking at what was on the website, have you any opinion as to whether you think the curriculum now published is suitable? Have you had any chance to do an evaluation of it?

**Professor CAM:** As I said before, I do have some reservations about it. Maybe this is the time to just give an example or two, if I might?

**Reverend the Hon. FRED NILE:** Yes. That is what we are seeking.

**Professor CAM:** For example, if we are looking—I just happen to have the thing printed off here—at, say, Year 3, this is a good example. We are looking at Year 3 and there are just three topics for each term. One of the topics in term two is children's rights and that is to be looked at in terms of child labour: kids working on cocoa plantations in Western Africa. So that is very specific. It seems to me that, frankly, that is not an appropriate topic for Year 3 children. If we look again at, say, Year 4, they begin with what could be a good topic—it looks good—the topic of greed. Greed is something that kids can understand in terms of all sorts of things in their experience and it is a traditional vice. So it is something we could look at, but when we look at the detail of it, it is in terms of discussing the question, What do Australians need in order to be happy? That seems to me to be not the way to frame this for Year 4 children. It is a perfectly good question in itself, but it is not appropriate for Year 4.

Then in further detail the discussion is supposed to centre on consumerism and ethical shopping. Consumerism and ethical shopping are not really topics for Year 4 children when we are considering greed. Kids at birthday parties may be taking more than their share of the birthday cake or a whole range of things like that that would be within their life experience, maybe. Then if you have just followed that topic and in the next term it is picked up again about being an ethical consumer and we are looking at palm oil and orangutans. Once again, it seems to me that this sort of thing is misplaced in the curriculum. Even looking at Year 5 and performance-enhancing drugs in sport, it is not clear to me that that is a primary school topic, to be honest. If I go back even to Year 2, they begin the year by looking at pride. That is a very difficult and complex concept for kids of that age in thinking about it. Fairness is a really important topic. It is sort of dotted about all over the place here and, in fact, the way in which it is treated in term four of Year 1 is exactly the same way it is treated in term four of Year 5. Of course, when you look at the detail there will be differences, but it looks a bit as if someone has gone around and kind of just plugged things in willy-nilly a bit.

I go to just one technical point, and this occurs all over the place but it would a good place to make it. When children are beginning school in kindergarten and they come along to their first lessons in the topic "Thinking together"—a topic dear to my heart as I have a book of that title for primary school teachers, *Thinking Together*—they begin with the topic of asking good questions. That is a very fine topic except anyone who knows about early childhood education knows, of course, that little kids can ask plenty of questions but if the classroom task demand is to ask a question, then most of the kids in that class would not be able to do that. That is where they start. So the business of being able to ask a question is something that actually requires some serious work when that is a task demand in the classroom. To begin with asking good questions, seemingly innocent as that is, that is very poorly placed right there at the beginning of kindergarten. This is an example that brings out what I was trying to say before about the need for a range of expertise in constructing an age-appropriate scope and sequence for a program like this. That range of expertise at the moment simply is not there.

**Reverend the Hon. FRED NILE:** It is almost an adult view of what is politically correct?

**Professor CAM:** Yes.



**Dr JOHN KAYE:** Following on Reverend the Hon. Fred Nile's questions, are you aware that the former Department of Education and Training reviewed both your draft syllabus and the syllabus and detailed syllabus material of the current Primary Ethics structure specifically for age appropriateness and signed off on both for age appropriateness?

**Professor CAM:** No, I am not aware of that. I am aware the former the Department of Education and Training through the Board of Studies and the curriculum directorate went through the pilot program very carefully and offered advice, among other things, on age appropriateness and every time they did that we took their advice. I was not aware that they had done the same for this program.

**Dr JOHN KAYE:** And were you aware that the advice was—

**Professor CAM:** Just a moment. I was not aware and I would be very, very surprised, quite frankly, if they had signed off on this document. That is the only one I have seen. They may have signed off on curriculum materials that are currently used as lessons in the classroom. They may have, I do not know about that. But I would be very surprised if they signed off on this document that is on the website.

**Dr JOHN KAYE:** We have sworn testimony that they did.

**Professor CAM:** My goodness.

**Dr JOHN KAYE:** Both on that document and on the detailed curriculum material. I had a different interpretation to how Mr Clarke interpreted Bernadette Tobin's evidence on Friday. My interpretation of what she was saying, based on Aristotle, is that a child needs to learn right behaviour by habit before they can do ethical inquiry. Again I am imperfectly paraphrasing.

**Professor CAM:** That is fair enough for Aristotle.

**Dr JOHN KAYE:** She suggested that because of Aristotle's view of how morality is formed in human beings, it would lead to moral scepticism if ethical inquiry were commenced before the habits of right behaviour were formed. Now let me get this right: you are a philosopher, do you have any qualifications in education?

**Professor CAM:** Yes I do.

**Dr JOHN KAYE:** Do you read the education literature?

**Professor CAM:** A little.

**Dr JOHN KAYE:** Would you say that Dr Tobin's view was borne out by the education literature?

**Professor CAM:** No.

**Dr JOHN KAYE:** Would you say it actually was opposed by the education literature?

**Professor CAM:** No. I would say it was a matter of some controversy in the education literature. Furthermore, I might say, and this is really putting my philosopher's hat back on, which is the one I should properly wear, it is a controversial matter within philosophy. Just to go back to Aristotle's teacher, Plato. If we were to follow Plato, none of our undergraduates in universities would be allowed to study philosophy. They would not be; they are not old and mature enough. In part, Aristotle's view of this matter is conditioned by Plato, but that is only a view in philosophy. Just to cite Aristotle is not just to cite some absolute authority; it is to cite a view for which reasons have been given. It is a controversial matter. If I can come back to the general issue, however, it seems to me that in the formation of habit there are different ways in which habit can be consolidated and formed. It can happen in a way that simply is inculcation. It can happen in a way that brings in the sensibilities, intelligence and thoughtfulness of the person who is actually growing up and being acculturated. Those two things are not, as it were, opposed. They can be, but that is an educational decision to inculcate and only later to think about the matter. I think that is not a very good model of education.

**Dr JOHN KAYE:** You do not have any evidence that we are doing harm to children by getting them to think early?

**Professor CAM:** Certainly not: they do think. What we are trying to help them to do is to think better.

**Dr JOHN KAYE:** Excellent, thank you. Can I ask you, when you wrote the pilot curriculum and curriculum material lesson plans, did you have access to the equivalent material from the special religious education [SRE] providers?

**Professor CAM:** No.

**Dr JOHN KAYE:** You were not given any access to their material?

**Professor CAM:** No. We did not seek it but we were not given it, no.

**Dr JOHN KAYE:** Did you look around for it at all?

**Professor CAM:** No.

**Dr JOHN KAYE:** You did not look on the web?

**Professor CAM:** I had a few examples that came my way, but I did not do any systematic research into that, no.

**Dr JOHN KAYE:** When you drafted the pilot special education in ethics [SEE] curriculum, you were not aware of what the SRE providers were doing in any specific way?

**Professor CAM:** No.

**Dr JOHN KAYE:** Can I ask you one last question; the Inter-Church Commission on Religious Education in Schools (NSW) Inc. [ICCOREIS] accuses your pilot curriculum and materials of being the philosophy of pragmatism and does so in a fairly hardcore way. Can you defend that briefly?

**Professor CAM:** Well, I am not sure whether they understand what I would understand by the word "pragmatism". Pragmatism is a philosophical tradition largely associated with the United States nineteenth and twentieth century philosophical tradition.

**Dr JOHN KAYE:** Dewey?

**Professor CAM:** John Dewey, Charles Sanders Peirce, William James, and Richard Rorty more recently.

**Dr JOHN KAYE:** Some of my favourite philosophers.

**Professor CAM:** They were important historical philosophers. If that is what they mean then that is quite wrong. There is no particular philosophical commitment made. I drew upon Aristotle, Immanuel Kant, and upon a lot of other people in all kinds of ways. It is not pragmatism. That is a particular kind of philosophical school, if you like.

**Dr JOHN KAYE:** That is a good answer. I will follow that up with questions on notice to you.

**CHAIR:** Professor Cam, thank you for taking the time to be here and to answer our questions.

**(The witness withdrew)**

**CATHERINE JANE BYRNE**, affirmed and examined:

**CHAIR:** Ms Byrne, would you like to make an opening statement? You are entitled to, but it is not obligatory.

**Ms BYRNE:** I guess I would like to start with an observation and then a question back, if I may? This inquiry has very limited terms of reference. From the fact that the ethics classes operate under a broader system of access privilege and from the kind of questioning that was happening late last week it appears to me, and to many others, that the outcome of this inquiry is predetermined. My question to the Committee is: Why are we wasting our time on half an inquiry when really this inquiry should be looking at the broader scope of the entire access privilege and not just ethics classes?

**Dr JOHN KAYE:** Very intuitive.

**CHAIR:** Thank you, Ms Byrne, the inquiry, or terms of reference, are set by the Parliament. That is indicative of the views of the majority of my colleagues. With all due respect, you can ask questions of us but we represent our core constituents. We believe that this particular inquiry will bring forth recommendations that may be much broader and this is what we are hoping for in taking testimony from witnesses. That is my stand on that.

Can I lead off and say I found your particular submission incredibly inflammatory, and incredibly accusing without proof or certainty. You make observations and give certain examples of what you regard as extremist teaching.

**Dr JOHN KAYE:** Point of order.

**The Hon. SHAOQUETT MOSELMANE:** Is there a question?

**Dr JOHN KAYE:** With all due respect, I understand you are the Chair, but I am not really convinced that attacking a witness in that fashion is in the best interests of this inquiry. I would ask you to think about how you frame such things. The witness did have a strong submission, I agree with that.

**CHAIR:** I am aware of how I have to frame a question.

I am stating there is no example given when you make accusations of extremist teaching—I am flipping over all your pages—there is no real addendum and you do not attach details of who, where, when, but make these allegations. Can I ask: Have you got proof of any of these allegations that you have made about extremist teachings?

**Ms BYRNE:** I appreciate the question because most of the detailed proof which I do have I am not prepared to release at this point because many people who have come forward to me in formal and informal surveys are frightened. Yes, I have proof of everything I have got in my submission but I have not attached it because to do so would put various people in very difficult positions.

**Reverend the Hon. FRED NILE:** Point of order: Chair, I wish to support your opening remarks. Looking at these submissions it does not seem to be relevant to this inquiry. It seems to be a submission submitted to an inquiry into special religious education [SRE] and this inquiry is not into SRE.

**Ms BYRNE:** Then I would refer to the opening part of the submission which states very clearly that the ethics classes run under the same legislative privileges as SRE, or what I refer to as religious instruction, therefore, this submission is about those same privileges.

**CHAIR:** To the point of order: We all have our different views on the quality of your submission but we will keep that to ourselves.

**Dr JOHN KAYE:** I do not think you did, actually.

**CHAIR:** Can I take you to item number five on page 6 of your submission?

**Dr JOHN KAYE:** I do not think you did at all.

**The Hon. ERIC ROOZENDAAL:** It is the way they run it. It is disgraceful.

**CHAIR:** You have a title there, "Primary ethics demands full police checks whilst other religious organisations do not". On what do you base that? We have submissions from the Department of Education that do not concur with that.

**Dr JOHN KAYE:** That is not true.

**CHAIR:** Where do you get that idea? Thank you, Dr John Kaye, but I am asking the question.

**Ms BYRNE:** Thank you for that question. The claim is made from my own research and from discussions with religious instructors from various faith traditions with whom I undertook training and investigated their vetting procedure. As far as I am aware, in my own investigations, which is what I have said in my submission, Primary Ethics is the only organisation that demanded of me, when I was undertaking training or asking about the vetting process, that demanded a police check.

**CHAIR:** I do not think you are correct. We will ask that of the department.

**Dr JOHN KAYE:** Point of order: I do not think calling a witness a liar is a sensible thing to do.

**CHAIR:** I said I do not believe it is correct.

**Dr JOHN KAYE:** She said in her own evidence it was true.

**CHAIR:** It is recorded in *Hansard*. It is up to me and that is my opinion. The Hon. Sarah Mitchell has further questioning.

**The Hon. SARAH MITCHELL:** In your submission you expressed concern about the fact that volunteers were not professional educators for both SEE and SRE, and that teachers are not present in the classroom. Do you want that for both SEE and SRE teaching?

**Ms BYRNE:** I think both streams of teaching need to be developed and taught by professional teachers. I do not think this is an area for volunteers at all.

**The Hon. SARAH MITCHELL:** You talk also in some detail about wanting to move towards more of a general religious education. On page 4 of your submission you say you conducted a study that showed that 69 per cent of parents and educators were in favour of that. Would you tell us about that study and what else you found as a result of that process?

**Ms BYRNE:** The study to which I am referring there is a formal study through Macquarie University which drew on 123 formal surveys that went to various schools in New South Wales, some regional and some metropolitan. It asked religious instructors, principals, teachers and parents about the kinds of religious education that they would prefer. The result of that survey was that 69 per cent of the responders would have preferred a general education approach rather than a segregated approach, which is the current process.

**The Hon. SARAH MITCHELL:** You said also on page 5 that some parents are confused because they are not quite sure what is involved in either SRE or SEE, and other witnesses have raised the possibility of having the curriculum or the syllabus for both classes released on a more public level so that parents can make a more informed decision based on what is happening currently. Do you support that?

**Ms BYRNE:** As I mentioned, this is such an important area for children's education that I do not think volunteers should be running it and that the curriculum should be developed in an unprofessional manner by interested third parties. I think any curriculum should be incorporated into a professionally developed and delivered curriculum that covers both ethics and religion and, in deference to Professor Cam, philosophy as well. This entire voluntary curriculum development, some of which in religious instruction comes directly out of the evangelical churches in the United States of America into New South Wales public primary schools I think is a sham.

**The Hon. SARAH MITCHELL:** In a sense you are not happy with the current curriculum provided in ethics classes? Is that what you are saying?

**Ms BYRNE:** I did not say that. I would not support the current curriculum that is provided in some SRE classes. As far as I am aware the current ethics course is a suitable thing, given the very limited nature of the process for delivering an alternative.

**The Hon. DAVID CLARKE:** I see that you have a forthcoming article entitled "Compulsory free and not secular: the failed idea in Australian education." Keeping in mind our time limits, would you tell the Committee what you believe is the failed idea in Australian education?

**Ms BYRNE:** The term "secular" describes a kind of governance in which the State and the church is separate and in which the State controls the delivery mechanism. That has never really occurred in New South Wales public schools in the area of religion. A general religious and ethics education is what is required by a secular approach but that approach has never been taken and it is high time that it was. That is a short and sweet summary of my article.

**CHAIR:** Do you have any recommendations that you wish to put to this inquiry?

**Ms BYRNE:** This inquiry should be immediately abolished and a new inquiry that explores the entire access privilege should be begun immediately. In addition, a general religious and ethics education should be a high priority for public schools and should be taken as probably the most important aspect of public education in this area.

**CHAIR:** Do you think many educationalists share your viewpoint or are you a lone rider?

**Ms BYRNE:** I would say I have many allies. I think many of them are frightened. Some school principals feel that they cannot change the system. Some schools feel that they are being manipulated into continuing their support for RI. I know there are a lot of issues related to the provision of RI that make it difficult for change but other countries, the most developed nations in the world, are delivering a combined non-segregated general religious and ethics—some call it belief and some call it philosophies—program from kindergarten through to senior high school and they have been doing this for decades. I do not know why Australia has its head in the sand and continues to support Christian privileging and segregated instruction on ethics or religion.

**The Hon. DAVID CLARKE:** You said some people are frightened. Does that include academic authorities who you believe are frightened and who do not wish to speak up in support of the general thesis that you are putting?

**Ms BYRNE:** I am not aware of any academic who is frightened. I know that there are many minority faith groups that feel they would like to support a general approach to religions and education but who feel that their voice will be lost and that they have to play the game that is currently provided. I know definitely there are many, parents, some teachers and some school principals who are fearful to let the information out that they have.

**The Hon. DAVID CLARKE:** You say that there are many academic authorities who would support your general contention in this area?

**Ms BYRNE:** Absolutely. The world's most renowned scholar in religion in public education would support this view. There are many scholars in Australia that would support this view. There are many parents and community groups that will support this view. I would be surprised if the Department of Education and Communities did not have some people inside it who would support this view.

**The Hon. SARAH MITCHELL:** The Act very clearly stipulates, and we have heard from evidence that the Committee has taken, that some students and parents opt for their children not to go to SRE or SEE and they still have the opportunity not to receive any religious or ethical instruction. If a general religious course was introduced would you still be happy to see that opportunity for parents, if they did not want any religious or ethical instruction in their child's schooling through primary school, to still opt out?

**Ms BYRNE:** That is currently a matter of debate even in international circles with scholars and human rights lawyers. Some nations have removed the opt-out option in the interests of social inclusion and a more secure and cohesive society. In other nations they retain the opt-out option on human rights grounds. That is a matter for discussion and I would be open to that discussion.

**The Hon. SHAOQUETT MOSELMANE:** I enjoyed reading your interesting and challenging submission. You said that you think this inquiry is a waste of time and should not proceed. Why did you come this morning? Why are interested in making your views known?

**Ms BYRNE:** Every child, whether or not they are religious or come from a religious family or culture, has the right to be exposed to and to be encouraged to explore the big questions, whether they are philosophical, ethical or religious questions. Therefore, public education has a responsibility to step up to that demand and the desire of children, especially young children, to explore those questions. So, given that the rest of the developed world is doing this in a manner that is a general broad approach to religion and ethics in public schools I think it is critically important that Australia lift its game, and so I have come.

**The Hon. SHAOQUETT MOSELMANE:** We are told that Australia is a Christian country and it has been teaching Christian religions for the past century. What has changed?

**Ms BYRNE:** There are many good Christians in Australia who would like to see a general religions and ethics approach in public schools. There are many non-Christians in Australia—Confucian Chinese, for example, Buddhists and Sikhs and Jains and Hindus and atheists and humanists, who would like to see a general approach, even including all of those religions, in public schools. What has changed is that Australia is a changing nation and we are a multicultural society and public education specifically has an obligation to address those things in a way that is fair.

**The Hon. SHAOQUETT MOSELMANE:** But the Department of Education has not set any parameters or programs or curriculum to address these other areas that you have just listed. What recommendation would you have to the New South Wales Department of Education?

**Ms BYRNE:** To take a look at what is happening around the world for a start and to begin to engage and re-prioritise the general religions and ethics that they do offer. The current offering in New South Wales gets about less than one-sixth of the time that religious instruction gets. So rebalancing curriculum time would be a start and then to engage with various faith communities and different belief system communities—the Humanists Society, the Buddhist Council, the various minority faith communities, for example—and develop a curriculum that is an appropriate look at various religious and belief systems around the world so that children can engage with each other, so that children understand the differences between the Muslims that live down the street and the Buddhists and Hindus and the humanists at their school so that they are less ignorant and less prejudiced.

**The Hon. SHAOQUETT MOSELMANE:** I refer to page 2 of your submission. You referred to an example of children being threatened with burning in hell. Is that a prevalent example of what was happening or was it just an odd example, not a real example of what the education system is?

**Ms BYRNE:** The most common conversation I have with parents is around threats of burning in hell—some directed to children, some directed vicariously to parents through children. It is a very frequent kind of teaching and the remarkable thing is that no-one knows how frequent this is because no-one is looking at what is happening in scripture classes because there are no professional teachers there. My survey was only to 123 people in a formal survey plus conversations with maybe 50 to 100 others informally, and the amount of time that I heard "My kid was told they will burn in hell" or "Our family has been told that they are bad because we do not believe in God or read the Bible every day" was so frequent it is frightening. If that was found on a very small sample of 200 to 250, what is going on in the other schools in New South Wales?

**The Hon. SHAOQUETT MOSELMANE:** I take it you have answered part of this question before but I would like you to elaborate a little bit more. You say that parents and many educators feel pressured and powerless. Why do you say that and what evidence can you present to this Committee?

**Ms BYRNE:** There is one piece of evidence, which the department is well aware of, where a complaint was made by a father of a child who was in a religious instruction class and the class was told that God gets angry at men who marry foreign women, that foreign nations have disgusting customs and that worshipping

false or foreign gods other than the God of Israel is evil. This parent made a complaint on behalf of the child, who had a Hindu mother, and in that classroom a Bangladeshi student was asked to do a role-play and play the part of the evil Jezebel. The child went home to their parents and was shocked and could not believe what was happening. This child had actually been placed in Anglican religious instruction without the permission of the parent, despite the fact that that parent had requested that the child not be placed in any religious instruction.

A complaint was made to the Department of Education and the person responsible at that time responded that the department has no responsibility for the content of religious instruction classes. They directed the parent back to the principal to deal with the fact that he had been moved from non-scripture to this scripture class, and it was not the first time that the child had been moved back into scripture classes. The parent followed up with this conversation and was told by the department and by the school to take their issues up with the religious instruction provider because, "hey, it is not the department's responsibility".

**Reverend the Hon. FRED NILE:** Point of order. We seem to be now conducting an inquiry into SRE. As I said at the opening of this particular witness, this material is not relevant to this inquiry. We could have 1,000 witnesses—we could have a whole range of witnesses attacking what goes on in scripture.

**CHAIR:** It is true that the quality of SRE is not within the terms of reference, but I will allow generality. However, I remind witnesses and members of the Committee to stick within the terms of reference.

**The Hon. SHAOQUETT MOSELMANE:** You have mentioned a lot throughout your submission about the role of chaplaincy and their work into the education system. In one example you give—

**Reverend the Hon. FRED NILE:** Point of order: This is more serious. Chaplaincy is not remotely connected with this inquiry.

**The Hon. SHAOQUETT MOSELMANE:** But, Madam Chair, I am asking questions from the submission.

**Reverend the Hon. FRED NILE:** The submission is not based on the terms of reference.

**Dr JOHN KAYE:** To the point of order: The witness has made a suggestion in her written submission that there is a direct connection between the chaplaincies, SRE and SEE. She establishes a direct line. This is an inquiry into the effectiveness of SEE.

**CHAIR:** I understand the point of order. If you connect it to the terms of reference it is applicable. So connect your question to the terms of reference.

**Reverend the Hon. FRED NILE:** It is a Federal matter; it is not a State matter.

**The Hon. SHAOQUETT MOSELMANE:** You refer to chaplaincy and you give one example of Dapto High School and the use of the hall. You say that it is planting the church within the school community. Can you elaborate little bit more on that? It is on page 4, the last paragraph.

**Ms BYRNE:** The connection between what is happening here and ethics is the unaccountability, and the fact that a church can establish as its place of worship a public school and thereby have a particular and special relationship with that school and thereby, particularly in relation to either ethics or religious instruction, control and act as a gatekeeper on what information goes to parents and whether or not ethics will ever be offered at such a school and what kind of controls are in place on the delivery of religious instruction, for example, is astounding.

The facts are laid out there. I have no further comment on the facts other than that there is a connection between how ethics is delivered in an unaccountable, unprofessional process in the same way that religious instruction is delivered, and given that chaplaincy has direct connections to religious instruction by providing paid religious instruction people, then how can you not look at all of this together?

**The Hon. SHAOQUETT MOSELMANE:** Why are there police checks for Primary Ethics and not police checks for any of the other teaching programs?

**Ms BYRNE:** I am not sure exactly the process or the demands made of every religious instruction organisation. However, I am aware of the various groups that I have done training with or that I have asked questions of, particularly about the vetting process. Primary Ethics does demand it, but various other faith traditions do not. I am not sure what all the different religious groups do, but do I know that the Department of Education and Training sees none of this as its responsibility. It has no follow up, so who knows what is actually happening?

**The Hon. SHAOQUETT MOSELMANE:** This has obviously been raised with the department. What has been its response?

**Ms BYRNE:** Religious instruction is not its responsibility.

**The Hon. SHAOQUETT MOSELMANE:** Even police checks on teachers or volunteers?

**Ms BYRNE:** The policy is that it asks the religious instruction provider to present a form.

**The Hon. SHAOQUETT MOSELMANE:** The Working With Children Check form?

**Ms BYRNE:** Yes, but that does not require a full police check; it is simply a form signed by the person who wants to give scripture or ethics classes.

**The Hon. SHAOQUETT MOSELMANE:** Do you recommend that police checks be done?

**Ms BYRNE:** Of course. Any other person who enters a public school has to have a police check or a blue card in Queensland. What is the difference between that and a religious instruction provider, particularly since a religious instruction provider or a chaplain can request one-on-one interviews in private?

**Reverend the Hon. FRED NILE:** You are critical of the ethics course in your submission. At page 6 you state:

The addition of Ethics as another segregated option ... is not the answer.

Can you explain that criticism? In other words, would you support the repeal of the Act?

**Ms BYRNE:** I would support the repeal of any volunteerism in New South Wales public primary schools because of the problems in religious instruction. Adding ethics to a segregated model does not change the problems of non-accountability.

**Reverend the Hon. FRED NILE:** On page 8 you state:

A general, desegregated approach to religion and ethics education can immunize children against the manipulations of extreme relativism and dogmatic fundamentalism.

Can you explain your concern about extreme relativism? I assume that is a reference to the ethics course.

**Ms BYRNE:** No, it is not a reference to the ethics course. Good try. In fact, it is definitely not a reference to the ethics course. My experience and understanding of the ethics course is that it encourages children to understand different points of view, but to dig deeply and to find a position for themselves on what is right and what is wrong. Relativism does not give a hoot about what is right or wrong. In answer to the question, my concern would be that if anyone from a volunteering background wanted to enter a public primary school and teach either extreme relativism or dogmatic fundamentalism, as currently happens in religious instruction classes, there is nothing to stop them. No-one knows what is happening; no-one is looking.

**Reverend the Hon. FRED NILE:** To help me understand the background to your submission, what do you think the term "secular" means in regard to our New South Wales education system?

**Ms BYRNE:** The problem with the term "secular" in New South Wales is that historically it has never been honoured. The term "secular" refers to a system of governance or a type of process for separating church from state. When the free compulsory and secular clause was raised as the next thing for public education it was sacrificed at the beginning because religious instruction and Bible classes were kept in the curriculum. It has never been secular in New South Wales.



**Reverend the Hon. FRED NILE:** It was never meant to be. You do not understand the word "secular". Secular means non-denominational.

**Dr JOHN KAYE:** Point of order: Reverend Nile is on the record with his view of the meaning of the word "secular", and he is entitled to that.

**Reverend the Hon. FRED NILE:** I am stating what it means in the Education Act.

**Dr JOHN KAYE:** This witness is giving her evidence.

**CHAIR:** You can phrase a question about what the witness thinks the word means. However, there must be no reflection on whether you agree with her.

**Reverend the Hon. FRED NILE:** I want to clarify your understanding. What denominations and religions currently conduct SRE classes in New South Wales? You speak as though only Christian classes are held. In fact, the Hindu, Muslim and Sheikh and other faiths have access to the SRE periods.

**Ms BYRNE:** That is correct. There are many different minority faith groups as well as many different Christian groups that undertake religious instruction in New South Wales. However, I believe that about 80 per cent are Christian classes.

**Reverend the Hon. FRED NILE:** But you do not seem to acknowledge that these other religions have access to SRE instruction. You criticise it as though it is only Christians.

**Ms BYRNE:** In that case, I will correct myself. There are similar problems with extreme teaching in minority faith groups as well. There is an example in my published work about one scripture teacher referring to Hindus as cows. I know that there are issues in some schools with some minority faith groups delivering extremist teachings that are not Christian teachings. The problem is not Christianity or scripture teachers with a broad brush; the problem is that there is no oversight of any of it.

**Reverend the Hon. FRED NILE:** You repeatedly state in your submission that 69 per cent of parents and professional educators would prefer a focus on general religious and ethics education. How did you arrive at that figure? Is it based on a survey of 200 people that you conducted?

**Ms BYRNE:** Yes, that is from my survey.

**Reverend the Hon. FRED NILE:** Do you feel that that is an authoritative survey on which to base your whole argument?

**Ms BYRNE:** Absolutely not. Many more surveys should be conducted to establish the level of support. This is the only information I have to go on. It was a survey done through Macquarie University. I think the support would be there. In addition, the information that Primary Ethics got through the *Sydney Morning Herald* reader poll, which was more like 90-odd per cent—I do not have the figures in front of me—indicated very strong support for ethics teaching.

**Dr JOHN KAYE:** I will begin with the issue of curriculum and access to curriculum documents. You have been studying SRE and SEE in schools for some time. Is that correct?

**Ms BYRNE:** Yes.

**Dr JOHN KAYE:** When and how did you first get access to the special religious education curriculum for various providers?

**Ms BYRNE:** I went to different schools as part of my research as an observer. Many of the religious instruction providers would show me what they were handing out in classes. That is how I came across the Creation Ministry's—

**Dr JOHN KAYE:** But short of going to the classroom, it was not available on the web.

**Ms BYRNE:** Not all of it is available on the web, and sometimes when it is available you cannot get access to the full version that is given to teachers. It is sometimes very difficult to access all of the material. However, I also undertook training in different religious faith groups to see what they were using in the classrooms and how they were trained.

**Dr JOHN KAYE:** Can you comment on the age appropriateness of some of the materials that you found in SRE? I raise this because a previous witness suggested that there was an issue of age appropriateness in the ethics classes. I want to contrast that with SRE. I understand that material does not go to the Department of Education and Training for age appropriateness checks.

**Reverend the Hon. FRED NILE:** Point of order: We are now getting back to an inquiry about SRE. The question deliberately focuses on SRE.

**Dr JOHN KAYE:** To the point of order: Every witness so far—both those who support SEE and those who are hostile to it—has compared SEE and SRE. It would be to contaminate grotesquely the evidence taken by this inquiry if this witness were not allowed to draw that distinction.

**CHAIR:** Order! I remind members of the Committee's terms of reference. If members wish to ask a question on special religious education it must be connected to our inquiry on special ethics education. A question on special religious education alone is outside the terms of reference.

**Dr JOHN KAYE:** In the field of SRE and SEE, are you aware of age appropriateness checks and which of those get the age appropriateness checks from the Department of Education?

**Ms BYRNE:** Recently the department put up a PowerPoint slide for principals to let them know about the changes to SRE and SEE. The only mention of vetting of age appropriateness was on the ethics curriculum. There is no vetting of any curriculum for age appropriateness or any other kind of inappropriateness on any religious instruction material.

**Dr JOHN KAYE:** Can I take you to your suggestion that we abolish SRE and SEE and replace it with general religious and ethics education [GREE]. Your understanding of general religious education is that it is a study about religion; not teaching of adherence to that religion. Is that correct?

**Ms BYRNE:** Absolutely. There is a very well understood international demarcation between general religious education [GRE], which is also referred to in some countries as studies of religion—so between studies of religion or GRE and religious instruction or otherwise indoctrination.

**Dr JOHN KAYE:** When you combine those two how would you address the complaint that you are making ethics a consequence of religion and you are subordinating secular ethics to religion by putting them in the same context?

**Ms BYRNE:** I do not think you would be subordinating ethics to religion. Many of the world's religions and non-religious belief systems converge in some of their ethical approaches. Where they diverge is in mythology and doctrine and ritual. But neither ethics nor religion can be reduced to its component parts. In other words religion cannot be reduced to a matter of ethics; ethics cannot ever be reduced to a matter of religion. They are separate but need to be looked at together. It is like examining half a coin. You cannot really look at the big questions that Professor Cam raised about why are we here and what is good and what is evil without understanding both an ethical position and in some cases, in particular in a plural and multicultural society, the religious element of that. Children have questions about, for example, why did a Hindu kill Mahatma Gandhi? Why did a Sikh kill Indira Gandhi? Why are there civil wars in Sri Lanka and Kashmir? These are questions of religion. Why did Hitler kill a bunch of Jews? Well, there were questions of religion, as well as questions of ethics and what is good and right.

**Dr JOHN KAYE:** In your GREE course that you are positing here would you include metaphysical questions and epistemological questions or is it just simply the ethics as in moral inquiry and general religious education combined together? Are you really trying to address the ethical questions in a metaphysical context?

**Ms BYRNE:** Let me first be clear, this is not something that I am positing. The most developed nations in the world do it this way.

**Dr JOHN KAYE:** You are advocating that we adopt it.

**Ms BYRNE:** And they have been doing it this way for more than 50 years in some instances. This is not my idea and it is not a new idea. It has been well researched, well practised and, yes, they do touch on the big questions, the metaphysical, the epistemological, the religious, the ethical. They combine these things in a course of inquiry. Some of them touch on the more philosophical end, some of them touch on purely the religious ends, but they meet in the area of ethics. Therefore it is not a separate subject; it is part of a larger inquiry into what are we and why are we here? Larger questions on culture and history and economics and politics and the military, things like this are raised in questions in a general religions and ethics or religions and philosophy course.

**CHAIR:** I am going to allow one quick question from each group.

**Dr JOHN KAYE:** Can you tell us the size of the data sample from which you drew your conclusions in your submission? Could you give us an indication of how much data you have collected? I am asking a poorly posed question but you understand what I want to find out. There are a number of assertions made in your submission.

**Ms BYRNE:** Purely from my own survey where I talk about the support for a general religious and ethics combined study of 69 per cent, that is a very small sample of 123 adults and about 50 informal adults—so 173, say. But the examples of specific instances of religious instruction being inappropriate in classrooms, I would have 50 conversations with parents, teachers, ex-teachers, religious instruction providers and principals on file and on record either in letters or emails, so even that is a very small sample.

**Reverend the Hon. FRED NILE:** I just wanted to clarify what in your mind is the percentage of people or children that have no religion? Is it correct that it is 18.7 per cent? You seem to quote a higher figure.

**Ms BYRNE:** I do not quote a figure on that.

**Reverend the Hon. FRED NILE:** You imply that the percentage of people who do not want any religious teaching is somewhere higher than 18.7 per cent.

**Ms BYRNE:** No, the implication I made earlier was that there are many Christians in this country who do not want extreme versions of Christianity taught to their children. I guess the only thing you could rely on there is the census figure which is, I think you are correct, about 18 per cent of people who would describe themselves as non-religious.

**CHAIR:** In your article you say that 37 per cent of Australians do not identify with the Christian faith.

**Reverend the Hon. FRED NILE:** You are quoting 37; I am saying the figure is 18.7.

**Ms BYRNE:** No, you are forgetting about all the Hindus and Buddhists and Jains and Muslims in Australia. They actually make up 37 per cent.

**Reverend the Hon. FRED NILE:** I understand that. I just wanted to see whether you understood that the no religion people are only 18.7 per cent.

**The Hon. SHAOQUETT MOSELMANE:** In relation to your general religious and ethics education proposition, would you find support to your proposition from the St James Ethics Centre and also Parents4Ethics? Would they support such a proposition? Have you had any discussions with them?

**Ms BYRNE:** I suggest you should ask them. Certainly if the ethics opportunity is removed that would be their only option.

**The Hon. SHAOQUETT MOSELMANE:** But you have never had discussions with them as to your views?

**Ms BYRNE:** They are aware of my views and I am aware of their views but, no, I am not sure of what their position would be on such a proposal.

**CHAIR:** On your proposal for general religious and ethics education rather than SRE and SEE, are you proposing everybody be put under the same umbrella group in terms of the curriculum and teaching materials available on the website so parents are aware of what their children are going to be taught under that particular lesson? It will stop the segregation between SRE and SEE, police checks for everybody and everybody will be under the same mantle. Is that basically what you are proposing based on other successful international models?

**Ms BYRNE:** Absolutely.

**CHAIR:** Thank you for taking the time to put in the submission and coming to field the many questions.

**(The witnesses withdrew)**

**(Short adjournment)**

**ANN MAREE WHENMAN**, Chairperson, Inter-Church Commission on Religious Education in Schools;

**PETER ADAMSON**, Deputy Chairperson, Inter-Church Commission on Religious Education in Schools;

**ROBERT HADDAD**, Treasurer, Inter-Church Commission on Religious Education in Schools; and

**SUE SNEDDON**, Executive Officer, Inter-Church Commission on Religious Education in Schools, sworn and examined:

**CHAIR:** Would you like to make an opening statement?

**Dr WHENMAN:** Yes, I will, very briefly. You have our submission and I thank you, on behalf of the commission, for the opportunity to participate in this inquiry, having both the opportunity to make a submission and the opportunity to be part of this inquiry review Committee today. Thank you very much.

**CHAIR:** Do you have any statistics on what has happened to your current number of special religious education [SRE] lessons? Has there been an increase or decrease in participation, or any change whatsoever, during the implementation of special education in ethics [SEE]?

**Dr WHENMAN:** Our evidence, as stated in our submission, would be purely anecdotal in terms of collection from our members and affiliated members in the country regions of New South Wales. As far as we can ascertain, except for some local variations, the number of students in special religious education has been maintained at the level that it was prior to the introduction of special ethics, and in fact in some cases the number of students has increased, which is probably due to population growth in certain areas more than people flocking to one or the other.

**Mr HADDAD:** I am the director of the Confraternity of Christian Doctrine for the Catholic archdiocese of Sydney and during the trial I asked some of my regional staff to do a survey of the impact of the trial in the 10 trial schools. We found on average that our numbers that were attending Catholic special religious education had declined 29 per cent. At the beginning of 2011 I asked my staff to ascertain, as far as possible, the impact on our numbers and I was surprised that it was relatively small—we only tracked a loss of about 42 students, to be precise—but our numbers overall, which we can ascertain from our census that we published in early April 2011, showed a small increase in the number of students attending Catholic special religious education.

**CHAIR:** Do you keep statistics on a regular basis? Is that something that the organisation looks at?

**Dr WHENMAN:** Our member churches do and they report to us on their statistical collection. The larger the member church—for example, the Roman Catholic church—the more comprehensive their networks. With smaller churches, it is more anecdotal. The larger churches are accountable to their particular bodies, therefore they have to provide statistical evidence of the extent of their work, whereas with the smaller churches, whilst they still are accountable, it is more anecdotal, and of course some of the smaller churches are more fragmented in a positive sense than the Roman Catholic church or the Anglicans.

**CHAIR:** Much has been said in terms of training, police checks and availability of curriculum. We have put to the providers of special education in ethics that these things should be in place as they are in place. We are demanding more transparency on the website of curriculum and teaching materials. Is this something that your providers would be anxious about or could you see that this is perhaps something that all providers of education within public schools should be subject to?

**Dr WHENMAN:** I am sorry, for clarification, do you mean specifically the position for special ethics? You are talking about the position for special ethics?

**CHAIR:** Yes, and the position as regards the providers of special religious education [SRE] as well. I am trying to get a uniform approach for all providers of either ethics education or special religious education.

**Dr WHENMAN:** Well, for many years the providers of special religious education [SRE] have been accountable to the Department of Education and Training, or the Department of Education and Communities as it now is, through the provision of an annual assurance that we have appropriate police checks in place, we have

appropriate curriculum material that is approved by the head of the church of the religious provider, and that we have appropriately trained volunteers teaching in the public schools in New South Wales. That assurance has been sent out by the officers of the Department of Education and Training, and the condition for ongoing accreditation as providers of special religious education in government schools is the return of that. It is something that our heads of church take very seriously. We would not respond in an affirmative manner to any of those things if in fact it was not actually happening. Therefore the transparency lies at that level in the response of the heads of churches, which is the way the Act and the implementation guidelines are currently structured.

In terms of our own response to the transparency of the special ethics, we feel that in some ways similar sorts of guidelines and rules need to apply to special ethics as apply to special religious education because we are occupying that particular timeslot that is designated for these activities now, given the Act's being reviewed at the end of 2010. Transparency of our curriculum material is on the Inter-Church Commission on Religious Education in Schools [ICCOREIS] website. There are connecting links to different groups of people who produce curriculum material. Some churches, like the Roman Catholic Church, have a curriculum that is used. Some of the other Christian churches have other different curriculum and do not use the homogenous curriculum material. That material is freely available for anybody who wishes to see it. On occasions, school principals ask to see the material, and the material has been provided to clarify whether the procedures and processes being used by specific special religious education teachers have been bona fide. That has been done freely for principals as the school management authority in those cases.

**CHAIR:** So the Department of Education is fully aware of a curriculum that each special religious education [SRE] provider is using?

**Dr WHENMAN:** Yes, and they would have access to it, if they have any questions, for example, through their regional offices. If a question came in about a curriculum that an approved provider was using, then they would have access to it, either through the heads of church or, if they were not sure what the avenue was to gain that, through the Inter-Church Commission on Religious Education in Schools. We would provide them with the necessary contact to find out the answer to their question.

**CHAIR:** We have heard quite a bit on age appropriateness of certain aspects of the curriculum for the ethics, but one would ask: Is there a regular review of individual curriculum to look at age appropriateness of materials that are being taught, or topics that are being covered, the learning tools that are being used?

**Dr WHENMAN:** I will defer to my colleagues on either side of me because they are actively involved in such a process.

**Mr HADDAD:** We have reviewed our curriculum twice in the last seven years. The interesting thing is that we started this process in 2004 and that review was finished early in 2008. From our own people, our own catechism coordinators and parishes, they were concerned that the new curriculum that was produced was actually age inappropriate; it was too much material taught at a too-high level, starting from kindergarten onwards. We began the second phase of that review in late 2008. We just completed it at the end of last year.

We have our own internal processes that check on age appropriateness. We are very open to critique, observation and review. It was time-consuming and it was expensive, but we certainly believe—because, as you know, the Catholic Church has a great tradition in education—we want our material to be suitable in every respect. Just further to the point about public accessibility, the course structure is on our website and we are really happy to make it available for anyone who wishes to have a look at it from any point of view.

**Mr ADAMSON:** My understanding is that the basic framework of all the curricula that are used by our members takes account of stages in primary school—stages one, two and three—but generally there are three levels of material that take account of those three stages. So it is age appropriate. It is designed to target the first couple of years of primary school, the middle years of primary school and the upper years of primary school. Then if you go into high school, that is another issue altogether, but I can comment about that. As to its availability, if the curricula that we use have an ISBN number, and they do, that automatically means that they are lodged in the Mitchell Library and other large public libraries, so they are publicly accessible through the library system.

**CHAIR:** What about on the website?

**Mr ADAMSON:** You can go onto our websites for the various denominations that are a member of the Inter-Church Commission on Religious Education in Schools [ICCOREIS] and you can find a reference to the material we use and curricula that—I will not say we endorse—our members use.

**Dr WHENMAN:** On the other side of that I would like to add about the training that we offer for the SRE teachers. Obviously you have a curriculum that you have tried to make as best as possible age-appropriate and appropriate to the experience of the students you are teaching—that is one tool. The other tool is the deliverer of the curriculum—namely, the SRE teacher in our case. Without proper training the deliverer of the curriculum may be entitled, I think they are entitled to deliver material at a different level that is appropriate to the age of the students. So training in all of the large traditions and many of the smaller Christian churches and other faiths join in that training. Focus is at the very first and basic level on the curriculum and delivering at an age-appropriate level.

Most of the larger churches now have a mandatory accreditation unit, which includes in all cases teaching the curriculum and focusing on that. So there are two aspects: Whether the curriculum is age-appropriate and whether the deliverer delivers the material at an age-appropriate level. They may see a particular topic and then deliver it at an adult level but, in fact, they need to be trained—because many of them are not trained teachers by profession—as to how to deliver that at the appropriate age. We have training videos freely available for people to use in isolated areas which demonstrate these sorts of things if they cannot attend the training.

**CHAIR:** Much has been made in some of the submissions about police checks for all volunteers that go into schools whether to teach ethics or special religious education. What process do your providers have to adhere to in this regard?

**Mr ADAMSON:** My understanding is that at the present time if you go in a voluntary capacity then you are required to sign a statutory declaration, whereas if you go in a paid capacity then it is mandatory that you receive a police check. So all the SRE teachers who go in a voluntary capacity have, if you like, a dual check: They have to sign a statutory declaration and—certainly in the case of our members—individual churches would, for want of a better description, signoff on the people that they are known—

**Dr WHENMAN:** Authorised.

**Mr ADAMSON:** That is right, they are authorised. So it is that sort of process.

**CHAIR:** If a requirement for a police check on your volunteers as per ethic classes was recommended would that be particularly onerous?

**Dr WHENMAN:** There would be a significant cost to our members because of the cost of the police check. There probably would be some considerable debate as to who should cover that cost. If it was made mandatory by the Department of Education and Communities then there might be some long and protracted debate as to who should be covering the cost of that requirement given that volunteers in other contexts are not required to do that. For example, any people who go in as paid SRE teachers, whether from an individual denomination or from a cooperative of member churches, must have a police check.

**CHAIR:** Are there some paid?

**Dr WHENMAN:** Yes, there are.

**CHAIR:** How do you decide who gets paid and who does not?

**Ms SNEDDON:** Basically the people who are paid as SRE teachers are normally employed by a board, which is made up by a number of churches, and they would usually be teaching high school. It would be very rare to find a teacher in primary school.

**Dr WHENMAN:** Some of our larger churches—for example, the Roman Catholic Church and some Anglican churches as well—have paid employees as well and they undergo police checks because the nature of their work brings them in contact with children. Some of our parishes in the Catholic tradition have parish workers who are also teaching SRE and they would undergo police checks as well. The criteria being that if they are paid to do the task then they must have a police check.

**CHAIR:** Say, for instance, a student or a parent makes a complaint about some sort of inappropriate behaviour during a particular class how do your providers deal with that? Do you keep records?

**Dr WHENMAN:** Can I give an example? I no longer work in that area but whilst I did for 11 years I had about four occasions where it was brought to my attention that perhaps a particular teacher was acting inappropriately: on two occasions by a school principal, on another occasion by police, and the other occasion by a member of a Parish community. So depending on the body that notified me I worked in conjunction with those people to investigate the particular incidents and to work with the people involved for an appropriate solution. On three of the four occasions, the particular SRE teacher was asked to no longer be part of the SRE teaching team and was also notified in their parish through the parish priest—confidentially, not in a public bulletin or anything—that they were no longer suitable to work with children. That record was maintained. Clearly when I was working with the department and the schools and the police the record was maintained and copies were kept by the various bodies—I imagine they are still kept in some archival place in the institution where I was working. So we deal with individual cases.

**Mr HADDAD:** In my position in the last 3.5 years I have only had two instances of concern with respect to scripture teachers. One was relatively minor. The school reported to my agency that one scripture teacher had touched a student by pushing his leg off a chair. We acknowledged fault there and that scripture teacher was removed from that class, and the principal was happy with that action. The other one was that a complaint came to me from a primary school in the western suburbs concerning what the teacher was teaching. The actual provider, the parish themselves, were not happy with the particular catechist as well. I met with the principal. We all agreed that that scripture teacher would be removed and no longer teaches scripture. I have to then report these instances to an internal committee, which is chaired by the Chancellor of the Archdiocese of Sydney relating to child protection issues. So it has only been two in the past 3.5 years.

**The Hon. SHAOQUETT MOSELMANE:** On page 5 of your submission you say that it would be a retrograde step to repeal the ethics classes. Will you elaborate on that for the Committee?

**Dr WHENMAN:** Yes. Throughout the past 18 months we have reviewed our position in terms of our original opposition to the introduction of special ethics. One of our reasons is our concern for the number of students who are in non-SRE, whose parents nominate for them not to attend SRE classes, and the need for them to be appropriately supervised during that period of time. Our members have discussed this at our commission meetings, which are held four times a year, and as recently as the board meeting before the finalisation of the inquiry submission I put it to the board: Is this our position? We were unanimous in agreeing that this was our position, given that it is a turnaround from the original proposal. We agree that we did oppose it in the pilot period and prior to the enactment of the amendment to the Education Act; however, we now abide by the rules of the umpire. We agree that this is probably a way forward and that we will work within the structure that has now been provided for us. In good faith we hope that that would also mean the appropriate implementation of the guidelines for the implementation of special ethics within SRE time.

**The Hon. SHAOQUETT MOSELMANE:** You may have heard earlier—as you support the teaching of ethics—that it is underfunded, it is basically reliant on volunteers and so forth. As the course takes hold and more and more parents see the success of the course, do you fear that they may challenge the SRE and would your position then change?

**Dr WHENMAN:** You mean back to the original position?

**The Hon. SHAOQUETT MOSELMANE:** Yes.

**Dr WHENMAN:** It is a bit of a crystal ball question but I am uncertain of what the circumstances might be in the future, and my colleagues would probably agree. We have re-assessed our situation on the basis of the current circumstances. If the special ethics were to fill a need for those children who are in non-SRE, non-scripture, and that those children and their families felt as though they were being offered something that was valuable, then we would continue to support it. The history of the provision of special religious education in New South Wales and in the colony of New South Wales before that, special religious instruction has always been marked with opposition from groups and that opposition has been treated in a public forum always and with public discussion and with good reviews such as the Rawlinson review in the 1970s and the 1980s. So I think we are confident that that open and just conversation would continue, whatever happened in the future.



**The Hon. SHAOQUETT MOSELMANE:** Why do you think 25 per cent or so of parents opted out of SRE?

**Dr WHENMAN:** I think that aligns with the number of people who put on the census that they have no religion and a growing number in our census results indicate that. I think that I would correlate it probably most directly with that. I do not feel as though parents are opting out of SRE for other reasons. I feel sometimes parents are not properly informed when they make that choice on a kindergarten enrolment form, given that it is one question in a raft, a book of about 10 pages that they fill in and the statistical data analysis questionnaire. We in ICCOREIS, through the director general's consultative committee, have worked with the department to make the clarity of that choice much better for parents so that they are making an informed choice when they choose whether their children go into an SRE class, which is not really what they choose. They are asked what religious instruction they might like and they nominate, given what is available in the school. They are informed of their option, that if their particular tradition is not being offered in the school then they have a right to ask the principal for that tradition to be introduced and the role of the principal is to seek an appropriate minister or representative of that tradition to see if it is possible for special religious education to be provided. So there are checks and balances within the system.

**Reverend the Hon. FRED NILE:** Just to clarify that, you mentioned 25 per cent; your submission says 15 per cent.

**Mr ADAMSON:** I was about to respond to that. No-one knows the extent of SRE provision in New South Wales because we have never been able to collect the statistics. We think they can be collected but they have never been made available. Through our members who represent, we think, about 80 per cent of the delivery of SRE in New South Wales, we think the figure is much closer to 15 per cent who choose not to do SRE but all of the Committee need to understand that though it may be 15 per cent there are still parents who choose neither to have their children in SRE or SEE and that is still a significant number. If you translate it into actual numerical figures there are about 430,000 students in primary school in New South Wales. We think about 60,000 of those are not in SRE so somewhere of the order of 360,000 plus in any given week like the school week will be in an SRE class in a school in New South Wales.

**The Hon. SHAOQUETT MOSELMANE:** Mr Haddad, do you want to comment?

**Mr HADDAD:** I was going to address your initial question. Initially I feared that SEE would have a dramatic impact on SRE numbers and my survey indicated that to me—29 per cent loss, as I said. In hindsight I look at it and think that there was a novelty impact there, something new on the block and there was therefore a greater interest. I do not fear in the medium to long term that ethics will have that same level of impact on SRE. I think once SRE becomes part of the furniture people will trial it—

**Dr WHENMAN:** SEE.

**Mr HADDAD:** SEE, yes, ethics. They will move in, move out. I do acknowledge with Mr Adamson that there will still be a significant number who will choose neither and the original management problem will remain with respect to non-scripture, non-SEE students.

**Mr ADAMSON:** Just another comment, when you enrol a child in a government school you are given a 12-page document to complete. On page 8, either after or before the question on "Are you an Aboriginal or Torres Strait Islander?", is a question which has a box which you have to write it. It just has the word "religion". Many parents do not complete that box because they are up to page 8 and they know they have four to go and they just want to get their kid into school. Some parents choose to make a statement through not putting a descriptor in there, even though they may call themselves a Christian or Muslim or Hindu. So we have a situation in which principals look at the box on page 8 and stream students into SRE if there is a response in that box and if there is no response then they are streamed to non-SRE but that may in fact not be the desire of the parents.

**The Hon. SHAOQUETT MOSELMANE:** We heard last week and received submissions to suggest that SEE is complementary to SRE, particularly from the Parents4ethics. What is your view in relation to that?

**Dr WHENMAN:** We believe—and this is part of the Rawlinson report and also what we have worked on for the last 30 years in our relationship with the complement to SRE's general religious education in the human society and its environment curriculum. If you look at the definition of the word "complement" and

therefore students have an opportunity to see the value of religion and religious belief in society and then their parents have an option to study a particular religious belief or tradition of their choice in SRE, usually a home tradition. Often nowadays what I have found interestingly is parents often not necessarily choosing a home tradition but choosing across a child's infants and primary school education the variety of SRE that is provided in the school to give their children a range of exposures to different traditions. However, I do not think in our original submission we said that we see special ethics as a complement to SRE but rather as an alternative to non-SRE. As stated in the media last week, yet again inaccurately, it said that special ethics is an alternative to SRE. We do not see special ethics as an alternative to SRE. We see special ethics as an alternative to non-SRE.

**Mr ADAMSON:** In our submission to this Committee we attached our submission to Dr Knight's review of SEE and your question is answered on page 10 of that submission. Our opinion as to whether it is a complement to SRE and we are most clear that we do not think it is.

**The Hon. SHAOQUETT MOSELMANE:** You may have heard Ms Catherine Byrne, PhD Macquarie University, speak earlier. She suggests that perhaps a recommendation would be to combine general religious education and ethics as a replacement for both SRE and SEE. What is your view?

**Mr HADDAD:** I will be totally opposed to that.

**Dr WHENMAN:** I would be opposed to it as well, I suppose because of my area of work in religious education. I really feel there is room for education in religion from one's own tradition as well as education about religion, which is general religious education and they are complementary. If one does not have a tradition, that does not mean one is deficit because one does not have an education in a tradition. But if one does have a tradition, it enhances one's education.

**The Hon. SHAOQUETT MOSELMANE:** Ms Byrne suggests also in her submission that religious education sometimes threatens students with such things as burning in hell if you do not believe in God and so forth. Have you experienced situations where students have been told that they would burn in hell if they do not believe in God?

**Dr WHENMAN:** One of the instances I referred to before where I was asked to come to a school to look at what a teacher was teaching related not necessarily to using those exact words but to creating an atmosphere of fear in the classroom. The principal in question was concerned that this was in our curriculum. When we investigated it, it was the individual teacher who was expressing their particular view. We removed that teacher from the school and gave the principal another copy of our updated curriculum material to ensure that she was confident that that was not the spirit. I believe that all of the curriculum material that is available from all of the member churches of ICCOREIS would not condone that style of teaching. I believe in having our curriculum in the public domain and making it available to the school management, the principal, so that if she detects that this is a problem and parents would probably notify her that they are concerned about this—I should say he or she—they can actually contact the providers. If they are not sure of who is the provider, the department has a list of the providers' contacts and they can contact them and they would act as I did, speak to the principal, give them a copy of the curriculum and talk through it.

**The Hon. SHAOQUETT MOSELMANE:** There is a process you would take immediately when these things happen?

**Dr WHENMAN:** Yes, there is, absolutely. And we certainly do not condone it. If you were to look at our curriculum material you will see that it is nowhere in any of our curriculum material. Unfortunately, it is the particular decision of individuals who, despite all best checks, screening and all sorts of things, sometimes slip through the system. I am sure there are problems with rogue teachers in the school system as well.

**The Hon. SHAOQUETT MOSELMANE:** My final question relates again to a comment of Ms Byrne and is why I said her submission was interesting. She claims that Australia has an outdated approach and lags dramatically behind the developed world in this area. Basically, she is speaking about the teaching of religious education. Without misquoting her, she says that the world's most developed nations combine religion and ethics as an area of compulsory study in public schools from kindergarten through to senior high schools and therefore Australia basically has an outdated approach. What is your response?

**Dr WHENMAN:** I personally do not believe that it is an outdated approach but, of course, I have to proclaim my bias in this. I personally believe that it is an enlightened approach in terms of developing social

cohesion and understanding in society. Recent reports about the level of social cohesion in Australian society compared to some of those other societies are favourable. I do not believe that social cohesion is only because of that, I would hesitate to say, but I believe that it is an enlightened approach. When I travel overseas and speak to people in the United States particularly, they marvel at this particular approach that we have and how it is quite something to be admired; how we have the whole intention and all these things and still manage to do that. When I hear people reporting in our media that Australia has a separation of church and State, I know that that is incorrect in its essence, but it needs to be nuanced and people in Australia need to understand that it is in the wealth of our constitutional statements about the relationship of religion in our society. It is a very important feature of who we are and it creates social cohesion without doubt.

**Mr HADDAD:** Personally I have never been persuaded by the argument that just because other countries do a certain thing that we should necessarily follow. Again, like Dr Whenman, I have had similar experiences with people from overseas who marvel that we have this freedom within the public school system. I look at the public school system as just that: a public school system that serves the public. Australia has freedom of religion as well as freedom from religion. If our public school system can cater for both and meet the requests and desires of the majority of our parents by affording them the opportunity to have faith-based education within the public school system, then that is something we should be proud of and celebrate rather than target to have removed. That is what the majority of parents still want in New South Wales. So I have no problem with providing that service for them.

**Reverend the Hon. FRED NILE:** Thank you for coming today. On the question of how many children are not attending SRE, there has been some confusion over this issue of opt in or opt out. I understood the department's policy was to opt out, but I get the impression that some principals have changed that to opt in. Would you like to comment?

**Dr WHENMAN:** That is correct at the local level. As I mentioned before, we work with the director general's consultative committee. When we become aware of those local issues we bring them to their attention. In our experience, particularly our recent experience, they have acted in a way that helps to clarify the situation and to understand what is the meaning of opting out and opting in at that local level.

**Reverend the Hon. FRED NILE:** Opt out is the correct policy?

**Dr WHENMAN:** Yes.

**Reverend the Hon. FRED NILE:** You have commented already on this, but in your submission you said that the introduction of special ethics classes has not addressed the issue it originally was intended to address. Would you like to amplify that comment?

**Dr WHENMAN:** One of the issues raised was the number of children in non-scripture, non-SRE—that is, those parents who have elected for their children not to attend scripture classes. In some areas, particularly in metropolitan areas, although there are a couple of country places, quite a large number of students at particular schools were quoted in the press. They were depicted also as being supervised in the playground out in the sun and on benches so that they were given I suppose privileged press coverage. That probably is not the case. The representative of the Primary Principals' Association on the director general's consultative committee outlined very clearly what her procedure is with non-scripture students, of which there was about 15 per cent in her school. She provides an activities level, not an alternate lesson, for each stage in her school and other principals in her association do that too. Getting back to your original question, in a sense it has not addressed that there are children doing nothing as was depicted in non-SRE because, as we mentioned earlier, there still are parents who opt out of SRE and then when given the choice of special ethics they do not choose special ethics either. So their children are in non-SRE.

**Reverend the Hon. FRED NILE:** Obviously we agree with the right of parents to have conscientious objection to religion or ethics. Do you have any suggestions what programs should be in place for those children who do not attend either special religious education [SRE] or special education in ethics [SEE]?

**Dr WHENMAN:** We have had a few inter-faith meetings to talk about this. We acknowledge that it is not our membership's responsibility to make suggestions about school management issues. We perceive this to be a school management issue. We are happy to be consulted and work with school management to assist, if necessary, in making suggestions. They are the experts in how to manage students in such a situation. We offer

our support but we know that it is not our area of expertise to advise the school principal how to manage a group of students that need to be supervised for half an hour a week.

**Reverend the Hon. FRED NILE:** In your submission you imply that one of the reasons you support the continuation of the ethics course is because you are concerned about the welfare of those children?

**Dr WHENMAN:** We are concerned, but our level of concern is restricted by our charter within the system.

**Reverend the Hon. FRED NILE:** There could be other alternatives for those children that do not attend SRE developed by the department which would not involve a systematic ethics course?

**Dr WHENMAN:** There is other alternatives already in existence in local school communities and we have recommended that the department incorporate in a new principal's orientation program an exposé of some of those alternatives.

**Reverend the Hon. FRED NILE:** You also state on page 4 of your submission there is a lack of transparency for the special ethics curriculum. And you state in your submission dated 23 February that you still have not been granted access to the curriculum other than two sample lessons on the Primary Ethics web site. Would you comment on that?

**Mr ADAMSON:** As of two weeks ago we again formally requested from St James Ethics Centre a copy of the curriculum and were denied it. I understand now there is a series of lesson outlines on their web site which appeared last week. We have not seen a curriculum. Since July 2010 we have asked to see a copy of the curriculum and have been declined.

**The Hon. DAVID CLARKE:** You say you were promised a copy by the St James Ethics Centre in February 2011?

**CHAIR:** Order! The Hon. David Clarke may wish to ask questions but this is Reverend the Hon. Fred Nile's time.

**Reverend the Hon. FRED NILE:** Are you concerned about the lack of cooperation? Do have any explanation as to why you have not been provided that curriculum? Do you think the curriculum is fully developed?

**Mr ADAMSON:** No, we have no explanation for why it is we cannot see the curriculum. As we said some time ago, ours are publicly available. It is not for me to comment on what the St James Ethics Centre do.

**Reverend the Hon. FRED NILE:** The lack of availability of the curriculum means that you have not had the opportunity to do any evaluation of the ethics curriculum. What criticisms or positive points do you have in regard to the ethics course?

**Mr ADAMSON:** The only comments we can make are on the basis of the two lesson outlines on the St James Ethics Centre [SJEC] site which were there last year—on fairness and lying—and our observations are there in our submission to Dr Knight on pages 8 and 9. This submission to Dr Knight was made based on the observations of the two SJEC lessons that were publicly available at the time.

**Dr WHENMAN:** Dr Knight expressed surprise when she came to the Director General's consultative committee meeting, as part of her consultation, that we had not been given more broad access to that material. Some of the members of the Inter-Church Commission On Religious Education in Schools [ICCOREIS] do believe it is not our place to comment on content of other curriculum and there is not division but debate within the commission about that particular issue.

**Reverend the Hon. FRED NILE:** From our Committee's point of view we are trying to get feedback on the ethics course, which is what the inquiry is about.

**Dr WHENMAN:** We are unable to give you feedback on the curriculum except for the two lessons we have seen, but two lessons do not a curriculum make.

**Reverend the Hon. FRED NILE:** In your submission you state you do not support the proposal of the Education Amendment (Ethics Classes Repeal) Bill 2011, but would you be unhappy if the ethics course was suspended whilst further investigation was made for alternative programs for children who do not attend SRE or SEE?

**Dr WHENMAN:** I do not know that "unhappy" is the word we would use. It may be a retrograde step in terms of the public backlash that may occur as a result. The public backlash when something happens like that is the press and certain members of the community direct that towards SRE rather than to the issue that is on the agenda. We would regret the public backlash that would result from something like that.

**Reverend the Hon. FRED NILE:** It is strange, you do not seem to feel you have any responsibility for the content of ethics classes or what 3,000 children are being taught in public schools. I am surprised you do not feel you have any responsibility.

**Mr ADAMSON:** We do and it is there in the submission to Dr Knight which we attached to the submission to this Committee. When we drafted that in August or September 2010 we were concerned with the little bit of information that we could extract from the two lessons available. We are concerned on a primary level that all ethics develop out of world and life-story views and to say that you could just teach ethics without reference to some sort of overarching story is like saying you can do education and do it value-free. It is a similar argument. I refer the Committee to the substantial issues that we raise there in our submission to Dr Knight which we gave good consideration to and consulted widely with ethics experts and educationists across Australia before we submitted that.

**Dr JOHN KAYE:** Thank you for your submission, which was fairly comprehensive. Can I ask one quick question? You said before, "We were denied access". Mr Adamson and Mr Haddad said—maybe Ms Whenman—we were denied our request to have access to primary ethics. I think you meant curriculum material. What they call curriculum, that table, is publicly available. I think you are talking specifically about curriculum material. When you said "we", was that request made from ICCOREIS or was it made from a specific SRE provider?

**Ms SNEDDON:** I made that request on behalf of ICCOREIS and we were told that we were not a provider—which we are not we are a commission of representatives of an inter-church group—and that if we required a copy of the curriculum then we needed to apply through that actual provider. Each provider needed to apply.

**Dr JOHN KAYE:** To continue that line of questioning. Both the Anglican and Baptist for various State relevant bodies are members of ICCOREIS, is that correct?

**Ms SNEDDON:** That is correct.

**Dr WHENMAN:** Can I clarify; the Anglican archdiocese of Sydney is not a member of the commission.

**Dr JOHN KAYE:** The Anglican Church of Australia from the province of New South Wales, excluding Sydney, is a member of ICCOREIS, correct?

**Dr WHENMAN:** That is correct.

**Dr JOHN KAYE:** Are you aware that both the Anglican and Baptist providers have been given copies not only of the syllabus which is a publicly available document but also the individual lesson plans which is not a publicly available document?

**Dr WHENMAN:** I became aware of that this morning.

**Dr JOHN KAYE:** When you gave your evidence you were aware that constituent bodies of ICCOREIS had access to the material? There was not a sense in which primary ethics was holding back the material? Is that correct?

**Dr WHENMAN:** I would say that I became aware of the fact that material had been provided this morning, so I became aware after I had penned the submission last week. I also make the observation that this springtime of cooperation has occurred in the wake of this inquiry.

**Dr JOHN KAYE:** I am pleased that this inquiry has done one positive thing. Mr Adamson do you want to comment?

**Mr ADAMSON:** Yes, 10 days ago we, as providers, applied to the St James ethics course for the curriculum as the Presbyterian Church and was denied it.

**Dr JOHN KAYE:** When you did so did you make it clear that your intention in doing so was not to use the material to modify your own course but to develop a critique of the ethics course?

**Mr ADAMSON:** I do not think we would have talked about critiquing the ethics course. We asked for a copy so that we could look at it. We do not know whether or not it issues in a critique.

**Dr JOHN KAYE:** In applying for that material was your intention to use the material to modify your own courses or were you seeking it as a vehicle to make a criticism of the ethics course?

**Dr WHENMAN:** Can I answer that question?

**Dr JOHN KAYE:** No, my question is to Mr Adamson. I welcome your comments afterwards.

**Mr ADAMSON:** We were on track to come and sit before this Committee. It is about SEE. We felt under-prepared to answer questions about it when we had never seen it.

**Dr JOHN KAYE:** The intention was not to use it to modify or incorporate it into your own course but it was to be before this Committee to make comments on the materials?

**Mr ADAMSON:** That is correct.

**Dr JOHN KAYE:** Dr Whenman, do you wish to say something?

**Dr WHENMAN:** The original intention of asking for the material in the pilot period and after the legislation period was to look at how it aligned with the courses, the programs and the curriculum that we offered. We had a meeting that was brokered by John Oldmeadow from the Uniting Church with Simon Longstaff during the pilot period and one of the discussions in that meeting was that the curriculum material would be provided with a view to looking at an alignment of the material so that there was some sort of consistency of message provided.

**Dr JOHN KAYE:** But not with the intention of providing it to ICCOREIS because at that stage most of the constituents were profoundly hostile to the SEE proposal? The commission was not to provide it to you to give you additional ammunition in what at that stage was your campaign to stop SEE occurring?

**Dr WHENMAN:** As I recall the agreement at the meeting—I have meeting notes on that but not with me—was that that material would be provided with the intention of looking for alignment in curriculum material.

**Dr JOHN KAYE:** Let us go forward. On the bottom of page 3 and at the top of page 4 of your submission you state that the position of ICCOREIS in New South Wales has always been what children do in non-SRE groups is a school management issue. Do you say that what happens to those children who opt out of SRE is a school management issue? Is that still your position?

**Dr WHENMAN:** Yes.

**Dr JOHN KAYE:** In that sense you say that the whole issue of ethics—you no longer oppose ethics as an option for those children—is a school management issue?

**Dr WHENMAN:** I am saying that what happens for the children in non-SRE is a school management issue.

**Dr JOHN KAYE:** Therefore you would have no objection to the State putting funds into SEE, Primary Ethics or other providers of materials that was used during that period because, as you say, it is a school management issue. It is not an issue of concern for you; it is an issue of concern for the school?

**Dr WHENMAN:** We say in our submission it is non-SRE groups—people who elect for their children to go to special ethics are no longer in the non-SRE group—and then the special ethics group.

**Dr JOHN KAYE:** You have now moved SEE out of the non-SRE group into a category of its own, is that correct?

**Dr WHENMAN:** The parent's choice has done that.

**Dr JOHN KAYE:** In your thinking now, SEE, the ethics classes, are no longer just something that happens to kids who opt out. To use the words of Dr Byrne it is now a special privileged class in the same way that SRE is a privileged class of providers?

**Dr WHENMAN:** If that is the way you wanted to term it, yes.

**Dr JOHN KAYE:** Would you then have any objections to St James Ethics having a membership of the director general's consultative committee?

**Dr WHENMAN:** On?

**Dr JOHN KAYE:** What is the correct name of the director general's consultative committee?

**Dr WHENMAN:** The Director General's Consultative Committee on Special Religious Education in Schools.

**Dr JOHN KAYE:** Do you have any objection to St James Ethics being a voice on that since it is no longer just part of the treatment of those children who are not part of SRE but, as you said yourself, they are now up there with you guys? Do you think it is sensible or do you have an objection to them being on the director general's committee?

**Dr WHENMAN:** Under the current terms of reference probably yes because it is for providers and representatives of groups such as parents, the Teachers Federation, that have an interest in special religious education in schools. Under the current terms of reference then we would object.

**Dr JOHN KAYE:** Do you think they should have their own consultative committee?

**Dr WHENMAN:** There is some discussion within ICCOREIS, to be honest with you, about whether that should be the case, and I do not think that the jury is back in on that yet.

**Dr JOHN KAYE:** Are you happy that the religions as represented in your organisation have direct access to the director general but you are not so sure about Primary Ethics as a provider which you said was on a par with you guys?

**Dr WHENMAN:** That was not your question. Your question was whether they should be part of the Director General's Consultative Committee on Special Religious Education.

**Dr JOHN KAYE:** Which provides direct access to the director general or his or her nominee—

**Dr WHENMAN:** But then your subsequent question was whether they should have a separate committee to the director general.

**Dr JOHN KAYE:** You have direct access but you are saying you are not so sure about whether they should be in the committee with you. You are not so sure about whether—

**CHAIR:** Point of order—

**Dr JOHN KAYE:** You cannot take a point of order.

**CHAIR:** I can take a point of order on the member as he is putting words into the witness's mouth.

**Dr JOHN KAYE:** Will you clarify the situation? How do you think Primary Ethics should have access to the director general? Is it through your committee, its own committee, an alternative I have not thought of or not at all?

**Dr WHENMAN:** The foundational alternative is that I think they should have access to the director general. How that occurs has to be within the terms of reference of existing committees or a review of those terms of reference, given the Special Ethics Act.

**CHAIR:** Thank you for your lengthy submission and for your appearance before the Committee today. There may be follow-up questions from the Committee and they will be sent to you. You will have 21 days from the receipt of those questions to provide answers to the inquiry.

**Dr WHENMAN:** Thank you.

**(The witnesses withdrew)**



**CHERYL BEST**, General Manager, Learning and Development, Department of Education and Communities, and

**MICHAEL WATERHOUSE**, Director, Legal Services, Department of Education and Communities, affirmed and examined:

**CHAIR:** I welcome Ms Best and Mr Waterhouse. Do you wish to make an opening statement?

**Ms BEST:** I would like to take the opportunity to make a short opening statement on behalf of the Department of Education and Communities. Firstly, to introduce myself, the role that I currently hold has responsibility for a number of areas in the implementation of education across New South Wales and one of those areas is the Curriculum and Learning and Innovation Centre [CLIC], which was newly formed in 2011, but combines also the Curriculum K-12 Directorate, which previously was responsible for curriculum and had developed association with special religious education and special education in ethics. My role would be as a supervisor of that organisation currently, and that is part of the role in which I am here today. I would ask Mr Waterhouse to give a little more detail about the capacity in which he is here.

**Mr WATERHOUSE:** I am normally the Director of Legal Services. I can answer questions that have a legal complexion but I should make it clear that I am not actually providing the Committee with legal advice.

**Ms BEST:** The department recognises the diverse nature and rich heritage of New South Wales and its citizens. We also recognise our society as constantly evolving. As a department we are strongly committed to the provision of quality education for all children and young people, an education which focuses on maximising their potential and equipping them with the skills to become valuable and contributing citizens of New South Wales and, more broadly, Australia and globally. The commitment is demonstrated through the broad and comprehensive range of quality programs we deliver. Special religious education has been part of our New South Wales public schools for over a century and continues to be supported through the Education Act 1990.

The introduction of special education in ethics classes was not intended to diminish special religious education but to provide a viable option for students whose parents have chosen for them not to participate in special religious education, or what is often termed scripture. From the first census in 1901 to 2006 the Australian Bureau of Statistics found that the population identifying no religion has grown from 0.4 per cent to 18.7 per cent, and these figures are replicated in the department's enrolments data. From January 2011 to our current enrolment data in February 2012 the percentage of parents who identified their child as no religion has grown from 19.9 to 22.3 per cent and over the same period the percentages who have identified as unknown or unstated religion has risen from 14.9 to 18.2 per cent.

A high-quality, responsive education system needs to ensure that it also changes to reflect societal change. Offering an ethics course alongside special religious education classes in a range of faiths provides opportunities for students that reflect the diversity of the society in which we live. Responding to the need of a changing demographic, in November 2009 the then Premier of New South Wales, the Hon. Nathan Rees, MP, announced a trial ethics course to be implemented in term 2 in 2010 in 10 public schools. St James Ethics Centre and the New South Wales Federation of Parents and Citizens Associations had responsibility for the ethics trial. The department liaised closely with St James Ethics Centre throughout that time and has continued to liaise with Primary Ethics, the organisation set up by St James Ethics Centre to manage and implement ethics classes in our schools.

Primary Ethics, as I said, is a separate organisation established by St James Ethics Centre to assist in the delivery of classes, and, like authorised providers of special religious education, has been responsible for recruiting and training the volunteers, guaranteeing the appropriate child protection screens required under the Commission for Children and Young People Act, developing the curriculum to be delivered and supporting volunteers in the delivery of that curriculum. The department continues to meet with Primary Ethics, similarly to the Director-General's consultative committee on special religious education, to provide an opportunity for the department to engage in dialogue regarding matters relating to the implementation of ethics in New South Wales public schools. The department recognised the need to cater for the needs of all students, and providing an option for ethics classes alongside special religious education is an approach that we believe better caters to the needs of students in New South Wales who do not attend special religious education.

**CHAIR:** There has been much said in many submissions about the lack of knowledge of statistics about how many children attend SRE, how many children attend SEE, how many children are opting out of both of those. Has the Department of Education any plan to take statistics on this?

**Ms BEST:** We have not currently, and you may be aware that we do not centrally keep data; it is kept, however, at the local schools. We have introduced this year a network for special religious education and ethics in our regions and there is a coordinator in each region, and we have been liaising with that coordinator to assist in gathering information. But our current system relies on schools to provide that information and we are very careful about the number of requests we ask schools in terms of providing information back to the centre and for what purpose that information is required.

**CHAIR:** But it would be possible to use those coordinators to gain that information if the Government so desired?

**Ms BEST:** Yes, it would.

**CHAIR:** Child protection checks—we are cognisant we want all volunteers and teachers, everyone who enters public schools, to have the appropriate checks done. What is the situation with SEE and SRE providers?

**Mr WATERHOUSE:** Perhaps if I could answer that? The child protection legislation, particularly the Commission for Children and Young People Act, has requirements for all persons who have direct contact with children. There are different requirements with regard to volunteers than there are for paid employees who are in direct contact with children, but those are legal obligations on all of those providers, whether they be providers of special religious education or providers of ethics. So it is a legal obligation that is already imposed on anyone who wishes to—

**CHAIR:** And they are treated on an equal footing?

**Mr WATERHOUSE:** All treated on an equal footing. There are differences between, for example, volunteers and paid employees, but within those categories they are all treated on an equal footing.

**The Hon. SARAH MITCHELL:** I just wanted to ask a question about the accountability of teachers, which is something that has come up from other witnesses today and in submissions. On page 4 of your submission you talk about how both SRE and SEE providers are required to provide an annual assurance that they are only delivering, essentially, their curriculums. Can you tell us a bit more about what is involved in that annual assurance process?

**Ms BEST:** Every year the providers that have received approval through the Minister to deliver SRE and St James Ethics Centre through Primary Ethics must provide assurances that they have procedures in place within their organisations to satisfy the mandatory requirements regarding child protection. They also have to provide us with assurances that the teachers that they employ to deliver the curriculum are in fact delivering the approved curriculum and pedagogy that they have developed for the purpose of SRE or SEE. But it is an internal process that they conduct and they provide us with the assurance that they have procedures in place to do so.

**The Hon. SARAH MITCHELL:** In the last paragraph of your submission you say that if the ethics classes were to be removed it would affect about 3,100 students. Is that the most up-to-date figure for the number of children in those classes?

**Ms BEST:** The department relies on Primary Ethics to share the information it has. It is the most up-to-date figure we have. However, as the new school year has recently started, that figure may have changed somewhat and a process to gather more accurate data would be needed to be undertaken to be assured about the exact numbers.

**The Hon. SARAH MITCHELL:** Other witnesses have raised, almost in a pragmatic sense, whether the slot would ever be opened up. At the moment we have only SRE and SEE. The question of general religious and ethics education was raised earlier this morning as an option. Is there any scope within the department for something like that to happen? Could it be an option to broaden the number of classes offered within that one hour of the teaching week?

**Ms BEST:** The department always has the option to review and consider the policies it operates under. We have a requirement to deliver a minimum curriculum, which is set by the Board of Studies of New South Wales. The department has additional requirements for government schools. We would need to consider that in any decision that we make regarding a change of policy. Currently general religious education is considered to be covered reasonably adequately in the Board of Studies New South Wales syllabuses, particularly in the area of human society and its environment and personal development health and physical education. Students have the opportunity to study a range of issues around different religions, for example.

**The Hon. SARAH MITCHELL:** Is there any scope for that to be open to other organisations or is the agreement as it stands with Primary Ethics the likely outcome?

**Ms BEST:** At the moment Primary Ethics through St James is the only authorised provider. However, it is intended to develop a policy review regarding that and to look at the procedures for approving other providers. We are awaiting the outcome of this inquiry before we make any further decisions in that regard.

**The Hon. DAVID CLARKE:** I want to establish the timeline. Is it the case that the St James Ethics Centre requested the Minister to appoint it to develop a curriculum on ethnics and a formal joint proposal was lodged by the centre and the Federation of Parents and Citizens' Associations?

**Ms BEST:** As indicated in our submission, I have been informed that St James Ethics Centre and the Federation of Parents and Citizens' Associations applied to make a submission. I am not aware that the centre was asked by the Minister previous to that. I am sorry, I cannot answer that.

**The Hon. DAVID CLARKE:** But did it offer itself to be considered to do that?

**Ms BEST:** I believe that initially in 1994 the St James Ethics Centre was approached by the Public Education Council to investigate the establishment of an ethics course for students. To the extent of my knowledge, that is how it began.

**The Hon. DAVID CLARKE:** Are there any other bodies in the community like the St James Ethics Centre that could have been approached to prepare a pilot scheme? Was there any investigation of that?

**Ms BEST:** To the extent of my knowledge, I cannot answer given that it was 1994. However, I can take that question on notice.

**The Hon. DAVID CLARKE:** Mr Waterhouse, can you provide some information on that?

**Mr WATERHOUSE:** I do not have any information.

**The Hon. DAVID CLARKE:** For something like this would there not be a tender process? Would it not be put out into the community that we were considering doing this and any bodies, even academic bodies, could draft a proposed ethics curriculum? Are you aware whether anything like that was done?

**Mr WATERHOUSE:** No, I am not aware.

**The Hon. DAVID CLARKE:** Will you take that question on notice?

**Mr WATERHOUSE:** Yes, I can check whether there was a tender process.

**The Hon. DAVID CLARKE:** As a matter of policy, would it be reasonable to have a tendering process for a new course like this?

**Mr WATERHOUSE:** I cannot think of a reason that it would be unreasonable. Sometimes new schemes are put to the Government and it may be perceived as unfair not to go to tender. There are tendering guidelines, but sometimes there are exceptions if someone has come up with a scheme involving intellectual property. We would have to look at the particular case.

**The Hon. DAVID CLARKE:** You will take that question on notice?

**Mr WATERHOUSE:** I think I expressed the view that it would not be unreasonable. However, I will check whether a tendering process was conducted.

**The Hon. DAVID CLARKE:** Is there any reason that all the curriculum materials should not be available publicly? Is it unusual for them not to be publically available?

**Mr WATERHOUSE:** Are you talking about the curriculum materials held by Primary Ethics?

**The Hon. DAVID CLARKE:** Yes, the materials that are being taught to our children in our schools.

**CHAIR:** By all providers.

**Mr WATERHOUSE:** If there is any material owned or held by the department as a government agency, in the ordinary course of events unless there was some particular exception it would be covered by the Government Information (Public Access) Act and it would be publicly available. In most instances such material is publicly available, often on the website. As to material that might be held by an independent entity which is not a government entity and which might be subject, for example, to its ownership of the intellectual property, I do not think there is any general requirement in law for them to make that public.

**The Hon. DAVID CLARKE:** I am talking about curriculum materials being taught to children in schools. Should those materials not be readily available to parents so that they can see what their children are going to be taught and so that they can make a considered judgement about whether they should be enrolled in such a program? Would that not be a reasonable thing to do?

**Mr WATERHOUSE:** Are you asking for my personal opinion?

**The Hon. DAVID CLARKE:** Yes.

**Mr WATERHOUSE:** I think it sounds reasonable. It is not something the Government can necessarily do itself unless it has permission to do so with regard to, for example, the ownership of intellectual property. My personal and private view is that it sounds reasonable.

**The Hon. DAVID CLARKE:** It could seek that permission from the entity that held the copyright for materials that are going to be taught to our children in schools?

**Mr WATERHOUSE:** It could seek it, yes.

**The Hon. DAVID CLARKE:** Would you agree, Ms Best?

**Ms BEST:** I believe that parents can request copies of materials that are being delivered to their children in classes in the same way that we would treat the materials presented in SRE classes. I believe that parents would have an opportunity to request that and that would be done through the school principal at the local level and negotiated with the provider of that particular course.

**The Hon. DAVID CLARKE:** I am getting the vibes that there seems to be some issue as to whether these materials are fully available. Could take on notice what the circumstances are of all of these curriculum materials being available to members of the public, whether there is copyright, whether if there is copyright the department has sought permission for these materials which after all are being taught to our children in schools, and that they are readily available?

**Mr WATERHOUSE:** We will certainly take that on notice.

**CHAIR:** The Anglican Education Submission states:

It is regrettable that the new *Religious Education Policy* and the *Implementation Guidelines* (which we understand were substantially complete by the end of August 2011) have not yet been promulgated on the Department's website.

Is that something you can comment about or take on notice?

**Ms BEST:** We can certainly take it on notice. My understanding is that there has been significant work and consultation that has been occurring regarding draft new guidelines for special religious education and

special education in ethics, but until the outcome of this inquiry I think at the moment they have been placed on hold for approval.

**CHAIR:** If you can take that request on notice and get back to us within 21 days. Much has been said about the original enrolment forms. When children start kindergarten their parents have this huge, 12-page questionnaire. Toward the end of it there is a section on religion which some parents feel either not inclined to fill in or may feel intimidated by what they put. Now that we have got the SEE class in full swing, is there a possibility that the department can look at the wording of that questionnaire and make it clearer to parents exactly why the department needs to know that? A lot of parents are not aware that that question will then dictate what their children are enrolled in, whether it be SRE or SEE or in fact some other activity. Could the department provide us an answer as to whether there is any view to making some footnote or some explanation to parents so that they know what they are filling in? Many parents have complained that they had no idea that what they were filling in for their kindergarten student would have an implication into the future. Is that possible?

**Ms BEST:** Certainly. The department would regularly review our policies and practices. In fact, we have quite recently reviewed the application to enrol in a government school. I note that there are a number of explanation notes on the front and that certainly could be something that we could consider.

**CHAIR:** Could you table that document with one of the Committee clerks and in your reply state what the current situation is. With those students who are not doing SRE or SEE—and we do not know how many students that is, what proportion of our public education students are engaged in a non-SRE or SEE activities—is it left up to principal as to what these children do? Is there some sort of guidelines?

**Ms BEST:** The current policy which has been in place for some time certainly provides quite clear guidelines to principals in regard to their responsibility for students who are not participating or their parents have chosen for them not to participate in special religious education. There is a need for those implementation guidelines to be updated in the light of special education in ethics. But there are responsibilities of principals and schools. There are 17 points here in fact about the responsibility of schools regarding the provision of SRE and there are responsibilities of providers. It is fairly clearly set out around school organisation and the way in which to support principals in implementing special religious education and providing for students whose parents choose that they do not participate in SRE as part of the management of their school.

**CHAIR:** So the Department of Education would feel quite assured that it has a handle on the fact that every child if they are not enrolled in ethics or special religious education would be occupied in some approved activity?

**Ms BEST:** Certainly the department's expectation is that that would be the case. It is the principal's responsibility and through our processes through school education directors they have a role in monitoring the implementation of special religious education across schools.

**The Hon. SHAOQUETT MOSELMANE:** Thank you very much for attending this afternoon. My first question is do you support the repeal of the ethics classes?

**Ms BEST:** I will not speak personally.

**The Hon. SHAOQUETT MOSELMANE:** You as a department?

**Ms BEST:** The department has an obligation to implement government policy and we would do that. The comment that I will make is that parents have signalled a desire that their students who they have chosen not to participate in SRE be included in alternative activities. It is my belief that that was the basis upon which the ethics trial was conducted and the consequent decision to include it as an alternative for those students who have already been exempted. My belief is that that evaluation and the process were viewed very positively by parents. Since that time I am not aware of any significant concern from the parents who have been involved in that process about their children having that option.

**The Hon. SHAOQUETT MOSELMANE:** You said earlier that you are about commitment to quality education and are satisfied in terms of responding to changing demographics.

**Ms BEST:** Yes.

**The Hon. SHAOQUETT MOSELMANE:** Do you believe that the teaching of ethics has provided that quality education to students?

**Ms BEST:** The teaching of ethics classes provides another alternative for those students who would not otherwise be involved in that education of that class at that time, remembering that the special religious education and special ethics classes are conducted in addition to the minimum curriculum requirements and additional curriculum requirements of government schools.

**The Hon. SHAOQUETT MOSELMANE:** That would be an improvement to those children who were not attending the SRE classes. When I was a child at school, I was outside in the playground picking up rubbish or doing other things.

**Ms BEST:** The difficulty is the department has not conducted a formal evaluation upon which to base a department response to that question. I can comment though that anecdotally, and from the information I have where schools are implementing special education in ethics, it has been received quite positively by their community.

**The Hon. SHAOQUETT MOSELMANE:** I am curious as to why in your submission on page 4 you say that the final decision to run ethics classes really lies with the school principal. Is that a policy of the department? Why is it that whether to run an ethics class is dependent on the decision of the school principal? Why is it not the department's decision?

**Mr WATERHOUSE:** There is a legal answer to that. Section 33A of the Education Act which introduced the special education in ethics provides that:

(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:

(a) it is reasonably practicable for special education in ethics to be made available to the child at the government school...

And there is item (b) which is not presently relevant. But the point is that the idea was not that you would necessarily have a right to do something that could not necessarily be delivered in a particular school. As there is with special religious education, there needs to be a provider available. In some cases if there is no provider available it cannot be provided. So it is not there as a right. That is why in some ways it is important for the principal to have a role in determining whether it is practicable in that case.

**The Hon. SHAOQUETT MOSELMANE:** We have heard submissions where it was suggested that the school principal may act as a gatekeeper. Perhaps a school principal is of religious leaning and the school meets all the requirements and there are a number of students who would like a class in ethics and the school principal says no. When do you step in?

**Mr WATERHOUSE:** The school principal would not necessarily tell us, but could I just say that the question would be, as an objective fact, whether in that case it was reasonably practicable. In other words, if there was no good reason why it could not be provided, then the principal may not be acting lawfully. We are talking hypothetically, I have not heard of any of these cases, but if there was a good reason such as, "Well, I have asked for volunteers and no-one has put up their hand", obviously the class could not be provided and that would be reasonably practicable, but if they just said no, without providing a reason, it would be hard to see whether it was reasonable.

**Ms BEST:** Could I add that school education directors are direct supervisors of principals in schools and if there is an issue that a member of the community or indeed anyone associated with school staff is concerned about, they are able to raise that with the school education director if they have not been able to resolve the issue with the principal in the first instance, so if hypothetically there was any feeling that a principal was, to use your terms, being a gatekeeper, there is a process whereby that concern can be raised and can be dealt with.

**The Hon. SHAOQUETT MOSELMANE:** I am curious as to the presence in your submission of the statement on page 6:

A Special Religious Education Celebration is being organised for the 29 March 2012 at Parliament House to affirm the place of special religious education in NSW public schools.

What is the relevance of that statement in your submission? I do not understand the purpose of it.

**Ms BEST:** I take your point. I think there probably would be a question as to relevance, except for the heading of "Public Opinion" as an attempt to reinforce the department, and the Minister particularly, acknowledging the work of volunteers in special religious education in our schools.

**The Hon. SHAOQUETT MOSELMANE:** Under the heading of "Volunteers" on page 8 you say:

All ethics volunteers must adhere to the child protection requirements.

Does the same apply to special religious education?

**Ms BEST:** Yes, indeed.

**The Hon. ERIC ROOZENDAAL:** In relation to special education in ethics, has there been any school that has made that available and it has not been taken up by students?

**Ms BEST:** Not that I am aware of. In practical terms, my understanding is that there would be an offer or information provided to parents when a coordinator and teacher were available in that school and there would be communication between the school principal and the parents in relation to that.

**The Hon. ERIC ROOZENDAAL:** Would you say that the department's view is that it has been a successful rollout of the program?

**Ms BEST:** It would appear to be.

**The Hon. ERIC ROOZENDAAL:** What is the anecdotal feedback you are getting from principals about the program?

**Ms BEST:** I have not personally received anecdotal feedback from principals. I can certainly take that on notice and enquire more directly. The anecdotal feedback we have received is more from parents who appear to be happy that their children have the option.

**The Hon. ERIC ROOZENDAAL:** So you believe it is a successful program, actually improving education standards?

**Ms BEST:** As I mentioned before, we have not done a formal evaluation particularly to link to education standards, but the implementation of special education in ethics certainly has not brought to our attention, or my attention, any real difficulties with the implementation of that at the school level. It seems to have been received very positively by school communities.

**The Hon. ERIC ROOZENDAAL:** Someone who appeared earlier this morning—I think it was Catherine Byrne—raised her experience that the vetting process was more rigid for people participating in the special education in ethics program than it was for people participating in the special religious education program. Is that correct?

**Ms BEST:** From the department's point of view, there would be no difference. Individual providers, however, whether it be through special religious education or special education in ethics or any other organisation that was working with children in schools, may impose their own requirements in relation to volunteers.

**The Hon. SHAOQUETT MOSELMANE:** The submissions by the Anglican Education Commission refer to brand of ethics. Do you work with Parents4Ethics and the St James centre as to what brand of ethics they are teaching, or do you not get involved in that process?

**Ms BEST:** It is not the department. The brand or branch of ethics being taught is not a decision that has been made by the department.

**The Hon. SHAOQUETT MOSELMANE:** But you would obviously know what the subject matter is?

**Ms BEST:** Officers of the Curriculum and Learning Innovation Centre I believe have been liaising with Primary Ethics quite closely about the sort of material that would be presented in those lessons.

**The Hon. SHAOQUETT MOSELMANE:** And you are satisfied that that material would meet the department's requirements?

**Ms BEST:** The department does not approve that material. We have been asked for advice and we have provided that advice to Primary Ethics.

**The Hon. SHAOQUETT MOSELMANE:** And that is the same for special religious education?

**Ms BEST:** If we are asked for advice from special religious education providers, we would certainly provide it, but it is the same in special religious education. We are not responsible for approving the material that is presented.

**Reverend the Hon. FRED NILE:** Thank you for providing the enrolment document. What action is taken on the question:

Religion

If none, please write 'no religion'

What does the department or the principal do with that information? What is the relevance of it?

**Ms BEST:** It would be used at the school level to determine the number of students that were in a particular school in relation to the conversations that the principal would have with the local providers of special religious education in their negotiations of the provision of those classes in the school. For example, if there were no students who had identified a particular denomination or religion, that might impact on the negotiations that would occur with the local clergy.

**Reverend the Hon. FRED NILE:** So you are saying that if children put "Catholic" on this document, the school would calculate that it needed so many Catholic class providers, or is there another document? I sense there must be something else that principals use which has more detail.

**Ms BEST:** To answer your first question relating to the provision of Catholic scripture, to use your example, when that was negotiated the information on that form would be used to generate a list of students that may be or would be included in that scripture or special religious education class. That would be provided to the person delivering the lesson.

**Mr WATERHOUSE:** But you are also right that there would probably be additional forms filled in by the particular provider when the child is in the class. There would be separate communication from the special religious education provider to the parents in relation to the children in that class.

**Reverend the Hon. FRED NILE:** There is also concern that at some point, perhaps without any direct order from anybody, the policy was subtly changed from an opt out policy, where all children go to scripture unless a parent expresses a conscious objection and opts out, to an opt in policy, where people had to say, "I want my child to go to special religious education classes." Are you aware of that change?

**Ms BEST:** I am not aware of a specific change in that regard. To take further your example, students would have been identified based on the information on enrolment. My understanding is that if a parent wishes their student not to participate, they need to provide that information in writing to the principal to opt out. That is what I understand to be the current practice.

**Reverend the Hon. FRED NILE:** You are not aware of some schools where principals reversed that policy and said that children had to have a letter from their parents saying they wished to go to special religious education?

**Ms BEST:** No, I am not aware of that.



**Reverend the Hon. FRED NILE:** If that were happening, that would not be departmental policy?

**Ms BEST:** No.

**Reverend the Hon. FRED NILE:** I note in the conditions that the principal has to take into account whether there is accommodation for the ethics class. Are you aware of a limit to the number of children in an ethics classes—that there is actually a set limit?

**Ms BEST:** I am not aware that there would be any limit. Principals, however, would need to make a decision in negotiation with the provider as to what would be a reasonably practicable number of students. Clearly, classes are designed to comfortably accommodate particular numbers, and the area that the class was conducted in would have to satisfy the numbers of students that would be involved. It would be an operational decision—negotiated, I would believe.

**Reverend the Hon. FRED NILE:** You are not aware that the class level would be 15 per ethics class?

**Ms BEST:** No. I am not aware that there is any stipulation regarding the size of an ethics class.

**Reverend the Hon. FRED NILE:** Have you had any reports in which there was some demand for special education in ethics [SEE], and with those smaller class groups, that there was no accommodation available in the school if it is held at the same time as special religious education [SRE]?

**Ms BEST:** I have not been made aware of any such concern. Certainly, we would follow it up if it was made.

**Reverend the Hon. FRED NILE:** It could create problems, though, for the principal in trying to allocate all of that space at the same time?

**Ms BEST:** Well, the principal would have to negotiate an accommodation, and there is an obligation for the principal to do that. In a personal view, it would be unlikely, I would think, that there would be no accommodation possible within a school setting for that class to be accommodated at that time.

**Reverend the Hon. FRED NILE:** I note in your submission, talking about public opinion, that you refer directly to a petition that I submitted, but you make no reference to the many, many thousands of signatures presented by other members of Parliament to both Houses in the New South Wales Parliament. I do not know who actually wrote this. I assume you wrote it.

**Ms BEST:** I certainly had a role in approving it.

**Reverend the Hon. FRED NILE:** You are aware, though, there were many other petitions presented, not just one?

**Ms BEST:** I have been in my position since the beginning of 2011 and personally I am not aware of all the petitions that occurred prior to that time.

**Reverend the Hon. FRED NILE:** I also note in your submission that you quoted as evidence for support for ethics from students one letter to the *Sydney Morning Herald* supposedly by Charlie Fine, a 10-year-old. Do you feel it is logical to use one letter claiming to be by a 10-year-old student, which I assume it was written by the parent, as support for ethics?

**Dr JOHN KAYE:** Oh, that is outrageous.

**Ms BEST:** I cannot comment on whether it was written by the parent or the student. I think it was included just as an example of the anecdotal evidence that we have received regarding a positive response by students to the introduction of the ethics classes in the schools where they participate in them.

**The Hon. SHAOQUETT MOSELMANE:** It is a good letter.

**Dr JOHN KAYE:** It is a really good letter.

**Reverend the Hon. FRED NILE:** That is why I thought it was written by a parent.

**Dr JOHN KAYE:** No. Atheists write good letters, Fred—high-level literacy.

**Reverend the Hon. FRED NILE:** For all I know, it might have been submitted by Dr John Kaye. I do not know who wrote it.

**Dr JOHN KAYE:** Madam Chair, I take objection to that.

**Reverend the Hon. FRED NILE:** I said I do not know who wrote it.

**Dr JOHN KAYE:** I ask that the imputation be withdrawn.

**Reverend the Hon. FRED NILE:** I said I do not know who wrote it.

**Dr JOHN KAYE:** I ask that the imputation be withdrawn.

**Reverend the Hon. FRED NILE:** I do not know who wrote it.

**Dr JOHN KAYE:** I ask that the imputation be withdrawn.

**Reverend the Hon. FRED NILE:** I did not say you wrote it.

**Dr JOHN KAYE:** I take extreme exception, not only on my own behalf, but on behalf of the child who wrote that, who I do not know personally.

**CHAIR:** I am sure Reverend the Hon. Fred Nile can clarify that he did not insinuate that you wrote it.

**Reverend the Hon. FRED NILE:** Yes.

**Dr JOHN KAYE:** He can do that.

**Reverend the Hon. FRED NILE:** You did not write it. Is it correct that the Parents and Citizens [P and C] requested the department to provide supplementary staffing for ethics classes? If that is correct, have you considered that request?

**Ms BEST:** I am not aware of such a request, but that is not to say it may not have been made prior to my accepting this position.

**Mr WATERHOUSE:** I am not aware of it, either.

**Ms BEST:** So I would be happy to take it on notice to follow up.

**Reverend the Hon. FRED NILE:** Has there been any request to pay teachers to teach ethics because of the shortage of volunteers?

**The Hon. SHAOQUETT MOSELMANE:** This sounds like a fishing expedition, Chair.

**CHAIR:** It is a legitimate question.

**Ms BEST:** No, I am not aware of any such request. That matter would be dealt with through Primary Ethics, I believe, and would not be a matter for the department to consider in any case.

**Dr JOHN KAYE:** Mind you, it is not a bad idea.

**Reverend the Hon. FRED NILE:** I note in your submission you have a number of pages quoting "Government response" but, of course, as you are well aware, the "Government response" referred to the previous Labor Government, which is no longer the Government of the State.

**Ms BEST:** Yes.

**Reverend the Hon. FRED NILE:** It is now a Coalition Government, which may have different views—

**Ms BEST:** Yes.

**Reverend the Hon. FRED NILE:** —to those cited in your submission.

**Ms BEST:** Accepted.

**Dr JOHN KAYE:** Thank you for giving evidence today. I want to go back to the issue of child safety certification. My understanding is that for a volunteer in either special education in ethics [SEE] or special religious education [SRE], the requirement is that the provider give you an assurance that that individual has filled in a statutory declaration to say that they do not have any convictions for matters which would raise issues under the children and young people Act. Is that correct?

**Mr WATERHOUSE:** Strictly speaking, no, I do not think it is a statutory declaration. It is a declaration under the Commission for Children and Young People Act, which is known as a prohibited employment declaration.

**Dr JOHN KAYE:** The minimum standards here for the teachers who are going to go into classrooms for special education in ethics [SEE] or special religious education [SRE], all they need to do is sign a document to say that they are okay under the terms of the child protection Act. There is no need for a police check. Is that correct?

**Mr WATERHOUSE:** It depends whether the child protection Act—well, it depends on two things: (a) whether the child protection Act, as you have called it in short, requires them to have the police protection Act. If they are a volunteer who is not in paid employment, that Act does not require a police check. If they are in paid employment and they have direct unsupervised access to children, then they do require such a check.

**Dr JOHN KAYE:** So a volunteer who is teaching in, let us say, Catholic special religious education, all they have to do is fill in a form.

**Mr WATERHOUSE:** Sorry, I should have said that the second exception is that it may be that the employer themselves require certain checks.

**Dr JOHN KAYE:** But from your perspective, what you know about the course and what you know about the people going into public schools, all that those individuals had to do was fill out a form.

**Mr WATERHOUSE:** Yes, that is correct. What they had to do is meet the full obligations of the commission's Act.

**Dr JOHN KAYE:** Yes. We have agreed that if they are not paid, the full obligations of the Act are just purely to fill out a form.

**Mr WATERHOUSE:** When you say "just purely to fill out a form", it is a declaration, which would be an offence to make a misleading declaration on.

**Dr JOHN KAYE:** Absolutely. You would also be aware—because I think Primary Ethics has told the department that this is the case—that every Primary Ethics teacher, every Primary Ethics volunteer, has in addition to that a police check.

**Mr WATERHOUSE:** I am not aware of that, but if that is the case, then that is a requirement that Primary Ethics has.

**Dr JOHN KAYE:** Are you aware of the requirements that the other providers place on their volunteers?

**Mr WATERHOUSE:** I am not aware of all of them, but I assume it would be a range of different approaches.

**Dr JOHN KAYE:** Okay. Thank you. Can we go to the issue, Mr Waterhouse, of what you said before—that the materials from Primary Ethics should be available to parents?

**Mr WATERHOUSE:** This is my own personal view I expressed it as.

**Dr JOHN KAYE:** Oh, it is your own personal view?

**Mr WATERHOUSE:** Yes.

**Dr JOHN KAYE:** I thought it was the department's view.

**Mr WATERHOUSE:** I think I made it clear at that point that it was my own personal view.

**Dr JOHN KAYE:** You also think that the view should be that the teaching materials of all special religious education providers should also be available to all parents?

**Mr WATERHOUSE:** It is certainly my personal view, and it is only a personal view, that any apparent ought to be able to see what material their children are being taught.

**Dr JOHN KAYE:** Ms Best, you and the Board of Studies have both been provided not just with the Primary Ethics curriculum, which is a public document, but also their teaching materials.

**Ms BEST:** Yes.

**Dr JOHN KAYE:** Can you tell me whether you have been provided with equivalent materials for the Catholics, the Anglicans, the Baptists, the Presbyterians, the Baha'i and all the other providers of special religious education?

**Ms BEST:** Not that I am aware of in terms of the department requesting or being provided with that material.

**Dr JOHN KAYE:** You are telling me that the department does not have in its possession material from any of the special religious education [SRE] providers?

**Ms BEST:** I can take that question on notice. There may well be material provided through the Curriculum and Learning Innovation Centre, but I am not personally aware of it.

**Dr JOHN KAYE:** Right. So you will follow up for us at which other materials, when they were provided, were vague provided on a request from the Department, or were they provided as a voluntary matter from their providers, and whether they were provided with the understanding that the material would not be published or handed on to other individuals or organisations?

**Reverend the Hon. FRED NILE:** Or on the website.

**Dr JOHN KAYE:** Thank you for that. I turn now to an issue that Reverend the Hon. Fred Nile took up with you. I refer you to the four dot points in the middle on page 4 of your submission. You talk about the conditions that a school principal would need to consider as to whether he or she would accept an ethics class. Are those conditions identical to a special religious education class?

**Ms BEST:** Not identical in the sense that this is specifically regarding the implementation of special education in ethics and Primary Ethics has the responsibility of implementing—for example, provide a coordinator—and volunteer teachers being available. In relation to special religious education my understanding is that that would be a locally negotiated activity with the principal of the school, the local clergies and the community, and that they would negotiate and make appropriate arrangements in their school based on that negotiation.

**Dr JOHN KAYE:** So the standard of governance on special religious education therefore is lower than the standard of governance imposed on special education in ethics [SEE] by the policy which gave you those four dot points? For example, you require there to be a coordinator which you do not require for SRE. SRE can be negotiated locally, is that correct?

**Ms BEST:** Yes, it can.

**Dr JOHN KAYE:** Whereas SEE cannot be negotiated locally, it has to be negotiated via a coordinator?

**Ms BEST:** I will need to take that on notice because I am not aware personally of the exact details of the role of that coordinator and how they operate in the school—

**Dr JOHN KAYE:** It is in your submission.

**Ms BEST:** —my understanding is that the coordinator facilitates the establishment of the class between Primary Ethics and the school, and that is a facilitation role. That is my personal view but I will get you some details on that.

**Dr JOHN KAYE:** Can you get back to the Committee on that?

**Ms BEST:** Yes.

**Dr JOHN KAYE:** Going to the last dot point: "appropriate teaching spaces available". What advice are you giving principals for the situation where SEE wants to run a class of 20 students and the local Baptists want to run a class of 20 students and there is only one classroom left? Who gets precedence? How do they resolve that? It was said before that rooming should not be a problem. I beg to differ with that. I think if you spoke to teachers they would say quite often their schools are operating at capacity.

**Ms BEST:** All I can say is that I am not aware of any conflict regarding the allocation of teaching spaces. The difficulty is because schools have such different contexts in regard to their physical facilities and other matters that each of these decisions would have to be assessed on the local situation for that school. Personally I am not aware that there has been any issue regarding not being able to offer an ethics class because a teaching space was not available but I can follow that up as well.

**Dr JOHN KAYE:** Thank you.

**Mr WATERHOUSE:** If I could add one small thing? If you look at sections 32 and 33A of the Act, which are the parts applying to special religious education and special education in ethics respectively, they are not directly symmetrical and so the legal requirements are different between the two classes in some respects.

**Dr JOHN KAYE:** Can you elaborate on that?

**Mr WATERHOUSE:** In section 32 the obligation for every school is that time is to be allowed for religious education. Then there is the question as to what is the maximum amount of time—the number of school weeks—and when that time will be which is negotiated with the principal of the school. Then it is the religious education body, or the religious persuasion, that has the obligation and authority to authorise the content of the course being told in that school. In special education in ethics time is to be allowed but it is only if it is reasonably practicable to do so and the parent requests that the child receive special education in ethics. Both of those two conditions have to be met, which are not the same with respect to the special religious education.

**Dr JOHN KAYE:** I want to be absolutely clear on the opt in, opt out issue that was referred to before. A parent fills out the religion form—

**Ms BEST:** The enrolment form.

**Dr JOHN KAYE:** The enrolment form, which has the religion question on it. If there is an SRE provider that matches the box ticked by the parent then that child is assigned to that SRE provider, is that correct?

**Ms BEST:** Initially that is correct but, of course, parents always have the right to change their mind, to inform the school whether, for example, they do not wish their child to participate.

**Dr JOHN KAYE:** But parents would have to take that initiative?

**CHAIR:** Which they do if they feel strongly about it.

**Dr JOHN KAYE:** No, the parents would have to take that initiative. The school does not write to the parents and say: "Are you still an Anabaptist?"

**Ms BEST:** Under our policy in term four each year schools are required to provide information to their communities as to the arrangements for special religious education in the following year. I would suggest when that information is received, if there was a concern from a parent, then that maybe the time they would make their wishes felt and known to the school.

**CHAIR:** Thank you both for your presentations this morning on behalf of the Department of Education and Communities.

**(The witnesses withdrew)**

**(Luncheon adjournment)**

**BRYAN COWLING**, Executive Director, Anglican Education Commission, Diocese of Sydney, sworn and examined:

**Dr COWLING:** I thank the Committee for the invitation to contribute to the inquiry. Having listened to most of the presentations on Friday and your questioning and again this morning, and having read as many of the submissions on your website as I could, I thought probably the most helpful thing for me to do this afternoon in this opening part of the session would be to focus on five significant issues. I realise in the submission from the diocese I have given you plenty of fodder for hundreds of questions, but I focus on five. I have given the Committee clerk a copy of the five points. In teaching circles we talk about this as the graveyard shift, after lunch, so I thought I would give you something visual. Before I go on to the first of the five points, let me say that having listened to what has happened so far I think in retrospect this inquiry may be one of the best things to have happened to special religious education in New South Wales for 50 years as we look back on it and it may become obvious as I make my points.

The first point I want to emphasise—and none of these things will come as surprises to you from the submission but I want to single them out—it seems to me that SRE and SEE must contribute to the delivery of quality education, and by quality education I am referring to quality teaching and quality learning. It seems to me that if we are to have flourishing schools in New South Wales then every part of the school week needs to be contributing to that quality. That includes what happens in SEE and what happens in SRE. My second point is that we are about to see some very significant changes occur in the curriculum landscape of schools in this State, as in the nation, in the pedagogy that teachers use, including their use of twenty-first century technology.

My reading of the situation is that parents are going to increasingly demand more of schools in terms of their children's outcomes, particularly the measurable outcomes, and that is going to place more and more pressure on the way in which the school uses the time that it has available to it during the week. At present SRE and SEE generally occupy prime learning time. In other words, they happen in the first couple of hours of the day, when students are most awake and students are most switched on. It seems to me that if SRE and SEE cannot deliver at a comparable level of quality to the other subjects that are taught by the regular teacher during the week then principals will relegate both SRE and SEE to non-prime time.

My third point is that in our submission we have recommended that the department conduct a professional review of the religious education policy which at the moment has two subsets, special religious education and special education in ethics. I thought I would just put on the record, because I heard it said several times on Friday that there has never been a review of special religious education. Some of you might not have been around at this time but in 1980 there was a review conducted by a committee set up by the government of the day called the Rawlinson review. It seems to me that—and I once was an inspector of schools as well as a director of curriculum in the New South Wales Department of Education, and I know that a lot of discussion over these few days has related to curriculum.

The word "curriculum" seems to be like the word "ethics" and the word "philosophy" where you could have about 25 different definitions. As a person involved in curriculum I have to say to you that the real curriculum in schools is what Douglas Barnes calls the enacted curriculum, that is, what happens between the teacher and the student and all the various things that go to make up the learning experience. We tend to talk about curriculum as the piece of paper that has topics that might be taught in lessons and so forth. We tend to think just of the document called the curriculum. I think we need to be thinking much larger than that and that is a very significant issue. If you accept my premise that SEE and SRE are all about the quality of the education, it seems to me that there needs to be a solid review of the quality of what these two species are doing in schools, and I am suggesting 2014 is a time when both have had a chance to bed themselves down, realising that the criteria for judging what they do will be quality, not necessarily the specific content of what is taught but actually the quality.

As a former inspector of schools I have to say to you, you only discover the quality of the learning by being in the classroom. You cannot judge the quality by how neatly the teacher has written the program that they are going to teach from. My fourth point is looking to the future where we believe the implementation of the Australian curriculum in New South Wales provides an opportunity for a new version of general religious education to be introduced into the curriculum for all students and taught by the regular teacher, who would have to be retrained, and we see that as a complement for those who continue in special religious education being taught by authorised voluntary teachers. I think you will realise that my take on general religious

education is very different to Catherine Byrne's take this morning. I see the value of that for all students being complemented by what is done for the few through SRE.

My fifth point, which has already been referred to by Professor Cam this morning, I think it is about time that in New South Wales all students in our schools were exposed to philosophy or philosophical reasoning as I will call it, and I just do not think that precludes special education and ethics, however it is described, also being an option for non-SRE attendees. You will have picked up in the submission that my commission does not like the term "special education in ethics". We have protested about that from the very first day that it was in the media and we have been told by the department that it cannot be changed because it is in the legislation. I guess we think it is inappropriate language to describe whatever the content is of that particular animal. That is not to say we want to get rid of it, but we want to see a different way in which it is described. They are my five main points that I singled out of the 14-pages we gave you.

**CHAIR:** Just as you say you do not like the term "special education in ethics", is that why you have now used "general religious education" because you do not particularly like the term "special religious education" either?

**Dr COWLING:** I probably do not like the words "general religious education" either because that is in contradistinction to special religious education, but that is historically. It was canvassed already earlier today why we call something GRE, it is about religions, and SRE was to accommodate the settlement in 1880. Even the word "special" there does not really communicate very much to the community. I think in reality people call it scripture and I have indicated in our submission that we think even the word "scripture" is a misnomer now for religious education, which does not necessarily relate itself to scripture.

**CHAIR:** How do you think the Department of Education and Communities or the Teachers' Federation might take your recommendation in item 4 about classroom teachers being retrained to give this general religious education?

**Dr COWLING:** I can predict straight away that the department will say it is too hard. They will say that the curriculum is too full, there is no room for anything else, and the teachers will say, "Who's going to pay for the retraining?" However, by not referencing it, in the Australian curriculum there is an expectation under General Capabilities that students will be learning about ethical behaviour, which, when you see it spelled out, is almost a take out of Professor Cam's initial work. It does not need to be a specific subject taught at one particular time; it could be something that runs right across the curriculum. If I were honest, I would have to say that it is the teacher who teaches the students five days a week who probably has the biggest impact on the formation of a child's ethical approach to life, particularly in primary schools, other than the parents, and it is going to be the incidental learning that is going to be as important as the formal learning. In terms of philosophy, none of our teachers generally has done any study in philosophy. So to win that one I know is going to be a big battle, but as Professor Cam said this morning, New South Wales is the only State in Australia that does not formally teach philosophy in its schools and I think that is a weakness.

**CHAIR:** This is a fairly big rethink of the situation?

**Dr COWLING:** Our commission thought we ought to take this opportunity to put some big things on the table.

**CHAIR:** You are recommending a review in 2014 of this religious education policy, as you say in item 3, including ethics. Obviously, you have a lot of experience being a school inspector and being in charge of curricula in the past. Do you believe that we can accommodate all of this into the school week?

**Dr COWLING:** It can be done. We have to rethink, as schools are now starting to do with their technology. It is no longer an add-on; it is becoming integral to the way they do things. I think the Australian curriculum surprisingly is providing this opportunity for this State to frame something that will last for a long time. I am not really interested in thinking how do we deal with next year, but how do we recast things long term.

**CHAIR:** Are you surprised that the Department of Education and Communities does not hold statistics on how many students are participating in SRE, how many are in SEE and how many are not doing either?



**Dr COWLING:** Am I surprised? No, I am not surprised. Thinking back to the past, the department on a number of issues would defend its position with religious education, "We're hands off" and therefore it does not want to be seen to be unevenhanded and hence some of the responses today I think reflect a fear that there will be a backlash if there is some intervention. But I think the collection of data is fundamental to good evidence-based decision-making.

**CHAIR:** Can you expand on your comments on the curriculum because a lot has been said about the availability of the ethics curriculum. It would seem that some SRE providers have a copy of probably the learning tools and I believe that what is on the website is the curriculum framework. We heard that some SRE providers have had copies, yet ICCOREIS was not aware until this morning that that was the case. It seems to be a bit of a hotch potch. Then we heard from ICCOREIS that it makes its curriculum available, so they tell us from the SRE providers. Are you talking about curriculum frameworks, learning tools, I am confused?

**Dr COWLING:** Let me go back some distance. The department over time has never required SRE providers to provide it with curriculum, if I call curriculum the syllabuses and documents. At the end of each year it asks the providers to give an assurance that the people who are approved to teach its particular religious education are following whatever that particular persuasion said is to be the case. In the case of the Anglican diocese of Sydney, we have produced our own curriculum for years and years and it is constantly being upgraded. Our expectation is that the 3,000 or so volunteers who teach SRE for our church use our curriculum. Some individuals may well depart from that, but that is what we expect to be the case. At the end of last year I am pleased that the department asked each provider to nominate a website on which the public could access their curriculum or outlines of their curriculum or give parents information that would enable them to make a judgement as to whether they want their children to go to SRE. In our submission to the Government after the Knight inquiry we argued that not just Primary Ethics but all SRE providers should have to make that disclosure. We are not suggesting everybody has to print a copy of the syllabus and give it to every parent, but I think parents need to know where to go. You did not ask the department today how many of the providers at the end of last year indicated whether their curriculum was available. The director general's committee meets in two weeks' time and I will be asking a question there as to how many others, apart from us, have put their websites up for public scrutiny and so forth. It seems to me that all the players need to be quite transparent about the printed curriculum, if you like, but I think you only know about the enacted curriculum if you actually see what happens in the classrooms.

**CHAIR:** You are advocating a future process for that. Who would undertake that? Would it be the Department of Education and Communities?

**Dr COWLING:** I really think the department has to be responsible for a process of monitoring. We talk in the submission about a light monitoring. I do not think anybody is expecting that the department will go through and censor the content of what is in particular persuasions' documents, but there is a lot of talk about age appropriateness and that seems to be the only criteria that people are talking about at the moment in terms of SEE. I think the department has a responsibility if it wants quality education to make sure there are processes in place. SEE said to us on Friday that they had mentors who were seeing what goes on in classrooms. I think that is a great idea. I think all persuasions could be encouraged to do that. Again, it gets closer to knowing whether there is quality happening and we are not relying on anecdotes for making judgements.

**The Hon. SARAH MITCHELL:** Thank you for your submission and for attending today. With the review you are advocating into SRE and SEE, why have you chosen the year 2014?

**Dr COWLING:** I think it gives both groups time I suppose to ensure that they are putting in place the strategies that will ensure the quality I am talking about. In the submission we talk about quality in terms of the teacher training, quality in terms of monitoring, quality of the curriculum and so forth. It is too early to be making significant judgements about the effectiveness of SEE. I think that has been canvassed by other people. It will be something new for SRE providers to be accountable to the wider community and in a sense to government for the quality of what they deliver. I think that goes with the privilege of having the access.

**The Hon. SARAH MITCHELL:** On page 9 of your submission you say that your organisation opposes the repeal of the ethics classes but not necessarily because you think that it is the best that we have on offer. You go on to say that you think there are a number of ways that the current arrangements could be improved. By that do you mean just by the introduction of the general religious education classes or are there other ways that you think the current system could be improved?

**Dr COWLING:** I reiterate what I said about monitoring of the process and I think already in this inquiry there are a whole range of things that have come through in terms of how the whole thing could be improved. The communication, even with those documents, beyond the documents, of what each of the two SRE and SEE is about is clearly not understood by the community. Every person has their own take on the word "ethics" or "ethics classes" and they make their judgement on that. I think part of the acrimony that occurred during the course of the trialling was caused by ignorance and then fostered by prejudice. So long as people do not have easy access to the material they will believe it is what it is not.

**The Hon. SARAH MITCHELL:** Some of the other witnesses on Friday—I understand you were here on Friday—talked about offering comparative religion courses as opposed to SRE or SEE. Would you see a comparative aspect being part of what you are advocating for in terms of a general religious education course?

**Dr COWLING:** It depends on how you describe comparative religion. I think the important thing is that children have an understanding of the tenets and culture of the major religions, not with a view to saying this is better than that one, but having a broad understanding as was taught in one of the early social studies syllabuses years ago. But whilst general religious education brought into the department is alive and flourishing through human society and its environment [HSIE] it is more by default than by practice that children have an understanding of the tenets and culture of the major religions. That is evidenced by the fact that the department in the last 15 years has not produced anything to support people teaching general religious education as part of something else. That is why I think there is a need for a redefinition. I would not use that language. We need something different that provides students with that breadth of knowledge against which to place their own faith position, or that of their family, if they want to.

**The Hon. DAVID CLARKE:** Dr Cowling, you have heard the evidence today. It appears that there may have been no tendering process instituted by the previous Government to appoint who would conduct this program. If that is the case would that be of concern to you?

**Dr COWLING:** I am not concerned at one point because I do not think the Government has had any experience in tendering out primary curriculum to anybody. The Anglican Education Commission was of the view when the trial was announced that it might have been appropriate for the Government to have in its mind some criteria by which they wanted such a program to be developed because there is ethics and there is ethics. Certainly the St James Ethics Centre is well known as a provider of training in ethics and so forth, but there could have been other people who could have done so. Professor Cam is not the only philosopher in Sydney who can write material. I am not surprised, if one wanted to achieve a certain end, and given the history of this thing—it goes back before I was the director of curriculum, with people pressing to have philosophy in the first place as a subject and then ethics—that it begs the question as to whether or not there ought to be one or multiple providers of SEE. I think that is a question that has not been addressed.

**The Hon. DAVID CLARKE:** Or for a number of groups or individuals to have an input into what that program is?

**Dr COWLING:** The other side to that that I have thought about is that if New South Wales goes down the track of other States, of giving more autonomy to local schools, a lot of the discussion we have had about something that is centralised will become totally irrelevant. At the moment everything is centralised and therefore your inquiry is set in that context.

**The Hon. DAVID CLARKE:** On this question of transparency you heard various questions and answers relating to the curriculum materials. There is obviously some concern out there by various organisations that they have not had access to curriculum material. You say that is only part of the issue because it is also what happens to the curriculum in practice through the teachers. That is a separate issue. As a starting point would you agree that it is appropriate that those curriculum materials are out there for the sake of transparency?

**Dr COWLING:** I think that is true. When the Board of Studies is bringing out a new syllabus in maths, or whatever, it is always put on the Board of Studies' web site as a draft so the general public can see what is there. There are probably very few people bother to look, but it is made available in that context. I could complain about not being able to see what was going to be taught in SEE before the trial but I know the reasons for that. After the trial was over and in the middle of last year I asked Primary Ethics if we could see the curriculum and within a couple of days I was provided with material—with strict conditions on how I could use it. I do not know why the other providers did not ask for the material, but we did. We used it first of all to understand what was being taught. That helped us to clarify and get rid of our ignorance. We looked at it in

terms of how it speaks to what we do in SRE. We decided—"we" being people who are involved in developing curriculum for Anglicans—that we did not see that we would use any of the material, but it was helpful to see their take on it. Now I have seen the framework again that raises other questions that are helpful for us in thinking through where SRE fits.

**The Hon. DAVID CLARKE:** When we talk about curriculum, people could be referring to the curriculum outline or the full details of the curriculum.

**Dr COWLING:** What Primary Ethics provided us with were lesson outlines, and subsequent material they have given us is more than lesson outlines and resources. That is the data one uses but the teacher then has to read that and translate that into how they go about their lessons. That is another thing again. The framework put on their web site a couple of weeks ago listed 83 topics. I showed some people on the commission what these topics were and there were any number of perceptions as to what "beauty" meant for year two. What was the expectation? There is a bit more text on the web site than that, but even that is not an adequate basis for a professional to make a judgement about the efficacy of what is there. Some of my advisers say to me that talking about children's rights and child labour in year three or four could be an interesting topic for some students and totally meaningless for others. It depends on how the teacher goes about doing it. That will be the same with everything, whether it is SRE or SEE. That highlights for me the difficulty of trying to make a judgement on the topic being taught or the lesson outline or whatever just by looking at the curriculum framework.

**The Hon. DAVID CLARKE:** It is in the eye of the beholder.

**Dr COWLING:** I think that is what it boils down to. Then you have to ask the question: How does the parent, who is a not an educator, understand it?

**The Hon. SHAOQUETT MOSELMANE:** Will you elaborate on why you think that repealing the Education Amendment Ethics Act is not in the best interests of the children at this point?

**Dr COWLING:** For a number of reasons. I think we have an opportunity at the moment with the new policy and the new implementation guidelines which, I think, have created a much more level playing field than people might imagine. We have an opportunity to make that work and I would like to give it more time, and that is why I think 2014 is an adequate time to do that. Secondly, I think on the ground there are pretty good, cordial relations between the providers and I do not want to see that disturbed. I think my other reason is notwithstanding the distance that SEE Primary Ethics has to go in refining and developing its curriculum—and I think I have learned today how much bigger the task is than they have realised—I think there will be a backlash against SRE. It will be SRE that will take the hit in schools if SEE were terminated prematurely.

**The Hon. SHAOQUETT MOSELMANE:** Are ethics classes complementary to SRE? I have asked that question of a number of witnesses. Primary Ethics and Parents4Ethics argued this case, whereas other people have said it is not complementary. What is your view?

**Dr COWLING:** It depends on what is being compared. This morning ICCOREIS said that it saw general religious education and SRE being complementary to each other. I think the reality is SEE is an alternative to SRE for the students who have withdrawn from SRE and take that up as an option. St James Ethics Centre argue that they were not introducing SEE with a view to undermining SRE, and I accept that at face value because almost all the kids who are doing SEE have come out of non-SRE.

**The Hon. SHAOQUETT MOSELMANE:** You say there is no real impact by the introduction of ethics on SRE classes?

**Dr COWLING:** No. A journalist asked me recently whether I thought down the track it might be different. It may be different but I also hold the view that parents should have the right to make choices if the parents choose to go down one track rather than another. It has also been put to me by some people that some students may be withdrawn from SRE. They do SEE for a year and then they might want to go back and do some different SRE the following year and so forth.

**The Hon. SHAOQUETT MOSELMANE:** Why would they do that?

**Dr COWLING:** I think there are all sorts of reasons. Kids change friends and their friends go to other groups but also you can appreciate over time it may well be that some parents have the view, "Let us sample

what is on offer in a variety of places, including SEE." If the ethics classes achieve their end they will be encouraging kids to be very inquisitive and to ask questions and they will want to discover other things. They may think they have learned all that now and I will go and interrogate the people who teach SRE.

**The Hon. SHAOQUETT MOSELMANE:** You have heard earlier that ethics classes effectively are run by volunteers on a very tight budget, if any. In the interests of children would you support them and call on the Government to fund ethics classes, given the situation with ethics at the moment?

**Dr COWLING:** My short answer is no because I think the voluntariness of both SRE providers and SEE is the issue at stake here. If Primary Ethics were contracted by the Government to do a particular task that puts it into a different context. You might then find that SRE providers will say, "We will withdraw our services unless you contract us to do things." The reality is that a lot of things have to be voluntary. The Government should do a thorough review and I do not think those two organisations should have to pay for it.

**The Hon. SHAOQUETT MOSELMANE:** What is your view on general religious and ethics education as an alternative to ethics and SRE?

**Dr COWLING:** For the life of me I do not know how you would construct the creature that Ms Byrne is talking about that rolls those two things together. I think that would simply compound the tensions we have had in the past. Trying to find a way to do justice to both the general religious part of it and the ethics part of it I do not think is as effective as having a GRE of the sort that I am describing and SRE complementing each other and a philosophy program for all kids complementing SEE for the few. I would rather have those two things operating than try to do things her way. I think one needs to look at the research from a variety of places and not just base one's view on what has worked in one part of Scandinavia or Europe.

**The Hon. SHAOQUETT MOSELMANE:** Ms Byrnes relies on those studies. She said those countries are far more advanced than Australia. What is your view on the point that she says Australia is really lagging behind in relation to education on religion and ethics?

**Dr COWLING:** I disagree with her on that. I have looked at what is happening in other countries. The thing that strikes me is that every country is different in its culture and the mix of things that go into what happens. New South Wales is different to Victoria and Queensland. In many things in education I am pleased that that is the case. I think we ought to look critically at other places to see whether we can find good things that we can make use of, but I do not see her solution taking us forward. I think it might take us backwards and create such dissension that nothing good gets done. My bigger worry would be that it plays into the hands of the people who want to see no religion and no ethics taught at all in government schools. I guess that is my bottom line.

**The Hon. SHAOQUETT MOSELMANE:** On page 5 in the last paragraph of your submission you state:

Furthermore, with few exceptions, the working relationships at the local school level between SRE teachers, SEE teachers and principals appear to have been quite cordial. Very few concerns have been brought to our attention.

What concerns have been brought to your attention?

**Dr COWLING:** The only one that came to our attention from all our teachers in Sydney was a principal who made a unilateral decision to change the day of scripture and apparently asked the SEE teacher whether it was okay with him or her and did not ask the SRE teachers. That came to our attention and we had a person on the ground and it was talked through. Just the whole set of guidelines says that it is a consultative process between the principal and the providers. That is the only concern that has been brought to our attention.

**The Hon. SHAOQUETT MOSELMANE:** On page 6 you refer to special religious education and state that that is a misleading definition. Why?

**Dr COWLING:** In the sense that throughout the world special education is a well known way to describe the education that is provided to children who have learning difficulties, learning needs and so forth in government schools. We have teachers who have been trained as special education teachers. Putting the words "special education" in front of the word "ethics" is a mixture that is unhelpful. What does the word "special" have to do with it anyway? Why could we not have lessons in ethics? Our submission was going down the track

of suggesting that even the word "ethics" probably needs to be ditched in favour of something that is a bit more meaningful.

**The Hon. SHAOQUETT MOSELMANE:** On page 7 you argue the descriptions of "scripture" or "ethics" and say that at some stage a wise person will give us some better language to describe what happens. Why not describe it as philosophy and religious studies?

**Dr COWLING:** You can be the wise person that has given it.

**The Hon. SHAOQUETT MOSELMANE:** I am just suggesting it. It is very simple.

**Dr COWLING:** Whatever words you use are going to be understood by some and misunderstood by others. But at least if you choose two new words to describe something that is new there is a chance that people will cotton on to what you mean.

**Reverend the Hon. FRED NILE:** Thank you for your submission and for attending our hearing. I note that you have made this recommendation to the Committee that the Department of Education and Communities conduct a professional review in 2014 of the religious education policy. I assume you are talking about a review of religious instruction, because that is what it says, but in your comments you say no, religious education, in your mind, includes non-religious ethics. How can non-religious ethics be part of a religious education policy?

**Dr COWLING:** That is the way the education department has set the thing up. Religious education policy is on their website and it says there are two things: implementation guidelines for special religious education and implementation guidelines for special education in ethics. In other words, they are treating those two things as a subset of religious education. That is why I used the technical term there. The religious education policy is being now implemented through two different branches—ethics and SRE—and I want my review, the review that is done, to cover both, not just a review of special education in ethics and not just a review of SRE, which is what they did back in the 1970s.

**Reverend the Hon. FRED NILE:** You need to explain that very carefully to politicians because they would assume it is an investigation of religious education, per se scripture.

**Dr COWLING:** I take your point. That would be another example of where the department has got to clarify how things come together.

**Reverend the Hon. FRED NILE:** Would you rather the department separate those two elements under separate headings rather than under what I think is a confusing heading—

**Dr COWLING:** No, I think I would keep them under one heading. There was talk at one stage of there being one Director General's committee. It looks like at the moment we are going down the track of having one for SRE and one for ethics. Sue Knight suggested in her report that there might be value in the two things coming together. I think that is a question that needs to be explored at some stage.

**Reverend the Hon. FRED NILE:** You are also critical in your submission about the delay by the department in promulgating its new religious education policy, which I think your comment was made in August last year.

**Dr COWLING:** I am advised by the department that there are technical issues involved in putting implementation guidelines up on the website. I do not understand the details of that but my understanding is that the policy—maybe it is waiting for the Minister to sign off, I do not know. But I know that the director general's committee saw what they thought was the last version back in August, and whilst members of the director general's committee know what is in the policy and principals have been given a PowerPoint presentation about a summary of what is involved, the general public or SRE providers do not have anything to go on because it is not on the website, and the website is the place where you go to discover what the implementation guidelines are. I think if people see the implementation guidelines they will discover that a remarkable job has been done to ensure that there is fairness in the way in which both groups are dealt with.

**Reverend the Hon. FRED NILE:** In your submission you also reaffirm that you are concerned that there might be a backlash if there were some change made to the ethics course, if it were suspended or stopped.

However, the ethics classes are only being conducted in a small number of schools. You speak as if it is being conducted right across the education field.

**Dr COWLING:** No, I have been talking about 150 to 200 schools. A significant number of people are involved. We sought counsel on this matter from members of the Primary Principals Council and the reaction was of real angst, that if there is going to be another change of that kind then it is not going to be very pleasant at all. I think we took the view let us not create waves too early. To be honest, we have seen the vitriolic letters from people who have seen this whole controversy as an opportunity to get rid of any reference to religion at all in public education, and I guess we do not think repealing this bill will be helping our cause in the longer term for the sorts of things that I have suggested as well, that philosophy in general in education.

**Reverend the Hon. FRED NILE:** We had evidence from Ms Byrne earlier, and she obviously represents a group of influential people in education, I would suggest, who oppose SRE continuing. That opposition is there no matter what you do, no matter what concessions you make.

**Dr COWLING:** I realise that opposition is out there, I just do not want to aid it.

**Reverend the Hon. FRED NILE:** I note that you also make a comment—I suppose you could call it a criticism—that this Committee is limited in its terms of reference and that it is not looking at but should look at the viability of the strategies of Primary Ethics, the adequacy of the training of Primary Ethics volunteers and the linkage between ethics and other school subjects. In fact, there is nothing to stop this Committee looking at any of those areas.

**Dr COWLING:** We found it difficult, looking at the wording, to see whether or not that would be a relevant issue to pursue and, listening to the questioning over these two days, nobody has asked about where the purported curriculum of SEE fits in relation to the mandated curriculum for kindergarten to year 6. Our reading of the situation is that the curriculum framework that has been given to us in some ways picks up on what is already taught in year 2, in year 3, in year 4 and so forth in different areas and in fact the best parts of the framework are very much takes on what already happens in some of those subjects between K-6. That is an example where I give them a tick for at least being aware of what students are studying in terms of topics and so forth. But that, to me, would seem to be a significant issue to be asked and I think in 2014 it is the sort of question that ought to be asked of SRE providers as well: What cognisance is taken by the SRE providers of what students are learning in year 3 if it is a year 3 class you are teaching?

We are trying to do the same thing in our Anglican schools to make sure that when they teach Christian Studies in each grade it does not sit out there like a sore thumb compared to what they are studying in science or maths or whatever. If you are looking at effectiveness, that seems to me to be a criteria.

**Reverend the Hon. FRED NILE:** Under our terms of reference we have other related matters, so as we are conducting the inquiry this Committee is learning more about the issues and we can expand on those areas that you think—

**Dr COWLING:** I was hoping that our submission might throw you lines in a range of areas that you might not have—

**Reverend the Hon. FRED NILE:** That we should follow up. Thank you for that. There is a debate going on about this opt-in and opt-out situation and there are some opinions that the opt-out had been subtly changed to an opt-in and that is why we had a big increase in children not attending scripture.

**Dr COWLING:** Our view before the trial and during the trial was that those schools where principals, for convenience, were working on the basis that SRE was for those children whose parents wrote a letter saying they would like to have their child to have SRE, and that is opt-in, we were concerned that the practice did not comply with departmental policy. My understanding is that in the implementation guidelines, if you get on the web, the principles have been quite clearly enunciated as a policy of the department that opting-out is the standard way these things happen. In other words, the parent has to withdraw their child from SRE in order to take up a place in an ethics class. I thought we went to a lot of trouble to make sure that was clear.

**Dr JOHN KAYE:** Thank you, Dr Cowling, for coming along today and thank you for your submission. I note that your submission is on behalf of the Anglican Church Diocese of Sydney, which is not a member of ICCOREIS, but in fact the Anglican position on ICCOREIS is held by the Anglican Church of

Australia in the Province of New South Wales Excluding Sydney, which is a nice pithy title for them. So there are clearly two Anglican providers of SRE. Do you provide in competition with each other or do you have the State divided up by franchise?

**Dr COWLING:** There are seven Anglican dioceses in New South Wales and each of them is recognised as a provider. The Archbishop of Sydney signs a piece of paper at the end of each year for the Diocese of Sydney. The Bishop of Newcastle will sign off for the Diocese of Newcastle. We were a founding member of ICCOREIS. However, we withdrew three years ago for a variety of reasons. Because we are the largest provider of SRE in Sydney, I was offered a place on the Director General's committee. So I represent the Diocese of Sydney and there is another Anglican on ICCOREIS.

**Dr JOHN KAYE:** But you are not in competition?

**Dr COWLING:** No.

**Dr JOHN KAYE:** So you have a monopoly on Anglican provision within Sydney?

**Dr COWLING:** No-one has ever challenged us.

**Dr JOHN KAYE:** So you have a monopoly on Anglican provision?

**Dr COWLING:** The materials we produce are generally bought by the other dioceses as well as Anglican churches in Sydney.

**Dr JOHN KAYE:** But within Sydney it is people authorised by you who provide all Anglican SRE. It is your people alone. Did you ever tender for that?

**Dr COWLING:** No, that is the way it has always been since before 1880.

**Dr JOHN KAYE:** You have held that position as a monopoly since 1880?

**Dr COWLING:** In the same way that the Catholic Church in Sydney delivers to the Catholics in Sydney.

**Dr JOHN KAYE:** So all the religions have a monopoly position within their sectors; they do not have to tender or go through any kind of competitive process?

**Dr COWLING:** We probably need to go back to the origins of how we ended up with 106 providers.

**Dr JOHN KAYE:** Would you mind if we did not? I am happy to take that information on notice. I want to get to the issue. People have been saying—and you played it a little—that Primary Ethics is a monopoly provider and the process did not go out to tender. I want to be clear: SRE has never been out to tender.

**Dr COWLING:** Yes, if you put it in that sort of language.

**Dr JOHN KAYE:** We talked about the materials that were or were not published by Primary Ethics. Its framework has now been published and it sets out what will be in each lesson. I have been to your website—I think it is your website, but I am confused.

**Dr COWLING:** You probably went to the Anglican Youthworks website.

**Dr JOHN KAYE:** No, I went to the Anglican Education Commission website, which I think is your website. The only thing I found was a link to a bookshop that does not work and a view, scope and sequence button. When I pushed it I was presented with material similar to that provided by Primary Ethics, but only for kindergarten to year 2. Your website does not appear to provide the material that everybody is so cranky with Primary Ethics for not providing.

**Dr COWLING:** I should explain. The Anglican Education Commission is not the operator; Anglican Youthworks is the Diocesan organisation that develops the materials and does all work for the provision of SRE.

Our role as a commission is in policy and advocacy. You would not go to our website. The website we gave the department provides access to the up-to-date resources used by Anglican teachers.

**Dr JOHN KAYE:** All the teaching resources—

**Dr COWLING:** Plus the curriculum. We will correspond with you to ensure you have the right website.

**Dr JOHN KAYE:** Do they publish all materials, including those used by classroom teachers?

**Dr COWLING:** Yes.

**Dr JOHN KAYE:** What child safety checks are carried out on your volunteers?

**Dr COWLING:** That is a fair question. The local minister is responsible by delegation for selecting people from his parish to teach on behalf of the church. People are required to attend child protection training—we call it "safe ministry training"—for a certain number of hours. They must do a refresher course every two years. They fill in the standard form that all SRE providers use for volunteers. Obviously it is different for people who are paid. No police checks have been required by the department for volunteers. I have heard conflicting accounts about that today.

**Dr JOHN KAYE:** That is the Department of Education and Communities.

**Dr COWLING:** It simply requires the provider to certify that it has systems in place to ensure that all the people involved have filled in the right forms and they are of good character. It is spelt out in the forms. They must undergo regular child protection training.

**Dr JOHN KAYE:** I must admit that your submission seems to be in a different voice from your presentation today. I may have misread it, but your submission is quite hostile to SEE, whereas your presentation today appears to be less hostile. Pages 3 and 4 contain examples of statements that people have made. For example, you say that "supporters of SRE from different religious groups saw the trial of ethics lessons as a plot to remove religion from public schools", and "the St James Ethics Centre was criticised for not making ethics curriculum available to SRE providers and the general public". It contains a series of statements that are critical of the St James Ethics Centre and people in the political sphere who support the SEE trial and the SEE implementation. Did you reproduce those statements because you agree with them, because you agree with some and not others, or purely so that the Committee gets a sense of the zeitgeist that surrounded your move from being an implacable opponent of SEE to being able to accommodate it?

**Dr COWLING:** I have a background as a historian and those pages are our take on history. They describe what occurred at the time and within that I tried to pick up the range of responses. It is certainly no surprise that our position changed once we got to a certain point. But when these things were happening there was incredible ignorance about who was doing what. As a member of the director general's committee, meeting after meeting when we asked questions we were told that it was none of our business and that these things were being dealt with between the St James Ethics Centre and the department. We were packed off in the turf war. In that context we had reasons to be concerned. The Archbishop and I met several times with the Minister of the day and we did not feel that we were necessarily being heard. We included those things to try to highlight some of the difficulties that we have had to deal with to get to the point we are at at the moment.

**Dr JOHN KAYE:** But you are making it clear now that you are not seeking to agitate any of those accusations against St James Ethics Centre?

**Dr COWLING:** No.

**Dr JOHN KAYE:** You simply felt the record needed to contain a series of unsubstantiated allegations against the St James Ethics Centre?

**Dr COWLING:** We are simply saying that people made those allegations. It is factual: people made those criticisms. Whether they are right or wrong to make them, it is what was said. It is not relevant. I thought the context needed to be spelt out.



**CHAIR:** Thank you for making such a lengthy and insightful primary submission and then going to the trouble of being here during Friday's hearings and appearing today and sharing your five key points. They will be very useful. The Committee finds it particularly valuable. Thank you for your presence.

**(The witness withdrew)**

**(The Committee adjourned at 2.59 p.m.)**

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