

REPORT OF PROCEEDINGS BEFORE

GENERAL PURPOSE STANDING COMMITTEE NO. 2

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

At Sydney on Monday 12 March 2012

The Committee met at 9.30 a.m.

PRESENT

The Hon. M. A. Ficarra (Chair)
The Hon. H Westwood
The Hon. D. Clarke
The Hon. P. Green
Dr J. Kaye
The Hon. S. Mitchell
The Hon. S. Moselmane

CHAIR: Welcome to the third hearing of the General Purpose Standing Committee inquiry into the Education Amendment (Ethics Classes Repeal) Bill 2011. I acknowledge the Gadigal clan of the Eora nation, and its elders, and thank them for their custodianship of this land. The inquiry's terms of reference will require the committee to look at the objectives, curriculum, implementation and effectiveness of ethics classes in New South Wales State schools and consider whether the legislative change allowing ethics classes in government schools should be reversed. Today we will be hearing from Dr Meredith Doig, President of the Rationalist Society of Australia, The Federation of Parents and Citizens Association of New South Wales, the Australian Council of State School Organisations, the Catholic Conference of Religious Educators in State Schools, the Islamic Council of New South Wales, the Presbyterian Church and Primary Ethics. Today is the final hearing of the inquiry.

Before we commence taking evidence I will make some comments about certain aspects of the hearing. Copies of the guidelines governing broadcast of the proceedings are available from the table by the door. In accordance with the guidelines a member of the committee and witnesses may be filmed or recorded. However, people in the public gallery should not be the primary focus of any filming or photographs. In reporting the proceedings of this committee the media must take responsibility for what they publish or for what interpretation is placed on anything that is said before the committee. Witnesses, members and their staff are advised that any messages should be delivered through the committee clerks. Committee hearings are not intended to provide a forum for people to make adverse reflections about others. The protection afforded to committee witnesses under parliamentary privilege should not be abused during these hearings and I therefore request that witnesses focus on the issues raised by the terms of reference and avoid naming individuals. The committee has previously resolved 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. Please turn off your mobile phones or place them on silent and away from the microphones for the duration of the hearing as they interfere with the recording of the proceedings.

MEREDITH DOIG, President, Rationalist Society of Australia, affirmed and examined:

Dr DOIG: I come here as President of the society rather than in an individual capacity. I would like to first of all start off by thanking the panel for allowing me and facilitating for me to come to Sydney as I do live in Victoria, not in New South Wales. I say that because although we have members in New South Wales who are concerned—

CHAIR: Could you move closer to the microphone please. You are softly spoken and as politicians we are not used to that.

Dr DOIG: Do I need to repeat that?

CHAIR: No, thank you.

Dr DOIG: I was saying that I do come from Victoria. I thank the panel for facilitating me to come up here and appear before you. We do have members in New South Wales and they have expressed their concern and interest in following what is going on with the provision of ethics classes in New South Wales.

CHAIR: Would you like to give an opening statement?

Dr DOIG: If I might. I am conscious that the submission—I hope it is in front of you—may not be welcomed by people sitting around this table but may not be welcomed for different reasons. I would like to open by assuring people around this table that the Rationalist Society is not anti-religious. We cooperate with people of religion and of faith but our stance is that while we are not anti-religious we are pro social cohesion. It is for that reason that we have taken the stance that we have in our submission. As you will see in the submission, our view, our stance, is that neither SRE or EE should be provided in New South Wales schools but, rather, a more general religious education should be given a lot more emphasis, more time and more resources and it should be part of the core curriculum developed by professional educational curriculum developers, and provided, delivered by professionally trained educated teachers. That is my opening statement.

CHAIR: My copy of your submission is not signed. It is headed "Rationalist Society of Australia" but there is no indication of who wrote the submission.

Dr DOIG: It was largely written by me, in consultation with members of my committee.

CHAIR: In these proposals you have for the future you talk about the core curricula for SRE not being properly developed. What evidence do you have for that? The committee has heard evidence from the Department of Education that does not give the committee the impression that it is unhappy with the curricula set by the religious organisations that has been developed over a long period of time with educationalists from each of the church organisations coming together. What evidence have you got that the curricula are badly structured or not appropriate?

Dr DOIG: It is not so much that the curriculum or the curricula themselves may not be properly developed but that they are not authorised by the Department of Education. We believe that in a secular society, one which is committed to supporting social cohesion rather than social division, it is proper, particularly in government schools that the curriculum ought to be authorised and adopted by the representative of the State, that is, the Department of Education. We understand that the curriculum provided for SRE may be developed by educational professionals but we are not sure about that, and that it is authorised by the various religious persuasions but it is not authorised, as far as we understand, by the Department of Education. In government schools we think that that ought to be the case.

CHAIR: Are you aware that the Department of Education has always had access to the curricula? They are placed on the website and are available to everyone.

Dr DOIG: Yes, I understand that that is the case. There is a difference between being able to view the curriculum and authorising it as being appropriate in government schools, which are one of the major institutions in a secular society that can contribute to or detract from social cohesion. Our concern is not so much that the curriculum appears secret or hidden from anybody. We understand that it is available but there is a difference between it being available and it actually being authorised by an organ of the State.

CHAIR: Do you consider it appropriate that the Department of Education sets down guidelines under which all of the SRE providers have to comply, and part of those guidelines would take to the overall structure of what is being delivered? Have you had discussions with the Department of Education? I know that might alter from State to State but have you had any discussions with senior officials from the Department of Education as to what they would take of your submission or what they think of the ask of the Rationalist Society of them?

Dr DOIG: Two things: one is that part of the problem is that I live in Melbourne and not in Sydney. So the answer to your second part of the question is no, I have not personally, and members of the Rationalist Society who live in New South Wales have not personally, approached the Department of Education. The first part of your question was really about whether it might be sufficient for our approval to accept that the Department of Education will accept guidelines which the various churches or religious bodies abide by in the development of their curriculum. I would have to go back and say that our stance is that the very act of having various different curriculums developed by religious bodies is socially divisive rather than socially cohesive, and our preference overall would be that the education provided in government schools ought to promote social cohesion and not social division. In a way we would not be in favour of such guidelines because from first principles we are not in favour of different religious bodies using government schools for the promotion of their own curriculum.

The Hon. DAVID CLARKE: You say in your submission that you believe in freedom of religion and freedom from religion?

Dr DOIG: Yes.

The Hon. DAVID CLARKE: I hold that view as well. In New South Wales we have religious instruction, now we have ethics instructions and we have students who choose to go to neither.

Dr DOIG: Yes.

The Hon. DAVID CLARKE: It encompasses everybody. Is that not freedom of religion and freedom from religion? Secondly—and I want to get this clear—you say that religious instruction creates social division and that is why you do not want any religious instruction in New South Wales classes.

Dr DOIG: Firstly, we believe in freedom of religion and from religion. I put that in a large social context. In Australian society there should be freedom of religion as well as the freedom of people to refrain from or not be forced any into religious belief. However, that is not what we are talking about. We are talking about whether or not government schools, which are a state institution, should be used by religious bodies to promote and teach their own doctrine. That is what we object to; we do not object to religious bodies teaching their own doctrine, but they should not do that in a government school. Freedom of religion would mean that religious bodies could teach their own doctrine, and, indeed, they do teach it in their own institutions at their own time. Our objection would be to the use of government institutions—that, is government schools—by religious bodies to teach their own doctrine. That is the answer to the first part of the question. What was the second part of the question?

The Hon. DAVID CLARKE: I think you have answered that by saying that you believe the teaching of religion in religious classes creates social division.

Dr DOIG: Yes, we do believe that it creates social division. The situation should be set in its historical context. We acknowledge that back in the 1950s, at least in Victoria, we saw the introduction of SRI, as it is called there, within school hours and according to the census at the time about 90 per cent of people ascribed to a Christian belief. However, that is not the case these days. The majority might say in the census that they are Christians, but whether that means they are religiously Christian or culturally Christian is another matter. It is certainly true that that figure is now less than 70 per cent.

Not only that, more and more different religions are now recognised in Australia. I think it is true to say that everyone around this table would support the view that religious diversity and the acceptance of pluralism in Australian society is a good thing; it is something we would all support. Therefore, we would say that the institutions of a democratic society should be designed and supported by the State in such a way as to promote cohesion rather than division. We think that the provision of different special religious education classes—

Christian, Buddhist, Bahá'í, Muslim and so on—in and of itself contributes to social division in that it is the identification of children on the basis of their different religion. On the other hand, there are examples in other countries where the curricula promote social cohesion. They still educate children about religions, respect for other people and provide tools to deal with moral dilemmas and, indeed, social dilemmas, but it is done in a way that promotes social cohesion rather than division and encourages respect between people of different religious persuasions.

The Hon. HELEN WESTWOOD: I will ask some questions arising out of your submission. You speak of general religious education. I assume that that means teaching students about the existence of various faiths and their history, practices, traditions and so on. However, you also say that you accept that more time and resources should be devoted to teaching substantive morality and ethical processes. What do you see as the optimum model operating in the government education system that would meet those objectives?

Dr DOIG: I understand that within the New South Wales curriculum currently there is teaching about religions and ethics. I cannot remember the title, but the course is about moral codes and religious diversity.

Dr JOHN KAYE: It is called "values education".

Dr DOIG: I find it interesting that that has not been raised very often as far as I can tell within this forum. It might be because there is insufficient time, attention and resources paid to that aspect of the existing curriculum. I am also aware that the Australian National Curriculum is starting to look at the possibility of introducing a new or expanded section through the Australian Curriculum, Assessment and Reporting Authority along the lines that we are talking about. That is, it would be education about the world's religions reflecting the major religions that exist in Australia but also about morality and moral codes, where they come from, how they are applied and how they show up in history and about ethical reasoning. I understand that that is the focus of the ethics education that New South Wales has trialled and now implemented.

The Hon. HELEN WESTWOOD: Are you aware of such a model existing in any education system either here—by that I mean in Australia—or overseas that the Committee could consider?

Dr DOIG: I am not aware of any in Australia. However, I am aware of the curriculum in Quebec, Canada, which is called Ethics and Religious Cultures. It had a very different starting point. Canada had government schools that were either Protestant or Catholic. That is very different from what we have in Australia. It took about 10 years for all the various stakeholders—religious bodies as well as non-religious bodies and educational bodies—to develop a curriculum that they felt honoured Quebec's religious traditions. It did two things: first, it encouraged children to recognise and to respect people who are different from them in whatever way. They were encouraged to respect the other. Secondly, the curriculum seeks to promote the common good or what some other cultures call solidarity and what we would probably call social justice or an acceptance of people working together for the common good of the country—the national interest, if you like.

The Hon. SHAOQUETT MOSELMANE: You commenced your comments by saying that some members might not welcome your submission. Can you explain why you had that preconception?

Dr DOIG: For two reasons. One is that it may be interpreted the Rationalist Society is anti-religion because we think that SRE should not continue, and that is one reason why I thought that some people around the table might not welcome our submission. The other reason is that we are also suggesting that we do not think that ethics education should continue and I think other people, for different reasons, might object to that view as well. But I hasten to say that it is not because we are against teaching about religions nor is it because we are against teaching about ethics and ethics reasoning; both of those things we think are valuable. Our objection is twofold: one, that we think that it is not the proper role of the State to support the teaching of a particular doctrine of religion. Religious bodies are free to do that themselves but we do not think that it is the proper role of the State through State schools to facilitate it.

Secondly, we think that ethics is something that is already taught by teachers, by parents, but it is probably not explicitly taught in a way which is really world-class. There are good models around—I have mentioned one and I believe that there are others—for developing a curriculum that encourages children both at primary level and at secondary level, but we would say in different ways because of the way that primary level and secondary level students learn. We think there are curricula around that promote the investigation of the big questions of life, the meaning of life, and where various answers to those questions come from in a respectful

way, in a way that encourages people to appreciate the curricula and other perspective without trying to impose one perspective over any others.

The Hon. SHAOQUETT MOSELMANE: In your submission, particularly the concluding remarks on page 5, you say that the provision of SRE is unaccountable, unprofessional and exposes children to unacceptable risks. That is a very broad, sweeping criticism of SRE given the shortness of your submission. Can you elaborate on this please?

Dr DOIG: Unaccountable in the sense that the State, the education department, does not approve the curriculum. That is what we mean by unaccountable. Unprofessional, in the sense that the curriculum or the service is delivered in both cases, SRE and EE, by volunteers. We do not think that is professional.

The Hon. SHAOQUETT MOSELMANE: But SRE has been developed over 100 years or more.

Dr DOIG: It is still unaccountable and it is still delivered by volunteers. So therefore, almost by definition it is unprofessional.

The Hon. SHAOQUETT MOSELMANE: And exposes children to risk?

Dr DOIG: Because we do not actually know what is going in the classrooms. We do know that in some cases—these are the cases that come to public attention—there are volunteers who offer an interpretation of their religious doctrine which is, we would suggest, socially divisive and undermine the sort of joint democratic values that I think we would all share around this room.

The Hon. SHAOQUETT MOSELMANE: Does the education system in New South Wales have similar experiences to the Victorian system?

Dr DOIG: There are technical differences, but I would suggest there are a lot of commonalities in the experience.

The Hon. PAUL GREEN: Do you live in Melbourne?

Dr DOIG: I do.

The Hon. PAUL GREEN: I note that at the bottom of page 2 your submission states: "We think any curriculum that addresses such important and sensitive areas should be developed by qualified and experienced education professionals"—I know you have already said that—"accountable to the New South Wales Department of Education." Could you clarify how you see that working?

Dr DOIG: In the same sort of way as all other curriculum is accountable to, I think it is, the Board of Studies.

The Hon. PAUL GREEN: The ethics course that is currently operating is that not under that situation?

Dr DOIG: As I understand it, but I stand to be corrected here, the education department has cooperated in some way by giving feedback to the ethics education syllabus. It was not clear to us whether or not that meant that the education department approved or did not approve the ethics education syllabus.

The Hon. PAUL GREEN: But your application would be it would be under the Department of Education if such a syllabus was approved?

Dr DOIG: We think it is proper that what goes on in government schools ought to be approved by an organ of the State, that is the education department in this case.

The Hon. PAUL GREEN: You also state in your submission, "We think teaching moral codes of behaviour and ethical reasoning are too important to be left to volunteers"—that is interesting because there are a lot of volunteers out there doing it—"no matter how well meaning and ought to be a part of the core curriculum to appoint professionally trained teachers." Could you clarify why you think they cannot do the job that they have been doing for maybe 100 years?

Dr DOIG: I was having this conversation just outside before I came in here. I think we could all probably nominate particular volunteers that we think do a fine job, and I am sure many of them do. Our concern is with the design of the system. There is no way that you can assure that volunteers will do a fine job and therefore we think the system is wrong. It is not meant to be a criticism of all volunteers; I am sure some of them do a fine job; I am sure some of them maintain the ethic or stick within the boundaries of the agreed syllabus, but—having been a teacher myself in a previous life—there are skills about how to teach and the way that trained professional, experienced teachers deal with some questions that can come up in a way that does not betray their own perhaps strongly held views.

I would no more like volunteers to impose an atheistic worldview as I would a Catholic worldview or a Buddhist worldview. I think it is entirely proper for the religious bodies and the atheists themselves to try to persuade people of the correctness or the value of their position within the marketplace of ideas. I do not believe that it is appropriate to have volunteers try to impose those views within a government school system.

Dr JOHN KAYE: Can I say at the outset that while I might not necessarily agree with everything you say in your submission I certainly welcome your submissions; they are extremely well argued. Just to be absolutely clear, what your submission says is that you do not want special education ethics because you do not want to see SRE. But in a world where SRE was a given—let us assume for a minute that SRE is going to happen—do you or do you not support the provision of ethics as an alternative to SRE?

Dr DOIG: Yes.

Dr JOHN KAYE: You do. Are you passing any comment on the quality of the existing provision of primary ethics in New South Wales?

Dr DOIG: Yes. I have had a look at the outline of the curriculum, although not the curriculum materials, the syllabus materials. It would appear to me that it is a rather courageous syllabus, and I am conscious that earlier in your hearings you heard from Dr Sue Knight, who was adamant or gave the view strongly that very young children can deal with moral dilemmas in a way that might appear to those of us who are not familiar with research to be in a very adult way. Being a rationalist I need to be open-minded about these things. From my own training in education, which was decades ago now, I would have thought some of the moral dilemmas that are posed in the ethics educational curriculum would be somewhat too sophisticated for young children. I stand to be corrected, although I do note that you have had other people sitting here saying that they also think that it is perhaps too sophisticated for young children. So I am not sure about that, and I think we do need to hear from the educational experts in this area—one of the reasons why I think there needs to be a really professional look at what would work based on really good understanding of child psychology and child development.

Dr JOHN KAYE: Have you had a chance to look at any of the curriculum or curriculum material for special religious education providers in New South Wales and would you argue or accept that it is age appropriate?

Dr DOIG: Unfortunately, I have not had a look at those materials.

Dr JOHN KAYE: When you talk about the curriculum of special religious education not being authorised by what is now known as the Department of Education and Communities in New South Wales, are you talking about the broad outline, the lesson plan, or the actual materials? One of the difficulties that has confronted this Committee is the variety of different meanings for the word "curriculum".

Dr DOIG: Whatever system applies to other areas of the curriculum—science, English, history—we believe ought to apply to special religious education, or in fact to special ethics education.

CHAIR: Thank you for sharing your thoughts and for your well constructed submission, and thank you for your conduct during this inquiry.

Dr DOIG: Thank you.

(The witness withdrew)

PAT CLARKE, Parent and grandparent, Executive Member, Federation of Parents and Citizens Associations of New South Wales,

KELLY MacDONALD, Research and Policy Officer, Federation of Parents and Citizens Associations of New South Wales, sworn and examined, and

SHARON JOHNSON, Member Services Officer, Federation of Parents and Citizens Associations of New South Wales, affirmed and examined:

CHAIR: Would you like to give an opening statement?

Ms JOHNSON: I will, on behalf of the organisation. We thank the Committee for having us here to make an appearance today as the legislative organ of parent voice in New South Wales and representing some 750 enrolled students and communities—

Dr JOHN KAYE: 750,000?

Ms JOHNSON: 750,000—possibly—enrolled students in the community. The Federation of Parents and Citizens Associations of New South Wales is proud to be the parent voice and the community voice for public education. We are not shy about saying that. We are free, we are open to all and we are inclusive. We like to think of ourselves as contemporary and we would like to consider that we put the needs of the child—our children, your children, everyone's children—first and foremost before the policies and the educational reforms that may be on foot on the day. We say that with an acknowledgement that our organisation has been structured as an incorporated entity since 1922, so obviously the three people that stand before you are but stewards of the entity that existed long before and will exist long after we leave. On saying that, we welcome your questions and would love to discuss our submission to yourselves today.

CHAIR: Given the implementation now of special education in ethics [SEE] and the pre-existing special religious education [SRE], what are the views of the parents and citizens federation in terms of the children that are still left often without meaningful things to do during the time that other children are attending special religious education or special education in ethics? Do you have any strong views as to what should happen? Should there be some guidelines as to what activities they should do? Are you happy with what they are doing?

Ms JOHNSON: We do not know what they are doing. We find the biggest flaw in special religious education has nothing to do with the pedagogy that occurs in classrooms, it is the children left outside the classrooms, and that is where the need for an ethics based or a non-religion alternative began—it is actually the core of it. There is a potential for up to 750,000 students to be disengaged for at least an hour a week in New South Wales public education facilities and just the notion itself is untenable. An educator who calls for a less crowded curriculum cannot understand why children might be sitting in corridors, why children might be doing homework, why children might be doing nothing—indeed why teachers should be sitting around doing nothing.

It is actually apathetic to their very purpose of being on that site at that time. If children would like to do nothing, perhaps the home is a better place for that to occur. What we would like to see is that all children are engaged at all times in an activity, an endeavour, an understanding or a journey that enhances their experience at the school. The hour where any child is disengaged could be the hour where you lose them. It could be in Year 2, it could be in Year 7. We all know that we have trouble in a contemporary society keeping children enthused and inspired and making education relevant to them, so the potential for children to be disengaged is actually the root and the core behind ethics education. What we would say is that we are exasperated, as always, that the Department of Education and Communities has no hard data. There is no audit to tell us how many children are out and how many children are in. We have a general idea of how many are opting into education in ethics, but what we do not know is what the potential is for those children who are in the abyss, if you like.

CHAIR: You would like to see a better collection of statistics so that we have a hand on what is happening in every school in terms of special religious education, special education in ethics and those children not engaged in either one of those activities, and perhaps stronger guidelines as to what those children who are not engaged in those classes are doing and greater involvement from teachers in setting down meaningful activities. Is that where you are going?

Ms JOHNSON: Most definitely. The potential is that we might not be capturing all the children. That is obviously a very crude statement, but we need to have a sophisticated conversation and the way to do that is with those statistics. Perhaps there is another option here. Perhaps there is a further model that we have not considered because we do not know who is disengaged. Until we know who they are and paint the picture to see what they look like and what we need to address for their needs we will not be able to even begin to have that conversation.

Ethics in education is certainly a huge step forward; however, no-one would purport to sit here today and say that it is the silver bullet and the solution to all. So, yes, there is further discussion to be had. Ethics in education opens up an opportunity for 3,100 children currently and it also opens up the opportunity for those school communities who would like it to raise an active voice and ask for it. That is the potential for delight in this, that it is an actual community voice and a parent voice that can raise this project and this pilot—it is not a pilot now, this actual study in their school communities. Where parents are calling for it, we know that where parents are engaged in their child's education the child is more likely to enjoy the education and most definitely more likely to succeed in the education.

CHAIR: Does the Parents and Citizens Association have any strong views about what type of activities children who are not receiving special religious education or special education in ethics should engage in? There will always be a percentage of children whose parents—or the children themselves—do not wish them to attend either one of those classes. Do you have any views on what sort of activities should exist for those children? We are devoting a lot of attention to the children in the classes; what about the children not in the classes?

Ms CLARKE: At the moment at my school children are colouring in their covers for their exercise books. Now, there has to be a better opportunity for children to learn. I do not feel that children can afford to waste time. If you do not capture that child you lose the child. We need every child to be captured at school, so something more constructive has to be available. I understand they cannot be doing something to disadvantage the children in special religious education at the moment, but there has to be something more constructive that they can be doing. Last year some of the children at our school loved non-scripture—they played Lego. That is not good enough for children. Not today. We have got not enough time for children to waste time at school.

The Hon. SARAH MITCHELL: You mentioned in your submission that you did a survey in 2006 and one of the other submissions from witnesses we are hearing from later today also talks about that. You say that a clear majority of parents were in favour. I am happy for you to take it on notice if you do not have the statistics with you, but how many parents did you hear back from and what were the actual results?

Ms JOHNSON: I would have to take it on notice. I do apologise.

The Hon. SARAH MITCHELL: That is okay. Is that something you would be able to provide?

Ms JOHNSON: We certainly could.

The Hon. SARAH MITCHELL: Thank you. One of the criticisms that has come through in the previous two days of hearing has been in terms of parents' ability to access the curriculum for special education in ethics [SEE] as well as special religious education [SRE]. Do you think that if parents had a better understanding of what was offered in both classes it would help them to make their choice in terms of where they want their child to spend that time or if they want them to opt out of both? Have you had any feedback on that?

Ms JOHNSON: It is not necessarily a curricula issue with parents. That tends to be one of those very academic words that make their eyes start to glaze over. What parents feed back to our organisation is their child's real experiences: The discussions that occur after a special religious education class or the discussions that occur after a conversation has started in special education in ethics. This is an opportunity, if you like, for parents to discover the journey that their child is going to make as a citizen. Both of these are opportunities for a child to navigate, to be adventurous and to find themselves. Most family homes will not sit around talking about the curriculum but most family homes will sit around talking about, "What did you feel about that," and, "How do you feel about that?" It is the questions of where, what and how. It is the very vulgar and unsophisticated but very real conversations that are occurring in homes in New South Wales that we hear about as an organisation. We respect these and we hold these up sometimes higher than the academic arguments because they resonate in the communities and the impacts, both positive and negative, affect us all.

The Hon. SARAH MITCHELL: Do you think parents know enough about the options? When they decide if they want their child to go to SRE or SEE do you think there is enough feedback in terms of them knowing what their child is going to learn?

Ms JOHNSON: I think it would be impossible to have an understanding or to represent an understanding of what parents might know. I think that parents are aware of where they can access information. I think that the Department of Education and Communities is very open with the information that parents can access. I think they develop tools and resources that are current. Electronic resources are the new ones where parents can speak many different languages to get the message across. I think the medium is more important. Most importantly though I think the most significant way that parents get an understanding of what is on offer in SRE and SEE is through the child.

The Hon. SHAOQUETT MOSELMANE: My first question is in relation to the second dot point in the preamble to your submission where you say:

The Government has prime responsibility to provide an education system open to all, which is free and secular.

Can you explain why it should be secular and not provide religious education as well?

Ms JOHNSON: Happily. We will go back to the archives and I suppose it would be rude of us not to acknowledge that the State took over the role of educating children from the churches, the Christian as churches indeed. When they made this negotiation and they agreed as it was legislated that special religious education would be allotted. That was the agreement and that is where it stops and starts, so anything other than this agreement is outside the terms of the time and of the day. Certainly the Education Act does protect the provision of religious education under sections 32 and 33; however, and we emphasise this point, under section 6 it does say that the State has an obligation to provide high quality education. We think that to add this complement to our children's educational experiences does actually fall within that category of their obligation. Any rescission of that would be absurd and would actually diminish their responsibility and one of the key objectives under the Education Act 1900.

The Hon. SHAOQUETT MOSELMANE: My next question relates to the part of your submission that states:

In December 2010 P&C Federation was elated that legislation was passed to permit those students who opt out of Special Religious Education to undertake meaningful participation in Ethics.

There were some arguments made that the previous Labor Government rushed through the legislation. Is that your view, or is that just a criticism of the Labor Government of the time?

Ms JOHNSON: I suppose that is where the argument comes to not make politically rational decisions for educational reforms. Certainly it was hasty in delivering the program; however, since 2003 we had been advocating for this and it has been a long, well thought out and well argued debate. Discussion has been invited through many forums, not just with the Ministers. Certainly we were very frustrated with the Labor Government's reluctance to annoy anyone who might have a persuasion against ethics in public schools in New South Wales. So some rigorous debate saw us be what we would call elated. I actually giggled then, I thought it was hard for us to be elated but, no, I concede we were elated to have ethics in education on the map and ready to go. We were prepared. If the Government were not prepared and were hasty in their decisions, that question should probably better lie with them, but in our circumstances we were ready.

Ms CLARKE: If I might add I think we would have been elated no matter what Government was in.

The Hon. SHAOQUETT MOSELMANE: But my question was basically that it had been going on since 2003 and it was about seven years before the decision was made, so it was not really rushed through or done in haste. My last question relates to the points that have been raised a number of times about children who are atheistic or religious or non-religious going into ethics classes. Do you find that it is an issue for parents whether they are believers or not believers and going through SRE or SEE?

Ms JOHNSON: We have had no formal complaints raised by individual parents. The only complaints we have had is a reluctance of the school community's bureaucracy to embrace the ethics programs. We have had numerous complaints in line with that agitation. However, we tend to try to make remedy where we can to make sure that the whole community is on board. Key to the success of any educational experience in the school

is that everyone has to be on board. No, we have not had any specific complaints as an organisation since the pilot has begun; however, it is fair to say and we all have anecdotal information of experiences where people who are of a non-religious background support the child being exposed to special religious education and where people of a special religious education or a specific doctrine encourage their children to be exposed to a diverse and varied experience, including ethics. I do not think there is any hard or fast area. I certainly do not think that anyone, particularly not the Parents and Citizens Federation, says that to attend either special religious education and/or special education ethics is contradictory in any way. They would complement each other.

The Hon. HELEN WESTWOOD: Does the federation have a view on the quality of the curriculum of the ethics classes?

Ms JOHNSON: We certainly do. With respect to the previous speaker, we were sitting in the gallery and we heard that some of the conversations are too sophisticated or too mature for children and we looked at each other with the look that you can only give when you are a parent. There are, particularly in today's modern society, very few taboos or few boundaries that children will not encroach upon whether you like it or not. We find that the curriculum that is offered does allow for a child to test what they are comfortable with—that is key to us in the success of the program. It is fantastic for the child who can navigate their way through it and reach an outcome; however, that is not an objective. More importantly is more about equipping the child with some resilience and some understanding about what they feel in the situation. No, we are satisfied with the curriculum so far.

Ms CLARKE: Children, from my experience, seem to know how much they need to know and they know how far they want to go in an inquiry. So if they are discussing something they seem to come to their own end or they seem to be able to get comfortable with a discussion. They do not have to know the whole ins and outs of how electricity works, they just need to know so much and at an older age they might want to know a little bit more. Children seem to be able to tackle a lot of sophisticated discussion at their own level and they seem to be to work out their own level. I do not see that as an issue.

The Hon. HELEN WESTWOOD: Did the federation have any input into the curriculum for the ethics classes? If not, was there any consultation with the federation about it?

Ms JOHNSON: Yes, we did. We talked from the early days of the very crude what we would like it to look like or what it might look like. Who is best facilitated to deliver this? Who is best facilitated to have these conversations? As parents we are often aware not as the qualified expert but as the first educators of children, we are best informed to say what our kids are talking about and discussing and feed that in. We had a representative on the ethics board and we certainly fed our communications from our State Council direct to the board and worked with them up until the pilot was delivered. It was very important for us to not interfere with the pilot, so that it was authentic. We believe we have upheld our end of the bargain and we were elated to see the results, the 95 per cent success. The feedback was fantastic; it exceeded what we had anticipated.

The Hon. HELEN WESTWOOD: Has the federation had the same opportunity to have put into or consultation on the curriculum for special religious education?

Ms JOHNSON: We have the same opportunities. The exact same vehicles and the exact same mediums still exist. Our State Council has an ability to persuade or make comment, as would anyone, on the curriculum. At this point in time, however, the newness of the program means that the review—that occurred at the evaluation—has not been tested again. We are just keen to see that students in public education get this opportunity and then perhaps there is an opportunity to review it somewhere in the future. We do find these types of threats in the media to remove it, repeal it, rescind it, get rid of it, not vote for it, distract from the main objectives of the program, and certainly they definitely distract and send a somewhat distinct message to communities that it is perhaps not what they should be looking at. This is unfortunate for us. We do not want to detract from any child's opportunity. No child that goes to a class should think that they should not go there or that it is controversial. Why is this the talking topic? To be fair, yes, we have been able to make our comment and our remarks; however, we would like to give it a chance to get up and running and to have a real good look at it and see where it sits within another 12 months. We hope this Committee will look favourably on that and gives it that very chance.

The Hon. PAUL GREEN: In terms of your placement on the ethics board, were you of the view that there should have been an opportunity to tender to conduct the ethics class? St James obviously got the job but

were you concerned that the job was given to one particular organisation or were you of the view that it could be tested by a few organisations?

Ms JOHNSON: We are not of one mind there. St James Ethics is well positioned and had been part of the journey with us as an entity. So we are pleased with the work they have undertaken and know that they are well founded to undertake it. There is no professional concern for us. However, there is no objection from us either if it was to be put out to tender. The appropriate way is something that is red tape for us and we would respect that the Government has its opportunities to fill these positions as it sees fit. Wherever there is a compromise or a conflict we would certainly identify it, particularly if it sits within ourselves as an organisation. We did not see any conflict at the time and would have no objection to whichever way the Government decided to go forward.

The Hon. PAUL GREEN: So you would not be worried by allowing other ethics groups to apply for a contract if the opportunity presented itself to offer ethics groups across New South Wales?

Ms JOHNSON: If that was up to the consideration of the Government of the day we would have no objection.

The Hon. PAUL GREEN: I note your submission. The understanding of the ethics classes was for opting out by those kids whose parents had a conviction about not having them participate in special religious education, or perhaps the kids themselves asked for that, and they were left in a black hole, so to speak. It was always in the spirit that this was for the kids that had nothing else to do and this would give them something meaningful to do. I note that Pat talked about that earlier. So if a parent suddenly did not want their child in ethics or special religious education, what else would you suggest they be involved in?

Ms CLARKE: If they cannot be doing something that would disadvantage the other groups then perhaps reading. I am not quite sure but I am sure the department would be able to indicate an area that would not have conflict with disadvantage. See if you are going to teach them something new that disadvantages other groups, so I do not think that is what we are interested in. I can see where you are coming from. It could be worked around but it needs to have more instruction than is given at the moment. At the moment, from my inquiry at the schools that I have had some personal contact with, they do not do anything of value and there has to be something better than nothing at all.

The Hon. PAUL GREEN: Would your opinion be that the Committee should not only look at that but it should also look at other things that could mean another option for those kids who are not involved in special religious education or ethics? Would you suggest that the Committee should be looking at a third arm?

Ms CLARKE: I thought this inquiry was just to discuss whether ethics was to continue rather than what we would do with the other children. So I am not really comfortable with answering that question.

The Hon. PAUL GREEN: I only bring that up because it is something that is filtering through to the Committee. As the inquiry has been proceeding the Committee has been finding that some have been diametrically opposed to special religious education, the second thing is that it is meant to be complementary or alternate, and the third thing is that it is an opt-out issue. If it is an opt-out issue some parents might want their child to opt-out of both of those things; where does that leave them? I think it is very much to the point of reference as to what we are trying to do in this situation.

Ms JOHNSON: Perhaps a repeal bill on sections 32 and 33 of the Education Act might get you there, with respect.

The Hon. PAUL GREEN: But we want holistic education.

Dr JOHN KAYE: I thank the P & C association for their submission and for the detail they went to in their submission. I want to drill down to a couple of issues raised in your submission. The 2003 motion to the Parents and Citizens Federation Council referred to an ethics-based complement to special religious education [SRE]. What did you mean? What was in the council's mind when they used the word "complement"?

Ms JOHNSON: It really leads on from the last little part. We could not possibly represent council as it was an actual annual conference.

Dr JOHN KAYE: It was a conference, I beg your pardon.

Ms JOHNSON: I think Pat might be best situated to try to get into the mind of the council.

Ms CLARKE: Well, I do not think it was in competition; put it that way. The whole idea of ethics was not as a competition to grab children from one to the other.

Dr JOHN KAYE: So, Ms Clarke, it would be fair to say that the word "complement" in that motion and in the Parents and Citizens Association language since then means an alternative that is not in competition.

Ms CLARKE: That is right. It sits side by side.

Dr JOHN KAYE: Okay, good. Thank you for that. On page four of your submission in the middle you talk about "nearly 100 Schools sending through formal motions and correspondence to the St James Ethics Centre". Were any of those negative, or were they all supportive of the ethics classes?

Ms JOHNSON: Supportive.

Dr JOHN KAYE: Have you had any feedback from any of your constituent P & C association organisations, or any negative feedback with respect to the ethics classes?

Ms JOHNSON: Out of 2,300 schools we have had two individual complaints: one was not a P & C association member and one was a P & C association member, but that is it, on record.

Dr JOHN KAYE: How does that stack up against people who have expressed their support for the class?

Ms JOHNSON: Incomparable. We have not captured the data on how many favourable comments we get because we are inundated. At any time there is a media release, any time there is a blurb—sometimes it is not even us doing anything to raise interest—it is parents complementing what their child's education looks like at the moment. Certainly incomparable, but we do address the complaints when they come in, though.

Dr JOHN KAYE: So you have had two complaints and neither of those are resolutions of a constituent body. They were individual complaints.

Ms JOHNSON: Yes.

Dr JOHN KAYE: You had a large number, maybe thousands, of positive feedback. Have you had specific resolutions of school-based P & C associations that have supported the ethics classes?

Ms JOHNSON: Yes, most definitely.

Dr JOHN KAYE: Do you know how many of those you have had?

Ms JOHNSON: Direct to our office, we would certainly have all the schools that have participated in the pilot and we have had four regional councils actually affirm, and reaffirm, their standing with the ethics program as a complement. But as for the number of particular schools that are distinct, we stopped capturing them after the evaluation.

Dr JOHN KAYE: Fantastic. It has been suggested by one submission that section 33A (3) be repealed. I do not expect you to know what section 33A (3) is. I am about to tell you. It has been suggested that if section 33A (3)—that is part of the bill that went through in late 2010, which prohibited the Minister or the director general from stopping a school providing ethics classes, given all the other things in the legislation—were amended in any way, what do you think the implications of that would be?

Ms JOHNSON: Well, what is the opposite of "elated"? Let us start there. I think the ramifications are untenable in our mind. As an organisation we have to say that it is the responsibility of government to show and demonstrate leadership to a community. This goes back to our very opening remarks about putting the needs of the children before political or educational reform just for the sake of it. So what would be the biggest issue? It would probably be that you would send a message to the community that to have an adventure on your own, to

do anything un-navigated, to use something that does not have a script to it is somehow wrong, or somehow not appropriate. I think that when you look at any direct rescission of this ethics education sends a very obvious and unsubtle and crass message to the community, of which an organisation like ours would champion even harder against because that would be an erosion of our rights.

Dr JOHN KAYE: Just very briefly, before you said in response to a question from the Hon. Paul Green, that you would be okay with other providers for the ethics classes. Can you put parameters around that? For example, would you be happy with the Catholic Church providing special education in ethics [SEE]?

Ms JOHNSON: Well, it would be interesting to see what their presentation might look like. I do not think there is any reason to narrow or limit any scope. If we are going to be authentic in providing services, we need to say, "Let's look at it." However, the P & C federation would love to be on that panel and we would love to look at what our children will be affected by, the same as we are on all of the director general's advisory groups. So we would see the situation as no different to any other where suitability would be tested and, at the end of the day, the accountability and responsibility must lie with the department; and, at the end of the day, all faults and blames will lie with the government of the day that makes the decisions before us.

Dr JOHN KAYE: We should be so lucky. Thank you very much.

CHAIR: I thank the P & C association of New South Wales for your very learned approach.

(The witnesses withdrew)

(Short adjournment)

DIANNE GIBLIN, Chief Executive Officer, Australian Council of State School Organisations, and

DENNY GROSSMITH, Vice President, Australian Council of State School Organisations, affirmed and examined:

CHAIR: Welcome Ms Dianne Giblin and Ms Jenny Grossmith from the Australian Council of State School Organisations. In what capacity are you appearing before the inquiry?

Ms GROSSMITH: I am appearing as a representative of the Australian Council of State School Organisations, but more so as the President of the Tasmanian State School Parents and Friends, which is an affiliated member of the Australian Council of State School Organisations.

CHAIR: The opportunity is provided to you to make an opening statement if you wish; it is not obligatory?

Ms GIBLIN: Firstly, could we acknowledge the traditional owners of the land and pay our respects to elders both past and present and any Aboriginal people who are here today. I extend also the apologies of Peter Garrigan, the President of the Australian Council of State School Organisations, who, unfortunately, had a personal commitment that he needed to attend today. Hence, Jenny has rushed from Tasmania for me this morning to support us. Can I put on the record also and declare upfront my previous affiliation so that you are aware. I was the President of the New South Wales Federation of Parents and Citizens Associations at the time of the ethics submission and the trial period. I retired from that position in July 2010. As an individual I was invited after my retirement to become a director on the board of Primary Ethics. The evidence and opinions I give today are on behalf of the Australian Council of State School Organisations.

The Australian Council of State School Organisations thanks the Committee for this opportunity. As the national organisation, we support our State affiliates across New South Wales and parents in public schools representing over 2.2 million—they tell us now 2.3 million—children in the public schools of Australia. It comes to our attention to support and be somewhat concerned about the thought of repealing this particular Act. We have seen through our office many cases of families needing support for these young people and for the equity of access to something meaningful during that time of special religious education. This particular State has been quite progressive in its introduction of an ethics course as an option and complement to SRE in New South Wales schools and an alternative for those young people who have opted out of special religious education.

We know as a country that we are very multi-faith and multicultural. We have families to whom religious education is not provided in the school their child attends or the family has no theological basis to their beliefs and systems. So these children need to be not discriminated against and, in actual fact, have that option of attending an ethics class. As the national State organisation we work very closely with the national Government on the implementation of the Australian curriculum and we are very much in the forefront of diversity education. We believe in particular that this ethics course supports the values and beliefs of diversity education, something that is very much an integral part of the Australian curriculum as it is being rolled out today.

CHAIR: The Committee has heard a lot of evidence about an unsatisfactory situation where we have students in SRE and SEE and a percentage of students still not involved in any meaningful activity. Do you have any views on what should occur with children whose parents decide, for whatever reason—in consultation with the children or not—that they do not wish to be involved in either special religious education or ethics education? What do you believe is the role of the Department of Education and Communities in setting meaningful activities for these children?

Ms GIBLIN: I think that during special religious education time there is now offered in New South Wales a secular choice. I believe those options are open to parents. If parents choose to opt into either of those, then there remains the alternative of these young people being part of busy work. While it is not satisfactory, we believe that the option is now there for either a faith-based choice or a non-faith based choice in that particular time.

CHAIR: What about the children who perhaps are left colouring in, as the previous witnesses told us, the covers of their exercise books or just fiddling around doing very little? Is there any concern about those children?

Ms GIBLIN: There is always concern about children being involved in busy work as opposed to meaningful conversation. Parents have made a choice here, though, if they do not choose to opt into the secular choice or the special religious education.

CHAIR: Are you saying that the teachers or principals should not be looking at setting more meaningful guidelines for activities for these children?

Ms GIBLIN: I think that is a policy for the Department of Education and Communities to consider that something does happen. But I believe that at this point in time we have put forward the two options—the secular and religious-based options—and parents would be aware of that.

CHAIR: What about the collection of statistics? Quite often it is raised that the public, the Department of Education and Communities, the Government has no idea of the percentage of children in each individual school or region enrolled in SRE or SEE. Is this something about which you are concerned?

Ms GIBLIN: It was difficult because when we looked at supporting submissions in New South Wales that there were no statistics available, but I suppose we are talking about statistics on parental choice and I suppose we need to consider what those statistics are going to be used for, and if there is a benefit to young people from them.

The Hon. DAVID CLARKE: Following on from the questions asked by the Hon. Marie Ficarra. I want to return to this issue of children who are not doing the religion classes or the ethics classes. Presumably there will be a large number. There may be children of parents who are in a faith-based group of which there is an insufficient number in a particular school to have a religious class and they do not want their children to have ethics classes or religious classes. Is this something that your organisation has turned its mind to? There would be a considerable number of them. Is this something that has come up on your agenda in the past?

Ms GROSSMITH: Absolutely. As a democratic group we believe in individual parent choice. That stems from individuals having choice in their own lives and it does concern us that there are children out there that would be doing fill-in work, as Ms Giblin has talked about. We would still have to support those parents having that choice and we believe that the parent is the first educator, the prime educator, and what happens at school should be a partnership. We hope that the parents would be working with the school to put forward ideas as they are doing their own tuition at home with their children.

The Hon. DAVID CLARKE: I may be talking about apples and you about oranges. I understand that. There must be a better activity than children sitting down and doodling.

Ms GROSSMITH: Indeed.

The Hon. DAVID CLARKE: Your council has never come up with a proposal that children do reading for example, or some directed activity—these are school hours—where that is going to be of benefit to them? Is that something the council has not taken on board at this stage?

Ms GIBLIN: I think that is a discussion to have with the parent organisations and the Department of Education and Communities and for those parents to have a discussion with the faith group they belong to that is providing that in the schools.

The Hon. DAVID CLARKE: You are a peak body of these parent organisations?

Ms GROSSMITH: Indeed, we are. That means there is quite a diversity of opinion because we come from all States and Territories, all of the jurisdictions. As the Committee knows, education is delivered by the State governments with some Federal intervention. We find that the States and Territories do things quite differently and all the other jurisdictions have been watching with keen interest what happens here in New South Wales. This is obviously not happening anywhere else at this point in time. If I can talk from a Tasmanian perspective; we do not have special religious instruction in Tasmania. Schools may deliver that as an individual decision. But those schools also have to make sure that they provide some sort of instruction to the children that

do not take part in the special religious instruction. As parent bodies we want our children's time while they are in school to be of the most benefit for them in their future career choices, outcomes and as global citizens.

The Hon. DAVID CLARKE: If you were present for Mrs Johnson's evidence you would have heard that the Parents and Citizens Association say that their organisation has no objection if this ethics course is put out to tender. Would the Australian Council of State School Organisations be in agreement with that?

Ms GIBLIN: I do not think that our organisation has discussed that in full yet and I would prefer to take that question on notice. We have an executive meeting this weekend and I would be more than happy to take that question and bring it back to you.

The Hon. SARAH MITCHELL: You have made it clear that your organisation likes the option where there are secular and religious based choices. Other witnesses, in their submissions and appearing before us, have talked about one class that does not have segregation and that looks at being a comparative religion course or philosophy based. One witness this morning spoke of a class that has a world view and a range of ideas. As opposed to separating children into those that attend special religious education [SRE], those that attend special ethics education [SEE] and those sitting out, that there is one class that all children attend. Is that something that your organisation has talked about or are you generally happy with the current system?

Ms GIBLIN: We have talked about it. Our organisation represents the whole country so we have quite different view points from many of our colleagues in other States. It is something that has come on to our radar and we have discussed. At this point in time, today, I believe we are talking about repealing this particular Act.

The Hon. SARAH MITCHELL: Your organisation has no major issues with the way things are currently working—in a nutshell?

Ms GIBLIN: As long as our young people have the option to be involved in a meaningful way during that period of time.

The Hon. SHAOQUETT MOSELMANE: My question follows up from questions asked by the Chair and the Hon. David Clarke. I am curious as to why the education department or various teacher and parent organisations have not been able to come to a conclusion on a meaningful subject to teach. A number of generations of kids have gone through the education system sitting outside classrooms twiddling their thumbs, painting or picking up rubbish, as it was in my case; the whole system has not been able to resolve this question.

Ms GIBLIN: It is a question on our minds too. The diversity of States and parent organisations are such that it is still in the discussion mode. What the Australian Council of State School Organisations was looking at was how New South Wales are doing it and that would be part of the discussion. There is always a discussion at our national conference and part of the agenda at our executive meeting. It is always part of the discussion. As to why we do not reach a decision; without being flippant, my husband and I can never reach the same decision. There is a diversity of representations and we need to give people the full information and leave them fully equipped with all the information and options. We are an organisation that has been involved in diversity education with the development and roll-out of that in the Australian curriculum. That is definitely a discussion point on Sunday morning and I am sure this will be part of that discussion.

The Hon. SHAOQUETT MOSELMANE: I raise this because in your submission you say that young people have been discriminated against. That has been the case for generations of children and yet here we are in 2012 and we still do not have a solution.

Ms GIBLIN: If I could digress to part of my past life without going off the track too far: It took the influence of five different Ministers before we could put forward submissions to discuss this. There are lots of barriers to overcome, lots of people to inform while remembering that every one of us has a different and diverse way of looking at things. Hopefully as a country we will look at that more openly in the future.

The Hon. SHAOQUETT MOSELMANE: You say in the second paragraph of your submission that all children have a right to "independent access to knowledge". What do you mean by "independent access to knowledge"?

Ms GIBLIN: In a way that as individuals we can support them in progressing. Every child comes to us at a different line of development and different stage of their learning. Sometimes the independent access of it is

via the many means we have in our school system and the many means we have in families in supporting knowledge gathering. A great amount of knowledge gathering occurs in schools but it also happens at home. So we support that independence of young people. If we take it down to the SRE there may be children who choose to go to a different faith at some point in time to gather knowledge. That is something, following a discussion with their parents and the strong partnership between home and school, the young child may wish to do.

The Hon. HELEN WESTWOOD: During this inquiry we have had quite a bit of evidence and a number of submissions that relate to the curriculum of the ethics classes. I noted in the public discourse at the time of this inquiry's proposal there was quite a lot of discussion about the quality of the curriculum of the SRE. I am wondering whether or not the council has a view on the development and approval of the curriculum of the SRE classes in New South Wales schools?

Ms GIBLIN: I would say like all parents we like to see what our young people learn in the class room and as the curriculum framework for ethics is up on the ethics web site I would think the discussion would be that they would have access to see what their children will be discussing in that time—as we do with any other curriculum that is involved.

The Hon. HELEN WESTWOOD: In your submission in describing the circumstances of the trial you said, "What followed the announcement was a great deal of debate and misinformation in regards the purpose of the trial." What sort of misinformation was being put out in the public?

Ms GIBLIN: I think the biggest piece of misinformation that both ACSSO and, I am sure, other parent organisations needed to address was the fact that the ethics course would be removing SRE from schools, and that parents wanted SRE removed from schools. I think that was probably the biggest conversation that the New South Wales parents and citizens federation, I know, would have had, and we as an organisation had. But that was not the intent, it was not the intent of the ethics option, it was not the intent of the ethics trial and it was not the intent of the parent organisations for that to happen.

The Hon. HELEN WESTWOOD: From the perspective of the council, were you satisfied with the level of consultation with the parent bodies? Was it adequate? Could it have been improved upon?

Ms GIBLIN: No, parent organisation is satisfied with the level of consultation that they get.

Ms GROSSMITH: Never, ever, ever.

Ms GIBLIN: I cannot talk on behalf of the NSW parents and citizens federation anymore because I am no longer a part of that organisation but I can say from the point of view of ACSSO that the New South Wales parents and citizens federation were comfortable with the work that was going on—no, it would have to speak for itself. We were not concerned with the level of consultation. However, concerned with the issue we now have an inquiry, because we felt that parent voices were clearly heard and that people had and made it quite clear that this was to be a complement to SRE, and that the parents that were asked for this complement to SRE wanted their children not discriminated against but to be given something meaningful to do during that period of time and it was in no way an action to remove special religious education from schools.

The Hon. HELEN WESTWOOD: As yours is a national organisation would you indicate how the New South Wales experience of SRE and the discussion around appropriate and meaningful alternatives to SRE compares to other States in Australia?

Ms GIBLIN: Not in great detail but I am happy to do that at a later time. I am happy to provide you with a paper providing that information at a later time, absolutely. Can I say that wherever we have been—and we have been doing a bit of a Leyland Brothers tour—around the country that some of the discussions in Victoria, for instance, they have some different legislation surrounding it. There are two groups in that particular area looking at removing SRE. There is another group looking at providing a viable alternative. We have had questions from Western Australia more about the processes that have been involved. Queensland, I believe, would be another State that we could say has had some fairly heavy discussions about this issue. Jenny would be able to talk from a Tasmanian point of view. These are all in discussion periods. More and more questions are being asked. As our country changes and our membership changes, the questions change and differ. I am more than happy, if you want to give me a deadline, for me to send you back a paper with that information.

Ms GROSSMITH: I would like to say the national conference which was held in Hobart in 2009, obviously at the time things were happening with the ethics here in New South Wales, and it was certainly brought up during our general business period. It was a very hotly debated topic but I think that most parents walked away from that particular discussion with a sense of knowledge in that they had not actually realised what was happening in New South Wales. Certainly when they walked away the thing that I heard the most was children should not be sitting somewhere contemplating their navels, or colouring in; that there needed to be something more fulfilling happening in that time period if their parents made that choice.

The Hon. PAUL GREEN: I note your submission states, "This does not mean that the ACSSO wishes to remove SRE from our schools but rather ensure that young people were engaged in a meaningful alternative during this time." I note that not only your organisation but many people who have given evidence to this committee unequivocally have said that it is not about removing SRE, yet it seems underlying that SRE is getting such attention. This committee is looking at ethics, not SRE. Do you think allowing other ethics groups to have input into the curriculum would greatly enrich our schools?

Ms GIBLIN: I will take that question on notice and think about it.

The Hon. PAUL GREEN: Yes. Have either of you sat in one of those courses or seen the curriculum?

Ms GIBLIN: Yes.

The Hon. PAUL GREEN: Professor Philip Cam who wrote "The Trial on the Ethics Curriculum" and with this committee went through the curriculum and gave many examples of his that the current curriculum was simply inappropriate for the target of the age of the children. Will you comment on that?

Ms GIBLIN: I would say that my understanding is that the curriculum goes through a fairly heavy process, including age appropriateness being looked at. Apart from that the Australian Council of State School Organisations would say that the board is fairly thorough.

The Hon. PAUL GREEN: One of the resolutions of your conference was, "That the resolution was number one, that is, the right of students whose families choose to exclude them from special religious education have to have access to an alternative ethics program, approved by the Department of Education and Training". Is it your view that such a program should be under the department, rather than outside on a limb?

Ms GIBLIN: That is the New South Wales parents and citizens federation's annual conference, not ACSSO's conference.

The Hon. PAUL GREEN: It is in your submission, is it not?

Ms GIBLIN: Yes, the submission listed the resolutions from New South Wales parents and citizens. I would say that that is in the hands of New South Wales. We do not have an opinion on that.

Ms GROSSMITH: Certainly I think the majority of the jurisdictions in discussing—if we could move right away from ethics but just in general—if there is some sort of program being delivered we would prefer to see that program being delivered through our State departments, as opposed to individual people just coming along and delivering programs. In Tasmania, off the top of my head, I can think of a particular animal program that was totally unsuitable for the age group of children. When we actually brought that to the attention of the State department that was quickly changed. Obviously there are reasons that a State department would need to be looking at the delivery of programs, not only what is delivered but also who is doing that delivery, and that they are worthy of actually doing the job.

Ms GIBLIN: But if it was during that period of special religious education then, of course, it should fall under the same guidelines as the special religious education.

Dr JOHN KAYE: I thank ACSSO for its submission. Is there a move to have a similar course in other States? As I understand it New South Wales is the only State to have a complement, as the parents and citizens federation puts it, to special religious instruction or special religious education. Are you aware of moves in other States to do similar things?

Ms GIBLIN: We are very aware of discussions in other States and Territories, yes.

Dr JOHN KAYE: Is it your view that they are likely to produce a similar outcome to New South Wales?

Ms GIBLIN: It is our view that they are looking at New South Wales as it sits at the moment, and I would think, that that is part of it. I will give my view in Victoria. A number of different discussions are happening across the country.

Dr JOHN KAYE: The Catholic Commission for Religious Education in State Schools submission proposes amending section 33A (3) of the Education Act. That is the component of the ethics legislation that prevents the Minister or the director general from stopping a school providing ethics classes if there is a demand, if the parents have opted in and so on. It is being proposed that it be amended to restore the authority of the Minister for Education established under section 19 of the Education Act to oversee all aspects of the implementation and administration of special ethics education classes and associated curriculum development. Do you as a national body see problems with that proposal?

Ms GIBLIN: The problem is that it is not applied across the board to that period of time and there is absolutely no oversight of special religious education during that time.

Dr JOHN KAYE: You think that it should be fair, that is, special religious education and special ethics education should be subjected to the same oversight and that it should be a level playing field.

Ms GIBLIN: Yes.

Dr JOHN KAYE: I am calling on your time with the Federation of Parents and Citizens Associations.

Ms GIBLIN: That was a long time ago.

Dr JOHN KAYE: You also accept that a substantial campaign has been mounted against special ethics education and that such an amendment to the Act would open up the opportunity for groups to pressure the Minister and thereby undermine the effectiveness of special ethics education.

Ms GIBLIN: Having been at the pointy end of some of those campaigns I believe that there has been quite a substantial effort. Yes, I do believe that is the case.

Dr JOHN KAYE: So you would have concerns about such an amendment not only because it would be unfair but also because it would open up opportunities for the Minister to be lobbied.

Ms GIBLIN: Absolutely, yes.

Dr JOHN KAYE: It has been suggested in a number of submissions that are generally hostile to special ethics education that the legislation came from nowhere and that it was suddenly foisted on people. Is it fair to say there was a substantial debate during 2009-10 in respect of special ethics education?

Ms GIBLIN: I would say there was substantial debate from 2003. I sweated a lot during 2009-10. There was absolutely substantial debate. There were long discussions and there were many meetings to ensure what was being delivered was fair and was not at all discriminatory against anyone in special religious education. I thought the organisation made that clear at the time and the Australian Council of State School Organisations made it clear in its entirety.

CHAIR: Thank you for representing the views of the Australian Council of State School Organisations and for appearing this morning.

(The witnesses withdrew)

JUDE HENNESSY, Liaison Officer, Catholic Conference of Religious Educators in State Schools,

JOHN DONNELLY, Chairman, Catholic Conference of Religious Educators in State Schools,

ALISON NEWELL, Secretary, Catholic Conference of Religious Educators in State Schools, and

IAN BAKER, Director, Education Policy and Programs, Catholic Education Commission, sworn and examined:

CHAIR: You are entitled to make an opening statement, but it is not obligatory.

Mr HENNESSY: The Catholic Conference of Religious Educators in State Schools [CRESS] has responsibility for the provision of Catholic special religious education in New South Wales. Its membership is drawn from each of the 11 Catholic dioceses in New South Wales and CCRESS members are also members of the Inter-Church Commission of Religious Educators in Schools. On behalf of CCRESS, I sincerely thank the Committee for the opportunity to make a written submission and to give evidence.

CRESS as a body advises the New South Wales Catholic Bishops on matters pertaining to special religious education and acts in accordance with the directives of those bishops. It represents more than 5,000 Catholic special religious education volunteers who educate approximately 100,000 students in Department of Education and Communities schools weekly. These volunteers are recruited and coordinated locally through diocesan special religious education agencies known as the Confraternity of Christian Doctrine. Those agencies prepare high quality, publicly available curriculum documents which are faithful to church teaching and which are approved by theologians, educators and church leaders. Further, CCRESS will this year mark 50 years of high quality training for special religious education volunteers in New South Wales. Some witnesses who have previously appeared at this inquiry have suggested that there never has been a review of SRE. The Catholic Conference of Religious Educators in State Schools reminds the present inquiry that the current policy environment within which SRE operates was established through a process of a ministerial inquiry, that is, SRE functions within the public policy parameters; it came from a five-year ministerial review culminating in the 1980 Rawlinson report.

The input of the Catholic Conference of Religious Educators in State Schools takes the Rawlinson model re-delivery as its starting point. As part of its process for planning the delivery of Catholic SRE in public schools, CCRESS and its member CCDs work cooperatively with the director general's consultative committee on SRE. In November 2010 the Keneally Government amended the New South Wales Education Act to implement ethics classes. The Catholic Church was disappointed with the decision, regarding ethics classes as unnecessary in order to provide educationally sound alternatives for students who had been exempted from SRE by their parents. Nevertheless, since the commencement of the 2011 academic year CCRESS's position has been to continue for the strengthening of SRE by working with the DEC and engaging with ethics providers and volunteers at a local level.

While the Catholic Church's initial position on the introduction of ethics classes was justified, removal of ethics classes at this point, subsequent to the development of certain curriculum materials and the training of volunteers, would, it is acknowledged by CCRESS, create a new set of problems for parents and schools, and CCRESS and ICCOREIS have made numerous public statements to this effect. Essentially, CCRESS respects the right of parents of students in New South Wales State schools to opt out of SRE classes and to choose ethics as an alternative to non-scripture. Throughout 2011 and 2012 ethics provide an alternative to SRE in a limited number of DEC schools. No doubt that availability will continue to grow. While this will provide a solution for the management of some non-SRE students in some schools, CCRESS is of the view that a variety of effective approaches to the management of students whose parents exclude them from SRE classes is best achieved at a school level.

Whilst it is clear in our submission that we would not support an attempt to remove ethics classes at this point, we maintain there is no objective process for the development and approval of any ethics course for implementation in government schools, and this situation needs to be rectified. This lack of an ethics course development and an approval process is exacerbated by the fact that by virtue of section 33A (3) of the Education Act, neither the Minister nor the director general can amend or replace an ethics course once it commences. We believe this anomaly leaves the SEE curriculum as the only secular curriculum operating in State schools that is not subject to ministerial oversight. A key concern of CCRESS is that ethics classes should

only be offered to students after parents have advised that they do not wish their children to participate in SRE. This approach gives effect to the intention of the legislation which provides for ethics as an alternative to SRE, but only after parents have objected to SRE.

The Catholic Church and other Christian denominations and other faith traditions provide SRE without cost to the Government or to school communities. The Catholic Conference of Religious Educators in State Schools asserted in 2010 that primary ethics would struggle to provide a statewide solution to this DEC management issue due to the difficulties associated with gaining and training volunteers and the cost of developing a curriculum for ethics. Nevertheless, CCRESS maintained its strong view that the same cost-free delivery requirement should apply to primary ethics as the nominated provider of ethics. A key tenet of the removal of CCRESS's opposition to ethics classes was based on the understanding that ethics would operate at no cost to the government.

The provision of SRE classes in DEC schools has, since 1880, been a strength of New South Wales public education. The parents of hundreds of thousands of students choose to send their sons and daughters to public schools in the firm knowledge that quality SRE teaching will be available to inform children in the religious faith tradition of their family. Special religious education has contributed to the formation of young people not only in their faith but as good citizens. It is a strength of public education that we believe should be enhanced.

CHAIR: I am just going to your executive summary—and you touched upon it in your introduction—specifically point number 7 and its relation to point number 11, but point 7 mainly deals with section 33A (3) of the Education Act in terms of giving the Minister an ability to amend or replace the ethics course. Much has been said, and I know Dr John Kaye has asked this question today of every witness, in terms of the beliefs on that recommendation you might be giving on behalf of CCRESS. How do you believe that stands with the delivery of SRE if we are trying to be fair and equitable in the delivery of any courses within a public school institution? How do you mirror that with, say, ethical principles of equality?

Mr HENNESSY: I may defer to Ian Baker in a moment regarding the intricacies of the legislation, but certainly we would regard SRE as very much coming under ministerial control. The fact of the matter is that Catholic SRE and any approved provider has to go through an authorisation process, and a key part of that authorisation process obviously is providing a curriculum that is followed by the people that are teaching those SRE classes. If it were to come to pass that there was something within those curriculums that was not appropriate, obviously the Minister still has control over those curriculums and the authorisation process.

Our concerns at the time of the drafting of the legislation, and this was not an attempt to stop ethics classes, was that this particular part of the legislation was placing ethics classes in a position that was more favoured than SRE classes, that placed it outside of ministerial control. We maintain that and we would be looking, hopefully, for this Committee to look at that as well and to consider whether or not we are correct there. But certainly we said that at the time; we do not think that has changed. I might defer to Ian Baker, who has a greater knowledge of the legislation than I.

Mr BAKER: The only comment I would make is that this is not a new issue; the commission raised it at the time of the amendment in 2010. It wrote to both—and it is attached to their submission—the then Minister and then shadow Minister pointing out that yes section 33A (3) of the Education Act has no parallel, nothing else in the Act, which removes the Minister and the director general to oversight something that is lacking in public schools. That is unique. All SRE is subject to the Minister; it is subject to the Minister by virtue of section 19. The proof of that pudding is the Rawlinson report, which was called on by a Minister, and it is also evidenced in the director general's guidelines, which I downloaded just the other day, an authorisation for SRE under "Implementation". It begins, "Implementation Specialty Education—religious persuasions on approval of the Minister". That obviously anticipates disallowance by the Minister.

So our view is that it puts the Minister of the day and the director general in a very awkward situation that if—and this is an if; it is not a comment off-the-cuff, and this is after the fact when you look at 33A (3), this is not an approval, this is after the thing is running—the Minister or anybody else, the director general or the school principal of a school came to a conclusion it was inappropriate, it could not be stopped. It is unique and it does not apply to anything else, and certainly SRE is subject to the Minister, and it always has been, and Rawlinson gives clear evidence of it.

CHAIR: It is really placing all classes, any education delivered within a public school institution, under the same footing?

Mr BAKER: Yes. The other thing is that there is no definition of ethics. I am talking about the Act; you will not find a definition of ethics in the Act. A class could start operating what purports to be ethics and then it could seek the protection of section 33A (3) and have absolutely nothing to do with the St James Ethics Centre. So my view is that it is a dangerous section.

CHAIR: Would you recommend that a definition of ethics be part of the Act?

Mr BAKER: No, I would not attempt that for the same reason that no Act has ever attempted to define religion.

CHAIR: Can I also take you to point 11 in your submission where you say there is a need for the SEE development and approval process to be established? We have heard from many witnesses coming before this inquiry and they have been asked about the process—and it is no reflection on the ethics course at the moment—whether the process was in actual fact the best process moving forward or was it a process because of the set of circumstances, because of the closeness of the election and whatever, because of political expediency, because of the history of the controversial nature of the ethics classes that we were left with, but indeed is it a process that is desirable into the future? Could you comment on what process we should have into the future on development and approval processes for ethics classes?

Mr HENNESSY: The first thing I would like to say regarding that is that our position was that a good ethics course would be a good addition to the curriculum, and we noted that all the way along. It did not get widely reported, but certainly we saw ethics as something that was potentially a very good addition to the curriculum. We hoped that it would be made available more broadly. Our argument was always that there were alternative things that could be done during special religious education time that did not need an ethics class. We accept that we fought that battle and we lost it, and ethics classes have been introduced. At the same time, we would regard a good ethics course now as needing approval.

There are lots of different styles and branches of ethics. At this particular point in time we have alluded to giving responsibility for this to St James Ethics Centre, and there has been a lot of feedback already to this inquiry about the quality of that curriculum and many positive things have been said. People continue to ask questions about that curriculum, and that is a good thing because you would hope that the children who are receiving these classes—and their parents, more to the point—are very happy that it is a quality curriculum and performing well. I guess our main concern is that through section 33A (3) the Minister in the end does not have oversight and the final say on whether or not he regards that as being a quality curriculum, as he would do for other syllabuses and other secular curriculums that are taught in government schools.

The Hon. SARAH MITCHELL: The background section of your paper makes it quite clear that initially your organisation and the Catholic Church had some concerns with the introduction of ethics classes. At B.2 in your paper, you say that parents should not be required to make a false choice between religious education and the study of ethics. Could you explain a little more what you mean by that and whether you think that is still an issue now?

Mr HENNESSY: I guess this came from a lot of the talk that was evident in the media that it is a choice between ethics or religion and that ethics should have been seen as an alternative to non-SRE. It was the assumption too that all that religion was trying to do within the teaching of special religious education was to provide some sort of an ethical framework as well. It was sometimes suggested, "Well okay, as a faith, the Catholic Church could have access to the curriculum being taught by the ethics providers." To put it quite simply, the sort of framework and formation that is done by the church is much broader than just providing a simple ethical framework. There is a lot more instruction that goes on than just an ethical framework, so I guess the choice we were trying to point out was that special religious education and ethics are not really one and the same thing—they are two different choices.

The Hon. SARAH MITCHELL: You mentioned then access to the curriculum, and you say you have requested a bit more information. Could you tell the Committee what that entailed and the response that you received?

Mr HENNESSY: We were invited to make a submission to Dr Knight's inquiry. We did so based on the two lessons that were publicly available. We could not get access to more lessons than that, and there might be a variety of reasons for that, but they were not made publicly available. Some of those had been well explained. I note the submissions that have been put by Primary Ethics and understand some of the background surrounding that. We tried to make a submission based on what we could see at that particular point in time. I know the Inter-Church Commission on Religious Education in Schools [ICCOREIS] also sought to gain access to a greater number of those lessons and the framework so that they could look at it and say, "This is the sort of lesson material that is being provided by Primary Ethics." Within that context, it was not readily available for us to make comment on, so we did what we could based on the lessons that were available to us. In saying that, I do not think it is the responsibility of the churches to be defining what is a good and what is a bad ethics curriculum—

Dr JOHN KAYE: Hear! Hear!

Mr HENNESSY: Or what are problems with the ethics curriculum. I agree with Dr John Kaye saying "Hear! Hear!" I do not think it should be out of the control of the Minister and our concern at the moment is that it would be.

The Hon. SARAH MITCHELL: At D.4.2 on page 12 you talk about the ethics effectiveness and say that there were some students who went to non-SRE supervision or special religious education part-way through the year in 2011. One of the problems that we have had is that there does not seem to be a lot of qualitative or quantitative data.

Mr HENNESSY: Yes.

The Hon. SARAH MITCHELL: Is the information for that point something you have received anecdotally through your special religious education teachers, that there were students who started in special education in ethics and then came back, or where did that information come from?

Mr HENNESSY: I might defer to John Donnelly who is the director in Newcastle and is a special religious education teacher and experienced himself.

Mr DONNELLY: Simply put, yes, most of the evidence was anecdotal. I myself was attending a school and teaching a Year 5 class where some students went out for the first half of the year to ethics classes and in the second half of the year rejoined the special religious education class.

The Hon. SARAH MITCHELL: Is that something that happened to your knowledge in other areas as well?

Mr DONNELLY: We have heard of a couple of schools where that has happened, yes.

Mr HENNESSY: I believe that Robert Haddad also referred to that, both in the trial and in reference to what was occurring last year. We understand the difficulties of creating a curriculum quickly and Primary Ethics have had to do that. That probably exacerbated that for them and they have tried to fill that gap very quickly. I appreciate the difficulties they would have worked under in attempting to do that, but certainly it did have an impact on people moving out of and back to special religious education classes, and that may well be rectified as the curriculum is developed more.

Mr DONNELLY: That goes back to your original question, Madam Chair, about the development of the curriculum. With no judgement of Primary Ethics or the work they have done, the time that they had—we know from experience ourselves in developing curriculum that it would take us probably five years to develop a K-6 year course. I hope that helps to answer your question.

The Hon. DAVID CLARKE: Following on from that response, Mr Donnelly, and other questions asked by the Hon. Marie Ficarra, who referred to the process used by the previous Government for the introduction of an ethics course, it was very clear that that process did not include a tender process. Earlier a question about the tender process was put to Mrs Johnson from the parents and citizens federation and she said that that organisation had no objection to it being put out to tender, that there be other contributions to be considered. What would your response be to that?

Mr HENNESSY: The first thing I would say is that the St James Ethics Centre and Primary Ethics are presenting one style and one strand of ethical thinking. There are a large number of schools of ethical thinking, and they are presenting one strand of ethical thinking, which is very pragmatic. There is great difficulty in trying to meld all of those schools of thought together, and that can create problems and an even greater length of time in developing curriculum. Our main concern in the process of classes being approved and a course being developed was that there was not a lot of consultation that occurred initially with SRE, who have been providing religious education for 130 years, and the consultation process we did not think was very good.

In saying that, I think we have reached the point now where Primary Ethics have very quickly had to produce the curriculum, and again we have concern that it has not been approved by anyone. You may get a number of providers or a number of different schools of ethical thought that are contributing to the curriculum that is then signed off by the Minister. Our concern at the moment is that it is really just coming from one source. Whether that is a concern that this Committee takes further is not for me to comment on, but certainly it has been raised and thought about, and at the time the question was asked: "The St James Ethics Centre is providing ethics courses—and I know that was proposed by the parents and citizens association—but there may well be other groups who validly and very well could contribute towards an ethics curriculum."

The Hon. DAVID CLARKE: And that process was not proceeded with at the time, was it?

Mr HENNESSY: From looking at the way the courses were developed, yes, they had to. The St James centre was given that right of access and eventually Primary Ethics.

Mr DONNELLY: Not the least of which, when Mr Hennessy is talking about consultation, we would be encouraging that consultation take place with parents. As we said in our opening statement, we respect the right of parents and families in New South Wales to make choices. This would be one area where we are not so sure whether tender is the right way to go, but certainly consultation with groups such as parents would be wise, we feel.

CHAIR: It has been many years since the Rawlinson report. It was a very worthwhile process to go through that 1980 report. There have been witnesses before the inquiry who say perhaps in 2014, plucking a year from the sky, it will be time to review the delivery of every form of special education, whether it be religious or ethics. Have you got any views on that?

Mr HENNESSY: I would make this point: Throughout 2010 when the whole process of moving towards a decision about ethics courses was being considered by the Government and debated in the public domain our concern was that the very good work of special religious education [SRE] teachers was being denigrated. Seemingly part of the process for getting ethics courses up and running was that in the public domain and very consistently in the media and in public comment SRE teaching was pulled down and the work of highly qualified volunteer teachers and a very good curriculum was denigrated.

Can I say that we are very confident that what we do in terms of our training, in terms of our development of curriculum and in terms of the delivery of SRE classes is very well done. There are thousands of families, Catholic families, and I can speak from that experience, in every local community and in every school who choose to send their sons and daughters to a State school in the full knowledge and confidence that they are going to have a good teacher of SRE in that classroom. So if you are asking whether or not we would be happy to participate in a review of SRE, yes we would. We are very confident that the contribution SRE makes to public education would be highlighted and it would be seen properly as a strength of public education. My concern is that over the course of the last 18 months in the process of promoting ethics classes the wonderful work of SRE teachers has been denigrated. Sometimes things have been pointed to with instances of poor practice being highlighted, and overly highlighted, very much to the detriment of the very good work of the vast majority of SRE teachers.

The Hon. SHAOQUETT MOSELMANE: Mr Hennessy, can you elaborate on your last comment that SRE teachers are being denigrated?

Mr HENNESSY: If I can just simply say that the debate certainly from our perspective in the media went from one of should we have ethics classes to should we have religion at all in schools? It made some assumptions about the notion of what the word "secular" meant, particularly in regards to the Education Act. It seemed to suggest that what was going on in SRE classes—and I can only comment on what goes on within our own curriculum—was not of value. I would say very strongly to this Committee that the process of the

development of our curriculum is very sound. It is signed off on by theologians, by educators in terms of its pedagogical quality and by church authorities and then it is presented and authorised by essentially the Minister via the director general in SRE. It is publicly available.

Our concern was the curriculum and the quality of teaching was regularly being pulled down in the media. I participated in a number of radio interviews and I was also part and parcel of being interviewed for newspapers regularly. The questions quickly moved from should we have ethics classes to what is going on in SRE and tried to allude to the fact or suggest the fact that SRE teaching was not of a high quality. I refute that. I refute that strongly.

The Hon. SHAOQUETT MOSELMANE: Do you perhaps fear the competition that may be provided by ethics classes to SRE?

Mr HENNESSY: No, and we said that at the time. We predicted that ethics classes would not have a big impact upon the numbers of students who were choosing to do special religious education. Certainly it was going to provide another option for students who were doing non-SRE. I think Robert Haddad spoke about this when he was with the Inter-Church Commission on Religious Education in Schools [ICCOREIS]. He was the director within Sydney. He did some measures of numbers that were impacted upon during the trial. But certainly overall in the year that followed our numbers as far as the Catholic Conference of Religious Educators in State Schools [CCRESS] is concerned there has been no movement down. In fact, we have had a slight increase.

The Hon. SHAOQUETT MOSELMANE: So there is no threat?

Mr HENNESSY: No, we were not concerned about the threat from ethics classes because, in effect, they are not there to replace SRE; they are there as an alternative to non-scripture.

The Hon. SHAOQUETT MOSELMANE: That leads me to my next question. Is ethics an alternative or is it a complement to SRE?

Mr HENNESSY: We believe it is an alternative to non-scripture. It is not really a complement to SRE because it is not religious education. But it is an alternative to non-SRE. There has been some discussion here at this Committee too about the validity of general religious education [GRE] and ethics versus SRE. Hopefully we will get the opportunity to speak about that later as well. But certainly we would see this as an alternative to non-scripture. And certainly from the data that we are getting, that is the impact that it is having and that was the desired outcome for ethics in the first place.

The Hon. SHAOQUETT MOSELMANE: In your introductory comments and in your executive summary at point 5 you mentioned that the Catholic Church was disappointed and found it unnecessary for the previous Government to give legal status to ethics as a secular alternative. Why were you disappointed and what alternative ways could the Government have done it if it did not give it legal status?

Mr HENNESSY: I understand the question and I understand the reason you are asking it. Our point was made at that particular time essentially because we did not consider that SRE would be a statewide solution to this management problem of what happens to students in non-SRE. There were lots of reports of students twiddling their thumbs. You used those terms yourself most recently when I was listening to you in the gallery, or picking up papers.

Can I say to you that in the vast majority of schools the management of SRE students was done very effectively. We were dismayed by the fact of hearing those sorts of reports. Certainly the principals' representative on the director general's committee for SRE alluded to the fact that schools could have and should have had good practices in place to give alternative activities that would not have required ethics courses. We accept now that ethics courses have come in and they provide another alternative. I would suggest to you that that will not provide a ready-made solution for every school and for every student. The fact of the matter remains that students who do not do SRE can also choose not to do ethics, so the original problem remains. So there needs to be that scope for schools to have some educationally sound alternatives for students that will be effective and will see them not wasting their time, but at the same time too will not provide a competitive alternative to SRE.

The Hon. SHAOQUETT MOSELMANE: I hear you say that ethics is not in competition with SRE, but you strongly argue that the government should not be funding ethics classes and you make that point right through your submission. What impact would there be if the government did fund ethics classes? Would it not be in the interests of the children to receive some assistance in doing an alternative class and receiving a proper education rather than be sitting outside the classroom?

Mr HENNESSY: The first point I would make is that part of the reason CCRESS withdrew our opposition to ethics classes was the fact that it would be provided at that same no cost to government as religious providers provide religious education in that timeslot. I think it will produce a great inequity if you had students going to religious education classes that were not funded in any way by the government—and I am not suggesting they should be, we would not want that to be the case, churches provide that free. But certainly within school communities there are people who are SRE teachers, teachers within the Catholic Church and certainly teachers within my own diocese who have expressed the opinion that they are active members of their school, they are members of their Parents and Citizens Association, and when suggestions were made perhaps that ethics classes receive funding above SRE classes that receive no funding it is a great inequity. It is essentially discriminatory.

They would see that as really quite offensive given the fact that they contribute to their schools curriculum, their children go to that school, they make the choice of SRE and the alternative is funded by government. When this was proposed certainly the proposal was never suggested that funding would take place from a government point of view, which is again why we suggested and we did say that the primary ethics would find this very difficult to fund and to get volunteers. We know that, we have that experience right across the State of working each year very hard to ensure that we get those volunteers. The fact of the matter remains that would produce an inequity that we think would be quite discriminatory against the students who are doing SRE.

The Hon. SHAOQUETT MOSELMANE: My final question is one was raised earlier by the Hon. Sarah Mitchell in relation to your statement that parents should not be required to make a false choice between religious education and the study of ethics. Do you still hold that view now that it is been more than a year since the ethics classes were introduced? Have parents made a false decision?

Mr HENNESSY: I would say that term "a false choice" is in recognition of the fact that instruction in religion and instruction in faith is different to instruction in ethics. That is why I regard it as a false choice. We have made the point strongly in our submission and throughout that if it remains a choice simply for students who have already opted out, whose parents have already said we do not want our sons and daughters attending SRE, then you have lessened, I suppose, the concerns that we have with that statement.

Mr DONNELLY: Can I add that I think there is an implementation issue here. It is my recollection that in December 2009 Department of Education and Training [DET] memos went out to principals and some principals—I think we are aware of some—were advertising ethics across the board to years 5 and 6. Well, that is not an alternative to non-scripture; that is an alternative to SRE. That is the way it was perceived by parents which is clearly outside what the legislation and the guidelines were looking for. We can see teething issues and that was brought to the attention of the DET through the director general's committee.

The Hon. HELEN WESTWOOD: Further to the line of questioning by the Hon. Shaoquett Moselmane, paragraph 13 (b) of your submission reads:

That the provision of Special Education in Ethics in public primary schools be wholly supported and financed by the recognised provider without additional financial support from government ...

I want to question the basis upon which that recommendation has been made. It seems to me that the history of special religious education and special education in ethics need to be considered. As we know the history of special religious education dates right back to the beginning of government-funded education and it was the religious organisations that demanded that religious education be available in public schools. Special education in ethics came about because parents demanded it. It was not a provider of ethics classes coming to government and saying, "We have heard the history. Parents want a meaningful alternative." Do you think that parents should pay for this?

Mr HENNESSY: Can I suggest to you that there would be large numbers of parents who would continue to demand and do continue to demand that special religious education is delivered as well but we do not place that cost upon government. That cost remains with the churches and the churches are happy to provide

that at no cost to the Government. In this whole process Primary Ethics and the St James Ethics Centre were essentially given this responsibility, from our understanding, that it would be at no cost to government in the same way that special religious education providers are providing special religious education.

Mrs NEWELL: What we have discussed is that it would seem to be inequitable for a certain group—a small minority at this stage—of students who are receiving ethics education to have government funding available, particularly when it is in the same timeslot as special religious education. It could up a doorway where anyone could ask for funding to set up an educational experience that is in special religious education time. For example, if it was decided that there could be other options to fulfil the needs of students who are in non-special religious education would they also be funded by the Government? It just seems to create an inequity.

Mr BAKER: If I could add another dimension to that? There are some 30,000 families in this State that have more than one child and those families are having their children educated across the sectors—part of the discussion proceeds as if everyone is siloed into a sector. Typically those families are in country areas where they can send their child to a Catholic or other religious primary school but not to a religious secondary school. It would create a serious anomaly if upon arrival at secondary school those children did not get their choice. Special religious education is driven by parent choice. If the parents of New South Wales do not want their children in a special religious education then they will not be in it; they can all opt-out. As I say, there are 30,000 families who are enrolled across the sectors and I think a great number of those 30,000 would be severely concerned if special religious education was not available or if the provision of it was seen to be inequitable.

Mr DONNELLY: If I may add to that? We are talking about a management issue right from the start—that is why ethics classes were proposed—a management issue that a small minority of schools across the State had. I would contend on the question of funding that the New South Wales State schools already have what is required to provide an alternative for students who are sitting outside of special religious classes during special religious education time, and most of them are doing that.

The Hon. HELEN WESTWOOD: What is that alternative?

Mr DONNELLY: It varies from school to school, at the discretion of the principal and the coordinator of special religious education within that school—each school has someone nominated on their staff to manage special religious education. Most typically it would be reading I think would be the biggest example of it but, depending on the school and the students involved, it may be any part of the broad curriculum that is offered in New South Wales State schools.

The Hon. HELEN WESTWOOD: The Committee has heard from parents that the crux of the issue is that a meaningful alternative is not being provided in many schools and that is how this demand came about.

Mr DONNELLY: If I may respond? The issue is one of perception. Those who have been advocating ethics seem to exaggerate, in our opinion, the number of schools that have that management problem. We have contact with all 11 of our dioceses across this State and we are not aware of this huge problem of managing students who are not doing special religious education. As I say, in most places it is managed very well by those professionals who run those schools.

The Hon. HELEN WESTWOOD: The quality of special religious education teaching has also been raised in evidence today. Mr Hennessey, you said that you refute that special religious education teaching is not of a high quality. In the public discourse that I have heard, particularly since this inquiry was established and its terms of reference have been discussed in the public area, from a number of callers to various media programs and in conversations I have had, people have clearly identified incidents where they have felt the quality of teaching was very poor, to the point that they have removed their children from the class and they have had to go to the principal of their school about that. In some cases those classes had to be closed because of the very serious concerns raised by parents about the appropriateness of what was being taught. I question that all special religious teaching is of high quality. What is your view on that? Secondly, what can we put in place to ensure that there is high quality special religious education and special education in ethics teaching?

Mr HENNESSY: I obviously cannot refer with complete confidence to things that are outside of my own denomination, being the Catholic Church, but certainly as a member of the Inter-Church Commission on Religious Education in Schools [ICCOREIS] I am very confident that the member churches of ICCOREIS seek training and the development of curriculum as a key part of the development of quality special religious education delivery, and have been committed to that for a significant period of time. Certainly within our own

structures in the Catholic Church, which I alluded to in our introduction, we are in our fiftieth year of training this year of special religious education volunteers. We take it very seriously. We teach 100,000 Catholic children every single week.

A huge amount of resources have gone into the identification and attainment of volunteers, many of whom have come from professional backgrounds—many of whom have come from teaching backgrounds, but certainly not all of them. But in the process of preparing volunteers for teaching, the teachers in the 11 Catholic dioceses are obviously given some training in child protection issues, in classroom management issues and in the curriculum they are delivering, and, most importantly, they are given very clear guidelines about what the authorised curriculum is. Some of the assertions made at this Committee seem to be in reference to some of the things that have been taught outside of the boundaries of what has been an authorised curriculum. I suggest to the Committee that some very strong ramifications are already in place for special religious education teachers who move outside those boundaries in what is an approved course.

I certainly have read the testimony and evidence given. I am not denying the fact that there will be from time to time special religious education teachers who do not teach things that are part of their curriculum or make mistakes in the way that they manage classes. But I am suggesting to you that the sort of things I have read as part of this inquiry, and things that I too have heard on the media, are not a good indication of what is truly going on in special religious education.

I look after over 600 volunteers in my diocese and that is 10,000 kids a week. I have been in this position now for three years, and I have essentially had only two instances where I have had to intervene in a situation where a special religious education [SRE] teacher has been doing something wrong. When you add up the number of visits that are accounted for over the course of the year, 40 visits a year, and all of those teachers, I suggest to you that the number of problems we are finding are very, very small. Certainly, we are very confident of our curriculum. It is something that we spend a lot of time and money putting resources into. It essentially has been developed by theologians and approved by educators and church authorities, and then made publicly available too. Certainly it has provided the Minister's office last year. It should be in the Parliamentary Library. It is in the public library, the Mitchell Library.

Our curriculum outlines are online. They undergo a continual review to ensure that what we are teaching is age-appropriate and is effective for the teaching of children because we take that formation in faith of the students we are teaching very, very seriously. It is certainly something that the Catholic Conference of Religious Educators in State Schools [CCRESS] takes very seriously. I might allude to John Donnelly, the Chair of CCRESS, who has a greater knowledge and a lengthier knowledge of that sort of training and the quality that we certainly try to produce in our Catholic special religious education [SRE] teachers. But I know, too, from the other denominations with which I have had some links but also other faiths—and I am not just talking about Christian denominations—that they take this responsibility of ensuring their volunteers are trained well very, very seriously—as does Primary Ethics, and that is very clear in their submission as well.

Mr DONNELLY: If I may add: I think an important part of our training in our basic orientation training for volunteers is that they understand where they stand in the law, both with the State and also with the church. The fundamental point is that they stand at the service of parents. Both the church and the State recognise the primary role of parents, especially in our church, as religious educators of their children, faith formationers, of their children. That is made very clear to everyone who trains, and Jude's point about the curriculum, furthermore. But I would invite Alison to talk about the structure that we have to support those volunteers in their work, both on a diocesan level and a parish level. Alison worked in Broken Bay diocese where there are 1,100?

Mrs NEWELL: Yes, we have 1,100 special religious education [SRE] volunteer teachers teaching Catholic special religious education [SRE] to 14,000 or 15,000 Catholic students in Broken Bay. The structures that are in place are very supportive. At a diocesan level, we have a leader, who is me, and we have five regional coordinators who work around the deaneries of the diocese, and we have about 10 administrative staff supporting that work. We also have 26 parish coordinators, so we have 26 parishes in the dioceses. Parish coordinators support the people on the ground locally as well, and then there are the 1,100 volunteers. In each school there is a delegate, who is the liaison person between the parish and the school.

We have a mandatory training program. Everyone is required to do certain units of work before they go into a school. We make it very, very clear during that training program that no-one is allowed to go in there with their own agenda: that they must teach with the authorised curriculum. From time to time, people do take their

own agenda in there and they are dealt with, with a particular process that is in place, to make sure that that does not continue. They are usually removed. Certainly they are monitored in the classroom and mentored for a period of time. If we are not satisfied that they are up to scratch, they are removed. We take it very, very seriously and, as John said, we teach all of our volunteers that if they stand between the parents and the children, you stand alone. We cannot support that.

Mr HENNESSY: If I can make one final point, it is really, I suppose, to address why I originally said what I did in my first statements about this. Some of the things that have been alluded to in this inquiry and that have been alluded to in the media we hear as well, and think, "Well, that is dreadful, and that shouldn't be happening." But my concern is that that is painting a picture of special religious education [SRE] delivery that is not true in the main—certainly not true in that the vast majority of special religious education [SRE] teachers who are doing a fantastic job. They have a very good curriculum and they are doing a good job in the delivery of that curriculum. What seems to be trumpeted is a small number of bad news stories and then, by default, special religious education [SRE] is being denigrated as something that is not appropriate, or which is not delivering quality curriculum. I do object to that.

The Hon. PAUL GREEN: I note that special religious education [SRE] has been going for more than 140 years and there is no doubt that you will have instances that need to be addressed. I am sure that if the ethics classes were going for 140 years, people giving evidence would be giving the same sort of response as that about the issues they would face of over 140 years of teaching and disciplines that go with that. I note that you have approximately 5,000 volunteers who teach special religious education in schools across the State. I note your completed minimum of 65 hours of coursework as part of their growing accreditation program and that the funding of these courses and the provision of resources and materials represent a substantial expense for the Catholic Church. My comment, which already has been foreshadowed, is this: If the Government is going to pay for special education in ethics [SEE], it should surely be paying for special religious education. Is that the understanding that I am hearing clearly?

Mr HENNESSY: No. We do not want public funding for what we do in the schools. We provide that, as we always have, at no cost to government. The point we are trying to make is that when ethics classes were suggested as an alternative to non-special religious education, we understand that that would be the case too. We understood, and we said at the time, that that would be very difficult to do. In a sense, that has come to pass and it certainly seems to be the case. That may change over a period of time—it certainly may do so—which would further help to minimise or provide an option for people in terms of management of non-special religious education students. But we maintain that solving that problem at a local level means that students will be doing something effective at no cost to the government, either through ethics classes or other appropriate activities in schools.

The Hon. PAUL GREEN: Very clearly, both should be non-cost to the government.

Mr HENNESSY: That is right, yes.

Mrs NEWELL: Yes

The Hon. PAUL GREEN: Can I clarify another comment that you mentioned? You suggest that special religious education and special ethics classes should be subject to the Minister and neither should have the advantage of being outside his disposal—or his or her disposal?

CHAIR: His or her.

The Hon. PAUL GREEN: Yes, his or her. It was her before it was his.

Mr HENNESSY: We would attest to the fact that special religious education comes under ministerial authority. The fact of the Rawlinson report's title is a testament to the fact that special religious education does come at the control of the Minister through the authorisation process. Can I put this to you: If there was seen to be a concern with an element of the curriculum of one of the churches or one of the deliverers of special religious education and it was brought to the attention of the Minister—I personally delivered all of the Catholic curriculum to the Minister's office last year when it was finalised and renewed and I know that the Protestant churches did the same thing—if there was found to be something within those courses that the Minister objected to and said, "This is completely inappropriate to be teaching in schools", then the Minister would have

authorities say, "Listen, what's going on with that?", and withdraw authorisation. We are saying that, as part of section 33A (3), the Minister no longer has that right over ethics classes.

The Hon. PAUL GREEN: And you are saying he should.

Mr HENNESSY: We are saying he should.

The Hon. PAUL GREEN: That would be your expectation.

Mr HENNESSY: Of course, we are saying he should, and I would expect that Primary Ethics would be okay with that. Do not get me wrong: This is not some clandestine way of moving back to a removal of ethics classes. We have already stated that we think it has gone beyond that. It is about bringing ethics classes into the ground that all other syllabuses and curriculums come under, which is ministerial authority.

The Hon. PAUL GREEN: Could you give us a snapshot of when your organisation got wind of the Education Amendment (Ethics Classes Repeal) Bill?

Mr HENNESSY: I might defer to Alison and John because I did not start in this role until 2010. I started a couple of weeks into 2010 and found myself embroiled in it. And Ian might be able to do that as well.

The Hon. PAUL GREEN: I am interested in the consultation.

Mr BAKER: I draw to your attention that attached to our submission is a letter of 30 November which went to the then Minister, Verity Firth, and the then shadow Minister. We wrote that letter on the day we heard, or it might have been 29 November and the letter might be dated 30 November. There was zero consultation on the bill. That is 100 per cent unusual. Normally Education ministers pay the key stakeholders in the Education portfolio the courtesy of advising that the bill is coming forward to either House, and almost always offer consultation. That bill came forward with zero notice, and I am on oath—zero notice.

Mr HENNESSY: If I can make an additional comment—I misunderstood your question, which is why I referred it on. Essentially, right throughout 2010, the move to first of all pilot the ethics classes and then to implement the ethics classes was to be done through an amendment to the guidelines, not to the legislation. When it became clear that the Opposition was thinking about and actually suggested that they would remove ethics classes if they came into power, the legislation was then moved so that, that essentially could not be achieved, unless the election is held and the Government is able to control both Houses of this Parliament. I would suggest that is why it was moved rather quickly, and certainly we had very little notice of it and the Catholic Education Commission responded quickly. Mind you, I think their concerns remain valid.

The Hon. PAUL GREEN: You feel that you were not consulted appropriately about this change in the legislation?

Mr HENNESSY: Certainly not.

Mr BAKER: Not on the amendment. Obviously, we were aware of the general debate, but we are talking about the amendment.

The Hon. PAUL GREEN: In your recommendations to the Sue Knight report, item 3 states:

Ethics classes, if continued, be held at a different time from SRE classes so that all children can take time to attend.

"Time" is my own word. Would you care to elaborate?

Mr HENNESSY: Certainly. I suppose this is pre-implementation of ethics classes during SRE time. We stated from the outset that we regarded ethics and philosophy—there was some doubt about what style classes could be held—as something that we certainly see as a very positive addition to any curriculum. The development of an ethics course that was available to all students and children was something that we regarded should be open to all students. We were concerned about the fact too that ethics is a valuable addition to anyone's education and it would create that choice where parents had to go, "Well, listen, religion, religion formation, formation in our faith or formation in ethics?" That was providing choice that I was asked about before and we regarded it as being a false choice because they are not one and the same.

That is why that was there and this was predating the implementation of ethics classes. As I said you, that battle was fought by the church. We were disappointed by the decision to have ethics classes, but we realised that that is a legitimate choice of parents and we support that legitimate choice of parents now that it has been implemented and there have been considerable resources in developing a curriculum and in the training of Primary Ethics teachers. We think that it would be a very difficult step to remove that at this stage and we would not be in favour of it. We would see it as a step that also essentially would place a lot of pressure on SRE teachers and their good work with their schools. We think it would be a negative for all concerned and create a negative climate within the State schools. That is why that was there in point three made by Cardinal Pell and Bishop Ingham.

The Hon. PAUL GREEN: You noted initially that you could not get more lessons to scrutinise for the Sue Knight report. Have you since seen the curriculum?

Mr HENNESSY: No we have not and we have not sought it out simply because, and it was alluded to here, that those documents have been made, I suppose, available quite recently. At the same point in time in preparing for this inquiry we did not regard it as our role to be making a comment about the quality of the education. But we did make the point that someone should, and we believe that someone should be the Minister.

Mr DONNELLY: If I may add a qualification to our testimony. I have accessed the curriculum as posted on the Primary Ethics website and I think that was just a day before our submission. So nothing we wrote about was referred to there. I would also not be able to give an assessment of it given that it is what I would call a curriculum overview and even as such it gives you a general sense of direction but not anything that I would care to make an assessment on.

Dr JOHN KAYE: Thank you for your very complete submission. Section 33A (3) of the Act states:

- (3) A government school cannot be directed (by the Minister or otherwise) not to make special education in ethics available at the school.

How do you go from there to the proposition you put forward that the Minister has less oversight over SEE than he or she would have over SRE, given that section 32 (1), a longstanding provision of the Act, also denies the Minister the capacity to stop SRE being provided in any school?

Mr BAKER: No, I disagree. We could get into a lawyer's argument, but I totally—

Dr JOHN KAYE: No, I am sorry, you put forward the proposition of what section 33A (3) meant. I am asking you to justify how you get from what I think is an equivalent provision in section 32 (1) to the provision you put forward?

Mr BAKER: I will attempt an answer. Let us go to section 32 (2) which states:

- (2) The religious education to be given to children of any religious persuasion is to be given by a member of the clergy or other religious teacher of that persuasion authorised by the religious body ...

That is right, but that is all subject to section 19. Our argument is that section 33A (3) is qualitatively different and has the effect of excising the overriding nature of section 19 when it says a government school cannot be directed.

Dr JOHN KAYE: Mr Baker, surely—

Mr BAKER: Section 32 (2) is aimed at authorisation of persons and section 33A (3) is specifically there to deny the Minister or anyone else power. They are very different sections. But I think we will not agree. That is why we have courts of law.

Dr JOHN KAYE: You are alleging that the incapacity of the Minister to stop SEE being offered in a particular school is tantamount to taking away all capacity of the Minister to regulate the course. I still have not been convinced by your arguments that those two things are equivalent.

Mr BAKER: I get the feeling we are not going to agree.

Dr JOHN KAYE: All right. So let us go to another—

Mr BAKER: Let me put our view of what section 33A (3) means. We are strongly of the view that there is no equivalent section that denies the Minister a power.

Dr JOHN KAYE: Your proposed replacement for section 33A would give the Minister the power to oversee all aspects of the implementation and administration of SEE classes and associated curriculum development? Would you be happy if that provision said, "SEE and SRE classes"? Would you be happy to give the Minister the same power to oversee SRE classes?

Mr BAKER: Well, the section would be a redundancy, but the Minister already has that power.

Dr JOHN KAYE: Even if it is redundant, would you be happy for that to happen?

Mr BAKER: Yes, because we regard ourselves as subject to the Minister and always have been. That relates to the Rawlinson review.

Dr JOHN KAYE: Good. Mr Hennessy, is it correct to say that Bishop Peter Ingham of the Wollongong diocese was the previous head of your organisation?

Mr HENNESSY: Yes. He was the spokesperson for CCRESS.

Dr JOHN KAYE: You would be aware of the language he used against SEE throughout 2009 and 2010?

Mr HENNESSY: That is correct.

Dr JOHN KAYE: For example, you would be aware that he told ABC *Stateline*, "Legally, you know, the Government is committed to this"—that is, to not having ethics alternatives—"since the early days of Henry Parkes' Education Act." When he was challenged he said, "It's enshrined in the constitution."

Mr HENNESSY: Yes.

Dr JOHN KAYE: So you would be aware that your organisation has a fairly profound history of hostility to the idea of SEE, including going to the point of saying that it would be unconstitutional to offer SEE?

Mr HENNESSY: Yes. I remember you picking that up at the time, Mr Kaye, following that interview. I also remember being present for that interview where Bishop Ingham spoke very favourably of a range of alternatives that should be provided during this time and suggested very strongly that ethics classes would be a good addition to the curriculum. I also remember commenting to that reporter at the time, "I hope that's not the only thing you put into that interview" because the Bishop did make a mistake and he noted a mistake that he made at that point in time, but that was also the only thing the ABC aired.

Dr JOHN KAYE: Mr Hennessy, you also said that you were not advocating the repeal of the legislative protection of ethics classes at this point in time?

Mr HENNESSY: Sure.

Dr JOHN KAYE: You have left open the opportunity to return to a position of advocating the repeal of the legislation at a subsequent time?

Mr HENNESSY: I think if you read in context what I was referring to was that "at this point in time" is referring to the fact that it has gone past, from our point of view, a repealing of ethics classes. We think that would be a retrograde step and we think it would have a negative impact not only on what goes on for those who are currently getting ethics teaching, but also for our SRE teachers. We think it would create a negative climate in schools. We think there would be repercussions for faith providers. They certainly would be seen as taking away something that should be the right of parents to make that choice and we accept that.

Dr JOHN KAYE: Your version of 33A (3) would create the opportunity for you and other special religious education providers to lobby the Minister to have SSE excluded from particular schools?

Mr HENNESSY: No. I have said to this inquiry and will state it again. The purpose of us raising 33A (3) is not in some clandestine way to remove ethics classes in the future. It is simply to bring ethics classes back under the umbrella of responsibility that all other courses have, that is the umbrella of the Minister.

Dr JOHN KAYE: You answered a question I did not ask. You answered a question about your intention. I am asking you about the version of the 33A (3) that you have proposed. Would it not create the opportunity for another organisation—not yours—that was hostile to ethics in a particular school to lobby the Minister to have ethics excluded from that school as an option? Would you like to take that on notice? Because our time is short maybe you could take that on notice.

Mr BAKER: There is a logical fallacy embedded in all that, that the only opportunity anyone would ever have to lobby the Minister is if the Act was changed. This amendment itself demonstrates that people can lobby the Minister at any time they like, and Parliament can amend the Act at any time it likes. The existence or non-existence of certain provisions of the Act has nothing to do with it. You are trying to make a false causal link and it is a quite fallacious synergism you have put together. Anyone can lobby the Minister at any time; Parliament can amend at any time. That process has nothing to do with the particular wording of a—

Dr JOHN KAYE: As you say, Mr Baker, it would require the Parliament to change the legislation for the Minister to stop it.

Mr BAKER: Yes. We watched that happen in November 2010 with no notice.

Dr JOHN KAYE: Can I go briefly to how did your organisation get access to being the monopoly Catholic provider of special religious education? Were you part of a tender process? How did you get that job?

Mr HENNESSY: I am not sure anyone else tendered to provide Catholic special religious education.

Dr JOHN KAYE: You would accept there are a variety of views of Catholicism? I have a lot of friends who have widely divergent views. One of my favourite things is to start an argument at dinner parties on various aspects of Catholicism.

Mr DONNELLY: They must be long nights you have there.

Dr JOHN KAYE: They are and they are very entertaining. We should invite you one night. Did you tender for it?

Mr HENNESSY: No.

Dr JOHN KAYE: There was no open tender process?

Mr HENNESSY: The Catholic Church has never had to tender for authority to teach on Catholic doctrine.

Mr BAKER: Also, with indulgence, this is another piece of false logic. If the Catholic Church had a monopoly—

Dr JOHN KAYE: With respect—

CHAIR: Order! Dr John Kaye asked the question of witnesses and Mr Baker is answering.

Mr BAKER: If the Catholic Church had a monopoly of provision of religious education in government schools in New South Wales, your question would be germane. But, it does not, and the issue that arises, and this is a little bit surprising, there appears to be only one provider of ethics courses. The Catholic Church has no monopoly, has never sought and would never be granted a monopoly for the provision of special religious education in government schools. But your line of questioning is a bit like, "Have you stopped beating your wife?" It puts us in the position, you are trying to prejudice the words we have given to the Committee.

Dr JOHN KAYE: Mr Baker, I just asked you a question; you chose to interpret it that way. Unfortunately, our time has run out.

(The witnesses withdrew)

KHALED SUKKARIEH, Chairman of the Islamic Council of New South Wales, sworn and examined:

CHAIR: You are welcome to give an opening statement. It is not obligatory but we do not have a submission from the Islamic Council of New South Wales before us. Perhaps you wish to give an opening statement?

Mr SUKKARIEH: Thank you for the opportunity to be present and to contribute to this inquiry. I will start as we Moslems start by saying, Bismillah ir-Rahman ir-Rahim—in the name of God, most Beneficent, most Merciful. As you know, as most people know, we worship the God Almighty, the creator. There is no God beside him, and the Prophet Muhammad is the Prophet exceeding all prophets who have come before.

The Islamic Council of New South Wales is the peak body that represents 20 members sited in New South Wales. It was established in 1976 to facilitate the effective integration of Moslems in Australia and in Australia's cultural and religiously diverse community. The council has been the provider of Islamic scripture for three decades in New South Wales. The program has enabled us to focus on the provision of Islamic teaching which reinforces the values of inclusion, respect, love and citizenship, especially in the climate of local and global instability.

Feedback to the program has been significant and wide ranging and extremely positive. It has continued to grow as has the demand for classes. We currently have nearly 20,000 students learning in the public system. We have around 600 teachers who are volunteers. We attend approximately 900 sessions at about 329 schools. That is the current status quo.

We have one full-time employee who is, if you like, the office manager, coordinator of the scripture program. We added the I in front of the SRE, so we call it Islamic special religious education. So, if I refer in my notes to ISRE, I am referring to Islamic special religious education. The continuity of the program is vital, as we have witnessed the positive impact it has had on students and their families and the community. As with other faiths, special religious education within the Islamic special religious education includes the topics of ethics, morality, respect for the individual and others, and they are covered thoroughly and are based on thousands of years of thought and practice.

Basically, in a word, we live, eat, sleep ethics. We do not think it needs to be taught as a separate subject to be learnt. It should be already inbuilt within the education curriculum. We have something called values education in our system at the moment that we teach in New South Wales. We believe that is part and parcel of everyday living. I will give you just a couple of examples of children learning through role modelling. We first look at our parents as role models, people in society or whoever we believe is the person we should look up to. In Islamic scripture those role models are the prophets. They are the highest level you can achieve, they lived the life, kept their word, and there is no ambiguity in what they have done and achieved. Those are the role models for Islam and we base a lot of the religious curriculum on that. The curriculum we have is comprehensive. It covers morality and belief in the prophets as well as inclusion of other prophets—it is a continuous system. It is not just an ethics system. There is a distinct difference between ethics and special religious education.

We believe that special religious education [SRE] is important in helping nurture the well-being of students. We live in a multicultural society with a secular State education system. Teaching our kids their heritage and culture enriches our State and people and affects how we deal with others. Knowing our faith, culture and heritage helps us deal with our everyday life. This program is vital in influencing young people in a positive way. Any dilution or diminishing of SRE, Islamic or otherwise—this is where we stand as a council—regardless of the outcome of ethics trials or classes or whatever, will have a negative impact on our community. In saying that we believe when the trial actually started in 2009 it had two objectives: having special religious education time; and people that did not go to special religious education had the opportunity to study something else, in this case it was ethics classes. That is what this is all about. We do not want it to touch special religious education, especially Islamic, because we believe there will be a huge impact. We believe it should not be an attempt by a secular State to scrap special religious education by stealth.

The Hon. DAVID CLARKE: Mr Sukkarieh, the Islamic community is involved in a big way in providing SRE classes in public schools. There are many hundreds of volunteer teachers. In some schools, because of the small number of students of Islamic background, the council is not able to provide that education.

There may be situations where Islamic students go into ethics classes because their parents want them to. But you would still have a concern as to what they are being taught in those ethics classes?

Mr SUKKARIEH: Absolutely.

The Hon. DAVID CLARKE: Would you be concerned if there was no Ministerial oversight of what is taught in that ethics class?

Mr SUKKARIEH: There has to be somebody responsible with everything we do. The other point I should have mentioned is that we, as Muslims, believe that God is there, and He knows how we act and sees what we do. We have an overarching—

The Hon. PAUL GREEN: Authority.

Mr SUKKARIEH: Authority. We know the boundaries. We know that God is watching these boundaries so anything outside the boundaries we will be answerable for. It is like driving down the street; you have a speed limit of 60 kilometres an hour and if you go over that you are in trouble. The question would lend itself then; if we are teaching our young people ethics in schools as well as at home, who is going to oversee that in the schools? What sort of topics will be taught and what sort of subjects? Yes, I believe that oversight is necessary.

The Hon. DAVID CLARKE: The basis of ethics you would see as a choice between good and bad?

Mr SUKKARIEH: That would be true.

The Hon. DAVID CLARKE: Would your council be concerned to learn that only one ethics organisation was asked to put together a course, that there was no tendering process between various organisations that deal with ethics? One private organisation put together an ethics course without entering a tender process, would that situation cause you some anxiety?

Mr SUKKARIEH: It may or may not. It depends on what is in the curriculum. We did not go over the curriculum as it does not affect us much. I had a quick look but I believe we would not be able to get it anyway until late.

The Hon. DAVID CLARKE: You may need it for Muslim students who cannot receive religious education from your council, and if parents wanted them to go into ethics classes would you be concerned about what was being taught?

Mr SUKKARIEH: Absolutely. What we would be saying, Mr Clarke, is that the stopping point is with the parents. This is an important point. The parents must agree on what subjects their children are being taught; whether it is Islam, Christianity or anything else. The parents have a role to play. Parents would need to look at it seriously. If children are going to be taught ethics, as a parent we must ensure that it is not contradicting what is taught by Islam. That is an important point. We need to choose.

The Hon. DAVID CLARKE: Hence active Ministerial oversight?

Mr SUKKARIEH: Absolutely, that would be very important.

The Hon. SARAH MITCHELL: During the previous two hearing days we have heard from witnesses of the idea of not having specific religious instruction but a comparative religion course that all of the students go to and religious instruction is left for the home or parents to do. Does the Islamic Council have a view on that?

Mr SUKKARIEH: Are we suggesting replacing special religious education?

The Hon. SARAH MITCHELL: That is what has been suggested.

Mr SUKKARIEH: Absolutely no way. We would not agree with that. Comparative religion is very important to learn but not at the expense of special religious education. We are talking about young minds. They have not even formed a view of how to go down the street without worrying about the strangers let alone formed

a view of world affairs and philosophical subjects that are dealing with complex issues. If it is separate class-time, that may not be such a bad thing.

The Hon. SARAH MITCHELL: But not as a replacement?

Mr SUKKARIEH: No, not as a replacement.

CHAIR: Have you had any parents that have expressed concern about the provision of ethics classes or the provision of special religious education not provided by the Islamic providers but other religions?

Mr SUKKARIEH: If ethics were to replace scripture our biggest concern in the Muslim community is if it is done by stealth. That would be a major concern. We are trying to brainwash people—maybe that is not the word—at that young age what we are trying to do, in an extremely rich diverse culture and heritage, is to have our kids learn their religion before they make a decision on how to deal with the rest of the world. It encompasses an everyday thing. Ethics is one subject or one topic or one area within a whole life framework in a religious education. It starts at home with "Don't take that; don't touch this; don't steal that; don't tell lies". They are the sorts of basic things we learn whether that is religious or non-religious. In school we learn about prophets; in ethics they do not learn about prophets. In school we learn about people who have done great things and how they have contributed to humanity. We also learn about the next step in our life. In ethics you only learn about this stage of your life. I think from a religious point of view we are not just concerned with our short time on earth, we are also concerned with the next stage, which is the basis of why we are living—what is the purpose of our life. That is where we go from.

The Hon. SHAOQUETT MOSELMANE: You know that there is no suggestion of ethics replacing SRE, do you not?

Mr SUKKARIEH: Yes, absolutely. We are just worried that that could be the case because that has been resonated out there in the community—some of the stuff that went before, in 2009 and 2010, that has been spoken about.

The Hon. SHAOQUETT MOSELMANE: The media campaign sent confusing signals.

Mr SUKKARIEH: Absolutely.

The Hon. SHAOQUETT MOSELMANE: But you understand the reality is, as we have heard from various witnesses, that they see it as a complement to and not an encroachment upon SRE?

Mr SUKKARIEH: Yes.

The Hon. SHAOQUETT MOSELMANE: They are providing this education for students who have chosen not to go to SRE.

Mr SUKKARIEH: Absolutely.

The Hon. SHAOQUETT MOSELMANE: So, it is not a threat to Islamic SRE, is it?

Mr SUKKARIEH: It is not as long as—in the early period of the trial I believe the people that were approached were not approached on a non-special religious education basis; it was as a whole thing. They are now starting to poach. Young people are affected easily. If we go into a whole-of-school sort of thing and say, "We've got this program" and one kid and his mate go to two different classes, one to Islamic scripture and one to non-scripture, and the one who goes to non-scripture says he is going to that class and the kid who is not going there tags along because of peer pressure, there is a concern from that perspective. You cannot target a whole school. Initially it was to target the non-special religious education kids but I believe in the trials there were some instances where they targeted the whole school rather than those people.

The Hon. SHAOQUETT MOSELMANE: Opened it up to everybody, whoever wanted to go.

Mr SUKKARIEH: Yes.

The Hon. SHAOQUETT MOSELMANE: Ultimately, as you say, it was a decision of the parents—

Mr SUKKARIEH: Absolutely.

The Hon. SHAOQUETT MOSELMANE: —to say, "You are going to ethics."

Mr SUKKARIEH: A lot of parents do not know what is going on. They do not read the notes or they have no idea.

The Hon. SHAOQUETT MOSELMANE: Are you talking about parents of Islamic background?

Mr SUKKARIEH: Yes.

The Hon. SHAOQUETT MOSELMANE: You said earlier that you teach about the prophets and so forth and you said you have had an overview of the curriculum ethics provides. Apart from teaching issues about the prophets and Islamic teachings, does ethics contradict the teachings of any Islamic standards in terms of ethics and morality and so forth?

Mr SUKKARIEH: I had a quick look at an overview. For example, looking after the environment. The prophet Salah Salem said that if you see a rock in the middle of the street that could hurt somebody, remove it. It is a charity to remove a rock or a harm that is in the middle of the street. Do not cut a tree that is totally unnecessary. Do not kill an animal unless for food or for a purpose. If we are talking about the environment we are talking about animal welfare. Everything that that encompasses is built within that framework.

The Hon. SHAOQUETT MOSELMANE: And ethics complements that?

Mr SUKKARIEH: Yes, depending on the topics they are teaching.

The Hon. SHAOQUETT MOSELMANE: That is what I am saying. Those topics do not necessarily contradict the topics you would teach in Islamic studies.

Mr SUKKARIEH: No.

The Hon. SHAOQUETT MOSELMANE: But In Islamic studies you add other things about the prophet.

Mr SUKKARIEH: The curriculum covers a lot more.

The Hon. SHAOQUETT MOSELMANE: So, for the last 30 years you have had no issues with teaching Islamic scripture?

Mr SUKKARIEH: I am sure there may have been some occasions where some people decided to say some things that are not necessary or the teacher presented something and the kids misunderstood it. We have heard about that and fixed it up pretty quickly.

The Hon. SHAOQUETT MOSELMANE: Has there been a reduction in the number of students enrolling in Islamic studies?

Mr SUKKARIEH: Not that I am aware of. It is actually on the increase.

The Hon. SHAOQUETT MOSELMANE: So ethics has not really impacted on Islamic studies?

Mr SUKKARIEH: Not at this stage. It is too early to gauge that. We are still trying to approach schools because it rests with the school principal whether to allow certain things or not. We have to get permission to put special religious education in schools.

The Hon. SHAOQUETT MOSELMANE: What is the working relationship between the Islamic Council of New South Wales and school principals?

Mr SUKKARIEH: We have had hardly any issues.

The Hon. HELEN WESTWOOD: I am interested in whether you have heard from parents of the Islamic faith similar complaints to those we have heard from parents from a variety of backgrounds. We have received evidence from the Federation of Parents and Citizens Associations of New South Wales that many parents whose children did not attend scripture classes, for a variety of reasons—maybe because their faith was not available through scripture in a particular school or maybe because parents were non-believers or because they wanted to give religious instruction themselves—felt there was no meaningful alternative and children ended up doing things like colouring-in, or as the Hon. Shaoquett Moselmane told us he ended up picking up papers. Clearly there would be many children of Islamic background who are in schools outside Sydney and I assume it is a bit more difficult to provide to them. Does the council have a view about what would be appropriate for those children where they are not able to attend Islamic scripture?

Mr SUKKARIEH: We believe that should be left up to the school itself to decide and it should be a useful time for them. We do not have a view as to what they should be taught. People have a choice to opt out of something. If, for example, they do not want to study Islam it becomes the parents' choice to say, "I don't want my son or daughter to study that." That is respected. As to what they do outside that is not really a concern for us unless they are being taught wrongful things and things that are—what is the word? I cannot explain it. To take a silly argument, there could be a lot of things they could be taught in those lessons, like civics or values education or whatever. That is already within our system so we cannot just isolate a certain group and say, "Let's see what we can do with them." What happens to the rest? I really do not have an answer as such.

The Hon. PAUL GREEN: Do you think we should repeal the ethics bill?

Mr SUKKARIEH: I actually debated this—

The Hon. PAUL GREEN: You really understood the place of SRE?

Mr SUKKARIEH: Absolutely.

The Hon. PAUL GREEN: I think you should given the basic clarification of why we do SRE.

Mr SUKKARIEH: Absolutely.

The Hon. PAUL GREEN: In that light, I go back to my original question.

Mr SUKKARIEH: I understand what you are saying. The council had quite a time trying to work out are we in favour or are we not in favour. A lot of reasons go into making a decision. Some of it is: If you did repeal something like that what happens to the current people who are already enrolled? What are the negative impacts? What is the backlash? You do not want to cause a negative. We truly believe that the scripture and the ethics program should be two separate programs.

The Hon. PAUL GREEN: At two separate times?

Mr SUKKARIEH: That would even be better. They should be at two separate times so that everybody can benefit out of the whole lot. The Islamic Council in principle does not object to continuation of special education in ethics being taught in schools as long as it is as it was outlined in 2010. It will not impede or encroach on the special religious education: it does not diminish from that. It is making sure that parents understand what they are up for. It is like when we are walking down the street and pick up a piece of paper and we do not look at it. We throw it out. Understanding whether the parents choose, because this is now a choice, if they are choosing between going to Islamic studies—or Islamic special religious education—or they are going to ethics, as long as they know that it is fine because then they can make an informed decision.

The other thing we do believe though is that there should be a review—even saying we do not object to it—but there should be a review carried out to find out, because it is in its infancy, to see the impact on special religious education or otherwise, or even SEE. Then there should be a formal review done by the Department of Education or Government, or the Minister, if you like, and see how it has affected the SRE numbers as well as the EEC classes.

The Hon. PAUL GREEN: In evidence to the committee a witness said that SRE is a faith-based program and ethics is not. I think you clearly articulated why that was so in terms of eternal life. You mentioned eternal life and about the prophets and the lessons we can learn from them. In view of the time, I will go to

another question. You said you felt the application of the program was done by stealth? Were you not consulted by the Government?

Mr SUKKARIEH: We are saying "by stealth" because we call ourselves a secular society that people might see this as a window of opportunity to taking over scripture slowly and by stealth. I mean "taking over" by replacing it. One minute you start with a law like this and then you start changing or tweaking the law and doing certain things, and you change things until what we started with and what we end up with are two different things. That is our grave concern. In terms of consultation with the legal side of things, initially we heard about it in 2009. The St James Ethics Centre, I think Coleen MacKinnon, had contacted the council in 2009 to get to seek support for such a program. What I said about stealth was not meant back then, but it was more so that we feel that could be a precursor. We fear that it could be a precursor to changing our State.

The Hon. PAUL GREEN: You would want that strengthened in the law?

Mr SUKKARIEH: Yes, absolutely, we want it to be in the law.

Dr JOHN KAYE: Were you consulted about the Government's current legislation to change the School Certificate to the Record of School Achievement?

Mr SUKKARIEH: Are we talking about the School Certificate as in year 10?

Dr JOHN KAYE: Were you consulted about that?

Mr SUKKARIEH: I do not believe so.

Dr JOHN KAYE: Were you consulted about the decision by the New South Wales Government to hand over the NAPLAN results to the Federal Government?

Mr SUKKARIEH: We heard that through the media but I do not see how that can be of our concern. The year 10 certificate, for example, we are not in the area of delivering year 10 curriculum; we are in the area of delivering special religious education.

Dr JOHN KAYE: Are you the sole provider of Islamic special religious instruction?

Mr SUKKARIEH: In this State? I believe we have the authority to deliver. I am not sure that there are other people out there. They may be delivering but usually they would have to come through the Islamic Council of New South Wales.

Dr JOHN KAYE: You have a monopoly for Islamic instruction?

Mr SUKKARIEH: I would not say that is a monopoly. We were the only people around to actually provide the service in 1984.

Dr JOHN KAYE: You were the first to put up your hand? I understand that, as with many religions—this not a negative comment about Islam—there are many different views of the practise of Islam?

Mr SUKKARIEH: Absolutely.

Dr JOHN KAYE: But you are it? The Islamic Council has control?

Mr SUKKARIEH: What we do in our curriculum is not specific to incite hatred or violence or difference of opinion; it is about actually teaching. We talk about the prophets, we talk about the Koran and we talk about interpretations. It is like interpreting the law.

Dr JOHN KAYE: I am sure you do an excellent job. I am not trying to cast aspersions on what you do.

Mr SUKKARIEH: What I am saying is that there is no need for us in our curriculum to teach, say, this is Shia, for example, school of thought and this is Sunni school of thought. We do not go down that path

because we are in the path of teaching, what do you call it, Islam in moderation without actually having to go into the ages—

Dr JOHN KAYE: I am sure you do an excellent job and I was not casting aspersions. I was getting to the point that you are the sole authorised provider of Islamic special religious instruction in New South Wales?

Mr SUKKARIEH: I believe that is the case.

Dr JOHN KAYE: You occupy that position for historical reasons: you were the first to put up your hand and nobody else has put up their hand at any stage seeking to get authorisation either in competition or in replacement to you?

Mr SUKKARIEH: What is the last comment?

Dr JOHN KAYE: You are the sole provider? Nobody else is currently out there saying, "We do not think that Mr Sukkarieh's organisations, the Islamic Council, should be the sole provider; we think we should do it?"

Mr SUKKARIEH: I do not believe there is anybody out there who is doing it. There may be. There is always something trying to put up their hand to do things. I am not aware of them.

Dr JOHN KAYE: Are you aware of the argument that says that the creation of the ethics courses will actually protect special religious education from any attack from people who want to get rid of SRE, contrary to what you earlier suggested, that in fact special religious instructions is protected by the existence of the ethics classes?

Mr SUKKARIEH: How is that?

Dr JOHN KAYE: Two arguments: firstly because it takes away the pressure with respect to those children who do not take and SRE option on offer in that particular school; and, secondly, because we create a whole army of volunteers and an organisation that have a lot invested in the continuation of that one period a week?

Mr SUKKARIEH: Right. That may be the case but, as you know, and I think you are much more versed with these things now having heard from about 3,000 people—I do not know how many people you have heard from in the last three sittings. It has been going on for 140 years. Yes, it is historical.

Dr JOHN KAYE: One hundred and thirty-two, if I can correct you there.

Mr SUKKARIEH: I am just estimating, I am sorry.

Dr JOHN KAYE: You are quoting?

Mr SUKKARIEH: No, I am estimating, let us say 132 years. Let us say more than 100 years. Some of it has been going over 100 years and if some of it has been going over 30 years, for example. If you are asking me if I feel ethics is a threat to teaching Islam, it is not. I do not see it as a threat as such. What I am worried about, as I said, is that replacing special religious education time, people being taken to that? That is all.

CHAIR: I thank you for the robust evidence that you have given to this inquiry. It is good to have the views of the Islamic Council of New South Wales recorded in *Hansard*.

(The witness withdrew)

(Luncheon adjournment)

ROSS CLIFFORD, President, New South Wales Council of Churches, and

ROD BENSON, Public Affairs Director, New South Wales Council of Churches, sworn and examined:

CHAIR: Do you wish to make an opening statement? It is not obligatory.

Reverend Dr CLIFFORD: I assume the Committee has the report, which Reverend Benson prepared. It might be helpful if he were to take you through the 13 summary points on page 2 and then, if appropriate, I will deal with the conclusions. I do not think that that process will take long, but it might help the Committee to centre on the issues we are addressing.

Reverend BENSON: It is a privilege to be here on behalf of the Council of Churches to comment on the issues relating to the introduction of special ethics and special religious education classes in New South Wales state schools and the bill designed to repeal that legislation. Page 2 of the council's submission contains 13 points that summarise our concerns or comments in relation to the substantive issues. I will work through them and Dr Clifford will talk about the conclusions we have come to.

The Council of Churches' first concern relates to what we assume are the political tactics rather than the educational considerations that led to the passage of the Act. I think we are all well aware of the political situation prior to and post the last State election. The second issue is that ethics classes directly compete with special religious education classes. That has been minimised in some respects or set aside by some of the comment in the public realm. Third, parents should have access to special ethics education curriculum materials, but I am not aware that the full materials are available. Fourth, ethics education is already offered in other contexts in our schools. Fifth, the special ethics education curriculum privileges consequentialist ethical theories. I am happy to talk about that in detail. Sixth, the special ethics curriculum intentionally excludes religious wisdom not only from Christian tradition but also from other traditions.

Seventh, ethics is caught in a moral community not just taught in a classroom. Eighth, there is a lack of due process in appointing the special ethics education provider. Ninth, schools must comply with Department of Education and Communities implementation guidelines and they are not necessarily doing that. Tenth, problems regarding opting out, class sizes, promotion of special ethics education classes and access to classes by all students need to be addressed more appropriately. Eleventh, problems regarding provision of suitably qualified and trained volunteer teachers must be addressed. Twelfth, many students continue to require supervised private study while some students have returned to special religious education classes—obviously the other major option for them. That could indicate deficiencies in special ethics education classes. Finally, the new arrangements set a precedent for the introduction of other kinds of classes.

Reverend Dr CLIFFORD: There are two key themes in the conclusion that are central to the discussion. One is our heritage and the other is the misnomer that we can have anything such as value-free ethics. As an ethicist, I know that the most important thing is not the issues; it is the way you make a decision. What are the foundations behind that decision-making process? To have primary schoolchildren or others talking about case studies and reaching some sort of decision is not doing ethics. The main purpose of ethics is to find out what is the world view, what is the process, what is the decision-making process behind how this person does their ethics.

If post-modernity has taught us anything—and I am not sure it has taught us much—it has certainly taught us that we do not come to ethics from a value-free basis. What are the values of the people writing the ethics classes? Where are they coming from? Where is this displayed? If parents choose a Catholic, Baptist or Muslim class, they know the values behind that class and who is teaching it. If they are more conservative, they might choose the Baptist or Anglican class and if they are less conservative they might choose another denomination. But at least they are informed about the values taught in that class and have a good sense of the values behind those teaching it. There is no such thing as value-free ethics. What are the values of each particular teacher in the classroom? Where are they coming from? What are the values of the writers of the course and, even more significantly, the teachers? We do not do value-free ethics.

In one of my roles in an ethics group at Sydney University we identified nine different approaches to doing ethics. We knew they operated and declared them. We looked at case studies according to those nine different approaches to deciding moral issues. Where is this found? If it is the case that the students will guide each other then we have the method—it is relativist, pluralistic ethics. One would assume that that is how the

children will learn how to do ethics for the rest of their life. Decisions are not the primary issues in respect of ethics. It is how I make decisions that is the primary issue and how I make decisions is never value free.

Our second concern is very much about that. It is a misnomer if it is felt that it can give a value-free, universal approach to ethics across the board. It has been suggested that it could do that if it were religion free. Even if you do have such a thing as "religion free", religion is not only Christianity and Buddhism, it is also atheism. It is the world view that guides you. What is the religion behind this ethics group? Do we want to be religion free? I have just had the privilege of visiting Washington DC where I was reminded that the greatest statement of human rights, the Declaration of Independence—which all of us I am sure still affirm and which is the self-evident truths of Thomas Jefferson, the author—is based on self-evident truths from nature's God.

I also reference the Universal Declaration of Human Rights, which many would say was written by Rene Cassin. The United Nations has based its document on his work, which he said was based on the Ten Commandments. Why would ethics be anti-religious influence or religious world view? If it is and if it is not there what are the values it comprises? That is the second point we are concerned about; that is, whether what the ethics classes think they can do can be done. The first point relates to our own heritage and culture as Australians. We believe it is important for Australian young people to have an opportunity to understand what has made this nation what it is and its values. What are our stories and what is the meta-narrative that holds that together? Even if it is not part of their own ongoing choice or their faith, parents can choose for their children to have that background and story. We do not think that should be in completion.

CHAIR: Given that we now have the ethics course and it was set up to cater for some meaningful activity for the children who did not attend SRE, I am interested to know about your point number 8, the lack of due process in appointing the ethics provider. Given that we are in a new government phase and given that, for whatever reason it appeared to be rushed and people thought that they were either consulted or they were not consulted, we now have a provision there and we have got volunteers, parents, teachers and principals used to having it and it has been bedded down, but this Committee is looking to the future, what would you see as due process moving into the future with ethics provision?

Reverend Dr CLIFFORD: One area for me, if there was to be an ongoing ethics class, clearly parents and schools need to know the values behind the writers of the course and the teachers of the course. You cannot have informed consent by parents if they do not know the values behind those who are teaching and leading the classes. I would think that any ongoing ethics class needs to really spell that out and not allow people to pretend they are value-free. What are the values behind the writing of this course? As a parent I have the right to choose that as much as I have a right to know the values behind the person who is teaching me SRE and I do not see where that has happened, where that has been part of the process, where that has been identified.

Just because people come from ethic centres does not mean they necessarily have a value that I as a parent would want to endorse. At least I would want to know in a conversation around the meal table or whatever I can flesh that out and say, "He's a Baptist, he might say that", and help the kids have a conversation. One of the things that any process of an ongoing ethics course would really have to come to terms with is this, and significantly come to terms with it and put the pretence to death and work out what the values are.

CHAIR: Do you believe that the Minister for Education should have the overview, as he or she does with SRE, and the power and the capacity to amend, repeal or whatever certain aspects of the ethics course?

Reverend BENSON: Yes, I believe that is the appropriate place for the authority to rest. In terms of due process in our submission as well as the values-based questions, there is the matter of what I see at least as the cosy relationship between the parents and citizens associations, which we think well of in general, and the St James Ethics Centre. The department seems to have just said here is this plan already worked out for us; we will move forward with this one suggestion, rather than take it to tender or something like that. I regard the St James Ethics Centre as predominantly a secular organisation; it is not a religious organisation espousing religious ethics at all, and it does its best work in business ethics rather than the kind of ethics we are talking about in relation to SEE. But it would have been helpful and it would be helpful in the future for the department to make an offer through a tender process or something similar to that and include religious organisations and multifaith groups as well as the St James Ethics Centre and other similar organisations and then have the department choose the best provider with the best track record and the best options available.

CHAIR: You make a point in number 9 of your submission that schools need to comply with departmental implementation guidelines for SEE. Could you be more specific in terms of what part of the guideline process some of the schools may not be complying with?

Reverend Dr CLIFFORD: In my case it is only anecdotal. I have students—because I am also the principal of a theological college that teaches scripture—and they were talking about the changes that took place. I do not know how much weight one puts on anecdotal situations but some of them said the situation certainly changed in the sense of they are no longer going to classrooms but are now going to a combined room and then the scripture people have to break off from the combined room, which put pressure on kids to stay or not go.

CHAIR: Do you think to a certain extent that has settled down and that it was probably in the initial stage?

Reverend Dr CLIFFORD: We have just started back so I will catch up with the students and find out to what extent they feel that is the case. But I think it is fair to say that those anecdotal stories are being received by the council and no doubt they have to be weighed with all sorts of other accounts that are coming forward as well.

The Hon. DAVID CLARKE: Dr Clifford, in your submission you refer to the lack of due process in appointing the SEE provider. Are you referring to the fact that there was no tendering process?

Reverend Dr CLIFFORD: No tendering process. As I said, what is the value base of this particular provider? What is the investigation of this particular provider?

The Hon. DAVID CLARKE: So, first of all, there was no tender process and you think that is wrong?

Reverend Dr CLIFFORD: I think that is wrong.

The Hon. DAVID CLARKE: Secondly, there was no involvement in other groups apart from the St James Ethics Centre? Even if they have been appointed through a tender process there was no other input into that?

Reverend Dr CLIFFORD: As far as I am aware, not being part of the political process, that is how it appears to be to us.

The Hon. DAVID CLARKE: On the question of where ethics derives from and the different inputs and values that go into an ethics course, you would be getting back to the idea that the terms "morals" and "ethics" in their original languages basically referred to the same thing: the question of good versus bad? That is what ethics is about at the end of the day, and that being the case would you be saying in a nation where the great majority in the census claim to have religiously based views that those views of the great majority in the census had not been taken into account in the setting up of an ethics course? Would that be a general summary, more or less?

Reverend Dr CLIFFORD: Yes. I think you have said that well. I think there is still some debate whether morals and ethics are one and the same thing. I think morals can be more about the mores of society, about the "is"; ethics is often about the "ought". But, having said that, yes, I think if you are going to have an ethics process where you are going to have ethics classes surely you want input into what has shaped the ethics of this nation. How can you have an ethics class for children without an input of what has shaped this nation ethically?

The Hon. DAVID CLARKE: In other words, it would be of concern to parents to know where the derivation of those ethics has been, whether it is from some religious leader or whether it is from Professor Singer, who are both involved with ethics. The parents really should know from where the ethics derived. Is that what you are more or less putting?

Reverend Dr CLIFFORD: Yes. My experience of life is that parents and sometimes principals, because of the complexity of the age and all sorts of other things upon them, tend to make often very pragmatic decisions: "This sounds a good idea, we will do that". "Does this bring a better good to our community?", or whatever. But surely the role of those who make decisions, whether it be government or a Minister, is to dig

deep and find out who these people are, what is the process, what are the values, and for those to be clearly stated to parents. I cannot run an SRE program without you knowing who I am and what are the values behind that. So why is it any different to an ethics program?

The Hon. HELEN WESTWOOD: I just want to go to your submission on page 3 where you deal with objectives and you talk about the primary ethics website and you state that one of its objectives is to develop and deliver philosophical ethics education for children in urban, regional and rural schools free of charge by a network of trained and better volunteers. You state that it is clear that there was a deliberate move to design and roll out an ethics program in direct competition with SRE classes, arguably with a view to replacing SRE classes in the future. Can you explain how you came to that resolution from that quote? It is not clear to me. Could you just take me through how you came to that conclusion?

Reverend BENSON: It goes to the political process and the issues around the initial concept and idea of the trial. It is my understanding—and again I am mainly talking about anecdotal evidence—that the parents and citizens associations have for a long period of time felt that special religious education [SRE] was in some respects incompatible with a secular education program. There are other tensions in the community in relation to that as well. My understanding is that it was seen that a robust alternative—some say a complementary program—of secular ethics was the solution in the short term to meet the needs of those whose parents and guardians had opted them out of special religious education, but perhaps in the longer term as not just an alternative to special religious education but a replacement to religious based instruction or education in the State school system. It is easy to imagine how that might take place over a period of a number of years, or perhaps over a generation, particularly if special education in ethics was seen to be very positively embraced by parents, by schools and by local communities. That certainly has not been the case to this day and my understanding is that there is a great deal of concern about where the appropriate teachers for special education in ethics will come from and how they will be managed, vetted, trained and resourced. I have another question in relation to that. We are talking about years 5 and 6 at the moment, and that is fair enough, but what about the other grades? Is it a circular process or are there other aspects of ethics that are not covered in the current curriculum, of which I have not seen a full copy.

Reverend Dr CLIFFORD: I was reading a debate between a well-known atheistic journalist—and in many ways I admire a lot of what he writes—who was writing in response to a Christian ethicist, and in some sense the context of the debate was the special education in ethics classes. He said, "Let's get to the core of this: Why do we have SRE at all in our schools? I mean this is about separation of church and State." Whilst at the front level that was the purpose of the article, he went to the elephant in the room, which is why would we have special religious education in a modern State and a modern education system? What is the justification for that?

The Hon. HELEN WESTWOOD: I still do not quite understand that. We have had submissions and evidence, certainly from the parents and citizens federation and at no time have they put that position to us, and I have not heard any public discourse from parent organisations suggesting that—in fact quite the reverse. This inquiry is about removing ethics classes, not removing special religious education. I am at a loss to understand how you got to that conclusion from that statement on the website. On page 4 you say:

In pursuing its stated objectives, the St James Ethics Centre directly undermines this valuable cultural and educational service which has been provided by religious groups in the community ... For those who are committed to the removal of SRE classes in NSW, such as certain individuals and groups associated with the Federation of Parents and Citizens Associations of New South Wales ...

I do not believe that to date we have received any evidence that supports that. What evidence do you have of that, because we have not seen it here?

Reverend BENSON: Again, I am talking about anecdotal evidence that I have heard from special religious education providers, the church leaders associated with different denominations, support and provision of special religious education in State schools. What I am talking about is a tension between special religious education and ethics classes. I personally would be happy to see ethics classes throughout the school system and I would ask a leading question as to why that is not already the case. If there is a need for it, suddenly discovered in 2010, why was that need not addressed in previous years or decades by previous governments? It is obviously something that is enormously important. Our submission is in relation to the churches and the churches represented by the Council of Churches in particular, and we certainly have a concern to preserve, support, encourage and develop special religious education, and it is seen by some that this tension is an unhealthy tension and there should be some alternative to this kind of situation.

Reverend Dr CLIFFORD: I can understand your concerns, but I do not think the council is made up of conspiracy theorists. You have to go back to the time prior to the election. Why was this taking place without tendering, without due process, without consultation? It was clearly a political process in many ways.

Dr JOHN KAYE: Do you mean the legislation?

Reverend Dr CLIFFORD: Yes, the legislation. Why was that happening? We make our own decisions and interpretations of what is going on in the voting process, and who people are trying to attract and whatever. This could have been done with a much more healthy, inclusive acknowledgement of the place for special religious education and the nature of ethics classes, the fact that they are not value free, but none of that process took place. It was caught up in a political explosion towards an election. If you look at the responses from the leaders of churches prior to the election, they were all expressing concern about the whole process in this sense. I think retrospectively one could look back and ask those questions.

The Hon. SHAOQUETT MOSELMANE: The first point of your introduction states that political tactics led to the amendment of the Act and the introduction of ethics. Do you also believe that this inquiry is a political tactic to get rid of ethics?

Reverend Dr CLIFFORD: It is all about politics, is it not? As we have seen from all the major parties, it came in in a political hurry. The then Opposition made certain statements and made other statements in Government. We had people going to elections making statements, which they are committed to their constituents about. This whole thing has been surrounded by politics from day one.

The Hon. SHAOQUETT MOSELMANE: So you are criticising both governments—the former Government and this Government? You said this was a political tactic as well.

Reverend Dr CLIFFORD: It is appropriate that there be an inquiry. Politics is politics, it is the world that people live in and they have to make decisions and work in that process. But to pretend that somehow this was also done in a neutral environment—"Oh yes, we must have ethics classes, that's what our kids need"—and no politics were imposed on that process, and in the way the process was taken, is again naive.

The Hon. PAUL GREEN: In your submission you say:

As Sydney Anglican Archbishop Peter Jensen observed in the April 2010 issue of *Southern Cross*,

'What [the Keneally Labor Government] has done in approving [trial ethics classes] is renege on an assurance given by governments to the churches since 1880, and reaffirmed in 1990 and 2008, that it would not permit ethics or any other program to be delivered at the same time as SRE. How can we be sure that it does not gut SRE from the curriculum?

In your view, should ethics classes proceed, should they be in direct conflict with the special religious education time slot?

Reverend Dr CLIFFORD: In my view, no.

The Hon. PAUL GREEN: I am sure you are aware of the submissions by Sue Knight, and the process and transparency of that process. Would you see repealing the Ethics Bill as an appropriate way to deal with the issues?

Reverend Dr CLIFFORD: The council is a broad church. This report has been through all the council members and they have signed off on it. You will see who the members of the churches are. They are not opposed to the repealing of the bill. That is the wording that the council itself has determined to use and as their President that is the wording that I would use. They are not opposed to the repealing of the bill. My answer would be personally no, I would not be opposed to the repealing of the bill. If you are going to do ethics you cannot do it independent of some understanding of the broader history of ideas which clearly includes religious study. It is a nonsense that ethics can be without a context of the history of ideas. It is an absolute nonsense.

Reverend BENSON: With respect to not only the philosophical basis and the values issues that we have raised already, at page 10 concerning the issue about the repeal in terms of the inquiry's terms of reference we have noted very clearly that we would like to see some significant reforms to the Act if it is not to be repealed. If those are not dealt with appropriately the New South Wales Council of Churches would certainly support repeal of the bill.

The Hon. PAUL GREEN: Item 13 on that long list that you read states:

The new arrangements set a precedent for the introduction of other kinds of classes.

You mentioned the previous comment by Archbishop Peter Jensen. Are you concerned that this is just a small step to dismantling special religious education [SRE]?

Reverend BENSON: I would not say that there is a cause and effect issue there, but let us go back to the 1880s. There was a very significant ad historical rationale behind the original legislation that provided for SRE classes in New South Wales State schools. Those issues are predominantly behind us now because we have a very different society and a very different culture today, but there are somewhat similar and also other reasons why SRE remains part of our school processes and our school curriculum. Adding special education in ethics [SEE] to the mix changes the game. Obviously it is an addition to SRE and therefore at least potentially sets a precedent for some other sorts of classes to be added to the curriculum either at the same time or at other times provided by external facilitators or providers. Who knows what those might be? Who knows what the content might be? Who is going to pay for it all? The same kinds of questions apply to SEE as would apply to some other hypothetical situation in the future. That precedent certainly exists.

The Hon. PAUL GREEN: Item 6 of your submissions states that the ethics curriculum intentionally excludes religious wisdom. Can you quickly expound on why that is a concern?

Reverend Dr CLIFFORD: I think I have spoken to that. As I said, the key in doing ethics is not the issues. I mean, I can throw 10 issues out here and we could all have a discussion about different issues. Even the issues you decide to address come from a value-based position and what is the value-based position that chose those 10 issues to look at anyway? But the most important thing is: How do people make decisions? Surely you are wanting to teach even in primary school good decision-making processes and understanding how that is and how that is for children of different cultures and different backgrounds; not just sort of a pluralistic, "Let's look at issues and find some common ground." And how can you do that without looking at religious, Christian wisdom, which is basically the shape of ethics here, without giving the opportunity of seeing how that is shaped, how we have thought and how we have come together as a people? Love your neighbour as yourself. I mean, it just does not come out of the sky. Or that the Ten Commandments, as Rene Cassin says, is found in the Universal Declaration of Human Rights is essential background. The Declaration of Independence, which I am sure we all stand up and still put whatever, comes from nature's god. Are we pretending these magnificent documents of human dignity and human worth do not come from religious wisdom?

Dr JOHN KAYE: Thank you for your submission which I found engaging reading. Am I correct in saying that the seven churches that you represent are all part of the conglomerate of religious organisations that is Access Ministries?

Reverend BENSON: No.

Dr JOHN KAYE: Which church that you represent is not part of the supporters of Access Ministries? I have got the list in front of me and it looks to me like you are all there. The Sydney Anglicans, the Baptist Union, Christian Reform Churches, Church of Christ, Fellowship of the Congregational Churches, the Presbyterian Church and the Salvation Army are all on this list.

Reverend Dr CLIFFORD: We do not represent Access Ministries.

Dr JOHN KAYE: That was not my question. My question was all of the churches that you do represent are part of the support base of Access Ministries.

Reverend Dr CLIFFORD: I could not answer that. I just do not know who Access—

Dr JOHN KAYE: You do not know who Access Ministries are?

Reverend Dr CLIFFORD: I do not know who its support base is. I do not know who its member bodies are.

Dr JOHN KAYE: You are not aware of Access Ministries?

Reverend Dr CLIFFORD: I am aware of Access Ministries.

Dr JOHN KAYE: And you are aware that that they are a substantial provider of SRE?

Reverend Dr CLIFFORD: Of course.

Dr JOHN KAYE: Access Ministries is a provider of SRE. Do you have their curriculum material?

Reverend Dr CLIFFORD: No, I do not.

Dr JOHN KAYE: You do not. Are you concerned that Access Ministries' curriculum material is not available on the web?

Reverend Dr CLIFFORD: I am not quite sure what your question is.

Dr JOHN KAYE: My question is very straightforward. Are you certain concerned that Access Ministries' curriculum material is not available on the web?

Reverend Dr CLIFFORD: For what, SRE?

Dr JOHN KAYE: That is all that Access Ministries does. Its SRE curriculum material is not available on the web. Are you concerned about that or does it not worry you?

Reverend Dr CLIFFORD: Why would it worry me?

Dr JOHN KAYE: It does not worry you. But it does worry you that SEE's full curriculum material is not on the web. What is the difference?

Reverend Dr CLIFFORD: What would worry me is if I asked for it and they said you are not getting it or did not answer my request. That is what would worry me.

Dr JOHN KAYE: That was not my question. My question was why are you concerned that the St James primary ethics material is not on the web but Access Ministries, which your churches are key supporters of, is also not on the web?

Reverend Dr CLIFFORD: You are not describing like things. I mean, if I want to do SRE with a Baptist I have got a basic understanding of where they are coming from.

Dr JOHN KAYE: No, I am asking about Access Ministries; not the Baptists.

Reverend Dr CLIFFORD: But they are part of Access Ministries, as you describe. So if I want to find out I have a basic understanding of what their curriculum will be. It is based on the Bible.

Dr JOHN KAYE: So are the Lutherans, the Salvation Army and the Uniting Church.

Reverend Dr CLIFFORD: That is right. I have a basic understanding. But what is the basic core of SEE? I do not have that understanding. I have it for any religious group by the very definition of who they are, but who are the people behind this and who is writing this particular course?

Dr JOHN KAYE: On page 9 of your submission you talk about an uncritical embrace of moral relativism and culture pluralism among students. What do you mean by "cultural pluralism" and what is wrong it?

Reverend Dr CLIFFORD: What is wrong with cultural pluralism?

Dr JOHN KAYE: First, what is it? Briefly what is it and what is wrong with it?

Reverend Dr CLIFFORD: For me cultural pluralism would be a case where you have no basic foundation which you are doing your ethics from, or no discussion of the basic foundation from which you are doing your ethics.

Dr JOHN KAYE: How do you get to that definition from the words "cultural pluralism" which to me means the acceptance of the existence of many cultures or the acceptance of the capacity to transfer between cultures? That is what pluralism generally means.

Reverend Dr CLIFFORD: I think we are talking about ethics.

Dr JOHN KAYE: You talk here about an uncritical embrace of moral relativism and cultural pluralism.

Reverend Dr CLIFFORD: Cultural pluralism and moral relativism will obviously come if there is no understanding of what the foundation is of your ethics course or base. Otherwise you are going to have 20 people telling you how they approach a particular issue, what their response is.

Dr JOHN KAYE: From where do you get this definition of cultural pluralism? Is it one you have made up, or is it specific to the Council of Churches, or is it an accepted definition of culture pluralism?

Reverend BENSON: The terms you are referring to there are actually quotes from the trial ethics report. They are not our words. We are simply reporting—

Dr JOHN KAYE: You wrote this report, Reverend Benson, so what is cultural pluralism?

Reverend BENSON: I stand by what Dr Clifford has just said.

Dr JOHN KAYE: Unfortunately I have run out of time.

CHAIR: Reverend Benson and Reverend Clifford, thank you for coming and for making the submission on behalf of the Council of Churches. We take on board your concerns and your recommendations.

(The witnesses withdrew)

(Short adjournment)

WAYNE RICHARDS, General Manager, Presbyterian Church of New South Wales,

PETER ADAMSON, Special Religious Education Director, Presbyterian Church of New South Wales,

MURRAY NORMAN, General Manager, Presbyterian Youth, and

LYNDA MULDER, Educational Consultant to Presbyterian Youth, sworn and examined:

CHAIR: I welcome the members of the Presbyterian Church of New South Wales to this inquiry. There is an opportunity for you to make an opening statement before we proceed to questions if you wish but it is not obligatory.

Mr RICHARDS: If I could just make a few comments and then I will hand over to my colleague Murray Norman who might make some practical points about the ethics classes. We thank the Committee for the invitation to make a contribution to this inquiry, we know it is a privilege and the opportunity to comment on special education in ethics in New South Wales schools is appreciated. I am also a representative of the New South Wales Council of Churches for my church so I hope some of the things I will say will not sound repetitive from the last session. Perhaps taking some things as given, the Committee would not be surprised to hear me say that our view is that this legislation was not one of Parliament's finest hours. We all know about the rushing through and perhaps in that process certainly if it was a politically-driven tactic rather than an educationally-driven concern then it did weaken the opportunity to apply educational scrutiny that could otherwise have been applied.

We would be concerned and express agreement that the way that special education in ethics was selected was not as open and transparent a tender as it could be. It certainly throws concerns about the ethical nature of the very introduction of this particular course. It may be worth noting, and not lost on anybody, that a recent inquiry found that the leading sponsor of these classes, the Federation of Parents and Citizens Associations of New South Wales, has now found itself ethically challenged in the public square. Certainly the special education in ethics curriculum detail remains elusive—and my colleague will speak more to that in a moment—with only very general outlines and objectives available. We feel this is not acting with full transparency and demonstrates contempt for families in New South Wales. If it were a financial product the Australian Prudential Regulation Authority [APRA] would probably prohibit it because of a lack of disclosure, or it might fail to pass section 52 of the Trade Practices Act as a misleading and deceptive product.

Parents are not being informed that ethics classes are really a limited form of philosophy classes. Parents in New South Wales have little knowledge of what is really going on inside ethics classes in New South Wales yet, on the other hand, the special religious education classes unashamedly disclose their philosophical basis. As the Committee has no doubt heard before, some activist school administrations have zealously promoted special education in ethics to compete against special religious education not merely to provide an alternative for the few non-special religious education pupils who have opted out. The effectiveness of the ethics classes remains questionable, nor has the introduction of special education in ethics solved the problem for those children who have opted out of both—I believe there are still some children who do not go to either.

We are very pleased to say that Presbyterian Youth in providing special religious education has a very positive working relationship with the department. It has a very good and strong relationship with the Government in terms of what it is trying to achieve, and we have no desire to be adversarial in regard to special education in ethics. The Committee would have read in the Presbyterian Youth submission that we recognise the legality of the present law but Presbyterian Youth is not here to push for its repeal. Nonetheless, I refer to the submission made by Presbyterian Youth and, indeed, the submission made by the New South Wales Council of Churches. I think it makes it evident that ethics classes are not effective in achieving their stated objectives, and instead present a rather narrow philosophy which misleads most parents in New South Wales in what they think their child might be getting. The curriculum is not open and transparent to all, and I think its implementation has been corrupted by the very way it was introduced. I, along with others in the Presbyterian Church, believe it should be repealed.

Dr JOHN KAYE: I am sorry; you believe it should be repealed?

Mr RICHARDS: Yes. I would like to hand over to my colleague Murray Norman who would like to highlight a few areas of specific administration concern should these classes be allowed to continue. Please do

not misunderstand our desire to cooperate and work favourably with the department and the Government as any statement of support for these ethic classes.

Mr NORMAN: While not endorsing the content of the ethics program we would like to affirm the Department of Education and Communities on its implementation of the ethics course but there are a number of issues that we would be keen to raise. One is that ethics remains for those children who opt out of special religious education; that there are appropriate facilities made for both ethics and special religious education when we are in schools—whether that is classrooms, whiteboards, computers or whatever might be needed; and that that timeslot is a timeslot for volunteers where local communities raise both the volunteers to go in and also the resources for materials, which has been the practice for special religious education for more than 100 years. We also think it is vital that all materials for all classes in this timeslot are made open to the community so that they might be looked at. We also see that it is important for the children in non-special religious education and who are not within the ethics program to be appropriately catered for, as is under the current department policies.

CHAIR: The Committee has heard a lot of contradictory comments about what is and what is not available in the way of curriculum materials. It was my understanding that all curriculum materials were available from special religious education providers as part of their normal operations, is that so?

Mr RICHARDS: Yes.

Ms MULDER: Can I answer that in detail? From a practitioner's point of view, and from across many schools, my observation has been that whenever parents or community members have asked to see the materials that they are readily available on the website—for example, *Connect* or *GodSpace*—or in the book itself at school. We encourage parents to be informed, so they are offered a website link or an email so they can click on the hyperlink and see sample lessons, the overview for three years and the various ranges as well. So they can see inside the content and the teacher's manual actually has methods of delivery. So it is all public domain. We appreciate a parent asking for that information. Quite often they are satisfied with the overviews and the web, and if they want to see more detail it is inside the books as well. But usually it is to satisfy what they thought—as the previous speaker said—the general knowledge of it, which is confirmed once they look at the materials.

CHAIR: I believe other special religious education providers operate under similar guidelines?

Ms MULDER: It is my understanding that they share curriculum. They can actually see it and deliver it in that way. It is uniform either within denomination and, in the region I come from, across denominations.

CHAIR: What you want to see is special education in ethics providers operating under similar circumstances or availability to parents, teachers and members of the public?

Mr RICHARDS: Absolutely.

Mr ADAMSON: Similar public transparency.

CHAIR: If ethics are to continue you want it to be accountable and transparent and available on the website?

Ms MULDER: That is right.

CHAIR: What about the Minister's overview? At the moment the Minister has power to amend or discontinue special religious education if he or she wishes to do that, but the Government does not have a similar power over special education in ethics. Is that something you have a comment on?

Mr NORMAN: I think this is a concern to us. When the material was first brought forward before the pilot, the education department removed a couple of lessons on designer babies and on terrorism. You might also note from the Sue Knight report that principals found that they had to remove some of the lessons, especially the one on graffiti. We think the Minister needs to be in a position to do that, just as he is with special religious education [SRE]. There are concerns that the community might have, or principals, about certain lessons—that they should be able to be pulled or curtailed—because it is a privileged spot, and we really need to be serving the parents and their children.

CHAIR: Much has been said about the process of selection of the ethics education provider. Say this inquiry is looking at processes that will occur in the future, what would you recommend for tendering? If we are to keep special education in ethics, would you say that in the future we should move towards a more transparent and open tendering process? Is that what we are hearing from you?

Mr RICHARDS: Your question raises a good point—that the time for an inquiry might have been before something was actually put in. Certainly special religious education [SRE] has been around for more than 100 years and has total visibility, so it is in a different category to what has just happened. Ethics has been in for five minutes, and certainly there are a lot of questions as to what it is all about and what it is actually achieving. So it does need a fairer, more open and more transparent way of assessing who is going to deliver it. If it is a philosophical course, which we argue, rather than an ethics course, then you need to invite all those to say, "On what basis will you be putting forward the philosophy of this particular course?" That might affect the decision taken as to who might pick up that tender.

Ms MULDER: The question in education circles, in which I mix across the State, is the big question: Whose ethics? Indeed, that same conversation then can look at the lessons and the overview and look at quality in a comparative way then to really see the best courses for the age of the students. Because it is so worthwhile, the whole concept of curriculum—whether it is English, or ethics, or philosophy—all these are worthwhile human pursuits. When it comes packaged in a particular one that has not had that big educational discussion and being looked at in a critical way, then that always begs the question: Is this really it? Why is not the same set of tools being applied to that as in other areas of the curriculum?

The Hon. SARAH MITCHELL: In the introductory section of your submission, you state that the introduction of the ethics classes has not really had an impact. I think you said that it has not disrupted involvement in the schools where your volunteers teach, "except where the Department of Education and Communities ... guidelines have been ignored". Would you elaborate a bit more on what is meant by that?

Mr ADAMSON: Yes. Sarah, in a number of situations we have had principals of schools freely interpret the guidelines in terms of—it is a new day and it is either special religious education or special education in ethics, or we will go to an internal school competition where we will put out a sheet which says, "SRE? SEE? You nominate—your choice". That has happened in a number of situations. The worst one was one school that summarily dismissed all the special religious education teachers because it was special ethics in education and it was a new day and they were no longer needed. So they came to school at the beginning of the year and were told, "You're surplus to requirements." Helpfully the Department of Education and Communities [DEC] addressed that issue, and addressed it promptly; but principals in schools are busy people. It is easily done and it concerns us that it is being done. The process of rolling out special education in ethics has not been smooth and, in many situations, it has been interpreted as a complete alternative to special religious education, not just for students who have already opted out.

The Hon. SARAH MITCHELL: Following on from that, you talk about training as well. On page eight of your submission you talk about how the special religious education teachers have a certain level and they try to hit Certificate IV training and that sort of thing. Then we heard from Primary Ethics, who obviously are the sole provider, and they spoke quite extensively about the training that their teachers go through. They mentioned that a lot of them have degrees and an interest in that area. Your concern about the training, is that anecdotal evidence, or are there more reasons why you think that they need a different form of training?

Mr ADAMSON: Sarah, I do not know how Primary Ethics does their training. I do know how we do our training. I know that we use thousands of volunteers and those volunteers come with various educational competencies. We are endeavouring to make a uniform training standard. We would ask them to aspire to Certificate IV level. The reality is that it is something less than that now. But all of the denominations, of which the Presbyterian Church is a part, are pushing towards mandating training.

The Hon. SARAH MITCHELL: For special religious education and special education in ethics?

Mr ADAMSON: No, for special religious education. I do not have any impact over special education in ethics.

The Hon. SARAH MITCHELL: But you would like special education in ethics to aspire to the same level?

Mr ADAMSON: I would think so, yes.

The Hon. SARAH MITCHELL: Okay.

Mr ADAMSON: Our trainers have high qualifications—masters and PhDs—but it is the level of the delivery in the classroom with the volunteer on any given day in any given school that we are concerned to raise that standard.

The Hon. SHAOQUETT MOSELMANE: Am I right in hearing that you mentioned earlier that you are in favour of repealing the ethics?

Mr RICHARDS: Yes. I drew a distinction between our service provider, who does not want to be seen to be adversarial against the department or the Government, and the reality of the fact that it is law. I represent many others within the Presbyterian Church who say, yes, it would be better it being repealed. In the way it has been brought in, it is contaminated.

The Hon. SHAOQUETT MOSELMANE: I ask that because on page 8 of your submission you state, at point six, that the Presbyterian Church "... is not advocating for the Ethics Act to be repealed." That seems to be a contradiction.

Mr RICHARDS: No, PY is Presbyterian Youth.

Mr ADAMSON: That is right.

Mr RICHARDS: I explained that difference.

The Hon. SHAOQUETT MOSELMANE: Okay.

Mr RICHARDS: They are the provider, they are the deliverer, and they are acting positively in all their relationships.

The Hon. SHAOQUETT MOSELMANE: So it is a different group within the church. Is that what I should be understanding? Is that correct?

Dr JOHN KAYE: It is split.

Ms MULDER: No, it is not a split. I am fairly new to this and I perhaps come to this with fresh eyes. This is how I understand it. Because it has now legislated that ethics can be there for those students who have opted, or for whose parents and carers have opted out in a written fashion from special religious education, then ethics for years 5 and 6 is provided. Presbyterian Youth, who provide the training for special religious education scripture teachers, recognises that context and recognises that it is a working relationship because these are real people in the same schools as Scripture providers. So it is a practical way of recognising that the ethics classes are operational presently, and it is respect for the fact that they are doing their job. Obviously, there are issues around the clarity and how it came to be, et cetera.

We also see that parents are still choosing in the majority to have Scripture for their children, no matter what they may have mentioned on their enrolment form as their own religious basis. So Scripture is obviously still highly regarded across New South Wales, but we also recognise—and as a practitioner, I can also see—that for some schools, ethics did work and does work, but for other schools, it does not. So it is that practical point of view.

Mr RICHARDS: PY has been perfectly consistent, if I may say that.

Ms MULDER: Yes.

Mr RICHARDS: But my role on the assembly—and I am on every committee of the church—I represent many others who feel that this ought to be repealed.

The Hon. SHAOQUETT MOSELMANE: Thank you for that explanation. Earlier we heard a submission from the New South Wales Council of Churches that effectively special education in ethics intends to gut out special religious education. Is that your view of the situation?

Mr NORMAN: Could you repeat the question, I am sorry?

The Hon. SHAOQUETT MOSELMANE: In one of the statements they say that it is clear there was a deliberate move to design and roll out an ethics program in direct competition with special religious education classes. Do you see that as being so?

Mr NORMAN: On the ground, what we see now is that we see the ethics course being provided. What we are looking to do, as the provider for the Presbyterian Church, is work on the ground. One of the things we are keen to do is be positive. We are keen to serve volunteers right across the State for special religious education. The umpire made their decision when the legislation was brought in. I and Presbyterian Youth opposed the introduction of the ethics program strongly. Once that decision was made, we decided to get on and be positive about teaching Scripture across the State, and we have been working with the department to see that happen.

The Hon. HELEN WESTWOOD: Given your position that the bill should be repealed, what do you think is the option for students whose parents opt their children out of special religious education?

Mr RICHARDS: Others may have an answer to that, but I have always been utterly amazed that some would argue that our teachers are so poorly trained within New South Wales that they cannot put something meaningful for those children to do in the time they do that. I know many do. Others have been arguing they are just too lazy to do so, but it is not a major problem. That became the whole *raison d'être* for bringing this in because there was a tiny, tiny group of people who opted out, which they were quite in order to do, and somehow, because that had to be addressed better than it was being addressed, we had to bring in this entire new program.

The Hon. HELEN WESTWOOD: Are you suggesting that the demand for ethics classes from parents and parents groups is because New South Wales teachers in public schools are lazy?

Mr RICHARDS: What I meant to say was the demand seemed to come from certain high-level groups, not from parents on the ground, and that their chief argument was that certain children's time was being wasted. I found that as a backhanded insult to the high quality of our teachers in New South Wales, who could easily provide children with something worthwhile to do in that period.

Ms MULDER: That might be a perception, but it would be a very wrong and minor one. Schools have shown that respect to students whose parents have opted out by providing passive learning time in a way that is supportive and not discriminatory. So, the students know that the particular lessons that include special religious education, they do a different quiet learning thing, whether it be passive reading et cetera, but the question was what happens if there are large numbers, how can schools manage a large number of students outside the rooms and—and this is in a secondary setting here—if there are too many playing basketball everyone sees that as a more competitive thing to do than being inside a classroom learning.

Those inside managed school by school. But to introduce courses to provide for students at that particular time we had to pass the same requirements as other things that are offered at school. So, schools are well set up to supervise students and to follow policy and if at times it is difficult that is just a clarification and a reorganisation of the rooming or the activity.

Mr NORMAN: One of the things that Presbyterian Youth is very aware of, we have volunteers in the field and it is very important for us to be positive with our volunteers. We want to work with the education department and that is why we worked very hard to work on the ground with them and with schools so we can work in conjunction with the ethics program. That is one of the things we have been working really hard on and we want to work with the education department and with local schools so we can see special religious education done really well and that means working with the ethics program.

The Hon. HELEN WESTWOOD: I still struggle to understand your opposition to ethics classes. The evidence we have received is from parents and they have given us a number of examples where as parents, grandparents and groups representing them, they are non-believers or they do not ascribe to a particular faith in

which special religious education is available within the school. They are the ones who proposed the idea as a meaningful alternative to special religious education. I fail to understand what is the real problem with that, why you are so opposed to that, given that that is the parents' wish.

Mr RICHARDS: There may be an argument for introducing a philosophy class. I would have thought if the Department of Education and Communities saw that as a worthwhile thing that would be done at a very high standard and it would be done well and would be available to all children. We would argue that most parents regardless of the ones who advocated for ethics classes do not have a clue of what is happening inside the ethics classes, and finding out what is happening may concern them in terms of what they think is being taught. A lot of it is consequential, a lot of it is children deciding themselves how to form their moral compass. To present that, because you have removed any religious wisdom, that it is somehow neutral, is not a neutral statement. You have made a decision in terms of religious wisdom that is irrelevant. We are not confident that parents understand that at all.

The Hon. PAUL GREEN: Mr Adamson, in relation to your comment about some people turning up to school and being told by one no longer needed, can you expand on that little further? Is that just anecdotal or do you have some solid evidence of that happening?

Mr ADAMSON: Yes, I have solid evidence because the local special religious education provider contacted me and I have contacted the Department of Education and Communities and told them about the situation. I said this is not the way it is meant to be. If the parents and the school want special education in ethics, there is a clear procedure to go through in terms of minimum number of students and teachers, but from a distance this appears to be a lateral action that is decided akin to what we said earlier, that this was a decision for special education in ethics, an ideological decision and an ideological opposition to special religious education.

The Hon. PAUL GREEN: I note in your submission also one of the things that seems to feed the growing concern was that last year a formal request for material was made by the St James Ethics Centre but was refused on the grounds that these materials were copyright and commercial in confidence. Do you think that fed your concerns about this course and what its outcomes would be?

Reverend BENSON: Can I answer that question? Even two weeks ago we asked for the material to look at the course. I wanted to look at it because we were coming to the inquiry to give comment. Because Presbyterian Youth was not going to use it to incorporate into our course, because I wanted to critique, I was refused from having that material. I am aware that other providers received that material but they were structured not to provide it to groups such as Presbyterian Youth to look at if we were to critique that material. I have only seen the lessons on sample on the Web, I have not seen the full breadth. I would be keen to see those and I think the community should be able to see those lessons to make a fair judgement.

The Hon. PAUL GREEN: You mentioned some lessons that were pulled out prior to the pilot scheme. What was that about?

Mr NORMAN: Really we do not have any information besides what was reported in the *Sydney Morning Herald* and what was reported in the report. As I said, I have not seen the material; I cannot make comment, but I would be very keen to see that material.

The Hon. PAUL GREEN: As we are going along and representatives are presenting to us, it seems one of the stronger outcomes is to see that special religious education and special education in ethics are subject to the Minister on the same level of scrutiny, the same level of accountability? How do you see that?

Mr NORMAN: If any of the curriculum being taught had issues that the department or principals or, for that matter, parents are concerned about, there should be a level at which scrutiny can occur. I think the Minister is the appropriate person for that scrutiny to be given and for him to take appropriate action.

The Hon. PAUL GREEN: In terms of ethics and the special religious education, can you give us a quick snapshot of what the distinct differences between the special religious education and the special education in ethnics education are, in your view?

Ms MULDER: The Christian special religious education is about Jesus and the Christian world view. I understand special education in ethics looks at problem-solving in various scenarios. Not having access to material, I cannot comment beyond that, but there is less attentive discussion and communication when you

have students asking questions and teachers knowing their place not to give their personal views but to encourage thought and looking at the bigger question is, so ethics can be fabulous seeing both a question always remains, whose ethics? We are at the outlines and guidelines in getting that discussion. If it is just children sharing their opinions only, without a broader context, indeed that is at times confusing to younger children and inadequate.

Mr RICHARDS: Another way of answering that, if I may, is simply to say one has a clear foundation and the other one does not.

Dr JOHN KAYE: Thank you for your submission. Mr Richards, at the bottom of page 8 the submission states that it is not advocating for the ethics bill to be repealed. Are there other areas of the submission with which you disagree or do you agree with the rest of the submission?

Mr RICHARDS: We are just trying to remove PY from the political aspect. We see that as the political question. If there is a problem with SEE it is up to politicians to decide what to do about it. So PY is not engaging in that debate.

Dr JOHN KAYE: But you are?

Mr RICHARDS: Absolutely.

Dr JOHN KAYE: While Mr Norman says that we should not repeal the bill, you are saying we should?

Mr RICHARDS: You have heard me clearly.

Dr JOHN KAYE: Many things are asserted in this document. Do you stand by all the rest of the document?

Mr RICHARDS: Yes, sure.

Dr JOHN KAYE: But just not that one sentence?

Mr RICHARDS: We have a different view on that because we represent different people.

Dr JOHN KAYE: This document refers to principals aggressively promoting the SEE course and you referred to it in verbal evidence. Can you tell us what these principals did? How many of them? When did they do it? Where did they do it? How did they do it?

Mr RICHARDS: Most of it is anecdotal.

Dr JOHN KAYE: Anecdotal from whom?

Mr ADAMSON: We are now up to roughly 15 months of the current course running and there is a steady trickle of contacts from across the State who ask questions about the roll-out of SEE and whether it should be done this way. So to answer your question, that is very difficult because there probably would be one or two a month that I handle and refer to the DEC and ask the question, "Is this the right way to go about things?"

Mr RICHARDS: It is not hard to find these examples. I mentioned to someone that I was coming to this inquiry. He happens to be an employee of mine and his wife is an SRE teacher and Brooklyn primary school is an example of where they feel the principal is clearly taking an activist role to not encourage.

Dr JOHN KAYE: To not encourage?

Mr RICHARDS: SRE and encourage SEE.

Dr JOHN KAYE: So not encourage SRE?

Mr RICHARDS: Yes and encourage children towards SEE.

Dr JOHN KAYE: What did the principal do at Brooklyn primary?

Mr RICHARDS: I have not got the details of that.

Dr JOHN KAYE: You made a fairly substantial allegation in your document reflecting on the 1,000 primary school principals across New South Wales, as have others, but nobody has been able to give me one substantial piece of information that says that anybody did anything wrong. All we have is this kind of, "Yeah, well maybe they did, maybe they didn't." Can you tell us what in your mind would constitute aggressive promotion?

Mr NORMAN: Could I just note that every time we have taken to the Department of Education and Communities, Presbyterian Youth's opinion has been well handled but, to be honest, in Wauchope where the teachers were actually dismissed, I would think that that is inappropriate and I thought the actions of the department were very apt. They dealt with it very well and to be honest, across a number of issues we get coming in for SRE, we have actually found the department to handle them very well and we have been very happy with that progress. We can give you specific schools but we have found that when we have taken them to the department when they have applied the current policy we have been very happy with that.

Dr JOHN KAYE: For example, when a principal lets the parent body know through the school newsletter that SEE exists as an alternative for those who opt out, in your mind is that promoting SEE?

Mr NORMAN: That would be an issue if they were advertising it to all the students. The current policy is that it is to be advertised to those students in non-SRE.

Dr JOHN KAYE: They are advertising or telling them it exists, is there not a difference?

Mr RICHARDS: It is meant to be directed to those who are not attending SRE.

Dr JOHN KAYE: Where does it say that we have to keep it a secret from those who are attending SRE? Where does it say in the legislation or in the policy that it has to be kept a secret?

Mr NORMAN: In the submission from St James Ethics where it clearly noted that this was a program for those children in non-SRE, in the current guidelines it is to be advertised to non-SRE and we are keen to see the current guidelines applied, just like we have guidelines apply.

Dr JOHN KAYE: So you do not think it is appropriate for the existence of SEE to be in the school newsletter? The existence of SEE should not be in the school newsletter, in your view?

Mr NORMAN: I think it should be advertised to non-SRE children and I think the current guidelines should be followed.

Dr JOHN KAYE: So it should be censored out of the school newsletter?

CHAIR: Order! Guidelines are in place and the point is that we will follow the guidelines. I thank the Presbyterian Church of New South Wales, represented by Mr Wayne Richards, and those representing Presbyterian Youth for an informative submission and their positive participation.

(The witnesses withdrew)

TERESA RUSSELL, General Manager, Primary Ethics,

LEITH BROOKE, Executive General Manager, Primary Ethics,

SIMON LONGSTAFF, Executive Director, St James Ethics Centre, and

SUE KNIGHT, Curriculum Author, Primary Ethics, on former oath:

CHAIR: Welcome to our final session of the inquiry today and welcome again to our witnesses: Ms Leith Brooke, Executive General Manager of Primary Ethics; Ms Teresa Russell, General Manager of Primary Ethics; Dr Sue Knight, curriculum author of Primary Ethics, and Dr Simon Longstaff, Executive Director of the St James Ethics Centre. If you wish to make an opening statement, please do. This opportunity was to provide the Committee with some feedback on evidence given thus far where it pertains to comments regarding your particular area of interest or curriculum development.

Dr KNIGHT: Thank you. That is very generous. It will throw light on the curriculum, which I guess is the point of this inquiry. Thank you for the opportunity to meet with you again to speak about the Primary Ethics curriculum. In any academic field you find debate and discussion and that is how it should be. That is how we make progress towards knowledge. John Stuart Mill went further claiming, and I paraphrase here, that you will never properly understand your own position until you have come to grips with the objections raised against it. We welcome the wide range of views on the curriculum that have emerged during these hearings.

One significant point of discussion has been the age-appropriateness of the curriculum material. I think it is important that the debate around this issue be seen clearly and in context. That is, in the context of a long and productive tradition of rational academic debate. To clarify, I take it that engaging in rational debate and discussion means supporting one's own views with reasons that are backed by evidence and using the tools of logic to evaluate both one's own reasons and evidence and the reasons and evidence put forward by other parties to the debate.

The age-appropriateness issue has been raised by a number of witnesses including Associate Professor Bernadette Tobin and Associate Professor Philip Cam. I find it difficult to respond to Associate Professor Tobin's argument that children must learn unreflectively that lying, cheating and so on are wrong because they cannot engage in nuanced ethical thinking. Associate Professor Tobin offers no evidence for the claim and I know of none. Even if she is right, research shows that children move from the unreflective stage early and certainly before the age of five. Her argument, while interesting, does not seem relevant here.

It is Associate Professor Cam who has provided the most detailed arguments for what he sees as the age-inappropriateness of the curriculum and in the interests of shedding some further light on the nature of the Primary Ethics curriculum I would like to engage briefly with some of his arguments. Before turning to the task of supporting his view with examples from the curriculum framework Associate Professor Cam provides what appears to be an explanation for what he sees as the inadequacies of the framework. He argues that Primary Ethics has lacked the financial resources to assemble the range of expertise required for the writing of a professional curriculum. What is required, Associate Professor Cam argues, is a group of people who together have early childhood expertise, expertise in child development, knowledge of classrooms and of ethics and pedagogy. We agree with him. We do not agree that Primary Ethics has failed to secure this range of expertise.

I am joint author of the curriculum framework. The other author is Dr Carol Collins. Let me say something about Dr Collins first: She is a qualified primary and junior primary teacher; her PhD was an experimental study into the affects of engaging year six and seven students in ethical inquiry; and she designed both the content and pedagogy of the ethical inquiry curriculum units on the basis of experience acquired over months of trialling topics of varying degrees of complexity. I supervised and so was heavily involved with her doctoral work and Associate Professor Cam examined her thesis and wrote very highly of it. Dr Collins and I have each developed and taught ethical inquiry topics to reception classes at disadvantaged schools in South Australia, including schools with large refugee intakes. We have both worked closely with honours and graduate students whose research has involved implementing ethical inquiry programs in early childhood settings in both city and country schools and in the process have collaborated closely with colleagues who are amongst the best cognitive psychologists in the country. On top of this Dr Collins has studied developmental psychology through to and including honours level and I continue to read widely in the field.

My own background is in philosophy first, I am speaking chronologically, my PhD was conferred in 1978 and then subsequently education, with a focus on pedagogy. I have worked in departments of education for 25 years with my teaching and research focused on introducing philosophical inquiry to primary, junior primary and secondary classrooms. Together, and with the advantage of generous input from colleagues, Dr Collins and I have the expertise Associate Professor Cam rightly identifies as necessary for the writing of a professional K to six curriculum framework.

Now, to the curriculum itself: While admitting that the curriculum framework provides but scant details of individual topics, Associate Professor Cam has singled out a number of topics in support of his claim that the curriculum is not age-appropriate. I will talk to only one of these examples now but would be happy to discuss others later if that would be useful. Associate Professor Cam suggests that developing the year four topic of greed through the issue of consumerism would take the discussion beyond the experience of year four students. What is within their range of experience, Associate Professor Cam suggests, is someone taking more than his fair share of birthday cake and other such things.

I would argue that year four children are quite capable of understanding more broadly the difference between needs and wants and the difference between not having one's needs met and not having one's wants satisfied and they are capable of understanding the effects of pursuing our wants without regard for the needs of others. We might begin in this curriculum—we might—with a birthday cake example but through the use of broader examples such as the following of fashions for Barbie dolls or a particular series of swap cards—it was Pokémon in my kid's day. I am not sure what it is today. I would need to ask.

The Hon. PAUL GREEN: Naruto.

Dr KNIGHT: That is helpful. It will be in the next topic. Such as following fashions like that, we would encourage students to relate their own experience to wider concerns such as the manipulation of desires through merchandising and the effects of pursuing our wants without due regard for others. In the process student's knowledge base is broadened. This is of great importance. In previous evidence before this Committee I made the point that one of the big breakthroughs in understanding developments in children's thinking came with the recognition that children can only engage in higher order thinking about a topic if they have an appropriate knowledge base. To build children's thinking we must also build their knowledge and this is the approach we have taken in designing this curriculum.

I want to make one final point about the curriculum structure. Topics have not been thrown around willy-nilly, although I can see it might appear that way at first glance. This is a spiral curriculum, to use Jerome Bruner's term. He states:

A curriculum, as it develops, should revisit basic ideas repeatedly, building upon them until the student has grasped the full formal apparatus that goes with them.

That is a quote from his book *The Process of Education*, published in 1960. In our curriculum ideas are introduced in simple form in the early years and extended and developed in greater complexity over the following years. Take, for example, the big question: How are we to balance a concern for our own interests with a concern for the well-being of others? That is a big ethical question. The topic on greed clearly contributes to a discussion of this issue, partly by encouraging students to consider the effects of pursuing one's wants without due regard for others and partly by raising the question whether our own interests are, in fact, what we perceive them to be. The second point is itself revisited through the topic of advertising later in the same year. The topic of greed is preceded in year three by another—being generous—which again deals with the ideas of self-interest and the concerns for others. In the year three topic we begin by looking at two practices with which children are very familiar: swapping and exchanging presents.

We ask students to reflect on their intentions in engaging in each of these practices. In each case it would seem there is an element of self-interest as well as some concern for the interests of others, although the balance would seem to be different in each case. Swapping is primarily motivated by self-interest, exchanging presents primarily by concern for others. We then move in this topic to the idea of giving without the expectation of receiving, for example, giving to those in need. Finally, in year 6, as part of the topic of "Fair Society", we revisit the big question again, this time raising the issue on a societal level: To what extent should the more fortunate members of society concern themselves with the wellbeing of the less fortunate?

With the logic skills as well, we have plotted what is probably a more obvious developmental sequence beginning early with informal notions of reasons and relevance in year 1, followed in subsequent years by topics

introducing informal notions of argument, then by an introduction to the notions of validity and underlying assumptions, followed by topics on reasoning with the qualifiers "all", "only", and "no", and a further topic on the structure of arguments and, finally, topics introducing more formal notions of validity and inductive strength.

We have good reason to believe that the primary ethics curriculum is both age-appropriate and educationally sound, and we thank the witnesses and the members of this Committee for assisting us to clarify and understand these reasons better. Of course, we must wait for the results of the first run-through and there is little doubt that modifications will be required. We look forward to using this feedback from the classroom to enhance our curriculum and, of course, we will have another source of feedback, too. We are close to submitting the first set of year 3 lessons to the department who, as is proper, will advise and make the final call on age-appropriateness.

CHAIR: You started with years 5 and 6 and you are now submitting year 3. I am trying to get an overview. Can you give us the time line and the feedback process that you talked about in terms of fine-tuning what you have?

Ms BROOKE: We are writing the curriculum from the top down so we are addressing stage 3 first, then stage 2 in July this year, and stage 1 in January next year, and in January 2014 we will address teaching to kindergarten.

CHAIR: There has been a lot of talk about the curriculum materials that are freely available on the web to teachers, parents and anybody. When do you envisage all of your curriculum materials will be available on the web?

Dr LONGSTAFF: All of the materials will not be available on the web. As I think we explained in the first level of submissions, we do not think it would be responsible just to put everything out there for people to make random use of without having the kind of disciplined framework in which it has been developed and is applied through our own training of volunteers and others. Dr Knight has given you some indication of what lies behind the curriculum itself and Ms Russell at another time has talked about the training given to volunteers. That is one of the reasons why when people ask us for the curriculum, say from a faith group, we want to know whether it is just because they are curious about it or whether they have some intention to actually make use of it rather than just have a bit of a run through it. We think that if it comes to be the case that there is a growing number of people who as volunteers are working in the education and primary ethics area, they will have as they do already complete access to the rest of the material as it is developed and approved. We are very reluctant to just have it put out there and being used by anybody without adequate training or supervision because we think they might then misunderstand the intention behind it, as has happened already even in discussion about it.

CHAIR: Does it worry you that there is an inequity there that all SRE providers have to have their curriculum material available on the web but primary ethics does not?

Dr LONGSTAFF: We think we have got the balance right. It is available for those who—there is probably less room for misunderstanding or misapplication of something like SRE where it is clearly defined within an established religious tradition and people know exactly what it is doing. You have seen already, I think, the difficulty we have had even in this process in having people understand the very firm philosophical foundations within which this curriculum has been developed. Even in recent days you have heard people say, "Oh well, it is about relativism and other things", despite the clear evidence they are given that that is not the case. If at some time in the future we could be assured that the materials having been made available will be used in an appropriate and responsible way, then the kinds of objections which we have outlined would be removed. It is a matter of seeing whether we get to that point.

CHAIR: A lot has been said about the actual process. Leaving aside the politics of the issue and how quickly it had to be rushed through when there was an election, people are saying okay, we have got the ethics classes, what process needs to be put in place in the future? A lot has been said about ministerial overview on power to either amend or repeal, as the Minister has at the moment with SRE, and also future systems for tendering processes on the development of material. What are your thoughts on those issues?

Dr LONGSTAFF: I think the public policy position—I am not sure how parliamentary counsel draft these things—was to ensure that ethics education was as available to students in New South Wales should they choose not to do SRE as SRE was itself. To ensure that was the case, as I understand it, they did not want an

administrative decision to be taken which effectively ruled it out of order again, which is what had been done by guidelines issued by the Minister in the past. I am not competent to say whether or not the mechanism adopted by parliamentary draftsmen is the best one. All I know is that there was a desire to have on the ground the same degree of protection for those who opted out of SRE as there was for those who opted in. And if that was achieved I am not sure about the means there.

In terms of the business of tendering, as I understand it anybody who wanted to offer philosophical ethics classes—remember there is a specific reason for having been introduced as opposed to, say, religious ethics classes, which would be already offered in scripture; that is part of what scripture already offers—others could offer that and they would be open to do so and take up the burden of providing those opportunities. In that sense it is very much like the situation that exists already for faith groups, because my understanding is that any faith group that wishes to come forward with a proposal to offer SRE within the State of New South Wales is allowed to do so and they then take their place provided they have the resources to do it. I think the only difference at the moment—I heard some discussion about this in the previous evidence given by Presbyterian Youth and the Presbyterian Church—is that in the case of special ethics there is not a general announcement being made that it is available. In that sense it is treated less openly than any new entrant that came in offering special religious education.

If I can address a question that was put to me on notice about a comment I had made in the Ethics Centre submission about our own position in relation to this and what had happened in practice in the past, we have always held the view that we support the continuing provision of SRE within New South Wales State public primary schools. We believe that it is consistent with the requirements of a secular State which is not hostile to religion; it simply does not provide a preferential position to it. In fact, in some cases a secular State is well served by having people of many different cultural and faith groups all together in State schools. We think that is a desirable outcome. For that reason the Ethics Centre has always argued that this was about providing a program for children who had decided not to attend SRE and were being offered something of meaning as opposed to the relatively meaningless options that used to be provided in the past under the administrative guidelines.

What happens in the case of SRE is that any new faith that is introduced is automatically announced to the student population and the parent population as a whole so that people of that faith might be able to make an election to attend such a class. In the past, despite our own position, that is what the department has previously insisted upon. It said certainly during the trial that it was not going to treat ethics classes any differently than it would any new SRE entrant. Consequently there has been this challenge as to what do you do? Can you in principle treat the provision of ethics classes substantively differently than the introduction of any new religion? I think that is where the debate has gotten and that is how the department has resolved its guidelines.

CHAIR: Do you have a problem with the Minister having the same sort of powers and overview, powers to amend or appeal a SEE as the Minister currently has in the SRE?

Dr LONGSTAFF: If, in fact, it is equal treatment, and I mean not just in terms of the legislative instrument but there is as little prospect of ethics classes being removed from an option as there would be, say, for Anglican, Catholic, Muslim or any other faith group then in principle there is no problem about that. But that is about testing the reality of what has happened in the light of past history where there was, for many years, an administrative guideline which effectively prevented anything meaningful being done. I would not support the Minister being given the powers, once again, to do that sort of thing which effectively locks out the meaningful option that ethics classes provide in comparison to doing nothing for those who do not attend SRE.

The Hon. SHAOQUETT MOSELMANE: You may have heard representatives from the New South Wales Council of Churches being critical. In a number of areas effectively they say that SEE is committed to the removal of SRE classes; they are about sucking out the oxygen of SRE and gutting the SRE from the curriculum. What is your reaction to that?

Dr LONGSTAFF: First of all, I have to take what they say with a grain of salt. During the political debate they issued, the day after the decision to amend the guideline, a press release saying that the Jewish, Buddhist and Muslim communities were joining with the Christian communities to campaign against this decision. It turned out that that was entirely false. In fact, the Jewish community and others contacted the New South Wales Council of Churches and strongly objected to the falsehood that had been declared by them, and they then issued a small retraction. My sense of how they express themselves on these points is somewhat qualified by that experience.

As to the substance of the claim, it is simply false as well. I think if you look at every piece of published material that the Ethics Centre has produced around this question, every interview and every private conversation you will find a consistent line which has been that this has never been about doing any damage to SRE. In fact, we have bent over backwards to try to minimise any adverse effect but, at the same time, we have not been prepared to sacrifice the interests of those children who were denied meaningful activities if they were not attending SRE for whatever reason.

In some of our writings we have actually talked about a very old ethical tradition that has been developed within the year of Catholic moral philosophy, the principle of double effect which some members of the committee might be familiar with, where you seek to remedy a particular wrong, and providing the means that you use themselves are not illicit, and the fact that you are well intentioned, in a sense, in what you do and that you are achieving some good in substance, and the fact that you might cause an unintended double effect, should not rule against the ethical action that you take. In this case our intention was clear: simply to respond to those parents who wanted a just opportunity for their children and we minimised, as far as we could, any detrimental effect there might have been from that. To the extent, I mean the record shows that every effort has been made to do that. In fact, I think some of the evidence that the committee has heard as well shows that our efforts, and those of others, have been successful. There has not been a precipitous decline in children attending SRE.

The Hon. SHAOQUETT MOSELMANE: They also say that you have to have a value base to teach ethics. Effectively they imply that St James and the current teaching of ethics has no value base, or at least they are not aware of what is the value. Are you able to explain that? They also say it is being taught in a moral vacuum. What is your response?

Dr LONGSTAFF: If they make that claim it must be based on some kind of wilful ignorance of what has actually been argued as the basis for this. You may recall from the submission that we put to this committee that there was quite a detailed set of articles which were attached looking at the ethical foundations for the program and denying in very clear and explicit terms any suggestion that it was based on relativism. In fact, it asserted in those articles that there was a disworldly, as they called it, argument emanating from the significant observation made by Socrates that the unexamined life is not worth living. As I explained in those articles, this is to recognise that human beings, our form of being, is capable of transcending instinct and desire and making conscious ethical choices and not to exercise that is not to live a fully human life.

In my exchange with Father Gerry Gleeson I make the point that you may think that human beings have this capacity to transcend instinct and desire and make conscious ethical choices because human beings are made in the image of God, or you may think that it is simply a product of evolutionary change via social capacities, or you may have a set of other reasons but you do not need to answer those questions in order to get to a very profound starting point about what is clearly observable in our form of being. You then roll out from that a series of substantive commitments towards truth telling, respect for others and all the rest. In other words, you do not have to engage in a debate which denies the validity of one view or another in terms of the route for this, you can start with something that we can all recognise each in the other, and build upon that.

Dr KNIGHT: The group that you have been talking about also suggested that we have no history to draw on in coming to these views, and that is false as well.

The Hon. SHAOQUETT MOSELMANE: Were you present when they made that suggestion?

Dr KNIGHT: Yes, I was. We have the whole history of Western philosophy, and I apologise that I do not know enough about the history of Eastern philosophy but I know it is rich and we all ought to actually know more, but we have the history of philosophy going back 2,500 years and it is that tradition that we, and the insights of that, draw on. It is just false to say we have no substantive tradition.

The Hon. HELEN WESTWOOD: Evidence from the Presbyterian Church said that it was a narrow philosophy that underpins the ethics classes, and their curriculum for those classes, and that parents do not really understand what their children are being taught. If they did, they would be concerned. Added to that the Catholic Church says that the history of the ethics pilot demonstrates there is no objective process for the development put forward in the ethics course for implementation in government schools and this lack of an ethics course development process is exacerbated by the fact that neither the Minister nor the director can amend or replace an ethics course once it commences. A number of questions have been asked along the line that it is very alarming

that the Minister is not able to oversee it and does not have the capacity to intervene if it is inappropriate. Could you address that question? Equally, are you aware whether the curriculum for SRE also has those same standards applying?

Dr LONGSTAFF: I am not aware of whether any curriculum offered by SRE is subject to refusal, amendment or revision by the Minister. My guess is not and I would think probably not, but I do not know for good reasons, given the separation that lies behind the legislation so that the secular state is still preserved while allowing the opportunity for SRE to be offered. I think it is very well developed the way that they manage to get around that particular issue. Clearly, the suggestion that there is no systematic framework within which the curriculum is developed for Primary Ethics is wrong. If anyone from the Catholic Church had thought to speak with Sue Knight, for example, she probably could have led them through the process she has articulated today. That may simply be a communication issue. I do not think it was said with any malice; it is probably simply that they do not know. As it is, a complete process—well thought out, well informed and based on a rich philosophical base—is being deployed.

Parents in a general sense understand that this is about introducing children to the concept of an examined life and applying it to issues of relevance in their lives, the capacity to construct arguments, to understand distinctions between right and wrong and good and bad and things of that kind, all of which are explored. They will know that life is not judged as a matter of consequences; duties are also owed and there are questions about one's virtues and character. These three rich traditions work through western philosophy, and they are all explored in the course of the curriculum in a balanced way. The parents, if they were inclined to look at the theoretical base, would be pleased and encouraged by that. However, what is actually happening on the ground is something simpler; that is, children returning from those classes are often enthused and engaged and they talk to their parents about the issues they are studying. To that extent, most of what we hear—and, again, it is at the anecdotal level—is a positive reinforcement of that.

Ms RUSSELL: We have certainly had no parent contact us concerned about the curriculum except for one lady. I cannot remember the school she was involved with; it was an inner west school. The parent pulled her child out of the ethics class during the first half of last year when they were doing Professor Cam's curriculum. She complained that the curriculum was too simple. She said she would like to see her child studying more complex issues. The child would probably rejoin the classes if more complex issues were introduced. I believe that is the only parent complaint I have had.

In terms of the process the curriculum goes through in the department, we are the only provider that is required to provide a curriculum to the Department of Education and Communities to be approved for age appropriateness. Jude Hennessy said earlier today that the Catholic curriculum is approved by the director general of the department. I followed him out of the hearing this morning and challenged him about what he said. He said he would correct the transcript because the director general does not approve any religious education curriculum. They have to provide a curriculum only to show that they have one. They do not look at the content or the pedagogy and they certainly do not look at the age appropriateness.

The Hon. PAUL GREEN: It has been a bit a journey for the Committee and it has been good for all of us in numerous ways. Obviously one of the messages we get is about the clear foundations of the different belief systems, particularly in respect of special religious education. A witness representing the Islamic Council just provided evidence. I think he gave the clearest explanation I have heard of why we have special religious education. Obviously from a Christian world view we follow the biblical principles of Christ and his generosity. Dr Sue Knight talked about the courses and the way they will build through the stages. One of the examples she used was generosity. Christ himself said fairly simply in the first two commandments that we should love God and love one another. Why is there a lack of acknowledgment of those spiritual principles in a curriculum like yours?

Dr LONGSTAFF: Part of it relates to the history of why parents came forward. As I mentioned in our submission, there were three groups of parents. There were parents who came from very devout religious communities who were unable to offer special religious education—they simply did not have the people who could do it or the appropriate resources. A second group, who comprised the very religious, felt that religious instruction should be done only within their home or within the tight boundaries of their religious community. The third group was not religious and did not want to see religious world views or theological perspectives offered.

However, they all had in common the sense that part of what was happening in special religious education was this discussion of ethical issues. They wondered whether it was possible to have that rich, meaningful experience without getting entangled in theological world views that might otherwise divide them. I mentioned this when I gave evidence previously. It is not as if, for example, a child from a Christian or Muslim background is in any way prevented from entering those sorts of views into the conversation. However, for us to start picking bits of religious wisdom and saying that that is going to be part of the basis on which we introduce it would risk removing from those parents the very thing that they wanted us to do in the first place. I would have Muslim parents saying, "Why have you picked that from there?", or similar questions from Hindu parents. You might have parents saying, "Now you are starting to do something you said you wouldn't do and we want to do that in our home."

It is not as though there is antipathy towards it. In the very early days we questioned whether it would be possible to draw on storytelling. Stories are a great way to engage with children. Could we draw from the great canon of stories from the past? It would be wonderful to do that, but only if we did not violate the contract we have with the parent community that motivated them in the first instance. It is not an anti-religious wisdom; it is a pro-practical response to parents and their original request.

Ms RUSSELL: I have seen a quite a few ethics classes in action. I watched one at Linfield East Public School where the teacher posed the question, "Is it morally right to kill animals for food?" There was a child of Indian background in the class and she said, "Our religion prohibits that." That was brought into the discussion; it was not ignored because it was another person's view.

The Hon. PAUL GREEN: What is the foundation for your ethics framework?

Dr KNIGHT: I am not sure how long you have.

The Hon. PAUL GREEN: One statement would be good.

Dr KNIGHT: Obviously it is very hard to put it in a nutshell. We tried to summarise it in our written submission to the Committee. I suppose the fundamental point—and perhaps this is where we might differ from religious education classes—is that we want to stress the importance of rational thought and rational argument in coming to understand the difference between right and wrong and good and bad in particular situations. That is the fundamental basis. We value that process. However, in addition to that, we have two principles. The first is that relativism is false and dangerous. It is possible to make moral decisions on good grounds and there is such a thing as moral truth. Secondly, that moral truth needs to be approached through the resources of rational decision-making as opposed to blind appeal to authority. I am not implying in any way that religion consists of blind appeal to authority.

The Hon. PAUL GREEN: It is certainly what faith consists of.

Dr KNIGHT: I will not go there. We also have some underlying ethical principles that I think it is fair to say are accepted by all the philosophical traditions.

Dr LONGSTAFF: For example, you cannot live an examined life in the way we were talking about before if there is not a fundamental respect for the other.

Dr KNIGHT: Yes.

Dr LONGSTAFF: You cannot do it if you do not have a moral courage that leads you to be true to the things that you believe as a consequence that. You cannot do it if you engage in deception as part of it. There is a series of things which I have touched upon in those papers, which you work out from those starting points, without which you cannot honour the core idea, this worldly idea, as I call it, in which you operate. The other thing too is that, as I mentioned, you have got going through western philosophy three very strong themes—they are not the only ones but very strong ones—to do with deciding matters according to consequences, deciding matters according to duty and deciding matters according to the implications for one's character or virtue-based ethics, and in the program that Sue has been developing all three of those major themes are being addressed as part of it. So there is a kind of literacy that you develop, just as you would find in religious education there are issues of duty and character and things like that, but they are made more explicit with the philosophical foundations from which they derive.

Dr JOHN KAYE: We heard before from Presbyterian Youth about issues associated with the promotion of Primary Ethics at Wauchope Primary School and Brooklyn Primary School. Is Primary Ethics currently operating in Wauchope Primary School?

Ms RUSSELL: We are not.

Dr JOHN KAYE: Are you currently operating in Brooklyn Primary School?

Ms RUSSELL: We are not. We do not have an ethics coordinator appointed there, we have no volunteers.

Dr JOHN KAYE: And you are not running classes there?

Ms RUSSELL: We absolutely are not running classes.

Dr JOHN KAYE: So whatever promotion occurred there was not relevant to your offerings?

Ms RUSSELL: We have no idea what promotion occurred there. It has nothing to do with us.

Dr JOHN KAYE: Can I take you to a proposal coming out of the Catholic providers of special religious education where they were changing section 33A (3) of the Act to make it such that the Minister for Education would oversee all aspects of the implementation and administration of SEE classes and associated curriculum development? What impact would that have on your capacity to provide quality ethics instruction?

Ms RUSSELL: What is the question?

Dr JOHN KAYE: The Catholic provider has suggested a change to section 33A (3) of the Act in which instead of being that a principal did not have the capacity to reject the teaching of ethics in a school—

Ms RUSSELL: I am right with the question now.

Dr JOHN KAYE: What would happen if the Minister were given the capacity to oversee all aspects of the implementation and administration of SEE classes and the associated curriculum development?

Dr LONGSTAFF: I think if the State feels that it ought to do that in relation to all things being offered during that period of time which has been reserved, which would include SRE provisions, so in principle you can imagine that being done so that everything was being treated in an equal manner, then you might see something better. I think there are real problems with it though to do with this separation of church and State. I think the genius of the way in which SRE was conceived of originally when introduced was that when you read the legislation you will see that it is very cleverly written so that it allows the faith groups to offer SRE during the time which is set aside; it does not have the State involved in its provision, it merely allows the offer.

So to apply a standard of ministerial scrutiny of both, which I would assume the Catholic Education Office and others would be arguing for, that they want an even-handedness, I think would be problematic. In terms of the machinery of it, I think it runs a risk of bogging something down for unlikely quality benefits beyond what we have already secured, and I think they are the kind of processes that I am sure the churches are diligent at the moment in the way they are developing their curricula, as we are, and we have that additional step to take around age appropriateness and I have suggested that perhaps that should be equally applied across the board if we want an even-handedness.

Dr JOHN KAYE: So you lodge your curriculum material with the Board of Studies or the Minister?

Dr LONGSTAFF: Yes. Not just the framework but every individual lesson.

Dr JOHN KAYE: And that is with the Board of Studies?

Ms RUSSELL: You give it to the Department of Education.

Dr JOHN KAYE: And the Department of Education signs off on age appropriateness?

Dr LONGSTAFF: The director general says it is or it is not age appropriate.

Ms RUSSELL: Gives us feedback and we amend the curriculum according to what they say—

Dr JOHN KAYE: So age inappropriate material would be material which would challenge a child's capacity to emotionally adapt to that material, is that correct?

Ms RUSSELL: Yes.

Dr JOHN KAYE: Your material has been checked for that but you are saying that the SRE provider's material is lodged but not checked?

Dr LONGSTAFF: It merely has to be present so that they certify they had a curriculum. In no way is it ever evaluated or approved.

The Hon. PAUL GREEN: In light of that, why was the pilot one withdrawn? Was that because of that age appropriate stuff?

Dr LONGSTAFF: It was not actually withdrawn. What happened was the *Herald* misreported what had happened. There was a very early draft where it was floating ideas, a whole lot of different things, and what subsequently happened was that when the process was worked through in that development it was different. We made a judgement ourselves about the sorts of things that you are doing, much as you consider options, and I think what may have even happened—and I referred to this—is that one of those early working documents was leaked from somewhere into the paper and so they drew this conclusion. But it was just about making a prudent judgement as to where you were going to go in terms of the appropriateness of the material.

Ms RUSSELL: Madam Chair, before you wind us all up, there are a couple of things I would like to table for the Committee. There have been questions about whether Primary Ethics has or has not given faith groups access to our curriculum. I would like to table an email that I sent to ICCOREIS explaining to them that because they were not a faith group that the members of their churches could ask us for the curriculum and they could have it. They said in their submission when they were talking to you that they were still waiting for an answer. I did provide them with an answer and that is there.

I also would like the Committee to see correspondence from Presbyterian Youth about provision of the ethics material. One of the statements today was that they had no idea what our training was about. I actually outlined it, the content of the training, in an email to them two and a half weeks ago. There are eight copies of each of those.

Documents tabled.

Ms BROOKE: There has been a lot of discussion and in the submissions about the level of funding and government funding for Primary Ethics. I just wanted to clarify for this Committee that we have never sought or received any level of government funding from the State or the Federal governments. We do, however, seek to be treated in the same way as SRE providers, who automatically receive tax deductibility of donations—that is called DGR status. Our request to the Federal Government for DGR has not yet been approved and we have every reason to believe that when it is approved our funding needs would be addressed.

CHAIR: Would we be able to publish those documents that you supplied?

Ms RUSSELL: Absolutely.

Dr LONGSTAFF: I do not know; there are two parties. Since it is a communication with them I would not want to presume that they consented.

CHAIR: On behalf of the Committee I thank those of you from Primary Ethics and also Dr Simon Longstaff from the St James Ethics Centre. Thank you for your two very valuable submissions and your two appearances before the inquiry and your continued interest during the inquiry—I am sure before, during and after. Thank you.

Ms RUSSELL: I have also provided to Beverly some schools and times. We hope to see you all at the schools.

CHAIR: We will probably have two visits of three, but we will be in touch with you about what is suitable to you.

(The witnesses withdrew)

(The Committee adjourned at 4.48 p.m.)