

Ethics and SRE (part 1)

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You are probably aware that during 2011, Special Education in Ethics (SEE, or 'ethics classes') were offered to year 5 and 6 in NSW government primary schools. The classes were offered to students whose parents had 'opted out' of their child attending Special Religious Education (SRE, or 'scripture classes').

In November 2011, the NSW Government commenced a review into the ethics classes, aiming to report on the current operation of ethics classes in light of their objectives, curriculum, implementation and effectiveness.

This is the first of two briefings on the ethics and scripture debate. Our purpose here is to update readers on the current state of play. We are not addressing the issues that have divided many NSW people into bitter 'ethics' or 'scripture' camps. We simply want you to know how things stand, at the level of State governance. We will attempt to understand and distil some of the arguments for and against ethics classes in the second briefing.

We usually appreciate feedback, but we won't respond to strong opinions offered for or against SEE classes. We would be glad to hear of any errors of fact in what follows.

In December 2010, the *Education Amendment (Ethics) Act 2010* passed into law, instigated by the then-NSW Labor Government. This Act amended the *Education Act 1990*. The amendment allows an alternative course of Special Education in Ethics (SEE) to be provided to students whose parents have opted out of their child receiving Special Religious Education (SRE).

What did the Education Act say about SRE before the amendment?

The original position on SRE in the Education Act can be found in section 32 and 33. Section 32 provides for the religious education of children of any religious persuasion in every government school. The total number of hours of religious education for each child may not exceed the number of school weeks in the year. The Act stipulates these further requirements:

- The SRE must be given by a member of the clergy, or by a teacher authorised by the relevant religious body,
- The times at which SRE is given must be made by an agreement between the school principal and the local authorised teacher of SRE, and
- Children attending SRE are to be separated from other children at the school whilst SRE is taught.

Education Act Section 33 adds a parental right of objection. No child at a government school is required to receive any general or special religious education if the child's parent objects. (General religious education is included in the secular instruction that children are to receive in government schools. It is distinct from 'dogmatic or polemical theology'.)

What was the effect of the amendment?

The 2010 Amendment inserts Section 33A into the Education Act. It allows for SEE as a secular alternative to SRE at government schools. A child attends SEE classes by means of this process:

- The child's parent objects to the child receiving special religious education (as per Section 33, above).
- The child is entitled to receive SEE only if:
 - o it is reasonably practical for SEE classes to be made available to the child at the school, and
 - o the parent has specifically requested the child to receive SEE.

(See below for the exact wording of sections 32–33A.)

In other words, for a child to receive SEE, a parent must (a) withdraw the child from SRE, then (b) enrol him or her into SEE. (Potentially then, some students may do neither.) The practical result of s. 33A is that for children to swap from SRE to SEE, parents must first formally seek exemption from SRE in writing. A place in any available ethics classes will only

be offered once the written application has been confirmed. A minimum of 8 and a maximum of 22 students are allowed for each SEE class.

What are SEE classes and how are they offered?

The Department of Education has provided some guidelines for principals around the introduction of ethics classes. These state that Principals should assist SEE coordinators and teachers to become familiar with the school, and provide the coordinators with lists of students attending ethics classes. All parents of children in Years 5 and 6 are to be informed when ethics classes are available. The composition of classes is to be determined by the Principal, and those students who had opted out of SRE during 2010 and prior are to be given priority access to an SEE class.

Primary Ethics was founded by the St James Ethics Centre in November 2010, and is responsible for all aspects of the SEE delivery. *Primary Ethics* seeks to provide age-appropriate education in philosophical ethics. It provided a curriculum for students in years 5-6 during 2011. [Their website](#) states that a curriculum framework spanning kindergarten to Year 6 (K-6) has been developed, and classes for K-4 will be rolled out progressively to lower grades over the years ahead.

What numbers are involved?

The number of students in NSW who attend scripture, who 'opt out' and who attend ethics classes, is not officially recorded. The figure of 25% (approximately 100,000 NSW children) who 'opt out' has been frequently quoted during 2010 and 2011, but is usually cited as 'anecdotal evidence'.

In the 9 months to September 2011, *Primary Ethics* reports having recruited 400 volunteers with 210 teachers delivering ethics classes to approximately 3100 students in 150 schools. By 22 November 2011, 3500 students in NSW were attending ethics classes organised by *Primary Ethics*. The organisation plans to build a network of over 4000 local community-based volunteers who will coordinate ethics classes at individual schools. It also seeks to recruit, select and support suitable teachers to deliver weekly SEE.

What is the Inquiry into ethics classes?

At the end of 2011—the close of the first full year of ethics classes—The Hon. Rev. Fred Nile MLC (of the Christian Democrats) requested an inquiry into the operation ethics classes. A Parliamentary Inquiry has been set up to consider whether the amendment act should be repealed.

Its terms of reference request the Committee to inquire into and report on the stated objectives, curriculum, implementation, effectiveness and other matters pertaining to the current operation of SEE. It is also to consider whether the *Education Amendment (Ethics) Act 2010* should be repealed by means of the *Education Amendment (Ethics Classes Repeal) Bill 2011* (although Liberal Premier Barry O'Farrell has stated that his government has no intention to repeal the amendment).

It is expected that this Inquiry will provide official numbers of children attending both scripture and ethics classes, as well as children who are under supervision because they do neither. The committee will accept submissions until **24 February 2012**, and must report to the Parliament by 4 June 2012.

What else has happened?

At the same time as announcing the enquiry, the NSW Minister for Education announced that the guidelines for delivering SRE need to be strengthened.

At present, only a *maximum* period (of 1 hour per week) is specified by the legislation. That means that both scripture *and* ethics classes can be forced to run in ever-shrinking time slots. The minister announced that the plans to strengthen SRE '...will include a minimum time of 30 minutes of meaningful teaching time per week in primary schools'. (The exact operational details of any new arrangements may take a different form.)

- **Rebecca Belzer and Andrew Cameron**
for the Social Issues Executive, Diocese of Sydney

From the **EDUCATION ACT 1990**:

32 Special religious education

(1) In every government school, time is to be allowed for the religious education of children of any religious persuasion, but the total number of hours so allowed in a year is not to exceed, for each child, the number of school weeks in the year.

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

(3) The religious education to be given is in every case to be the religious education authorised by the religious body to which the member of the clergy or other religious teacher belongs.

(4) The times at which religious education is to be given to children of a particular religious persuasion are to be fixed by agreement between the principal of the school and the local member of the clergy or other religious teacher of that persuasion.

(5) Children attending a religious education class are to be separated from other children at the school while the class is held.

(6) If the relevant member of the clergy or other religious teacher fails to attend the school at the appointed time, the children are to be appropriately cared for at the school during the period set aside for religious education.

33 Objection to religious education

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

33A Special education in ethics as secular alternative to special religious education

(1) Special education in ethics is allowed as a secular alternative to special religious education at government schools.

(2) If the parent of a child objects to the child receiving special religious education, the child is entitled to receive special education in ethics, but only if:

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

(b) the parent requests that the child receive special education in ethics.

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

Sources/Further Reading:

Guidelines for principals around SEE by the Department of Education,
<http://www.curriculumsupport.education.nsw.gov.au/policies/ethics/index.htm>

St James Ethics Centre, <http://www.ethics.org.au/>

Primary Ethics, www.primaryethics.com.au.

Education Amendment (Ethics Classes Repeal) Bill 2011 (Inquiry),
<http://www.parliament.nsw.gov.au/prod/parlment/committee.nsf/0/3312B8C2F2E89AD2CA2579480000E930>

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