

Assuring Secularism in Victorian Government Schools

A submission by the Rationalist Society of Australia

May 2010

Background

In 1872 the Victorian Education Act prescribed free secular education during regular school hours. Religious instruction by volunteers was only allowed *outside regular school hours*.

In the 1950s, following intense lobbying by religious groups, the Government agreed to allow volunteers to enter schools *during school hours* to conduct religious instruction.

In 2006, the Education and Training Reform Act (the “Act”) reaffirmed the Government’s commitment to secular education, and allowed the teaching of ‘general religious education¹’ by Victorian school teachers. Special religious instruction continues to be allowed during school hours. Departmental guidelines were adopted that give ACCESS Ministries preferred official status as an accrediting and administrative body for religious instruction in Victoria, giving them privileged access to Victorian schools.

Issues

The Rationalist Society of Australia (RSA) agrees with the principle of freedom of religion; but we also believe such freedom must be accompanied by the principle of freedom *from* religion. We do not think it appropriate that children should be inculcated into particular religious beliefs before they are of an age to decide such matters for themselves.

There are many Victorian parents who do not wish their child to be instilled with religious beliefs. However, the present situation in Victorian schools is such that removing a child from Special Religious Instruction classes is socially divisive, educationally flawed and perhaps psychologically damaging.

¹ “Education about major forms of religious thought”, Education and Training Reform Act, Section 2.2 11(5)

Australian Governments, both state and federal, have promoted the idea of religious tolerance and acceptance of diversity for many years. The present situation in Victorian schools is such that one particular religious faith, and one religious denomination, enjoys privileged access to Victorian school students. The RSA asserts this is inconsistent with the values of a 'fair go, tolerance and inclusiveness' that are promoted in Victorian schools. It is also possibly unlawful.

1. Victorian law mandates that education be secular, but Departmental guidelines require principals to enable special religious instruction (SRI).

The 2006 Act reaffirmed the long standing principle that education in Victorian government schools should be secular. However, it allows government schools to be used for instruction in religious beliefs by non-teachers – also a long standing practice, but one that is inconsistent with the overriding principle of secular education. Despite this logical inconsistency, we focus in this submission not on the Act itself but on the arrangements that the Department of Education has put in place to administer the Act.

Guidelines issued by the Department of Education state that principals '*should* make provision for special religious instruction where an accredited and approved instructor is available'² (italics added). The Act on the other hand states that 'special religious instruction *may* be given in a Government school...' (Section 2.2.11, italics added). Departmental guidelines thus subtly shift the message: the Act *allows* principals to offer SRI (despite the fact that education should be secular), whereas the Department *instructs* principals to provide SRI.

2. Values education is not equivalent to religious instruction

In Victoria, Government schools already teach values. The Victorian Essential Learning Standards are based on broadly shared community values of:

- care and compassion
- doing your best
- fair go
- freedom
- honesty and trustworthiness
- integrity
- respect
- responsibility and
- understanding, tolerance and inclusion.

Students develop their understanding of these values in the topics they learn every day at school. For example, they learn about care and compassion, doing your best, and integrity in 'Interpersonal Development'; they learn about responsibility and understanding, tolerance and inclusion in 'Civics

² Schools Reference Guide on Religious Instruction, http://www.education.vic.gov.au/management/governance/referenceguide/curric/3_22.htm, accessed May 2010.

and Citizenship'. Despite this, it appears to be assumed that Victorian students lack values education and that only religious instruction can fill the gap.

This is not the case: ACCESS Ministries concedes that its SRI program merely 'supports' rather than duplicates the teaching of values already undertaken by Victorian government schools³. Instead, the ACCESS curriculum instructs students in 'essential understandings of the Christian faith' and 'biblical truths'. The curriculum includes topics such as 'The world God made' and 'Living as God's friends'. These are not broadly shared community values; they are the views of one specific religion.

We do not consider the Victorian curriculum is lacking in values education, but if students do require additional values teaching, it should be provided by Victorian teachers and schools through the normal school curriculum.

3. Victorian law mandates there should be no discrimination against any (lawful) religious belief or practice but Departmental guidelines preference protestant Christianity.

In Victoria it is against the law to discriminate against people because of their religious belief or activity (or lack thereof). While discrimination law applies to education, it allows for certain exceptions. For example, schools may run programs entirely or mainly for students of a particular religious belief; and students who don't have that religious belief may be lawfully excluded from such programs⁴.

The law is quite clear: no particular religion or religious denomination should be privileged over any other, and yet Departmental guidelines clearly privilege ACCESS Ministries. ACCESS Ministries is mentioned ahead of and separate from other accrediting bodies (other than the World Council of Religions for Peace, which is also separately mentioned). Principals are required to provide administrative assistance to help ACCESS Ministries in arranging for their instructors to come into the school and take SRI classes, and to maintain records. Supported by this privileged position, ACCESS Ministries has become the predominant source of SRI in Victoria.

Further, when parents are asked if they want their child to participate in SRI (see also issue 4 below), failure to respond is regarded as consent not just to SRI *but to the ACCESS Ministries version of SRI*. Thus the protestant faith is privileged over any other and over lack of faith.

4. Departmental guidelines prevent schools from providing other education for students not wishing to participate in SRI, but there is no basis for this requirement in the Act.

Department guidelines state that 'secular instruction *may not* be timetabled while students from the class are attending special religious instruction' (italics added). There is no source of authority for this provision. The Act does not require that students not participating in SRI may not receive alternative teaching, and it could be argued their education is being neglected because of their non-protestant religious orientation or lack of religious orientation altogether.

³ [CRE Overview for Parents](#), ACCESS Ministries.

⁴ Victorian Equal Opportunity and Human Rights Commission brochure on [Religious Belief or Activity](#).

Not being provided with alternative teaching when classmates are participating in SRI places an unacceptable burden on students. By having to leave the classroom and go off to some other place to ‘do nothing’, they feel socially outcast and stigmatized for their different religious orientation or for their lack of faith. This practice divides rather than bonds, and undermines rather than supports respect for diversity. At Attachment 1, we provide a telling example of the divisive nature of the present arrangements.

5. Present SRI arrangements are inconsistent with contemporary community attitudes.

The 1950s decision to allow non-teachers into Victorian government schools during school hours for religious instruction came at a time when nearly 90% of Australians counted themselves Christian⁵. By 2001, this number had dropped to 68%, with 27% counting themselves non-religious or not stating a religion.

The fact that more than a quarter of all Australians now do not see themselves as religious means community attitudes have changed significantly since the 1950s. Further, the composition of religion affiliations is changing. Between 1996 and 2001, religions other than Christianity have been growing fast (albeit off a small base): Buddhism by 79%⁶, Hinduism by 42%, Islam by 40%, Judaism by 5% and ‘other religions’ by 35%.⁷

As stated above, we do not believe school children should be indoctrinated with religious beliefs and tenets before they are of an age to decide such matters for themselves. Nevertheless, we recognise that parents may wish their children to be brought up to learn the tenets of the religion in which they were brought up. They are free to do so in a free society. But a State that has re-affirmed its commitment to secularity should not be involved in the imposition of such religious tenets. In particular, to persist with an arrangement that essentially specifies instruction in the tenets of the Christian religion *by default* fails to respect the significant and growing diversity of philosophical life stances in the Australian community.

Recommendations

The following recommendations focus on amendments to the administrative arrangements for SRI.

1. *Parents should be given clear and unambiguous information about SRI.*

Any administrative form seeking parental permission for their child to participate in SRI should contain the definitions stated in the Act that distinguish ‘general religious education’ from ‘special religious instruction’, and make it clear that the latter is what is being offered. If general religious education is taught, it should be as part of history in the form of comparative religion. Comparative religion should study a range of religious traditions, not just one.

⁵ Australian census for 1954.

⁶ Although we would argue Buddhism is not a religion, since its adherents do not believe in a supernatural being.

⁷ *ibid*

2. SRI should be offered on an 'opt in' basis rather than an 'opt out' basis.

Religious instruction should be treated like any other elective: it should be something you 'sign up for' rather than something you 'sign out of'. Currently parents who do not respond to a question seeking permission for their child to participate in SRI are deemed to have consented. The form should be changed so that positive parental approval is required; lack of response should not be deemed consent. Further, such parental approval should be sought each year.

3. SRI should be offered outside of school hours.

Because SRI is taught within school hours, many parents assume, wrongly, that it is part of mainstream curriculum. Holding SRI classes out of school hours would continue to make school facilities available to religious bodies for those who positively desire religious instruction for their child, but free up valuable school time for other teaching.

4. ACCESS Ministries should not be privileged over other accrediting bodies.

The Departmental guidelines should be rewritten to make it clear that no one religious faith or denomination is privileged over any other. In particular, ACCESS Ministries should be given no more prominence than any other accrediting body; and schools should not be expected to provide administrative or financial assistance of any kind to any accrediting body.

5. Students not participating in SRI should be provided alternative teaching.

If SRI continues to be taught within school hours, there should be alternative teaching classes provided to those who choose not to participate.

Attachment 1

Divisive nature of present arrangements

Submission to the Human Rights Commission Inquiry on Freedom of Religion and Belief in the 21st century project

I am submitting a concern I have about Christian Religious Education in public schools. It is a personal story, but I believe it resonates widely to all students in public schooling.

I am Jewish and I have a son in Grade One at the local Public Primary School. My daughter will be starting Prep at the same public school next year. We live in a suburb of Melbourne.

When my son started Prep I received a note from the teacher telling me that a specialist teacher would be coming into the classroom every two weeks for 45 minutes to teach about Christianity. Attendance was not mandatory. If I didn't want my son to participate, I was to let the teacher know and he would be given another independent activity to do. I requested that he didn't participate. He and one other student were given computer time. My son was happy and actually looked forward to the time on the computer with his friend.

However, his experience in Grade One was not as amicable. He was the only student in his class not to participate in the CRE program. He was put at the teacher's desk and told to draw or finish desk work. I had a concern because this time at school was not productive. I also had a concern because my son was beginning to feel excluded as he was the only student separated from the class. He started asking a lot of questions. His questions were hard to answer as I had a lot of the same questions. Why do they teach about this at school? Why do I have to go outside of the class? Why am I different? He is also getting a lot of questions from fellow students. Even I got questions. When I was a literacy helper in the class a girl asked, 'Why doesn't [name removed] do CRE?' Luckily my son is a confident kid and took this all in stride. As a result, he takes pride in the fact he is Jewish and this is a constant catalyst to learning more.

I spoke with his teacher about making his time more productive whilst not in CRE. I also spoke with the Assistant Principle and requested Jewish Religious Education. He told me that in order to teach JRE, 3 students need to request it. If there are 3 or more students, then there can be scheduling problems because JRE is not taught at the same time as CRE. So even if there was JRE, he would still be pulled from his class during CRE and then again for JRE. The Assistant Principal put a notice in the newsletter seeking others who may want JRE. Only one other student came forward, so it wasn't an option. Even if it was an option, I'm not sure how happy I was to have 2, 45 minute fortnightly sessions, dedicated to religion in a public school.

To me, this is a clear case of school sanctioned exclusion. I could understand Christian only teaching if we went to a private Christian school. However, my son attends the local PUBLIC school. There is no cross above the door or in their emblem. How can children be excluded out of the curriculum like this at so early of an age? What is this teaching my son and his fellow students?

We have received a lot of literature from the school about bullying. Exclusion is listed as one of the

main and major forms. Therefore, my son is fundamentally being bullied by school because he is not part of the mainstream religion underwritten by the school.

I am not against teaching religion at school. I believe that if religion is taught at school, it should be ALL religions. If children were educated about world religions from an early age, maybe we could help stem this tide of religious righteousness.

Thank you for letting me share my story with you. Maybe next year, when my daughter starts, I'll try for JRE again. Regardless, the fundamental issue remains.