



# **Complaint to the Office of the Children's Guardian regarding Special Religious Education in NSW Government schools**

**June 2019**

**Fairness in Religions in School (FIRIS)**

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# 1. Executive Summary

Fairness in Religions in School (FIRIS) is a parent and citizens group focusing on issues related to the activities of religious organisations in Australian public schools. The organisation began in Victoria in 2011 and expanded to include a significant body of active NSW members in 2014.

FIRIS is lodging this complaint to the NSW Office of the Children's Guardian on the fundamental basis that the provisions for Special Religious Education (SRE – also referred to as 'scripture') in the *NSW Education Act 1990* (the Act) prevent the NSW Minister for Education (the Minister) and the NSW Department of Education (the Department) from fulfilling their duty of care obligations in relation to the health, safety and wellbeing of all NSW Government school students.

This document identifies risks related to child protection, safety and wellbeing, for which the Department's mitigation strategies seem profoundly inadequate in consideration of the well-publicised findings of the *Royal Commission into Institutional Responses to Child Sexual Abuse* (RC).

While the issues FIRIS frequently identifies do not involve physical or sexual abuse of a child, FIRIS is concerned regarding the occurrence of, and foreseeable risk of, other forms of abuse (including emotional and psychological abuse) due to the presence of religious organisations in NSW public schools as a result of the provisions for SRE in the Act. FIRIS has anecdotal evidence of students being abused for expressing their sexuality or their views around sexuality, and of students being abused for their religious beliefs or views by SRE instructors or by children who have participated in SRE classes.

After five years of corresponding with the Department, FIRIS regards the system of SRE in NSW public schools as a dysfunctional self-regulating system placing NSW public school children at risk of various forms of harm. This risk is further increased by a lack of robust policies and procedures developed by the Department and a reluctance to establish centralised and effective monitoring systems.

FIRIS has found that the senior management of the Department has chosen to place a significant portion of the duty of care it owes to all of its students onto principals. The Department has repeatedly stated that principals are responsible for implementing policies and procedures at the school level, yet FIRIS believes that the Department does not provide principals with adequate support, direction and guidance to do so. The lack of guidance has created a state of confusion (demonstrated by FIRIS' audits of compliance) that lends itself to exploitation by religious organisations.

FIRIS is also concerned that the Department seems to almost exclusively rely on an *ad hoc* reactive complaints and appeals process that current legislation neuters. Furthermore, when using the Department's complaints and appeals process, as well as trying to have issues addressed through general correspondence with the Department, FIRIS has frequently experienced failures to respond in an appropriate timeframe, bureaucratic stonewalling, mismanagement of correspondence and has had to appeal to the NSW Ombudsman on numerous occasions.

In the face of the NSW Department of Education's culture of obfuscation, FIRIS believes it is now necessary to bring these issues to the attention of the Office of the Children's Guardian.

This document identifies the following risks related to SRE in NSW Government schools –

- The failure of the Act to provide the Minister and the Department with the authority to control the content of SRE curricula and to ensure that such content does not pose risks to the health, safety and wellbeing of all students in NSW Government schools.
- The lack of competence and/or objectivity and/or willingness of SRE curriculum developers and SRE providers to self-assess the quality and age-appropriateness of their curricula and lesson materials places students at risk of various forms of harm and injury.
- The provisions for SRE in the Act which establish the complete autonomy of each provider to authorise their own curriculum, prevent others, including the Minister, the Department, publishers, peak bodies and other stakeholders, from eliminating the risk of students being exposed to materials identified as inappropriate by the Department and others.
- The failure of the Act to provide the Minister and the Department with the authority to control the processes used by SRE providers to select and authorise their SRE instructors significantly increases the chance of unauthorised and inappropriate personnel entering NSW public schools and posing a risk to the health, safety and wellbeing of all students in NSW Government schools.
- The legislative restriction of the Department to a reliance on an ‘annual assurance’ from SRE providers that they have procedures in place to ensure compliance with the requirements of the *Child Protection (Working with Children) Act 2012* is an inadequate, inappropriate and ineffective risk management strategy which exposes students to an unreasonable and intolerable risk of harm and abuse.
- The inability of principals of NSW Government schools to ensure they are fulfilling their duty of care by verifying that each SRE instructor is in possession of a Working With Children Check clearance number and their forced reliance on the assurance of SRE providers, including religious organisations that have betrayed the trust of the NSW and Australian community, that child protection legislation is being complied with, places NSW public school students at risk of various forms of abuse, harm and injury.
- The Department’s decision to place conditions upon the release of the blank template of the Annual Assurance, in response to an informal request for information, demonstrates its lack of willingness to ‘*provide transparency to enable public scrutiny*’, a criterion of the public service core value ‘*accountability*’, thereby exposing students to the risk of being placed in SRE without informed consent from parents and caregivers.
- The failure of the Department to direct principals to monitor the delivery of SRE by ensuring that a class teacher is present in every SRE classroom during the time allocated to SRE and provided with the means to monitor the SRE instructor’s adherence to the curriculum approved by the SRE provider exposes students to the risk of various forms of abuse, harm and injury.
- The lack of centralised proactive measures within the Department to inform principals of NSW Government schools of important amendments to the list of approved SRE

providers increases the risk of unauthorised personnel accessing NSW Government school students and exposing those students to risk of harm, injury and abuse.

- The failure of the Department to ensure that schools are compliant with the requirements to provide parents and caregivers with links to access the curriculum scope and sequence documents of SRE providers increases the chance of uninformed decision increasing the risk of students being exposed to risks of harm and injury, particularly psychological injury.
- When compared to other departmental policies and procedures, particularly the Controversial Issues in Schools Policy, it is evident that section 32 of the Act requires the Department to transfer its accountability and duty of care responsibilities to SRE providers during the time allocated to SRE in NSW Government schools, thereby placing students at significant risk of harm.
- Given that the Department does not inform parents and caregivers that it enables religious organisations to distribute information regarding out-of-school extracurricular activities during SRE, the Department exposes students to the risk of various forms of harm arising from participation in such activities, possibly without parent/caregiver permission or knowledge.
- Given that the Department cannot state that all students in a SRE classroom have express consent from their parents/caregivers to be exposed to the lesson materials of an SRE provider and/or the actions of an SRE instructor, some students may have been placed at risk of various forms of harm.
- Contrary to the Act and the Department's SRE Procedures it is reported that some children are exposed to SRE curricula, lesson content, activities and the actions of SRE instructors despite the withdrawal of consent of parents and caregivers for their children to participate in SRE, placing them at risk of harm.

## 2. Key to Abbreviations & Acronyms

the Act	<i>NSW Education Act 1990</i>
AMA	Alternative Meaningful Activities (also known as 'non-scripture' in NSW Government schools)
AA	Annual Assurance
CIS Policy	<i>Controversial Issues in Schools Policy</i>
CIS Procedures	<i>Controversial Issues in Schools Policy Implementation Procedures</i>
the Department	New South Wales Department of Education
ICCOREIS	Inter-Church Commission on Religious Education in Schools (NSW) Inc
FIRIS	Fairness in Religions in School
GRE	General Religious Education
the Minister	the NSW Minister for Education
NESA	NSW Education Standards Authority
QLD DET	Queensland Department of Education and Training
RC	Royal Commission into Institutional Responses to Child Sexual Abuse
REP	<i>Religious Education Policy</i>
REIP	<i>Religious Education Implementation Procedures</i> – superseded in 2019 by SREP
SEE	Special Education in Ethics (also known as 'ethics' in NSW Government schools)
SRE	Special Religious Education (also known as 'scripture' in NSW Government schools)
SREP	<i>Special Religious Education Procedures</i> – replaced REIP in 2019
the 2015 Review	<i>2015 Review of Special Religious Education and Special Education in Ethics in NSW Government Schools</i>
VSA	Voluntary student activities of a religious nature in schools
WWWC	Working with Children Check
WWCC Policy	Working with Children Check Policy
WWCC Procedure	Working with Children Check Procedure

## 3. Introduction

### 3.1. Departmental policies and procedures

Special Religious Education (SRE) is instruction in the beliefs and practices of a religious persuasion. In accordance with section 32 of the [NSW Education Act 1990](#) government schools allow time for volunteer or paid representatives of approved religious groups to deliver SRE to students who have nominated that religion.

SRE is not to be confused with General Religious Education (GRE) which is education about the world's major religions, what people believe and how that belief affects their lives. GRE is taught through the school curriculum by professional educators employed by the Department using curricula developed by the NSW Education Standards Authority (NESA).

The Department's [Religious Education Policy](#) (REP) outlines the requirements and responsibilities for matters relating to SRE and GRE. The REP is supported by the [Special Religious Education Procedures](#).

Non-SRE activities of a religious nature in NSW Government schools must comply with the [Other Activities of a Religious Nature in Schools Procedures](#). Such activities include 'voluntary student activities of a religious nature in schools' (VSA) which are not part of SRE but may operate under the auspices and supervision of school principals. VSA include -

- student and/or volunteer led prayer groups
- student and/or volunteer led discussion groups of a religious nature
- talks organised by visitors of religious organisations
- distribution of religious materials to students, when it supports local community expectations.

VSA must also comply with the [Controversial Issues in Schools Policy](#) (CIS Policy) which provides '*direction for the management of controversial issues in schools*'. The CIS Policy covers –

*the views expressed by or the actions of teachers, external providers and visitors (including speakers and officials), audio-visual materials or live performances.*

It is supported by the [Controversial Issues in Schools Procedures](#) (CIS Procedures).

On 10 October 2014, the Department confirmed in correspondence that the CIS Policy and the CIS Procedures apply to the adult volunteers leading VSA in NSW public schools.

However, Section 2.2 of the CIS Procedures state -

*This policy applies to visitors and external providers including approved special religious education providers or ethics education providers, conducting activities outside the provisions in the Religious Education Policy and Special Education in Ethics Policy.*

- that is, the CIS Policy does not apply to SRE instructors during the time allocated to SRE. The preceding version of the CIS Policy made this much clearer when it stated that “*‘visiting speakers’ do not include visiting teachers of Special Religious Education (SRE)*”.



Therefore, at various points throughout this document comparison will be made between the conditions of SRE due to Section 32 of the Act and the conditions outlined in the CIS Policy and the CIS Procedures.

### **3.2. SRE as a self-regulating system**

The [2015 Review of SRE and SEE in NSW Government Schools](#) (the 2015 Review) stated that the procedures related to SRE -

*set out what is essentially a form of self-regulation for the delivery of SRE in government schools. Self-regulation in public policy always involves rights and responsibilities. For SRE the rights relate to the ability of SRE providers to access schools, determine teachers and the curriculum. [p. xvi]*

According to the reviewers, a closely related responsibility under self-regulation which SRE providers have is -

*a responsibility for transparency to parents, the Department, school communities and the wider public, through publication of important information and the provision of regular monitoring. [p. xix]*

The 2015 Review noted that the transparency of information about SRE activities and processes varies considerably across providers and that this was an area where providers could improve the governance and management of SRE [p. xix]. However, it will be demonstrated below that little has improved since the review was conducted in 2015 and far-too-many SRE providers continue to fail to fulfil their responsibilities in a self-regulating system.

## 4. Risks arising from self-regulation

### 4.1. Authorisation of SRE curricula and lesson content

#### 4.1.1. Ministerial limitations due to provisions for SRE in *NSW Education Act 1990*

**RISK:** The failure of the Act to provide the Minister and the Department with the authority to control the content of SRE curricula and to ensure that such content does not pose risks to the health, safety and wellbeing of all students in NSW Government schools.

**RISK:** The lack of competence and/or objectivity and/or willingness of SRE curriculum developers and SRE providers to self-assess the quality and age-appropriateness of their curricula and lesson materials places students at risk of various forms of harm and injury.

### BACKGROUND

According to correspondence FIRIS has received from the Department, the Crown Solicitor has advised the Minister that under the current provisions of the Act, particularly Section 32(3), *'the Minister does not have the power to control the content of SRE'* (**Attachment 1**).

FIRIS has further been advised that the Act does not give the Department control over the content of the religious instruction provided (**Attachment 2**).

In accordance with this interpretation of the Act, the [Special Religious Education Procedures](#) (SREP) state that it is the responsibility of approved SRE providers to authorise the materials and pedagogy used by SRE instructors [p. 8].

In April 2018 FIRIS completed an audit of the websites of the then 106 SRE providers identified there were 62 SRE curricula being used in NSW public schools (**Attachment 3**).

The most frequently identified curricula were *Connect* (53 mentions) and *Godspace* (39 mentions). *Connect* is produced by Christian Education Publications and Youthworks Media, which are linked to the Anglican Diocese of Sydney. *Godspace* is produced by Burst Christian Resources which is associated with the Baptist Churches of NSW and the ACT.

In response to concerns raised by a principal of a Queensland Government school in 2016 the Queensland Government's Department of Education and Training (QLD DET) conducted reviews of [Connect](#), [Godspace](#), and the materials developed by [Access Ministries](#), also used in NSW.

The DET's *Report on the Review of the Connect Religious Instruction Materials August 2016* found –

- “some content that may encourage undesirable child safe behaviours, such as the keeping and intentional hiding of secrets and the formation of ‘special friendships’ with adults” [p. i]

- See section 5.4.2 ‘Student Protection’ in *Report on the Review of the Connect Religious Instruction Materials August 2016* for information regarding the advice and activities identified as being ‘inconsistent with preferred student protection practices’. [p. 10]
- “a number of lessons...that have the potential to affect the social and emotional wellbeing of particular students who may be vulnerable to depression or experiencing depression, be in a fragile state, or who may blame themselves for things happening around them such as a family break up or death of a loved one. These lessons also have the potential to upset some students. These lessons talked about deserving punishment, the consequences of your sin on others, and specific Bible events.” [p. 11]
- Examples identified included –
  - Statements that - “*The punishment for sin is death*”. [p. 11]
  - Prompts in the text such as – “*Teacher asks: “What is the end result for someone whose goal is to please themselves?” Accept responses: They will die.*” [p. 11]
  - Students being told their sin will have consequences for others around them, examples given of sinners and how this then led to babies dying. [p. 12]
- **NOTE:** Similar issues were identified in the DET’s *Review of the Godspace Religious Instruction Materials – First published April 2017 – Revised August 2017*. In this report the DET wrote –
 

*Due to the potential to affect the social and emotional wellbeing of particular students, the Department advises that volunteer RI instructors should consider carefully, with sensitivity and use caution with regard to any discussions about human sacrifice, animal sacrifice, diets or body image with school students.* [p. 6]
- **NOTE:** Similar issues were identified in the DET’s *Review of the ACCESS ministries’ Religious Instruction Materials – Published April 2017 – Revised August 2017*. The DET identified lessons that –
 

*contained references to concepts and terms included in Bible stories that are not considered appropriate for a volunteer RI instructor to be discussing with students, e.g. rape, prostitution, mutilation.* [p. 6]
- lessons “where a Curriculum Activity Risk Assessment would be required or beneficial to ensure risks are controlled and the safety of students is a priority.” [p. 12]
- Examples included –
  - [Adding bleach to a glass of coloured water](#) [p. 12]
  - Students eating as much ice-cream as they could in one minute. [p. 12]
    - The reviewers wrote - “***This highlights the importance of principals being aware of lesson materials and staff being present within classrooms as the principal is the accountable officer within the school responsible for ensuring student and staff safety.***” [p. 12] (emphasis added)
- references to animal sacrifice which were not deemed developmentally appropriate for the target age group [p. 7] and that may present concerns in relation to animal ethics considerations, for example referring to sacrificing animals and activities including “pretend sacrifices” [p. 13]

While outside the scope of their review, the QLD DET recognised that religious instruction materials (other than *Connect*) being used in state schools across Queensland may not align with departmental policies, procedures and frameworks, may not be developmentally appropriate for the relevant age groups or could raise other general concerns. [p. 15]

It needs to be noted that a large number of the other SRE curricula used in NSW public schools cannot be scrutinised by parents, caregivers or members of the public. For example, FIRIS' audit of SRE provider compliance in February 2018 found that 14 of the 107 SRE providers' websites failed to identify or mention the curriculum used by the provider (see **Attachment 3**). Internet searches also did not enable identification of the provider's curricula. Of the 14 non-compliant providers, 12 had not been found compliant in any of FIRIS' four previous audits (August 2016, March 2017, July 2017, September 2017).

It should also be noted that NSW individuals are not able to purchase access to Christian Education Publications' and Youthworks Media's *Think Faith* curriculum. This is very concerning given the fact that it is the most often used SRE curriculum in NSW public secondary schools. It needs to be noted that it was only because a group of Queensland parents purchased Christian Education Publications' and Youthworks Media's *Connect* materials, reviewed them and expressed their concerns to a representative of the QLD DET that the review of the *Connect* was conducted at all.

Furthermore, despite having reportedly revised the *Connect* materials, the fact that the publisher and provider continue to demonstrate that they are unable to self-assess their own materials was demonstrated by more concerns about the lesson content of post-review material being brought to the attention of the public (See **Attachment 4**).

The Minister's and Department's lack of authority of the Minister and the Department over the content of SRE was made very clear during the 2015 'book banning' incident discussed in **Appendix A**. The Teachers' Christian Fellowship of NSW had clear views on this issue -

***Lack of understanding of the provisions of the Act for SRE** The attempt to ban SRE resources shows the lack of understanding by some officers within the Department of the provisions for SRE. The content and pedagogy of SRE lessons have nothing to do with the Department. These are matters entirely for the providers as indicated in the Department's own guidelines. 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. That a senior Department officer would seek to ban SRE materials is outrageous.<sup>1</sup>*

It needs to be stressed that *Connect*, *Godspace* and the ACCESS Ministries SRE materials are examples of SRE curricula that have had significant resources invested into their development. They are, however, only three of the 62 SRE curricula used in NSW public schools.

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<sup>1</sup> <http://www.tcfofnsw.org.au/htmarticles/Banning-books.html> accessed 24 May 2019.

Another example of the failure of SRE providers to assess the quality and age-appropriateness of the curricula used in SRE is the authorisation of the curriculum *Firm Foundations* by the Fellowship Baptist Church of Blacktown.

See FIRIS's article [‘Enrol your child in scripture in NSW public schools for a ‘firm foundation’ in animal and blood sacrifice: or, fun and games sacrificing a stuffed toy lamb.’](#)

See also the Sydney Morning Herald article [“They were sinners ...They deserved death’: Scripture provider forced to remove material from website’](#)

The [2015 Review of SRE and SEE in NSW Government Schools](#) (the 2015 Review) commissioned by the Department found that -

*There are considerable differences in the human and financial resources available across providers to develop and authorise SRE curriculum materials. While some employ staff to develop materials, and others purchase published materials, for some providers developing curriculum is an incremental process, reliant on volunteers donating their professional expertise. The evidence from the way SEE curriculum materials are developed suggests the Department could have a role in reviewing the age appropriateness of SRE curricula. [p. xxi]*

The Teachers' Christian Fellowship of NSW had clear views on this issue as well -

**Clarification of the activities of the review of SRE and SEE currently underway.** *The current review has within its terms of reference 7. Pedagogy, relevance, age appropriateness of teaching and learning in SRE across all Years K to 10 and teaching and learning in SEE in Year K to 6 in a variety of demographics. The review can make its recommendations but again it is not for the Department to take up any comments or opinions from the review on this matter. TCFNSW reminded the Department that these matters were not its concern and if taken up would not go uncontested by the providers of SRE.*<sup>2</sup>

On 9 September 2016 FIRIS brought the QLD DET's *Report on the Review of the Connect Religious Instruction Materials August 2016* (the Report) to the attention of the NSW Department of Education (see **Attachment 5**).

In consideration that the Department has informed FIRIS that -

*Principals support SRE in NSW Government schools by making local decisions under the jurisdiction of the school to ensure SRE implementation reflects all legislative requirements.*

- FIRIS asked the Department whether:

1. there is a requirement for principals of NSW Government schools that, in order to meet their duty of care obligations, they review SRE materials to ensure the materials do not contravene NSW legislation or departmental policies and procedures and that the materials are developmentally appropriate for the intended target audience.
2. duty of care responsibilities and requirements enable a principal of a NSW Government school to make a local decision to suspend a SRE provider's access

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<sup>2</sup> <http://www.tcfonsw.org.au/htmarticles/Banning-books.html> accessed 24 May 2019.

and/or an individual SRE instructor's access, to NSW Government school students.

The Director, Early Learning and Primary Education responded on 7 December 2016 acknowledging receipt of the copy of the Report (**Attachment 6**). In response to the first question above, the Director stated:

*In relation to your question about principals being required to review SRE materials, the department currently provides principals with guidance in the Religious Education Policy and Implementation Procedures.*

However, FIRIS is concerned at the Director's appeal to the REIP as those procedures provided little to no guidance on the authority of a principal to review SRE materials. The REIP at the time stated, and the SREP also currently states, that -

*It is the responsibility of an approved provider to...provide **information about the content of lessons** when requested by parents/caregivers/principals.* (emphasis added)

This statement makes it clear that principals, parents, and caregivers, are entitled to see only 'information about' the content of SRE lessons. It seems that SRE providers are under no obligation to give them access to any part of their lesson materials.

Nonetheless, in response to the second question, the Director stated:

*The department takes its duty of care to students seriously. If an allegation is made against a person providing religious education in a government school, it will be investigated with any reasonable action taken to protect students from foreseeable risk of harm.*

FIRIS was concerned at the perceived lack of 'reasonable action' taken by the Department in response to existing, emerging and foreseeable risks identified in the QLD DET's Report. The QLD DET recommended -

*that an immediate audit of Connect materials being used in Queensland state schools be undertaken to ensure that previous versions of the manuals which include outdated and inappropriate content are disposed of and are not used with students.* [p. 16]

FIRIS has found no evidence that the NSW Department of Education made similar recommendations or took any steps to implement such a recommendation.

It seems the Department's risk management strategy relies on a reactive complaints process. However, it needs to be noted that it now seems that complaints regarding lesson content are managed entirely by SRE providers.

#### **4.1.2. Risks related to the autonomy of SRE providers**

**RISK:** The provisions for SRE in the Act which establish the complete autonomy of each provider to authorise their own curriculum, prevent others, including the Minister, the Department, publishers, peak bodies and other stakeholders, from eliminating the risk of students being exposed to materials identified as inappropriate by the Department and others.

## BACKGROUND

There are approximately 100 SRE providers, including the Anglican Diocese of Sydney (which produces several curricula including the *Connect* materials), and each one has the right under Section 32(3) of the Act to authorise a curriculum of their choice, including the *Connect* materials identified as inappropriate by the QLD DET and mentioned above. The Minister, the Department, the Anglican Diocese of Sydney, the publisher Christian Education Publications / Youthworks, and supposed quality-control groups such as All Faiths SRE, have no authority to tell a provider which materials they can use.

FIRIS believes that once a SRE provider has purchased and is in possession of the hard copies of materials, publishers, including Youthworks, have no meaningful authority to tell that provider that the materials cannot be used.

FIRIS also questions whether publishers of SRE materials circulate or make public current lists of curricula that are no longer recommended to be approved for use. For example, Youthworks claim that the curricula *Radical Jesus* and *Hard Core Christians* are not intended for use in NSW public schools having been superseded by the curriculum *Think Faith*. However, this is not stated on the CEP website.<sup>3</sup>

In fact, both Teachers' Manuals state that the curricula are written for Years 7-10 students studying SRE in State schools. Furthermore, during an audit of school websites in March 2019, FIRIS also found evidence that *Radical Jesus* is being used in at least one NSW Government school.<sup>4</sup>

The inability of SRE curriculum publishers to ensure that current versions of curricula are being used was demonstrated by the Queensland Government Department of Education and Training's *Report on the Review of the Connect Religious Instruction Materials August 2016* finding of -

*evidence that some instructors may be using outdated editions of the Connect materials, that have not undergone recent review and therefore contain more examples of inappropriate content and advice. [p. i]*

The QLD DET also noted that –

*there does not appear to be any overarching governance to ensure the majority of instructors are using the same cycle or the same version of the manuals. [p. 14]*

As mentioned above, QLD DET recommended an immediate audit of the *Connect* materials used in Queensland state schools.

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<sup>3</sup> Pages accessed 13/05/2019) –  
<https://www.cepstore.com.au/hard-core-christians-teachers-manual>  
<https://www.cepstore.com.au/radical-jesus-teachers-manual>  
<https://www.cepstore.com.au/radical-jesus-teachers-manual>  
<https://www.cepstore.com.au/radical-jesus-teachers-manual>

<sup>4</sup> See <https://karhcee.com.au/wp-content/uploads/2014/09/Rouse-Hill-High-SRE-Curriculum.pdf?iframe=true&width=100%&height=100%> - accessed 14.05.2019.



#### 4.1.3. The transferring of duty of care obligations and accountability to SRE providers

**RISK:** When compared to other departmental policies and procedures, particularly the Controversial Issues in Schools Policy, it is evident that section 32 of the Act requires the Department to transfer its accountability and duty of care responsibilities to SRE providers during the time allocated to SRE in NSW Government schools, thereby placing students at significant risk of harm.

### BACKGROUND

The CIS Procedures state:

*All materials to be referenced or distributed to students that include controversial issues are to be reviewed and approved by the principal in advance... This responsibility cannot be delegated to people from outside the school, including the publishers of material for use in the school or on school excursions. [p. 7]*

However, it seems to be the case that, given that Section 32 of the Act is interpreted as stating that neither the Minister or the Department have control over who is authorised to deliver instruction in SRE or the content of the religious instruction provided and how it is delivered, the Act requires the Minister and the Department to transfer to SRE providers, as well as the publishers of SRE curricula and lesson materials, if not completely, at least a large and significant portion of, their accountability and duty of care obligations.

It should also be noted that the Other Activities of a Religious Nature in Schools Procedures states that content of the activities undertaken during VSA are to be monitored by principals. [p. 5]

## 4.2. Selection and authorisation processes of SRE personnel

### 4.2.1. Ministerial limitations due to provisions for SRE in *NSW Education Act 1990*

**RISK:** The failure of the Act to provide the Minister and the Department with the authority to control the processes used by SRE providers to select and authorise their SRE instructors significantly increases the chance of unauthorised and inappropriate personnel entering NSW public schools and posing a risk to the health, safety and wellbeing of all students in NSW Government schools.

### BACKGROUND

FIRIS interprets section 32(2) of the Act as stating that the Minister has no authority over the authorisation of those persons who will deliver SRE in NSW public schools.

This interpretation has been confirmed by advice received from the Department that the Act does not give the Minister or the Department control over who is authorised to deliver instruction in SRE (**Attachment 2**).



In accordance with the Act, the [Special Religious Education Procedures](#) (SREP) state that the recruitment, training and authorisation of personnel to deliver SRE is the responsibility of each individual approved provider [p. 7].

It should be noted that in response to the repeated sexual assault of a student at Balgowlah Boys High School between 2005 and 2008, the Department reportedly responded by stating “the accused was employed to work at the school by an outside organization. She was not a department employee” (**Attachment 7**).

The Department has stated (**Attachment 6**) -

*For allegations of a child protection nature, the principal is to contact the department’s Employee Performance and Conduct Directorate (EPAC). Although not subject to specific employment legislation and disciplinary schemes, contractors, volunteers or other persons associated with the departmental sites may have contracts or services terminated, or access to departmental sites or involvement in the department’s activities restricted or terminated, at the discretion of EPAC.*

#### 4.2.1.1. Child protection

The Department’s [Working with Children Check Policy](#) (WWCC Policy) applies to people who are employed or engaged in child-related work in the NSW Department of Education, in any one of the following capacities –

- as a paid employee;
- as a self-employed person or as a contractor or subcontractor;
- as a volunteer;
- as a person undertaking practical training as part of an educational or vocational course (other than as a student undertaking work experience);
- as a minister, priest, rabbi, mufti or other religious leader or spiritual officer of a religion or other member of a religious organisation.

The WWCC Policy is supported by the [Working with Children Check Procedure](#) (WWCC Procedure).

The WWCC Procedures identify SRE instructors as “volunteers”, that is –

*persons employed or engaged by a third party who provides goods and/or services to the department at no cost to the department, including persons engaged by a school Parents and Citizens’ Association, a religious organisation, a provider of Special Religious Education or a provider of special education in ethics.* [p. 6]

Due to their definition as “volunteers” SRE instructors are regarded by the Department as “workers” [3.1(a)(iii)]. In addition, SRE instructors are identified as “child-related workers” by the Department [3.3(d)(v.)].

#### 4.2.2. Principals' inability to fulfill duty of care by requesting to see Working With Children Check clearance numbers of SRE instructors.

**RISK:** The inability of principals of NSW Government schools to ensure they are fulfilling their duty of care by verifying that each SRE instructor is in possession of a Working With Children Check clearance number and their forced reliance on the assurance of SRE providers, including religious organisations that have betrayed the trust of the NSW and Australian community, that child protection legislation is being complied with, places NSW public school students at risk of various forms of abuse, harm and injury.

### BACKGROUND

Regarding WWCC verification responsibilities, the WWCC Procedures state –

*If the worker coming in to the school (e.g. a paid employee of the P&C, a Special Religious Educator or cleaners in schools etc) has been engaged by a third party employer, the employer must provide written advice to the school principal that the worker has met the requirements of The Act and that the WWCC clearance has been verified. The worker must also provide their name and date of birth to the school, and the school must check the worker on the NTBE database prior to commencement. [p. 10]*

The Confraternity of Christian Doctrine Coordinators of the Catholic Dioceses of Wollongong and Parramatta have written to principals of NSW Government schools in their diocese where Catholic SRE is provided informing those principals that they are not entitled to request to be provided with the Working With Children Check clearance numbers of SRE instructors in their schools (see **Attachments 8 & 9**)

The *Other Activities of a Religious Nature in Schools Procedures* state that principals in their supervision of VSA must ensure that “appropriate child protection checks and practices in relation to any volunteers coming from outside the school”. The reader is then referred to Appendix 10 in the WWCC Policy. However, Appendix 10 cannot be located at the URL link provided in the document. The document version history of the WWCC Procedures states that on 7 May 2019 the WWCC Procedures were reviewed to remove reference to Appendix 9 and 10 (“now deleted”).

The [Principal Checklist – voluntary student activities of a religious nature](#) (dated December 2018) states –

*Ensure appropriate Child Protection checks have been completed for all VSA volunteers/teachers entering the school.*

It should be noted that such a statement is not included in the [Principal Checklist – SRE and SEE](#).

So it seems that, in contrast to SRE, principals not only have the right to request to see a VSA volunteer's WWCC clearance number, but they are required to. It should be noted that

this includes volunteers engaged by third parties, such as Scripture Union NSW, to oversee VSA in primary and secondary public schools.

### 4.3. Lack of mandatory monitoring of SRE lessons by professional educators

#### 4.3.1. Class teachers not required to remain in an SRE classroom

**RISK:** The failure of the Department to direct principals to monitor the delivery of SRE by ensuring that a class teacher is present in every SRE classroom during the time allocated to SRE and provided with the means to monitor the SRE instructor's adherence to the curriculum approved by the SRE provider exposes students to the risk of various forms of harm.

### BACKGROUND

The SREP states that a Department-employed class teacher does **not** need to remain in the SRE classroom during the time allocated to SRE [p. 6].

Interestingly, the Youthworks / Christian Education Publications' [whySRE?](#) website says in its '[Legal Matters](#)' section regarding duty of care obligations:<sup>5</sup>

*Duty of Care in NSW government schools resides with the Department of Education. **This responsibility is shared during SRE classes.*** (emphasis added – see **Attachment 20**).<sup>6</sup>

However, how can the duty of care be 'shared', given that the Minister and the Department have no control over the content of SRE and an on-duty Department-employed class teacher does not need to be present while SRE is being held. FIRIS believes that in such instances the Department's completely transfers its accountability to SRE providers.

The Department's decision not to direct a classroom teacher to remain in an SRE classroom while SRE is being held should be contrasted to the requirements for VSA. Section 4.7 of the CIS Policy states that it is the responsibility of principals to -

*ensure that presentations and activities by external providers and visiting speakers covered under this policy (see 2.2) are supervised at all times by members of the teaching staff.*

However, we have already noted that section 2.2 excludes SRE instructors during the time allocated to SRE.

The CIS Procedures state that "*formally organised student activities need to be **supervised by a teacher.***" (emphasis added) [p. 5] Furthermore –

*Visitors and external providers addressing students on controversial issues during school hours should do so only in circumstances where the issues form part of a school program or activity and **are supervised by a teacher.*** (emphasis added) [p. 6]

<sup>5</sup> It should also be noted that CEP is a division of [Youthworks](#), the authorised SRE curriculum provider for the Anglican Diocese of Sydney, and produces the *Beginning with God*, *Connect*, *Big Questions*, and *Think Faith* curricula used in NSW public schools during SRE.

<sup>6</sup> See [http://www.whysre.com.au/who/legal\\_matters](http://www.whysre.com.au/who/legal_matters) accessed 15.02.2017.

- and –

*An adequate number of the school's teaching staff must be present to supervise all activities and presentations by visitors and external providers involving students, including lunch time groups. [p. 6]*

It should be noted that the QLD DET's *Report on the Review of the Connect Religious Instruction Materials August 2016* stated –

*The current requirement for school staff to be present in RI classes will continue to provide a safeguard and should ensure that any inconsistencies with departmental requirements are actively monitored. [p. 16]*

– and that the report recommended that Queensland principals be reminded of the need for “ensuring that school staff members present during RI classes raise any concerns or issues with the principal.”

The additional risk of unsupervised contact between an SRE instructor and individual students is foreseeable given that the Teacher's Manuals in the *Jesus Foundation Series* published by Christian Education Publications, including the above-mentioned *Radical Jesus*, state in the ‘Lesson Format’ section of each book –

*Encourage any young person to approach you after class with questions or comments, and offer to pray with any student who wants support. (Attachment 10)*

## **4.4. The Annual Assurance process**

### **4.4.1. Legislative provisions for SRE restricting risk control measures to a reliance on annual assurances from providers**

**RISK:** The legislative restriction of the Department to a reliance on an ‘annual assurance’ from SRE providers that they have procedures in place to ensure compliance with the requirements of the *Child Protection (Working with Children) Act 2012* is an inadequate, inappropriate and ineffective risk management strategy which exposes students to an unreasonable and intolerable risk of harm and abuse.

## **BACKGROUND**

In consideration of the information in sections 4.1.1 and 4.2.1 above, and the self-regulatory nature of SRE, the Minister and the Department rely on declarations made by SRE providers as part of an annual assurance process that they are compliant with child protection legislation.

The *Annual Assurance of Providers of Special Religious Education 2019 (Attachment 11)* required a representative from each SRE provider to make sign the following declaration -

*On behalf of the named provider below, I declare to the Department of Education as follows:*

*1. That all special religious education teachers engaged by this provider have obtained Working with Children Check Clearance numbers and evidence including verification of clearance is kept on record...*

*2. That the provider has in place a system of authorised initial and ongoing training for their teachers that includes training in classroom management and child protection. The ongoing training should also include efforts to address the findings identified in the review of special religious education teaching.*

*3. That an outline of the authorised age appropriate curriculum scope and sequence used in schools is provided to the public via a website, and the special religious education teachers are teaching the curriculum with sensitivity and in an age appropriate manner.*

The form also requires the representative to provide the URL of the provider's website home page and the URL which is a –

*Direct link(s) to where on the providers page the authorised curriculum scope and sequence(s), initial and ongoing training which includes the process to authorise an SRE teacher, and the providers complaints handling procedures.*

The SREP state that each approved SRE provider must return the Annual Assurance before the start of term 1 of the school year in order to maintain approval. [p. 7] Furthermore -

*Approved providers will lose their approved provider status if the responsibilities outlined in the annual assurance are not addressed. [p. 7]*

However, the findings of audits conducted by FIRIS for the 2017, 2018 (**Attachment 3**), 2019 school years and the monitoring of the SRE provider list for the last three years reveal a failure of the Department to ensure there are consequences for SRE providers who fail to fulfil the requirements of the Annual Assurance process.

On 5 February 2019 FIRIS lodged a request for copies of the 2019 Annual Assurances (AA) received by the Department by the due date of 29 January 2019.

The requested information was released to FIRIS on 28 March 2019. This information revealed that of the 100 providers on the Department's list dated 23 January 2019 -

- There was no evidence that 10 providers submitted their assurance by the time the Department started to act on FIRIS' request for information (28 Feb 2019).
- 7 providers submitted their assurance after the due date.
- One provider submitted an assurance without any of the required information.

It seems that the issues identified above have not resulted in the Department either permanently or temporarily removing the relevant religious organisations from the list of approved providers.

This failure to act has also been seen in previous years.

An audit of the Annual Assurances submitted to the Department for the 2017 and 2018 school years (see **Attachment 3**) identified that:

- of the 107 religious organisations included in the Department's list of approved SRE providers in NSW Government schools (list dated 17 January 2017):

- **3 did not submit an AA for the entire 2017 school year**
- 23 failed to submit an AA by the due date (27 Jan 2017) and, of these providers, 6 submitted their AA more than five months after the due date
- of the 107 religious organisations included in the Department's list of approved SRE providers in NSW Government schools on 24 January 2018:
  - 27 failed to submit an AA by the due date (29 January 2018)
  - 45, including three who did not provide a URL at all, did not meet the requirement to provide the online location of information regarding child protection training

Once again, FIRIS has not found evidence that the issues identified above have resulted in the Department either permanently or temporarily removing the relevant religious organisations from the list of approved providers.

The 2015 Review made the following statement regarding non-compliance –

***Neither providers nor the Department monitors compliance in any systematic way, and as such, non-compliant practices and behaviours can and have occurred. In a self-regulated system the monitoring of performance is the responsibility of providers, and monitoring systems should be developed or strengthened and non-compliance with implementation procedures addressed promptly.*** [p. xviii-xviv]  
[emphasis added]

However, the above information demonstrates that the Department's reliance on the annual assurance process is a grossly inadequate and ineffective risk control measure.

The information also demonstrates the failure of far-too-many SRE providers to meet the simple requirements of the Annual Assurance process.

Furthermore, it demonstrates the ineffectiveness of the Department's SRE Consultative Committee and all of its members and associated religious organisations, including All Faiths SRE, ChristianSRE, and the Inter-Church Commission on Religious Education in Schools (NSW) Inc (ICCOREIS), to ensure compliance with this fundamental requirement.

#### **4.4.2. The Department's seeming unwillingness to be transparent to the NSW public about the Annual Assurance process**

**RISK:** The Department's decision to place conditions upon the release of the blank template of the Annual Assurance, in response to an informal request for information, demonstrates its lack of willingness to '*provide transparency to enable public scrutiny*', a criterion of the public service core value '*accountability*', thereby exposing students to the risk of being placed in SRE without informed consent from parents and caregivers.

## **BACKGROUND**

Recommendation 13 of the independent [2015 Review of SRE and SEE](#) suggested that –

*The Department takes steps to make the provider approval process more transparent by publishing the application form and criteria for decision-making on the Department website.*

The Department responded by including on its website information on the '[criteria for approval](#)' and '[how to apply](#)' to become an SRE provider. However, the Department has not made the application form to become an SRE provider available to the public on its website.

The *2015 Review of SRE and SEE* stated -

*Regarding compliance with the criteria for approval and with reporting obligations, the Department should make publicly available the circumstances under which a provider could lose their approval should they fail to address areas of noncompliance. [p. xviii-xviv]*

Although the SREP refers to the general contents of the Annual Assurance, the form is also not made available to the public on the Department's website. Furthermore, it seems that the Department is somewhat reluctant to release it to the public. This appears to be demonstrated by the fact that FIRIS' request for a blank copy of the Annual Assurance form in 2017 was only answered following a complaint to the NSW Ombudsman and to the Secretary of the Department of Education (**Attachment 12**). FIRIS' request for a copy of the blank 2019 form also required a complaint to the Secretary before the document was provided (**Attachment 13**). Of concern to FIRIS is the fact that in its response, the Department stated that it released the document under the condition that FIRIS would not disclose it to third parties or publish it any format (see **Attachment 14**).

FIRIS can see no reason why a blank copy of a departmental document related to child protection should require such a condition. Given the 2015 Review's statement regarding the importance of transparency in relation to SRE, FIRIS believes that the contents of the documents SRE providers are expected to sign as part of their ongoing approval to deliver SRE should be freely available to the NSW public.

## 5. NSW Department of Education action/inaction

### 5.1. List of approved SRE providers

#### 5.1.1. Failure of the Department of Education to take centralised and proactive measures to support principals and school staff

**RISK:** The lack of centralised proactive measures within the Department to inform principals of NSW Government schools of important amendments to the list of approved SRE providers increases the risk of unauthorised personnel accessing NSW Government school students and exposing those students to risk of harm, injury and abuse.

#### BACKGROUND

In 2018 there were at least 17 versions of the list of approved providers released by the Department with at least 27 amendments made over the course of the year.

Of the 27 amendments, ten involved the removal of a provider from the list, and four have been the temporary removal of a provider from the list for periods ranging from approximately 14 to 35 days.

FIRIS wrote to the Director, Early Learning and Primary Education (the Director) (**Attachment 15**) and asked to be provided with information regarding the measures taken by the Director, his or her delegates, or any other representative of the Department (excluding principals), to communicate to principals amendments made to the list of approved providers, particularly the removal of an SRE provider from the list.

The lack of a response from the Director required the matter to be escalated to the Secretary of the Department (**Attachment 16**).

The lack of a response from the Secretary required the matter to be escalated to the NSW Ombudsman (**Attachment 17**)

The Director wrote to FIRIS on 15 January 2019 (**Attachment 18**) stating –

*Schools have been regularly reminded of their responsibility to check the providers in their school against the approved provider list.*

However, that this is an inadequate risk control measure is demonstrated by the fact that FIRIS discovered earlier this year that the Church of Latter Day Saints (the Mormon church) were entering NSW Government schools without approval from the Minister to deliver SRE (**Attachment 19**) despite the fact that the SREP state clearly that it is a responsibility of principals to check that religious groups and their teachers are an approved provider to deliver SRE [p. 5].



## 5.2. Ensuring parent/caregiver rights to information are respected

**RISK:** The failure of the Department to ensure that schools are compliant with the requirements to provide parents and caregivers with links to access the curriculum scope and sequence documents of SRE providers increases the chance of uninformed decision increasing the risk of students being exposed to risks of harm and injury, particularly psychological injury.

### BACKGROUND:

The Special Religious Education Procedures (SREP) dated 20 December 2017 but due to be implemented at the beginning of Term 1 of the 2019 school year, were available to principals and the public for all of 2018. Both the 2017 and current version of SREP state that it was the responsibility of schools to provide —

*access to current information about approved providers working in their school, including links to the approved providers' authorised curriculum scope and sequence(s) and information on alternative meaningful activities. This information needs to be provided at enrolment, on the **school's website**, and in the school newsletter.* [p. 5] (emphasis added)

Towards the end of February 2019, FIRIS commenced an audit of all of the websites of NSW Department of Education primary and secondary schools. The primary aim of the audit was to identify the number of schools complying with the above requirement.

Preliminary results following the completion of the audit for schools in the Metropolitan North and Regional North regions found -

- Of the 486 primary school websites visited, only **8 websites (1.64%)** contained links to other information. Across these 8 pages there were 29 links included, but only 17 of the 29 links provided were clear links to curriculum scope and sequence information.
- Of the 116 secondary school websites visited, only **7 websites (6%)** had a link to other information. Across the 7 pages there were 10 links identified, but only 7 of them were clear links to curriculum scope and sequences.

In addition to these findings FIRIS identified the following issues related to the provision of confusing and incorrect information regarding SRE providers —

- Failure to give the name of SRE providers as listed in the Department's list of approved SRE providers, e.g. listing a denomination/religious persuasion with more than one possible SRE provider, e.g. Protestant.
- References to the following groups/organisations as SRE providers —
  - religious pressure groups
  - SRE curricula (e.g. *Connect*)
  - SRE curriculum publishers (e.g. Youthworks)
  - specific individuals

- specific churches
- SRE Boards, SRE Incorporations, SRE Associations

FIRIS' preliminary findings revealed a general state of confusion amongst principals regarding SRE. This state of confusion casts serious doubts that the new enrolment process for SRE in 2019 has been implemented correctly resulting in the ongoing enrolment of students in SRE without informed and express consent. Copies of SRE Participation Letters obtained during the audit confirm this.

This is particularly an issue in relation to 'combined arrangements'. The SRE Participation Letters found during the audit of websites for schools where combined arrangements are used to provide SRE fail to comply with the requirement –

*The participation letter needs to be updated with the name of the approved provider(s) working in their school. If a combined arrangement, the school needs to make it clear which approved providers are involved. (see [SRE/SEE Flowchart](#))*

In relation combined arrangements, the 2015 Review found –

*Further, it is unclear how a parent/ caregiver might find curriculum scope and sequence documents where SRE is being delivered by combined Christian arrangements. Given that authorisation processes are self-regulated, it is important that sufficient information about SRE curriculum is available for parents so they can decide for themselves if the values and teaching espoused by providers match their own values. [p. xx-xxi]*

### **5.3. SRE as a conduit between public school classrooms and out-of-school activities organised by religious groups**

**RISK:** Given that the Department does not inform parents and caregivers that it enables religious organisations to distribute information regarding out-of-school extracurricular activities during SRE, the Department exposes students to the risk of various forms of harm arising from participation in such activities, possibly without parent/caregiver permission or knowledge.

#### **BACKGROUND**

Section 3.3 of the CIS Policy states -

*Attempting to recruit students or staff into non-school approved groups for religious or ideological reasons is not permitted in schools, nor are aggressive, persistent or unwanted approaches to staff and students.*

However, as stated above, the CIS Policy does not apply to SRE instructors during the time allocated to SRE.

The Inter-Church Commission on Religious Education in Schools (NSW) Inc (ICCOREIS) stated in its 'A Vision for Christian Education in Government Schools' in the 'Guidelines for Joint-Denominational SRE Employment Boards' –

*Our Lord's final command to his followers was:*

*'Go therefore and make disciples of all nations ... teaching them to obey everything I have commanded you'. Matthew 28:19-20 (NRSV)*

*One significant opportunity by which to fulfil this command lies in the access churches have to many of the 750,000 children in NSW government schools, under the Education Act 1990."*

The Guidelines also stated regarding SRE that "*churches must own this ministry as their contribution to local mission*".

The ICCOREIS *SRE Handbook* stated:

*4.1.8 Building SRE Bridges between the School and the Local Church*

*A visit from the clergy to each SRE class during the year will help to connect the classes with the local church.*

*Out of school activities may be conducted for children from individual religious persuasions. These activities come under the auspices of the particular church and are not classified as Special Religious Education. **Invitations to participate in these church activities can be given during SRE classes.***<sup>7</sup> (emphasis added)

The Department has also informed FIRIS that:

*SRE and VSA volunteers may inform the students who participate in that SRE class or VSA group of related extra-curricular activities including local church groups.*  
**(Attachment 21)**

However, given that this information is not publicly available to parents/caregivers, the Department cannot state that all students in an SRE classroom have **informed** and express consent from their parents/caregivers to be present in that classroom when invitations to extracurricular activities run by religious organisations are distributed.

See **Appendix B** for a parent's communication to FIRIS regarding concerns related to the 'recruitment' of her daughter and exposure to the risk of abuse.

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<sup>7</sup> See [http://www.iccoreis.asn.au/wp-content/uploads/2015/05/Chapter-4\\_final.pdf](http://www.iccoreis.asn.au/wp-content/uploads/2015/05/Chapter-4_final.pdf) accessed 19.02.2017.

## 6. Policy implementation at the school level

### 6.1. Enrolment processes

#### 6.1.1. Students in SRE without express consent from parents/caregivers.

**RISK:** Given that the Department cannot state that all students in a SRE classroom have express consent from their parents/caregivers to be exposed to the lesson materials of an SRE provider and/or the actions of an SRE instructor, some students may have been placed at risk of various forms of harm.

#### BACKGROUND

Up until the changes to the SRE enrolment process commencing at the beginning of Term 1 2019, NSW parents and caregivers were not informed that, in the absence of written notification requesting the withdrawal of their child from SRE, the Department enabled principals to place children in SRE without express consent from parents and caregivers. After considering evidence contained in the minutes of the Department's SRE Consultative Committee (the Committee), obtained using the *Government Information (Public Access) Act 2009*, FIRIS concluded that the amendments to the enrolment processes enabling this to occur, including intentional omissions, were made at the behest of the SRE lobby on the Department's SRE Consultative Committee.

In response to the Minister's decision to not amend procedures and processes to align with his statement in parliamentary papers that students were not to be placed in SRE without express consent, FIRIS sent a letter to every principal of a NSW public school (see **Appendix 22**).

Despite the new enrolment process stating that parents/caregivers indicate their wishes regarding SRE using the [SRE Participation Letter](#) and that –

*If the student starts school before the return of the participation letter, the student is to participate in alternative meaningful activities pending a response. ([SRE Flowchart](#))*

- FIRIS is still seeing evidence that principals are placing students in SRE without express consent by making it a condition that in the absence of a written objection all students will be placed in an SRE classroom.

For example -

- St Georges Basin Public School states in its [2019 School Information Book](#) regarding 'Religious Education' that - 'Scripture classes are provided for Catholic and Protestant denominations. It is expected that students will attend unless a note is received seeking exemption.'
- [Colo High School](#) states on its website that - 'All students will be given the opportunity to 'opt out' of SRE, provided a note asking to not attend is signed by parents and returned.'
- [Maitland East Public School](#) states on its website that 'Exclusion from placement in a Scripture Class must be made by written request from the parent.'

It should be noted that the QLD DET's *Report on the Review of the Connect Religious Instruction Materials August 2016* recommended that principals should be vigilant and ensure that appropriate permission is in place for students to attend religious instruction classes. [p. 17]

### 6.1.2. Students in SRE contrary to declared objection from parents/caregivers

**ISSUE:** Contrary to the Act and the Department's SRE Procedures it is reported that some children are exposed to SRE curricula, lesson content, activities and the actions of SRE instructors despite the withdrawal of consent of parents and caregivers for their children to participate in SRE, placing them at risk of harm.

### BACKGROUND

One of the most frequent complaints FIRIS receives is that parents who have entered 'No religion' on the enrolment form have eventually found out that their children have been attending SRE.

For example, FIRIS received a complaint from the mother of a student at Stockinbingal Primary School in the NSW Riverina district. The mother claimed that, after having declared 'No religion' on the enrolment form for her child, the principal of the school approached her and explained to her that her child would have to attend SRE because it was a small school and there were no alternative activities. The mother informed FIRIS that other parents are also not happy about this situation, but will not speak out because it's a small town.

In response to the issues mentioned above, the mother decided to remove her child from the school and to enrol in a different area. Upon doing so, she also declared 'No religion' on the enrolment form. The school responded by sending a note about alternative activities to SRE and this note was returned making it clear that under no circumstances was the child to be exposed to religious instruction of any kind. The mother has informed FIRIS that the child came home from school at the end of the week and reported that the school had sent him to SRE.

Another case of students being placed in SRE contrary to the repeated objections of parents at Maclean High School was brought to FIRIS' attention at the beginning of 2018 and was reported on by the [Sydney Morning Herald](#). This case also highlighted the risk of retribution and marginalisation parents and caregivers face when raising concerns about the implementation of policies and procedures in relation to SRE. In response to the SMH article FIRIS received an email from the school's [REDACTED] –

*On the complaint of one parent (yes we know who it was), you launched an over the top tyraid [sic] on the top academic school in the Clarence Valley (including the Private Schools). (see Attachment 23)*

FIRIS has also received a statement from Mr [REDACTED] and his wife, stating that in 2012 they enrolled their then four-year-old daughter at their local public school, [REDACTED] Bay Public School. They wrote "No religion" on her enrolment form and heard no more from the school about the matter of religion. They assumed that their wishes would be respected and that their daughter would not take part in SRE. They did not think it necessary to make any

follow-up inquiries. However, Mr [REDACTED] has written to FIRIS stating:

*In 2013, just after our daughter's sixth birthday, [name supplied but withheld]*

*She came home from school with SRE curriculum material in her bag. We were initially confused and aghast that our daughter had been sent to SRE against our wishes for over a year. We complained to the school and asked that she be removed.*

*As our daughter has autism she has a tendency to interpret the world in a very literal way and is quite rigid in her thinking. My wife and I became increasingly concerned about changes in her behaviour. We had worked tirelessly to help our daughter to form social bonds with others. We were therefore horrified to witness her deliver fire-and-brimstone sermons and lectures to her peers at the local playground. We also noticed that she was reticent to discuss her newfound Christian beliefs with us. It was as if it was a secret. It affected our relationship with her.*

Another common complaint FIRIS receives is that, despite the fact that both the Act (Section 32(5)) and the SREP state that students attending a SRE class are to be separated from other children at the school while the SRE class is held, parents and caregivers find out that, for whatever reason, their child has been placed at the rear of the SRE classroom.

For example, Mr [REDACTED] statement quoted above, goes on to state:

*A couple of months after our initial complaint to the school we discovered why our daughter's odd behaviour had continued. Instead of removing our daughter from SRE she had simply been directed to sit at the back of the same classroom to colour in.*

## 7. Miscellaneous issues

- Students bullied or abused in SRE for their sexual orientation, eg. homosexual students being told they will go to hell, or that “*God gave gays AIDS as punishment for deviant behaviour.*” [see **Appendix C**]
- Students apprehensive about or abused for gender issues.
- Students upset through poor discussion about *controversial issues*.
- Students or their families being religiously or spiritually abused for their religious belief, or their lack of similar religious belief to the SRE instructor or the students they interact with in their class, whether knowingly or unknowingly. One parent (now a member of FIRIS) has recounted:

*I put my child in SRE for about a month because I thought he would learn "about" the religion. When we removed him to let him try Buddhism, we received a phone call from parents at the school because their daughter was in tears. She reported to them that the SRE teacher instructed the class to pray for him to come back to SRE so he wouldn't go to hell. This led to children on the playground chasing him and bullying him to come back.*

See **Attachments 24 and 25** for issues related to the actions of the anti-Islamic Pastor of the SRE provider, Liberty Baptist Church, Mr Keith Piper, and the following articles –

<https://www.sbs.com.au/news/pastor-referred-to-education-department-asked-not-to-teach-at-sydney-school>

<https://www.theguardian.com/australia-news/2017/jul/24/pastor-of-church-providing-school-scripture-describes-quran-as-a-virus>

<https://www.christiantoday.com/article/australian-baptist-church-under-fire-for-pastor-who-calls-islam-a-cancer-we-must-destroy/111064.htm>

<https://www.rt.com/news/397387-pastor-islam-cancer-destroy/>

## 8. Conclusion

In consideration of the information contained in this report, FIRIS requests that the Office of the Children's Guardian call upon the NSW Minister for Education to immediately:

- direct all principals of NSW Government schools to conduct an audit of student records to ensure that only students with written express consent from parents/caregivers on file are enrolled in SRE.
- direct all principals to ensure that all SRE classes are supervised by an on-duty Department of Education employed teacher who is provided with the necessary materials to ensure the curriculum authorised by the SRE provider is being followed by the SRE instructor and is being delivered in an age-appropriate and sensitive manner.
- instruct the Director, Early Learning and Primary Education, or his/her delegate, to conduct a review of the information provided by SRE providers in the 2019 Annual Assurance in order to ensure SRE providers have met the Department's requirements, and in the event that an SRE provider has not met requirements, that the SRE provider be asked to resubmit the Annual Assurance within one month, and in the event that the SRE provider fails to do so, or fails to fulfill the requirements again, that the Department recommend to the Minister that the SRE provider's approval to deliver SRE be revoked.

In consideration of the information contained in this report, FIRIS requests that the Office of the Children's Guardian call upon the NSW Minister for Education to ensure that prior to the commencement of the 2020 school year –

- more specific instructions on what is to be included in the SRE Participation Letter is added to the SREP and all supporting documents by the first week of Term 4, including the following directions –
  - SRE providers are to be listed using their names as found in the Department's list of approved SRE providers.
  - Where a combined arrangement is responsible for the delivery of an SRE program at a school, all SRE providers making up the combined arrangement are to be listed using their names as found in the Department's list of approved SRE providers
- SRE providers are informed that the failure to submit an Annual Assurance which fulfills the requirements of the Department by the due date will result in the immediate removal of their approval to deliver SRE in NSW Government schools and that the Minister ensures that this will be the case

Furthermore, FIRIS requests that the Office of the Children's Guardian calls upon the Minister to direct that at the beginning of every school year (commencing 2020), prior to the commencement of school, the list of SRE providers who have submitted their Annual Assurance by the due date is made available to principals and the public, in order to enable principals to ensure that only those SRE providers which have met the requirements for ongoing approval are allowed to enter NSW public schools.



Despite the fact that the QLD DET were responding to the findings of their review of only one religious instruction curriculum, it declared -

*The issues raised through the Connect program review may point to a much broader issue that the current legislation governing RI in state schools does not enable centralised regulation of RI content. **Further consideration of the legislation may be warranted to examine whether it meets contemporary community and government expectations.*** [p. 16]

Furthermore, it should be noted that the last review of the place of religious instruction in NSW public schools was in 1980. Questioning the continuation of SRE or SEE in NSW Government schools was not included in the scope of the 2015 Review.

In consideration of the above, FIRIS requests that the Office of the Children's Guardian calls upon the NSW Minister for Education to commission a review of the provisions for SRE in the Act to determine whether it meets contemporary community and government expectations, particularly in relation to matters relating to child protection, safety and wellbeing.

FIRIS believes that all of the risks relating to self-regulation require an amendment to the Act. If the nature of SRE does not allow for the required amendments which would ensure the health, safety and wellbeing of all students, then FIRIS believes the provisions for SRE must be removed completely from the Act.

## 9. Appendices

### 9.1. Appendix A - The 2015 'book banning' episode

In May 2015 the Minister was reminded of his lack of authority to control SRE.

In response to concerns regarding books published by Christian Education Publications available for use in SRE that presented various distorted views of menstruation, sex, and relationship issues, etc., the Department issued a directive to NSW primary and secondary principals stating that those books may have been in conflict with wider departmental policy and legislative requirements. The materials in question were *You: An Introduction* by Michael Jensen, John Dickson's *A Sneaking Suspicion*, and *Teen Sex by the Book* by Patricia Weerakoon.

There was concern they potentially breached the *Children and Young Persons (Care and Protection) Act 1998* and other legislation.

Principals were instructed to contact their local SRE providers to direct their instructor providers who were using them to cease using them immediately.

FIRIS had commissioned a review of *Teen Sex by the Book*, however Youthworks claimed that *Teen Sex by the Book* and an accompanying teaching manual were not developed for SRE classes in public schools, but had been developed for or was principally used for a Christian Studies subject for independent schools.

FIRIS questioned the ability of Youthworks to state unequivocally that *Teen Sex by the Book* had not been authorised for use in SRE by a SRE provider. This is reflected in the statement reportedly made by Mr Thorpe:

*To the best of our knowledge, no one is currently using the unit in SRE.*<sup>8</sup>

Yet there were comments the book was known to have been used by a few public high schools outside the greater Sydney metropolitan area.

There was a lot of publicity about the books being 'banned' in the media,<sup>9</sup> and there was considerable furore among people associated with the provision of SRE. SRE supporters were encouraged to escalate the furor by writing to their local MPs [see [REDACTED] letter]

The then Minister of Education, Adrian Piccoli subsequently, reversed the ban on *You: An Introduction* by Michael Jensen and John Dickson's *A Sneaking Suspicion* within a fortnight, and met with the Anglican Archbishop of Sydney, and issued an explanatory letter of appeasement available via

[https://www.youthworks.net/press\\_centre/education-minister-overturms-ban-on-sre-resources](https://www.youthworks.net/press_centre/education-minister-overturms-ban-on-sre-resources)

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<sup>8</sup> See <https://www.eternitynews.com.au/current/three-christian-books-banned-from-sre-curriculum-in-nsw/> accessed 13 February 2017.

<sup>9</sup> <http://www.dailylife.com.au/news-and-views/dl-opinion/christian-schools-australia-ceo-condemns-anglican-church-over-sexed-course-20150506-ggv9zg.html>

<http://www.smh.com.au/nsw/scripture-classes-calls-for-crackdown-on-public-schools-20150505-ggu7a1.html>

<http://www.dailytelegraph.com.au/news/anglican-church-angry-over-department-of-education-banning-of-onepartner-material/news-story/bfa281f63af4069b6910f01a595ff304>

<http://www.bordermail.com.au/story/3112123/holy-smoke-the-great-debate-over-religion-in-public-schools/>

In which he stated

*I was pleased to hear of your assurance that sensitive, age appropriate delivery of SRE is an integral part of the training of SRE teachers in the Diocese of Sydney.*

*On that basis I am pleased that agreement has been reached that the Anglican Church will continue to work closely with DEC to relieve any concerns associated with the delivery of SRE, given the supreme importance both the NSW Government and the Anglican Church place on protecting the welfare of children.*

*The NSW Government is supportive of and committed to SRE, as is the Anglican Church, and I look forward to continuing to work closely with you on delivering best practice SRE.*

FIRIS subsequently commissioned a review of *You: An Introduction* [see [here](#)]

While the books were 'banned' an author of one of the books, John Dickson, sought advice on the sections that had been mostly criticized. These were sections that

- (i) criticized homosexuality and made generalization about homosexuals and misrepresented the Sydney Mardi Gras,

*"Then there's Sydney's Gay and Lesbian Mardi Gras. Surely if anyone knows how to bring sex to the masses it's these guys and gals...*

*On the surface they look like they're fighting for sexual freedom, but beneath the gloss and volume it turns out that they're really promoting sexual selfishness, triviality and unfaithfulness."*

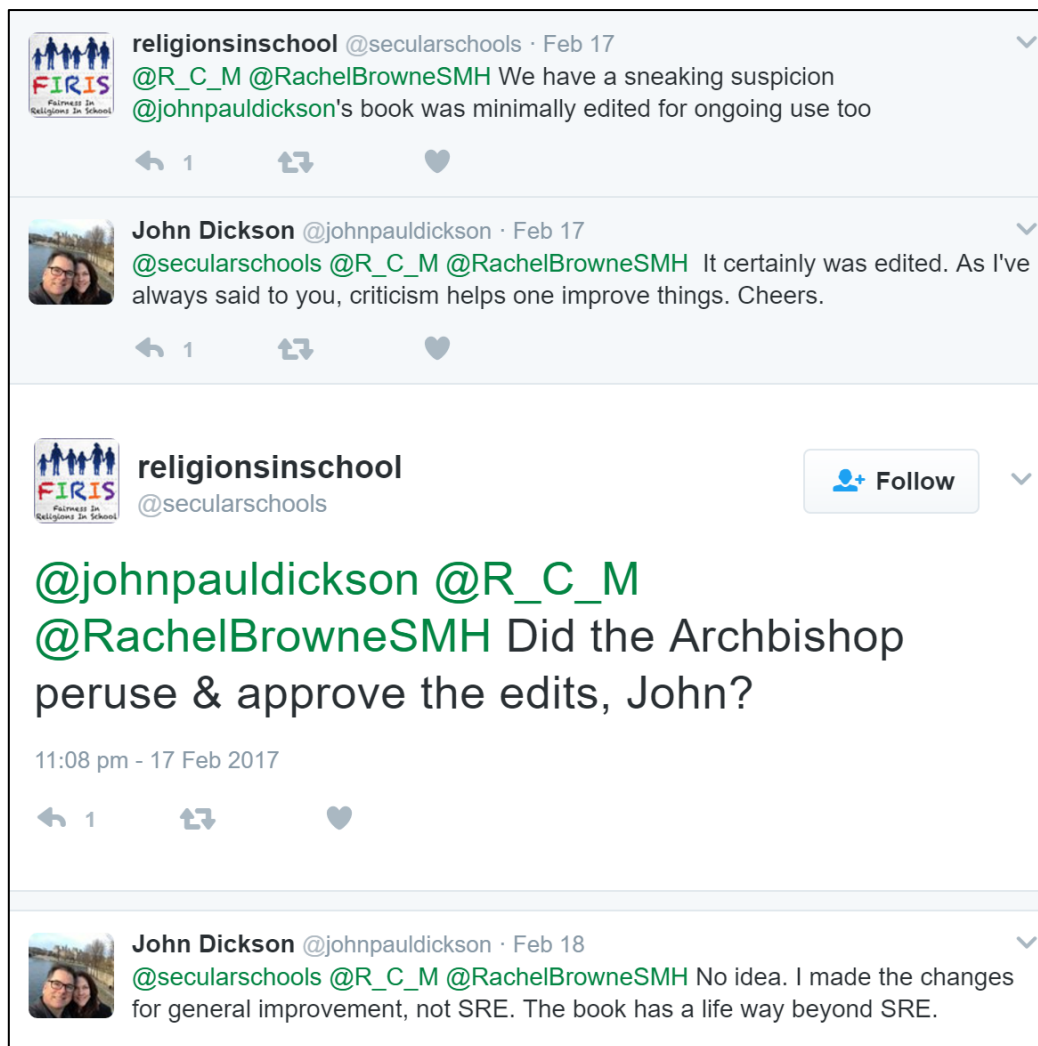
- (ii) took a 'blokey' approach to portray some people as a cheap car one might lend to friends:

*My first car was an orange Datsun 1200. It got me from A to B, but it really was a rust bucket. It only cost me a thousand bucks, so I didn't treat it too well and had no problem lending it out to any of my friends. I figured that if they crashed it, it was no big deal. Suppose though, I owned a Porsche 968. I can assure you, I'd care for it with my life and certainly wouldn't lend it out. In my mind, such a valuable machine deserves the utmost care. But what's this got to do with sex and relationships?*

*The media 'sexperts' can fool us into believing a Datsun view of sex. Lend it out. It's not that special. But in God's eyes, sex is more like a Porsche. It is valuable. It demands care. It is something precious to us (and to him), not merely the machinery by which we get about and enjoy ourselves."*

See **Attachment 26** for the original text, **Attachment 27** for the advice given by another person, and **Attachment 28** for the subsequent edits proposed by the author, John Dickson.

We question whether the edits significantly change the thrust or the tenor of the potentially influential and harmful messages in the texts, especially as the author, John Dickson, has indicated he has no idea whether the edits were approved viz. -



In response to the temporary 'banning' of the two books, Youthworks reportedly issued a reminder to Youthworks' SRE providers that all SRE teachers must only use *authorised* curriculum resources, but it is hard to know who or what a Youthwork's SRE provider is and how non-Youthworks SRE providers might or might not be influenced by such a 'reminder'.

The use of ongoing use of this book shows the need for review of SRE materials in a contemporary sense as well, beyond the auspices of the publishers or the 'authorisers'.

## 9.2. Appendix B - Facebook post and subsequent Facebook messages from a parent

A [REDACTED] My kids went to a public high school where "Scripture" was taught. It was not the Scripture that I thought would have been taught. The "teachers" were recruiting for their church, told them little about actual Scripture and mostly talked about their personal testimony about how God saved them from drugs etc. then these people would stay over lunchtime and be present at the student Christian meetings which are supposed to be run by students, not outsiders. My daughter went to an alternative church hosted formal after party where the leaders stayed with them overnight. She thought she would go to hell. We moved her out of that school to a Grammar school because of this.

That's right, there was a formal, then they offered a "safe" after party to go to which meant all night sleep over. She insisted on going as she was completely brainwashed by them.

She met them through the school she was going to? not another group out of school?

ie. not through another group out of school?

That's correct. Then they started taking over her life telling her she shouldn't play sport on sundays, had to go to bible study 3 times a week etc. she had no defense against it.

So we changed schools.

### 9.3. Appendix C - Statement by [REDACTED]

In 2014 I was sitting in my Life Skills class when a man came in and introduced himself as "Mr [REDACTED]" and said the class would now be a scripture class with him teaching us for one hour a fortnight during this period. The scripture teacher I later found out was [REDACTED]

I disclosed fairly early on that my personal spiritual beliefs were Wiccan. I was then regularly subjected to vilification by Mr [REDACTED] who said that I would go to Hell because of my beliefs. It got to the point where I felt bullied.

My sexuality is not heteronormative and for this reason I also found statements made by Mr [REDACTED] to be vilifying and confronting. He would often comment to the class about sexual morality and said that homosexuality is a sin. He also said that God gave gays AIDS as punishment for deviant behaviour.

During my time in Mr [REDACTED]'s scripture class I began to feel that my beliefs may have been evil and wrong. Mr [REDACTED] made me dread the days I had scripture.

[REDACTED]

16 February 2017

[REDACTED] E [REDACTED] I went to [REDACTED] high school and had mr [REDACTED] when I was in year 10 I'm a very open minded person and like to learn about other people's beliefs he seemed like a nice person and we got along for the first day but when I told him my beliefs (I'm Wiccan) and that I'm gay ever lesson he would continually tell me I'm going to hell and when ever I would say something he would say it's wrong and his way is the only way this continued for a few weeks till it got to the point of feeling like being bullied I would tell other staff members of this and they would not do anything until I told my favourite teacher about what was going on and she ran my mum right there and then and told her what was going on and I was pulled from the class from then on every time my class had SRE I was sent to be baby sat by another teacher and I would miss out on valuable learning time all because on religion wants to convert young minds to there close minded and bigotry ways. I believe schools need to stop having these kinds of lessons at school and if a child wants to learn about a faith they should go to a church where religious learning should stay.

[Like](#) · [Reply](#) · [Message](#) · [REDACTED]