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31 January 2024

The draft report produced by the Productivity Commission entitled 'Future Foundations for Giving' proposes the removal of DGR status for entities supporting Religious education in government schools (REIGS). This proposal has been based on a number of findings that are outlined in the report that have precipitated this response.

However, this recommendation has been precipitated from a number of assumptions, findings and conclusions that have been made in error.

The report makes a number of assumptions that serve to have required the response to remove DGR status for Religious Education in Government Schools (REIGS) including:

- an incomplete analysis of individuals rationale for giving;
- an assumption on the willingness of donors to redirect funds;
- the conclusion that REIGS does not provide community-wide benefit;
- REIGS fails to deliver an explicit equity objective;
- the number of organisations affected by the change is small and the impact will be likewise; and
- REIGS exists to advance religion.

Further, the report concludes with a number of findings, detailed in the full report and summarised in the 'Overview report,' that are the product of the assumptions and initial findings outlined. Due to omissions in these initial assumptions and findings, these have caused a recommendation to be made on the continuation of DGR for REIGS that fails to meet the objectives of this review into Australian philanthropy.

To achieve the objectives set out in the original terms of the review, REIGS serves a valuable part. In both philanthropic giving and the ability for this giving to mobilise Australians into action in their communities, REIGS remains a model of best practice that should be emulated. The Draft report correctly identifies a need to not just enhance philanthropic giving, but to encourage participation in Australian communities through volunteering. In NSW, Special Religious Education (SRE) in government schools exemplifies high community engagement in not just giving of funds, but of time in volunteering.

In an objective to grow philanthropic giving in Australia, it is also true that a clear and equitable framework needs to be established to promote community support and trust in the system. It is in this regard that the proposal to remove DGR status for REIGS fails most significantly. The ongoing support for secular ethics teaching in government schools with the removal of REIGS proposes the new framework for giving commence with a seemingly arbitrary prioritisation of the secular and discrimination against faith-based worldviews leading to a new framework rooted in inequity.

Findings in Error

Rationale for giving

The Draft report summarises three points as motivations for philanthropic giving in Australia¹. However, it neglects the connection of the donor to the philanthropic activity itself. Four out of five individuals who are connected with a Christian organisation are committed to regular giving to their church². Of the motivations reported, all rationales for giving are related to connection with the church organisation itself. Far broader in application to church giving, this connection to the cause and organisation is a significant factor in the motivation behind giving. 71% of respondents in the referenced study states that not just ‘trusting’ but ‘knowing’ the organisation is an extremely significant factor in motivation for giving³. The principal supporters of REIGS and secular ethics education in public schools are adherents of that particular worldview. The relational and community nature of worldview adherence is reflected in both adherents giving to worldview education and their participation in it. In Christian SRE, it is not merely that individuals donate to support SRE, but they become involved in it. Over 10,000 volunteer teachers, 80 Christian SRE Providers, thousands of Christian SRE coordinators, hundreds of thousands of students and thousands of people financially supporting SRE.

The redirection of funds to other organisations from organisations whose DGR status is removed

The Draft report has the objective of facilitating an increase in giving. It appears to be an underlying assumption in the Draft report that the removal of DGR status will result in the shift of these funds to alternative organisations with DGR status. In the goal of seeking to ‘double philanthropic giving’ the removal of DGR status for SRE will not necessarily see these funds redirected into an alternative, random charity that can demonstrate financial efficiency or data showing success, but other causes supported by their religion. Their giving will remain within that framework or will cease. There is no evidence and it should not be assumed that this giving will be directed outside of SRE if DGR status for SRE is removed. In many cases, this giving will simply cease.

While this initially may appear as evidence to support the removal of DGR status for REIGS, this case can only be made if there is a further underlying assumption the religion and – more specifically – religious education in public schools provides no community wide benefit.

Religious Education in government schools does not provide community-wide benefit

The Draft report states; “The Commission’s view is that converting a tax-deductible donation into a private benefit is, in principle, a substantial risk for...religious education⁴.” This asserts that it is the conclusion of the Commission that REIGS does not provide community wide benefit.

Religious Education is one piece of a broad infrastructure that supports student worldview education in public schools. Not limited to one denomination or faith-group, religious education encompasses almost 100 Approved Providers across multiple faiths that provide students access to a religious

¹ Future foundations for giving: Draft Report – Overview, <https://www.pc.gov.au/inquiries/current/philanthropy/draft/philanthropy-draft-overview.pdf>, Draft finding 3.3, Page 36.

² Baptist Financial Services, Christian Super. “Faith and giving in Australia.” <https://bfs.org.au/wp-content/uploads/2019/11/Faith-and-Giving-in-Australia-Infographic-digital.pdf>

³ Ibid.

⁴ Future foundations for giving: Draft Report – November 2023, <https://www.pc.gov.au/inquiries/current/philanthropy/draft/philanthropy-draft.pdf>, Page 18.

education they would otherwise be denied. The fundamental guiding principle of REIGS is parent and carer choice. It is about ensuring that all students have the opportunity to question, explore and discover the worldview of their choosing in SRE classes. This works alongside secular ethics classes (Special Education in Ethics – SEE) to provide all students access with ethics education from all worldviews. SRE and SEE provide community wide benefit by working together to ensure all students have the opportunity to chose ethics education in the worldview of their choosing. To remove DGR status from REIGS while maintaining DGR status for secular ethics education removes the community-wide benefit while limiting educational options to only that segment of the school population that would choose a secular option.

SRE and SEE in NSW Public Schools is underpinned by charitable giving and thousands of volunteers that go into schools every week. While volunteer availability can limit SRE and SEE availability, teacher numbers are growing, particularly among All Faith groups. SRE and SEE have operated under the framework of parental choice for a number of years. Of the SRE and SEE classes taught each week in NSW Secular Ethics represents less than 10% of classes with over 90% of SRE/SEE classes being taught from a religious worldview⁵. None of these classes operate on the basis of enforcement of compulsion from the Department of Education or school and all are facilitated under the principle of ‘choice.’ To remove DGR status from Religious Education serves to remove the benefit these classes provide to the students of NSW. Over 90% of SRE/SEE classes would be threatened and limit SRE/SEE access to the parents and carers who have elected to send their students to SEE classes. The prevalence of SRE classes in NSW schools continues to verify the public’s support for SRE which is driven by the belief that SRE and SEE together provide value for the entire community.

Almost four in five Australians (79%) agree that schools should be a safe place for students to explore deeper questions of faith and belief⁶. 87% believe that students should have the opportunity to learn about their own beliefs and worldviews in schools and be empowered to make their own decisions about spirituality and faith (88%)⁷. SRE and SEE facilitate this occurring in schools.

In Victoria, the removal of religious instruction (the Victorian Department of Education equivalent of SRE) saw a 99% drop in student numbers of 10 years⁸. However, while advocates for the removal of REIGS have suggested that ‘General Religious Education - GRE’ would and should replace SRE or RI, this has not occurred. Prior to the beginning of the 2011 changes to religious instruction in Victoria, approximately 93,000 students were enrolled in RI. These students received regular, weekly opt-in religious instruction classes, but in the 10 years since the beginning of the RI reforms, no school in the state has seen the introduction of regular, weekly GRE classes. The removal of opt-in RI classes in Victorian public schools has seen not seen GRE classes take their place. REIGS is an important part of ensuring that people of diverse backgrounds and worldviews are welcome in government schools. This is particularly important given an increasing amount of students reporting have felt teased or made fun of at school because of their religious or how they practice their faith⁹.

⁵ SRE & SEE Approved Providers School Database, 2024.

⁶ McCrindle Research, Exploring Faith and belief in Australian Schools. 2020.

⁷ Ibid.

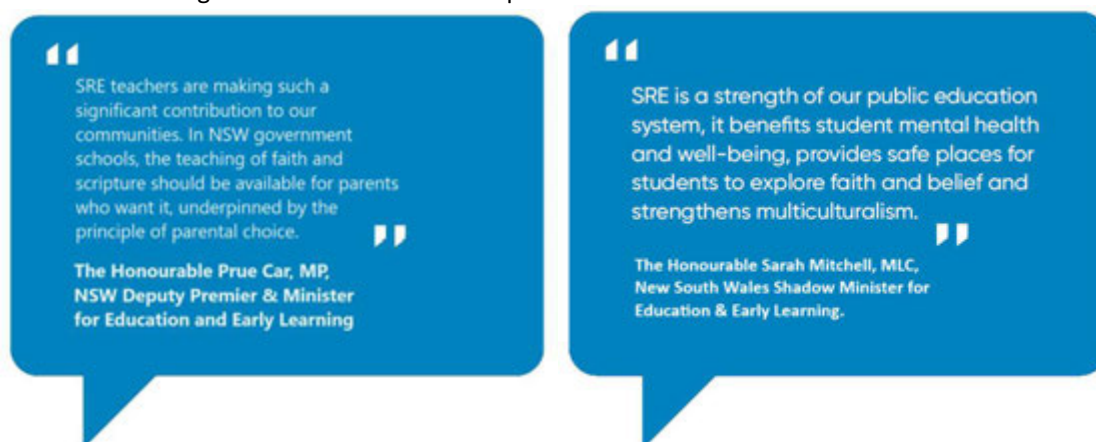
⁸ Heffernan, Madeleine. “Religion class enrolments slump in state schools in decade since program changes.” <https://www.theage.com.au/national/victoria/religion-class-enrolments-slump-in-state-schools-in-decade-since-program-changes-20230221-p5cm6u.html>

⁹ Gross, Zehavit. Rutland, Suzanne D. Special Education in Australia and its Value to Contemporary Society, 2021.

The successful 2023 lawsuit by five Victorian Jewish students against the Victorian Department of Education¹⁰ provides further evidence of the need to ensure an infrastructure demonstrating a welcomeness and inclusion of all worldviews – including religious worldviews.

In 2004, the Commonwealth Government introduced the National Framework for Values Education to address the adverse trends in childhood and adolescent development and wellbeing. These trends were deemed to be associated with the rising prevalence of increasing social challenges such as marriage breakdown and family dysfunction, drug problems, crime, as well as ethnic and religious tension¹¹. The NSW Department of Education (DoE) believes in the importance of the health and wellbeing of school students. The DoE's wellbeing framework outline 5 pillars that underpin student wellbeing and one of these five pillars is 'spiritual wellbeing.'

In NSW Schools today, the primary and most prevalent support for student spiritual wellbeing is SRE. As the Victorian example demonstrates, the removal of REIGS in a state public education system leaves the entire public education system devoid of spiritual wellbeing support. The NSW State Government recognises the benefit of SRE in public schools.



The student wellbeing framework developed by the NSW Department of Education is a vital component of student care in the NSW public education system. To remove any of the five pillars of the framework will serve to significantly outcome student wellbeing in the state. SRE provides the principle support for spiritual wellbeing and done so as a gift from the community of NSW.

DGR status for REIGS mobilises thousands of teachers into classrooms every week and as a gift from the local community to the state of NSW. DGR status provides the infrastructure that facilitates these thousands of teachers has allowed hundreds of thousands of students to have access to worldview education of their choice.

DGR status is required to support REIGS as the infrastructure that provides the opportunity for SRE is rigorous and extensive. Every teacher that enters an SRE classroom in NSW does so after a lengthy process. This involves:

- a comprehensive screening process designed and approved by the NSW Department of Education including Working with Children Checks;
- a current and rigorous training program to equip and educate teachers in current teaching practices and methods;

¹⁰ Ore, Adeshola. "Court finds former students suffered antisemitic bullying and discrimination at Melbourne school." <https://www.theguardian.com/australia-news/2023/sep/14/brighton-secondary-college-melbourne-students-antisemitic-bullying-graffiti-court-case#:~:text=The%20five%20former%20students%2C%20who,Jewish%20students%20from%20racial%20discrimination.>

¹¹ Hill, B.V. 2010. Values Education, Mental Reality Constructs and Student Wellbeing

- training in the use of authorised, theologically sound and pedagogically current curriculums; and
- compliance with a thorough and ongoing accreditation process including Annual Assurance of SRE Providers by the Department of Education.

This process results in appropriately screened, trained and resourced teachers being able to enter SRE classes supported by Approved Providers, the school and Department of Education to conduct SRE classes in schools.

This extensive infrastructure that allows for this process, like REIGS itself, runs extremely efficiently utilising thousands of volunteers who use their various professional expertise to ensure all students have the opportunity for the worldview education of their choice. The real costs involved in maintaining this infrastructure is supported in a significant way by DGR. The Commission clearly recognises that worldview education requires DGR status in order to continue to operate, which is why it has not proposed any changes to the status of secular ethics education in public schools. The commission seems to have recognised that without DGR status, it would be unlikely that secular ethics education in public schools would be able to continue. Given that the Productivity Commission's conclusion that secular worldview education provides benefit to the Australian landscape, this must continue to be extended to all worldviews. Given the majority of Australians still hold to a faith belief¹², to exclude faith-based ethics education from public schools would be to deny the majority of Australians the opportunity to participate in the worldview education that they personally chose to adhere to.

The equity objective of Religious Education in Government Schools

The Productivity Commission draft report outlines; “The likelihood of a close nexus between fees and donations means that there is a case for expressly excluding education activities related to primary, secondary and religious education, and other forms of informal education unless the activity has an explicit equity objective¹³.”

Preliminarily, it needs to be noted that there is no requirement for fees to be paid or donations to be received in order for a student to receive access to REIGS. This statement seems to link School Building Funds and REIGS together and suggesting their mode of operation has overlap. Indeed, it appears that there is a perceived overlap between school building funds and REIGS throughout the report, which may be a symptom of the DGR status for both being proposed for removal. However, it does need to be noted that the two have nothing in common and exist for completely different purposes and receive donations under DGR status within completely different rubrics. The Venn diagram for DGR status for school building funds and REIGS are two separate circles which have no overlap.

REIGS exists to provide an explicit equity objective. That every student within the public education system would have the opportunity to choose to have ethics worldview education from the perspective of their chosen worldview. SRE and SEE exist to ensure every student can explore the worldview of their choice as part of their education. The design of the NSW public education system exists within an equity objective. The education system will be ‘secular’ – with secular defined as non-sectarian. No single sect – worldview - owns public education. Although it is noted that this has been confused with a belief that the act implies the education system will be ‘non-religious.’

The draft recommendation to remove DGR status for REIGS seeks to undermine the current environment where equality of opportunity to participate in worldview education of choice exists.

¹² ABS, “Religious affiliation in Australia,” <https://www.abs.gov.au/articles/religious-affiliation-australia>

¹³ Future foundations for giving: Draft Report – November 2023, <https://www.pc.gov.au/inquiries/current/philanthropy/draft/philanthropy-draft.pdf>, 188.

Currently, if a parent/carer is prevented from enrolling at a private school to seek a faith-based education due to geographic, socio-economic or other situational barriers, they can still find this offered in the public system. They are not prevented from having ethics worldview education as part of their student's education. The proposed DGR status favours secular ethics only and would serve to prevent parents and carers from having the equitable options they currently enjoy.

Impact of the removal of DGR status for REIGS will only impact a small number of organisations

It is outlined that the impact of DGR status removal for REIGS will impact a small number of organisations. However, it must be noted that while there are a small number of organisations that exist with the sole and express purpose of supporting REIGS, there are a large number of individuals, local communities and community, regional and state organisations that benefit from this small group of organisations. SRE mobilises the largest, coordinated educational volunteer workforce in Australia and the network reaches across remote, regional and urban areas of NSW.

The impact of the loss of DGR for those organisations who primarily function to support REIGS is far more widespread than merely these organisations. In NSW alone, there are almost 100 Approved Providers implementing SRE, thousands of classes taught by over 10,000 teachers. This is before considering the hundreds of thousands of students taught by SRE teachers, curriculum providers, SRE committees and board and the millions of supporters of SRE across Australia who collectively and individually support SRE.

Making the case that the removal of DGR status for REIGS would only impact a small number of organisations is akin to saying that Surf Lifesaving Australia could be dispensed with because it is only one organisation. However, this discounts the largest single volunteer workforce and 314 individual surf lifesaving clubs that rely upon this 'one organisation.'

Religious Education is 'advancing religion'

The draft report writes that "religious education activities should also be specifically excluded to maintain consistency with the approach for the advancing religion subtype¹⁴." This is a fundamental misunderstanding of REIGS.

REIGS exists to provide students the opportunity to explore a worldview. By design and in operation, this is an activity that allows students to explore a worldview and allow for the student to make a decision for themselves. As evidenced, the majority of Australians (79%) believe schools should be a safe place for students to explore questions of faith and belief. REIGS outlines the tenets of the faith-based worldview of the student's choice and explains what it is to hold that belief. Although some detractors of REIGS would assert that REIGS seeks to 'convert' students or to 'advance' a belief system, this is not correct by the NSW Department of Education's own definition. "Special religious education (SRE) is education in the beliefs and practices of an approved religious persuasion¹⁵." The DoE has a robust overview, annual assurance, audit and complaint process which ensures that SRE in NSW operates within this stated task.

This methodology of teaching is in line with broader DoE standards and guidelines, which SRE teachers and Providers are also required to adhere to. SRE no more 'advances religion' that secular ethics 'advances secularism' or woodwork classes advances people becoming carpenters.

¹⁴ Ibid, 190.

¹⁵ NSW Government Department of Education, "Religion and Ethics," <https://education.nsw.gov.au/teaching-and-learning/curriculum/religion-and-ethics>

In actuality, SRE in public schools has actually served to ‘advance DGR giving’ over time as a function of its operation. Special Religious Education and Special Education in Ethics has grown over time to include 81 Christian Religious Providers, 17 All Faiths Providers (including Islamic, Hindu, Buddhist, Baha’i and Jewish) and one non-religious Provider in Primary Ethics. The availability of DGR status to Primary Ethics and all different faith groups has seen growth in giving to support multiculturalism and respect for differing worldviews in NSW Public Schools grow significantly over time and will continue to grow as it seeks to support an equitable public education system for all community members. The closure of DGR status to REIGS will see a significant regression and will fail to meet the objectives of seeking to advance giving and equitable, universal community benefit.

Further, the gate-keepers for participation in REIGS is the family, not the state or the SRE / SEE provider. SRE is opt-in and presents parents/carers with a choice of whether they wish their child to participate in SRE classes. There is no ability for Providers to achieve ‘advancing religion’ as participation is not determined by the ethics class Provider. Options for SRE include denominational options of Anglican, Catholic, Orthodox (Greek, Serbian, Macedonian), Combined (multiple, cross denominational SRE) and all faith options including Baha’i, Buddhist, Hindu, Islamic, Jewish and Sikh as well as Primary Ethics as a provider of a secular worldview in ethics. There are schools in NSW where SRE is available from all of the All Faiths groups as options, alongside Denominational SRE, combined Christian SRE and Primary Ethics. This provides an option for all students to explore the worldview of their choosing, not the Provider determining who will attend the class.

The history of REIGS has been one of advancing equality across the population of Australia as it has changed. Australia is seeing a growing diversity in both overall worldview diversity and religious diversity¹⁶. Growth in religions other than Christianity has doubled since 2001¹⁷. As this diversity has grown, so too has the growth of options in REIGS. One of the fastest growing religious affiliations since 2001 remains Hinduism. As the presence of Hindu religious affiliation has grown in Australia, so too has presence in REIGS in NSW. As of 2024, the number of Hindu Approved Providers authorised by the DoE to teach SRE in NSW schools has grown to 5¹⁸. This example can be also shown in other SRE Providers such as those providing Islamic SRE. This growth has advanced choice for students and reflect parent and carer choice and the ongoing desire for worldview education in public schools. Rather than REIGS advancing religion, it would be more correctly identified that religion is advancing the ability or parents/carers to choose the ethics education of their choice in government schools.

Finally, even if REIGS was ‘advancing religion’ – which it is not – secular ethics would be guilty of the same accusation. While a secularist may assert that secularism is not ‘religion,’ it remains the case that secularism is a ‘worldview’ or an ‘ethic’ just as a faith-based religion is the same. It would be equally appropriate to describe a ‘religion’ as a ‘worldview’ or ‘ethic’ – terms that are frequently interchanged in common parlance. To apply the draft report’s proposal consistently and provide an equitable arrangement, anything that was ‘advancing a worldview’ or ‘advancing an ethical framework’ would need to be removed from government schools. The equitable outcome would be to see no worldviews able to participate in government schools or all worldviews able to participate in government schools – with an overriding framework of parent and carer choice. To remove all worldview education from schools would be to the detriment of the hundreds of thousands of students that attend SRE each year¹⁹ and prevent them from having this option.

¹⁶ ABS, “Religious affiliation in Australia,” <https://www.abs.gov.au/articles/religious-affiliation-australia>

¹⁷ Ibid.

¹⁸ NSW Government Department of Education, “Special religious education and special education in ethics providers,” <https://education.nsw.gov.au/teaching-and-learning/curriculum/religion-and-ethics/approved-sre-see-providers>

¹⁹ ARTD, “Review of SRE and SEE 2015.”

Draft Report's 'Key Points' make the case for the continuation of DGR

The 'Future foundations for giving: Draft Report – Overview' highlights several 'key points' in seeking to demonstrate how the recommendations from the Draft report will meet the objectives of the review²⁰. However, with respect to REIGS, these key points make a case as to why DGR status should remain. Further, these key points highlight that the report's recommendation do not propose an equitable philanthropic system for all Australians, but rather a system that discriminates based on worldview.

Philanthropy contributes to a better society by providing money, time, skills, assets or lending a voice to people and communities who would otherwise receive lower quality, or have less access to, goods and services.

It is noted that "Philanthropy, particularly volunteering, can help build social capital by contributing to social networks, building trust within communities, and diffusing knowledge and innovations through communities²¹." Indeed, this is one of the most fundamental benefits to society that REIGS provides communities. Special Religious Education in NSW allows students from all backgrounds and belief systems to participate in classes that allow the student to explore a particular worldview driven by the principle of choice. This allows students of all backgrounds to participate in SRE classes by choice, whether they hold or participate in that particular worldview or not. A student from a Christian household can choose to participate in a Buddhist or Secular Ethics class (in Special Education in Ethics – SEE). There are a great number of schools in NSW that offer a broad selection of SRE classes, allowing students to participate in a different classes determined by the choice of the family. This includes schools that provide SRE and SEE choices of Baha'i, Islamic, Hindu, Buddhist, Sikh, Orthodox, Catholic, Protestant and Secular Ethics in the one school²². Such schools offer a tangible welcome to families of all backgrounds and worldviews saying that all beliefs are welcome in the school.

This builds a school and broader community of diversity and welcomes all members of the community to be an active part.

SRE and SEE has the largest educational volunteer workforce in the nation and is one of the largest volunteer organisations in terms of participating volunteers overall in Australia. As evidence of how REIGS provides an asset to the community, the largest growing segment of SRE and SEE is among the 'All Faiths' network which includes Baha'i, Buddhist, Hindu and Jewish²³. These smaller religious faiths are seeing significant growth through REIGS, supported by the larger participants in Christian SRE and Secular SEE.

REIGS not only provides the community a chance to explore a worldview of their choice in school, but it calls the community to participate in the school. The financial support of SRE, underpinned in no small way by DGR status, helps mobilise and grow this significant volunteer workforce as a gift to the people of Australia. In NSW at the start of the 2024 school year, there are almost 2000 teacher vacancies across the state with "even the state's top schools struggling to attract teachers²⁴." Currently, over 10,000 teachers participate in SRE and SEE classes in NSW each year, supporting not

²⁰ Future foundations for giving: Draft Report – Overview, <https://www.pc.gov.au/inquiries/current/philanthropy/draft/philanthropy-draft-overview.pdf>. Page 2.

²¹ Ibid. Page 3.

²² SRE & SEE Approved Providers School Database, 2024.

²³ Ibid.

²⁴ Carroll, Lucy. Gladstone, Nigel. "Even the state's top schools are struggling to attract teachers. Here's where all the vacancies are," <https://www.smh.com.au/national/nsw/even-the-state-s-top-schools-are-struggling-to-attract-teachers-here-s-where-all-the-vacancies-are-20240124-p5ezp3.html>

only family choice for worldview education in their school, but the NSW Department of Education. The thousands of teaching hours each and every week that are taught by SRE and SEE teachers would require a significantly larger workforce to cover if removed. Every dollar that an individual donates to an organisation supporting REIGS supports the mobilisation of this volunteer workforce that in no small way helps to support the ongoing viability of public education in NSW.

Under the recommendations of the draft report is the objective that philanthropy provide a voice to those who would otherwise receive lower quality or have less access to goods and services. For a low socio-economic family in Australia, the public education system ensures that all members of that household can receive an education. Within the overall education system in Australia, there remains the choice of a 'public' or 'private' education. However, while the choice of public and private exists, the option of a private education is out of reach to a large percentage of Australians who cannot afford an education for their children. In NSW, there continues to be a significant move to Private schooling with reports saying that, as of 2022, more than 12,000 students per year were moving from the public to the private education system²⁵. This is referenced as being "in part driven by older millennials (born from 1981 onwards), who were increasingly opting for faith-based schools for their children, despite a declining percentage of Australians identifying as religious²⁶." This is further evidenced as being recognition that "some of the values which come from (the) particular educational foundation (do) work²⁷." However, for the refugee, new Australian or underprivileged who would like to make the same choice for their own family, they are relegated to the public system. To ensure the overall education system remains equitable for all Australians, the ongoing presence of an option for religious education classes in public schools must remain. To remove support for REIGS would have the real consequence of relegating underprivileged Australians to an education system that prohibits the exploration of their religious worldview in school, while those who are more affluent could retain this opportunity.

The Productivity Commission's draft recommendations would establish firm foundations for the future of philanthropy, so that the benefits of giving can continue to be realised across Australia. The proposals would enable greater donor choice and ensure that regulation continues to support trust and confidence in charities.

A goal of the Productivity Commission's recommendations is to see the benefits of giving can be 'continue to be realised across Australia.' However, the removal of DGR status for REIGS would immediately have the tangible impact of reducing the benefits provided to communities right now. The ability for the over 10,000 volunteer teachers to facilitate SRE classes across the state would be severely curtailed. A number of Approved Providers in NSW have indicated that the removal of DGR status would have the likely impact of seeing their cessation of their professional activities supporting this significant volunteer workforce.

In an immediate sense, this would seriously curtail the effectiveness and availability of religious ethics instruction in Australia and in NSW alone would be expected to see a significant reduction in the thousands of teachers in public schools every week. This would not only reduce the public benefit provided through REIGS, but would severely reduce the number of teachers in the NSW public education system each week. Beyond the immediate benefit that REIGS provides students and communities, schools would see hours of additional teaching time return to DoE teachers who already have insufficient teachers to cover all classes. The impact would not just be seen in the social and community benefits provided by SRE, but in the ability for students to receive an education.

²⁵ Harris, Christopher. Gladstone, Nigel. "Big switch: The Sydney suburbs rejecting public education," <https://www.smh.com.au/national/nsw/big-switch-the-sydney-suburbs-rejecting-public-education-20240111-p5ewn9.html>

²⁶ Ibid.

²⁷ Ibid.

Further, the removal of DGR status for REIGS would reduce donor choice with regard to giving to bodies involved in worldview education in public schools. It would limit worldview DGR giving to only secular ethics rather than the plurality of options that exists currently between various faith-based ethics classes as well as secular. Currently, in NSW there are approximately 100 Approved Providers who facilitate SRE and SEE classes in public schools each week²⁸. If an individual wished to make a donation to the continuation of parent and carer choice of worldview education, they could choose to give to any one of these organisations to facilitate this objective. The removal of DGR status for REIGS would reduce this to one single organisation (Primary Ethics) for one single objective: education in secular ethics. This in no way can demonstrate compliance with the stated objective of enabling 'greater donor choice.'

While it is noted that not all the organisations operating as Approved Providers in NSW claim DGR status for REIGS, the change in regulations would cease their ability to receive contributions for this purpose. Further, it would cease the organisations supporting these Approved Providers (E.g. Curriculum Providers, Training and Accrediting bodies) with work specifically targeted to REIGS. Currently the DGR status of a few key organisation enables the provision of professional services to a largely volunteer workforce which may otherwise not be able to meet the demands of the stringent procedures involved in providing worldview education in public schools.

Approved Providers have recognised the importance of Secular Ethics education in Public schools and have supported their inclusion in Public Education. This support continues to be evidenced in the close ties maintained between Primary Ethics (as the approved provider for Secular Ethics in NSW) in deployment of SRE and SEE and participation in the Department of Education's Consultative Committee for SRE and SEE. A body that sees SRE Approved Providers and Primary Ethics come together with the Teachers Federation NSW, Primary Principals' Association, Secondary Principals' Council, Federation of Parents and Citizens' Association of NSW and the Department of Education to facilitate the effective implementation of SRE and SEE in NSW Public Schools²⁹. As these entities come together to facilitate SRE and SEE in NSW Public Schools, the DGR status for both the provider of Secular Ethics Education should remain alongside the DGR status for Providers facilitating the ability to participate in Religious Ethics Education.

REIGS has existed in NSW since 1880 at the introduction of Sir Henry Parkes' Bill allowing for religious education in Public Schools. This Bill sought to achieve similar goals to the Productivity Commission in 2023. To provide an equitable charitable environment to benefit all Australians. The NSW Public Education Act of 1880 detailed that the Public School system was to be 'secular' in the classic definition of the word.

In the Parkes' Bill in NSW the interpretation of 'secular' allowed for a strong religious presence in schools. Parkes, himself the author of the Act, insisted: "it was never the intention of the framers of this Bill to exclude such a knowledge of the Bible as all divisions of the Christian church must possess, or a knowledge of the great truths of Revelation." *[reference]* The NSW Public Education Act of 1880 therefore included an understanding of 'secular' as meaning anti-sectarian, not anti-Christian:

²⁸ "Special religious education and special education in ethics providers," <https://education.nsw.gov.au/teaching-and-learning/curriculum/religion-and-ethics/approved-sre-see-providers>

²⁹ "SRE and SEE Consultative Committee," <https://education.nsw.gov.au/teaching-and-learning/curriculum/religion-and-ethics/consultative-committee#:~:text=The%20NSW%20Department%20of%20Education%20Special%20Religious%20Education%20and%20Special,ethics%20in%20NSW%20public%20schools.>

“In all schools under this Act the teaching shall be strictly non-sectarian, but the words ‘secular instruction’ shall be held to include general religious teaching as distinguished from dogmatical or polemical theology.”

Dean Cowper remarked on the ‘signification which was given to the word ‘secular’ by this legal enactment ... Denominational and non-denominational religious teaching has been offered in NSW schools ever since³⁰.”

The Provision of REIGS in NSW does not prevent Public Schools from being ‘secular’ but is the bedrock of system to ensure that they *are* secular. No one faith, or denomination, or ‘non-faith’ owns public schooling in NSW. Not the atheists, Christians, Muslims, Hindus, secularists, humanists, Buddhists or agnostics own public education in NSW. The public school system belongs to and is welcoming of all worldviews. SRE and SEE maintain this. To remove SRE from DGR status while maintaining secular ethics would be to ensure that the Department of Education could no longer remain in compliance of the Education Act stating that Public Education remain ‘secular.’

Beyond supporting the NSW system remaining secular and upholding equality in education, REIGS supports the *Alice Springs (Mparntwe) Education Declaration (2019)* [reference]. Goal 1 of the declaration states that the Australian education system promotes excellence and equity, ensuring that that education promotes and contributes to a socially cohesive society that values, respects and appreciates different points of view and cultural, social, linguistic and religious diversity.³¹ REIGS also supports Goal 2 of the Declaration in supporting students becoming active and informed members of the community who appreciate and respect Australia’s rich social, cultural, religious and linguistic diversity and embrace opportunities to communicate and share knowledge and experiences³². Further that students have an understanding of Australia’s system of government, its histories, religions and culture³³. As the Victorian public school example demonstrates, the removal of REIGS leaves a vacuum the government is unable to fill. In the absence of REIGS, only a very basic General Religious Education has filled the void. This has left the clear goals of the 2019 Education Declaration unable to be fulfilled.

Finally, the proposed change to remove DGR status would have the very real impact of undermining the trust and confidence of government’s regulation of charities. To grow philanthropic giving, the public not only needs to have the confidence of their charitable organisations of choice, but the government that regulates the charities. The Draft Report outlines an attack on religious ethics education in schools while favouring the secular. Such a move risks a severe backlash against charitable giving by those who have in the past or may consider in the future to give to REIGS organisations. This move risks a significant credibility loss of Government and provides a clear message to the community that religious organisations are being sought to be regulated out of existence while favouring the secular.

³⁰ Piggin, Stuart. Linder, Robert D. *The Fountain of Public Prosperity – Evangelical Christians in Australia History 1740-1914*, (Clayton, Australia, Monash University Publishing, 2018), 390-391.

³¹ Alice Springs (Mparntwe) Education Declaration (December 2019), [https://uploadstorage.blob.core.windows.net/public-assets/education-au/melbdec/ED19-0230%20-%20SCH%20-%20Alice%20Springs%20\(Mparntwe\)%20Education%20Declaration_ACC.pdf](https://uploadstorage.blob.core.windows.net/public-assets/education-au/melbdec/ED19-0230%20-%20SCH%20-%20Alice%20Springs%20(Mparntwe)%20Education%20Declaration_ACC.pdf), Page 5.

³² Ibid, Page 8.

³³ Ibid.

The Commission's proposed reforms aim to make the deductible gift recipient (DGR) system simpler, fairer and more consistent.

As outlined, the draft report favours one type of ethics education in government schools against any religious worldview.

The Draft Report refers to the “origins and evolution of the DGR system” where it cites as an example of the evolution of the system, the inclusion of ethics education in public schools in 2013 as a secular alternative to religious education³⁴. When this amendment was proposed The Hon David Bradbury MP noted the importance of providing educational choice in public schools. “Ethics classes provide parents with more choice about educational options for their children³⁵.” The key driver of the addition of secular Ethics classes receiving DGR status was that ‘choice’ was a key principle to ensure an effective and equitable public education system. Parent and carer choice remains the foundation of REIGS today.

However, while the inclusion of Ethics as a DGR recipient is noted as evidence of the evolution of the DGR system, there is no proposal in the Draft Report to remove DGR status from Ethics Education in Public Schools. The Draft Report outlines that ethics education can and will continue to hold DGR status, as long as it is not religious ethics that are being taught. Worldview education will continue to receive DGR status, but not religious worldview education.

This has the consequence of making the DGR system confusing, unfair and inconsistent.

For a future organisation seeking to determine their eligibility under the DGR system, to view the removal of REIGS while maintaining secular ethics education in government schools, the proposed DGR system is at best arbitrary and at worst anti-religious. This adds more complexity to the DGR system rather than reducing its complexity. Despite all the evidence of the benefits of REIGS to society³⁶, the Draft report is willing to label without evidence such activity as providing no community benefit. Similarly, without evidence, Secular Ethics is assumed to provide great community benefit and retains its’ DGR status. In contrast to such a view, both the SRE and SEE community see the real benefit that such education offerings within the Public Education System provides. Which is why the majority of people support parents and carers having the choice to select SRE, SEE or alternate meaningful activities in their school³⁷.

To prevent a significant inconsistency, REIGS and secular ethics education should retain their DGR status. To prevent such an outcome is to limit the community-wide benefit currently enjoyed by parents who currently have the option of choosing a religious ethics class or secular ethics class to merely those who wish to participate in secular ethics classes.

³⁴ Future Foundations for Giving: Draft Report, <https://www.pc.gov.au/inquiries/current/philanthropy/draft/philanthropy-draft.pdf>, Page 167.

³⁵ Bradbury, David. “Commonwealth support for ethics classes in government schools,” <https://ministers.treasury.gov.au/ministers/david-bradbury-2012/media-releases/commonwealth-support-ethics-classes-government-schools>

³⁶ Gross, Zehavit. Rutland, Suzanne D. Special Religious Education in Australia and its Value to Contemporary Society (2011). Bouma, GD. Halaloff, A. Multifaith education and social inclusion in Australia (2009). Cote, JD. Identity capital, social capital and the wider benefits of learning and developing: generating resources facilitative of social cohesion (2005). Gross, Zehavit. Rutland, Suzanne D. Creating a safe place: SRE teaching as an act of security and identity formation in government schools in Australia (2015). Jackson, R. Religious Education: an interpretive approach (1997). Kastel, Z. Positive relations between members of groups with divergent beliefs and cultures (2012). Valk, J. Tosun, A. Enhancing religious education through worldview exploration (2016).

³⁷ McCrindle Research, Exploring Faith and belief in Australian Schools. 2020.

The Australian Government should support the establishment of an independent philanthropic foundation controlled by – and for the benefit of – Aboriginal and Torres Strait Islander communities to enhance the arrangements linking philanthropic and volunteer networks and funding to Aboriginal and Torres Strait Islander organisations

While this recommendation has no direct impact on REIGS, it is important to note the significance of REIGS to many indigenous Australians. Organisations involved in REIGS across Australia continue to support, involve, and develop content for Aboriginal and Torres Strait Islander Communities. REIGS classes are also recognised as an important offering to many indigenous students in NSW Public Schools. It is worth noting that in years where comparable data is available, religious identification with Christianity was recorded at higher rates than the general population³⁸. This does not mean that all or most Indigenous Australians participate in SRE and SEE classes, but the provision of SRE and SEE is an important consideration for indigenous students to facilitate choice and foster student spiritual wellbeing.

The regulatory framework for charities is complex and reforms to enhance the role, powers, functions and enforcement tools of the Australian Charities and Not-for-profits Commission (ACNC) are needed to support the high level of public trust and confidence in charities now and in the future.

It is agreed that there needs to be a clear and equitable regulatory framework for the ACNC and that the ongoing viability of Australian charities is linked to a high level of public trust.

As outlined, as it relates to REIGS and Secular Ethics in Government Schools, this proposal risks this new framework commencing with first step of appearing arbitrary in the approval of one worldview education over another.

The regulatory framework should be reviewed to reduce complexity and increase understanding on a fair and equitable basis. However, this process should not just seek to establish a framework to support public trust and confidence in charities now and in the future, but implement said strategy by being equitable at inception.

The Australian Government should create more value for the public from the data collected about charities by improving the ACNC charity register, and collecting and publishing additional data on ancillary funds, corporate giving, volunteering and charitable bequests.

REIGS organisations with DGR status maintain openness and transparency and comply with all ACNC requirements. There is no suggestion in the draft report of any REIGS organisation failing to comply with ACNC requirements. Further, there is no suggestion that REIGS organisations with DGR status have failed to provide evidence of compliance with ACNC regulations.

Further data generated from the ACNC could indeed provide value to the public, however this must be done in a fair, equitable and open manner that maintains consistency across charitable organisations.

³⁸ "Australian Social Trends,"

<https://www.abs.gov.au/ausstats/abs@.nsf/2f762f95845417aeca25706c00834efa/10072ec3ffc4f7b4ca2570ec00787c40!OpenDocument>, "Religion"

<https://www.abs.gov.au/ausstats/abs@.nsf/Lookup/5AD6E895236F6CDECA2578DB00283CBD>, "Census of Population and Housing,"

<https://www.abs.gov.au/ausstats/abs@.nsf/7d12b0f6763c78caca257061001cc588/6ef598989db79931ca25730600d52b4!OpenDocument>

Summary

The proposal to remove DGR status for religious education in government schools has been derived from a misconception of what Religious Education in Government Schools is and what it implements. Further, this recommendation undermines both the objectives of seeking to grow philanthropic giving, growing trust in charitable giving and meeting the priorities of Australian communities.

The removal of DGR would undermine the objectivity of Australia's DGR scheme sending a message that only segments of the community are to be represented in charitable giving.

SRE in NSW provides community wide benefits and brings individuals together from all backgrounds, ethnicities and belief systems. Complimenting SEE in NSW, SRE provides the community the opportunity the opportunity to give to, participate in and enrol in worldview education of their choosing. Whether driven by a desire for exploration, culture, heritage, family history or personal worldview, SRE and SEE provide an equal opportunity for all students to participate in ethics worldview classes governed by family choice.

The community retains its support of a choice of ethics education in schools provided by trained and accredited educators teaching from an approved curriculum rooted in the worldview of the parent/carer's choosing. In a desire for equality of opportunity in education and the most widespread community benefit possible, DGR status for REIGS must remain.

Spiritual wellbeing and spirituality is not just a key pillar of our education system, but it remains an important part of people's lives in Australia. A voice so easily overlooked in the debate about education is the voice of the students themselves. While the majority of Australians maintain a religious affiliation, this is not necessarily a phenomena limited to older generations. A "significant proportion" of young people remain interested in ways of 'being spiritual' and seeking connection with spirituality³⁹. To deny young Australians in the public education system the opportunity to explore ethics frameworks of their choosing is to deny them the education they themselves report to be seeking.

Introduction

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³⁹ Singleton, Andrew. Halahoff, Anna. Bouma, Gary D. Rasmussen, Mary Lou. The six types of teenage spirituality in Australia, <https://www.smh.com.au/lifestyle/health-and-wellness/the-six-types-of-teenage-spirituality-in-australia-20180918-p504dr.html>