

MINISTERIAL DIRECTION NO. 145

EDUCATION AND TRAINING REFORM ACT 2006

SPECIAL RELIGIOUS INSTRUCTION IN GOVERNMENT SCHOOLS

The Minister for Education, under sections 2.3.4(d) and 5.2.1(2) (b) of the **Education and Training Reform Act 2006**, makes the following Direction:

1. Title

This Direction may be cited as Ministerial Direction 145— Special Religious Instruction in Government schools.

2. Commencement

This Direction comes into effect on 27 January 2016.

3. Purpose

The purpose of this Ministerial Direction is to:

- (a) clarify the basis upon which special religious instruction may be provided in government schools as an optional extra-curricular activity;
- (b) clarify when special religious instruction may be provided in government schools;
- (c) establish procedures for the provision and conduct of special religious instruction to government school students; and
- (d) establish procedures for the care and supervision of students who do not participate in special religious instruction.

4. Application

- (1) This Direction applies to all Government schools, principals, teachers and school councils.
- (2) Ministerial Direction 141 is **revoked**.

5. Definitions

- (1) In this Direction, unless the contrary intention appears, words and expressions have the same meaning as in the Act.
- (2) Further to subclause (1):

accredited in relation to a person means a person who is an accredited representative of a church or other religious group in accordance with the Department's accreditation process;

Act means the **Education and Training Reform Act 2006**;

approved in relation to a person means a person who is approved by the Minister or his or her delegate for the purpose of delivering special religious instruction in Government schools;

Department means the Department of Education and Training or any Department which may succeed to the functions of that Department;

Lunchtime means the time set apart in a school timetable for a student lunch break that is not part of the hours set apart for student instruction;

Minister means the Minister for Education;

parent in relation to a child means any person who has parental responsibility for 'major long term issues' as defined in the **Family Law Act 1975 (Cth)** or has been granted 'guardianship' for the child pursuant to the **Children, Youth and Families Act 2005** or other State welfare legislation;

principal means an employee within the meaning of Division 3 of Part 2.4 of the Act occupying, or for the time being performing the duties of, the position of principal of a Government school;

school council means a school council constituted under section 2.3.2 of the Act in respect of a particular school;

school hours means the hours between the start and finish times of the school day that are set aside for student instruction at a particular school;

special religious instruction means instruction provided by churches and other religious groups and based on distinctive religious tenets and beliefs, provided in accordance with section 2.2.11 of the Act.

teaching staff means any person required to be registered under Part 2.6 of the Act to undertake duties as a teacher within the meaning of that Part.

6. Discretion to provide special religious instruction

- (1) A principal must ensure that, if special religious instruction is offered at a school, it is offered and delivered in accordance with this Direction.
- (2) A principal has complete discretion to decide whether special religious instruction is offered at a school and may decide to:
 - (a) offer parents of children enrolled at the school the opportunity for their children to participate in special religious instruction; or
 - (b) not offer parents of children enrolled at the school the opportunity for their children to participate in special religious instruction; or
 - (c) offer special religious instruction at a different time; or
 - (d) cease the delivery of special religious instruction at the school.

- (3) A principal must not have regard to his or her own personal views about religion or his or her religious beliefs or practices in making a decision under subclause (2).
- (4) A principal must only arrange for special religious instruction to be delivered to students during lunchtime, or during the hour immediately preceding or after school hours and must only arrange for special religious instruction to be delivered to students on the school grounds.
- (5) Special religious instruction may be delivered to students on a multi-age grouping basis, where students from different classes and of different ages attend at the same time provided that no student is attending special religious instruction for more than 30 minutes per week.

7. Use of school buildings or grounds

For the avoidance of doubt, nothing in this Direction prevents a school council from entering into an arrangement with a religious organisation for the use of school buildings or grounds outside of school hours, so long as it is in accordance with the Act and Departmental policy.

8. Supervision of students

- (1) A principal must ensure that, if special religious instruction is provided in a school, whether at lunchtime or during the hour immediately preceding or after school hours, all students participating in special religious instruction are adequately supervised by at least one teacher.
- (2) A principal must ensure that, if special religious instruction is provided in a school at lunchtime, all students who are not participating in special religious instruction are adequately supervised in accordance with the standard required for students undertaking normal lunch time activities.
- (3) A principal must ensure that, if special religious instruction is provided in a school during the hour immediately preceding or after school hours, all students who are not participating in special religious instruction are adequately supervised in accordance with normal requirements for outside of school hours supervision.
- (4) A principal must ensure that, if special religious instruction is provided in a school during the hour immediately preceding or after school hours, all students who are participating in special religious instruction are adequately supervised during any period between the special religious instruction and school hours in accordance with normal requirements for outside of school hours supervision.
- (5) A principal must ensure that the supervision of all students meets the standard of care appropriate to the discharge of a teacher's duty of care for Government school students.

9. Information to be provided by accredited and approved instructors and volunteer checks

- (1) Prior to deciding whether to offer special religious instruction in a school in accordance with clause 6, a principal may request information from any accredited and approved instructor who would provide the instruction in the school, including:
 - (a) the instructor's name;
 - (b) details of the instructor's accreditation and approval;
 - (c) an overview of the program to be taught by the instructor; and
 - (d) any other information the principal requires in order to comply with this Direction.
- (2) A principal must ensure, through consultation with the Department, that any person who is to provide special religious instruction is an accredited and approved instructor.

Note: The process for accreditation of instructors is published on the Department's website.

- (3) A principal who offers special religious instruction in a school must request a copy of the instructor's formal accreditation and retain a copy on the school's records.
- (4) A principal must ensure that each accredited and approved instructor delivering special religious instruction in a school complies with the school's volunteer and visitors to schools policies.

Note: Information about volunteer checks and visitors to schools is published on the Department's website.

10. Program to be delivered

- (1) A principal must ensure that each accredited and approved instructor delivering special religious instruction in a school delivers a program that is:
 - (a) approved by the instructor's organisation;
 - (b) available for parents to access in an online format.

11. Distribution and display of religious material

- (1) A principal must not permit an accredited and approved instructor to distribute, whether at a school or during special religious instruction, material that has the effect of promoting any particular religious practice, denomination or sect, unless it is a part of an authorised special religious instruction program and the principal is satisfied that the material has been approved by the instructor's organisation.
- (2) For the avoidance of doubt, nothing in clause 11(1) prevents students from distributing religious materials, displaying religious materials on their person or personal belongings or bringing religious materials to a Victorian government school.

12. Supervision and monitoring of accredited and approved instructors

(1) A principal must ensure that:

- (a) information, ideas, opinions or beliefs communicated to students; and
- (b) written material distributed to students –

by an accredited and approved instructor or their organisation during the course of a special religious instruction program do not contradict the school's values, curriculum or an applicable law.

Note: Section 1.2.1 of the Act provides that:

Parliament has had regard to the following principles in enacting this Act—

(1) all providers of education and training, both Government and non-Government, must ensure that their programs and teaching are delivered in a manner that supports and promotes the principles and practice of Australian democracy, including a commitment to—

- (i) elected Government;*
- (ii) the rule of law;*
- (iii) equal rights for all before the law;*
- (iv) freedom of religion;*
- (v) freedom of speech and association;*
- (vi) the values of openness and tolerance.*

(2) A principal must ensure that an accredited and approved instructor delivering special religious instruction in the school does not:

- (a) provide or offer to students who attend special religious instruction any enticement, reward or other benefit of a tangible nature;
- (b) induce or attempt to induce any student to convert to a particular religion.

(3) A teacher who is responsible for the supervision of special religious instruction in accordance with clause 8 must report any concern he or she has about the delivery, provision or content of special religious instruction to the principal as soon as it is practicable.

Example: A teacher who believes that the content of special religious instruction conflicts in some way with a Department policy must report that concern to the principal.

13. Attendance at special religious instruction not compulsory

- (1) Attendance at special religious instruction is not compulsory for any student whose parents desire that he or she not attend.
- (2) A principal who offers special religious instruction in a school must do so on the basis that special religious instruction is not compulsory for any student.
- (3) A principal who offers special religious instruction in a school must not permit a student to participate in special religious instruction unless the Principal has obtained the written consent of the parents of that student using the form published by the Department for that purpose.

Note: At the time of making this Order, the relevant form is available on the Department's website.

- (4) The written consent of a parent in accordance with subclause (3) is valid for the length of the special religious instruction program identified on the form and must not exceed one calendar year.
- (5) In seeking parental consent for a student to participate in special religious education, a principal must provide parents with the following information in relation to the provision of special religious instruction being offered in a school:
 - (a) the type of special religious instruction being offered or provided at the school;
 - (b) whether special religious instruction will be offered during lunchtime or during the hour immediately preceding or after school hours;
 - (c) an overview of the SRI program being delivered by the accredited and approved instructor;
 - (d) the name of the accredited and approved instructor who will deliver the special religious instruction;
 - (e) how a parent may access the special religious instruction materials online, in accordance with the requirement in clause 10(1)(b); and
 - (f) that a parent may withdraw their child from special religious instruction at any time by notifying the school.

Dated this 9 day of Nov 2015



THE HON. JAMES MERLINO MP

Minister for Education