

Our Reference: PF:FG:718

24 February 2012

The Director  
General Purpose Standing Committee No. 2  
Parliament House  
Macquarie St  
**Sydney NSW 2000**

Dear Sir/Madam

### **Education Amendment (Ethics Classes Repeal) Bill 2011**

1. The Australian Centre for Disability Law (ACDL) is a community legal centre which specialises in disability discrimination and human rights law and policy. We provide legal advice and representation to persons with disability and their associates and undertake law reform, continuing legal education, and community legal education activities.
2. ADCL strongly supports ethics classes being provided to students in NSW Schools. We believe they ought to remain part of the NSW school curriculum. We therefore urge the Committee to strongly recommend against the repeal of the *Education Amendment (Ethics) Act 2010*. The Education Amendment (Ethics Classes Repeal) Bill 2011 ought to be rejected.
3. Nevertheless, in our view there is significant potential to improve the content of ethics classes so as to foster in students respect for human dignity, human rights and the equality of persons. We note that this is, in any event, a state obligation that is binding upon the NSW Government under a number of international human rights instruments to which Australia is bound, including:

- 3.1 The International Covenant on Economic, Social and Cultural Rights, which provides in Article 13(1):

The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

- 3.2 The Convention on the Rights of the Child, which provides in Article 29(1):

1. States Parties agree that the education of the child shall be directed to:
  - (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;
  - (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
  - (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;
  - (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;
  - (e) The development of respect for the natural environment

3.3 The Convention on the Rights of Persons with Disabilities (**CRPD**), which provides in Article 24

1. States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and life-long learning directed to:

(a) The full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity;

4. Additionally, and specifically, in ADCL's submission, ethics classes ought to incorporate curriculum elements that promote respect for the inherent dignity, human rights, fundamental freedoms and equality of persons with disability. In this respect Article 8 of the CRPD reposes the following obligations on the NSW Government:

1. States Parties undertake to adopt immediate, effective and appropriate measures:

- (a) To raise awareness throughout society, including at the family level, regarding persons with disabilities, and to foster respect for the rights and dignity of persons with disabilities;
- (b) To combat stereotypes, prejudices and harmful practices relating to persons with disabilities, including those based on sex and age, in all areas of life;
- (c) To promote awareness of the capabilities and contributions of persons with disabilities.

2. Measures to this end include:

- (a) Initiating and maintaining effective public awareness campaigns designed:
  - (i) To nurture receptiveness to the rights of persons with disabilities;
  - (ii) To promote positive perceptions and greater social awareness towards persons with disabilities;
  - (iii) To promote recognition of the skills, merits and abilities of persons with disabilities, and of their contributions to the workplace and the labour market;
- (b) Fostering at all levels of the education system, including in all children from an early age, an attitude of respect for the rights of persons with disabilities;

- (c) Encouraging all organs of the media to portray persons with disabilities in a manner consistent with the purpose of the present Convention;
  - (d) Promoting awareness-training programmes regarding persons with disabilities and the rights of persons with disabilities.
5. We therefore urge the Committee to strongly recommend that human rights education become an essential element of the ethics curriculum. Additionally, we urge the Committee to recommend that the ethics curriculum include a core component that fosters respect for the rights and dignity of persons with disability.

Please do not hesitate to contact us if you would like to discuss this submission further.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'FG', is positioned above the typed name.

**FIONA GIVEN**  
Policy Officer