



New South Wales

Education Legislation Amendment (Parental Rights) Bill 2020

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Education Act 1990* (the *principal Act*) as follows—

- (a) to clarify that parents and not schools are primarily responsible for the development and formation of their children in relation to core values such as ethical and moral standards, social and political values and an understanding of personal identity, including in relation to gender and sexuality;
 - (b) to prohibit the teaching of the ideology of gender fluidity to children in schools;
 - (c) to provide that schools should not usurp the role of parents – that teaching in relation to core values is to be strictly non-ideological and should not advocate or promote dogmatic or polemical ideology that is inconsistent with the values held by parents of students;
 - (d) to ensure that curriculum, syllabuses, and courses of instruction at all levels of schooling do not include the teaching of gender fluidity and recognise parental primacy in relation to core values;
 - (e) to ensure that all school staff - including non-teaching staff, counsellors, advisors and consultants - do not teach gender fluidity and that such staff undertake their duties and engage with students in schools in a way that recognises parental primacy in relation to core values;
 - (f) to require schools at the beginning of each academic year to consult with parents about courses of study that will include teaching on core values;
 - (g) to allow parents to withdraw students from instruction on core values where parents object to the particular teaching on these matters of parental primacy;
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- (h) to require the NSW Education Standards Authority to monitor the compliance by government schools with the requirements to not teach gender fluidity and to recognise parental primacy in relation to core values;
- (i) to provide for a review after two years of the compliance of schools with these requirements and for that review to be tabled in both Houses of the NSW Parliament.

The Bill also amends the *Education Standards Authority Act 2013* to provide that a function of the NSW Education Standards Authority includes a requirement to ensure that the school curriculum and teaching standards are developed and applied in a way which does not teach gender fluidity and which recognises the primacy of parents in relation to core values.

The Bill also amends the *Teacher Accreditation Act 2004 No 65* to require that all approved teacher education courses recognise the primacy of parents in relation to core values and do not teach gender fluidity and ensure that it is a condition of the accreditation of teachers and other staff that they recognise the primacy of parents in relation to core values and that they do not teach gender fluidity.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Schedule 1 Amendment of Education Act 1990 No 8

Schedule 1[1] adds definitions of “gender fluidity” and “matters of parental primacy”, which are those core values such as moral and ethical standards, political and social values, and matters of personal wellbeing and identity which parents are primarily responsible for teaching and forming in their children.

Schedule 1[2] amends the principles of the Act to clarify that the principle that parents are primarily responsible for the education of their child includes the responsibility for the teaching of matters of parental primacy.

Schedule 1[3] adds to the objects of the Act an express recognition that the education of children must be consistent with the principles of the Act, which includes the principle that parents are primarily responsible for teaching in matters of parental primacy.

Schedule 1[4] adds further objects to the Act which provide that provision of education must be consistent with parental convictions in relation to matters of parental primacy and which reflects the fundamental human rights of parents as set out in Article 18(d) of the International Covenant on Civil and Political Rights.

Schedule 1[5] adds wording to establish that courses of study for a Higher School Certificate must foster physical and spiritual development consistently with parental convictions in relation to matters of parental primacy.

Schedule 1[6] adds a provision that prohibits the teaching of gender fluidity in any courses of study for the curriculum for children in primary education (Kindergarten through to Year 6).

Schedule 1[7] adds a provision that prohibits the teaching of gender fluidity in any courses of study for the curriculum for children in secondary education (Year 7 to Year 10).

Schedule 1[8] adds a prohibition that prohibits the teaching of gender fluidity in course of study in the curriculum for higher school certificate candidates (Year 11 and Year 12).

Schedule 1[9] adds provisions which requires the NSW Education Standards Authority to indicate those parts of any syllabus which includes content relating to matters of parental primacy and which prohibit the development or endorsement of any syllabus for a school which teaches gender fluidity.

Schedule 1[10] inserts sections into the Act which:

- (a) prohibit the teaching of gender fluidity in all schools;
- (b) require the teaching in government schools to be non-ideological;
- (c) extends these requirements to all staff at government schools,
- (d) allows parents to object to teaching on matters of parental primacy, and
- (e) requires consultation by schools with parents on matters of parental primacy.

Schedule 1[11] provides that the function of the NSW Education Standards Authority to provide advice and assistance to students and employers on the nature of courses of study is extended to include an obligation to provide advice and assistance to parents.

Schedule 1[12] adds a new provision that gives the NSW Education Standards Authority an additional function of preparing and making available to schools such resources as will be necessary to give parents key information about matters of parental primacy that are part of the syllabus.

Schedule 1[13] adds a new provision to give the NSW Education Standards Authority the power to monitor and provide advice to the Minister and the Secretary on the compliance of government schools with the prohibition on the teaching of gender fluidity and with the obligation to recognise that parents are primarily responsible for their children's education in relation to matters of parental primacy. Where there is non-compliance, the Authority may recommend taking specific action by the Department and the Secretary must advise the Authority of any action that it takes to deal with the non-compliance.

Schedule 1[14] provides that the requirement of government schools to provide non-sectarian and secular instruction includes a requirement not to teach gender fluidity.

Schedule 1[15] inserts a requirement that the Minister is to review compliance by schools with the prohibition on the teaching of gender fluidity and the requirements to recognise parental responsibility for education of children in matters of parental primacy.

Schedule 2 Amendment of Education Standards Authority Act 2013 No 89

Schedule 2[1] adds definitions of “gender fluidity” and “matters of parental primacy.”

Schedule 2[2] adds a provision that provides that a principal objective of the NSW Education Standards Authority is to ensure that the school curriculum, forms of assessment, regulatory standards for schools and teaching quality and professional standards are developed, applied and monitored to ensure that parental responsibility is recognised for education of children in matters of parental primacy and to ensure that gender fluidity is not taught in schools.

Schedule 3 Teacher Accreditation Act 2004 No 65

Schedule 3[1] adds definitions of “gender fluidity” and “matters of parental primacy”.

Schedule 3[2] adds a provision that requires professional teaching standards that are developed by the NSW Education Standards Authority to include a requirement that all approved courses,

teacher education courses, programs and professional development course must recognise that parents are responsible for the education of children in matters of parental primacy and that such courses must not teach gender fluidity. The professional teaching standards must also make it a condition of accreditation of teachers and other qualified persons in schools that they must recognise that parents are responsible for education of children in matters of parental primacy and that they must not teach gender fluidity in schools.

Schedule 3[3] provides that the Authority must revoke accreditation for any person who develops courses or any teacher who teaches in a way that teaches gender fluidity or fails to recognise the responsibility for parents for education in matters of parental primacy.