

**INQUIRY INTO
EDUCATION LEGISLATION AMENDMENT (PARENTAL RIGHTS) BILL 2020
DEPARTMENT OF EDUCATION
TRANSCRIPT QUESTION**

QUESTION

Page 73 – PARENTAL RIGHTS BALANCED WITH RIGHTS OF CHILD

Mr DAVID SHOEBRIDGE: So it goes well beyond teaching. Have you got an understanding of what that would mean in terms of being able to provide support and counselling, particularly for gender and sexually diverse students?

Ms HARRISSON: Certainly as we look at the principles in the Education Act and the way that they are balanced together and the needs of the student being balanced in there with the needs of the parent, which is one of the distinct differences that we have, we have a requirement and a duty to provide education for every child in a safe environment for them. We have a requirement to ensure that there is not discrimination for those young people. It is also important in the kind of counselling space that there is a confidentiality and a capacity for conversations and support to occur for a young person. I think we have canvassed some of these issues in previous hearings and in estimates hearings. When we have a young person and a family that is dealing with these issues personally, the support that we need to provide and meet the needs of that child are paramount to us. There would be challenges for us, in operational terms and being able to provide for the education of that young person effectively, should those things come together. I am very happy to come back on notice with further advice on those elements.

Mr DAVID SHOEBRIDGE: Yes, that would be useful.

ANSWER

NSW public schools have legal obligations to protect and support all students. If students feel they are unable to speak about issues of concern with support staff, this will potentially increase risk for vulnerable students. All schools have a legal duty to protect students from foreseeable risk of harm.

Students seek support from wellbeing staff and school counsellors for a wide range of issues. These may include, stress, anxiety, depression, bullying, interpersonal and relationship difficulties, self-harm and suicidal behaviours.

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QUESTION

Page 75-76 - PERMISSION NOTE

The Hon. COURTNEY HOUSSOS: Was it ever considered, if you are aware, of actually putting in the provision under 26 into that annual permission note?

Ms HARRISSON: I can come back to you on notice on that. I am not aware of that but that is not to say it has not been considered by others in other roles. So let me get you some advice on that and come back to the Committee.

ANSWER

In NSW public schools there are two main mechanisms by which parents may object to their child's participation in a learning activity or part of a course of study. These mechanisms are managed at the school level through the interaction of senior members of school staff, including principals, and parents concerned. Details of the Controversial Issues in Schools policy and a Certificate of Exemption From Attending Particular Classes under section 26 of the *Education Act 1990* are set out below.

The Controversial Issues in Schools Policy requires school staff to manage controversial issues that may arise in the curriculum, school programs and activities, including in material used in the school or on excursions. This includes, where appropriate, notifying parents or carers of the participation of students in the delivery of curriculum, school programs and activities, presentations or other events that address controversial issues. Again where appropriate, principals may provide the option for parents or carers to withdraw their child from activities addressing controversial issues. Principals make the decision to use opt-in or opt-out consent forms.

Under section 26 of the *Education Act 1990* a parent may apply for a certificate of exemption from attending particular classes. An application may be made where the parent conscientiously objects on religious grounds to the child being taught a particular part of a course of study. A certificate exempting the child from attending classes relating to the part of the course concerned may only be granted where there is satisfaction that the objection is conscientiously held on religious grounds.

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Page 77 – AGE GUIDANCE ON CONTROVERSIAL ISSUES

The Hon. SCOTT FARLOW: With respect to the contentious issues policy, is there any age guidance that is provided around that as well? I am looking at the contentious issues policy and I have got to say that from the quick reading I cannot really see that. But is there any guidance the department gives with respect to age-appropriate levels when it comes to contentious issues and how those should be taught?

Ms HARRISSON: Let me take on notice the details of that. Obviously teachers who are trained in the syllabus appropriate to the age that they are teaching—we would expect them to have a good understanding and judgement around those things. Obviously there are materials that they might draw on from online or TV shows where there would be a rating that a teacher would take into consideration. But let me take on notice the specifics of that and come back to you with any guidance that we do provide out to schools on that issue.

ANSWER

Schools are required to teach the syllabuses developed by the NSW Education Standards Authority. Syllabuses are taught in age appropriate stages of learning, following the NSW syllabuses for the Australian Curriculum approved content.

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Page 81 – SAFE SCHOOLS MATERIALS

Mr DAVID SHOEBRIDGE: Sorry, can I be clear. Because the issue here is that there is a teaching ban over here and then there is how counsellors, in accordance with their professional obligations and their need to deal with the best interests of the child, actually interact with children that come seeking help. Are you saying that the teaching ban prohibition on any reference to any material out of Safe Schools applies also to counsellors? Is that your evidence, Ms Harrison?

Ms HARRISSON: I would like to take the specifics on notice of how that ban is currently being implemented and provide that evidence back to the Committee. What I am saying is that we have a professional oversight of our psychologists in schools. Clinical supervision structures are in place to support those and I would want to make sure that we have been clear on that expectation across all our schools. My expectation is that the materials around Safe Schools are not in use in schools. I do not think that precludes elements of advice that may also made be part of the broad Safe Schools materials being used in other forms by counsellors. I just want to make sure I get you very clear advice on that.

Mr DAVID SHOEBRIDGE: It is your expectation that the education Minister can, by direction, limit the materials that counsellors can rely upon in their work with students to try to help students.

Ms HARRISSON: I am saying I want to go away and provide you with—

The CHAIR: You are taking that on notice, thank you.

Ms HARRISSON: I am take that on notice.

ANSWER

Please see answer to Supplementary Question number 1.

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QUESTION

1. If the NSW Government policy is to ban Safe Schools, how can a school counsellor (or any other staff) distribute Safe Schools material to a student, under any circumstances?

ANSWER

The Department of Education is committed to providing safe and supportive learning environments for all staff and students. NSW public schools have legal obligations to protect and support all students.

The Department does not endorse the use of Safe Schools resources in NSW public schools and Safe Schools resources have not been hosted on the NSW Department of Education websites. The Department provides guidance and support for the NSW curriculum including teaching resources and advice on syllabus implementation.

The Safe Schools resources were developed by the Safe Schools Coalition Australia, a non-government organisation funded by the Australian Government Department of Education and Training. The NSW Government did not provide funding for use of Safe Schools Coalition Australia resources in NSW schools and the program has never been part of the NSW curriculum. The Australian Government ceased funding the program on 30 June 2017.

The Department has provided advice to principals about the Australian Government's changed requirements regarding the Safe School Coalition Australia and directed schools to the official documents available from the Australian Government Department Education and Training.

Support from the school counselling service is available to every student in a NSW public school. All members of the NSW school counselling service have qualifications in psychology and must be eligible to become a registered psychologist.

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QUESTION

2. In preparation for Wear It Purple Day 2020 how and why did the Department of Education distribute dozens of gender fluidity guides (including Safe Schools, penis tucking and breast binding material) to 70,000 NSW government school teachers? Who were the departmental staff who did this and what action was taken against them?

ANSWER

This matter has been the subject of previous Parliamentary discussion and Questions on Notice.

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QUESTION

3. In the past 10 years, how many NSW government a) school teachers or b) departmental staff have been sacked for introducing i) gender fluidity or ii) overtly political/ideological material in schools? What are the details?

ANSWER

The Department of Education has responsibility to deal appropriately and expediently with the small number of employees whose conduct or work performance is not of a satisfactory standard. The legislative scheme and supporting guidelines set out a consistent framework which accords with the rules of procedural fairness.

When addressing misconduct and performance issues the Department seeks to:

- ensure the safety and protection of children as the paramount consideration;
- maintain appropriate standards of conduct and work related performance for employees;
- protect and enhance the integrity and reputation of the Teaching Service and Public Service; and
- ensure that the public interest is protected.

Principals and workplace managers are responsible for managing conduct and performance issues of employees in a fair, timely and transparent manner. Workplace managers take direct management action in response to lower-level misconduct where investigation is not warranted. Measures may include but are not limited to providing guidance/advice, mentoring, addressing a complaint, training and providing a written direction.

In relation to the matters outlined no teachers or departmental staff have been dismissed.

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QUESTION

4. Why did the Lindfield Learning Village Year 5-6 students develop posters vilifying NSW police and white-skinned people? Given that the school has blamed the students and the Department has blamed the media, when will the truth be established: that is, teachers and the school principal are responsible for classroom content of this horrific, barbaric kind, and must be sacked?

ANSWER

NSW public schools strive to be critical places for learning, promoting rational discourse and objective study free of political influence. Schools are also places where students are preparing for informed and reasoned involvement in community life by the study of social issues including complex and sensitive ones. Appropriate management provides valuable and significant learning experiences.

The comments on the posters are in no way endorsed by the Department of Education nor do they represent the Department's view of police, who do an extraordinary job of keeping the community safe and secure. The Department is presently conducting a review into this matter and will determine if any staff member has breached the Department's policies and procedures. If that is shown to be the case, disciplinary action will be taken.

On 21 April 2021, the Principal of Lindfield Learning Village sent a communication to the school community explaining the context of the pre-learning activity and apologised for the offence the posters caused some people. Information from this communication was reported in some media publications. A copy of the full text of the letter is set out below.

"Dear Parents and Carers,

You may be aware of negative media and social media coverage today about our school.

I wanted to write to you directly to outline how this occurred and what we are doing to address the concerns of the community.

Posters referring to police were created in February this year as part of a pre-learning activity aimed at identifying what Year 5 and 6 students knew before they started studying contemporary Aboriginal history.

As part of their critical thinking, students were asked to write down all the issues they have heard from the mainstream news, other information sources or commentary. The comments on the posters were not taught to students.

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Students at this school are not taught to fear or distrust police. We have a positive relationship with police, working with local police youth liaison officers regularly throughout the year.

On reflection the pre-learning exercise should have been handled differently. I am sorry for the offence this poster has caused people. We will be working with the Department to make sure something like this does not happen again.

The materials have been removed from the school.

Like all schools, we teach to the NSW school curriculum, this includes learning about the history of Aboriginal and Torres Strait Islander peoples.

We strive for education excellence at our school, and I am committed to working with our staff and school community to ensure our students achieve academic success.

Please contact us if you have any further questions or concerns.”

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QUESTION

5. Will the Department publish the results of its 'review' into the Lindfield Learning Village Year 5-6 atrocities? If so, when?

ANSWER

The Department of Education is currently looking into the events associated with the creation and display of posters at Lindfield Learning Village. This review will be undertaken by the Department's Professional and Ethical Standards and the School Performance Division. Whilst the Department does not publish the results of reviews into the individual actions of staff members it will seek to make available reasonable and appropriate information concerning the outcome of the review.

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QUESTION

6. Does the Department now acknowledge that its encouragement of fads, experiments and political content in schools has led to the Lindfield situation, that is, a woke agenda supposedly fostering respect and tolerance which, in fact, is creating hatreds, disrespect and barbarism in the minds of young NSW school students?

ANSWER

No. NSW public schools are implementing evidence-based practice.

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QUESTION

7. Does the Department now accept, in light of Lindfield, that openly neo-Marxist organisations like Black Lives Matter, which attack the nuclear family and promote gender fluidity, have no place in NSW classrooms?

ANSWER

NSW public schools strive to be critical places for learning, promoting rational discourse and objective study free of political influence. Schools are also places where students are preparing for informed and reasoned involvement in community life by the study of social issues including complex and sensitive ones. Appropriate management provides valuable and significant learning experiences.

Schools are required to teach the syllabuses developed by the NSW Education Standards Authority.

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QUESTION

8. Why has the Department allowed Black Lives Matter to flourish in NSW schools, despite my repeated well-publicised examples of how this is a toxic political influence in classrooms and the minds of young people?

ANSWER

NSW public schools strive to be critical places for learning, promoting rational discourse and objective study free of political influence. Schools are also places where students are preparing for informed and reasoned involvement in community life by the study of social issues including complex and sensitive ones.

The Department of Education's Controversial Issues in Schools Policy promotes the clear understanding that schools should not seek to influence political views of students. School staff are expected to manage controversial issues that may arise in the curriculum, school programs and activities, including in material used in the school or on excursions.

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9. How, for instance, was Black Lives Matter allowed to be taught in Year 7 English at Maitland High and other NSW schools without the Department doing anything about it? What action was taken against the classroom teacher and principal responsible?

ANSWER

Maitland High School has acknowledged that in delivering a lesson on 'Equality for Indigenous People' to a Year 7 class at Maitland High School on 12 August 2020, a teacher did not follow the Department of Education's Controversial Issues in Schools Policy.

The intent of the lesson was to engage students in a concept with current day relevance in society. Unfortunately, the content chosen and the lesson structure were misguided and this has now been addressed appropriately by the Maitland High School principal.

Faculty staff have been counselled by the principal on the Controversial Issues in School Policy. In addition, all current English lesson plans and units of work at the school.

The Principal has reviewed the Controversial Issues in Schools Policy with all Head Teachers and Deputy Principals at Maitland High School with instructions for them to reinforce the appropriate implementation of them within all faculties.

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QUESTION

10. Does the Department now accept that by their nature - which is contentious, divisive and confrontational - political and ideological issues and teachings can only be counter-productive in the classroom, causing confusion, hatreds and disrespect in the minds of young people?

ANSWER

NSW public schools are committed to providing high quality education for every student in a safe, supportive and responsive learning environment. Schools support students to think critically, care for others in our society, and explore different perspectives and attitudes to the changing circumstances, events and issues encountered in daily life.

The Department of Education's Controversial Issues in Schools Policy promotes the clear understanding that schools should not seek to influence political views of students. School staff are expected to manage controversial issues that may arise in the curriculum, school programs and activities, including in material used in the school or on excursions.

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11. If political and ideological issues are hard for adults to handle (and increasingly so in today's heavily fractured political environment) why has the Department allowed children to be exposed to them in schools?

ANSWER

The NSW syllabuses for the Australian curriculum incorporate contemporary themes which include general capabilities such as critical and creative thinking to prepare students to live and work successfully as 21st century citizens.

Material presented to students as part of teaching and learning programs consider age appropriateness, sensitivity to student needs, relevance to the curriculum, and consistency with the core values outlined in the Departments Values in NSW Public Schools policy.

Parents and carers are encouraged to raise any issues relating to school curriculum programs and activities with the school's principal.

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12. Does the Department now accept, in large part due to its folly over the past 20 years in allowing political issues, ideological dogma, gender fluidity, divisive identity politics and post-modernist teachings into NSW classrooms, that our young people have lost what was their greatest asset of the childhood years: their innocence and sense of fun? What responsibility, therefore, does the Department accept for the rise of mental illness among young people in NSW, having polluted their minds with adult political and ideological content?

ANSWER

The largest Australian survey, the Mental Health of Children and Adolescents: Report on the second Australian Child and Adolescent Survey of Mental Health and Wellbeing (2015), found that overall prevalence of mental disorders remained stable since 1998.

The NSW Government is committed to supporting the mental health and wellbeing of every student in every NSW public school. Schools play a critical role, alongside health services, parents and the community, in supporting the wellbeing and mental health of children and young people.

The Department of Education is responding to the impact of the COVID-19 and recent natural disasters on the wellbeing of students and the broader community. This includes proactively promoting student mental health and wellbeing and increasing access to evidence-based prevention programs to build students' resilience.

The Department has also increased professional learning programs for school staff in the priority area of mental health and wellbeing in recognising and responding to students experiencing mental health concerns.

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13. Has Ms Harrison now sorted out her answer on the circumstances in which normal parents known to be of no danger to their children could be excluded from school decision making on the gender transition of their child at the school? What is that answer please?

ANSWER

Parents play an important role in the school community, working in partnership with school staff in the interest of a student's learning and wellbeing.

Parents would be actively involved in the decisions made by schools in relation to how to support a student at school during the student's gender transition. The only circumstances where information might be withheld would be where a court has removed a parent's parental responsibility or where there are reasonable grounds to believe that advising a parent about a student's circumstances may put that student at serious risk of harm.

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14. Does the Department support the publicly stated view of its Parliamentary Secretary for Education, Kevin Connolly, that, “The (Parental Rights) Bill is a positive step forward because it provides the opportunity for parents to provide genuine selfless care to young people rather than leave them at the mercy of activists whose ‘care’ is far more for their ideological cause than it is for the young person facing difficult challenges. In doing so, it upholds universally recognised basic human rights, and responsibilities of parents towards their children.” (5 March 2021 letter to PIAC).

ANSWER

As previously outlined the NSW Government is yet to formalise a position on the Bill.

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15. Does the Department realise in the 40-50 matters of specific parental concern about classroom content and teaching presented to me as an MP over the past 2 years, not one of the parents involved knew about the Department's Controversial Issues Policy? What action has the Department ever taken to make parents aware of this policy and their rights under it?

ANSWER

In line with the Controversial Issues in Schools Policy, schools are asked to provide specific details to parents/carers on teaching and learning programs, visiting speakers, external providers and other school activities where controversial issues may be addressed. Schools are asked to identify their relevance to the curriculum, school programs and activities.

The Department encourages members who have matters of concerns to report these to the Department so that the Department can investigate and take appropriate action.

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16. Given the Education Minister's answer to Question On Notice 1941 (17 September 2020), where she says there is no way of knowing how many NSW schools the gender fluidity organisation Minus18 has been involved with, what does the Department do to monitor the effectiveness of its policies for:

- a. Banning Safe Schools?
- b. Banning Gayby Baby?
- c. Ensuring gender fluidity is not part of the curriculum and taught in classrooms?
Or the Department simply has no idea?

ANSWER

The Department of Education's policies are regularly reviewed and amended, based on a published policy lifecycle, changing priorities and consultation. Policies are implemented and monitored at the local level.

As previously outlined the Department of Education provides guidance and support for the NSW Curriculum including teaching resources and advice on syllabus implementation, The Department does not endorse the use of Safe Schools resources in NSW public schools and Safe Schools resources have not been hosted on the NSW Department of Education websites.

In 2015, the then Deputy Secretary of the Department of Education issued a directive to all NSW public secondary schools to not show the Gayby Baby film in school time.