

**REPORT ON PROCEEDINGS BEFORE**

**PORTFOLIO COMMITTEE NO. 3 – EDUCATION**

**EDUCATION LEGISLATION AMENDMENT (PARENTAL RIGHTS)  
BILL 2020**

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**At Macquarie Room, Parliament House, Sydney, on Tuesday, 20 April 2021**

**The Committee met at 9:30.**

**PRESENT**

The Hon. Mark Latham (Chair)

The Hon. Anthony D'Adam

The Hon. Wes Fang

The Hon. Scott Farlow

The Hon. Courtney Houssos

The Hon. Matthew Mason-Cox (Deputy Chair)

Mr David Shoebridge



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**The CHAIR:** Welcome to the first hearing of Portfolio Committee No. 3 – Education, and its inquiry into the Education Legislation Amendment (Parental Rights) Bill 2020. Before I commence it is the custom of this Parliament to acknowledge the traditional inhabitants of this land, the Gadigal people of the Eora nation. I do that with all due respect as well as acknowledging other important contributors to the history of this site, those who constructed the Parliament House building, very often working in a dangerous industry, and the parliamentary staff over many decades who have supported members of Parliament and made their work in a representative role possible. We acknowledge and thank them all. Today the Committee will hear from a number of organisations, including faith-based groups, social policy think tanks, human rights and civil liberty organisations and gay, lesbian and transgender lobby groups.

*[Interruption from public gallery]*

**(Short adjournment)**

**The CHAIR:** I believe I was mentioning gay, lesbian and transgender lobby groups, who have certainly made their presence felt. While we have many witnesses with us in person, some will be appearing by via videoconference today. I thank everyone for making time to give evidence to this important inquiry. Before we commence, I would like to make some brief comments about the procedures for today's hearing. Today's hearing is being broadcast live on the Parliament's website. A transcript of today's hearing will be placed on the Committee's website when it becomes available.

In accordance with the broadcast guidelines, media representatives are reminded they must take responsibility for what they publish about the Committee's proceedings. While parliamentary privilege applies to witnesses giving evidence today, it does not apply to what witnesses say outside of their evidence at the hearing. I therefore urge witnesses to be careful about any comments they may make to the media or to others after they complete their evidence. Committee hearings are not intended to provide a forum for people to make adverse reflections about others under the protection of parliamentary privilege. In that regard it is important that witnesses focus on the issues raised by the terms of reference of the inquiry and avoid naming individuals unnecessarily. All witnesses have a right to procedural fairness, according to the procedural fairness resolution adopted by the House in 2018. If witnesses are unable to answer a question today, and want more time to respond, they can take a question on notice. Written answers to questions taken on notice are to be provided within 21 days. If witnesses wish to hand up documents they should do so through the Committee staff.

In terms of the audibility of the hearing today, I remind both Committee members and witnesses to speak into the microphone. A number of witnesses are appearing in person or via video conference. It may be helpful to identify to whom questions are directed and who is speaking. For those with hearing difficulties who are present in the room today, please note that the room is fitted with induction loops compatible with hearing aid systems that have TeleCoil receivers. I also remind spectators in the public gallery, that today's hearing is not an opportunity for uninvited comment from the floor—I did not get to that earlier on when it was much needed. Audience interruptions are not recorded in the transcript, and make it difficult for witnesses to communicate with the Committee. Finally, will everyone please turn off their mobile phones or set them to silent for the duration of the hearing, and will those who are participating via videoconference please mute their microphones when they are not speaking?

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**GREG BONDAR**, NSW/ACT Director, FamilyVoice Australia, sworn and examined

**ANDREW WALL**, National Political Director, Australian Christian Lobby, sworn and examined

**NIKKI ABEN**, NSW Coordinator, Australian Christian Lobby, sworn and examined

**The Hon. WES FANG:** I want to make a declaration. Mr Bondar and I used to work together at Child Flight when I was a pilot and he was the chief executive officer quite a number of years ago. I know Mr Bondar pretty well but in another capacity.

**The CHAIR:** I thank you for your attendance today and for participating in this inquiry. I also thank you for your submissions. Time is available for you to make a short statement which we ask that you keep to a few minutes or you may wish to go straight to questions from Committee members, given the very detailed nature of your submissions.

**Mr BONDAR:** I thank you, Mr Chair, and the Committee for giving Family Voice the opportunity to appear here and to further expand on its submission, as short as it is. I come here as an advocate for family, freedom and faith from our organisations. I speak as a former educator, a parent and now a grandparent as of last year. It is very important to have our voices heard in terms of the current bill before this Committee. May I say that FamilyVoice is deeply concerned that parents are gradually losing the freedom to properly guide their children, especially in regard to gender identity. One only has to look at the recent events around the country to see that legislation is now disempowering ordinary mums and dads who want to have a say in the education of their children. I have to tell the Committee that the education culture currently is promoting gender confusion, not clarity. It is disallowing parents to be engaged and does not allow them to help their children to grow up.

Parents are now being isolated. Schools are disenfranchising parents from the curriculum. Schools are failing to provide concerned parents appropriate forums and discussion opportunities for curriculum development. I have to tell you, Mr Chairman—I have just looked recently—that Australia has been ranked 39 out of 41 high middle-income countries in achieving quality education, according to the United Nations Children's Fund, UNICEF. This raises a serious flag for children's learning and development which significantly impacts their chances in life. I am very surprised, Mr Chairman, that education is starting to be about gender fluidity instead of addressing the real issues of education, dyslexia, drugs and alcohol, disadvantaged kids, illiteracy, remote and isolated kids, Indigenous kids and the basic reading, writing and arithmetic, not to mention sport, which help in the development of every child. Mr Chairman, I thank you and the Committee once again for giving FamilyVoice the opportunity to be present and to answer any questions as required.

**Ms ABEN:** Good morning, everyone, and thank you, Chair. With more than 190 supporters nationally the Australian Christian Lobby [ACL] facilitates professional engagement and dialogue within the Christian constituency and government, allowing the voice of Christians to be heard in the public square. We have close to 40,000 supporters in New South Wales. The Australian Christian Lobby supports the bill. It enacts suitable and robust protections to recognise the right of parents in their children's education and to mandate that education of children to be ideology free. Parents enrol their children into schools to be equipped in order that they would be better contributors in society. When parents entrust their children into the hands of teachers, they are trusting them to teach them the basic foundations of knowledge. It gives the chance to children to acquire knowledge on various fields of education such as literature, history, mathematics, science and other numerous subjects.

This authority is limited. Schools should not pursue goals of transformation of children in respect of ethical and moral behaviour. Such education starts at home and should be primarily carried out by parents or in consultation with parents. The parental primacy bill ensures that parents have primary responsibility and authority in the moral formation of their children. The parents in the communities that I have engaged with work very hard for their children's provision and their children's future. It should be their right to have the primacy of educating their children. I will finish my opening statement by quoting the Hon. Sarah Mitchell, Minister for Education. She said:

The reality is that instilling values sets and encouraging positions on social and political issues is not the job of schools. It is the job of parents.

**The CHAIR:** I will start the questioning with Mr Bondar. You mention in your submission that you are a former high school teacher. You also make commentary about the NSW Teachers Federation and their role in this debate, as you experienced as a teacher and subsequently. How influential is the Teachers Federation in distributing those guides that you can find openly on their website—the *All Of Us Safe Schools Coalition* guides for years seven and eight, *National Safe Schools Framework* and a series of Safe Schools information kits also

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written by Roz Ward? This is what the union makes available to each and every one of its members in New South Wales in this debate about gender and sexuality, and furthermore its webinar—supposedly professional development—on 4 August 2020 undertaken by training officer Mel Smith. She said that gender should be taught as a social construct rather than biological science. She explained gender fluidity teaching and how it can be incorporated in the maths, English, human society and its environment [HSIE]—

**Mr DAVID SHOEBRIDGE:** Is this a question or is it just a long, bile-filled treatise from the Chair?

**The CHAIR:** Order! I will not allow people—

**The Hon. WES FANG:** Is that a point of order?

**Mr DAVID SHOEBRIDGE:** It is a point of order.

**The CHAIR:** David, can we please have a reasonable meeting instead of words like "bile" being thrown around?

**Mr DAVID SHOEBRIDGE:** It is not a question; it is an essay.

**The Hon. WES FANG:** To the point of order: That is the pot calling the kettle black from Mr Shoebridge about yourself. We have all sat in these committees and seen Mr Shoebridge's contributions.

**Mr DAVID SHOEBRIDGE:** It is called contributions, not "contritributions".

**The CHAIR:** Order! Is that really how you preach tolerance and your behavioural standards for another member of Parliament—to mock the way he speaks?

**Mr DAVID SHOEBRIDGE:** Being preached to by Wes Fang and you on issues of decency when you are attacking trans rights in this bill is disgusting.

**The Hon. WES FANG:** Chair, I have broad shoulders. It does not worry me. It is okay.

**The CHAIR:** Can I please finish my question? We are wasting time with this sort of childish behaviour, Mr Shoebridge. The webinar conducted by Mel Smith from the Teachers Federation advised teachers—

**Mr DAVID SHOEBRIDGE:** I press my point of order. This is not a question; it is an essay. I have a point of order and it is out of order.

**The CHAIR:** I am coming to the question now—in English, maths, HSIE, Personal Development, Health and Physical Education and library lessons. Finally, Mel Smith finished her webinar by saying of course it is not okay to call people's parents because it may not be safe for that child if parents know this information about gender and sexuality. It could put them in an unsafe position that would mean they are kicked out of home. Mr Bondar, is it true to say that the Teachers Federation just treats with absolute contempt the New South Wales Government policy to ban Safe Schools and not have gender fluidity in the New South Wales schools curriculum?

**Mr BONDAR:** Thank you for that question. I say this as an educator with qualifications as a Master of Education majoring in the philosophy of education and as a teacher in the western suburbs—the Westfields High School, where I taught children that were graded and my first episode was a year 7G. They were graded classes—so A, B, C, D, E, F, G—where those kids could barely read or write. The Teachers Federation is nothing more than a political arm of various left-wing organisations in the fact that when I was there as a teacher, if I did not adhere to the Teachers Federation policy on certain issues then I was either ostracised, blackmailed or called all sorts of names because I did not go on strike for issues.

**Mr DAVID SHOEBRIDGE:** Blackmailed. This kind of assertion against the Teachers Federation—that they blackmail, without any detail—does the witness no credit and it does the Committee no credit to hear this attack on the Teachers Federation.

**Mr BONDAR:** Can I have procedural fairness, please?

**The CHAIR:** Order! David, you are at risk of being expelled from the Committee here. I say to Mr Shoebridge that we will not tolerate disruptive, unnecessary rudeness and behaviour here that is unbecoming of a parliamentary committee. I know you feel strongly about this issue. Others do as well on the other side of the fence. We must conduct this with orderly debate and consideration of the evidence and I will not hesitate, if this is going to be the standard through the day, to expel members of the Committee—

**Mr DAVID SHOEBRIDGE:** You do not have the power.

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**The CHAIR:** I will close down the meeting as unruly and disorderly. We will not proceed on the basis of interruptions and disruptive tactics. We will not. Let us please have an element of maturity here and have a discussion and an inquiry that deals with the answers of the witnesses who have given up their time. You would hate, David, for other members of the Committee to be addressing members of other panels later in the day that you actually support. Let us set a standard that is decent at the beginning and allow Mr Bondar to finish his answer, please.

**Mr BONDAR:** Thank you, Mr Chairman. Mr Shoebridge, I am happy to take any questions later; I just would like the courtesy of letting me finish my commentary. When I was teaching at Westfields High School, 7G-graded children, I could just imagine trying to teach them gender fluidity—kids that could not even read or write. The problem here is straightaway that the actual ideology of gender fluidity education is not in tune with the curriculum of reading, writing and arithmetic. The Teachers Federation—and there is ample anecdotal evidence and other evidence, and you do not have to go and look at it—are promoting and making Safe Schools, which I call unsafe schools, flourish within our education system at the moment.

**Mr DAVID SHOEBRIDGE:** Let us not worry about evidence.

**The CHAIR:** To the ACL representatives: We hear a lot of talk in the public debate about "Follow the science, follow the science, follow the science." Have you had a chance to look at the biology textbooks, biological science, presented in New South Wales schools? This one, *Biology in Focus Year 12*, is a scientific teaching about gender. It reads as follows:

In humans, genes on sex chromosomes code for the production of sexual reproductive organs and the development of secondary sexual characteristics that define whether an individual is phenotypically male or female.

It makes no mention of social construction at all. Is that your understanding of biological science and the way it is taught in our schools?

**Mr WALL:** That is certainly both the biblical interpretation and also the scientific interpretation of gender, and one that has been taught in our schools since Federation.

**The CHAIR:** And makes no mention of gender fluidity. That is the science that we teach currently in our New South Wales schools.

**Mr WALL:** Correct.

**The Hon. COURTNEY HOUSSOS:** Thank you to both organisations for your time and for your submissions. Mr Bondar, you talked about a UNICEF ranking. What was the UNICEF ranking that you referred to?

**Mr BONDAR:** Thirty-nine out of 41.

**The Hon. COURTNEY HOUSSOS:** I got the 39 out of 41. What was the ranking of?

**Mr BONDAR:** Quality of education.

**The Hon. COURTNEY HOUSSOS:** I want to ask a couple of questions around the current provision of parents. Some of the submissions we have received have said that there are existing provisions within the Education Act 1990 that allow parents to remove their children already for religious grounds. Do you think that the existing provisions in the Act are sufficient? This is to both organisations.

**Mr WALL:** The Australian Christian Lobby's position on this is that no, they are not. Under the current provisions in the Education Act the onus is on the parent to make an application—I believe it is to the registrar—to withdraw their child from class on religious grounds.

**The Hon. COURTNEY HOUSSOS:** To the Secretary.

**Mr WALL:** To the Secretary, sorry. Thank you for the clarification. The onus is on the parent to first inform themselves proactively of what is being delivered in the classroom and then make an informed decision on religious grounds as to whether or not they make that application. The bill put forward by Mr Latham puts the onus back on the classroom teacher to be the first to inform parents of social or moral content in the classroom curriculum, so parents are proactively informed by the school. What is being achieved in the bill as it stands is that the onus goes back onto the school and the education system to adequately inform parents, which is a step in the right direction, rather than the onus being on parents to inform themselves. In modern society, parents are busy. I speak as a father of three. We are so busy raising our kids as best we can, earning a living, keeping the

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house running, getting kids to school and planning social activities that the initiative to actually try to both engage with a teacher in the first instance is difficult—they are equally busy as individuals—and then also just having the time. Many parents do not have that capacity, whereas the proactive onus on the teacher to inform parents would serve to uphold that moral and social licence that teachers have been given to educate children.

**Mr BONDAR:** A quick response: I do not think there are adequate provisions. In particular, you only have to witness the demonstration today to see what happens as soon as you speak up and try to withdraw your child. My wife is a schoolteacher and I have spoken to her about this many times. If you raise your hand and say, "I am opposed to X, Y, Z," you will be victimised. If you try to withdraw your child, everyone will know about it. If you try to make sure that you do not agree with a particular curriculum being taught in gender fluidity, you will be victimised. There are not enough provisions to allow parents to withdraw their children—e.g. they could have alternative streamed education options. They could have homeschooling if they desire, which I think is allowed under the current New South Wales Government. There are all sorts of options but they are not clear, they are not made explicit to parents and I think more needs to be done in that area.

**The Hon. COURTNEY HOUSSOS:** One of the organisations, the Institute for Civil Society, says that it should be an online form as sometimes parents are busy. Like you say, Mr Wall, parents are busy and juggling a lot and perhaps talking about the issues with a teacher might actually be quite difficult so it might be easier to lodge an online form and say these are the things that we are concerned about and this is how we would like our children to be taught. Would you support a proposal like that?

**Mr WALL:** I think that makes it far easier for parents, but the intent of the private member's bill highlights that the onus needs to be on the classroom teacher to inform parents at the first start and that is a critical element that is not currently reflected in the legislation.

**Mr BONDAR:** I am a great advocate of having some form of parent/school curriculum consultative committee where the parents can actually come and talk to teachers live, where they can put their views. I think that is going to have to be the trend in the future where parents have a say in the education of their children without compromising the professional integrity of teachers, which is important. I think it is so critical that parents have access to curriculum development in this current age of the cultural gender-fluidity type issues that are being pushed upon us as parents.

**The Hon. COURTNEY HOUSSOS:** Mr Bondar, can I ask you, because you do make a recommendation to establish a parent/school curriculum consultative committee. Would you anticipate that would be a statewide organisation or that would be at each school?

**Mr BONDAR:** That is a good question, because it could be either regional or it could be school-based or it could be State-based. Either way we need to go out to parents to have a say in the education of their children. By all means make sure the selection process of which parents turn up and what topics are taught worked out by the education department and the school, but either of those three options would work.

**The Hon. COURTNEY HOUSSOS:** Do you support a similar kind of arrangement, Mr Wall?

**Mr WALL:** We have been silent on that in our submission, but any moves that would greater involve and further improve the role of parents in the formation of the curriculum and the education of their children would be supported by the Australian Christian Lobby.

**The Hon. COURTNEY HOUSSOS:** Can I ask you one final question. Mr Wall, your submission talks about the need for the bill to increase the threshold if you were to revoke the registration of teachers. You would need to show a pattern of behaviour. It would not be a one-off thing before you would revoke registration. Do you think that the NSW Education Standards Authority already has the power under the bill to do that or do you think that they would need additional resources to do that?

**Mr WALL:** I will state that is not an area of strength on my understanding of how that currently works in the New South Wales system. For procedural fairness it should not be one strike and you're out for a teacher. There is always the opportunity in any workplace for retraining, for refocusing and reaffirming—

**Mr DAVID SHOEBRIDGE:** Re-education camps for teachers.

**The CHAIR:** Order, Mr Shoebridge.

**Mr DAVID SHOEBRIDGE:** And they come talking tolerance and diversity; it is a joke. You want re-education camps for teachers.

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**Mr WALL:** Mr Shoebridge, your behaviour this morning has been a bit of a joke.

**The CHAIR:** The witnesses will be allowed to finish their answers.

**Mr DAVID SHOEBRIDGE:** The bile and prejudice coming is just revolting.

**The CHAIR:** The only bile and prejudice, unfortunately—

**Mr WALL:** Procedural justice needs to be extended to teachers. A "one strike and you're out" policy is certainly not anything that the Australian Christian Lobby would be advocating for. The framework needs to establish what is expected for teachers. Then the same conditions that exist in any workplace in the country should be extended to them to maintain and monitor that performance.

**The CHAIR:** Are there other questions from Committee members?

**The Hon. ANTHONY D'ADAM:** Yes, I have got a question. I suppose my first question is about the tension that I think is inherent in the position you are taking around the rights of parents and the rights of children. I want to ask you where you see which of those two rights—if they come in conflict—should prevail. Should the parents have an absolute right or should the rights of children have primacy over parental rights? That is my first question as a philosophical starting point.

**Ms ABEN:** We think that the rights of parents should be passed on and they have the primacy of that. I mean I was shaped by my parents and they passed on those things. The choices of children develop as they become adults. But as they are young and as children until they become adults it should be the rights of parents to shape them. Because they are providing for them, they are providing the homes, they are providing for their education, so I think they should have the first right to have the say in their children's lives.

**The Hon. ANTHONY D'ADAM:** Do you accept that sometimes parents harm children?

**Ms ABEN:** Absolutely. But I think that there are always going to be exceptions in society. But we never do that for the minority. The majority of people that I work with or speak to in society are good people and in New South Wales they work very hard to provide for their children. If there are parents—

**The Hon. ANTHONY D'ADAM:** But not all parents are good people; you accept that, do you not?

**Ms ABEN:** I do accept that.

**The Hon. SCOTT FARLOW:** She said "the majority".

**Ms ABEN:** A majority. But a majority of parents in New South Wales work very hard so they can provide good education and good homes for their children. My father himself has left us at a young age and he was not a good provider for us. But my parent, my mother, who provided for us—she should be the one that was educating us first in the home, not the teachers.

**Mr DAVID SHOEBRIDGE:** But this school would have allowed your father to do it.

**The CHAIR:** Order! Mr D'Adam has the call.

**Mr DAVID SHOEBRIDGE:** Which parent has primacy?

**The Hon. ANTHONY D'ADAM:** I want to explore this a bit further. Obviously we accept that there are circumstances where parents can act in a harmful way towards their children. We know that particularly where there are incidents of child abuse that there might be incentive for a parent to withdraw their children from appropriate education around sexual abuse and harm. Under this bill the proposition is that parents would have an absolute right to withdraw their children in circumstances where they believe that the teaching is on the basis of their moral or ethical convictions contrary to their views. Effectively the legislation could give an opportunity for an abuser to prevent a child from being aware that they are being subjected to abuse. Do you accept that might be a risk inherent in this legislation?

**Mr WALL:** On the part of your question that makes a statement that parents may have the absolute right to withdraw their children from what may be seen as essential education, parents are already doing this across the board who are choosing to home educate. They are making an informed decision about how the curriculum should be delivered in an appropriate way for their children. This is something that not only happens widely in the State but is also accepted in the State as the right of a parent to do. In areas where a parent might have a less than pure motive or the best interests of the child is not going to be upheld, there is an entire social services system that is there to support those children and to work with those families where there may be instances



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of violence or abuse or inappropriate treatment. Reaffirming the right of a parent in an educational system does not go too far and beyond what is currently accepted in the community now.

**The Hon. ANTHONY D'ADAM:** Do you not accept that parents could also psychologically abuse their children? That might be a circumstance. Perhaps I might start by asking have you read all the submissions?

**Mr WALL:** Not all of them, no.

**The Hon. ANTHONY D'ADAM:** I might just draw your attention to one of the case studies in the Equality Australia submission. It is the story of Nic Steep from Junee. He writes:

My home life was far from supportive, with my brother threatening to send me to hospital if I turned "full gay" when I initially came out as bisexual.

In that circumstance school was the only supportive environment for Nic. Do you accept that in some circumstances teachers and school staff should be able to provide advice and support in an affirming environment to protect people like Nic?

**Mr WALL:** I do not think the intent of Mr Latham's bill would stop a school from providing a supportive environment or the social and pastoral support that that student would need. The bill simply will not prohibit that from happening. What it will prevent is, frankly, an extreme social ideology being taught in classrooms that are designed to be secular.

**Mr DAVID SHOEBRIDGE:** Except for special religious education.

**The Hon. ANTHONY D'ADAM:** Can I ask you about that, because I read those statements in the ACL submission. It says:

NSW education increasingly includes the teaching of dogmatic and polemical ideology that is inconsistent with community values and which seeks to exclude parents.

Can you specify exactly where that is occurring, particularly this notion that it is increasing? Where is the evidence for that? There is no evidence in your submission. Where is the evidence for that assertion?

**Mr WALL:** Well, where is the evidence that it is not happening?

**The Hon. ANTHONY D'ADAM:** That is not how we legislate. We legislate to address problems. This a problem that you—

**Mr WALL:** The problem clearly exists.

**The Hon. ANTHONY D'ADAM:** There is no evidence.

**Mr WALL:** The current New South Wales Government has taken the step of banning the Safe Schools program in schools.

**Mr DAVID SHOEBRIDGE:** He who asserts needs to prove. You have made the statement; they have asked for the evidence.

**The Hon. ANTHONY D'ADAM:** Where is the evidence?

**The CHAIR:** Order! All the evidence is in my media statements, of course.

**Mr DAVID SHOEBRIDGE:** They who assert need to prove.

**The CHAIR:** There is stacks of stuff and you will see another one tomorrow. It is the worst of the lot.

**The Hon. ANTHONY D'ADAM:** You need to do some source for verification, I think, Mark.

**Mr WALL:** There are certainly examples of parents who are becoming aware of the material that is being delivered in their children's schools that they do not agree with, particularly in the gender fluidity space. That has been raised through our supporters to people like Nikki, who is our State director. We have a broad and diverse supporter base—non-denominational—and the views of our supporters vary greatly from a very socially conservative perspective to those that are far more liberal minded. The voting intentions of our supporters also vary significantly. Across the spectrum concern from—parents who are followers of our organisation continually raise their concerns around these sorts of subject matters being taught in classrooms.

**The Hon. ANTHONY D'ADAM:** Where is the—

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**The CHAIR:** Anthony, in terms of time allocation we have to go to David and other members.

**Mr DAVID SHOEBRIDGE:** If he has one final question, I am happy to hear it.

**The Hon. ANTHONY D'ADAM:** The only other thing that I was going to ask you about was this: Have you read the submission from the Pitt Street Uniting Church?

**Mr WALL:** Personally I have not, no.

**The Hon. ANTHONY D'ADAM:** It is another Christian denomination. Do you represent them?

**Mr WALL:** Was it Presbyterian, did you say?

**The Hon. ANTHONY D'ADAM:** Uniting.

**Mr WALL:** We have some members—so you may not have heard it when Nikki made her opening statement. The Australian Christian Lobby is a non-denominational lobby group. We represent Christians from all denominations, all persuasions, and it is up to the individual to either engage with us—of any denomination. We do not have formal links or ties to one denomination or another.

**The Hon. ANTHONY D'ADAM:** You clearly do not represent these Christians, do you? Because they are fundamentally opposed to this bill.

**Mr WALL:** Well, there is a divergence of views and there is a broad spectrum of views that exist within the Christian community.

**Mr DAVID SHOEBRIDGE:** Unfortunately, the Coalition and the Chair determined not to allow any witnesses to appear from parts of the Christian faith who oppose the bill, so I am going to put you what the Catholic Education Dioceses of Parramatta says about this bill. They say:

This Bill is counter to promoting and respecting the human dignity of all. Any students who feel vulnerable whether by sex, gender, culture or other circumstances and lack acknowledgement and recognition of their identity and/or appreciation of their circumstances will feel excluded and isolated. The social, health and academic effects of such experiences on students, including LGBTQI students, are well known and researched. They are likely to be subjected to further discrimination and harassment.

Do you accept that there are multiple studies showing that impact? Have you read the studies?

**Mr BONDAR:** Thank you, Mr Shoebridge. There is going to be a wide variety of views. The Catholic Church is certainly not the be all and end all of commentary on this particular subject. Let me just say to you that there are just as many counterarguments as what has been provided there. Earlier your colleague spoke about the rights of parents and children. Let me say to you, if you want to talk about abuse, how can you sit there and say that giving a five-year-old gender fluidity training and treatment is not abuse?

**The Hon. ANTHONY D'ADAM:** Do you have a case study of that?

**Mr BONDAR:** They do not have the ability to make up their own mind.

**The CHAIR:** Order!

**Mr DAVID SHOEBRIDGE:** I know earlier you said we do not have to worry about the evidence, Mr Bondar, but bare assertions without evidence—you would accept that they are not helpful?

**Mr BONDAR:** I can give you as much evidence as you like. I am happy to take that on notice.

**The CHAIR:** On notice? Thank you.

**Mr DAVID SHOEBRIDGE:** Ms Aben and Mr Wall, are you comfortable with a policy position that will see LGBTQI students subject to further discrimination and harassment, which is what the Catholic Education Dioceses of Parramatta says this bill will produce? Are you comfortable with that outcome?

**Mr WALL:** The research shows currently that the greatest form of discrimination experienced by teenagers across Australia is around physical appearance and body shape. Beyond that it is race—

**Mr DAVID SHOEBRIDGE:** That is not an answer, Mr Wall.

**Mr WALL:** It is. I am giving you facts here, Mr Shoebridge. This is from the Growing Up in Australia study, a longitudinal study conducted by the Commonwealth Government. This report was tabled in the Federal Parliament in March. It shows that close to 25 per cent of both male and female teenagers in schools across the country experience a greater deal of discrimination based on their physical appearance, being body size, shape

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and physical appearance, than they do on almost any other measure—their race, disability, religious beliefs, gender, mental health. The smallest space of discrimination registered by teenagers is in fact sexual identity. To say that we are going to such great lengths to have tolerance and acceptance programs in schools to have a certain world view, fails to negotiate and recognise the broad spectrum of discrimination that exists in schools in Australia.

**Mr DAVID SHOEBRIDGE:** So because you do not think that there is a sizeable amount of discrimination—

**Mr WALL:** No, it is not my opinion, Mr Shoebridge. That is the view of the Federal Government's longitudinal study. That is the fact.

**Mr DAVID SHOEBRIDGE:** Let me finish, Mr Wall. Because you do not think that there is a great deal of discrimination against LGBTQI students, you are perfectly comfortable for it to continue and, in fact, be furthered by the outcomes of this bill. It does not trouble you at all, Mr Wall?

**Mr WALL:** I think, Mr Shoebridge, your approach here this morning has even shown that you are willing to practice and preach that there needs to be tolerance and acceptance of all, so long as they agree with your point of view.

**Mr DAVID SHOEBRIDGE:** I do not accept intolerance when it harms others. I want to be clear: When intolerance starts harming others then that is when it has to be shut down.

**Mr WALL:** I have sat here this morning and experienced you belittling one of your colleagues because of the way he mis-enunciated a word. I have seen you interjecting whilst we have been trying to give statements—

**Mr DAVID SHOEBRIDGE:** I am asking you—

**The CHAIR:** Order! Mr Wall will finish his answer, please.

**Mr DAVID SHOEBRIDGE:** I am asking you whether you are comfortable about the bill producing further discrimination and harassment against LGBTQI students. You failed to answer the question, Mr Wall.

**Mr WALL:** The bill does not force that to happen.

**Mr DAVID SHOEBRIDGE:** It does not force it to happen?

**Mr WALL:** The bill will not cause it to happen, either, in my belief or in the belief of the ACL. The bill gives parents a greater involvement in their child's education. The bill establishes a standard of what is expected of teachers in the New South Wales system and the bill also prohibits an extremist view of gender fluidity—the theory—from being practised in New South Wales classrooms. It does not do anything to incite intolerance.

**Ms ABEN:** Mr Shoebridge, can I answer your question? As a person who has worked in the community since I was 16, the majority of Christian faiths do not promote discrimination with children. Good, ethical, moral behaviour that is derived from scripture allows us to love and to accept all. I think the right of that to be taught should be coming from parents and not teachers. I do not think that the Christian faith at all promotes the discrimination that people may have experienced. I do accept that there are exceptions and there are those who may act not according to what we believe. But, by and large, the Christian community that I work with are good people and they teach good moral and ethical behaviour. I think that we should not highlight the minority in this. This is what the bill is all about. It is to give back the right to parents to teach and pass on those good things to their children.

**Mr DAVID SHOEBRIDGE:** You want parents to be able to withdraw their children from school if the lessons being taught are about, for example, transgender rights or the right to express yourself as a transgender person. You want the situation where parents can withdraw their kids from classrooms when that is happening, do you not, Ms Abden?

**Ms ABEN:** It is Aben. Yes, we support that parents should be consulted in those things because it touches on the moral and ethical behaviour.

**Mr WALL:** And we have already established that parents have that right.

**The CHAIR:** The final question, David.

**Mr DAVID SHOEBRIDGE:** And then you are perfectly comfortable with any trans kids in the classroom seeing that happen, seeing their classmates withdraw from the class, for the moral position that it is not

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right to be transgender. You are perfectly comfortable with that discrimination to be happening on the floor of the classroom and for LGBTQI students and trans students to be subject to that discrimination on the floor of their own classroom in their school? You are comfortable with that, Ms Aben?

**Ms ABEN:** I do not think that that is what is communicated if you withdraw your child from that classroom when it is taught. I do not think that if you withdraw a child from a classroom that ends friendship and relationship—it continues and they could have those ongoing conversations. But if a child's brain is not developed they should be protected by their parents until they are of age.

**The CHAIR:** Scott Farlow?

**The Hon. SCOTT FARLOW:** Thank you very much, Mr Chair. I am just wanting to pick up from ACL in particular, I think you expressed some, I would not say some concerns but some criticisms potentially of the definition of gender fluidity that was incorporated in the bill. I am just wanting you to outline perhaps where you think that could be improved in terms of the bill.

**Mr WALL:** Just bear with me a moment while I refer to what exactly is said.

**The CHAIR:** Three and five.

**The Hon. SCOTT FARLOW:** If you want to have some time to consider that I might ask Mr Bondar. Mr Bondar, you are outlining, of course, your concern in terms of educational standards and some of the other areas where we might be investing our time and effort, which are not necessarily the core reading, writing and arithmetic of the curriculum. I am just interested in terms of this bill and parental rights when it comes to gender fluidity and that being spelt out in this bill, are there other areas of concern that you may have in the education system separate from gender fluidity that you think are being taught or that students are exposed to that you would have concerns with and think perhaps parents should have more rights on those fronts as well?

**Mr BONDAR:** Thank you for that question because that is actually coming to the heart of the matter in many ways. One of the issues that you should be aware of is that children who are Christian, or identify as Christian, or conservative are indeed victimised. I am just wondering how many transgender children would walk out from a scripture class because they did not want to be there; how many parents would withdraw their transgender children from a scripture class because they did not want to be there; how many parents would victimise particular children because they are Christian.

The real issue is that religious education, the identity of students as Christians, they are under attack at our schools at the moment. Unlike the transgender people who want everything their way in terms of allowing them to have their say and allowing them to have their views heard, Christians, conservatives, are not allowed to have their say and they are victimised for it. In point of fact, I have surveyed a number of schools that indeed prohibit any Christian philosophy of education being voiced in our public schools, and that is wrong.

**The Hon. SCOTT FARLOW:** Thank you, Mr Bondar. So that is a concern where you would like to see some form of legislation or some form of change to address in terms of being able to have more protection for Christians or people of faith—I will extend that—in schools, is that right?

**Mr BONDAR:** Yes.

**The Hon. SCOTT FARLOW:** And the practising of that faith or the teaching of that faith, where would you like that to be?

**Mr BONDAR:** Well, that is a good question. It can be both, but we have to look at the circumstances, the curriculum, the situation under which it would occur. I am happy for parents to withdraw their Christian children from transgender education and I am just as happy for parents of transgender children to withdraw them from Christian education. But the right must be there for parents to do it, and I think if we are talking equality then let us make sure we balance it because at the moment it seems to be very much skewed in favour of this gender ideology which is highly contestable.

**The Hon. SCOTT FARLOW:** I will boil it down like this, Mr Bondar: You are effectively saying that there is a right at the moment, of course, for parents to not have their children go to special religious education and that they can either put them into an ethics program—

**Mr BONDAR:** Correct.

**The Hon. SCOTT FARLOW:** —or they can put them into non-scripture—

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**Mr BONDAR:** Correct.

**The Hon. SCOTT FARLOW:** —or where ethics is not provided and non-scripture is provided.

**Mr BONDAR:** Correct.

**The Hon. SCOTT FARLOW:** And you would like to see something similar in terms of what you would deem to be ideological education like gender fluidity within public schools, and that is effectively what you see this bill as achieving, is that right?

**Mr BONDAR:** Well, I see this bill achieving that you are giving back parents the right to choose whether they want to go to a transgender class or a scripture class or an ethics class or whatever. Give those parents a right. Children, unfortunately—as an educator and one that studied children at a high detail; I have got a degree in special education, the slow learning and the gifted—children cognitively cannot make some decisions on a moral or ethical value until a certain age has been reached, and here I am talking about early primary school. So the answer is that parents must have a right to allow them to help their children decide what kind of classes they are involved in.

**Mr DAVID SHOEBRIDGE:** And that would include withdrawing them from classes on consent? So if we get a new syllabus on consent, which talks about consent being taught at a younger age, you would include allowing parents to withdraw their kids from those lessons about consent and sexual consent, is that right?

**Mr BONDAR:** Depending on the circumstances, Mr Shoebridge—

**Mr DAVID SHOEBRIDGE:** So it is a yes.

**Mr BONDAR:** —but I think generally I would have to look into it. But I can see what you are getting at, but I cannot see children at the age of five, eight, nine and 10 being able to make that decision.

**Mr DAVID SHOEBRIDGE:** So you would support—

**The CHAIR:** David, just before you—

**Mr DAVID SHOEBRIDGE:** You would support the right to withdraw kids.

**The CHAIR:** Order! We had an outstanding question that ACL was going to clarify for Mr Farlow. We have not got time for milkshakes at the moment.

**The Hon. ANTHONY D'ADAM:** A response on that question as well.

**The CHAIR:** Mr Wall, your answer to Mr Farlow about the amendment at the bottom of page 3 concerning intersex?

**Mr WALL:** There were two amendments that were suggested; one is what is a perceived grammatical oversight and the insertion of the word "then" at the end of that sentence; the other is just a slight change in the definition of "intersex" to recognise the medical condition more clearly as some people are born with ambiguous genitalia and ambiguous gender and that that be recognised separate to that of—

**The Hon. SCOTT FARLOW:** So they are effectively carved out of the definition of gender fluidity, that that would be something that parents would not have the right to be able to withdraw children on in being taught, for instance, in biology or the like.

**Mr WALL:** Absolutely.

**The Hon. SCOTT FARLOW:** Thank you very much. Just to return to the question asked by Mr D'Adam previously with respect to parents and parents not always acting in the best interests of children—I should not say "parents"; some parents and a small minority, as I think was outlined before. Would you also say that there of course have been instances where teachers would have perhaps not put the interests of students first either or that teachers, perhaps as a cohort, would have had instances of abuse, a small minority of teachers, just like there would be a small minority of parents?

**Ms ABEN:** Yes, I believe so.

**The Hon. SCOTT FARLOW:** So do you think that that should in any way impact our role of allowing teachers to teach children and to be the primary focus of teaching in classrooms because of that small minority?

**Ms ABEN:** Yes, I believe so. They are trained and educated to teach subjects of knowledge. So, yes.

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**The Hon. SCOTT FARLOW:** So from the same perspective, that should not therefore disqualify parents from being the primary educators of their children or the primary decision-makers in terms of the provision of education for children across the board, should it?

**Ms ABEN:** No.

**The Hon. SCOTT FARLOW:** Thank you very much.

**The CHAIR:** Mr Mason-Cox?

**The Hon. MATTHEW MASON-COX:** Thank you, Chair, and thank you all for coming in. It is good to see you and I thank you for your submissions. I did want to just ask about the reference that was made to bulletin 55, I think it is, in relation to the NSW Department of Education dealing with transgender students in schools, and, Mr Bondar, I think it was referred to in your submission.

**Mr BONDAR:** Yes.

**The Hon. MATTHEW MASON-COX:** You suggest—I think it was recommendation 3—that it be revised as a matter of urgency to better reflect parental and societal world view. Can you give us some specifics about how you would revise it and particularly the role of parents in relation to issues such as understanding, for example, that there is an issue with their child at school in relation to transgender or their view in relation to their gender?

**Mr BONDAR:** Thank you, sir. Here I am talking about *Legal Issues Bulletin No. 55*, issued in December 2014. If I may just go quickly to an extract from that bulletin. "The Department of Education is committed to providing safe and supportive learning environments that respect and value diversity"—what about the Christians and the conservatives?—"and are free from violence"—what about those Christians that have been victimised in the playground?—"discrimination, harassment and vilification." Research shows that supportive environments that schools provide have a lasting impact on both the educational and lifelong outcomes for students, and that is true. So if our children are being taught ideology that is inconsistent with the parents' faith, belief and their social standing, then we have a real problem because teachers per se—as I said, I am well educated in teaching.

I was never taught about how to teach gender fluidity—or should I even have been taught that? Teachers are not qualified to counsel children. Parents had not been advised—had not been consulted when this bulletin 55 was made. Never were they; I know I wasn't. So when we see this sort of rhetoric coming out from a government department encouraging this sort of education, we need to make sure that parents are involved, they are consulted, they have an input, and we need to make sure that we engage with them because this is just coming out of an educational institution that I think has failed in its duty to speak with parents on issues of concern to their children.

**The CHAIR:** Alright. So can I just clarify? You are saying bulletin 55, "Transgender students in schools", was issued in December 2014 and there has not been any consultation or significant update to it.

**Mr BONDAR:** Not that I am aware of, Mr Chairman. Not that I am aware of.

**The CHAIR:** It is now seven years dated.

**Mr BONDAR:** Yes.

**The CHAIR:** Okay. Thank you.

**Mr BONDAR:** That is why I am urging for a revision of this.

**The CHAIR:** Yes. Thank you. Any other questions around the table?

**The Hon. MATTHEW MASON-COX:** Could I just ask, Chair? Would you perhaps, Mr Bondar—and perhaps if the ACL, too, could take away and have a look at bulletin 55 and give us some considered views on how you would change it and update it, if indeed that is your view, in particular the role of parents in relation to those changes. That would be useful to the Committee.

**Mr BONDAR:** Yes, I would like to do that. Thank you, Chair.

**The Hon. WES FANG:** Chair, just before we close this session, I thought I would just raise an issue. When I was responding to a point of order earlier, Mr Shoebridge did make, I think, a rather disparaging remark. I was actually making a contribution to the point of order when my phone rang and my watch vibrated. I was disrupted momentarily and I—

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**Mr DAVID SHOEBRIDGE:** I accept you were disrupted, Wes. I accept you were disrupted and I withdraw it.

**The CHAIR:** It is withdrawn. Thank you, Mr Shoebridge. Thank you to the witnesses for your participation today.

**Mr WALL:** Thank you, Chair.

**Mr BONDAR:** Thank you, Chairman.

**Ms ABEN:** Thank you, Chair.

**The CHAIR:** We look forward to that further information you took on notice and further information on the revision of bulletin 55. Thank you very much.

**Mr BONDAR:** Thank you, Chairman. Thank you, Committee.

**(The witnesses withdrew.)**

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**KEYSAR TRAD**, Chief Executive Officer, Australian Federation of Islamic Councils, affirmed and examined

**The CHAIR:** Thank you for your participation today. It is available to you to make a short opening statement if you wish. We have read your submission. Thanks very much for that. You can make a short opening statement for a few minutes if you choose.

**Mr TRAD:** Okay. I will make it as brief as I can. In my faith tradition, we are taught that everything that we have is with us as a trust and the greatest trust that is placed with us is our children. We have a solemn duty to raise them according to the best of our morals and ethics. They emanate from us. They take from our DNA and genes. We make all the sacrifices for them. We protect them physically, and we have a duty to protect them morally and ethically as well. I have listed some of the human rights conventions that we are signatories to in my submission, but there are some additional ones that I would like to be taken into consideration. The Universal Declaration of Human Rights, article 26, part 3, states:

Parents have a prior right to choose the kind of education that shall be given to their children.

The European Convention on Human Rights, article 2 of the Protocol, "Right to education"—part of that article is:

...the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.

The Convention on the Rights of the Child, article 14, part 2, states:

States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.

And the UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, article 5, part 2, states:

Every child shall enjoy the right to have access to education in the matter of religion or belief in accordance with the wishes of his parents or, as the case may be, legal guardians, and shall not be compelled to receive teaching on religion or belief against the wishes of his parents or legal guardians, the best interests of the child being the guiding principle.

**The CHAIR:** Thank you. If I could just start and come to that point about international conventions, is it the position of your organisation—indeed, the Islamic community—that the tolerance and success of our society does rely heavily on Australia being party to various human rights conventions internationally? The bill itself relies on 18 (4) of the International Covenant on Civil and Political Rights where the State party to the convention undertake to have respect for the liberty of parents to ensure the religious and moral education of their children in conformity with their own convictions. So, Mr Trad, in your community, are parental rights seen as a fundamental human right?

**Mr TRAD:** They are a fundamental human right of both the parents and the child.

**The CHAIR:** How is that given expression into schools that are run by the Islamic community and Islamic students in government schools?

**Mr TRAD:** Well, I personally put my children in government schools, but my organisation has established nine schools around Australia in different States and Territories. In those schools, we apply the Australian government curriculum, but when it comes to issues of morality and ethics, we make sure that our children do understand the values that are taught by our religious tradition. One thing, actually, I should have added in answer to your previous question is that in our faith tradition it is regarded as a huge wrong, a huge sin, for a person to lose their children—to lose them to immoral type of behaviour or antisocial behaviour.

**The CHAIR:** I was going to come to that because I love your statement here:

In our tradition, the mother and father are the first teachers and are the two people in the life of the child who are the most concerned about the interests, well-being, development and success of their children.

Then you quote the Prophet Muhammad saying that:

It would be an overwhelming sin for a person to lose his dependents.

So is it an expectation in the Islamic community that if a school—any kind of school—is inclined to think about, encourage or facilitate a gender transition that the parents from the very first moment would need to be involved, fully consulted and party to any such decision? Because there is an emerging evidence base overseas and in New South Wales now of how parents being left out of such decisions destroys families, fractures them and rips them apart.



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**Mr TRAD:** Well, in my—well, in our humble opinion, it doesn't just destroy families. It also creates a lot of confusion for the child and, especially when they are in their formative years, that they do not know who to believe, who to trust or what system to follow. That level of confusion can be very, very traumatising to young children, and reinforcing the parental rights is very important for them so that they can maintain their understanding—a better and more balanced understanding of the nuances of life as they grow up in society.

**The CHAIR:** So this is a bedrock belief and expectation of Islamic participation in our society that schools must involve parents in any decision of this kind?

**Mr TRAD:** Definitely, schools must involve parents throughout the children's years at the school. What we are finding is that, as schools involve parents less, more and more parents are looking into homeschooling. If you get a situation of homeschooling, there is not only no exposure to any of these ideas but there is also no exposure to the social life of being a child growing up in a school. We need to find a balance that keeps the parents' confidence in the school system, rather than withdrawing them and raising them in a homeschooling environment.

**The Hon. COURTNEY HOUSSOS:** Thanks very much for your time, Mr Trad, and for your considered submission as well. We really appreciate that. I wanted to ask you about the schools that your organisation runs. Could you just give us a general idea of what the sizes are of the primary schools and the high schools, because there is both, isn't there?

**Mr TRAD:** Yes. Generally, the schools that we established we no longer run directly. We are now only the landlord. As of 2016 we stopped being directly involved in the running of the schools; we are only the landlord. In the period that we ran them and what we know about the way the schools operate, they are all colleges where there is a primary school that starts from kindergarten all the way to year 12. They are both on the same premises but there is a separation for the playground facilities and classroom facilities. Generally, primary schoolers do not mix with high schoolers. But, yes, we have from kindergarten to year 12.

**The Hon. COURTNEY HOUSSOS:** In your experience—and obviously, if you are not running the schools directly, if you can just give us a bit of a general idea—is their enrolment increasing or decreasing? What is the kind of growth that you are seeing around your student numbers?

**Mr TRAD:** That is an excellent question. In fact, all of those schools, to my knowledge, have a very, very long waiting list—a very long waiting list. They are beyond capacity and more schools are being built. In fact, one of my friends is investing \$250 million into building a Muslim school for the community in the south-west. The demand is increasing.

**The Hon. COURTNEY HOUSSOS:** You mentioned you sent your kids through public schools. But increasingly there is within the Islamic community, you would say, a desire to find an Islamic school for them to send their children to. Is that correct?

**Mr TRAD:** That is correct. My kids have all finished school. At the time that I sent them to school we did not have these issues to contend with. In those years, schools allowed parents far greater involvement in the education of their children and my perspective was that I wanted my kids to be part of Australian society and go through the same school as everybody else. Even though some of them did very well at school, they did not do as well as the private schools. The system happens to be different—more disciplined, I suppose. When it comes to religious education, I had to put in the effort to teach them myself at home or take them to after-hours schools. So they do miss out in the public system, but in those years, because teachers actually did consult with parents, they were not as risky as they are today.

**The Hon. COURTNEY HOUSSOS:** So you are saying that there is a view within the community that they are concerned about some of the values that are being taught through the public education system?

**Mr TRAD:** Yes, the view is increasing in the community to the point that teachers are also facing problems. I talk to teachers from time to time. A few years ago I was a chief executive officer of Muslim schools in another State, so I have had involvement with teachers as well as with parents and so forth. Teachers themselves are telling me that they are finding that, year after year, the level of trust that parents have in them is reducing. Parents now tend to listen more to the concerns of their child and will believe their child even if the child is not being truthful. That is becoming detrimental to the teachers. Some teachers are saying to me that if they are forced to teach something that strongly contradicts their morals and values they will leave education altogether and find alternative employment.

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**The Hon. COURTNEY HOUSSOS:** The point that you make about the idea behind public schools is that the whole community comes together and that there is a non-secular basis for that engagement, and then that is—

**Mr TRAD:** In the Muslim schools, yes, definitely. We used to hold regular community engagement events, meals in the month of Ramadan, regular Iftars as well and festival celebrations. The parents used to participate. The school that I was looking after back then as a chief executive officer, we had a lot of underprivileged kids. The parents would flock to the school and they loved the opportunities to be able to be involved in the different aspects of their child's education.

**The Hon. COURTNEY HOUSSOS:** Just one final question. The independent schools that the Federation of Islamic Councils has set up but no longer run, they are what we would call low fee. They are in the couple of thousand dollars per year—

**Mr TRAD:** Yes.

**The Hon. COURTNEY HOUSSOS:** We are not talking about, you know—

**Mr TRAD:** No. Our schools have very low fees. Maybe I should not say this, but when we were running the school in New South Wales it was in the top 10 in the State. It is no longer in the top 10, now it is much lower in the ranking. But the fees were exactly like you say, about \$2,000 a year, depending on what year they are in. The lower years were less. They were very affordable to the community.

**The Hon. ANTHONY D'ADAM:** I might just start off with a short story. I live in the Cumberland area. It is an area with a very large Muslim population. I had a situation where I was talking to a parent about their school choice. I asked them why they had chosen not to send their kids to the public school and they said to me, and I'll quote, "There are too many Muslims in that school. Too many Muslims in that school." I suppose I wanted to pose to you this question. Let us assume that that parent did send their kids to a public school. You would accept that that attitude is informed by that person's moral or ethical perspective. Under this bill, a teacher would not be able to say to that student, "No, that view is incorrect". That would be ideological, would it not? That would be ideological teaching to try and create a situation where the view that that child is getting from their parents is contradicted by the teacher on a moral or ethical question. Are you comfortable with a bill that does that, that enables racists to be able to have their views affirmed?

**Mr TRAD:** My reading of the amendment is not to enable racists but it is to protect children from teachings of gender fluidity and to give the rights of parents on these types of matters. If there is something that I did not see in the bill to that effect, then clearly you have the power to put exclusions. But to say to somebody that you have a dim view of a particular religion or a race of people without going into the actual teachings is not really cultural or religious indoctrination. This is just basically a statement of fact, that these are human beings like you are.

**Mr DAVID SHOEBRIDGE:** But that is precisely what 17B of the proposed bill would allow. It says:

In government schools, the education is to consist of strictly non-ideological instruction in matters of parental primacy. The words non-ideological instruction are to be taken to include general teaching about matters of parental primacy as distinct from advocating or promoting dogmatic or polemical ideology.

So if there is a lesson plan seeking an understanding and tolerance of the Muslim faith and a parent objected to that because they had a very intolerant approach to the Muslim faith, under this bill they could object and remove their children. Do you not see the problem in that, Mr Trad?

**Mr TRAD:** I have had situations when I used to look after the biggest mosque in the country where a child who was not Muslim refused to enter the mosque with the rest of the class. We respected that child's right not to enter the mosque and not to receive any instructions about the mosque. With time, as they interact with their peers, they may change their views. As they see things outside they may change their views. But something like this, I do not see that it takes away from a teacher the right to say, "You have to respect all people. You have to respect the rights of all people."

**Mr DAVID SHOEBRIDGE:** I think on any fair reading of this bill it would absolutely empower parents to remove their kids from the classroom if there were lesson plans about any religion that they did not agree with on any view of it. This is likely to operate to directly discriminate against children of Muslim faith when they see it operating in practice. Have you worked your way through what the actual implications of this bill would be?

**Mr TRAD:** My understanding of lesson plans is that they depend on the subject that is being taught.

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**Mr DAVID SHOEBRIDGE:** Comparative religion.

**Mr TRAD:** I have been invited into schools that teach studies of religion and to actually talk about the Muslim faith in a Catholic school—that was where all the children were not Muslim. They elected to be in that subject and when they elect to be in a subject that teaches about another religion, their parents are aware and their parents have the right to include them or exclude them from studying that subject. Comparative religion is generally an elective subject. It is not a—

**Mr DAVID SHOEBRIDGE:** No, it is a core part of the curriculum in both primary and high school—teaching about other religions. You are promoting a bill that would allow parents to actually withdraw their kids from the classroom when they are being taught to tolerate, to understand and to comprehend comparative religion. Why would you want that, Mr Trad?

**Mr TRAD:** I do not see the bill as doing that.

**Mr DAVID SHOEBRIDGE:** It does it.

**The CHAIR:** Can I just point out, Keysar, that the section 17B requires:

In government schools, the education to consist of strictly non-ideological instruction in matters of parental primacy.

It uses the words almost identical to the existing section 30 of the Education Act banning sectarian instruction. It is just an extension of what we have already got. No government school teaches any religion other than in the scripture classes that David is always so keen to abolish.

**The Hon. ANTHONY D'ADAM:** I actually think that the point of this inquiry is to actually explore what the intent and what the effect of this legislation will be, so without pre-empting—

**The CHAIR:** Yes, sure. But I am just clarifying that for the benefit of the witness in wanting to explore further—

**The Hon. ANTHONY D'ADAM:** That is your interpretation.

**The CHAIR:** Well, I think it is the truth and the witness should be aware of that.

**The Hon. ANTHONY D'ADAM:** I know you think it is the truth but that is not necessarily the case.

**Mr DAVID SHOEBRIDGE:** Mr Trad, when you pick an element out of the UN Convention on the Rights of the Child, I think you would accept, wouldn't you, that you have to see the convention as a whole. All the articles interact with each other. Do you accept that?

**Mr TRAD:** That is right, yes.

**Mr DAVID SHOEBRIDGE:** One of the first operative provisions in the convention is article 3, which says all organisations concerned with children should work towards what is best for each child. Do you accept that?

**Mr TRAD:** Of course I accept that.

**Mr DAVID SHOEBRIDGE:** Do you accept that includes working towards what is best for LGBTIQ children? Do you accept that they have that same right as other children?

**Mr TRAD:** All children have the rights for educators or parents to look out for their best interests.

**Mr DAVID SHOEBRIDGE:** But you accept that includes LGBTIQ children, Mr Trad?

**Mr TRAD:** I accept that it includes children who identify as LGBTIQ.

**Mr DAVID SHOEBRIDGE:** Are you not troubled by a bill that would prohibit teaching kids about trans rights and about what it is to be transgender, what it is to express—to be LGBTIQ? Are you not troubled by a bill that would actually prohibit those kinds of lessons in classes and, worse, allow parents to discriminate and pull their kids of those classes? You are not troubled by that?

**Mr TRAD:** This may not be politically correct, or definitely—

**Mr DAVID SHOEBRIDGE:** We may not agree on this, Mr Trad.

**Mr TRAD:** What I am going to say is most likely not politically correct at all. But what you are referring to from my perspective is in the realm of theory, not in the realm of fact. When we talk about LGBTIQ rights we

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are seeing things evolving before our eyes and morphing into ever a variety of different shapes and expectations. So this is not scientific fact as far as I am concerned. It is human experimentation into what should and what should not be. And being in that area parents have a right to shape their children's views about themselves because primarily it is about that child himself. When it comes to respecting others, of course, we tell our children, "Respect everybody. Do not cause any violence against anybody regardless of how they behave, regardless of who they are." If there is something wrong—I mean, I know the schools have a no hands policy. You cannot touch a child. You cannot cause any violence against them if they behave differently. You just go and report to the teachers.

**Mr DAVID SHOEBRIDGE:** I am not entirely sure that addresses the question, but I will hand back to Mr D'Adam.

**The CHAIR:** Can I just ask, Keysar, are you and your schools aware of the repeated statements by education Minister, Sarah Mitchell, that gender fluidity is not part of the New South Wales school curriculum, which begs the question of how it can ever be taught in the manner that Mr Shoebridge has described? Is it your experience that, when it is taught, it is schools and teachers going outside of the curriculum—going outside of the ban on Safe Schools—to take this upon themselves?

**Mr TRAD:** I have seen—no, sorry, I should not say I have seen. It has been reported to me that there were instances where a public school has run a cross-dressing day for everybody, teachers and students. For me that is not something that should be encouraged.

**The Hon. ANTHONY D'ADAM:** I wanted to come back to your earlier comments. I was interested. You said that you chose to send your kids to government schools and you chose because you wanted them to be exposed to diversity. I think that is the intent of what you were saying. I agree. I think that is what public education should be about. It is about encouraging diversity and learning to live together, learning to live with difference, exposing kids to a range of people, a range of views and the like. I suppose what troubles me about the position that you have taken in relation to this bill is that it is entirely possible that you might have kids from the Muslim faith sitting in a classroom with another child—not a Muslim, not from a Muslim background—who is trans. How does a teacher—you would accept that trans people are subjected to significant amounts of discrimination. Would you accept that? They are a minority in our society that are subject to hate and discrimination?

**Mr TRAD:** Not just trans people. Anybody who stands out as odd in a classroom.

**The Hon. ANTHONY D'ADAM:** Indeed.

**Mr TRAD:** Unless teachers have good control, they can be subjected to all sorts of bullying.

**The Hon. ANTHONY D'ADAM:** Anyone who stands out and whose clothing is a bit different. You know, Muslim girls who wear the hijab.

**Mr TRAD:** No, I accept that people can be—

**The Hon. ANTHONY D'ADAM:** Subjected to vilification and discrimination.

**Mr TRAD:** And the teacher should not encourage that behaviour. They should discourage it.

**The Hon. ANTHONY D'ADAM:** So if there is that kind of hatred directed to that trans child in that classroom, how does the teacher manage that? How do they explain to the others the philosophy of tolerance, of difference, of understanding, of acceptance? How do they do that with the constraints that are imposed on them under this bill?

**The CHAIR:** Which constraint?

**The Hon. ANTHONY D'ADAM:** The constraint about explaining that people are able—gender and gender identification.

**The CHAIR:** The bill does not go to that.

**The Hon. ANTHONY D'ADAM:** It does, Mark.

**The CHAIR:** It goes to the teaching of gender as a social construct.

**The Hon. ANTHONY D'ADAM:** It does. That is right.

**The CHAIR:** That is what it goes to, which nobody has promoted in their submissions to say gender is a social construct. Anyway, we will come to that later. Keysar?

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**Mr TRAD:** Sorry, look, you can teach children not to bully people and to respect people without teaching them about gender fluidity. You can teach children to respect the girl who wears a scarf without having to explain what Islam is. You can teach children to respect anybody and make sure that they give blanket respect to all their colleagues without having to explain what their lifestyle is about. Life has a lot of differences everywhere. This diversity is what I suppose makes us a society and teaching respectful diversity does not mean that we have to teach them things that we see are being proposed.

**The Hon. COURTNEY HOUSSOS:** Mr Trad, one of the other submissions suggested that we should have, to allow parents an easier sort of opt-out system—would be an online sort of portal or something like that. Would you support something like that to allow parents to opt out?

**Mr TRAD:** I would support anything that gives parents the ability to have more say into what happens with their children's education. I will give you one example from one of my kids. In English class he had a book that was very sexually explicit. He was given a book by the teacher that was sexually explicit and he came to me. And this is surprising for a boy to come to his father and say, "Dad, can"—

**The Hon. COURTNEY HOUSSOS:** That is the relationship you have established with your son, I would say.

**Mr TRAD:** He said to me, "Can you please write a note to my teacher that I do not want to read a book that is sexually explicit?" I did that and I sent it to the school. I would like the school to always respect the right of the child and the parent not to be exposed to that. He took me by surprise. I was proud that he did that.

**The Hon. ANTHONY D'ADAM:** What was the response of the school?

**Mr TRAD:** It was years ago. I am sure they respected his views. I wrote to them saying that "My child does not wish to read this book. He has brought it to my attention. It has got sexually explicit material."

**The Hon. ANTHONY D'ADAM:** Doesn't that confirm the fact that this bill is redundant?

**The CHAIR:** Not today. Not today—boy.

**Mr TRAD:** Not at all. Not in today's schooling. I have seen the way schools treat parents' wishes change over the last 20 years. It has changed a lot. Actually, my kids have been going to school—my eldest is now 34 so that would be 30 years ago they started going to school. I have seen the changes over this period of time. It has changed a lot.

**The Hon. SCOTT FARLOW:** I just wanted to pick up, Mr Trad—it goes to this point in a sense. You outline in your submission article 26 of the UN declaration on human rights, point 3, which is parents have a prior right to choose the kind of education that should be given to their children, which is very much to your point there. Of course, gender fluidity is one of the things that we are concerned about. This was a question I asked to Mr Bondar earlier as well: Are there other areas where you are concerned that parents do not have that right to be able to choose what their children are learning in schools, particularly from the Islamic faith?

**Mr TRAD:** When it comes to accepted science or proven science, we encourage the learning of science, and geography and history. In fact, the Islamic faith tells Muslims—tells believers—to learn, to always be in pursuit of knowledge. If you go into the history of Islam, you find that we valued the Greek sciences and we put them to the test. We developed the system of experiments and applied sciences instead of just being theoretical sciences. We have always valued learning. Our religion has always valued learning and we continue to do so. In proven scientific fields and in, I suppose, classy literature we are happy for our children to learn material that will advance their ability to communicate and that will advance their scientific learning and their knowledge of the world around them.

But there are certain things that we have to be very careful about how they are being taught to them. Issues of cross-dressing, for example—they are mentioned in the Hadith of the Prophet Muhammad, sallallahu alayhi wa sallaam. There are statements by him about that. That does not mean that it is never raised as an issue. It is raised as an issue and it is condemned in the Islamic teachings. So they know that it is there but they are being taught that this is something that you should not do. The human being—you and me, all of us—may be tempted to do a lot of things, but faith teaches us to put controls so that we do not do them. If somebody else does them, our faith does not empower us to condemn them or to punish them or to restrict them. Our faith tells us to respect the law of the land.

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If somebody is behaving within the law, that is their right to do so—to behave in any way that is legal in the country. That is their right. But I have a right to say, if they ask me, out of my goodwill and well wishes for the person, I do not agree with that behaviour. Those teachings are there. They are in the Islamic tradition. Similar teachings—not exactly the same, maybe—are in other faith traditions. If my child, God forbid, wanted to cross-dress, I would say to them, "No. This is condemned in our religious tradition." But I should always be able to give them that religious instruction and they should always find that I am the primary source of that type of teaching, not somebody else who may not understand the importance of the religious tradition and what it means to our everyday life.

**The Hon. SCOTT FARLOW:** The line in that sense, as well, in terms of society—or at least in terms of this bill and what we have discussed today—is whether primacy of the parental rights exists. Of course you could say to your child, as you have said, that "It is wrong in our religion" and you would say that you have that control of your child until the age of 18 or while they are living under your roof, perhaps. But from a societal perspective it is that question which is open. I guess that is what this bill gets to, in a sense, as to how long do parents have that control before perhaps the schools or society says that this is completely up to the children to be able to determine. Would you put that line marker at 18 or would you put that line marker further, in terms of when the parents actually have that control and right over their children and what their children were taught and what their children were effectively able to do?

**Mr TRAD:** All we can do is advise our children. We cannot force them. Based on your comment, at the moment we are seeking legal opinion to challenge the Victorian legislation about these very issues. Under the Victorian legislation, which we believe has gone to an extreme, a child at any age can make a decision about changing their gender, but they cannot make a decision about a lot of other things in life. They are a minor with respect to everything except gender. That is the sort of extreme that we are worried about. We do not want that to creep by stealth into our education system in New South Wales as well.

**The Hon. WES FANG:** We hear from those who oppose the bill that, on one instance, before the age of a certain period you are not able to make decisions—for example, the performance of a crime or a misdemeanour—and therefore it should not be held against you. Yet, on the same argument, they say that if a child is aware of what it is that they wish to do on a number of issues, that should take the primacy of what is put forward for that child. Does your religion have any view on either of those matters and the contradiction between how they are aligned?

**Mr TRAD:** There are always intersections of where a parent's right and a child's right might stop or start. It always depends, I suppose, on the level of maturity and understanding of the child. But there are certain things that are absolutes in our religious tradition. And with these absolutes, we need to make sure that our child understands that that is what they are. The right place for that to be taught is in the home by the loving parents, not by a third party.

**The Hon. MATTHEW MASON-COX:** Thank you very much, Mr Trad. We might just leave it there. Thank you again for coming in today and for your submission. We will adjourn proceedings until 11.30 a.m.

**(The witness withdrew.)**

**(Short adjournment)**

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**KRISTY NOBLE**, Principal of Collaboration and Engagement, Australian Research Alliance for Children and Youth, affirmed and examined

**PENNY DAKIN**, CEO, Australian Research Alliance for Children and Youth, sworn and examined

**JACK WHITNEY**, Co-Convenor, NSW Gay and Lesbian Rights Lobby, affirmed and examined

**JAIN MORALEE**, Co-Executive Director, Twenty10 inc GLCS NSW, affirmed and examined

**The CHAIR:** Thank you for your attendance. It is available to you to start by making a short statement of two or three minutes as a preamble to the questions that come from the Committee. I also point out that any questions where you need further information or you would rather deliberate on your type of answer, it is available to you to take those questions on notice and come back to the Committee within 21 days with your answer. Is there anyone who would like to make an opening statement?

**Mr WHITNEY:** Thank you to the Committee for allowing me here today to present evidence to this inquiry. My name is Jack Whitney and I am the co-convenor of the NSW Gay and Lesbian Rights Lobby. The lobby is an organisation which advocates for fairness and justice for LGBTIQ communities since 1988. We represent the LGBTIQ community at a local and State level through readdressing inequalities in areas such as parenting, adoption rights, age of consent and discrimination. Last year we led a joint public statement against the harmful and dangerous Education Legislation Amendment (Parental Rights) Bill. This was a cross-societal statement—unions, medical, women, cold communities and local councils and LGBTIQ communities.

All students across New South Wales must feel safe and supported at school. There remains a vital need for work to continue to ensure the wellbeing of all young people in school environments. The harmful and dangerous education legislation amendment does nothing but undermine the credibility of government efforts to improve educational outcomes, combat bullying in our classrooms, empowering teachers and educators on the front line, and to find a way forward in creating more resilience and successful schools. Discrimination, no matter the grounds, has harmful, personal and economic consequences for individuals. Successive national and local level studies have identified the burden discrimination has and has a direct impact on the health and wellbeing of all young people in schools.

I know that feeling firsthand. During my time at high school I came out as a gay boy, and I want it on the record that the support the teachers gave me is why I am here today. The support of teachers cannot be understated. I believe that in a modern Australia there is no place for putting teachers at risk of losing their job, no place for prohibiting schools from teaching diversity, and no place for shaming, stigmatising and silencing LGBTIQ children. I call on the New South Wales Parliament to reject this bill and refrain from introducing legislation that would hinder the personal expression of all young people. I also caution the Parliament in introducing such a bill that is incompatible with current anti-discrimination protections. Parents are already enshrined with primary responsibility and have the ability to have a say in their children's education in the Education Act. Finally, fair access to quality education, no matter what a person's identity or circumstance, must come first.

**The CHAIR:** Thank you. Any other opening statements?

**Ms DAKIN:** Yes, sure. The Australian Research Alliance for Children and Youth [ARACY] thanks the Committee for giving us the opportunity to appear today. Thank you all for your time. ARACY was established back in 2002 by then Australian of the Year Professor Fiona Stanley, AC. Today we continue her vision by bringing the best evidence available to decision-making, ideally to support all children and young people in Australia to thrive. Central to this work is The Nest, the national framework for child and youth wellbeing. Released by ARACY back in 2013, it is the result of our consultations with more than 4,000 children, young people, families and experts. The Nest defines six key interlocking domains of wellbeing which are necessary and must be supported in order for a child to thrive. These six Nest domains are: being valued; loved and safe; having material basics; being healthy; learning; participating, and by that we mean participating in the life of family, the life of community and the life of school and participating in decision-making and having a voice about issues that impact children and young people themselves; and, finally, having a positive sense of identity and culture.

Let me be clear: We oppose this bill. We oppose it because regardless of the intent of its authors, it is dangerous to all school students. We oppose it because it undermines our civil society. We oppose it because it flies in the face of the Mparntwe declaration. And we oppose it because it effectively violates our commitments as signatories to international human rights declarations. We also oppose it on the basis of the research that

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underpins The Nest. While it may not be the intent of the bill, it effectively sends a message to young people who are questioning one specific aspect of their identity, their gender, that these issues somehow do not matter, they are not worthy of being discussed and they are not worthy of being talked about at school. These young people already have much to contend with and are much more likely to experience self-harm, suicide and high-risk behaviours. To ensure their wellbeing, these young Australians should be receiving acceptance and support at school. Instead, they are being denied and treated as outcasts by proposed legislation such as this.

But it is not just this small minority of Australian children who are receiving a strong message. A bill such as this sends a message to every student, a message that says: Be frightened of ideas, even before they are discussed and explored. A message that says: Individuality, free expression and the fundamental value of every person are arbitrary. When we, through proposed legislation such as this, undermine the value students place on school education and undermine the Australian tradition of a fair go for all, we undermine the lives of all children in this country and we change for the worse the direction in which our children will ultimately take this country. We again thank the Committee for the opportunity to appear and we look forward to any questions any of you might have for us. Thank you.

**The CHAIR:** Thank you very much. Any other opening statements? Ms Moralee.

**Ms MORALEE:** Thank you. I am also grateful for the opportunity to appear today representing Twenty10 incorporating the Gay and Lesbian Counselling Service of NSW [GLCS NSW]. We thank you for your time. For those unfamiliar with Twenty10, we are a direct service provider working to support young people of diverse genders, sexualities and intersex variations in New South Wales and have been doing that specific work for almost 40 years. We celebrate our 40-year anniversary next year. Our service offerings range from providing transitional housing, counselling, case management, a broad range of social support programs, an intake and referral line and we also offer inclusivity training to a broad range of services, organisations and companies. It is safe to say that the demand on our services almost outweighs our capacity to deliver them.

Twenty10's organisational vision is a world where people of all genders, sexualities and intersex variations are equal, affirmed, secure and connected. They experience positive health outcomes and live in a society without discrimination, oppression or violence. The work that we do at Twenty10 is underpinned by this vision. As a direct service provider, we see firsthand the negative impacts an unsupportive school environment, or family environment, has on young people in our communities. We see young people accessing our service who are experiencing poor mental health, missing days of school, not being able to focus on their education, as they are experiencing so early in their life journey increased social isolation, bullying, discrimination and harassment.

On the opposite side of this, we also meet many young people who attend schools that offer a more inclusive learning environment. They feel affirmed, they are attending school, they are connected to their peers and they are able to focus on their learning and development. Their existence does not have a negative impact on their cis-gendered heterosexual peers. An inclusive school environment means that all young people from all backgrounds have equal opportunities afforded to them. Current research into the health and wellbeing and the lived experience in educational settings of young people in Australia in our communities provides evidence and supports what we see on a day-to-day basis. Much of it is outlined in our submission.

We oppose this bill because we believe this bill will expose many young Australians to harmful discrimination. It will block equitable access to one of the most essential universal human rights afforded to all members of our society, and that is access to education. Every student in New South Wales should have the opportunity to reach their full potential, to learn with their peers and experience a sense of belonging in their school. Transgender and/or gender diverse students should feel supported and understood by their classmates, teachers and school staff, and be afforded the same opportunities for participation and education without discrimination or erasure. It is for that reason and more, as outlined in our submission, that we oppose this bill and we look forward to answering any questions that we can today. Thank you.

**The CHAIR:** Thank you. Dr Noble, did you want to make a short statement?

**Dr NOBLE:** No.

**The CHAIR:** Okay. Thank you. If I could just start up and come to Mr Whitney just to point out that it is the intent of the bill to go to questions of how gender is taught in schools. It is not the intent of the bill to focus on the identity characteristics anyone legitimately brings to school, given that they are mainly matters that are private and to do with families and parents. Whether the bill does that properly or successfully, that is one of the points of this inquiry, of course. But could I just ask some questions about the gender fluidity teaching in schools.



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Jack, do you and your organisation accept that Safe Schools gender fluidity teaching is banned in New South Wales as a matter of government policy?

**Mr WHITNEY:** I am not an education expert so I would have to take that question on notice.

**The CHAIR:** Do you accept that gender fluidity is not part of the New South Wales schools curriculum as Minister Mitchell has repeatedly said?

**Mr WHITNEY:** I am not an expert on education curricula but the lobby do not use the term "gender fluidity", we use the term "transgender" and "non-binary".

**The CHAIR:** I think by gender fluidity we mean people who are changing their gender in a fluid way. Do you accept as an organisation that the year 12 biology textbook in New South Wales teaches gender according to biological science rather than through theories of fluidity and social construction?

**Mr WHITNEY:** I would have to take that question on notice.

**The CHAIR:** Okay. When you take those three on notice and look at what is the practice in New South Wales schools, could you also take on notice given those three parameters—Safe Schools ban, gender fluidity not in the curriculum, biology textbook saying it is a scientific matter—how can gender fluidity be taught in our schools?

**Mr DAVID SHOEBRIDGE:** I will take this point of order. The witness has already said—and I do not think it has been clarified—what on earth you mean by gender fluidity. Just simply saying you mean fluid gender is not really an answer to the witness' very real question. He has asked you once and I think it is fair that you clarify—

**The CHAIR:** I gave my explanation.

**The Hon. SCOTT FARLOW:** It is defined under the bill.

**The CHAIR:** It is defined in the bill and I gave that definition and I am asking on notice, given you are taking those other three areas of educational practice and policy in New South Wales, if you can also answer how gender fluidity can be taught in our schools. Furthermore, and this is for Jack or Jain or both, I have read all of the submissions against the bill. As I said, the purpose of the bill is to go to the teaching of gender in our schools and the bill explicitly states not to teach it as a social construction. So in reading all the submissions against the bill I was obviously expecting many organisations to vigorously defend the theory of gender as a social construction. But nobody seems to have done that. How and why is gender a social construction?

**Ms MORALEE:** I am happy to speak to that. Rather than answer that question, I would like to talk about gender as an experience of a young person. So rather than talking about gender as a social construct, we are talking about the lives of—

**The CHAIR:** I am sorry but the question is the contents of the bill, which is to say gender in our schools cannot be taught as a social construct. I am just asking why your organisation and others have not defended the idea that gender is a social construct—

**Mr DAVID SHOEBRIDGE:** I have a point of order.

**The CHAIR:** —that I only feel male because my parents dressed me in short pants and I played in the sandpit or something.

**Mr DAVID SHOEBRIDGE:** I have a point of order. The witness is allowed to answer the question as the witness sees fit provided the witness is being generally responsive to your question. I think the witness is trying to respond to your question and I ask you to allow her to complete.

**The Hon. WES FANG:** I am going to respond to that point of order, Chair, if that is okay.

**Mr DAVID SHOEBRIDGE:** Good grief.

**The Hon. WES FANG:** Mr Shoebridge, I allow you to make your points of order in silence. I sit here and then wait for my turn to speak. If I could be afforded the same respect and courtesy, I would appreciate it. Chair?

**Mr DAVID SHOEBRIDGE:** Respect is earned.

**The CHAIR:** Wes Fang, to the point of order.

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**The Hon. WES FANG:** To the point of order: You did indeed ask a question. What the witness prefaced her response with is "I would rather talk about" and then went down a path. Now, if Mr Shoebridge would like to hear from the witness and hear about the areas that she wishes to talk about, I am sure Mr Shoebridge can ask her at that time. However, the witness can answer a question any which way they like but in order to do so it needs to be relevant to the question, not to say that you want to talk about something else and then go down that path. So I expect that the point should not be upheld.

**The CHAIR:** I think we will let Jain answer the question as she sees fit, cognisant of the fact that it was about social construction.

**Ms MORALEE:** Thank you so much. Gender is an experience that a person has in their life. It is not a social construct.

**The CHAIR:** It's not. Okay.

**Ms MORALEE:** It is an experience—we see, we know, that young people are having an experience of their gender. That can be different to what was assigned to them at birth, the sex assigned to them at birth. So what we do in our work and what we believe needs to happen in a school environment that is inclusive, is that all young people of all genders regardless of whether that is non-binary, gender diverse or they are having a trans experience—a gender experience that is different to the one that was assigned to them at birth—they have the right to receive a full, supportive education. I also believe that other young people who may be cisgendered and not having the same gender experience will benefit from understanding the different experiences that their peers are having.

Surely this speaks to a more inclusive society in Australia and it also speaks to young people being afforded the opportunity to participate fully at a socio-economic level, having completed their education. We know directly that poor mental health outcomes, self-harm and suicide as well as homelessness and other social experiences is happening disproportionately to young trans and gender diverse people more than their cisgendered heterosexual peers. The reason why we oppose this bill is because we believe that in Australia we want to have the number zero next to young people self-harming, suiciding, experiencing poor mental health and experiencing homelessness. I am sure that is a shared goal for everyone here today. We believe that this bill further exacerbates the risk of those things for young trans and gender diverse people.

**The CHAIR:** Okay. Just finally, you said earlier that gender is not a social construct—

**Mr DAVID SHOEBRIDGE:** Sorry, I think Mr Whitney had something—

**The CHAIR:** Sorry?

**Mr DAVID SHOEBRIDGE:** You asked the panel and I think Mr Whitney had something to add.

**The CHAIR:** Oh, yes. Okay.

**Mr WHITNEY:** Yes. May I just add, as well—I am 27, so I graduated from high school 10 years ago. Based off the purpose of this inquiry, I do not think too much has changed in the last 10 years. I went throughout high school without learning anything to prepare me as a gay man going into the world. I learned about heterosexual relationships in our public schools. I am finding it really difficult to reconcile that they are teaching gender fluidity as a thing versus my experience of only learning about heterosexual relationships. I think we can agree that balance is important in our education attainment, but I am yet to be pointed to, in terms of the Chair, the example of what you are referencing to what is being taught in our schools. Like I said, I use the term "transgender" and "non-binary", but I am yet to be referenced to something in terms of gender fluidity in our schools.

**The CHAIR:** Well, I get a lot of feedback from parents saying that kids come home and say the sports teacher, the PE teacher, the English teacher said—

**The Hon. ANTHONY D'ADAM:** Where is that in evidence?

**The CHAIR:** —that you can be a boy one day and a girl the next, and that gender is something that you choose. There is an horrific case of a family fractured and destroyed at a non-government high school in New South Wales, where for seven years they had their son in the care of a psychologist who did not identify any gender issues. The school counsellor identified some and the school changed the boy's name to that of a girl—there were ramifications for a younger sibling in the school—and did not tell the family.

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**Mr DAVID SHOEBRIDGE:** Is that in evidence?

**The Hon. ANTHONY D'ADAM:** Point of order: Is the Chair giving evidence?

**The CHAIR:** That is in evidence—and did not tell the family. So, Jack has asked me a question. I have given you a brief summary and will be presenting more of that evidence as the inquiry unfolds, but I do come back to that final question that I wanted to ask Jain. If gender is not a social construct, where is the harm in this bill in prohibiting the teaching of gender as a social construct?

**Ms MORALEE:** I would like to take that question on notice.

**The CHAIR:** Thank you.

**Dr NOBLE:** May I make a comment in regard to the question?

**The CHAIR:** Yes, sure.

**Dr NOBLE:** I think the medical approach to taking gender fluidity or gender identity as a social construct might be an oversimplification of the concept. It is quite clearly defined by medical institutions that gender identity is a blend—it is:

A person's innermost concept of self as male, female, a blend of both or neither. One's gender identity can be the same or different from their sex assigned at birth.

It is fairly widely accepted that there is a distinction between gender and sex. Whether the textbooks are up to date with that in the New South Wales schooling system is a question.

**The CHAIR:** Maybe you can forward that medical evidence that you have referred to on notice?

**Dr NOBLE:** Absolutely. It is in my submission in appendix 1.1.

**Ms DAKIN:** It should be noted that Dr Noble is actually a practising medical practitioner.

**Mr DAVID SHOEBRIDGE:** Yes.

**The CHAIR:** Okay. Well, Dr Noble, can you explain the theory of gender as a social construct?

**Dr NOBLE:** I suppose what I am trying to say is that it is actually taken to be a manifestation of normal human diversity, not necessarily a social construct. A variation of human diversity is what gender is taken to be largely in the medical community, as opposed to biological sex, which is defined by your chromosomes.

**The CHAIR:** Okay. So when a teacher stands up in front of a class and says to an eight-year-old girl, "You only feel feminine because you were dressed in pink and had a Barbie doll when you were little and you have been socially constructed to think that you are female," that is incorrect?

**Mr DAVID SHOEBRIDGE:** What is incorrect?

**Dr NOBLE:** I am not saying that it is a social construct. I am saying it is a manifestation of human diversity.

**The CHAIR:** Okay, thank you. No, no, I appreciate that. Thank you. Other questions? David?

**Mr DAVID SHOEBRIDGE:** Thanks, Chair. Ms Dakin, at—I think it is page 5. No, it is point 5 of your submission. You reference the work of Ullman, as well as other academics, and you extract from Ullman's 2017 report—I think it is a reference to an earlier study:

"In a landmark study...investigation of the schooling experiences of 101 lesbian-, gay- and bisexual-identifying students reported perceived teacher support to be positively, significantly correlated with students' sense of school belonging as well as their academic outcomes. Furthermore, their cluster analysis highlighted the protective impact of perceived teacher support finding that, even in schools with high levels of reported victimisation of same-sex attracted students, students with a sense of teacher support remained connected to the schooling environment and reported higher academic outcomes."

Could you speak to those findings—and I will open it up to the balance of the panel—and how teacher support can be so important?

**Ms DAKIN:** Absolutely. If it is alright, I will let Dr Noble go after me. Over a number of years ARACY has done a lot of work around the issue of parent engagement in education and learning. As part of that, one of the things that—and more broadly student wellbeing, I should emphasise, as spelled out in my opening statement.

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There are a number of factors that contribute to a child or young person's sense of belonging at school. When a child belongs—feels like they fit in and belongs at school—it is definitely drives higher wellbeing outcomes.

There is a substantial body of evidence that would suggest that higher wellbeing outcomes work significantly to support higher educational achievement outcomes, as well. What makes a child feel supported at school? A variety of factors. Relationships with friends and peers is obviously a really significant factor, but the relationship with one person—the one person in a child's life. Now, that could be family. It could be a peer. Often we see in school settings that that one significant relationship that can often turn the tide for a young person is experienced through a relationship with a teacher—a positive emotional engagement with a teacher, where that child feel supported, safe and belongs.

**Mr DAVID SHOEBRIDGE:** Dr Noble?

**Dr NOBLE:** I think there is fairly good evidence to show that basically children and young people who are sexually and gender diverse—particularly gender diverse—have extraordinarily poor outcomes with regard to their mental health, and that supportive, affirming environments, particularly in relation to their teachers, improves both their mental wellbeing as well as their academic outcomes. Unsupportive environments are actually extraordinarily detrimental to these outcomes.

**Mr DAVID SHOEBRIDGE:** Jain?

**Ms MORALEE:** Yes, I would like to echo that. Absolutely, there is overwhelming evidence to support that a supportive school environment—in fact, the Beyond Blue report *From Blues to Rainbows* states or found that inclusive schools with those where leadership and teachers tried to address students with their personal pronouns of their affirmed gender. That is not teaching trans or gender diversity; it is acknowledging and affirming a young person's gender. "Took a stand against bullying" and "aimed to be accommodating to individuals' needs" are all contributing factors to a positive educational experience. But I think it is also worth noting that this bill includes support staff, not just teachers, and we receive a high number of referrals from school counsellors and support staff.

For a young person who may have an unsupportive family environment, that school counsellor or support staff member may be the one person that they can go to for support. If the opportunity for that school counsellor to support that young person is removed, they could be faced with a life or death situation for that young person. We see there is a direct relationship to the harm of young people in Australia if they cannot speak to a school counsellor or support person about their gender experience and how it is impacting on their health and wellbeing—and that that counsellor or support staff person can point them in the direction of services such as Twenty10 and others in New South Wales, who can further support that young person and, in time, potentially their families as well.

**Mr DAVID SHOEBRIDGE:** Look, I note the Australian Psychological Society, the peak body, has put in a submission opposing this bill for those very reasons. Before I go to Mr Whitney, who I think may have a contribution on that first question, could I just explore with you: How do you feel about the idea that, if this bill was passed, it would be illegal for teachers and psychologists to refer trans and gender diverse kids to your services? How do you respond to that?

**The CHAIR:** That's not true.

**Ms MORALEE:** I think it would be safe to say that it would be catastrophic. I may be repeating myself a little bit here; forgive me. However, what we are in the business of doing is having interventions into suicide and homelessness, and providing young people with the opportunity to lead their best life. It is proven that young people who require and can have access to affirming mental and health care will have better outcomes in all those areas, so I think "catastrophic" is the word that I would use. It is out of step globally to say that a support staff member cannot refer a young person to a service that they so desperately need.

**Mr DAVID SHOEBRIDGE:** I am sorry, Mr Whitney, for that.

**Mr WHITNEY:** No, all good.

**Mr DAVID SHOEBRIDGE:** I think you may have wanted to answer my original question about the teacher support.

**Mr WHITNEY:** Yes, I will answer the first question, then I will just make a final point on that last question. Sort of refocusing on the fact that bullying has a long way to go in terms of improvement for school

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students generally, the law school admissions council shows that seven in 10 children aged between 12 and 13 experience at least one bullying-like behaviour within a year, and there is something to be said about if you experience bullying you also become a person who bullies as well. Almost half of these students who experience bullying also use bullying-like behaviour. So we are very concerned that if we do nothing about reducing bullying it will only get worse. Headspace also looked at doing research on bullying and how students often feel afraid, alone, humiliated, rejected, and experiencing bullying can also increase the risk that someone will have—in terms of developing mental health—depression, anxiety, and this has implications for their educational attainment, finishing high school and going into the workplace.

When we look at LGBTIQ students generally, 80 per cent of bullying involving this community occurs at school and has a profound impact on their wellbeing. When we look at transgender, gender diverse children and young people, 48.1 per cent aged between 14 to 25 have attempted suicide in their life, and this bill does nothing about reducing that number. I am a social worker outside of this, and I have worked with children and young people, and when we are talking about naming young people through different names, that usually comes from the young person, and that is talked about in our fields as a trauma-informed framework, a trauma-informed practice. If it comes from a young person, the social worker, the psychologist, the counsellor is working hand in glove with the person, and that is important for improving the relationship—the therapeutic relationship—improving the relationship with parents and their communities and that young person and the schools as well. So when we are talking about these, it is important to know that these clinicians are very skilled. Often they are overqualified and underpaid, and overworked. So I think that should frame that conversation.

**The Hon. COURTNEY HOUSSOS:** I thank you all for your submissions and for your time today. I want to ask you about some of the other submissions and some of the proposals that we have heard. One of those was from the Institute for Civil Society that talked about the existing provisions in the Education Act and the ability of parents to remove their children from school if they so desire. It states:

Most significantly, the provision has never been effectively operationalised.

What they suggest is that there should be an online form or an online system that would allow parents—and this is my terminology, not the institute's—perhaps a non-confrontational way to communicate with the school if they did have some concerns. Do you or your organisations have a view on that particular proposal? You can take it on notice if you like.

**Ms MORALEE:** I think that really does run the risk of parents being able to remove their children from an educational environment, and it effectively removes the opportunity for their own child to receive a full education that they otherwise would if they were not pulled out of school. I think that we do not support parents being able to take their children out of school under anything other than the existing provision.

**The Hon. COURTNEY HOUSSOS:** Sorry, this is to put the existing provision into practice.

**Ms MORALEE:** I will take that on notice.

**The Hon. COURTNEY HOUSSOS:** Yes, sure.

**Ms MORALEE:** But I think that, yes, being able to give parents the right to remove children from schools I think undermines their own child's experience of the world and their potential to learn within that educational environment.

**The Hon. COURTNEY HOUSSOS:** Okay. Mr Whitney?

**Mr WHITNEY:** Could you explain the technical aspect of the portal?

**The Hon. COURTNEY HOUSSOS:** It is just basically saying that there would be an online system. At the moment the Education Act outlines a process whereby you have to obtain a certificate from the secretary, and the information in the submission says that it does not work, in effect. So one of the proposals that they said was that it could be an online ability. Do you have a view on that, Mr Whitney? You can feel free to take that on notice.

**Mr WHITNEY:** Yes, we will take it on notice, thank you.

**The Hon. COURTNEY HOUSSOS:** Sure. Ms Dakin?

**Ms DAKIN:** I do not think, as an organisation, it is something we would have a specific view on. I would go back to my opening remarks around the concept of ideas and why we actually have education. One of the

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things that I think should be very clear is we value the role of parents as the first and most influential teachers of their children—the place where ideas are born in discussions around the family dining table around whatever it is you do to come together as a family. The education system is another place where ideas are raised and where concepts are brought to light, and there is a difference between indoctrinating somebody in a concept and educating somebody about a concept.

One of the things that we know happens with families is that it is a place where ideas are then brought back and discussed. I know that if you are a family that has conversations, you will come back and you will talk about the things that are raised at school. I talk with my three children all the time. It is that idea, "At school today we learnt or we heard or we talked about", and then you discuss it as a family; and the input of ideas and the input of different perspectives; and the fact that, like Dr Noble was talking about, there is a range of normal and diversity is a normal thing is a thing that is able to be discussed in families. I think the provision to remove a child from a discussion of ideas, whether it be online or through a more formal process, it is probably too specific for us to have an actual opinion on, but I do question the notion of being able to choose which ideas are the ones that we should be listening to. I think 600, 700 years ago people were debating whether the idea of a flat earth or a round earth, in fact, actually was an idea that we should even be talking about, and people were not allowed to talk about that idea. I think there is a danger in not being able to talk about ideas.

**Mr DAVID SHOEBRIDGE:** I do not know if that is entirely resolved amongst this Committee either.

**Ms DAKIN:** I can understand why. I think it is a slippery slope; it is dangerous territory.

**The Hon. COURTNEY HOUSSOS:** Dr Noble, did you want to add anything to that?

**Dr NOBLE:** Mostly just to echo Ms Dakin's comments, which is that—I mean all States and Territories have signed the Mparntwe declaration, and we have agreed that we think that school should be a place where we foster social cohesion. They should be non-discriminatory. They should foster a sense of self-worth and personal identity, and enable students to participate in civic life. There are going to be so many issues that are not going to be universally agreed upon in schools—things like creationism versus evolution—and if we pull kids out of school every time we disagree on things, we are not equipping them with the skills to participate in real life down the track. So I think there has to be a better way to resolve differences of views between parents and schools and children.

**The Hon. COURTNEY HOUSSOS:** Okay. Can I just ask a couple of points about your—sorry, you mentioned that you were quoting from something before, and it was from your submission. I have your submission here; I just could not find it.

**Dr NOBLE:** If you go to Appendix 1.1, which I think is the second-last page, The Royal Children's Hospital of Melbourne has released a guideline on the treatment of children with gender diversity and transgender. They have some definitions that they use, and their definition of "gender identity" is in there, which distinguishes it from their sex assigned at birth.

**The Hon. COURTNEY HOUSSOS:** Okay, that is very helpful. On page 6 of your submission under point 4, at the start of the third paragraph you said, "Evidence among the literature". I am wondering what the specific literature was that you were talking about.

**Dr NOBLE:** So page 6 ?

**The Hon. COURTNEY HOUSSOS:** Yes. Sorry, I have handwritten numbers on mine. I should say it is under point 4.

**The CHAIR:** Yes, it is unnumbered; under point 4.

**Dr NOBLE:** Under point 4 and paragraph—

**The Hon. COURTNEY HOUSSOS:** The third paragraph.

**Dr NOBLE:** "Evidence among the literature is strongly in favour of gender-affirming treatment"?

**The Hon. COURTNEY HOUSSOS:** Yes.

**Dr NOBLE:** Yes, so that has come from, again, the guide from The Royal Children's Hospital in Melbourne, which has basically summarised the fact that trying to impose gender consistent with biological sex can be quite harmful to people, and that has been done historically. In fact, if you go through the gender-affirming

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treatment, such as social transition, you can actually get rates of mental health issues, such as depression and anxiety, that reduce back to baseline if children successfully socially transition.

**The Hon. COURTNEY HOUSSOS:** Is it scientific? Is it medical?

**Dr NOBLE:** The medical evidence is in favour of gender-affirming treatment.

**The CHAIR:** But that is contested internationally, isn't it? I mean, you are relying on Telfer, Tollit, Pace and Pang, but it is a contested space in medical science, isn't it?

**Dr NOBLE:** The World Health Organisation removed gender diversity as a pathological state, so it is certainly internationally and nationally recognised that having a different gender identity to your biological sex is not a disease.

**The CHAIR:** No, no, but not every doctor agrees with Telfer, Tollit, Pace and Pang.

**Dr NOBLE:** Of course not.

**The Hon. COURTNEY HOUSSOS:** On page 2 of Twenty10's submission, you talked about inclusive schools that were flexible about uniform and toilet arrangements. Can you explain what you by that?

**Ms MORALEE:** That was a direct quote from a piece of research—the Beyond Blue report called *From blues to rainbows: the mental health and well-being of gender diverse and transgender young people in Australia*, 2014. That finding was specific to that research.

**The Hon. COURTNEY HOUSSOS:** Let me be clear. What does that mean in practice?

**Ms MORALEE:** I am sorry, I take your question. Flexible about uniform and toilet arrangements could mean that part of a young person's gender affirmation—they may be able to choose what uniform they want to wear. Toilet arrangements could mean having a gender-neutral toilet available or single-cubicle toilets available that could be used as a gender-neutral option for toilets.

**The CHAIR:** Thank you. Matthew?

**The Hon. ANTHONY D'ADAM:** Am I going to get a call?

**The CHAIR:** Yes, you will. You were called prior to other members earlier, so we are cycling through the order.

**The Hon. MATTHEW MASON-COX:** I will be fairly quick.

**The CHAIR:** We will get to you, Anthony.

**The Hon. MATTHEW MASON-COX:** Thank you all for coming it. It has been very interesting to listen to you and certainly to read your submissions. Are you aware of bulletin 55, "Transgender students in schools", issued by the New South Wales Department of Education? I might just give you some homework, if that is okay. As we understand it, it came out in 2014 and it has been revised, I believe, on a number of occasions. I would like you to take that away—and the secretariat can provide you with a copy—so we can get your views on whether it needs to be revisited and how you would revisit it in relation to this issue. That is the first thing. I might just take you to one issue that it deals with, and that is privacy, legislation and transgender students. What is your view in relation to a circumstance where a transgender child makes a decision at school or in that school environment and is affirmed, but the parents of that child do not know that the child has made a decision in that regard? Do you believe a parent should be informed by the school? If so, in what circumstances?

**Mr WHITNEY:** I am happy to speak to that first. I think any situation should be individual and based on the case, so it is hard to have a universal approach to this. The child's relationship with the parents is going to be different from child to child. All you have to do is go to any child protection unit in this country and know that some parents do not have the best interests of children. That has physical consequences, and emotional, psychological and spiritual. But I would encourage any school to work with parents when that is safe and when that child's wishes are acknowledged as well. Any situation when working with this sort of situation is that the school should be involved, a support referral should be done and the family and the child are worked on a systems in a holistic way. But, like I said, each case will be individual and that may not be appropriate.

**Mr DAVID SHOEBRIDGE:** Would it be appropriate for Twenty10 to talk about what happens if there is a very hostile parenting relationship?

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**Ms MORALEE:** Yes. Just to echo what Jack was saying, I think that is a very specific example. And, 100 per cent, each child's journey should be taken on a case-by-case basis. We acknowledge that that is a complex working relationship between the child, the school, the family and support staff. There will always be instances where the school disclosing on behalf of the child to the family could be an unsafe pathway to take and so we would not, in that instance, condone that pathway if it meant that that child was then in an unsafe environment. At Twenty10 we certainly do see young people coming from an unsupportive family environment.

During COVID there was a research report done that I am happy to share after the hearing, around young people who, indeed, felt safer within a school environment than their family environment. So the effects of the pandemic and being at home for that period of time actually meant that that young person did have increased anxiety, depression, poor mental health and worse without that supportive school environment with both their teachers and support staff but also their peers. On a day-to-day basis we do see the negative impacts of young people who have an unsupportive family environment and, in those instances, we think that we would support the school in not disclosing if it meant that there would be harm that comes to that young person.

**The CHAIR:** In making those judgements, is it in consultation with the New South Wales child protection agencies?

**Ms MORALEE:** Twenty10 follows all child protection mandatory reporting requirements.

**The CHAIR:** But do you consult with the agencies about the particular circumstances of that family and evidence that it is unsafe?

**Mr DAVID SHOEBRIDGE:** Are these the agencies you would not allow us to call as witnesses, Chair?

**Ms MORALEE:** One hundred per cent, Twenty10 works with all of the regulatory agencies and bodies that we need to in working with children and young people.

**The Hon. MATTHEW MASON-COX:** I will follow up with a specific example which is a bit of a hypothetical, but it will be useful to understand these circumstances because they are critical in an individual's journey. In that example, how do you make a judgement about whether or not it is safe if there are no child protection issues that you are aware of or, indeed, any other particular issues; it is just simply the wish of the child not to have it disclosed to his or her parents?

**Ms MORALEE:** I would take that question on notice because I am not a counsellor or a social worker. However, I am very lucky to work with a team of very talented expert individuals who are. So I would be happy to take it on notice.

**The Hon. MATTHEW MASON-COX:** That would be great, and how we frame that up and whether there is an age issue as well. Mr Whitney?

**Mr WHITNEY:** I just want to say that there is actually no leadership coming from government around State services that deliver this sort of work. So we need support from government to actually fund services that do this work in a great way. But we also need training around it. We need the involvement with government in health, also social services, community services because these children need that support but there is no leadership coming from government.

**Ms DAKIN:** The thing I would say to your initial question around when is the right time to make that disclosure call—I think there is a premise to the question that suggests that there is no ongoing relationship between the family and the school in that. One of the things that we know from more than 50 years' worth of evidence is that the best learning, the best outcomes from both the wellbeing perspective and an academic achievement perspective happens when schools, families and students are operating in a tripartite relationship where they are working together in an ongoing way. I think that instead of setting arbitrary points in time where something is disclosed, if we are actually empowering and encouraging our schools and resourcing our schools sufficiently that they are doing effective parent engagement to all the families in the school then these issues are less likely to arise because the ongoing relationships, the conversations that happen between schools and families and students have the opportunity just to happen so you are less blindsided by these issues. That is a really important point to the question—your follow-up to Jain.

If a child does not feel safe in their home and if they say to a school counsellor, "I don't want you to tell my parents because I am afraid and I do not feel safe", then that is your point. That is when you know that it is not safe. It may be a misperception, but that actually does not matter. If they do not feel safe then they are not safe. If the relationship exists between school, student and family then the school will know the family better.



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They will know how to work with that family. They will know whether something is a significant issue and whether something is likely to cause permanent harm. It is all about relationship. At the end of the day, the way that we do effective parent involvement in a child's education and the way we effectively engage parents in the creation and understanding of a child's experience of ideas—to get to the parental rights element of this bill—is to actually make sure that our schools are resourced appropriately to have effective relationships with parents in the first place.

**The Hon. ANTHONY D'ADAM:** I want to raise an issue that is at the heart of the kind of anxiety that I believe this bill preys on amongst parents—that somehow what is happening in schools is turning people trans, to put it bluntly. I ask the panel to offer some comments around that notion, which I think informs a lot of anxiety amongst parents, and what your views are on that.

**Ms DAKIN:** That the discussion of ideas is turning kids trans—I guess I would put it in another way. If that is true then is the discussion of food in home economics or food tech or whatever we call that subject these days turning us all into master chefs? I do not think so. As you have said, there is some debate amongst the Committee itself. Does the actual existence of an idea or does a conversation about an idea necessarily make me want to embrace it and take it on board? I think we are putting too much power in the hands of the discussion of an idea. Yes, discussion and talking about ideas is important. This process and this ability to come as a community to sit before elected representatives with the best available evidence that we have, to put it before you and to discuss it openly and to have a conversation—will we change people's ideas? Maybe. But are we doing the most important thing, which is actually acting out our civil society? Yes, we are.

The discussion of ideas does not necessarily turn somebody's opinion immediately. I think we are putting too much power in the hands of that discussion. What is more dangerous is to not talk about these things. When we see things—ideas, notions, ideologies—ignored and not discussed, that is when people become closed or things happen in the dark in secret. They become the thing that people have got to have—"I want to know that because they don't want me to know, therefore I have to know." This is what this bill is getting to the very heart of: the conversation about who controls ideas. It is important that we get back to the basics of that when you are making your deliberations after this hearing.

**Mr WHITNEY:** That idea is very problematic and outdated. I went through high school and I did not learn about same-sex relationships, but I engage in same-sex relationships. Without regulated resources, kids will be accessing that information online anyway. We are a digital, online world. Are we not better placed to have those resources in our schools, facilitated by a trained professional? The increase in awareness is probably just a reflection of where we are as a society and that there is an increased social acceptance. If we go back 40 or 50 years, I would have been in jail for who I am. We are just having the same conversation about a different community. That is a problem in terms of where we are going in our educational attainment and training the next generation of teachers, but also the schools and the students in our schools at the moment.

**Ms MORALEE:** I echo the comments of my colleagues here but I also add that I think that idea also undermines the young person as the expert in their own experience as a trans- and gender-diverse-identified human. Having those facilitated conversations in an inclusive and supportive environment actually strengthens the young person that may be having that experience and also demonstrates a way to strengthen the position of those people in the school and in the broader community. Those conversations also actively challenge and reduce ignorance and allow people to understand something like appropriate language, which is not going to change the direction of their world if they are not a trans and gender-diverse person. But using appropriate language and learning and understanding that discrimination and harassment can take a very small form—by misgendering someone through pronoun use, by refusing to use someone's name that is the name they want to be called—will make an incredible positive impact on the person that is most at risk, which is the gender-diverse young person in the room who is indeed the expert in their own life in that experience of their gender.

**The CHAIR:** Can I just raise an issue there? I have had teachers say to me, "We don't know who is genuine in this area and who is not." Teenage boys in particular always run a prank. I have heard of boys who say that they are girls so that they can get in the girls' toilet and cause a bit of mischief. They think that is really funny. This is adolescence, is it not? What do we do there about self-identification? A lot of teachers really struggle with the idea that "Look, we know the student here is having a lend of the school but we cannot say or do anything about it. What if they go home and self-harm? I lose my job; I lose my career." It is a very difficult area, is it not? It seems that trans is the one space in medical practice where you can self-diagnose. When it comes to schools knowing who is genuine and not, a lot of teachers really struggle with what is going on and what they can do about it.

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**Ms MORALEE:** That is where capacity building in school staff is really essential, being able to offer teachers and school support staff expanded learning around supporting young trans and gender-diverse people and maybe more finely honing when someone is having a—I am not sure what that expression is that you used, actually. But it is about community capacity building. You are right that young people are young people and they are having vast and complex experiences at school. But what we cannot undermine is that there are young trans and gender-diverse people in New South Wales who are experiencing discrimination, harassment and social isolation within a school environment. That only has dire outcomes. So the more that we can support families and school settings to be having those interconnected conversations, where they can, to better support those young people—we can only be better off in the long run.

**The Hon. ANTHONY D'ADAM:** I was going to ask about the process of engaging and involving parents. Perhaps you might have something to say about how we might better do that.

**Ms DAKIN:** I agree. Working to engage parents in this discussion is vital. Parents are the most important and first teacher of their child, without a shadow of the doubt. It is where all of the evidence sits. The Australian Research Alliance for Children and Youth has done a significant body of work in this space. I draw your attention to this document that I think we have made available to all of you, which was a resource we developed through some funding from the Commonwealth Government a number of years ago. We worked very closely with Minister Pyne and Minister Birmingham on the development of that document during their tenures. It is a step-by-step guide for schools with a whole variety of ideas about how to do this parental engagement better. At the heart of it is this issue of relationship.

We have to resource our schools sufficiently so that the people who work hand in glove to bring up our children, to raise them and to educate them actually know each other and understand the priorities they each have. When those relationships are fully formed and developed we create the situations where students are able to go home to their families to talk about the ideas they have learnt at school and to come back and say, "Well, I've thought about what you have said and I've thought about what we've learnt and this is my position on it. I have become a critical thinker." Because at the end of the day, I think that is what we want for our young people. We want them to have positive wellbeing, we want them to feel engaged at home and in their schools and we want them to grow up to be critical thinkers who are able to participate in this sort of civil activity.

**Mr WHITNEY:** I will just add as well. What teachers can do generally and what leadership from government could do is allow teachers to offer support to students and parents around these conversations and refer out. Let teachers prevent and challenge discrimination in the classroom and let schools do that as well. Allow students to speak up in classrooms. Do not silence them. Make sure that the curricula and lessons plan are inclusive generally so those conversations can be had. Allow policies to be implemented locally based off the school's environment. Also offer staff training, do not let government put their head in the sand.

**The Hon. SCOTT FARLOW:** Ms Dakin, in terms of that sort of tripartite arrangement between student, parent and school that you were talking through and what works effectively. Do you think there is at any point where the parent can effectively say: From my perspective after having that tripartite discussion I do not want my child to be taught that or I do not want my child to be subjected to that. Do you think that is something that should be open to parents or not?

**Ms DAKIN:** Look, I think it is really difficult to make a blanket statement about it. I would certainly be concerned that a parent is making that blanket decision if they have had a conversation with the school and they have had a conversation with their child. If a parent is not listening to their child then I think there are problems. I think that their relationship is not as strong as it should be. I do not want to make blanket statements. I do not think it is healthy. I think we are all individuals and families are very individual units. I think the deeper and the better we grow a relationship, whether it be that tripartite relationship I have been talking about or whether it just be child-family-child relationships if there is a child who really is desperately keen to explore something and a parent who is not then I am left questioning why that is.

**Mr WHITNEY:** I would agree with that. And if you look at any mandatory reporting guide education neglect is a tick-box in that. I think that we agree that a balanced approach to education is important where the child's voice and the parent's voice are heard in mutual agreement with a teacher in that room and that is important.

**The CHAIR:** Mr Shoebridge, do you have a matter to place on notice?

**Mr DAVID SHOEBRIDGE:** I just might ask you to take this on notice. The Uniting Network have put in a detailed submission. They have put forward six recommendations in response to the bill. They propose

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incorporating more support services for LGBTIQ children within schools by: improving facilities; providing teacher training both preservice and in-service on LGBTIQ issues, including but not limited to transgender and gender diverse students; development of protocols about interactions between teachers and between school staff and parents; providing enhancements for the curriculum; and, removing exemptions about discrimination. Can I ask you to take on notice what your position is about those six recommendations from the Uniting Network?

**Ms DAKIN:** Happy to.

**Mr WHITNEY:** Sure.

**Ms MORALEE:** Absolutely.

**The CHAIR:** We are out of time. Thank you for your input. It has been a really good discussion and, I am sure, very helpful to the Committee. Thank you for your submissions and your time today.

**(The witnesses withdrew.)**

**(Luncheon adjournment)**

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**PATRICK J BYRNE**, National President, National Civic Council, before the Committee via videoconference, sworn and examined

**TERRI KELLEHER**, National Vice President, Australian Family Association, before the Committee via videoconference, sworn and examined

**JOHN STEENHOF**, Principal Lawyer, Human Rights Law Alliance, sworn and examined

**ALEX MILLARD**, Solicitor, Human Rights Law Alliance, sworn and examined

**MARK SNEDDON**, Executive Director, Institute for Civil Society, before the Committee via videoconference, sworn and examined

**The CHAIR:** I reopen the Committee hearing and welcome our witnesses, who come from the National Civic Council, the Australian Family Association, the Human Rights Law Alliance and the Institute for Civil Society. It is available to any of the witnesses to give a short statement to the Committee. That is at your disposal if you have an opening statement; otherwise, we will go to questioning in the usual fashion around the table.

**Mr SNEDDON:** I am happy to make an opening statement [audio malfunction].

**The CHAIR:** Sorry?

**Mr SNEDDON:** I would be happy to make an opening statement. Thank you, Chair and Committee members, for the invitation to this hearing this afternoon. Briefly, our submission falls into three parts. The first is to argue that [audio malfunction] international human rights obligations on Australia require Australian governments to respect the liberty of parents and legal guardians to ensure the religious and moral education of their children in conformity with their own convictions and that the international jurisprudence makes that clear, particularly in the context of the European Court of Human Rights and to other [audio malfunction] International Covenant on Civil and Political Rights. That includes the right of parents to withdraw their children from education which would be inconsistent with the religious and moral convictions of the child—not just questions of education on religious topics but across the curriculum.

The second part is that we have made four suggestions about improvements to the bill. We support the bill—we support its purposes—but we have made several drafting suggestions strictly that go to matters of parental primacy and indicating that we should not be advocating or promoting dogmatic ideology. The third part of our submission is to address the importance of restricting advocacy or promotion of gender theory, gender change and gender transition in school. In fact [audio malfunction] suggesting a prohibition on the teaching or the mentioning of it at all, as some submitters have suggested—I do not think the bill does that—but to make it clear that we think the bill should ban the advocacy or promotion of gender theory, gender change and transition in schools. Thank you.

**The CHAIR:** Thank you very much. Mr Steenhof?

**Mr STEENHOF:** Thank you for the opportunity to make an opening statement and thank you for the opportunity to appear before this Committee in support of this bill. As we have set out in our submission, we support the bill because it reinforces the fundamental human rights principle that parents have prime responsibility for the instruction of their children in moral and ethical standards. It is very clear that there is a need for this bill given that the New South Wales teacher training course development and teaching content increasingly includes dogmatic and polemical ideology, particularly around gender fluidity. This undermines a quality education being given to the students of New South Wales.

It also prevents parents and teachers working together to get their children the best education in accordance with the broad standards of our community. Our submission has addressed the need to introduce this legislation, why it is important for it to be introduced and how this bill is consistent with international human rights instruments. We have made some analysis of the bill and its provisions, and some of the criticisms that are levelled against the bill. We have had also the opportunity to review the submissions of our co-presenters and broadly support those submissions to the extent they are consistent with what we have put in our submission. Thank you, Chair.

**The CHAIR:** Thank you. Patrick or Terri, did you have an opening statement?

**Mr BYRNE:** Yes, we would like to make an opening statement and say that we likewise support the bill banning gender fluid theory. This is an ideology and a very confused one with no clear parameters about it. It is intimately intertwined with what is generally known as queer theory. It is highly contested, unscientific—and

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there is plenty of evidence I have given for that in our submission. We are particularly concerned with a couple of aspects. One is when it becomes applied in practice, because really what we have here are two very incompatible views: one is that human beings are essentially biological and out of that comes that it is immutable and our inherent rights, privileges, protections and access to services, such as what facilities girls have and what boys have; and another view is that somehow gender is beside sex or replaces it—in the social construct that it is it constructs in turn a whole series of separate rights, privileges, protections and access to services that conflict with those from the biological world view.

The second element we are particularly concerned about is the whole concept of child agency—children being able to make their own decisions, whether that is sexual activity or changing their gender and their sex and what role schools play in it. That leads to a whole range of questions about parental rights versus school rights as well. So we are supporting the bill for those and taken up those particular and other issues in our submission.

**The CHAIR:** Thank you very much. I might start the questioning to John Steenhof by taking you to paragraph 40 of the Human Rights Law Alliance's submission. Just to clarify this, the provisions in the bill on ideological teaching mirror longstanding provisions about religious ideological teaching; that is, it has been banned. Is there any evidence at all that that provision on religious ideology has caused harm to the wellbeing, mental health or any other aspect of students from a religious background?

**Mr STEENHOF:** The aim of these submissions is to address some of the rather unhelpful and extreme commentary that has been made about the bill in terms of suggesting that it is going to put vulnerable groups at risk. In the paragraph that you have pointed out, we point out that the way that gender fluidity and ideological teaching are treated in the bill mirrors that of the way religion is addressed in the bill where, in section 30, I believe, it is mandated that there be secular teaching in New South Wales schools and that it not be polemical or dogmatic teaching of religion. There is no evidence that I have ever seen that any religious person or child in a school has ever felt unsupported as a result of that prohibition or that mandate for education to be secular, nor has it prevented any staff or wellness team of those schools from supporting children who are undergoing any sort of trauma or questions about their religious identity. So that leads me to be of the view that a lot of the concerns that have been raised about this bill are unfounded and are unhelpful as to the effect it will have for certain vulnerable students, particularly for LGBTIQ+ students.

**The CHAIR:** Further to that, at paragraph 43—this has been an issue of substantial speculation about the impact of the bill—you have submitted here that the bill "certainly does not mandate that any student should not be supported or given appropriate school counselling or referrals", and we had in an earlier session a claim that referrals to health organisations for transgender students could not be made. So you are saying at law and from your legal expertise that is not the case. Could you just elaborate on your legal opinion in that regard, because this has been the subject of a lot of contrary information out there at protest meetings and the like?

**Mr STEENHOF:** Thank you, Chairman. I have been aware of those kinds of assertions about the content of the bill. My reading of the bill is that what it is prohibiting is indoctrination into a particular worldview and in particular in relation to gender fluid ideology, and this is something that actually happens. We are a religious freedom law firm and we have been in operation for two years and often times we are the first port of call for parents and for teachers who experience some conflict with these issues of gender fluid ideology. So it is a real issue and we think that when we read the bill we do not see that it prevents the support of students who may present with issues of sexual orientation or gender dysphoria; it does not limit the ability of staff of the school to help them or refer them to services. It does need to be done in conjunction with parents and recognising that this is a matter of parental primacy, but what it does prohibit is indoctrination and the teaching of gender fluidity as a fact rather than as a theory.

If I can, I can share an example just recently of a student teacher who came to me who was studying to become a phys. ed. teacher and was asked to take a health course on one of their placements and was told that they were to teach a unit on gender fluidity. The student said that they had conscience issues with teaching it as fact. They were happy to talk about the theory of gender fluidity amongst other theories of human identity and they were told very firmly that that was not acceptable, that it had to be taught as fact and that they were going to fail their placement—which they did—if they refused to teach it as fact. So that is where the bill is targeted and it is targeted at a very real issue that is facing real people.

**The CHAIR:** Just to clarify, what are the limitations on school counsellors? It is a big issue because it is Government policy to put more school counsellors into New South Wales schools. Am I right in saying that this bill for instance would provide a prohibition on a school counsellor saying—hypothetically a student presents

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saying, "I've got worries and concerns in life and things aren't working out too well for me", would it stop a school counsellor in that circumstance from saying, "Have you thought actually that you were born into the wrong body and that your gender is fluid and you should think about some form of gender transition?" Would it stop a school counsellor from doing that?

**Mr STEENHOF:** It is difficult to deal with hypotheticals, Chair, but, in my view, it would mean that a school counsellor has to take into account all of their social and moral principles around gender and identity in the society. It does not mean they could not talk about issues of gender fluidity and potential issues about perhaps transgenderism, but it would have to be done, I think, in a way that is cooperative with parents and which talks also about the fact that a balanced view of this will reflect the fact that most people who identify with these issues desist in up to 90 per cent of the cases, according to research.

**The CHAIR:** What about in a comparable example: a student presenting with worries and anxiety and the school counsellor said, "We've got some good literature here that you could have a read of and think about over the weekend", and gave them Safe Schools brochures, which are banned in New South Wales schools. Would that be a prohibition under this bill?

**Mr STEENHOF:** Chair, I believe that that would be acting in breach of the provisions of this bill to provide polemical or dogmatic material such as the Safe Schools material. I think that is exactly what this bill is aimed at. I think what it does is reinforces that parents are the primary authorities and the primary influence on the formation of their children, particularly around identity and sexuality. I think it pushes back the balance to make any dealing with these kinds of issues a cooperative process which must involve parents as well.

**The CHAIR:** Okay. Finally, I know your organisation does provide legal services and expertise to families that are dealing with these issues and in some cases have been dreadfully mistreated by schools and kept in the dark. Are you convinced that aspects of this bill are relevant to a growing issue in our schools about parental rights?

**Mr STEENHOF:** Yes, absolutely. This bill, while not setting out in particularity what needs to be done in schools when there are these kinds of issues that arise, it certainly puts in place some key principles reflecting international obligations we have in human rights treaties that parents need to be the primary givers of moral and social formation, especially on issues of identity and sexuality. While the proof is in the actual enactment and how a bill of this is passed and is then put into practice, it certainly does send a clear signal that parents cannot be marginalised like we have seen them marginalised in many cases, that the school is not a place where activists are able to indoctrinate children on contentious theories about sexuality and gender.

**The CHAIR:** Is it your experience that, as a rule of thumb, if parents are kept in the dark about a school urging or effecting a gender transition, that almost inevitably it results in the fracturing of that family and destruction of its cohesiveness and actually makes the situation worse?

**Mr STEENHOF:** Chair, that is consistent with my experience. We of course only get experience with people who have had issues and had troubles. So generally we see the worst examples that come to us out of desperation, and a common theme out of all of that is where schools have been acting behind the backs of parents and have been actively counselling and indoctrinating children in gender theory and are promoting and pushing them down a pathway—particularly in relation to transgender ideology—of gender transition which the parents only hear about some time later, often times after it has been announced to the class and often times where siblings at the school have found out and been forced to keep it from their parents. It effectively means that parents are the last to know. They are often hostages in their own home because they have got a child who has been egged on by supporters to take on a transgender identity without bringing parents along on the journey, and parents feel compelled to have to go along with whatever is being proposed by the school.

They feel alone because their position is one where they do not want to be seen as bigots and transphobes, as they are commonly smeared with whenever they say, "Hang on a minute, we just want to have some time to understand this." And often times that advice that has come through schools has been completely contrary to the medical and psychological assistance that a child may have been receiving for coexisting conditions, such as autism, since they were very young. So that you will have a psychologist who has been working with a child for over 10 years who will say, "This child is autistic. We've never seen any evidence that this child has gender dysphoria", and yet a school counsellor with no qualification has counselled them down that line and it has been progressed to a social transition without the parents knowing. Those are real stories and those are real families. They get ripped apart by this kind of activity in our schools.

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**The CHAIR:** Anthony D'Adam?

**The Hon. ANTHONY D'ADAM:** I am interested in that case you mentioned. Did it get litigated?

**Mr STEENHOF:** Anthony, no. At the moment it is an evolving case. The difficulty for parents is this: As soon as they would give any opposition to the way that their child has been treated without their permission, it sets them up in opposition to a child who is still living in the house.

**The Hon. ANTHONY D'ADAM:** The case that you mentioned was not about a parent; it was about a student teacher.

**The CHAIR:** The earlier example about the student teacher, not the last one you gave about that particular family.

**Mr STEENHOF:** So it is being worked out within the university system. This is why these stories often do not come to the fore and become public stories—is that the university at which the student is attending then gets the student back saying they failed their placement. It then goes through with the university to try to rectify that and clarify the basis on which they failed and then try to arrange for another placement—alternative placement.

**The Hon. ANTHONY D'ADAM:** I suppose the problem with citing a case like that is that, as you well know, until facts are actually tested in court it is just one side of the story. It may not be true, and you are citing this as an example that should drive a public policy agenda. Do you see the problem with the absence of appropriate case studies in this? I mean, I have read through most of the submissions that are supporting the bill and almost all of them, in fact, cite no specific examples of the teaching of gender fluidity ideology, as you describe it. It is a complete absence of evidence about this occurring in schools, and yet the advocates for the bill are suggesting that we shape public policy in the absence of any concrete evidence that this is occurring.

**Mr STEENHOF:** Thank you, member, and let me address those concerns. The first is over untested facts being presented to this Committee. Obviously, where a matter is a subject of confidentiality and it relates to a person who is currently in education and it is a matter that cannot be brought out in public, then clearly there are not facts that can be tested because it is a resolved matter. It has certain issues about lawyer-client confidentiality that I cannot actually give you the actual specifics.

But I am under oath. It is my obligation to represent that as best as I know on the facts that I have and the instructions that I have received. It is of a completely different character to the utterly extreme hypothetical examples that have been given in opposition to this bill, citing potential effects of this bill on hypothetical examples of people who are in vulnerable categories and weaponising them as a way to oppose what is merely an attempt to prevent indoctrination. Another point was made about there being no examples of gender fluid teaching in schools and it being taught as fact or teaching staff being required to. I would have thought that all parties had access to the second reading speech which set out a whole host of examples of teaching resources of teacher training courses in which gender fluidity is actively promoted to be taught as a fact.

**The Hon. ANTHONY D'ADAM:** Just to further elaborate, obviously we have all heard the second reading speech.

**Mr DAVID SHOEBRIDGE:** It is not evidence.

**The Hon. ANTHONY D'ADAM:** That is not necessarily evidence of what is occurring. It is an assertion from a member of Parliament.

**The CHAIR:** Order! There is a professional development course. I will show you the course. We have got it on tape.

**Mr DAVID SHOEBRIDGE:** There is no order. It is not evidence.

**The CHAIR:** It is not evidence?

**The Hon. ANTHONY D'ADAM:** The Chair has also suggested that gender fluidity is not in the curriculum at all in New South Wales.

**The CHAIR:** Yes, that is right.

**The Hon. ANTHONY D'ADAM:** That seems to suggest that this is not a problem that requires the attention of the Parliament. What do you say to that?

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**Mr STEENHOF:** What is formally in the curriculum and what is actually being taught and promoted in schools are often two different things. I can give you—

**The Hon. ANTHONY D'ADAM:** But you say actually taught in schools. You have presented no evidence that that is occurring.

**Mr STEENHOF:** Well, if the Committee would like—

**The Hon. ANTHONY D'ADAM:** How can you make that assertion?

**The CHAIR:** Order! The witness will be able to finish his answer.

**Mr STEENHOF:** If the Committee would like examples of specific courses that have been recommended and resources that have been made available for schools, they are readily available and I am surprised that the Committee member has not had access or seen them.

**The Hon. ANTHONY D'ADAM:** I take you back to the original question.

**Mr STEENHOF:** I have briefly reviewed other submissions that include examples of resources that are actively promoting gender fluidity, and if the Committee would like us to source examples, we can. A further example I can give—anecdotal and of limited utility but very real, involving a real person—is a teacher who contacted me, who was an early education teacher in the education system, who was not going to put her own child through the school at which she was an early education teacher because she was required to teach at that school by the principal to four- and five-year-old children that you are able to select your gender: Girls can be boys and boys can be girls. Now, again, that is something that was relayed to me by a teacher with real concerns. It is not something, obviously, that can be proof tested or that is subject to verification, but it is a real thing that is happening.

**Mr DAVID SHOEBRIDGE:** It is not evidence, in short.

**The Hon. ANTHONY D'ADAM:** It is not evidence.

**Mr DAVID SHOEBRIDGE:** It is all rumour, second-hand, third-hand, fourth-hand hearsay.

**The CHAIR:** Order!

**Mr DAVID SHOEBRIDGE:** That is all we get.

**The CHAIR:** The witness can finish his answer. Last year on Wear It Purple Day, the education department sent out dozens of gender fluidity guides to 70,000 New South Wales teachers. Anyone who says this is speculation and a fantasy world is unaware of the facts. The Premier said it would not happen again. These were breast-binding, penis-tucking guides to 70,000 New South Wales teachers. That is the gravity of what we are talking about here. The witness should be able to finish his answer as he is dealing in facts.

**Mr STEENHOF:** Thank you, member.

**The CHAIR:** You reckon that did not happen, David? You are in a complete world of delusion here.

**Mr DAVID SHOEBRIDGE:** I reckon your weird and strange fixation on some of these issues troubles me, Chair.

**The CHAIR:** Does it? It troubles a lot of parents, I can tell you. John?

**Mr STEENHOF:** Sorry, Chair. I am not aware that I have anything else to add to the answer that I was giving. I am welcome to take another question.

**The Hon. ANTHONY D'ADAM:** I have got a further question, sure. A couple of days ago in *The Sun-Herald*, there was an article by Michael Koziol. He opened the article by describing "Mark Latham's proposal to ban any discussion of gender diversity in NSW classrooms", and then it goes on and says that the Latham bill proposed a prohibition on the promotion of gender fluidity. I wanted to ask you about the likelihood, given that this journalist has clearly conflated two concepts, gender diversity and gender fluidity—and I think we had a number of witnesses here this morning who gave mixed interpretations of gender fluidity. It is not a precise concept. It is open to interpretation. It has clearly confused this journalist. How is that going to be applied in the classrooms and schools in the New South Wales public education system if those basic distinctions are so difficult to draw?



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**Mr STEENHOF:** Thanks, member. I think that in looking at the press that has surrounded this bill, a lot of the commentary has been unhelpful and seems to be founded not on a misunderstanding of what the bill says but on a taking as gospel the statements that have been made in opposition by activist groups. I think it is very clear as to what is being targeted by this bill. It is indoctrination and it is indoctrination into an ideology of gender fluidity which seeks to separate out sex and gender. It seeks to suggest that gender is a social construct and seeks to present that as a fact rather than the radical theory that it is.

**The Hon. ANTHONY D'ADAM:** Why is that idea so threatening?

**Mr DAVID SHOEBRIDGE:** Good question.

**The Hon. ANTHONY D'ADAM:** Why is it so threatening? Why are people so het up about it?

**Mr STEENHOF:** Member, the idea is not threatening if that is presented as one of many theories on sexuality and identity.

**Mr DAVID SHOEBRIDGE:** But you want to prohibit it—100 per cent prohibit it. That is the whole purpose of this bill. You now talk about one of many ideas. The whole purpose of this bill is to prohibit it being discussed. That is the bill you support. You cannot say one thing at one point when it is convenient, then narrowcast differently in answer to the question. You want to prohibit it.

**The CHAIR:** Being taught.

**Mr STEENHOF:** The member suggests that we prohibit speaking about gender fluidity. It is not my view that the bill prohibits speaking about gender fluidity.

**Mr DAVID SHOEBRIDGE:** Do you want me to read you 17A? "The education in government and non-government schools must not include the teaching of gender fluidity." That is what it says.

**The Hon. ANTHONY D'ADAM:** Full stop.

**Mr DAVID SHOEBRIDGE:** Have you read the bill? You come in here as the lawyer. Have you read the bill? It says it.

**Mr STEENHOF:** Member, the teaching of gender fluidity is not teaching about gender fluidity; it is the teaching of gender fluidity as a fact. The bill very clearly says—

**The Hon. ANTHONY D'ADAM:** That is a distinction that is going to be very difficult for teachers to interpret day to day. Isn't that a fundamental and practical problem—

**Mr DAVID SHOEBRIDGE:** It is also not right.

**The Hon. ANTHONY D'ADAM:** —with the implementation of this bill? It is flawed, is it not?

**Mr STEENHOF:** If the member has concerns that that aspect of the bill is unclear, there are many drafting—

**Mr DAVID SHOEBRIDGE:** It is not unclear. It is absolutely plain.

**Mr STEENHOF:** Would the member like to continue with their question, or am I able to speak in response?

**Mr DAVID SHOEBRIDGE:** It is not a question of whether we are comfortable with it being black and white, what the bill says. I suppose the question is this: Are you comfortable with it saying this and you saying something else in your submission? I am talking expressly here about 17A of the bill.

**Mr STEENHOF:** Well, the member and I disagree on what the bill actually says and what it means. I have said that if the member's contention is true, it would say you cannot teach about gender fluidity. This bill says you cannot teach gender fluidity, and that means teaching it as a fact to the exclusion of all of the myriad of other valid, societally accepted teachings on identity and gender.

**The Hon. ANTHONY D'ADAM:** I will draw you back to my original question, which was really about—irrespective of whether you agree with Mr Shoebridge or your interpretation—the fact that there is some difficulty here in actually pinning down what the legislation means. How is it going to be applied day to day in schools and classrooms if we cannot even agree on that very simple proposition that is a central element of the bill?

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**Mr STEENHOF:** If the member is concerned that there is a lack of clarity around the bill, there are easy drafting techniques that can be used to put notes in the bill to clarify what it is that is the intention of the bill, and that is that ideological indoctrination is not allowed in New South Wales schools. It is not allowed in relation to religion, yet when we use the same sort of formula of words to talk about gender fluidity, all of a sudden it becomes unclear and a bunch of submissions are made that it actually overreaches.

**Mr DAVID SHOEBRIDGE:** Sorry, you say it is not allowed in relation to religion, but you actively support special religious education and you need an express carve-out in the bill to allow for dogma and polemical ideology to be taught in special religious education. That is also 17B of the bill. So you support it in special religious education, but you do not support it anywhere else. How do you square that circle?

**Mr STEENHOF:** Member, that is a great question because religion is such an intrinsic part of Western society and has contributed so much. It has given us the very schools that we are educating our children at, and that is to be—

**Mr DAVID SHOEBRIDGE:** The Hundred Years War.

**Mr STEENHOF:** —distinguished from gender fluidity, which is a radical ideology. It is a recent teaching. It is very fashionable amongst those who look to be on the extreme edge of progress, but it has contributed nothing. There are historical reasons why religious education has had those carve-outs, and it is very limited in the way that it is applied and is carried out in our schools.

**The Hon. ANTHONY D'ADAM:** So can I say if—

**The CHAIR:** Mr Mason-Cox? We have got to move on because of the time and others have been waiting.

**The Hon. ANTHONY D'ADAM:** I have just got one more question.

**The CHAIR:** We might come back, if we have got time, at the end.

**The Hon. MATTHEW MASON-COX:** I might just change direction a little, if I might. I just wanted to direct a couple of questions to Mr Byrne and Mrs Kelleher on the video feed there. I note your joint submission. On page 5 of that joint submission you note the various evidence pointing to the highly contested ideology of gender ideology itself, and you note of concern at the second dot point:

The NSW Education Department's *Legal Issues Bulletin No.55* that leaves the department open to claims of negligence in the duty of care for children.

Could you please expand on that?

**Mrs KELLEHER:** What the *Legal Issues Bulletin No. 55* requires is really the consequence of teaching or the flow-on from teaching gender fluidity in the schools that of course then transgender students should be allowed—they are to be supported in transitioning and there has to be negotiation of the use of facilities such as toilets, change rooms and showers, sporting competitions. All of those bits of school life are affected then by the creation, in effect, of the rights of transgender students. There needs to be a really thoughtful exploration of that, of what it means. But this is what the bulletin requires. That carries, first of all, a question as to the rights of girls in schools—their right to freedom from discrimination. Is it not discrimination against natal girls if natal male students who identify as female are allowed to use their toilets, change rooms and showers and share overnight school camp accommodation? What about their right to feel safe and to their privacy in spaces where they may be in a state of undress or asleep? What right do they have to fair sporting competitions? There is a worldwide movement at the moment speaking out for women's and girls' rights to their own sporting competitions on the ground that natal males have serious advantages over females.

You can see the questions on pages 38 to 39 of our submission and also pages 37 to 39 for the advantages of natal males over females. Girls' sports, or their sporting competitions in schools, is part of what is required by the *Legal Issues Bulletin No. 55*. Then there are risks to students of adopting gender fluid policy such as bulletin 55, the issue of child safety. In 2014 there was a report on child-on-child sexual abuse in schools. That was quite horrific. If I can find the report—it was in 2014 and it is referred to in our submission. There were about a thousand cases across Australia in 2013 of sexual assaults, student on student, in schools. About 700-odd of those, or over 700, were in Victoria and about 145 in New South Wales. The rest were in the other States. This is quite disturbing. Why would you want to set up—because part of the instructions or guidelines for schools as a result of a flow-on from teaching gender fluidity, you know, that people are the gender that they feel and it may not be their natal sex, is to allow natal males into girls' toilets. Now, that is not saying that all males or all boys who identify as girls

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are going to be a threat, but it sets up a situation where that can occur. That is very serious in the light of the child-on-child sexual abuse in schools.

I cannot give details but I do know of one case that still disturbs me where a six-year-old girl was seriously sexually assaulted in a gender-neutral toilet at a school. The family were devastated and so was the child. They did not want to follow it up because they were so traumatised, which is why I cannot give any details. But this is the sort of situation that can be set up. That is not saying that all boys who identify as girls—of course not, but it is just saying that it sets up that situation if boys are allowed to use the girls' toilets or, alternatively, if you have gender-neutral toilets. I have—

**Mr DAVID SHOEBRIDGE:** There is no evidence anywhere in the study of this kind of linkage.

**The CHAIR:** Order! The witness can finish her answer.

**Mr DAVID SHOEBRIDGE:** It is an appalling suggestion from this witness.

**The CHAIR:** Order! It is not for the member to interrupt the witness who is giving her answer.

**Mr DAVID SHOEBRIDGE:** It is just extraordinary.

**The CHAIR:** It has not happened to other witnesses on the panels you support; it should not happen now. Terri?

**Mrs KELLEHER:** Thank you, if I could continue. So that is the risk to students. I think it is a matter of child safety risks for teachers. On page 36 of our submission, bulletin 55 sets out the policies, for example, in relation to how teachers are to manage the risk, which is assessed as high risk, of the sharing of toilets by boys and girls. One of the risks—you can see it on page 36—is the staff is to monitor the length of time in a change room. So staff are to monitor the length of time. It puts teachers in a difficult situation. Are they to be rostered outside toilets? Does there always have to be someone supervising whenever the toilets may be used, which would be throughout the day?

**The Hon. ANTHONY D'ADAM:** Point of order: We are taking evidence on a bill that has nothing to do with unisex toilets.

**Mr DAVID SHOEBRIDGE:** Or teachers sitting outside toilets timing.

**The Hon. ANTHONY D'ADAM:** It has nothing to do with it. It is outside the terms of reference of this inquiry and I would ask the Chair to bring the witness back to—

**The Hon. WES FANG:** I have been waiting for this one. "Any other matter"—it has been called on me so many times.

**The CHAIR:** Yes. Related matters. I think the use of—I raised earlier on the problem of boys declaring themselves to be girls to get into the girls' change room. That was in order and I think this is in order as well. Terri?

**Mrs KELLEHER:** Thank you. And then what about a male teacher's reputation if he finds it necessary to intervene in a female toilet, shower or change room? These are really onerous duties on teachers. Then there is the risk to the education department of adopting such gender fluid policies as bulletin 55. Why would the NSW education department risk a discrimination complaint from female students who are treated "less favourably" on the grounds of their sex than a natal male student who identifies as female and demands to use the female toilets?

Why are their rights to their privacy and bodily integrity being ignored? And why would the NSW education department want to risk prosecution for failing to protect a female student from rape or sexual assault in a school toilet, shower or change room that she had to share with a natal male student who identifies as female?

It seems to me that there are grave risks from these sorts of gender identity policies and they do follow from teaching gender identity in the schools. Now, I do not deny that these are matters—and especially do not deny there are transgender students. There are students who feel deeply that they are born in the wrong body, that they want to change their sex. Now, that may be the case, but these consequences of adopting those policies and adopting that—those rights then override the rights that flow naturally from being a biological female, a biological girl. There has to be consideration of how to respect the rights of everyone. Anyway, that is all I have to say on that point—

**Mr DAVID SHOEBRIDGE:** That is your first question.

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**The Hon. MATTHEW MASON-COX:** Okay.

**Mrs KELLEHER:** —but the education department could be very well at risk of prosecution further down the track.

**The Hon. MATTHEW MASON-COX:** Thank you for that. Just as a follow-up, I see there is a bit of a common theme in the submissions, I think, from most of this panel. That is a concern in relation to the affirmation model that exists or is purported to exist in terms of a child who may be suffering from gender dysphoria and the dangers of that being, if you like, reinforced in a school environment and then potentially referred through to the natural progression towards a medical intervention via referral to support services or medical services—gender reassignment clinics—and the pathway that that follows, and the mention in a few of the submissions of the situation in the UK with the recent Tavistock decision and the concerns in terms of informed consent for children and how all that flows through and back to a school environment where this is in wide practice. Perhaps I will leave that open for people to comment on.

**The CHAIR:** Mark Sneddon mentioned Tavistock in his submission.

**Mr SNEDDON:** I will take that question, if I may. I think the concern with the teaching of gender theory is that it is another—it is a reinforcing and [audio malfunction]. As I think Terri Kelleher said, obviously we have children who have gender dysphoria [audio malfunction] and not being a very large number of such children or adolescents, but they exist and they need to be treated with great compassion, care and respect and appropriate medical [audio malfunction].

**The CHAIR:** Mark, could I suggest that you turn off your visual videolink and just go audio? Because the audio quality is very poor for us receiving at this end. The screen will go blank but it should give you better reception and for us to hear your audio.

**Mr SNEDDON:** Sure, I am sorry. Is that better?

**The CHAIR:** Yes.

**Mr SNEDDON:** I apologise about the connection. I was saying that one of the reasons we support this bill is not in any attempt to drive out or make life difficult for people who have gender dysphoria at schools but to recognise that there is a social contagion aspect to the recent marked increase in a number of cases of prepubertal and peri-pubertal gender dysphoria and gender transition. That is caused by the teaching material in schools. It is obviously caused by social media and other things like that, which the education department cannot control, but it is caused in part by the proliferation of material through education and the discussion of these issues within the system. That leads to more people—more peri-pubertal and prepubertal young people—being told that they have gender dysphoria and being counselled through an affirmation process into transition. We have seen a 30-fold increase in Victoria in terms of referrals to the Royal Children's Hospital gender clinic over nine years and a 40-fold increase in the Tavistock gender clinic in London, and an affirmation process followed at both of those places which accepts immediately and without question the child's statement about [audio malfunction].

That contrasts markedly with the prior medical treatment, which was to look at all of the aspects of that child's [audio malfunction] autism, comorbidities and to deal with that sensibly. What we know is that about 80 per cent of cases of peri-pubescent and prepubescent gender dysphoria resolve during puberty without medical or other transition occurring, whereas the affirmation process that we now have means that an awful lot of people are being transitioned socially, hormonally or surgically and that we are getting more and more of the regretters and the desisters like Keira Bell in the Tavistock case. And we have the Tavistock case, which the High Court looked at the expert evidence from around the world and said the affirmation process—putting people immediately on puberty blockers—was experimental medicine without an adequate evidence [audio malfunction]. They, I think, are the social factors around this. What we are trying to do—or what I understand this bill is trying to do—is to reduce the social contagion influence of putting more people onto the conveyer belt of gender transition.

**The Hon. COURTNEY HOUSSOS:** I thank all of the panel members for their time and submissions. They were clearly very well researched and you have taken a lot of time to prepare them, so I really appreciate that. The one thing that I thought that was common across all of them was they all talked about the international obligations and that this bill would be actually introducing or mean that we would actually be bringing into effect our international obligations. One thing I wanted to pose to all of the panel members was that we did receive some conflicting advice from the Australian Research Alliance for Children & Youth, which asserted that the UN Convention on the Rights of the Child article 13 about the right of a child to freedom of expression and to seek information in a variety of different ways—they go on to say:

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Depriving children and young people the ability to seek and receive information in regard to gender fluidity at their educational institution is a violation of their right to freedom of expression.

I know that that is just one. I understand, I think, all of the organisations have talked about lots of different international covenants, whether it is the UN Declaration of Human Rights or whether it is the International Covenant on Civil and Political Rights, and I think there is another one that I am forgetting. I would be interested in your thoughts and the way that that plays out because obviously this is an interaction between the rights of the parent and also of the child. Mr Steenhof, would you perhaps like to start?

**Mr STEENHOF:** Perhaps I can go first and others can clean up behind me. Certainly I think the comment that you alluded to from—who was it?

**The Hon. COURTNEY HOUSSOS:** That was from the Australian Research Alliance for Children and Youth.

**Mr STEENHOF:** I think it is premised on the idea that this bill prevents all talking about gender fluidity, whereas I think I have made clear that my view is that what it does is prevents that being taught as fact and the only theory of identity. So it is limited in that way. But it also fails to look at the other rights that are set out in the United Nations Convention on the Rights of the Child, which gives real primacy to the authority of parents and the central importance of parental influence in the formation of their children.

Article 14 of the United Nations Convention on the Rights of the Child says that State Parties shall respect the rights and duties of the parents and, when applicable, legal guardians to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child. One of the interesting aspects of the Tavistock case was this issue about the evolving capacities of the child to consent. The court looked at the standard that has been used before and said that it strongly doubts that, on these issues of identity and gender, a child under the age of majority is going to be in a good position to be able to make decisions that are going to have these long-lasting effects on their health, on their medical treatment and on their future. So when it comes to issues of gender fluidity, it is very clear from a variety of sources that this is something that sits within the parental purview and the authority of parents. That would be my response to that submission.

**The Hon. COURTNEY HOUSSOS:** Thank you, Mr Steenhof. Mr Sneddon, can I ask you to provide a response.

**Mr SNEDDON:** Yes, I agree with what Mr Steenhof says. The Convention on the Rights of the Child includes, as Mr Steenhof has just quoted from article 14, that they need to respect the rights of parents to guide the development of the child in [audio malfunction]. What you do if you put those together as we have set out at length in our submission [audio malfunction] education system cannot be engaged in any sort of polemical or dogmatic instruction on matters that are contrary to or will undermine the moral or religious framework of the home. It is not to say that they cannot discuss those sorts of issues, but they cannot be involved in any polemical or dogmatic instruction.

**The Hon. COURTNEY HOUSSOS:** Thank you, Mr Sneddon. For me, that was the point that Mr Steenhof was making in his submission when he says that it will be treated in the same way as religion. Is that the idea? That gender fluidity would be taught in the same way, in that you cannot teach what we would probably call proselytising but you can actually teach about religion in New South Wales schools. Is that your distinction?

**Mr STEENHOF:** Member, that is exactly correct and really it was to try to counter some of the rather irresponsible messages that were going out about the extent of this bill and using scare tactics to try to portray it as a threat to vulnerable groups. It is not a threat to vulnerable groups. This is a—

**Mr DAVID SHOEBRIDGE:** An attack on vulnerable groups.

**The CHAIR:** Order!

**Mr STEENHOF:** —reasonable attempt to stop ideological indoctrination. That is what it is.

**The Hon. COURTNEY HOUSSOS:** Mr Byrne and Mrs Kelleher, did you have any brief responses on the international obligations?

**Mrs KELLEHER:** That was a question for me, I'm sorry? Could you repeat it? Could you speak up a bit?

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**The Hon. COURTNEY HOUSSOS:** Sorry, just for either of you to provide a reflection on the international obligations, the sort of competing idea that may be under the UN Convention on the Rights of the Child against the other international obligations around parental primacy.

**Mrs KELLEHER:** The Convention on the Rights of the Child—one of the underlying things about it or positions is the protection of the child while the child is vulnerable. That has played out in law as well with the idea of the child slowly growing older, more mature and able to make decisions. That is certainly the whole context even of the Convention on the Rights of the Child—that it would be within the guidance of the parents that the child comes to make its own decisions. You decide as a parent. I certainly know what decisions you allow them to make. And as they do get older, those decisions become more and more responsible.

But when we are talking here about gender fluidity and you are looking at it being taught in schools, not just discussed or talked about, then young people will think that that is the only way of seeing it and that that is what human sexuality is. I think that they still need guidance in these matters and the seriousness is that it can lead to gender transitioning. The young person has thoughts of taking hormones—puberty blockers going on to cross-sex hormones. Of course, the Tavistock case really brought that point into relief very much. How can young people, even up to the age of 15, give informed consent to these sorts of treatments that will have, or can have, lifelong effects? That is the point.

So it is the seriousness of the decisions that the child can make as it matures and any parent will know that. The Convention on the Rights of the Child is for the protection of the child because the child is vulnerable. The parents should be able to guide that process as the child matures and then can make its own decisions. But we are talking here about decisions with gender transitioning. If you are talking about teaching gender fluidity, any young person who might have gender dysphoria or distress around their sexual identity—that could lead them on to transitioning treatments which have lifelong effects.

**Mr BYRNE:** Am I correct in saying that the original statement you were working from there was a statement claiming the rights of children to 13 years old say to have information or to be taught about these things. Is that correct?

**Mrs KELLEHER:** To seek information.

**Mr BYRNE:** To seek information.

**The Hon. COURTNEY HOUSSOS:** Yes, that is right. That had been proposed by one of the other submissions.

**Mr BYRNE:** Part of my question is—because this is an area where I have written extensively—what information? What is gender fluidity? What is gender theory? I think somebody has already said today that there is no one view of it. The Australian Human Rights Commission says that there is no set theory about it. It is highly diverse. What therefore information are you going to talk about? Is gender separate from sex or does it replace sex? In a legal sense, if you go and get an identity document change, it legally changes your sex. So is it separate from, is it part of, is it socially constructed, is it biologically based, as some claim? Some claim both. How can it be biologically based and at the same time a social construct?

The question is premised on that there is a theory to actually teach or to find out about, when it is all over the place and highly contested. If you are then going to provide the information—what information? Are you also going say that a lot of children who have gender dysphoria desist and 97 per cent, as they found in about 2008, identify only with their sex of birth as adults? Are you going to teach that there is a growing movement of de-transitioners and the risk if you go all the way down the road to full sex change surgery, a highly intrusive medical surgery, and then the longer term risks from that. The best study on that was in Sweden, I think it was, the long-term effects of—

**Mr DAVID SHOEBRIDGE:** Wasn't this question about international—

**Mr BYRNE:** —transitioning, which had a suicide rate of 19 or 20 times the rest of the population.

**Mr DAVID SHOEBRIDGE:** Point of order—

**Mr BYRNE:** In a population—

**The CHAIR:** There is a point of order, Mr Byrne.

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**Mr DAVID SHOEBRIDGE:** The question was about UN instruments. We have strayed so far from that.

**Mr BYRNE:** My question is, how far? When they seek information, what information are we talking about? That is what I am trying to get at. It is not just a simple thing of people can change their gender. What does it all mean? Where does go to? The question that I am therefore going back to is, what are you really asking to provide?

**Mr DAVID SHOEBRIDGE:** This is a question to you, Mr Steenhof. The Human Rights Law Alliance—you say that you are not about targeting LGBTIQ rights and the like. Is that your position? You are not about targeting them as a community and marginalising them.

**Mr STEENHOF:** Correct.

**Mr DAVID SHOEBRIDGE:** How was it that you could hold a camp with a speaker from the Alliance Defending Freedom—and you did it quite openly and you published their attendance at a camp—when you know that that is a US group that funds international campaigns to make people expressing themselves as LGBTIQ and being an LGBTIQ person a criminal offence? How can you say you do not target LGBTIQ rights when you sit down and indeed you promote voices like Alliance Defending Freedom? How do you do both those things together?

**Mr STEENHOF:** Thanks for the question, member. There is a couple of answers to that.

**Mr DAVID SHOEBRIDGE:** Sorry.

**Mr STEENHOF:** The first is that any camp that was held with someone from the Alliance Defending Freedom is before my time. The Human Rights Law Alliance name has been taken and migrated into a separate standalone law firm which has clear charitable objects, which is the promotion of religious freedom. None of those charitable objects are the targeting of the LGBTIQ community, and in fact we would not have been able to get charitable status—

**Mr DAVID SHOEBRIDGE:** You promoted it, though. The Human Rights Law Alliance promoted it and indeed brought out—I think it was Mr Ventrella. And you know that what they do is hateful international campaigns to try and maintain laws to make it a crime to be LGBTIQ.

**The Hon. SCOTT FARLOW:** Point of order—

**The CHAIR:** Point of order, Mr Farlow. Order!

**Mr DAVID SHOEBRIDGE:** That is your record; that is your history.

**The Hon. SCOTT FARLOW:** The witness has indicated (a) that any of these events happened before his time. Mr Shoebridge is asserting that "you, you, you"—very personal to Mr Steenhof.

**Mr DAVID SHOEBRIDGE:** The Human Rights Law Alliance.

**The Hon. SCOTT FARLOW:** And also the Human Rights Law Alliance that Mr Shoebridge is referring to is actually a forerunner to the organisation which is a completely different organisation, as I understand from Mr Steenhof in this regard as well.

**The CHAIR:** I think the point of order is valid in that the question has been answered. Is there another question, David?

**Mr DAVID SHOEBRIDGE:** So are you denying it happened, Mr Steenhof? You are just denying any responsibility for it.

**The CHAIR:** No, that is the same question. You have got to ask a different question.

**The Hon. SCOTT FARLOW:** Mr Steenhof has answered the question.

**Mr DAVID SHOEBRIDGE:** No, he has not.

**The CHAIR:** He has answered the question. It might not have been the answer that you were wanting but he answered it.

**Mr DAVID SHOEBRIDGE:** Well, he has not answered it.

**The CHAIR:** He has.

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**Mr DAVID SHOEBRIDGE:** You are denying any responsibility for it even though it happened under the name of your organisation.

**The CHAIR:** We will have to call time there for afternoon tea. The witness has answered the question.

**Mr DAVID SHOEBRIDGE:** You do not want to hear the evidence.

**The CHAIR:** He has answered the question.

**Mr DAVID SHOEBRIDGE:** You do not want to hear whether or not one of the groups here has worked with and campaigned with some of these hateful voices coming out of the United States.

**The CHAIR:** Well, that is your assertion. Mr Steenhof gave—

**Mr DAVID SHOEBRIDGE:** You will not let him answer it. You will not even let him answer it.

**The CHAIR:** He gave a response to it. We all listened to the answer. A point of order was taken.

**Mr DAVID SHOEBRIDGE:** I am interested to hear if he has a substantive response and you will not even do it.

**The CHAIR:** Well, David, you have got to under—

**Mr DAVID SHOEBRIDGE:** I know it is uncomfortable for you to see the kind of international alliances of people you are sitting down with with this bill.

**The CHAIR:** No, it is not at all. It is embarrassing for you.

**The Hon. WES FANG:** David, what is uncomfortable is—

**The Hon. SCOTT FARLOW:** David, do you want to go after the Hindus again or what?

**Mr DAVID SHOEBRIDGE:** I know it is uncomfortable to see—

**The CHAIR:** We are trying to save you from your own embarrassment. I declare the session closed and thank the witnesses for their participation. Anything that was taken on notice they can furnish within 21 days. Thank you for your submissions and your participation today. It is greatly appreciated.

**(The witnesses withdrew.)**

**(Short adjournment)**



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**ASHLEY de SILVA**, Chief Executive Officer, ReachOut Australia, affirmed and examined

**TEDDY COOK**, Vice President, Australian Professional Association for Trans Health, affirmed and examined

**The CHAIR:** I welcome our next witnesses. It is available to either of you to make a short opening statement to the Committee, which tends to be the convention here, or you can just open up straightaway to questions; it is up to you. I just point out that any questions where you feel like you need to gather extra information or think about it a bit more, it is available to you to take those on notice and then furnish the Committee with a response within 21 days. Do either of you have an opening statement you would like to make?

**Mr COOK:** I do. Thanks for the opportunity. I am grateful for the opportunity to make an opening statement; thank you. I am also really grateful for the opportunity to speak as an adult who was once a trans child. Today I represent the Australian Professional Association for Trans Health [AusPATH] as their vice president, and we were established in 2009 as the peak body for all health professionals working with and for trans people. I do also happen to be a leading expert on the trans experience and one of the few trans professionals working in this space. I might also be the only trans person that you speak to today or in the course of this hearing. It is often the case that people who are most affected often are given the least opportunities to speak, so I will definitely use this opportunity. And even if my voice shakes, that is okay because I am still here.

You might not hear this over the course of this hearing but I wanted to say this really upfront and clear. It was not always the case, but I really love who I am today and I really love being trans. You might not have heard that but I want that to be clear. I might not also look like the trans person that you might expect to see. I have heard a lot of people talk about trans people as being natal men or natal boys. It is not often that you get to hear from a transman like me. If anyone is listening to this or watching this or wherever you are reading, thank you for your trust. I wanted to say that clearly to my community. Whatever the outcome of this inquiry is, we know that we have always been here, we have always been in education settings and we always will. And it is important that we know that we are valid and that we offer the world an incredible gift. But one thing is for certain though: We deserve the dignity of being known.

The research globally, here and internationally, continues to show up the same results, really, that trans kids do better and they have a better quality of life when they are affirmed as who they are at school. When they can safely attend the school that they want to go to as their affirmed gender, they do better. *Writing Themselves In 4*, which is a report that was published earlier this year, included data from 1,400 trans kids and it tells us that schools are currently some of the most unsafe places for them to be. But, once a school is affirming—i.e. got your name right, going to refer to you as the pronouns that you would like to use—they do better; they just do better. But we also see in the data that young kids are missing days off school—not going to school because they feel unsafe now. They are restricting their intake of food and drink so that they do not have to go to the bathroom. They are suffering from bladder and urinary tract infections because they refuse to go to the bathroom because they do not feel safe or comfortable. That is happening now. I have got to say, in many ways, I really wish the trans community was as big as members of this Committee seem to think that we are.

You do seem to see us as a threat, which is interesting. I do hope that you know some actual trans people in your life. I hope that I am not the first one you have met. The reality, though, is that we are not powerful enough to disrupt the culture of this country. Many of us, even though we are incredibly resilient, are just trying to get through the day, really. We are not the threat you imagine us to be, even as we come together to protest in this very room earlier today. And how do I know this? Well, because I see it. I see the rates of suicidality in my community, and the violence. I see the rejection and the turmoil. I hear the stories of people who have ended their own lives—young people, who would prefer not to be alive than to live in a world that tells them that there is something wrong with them, that we are disordered, that we are a problem, that we are a challenge to deal with, that we are something to legislate against.

But here is the thing—and I promise I will not go on for too much longer. I really could just go on all day, I think. At AusPATH we are extremely cognisant that we are talking about people's lives. And, you know, when a child takes their own life it impacts an entire school community. I do not know if any of you have experienced that. With the suicide attempt rates of my community—particularly in younger people—being so high, this bill will do one thing: increase risk to harm for people like me. The reality, really, is that we are not gender fluid. And I have heard in the last session people querying about what gender fluidity even means and I am sorry to tell you I do not think you spoke to any trans people when you were thinking about that definition.

I am trans. I started affirming my gender about 20 years ago. My gender has never been fluid. I am a man. Most trans people are extremely clear about our gender. It is not this fluid kind of idea that can change with

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time. The reality is that trans people have always existed. We have always been here. We have place and culture and ceremony in First Nations populations across the globe. For people to talk about us like we are a Western, modern construct is a lie. It is just not true. So AusPATH wants to say very clearly that we reject this bill in its entirety and thank you for the opportunity to speak.

**The CHAIR:** Thank you very much. Ashley?

**Mr de SILVA:** Thank you. I am pleased to be able to give evidence today on behalf of ReachOut, which is Australia's most accessed digital mental health service for young people and their parents. We have seen lots of discussion on mental health impacts over the past year and, while it has been challenging for many young people, a silver lining might actually be the increased willingness to talk about mental health, a reduction in stigma and greater understanding that it is okay to seek help. But ReachOut is concerned by the impact that public debate on the basic rights of minority groups has on the mental health of members of those communities. We have seen in the past when there are these public campaigns—such as what occurred during the postal survey on marriage equality—there are higher levels of distress in the LGBTIQ+ community.

ReachOut believes that this bill is both unnecessary and would be dangerous to the health of all young people if enacted. We are very concerned about the potential of the bill to restrict schools' ability to support students, especially vulnerable students. Ensuring all students have access to a safe and supportive environment should be a core function for schools, and the New South Wales Government's own Centre For Education Statistics And Evaluation makes clear the benefits of students having a sense of belonging and acceptance at school. Trans and gender diverse young people grow up facing challenges and a reality that most people in this room could not imagine. I would encourage everyone to reflect on the experiences of young trans and gender diverse people and ask yourself: Do we really want to make their adolescence more difficult? Do we really want to marginalise, stigmatise and cut these young people from support any further? Thank you.

**The CHAIR:** Thank you. If I could just start the questions, Teddy, in reference to knowing trans people. I worked in this building 33 years ago when Malcolm McGregor was my boss and he has publicly described in this building his journey to trans and now, of course, Cate McGregor and is still prominent in the public eye. But on your matter of how we define gender fluidity, can I just put to you—obviously there is diversity within diversity. Can I put to you a very compelling conversation I had with a high school teacher in southern New South Wales who said they had an example of a student who initially came to the school as a female but kind of every second or third week would be a male and wear a hat and the hat denoted and the school was supposed to know that the girl was a boy for that week wearing the hat, and then the hat would come off the next week and back to being a girl.

The teacher put it to me, without being harsh in the circumstances, it was very disempowering for the school leadership and the teacher because they knew it was an alpha person doing what teenagers do: pranking the school, putting herself/himself in the driving seat of basically controlling the school environment where nobody could do anything about it because if you raised it everyone was petrified that if the student went away and did self-harm then, you know, your career was over. That is clearly an example of gender fluidity, real or pranked, that teacher found very disempowering in their own work environment. This is the sort of thing we are trying to grapple with. How do you look at that circumstance and what is the best public policy response to it?

**Mr COOK:** I think a young person expressing who they are is sometimes possible to—as they grow and develop and get a stronger sense of who they are, as their learning, accessing information, trying to make sense of how they can move through the world living in a regional area, possibly with not much community going on around them. I have worked extensively across regional New South Wales and isolation is a big issue facing trans people in the bush—in fact, lots of people in the bush. The reality is that non-binary genders, potentially like the young person that you describe, are terms of identity that I do not think society is grappling with in a really progressive way. When I hear this story about a young person who is experimenting and trying new things out, for me that feels quite normal. For others it seems like a challenge or it is disempowering. For me it sounds like an empowered young person expressing who they are and I am not sure why we would want to stifle that, to be honest.

**The CHAIR:** The teacher seemed to resent it as a disciplinary problem inside the school.

**Mr COOK:** I am sorry for them.

**The CHAIR:** It was almost like an irreconcilable challenge for the school.

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**Mr COOK:** No, I said I am sorry for them that they experience it in that way. Perhaps they need more education and training.

**The CHAIR:** Okay.

**Mr DAVID SHOEBRIDGE:** The Uniting Network in New South Wales—

**The CHAIR:** Who gave you the call, David?

**The Hon. ANTHONY D'ADAM:** It is free flowing I thought.

**Mr DAVID SHOEBRIDGE:** I thought it was free flowing.

**The CHAIR:** Well, no. I had another question. David really just seems to take control of the whole Committee by jumping in apropos nothing.

**Mr DAVID SHOEBRIDGE:** I will wait for the call from you, Mr Chair, before I put the question about a witness you would not allow to be called.

**The CHAIR:** Apropos nothing. Well, I was allowing Teddy to finish his question.

**The Hon. SCOTT FARLOW:** He paused for a second.

**Mr DAVID SHOEBRIDGE:** He had finished.

**The CHAIR:** To Ashley, can I ask about the question of parental rights because do you feel like there has been an imbalance now in society where the pendulum has swung against parents and that parental rights are under siege? For instance, again, in this building, The Greens and Labor have bills before the Parliament under the banner of coercive control that would jail parents for saying to their children, "You've done the wrong thing this week. You're grounded. Your pocket money won't be paid."

**Mr DAVID SHOEBRIDGE:** Except for that is not what the bill would do.

**The CHAIR:** The Attorney General has said that this would lead to the jailing of parents effectively for being parents. So do you think the pendulum has swung too far one way and parental rights, which are an essential fundamental human right, have become too disposable in some quarters?

**Mr de SILVA:** Look, that is not an area I have looked into in coming today. I am really focused on helping the Committee understand some of the mental health aspects as they relate to my interpretation of the bill. So I would say broadly on the role of parents that we recognise that parents have, of course, a primary responsibility for teaching core values and that is backed up in the Education Act, but it is also just a basic—it is obviously true. The piece around where it might intersect with your question that is relevant to this is more in the sense that it does not mean sole responsibility and so we are concerned around levels of information that could help a young person be well being left off the table.

**The CHAIR:** Okay, thank you. Courtney Houssos?

**The Hon. COURTNEY HOUSSOS:** I am fine.

**The CHAIR:** You are fine. Anthony?

**The Hon. ANTHONY D'ADAM:** I want to thank you, Teddy, for your opening address. That was very moving and I really appreciate that you have come here and shared your story with us. I really appreciate it. Obviously one of the key contentions in this bill is this notion of parental rights. I think for a lot of socially conservative parents, they react to a situation where the child might find that they identify as trans. I wonder whether maybe you could talk to the experience of trans and gender diverse youth who find themselves in that situation where their parents are not affirming, where their parents are not accepting, and how that plays out in terms of the impact on those children?

**Mr COOK:** That is a really good question. I will say first up: I hate talking about myself. It is so dull. It is so boring. My life story is much more interesting in many other ways aside from my gender because I am just a man. So, I will just say that because I really do not like my—it is just so dull. Anyway.

**The Hon. MATTHEW MASON-COX:** You do it very well. You do it very well.

**Mr COOK:** Thank you. I am forced to do it.

**The CHAIR:** You are going great, Teddy.

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**Mr COOK:** Thank you so much. I appreciate it. The evidence is pretty clear and it is well established. This is the reality: When young people who are expressing a gender that is different than what was presumed for them at birth, if they are expressing who they are clearly—and I would say that a trans kid expressing their gender is work for us. It is not play. It is about being exactly who we are. So, when we are told that we are not allowed, that it is wrong, that it is sinful, that it is not based on biology, that we are a problem, that we are mentally ill, for starters, and that we do not have a place in society—and these are things that were told to me; these are just examples that I have been told—we see much poorer mental health outcomes. But that seems obvious, right?

When you are exactly who you are and you are told that exactly who you are is not allowed, we see people who do not travel very well. We see, even in this State, some of the most staggering mental health outcomes compared to almost any other group. To be honest, if it was a race to the bottom between trans people, Aboriginal people and refugees, I am not sure who would win. That is not a situation that we want in this State, surely. A young person in Perth ended his own life in early March. His parents—one parent was supportive, the other parent was not—continued to grapple after his death with how he would be buried. They ended up having two funerals, one with his name and one with the name that was given to him at birth.

These are real issues about real people, and this is a 15-year-old kid who decided and believed that he was better off dead. This is a young one who—I mean, that is a preventable death, if ever I have heard one. These kinds of issues can be really tricky to talk about because I am talking about people who are just like me, who move through the world just truly trying to get through the day—trying to live a life beyond our wildest dreams, surely, like everybody else is—and it is seen as such a problem, such a threat. It was interesting hearing some of the evidence spoken about earlier that would position people like me as rapists and perpetrators and people who are not okay; we are sick. And then I sit here before you and I wonder if you think that of me. I wonder if you think that I am about to go and proselytise young people.

The reality is that more and more parents, communities and environments understand that diversity is important. I am sorry if you do not, but diversity is so important. They recognise that there is a place for people like me and that there is a place for that little kid who ended his own life. When that place is taken away we see terrible levels of self-harm, depression, anxiety, suicidality and attempts that you would not believe. Many of you probably do not. In fact, I have had journalists tell me, "Those suicide stats are not correct because you have not been able to call all of those participants to ask them." Okay, sure. I have also been told that most trans people desist. I am sure I have heard this before here today—desisters, persisters.

Wonderful research done by Kenneth Zucker in Canada—a number of years ago he was completely removed from his position because he was not practising in good science. His samples of trans kids actually included people who were never trans. When they did not come back—when they were lost to follow-up—it was because they did not come back because they did not need to. They were called "desisters"; they were never trans to begin with. It is really important that when you are looking at the evidence, when you are looking at the history of the researchers and when you start to see an ideological position that says, "We do not accept trans people," you see that in the papers. The reality is very different. So, I am glad that you have met one trans person, and now you have met two.

**The CHAIR:** Oh, more than that.

**Mr COOK:** Well, three, and that is great. I would urge you to meet more, particularly young kids and particularly parents of trans kids. You need to listen and talk to parents—and you will, after me.

**Mr de SILVA:** Could I add some statistics to that? It links to your earlier question around the experience a young person might have seeking help from a parent who potentially does not feel like this is a space that they want to enter or can enter. One of the really basic principles around designing a mental health system that keeps people safe and prevents suicide is the broadening of help-seeking channels rather than the narrowing of help-seeking channels. When it comes to young people, it is true that parents will be one of the first places that they turn. Often looking online, to one another and to parents are the top three sources that young people will turn to.

The degree to which the conversations at home are had and the tone of those conversations actually plays a big role in whether or not that young person will go on to seek help, or how well they will be in the future. So while it is one channel, I think you are right to say there will be scenarios where that does not go well at home for a whole range of issues and conversations. It is important to note the role of schools as a help-seeking channel and the fact that that is a place young people do go to. So, a third would turn to a teacher and 30 per cent to a

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school counsellor when they need help or support, and that was another area of the bill's framing that we saw as negative in terms of being able to actually help people move through challenges they might be facing.

**The CHAIR:** Deputy Chair?

**The Hon. MATTHEW MASON-COX:** Look, thank you both for joining us. Teddy, look, thanks for sharing what you have. It has been really insightful to hear from you and understand some of the issues from your perspective. I, too, know a few trans people. I know people also who are parents of trans people on both sides, in a sense—but in a sense, as well, some that have gone down the pathway and have made a decision not to progress or get to the puberty blockers stage and then decide, "No, that's not where I want to be." That is their right and they have pulled back. I suppose in all of that it is very challenging and indeed, as you have pointed out, highly contested in a whole range of areas, including the evidence and how one even characterises where a person is at.

I wanted to, given your experience, understand perhaps the insight in terms of working out whether someone is fair dinkum or not, and, if you like, the affirmation model that exists that really sends people down a pathway. We have had evidence today from various stakeholders about how that raises a concern for people about the affirmation model sending people who do not have the conviction that you have, or are confused, or are just trying it on, or whatever it is. Whatever way, they are just not sure about themselves. I mean, puberty is a pretty confusing time for all of us. How do you work out where somebody is really at—if that is indeed the way of putting it—and ensure they do not get sent down a pathway which might lead to some sort of medical intervention which is not changeable or reversible?

**Mr COOK:** I hear you. Thank you. The concerns that people sometimes have about the decisions and autonomy of trans people is—I absolutely understand. I get you, and the question that I always come back to is—there are two points really. The first point I would like to make is about regret rates because I feel like that is where you are sort of hedging around, and that is an important thing to talk about, and this is my perspective. The research is telling us, and even—we are seeing research being published really regularly about the factors associated with people who affirm their gender in a different way. The research is telling us pretty clearly that the vast majority of those drivers are external factors—that is, pressure from families, from communities, from the environment that they are in not to affirm their gender, rather than there being an internal dissonance that does not feel like they have made the right decision, if that makes sense?

The vast majority of trans people who affirm their gender medically—and when I say "medically" I mean hormones or surgery—report substantially improved quality of life and life satisfaction. There is no conveyor belt of affirmation. There is no pathway. You said earlier that you have known people who started puberty blockers and then stopped, decided not to progress to hormones and—great. This is something that is important to understand. The trans experience has got nothing to do with what we look like. It has got nothing to do with any medication we take or the bathrooms we use; it is about who we know ourselves to be. If a person is making decisions about their body, then they should have the agency to do so. If they decide that—or if they have taken a particular path and they realise it is not for them, then that is okay too. That is okay.

I am yet to see a trans person who stops taking hormones because they decided that it was not for them then continue taking them because they felt like that was something that they must do. In fact, what we see generally is that it is the clinicians who people are seeing who are telling people that they are not allowed to affirm their gender, that these issues are too complicated or, "If I help you, I might get sued" is kind of the healthcare message that people receive if they ever get to speak to anyone at all. Access to medical gender affirmation in this State is extremely difficult. The wait lists are extremely long. The process that we need to go through, though, is not necessarily about proving that we are trans, and that is an important thing for you to understand.

It is not a clinician's job to agree or not agree that we are who we say we are. It is the clinician's role to assess whether we can consent, whether we understand what is happening and whether we can move forward with a full and informed decision being made—something that does not happen with any other kind of medical procedure that people go through. In fact, regret rates are substantially higher for people who have had lap band surgery than any other kind of gender-related surgery. But there is this real focus on what happens if you make a decision that you then regret later. I would prefer the question to be: How can we support you to be who you are, whatever that looks like?

**The CHAIR:** Scott Farlow?

**The Hon. SCOTT FARLOW:** I will let Mr Shoebridge go.

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**Mr DAVID SHOEBRIDGE:** Mr Cook and Mr de Silva, thank you for both for your cogent and strong submissions today. It has been a breath of fresh air, and I have really appreciated it. I suppose this is to both of you, but I will start with you, Mr de Silva. The submission from the Australian Research Alliance for Children and Youth details a whole series of studies, starting with Ullman and then Murdock and Bolch, and others, going back over about two decades, which say that where you have teacher support and you have support structures in school there is a significant correlation with that sense of school belonging as well as academic outcomes and positive mental health outcomes. Can you speak to that, perhaps first you, Mr de Silva, and then you, Mr Cook?

**Mr de SILVA:** Sure. That resonates with the evidence base we design mental health services with as well, and, in fact, the New South Wales Centre for Education Statistics and Evaluation's own *Tell Them From Me* report highlights that students with a strong sense of belonging and acceptance in the classroom tend to be happier, have a greater interest in school activities and are more confident. I will just briefly say that that resonates, and we look to instil those qualities in young people, absolutely, as a service.

**Mr DAVID SHOEBRIDGE:** Mr Cook?

**Mr COOK:** Yes, and that is a really good question. I am glad that you asked it, really, because I have been lucky enough to be a co-author on a number of papers related to *Writing Themselves In 4*—Australia's biggest research project looking at the health and wellbeing of LGBTQ young people in Australia, compared to *Private Lives 3*, which is the adult version—and this was what they found as an association. First amongst these—sample of trans kids—was a clear and consistent desire to feel safe in the expression of their gender and the ability to safely explore one's identity. The number one need for trans kids at school—not hormones, not bathrooms, not playing sport; feeling safe and just being allowed to explore who they are. That is it—so, yes.

When I was growing up—I grew up in Penrith in the eighties: a wonderful place, not a lot of transport back then—my parents had no idea what to do with me. I am a twin—no idea. I am an identical twin. They were like, "This is the eighties"—this is before Priscilla—"we don't know what's going on; we can't with this." Very supportive—"be you, but nuh." So no talking—no talking, nothing happened—and the first place that I was able to find a teacher who was affirming was at my all-girls Catholic high school in Parramatta, saying, "I see you", and that was enough.

**Mr DAVID SHOEBRIDGE:** The research also suggests that where you have—I will just read out a quote from some earlier research:

... research [which] has specifically implicated teachers in the construction of marginalising schooling environments for sexuality and gender diverse youth, through the avoidance of inclusive content, failure to intervene during homophobic/transphobic incidents at school—or worse, active participation in these instances ...

So we have heard very affirming evidence and very positive experience from teachers intervening positively, but what happens when they are part of the problem, and is training part of the answer to this?

**Mr COOK:** Would you like me to?

**Mr de SILVA:** Yes, sure.

**Mr COOK:** Thank you for your question. Teachers have a profound impact on a young person's ability to enjoy school. I am not talking about teachers who are, like, rude or not very nice; I am talking about teachers who can see and hold a child where they are at. I get phone calls from teachers all the time saying, "I've got a young trans kid. I don't know what to do. I'm trying to help. The school's not being supportive", or "The school is being supportive, but I also don't know what to do." When a young person cannot expect to go to school and be affirmed as who they are, when they cannot expect to go home and be affirmed as who they are, they may connect with online communities. It is the only place where they can find connection with people like them, and that creates incredible isolation. You can imagine.

**Mr DAVID SHOEBRIDGE:** Yes.

**Mr COOK:** You can imagine, and it is not surprising that we see such poor health and wellbeing outcomes in this cohort.

**Mr DAVID SHOEBRIDGE:** Mr de Silva?

**Mr COOK:** Look, I think on that question around teachers, I think it is something to ask teachers. I mean, how confident do they feel to work with particular scenarios, whether it is a trans kid or a different scenario? I think often when you are dealing with issues that affect minority groups, it is not the mainstream

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education route that has been in place for a long time so it is understandable certain people will find these experiences popping up when they do not feel confident. We see it—for example, certain organisations in confidence around how to engage with reconciliation. It does take learning and empathy to broaden the thinking around that, and I think that that is a completely valid thing to be thinking about in schools.

**Mr DAVID SHOEBRIDGE:** This brings me to some of the recommendations that have come from the Uniting Network. In their submission they have six positive recommendations, but I might just ask you about two of them. The first one is recommending that this Committee propose that we provide teacher training—primary and high school—around LGBTIQ issues, including but not limited to transgender and gender diverse students. That includes pre-service—that is, in teacher training—and also in-service training once they are actually at school. What do you think about that as a positive recommendation?

**Mr COOK:** I think anything that improves or strengthens the confidence and capability of teachers to be able to respond to their trans students, of which there are many, is a good thing. The only thing I would say to that is it is really important that education programs seeking to build the capacity of teachers and school communities are developed in concert with trans people, preferably.

**Mr DAVID SHOEBRIDGE:** They also recommend the development of protocols to protect LGBTIQ students who may disclose their identity to school staff—teachers, psychologists, counsellors, nurses, office staff et cetera—and require protection of that disclosure from their parents for their own safety. What do you think about developing protocols to help schools navigate that? It is to Mr de Silva, largely.

**Mr de SILVA:** Largely, again, I will lean on the principles around how do you work with young people on a range of issues. For instance, in, say, a conversation where a young person was struggling with something and they were not confident that that support would be there at home, it can be beneficial also to bring parents, of course, into how do you actually work with the child. It can be that sometimes it happens over a number of conversations. Typically, for instance, I will use an example at ReachOut where we might know that a young person imminently has plans to end their life. Our first starting-off point would be to, as much as possible, empower that young person to be in control of their experience, and that means taking steps to secure their safety themselves. But if we have a sense that that might not be possible, we will take steps to make sure that emergency services is brought in. What I am kind of saying here is that there is a guiding principle around wanting to work safely with the young person in front of you and to empower them, and to kind of make an assessment based on the nuance of that particular scenario as to what is in the best interests.

**Mr DAVID SHOEBRIDGE:** The focus is always on rights of child rather than the rights of parents?

**The CHAIR:** We are running out of time, David, for others to have a question.

**Mr de SILVA:** Yes, you would start there. That is right.

**The CHAIR:** Scott Farlow?

**The Hon. SCOTT FARLOW:** That is a good segue in terms of the rights of the child versus the rights of the parents. Mr Cook, you talked about the experience in terms of personal autonomy when it comes to this. At what age do you think that should be able to be implemented, so to speak? Do you think there should be any age barrier in terms of personal autonomy and where a child can choose that compared to the parents? For instance, to follow the *doli incapax* model, is it at that 14-year-old mark? Is it to look at the sexual consent model at 16 or is it 18? Is there any sort of gradient that you see in that?

**Mr COOK:** I will say that I am not a paediatrician, child development psychologist or lawyer. But what I do know is that young people can have a very strong connection to who they are from a very young age. I know I did. I think young people as they progress through maturity—using the concept of Gillick competence is how far developed is this young person to be able to make and understand decisions, in unison with their parent or parents and health professionals. Then I do not know if we need to be talking about an age. As someone who is, say, socially affirming their gender—people call it social transition—that means a haircut and wearing clothes that suit somebody's gender expression, maybe using a different name, using a different pronoun like "he" or "she" or even "they". That can happen at any point and is completely reversible.

If we are starting to talk about irreversible medical procedures then there is already a well-established protocol for assessing a young person's capacity to consent. It just seems that it is trans people who have to extra—we just have to extra prove that we are who we say we are because we are making decisions that are so huge. But often it is not us that think we are making the biggest decision; it is you. It often feels like, actually, it is the right

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decision. But not all young people are clear about who they are and that is not necessarily the argument. Young people, I think, in my view, should be free to explore who they are. If we are getting to a point of medical intervention then there is a very strong standard of care and guidelines in Australia that speak very clearly about a very rigorous process that people need to go through. It is very rigorous. I do not know if I answered your question.

**The Hon. SCOTT FARLOW:** It is very helpful. Mr Cook and Mr de Silva, stepping back from trans issues, necessarily, but in terms of parental involvement in children's education, what sort of role do you think parents should have? I know Mr de Silva, in particular, outlines that that is already covered under the Act as the objectives are the parents are the primary educators of children. But in terms of what children are taught in school, what sort of control do you think parents should have? What role do you think parents should have in terms of making a determination for their children as to what they are taught at school?

**Mr de SILVA:** I think this kind of goes to the point of what is core values. Our view is that providing information around gender and sexual diversity is not a core value and it is not an ideology. We would kind of depart from the framing of that in the bill and kind of actually think that the bill is not clear enough around what core values are. I noted in the Equality Australia submission reference to the fact that that could also be broadened out in ways that may not have been intended. I think in the context of this bill it is around the definitions of core values and recognising that gender fluidity as referred to in the bill is not an ideology. Our view is that that is not a core value; it is information that could be provided to young people that might help them have a good experience during their teenage years when they might otherwise be struggling without access to that information.

**The Hon. SCOTT FARLOW:** Mr Cook, do you have anything to add?

**Mr COOK:** Yes. I guess what we are talking about is why are we educating children? Are we educating children so that they can go out and live in the world as it is? Trans people are not an ideology. We are here. We are real. We exist. We have always existed. We have always been in schools. We are not new. I would prefer an education system that builds the ability of our children to live in the world as it is. That means understanding, respecting and cherishing, I think, diversity—including gender diversity. I think a job for schools is about preparing kids, and we have seen what happens when information is removed from the shelves. We saw it in the United Kingdom with Prime Minister Thatcher's section 28, I think it was, where overnight no more discussion of "gay"—removed completely from school and removed from every discussion, off the shelves; traditional family only. That was in place for about 15 years at the height of the HIV epidemic. No information was available.

And now we look at older people in the United Kingdom—LGBTQ people—who report some shocking mental health outcomes directly related to their childhood, where the very nature of who they are was seen as wrong. When we ban things that are real from being taught in our schools, we are saying that "You are not real. you are not valid." As a trans kid who is now an adult, hearing that, as I have heard other bits of evidence over the course of today, it is kind of a bit staggering, actually, to sit in that space—I think I am the only trans person here, actually—being told that who I am is a threat or a challenge or a radical theory or a problem. And here I am in a suit in front of you. I do have a number of tattoos but I am really not very radical at all.

**The Hon. WES FANG:** I will not be long, noting the time. Mr Cook, I just want to thank you for your opening statement. It was extremely powerful. Like many on this side of the table, when you say do we know trans people, I think we all do, but for me in particular there is one person who has played a very dear role—a close family member of mine. The person that I am talking about is somebody who is actually very special to me, so I do not—

**Mr DAVID SHOEBRIDGE:** Yes, and then you promote this bill.

**The Hon. WES FANG:** I have not promoted anything, Mr Shoebridge. I am participating in the debate.

**Mr DAVID SHOEBRIDGE:** Let us hear the empathy and then promote this bill.

**The CHAIR:** Order, please! It is not all about you.

**The Hon. WES FANG:** So, perhaps better than some, I have a very clear understanding of what the issues are within the community around bigotry and the like for people like yourself because I have seen it firsthand. The question that I have is this: Looking at the way that we approach the education within schools around those particularly who are trans, there are some concerns within the community about the education of—and as you said in your opening statement, it is not like there is an army of you. With as much focus as it has within schools if support and pastoral care were provided, and I say pastoral care not in terms of a religious thing



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because I am not religious, to people like yourself as you had without the enforcement of the exposure of other students to trying to understand that trans position that you are in—do you understand what I am trying to ask you?

**Mr COOK:** I am getting there. Keep going.

**The Hon. WES FANG:** I am not the most articulate person at the best of times.

**Mr COOK:** You got it. It is okay.

**The Hon. WES FANG:** Do you think you would have been provided the same level of support if the teachers were supportive of you without actually having to provide the education to the students, which I guess would support the tenets of the bill?

**Mr COOK:** Sure, I get it. "We support you, but we will not give you any information about it."

**The Hon. WES FANG:** No, as in it will not be enforced on others.

**Mr COOK:** Right. "We support you and we will give you resources about it, but we will not tell the school community."

**Mr DAVID SHOEBRIDGE:** Your peers or anyone else.

**Mr COOK:** Your peers—just so that I am clear on what your question is.

**Mr DAVID SHOEBRIDGE:** Should it be in a dark room, Wes?

**The Hon. WES FANG:** I will not respond to Mr Shoebridge. I will respond to Mr Cook and say no. But that every student in New South Wales needs to be educated around these issues is possibly where the issue and a bill like this comes out of. Would you have been given the same amount of support, do you think, if that was not a requirement within the school?

**Mr COOK:** Okay. My pastoral care coordinator told me I was being sinful and hurting my parents so I would not wish that on anyone, to be honest.

**The Hon. WES FANG:** No, nor would I.

**Mr COOK:** My read is that I am not sure that I know of any person working in a kind of wellbeing-focused role in a school that would feel confident to support the individual but not think about the environment that they are in. It is all well and good for a counsellor at a school to say, "I affirm you, you are who you are," and then do nothing about it with the school in the school. I do not imagine that would be very helpful for anyone, to be honest. Those early days when you are being affirmed as who you are, when you are starting to move through the world with little bits of responses where you are getting gendered properly, are actually a bit of a crucial time. This was my experience and I see it play out in the data. As we become more aware of who we are and we move through the world with more confidence, it is those times where we are told "No, not allowed." That is painful, that is really harmful and that is the situation that would happen in that scenario. I understand the scenario; I get it. I think it would be quite harmful.

**The Hon. COURTNEY HOUSSOS:** I am really mindful of the time.

**Mr COOK:** I know, I just keep going!

**The Hon. COURTNEY HOUSSOS:** No, it is fine. I thank you both for your submissions and for your time. Obviously, Mr Cook, that was a really powerful contribution to start this afternoon's discussion so thank you. I will ask one question that I have asked almost every witness today. It is slightly off what we have been discussing.

**Mr COOK:** Your online portal?

**The Hon. COURTNEY HOUSSOS:** Someone is watching; this is very exciting.

**Mr COOK:** Lots of people are watching.

**The Hon. COURTNEY HOUSSOS:** There are some existing provisions within the Education Act and a lot of the submissions we have received have said those protections are enough for parents, but one way that we could do it would be an online form or something. I have been getting online forms from my daughter's school as we sit here today. Would that be a better and an easier way?

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**Mr COOK:** I guess my question is this: Do you want to create a system where you are making it easier for people to not get an education? That is the question I would ask. If you want to make it easier to take kids out of school, then fine. But I do think the place for kids is school, as much as possible.

**Mr de SILVA:** The consideration I would add to that, Teddy, is that it links to the earlier question around the difference between being more proactive around information versus the scenario around waiting for someone to seek help or have a space to explore it. It links again to—when young people are distressed or anxious about something that they are experiencing, the tendency is not to seek help. The majority of young people—70 per cent, in fact—do not seek help from traditional services.

One of the ways that you can stimulate help seeking and avoid the kind of statistics we were sharing earlier around scenarios around suicide rates, which are six times greater in the LGBTQI+ community, is to show that there is a comfort and an ability to have those conversations in a public domain. It really normalises what someone might be going through and it signals to them that this is actually a place where I could seek or have those conversations if they are relevant to me. If they are not relevant to me then the idea is that would just pass over the people. In a scenario like that, the consideration I would add is that what is lost in taking that approach is signalling to people—parents who may not know where their kids are at—that this is actually information that could be useful for you, and it is important that you know we are able and willing to talk to you about it if it is relevant.

**The CHAIR:** We are a bit over time but thank you for your contribution, which the entire Committee has found very useful. Anything on notice, you have 21 days. The Committee will take a five-minute comfort break while we have the transition to our final panel for the day. Thanks again, Teddy and Ashley.

**Mr de SILVA:** Thank you.

**Mr COOK:** Thank you.

**(The witnesses withdrew.)**

**GHASSAN KASSISIEH**, Legal Director, Equality Australia, affirmed and examined

**LANNEN STAPLETON**, Executive Director, Parents of Transgender Youth Equity, affirmed and examined

**CARLIE HENDERSON**, member, Parents of Transgender Youth Equity, affirmed and examined

**AMY MCGOWAN**, Director of Advocacy for Rainbow Families, Rainbow Families, affirmed and examined

**The CHAIR:** I thank each of the witnesses here today. Welcome to the hearing. It is available to each of the witnesses to make a short statement before we go to questions. That is your prerogative. I remind the witnesses that if there are questions where you need further information or deliberation on your answers it is available to you to take those on notice and furnish a response to the Committee within 21 days. Are there any opening statements?

**Ms STAPLETON:** Yes. We wish to acknowledge the traditional custodians of the land on which we meet today and pay respect to Elders past and present. We would also like to give a special shout-out to any Aboriginal and/or Torres Strait Islander brother-boys, sister-girls, transgender or gender diverse youth that are here or watching online. We would also like to remind anyone watching this that trans youth are wonderful. Please reach out to QLife or Lifeline if need be. My name is Lannen Stapleton. My pronouns are she/her. I am the Executive Director of Parents of Transgender Youth Equity. I am a very proud mum of two transgender kids. My introductory statement is the story of my first child, which will form the basis of my answers to most questions today. When my first child was born the doctors excitedly told us, "It's a girl". My husband and I were excited. However, it turns out it was not quite right.

When my child was four he was invited to a princesses and fairies party and he went as Buzz Lightyear despite my discussions with him in the lead-up that the other kids may laugh at him as it is a princesses and fairies party. There was no convincing my four-year-old. At the time I thought, actually, my daughter is pretty awesome in knowing what she wants and Buzz Lightyear is pretty cool. Over the following years a few things happened that are very personal to my child and it turns out is common with trans youth. My child made disparaging comments about their body. When he was at the local public primary school I raised privately with his teacher that "I think my child might be transgender". She told me that if I wrote that down she would have to get the department of community services [DOCS] involved. It was the first time I had said anything out loud to anyone

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other than my husband. From that moment I knew that we were never to speak of it again as we may lose custody of our child if he was trans. I did not want to lose my child.

Shortly after I even sent him to a June Dally-Watkins department course for girls. When he started going through puberty a few years later though he became depressed. With the help of a psychologist he found the words to say he was transgender just after his fourteenth birthday. He had always been a boy; he had just never had the term to verbalise it. Nothing about my son had inherently changed, however. He was exactly the same person before he came out; he is just not the gender we thought he was. My son needed urgent, tailored medical treatment to be fully affirmed. He was self-harming and depressed. Despite both his parents supporting his need for medical treatment and all his doctors, we had to spend 22 months, many days and hours and thousands of dollars to get a judge who had never met him to say in the end that his treatment was approved. During this time his depression worsened. He was self-harming and missed a lot of school. He also had internalised transphobia.

He had absorbed from the world around him that being transgender was wrong. He had never heard anyone say that it is natural and normal for trans youth to be a part of every community on earth. He never told us at the time that if the judge was going to refuse permission for treatment he felt he had only one choice, which was to end his life, as he could not continue living without affirming treatment. My beautiful, smart, caring child thought he was wrong. My child that I love unconditionally the exact same way other parents love their children thought that he was not worthy of love simply because he is not the gender we thought he was. Following treatment, however, he started to thrive. In term two, year 11, he did not miss a single day of school for the first time since primary school. He finished the HSC. He had a gap year. He is now working in his dream trade as an apprentice and he is thriving. Thanks.

**Ms MCGOWAN:** I am a parent of three children. I am also a director of a parent-led organisation. Rainbow Families connects and supports LGBTIQ families. Our organisation was created through necessity because parts of our society are unsafe—deliberately or not—to our families. Rainbow Families opposes this bill—a bill that would prevent our families and children from being acknowledged and supported to be valued members of the school community. The second reading speech describes gender and sexuality as intensely personal issues and tells us no decent parent would contract out guidance on such matters to school staff. And yet, when these intensely personal issues are not private—rather, public, like having your two mothers take you to school, or for being teased for not looking enough like a real boy—we as parents want nothing more than for school staff to guide and assist our children, entrusted to them from nine to three, Monday to Friday, for 13 years.

The second reading speech seems to equate politics in our schools with basic factual information about our families. My existence, taking my children to school, ought not to be rendered politics in our schools. The families of the members I represent today, likewise, are not by their acceptance marginalising the role of the nuclear family. In fact, they are often a nuclear family, albeit with two dads. It is not politics. It is not ideology. It is not an insult to the loving devoted parents across New South Wales to ask that our families are kept visible, supported and even celebrated in our schools. It is certainly not the intention of any international standard to reduce some of the thousands of rainbow families in New South Wales to a private moral issue.

This bill has the potential to make it dangerous for my five-year-old son to draw his family in kindergarten. If this bill was passed his teacher would have to be silent. His family and families like his an uncomfortable addition to be skirted around. If other children made unkind comments the school would be silent and bullies emboldened by this legislation. It is our submission instead of focusing on the rights of people with so much power it would be best to refocus the lens on the rights of children and the responsibilities of parents, teachers and government to protect, educate and to keep our children safe.

**The CHAIR:** Thank you. Other opening statements?

**Mr KASSISIEH:** I am Ghassan Kassisieh, the Legal Director at Equality Australia, which is a national organisation working to ensure equality for LGBTIQ+ people and their families. It is a privilege to be on this panel. Every child, no matter who they are, deserves a quality education in a school in which they have a place and feel valued. We strongly oppose this bill because it undermines that principle in New South Wales for everyone, including LGBTIQ+ people, and trans and gender diverse people specifically. Critically, this bill will have a chilling effect on teaching contemporary issues. Rather than equipping young people with a range of perspectives, teachers will fear losing their jobs from having to resolve conflicts between and among parents as to what is taught to their children.

The red tape involved in submitting an annual summary of everything taught that may involve moral and ethical standards, political and social values, and matters of personal wellbeing and identity is reason alone why

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this bill cannot work in practice. None of this is necessary, but for trans and gender diverse young people this bill will erase their existence in the classroom and critical pathways of accessing support for a population which we know faces significant mental health disparities, including and particularly suicidality. Nearly one in two, or 48 per cent, of trans young people have attempted suicide. Legally speaking, this bill does this in three critical ways: one, a flawed legal definition of gender fluidity; two, prohibitions on teaching instruction, counselling and advice that deny the existence of trans and gender diverse students and prevent them accessing meaningful support from school counsellors and others; and, three, the legal sleeper of the bill—the objection clause in proposed section 17D.

This veto clause arms any parent with particular views with the ability to prevent a teacher disciplining their child when they bully another who is different. For these reasons, this bill significantly detracts from the ability of a school to meet its duty of care and its anti-discrimination obligations—to the extent that the bill itself is constitutional. In summary, this bill is attempting to solve a problem that does not exist through problematic and highly unworkable proposals that will prevent teachers from doing their jobs and threaten the health and wellbeing of vulnerable young trans and gender diverse people.

**The CHAIR:** Thank you very much and thank you for the submissions and opening statements. Ghassan, just to take you to your submission where, on page 4, you have thrown out a challenge to me about which side of the story are students not being taught on various topics. I just wanted to ask, on racial issues in the classroom, how often do you think in New South Wales schools the data would be put to students that international surveys time after time show Australia to be among the very most tolerant nations in the world with no evidence of racial riots, murders on the street? By international standards in all the survey work we are seen as a very tolerant nation.

**Mr DAVID SHOEBRIDGE:** Point of order: How does that possibly relate to this bill?

**The CHAIR:** It relates to the submission. If you read it at the top of page 4:

The real question is, what side of the 'story' are students not being taught about refugees, climate change, racial and Indigenous issues, that One Nation NSW would like to see being taught in our public schools?

**Mr DAVID SHOEBRIDGE:** That is all well and good but it does not relate to the terms of reference.

**The Hon. WES FANG:** Chair, I suspect it would be covered under "any other matter".

**Mr DAVID SHOEBRIDGE:** Any other "related" matter.

**The CHAIR:** It is in the submission.

**The Hon. ANTHONY D'ADAM:** To that, if that is a point of order, there is no "any other matter" in this terms of reference.

**The CHAIR:** With all due respect to the witness, the witness has taken a lot of time to make the submission—

**Mr DAVID SHOEBRIDGE:** If you want to spend your time on that, go for your life.

**The CHAIR:** I am asking about the other side of the story because the witness's inference is that there is no other side of story that I can point to. There is that first one.

**Mr KASSISIEH:** I do not know the answer to your question as to data on the times that those things were raised, but I can tell you a story from when I was at school. We had a lesson that was discussing Australian values and what it meant to be Australian. One of the things I suggested was that racism was a value that I saw, as a predominantly non-white person in a class full of white people. That was the only thing that was not put on that board alongside mateship and Anzacs and other things. I see, from my perspective and having growing up in western Sydney in a public education system, that sometimes my experience was not reflected in the classroom. That is what this bill would do for trans and gender diverse people.

**The CHAIR:** And on the other side of the story, the teaching of Indigenous history where Bruce Pascoe's work of fiction, *Dark Emu*, incredibly is being allowed into classrooms—what about the teaching of the history of William Buckley?

**Mr DAVID SHOEBRIDGE:** Point of order: The denigration of Bill Pascoe's well-researched novel—

**The CHAIR:** Bill Pascoe?

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**Mr DAVID SHOEBRIDGE:** Bill Pascoe's well-researched novel—I do not know if you have read it—

**The CHAIR:** Bruce.

**Mr DAVID SHOEBRIDGE:** I have read it. I have read the footnotes—

**The CHAIR:** His novel?

**Mr DAVID SHOEBRIDGE:** I have gone and researched the footnotes—

**The CHAIR:** It is a novel.

**Mr DAVID SHOEBRIDGE:** Bruce Pascoe's work is well founded in detailed historical record and denigrating it like that from the chair does you no credit and is also not relevant to the terms of reference of this inquiry.

**The CHAIR:** It is relevant to the submission. William Buckley?

**Mr KASSISIEH:** I do not have a particular view, but I do have the view that these decisions as to what is taught and is not taught are probably not best answered by a parliamentary inquiry but by experts who look at what children need to know and a range of texts that provide them with different perspectives of the world.

**The CHAIR:** Climate change—that while there is evidence of warming, it is not at some of the alarmist levels that have been projected. Sea levels are not rising and Tim Flannery was wrong about his predictions that our dams in western Sydney would never fill again.

**Mr DAVID SHOEBRIDGE:** Point of order: Simply making these unfounded, biased assertions from the chair on matters unrelated to the terms of reference of this inquiry is not of assistance and, in fact, it does not fit with any of the terms of reference of this inquiry.

**The Hon. WES FANG:** To the point of order—

**The CHAIR:** It fits in the submission. It is the witness's submission—wanting to know the other side of the story. I am seeking a response about the other side of story.

**Mr DAVID SHOEBRIDGE:** Call me old-fashioned but I was looking at the terms of reference of the inquiry.

**The Hon. WES FANG:** To the point of order: I actually support Mr Shoebridge here. Chair, you should not be doing it and, like Mr Shoebridge, if you are going to make these unsubstantiated comments you should do it just as a participating member, like Mr Shoebridge does often through this Committee.

**The CHAIR:** Okay. My final one was on refugees—that 2,000 asylum seekers drowned on the waters between Indonesia and Australia under the Rudd and Gillard governments. An open-door refugee policy, while we have clear international obligations, is actually a barbaric policy to let people drown.

**Mr DAVID SHOEBRIDGE:** Just as a surprise, I am going to take a point of order. Again, your biased, aggressive assertion attacking yet another marginal group—in this case, refugees—is not related to the terms of reference of this inquiry.

**The CHAIR:** I am trying to save their lives. What, you are happy that they drowned?

**Mr DAVID SHOEBRIDGE:** It is outside any even hot and fevered review of the terms of reference of this inquiry.

**The CHAIR:** Mr Ghassan, maybe you could answer: There are other sides of the story, are there not?

**Mr KASSISIEH:** What I would say is I would not want to be the teacher amongst parents, of which you represent, who have to work out what they can and cannot teach in the classroom at risk of their job when there are such conflicting views about what is and is not true; what is and should not be taught. That is the central problem with this bill: It raises a right for objection with absolutely no mechanism to resolve the conflict that arises between and among even parents of the same child.

**The CHAIR:** There is data and evidence and historical records about everything in schools. It is just a question of teaching the other side of the story. That is all—as I have outlined.

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**The Hon. ANTHONY D'ADAM:** Teaching the other side of the story, would that include perhaps teaching that the Holocaust did not occur—affirming Holocaust denial and putting that into the mix in terms of how we teach the Holocaust?

**The CHAIR:** No, we are dealing with facts here.

**Mr DAVID SHOEBRIDGE:** I am going to be consistent and take a point of order again on that. Can we just focus on the bill, which is just trying to prohibit any teaching about gender that does not assert with the Chair's bias?

**The CHAIR:** No, the bill is more than that. The point of order is not valid because the bill is much more than that. It is about parental rights, consultation beginning in school—

**Mr DAVID SHOEBRIDGE:** Sacking teachers.

**The CHAIR:** —questions of parental primacy, questions of ideological dogma. The bill is much broader, David. You need to read the bill.

**Mr DAVID SHOEBRIDGE:** I have taken a point of order.

**The CHAIR:** Anthony's question is valid, I suppose, if he wants to ask it that way. He has another side of the other side of the story.

**The Hon. ANTHONY D'ADAM:** I just want to give Mr Kassisieh an opportunity to confirm whether that might be the case. Is that an obligation that might be imposed on—a parent, say a Holocaust denier, that they might insist that a teacher takes what could be described as a "balanced" approach in terms of the teaching of the Holocaust?

**Mr KASSISIEH:** The concern is around the clause which deals with non-ideological and dogmatic or polemic teaching. The view that teaching about the Holocaust might be considered ideological because it only tells one side of the story and not the story from the perspective of the Nazis—yes, I would be concerned about that way of reading that clause. The other clause of particular concern is an objection to the teaching of anything—rather, not the teaching; it is the instruction, and that word is important—the instruction to a child of anything that contradicts and a parent objects to in respect of any area of parental primacy, which includes social values of a parent.

**Ms STAPLETON:** If I could also add that some people who have dogmatic ideological beliefs that the Earth is flat have children, and they would have to take their child out of class if they were teaching that the Earth is round; they would have that option.

**The CHAIR:** They can take their children out and homeschool them right now. Public education in New South Wales is not compulsory in any shape or form, and I run into more and more parents—I ran into one in the Hunter Street mall in Newcastle the other day and he gave me a long, long dissertation of why homeschooling is better. So there is nothing compulsory about public education in New South Wales.

**Mr DAVID SHOEBRIDGE:** It is a fraction of 1 per cent.

**Ms STAPLETON:** If I could also say that homeschooling is not available to all parents; homeschooling is not available to all children.

**The CHAIR:** I have never met anyone in politics who believes that the Earth is flat, but anyway. I know these examples can be put, but it does not mean that there is any currency among parents for them.

**The Hon. ANTHONY D'ADAM:** Point of order: I think you referred to the witness as "lady".

**The CHAIR:** No. I said I met a lady in Hunter Street, Newcastle, who gave me a long dissertation on the benefits of homeschooling. She was very disappointed about some of the ideological content in her local government school.

**Mr DAVID SHOEBRIDGE:** I have a question.

**The CHAIR:** Yes, David.

**Mr DAVID SHOEBRIDGE:** Ms Stapleton, thanks very much for your opening statement and for your submission. Can I ask you about your experience, positive and negative, in terms of support at school and what difference that made?

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**Ms STAPLETON:** Yes, absolutely. If the teacher that we first approached when my child was in primary school had resources to understand what it is to have a trans child in the school, how to help parents that have got no clue whatsoever. I just also want to say none of us are taught about transgender issues at school—none of us. We are not taught about it when we are adults either. The learning curve that I have been on in the last six years is extraordinary. Nobody is teaching anybody about transgender issues. If I can optimistically say, I think a lot of the—I am trying to think of a word that is not "hate"; we all absorb these words and feelings about our children and there are thousands of parents of trans youth in New South Wales. There is so much ignorance around trans youth, there is so much ignorance, and I would really think optimistically that parents do not want their children to learn about trans and gender diverse kids because they do not know, because so many people are scared of what they do not know.

Trans kids are a natural and normal part of every community on earth. I did not know that before I had a trans child, nobody taught me that. The history of transgender people across the world—as Mr Cook said earlier, every indigenous culture across the world has got their own terminology for transgender people; this is not new, this is not a phenomenon. They are not the result of big farmer, they are not a contagion, they are not a narrative, they are not a belief, they are not an agenda, they are not a trend, they are not confused. Trans kids are not boys who play with dolls, or girls who play in the mud. Trans kids are not political footballs either. Trans kids are just like all other kids, except we got their gender wrong. Loving, supporting and affirming transgender kids is not an ideology. This is my son—he is a real person.

**The CHAIR:** Can I just ask, you are aware that in respectful relationships, in Personal Development, Health and Physical Education classes in year 8, the existence and reality of different gender and sexuality types is taught in our schools now, but it is not taught as a social construction at the moment.

**Ms STAPLETON:** Right.

**The CHAIR:** So it is in the curriculum as a statement of fact, if you like.

**Ms HENDERSON:** Can I just say, David, to your question earlier, I had a different experience to Lannen with my child, which kind of shows the diversity of experience of both trans people but also parents in general, I think. Our child was younger than Lannen's and they announced to the family that they could no longer be a boy and it came as no shock to anyone. We were a little surprised but certainly not shocked. Our first port of call was to the school—"What do we do? You are the people who guide us." They also had not dealt with it. It was a primary school, it was a 10-year-old child—they had not dealt with it. Together we created a partnership and we muddled forward. They sought resources, we sought resources, and together—it was not a public announcement to the school; as far as I know there has been no other child that has come out at that school as a transgender student, and my child was accepted and, over a period of time, was welcomed back into that school community where their participation and their outcomes increased tenfold. So that to your question.

**Mr DAVID SHOEBRIDGE:** Both you, Lannen, and you, Carlie, have been talking about sort of starting from almost no resources at a school, both parents and teachers learning together and with the absence of any structured support. Is that a summary of your experience?

**Ms HENDERSON:** Very much. My child has just transitioned to high school and I certainly know that the high school—we have not had to take as much of a leadership role in supporting the school, but certainly in primary school it was our experience that we did have to lead.

**Mr DAVID SHOEBRIDGE:** Ms McGowan, from Rainbow Families' perspective, what we are hearing from Lannen and Carlie, how does that sort of match the experience across the State?

**Ms MCGOWAN:** In Rainbow Families' perspective, we take an active role to try and work in partnership with schools and provide resources where necessary to encourage parents to speak to schools and then offer that additional level of support to help those conversations occur. Peak bodies are needed to do that because schools are not always resourced; there is a real diversity of experiences across the State.

**Ms STAPLETON:** Could I also just say that if the teacher had have had education about transgender youth we would have been able to go and speak to professionals to understand this, instead of trying desperately not to ever mention it in front of our son, trying to pretend it did not exist and just trying to put a lid on it, which you cannot. If somebody is trans, they are trans; you cannot stop it at all. We would have been spared so much heartache. We would not have had a 22-month court battle because we would have been able to get support from those that we needed. The deficit of assistance in the school community is so far reaching in our whole society.

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**Ms HENDERSON:** Can I raise one more thing just in our experience? Our daughter now decided that she wanted to follow all her friends to an all-girls local State school. Of course we rang the school and said, "Jeez, we've got a curly one for you. What do you think about this?" I spoke to the principal, I asked to speak to the principal, and I did not know. They said, "No, not possible at all. We certainly can't enrol your child", despite the fact that they had had a previous 12 months of identifying as a girl. I can show you a photograph; she very much is a girl. I went away and did a little bit of research and kind of called them back and went, "You know what? There is this Article 55. I kind of think you've got to do it", and they of course could not do more backflips to get us into that school, which we ended up choosing not to go to that school for different reasons. So I think schools do not know; they are not educated. This was a school principal of a high school who did not know that they had to accept a transgender student by their affirmed gender.

**Mr DAVID SHOEBRIDGE:** So I suppose my question then is to you, Ghassan. From Equality Australia's perspective, this kind of ad hoc, random response we are getting is almost a kind of—

**Mr KASSISIEH:** It is unlawful. It is actually prohibited by Federal and State discrimination laws, which are very clear that children are to be treated without discrimination regardless of their gender identity.

**The Hon. ANTHONY D'ADAM:** So do you think that is fatal to this bill, irrespective of whether the Parliament passes it, that it is actually unconstitutional and will be rendered invalid?

**Mr KASSISIEH:** It is a possibility that this bill when put against the Federal Sex Discrimination Act means that schools effectively have two duties that they cannot simultaneously comply with.

**The CHAIR:** Do you regard the current government decision to ban Safe Schools as unconstitutional?

**Mr KASSISIEH:** Sorry?

**The CHAIR:** The current government policy to ban Safe Schools, do you regard that as unconstitutional?

**Mr KASSISIEH:** No, because it is not about a program; it is about how a school treats a particular person that is protected under discrimination law. The school has an obligation to its student, and it is the way that the school deals with a particular student that comes through.

**The CHAIR:** What about the Minister's decision that gender fluidity is not part of the New South Wales curriculum?

**Mr KASSISIEH:** The Minister is not providing a service to a student.

**The CHAIR:** What about the biology textbook that says that gender is biologically determined?

**Mr KASSISIEH:** I mean, again, that is an example that depends on—the obligation is held by the school to its students.

**The CHAIR:** Well, that is what my bill does as well.

**The Hon. SCOTT FARLOW:** I was just going to pick up on that point in terms of if you could just outline further in terms of the two obligations which they cannot comply with. I was just interested in a little bit more explanation from you in terms of how you see that in that perspective.

**Mr KASSISIEH:** Under the Federal Sex Discrimination Act, schools have an obligation in respect of education and that they must not either directly or indirectly discriminate against a student on the basis of their gender identity. This bill then says particular things about what a teacher, school counsellor and other school staff must and must not do in respect of, well, any student but including trans and gender-diverse students—so, specifically, the provision that deals with advice, counselling, instructions that would prevent, for example, a school counsellor from acknowledging a trans and gender-diverse student that comes to them for assistance.

**The CHAIR:** That is not what the bill says. That is just a fabrication, I am sorry. It is not what the bill says.

**Mr KASSISIEH:** If I could go to what the bill says and why I say that.

**The CHAIR:** Okay.

**Mr KASSISIEH:** Specifically, it is the definition of gender fluidity along with section 17C. The definition of gender fluidity—with 17A and C, which A is on teaching and C extends it to teaching, instruction,



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counselling and advice by non-teaching staff—prohibits the expression of a belief that there is a difference between biological sex and gender. So any teaching, instruction or counselling that presumes that there can be a difference between biological sex and gender, like using pronouns that refer to a child that was assigned male at birth who identifies as female, is the expression of a belief that there is a difference between those two things.

**The CHAIR:** You are not going to read the full clause—the teaching of gender as a social construct? I mean, it is a bit sharp, isn't it, to just read that first part and say that is the clause? Come on, read out the full clause, please.

**Mr KASSISIEH:** I am happy to read the clause.

**The CHAIR:** Yes, you should.

**Mr KASSISIEH:** The clause defines gender fluidity as a belief that there is a difference between biological sex—including people who are, by their chromosomes, male or female but are born with disorders of sexual differentiation—and human gender and that human gender is socially constructed rather than being equivalent to a person's biological sex. It then returns back to the concept that gender is socially constructed rather than being equivalent to a person's biological sex. So it again says that biological sex and gender must be always aligned in—

**The CHAIR:** No, no. It prohibits the teaching of gender as a social construct and none of the submissions defend social construction. We heard earlier on people from your side of the fence say they do not regard gender as socially constructed.

**Mr DAVID SHOEBRIDGE:** You cannot—

**The Hon. ANTHONY D'ADAM:** That is not true.

**The CHAIR:** I cannot believe any intelligent person could come before a Committee like this and tell us that the reason that the men here feel male is that they were dressed in blue and had Tonka trucks and the women feel female—they were dressed in pink and had Barbie dolls. I just do not believe anyone can actually advance this. It is sort of a fig leaf that you used for other purposes that cannot be regarded as valid, and no-one has tried to defend it.

**Mr DAVID SHOEBRIDGE:** Chair, you simply are misreading your own bill, which prohibits teaching anything other than there is an equivalence between a person's gender and their biological sex.

**The CHAIR:** Teaching as a social construct.

**Mr DAVID SHOEBRIDGE:** That is what your bill does.

**The CHAIR:** Anyway, we should go on.

**Mr DAVID SHOEBRIDGE:** You can try to call "war is peace", but that is what your bill does.

**The CHAIR:** Mr Farlow, did you have more questions?

**The Hon. SCOTT FARLOW:** Yes, I do. Further to that, you made a new submission but you outlined it as well in terms of your opening statement. I think it was 17D which you referred to as a clause that allowed bullying, so to speak, or that people who were bullying in school could not be chastised or disciplined for that. I just wanted you to further elaborate on how you see that taking place.

**Mr KASSISIEH:** My concern there is 17D prohibits any person at a government school from providing any instruction in matters of parental primacy if the parents object to that child's receiving that instruction. So how it would play out is a child who bullies another child expressing a particular social—so the definition of parental primacy then rolls in a parent's social views. If a child was expressing social views to another child that was sexist, ablest, homophobic, racist, whatever they are and a parent then objected to their child being told not to express those views, that instruction could not be given because the parents had objected to their child being given those values that contradicted their own.

**The CHAIR:** You are saying this bill rules out normal school discipline?

**Mr KASSISIEH:** In prohibiting instructions being given to children contrary to the values of that parent.

**The CHAIR:** Does it define school discipline as parental primacy? Of course it does not.

**Mr KASSISIEH:** But it talks to instruction and how is discipline—

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**The CHAIR:** But it is not defined in parental—these are matters of school discipline, clearly.

**Mr DAVID SHOEBRIDGE:** Sorry. You define matters of parental primacy in the bill to mean:

...in relation to the education of children, moral and ethical standards, political and social values, and matters of personal wellbeing and identity including gender and sexuality.

That would include issues of race, issues of gender, views about people with a disability.

**The CHAIR:** With disability?

**Mr DAVID SHOEBRIDGE:** What this witness is saying and you are refusing to accept is that 17D means you cannot call kids to order if the parents have said it is okay for the child to be ablest and racist.

**The CHAIR:** No, that is not true.

**Mr DAVID SHOEBRIDGE:** That is your bill. You may not like the evidence, but that is the evidence you are hearing.

**The Hon. SCOTT FARLOW:** I think it is a long bow.

**The CHAIR:** School discipline is not a matter of parental primacy, clearly.

**Mr DAVID SHOEBRIDGE:** It is like a sort of golden ticket to bullying.

**The CHAIR:** Clearly. Clearly. If I wanted to make school discipline parental primacy or anti-bullying, I would have, and clearly that proposition would be ludicrous.

**Mr DAVID SHOEBRIDGE:** You would not have presented this bill.

**The Hon. ANTHONY D'ADAM:** It is to receive any instruction. Any instruction.

**The CHAIR:** Anyway, further questions to the witnesses, please.

**The Hon. COURTNEY HOUSSOS:** Can I just ask—sorry. Before I start, can I just say, Ms Stapleton, thank you for your opening statement. That was very powerful and I am sorry that you got so upset sharing it, but we appreciate you sharing that with us this afternoon. Ms Henderson, I was just scrolling through the *Legal Issues Bulletin No. 55*, which we have talked about a lot today, but I was just interested in your experience. You said that your daughter wanted to enrol in the school. They initially said no, and then you—

**Ms HENDERSON:** Their initial response was until it states on her birth certificate her affirmed gender, she was unable to attend that school. I then asserted that of course her gender on her birth certificate will remain male until—and if—she chooses as an adult to have surgery or intervention that will shift that.

**The Hon. COURTNEY HOUSSOS:** But—sorry.

**Ms HENDERSON:** Sorry. I did interrupt.

**The Hon. COURTNEY HOUSSOS:** I have been literally reading it as we are doing it here, so just tell me. You talked about how your daughter had affirmed her identity for a period of time—for 12 months—and so therefore she should be enrolled at the all-girls school, but the advice from the principal was that that is not the case. Ultimately, you decided not to go there, but the position is that ultimately she should have been allowed to enrol. Is that correct?

**Ms HENDERSON:** That was certainly my understanding of bulletin 55 and the principal's understanding of bulletin 55 after I suggested that they look at it.

**The Hon. COURTNEY HOUSSOS:** Okay.

**Ms HENDERSON:** And I must say it was a very positive conversation. It certainly was not one of angst or issue. My point was more around the fact that the principal of a high school did not have an understanding of the right—

**Mr DAVID SHOEBRIDGE:** You had to do all the research and all the heavy lifting.

**Ms HENDERSON:** Which, you know—and I think Teddy Cook mentioned earlier when you get a kid who is trans or you are a transperson, you do spend a lot of your time explaining and working for and educating, and that is what we do. I am sure at that as parents that is the role you take on. So no picking and choosing.

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**Ms STAPLETON:** If I could also just add one point that transgender children in New South Wales—like transgender adults in New South Wales, they are not able to update their birth certificate to reflect who they are unless they are surgically sterilised. That is currently the law in New South Wales for transgender people to update their gender marker on their birth certificate. No child can be surgically sterilised. It is horrific that that is the requirement.

**The CHAIR:** Carlie, just to assist, there is a specific clause in bulletin 55, "Enrolment in a single-sex school", which states:

If the student is seeking enrolment at a single-sex school, a decision about their eligibility to enrol should be made on the basis of his or her identified gender.

**Ms HENDERSON:** Yes, that is right.

**The CHAIR:** So it does not mention birth certificates.

**Ms HENDERSON:** No, this was my experience—

**The CHAIR:** It seems like it is a self-identification system. So that is the departmental rule, which should have allowed you entry.

**Ms HENDERSON:** That is exactly right. That is right, and it would have, but it was interesting that I had to point that out to the principal rather than the school having awareness of that.

**The CHAIR:** They did not know the contents of the bulletin.

**Ms HENDERSON:** Yes, most definitely.

**The CHAIR:** Okay.

**Mr DAVID SHOEBRIDGE:** So bulletin 55 was actually useful and empowering in that regard?

**Ms HENDERSON:** It was.

**Ms STAPLETON:** And we have a lot of parents that reach out to us where schools are discriminating against their child or they are saying things that are not quite right and we have to point the parent to bulletin 55, who then points it out to the school because bulletin 55 is not easily accessible to any teaching staff or education staff. They have to really look for it.

**Mr DAVID SHOEBRIDGE:** A number of witnesses have been asked to take on notice any improvements that they think on bulletin 55. I would love to hear from this panel—on notice, if you wish to—any improvements you would like on bulletin 55 so it works better.

**Ms HENDERSON:** Yes.

**Ms STAPLETON:** Personally, just straight up without taking it on notice, bulletin 55 is not sufficient. We have to teach transgender kids' peers that trans kids exist. When a kid suddenly turns up to school one day in a different gendered uniform and the teachers are not allowed to explain that it is a transgender child, it is so confusing for the rest of the school. Then it is left up to the trans child, who can sometimes be six years old, to explain to their peers, "Well, when I was born, the doctor said I was male. But they got it wrong and I'm a girl." And then the kids are like, "Oh, okay", and then off they go. But it should not be left to the six-year-old trans child to explain to their peers what is going on.

**Mr DAVID SHOEBRIDGE:** Yes.

**The CHAIR:** Any other questions? Those improvements to bulletin 55—you can take those on notice and come back to the Committee, which we would appreciate.

**Ms HENDERSON:** Yes.

**Ms STAPLETON:** Thank you.

**The CHAIR:** Any other questions? If not, we are close to time.

**Mr DAVID SHOEBRIDGE:** I had a question regarding the amendments to the Teacher Accreditation Act 2004. I don't know if you have looked at schedule 3 of the bill in any detail, Ghassan. The proposition that the authority must revoke the accreditation of any person if the authority is satisfied the person has failed to

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comply with any of the requirements of the professional teaching standards that they want to whack in 20 (1) (a)—how do you see that working in practice?

**Mr KASSISIEH:** Well, it is a mandatory jurisdiction in the sense that the authority must revoke the accreditation if the authority is satisfied. It looks to the authority's sense of satisfaction. Presumably the authority would have some obligation of procedural fairness that is implied, unless it is set aside by law. But the clause says what it says in terms of the requirement to remove the accreditation.

**Mr DAVID SHOEBRIDGE:** So, on my reading of it, if the authority finds that a teacher at any point has breached the prohibition on teaching gender fluidity as defined in this bill, then it is mandatory that they lose their accreditation—they lose their capacity to teach. Is that how you read it?

**Mr KASSISIEH:** That is correct. The other thing to say is we had the debate around what does matters of parental primacy mean, include and not include, and what does gender fluidity include and not include. That is part of the problem. You have just heard today, the law is that students cannot be discriminated against on the basis of gender identity and it does not matter what their birth certificate says; it is about their gender identity. But that is not actually playing out in practice, because the message that this law really sends is that you cannot discuss issues like trans and gender diverse people in schools. No-one is going to go back to having a debate about the various aspects of this definition. The reality is that the harm is already done, because people will not discuss them in the first place because of fear that they will get caught up in these requirements that effectively—it renounces their accreditation if they get it wrong.

**The Hon. ANTHONY D'ADAM:** It has a chilling effect, doesn't it, on them?

**Mr KASSISIEH:** It does.

**Mr DAVID SHOEBRIDGE:** Indeed, if a teacher gave a direction to a child in breach of the proposed new 17D of the Education Act—which is the prohibition on receiving any instruction on matters of parental responsibility where a child's parents have objected— if they give any instruction in that regard and the authority is satisfied the instruction has been given, again, they have to be terminated. This is how this bill works.

**Mr KASSISIEH:** I am not entirely sure on that, because there is not parity between section 17D and the words "recognise that parents are primarily responsible". You would have to build the argument that breach of 17D was a failure to recognise the parents. It is an argument that is available, but it is not as clear as, for example, "Do not include the teaching of gender fluidity".

**Mr DAVID SHOEBRIDGE:** Okay. But, again, there is that chilling effect, isn't there?

**Mr KASSISIEH:** It is the chilling effect.

**Mr DAVID SHOEBRIDGE:** So if a parent took objection, for example, to any teaching that was positive about the Muslim faith, if they said, "You can't teach anything at all about Islam or the Muslim faith because I am offended by it, and you can't instruct my child in that regard in any way", and then the child was bullying someone in the playground based upon their faith, a teacher may think twice about intervening because they might lose their job.

**Mr KASSISIEH:** Yes.

**Ms STAPLETON:** And it also makes it quite difficult, while we are speaking of faith, that there are so many transgender children with parents who are of faith and who are religious, and sometimes their faith community says to them, "You have a choice between supporting your child or staying in your faith community." It is like a lottery, because we hear about faith communities that are so supportive and they have nothing to say except "Love your child and support your child", and then there are other faith communities that—I would like to think it is because they just do not understand that there is a diversity of human experiences which is just wonderful and transgender people make up part of that. To love your child, it is so important. I mean, the statistics also say that, with parental support, self-harm rates are actually 4 per cent for transgender youth, which is reverting back to the absolute community norms and averages. When they do not have parental support it is a greater than 50 per cent self-harming rate. The answer is love.

**The CHAIR:** Well, let us finish on love. Thank you for your submissions and participation today. We have run out of time, but other questions can be placed on notice and we will look forward to the responses. I thank the Committee members today for what has been a fascinating set of panels and sessions. We will resume tomorrow at 8.15 a.m. to continue our inquiry on day 2. Thanks everyone who participated this afternoon.

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**(The witnesses withdrew.)**

**The Committee adjourned at 16:47.**