Safe Schools: Anti-bullying Program or Political Agenda?

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Executive Summary

Safe Schools was proposed to promote inclusion for LGBTI youth in Australian schools, ensuring this vulnerable group of students was not denied access to the same educational and social outcomes available to other students. It has very quickly polarised public opinion. While many praise the program for succeeding in its aims, concern has centred on the extent to which the program exceeds its stated mandate.

At the heart of this disagreement are divergent views about what ‘inclusion’ means. The majority of the population are sympathetic to anyone who gets bullied at school and would support efforts to counter LGBTI bullying. However, the progenitors of Safe Schools believe that LGBTI oppression is woven into the very fabric of society and cannot be effectively eradicated without a foundational reforming of how we understand gender and sexuality. The aim to transform society in fundamental ways forms the rationale behind Safe Schools’ introduction of queer theory to the School curriculum.

According to queer theory, the commonly held assumption that heterosexuality is ‘normal’ inherently discriminates against the sexually diverse. Understandings that biological sex and gender will normally align (so that boys feel like boys and girls feel like girls) and that sex can generally be understood as binary (male and female) work to exclude gender diverse and intersex individuals. According to this reasoning, ‘inclusion’ is not possible without first tearing down these assumptions and all of their consequent manifestations in schools. Roz Ward, co-founder of the Safe Schools Coalition, has affirmed that this is the intention of the Safe Schools Coalition:

“Safe Schools Coalition is about supporting gender diversity and sexual diversity, not about ... stopping bullying ... not just being nice to everyone [saying] ‘everyone’s great’.”

If ‘inclusion’ is only conceptualised as stopping bullying therefore, it falls very far short of the foundational social transformation that Safe School proposes as necessary to support LGBTI students.

The ideas promulgated throughout Safe Schools are based on ideologies derived from post-structuralist literary theory. They do not enjoy universal support, either within academic circles or within the LGBTI community. They have no evidentiary basis in medicine or psychology – which rather work to contradict the approach Safe Schools proposes to help children suffering from gender dysphoria. Even the academic credentials upon which the Safe Schools program itself relies and the evidence sited in support of some of its claims have been exposed as academically insupportable in a recent report by Prof Patrick Parkinson of the University of Sydney Law School.

Rather than being strongly grounded in solid research, the Safe Schools program is impelled by very powerful ideological drivers. By promoting Safe Schools as an Australia-wide resource, the government has unaccountably enabled a very narrow interest group to exercise peculiar influence.

1 Safe Schools Coalition, National Symposium, 13 June 2014. Available from: https://www.youtube.com/watch?v=j5uNocBCw3Q&feature=youtu.be
over the development of the next generation of Australian voters. Safe Schools has worked very efficiently to enlist students in political activism and to marginalise any students who dare to voice contrary views. The transformation of the school environment has been swift, driven home with new understandings of ‘anti-discrimination’ to intimidate potential opposition.

Safe Schools has met with strong opposition from those who maintain the traditional views that heterosexuality, gender-congruency, a belief in the complementarity of the sexes and support for institutions like the family that are built on these beliefs are wholesome concepts to teach our children. These traditional perspectives need not be grounded in bigotry. They may simply derive from the heteronormative world view and assumptions of gender congruity which have been a consistent feature of human societies throughout history.

These traditional world views are fundamentally irreconcilable with what Safe Schools teaches. Contention between these conflicting world views informs some of the most heated political debates currently exercising the nation so it is staggering to find that this contest has successfully been introduced to the school environment. Contrary to popular belief, Safe Schools is not an anti-bullying program that has been hijacked by activists. It was conceived, written and promoted by activists and was always intended as a vehicle for social transformation. In facilitating the Safe Schools program, the government has outsourced curriculum development to an ideological interest group, unaccountably allowing them a free kick in the contest over the hearts and minds of the next generation.

Challenged recently with a reminder of Roz Ward’s assertion that Safe Schools is not about stopping bullying but about promoting sexual and gender diversity, Senator Simon Birmingham, Federal Minister for Education and Training, reflected that comments “on both sides of the debate that ascribe other motives to “what should be a program and resources that are focussed on ensuring inclusion in schools and support for all students who need it” were “most unhelpful.” It seems, however, that the Government is entirely alone in believing that Safe Schools is only about bullying.

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Introduction

In March 2016, the Federal Government commissioned Professor William Louden to conduct an independent review of the Safe Schools program. Completed to tight deadlines, the review purported only to evaluate whether or not the Safe Schools program and materials were consistent with the aims of reducing bullying and promoting inclusion for LGBTI youth. Although it recommended some relatively minor adjustments, the review found that the Safe Schools lesson plans and supporting materials were broadly consistent with the aims of the program to reduce bullying.

Any opposition to the SSCA is normally assumed to result in objections to these aims and is therefore conflated with a wish to support a culture which endorses the bullying and exclusion of LGBTI students. This is to misunderstand the grounds for objection which concern, rather, the scope of what is in fact accomplished by Safe Schools program and the extent to which this exceeds its advertised aims. If someone goes to the shop to buy bread and comes away with a whole trolley full of shopping, in which bread features, their aim in going to buy bread can be said to have been accomplished. Safe Schools no doubt achieves its aim of reducing bullying and promoting LGBTI inclusion. It is the extent of the social transformation that it proposes in order to do this that is the focus of this report.

The queer theory that Safe Schools teaches may not seem radical to anyone who has been keeping up with LGBTI conversations over the last decade or so. The equation of heteronormativity (which assumes that heterosexuality is ‘normal’) with LGBTI oppression and marginalisation is familiar territory for supporters of this ideology. The deconstruction of common understandings that gender is binary – male/female, boys/girls as an essential precursor to the broader social liberation envisaged by the progenitors of Safe Schools is also well-established.

The implications and application of these ideologies, however, may appear really quite radical for the rest of the Australian community who are either unaware of these LGBTI conversations or who hold contrary views. The implementation of these ideas across the entire Australian community through the school system is unprecedented and therefore highly experimental. Because it proposes the foundational restructuring of society in order to achieve LGBTI liberation, the Safe Schools program has met with strongly polarised responses.

In order to clarify some of the content, motivation and effects of the Safe Schools program and to examine the reasons it has been highly contested, this report proposes to examine various aspects of the history, ideological foundations and points of disagreement aroused by the Safe Schools program:

- Section 1) Outsourcing curriculum development to ideological interest groups, examines initial community concerns about the program and the government’s response to these concerns.
- Section 2) The ideologies motivating Safe Schools serve a political agenda, explores the ideologies expounded by Safe Schools and offers a critical analysis of academic evidence cited in support of these views. Alternative understandings of teenage sexual orientation and gender dysphoria are included here.
- Section 3) Adherence to queer theory demands schools implement practical changes to avoid discrimination, highlights new understandings of ‘anti-discrimination’ that follow from the contested belief that transgenderism in school students should be affirmed.
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- Section 4) Safe Schools consistently marginalises traditional world views, details how Safe Schools has transformed the school community into a locus of political activism, consequently making schools inhospitable for anyone holding contrary views.
- Section 5) Why are we fighting in schools? In conclusion, this section looks at the role of a democratic government in preventing the exploitation of the school system by ideological, politically-motivated interest groups.

The use of the school system to deliver a political agenda that most of the community has not even comprehended, let alone approved, begins to look quite undemocratic. It is the exploitation of this opportunity to introduce radical social change without community consultation or support, in which the Australian Christian Lobby’s (ACL’s) opposition to the Safe Schools program is grounded. What we teach our children about sexuality, when we teach it and how we teach it are questions that concern everyone. If these subjects are to be taught in schools, the government has a grave responsibility to ensure they are taught in a manner which is sensitive to the cultural traditions and values of the entire community.

Far from achieving its ostensible aims of promoting inclusion, the Safe Schools program works to exclude and marginalise anyone who espouses the traditional views that, in general, heterosexuality and gender congruence are reasonable and desirable expectations to have for our children. The progenitors of Safe Schools are exploiting a remarkable opportunity to implement a radical agenda for social change through the school system. No doubt Safe Schools has delivered the bread it went shopping for. This report examines what else is in the shopping trolley.

1. Outsourcing curriculum development to ideological interest groups

In 2010, La Trobe University’s Australian Research Centre in Sex, Health and Society (ARCSHS) conducted its third national survey of same-sex attracted and gender questioning (SSAGQ) young people called Writing Themselves In. This research found that schools could make a major contribution to the health and safety of same-sex attracted and gender questioning students by effectively addressing homophobia. The Safe Schools Coalition (SSC) was subsequently launched, with funding from the Victorian Government, to develop the first Australian program to help teachers stamp out homophobia.

The SSC represents the collaborative efforts of a ‘rainbow alliance’ of organisations which includes the Foundation for Young Australians (FYA), Gay and Lesbian Health Victoria and Minus18. Margot Fink of FYA and Roz Ward from ARCSHS co-authored the All of Us lesson plans (designed for students in Years 7 and 8) and Minus18 produced videos for inclusion in the lesson plans as well as pamphlets, posters

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and supporting materials. As well as these resources, SSC offers training to teachers and consultancy services to schools. In 2013, the Labour Federal Government committed a further $8 million over four years to fund the extension of these services and resources to high schools throughout Australia.

Community concerns about the programme

The widespread introduction of this program met with community objections on a number of counts:

- Teaching about homosexuality, transsexuality and intersex experiences inevitably involves a focus on sex and a range of sexual experiences that many considered inappropriate for an audience of 12–13 year-old students. Furthermore, the websites of organisations belonging to the ‘rainbow coalition’ were linked to the school curriculum materials. Some of the content thus promoted through the program was highly sexual, encouraging teenagers to experiment with a range sexual activity while avoiding parental detection.

- Overt calls for students to engage in political activism raised concerns that the school curriculum was being used as the vehicle for indoctrination. The Stand Out pamphlet, for example, encourages students to: “encourage the whole school to participate in events like IDAHOT, Pride, Mardi Gras, or even an equal marriage rally.”

- The Safe Schools program also teaches students experimental and highly contested ‘queer theory’, intended to deconstruct foundational social concepts such as binary ideas of sex and gender (boys/girls, men/women, male/female) and ‘heteronormativity’ (the assumption that heterosexuality is normal). The ostensible reason for teaching these theories to children is that, in order to include and normalise the experience of LBGTI youth, the social structures that are seen as responsible for their exclusion first need to be destroyed.

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8 http://www.latrobe.edu.au/arcshs/research-themes
9 The site included, for example, advice for transgender youth on the subjects of chest-binding (for girls who wish to appear male) and penis tucking (for boys who wish to appear female). Chest binding, if performed incorrectly, has the potential to be lethal. Penis tucking may lead to sterility and infection. The Minus18 website acknowledges these dangers and advises its readers about some safety precautions to observe when playing with your ‘look’. (Fink, et al., "OMG I’m Trans", Minus18, p. 30. Retrieved from https://minus18.org.au/omgit/omgit-web.pdf). Another article on how to ‘cover your tracks’, offered some “handy tips for you on keeping stealthily (sic) while browsing online.” (Micah Scott, “Cover Your Tracks”. Retrieved from https://minus18.org.au/index.php/sex-love/item/144-cover-your-tracks). Another article provides advice to gay and lesbian teenagers about how to conduct a sexual relationship without parents finding out. (Indigo Lamb, “Dating on the Down Low", Minus18. Retrieved from https://minus18.org.au/index.php/resources/sexuality-info/item/446-dating-on-the-down-low). "Guys, I’m not going to lie – sex can be pretty damn fun! I honestly don’t know why they don’t tell you this at school ... Penis-in-vagina sex is not the only sex, and certainly not the ‘ultimate’ sex. If you ask me, virginity is whatever you think it is. I’ve had friends who count their first time giving oral as their ‘virginity.” (https://minus18.org.au/index.php/sex-love/item/109-doing-it)
11 Stand Out, p. 22.
The Government’s response to community concerns

In response to these concerns, in February 2016 the Federal Government commissioned Louden to conduct an independent review of the Safe Schools program. Given only two weeks to prepare his report, Louden’s review was necessarily cursory. Overall, Louden found that the resources were “consistent with the aims of the program” and were “suitable, robust, age-appropriate, educationally sound and aligned with the Australian Curriculum.” Nevertheless, recognising the legitimacy of public concerns about Safe Schools, he recommended modification to some of the All of Us lesson plans and supporting material, including the removal of links to network partners’ websites.

In March 2016, Simon Birmingham, Minister for Education and Training, acted on Louden’s findings, requiring certain changes in an attempt to sanitise the Safe Schools program and address the most urgent public concerns. In July, Victorian Premier Daniel Andrews rejected the Federal Government’s overhaul of the program and announced that “if the Turnbull Government decides to cut the funding for this program, I’m proud to announce that the Victorian Government will make up the shortfall.”

The ACT and Victorian governments have agreed to collaborate on Safe Schools. Andrews has stepped in with a further $1.04 million to fund the compulsory rollout of the Safe Schools program to all Victorian secondary schools by 2018, saying “I get my advice on policy from experts, not from bigots.” The Safe Schools materials are still available in their unamended form on the Victorian Education Department website and the Safe Schools Coalition Victoria (SSCV) is now funded separately from Safe Schools Coalition Australia (SSCA).

In a recent letter to ACL, Senator Concetta Fierravanti-Wells expressed her satisfaction that the worst elements of the program have been removed and that, in its current form, there are adequate safeguards for the interests of parents who wish for their children to ‘opt out’ of the program:

“The balanced approach taken by the Turnbull Government ensures the programme is correctly focused on anti-bullying as intended and not promoting political ideologies.”

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18 Letter to Mr Lyle Shelton from Senator Concetta Fierravanti-Wells, received 20 September 2016.
ACL would suggest, however, that superficial changes are insufficient to redeem the Safe Schools curriculum. It is still foundationally informed by queer theory and motivated by a far-left political agenda to reform society.

2. The ideologies motivating Safe Schools serve a political agenda

Queer theory is a post-structuralist critical theory that emerged in academic circles in the early 1990s. It builds on feminist theory (which posits that gender is entirely socially constructed) and develops ideas from scholars of gay/lesbian studies which scrutinised the socially constructed nature of sex acts and identities. Judith Butler’s idea of “performativity”, in which being a woman or man is not something that someone is but something someone does, was particularly influential in the development of queer theory.

“Gender becomes a free-floating artifice, with the consequence that man and masculine might just as easily signify a female body as a male one, and woman and feminine a male body as easily as a female one.”

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The effect of both feminist and queer theory is to divorce ‘gender’ from biological sex. Rather than recognising only two genders (male and female), these theories allow for an examination of different ways to express gender – a range of ‘femininities’ and ‘masculinities’. “Queer Theory demonstrates a radical, exciting new way of analysing human identity itself.” Two important hallmarks of queer theory include the denial that heterosexuality and gender congruence (where gender identity aligns with biological sex) are ‘normal’.

The equation of heteronormativity with LGBTI oppression is well-established for the progenitors of the Safe Schools program. They argue that a social framework that posits heterosexuality as ‘normal’, works to marginalise LGBTI identities and experiences, which are, by implication, regarded as ‘less normal’. “Because of heteronormativity LGBTI people often face exclusions as well as direct or indirect discrimination due to their bodies, gender and/or relationships.” According to Ward:

“The push to fit people into these physical and social gender constructs that promote heterosexuality is still incredibly strong and reinforced through the judicial system, through medicine, the media and all social institutions ... we are still a long way from liberation.”


21 Lesson 6, All of Us, p. 42.

Since heteronormative assumptions inform our entire social fabric, LGBTI activists reason that genuine liberty for LGBTI people can only be achieved through the complete transformation of society; a foundational rebuilding of every traditional assumption that informs contemporary ideas about individual gender, sexuality, and the relationships and institutions that are built upon these concepts, such as marriage and the family.

In support of this agenda, Safe Schools materials first attempt (with some success) to reframe the popular understanding of the extent of the social justice issue represented by LGBTI marginalisation. It does this by repeatedly and authoritatively asserting inflated claims concerning the numerical significance of the LGBTI proportion of the student population:

"International research clearly indicates that every school community is likely to have LGBTI students, whether they are visible or not. Around 1 in 10 people are same sex attracted, up to 1 in 25 people are transgender or gender diverse and around 1 in 60 people are born with intersex bodies. This type of diversity is a normal part of a range of human experiences and has existed in some form in societies and cultures throughout history." 23

These figures are highlighted, repeated and emphasised throughout the Safe Schools lesson plans and resources. They are used to convey the idea that discrimination and bullying affects a significant portion of the student population. This obviously serves to heighten the perceived need for urgent government intervention by funding and endorsing the Safe Schools program. 24 If the LGBTI proportion of the population were lower, bullying and discrimination would still be unacceptable but the need for urgent action would be perceived to be less critical. The inflated statistics are essential to engendering support for the Safe Schools program in both the popular consciousness and in the eyes of the government.

It is therefore very significant indeed that these statistics, which are so frequently referenced, underscored and advertised by the Safe Schools program and so foundational to its raison d’être, are academically insupportable. The research credentials upon which the Safe Schools program relies and the evidentiary basis for many of its claims have been called into serious question in a recent report by Prof Patrick Parkinson. Parkinson highlights the “dubious statistics” referred to throughout the Safe Schools material, and systematically undermines the research credentials supporting each:

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23 Lesson 6, All of Us, p. 42.
24 Michael Cook details how inflated statistics were used to support arguments for same-sex marriage in the US state of Vermont. One of the most powerful motives for legalising same-sex marriage was to provide a safe and stable environment for the many millions of children who (it was claimed) were being brought up by same-sex couples who might potentially marry. The smaller the number of children, obviously, the less pressing the argument. In 1999 in the landmark case of Baker v Vermont, the Vermont Supreme Court created civil unions for same-sex couples on the assumption that the number of children in such arrangements ranged between 1.5 and 5 million when the correct figure is believed to be 200,000. “Michael Cook, “A sad tale of dodgy statistics: How was same-sex marriage accepted so quickly? In part, by telling some fibs”, Mercatornet, 6 June 2016. Retrieved from: http://www.mercatornet.com/conjugality/view/a-sad-tale-of-dodgy statistics/18183?utm_source=email+marketing+Mailigen&utm_campaign=News+6.8.16&utm_medium=ema il
• The statement that 10% of the population are same-sex attracted footnotes the Writing Themselves In study as its evidence. This study makes no reference to this figure. Nor is it likely that it would, since Writing Themselves In is not a survey of representative samples of the population but only of same-sex attracted and gender questioning (SSAGQ) youth. Furthermore, the 10% figure cannot be reproduced from international research. More reliable estimates of same sex attraction put the figure between 1% and 3% and these figures appear to be remaining stable over time.25

• The claim made in the All of Us lesson plans that “for about 4% of people their gender may not align with the sex they were assigned at birth and that’s OK,” 26 cites a recent New Zealand study as its authority. What the study actually says is: “About 1% of students reported that they were transgender, ninety-six percent were not transgender and approximately 3% were not sure.”27 The 4% figure therefore is presumably arrived at by adding those who reported they were transgender to those who were “not sure”, which is an inexcusable leap. There are several reasons students may have answered “not sure”, not least among which is the phrasing of the question which explains ‘transgender’ as “a girl who feels like she should have been a boy, or a boy who feels like he should have been a girl.”28 Confusion about whether this relates to their own feelings of transgenderism or their family’s preference for a child of one gender or the other are highly likely. However, this represents only one of a number of possible explanations for the remaining 3% figure, all of which should be well-known to researchers using questionnaire-based research of this kind.29 Again, lack of methodological rigor in establishing these statistics raises serious concerns about their validity.

• The assertion that 1.7% of the population are intersex represents the upper end of a very broad range, which varies according to your definition of “intersex”. It would be incorrect to assert that 1.7% of students would have physical characteristics that were noticeably atypical.

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26 Lesson 4, All of Us, p. 30.


29 Studies into field study methodology have found adolescent ‘jokesters’ were much more likely to intentionally report extreme levels on psychosocial and behavioural outcome variables. The ‘jokester effect’ is particularly pronounced in field studies involving adolescents and produces a greater distorting effect on psychosocial and behavioural outcome variables than is accounted for by inaccurate responders (who provide inaccurate or false response unintentionally or through confusion). (X. Fan, et al, “An exploratory study about inaccuracy and invalidity in adolescent self-report surveys”, Field Methods, vol. 18(3), 2006, pp. 223–243. Retrieved from: https://www.researchgate.net/publication/235637789_An_Exploratory_Study_about_Inaccuracy_and_Invalidity_in_Adolescent_Self-Report_Surveys).
The term “intersex” can encompass subtler forms of gonadal or chromosomal variations as well, some of which won’t show up until later in life. According to the Intersex Society of North America: “If you ask experts at medical centers (sic) how often a child is born so noticeably atypical in terms of genitalia that a specialist in sex differentiation is called in, the number comes out to about 1 in 1500 to 1 in 2000 births.” This means that 0.0005%–0.0007% represents a more accurate estimate of the proportion of the school population who are intersex.

If the figures of 10%, 4% and 1.7% were accurate, an average of 3–4 students in every class of 25 would be LGBTI. According to the results provided here, an upper estimate of 3.5%, or of 0.875 students per class is more accurate.

According to Parkinson, the flaws in the academic credibility of the Safe Schools program are sufficient to “present a reputational problem for La Trobe University, which continues to support ARCHSHS from which the SSCA operates.”

“Resources made available to train teachers and teach students should not present misleading and exaggerated claims. Resources emanating from university departments should not footnote to research that does not support the claims made.”

Although the figures asserted with such authority by the Safe Schools program do not stand up to independent examination, their frequent and confident repetition conveys the strong impression that they are factual and can be supported with evidence. This is particularly significant when the audience is predominantly made up of school students, who would be unlikely to question the evidentiary basis for something asserted as fact in the classroom. With such frequent repetition, these erroneous figures have already acquired an authority on their own.

It would be perfectly possible for an educational program simply to accept those who identify as LGBTI and to discourage bullying or deliberately offensive behaviours in fellow students. Although a program of this kind would achieve the ostensible, advertised aims of the Safe Schools program, it would not contribute to the broader social reformation that the progenitors of Safe Schools aim to accomplish. Quoting a former colleague, Ward states “the homosexual cannot be liberated without general sexual liberation.”

31 Parkinson, “The Controversy over the Safe Schools Program”.
33 For example, until it was recently removed, these figures were advertised in a toolkit for training teachers provided by the NSW Government, which used them to conclude: “In light of these statistics, we can assume that around 15% of young people in schools (and, indeed, teachers and other school staff) are sexually or gender diverse.” (Department of Education, NSW Government, Teacher Toolbox for delivering content relating to diversity of sex, sexuality and gender (2016), p.4. Formerly available at: http://www.learning.schools.nsw.edu.au/teachingsexualhealth/files/2015/10/diversity_toolbox_final-rssxkoo.pdf)
34 Roz Ward, “The role of the left in the struggle for LGBTI rights”.

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understandings of biological sex and the socially contracted gender roles that are extrapolated from these, along with the oppressive social institutions which result, such as the family.\textsuperscript{35}

For the authors of the Safe Schools program therefore the only way to eradicate bullying for LGBTI students within Australian schools is to liberate society from heteronormative ideologies and binary ideas of gender. These ideas, according to Ward, form part of ruling class strategy to oppress the workers:

“The ruling class has benefitted and continues to benefit from repressing our bodies, relationships, sexuality and gender identities. Alongside sexism, homophobia and transphobia both serve to break the spirits of ordinary people to consume our thoughts to make us accept the status quo and for us to keep living or aspiring to live, or feel like we should live, in small social units and families where we must reproduce and take responsibility for those people in those units.”\textsuperscript{36}

In order “to create a world where human sexuality, gender and how we relate to our bodies can blossom in extraordinarily new and amazing ways”, the old understandings need to be torn down and replaced with new ones.

Safe Schools, designed for students at formative stages of their lives, proposes to offer a new intellectual framework as they explore the three “building blocks of identity” — sexual identity, sex and gender identity — none of which can be understood as binary.

Assumptions of heterosexuality challenged

In order to erode heteronormative assumptions, different sexual orientations must be normalised, celebrated and affirmed. Discussions of homosexual and bisexual experiences form two of the eight All of Us lessons. Students are asked to engage imaginatively in the feelings of teenagers with these sexual orientations. In Lesson 2 for example, Jaimee, a lesbian teenager, describes her experience of being gay and ‘coming out’. Students are then asked to imagine that they are gay and to consider whether it would be easiest to come out to a teacher, their best friend, by posting on Facebook, by telling friend online, by going to a standout group meeting at school or by holding hands in the corridor.\textsuperscript{37} The Victorian version of the All of Us resource continues to include the controversial activity

\textsuperscript{35} Gender diversity is also taught in the NSW Crossroads program which states: “It’s also important to recognise that schools are sites where heterosexuality is constructed as the only expected and “normal” sexuality, as binary (and biological) gender constructions tend to dominate in these contexts. These environments are damaging for all students, reducing their options for various activities, interests and behaviours, lest they be subjected to homophobic or transphobic harassment.” (“Crossroads program: should we teach children that gender identity is fluid? Here’s what the research says”, The Conversation, 16 September 2016. Retrieved from https://theconversation.com/crossroads-program-should-we-teach-children-that-gender-identity-is-fluid-heres-what-the-research-says-65223). This illustrates the LGBTI assumption that it is only oppressive social conventions that inhibit a greater portion of the population questioning their sexual orientation and gender identity.

\textsuperscript{36} Roz Ward, “The role of the left in the struggle for LGBTI rights”.

\textsuperscript{37} All of Us, p. 23.
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entitled “Stepping Out”, in which Year 7 and 8 students are told to imagine they are 16 years old and going out with someone of the same sex.38

Stephen O’Doherty, CEO of Christian Schools Australia, points out that these exercises are being given to quite young students and suggests that building compassion is quite different to “telling children to imagine they are gay”.39 The Louden review also found that some teachers thought that the All of Us material presented problems because it “might be difficult for Year 7–8 students to imagine that they were same sex attracted.”40 Feedback from students also supports the view that exercises intended to engage students in imagining for themselves a range of romantic or sexually-oriented relationships may at best be inappropriate for the Year 7 and 8 students that they are intended for. One 12-year old student offered this opinion:

“I don’t think kids should be celebrated for being sexual. That’s for when we are older. We should know about sex but that’s all. But the whole school has whole days to celebrate sexuality. I’m not even legally old enough to have sex but I have to dress up to celebrate it.”41

As this statement indicates, the work of Safe Schools is not limited to the All of Us lesson plans. The SSCA advocates for the revision of the whole school culture. Students and teachers are challenged to consciously eradicate heterosexual assumptions in their language. For example, rather than assuming someone is heterosexual, Mel Gaylard recommends using phrases like “do you have a boyfriend or girlfriend?”42

October 2016 is LGBTI+ history month for school students in Victoria. Mel Gaylard is also promoting this as an opportunity for schools and students to celebrate the deep, often untold, stories of Australian LGBTI people:

“The purpose of the month is to recognise the rich and diverse histories of LGBTI+ people. We want teachers to be inspired to bring these stories into their classrooms and students to consider creative ways to celebrate them in their schools.”43

38 All of Us, p. 20.
39 O’Doherty likens the methodology used in the All of Us program to ‘brown eyes/blue eyes’ type experiments and asserts that “for that reason alone educators should reject the use of that material. Building compassion is great. Using discredited programs to do so, asking kids to identify with something that is beyond their experience, is dangerous.” Podcast interview Clare Chate talking with Stephen O’Doherty, “The Problem With the Safe Schools Program, ‘All Of Us’”, http://hope1032.com.au/stories/life/news/2016/problem-safe-schools-program/
40 Louden, ‘Review of Appropriateness of Safe Schools Coalition Australia Program Resources’ p. 11.
41 Statement for “Rani”, Student aged 12 provided in confidence to ACL.
42 All of Us, p. 24.
Every school subject has the potential to include positive examples of sexual diversity and the inclusion of these positive examples is encouraged as an effective way to “signal that these forms of diversity are normal, natural and worthy of recognition.” For example,

“a maths problem that poses David and his boyfriend Tuan ordering three pizzas that need to be evenly sliced to feed them and their six friends ... demonstrates the way some less heteronormative thinking can result in some inclusive examples. Even if a problem like this raises questions from the class about sexuality, students can be told that some boys have boyfriends and that’s okay and then redirected to answer the question in a casual way that normalises the inclusive content.”

These methods are all intended to affirm and normalise homosexuality in the minds of teenagers, thereby engendering inclusion for homosexual and bisexual youth. If we agree with former High Court Justice Michael Kirby, who is homosexual himself, that “the notion that you say nothing about [homosexuality in the school curriculum] is quite wrong”, this does not answer the questions that follow – how much should we say, how often should we say it and how do we couch these messages so as not to alienate heterosexual, gender congruent students?

**Sexual orientation is fixed**

Safe Schools’ approach is grounded in the accurate understanding that many people who in adulthood identify as homosexual or bisexual, first realised this orientation during their high school years. However, Safe Schools extrapolates from this and assumes that the sexual orientation of teenagers is fixed. Homosexual or bisexual people therefore only need to be affirmed and celebrated to be reassured that this forms a natural part of their true identity:

“Research shows that young people often realise they are lesbian, gay or bisexual between the ages of 11 and 14, but the average age for coming out is 16 years old. Why might that be the case? How might these young people feel in the two to five years between realising they are gay, lesbian or bisexual and ‘coming out’?...

...Teacher note: Students may answer [this last question] by suggesting that young people may not be sure about their sexuality. However, it is less about a person being sure than it is about them being able to accept that is how they feel. Many young people may be reluctant to talk about their same sex attraction due to social pressures and homophobia.”

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45 Gaylard, “Making your classroom safe and inclusive for LGBTI students: three top tips!
47 All of Us, p.26.
Any hesitation that a young person may feel about their sexual orientation is therefore attributed entirely to uncertainty about how such information will be received by friends and family. Encouragement for students to ‘come out’ when they are uncertain obviously departs significantly from the aim of supporting LGBTI youth. The possibility that a teenager may be uncertain about whether they are homosexual is entirely ignored.

Importantly, research also indicates that for many people, sexual orientation may be fluid even into their mid-twenties. The National Longitudinal Study of Adolescent Health (“Add Health”) conducted in the USA supports the widely-held understanding that, for many, same-sex attraction in adolescence resolves into exclusively heterosexual identity in adulthood. This study surveyed 12,000 nationally representative adolescents in grades 7–12 during the 1994–95 school year on subjects including romantic and sexual attraction. The same cohort of people was followed up in three subsequent studies (the latest, Wave 4, was conducted in 2008), and a fifth study is now in preparation for 2016–2018. The data collected is therefore extensive and has the very great advantage of offering insights into how the attitudes of this sample group changed between their adolescent years and their late twenties/early thirties. The evidence of this study suggests that same-sex romantic attraction in teenagers is often a transitory phase of psycho-sexual development.

“The high prevalence of Wave 1 youth with either both-sex or same-sex romantic attractions was initially striking and unexpected. Subsequent data from Add Health indicated that this prevalence sharply declined over time such that over 70% of these Wave 1 adolescents identified as exclusively heterosexual as Wave 4 young adults ... Researchers who base their investigations of nonheterosexuality derived from reports of romantic attractions of adolescent participants from Wave 1 of Add Health must account for their disappearance in future waves of data collection.”

While it is true that many who identified as exclusively gay or lesbian in adulthood first identified these feelings in adolescence, it does not follow that every same-sex attraction experienced by students in their early high school years will resolve into homosexual orientation in adulthood. This may be nothing more than a transitory and commonly-experienced phase of development. Safe Schools’ encouragement for students to explore these feelings and understand that this is a fixed part of their identity is therefore problematic.

This raises the question of where ‘support’ for students to identify as LGBTI becomes ‘encouragement’ or even ‘pressure’ for them to do so even in the face of the student’s own uncertainty. In seeking to

48 Parkinson, “The Controversy over the Safe Schools Program”, pp. 10–12. “The National Longitudinal Study of Adolescent to Adult Health (Add Health): Social, Behavioural and Biological Linkages Across the Course of Life”, http://www.cpc.unc.edu/projects/addhealth The materials provided by Minus18 openly scoff at the idea that homosexuality may be transitory. In a series of posters which play on the reversal of stereotypes associated with homosexuality, there is one that says: “Gross! Being straight is totally just a phase!” (See https://minus18.org.au/index.php/resource-packs)


50 “Educational materials which are premised on the idea that sexual orientation emerges in early adolescence and remains fixed, so that it is sensible for young adolescents to identify as ‘gay or lesbian’ as if this were a stable identity, should now be regarded as unscientific and irresponsible.” (Parkinson, “The Controversy over the Safe Schools Program”, pp. 12–14).
support LGBTI students, it becomes possible that the Safe Schools program may result in students feeling pressured to draw conclusions and publish information about their own sexual identity and orientation that do not resonate with them in the long term: “there is a difference between offering support and, in effect, telling students what they should or shouldn’t be.”

**Sex cannot be understood as binary**

Given the rarity of intersex conditions, an entire class devoted to this subject is perhaps curious. However, an understanding of intersex experiences is an important precursor to LGBTI understandings of the social construction of gender and ideas of gender diversity that derive from this.

Until quite recently, in the very rare cases that babies are born with ambiguous genitalia, it was considered in the best interests of the child to surgically resolve this ambiguity and ‘assign’ a sex. As it was easier for surgeons to create female than male genitalia, most of these children were surgically feminized. It was widely held that performing this surgery in infancy was beneficial to the child, who could then be consistently affirmed from birth in the assigned gender. Often these children were unaware that surgery had been performed. The surgery was carried out on essentially healthy infants and, although it is increasingly regarded as ethically dubious, it is still practised regularly.

Problems with this approach have become apparent as intersex infants have grown to adulthood. Some report severe physical complications, chronic pain, loss of fertility, and impairment of sexual quality of life. The potential for psychologically catastrophic outcomes is also considerable, particularly for those where the ‘sex assigned at birth’ was eventually found to be the wrong one.

The complications and potentially tragic outcomes of this surgery obviously invite reassessment of its necessity. The objective is to align a baby’s physiognomy with binary ideas of ‘female’ and ‘male’, to avoid social stigmatisation. A clear alternative is simply to challenge that stigmatisation by reforming

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53 The case of the Reimer twins forms an important part of this history. In 1967, the twins’ parents asked Dr Money (an early sex-change surgeon) to help one of their twin boys whose circumcision had been badly botched. Dr Money advised that it would be easier to surgically turn ‘David’ into ‘Brenda’. The results were disastrous. David became severely depressed in puberty and his parents revealed to him what had happened. He chose to have the surgery reversed and live as a boy. In 2000 the boys exposed Dr Money as a paedophile who had abused them in his surgery. A few years later, Brian and David both committed suicide. (Walt Heyer, “Sex Change” Surgery: What Bruce Jenner, Diane Sawyer, and You Should Know”, *Public Discourse*, Witherspoon Institute, 27 April 2015. Retrieved from http://www.thepublicdiscourse.com/2015/04/14905/). This tragic story is still referred to by the Project Officers of Safe Schools to underscore the injustice of sex assignment surgery on infants. (Darby Carr, Public lecture for EDSOC students in Lecture Theatre 351, Education Building (A35) at Sydney University on Monday, 4pm-5:30pm, 10 October 2016).
assumptions of sex characteristics to encompass these aypical individuals. This contention underpins the LGBTI rejection of binary sex characteristics.

Assumptions of gender congruency challenged

Importantly, the experiences of intersex people assigned the wrong sex at birth have given rise to the idea that gender is ontological, an innate part of the individual, even when it is not obviously signified by external sex characteristics. This is highly relevant to the situation of transgender people, who identify as a different gender to the one suggested by their physiognomy. When it is understood that a certain percentage of babies will grow up to identify as transgender, and if the assignment of sex to some individuals can be shown to have been wrong, doesn’t this call into question the prerogative of any adult to make assumptions about the gender identity of any baby?

"The doctor holds your child up to the harsh light of the delivery room, looks between its legs, and declares his opinion: It’s a boy or a girl, based on nothing more than a cursory assessment of your offspring’s genitals … As a newborn, your child’s potential is limitless. The world is full of possibilities that every person deserves to be able to explore freely … with infant gender assignment, in a single moment your baby’s life is instantly and brutally reduced from such infinite potentials down to one concrete set of expectations and stereotypes, and any behavioral deviation from that will be severely punished—both intentionally through bigotry, and unintentionally through ignorance."

In this way, the history of surgical ‘sex assignment’ of infants has developed into an understanding that assigning ‘gender’ at birth is similarly morally insupportable.

This information from both intersex and transgender conversations, therefore, is seen to point similarly to the need to revise traditional constructs that assume that sex is binary, that gender is binary and that gender aligns with biological sex. These understandings inform Safe Schools’ advice, for example, to teachers of subjects such as puberty education classes:

“It’s … crucial that health classes, as well as being inclusive of sexual and gender diversity, recognise that there are people who have intersex variations. Their experiences are often excluded in current teaching and learning as biological sex is generally presented in a rigidly binary way that doesn’t recognise natural variations. For example, to say that ‘all’ girls will get their period in a puberty education class fails to recognise that there are people with a female gender identity who will not have this experience, whether because of an intersex variation or because they were assigned

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male at birth. Simply replacing all with ‘generally’ or ‘most girls’ is more inclusive.\textsuperscript{55}

The application of these ethical concerns to parenthood is still relatively new. Only five years ago, the decision of Canadian parents to bring up a ‘genderless’ child was sufficiently extraordinary to draw international attention.\textsuperscript{56} More recently, the idea that an individual’s identity is entirely made up of personal choices and that adults therefore cannot draw ‘gendered’ conclusions from a child’s biological sex has clearly gained considerable traction. According to this view, nothing is pre-determined biologically and anything that is socially prescribed can and must be challenged. Rather than assuming that a baby with male genitalia will grow up to feel like a boy and act like a man, these decisions should be left for the individual child to work out for themselves.

Although originally funded to work only within high schools, SSC has been influential in facilitating the promotion of these understandings of gender within primary schools and pre-schools as well. Pointing to a lacuna of library resources that reflect the experiences of LGBTI youth, the SSC has been instrumental in helping to develop and promote these resources even for pre-school aged children. Ward contributed to the notes for parents and teachers contained within Jo Hirst’s recent picture book, \textit{The Gender Fairy}, which states that “whenever a baby is born it is decided by doctors whether the baby is a boy or a girl”.\textsuperscript{57} Until it was recently removed, the Gender Fairy was promoted on the Safe Schools website, which asked readers “Is the Gender Fairy in your school’s library?” The premise of the book is contained in the advice the fairy gives two transgender children “taking their first joyful steps toward living as their true selves” that:

\textit{“Only you know whether you are a boy or a girl. No one can tell you.”}\textsuperscript{58}

Next year, Hirst proposes to produce a second book where the Gender Fairy explains the gender spectrum and the concept of gender fluidity to small children: “children who may feel than they're not always a boy or a girl or they feel a bit like both.”\textsuperscript{59}

Alternative understandings of transgenderism

Just as the authors of Safe Schools understand that homosexual or bisexual feelings or experiences in adolescents will remain fixed in adulthood, so too, they assert that gender dysphoria in school children is a life-long and fixed element of an individual’s identity. It is important to emphasise that these understandings of gender derive only from post-structuralist linguistic and social theory which posit

\textsuperscript{55} Gaylard, “Making your classroom safe and inclusive for LGBTI students”. It is important to remember here that the number of students with intersex conditions number 1 in 15,000-20,000. Of these, perhaps only half will identify as girls. It is probable that many teachers will never have a child affected by this in their class throughout their entire career. The purpose of this advice is to normalise the situation of biological boys who identify as female but who will obviously never have periods.


\textsuperscript{57} Jo Hirst, \textit{The Gender Fairy}, 2015, p.31. http://www.thegenderfairy.com/ The Gender Fairy now appears to have been removed from the Safe Schools hub.

\textsuperscript{58} This is the central message of \textit{The Gender Fairy}, a resource provided in association with Safe Schools to teach children aged 4 and up about gender. See http://www.thegenderfairy.com/

\textsuperscript{59} YouTube interview with Jo Hirst: https://youtu.be/mFsWecC11Jc See also http://www.thegenderfairy.com/
that nature is totally malleable. According to these understandings, sexual identity has no biological or physical basis and is therefore entirely a matter of individual ‘choice’. The All of Us material makes reference to 13 different gender identities, but this is only a selection of possibilities.

In applying these contested theories, the authors of the Safe Schools program take no account of the very contributions of medical and psychological discourse on this subject. Many influential psychiatrists with extensive experience in this field would advocate for quite a different treatment of this sensitive subject. Their patients, they argue, are not attempting to tear down social constructs of maleness and femaleness. Rather, they are genuinely struggling to navigate life with gender identity disorder (GID) or gender dysphoria.

If social acceptance and affirmation of an individual’s ‘chosen’ gender were helpful to the individuals experiencing gender dysphoria, one would expect that sex-change surgery (the ultimate affirmation of the chosen gender over biology) would result in significant benefits. The evidence does not support this, indicating rather that sex-change surgery and gender reassignment at best makes no difference to a transsexual’s life outcomes. In 1979, concluding that sex reassignment surgery in fact caused more harm than good, Dr Paul McHugh, the former chief of psychiatry at John Hopkins Hospital, ordered the closure of the John Hopkins gender clinic and several others around the country followed suit. Another initial supporter of sex-change surgery, Charles Ihlenfeld, later announced that 80% of the people who want to change their gender shouldn’t do it. Ihlenfeld stopped administering hormones to patients and switched specialties to psychiatry so he could offer such patients the kind of help he thought they really needed.

The identification of a psychological condition underlying gender identity disorder (GID) is now well-established. McHugh makes the comparison with anorexia saying:

“It is not obvious how this patient’s feeling that he is a woman trapped in a man’s body differs from the feeling of a patient with anorexia that she is obese despite her emaciated, gaunt state. We don’t do liposuction on anorexics. Why amputate the genitals of these poor men?”

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61 Lesson 3, All of Us =, p. 34.
64 Heyer, "Sex Change Surgery".
If gender identity disorder is a “mental illness” then to enable it is equivalent to “collaborating with madness”, according to McHugh.  

Transgender affirmation is particularly problematic when we consider the case of children, for whom exploration of the idea of being the opposite sex is not uncommon but mostly transitory. Nearly all children ultimately identify with their biological sex.

“The notion that a two-year-old, having expressed thoughts or behaviours identified with the opposite sex, can be labelled for life as transgender has absolutely no support in science. Indeed, it is iniquitous to believe that all children who have gender-atypical thoughts or behaviour at some point in their development, particularly before puberty, should be encouraged to become transgender.”

The personal testimony of Walt Heyer, who suffered from gender dysphoria himself, weighs heavily on the side of suggesting that affirmation of gender dysphoria may ultimately result in worse outcomes for the children concerned. Heyer’s dysphoria began with his grandmother’s secret affirmation of him as a girl. “Her actions planted the idea in me that I was born in the wrong body. She nourished and encouraged the idea, and over time it took on a life of its own.”

Many unhappy years and a broken marriage later, Heyer had a sex change to become the woman he felt he should be. This helped for a while:

“The gender conflict seemed to fade away, and I was generally happy ... [But] the reprieve ... was only temporary. Hidden deep underneath the make-up and female clothing was the little boy carrying the hurts from traumatic childhood events, and he was making himself known. Being a female turned out to be only a cover-up, not healing.”

Eventually, while he was still living as a woman, Heyer was by chance diagnosed by a medical doctor as showing signs of having a dissociative disorder. This diagnosis was confirmed by others and it emerged that Heyer had developed this dissociative disorder in childhood to escape the trauma of the repeated cross-dressing by his grandmother and sexual abuse from his uncle. Heyer contends that if he had not seen a gender specialist, who overlooked any other possible contributing causes, he might have been spared two sex changes (which cannot, in any case, achieve a full physical restoration) and many years of confusion, depression, alcohol and drug abuse.

70 Heyer, ibid.
71 Heyer, ibid.
Heyer now advocates very strongly for an approach which examines the causes of a child’s gender dysphoria, rather than simple affirmation of it. Arguments like Heyer’s and a very extensive body of evidence from clinical psychology, suggest that affirmation of a transgender identity, particularly for children, is at best not helpful to the individuals affected. At worst, it can lead the child into greater confusion. If gender dysphoria in children is a signal that help is need then normalising this experience with the social construct of ‘gender fluidity’ only impedes its diagnosis and treatment. Heyer equates affirmation of transgender identity for children and the subsequent withholding of psychotherapy with child abuse. It is important to underscore the fact that Safe Schools’ understandings of sexual orientation, biological sex and gender identity are founded on socio-political ideology, rather than the ‘research’ base they claim. Medical and psychological evidence would indicate that, far from benefitting all LGBTI youth, the approach of Safe Schools may in fact result in considerable harm even for the interest group it proposes to support. In rigorously applying its dubious theories, Safe Schools transforms the school environment in important ways that make it inhospitable to those students, families and teachers who espouse divergent views.

3. Adherence to queer theory demands schools implement practical changes to avoid discrimination

This reframing of gender dysphoria as ‘gender diversity’, has important implications for the school environment and community, which must adopt this contested understanding of gender dysphoria and make important adjustments to be inclusive. As well as tackling direct discrimination in the form of ‘homophobic’ or ‘transphobic’ language, such as name-calling or insult, Safe Schools warns that, “indirect discrimination against transgender and gender diverse people is also potentially against the law when it has a negative impact on a person.”

Given the low bar for establishing that behaviour is discriminatory if it has ‘a negative impact’ on a person, the potential for schools to offend these new understandings of anti-discrimination are considerable. This understanding of transgenderism therefore has important implications for schools, students and teachers who wish to avoid falling foul of the law.

75 Lesson 4, All of Us, p.32.
Transitioning

Safe Schools’ understanding a child’s experience of gender to be their ‘true’ identity, promotes the view that the most compassionate response is to affirm the ‘true’ gender identity of children in schools. Safe Schools’ “Guide to supporting a student to affirm or transition gender identity at school” sets out instructions for schools to provide support for students to “affirm” their self-declared gender identity, without the need for psychological or medical advice, at any age, and even without the knowledge or consent of the child’s parents:

“The person who understands most about their gender transition or affirmation is the student themselves. It is crucial to the success of this process that they are included in every decision made and every action taken. Consideration should be given to the age and maturity of the student and whether it would be appropriate to involve the students’ parent(s) or guardian(s) in each decision. Assess the support given by a student’s family members or carers, and think through the needs of any siblings, especially those attending the same school. If a student does not have family or carer support for the process, a decision to proceed should be made based on the school’s duty of care for the student’s wellbeing and their level of maturity to make decisions about their needs. It may be possible to consider a student a mature minor and able to make decisions without parental consent.”

The effect of this is to ensure that schools understand their duty of care requires gender affirmation or transitioning of students. There are no safe-guards (for example, in the form of other expert opinions) required, only the stipulation that the child themselves should be fully consulted.

Families are only to be consulted if it can be pre-established that they will be supportive of this process. Parents who do not support their child’s transition may be regarded as representing ‘harm’. In such cases the school should consider its mandatory reporting duties. In other words, parents who refuse to affirm the transgender identity of their children may be regarded as abusive parents.

Ward has now personally conducted ‘transitioning’ classes in Victorian primary schools in support of the decisions of particular ‘gender diverse’ students. These classes involve the students’ class mates receiving special instruction about gender diversity. Primary school children are told authoritatively that the child they previously knew as Y has undergone ‘a transition’ and is now to be called X and, instead of being called ‘he’, they are now to be called ‘she’.

77 “Guide to supporting a student to affirm or transition gender identity at school”, p. 1.
78 Safe Schools presentation to Sydney University Students on 10 October 2016.
79 “On rare occasions a parent’s or carer’s response to a student identifying as being transgender could give rise to a reasonable suspicion that the student is at suspected risk of harm. This could relate to the parent’s stated response to their child identifying as transgender but other risk factors may be present. School staff should inform their principal of any concerns about a student who may be at suspected risk of harm. Principals need to consider whether a report to Community Services or contact with the Department’s Child Wellbeing Unit or some other action is required. The Mandatory Reporter Guide can help with this decision. If in doubt or if assistance is required contact can be made with the Department’s Child Wellbeing Unit.” Legal Bulletin 55, p. 5.
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Use of the correct pronoun

Safe Schools advises teachers and students of the importance of avoiding gender congruent assumptions when speaking to or about people. Just because someone looks like a boy, doesn’t mean they identify as male. They may prefer ‘she’, ‘her’ and ‘hers’ or the gender-neutral ‘ze’ or ‘they’, to avoid gendered terms altogether.

“Use of the correct pronoun is very important to many transgender people, but it is not always apparent from the way someone appears which pronoun is appropriate. Whether by accident or deliberately, using the wrong pronoun that does not match a person’s gender identity is called misgendering. You may want to remind students not to freak out too much if they get it wrong the first few times. It can take time to get used to, but it’s really important to try your best to remember and address the person with the correct pronoun.”

According to the Legal Bulletin of the NSW Department of Education, the Department’s Code of Conduct and the individual school’s discipline and welfare policy should be utilised where staff or students deliberately or repeatedly use names or pronouns other than the one identified by the student concerned.

Toilets and change rooms

Indirect discrimination can include things like denying access to a toilet that matches a student’s chosen gender identity, rather than their biological sex. The inherent dangers to women and girls of being obliged to use mixed gender facilities are not difficult to imagine and have been actuated in Northern America, where similar directives have already been instituted. Already a number of cases have emerged which highlight the fact that access to female facilities on the basis of transgender identification exposes the women and girls using these facilities to a greater risk of intimidation and abuse. Nevertheless, a recent “Legal Issues Bulletin” from the NSW Department of Education directs that:

80 All of Us, Lesson 4, p.32. International cases demonstrate that ‘misgendering’ is becoming a recognised form of discrimination. Earlier this year, a transgender school teacher in Oregon was awarded $60,000 in compensation after co-workers failed to address them [sic] by the proper gender pronoun. In this case, Leo Soell did not identify as either male or female and wished to be addressed as ‘they’. (Bradford Richardson, “Transgender teacher wins $60K settlement for co-workers’ improper gender pronouns”, Washington Times, 25 May, 2016. Retrieved from: http://www.washingtontimes.com/news/2016/may/25/transgender-teacher-awarded-60k-improper-pronouns/?utm_source=email+marketing+Mailigen&utm_campaign=News+6.8.16&utm_medium=email)
83 Maya Dillard Smith, the head of Georgia’s ACLU chapter recently resigned over this issue relating how, having taken her young daughters to a women’s restroom, three transgender young adults then entered. They were over six feet tall and had deep voices. Dillard Smith and her daughters, concerned for their safety were obliged to leave. (Jessica Chasmar, “Ga. ACLU leader resigns over Obama’s transgender bathroom
If other students indicate discomfort with sharing single-sex facilities (toilets or change rooms for example) with a student who identifies as transgender, this should be addressed through the school learning and support team.\textsuperscript{84}

In other words, these students should be disciplined.

Sleeping accommodation for school camps

Overnight sleeping arrangements on school excursions are also to be allocated on the basis of gender identity, rather than sex. Obviously, the same concerns that attach to mixed-sex access to toilets and change rooms attach with peculiar intensity to arrangements for overnight accommodation. Some acknowledgement of this informs Safe Schools’ concession that “in some circumstances it may be appropriate to arrange private sleeping quarters.”\textsuperscript{85} The Stand Out material which was originally offered in support of the All of Us lesson plans (and continues to be offered in Victoria) puts this more strongly, warning teachers of the possibility that they are discriminating by not allowing children to sleep in gender-appropriate school cabins when on school camps:

“Discrimination is not allowed, even if your school discriminates without meaning to. An example of this might be not allowing a student to stay in a particular room at school camp.”\textsuperscript{86}

\textsuperscript{84} \textit{Legal Issues Bulletin}, No. 55.
\textsuperscript{85} Ibid.
\textsuperscript{86} \textit{Stand Out}, p. 34.
School uniforms, single-sex schools and sporting teams

Uniforms are similarly to be non-gender specific to accommodate the gender diverse. The ACT has recently announced a directive for school uniforms to be reconsidered in a way that allows for gender diversity to be accommodated.

This has implications for single-sex schools who, under these new understandings of ‘discrimination’ are directed to allow the enrolment of transgender students. Darby Carr (a NSW Project Officer at SSCA) told a group of education students at Sydney University recently that she has witnessed “a few F2Ms” (females to males) go from a single sex girls’ school to a single sex boys’ school.

Alternatively, single-sex schools are encouraged to support any existing students who transition to the opposite gender without a change of enrolment.

“Single sex schools are just as likely to have students who are gender diverse or transgender ... Many single sex schools have successfully supported a transitioning student to stay at the school, which is great!”

According to Safe Schools’ recommendations, phrases like “ladies and gentlemen”, “boys and girls” should be avoided as a matter of course because they don’t include everyone. Even within single-sex schools, teachers have been advised that calling the students by such gender-specific terms could be regarded as problematic.

New understandings of ‘anti-discrimination’

NSW government legal advice states that it is discriminatory for students under the age of 12 who identify as transgender to be excluded from school-based sports that correspond with their gender identity. This differs from the Queensland Anti-discrimination Act 1991, which stipulates that the exclusion of transgender individuals from competitive sporting activity on the basis of gender identity “if the restriction is reasonable having regard to the strength, stamina or physique requirements (sic) of the activity.”

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87 Lesson 4, All of Us, p.32. With the support of several third-party interest groups (including Minus18, YGender, Our Colours and the Zoe Belle Gender Centre), Safe Schools Coalition has launched the “Gender is Not Uniform” program to address this issue. (Available from Available from Alice Chesworth, Canon O’Saurus, Joel Radcliffe, Roz Ward, Zoe Birkinshaw https://minus18.org.au/ginu/resource-booklet.pdf.).
89 Darby Carr, Public lecture for EDSOC students in Lecture Theatre 351, Education Building (A35) at Sydney University on Monday, 4pm–5:30pm, 10 October 2016).
90 Alice Chesworth et al., Gender is Not Uniform, p. 9.
91 “Glossary of Inclusive Language”, All of Us, p. 52.
In addressing the approach of the SSCA to anti-discrimination, Parkinson questions whether the position stated so frequently and with such authority is consistent with interpretations of Commonwealth Anti-discrimination law:

“If a boy who has desires to cross-dress is required to wear the school uniform of his gender, he is not thereby being treated differently from any other boy. Does he have the right to be treated as if he were female? Were it so, then boys would be entitled to enrol in girls’ sports, and attend all-girls’ schools. Men who have a mental state of wanting to be female, or considering themselves to be so, would be entitled to join all women’s gyms or to apply for jobs that are for women only. That would be an extreme and unreasonable position.”

Extreme and unreasonable it may be but, as we have seen, this is precisely the position advocated by LGBTI lobby groups and asserted by SSCA. Darby Carr recently described the NSW DET Legal Issues Bulletin No. 55: Transgender students in schools – legal rights and responsibilities as a “bible” for teachers, and “the best document that department’s ever written.”

It seems likely that many of the assertions in the SSCA materials anticipate hoped-for changes to legislation, rather than strictly representing anti-discrimination laws as they now stand. The assertions made throughout the literature create an impression of legal authority and are saved from being absolutely misleading only by the inclusion of qualifying words such as ‘may’ or ‘could’, rather than ‘must’ or ‘will’. Many of their claims have never been tested in law but the assertion alone would in most cases be sufficient to promote the desired compliance from school communities throughout the country.

The correct response from schools (i.e. the response required by government) becomes even harder to anticipate when we consider the requirements not just of transgender students but of ‘gender fluid’ students, who may not identify as male or female, or whose gender identity is subject to change.

4. Safe Schools consistently marginalises traditional world views

It is important to realise that the requirement for school communities to comply with these new understandings of what transgenderism is (and consequently of what constitutes discrimination), takes no account of the fact that a school community includes people drawn from many cultures and belief systems that are incompatible with SSCA’s understandings of sexual diversity and gender diversity. These divergent views need not be grounded in bigotry. They may simply derive from the heteronormative world view and assumptions of gender congruity which have been a consistent feature of human societies throughout history.

Rather than simply aiming for greater acceptance of LGBTI people within schools, the Safe Schools program encompasses the wider aim of eradicating the ‘discriminatory’ social structures to which they attribute their exclusion. Traditional views are replaced with understandings of homosexuality and transsexuality that are grounded in a new and untested ideology. These new understandings are then
powerfully asserted with the result that the school becomes inhospitable to divergent views. In the Safe Schools program, the same marginalisation and exclusion complained of by the LGBTI community is reversed and turned upon traditional belief systems. Schools are consequently becoming hostile environments for the students, teachers and parents who espouse traditional understandings that heterosexuality and gender congruence are normal. It does so initially by enlisting students as activists.

**Encouraging activism in students**

Safe Schools, presenting LGBTI exclusion as a clear social justice issue, suggests various ways in which students can engage in activism to root out any residual ‘discrimination’ in their schools. These include: making a personal pledge on social media; starting a ‘Stand Out’ group at school; advocating for changes to any aspects of school policy or curriculum that might be considered discriminatory; awarding stickers to the most LGBTI-inclusive teachers; posting banners in the entrance hall of the school and around the school corridors to advertise LGBTI inclusion; advertising LGBTI support on the school’s website; and ensuring the library is stocked with LGBTI books. Students might consider organising ‘speak out’ groups, where students or teachers can ‘speak out’ on subjects such as ‘why we support equal marriage’ or ‘why our school supports gender diversity’. LGBTI guest speakers can be invited to student assemblies. In their spare time, the *Stand Out* brochure encourages students to attend events like PRIDE, Mardi Gras, IDAHOT and marriage equality rallies.

The removal of links to third party advocacy groups was specifically recommended by the Louden review but *Stand Out* encourages students to challenge this:

> “Speak to a teacher about the importance of allowing students to access them at school, and let them know why this matters.”

The original version of the *All of Us* lesson plans, which are still used in Victoria, include activities which require students to ‘make a pledge’ of support for LGBTI issues, including things they promise to do and things they promise never to do as an LGBTI “ally.” The following lesson then specifies that, for homework, students need to implement two of the positive undertakings from their ally list: “let them know that they have one week to complete their mission.” In this way, the Safe Schools program enlists the student body as LGBTI activists.

**Exposing opposition**

Students who do not share Safe Schools’ understandings of sexual and gender diversity, are not permitted to politely disagree or keep their opinions to themselves. Contrary views, which much be grounded in hateful bigotry, will not be tolerated. The positive agenda of activism is accompanied by strong disincentives and warnings for those who dissent, with the result that, in practice, Safe Schools is strongly coercive and intolerant of difference. Already, many students are reporting feelings that

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97 Ibid. p. 20.
98 Ibid. p. 20.
99 *Stand Out*, p. 18.
their divergent views have exposed them to social ostracism, disapproval from teachers and bullying from their peers.

Importantly, this exposure is built into the *All of Us* lesson plans. For example, Lesson 3 has an activity which involves challenging stereotypes. Students are asked to place themselves on an imaginary line in the classroom which represents a spectrum with “strongly agree” at one end and “strongly disagree” at the other. The teacher then states a stereotype – for example: “Bisexual people are confused about their sexuality.” Students are required to indicate their response by standing on the line at the appropriate point between the two extremes. This lesson asks students to literally stand out from the crowd, to differentiate themselves spatially, if their opinions differ from the majority of their classmates'. They are then asked to explain themselves:

“ask students to explain why they have chosen their position on the line. Try to get a range of views while also making sure that any offensive or hurtful comments are addressed.”

Offensive or hurtful comments would encompass anything that affirmed the stereotype, meaning that in practice students are coerced into public agreement or shamed for disagreement.

Safe Schools is highly sensitive to the need to avoid such discomfort for transgender students. For example, *All of Us* is careful to advise teachers to think of non-gendered ways of dividing the class. If groups are organised into ‘boys’ and ‘girls’, “this may be really stressful for transgender students ... because they may feel pressured to join a group that does not match their gender in order to avoid questions.” With such a thorough understanding of the distress that such differentiation can cause to students, it seems unlikely that this exposure of students who hold traditional views is accidental.

Students are protected from such humiliation and exposure under Article 18 of the ICCPR. The General Comment of the Human Rights Committee states that “In accordance with Articles 18.2 and 17, no one can be compelled to reveal his thoughts or adherence to a religion or belief.” The *All of Us* lesson plan breaches this protection both for the child who might stand out in a minority but also for all the other students, who are also required to reveal their beliefs. The further requirement for individual students to explain themselves obviously compounds this breach by forcing further revelations. The subjection of children to humiliating treatment by the state in a public school when they are such a sensitive age also touches on Article 7 of the ICCPR, which ensures freedom from “degrading treatment”.

Similarly, the option to ‘opt out’ of school assemblies or LGBTI celebration days, requires these students to expose non-conformist attitudes which have resulted in their marginalisation at school.

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102 Lesson 3, *All of Us*, p. 27.
103 Lesson 3, *All of Us*, p. 27.
104 “Of course it’s easy to divide a class into a boys group and a girls group when you are doing activities, but having a class or team segregated this way may be really stressful to transgender students. They may have a non-binary identity or feel pressured to join a group that does not match their gender in order to avoid questions.” (*All of Us*, p. 51).
One student who didn’t want to go to an LGBTI school assembly reported coercion from the teachers as well as students:

“The teachers were very pushy about the whole thing. They wanted everyone to go. One of the teachers asked us why we didn’t go. The students who went to the assembly came up to me and also asked me why I didn’t go. When I told them that I didn’t believe that homosexuality was right they started saying that I was mean and didn’t accept people for who they are … I was labelled as ‘unaccepting’ of other people and that I didn’t care about other people.

Another Year 12 student, attending a small country school with a strong community, was called “a homophobic bitch” for opposing the state school’s “Purple Day”.

Reports of this nature, which demonstrate that intolerance for traditional values and a heteronormative world view has increased as a result of the Safe Schools program, have led Senator Cory Bernardi to comment insightfully:

“Bullying isn’t something confined to homosexuals … [The Safe Schools program] actually bullies heterosexual children into submission to the gay agenda.”

Coercion of teachers and parents

Students are not the only ones to complain of feeling bullied into compliance by Safe Schools. The course material itself explicitly warns schools of the dangers of dissenting, citing the federal Sex Discrimination Act 1984 and a Human Rights Commission factsheet in support. Teachers at Cheltenham Girls’ High School were threatened with the invocation of this Act and the potential loss of their jobs if they did not comply.

Earlier, the coercive intention behind new assertions of what constitutes anti-discrimination were noted. It is worth exploring how these affect teachers. When legal instruments are cited and legal bulletins are produced by government departments to elaborate the implications of these instruments for teachers, even if these are couched in terms of ‘may’ and ‘might’, teachers will understand this as ‘must’ and ‘will’. Teachers who fall foul of these laws risk not only suffering the loss of their jobs but exposure to personal liability and potential bankruptcy in any legal prosecution that might follow. They would also suffer the very great opprobrium that quite rightly attaches to genuine discrimination.

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106 All of Us, p. 32. This understanding of discrimination is consistent with the way it is represented by the CEO of Minus18, Micah Scott. See: https://minus18.org.au/index.php/resources/school-info/item/32-legal-rights

107 At a meeting earlier this year one teacher described how “The ‘anti-discrimination act’, was projected across the board and it was stated that any teacher who did not comply with this act was considered a homophobe and law-breaker who would be receiving penalties as [is the case for] any other discrimination offences, and was not welcome by the school.” (Miranda Devine, “Girls who are girls but not girls — It’s time to stop the Safe Schools subterfuge”, Daily Telegraph, 24 June 2016. Retrieved from http://www.dailytelegraph.com.au/rendezview/girls-who-are-girls-but-not-girls--its-time-to-stop-the-safe-schools-subterfuge/news-story/bf3a5633c20dbfee6a6a57596b153cd8)
In these circumstances, faced with the risk of personal ruin for lack of compliance, few teachers would be likely to question these assertions or put the law to the test.

Addressing concerns about the marginalisation of non-conforming parents and students, the Birmingham Statement, specified the need for greater consultation with parents about the implementation of Safe Schools. Senator Concetta Fierravanti-Wells confirms that “parental consent [is] a mandatory requirement before students participate, and schools must now consult with their appropriate parental bodies before the school opts in.”108 Birmingham has confirmed that “Parents should have a right to withdraw their child from classes dealing with such matters.”109

However, lack of transparency continues to dog the Safe Schools program. Even if a school has signed up to be a member of the SSC, they may only have accessed staff training resources or help in supporting an individual student. Others who are not members can still access support or resources from the SSC Hub.110 The Queensland Department of Education recently refused to provide information to ACL about which schools in the state were participating in the Safe Schools program and listed precisely these reasons for doing so. Even if they were to provide a list of participating schools, such a list would not “comprehensively represent the level of public school involvement in SSC programs.”111

It is likely that many parents who support a program to reduce bullying of LGBTI students are unaware that the SSC is using this as the opportunity to teach queer theory to their children at school. Even if they were to discover the nature of the program and contact their school, if they raise any concerns which remotely concern homosexuality, they risk public humiliation for being ‘homophobic’.112 Ward has also asserted the prerogative of schools to over-ride parents’ wishes:

108 Letter to Mr Lyle Shelton from Senator Concetta Fierravanti-Wells, received 20 September 2016.
109 Birmingham, “Statement on Safe Schools Coalition”.
110 This has recently been rebranded the ‘The Student Wellbeing Hub’ to prevent confusion with the now highly-controversial Safe Schools program. (Available at: https://studentwellbeinghub.edu.au/?origin-host=www.safeschoolshub.edu.au).
111 Letter addressed to Wendy Francis, Queensland State Director for ACL on 23 September 2016.
112 The recent experience of two families at the private Sydney Anglican Girls’ school, Kambala, might give pause to any parents who consider this course of action. These families approached the Principal of the school in confidence with concerns about what appeared to be a positive LGBTI agenda in the school and some sexually explicit Facebook postings from one of their daughters’ teachers. The legitimate concerns of these parents were then publicly misrepresented by the School Council President, Sally Herman, in an open letter to all the parents in the school in which she strongly admonished this ‘homophobia’. According to her understanding, “at the core of their displeasure is a concern that their daughters may be exposed to messages or values that they do not personally agree with.” The Principal of the school threw her full support behind the School Council President and, in the frenzy of backslapping that ensued in the media for such ‘strong leadership’, the point seems to have been lost that all parents should have the assurance that concerns (however unreasonable) raised privately with the school should be treated in confidence. On the other hand, the point is unlikely to have been lost on any other parents at Kambala. If the letter has achieved its intended aim, anyone who shares the concerns of these parents will very likely think twice before raising similar concerns. (Kate Bastians, “We are an inclusive school’: Principal of a Sydney Girls’ school, admonishes parents for complaining about hiring of gay teachers”, Wentworth Courier, 26 August 2016. Retrieved from http://www.dailytelegraph.com.au/newslocal/wentworth-courier/we-are-an-inclusive-school-principal-of-prominent-girls-school-admonishes-parents-for-complaining-about-hiring-of-gay-teachers/news-story/93079e525be7807eb8dc397722c56291)
“If people do complain, school leadership can very calmly and graciously say: ‘You know what? We’re doing it anyway. Tough luck.’” 113

Ward’s colleague has helpfully confirmed that “parents don’t have the power to shut this down.”

The school, in any case, is unlikely to be able to provide concerned parents with accurate information about the extent to which the program, resources, or approach of the SSC has been implemented in the school. With teachers encouraged by the SSC to adopt a ‘whole of school’ approach, the content of the Safe Schools program has permeated all other areas of the school curricula, so that the extent to which parents can have their children ‘opt out’ is entirely illusory.

This point was underscored by a Canadian lesbian primary school maths teacher, Anne Gunn, who described her ‘social justice maths’ as a way of sneaking pro-LGBTQ propaganda past ‘the parents’. She ridiculed parents for failing to realize how extensively pro-LGBTQ issues were canvassed in the classroom and mocked one couple in particular who had told her not to involve their child in the pro-homosexual ‘Day of Pink’:

“And it’s not one day a year. If you don’t want to send your kid to school on the Day of Pink, that’s OK. But they’re going to get it all the days before. They would have got it in September, and they’re going to get it after. So, one day? We’re not about one day.”114

Again Article 18(4) of the ICCPR, which protects parents’ rights concerning the upbringing and education of their children, is relevant here. This instrument unequivocally gives parents the right to opt out of religiously sensitive programmes. This is impossible in the case of Safe Schools. The only way for parents to entirely avoid the messages of Safe Schools is to opt out of the school system entirely and several families have already felt reluctantly compelled to do this.115

Conclusion: Why are we fighting in schools?

Challenged with a reminder of Roz Ward’s assertion that Safe Schools is not about stopping bullying but about promoting sexual and gender diversity, Minister Birmingham recently reflected that comments “on both sides of the debate that ascribe other motives to “what should be a program and resources that are focussed on ensuring inclusion in schools and support for all students who need it” were “most unhelpful.”116 It seems, however, that the Government is alone in believing that Safe Schools fulfils only the aims it advertised. Safe Schools should indeed be a program and resources that

113 https://www.youtube.com/watch?v=j5uNocBCw3Q&feature=youtu.be
115 Apart from the high-profile cases of Cella White, ACL has received information from more than one family that they are removing their children from school because of the Safe Schools program. (See RITA PANAHJ, “Mother pulls children from Frankston High School over transgender awareness rules”, Sun Herald, 7 February 2016. (Available from http://www.heraldsun.com.au/news/victoria/mother-pulls-children-from-frankston-high-school-over-transgender-awareness-rules/news-story/0b44bfe1ab5be79592261672051b5c60)
ensure inclusion in schools for students who need it. Perhaps ironically, everyone except the government seems to acknowledge that Safe Schools achieves far more than it was mandated to do.

The use of a government-funded school program to promote a political agenda is obviously enormously significant in a democracy.\textsuperscript{117} This is something Australian governments have been careful to avoid in the past. The Melbourne declaration – the “vision and mission statement of all Australian government” – states that education is a partnership between the government and the whole community.\textsuperscript{118} “If the … government insists on one version only of a sexuality agenda then it has completely cut out of the picture this partnership approach … it wouldn’t matter if they were promoting green apples over red apples, the idea that a government would mandate something in this area is a very dangerous idea.”\textsuperscript{119}

Outsourcing the development of curriculum content to ideological interest groups, particularly those with a political agenda, is fundamentally incompatible with the government’s duty to provide an education system which can accommodate the children of the entire Australian community.\textsuperscript{120} Yet this is precisely what has occurred in the case of Safe Schools. Proposing to promote a safe and inclusive school environment for LGBTI students, oversight of the Safe Schools program has been entrusted to political activists who are exploiting this quite remarkable opportunity to communicate strongly partisan ideologies to the next generation of Australian voters and compel compliance with their own political agenda from the rest of the community.

Safe Schools presents binary alternatives about one thing. They propose on the one hand a society based on bigotry, homophobia, transphobia and LGBTI exclusion and, on the other, the complete ‘liberation’ of society from ‘social constructs’ which otherwise limit sexual and gender diversity. This ‘liberation’ is oppressive to anyone who maintains the view that heterosexuality, gender-congruency and a belief in the complementarity of the sexes and institutions like the family that are built on these beliefs are good and wholesome aspirations for our children.

These world views are fundamentally irreconcilable. They inform some of the most contentious political debates currently exercising the nation.\textsuperscript{121} Given that these subjects are so hotly-contested, it is staggering to find that this contest has successfully been introduced to the school environment and is being pursued through this battle for the hearts and minds of the next generation of voters. It is not for the government to resolve these irreconcilable political debates.

ACL would like to propose that we reject this binary thinking for the purposes of the Safe Schools program and instead conceptualise these alternative view points as possible ends of a spectrum.

\begin{itemize}
\item \textsuperscript{117} “Governments should never outsource the development of curriculum content to interest groups, particularly those with an ideological purpose or agenda.” (Rebecca Urban, “Safe Schools activist Anne Mitchell out to ‘shape agenda’.” \textit{The Australian}, June 23 2016, Retrieved from http://www.theaustralian.com.au/national-affairs/education/safe-schools-activist-anne-mitchell-out-to-shape-agenda/news-story/985e1418b33e8e93b66b6691875f777a)
\item \textsuperscript{119} Ibid.
\item \textsuperscript{120} Rebecca Urban, “Safe Schools activist Anne Mitchell out to ‘shape agenda’.”
\item \textsuperscript{121} We refer here, of course, to the same sex marriage debate. Roz Ward also recognises the inconsistency of the government’s actions in funding Safe Schools but not legislating for same-sex marriage. (Roz Ward, “The role of the left in the struggle for LGBTI rights”).
\end{itemize}
Somewhere in the middle ground exists a culture of acceptance and inclusion which accommodates everyone and does not pit LGBTI interests against those of the heterosexual, gender-congruent community. This, surely, was the conception of the program that initially won it support from the Australian community. Can’t we have a program that delivers this?