

# PUBLIC

## THE GOVERNMENT ADMINISTRATION COMMITTEE A INQUIRY INTO DISCRIMINATION AND BULLYING IN TASMANIAN SCHOOLS MET IN COMMITTEE ROOM 1, PARLIAMENT HOUSE, HOBART ON FRIDAY, 14 FEBRUARY 2025

**The Committee met at 9.02 a.m.**

**Mr WILLIE** (Acting Chair) - Welcome to today's hearing of the Government Administration Committee A's inquiry into discrimination and bullying in Tasmanian schools. Thank you for your submission. Could please state your name and the capacity in which you're appearing before the committee. I will start with the minister, who doesn't have to be sworn in, but you might like to introduce your team and we can go to them and swear them in.

**Ms PALMER** - Here with me in Launceston online I have the Associate Secretary for Education, Jenny Burgess, and in the room with you today I have the Director of Wellbeing and Inclusion, Ruth Davidson.

**Mr WILLIE** - If Jenny is going to make some contributions, I need to swear her in via Webex.

**Ms JENNY BURGESS**, ASSOCIATE SECRETARY, DEPARTMENT FOR EDUCATION, CHILDREN AND YOUNG PEOPLE, WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED VIA WEBEX.

**Mr WILLIE** - To the witnesses in the room, can I confirm you've received and read the guide sent to you by the Committee Secretary?

This hearing is covered by parliamentary privilege, allowing individuals to speak with freedom without fear of being sued or questioned in any court or place out of parliament. This protection is not accorded to you if statements that may be defamatory are repeated or referred to by you outside the parliamentary proceedings.

This hearing is public and the public and media may be present. Should you wish aspects of your evidence to be heard in private, you may make this request to the committee at the time. Ruth, I will ask you to introduce yourself to the committee and make a statutory declaration.

**Ms RUTH DAVIDSON**, DIRECTOR WELLBEING AND INCLUSION, DEPARTMENT FOR EDUCATION, CHILDREN AND YOUNG PEOPLE, WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

**Mr WILLIE** - We recognise that during these hearings we may discuss highly sensitive matters that may have deeply impacted the lives of Tasmanians. This may be a trigger for individuals listening to or participating in these proceedings. I'd encourage anyone impacted by the content matter during this hearing to contact services and support such as Lifeline Tasmania on 1800 984 434, Kids Helpline on 1800 55 1800, or Beyond Blue on 1300 224 636.

I'll introduce members of the committee to you, minister. You'd be very aware of who they are - the member for Clark, Vica Bayley to my left; I'm Josh Willie, filling in today to direct traffic on behalf of the Chair, Anita Dow, the member for Braddon, who's joining us

## PUBLIC

online. We have Rob Fairs, the member for Bass, also joining us online, and to my right in the room, we have Kristie Johnston, a fellow member for Clark. I'll hand over to you, minister, to make some opening statements.

**Ms PALMER** - Thank you, Chair. I haven't prepared an opening statement. This is the second time that I've appeared before the committee, so I'm happy to get into it and ask questions. We ran out of time last time. I don't want to be in that situation again. I'm happy to make a start.

**Mr WILLIE** - I'll start off. We've had a number of witnesses appear in that time and different matters raised with us. Thank you for your submission. It's very detailed and it looks like you have very good policies in place. Obviously, all walks of life are coming through the school gate and it's impossible to stop all forms of bullying, but good structures and practices can help alleviate that. Is the structure of the department preventing it from being as responsive as it could be?

We've heard evidence that there are good policies in place, but the department, at times, doesn't respond in the way that it could, in a timely fashion. That's problematic.

**Ms PALMER** - Thank you very much for the question. I will hand to the Associate Secretary for further comment. I will start by saying I acknowledge that some have come forward and said that. The best decision I made as a minister when I took on this portfolio was that I needed to be out on the ground as much as I possibly could be.

To date, I'm not sure how many months we're up to, we might be up to month number nine, or 10 maybe. In that time I've visited over 80 of our schools and our Child and Family Learning Centres (CFLCs). I've spent time with principals, with teachers, talking to first-year teachers, talking to TAs, and really trying to understand the policies that we do have and what does that actually look like on the ground.

I've established a wonderful - I hope the department feels the same way - a great relationship, not just with the heads of this department but with the likes of Ruth and others in the room, where I feel very comfortable to say, look, this is a great policy, but when I went to this school it just didn't play out the way that we talk about it when we're having discussions. Can you touch base with that school? Can we tweak it? How can we look at making sure that this really great policy we have set up has enough flexibility that it works right across the spectrum of the different schools we have around the state?

It may not always be perfect, but there is such great intention, on all sides, to see those policies then come out and make sure that they are actually working on the ground. As we implement the review work that's come out of the education review, certainly we'll be working with the secretary to make any structural changes that we think might be appropriate.

There's no lack of goodwill across this department or my office or across our parliament or in our schools, and we are always working to try to make sure that the huge effort that goes in at the department side actually does resonate in outcomes in our schools. Where it's not, my expectation is that we tweak it and we keep working with it until it does.

I might pass for a few comments to the Associate Secretary.

**Ms BURGESS** - As we've become a new agency from October 2022, we have been on a journey to make sure that all sides of the business have the attention and the responsiveness required to make sure that our children and young people are known, safe, well and learning. I think it would be fair to say that we have been on a journey in that space. We now have a new Deputy Secretary for Children, Youth and Families that is looking after the child safety and youth justice side of the business. That allows a really structured, strategic approach to the Education portfolio.

We're working with our new secretary now to make sure that we are as responsive as we need to be, and to make sure we are organised in a way that is fit for purpose to deliver, particularly, for education, and to improve those educational outcomes. In fact, we are continuing to refine our approach to that.

The Education review has given us some pointers in the right direction, and we'll be working with our minister to make sure we deliver on that and that we're set up for success.

**Ms PALMER** - If I could just finish my comments - we are looking forward to what comes out of this inquiry, and the people that you've spoken to and the recommendations that may come from this that will add another layer of insight into what we can be doing.

**Mr WILLIE** - Thank you, minister. Nobody's doubting the goodwill across the department. There are people working in the department that are very altruistic in their views; they want to make a difference. We're talking about the structures here, and you've identified yourself, as minister, where policies aren't necessarily being implemented in the way they're intended in schools, but that's relying on you going to visit a school and finding that out.

What we need is structures in place that mean that the response is timely; that you can nip these sorts of things in the bud. When I was the shadow minister for education, I used to delve into a lot of this data. There are a lot of repeat suspensions from the same students; it's concentrated in particular schools. I'm interested in what you do to assist those schools through the challenges they're facing.

**Ms PALMER** - Around suspensions, are you asking?

**Mr WILLIE** - Suspensions, bullying culture, the whole lot. I mean, the department's got quite good oversight of where schools are facing particular challenges in the data it collects. It's not necessarily made publicly available unless it's asked for through parliament, but I know that there is detailed data that's collected by the department.

**Ms PALMER** - Yes, for sure. I'll hand to the Associate Secretary for that one, but just to reiterate and perhaps clarify, me going to schools is just one part of what we do. We have our department people in schools all the time, talking and listening in particular, and doing what they can in the collection of that data. The whole system's not totally reliant on a ministerial diary being able to get to as many schools as we can.

I just felt that was a very important part of my understanding as a minister and just another avenue that the department has to hear back from someone who's consistently in this space. I'll hand to the Associate Secretary.

**Ms BURGESS** - I think we would know that structures in place are part of the complexity of managing the complexities of schools, but it's also about the ways of working and the people. We've got some plans that we're talking through with the minister about how we are more responsive and have an approach that is streamlined, so that schools get the support that they need when they need it.

Certainly the legislation, the ministerial instructions, the Secretary's instructions and policies provide the framework, and then it's how we can put in place the most streamlined and effective process to deal with that.

Within the learning services portfolio, we have a team of people who work with schools where there are complexities and where there are high levels and high patterns of either low attendance or high levels of suspensions. We have a student engagement team that works with schools that have been triaged, that have a level of complexity that can't be met without additional support. That team works at the shoulder with those schools and helps them with their planning and their approach and their strategies to be able to deal with that complexity.

What we do know is that schools are often a reflection of the complexities within the community. Therefore, we've got signals about how we need to work both within the school and within the community to make sure that things are in place to support them.

Every school now has a support and wellbeing team which has a specific resource that makes sure that they are on a day-to-day basis triaging the needs of students and the complexities that are occurring within the schools. They are then supported by the student support team to make sure that they are triaging the resourcing that they need.

We have inclusive practice coaches that work at the shoulder with schools to make sure that they have got the just-in-time professional learning and supports in place that are helping to deal with those complexities that we're seeing in schools.

**Mr WILLIE** - Okay, I might come back to this and let some other committee members have a go.

**Mr BAYLEY** - Hello, minister, and everyone else. Thank you for your time and thank you for coming to the committee again. We've heard a bit of evidence about senior staff and principals in particular.

Before I get to that, I'm interested in you talking through the mentoring-type approach that the department has with teachers as they enter the schooling system, and what steps you take to support new and emerging teachers to be the best they can and gain as much experience and knowledge from older teachers as possible. What sort of structures are in place to facilitate and make the best of the experience of other teachers in the school system?

**Ms PALMER** - I'll get either Jen or Ruth to talk to the specifics of that, but I certainly agree that's just so important. The level of success for a new teacher can often depend on the support that they receive in those early years of their education, and I think also the way that they are set up to begin that journey as a teacher through their university as well. That's certainly something we're having discussions with the university about: what does it look like to - what do our teachers and our new students going through the uni to study to be teachers - is that fit for purpose for 2024 moving forward? How can we refine that and have real confidence that

we are setting up these teachers for absolute success as they move into the first years of their teaching?

I can hand over to Jen or Ruth with some more detail on what specifically we do to support our new teachers.

**Ms BURGESS** - We certainly do have a teacher induction program that we work with new and early-career teachers to make sure that they have the supports that they need when they come into our schools. I know that the leadership teams within schools also have mechanisms in place to make sure that teachers are supported.

**Mr BAYLEY** - How would you describe that program and approach compared to decades past? You may not know, but are you getting any feedback anecdotally about the adequacy of the mentoring and approach, and the positive impact it's having on teachers compared to how it was in the past? We've heard that mentoring is different these days, and concerns raised around it.

**Ms PALMER** - Vica, you're talking about that mentoring in how to manage bullying and discrimination - that aspect of training? I assume that's where you're going. I might hand to Ruth. I think she's probably got some contribution to make around that.

**Mr BAYLEY** - Obviously that's a specific interest of the committee, but I would have thought it's an important element of any teacher's training across the board - not only their approach to bullying and discrimination, but their teaching style and their response to issues and other things.

**Ms DAVIDSON** - Yes, definitely. I can speak to them related to this area as well. We've worked closely with the university around our trauma-informed practice as an example. The trainees coming out of the university, or the grad students, may not be as ready for our schools as we would hope, and so working with the university on our professional learning and the Australian Childhood Foundation, in particular, around that trauma-informed practice has been really great, I think, to really start that early and ensure that that's coming through, as well as coming and starting ready in our schools.

We've had that program now in place, the trauma-informed practice, for a couple of years, and we've had evaluation done through the university. We've also got that feedback from first-year-out teachers, how valuable that has been to really understand trauma and behaviour, and then why - what are some of the drivers.

That really helps us in terms of that reactivity to behaviour, and also helping young people - young teachers, I should say, as an old one - with moderating your own regulation in that situation. Because we know going into an environment of a classroom that's busy and active, managing your own regulation and behaviour is one of those important skills that you may not be really ready for or understand.

**Mr BAYLEY** - Is that only offered to early-career teachers?

**Ms DAVIDSON** - No, it's across the board.

**Mr BAYLEY** - There are refreshers and -

**Ms DAVIDSON** - Yes, exactly. But we've been really aware of schools targeting and really wanting their first-year-out teachers to participate in this professional learning. There's both in-person and onsite, as well as modules to continue that learning and growth. As you said, experienced teachers are really coming back to that and going, 'Oh, I understand that', and it could be also teachers moving into a different school and that environment really being different and understanding that.

We have the trauma-informed practice work. We have the restorative practice professional learning, which has been really interesting this year with more and more schools wanting to work in clusters and groups around the restorative practice, which I think is a really powerful way for first-year-out teachers, too, to understand they're not alone if you're in a smaller school as a first-year-out teacher, if you're working within a collective of professional learning and sharing some of that experience.

I know we've been working with a cluster in the north-west, I believe it is, that have had a lot of first-year-out teachers, as you can imagine, going through this professional learning. We also have a partnership with AERO and its classroom management tool resources, which was interesting. We were on a working group establishing those resources that experienced teachers can make assumptions that first-year-out teachers come ready with a lot of those classroom basic practice behavioural management tools and that is an assumption that we need to continue to test. Our partnership with the classroom management resources has been great because we've been able to feed in the design and development of them.

Tasmania led the way in getting them into schools and now continues to offer sessions where people can come along. They start at a very basic level classroom rules, setting up boundaries, setting up times, which sounds for an experienced teacher who would look at it and say, 'I don't need that'. I can remember my first year in a classroom. It was terrifying. I think I cried for the first term and I lost a boyfriend over it because I cried the whole time. We do have to remember that it is tough, some of those things, and having a basic entry resource for teachers and the AERO one in particular has been a great foundational piece. We then go on with that really experienced teacher that can engage with that trauma-informed level with the childhood foundation at range of levels.

Your question regarding, do we think it's better? I believe it is, knowing where we have to go back to some of those first principles around behaviour management.

**Mr WILLIE** - Where Vica was going, is that back in the past there were better connections with the university? This is before you become a first-year teacher, undergraduates, and getting more experience in schools and more of an apprenticeship-based model where you're engaging with schools all the time and the lecturers at university are more engaged with schools. There is a feeling that sort of model has disappeared over time and there's less experience in schools before you start a position.

**Ms DAVIDSON** - I'm not aware in the change of our placement timeframe - sorry, if there's been a reduction in placement timeframes, but I'm not aware if that's happened. We definitely in the area of wellbeing and inclusion have got that relationship with the university and they've designed a trauma directorate within the university or particular function -.

**Mr WILLIE** - I think it's the theory-based education, but then using it in a practical sense in schools. I'm interested in the minister's comments around that.

**Ms PALMER** - Sorry, what was that, Josh?

**Mr WILLIE** - There is a feeling that the way undergraduates are mentored has changed over time. In the past, it was more like an apprenticeship. There was more engagement with schools. They spent more time using practical skills in schools and over time some of that experience in schools has dissipated.

**Ms PALMER** - I think it's vitally important that there is that on-the-ground experience. I remember talking to one brand new teacher who was only a few months into the job last year when I was just a few months into the job as Education minister. I said, 'Is this what you thought it would be?' She looked at me and she said, 'Not yet', and I get that.

One of the things that I've been working really hard on is our relationship with the university. I've had extensive discussions with the Vice-Chancellor about whether our teachers are ready to hit the ground. What else can we do? The university has been fantastic and it has been very open to those discussions. We're going to be doing a body of work, which I announced as one of my early triggers from the Education review, in having a formal agreement with the university and the government around that relationship and what expectations are from both sides on that. That work is going to be progressing very quickly. I'm really looking forward to being able to pull that apart and see what can we do better? How can we be better supporting our new teachers coming into the profession?

It's one thing to have them coming in and saying, 'Yes, I want to be a teacher', but we want them to be teachers for many years and see this as a wonderful, fulfilling career and then have the opportunity to move through and experience different things within the industry of education. We want our teachers to be happy. We know that at the moment there are issues with teacher wellbeing. That's why we have such a clear focus on that and certainly that is involving numerous conversations with the university, which has been really open and really keen to really flesh this out.

I think Jen just had a few more comments to make as well.

**Mr WILLIE** - Just before that, if you can chuck it on notice, minister, do you have any data around dropouts for graduates that are burning out and not making it past the five-year mark? I think that was the milestone when I was around. A lot of teachers don't make it past that mark.

**Ms PALMER** - I might just turn to the Associate Secretary for that, Josh.

**Ms BURGESS** - Josh, we do have data on that; we do track that. I don't have those numbers at my fingertips right now. We certainly have that and we calculate usually at the 31 March timeframe. So, that's when we do all our analysis around our annual data so we use 31 March as a cut-off date and then we calibrate and work through what that looks like. We certainly would be able to provide you as of 31 March 2024, if the minister was comfortable with that?

**Ms PALMER** - Yes, more than comfortable.

**Ms BURGESS** - What I also wanted to answer with regards to work with the university, as you'd be aware, we do have an education workforce roundtable and certainly the issue that

you raise with regards to the internships that I suppose our 60-year-old teachers would have experienced they would have got a bonded scholarship through the university placement back in the day, and certainly two of our deputy secretaries would have come through on that program.

But in response to that, probably I think about five years ago through that workforce roundtable, there was a specific approach to start in that space and what we do have now is the teacher-intern placement program and that is specifically a scholarship for students who are still at university. They would receive permanent employment as part of that and what that gives them is access to a mentor program and colleague teachers who support them with the professional development from that time that they are - in inverted commas - bonded.

They also get a device, internet access and they get access to the department's network and software. They also get, if they need it, travel and accommodation support. Then we help them with their limited authority to teach those from third term of their fourth year of their ITE, they can start to work in schools.

We also know anecdotally that a lot of our undergraduate teachers are now starting to act as teacher assistants in schools. What that is giving them is the opportunity to see how schools and classrooms work, how teachers work. They get access to varying numbers of teachers, their different styles and approaches, their approaches to behaviour management and those sorts of things.

That's also a real benefit, but I think that you're right. There probably is more work to be done in that space and that's why the minister has been having those conversations with the Vice-Chancellor to make sure that we can do more in that space.

**Ms JOHNSTON** - I understand that the department conducts regular - I think it might be annual - surveys of teaching staff around health and wellbeing and they're invited to provide feedback to the department on their own health and wellbeing and how they're travelling. How does the department use that data that they collect from that survey? Are you able to respond individually to needs that might be identified in that survey? Do you look at trends within particular schools or areas of schools? How do you use that to inform the supports you might put around an individual teacher or a school in particular?

**Ms PALMER** - Thank you for that question. I'm first just going to go to the Associate Secretary on that one.

**Ms BURGESS** - You are correct - we do collect data annually on staff wellbeing and there are key metrics in that and then we do have specific focus on the staff who are in our schooling system, so I suppose there are multiple supports.

At a system level, our staff wellbeing team that is in our people services and support look at that holistically and use that as a trigger to say, 'Okay, what's the data telling us? What additional supports and programs do we need to put in place holistically? What might we need to put in place for schools?'

At an individual school level, within learning services we have a team of people who look at the staff wellbeing data with the other metrics they have because, of course, there's the



staff wellbeing data in isolation, but there's also the student wellbeing data that's collected annually for students in years 4 to 12.

From a learning services perspective, they would look at the staff wellbeing data and then leadership roles, improvement consultants or directors. Principal leadership would work with principals individually at schools to make sure they are responding to that school-based data and putting in place localised support for staff in that space.

**Ms JOHNSTON** - That's annually. Have you given any thought to increasing the frequency of that survey, particularly where an issue might be identified in a school where a cluster of staff is experiencing some difficulty or needs additional support? How do you monitor that?

**Ms BURGESS** - I think there is a balance there. We line up our staff wellbeing survey in schools with the student wellbeing survey in schools. We need to ensure that we don't make it administratively burdensome. However, where we know that staff wellbeing has particularly been impacted, either due to incidents or because of the complexities of that environment, we have our staff from learning services, in particular our Director Principal Leadership, working at the shoulder with the principal in that school. We'll make sure that they have the right supports in place to support the wellbeing of staff. What the data is telling us will depend on the response that we provide to the staff in that space. It would be a very localised response to the needs of the staff at that point in time, wherever they are in their journey.

**Mrs BESWICK** - I was wondering when you were talking about the data collection at the end of March, whether you are able to track if teachers have gone from public to private? If you're looking at the longevity of staff staying in the industry, whether there's any way to track that they're still working in the industry but not necessarily in a government school?

**Ms BURGESS** - We wouldn't have that at a holistic level, but we do exit surveys with our staff. We would know at an individual level, if they were willing to communicate that with us, that they were going into another system. Anecdotally, we do know there are shifts into other systems, but we also get shifts back from the non-government school system into our system as well, and we do have staff that work across both systems. We wouldn't have that at a systemic level.

**Ms DOW** - Something that's come to light throughout these hearings, minister, is the growing role of principals across our state and the growing pressure on principals as well. I think during your last hearing we touched on that. I wondered, in your role as minister, whether you've given thought to the principal role and how that might change into the future? We have had some suggestions made to us through this committee about the roles around business management that a principal plays at a school. There is also the educational role that they play. I'd just be interested in your thoughts and the department's thoughts on that changing role and how that might evolve into the future.

**Ms PALMER** - Yes, absolutely. Thank you for the question. Certainly, a huge part, as I mentioned at the beginning of the hearing, is spending time with our principals and our principal association. We've been able to, just through really good robust conversations, identify where there might be some low-hanging fruit for right now - levers that we may be able to pull to lighten the load on our principals.

Schools have become really complicated places, to be fair, as we see society change and community change. So much more is put on the shoulders of principals and our school staff and our teachers - things that used to be taught in the family home or at church or at Scouts or Girls' Brigade, whatever it might be. We're now seeing that the buck stops at schools. Society, I think, in my opinion, seems to be putting all that responsibility for aspects of raising great young people, the responsibility of that on our schools.

One of the things that is said to me the most by principals and teachers is, 'I got into this to teach, not to fill in mountains and mountains of paperwork'. We've had a real focus on that. Through the independent review, we heard about the workload on teachers, the workload on principals. We've got a real focus on that at the moment. Certainly, in that wellbeing space, I've already made a commitment that I've asked the secretary to immediately look at what can we do in the wellbeing space for principals and school staff to ensure that they are supported.

One of the things that I've said to the secretary is that we need to have a really robust plan here. I can't wait for a year's worth of work to be done so that we end up with a new, beautiful, fantastic wellbeing system for our principals and our school staff. I've asked this to be rolled out in stages at the beginning of term 2. What can we implement right now to show real support across our school staff? What can we implement in term 3, what can we implement in term 4, so that our school staff and our principals feel that we are really responding to what they are telling us about their workload, how that's impacting their wellbeing as well?

One of the other really exciting things that we're just starting to explore is actually the multi-school organisations, where you have an executive that sits over the top of schools. We still have principals in our schools; they still have that autonomy within their school. But we're pulling out of that, you know - let's say all the IT that needs to be done, all the actual management of the school, all of that executive back-office work that we know lands in our school staff laps. We've seen this in the UK, how it's played out, which is actually releasing principals to have that real focus on mentoring, on curriculum, on the things that principals want to be doing. It's allowing teachers to actually teach.

We know that there is this model out there. We've seen it in play in the UK. We've been really impressed with what that looks like. We're really excited to be sharing that with schools, with our principals' association, with education stakeholders, to say maybe this is a new way that we could look at having families of schools in Tasmania where we're taking a lot of that administrative burden away from our schools, which is what they're saying to us: 'Please don't give us one more form to fill in.' There are a number of things in play at the moment. We are not waiting until we have a whole perfect package to start rolling these things out. We're, particularly in that wellbeing space, which will really impact, I believe, our principals, rolling that out in stages so they know we have a clear focus on this in this space.

I'll just see if the Associate Secretary had any more she wanted to add around support for principals.

**Ms BURGESS** - As the minister's indicated, she's certainly charged us with -

**Ms DOW** - Are you able to provide-

**Ms PALMER** - Something's gone very wrong with our audio.

**Mr WILLIE** - Yes, you're delayed there, Anita.

**Ms PALMER** - Are you right for Jen to continue?

**Mr WILLIE** - I think we'll let Jen continue, and then I'll come back to Anita and see if we can figure that out.

**Ms PALMER** - I've actually lost Anita from the screen, just so that you know. Alright, thanks Jen.

**Ms BURGESS** - Certainly, the minister has charged us, in response to the Independent Education Review, to look at staff wellbeing holistically, and I'm sure that Ruth can talk to that in more detail. Initially, at this point in time, we do have quite a comprehensive principal wellbeing approach that involves mentoring proactive wellbeing support, alternative dispute resolution support, and professional learning support.

In addition to that, we have been gathering quite a lot of information through 2024 from all stakeholders - the Tasmanian Association of State School Organisations (TASSO), the Australian Education Union (AEU) and the Tasmanian Principals Association (TPA) about what we need to be doing to support the principalship to focus on the business of teaching and learning. So, a couple of things there.

The minister has also asked us to think about how we prioritise information and work that goes into schools - can the department be doing more work so that it's less administratively burdensome on schools? In response to that, we're standing up a schools coordination unit that will act as a triage point and make sure that the department corporate side of the business is doing as much as it can for schools, so that when it does get to the principal level, their response is as streamlined and as time-reduced as possible.

In addition to that, and to complement the multi-school organisations work that the minister talked about from the UK, we are looking at our leadership structures within schools. We're thinking about giving consideration to, for the here and now: are there different business management approaches that we could set up, either individually within schools or within groups of schools, to take that administrative burden away from those?

They're part of the discussions that we're having with the minister at the moment and will continue to have, and any decisions that we make there will complement the multi-school organisations approach.

**Ms DOW** - One of the other things that's been spoken about is access to counselling, not only for teachers but for students across the education system in Tasmania. I wondered if you could update the committee on what's available at the moment for both teachers and/or students?

**Ms PALMER** - Yes, absolutely. The Associate Secretary can help with that one.

**Ms BURGESS** - I'll focus my part of the answer more on the staffing side of that. I know that Ruth's very involved in and around the student side of that.

Certainly, we have supports in place for staff to get the counselling that we need. We have an EAP support process that makes sure that staff can have access to their needs. Now, that's part of the wellbeing and inclusion plan. So, we make sure we have supports in place at the holistic level and at the school-based level to make sure that if teachers need counselling, that they get that.

The principalship, of course, we've got that coaching, mentoring, just-in-time support. We do have a principal wellbeing lead. That is a principal out of a school that is actually working, at the shoulder, with principals that need specific support and potentially counselling, either for themselves or for their schools, or for staff within their schools. That is certainly available.

Whereas the minister indicated previously, she's asked us to supercharge that for staff in schools, which Ruth would be able to talk to as well. Ruth, if I hand to you to talk about the counselling approaches for students?

**Ms DAVIDSON** - Definitely. Thank you, minister and Jenny. I think we mentioned before the structures within a school around the support and wellbeing team, and then within that team accessing, looking at a child that might need support and then which social work, psych, school health nurses, inclusive practice teams. There's a range of supports that can come together, and the expectation the school has that wellbeing lead to convene that group and bring those range of supports together, to be able to say, 'These are the services we need to provide internally'.

There we talk about that's really influenced what we can do internally, where we need to partner and bring in other services. And there, indeed, where we might need external to really seek that therapeutic response, or where do we have to engage. We might work with CAMS, other services outside. I think schools have really followed that model around internally every day. Keeping this child well and learning is the role of the staff that we have and then our expertise around our professional support staff. I think the school health nurse has been an amazing program in growing that program across schools where we can, in terms of adding an additional support for the whole school culture, around especially mental health and wellbeing. I know the school nurses have really stepped into that space around supporting mental health supports at a universal level.

I think we also have to be really clear, and schools are really onto this, where we do need to partner and get that external expertise. They can't do it all themselves. We now have in process a great relationship with our other services. I think the broader remit of the agency now has opened that up, being DECYP, with our relationship with children of high vulnerability and the services you might need. Our knowledge-sharing is part of that. I've really seen that shift post-COVID now that we're one agency to look at the whole child's needs and to have a better information flow and access to services. We have a program that convenes senior directors across the agency to look at children of high vulnerability that may need to have access to CAMS in a very urgent way, that perhaps we were not able to elevate that as quickly as possible.

I suppose in a school there's access to the psych, social workers and I know it's quite easy, the waiting or we don't have it immediately, but the triaging program and the seniors that really understand the needs of children and where we do have to move those services in and across our system. Heartening to hear about the MSO (multi-school organisation) commitments

within the IER (independent education review). I think that will only benefit that understanding across schools need and how working collaboratively to do that.

I think from my view and our view in the wellbeing space is that we are much more open to where we know our own need for young people and then where we need to partner and get that external expertise. I think it's been a real improvement over the most recent times.

**Ms DOW** - The department has trialled a number of initiatives, I understand, around the recruitment of more social workers and OT's and other allied health specialties across our schools because there still are significant shortages. You've said that you're outsourcing some services, which would indicate that perhaps there are still some issues around the numbers that you've got currently in schools. Could you provide an update on that and on the success of those measures?

**Ms PALMER** - Absolutely. I can let you know that we have signed scholarship agreements with five new psychology graduates who will be heading, or they're probably in our schools now, some of them. I'm meeting one of the new ones next week, I think. We've also signed scholarship agreements with five speech pathology graduates. So, that's 10 new support staff that are heading out into our schools. I understand that EOI process will run again this year for more opportunities to sign up to those scholarships for our graduates.

**Mr WILLIE** - Perhaps, minister, we could have the ratios for our support staff to students and the wait times? Happy for you to take that on notice.

**Ms PALMER** - I'm just checking to see if I have that information. I can say over the last decade certainly we've employed a record number of staff. This includes increasing the overall number of professional support staff on the ground, providing direct support to children and young people by 88 0.45 FTE. There's been quite a focus on ensuring that we have support staff on the ground. We've seen quite an increase over the past decade. With regard to ratio numbers, that can be a bit fluid depending on enrolments from year to year. I'll see if we have that information to hand.

**Mr WILLIE** - I am talking department-wide, minister. I know the department collects it. It's a measure of how many support staff are available for the number of students and also the wait times for each support staff position. I know the department collects that, too.

**Ms BURGESS** - Certainly, we have that data for 31 March 2024 and we have provided that in the past. We've got that for social work, speech and language pathology as it's been provided as a right to information request, as I understand it.

**Ms PALMER** - You are actually asking about the wait list numbers for students waiting to see support staff?

**Mr WILLIE** - Waitlist and times. The committee would be happy to wait till 31 March. We're not going to report before then, I wouldn't have thought. We could write to you with these questions on notice and get it at the census day.

**Ms PALMER** - I can't provide figures for 2025, but I can provide you with the figures that were provided at Estimates last year if you would like that.

**Mr WILLIE** - I'm suggesting that the committee writes to you and you can provide the data at 31 March, which is the census date.

**Ms PALMER** - To provide you with the most up-to-date data, I'm advised we can't provide that to you till May or June, but we would be able to provide you with the most up-to-date data we have at hand at the moment.

**Mr WILLIE** - Where I'm going with this, it's a good temperature check of services being provided to students, but other states are having these issues, too. Allied professionals don't grow on trees, unfortunately. There's lots of workforce development that needs to happen. It's interesting that you're looking at other services, whether the department is looking at formalising that. I know other states have a mental health menu with services available to schools and it's quite responsive. Are you're looking at those sorts of measures for schools to be able to have access really quickly?

**Ms BURGESS** - We are in discussions with the leads in our student support space. You're right. One of the activities that we need to do is to get more people coming in. What we know is that the need in the community and in schools is increasing. We are having discussions with regards to how do we meet the needs and reduce the wait times as much as possible. One of those strategies is to get more staff on, but we are in discussions around what that might look like if we were trying to source that through other providers.

**Mr WILLIE** - Or other government services even, is what we've heard.

**Mr BAYLEY** - I'm keen to go back to the multi-school organisations. We heard you talk about the additional support, administrative relief and the like, and I accept that at face value. In your field trip, in your investigations or the advice you've sought from others, I've heard you present data around improvements to educational outcomes and performance when it comes to academic levels. But did you inquire specifically around bullying and discrimination, and have any advice or observations as to how multi-school organisations perform when it comes to the increasing problem, both within the student cohort and staff, of bullying and discrimination?

**Ms PALMER** - Yes. I think I can certainly share with you my observations of how we saw this playing out in the UK where we were going into schools that in the five or six years previously were known as the worst schools in England where we had seen a turnaround that saw attendance in that sort of high 90s. And through the conversations that we had, what really played out is that school under the multi-school organisation, the way they were running them in the UK, had actually become, quite often, the safest place in a child's environment, which is why they were seeing just extraordinary numbers when it comes to attendance because children knew what would happen, how they would be spoken to, what consequences were. The curriculum was the same in every classroom, same language from every teacher, and the children just were responding incredibly, to be honest.

I think I've mentioned to you before, Vica, if you haven't seen it, I don't think I'm eloquent enough to tell you what it was like to walk into a classroom in the middle of London through to right out in the regions, where we just saw the same scenario being played out. So, we saw just what can happen when teachers are just so fully engaged in that structured teaching, when principals actually have the time to walk from classroom to classroom, engaging with new teachers, older teachers, TAs. When we were able to pull all that back-end, back-office work from out of an actual school structure.

We actually saw children wanting to be at school because it was actually the safest place for them. And, we also saw that where there were in a multi-school - in a family of schools, if there was an issue, because that was sort of a united family, there was an opportunity where, say, for example, if there was a tragedy that happened in a community, you would be able to really resource that particular school in that community, using the resources of the school - of the family of schools. So, it just seemed to be such a great way of really ensuring that schools that needed certain resources could be really resource heavy when they needed to be, and then, when they were able to retreat from that, those resources were pulled back out.

I think one of the things that was most astounding is we saw such happy and engaged children, so engaged and so happy in this incredible structure, which is why we are looking at how could we look at something like this for us here in Tasmania and it was very much with - I guess, their motto was very much that every child was entitled to an uninterrupted education, and the children were absolutely on board with this.

And they were quite honest. They talked about the difficulties when they first implemented this model into a school, and how children and teachers had to adjust, and what that looked like. But, they were very honest and able to share with us what they learnt through those processes as children began to understand what would no longer be accepted in how they treated teachers, in how they spoke to each other, in how they interacted with each other, in their behaviour in corridors, in classrooms. And yes, the result was very engaged and happy children.

**Mr BAYLEY** - Notwithstanding that, and I completely accept that - I'm sure bullying and discrimination did still occur in those schools. It's, you know, it's ubiquitous, albeit perhaps at a lower level. Did they have different structures and systems and processes in place to deal with it? Did you take any learnings in that regard out of the trip and the research that's been done into it?

**Ms PALMER** - I think one of the number one things I took away from it was how they handle suspensions. Suspensions are in school. You don't leave school. If it gets to a point where you've had your warnings, and they're very clear warnings, there's no flexibility around that, then it's actually an internal suspension. It was pretty amazing to see how - and each school had it a little bit differently depending on their particular school, but yes, they were internal suspensions. Even if a child was on a suspension, they still had to learn what was in their classroom on that day. They were still going to be exposed to that and have that educational input, but they did it in a less comfortable environment than if they were in a classroom.

We went into schools where suspension rates had dropped dramatically because kids knew they were not going to be sent home. They weren't going to be able to go out to the park or whatever it might be, depending on how parents at home want to manage a child that's been suspended. They were going to stay in school. They were going to keep learning, and it was their choice whether they did it in a suspension room or whether they did it with their peers and all the extra excitement that comes with learning in a classroom. That was probably one of the biggest takeaways that I had and it's certainly something that we will be exploring as part of us doing this work with multi-school organisations.

**Mr BAYLEY** - What about in relation to staff? We've heard evidence of increasing student-on-staff bullying and staff-on-staff bullying and discrimination. Did they have different systems in place to deal with that, and do you anticipate - when you do roll out the trial here in

## PUBLIC

Tasmania, do you anticipate substituting some of - Is there anything that's going to be different from what the department currently does that you anticipate being rolled into that multi-school organisation trial when you get it up?

**Ms PALMER** - Vica, we're going to take the very best of what we saw from the UK and look at how we can apply that here in Tasmania. We are already in the process of setting up a steering committee. We already have one of our academy experts in Tasmania at the moment, looking at our schools, talking to our people. We will be looking at every aspect of how the UK rolled this out, the mistakes they made, the things that worked really well, and I absolutely expect that that will be part of the conversation.

We're just really lucky, really fortunate that we're going to have the benefit of, I think it's about 10 years of work that's happened in the UK. Through the Susan McKinnon Foundation and the Grattan Institute, we've had exceptional opportunity to delve right into their data and their expertise in that space. We'll take the best of everything that they have to offer. Quite wonderfully, they are so excited that the work that they've done in the UK now has an opportunity to play out on the other side of the world. We'll see how that rolls out for us here in Tasmania, but I would certainly think that would be part of that work, Vica.

**Mr BAYLEY** - Just a last one to follow up. Do they have data on bullying and discrimination and the improvements from, or any effective change from over a decade ago to today?

**Ms PALMER** - Look, I would anticipate that they would. I certainly don't have that here to hand with me, but they have been incredibly generous and said, 'Whatever we have, we want to share', because they want to set us up for success.

**Mr BAYLEY** - Could you take that on notice and ask the question of them and provide it to the committee, if indeed they do?

**Ms PALMER** - I can certainly ask that question of them.

**Ms JOHNSTON** - One of the regular themes we've heard through a number of submissions now is a concern about a power imbalance between individuals who might make a complaint of discrimination against department and the way the department responds to that complaint. It was particularly highlighted by Equal Opportunity Tasmania in their submission where the commissioner there wrote in the submission that they had contacted the department to raise concerns about this power imbalance, in particular highlighting issues around the length of time it takes the department to respond to complaints. Sorry, these are complaints underway through an *Anti-Discrimination Act* process, whether the indemnity for individual respondents is sought which is contrary to the Tasmanian government's policy and guidelines for the grant of indemnities and legal assistance to Public Officers of the State of Tasmania, whether the person attending conciliation conferences on behalf of the department has the appropriate delegated authority to resolve the complaint, and whether the department's approach to responding to compliance follows trauma-informed principles.

Equal Opportunity and the commissioner have written to the department and received some preliminary responses. I think the last response they received, from 5 July 2024 from the department, was noting it to be an independent review of current processes that would be undertaken. Has that review been completed? What's the response to the concerns the



## PUBLIC

Commissioner has, quite consistently over a number of years, raised about how the department responds to complaints of discrimination and how they conduct themselves in any kind of formal dispute resolution process through the Anti-Discrimination Tribunal?

**Ms PALMER** - The department certainly has processes in place that are quite stringent in how they manage with these types of situations. I'll hand to the associate secretary, and I think between Jen and Ruth we'll give you as fulsome an answer as we can.

**Ms BURGESS** - Of course, we don't have the secretary of DECYP at the table, who would be the lead person in this space and probably would be able to give a more fulsome answer to this. Certainly, I am aware around the issue around timelines of complaints and the notion from the Anti-Discrimination Commissioner around the 21-day timeframe, and meeting those timeframes. I understand that there is work underway to improve the timeliness of that, so that that can be resolved more quickly.

**Ms JOHNSTON** - In terms of the appropriateness - and this is a concern that's been put to us in a number of submissions - that the person, the complainant, feels that they've experienced some discrimination, they've made a complaint through the appropriate channels, it might lead to conciliation, the department effectively lawyers up and has representation there for the person complained against. The power imbalance around that - does the department have a view of the appropriateness of that, in terms of the moral litigants' guidelines that the government are supposed to follow? It might be a question you need to take on notice, minister, I fully recognise that you might need to take that on notice.

**Ms PALMER** - We don't have our secretary at the table, so it might be a question that we need to take on notice, thank you.

**Ms JOHNSTON** - Thank you, we'll put that on notice, that's fine.

**Mr FAIRS** - With the UK model, obviously I'm encouraged by what I'm hearing and all that sort of thing. Do they shed any light on how they turn these families, and especially the parents, around into this sort of model? Obviously, as you know, there are a lot of broken families and things like that, especially in Tassie, in a lot of suburbs, and the situation's going worse. But it's encouraging to hear what they're doing over there. How did they change it? It didn't happen overnight, I know. Did they shed any light on how they actually got families and parents on board that were so disengaged with school, and their students, obviously? Especially when it came to discipline and suspensions actually in school, which I think's a wonderful idea, you keep them there. I think that's great.

**Ms PALMER** - If I could just reflect on one of the schools that we visited who actually stepped us through what that change process looked like, they didn't make a decision to do this and the next day implemented a whole new regime. They worked with parents and families, they worked with the children, they worked with the community and business leaders and the local government, or their equivalent in their communities, and said, 'This is what we're going to be doing'. Then they actually had a countdown, and a reminder at each stage: 'In nine months, we'll be doing this. In six months, this will happen'. Then it got right down to, 'in two weeks'; 'in seven days', 'in three days', 'two days'. So there was real understanding across the community and the school about the change that was going to be happening. What's important is that schools are not doing this in isolation. They're doing it as part of a family of schools, so there is that support there.

What we also found across the United Kingdom is that there were schools that were opting into this who were saying, 'We want to be part of this structure. We can see the benefit; we want to opt in'. It's a bit different with the scale of schools over there to here, but we saw this play out in the centre of London and then right out in the most regional sort of parts of the United Kingdom, but amazing to see schools actually looking at this program going, 'We want to opt into this and we want all the support that can be given to help us to do this'.

But there is a process and it does include engagement with families and communities. We absolutely know that we have better educational outcomes when families are involved and valuing education, so it was exciting to hear about how they actually managed that change process.

**Mr WILLIE** - I might go back to some of the conversation we were having at the start around the structure of the department. It obviously got centralised some time ago. You've got, I think, five deputy secretaries and different units that fit underneath that. What we've heard is that sometimes they don't talk to each other very well and they're not as responsive.

There was some suggestion that the old district model, where you had five district officers, was far more responsive. You had leaders from those district officers in schools regularly mentoring principals and even in classrooms of teachers, and that smaller, decentralised model was far more responsive. Have you got some comments around that, minister, and perhaps you could explain the rationale of moving to that centralised system in the past?

**Ms PALMER** - Thank you, Josh. I'm going to hand over to the Associate Secretary.

**Ms BURGESS** - Certainly, over time and with my longevity in the department, we have seen a number of approaches for regions going into the north and the south - the centralisation and the decentralisation of resources.

In fact, the deputy secretary of schools in early years just said to me yesterday or the day before that there are benefits in all sorts of models, but what she's certainly hearing on the ground that while you might regionalise, people do want to have broad networks as well, so how do you get that management and balance of that?

In our current thinking, and in fact, we have some sessions planned where we are going to talk through our structures and our approaches and, in particular, a regionalised approach. We know that our libraries have moved to four regions and we understand that being able to respond at a regional level has its advantages, so we are looking into what that might look like and setting ourselves up for success.

Having smaller units and then those units being regionalised, and then having north and south, with the centralised office really playing a role around high-level policy direction and accountability, and then contextualise that into smaller units within, potentially, regions, and north and south. Certainly that's under some active discussion at the moment, because of course you'd be aware that joining up school services and child safety and youth justice services to be operating in small, localised areas would be beneficial for students and young people to make sure that they've got familiar and relational connections that meet and fit their needs.

Certainly we're having those discussions around what that might look like. Of course, at the back end of that, we've also had reports and reviews in the past that have given us direction around how we need to organise ourselves to set ourselves up for success.

So, it's balancing that together with how many lines of decision-making do you need to get until you get to the peak person of the secretary? Advice that we've had in the past is that you need three levels, so that's very much topical and on our mind at the moment - how do we reduce the layers of middle leadership to make sure that we've got the most streamlined, leanest approach to our organisation so that voices on the ground can be heard all the way up through to the secretary very quickly, and then up to our minister, to make sure that the centre is being responsive to the needs of schools. We've certainly got that under active discussion at the moment.

**Mr WILLIE** - Yes, because what I'm hearing today is there are really good initiatives - student wellbeing teams, principal network leaders, inclusive practice. There's all of these things happening, but what we hear is they don't necessarily translate to responsive, good outcomes in schools. I am interested in -

**Ms BURGESS** - I was just going to say, we've absolutely heard that. We're working to operationalise, and we're listening to our principalship, to our teachers, to the unions and to our parents as well. We've got all of that data collected and it's helping us to move forward in that space. We're under active discussion with our principals advisory group about how we need to set ourselves up for success.

So, absolutely, we've heard that and we will be moving on that, and, of course, talking to our minister in more detail about what that might look like in the short and medium term.

**Mr WILLIE** - What was the rationale for moving away from that district model in the past? Was it a budget consideration? Is the department more lean now than it was back then?

**Ms BURGESS** - Certainly in the early days, there was a notion around streamlining supports. There was a notion, too, about how much do you reinvent the wheel in a local context and duplicate resources, energy and effort. Then there was more of a move back to the centre just to coordinate that, and I think what we're seeing now is we probably haven't got the balance quite right.

To be responsive to the needs of those on the ground and have a streamlined service of support, we're also giving consideration to a hub-and-spoke model. We still have to mitigate the risk of reinventing the wheel to have centralised supports that might be outposted. So, the policy guidance is consistent, yet the resource to meet the immediate need on the ground is there in the local context. I think it's about balancing those and where that scale is right to make sure that we're responsive to need, but also to manage risk.

**Mr BAYLEY** - Look, I've got another one and it sort of flows on a little bit from Kristie's questions around grievance, and particularly grievance against senior staff, but it's in relation to grievance procedures. We touched on this last time, but we've heard from employee representatives that ED5 - while obviously code-of-conduct processes are really necessary, there are concerns around the threshold, the level of support that's given to a staff member who's under one of those investigations, the amount of time it takes. Are you comfortable with

the ED5 process as giving timely and just consideration of a matter, or do you think there needs to be something different put in place in relation to teaching staff within the department?

Obviously on the back of the commission of inquiry, we're very cognisant about the importance of this process and the significance of some of these issues but it's also been raised that the threshold is a problem, the time that it takes is a problem, the alienation of that person while that investigation is under underway. Are you comfortable and are you considering any other mechanism that might address some of the concerns that have been raised?

**Ms PALMER** - Thank you very much for the question. That question would really need to be put to the secretary of the department, it doesn't fit with either the associate secretary or with the director for wellbeing and inclusion who I have with me today and it also has quite a whole-of-government element to it as well. If you wanted to proceed with that line of questioning, I would need to take that on notice, so that that could be put to the secretary of the department.

**Mr BAYLEY** - If you would be prepared to take that on notice, I'd certainly, and there are others who would certainly appreciate some clarity in that space, and whether there's any consideration of amendments specific to the education department.

**Ms PALMER** - I'm happy to take that on notice.

**Mr BAYLEY** - The other in that space is vexatious complaints from parents and what you can tell the committee about the support that's in place for staff who are subject to that and the processes that are undertaken when it comes to vexatious allegations from parents. This has been raised by the Principals Association and I can completely accept that it's a significant challenge out there.

**Ms PALMER** - Thank you, I'll ask Jen to address that question.

**Ms BURGESS** - Of course, our primary role is to support students but also to support staff, and we are aware that there are vexatious complaints made. We do have a complaints management process and a process that we use with that. Learning services is our key administrative support in that space and the work that they do to both support the staff and support the families to bring that issue to resolution is there. Of course, if staff don't believe that they are being supported in the right way, they must immediately elevate that up through the chain of command, so that we can have the right supports in place for those staff.

**Mr WILLIE** - Anita, anything further?

**Ms DOW** - I was just going to ask, one of the things that has come through throughout the whole of this process has been about how we value our teaching workforce across the state. I guess you've touched on that a little bit, but I wanted to understand any specific measures that are in place to promote the value of teachers across our communities and what you're doing to do that.

**Ms PALMER** - Yeah, absolutely. Valuing our teachers is an absolute priority for me. That is why we're looking at this on two fronts, and I will get Ruth to go into a little bit of detail because she's actually managing this work. The first thing that we're doing that I'll talk to is about workload reduction. This has been a bugbear of mine and what I've heard perhaps the

most in the time that I've been Education minister and going to the different schools. The department has done quite a large body of work around workload reduction for our teachers. We're not waiting until we have a whole perfect package, we're rolling out what can we take off their plate right now, what can we take off their plate next term, and the next term, until we feel that we have that balance right. That's a body of work that is underway. Already, through the beginning of first term, we have announced some of those workload-reduction measures that we have taken and that message has already gone out to our schools for first term. That is just the beginning. We are working through a full suite of what can we do as a department and as a government to ensure that teachers feel that they have that time and freedom to teach, which is what they want to do.

The other thing that I will get Ruth to talk to is the work around wellbeing and what has come out of the education review and what I immediately asked the department to look at around what the wellbeing structures that we have in place for our teachers. Ruth, can I hand to you to give some more information there?

**Ms DAVIDSON** - What we know from the review is how in some sites for staff, their wellbeing directly impacts their work and there's a complex environment and the review was very clear about asking us to look to other workplaces, and I think DPFEM (Department of Police, Fire and Emergency Management), Justice, where there are complex work sites and we can learn from there. We've spent some time meeting with DPFEM and Justice and understanding how they put great programs in place to recognise the wellbeing of their staff, the motivation of their staff, at a universal and then at a targeted level. When you need to keep all of your staff well where you can and then when there are particularly complex environments. It's been fascinating listening to, you would be aware, the DPFEM model looks after the fire staff, police, emergency management, and ambulance, so there's a really great and robust staff - wellbeing in staff.

I do want to say it is that universal approach, it's not waiting till someone - it's knowing your staff well and how they're travelling. I think we can learn a lot from there and the Justice in terms of how they support their staff in complex settings as well. The minister is quite right, we want to get off the ground with that, really understanding that, and piloting it, not waiting till we have a perfect model. It comes with recognising the importance, the complexity of teaching and the power that it has and supporting those staff ongoing. It's great to have a look at a suite of resources that we know when it's not working well and we can come in and support that. We are at the starting phase of that, I've met with the unions, both the AEU (Australian Education Union) and again today with the CPSU (Community & Public Sector Union) around really knowing what their members are talking about. The AEU have been fantastic and transparent about hearing that and that will make a difference to acknowledge our staff and keep them well and motivated.

**Mr WILLIE** - It's probably a good point to finish on minister, celebrating our teachers and the work that they're doing in schools. Thank you for your appearance today. We are out of time. What you have said to us here today is protected by parliamentary privilege. Once you leave the table, for people in the room, you need to be aware that privilege does not attach to the comments you may make to anyone, including the media, even if you are just repeating what you have said to us. Do you understand that?

**Ms DAVIDSON** - Yes.

<b>PUBLIC</b>
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**Ms BURGESS - Yes.**

**Mr WILLIE - Thank you for appearing today and for your time.**

**THE WITNESSES WITHDREW.**

**The Committee suspended from 10.32 a.m. to 11.00 a.m.**

## PUBLIC

**Mr WILLIE** (Acting Chair) - Welcome to today's hearing of the Government Administration Committee A's Inquiry into Discrimination and Bullying in Tasmanian Schools. Thank you for your submission. If you could please state your name and capacity in which you are appearing before the committee. I'll start with Your Grace.

**Archbishop PORTEOUS** - Archbishop Julian Porteous, Catholic Archbishop of Hobart.

**Dr GASKIN** - Gerard Gaskin, Executive Director of Catholic Education Tasmania.

**Mr WILLIE** - Thank you. Can I confirm that you've received and read the guide sent to you by the committee secretary?

**Archbishop PORTEOUS** - Yes.

**Dr GASKIN** - Yes.

**Mr WILLIE** - This hearing is covered by parliamentary privilege, allowing individuals to speak with freedom without fear of being sued or questioned any court or place out of parliament. This protection is not accorded to you if statements that may be defamatory are repeated or referred to by you outside the parliamentary proceedings.

This hearing is public. The public and media may be present. Should you wish aspects of your evidence to be heard in private, you may make this request to the committee at the time. If I could just ask you to make a statutory declaration each.

**Archbishop JULIAN PORTEOUS**, CATHOLIC ARCHDIOCESE OF HOBART, and **Dr GERARD GASKIN**, EXECUTIVE DIRECTOR, CATHOLIC EDUCATION TASMANIA, WERE CALLED, MADE THE STATUTORY DECLARATION AND WERE EXAMINED.

**Mr WILLIE** - I'll introduce you to members of the committee. Mr Bayley, member for Clark; Ms Johnston, member for Clark; I'm obviously a member for Clark and standing in for the chair today, Josh Willie.

**Archbishop PORTEOUS** - All Clark.

**Mr WILLIE** - Yes, it's easy for us to be here in the room. We also have Anita Dow, the member for Braddon, joining us online. We may have some other members in Miriam Beswick, the member for Braddon, and Rob Fairs joining us from Bass today.

We recognise that during these hearings we may discuss highly sensitive matters that may have deeply impacted the lives of Tasmanians. This may be a trigger for individuals listening to or participating in these proceedings. I'd encourage anyone impacted by the content matter during this hearing to contact services and supports such as Lifeline Tasmania on 1800 98 44 34, Kids Helpline on 1800 55 1800, or Beyond Blue on 1300 22 4636.

Would you like to start the proceedings by making an opening statement?

## PUBLIC

**Archbishop PORTEOUS** - Yes, I'd be grateful just to provide an opening statement. Thank you very much for the opportunity to be here and engage in this committee. Firstly, we've already introduced Dr Gerard Gaskin, but I acknowledge him as the Executive Director for Catholic Education Tasmania.

First, by way of general background and context, Catholic Education in Tasmania operates 38 schools in every corner of the state, educating some 17,000 young Tasmanians each year, and employs about 4000 staff. In terms of enrolment, we do not discriminate on the basis of religion, sex, race or status. This is reflected in our present enrolment profile, which includes: 33 per cent of our students are Catholic; 17 per cent of our students belong to other Christian denominations; 29 per cent do not have a particular religious affiliation, and the final 21 per cent have unknown or other religious affiliations. That gives you a cross-section of the student population.

As you're aware, all our schools are accredited by the Tasmanian government, and every single course that we offer is accredited and assessed against the same standards as students in government and independent schools.

We're proud of the role that we provide in Tasmanian society, particularly because I think we're able to provide a cost-effective option for Tasmanian parents who choose to have their students educated in our faith-based environment.

I'm also proud of the fact that many of our schools are located in parts of Tasmania that might be categorised as less than well-off, providing opportunities for families to choose to help their children get ahead in life through the power of education, and I particularly mention those from non-English-speaking backgrounds.

Of course, we did play a really vital part in Tasmania's broader education system. For example, for every student educated at one of our schools, we do receive \$4000 from the state government in taxpayer funds. We're very grateful for that assistance, but it is significantly less than the per student rate in the public sector. Just by way of a simple context, it would cost around \$200 million per year to the state budget to educate our students in the public system.

In terms of the terms of reference for this inquiry, I'd like to make it very clear that the Archdiocese of Hobart and Catholic Education Tasmania take bullying and discrimination extremely seriously. We strive at all times not only to comply with all the relevant state and federal legislation, but also adhere to the highest possible standards in our schools.

As the PISA (Programme for International Student Assessment) report - and that was included in our submission, has shown - our students in our Catholic schools, in comparison with their peers in the state system Australia-wide: firstly, have a greater sense of wellbeing; secondly, feel more valued and supported by their teachers; and thirdly, are six times less likely to experience bullying in our Catholic schools.

Now, we're not perfect; nobody is. No institution is; individuals within the system aren't. There is no doubt that at times we do fall short of these standards, but when we fail, we do our utmost to rectify the situation immediately, and we do all we can to ensure that it doesn't happen again.



## PUBLIC

In this regard, I note that a number of allegations have been made and have been brought forward against us in this inquiry by a group calling themselves Concerned Catholics Tasmania. We've provided the committee with a comprehensive written response to these allegations. We would be happy to answer any further questions about the specific matters raised, however, we would ask that, as you mentioned at the beginning, in the interests of the privacy protection of the individuals concerned, we would need to do so in camera. This would ensure that we're able to have a full and frank discussion for the benefit of the committee.

**Mr WILLIE** - You can make that request at any time during the proceedings and the committee will then consider that request. You'll have to leave the room and then we'll make a decision.

**Archbishop PORTEOUS** - Thank you.

Finally, I'd just like to address what was really the catalyst to the establishing of this particular inquiry. In May last year, I wrote and distributed through Catholic parishes and Catholic schools a pastoral letter entitled 'We Are Salt to the Earth'. I'd like to make it clear I do stand behind what I said in that particular pastoral letter.

The letter gave attention, I think it's important to say, to certain fundamental beliefs and values that we hold as Catholics. This was done in the context of changes that were being mooted at the time by the federal Labor government to actually make changes to section 38 of the *Sex Discrimination Act*, which would have effectively removed our rights to maintain full mission alignment with regard to what we believe and what we want to teach in our schools.

Now, thankfully, these proposed changes have not been pursued and have been abandoned by the federal government. Although at the same time we still do not have any promised religious freedom legislation which would enshrine freedom of religion as a positive right, particularly in our schools.

Now, unfortunately, in response to that pastoral letter, some people have really sought to verbal me and to impugn motives in what I said which do not exist at all. I'd like to say very clearly that we treat every person with great respect. They are children of God and we uphold their human dignity and always ensure to do that.

I might conclude by saying that nobody really should be surprised that education in our schools is underpinned by our Catholic faith. That inspires the great good that we're able to achieve in our schools. At the same time, as I mentioned before, our schools abide by the same education standards and relevant laws as any other school in the state, be it public or otherwise independent.

One of the great strengths of our state's education system is the choice it offers to parents - that they're able to choose the type of schooling they see is best suited to their children. I think we could agree this is a good thing. I conclude with that comment, and myself and also Dr Gaskin would be happy to take any questions. Thank you very much.

**Mr BAYLEY** - Thank you to you both for coming in. I've got a question to Dr Gaskin to start. Is it the case that in the first week of March 2021, at a meeting of Catholic school principals, Catholic Education Tasmania said schools were not to recognise the preferred names and pronouns of students who identified as transgender or gender diverse from that time

on or to provide any other support or recognition for their gender identity, and that instead all students with gender incongruence were to be referred to Catholic Education Tasmania?

It is our understanding that this happened. Is it the case that some principals raised concerns about their legal obligations under the *Anti-Discrimination Act* and that the response of Catholic Education was something along the lines of, 'We have very good lawyers'.

**Archbishop PORTEOUS** - Could I just come in for a moment here? I understand that I'm the principal person here addressing this committee, so I believe that the matter should be addressed initially to me. Would that be correct? I could then refer particular matters to Dr Gaskin. Would that be correct? I just want to clarify here. I understood the letter was sent to me, so I'm the one who is principally to respond to questions, but I can obviously refer to Dr Gaskin. I'm not clear on the procedure.

**Mr WILLIE** - If it's an education matter, Catholic Education Tasmania has made a submission, so if it's relevant to that sector then perhaps Dr Gaskin could answer it.

**Archbishop PORTEOUS** - Would it be appropriate if the question is first addressed to me and then to Dr Gaskin? I am clarifying procedure here.

**Mr WILLIE** - If you would like that formal arrangement, we can direct the questions through you.

**Mr BAYLEY** - My view would be you're both here as witnesses. Dr Gaskin has authored and signed a submission to us. This is a question that is explicitly around Catholic Education Tasmania's response. I make these allegations with some evidence and they're aimed at you. That's certainly the principle when it comes to ministers at the table here, Archbishop, but I don't think it extends to civil society and, particularly, an author of a submission to the committee.

**Archbishop PORTEOUS** - Could I propose that the question be directed initially to me and then I could pass it up? Would that be appropriate or not?

**Mr WILLIE** - I'm chairing the meeting. I'm comfortable with that arrangement if there isn't a deliberate attempt to obstruct questions.

**Archbishop PORTEOUS** - No, it's just procedure.

**Mr WILLIE** - We can direct the questions through you, but Dr Gaskin is here. He is head of Catholic Education Tasmania. It is a specific question about the education system.

**Archbishop PORTEOUS** - I'm happy to pass that question on now to Dr Gaskin.

**Dr GASKIN** - Would you mind taking us through the various parts of that question?

**Mr BAYLEY** - In the first week of March 2021, at a meeting of Catholic school principals, Catholic Education Tasmania said that schools were not to recognise the preferred names and pronouns of students from that time on of transgender or gender diverse students or to provide any other support or recognition for their gender identity, and that instead all students with gender incongruence were to be referred to Catholic Education Tasmania.

**Dr GASKIN** - I think you went on to say that a number of principals had raised that.

**Mr BAYLEY** - That is correct. We understand that at the time several principals raised their concerns about this approach and their obligations under the *Anti-Discrimination Act*, and the information that we have is that Catholic Education Tasmania's response at the time was, 'We have good lawyers'. I'm obviously paraphrasing; I don't have that recorded or anything, but that's a paraphrase response that we understand was Catholic Education Tasmania's response.

**Dr GASKIN** - So, to take the second part first, no principal has raised any such concerns with me in any formal way. No principal has been instructed by me that day that we have lawyers, whatever that's supposed to mean. We did meet and we did discuss the matter of gender dysphoria. At that meeting it was made very clear there was a clear understanding that there are a number of elements to this. The most obvious one is that each student is valued and important and matters to us, as well as to their family and their caregivers, and that we would not be making a blanket requirement on anybody to accept or pursue a line of action around a particular student's needs without considerable support from our system.

So, it was presented very much in the vein of 'every single person matters, every single person is different, and every single set of circumstances is different', and therefore, we will provide all the support that our system can to that student, to that school, and to that family.

**Mr BAYLEY** - Did you, or someone else within Catholic Education Tasmania, articulate a prohibition or a restriction on referring to those students under their preferred name or preferred pronoun?

**Dr GASKIN** - There was no formal prohibition made.

**Mr BAYLEY** - Was there a verbal one communicated through the meeting?

**Dr GASKIN** - I said at the meeting that we cannot say what is not true.

**Mr BAYLEY** - And so, that is that you have to use what the legal name of the student is. Is that your view and that you couldn't - and you asked your principals to convey to their teachers that they couldn't - use the assumed name of someone who has identified as transgender or gender diverse?

**Dr GASKIN** - My conversation was with the principals and there was no direction for them to transfer that through to the teachers. Again, every case is taken on its own merits, and with particular respect to the needs of the student and their family.

**Mr BAYLEY** - Did some principals raise concerns about this and their obligations under the *Anti-Discrimination Act*?

**Dr GASKIN** - No.

**Mr BAYLEY** - No-one raised their concerns? Everyone accepted that they would only call these students by their legal birth names and everyone humbly accepted that they wouldn't refer to any of your students by the names that they would prefer to be called by or understood by?

## PUBLIC

**Dr GASKIN** - I think you're asking me to say what individual principals think.

**Mr BAYLEY** - I'm asking you to reflect back onto the committee, I guess, the spirit and the tenor of the conversation and whether there were any principals within the ranks of Catholic Education Tasmania who heard this - decree might be a poor choice of words, I'm sorry - but heard this instruction from Catholic Education Tasmania and pushed back and said, 'Well, that's not good enough, that's not consistent with my obligations as a principal under the anti-discrimination legislation and we don't want to do that, we can't do that.' Are you saying that that conversation wasn't had within that forum?

**Dr GASKIN** - No, it wasn't.

**Mr BAYLEY** - Right, and you're saying it's verbal and it wasn't formal. Are there any emails or instructions or circulars or memoranda that related to this issue at the time around that March 2021 meeting?

**Dr GASKIN** - No, not to my memory, no.

**Mr BAYLEY** - So, there's nothing you could provide the committee in relation to that?

**Dr GASKIN** - If you're specifically asking for a direction to a principal or a group of principals, is that what you mean?

**Mr BAYLEY** - That, as a first one, yes. So, there is no memoranda or explicit email or direction to those principals?

**Dr GASKIN** - I think you're asking me to say whether or not there was something in writing conveyed to the principals on this matter.

**Mr BAYLEY** - Yes, and you're saying no, it was only verbal. It was verbally conveyed

**Dr GASKIN** - And it was very much presented on the day and subsequently as being very much reflective of the needs and dignity of every individual student.

**Mr BAYLEY** - And, subsequently, was there any written correspondence from those principals about the issue, questioning it or asking for advice or specific direction?

**Dr GASKIN** - I do not recall receiving anything in writing from any principal.

**Mr BAYLEY** - Okay, so just to recap, the instruction and the sentiment was conveyed verbally to the principals that no student would be referred to or identified as their transgender or gender diverse name or pronouns. That was conveyed verbally, and it was just accepted by every principal at the meeting.

**Dr GASKIN** - I can't speak for the principals -

**Mr BAYLEY** - But they didn't - there wasn't any answer.

**Mr WILLIE** - Let him answer.

## PUBLIC

**Dr GASKIN** - I can't speak for the principals and whatever may have occurred outside that room, but I'm very confident that they understood very clearly. It was not an explicit direction to not use preferred pronouns and names. It was that we would continue to refer to the student by the name under which they were enrolled and according to the sex which they were enrolled.

**Mr BAYLEY** - Is that not effectively the same thing though?

**Dr GASKIN** - I think it's different, but you might -

**Mr BAYLEY** - How do you distinguish it as being different? If a student wants to be referred to by a certain name, but you refuse to do that, and you insist that they are only referred to by their enrolled name, how is that different from an instruction not to refer to them by their preferred name?

**Dr GASKIN** - The difference is that no instruction of that nature was issued. We were always concerned about taking every case on its merits and needs.

I certainly said we cannot say what is not true, and I'm happy to stand behind that. I'm also very proud of the fact that we are prepared to offer all kinds of support for any student who finds themselves in that situation.

**Mr BAYLEY** - So what do you consider the merits and the needs of a student who is seeking to be identified and referred to by an alternative name or gender to what they were enrolled as?

**Dr GASKIN** - You're asking me to talk about generalisations, about a hypothetical case. I can't do that. Every case is different.

**Mr BAYLEY** - But you had the conversation in the meeting.

**Dr GASKIN** - Yes, and I made the point that every case is different.

**Ms JOHNSTON** - I'd believe you'd be aware of a psychologist named Dianna Kenny. I note that Dianna Kenny believes transgenderism is a cult and a disorder comparable to anorexia that is caused by an underlying psychopathology and it is transmitted by social contagion similar to the inquisition and the madness of crowds. She's also said on the record that 88 per cent of young gender dysphoric individuals would desist by late adolescence or early adulthood, when, globally, and Australian research shows, the figure is 1 per cent or less. She has opposed the Tasmanian Law Reform Institute's proposed bans on conversion practices and repeated the conversion belief that trans and gender diverse identity is flawed and can be fixed.

Dr Gaskin, is it the case that from about approximately, again, 20 March 2021, Catholic Education began referring students in Catholic schools who came out as trans or gender diverse to the psychologist Dianna Kenny?

**Dr GASKIN** - I'm not sure that I can answer based on the clinical relationship that would occur between a psychologist and the person that they're helping. I'm not sure I'm free to divulge that kind of information.

## PUBLIC

**Ms JOHNSTON** - Does Catholic Education Tasmania have a policy of preferred psychologists that they refer students to for assistance and support?

**Dr GASKIN** - No.

**Ms JOHNSTON** - So, there's nothing written or provided to schools and guidance to schools in terms of who they should be referring students to for psychological assistance?

**Dr GASKIN** - There is not.

**Ms JOHNSTON** - So you're unaware that there's been anyone within Catholic Education Tasmania schools who has been referred to Dianna Kenny as a result?

**Dr GASKIN** - I didn't say that.

**Ms JOHNSTON** - To go back, are you aware that there are students within Catholic schools who have been referred to Dianna Kenny as a result of a reference or referral or a suggestion from someone within a Catholic school?

**Dr GASKIN** - Again, I don't think I'm free to comment on a clinical relationship.

**Ms JOHNSTON** - Do you agree with the views of Dianna Kenny?

**Dr GASKIN** - No, I do not.

**Ms JOHNSTON** - Would you be concerned then if you became aware that there were students who were being referred to Dianna Kenny for psychological assistance based on their need to be converted?

**Dr GASKIN** - Again, we deal with every student's particular and specific needs on a case-by-case basis, so I'm not able to comment on a hypothetical future case.

**Ms JOHNSTON** - In response to your question for Mr Bayley earlier, you spoke about the principal's retreat or meeting where you asked principals to refer to the truth, and you said what the truth is. What do you consider to be the truth when it comes to transgenderism and gender-diverse people?

**Dr GASKIN** - The truth is that God made people male and female. That's the underlying truth.

**Ms JOHNSTON** - And those with innate variations of sex characteristics?

**Dr GASKIN** - I'm sorry, do you mean -

**Ms JOHNSTON** - With those, how does that sit with people with innate variations of sex characteristics, or transgender or gender-diverse people?

**Dr GASKIN** - Do you mean people who are gender-diverse, or people who have various manifestations of being one sex and having different reproductive organs, for example?

**Ms JOHNSTON** - Both.

**Dr GASKIN** - I think those things have to be separated. One is a clinical medical condition and the other is a personal matter.

**Ms JOHNSTON** - A personal matter?

**Dr GASKIN** - Yes, a personal matter for the person who is experiencing gender-diverse thinking ideation.

**Ms JOHNSTON** - Is it Catholic Education's policy in providing support to transgender or gender-diverse students that they are regularly referred to psychologists outside of Catholic Education schools?

**Dr GASKIN** - I'm sorry, are you asking me do I know that they are regularly referred outside Catholic Education?

**Ms JOHNSTON** - Yes. I'm assuming schools provide psychological services within the schools. Do you refer outside of the school?

**Dr GASKIN** - We can when we need to, yes. We have in-house psychologists, but we often use external practitioners.

**Ms JOHNSTON** - Is Dianna Kenny one of those practitioners?

**Dr GASKIN** - I said I can't comment on an individual therapeutic relationship.

**Mr WILLIE** - With respect, Dr Gaskin, that's a question about your system, whether she's used across the system, not individual cases. We're not after that.

**Ms JOHNSTON** - Yes. Is she on your referral list?

**Dr GASKIN** - We have referred her once.

**Ms JOHNSTON** - At the time of referral were you aware of her beliefs around transgenderism?

**Dr GASKIN** - Not in the detail that you've provided them today.

**Ms JOHNSTON** - Does it concern you now that you've been made aware of her views? Will you rethink the appropriateness of referring transgender students to her in the future?

**Dr GASKIN** - We may. You've given me a particular point of view and perspective on what she has written. That's your perspective. You're entitled to that. That may not be shared by other people.

**Ms JOHNSTON** - It's not my view. It's what Dianna Kenny has said publicly. It's based on what she has said herself. Are you concerned about referring students to her and would you preclude her from referral services in the future?

**Dr GASKIN** - That would be a decision I would take advice on.

**Ms JOHNSTON** - And who would you take that advice from?

**Dr GASKIN** - In the case of our organisation, my leadership team.

**Ms JOHNSTON** - How are psychologists selected to be on a panel appropriate to refer students to?

**Dr GASKIN** - There is no such panel. We don't have a panel of psychologists that we - we publish, for example, a list of preferred psychologists. There is no such list. We engage psychologists as required, particularly based on their skillset. There are psychologists who specialise in various areas of human behaviour.

**Ms JOHNSTON** - So that one instance where you said that there had been a referral to Dianna Kenny, how was she selected for that particular student?

**Dr GASKIN** - How was she?

**Ms JOHNSTON** - How was she selected? If there's no panel, how was it identified that she was the appropriate person to refer that student onto?

**Mr WILLIE** - To clarify the question, is it done on a school-by-school basis, that the school leadership team or the school make a decision around what services are required? Or is it something more centralised and more prescribed?

**Dr GASKIN** - In these matters we provide the support that the principal requires in their particular cases in their schools. They seek advice from us and support, and we provide that as best we can.

**Ms JOHNSTON** - Just to try to understand that process a bit further, are you suggesting that the principal in this case would have contacted Catholic Education and said, 'I have a student who I need to refer for psychological assistance - who do you suggest I refer to?', and Catholic Education would have given one person's name, or possibly more than one person's name, as a suggestion for that principal? Is that what happens?

**Dr GASKIN** - On that occasion we would have provided her name.

**Mrs BESWICK** - In regards to the supports that the system - you've obviously got quite a bit of data that says students are doing well in your schools. In regards to how a teacher or how the system works in terms of teachers and staff, if they're feeling like they're being bullied or discriminated against, what are your grievance procedures?

**Dr GASKIN** - We have very explicit complaints procedures, grievance procedures in place. They may have come from a parent, they may have come from a - are you specifically talking about staff members? Yes, okay. There are well-documented processes that they can follow.



## PUBLIC

**Mrs BESWICK** - Do we have any data on how often they are undertaken, how you follow that up, are you comfortable that they are being looked after properly, all that sort of thing?

**Dr GASKIN** - I would need to check for the data on how many we have received. In my estimation, there are not very many. But wherever they are received, they're dealt with according to all the principles of procedural justice. We actually have an anonymous - we have a portal that enables people who wish to express any concerns at all about any aspect of Catholic Education, which is available to students, to parents, to staff. They're able to make an online - express their concern online and we have a very explicit process for them, investigating the matter and responding to that complaint.

**Mr WILLIE** - If a complainant is unhappy with Catholic Education Tasmania's decision, is there any recourse further than that, or do you revert to: it's a choice to be enrolled at a Catholic school, you could go elsewhere if you're unhappy?

**Dr GASKIN** - Are you talking about a student or a parent?

**Mr WILLIE** - A parent, student, any sort of complainant unhappy with a process and a decision made by Catholic Education Office.

**Dr GASKIN** - In my experience, it hasn't happened very much that people have been unhappy with the outcome, but clearly there are. They have recourse to anti-discrimination tribunals and so forth, which they are very free to use. That's part of the natural justice that's built into the system. There's only a certain point at which, as an organisation, we can determine the truth, the facts and otherwise about any particular matter and make a judgment based on the evidence. If people are unhappy with that, they do have recourse to external avenues of complaints.

**Mr WILLIE** - The Anti-Discrimination Commissioner being one. Any others? I guess the regulator, the non-government schools.

**Dr GASKIN** - Yes, where it would seem to be relevant to the regulations of our system, yes.

**Ms DOW** - One of the things that has been conveyed to us throughout this hearing process is around the culture of Catholic education in Tasmania and how that has been perceived by some to have changed over the years. We've heard from students and others who have shared varying experiences of how they were supported. Is that a sentiment that you would agree with, that there has been a moving away from the principles and values of social justice in more recent times? And, if you would agree with that, what do you attribute that to?

**Dr GASKIN** - I'm sorry, you were going in and out there, I didn't quite get the question.

**Mr WILLIE** - Anita, perhaps ask it with the camera off. I think that sometimes helps with the voice. Apologies to everyone following along, it's a frustrating process when the IT doesn't work.

**Ms DOW** - The question was, from those that we've heard talk through this committee process, there does seem to be a perception that the values and principles of Catholic education

have changed somewhat over the years, from having more of a social justice focus to having a different focus in more recent years. I wondered, as heads of the organisation, whether you would agree with that and, if you do, what you would attribute that to?

**Archbishop PORTEOUS** - Maybe I could answer that initially. Thanks, Anita. I think firstly, I could probably say very confidently that the focus on social justice, which has I think been one of the elements that people have very appreciated in our Catholic school system, continues to be a very strong element to our schools. At the same time, schools have an essential role of helping the individual to personally flourish. And, I think, certainly, that's been my personal interest, how can we best help individual students. So, social justice can be a very good thing to do and can be inspiring and very helpful for young people to be involved in social justice, but I think the primary task of education is the nourishment and nurturing the individual. So, I would say we're putting a strong emphasis on that area while, at the same time, not diminishing our commitment in social justice.

**Mr WILLIE** - Dr Gaskin, do you have something further to add?

**Dr GASKIN** - Yes. I can't comment on the statement that I think was made, was that people say there's been a change in culture. I simply have no ability to comment on that. If you're referring to the submission made by Concerned Catholics, yes, they made that allegation and we strongly refuted it, and we produced a document, which we made available to the committee, that clarified that those allegations were not true.

Further to that, as you will probably know, we have 38 Catholic schools in our system, 37 Catholic school principals wrote individual submissions to this committee, speaking with pride about the education that we provide, emphasising the high levels of pastoral care that we provide for our students.

You've also seen in our submission that our students, through the various portals and research that we do, indicate that they're very happy in our system. We have also shared with you significant data from parent surveys and indicated the high level of confidence the parents who responded to that survey have in our school system. Questions like, 'Would you recommend this school to your friends,' - the numbers are there in the document, so I won't go through them now.

I would simply underline what His Grace has already said, that an educational organisation that is founded on Christian principles and the teachings of Christ will definitely have a Christian culture and will have a culture that pays great attention to the gospel and to the teachings of Christ and we're very proud of that. We know that every parent who enrolls their students in our system knows that and that is the basis for their enrolment.

Other than that, I can't comment on what other people might have been saying. I can certainly point to significant data that indicates a high level of satisfaction by parents in our system, by our students in our system and, as His Grace shared with us earlier, the Australian data from PISA (Programme for International Student Assessment) indicating that across Australia students report much lower incidences of bullying and unfair treatment, and believe that their teachers treat them well. If those things go to culture, I'm very happy to stand behind those things.

**Mr WILLIE** - Any further questions, Anita?

## PUBLIC

**Ms DOW** - Not a question - a remark, really, about the opportunity for this committee to hear directly from you today. We've obviously now witnessed the to-ing and fro-ing of correspondence between entities that have made representations to us as a committee, but I thought it was important to ask you that question today, so thank you.

**Mr FAIRS** - Through His Grace - how much training is provided to staff through your system in regards to - because as we know, and we've spoken about it, the world's changed. How much training is provided to staff in regards to issues like transgender and things like that?

**Dr GASKIN** - As a system, we provide regular formation for our staff in all the principles and ethics of humanity. We pay particular attention to our zero tolerance for any form of bullying, our zero tolerance for any form of harassment, zero tolerance for any form of unfair treatment. Therefore, I would be very confident to say that we provide regular, frequent and in-depth formation for all our staff, as best we can, in the dignity of the human person and the respect that that person is owed.

**Mr WILLIE** - I have a question, which picks up on the opening remarks of Your Grace. You talked about how you don't discriminate through enrolment. It's my understanding you have an exemption for employment and staff in terms of race, sex and religion. There have been a number of cases in the media. I can think of one where there was a relationship status issue with one staff member seeking a higher position. How do you go about doing those sorts of things? Is it when information becomes available?

**Archbishop PORTEOUS** - I didn't quite follow that. How do we deal with -

**Mr WILLIE** - When information becomes available - is that when you act on those sorts of things? How does this contribute to your culture within the system? It has been reflected in a number of submissions and people providing evidence that there is a real culture of fear within the system with your employees, at times, and they don't feel like they are able to speak up.

**Archbishop PORTEOUS** - In general, firstly, as you said, we don't discriminate in terms of enrolments, and I gave the figures to indicate that. The other question, of course, is we need to preserve the integrity of our schools in terms of people abiding by the tenets and practices of the Catholic faith. If a student wants to come to school, we're very happy to accept them, but we also have to say to them, 'This is a Catholic school. There are certain things we believe and certain practices that we have'. There would be an expectation - you don't necessarily have to agree with them all, but you would understand this is the way the school operates. These are the beliefs that underpin the life of the school.

The same thing would apply with staff. Any staff member who wants to educate, it would be important that they understand that this is a Catholic school and again, they may have no faith, and that's fine. We're very happy to accept people who don't necessarily have the Catholic faith and fully subscribe to Catholic faith. However, operating within the school, they would need to accept the fact that this is a Catholic school and there are certain principles upon which the school operates.

That's essentially what we would be asking of people who want to come to our schools.

## PUBLIC

**Mr WILLIE** - You can discriminate against them, though, if they're in a particular relationship?

**Archbishop PORTEOUS** - This would refer to employment? Again, it's a question of particular examples. Generally, what we do ask is that people who are teaching in our schools, particularly those who are in the classroom, by way of their teaching, they wouldn't teach things that are opposite to Catholic faith in the classroom. We would expect them to adhere to the teachings of the Church.

**Mr WILLIE** - Do you think this contributes to a culture of fear? That is something that has come up regularly through this inquiry process - that staff are fearful of speaking up, whether it's welfare of students or welfare of staff or those sorts of matters.

**Archbishop PORTEOUS** - It's really difficult to answer that question. A culture of fear - I'm certainly not aware of it and I have not had any direct representations made to myself in that regard. It's very hard to comment on perceptions that other people may have. In my experience working with teachers, they're very happy. I regularly visit schools and meet in the staffroom with staff. The overriding sense I get is that they're very, very happy. They love working in the schools. They see the positive contribution that the school is making to students. Going up to places like Rosebery, I've sat with the staff there a number of times over the years, and you just get a sense of how absolutely happy they are with the school, with what they're able to do for the students. That's my overriding impression.

**Mr WILLIE** - If I could just clarify, I picked up on that you don't discriminate via enrolment in your opening statement, but you don't discriminate through employment either?

**Archbishop PORTEOUS** - No. I'm of the understanding that somebody who wants to have a job in a Catholic school understands it's a Catholic school. That's the essential thing.

**Mr WILLIE** - It doesn't matter if they're a homosexual teaching in a Catholic school, as long as they're teaching Catholic faith?

**Archbishop PORTEOUS** - No. As long as they abide by teaching - so not publicly presenting an alternative view or publicly stating they see things different to the Catholic teaching on a matter.

**Mr BAYLEY** - Can I put something to you, then? It's my understanding that at another meeting of Catholic principals, Catholic Education Tasmania distributed a circular stating that homosexuals are not to be promoted to senior school positions. Is this the case?

**Dr GASKIN** - Absolutely not.

**Mr BAYLEY** - Is this the case, and is it the case that once read, it was withdrawn so that the position wouldn't become public?

**Dr GASKIN** - Absolutely not. Absolutely false.

**Mr BAYLEY** - You don't discriminate at all in terms of -

**Dr GASKIN** - No. You asked me about a statement?

**Mr BAYLEY** - Yes.

**Dr GASKIN** - That is absolutely false.

**Mr BAYLEY** - Do you discriminate in relation to the appointment of senior positions based on either sexual orientation, marriage status, or any other factor?

**Dr GASKIN** - In 2022, the Vatican issued a document - an instruction - called *The Identity of the Catholic School for a Culture of Dialogue*. That document sets out the expectations that the Catholic Church has for those who teach in our system. We obviously abide by that document. That document says that people who teach the Catholic religion, they would expect them to be people who believe that religion and who live it. That's all we ask of anyone. More than half of our staff are not Catholic. We don't ask them to be Catholics. We welcome them into our system because they contribute so much, in every classroom, in every school. We don't discriminate on the basis of religion.

**Mr BAYLEY** - What about on the basis of sexual orientation and/or marital status? In this regard, I know that the principal of St Virgil's College, in correspondence to a staff member in a heterosexual de facto relationship - whose promotion to vice principal was withdrawn because of that relationship - the principal wrote:

In accordance with the mandates of Catholic Education Tasmania, Canon law and Catholic doctrines, the college is required to only employ staff in senior leadership positions if they have an active parish life and if they have a regular relationship as defined by the Catholic doctrines and Canon law.

In this context, can you tell me whether the Catholic Education Tasmania considers a regular relationship quote to include or exclude a same-sex marriage or a de facto relationship?

**Dr GASKIN** - The contractual requirements of senior leadership in Catholic education indicate that a person who applies for the role would be an active Catholic and faithful to Catholic teaching and in their personal lives. If they're in a situation that falls outside of Catholic moral teaching, we would not be obliged to employ them because they are supposed to be examples of the highest value.

**Mr BAYLEY** - If these are people who are already employed and they're seeking promotion within Catholic Education Tasmania to a senior leadership position within a school, does that contractual obligation preclude them from being in a same-sex or de facto relationship? Would you refuse an existing staff member a promotion based on their marital status, whether it be a same-sex relationship, marriage, or be it a de facto relationship?

**Dr GASKIN** - This is a hypothetical case. I would respond on a case-by-case basis as the need arises.

**Mr BAYLEY** - If a gay man or woman in a same-sex marriage who had the equivalent qualifications to a heterosexual man or woman in a heterosexual relationship were to go for the position, would their sexual orientation or marital status have an impact on your decision as to whether they would be promoted?

## PUBLIC

**Dr GASKIN** - It would preclude them from applying for the position or from being granted that position.

**Mr BAYLEY** - It would preclude them?

**Dr GASKIN** - If it was publicly known that the life they were living was outside of Catholic moral precepts, we would not be able to employ them as a senior leader.

**Mr WILLIE** - Isn't that discrimination to employment though?

**Archbishop PORTEOUS** - One of the issues, of course, we have here is that we have competing rights. One of the arguments I've been putting forward for some time is because we don't have an articulation of religious freedom and religious rights, we are disadvantaged in this regard. There are rights associated with religion; they're well established in international documents. We don't have anything in Australia. This is a concern for me personally because we don't have ground upon which we can present our response to these particular situations.

**Mr BAYLEY** - Dr Gaskin, is that a formal policy position that someone in a non-regular relationship couldn't be promoted and could you table that policy position?

**Dr GASKIN** - There is no formal policy position. There is simply a contract which the person signs. At the point of signing the contract they undertake to live a life according to Catholic moral teaching. There is no formal policy; there doesn't need to be. It's written into the contract of employment.

**Mr BAYLEY** - Are you able to provide a blank contract of employment for the committee? Would you take that on notice?

**Dr GASKIN** - Yes.

**Mr BAYLEY** - Thank you. That relates to a de facto relationship as well. For example, a divorcee wouldn't be eligible for a position within the Catholic leadership team within a Catholic school?

**Dr GASKIN** - No, being divorced would not preclude anyone from employment.

**Mr BAYLEY** - What about being in a de facto relationship?

**Dr GASKIN** - For senior leadership, the answer is the same. They would not meet the requirements of the contract.

**Mr BAYLEY** - Putting aside discrimination, doesn't this do your students a disservice? They're not necessarily getting the best possible teachers and leaders in Catholic education. Aren't you shooting yourselves in the foot because you are ruling out a percentage of the population who have immense skills and contributions to make and you simply won't look at them because of a religious opposition to their status and the relationships and the choices they make? Aren't you underselling your students?

**Mr WILLIE** - The question would be, are you getting the best leaders and teachers under this system?

**Dr GASKIN** - We are absolutely getting the best teachers and leaders in our system.

**Mr BAYLEY** - How can you say that when you rule out some teachers?

**Dr GASKIN** - Sorry, if I may continue answering.

Your question went to the denial of our students the very best teachers, and no-one is for, one moment, believing that we are denying our students the best teachers.

Now, look at it from the other perspective entirely. Don't those parents who enrol their children in Catholic schools have a right to expect that those who teach their children are exemplars of the Catholic faith? That's the basis on which our school system is built: that we exist for the sole purpose of teaching Christ's love and teaching excellent secular results as well, excellent secular education. So I can't accept that by excluding, as you suggest, a cohort of people, that I'm disadvantaging the students.

I would say the very opposite: that we have a moral, a legal and a juridical, an ecclesiastical obligation to ensure that the students who enrol in our school system are being given the very best of Catholic education, being given the very best of faith formation, and that goes to the example of the lives of those who teach them. That's what the Vatican document is requesting - that's what we're absolutely committed to doing.

To do otherwise is for us to cease to be a Catholic organisation; we become something else. So we must stay true to our Catholic faith.

**Ms JOHNSTON** - Archbishop, Dr Gaskin, you've just given evidence to this committee that there are circumstances within your school structures where people who have different marital status, different sexual orientation, will be refused promotion within your organisation because of that marital status or sexual orientation. You are aware of Tasmania's anti-discrimination legislation, are you not?

**Archbishop PORTEOUS** - We are, of course, and we strive to abide by that. The whole point of my pastoral letter was to address the question that, in a federal law, there is section 38 of the *Sex Discrimination Act*, which recognises the freedom and the right of religious organisations to make decisions with regard to staffing and so, the current law allows us to do what we're doing. As I said, what we lack very much in Australia at the present moment is some recognition in law of the positive value that religion makes to society and so, there should be some protection offered in law and balancing the rights with regard to discrimination with the rights of religious freedom.

**Ms JOHNSTON** - So you're saying that you're compliant with Tasmanian *Anti-Discrimination Act*? By precluding anyone with a certain marital status or sexual orientation from promotion within your organisation, that is compliant? Is that what you're suggesting?

**Dr GASKIN** - We're compliant with federal law and federal law -

**Ms JOHNSTON** - Yes, but on Tasmanian law though, with respect -

**Dr GASKIN** - As I understand it, and I'm not a lawyer, but this is what I understand to be the case. If there's a conflict between state law and federal law on a particular matter, federal law always abides, overrules the state law. We understand that to be the case.

**Ms JOHNSTON** - Can I just go then to - you've repeated a number of times about the Catholic faith and that, in your expectation, that staff and students operate within Catholic faith in doctrine. In recent years, Pope Francis has stated a number of things, including that priests are allowed to bless same-sex couples, gay men are allowed to be priests if they obey the same rules as other priests, homosexuality should be decriminalised, transgender people should be included in church communities, and in the papers, he supports same-sex civil unions. Have you disseminated any information to your school students and staff and communities promoting these positive messages?

**Archbishop PORTEOUS** - I'd have to examine each one of them, contextualise each one of those statements individually because they all have a particular state at different times, they have different standings. We have, within the church, a hierarchy of teaching, if you like, and including by the Pope, things that are formal statements of faith. Comments that are made on an aeroplane coming back from a trip - it's a different status to what is being presented as a formal teaching.

Our basic guidance is to look at the formal teachings of the church that are recognised and established in papal documents that are captured in the Catholic catechism. That is the rule of faith that actually guides us.

**Ms JOHNSTON** - Archbishop, are you suggesting that it is impossible, or impractical maybe, to be faithful to the Catholic doctrines and be a homosexual?

**Archbishop PORTEOUS** - Absolutely a person can have same-sex attraction and be a good, practising, committed Catholic, and I know many in that situation personally.

**Ms JOHNSTON** - In the context of employment, then, how is that a person can be, as you said, a good, practising Catholic and a homosexual but be denied promotion because of their homosexual beliefs that you suggested beforehand are incompatible with the Catholic faith?

**Archbishop PORTEOUS** - No. I make a distinction there. Where you've got somebody who has a same-sex attraction, committed Catholic, they can readily be advanced right through Catholic Education.

**Mr BAYLEY** - But not senior leadership positions?

**Archbishop PORTEOUS** - Even senior leadership. Same-sex attraction is not the issue.

**Ms JOHNSTON** - It's the act of being homosexual. Is that the problem? That you don't want to be seen to be homosexual?

**Archbishop PORTEOUS** - If someone is a practising, committed Catholic and has same-sex attraction - as I said, I know a number of them - they are and they can be fully involved in all aspects of the life of the church. Not a problem at all.



## **PUBLIC**

**Mr BAYLEY** - As long as they don't exercise that attraction.

**Mr WILLIE** - I think we've run out of time, so we'll finish it there. Thank you for your appearance today. What you've said to us here today is protected by parliamentary privilege. Once you leave the table, you need to be aware the privilege does not attach to the comments you make to anyone, including the media, even if you're just repeating what you've said to us.

Do you understand?

**WITNESSES** - Yes.

**THE WITNESSES WITHDREW.**

**The Committee suspended from 12.02 p.m. to 2.01 p.m.**

## PUBLIC

**Mr WILLIE** (Acting Chair) - Welcome to today's hearing, Rodney, of the Government Administration Committee A's Inquiry into Discrimination and Bullying in Tasmanian Schools. Thank you for your submissions, Equality Tasmania.

If you could, please state your name and the capacity in which you're appearing for the committee.

**Mr CROOME** - My name is Rodney Croome. I'm appearing before the committee as a policy officer and spokesperson for Equality Tasmania.

**Mr WILLIE** - Could I confirm you have received and read the guide sent to you by the committee secretary?

**Mr CROOME** - Yes.

**Mr WILLIE** - This hearing is covered by parliamentary privilege, allowing individuals to speak with freedom without fear of being sued or questioned in any court or place out of parliament. This protection is not accorded to you if statements that may be defamatory are repeated or referred to by you outside the parliamentary proceedings.

This hearing is public. The public and media may be present. Should you wish aspects of your evidence to be heard in private, you must make this request to the committee at the time.

I'll introduce you to members of the committee. I've got Mr Bayley, the member for Clark, myself, Josh Willie. I'm just standing in as Chair today, I'm also a member for Clark. I've got Ms Johnston to my right, member for Clark; Anita Dow, member for Braddon, who is the Chair of the committee, joining us online; and Miriam Beswick, also member for Braddon.

**Mr RODNEY CROOME**, POLICY OFFICER, EQUALITY TASMANIA, WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

**Mr WILLIE** - Do you wish to make an opening statement?

**Mr CROOME** - Thanks for the invitation to speak today. I would like to make an opening statement. I won't go into all the details of our submission, but I'll try to provide a bit of an overview of what we see the situation being in Tasmania at the moment in regards to school bullying and discrimination.

I'll begin as our submission begins, with the law and education guidelines. It's very much our view that the Tasmanian *Anti-Discrimination Act* prohibits discrimination on the grounds of sexual orientation, gender identity, innate variations of sex characteristics, relationship status and lawful sexual activity, in all Tasmanian schools, including faith-based schools.

As discussed this morning, there are exemptions for faith-based schools in regards to discrimination on the grounds of religious belief. But I note in the submission from Equal Opportunity Tasmania that the then anti-discrimination commissioner, Sarah Bolt, said - this is on page 7:

... discrimination on the ground of religious belief or affiliation, or religious activity, in relation to employment is only covered as it relates to religious grounds, not any other attribute.

Including the attributes I mentioned a moment ago. That's the legal foundation upon which we base our claims of discrimination and bullying in schools, and upon which we are very concerned about continuation of discrimination and bullying, as well as on the foundation of the *Education Act* and education guidelines, which mandate that all schools, including faith-based schools, should adhere to the law. Like I said, let's come back to that directly.

But firstly, the problem. In our submission we included a range of statistics illustrating that discrimination and bullying against LGBTIQ+ - and if it's okay, I'll use that acronym all the way through - lesbian, gay, bisexual, transgender, intersex, queer and asexual students and teachers is endemic in Tasmania, as it is in every state. We cited a number of studies, including *Telling Us a Story*, which was commissioned and funded by the state government a couple of years ago, the most extensive study of LGBTIQ+ people in Tasmania ever. It found that discrimination and bullying in schools is, like I said, endemic, with the majority of people saying that they had experienced that, both as students and, if they're teachers, as teachers.

That matches other studies that I cited in the submission, including Tasmanian figures for writing themselves in a national survey of the experiences of young LGBTIQ+ people and a study at the University of Tasmania into the experiences of gay and trans teachers in Tasmanian faith-based schools.

As well as those statistics, we cited in our submission a range of case studies, personal experiences of LGBTIQ+ students and teachers in the state system, Catholic system and the independent system. I'm not going to go into those today because there are too many of them. I don't usually go in for theatrics, but I thought I would bring along these two boxes to illustrate at least the problem that I'm exposed to or the issues that are raised with me.

This orange box is full of folders. They are the complaints that I received in 2023 from teachers, students and parents complaining of discrimination in schools - chiefly Catholic schools. We'll come back to that in a moment. There are literally dozens. In this green box - that's 2024. These are only the ones that are reported to me. Why do people come to me? I'm the person whose phone number they find online when they go looking for someone to talk to. It's not part of my job; I don't get paid to do this. It's just that I have the profile that means that people search and find me, and they don't know who else to talk to. If you were to speak to Working It Out or to other service providers in Tasmania that are relevant, I'm sure you'd find far more.

The patterns of discrimination and bullying that the empirical research that I mentioned before, and also the personal case studies that are in these boxes and others - the patterns that they illustrate are different between different school systems and between different individual schools. What can we say about those patterns to get a handle on what's happening in different school systems?

In the state school system, there is a range of positive and sometimes groundbreaking policies against discrimination and bullying on the grounds of sexual orientation and gender identity and the other grounds I mentioned. Tasmania has led the other states in some of this policy development. The Department of Education, now DECYP, has had an LGBTIQ+

reference group since 1997 that was put in place by the then education minister, Sue Napier, and it's done a lot of really good work.

I don't think we can fault the department for its policies. The problem is, as illustrated by these case studies, that these policies are very patchily implemented and often with not the resources that they require. We find repeated reports of the failure of regional and rural schools in particular to conduct any professional development for teachers that's relevant to this. There's still the assumption in too many schools and amongst too many principals and teachers that if there are no LGBTIQ+ staff or students who are out, that means that there aren't any there.

It is still too often the case that schools only take action when problems arise, and there's still too often the assumption that the problem is the student rather than the system. To quote an evaluation of the current work in this field by Working It Out - to quote the title, and I'll come back to this study in a moment - 'Fix the system, not me'. Too many young people in particular feel that the approach is still to try to fix the student rather than - when I say fix it, I don't mean convert them or anything, but to focus on individual support for them rather than changing systems or culture within the school. In short, good policies not as well implemented or respected as they should be.

In our submission, we propose a number of solutions to this, a number of remedies. I won't go into all of them at the moment, but just to select a couple:

The Department for Education, DECYP, really needs to set a target for the number of teachers who are trained in LGBTIQ+ inclusion. The Department of Health and the Tasmania Police have both set targets for similar training in their respective LGBTIQ+ action plans, but DECYP has not, and so it tends to be ad hoc. Training only seems to occur where a problem arises because a student comes out and there's a negative response from other students, or the teachers don't know how to deal with it and then Working It Out is brought in to do training. That's not comprehensive enough. It's just, like I said, an ad hoc, patchy response.

Those other departments have said by this time we will have trained 50 per cent or 75 per cent of our staff to deal with this. DECYP has not done that yet.

There are still problems with individual support for students who come out as gay or trans and find a negative response. Support staff have not all done the training necessary to provide support for those students.

We recommend, and I think Working It Out has recommended, that there be LGBTIQ+ inclusion officers in schools so that they can look at how the school can move forward and create a more inclusive culture. We've also recommended more support for pride groups within schools and more classroom programs addressing prejudice and discrimination.

On that point of programs, several years ago in Tasmania there was a program implemented in a number of high schools called Pride and Prejudice, which looks at discrimination and prejudice against LGBTIQ+ people and the damage that does and how it can be addressed. That was a very well received program. The University of Tasmania evaluated its impact and found that student attitudes did improve.

It was implemented in both state schools and Catholic schools. This was under the former archbishop, Adrian Doyle, who was a supporter of that inclusion program in schools, and the

results were very positive. I think we should revisit that and see if it's possible to roll that program out again.

In terms of pride groups, just a personal anecdote: last year I was at a meeting at a pride morning tea, I think it was, at Anvers in Latrobe. I spoke, and a young woman came up to me afterwards with her mother and she said, 'I'm at Burnie High School.' My mind immediately jumped to what I thought was going to come next, which I assumed would be a negative narrative about how bad school was. I'm really sad that I jumped to that in my mind, because that's not what happened next. She said, 'I love being at Burnie High because there's a pride group and it's really supportive. I can't wait to go to Hellyer College, because they have a really good pride group too.'

Those words, 'I can't wait to go to college', are words that we need to hear from every Tasmanian student. 'I can't wait to go to college'. If the existence of these groups to provide these young people with the kind of support and confidence that they need, if that's what gets them to college, then that is a really good thing.

Very briefly, that is the state school system.

Now let's turn briefly to the Catholic and independent school system and address Catholic schools first. The patterns that I see from the complaints that I've received and others is similar to state schools in that there's not enough support for young people and young people tend to be seen as the problem, rather than the culture of the schools or whatever else. It's much, much worse.

What we see is the failure of principals and school communities to respond to discrimination, including even physical violence against students, victim blaming, like I said, of the students and staff who might be LGBTIQ+, refusal to allow students in same-sex relationships to attend the school socials or formals with those partners and, as we heard this morning, refusal to recognise the names and pronouns of those students who identify as trans or gender-diverse. It goes on.

It gets worse. Like I said, we understood that there was a specific policy which said that trans students should not be identified according to their gender identity, that it had to be their sex and name at birth. That was confirmed in the hearing this morning. We have heard that - sorry.

**Mr WILLIE** - It's okay, take your time.

**Mr CROOME** - It's okay, it's fine. We have heard that teachers who are gay or in same-sex relationships have been refused promotions because of their sexual orientation or their relationship status. That was confirmed this morning in the evidence from Catholic Education Tasmania and from the Archbishop.

There are two points to make there. Firstly, as I established at the start, those policies violate Tasmanian anti-discrimination law. The defence of Catholic Education Tasmania and the Archbishop this morning was that they're not prohibited under federal law, the *Sex Discrimination Act* - that's true, they're not - and that federal law overrides state law, so therefore what they're doing is not illegal. That's wrong. It's a very amateurish understanding of the constitution. Federal anti-discrimination law and state anti-discrimination law sit side by

side. There are many inconsistencies between state and federal law, but federal law does not override state law. If you're accused of discrimination, you can't jurisdiction shop and go to the federal law if it happens to be weaker - which in many cases it is - and say, 'Well, I'm not violating that law'.

To illustrate what I'm talking about, in 1998, when our act was passed in Tasmania, it prohibited discrimination on the grounds of sexuality. Federal law didn't prohibit discrimination on the grounds of sexuality or gender identity until 2013, when the *Sex Discrimination Act* was amended. I'm talking about any discrimination at all here, not just in terms of faith schools. Between 1998 and 2013, if an employer was accused of discrimination under the Tasmanian act and they were found to have discriminated, could they have said that the federal law was a defence because it doesn't prohibit discrimination on the grounds of sexual orientation? No, they couldn't have, and none of them did. There were many dozens of employers who were accused of that, and landlords, and others. Not one was able to use the federal law as an escape route because that's not how discrimination law works. If it's illegal under a state act, it's illegal. Full stop. It doesn't matter what the federal law says.

Now people might be thinking, 'Why is he going on about this?' Well, it's critical, because it seems that Catholic Education Tasmania and the Archbishop are operating under a complete misapprehension about their legal obligations. What they said this morning was that admission that they are breaking Tasmanian law. There's no federal get-out-of-jail free card. I'm not suggesting they should go to jail. That was just a figure of speech. But what they said this morning in terms of their policies about trans students and gay teachers, and de facto heterosexual teachers was an admission that they break the law. I'll be honest, I was a bit astonished. I knew that these policies were in place, but - and I know what damage they do. And the only excuse that the Archbishop and Catholic Education Tasmania - Dr Gaskin - had was federal law, and it's not an excuse.

I urge the committee to seek advice on this issue, to seek advice of constitutional lawyers and discrimination lawyers about whether it is in fact the case that Tasmanian law stands in its own right and federal law is irrelevant, as I am saying, because this is a critical point. If I'm right - and I think I am, because I've been familiar with discrimination law for 30 years - If I'm right, then we have a really serious problem on our hands, of discrimination that is not just allowed, but encouraged, on the basis of a complete legal misapprehension.

**Mr WILLIE** - It would take an individual case to test that, though, won't it? For some accountability.

**Mr CROOME** - No, I don't think so. Because what we're talking about is the relationship between two laws under the Constitution, and the advice on that is clear - the advice that you'll get on that will be clear. It won't need an individual case. I mean, maybe the -

**Mr WILLIE** - It would be advice, though; it wouldn't have been tested in a court of law. It's advice to a committee.

**Mr CROOME** - Well, there have been cases where this has been tested in other areas - not in terms of discrimination in schools, but in terms of disability access, in terms of discrimination on the grounds of race. So, there's a whole jurisprudence out there that says these laws sit next to each other; one doesn't override the other.

Anyway, regardless of that legal point, of course, there's still the moral issue that if discrimination is wrong - and I had a sense from the Catholic Education Tasmania and the Archbishop this morning that they believe it's wrong - then not to promote gay teachers simply because they're gay or in a sexual relationship, regardless of their individual merits, is discrimination.

And as Mr Bayley pointed out, it means that schools, students and parents don't get the best person for the job. If people are selected on the basis of their party rather than their professionalism, they're not the best person for the job - particularly if they're teaching science or history or physical education.

And with students, again, it's the same. Dr Gaskin said that every student who identified as trans and gender-diverse, or had gender dysphoria, or incongruence, was taken on their merits. And yet, he also said that he and the Catholic system cannot - to just refer back to the exact words -

**Mr WILLIE** - There was something about truth.

**Mr CROOME** - Yes. 'We cannot say what is not true'. By which he meant, that God - well, he said this - 'God made humans male and female, and so for someone to identify that their gender is different to their birth sex is not true.'

Well, how can you hold those two things together? How can you judge case by case, but also believe that it's not true that when someone identifies their gender identity being different to their sex at birth and has a preferred name and pronouns - that that is not true? How can those two things exist together? They can't. It's clear that he's not taking these cases on their individual merits.

And of course, there was also the issue that was raised by Ms Johnston about counsellors for young people. Dr Gaskin admitted that the counsellors such as Dianna Kenny, with very negative views on trans people, students - or at least one student - had been sent to her. How can that happen? This is very concerning for us. It points to a system where not only that discrimination and bullying exist, but that discrimination, at least, is encouraged.

Then, of course, there was also the reference this morning to some of the booklets that the Archbishop has issued. *Don't Mess With Marriage* - that was in 2012, I think, and 'We, the Salt of the Earth'. That's not quite its title, but something to that effect, last year. The Archbishop has said: let's be clear, those booklets were sent out to schools and were sent home to parents via students. The students became the couriers of the Archbishop's views.

**Mr WILLIE** - Where the schools complied, because some schools didn't.

**Mr CROOME** - Where the schools complied, yes. Some schools didn't. Thank you for that correction.

Now, those booklets, in our view, had very negative messages about LGBTIQ+ people. *Don't Mess With Marriage* suggested that same-sex attracted people are not whole people, and that same-sex relationships 'mess with kids'. They were the exact words. *We Are Salt to the Earth* referred to transgender ideology, rather than transgender people, as if trans people are just a false idea rather than actually living human beings.

To ask students who may be LGBTIQA+, or who may have parents who are in same-sex relationships, to take home documents like that to their parents is not only inappropriate and, I think, a violation of our law, but cruel.

Of course, the Archbishop has the right to express his views. I uphold that completely - from the pulpit or wherever he may wish to do it. I don't think it's responsible or fair to expect students to be couriers for those views.

The more important point is that raised this morning by Ms Johnston, and that is that even though the Archbishop has particular views on what Catholic doctrine is, and he makes sure that students are aware of this, I think you cited a range of views expressed by Pope Francis which could be seen as very positive and inclusive towards LGBTIQA+ people. I haven't seen a single document from the archdiocese or Catholic Education Tasmania which refers to any of these.

Now, the Archbishop may be right that different views have different levels of doctrinal importance. That's not the point. The point is that LGBTIQA+ teachers and staff in Catholic schools are not receiving these positive messages from school authorities. You went through them:

- The Pope approves blessings for same-sex couples
- The Pope opposes the criminalisation of homosexuality
- Gay men can train as priests
- Trans people should be included in Catholic Church communities and Catholic schools
- Pope Francis listens to and responds positively to the testimonies from trans/intersex Catholics
- Pope Francis said he supports civil unions.

Okay, well, the Archbishop has expressed his view that the Church opposes same-sex marriages, but has he ever once said to any Catholic school or teacher or student that the Pope supports same-sex civil unions? If we're going to be talking about Catholic doctrine, we should talk about all Catholic doctrine, not just the bits that the Archbishop agrees with.

Now, in our submission, we had a range of solutions that we think would be useful for reducing discrimination and bullying in faith-based schools, both Catholic and independent. They're similar to the suggestions that we had in terms of state schools, with an addition that the *Education Act* be amended to ensure that there is a mandate for developing inclusion policies and programs, and that there be training for the Non-Government Schools Registration Board so it can recognise discrimination and bullying where it occurs.

My understanding is the Non-Government Schools Registration Board regularly goes out and audits non-government schools in regard to their compliance to the legislation. Clearly, it's not doing its job. We haven't seen any reports from the Non-Government Schools Registration Board about discrimination on the grounds of sexual orientation or gender identity. As I said, those people need training. Either they're ignoring it, or they can't see it, or they're not trained to see it. They need training so that they can see this happening and they can recognise it. They need greater powers to ensure that schools are meeting their obligations under the *Anti-Discrimination Act*.



Just one final point here. I have referred to the Archbishop several times and his views on these issues. I want to make it clear that I don't think he is the problem. I noticed in the evidence given by the former anti-discrimination commissioner that she said that maybe this wouldn't be so much of a problem when the current Archbishop retires. It's not about the Archbishop. It's not about his views. It's not about Dr Gaskin or his views. It's about ensuring that schools and educational authorities adhere to the *Anti-Discrimination Act*, and it's about ensuring that the voices of students and teachers and parents and principals are heard, as well as the Archbishop and Catholic Education Tasmania - that they have some say and some role in setting these policies and determining what happens.

I know I've gone for a long time, Mr Chair - just one final point. Catholic Education Tasmania and Christian Schools Australia have presented empirical studies that show that bullying and discrimination in their schools is lower than the average, and that their schools have positive anti-bullying policies. I note that all the surveys they presented are self-selection. They're self-selecting, so they're not whole of population. They're just people who wish to answer those surveys. They don't focus on groups that may be vulnerable to discrimination in any way. I went through all the submissions from -

**Mr WILLIE** - Just on that, including the PISA - the Programme for International Student Assessment that they quoted?

**Mr CROOME** - Yes. I think what we need to do is provide a supplementary submission looking at those surveys and why they don't necessarily reflect the concerns we have and the studies that we've cited. That includes the PISA report. They don't look at these issues.

I went through all the submissions from Tasmanian Catholic schools about their anti-bullying and anti-discrimination policies, and there were many references to students from non-English speaking backgrounds and Aboriginal students and students with disabilities. There wasn't a single reference in any of those to LGBTIQ+ students, or sexual orientation or gender identity. I know that Catholic Education Tasmania probably feels like those submissions vindicated, but actually it's the opposite. They show that there are no proactive policies that address this discrimination.

I think Catholic Education Tasmania also said that there had only been two complaints to the Anti-Discrimination Commission. On that point, I raised the Anti-Discrimination Commission as an option for people when they contact me. Of all the people whose files are in here, not one has taken that option. That is because they are afraid. They're afraid of the power of Catholic Education Tasmania. They're afraid, if they're parents, that their students will be victimised. They're afraid that the student might be expelled, that they might suffer other negative consequences. If they're teachers, of course they feel the same. Not one person who has contacted me felt able to take an anti-discrimination case, even though almost all of them, I think, would have grounds for a case.

Final points, and this again is in response to the submissions that have been made. We heard from the Archbishop this morning that parents send their children to Catholic schools because they want an environment where Catholic doctrine is taught. I believe there isn't a single parent who sends their child to a school expecting there to be discrimination or bullying. Every single parent wants their child to be in an educational environment where those things don't exist. And, as I've said, they also want the best teachers for the job. They don't want

teachers selected on the basis of faith. They want them selected on the basis of professionalism, particularly if they're not teaching religion, if they're teaching another subject.

Across the whole 27 years that Tasmania's legal protections have been in place, I haven't seen or heard of a single parent complain about those protections. Not one. We also heard the Archbishop say that laws against discrimination potentially violate freedom of speech, assembly and freedom of religion. If it's the case, as many people have asserted who have complained to me that pride groups are shut down, student voices aren't heard, it seems like a double standard to then turn around and say that it's wrong to violate freedom of speech and freedom of assembly. That's what Catholic Education Tasmania is doing all the time, if it is true that they are shutting down pride groups, not listening to students. If the Archbishop expects those freedoms, he should accord them also to others.

As for freedom of religion, none of these rights is absolute. The International Covenant on Civil and Political Rights makes it absolutely clear that the right not to experience discrimination is a fundamental right, an uncaveated right, whereas freedom of religion is caveated by harm to others; that freedom of religion ends when harm to others is caused. Although freedom of religion, speech and assembly are fundamental to our democratic system, they are not absolute.

'This is just a woke postmodern agenda', I've heard again and again from a variety of people, and it was certainly the tenor of the 'Salt of the Earth' document. Equality Tasmania has worked with faith-based groups in schools for decades. We worked with the Scripture Union on training school chaplains in LGBTIQ+ inclusion. We've worked with Anglicare and Baptcare. We've worked with Catholic, Anglican, Uniting and Calvinist schools. As I said before, we worked with the Archbishop and Catholic Education Tasmania on rolling out Pride and Prejudice in Catholic schools in about 2010-2012. The then-archbishop, Adrian Doyle, was very supportive of that because he said that it conformed with Catholic doctrine to address issues of discrimination and injustice.

The issue of LGBTIQ+ inclusion in schools is not new. We've been working on this in Tasmania since at least the passage of the *Anti-Discrimination Act* and before. It's the highly ideological pushback against LGBTI school inclusion, that's what's new and that's what's dangerous.

My very final point, and I'm sorry I've gone on so long: I can't tell you how demoralised I am as an individual about this issue. I advocated for the *Anti-Discrimination Act* 27 years ago when it was passed. To see that it is still denigrated as a threat, and routinely violated and ignored is demoralising. I can't tell you how frustrating it is to continue to receive complaints of discrimination from within schools and to have that number increase in the last three or four years. Each time I receive a new complaint, it increases my resolve and the resolve of the people I work with to do something about this. But it is very demoralising that our *Anti-Discrimination Act* is not treated as if it's a real law.

Your predecessors in this place considered the passage of that law a great achievement. They cheered when that law went through the House of Assembly and then the Legislative Council. I really urge you to honour that achievement by making sure that, at the very least, our school authorities in Tasmania adhere to the *Anti-Discrimination Act* for the good of teachers and students, and most of all, each of you could have a gay or trans child or a young relative who at this very moment is fretting in silence because their school is not defending

them from abuse or because it's making that abuse worse. If, for no other reason, we should act for them. When they come to you or to me or to others in 15 years and they ask, 'What did you do?' We have to be able to say to them, 'I did this. I did what I could to stop it.'

**Mr WILLIE** - Before we start questions, I'm just wondering whether you'd be able to stay for perhaps another 15 minutes at least and whether members, we can maintain a quorum through that?

**Mr BAYLEY** - I have a 3 o'clock appointment, so I might need to take off.

**Mr WILLIE** - I can start questions with you first and if members can just keep questions tight, maybe two questions each and we'll try to use the time as best as we can.

**Mr BAYLEY** - Just really quickly, thank you Rodney, for your work and advocacy and compassion and passion, I hear it. I could ask you a million questions about what you think is going on. But I'm really interested in those files and, without disclosing anyone's personal story or anything, I'm really just interested in - you've obviously had personal contact with these people. What are the impacts? Tell us what the impacts of discrimination in these cases and what are these people feeling and what does it do to them?

**Mr CROOME** - In terms of parents, many of the complaints are from parents and they're very distressed because they assumed that the school would support their child coming out, particularly if that child is trans or gender diverse. These are parents who are very supportive of their children and, in many cases, they take their children to another school, but not always.

**Mr BAYLEY** - Which is the Catholic Education Tasmania's advice. If you're not happy, go somewhere else.

**Mr CROOME** - Yes, again, I find that advice really cruel. Students have friendship networks at school, they have their favourite teachers, they enjoy their school communities. To say, 'Well, if you don't like it, get out', is not ethical and not fair on those students. But some parents do take their students out or they find other schools in the same system that might be a bit friendlier. I've had a lot of contact with one set of parents who took their child out of a Catholic school and enrolled them in a Christian school and found that the Christian school, the non-Catholic school, was much more supportive. So parents are very distressed.

Young people - a recent analysis of national data by Latrobe University found that young LGBTIQ+ Tasmanians have worse mental health outcomes than any other LGBTIQ+ population in Australia. In Tasmania, our young queer people have worse mental health outcomes. That's partly because of the legacy of criminalisation being more recent than in other states, I think, but we cannot discount school experiences as contributing to that significantly. Most young LGBTIQ+ people say school is the most unsafe environment for them and where discrimination is being encouraged, then, of course, it's much worse. So they are obviously also very distressed.

Teachers have more options, I think. I know some teachers who have asked to be transferred to another school within the same system that they feel may be friendlier or that they're able to deal with the discrimination they may experience through the support they have from other staff or from the principal, or they might just quit altogether, which of course is a loss for everyone. I'm good friends with one teacher who is in a same-sex relationship and was

a very respected teacher at her college. She had that support and she was able to negotiate a lot of these problems. But eventually it became too much. It was just so corrosive that she wasn't sure whether she'd been turned down for a promotion because she was gay or because she wasn't good enough at the job. And the self doubt, and the corrosion of a professional confidence meant she just left and went to another job. Ironically, the college couldn't do without her and asked her to come back. So, they're the kind of impacts.

**Mr BAYLEY** - Thank you, appreciate that, and apologies, I have to leave.

**Mr CROOME** - Apologies, I went on too long.

**Ms JOHNSTON** - That's alright. Thank you, Rodney, for your evidence today and particularly for your reflections on the evidence that we heard from the Archbishop and the Catholic Education Tasmania this morning.

You talked a bit about Catholic Education as encouraging or allowing discriminatory practices to occur in their school and particularly impact on children. Would you describe the conduct from what we've heard this morning about how they have denied promotions to staff who are gay or lesbian or homosexual, in same-sex relationships, or those who are in de facto relationships as perpetrators of discrimination? Is that the better word rather than 'encouraging'? Are they actual perpetrators of discrimination?

**Mr CROOME** - Well, yes, they are perpetrators, yes. In the sense that they have said that they have admitted to these practices and these practices are clearly discriminatory and therefore against the law. Yes.

I use the word encourage though, because we're talking not just about the individuals. Like I said, it's not just about the Archbishop or Dr Gaskin, it's about broader school communities. Attempts within the Catholic school system to try to discourage discrimination, and I know there are many teachers and principals who do that, and full credit to them. Those efforts are undermined constantly by these discriminatory policies.

**Ms JOHNSTON** - This morning we touched on - in the evidence from Dr Gaskin that there had been a referral, at least one student, to Dianne Kenny, a psychologist who views transgender and gender diversity as a social contagion and a disorder that needs to be fixed. Can you perhaps elaborate on that?

I note in your submission to us you talked about the risk of conversion practices. Are you concerned that if the Catholic Education Tasmania is only employing or only promoting those in schools who adhere to the Catholic faith, as the Archbishop articulated it this morning to us, that students who are seeking either support, counselling, social work services, all those kind of things within a school or external to a school are potentially subjected to conversion practices if they are trans or gender diverse?

**Mr CROOME** - Yes, I'm obviously very concerned about that particular counsellor, but if that counsellor can be a referral, as they have been for at least one student, my understanding is that there were more. But let's say Dr Gaskin is correct that it was one student, and it doesn't seem entirely clear that he knows how many students from his evidence. Yes, there is a danger that students will be exposed to conversion practices.

Now, again, the Archbishop has opposed conversion practice legislation and that is his right. That's not the issue here. I just want to make it absolutely clear. But when it comes to duty of care in school, clearly, that's a practice which we know from empirical research over decades is damaging to young people's mental health. We need to have a really strong wall between conversion practitioners and young people.

**Ms JOHNSTON** - And it goes to standards of registration for schools. I'd imagine that they need to ensure the welfare of students. In terms of staff within school, again support staff, maybe social workers, psychologists who are employed within a school community, if they are restricted in their practice to only providing faith-based support to trans and gender diverse children, are you concerned that those children in particular aren't getting the full suite of appropriate health and support that they should be getting from a service such as a social worker or a psychologist if they are restricted in their practices according to Catholic doctrines?

**Mr CROOME** - Well, there are a number of issues there. I've got no issues with students having faith-based support and guidance in faith-based schools. That's fine. And, like I said earlier, we worked with the Scripture Union and with other school chaplain providers to ensure that chaplains were trained up about how to do that for young LGBTQIA+ people. So, that's not an issue.

If there is a danger that a support person or a psychologist or counsellor may have very negative views on sexual orientation, gender identity, and may support conversion practices, then there needs to be - that's a different matter. You can be a person of faith without supporting conversion practices. Conversion practices are pseudo-psychological mumbo jumbo. They're not mandated by faith. But, if there is a danger there, then there needs to be a really strict guideline to ensure that young people are not exposed to that.

Young people who are exposed to conversion practices, if they're same-sex-attracted or trans, are three-to-four times more likely to have PTSD and to have attempted suicide than other young LGBTQIA+ people - who already have higher levels of mental health distress. So, it is extremely dangerous if we do not have that wall between young people and conversion practitioners, or those who support conversion practices, or who might refer a young person to conversion practice. That has to be much stricter than what we heard this morning from Catholic Education Tasmania. There is a danger - that it seems to me - that young people in the Catholic system are potentially exposed to conversion practice ideology and conversion practices themselves, at the moment. That is a very deep concern. It's not about legislation and it's not about ideology; it's about their mental health.

**Ms DOW** - The only thing I was going to ask you, Rodney, just earlier on - you provided a really comprehensive overview, and I want to thank you for that and what you've presented to our committee today. You mentioned the fact that you were surprised around some feedback that you had about a more regional school across the state. I wondered if there's anything that you haven't really touched on that aspect of your initial comments on this in your presentation today. I wondered if there's anything more you wanted to leave about the inequality that you see and disparity across more regional areas, rather than metropolitan areas, for the committee's information?

**Mr CROOME** - Thanks, Anita. The issue I was identifying there is probably most relevant to rural and remote schools. My understanding is that they're much less likely to have had training for teachers in how to support LGBTQIA+ young people and that they're much

more likely only to really deal with the issue if a young person comes out because they feel like they don't see any young people who are out, perhaps because the community they're in is slightly more conservative, or less tolerant, or whatever it might be. I'm not suggesting all are, but maybe that's the case in some cases.

On the north-west coast - to take an example - my understanding is that - I've already mentioned Burnie High School and Hellyer College and their pride groups and their very good policies. Ulverstone High School, I understand, has in the recent past been a leader in Tasmania on school inclusion for LGBTQIA+ young people. Not so certain about what's happening in Devonport, but Burnie and Ulverstone have certainly taken a leadership role in Tasmania. So, it's not the case that all regional schools are backward and all metropolitan schools are forward. No, not at all. But, overall, I think we're seeing less inclusion work occurring in regional and, particularly rural, high schools, and that's lack of support for them, lack of support for Working It Out.

Like I said, Working It Out is only asked to go in if there's an issue that arises. If a student comes out and the teachers don't know what to do, or the principal doesn't, or the student is facing discrimination, then Working It Out is brought in to kind of solve the problem.

Only those schools where this happens get the kind of training they need. This isn't comprehensive enough. It's fine for those schools, but it means that there are so many high schools that miss out on good training, good advice about how to create a more inclusive atmosphere.

While I think of it too, I haven't talked much today about non-Catholic independent schools. Just to give, in a nutshell - some independent schools have really fantastic inclusion policies and practices - some Anglican schools, Uniting schools and other Christian schools. Some have none. It's a bit like the school system - very patchy. I mentioned before that there was a Christian school that these parents I know sent their child to, and that child's gender identity, their transgender identity, was thoroughly affirmed by this Christian school. They were able to use their preferred name, their preferred pronouns, their preferred uniform - no problems. I don't want to create the impression that everything's awful in all faith-based schools. That's not the case at all, just as it's not awful in all regional schools. It's just patchy. Too patchy.

**Ms JOHNSTON** - I have two last questions. First, I think I'll go to the letter that was sent out by the Archbishop, *We are Salt to the Earth*, which I know you're very familiar with. In it, towards its conclusion, it talks about how those who don't accept the Catholic Church's teachings are free to leave, basically - to choose an alternative educational institution more aligned with their views. Given the evidence that we've heard from Catholic Education this morning and the Archbishop around what their views are - and certainly the letter itself articulates their views very strongly about homosexuality, divorcees, a number of different issues - would you suggest that this letter, sent home, as you have clearly articulated, via students and young people, would suggest that anyone who didn't meet the Archbishop's view of what is normal should be free to leave and to move elsewhere?

It is indirect discrimination, I suppose. He's not directly telling them that they must leave, but he's suggesting in strong words that they are free to leave. Is that almost indirect discrimination on the basis of enrolment? We did hear this morning that they don't discriminate

on the basis of enrolment, but by telling someone or making a situation where they're unwelcome or uncomfortable, is that a form of discrimination in itself, direct or otherwise?

**Mr CROOME** - Yes. I think the letter that you're talking about - and I gave an example earlier, a reference to 'transgender ideology' rather than actual people. Parents with a trans child will look at that and go, 'The Archbishop only thinks of my child as a threat, not as a person to be supported'. Even though the Archbishop and Dr Gaskin said that they recognise the dignity of every person, that's not the message that that letter will send. The letter also takes aim at discrimination law for violating freedom of religion. Again, people will see that and go, 'Well, the protections that my child benefits from, or should benefit from, are something that the Archbishop opposes'. It will send a message that, yes, they are in a precarious position or they are unwelcome. Like I said earlier, that's cruel.

When someone's enrolled in the Catholic education system, say, in kindergarten, they don't necessarily know about their same-sex attraction or their transgender identity, but they're going to be part of that school community and they're going to have friends and they're going to feel a loyalty to that school. Why should they have to leave come grade 8 because they've realised they're same-sex attracted? It's not fair. It's as much their school as it is the Archbishop's. They have a stake in it, and their parents have a stake in it, having contributed to that school with fees to the tune of tens of thousands of dollars. Why should they be forced out, given their sense of belonging at that school, just because the Archbishop has a different view on what same-sex attraction or gender identity is?

Like I said, the Archbishop has every right to express his views. We're not saying he shouldn't. But there should be other views put, other Catholic views at the very least. Like I said, the previous archbishop was a supporter of anti-homophobia programs in Catholic schools. The Edmund Rice Centre has a whole list of LGBTI+ inclusive Catholic curricula. And the Pope himself has made statements that are supportive and inclusive. They are all equally Catholic, and young people and their parents and teachers should have equal access to those, not just the views of the Archbishop, which, if you read those letters, are very condemnatory.

**Ms JOHNSTON** - We've heard evidence this morning from the Archbishop and Catholic Education that they are ignoring, or not following at the very least, anti-discrimination laws in regard to employment practices within Catholic schools. You've been advocating for anti-discrimination laws for a very long time. What should happen next? We've heard their own evidence that they are conducting discriminatory practices. Whether they believe that's the law or not, that's the law in Tasmania. What should happen next?

**Mr CROOME** - Like I said, I think you should seek advice to clarify the relationship between the state and federal law, because that has emerged today as a crucial point.

**Ms JOHNSTON** - Ignorance is not an excuse though, is it?

**Mr CROOME** - No, not an excuse, but I'm just saying what I think you should do next. I've had contact from a number of people who have sent in submissions anonymously and they've asked whether they will be given a chance to give evidence. I'd urge you to hear from those people if possible, even if it's in camera and even if you can't necessarily use that evidence, just to flesh out the picture of exactly what the patterns of discrimination are. I'm

happy to work with the Secretariat in identifying the people who are very keen to give evidence, if anonymously.

I've said that for individual schools, we've made a list of recommendations. They apply equally to Catholic schools as to state and independent schools. We need greater awareness of the *Anti-Discrimination Act* in the Catholic system. We need the non-government oversight body to be able to recognise discrimination when it's occurring because clearly they can't. We need amendments to the *Education Act* to provide a mandate and an obligation for schools to develop more inclusive LGBTQIA+-inclusive policies and practices. They're some of the things that are in our submission.

It's easy for me to sit here and say, 'What the Archbishop and Catholic Education Tasmania has said is awful and this has caused damage to many students', and it has. It's all here. But if this is going to change for the better, we need to start now and not necessarily recriminate or make it personal. Like I said, it's not about Dr Gaskin or the Archbishop, or about me or about you in the end. We need to think constructively about how we can create new systems, enforce existing laws, create new laws and new guidelines to make sure that things improve and this kind of thing doesn't happen again.

We have to do everything we can not to focus entirely on the past or focus, like I said, on individuals. It's about trying to focus on how we improve things. We've made a whole bunch of recommendations about that in our submission and happy for you to look at other options.

One thing that I haven't mentioned is implementing all the findings of the Tasmanian Law Reform Institute report on bullying in legislation in Tasmania in 2016. That would be a really important element, an effective response to what we're talking about, because a lot of those recommendations were really relevant to school bullying.

**Mr WILLIE** - We have gone over time. I recognise that during these hearings today we may have discussed highly sensitive matters that may have deeply impacted the lives of Tasmanians. This may have been a trigger for individuals listening to, or participating in, these proceedings. I encourage anyone impacted by the content matter in these hearings to contact services and support such as Lifeline Tasmania on 1800 98 44 34, Kids Helpline on 1800 55 1800, or Beyond Blue on 1300 22 46 36.

Thank you for your evidence today, Rodney. What you've said to us here today is protected by parliamentary privilege. Once you leave the table, you need to be aware that privilege does not attach to the comments you may make to anyone, including the media, even if you're just repeating what you've said to us. Do you understand?

**Mr CROOME** - Yes, I understand. Given that this is a public hearing, I could imagine that I might have questions about the evidence that was given earlier today. Is it appropriate for me to respond to that evidence, given that evidence was given under privilege?

**Mr WILLIE** - I believe you can respond to what somebody else is saying. It's just in terms of what you have said. You would need to seek your own advice in terms of parliamentary privilege. I'm not a lawyer.

**Ms JOHNSTON** - It only attaches to what you've said.



## **PUBLIC**

**Mr WILLIE** - Yes, it only attaches to what you've said in here.

**Mr CROOME** - Yes, understood.

**Mr WILLIE** - Even if you're pointing to things that you have said here, I believe that can be problematic in some circumstances.

**Mr CROOME** - Some of this is very difficult, and I'm glad that you're treating it with the sensitivity and the care that it deserves.

**Mr WILLIE** - Thank you for appearing today and I'll stop the broadcast.

**THE WITNESS WITHDREW.**

**The Committee adjourned at 3.08 p.m.**