

EDUCATION COMMITTEE BILL

NSW YOUTH
PARLIAMENT





Modernising Sex Education Bill 2021 (NSW)

The Hon. James Frost (Banks)
The Hon. Maria Kargas (Heffron)
The Hon. Daina Kerr (Hume)
The Hon. Sarah Myatt (Coogee)
The Hon. Campbell Quintrell (Barwon)
The Hon. Vivien van Luyt (Heathcote)



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A Bill

for

An Act for a comprehensive Remodelling of the NSW Sex Education System promoting health, wellbeing, inclusivity and safety



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Explanatory Notes

Sexual education is a critical aspect of the curriculum which teaches students about relationships, sexual identity and safety and influencing wider issues within society including rape, assault and discrimination on the basis of sex and/or sexual orientation. Recent developments in this area, as well as the continuation of already existing trends, have made it clear NSW's current approach is inadequate. Chanel Contos' 'Petition For Consent To Be Included In Australian Schools' Sex Education Earlier' has amassed over 42,000 signatures and 6,500 testimonies (Teachusconsent, 2021) at the time of writing, demonstrating that young Australians are passionate about the need for such change.

The Australian Institute of Health and Welfare found almost two (2) million Australian adults have experienced at least one (1) sexual assault since the age of 15 (Sexual Assault in Australia, 2020). Furthermore, 44 per cent of children identifying with the LGBTQIA+ community have experienced verbal abuse, and 16% have experienced physical abuse based on their sexuality. Almost three quarters (74%) of this abuse happened in schools (GLHV, 2021). There is increasing violence and sexual activity amongst the youth, as the most recent national survey, collected in 2018, found 47% of Year 10-12 students taking the survey had engaged in sexual intercourse, and 55% of Year 12s (Meixner, 2021). This shows that it is integral that the sex education system be reformed to meet the growing concerns of students and others resulting from the current lack of mechanisms implemented to help better inform and protect students.

Additionally, it is obvious from these statistics that the current system remains out-of-step with the reality of young peoples' experiences. Currently there is no special mandatory training a teacher should take to teach 'sexual education content' and the curriculum does not reflect contemporary social values, especially those of young people. Educational reform is the most widespread and effective way to educate young people on issues surrounding sexual matters, thus modernising the education system is the best way to deal with these issues and to ensure the safety of young people.

This Bill recognises the inadequacy of the current sex education curriculum and moves to implement reform to better teach students, equip teachers and review and adapt sex education to better suit the needs of society. Improving sex education will reduce rape, increase the number of healthy relationships and better equip society to break social stigmas surrounding sex and sexuality. This Bill not only aims to teach students on matters of sexuality, consent, sexual protection and relationship but also aims to provide index to enhance teacher training in teaching sex education. Additionally, this Bill recognises the importance of adaptability and further



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implements a school review system whereby schools are able to adapt in response to student feedback and meet their individual needs.

Reference list

- 1) GLHV, (2021). *LGBT community faces a mental health crisis similar to the COVID pandemic*. [online]
<glhv.org.au> [accessed 28 May 2021]
- 2) Meixner, S. (2021). *Does Australia's sex education curriculum need to include more on sex positivity, LGBTQI+ relationships and intimacy?* [online]
<<https://www.abc.net.au/news/2021-01-27/sex-education-lgbt-sexuality-young-high-school-pleasure-respect/12960062>> [accessed 28 May 2021]
- 3) *Sexual Assault in Australia*, (2020). 1st ed. [pdf] Australia: Australian gov.
<<https://www.aihw.gov.au/getmedia/0375553f-0395-46cc-9574-d54c74fa601a/aihw-fdv-5.pdf.aspx?inline=true>> [accessed 28 May 2021]
- 4) Teachusconsent, (2021). *Petition For Consent To Be Included In Australian Schools' Sex Education Earlier*.
<<https://www.teachusconsent.com/>> [accessed 28 May 2021]



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The Youth Parliament of New South Wales enacts –

Part 1: Preliminary

1. Short Title

This Bill may be cited as ‘Modernising Sex Education Bill 2021’.

2. Commencement

This Bill shall commence at the beginning of the school semester following Royal Assent from the NSW Youth Governor.

3. Objects

The objects of this Act are:

- 1) To improve consent education to become consistent with modern standards.
- 2) The Inclusion of LGBTQIA+ relevant content within the sex education syllabus to improving inclusivity to acknowledge the diverse public.
- 3) Include educational material on the mental, emotional and health components of sex, sexual experiences and relationships to better equip students in handling relationships, mitigating violence and promoting wellbeing through education.
- 4) To maintain future relevance and effectiveness within the curriculum by introducing a mandatory review system by educators, students and external reviews.
- 5) To introduce mandatory teacher training to ensure teaching staff are properly equipped.

4. Definitions

- 1) The Dictionary defines words used in this Act.
 - a) **Consent** - permission for something to happen or agreement to do something.
 - b) **Curriculum** - the combination of topics, subjects or activities that are to be included in the educational program of a school or college.
 - c) **External reviews** - the evaluation of the sex education syllabus held by an independent body outside the jurisdiction of the State Government.
 - d) **LGBTQIA+** - The abbreviation LGBTQIA+ stands for Lesbian, Gay, Bisexual, Transgender, Queer, Intersexual, Asexual and other people who identify their sexuality or gender as other than heterosexual/cisgender.
 - e) **Primary school** - The beginning years of a child's schooling, ranging from kindergarten to grade six and ages 4-12.



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- f) **Relationships** - any personal connections to other people including friendships, intimate relationships with partners, colleagues and familial relationships.
- g) **Sex education** - the high-quality teaching and learning, beginning from primary school, about a broad variety of topics related to sex and sexuality, exploring values and beliefs about those topics and gaining the skills that are needed to navigate relationships and manage one's own sexual health.
- h) **Sexuality** - a person's identity in relation to the gender or genders to which they are typically attracted; sexual orientation.
- i) **Syllabus** - Mandatory education guidelines to be followed state-wide for a particular subject.



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Part 2: Mandatory Sex Education Content

5. Expansion of mandated sex education content

- 1) The sex education syllabus will be amended to provide a more comprehensive curriculum, beginning from primary school.
- 2) Primary school content will include:
 - a) Consent;
 - b) Building healthy romantic relationships; and
 - c) Education on consent (in a non-sexual context) will commence in students' first year of primary.
- 3) High school content will include:
 - a) Consent
 - b) Contemporary issues with consent beginning from year eight (8) such as:
 - i) Rape, outlining clauses in the *Crimes Act 1900* that state a person cannot validly give consent if said person:
 - (1) Lacks capacity to consent because of age or cognitive incapacity;
 - (2) Is unconscious or asleep; or
 - (3) Consents because of threats or terror.
 - ii) The difference between sexual abuse and sexual harassment (including definitions).
 - iii) Legal ramifications of committing sexual assault or rape.
 - c) Comprehensive LGBTQIA+ sexual education content, including the following:
 - i) LGBTQIA+ specific sexual health and wellbeing;
 - ii) Gender identity:
 - (1) Outlining the difference between a persons' sex and gender.
 - (2) Providing solutions to challenges individuals may face with their identity.
 - iii) Sexual and romantic relationships:
 - (1) Sexuality.
 - (2) Providing information on what sexuality is, and the terms related to sexuality.
 - iv) Highlighting the struggles people of the LGBTQIA+ community face, and providing information on solutions to these struggles, such as:
 - (1) 'Coming out'.
 - (2) Discrimination.
 - d) Information about sexual safety including:
 - i) Sexually transmitted diseases;
 - ii) Pregnancy and the impacts of teenage pregnancy;



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- iii) Safe homosexual intercourse; and
- iv) Contraceptives:
 - (1) What contraceptives are and where you can access them.
 - (2) Effectiveness of the contraceptives.
 - (3) How to use contraceptives.
- e) The mental and emotional components of sex and sexual experiences including:
 - i) Outlining the impact on a child's mental health when prematurely exposed to sexual activity whether it be physically or visually (pornography); and
 - ii) How to manage sex and sexual activity in a healthy way.
- f) Healthy relationships and the interplay with physical and emotional maturity:
 - i) Age appropriate sexual and romantic interactions.



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Part 3: Curriculum and Teaching Standards Review

6. Implementation of a review system

- 1) A teaching and curriculum standards review system will be implemented.
- 2) The review is undergone every three (3) years and is run by the NSW Department of Education.
 - a) Data is collated and assessed, and the curriculum changed surrounding what is most widely requested.
 - b) Schools will have access to survey data to use in sex education lessons.
- 3) Students in years 6-10 will be surveyed, with questions including:
 - a) How would you rate the content taught in the sex education course?
 - b) How would you rate the ability of the teaching to make the content clear and enjoyable?
 - c) Please check the boxes next to the concept you understand the best. (This question would have a list of concepts that the students should understand depending on their year level. E.g., contraception, protection, bodily functions, how sex works etc.).
 - d) Please check the boxes next to the concepts you do not understand (same set of concepts as the last question).
 - e) Each question will have an optional comments section for further information deemed important.
- 4) Student data will be used to create guidelines on an effective classroom and teaching styles, allowing professional learning on bettering the classroom environment based on students' standards review.
- 5) Real-world data will be monitored (regarding the elements of sex education including the physical body, medical improvements and different identities and perspectives) to prove effectiveness or highlight areas in need of improvement regarding updating teaching standards and mandatory sexual education.
- 6) The survey will be reviewed by a board of Department of Education employees, LGBTQIA+ professionals, and healthcare professionals.



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Part 4: Teacher Education Reform

7. Explicit teacher training in sexuality and sexual health education content.

- 1) Mandatory training for teachers teaching sexuality and sexual health education content of the syllabus will be introduced.
- 2) To ensure teachers know the content they are teaching and know how to create a safe and comfortable environment for all students, the following will be introduced:
 - a) A mandatory education course implemented for all teachers, covering the topics of sexuality and sexual health. This should achieve the following requirements:
 - i) Deepen the teacher's understanding of the sexuality education subject matter;
 - ii) Deepen the teacher's understanding of how these topics and concepts will affect their students; and
 - iii) Educate teachers to teach the content in such a way that students feel safe, accepted, and comfortable discussing concepts within the content.
 - b) Equip teachers with techniques and strategies to support and guide students affected by the subject matter.
 - c) The teaching of sexuality and sexual health content must be taught by an individual who has undergone mandatory training.
 - d) A NSW Department of Education institution teaching the content must ensure that an educator, with the appropriate training, will be teaching the content. If the institution can't guarantee a properly trained educator will be teaching the course, the lesson must be postponed until a qualified educator can teach the given lesson.



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Amendments

Amendment One

Clause number

Clause four

Amendment request (bold the appropriate option):

- AMENDMENT
- OMITTING
- **NEW CLAUSE**

Original clause (paste entire wording):

Insert Original Clause N/A

Amendment request:

Adding a new clause

New clause should now read:

8. Implementation of safe and supportive spaces for students

- 1) Support services will be made accessible to students who need additional guidance. This allows individuals to seek support and advice without the intimidation that a classroom setting can bring.
- 2) Supportive spaces inside schools are run by internal and external services, including:
 - a) School counsellors/psychologists;
 - b) Community Organisations (e.g., 3 Bridges);
 - c) Headspace; and
 - d) Guest Speakers
- 3) The purpose of these support services is to provide a safe space for students to:
 - i) Debrief and process content learnt, whether accompanied by a youth worker or sitting alone;
 - ii) Discuss content learned in class in a more relaxed environment, allowing students to ask questions, delving deeper into content; and
 - iii) Discuss issues faced by students which relate to content.
- 4) Functionality of these services:
 - a) Schools will have a mandated safe space zone for students to access:
 - i) Available during break times (e.g., recess and lunch);
 - ii) Available during allocated free periods for high school students; and
 - iii) Available during mandated sex education lessons if content is too sensitive for



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- students.
- b) Support service workers will regularly check in on students who have previously accessed support.
 - c) Support service workers must be present during certain mandated sex education lessons such as:
 - i) Consent lessons; and
 - ii) Sexual assault/harassment lessons.
- 5) For this program to work efficiently, frequent awareness needs to be made so students can easily access this service.
- a) Announcements to be made at:
 - i) School assemblies to promote awareness of the services made available to students;
 - ii) During the learning period of mandated sex education;
 - iii) Pamphlets available at the front office, library, and counsellors office; and
 - iv) Emails sent to student cohort warning students when sensitive topics are about to be discussed in class, promoting awareness of external support if need be.

Amendment Two

Clause number three

Amendment request (bold the appropriate option):

- **AMENDMENT**
- OMITTING
- NEW CLAUSE

Original clause:

7. Explicit teacher training in sexuality and sexual health education content
 - 1) Mandatory training for teachers teaching sexuality and sexual health education content of the syllabus will be introduced.
 - 2) To ensure teachers **know the content they're teaching, and know** how to create a safe and comfortable environment for all students, the following will be introduced:
 - a) A mandatory education course implemented for all **PDHPE** teachers covering the topics of sexuality and sexual health. This should achieve the following requirements:
 - i) Deepen the teacher's understanding of the sexuality education subject matter;
 - ii) Deepen the teacher's understanding of how these topics and concepts will affect their students; and
 - iii) Educate teachers to teach the content in such a way that students feel safe, accepted, and comfortable discussing concepts within the content.
 - b) Equip teachers with techniques and strategies to support and guide students affected by the subject matter.
 - c) The teaching of sexuality and sexual health content must be taught by an individual who has undergone mandatory training.
 - d) The institution teaching the content must ensure that a **PDHPE** teacher with the proper training will be teaching the content. If the institution can't guarantee a properly trained individual will be teaching the course, they must postpone the given lesson until a properly qualified **PDHPE** teacher can teach the given lesson.



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Amendment request:

1. Omit the “PDHPE” before “teacher(s)”
2. Add the following: “e) Teachers will be required to undergo retraining every three (3) years to maintain both the understanding of content to be taught and its relevance, doing so in a manner that will sustain the safe environment created for students.”
3. Omit “know the content they're teaching”
4. Add the following: “To ensure teachers deeply understand the content they are teaching, including new relevant information”

New clause should now read:

7. Explicit teacher training in sexuality and sexual health education content
 - 3) Mandatory training for teachers teaching sexuality and sexual health education content of the syllabus will be introduced.
 - 4) To ensure teachers **deeply understand the content they are teaching, including new relevant information**, and know how to create a safe and comfortable environment for all students, the following will be introduced:
 - a) A mandatory education course implemented for all teachers covering the topics of sexuality and sexual health. This should achieve the following requirements:
 - i) Deepen the teacher’s understanding of the sexuality education subject matter;
 - ii) Deepen the teacher’s understanding of how these topics and concepts will affect their students; and
 - iii) Educate teachers to teach the content in such a way that students feel safe, accepted, and comfortable discussing concepts within the content.
 - b) Equip teachers with techniques and strategies to support and guide students affected by the subject matter.
 - c) The teaching of sexuality and sexual health content must be taught by an individual who has undergone mandatory training.
 - d) The institution teaching the content must ensure that a teacher with the proper training will be teaching the content. If the institution can’t guarantee a properly trained individual will be teaching the course, they must postpone the given lesson until a properly qualified teacher can teach the given lesson.
 - e) **Teachers will be required to undergo retraining every three years to maintain both the understanding of the content to be taught and its**



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**relevance, doing so in a manner that will sustain the safe environment
created for students.**

Results of the Vote

The results of the vote on the amendments were 8 Ayes, 25 Noes, and 12 Abstained. As such, the amendments were resolved in the negative.

The results of the vote on the Bill were 35 Ayes, 3 Noes, and 27 Abstained. As such, the Bill was passed.

The Modernising Sex Education Bill 2021 (NSW) was **passed unamended**.