

2019-2020

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

SENATE

**AUSTRALIAN EDUCATION LEGISLATION AMENDMENT (PROHIBITING THE
INDOCTRINATION OF CHILDREN) BILL 2020**

EXPLANATORY MEMORANDUM

(Circulated by authority of Senator Hanson)

AUSTRALIAN EDUCATION LEGISLATION AMENDMENT (PROHIBITING THE INDOCTRINATION OF CHILDREN) BILL 2020

OUTLINE

The purpose of this Bill is to give parents the legal right to protect their children from indoctrination at school.

Parents have the right to move their child from a school or to home school their child but they do not have the right to challenge teaching in schools such as gender fluidity theory and man-made global warming.

NOTES ON CLAUSES

Clause 1: Short Title

Clause 1 provides for the short title of the Act to be the *Australian Education Legislation Amendment (Prohibiting the Indoctrination of Children) Act 2020*

Clause 2: Commencement

This clause provides that the Bill will commence on, the day after the Act receives the Royal Assent.

Clause 3: Schedule

Each Act specified in a Schedule to this Act is amended or repealed as is set out in the applicable items in the Schedule. Any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

Item 1 – At the end of section 7 of the *Australian Curriculum, Assessment and Reporting Authority Act 2008*

This item inserts new subsections 7(6) and (7) to require the Australian Curriculum, Assessment and Reporting Authority (ACARA) to promote a balanced presentation of opposing views where they exist.

Item 2 – After section 22 of the *Australian Education Act 2013*

This item inserts new section 22AA. The purpose of this section is to ensure that teachers are prohibited from conducting classes in a way that would result in the indoctrination of children.

The section will make federal education funding to a State or Territory conditional on the State or Territory having laws in force that:

- prohibit a staff member at a school promoting partisan views or activities to students; and
- require a staff member at a school, when teaching a subject, to ensure that there is a balanced presentation of opposing views in relation to that subject.

Funding will also be conditional on the inclusion in State or Territory laws of provisions for the making of court orders, on the application of parents or guardians, to enforce compliance with the above requirements (paragraph 22AA(1)(c)).

In addition, in order to receive funding for schools, State or Territory laws will need to require schools to consult parents or guardians on the extent to which staff are fulfilling their requirements to present a balanced presentation of opposing views (paragraph 22AA(1)(d)).

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Australian Education Legislation Amendment (Prohibiting the Indoctrination of Children) Bill 2020

This Bill is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Bill

The purpose of this Bill is to give parents the legal right to protect their children from indoctrination at school.

Parents have the right to move their child from a school or to home school their child but they do not have the right to challenge teaching in schools such as gender fluidity theory and man-made global warming.

Human rights implications

This Bill does not engage any of the applicable rights or freedoms.

Conclusion

This Bill is compatible with human rights as it does not raise any human rights issues.

Senator Pauline Hanson