

TRANSCRIPT

LEGISLATIVE COUNCIL LEGAL AND SOCIAL ISSUES COMMITTEE

Inquiry into the State Education System in Victoria

Melbourne – Thursday 9 May 2024

MEMBERS

Trung Luu – Chair

Ryan Batchelor – Deputy Chair

Michael Galea

Renee Heath

Joe McCracken

Rachel Payne

Aiv Puglielli

Lee Tarlamis

PARTICIPATING MEMBERS

Melina Bath

John Berger

Georgie Crozier

Moira Deeming

David Ettershank

Wendy Lovell

Sarah Mansfield

Richard Welch

WITNESSES

Moira Chalk,

Melanie Whyte, and

Keiran O'Neill, Parents of Adolescents with Gender Distress.

The CHAIR: Welcome back to the Inquiry into the State Education System in Victoria. Joining us in this session are Ms Moira Chalk, Mr Keiran O'Neill and Ms Melanie Whyte. Thank you for coming in. Before we continue I just want to introduce the committee to you. I am Trung Luu, the Chair. My Deputy Chair is Mr Ryan Batchelor. Mr Joe McCracken and Ms Melina Bath are to my right. We have Mr Aiv Puglielli, Ms Moira Deeming and Mr Richard Welch, and joining us on Zoom also Mr Lee Tarlamis and Dr Renee Heath. Welcome and thank you very much for coming and giving your evidence today.

Before we continue I just want to quickly read this information to you. In regard to the evidence you are providing today, all evidence taken is protected by parliamentary privilege as provided by the *Constitution Act 1975* and further subject to the provisions of the Legislative Council standing orders. Therefore the information you provide during this hearing is protected by law. You are protected against any action for what you say during this hearing, but if you go elsewhere and repeat the same things, those comments may not be protected by this privilege. Any deliberately false evidence or misleading of the committee may be considered a contempt of Parliament.

All evidence is being recorded. You will be provided with a proof version of the transcript following the hearing. Transcripts will ultimately be made public and posted on the committee's website.

Again, thank you so much for coming. I understand you provided us with a submission, but I do invite you to make a short opening statement before I open it up to the committee to ask you questions. If you can keep it brief, it will give us time to ask you questions after. Also, if you could please state your full name and the organisation you are with for the recording.

Moira CHALK: Moira Chalk, Parents of Adolescents with Gender Distress. Keiran and Melanie are also part of our cooperative. We are a growing collective of Victorian families. We all have teenage and young adult children experiencing distress around their gender identity. They have all expressed gender distress only after reaching puberty. The majority are diagnosed with neurodiversity or display neurodiverse traits. Most have experienced trauma and mental illness. All of them – all of them – have our full support to express whatever sexuality they wish to, and a number of them are same-sex attracted. All of our children have self-diagnosed with the encouragement of peers, school personnel and online resources. It is noticeable that gender distress peaked for them during or shortly after the COVID pandemic, when their mental health was noticeably more fragile. We have around 40 families and we believe there are many more out there, often without the support of families, schools and community.

Gender distress is multifactorial and may be related to neurodiversity, pubertal changes, mental illness, trauma, same-sex attraction and pandemic stress. It is more complex than simply feeling like they are in the wrong body. Changing a child's name and pronouns is an active psychosocial intervention of social transition. Social transition has been proven to solidify a transgender identity and increase the likelihood of a progression to medical transition. There is limited evidence that medical transition leads to positive outcomes, particularly in the long term. There is little evidence that medical transition decreases suicidality. Mortality is higher in trans-identified people than in the general population. Suicide risk is complex, rarely the result of one single factor, and should not be assessed by educators. This is stated in Department of Education policy but has not been evident in interventions with our distressed children.

The CHAIR: Thank you. Keiran, do you want to add anything at all, any comments?

Keiran O'NEILL: No, I think Moira has actually summarised the position quite well.

The CHAIR: Thank you. I will put the questions to the committee. Aiv, do you want to start?

Aiv PUGLIELLI: Sure. Thank you, Chair. Thanks for coming in today. Having reviewed, obviously, the varying submissions and contributions you have made so far to this committee, do you ever think that it is acceptable for schools to withhold information from parents in, say, circumstances, which we have actually heard so far during this process, where a child has expressed that they fear for their safety if that information is divulged to parents?

Moira CHALK: If there is a genuine concern that their safety is genuinely at risk, there is a process for that through child protection. The process that our families have experienced in schools has been nowhere near that, and I would question what the statement ‘fear for safety’ actually means, because if it is a matter of disagreeing with name changes, pronouns or immediate progression to medicalisation, I do not believe that that is a risk to safety or that that is genuine parental concern.

Aiv PUGLIELLI: Okay. So in terms of fear for safety, for example, if a child expresses to their school that they are fearful of being exposed to conversion practices, fearful of being disowned by their family, fearful of being made homeless, on that basis do you think it would be applicable for a school to withhold this information?

Keiran O’NEILL: May I answer?

Moira CHALK: The only thing I was going to say is we expect schools to be the adults in the room and have the adult conversations with parents, as they would with any other area of safety regarding children. Keiran?

Keiran O’NEILL: Gender distress and gender dysphoria generally are comorbid with signs of anxiety, depression and suicidality. What basically schools have been doing is they have been taking a clear sign that these mental health issues are occurring and hiding them from the parents. They are deliberately obscuring, using this process of a mature minor.

Aiv PUGLIELLI: Sorry, just to clarify: are you indicating that a child who feels that they are trans or gender diverse – are you aligning that with mental illness?

Keiran O’NEILL: Absolutely, yes. The correlation between gender distress and these other mental health issues is well known. It is established.

Aiv PUGLIELLI: Sorry, I just have to state for the record how strongly I disagree with that statement, but I understand that is your view. Do you accept that perhaps there is an experience for someone who is trans or gender diverse, particularly a young person, and that that lived experience exposes them to ridicule, harassment and bullying? Often – the examples I gave – people feel that they are going to be disowned by their family, that they are going to be kicked out of their house on the basis that they identify as trans or gender diverse. Do you accept that perhaps that is more of an indicator in terms of this idea of mental illness that you are talking about?

Moira CHALK: These are our children that you are talking about, and it is actually quite offensive to suggest that we do not have the best interests of our children at heart. I find it – what are the words for it? To me it is the line that is spun – that children are at risk. We love our children. We want the best for them. I think to suggest that they are at risk because we disagree with them on a course of treatment that will have lifelong implications for them – it does not mean that we do not support them. It does not mean that we do not love them. It does not mean that we will not work with them to resolve their distress. But to suggest that they are immediately at risk because we disagree with them is also highly offensive.

Keiran O’NEILL: Particularly when that determination is being made by some member of the staff at school, who may have had maybe 1 hour of face-to-face interaction with this child. So they are making a determination on the basis of, what, a distressed child’s claim that perhaps their parents might not accept their gender identity. That is basically what is happening. This accusation is being levelled at parents without the parents’ knowledge. Parents do not get a chance to defend themselves against these accusations because they are never raised with them. It is this bizarre loophole where parents are presumed guilty on the basis of a child wanting to express their gender identity. It is just inconceivable that this is actually occurring. Parents presumed guilty because of what? They are not involved in this process at all.

My child was socially transitioned without our knowledge for five months, and we only found out because they had accidentally written my child's new name, or chosen name, on some marked work. Now, when we found out, she came out to us. For the first three weeks we affirmed her identity, because the research that we had done indicated that that was the best thing to do – absolutely. Why would I have been presumed to be guilty of, you know, working against the child's best interests, when that is our lives? Who better to understand a child than their parents? It is certainly not some wellness coordinator who has – what qualifications, yes? What? They have had maybe a police check? And that is it. That is really the minimum qualification for someone according to this mature minor process. And they are making a determination that is going to change the course of this child's life and deliberately excluding the parent from that.

Aiv PUGLIELLI: My time has expired. Are you comfortable with your child being trans?

Keiran O'NEILL: I would have accepted it, absolutely – yes, 100 per cent – if we had gotten to a point where we could have gotten her, him, the help that they needed to investigate the gender distress that they were experiencing. And if at the end of that process they were still within that gender identity, absolutely. Absolutely 100 per cent I would have accepted it.

Moira CHALK: And I would make the comment that my daughter has desisted, and she has come to recognise that her gender distress was related to her autism and PTSD. So if I had affirmed her, then how would she step back from that?

Melanie WHYTE: I also do not understand how you think you know the mental health of our children better than we do.

Aiv PUGLIELLI: I have not indicated that. I am sorry if that has come across –

Melanie WHYTE: Yes, you have. You said you objected to the idea that there could be mental illness here.

Aiv PUGLIELLI: No, no, no. Being trans or gender-diverse is not a mental illness. That is what I have put to this committee, and I would say it is backed by fact.

Keiran O'NEILL: Would you acknowledge, though, that people experiencing gender distress could form a gender identity as a result of that gender distress?

The CHAIR: Thank you. Just from a parent's point of view, obviously there are schools and there are programs operating that may try to have a wellbeing and inclusion thing. Just following up from here, we are basically doing an inquiry – we are forming recommendations. So from a parent's point of view, what would you like to see and what kind of recommendations would you like to ask for and put forward, with the school structure as it is at the moment, with all the programs running at the moment. With, personally, your experience having your child going through that process, what would you like to see schools have in place and various programs have in place, as a parent?

Moira CHALK: Okay. There are probably a couple of fundamental things. We believe that the education department policy in this area around child safety and the involvement of families does not accurately reflect what is written in the law, particularly around the ministerial order. We also believe that the education department is not fully informed and is not getting a diverse range of views on this topic. So the primary thing that we would like to see is the policy being completely overhauled to ensure that it reflects the ministerial order, particularly in relation to the involvement of families in relation to the wellbeing affecting their child.

The CHAIR: So that is the child safety policy.

Moira CHALK: Child safety – I think it is point 4.1. The reference group that the department calls on for guidance needs to be reflective of the wider societal discussion and expectations. Watchful waiting, as we would like to have seen happen with our children, is increasingly being recognised as by far the safest option, and that should be incorporated into policy and practice and allowed for. At the moment there is all this talk of diversity and inclusion. Families like ours are not included.

The CHAIR: So a family being part of the information passed on –

Moira CHALK: Well, families must be informed unless there is a child protection process ongoing. The policy around management of LGBTQIA students also needs to be reviewed to allow for watchful waiting if that is what the family wishes to do. At the moment it demands affirmation.

The CHAIR: Keiran?

Keiran O'NEILL: Yes. So it is the mature minor process.

The CHAIR: Yes.

Keiran O'NEILL: That is what bothers me the most about what is happening with the education system at the moment. What I would like to do is I would like to I guess ask you to consider what message this sends to the child when they have actually been deemed a mature minor for the purpose of, we will say, social transition. Basically what it says is that other trusted adults believe that sometimes your parents cannot be trusted – it is very clear, yes – nor do they have your best interests at heart. When a child is socially transitioned without a parent's knowledge, that message of distrust is echoed and reified by the entire school community. There is no better way of driving a wedge between a child and the people that love them the most than this process.

The CHAIR: So the message needs to change basically –

Keiran O'NEILL: It needs to change, and there is no transparency at all. There is no documentation about when this is occurring. The parents find out at some random point, perhaps a year or two later, that this has actually occurred, yes.

Moira CHALK: The documentation processes I believe are also in breach of the public service record keeping requirements, so that needs to be examined. There is no mandate that social transition is documented. There is no mandate that the mature minor process is documented. There are no qualifications required from the person making the assessment of a mature minor, and there are no criteria that a child is assessed against. It is a process that was developed in the medical context – of a medical practitioner – and we have got people with no qualifications making that assessment.

The CHAIR: Okay. Thank you. Deputy Chair.

Ryan BATCHELOR: Yes, thanks. Are there any circumstances where you believe students using the mature minor concepts and policy can make decisions without reference to their parents?

Moira CHALK: Yes, I think there would be, and I think the mature minor process where it makes that distinction that it is very situational is valid.

Ryan BATCHELOR: What do you mean by that – 'situational'?

Moira CHALK: The decision that someone is a mature minor is situational to the decision at hand. So the process was I guess instigated around a medical practitioner deciding whether a teenage girl was able to make the assessment to take oral contraceptives. That is a completely different decision to starting on a –

Ryan BATCHELOR: Sorry, I mean in a school context. When I use the word 'student', I mean in a school. Do you think it is possible to use the concept in a school environment?

Moira CHALK: Possibly. It would be entirely situational, depending on what the decision was at the time, and I do not think gender transition in any circumstances would fit.

Keiran O'NEILL: With the sole exception where there has actually been some sort of issue raised to do specifically with the safety of that child. In the context that the child's safety is established as being at risk, then, yes, the mature minor process actually does make sense.

Ryan BATCHELOR: And in those circumstances, is it your evidence that child protection should be involved?

Keiran O'NEILL: Absolutely, 100 per cent, yes. In any other circumstance, again, you are presuming guilt without any charges being laid, yes.

Ryan BATCHELOR: And in the circumstances, in your experience, what elements of the process or the policy do you think were misapplied by the relevant schools?

Moira CHALK: There seems to be an assumption that the minute a child declares gender confusion that the mature minor policy should kick in straightaway. There does not appear to be the frame of mind that the parent should be consulted as the first step. There does not appear to be the knowledge within the education department of how complex gender distress is. There does not appear to be any understanding of assessment for autism, of looking at background for trauma – all of the other factors that feed into it.

Ryan BATCHELOR: So greater training and awareness of gender-related issues amongst school staff you think would be welcomed?

Keiran O'NEILL: Yes.

Moira CHALK: To the point where school staff need to be more aware of the factors that contribute to gender distress, yes, but in terms of making the assessment, no.

Ryan BATCHELOR: Thanks, Chair.

The CHAIR: Thank you. Moira.

Moira DEEMING: Thank you. Thank you so much for coming along here today – absolutely excellent submissions and incredibly moving. I feel very sorry for you as a fellow parent and as a teacher. I feel that you have been betrayed by the government and by the education system and by the adults who you entrusted to look after your own children, so I am just very sorry that that happened to you. I just wanted to point out – and you already know this, but it is more for people watching – that the concern that you expressed as parents can be classified as a safety issue, because they have reclassified any kind of questioning like that on this one topic as a possible act of family violence under the law. That is what this government has done. I do not think that schools can be trusted with the mature minor status, absolutely not. Like you said, we already have processes for when families are unsafe, and if they are unsafe in terms of family violence, then why did they send your child home to you if you were so unsafe that could not know about it? It makes no sense to me; it is ridiculous. It is a total abrogation of the social contract, I think. I just want you, if you are willing, to outline a little bit more about how you feel that parents have been treated and how they have been recast in the law and in society because of what you have experienced.

Keiran O'NEILL: Obstacles.

Moira DEEMING: Parents are obstacles?

Keiran O'NEILL: Parents are obstacles.

Moira DEEMING: To what?

Keiran O'NEILL: To, I guess, a child's independence, a child's right to self-determination. So that is very much my experience. I volunteer at the local primary school and have for years. I teach STEM on a voluntary basis. I tried to do that at the local high school, and they did not even know what to do with that. They just did not want me to be any part of that, and I do not know any parent that is actually involved with the high school I am talking about at any level. I do not think that is a mistake – I think that is actually quite deliberate. Every attempt that we have had to discuss my child's distress has been rebuffed. We sent an email, which I have got. When we found out our child had been socially transitioned, we asked for an explanation. We said, 'Why? Why was this done without our knowledge?' Of the nine or 10 of his teachers that we emailed, and the principal and the vice-principal, we did not one single response except for an off-the-record response from one of the teachers saying, 'Thank God you have finally raised this issue – this has been going on for years. There is a child being socially transitioned almost once a week here.'

Moira CHALK: And there is no record being kept in schools.

Keiran O'NEILL: There is no record being kept.

Moira DEEMING: I can confirm that. I did ask the Minister for Education, and he confirmed on the record that they do not keep records at all on this topic.

The CHAIR: Thank you. I am mindful of time, so do the committee want to ask any more particular questions?

Melina BATH: What time have we got?

The CHAIR: Melina, do you want to start your question, please?

Melina BATH: Thank you. Our terms of reference talk about the COVID pandemic, and I think you made reference to – you have noticed in your child or children –

Moira CHALK: Probably across the whole group, the vast majority, this would have come to a head during COVID or shortly after.

Melina BATH: And why do you think that? What have you seen there?

Moira CHALK: I think there was the disruption. As I touched on, the vast majority of our children are neurodiverse, and I think probably the disruption and changes with COVID were difficult for them. They were all spending a lot more time online. I think they were some of the contributing factors.

Keiran O'NEILL: Yes. Just as an example, when my child was in year 12 we managed to convince him to use his given name and female pronouns for a brief period of time, and that was actually going quite well. During COVID he exhibited increasing amounts of distress and went to see the school psychologist. The school psychologist informed him that if he did not transition, he had a 50 per cent chance of committing suicide, and I have got emails regarding that. My child's subsequent transition was an act of self-preservation. Clearly he did not want that. So yes, there were increasing amounts of online activity, I guess having your vision narrowed to these groups that supported you, of which most were obviously part of the trans community. And there was lots of support; I freely admit that it is a very supportive community.

Melina BATH: Melanie, is there something that you would like to say to us that you have been reflecting on?

Melanie WHYTE: I would like to say that my son is 20 now, and he recently told me that he thinks he should have waited before making such a permanent change.

Melina BATH: Thank you.

Keiran O'NEILL: Can I read?

The CHAIR: Yes, please feel free.

Keiran O'NEILL: All right – before making a permanent decision.

But now he doesn't know what to do, he has to deal with these now irreversible changes to his body, there's a high chance he's now sterile, he has permanent breast growth, he has had introduced an endocrine disorder to his body that he will have to manage for the rest of his life. If his school had approached this identification with some caution, some reservation, if they had discussed the international medical disagreement, the lack of evidence and long-term data, if they had talked about detransition, if they had discussed it with –

Melanie –

... maybe he would have waited, maybe he wouldn't have walked into a doctor's office within weeks of turning 18 and signing his 'informed consent' starting down this path of 'transition'. Transition to what? The school was not kind to my child, and my child was not safe.

The CHAIR: Thank you, Melanie. Joe, would you like to ask some questions?

Joe McCracken: I do not know where to start, because I can see that this has been an extremely emotional and traumatic experience for you and the young people in your care. As parents – five months. I cannot believe that happened. Clearly the state government has failed you by not including you as parents and on your rights in the future of your young people that you care for – you clearly care for. We had proponents of

the Respectful Relationships curriculum in yesterday talking about what they saw as the benefits of it. Do you have a view on that curriculum at all?

Moira CHALK: Yes, absolutely. I think the component of the Respectful Relationships program that addresses gender identity is simplistic.

Joe McCRACKEN: Why do you say that?

Moira CHALK: Because it does not touch on the complexity of what brings about gender distress. It gets as far as ‘some people don’t feel comfortable in their body and they might be trans’ – and that is it. Any discussion of gender identity should include discussion of all the known contributing factors, including autism, trauma, mental illness and same-sex attraction. If those discussions are not appropriate to have in the classroom with teachers or external providers not suitably qualified to have those discussions, then they should not be discussed in the classroom.

Keiran O’NEILL: We are very familiar with Respectful Relationships. We have gone through the entire Respectful Relationships curriculum, or at least the previous version of it, and what I can say is that parents are not considered trusted adults in Respectful Relationships. Of the instances where a father or dad is used, at the foundation level it was used to describe gender norms, problems and new situation scenarios; by levels one and two, grades 1 and 2, negative gender norm scenarios where parents are separating, talking to dad about coping strategies; by levels three and four, very negative scenarios and problems to deal with – so dad yelling, dad forgetting to pick up after school, dad involved in a big argument; and by grades 5 and 6, fathers were the perpetrators of violence and only presented in a negative context. So all of these problems that children are asked, ‘Well, what would you do in this circumstance?’ the family first and foremost is seen as the source of problems and supposed trusted adults are seen as the solution. If you wanted to drive a wedge between children and their family, this would be the perfect way of doing it.

Joe McCRACKEN: Can I ask one last question. If you had one clear message for the government, the Minister for Education, the Premier, what would it be?

Moira CHALK: Walk the talk. If you are going to be inclusive and diverse, be inclusive and diverse and include families like ours.

Keiran O’NEILL: Look at the evidence; step back and look at the evidence. What is the best approach to treating children with gender distress – just look at it.

The CHAIR: Thanks, Joe. Lee and Renee, any questions you would like to ask?

Lee TARLAMIS: I do not have any questions, Chair.

The CHAIR: Thank you. Renee?

Renee HEATH: Thank you so much for your very brave presentation. It has been very interesting to hear what you have said. I cannot imagine what it would be like to be going through the distressing situation that these children are going through, and they probably have a major fear of rejection. It is almost like the school is making that happen so they reject the family, when really in reality it is probably the things that make your kids unique that make you love them even more. So I am very sorry about that. I just wanted to know how your children have gone academically, and what supports would be needed specifically for children that are going through this sort of distress?

Keiran O’NEILL: I am estranged from my child and have been for two years. My child has not spoken with us for that period of time. Prior to coming out as transgender, he was teaching – he had a part-time job. Now, my understanding is he is on the NDIS and cannot work because of anxiety and depression.

Moira CHALK: My daughter is at uni. We have worked out that she is autistic. She has some learning disabilities. I would suggest that any child expressing gender distress needs to be properly assessed for all the other known factors, and the known factors are well documented, and that assessment needs to be done by a properly qualified professional. I would suggest that screening for neurodiversity is probably the first place to start. It is well known that autistic children have a greater tendency to be gender nonconforming and probably also more likely to be same-sex attracted, so some adequate screening rather than instant affirmation. It does

not mean you do not acknowledge their distress. Of course you do that, but there is a difference between acknowledging distress and providing support for that and instant affirmation, which to be honest is insulting.

Renee HEATH: Thank you.

The CHAIR: Thank you. Richard, one quick question.

Richard WELCH: Thank you for your time today. It is obviously extremely distressing, and you have been very courageous. I think one of the problems in this situation – we are talking about adolescents in particular – is that we have somehow entangled education, psychology and medical issues into the one conundrum, and the schools are the apparatus through which we are trying to solve it. How do we disentangle it? This is probably an unfair question: in your view, how do you feel we untangle those three interrelated things?

Keiran O'NEILL: To my mind we go back to teaching children mathematics and English and we remove things like the Respectful Relationships curriculum which basically is a proxy for parenting. It is teaching other people's values and throwing the values of the parents and the beliefs of the parents away. Schools should not be a place where activists get to basically throw various ideologies at our children. That should not be part of the education system. The values should be coming from the parents and the family unit; they should not be disrupted in that way by the education system, which is basically what this Trojan Horse of Respectful Relationships is doing.

Moira CHALK: I would probably add that I think all educators, and particularly wellbeing teams, need to be comprehensively educated on all understandings and aspects and approaches to gender distress. They also need to be educated on things like the change or suppression Act, because when a parent has had a discussion with wellbeing people and said that he wants to take a cautious approach and wants his child to access neutral psychotherapy, the wellbeing person has told him that is illegal. The change or suppression Act also talks about providing acceptance, support and understanding of a person and facilitating a person's coping skills, social support and identity exploration. I would guarantee that probably not one wellbeing person in the education department would know about that detail in the change or suppression Act.

Richard WELCH: Thank you.

The CHAIR: Thank you so much Keiran, Moira and Melanie for coming in and for your submission. It is something we will take into consideration as we move towards recommendations. I think that it is not just yourselves but that there are a lot of other parents in a similar situation as well, so it is definitely something we need to deeply look into in the recommendations. I would like to bring it back to you, though. On the other hand, as I said before, if there is any more information you want to forward to us, we would be happy to receive it. Again, thank you very much for coming in.

Keiran O'NEILL: Thank you so much for your time.

Moira CHALK: Thank you for having us.

The CHAIR: Could I ask Hansard to suspend, and we will take a break for 5 minutes.

Witnesses withdrew.