

Submission
No 8

**INQUIRY INTO EDUCATION LEGISLATION
AMENDMENT (PARENTAL RIGHTS) BILL 2020**

Organisation: Parents for Transgender Youth Equity

Date Received: 15 August 2020

The Hon Mark Latham, MLC
Chair
Portfolio Committee No. 3 – Education
Upper House Committees (Legislative Council)
Parliament of New South Wales

Via email: PortfolioCommittee3@parliament.nsw.gov.au

24 February 2021

Dear Mr Latham,

Re: Education Legislation Amendment (Parental Rights) Bill 2020

Thank you for the invitation to provide a submission regarding this draft bill.

We are a group of NSW parents and carers who seek to ensure all NSW transgender and gender diverse (trans) youth are treated with respect, fairness and equity in the same way that non-gender diverse youth are.

All children have a basic human right to an education in an environment free of persecution.

In light of this, we find it heartbreaking that in 2021 a NSW parliamentary committee has been established to explore the viability of segregating our beautiful trans and gender diverse kids and this same parliamentary committee will explore whether a select portion of the next generation of the NSW community should be entitled to a safe education or not.

This bill will exclude, segregate, deny, discriminate and 'other' our children in obtaining an education in NSW. Never did our organisation expect to submit a letter begging the NSW government to allow our precious children the ongoing right to a safe education environment.

This draft bill will force our trans and gender diverse children to either hide their transgender status at schools and/or cease attending schools to ensure their safety, respect and agency as individuals.

Every child has the right to a safe education. Unfortunately, this is already not the case for many trans kids due to lack of awareness and resources readily available to school peers and education staff in educating them on the natural existence of trans youth.

There are many trans youth across NSW who have had to change schools on multiple occasions as the education environment is not safe for them currently. This bill would only seek to make it worse for these kids as no education staff would be able to support them and their known gender. For trans youth who are currently supported at school, this bill would prohibit that support continuing to be given by education staff.

This draft bill, if enacted, would place all our beautiful trans kids in a situation where they have to either change schools or commence home schooling. This not only impacts on the child's education, but also the productivity and lives of the family of each trans youth. Home schooling means a parent must cease paid work to focus on their child obtaining an optimal outcome through their education. Alternatively changing school to attend as the child's known gender and not telling the school (as this bill would promote

secrecy and withholding information the school may need to otherwise know to keep our children safe) would likely require the entire family to relocate to a community where nobody knows them.

Either of these options would negatively impact on the child's mental health. They would have to leave the stability that they have found in the school and community. This would also impact their immediate family negatively in the same ways. We are unable to comprehend the guilt that a trans child would carry for them for the rest of their life as their courage in being who they know themselves to be has resulted in the family having to change their situation drastically.

We have previously addressed the current issues that trans youth face in educational settings in NSW in our correspondence to the committee dated 25 August 2020. We attach a copy of that correspondence to complement this letter as part of our submission.

We would be keen to have a representative appear before the committee to explain the impact firsthand that this bill would have on our beautiful children and us – their immediate family and answer any questions or concerns the committee may have.

We implore the committee to listen to the families of trans youth in understanding how disastrous this bill would be on the citizens of NSW that are caring for a transgender child. We also beg the parliament of NSW to cease indulging in 'exploring' bills that seek to harm children in NSW. Our children are not political footballs. They are beautiful children who often are unable to have their voices heard or come forward publicly due to the minority of loud voices who hesitate in accepting our children for who they are.

Yours faithfully,

Lannen Stapleton
She/Her
Executive Director
Parents for Transgender Youth Equity

Encl: Letter to Portfolio Committee 3 dated 25 August 2020

Portfolio Committee Three
NSW Parliament

By email: portfoliocommittee3@parliament.nsw.gov.au

25 August 2020

Dear Committee Members,

RE: Education Legislation Amendment (Parental Rights) Bill 2020

We are a group of NSW parents and carers who seek to ensure all NSW transgender and gender diverse (trans) youth are treated with respect, fairness and equity in the same way that non-gender diverse youth are.

We hereby provide feedback into the impact of this Draft Bill (Bill) and insight into the existing challenges trans youth and their carers face within the NSW education system.

As parents and carers across NSW we have witnessed the negative effects on our children and the family unit where education staff do not support our kids. When our youth transition and state they are not the gender assigned to them at birth they are already able to have their enrolment cease immediately if the school is a religious institution, regardless of the impact on the child, their family and the wider community. To extend this to all schools would magnify and widen the negative impacts across NSW.

The [student welfare](#) policy for all public schools in NSW would need to be removed should this Bill be assented as schools will no longer meet the personal, social and learning needs of all students and public schools would no longer be a safe, caring school environment in which students are nurtured as they learn. There are many stories of self-harming by teenagers in religious schools where those schools already share repeatedly with students a position that trans students are an abomination or similar. To extend this to public schools would introduce an effective restriction on trans youth from obtaining an education as they would not be safe at school.

Currently public schools in NSW strive for "[the learning experiences of students will affirm their individuality and be positive and satisfying](#)". If this Bill comes into effect this objective will not be met as the learning experiences of a lot of students will not affirm their individuality, will be negative and will be unsatisfying.

Our parents and carers currently spend an enormous amount of their own time educating public and private school staff on transgender issues, laws and requirements as staff do not currently have readily available and pragmatic resources to support them in supporting trans students. We already are in dire need of resources for all education staff to help trans kids fulfil their education potential.

The department's [Code of Conduct](#) and the individual school's discipline and welfare policy should be utilised where staff or students deliberately or repeatedly use names or pronouns other than the one provided by a trans student. This still does not occur consistently in all private or public schools despite being contradictory to most of the Legislative Provisions outlined in the Code of Conduct to the detriment of trans youth's safety in NSW school environments. It is a basic right for all humans (which includes children and adolescents) to have agency over their gender and have that respected. This Bill denies agency of gender which will increase tragic outcomes for many families.

Our kids are at an increased risk of bullying in the playground. [89% have experienced peer rejection and 74% have experienced bullying](#). Teachers denying a child's known gender is bullying and some of our kids' already awful school years will be intolerable. Education staff already consistently do not have the skills to intervene when a trans child

is being bullied as reported by parents and carers of trans youth on a (too) regular basis. This Bill entrenches bullying of trans kids by the entire school community.

Our kids in NSW are already in crisis with Sydney being the only capital city in Australia without a multi-disciplinary gender clinic. Where parents or carers might not be sure of their child's situation regarding gender, they are able to refer to a gender clinic in every other capital city around Australia for a rigorous individual assessment so that sound decisions moving forward are made for the individual child and in turn can be confirmed with the education facility. This enables all parties to work together so that child has the best possible chance of meeting their potential in a safe and affirming environment.

Schools that proactively seek out information to best support trans students find that there is quite a small adjustment for the school to make, in the experience of parents and carers. Having a trans student doesn't have to be a big deal as schools should not share transitioning details, it is just between the 'need to know' staff.

Exposing our children as trans without their agreement and/or intentionally making trans kids lives miserable and going against the best peer-reviewed recommendations on how to support our youth is unconscionable. Sadly, this is what this Bill does.

As parents and carers we already spend days absent from work talking with the school and educating them ourselves due to lack of resources. It's exhausting, expensive and lessens our contribution to society by having to undertake these tasks ourselves. This Bill also affects employers and productivity. We need to be productive in our employment and not spend working days anxious about our children's physical and mental safety whilst at school.

Currently there is no inclusive sex education in our NSW schools for anyone outside of the cisgender (non-transgender) heterosexual normative, and discredited models of human chromosomes are still taught! This leads to incorrect information and unsafe practices by our youth if they have not been comprehensively informed for their own individual circumstances. This leads to all youth having compulsory cisnormativity taught to them which leads to dangerous internalised transphobia. This Bill would put this necessary health and safety education even further behind than it already is.

The NSW Education department [defines bullying](#) as: Involving the intentional misuse of power in a relationship; It is ongoing and repeated and involves behaviours that can cause harm; and bullying behaviour also involves intimidation, victimisation and harassment, including that based on sex. **We ask the committee to consider if this Bill, on its own and in conjunction with other recent draft Bills, seeks to and does bully, 'other', isolate and segregate our precious trans children.**

The experience by our parents and carers is that the great majority of our community accepts our beautiful children. We are proud of Australia having an education model where all children are entitled to a safe education. We are also proud that NSW's public education system ensures all children learn our country is made up of different families and individuals including those who are gender diverse. We hope the committee will not proceed with this divisive and harmful Bill and instead join our families in bringing us closer together as one nation.

Kind Regards,

Lannen Stapleton
Pronouns: She/Her
Executive Director
Parents for Transgender Youth Equity

Darcy Stapleton
Pronouns: They/Them
Consultant
Parents for Transgender Youth Equity

The following links are to academic resources outlining best practice support for transgender and gender diverse youth:

1. Australian Standards of Care and Treatment Guidelines for trans and gender diverse children and adolescents- The Royal Children's Hospital. As published in the prestigious medical journal, The Lancet:
<https://www.rch.org.au/uploadedFiles/Main/Content/adolescent-medicine/australian-standards-of-care-and-treatment-guidelines-for-trans-and-gender-diverse-children-and-adolescents.pdf>
2. Synthesis of findings from global literature on trans children in primary and secondary education
<https://www.frontiersin.org/articles/10.3389/fsoc.2020.00067/full>
3. Australian Psychological Society Information Sheet: Transgender and gender diverse children:
<https://www.psychology.org.au/getmedia/03213f59-9b8f-45b9-8575-2605958fd791/Trans-and-gender-diverse-children.pdf>
4. Trans Pathways Summary. How to reduce risk factors that impact on trans youth. Recommendations for Australian Governments, medical and mental health services, schools universities and TAFE and parents:
<https://www.telethonkids.org.au/globalassets/media/documents/brain--behaviour/trans-pathways-summary.pdf>
5. Mental health of transgender children who are supported in their identities
<https://pediatrics.aappublications.org/content/137/3/e20153223>
6. Australian psychological society- Supporting transgender and non-binary people in Australia
<https://www.psychology.org.au/for-members/publications/inpsych/2019/august/Supporting-transgender-and-non-binary-people-in-Au>
7. Gender dysphoria affirmative working group- A discussion page for Medical and Mental health professionals, academics, researchers, activists, and Allies supporting transgender and gender nonconforming youth
<https://www.gdaworkinggroup.com/>
8. Podcast- The science of being transgender
<https://qimletmedia.com/shows/science-vs/i4hl23/the-science-of-being-transgender#episode-player>
9. Preventing harm, promoting justice: Responding to LGBT conversion therapy in Australia
<https://static1.squarespace.com/static/580025f66b8f5b2dabbe4291/t/5bd78764eef1a1ba57990efe/1540851637658/LGBT+conversion+therapy+in+Australia+v2.pdf>
10. Anti-discrimination board of NSW- it is discrimination not to have your gender recognised by government departments
https://www.antidiscrimination.justice.nsw.gov.au/Pages/adb1_antidiscriminationlaw/adb1_types/adb1_transgender.aspx
11. NSW Education Department- Transgender students in schools
<https://education.nsw.gov.au/about-us/rights-and-accountability/media/documents/public-legal-issues-bulletins/LIB-55-Transgender-students-in-schools-legal-rights-and-responsibilities.pdf>
12. Getting treatment for transgender youth
<https://www.iclc.org.au/wp-content/uploads/2019/06/Getting-treatment-final-version-1-August.pdf>
13. Justice Connect: Fact sheet for transgender youth in NSW about discrimination:
<https://justiceconnect.org.au/wp-content/uploads/2019/03/Fact-sheet-How-to-deal-with-gender-discrimination-NSW-1.pdf>
14. Justice Connect: fact sheet for transgender youth in NSW about school
<https://justiceconnect.org.au/wp-content/uploads/2019/03/Fact-sheet-Your-legal-rights-at-school-NSW-1.pdf>
15. The first Australian national trans mental health study, summary of results- mental health issues are due to poor treatment by others and their environment and not due to being transgender
https://www.beyondblue.org.au/docs/default-source/research-project-files/bw0288_the-first-australian-national-trans-mental-health-study---summary-of-results.pdf?sfvrsn=2
16. Homophobia, conversion therapy, and care models for trans youth: defending the gender-affirmative approach. Florence Ashley. Journal of LGBT Youth, 2019.
<https://www.growkudos.com/publications/10.1080%25252F19361653.2019.1665610/reader>