

**Submission
No 12**

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

Organisation: Rainbow Families NSW

Date Received: 25 February 2021

About Rainbow Families NSW

Rainbow Families NSW was formed in 2015 as the peak body for lesbian, gay, bisexual, transgender, intersex, queer and asexual (LGBTQ+) families in NSW.

The mission of Rainbow Families is to build a community that fosters resiliency by connecting, supporting and empowering LGBTQ+ families. Rainbow Families has a growing membership and includes people from across NSW.

Rainbow Families is an incorporated organisation, governed by a constitution which provides a structure for how the group operates.

What is a Rainbow Family?

A Rainbow Family is a same-sex or LGBTQ+ parented family.

At Rainbow Families, we define a Rainbow Family as: any lesbian, gay, bisexual, transgender or intersex person who has a child or children; or is planning on having a child or children by way of donor insemination (known or unknown), surrogacy (altruistic or commercial), foster care, foster to adoption, adoption (domestic or international), opposite sex relationship, co-parenting or other means.

Rainbow families, like many modern families, come in all shapes and sizes and are formed in many different ways. But the thing we all have in common is that our families are created through love.

Over thirty years of peer reviewed research into same-sex parented families shows that children from these families do as well as their peers from heterosexual-parented families.

For the community, by the community

Rainbow Families is a volunteer-led organisation, providing a network of support to children and families within the NSW LGBTQ+ community.

Introduction

Rainbow Families NSW opposes the *Education Legislation Amendment (Parental Rights) Bill 2020* ("the bill") on the basis that it is discriminatory, divisive, harmful and unnecessary. The bill attacks the basic human right of all students to be treated with dignity and respect and to feel safe and supported at school. This piece of legislation would undermine a strong education system that helps children understand a complex world and equips them to function in it.

An inclusive and supportive school environment is very important to members of the LGBTQ+ community. Rainbow Families NSW consulted our communities about how the bill would impact on our families. In our survey we asked:

- 1. Under this Bill parents would be able to opt their kids out of any lessons at school that touched on gender or sexuality. In theory, this could mean parents could opt their children out of such innocuous activities as a kids talking about coming from Rainbow Families, a kid giving a talk about their parents' same-sex wedding, any discussion of Mardi Gras, or any sort of recognition of other LGBTQ+ related issues. What would this mean for your family?**
- 2. The bill prohibits schools from teaching that trans and gender diverse people exist and should be treated with respect. The Bill would ban discussion and education in schools about trans and gender diverse people and trans and gender diverse issues. What would this mean for your family?**
- 3. The Bill puts teachers and school staff at risk of losing their job when they support a trans or gender diverse student in affirming their identity. What would this mean for your family?**

The concerns expressed by our communities and our more general concerns about the bill are set out below.

The bill would deny validation and support for trans and gender diverse children

For children who are trans and gender diverse, the experience of having their gender identity denied rather than affirmed has a profoundly damaging impact on their wellbeing. Reinforcing a rigid gender bias simply does not reflect the reality of the world we live in and invalidates the existence of those who do not fit within it. The bill relies on scientifically flawed beliefs about the relationship between biological sex and gender. The fact is that trans and gender diverse children attend NSW public schools and some children have trans and gender diverse parents and carers as well as extended families and friends. Children who are trans and gender diverse have as much right to be valued for themselves and their families as any other child. This bill does the very opposite by denying the existence of

trans and gender diverse people. Prohibiting discussion about gender diversity does not make it go away, it deprives vulnerable and marginalised people of validation and support.

This alienates students from their peers, and may convince them to repress their feelings -- repressing these feelings may lead to suicide ideation and self harm.

Trans child

This would exclude my daughter at school and her friends who identify, the current school celebrates diversity and even has a day where LGBTQ are recognised. Not being allowed to be celebrated or validated in their identity at school would be mentally and socially devastating for a child or teen.

Gender Diverse. Parent of a child/teen with friends who identify as gender diverse

My partner is trans and I am nonbinary. Lack of education means that when we walk down the street we are looked at with curiosity, surprise and disgust. it means my soon to be born child faces the potential to be bullied by other kids. The potential for other parents to prevent their children from having playdates at ours or attending birthday parties. it means that my child could hide the truth in order to fit in. my child is probably at higher risk of mental health issues because of the stigma society and this bill imposes on our family.

pansexual, nonbinary parent to be in less than 7 months

The world view reflected in Mr Latham's bill is predicated on the notion that gender fluidity is a 'fad' or 'folly', or a cultural construct which assumes that wiping out discussion about it will wipe out gender diversity.

Proud, loving two dad parents of a wonderful little girl.

Trans people exist. Teaching kids they don't hurts the kids themselves as well as the trans community. For me this comes back to of my kids come out, or if they are trans they should feel this is a normal and acceptable thing to be. Because it is.

Queer mum.

The bill encourages discrimination against trans and gender diverse children

People who are trans and gender diverse are more likely to be marginalised in broader society but school should be a safe place. This bill will make it less so. Schools have a responsibility to promote inclusion, not entrench discrimination. Vulnerable children will be further marginalised if are not able to rely on effective anti-bullying policies that are based on respect for difference.

By actively denying trans and gender diverse people respect or even acknowledgment, the school system would be actively teaching our children to discriminate against our friends and community. The behaviour that would be allowed by this bill would be divisive. It would undermine values of equity and fairness, and erode respect for diversity and individual identity.

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Gay parent

We need to ensure that all children feel cared for and included in the school environment. Some people use religion as an excuse to abuse and denigrate people they do not understand. This sort of Bill gives people permission to treat people from minority groups badly. We do not want to encourage children to do this. It is bad enough when adults act in this fashion.

lesbian mum, grandmum and foster parent

It would mean the same as if there was a law banning discussion of people of other races or ethnicities, or of those with a disability. I want to raise a family that respects and embraces differences. And I want trans and gender diverse families to know that they are welcome and respected.

Lesbian mum

The bill will prevent children learning acceptance of trans and gender diverse people

Parents in our community place importance on raising our children to understand and accept diversity and to treat all people with respect. This is undermined by what they see as an atmosphere of exclusion and lack of acceptance that the bill encourages. Under the bill, all children would be denied the opportunity to learn about and develop empathy and understanding of trans and gender diverse people.

Parents are concerned about what this bill would mean if our children were to identify as trans or gender diverse when they were older and for other children who do. It cannot be taken for granted that children can seek help elsewhere. Additionally, it cannot be taken for granted trans and gender diverse children are safe to seek support from their families. Some children come from families that are not equipped to teach their children about diversity, so it falls on the school system to guide them to interact respectfully with other children.

When children see vulnerable children struggling without support, it sends a damaging message. The bill normalises the isolation of trans and gender diverse children, actively seeking to prevent inclusion and remove the opportunity for students to understand a difference in lived experience. This artificial silence constructed by the Bill has the potential to undermine a child's sense of safety and security at school. This is an issue for all parents.

Kids learn racism, sexism and homophobia from their peers and parents. We can only end this by making it clear to this generation that there is nothing to fear about being different

Gay parent

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and embraces differences. And I want trans and gender diverse families to know that they are welcome and respected.

Lesbian mum

Thus far my children identify as cis-gendered and heterosexual but we all believe we benefit from everyone feeling comfortable and included and that it's important that all children have the same rights and respect. None of us are free until all of us are free!

Ally

Our children are young still and gender is not yet a concern but we are teaching them to treat everyone with respect, those who are similar and different in their experience and attitude. We want our children to grow up in a community that promotes peace and generosity to all genders, cultures and beliefs. It's vital that gender diversity is included in this, particularly in schools and educational settings.

Queer parent

My son, and all other children would not have the opportunity to learn about these different identities, and will not benefit from this opportunity to develop empathy and understanding towards trans and gender diverse persons. This will reinforce rigid gender norms which is contrary to our family values.

Lesbian mum, teacher, psychologist

The bill would prevent children from talking about their families in a safe and supported way

Although society has become more accepting of diverse families, many LGBTQ+ families continue to experience marginalisation in the general community. Parents in the LGBTQ+ community work hard to counter this by instilling in their children a sense of pride in their families. LGBTQ+ parents find ourselves playing an educative role with our children's daycare, pre-school and schools to ensure our children feel included and valued. In many cases, our efforts smooth the path for other families who follow us.

As children of LGBTQ+ families get older, they take on the role of educating other children who may not have learnt about diverse families. This is a heavy burden for a child to carry, and even more so if they do not have the support of their school.

LGBTQ+ parents see this bill as undermining our efforts to build a more inclusive environment for our children. Our survey responses demonstrate the exhaustion inherent in the work of having to justify our relationships and families. Our communities do not want our children to go through what we went through.

My Kindergarten child is proud of his family and tells us how much he loves having two mums. He talks openly with his peers in class about our family and how he looks forward to his mothers getting married. We will not have another generation growing up to feel ashamed of who they are.

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Lesbian two parent family with 2 children. Primary school teacher and Registered nurse.

This would expose our child to the same invalidation we endured during our school years and beyond, depriving them of the opportunity to have their lived experience recognised and affirmed in the same way that kids from non same-sex parent families do without even having to be aware. We remember how much it meant when our stories and experience were first reflected on mainstream media, in commercials, in Television shows, and how it felt to be seen and acknowledged. Our children deserve the same validation regardless of their sexuality, sexual orientation or gender. It makes me so sad to think that we have to still beg just to have our experience 'accepted' or 'tolerated'.

Proud, loving two dad parents of a wonderful little girl.

This would be devastating for our family. We have worked hard for the last 6 years to create a sense of identity for our daughter and with this knowledge and sense of security she is thriving. Part of her story is about having two mums, a donor and a wonderful extended family. She proudly tells stories of our wedding, marching for gay marriage, love makes a family and many more. If children are allowed to get up and leave when she shares these stories she will be heartbroken. She has a right to be proud of who she is.

Lesbian mum

This would force our son to be in the closet with respect to his two dads. Where his current day care celebrates parents of all permutations, a future school where this non-heteronormative parents appear as outlaws will cause devastating trauma to his own sense of family, belonging, and place completely unnecessary strain on our family bonds.

Gay parent

My young daughter is included at her daycare, they are open about her having two mums and tell inclusive family stories. This means the world to us, to know that she will grow up knowing that there is nothing wrong with her and her family, and that all families are different. This bill threatens to take this away from her. My daughter should not be made to feel insecure simply because she has two mums. There is nothing wrong with our family, we are truly just like every other NSW family.

Lesbian mum

My wife and I have a daughter in High School. She has to come out all the time too... "I have 2 mums...My mum is gay... I was conceived with Donor Sperm... Know how tiring it is coming out all the time? Try being 11, in Year 7 and doing it, and not having the Education Department behind you, the Law behind you and this Bill encourages people with narrow minded attitudes to prosper in their discrimination and bigotry.

Lesbian Mum

Feeling excluded and stigmatised would impact on children's wellbeing

Parents are concerned that if children are not able to speak openly about their families, it sends a message that their families are of lesser value than other families. Teachers would be required to shut down children talking about what they did on the weekend with their two mums or two dads. Children who have been supported to talk about their families at day care or preschool would be confused about why they cannot do it at school. They will not understand why they are excluded from sharing ordinary conversations with their school mates.

Parents resent the notion that a child talking about their family is ideological. The child's reality needs to be acknowledged and accepted, not stigmatised. The idea that children would have to hide who they are because they do not feel that it is safe to share is heartbreaking for parents. Internalising the feeling that there is something wrong with them will impact on children's mental health and their capacity to learn and participate in the school community.

It would lead to an overarching atmosphere in which rainbow families, and the kids that belong to them, feel excluded and less valued or less able to talk about their families, parents, friends and their experience in a supportive or positive way. my daughter should be able to talk about her two gay, married Dads openly and proudly without facing discrimination from other students or teachers at her school.
Married gay father to toddler girl

This could mean our son would be silenced from discussing his family in class, lest it be viewed as an "ideological discussion". If our son was teased for having a different family structure, for example, this would effectively silence school staff from advising students that it is not ok to tease someone about being from a rainbow family as this is perfectly ok and normal.
Lesbian Mum, Teacher, Psychologist

In schools it could lead to bullying and stigmatising of students from rainbow families as those opting out for religious reasons would feel superior. This should not happen in government schools that should support the equality of all and not allow some to be made to feel less.
Gay dad parent of two children.

This would make children from Rainbow Families feel marginalised and of less value than children from other types of families. It will also allow children who have parents who discriminate against LGBTQ people, the opportunity and the perceived permission to say cruel and vicious things. Children who do not feel valued cannot learn as well as they should. All children should feel valued and proud to share their stories. We encourage this in children from other cultures so why not in children living in LGBTQ families?
Lesbian mum

It would create anxiety in young people who will internalise that there is something wrong with them and/or their families. This could be expected to generalise to them never being sure what was OK to talk about or share and what is not. This is not a healthy situation for any children or young people to be in.

Grandparent of a trans child, Parent of a lesbian daughter, Psychologist working with young people, and friend of many diverse individuals and families.

It would mean that our family and our children are stigmatised, made to feel bad or wrong and encouraged to hide themselves from their peers. Ultimately this is likely to impact on their physical and mental health and wellbeing.

Queer parent

This bill would allow discriminatory behaviour that would impact on our children's sense of self-worth in their daily school experience. This would in turn undermine their focus on learning and their likelihood of success in school and life.

Gay parent

This bill would expose our children to hateful discrimination against LGBTQ families and people. It would limit their understanding of their peers and of people in our LGBTQ community.

Gay parent

The bill would expose teachers to punitive measures for supporting vulnerable students and promoting inclusion

The bill could have the very real and immediate consequence of threatening a teacher's job and capacity to support themselves and their family. Some members of our community are teachers and school counsellors and are worried that they would not be able to support their students without putting their employment and accreditation at risk. Under the bill, teachers and school counsellors would be punished simply for meeting their duty of care to students and for promoting an inclusive environment.

The bill does not provide any guidance on how teachers should deal with homophobic or transphobic bullying without being able to discuss the relevant issues. Teachers who have worked hard to promote equality and acceptance will be forced into a situation of treating children unequally because they are not able to give recognition to a child's gender identity or their family structure.

Teaching does not occur in a vacuum but in response to the needs of students. It is also not limited to what happens in the classroom as the duties of teachers extend outside of school hours. As such teachers frequently respond to variety of situations including bullying, exclusion, and the expression of views that are homophobic or transphobic. Children ask questions about things that are happening around them and what they see and hear in

the media. Teachers need to be able to provide moral and ethical guidance in response to all these things without fear of professional consequences.

It is particularly concerning that the bill applies to school counsellors. It is difficult to see how counsellors can fulfil their professional responsibilities if they are prevented from talking about issues a child is seeking guidance in relation to.

I am employed by DOE this would have serious mental health consequences for me at work with me performing my job and with my colleagues.

Gender Diverse parent of a child/teen with friends who identify as gender diverse I am a primary school teacher. It is my job to be inclusive of ALL students and to foster their positive self esteem.

Lesbian two parent family with 2 children. Primary school teacher and Registered nurse.

I identify as non binary and my many students do as well. Our wellbeing team are devoted professionals who give support in a school setting to set standards of acceptance and equality and support some students that have no family support with their identity. If this service was taken away, this would be extremely difficult for students to manage emotions, mental health, friends, pressures at school, and perhaps the most defeating bullying that would occur from not acknowledging the complex issues teens go through whilst identifying within the lgbtqi spectrum.

Gender Diverse. Parent of a child/teen with friends who identify as gender diverse As a psychologist working in schools, I could be at risk of losing my registration as a psychologist, as in refusing to support a gender diverse child or young person (which I assume would include referring them to an appropriate external service), AHPRA may view complying with this as a violation of the APS code of ethics.

Lesbian Mum, Teacher, Psychologist

I am a teacher and over the years I have had children in my class from all types of rainbow families, gay dad families, trans families and lesbian families. It has been so positive to see how all children except the children of rainbow families and develop an understanding of yes our families may be different but they are all equal. To stigmatise certain types of families and people and not be allowed to talk about them would be detrimental to all children whether from straight or gay/gender diverse families as children do not naturally discriminate they are accepting of all. They only discriminate if they are taught that it is ok to do so. Also for trans or gender diverse students it would further impact on their mental health not being able to talk about who they are.

Gay dad parent of two children

My husband is a teacher and would find it very hard not to offer support to trans or gender diverse students who were facing bullying or who were struggling to understand their identity, especially if the trauma was having a detrimental effect on their overall well being, and physical/mental health.

Married gay father to toddler girl

Parents want teachers to support their children

Parents want teachers who care for and nurture their children. They have enormous respect for the role that teachers they play in their children's lives and they want to support the important work they do. Children look to their teachers as role models and the reality is that they are significant adults in children's lives by virtue of the amount of time spent with them. Parents want to know that their children and others will be able to seek guidance from a teacher when needed. They are conscious of the fact that not all children have access to safe adults and will seek out a trusted teacher. They want to be assured that teachers will be able to give children the support they need, particularly if they are experiencing bullying due to their gender identity or family structure.

Supporting kids identity is huge for their mental health. If kids are committing suicide because they cannot get that affirmation at school that affects the whole community.

Queer mum.

We support teachers who stand against persecution and bullying for any reason, including gender, sexuality and sexual orientation. These teachers should be affirmed, not censured.

Proud, loving two dad parents of a wonderful little girl.

Teachers can be great supports And role models for our children. When they model tolerance and diversity children learn that this is ok.

Gay parent

Teachers are the second most important adult relationship that children under 10 form. How then can my child be protected and nurtured in an education setting to become the best version of themselves if their teacher gets fired for teaching what is essentially "how to be a good human".

Bisexual mum

Should our son or any of his close friends be trans or gender diverse, a lack of key support and informed guidance from a person arms length from their inner circle will drive a sense of hopelessness for that person. Teachers should be empowered to take a young person's trust and channel that to meaningful assistance, without their very livelihood being placed at risk.

Gay parent.

Teachers spend up to six hours a day with our children. They have enormous influence on them and are there for them when they want to explore questions and ideas of society and personal development. Every child has the right to feel safe all

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the time. They must feel safe to ask their teachers questions relating to diversity and sexuality in appropriate forums. In turn, this safety is only possible if teachers have the freedom to respond appropriately without fear of repercussion. I want my children to be able to approach teachers without shame or fear of repercussions for asking a question. In a secular and inclusive school system they should be able to expect a discussion that is not constrained by a conservative and mean-spirited ideology.
Gay parent

The bill is an attack on a strong, quality and inclusive education system

Some parents are concerned the bill would threaten the positive experience they have had in the public school system. Parents send their children to NSW public schools with the expectation that they will be inclusive and value each child equally. Schools have a role in preparing children to be part of the broader community. They are an important influence on how children develop relationships with a range of people outside their families.

Learning is not just about the transmission of content from teacher to student. Students learn how to weigh up competing views, ask questions and think critically. They learn how to form their own view and to listen to and respect the views of others. These are vital skills that equip children for the workforce and to participate in society more generally. They can only develop in an environment that encourages open and respectful discussion. Gagging discussion on important issues is not compatible with a vibrant, thriving educational community. We note concerns expressed by the Legislative Review Committee (report dated 15/9/2020) that the wide restriction on what can be taught will potentially impact on the broader school community by inhibiting on discussion.

Parents who send their children to public schools have an expectation that they will be secular and not compromised by religious ideology. We note that the Bill explicitly excludes Special Religious Education from its application, thereby allowing ideology to remain in schools in the form of religious instruction. Some of these religions are not supportive of the LGBTQ+ community, injecting the school with an influence that will not be countered by discussion about equality and human rights for LGBTQ+ people.

There is nothing wrong with talking about diversity. All it can lead to is greater tolerance. My teenage daughter is of Asian heritage and lives with her two fathers. She has faced slurs and bullying because she is different for years. She suffers on a daily basis and it's already so hard to get her to value going to school. We need stronger legislation that makes such intolerance in schools completely unacceptable, not the reverse
Gay parent

My young granddaughter has enough mixed messaging and misunderstanding to deal with. School should be a chance for her to learn and growth and gain confidence in being who she is. School years should provide a safe place to ALL children, and should model acceptance and trust in our community.

Grandparent of a trans child, Parent of a lesbian daughter and Psychologist working with young people, and friend of many diverse individuals and families.

It would go against the public school philosophy of encouraging acceptance, tolerance and peaceful relationships between students, and the acceptance of difference as a life skill we need to learn.

Married gay father to toddler girl

My partner and I have two children in kindergarten at a public school. We have chosen to send our children to government schools because they are meant to be inclusive and secular. So far our school experience has been very positive: teachers have taken care to ensure that every family at the school is treated and valued equally, and our children have been able to celebrate and be proud of our family.
Gay parent

This not only stigmatises our family but marginalises us in a community and society (and politics) that hides behind a religious dogma to demonise the essence of who we are as humans and our right to form relationships that feel right to us. The world has not ended because I fell in love with a woman despite being in heterosexual relationships previously. This bill brands rainbow families as "less than" in some eyes and pollutes the law and education with religious bias.

Bisexual mum

The bill is misconceived, poorly drafted and unworkable

The bill relies on vague concepts such as 'parental primacy', 'core values' and 'social and political values' which potentially extend the reach of the bill to extraordinary lengths. We agree with the comments of the Legislative Review Committee (report dated 15/9/2020) that the power given to the NSW Education Standards Authority to revoke accreditations too wide and ill-defined. Requiring the Authority to monitor compliance is a misuse of resources that would be much better applied to improving the educational outcomes of children.

Teaching in a way that accommodates 'parental convictions' places an enormous burden on teachers. There is no guidance on how they would reconcile disparate and competing views amongst parents or prepare lessons to agree with a range of parental views. There is no recognition of the fact that the views of many parents support diversity and inclusion. In any event, the right of children to feel safe and supported at school should be prioritised over rights of parents to exert their views.

As well as stigmatising children from diverse families, allowing parents to withdraw their children from teaching on topics they disagree with, will be an administrative nightmare for schools and disruptive to children's teaching.

The notion of 'non-ideological instruction' is misguided and the inference that teachers are unable to separate their personal views from their teaching responsibilities is insulting. There

is no evidence of widespread community concern that teachers are pushing their personal agendas onto children. There is an inherent contradiction in inviting parental views to dictate what is taught at the same time as purporting to remove ideology from the classroom. The bill is coming from an ideological position that is not acknowledged.

Conclusion

The bill is out of step not just with the expectations of the LGBTQ+ community but those of parents and others in the broader community who value an inclusive and fair school system. The bill would harm vulnerable children and deprive other children from learning understanding and acceptance. The bill is an attack on the public education system and its capacity to deliver outcomes for all children. There is simply no place for a such a divisive and potentially damaging piece of legislation in our society.