

**Submission
No 20**

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

Organisation: Youth Action
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Inquiry into the Education Legislation Amendment (Parental Rights) Bill 2020



**Youth Action's Submission to the Portfolio
Committee No. 3 - Education**

Acknowledgment of Country

Youth Action acknowledges the Traditional Custodians of Country throughout Australia and understands that sovereignty was never ceded. Our office is located upon the land of the Gadigal people and we recognise their traditional and ongoing Custodianship and pay our respects to Elders past, present and emerging.



Youth Action
Suite 401, 52-58 William St
Woolloomooloo NSW, 2011 Australia
(02) 8354 3700
info@youthaction.org.au
ABN 17 209 492 539

About Youth Action

Youth Action is the peak organisation for young people in NSW and the youth services that support them. Our work helps build the capacity of young people, youth workers and youth services, and we advocate for positive change on issues affecting these groups.

It is the role of Youth Action to:

- **Respond to social and political agendas relating to young people and the youth service sector.**
- **Provide proactive leadership and advocacy to shape the agenda on issues affecting young people and youth services.**
- **Collaborate on issues that affect young people and youth workers.**
- **Promote a positive profile in the media and the community of young people and youth services.**
- **Build capacity for young people to speak out and act on issues that affect them.**
- **Enhance the capacity of the youth service sector to provide high quality services.**
- **Ensure Youth Action's organisational development, efficiency, effectiveness and good governance.**

Introduction

Youth Action welcomes the opportunity to make this submission to the Portfolio Committee No. 3 - Education Inquiry into the Education Legislation Amendment (Parental Rights) Bill 2020.

Youth Action strongly opposes the Education Legislation Amendment (Parental Rights) Bill 2020, echoing the concerns of young people and other organisations working alongside us. This Bill diminishes the ability of teachers to provide a high-quality education to all students. It also threatens the safety and inclusion of young people in the classroom, in particular gender diverse and intersex students.

Our submission focuses upon young people's experience in the education system and the critical role played by teachers in students' academic, personal and social development. One of Youth Action's principles is always involving young people in the preparation of our submissions. However, we decided not to do that in this case as we were concerned the divisive and discriminatory content in this Bill, along with the implications of its passage, would create unnecessary anxiety and distress for young people and risk potential significant negative impacts for their mental wellbeing.

A 24-year old Western Sydney teacher contacted us to share their experiences in education and as a young person. They had such grave concerns about this legislation we have decided to include their comments. These views reflect the concern of many we have heard from.

Recommendation

Youth Action recommends that the NSW Parliament strongly oppose the Education Legislation Amendment (Parental Rights) Bill 2020.

Impact Upon NSW Young People

This Bill diminishes the ability of teachers to provide a high-quality education to all students.

Youth Action is significantly concerned about the remit of the Education Legislation Amendment (Parental Rights) Bill 2020 and its harmful impact upon young people in NSW. Its impact upon teacher's ability to provide tailored learning and support to their students, as well as the restrictions it imposes upon classroom topics, is not in the best interests of young people.

Teachers and the school environment play an essential role in the development of young people's identity, values and future direction. This, combined with the ongoing role of peers, teams and other groups, facilitates a young person's identity formation and decision-making about their future (Abbasi 2016). However, this Bill hinders classroom conversation and student development on matters including "moral and ethical standards, political and social values, and matters of personal wellbeing and identity." Despite being deemed by the Bill as "matters of parental primacy," discussion of contemporary issues in the classroom is important for a young person's development. Teachers should not be forced to restrict their student's learning by avoiding topics such as climate change, non-nuclear families or religious diversity.

Teachers must be able to respond to individual learning needs and topics as they arise. One study of a regional NSW high school emphasised the importance students place on their teachers "catering for their disparate learning needs" (Scanlon 2015, p. 129).

To ensure that teachers can continue having a positive impact upon all children and young people in NSW, teachers should not be made to fear the compliance issues and potential disciplinary action proposed by the Bill, when simply performing their teaching duties. In addition, the requirements imposed by the Bill to teach counter-narratives threatens their credibility and positive teacher-student relationships.

“Students have so much access to information outside of school and home environments. Our students want to talk about Black Lives Matter and Climate Change. They have access to all of this information on TikTok, Instagram and other platforms. If teachers are restricted from talking about certain topics, this will position the teacher-student relationship as inauthentic and out-of-touch... Our school is diverse, and students should share and learn a diversity of stories and experiences”

“Sometimes home life is not an accurate depiction of how the rest of the world thinks. If you come to school and nobody else speaks about what you learn at home, you develop a false understanding of the world around you”

This Bill threatens the safety and inclusion of young people in the classroom, in particular gender diverse and intersex students.

Youth Action emphasise our focus on children's rights and would like to highlight that the effect of this Bill is contrary to the rights of all children to an education. Article 29(1)(d) of the Convention of the Rights of the Child states that "the education of the child shall be directed to... the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin" (United Nations 1989). In contrast, the educational approach proposed by this Bill is divisive and discriminatory.

Higher levels of domestic and family violence, alongside mental illness, exacerbates the importance of safety and support for these students in the school environment. It is known that home is not a safe place for many young people in NSW, especially LGBTIQ+ young people. A recent study identified that LGBTIQ+ people "under 25 were 4.5 times more likely to be at risk of domestic and family violence than those over 25 years" (Gibson et al 2020). In addition, "72% of people aged under 25 years who were at risk of domestic and family violence lived exclusively with their families of origin" (Gibson et al 2020). Trans people experience particularly high rates of psychological distress, with The Royal Australian & New Zealand College of Psychiatrists reporting that "suicidal ideation is experienced by 20% of trans people" (2019). Teachers need to be able to acknowledge and support gender diverse and intersex students.

Teachers should be positioned to provide comprehensive education to all students, including gender diverse and intersex students. No teacher should face disciplinary action or risk losing their job because they affirm a trans student. Restricting teacher's ability to teach, respond to bullying and present material in relation to gender diverse and intersex issues will create exclusionary and unsafe teaching environments.

“One of our students, who is transgender, has now been provided with pathways for them to learn with support. It is an easy process for teachers to use correct pronouns, names, and provide learning to trans students like any other student. Last year, this student spent the year depressed, with their hair in front of their face, absent for the majority of the second half of the year. Now they attend every day, complete work and are engaged with teachers. They feel in control of their identity and respected. To dismiss a trans student will mean that learning will not happen, as they will not feel happy or safe”

“All young people deserve equal opportunity, and the classroom needs to be a safe environment for learning to happen. A discriminatory learning environment will not only damage trans students but also the classroom culture”

Conclusion

Youth Action would also like to express our disappointment surrounding the process of this inquiry. The online questionnaire failed to ask questions pertaining to NSW students experience of the education system. Rather, questions were subjective, biased and distracted from the implications of the Bill. This was particularly the case with questions 3, 4, 5, 6 and 7. Additionally, we believe the requirement for an invitation before an individual or organisation could make a submission hindered broader stakeholder participation.

In order to ensure young people in NSW receive a high-quality, safe and inclusive education, Youth Action reiterates our recommendation that both the Committee and NSW Parliament strongly oppose this Bill. Parents already have an enormous impact upon their children's education. This Bill would have a damaging impact upon teaching and cause harm to gender diverse and intersex students.

References

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