

Submission
No 22

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

Organisation: ReachOut Australia

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Submission to the NSW Legislative Council regarding the Education Legislation Amendment (Parental Rights) Bill 2020

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ReachOut Australia

Suite 2.04, Building B, 35 Saunders Street, Pyrmont NSW 2009

T: +61 2 8029 7777 • E: info@reachout.com • W: ReachOut.com/about

ABN: 27 075 428 787 • DGR: 442 641

Executive summary

All young people deserve to be safe and feel supported at school.

Young lesbian, gay, bisexual, transgender, queer, intersex and asexual (LGBTQIA+) people face a range of discrimination and, as a result, face higher rates of mental ill-health and suicide.

Schools play an important role in the development of the young people in their care. Positive, supportive school environments increase student engagement and promote academic success.

Supportive environments and access to mental health support saves lives.

If enacted, this Bill would have shocking consequences for vulnerable young people. Not only would it demonise trans and gender diverse young people, but it would perpetrate and normalise discrimination against the whole LGBTQIA+ community.

At a time where community concern about youth mental health and suicide is higher than ever, this bill would prevent access to vital support for vulnerable young people. This is a dangerous attack on young peoples' access to mental health services that would put lives at risk.

About us

ReachOut is Australia's most accessed online mental health service for young people and their parents, and its measurable impact is [proven](#).

ReachOut offers young people aged 12–25 a range of ways to support their mental health and wellbeing, with a focus on everyday issues and tough times, including:

- Level 1: information and resources to enable young people to be well and stay well
- Level 2: online peer support to help young people connect, find hope and share their stories in a safe place
- Level 3: pathways through to professional help, if required.

ReachOut is co-created with young people to help them explore and learn how to manage and improve their mental health and wellbeing in ways that make sense to them. ReachOut is proven to help young people:

- relieve distress
- get well, be well and stay well
- provide connection, hope and a safe place to share stories
- build confidence to seek professional help
- provide support between treatment sessions
- support ongoing healthy behaviours.

ReachOut also supports the people that young people turn to for support, including friends, parents and carers, and schools and educators.

ReachOut Parents offers a range of support options to parents of teenagers (aged 12–18), with a focus on encouraging effective communication and relationships, including:

- Level 1: digital information and resources on parenting teenagers
- Level 2: online peer support, providing a safe and supportive environment for parents to discuss issues that are on their mind
- Level 3: free professional phone-based coaching with a parenting expert (up to four sessions) to build confidence, skills and a toolkit for parenting teenagers.

ReachOut Schools supports teachers to build young people's wellbeing and resilience by taking a whole-of-school approach to student wellbeing. The service features easy-to-understand information on a full range of mental health and wellbeing issues to help school staff support students. Teachers can also access engaging and flexible classroom activities that enable students to take control of their mental health. Additionally, ReachOut Schools offers information for parents and carers, referral options for students, and wellbeing tips to help teachers take care of themselves.

ReachOut leverages insights and content across its three services – youth, parents and schools – to maximise reach and engagement.

ReachOut has more than 20 years' experience of delivering digital mental health and wellbeing programs, and has its own in-house research and digital teams. Our data and research-driven delivery model combines analytics from our digital products with contextual quantitative and



qualitative research to inform the design and delivery of our service. This enables us to deliver a highly responsive service that reflects current events and issues, and to target specific audiences with the information that is most relevant to them.

Using a strengths-based prevention and early intervention model, ReachOut is trusted and able to communicate and engage with young people (and parents) in ways and places that other mental health services can't. Accessed by more than 2 million people in Australia each year, ReachOut is a free service that's available anytime and pretty much anywhere.



About the inquiry

ReachOut has been invited to make a submission to the NSW Legislative Council's Portfolio Number 3 Committee inquiry into the *Education Legislation Amendment (Parental Rights) Bill 2020*.

Broadly, the Bill seeks to restrict schools ability to teach clear, factual information about 'core values,' including on issues of gender and sexuality. It also proposes to prohibit any discussion of gender fluidity entirely.

Young people who identify as LGBTQIA+

ReachOut has a high level of engagement with the lesbian, gay, bisexual, transgender, queer, intersex and asexual (LGBTQIA+) community. Our research suggests that up to 35 per cent of ReachOut users may identify as LGBTQIA+, with 4.6 per cent identifying as transgender and/or gender diverse.

It is well established that young LGBTQIA+ people experience higher rates of mental ill-health resulting from the stigma, prejudice, discrimination and abuse experienced due to their sexuality or gender identity.¹ Sadly, this contributes to a higher rate of youth suicide in the LGBTQIA+ community, with same-sex attracted young people, for instance, being on average up to six times more likely to attempt suicide than their heterosexual peers.²

This means that school, where they spend a large proportion of their time, is a critical environment. Yet we know that many young people feel unsafe or discriminated against at school. A study by La Trobe University³ shows that 60 per cent of young people surveyed felt unsafe or uncomfortable in the past year at school due to their sexuality or gender identity.

For transgender or gender diverse young people, rates of mental ill-health and feelings of lack of safety at school are often higher still. The TransPathways report⁴ shows that 79 per cent of trans young people had experienced discrimination at their educational institution and that these young people had higher rates of wanting to hurt themselves, self-harming, reckless behaviour, suicidal thoughts, suicide attempts, and diagnoses of depression and anxiety than those who had not experienced discrimination.

¹ National LGBTI Health Alliance, SNAPSHOT OF MENTAL HEALTH AND SUICIDE PREVENTION STATISTICS FOR LGBTI PEOPLE (2020)

² Dyson, S, Mitchell, A, Smith, A., Dowsett, G, Pitts, M, Hillier, L. (2003) Don't ask, don't tell. Report of the same-sex attracted youth suicide data collection project. Australian Research Centre in Sex, Health & Society: Melbourne.

³ Hill AO, Lyons A, Jones J, McGowan I, Carman M, Parsons M, Power J, Bourne A (2021) Writing Themselves In 4: The health and wellbeing of LGBTQIA+ young people in Australia. National report, monograph series number 124. Melbourne: Australian Research Centre in Sex, Health and Society, La Trobe University.

⁴ Strauss, P., Cook, A., Winter, S., Watson, V., Wright Toussaint, D., Lin, A. (2017). Trans Pathways: the mental health experiences and care pathways of trans young people. Summary of results. Telethon Kids Institute, Perth, Australia.

The importance of schools

A key goal of the NSW Department of Education's 2018-2022 Strategic Plan is that *'every student is known, valued and cared for in our schools'*⁵.

Mental health issues often emerge during adolescence, with almost 1 in 4 young people aged 15–19 experiencing psychological distress.⁶ We also know that 14 per cent of children and young people will experience a mental illness in any year⁷ and that roughly 50 per cent of all lifetime mental disorders start by the mid-teens.⁸ This is the same period in life when young people are in formal school education.

It is well established that the teenage years are incredibly important formative years in terms of development and identity – and that schools play an incredibly important role in this. Research shows that students having a sense of belonging and acceptance in the classroom leads to higher engagement and educational outcomes.⁹

A positive, supportive school environment is also shown to benefit students, with students who feel they are advocated for being more likely to finish school and achieve higher academic standards.¹⁰ By creating an environment where students have a voice and the support of their teachers, schools can prepare and enable students to contribute positively to society.

It is also a key responsibility of schools to protect the wellbeing and mental health of their students by ensuring their programs and practices enhance, and aren't detrimental, to student wellbeing outcomes. Programs implemented by school leadership which meet the needs of students can help them develop the protective factors, confidence and resilience they need for positive mental health and wellbeing. If schools don't have this agency, students won't receive a holistic education and their wellbeing may suffer.

We know that 70 per cent of young people who are currently experiencing a mental illness will not seek help.¹¹ Suicide remains the leading cause of death for young Australians. While friends, parents and family, and the internet are the places young people turn to the most, more than a third would turn to a teacher and 30 per cent to a school counsellor when they need help or

⁵ <https://education.nsw.gov.au/about-us/strategies-and-reports/strategic-plan>

⁶ Hall, S., Fildes, J., Perrens, B., Plummer, J., Carlisle, E., Cockayne, N., and Werner-Seidler, A. (2019) *Can we Talk? Seven Year Youth Mental Health Report - 2012-2018*. Mission Australia: Sydney, NSW

⁷ Australian Institute of Health and Welfare (2018) *Australia's health 2018: in brief*. Cat. no. AUS 222. Canberra: AIHW

⁸ Kessler, R. C., Amminger, G. P., Aguilar-Gaxiola, S., Alonso, J., Lee, S., & Ustun, T. B. (2007). Age of onset of mental disorders: a review of recent literature. *Current opinion in psychiatry*, 20, 4, 359

⁹ <https://www.cese.nsw.gov.au/publications-filter/sense-of-belonging-synthesis-paper>

¹⁰ <https://www.cese.nsw.gov.au/publications-filter/advocacy-at-school-synthesis-paper>

¹¹ ABS (2008) *National Survey of Mental Health & Wellbeing, 2007* Cat. No. 4326.0

support.¹² Cutting off such a widely used support pathway for students creates real risk for vulnerable young people.

¹² Carlisle E., Fildes, J., Hall, S., Perrens, B., Perdriau, A., and Plummer, J. 2019, Youth Survey Report 2019, Sydney, NSW: Mission Australia

The Bill

This is a regressive Bill based on misrepresentations, untruths and an alarming disregard for the wellbeing of young people. If passed it could result in serious harm to young people.

The Bill seeks to:

- restrict or ban schools' ability to teach or provide information on matters deemed to be 'core values'
- prohibit teachers or counsellors from providing any support to trans or gender diverse students.

The proposed definitions in the Bill are unclear and the Bill may also restrict teaching on religious issues, racism and on matters of science.

It is important to make clear that this Bill seeks to misrepresent the roles and responsibilities of parents and schools and is based on clear errors of fact. It should be noted that:

- Parents are already primarily responsible for the development and formation of their children in relation to core values.
- Gender fluidity is not an ideology. Gender fluidity is an umbrella term for a range of individual experiences, expressions and identities that depart from the roles and expectations that are associated with one's sex assigned at birth.
- It is fundamentally inconsistent to state that teaching should be non-ideological but then state it should not be inconsistent with the values of parents.

This Bill may prevent young people from learning about LGBTQIA+ people, history and rights.

ReachOut is particularly concerned by proposals that would restrict vulnerable students' access to support, including preventing school counsellors from providing support or appropriate referrals to trans or gender diverse students.

It is also alarming that the Bill seeks to prevent teachers supporting trans or gender diverse students in affirming their identity. No teacher should face a potential scenario where they have to choose between keeping their job or providing critical support to a young person in distress.

The benefits of supportive school environments for LGBTQIA+ students are clear. This Bill would result in hostile school environments for young people where their existence and being is denied, where they can be demonised and humiliated, and where instead of being offered access to support, the difficulties they face are compounded.

Young people already face entrenched barriers to help-seeking, such as a preference for self-reliance, fear, embarrassment and stigma. These barriers often prevent young people from getting the care they need at the right time.¹³ This Bill would further entrench barriers to care.

¹³ Hall, S., Fildes, J., Perrens, B., Plummer, J., Carlisle, E., Cockayne, N., & Werner-Seidler, A. (2019). Can we Talk? Seven Year Youth Mental Health Report-2012-2018. Mission Australia: Sydney, NSW.

Conclusion

By restricting, or outright preventing, schools from teaching or providing support on issues identified as 'core values' what is actually occurring is the continued perpetration and normalisation of discrimination against young LGBTQIA+ people.

This is alarming at a time when mental health concerns are higher than ever – and especially so given the higher prevalence of such issues amongst LGBTQIA+ youth. We know that 70 per cent of young people who are currently experiencing a mental illness will not seek help. Suicide remains the leading cause of death for young Australians.

Preventing young people from accessing help and support when they need it is abhorrent. Preventing teachers and school counsellors from discussing matters with students, or even referring them to appropriate services, puts them in a shocking position.

Preventing access to support and perpetrating the notion that there is something inherently wrong or immoral with being LGBTQIA+ compounds discrimination and puts young people at risk.

It is vital that we increase young peoples' access to support – yet this bill seeks to close off a vital help-seeking pathway, to increase stigma and further isolate vulnerable young people. It should be rejected.

Recommendation: That the Bill not be passed.