

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

Organisation: Domestic Violence NSW

Date Received: 26 February 2021



Domestic Violence NSW

February 2021

Submission to Portfolio Committee No. 3 -
Education Inquiry into the Education Legislation
Amendment (Parental Rights) Bill 2020

About Domestic Violence NSW

CEO	Delia Donovan
Author	Renata Field, Policy and Research Manager
Contact details	Domestic Violence NSW PO Box 3311 REDFERN NSW 2016
Website	www.dvnsw.org.au

Domestic Violence NSW (DVNSW) is the **peak body for specialist domestic and family violence services in NSW**. We have over 80 member organisations across NSW.

We work to improve policy, legislative and program responses to domestic and family violence and to eliminate domestic and family violence through advocacy, partnerships and promotion of good practice.

Our members represent the diversity of specialist services working in NSW to support women, families and communities impacted by domestic and family violence. They are non-government organisations, some entirely government funded, others supported through philanthropic donations or partnerships with industry or the corporate sector. We work in close partnership with the DVNSW Aboriginal and Torres Strait Islander women's steering committee and acknowledge their expertise and advocacy.

Position on the Bill

Domestic Violence NSW endorses the full submission of ACON to this Inquiry, rejecting the proposed Education Legislation Amendment (Parental Rights) 2020 (the Bill) in entirety.

Domestic Violence NSW opposes the proposed Bill on the following grounds:

1. Our organisation strives for communities which exist free from violence and we believe that the Bill does not foster a safe learning and working environment for sexuality and gender diverse students and teachers.
2. The Bill acts in opposition to research in [Change the Story: A shared framework for the primary prevention of violence against women and their children in Australia](#) (Our Watch, 2015).
3. The Bill contradicts non-discrimination obligations under the *Anti-Discrimination Act 1977 (NSW)* and the *Sex Discrimination Act 1984 (Cth)*.

Recommendations

Domestic Violence NSW recommends that the Bill is rejected by the Portfolio Committee No. 3 – Education and the NSW Government in its entirety.

Domestic Violence NSW makes the following three recommendations:

1. Fostering a safe learning environment

Domestic Violence NSW works within a feminist, social justice framework to improve safety, wellbeing, cultural, economic and social justice outcomes for women, families and communities. Our organisation strives for communities which exist free from violence and we believe that the Bill does not foster a safe learning and working environment for sexuality and gender diverse students or teachers. Further, we are concerned that there could be increased incidences of violence towards sexuality and gender diverse people during the discussion of the proposed Bill, in a similar way to the period prior to the implementation of marriage equality legislation (Verrelli, White, Harvey & Pulciani, 2019).

LGBTQ young people, particularly those who are transgender and gender diverse, experience higher rates of suicidality and self-harm, which is strongly associated with harassment and bullying in schools (Strauss, Cook, Winter, Watson, Toussaint, 2020). This Bill will prevent teachers from acknowledging the existence of trans and gender diverse students, and prevent them from creating a safe space for students to flourish and learn.

2. Preventing violence against women and children through addressing gendered stereotypes

The Bill acts in opposition to internationally acclaimed research presented in [*Change the Story: A shared framework for the primary prevention of violence against women and their children in Australia*](#) (Our Watch, 2015). In *Change the Story*, Our Watch evidences the link between pervasive gendered stereotypes and inequality and high levels of violence against women. Further, Pride in Prevention notes the links between high rates of domestic and family violence experienced by LGBTQ people and their common experiences of discrimination and pervasive gendered stereotypes (Carman, Fairchild, Parsons, Farrugia, Power, & Bourne, 2020).

Change the Story highlights how gendered norms, practices and structures encourage Australians to adopt distinct gender identities and stereotyped gender roles, within a gender hierarchy that historically positions men as superior to women, and masculine roles and identities as superior to feminine ones (Our Watch, 2015). Furthermore, these norms invisibilise trans and gender diverse people, which leads to norms and culture which allow discrimination to occur at higher levels against gender diverse people, and plants the seeds which lead to domestic and family violence (Carman, et. al., 2020).

3. Non-discrimination

The Bill contradicts non-discrimination obligations under the *Anti-Discrimination Act 1977 (NSW)* and the *Sex Discrimination Act 1984 (Cth)*. Under these laws, schools and teachers have a legal obligation to educate students in NSW public schools without discrimination based on their 'transgender status', 'gender identity' or 'intersex status'.

We believe that children have the right to access information and to inform their own views on moral, ethical, and social issues. The Bill's proposal that parents would be able to remove a child from a classroom denies the child access to education, which is an integral human right.

Domestic Violence NSW concurs with the position of ACON that existing legislation and frameworks mean parents are already given adequate choice on how and where their child is educated, and as such there is no need for this Bill.

References

Carman, M, Fairchild, J, Parsons, M, Farrugia, C, Power, J and Bourne A, (2020). *Pride in Prevention: A guide to primary prevention of family violence experienced by LGBTIQ communities*, Produced by Rainbow Health Victoria for the LGBTIQ Family Violence Prevention Project 2019–2021

Our Watch (2015). *Change the Story: A shared framework for the primary prevention of violence against women and their children in Australia*,
<https://www.ourwatch.org.au/resource/change-the-story-a-shared-framework-for-the-primary-prevention-of-violence-against-women-and-their-children-in-australia>

Strauss, P., Cook, A., Winter, S., Watson, V., Toussaint, D., et al. (2020). *Associations between negative life experiences and the mental health of trans and gender diverse young people in Australia: findings from Trans Pathways*, Psychological Medicine; Cambridge Vol. 50, Iss. 5, (Apr 2020): 808-817. DOI:10.1017/S0033291719000643

Verrelli, S., White, F., Harvey, L., Pulciani, M., (2019). *New research reveals how the marriage equality debate damaged LGBT Australians' mental health*, 24 January 2019, accessed 24.2.21 from <https://theconversation.com/new-research-reveals-how-the-marriage-equality-debate-damaged-lgbt-australians-mental-health-110277>