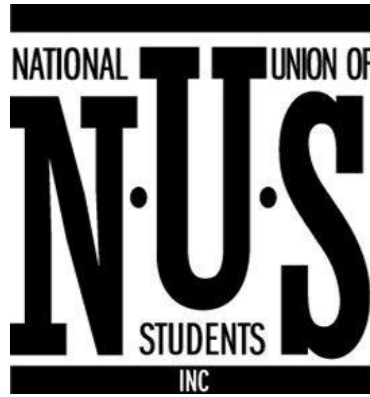


INQUIRY INTO EDUCATION LEGISLATION AMENDMENT (PARENTAL RIGHTS) BILL 2020

Organisation: National Union of Students

Date Received: 27 February 2021



A Submission to the Inquiry into the Education Amendment (Parental Rights) Bill 2020

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February 2021

Introduction:

The National Union of Students (NUS) Queer Office is the peak representative body for post-secondary Queer students from around the country. The Queer Department aims to tackle all forms of bigotry, homophobia, transphobia and queerphobia that impacts students and the wider community. The terms of reference for this bill will directly impact future post-secondary students and change the way queer people are accepted within New South Wales. It is for this reason that the NUS Queer Department welcomes the opportunity to submit this report to the Inquiry on the Education Legislation Amendment (Parental Rights) Bill 2020.

The proposed Amendment to the Education Act 1990, the Education Standards Authority Act 2013 and the Teacher Accreditation Act 2004 No. 65 could have major consequences for young Lesbian, Gay, Bisexual, Transgender, Queer/Questioning, Intersex and Asexual/Aromantic/Agender+ (LGBTQIA+) people and LGBTQIA+ staff that are employed to educate them. The amendments to these acts will lead to the institutionalisation of discrimination against LGBTQIA+ people especially genderfluid people. Schools and the wider education system should be places to develop ideas and values that can be different from one's parents or guardians. Education is fundamental to the development of new ideas and challenging the beliefs given to us by family and friends. Education should help to either solidify the beliefs of parents and guardians or change our beliefs through questioning why any opinion has been developed.

This submission will focus on two key elements of the terms of reference for this bill. The first focus will be objective b of the terms of reference that states gender fluidity is an ideology. The NUS fundamentally disagrees with the use of 'ideology' and believes that this terminology invalidates the experience and validity of genderfluid people. The second focus will be on objectives that target the control of curriculums by parents. Parental influence on what their children learn impinges on the rights of schools and teachers to teach topics that fit within the government curriculum and challenges the idea of academic and teacher freedom in the way they educate students.

Genderfluid is an identity not an ideology.

Genderfluid is a gender identity that falls outside of the gender binary but is no less valid than any other gender identity. Genderfluid is defined as someone whose gender changes between male, women, or nonbinary depending on the day or time¹. It is inherently a fluid and ever-changing gender identity that can be hard for cisgender people to understand. The assertion that genderfluidity is an ideology in the terms of reference is invalidating to all genderfluid people. An ideology is a set of economic and political beliefs or principles that people live by that are based on the people around us². This is inherently different to someone's gender identity which is the way you perceive your gender and how your gender is expressed to the rest of the world³. The terms of reference conflating genderfluidity with an ideology clearly shows that this bill aims to by-pass anti-discrimination laws to specifically target genderfluid people in the community and allow for the discrimination of them in more contexts than just the education system.

Genderfluidity is recognised by Headspace and Beyond Blue as a gender identity⁴⁵. Terms of Reference point b seeks to develop a legal position opposite to this and create legal discrimination of genderfluid people that could extend beyond the education system. Thus, creating different rules for acceptance of genders that are outside the binary which will have harmful impacts for all gender non-conforming people. Genderfluid students, Transgender and Nonbinary students should be allowed to confide their gender

¹ Human Rights Campaign, "Glossary of Terms," Human Rights Campaign, <https://www.hrc.org/resources/glossary-of-terms>.

² Cambridge Dictionary, "Ideology," Cambridge, <https://dictionary.cambridge.org/dictionary/english/ideology>.

³ Headspace, "What Is Gender Identity?," <https://headspace.org.au/young-people/gender-identity-and-mental-health/#:~:text=Gender%20identity%20is%20how%20you,want%20others%20to%20treat%20you>.

⁴ Ibid.

⁵ Gabi Rosenstreich, "Lgbt People: Mental Health & Suicide," <https://www.beyondblue.org.au/docs/default-source/default-document-library/bw0258-lgbti-mental-health-and-suicide-2013-2nd-edition.pdf?sfvrsn=2>.

identity to teachers or staff at schools and be provided safe, affirming, and educational support in what can be a scary point in a young LGBTQIA+ person's life. Teachers and educators should also not be fearful of losing their jobs for affirming their students' gender identity within the classroom because of parents' beliefs. The NUS believes that any specific exclusion of genderfluid people is invalidating and transphobic. Educational institutions should be able to include content relating to all genders and introduce the knowledge that genders exist beyond our traditionally accepted binary without any exceptions.

Educational Institutions should have the freedom to teach about LGBTQIA+ people.

Schools and educational institutions must have the freedom to teach about all aspects of gender and sexuality without government interference. LGBTQIA+ students have continuously been erased from school curriculums and academic learning. This bill aims to institutionalise this erasure. Education institutions should be free to teach about any section of the LGBTQIA+ community without fear from government or parental control. This bill will not just affect the LGBTQIA+ issues being taught but also could influence the teaching of First Nations History, Racism, Climate Change and Science due to the wide scope of the terms of reference. Teachers should be able to have discussions about any world issue or Australian issues without the fear of losing their job.

Educational programs and teaching materials should not be influenced or controlled by the ideologies and beliefs of parents within a classroom. Whilst a curriculum should always follow the government required topics, teachers should be free to teach those topics however they wish and how they believe will best get the key knowledge across to students. Schools are places to learn about topics from more than one perspective and from the perspective that is not the one that their parents share. Reliable and factual LGBTQIA+ education is still limited within Australia and NSW and any law that harms the increase of education about LGBTQIA+ people is detrimental to all young people that are coming through the education system. In the *Writing Themselves In* Survey 27% of students in NSW had never seen or heard positive LGBTQIA+ representation and education in their schools (Table 1)⁶. This statistic compounded with the fact that 57% of students had felt unsafe or had negative experiences around sexuality and gender at school, highlights how education is still lacking around LGBTQIA+ issues and how more education is needed to make students feel safe within their school⁷. This bill would only enhance the lack of knowledge around LGBTQIA+ people. Normalising LGBTQIA+ issues and people within schools and education is fundamental to reducing homophobia, transphobia and queerphobia. Schools and educational institutions are places to learn and become educated about parts of the community that you may have never had contact with. This bill specifically seeks to undermine the role of school in educating students around issues their parents may not talk about.

⁶ Adam O. Hill et al., "New South Wales Summary Report," in *Writing Themselves In 4: THE HEALTH AND WELLBEING OF LGBTQIA+ YOUNG PEOPLE IN AUSTRALIA*, ed. La Trobe University and Health & Society (ARCSHS) The Australian Research Centre in Sex (Online: La Trobe University, 2021).

⁷ Ibid.

Table 1 Extent to which aspects of education are supportive or inclusive of LGBTQIA+ people.

	Secondary School		TAFE		University		Total	
	n	%	n	%	n	%	n	%
Lesbian people (n = 1,517)								
Never mentioned	461	44.2	62	60.8	112	35.7	659	43.4
Mentioned in passing	501	48.1	32	31.4	140	44.6	698	46.0
A lot of attention or discussion	80	7.7	8	7.8	62	19.7	160	10.5
Gay people (n = 1,515)								
Never mentioned	334	32.1	49	48.0	89	28.3	491	32.4
Mentioned in passing	604	58.1	44	43.1	142	45.2	819	54.1
A lot of attention or discussion	102	9.8	9	8.8	83	26.4	205	13.5
Bisexual people (n = 1,515)								
Never mentioned	648	62.2	68	67.3	154	49.2	897	59.2
Mentioned in passing	344	33.0	26	25.7	111	35.5	503	33.2
A lot of attention or discussion	50	4.8	7	6.9	48	15.3	115	7.6
Queer people (n = 1,508)								
Never mentioned	705	68.1	72	70.6	124	39.6	931	61.7
Mentioned in passing	277	26.8	23	22.5	120	38.3	441	29.2
A lot of attention or discussion	53	5.1	7	6.9	69	22.0	136	9.0
Pansexual people (n = 1,511)								
Never mentioned	882	85.0	83	81.4	215	68.7	1,218	80.6
Mentioned in passing	130	12.5	13	12.7	67	21.4	224	14.8
A lot of attention or discussion	26	2.5	6	5.9	31	9.9	69	4.6
Trans and gender diverse people (n = 1,514)								
Never mentioned	559	53.8	61	59.8	114	36.3	759	50.1
Mentioned in passing	410	39.5	30	29.4	144	45.9	609	40.2
A lot of attention or discussion	70	6.7	11	10.8	56	17.8	146	9.6
People with intersex variation/s (n = 1,509)								
Never mentioned	852	82.2	80	78.4	194	62.2	1,167	77.3
Mentioned in passing	157	15.1	15	14.7	87	27.9	275	18.2
A lot of attention or discussion	28	2.7	7	6.9	31	9.9	67	4.4
Asexual people (n = 1,507)								
Never mentioned	890	86.1	87	85.3	234	74.8	1,255	83.3
Mentioned in passing	124	12.0	11	10.8	58	18.5	206	13.7
A lot of attention or discussion	20	1.9	4	3.9	21	6.7	46	3.1
Any LGBTQIA+ people (n = 1,517)								
No aspect of LGBTQIA+ people mentioned	282	27.1	46	45.1	72	22.9	418	27.6
One or more aspect of LGBTQIA+	132	12.7	12	11.8	94	29.9	251	16.6

Note: responses were analysed among participants who reported that a situation was applicable to them, therefore an overall 'n' is not provided.

Education and the school system is the key tool to challenge students' beliefs and ideas that are developed by parents. Whilst parents provide the groundwork for learning they should not be the sole decider on what teachers and educators can teach about. Everyone should have affirming and supportive education available to them that does not undermine their right to live and exist in society. LGBTQIA+ students are more likely to suffer from mental health issues if they grow up in unaccepting circumstances and educational institutions are key to developing an accepting environment that is away from a person's home life⁸. There is no way to support LGBTQIA+ students within this legislation amendment and thus, it will create a worse situation for young LGBTQIA+ people.

Conclusion:

The NUS Queer Department continuously fights to ensure all queer students are seen and heard within educational spaces and responds to the removal of queer education in academic spaces. This bill places a few parents' beliefs above most of the population's acceptance of LGBTQIA+ people. The LGBTQIA+ community has spent decades campaigning for increased education about LGBTQIA+ people and about sexual and reproductive health cutting this now would put people's health and safety at risk⁹. LGBTQIA+ education is fundamental to developing a society without the marginalisation of people based on who they love or their gender identity. Any government or party that supports this bill is institutionalising the discrimination of LGBTQIA+ people within the education system in NSW. NUS Queer believes that this bill should be abandoned because it is unfixable and is detrimental to the entire LGBTQIA+ community both at schools, educational institutions and outside of educational settings.

⁸ C. N. Proulx et al., "Associations of Lesbian, Gay, Bisexual, Transgender, and Questioning-Inclusive Sex Education with Mental Health Outcomes and School-Based Victimization in U.S. High School Students," *J Adolesc Health* 64, no. 5 (2019): p.611.

⁹ Rosenstreich, "Lgbt People: Mental Health & Suicide".

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