

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

**Organisation:** Uniting Network NSW and ACT

**Date Received:** 28 February 2021

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welcoming LGBTIQ+ people, same-sex couples and families,  
in all areas of the Church's life, ministry and leadership

Uniting Network NSW/ACT

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## Submission to the Legislative Council's Portfolio Committee No.3

### Education Legislation Amendment (Parental Rights) Bill 2020 Issue

28 February 2021

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Uniting Network NSW/ACT recommend that the Committee reject the proposed Bill in its totality.

- It is discriminatory
- It will add harm to LGBTIQ children in NSW
- Would lead to the NSW Government being in breach of Australian agreement to the '***The International Covenant on Civil and Political Rights***', and also '***The International Convention on the Rights of the Child***'
- Will lead to increased disharmony within the society within NSW
- There is no religious justification for the bill

Uniting Network NSW/ACT recommends that the Committee in rejecting this proposed Bill calls on the NSW Parliament to:

- Incorporate more support services for LGBTIQ children within NSW Schools
- Improve facilities for transgender and gender diverse students in all NSW schools
- Provide teacher training (primary and high school) around LGBTIQ issues, including but not limited to Transgender and Gender Diverse students. This would include PreService and InService Training.
- Development of protocols to protect LGBTIQ students who may disclose their LGBTIQ identity to school staff (teachers, psychologists, counsellors, nurses, office staff etc), and require protection of that disclosure from their parents for their own safety
- Provide significant enhancements to the PDHPE Curriculum for inclusion on understanding for all students around LGBTIQ citizens and appropriate sexual health considerations for LGBTIQ students
- Remove exemptions for non-government schools in NSW that allow them to discriminate against LGBTIQ students, students of LGBTIQ families and LGBTIQ staff.

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## I. BACKGROUND – UNITING NETWORK NSW/ACT

The Uniting Church NSW/ACT LGBTIQ+ Network (hereafter ‘Uniting Network’) is the NSW/ACT network for lesbian, gay, bisexual, transgender, intersex, and queer (LGBTIQ+) people, our families, friends, and allies within the Uniting Church in Australia (UCA) Synod of NSW/ACT. We are an independent national network in the UCA. We are officially recognised within the UCA Synod of NSW/ACT in the Bylaws section 5A.13 Related Ministries [1] and work within the structures and various Councils of the Church, but we do not represent or speak for the UCA.

Our ministry and advocacy for LGBTIQ+ people and communities are based on our Christian faith. This is summarised in a 2006 statement from the UCA’s national assembly, that

*‘The Uniting Church believes that every person is precious and entitled to live with dignity because they are God’s children, and that each person’s life and rights need to be protected or the human community (and its reflection of God) and all people are diminished’[2].*

Importantly in this statement, the UCA incorporates a number of the United Nations covenants and declarations, such as **‘The International Covenant on Civil and Political Rights’**, but also **‘The International Convention on the Rights of the Child’** among other Conventions and Covenants.

Subsequent to that statement, the United Nations has continued to develop its principles in regard to Human Rights, including human rights in relation to sexual orientation and gender identity. In 2011, the Human Rights Council resolution A/HRC/RES/17/19 stated that it[3]:

*‘Expressing grave concern at acts of violence and discrimination, in all regions of the world, committed against individuals because of their sexual orientation and gender identity.’*

In 2016 the Human Rights Council had a further resolution A/HRC/RES/32/2 which stated that it[4]:

*‘Strongly deplores acts of violence and discrimination, in all regions of the world, committed against individuals because of their sexual orientation or gender identity’.*

It is our view that the Uniting Church in Australia’s 2006 statement is not inconsistent with these more recent United Nations Human Rights Council’s resolutions.

## II STRUCTURE OF THIS PAPER

In this paper we have attempted to outline using available academic resources the risks and challenges with this proposed Legislation.

The firsts chapter deals with what we consider an incomplete consideration of Human Rights conventions and covenants, that on analysis show that the proposed legislation is highly likely to cause NSW to breach them.

The second chapter builds upon the Human Rights aspects bringing in broader LGBTIQ United Nations Human rights work.

The third chapter challenges the notion of 'Gender Ideology', that we see as a flawed concept underpinning the proposed legislation.

The fourth chapter provides insights into the reality and experiences of transgender and gender diverse children in education, and how this proposed legislation is likely to bring about a worsening of educational outcomes for them, and also potentially increasing the suicidality of these children.

The fifth chapter reviewed the concept of parental rights in education and the conflict that has with education and a harmonious society.

The sixth chapter considers the religious justification for such a piece of legislation.

The seventh chapter summaries our key recommendation.

For members of the Committee who may not have met with transgender or gender diverse people, throughout the paper and in Appendix A provided links to video or audio files of either transgender or gender diverse people or those involved in their care and related material.

## 1. THE PROPOSED BILL – HUMAN RIGHTS CONSIDERATIONS

It is unfortunate that the Bill selectively uses only one United Nation's Human Rights Convention, that related to '**The International Covenant on Civil and Political Rights**', in particular article 18(4):

*'The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.'*

The limitation to this particular paragraph ignores other human rights that are also stated within this Covenant, such as:

*Article 19 (2) 'Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.'*

It is our view that the proposed Bill impinges on students' rights in relation to Article 19 (2), in that students in school have the right to receive information and ideas of all kind. Further in the Covenant:

*Article 20 (2) 'Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.'*

We see the proposed Bill as a nation state advocating hatred that constitutes an incitement to discrimination and hostility, that in relation to transgender and gender diverse people often leads to violence.

Article 24 goes on to say in paragraph (1) that:

*'Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.'*

In keeping with this paragraph, children should be without discrimination, and yet the proposed Bill especially enacts a form of discrimination against transgender and gender diverse student by the State.

Australia is a signatory to the '**Convention on the Rights of the Child**' which has a number of important articles relevant to this discussion. There are a number of critical articles that need to be considered in reference to this proposed Bill, such as:

In the Preamble it states amongst other considerations[5]:

*'Considering that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity.'*

As a context

Article 2(1) states:

*'States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.'*

The primacy here is that a child should not be subject to any form of discrimination irrespective of their parent's or legal guardians' attributes. It is our view that this primacy includes not only discrimination as proposed in this bill, but also discrimination in not allowing all students to be appropriately educated in relation to transgender and people who are gender diverse.

Further in sub- paragraph (2)

*'States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.'*

The proposed Bills put the opinions and beliefs of the parent's or legal guardians' attributes ahead of learning for a child that is valid. This can ultimately lead to a disadvantage for students in NSW or

lead to potential harm, when they are not able to find information that is appropriate from their schools.

Article 3(1) goes on to state that primacy of the best interest of the child must be considered:

*'In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration'.*

This proposed bill does not conform with that article, as transgender and gender diverse students' welfare is being rejected.

Article 12(1) recognises the rights of children to form their own views, particularly as it affects the child. It is important to state here that Transgender children often know they are Transgender at a very early age and the remaining LGB youth start to understand their sexual orientation around the age of 10[6], and gender diverse children are likely to commence understanding themselves around the same age:

*'States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child'.*

So, it is normal for children in upper primary to commence an understanding of their sexual orientation and gender identity. To deny knowledge of information around gender identity is withholding information to assist children to form their own views around themselves and their classmates.

In relation to freedom of thought, conscience and religion, the state must respect the child's rights in these areas. The Convention does provide the right of parents to provide direction, but direction is a lower order right to the freedom of the child and also their own capacity (Article 14):

*'1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.'*

*2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.'*

Article 15 goes on and expands on this point:

*'States Parties recognise the rights of the child to freedom of association and to freedom of peaceful assembly'.*

The proposed bill would violate this right as the schools would not be able to provide a mechanism for the safe support and association of transgender, gender diverse and their allies to discuss matters relating to their sexual orientation or gender.

Article 19 (1) is particularly problematic for this proposed legislation:

*'States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.'*

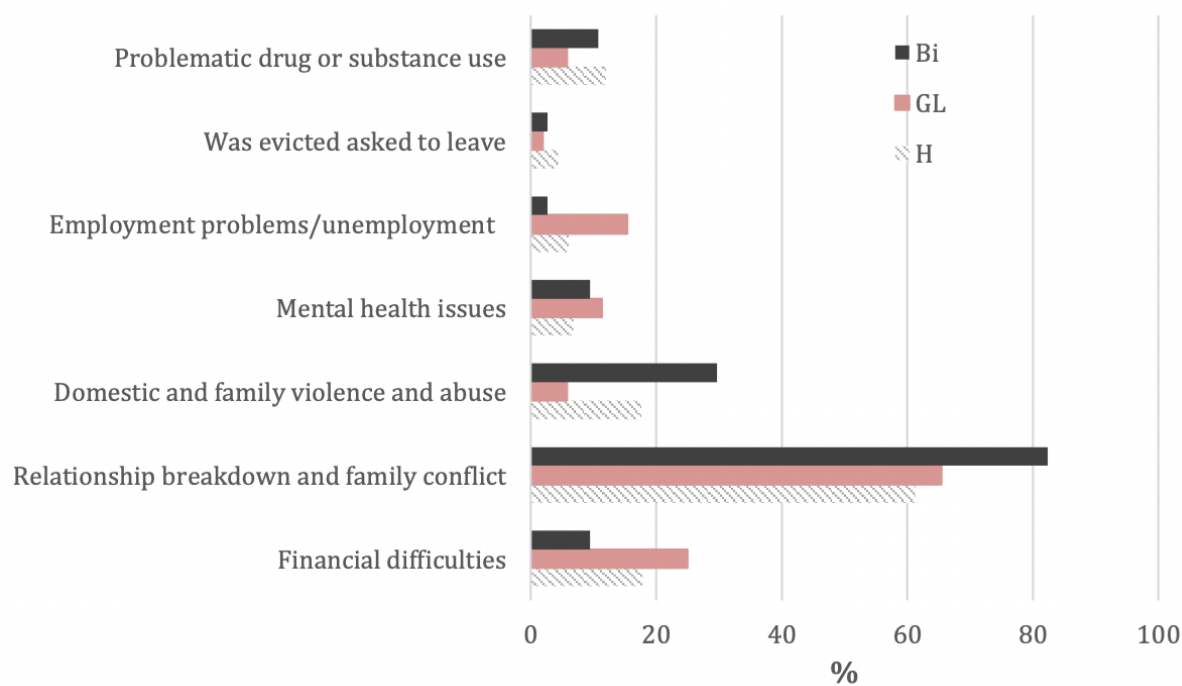
What we do know is that LGBTIQ children have a disproportional rate of homelessness, often caused by their parent's religious or social views. In a 2017 report by Andrews et al entitled 'A vicious cycle: The lack of LGBTIQ homelessness data and policy', they comment that [7]:

*'There is little doubt that lesbian, gay, bisexual, transgender, intersex, and queer or questioning (LGBTIQ) people are over-represented among homeless people. The Australian 2014 General Social Survey indicated that 33.7 per cent of respondents who identified as lesbian/gay, and 20.8 per cent of bisexuals, reported that they had ever experienced homelessness, compared with 13.4 per cent of heterosexuals.'*

However, they do acknowledge the lack of data, but the information is not inconsistent with other countries such as the USA, Canada etc. Part of the problem with data collection is that the Specialist Homelessness Information Platform (SHIP) maintains a binary view on data recording of

male and female only and does not collect any information on sexual orientation and gender identity. Given the prevalence of LGBTIQ people who are homeless, this lack of useful data collection does make research and solution identification significantly more difficult.

In McNair et al's 2017 research study 'GALFA LGBTI Homelessness Research Project - Stage 1 Report LGBTI Homelessness: Preliminary findings on risks, service needs and use', there is a concerning table in outlining the causes or reasons for LGBTIQ homelessness[8]:



*'Service providers interviewed also identified that family conflict was a reason for homelessness that was much more prevalent among LGBT clients. Family rejection and isolation from community was described as 'a massive driver' of LGBT homelessness, resulting in people leaving home at a younger age than their peers. It was felt to be worse for people from certain cultural or religious groups who were seen as even less accepting. Loss of social networks was identified as a specific driver, particularly for rural young people, trans people, and those moving from rural to urban areas away from discrimination. One participant (Service 3) believed that rejection by family based on one's core identity (sexual orientation or gender identity) was more damaging than other family conflicts and may have a greater impact on their mental health.'*

The proposed bill with its 'parental rights' supremacy mindset and not permitting transgender and gender diverse children to receive information or support from their schools poses the risk of increasing LGBTIQ youth homelessness in NSW.

Article 24 (2) and (3) relates to health care

*'States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:*

*(f) To develop preventive health care, guidance for parents and family planning education and Services*

*3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.'*

Therefore, all children should receive education in relation to transgender and gender diverse people on two grounds, to ensure that transgender and gender diverse people have knowledge of relevant health care, that education should provide guidance for parents, and that education should work towards abolishing traditional prejudices around the health (particularly mental health). The proposed bill clearly fails in relation to this article. Further, not allowing any information in relation to



transgender and gender diverse people ensure that traditional prejudices are likely to remain in our society.

Article 29 goes to the development of children

*'(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential*

*(b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations*

*(d) 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'.*

If the proposed Bill was enacted, NSW would be breaching Article 29 on multiple grounds.

In reviewing these two conventions, while the proposed Bill proports to only include article 18(4) '**The International Covenant on Civil and Political Rights**', other articles in that same covenant provide children rights that we would argue are superior to article 18(4). Further, as outlined in the above analysis of the '**Convention on the Rights of the Child**' considerably outweigh the proposed Bills provision of powers proposed to the parents.

The proposed Bill not only puts a subset of LGBTIQ students at risk, but also continues within the education a lack of knowledge about LGBTIQ amongst a group of students, thereby continuing the cycle of discrimination, fear and hate towards the LGBTIQ population.

In Summary:

We recommend the proposed Bill be rejected by the Committee on the grounds that:

1. It would put NSW in breach of the Australian Government consent two the '*The International Covenant on Civil and Political Rights*' and the '*Convention on the Rights of the Child*'.
2. The proposed Bill would put LGBTIQ students in NSW schools at real risk within the school and also potentially at their home and increase youth homelessness.
3. The proposed Bill will ensure that some students in NSW schools would continue to be unaware and inappropriately educated in relation to the existence of some LGBTIQ people, leading to the risk of ongoing discrimination, fear and hate towards the LGBTIQ community and leading to increased disharmony within the NSW society into the long term.

## 2. THE PROPOSED BILL – ADDITIONAL HUMAN RIGHTS CONSIDERATIONS

The Human Rights Council of the United Nations continues to evolve key issues in relation to Human Rights. To this end, over the last ten years, there has been considerable work on various different aspects of Human Rights, this includes additional work in relation to people of different sexual orientations and gender identities.

In 2011, resolution A/HRC/RES/17/19 the Human Rights Council stated that it was:

*‘Expressing grave concern at acts of violence and discrimination, in all regions of the world, committed against individuals because of their sexual orientation and gender identity’.*

Following this in 2016, the Human Rights Council further resolved in A/HRC/RES/32/2 stating that it:

*‘Strongly deplores acts of violence and discrimination, in all regions of the world, committed against individuals because of their sexual orientation or gender identity’.*

In 2015 fifteen agencies of the United Nations put out a joint statement entitled ‘Ending Violence and Discrimination Against Lesbian, Gay, Bisexual, Transgender And Intersex People’[9], making some key statements such as:

*‘Incorporating homophobia and transphobia as aggravating factors in laws against hate crime and hate speech’.*

*‘States should uphold international human rights standards on non-discrimination, including by:*

- *Prohibiting discrimination against LGBTI adults, adolescents and children in all contexts – including in education, employment, healthcare, housing, social protection, criminal justice and in asylum and detention settings*
- *Combating prejudice against LGBTI people through dialogue, public education and training*
- *Ensuring that LGBTI people are consulted and participate in the design, implementation and monitoring of laws, policies and programmes that affect them, including development and humanitarian initiatives.’*

*‘Children face bullying, discrimination or expulsion from schools on the basis of their actual or perceived sexual orientation or gender identity, or that of their parents. LGBTI youth rejected by their families experience disproportionate levels of suicide, homelessness and food insecurity.’*

In a resolution in 2016, The United Nations created the role of the ‘Independent Expert on Sexual Orientation and Gender Identity’ for a three-year team. This position was first filled in 2017 and in 2019 the role was extended for another three years. The current incumbent is Victor Madrigal-Borloz who commenced on 1 January 2018[10].

Various reports have been issued from time to time since. The first expert, Vitit Muntarbhorn, in their inaugural report title **‘Diversity in Humanity, Humanity in Diversity’**, outlined six key factors around the protection from discrimination based on orientation and gender identity, being[11]:

- *‘the decriminalisation of consensual same-sex relations and of gender identity and expression;*
- *effective anti-discrimination measures*
- *the legal recognition of gender identity*
- *destigmatization linked with depathologization*
- *sociocultural inclusion; and*
- *education with empathy.’*

The proposed Bill fails to support five out of these six factors, in that it

- allows for discrimination against transgender and gender diverse students
- fails to recognised gender identity in NSW schools
- continues the stigmatisation of LGBTIQ students in NSW schools
- continues to encourage those that wish to see sociocultural exclusion of transgender and gender diverse students in NSW schools; and

- ensures that there is no education in relation to transgender and gender diverse students in NSW schools and does not support any empathy for them.

In Victor Madrigal-Borloz's report to the United Nations in 2018, he commented that<sup>[12]</sup>:

*'the root causes of violence and discrimination based on sexual orientation and gender identity:*

- *deeply-entrenched stigma and prejudice and*
- *discriminatory laws and regulations that foster a climate where hate speech, violence and discrimination are condoned and perpetrated with impunity.'*

The proposed Bill will ensure that stigma and prejudice remain in our society through the NSW Education System, failing to recognise the existence of Transgender and Gender Diverse students and people more broadly in our society. Further, the proposed Bill is discriminatory against these students and will foster ongoing hate speech, violence etc towards them in schools and into their adult lives.

In the Australian Government's submission to the Independent Expert on Sexual Orientation and Gender Identity work in relation to their work on data collection and management in relation to LGBTIQ people published in 2019, the Australian government responded by saying that<sup>[13]</sup>:

*'The Australian Government believes meaningful participation with civil society in this area constitutes respectful conversations, inclusive language, and a willingness to provide non-binary sex and gender options, as well as enabling identification of sexual orientation where possible. For members of the community, meaningful participation means a willingness to engage in respectful, inclusive discussions'.*

The Australian Federal Government recognises non-binary sex and gender options, referred to as gender diverse people in this submission, and so too should the NSW Education System.

In the United Nations Fact Sheet 'International Human Rights Law and Sexual Orientation & Gender Identity'<sup>[14]</sup> a number of important clarifying statements are made, including:

*'Is it ever legal to discriminate against lesbian, gay, bisexual, transgender or intersex people?*  
*No.'*

*'The equality and non-discrimination guarantee provided by international human rights law applies to all people, regardless of sex, sexual orientation and gender identity or 'other status.' There is no fine print, no hidden exemption clause, in any of our human rights treaties that might allow a State to guarantee full rights to some but withhold them from others purely on the basis of sexual orientation and gender identity.'*

*'The UN human rights office has documented a wide range of human rights violations committed against individuals on the basis of their sexual orientation and gender identity. These include:*

- *Discriminatory curbs on free speech and related restrictions on the exercise of rights to freedom of association and assembly, including laws banning dissemination of information on same-sex sexuality under the guise of restricting the spread of so-called LGBT propaganda.'*

The core legal obligations of States with respect to protecting the human rights of LGBT people include obligations to:

- *'Prohibit discrimination based on sexual orientation and gender identity. Enact legislation that prohibits discrimination on the grounds of sexual orientation and gender identity. Provide education and training to prevent discrimination and stigmatisation of LGBT and intersex people.'*

## In Summary:

This proposed Bill is inconsistent with Australian's obligations in that it:

- Promotes discrimination against transgender and gender diverse students:
- Enacts legislation that allows discrimination against transgender and gender diverse students

- Bans the dissemination of information on same-sex sexuality (as an example) under the guise of transgender and gender diverse 'propaganda', or as the bill prefers to reference 'gender ideology'.

Therefor we would recommend to the Committee that they reject the proposed Bill.

### 3. THE 'GENDER IDEOLOGY' FALLACY

*Because health inequalities by gender identity (like those by ethnicity and sexual orientation) are socially produced, they are avoidable, remediable, and unfair.[15]*

The same principle applies to education.

The reason why history is important, is that we often see history repeating itself.

The language often used against transgender and gender diverse people in many ways is a re-hash of messages used against gay and lesbian people, often under the title of the 'Gay Agenda', as an attempt to infer that gay and lesbian people had an agenda to convert many of the population to their sexual orientation.

The history of medicine and the LGBTIQ community has often been a rocky relationship for many reasons. The term homosexual was coined in the 1800's, and 'in 1952, when APA published the first edition of the Diagnostic and Statistical Manual (DSM-I)' when homosexuality became a mental illness in the medical field.[16]. In the late 1950s, Evelyn Hooke published a study of thirty homosexual couples and a control group of thirty heterosexual couples, none of whom were in psychological therapy, where she identified no more signs of psychological issues in the homosexual couples than in the control group, refuting the common thesis of the day. Her work, and the work of Alfred Kinsey laid the foundations that took until 1973 for homosexuality to be removed from the DSM. From that time, the destigmatisation of homosexuality and acceptance of homosexuals as a normal variant of the human species in the field of medicine began. Unfortunately, many religious organisations continue to stigmatise and reject homosexual and lesbian people, and even worse, directly or indirectly support various forms of conversion practices.

Transgender people have been known of in many forms for centuries.

Over the last 120 years, there has been significant documentation around transgender people as documented by The Proud Trust. Some highlights from this resource include [17]:

- *'1897 – Dr. Magnus Hirschfeld founds the first gay liberation organisation in Germany: the Scientific Humanitarian Committee.*
- *1910 – Magnus Hirschfeld coins the terms 'transvestite' and 'transsexual'.*
- *1919 – Magnus Hirschfeld becomes one of sexology's founding fathers when he opens the world's first sexological institute, the Institute for Sexual Science in Berlin. It becomes the first clinic to serve transgender people on a regular basis.*
- *1920 – Jonathan Gilbert publishes Homosexuality and Its Treatment, the story of 'H', Dr. Alan Hart's 1917 FTM transition.*
- *1930 – Encyclopaedia of Sexual Knowledge by Norman Haire is published. It addresses transvestism in detail and also illustrates the first 'sex-change' procedures.*
- *1930 – Lili Elbe undergoes five surgeries, the fifth of which kills her in 1931.*
- *1932 – Magnus Hirschfeld performs the first 'documented' Sexual Reassignment Surgery (SRS) on Dora-R.*
- *1933 – The Institute for Sexology is raided, shut down, and its records destroyed by the Nazis. Physicians and researchers involved in the clinic flee Germany. Some, unable to escape, commit suicide in the coming years. [This was probably the most important library and record around transgender people in the world]*
- *1945 – Sir Harold Gillies and his colleague, Ralph Millard, carry out the world's first change of a woman into a man on the young aristocrat, Michael Dillon. Sir Harold Gillies, internationally renowned as the father of modern plastic surgery, played a pioneering wartime role in Britain developing pedicle flap surgery.*
- *1949 – Harry Benjamin begins to treat transgender individuals in San Francisco with hormones.*
- *1964 – Reed Erickson launches the Erickson Educational Foundation (EEF), an organisation which helps to support, both through direct financial contributions and through contributions of human and material resources, almost every aspect of work being done in the 1960s and 1970s in the field of transsexualism in the US.*
- *1966 – August: Compton's Cafeteria Riots in San Francisco, the first recorded Trans riot in American history. The riot marks a turning point in the local LGBT movement as a network of transgender social, psychological, and medical support services is established.*

- 1969 – 27th/28th June: Transgender and gender non-conforming people are among those who resist arrest in a routine bar raid on the Stonewall Inn in New York City's Greenwich Village, thus helping to ignite the modern LGBT rights movement.
- 1970 – Corbett v. Corbett (otherwise Ashley). April Corbett's (née Ashley) marriage is annulled and declared to be legally still a man despite sex reassignment. The judgement by Justice Ormrod sets the precedent that will leave UK post-op transsexual people unable to marry until the 21st Century.
- 1976 – Tennis ace Reneé Richards is outed and barred from competition when she attempts to enter a women's tennis tournament. Her subsequent legal battle establishes that transsexuals are legally accepted in their new identity after reassignment, in the US.
- 1989 – Celebrated jazz musician Billy Tipton dies in Spokane, Washington. He bleeds to death from an ulcer, rather than seek medical help. He is only discovered to be biologically female after his death by the coroner. Tipton, who played in big bands in the 40s and 50s, had lived for as a man since 1933, marrying several times and raising children.
- 1993 – Transgender youth Brandon Teena is raped and murdered in Humboldt, Nebraska by members of his circle of friends, when they discover he was born female. This hate crime brought widespread attention to transgender discrimination and violence and became the subject of the Oscar-winning film, 'Boys Don't Cry'.
- 1997 – Trans activist Leslie Feinberg publishes *Transgender Warriors: Making History from Joan of Arc to Dennis Rodman*, a who's who of transgender people throughout world history that traces the roots of transgender oppression.
- 1998 – Japan allows the first legal SRS to be performed on an FTM.
- 2004 – The International Olympic Committee decides that transsexuals will be able to compete at the Athens Olympics if they have had appropriate surgery and are legally recognised as members of their new sex.
- 2006 – The Harry Benjamin International Gender Dysphoria Association changes its name to the World Professional Association for Transgender Health (WPATH). The omission of the term 'Social Care' from the title angers many non-medical support workers worldwide.'

Closer to home, in our Pacific neighbours, there has been a long history of a unique group of people, using two countries as examples, Samoa with their fa'afafine and in Tonga their fakaleiti. Farran's paper 'Pacific perspectives: Fa'afafine and Fakaleiti in Samoa and Tonga: People between worlds' tries to provide an explanation of these amazing people who are key to the culture of their family and social structures in their societies[18]:

*Fa'afafine and fakaleiti are men who are not just cross-dressers but often males who have been reared as females—either by choice or under family encouragement. Biologically they are men—but psychologically and behaviourally they may be women, perceiving themselves as women and carrying out women's work in the home or the community; or they may be neither men nor women; or alternatively the one or the other. One definition applied to fa'afafine but equally true of fakaleiti is that they are 'a heterogeneous group of androphilic males, some of whom are unremarkably masculine, but most of whom behave in a feminine manner in adulthood'.*

The Independent Television Service (PBS) in the USA has published a map of 'Gender Diverse Cultures'. [19] 'The following is a snapshot of some of the countries mentioned:

## Australia

*Indigenous transgendered people are known as 'sistergirls' and 'brotherboys'. As in some other native cultures, there is evidence that transgender and intersex people were much more accepted in their society before colonisation. Now, there are more stigmas attached. But through an increasing number of support groups specifically aimed at sistergirls and brotherboys, who have their own unique psychological and medical needs, perhaps times will change again.*

## Philippines

*Bakla is a Tagalog term that encompasses an array of sexual and gender identities, but especially indicated a male-born person who assumes the dress, mannerisms, and social*



roles of a woman. While bakla have existed as a recognised third gender for centuries, more conservative influences in recent decades has marginalised them.

The bakla actually developed their own language to use with each other, called swardspeak. It is a mixture of Filipino, English and Spanish and is spoken with a 'hyperfeminised inflection.'

#### Calabai, Calalai, and Bissu (Indonesia)

The Bugi people of southern Sulawesi recognize three sexes (male, female, intersex) and five genders: men, women, calabai, calalai, and bissu. Calabai are biological males who embody a feminine gender identity. Calalai are biological females who embody a male gender identity. Bissu are considered a 'transcendent gender,' either encompassing all genders or none at all. The bissu (shown in first image above) serve ritual roles in Bugi culture and are sometimes equated with priests.

#### Waria (Indonesia)

Waria is a term used for the third gender in Indonesia who are born male but live along a continuum of gender identity in this Islamic nation. The term waria (<http://www.insideindonesia.org/edition-90/defining-waria>) 'includes individuals who continue to identify as male but who imitate certain feminine mannerisms, and perhaps occasionally wear makeup and women's clothing. Others identify so closely as female that they are able to pass as female in their daily interactions in society. As waria, these individuals become almost invisible.'

Waria are often falsely lumped into a stereotype as flamboyant cross-dressing sex workers, when a majority do not fit that description.

#### Kathoeys (Thailand)

Very loosely translated as 'ladyboys,' Thailand's third gender kathoeys are known as being born male but 'having a female heart,' according to a common Thai saying. They are often referred to as 'sago,' or a second type of woman.

The kathoeys culture is extremely broad, encompassing drag queens and other cross-dressers (straight and gay), to effeminate gay males, on one end, and post-operative transsexuals on the other. Kathoeys generally work in service jobs as in beauty salons and restaurants, but can be found in all professions at all levels of society. Some end up as sex workers catering mainly to tourists.

Thai tradition holds that true kathoeys are neither male nor female but inhabit the space between genders.

#### Mamluk (Egypt)

During the Mamluk Sultanate in what is now Egypt from the 1200s to the 1700s, young girls who we perceived to have masculine traits were celebrated and raised as boys and afforded all of the legal and societal advantages.

#### Transsexuality in Iran

Transsexual rights are actually acknowledged in Iran, where it is still punishable by death to be gay. Due to a decree by the Ayatollah Khomeini, gay and/or transgender men are permitted to live lives as straight women and permitted to undergo sex reassignment surgery, after which their official documents are changed to reflect their new identities.

#### Femminiello (Italy)

Femminiello (roughly 'little man-woman') refers to biological males who dress as women and assume female gender roles in Neopolitan society. Their station in society is (or was up through the 19th century) privileged, and the rituals (including marriage to one another) was based on Greek mythology related to Hermaphroditus and Teresias (who was transformed into a woman for seven years).

#### Travesti (South America)

In some cultures of South America, a travesti is a person who was born male, has a feminine gender identity, and is primarily sexually attracted to non-feminine men.

*Travestis' feminine identity includes feminine dress, language, and social and sexual roles. However, in contrast to transsexual women, they often don't see themselves as women, and many describe themselves as gay or homosexual. Travestis may modify their bodies with hormones or silicone, but rarely seek genital surgery.*

*Many travestis survive through prostitution. In recent years, violence against travestis (<http://choler.co.uk/?p=315>) has skyrocketed, especially in Brazil.*

#### Quariwarmi (Inca, Peru)

*In pre-colonial Andean culture, the Incas worshipped the chuqui chinchay, a dual-gendered god. Third-gender ritual attendants or shamans performed sacred rituals to honor this god. The quariwarmi shamans wore androgynous clothing as 'a visible sign of a third space that negotiated between the masculine and the feminine, the present and the past, the living and the dead. Their shamanic presence invoked the androgynous creative force often represented in Andean mythology,' according to scholar Michael J. Horswell.*

*They were deemed sodomites by the conquering Spaniards.*

#### Muxe or Muxhe (Zapotec of Oaxaca - Mexico)

*Among the Zapotec of the Oaxacan peninsula, the muxe are generally males who either dress as women or dress as males with make-up. They may adopt 'feminine' social roles such as working in embroidery, but many also have white-collar careers in Mexico. In recent decades, the term has also come to apply to gay men. Read more (update): 'Cooking with Muxes: Mexico's Third Gender' <http://munchies.vice.com/articles/cooking-with-muxes-mexicos-third-gender>*

#### Alyha and Hwame (Mohave) - USA

*The creation myth of the Mohave tribe speaks to a time when humans were not sexually or gender-differentiated. They recognize four genders: men, women, hwame (male-identified females) and alyha (female-identified males).*

#### Nadleehi and Dilbaa (Navajo) - USA

*The Navajo term nadleehi refers to that culture's traditional third gender, in which a biologically male-born person embodies both the masculine and feminine spirit. Dilbaa refers to a female-born person with a more masculine spirit. Both are considered to encompass both genders in one person.*

*Fred Martinez, the subject of the documentary Two Spirits (<http://www.pbs.org/independentlens/two-spirits/>), was nadleehi. Navajo tradition places nadleehi and dilbaa in high esteem and they often assume roles as healers in their tribes.*

#### Winkte (Lakota) - USA

*Winkte is the Lakota word for two-spirit people. Like the Navajo nadleehi and dilbaa, the winkte are born male but assume many traditional women's roles, such as cooking and caring for children, as well as assuming key roles in rituals and serving as the keeper of the tribe's oral traditions.*

#### Ninauposkitzipxpe (Blackfoot) - Canada

*description*

*The ninauposkitzipxpe were honored as a third gender in the North Peigan tribe of the Blackfoot Confederacy in northern Montana and Southern Alberta, Canada. Roughly translated, it means 'manly-hearted woman' (<http://www.jstor.org/pss/662950>), and defined a biological female who did not necessarily dress in a masculine mode, but was unrestricted by the social constraints placed on other women in the Blackfoot society.'*

Going back into English history we can also identify transgender people. On the website '7 Famous Transgender People From History You Can Mention Next Time Someone Says 'Trans is a Trend'', we have provided one extract [20]:





*Eleanor Rykener*

*The oldest entry on this list, Eleanor Rykener. Records exist for this Eleanor from 625 years ago but it is not clear when she was born.*

*In 1394, she was arrested in London for prostitution and sodomy. There is not a lot of information about her since she lived such a long time ago, but this is what we do know:*

*She presented female and worked as an embroiderer and a barmaid (typically only jobs held by women) as well as a sex worker. She had relationships with men and women, but mostly men.*

*Eleanor's identity has been erased or categorised by cis/het historians who refer to her male name being used on some court documents. As if medieval court clerks are above dead-naming.*

*These boneheads claim that she was a straight man who cross-dressed for work.*

*The mind boggles at how they can reach that conclusion when she clearly was not cis and presented female for the trial (and her life). So in the interests of un-erasure she tops our list, and you should spread the word about her too.*

In 1996, Channel 4 (UK) ran a television series on medical decisions called "The Decision" [21] with an episode on a transgender youth. A short clip from this episode can be found at this Twitter link and demonstrates the health support in Holland going back to the 1970's. The top two videos, one a group of parents talking about bullying of transgender children and the second about the health support again indicate this is not a new phenomenon.

<https://t.co/wKKaiSNhGc>

### In Summary

Hopefully this section provides sufficient background to the committee to reject the concept that transgender and gender diverse people are an ideology. They have existed throughout the history of time, and across cultures and all continents in the world where people have lived.

For schools to comply with the proposed bill in relation to transgender and gender diverse people, schools teaching on culture, history etc, around the world would then have to exclude any reference to transgender and gender diverse people, thereby also excluding key parts of these nation's culture and identity, and or significantly increase the administration for teachers who already have significant administrative responsibility to allow parents to remove their children from actual fact based lessons to suit their own ideology.

We respectfully submit that the only 'ideology' around transgender and gender diverse people (and in this bill) is to make them invisible and subject to higher risks in their lives in NSW.

Therefor this proposed Bill is educationally inappropriate, and we would recommend that the Committee Members reject the Bill.

#### 4. TRANSGENDER & GENDER DIVERSE PEOPLE, THEIR REALITY & EDUCATIONAL OPTIONS

In the research paper 'How to hit a moving target: 35 years of gender and sexual diversity in teacher education' Airton and Koecher reviewed 158 English-language scholarly articles on integrating gender and sexual diversity in teacher education (GSDTE) from 1982 to 2017. The analysis from this paper outlines the direct opposite direction to education of transgender and gender diverse children than is the objective of the legislation. [22]

*First, King and Brindley (2002) insist that we need to give TCs [teacher candidates] tools as practical as how to seek and foster parental consent to curriculum or resource inclusion, where applicable, including how to refine an oral script for this purpose. Sadowski (2010) points out that, because some TCs must argue for including LGBTQIA issues in their teaching, they should be taught general argumentation skills. Kluth and Colleary (2002) recommend fostering TCs' advocacy skills **so that they can assist students and parents in navigating the education system**' [our emphasis]*

Importantly, many parents of transgender or gender diverse children will have had little to no exposure to LGBTIQ children, let alone the subset of transgender or gender diverse children. They often have to navigate within a negative framework, often created by religion or legislation as being reviewed by this committee.

It is not unreasonable for parents of a transgender or gender diverse child to anticipate that their schools, being a place of learning and learned people, would have a level of knowledge and expertise to assist their child reach their maximum potential. Unfortunately, in many schools this basic level of knowledge does not exist, and under the proposed legislation, is not allowed to exist or if it does, is not allowed to be used.

This lack of knowledge or in the future, inability to use knowledge where it exists, will only be detrimental to the child's whole development. It is, in our view, unacceptable, that the state would support legislation that would knowingly lead to a worse educational and life outcome for students in the State of NSW.

The study also points out that:

*'Time and again, religion is named in the reviewed literature as a trouble spot for GSDTE [gender and sexual diversity in teacher education] practitioners, and evangelical Christianity is consistently linked to e.g., homophobic.'*

From a theological perspective, we see no justification for the exclusion of support for and positive education for transgender and gender diverse students, and in fact all students on the existence and life experience of LGBTIQ people in our society.

It is our view that schools are a place for learning of the whole world existence, and if parents want to teach their children information from a particular faith perspective that can be undertaken at home and within their faith community. Accordingly, we do not support the concepts that parents have the right to remove their child from an education program that is factually correct (such as the existence of LGBTIQ people and families in younger years, and LGBTIQ relationship and sexual health in later years). When parents are fully informed on the curriculum and timetable of what they might perceive as sensitive topics (such as LGBTIQ sexual health), they have the opportunity to provide their own cultural/faith overlay within their home.

It is widely understood that LGBTIQ people in Australia (and globally) generally have a higher instance of mental health issues than the broader heterosexual population. This is not because of who they are but more a reflection of the stress of existing within the broader social construct that LGBTIQ people exist. In Meyer's paper on 'Prejudice, Social Stress, and Mental Health in Lesbian, Gay, and Bisexual Populations: Conceptual Issues and Research Evidence' Meyer explores the concept of minority stressors. Whilst the study focused on LBG people, the same concepts are valid in our view of transgender and gender diverse people. In the summary Meyer states [23]:

*If the stress model is correct, both types of remedies can lead to a reduction in mental health problems, but they have different ethical implications. The former places greater burden on the individual, the latter, on society. Kitzinger (1997) warned psychologists that a subjective,*

*individualistic focus could lead to ignoring the need for important political and structural changes:*

*If [psychologists] aim is to decrease 'stress' and to increase the 'ego strength' of the victim, do they risk forgetting that it is the perpetrator, not the victim, who is the real problem? What political choices are they making in focusing on the problems of the oppressed rather than on the problem of the oppressor?'*

The question for this Committee of the Parliament of NSW is do you support a bill that directly adds to the oppressed by being the creator of additional oppression that will knowingly add stress to transgender and gender diverse children within education in NSW?

As people of faith, we see the objective of our faith is to lift up the oppressed and release them from oppression, not support a societal structure that intentionally adds to the oppression of, in this particular case, children who just happen to be transgender and gender-diverse.

In Alarcon thesis 'Beyond Discrimination: A Reading from the Social Model of Disability to the Mental Health Conditions of LGBTQ People' they comment [24] :

*'In the contexts where being LGBTQ is generally not perceived as a positive characteristic; religion, socio-cultural factors and the law generally stigmatizes sexual minorities as 'immoral' persons. LGBTQ people constantly feel fear and rejection from their social environments, especially those compounded by their family and primary social networks such as friends and colleagues.'*

LGBTIQ children are not innately immoral, and in their education environment should not feel immoral nor rejection in their school social environment or from their primary social networks which is usually school based. This proposed bill creates an environment that creates an enforced stigmatisation within the NSW Education system of transgender and gender diverse students.

Alarcon draws on the model of minority stress and expands on the concept of minority stress, discrimination and the impact on mental health:

*In the case of LGBTQ people, different studies have documented the mental health outcomes related to experiences of discrimination. The minority stress model has been developed as a medical tool to better understand the link between the adverse mental health consequences with the prejudice and discrimination experienced by members of minority groups. The model finds the cause of these problems in environmental or social circumstances by suggesting that severe discriminatory societal attitudes cause health disparities among minority individuals.'*

The absolute intention of this proposed Bill is to force prejudice and discrimination towards transgender and gender diverse children in NSW schools, which will have a direct and negative impact on their mental health. Effectively, state sponsor discrimination, state sponsored negative impact on children's mental health.

Further in this study, Alarcon reports on another study around harassment [page 38]:

*'the fifth National School Climate Survey among LGBTQ youth in the United States, with a sample of 6,209 LGBTQ students with an average age of 13.8 years<sup>77</sup>. 63% (N=3,911) of the participants were female, 25% (N=1,552) were male and 6% (N=37) were transgender. From this sample, 57% (N=3,539) of the participants were bisexual and 40% (N=6,483) were gay or lesbian<sup>78</sup>. The study reported that 91% (N=5,650) of the participants had heard homophobic remarks and negative remarks about gender expression at least once in their lives<sup>79</sup>. Additionally, 91% (N=5,650) reported had experienced verbal harassment because of their sexual orientation or gender identity, while 59% (N=3,663) students reported had experienced physical harassment'*

Once again, if teachers and other staff are not able to intervene on behalf of transgender and gender diverse students, they are likely to be subject to even increased levels of verbal and physical harassment, making schools an unsafe place for them, and further negatively impacting their physical and mental health.

Concerningly, the students in that study didn't believe that they would be able to inform teachers or their parents of the harassment, or if they did, it was unlikely that anything would happen [p39]:

*'For example, the study also found that 57% (N=3,539) of the participants reported they had never told school staff about these practices. 50% (N=3,140) reported they had never told a parent or other family member and 29% (N=1,800) affirmed that reporting those events before school staff would not prevent harassment.'*

One of the key risks for students not telling their parents or other family members is related to the risk of having to 'out themselves' when they are either not prepared, or 'outing themselves' could put them at further emotional and physical risk in the home situation.

In Audrey's study 'Queer youth and mental health: What do educators need to know?' when looking at the concept of anti-bullying programs that are general (the model used in NSW Public Schools), Audrey notes (referring to Ireland's education system). [25] [P84]:

*[Irish] 'national Anti-bullying Procedures for Primary and Post-primary Schools (Department of Education and Skills 2013) which all schools must adhere to, do emphasize the importance of cultivating a 'positive school culture and climate that is inclusive and welcoming of difference' in order to prevent and minimize bullying behaviour (DES2013,17). However, the problem of bullying is conceptualized primarily, if not exclusively, in individual, rather than institutional terms; that is, it frames bullies as the primary problem and focuses on decreasing bullying behaviour, **not addressing elements of school culture which may be directly as well as indirectly implicated in promoting a culture of bullying in the first place.**[our emphasis] While the procedures address 'identity-based bullying' and the need for 'gender equity', they do not engage with the ways in which gender is constructed within the broader institutional context of the school and how schools themselves are 'active players' in the construction of masculinities and femininities (Connell1996, 206).'*

Returning to Alarcon another study referred to, in Bogota, the impact on Transgender people is damning [p 47]

*'According to official data from the Sexual Diversity Division of the Planning District Secretary of Bogotá, in a survey conducted to 1,213 LGBTQ individuals, at least 98% (N=1,188) of the trans respondents in Bogotá reported have been discriminated against. This rejection stems from their family and friends, as well general marginalization experienced by society..... 83% (N=1,006) of the trans respondents reported having been physically or psychologically abused in school because of their gender identity and 83% (N=1,006) have been excluded and stigmatized at the time of accessing education'*

The proposed Bill has the potential to deliver this devastating outcome for transgender and gender diverse students in schools in NSW. This type of minority stress from harassment and discrimination is likely to lead to significantly lower education outcomes for transgender and gender diverse people, which is not an acceptable outcome, which then can contribute to poorer health outcomes, poverty and reliance on the social welfare system. Surely in Australia, we should not be setting up a group within our community for this outcome.

In a report by Burdge et al 'Implementing lessons that matter: The impact of LGBTQ-inclusive curriculum on student safety, well-being, and achievement' they present the outcomes of research that outline 5 key steps or actions that schools can take to improve student safety and/or reduce harassment in schools. These steps include [p 4]

- *'Establish and publicise an anti-harassment policy that specifically enumerates sexual orientation and gender identity*
- *Train teachers and staff to intervene when anti-LGBTQ slurs are used*
- *Support the establishment of a Gay-Straight Alliance or similar student club*
- *Ensure that students know where to go for information and support about sexual orientation and gender identity*
- *Teach curriculum that includes LGBT people and information about sexual orientation and gender identity'*

These recommendations are diametrically opposite to the actions that would be enacted by this proposed bill specifically in relation to transgender and gender diverse school students.

Students in this study identified PE classes as the area of their most concern in regard to their safety, with one student's comments recorded stating [p7]

*'One student, who identifies as a queer transgender male, explained how difficult PE was for him:*

*After being outed, I couldn't change anywhere, I couldn't be with...female-identified people because they were all 'oh you're gonna check me out, oh, you're gonna look at me,' and I'm like, 'no—just because I identify a certain way doesn't mean I'm all attracted to you.' And like, they didn't understand that, and then I would get a failing grade because I would refuse to change, because that sucked, being ridiculed and what not.'*

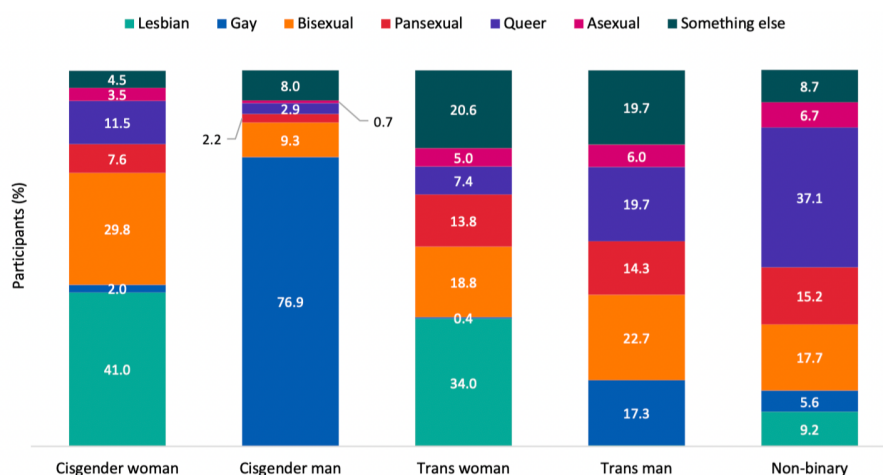
Added to this is the extraordinary higher rates of suicidality. Alarcon references a Canadian study [p53]

*'In a report prepared by Egale Canada Human Rights Trust to the Youth Suicide Prevention Summit in Canada, the organization showed that suicidal ideation was disproportionately widespread among lesbian, gays and bisexual youth. Stigma and discrimination were identified as important factors that demonstrate the correlation between suicidal ideation and discrimination. The social environment was identified as the main factor responsible for causing a significant negative impact in the lives of LGB youth. 33% of LGB youth respondents were more likely to commit suicide in comparison to 7% of heterosexual youth and 47% of trans youth.'*

The Australian data published in this domain can come from a number of sources. The recently published 'Private lives 3: the health and wellbeing of LGBTIQ people in Australia' (2020) has some important commentary to take this international data into the Australian context. In the Executive Summary there are some key statistics [26] [p14]:

- 'One third (34.3%; n = 2,328) of participants were cisgender men, 43.5% (n = 2,948) cisgender women, 4.4% (n = 300) trans men, 4.2% (n = 285) trans women and 13.6% (n = 921) non-binary. There were 47 participants with an intersex variation/s.
- Over three quarters (77.5%; n = 1,278) of trans and gender diverse participants reported that they had been treated unfairly because of their gender identity in the past 12 months
- Two fifths (40.0%; n = 926) of cisgender men rated their health as very good or excellent compared to less than one third of cisgender women (29.3%; n = 858), one quarter of trans women (26.3%; n = 75) and one fifth of trans men (19.8%; n = 59) and non-binary participants (20.1%; n = 184).
- Over two fifths (41.9%; n = 2,848) reported that they had considered attempting suicide in the previous 12 months and almost three quarters (74.8%; n = 5,084) had considered attempting suicide at some point during their lives.
- Overall, trans and gender diverse participants reported higher rates of psychological distress, suicidal ideation and attempts and poorer self-rated health than cisgender women and cisgender men in PL3.'

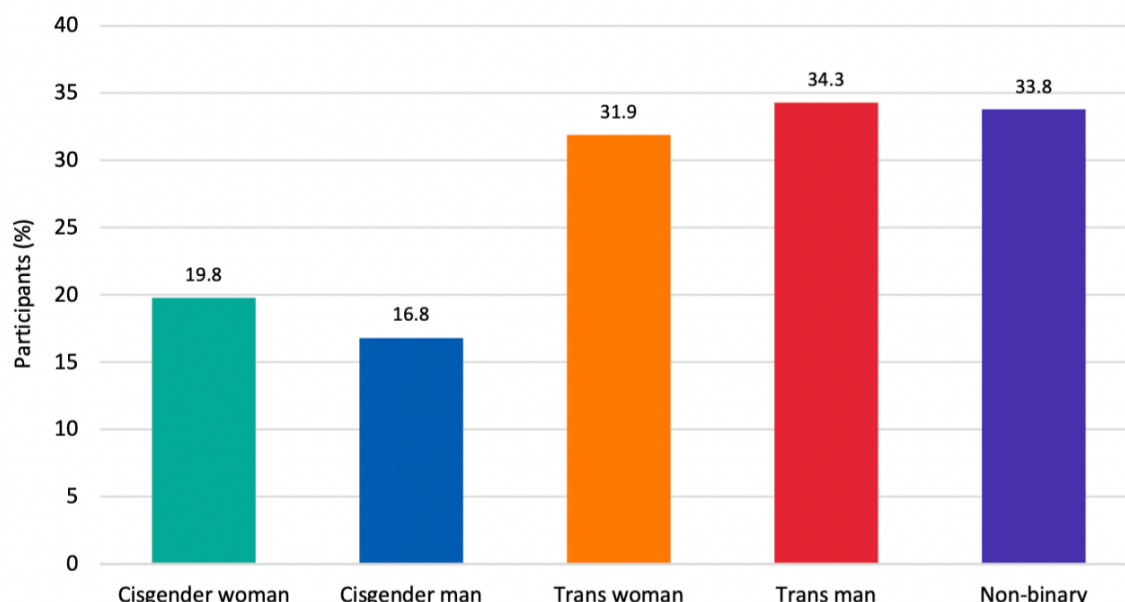
The study provided an overview of the intersection of sexual orientation and gender identity [p24]





The statistics of homelessness are very concerning with LGBTIQ people being somewhere between 2 to 2.5 times more likely to have experienced an episode of homelessness than heterosexual people.

This table breaks down the experience of homelessness in the study group (n=6,782) [P34]



Rejection by the family, family violence are highly identified issues, with discrimination (including schools) also being significant [p35]

Circumstances related to homelessness	Number	%
Financial stress	624	42.7
Mental health issues	584	40.0
Unemployment/underemployment	558	38.2
Rejection from family	492	33.7
Family violence	435	29.8
Violence/harassment in previous accommodation	213	14.6
Substance use	196	13.4
Discrimination (such as from school, employment, services)	154	10.5
Disability	134	9.2
Rejection from peers	128	8.8
Chronic illness	121	8.3
Other	260	17.8

Note: multiple responses were available thus percentages do not add up to 100.

Forms of violence and harassment are a very common occurrence towards LGBTIQ people in Australia, even years after decriminalisation and after marriage equality was achieved (not for all Transgender people in Australia) [p 40]

Type of violence or harassment	Number	%
Socially excluded	2,405	39.5
Verbal abuse (including hateful or obscene phone calls)	2,100	34.6
Harassment such as being spat at and offensive gestures	1,415	23.6
Received written threats of abuse via emails, social media	1,310	22.1
Threats of physical violence, physical attack or assault without a weapon	874	14.6
Sexual assault	698	11.8
Received written threats of abuse in other ways	661	11.4
Refusal of service	597	10.0
Refused employment/promotion	554	9.9
Received written threats of abuse via graffiti	301	5.3
Deliberate damage to property or vandalism – House	284	4.8
Physical attack or assault with a weapon (knife, bottle, stones)	231	3.9
Deliberate damage to property or vandalism – Car	210	3.7
Theft – Money	214	3.6
Theft – Property	195	3.4
Break in – House	151	2.6
Deliberate damage to property or vandalism – Work	119	2.1
Theft – Car	80	1.4
Other	166	21.9

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

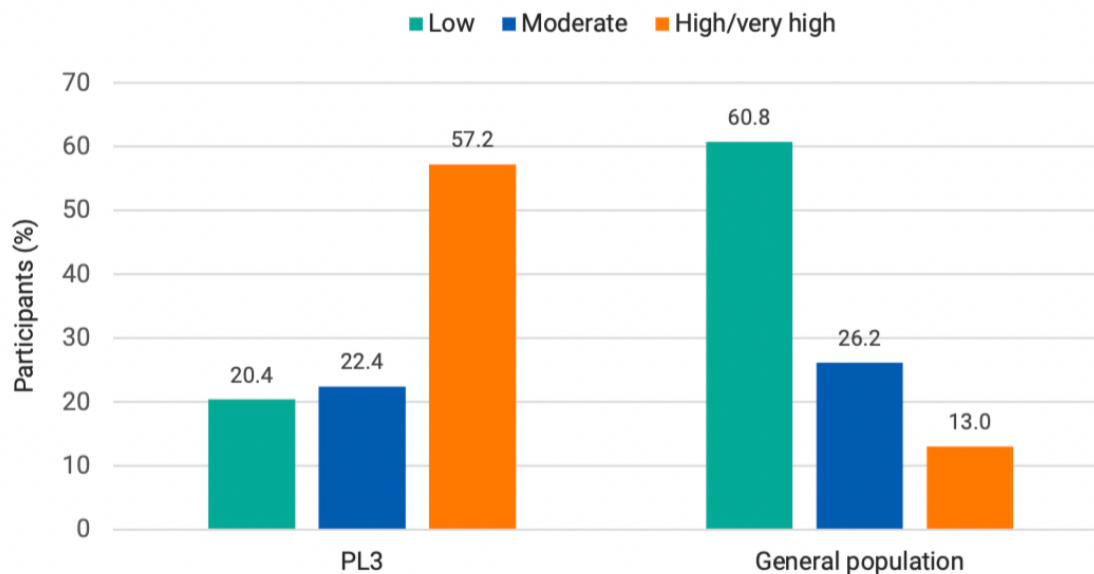
The data related to family violence was broken down further with over 70% stated that the violence was perpetrated by their parents [74].

*Participants who reported having ever experienced family violence were asked to select 'the relation the family member/s had to you at the most recent time this occurred.' Almost three quarters (72.7%; n = 2,943) responded 'parent' (including guardian, foster carer, step-parent, adoptive parent), 18.4% (n = 746) 'older sibling', 12.0% (n = 486) 'younger sibling', 20.3% (n = 821) 'extended family member', 5.0% (n = 200) 'in-laws', 1.4% (n = 55) 'child or grandchild', 3.5% (n = 140) 'other family member/s' and 3.1% (n = 125) 'prefer not to say.'*

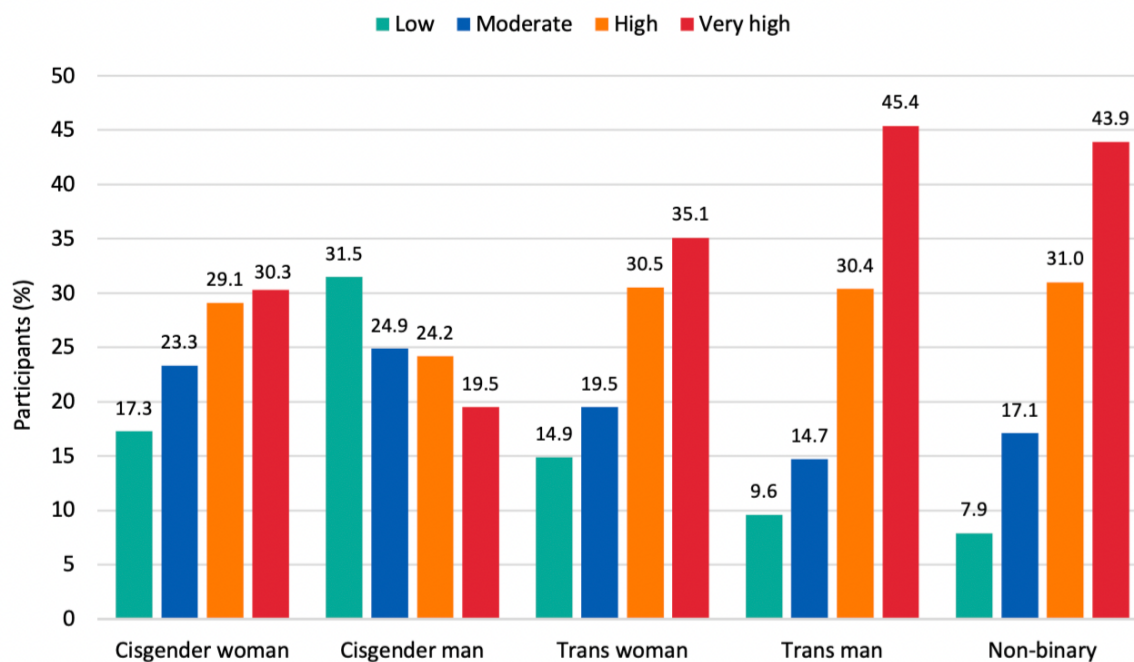
This goes to the heart of the issue that for many LGBTIQ people home is not a safe place, and often school teachers, counsellors etc are important people for transgender and gender diverse people to confide in and receive relevant, independent (and hopefully up to date) advice.

These general high-level statistics provide a shocking level of homeliness, rejection and violence solely due to a person's sexual orientation or gender identity in modern Australia. One way to start the long and slow process of change is through having a well-educated society on all matters of LGBTIQ people in our education system. The proposed bill is the exact opposite of this needed outcome, and in fact will perpetuate this unacceptable outcome and likely to increase this negative outcome for transgender and gender diverse people.

Psychological distress for the LGBTIQ community is the inverse of the rest of the population of Australia. [p 46]

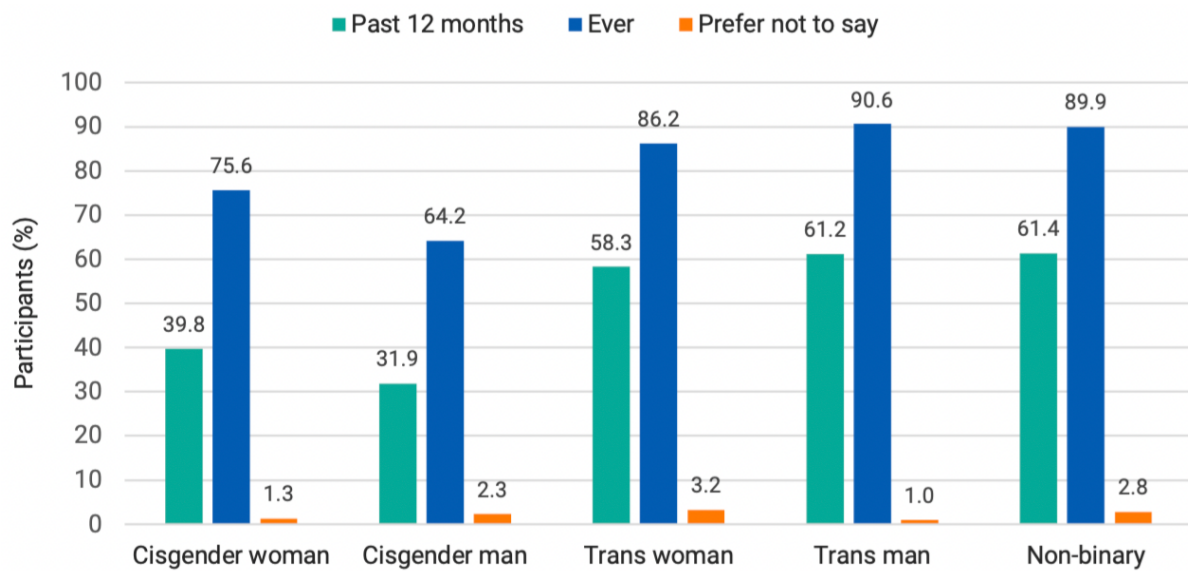
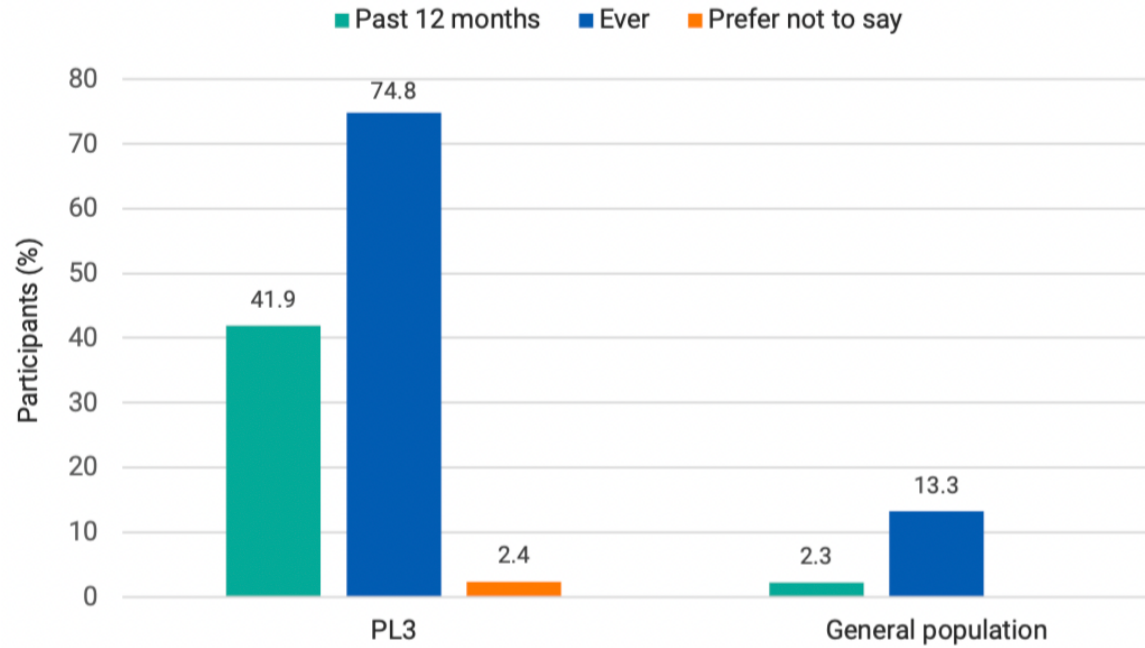


When breaking the PL3 study group down into gender the psychological distress is the highest for transgender and gender diverse people.

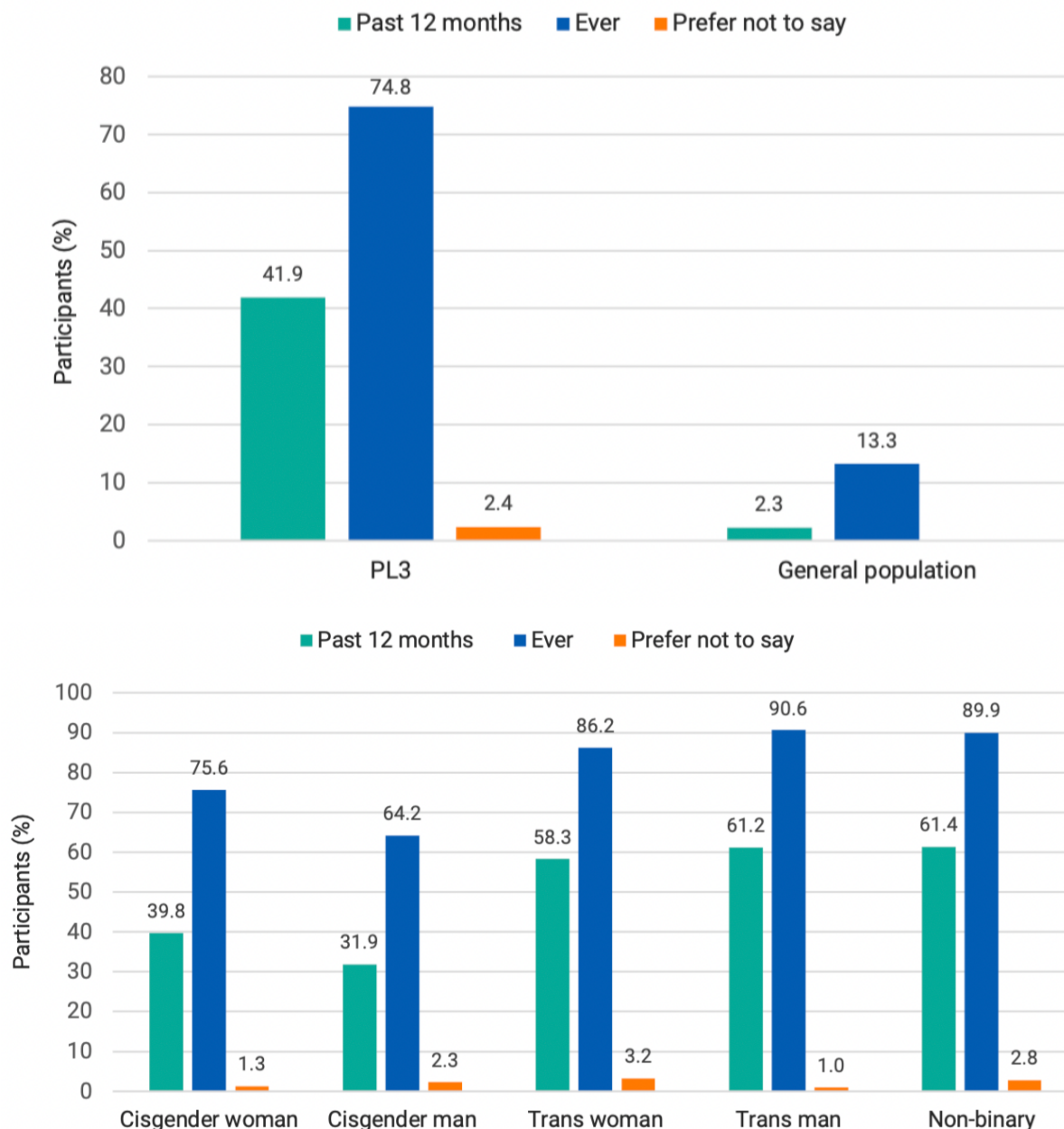


The suicide attempts or suicide ideation in the last 12 months in Australia for LGBTIQ is comparable to the Canadian study referenced earlier, both in quantum and comparison to the remainder of the population. This first table is on suicide ideation: [50]





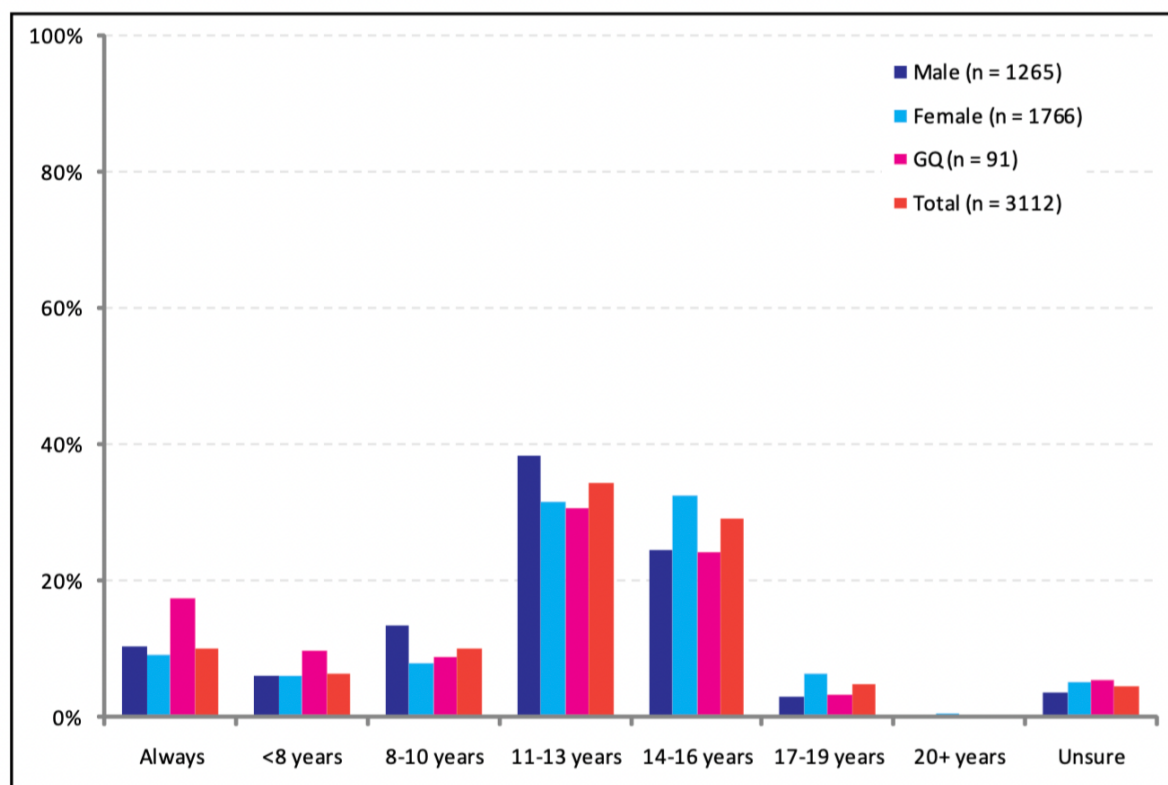
And this second table is suicide attempts in the last 12 months. [p51]



Alarcon in his conclusion comments [24] [p125]

*Research suggests that while LGBTQ people are systematically being affected by discrimination, there are still policy, education and health services that seemingly ignore the rates of suicide and adverse mental health conditions as direct outcomes of the social climate that surrounds sexual minorities.*

In the report by Hillier et al 'Writing themselves in 3 (WTi3): The third national study on the sexual health and wellbeing of same sex attracted and gender questioning young people' and Australian based study, they asked participants at what age did you realise you were same sex attracted? [27] [p 20]



The key observation from this is a significant number of children are aware of the same sex attraction in primary school. It is often considered because transgender is different to same sex attraction, that many transgender people are aware of their difference at a younger age.

To us, it is unacceptable that this Committee would contemplate endorsing this bill to the NSW Parliament, knowing that it would directly lead to an adverse outcome for transgender and gender diverse people. Those outcomes, in addition to those listed earlier around poor education outcomes, poorer health outcomes etc, would also be an increase in suicide.

School Counsellors and Psychologists play an important role in our schools (and it is generally recognised this is an area underfunded in public schools to the demand and needs). When a child's emotional wellbeing is at risk or the education outcomes are not at their expected levels, Counsellors play a critical role for the child. This may be as an advisor/strategist on tools and techniques or as an interventionist with issues between the child and their peers, teachers and at times parents.

The data presented above for transgender and gender diverse children can have significant mental health issues, family relationship dynamics and interpersonal skills issues with their peers and teachers. The underlying issue can often be from who they are, transgender or gender diverse, and the proposed bill will remove a critical resource from the children in our schools to assist them with strategies around family (which may be unsafe) and school.

In Jones's study published by the CSIRO 'Evidence affirming school supports for Australian transgender and gender diverse students', transgender and gender diverse students were asked what would make their school environment better and the summary of the responses were [28] [p413]:

*'most participants recounted a need for greater education provision on transgender-related themes: that transgender diversity exists, its meaning and range, its affirmation and protection in law and so on.'*

One participant went on to add that:

*'If they can teach that some kids have two mums, or two dads, then surely they can teach that not everyone who was born one sex will remain that sex.'*

In Bradford et al's research 'Sex education and transgender youth: Trust means material by and for queer and trans people', whilst based in the USA provides some useful insights when appropriate

and inclusive information for LGBTIQ students is not included PDPHE curriculums as in the case in NSW. One student interviewed commented [29] [page 9]:

*This same participant went on to describe the role that pornography played in the development of their own trans identity, and the lasting negative impact of this exposure:*

*The way that I found my gender identity was through really transphobic pornography. Once again, that's played a role in my life. I wish that there had been a different route there . . . I just had such the wrong idea of what it was and what shit meant.'*

The same study quoted an interviewee around trust concerning sex education [p10]:

*'I can trust [a peer sex educator] more readily than I can trust the man in my health class who told me that we're only going to be talking about monogamous, heterosexual, viviparous reproduction. He's not trustworthy to me. He obviously doesn't know what he's talking about. He has no information that's pertinent to me.'*

And another student stated [p11]:

*'For example, one participant (man, unsure/questioning, age 15) described having an '8th grade sex ed teacher refused to talk about gay sex at all,' and went on to describe having to 'research a lot and even watch porn just to learn how [LGBT] people actually have sex.'*

The authors in their discussion commented [p12]

*'Overall, participants described a lack of sex education content appropriate to sexual and gender minorities, and perceived this to be through, at best, passive lack of acknowledgement and, at worst, active refusal to address sexual and gender minority sexuality. Past research has demonstrated that silence surrounding such issues both reflects and perpetuates heteronormativity (Fisher2009), and may result in sex education that is incompatible with the needs of sexual and gender minority youth.'*

This lack in the NSW PDPHE curriculum of appropriate and inclusive sex education increases the risks, physically, emotionally and health for LGBTIQ people.

Transgender youth will discover who they are one way or the other, and surely it would be safer if educationally appropriate information around transgender and gender diverse people was provided in the NSW PDPHE curriculum for all student irrespective of their school system. I would anticipate that all members on the committee would prefer educationally valid information for students rather than them finding material useful to them via pornographic websites.

This is an area where the challenge with parental intervention and withdrawal becomes problematic. A conservative religious family may decide under this proposed bill to withdraw their child from educationally and appropriate information around transgender and gender diverse people. Being a religious parent does not stop your child from being an LGBTIQ person. By allowing the withdrawal of closeted transgender and gender diverse children from these programs increases the risk of them finding unsound information via the broader internet or pornography in particular.

Jones refers to a study undertaken by beyondblue on transgender and gender diverse Australian students experiences at school noting [28] [p414]

*One-quarter of TGD [transgender and gender diverse] students avoided their schools because they felt unable to conform to their school's dominant gender stereotypes, including 50% of respondents enrolled in Christian schools. Two-thirds of TGD students rated their school's sex education provision mostly inappropriate, and under 10% as mostly appropriate. TGDs enrolled at Christian schools most often reported that sex education was mostly inappropriate (85%); none found it mostly appropriate. Over half (55%) of TGD students rated their schools' puberty education provision mostly inappropriate. Nathan (FtM, 21 years) explained, 'sex education class did not mention trans' and Boston (gender questioning, 18 years) noted, 'we are told to be 'lady-like'.'*

This is already an appalling outcome for these students, and once again the proposed Bill will make their existence and educational outcome worse.

The *Beyondblue* study analysis shows the comparative outcomes for transgender and gender diverse students when they are provided reasonable support versus none or inappropriate support. [p 414]

*'The Beyondblue survey showed that social support from staff and peers made a difference to TGD students' outcomes.*

*Participants who received no teaching staff support were significantly more likely to drop out of school (23 vs 5% with staff support) and hide at lunchtime (50 vs 23%). They were also at an increased risk of experiencing bullying by mobile phone (27 vs 8%), written abuse (27 vs 11%) and discriminatory language from friends (62 vs 31%). Where teachers' use of students' pronouns/name/identity was 'mostly inappropriate', students were more likely to struggle to concentrate in class (54 vs 22% of those whose teachers used appropriate pronouns/name/identity), drop marks (54 vs 26%) or drop out (22 vs 6%).*

*Bailey (trans boy, 16 years) discussed the difficulties he experienced in having his principal refuse to use male pronouns; 'It makes me depressed so much that a lot of the time I can't focus at school. Sometimes I really hate myself for this, and I want to die'.*

In Jone's conclusion, she makes a number of important summations:

*'The Australian research showed that adult transgender people felt affirming coverage of transgender topics would have improved their educational attainment, that there was an urgent need to respond to the increased physical transphobic violence and that there was a dearth in sexuality education and other support features in schools for TGD students.'*

and

*'encouraging social support for TGD students from staff and peers (including correct language use, for example) can contribute to contexts in which these students are less likely to be bullied or drop out, and more likely to have improved educational outcomes'*

The actions of this proposed Bill will lead to the exact opposite of this outcome.

In Jones et al's paper 'School experiences of transgender and gender diverse students in Australia' published in 2015 provides more further information on the themes referenced above such as in relation to counsellors: [30] [p164]

*'Younger survey participants (14–17-year olds) were more likely to have been provided with trans-inclusive counselling at school (67%; compared to 37% of 18–21-year olds and 22% of 22–25-year olds). This may suggest a story of changing attitudes for school counsellors in recent years. Participants who attended government schools were more likely to indicate that counselling provision was appropriate for them compared to those from Christian schools. Timothy, a trans boy/man survey participant (22 years), commented that religious and psychological counselling at his Christian school were not separated out; 'the only counselling that I knew of in school was from our school Chaplain (who was) the last person I would feel comfortable talking to about my gender identity'.*

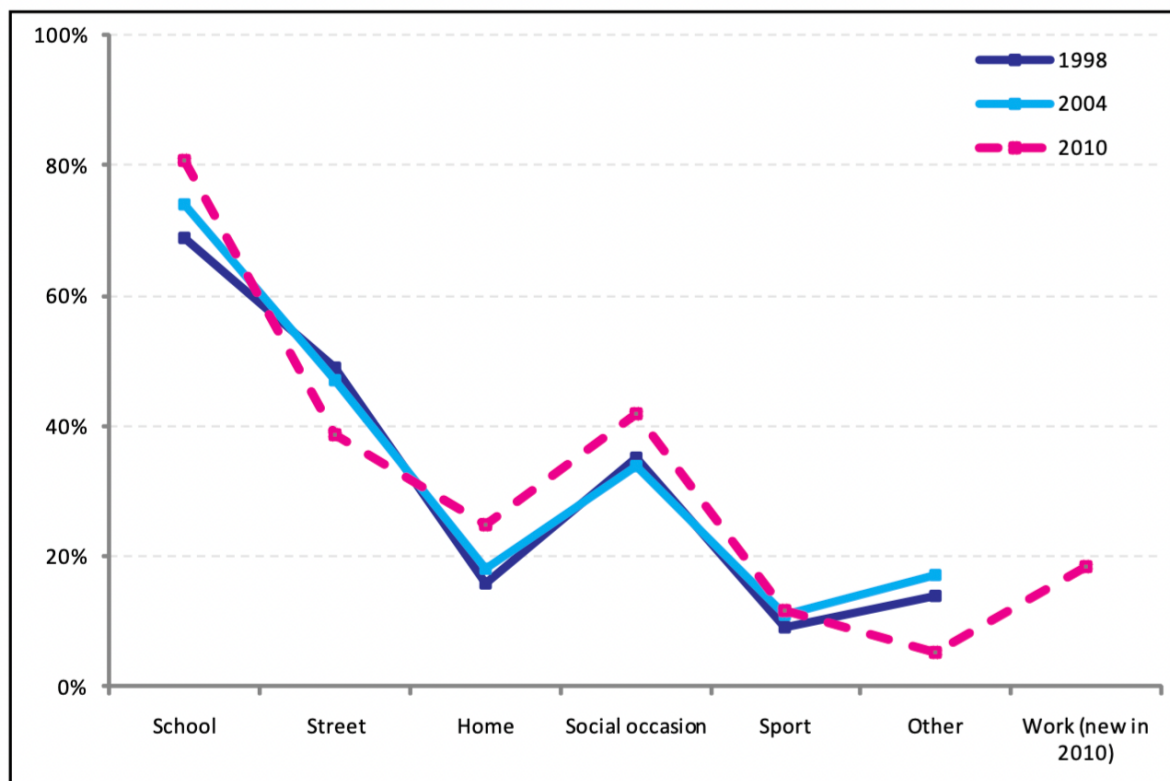
This shows the critical importance and value of school counsellors (more so in the public system) and the dangers the Bill processes in removing this resource from these students that are more vulnerable than the general school population.

In relation to supportive classmates: [p165]

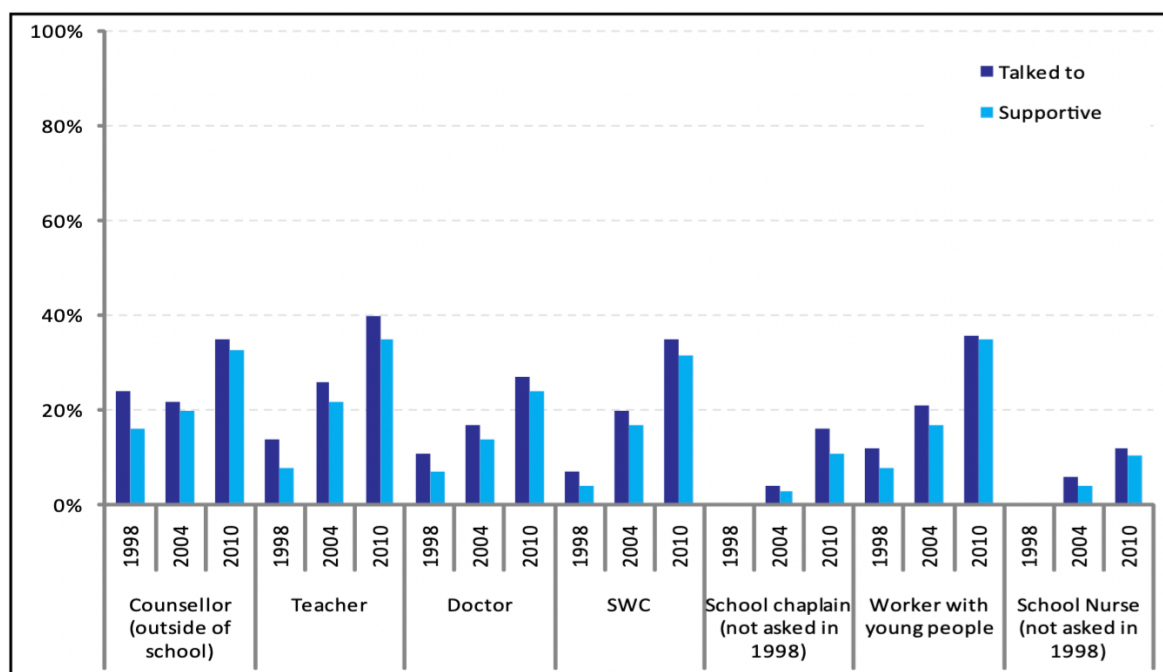
*About two-thirds (65%) of the survey participants experienced verbal abuse on the basis of their gender difference and 21% experienced physical abuse on the basis of their gender difference. The most common location where this abuse took place was reported to the street (40%), closely followed by the school (38%). Over 90% of the survey participants who had experienced physical abuse had thought about suicide.*

In the Hiller et al report, concerning as time has progressed with this study, comparisons of abuse towards LGBTIQ children has risen, and again the home is seen as a third highest place of abuse, and schools the highest place of abuse. Both have risen from both the 1998 and 2004 studies which is concerning [27] .

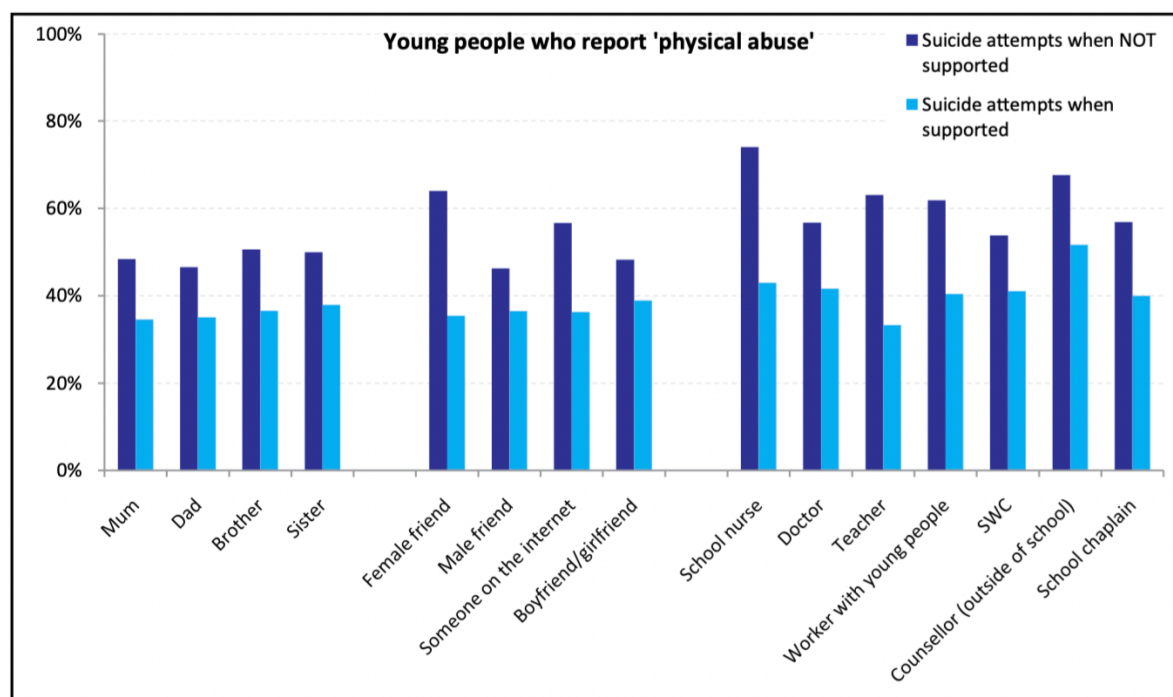




The importance of disclosure of being LGBTIQ to a relevant professional was tracked in this longitudinal study, and the importance of teachers is very high, being the highest professional category, as well as a growth in disclosure to school nurses.



The following table provides critical information of support provided in schools when an LGBTIQ is assaulted, and the staff members are supportive. School teachers and school nurses are significant in the disclosure of the assault and there is significant higher rate in suicidality when the student does not feel supported by these two classes of professionals. When teachers, in particular are supportive, there is a significant drop in the suicidality.



Jone's study 'Comparing rural and urban education contexts for GLBTIQ students' came to a not unexpected conclusion [31] :

*'The studies showed that GLBTIQ people from many rural and remote towns felt that the rurality of their schools and homes impacted their experience of GLBTIQ identity, often due to isolation from GLBTIQ communities and a lack of appropriate educational and medical services. Many aspired to leave their rural and regional homes.'*

If teachers and staff are not able to provide any support to transgender and gender diverse students as a result of this bill, then teachers and executive staff would not be able to address this already too high level of harassment and physical violence of transgender and gender diverse students in a meaningful and educatively valuable way. Nor would they be able to provide the critical level of support that they are already providing in growing numbers. The lack of supportive classmates has a direct educative negative consequence:

*Participants without supportive classmates were also more likely to move schools (27% compared to 7% with supportive classmates); miss classes (47 vs. 22%); and hide at recess/lunch (50 vs. 21%)*

How we support transgender and gender diverse students is important. In an article published on 18 December 2020, it records the tragedy of a transgender girl who was mistreated by their school counsellor for wearing a skirt and soon after committing suicide. It also worth noting that the teenager was in a youth shelter and not living with their parents. [32]

*'France's Minister Delegate for Gender Equality, Diversity, and Equal Opportunities Élisabeth Moreno entered the discussion.*

*'A transgender teen girl died by suicide Tuesday,' Moreno wrote. 'The suicide rate for transgender people is seven times higher than the average. We absolutely need to fight against transphobia, everywhere.'*

In Jones' research paper 'School experiences of transgender and gender diverse students in Australia' notes that transgender and gender diverse people exist in all of the school systems in Australia [30] :

*'Whilst we do not claim our sample is representative, it is important to note that survey participants were currently or had previously attended all Australian school types: Government (47%), Christian (18%), general private (10%), vocational education and other secondary provision institutions (19%) and 'other' forms of schooling (e.g. distance education)*

(6%). This is noteworthy because it shows that it would be incorrect to assume that religious school types, for example, 'do not have' transgender or gender diverse students, although in Australia, religious schools may obtain national legal exemptions from discrimination on the basis of gender identity in their service provisions to students'

In their conclusion Jones states [p167]:

*'The data discussed in this paper suggested that Australian schools of all types may have transgender and gender diverse students, and therefore should make provision on the assumption that there may be closeted transgender and gender diverse students in their care. There were both diversity and complexity in the gender identities (both non-binary and binary) of transgender and gender diverse students in this study and their needs as students were similarly variable. Because of this, it is likely that schools, teachers and teacher educators will need to offer a suitable nuanced response. The data suggest that it could be useful to transgender and gender diverse students if teachers and school leadership were trained in appropriate, supportive behaviour and language towards gender diverse and transgender students. The data show that appropriate language use by school staff can support these students' safety and educational outcomes.'*

There is a meta-study in relation to LGBTIQ youth well-being undertaken by Cornell University and their key research approach and findings in relation to LGBTIQ youth safety within families is summarised as [33] :

*'We identified 42 peer-reviewed studies that met our criteria for adding to knowledge about the links between family support and the health and well-being of LGBT youth. Of those, 25 found that accepting behavior by parents toward their children's sexual orientation or gender identity is linked to the health and well-being of LGBT youth. Another 17 studies found that family support in general (i.e. not necessarily in response to children's sexual orientation or gender identity) is linked to the health and well-being of LGBT youth. The upshot is that families that engage in rejecting behavior raise the risk of significant harms for their LGBT children. Many studies used convenience samples of several dozen to several hundred subjects, but some studies used population samples and some sampling pools reached nearly 2000. Taken together, the studies on family support show that—whatever their values—families can take specific steps to protect their children against the heightened risks facing LGBT youth.'*

The key relevant findings are:

- '2. Research shows that rejecting behaviors by parents can increase these risks, including contributing to far higher levels of suicidal behavior and depression.*
- 3. Family, long thought of as playing a neutral or negative role in LGBT youth well-being, can play a key protective role against these physical and mental health risks. Several studies confirmed the importance of sexuality-specific acceptance (over generalized support), and of parental support over peer support.*
- 5. Most families with ambivalent or negative views about sexual minorities still love their children, and believe they are helping them to fit in and thrive by rejecting their sexual orientation and/or gender identities; yet such families have been shown to successfully modify their behavior when they learn how harmful rejecting behavior can be to their children's mental and physical health.*
- 6. Disclosure (coming out) to family is an important part of LGBT youth's healthy development, and in the long-term can reduce the stress associated with worrying about future rejection; however, research shows that the short-term effects of disclosure can include added stress resulting from social isolation and family conflict, particularly if parents react in rejecting ways.*
- 8. Both LGB and transgender (as well as heterosexual) youth may exhibit gender-nonconforming behavior, which in turn may trigger rejecting behavior by parents whether or not their children have "come out" to them. Research suggests that parents, practitioners and providers should be aware of the possibility that such reactions can cause profound harm to LGBT youth.*



*9. Family background, including race, class, ethnicity, religion, national and regional origin and other factors, can play a role in shaping how parents and youth respond to LGBT identity. Practitioners and policymakers should be aware of the complex and diverse ways in which different populations may view family, sexuality identity and gender expression.'*

We encourage Committee Members to listen to the podcast in the link with an interview of a teenage transgender youth who a Uniting Church member (and happens to be the son of two Uniting Church Ministers), is currently in Year 12 in the Geelong region. In the podcast he talks about the negative issues towards transgender youth in a Christian School in Tasmania, and with his parents moving to Victoria and the significant support he received in his transition in the school environment [34].

<https://drive.google.com/file/d/1L5SDzaTVVaqIenvONphVNTs3wvKUkeCI/view?usp=sharing>

No doubt the Committee Members are aware of the survey by former Sydney student on sexual assault of school aged students, of which the results are a horrendous read. This entry I believe is relevant in this discussion around how schools are currently not providing appropriate PDPHE education for LGBTIQ students and responding to sexual assault of LGBTIQ people in a totally inappropriate manner [35]:

*'I was 15 years old. I hadn't done sex ed in detail especially not homosexual sex ed because it was a catholic school. i understood what the concept of consent was but i did not think it was sexual assault if it was girl on girl. No one told me it was and I thought it was normal. a friend of mine had gotten me blackout drunk and videoed herself performing oral sex on me. It went around the central coast and north shore and ended up on porn hub. no one believed me, my school shamed me for it being a homosexual interaction.*

*- Mercy catholic college chatswood 2020'*

*'I was in year 7 at the time when and older boy probably in year 9 or 10 came up to me walking out of the gates, he followed me around to the sports ground across the road to were I would get changed before rugby training. He walked in and started talking to me. I thought he was such a nice guy and started talking to me about how much I would love Waverley. He then proceeded to come up really close talking to me, I thought it was strange but thought nothing of it. As I took my school clothes off and turned around he started to help me take my pants off. I thought he was just being nice and I let him. He then spat on his hand and stuck a finger up my bum. I tried to run away but he locked the door. He said we can do this the easy way or the hard way. Being scared went onto the ground and rolled into a ball. As I was in a ball (naked) he proceeded to take his pants off and spit on his penis. He spat on my asshole and put his penis in. I didn't know it was rape at the time as I hadn't been taught about consent properly at school and thought he was just being nice. I am now 42 and proceed to think about this moment all the time. It wasn't until then that I realised I was a homosexual.*

*Waverly College'*

Whilst Australian governments over the years have promoted "choice in education systems", there should be a common curriculum for all school system, and this has to apply not only to sex education, but also to the broader support for LGBTIQ student who exist knowingly or hidden in pretty much every school in the State.

Finally, Riggs & Bartholomaeus study outlines the importance of supportive schools and modifying the gender stereotyping limiting student personal development [36]:

*'Australian research with students at the secondary level has clearly documented trans and gender diverse students' negative experiences of school and the implications of this for their well-being (Jones & Hillier, 2013; Jones et al., 2016; Smith et al., 2014; Ullman, 2015). Australian research with parents of trans children, including at the primary level, has emphasised the importance of supportive schools, and the negative impact of gender stereotyping in schools (Riley, Sitharthan, Clemson, & Diamond, 2013), including by school counsellors and psychologists (Riggs & Bartholomaeus, 2015).*

The important role that schools can play is currently hindered in Australia by two key issues:

- 1) the lack of opportunities for educator professional development and support for working with trans and gender diverse students, and
- 2) the broader climate of misunderstanding and fear, evidenced in recent debates about the Safe Schools Coalition.

### In Summary:

We believe we have outlined the serious issues for the exclusion of transgender and gender diverse people in our State's education system (all system) and the broader LGBTIQ community. These issues go to not only their educational outcomes, but also their personal safety and the proposed legislation is likely to make this worse and potentially increasing suicidality within the transgender and gender diverse student population.

Accordingly, we support the recommendations in the *Riggs & Bartholomaeus 2015 [37]* paper exploring trans and gender diverse issues in primary education in South Australia which we have summarised as:

Ongoing inclusion of teacher education in University (Preservice) and continuing professional development (Inservice) around:

- Understanding of transgender and gender diversity people
- Risks and vulnerabilities of transgender and gender diverse students
- Essential information around toilets, sports, uniforms, pronouns and chosen names (and risk when to and not to use them)
- Implications for changes within schools
- Support of families, with a focus on those that are struggling to support their child
- Curriculum issues

Development of consistent resourcing and programs aimed at the safe inclusion of transgender and gender diverse children (whether their existence is known or not)

NSW Education development of policies and procedures to support teachers and schools establish a safe and inclusive school environment

Investment in resources for schools, such as school libraries books on gender diversity and teaching resources to support them.

We would add, materials for families to support the inclusion of these resources and policies and procedures, as well as a major review of the PDPHE Curriculum to incorporate LGBTIQ people in all aspects of the curriculum including different types of families (primary school) through to LGBTIQ health, sexual health, consent and relationships.

Finally, we see significant risks to LGBTIQ student in religious based schools and accordingly we believe it is no long appropriate for any school system to continue to have the right to discriminate against LGBTIQ children, children of LGBTIQ families. Whilst not in scope we also do not believe outside of the position of School Chaplain and some of the School Board Members there is any reason to discriminate against LGBTIQ staff. This is the situation in Tasmania, and to our knowledge there has not been any significant operational impact to religious and other private schools in Tasmania. Given the amount of public funding into the non-public schools by taxpayers, there is no ongoing justification for their anti-discrimination exemptions.

## 5. PARENT'S RIGHTS TO PULL THEIR CHILD OUT OF CLASSES BASED ON THEIR VALUES

In an earlier section we outlined the imbalance in the Bills focus on the particular article 18(4) in '*The International Covenant on Civil and Political Rights*':

*'The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions'*

We wish to briefly explore at a high level some of the implications of this very broad permission granted to parents.

We have recently seen in Utah, where some parents complained about transgender and gender diverse inclusion books in a school library and used in a classroom discussion, that the entire program around Black Lives History month has been cancelled. There is no correlation between these two events, however, 'aggressively regressive' people have used this and an opportunity to further limit children's real work learning environment, which is unhealthy for them and the future of society.

In Ullman and Ferfolja 2015 research published as 'Bureaucratic constructions of sexual diversity: 'sensitive', 'controversial' and silencing' they challenge the notion that a significant number of parent have concerns around sex education and inclusion of homosexuality within sex education [38] [p147]

*'Additionally, many teachers fear parental complaint if they broach these issues with students (Duffy et al., 2013; Milton, 2010); although, Atkinson (2002) points out that this fear of parental disapproval is generally imagined. Indeed, in Australia, parents trust their children's schools to provide suitable content in sexual education classes (Berne et al., 2000). Recent research conducted with 177 parents from the Sydney region revealed that fewer than 1% did not support sexual health education in schools (Macbeth, Weerakoon, & Sitharthan, 2009). Additionally, 97% of the sample felt that homosexuality should be included in sexual health education, with the majority of parents suggesting the late primary and secondary school years as the appropriate time for such content (Macbeth et al., 2009). Thus, contrary to teachers' trepidation, there is no Australian research that demonstrates large-scale parental resistance to education about sexual diversity.'*

These teachers fears we contend have been increased by campaigns by limited people, conservative anti-LGBTIQ mainstream newspapers in NSW and some politicians who are keen to put pressure to reduce effective educational inclusion of LGBTIQ children in our schools.

In Ullman and Ferfolja 2016 research paper 'The Elephant in the (Class) Room: Parental Perceptions of LGBTQ-Inclusivity in K-12 Educational Contexts' they provide a very useful insight [39] [p26]:

*'While a small number of research studies have investigated parental opinion related to comprehensive (e.g. LGBTQ-inclusive) sexuality education, no Australian research to date has provided reliable large-scale, nationally-representative data on parents' understandings, desires, fears, or negotiations with schools about LGBTQ-inclusive education as integrated more broadly across the curriculum. As a result, curriculum and policy development and implementation in terms of this equity issue is uninformed, haphazard and presumptuous.'*

It is our view that a small minority of predominantly conservative religious people, with support of the conservative mainstream media that is anti-LGBTIQ such as the Daily Telegraph and The Australian, set a narrative that is not consistent with reality. That is to say the loudest voice wins, and the majority of parents who don't see an issue with LGBTIQ inclusion, don't see it as an issue they need to be concerned about to advocate actively for.

The ultimate difficulty comes about around how far does this proposed 'parental rights' go?

Would parents be allowed to:

- Withdraw their children from the history of Germany if they were holocaust deniers?
- Withdraw their children from Australian history when discussing Aboriginal History because they don't believe it is relevant or appropriate or 'Proud Boys'?
- Withdraw their children from science and geography classes if they are 'flat earthers' or believe that the world was created some 5000 years ago?

- Withdraw their children from English classes if they don't want their child to study a book by an African author because they believe in white supremacy?

We agree in ensuring that parents have an understanding of their child's curriculum and when elements that some parents might find 'more sensitive' alerting the parents to the relevant times when those elements are being discussed in the classroom.

Related to this discussion is the recent survey by former Sydney religious private school student Chanel Contos 'Petition For Consent To Be Included In Sex Ed Earlier' [40] has caused significant thinking about sexual education and consent education in our schools. The commentary available in the survey responses are horrifying. The Sydney Morning Herald has been interviewing parents, and a not unexpected outcome has been parents wanting schools to undertake more effort in teaching their child(ing) (predominately their sons) around consent in relation to sexual activity [41].

*'She believed schools should start teaching about sexual consent from year 7 or even primary school, while single-sex schools should ensure students had regular opportunities to mix with the opposite gender from an early age. She said there were few private co-ed schools in the eastern suburbs and she would welcome it if her son's school started accepting female students.'*

...

*'While families and broader society also played a role in shaping young people, she said schools were crucial because teenagers spent more waking time there than at home. Based on the questions she got at home, she believed the teaching needed to be more detailed, perhaps including scenarios similar to the way learner drivers are tested on the road rules.'*

...

*"It needs to be taught before they're sexually active," Ms Murphy said. "I don't know what the average age is that that boys or girls are becoming sexually active these days but I can imagine that it's probably younger than what parents want them to be."*

...

*"I can tell you that there is much better work being done on behaviour and consent, not to mention lots of other areas of teen development, in many local schools," she said.*

If parents are not willing or feel capable to take the lead with their sons on this relatively understandable concept, it is unreasonable to expect parents to be able to provide educationally robust information to their children around LGBTIQ people, and in the context of this Bill transgender and gender non-conforming people, particularly given the majority are unlikely to have any real exposure to these amazing people.

However, for a more harmonious society, it is critical that all students, irrespective of their school system or family background should receive the same base level of education, which in our view is that education in the classroom should be inclusive of all people irrespective of their culture, orientation and gender identity.

As examples:

- If a class were studying social structures in Tonga, the existence, role and history of the fakaleiti people should be discussed.
- When studying modern German history around the period of Hitler, the inclusion of the homosexual people in the holocaust with the Jews should be made, as well as the use of homosexuals for medical experimentation and the fact that one of Hitler's first acts was to destroy the most valuable library of transgender and gender diverse people in the world.

When it comes to the NSW PDHPE curriculum, a curriculum where LGBTIQ people are effectively excluded, the curriculum should be expanded to better include LGBTIQ sex, health and relationship education.

It is not unreasonable for parents to overlay their own views and faith structures in parallel to lessons in the classroom, but that is something for them in their own time and in their own homes.

Drawing this back to the broader question of the child's rights v parent's rights around a disclosure in schools, a 2015 study of Portuguese school students (12 – 20 years old) by Ant nio and Moleiro 'Social and parental support as moderators of the effects of homophobic bullying on psychological distress in youth' confirms the general issue of risk to LGBTIQ students if they are not supported in the school environment where family support is lacking [42].

*'When the level of parental support was low, the level of emotional and behavioural distress indicators was higher. This may be particularly important in cultural contexts such as this, in which the family unit is core. The effect of victimization on the variable "Did you think about hurting yourself" was greater when the victims had less social support.'*

*'Moreover, because other studies have underlined the fact that young victims of homophobic bullying have less social and parental support and help (e.g., Espelage et al., 2008; Safren & Heimberg, 1999), this places LGB youth at greater risk for experiencing more intense forms of distress.'*

Finally, it would be hard to complete this section on parental rights without reflecting on the current situation with the survey of sexual abuse in Sydney Schools

## In Summary

The approach of this bill would reduce NSW's compliance with the **Convention on the Rights of the Child** objectives, such as but not limited to say Article 2(1):

*'States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.'*

And sub- paragraph (2)

*'States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members'*

As well as article 12(1):

*'States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child'*

As stated earlier, we believe the proposed Bill does not balance the respective Conventions and the rights of children and accordingly should not proceed.

Further, we would recommend

1. The concept of "Parental Rights" as proposed in the Bill be rejected as education should be moving towards a base and standard level of education for every child in NSW and adding rather than detracting from the creation of a harmonious society.
2. The proposed Bill be rejected due to the non-compliance with Conventions that Australia are signatories.
3. There be more rigorous academic research into parental expectations in relation to education and specifically into the inclusion of LGBTIQ people and themes in education in NSW.
4. There be a complete review of the NSW PDHPE Curriculum to significantly include LGBTIQ people's visibility and also to meet their needs around sexual health, consent, relationships, families etc.

## 5. RELIGIOUS JUSTIFICATION FOR THE PROPOSED LEGISLATION

There is none.

As Christians, we are reminded by Christ himself that all of his teachings are summarised within two principles [43] :

*‘One of the scribes came near and heard them disputing with one another, and seeing that he answered them well, he asked him, “Which commandment is the first of all?” Jesus answered, “The first is, ‘Hear, O Israel: the Lord our God, the Lord is one; you shall love the Lord your God with all your heart, and with all your soul, and with all your mind, and with all your strength.’ The second is this, ‘**You shall love your neighbour as yourself.**’ [our emphasis] There is no other commandment greater than these.”’*



That being said, we would ask the Committee Members to be caution with submissions from some religious institutions and undertake broader research and interrogation of their academic references and the rigour of those pieces of academic works.

For example the Presbyterian Church of NSW/ACT in 2019 published a paper “The Transgender Moment, The Gospel and The Church” [44] which includes references to the paper by Lisa Littman, “Rapid-onset gender dysphoria in adolescents and young adults: A study of parental reports” [45] which generated a concept of “social contagion” for the sudden increase in the numbers of transgender youth, and that many of the transgender youth are not actually transgender.

Many anti-transgender organisations and authors have used Littman’s study, without acknowledging there is significant controversy around the study (to give the Presbyterian Church credit they do acknowledge the controversy, but rely upon Littman’s work without considering that controversy). One of the most important issues central to the integrity of the study, is the sample selection of the parent for the study.

As Restar points out in their paper “Methodological Critique of Littman’s (2018) Parental-Respondents Accounts of “Rapid-Onset Gender Dysphoria”” [46] there are a number of concerns:

*‘Principles of research methods necessitate that a study’s design must be appropriate to the aims of the study and the context of the phenomenon (Cozby, 2012; Ruane, 2005). In Littman’s case, the majority of methodological and design issues stem from the use of a pathologizing framework and language of pathology to conceive, describe, and theorize the phenomenon as tantamount to both an infectious disease (“cluster outbreaks of gender dysphoria”) and a disorder (e.g., “eating disorders and anorexia nervosa”) (Littman, 2018). Consequentially, the study design and interpretation of the results are framed with this pathology framework. Specifically, the article begins with the premise of conceptualizing gender dysphoria and trans identification as partly a consequence of “social and peer contagion” that “spreads of affect or behaviors through a population... [and] where an individual and peer mutually influence each other in a way that promotes emotions and behaviors that can potentially undermine their own development or harm others”’*

...

*‘Identifying as transgender is not a disease nor is it considered a mental disorder by the American Psychiatric Association (2013), the World Professional Association for Transgender Health (WPATH, 2011), and the World Health Organization (2018).’*

...

*‘As criteria for enrollment, Littman (2018) asked parents to indicate based on their observation if their adolescent child has “ROGD” and whether it started during or after puberty. Littman also provided definitions for “gender dysphoria,” “transgender,” and “coming out/announcing as transgender,” but not specifically “ROGD” and “puberty.” It is unclear whether parents were informed how “ROGD” and puberty were operationally defined and conceptualized in this paper.’*

...

*‘Littman (2018) also asked parents to perform two independent “diagnoses” of their child’s gender dysphoria using the DSM-5 criteria for gender dysphoria in (1) childhood and (2) in adolescence and adulthood (i.e., current age) (American Psychiatric Association, 2013); Littman also noted that the language for these measurements was simplified or adapted for parents. Littman neither provided examples of this simplified version of the DSM-5 nor offered evidence about whether best-practice methods for measure adaptation were used prior to administering the survey.’*

...

*Notably, 76.5% believed that their child’s trans identification is not correct, and recruitment relied heavily on three particular Web sites known to be frequented by parents specifically voicing out and promoting the concept of “ROGD.” Thus, these are not just “worried parents,” but rather a sample of predominantly White mothers who have strong oppositional beliefs*

*about their children's trans identification and who harbor suspicions about their children having "ROGD." Furthermore, this non-heterogenous sample of parental-respondents already have "buy-in" about the concept of "ROGD" by frequenting three distinct Web sites known for telling parents not to believe their child is transgender. There is very little evidence that this sample is representative of the diverse parents of trans youths and young adults.'*

...

*'it is questionable that Littman chose to craft survey questions without any statistical psychometric validation instead of using or adapting validated coping measures.*

*In the same vein, Littman's (2018) creation of survey items about coping emotions to support the study hypothesis that "ROGD" was maladaptive is inadequately constructed.'*

In Restar's conclusion they comment:

*'Littman's methodological flaws in the conceptualization and design of the study illustrate the importance of and need for more rigorous survey design and data analysis in descriptive studies. In the context of research with transgender people, who have historically been subjected to pathologizing research, flawed methodologies that lead to tenuous conclusions can have serious implications.'*

In Ashley and Baril article in reviewing Littman's paper "Why 'rapid-onset gender dysphoria' is bad science" [47] they draw upon not only the issues within Littman's paper, but also a history of academic work that is flawed causing harm to transgender people:

*'A few decades ago, sexologist Ray Blanchard suggested that trans lesbians — trans women who are solely attracted to other women — were in fact men whose misguided heterosexuality led them to be aroused by the thought of being women.*

*Blanchard's theory has since been put to rest by careful analyses and scientific studies. Despite being discredited, the theory remains popular among opponents of transgender rights.'*

As they noted much of the conservative media used Littman's work to justify negative articles around transgender children and their treatment internationally and this flowed into a significant series of articles written by Bernard Lane for The Australian for over an 18 month period. An is example his 2019 article 'Rapid-onset trans: social media's contested role' [48] where he even questions the peak Australian professional and academics experts credibility in this area as part of his on-going aim to discredit positive messages around transgender people.

As Ashley and Baril point out, much of the language and "moral panic" directed towards transgender and gender diverse people has a very familiar ring to it, reflecting the language and messages made towards gay, lesbian and bisexual people decades ago.

*'Theories which rely on the idea of "contagion" in order to invalidate marginalised identities are not new. The same has happened with other marginalised groups, such as gay, lesbian and bisexual people. Young people were thought to be misled by the "gay agenda" into mistakenly and rashly claiming a queer identity.'*

Critics of transgender and gender diverse people often refer to dissidence and detransitioning (a major focus of Bernard Lane's conceptual approach).

Ashely and Baril comment:

*The statistic that 60 to 90 per cent of gender dysphoric children grow up not to be transgender is based on studies that are deeply flawed.*

...

*Desistance research uses outdated diagnostic criteria crafted in the 1980s and '90s that don't reflect current science. It has included many children who aren't trans at all in research studies. In some studies, as many as 25 per cent and 40 per cent of children didn't meet the criteria for diagnosis but were nonetheless included and later counted as not growing up to be trans.*



In their criticism of the Littman study the comment:

*'The study was based on parental reporting and the participants came from websites where reports of rapid-onset gender dysphoria had cropped up. It was heavily biased towards specific groups and in no way can be said to be representative of the general population. Ultimately, the study tells us less about trans teenagers than it does about the parents being surveyed.'*

This goes to the heart of our earlier conversation in relation to the safety of transgender and gender diverse students at home and the importance of support in the educational setting.

The problem with religious organisations cherry picking information, is that their credibility in discussions within this space becomes significantly reduced. [44] page 20

*'John Whitehall, a Sydney paediatrician, claims a "consensus ... that up to 90 per cent of children who question their sexual identity will orientate to their natal sex by puberty".<sup>56</sup> A commonly quoted figure is that about 80% of children with GI desist by puberty.<sup>57</sup> This figure has been widely disputed.<sup>58</sup> It is difficult to assess the claims of the prevalence of persistence and desistance, since they are based on different theoretical stances and use a small number of studies with inconsistent methodologies.'*

The issue is that Professor John Whitehall, from Western Sydney University, has acknowledged that he has not treated any transgender patients. Further, in undertaking our literature review for this submission, we have not been able to identify any peer reviewed academic articles by Whitehall on transgender and gender diverse people. What is available are his writings in many of the right-wing journals (such as: The Quadrant <https://quadrant.org.au/writer/john-whitehall/> and the Spectator <https://spectator.com.au/author/john-whitehall/>) and papers that are his opinions and not academic works. Again, Bernard Lane of The Australian, would regularly seek comment from him to support his articles anti-transgender children's articles. Out in Perth reported on commentary he made on Sky News Australia around Whitehall's lack of engagement with transgender patients as a Professor of Paediatrics [49] :

*'Last night he joined Peta Credlin and Alan Jones on their Sky News program Jones & Co to share his view on transgender people and their treatment.*

*"None" Whitehall answered when Alan Jones asked him how many gender confused children he'd treated professionally.*

*Professor Whitehall said he believed most children experiencing gender dysphoria are from broken homes and suffering from other other mental disorders.'*

Professor Whitehall has had a history of connection with the Australian Christian Lobby [50] and its equivalents in NZ, which is usually not disclosed by the News Corporation media.

Another anti-transgender and gender diverse academic often utilised by conservative religious groups and conservative media is Professor Patrick Parkinson formerly Dean of Law at the University of Queensland. We acknowledge that he is a well-known expert and academically qualified in the area of Family Law and Child Protection. In a 2009 publication around the importance of the child's voice in the Family Court, he and his co-author Judith Cashmore in their paper "Children's participation in family law disputes: The views of children, parents, lawyers and counsellors" commented in their conclusion [51] page 21 :

*'Children's views are an essential part of the decision-making process, but there was a consensus in this study between parents and professionals that they should generally not be determinative. Working out the issues on which to involve children is as important as the means of so doing. Listening to children sensitively, and with awareness of the kinds of decisions in which they are best able to participate, is the key to resolving the tension between participation and protection.'*

Thus, clearly indicating that children should be listened to and heard around matters that impact them directly.

When he is reference by media outlets such as The Australian, they present him as a Law Professor, however they fail to advise their readers his connections with the Australian Christian Lobby and also chairs the conservative religious think tank Freedom for Faith [52].

Professor Parkinson has made comments such as [52] :

*'The paper – Is Gender Identity Discrimination a Religious Freedom Issue? – drew comparisons between transgender children and those with eating disorders, while attempting to outline "just how many of the ideas strongly promulgated by some in the transgender movement are based upon unscientific beliefs"'*

Recently as part of a Tasmanian inquiry [52] :

*'The University of Tasmania Law Review rejected another recent paper by Professor Parkinson critiquing that state's review of transgender laws, News Corp reported last week.'*

In his paper to the 2019 Freedom of Faith Conference entitled "Is Gender Identity Discrimination a Religious Freedom Issue?" we see many of these same positions presented and it becomes a self-referential construct. A number of the key themes in the paper in relation to transgender people are [53] when discussing the reasons for concern around the growth rates in transgender people:

*The growth in referrals to clinics for gender dysphoria*  
*Percentage of adolescents identifying as transgender*  
*Gender ratio of adolescents claiming to be transgender*  
*Socio-economic background, family situation and abuse history*  
*Autism and mental health issues*  
*Desistance with a cautious 'wait and see' approach*  
*Rapid-onset gender dysphoria and the problem of social contagion*  
*Young people who desist after irreversible treatment*

These are consistent with the theme we have provide rationale for the rejection of those positions.

Further on in his paper, not only does he believe that a Christian School Principal should not listen to the voice of children and adolescents (the opposite of his academic work which is well regarded in relation to listening to children in the context of the Family Courts), but he infers that the Principal should also disregard the child's parents in relation to gender transition in schools. It is highly unlikely that a School Principal would have the medical and health knowledge to over-ride the family (who know doubt by this time of discussion with the Principal) would have had significant engagement with medical and health service support services, creating a danger to the ongoing mental health of the child.

*While recognising that there have long been people who have experienced profound and persistent discomfort with their natal sex and have found peace in transitioning with medical intervention, the eight concerns listed above justify schools in exercising great caution before accepting a young person's request to change gender, even if supported by a parent. A Christian professional such as a school principal may, after due consideration, decide that the most compassionate response to a young person who presents seeking to change gender is not to embrace his or her newly found gender identity. That may be for many reasons, including concerns about the rapid onset of gender dysphoria, observable influences in the young person's friendship group, awareness of other mental health disorders and concern that those other mental health issues may not receive the attention they warrant if transitioning is seen as the answer to all the young person's difficulties.*

The paper also references people like Littman, Whitehall and the Anglican Church Diocese of Sydney (2017 paper on Gender Identity). As referred to below in the commentary of Kathy Buldock below, there is an anti-transgender and gender diverse industry within the conservative Christian movement to generate negative material that is not academically robust, peer reviewed and highly self-referential.

When it comes to the Family Court, his academic work shows the importance of recognising that children have a valuable voice (that need to be considered in terms of age and competency etc), but for transgender children it is his view that they should not have a voice about their existence and health support. This is an academic incongruency in his thinking, and we would present that his academic think in relation to transgender and gender diverse children is over-ridden by a faith-based construct, that removes its validity in discussions around these issues.

In relation to the often raised “detransition issue” the Presbyterian Church’s discussion paper quotes [44] page 22:

*Anderson provides six case studies of people who ‘detransitioned’, including extracts from the longer piece by Walt Heyer. These help to illustrate the deep regret which can follow Gender Reassignment Surgery (GRS).*

The Anderson reference is from, ‘When Harry Became Sally’ (ch 6 and see “I Was a Transgender Woman” Public Discourse, April 1, 2015) and it is useful to consider a review by a CIS Gendered Heterosexual Christian author and well known book reviewer, Kathy Baldock on his book [54]:

*‘Having read and reviewed two other books by Anderson, I question his stated altruistic concern for “detransitioners” as the motive for his latest book. After all, as confirmed by the people whose stories he used, Anderson did not attempt personal contact with four of the six people he used as examples in Chapter Three: Detransitioners Tell Their Stories.’*

...

*Anderson wholly neglects to engage the stories of the majority of transgender people who have happily and successfully transitioned. Unlike Anderson, I know hundreds of transgender people, some quite personally. My experience, relationships, and knowledge are completely contrary to Anderson’s suggestion that people are better served by not transitioning. I know people who would have died or led lives of utter depression and isolation without the opportunity to live authentic to who God created them to be. I know parents who have seen their children transform from near-crisis and suicide to flourishing.*

...

*True to the glut of anti-transgender books coming out in the recent years, this socially, religiously and politically segment never, and I do mean never, cites testimonies from the overwhelming majority of people who do transition successfully.*

...

*In the introduction, and throughout the book, Anderson argues that Dr. Paul McHugh “got it right.” (p. 2) In fact, McHugh’s beliefs are at the center of much of Anderson’s core tenets and suggested policy. It is therefore crucial to look at McHugh and assess if his views should be considered as if coming from an expert in the field of human sexuality and gender identity. McHugh was the chief of psychiatry from 1975 until 2001 at the Johns Hopkins Hospital. He derailed a pioneer transgender program at the facility in 1979. McHugh believes that being transgender is a psychological, rather than a biological issue. His statements on homosexuality also break with the mainstream of professional medical expertise. McHugh believes “homosexuality is an erroneous desire” rather than simply an orientation on the spectrum of human sexuality, as it has been known to be since at least 1973 in medical circles. McHugh has also testified in court that homosexuality is a choice. No professional major medical association agrees with McHugh’s point of view on this.*

...

*Because Anderson uses McHugh and likeminded sources whose ideas do not represent the general consensus of the medical establishment, “When Harry Became Sally” is rife with distortions, misuse of research, outdated and disproven theories, and policy suggestions that are so clearly based in anti-LGBTQ policies and positions.*

...

*Anderson and his readers could benefit greatly if he would follow a simple rule in his work, whether he is writing a book about same-sex marriage, sexual orientation, or gender identity-- don't talk about people, talk to them. But that will likely never happen, Anderson has a job and function at the Heritage Foundation, one of a paid propagandist for social conservatives. By employing purposeful culpable ignorance, Anderson does his job well.'*

To balance out the discussion on detransition it is useful to review the material by Cornell University

The overview of their meta study found that [55]:

*'We conducted a systematic literature review of all peer-reviewed articles published in English between 1991 and June 2017 that assess the effect of gender transition on transgender well-being. We identified 55 studies that consist of primary research on this topic, of which 51 (93%) found that gender transition improves the overall well-being of transgender people, while 4 (7%) report mixed or null findings. We found no studies concluding that gender transition causes overall harm. As an added resource, we separately include 17 additional studies that consist of literature reviews and practitioner guidelines.*

...

*Regrets following gender transition are extremely rare and have become even rarer as both surgical techniques and social support have improved. Pooling data from numerous studies demonstrates a regret rate ranging from .3 percent to 3.8 percent. Regrets are most likely to result from a lack of social support after transition or poor surgical outcomes using older techniques.'*

For transparency for readers, that research provides a link to each paper reviewed in the study.

For the benefit of the readers time, I will not provide a full analysis of the Anglican Church Diocese of Sydney paper on Gender Identity published in 2017 but I would note a couple of things [56] page 14:

*'No epidemiological studies on the prevalence of childhood gender dysphoria exist'*

This is a fundamental flaw in their positioning is that being transgender or gender divergent is not a disease. A definition of epidemiological is [57] :

*'Epidemiology is the study of how often diseases occur in different groups of people and why.'*

Once again there is material that is recycled from the anti-gay, lesbian and bisexual material. In the past it was suggested that homosexual men had either a poor relationship with their fathers or an overly smothering relationship with their mothers. Now in relation to transgender people the report [56] page 19:

*'Gender dysphoria in boys was found to develop in association with an overly close relationship with their mother and a distant relationship with their father.'*

And they also profess a theory around social contagion (page 19)

*'Clinicians working with adolescents report anecdotally of an increasing trend for self-diagnosis as 'transgender' in this group both individually and in peer groups, suggesting an element of social contagion.'*

Summarising their medical contextual information, they comment (page 21)

*In summary, childhood gender dysphoria is a rare condition with unknown prevalence. As most gender non-conforming children desist without treatment, intervention is unnecessary, and support of transition has been referred to as 'abuse' by a growing number of commentators in the field.*

Coming full circle again, their evidence for this statement above is the previously reference Profession John Whitehall.

The Anglican Church Diocese of Sydney endorses conversion practices for Transgender and Gender Diverse People as outlined in this paper (pages 39 – 42)

#### '9.1.1 General Principles

*Churches, schools, and other Anglican organisations are to be places where all people, including those who experience gender identity issues and incongruence, are welcomed, loved and supported and helped to live in obedience to Christ.*

*(j) Practical love of those experiencing gender identity issues and incongruence entails: faithfulness to the teaching of the Bible o compassion, and active love, care, and support rejection of all bullying, ridicule, mistreatment, and abuse of gender non-conforming people evidence-based pathways for treatment, which are consistent with Scripture ensuring that churches and organisations are adequately informed about gender identity issues and incongruence, and the relevant teaching of the Bible.*

9.1.2 Those experiencing gender incongruence

*(a) to seek treatment options that aim for the integrity of psycho-somatic unity;*

9.1.3 Family and Friends of those experiencing gender incongruence

*(b) to be educated in the various aspects of gender identity and expression (biology, identity, orientation, roles) so you are able to distinguish between sexual orientation (same sex attraction, same sex behaviour) and gender identity (gender dysphoria, transgender) and the different responses each requires;*

*(e) if appropriate, to provide information about alternative treatment approaches to those which promote transitioning;*

9.1.4 Christian parents

*(e) to demonstrate gospel grace by loving and caring for your child even if you do not approve of or celebrate your child's behaviour or choices*

9.1.5 Counsellors, teachers, doctors (those with secular professional relationships)

*(c) to understand the biblical view of personhood, and identity in Christ, both for yourself and your clients;*

*(d) to differentiate between compassion for the person and understanding the distress of their situation/condition and agreeing with and validating a treatment protocol to transition;*

9.1.6 Ministry Staff

*(b) to provide public teaching about the Bible's instruction on these matters;'*

Need I remind the Committee Members of Conversion Practices, ultimately lead to significant mental health issues at the best end and suicide at the other. The vast majority of medical and psychological associations reject conversion therapy in any form. As an example the Australian Psychology Society states [58] :

*'This evidence-based statement outlines why the APS strongly opposes any approach to psychological practice or research that treats LGBTIQ+ people as disordered, and any approach that attempts to change or suppress an individual's sexual orientation or gender.'*

In the recent study by Jones, Brown et al entitled 'Preventing harm, promoting justice: Responding to LGBT conversion therapy in Australia' concludes [59] on page 19



*'All iterations of religious conversion therapy are based on the assumption that people who are not heterosexual and cisgendered are in some ways especially broken, disordered and sinful — more so than other humans. They hold that expressions of same-sex attraction or gender diversity are incompatible with a life of faith and with full membership in religious community.'*

*On this basis, conversion therapy agencies and religious communities holding these views teach that LGBT people should seek healing for their sexual brokenness and, until such time as they are 'healed', live chaste and celibate lives. Data from social research presented in the following chapters show **the immediate and long-term effects of these views on the health and wellbeing, including spiritual wellbeing, of same-sex attracted and gender diverse people.**' [our emphasis]*

We consider ourselves to be very lucky in the Uniting Church in Australia, as our founders when putting together the "Basis of Union", the Church's foundational document, it provides for our theological lens to incorporate the past and present in our thinking and understanding of the Bible [60]:

*'The Uniting Church acknowledges that God has never left the Church without faithful and scholarly interpreters of Scripture, or without those who have reflected deeply upon, and acted trustingly in obedience to, God's living Word. In particular the Uniting Church enters into the inheritance of literary, historical and **scientific enquiry** which has characterised recent centuries, and gives thanks for the knowledge of God's ways with humanity which are open to an informed faith. The Uniting Church lives within a world-wide fellowship of Churches in which it **will learn to sharpen its understanding of the will and purpose of God by contact with contemporary thought.** Within that fellowship the **Uniting Church also stands in relation to contemporary societies in ways which will help it to understand its own nature and mission.** The Uniting Church thanks God for the continuing witness and service of evangelist, of scholar, of prophet and of martyr. It prays that it may be ready when occasion demands to confess the Lord in fresh words and deeds.'* [our emphasis]

The thinking of our Church's forefathers allows us, in fact demand of us, is to consider current knowledge, academic and scientific insights to help us to understand the Bible in today's society and our calling to witness in the modern era. From our perspective, we see the skills and knowledge granted to scientists, academics, medical and health professionals are also gifts provided to them by God and should not be ignored in considering and address current theological, societal and human issues.

### In Summary

We would urge the Committee Members when reviewing material that is anti-transgender and gender diverse people to consider the following:

- a) Is the material coming from a purely conservative Christian perspective we ask that committee delve into the sources, timeliness, accuracy and completeness of references? We have seen time and time again academic material used from say the 1950's as arguments which have been superseded by more recent and often more rigorous research.
- b) Is the material being present in a way as to be high worth due to being presented by a senior academic? We regularly see senior academics who present anti-transgender and gender diverse material that have limited or no academic expertise in the area. In the above discussion we have outlined who Professor John Whitehall is often used by the conservative media as an expert building up his positions his as the Professor of Paediatrics at the Medical School of Western Sydney University. As discussed above we are not aware that he has any peer reviewed academic research in top tier medical journals to support the information (misinformation) he shares. Also as mentioned, he has acknowledged that he does not have any experience with providing medical services to transgender youth.

We have also attempted to outline some of the challenges that many conservative and religious commentators have when they attempt to present Professor Patrick Parkinson, formerly Professor of Law at Queensland University as an expert when it comes to transgender and gender diverse people. However, it is our consideration that there is

significant incongruency between his academic work and his anti-transgender and gender diverse advocacy around listening to the voice and reason of children.

Finally, we would suggest there is no reasonable religious position to support the proposed bill. In fact, it goes against the key teaching of Jesus, who was a social justice advocate and regularly spent time with the marginalised and outcast, who were often in those positions because of the political and religious leaders of his day.

## 6. FINAL COMMENTS

Throughout this paper we have attempted to demonstrate:

1. The proposed bill incorrectly and selectively uses the '***The International Covenant on Civil and Political Rights***', for justification for increased parental rights in the process of education in NSW which is not valid.
2. The bill is likely to cause the State of NSW to be in breach of '***The International Convention on the Rights of the Child***' as well as the '***The International Covenant on Civil and Political Rights***'
3. The application of this Bill in relation to parental rights and also excluding any staff from providing support to a transgender or gender diverse student is likely to increase the risk of harm for these students, particularly given the level of homelessness of LGBTIQ youth.
4. The risks to LGBTIQ students that already exist in NSW Schools and the important role that teachers, school nurses and counsellors already play in assisting them navigate school, and their live more generally needs to be understood. There are times when it is appropriate for educational staff to withhold information from parents around the LGBTIQ status of a student if it places the student in additional risk, as demonstrated in the data provided in our submission.
5. That transgender and gender diverse people have existed throughout history and cultures around the world, that they are not an ideology. In fact, we would suggest that the only ideology in existence with this proposed legislation which would remove a reality from student's learning in NSW.
6. That all students, irrespective of their school system should receive positive attitudes and support structures towards and including all LGBTIQ students in their care.
7. That LGBTIQ students in religious schools are at a higher level of risk than in public schools.
8. There is no religious justification for the proposed bill.
9. The need for the NSW PDHPE curriculum to be reviewed to be more inclusive of LGBTIQ students in all aspects of sexuality, consent, health and relationships.
10. The need to remove anti-discrimination protection for non-public schools in relation to LGBTIQ students, students of LGBTIQ families and staff.

## 7. APPENDIX A

Links to other media around Transgender and Gender Diverse people for your background.

Content Warning – To assist the Committee Members we have primarily used TikTok videos due to their short length. They have not been edited so there can be strong language and themes of harm.

### Lawrence Bing: TikTok star on Mardi Gras and growing up trans

Blacktown Advocate. It includes two TikTok videos of him.

<https://www.dailytelegraph.com.au/newslocal/blacktown-advocate/lawrence-bing-tiktok-star-on-mardi-gras-and-growing-up-trans/news-story/0511c863b39f2ef9374bf240fefb1fdb?fbclid=IwAR0Xy75c9AqjLwNGi8ylzA90Lc5mTs9uCa3aVlycDmlbEa8wqLcZ6NLRLUg>

mamajillwallace's video! #TikTok video around the journey of her first child and then second child.

<https://drive.google.com/file/d/1Z0ll7jk4kreK3DwmeYkA1iu25rU35Ffn/view?usp=sharing>

Mr Raspberry Jam's video! #TikTok – Discussion on Gender Identity using Colour as the parallel

<https://drive.google.com/file/d/17xCCCczWHcP8typR7OJpcrSue-HDShFI/view?usp=sharing>

kel's video! #TikTok – Advise for Teachers – There are other people.

<https://drive.google.com/file/d/1I1JIU4zjewxSRSGRvfjkccrauVOplj9/view?usp=sharing>

Kevin Johnson109's video! #TikTok. – Positive Parenting

<https://drive.google.com/file/d/1FrNFoEsNQ5SbFtMWBMGHxzjKsMw-x9fo/view?usp=sharing>

comic4life72 – Positive Parenting

[https://www.tiktok.com/foryou?\\_d=secCgYIASAHKAESMgowVt2RQSS%2FB9tGjmx9IA8rWbFnCgG4HBjc3uS4DAhLUHf69OVk406JDhiA5W%2BHG6OTGgA%3D&language=en&preview\\_pb=0&sec\\_use\\_r\\_id=MS4wLjABAAAiNdMjS2czNmrdlW0N6LeSFQG0N\\_mMkw4zrP9fb13HROVNYHFJIDx21n8IPdUrB&share\\_item\\_id=6924370907225935110&share\\_link\\_id=EC25D02C-458B-4E2D-9D98-6DA1965E1C74&timestamp=1613708904&tt\\_from=email&u\\_code=de0j4590m84bmm&user\\_id=6860072177888314373&utm\\_campaign=client\\_share&utm\\_medium=ios&utm\\_source=email&source=h5m&is\\_copy\\_url=1&is\\_from\\_webapp=v2#/@comic4life72/video/6924370907225935110](https://www.tiktok.com/foryou?_d=secCgYIASAHKAESMgowVt2RQSS%2FB9tGjmx9IA8rWbFnCgG4HBjc3uS4DAhLUHf69OVk406JDhiA5W%2BHG6OTGgA%3D&language=en&preview_pb=0&sec_use_r_id=MS4wLjABAAAiNdMjS2czNmrdlW0N6LeSFQG0N_mMkw4zrP9fb13HROVNYHFJIDx21n8IPdUrB&share_item_id=6924370907225935110&share_link_id=EC25D02C-458B-4E2D-9D98-6DA1965E1C74&timestamp=1613708904&tt_from=email&u_code=de0j4590m84bmm&user_id=6860072177888314373&utm_campaign=client_share&utm_medium=ios&utm_source=email&source=h5m&is_copy_url=1&is_from_webapp=v2#/@comic4life72/video/6924370907225935110)

Tiff's TikTok video – Explaining a family friend is transgender – everyone including the 5yo got it.

[https://drive.google.com/file/d/1azhHR-vMly7SADrV\\_iWZvisd53hY2tP1/view?usp=sharing](https://drive.google.com/file/d/1azhHR-vMly7SADrV_iWZvisd53hY2tP1/view?usp=sharing)

🧑's video! #TikTok – Choices of being a Transgender Person – We don't Choose your ignorance – don't choose to be Transgender

<https://drive.google.com/file/d/1FijRO5InjwrNYEQwMRsjQvaPv3UlcDOF/view?usp=sharing>

Scott Stuart's video! #TikTok – My son in a dress in the park playground

<https://drive.google.com/file/d/10mqzvvvXl-JdtgKTEZ0f99i7Wnzlk8Da/view?usp=sharing>

Tor :)s video! #TikTok – Transgender Male Youth – Suicidality

<https://drive.google.com/file/d/1mgwPTCSI7hxts39KL9LG4rtfNmdHoPjA/view?usp=sharing>

brianchristopherlee's video! #TikTok – Religious views towards LGBTIQ people

<https://drive.google.com/file/d/1Wb5wwubWS-YM5HCnunGWpKW8jKcgAVZH/view?usp=sharing>

jdramerlondon 1394 Manuscript on Transgender person arrested – Queer History

[https://www.tiktok.com/@jdramerlondon/video/6922817141825703173?\\_d=secCgYIASAHKAESMgow2AJyPcVsv%2FDi%2FzZfuPdQKtYyYjK86tSvr6vUho5ZJ7ihKISNL8oQutldNgNdORqmGgA%3D&language=en&preview\\_pb=0&sec\\_user\\_id=MS4wLjABAAAAiiNdMjiS2czNmrldIW0N6LeSFQG0N\\_mMkw4zrP9fb13HROVNYHFJIDx21n8IPdUrB&share\\_item\\_id=6922817141825703173&share\\_link\\_id=CD1B283C-31D7-4AEC-9258-66692EA93AAD&timestamp=1611924270&tt\\_from=email&u\\_code=de0j4590m84bmm&user\\_id=6860072177888314373&utm\\_campaign=client\\_share&utm\\_medium=ios&utm\\_source=email&source=h5m](https://www.tiktok.com/@jdramerlondon/video/6922817141825703173?_d=secCgYIASAHKAESMgow2AJyPcVsv%2FDi%2FzZfuPdQKtYyYjK86tSvr6vUho5ZJ7ihKISNL8oQutldNgNdORqmGgA%3D&language=en&preview_pb=0&sec_user_id=MS4wLjABAAAAiiNdMjiS2czNmrldIW0N6LeSFQG0N_mMkw4zrP9fb13HROVNYHFJIDx21n8IPdUrB&share_item_id=6922817141825703173&share_link_id=CD1B283C-31D7-4AEC-9258-66692EA93AAD&timestamp=1611924270&tt_from=email&u_code=de0j4590m84bmm&user_id=6860072177888314373&utm_campaign=client_share&utm_medium=ios&utm_source=email&source=h5m)

Forrest's video! #TikTok – Biologist on LGBTIQ – rejection of the concept of 'unnatural'

[https://drive.google.com/file/d/1BcH-5bOf3vau3-732\\_Q4c0P1GIYntOGI/view?usp=sharing](https://drive.google.com/file/d/1BcH-5bOf3vau3-732_Q4c0P1GIYntOGI/view?usp=sharing)

trezdon's video! #TikTok video – example of how a positive interaction with a coming out transgender student in school might look like

<https://drive.google.com/file/d/1J65QUj-aUE3E0QYtWR-ciKkhboRPZeWG/view?usp=sharing>

Gondre the Wordsmith's video! #TikTok - Biblical Translation (Comedy – but the translation error is true)

[https://drive.google.com/file/d/1w\\_WmK5iwSs28icYMCcTALI55aL9YFjwv/view?usp=sharing](https://drive.google.com/file/d/1w_WmK5iwSs28icYMCcTALI55aL9YFjwv/view?usp=sharing)

<https://www.forgeonline.org/blog/2019/3/8/what-about-romans-124-27>

<https://www.1946themovie.com/>

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