

**Submission
No 53**

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

Organisation: Social Justice in Early Childhood Foundation

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28 February 2021

Portfolio Committee No. 3 – Education
Parliament of New South Wales
Macquarie Street
SYDNEY NSW 2000

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Re: Inquiry into the Education Legislation Amendment (Parental Rights) Bill 2020

Dear Committee

The Social Justice In Early Childhood Foundation welcomes the opportunity to provide this submission to the inquiry into the Education Legislation Amendment (Parental Rights) Bill 2020 (the Bill). The Bill's proposed amendments to the *Teacher Accreditation Act* 2004 (NSW) are inconsistent with legislated requirements of the National Quality Framework (NQF) and the Australian Professional Standards for Teaching, and would prevent early childhood teachers from practicing in accordance with these requirements, as well as hinder their ability to meet professional and ethical codes of practice. While the Bill's proposed amendments to the *Education Act* 1990 (NSW) and *Education Standards Authority Act* 2013 (NSW) would hold no power to limit what is taught to children by educators (non teachers) in education and care services in scope of the NQF, most children attending these services will eventually end up in NSW schools. Similarly, school aged children attending outside school hours care services would be directly impacted while at school. As advocates for these children we are deeply concerned that what this Bill seeks to achieve would lead to poorer educational outcomes for many, severely threaten the wellbeing and mental health of children and families and create yet another barrier to achieving social cohesion, further dividing our already fractured society.

The approved learning frameworks¹ early childhood teachers and educators are required to base their practice on, already prominently recognise the role of parents as a child's first and most influential educators. Already mandated by legislation that requires the use of these frameworks, there is no dispute that parents and immediate family have a major influence on a child's development and learning. Further,

¹ *Belonging, Being and Becoming: The Early Years Learning Framework for Australia (EYLF)*, *My Time, Our Place: Framework for School Age Care in Australia*; <https://www.acecqa.gov.au/nqf/national-law-regulations/approved-learning-frameworks>

a key part of early childhood teachers' and educators' practice is working closely with families to ensure their views are respected and they are active participants in their child's learning. What the approved learning frameworks also acknowledge is the reality that a child develops their sense of personal identity and learns to understand the world not only through their family but also their connections with the wider community and culture. The approved learning frameworks recognise that children (even very young children) are more than passive receivers of information, they are active in constructing their own understandings, they contribute to the learning of others and have the right to be active participants in decisions that impact them. A child's engagement with life includes learning from the world around them in a variety of circumstances, and for those children attending formal education settings, through relationships with their teachers, educators and peers.

The Early Childhood Australia (ECA) Code of Ethics² (the Code) that applies to teachers and educators of children aged birth to eight years requires that families be supported as a child's first and most important teacher and their rights to make decisions about their child be respected. The Code also requires teachers and educators to act in the best interests of all children and ensure they are not discriminated against on the basis of gender, sexuality, age, ability, economic status, family structure, lifestyle, ethnicity, religion, language, culture, or national origin. While we do not contest that it is the role of teachers to respect parental authority, it is not acceptable to require teachers to condone discrimination and prejudice that harms others, particularly children.

The Bill wrongly assumes it is somehow possible to separate the learning of academic skills from all other learning. It is not feasible to try to construct a reality where a child learns only academic skills in one context of their life and only learns about personal identity at home. Children learn all sorts of things in educational settings, not just academic skills. This Bill was introduced on a premise that it is necessary to legislate against the teaching of 'gender fluidity', as if teachers are actively advising all children that the way they currently identify is wrong. This is simply untrue. The reason for teaching children about gender diversity is not to pressure them into changing the way they identify, but to teach all children to be accepting of others that may identify differently to themselves – essentially this is about teaching kindness, empathy and humanity.

Showing acknowledgement of and support for all students is paramount for education to be successful. All children need to feel safe and acknowledged, for their identities to be respected, if learning is to occur. A child, who is fearful, disrespected, bullied, teased or if their identity is not acknowledged, doesn't learn. Creating a culture of trust and psychological safety in the learning environment is essential to children's educational success. In an environment that does not allow teachers to affirm the identities of

² <http://www.earlychildhoodaustralia.org.au/our-publications/eca-code-ethics/>

trans or gender diverse students or to teach children that intolerance of such diversity is wrong, the relationships between teachers and these students will suffer, negatively impacting their educational success and their emotional wellbeing and mental health.

Everyone has the right to their own beliefs, but expressing those beliefs in ways that hurt others is never okay. When people are empowered to act in hurtful and harmful ways towards others because of their prejudiced beliefs, this is damaging for our society. Legislating to condone prejudiced attitudes threatens social cohesion. While some might be uncomfortable with the reality that trans and gender diverse people exist, it isn't okay to pretend that they don't. The attitudes children form about diversity while attending early childhood services and schools will be carried forward into their future, influencing the cultures of their future workplaces, sporting and cultural organisations in either positive or negative ways. Threatening the employment of teachers trying to promote tolerance, inclusion or acceptance is insupportable. Though some parents and children may hold prejudiced attitudes, a teacher's respect for their right to hold particular personal beliefs does not mean they must allow those prejudices to be promoted in ways that harm other children and families.

For the reasons outlined above, we strongly oppose this Bill and all legislative amendments it proposes.

Kind regards,

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Kate O'Hara-Aarons,

Stephen Gallen,

Dr Felicity McArdle,

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Social Justice In Early Childhood Foundation
