

LGBTQI+ Leadership Group

Statement on the *Education Legislation Amendment ('Parental Rights') Bill 2020*

The LGBTQI+ Leadership Group joins professional bodies and LGBTQI+ community organisations in expressing grave concerns about *The Education Legislation Amendment (Parental Rights) Bill 2020* (The Bill).

The Bill would ban recognition of non-binary and binary trans people and other forms of gender diversity in schools. The Bill would mandate racism by erasing Aboriginal Sistergirls and Brotherboys, Māori takatāpui, Samoan fa'afafine, and other traditional genders. The Bill would deny young people, families, and school staff protection from discrimination, vilification, and abuse based on gender identity or intersex status. The Bill would prohibit school staff from providing gender-inclusive referrals and ban gender-inclusive diversity training. School staff could be punished or terminated for non-discriminatory practice. The Bill would undermine parental rights by denying parents the right to ensure safe, inclusive school environments for young people and discriminating against parents on the basis of their gender identity or intersex status.

The Bill misuses the term 'gender fluidity', an established scientific term limited to people who self-identify as gender fluid, and mischaracterises the fixed, stable genders of many people with non-binary and binary trans and gender diversity lived experiences. The Bill would codify scientifically inaccurate ideas while rejecting scientific evidence about human biological and gender diversity.

The Bill violates key human rights principles, legislation, and policy, including:

- The United Nations *Convention of the Rights of the Child*¹, ratified by Australia in 1990, which recognises all children's right to respect for their best interests, to survival and development, and to express their views freely on all matters affecting them, without any discrimination.
- The *Sex Discrimination Act 1984*², which prohibits discrimination on the basis of sexual orientation, gender identity, or intersex status.
- The *Racial Discrimination Act 1975*³, which promotes equality and prohibits unfair treatment or vilification on the basis of race, colour, descent, or national or ethnic origin.

The PACFA Code of Ethics⁴ requires members to respect diversity by providing sensitive, affirming, and non-discriminatory care that does not involve reparative or conversion therapies⁵. For counsellors and psychotherapists who work to these professional standards, adherence to the proposed legislation would require practitioners working in NSW schools to breach the Code of Ethics.

School counsellors provide vital support for students of non-binary and binary trans lived experience.⁶ The Bill would require school staff to cause psychological harm by denying supportive responses to young people. Young people without existing family support would have even fewer places to turn. The Bill would also prohibit young people from taking action to improve their school safety.

We believe this Bill would have a harmful impact on Aboriginal and Torres Strait Islander young people, young people in specialist disability education, and young people from excluded cultural and religious communities.

¹ United Nations, 2012

² Human Rights Commission, 2013

³ Human Right Commission, 2014

⁴ PACFA, 2017

⁵ PACFA, 2018

⁶ Riggs & Bartholomaeus, 2015

Research shows that inclusive school environments improve young people's academic, social, and psychological outcomes; unwelcoming, unsafe school environments contribute to poorer academic outcomes, social isolation, psychological symptoms, and increased suicide risk. The Trans Pathways study⁷, which is the largest Australian study of trans and gender diverse young people, found most participants had experienced severe distress. Over 70% had been diagnosed with depression and/or anxiety. Most poor mental health outcomes were associated with peer rejection (89%), bullying (74%), and discrimination (68.9%). Participants' severe distress resulted in self-harming (79.7%), suicidal thoughts (82.4%), and attempting suicide (48.1%). Bullying, victimisation, and lower perceived school safety are known factors in student suicide attempts⁸. *The Bill* would promote conditions known to cause psychological harm and suicide, with predictable and devastating consequences.

All students have the basic human right to live and study with dignity and to achieve their potential. All members of school communities have a right to safety and belonging. This discriminatory Bill demonstrates the urgent need to safeguard human rights protections in schools. We urge the NSW Government to stop this Bill. We urge all Australian states and territories to safeguard human rights protections for all members of school communities.

References

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About the LGBTQI+ Leadership Group

The LGBTQI+ Leadership Group leads the LGBTQI+ Interest Group which was established by members of PACFA, the Psychotherapy and Counselling Federation of Australia, the leading peak body for the psychotherapy and counselling profession in Australia.

⁷ Strauss et al., 2020

⁸ Tallafarro et al., 2019