

# QUEENSLAND ACTION GROUP FOR LGBTIQ+ STUDENTS

Committee Secretary  
Education, Tourism, Innovation and Small Business Committee  
Parliament House  
George Street  
Brisbane Qld 4000

14 August 2017

Dear Committee,

**Inquiry into improving the delivery of respectful relationships and sex education relevant to the use of technology in Queensland state schools.**

Thank you for the opportunity to provide a submission in relation to the above Parliamentary Inquiry.

**Introduction**

A significant number of young people identify as lesbian, gay, bisexual, transgender, intersex, queer or questioning (LGBTIQ+):

approximately 10% of people are same sex attracted<sup>1</sup>

approximately 4% are gender diverse or transgender<sup>2</sup>

approximately 1.7 % are born with an intersex variation<sup>3</sup>

The Anti-Discrimination Act 1991 (Qld)<sup>4</sup> prohibits discrimination on the basis of gender identity or sexuality. The Sex Discrimination Act 1984 (Cth)<sup>5</sup> and its Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Act 2013 (Cth)<sup>6</sup> also prohibit discrimination on the basis of a person's sex, sexual orientation, gender identity or intersex status within educational milieus.

As such, it is the legal obligation of the Queensland education system and schools to provide all LGBTIQ+ young people with a high-quality schooling experience that is free from discrimination based on their sex, sexual orientation, gender identity or intersex status.

This submission highlights areas where discrimination and failure to recognise and support the specific needs of LGBTIQ+ young people still occur in Queensland.

It also recommends ways of addressing this by improving the content and the delivery of sex and respectful relationships education in regards to the use of technology to all students in all Queensland state schools.

## 1. Respectful Relationships

The Queensland Department of Education has developed a respectful relationships education program<sup>7</sup> for students in direct response to the broad multi-departmental Queensland Government approach to ending domestic and family violence. The education program is primarily a prevention program focusing on influencing behavioural change of Prep to Year 12 students to prevent undesirable social consequences by challenging knowledge and attitudes about gender normative thinking influencing gender-based violence.

The Queensland Government approach to ending domestic and family violence is based on the report of the Special Taskforce on Domestic and Family Violence in Queensland, *Not Now, Not Ever: Putting an End to Domestic and Family Violence in Queensland*.<sup>8</sup>

The report makes 140 recommendations based on the insights gathered from engagement with communities and individuals across Queensland, and sets the vision and direction for Queensland's strategy to end domestic and family violence, and ensure those affected have access to safety and support.

Recommendation 14 of the report specifically advocates that: The Queensland Government includes LGBTI specific elements in the communication strategy (Recommendation 18) to raise awareness of domestic and family violence in the LGBTI community, remove the stigmas around reporting and seeking help, and providing LGBTI victims with advice on where to go for support.

In connection with recommendation 14, it is important to highlight that domestic violence and family violence occur in gay and lesbian relationships and relationships involving transgender and bisexual identifying people.<sup>9</sup> In a national study, a high percentage (32.7%) of LGBTI Australians reported having been in a relationship where the partner was abusive and one third reported having been physically injured.<sup>10</sup>

As in heterosexual relationships, the abuse may range from physical or sexual violence to psychological, emotional or economic abuse. In addition, there are forms of abuse that are specific to same-sex relationships and those involving bisexual and transgender identifying people, such as threatening to 'out' a partner to friends, family, police, church or employer with and without the use of technology. Transgender-specific partner or family relationship abuse may involve hindering the transgender person from taking their hormone medication and/or invalidating their gender identity by using non-appropriate pronouns.

In its current format, the resources included in the Queensland Department of Education respectful relationships education program for Prep to Year 12 students make *little to no direct reference* to same-sex relationships or those involving bisexual, transgender or intersex people. This suggests that the current educational program aiming to challenge knowledge and attitudes to prevent undesirable social consequences such as domestic and family violence is failing to recognise that such violence is an issue that occurs in same-sex relationships and can involve bisexual, transgender and intersex people. This further suggests that the Respectful Relationship education program does not comply with the Anti-Discrimination Act 1991 (Qld)<sup>4</sup> nor the Sex Discrimination Act 1984 (Cth)<sup>5</sup> and its Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Act 2013 (Cth)<sup>6</sup>.

**Recommendations:** That the Queensland Department of Education respectful relationships education program for Prep to Year 12 students recognises diversity within relationships and include same-sex relationships and those involving

bisexual, transgender and intersex people by including specialised resources within the program.

That the Queensland Department of Education and all Queensland state schools should establish a solid foundation for respectful relationships by publicly expressing respect for the dignity and equity of all LGBTIQ+ students and employees, their families and friends, with and without the use of technology.

## **2. Sex Education**

The UNESCO International Technical Guidance on Sexuality Education states “Sexuality is a fundamental aspect of human life: it has physical, psychological, spiritual, social, economic, political and cultural dimensions. Sexuality cannot be understood without reference to gender. Diversity is a fundamental characteristic of sexuality.”<sup>11</sup>

In Australia the 5<sup>th</sup> National Survey of Australian Secondary Students and Sexual Health 2013 found that the majority of Year 10, 11 and 12 students (69%) had experienced some form of sexual activity, with one half of year 12 students having experienced sexual intercourse.<sup>12</sup>

Without education in sex, sexual health and healthy relationships, children and young people are vulnerable to sexually transmitted infections (including human immunodeficiency virus (HIV)), unwanted pregnancies, online bullying, shaming, sexual exploitation and personal disempowerment.

Education also needs to address the risks from children and young people accessing pornography on the internet at increasing rates.<sup>13</sup> Pornography may develop undesirable attitudes from an early age, such as gender stereotyping, denigration of the need for consent and acceptance of sexual violence. A recent media report quoted research findings that young people identifying as lesbian, gay, bisexual, transgender, intersex, and queer watched pornography more frequently and from a younger age.<sup>14</sup>

“Preparing children and young people for the transition to adulthood has always been one of humanity’s great challenges, with human sexuality and relationships at its core.”<sup>11</sup> As far back as 1955, Sweden recognised the importance of this matter and became the first European country to establish compulsory sexuality education in all schools.<sup>15</sup> Recently, the British government announced that sex and relationships education is to be made compulsory in all schools in England.<sup>16</sup>

Despite the progressive approach to this matter in other western countries, Australia lacks a comprehensive, compulsory sex education curriculum. Whilst there are curriculum recommendations, it is currently at the discretion of the individual states and territories and individual schools whether to follow these recommendations or not.

The Queensland Department of Education does not provide information on its website to indicate what is delivered in Queensland schools on the subject of sex education.

In October 2016 The Courier Mail quoted a spokeswoman for Education Queensland who said that “Sex education in state schools is not compulsory, but rather a school-based decision made in consultation with the local school community”. This is despite a Galaxy poll that revealed 84 per cent of parents believed all Queensland state schools should be required to offer sex education.<sup>17</sup>

In the same article, child psychologist Michael Carr-Gregg is quoted as saying that Queensland schools needed to do more. “I am pleading with parents, and with the Government, not to let the multinational (technology driven) pornography industry be the lead sex educator in schools throughout Queensland,” Dr Carr-Gregg said.

The Queensland Government’s *Sexual Health Strategy 2016-2021* states: School based education programs for children and young people is a critical starting point for promoting positive sexual health outcomes, minimising harm and reducing stigma and discrimination.<sup>18</sup> The strategy further recommends as a priority that **all Queensland schools** provide the Australian Curriculum relationships and sexuality education.

The Queensland Department of Education has access to the findings of Australian research as well as sex education programs in other states that would enable it to develop a comprehensive non-discriminatory sex education program that is delivered to all children in Queensland state schools.

Research conducted in secondary schools in South Australia and Victoria during 2016 has reported comprehensively on all aspects of sex education.<sup>19</sup> This research found that School-based sexuality and relationships education programs were a significantly used and trusted source of information for the majority of students. However, students offered a number of suggestions to improve sexuality and relationships education. They wanted less repetition of the biological aspects of human sexuality, and more explicit and accurate information about gender diversity, violence in relationships, intimacy, sexual pleasure and love.

The Queensland Government should follow the lead of the Victoria Government which delivers comprehensive, whole-school sexuality education that provides consistent and accurate information to all young Victorians from an early age, and recognises and is respectful of diversity.<sup>20</sup>

On the subject of LGBTIQ+ diversity, a special report to the United Nations on the subject of human sexual education says “In order to be comprehensive, sexual education must pay special attention to diversity, since everyone has the right to deal with his or her own sexuality without being discriminated against on grounds of sexual orientation or gender identity.”<sup>21</sup>

The Queensland Government’s *Sexual Health Strategy 2016-2021* recognises that: The LGBTI population have specific health needs and health promotion and information should be targeted to specific subgroups within the LGBTI communities to address sexual health needs particularly prevention of infectious disease.<sup>18</sup>

During 2015, two students at an Ipswich state high school conducted a survey of 244 respondents from local high schools, with the aim of publishing a youth based perspective on how LGBTIQ+ inclusive the sexual education was within the cohort of schools.<sup>22</sup> The results of the survey established that sexual education and support for LGBTIQ+ students was lacking in comparison to sexual health education for heterosexual students (personal communication). A copy of this study was presented to the Minister for Education, The Honourable Kate Jones.

*Recommendations:* That the Queensland Government acknowledges a responsibility for ensuring that all young people in all schools receive education on the subjects of sex, sexuality, sexual health and relationships.

That the Queensland Department of Education develops a comprehensive educational program on sex, sexuality, sexual health and relationships with or without the use of technology that all state schools are required to deliver.

That sex education in Queensland schools includes content, with and without the use of technology, specifically designed for, responsive to, relevant to and respectful towards LGBTIQ+ students.

### **3. Use of the internet in schools to find information**

For children and young people today, the internet is a fundamental part of their daily life. Children become familiar and develop capabilities with computers and tablets from a very early age, even before school age. Within the Australian Curriculum and its General Capabilities, Queensland Foundation to Year 10 school students are expected to develop and possess Information and Communication Technology (ICT) capabilities.<sup>23</sup> More specifically, they are expected to investigate with ICT; communicate with ICT; create with ICT; manage and operate ICT; and apply social and ethical protocols and practices when using ICT. The internet now plays a central role in how students seek knowledge and learning.

Therefore it is safe to assume that LGBTIQ+ young people will use the internet to find information relevant to their sexuality, gender identity or intersex status. LGBTIQ+ young people need to belong and want to network with the many people in society like themselves; they need to learn how to manage and seek support for homophobic, transphobic and intersex related bullying; and they need to develop ICT literacy and confidence in locating and accessing accurate and high quality information regarding specific medical or psychological support unique to their needs.

There are many websites providing targeted support and information for LGBTIQ+ children, young people and their parents. However young people who have not yet come 'out' to their parents or friends may find it difficult to source this information. They may lack the maturity to be able to assess the integrity and accuracy of internet sites and information. LGBTIQ+ young people need to develop the ability to access this support on the internet in confidence and without embarrassment.

The only information on the Queensland Department of Education website that refers to support for LGBTIQ+ students in Queensland state schools is a two page document *Diversity in Queensland schools – Information for principals*<sup>24</sup>. (This is discussed further in sections 6 and 7 of this submission.)

All school personnel, including guidance officers and school-based nurses, need to understand the importance of supporting LGBTIQ+ students to use the internet to access the information they need. They also need to know where to source that information themselves. Within schools a safe space may need to be set up where internet access to relevant supporting websites is unblocked and relevant LGBTIQ+ students can be assisted in gaining access to accurate, reliable and respectful information they may need to further enhance their health literacy, and health and wellbeing.

*Recommendation:* That the Queensland Department of Education acknowledges the specific needs of LGBTIQ+ children and young people by providing comprehensive policies, guidelines and training, to be delivered by all state schools in Queensland.

That the use of the internet by LGBTIQ+ children and young people seeking information relating to their sexuality, gender identity or intersex status, with the aim of improving their health literacy, and health and wellbeing, is permitted, supported and assisted by schools in an age specific,

confidential and non-judgemental fashion. If necessary, a safe space should be made available where access to relevant websites is unblocked and qualified staff support and assistance is on hand.

#### **4. Internet abuse**

Regardless of one's sexual orientation, gender identity or intersex status, everyone has the right to security of the person and to protection by the government against mental and social violence or bodily harm.<sup>25</sup>

Cyber bullying is common among young people<sup>26</sup> and occurs not only in schools and during school hours but also outside school premises and school hours. This form of bullying violates the right to security of the person and protection by the government.

LGBTIQ+ children and young people are known to experience high levels of verbal and physical homophobic and transphobic abuse, with the most common place of abuse (80%) being at school. What is further alarming is that 81% of these students do not feel supported by their school.<sup>27</sup>

As well as other forms of bullying and abuse that may be experienced by all students, LGBTIQ+ young people also experience specific types of abuse unique to their sexuality, gender identity or intersex status.<sup>28</sup> For example, transgender children may experience abuse from others talking about them or sending photos of them in their past identity, using their past name, pronoun and photographs thereby invalidating their gender identity.

Research by both ECPAT<sup>29</sup> (End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes) and Barnardo's<sup>30</sup> have found LGBTIQ+ children and young people are specifically vulnerable and at great risk of sexual predation; a crime that often relies on the internet. For example, Barnardo's found through their research that as "LGBTQ young people may feel isolated and believe there will be a lack of acceptance by other people regarding their sexuality and gender identity" they may as a result "seek support via adult- orientated groups, online or, in the case of boys and young men, in public sex environments such as 'cottages' or 'cruising grounds'".

Cyber bullying is a crime under both Queensland and Commonwealth law when it involves: "using the internet or a phone in a threatening, harassing or offensive way, threats, stalking (including messaging someone to harm or scare them), accessing internet accounts without permission, defamation or encouraging suicide".<sup>31</sup>

The Queensland Department of Education website and the Bullying No Way Website (coordinated by the Queensland Government on behalf of Australia's government, Catholic and independent school communities) do provide lists of legislation relating to bullying. However, it would send a much stronger message if it was stressed throughout the content of all pages that bullying, including cyber bullying, are against the law. Within pages designed for children, parents or teachers it should be stressed that if bullying, including cyber bullying are known to be occurring they should be reported to the relevant authority, including the police.

*Recommendation:* That the Queensland Department of Education ensures that all principals, teachers, parents and students are aware that bullying, including cyberbullying, is against the law.

That the Queensland Department of Education and all Queensland schools explicitly recognise sexual diversity, gender diversity and intersex status when raising awareness about cyber bullying.

That children and young people are educated to develop an understanding of how social and ethical protocols apply when using ICT and receive relevant support in how to safely use the internet. Anti-cyber bullying plans and education should be responsive to, relevant to and respectful towards LGBTIQ+ students, and explore lived LGBTIQ+ student experiences of a discriminatory nature.

## **5. Legislation**

There are ways in which current Queensland legislation needs to be amended or strengthened to support LGBTIQ+ children and young people.

Specifically, in order to protect all LGBTIQ+ people from discrimination, the Anti-Discrimination Act 1991 (Qld)<sup>4</sup> needs to be amended. While the Anti-Discrimination Act 1991 (Qld) does protect lesbian, gay and bisexual people, and some transgender people, from discrimination, it overlooks and fails to protect other cohorts such as transgender and gender diverse people whose identity is non-binary, and intersex people. As such, the Anti-Discrimination Act 1991 (Qld) should be amended as a matter of priority, to expand the personal characteristics protected by law through the revised definition of gender identity, and adding intersex status as a protected attribute.

All children have a right to be safe and protected in schools. Discrimination against LGBTIQ+ children and young people during the course of their education, bullying, whether physical or cyber-bullying, and neglect in the inclusion of all LGBTIQ+ within respectful relationships training, sexuality and sex education and safe use of the internet, can result in significant emotional and psychological harm for these children.

In Victoria it has been reported in the media that amendments have been made to the Child Wellbeing and Safety Act 2005 (Vic) which introduce a 'reportable conduct' scheme.<sup>32</sup> Schools are now required by law to identify, investigate and report on child safety risks posed by employees, including sexual offences, sexual misconduct involving children, significant violence or emotional or psychological harm towards a child, or significant neglect of a child.

The Queensland Government should consider whether current Queensland legislation provides sufficient protection for all children while they are at school.

*Recommendation:* That the Queensland Anti-Discrimination Act 1991 is amended by updating the personal characteristics protected by law through the revised definition of gender identity and adding intersex status as a protected attribute. Until this amendment occurs, the Queensland Department of Education should ensure that all policies, guidelines and training programs, whether or not based on technology, refer to all LGBTIQ+ children and young people

including transgender and gender diverse people whose identity is non-binary, and intersex people.

That the Queensland Government reviews relevant legislation to ensure that all students, including LGBTIQ+ children and young people, are fully protected from discrimination and bullying, including cyber-bullying, while at school.

## **6. Teacher training**

Evidence from Queensland and Victorian research<sup>33,34</sup> shows that issues involving sexual diversity, gender identities and intersex topics arise in school classrooms and teachers need to feel confident that they are able to respond in an appropriate and supportive manner. These issues often revolve around topics such as same-sex parenting, student identity, homophobic and transphobic bullying, intersex conversations, diverse sexualities and relationships education. The research found that teachers don't know what to do when these situations arise.

Correspondingly, a survey of South Australian teachers<sup>35</sup> found that transgender or gender diverse children often experience schools as places of marginalisation and exclusion. In the primary school environment there are high levels of bullying by other children and a lack of understanding and support from school staff. The research results effectively demonstrate that teachers do not feel confident in responding to questions or issues of diverse sexuality, gender diversity and intersex variation or in teaching sexuality or relationship topics. These conversations are often outsourced to other organisations rather than ensuring the knowledge and confidence exists among the teacher cohort.

Some universities in Australia provide initial teacher education programs that include stand-alone courses or in-depth content and pedagogical strategies addressing issues pertaining to diverse gender and sexualities and intersex topics. We have found little evidence of such content in Queensland teacher training courses.

The Safe Schools Coalition Australia training program is being delivered by *True relationships and reproductive health*<sup>36</sup> in Queensland but finishes in this state on 31 October. This training has offered free resources and support to equip school staff with knowledge, skills and practical ideas to create safer and more inclusive school environments for same sex attracted, intersex and gender diverse students, staff and families. The Queensland Department of Education has not announced an ongoing strategy to sustain the delivery of training to all schools, principals, teachers and other personnel in caring for and supporting LGBTIQ+ children and young people. As is the case with sex education, the Department of Education is leaving it to individual schools and principals to decide whether school policies and plans are developed to support LGBTIQ+ children and young people and whether or not teachers should access training in this matter.

**Recommendation:** That Queensland teachers receive formal pre-service and in-service training with and without the use of technology, with the aim to develop knowledge and understanding about LGBTIQ+ students, their relationships, health and wellbeing topics, concerns and issues, in order to confidently support LGBTIQ+ children and young people; and have the ability to develop and deliver respectful relationship and sex education programs

that are inclusive of issues linked to diverse sexually attracted, intersex and gender diverse students.

## **7. Queensland Department of Education policy**

As noted in the introduction to this submission, State and Commonwealth legislation prohibits discrimination on the basis of a person's sex, sexual orientation, gender identity or intersex status within educational milieus. In this submission we have demonstrated that discrimination against LGBTIQ+ students currently occurs within Queensland state schools with regards to the respectful relationships and sex education programs. LGBTIQ+ children and young people are also highly susceptible to bullying, including cyber bullying.

Other Australian State Governments, such as the Victorian Government have made a formal and public commitment that schools will create an inclusive and safe environment for their school community, where LGBTIQ+ students, families and teachers are included. This commitment recognises that creating a safe, inclusive and supportive schooling environment is key to tackling bullying, discrimination and harassment at schools, particularly arising from homophobia and transphobia.<sup>34</sup>

The South Australian Department for Education and Child Development has also committed to this cause through their newly (2016) implemented policy entitled "Supporting same sex attracted, intersex and gender diverse students". Importantly this policy is mandatory for all staff and volunteers in schools, early childhood education and care services; education and care leaders; and corporate leaders. The policy outlines that schools and preschools have a responsibility for supporting all children and young people in their care and provide them "equal opportunities to optimum learning and wellbeing outcomes, regardless of sexual orientation, intersex status or gender identity" in line with state and federal laws.<sup>35</sup>

The Queensland Government and its Department of Education and Training have made no such public commitment or developed such rigorous policy supporting students and families of diverse sexuality, gender and intersex status. There are no mandatory instructions as to what support must be provided outside of the statement that Anti-Discrimination laws must be adhered to. Instead, the Queensland Department of Education and Training has developed a document entitled "Diversity in Queensland schools – Information for principals".<sup>24</sup> This is a two-page information sheet for principals suggesting that the commitment to supporting LGBTIQ+ students falls within the discretion of the principal. This compares very poorly with South Australia's 16-page mandatory policy (that all school personnel are required to adhere to) that rigorously unpacks the meaning and importance of supporting same sex attracted, intersex and gender diverse students.

*Recommendation:* That the Queensland Department of Education develops and publishes on their website a comprehensive policy making it mandatory for state schools, principals, teachers and other employees to support all children and young people in their care, regardless of sexual orientation, gender identity or intersex status in line with State and Commonwealth anti-discrimination legislation.

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