

29th August 2024.

To Whom it May Concern,

**RE: Inquiry into Discrimination and Bullying in Tasmanian Schools.**

I am writing to contribute to Tasmania's Inquiry into discrimination and bullying in schools, bringing a unique perspective informed by both extensive field experience and ongoing academic research.

As the former Tasmanian LGBTQIA+ Schools Inclusion Officer, I have had the privilege of engaging directly with young people, parents, educators, and service providers across the state. This role provided me with invaluable insights into the lived experiences of LGBTQIA+ students and the challenges faced by schools in creating inclusive environments. Currently, as a PhD candidate at the University of Tasmania, I am conducting research on the impacts of homophobia, transphobia, and biphobia in our community. Additionally, my experience as an expert witness for the Tasmanian Government's response to child sexual abuse in institutional settings has further deepened my understanding of the vulnerabilities faced by young people in educational settings.

The urgency of addressing bullying and discrimination in Tasmanian schools has been starkly highlighted by recent research. According to the Australian Education Research Center's report on school-based bullying, Tasmania has the highest rates of bullying across all Australian states [1]. This alarming statistic not only underscores the critical need for comprehensive action but also suggests that current approaches are inadequate in addressing this pervasive issue.

In light of this research and drawing from my extensive interactions across the Tasmanian education system, I wish to bring to the Inquiry's attention several concerning incidents of discrimination and bullying in Tasmanian schools. These cases, while representing only a small cross-section of the issues reported to me, demonstrate systemic problems that urgently need addressing. They illustrate not only individual acts of discrimination but also institutional failures in adequately supporting LGBTQIA+ students and preventing bullying behaviors. Please note that all quotes are verbatim and taken from my field notes.

**Incident 1: Physical Assault and Institutional Discrimination.**

Description: A transgender student in residential care was physically assaulted by peers who forcibly attempted to "determine their gender." The assailants pushed the victim to the ground, pinned them down, and lifted their shirt to find out "if you are really a guy". Then, the assailants started feeling their chest "to be sure".

When the student reported the incident to the school principal, they were reportedly told, "Behavior like that doesn't take place in this school," and "No other trans student has ever complained about being bullied. Are you sure you didn't do something to provoke the students?" Feeling unheard and disbelieved, the student started to disengage from school.

Discrimination and Bullying Aspects:

1. Physical Assault: This violent act constitutes severe bullying and harassment [2].

2. Transphobic Motivation: The assault was explicitly motivated by transphobia, targeting the student's gender identity [3].
3. Institutional Discrimination: The principal's response - denying the possibility of such behavior and implying the victim was responsible - demonstrates institutional discrimination [4].
4. Revictimization: The principal's skepticism and victim-blaming further traumatized the student, discouraging future reporting.
5. Educational Impact: The student's disengagement from school as a result of this experience highlights the severe consequences of such incidents on a student's education.

Implications: This incident reveals a dangerous culture of transphobia among students and a lack of understanding and support from school leadership. The principal's response likely discouraged reporting of future incidents, perpetuating an unsafe environment for LGBTQIA+ students. Moreover, it demonstrates how institutional responses to bullying can compound the harm experienced by victims.

### **Incident 2: Systemic Discrimination in a Catholic School**

Description: A 'transgender' student who was seeking support by trained experts was denied access to external LGBTQIA+ support services and pressured to undergo internal counseling to "address their gender identity" as a condition of enrollment. They were also told that they should seek support from an external service and that the school would not engage in any discussions regarding the students' wellbeing needs as they had their own counselling team.

#### Discrimination and Bullying Aspects:

1. Denial of Support: Prohibiting access to specialised LGBTQIA+ support services are a form of institutional discrimination [5].
2. Coercive Practices: Conditioning enrollment on internal counseling to "address" gender identity is a coercive and discriminatory practice [6].
3. Mischaracterisation of Gender Identity: Treating gender identity as a mental health issue to be "corrected" is discriminatory and can lead to psychological harm [7].

Implications: This practice creates an environment where LGBTQIA+ students are stigmatised and denied appropriate support. It sets a precedent for treating gender diversity as a problem to be solved rather than an identity to be respected.

### **Incident 3: Discrimination and Neglect in a Primary School**

Description: A gender-questioning student was denied access to specialised support services, with the principal insisting on parental consent despite the student's fears of parental rejection and/or violence. This student became increasingly withdrawn and frequently absent from school. It took a year before the school support staff was able to access external services with expert knowledge (note: we are **not** talking about mental health services here but community services)

#### Discrimination and Bullying Aspects:

1. Denial of Support: Refusing to allow access to specialised services discriminates against the student based on their gender identity questioning [8].

2. Disregard for Student Safety: Insisting on parental consent despite the student's expressed fears prioritises administrative procedures over student wellbeing [9].
3. Institutional Neglect: The lack of support led to the student's disengagement from school activities, impacting their right to education [10].

Implications: This approach creates barriers for vulnerable students seeking support, potentially exacerbating mental health risks. It demonstrates a systemic failure to understand and address the unique needs of LGBTQIA+ students, particularly those questioning their identity.

#### **Incident 4: Discrimination Through Lack of Representation in Primary School**

Description: A 10-year-old student seeking support for their gender identity experienced discrimination due to the school's failure to provide an inclusive environment. The school curriculum lacked content affirming diverse identities, and school leadership hesitated to address these issues due to fears of community backlash. This young person became withdrawn and suicidal in response to feeling alone and like there was no one else like “me”. The school recommended referral to a local mental health service but the young person kept insisting there was nothing wrong with them. “I am normal. I don’t need drugs’ or fixing”.

Discrimination and Bullying Aspects:

1. Systemic Exclusion: The absence of LGBTQIA+ representation in curricula is a form of systemic discrimination [11].
2. Enabling Bullying: Lack of education about LGBTQIA+ identities which allows harmful stereotypes and misinformation to spread, fostering an environment where bullying can occur [12].
3. Institutional Inaction: The school's hesitancy to address these issues due to community pressure demonstrates a form of institutional discrimination [13].

Implications: This incident highlights how systemic discrimination through lack of representation can indirectly enable bullying by normalising exclusion and leaving LGBTQIA+ students vulnerable.

#### **Incident 5: Systemic Discrimination and Bullying of a Genderqueer High School Student**

Description: A genderqueer student who advocated for themselves and others faced systemic discrimination and institutional bullying. An educator repeatedly questioned the student's pronouns in front of peers, and the student was often reprimanded publicly for challenging negative attitudes about disabilities. Their behaviors were recorded on the triple s systems. This led the student to worry about how they would never be seen as anything else but “the difficult student”, even when they went on to college as their records travel with them. They felt like they were targeted and victimized as this was easier for school leadership as opposed to addressing educators' discriminatory practices.

Discrimination and Bullying Aspects:

1. Public Harassment: Repeatedly questioning the student's pronouns in front of peers is a form of public humiliation and discrimination [14].

2. Punishment for Advocacy: Labeling the student's advocacy as "poor behavior" demonstrates institutional discrimination [15].
3. Biased Reporting: The school's incident reporting system recorded events without context, potentially perpetuating discrimination as these records followed the student to college.

Implications: This incident demonstrates how systemic discrimination can manifest as institutional bullying and highlights the intersection of LGBTQIA+ discrimination with other forms of marginalization.

#### **Incident 6: Inappropriate Handling of Transgender Student's Privacy**

Description: A seven-year-old transgender student was cornered by classmates who demanded to know "what is under your school dress." When informed, the principal said, "it is just children being curious". This comment dismissed the nature of bullying. It also negated the fact that children's curiosity should be addressed through the curriculum not by a gender diverse young person. The parents indicated this position to the principal, who instructed them to directly address their concerns with the 'bullies' parents. This would have left the entire family open to being targeted and discriminated against. The family who also have an inferred protection under the Anti-Discrimination Act.

Discrimination and Bullying Aspects:

1. Peer Bullying: Demanding information about a child's genitals is a form of sexual harassment and bullying [16].
2. Privacy Violation: The school's response put the student and their family at risk by potentially exposing their private information [17].
3. Institutional Neglect: The school failed to address the need for broader community education about transgender issues.

Implications: This incident highlights the critical need for clear protocols to protect the privacy and safety of LGBTQIA+ students and their families, as well as the importance of schools taking responsibility for community education on LGBTQIA+ issues.

#### **Incident 7: Systemic Discrimination Through Compulsory Professional Development**

Description: An educator reported attending a compulsory professional development session in a Catholic school that promoted the "doctrine of complementarity," which propagates discriminatory views against transgender and gender-diverse individuals. The educator felt they could not speak about their concerns for fear of losing their job.

Discrimination and Bullying Aspects:

1. Institutional Discrimination: The school system actively promoted views that discriminate against transgender and gender-diverse students [18].
2. Creation of Hostile Environment: Instructing educators not to support LGBTQIA+ students foster an environment where these students may feel unwelcome and unsupported [19].
3. Potential for Increased Bullying: When authority figures are instructed to dismiss certain identities, it can embolden students to engage in bullying behaviors [20].

Implications: This incident underscores how systemic, institutionalised discrimination can create an environment conducive to bullying, highlighting the need for comprehensive anti-discrimination policies that address systemic issues within educational institutions.

These incidents collectively demonstrate a pattern of discrimination and institutional practices that enable bullying of LGBTIQ+ students in Tasmanian schools. They highlight the urgent need for comprehensive reforms and safeguards.

### **Incident 8: Denial of Appropriate Toilet Access in a Middle-Income Primary School**

Description: A young transgender student in a middle-income primary school consistently avoided using the toilets during school hours and restricted their water intake. The student did not inform their parents of this behavior. They wished to use the toilet that aligned with their gender identity but were uncertain if they had permission. The school had suggested they use the disability toilet, but the student was uncomfortable with this option as they did not have a disability and did not view their gender identity as a disability.

Discrimination and Bullying Aspects:

1. Denial of Gender Identity: The school's failure to clearly communicate the student's right to use the toilet aligned with their gender identity is a form of discrimination [28].
2. Inappropriate Accommodation: Suggesting the use of a disability toilet for a transgender student inappropriately conflates gender identity with disability and can be stigmatising [29].
3. Health Risk: The student's avoidance of toilets and restricted water intake poses serious health risks, indicating a failure in the school's duty of care [30].

Implications: This incident highlights several critical issues:

- The need for clear, affirming policies regarding toilet access for transgender students.
- The importance of communicating these policies effectively to all students and staff.
- The potential health consequences of failing to provide appropriate accommodations for transgender students.
- The misunderstanding that offering disability toilets is an appropriate solution for transgender students.

This case demonstrates how seemingly minor administrative oversights can have significant impacts on a student's health and well-being. It underscores the need for schools to be proactive in creating inclusive environments that respect and affirm students' gender identities, in line with anti-discrimination legislation.

### **Legislative Context and Safeguards:**

Proposed Solutions:

#### A. Legislative and Policy Changes

1. Safeguard the Anti-Discrimination Act 1998 (Tas) to ensure religious schools remain unable to discriminate in matters of gender, sexual identity or bodily status [24]. Rationale: This amendment would ensure that all schools, regardless of religious affiliation, are held to the same standards of non-discrimination, creating a more inclusive environment for all students.
2. Develop comprehensive guidelines for schools on existing legislation that supports young people's rights to access specialist services without parental consent when appropriate. Rationale: Clear guidelines will help school communities including young people to understand and implement existing laws that allow young people to access support services independently when it's in their best interest, addressing the current gap between rights and implementation [21].
3. Implement strict privacy protection measures for LGBTQIA+ students and their families. Rationale: Enhanced privacy measures will protect vulnerable students from potential harm and discrimination, fostering a safer school environment.

#### B. Education and Training

1. Introduce mandatory LGBTQIA+ inclusion training for all educators as part of their regular and ongoing professional development requirements. Rationale: Comprehensive training will equip educators with the knowledge and skills to create inclusive classrooms and address LGBTQIA+ issues effectively.
2. Develop comprehensive, age-appropriate LGBTQIA+ inclusive curricula for all school levels. Rationale: Inclusive curricula will increase visibility and understanding of LGBTQIA+ issues, promoting acceptance and reducing bullying behaviors.
3. Create public education campaigns highlighting the evidence-based benefits of LGBTQIA+ inclusive policies in schools. Rationale: Public campaigns can counter misinformation and build community support for inclusive policies, addressing reactionary sentiments with factual information [22].

#### C. Support Services and Community Building

1. Ensure access to support services for LGBTQIA+ youth without mandatory parental consent when professionals deem it in the child's best interest [25]. Rationale: This policy recognises that some LGBTQIA+ youth may face rejection or abuse at home, ensuring they can access crucial support services safely.
2. Provide community-based support rather than solely clinical interventions for LGBTQIA+ youth. Rationale: Many LGBTQIA+ youth need safe spaces and peer connections rather than medicalisation of their experiences. This approach affirms their identities and provides crucial social support [26].
3. Establish and support LGBTQIA+ pride groups in schools: Research shows these groups reduce bullying, improve mental health outcomes, and create a more positive school climate for all students [27].

#### D. Monitoring and Accountability

1. Establish an independent oversight body to monitor schools' compliance with anti-discrimination policies and handle complaints. Rationale: An independent body can ensure consistent implementation of policies across all schools and provide a safe channel for reporting violations.
2. Implement regular audits to ensure schools are complying with legislative requirements regarding LGBTQIA+ inclusion and non-discrimination. Rationale: Regular audits will hold schools accountable and identify areas for improvement in policy implementation.
3. Require all schools to publish their anti-discrimination and anti-bullying policies prominently on their websites, including clear definitions and the school's commitment to LGBTQIA+ inclusion. Rationale: Accessible and visible policies ensure that students, parents, and staff can easily find this crucial information without having to out themselves. This transparency aids in school selection for LGBTQIA+ families and holds schools accountable for their commitment to inclusion. Research shows that clear, accessible policies contribute to a more positive school climate for LGBTQIA+ students [2].

#### E. Research and Continuous Improvement

1. Establish a task force to regularly review and disseminate current research on LGBTQIA+ youth well-being to inform school policies and practices. Rationale: A dedicated task force can ensure that school policies remain aligned with the latest research, promoting evidence-based practices [23].
2. Develop partnerships with academic institutions to conduct Tasmania-specific research on effective anti-bullying and anti-discrimination strategies. Rationale: Local research can provide insights into Tasmania's unique context, informing more effective and tailored interventions.

#### F. Rapid Response and Crisis Management

1. Develop rapid response protocols for schools to address misinformation or fear-mongering about LGBTQIA+ inclusivity in education. Rationale: Quick and effective responses to misinformation can prevent the spread of harmful narratives and maintain a supportive school environment.

#### G. Support Services and Inclusive Facilities

1. Implement clear policies and guidelines for gender-affirming toilet access in all schools. Rationale: Many transgender and gender-diverse students face anxiety and health risks due to a lack of appropriate toilet access. Clear policies ensuring students can use facilities aligning with their gender identity are crucial for their well-being and participation in school life. These policies should be communicated effectively to all students, staff, and parents to prevent misunderstandings and discrimination. Importantly, such policies should clarify that directing transgender students to use disability toilets is not an appropriate solution, as it can be stigmatizing and fails to recognize gender identity as distinct from disability [31, 32].

#### **Supplementary Testimonies.**

In addition to the incidents and recommendations outlined above, I have included supplementary testimonies from two Tasmanian high school students. For privacy and safety reasons, I have removed their identifying details. However, these students have expressed a willingness to speak directly to the

committee. If the committee wishes to contact these students, please reach out to me for their details. I want to emphasize that these testimonies are presented as received, without edits or alterations on my part, to preserve the authenticity of their experiences.

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These above solutions, implemented comprehensively, would address the systemic issues of discrimination and bullying faced by LGBTQIA+ students in Tasmanian schools. They cover legislative changes, educational initiatives, support services, compliance measures, research efforts, and public education campaigns, providing a multi-faceted approach to creating safe and inclusive school environments.

In conclusion, I urge the inquiry to consider these incidents and the proposed solutions. It is crucial that the Commission recognises the systemic nature of these issues and the need for multi-faceted interventions. By implementing these measures, we can work towards creating school environments where all students, regardless of their gender identity or sexual orientation, can feel safe, respected, and empowered to learn, and thrive.

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## **Supplementary Testimonies:**

### **Student 1:**

I have been subjected to harassment, bullying and torment both physically and verbally throughout highschool (yr 7-10).

These include having food and hard basketballs being thrown at me, as well as anything the tormentors could get their hands on.

It put a massive toll on my mental health, more specifically in year 7-8 when it was at its peak.

Regrettably, I self-harmed and became slightly suicidal due to this.

And I'm sure the tormentors had similar impacts on my friends as well, as most of my friend group was queer (transgender, bisexual, asexual, etc.) Even the people in our group that weren't apart of the LGBT+ community were subject to this horrible and unnecessary violence and bullying just because they were associated with us.

It got so bad to the point I was scared to go out by myself, with friends or just without my parents really. I would carry around a weapon to protect myself at all times. This would include scissors or anything sharp, and I know some of my friends did too.

If I were to describe every instance we were tormented, this could be pages long so I'll keep it as short as possible, it was almost, if not daily. We reported it to our only safe space we had, our only queer teacher as well as another teacher that helped run the pride group. (It was truly an important safe space for us, as class wasn't even safe.) After 2 years of reporting the nasty abuse to the school, they finally did something, expelled one of the tormentors for the rest of the year. He did school from home or through our schools flexible learning program. The rest of them (which was a lot) didn't get any repercussions, besides one suspension for one of the students.

A while after this one of my friends and I decided we would hangout after school we went to Woolworths to grab a drink and while walking down one of the aisles there he was. We walked past him and he told us if he saw us again he'd kill us. And he'd done bad stuff to us, so even though it was likely he wouldn't kill us, there was no doubt in our minds he'd do something bad.

In year 9 I moved to a new school, exciting right? No more bullying? Nope. Would walk down the corridor to my next class and get called a faggot, gay, etc. Now in year 10, I am still subject to homophobia, not so much transphobia as I do not present myself as queer in anyway. I have tried to make myself blend in as much as possible but I still get singled out as the gay one. I can be doing my own thing, someone will walk past and say "are you a rainbow person? I don't like your kind." By one of my peers.

It is truly a dehumanising experience, I am scared to be myself in school and changed myself to try escape the bullying and suffering yet it just doesn't stop. Luckily I am on a campus with only one grade, which means less people to bullying me, neither the less it doesn't stop.

These are just a few examples of the torment myself and other queer people are subjected to.

Please help stop this, for me and all the queer kids present and emerging.

## **Student 2**

I moved to Tasmania in 2021. I started high school there. On my first day a few kids found out I was queer and by the next day, everyone knew. It was scary, I was harassed a lot and it wasn't just verbal either. I had a brick thrown at my head, I was pushed, mocked, I had been followed home at one point, there was one kid who was the worst out of all of it. He would kick my chair in class, push me while walking up or down the stairs, push me into the walls when we were walking, he threw a lot of things at me. It was terrifying just having to deal with him, things get scarier when you know the administration knows about it but won't do anything, it's the scariest when the people who bully us know that as well. It got to a point where I was too scared to go to class and at one point I even hid in one of the school bathrooms. I sat in those bathrooms for 3 hours, I was so scared that if I left the tormenting would just start again. I had slurs yelled at me, people would shout terrible things at me, I went from loving school to begging my older sister to let me stay home. Our school had a pride group, they tried hard to make it inclusive at schools but it was still hard. If they put pride flags up in the halls they would get ripped down and thrown out or have slurs written across them.