

## HOMOPHOBIC BULLYING

### *Motion*

**HON LYNN MacLAREN (South Metropolitan)** [10.07 am] — without notice: I move —

That this council calls upon the Minister for Education to —

- (1) Confirm that both she and the Department of Education have a duty of care to protect all students from bullying and discrimination in schools.
- (2) Acknowledge that homophobic bullying is common in Western Australian schools and the absence of specific anti-homophobia policies is a failure of that duty of care.
- (3) Introduce policies and practices that protect all students against homophobia at school.

This is not a new issue. This is an issue that has come up several times over the past year and a half, because this is one of the remaining issues of discrimination that exists after the landmark equality laws were passed in this state. I draw to members' attention that it was only two weeks ago that we had the National Day of Action Against Bullying and Violence. Many of us went to an Equal Opportunity Commission forum that was held recently. The Equal Opportunity Commission has targeted bullying as a major issue that it is focusing on, and it has been meeting with various groups to try to figure a way forward.

Many people will have seen last month's newsletter, "Tackling homophobic bullying in schools", from the Equal Opportunity Commission. In 2010 the EOC consulted with a range of stakeholders in relation to concerns about this type bullying in schools. It resulted in the establishment of a working group and a steering committee, comprising senior representatives of state government education and health agencies, as well as Independent and Catholic schools and advocacy groups for the gay, lesbian, bisexual, transgender and intersex community. That is an acronym that we will use a lot today: GLBTI. I draw members' attention to the comment from the Equal Opportunities Commissioner, Yvonne Henderson, who said research in this area of homophobic bullying was both compelling and disturbing. In answers to questions about this issue, I do not believe that the Minister for Education has the same sense of the compelling and disturbing nature of homophobic bullying in schools. That is the purpose of my motion today.

Two years ago, Daniel Witthaus, who is also an activist in this area of making schools safe, travelled the state and produced a book called *Beyond 'That's So Gay'*. Members will be familiar with the statement "That's so gay". It is one of the statements that is used to discriminate and negatively affect young people in our schools. It seems to be an innocent remark, but on the face of it that innocence disappears when we look at the impact it can have on a young person's life. Daniel, when he travelled through this state and visited with schools, especially in rural Western Australia, found that there was a lack of a common approach to this issue. I am going to quote from one of his guides for teachers —

At this moment in time, teachers and schools have never been more supported, prepared and resourced by a range of third parties to implement a *Pride & Prejudice* School approach. Significant numbers of schools are open about being on the starting blocks of the race to affirm sexual diversity and challenge homophobia. Clarity of policies and directives from educational authorities paired with resources and professional development are akin to the starter's gun. Without this signal, these schools are not prepared to commence participation for fear of disqualification. With the smallest amount of leadership and support many schools would be off and running. Their example would encourage even more schools to participate and put an end to schools feeling like they have their hands frustratingly tied on this issue.

What we are trying to do by this motion is assist many teachers and school principals who want that leadership. That leadership is lacking from the Minister for Education. That is why we are calling on members to consider a specific policy against homophobic bullying.

The reason that I think it is a duty of care is partly illustrated by another example in Mr Witthaus's book. It points to what happens when we do not look after kids who are suffering from homophobic bullying. He writes —

What responsibility can be attributed to educational authorities who do nothing? It might take US-style law suits to jolt some educational authorities into action when their risk-assessment heads realise what such blatant negligence of a significant number of their students could cost. For example, a suburban school in San Jose, California agreed to settle a lawsuit by six gay students claiming continued harassment at the school. Particular issues in the case were school officials 'looking the other way' —

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Members might think that it is okay to look the other way, but in this case it was negligent —  
in relation to homophobia and blaming the students for being too openly gay.

What is the price tag for that case of six students who were not protected by school officials who chose to look the other way? It was settled out of court for \$US1.1 million. That is the kind of duty of care that I want these members to sit up and take notice of. My final quote from Daniel is —

Whether it is palatable or not, educational authorities do matter. They have the influence to turn the current homophobia dilemma in education on its head with clear, unambiguous policy paired with the channelling of largely existing resources. Too often this ‘information’ is secretive, inconsistent and at best confusing. What is required is nothing new. Yet as we have seen, change is not conditional on educational authorities overcoming their political constraints.

I want to draw members’ attention to the minister’s answer to a question without notice that was asked by Hon Linda Savage last night. Perhaps the member will choose to comment on this later in the debate, but in the minister’s answer she pointed us to policy that was publicly available on the department’s website about behaviour management in schools. She is basically saying that there are plenty of resources out there that teachers and principals can avail themselves of. I went onto this website last night, and I can tell members that there is no specific reference to homophobia. It is about bullying. Bullying is a serious issue, but that, too, is an option for principals to take on board. Principals can choose to, in the context of their community, take on board as much or as little of what is offered of those resources as necessary. That is not meeting our duty of care to ensure that we have safe schools. Hopefully, we will get an opportunity to hear more about that.

Schools do not provide safe spaces for kids who do not fit the status quo. Queer kids often do not fit the status quo in numerous ways. That provides fuel for bullies. Teachers lack the training of how to deal with this. Principals cannot create safe spaces when it is optional. There are so many pressures on them to do a million other performance indicators, and sometimes they fail to create these safe spaces. Professional development is not taken on board. This professional development that was offered was not even supported by our education department. This was a guy from Victoria who was funded nationally to come out here and try to assist us with this. Our attempts to get the education minister to take it on board have so far not borne fruit.

School counsellors lack the experience and in some cases they do not understand homophobia at its root cause. Pastoral care in our schools is not dealing with this issue adequately. This is an issue where the state has to step in with a state policy. It is common for queer students to be derided in all areas of school life, both inside and outside the classroom. How many schools implement and utilise these resources? That is a question I would like to have the minister, if she is going to respond to this, answer in this debate. How many schools have actually taken on board the anti-bullying policies, and how many of them have an anti-homophobia policy? If schools are under no obligation to implement these strategies to protect and support minority groups, then principals, teachers and counsellors will place this in the too-hard basket. That is where the leadership of our legislators has to step in.

Ultimately, treating the symptom—if it is depression, truancy or perhaps attempted suicide—is not where we need to be working. We need to be working at the root cause, which is common respect for people, whoever they are, in their diversity. That is the kind of action that we call for. If members look at beyondblue, it has acknowledged that the literature points to a strong tendency for non-heterosexual people to exhibit higher rates of depression and depressive symptoms than heterosexual people.

I will move on to the program that was presented by the Equal Opportunity Commission in this state only a couple of weeks ago. In that program we heard from the latest researchers in Australia about what is happening for Australian kids. Do you know what we learnt? In December last year, this issue rated on the top agenda for the United Nations. The member states met together to talk about stopping bullying and ending violence and discrimination based on sexual orientation and gender identity. They met in New York headquarters on 8 December last year. The United Nations Secretary-General, Ban Ki-moon, said in a message read by the Assistant Secretary-General —

Bullying of this kind is not restricted to a few countries but goes on in schools and local communities in all parts of the world. ...

This is a moral outrage, a grave violation of human rights and a public health crisis.

Do not be complacent on this matter. We have the ability to implement a policy that can change things for kids in this state, and I ask members to consider that at this point. When those researchers looked around Australia to see whether the existence of a policy in a school made any difference at all, they found that in states where a policy existed, it made a huge difference to the students. Students needed to be aware of the policy, so it is not

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simply the fact that it exists somewhere in the bottom drawer; it is the fact that we talk about it openly. Daniel Witthaus pointed out that simple things could be done, such as having a poster up about being proud to be gay or some kind of message in young people's language to say that diversity is okay; it is acceptable. That is how simple little things can happen when backed up by a policy.

The research findings showed that there were laws against discrimination on the basis of sexual orientation and gender identity at school in all states, so students cannot be discriminated against, but not at the federal level. Also, all state laws contained legal exemptions for religious schools. I am afraid that religious schools fall outside the tenor of this motion today, but that is something I would like to take up. I know that the Equal Opportunity Commission is looking at that religious exemption as well. However, in this case, we just want to look at the schools in this state that we can more directly control at this time. The Australian Capital Territory and New South Wales have direct education policies solely on GLBTI issues, and Victoria is a shining example in that regard. However, Western Australia, South Australia and the Northern Territory—we are not alone in this nation on this—still lack those policies. We want our state Minister for Education to look at the experiences of other states and implement those policies here, because I think that she will find it is an effective way to reduce the pain and suffering that occurs amongst our young people in this state who are gay.

There are a lot of survey results to point to, but I know that lots of other members want to speak so I will just summarise them briefly. A survey was done in Western Australia by Dr Tiffany Jones who did some research. She found that 19.7 per cent of WA GLBTI students attended a school with a policy of antidiscrimination, and 94.1 per cent of WA GLBTI students were given sexuality education. That is stronger than New South Wales; in fact, the results show that we are teaching our kids about sexuality, but it was chiefly on traditional male–female puberty. For 91 per cent of students it was all about male–female puberty and heterosexual reproduction; 88.5 per cent of these students said that it was all about heterosexual reproduction and heterosexual safe sex. It is alarming that only 11.5 per cent of those WA GLBTI students surveyed were taught that homophobia is wrong. That is the lowest result across all states. A tiny fraction of kids who are queer are being taught that homophobia is wrong. What are the others being taught? At Catholic schools, 58.6 per cent of WA GLBTI students were taught that sex without marriage was wrong and 32.4 per cent were taught to convert to heterosexuality. This is the year 2012 and that kind of teaching is happening in this state. I think we should be a bit ashamed about that. GLBTI students who knew that protective policies were in place were more likely to feel safe. In fact, 75 per cent of those surveyed were more likely to feel safe simply because they knew a policy was in place.

I want to move on because there is a lot to cover, and really this is the start of conversation. This is the start of getting the Minister for Education to take this issue on board. The Equal Opportunity Commission will work on this at a high level over the months ahead. I know that some members on the other side think that this is not a big issue, that there are not a lot of kids who are gay in schools. Maybe in the other place —

Several members interjected.

**Hon LYNN MacLAREN:** I have had conversations.

Several members interjected.

**The PRESIDENT:** Order!

**Hon LYNN MacLAREN:** I am only saying some and I like the fact —

Several members interjected.

**The PRESIDENT:** Order, members! I had not heard one interjection until that flurry. I do not know what sparked that, but let us go back to one member at a time addressing the chamber.

**Hon LYNN MacLAREN:** I think it is great that comment solicited that degree of offence.

Several members interjected.

**Hon LYNN MacLAREN:** I do not make stuff up.

Several members interjected.

**The PRESIDENT:** Order!

**Hon LYNN MacLAREN:** I have been advised by some people who members opposite hang out with that they do not think it is such a big problem. That is exactly why —

Several members interjected.

**Hon LYNN MacLAREN:** I can tell members in the hallway if they want to know who it is that they need to talk to. But, this is why we are debating this issue. This is an important issue and we need to hear voices on all sides who are concerned about it. I look forward to hearing members opposite.

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Several members interjected.

**The PRESIDENT:** Order, members! Interjections of any sort do not help, particularly if accompanied by finger pointing about a certain member. Let us get back to the actual substance of the debate, with one member on her feet making her contribution, then others can follow.

**Hon LYNN MacLAREN:** I want to focus on why homophobia is different. Historically, there has been broad institutional backing for homophobic beliefs. It is harder for those working with young people to challenge homophobic abuse than it is for them to challenge other bullying, such as that based on race or gender. The education department's approach to date has been to just lump it in with other bullying. I am trying to make the point that this is different. It is more difficult for young people to access help because, as we know, a lot of young people struggle with their sexual identity and they do not know how to speak about it. That is why we have to make it safe for all diversity so that people do not feel that barrier to discuss problems or even just the thoughts they have. Maybe students are being bullied and do not understand how to deal with it. If we do not have an overt, anti-homophobia message in schools, it will be really hard for them to find help. Alienation from homophobic bullying is likely to be more absolute. As I have said before, sometimes students face that in society—it is not just in school, it might be at home as well—which is why we need safe places in school at least, and it is our responsibility as a state to do that.

I will finalise my remarks today by noting that Adrienne Rich has died. Adrienne Rich was a very famous lesbian author—a mother, a lesbian and one of America's foremost writers and poets. She said —

When those who have power to name and to socially construct reality choose not to see you or hear you, whether you are dark-skinned, old, disabled, female, or speak with a different accent or dialect than theirs, when someone with the authority of a teacher, say, describes the world —

[Member's time expired.]

**Hon LYNN MacLAREN:** May I seek leave to complete my remarks?

**The PRESIDENT:** That is not an option with this debate, which has limited time for members to speak.

**Hon LYNN MacLAREN:** Can I seek leave to table the quote for incorporation in *Hansard*?

**The PRESIDENT:** Can you just explain the document to members?

**Hon LYNN MacLAREN:** It is just a quote from Adrienne Rich. I was about halfway through reading it and I would like to seek leave to table it for completeness and to have it incorporated in *Hansard*.

**The PRESIDENT:** There are two steps. The first is that the member seeks leave to table the document.

Leave granted. [See paper 4384.]

**The PRESIDENT:** The second step is that the member seeks leave to have the rest of the quote incorporated in *Hansard* to complete her comments.

Leave denied.

**HON PETER COLLIER (North Metropolitan — Minister for Training and Workforce Development)** [10.30 am]: This motion contains some very valid points. I agree with identifying the fundamental concept of bullying in its very generic sense. However, when isolating the particular aspect of homophobic bullying, I have some reservations for a number of reasons. That is not because I do not think it exists but because drawing attention to that very real issue, if anything, will accentuate the problems for those affected.

I wish to say at the outset that the Minister for Education and the Department of Education have a duty of care when it comes to bullying. To be perfectly honest, bullying is one of the most serious issues within not only our school system, but also our community as a whole. We went into the last election with a very broad-ranging policy on behaviour management to ensure that we helped to overcome those issues, not just as they relate to behaviour but to transcend bullying in a very real sense.

The School Education Act 1999 is responsible for ensuring the safety and welfare of students. We would expect that to be a given and to assume that it actually happens. It would be naive to assume that it exists for all intents and purposes; it does not. All bullying is unacceptable. Homophobic bullying is unacceptable but equally unacceptable is bullying for reasons of racism or other physical ailments, or against those who are perhaps less academically able, those who have parental issues or those who are quiet and isolated. They are all forms of bullying. We have to remember that literally thousands of students in our schools suffer from bullying at the hands of bullies every single day of the year. In addition, thousands of others—not those who are so overt or who seek help or assistance—suffer in silence.

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We have extended the counselling services around bullying that are available in our schools, particularly over the past three years. We have sought to ensure that we offer more pastoral care and support mechanisms for the victims of bullying. We have to be mindful of the fact that we need a cultural shift within not just our schools but the community at large to understand and accept that bullying is unacceptable. I am talking about not just homophobic bullying, but all areas.

Prior to the past couple of years behaviour management was very, very general and often inadequate. We came to the conclusion as an opposition that we needed to do something about it, and we did. We understood that we needed some hands-on policies that intimately interacted with students and provided that basis of pastoral care to ensure that all students—not just the victims of homophobic bullying, but across the board—were provided with support mechanisms.

As I said, students in contemporary society have become much more sophisticated when it comes to bullying. There is a misguided notion that bullying is only about someone who is going to bash someone else, hit someone on the head, push someone or pinch something from someone. Bullying in contemporary society is much more subtle. Cyber-bullying is prevalent throughout the community, particularly in schools. The use of texting to intimidate students, lower their self-esteem and destroy their resiliency skills is problematic and becoming more and more widespread. The silent treatment from groups of girls or boys against their peers is becoming more and more prevalent. As I said, bullying is much more subtle now than it ever was. The advent of physical bullying will always be around. That is very overt and very easy to identify. The more latent bullying is the real issue as it affects thousands of students who suffer in silence. They are the students who go home and very often dwell on it. The mind is a battlefield so they will sit around and not talk to anyone, they will not communicate with anyone and very often they are very susceptible to self-harm. That is a very real issue. I am talking about not only those people who are victims of homophobic bullying, but those individuals who are victims of bullying that cover a whole raft of different areas. That is why we need a generic policy on bullying. That is what we are doing as a government. We are working on policies that existed within the education policy, but using the foundations of those policies and enhancing them across the board.

Prior to being elected to Parliament, I was a teacher for 23 years. I taught in a co-educational school, I taught in an all-girls school and for the last 15 years of my teaching career I taught in an all-boys school. I have had a fair degree of experience in the education sector. I am very cognisant of the fact that bullying exists. I would be naive to stand up and talk about bullying and reel out a pile of policies without some sort of practical insight and experience. I have it. As I said, for the last 15 years of my teaching career I taught at an all-boys school where we would assume that homophobic bullying, if anything, would be as prevalent as in any other education system. During the last 10 years of teaching at this all-boys school, I was a house head, which meant that I was responsible for the pastoral care of around 100 boys. I looked after their everyday welfare, not only ensuring that they had their lunches and had done their homework or the punitive things but also that they were in the right space as individuals to enhance their educational opportunities. I also needed to ensure that they were personally responsible for their own actions and everything they did. I came across bullying quite regularly in that role. I am not saying for a moment that this is justification for it not occurring but very rarely would I come across homophobic bullying in that role. As I said, I am not suggesting that it did not exist but we would assume it would happen in an all-boys school. Certainly from that perspective, I found that there was much more tolerance.

I think we are now growing as a much more tolerant society. From a practical perspective, yes, I saw an enormous amount of bullying. Perhaps it is such a sensitive issue that boys were less inclined to talk to me about it. But in the areas of bullying that did exist, unfortunately, racism was still a component in some instances. More often than not, the bullying was over ridiculous things; it would come down to a personal adjunct against an individual that would fester and grow and morph into something larger. More often than not, we could resolve it because most of the students I dealt with one on one during my teaching career understood that their actions were inappropriate. We had that pastoral care at the school I was at.

When I was the shadow Minister for Education, it was very important that we tried to enhance those strategies to incorporate them in the public sector. That is why we introduced independent public schools. We significantly increased the number of school psychologists and chaplains in our education system to ensure that that pastoral care was available. Having a policy per se and saying this is the panacea for overcoming homophobic bullying is naive. It will not happen. We need a much broader range of strategies to ensure that they incorporate all areas of bullying. Homophobic bullying is no less significant than racist bullying or bullying someone who has a physical ailment or something along those lines. We need to understand that bullying is unacceptable. The education department and the Minister for Education understands that and that is why we were so emphatic when we came to power that we would do something about it, and we have done something about it.

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From the minister's perspective, I turn to the strategies that the department has in place at the moment. The "Bullying. No Way!" website is nationally endorsed and is the department's key resource. Students and parents can access this debate through the Ed-e-News webpage on the department's website. As I said, we have to be careful that it is not just a policy per se and we direct people to a website; it has to be incorporated throughout the schools. I am just telling members what is available. All public schools have been informed of the online resources available to support them and prevent and manage gender and sexuality-based bullying and harassment. All public schools have access to the "Growing and Developing Healthy Relationships" curriculum support materials, which were developed in partnership with the Department of Health. GDHR provides specific advice to teachers relating to sexual orientation and identity, homosexuality and the law and discrimination. The Department of Education is committed to the ongoing development of resources and materials for schools, and has representatives on the Equal Opportunity Commission's gender and sexuality-based bullying and discrimination in schools steering committee and working party. The purpose of these committees is the development of a coordinated and coherent strategy across public and private schools to systematically address gender and sexuality-based bullying and discrimination experienced by students in schools. Should the committee develop further resources, these may be a useful complement to resources that schools already have available.

As I said, we have policies that are embedded within the school curriculum and within the school system. But, as I said, it would be naive to assume that people will read those documents or incorporate them into actual practice. That was very evident to me because I found that the difference between the pastoral care provided in the private system as opposed to that in the public system was seismic. That is not a slight on the public education system at all, because there are some terrific things happening in our public education system. We have a magnificent public education system. As I said when I started speaking, one of the biggest issues in our school system is bullying. It is a big issue, but the way around it and the way to support victims is through pastoral care and to look at it as a generic issue and not look at specifics. That is why, as I said, when we went to the last election we promised 60 additional school psychologists to assist with pastoral care. We have already delivered 48; there are 337 in total. That is a 40 per cent increase since 2008. Now, 578 schools have access to a school chaplain. That is an increase of 342 since 2008, or a 145 per cent increase.

Some people have issues with the idea of school chaplains. I do not; I really think it is a magnificent policy. It is a great program. People think that employing school chaplains is some sort of eye-raising issue because they might try to indoctrinate Christianity into a school ethos. I do not have a problem with that personally, but others may have. I am saying that chaplains are not in schools to indoctrinate. Chaplains are there to provide pastoral care; they provide a very, very valuable, rich resource to the school system to ensure that they can provide pastoral care that neither mainstream teachers nor school psychologist can. Very frequently, students are averse to speaking to the school psychologist; a house head, for that matter; a teacher, a deputy or a headmaster regarding a bullying issue. But they will be more inclined to speak to the school chaplain. The school chaplain is someone who will care and listen to them and treat any conversation in confidence and enhance their self-esteem. Having visited several schools now that have school chaplains, I can assure members that they are very successful in providing that support mechanism. That was why it was very important to me, as shadow minister and as part of a Liberal-National government, to increase the number of chaplains in our schools as support mechanisms in relation to behaviour management.

Having said that, we still have a long way to go; we really do. We have to reach a point at which that message filters through to all students in our schools and, ultimately, to the community at large that bullying in any shape or form is unacceptable. Yes, homophobic bullying is unacceptable; racist bullying is unacceptable; and discriminating against someone based upon how they look, how they feel, what they say, who their parents are or how many parents they have is completely unacceptable. That is the message that must translate into our education system. That is why, as I said, it was very important to the government that we gave schools the opportunity to implement those policies.

We introduced the independent public school system so that schools could work to deliver what was needed in their particular cohort. They would not be delivering policy that was decided in "Silver City" and forced upon them; they would listen to their community and provide the support mechanisms that are necessary. Schools are clambering over one another to become independent public schools so that they can determine what support mechanisms they need, and then enhance those support mechanisms specific to their particular student base. They have been very successful.

We have a long way to go, but at the moment the aim of providing sound behaviour management strategies that incorporate a very comprehensive anti-bullying mechanism within our schools is very, very prominent in the eyes of this government, and will continue to be so. I would like to think we will reach a point at which most, if

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not all, government schools are independent public schools so that they can determine what is best for their cohort and can implement the policies which are best for them and which will include a comprehensive anti-bullying policy.

**The PRESIDENT:** I have noted other members who have risen, but I will give the call to Hon Ljiljanna Ravlich.

**HON LJILJANNA RAVLICH (East Metropolitan)** [10.45 am]: I rise to support the motion. In doing so, I believe that there is no place for homophobia in a civil society. Certainly coming to terms with one's own sexuality is an important part of achieving a happy and healthy life. I cannot imagine the pressure on a student who is trying to come to terms with their sexuality whilst at the same time being bullied about it. This is what is happening to thousands of students in hundreds of schools right across the state. It is happening in not only public schools but also private schools. As shadow Minister for Mental Health, there is no doubt that there are risks, mental health risks in particular, for young people during this time when they are trying to come to terms with their sexuality. I think we would all agree that there is no room for homophobic bullying in Western Australian schools. To that extent, I fully support the motion before us.

Without question there is homophobic bullying in Western Australian high schools and the Department of Education has a duty of care to protect all students from bullying and discrimination in schools. The real question is: does it exercise that duty of care and, if so, why do we have a problem? When we look at the duty of care on the education website, it is clearly a very loosely worded policy. A number of questions have to be asked on this, including: does the education department do enough to deal with bullying, generally? I think most people would say no. Do they do enough to deal with homophobic bullying? I think the answer there in particular would be definitely not. Does the evidence suggest that more needs to be done on both bullying and homophobic bullying? I think everyone would agree that that is the case.

We just heard the Minister for Training and Workforce Development say that a policy would not be a panacea to overcoming homophobic bullying. Whilst that may be the case, any reasonable person would hold the view that it certainly would be of some help. I would argue that if it were to be of some help, surely even that is better than no help at all. As shadow Minister for Mental Health, there is no doubt in my mind that there is a very strong link between school violence, sexual orientation, mental health and, ultimately, suicide. We cannot be complacent on the matter of homophobic bullying. I believe a school policy would make a difference and I think the government should make it a priority to develop a policy for homophobic bullying.

The duty of care policy statement that can be found on the education website is very poorly worded. It talks about teaching staff having a duty to take reasonable care for the safety and welfare of students whilst students are involved in school activities or are present for the purposes of school activities and so forth. It is very general. It is about teaching staff having the duty; it is not about the organisation having the duty. I assume that if a legal case were to arise in relation to any matter concerning a failure of duty of care, the education department would, after all, defend the teaching staff. There is no direct mention of homophobic bullying on the website. However, the policy section deals with a whole range of discriminatory behaviours and refers to sexual orientation, homosexuality, lesbianism, bisexuality, heterosexuality and so on and so forth. Clearly, none of this is tight enough; none of this is acceptable. Clearly missing here is a direct policy on homophobic bullying.

I note that a number of questions about homophobic bullying in schools and education programs have been asked of the Minister for Education by members of this place. The responses have been very, very poor indeed. Questions have been asked by Hon Lynn MacLaren, Hon Alison Xamon and Hon Linda Savage. Hon Linda Savage asked —

- (4) Does the minister believe that teachers have adequate training and policy guidelines to handle homophobic bullying?
- (5) Does the minister agree with the comments of the Commissioner for Equal Opportunity that teachers need specific guidelines on bullying based on sexual identity?

I will provide the minister's response. I cannot believe it. They were two simple questions. This was the minister's response —

- (4)–(5) The honourable member is seeking the Minister for Education's opinion contrary to Legislative Council standing order 104(1)(b).

How pathetic is that? It was absolutely pathetic and unacceptable that a minister of the Crown, on an issue that is so important to the health and mental wellbeing of a significant group of students within our school population, could not answer such simple questions.

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The Commissioner for Children and Young People recently produced the report “The State of Western Australia’s Children and Young People—Edition One” in February 2012, which dealt with the concerns of children and young people. It asked a series of questions. According to the report —

Asking children and young people to identify issues of personal concern provides an indication of subjective wellbeing by highlighting aspects which children themselves believe are impacting on their quality of life.

Two age groups were surveyed—11 to 14-year-olds and 15 to 19-year-olds. The report recorded that bullying and emotional abuse was an issue for 21.7 per cent of 11 to 14-year-olds and 19.7 per cent of 15 to 19-year-olds; suicide was a concern for 21.3 per cent of 11 to 14-year-olds and 19.7 per cent of 15 to 19-year-olds; sexuality was an issue of concern for 11.1 per cent of 11 to 14-year-olds and 11.8 per cent of 15 to 19-year-olds; and personal safety was of concern to 24.9 per cent of 11 to 14-year-olds and 21.2 per cent of 15 to 19-year-olds. There is no doubt in my mind that all these interrelate and that all these are risk factors for young people. There is no doubt that the absence of a policy on homophobic bullying in schools means that, for a significant number of young people, their personal safety is at risk, they are at higher risk of bullying and emotional abuse, and they are therefore at higher risk of depression and suicide. That should be enough to send a very strong signal to the government that something needs to be done about it.

Hon Peter Collier mentioned the types of bullying that can occur. I agree with him that it is not just about people being pushed down stairwells or being physically hit. All sorts of mental abuse can occur—social exclusion, people spreading rumours about people who have a different sexual orientation, cyber-bullying, being humiliated and so on and so forth. We know that this is a growing problem. It needs a solution. Simply sweeping it under the carpet, which was basically the response given by the Minister for Training and Workforce Development on behalf of the Minister for Education, just simply will not do the job. That is all I heard in his response from the government—we really do not have a problem; there is no problem out there; what we have and what schools are individually doing is good enough.

**The PRESIDENT:** I will give the call to Hon Philip Gardiner in the interests of balance across the chamber, and then I will go back to Hon Alison Xamon and then back to this side of the chamber.

**HON PHILIP GARDINER (Agricultural)** [10.54 am]: Thank you very much, Mr President. I have had some experience in this. It may not be recent experience, but I have some insight into how things can change when there is a bullying environment. My sons and I went to Guildford Grammar School. Those members who are old enough will recall that occasionally parents became very public about bullying at Guildford Grammar School. It was on the front page of the newspaper. There was a view that bullying was an endemic difficulty at Guildford. I came through a system in which we had seniors, if you like. There were different aspects of that. It did not affect me, although there were the bullying groups. When my sons went there, the bullying was sufficiently deep for the school to do something about it. In the year before our eldest son, Charles, became captain of the school, he was part of a committee, with a chap called Angus Turner who subsequently was a Rhodes scholar, that looked at what was actually happening within the school. In there is one of the first ways that bullying has to be treated; it has to be treated with the students learning what the problem is and devising a solution, albeit along with staff and pastoral care people, because bullying is a cultural problem. It is basically about respect, and especially respect for difference. We are all different, but often if someone is too different, they become prone to bullying. On the other hand, that has to be within a value system. I will use the term “drop-kick” to describe some people who either are self-centred or cause much difficulty within a group. How does one try to change that person to be consistent with the value system of a particular school?

This is not just about Guildford; this is coming from all schools. In 1995 Guildford developed an anti-bullying policy, which was subsequently adopted or taken up and maybe tweaked a bit by Hale and other private schools and possibly beyond that. I think Guildford was the first to actually develop a foundation for causing a cultural change in this area of bullying. They appointed a counsellor as a result. We often think of people being bullied physically, but of course non-physical bullying is just as bad. If students felt like they were being bullied, they could go to the counsellor. That came in in 1996. By about 2002 or 2003, my understanding is that the counsellor left because the pastoral care, which the school was also pretty good at, apart from this bullying aspect, began to take over and manage it. The culture had been turned around by the students. When our younger son, James, became the vice-captain of the school, his bullying issues were not so much with his fellow students but more with the way in which those who were insufficiently intelligent were not being recognised enough within the school. He was really taking it on with the school management.

Bullying has a lot of different facets, but it is about respect and respect for differences. That is what I wanted to say in adding a little to this debate. A cultural change has to be put in place. That is the first thing. It is a big change. It is hard to get cultural change in businesses and large organisations, and it is just as difficult in schools



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but it can be done. However, this change has to result from the students driving it, with a package of support mechanisms to realise the result.

**HON ALISON XAMON (East Metropolitan)** [11.00 am]: I rise to give my complete support to this motion. It is a really important issue that we need to discuss. Homophobia and trans-phobia in all its forms is absolutely abhorrent, whether we are talking about discrimination and taunting or the very overt homophobic bashings that occur. People need to remember that homophobic thinking is a sure and steady contributor to the unacceptable and what we know to be the devastatingly high, proportionally, rate of suicide amongst those people in our community who find themselves to be same-sex attracted, intersex or transgender.

We are getting much better at accepting differences. We are quick to condemn racism, although unfortunately not in all cases. It is quite clear that we do not tolerate racism amongst some groups, but there is still a sense that racism tends to be tolerated amongst other groups. Generally, we have come a long way in dealing with racism. In the same way we recognise that discrimination against people on the basis of disability is unacceptable, and we have entire programs dedicated to promote issues around discrimination against those who have a disability and that, at least within our schools, we have an understanding that boys and girls should not be treated differently. Unfortunately, a lot of the overtly sexist behaviour that still exists comes along later in life. In dealing with systemic issues of discrimination, we have come a long way; but we still have a long way to go. However, there is a significant exception, and that is when we are talking about discrimination against people who are transgender, intersex or same-sex attracted.

The issue of specialist programs that deal with homophobia within our schools was something I dealt with a decade ago when I was dealing with equal opportunity as an organiser with the State School Teachers' Union of WA. From 2002 to 2005, I was the union representative on education department equal opportunity committees that, amongst all the other issues of discrimination we were talking about within our schools, started tackling the issue of what to do about systemic homophobia within our schools. I was really impressed with the thinking at that time and that people were starting to recognise this as an emerging issue. It was not a new issue, but the recognition was starting to emerge that this issue needed to be addressed. Part of that meant that through my work within the union, we established a group of teachers called BLGITS—bisexual, lesbian, gay, intersex, transgender and their supporters. They were very happy to put “supporters” in there, which is how I managed to sit in there, because I did not identify with any of those groups although I consider myself to be an ally for the gay, lesbian and transgender community. We tried to raise the issues of homophobia within our schools. Interestingly, the initial focus of that group was to talk about experiences of homophobia by the staff who identified as being same-sex attracted, transgender or intersex. One of the overriding factors that these teachers experienced was that the homophobia they experienced was very rarely so overt as to be able to be pursued within the Equal Opportunity Commission, for example, but it was very much pervasive and ongoing and, more importantly, the fundamental characteristic was that it was incredibly isolating. I found that it was often only one teacher who would identify in this way and they were on their own in a school and expected to address this issue. As the group continued to grow and become more confident and vocal in trying to address these issues, the teachers themselves identified a very strong need to deal with the underlying homophobia that also existed for students who they knew were either questioning or had come out and identified as same-sex attracted. They were very concerned that the experiences they were dealing with were also being dealt with by students that they could identify within their schools. That is why the work of that group started to extend to how we could tackle the overarching issues of homophobia within our schools.

One of the things we started to look at within the education department was the rollout of programs such as Pride & Prejudice, which Hon Lynn MacLaren mentioned, which has actually been around in schools in other states for quite a long time and is considered to be very successful; it is highly reputable and certainly very empowering for students who find themselves questioning their sexuality or who have gender identity issues. I am really concerned that we have actually gone backwards on this issue. I have raised that before and I want to speak today about why I think we have gone backwards. As Hon Ljiljana Ravlich pointed out, I have raised this issue in estimates hearings in the last few years, asking what specific programs the Education Department is promoting on a statewide level to deal with issues of homophobia. The response has been pretty much exactly what the Minister for Training representing the Minister for Education said to us in this place—that is, an assurance on the rollout of pastoral care and psychological assistance programs that should be able to deal with that. I want to unpick that a bit and say why I do not believe it is sufficient.

The first thing is that I acknowledge the enthusiasm for the 40 per cent increase in the number of chaplains within our schools. I accept there are some really good chaplains out there. I have met them. I have spoken to them. Some of them are really highly qualified in youth and counselling issues, and I understand that they are governed by a faith of inclusiveness and love. Having said that, I am going to be very clear that that is not the case for all school chaplains. I have spoken to school chaplains who believe it is their role to proselytise and

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judge. They may be a minority, but we do not know whether a student who is dealing with issues of sexuality will end up speaking with that type of chaplain and will face additional problems. There is a real issue here because we do not have consistency and people can bring their own prejudices into their schools and can serve to further aggravate and distress students who are already at a high level of need. Likewise, it is not appropriate to say to students that they need to go and see the school psychologist. School psychologists are already overworked. I am glad we have more, because we need them, but they are already dealing with so many issues already.

Quite frankly, the problem is that we are then pathologising homophobia as being the problem of the individual student. It is not the problem with the individual student; it is a problem with broad thinking that needs to get addressed and tackled at the school level. If an Aboriginal student came to the school and said they were subjected to racial bullying, there is no way we would say to them, “You just go off and sort that out with the counsellor.” We would say that this is a problem and we are not going to tolerate racism in this school and there would be a system-wide approach to address it. That is what happens: we have those programs and people can draw on those resources. But we do not do that for our gay, lesbian and transgender students. That is absolutely unacceptable.

Homophobia is extremely damaging. It is absolutely appalling to expect individual students who are isolated in schools to continue to be isolated and to somehow deal with this homophobia on their own. We need to look at system-wide approaches. We need to encourage these broad programs that tackle homophobia at its roots and to get people to question their thinking and whether it really is appropriate to have these sorts of attitudes permeating within our schools.

Our schools are meant to be secular places and safe places of learning, but we are not ensuring that. We are failing our same-sex attracted, transgender and questioning students. Frankly, we need to turn it around and look at a system-wide approach to tackle this.

**HON DONNA FARAGHER (East Metropolitan — Parliamentary Secretary)** [11.10 am]: I also rise to say a few words on this motion and in doing so I also recognise, absolutely, the concerns about homophobic bullying that Hon Lynn MacLaren is raising through this motion. I will, however, say very briefly that I disagree quite strongly with some of the value judgements that have been made by not only the mover—we had a chat behind the Chair—but also Hon Ljiljanna Ravlich. It was inferred that somehow members on this side of the house do not think bullying is an issue. That is a very poor value judgement that has been made and a very poor reflection. I, along with all members of this house, I would have thought, believe that bullying in any form is absolutely abhorrent. In saying that, I am also of the view that bullying is unacceptable in any form, irrespective of the reasons that a person is bullied in the first place, whether that is because of their sexuality, cultural background or the way they look.

We know that bullying occurs through a variety of means. It can be done through physical and emotional violence. It can be up-front or insidious. Cyberbullying has been briefly mentioned. I agree with Hon Lynn MacLaren that we need safe places for people who are being bullied. However, unfortunately, we now have mobile phones, Facebook pages, social networking sites and all those things on the internet. Those new elements, which not very long ago we did not have, mean that students who are being bullied can find it very difficult to find a safe place. When they go home, they turn on the internet and it is there. I will read an excerpt from an interview on *60 Minutes* to demonstrate that. Bullying can now be 24/7; there is no escape for these students. That is terrible. I do not disagree that we need to look at the policies in place and if they need to be beefed up, they should be. We need to look at the issues surrounding pastoral care and all those things. We need to make sure that we also have good supports for parents. As I said, parents now deal with things in relation to the internet and the like. Perhaps 20 years ago parents did not have to deal with those things. It is an added element that we all have to manage.

I was one of the lucky ones to not be bullied. It is awful to say “one of the lucky ones” because many people are bullied. Every now and again I would be teased a bit for my red hair. I was called “carrot top” surprisingly enough. When Hon Lynn MacLaren spoke, Hon Ljiljanna Ravlich even made a jibe about my red hair. That is fine; I can handle that. However, teasing can lead to something far more sinister. It might start off in a mild way, but end up far worse than what anyone might have expected.

I will give a couple of examples from a cyber-bullying point of view. In a report on *60 Minutes* the interviewer, Liam Bartlett, spoke to some students who had been bullied, including a young girl called Ali —

LIAM BARTLETT: Like millions of kids around Australia, Ali Destrang is a child of the communication age. She spends hours on the Internet and mobile phone and it makes her a prime target for the new breed of cyberbullies. What sort of things do they say, Ali?

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ALI DESTRANG: Like, call me a fat loser or — and stuff like that. Really mean stuff.

LIAM BARTLETT: What is it about what they say to you on the computer that hurts?

ALI DESTRANG: Everything.

LIAM BARTLETT: As someone not so familiar with this teenage cyberworld, I was stunned at how rough it can get and how immediate. I watched as, seconds after logging on, Ali was confronted by her tormentors — former friends from school who've turned on her.

This is obviously what they had written —

“Why dun u get in it —

They were referring to a coffin —

and die coz we will all be go to your funeral and be dancing and partying.”

Then they realise that Ali has joined the chat room, so they say —

“Everyone stop talking for a sec. Have to say something to Fat so she reads it.”

That was referring to the girl.

The report refers to a second sort of situation in which —

... the bullies' other weapon of choice is the mobile phone — not just toxic texting, but a violent new trend where a victim is bashed and the humiliation videoed on a mobile phone to be posted on popular Internet sites for millions to see.

It refers to a young girl being bashed and taped by not only one, but three mobile phones. The video was then —

... posted on YouTube and people were laughing about it in Internet chat rooms. Meanwhile, Katie was in hospital with head injuries and a broken jaw.

From my perspective, this is a good opportunity for us to debate this issue of bullying. It is important that as a house we talk about these issues, because we do not know how much they are being talked about in other places. Bullying is talked about a lot and perhaps that is the issue. We need to look at where we can put some other mechanisms in place.

I applaud the work that is being done by the government in pastoral care, school counsellors and the like. I trained as a school psychologist and if there is a gap—I am not sure whether there is—in the training of school psychologists in respect of bullying, let us look at that. That is fine. We need to deal with this issue as a whole. I do not know why these girls in the *60 Minutes* report were bullied in the first place. That is the point; it should not matter why Ali and Katie were bullied. The fact is that they were bullied. It is incumbent upon everybody; whether lawmakers, parents, teachers or simply someone within our community, we should all care for the Alis and Katis of this world who cannot go to school for fear of bullying and who cannot go home because when they turn on the internet, someone will have a crack at them again. That, in my view, is what we should be addressing—the actual reason for the bullying. We need to make sure that those who are bullied are supported, and their parents are supported, in helping them manage the situation. I do not think that we should segment the issue, because I would not want anyone who is bullied, for whatever reason, to miss out on the support they need.

**HON LINDA SAVAGE (East Metropolitan)** [11.19 am]: I also attended the Equal Opportunity Commission forum for challenging sexuality and gender-based bullying in schools on Friday, 16 March. There were three excellent speakers. The first one was Professor Donna Cross, who is the 2012 Western Australian of the Year. She described bullying as a violation of the basic human right to be respected and safe. On that day, which was National Day of Action against Bullying and Violence, she said that 200 million children would be bullied worldwide and in Australia 100 000 children—that is, they would be the victims of intended malicious behaviour in a situation of unequal power.

Bullying in the workplace and schools is now recognised as a serious problem for not only the individual but also the wider community. The Productivity Commission 2010 report, “Performance Benchmarking of Australian Business Regulation: Occupational Health and Safety” looked at bullying and harassment in the workplace and estimated that it costs \$15 billion a year.

Professor Donna Cross is an expert on bullying. She has provided me with data about the prevalence of homophobic bullying. She said at that conference that she favoured a stand-alone policy that reflects the best research that we currently have.

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I will give members some of the data that she provided to me yesterday, for which I am very grateful. I will not be able to read all of it, but I am very happy to share it. The data states —

5–11% of Australian youth are gay or bisexual, and they may be up to 6 times more likely to commit suicide than other young people .... The experience of homophobic bullying contributes to poor health and wellbeing outcomes among these young people.

In 2010, of over 3000 Australian same-sex attracted youth, 61% reported experiencing verbal homophobic abuse, 18% reported physical abuse, and 26% reported other homophobic abuse (e.g. exclusion, rumours). 80% of those who experienced homophobic bullying reported that this was most likely to occur at school.

One of the reasons that bullying in its current form is so harmful for people who are experiencing it is that it can take place 24 hours a day. But according to the information that has been provided to me by Professor Donna Cross, 80 per cent of those who experience homophobic bullying usually experience it at school. The data states also —

Homophobic bullying was targeted at males more often than females ....

Gay students in Australian schools who felt that their schools supported them and had clear policies against homophobic bullying were less likely to self-harm and attempt suicide .... However, 37% described their schools as homophobic or very homophobic. Almost half felt they had no access to social or structural support for homosexuality in their school. Many gay youth desired sexual education in schools which was more inclusive of same-sex attraction ....

That is coming directly from Professor Donna Cross, who is an expert.

Some reference has been made to the research that was presented at that forum, which showed that Western Australia rates the lowest when it comes to providing specific policies to address homophobic bullying.

With regard to what the Department of Education does provide, I went to the website and I googled the word “homophobic”. I did not get one result. I googled the word “homosexual”. I did not get one result. I also googled the words “same sex attracted”. I got 49 responses. The first of those responses was, “Years 4 to 7: helping your child with maths: Learning Times Tables”. If a parent or a schoolchild went to the Department of Education website and put in those words, that is what they would get.

I also have a reference that was given to me in a very specific question that I asked of the Minister for Education. In that question, I attempted to exclude all the things that I had looked at on the website. The answer to that question pointed me to a document titled “Behaviour Management in Schools”. In that document, there is only one reference to bullying. It is at page 16, point 5.9, and it is headed “Harassment”. It states —

Offensive, humiliating, threatening, abusive or intimidating behaviour that is directed at individuals or group/s for either perceived or real attributes. It includes gender, religious, age, race and sexuality based harassment.

The research that I have received from Professor Donna Cross, and the research that was provided by the two other excellent speakers at that forum—I have a copy of those presentations—shows that Western Australian schools do not have homophobic bullying and same-sex attracted education that is appropriate for this highly vulnerable group who are much more prone to self-harm, suicide, anxiety and depression. I believe we need to move quickly on this because there is a clear duty of care. A well-known case in New South Wales involving a young man called Christopher Tsakalos resulted in a large payment by the New South Wales Department of Education. I presume that the Department of Education would have a real concern about its duty of care, given that people are increasingly prepared to speak out and take action. I would urge those members who are interested in the duty of care to read an article published in 2004 by Dr Christopher Kendall and Naomi Sidebotham. Dr Christopher Kendall is now the President of the Law Society of Western Australia. The article is titled “Homophobic Bullying in Schools: Is There a Duty of Care?”.

Although it is important to talk about the general bullying policies that we do have in Western Australia, there is ample evidence—I have it in front of me—that this is not a direction that is going to work. We know that it does not work. There are some quite specific things that are being looked at now to deal with homophobic bullying, and they should be embraced. The first thing that could be done is to put in place a stand-alone policy, such as the one in Victoria. The second is to fund the already existing services. Members may be aware that UnitingCare West has taken it upon itself to provide services to assist young same-sex attracted and gender diverse young people to face issues, including bullying. That program is being run out of Bunbury. So things are already happening, but those things are not funded by the state government.

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Thirdly, in the short time I have left, I want to refer members to Safe Schools Coalition Victoria. That is a program that is run in other states and has enormous support. Members would not think that schools would be slow to embrace this program, because it provides assistance to teachers and brochures about homophobic bullying and issues that affect transgender young people. Which schools have joined Safe Schools Coalition Victoria? It is schools like Methodist Ladies College. It is schools like The King David School, a Jewish school. It is schools like Fitzroy High School. It is schools like Little Yarra Steiner School. More than 50 schools have joined this coalition. They have understood that we need to put in place specific policies to deal with this issue. Frankly, I think that the failure to implement specific policies is because people have a lack of understanding of this issue. They are obviously not familiar with the research that has been done, and the data that is available. As I said, I have looked at the Department of Education website to try to find a policy on homophobic bullying, and there is not one. That is not anywhere near good enough.

I have an interest in this issue, and I spoke about it 18 months ago, because a friend of mine has a daughter who experienced coming out at a young age. We know that when people are in their teens, it is the time when they are the most vulnerable to bullying. It is also the time when they are trying to work out their sexual identity and where they fit in. Being attracted to a person of the same sex is actually quite common. Lots of girls have crushes on other girls. What we are seeing, though, is, as Professor Donna Cross said to me, an increase in homophobic bullying.

Motion lapsed, pursuant to standing orders.