

The Wrong of ‘Discrimination Rights’:

**A SUBMISSION TO THE INQUIRY BY THE SENATE
LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE
ON LEGISLATIVE EXEMPTIONS THAT ALLOW FAITH-
BASED EDUCATIONAL INSTITUTIONS TO
DISCRIMINATE AGAINST STUDENTS,
TEACHERS & STAFF**

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I acknowledge and offer my sincere appreciation to research participants – LGBT students and staff; heterosexual and cisgender students and staff; international government members, religious and non-religious education service providers and leaders; civil society and NGO representatives – shining light on this issue. I make this submission to protect *fundamental human rights* to education and employment equity.

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Glossary and Abbreviations¹

Bisexual or Bi: Refers to people whose sexual and romantic feelings are for both men and women, and who identify with these feelings.

Cisgender: Refers to people whose sense of gender and/or sex matches the sex they were assigned at birth. Cisgender is the antonym of transgender and is used to label those whose gender is not trans.

Gay: People whose sexual and romantic feelings are primarily for the same sex and who identify primarily with those feelings. In Australia, both men and women identify as gay, however it often refers mainly to homosexual men.

Gender Expression: How a person, thinks, acts, dresses and speaks which distinguishes them as masculine or feminine. The sociological construction of one's masculinity or femininity. One's gender can be masculine, feminine and/or androgynous.

Gender Identity: the gender-related identity, appearance or mannerisms or other gender-related characteristics of an individual (whether by way of medical intervention or not, socialisation or alternative expression), with or without regard to the individual's designated sex at birth, and includes transsexualism and transgenderism.

Gender Queer: Can be used as an umbrella term similar to Transgender but commonly refers to people who are not transsexual, but do not comply with their traditional gender expectations through their dress, hair, mannerisms, appearance and values.

Homophobia/ Transphobia/ Anti-LGBT Bias: An individual's or social misunderstanding, fear, ignorance of, or prejudice against gay, lesbian and/or bisexual or transgender people.

Intersex status: The status of having physical, hormonal or genetic features that are –
(a) neither wholly female nor wholly male; or
(b) a combination of female and male; or
(c) neither female nor male.

LGBT: This submission uses 'LGBT' as a broad umbrella acronym to indicate discuss lesbian, bisexual, transgender, queer, questioning and other people who face *direct discrimination in the current iteration of the SDA*.

Lesbian: Women whose sexual and romantic feelings are primarily for other women and who identify with those feelings.

Pansexual or Omnisexual: Refers to people whose sexual and romantic feelings are for all genders; this rejects the gender binary of male/female and asserts that there are more than two genders or gender identities. These are inclusive terms that consider the gender diverse community.

Queer: Queer is an umbrella term used to refer to the LGBT community, or an anti-identity, or inconsistent or fluid identity.

¹ Most definitions included here are repeated from past works (Jones, 2012).

SDA: The *Sex Discrimination Amendment Act 1984* (Australian Parliament, 2013).

Sex: is the physiological make-up of a person. It is commonly expressed as a binary and used to divide people into males and females. However, in reality, sex is a human interpretation of the complex relationship of genetic, hormonal, morphological, biochemical, and anatomical differences that impact the physiology of the body and differentiation of the brain.

Sexual Orientation: The direction of one's sexual and romantic attractions and interests.

Trans, Transgender, Trans-spectrum: A person who identifies as a gender different to the one assigned at birth. Describes a broad range of non-conforming gender identities and/or behaviours.

About the Author

Dr Tiffany Jones is an ARC DECRA Fellow and scholar of Sociology of Education and Education Policy at Macquarie University's Department of Educational Studies and adjunct Associate Professor at La Trobe University's ARCSHS. Dr Jones lead or collaborated on many projects in LGBTI studies including *From Blues to Rainbows* (2014), *E-males* (2013), *Writing Themselves in* (2010), *Policy and Gay, Lesbian, Bisexual, Transgender and Intersex Students* (2009-2012), and others. She has authored or co-authored eight books and over 70 publications, including a range of reports to Governments, NGOs, and international bodies and so on. She has an award-winning track record in qualitative (textual analysis, discourse analysis, interviews) and quantitative (survey) work. She sits on UNESCO's Global Network for Homophobic and Transphobic Bullying in Educational Institutions and Policy Working Group, the Victorian Government's Intersex Expert Advisory Group, and other relevant groups facilitating this work. She contributes to the editorial boards of *LGBT Health* and *LGBT Youth*; edits *Bent Street*; and reviews for various journals, book series and grant bodies. Her projects are funded by UNESCO, the ARC, beyondblue and many others. She has received several awards for her research including the Griffith University Medal, an Australian Women Educators' Award, and an ATLAS International Institute for Qualitative Methodology Highly Commended Dissertation Award.

Foreword

I thank and congratulate the Australian Government and the Senate Legal and Constitutional Affairs References Committee for affording the public, including individuals and organisations, the opportunity to provide feedback on legislative exemptions that allow faith-based educational institutions to discriminate against students, teachers and staff. I commend the presentation of a much-improved position on exemptions – their proposed removal – in comparison to previous amendment Bill drafts.

I encourage considering research-based feedback on exemptions and consistency with human rights legislation, above overly indulging submissions constituting expressions of personal or religious dislike for LGBTs or engaging in time-consuming debates about ‘why LGBTs exist’. LGBTs exist, as do religious and personal bias against them: this is why international, national and state protections for their education and employment rights for LGBTs were developed. Research shows that the SDA’s exemptions have significant implications, not only for LGBT staff, teachers and students; anti-LGBT approaches can affect anyone. I hope this research will be useful in assisting you in considering the exemptions’ removal.

I make this submission to you in my role as an academic expert in LGBTIQ education policy issues at Macquarie University, with particular reference to my international and Australian studies in the field and my knowledge of human rights texts. However, this submission does not necessarily represent the views of Macquarie University as an organisation or its staff and students.

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Executive Summary

Introduction – Obligations for Legislation

The United Nations have placed pressure on Australia and other countries to protect against discrimination on the basis of sexual orientation, gender identity and gender expression in schools. Australia has now joined 58 countries in a Ministerial Call for Action on *Inclusive and equitable education for all learners in an environment free from discrimination and violence*². UN directives exist on legislation in this area that should be more directly referenced and reflected in the Australian Bill. This submission's introduction implores the Senate Legal and Constitutional Affairs Committee to foreground **human rights considerations in assessing how Australia's SDA legislation can become more fully congruent with our obligations** under specific aspects of UN agreements and with our Australian Constitution. It encourages the Committee to set aside the diverse perspectives in debates over 'scientific reasons for the existence of LGBTs' or 'religious reasons for harming LGBTs' as irrelevant to human rights perspectives foregrounding valuing and protection of humans themselves, over protection of human cultural products.

Exempt Schools' Increased Discrimination

This section of the submission explores exempt schools' increased discrimination. The first sub-section contextualises the Asia-Pacific region as having some of the most punitive policy for LGBTs in the world compared to other global regions. It explains Australian policy experiences for LGBT students and teachers. The second subsection reports on survey data from Australians aged 14+yrs in the 2018 *Voices of Experience* survey (which had 2,500 participants who were overwhelmingly heterosexual cisgender teens). Participants who attended schools which supported gender diversity and combatted gender stereotypes were less affected if they experienced abuse, less likely to drop marks, and less likely to avoid toilets or change-rooms. Participants exposed to the message 'That gay people should become straight' were **most likely to experience negative educational impacts** (harms to concentration, grades, facility use and attendance) and **considerably more likely** to think about self-harm (81.8%); self-harm (61.8%); think about suicide (83.6%) and attempt suicide (29.1%). **Only 14.5% of these participants – regardless of their sexual orientation – had not engaged in any of these behaviours: poor schooling in this area can affect anyone.** The third subsection shows participants were targeted for school bullying on body and gender differences and sexual orientation **more than any other issue including religion**; that 'gay' was the most commonly used insult in Australian schools. Participants wanted sexuality, followed by sex/ gender, better addressed at school **more than any other social issue**.

Conclusion – Time to Remove the Exemptions

The conclusion argues that the removal of exemptions for religious schools from the SDA is justified by: the need for consistency with international human rights legislation; the need for Australian regional leadership on this dire rights issue in the Asia-Pacific and the need for consistency with the Australian constitution. It also asserts that the removal of exemptions is supported by past and current research findings on the problematic educational environments created by the most extreme religious schools now exempt from an anti-discrimination approach; and past and current research findings on the significant wellbeing impacts associated with the most extreme religious environments for LGBT students and for people generally, if subjected to anti-LGBT approaches. It recommends repeal of the section 38(3) exemption; inserting clarification that the exception provided in section 37((1)(d) does not apply to the treatment of students, teachers or staff by faith-based educational institutions; abandoning proposed amendments to section 7B(2).

² <http://unesdoc.unesco.org/images/0024/002462/246247e.pdf>

1. Introduction – Obligations for Legislation

*The legal obligations of States to **safeguard the human rights of LGBT and intersex people**³ are well established in international human rights law on the basis of the Universal Declaration of Human Rights and subsequently agreed international human rights treaties (United Nations, 2012, p. 10).*

*(People) are free to disapprove of same-sex relationships, for example. They have an absolute right to believe – and to follow in their own lives – whatever religious teachings they choose. **But that is as far as it goes**⁴. The balance between tradition and culture, on the one hand, and universal human rights, on the other, **must be struck in favour of rights** (Pillay, 2012).*

In June 2011, the United Nations Human Rights Council adopted resolution 17/19 – the first United Nations resolution on human rights, sexual orientation and gender identity. It received support from Council members from all key regions. All people have a basic human right to an education and employment equity free from discrimination regardless of gender identity and gender expression (UNESCO, 2016b, 2016c; United Nations, 1948). The rights of students to equal access in sexuality education specifically, regardless of sexual orientation, gender identity and expression have also been recognised repeatedly at the global level (UNESCO, 2009, 2011; United Nations, 2012). UNESCO's first international policy consultations on LGBTI issues in schools were conducted in Brazil, where education policy guidelines were developed by academics, governments and human rights representatives (UNESCO, 2011, 2012). The Global Network Against Homophobic and Transphobic Bullying in Schools formed and met annually in different global regions to further policy goals, including the author of this submission (Kosciw & Pizmony-Levy, 2013). Global and regional bodies including for example the UN's various arms (UNESCO/ UNAIDS/ UNDP) and the WHO promoted LGBTI rights in education to governments (UN Human Rights Office of the High Commissioner et al., 2015). A *Ministerial Call For Action* committing to LGBTI student protections in educational institutions was signed by over 50 countries (UNESCO, 2016a). Specific commitments included:

- systematic monitoring and research on violence against LGBTIs;
- national, subnational and school policies to address violence against LGBTIs;
- inclusive curricula providing age-appropriate, non-judgmental, human rights-based and accurate information on gender non-conforming behaviours;
- teacher training and education;
- inclusive and safe school environments; and
- evaluation (summarised from pp.3-4).

The United Nations has placed pressure on Australia to support greater recognition of discrimination on the basis of sexual orientation, gender identity and gender expression in religious schools (UN Human Rights Council, 2011; UNESCO, 2015, 2016a, 2016b; United Nations, 2012; United Nations High Commissioner for Human Rights, 2011). The Australian Government is to be strongly congratulated and encouraged where refining our legislative provisions to protect human rights in Australia (Australian Parliament, 2013), specifically in religious schools where the threat to them has repeatedly been shown to be at its greatest according to internationally-recognised and widely-cited peer-reviewed research. The title of the submission emphasises, as clarified by UN Human Rights Chief Navi Pillay in 2012, that the right to freedom of religion **does not include a right to discriminate against LGBTs' fundamental human rights to non-discrimination, education and employment equity**. These rights must be primarised over 'beliefs'.

³ My emphasis.

⁴ My emphasis.

1.1 Use of The LGBT Acronym & Congenital Status Debates

In this submission the acronym LGBT is used in an open way as an umbrella term to very broadly indicate lesbian, bisexual, transgender, queer, genderqueer, questioning and other people who face direct allowance for direct discrimination in schools in the text of the current iteration of the SDA (Australian Parliament, 2013). It does not include an 'I' for people with intersex variations, purely because the SDA *does not allow direct exemptions* for religious schools to discriminate *directly on the basis of intersex status* (Australian Parliament, 2013). Intersex variations – chromosomal, hormonal and anatomical variations to sex characteristics – are widely medically recognised as congenital: people are 'born that way' (Carpenter, 2016). However, some people with intersex variations are nonetheless impacted by the exemptions for direct discrimination on the basis of their sexual orientation, gender identity and gender expression in religious schools. Under half of Australians with intersex variations surveyed have heterosexual identities (only 48%) and most had LGB identities of varying kinds, further 65% say their variation impacts their sexual experience in ways which could be interpreted as complicating traditional procreative religious heterosexual sex 'norms' (Jones, 2016). Many have experienced discrimination on the basis of their *gender expression*; further 44% received counselling/training/pressure from institutional practitioners (doctors, psychologists etc.) on gendered behaviour and 43% from parents; and in addition 8% are transgender (Jones, 2016). In Australia's debates around the SDA leading up to 2013 religious entities conceded that they had no right to discriminate on the basis of aspects of human experience which are congenital, including intersex status. Some scientists offer evidence that there are congenital elements of people with intersex variations' experience of themselves as being LGBT (Hines, Brook, & Conway, 2004; Howard, 2004; Meyer-Bahlburg, Dolezal, Baker, & New, 2008); and indeed elements of broader populations' experience of themselves as being LGBT (Howard, 2004; LeVay, 1991; Pease & Pease, 2003; Sanders et al., 2015). This is ***completely irrelevant to human rights recognition***. The Committee and are encouraged to understand that in international human rights legislation, all humans have a right to non-discrimination on the basis of sexual orientation, gender identity and expression ***regardless of the existence of various scientific theories on why there exists broad human variation in these phenomena***. In human rights perspectives, humans matter more than science – a product of humanity valued only where useful to humanity and where respecting human rights ('scientific reasons' have historically been used to harm humans). The Committee and Australian Parliament are encouraged to simply focus on protecting these phenomena from being discrimination bases (just like other complex concepts such as race, disability and intersex status which we are still learning about but anti-discrimination law nonetheless protects), not 'explaining their scientific cause'.

1.2 Use of 'Religious Reasons' for Harming LGBTs

In this submission it is absolutely taken for granted that some individuals believe their religion endorses excluding from school or mistreating at school, discriminating against in employment or excluding from employment, shaming, converting, harming and/ or murdering LGBTs. Similarly, it is absolutely taken for granted that some individuals believe the exact same religion endorses supporting, accepting or tolerating LGBTs. The Committee will see many submissions on these themes. Perhaps there is a line or part of a religious text they will use to justify one or the other position. Perhaps a religious leader told them one or the other view. Perhaps they believe a deity or spiritual entity communicated one or the other position directly to themselves or their religious community. This is all strongly debated amongst believers of religions. This is ***completely irrelevant to human rights recognition***. Further, it is especially irrelevant to

human rights recognition in Australia. Section 116 of the Australian Constitution also decrees a *separation of Church and State* (Commonwealth of Australia, 1900). It states:

The Commonwealth shall not make any law for establishing any religion, or for imposing any religious observance, or for prohibiting the free exercise of any religion, and no religious test shall be required as a qualification for any office or public trust under the Commonwealth (Commonwealth of Australia, 1900)⁵.

Australia is a secular nation in which individuals are free to believe or not whatever they like when working or studying in any Australian school, and to adhere to the practice of any religion or none as individuals. However, it is *unconstitutional* for the Australian Commonwealth to make any law for imposing any religious observance – including allowance for the exclusion of or discrimination against LGBTs in religious schools as currently exists in the SDA. It is also *unconstitutional* for the Australian Commonwealth to allow a religious test for qualifying for working in Australia’s government-funded religious education sectors and schools for LGBT teachers and staff; and *unconstitutional* (given our legal requirement that all young people whether religious or not be physically at school until of age) to enforce such religious compliance tests for LGBT students. It is *completely unacceptable* for an Australian to be discriminated against in schools on the basis of another person’s religion in Australia. Moreover, the Committee and Australian Parliament are encouraged to understand that in international human rights legislation, all humans have a right to non-discrimination on the basis of sexual orientation, gender identity and expression *regardless of the existence of religious theories on why LGBTs should or should not be discriminated against, harmed or excluded*. In human rights perspectives, humans matter more than religion – a mere product of humanity valued only where useful to humanity and where respecting human rights (‘religious reasons’ have historically been used to *harm many groups of humans*). The Committee and Australian Parliament are encouraged to simply focus on protecting these phenomena from being discrimination bases (just like other complex concepts such as race and religion which religions have different ideas on but anti-discrimination law nonetheless protects), not ‘considering their religious morality’.

1.3 Overview of Submission

The introduction (Section One) located the submission within the global push for human rights and anti-discrimination legislation protections on the basis of actual or perceived sexual orientation, gender identity and gender expression. It pointed out the irrelevance of debates over the congenital status of LGBTs to human rights protections; human rights are not based on ‘scientific reasons’. It then pointed out the irrelevance of debates over the specifics of religious stances on LGBTs to human rights protections; human rights are not based on ‘religious reasons’. Human rights are based on fundamental, unscientific, secular valuing of humans. Humans themselves are *centrally* valued and privileged, as opposed to their products of sciences and religions which are only *peripherally* valued by their association with and (mixed) value to humans, and where they do not harm peoples’ human rights. Furthermore, Australia is a secular state. Education and employment equity here are *constitutionally protected* regardless of religious observances or tests of any kind – which cannot be written into law and certainly should not be allowed for in anti-discrimination law – the very law meant to prevent discrimination. The rest of the submission argues for the withdrawal of exemptions for religious educational institutions around discrimination on the basis of sexual orientation and gender identity and expression, through showcasing some data on the harm it causes.

⁵ My emphasis.

2. Exempt Schools' Increased Discrimination

Girls and boys have different opportunities and same for certain subject choices. For example girls have lower grading standards in sports than for boys. (...) Recently we had interhouse rugby and only boys got to compete but we were still forced to sit outside and watch the games. The excuse again was that there would not be enough girls from each house to form teams but I would argue: why not just make teams of girls, regardless of house, so at least there would be the opportunity to play? We have separate uniforms based upon gender, as a girl you have to wear dresses and skirts. Girls are also told not to wear anything colourful under our white winter shirts and it should not be seen despite the fact that these shirts are very thin and semi see-through. As the girls' formal uniform is [a] skirt or dress I feel like it restricts me ... On camps we are separated by sex so boys and girls sleep in different dorms, so obviously being a transgender or non-binary sex would be very difficult in my school. We had one Christian education class in year 9 where the pastor took our class for the first time, because normally it is a member of staff as all our staff are able to take Christian ed. The class was about marriage. We were given a block of wood and a table tennis ball. The block of wood had an indent in it so that the ball would fit perfectly in it. The idea being, that man and women as a couple make sense, and 'that is how God designed people to be' (Nina, 14yrs)⁶.

No one should be told they're not allowed to be gay or bi or trans. It's stupid. And wrong (Joe, 16yrs).

2.1 Impacts of Policy Protection for LGBTs' School Discrimination

Table 1 shows that the Asia-Pacific region has the worst translation of human rights into law around gender identity and expression in the world. It is *by far* the most punitive region, despite the diversity of cultural histories of gender variance. Table 2 shows that the Asia-Pacific region is the most punitive region on sexual orientation in the world in terms of the death penalty, despite strong support for a Ministerial Call to Action for supporting LGBT students. ***Stronger Australian leadership is needed regionally on both issues, through modelling of Australian research-supported best practice which has been recognised and promoted globally (UNESCO, 2015, 2016b), in ALL Australian schools.*** Aggregated reviews of research from academics around the world have repeatedly shown LGBT students experience significantly disproportionate violence and discrimination in education contexts compared to other students (UNESCO, 2015, 2016b). The violence against LGBT students occurs in education-related environments such as classrooms, playgrounds, toilets, changing rooms, around schools, on the way to and from school, and online (UNESCO, 2016b). LGBT students who experience violence are more likely to:

- Feel unsafe at school;
- Achieve lower grades;
- Miss participation, classes or school days;
- Drop out of school;
- Have decreased employment and/ or housing prospects;
- Feel depressed;
- Adopt risky health behaviours; and
- Think about or attempt suicide.

Communicating local policy protections to students is helpful – when protective policies are known LGBTIQ students are significantly more likely to feel safe (75% v. 45%); and significantly less likely to

⁶ Quotes in this section are from the 2018 *Voices of Experience* survey, pseudonyms are used for these participants.

experience physical abuse (23% v. 47%) or attempt suicide (13% v. 22%) (Jones, 2015). Australian transgender students are significantly more likely to drop out of school early, to feel their sexuality and puberty education provisions are inadequate and to suffer bullying in contexts where gender diversity is not supported by teaching staff (Jones, 2015, 2016; Jones et al., 2016; Smith et al., 2014). Using ‘mostly appropriate’ pronouns for transgender students makes it less likely they will drop marks (26% v. 54% when teachers use mostly inappropriate pronouns); and drop out (6% v. 22%) (Jones et al., 2016).

LGBTIQ teachers surveyed (42%) mostly do not know if their school had policy/ies protecting them against discrimination (showing how confused Australian schooling is when most contexts are indeed protected); 27% said their school did offer policy protection, 25% said it did not and 6% said they worked in schools which *had a policy actively attempting to prevent people of diverse sexual orientation or gender diversity from working there* (Jones, Gray, & Harris, 2014). Australian religious schools at their most extreme make teachers sign documents stating they will uphold the ‘religious ethos’ or face dismissal (Gray, Harris, & Jones, 2016) – firing LGBT teachers, heterosexuals in defacto relationships, divorcees without annulments and various everyday Australians. Such dismissals are *utterly unacceptable*; yet ‘allowed’. Because of these confusingly inconsistent conditions most teachers (56%) did not work at schools supporting/allowing staff to be ‘out’. Many said working in religious school environments made them feel shame, hide their identity at school and become more restrained in expressing their sexuality generally. One reflected, ‘*I worked in Catholic schools for many years and didn’t realise how much it impacted on my own sexuality until I worked in a school that was much more accepting*’. Due to the homophobia and transphobia in school environments, 27% stopped participating in aspects of work life or activities, 24% took extra sick days, 17% moved schools and several left education altogether. A further 17% engaged in activism; Australia needs to listen to them. Australian data on the value of policy protection is influential in global policy convenings, but unreflected in a portion of Australian religious schools: leadership is needed.

Table 1:

Country-specific policy contexts from most punitive (top row) to most protective region (bottom).*

Region	Bans Gender diversity	Prison Penalty for Ban	Death Penalty for Ban	Protects Gender Affirmation
Asia-Pacific	Brunei Darussalam, Indonesia (<i>Sumatra, Aceh</i>), Malaysia, North, Korea, Sri Lanka, Tonga, United Arab Emirates	Brunei Darussalam, Indonesia (<i>Sumatra, Aceh</i>), North Korea, Sri Lanka, Tonga, United Arab Emirates	North Korea, United Arab Emirates	Australia, China, Fiji, India, Indonesia (<i>rest of</i>), Iran, Israel, Guam, Japan, Jordan, Kyrgyzstan, Lebanon, Malaysia, Mongolia, New Zealand, Northern Mariana, Pakistan, Samoa, Singapore, South Korea, Taiwan, Tajikistan, Vietnam
Africa				Botswana, South Africa
The Americas				Argentina, Belize, Bolivia, Brazil, Canada, Caribbean, Chile, Costa Rica, Colombia, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Panama, Peru, United States (in dispute)
Europe				Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Croatia, Cyprus, Czech Republic, Denmark, Estonia, France, Finland, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Jersey, Latvia, Luxembourg, Malta, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, Russia, Slovakia, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom

*Only includes countries with specific gender-related policies as uncovered in key informant interviews and policy analyses.

Table 2:

Country-specific policies on sexuality impacting education, from most punitive region (top row) to most protective region (bottom row).*

REGION	Unequal Age of Sexual Consent for same-sex acts	Bans: Male same-sex acts (M), Female (F), Propaganda (P)	Prison Penalty for Ban	Death Penalty for Ban	Protections for Sexual orientation	Same-sex Civil partnership (X) Marriage (Me), Adoption (A)	Ministerial Call For Action for LGB students
Asia-Pacific	Bahrain, Indonesia	M/F/P: Indonesia (<i>Sumatra, Aceh</i>) M/F: Afghanistan, Bhutan, Cook Islands, Iraq, Iran, Kiribati, Malaysia, Maldives, Oman, Qatar, Saudi Arabia, Solomon Islands, Sri Lanka, Syria, United Arab Emirates, Yemen M: Bangladesh, Brunei, Darussalam, Cook Islands, Gaza, India, Kuwait, Lebanon, Myanmar, Pakistan, Papua New Guinea, Samoa, Singapore, Taiwan, Turkmenistan, Tuvalu, Uzbekistan P: North Korea	Bhutan Brunei Darussalam Cook Islands Gaza India Indonesia (<i>Sumatra, Aceh</i>) Kiribati Malaysia Maldives Myanmar North Korea Oman Pakistan Papua New Guinea Qatar Samoa Singapore Solomon Islands Sri Lanka Syria Taiwan Turkmenistan Tuvalu United Arab Emirates, Uzbekistan	Afghanistan Iraq Iran North Korea Pakistan Qatar Saudi Arabia Syria United Arab Emirates, Yemen	Australia China East Timor Fiji India Israel Japan Kiribati Mongolia New Zealand Nepal Philippines Samoa South Korea Taiwan Taiwan Vanuatu	X/Me/A: Australia, Guam, New Zealand, North Mariana X/ Me: Taiwan, X/A(varies): Cambodia, Israel	Australia, Fiji, Israel, Japan, Philippines
Africa	Benin, Chad, Congo, Côte d'Ivoire, Gabon, Madagascar, Niger, Rwanda	M/F/P: Nigeria, Uganda M/F: Algeria, Angola, Botswana, Burundi, Cameroon, Comoros, Egypt, Eritrea, Ethiopia, Gambia, Ghana, Guinea, Kenya, Liberia, Libya, Malawi, Mauritania, Mauritius, Morocco, Nigeria, Senegal, Sierra Leone, Somalia, South Sudan, Sudan, Tunisia, Zambia M: Ghana, Kenya, Malawi, Mauritania, Mauritius, Namibia, Sierra	Algeria, Angola, Botswana, Burundi, Cameroon, Comoros, Egypt, Eritrea, Ethiopia, Gambia, Ghana, Guinea, Kenya, Liberia, Libya, Malawi, Mauritania, Mauritius, Morocco, Nigeria, Senegal, Sierra Leone, Somalia, South Sudan, Sudan, Swaziland, Tanzania, Togo, Tunisia, Uganda, Zambia	Mauritania, Nigeria, Sudan	Angola, Botswana, Cape Verde, Mauritius, Mozambique, Seychelles, South Africa	X/Me/A: South Africa	Cape Verde, Madagascar, Mauritius, Mozambique, South Africa

		Leone. Swaziland, Tanzania, Togo, Zimbabwe					
The Americas	Bahamas, Canada, Chile, Paraguay, Suriname	M/F: Antigua and Barbuda, Costa Rica, St Lucia, St Vincent & the Grenadines, Trinidad and Tobago M: Barbados, Grenada, Guyana, Jamaica, St Kitts & Nevis	Antigua and Barbuda, Barbados, Costa Rica, Chile, Colombia, Grenada, Guyana, Jamaica, St Kitts & Nevis, St Lucia, St Vincent & the Grenadines, Trinidad and Tobago		Argentina, Bahamas, Belize, Bermuda, Bolivia, Brazil, Canada, Caribbean, Costa Rica, Chile, Colombia, Cuba, Chile, Colombia, El Salvador, Falkland Islands, Greenland, Guatemala, Honduras, Mexico, Nicaragua, Panama, Peru, St Lucia, Suriname, United States, Uruguay, Virgin Islands, Venezuela	X/Me/A: Brazil Caribbean, Colombia, Falkland Islands, Greenland, Mexico, United States, Uruguay X/ Me: Bermuda (retracted) X: Chile, Colombia, Virgin Islands (Varies)	Argentina, Bolivia, Brazil, Canada, Costa Rica, Chile, Colombia, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Peru, United States, Uruguay
Europe	Greece	M/F/P: Chechnya P: Lithuania, Russia	Russia		Albania, Andorra, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Iceland, Ireland, Luxembourg, Malta, Montenegro, Norway, Portugal, Spain, Sweden, United Kingdom X/A: Andorra, Estonia, Slovenia X: Croatia, Greece, Hungary, Italy, Liechtenstein, Switzerland	X/Me/A: Austria, Belgium, Denmark, Finland, France, Georgia, Germany, Iceland, Ireland, Luxembourg, Malta, Montenegro, Norway, Portugal, Spain, Sweden, United Kingdom X/A: Andorra, Estonia, Slovenia X: Croatia, Greece, Hungary, Italy, Liechtenstein, Switzerland	Albania, Andorra, Austria, Belgium, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Iceland, Italy, Liechtenstein, Luxembourg, Malta, Moldova, Montenegro, Norway, Portugal, Romania, Serbia, Slovenia, Spain, Sweden, Switzerland

*Only includes countries with specific sexuality-related policies as uncovered in key informant interviews and policy analyses.

2.2 2018 Survey Data on Well Being Outcomes for Conservative Approaches to Gender & Sexuality

Australians aged 14+yrs in the 2018 *Voices of Experience* survey (which had 2,500 participants who were overwhelmingly heterosexual cisgender teens) were asked which description best fit their most recent secondary school's treatment of students' genders, based on a simplified description of conservative, liberal, critical and post-modern approaches to gender in schools (see Figure 1). The largest group (40.2%)

indicated that their school took a liberal approach to genders, selecting ‘*School tolerated some gender diverse expression (girls in pants, boys with long hair). Students could choose their subjects, sports or friends regardless of gender*’. Over a fifth of participants (21.3%) indicated that their school took a critical approach to students’ genders, selecting ‘*School actively supported gender diversity and encouraged people to overcome social stereotypes of gender in their subject choices and goals; encouraging boys’ sensitivity and girls’ strength*’. Just under a tenth of participants (9.0%) indicated that their school took a post-modern approach to students’ genders, selecting ‘*School was not organised around gender or saw it as a construction*’. **Finally 29.5% of participants indicated that their school took a conservative approach to genders**, selecting ‘*School recognised two sexes (feminine girls and masculine boys) with separate uniforms, subject trends, sports, friend groups and behavior norms*’. Participants who reported this approach at school were more likely to attend Catholic or other religious schools fitting the exemptions in the SDA ($p=0.00$). Table 3 showed that ***schools with a conservative gender approach were particularly more likely to avoid or restrict teaching on serious topics; promote pre-marital virginity and gay conversion; contribute to social class and racial division; and limit exploration of the media, popular culture and technology***. Aiden (non-binary, 17yrs) said ‘*I am very tomboy and hate having to wear the excessively feminine uniform with no inbetween*’; Al (transgender FTM, 14yrs) said ‘*asked ‘Is this a safe place for the LGBTQ+ community’ they replied with ‘No’*’. Table 4 showed that participants who attended schools which supported gender diversity and combatted gender stereotypes were less affected if they experienced abuse, less likely to drop marks, and less likely to avoid toilets or change-rooms.

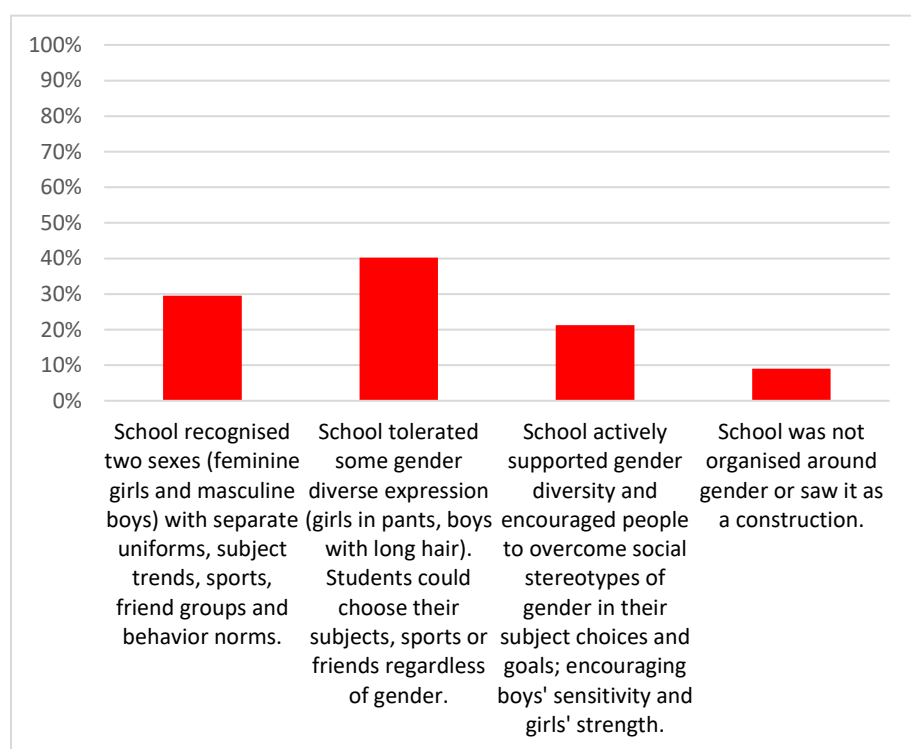


Figure 1: Participants’ ‘best-fit’ descriptions of how their schools treated students’ genders (n=1,449).

Table 3:

Relationships between the approach to genders at participants' school and other cultural phenomena.

Approach by Issue	Pearson Chi-square	df	Percentage of participants who selected 'School recognised two sexes (feminine girls and masculine boys)'	Percentage of participants who selected 'School tolerated some gender diverse expression (girls in pants, boys with long hair)'	Percentage of participants who selected 'School actively supported gender diversity and encouraged people to overcome social stereotypes of gender'	Percentage of participants who selected 'School was not organised around gender or saw it as a construction'
Participant's school's overall orientation	142.04***	9				
<i>Total N=1,439</i>			425	578	307	129
Conservative, strict, disciplined. Lessons spent obeying directions and fitting into 'norms'.			54.4%	36.0%	16.3%	24.8%
Progressive, creative, competitive. Lessons encouraged decision-making, competitiveness and life skills.			23.5%	39.3%	45.3%	41.1%
Socially just, supportive, activist. Lessons considered the needs and well-being of diverse minorities.			9.6%	14.7%	26.7%	18.6%
Intellectual, philosophical, subversive. Lessons interrogated social norms, theories and values.			12.5%	10.0%	11.7%	15.5%
Age students introduced to 'serious' topics	59.94***	12				
<i>Total N=1,444</i>			426	581	307	130
At no age (the topics weren't covered).			11.3%	5.2%	3.9%	9.2%
Juniors were restricted from exposure to 'serious' topics, only seniors were given such information.			11.7%	8.3%	3.6%	8.5%
Students progressively learned about 'serious' topics, with more detail in each stage of getting older.			62.7%	70.2%	68.1%	62.3%
All students learned of 'serious' topics together in whole-school campaigns targeted at all ages.			7.7%	8.4%	18.2%	13.1%
Staff ignored or rejected 'age-appropriateness' and shared 'serious' information with any age group.			6.6%	7.9%	6.2%	6.9%
Sexuality education messages	557.08***	39				
<i>Total N=1,441</i>			428	579	307	127
Nothing: my school didn't provide it.			5.8%	3.5%	2.6%	6.3%
How the body changes at puberty.			87.4%	92.2%	92.8%	89.8%
How humans mate and reproduce.			72.2%	81.9%	85.3%	77.2%
How sex before marriage is wrong.			28.7%	8.5%	2.9%	7.9%
That gay people should become straight.			12.4%	2.6%	1.0%	1.6%
About sexual rights and responsibilities.			47.2%	64.9%	76.2%	55.9%
About protecting against sexual dangers (STDs, pregnancy).			68.5%	86.4%	88.6%	79.5%
About creating healthy and good relationships.			61.0%	73.6%	86.0%	70.9%
About making your own choices on sexual issues.			44.9%	60.4%	74.3%	55.1%
About women's rights.			28.5%	33.3%	52.1%	34.6%
That experimenting with sexualities and pleasures is okay.			9.8%	23.8%	44.6%	26.0%
That homophobia is wrong.			12.9%	15.2%	22.1%	15.0%
That males don't have to be 'manly' and females don't have to be 'girly'.			20.3%	31.8%	63.2%	29.9%
That different cultures have different views on sex.			26.9%	26.9%	54.4%	33.1%
Social class approach	101.68***	9				
<i>Total N=1,146</i>			337	467	241	101

School contributed to social class division; we rarely interacted with people of different social class except in one-off acts of 'charity'.	30.3%	15.4%	5.4%	13.9%
School offered equal opportunities for participation and helped some individuals through occasional 'need-based and merit-based' scholarships.	49.0%	59.3%	47.3%	56.4%
School fought division by social class and ensured equal outcomes through large-scale financial and social schemes, communities had a 'right' to aid.	11.9%	17.1%	32.0%	15.8%
School exposed students to complex ideas about social classes, challenging the social order.	8.9%	8.1%	15.4%	13.9%

Race approach	77.57***	9		
<i>Total N=1,157</i>	340	476	242	99
School contributed to racial division; groups kept to themselves and we learned little to challenge that.	9.4%	6.1%	2.1%	6.1%
School offered a little education on issues of racism or Indigenous history; as an extra perspective.	37.6%	36.6%	14.5%	27.3%
School fought racism and actively supported the school's cultural diversity.	40.3%	46.4%	72.3%	49.5%
School exposed students to complex ideas about race, challenging simplistic human biology.	12.6%	10.9%	11.2%	17.2%

Media approach	48.32***	9		
<i>Total N=1,139</i>	334	474	231	100
School only mentioned one type of news media, accepting its authority over 'the truth'.	19.5%	11.6%	8.2%	17.0%
School encouraged viewing more than one type of news media, and identifying facts vs. opinions.	55.7%	64.6%	50.2%	57.0%
School encouraged critical approaches to fake news targeting marginalised groups.	14.1%	14.6%	18.6%	14.0%
School thoroughly challenged the norms of a diverse range of news media.	10.8%	9.3%	22.9%	12.0%

Popular culture approach	69.28***	9		
<i>Total N=1,147</i>	336	474	237	100
School only encouraged 'high culture' - classical music, canonical literature, historical figures.	22.6%	11.0%	10.1%	16.0%
School used a little 'low culture' (pop music, modern movies, teen celebrities), but not for assessments.	39.6%	39.0%	22.8%	28.0%
School embraced 'low culture' even in assessments and especially if it represented marginalised groups.	22.0%	35.9%	42.6%	35.0%
School interrogated the systems of privilege behind why some culture is cast as 'high' and some as 'low'.	15.8%	14.1%	24.5%	21.0%

Technology approach	60.36***	9		
<i>Total N=1,150</i>	337	475	237	101
School mainly banned technology (e.g. phones) from the classroom or restricted access.	47.8%	35.8%	19.0%	28.7%
School allowed technology (e.g. phones) in the classroom if you had it, mainly for learning purposes.	28.5%	39.8%	43.5%	44.6%
School supplied technology for all, encouraged technology skills and supported the right to technology.	20.5%	20.6%	30.4%	19.8%
School interrogated the pros and cons of many technologies real and imagined, in philosophical debates.	3.3%	3.8%	7.2%	6.9%

Note. * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Table 4:

Relationships between the approach to genders at participants' school and social wellbeing impacts.

Social wellbeing impact	Pearson Chi-square	df	Percentage of participants who selected 'School recognised two sexes (feminine girls and masculine boys)'	Percentage of participants who selected 'School tolerated some gender diverse expression (girls in pants, boys with long hair)'	Percentage of participants who selected 'School actively supported gender diversity and encouraged people to overcome social stereotypes of gender'	Percentage of participants who selected 'School was not organised around gender or saw it as a construction'
Participants' experience of impacts from the abuse at school	52.55*	36				
<i>Total N=970</i>			294	393	200	83
It hasn't affected me at all.			35.7%	37.7%	46.5%	41.0%
I couldn't concentrate in class.			44.2%	44.3%	37.5%	42.2%
My marks dropped.			34.7%	24.9%	24.0%	28.9%
I couldn't go to the toilet.			7.5%	7.9%	4.0%	7.2%
I couldn't use the change-rooms.			9.2%	8.9%	6.0%	10.8%
I dropped out of a sport/ extra-curricular activity.			15.0%	12.7%	6.5%	15.7%

Note. * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

The 2018 *Voices of Experience* survey participants were also asked what sexuality education messages their school taught students. They could tick as many messages as applied, based on a simplified description of the conservative, liberal, critical and post-modern sexuality approaches (condensed into 14 easily identifiable sexuality messages). Figure 2 shows messaging based on mainly liberal sexuality education messages on puberty, danger, reproduction, relationships, and choice dominated Australian schools. This mostly matched previous findings (Jones & Hillier, 2012), except for a notable increase in messages about effective relationships and gender diversity, and decrease in censorship, likely due to the 2013 amendment of the SDA and related curricula and programs in government schools. Table 5 shows conservative schools taking a conservative approach on certain social issues (gender, social class, race, media, culture, technology) were *most likely* to either not provide sexuality education; or teach sex before marriage was wrong and that gay people should become straight. The schools teaching gay conversion to heterosexuality were overwhelmingly Catholic and Christian schools. A tenth of participants on the trans-spectrum were exposed to the conversion messaging at school; twice as many as other students, often as a response to their identity disclosures. Table 6 reveals specific sexuality education messages taught in schools had highly significant associations with participants' social wellbeing impacts. Sexuality education messages on rights (including women's rights but also broadly), pleasure, and diversity (gender and cultural) were associated with reduced impacts from abuse at school. Sexuality education messages endorsing pleasure and gender diversity were associated with **reduced negative wellbeing impacts including suicidality**. Conversely, participants exposed to the message 'That gay people should become straight' were **most likely to experience every type of negative impact from abuse at school** (harms to concentration, grades, facility use and attendance) and least likely to say abuse did not affect them. Those exposed to conversion messages were **considerably more likely** to think about self-harm (81.8%); self-harm (61.8%); think about suicide (83.6%) and attempt suicide (29.1%). **Only 14.5% of these participants – regardless of their sexual orientation – had not engaged in any of these behaviours**. Participants denied sex education also had increased suicide attempts (28.2%). It is also significant that participants exposed to conversion or censorship sexuality approaches were most likely to have responded to abuse with activism;

some participants felt they had to fight back. There is evidence supporting that there is a portion of religious schools in Australia that are extremist, taking a harshly conservative approach not only to gender and sexuality but to other important topics, in ways which negatively impact the wellbeing not only LGBTs but most participants who attend and are exposed there to gay conversionist messaging. Anti-LGBT messaging is in short aligned with poor education, and poor wellbeing for those exposed to it – when 83.6% of people exposed to gay conversion messaging at school consider suicide, *preventative action restricting discrimination exemptions must urgently be taken by authorities.*

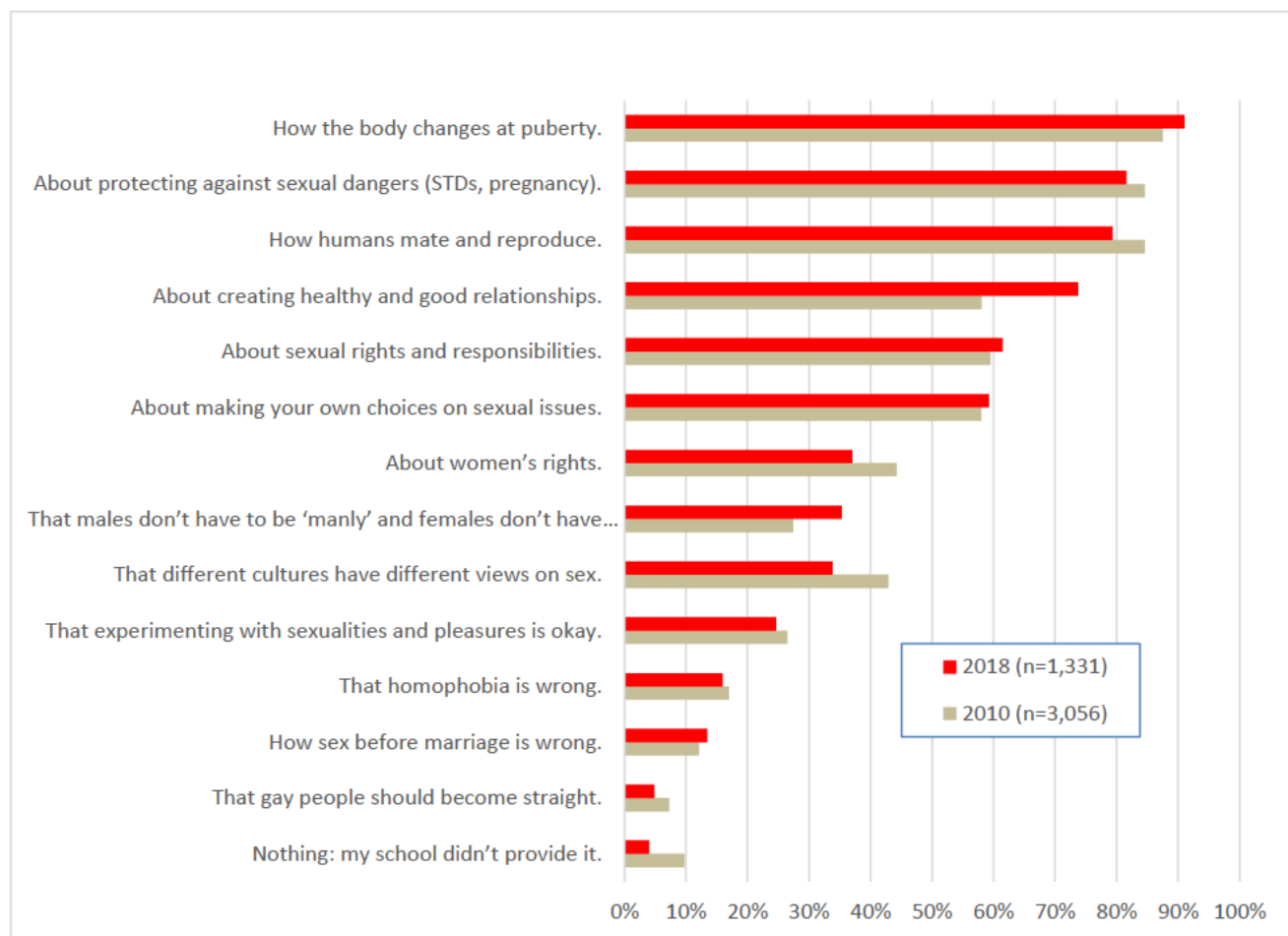


Figure 2: School sexuality messages reported by 2018 *Voices of Experience* survey participants (n=1,331) compared to those reported by 2010 survey participants (n=3,056) (Jones & Hillier, 2012).

Table 5:

Relationships between sexuality education messages at participants' school and other cultural phenomena.

Approach by Issue	Pearson Chi-square	df	Percent age of participants who selected: 'Nothing: my school didn't provide it'	'How the body changes at puberty'	'How humans mate and reproduce'	'How sex before marriage is wrong'	'That gay people should become straight'	'About sexual rights and responsibilities'	'About protecting against sexual dangers (STDs, pregnancy)'	'About creating healthy and good relationships'	'About making your own choices on sexual issues'	'About women's rights'	'That experimenting with sexualities and pleasures is okay'	'That homophobia is wrong'	'That males don't have to be 'manly' and females don't have to be 'girly''	'That different cultures have different views on sex'
Participant's school's overall orientation <i>Total N=1,441</i>	326.64***	39	62	1305	1143	191	73	883	1166	1042	839	522	349	231	506	481
Conservative, strict, disciplined. Lessons spent obeying directions and fitting into 'norms'.			5.2%	89.1%	71.8%	22.6%	10.4%	52.8%	72.4%	61.4%	47.8%	24.7%	12.7%	13.8%	22.3%	22.8%
Progressive, creative, competitive. Lessons encouraged decision-making, competitiveness and life skills.			3.1%	90.9%	82.1%	63%	2.1%	66.0%	85.6%	78.8%	65.0%	42.3%	28.8%	16.0%	41.3%	36.3%
Socially just, supportive, activist. Lessons considered the needs and well-being of diverse minorities.			3.9%	92.3%	85.4%	82%	1.7%	68.7%	86.7%	78.5%	61.8%	46.4%	38.6%	18.9%	49.4%	48.1%
Intellectual, philosophical, subversive. Lessons interrogated social norms, theories and values.			6.0%	91.6%	85.6%	12.6%	2.4%	62.9%	85.0%	77.2%	64.7%	38.9%	25.7%	19.2%	35.9%	36.5%
Age students introduced to 'serious' topics <i>Total N=1,445</i>	523.44***	52	62	1310	1144	192	73	887	1169	1045	845	524	350	230	506	484
At no age (the topics weren't covered). Juniors were restricted from exposure to 'serious' topics, only seniors were given such information.			22.3%	68.0%	48.5%	17.5%	10.7%	22.3%	37.9%	29.1%	14.6%	4.9%	7.8%	7.8%	49%	3.9%
Students progressively learned about 'serious' topics, with more detail in each stage of getting older.			3.4%	85.7%	68.1%	25.2%	15.1%	40.3%	63.9%	48.7%	37.8%	19.3%	9.2%	15.1%	15.1%	15.1%
All students learned of 'serious' topics together in whole-school campaigns targeted at all ages.			2.4%	94.3%	83.9%	12.5%	3.3%	66.8%	86.5%	78.4%	64.1%	39.7%	26.6%	15.7%	39.3%	37.6%
Staff ignored or rejected 'age-appropriateness' and shared 'serious' information with any age group.			1.9%	89.0%	81.9%	5.8%	3.2%	69.0%	87.7%	81.3%	68.4%	45.2%	28.4%	17.4%	45.2%	42.6%
Gender approach <i>Total N=1,441</i>	557.08***	39	61	1307	1143	191	73	883	1166	1041	840	519	350	230	503	480

Legislative exemptions that allow faith-based educational institutions to discriminate against students, teachers and staff
Submission 11

School recognised two sexes (feminine girls and masculine boys) with separate uniforms, subject trends, sports, friend groups and behavior norms.			5.8%	87.4%	72.2%	28.7%	12.4%	47.2%	68.5%	61.0%	44.9%	28.5%	9.8%	12.9%	20.3%	26.9%
School tolerated some gender diverse expression (girls in pants, boys with long hair). Students could choose their subjects, sports or friends regardless of gender.			3.5%	92.2%	81.9%	8 5%	2.6%	64.9%	86.4%	73.6%	60.4%	33.3%	23.8%	15.2%	31.8%	26.9%
School actively supported gender diversity and encouraged people to overcome social stereotypes of gender in their subject choices and goals; encouraging boys' sensitivity and girls' strength.			2.6%	92.8%	85.3%	2 9%	1.0%	76.2%	88.6%	86.0%	74.3%	52.1%	44.6%	22.1%	63.2%	54.4%
School was not organised around gender or saw it as a construction.			6.3%	89.8%	77.2%	7 9%	1.6%	55.9%	79.5%	70.9%	55.1%	34.6%	26.0%	15.0%	29.9%	33.1%
Social class approach	181.42***	39														
<i>Total N=1,148</i>			41	1056	912	157	60	714	939	842	673	419	273	184	394	384
School contributed to social class division; we rarely interacted with people of different social class except in one-off acts of 'charity'.			4.0%	89.1%	73.6%	25.4%	11.9%	53.2%	73.6%	62.7%	47.3%	23.4%	12.9%	12.9%	24.9%	20.9%
School offered equal opportunities for participation and helped some individuals through occasional 'need-based and merit-based' scholarships.			3.1%	92.5%	79.8%	12.8%	3.9%	61.6%	82.6%	73.0%	57.7%	35.9%	22.4%	14.8%	29.8%	31.1%
School fought division by social class and ensured equal outcomes through large-scale financial and social schemes, communities had a 'right' to aid.			4.2%	92.9%	84.0%	9 9%	3.3%	69.3%	84.9%	81.6%	69.3%	43.4%	29.2%	18.4%	43.9%	43.4%
School exposed students to complex ideas about social classes, challenging the social order.			4.2%	92.5%	79.2%	5.0%	4.2%	67.5%	85.8%	78.3%	63.3%	49.2%	39.2%	23.3%	56.7%	49.2%
Race approach	257.91***	39														
<i>Total N=1,160</i>			42	1063	921	159	60	721	947	853	682	425	279	190	402	387
School contributed to racial division; groups kept to themselves and we learned little to challenge that.			8.3%	83.3%	69.4%	26.4%	15.3%	41.7%	58.3%	51.4%	29.2%	12.5%	16.7%	15.3%	19.4%	18.1%
School offered a little education on issues of racism or Indigenous history; as an extra perspective.			2.5%	92.6%	77.7%	18.0%	6.3%	53.7%	78.2%	67.6%	49.6%	22.3%	14.7%	12.0%	22.9%	21.3%
School fought racism and actively supported the school's cultural diversity.			3.9%	99.3%	87.4%	10.2%	3.0%	73.2%	92.8%	85.7%	69.9%	49.8%	31.4%	19.7%	44.8%	42.8%
School exposed students to complex ideas about race, challenging simplistic human biology.			3.3%	70.5%	63.4%	10.4%	5.5%	54.6%	65.0%	58.5%	56.3%	36.1%	24.0%	15.8%	34.4%	36.1%

Media approach	191.37***	39														
<i>Total N=1,141</i>			41	1045	905	160	60	706	931	837	669	416	271	184	393	378
School only mentioned one type of news media, accepting its authority over 'the truth'.			7.1%	85.8%	67.1%	20.6%	11.0%	45.2%	63.2%	58.7%	36.1%	20.0%	11.6%	16.8%	21.9%	20.6%
School encouraged viewing more than one type of news media, and identifying facts vs. opinions.			2.2%	93.7%	81.0%	13.9%	3.9%	62.3%	83.1%	74.4%	59.0%	35.3%	22.0%	13.0%	32.3%	31.7%
School encouraged critical approaches to fake news targeting marginalised groups.			2.9%	91.3%	80.3%	13.3%	5.2%	67.1%	87.3%	78.6%	65.9%	41.6%	27.2%	21.4%	38.2%	35.8%
School thoroughly challenged the norms of a diverse range of news media.			6.9%	88.2%	83.3%	8.3%	5.6%	71.5%	87.5%	77.8%	72.2%	53.5%	41.0%	23.6%	53.5%	50.0%
Popular culture approach	149.10***	39														
<i>Total N=1,148</i>			42	1051	910	159	61	710	938	842	672	419	277	187	395	384
School only encouraged 'high culture' - classical music, canonical literature, historical figures.			5.4%	88.0%	74.9%	21.0%	7.2%	53.9%	74.3%	59.3%	47.9%	26.3%	21.0%	14.4%	25.7%	26.9%
School used a little 'low culture' (pop music, modern movies, teen celebrities), but not for assessments.			4.7%	91.5%	77.3%	17.7%	7.2%	54.9%	78.8%	66.8%	51.9%	30.7%	16.7%	14.7%	26.4%	29.2%
School embraced 'low culture' even in assessments and especially if it represented marginalised groups.			2.1%	93.0%	81.7%	9.9%	2.9%	69.5%	88.3%	82.0%	65.0%	41.8%	29.2%	17.5%	39.4%	34.7%
School interrogated the systems of privilege behind why some culture is cast as 'high' and some as 'low'.			3.0%	91.9%	82.2%	7.6%	4.6%	68.0%	81.2%	81.7%	68.5%	46.7%	32.0%	18.8%	48.2%	45.2%
Technology approach	136.00***	39														
<i>Total N=1,152</i>			39	1057	914	158	61	715	947	850	677	421	278	189	396	386
School mainly banned technology (e.g. phones) from the classroom or restricted access.			4.2%	92.1%	72.2%	18.9%	8.1%	53.6%	76.4%	66.8%	50.6%	26.3%	16.7%	13.5%	23.3%	25.8%
School allowed technology (e.g. phones) in the classroom if you had it, mainly for learning purposes.			3.2%	92.1%	80.8%	9.9%	2.8%	65.6%	85.2%	77.8%	64.2%	40.2%	25.9%	17.8%	39.5%	37.2%
School supplied technology for all, encouraged technology skills and supported the right to technology.			2.3%	90.4%	87.0%	11.9%	5.0%	66.7%	84.7%	75.9%	60.9%	44.1%	29.9%	17.2%	39.5%	35.6%
School interrogated the pros and cons of many technologies real and imagined, in philosophical debates.			3.9%	92.2%	84.3%	13.7%	5.9%	76.5%	90.2%	84.3%	66.7%	49.0%	39.2%	23.5%	52.9%	52.9%
<i>Note. * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$</i>																

Table 6:

Relationships between the sexuality messages taught at participants' school and social wellbeing impacts.

Social Wellbeing Impact	Pearson Chi-square	df	Percent age of participants who selected: 'Nothing: my school didn't provide it'	'How the body changes at puberty'	'How humans mate and reproduce'	'How sex before marriage is wrong'	'That gay people should become straight'	'About sexual rights and responsibilities'	'About protecting against sexual dangers (STDs, pregnancy)'	'About creating healthy and good relationships'	'About making your own choices on sexual issues'	'About women's rights'	'That experimenting with sexualities and pleasures is okay'	'That homophobia is wrong'	'That males don't have to be 'manly' and females don't have to be 'girly''	'That different cultures have different views on sex'
Participants' experience of impacts from the abuse at school	229.12***	156	37													
<i>Total N=969</i>			37	881	761	139	54	592	784	704	549	353	234	158	337	328
It hasn't affected me at all.			30.8%	36.6%	38.0%	32.4%	21.8%	43.1%	40.9%	41.1%	43.0%	45.0%	46.6%	39.2%	42.1%	42.4%
I couldn't concentrate in class.			38.5%	39.6%	38.4%	48.0%	58.2%	40.9%	42.1%	42.0%	40.1%	37.1%	37.2%	38.0%	41.2%	42.4%
My marks dropped.			23.1%	26.0%	25.4%	30.4%	40.0%	26.4%	26.9%	27.1%	26.4%	24.9%	27.4%	23.4%	27.3%	29.3%
I moved schools.			17.9%	8.7%	8.3%	10.8%	21.8%	8.8%	8.7%	8.7%	8.0%	8.5%	6.4%	5.7%	7.7%	11.3%
I left school altogether.			5.1%	2.5%	1.8%	3.4%	7.3%	2.2%	2.3%	1.6%	2.0%	1.7%	2.1%	3.2%	2.4%	1.8%
I missed classes.			12.8%	17.9%	17.4%	22.3%	25.5%	19.1%	18.2%	17.8%	17.9%	16.7%	16.7%	17.7%	17.8%	21.0%
I missed days.			17.9%	25.5%	24.1%	33.8%	41.8%	26.0%	26.4%	26.0%	26.8%	24.1%	23.1%	25.9%	25.5%	26.2%
I hid at recess/ lunch.			23.1%	24.8%	24.5%	31.1%	49.1%	27.0%	26.5%	26.3%	25.0%	24.1%	24.4%	25.9%	27.0%	27.4%
I couldn't go to the toilet.			7.7%	6.3%	6.0%	9.5%	12.7%	7.4%	6.8%	6.5%	5.3%	5.4%	6.4%	8.2%	6.8%	8.8%
I couldn't use the change-rooms.			7.7%	7.9%	7.8%	8.8%	25.5%	9.1%	8.7%	8.7%	8.4%	7.1%	10.7%	7.0%	9.2%	10.7%
I dropped out of a sport/ extra-curricular activity.			12.8%	11.3%	10.2%	15.5%	23.6%	11.5%	11.1%	11.6%	11.3%	9.3%	7.3%	9.5%	9.5%	10.1%
I became involved in activism.			17.9%	9.6%	9.6%	12.8%	18.2%	9.3%	10.1%	10.4%	9.3%	9.9%	7.7%	16.5%	9.2%	8.5%
Other			15.4%	10.4%	10.5%	16.9%	18.2%	11.0%	10.6%	11.2%	10.2%	11.0%	11.1%	12.7%	8.3%	9.8%
Participants' engagement in harm to self	87.73***	52														
<i>Total N=1,038</i>			39	949	820	148	55	640	842	760	602	383	254	169	358	351
Thought about self-harm.			51.3%	54.4%	53.8%	56.8%	81.8%	51.9%	53.7%	53.3%	53.7%	51.7%	48.8%	56.2%	50.6%	51.3%
Harmed self.			41.0%	38.8%	36.7%	41.9%	61.8%	38.1%	37.9%	38.4%	35.5%	37.1%	37.4%	45.0%	35.8%	40.7%
Thought about suicide.			51.3%	51.0%	49.6%	56.1%	83.6%	49.5%	48.9%	49.6%	47.7%	48.0%	45.3%	53.3%	46.9%	48.4%
Attempted suicide.			28.2%	14.9%	14.0%	16.9%	29.1%	14.7%	13.8%	14.1%	12.5%	13.8%	14.2%	16.6%	15.6%	17.4%
None of the above.			33.3%	34.4%	35.7%	32.4%	14.5%	36.6%	35.2%	34.6%	36.7%	36.3%	39.8%	30.8%	38.5%	36.5%

Note. * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

2.3 2018 Survey Data on the Need to Better Address Gender & Sexuality in Certain Schools

Better addressing body and gender differences and sexual orientation at schools is further important because participants were targeted over these factors in bullying *more than any other issue* (Table 7). Sex/ gender and sexuality were also *the major language theme in Australian school bullying* evident in bullying terms used within schools (Figure 3). Participants were asked the most common insults used by students when bullying someone at school. ‘Gay’ was the top term (199 mentions and 100% relationality). ‘Faggot’ also featured strongly (154 mentions, 77% relationality). Feminine gendered and sexual insults were also common (slut had 182 mentions and 91% relationality to other terms, bitch had 161 mentions and 81% relationality, cunt had 108 mentions and 54% relationality, whore had 53 mentions and 27% relationality). These insult combinations illustrated certain Australian schools have deep problems with supporting same-sex attraction and femininity. Participants who were on the trans-spectrum (whether they were transgender, non-binary or had another gender identity) were around 10% more likely to report social abuse from teachers and other members of the school than cisgender people. They were half as likely to say abuse had not affected them at all (22.2% vs 41% of cisgender participants). Due to the abuse they experienced they were more likely to struggle to concentrate in class (54.5% vs. 41.5%), drop marks (40.4% vs. 26.7%) and miss class (29.3% vs. 18.2%) or days (41.4% vs. 26.3%). Due to the abuse they were also more likely to be unable to use bathrooms (19.2% vs. 5.5%) and change-rooms (22.2% vs. 7.1%); drop out of extra-curricular activities including sports (29.3% vs. 10.4%); move schools (18.2% vs. 9.5%) or drop out completely (9.1% vs. 2.4%). Trans-spectrum participants who had experienced abuse were twice as likely to get involved in activism (22.2% vs. 9.6% of cisgender participants). These results echo findings that trans-spectrum youth fare worse than cisgender youth in schools from other studies, and also that they are now protesting the situation more (Jones & Hillier, 2013).

Table 7:

Traits participants reported students were likely to be targeted for in bullying at school, by mean of likelihood.

Students’ Trait Targeted for Bullying	Mean of participants’ likelihood rating*	Std Deviation	Variance	Count
Body features or shape	1.28	0.72	0.52	1,027
Gender Identity or Expression (how they dressed, mannerisms, hairstyle)	1.26	0.73	0.53	1,007
Sexual Orientation	1.17	0.76	0.58	962
Intelligence (being smart or not)	1.08	0.75	0.57	950
Level or lack of sexual experience	0.95	0.78	0.61	898
Having a disability	0.91	0.82	0.67	878
Cultural tastes (e.g. in music)	0.87	0.74	0.54	893
Other	0.8	0.81	0.66	681
Religious Beliefs	0.66	0.71	0.51	848
Sex (being female or male)	0.65	0.7	0.49	830
Race	0.65	0.7	0.49	886
Age	0.63	0.68	0.47	872
Social Class	0.63	0.73	0.54	826

*Possible highest score of 2, possible lowest score of 0.

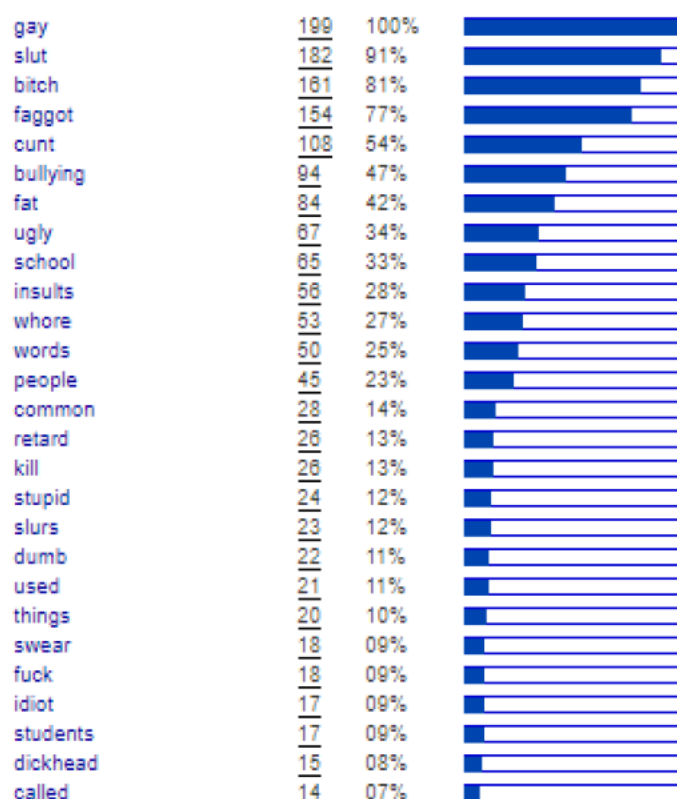


Figure 3: Leximancer ‘concepts list’ for the most common insults used by students when bullying someone at school according to participants (n=888) – this was an open write-in response question.

Participants were asked to rank social issues in order of personal importance for schools to improve their approach (Figure 4). Participants wanted sexuality better addressed at school *more than any other social issue* (30.8% ranked it #1, 23.7% ranked it #2, 13.7% ranked it #3), followed by sex/ gender (19.4% ranked it #1, 29.0% ranked it #2, 14.0% ranked it #3). In sum, Australians recognise the need for change.

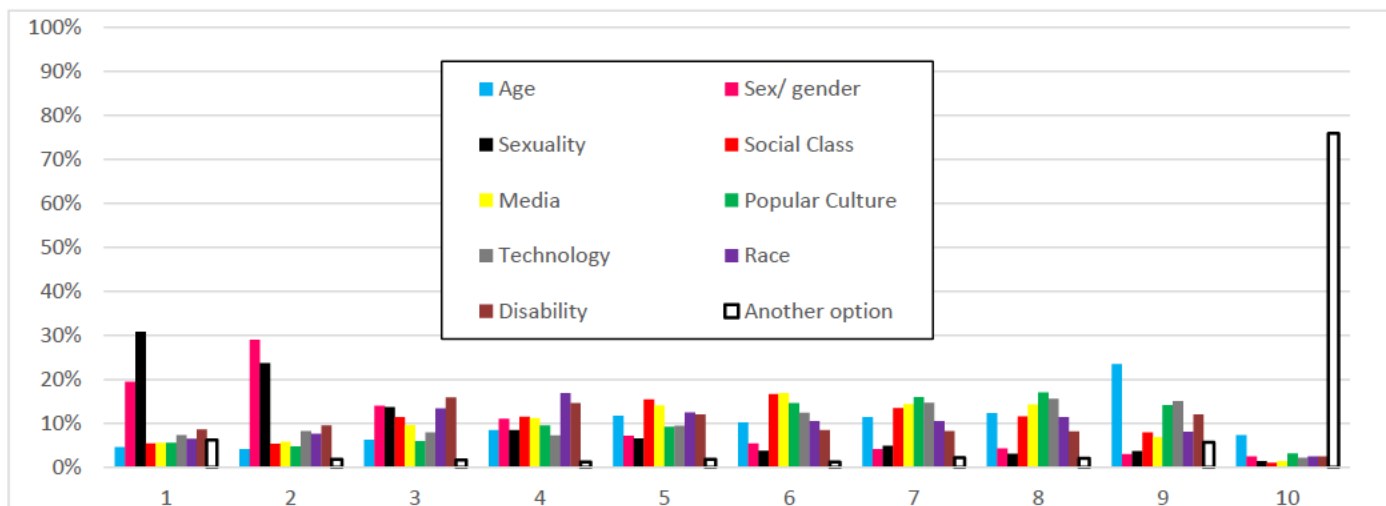


Figure 4: Social issues for schools to address ranked in order of importance #1-10 (n=1,065).

3. Conclusion – Time to Remove the Exemptions

The reason why my previous independent Anglican school was more advanced than a government school was because the students had a bigger say in what should be considered normal in today's society. Therefore the school had to adapt their original traditional sex education towards a more twenty-first century approach (2018 Australian Voices of Experience survey participant).

The data outlined in this submission adds to the author's past submissions on SDA Drafts citing evidence showing that the majority of LGBT students who attended religious schools rated them as homophobic spaces and that many LGBT students in religious schools suffered attempts to be 'converted to heterosexuality' or were forced out of their schools (e.g. in 2012). This submission shows new evidence that this trend continues in Australian religious schools, especially for people on the trans-spectrum. This is despite the fact that conversion attempts are **widely and strongly denounced** by peak psychology bodies (APA Task Force on Appropriate Therapeutic Responses to Sexual Orientation, 2009). Past submissions from the author showed there are significantly fewer policy-based protections for LGBT students in religious schools, which is highly problematic as policy protections are associated with decreased risks of experiencing homophobic and transphobic violence and decreased risks of self-harm and suicide rates for the group (Jones & Hillier, 2012). However the 2018 data shows that anti-LGBT conversion approaches **contribute to harm the wellbeing of not only LGBT students, but most people attending those schools – who are significantly more likely to consider self-harm and suicide, and attempt self-harm and suicide.**

The 2018 data show 'gay' is still the top insult in Australian schools. Trans-spectrum people suffer from more staff targeting just attending school as legally forced. If our nation requires youth to attend school, and insists on funding religious schools, then those schools must be safe. The small portion of **extremist conservative** religious schools of Australia (*not all religious schools, but those taking blatant advantage of the SDA's exemptions which effectively endorse anti-LGBT approaches*) provide an educational environment **lacking in basic social competencies for entering a modern diverse Australia and following its laws outside of the unrealistic 'bubble' of these schools.** We need to ensure safety and better citizenship education at these schools. Not only for LGBTs, but for *all students* experiencing the wellbeing and educational deficits of discrimination on gender identity, gender expression and sexual orientation.

The removal of exemptions for religious schools from the SDA is justified by:

- The need for consistency with international human rights legislation;
- The need for Australian regional leadership on this dire rights issue in the Asia-Pacific;
- The need for consistency with the Australian constitution;
- Past and current research findings on the problematic educational environments created by the most extreme religious schools now exempt from an anti-discrimination approach;
- Past and current research findings on the significant wellbeing impacts associated with the most extreme religious environments for LGBT students and for **people generally, if subjected to anti-LGBT approaches.**

The Senate Legal and Constitutional Affairs Committee should call for protection against discrimination on the basis of sexual orientation, gender identity and gender expression to be **required for Australian religious schools** in the SDA. This submission recommends withdrawal of the anti-discrimination exemptions for Australian faith-based educational institutions. This includes: repeal of the section 38(3) exemption; inserting clarification that the exception provided in section 37((1)(d) does not apply to the treatment of students, teachers or staff by faith-based educational institutions; abandoning proposed amendments to section 7B(2).

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