Impacts of Australian Policies on LGBTIQ Student Rights

Tiffany Jones

> The legal obligations of States to safeguard the human rights of LGBT and intersex people[1] 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. All people, irrespective of sex, sexual orientation or gender identity, are entitled to enjoy the protections provided for by international human rights law, including in respect of rights to life, security of person and privacy, the right to be free from torture, arbitrary arrest and detention, the right to be free from discrimination and the right to freedom of expression, association and peaceful assembly (United Nations, 2012, page 10).

In June 2011, the United Nations (UN) Human Rights Council adopted resolution 17/19 – the first United Nations resolution on human rights, sexual orientation and gender identity. It received support from Human Rights Council members from all key regions. The UN has placed pressure on all countries, including Australia, to support greater recognition of discrimination on the basis of sexual orientation, gender identity, gender expression and intersex status in direct legislative provisions (UN Human Rights Council, 2011; United Nations, 2012; United Nations High Commissioner for Human Rights, 2011).

LGBTIQ Rights in Education

Lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) students are largely overlooked in education efforts around the world (Carlson, 1992; Moran, 2000; Sears, 2005; Stieglitz, 2010). There exist controversies about their inclusion even in "progressive" countries like Australia (Kissane, 2009; Marr, 2011). A national survey of Australian secondary school students found that about 10 percent of students are same-sex attracted (Smith, Agius, Mitchell, Barrett, & Pitts, 2009). Bisexuality may count for upwards of one-third of young people's sexual experiences (Sears, 2005, page xx).

Also, 1.7 percent of students are "born intersex" and a growing number have "transgender," "genderqueer" and "variant" gender identities (Carroll, 2005a, 2005b). Thus, at least one tenth and perhaps over one third of Australian students may find LGBTIQ-themed topics personally relevant. Moreover, many students (regardless of whether or not they identify as LGBTIQ) experience homophobic bullying.

In 2011, two hundred UN member-states attended a panel discussion held in New York entitled "Stop Bullying – Ending Violence and Discrimination Based on Sexual Orientation and Gender Identity." There the UN Secretary-General Ban Ki Moon contended:

> Bullying of this kind is not restricted to a few countries but goes on in schools […] in all parts of the world. This is a moral outrage, a grave violation to human rights and a public health crisis (UN Secretary-General, 2011).

The United Nations Educational, Scientific and Cultural Organization (UNESCO) held the First International Consultation on Homophobic Bullying in Educational Institutions in Rio de Janiero, Brazil on 6-9 December 2011. The event was attended by government and non-governmental representatives and education research experts on the topic from key continents (US National Commission for UNESCO, 2011) – including myself – who collaborated to create the *Rio Statement on Homophobic Bullying and Education for All* (UNESCO, 2011). The statement, released on the 2011 International Human Rights Day, stated that the right to education must not be "curtailed by discrimination on the basis of sexual orientation or gender identity." The Global Safe Schools Coalition was formed and had several meetings (Brazil 2011, Paris 2012, South Africa 2012, Argentina 2013, etc.) with representatives of UNESCO and US government funding and leadership. Goals have been set by the network for collaborating on research, policy and resource development. Its publications have included a review of key international research (UNESCO, 2012b), educational policy guidelines (UNESCO, 2012a), videos, resources and other texts for use in schools and teacher education around the world.

Backlash to LGBTIQ Student Rights

The US, the UK and Australia have embraced their role in the Transnational LGBTIQ Rights Movement.[2] They have developed foreign policies on international investigation, diplomatic pressure, boycott and restriction of aid to countries in lower socio-economic level based on LGBTIQ anti-discrimination achievements (Pace, 2013; Pollard, 2013; Robinson, 2011). The US has particularly contributed funds to Global Network's gatherings – thus gaining a privileged role in determining who is funded for which events, which goals would be pursued and how (Edwards, Fisher, & Reynolds, 2007). Representatives from countries such as Ireland, Brazil, Finland, South Africa and Israel have been quite active in promoting collaborative policy developments.

However, there has been significant global tension, resistance and backlash to their efforts. Russia banned "homosexual propaganda" in schools, with President Vladimir Putin directly declaring his aim to prevent the "interference" of "certain countries" on Russian children, schooling and governance (ACARA, 2012; Jenkin, 2012). Many African governments have been outraged at the attempts at Western influence (Douglas, 2012; Pflanz, 2011; Rehman, Lazer, Benet, Schaefer, & Melman, 1999; Robinson, 2011) on the LGBTIQ issue. Ugandan politicians cited foreign influence as a motivation in introducing what was termed the "kill the gays bill" (Fisher, 2012; Phoon, 2010), Nigerian educators have been said to construe new homosexual identities as a foreign import in ways that erase the work on culturally-specific LGBTIQ sexualities in their cultural history (Igwe, 2009). India rejected recommendations to combat school homophobic violence and Poland committed to protect "the natural family and marriage" from the movement (Fisher, 2012). In Taiwan, the Ministry of Education released a memo about thwarting the development of homosexual students (*The China Post,* 2010). While in 2011 it did plan to bring reform and promote homosexual equity education in primary schools according to the Gender Equity Education Act (性別平等教育法), it backed down in 2012 following protests from conservative groups. (Chi-wei, 2012)

At the Third International Human Rights Education Conference in Poland in 2012, homosexuals were directly likened to "animals" by one invited keynote speaker. Several attendees (including myself) walked out in protest, but considering the room was packed with "human rights educa-

tion advocates" there was surprisingly little outcry. Just because LGBTIQ education issues have been acknowledged by the UN, UNESCO, and now for the first time as a direct theme in the Fourth International Human Rights Education Conference (for this development I commend the organizers), it should not be assumed that LGBTIQ students' rights are widely supported – even by human rights educators. Many education bodies and even some individual human rights advocates (particularly those more concerned with the right to freedom of religion) *refute* the need for educational policies protecting LGBTIQ students on the basis of "moral" rejections. Others remain unconvinced of the potential for such policies to have any impact. For those who do not see the need to protect LGBTIQ students, or believe they cannot be protected, I now provide information from my Australian study regarding these students' experiences at school and the power of policy.

Study on Australian Students

This study aimed to explore the usefulness of constructions of LGBTIQ students in the dominant discourses of Australian secondary schooling educational policy. It specifically answered the following research questions:

1. What are the dominant discourses on LGBTIQ students in Australian educational policies?
2. How were the students constructed in the policies?
3. Were these approaches useful in combatting discrimination or negative wellbeing issues for LGBTIQ students?

In this study I took an emancipatory approach to the topic, conducting the research towards the interests of LGBTIQ students and therefore privileging the view that if such students experienced policy protection as somehow useful (directly or indirectly) then relevant educational policy was necessary, and vice versa.

I employed a mixed method based on Critical Discourse Analysis (CDA) attributed to Fairclough's *Language and Power* and subsequent texts (Fairclough, 1989, 1992, 1998, 2000), and drawing on post-structuralism and critical linguistics. Fairclough's approach analyses discourse as a social practice that is potentially discernible in texts, interactive practices and contextual practices. The study drew on three data sources and reflected on the relationships between them. These were:

i. data from the third national survey of Australian LGBTIQ young people aged 14-21, collected for the Writing Themselves In 3 project (Hillier et al., 2010; Jones & Hillier, 2012) [3]

ii. over eighty Australian policy documents that relate directly or indirectly to the sexuality education of LGBTIQ students (mainly from national, state-specific and independent education provider websites); and

iii. eight confidential interviews with relevant policy informants from key state-level education departments, policy committees and advocacy agencies. The paper focuses specifically on data from Victoria, New South Wales and Queensland.

Results of the Study

Policies, Discourses, Constructions

Australian educational policies on LGBTIQ students comprised varied terrain at the time the study took place in 2010. At the time there was no national anti-discrimination law protecting LGBTIQ people in Australia, so there was no national protection for students. The first goal of the *Melbourne Declaration on Educational Goals for Young Australians* (MCEETYA, 2008) outlined a commitment from all governments to ensure an education service free from discrimination based on "gender" and "sexual orientation," among other traits (page 7). Yet its action plan omitted this focus, so that the Declaration's reference to orientation "surprised" most policy informants interviewed (from policy officers to activists) and had not been enforced. LGBTIQ student issues were absent from national independent sector policies.

Eight Australian states and territories banned discrimination on the basis of sexual orientation. Most states also banned discrimination on the basis of gender identity, except the Northern Territory and Tasmania.[4] However, there were exemptions for religious schools in all state laws. Only two state education sectors had direct policy protection for LGBTIQ students: New South Wales' (NSW) government schools and Victoria's (VIC) government schools. In NSW there was a direct one-page memo-style policy against homophobia in schools (Boston, 1997). This memo reminded principals in 1997 of state anti-discrimination law on grounds including "homosexuality", requiring them to "address homophobia" through student welfare and Personal Development, Health and Physical Education (PDHPE)/ sex education cur-

riculums. It had become an online policy. It featured an Anti-Discrimination Discourse's legal framing of sexuality as a potential discrimination ground in its vocabulary, grammar and textual structures. It framed LGBTIQ students as "potential victims" to be protected from violence according to law, and as "potential complainants" in schools who could potentially sue the school.

Investigation of the development of the policy through key informants and reports revealed that it was, itself, the result of such a lawsuit. The year it was issued a young gay student Christopher Tsakalos had provided evidence of discrimination in court proceedings against the New South Wales Department of Education and Training (DET) and Cranebrook High School; detailing his experience of weekly bashings by large groups of students (Kendall & Sidebotham, 2004). The action against the DET was settled with Tsakalos returning to school and implementing anti-homophobia training; damages were sought from the school for its breach of duty of care (Kendall & Sidebotham, 2004). The case set a precedent and Director General Ken Boston issued the policy memorandum and advised that the DET would gather information on the incidence of homophobia in secondary schools (Thonemann, 1999).

The NSW DET investigated two schools (using forty one interviews with staff members and students) to understand the enabling conditions for teaching about homophobia, and recommendations were made for teacher training and the mainstreaming of gender and homophobia as educational issues (Thonemann, 1999). The state also mandated sex education to combat homophobia (Board of Studies NSW, 2003; Catholic Education Commission NSW, 2004), and required formal democratic teaching approaches around "controversial issues" (NSW Government, 1983). A policy officer informant identified the NSW Anti-Homophobia Interagency (AHI, which includes for example the NSW DET, Police and Twenty10 GLBT Youth Support) and the Network of Government Agencies (NOGA, chaired by the Attorney General's Department), as key structures enabling the recommendations to be tackled via conferences, research and training.

Victoria (VIC) featured the most explicit pro-diversity policies in the public sector; principally the eight-page *Supporting Sexual Diversity in Schools* (VIC Government, 2008) and large sections on gender identity and sexuality in other policies (VIC Government, 2007, 2010). These policies mobilized Safe and Supportive Spaces Discourse's framing of sexuality as safety issue, and constructed LGBTIQ students as having their psychological

wellbeing endangered when subjected to unsupportive environments. The policies also, to a lesser extent, showed features of Anti-Discrimination, Inclusive Education and Diversity Education Discourses in their vocabulary, grammar and textual structures.

The Victorian policies were the result of highly publicized research on homophobia and activism in the late nineties and start of the new millennium, according to key policy informants. A research report had highlighted problems for LGBTIQ youth in schools. Initially, one researcher said, the Victorian Education Department at the time "fought us on the front of the newspaper." Shortly after, a new Labor government made a pre-election promise to Victorian LGBTIQ voters to establish an LGBTIQ Health Ministerial Advisory Committee (MACGLH) if elected. A policy committee member informant explained that key gay activist Labor party members used their influence to deliver the promise. The party was elected in 1999, the MACGLH was established in 2000, and over time the members created action plans and influenced politicians to consider LGBTIQ students' needs. By 2005, the MACGLH pressured the Education Department's Student Wellbeing Branch to include homophobic abuse in anti-bullying policies. Initially, MACGLH informants said the department staff members were resistant to developing the policies, but the activists repeatedly brought up the issue. They organized a private data briefing with researchers on homophobic bullying to further convince the staff. Ultimately, informants say "the nagging and the data" led to the inclusion of strategies against homophobic bullying in the subsequent anti-bullying educational policies. Victorian policy staff said policies on LGBTIQ students no longer have to go through as much "tape" because the sector had started to become more pro-active on the issue.

Several Victorian policy committee informants argued that the MACGLH, LGBTIQ rights champions and the use of research underscored Victoria's extensive policy achievements. Such public evidence and political support is now impacting other states to turn the tide in favor of LGBTIQ students' rights. Victoria also had a Safe Schools Coalition funded by the Victorian Government, which educates schools on LGBTIQ issues and requires that members develop anti-homophobia policies at the school-level, and engage in particular strategies to support LGBTIQ people (such as treating same sex couples equally at school dances and formal events, engaging in anti-bullying education and so on).

LQBTIQ Student Demographics

The national survey data on Australian LGBTIQ young people aged 14-21 exposed particular identity trends for the group. Of the 3,134 participants, 56.35 percent were female, 40.36 percent male, and 2.90 percent "gender questioning" (genderqueer, transgender or "other" categories[5]). Over one third of the students had known their sexual identity before puberty. Concerning sexual identity; 55.87 percent identified as gay/lesbian/homosexual, 28.10 percent bisexual, 5.26 percent questioning, 4.18 percent queer, and 4.18 percent gave an alternative response such as pansexual.[6] Another 1.12 percent identified as "heterosexual," but included themselves in the survey due to feelings of same sex attraction or because they questioned their gender status. Girls were less likely to identify as homosexual than boys (38.52 percent of girls vs. 82.42 percent of boys were homosexual) but more likely to identify as bisexual (43.58 percent of girls vs. 9.42 percent of boys were bisexual). The "gender questioning" group was more evenly divided in their identifications (28.89 percent were gay/homosexual/lesbian, 24.44 percent queer, 22.22 percent bisexual, and 20.00 percent 'other').

Survey participants were asked what type of school they attended/attended most recently. The 3,094 responses mimicked broader Australian demographics: 65.16 percent attended government schools, 17.58 percent Catholic schools, and 11.86 percent other Christian schools. The remainder attended Jewish, Steiner, Islamic, secular private, and other schools. In total, 60.61 percent of LGBTIQ students reported having experienced verbal homophobic abuse (70.22 percent of boys, 53.39 percent of girls and 65.93 percent gender questioning youth), and 18.07 percent had experienced physical homophobic abuse (23.17 percent of boys, 13.72 percent of girls, and 30.77 percent gender questioning youth). Further, 26.08 percent reported other forms of homophobia including rumors, graffiti and cyber-bullying (75.72 percent of boys, 63.92 percent of girls, and 81.32 percent gender questioning youth). Of those who were abused, 80.00 percent underwent the experience(s) at school.

Therefore, while LGBTIQ students are present in all Australian education sectors (primary, secondary and higher), they are not always welcome there. Overall, the homophobic abuse has significantly increased since previous national surveys in the past decade or so (Hillier et al., 1998; Hillier, Turner, & Mitchell, 2005). I speculate that this increase in general violence against

LGBTIQ students in Australia could possibly be related to the fact that more LGBTIQ students come out in Australia now at younger ages as opposed to remaining closeted (as was more common in the past), so that they are therefore a more "visible" target. It could also perhaps be due to the homophobic backlash in the Australian media against LGBTIQ marriage rights advocacy and anti-discrimination efforts by activists, which appears to have created a period of volatile and divisive change in the country, such that while more people are speaking out "for" LGBTIQ students, more people are also speaking out "against" them – including local politicians and religious leaders – in ways which could be a contributing factor towards violence.

The Impacts of Policies for LGBTIQ Students

LGBTIQ students' schooling experiences were impacted by particular state and sector-specific contexts. Participants were asked if their school had policies that protect them against homophobia: 42.95 percent selected "Don't Know," 31.80 percent selected "No," and 25.25 percent selected "Yes" (N=3,101). The LGBTIQ students who attended government schools were more likely ($p < 0.001$, $\chi2=36.510$, $df=4$) to report policy-based protection (26.46 percent), and less likely to report they were not protected (28.99 percent). Lower percentages of LGBTIQ students who attended religious schools reported policy protections; for example Christian schools (23.77 percent) and Catholic schools (19.30 percent). This decrease reflected legal and policy contexts.

Another highly significant factor influencing perceived policy protection was state, in a comparison of Victoria, NSW and Queensland ($p < 0.001$, $\chi2=25.290$, $df=4$). Although through those (and all) states more LGBTIQ students "didn't know," the highest percentage of LGBTIQ students who perceived themselves as protected by policies came from Victoria (29.79 percent). They were followed by those from NSW (26.53 percent). This reflected how those two states had direct protections in place, and particularly the way in which Victoria had more policies. It appeared direct policy protections did translate into increased protection for LGBTIQ students according to these correlational data. Both states had lower percentages of students who believed themselves to not be protected by school policy (Victoria - 29.36 percent, NSW- 31.16 percent). In Queensland, a reduced portion of

LGBTIQ students were protected by policy (19.45 percent). Queensland also had the greatest percentage of students who reported that they were not protected (38.73 percent). Therefore, it appeared LGBTIQ students' sense of security at school was indeed related to direct state-level policy protections.

Breaking down the statistic further by distinct sectors; more LGBTIQ students who attended Victorian government schools reported that there were policy protections than did not (31.93 percent yes, 26.01 percent no). On the other hand, smaller percentages of LGBTIQ students who attended Victorian Catholic schools reported there were policy protections (20.69 percent yes, 36.78 percent no). Pointedly, LGBTIQ students attending the NSW other Christian independent schools were much more likely to report their school did not have protection than those students in other sectors (12.66 percent yes, 54.43 percent no). Therefore, it appeared that school policy-based protection of LGBTIQ students did to some extent 'trickle down' to students' reporting of school-level policy, although the existence of sector or state-level policy-based protection did not directly determine student perceptions of protection or actual school-level policies.

Messages Received by LGBTIQ Students

The sexuality messages that students received inside classrooms were also related to policy contexts. Survey participants could select from fourteen key sexuality messages that they received in their classes. These messages were abridged versions of school sexuality education discourses resultant from a broader literature review on the history of international sexuality education (detailed in Jones, 2011a; Jones, 2011b). The overwhelming majority selected a specific combination of messages; particularly 'How the body changes at puberty' (87.50 percent received this message) – showing the dominance of Physical Hygiene Discourse. Other popular messages were 'About protecting against sexual dangers' (STDs, pregnancy) (84.59 percent) and 'How humans mate and reproduce' (84.59 percent); messages typical of Sexual Risk and Biological Science Discourses.

Therefore, Australian lessons (from the perspectives of LGBTIQ students) clearly privileged both conservative discourses and liberal discourses. These discourses focused on the "normative" sexual development of males' and females' physiques, heterosexual breeding and sexual risks. These themes excluded LGBTIQ identities, issues and pleasures. More criti-

cal discourses (including anti-homophobia messages) and post-modern discourses (such as messages disrupting the requirement of normative gender performances by boys and girls) did not prevail. Distressingly, some LGBTIQ students received no education on sexuality at all, or were taught that sex outside of marriage was wrong (in a country where same sex marriage is not legal). In addition, just under one tenth of Australian LGBTIQ students were being taught to convert to heterosexuality (a damaging message strongly denounced by the APA Task Force on Appropriate Therapeutic Responses to Sexual Orientation, 2009).

Policy-based Protection

A range of strong associations suggested that policy-based protection can make a positive difference for Australian LGBTIQ students (see Table 1). Firstly, policy-based protection had highly significant relationships with reduced likelihood of thinking about self-harm, actual self-harm, suicidal ideation and attempted suicide. Generally, 36.92 percent of students had thought about self-harm. But only 31.55 percent of LGBTIQ students who were aware of policy-based protection against homophobia at school had these thoughts, compared to 46.55 percent who said their school had no policy, and 32.96 percent who did not know.

Table 1. Relationships between LGBTIQ Students' Perceived School Policy Protection and Psycho-social Measures

Psycho-social Measures	Pearson Chi-Square	df
Thought about engaging in self-harm (N=3,101)	57.964***	2
Self-harmed (N=3,101)	43.000***	2
Thought about attempting suicide (N=3,101)	65.493***	2
Attempted suicide (N=3,101)	37.787***	2
How safe they feel at school (N=2,994)	201.966***	4
How they feel about their sexuality (N=3,095)	24.679***	4
Overall rating of their school as supportive (N=3,003)	595.892***	4

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

Likewise, 30.80 percent had self-harmed in total, but only 25.67 percent of LGBTIQ students who were aware of policy-based protection against homophobia at school had done so, compared to 38.64 percent who said their school had no policy, and 28.00 percent who did not know. Additionally, while 37.02 percent of students had thought about suicide overall, only 34.10 percent of LGBTIQ students who were aware of policy-based protection against homophobia at school had done so, compared to 47.16 percent who said their school had no policy, and 31.23 percent who did not know. While 16.54 percent had attempted suicide, only 12.77 percent of LGBTIQ students who were aware of policy-based protection against homophobia at school had done so, compared to 22.21 percent who said their school had no policy, and 14.56 percent who did not know. Thus, well-promoted school policy protection against homophobia appeared to contribute to a context that decreased LGBTIQ students' suicide and self-harm risks.

Secondly, policy-based protection had a highly significant relationship with LGBTIQ students' increased feelings of safety at school. In total, 61.29 percent felt safe at school; however, 75.07 percent of LGBTIQ students who were aware of policy-based protection against homophobia at school felt safe there (compared to 46.11 percent who said their school had no policy, and 64.19 percent who did not know). In total, 11.96 percent of LGBTIQ students felt unsafe at school reducing to only 6.04 percent of students who reported school policy protection feeling unsafe, (compared to 21.83 percent of students who reported no policy protection, and 8.28 percent who were unsure). Therefore, perceived policy protection appears to contribute to a context in which students feel safe, and decreases their sense of danger.

Thirdly, policy protection had a highly significant relationship with students feeling good about their sexuality. Generally, 78.74 percent felt good about their sexuality. Yet 84.53 percent of LGBTIQ students who were aware of policy-based protection against homophobia at school felt good about it, compared to 77.66 percent who said their school had no policy, and 76.13 percent who did not know. In addition, 3.72 percent felt bad in total. This included 2.56 percent of LGBTIQ students reporting awareness of policy, 4.67 percent reporting no policy, and 3.69 percent who were not sure. Thus, perceived policy protection appears to contribute to a context where students feel safer, and their sense of endangerment decreases.

Lastly, from Table 1, policy protection had the most highly significant relationship of all correlations with the students' rating of their school as supportive. These data come from a question asking the students to rank

their school on a five-point scale from homophobic to supportive. Of the 1,156 students who classified their school on the homophobic end of the scale, the majority (51.80 percent) reported there was no anti-homophobia policy at their school (35.60 percent did not know, and only 12.60 percent reported there was a policy). Of the 1,269 students who classified their school as neutral, the majority (53.10 percent) did not know if there was an anti-homophobia policy at their school while the rest were evenly divided (23.90 percent reported no policy, and 23.00 percent reported there was a policy). Yet of five hundred seventy eight students who classified their school on the supportive end of the scale, the majority (55.70 percent) knew there was an anti-homophobia policy at their school (33.90 percent did not know and only 10.40 percent reported no policy). This suggests that policy protection is positively related to LGBTIQ students' appraisal of their schools, and is useful as a factor in making them feel "supported by their school" or contributing to "supportive environments." In addition, the presence of known policy lessens the likelihood schools will be experienced as "homophobic." Some LGBTIQ students' awareness of policies may mediate their impression of their schools directly. However, data on reduced homophobic abuse in schools with policy protection (see Table 2) suggest protection from homophobic abuse itself, at the ground-level, could be the key contribution of policy. Schools with known policy protection featured less verbal, physical and other types of homophobic abuse. This lessened abuse likely decreases negative impacts for students, including their willingness to self-harm.

Table 2. Relationships between LGBTIQ Students' Perceived School Policy Protection and Homophobic Abuse

Abuse Type	Pearson Chi-Square	df	Percentage of students abused at school whose school had policy:	Percentage of students abused at school unsure of policy context:	Percentage of students abused at school whose school had no policy:
Verbal homophobic abuse (N=1,876)	35.253***	2	25.18%	36.62%	38.20%
Physical homophobic abuse (N=561)	18.283***	2	23.20%	29.40%	47.40%
Other types of homophobic abuse (N=2,143)	26.842***	2	25.12%	37.25%	37.63%

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

Conclusions

The data suggested the value of distinct, well-promoted educational policies that directly provide LGBTIQ students with protection from homophobic discrimination and bullying. Such educational policies ideally contain a direct anti-homophobia message, and encourage the promotion of the well-being of LGBTIQ students. Like the Victorian model, they should also make recommendations for specific features of schools which create supportive school environments through messages of inclusion and affirmation (supportive posters and displays, library resources, equal treatment of same sex partners at events, flexible options in gendered uniforms, and the dissemination of information about counselling).

The research presented in this article has been subsequently used to successfully advocate for national protection for LGBTIQ students through an amendment to Australia's national anti-discrimination law (Jones, 2013a; The Senate Legal and Constitutional Affairs Legislation Committee, 2013). However, despite my own and other advocates' efforts, exemptions were allowed for religious schools, except in their service provision to intersex students (who were seen as biologically different from other LGBTIQ students and not a particular challenge to religious dogma). I maintain that exemptions for religious schools in anti-discrimination laws should be removed. It is not necessary for the religious institutions, school staff and parents to discriminate against students in educational provisions (by ignoring bullying against them, seeking their expulsion or otherwise) in order to express their faith. Protection can be extended to LGBTIQ students in ways that are congruent with the moralities at the heart of various faiths through a focus on safety, love, kindness and other concepts. As UN Leadership have argued:

> [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. 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).

The research discussed in this paper has also been used to advocate for and develop policy provisions in several Australian states which previ-

ously lacked such guidelines. For example, there have been developments in states including Queensland (Jones, 2013b), Tasmania (Jones, 2012a; TAS Department of Education, 2012), Western Australia (Jones, 2012b; WA Equal Opportunity Commission, 2012) and South Australia (SA Department for Education and Child Development, 2011). It has been useful to encourage sectors to look to best practice models in Victoria in particular in their policy development processes, and to include local LGBTIQ stakeholders and parents groups in their preparation.

In the Australian Capital Territory (ACT) Education Minister Andrew Barr asserted that the research served as inspiration for "ramping up efforts to stamp out homophobia in ACT schools" in other ways (Barr, 2011). In addition to developing policies and guidelines, sector leadership is encouraged to also support sexual and gender diversity through curriculums, resources and equal treatment at events. Teacher educators and school staff are encouraged to police homophobia and provide an inclusive environment for LGBTIQ students.

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Endnotes

[1]My emphasis.

[2]Some of these findings were previously reported in the journal *Sex Education.*

[3]This online survey questioned self-identified Australian same sex attracted and gender questioning young people aged 14-21 from all Australian states and territories about their health and wellbeing. A total of 3,134 (valid) surveys were collected and analyzed, and a full report (including discussion on ethics, methodology, recruitment, findings and a copy of the questionnaire) is available at www.latrobe.edu.au/ssay/assets/downloads/wti3_web_sml.pdf.

[4]Grounds are termed 'sexuality' in the Northern Territory and homosexuality, bisexuality or transsexuality' in Tasmania.

[5]Other categories included 'intersex', 'not sure', 'somewhere in between' and 'no gender'. Some 'gender questioning' students questioned not themselves, but the concept of gender.

[6]Most commonly 'pansexual', 'bi-romantic', 'myself' or a direct refusal of labels altogether.