

## Religious Educational Institutions and Anti-Discrimination Laws

### Submission from the Black Dog Institute

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The Black Dog Institute thanks the Australian Law Reform Commission (ALRC) for the opportunity to submit evidence and recommendations for the Review of Religious Educational Institutions and Anti-Discrimination Laws. As Australia's only Medical Research Institute to focus on mental health across the lifespan, the issue of discrimination in schools and its downstream mental health effects are of great concern for the Black Dog Institute.

We support the ALRC's proposed reforms to Commonwealth anti-discrimination law to better protect students and teachers, by removing exemptions currently available to religious educational institutions under federal law.

Our submission provides strong evidence of significant mental health impacts of discrimination on the mental health and wellbeing of school-aged young people, particularly young people of LGBTQIA+ identity. The following data comes from our Future Proofing study, one of Australia's largest and most recent longitudinal studies into the mental health of school-aged young people, with a sample size of 6388 students, surveyed across 2019-2022<sup>1</sup>.

#### Proportion of Australian students who identify as LGBTQIA+

- 12.5% of surveyed students identified as **sexuality diverse** (gay, lesbian, bisexual, pansexual or asexual).
- 3.2% of surveyed students identified as **gender diverse** (trans\* and non-binary).

#### Mental health vulnerability of LGBTQIA+ identifying students

- Sexuality and gender diverse students have **significantly higher rates of depression, anxiety, self-harm and suicidal ideation**, compared to the student average.
- **Depression:** 43.5% of sexuality diverse students and 58.9% of gender diverse students report clinically significant symptoms of depression, compared with the student average of 15.1%.
- **Anxiety:** 43.1% of sexuality diverse students and 53.5% of gender diverse students report clinically significant symptoms of anxiety, compared with the student average of 18.6%.
- **Self-harm:** 50.8% of LGBTQIA+ identifying students have engaged in self-harm, compared to 16.7% of non- LGBTQIA+ identifying students.
- **Suicidal ideation:** 25.7% of LGBTQIA+ identifying students have considered suicide in the last 12 months, compared to 6.4% of non- LGBTQIA+ identifying students.

#### Bullying and safety in schools for LGBTQIA+ identifying students

- LGBTQIA+ identifying students, on average, report feeling **less safe in their school environment** and report **higher levels of bullying**.
- **Bullying:** LGBTQIA+ identifying students reported being twice as likely to experience regular bullying compared to non-LGBTQIA+ identifying students (22.9%, compared with 10.1%).
- **School safety:** Only 34.7% of LGBTQIA+ identifying students reported feeling 'always safe' in their schools, compared with 54.9% in non-LGBTQIA+ identifying students.

#### Effect of discrimination on the mental health of LGBTQIA+ identifying students

- There is a clear link between experience of discrimination on the basis of gender and sexuality, and negative mental health impacts on LGBTQIA+ identifying students.
- Data from the Growing up in Australia study shows 1 in 3 teenagers experience discrimination<sup>2</sup>. It found that those who experience discrimination are at significantly higher risk of depression, anxiety, self-harm and suicide.
- Findings from the Future Proofing Study showed that LGBTQIA+ students were 7 times more likely to report discrimination as their top concern, compared to cisgender-heterosexual students.

**Recommendation:** Given the evidence presented, we recommend the ALRC implement its proposed changes to Australia's anti-discrimination laws, acknowledging the negative mental health impacts current exclusions have on LGBTQIA+ students.

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<sup>1</sup> Werner-Seidler, A., Maston, K., Calear, A. L., Batterham, P. J., Larsen, M. E., Torok, M., O'Dea, B., Huckvale, K., Beames, J. R., Brown, L., Fujimoto, H., Bartholomew, A., Bal, D., Schweizer, S., Skinner, S. R., Steinbeck, K., Ratcliffe, J., Oei, J.-L., Venkatesh, S., ... Christensen, H. (2022). The Future Proofing Study: Design, methods and baseline characteristics of a prospective cohort study of the mental health of Australian adolescents. *International Journal of Methods in Psychiatric Research*, e1954. <https://doi.org/10.1002/mpr.1954>

<sup>2</sup> Evans-Whipp, T. (2021). Teenagers' experiences of discrimination. (Growing Up in Australia Snapshot Series - Issue 1). Melbourne: Australian Institute of Family Studies.