



PROHIBITION OF CONVERSION PRACTICES IN THE ACT

FACTSHEET

The ACT Government is committed to ensuring all Canberrans are safe and have the equal protection of the law and full respect for their human rights. This is why the government is implementing a new reform to prevent harm caused by sexuality and gender identity conversion practices.

What are “conversion practices”?

Conversion practices are practices which seek to change or suppress an individual’s gender identity or sexual orientation. These practices are generally grounded in beliefs that all people are born with the potential to develop into heterosexual people, and that gender identity must accord with biological sex.

How are conversion practices harmful?

Changing a person’s sexual orientation, gender identity and/or gender expression has the potential to cause harm. Practices with these objectives are not supported in the medical or psychological professional communities.

Evidence shows that conversion practices can cause:

- > depression, suicidality, and anxiety
- > decreased sexual function and capacity for intimacy
- > poor self-esteem
- > social isolation

Surveys of people who have undergone these practices show that many have experienced long-lasting psychological effects. In addition, promoting efforts to change a person’s sexual orientation and gender identity contributes to negative social stigma.

Is Canberra’s LGBT community vulnerable to conversion practices?

The 2018 report *Preventing Harm, Promoting Justice* estimates up to 10 percent of LGBT Australians are still vulnerable to conversion practices.

There are at least 10 organisations across Australia and New Zealand that are currently advertising the provision of conversion practices. Evidence suggests that some Canberrans are still being subjected to harmful practices.

Will the ban stop Canberrans from making their own choices?

The prohibition of conversion practices aims to prevent harm and protect children and ensure all human rights are protected, as set out in the Human Rights Act 2004 (ACT).

The prohibition will not prevent legitimate services related to the free development and/or affirmation of a person’s sexual orientation, gender identity and/or gender expression.

What has been decided so far?

Conversion practices will be prohibited in the ACT.

The government is exploring several legal methods to implement the prohibition in practice, such as through the Human Rights Commission’s complaints jurisdiction, creation of criminal offences, regulating health practitioners, and treating conversion practices as a form of abuse or neglect of children under the *Children and Young People Act*.

The best solution will likely involve a combination of approaches.

An option for implementing the ban

The ACT Government is planning to introduce legislation in 2020 that would:

- > prohibit any person from conducting conversion practices on any other person
- > give the ACT Human Rights Commission jurisdiction to handle complaints about such practices if they continue.

The kinds of practices likely to be prohibited are: *any practice or treatment by any person that seeks to change, suppress and/or eliminate a person's sexual orientation, gender identity and/or gender expressions.*

The prohibition **will not** include any practice or treatment that does not seek to change a person's sexual orientation, gender identity and/or gender expression, or a practice which:

- > provides assistance to an individual undergoing a gender transition
- > provides acceptance, support and understanding for a person's identity exploration and development (including sexual orientation-neutral interventions)
- > seeks to prevent or address unsafe sexual practices, providing the counselling does not seek to change the person's sexual orientation, gender identity and/or gender expressions.

The prohibition would operate through the existing complaints framework of the ACT Human Rights Commission.

The government is also considering making it a criminal offence to conduct conversion practices on a child or an adult unable to give their own consent, or to take them outside the ACT to conduct conversion practices.

What feedback is the government looking for?

We would like to hear your views on the best way to implement this legislated ban on conversion practices.

You may like to consider some of the following questions to help you think about the issues.

1. Does the proposed definition of conversion practices cover the right range of actions and activities?
2. What penalties do you think are appropriate to support enforcement of the ban on conversion practices?
3. What penalties should apply to professionals, given their greater responsibilities and authority?
4. In your view, are there ways the ban could be refined?
5. Would this ban change anything about the work of you or your organisation? If so, can you outline the nature of that change.
6. What support will be useful to help your organisation comply with the prohibition after its introduction?

Please submit your feedback before Monday 29 June to:
conversionpracticesban@act.gov.au