



400 George Street, Brisbane  
PO Box 13281 George Street Brisbane Qld 4003

www.oho.qld.gov.au  
133 OHO (133 646)

7 January 2020

Mr Aaron Harper MP  
Chair  
Health, Communities, Disability Services  
and Domestic and Family Violence  
Prevention Committee  
Parliament House  
George Street  
BRISBANE QLD 4000

**Via email to:** [health@parliament.qld.gov.au](mailto:health@parliament.qld.gov.au)

Dear Mr Harper

**Submission in relation to the Health Legislation Amendment Bill 2019**

I write in response to your 4 December 2019 call for submissions in relation to the Health Legislation Amendment Bill 2019 (the Bill).

My comments on the Bill relate only to the provisions concerning conversion therapy. I note that clause 213F(1) defines the meaning of conversion therapy, while clause 213F(2) provides what practices do not constitute conversion therapy. Relevant examples accompany both clauses.

I am concerned that there may be some ambiguity concerning clause 213F(3), which states:

Also, conversion therapy does not include a practice by a health service provider that, in the provider's reasonable professional judgment, is necessary to—

- (a) provide a health service in a manner that is safe and appropriate; or
- (b) comply with the provider's legal or professional obligations.

I note the Bill's explanatory notes provide the following detail concerning 213F(3):

The exclusion will protect practitioners who, acting reasonably, in good faith and in accordance with relevant professional standards, treat a patient in a manner that could be subjectively perceived as not affirming or supporting their sexual orientation or gender identity. For example, a doctor may advise against surgery because a patient has a pre-existing condition that means the surgery is not safe. A doctor may also be required to advise a patient about potential side effects of drugs. In cases such as these, health service providers will be able to rely on the reasonable professional judgment exception to ensure that the health services provided are delivered in a safe and clinically appropriate manner.

While the above clarifies the operation of clause 213F(3), I consider that incorporating more of the detail from the explanatory notes into the clause and/or providing examples may make the provision easier to understand and apply.

If the Committee require any further information I will be happy to assist.

Yours sincerely

A handwritten signature in blue ink, consisting of a large, stylized 'A' followed by a long horizontal stroke.

Andrew Brown  
**Health Ombudsman**

