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Committee Secretary
Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee
Parliament House
George Street
Brisbane Qld 4000

Email: health@parliament.qld.gov.au

Dear Committee Secretary,

Submission on the Health Legislation Amendment Bill 2019

The Queensland AIDS Council (QuAC) makes this submission to the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee in relation to the Health Legislation Amendment Bill 2019. This submission is confined to clause 28 of the Bill which seeks to amend the *Public Health Act 2005* by inserting a new chapter in that Act, Chapter 5B, to prohibit the practice of conversion therapy by health service providers in Queensland.

QuAC supports these amendments as a significant first step towards stopping the practice of conversion therapy in Queensland.

About the Queensland AIDS Council

QuAC is a Queensland statewide non-profit, community based health promotion charity focused on providing quality services that enhance the health and wellbeing of Lesbian, Gay, Bisexual, Transgender, Intersex, Sistergirl and Brotherboy peoples and communities in Queensland.

Formed in 1984, QuAC has over three decades experience working with our community to deliver health services and health promotion that are peer led and community based. We receive funding from the State and Commonwealth Governments for some of our work, and also rely on the contribution of volunteers, donors and other supporters from the LGBTI and wider communities to deliver our other services.

Our vision is for Lesbian, Gay, Bisexual, Transgender, Intersex, Sistergirl and Brotherboy Queenslanders to live longer and happier lives, with the access to the services and supports that they need.

In November 2019, the members of QuAC voted to change the name of the association to the Queensland Council for LGBTI Health. Accordingly, February 2020 QuAC will be relaunched as the Queensland Council for LGBTI Health (QC).

Background

As stated in the Explanatory Notes to the Bill, conversion therapy is a term that is used to describe treatments and practices that attempt to change or suppress a person's sexual orientation or gender identity. Psychological research has revealed clear clinical evidence that these practices not only do not work but are both harmful and unethical to LGBT people. This is why all Australian health authorities,

including the Christian Counsellors Association of Australia, now “strongly oppose any form of mental health practice that treats homosexuality as a disorder, or seeks to change a person’s sexual orientation”.¹

QuAC is concerned that there is evidence of conversion therapy taking place in Queensland, particularly in faith-based environments, but also anecdotally amongst some health professionals, including psychologists, GPs and counsellors.

As such, QuAC supports this Bill’s prohibition of the practice of conversion therapy by health service providers in Queensland.

Comments on the Bill

QuAC would make the following specific comments in relation Clause 28 of the Bill.

First, QuAC supports the broad definition of conversion therapy to include attempts to change or suppress both a person’s sexual orientation or gender identity. Although the focus of conversion therapy used to be on ‘changing’ a person’s sexual orientation, gender identity conversion therapy is becoming more common.

Second, QuAC notes that the definition of conversion therapy expressly excludes affirming and supportive practices (such as assisting a person who is undergoing or considering a gender transition; assisting a person to express their gender identity; providing acceptance, support and understanding of a person; facilitating a person’s coping skills, social support and identity exploration and development). It is important for LGBT people that such affirming and supportive practices are not prohibited.

Third, QuAC also supports the exclusion from the definition of conversion therapy of clinical decisions, advice or other actions that a reasonable health service provider would consider necessary to provide safe and appropriate care or to comply with legal or professional obligations. This ensures that this Bill would not prevent a psychiatrist or other health service provider providing safe, evidence-based and clinically appropriate care to people with gender dysphoria, including children.

Fourth, in relation to the offence provision (the proposed s 213H), QuAC would note that it is limited to health service providers even though the research suggests conversion therapy occurs largely in religious or faith-based contexts.² However, QuAC would further note that the definition of “health service provider” in s 8 of the *Health Ombudsman Act 2013* is broad and would include religious or spiritual practices if they purport to be a health service by providing “counselling” or claiming to “heal” or “cure” people. QuAC supports this approach as a first step on the basis that any prohibition of conversion therapy will have a powerful educative function across the State.

Conclusion

Thank you for the opportunity to make this submission on clause 28 the Health Legislation Amendment Bill 2019. We would also welcome the opportunity to appear before the Committee in a public hearing.

QuAC supports these amendments as a significant first step towards stopping the practice of conversion therapy in Queensland.

¹ Australian Psychological Society, ‘APS Position Statement on Psychological Practices that Attempt to Change Sexual Orientation’, 2015, <https://www.psychology.org.au/getmedia/ebd486a2-761c-403c-bdef-406fda87dc4b/Position-Statement-Sexual-Orientation.pdf>.

² Jones, T, Brown, A, Carnie, L, Fletcher, G, & Leonard, W. *Preventing Harm, Promoting Justice: Responding to LGBT Conversion Therapy in Australia*. Melbourne: GLHV@ARCSHS and the Human Rights Law Centre, 2018.