



The Royal
Australian &
New Zealand
College of
Psychiatrists



Queensland Branch

23 January 2020

Mr Aaron Harper MP
Health, Communities, Disability Services and Domestic and Family Violence Prevention
Committee
Parliament House

By email to: health@parliament.qld.gov.au

Dear Mr Harper

Re: Health Legislation Amendment Bill 2019

Thank you for the opportunity for the Royal Australian and New Zealand College of Psychiatrists (RANZCP) to provide feedback on the *Health Legislation Amendment Bill 2019* which seeks to prohibit the practice of conversion therapy by health service providers in Queensland. Members of the LGBTIQ+ community are valued members of society with rights to equal access to health care, marriage and procreation and bringing up children. The LGBTIQ+ community should experience life free from harassment or discrimination in any sphere and a right to protection from therapies that are potentially damaging, particularly those that purport to change sexual orientation.

The RANZCP is the principal organisation representing the medical specialty of psychiatry in Australia and New Zealand and is responsible for training, educating and representing psychiatrists in policy issues. The RANZCP represents over 6700 members, including more than 5000 fully qualified psychiatrists and around 1600 members who are training to qualify as psychiatrists. The RANZCP's Queensland Branch comprises 852 Fellows and 317 trainees.

We wish to commend the Queensland Government on its commitment to prohibiting conversion therapies and protecting the work of clinicians engaged in evidence-based practice to support the mental health needs of the LGBTIQ+ community. The RANZCP's position on the importance of recognising and addressing these mental health needs is articulated in [RANZCP Position Statement 83](#), which makes recommendations for the mental health sector to improve its responsiveness to the needs of LGBTIQ+ people. This includes an evaluation of evidence which demonstrates that discrimination and marginalisation of the LGBTIQ+ population, including those questioning their gender identity, increases the risk of developing mental health issues.

The RANZCP does not support the use of sexual orientation change efforts of any kind. There is no scientific evidence that sexual orientation can be changed and sexual orientation change efforts risk causing significant harm to individuals as well as contributing to the misrepresentation of certain sexualities as mental disorders. For further information on the RANZCP position against conversion practices, please see [RANZCP Position Statement 60: Sexual orientation change efforts](#).

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Mental health care for people who are experiencing distress associated with their sexual orientation or gender identity should be supported with evidence-based approaches that involve acceptance, support, and identity exploration, and approaches that aim to reduce the stigma associated with alternative sexual identities, and demonstrate respect for the person's religious, spiritual and/or cultural beliefs. The RANZCP endorses an evidence-based approach to mental health care, treatments and support and we are supportive of the proposed bill, with some specific feedback as outlined below:

1. The exclusions included under the definition of conversion therapy are integral, given we do not want legitimate psychiatric treatment and work of health practitioners banned under the proposed amendments. It is important that individuals questioning their gender or considering treatment can be appropriately counselled and supported using an evidence-based approach with reference to accepted professional standards.
2. The meaning of 'treatment' may need to be clarified, given it may include the clinical process of assessments, diagnosis and formulation leading to any appropriate treatment or interventions. The proposed definition is broad, and could, under some circumstances, be perceived to include some evidence-based psychiatric practice, even though the intent of the treatment may not be to change, suppress or eliminate an individual's sexual orientation or gender identity. Importantly, this could lead to unintended consequences whereby clinical practice may possibly be at risk of legal action despite there being no use of conversion practices.

To ensure such practices do not fall under the definition provided, the RANZCP would recommend that the exclusions to the definition of conversion therapy under s213F(2) be amended to include the following:

- treatments and practices that provide evidence-based acceptance, support, and understanding for the facilitation of an individual's coping, social support, and identity exploration and development.

This would ensure that all conversion therapies are still captured, while removing any association with evidence-based mental health care and support, while emphasising that conversion therapies are not evidence-based practice.

3. We also recommend the definition of gender transition be included to ensure the interpretation is clear. Gender transition refers to the process through which an individual changes or affirms their gender-related identity, appearance, mannerisms or other gender-related characteristics. [1] [2] The definition of *sexual orientation* should be amended to reflect the *Sex Discrimination Act 1984* (Cth):

sexual orientation means a person's sexual orientation towards:

 - (a) persons of the same sex; or
 - (b) persons of a different sex; or
 - (c) persons of the same sex and persons of a different sex.
4. An additional point which the RANZCP like to raise for consideration is to extend the prohibition to include the advertisement of conversion therapies.



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The RANZCP would also like to emphasise the importance of ensuring that appropriate services, including psychiatric care and support, are available specifically for people who are undertaking or have undertaken conversion therapy. This requires the Queensland Government to sufficiently fund services which are appropriately targeted to the LGBTIQ+ population and should be a key focus in correlation with the ban on conversion therapies.

Please do not hesitate to contact us if you would like to discuss the above. We can be contacted via RANZCP Policy Manager, Amelia Rhodes at [REDACTED] or on [REDACTED]

Yours sincerely

Dr Vinay Lakra
President Elect

Professor Brett Emmerson AM
Chair, RANZCP Queensland Branch

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References

1. Transgender [Internet]. Australian Human Rights Commission. 2020 [cited 20 January 2020]. Available from: <https://www.humanrights.gov.au/quick-guide/12104>
2. Trans and gender diverse inclusion in sport: Complying with the Equal Opportunity Act 2010. Melbourne: Victorian Equal Opportunity and Human Rights Commission; 2020.