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Reforms needed to address LGBTQA+ conversion practices in Tasmania

The Tasmania Law Reform Institute (TLRI) today released its Final Report and recommendations on law reforms to address the risks and harms caused by sexual orientation and gender identity conversion practices —‘conversion practices’ for short.

Conversion practices aim to change, suppress or eradicate people’s sexual orientation or gender identity. They would include, for instance, subjecting a person to ‘therapy’, ‘counselling’, or ‘treatment’ to change who they are attracted to, or how they feel about or express their gender to others.

Contemporary science has discredited and disproved conversion practices and the beliefs that motivate them. The mainstream medical consensus is that:

- LGBTQA+ attributes are not faults or dysfunctions;
- Conversion practices are not safe or effective;
- Conversion practices involve clear risks of severe and lasting harm to people subjected to them.

The Institute received and accepted evidence that conversion practices are happening in Tasmania, that they have caused severe harm to people subjected to them and that they are a continuing risk to LGBTQA+ Tasmanians. The Institute recommends that Tasmanian law is reformed to more appropriately deal with these harms and risks.

The Institute’s recommendations involve amendments to health and anti-discrimination law and related laws to:

- Provide a clearer and more binding legal framework for existing professional health guidelines relating to the care and treatment of conditions relating to sexual orientation and gender identity. Guidelines would be set by a chief public health officer and be updated to reflect best health practices and evidence over time. For instance, declared guidelines would specify which medical professionals can assess and treat conditions like gender dysphoria and what procedures they must use.
- Stop unregistered and unqualified people from purporting to assess, diagnose or treat other’s sexual orientation or gender identity as a fault or dysfunction. For instance, convincing someone that they are mentally ill because they are attracted to someone of the same sex.
- Limit the harm caused by misinformation that aims to convince people conversion practices are safe, effective and necessary. For instance, circulating false and misleading pamphlets promoting pseudo-medical practices which are known to cause harm to vulnerable LGBTQA+ people.

In total, the Institute made 16 recommendations about how to best achieve these regulatory outcomes, sanction misconduct, provide redress to victims and ensure law reforms are effective and sustainable.

The Institute's recommendations do not affect:

- Legitimate health care conducted by appropriately qualified health professionals in line with declared standards;
- Statements, expressions of faith, philosophical or personal views about sexual orientation or gender identity;
- Public acts done in good faith for academic, artistic, scientific or research purposes or any purpose in the public interest; or
- Supportive care, guidance, or mentoring of a child by a parent or guardian.

These rights and duties are protected by both existing laws and new exceptions and defences recommended by the Institute.

This Inquiry was initiated by a community reference and funded by the University of Tasmania in 2019. An Issues Paper was published in 2020, which received hundreds of community and stakeholder responses.

The Final Report was prepared by TLRI researchers with assistance from an advisory group made up of experts from law, bioethics, medical and health sciences. Representatives of the SOGI conversion practice survivor groups, and faith communities contributed to early stages of the project, but did not have input to the Final Report or recommendations. The Institute also conducted a range of continuing consultations with peak medical and public bodies.

The Final Report can be accessed at www.utas.edu.au/law-reform

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