



**Submission:**

**Consultation on Prohibition of Conversion  
Practices in the ACT**

**July 2020**

# About ACTCOSS

ACTCOSS acknowledges Canberra has been built on the land of the Ngunnawal people. We pay respects to their Elders and recognise the strength and resilience of Aboriginal and/or Torres Strait Islander peoples. We celebrate Aboriginal and/or Torres Strait Islander cultures and ongoing contributions to the ACT community.

The ACT Council of Social Service Inc. (ACTCOSS) advocates for social justice in the ACT and represents not-for-profit community organisations.

ACTCOSS is a member of the nationwide COSS Network, made up of each of the state and territory Councils and the national body, the Australian Council of Social Service (ACOSS).

ACTCOSS's vision is for Canberra to be a just, safe and sustainable community in which everyone has the opportunity for self-determination and a fair share of resources and services.

The membership of the Council includes the majority of community-based service providers in the social welfare area, a range of community associations and networks, self-help and consumer groups and interested individuals.

ACTCOSS advises that this document may be publicly distributed, including by placing a copy on our website.

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July 2020

ISBN 978-1-876632-86-1

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## Introduction

Thank you for inviting the ACT Council of Social Service (ACTCOSS) to this consultation on prohibiting harmful conversion practices in the ACT.

ACTCOSS fully supports the passage of this legislation. Sexuality and gender identity conversion practices deny affected people their right to live safely and openly in accordance with their gender or sexual identity. Moreover, ACTCOSS understands from our members working with the LGBTQI community, including people who have experienced conversion practices, that these processes can be highly traumatic and have life-long impacts on mental health and wellbeing.

We commend the ACT Government for sending a message, through this legislation, that harmful conversion practices are not welcome in the ACT and are incompatible with our Human Rights Act. Based on feedback from ACTCOSS members, we note that this legislation should be supported by community activities for affected community members and people who may be practicing harmful conversion practices. ACTCOSS also supports measures to extend the capacity of the ACT Human Rights Commission to hear and conciliate complaints and undertake independent investigations.

## Spectrum of conversion practices

Harmful conversion practices can be targeted towards people's sexuality, gender identity, and/or gender expression, and practices can differ substantially depending on who they are targeting. We would like to see this legislation work for all members of the LGBTQI community. Therefore, the ACT Government must consider that there is a spectrum of harmful conversion practices.

For example, practices targeting someone's sexuality are different to practices targeting someone's gender identity, and where some harmful conversion practices are motivated by homophobia, others are motivated by transphobia. This has ramifications for the education that should be delivered to the community, as well as education for law enforcement who will be tasked with identifying a harmful conversion practice.

Harmful conversion practices targeted at Intersex people can be particularly distinct. These practices are often medicalised. Intersex Human Rights Australia note that: "Intersex people in Australia are routinely subject to medical interventions without personal informed consent, typically in infancy, childhood or adolescence"<sup>1</sup>.

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<sup>1</sup> Intersex Human Rights Australia, *Submission to the AHRC on Protection Rights in Medical Settings*, Intersex Human Rights Australia, 2018, <<https://ihra.org.au/32490/ahrc-submission-2018/>>.

In collaboration with ACT-based organisations such as A Gender Agenda and Meridian, we recommend that the ACT Government fully investigate and identify the spectrum of harmful conversion practices targeted towards all members of the LGBTQI community.

## **Support for affected communities**

ACTCOSS supports the recommendation put forth by Meridian that the ACT Government increase funding for counselling and other mental health services for LGBTQI people in the ACT in response to this proposed legislation. Services working with LGBTQI Canberrans have noted that the conversations and public discourse around this legislation is distressing to individuals who have experiences with harmful conversion practices and to many LGBTQI people. ACTCOSS is aware that the proposal to pass this legislation has prompted some public discourse from people or organisations who oppose banning conversion practices that has caused distress. We would therefore like to see the ACT Government provide additional investment to services that support the mental health and wellbeing of LGBTQI Canberrans at times of heightened discussions of issues impacting the LGBTQI community.

## **Community outreach and education**

ACTCOSS supports A Gender Agenda's position that a key purpose of this legislation should be to prevent harmful conversion practices from occurring. As such, we recommend that the ACT Government engage in extensive and targeted community outreach and education to organisations or groups who may be engaging in these practices.

ACTCOSS has heard that it is difficult to get a sense of the prevalence of harmful conversion practices in the ACT. This is because they are often practiced through informal networks or groups, and therefore the practices will not be advertised or widely disclosed. People engaging in harmful conversion practices may also not identify their practices as harmful.

A clear plan for community outreach that reflects the cultural and linguistic diversity of Canberra will be important to deliver education so that we can minimise the occurrence of these practices in the ACT. This education should explain the new legislation and illegality of these practices, but also focus on the human rights, health and wellbeing of LGBTQI people. Education should reinforce that instead of harmful conversion practices, affirming someone's gender identity, sexuality, or gender presentation is the best thing for their health and wellbeing.

## **Recommendations**

- The ACT Government work with A Gender Agenda and Meridian to fully investigate and identify the spectrum of harmful conversion practices, to ensure that practices targeted towards all members of the LGBTQI community are covered.
- Increase funding for counselling and other mental health services for LGBTQI people in the ACT.
- Engage in extensive and targeted community outreach and education to organisations and groups who may be engaging in these practices.