



working it out

Tasmania's gender, sexuality and intersex
status support and education service

Response to the TLRI Issues Paper No 31

Sexual Orientation and Gender Identity Conversion Practices

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About Working It Out

Working It Out (WIO) is Tasmania's only dedicated LGBTIQ+ support, education, and advocacy service. Funded primarily by the Tasmanian government, WIO has been providing services to Tasmania's LGBTIQ+ population since 1998.

WIO is a community led organisation with a rich history and deep connections with LGBTIQ+ Tasmanians across the state.

Our ongoing work and advocacy places us in a unique position to understand the negative impact of ongoing stigma, exclusion, discrimination, and harassment.

This stigma, exclusion, discrimination, and harassment is perpetuated by a range of cultural and societal norms which characterises LGBTIQ+ people as 'less than' and as 'other'.

Much of this is born out of religious doctrine. While there is now more acceptance and understanding, many faith groups continue to perpetuate a narrative that is harmful to LGBTIQ+ people. It also denies LGBTIQ+ people of faith the right to live healthy and authentic lives.

This submission is based on our interactions and experience with our fellow LGBTIQ+ community members.

Question 1 After considering the background and working definition (see [1.3.23] on page 13), in your opinion, what are and are not 'sexual orientation and gender identity conversion practices'?

Working It Out supports definitions of conversion practices adopted by the Survivors of sexual orientation and gender identity change efforts (SOGICE):

Conversion practices generally employ individual or group counselling, pastoral care, or similar means to assist and encourage LGBTIQ+ people to:

- live 'healthy heterosexual' lives through mixed-orientation marriage, or
- live 'sexually pure' lives through celibacy or abstinence, even while remaining same-sex attracted, bi+, trans, and/or gender diverse, or
- ultimately change their orientation, attraction, or gender identity, or
- de-transition or not affirm their gender identity

These practices include:

- counselling in secular and/or unregulated counselling services (to address childhood trauma or work towards 'acceptable' sexual/gender behaviours)
- pastoral care counselling
- prayer ministry (including deliverance, the protestant term for 'exorcism')
- support groups
- conferences and rallies
- online interactive coursework and mentoring programs

While the definition use in this report seems appropriate, it must be made clear that practices are directed towards specific individuals. For example, prayer ministries aimed at 'curing' specific individuals of their gender or sexual diversity would be included and therefore prohibited, but sermons to a general congregation against, for example, homosexuality, although undesirable and potentially damaging, would not and are therefore allowed.

The definition must include all practices whether formal or informal, by someone paid or unpaid, with relevant qualifications or without qualifications, which to date have no proven history of providing therapeutic benefit or are similar in nature to existing practices which have no proven therapeutic benefit, or which, in all likelihood given current research, are unlikely to have a therapeutic benefit.

Practices which are in line with current therapeutic guidelines, particularly in relation to gender affirmation, should not be considered 'conversion practices'. These include the Australian Standards of Care and Treatment Guidelines for trans and gender diverse children and adults, the RACGP Treatment Guidelines and the Guidelines for Psychological Practice With Transgender and Gender Nonconforming People and the World Professional Association for Transgender Health Standards of Care - Version 7.

Question 2 Should people be allowed to consent to SOGI conversion practices? If so, at what age and under what conditions?

Given there is no evidence that conversion practices work or are beneficial, and that we know people are often coerced into agreeing to partake in these practices, including by being provided with false and misleading information about the benefits and success, consent of any kind should not be considered an option.

A parallel may be drawn from consumer protection whereby consent given on the basis of false information is not genuine consent.

Question 3 Have you been involved in or offered, or are you aware of, any forms of SOGI conversion practices in Tasmania? If so, what were the effects on you, or the person exposed to them?

Yes. As Tasmania's primary LGBTIQ+ support service, our staff have and do provide support to people who have experienced conversion practices. Our practice-based evidence shows that the effects of these practices can last for many, many years, if not a lifetime.

They result in low levels of self-esteem, anxiety and depression. For some people, these experience represent a significant trauma which they carry with them daily.

In addition to the harmful narrative that a person is defective and unacceptable in the eyes of their god and community, these practices can alienate people from their faith and their faith communities, causing further trauma and psychological distress.

Below is a case study our 2018-2019 Annual Report
<https://www.workingitout.org.au/publications/>

Alex spent much of their adult life in 'gay conversion therapy' processes. Alex came to Working It Out experiencing a crisis of meaning and identity. In their first session Alex spoke almost non-stop of the religious belief they grew up with ... that same sex attraction was evil and wrong. Alex wept as they described the impact that this had had on their life. As Alex's own same sex attractions developed, they internalised intense personal shame and self-hatred.

This lifelong denial became too much, and Alex had their first same-sex encounter. Once again Alex wept and using almost religious language, Alex described this act as "making them whole", "I was broken and this experience was healing", "a hole has been filled in my life".

In WIO Alex finally has a safe place where they could ask and reflect on these questions of meaning and purpose. Alex spoke of feeling “understood and accepted” within our service and of hoping that with the support of WIO they can come for the first time to love and accept themselves.

Question 4 Do you think that Tasmanian law should be changed to address SOGI conversion practices? If so, should this be through comprehensive reform, amendment or both (a hybrid)?

Comprehensive reform is the best approach. It is more visible, contained and explanatory of all circumstances and consequences.

Question 5 Should some or all forms of SOGI conversion practices be criminalised in Tasmania? If so, which, if any, should be dealt with as serious (indictable) crimes and which, if any, should be dealt with as less serious (summary) offences?

All offenses should be indictable as they represent acts of considerable potential harm as per a physical assaults.

Offenses should include:

- Engaging in activities that are conversion practices, whether paid or unpaid, in formal or informal settings
- Advertising or promoting conversion practices
- Referring a person (formally or informally) to an individual or service which is administering conversion practices
- Removing adults, children, and people with impaired agency from a jurisdiction for the purpose of conversion practices

A strong message needs to be sent about the impact and harm of these practices in order to counter current views in some religious circles, that religious practices can sit outside legal obligations (such as the Catholic church’s view on confessional confidentiality).

Question 6 Should some or all forms of SOGI conversion practices be made civil wrongs in Tasmania? If so, what sort of practices should people be liable for and how should those subject to such practices be compensated?

No. Civil wrongs suggest a lower level of harm and dilute the intent of banning these practices.

They also place the burden of address upon vulnerable, conflicted and often powerless individuals with limited resources. They cannot hope to match the

resources of large religious institutions and asking them to do so in order to get redress is wrong.

Question 8 Are there any other models or approaches that are preferable to, or should complement, changing the law?

We advocate that conversion practice survivors be the key reference point for changes to legislation. Their experiences are crucial in understanding the nature of conversion practice methodologies and ensuring legislation is appropriately constructed to account for them.

Key organisations include:

Survivors of Sexual Orientation & Gender Identity Change Efforts

<https://socesurvivors.com.au/>

And the Brave Network

<https://thebravenetwork.org/>

In addition, a model that supports widespread community education is important. Without this, the intention of the laws can easily be undermined and perhaps even challenged and revoked in the future.

Question 9 Are there any other matters that you consider relevant to this Inquiry and would like to raise?

This issue must be handled sensitively with the welfare of survivors, and of the broader LGBTIQ+ community a very high priority. The impact of discrimination and stigma on LGBTIQ+ people is real and contributes to some of the worst mental health outcomes of any group in Australia ([Private Lives 3 Report](#), 2020).

The right of people to cast a moral lens on the lives of LGBTIQ+ individuals continues largely unchallenged in our society. Conversely, support for the right of religious organisations to continue with harmful practices remains strong.

LGBTIQ+ issues in general, continue to be used as a 'wedge' issue by the media and politicians for their own interests. It is highly likely this issue will create significant controversy and backlash. This and the ongoing dissection and dissent in the community of LGBTIQ+ issues in general, is a source of great harm.

Messaging needs to be clear, strong and affirming and focus on the lived experience of survivors and the welfare of the LGBTIQ+ communities.

Education for the wider community, and specifically with faith groups themselves, is also important to ensure the legislation is properly understood and adhered to.