

22 December 2020

Tasmanian Law Reform Institute  
Via email: [Law.Reform@utas.edu.au](mailto:Law.Reform@utas.edu.au)

**Mental Health Council of Tasmania (MHCT)  
Tasmanian Law Reform Institute (TLRI)**

MHCT welcomes the opportunity to provide a public submission to TLRI's inquiry into 'sexual orientation and gender identity' (SOGI) conversion practices. From the Sexual Orientation and Gender Identity Change Efforts (SOGICE) Survivor statement<sup>1</sup>, MHCT understands that conversion practices 'refer to both formal and informal practices occurring in a range of settings and targeting LGBTQA+ people of faith in order to change or suppress their sexual orientation, gender identity, or gender and sexual expression.'

The processes of SOGI conversion practices have been recognised by psychological bodies<sup>2</sup> as having no evidence to support change in sexual orientation and can cause psychological harm leading to self-harm, mental ill-health and subsequent economic disadvantage.<sup>3 4 5</sup> For these reasons, MHCT suggests that SOGI conversion practices should be banned.

The Australian Psychological Society (APS) identifies that 'there is no peer-reviewed empirical psychological research objectively documenting the ability to change an individual's sexual orientation. Furthermore, there is no peer-reviewed psychological research demonstrating that homosexuality or bisexuality constitutes a disorder.' To that end, the APS explains that such attempts of SOGI conversion practices can be harmful.<sup>6</sup>

This is confirmed by a 2018 study by La Trobe University on LGBT conversion therapy in Australia,<sup>7</sup> the study listed a number of impacts experienced by survivors of SOGI conversion practices, these impacts included:

- self-hatred
- shame
- loneliness
- thoughts of suicide
- problems with being touched or loved, sexual dysfunction, causing harm to those they love including partners and spouses
- grief, loss of faith, loss of community
- depression
- ongoing mental health problems
- economic disadvantage

In addition to the psychological harm caused to survivors of SOGI conversion practices, these types of practices additionally fuel societal discrimination. Research has demonstrated more broadly that a disproportionate number of LGBTIQ people experience poorer mental health outcomes and have a higher risk of suicidal behaviours than their peers. These health outcomes are directly related to experiences of stigma, prejudice, discrimination and abuse on the basis of being LGBTIQ.<sup>8</sup> The following statistics highlight the overrepresentation of LGBTIQ people in their experience of mental ill-health and suicide:

- 16% of LGBTIQ young people aged 16-27 have reported attempting suicide
- 48.1% of transgender and gender diverse people aged 14 to 25 have attempted suicide, with 79.7% having self-harmed in their lifetime
- 41.4% of homosexual/bisexual people aged over 16 meet the criteria for a mental illness. In comparison to the general population at 20%.

Appropriate law reform relating to SOGI conversion practices can contribute to changes in societal discrimination along with contributing to the reduction of psychological injury directly caused by SOGI conversion practices in Tasmania. From MHCT's discourse with several of our stakeholders, the *Victorian Change or Suppression (Conversion) Practices Prohibition Bill 2020*<sup>9</sup>, should be considered as a benchmark in addressing Tasmanian law reforms related to SOGI conversion practices. In particular, MHCT has understood from several of our stakeholders that the following elements should be incorporated into any law reform in Tasmania:

- Strongly affirm that LGBTIQ+ people are not 'broken' or 'disordered'
- Ban practices in both formal (medical/psychology/counselling) and informal (including religious) settings, whether paid or unpaid
- Protect adults, children, and people with impaired agency, including prohibition of the removal of children from the jurisdiction for the purpose of conversion practices
- Target the false, misleading, and pseudoscientific fraudulent claims that drive conversion practices
- Focus on practitioners' intent to facilitate change or suppression of a person's orientation, gender identity or gender expression on the basis of pseudoscientific claims
- Cover advertising and promotion of paid or unpaid conversion practices
- Cover referrals from practitioners, whether in informal or formal contexts
- Establish a range of criminal and civil penalties due to SOGI practices

To complement the changing of laws, given the evidence, we must assume that as a matter of course, SOGI conversion practices may have caused significant psychological impact on the person, therefore, any person who reports their experiences of SOGI conversion practices should be provided with access to appropriate and suitable psychological supports in the first instance.

Psychological supports may be required over many years so that survivors can start to rebuild their lives and recover. Additionally, Psychologists require particular specialist skills to appropriately assist survivors in the journey to reconcile their faith with their sexuality or gender identity.<sup>10</sup> These suitable psychological supports should be offered to all survivors of SOGI conversion practices.

Additionally, a redress scheme should be considered for survivors of SOGI conversion practices. Such a scheme provides the opportunity to assess preliminary claims utilising a trauma informed approach. The Sexual Orientation and Gender Identity Change Efforts (SOGICE) Survivor statement, written by survivors of the LGBTQA+ Conversion movement, also recommends the implementation of a redress scheme. They suggest that an expert panel with at least 50% comprised of survivors is established to implement a Conversion Practice Redress Scheme that can review and investigate accusations of SOGI conversion practices appropriately and consider compensation based on the psychological impacts and subsequent social and economic impacts acquired through experiences of SOGI conversion practices <sup>11</sup>.

MHCT provides the following recommendations to firstly prevent any further psychological harm occurring due to SOGI conversion practices and secondly to ensure that survivors of SOGI conversion practices are duly compensated and supported in their recovery.

For further discussion on any elements from our submission, please contact MHCT.

**MHCT Recommendations:**

1. To reduce any further harm to LGBTQA+ people, Tasmanian law should be reformed to reflect the Victorian 'Change or Suppression (Conversion) Practices Prohibition Bill 2020', including the banning of all formal and informal SOGI conversion practices.
2. To support the psychological recovery of survivors of SOGI conversion practices, access to appropriate psychological therapy should be made available, along with consideration to the implementation of a redress program.

Yours sincerely,



Connie Digolis  
CEO  
Mental Health Council of Tasmania

## References:

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<sup>1</sup> SOGICE (2020) *SOGICE Survivor Statement* <http://socesurvivors.com.au/wp-content/uploads/2020/12/Survivor-Statement-A4-Doc-v1-2-Digital.pdf>

<sup>2</sup> Australian Psychological Society (2015) *Position Statement on the use of psychological practices that attempt to change sexual orientation* <https://www.psychology.org.au/About-Us/What-we-do/advocacy/Position-Statements>

<sup>3</sup> Latrobe University (2018) *Preventing Harm, Promoting Justice: Responding to LGBT conversion therapy in Australia* <https://www.hrlc.org.au/reports/preventing-harm>

<sup>4</sup> Victorian Government (2020) *LGBTQ+ Change and Suppression Practices Fact Sheet* <https://www.vic.gov.au/lgbtq-change-and-suppression-practices-fact-sheet>

<sup>5</sup> Victorian Government (2018) *Health Complaints Commissioner inquiry into conversion practices* <https://www2.health.vic.gov.au/about/populations/lgbti-health/conversion-practices-inquiry>

<sup>6</sup> Australian Psychological Society (2015) *Position Statement on the use of psychological practices that attempt to change sexual orientation* <https://www.psychology.org.au/About-Us/What-we-do/advocacy/Position-Statements>

<sup>7</sup> Latrobe University (2018) *Preventing Harm, Promoting Justice: Responding to LGBT conversion therapy in Australia* <https://www.hrlc.org.au/reports/preventing-harm>

<sup>8</sup> LGBTI National Health Alliance (2020) *Snapshot of mental health and suicide prevention statistics for LGBTI people* <https://www.lgbtihealth.org.au/statistics>

<sup>9</sup> Victorian Government (2020) *Victorian Change or Suppression (Conversion) Practices Prohibition Bill 2020* <https://www.legislation.vic.gov.au/bills/change-or-suppression-conversion-practices-prohibition-bill-2020>

<sup>10</sup> Latrobe University (2018) *Preventing Harm, Promoting Justice: Responding to LGBT conversion therapy in Australia* <https://www.hrlc.org.au/reports/preventing-harm>

<sup>11</sup> SOGICE (2020) *SOGICE Survivor Statement* <http://socesurvivors.com.au/wp-content/uploads/2020/12/Survivor-Statement-A4-Doc-v1-2-Digital.pdf>

Documents accessed online 22 December 2020