

16 February 2024

Submission on the Tasmanian Government's Conversion Practices Bill

Engender Equality, a dedicated family violence service committed to fostering safe and supportive environments, seeks to express concern regarding the proposed Miscellaneous (Conversion Practices) Bill 2024 in Tasmania. As advocates for the well-being and safety of individuals and families impacted by family violence and gender-based violence, we express our reservations about the bill's current form and its potential implications.

Engender Equality emphasises the need for legislative framework that respects and protects the fundamental rights and dignity of individuals, particularly those who are LGBTQIA+. In respect to this position, we highlight the following issues.

1. Definition of Conversion Practices

- The current definition of *Conversion Practices* within the bill lacks the necessary breadth to encompass all forms of conversion practices, specifically excluding those aimed at promoting celibacy.
- Omissions regarding intention and ideology overlook the fundamental belief underlying conversion practices, that LGBTQIA+ people are broken or flawed and that this flaw can be corrected by conversion practices.

Article 2 of the Universal Declaration of Human Rights: Right to Non-Discrimination

Engender Equality advocates for a comprehensive definition of conversion practices (with examples) that positions the ideology as a practice of discrimination against individuals based on their sexual orientation or gender identity.

2. Exemptions

- The extensive list of exemptions, particularly in relation to gender transition and parental guidance, raises concerns about the bill's ability to differentiate between harmful practices and genuine support.
- Ambiguities in terms like "acceptance," "support," and "understanding" may inadvertently legitimise harmful practices disguised as benevolent activities.
- References to consent confuse the complexity of cultural and religious contexts where conversion practices are occurring and do not differentiate between informed consent and voluntary participation.

Article 3 of the Universal Declaration of Human Rights: Right to Life, Liberty, and Security of Person

Engender Equality promotes the right for individuals to live free from physical and mental harm. Conversion practices compromise this right. A legal framework must prioritise the well-being and security of individuals, ensuring they are protected from harmful, violating and degrading practices.

3. Enforcement

- The bill's reliance solely on criminal penalties places the burden of proof on survivors undermining its effectiveness, as criminal convictions are challenging to secure, are often traumatic and costly to pursue and do not act as an adequate deterrent.
- An absence of a dedicated body for investigation and awareness raising education hinder a proactive approach to address the nuanced and harmful nature of conversion practices.

Article 7 of the Universal Declaration of Human Rights: Right to Equality Before the Law

Tasmania has a civil responsibility to provide equal protection under the law for all individuals, irrespective of their sexual orientation or gender identity. Conversion practice legislation must actively work to eliminate any incitement or endorsement of discrimination based on sexual orientation or gender identity, aligning with the fundamental principle of equality before the law.

4. The bill will allow conversion practices to continue

- Deviation from the Tasmanian Law Reform Institute's recommendations and alignment with the Australian Christian Lobby, raises questions about the bill's true intent.
- The bill has ignored the expertise of survivor advocates, despite its public commitment to listening to the lived experience expertise.

Article 25 of the Universal Declaration of Human Rights: Right to Health

Survivor advocates highlight the proven harm caused by conversion practices. The Tasmanian Government must protect individuals' right to health with a legal framework that promotes mental and physical well-being and discourages practices that undermine the health of LGBTQIA+ individuals.

Engender Equality urges the government to reconsider the proposed bill in its current form. We advocate for a legislative approach that prioritises the experiences of survivors, aligns with the recommendations of the Tasmanian Law Reform Institute, and reflects the values of Tasmania's commitment to protecting fundamental human rights.

Engender Equality believes that a carefully considered and survivor-centric legislative framework is essential to promoting to safe, inclusive, and respectful communities for all Tasmanians.

Yours sincerely



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CEO