

Rodney Croome AM DLitt (Hon)



The Acting Director
Tasmanian Law Reform Institute
Sandy Bay, Tasmania, 7006

Re: Sexual Orientation and Gender Identity Conversion
Practices, Issues Paper No 31, November 2020

Dear Acting Director,

Please accept this personal submission to your inquiry about
sexual orientation and gender identity conversion practices.

First there is my personal and political history with the issue,
including observations about the nature and impact of the
movement to change or suppress same-sex attraction and
trans identity.

After that I address the questions in the issues paper.

Best wishes,
Rodney Croome
28.1.21

Conversion practices have been ever-present in my life as a
gay man and as an LGBTIQ+ equality advocate.

Distilled from community attitudes

Even before I became aware of my same-sex attraction I
understood that being heterosexual and cisgender was
considered normal, natural and almost ubiquitous, and that
deviation from these norms into "the homosexual or
transsexual lifestyle" was not only shameful but a form of sin
and/or dysfunction that otherwise heterosexual and cisgender

people are induced into and from which they could be freed. Although I was not aware of formal conversion practices, I lived in a culture from which conversion ideology was readily distilled.

Gay community memory

As I came out in the late 1980s, I quickly became aware of aversion practices based on behaviouralist ideas about operant conditioning. Older gay men passed down stories of aversion practices, including electric shock treatment, inflicted on them in the 1960s and 1970s. I also became aware of the subsequent generation of change and suppression efforts - ex-gay groups like Exodus International - which relied less on behaviouralism and more on pseudo-psychoanalysis and Bible study.

Understanding the change and suppression movement through historical precedents

Because I was a University history student, I looked for ways to understand the anti-LGBTIQ+ change and suppression movement through historical precedents. A telling parallel was the way that eighteenth century, white American owners of African slaves would have their slaves scrubbed until they bled in an effort to remove what the owners assumed were layers of black dirt that had accumulated over the slave's true and original white skin. The assumption that white is the default human skin colour, the association between blackness and filth, the futility of scrubbing, and the pain and indignity that scrubbing inflicted; all this seemed to echo two centuries later in anti-LGBTIQ+ conversion ideology.

Personal contact with conversion ideology

My direct contact with the change and suppression movement began soon after I came out and became involved in the campaign to decriminalise homosexuality. At one level my contact was personal. A person with whom I had a pre-existing relationship sought to persuade me to undergo conversion practices through their church. They provided personal

testimonies of other people we knew who were now “ex-gay”. I am fortunate that I firmly believed my sexual and romantic orientation was natural, fixed and unchanged-able so the approach did not cause me any inner conflict or distress. But I can imagine how difficult it would be for people who are unsure why they are same-sex attracted, feel shame about it, and are approached by people in authority they respect or rely on.

Since then a stream of religious figures, including some quite prominent conservative religious leaders, have attempted, more or less explicitly, to persuade me to renounce my sexual orientation. Even when I ask them at the outset not to try, still some do. I meet this with a mix of amusement at their audacity, horror at the damage they must perpetrate on others and grudging admiration at how closely they cling to such a vain hope.

The ex-gay movement and the campaign to decriminalise homosexuality

My other early contact with the change and suppression movement was through my LGBTIQ+ equality campaigning. When the Tasmanian Government committed to the decriminalisation of homosexuality in 1989 there was a series of angry, hate-filled, anti-gay rallies across Tasmania. These were unprecedented in Australia and caused much controversy. In some evangelical circles the response was to establish a movement against decriminalisation that would exhibit “love” rather than hate. “For a Caring Tasmania” was established in Launceston, based chiefly in the Baptist Church and led by Baptist minister, Rev [REDACTED]. In the early 1990s it hosted more subdued rallies against decriminalisation. It also hosted a conversion conference in the northern suburbs of Launceston where high-profile American “ex-gays” spoke about their “escape from the homosexual lifestyle”.

The Tasmanian Gay and Lesbian Rights Group held a silent protest vigil outside the Launceston conference, much as we had outside the anti-gay rallies: we distributed information, we were joined by allies from the local community, we held up a banner asking conference-goers to “talk to us not about us”. I

recall like it yesterday the questions a TV news journalist asking me during our interview. "They're adults, isn't it their choice?" was a logical question given the conference promoted conversion practices as a legitimate choice for adults seeking to "fix" something they didn't like about themselves. My response was about the deep harm caused by conversion practices, including when it dawns on survivors that they don't work, and how it's not a choice if it's not fully informed. But the question that briefly stumped me was "surely this is better than the angry rallies?" I silently asked myself, is this attempt to change us better than outright hate? I replied "no, it's better to be hated for who you are, then tolerated for pretending to be something you fundamentally are not".

The ex-gay movement and sexuality discrimination legislation

The other memorable encounter I had with the ex-gay ideology while I was campaigning for LGBTIQ+ equality was in 1998 when debate began in the Senate on the late Senator Sid Spindler's Sexuality Discrimination Bill, the first such Bill at a national level in Australian history. The Bill had arisen from the UN Human Rights Committee's condemnation of Tasmania's anti-gay laws in 1994. The UN decision not only gave the Commonwealth the power to invalidate the offending Tasmanian laws; by finding that sexuality discrimination is prohibited under international human rights law, the UN decision also gave the Commonwealth the power to enact a broad-ranging law preventing such discrimination in employment, housing and goods and services.

I was intimately involved in lobbying for this Bill, in the extensive community consultation about it, in its drafting, and in the Senate inquiry it was submitted to. I was in the Senate gallery when the historic debate on it finally began. I was moved by Senator Spindler's second-reading speech, and in equal measure horrified by the Coalition's response, as articulated by Senator Eric Abetz. His argument was that heterosexual and cisgender people had been "proselytised" into a homosexual or transsexual "lifestyle" and could successfully exist that lifestyle. The implication was that the best solution to

the discrimination the Spindler Bill aimed to address was conversion practices: Rather than change the law, change LGBTIQ+ people instead. Voila! No more discrimination. In Senator Abetz' words...

"...should we as a community be encouraging that or should we be saying to these people: there are other ways of dealing with these matters. There are many counselling institutions right around the world—in the United States and elsewhere—which have great success rates in assisting people should they be desirous of changing from a particular sexual orientation....I have heard a lot of stories about people who, having been in the homosexual community, left it."¹

It's hard to explain how deeply disappointing and demoralising this approach to LGBTIQ+ discrimination was. Not only was it a block to moving forward overdue legislation, in one fell swoop it sought to invalidate and dismiss the brave personal testimonies of discrimination-related pain and trauma that had given such momentum to the Bill. The road to legislation, a road that already proven long and hard, suddenly became much longer. If we could not convince members of the Coalition that we were real people, how could we convince them discrimination against us mattered? Indeed, it wasn't until 2013 that the federal parliament finally enacted discrimination protections for LGBTIQ+ Australians, fifteen years after the most recent state, Tasmania, and thirty-one years after the first state, NSW.

A lower profile and an inward focus

As community acceptance of LGBTIQ+ people grew, particularly during the campaign for marriage equality, the anti-LGBTIQ+ change and suppression movement took on a lower profile both in Tasmania or other parts of the developed world. Change and suppression is rarely now offered as a society-wide solution by those community leaders who want to keep bad laws and change LGBTIQ+ people instead. Now, change and suppression perpetrators focus on those social

¹ Senate Hansard, Thursday May 28th 1998, page 3406

environments where they still have influence, especially conservative churches, mosques and temples. Indeed, it seems the less influence perpetrators have outside their own faith communities the more they seek to impose their values within those communities. There is a parallel trend in faith-based schools where some traditionalist religious authorities seem ever more intent on promoting conservative views on marriage, family and sexuality as their influence on those matters diminishes across society.

The patterns in survivor reports

My chief contact with conversion practices is now through those Tasmanian survivors who have contacted me and provided me with details of their experiences. There are several notable patterns within this personal testimony: Overwhelmingly survivors are under 30, have been part of evangelical Protestant, or traditionalist Catholic or Orthodox congregations, and have worshipped in an environment saturated with conversion ideology and with antagonism to LGBTIQ+ equality.

Separate treatment

Survivors also commonly report their introduction to conversion practices is informal through family members or friends, that the gateway to more formal practices is through a pastoral care worker, and that formal practices are undertaken in remote or rural settings away from the distractions of family, friends and city living.

When survivors describe the practices perpetrated on them - the way they are isolated from the "corrupting" influences of the world, how their "sexual brokenness" is "fixed" by breaking down their sense of self and opening them up to righteous influences, and how they are subject to constant monitoring and self-monitoring - I can't help returning to another historical precedent. As an undergraduate I studied nineteenth century prisons where separation, silence and surveillance were the rule. I was also a summer guide at Port Arthur where I conducted tours of the separate, silent panopticon-like Model Prison. In essence the mechanical, industrial-age theory behind

separate, silent, surveilled prisons was that they would cut off criminal influence, break down the personality of the inmate, and then build it up again through the positive influences of reflection and religious instruction. The religious belief that silent and separation would make it easier for the Holy Spirit to enter our hearts was also at play in the design of these prisons, with Quakers being among the new prisons' most prominent advocates.

Silence, separation and surveillance were considered a humane improvement on the brutalising corporate punishment that had been common in prisons until then. But human beings are not machines. Many inmates of these prisons went insane, including inmates at Port Arthur. I see exactly the same mechanical view of human nature, and the same abusive techniques for breaking down and rebuilding human personality, at play in the contemporary change and suppression movement as I saw in the "reformed" prisons that mentally crippled so many early European Australians.

There are two stinging ironies in this parallel, especially regarding Tasmania. The first is that the strict separation, silence and surveillance of Port Arthur's Model Prison persisted for decades after such treatment had been curtailed in Britain and the United States because of the deleterious impact on prisoner mental health. The second is that the Model Prison was established in no small part to isolate and "reform" men convicted of "unnatural vice", and it retained that role right up until its closure in the 1870s. Of all Australians, it should be Tasmanians who are most keenly aware of the dangers of ideologies that purport to recreate us anew, including recreating our sexual orientation or gender identity.

A better Tasmania

The final pattern I note in Tasmanian survivors is how their deep trauma and resentment is projected on to Tasmania as a whole. Young survivors can sometimes blame their experience on a perceived weakness with Tasmanian society, for example perceived backwardness, a perceived religiosity, or a perceived failure to support vulnerable people. They resist seeing the

very positive changes that have occurred in Tasmania in the last thirty years. Many leave, and when they do they too-often lock their conversion practices in a psychological box called Tasmania, never to be reopened.

The point of mentioning this is that Tasmania can ill-afford to lose the contributions of any of its young people, including those young people who are driven to mental ill-health, driven to suicide, or just driven away, by their experience of conversion practices. It is obvious that banning conversion practices will help prevent the problems faced by survivors. It should also be obvious that it will help families, congregations and communities that suffer the poisonous ill-effects of conversion ideology. What may be less obvious is that it will also foster a happier, more prosperous Tasmania by ensuring all our young people feel able to reach their full potential on the Island.

Setting a global standard

My most recent set of encounters with conversion practices has been through my interaction with LGBTIQ+ advocates and allies in the developing world, particularly East Africa. Conversion practices are more overt there than here, and more widely endorsed. Perhaps in response, advocates and allies in the developing world understand the damage conversion practices inflict and are undertaking strong and effective measures against them. This includes the kind of community organising and awareness raising which should inspire advocates and allies in Australia.

The high level of advocacy and organisation against conversion practices in some African nations throws into sharp relief how little engaged most Australians have been with this issue for so long. LGBTIQ+ advocates, including myself, should have been campaigning against conversion practices decades ago. We missed countless opportunities to raise awareness and take legislative action. As my submission shows, it's not like we didn't know it was a problem. Little wonder the common response of non-LGBTIQ+ and LGBTIQ+ Australians alike,

when they hear about conversion practices, is to declare “does that still happen?”. No-one in Kenya or Uganda would ask that.

We have a lot to learn from the developing world when it comes to campaigning against conversion practices. What we can give back are laws which set a standard, not just for our nation but for all of humanity. It is my hope that, as different Australian states, including Tasmania, comprehensively ban conversion practices, our national representatives will be able to go to multi-lateral fora like the UN, ASEAN and the Commonwealth of Nations ready to advocate for why other nations should do the same.

The survivor achievement

To conclude, I want to applaud the efforts of survivor advocates like Anthony Venn-Brown, Nathan Despott and Chris Csabs. They have kept the issue before the public when many people wanted to look the other way, they found platforms to tell compelling personal stories about the harm conversion practices inflict, they developed new ways of conceptualising and researching conversion practices and the ideology behind them, and they brought those new ideas and data into making laws that are world’s best. Their energy, intelligence and resilience have catapulted Australia from a laggard to a leader on conversion practices. I hope this inquiry will help ensure Tasmania also leads rather than follows.

Questions from the TLRI issues paper

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’?

I support the working definition in the SOGICE Survivor Statement, July 2020.

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

No-one can consent to conversion practices because they are based on flawed and misleading assumptions about the nature of human sexuality and gender, and false and misleading claims about the change or suppression of same-sex attraction and trans identity

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?

See the first section of this submission

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)?

Yes, it must be changed. There must be comprehensive legislation to send the strongest possible message that conversion practices are unacceptable.

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?

Conversion practices should be criminal offences and be indictable because of the harm they cause. Institutions that allow conversion practices to be conducted on their members should also be held liable.

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?

Conversion practices should be made civil wrongs, but alongside criminal sanctions, not instead of them. Compensation for all survivors should be made available

through a redress scheme funded by Government and by fines of perpetrators.

7. Should any existing Tasmanian laws (besides criminal laws or the *Civil Liability Act 2002* (Tas)) be amended to cover SOGI conversion practices? If so, which ones and in what way?

A number of critics of legislation against conversion practices have raised concerns about freedom of speech and religious freedom. A Tasmanian Human Rights Act would be the appropriate way to address these concerns by protecting all rights and freedoms.

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

A new, substantive law against conversion practices should be accompanied by education programs about the harm caused by those practices.

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

The legislation should include a statement affirming the identities of LGBTIQ+ people.