



18 December 2020

Dr Brendan Gogarty
Director
Tasmanian Law Reform Institute
Faculty of Law, University of Tasmania

By email to: Law.Reform@utas.edu.au

Dear Dr Gogarty

Re: Consultation into Sexual Orientation and Gender Identity Conversion Practices in Tasmania

Thank you for the opportunity to provide feedback to the Tasmanian Law Reform Institute regarding potential Tasmanians law to address sexual orientation and gender identity (SOGI) conversion practices.

The Royal Australian and New Zealand College of Psychiatrists (RANZCP) is a membership organisation that prepares doctors to be medical specialists in the field of psychiatry, supports and enhances clinical practice, advocates for people affected by mental illness and advises governments on mental healthcare. The RANZCP Tasmanian Branch represents over 100 members, including around 80 qualified psychiatrists and just over 20 members who are currently training to qualify as psychiatrists.

The RANZCP does not support the use of sexual orientation change efforts of any kind. There is no scientific evidence that sexual orientation can be changed and sexual orientation change efforts risk causing significant harm to individuals as well as contributing to the misrepresentation of alternative sexualities as mental disorders. For further information on the RANZCP position against conversion practices, please see [RANZCP Position Statement 60: Sexual orientation change efforts](#).

The RANZCP is supportive of the intent behind such legislation which seeks to prohibit the practice of conversion therapies. Members of the LGBTIQ+ community are valued members of society with rights to equal access to health care, marriage and procreation and bringing up children. They should experience life free from harassment or discrimination in any sphere and a right to protection from therapies that are potentially damaging, particularly those that purport to change sexual orientation.

We have a strong position on the importance of recognising the addressing the mental health needs of the LGBTIQ+ community, articulated in [RANZCP Position Statement 83](#). The RANZCP recommends the mental health sector improve its responsiveness to the needs of LGBTIQ+ people, including an evaluation of evidence which demonstrates that the discrimination and marginalisation of the LGBTIQ+ population, including those questioning their gender identity, increases the risk of developing mental health issues.

However, we do believe Tasmania has an opportunity to learn from the experience of other jurisdictions when drafting legislation to address SOGI conversion practices. Aspects of such legislation introduced in other States have been a cause of concern for psychiatrists and other mental health professionals, due to their potential for unintended consequences. This includes:

- 1) The definition of conversion therapy and exclusions to that definition. It is crucial that legitimate psychiatric treatment and the work of health professionals is not banned by any legislation. It is important that individuals questioning their gender or considering treatment can be appropriately counselled and supported using an evidence-based approach with reference to accepted professional standards.
- 2) The definition and meaning of proscribed treatments – ensuring that all conversion therapies are captured, while removing any association with evidence-based mental health care and support. Initial legislation in other jurisdictions could have, under some circumstances, been perceived to include some evidence-based psychiatric practice, even though the intent of the treatment may not be to change, suppress or eliminate an individual's sexual orientation or gender identity.

The RANZP is very interested in working with you to ensure that any draft legislation takes these potential issues into consideration. If you have any questions or would like to discuss the above, please do not hesitate to contact me via Stephen Ireland, Policy Manager (Branches) at Stephen.Ireland@ranzcp.org or on (03) 9601 4977.

Yours sincerely



Dr Ben Elijah
Chair, RANZCP Tasmanian Branch Committee