

8 December 2020

Email to all non-ALP Vic MPs

Ms Ali Cupper (Independent)
Mr Brad Battin (Liberal Party)
Mr Brad Rowswell (Liberal Party)
Ms Bridget Vallence (Liberal Party)
Mr Bruce Atkinson (Liberal Party)
Ms Cindy McLeish (Liberal Party)
Mr Danny O'Brien (The Nationals)
Hon David Hodgett (Liberal Party)
Mr David Morris (Liberal Party)
Mr David Southwick (Liberal Party)
Ms Ellen Sandell (Victorian Greens)
Ms Emma Kealy (The Nationals)
Mr Gary Blackwood (Liberal Party)
Mr James Newbury (Liberal Party)
Hon Kim Wells (Liberal Party)
Ms Louise Staley (Liberal Party)
Hon Matthew Guy (Liberal Party)
Hon Michael O'Brien (Liberal Party)
Mr Neale Burgess (Liberal Party)
Mr Neil Angus (Liberal Party)
Hon Nick Wakeling (Liberal Party)
Hon Peter Walsh (The Nationals)
Mr Richard Riordan (Liberal Party)
Ms Roma Britnell (Liberal Party)
Mr Russell Northe (Independent)
Mr Ryan Smith (Liberal Party)
Mr Sam Hibbins (Victorian Greens)
Ms Steph Ryan (The Nationals)
Ms Suzanna Sheedy (Independent)
Hon Tim Bull (The Nationals)
Mr Tim McCurdy (The Nationals)
Dr Tim Read (Victorian Greens)
Mr Tim Smith (Liberal Party)

SUBJECT: URGENT! Amend the Change and Suppression (Conversion) Practices Bill

The Coalition of Activist Lesbians Australia (Inc.) (COAL), a not for profit, national lesbian advocacy organisation and UN-accredited lesbian NGO, uses a human rights and women-centric framework to protect lesbian human rights, and to support lesbians across six states and two territory jurisdictions.

We wish to express our concerns with the Change and Suppression (Conversion) Practices Bill in its current form and ask for your advocacy in the Lower House for urgent amendments.

We are pleased with the aspects of the Bill relating to conversion practices that aim to change or suppress a person's sexual orientation, and we trust you will denounce such harmful practices in public debate.

However, we are concerned about the inclusion of gender expression and identity in this bill because this could have extremely harmful consequences for young people—both boys and girls—and harmful consequences for both heterosexual and lesbians. No examples of the impact of such practices in this context have been demonstrated. Examples of “conversion therapy” were given only for same sex attracted people in the 2018 inquiry by the Health Complaints Commissioner and the 2019 consultation by the Department of Justice and Community Safety, both of which led to the drafting of this bill. Gender seems to have been a poorly thought out and last-minute addition with little relevance to issues affecting sexual orientation and little thought on the potential impact on lesbians, gay men, bisexual and heterosexual people.

The proposed Bill is confused and internally inconsistent because it supports an affirmation model treatment for gender conversion in individuals who would otherwise identify as lesbian, gay, bisexual and heterosexual. Girls who are gender non-conforming as children when left alone will grow up to be lesbians and/or heterosexual women. There is evidence that many heterosexuals were gender non-conforming in childhood. Indeed, Philips and Over (1992) found that more heterosexual women than gay men were gender non-conforming in childhood. An affirmation model treatment, therefore, would act as a legally enforceable form of sexual orientation conversion therapy, by transitioning girls into “straight” boys, an exact **opposite** outcome to that intended.

We are extremely concerned about the proposed Bill stating that a “change of suppression practice” can include psychiatry or psychotherapy consultations, as stated in section 5(3). The law should not prohibit therapeutic approaches and appears to have been added to follow the transgender ideology that denies gender dysphoria, a condition that health experts believe lies at the root of transgender identity. Instead, the Bill follows transgender ideology in suggesting, by omission, that the only legally accepted response to anyone questioning their gender identity is to affirm the claimed gender identity, potentially through largely experimental medical interventions, which need further ethical guidelines about consent when working with children and young adult (for example see <https://www.bbc.com/news/uk-england-cambridgeshire-55144148>).

This “gender affirmation” model has had disastrous consequences for young people who have questioned their sexuality and identity, as evidenced in the recent UK High Court Judgement in Bell v Tavistock (see, for example, <https://www.bbc.com/news/uk-england-cambridgeshire-55144148>). We believe all Australian governments need to reconsider their proposed and existing legislation that enforces affirmation-only models of gender dysphoria treatment, especially in children.

Studies have repeatedly shown over many decades that a substantial majority (65-94%) of children presenting with gender dysphoria or questioning their gender identity and expression will eventually resolve their concerns, ceasing to identify with a transgender identity, many coming to accept a lesbian, gay, or heterosexual identity. Current inquiries

also demonstrate an over-representation of young autistic girls which requires complex consideration and treatment.

We are further concerned about the circular, ideological and vague definitions of sexual orientation and gender identity in the proposed Bill, which do not follow current definitions in the Equal Opportunity Act. The Bill removes the definition of sexual orientation as 'homosexuality, bisexuality or heterosexuality' and replaces it with a definition referring to gender. This means that, as gender can be changed, a person's sexual orientation can be changed or suppressed by a change in their partner's gender identity: This defies common understandings of sexuality. For example, a lesbian woman whose partner starts to identify as a transman becomes a heterosexual woman. And a lesbian can be accused of transphobia who refuses to consider a sexual relationship with a transgender identified man, claiming he is a lesbian while still retaining his biologically male sexual organs. Furthermore, he can demand entry to lesbian-only and female-only space and use anti-discrimination legislation to enforce his desires and suppress free speech.

In addition, the new definition of gender identity in this Bill no longer even requires that gender identity be deeply held. Thus, a person's identity could legitimately change from day to day. This makes anti-discrimination unenforceable, as the grounds on which discrimination may be prohibited or allowed change as a person's identity shifts.

We ask that you support a ban **only** on conversion therapy practices that target lesbians, gays and bisexual people, which have a demonstrated harm and inefficacy. In addition, we ask that more time be allowed to fully consider other legislation that may be required for trans identified children and adults, avoid conflation of sexual orientation and gender identity, and more clearly consider the implications of the wording around affirmation models and interventions.

The Bill should only be passed with amendments which remove **all** references to gender identity. There is no evidence of a need for a ban on conversion therapy in relation to gender identity. Indeed, there is strong evidence that an affirmation model, rather than a wait and watch model, will cause harm to children.

Yours sincerely

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