



24 August 2023

NSW Government
Department of Communities and Justice
NSW Ministry of Health
policy@justice.nsw.gov.au

Re: Consultation into Banning LGBTIQ+ Conversion Practices in New South Wales

Thank you for the opportunity to provide this submission to the NSW Government Department of Communities and Justice and the NSW Ministry of Health on the Banning of LGBTIQ+ Conversion Practices.

The LGBTIQ+ community face a higher risk of exposure to institutionalised and interpersonal discrimination and marginalisation, which contributes to unacceptably high rates of mental illness and psychological distress.

Mental health and related services must be safe spaces for LGBTIQ+ people. This is often not the case, with many people too fearful to disclose matters relating to their sexual identity or gender identity and relationships. This fear presents a significant barrier to care, leaving many people without access to services with which they feel comfortable to explore sensitive health matters.

Conversion practices are harmful and a barrier to receiving effective, evidence-based care. They are based on the false assumption that someone's sexuality or gender identity is "wrong" and needs to be "fixed".

The RANZCP is very interested in working with you to ensure that the draft legislation of this important bill addresses these issues and supports trained and competent practitioners engaging in identity exploration or performing clinical assessment.

If you have any questions or if you would like to discuss any of the details in our submission, please do not hesitate to contact me through Richard Hensley, the NSW Branch Policy and Advocacy Advisor. Email: Richard.Hensley@ranzcp.org or by phone on (02) 9352-3609.

Yours sincerely

Dr Angelo Virgona
Chair, RANZCP NSW Branch

About RANZCP

The Royal Australian and New Zealand College of Psychiatrists (RANZCP) is the principal organisation representing the medical specialty of psychiatry in Australia and New Zealand. We provide access to Fellowship of the College for medical practitioners who are wanting to pursue a career in psychiatry. The RANZCP has approximately 8000 members bi-nationally. The NSW Branch represents over 2000 members, including over 1400 qualified psychiatrists.

The NSW Branch offers a substantial resource of distinguished experts – academics, researchers, clinicians, and leaders dedicated to developing expertise in understanding the risk factors of mental disorders, treating individuals and families, developing models of care, and promoting public health measures that will reduce the personal suffering, the loss of potential, and the huge economic costs caused by mental disorders in our community.

The RANZCP supports the banning of LGBTIQ+ Conversion Practices

The RANZCP does not support the use of conversion practices to influence, change or suppress a person's sexual orientation or gender identity. There is no scientific evidence that a person's sexual orientation or gender identity can be changed.

Furthermore, The RANZCP believes that conversion practices risk causing significant harm to individuals and contribute to the misrepresentation of alternative sexualities as mental disorders. The RANZCP's consistent position on conversion practices can be found in [RANZCP Position Statement 60: Sexual orientation change efforts](#).

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

The discrimination and marginalisation of the LGBTIQ+ population, including people who are questioning their gender identity, increases the risk of developing mental health issues. Our strong position on the importance of recognising and addressing the mental health needs of the LGBTIQ+ community, is articulated in [RANZCP position statement 83](#).

The importance of recognising [ethical](#), affirmative forms of therapy in the proposed legislation

During this consultation period, it is important that NSW learns from the experiences of other jurisdictions when they drafted similar legislation. Aspects of legislation introduced in other States failed to recognise the critical role of evidence-based psychiatric practices when treating members of the LGBTIQ+ community. For patients to receive the best possible care, it's important that any legislation reflects that thorough and collaborative assessment and exploration is a critical part of the therapeutic process, particularly where there are complex patient needs.

Currently, the exceptions and exclusions to the proposed legislative definition of conversion practices as they may apply to “a health service or treatment” do not adequately acknowledge those clinical complexities.

Therefore, it is crucial for the legislation or accompanying guidance to make clear that the law will not stop ethical, affirmative forms of therapy (which are non-directive and non-judgemental). It is also important that the legislation does not interfere with psychological and medical professionals who are trained and competent in working with patients questioning their sexual orientation or gender identity from engaging in identity exploration or performing clinical assessment of suitability for medical intervention.

The importance of recognising [ethical](#), affirmative forms of therapy, when treating children and adolescents, in the proposed legislation

It is important for the legislation or accompanying guidance to make clear that the law will not stop ethical, affirmative forms of therapy (which are non-directive and non-judgmental). It is also important that the legislation does not interfere with psychological and medical professionals who are trained and competent in working with trans and gender questioning children and adolescents and children and adolescents who are questioning their sexual orientation from engaging in identity exploration or performing clinical assessment of suitability for medical intervention.

Conclusion

The RANZCP believes that it is essential for people questioning their sexual orientation or gender identity to have a safe therapeutic space where they can comfortably share their thoughts and feelings without judgement, or the risk of harmful intent.

We reiterate our interest in working with you to ensure that these principles form part of this legislation for the safety and wellbeing of the LGBTIQ+ community.