



welcoming LGBTIQ people, same-sex couples and families,  
in all areas of the Church's life, ministry and leadership  
c/o Pitt Street Uniting Church, 264 Pitt St, Sydney, NSW, 2000

## Submission to the Tasmania Law Reform Institute (TLRI) Sexual Orientation and Gender Identity Conversion Practices

Issue Paper 31 – November 2020

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### Introduction and overview

The Uniting Church LGBTIQ+ Network (hereafter 'Uniting Network') is the national network for lesbian, gay, bisexual, transgender, intersex, and queer (LGBTIQ+) people, our families, friends, and allies within the Uniting Church in Australia (UCA). We are an independent national network in the UCA. We are officially recognised within the UCA and work within the structures and various Councils of the Church, but we do not represent or speak for the UCA.

Our ministry and advocacy for LGBTIQ+ people and communities are based on our Christian faith. This is summarised in a 2006 statement from the UCA's national assembly, that

*The Uniting Church believes that every person is precious and entitled to live with dignity because they are God's children, and that each person's life and rights need to be protected or the human community (and its reflection of God) and all people are diminished.*<sup>1</sup>

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<sup>1</sup> The Uniting Church's most comprehensive statement on human dignity was made in 2006 in a document titled "Dignity in Humanity: Recognising Christ in Every person". In Cynthia Coghill and Elenie Poulos, (Eds), *For a World Reconciled*, Uniting Church in Australia Assembly, Sydney, 2016, pp 127-131.

This submission has been prepared by Nicole Mugford, a member of the Uniting Network national executive. Nicole states that Nicole is “a survivor of conversion practices (in SA) and am currently residing in Melbourne and representing Uniting Network as the Victorian member and am the key point person for conversion practice legislation and consultation work with Uniting Network. I have consulted and advocated in the development of the Victorian legislation over the last two years.” This submission has been approved by the Uniting Network executive after conversation with the executive and various Network members.

## **Response to TLRI questions**

### **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’?**

Uniting Network are supporters of the Sexual Orientation and Gender Identity Change Efforts (SOGICE) Survivor Statement.<sup>2</sup> We support the definition in the TLRI issues paper as also expressed in the SOGICE Survivor Statement. We believe it is necessary to include in the TLRI definition those practices by which people are removed from Tasmania for the purpose of sexual orientation and gender identity change or conversion practices. It is our view that the Bill currently before the Victorian Parliament (*Change or Suppression (Conversion) Practices Prohibition Bill, 2020*) meets very high standards and thus merits careful consideration by other jurisdictions.

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

In our assessment it is not possible for anyone to give fully informed consent to conversion practices (CPs). The main reason is that such conversion practices are based on false and misleading claims about sexual orientation and gender identity. Because of the way prejudiced attitudes are ingrained into individuals from a young age, individuals are made to feel inferior and that ‘conversion’ is the only available option to find freedom and continue in religious faith. Therefore, our view is that any ban on practices should include children and adults whether seemingly consenting or not.

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<sup>2</sup> <https://socesurvivors.com.au/>

**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?**

While some of the members of the Uniting Network executive have experienced conversion practices and are aware of practices happening in Tasmania, we do not have specific stories to share.

**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)?**

It is our view that legislation should be introduced banning conversion practices, inducement to undergo conversion practices, advertising conversion practices, and referring a person to conversion practices, and removing a person Tasmania for the purpose of conversion practices. There should be comprehensive legislation to send the strongest possible message that CPs are unacceptable. It is vital that Tasmanian law is changed to address this issue. Strong legislation on banning SOGI conversion practices will save lives. It is necessary to realise that this issue is not primarily an issue of religious freedom but one of human rights and the dignity and value of all people. It is important that any legislation includes banning conversion practices, both formal and informal, that happen in religious contexts. It is our view that amendments to existing crimes or health legislation will not sufficiently address the bulk of conversion practices and therefore a new law is required.

**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?**

Those who administer conversion practices or who perpetuate conversion ideology in formal or clinical settings as well as information settings should be subject to greater penalties, which may include criminal charges. CPs should be criminal offences and be indictable because of the serious and life-threatening harm they cause. Please refer to the research findings of La Trobe University, in partnership with Macquarie, AGMC and Brave Network, for more information about the harms caused by conversion practices.

**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?**

Uniting Network's view is that any practices that are (a) focused on the individual, (b) grounded in the intent to change or suppress, and (c) cause injury or serious injury, should be subject to criminal penalties, regardless of whether those practices occur in religious settings, professional settings, paid or unpaid. Practices that don't fulfil all three of the criminal criteria but are serious or systemic should be referred to a civil investigation process. Civil penalties, eg. fines with no criminal record, should be implemented for people found to have delivered conversion practices where those practices have not fulfilled the criminal criteria but have been found to be serious or systemic.

**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?**

As a general approach the Tasmanian Parliament should enact either a Tasmanian Human Rights Act or a Charter of Rights to ensure a framework for protecting the rights and freedoms of all Tasmanians, including LGBTIQ+ Tasmanians. The national assembly of the Uniting church has advocated for a national Bill of Rights.<sup>3</sup>

There should be considering changes in the Health Practitioner Regulation National Law (Tasmania) Act 2010 for the deregistration of any health practitioner who refers a person for CP or engages directly or indirectly in CP.

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

The Uniting Network supports a legislative guiding principle based on the view that survivor advocates be given a priority focus and that survivors should be involved in all aspects of consultation, legislation, and advocacy.

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<sup>3</sup> See "Dignity in Humanity: Recognising Christ in Every person". In Cynthia Coghill and Elenie Poulos, (Eds), *For a World Reconciled*, Uniting Church in Australia Assembly, Sydney, 2016, pp 134 - 136.

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

A further legislative guiding principle should propose affirmation for the dignity and rights of LGBTIQ+ people. In addition, there also need to be education and research readily available to help religious institutions, among others, to recognise the harm perpetrated by conversion practices and the importance of affirming LGBTIQ+ people in their communities. A redress scheme for the ongoing support for survivors should be considered, along with the ways in which appropriate mental health support programs can be provided to survivors of conversion practices.

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Submission approved by the Uniting Church LGBTIQ+ Network executive

27 January 2021

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