



CHALLENGE
INJUSTICE.

24 May 2022

The Hon. Mark McGowan BA LLB MLA
Premier of Western Australia
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Cc: the Hon. Amber-Jade Sanderson BA MLA, Minister for Health & the Hon. John Quigley LLB JP MLA, Attorney General.

Dear Premier McGowan,

RE: Conversion Practises & the implementation of Civil Schemes

Thank you for your commitment to ending Conversion Practices in Western Australia. Sexual orientation and gender identity change efforts (SOGICE) are harmful and deceptive, and as a community we must do all we can to eliminate them. Amnesty International Australia supports the [SOGICE Survivor Statement](#), which outlines survivor-led recommendations for addressing the LGBTQA+ conversion movement, preventing further harm, and supporting survivors.

Survivor advocates, allies, researchers and legal advocates around the country together advocated for world-leading legislation in Victoria, which came into effect in February this year. Victoria's legislation is based on the most comprehensive research (such as the [Healing Spiritual Harms](#) report and [Writing Themselves In 4](#) study) and is informed by the most prominent survivor groups in the world. The expertise that went into building Victoria's legislation has since been sought by governments, advocates and researchers around the world - in Canada, New Zealand, the UK, Germany, Indonesia, South Africa, Lebanon, Kenya and Nigeria.

It is imperative that all governments in each state and territory emulate this world-leading model.

The carefully developed foundations of this model includes legislation that:

- Strongly affirms that LGBTQA+ people are not 'broken' or 'disordered';
- Defines conversion practices as both 'change' *and* 'suppression' practices;
- Bans practices in both formal (medical/psychology/counselling) and informal (including religious and education) settings, whether paid or unpaid, regardless of age. This acknowledges that conversion practices primarily occur in unpaid, informal spaces, and that legislation that only targets formal or health-based practices will do very little to address the harm;

- Targets the false, misleading, and pseudoscientific fraudulent claims that drive conversion practices by focusing on conversion practitioners' intent and purpose, and acknowledging that it is not possible for a person to provide *informed* consent to participate in conversion practices;
- Prohibits advertising and promotion of paid or unpaid conversion practices, including promotion of false and misleading claims designed to generate demand;
- Prohibits inducements and referrals to participate in conversion practices;
- Establishes a range of criminal penalties for practices where injury or serious injury occurs, for advertising conversion practices (strict liability), and for removing children from the jurisdiction for the purpose of conversion practices;
- References and works alongside existing professional regulatory standards, health and consumer affairs commissions, and crimes legislation;
- Employs definitions and exemptions that ensure religious leaders and health professionals can only be seen as having delivered conversion practices if clear intent is present, including exemptions for health professionals to use their professional judgement within professional regulatory boundaries;
- Explicitly establishes a Civil Response Scheme with powers of investigation, education, and research, with scope for investigations to be initiated internally or as a response to complaints by third parties, not just by survivors, using strategies that prevent re-traumatisation. The Scheme is empowered to facilitate a range of voluntary and enforceable actions.

While the laws and definitions in the Victorian legislation are ground breaking, the key innovation in the new law is the establishment of a Civil Response Scheme, which was developed to investigate, educate and mediate support. **The effectiveness of the law in ending harmful conversion practices hinges on the development and resourcing of the Civil Scheme.**

While the law assigns criminal penalties to the most egregious of conversion practices, which are relatively rare, the Civil Scheme has been provided with powers for education, research, and investigation - working alongside affected communities. Based at the Equal Opportunity and Human Rights Commission, the Scheme is also able to refer matters to health, consumer affairs and professional regulatory bodies that have not otherwise had the expertise or capacity to navigate the deceptive and complex operations of the conversion movement.

The development of the Civil Scheme has allowed the legislation the ability to address deceptive and prolific conversion ideology and practices in a fair and equitable way.

The Victorian law also provides groundbreaking and equitable protections for trans people. However, conservative voices have sought to muddy the conversation regarding trans protections in the legislation, claiming that it seriously jeopardises their ability to exercise professional judgement, particularly when working with trans young people.

We urge governments to strongly question the legitimacy of these arguments. The law provides generous and carefully considered exemptions for health practitioners to use their professional

judgement within the bounds of their already existing codes of ethics and professional regulations. The role of the legislation is therefore to prevent people with pre-determined or undeclared agendas from harming and creating barriers for trans people.

We call on the West Australian Government to implement this gold standard evidence-based model, including the creation of a sufficiently resourced body with powers of education, investigation and research.

Amnesty International Australia, SOGICE Survivors and Ending Conversion Practices WA request a meeting with senior representatives of the Western Australian government, particularly the Premier, Health Minister, and Attorney General, to discuss these matters further.

For further information, or to discuss and organise a meeting, please contact Ry Atkinson at ry.atkinson@amnesty.org.au or 0423 270 124, or alternatively endingconversionpracticeswa@gmail.com and contact@SOGICESurvivors.com.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Sam Klintworth', written in a cursive style.

Sam Klintworth
National Director
Amnesty International Australia