

REPORT ON THE INQUIRY INTO CONVERSION THERAPY EXECUTIVE SUMMARY

On 15 May 2018 the then Minister for Health, the Hon. Jill Hennessy MP, referred the matter of ‘gay conversion therapy’ or ‘ex-gay ideology’ to the Health Complaints Commissioner (the Commissioner) for inquiry under section 103 of the *Health Complaints Act 2016* (the Act). Section 103 of the Act enables the Commissioner to inquire into any health service matter.

On 17 May 2018 the Commissioner commenced an inquiry into conversion therapy/practices, often referred to as gay conversion therapy, which is defined as any practice or treatment that seeks to change, suppress or eliminate an individual’s sexual orientation or gender identity, including efforts to reduce or eliminate sexual and/or romantic attractions or feelings toward individuals of the same gender, or efforts to change gender expressions.

Contemporary forms of conversion therapy/practices can include counselling, psychology or psychotherapy, formal behaviour-change programs, support groups, prayer-based approaches and exorcisms. Providers of conversion therapy/practices may include unregulated health service providers.

Terms of Reference

The Commissioner’s Terms of Reference establish the following purpose and scope of the inquiry:

That the Health Complaints Commissioner inquire into and report on the practice of “gay conversion therapy” or “ex-gay ideology” (conversion therapy/practices) in Victoria, with particular reference to:

- a. understanding who is conducting conversion therapy/practices;*
- b. understanding the context in which conversion therapy/practices are occurring;*
- c. the adequacy of the powers and functions of the Health Complaints Commissioner to receive and deal with complaints about conversion therapy/practices;*
- d. the opportunities for collaboration with other agencies, organisations and levels of Government to improve outcomes for survivors of the conversion therapy/practices; and*
- e. any other related matters.*

The Terms of Reference define ‘conversion therapy/practices’ as:

any practice or treatment that seeks to change, suppress or eliminate an individual’s sexual orientation or gender identity, including efforts to reduce or eliminate sexual and/or romantic attractions or feelings toward individuals of the same gender, or efforts to change gender expressions.

‘Conversion therapy/practices’ does not include any practice or treatment that:

- provides assistance to an individual undergoing a gender transition, or*

- *provides acceptance, support and understanding of an individual, or*
- *facilitates an individual's coping, social support and identity exploration and development, including sexual orientation-neutral interventions*

as long as such practices or treatments do not seek to change an individual's sexual orientation or gender identity.

In exercising the power to conduct an inquiry under the Act the Commissioner was greatly assisted by Investigator, Ms Catherine Kelly.

Methodology

The methodology included structured individual and group interviews with victims of conversion therapy/practices and in some cases discussion with family members of victims.

The methodology also included research into the approach to conversion therapy in other jurisdictions as well as the views of various professional bodies. In summary, there is widespread condemnation of any form of sexual orientation change effort in Australia and overseas. Among professional bodies, including the Royal Australian & New Zealand College of Psychiatrists, Victorian Branch, the Australian Psychological Society, the Australian Medical Association, the Psychotherapy and Counselling Federation of Australia, the Christian Counsellors Association of Australia, and the Australian Counselling Association, the various position statements and codes of ethics recognise the harm caused by conversion therapy/practices and condemn these practices.

Several overseas jurisdictions have introduced legislation to ban the practice of conversion therapy, including Malta, Ireland and at least 14 States in the U.S.A. (with legislation pending in other States). Many have limited the bans to prohibiting conversion therapy of minors. However, Ireland has banned anyone from performing or offering to perform conversion therapy, regardless of the age of the person receiving the therapy or the position or qualification of the person offering the therapy.

Findings

The main aims of conversion therapy/practices are generally to suppress or eliminate a person's sexual orientation or gender identity, including through celibacy or abstinence, and ultimately to change a person's sexual orientation or gender identity.

The inquiry's findings detail the long-term psychological harm and distress to people who have undergone conversion therapy/practices. Several key themes which were identified can be summarised as follows:

- Survivors experience acute distress and/or ongoing mental health issues such as severe anxiety and depression;
- Survivors experience feelings of guilt and shame about their sexuality, reporting being "overwhelmed by guilt" and guilt that is "always there";
- Conversion therapy/practices reinforced homosexuality as a form of 'brokenness';
- Church teachings that homosexuality is sinful;
- Pressure to change a person's sexuality from gay to straight or pressure to stop acting on a person's same-sex attraction;
- Attributing 'same-sex attraction' to childhood, developmental or family issues.

There are still psychologists, counsellors and counselling services offering conversion therapy/practices, despite the overwhelming evidence of the significant and long-term harm caused by these practices.

Accordingly, one of the key findings is that a legislative response sends a very strong message to the community that conversion therapy/practices are unacceptable.

Funding for counselling and psychological services, together with legislation, would provide a very clear message to the community that conversion therapy/practices are not condoned in Victoria.

It is important to note that the inquiry has not been concerned with 'religious freedoms'. The inquiry focused on the counselling and therapy practices and/or treatment that seeks to change, suppress or eliminate an individual's sexual orientation or gender identity, including efforts to reduce or eliminate sexual and/or romantic attractions or feelings toward individuals of the same gender, or efforts to change gender expressions.

Recommendations

Pursuant to section 103 of the Act, on completing the inquiry the Commissioner may make recommendations about the health service matter dealt with in the inquiry to the Minister for Health as the person who referred the matter to the Commissioner. Based on the findings of this inquiry, as summarised above, I recommend that the Minister considers introducing legislation to prohibit conversion therapy/practices, and supports for survivors of conversion therapy/practices, which may include resourcing for counselling/support services for those survivors.

Karen Cusack
Health Complaints Commissioner