



## **Feminist Legal Clinic Inc.**

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The Hon. Jaclyn Symes  
Attorney General  
Level 36,  
121 Exhibition Street  
Melbourne VIC 3000

*Via Email Only*

Thursday 7 January 2021

Dear Attorney General

### **Re: Change or Suppression (Conversion) Practices Prohibition Bill 2020**

Feminist Legal Clinic Inc. is a fledgling community legal service working to advance the human rights of women and girls. Although we are based in Sydney, we have a membership dominated by left wing feminists, including many lesbian women, from all over Australia. We are also the Australian country contact for the international Women's Human Rights Campaign.

We congratulate you on your appointment to the position as Attorney General of Victoria. We appreciate how busy you must be beginning the year in this new role and therefore will keep this letter very brief.

Our Victorian colleagues advise us that the *Change or Suppression (Conversion) Practices Prohibition Bill 2020* is expected to be made law early in February 2021 and that their understanding is that there is nothing to be done to stop the passage of this legislation. However, we believe new evidence has come to light since the Bill was introduced to the Victorian Parliament which provides a compelling argument for your government to urgently change course in relation to this very complex and sensitive area and remove all references to gender identity within the Bill.

While we recognise that the legislation may be motivated by good intentions, we believe that the provisions in relation to gender identity are deeply misguided and if passed will pave the way for extensive infringements of the human rights of children (particularly girls) and other vulnerable people. Section 5(2) effectively mandates the affirmation model of treatment for individuals presenting with gender dysphoria. However, this approach has just been effectively debunked by the UK High Court case of *Bell v Tavistock* handed down on 1 December 2020 which found there was a lack of longitudinal and robust peer reviewed research to support the use of puberty blockers on children. It was also established that use of puberty blockers is causally connected to more invasive and irreversible hormonal and surgical treatments.

Research demonstrating exponential increases in young girls presenting with gender dysphoria and reports by whistleblowers working within gender clinics documenting the fast tracking of vulnerable children with co-morbidities, is resulting in a hasty reassessment of the affirmation model of treatment in a number of jurisdictions around the world. Even Sweden, a country named as the most LGBT friendly country in the world in November 2019 and an early adopter of these medical treatments for gender dysphoria, has seen a rapid change in public opinion and recent shelving of planned legislation lowering the age from which these treatments can be accessed.

Our service has started to be contacted by clients regretting their transition and seeking redress for the physical and psychological injury caused by ill-advised medical interventions. Many women and girls are reporting pressure to identify as trans rather than as a lesbian. Ironically the gender transition practices specifically exempted by section 5(2) of the Bill and seemingly given the government's imprimatur would appear to constitute a most extreme form of conversion therapy whereby individuals are encouraged to "trans the gay away". We strongly believe now that it is only a matter of time before litigation is commenced for the extensive harm being done.

This legislation in its current form, if passed, will impede health professionals and others from taking any approach to gender dysphoric young people other than fast-tracking them onto hormonal and surgical treatments. The Victorian Government has a duty of care to take account of the findings in *Bell v Tavistock* and the increasing numbers of detransitioners speaking out publicly about their experiences and refrain from passing legislation that will only ensure further young people are subjected to experimental and harmful medical treatments with insufficient counselling and exploration of underlying issues.

Aside from the above concerns, we believe the legislation is drafted in a manner that breaches multiple human rights and civil liberties and also constitutional principles as set out by the High Court in *Burns v Corbett*. Section 8 of the Bill effectively purports to give the Commission and VCAT jurisdiction to determine matters between residents of different states (a jurisdiction specifically reserved under Article 75(iv) of the Australian Constitution). Alarming, the powers of compulsion given to the Human Rights Commission as part of its investigatory functions (section 36, 37, 38), the capacity to conduct proceedings in secret (section 41) and potentially in disregard of principles of natural justice (section 35) and its unfettered power to "*take any action it considers fit*" under section 42 would establish the Commission as a menacing star chamber with extraterritorial reach. Meanwhile the Bill makes provision for VCAT, and not a court, to review the Commission's decisions (section 45) and enforce its orders (section 46). Indeed, the secrecy provisions and the restrictions placed on disclosure of information to a court (section 51 and 52) would seem to hamper any recourse to the civil court system.

I do hope you will reconsider this ill-advised legislation. Please do not hesitate to contact me on 0402 467476 if any further information is required.

Yours faithfully



Anna Kerr  
Principal Solicitor