

29 June 2020

ACT Government - Chief Minister, Treasury and Economic Development Directorate
By email: conversionpracticesban@act.gov.au

Dear ACT Government

WLC support for the ban on conversion practices in the ACT

The Women's Legal Centre ACT (WLC) is pleased to have the opportunity to contribute to the ACT Government's proposed ban on conversion practices in the ACT.

Who we are

The WLC is a specialist community legal centre committed to providing high quality legal services to vulnerable women. We also assist government to improve policy, legislation and implementation. We do this through making constructive, solutions-oriented submissions based on evidence and draw on our front-line experience in our legal and social work practices in the ACT.

What we do

The WLC provides advice, support and representation to women in the ACT in family law, employment and discrimination matters.

Our employment and discrimination practice is committed to assisting women to assert their fundamental right to non-discrimination. While the majority of our work relates to discrimination in employment, we also provide assistance and representation to women facing discrimination in other areas of public life, including housing, transport, education and access to government services.

Our work is often focused on supporting women at the earliest stage, and we help them to navigate complaints processes provided by the Fair Work Commission, ACT Human Rights Commission and Australian Human Rights Commission to reach practical and sustainable solutions to their problems. We also adopt a trauma-informed approach to service delivery, and support women holistically with their legal needs.

Our support for the ban on conversion practices

The WLC strongly supports the proposed ban on conversion practices in the ACT. We support the right of all people to express their gender identity and sexual orientation, and to be protected from the significant harm caused by practices which seek to change or suppress an individual's gender identity or sexual orientation.

A ban on conversion practices will help prevent these practices from continuing and convey a strong message that the ACT Government condemns these harmful practices and supports people of all gender identities and sexual orientations.



Our support for the ACT Human Rights Commission handling complaints

We agree with the proposed approach of giving the ACT Human Rights Commission jurisdiction to handle complaints about conversion practices.

The ACT Human Rights Commission already has jurisdiction to consider discrimination complaints and health services complaints (including complaints about health practitioners in conjunction with the Australian Health Practitioner Regulation Agency). Therefore, the ACT Human Rights Commission is well placed to also consider complaints about conversion practices, which intersects with its existing complaint handling jurisdiction.

Call for enforceable remedy

However, to provide a meaningful avenue of complaint, any additional complaint handling jurisdiction given to the ACT Human Rights Commission must be accompanied by an enforceable mechanism. If a complaint about conversion practices cannot be resolved through the Human Rights Commission's conciliation process, the complainant should have the option to proceed to the ACT Civil and Administrative Tribunal (ACAT). ACAT can make legally enforceable orders whereas the ACT Human Rights Commission cannot.

Without this enforceable remedy, respondents to complaints are unlikely to take complaints seriously or properly engage with the conciliation process.

Call for Commission-initiated complaints

We also support the ability of the ACT Human Rights Commission to inquire into possible breaches of the ban itself, without the need for an identified complainant. This would relieve the heavy burden on individuals from complainant-only enforcement options. We know from our clients that the pressures on them in pursuing a complaint (including stress and anxiety, time, and financial costs/risks) can act as a disincentive for individuals to lodge or continue with complaints.

The ACT Human Rights Commission should also have the option to take commission-initiated complaints to ACAT if necessary.

Request for further consultation once details released of proposed enforcement regime

We support a combination of approaches and would welcome the opportunity to provide input once further details are released about proposed changes to the *Criminal Code 2002* (ACT), the Health Practitioner Regulation National Law (ACT), and/or the *Children and Young People Act 2008* (ACT).

Thank you for the opportunity to contribute to this discussion.

Yours sincerely

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