

3 September 2021

Committee Secretariat
Justice Committee
Parliament Buildings
Wellington

Submitted online

Conversion Practices Prohibition Legislation Bill

Dear Committee Members

The New Zealand Medical Association (NZMA) wishes to submit on the above Bill. The NZMA is New Zealand's largest medical organisation, with about 5,000 members from all areas of medicine. The NZMA aims to provide leadership of the medical profession, and to promote professional unity and values, and the health of all New Zealanders. Our submission has been informed by feedback from our Board and Advisory Councils.

We are strongly supportive of this omnibus Bill which will prohibit conversion practices in New Zealand. We note that the Bill defines conversion practice as a practice that: (a) is directed towards a person because of their sexual orientation, gender identity, or gender expression; and (b) is performed with the intention of changing or suppressing their sexual orientation, gender identity or gender expression. We suggest that it may be useful for the Bill to define sexual orientation, gender identity, and gender expression, although we welcome the Bill's coverage of all these three aspects of identify. To ensure that health practitioners are not discouraged from offering legitimate support or therapy, we note that the definition of conversion practices excludes practices within scopes of practice, and other practices such as assisting a person who is underdoing a gender transition, or facilitating a person's coping skills, development, or identity exploration. The definition also clarifies that it does not capture the expression only of a religious principle or belief that is not intended to change or support a person's sexual orientation, gender identity or gender expression.

The World Medical Association (WMA), of which the NZMA is a constituent member, has condemned so-called 'conversion' or 'reparative' methods, stating that these constitute violations of human rights and are unjustifiable practices that should be denounced and subject to sanctions and penalties. The WMA goes on to state that it is unethical for physicians to participate during any step of such procedures. We concur fully with the WMA's position. We believe that

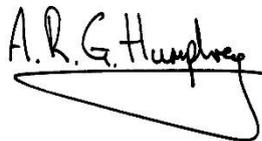
conversion therapy is harmful, degrading and junk science, and should have no place in New Zealand.

To deter the performance of conversion practices, we note the Bill creates 2 new criminal offences. These cover conversion practices where there is a heightened risk of harm (as in the case of a person under the age of 18 years or with impaired decision-making capacity) or where the practices cause serious harm. Ideally, we would like to see the law extended to cover conversion practices in competent adults that cause harm, not just serious harm. In addition to the criminal offences, we welcome the Bill using the Human Rights Commission's existing functions and complaints system to provide a civil redress scheme for conversion practices. This provides another pathway of redress for survivors of conversion practices, with a focus on remedying harm and preventing it from happening again.

We note that the purpose of the Act is to: (a) prevent harm caused by conversion practices; and (b) promote respectful and open discussions regarding sexuality and gender. We suggest that it may be useful to elaborate on the purpose of the discussions regarding sexuality and gender and suggest they could be put in the context of child and adolescent development. For example, they could be used to help development with autonomy and choice, to help children develop into healthy adults whose gender/sexuality is experienced as an integral and healthy part of their overall identity, and to help adolescents and children, who will have very different needs, to understand themselves and all the different aspects of identity, sexuality, gender and relationships.

We would welcome the opportunity for an oral hearing to speak to this submission.

Yours sincerely

A handwritten signature in black ink that reads "A. R. G. Humphrey". The signature is written in a cursive style and is underlined with a single horizontal line.

Dr Alistair Humphrey
NZMA Chair