



## Triple Bottom Line (TBL) Assessment Summary

*The Triple Bottom Line Assessment is required to be published in accordance with Part 4, section 23 (1)(b) of the Freedom of Information Act 2016*

### 19/609 - Prohibition of Sexuality and Gender Identity Conversion Practices Bill 2020

#### Summary of impacts:

- Banning conversion practices sends a clear message that conversion practices and ideologies are harmful.
- This ban serves to protect LGBTQ+ people from harm, and thereby improve the safety and inclusion of LGBTQ+ people.
- This ban better protects LGBTQ+ equality rights.
- This ban supports the vision of the Capital of Equality Strategy for Canberra to be the most LGBTQ+ welcoming and inclusive city in Australia and delivers upon a commitment under the First Action Plan to ban conversion therapy in the ACT by the end of 2020.

Level of impact	Positive	Negative	Neutral
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Social		
Level of impact	Impact	Summary
Positive	Gender Equality	<ul style="list-style-type: none"> <li>• Conversion practices is an umbrella term used to describe attempts to 'convert' or 'cure' a same-sexual orientation or transgender identity to an exclusively heterosexual and cisgender identity.</li> <li>• Such practices are grounded in the belief that all people are born with the potential to develop into heterosexual people who gender identity accords with that assigned to them at birth.</li> <li>• Banning conversion practices will protect trans and gender diverse people from such harmful practices which seek to 'cure' them to an exclusively cisgender identity.</li> </ul>
Positive	Health (Community and mental health)	<ul style="list-style-type: none"> <li>• Conversion practices are not supported in the medical or psychological professional community.</li> <li>• There is a strong body of evidence that conversion practices to change a person's sexual orientation, gender identity and/or gender expression are ineffective and have the potential to cause harm.</li> <li>• Conversion practices are reported to cause depression, suicidality, anxiety and decreased sexual function.</li> <li>• Surveys conducted of people who have undergone these practices show experiences of long-lasting</li> </ul>

		<p>psychological effects, including disappointment at their inability to change when therapy inevitably fails.</p> <ul style="list-style-type: none"> <li>Conversion practices contribute to social stigma that harms gender and sexual minorities.</li> </ul>
Neutral	Access to services	<ul style="list-style-type: none"> <li>Introducing a prohibition with criminal sanctions for children and adults unable to consent could have a chilling effect which might discourage health practitioners from engaging in any health services, treatments, therapy or counselling services that relate to sexuality or gender identity.</li> <li>However, the definition of prohibited practices would not include legitimate services which relate to the free development and/or affirmation of one's sexuality and gender identity. Examples include assisting a person who is undergoing, or considering undergoing a gender transition, assisting a person to express their gender identity, or facilitating social support, identity exploration and development.</li> <li>Development of gender affirming standards of care for psychologists and mental health professionals working with trans and gender diverse people in the ACT (pursuant to the Capital of Equality First Action Plan) will also help to address any potential chilling effect.</li> </ul>
Positive	Access to social inclusion/participation and community activities	<ul style="list-style-type: none"> <li>Banning conversion practices will prevent harm and improve the safety and inclusiveness of LGBTQ+ Canberrans, and better protect equality rights.</li> <li>Banning conversion practices will prevent the significant negative impacts such practices have on a person's mental health, social inclusion, connectedness and participation.</li> </ul>
Positive	Human rights	<ul style="list-style-type: none"> <li>This proposal will vest the ACT Human Rights Commission with the jurisdiction to handle complaints, conduct Commission-initiated reviews or considerations about conversion practices.</li> <li>Banning conversion practices will better protect equality rights.</li> <li>Prohibiting conversion practices may engage the right to religious freedom, rights of family, right to freedom of movement and the right to privacy, which are rights protected under the <i>Human Rights Act 2004</i> (ACT).</li> <li>The ban will be subject to human rights compatibility, ensuring appropriate balancing of rights.</li> </ul>
Positive	Impacts on different age groups	<ul style="list-style-type: none"> <li>The ban on conversion practices will differ in approach for adults versus young people and those who are unable to consent.</li> <li>Criminal offences are proposed for more serious matters, such as conducting conversion practices on a child or young person, or a person unable to consent.</li> </ul>
Positive	Justice and Crime	<ul style="list-style-type: none"> <li>This measure will provide an avenue for LGBTQ+ people to seek justice through bringing a complaint</li> </ul>

		about harmful conversion practices to the ACT Human Rights Commission.
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Economic		
Level of impact	Impact	Summary
Neutral	ACT Government Budget	<ul style="list-style-type: none"> <li>The proposed legislative ban on conversion practices has no financial impacts.</li> <li>Any cost associated with the passage of the Bill will be met from within existing resources.</li> </ul>

Environmental	Nil
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