

2022

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

Conversion Therapy Amendment (Psychiatric Consultation) Bill 2022

EXPLANATORY MEMORANDUM

and

STATEMENT OF COMPATIBILITY WITH HUMAN RIGHTS

Circulated by authority of

Putrid

Conversion Therapy Amendment (Psychiatric Consultation) Bill 2022

OUTLINE

This bill strengthens the institutional defences against coercive and non-consensual use of conversion therapy by forcing the statutory declaration necessary to be signed to become a participant in conversion therapy to be witnessed by an accredited psychiatrist who has had a consultation with the potential participant outlining the full risks involved. In addition it strengthens the legal penalties for violation of the Conversion Therapy Act, doubling prison sentences from 10 years to 20 while adding a 10 year prison sentence for psychiatrists who witness a statutory declaration for conversion therapy found to contain false information.

FINANCIAL IMPACT

This bill will not result in additional Commonwealth spending.

STATEMENT OF COMPATIBILITY WITH HUMAN RIGHTS

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Conversion Therapy Amendment (Psychiatric Consultation) Act 2022

This bill is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the Human Rights (Parliamentary Scrutiny) Act 2011.

HUMAN RIGHTS IMPLICATIONS

This Bill engaged with the freedoms and rights enshrined in the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment done at New York on 10 December 1984, notably Articles 16, which prohibits "cruel, inhuman or degrading treatment or punishment which does not amount to torture" under the jurisdiction of participating member states.

Conclusion

This bill is compatible with human rights and enhances the human rights of Australians by enhancing protections against the coercive and unconsensual participation in conversion therapy practices.

Senator Putrid