



**Submission**  
of the  
**New Zealand Union of Students'  
Associations**  
on  
**Conversion Practices Prohibition  
Legislation Bill**

Prepared by  
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To	<b>Justice Select Committee</b>
From	<b>New Zealand Union of Students' Associations (NZUSA)</b>
Date	<b>8 September 2021</b>
Subject	<b>Conversion Practices Prohibition Legislation Bill</b>

## **1. Introduction**

1.1. The New Zealand Union of Students' Associations ("NZUSA") would like to thank you for the opportunity to make a written submission on the Conversion Practices Prohibition Legislation Bill. NZUSA would also like the opportunity to make an oral submission.

## **2. Background**

2.1. The New Zealand Union of Students' Associations (NZUSA) is the national voice of students in tertiary education. We are proudly owned by students' associations and councils from universities, institutes of technology and polytechnics around the country. We work alongside our partner organisations Te Mana Ākonga (National Māori Tertiary Students' Association), Taura Pasifika (National Pasifika Tertiary Students' Association) and the National Disabled Students' Association (NDSA) to fight for a barrier-free education for all.

2.2. NZUSA's members are:

- Albany Students' Association (ASA)
- Association of Students at Universal College of Learning (AS@U)
- Auckland University Students' Association (AUSA)
- Lincoln University Students' Association (LUSA)
- Massey@Distance (M@D)
- Massey Wellington Students' Association (MAWSA)
- Massey University Students' Association (MUSA)
- Otago University Students' Association (OUSA)
- Students' Association at Nelson Marlborough Institute of Technology (SANITI)
- Students' Association at Wintec (SAWIT)

- Student Connection at Weltec & Whitireia
- Unitec Student Council (USC)
- Victoria University of Wellington Students' Association (VUWSA)
- Younited Students' Association at Eastern Institute of Technology

### **3. Preamble**

- 3.1. NZUSA wholeheartedly supports the Conversion Practices Prohibition Legislation Bill. For too long, individuals and groups have performed hateful acts on individuals who identify as LGBTQIA+ for reasons to 'rid' these persons of their identity.
- 3.2. As the collective voice of Aotearoa New Zealand's 400,000 students, we submit with the intent to protect and empower our Taurira in their studies and lives to be who they are, without compromise or consequence. We live in a society where no-one should be forced to identify as someone they are not. We are who we are, and we are who we want to be.
- 3.3. In supporting this legislation, NZUSA agrees with the following three objectives:
  - 3.3.1. Affirm the dignity of all people and that no sexual orientation or gender identity is broken and in need of fixing;
  - 3.3.2. Prevent the harm conversion practices cause in New Zealand and provide an avenue for redress; and,
  - 3.3.3. Uphold the human rights of all New Zealanders, including of rainbow New Zealanders, to live free from discrimination and harm.
- 3.4. We would like to applaud the prompt work of government who acted quickly and swiftly to have this legislation tabled in the house. Furthermore, we would like to acknowledge the work of Dr Elizabeth Kerekere and her colleagues who worked tirelessly, and in doing so obtained extraordinary support for this legislation.

### **4. Submission**

#### **4.1. Section 5: Meaning of conversion practice**

- 4.1.1. It is the belief of NZUSA that section 5(2)(a) is reconsidered. This section may provide loopholes where individual(s) may be coerced into some form of conversion therapy. The criminalisation of these practices does not impact on religious freedoms however, thought should be made on the impact that religious groups may have on the conditioning of individual(s).
- 4.1.2. Counting Ourselves released statistics on the impact of community within ethnicities in New Zealand which outlines that many find themselves no longer accepted within their communities.
- 4.1.3. NZUSA does not agree the expression of "religious principle or belief made to an individual that is not intended to change or suppress" is without harm and believes that careful consideration should be made to ensure that individual(s) feel safe within religious communities and are not made to feel as though they need to undergo any practices based on the repetition of religious dogma.

#### **4.2. Section 8: Offence to perform conversion practice on person under age of 18 years or lacking decision-making capacity**

- 4.2.1. NZUSA strongly recommends that Section 8 include people of all ages. We agree with End Conversion Therapy NZ in that adults who engage in conversion therapy practices are a "product of a queerphobic society" and have been conditioned to believe that there is something wrong with them. Social and psychological coercion undermine principles of consent, and in the instance of conversion therapy, are incredibly harmful to the individual(s) subject to these practices.
- 4.2.2. Instead of focusing on leading individuals into practices that cause significant harm and distress, we should implement practices that support and affirm someone's identity and their ability to express that identity
- 4.2.3. While NZUSA agrees with the intent of holding an individual or group of individuals – that inflict negative practices – to account, we do not feel imprisonment of more than three years reflects the

level of harm their actions have on an individual. As the draft legislation stands, penalties for the offence of performing conversion therapy in people 18 years or younger is a maximum of three years imprisonment. We strongly recommend that Government re-consider the maximum penalty for offences outlined in Section 8(2).

- 4.2.4. Legislation passed in Victoria, Australia this year (2021), 'Change or Suppression (Conversion) Practices Prohibitions Act 2021', states that, "[an] offence of engaging in one or more change suppression practices that cause injury [...constitute] level 6 imprisonment (maximum 5 years)". We ask that the Government consider a similar penalty.

#### **4.3. Section 9: Offence to perform conversion practice that causes serious harm**

- 4.3.1. Consistent with our position on Section 8(2), we believe that the New Zealand Government should reconsider the maximum penalty for performing conversion practices that cause serious harm. As defined in this Bill, serious harm "means any physical, psychological, or emotional harm that seriously and detrimentally affects the health, safety, or welfare of the individuals." We know that conversion therapy has significant effects on an individual and penalties should reflect that.
- 4.3.2. The 'Change or Suppression (Conversion) Practices Prohibitions Act 2021' in Victoria, Australia, stipulates that an offence penalty of a maximum of 10 years imprisonment can be applied to a person who causes serious injury in engaging them in change or suppression practices.

#### **4.4. Section 10: Consent not Defence**

- 4.4.1. We ask that the term 'consent' be clearly defined in Part 4 (interpretation).

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<sup>1</sup> Victoria Legislation (2021) <https://www.legislation.vic.gov.au/bills/change-or-suppression-conversion-practices-prohibition-bill-2020>

#### **4.5. Section 13: Complaint may be made under the Human Rights Act 1993**

- 4.5.1. We agree that it is a fundamental right of all in society to be empowered to speak up. NZUSA recommends that all complainants are supported throughout the process and have access to support services whenever they need.
- 4.5.2. Moreover, we strongly suggest that enforcement agencies such as the Human Rights Commission and the Police are adequately resourced and trained to effectively engage in instances where an individual or group of individuals has breached this law.

### **5. Concluding Remarks**

- 5.1. Before we conclude this submission, we would like to share a personal story with you:

"I cannot imagine trying to explore my gender and sexuality in some of the spaces I have been in.

Growing up I have learned not to share all of me until I explicitly see something suggesting I will be safe to do so and some spaces including clubs at unis where I have left at the first sign of emotional or mental unsafety. Although places like church, therapists, and home are harder to leave because it's engraved in us that they are there to help.

I will not pretend I've undergone conversion therapy which I think is a term that specifically relates to identity in relation to gender, sex characteristics, or sexual orientation. I have, however, had ongoing interactions with pastors regarding my mental health, some would try to be therapists and refuse to talk to me after if it was after hurting myself or attempting to take my life and insisting people pray for me be free of whatever demon was inside of me and that it wasn't Godly, I had church members tell me I would be welcome back when I was okay. It got to a point where I felt wrong being at church smiling because I was lying and being inauthentic, but I also felt wrong for just existing, and I knew if I was open then I'd be told I was more wrong.

I have also had, and I will say loving and well meaning, parents try to train me out of behaviours that I now know are autistic and are just how my brain works.

So, while I have not experienced conversion therapy, I will say that I know it is only due to a matter of circumstances that I have not and that I consider it a lucky escape, which is a sign of how twisted this world is - because it shouldn't be down to luck that people avoid abuse, it should be down to sheer decency and love for our fellow humans.

I am truly sorry to anyone who has had to go through this and has been led to believe they were anything less than wonderful because of who they love or how they love. I am especially sorry as someone who believes in Christ, on behalf of the church. Churches hurt more people than many in them are aware of and even refuse to admit. I'm sorry to anyone who was shown anything other than unconditional love.

In the words of Wrabel – there's nothing wrong with you it's true, it's true, there's something wrong in the village. Let's end this." - *Anonymous testimonial from our social media questionnaire.*

- 5.2. NZUSA thanks the Justice Select Committee for the opportunity to submit on the Conversion Practices Prohibition Legislation Bill. We wholeheartedly agree with the intent of this Bill and welcome its introduction as a new piece of legislation.
- 5.3. Conversion practices are old and out-dated practices that reflect a lesser-informed and lesser-accepting society than today. We should never have to see, hear, or experience any such practices in the 21st century – or ever again. This Bill will achieve that objective. We are all human and should be able to love whoever we want with acceptance and Aroha, rather than discrimination and consequence.