



## Conversion Practices Prohibition Legislation Bill Oral Submission by Family First NZ

Justice Committee  
Parliament Buildings  
Wellington

1. [Lake Alice](#) is one of this country's darkest chapters of abuse in state care. Testimonies of people [given](#) massive doses of medication and electroconvulsive therapy, injections of anti-psychotic drugs, seclusion, [being stripped naked and being locked in a small room](#), [chained to chairs](#), and other forms of punishment. Fortunately, these types of therapy are not part of current practice and certainly not part of any religious organisation.
2. So if this bill is about banning practices which are coercive, abusive or involuntary, or include ECT or the things I have just mentioned, which is the imagery and understanding that many people have when they hear the term "conversion therapy", then we all agree such things are inhumane and must be condemned. And they rightly have been.
3. Here's the issue. There is no evidence that abusive or involuntary practices are still occurring in New Zealand under the name of "conversion therapy" – even the Ministry of Justice's [Regulatory Impact Statement](#) admits that.
4. The Human Rights Commission has admitted that there has only been one informal complaint in the past 10 years in relation to 'conversion therapy'. No evidence of complaints to the Office of the Health and Disability Commissioner
5. However, banning 'conversion therapy' has now expanded to mean stopping someone who experiences *unwanted* sexuality issues or gender dysphoria from getting counselling or support of any sort that they may themselves desire.
6. So while there is rightly support for getting rid of the Lake Alice-type abuse, when people truly understand what [this](#) bill is about, their view quickly changes – as we saw with the Minister of Justice's interview and comments around puberty blockers for 12 year olds – and the subsequent fall out
7. I draw your attention to **APPENDIX C** of our written submission. An independent [nationwide poll](#) at the end of last year on the effects of this bill.

8. **81% of respondents** said they believed a person should be able to seek counselling support to determine their own direction *about their sexual orientation or gender identity*, Only 12% were opposed.
9. When asked “*If a child is confused about their gender, should it be a crime for a parent to affirm to their daughter that she’s a girl or to their son that he’s a boy?*” **81% are opposed to it being criminalised.**
10. “*Should it be a crime for a faith leader to teach a Biblical or Quran view of sexuality, and of gender being determined at birth?*” **62% said it shouldn’t be a crime.**

## CRIMINALISING PARENTS

11. Contrary to some of the narrative by supporters of this bill, parents could be criminalised for rightly wanting to protect their child from the physical, emotional and psychological harm caused by gender dysphoria.
12. The Ministry of Justice’s own analysis of the proposed law admits this. It says “*interactions within a family would also be captured if they meet the definition of conversion practices.*”
13. Crown Law also refers to this chilling effect
14. As Minister of Justice Kris Faafoi and the Prime Minister admitted in media interviews, a parent who promotes biological sex could be criminalised, but an activist who indoctrinates young children with the concept of ‘gender fluidity’ and ‘third gender’ will be celebrated. This can and does currently happen in schools - without parental knowledge. We cover this in detail in our written submission paras 62-81 – a form of “conversion therapy” in our schools.
15. Numerous reviews show the majority of children who are confused about their gender can also suffer from comorbid disorders, such as depression and anxiety. Studies also show that anywhere from 75% to 98% of children who struggle with their sex as a boy or a girl come to accept their sex by adulthood.
16. The claim is made “*But the Attorney-General has to approve any prosecution. It’s a high bar. It’s very unlikely that people will get prosecuted*”
17. The Attorney-General comment overlooks the fundamental issue. This proposed legislation is criminalising conduct that should not be criminalised.
18. The NZ Law Society also rightly points out that the Attorney-General’s consent doesn’t apply to the complaints process to the Human Rights Commission, and proceedings before the Human Rights Review Tribunal which will happen.
19. Actually, the NZ Law Society submission – makes a few significant statements – it criticises the law for “*not giving a reasonably clear description of exactly what conduct is prohibited*”...It rightly says “*there is no definition of gender identity in this legislation or any other New Zealand legislation*” .... And that “*omissions to provide assistance, acceptance, support and*

*understanding could count as a conversion practice in some contexts” (contrary to some claims from non-legal people)*

## NO

20. In 2019, THIS Committee, declined to support such a ban, [stating](#): *“The Bill of Rights Act ... protects those who offer and seek out conversion therapy because of their religious views.”*
21. In 2018, the Associate Minister of Health was [advised](#) by the Ministry of Health: *“it is not recommended that a legislative ban of conversion therapy would be the most effective way to reduce the harm it causes...”*

## CRIMINALISING COUNSELLORS, CARERS & TEACHERS

22. **Here’s the contradiction of this proposed law.** One-on-one counselling to help a teen struggling with body image due to anorexia would be permitted - encouraging them to accept their body and deterring or preventing them from starving and harming themselves, that’s ok and legal - but the very same counselling would be prohibited if the goal is to help a teen struggling with body image again, but this time due to gender dysphoria and confusion.

## CRIMINALISING ‘CONSENT’

23. Incredibly, the bill says that “*consent*” is irrelevant. This would constitute a serious interference with the rights and freedoms and a family’s legitimate expression of opinion affirmed in the New Zealand Bill of Rights Act 1990 (BORA).
24. I want to direct you to the legal opinion of Grant Illingworth QC which is in **Appendix A**
25. The opinion says **Page 23** *“At the root of many of the rights and freedoms affirmed by the Bill of Rights Act is the ability of individuals to decide their own destiny without interference from the state.*
26. With regards to a parent who tells their child that they cannot go on puberty blockers, wear chest binders or identify as the opposite sex, the opinion says that *“the definition of ‘conversion practice’ is a debatable issue. But if providing parental guidance is a “practice” then the conduct outlined above would fall within the proposed restrictions and would amount to a criminal offence.”* **Q4 pg 21** The NZ Law Society also refers to this
27. The Opinion also says:
  - there is a risk of serious disruption within religious communities including Muslim and Christian faiths which will be significant and substantial. **Pg 22** ...
  - If a person wanted to align their sexuality or gender with the teachings and values of their faith and sought help, *“the person would be inviting the teacher, counsellor or church pastor to engage in a conversion practice which would be criminal in some circumstances.”* **q9 page 22**

- The opinion notes that **page 20** “[I]t is worth recalling that one of the stated purposes of the proposed legislation is ‘to promote respectful and open discussions regarding sexuality and gender.’ ..... The idea that the proposed legislation would promote respectful and open discussions regarding sexuality is therefore difficult to accept.”

## SCARING THERAPISTS AWAY FROM TROUBLED ADOLESCENTS

28. I also direct you to **Appendix B** (page 24 onwards)

29. Patrick Parkinson AM is an Australian expert on family law and child protection with 35 years’ experience in these fields, now Professor of Law at the University of Queensland.

30. key statements in his Executive Summary of the legal analysis include:

**Para 2** - **Para 5** but especially

**Para 4** *The Bill creates a draconian offence... some mental health professionals refuse to see young patients with sexual orientation or gender identity issues who have other serious mental health concerns. This could lead to an increase in the mental health burden on already very troubled young people, and may lead to increased suicide attempts.*

**Para 5** *Parents who act upon expert medical advice in helping their children with gender identity issues risk prosecution and jail sentences under the law as currently drafted.*

Interesting that even the Young Nats alluded to concerns around prosecuting parents and the definition of “suppressing”

## REGULATORY IMPACT STATEMENT – MINISTRY OF JUSTICE

31. The Ministry of Justice’s [Regulatory Impact Statement](#) acknowledges that prayer, counselling, Family discussions, parenting advice will be caught

32. Crown Law [advice to the Attorney-General](#) also alludes to this **Para 3**

33. The RIS admits a number of times that there is little evidence of conversion therapy actually happening - using phrases “lack of baseline data” “limited data” “no data” “no reliable data”. It is very reliant on media reports only – which is not that reliable.

34. There is *no* acknowledgement from the Ministry that some people personally and willingly desire and choose change in their sexuality and their gender dysphoria.

35. There are many other people highlighted on our website [freetolive.nz](#) but who the media won’t give a voice to.

36. Many within the LGBT movement are also concerned - they too oppose puberty blockers, chest binders, cross-sex hormones and surgery as a loving solution to gender dysphoria.

## PARENTS & EXPERTS REJECT PUBERTY BLOCKERS

37. Medical professionals and groups are sounding growing international concern around the use of puberty blockers to treat young people with gender dysphoria including the [British High Court banned the use of puberty blockers](#)
38. This bill will potentially criminalise parents and carers who seek alternative treatment to puberty blockers and cross-sex hormones for gender dysphoria, and who wish to affirm the biological sex of their children.

## FREE TO CHANGE

39. [FREE TO CHANGE](#) has collected the real-life stories of 78 ex-LGBT people who were able to live comfortably with their birth gender and/or resolved sexuality issues.
40. These people say that they are very happy they made that change and were very grateful that they had therapy and counselling. Both secular counselling & religious counselling. These stories show that these therapies resulted in marked improvements in their mental health and marked reductions in suicide risk.
41. Advocates for 'conversion therapy' bans often refer to La Trobe University's report which relies on the testimony of just 15 individuals.
42. There are also many more testimonies of change (including NZers) on the [FreeToLive.nz](#) website.
43. People can and do want to change. But the media won't tell you these stories. This bill will criminalise these choices.

## SUMMARY

44. All New Zealanders should be protected from coercive, abusive or involuntary psychological or spiritual practices. However, participation in psychological assessments, counselling sessions, prayer meetings and other therapeutic practices is almost always an expression of voluntary behaviour and personal freedom.
45. Under this proposed ban, people could be prevented from getting help to live the lifestyle they choose. And children could not be encouraged to embrace their biological sex.
46. While gender and sexuality is supposedly 'fluid', activists want the law to stipulate that it can only go in the direction they approve.
47. We oppose this bill.