

Submissions re: Bill C-6 (Conversion Therapy)
To: The Standing Committee on Justice and Human Rights
Date: December 6, 2020
From: Lisa Amin, Barrister and Solicitor

Dear Committee,

Thank you for the opportunity to make submissions on Bill C-6.

I am a human rights lawyer and a lesbian, and I believe that the intention of this bill is good and that the goal is overall positive.

There have been many objections made to the bill as drafted and they come from different places, including some from our own thriving and diverse LGBT communities.

The debate appears divisive and difficult – and much of it is. However, much of the argument about Bill C-6 could be resolved by attending to what I believe is a major drafting error in the definition of “conversion therapy” at section 320.101.

Fixing this error will not only render the bill more palatable to more parties across the board, it will also minimize the likelihood of constitutional challenge for vagueness. It is typically a goal of a legislative committee to take steps to ensure that the legislation it passes could withstand constitutional scrutiny.

As a result, I am writing to recommend a *friendly amendment* to the bill as drafted:

At s. 320.101, strike through and delete the sentence beginning with “For greater certainty...” and likewise strike through and delete the subsections labelled (a) and (b).

For your ease of reference, I include the amendment as I am recommending it:

Definition of *conversion therapy*

320.101 In sections 320.102 to 320.106, *conversion therapy* means a practice, treatment or service designed to change a person’s sexual orientation to heterosexual or gender identity to cisgender, or to repress or reduce non-heterosexual attraction or sexual behaviour. ~~For greater certainty, this definition does not include a practice, treatment or service that relates~~

~~(a) to a person’s gender transition; or~~

~~(b) to a person’s exploration of their identity or to its development.~~

I believe one of the Members indicated in committee last week that the Attorney General had already advised that this language was not necessary. I urge you to take the expert legal advice given to you by the Attorney General on this matter.

As a member of the community for whom such legislation is intended as a support, and as a seasoned lawyer who can see this for what it is, i.e., a drafting problem easily resolved, I humbly submit this submission and friendly amendment for your timely and esteemed consideration. Thank you for your attention to this matter.

Yours very truly,

Lisa Amin, Barrister and Solicitor