

January 13, 2020

Dear Mayor and Council Members of the Regional Municipality of Wood Buffalo,

Unfortunately, I am not able to attend your council meeting on January 14, 2020 and provide comments on the second reading of proposed Bylaw No. 19/029 (Conversion Therapy). I have carefully reviewed the Bylaw and would like to highlight the need for a number of recommended changes as part of your council deliberations.

1. The current bylaw which is focused on minors is not in keeping with the motion Council made on October 22, 2019, which states:

“THAT Administration prepare a bylaw to prohibit the licensing, practice, and promotion of conversion therapy in the Regional Municipality of Wood Buffalo, looking at all mechanisms for enforcement, including a \$10,000 fine, and to return to Council at the end of the year.”

Given this motion, which has no age restriction, it is concerning that the proposed bylaw under discussion only impacts minors. This is not in keeping with key recommendations, nor the bylaws recently passed in St. Albert and Edmonton, which are the current recommended best practice.

If passed, your bylaw would not be comprehensive and very limited in scope and impact. For example, conversion therapy often targets vulnerable young adults (ages 18 to 25) who would continue to be targets and victims if your bylaw were to pass as written. It is important to remember that no minor or adult can consent to a practice that is known to be harmful and fraudulent.

2. It is recommended that “Business” be clearly defined broadly to include more than commercial enterprises. For clarity, it would be important to include a definition of “business” explicitly in your bylaw (rather than simply referencing the Municipal Government Act definition).
3. The definition of Conversion Therapy used in section 2.3 is outdated in scope and language, and should be replaced with the more comprehensive definition used in St. Albert’s bylaw, which reads as:

“Conversion therapy” means offering or providing counselling or behaviour modification techniques, administration or prescription of medication, or any other purported treatment, service, or other thing for the purpose of changing, repressing, or discouraging an individual’s sexual orientation, gender identity, or gender expression, or gender preference, or for the purpose of eliminating or reducing sexual attraction or sexual behaviour between individuals of the same sex, but does not include:

- i. services that provide acceptance, support, or understanding of an individual or that facilitate an individual’s coping, social support, or identity exploration or development; or
- ii. gender-affirming surgery or any support or other service related to gender-affirming surgery.

The addition of parts i. and ii. are important to include as they clarify what services can still be provided, which are important components of gender-affirmative care and appropriate counselling services.

4. Item 2.6 appears to be unnecessary as “medical professionals’ fall under provincial jurisdiction, not municipal. This inclusion creates unnecessary confusion.

5. Item 3.1 should remove “minor” and be changed to read as:

“No Person, business, or organization shall provide, perform, advertise, or impose Conversion Therapy on any person.”

6. Items 3.2 and 3.3 should be removed as no person can “consent” to a dangerous and fraudulent practice, nor can a substitute decision maker be provided.

These items are inconsistent with the bylaws passed in Edmonton and St. Albert, which contain no such provisions.

7. Item 4.1 - remove “where such advertisement could be seen, viewed, heard, or read by a Minor.” Again, this bylaw must apply to all individuals regardless of age. New wording suggested in 3.1 covers any advertisement.

8. Item 6.2. To be consistent with Edmonton and St. Albert Bylaws the fine is automatically \$10,000. Remove: “in an amount of not less \$1,000 and not exceeding” and leave as \$10,000.

With these proposed amendments, your bylaw will be very comprehensive, follow recommended best practices, and will be in keeping with the bylaws passed in St. Albert and Edmonton, which are considered amongst the most comprehensive conversion therapy legislation in Canada.

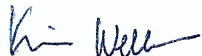
It is imperative for your bylaw to be effective that it have no age restrictions, contain maximum fines and penalties, and include all groups and organizations under the definition of business.

These changes will ensure your bylaw is in keeping with Council’s original intent (and notice of motion) and will also ensure your municipality is seen as a leader in protecting and supporting its most vulnerable citizens.

If needed, I am available to speak with any Council Members or administration about these suggested changes.

I applaud your leadership and wish you much success in your important deliberations.

Sincerely,



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