

Press release

Australian Professional Association for Trans Health (AusPATH) should be stripped of charity status

The Australian Medical Professionals Society (AMPS) and the Nurses Professional Association of Australia (NPAA), have commissioned Hon Dr Gary Johns, former Commissioner of the Australian Charities and Not-for-Profits Commission, to lodge a complaint on their behalf against the Australian Professional Association for Trans Health (AusPATH).

The Associations maintain that because AusPATH advocates for the Australian Informed Consent Standards of Care for Gender Affirming Hormone Therapy, it fails the public benefit requirement imposed on Australian charities because the proven detriment to the public in carrying out its objects outweighs any of its benefits.

‘There appears to be clear evidence of the detriment flowing from the activities of AusPATH in endorsing and advocating for the gender affirming model.’

‘There is no conclusive evidence that affirming therapy is beneficial. There is evidence that it is harmful. In the balance between benefit and detriment, we are left with evidence of detriment. Medical ethics compels us to, first do no harm.’ said Dr Duncan Syme, President of AMPS

AusPATH describes itself as ‘Australia’s peak body for professionals involved in the health, rights and wellbeing of all trans people – binary and non-binary. Within the organisation, trans members have implored AusPATH to see members with lived experience as experts, and for health professionals to acknowledge their position of ‘privilege’.’ Kara Thomas, President of the Nurses Professional Association of Australia.

The commissioned complaint made by Gary Johns to the ACNC outlines that, ‘Lived experience does not make a diagnosis.’

‘AusPATH includes nonmedical members in its leadership team and within policy, research and education subcommittees. The majority of the current AusPATH board of directors are trans or gender diverse.’

‘AusPATH claims to be experts, but their members consist of whoever wishes to join as a clinician or transgender activist.’

‘The law of ‘public benefit’ comes from the UK case, *National Anti-Vivisection Society v Inland Revenue Commissioners (National Anti-Vivisection)*. The court found that the question of public benefit must be judged as a whole, weighing the detriment and benefit of a charity’s objects and activities.’ Johns

The complaint relied on expert evidence relied upon by the Family Court in Re: Devin; evidence found in the view of the Westmead Children's Hospital; and evidence found in the Cass Review in the UK.

As psychiatrist Dr Jillian Spencer has written, 'If clinicians are taking note of AusPATH recommendations about puberty blockers, they will be dangerously misguided.' 'The approach advocated by AusPATH is harmful to children.'

'Arguably, the identifiable detriment from the achievement of AusPATH's purpose is to harm the very people the AusPATH claims to benefit. This detriment outweighs any benefit.' Johns

'The Commissioner should not accept that AusPATH's purposes are for the public benefit. As AusPATH's purposes are not for the public benefit, it does not meet the definition of charity under section 5 of the Charities Act. This means that, based on the information currently available, AusPATH would not be entitled to registration as a charity or as a deductible gift recipient.' Johns

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Gary Johns

