

Conversion Practices Laws

LABOR'S PROMISES

Leading up to the 2023 NSW election, Chris Minns and Labor candidates promised:¹

- to ban “dangerous and damaging” conversion practices
- to protect religious freedom by protecting religious teaching, prayer, and religious guidance on gender and sexuality
- any legislation “must not prevent individuals from seeking voluntary medical, allied health, or other advice and assistance regarding their personal circumstances” or “an individual, at their own consent, seeking guidance through prayer”
- “neither the Greenwich Bill or the Victorian model will be the starting point for legislation”.

WHY THE RUSH?

The Government has stated that they plan to bring legislation in November 2023. This has forced an incredibly tight timeline for considering such complex legislation.

Stakeholders have been given only four weeks to respond to the Consultation Paper, with submissions due August 25th. In September, the Working Group will finalise their recommendations (which will not be made public) and send them to the Government in early October, so that legislation can be written by November.

In light of the “confidential” nature of the consultation process, and short time frames for responses, a November target for legislation is too short for proper consultation and debate.

This rush risks forcing poorly considered legislation into Parliament which could break ALP promises, interfere with the relationship between parents and children, undermine religious freedom, and risk electoral backlash.

CURRENT PROPOSAL

A working group from the Department of Communities and Justice and the Department of Health have recently released a Consultation Paper proposing an approach for banning “LGBTQ+ conversion practices”.²

The proposal seems to have been drafted only with reference to Labor’s initial media release and notably without reference to most of the commitments made by Labor at public events.

Implementing this proposal would break Labor’s election promises.

- Despite the promises from Labor, the proposal works from a definition of “conversion practices” that is based on, and almost exactly the same as, that of Victoria.³
- Like the Victorian legislation, the proposal combines the ideas of “conversion practices” with the broader and more vague concept of “suppression”. No clear definition is given of what “suppression” is, however examples in the Paper include not acting on desire and celibacy.⁴ This definition goes far more broadly than the “dangerous and damaging” practices of the ALP commitments.
- Despite Labor promises, the proposal explicitly states that prayer and preaching would be illegal if they were considered to have the “primary purpose” of change or suppression.
- The NSW proposal recommends that any “conversion” or “suppression” practice is made illegal whether or not it has been consented to. This is contrary to Labor’s promise that people can voluntarily seek out the support they want.
- The current proposal will restrict the ability of religious communities to preach, teach and pray according to their religious doctrine on sexuality and gender issues. It will also directly interfere with religious communities’ ability to ensure members, employees, volunteers and leaders conform to their beliefs, and thus their ability to maintain their distinct religious character.

1. ALP Press Release, Feb 11, 2023, *NSW Labor will ban LGBTQ Conversion practices*. Chris Minns, Feb 22, 2023, <https://www.youtube.com/watch?v=NlyY6Llfgc> Ryan Park, Feb 22, 2023 - <https://www.youtube.com/live/492KL9wbavw> Karen McKeown, Feb 23, 2023 - https://www.youtube.com/watch?v=p9_hKxb3smA Warren Kirby, Feb 28, 2023 - <https://www.youtube.com/embed/NGdFEDPLMBQ> Donna Davis, Mar 1, 2023 - <https://www.youtube.com/watch?v=OB2BMKOA9To> Maryanne Stuart, Mar 1, 2023 - <https://www.youtube.com/live/poXJUnQybBg> Sally Quinnell, Mar 2, 2023 - <https://www.youtube.com/watch?v=9SjNnXEpiII> Nathan Haggarty, Mar 3, 2023 - <https://www.youtube.com/embed/ToPpCr7KB7c>

2. *Banning LGBTQ+ Conversion Practices - Consultation Paper*, 31 July 2023. The Consultation Paper has been released confidentially, so we will not be publishing it or using direct quotes. References are provided for those who have access to the document to verify statements. The Sydney Morning Herald has published two articles, selectively quoting from a leaked copy.

3. The Consultation Paper explicitly recognises that its definition is based on Victorian legislation (see paragraph 3.6).

4. See Appendix A of the Consultation Paper.

Our Requests

1. TAKE THE TIME TO CONSULT PROPERLY

- Announce that legislation is targeted for 2024.
- Publicly release the amended discussion paper and final proposals from the Departmental Working Group for further discussion and debate.

2. TARGET TRULY COERCIVE AND HARMFUL PRACTICES

- Clearly define the “dangerous and damaging” practices to be banned as those causing serious physical or psychological harm.
- Do not include “suppression”, which is vague and overly broad, and could include wanted, beneficial and consensual support.
- Confirm that religious teaching, preaching, prayer and religious guidance cannot constitute a coercive change practice.

3. RESPECT CONSENT

- Allow individuals of their own free will and consent to seek the support and assistance that they deem most appropriate for themselves.
- Only target activities that are engaged under coercion, as defined by the *Crimes Legislation Amendment (Coercive Control) Act 2022*.
- Ensure religious communities and schools can keep living out their faith without fear of criminal or civil prosecution, or the loss of their charity status or accreditations.

4. PROTECT PARENTAL RIGHTS

- Allow parents to raise their children in the faith and values of their family and community.
- Ensure parents can choose schools that are able to teach and run according to parental faith and values.
- Ensure parents can raise their children according to their moral and religious convictions, including matters relating to gender and sexuality.

5. PROTECT MEDICAL PROFESSIONALS

- Recognise the significant dispute among the medical community as to the most appropriate care for children with gender dysphoria.
- Acknowledge the difference between gender identity and sexual orientation, and address gender identity separately to this legislation.
- In such legislation, give doctors and other health professionals the certainty that they will not be prosecuted for proposing alternative treatment to so-called gender affirmation for a child.



Imam Shadi Alsuleiman
Australian National Imams Council



Most Rev'd Kanishka Raffel
Anglican Diocese of Sydney



Ben Grieg
Presbyterian Church NSW



Rev Wayne Swift
Acts Global Churches



Michael Worker
Seventh-day Adventist Church in Australia



Hussein Faraj
United Shia Islamic Foundation



Monica Doumit
Catholic Archdiocese of Sydney



David Tse
Sydney Chinese Christian Churches Association



Rev Steve Bartlett
Baptist Churches of NSW & ACT



George Aghajanian
Hillsong Church



Mohamad Chams
Darulfatwa Islamic High Council of Australia



Surinder Jain
Hindu Council of Australia



Rev Jong O Yu
Council of the Ministers of Korean Churches in Sydney Australia



Ken Fischer
Australian Christian Churches NSW/ACT



Antoine-Charbel Tarabay
Maronite Bishop of Australia, New Zealand and Oceania