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**Change or Suppression (Conversion) Practices Prohibition Bill 2020**

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**Summary of the Bill**

**The Change or Suppression (Conversion) Practices Prohibition Bill 2020 (the Bill):**

1. Denounces change or suppressions practices as deceptive and harmful to the individual and to the wider community, putting in place new measures to protect LGBTQA+ Victorians from the serious damage and trauma caused.
2. Aims to clearly communicate that change or suppression practices are not tolerated or supported by the Victorian community in any form.
3. Aims to ensure that Victorians are able to live their lives authentically with pride, and
4. Makes it clear an individual’s sexual orientation and gender identity are not “broken” and do not need to be “fixed”.

**What is a change or suppression practice?**

In the *Change or Suppression (Conversion) Practices Prohibition Bill 2020* (the Bill), a change or suppression practice means a practice or conduct directed towards a person, whether with or without the person’s consent:

* on the basis of the person's sexual orientation or gender identity,
* for the purpose of:
	+ changing or suppressing the sexual orientation or gender identity of the person; or
	+ inducing the person to change or suppress their sexual orientation or gender identity.

This definition has been developed to ensure broad coverage of the range of conversion practices outlined in the Victorian Government’s research and consultation. Conversion practices might look like providing a psychiatry or psychotherapy consultation, treatment or therapy, or similar; carrying out a religious practice, including but not limited to, prayer-based practices, deliverance or exorcism; or giving a person a referral for change or suppression practice/s.

The criminal offence introduced by the bill applies when the change or suppression practice(s) delivered by an individual or a body corporate (a group or organisation) have caused ‘injury’ (including psychological injury) or ‘serious injury’.

**What is NOT a change or suppression practice?**

Practice or conduct that is supportive of or affirms a person's gender identity or sexual orientation is not a change or suppression practice. For example:

* Assisting a person who is undergoing (or considering) a gender transition;
* Assisting a person to express their gender identity;
* Providing acceptance, support or understanding of a person; or
* Facilitating a person's coping skills, social support or identity exploration and development.

Practice or conduct of a health service provider that is, in the health service provider's reasonable professional judgement, necessary:

* To provide a health service; or
* To comply with the legal or professional obligations of the health service provider.

There has been significant misinformation communicated by opponents of the bill, particularly in relation to religious practices covered by the bill. To be clear, the bill does not prohibit religious leaders from:

* + Providing their religious, theological or traditional perspective to LGBTQA+ people who ask for their thoughts about LGBTQA+ related issues
	+ Stating their opinion or offering advice about LGBTQA+ related issues
	+ Referring LGBTQA+ people to qualified, affirmative mental health support
	+ Stating their interpretation or opinion about their view (or their religious organisation’s view) of religious texts and traditional teaching in relation to LGBTQA+ issues

However, the bill does prohibit interactions that are targeted at individuals, with a clear intention (or agenda) of change or suppression of the person’s LGBTQA+ orientation or identity. If harm is caused, criminal penalties may apply. If harm cannot be demonstrated but there is nonetheless evidence of serious, systemic delivery of conversion practices, the government’s appointed commission (VEOHRC) will have the power to investigate and intervene.

**Why is this Bill needed?**

This bill is a vital piece of legislation for LGBTQA+ people. It acknowledges the harm caused by both formal and informal conversion practices and the underpinning false and misleading claims and causes that are harmful and unscientific. LGBTQA+ people including LGBTQA+ people of faith should be free to practice their faith, live their life and participate in all aspects of society, without being treated as if they are ‘disordered’ or ‘broken’. Global research has found that conversion practices cause significant trauma to participants, with increased suicidality, decreased vocational success, and increased risk of homelessness.

We must work for the recognition and acceptance of all humankind – made by God, in the image of God, loved by God. We must work for our religious groups and cultural communities to be spaces free from inequality, discrimination and injustice. We must also ensure that the integrity of pastoral practice is preserved through (a) its scope being carefully aligned with evidence-based approaches, and (b) regulations, qualifications, and directives from professional regulators being respected.

**The Victorian Equal Opportunity and Human Rights Commission (the Commission) will:**

* Promote understanding of the bill and matters relating generally to change or suppression practices
* Consider and resolve reports of change or suppression practices
* Investigate serious or systemic change or suppression practices.

There is a three tiered response to any report to the Commission:

1. Voluntary ‘facilitation’
2. Investigation (Serious or systemic)
3. Criminal (causing injury - negligence/duty of care)

**Education and Facilitated Outcomes**

The new laws will include a civil response scheme established within the Victorian Equal Opportunity and Human Rights Commission (the Commission) to support survivors and address the harm they have endured.

The Commission will be able to consider and respond to reports of change or suppression practices from any person. Responses to reports will be survivor led and trauma informed, focusing on education and facilitation processes.

**Investigation and Civil Remedies**

Where there is evidence of serious or systemic change or suppression practices, the Commission will be able to investigate, accept undertakings and issue compliance notices.

**Criminal Prosecution**

The Bill also introduces new criminal offences, including for people who subject others to change or suppression practices that cause injury or serious injury – with up to ten years’ jail for the latter.

*(Engage.vic.gov.au, 2020)*

**FAQs**

**What can I do?**

Please send a letter to Members of the Legislative Council (the ‘Upper House’ of the Victorian Parliament or ‘MLCs’) in your region by Monday 25 January, 2021. See *Appendix A: Brave Network and SOGICE Survivors Guide for writing letters to Members of the Legislative Council, Victorian Parliament* below which includes instructions on how to identify your MLCS and a template letter if you what to know what to include.

**Where can I refer someone who needs pastoral care/support right now?**

Queerspace, you can call (03) 9663 6733 Monday to Friday between 9am and 5pm.

[QLife](https://www.qlife.org.au/) you can call 1800 184 527 or webchat 3pm-12am everyday.

Brave Network recommends the following practitioners who have expertise in this area:

Dr Jonathan Tandos

Nicole Conner

Matt Glover

Matt Csabonyi

**Does this bill violate human rights?**

This law prohibits: “injury”, “abuse”, “abuse of trust and power”, “targeting people”, “causing physical or psychological injury by whatever means”.

A report from the Victorian Parliament Scrutiny of Acts and Regulations Committee (SARC) in December 2020 found the bill to be fully compliant with the Victorian Charter of Human Rights and Responsibilities.

**Does this bill violate religious rights?**

We can all agree that religious freedom does not extend to freedom to abuse. Prayer as abuse is unacceptable in any context. Banning such practices does not curtail religious freedom. The proposed laws "protect the religious freedom of LGBT people of faith” and “prevent the programatic deployment of prayer” as a way of forcing someone to change who they are. Queer people can be people of faith too.

Furthermore, the bill challenges Victorians of faith to consider how prayer – or the *appearance* of prayer – has been used to disguise practices that might otherwise be considered little more than poorly delivered, unregulated ‘talk therapy’ sessions that incorporate harmful, misleading, pseudo-scientific concepts about LGBTQA+ identity or orientation.

For more information about how the Bill carefully navigates impact on religious practices, please read the Scrutiny of Acts and Regulations Committee report, pages 3-13: <https://www.parliament.vic.gov.au/images/stories/committees/sarc/Alert_Digests/Final_AD_No.13_of_2020.pdf>

**What if I choose to be celibate?**

This legislation isn’t relevant to any priest or person currently living out, or those discerning, a chosen call to a vocation of celibacy. However, some LGBTQA+ people, through suppression or conversion practices, may have been made to feel as if there were no choice. The Commission and this Bill supports research and education to support Victorians to make informed choices.

Regardless of a person’s choices about their *own* sexuality or gender identity, this Bill focuses on the actions and intentions of others who engage in practices in a coercive or harmful manner.

**Does this Bill apply retroactively?**

No. This Bill is about prevention of and protection from future harm. Its scope does not cover change or suppression practices undertaken in the past.

**Does the conversion bill mean that if someone genuinely wants prayer to not be attracted to the same sex that’s illegal for you to give it?**

While a person may genuinely wish to change or suppression their orientation or gender identity, it is incumbent upon the person/s whom the LGBTQA+ may seek out to recognise that it is not appropriate to entertain such wishes. If the other person (the third party) does deliver a conversion practice, it is only a criminal offence if demonstrable harm is caused. If the behaviour is serious or systemic, it may be investigated by VEOHRC. Outside of these avenues, the recipient of the conversion practice may – at a later point – complaint about the person delivering the practice/s and enter into voluntary dispute resolution.

**Does this bill violate freedom of speech or attack prayer?**

The bill doesn't ‘attack’ prayer. It attacks conversion and suppression practices. If anyone is using prayer in a way that causes “injury”, “abuse”, “abuse of trust and power”, “targeting of people”, “causing physical or psychological injury by whatever means”, then it falls within the scope of the bill. This Bill has been designed to prevent serious harm. Sermons or other prayer-based practices that do not specifically target an individual or demonstrate intent or inducement to change or suppression are not captured in the legislation.

**Conversion practices are awful. They don’t exist in my denomination. Why do I need to know about this?**

While it is true that many faith communities have never sanctioned the more extreme practices of aversion or shock therapy, their consistent messaging that LGBTQA+ people are broken and that they must seek to change or suppress their identity (or deny and repent of their ‘sexual brokenness’ or gender transition) has been far more consistently damaging. Recent research by La Trobe University provides a strong evidence base for the scope and definitions present within the Bill.

**Does this Bill remove the rights of parents/family/community?**

No. Assisting a person who is undergoing (or considering) a gender transition; assisting a person to express their gender identity; providing acceptance, support or understanding of a person; or facilitating a person's coping skills, social support or identity exploration and development are all welcome. Prayer, discernment and reflection in liminal space and uncertainty with loved ones can be a great comfort and support.

**Where can I go to learn more about why change and suppression practices are wrong, scientifically and theologically?**

The SOGICE Survivors website and statement have been developed to provide a survivor-led perspective on conversion practices. [www.sogicesurvivors.com.au](http://www.sogicesurvivors.com.au)

**Guide for writing letters to Members of the Legislative Council, Victorian Parliament**

**Victorian Change and Suppression (Conversion) Practices Prohibition Bill 2020**

The following guide has been developed to assist supporters to write letters to MLCs in the lead up to the debate in the Legislative Council in the first week of February, 2021. You are welcome to use the suggested sentences or paragraphs outlined below. You can modify or fill the underlined text/gaps.

We advise you to email your letter(s) by Monday 25 January, 2021.

1. **Who will you send your letter to?**

We recommend you send a copy to all of the Members of the Legislative Council (the ‘Upper House’ of the Victorian Parliament or ‘MLCs’) in your region. You can find out who is in your region here:

<https://www.vec.vic.gov.au/electoral-boundaries/state-regions>

We also encourage you to send your letter to Members of the Legislative Council outside your region, particularly Liberal and National Members, and these crucial independents:

* Rodney Barton: <https://www.parliament.vic.gov.au/about/people-in-parliament/members-search/list-all-legislative-council-members/details/22/1753>
* Jeff Bourman: <https://www.parliament.vic.gov.au/about/people-in-parliament/members-search/list-all-legislative-council-members/details/22/111>
* Catherine Cumming: <https://www.parliament.vic.gov.au/about/people-in-parliament/members-search/list-all-legislative-council-members/details/22/1750>
* Stuart Grimley: <https://www.parliament.vic.gov.au/about/people-in-parliament/members-search/list-all-legislative-council-members/details/22/1746>
* Clifford Hayes: <https://www.parliament.vic.gov.au/about/people-in-parliament/members-search/list-all-legislative-council-members/details/22/1757>
* Tania Maxwell: <https://www.parliament.vic.gov.au/about/people-in-parliament/members-search/list-all-legislative-council-members/details/22/1747>
1. **Use a subject line that clearly demonstrates your support for the bill**. For example:
* Support the Victorian LGBTQA+ Change and Suppression (Conversion) Practices Ban
* I am a survivor of LGBTQA+ Conversion Practices
* Please support the Change and Suppression (Conversion) Practices Prohibition Bill.
1. **Start your letter with a strong supportive sentence** and some information about your personal connection. Here are some examples you can use or modify.
* I am writing to show my support for the proposed Change and Suppression (Conversion) Practices Prohibition Bill (Victoria 2020). As a person of faith, I \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
* We support the proposed Change and Suppression (Conversion) Practices Prohibition Bill (Victoria 2020). As an organisation, we \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
1. **Write about how conversion practices have affected you personally (or your loved ones)**. You might include statements about your mental health, financial consequences, relationships, or the difficulties you experienced going through conversion practices, recovering from conversion practices, or watching others experience them. If you or your loved ones have experienced long term affects due to conversion practices you could mention this, too. For example:
* This matter is personal to me and has affected me/my family deeply. I/my loved one/son/daughter/child experienced conversion practices for years. My/their/his/her mental health and wellbeing was/were severely affected by people who thought they could ‘realign’ my/their/his/her sexual orientation/gender identity. The religious leaders who did this had no concern for the harms and anguish that it would cause me/them/him/her/our family.
* I have lived in \_\_\_\_\_\_\_\_\_\_\_\_ for \_\_ years. There are many churches/faith communities/mosques/synagogues in my local community that are proponents of conversion practices but make great efforts to hide and disguise their activities. Some of the things I have witnessed are \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
* I am a survivor of conversion practices. From a young age/my teenage years/my early 20s, I heard messages about the LGBT community in my church/mosque/synagogue/school that taught me that LGBT people were ‘broken’ or ‘disordered’. When I realised that I was queer, I \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. This led me to\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. This affected me\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
* I was first exposed to the ideology that underpins conversion practices when I was \_\_\_\_\_. Over time, I absorbed that messaging and eventually decided to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. This affected me \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
1. **Make a statement about how this bill fits into Victoria’s commitment to human rights and equality.** For example:
* Everyone deserves to live with dignity and respect. However, LGBTQA+ people have experienced horrendous injustices in our society. In 2017, our society voted for marriage equality, declaring that LGBTQA+ relationships are equal. In 2019, our society decided that trans and gender diverse people should be identified as their true gender identity on birth certificates.
* In 2021, it is time for our society to declare that LGBTQA+ people are psychologically equal – they are not suffering from a disorder and they do not need to be ‘changed’ or ‘healed’. No practice that attempts to change or suppress a person’s gender identity or sexual orientation is acceptable. With this Bill we can ensure that LGBTQA+ people feel safe and supported in Victoria.
* The fight for justice and equality for LGBTQ+ people did not end with the changes made to the Marriage Act in 2017. The Change and Suppression (Conversion) Practices Prohibition is an essential step in ensuring that LGBTQA+ citizens of Victoria are treated equally and with dignity. This is a common-sense Bill that will ensure vulnerable LGBTQA+ people have protection from practices which are proven to cause immeasurable harm.
1. You might like to **add some comments about the complex nature of conversion practices** or information about what the bill covers and how it was developed. Here is a long list of suggested paragraphs. Please note that some paragraphs similar to others, so be mindful not to duplicate content.
* For decades, harmful LGBTQA+ conversion practices have been responsible for causing significant, long-term harm toward LGBTQA+ Victorians. It is time that this injustice is stopped.
* For decades, damaging – even life-threatening – conversion practices have been flourishing in Victorian faith communities and religious organisations right under our noses.
* While conservative branches of several faith traditions often label LGBTQA+ people as sinful or immoral, proponents of ‘conversion ideology’ go even further, implementing practices focused on changing or suppressing the sexual orientation (distinct from sexual activities) or gender identity of individuals.
* Often, these practices are grounded in the view that these identities are inherently disordered, causing catastrophic damage to LGBTQA+ people. Conversion practices tinker with LGBTQA+ people’s minds, attachments, and their deepest sense of self, ruining family connections and causing suicidal ideation rates that are among some of the highest of any cohort of the population.
* World-leading Australian research led by Victoria’s La Trobe University found in 2018 that religious practices are the most common type of change or suppression practices. Only a minority of participants had also experienced conversion practices at the hands of health professionals.
* Recent survivors say their engagement with conversion practices began with hearing false and misleading claims about the causes or inherent dysfunction of their LGBTQA+ identity. This grew into a hatred of this part of who they are. With this message of ‘brokenness’ internalised, they progressed to conversion practices. While many formal practices are now a relic of the past, conversion ideology and informal practices delivered in faith communities continue to proliferate.
* After years of advocacy from survivor-led groups and meticulous research and engagement from a variety of stakeholders, the Victorian government has finally moved to make these practices illegal. This advocacy has been painful, lonely, and at times re-traumatising. Most of all, it has been carried out in the midst of constant bullying and fearmongering from their own faith communities. I have experienced significant backlash from my own faith community for supporting survivors’ advocacy.
* Conservative religious groups have declared open war on the bill, labelling it an affront to religious freedom and freely broadcasting significant misinformation about it. They have been eager to use the bill’s reference to prayer-based conversion practices to drum up fear that the new law might see people of faith jailed for praying with LGBTQA+ folks or offering advice. This is not the case. It does not ban prayer, preaching or pastoral support about gender and sexuality in general. But it does prevent these spiritual practices being misused in attempts to change or suppress a person’s sexuality or gender identity and thereby causing them harm. It has been found to be consistent with Victorian human rights law and does not constitute an overreach.
* The [*Change and Suppression (Conversion) Practices Prohibition Bill*](https://www.legislation.vic.gov.au/bills/change-or-suppression-conversion-practices-prohibition-bill-2020) carefully weighs the protection of religious freedom against the protection of the rights of LGBTQA+ people and is the product of significant consultation. It does not ban prayer, preaching or pastoral support about gender and sexuality in general. But it does prevent these spiritual practices being misused in attempts to change or suppress a person’s sexuality or gender identity and thereby causing them harm. It has been found to be consistent with Victorian human rights law and does not constitute an overreach.
* We can all agree that religious freedom does not extend to freedom to abuse. Prayer as abuse is unacceptable in any context. Banning such practices does not curtail religious freedom. The proposed laws "protect the religious freedom of LGBT people of faith” and “prevent the programatic deployment of prayer” as a way of forcing someone to change who they are. Queer people can be people of faith too.

Furthermore, the bill challenges Victorians of faith to consider how prayer – or the *appearance* of prayer – has been used to disguise practices that might otherwise be considered little more than poorly delivered, unregulated ‘talk therapy’ sessions that incorporate harmful, misleading, pseudo-scientific concepts about LGBTQA+ identity or orientation.

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* While it is true that many faith communities have never sanctioned the more extreme practices of aversion or shock therapy, their consistent messaging that LGBTQA+ people are broken and that they must seek to change or suppress their identity (or deny and repent of their ‘sexual brokenness’ or gender transition) has been far more consistently damaging. Recent research by La Trobe University provides a strong evidence base for the scope and definitions present within the Bill.
* The bill sets out a facilitation pathway for education and voluntary agreement-making between survivors and conversion proponents, with investigative powers for the Equal Opportunity and Human Rights Commission when practices are serious or systemic. This goes further than laws in other jurisdictions, which have focused on the actions of registered health professionals.
* This bill is a common-sense law designed purely to prevent people in positions of influence making misleading claims about LGBTQA+ attraction and identity, delivering indefensible practices, and causing life-long harm and trauma.
* Conservatives’ fears are quickly assuaged by a plain reading of the bill and the [statement of compatibility with the Charter of Human Rights](https://www.parliament.vic.gov.au/images/stories/committees/sarc/database/Alert_Digest_No.13_of_2020.pdf) from the Victorian Parliament Scrutiny of Acts and Regulations Committee.
* Victorian survivors are hurting. Their stories have finally been heard and acted upon by the state government, but now we have found ourselves embroiled in a fear campaign wielded by conservatives that ultimately excuses the actions of those who cause psychological harm to LGBTQA+ people.
* The fact that such a shocking number of our fellow Victorians are being misled into believing that a ban on life-threatening practices is akin to an attack on their religious freedom is evidence of why this bill is so urgently needed. It is also a rude awakening as to how many people admit to being proponents of conversion ideology. This should cause extreme concern to Victorians, a population that overwhelmingly supported marriage equality and champions the right of LGBTQA+ people to live authentically and free from harm.
1. **Make a comment encouraging the MLC to be bold in their support of the bill.**
* I am sure you are receiving substantial correspondence from people opposing the Bill, due to misguided attitudes and personal religious biases towards LGBTQA+ people. I urge you to disregard these messages. We know that the bulk of these messages are the result of a collective campaign by conservative proponents of conversion practices/ the Australian Christian Lobby / , a group/groups that is detrimental to the wellbeing of LGBTQA+ people and that has little concern for the heartbreak caused by conversion practices.
* While no law can rectify a complex social problem on its own, this Bill is a great step towards justice for the many Victorian survivors of conversion practices. It will prevent the harm that these damaging and unscientific practices cause to our community.
* Campaigning by conservative religious groups is driving fear and spreading misinformation about the Bill’s reach and intention. I urge you to be unswayed by hyperbolic and poorly-reasoned arguments opposing this common-sense legislation.
* Please support this bill in parliament and encourage other MLCs to do likewise.
1. **Conclude with thanks and an invitation to speak to the MLC further**.