

PROVIDING SAFETY FOR LGBTQA PEOPLE OF FAITH



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**Victorian Equal Opportunity
& Human Rights Commission**

PROVIDING SAFETY FOR LGBTQA PEOPLE OF FAITH

A guide for the Baptist Union of Victoria

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Foreword

I welcome this opportunity for we at the Victorian Equal Opportunity and Human Rights Commission (the Commission) to provide guidance on Victoria's relatively new *Change or Suppression (Conversion) Practices Prohibition Act 2021* (CSP Act) for Baptist faith communities about how this law operates and what it means for faith leaders.

Freedom of religion is a fundamental and protected right in Victoria, protected by Victoria's Charter of Human Rights and Responsibilities (2006). As a person of faith, I know how important our beliefs and our prayer can be. This law does not set out to interfere with that.

The CSP Act does not stop anyone from holding beliefs about sexuality or gender, or having conversations with others about those beliefs – it prohibits causing harm to others by trying to impose beliefs to change someone's gender or sexuality. This is a law to prevent harm.

Change or suppression practices are actions based on the ideology that there is something wrong or broken about being lesbian, gay, bisexual, transgender, queer or asexual (LGBTQA), which this law says isn't true. These practices are deeply harmful and don't work, and it's damaging for those targeted by these practices to say that LGBTQA people can or need to be 'fixed'. People who are subjected to these practices can suffer serious health and mental problems for many years.

The guide is for faith leaders in Baptist Union of Victoria (BUV) churches – pastors, small group leaders, youth leaders, volunteer helpers and others whom people in your church turn to for guidance. The purpose of this guide is to create a broader understanding of the legislation and offer clarity on how the law may operate in practice. This guide will explain why the legislation was developed, what is and is not allowed under the legislation and how faith leaders can continue to work effectively while staying within the law.

It is my hope that by working with Baptist churches we have produced a guide that will alleviate uncertainty about the CSP Act. The BUV community has been among the first to step up and work alongside the Commission to provide clear support and guidance to its faith leaders and congregations. Over time, we hope to do the same with other Victorian faith communities.

I hope this guide will provide greater clarity for BUV faith leaders. I also hope it will provide some insight into the harms caused by change and suppression practices and enable faith leaders to respond in a positive and affirming way to people of diverse sexualities and genders.



Ro Allen
Victorian Equal Opportunity and Human Rights Commissioner

Introduction

Regardless of their gender identity or sexual orientation, everyone in Victoria is entitled to be treated with respect, to practise their religion and to be safe from harm.

The Baptist Union of Victoria (BUV) recognises that Baptist communities hold a broad range of views about matters of gender and sexuality. Regardless of individual views, the *Change or Suppression (Conversion) Practices Prohibition Act 2021* (CSP Act) makes clear that attempts to change or suppress a person's sexuality or gender identity are against the law.

The Victorian Equal Opportunity and Human Rights Commission (the Commission) consulted with BUV – an association of autonomous churches – to produce this guide, but we understand that this guide does not represent the doctrine, opinions, advice or policies of BUV.

As a general rule, when we talk about gender identity and sexuality, we should take care to ensure every individual understands that it is for them to decide how they live their lives. BUV's existing Code of Ethics for Pastoral Leaders provides the following advice:

Pastoral Leaders must respect the right of all people to make their own educated decisions and choices in life and encourage them to move towards maturity in Christ.

Pastoral Leaders may express their own opinions and offer appropriate advice but should avoid making a decision for another person. To take the responsibility for a person's life out of their hands may represent a form of abuse.

BUV holds the following statements of belief:

- Marriage is the union between a man and a woman to the exclusion of all others, voluntarily entered into for life.
- BUV shall not ordain persons who engage in homosexual practice.

This guide provides more specific advice on the detail of what is and is not permitted under law.

This guide is not intended as legal advice and we recommend seeking independent legal advice for specific matters.

About this guide

This guide is intended for use by anyone who engages with lesbian, gay, bisexual, transgender, queer or asexual (LGBTQA) people in their faith community, whether in a formal or informal capacity and as either a paid employee or volunteer.

LGBTQA people are part of every faith, even though they may not be open about their gender or sexuality to their faith community. Being well informed and prepared to engage positively with LGBTQA people in faith contexts will help you to ensure better outcomes for everyone.

This guide provides information and guidance about the CSP Act. This guide:

- explains the background to the legislation and why it was implemented
- explains practices that are permitted under the CSP Act, with specific examples
- describes practices that are not permitted under the CSP Act, with specific examples
- clarifies why LGBTQA people of faith cannot consent to change or suppression practices
- outlines the consequences of contravening the CSP Act
- describes some reasonable precautions to mitigate the risk of contravening the CSP Act
- provides advice on supporting LGBTQA people of faith with good and lawful pastoral care
- provides further information and referral on LGBTQA matters.

Throughout this guide you will find references to LGBTQA (lesbian, gay, bisexual, transgender, queer and asexual) people. See the glossary starting on page 41 for explanations of these terms and others.

The CSP Act

Why the CSP Act was implemented

The CSP Act was implemented in response to evidence that many LGBTQA people in Victoria have been, and some may still be, subject to attempts to change or suppress their sexual orientation or gender identity – and that those practices are deeply harmful. Change or suppression practices are built on an ideology which wrongly claims that:



- LGBTQA people are somehow broken or sick or wrong
- being LGBTQA is not natural and has some underlying cause
- LGBTQA people can be ‘fixed’ or ‘cured’.

Change or suppression practices are based on the erroneous assumption that a person’s sexual orientation or gender identity can be changed by:

- prayer ministry, including prayer over someone for deliverance
- spiritual mentoring, counselling or ‘therapy’
- promotion of strict gender roles
- banishing, disowning or rejecting them from a church, group or family
- connecting or referring them to an ex-gay or ex-trans support group
- avoiding LGBTQA influences
- online interactive course or mentoring programs
- attending conferences or events
- sending them to be ‘cured’ by a counsellor
- entering into heterosexual relationships
- threats of loss of community and connection
- threats of spiritual and afterlife consequences.

However, there is substantial evidence¹ that demonstrates these practices do not change a person's sexual orientation or gender identity, but are deeply harmful to the people who experience them. The harms are wide ranging and can be profoundly damaging. They include:

- anxiety, depression and suicidal ideation
- loss of relationships with family, friends and community
- isolation, disconnection and loneliness
- unhealthy drug and alcohol use
- problems with sexual function and intimate relationships
- insecure housing, homelessness and financial disadvantage
- delayed or impaired education and career opportunities.

The key reason for the CSP Act is to eliminate these harms.

For LGBTQA people of faith, their beliefs are an integral part of their identity, as is their gender or sexuality.

'Conversion' practices introduce a conflict between these deep-seated and core elements that are innate to an individual's sense of self. Survivors of change or suppression practices often experience profound spiritual harm as a result of being forced to choose between these core parts of themselves. The fundamental existential crisis produced by this conflict is the source of long-term harm such as poor mental health outcomes, including depression, anxiety, suicidal ideation and, in some situations, suicide.

The legislation was developed to challenge these dangerous and unfounded assumptions, stop these harmful practices, alleviate negative outcomes and hold communities of faith and families together.

1. See Jones, T.W., Jones, T.M, Power, J., Despott, N. and Pallotta-Chiarolli, M. (2021), *Healing spiritual harms: Supporting recovery from LGBTQA+ change and suppression practices*. Australian Research Centre in Sex, Health and Society, La Trobe University, Melbourne.

Objectives of the CSP Act

Section 3(2) of the CSP Act outlines the intention of the legislation:

In enacting this Act, it is the intention of the Parliament—

- (a)** *to denounce and give statutory recognition to the serious harm caused by change or suppression practices; and*
- (b)** *to ensure that all people, regardless of sexual orientation or gender identity, feel welcome and valued in Victoria and are able to live authentically and with pride; and*
- (c)** *to affirm that a person's sexual orientation or gender identity is not broken and in need of fixing; and*
- (d)** *to affirm that no sexual orientation or gender identity constitutes a disorder, disease, illness, deficiency or shortcoming; and*
- (e)** *to affirm that change and suppression practices are deceptive and harmful both to the person subject to the change or suppression practices and to the community as a whole.*

Practices permitted under the CSP Act

The CSP Act supports all people practising and enjoying their religion and faith. It allows individual views on sexuality and gender.

The following practices are permitted under the CSP Act.

Statements of belief

- Including statements of belief about gender, sexuality, marriage, celibacy or homosexuality in documentation or on a website
- Discussing any of the above subjects in private or in general conversation, as long as the discussion is not targeted at an individual to change or suppress their gender identity or sexual orientation
- Delivering a sermon or other teaching to a group of people on any of those subjects, as long as the sermon is not targeted at an individual to change or suppress their gender identity or sexual orientation
- Discussing any of the above in Bible study groups or other learning environments, as long as the discussion is not targeted at an individual to change or suppress their gender identity or sexual orientation
- Creating resources that support your faith's position on any of those subjects

Counselling and advice

- Listening to someone explore the possibility that they may be attracted to the same sex or don't feel comfortable with their assigned gender
- Providing a person with comfort and reassurance and, where appropriate, referrals to external affirming support
- Ensuring a person knows they are safe and can talk in confidence without the information being shared
- Checking in with people about their family and friends and support networks



Scenario 1: Anya and Pastor Sandy

Anya is 16 years old. She has been attending a Bible study group led by Pastor Sandy for a few months. Anya stays back after the group one evening and confides to Pastor Sandy that she has increasingly found herself attracted to girls. Anya was raised to believe that marriage is the union between one man and one woman and she fears that people will reject her if they find out. Anya has begun self-harming and has become suicidally depressed. She is terrified of talking to her family or friends about her romantic feelings and has turned to her pastor for support.

How does Pastor Sandy respond?

Pastor Sandy does her best to support Anya – as she would any other young person in a crisis – by carefully listening and affirming the very real anxiety she is experiencing. Pastor Sandy avoids advising Anya towards any particular path but says that, while she may have different views, right now it is more important that Anya knows she is loved and will always be a child of God.

Pastor Sandy commits to doing some research and reading, and arranges to meet with Anya again to follow up. She asks Anya to speak to her doctor about her suicidal feelings and to think about whether there is anyone in her broader social circle or family network who could provide support. Before they meet again, Pastor Sandy reaches out to a colleague and fellow pastor. She is concerned about how she can support Anya, knowing that the church's teachings do not support same-sex relationships.

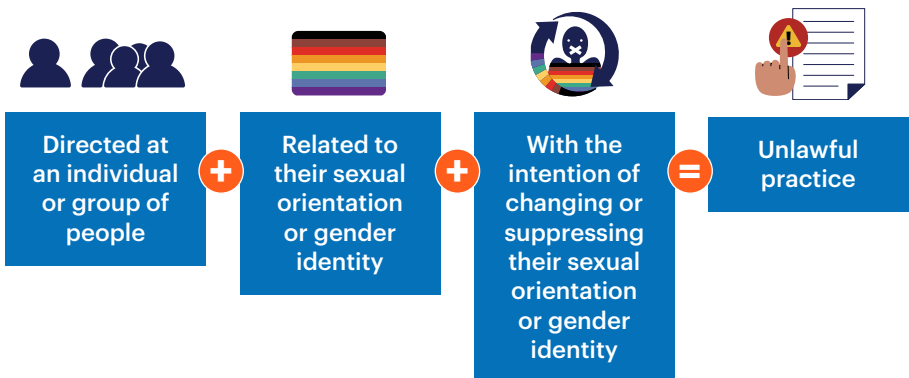
When Pastor Sandy and Anya meet again, Anya explains that her GP was helpful and told her that the same-sex attraction she is experiencing is completely normal and not unusual. Her GP suggests Anya could get some additional support, including from some good support groups for young LGBTQA people.

Pastor Sandy affirms the importance of Anya having professional support. She also invites Anya to pray with her and says, 'God, we ask that you help Anya to know how deeply she is loved by you and guide her through this time.'



What does the Act protect?

A change or suppression practice is a practice or conduct that is directed at an individual (or a particular group of people) – with or without their consent – because of the person’s or group’s sexual orientation or gender identity, with the intention of changing or suppressing their sexuality or gender identity. For a practice or conduct to be unlawful, three factors must be evident:



What the legislation says

Section 5(1) of the CSP Act defines the meaning of a change and suppression practice:

- (1)** *In this Act, a change or suppression practice means a practice or conduct directed towards a person, whether with or without the person's consent:*
- (a)** *on the basis of the person's sexual orientation or gender identity; and*
 - (b)** *for the purposes of:*
 - (i)** *changing or suppressing the sexual orientation or gender identity of the person; or*
 - (ii)** *inducing the person to change or suppress their sexual orientation or gender identity.*

Prayer and teaching of abstinence and celibacy

The CSP Act does not prohibit personal prayer in any way. However, praying with or over a person to change or suppress their sexuality or gender identity is unlawful. It is unlawful even if that person has asked you to pray for them to be able to change or suppress their sexuality or gender identity.

General comments about celibacy and abstinence in broad statements of belief are not unlawful. However, specifically telling a person in a same-sex relationship that they must stop being sexually active and become celibate could be regarded as a suppression practice and may be unlawful, depending on the circumstances.

Scenario 2: Public forum – Rev Matteo

Rev Matteo is a popular Christian speaker. He often addresses churches and secular gatherings on a range of issues. Rev Matteo has been invited to take part in a public forum on gender and sexuality. He does not agree with same-sex marriage and is opposed to gender transition and homosexual practice. Rev Matteo is concerned that if he shares his views at the forum, someone will report him to the Commission for breaching the CSP Act.

What does Rev Matteo do?

Rev Matteo reads the CSP Act content on the Commission's website before delivering his speech. It explains that he can deliver his speech in keeping with the Baptist core beliefs on gender and sexuality as they constitute a general statement of belief, which is not unlawful.

While reading the Commission's website, he also learns that if he knows that someone in his audience is questioning their sexual orientation and thinks they might be gay, he may need to be careful of his phrasing. His speech could be seen as an attempt to encourage that person to suppress those feelings and that could fall within the definition of a change or suppression practice under the CSP Act.

However, because it is a new audience and Rev Matteo is not giving his speech with the intention of changing anyone, there is less risk of his actions being unlawful. But to be sure, he edits his speech a little to be clear that the framing is about his beliefs and his understanding of the Bible.

Practices not permitted under the CSP Act

The following are some general examples of practices that may be unlawful depending on all the circumstances:

- A youth group leader runs a group session to provide ‘support’ through prayer to a young man in the group to help him fight his desire to act on his feelings of same-sex attraction.
- A teacher tells a trans student that God does not love them unless they accept the sex they were assigned at birth, then tries to convince the student to change their gender identity.
- A pastor tries to convince a woman in the congregation to suppress her sexuality by telling the woman that she will be excluded from the church if she continues her same-sex relationship. The pastor then prohibits the woman from returning while the relationship continues.
- A volunteer runs a peer-to-peer support group designed to coach a man who is exploring his sexuality to focus on being heterosexual and suppress any feelings for people of the same sex.
- A chaplain tells a student who is trans to dress and behave according to the sex they were assigned at birth and to meet regularly with the chaplain for counselling on how to be more acceptable to God.
- When a young woman tells her pastor she wants to transition away from the gender on her birth certificate, the pastor refers the woman to a particular health professional – a certain counsellor they know does not support trans people. The pastor knows the counsellor will advise the young woman to reject being trans and accept her original gender.
- A pastor arranges for a same-sex-attracted man to travel out of Victoria to attend a ‘healing’ camp aimed at helping him overcome his same-sex attraction.
- A volunteer repeatedly gives out pamphlets that include contact details of a program that falsely claims to ‘cure’ trans people to a person they know to be trans.

What is not a change or suppression practice

What the legislation says

Section 5(2) of the CSP Act describes practices that are not change or suppression practices:

For the purposes of subsection (1), a practice or conduct is not a change or suppression practice if it—

- (1)** *Is supportive of or affirms a person's gender identity or sexual orientation including, but not limited to, a practice or conduct for the purposes of –*
 - (a)** *Assisting a person who is undergoing a gender transition; or*
 - (b)** *Assisting a person who is considering undergoing a gender transition; or*
 - (c)** *Assisting a person to express their gender identity; or*
 - (d)** *Providing acceptance, support or understanding of a person; or*
 - (e)** *Facilitating a person's coping skills, social support or identity exploration and development; or*
- (2)** *Is a practice or conduct of a health service provider that is, in the health service provider's reasonable professional judgement, necessary—*
 - (a)** *To provide a health service; or*
 - (b)** *To comply with the legal or professional obligations of the health service provider.*



What if someone asks for help to change?

Even if someone says they want to change, it's not only against this law to try and help them to do so, it won't work, and may well harm the person. Survivors who told us they asked for these practices, but regretted the practices later in life, did so because they feared losing family, friends or community connections.

The CSP Act uses the definitions of sexual orientation and gender identity found in the *Equal Opportunity Act (2010)* (EO Act). Under the EO Act, there is a list of protected attributes. These are personal characteristics that are protected from discrimination such as a person's age, sex, disability, parent or carer status, race or religion.

Sexual orientation is a protected attribute. It refers to a person's emotional, affectional and sexual attraction to, or intimate or sexual relations with, people of a different gender, the same gender or more than one gender. This protection extends to people who are questioning their sexuality and think they might have a different sexual orientation.

Gender identity is also a protected attribute. It protects a person's rights to identify as a gender which may or may not match the gender recorded on their original birth certificate. This can include the personal sense of their body (whether this involves medical intervention or not) and other expressions of gender, including dress, speech, mannerisms, names and personal references. Gender identity can be expressed through:

- the way someone dresses
- the way a person speaks or uses mannerisms
- a name change
- use of pronouns
- medical intervention, such as hormone therapy or surgery.

Scenario 3: Pastor Wang and Lee

Lee is 12 years old and has attended church with their parents since a very young age. Lee recently told their parents that although everyone sees them as a boy, they've never really felt like a boy. For as long as they can remember, they've felt more like a girl. They've done a lot of research and they want to find out more about exploring medical gender transition. They've been incredibly anxious about this for a long time and have finally found the courage to tell their parents.

Lee's parents bring Lee to talk with their pastor. Pastor Wang is hesitant to offer counselling or ongoing support to Lee or their parents because she knows this area is covered under the CSP Act and she's not sure what she can or can't say.

She tells Lee that young people often go through phases of questioning their identity. Lee's parents say that Lee should do nothing about it until they are at least 18 years old. Lee is distressed at this suggestion and says this will be too late. Lee tells their parents and Pastor Wang that they are struggling and need to get some help.

Pastor Wang tells Lee and their parents that she will be praying for God to guide and support them in this.

What does Pastor Wang do?

Pastor Wang has a look at the Commission's website and finds some resources that help her understand more clearly what Lee might be going through, as well as some other authoritative, evidence-based and reputable medical online resources, such as the Royal Children's Hospital website. Pastor Wang is comforted by the fact that, contrary to what she thought, the process of changing one's gender is not simple, quick or inevitable but relies on the expertise of health professionals working with the young person and their family.

The next time she sees Lee, Pastor Wang is better informed. Knowing more about gender-affirming care and the legislation, she feels more comfortable about supporting Lee and their parents to talk about what's going on for them without judgement.

Consent

Under the CSP Act it is **not possible** for a person to consent to a change or suppression practice.

Survivors of change or suppression practices report that they are explicitly and implicitly coerced to change or hide who they are by parents or pastors or by the ideologies of their religious community. They may also be driven by the fear of rejection and the desire to be 'whole'. A person's willingness to participate in a change or suppression practice does not make it lawful.

If a person comes to a faith leader asking for help as they want to change and not be gay, lesbian or trans, it is still unlawful for the faith leader to try to change or suppress the person's sexual orientation or gender identity (or to refer them elsewhere for this purpose).

Inherent in the concept of consent is the principle that consent must be freely given. Where a person is told or believes that they will be excluded from their religion, go to hell, be rejected by God or lose their family, friends or faith community unless they change or suppress a core part of their identity, that person is not freely consenting to change or suppression practices.

Where, for example, a young person has grown up in a tight-knit faith community and has been absorbing negative messages about LGBTQA people over many years, their fear of rejection and need for inclusion may be fuelling their request for support to change.



Scenario 4: Deepak and Pastor Sen

Deepak is a single man who lives on his own and has been very involved in the church for many years, including leading the church's community food-relief ministry. Deepak tells Pastor Sen that he has known for a long time that he is attracted to men – but that he also knows from the church's teachings that homosexual practice is wrong, so he feels conflicted about what he should do.

Pastor Sen reminds Deepak that their church's teaching is that people should abstain from sexual activity outside of marriage and that Baptists define marriage as being between one man and one woman. Pastor Sen tells Deepak that the disciplines of faith can be challenging, so he will pray that God will help Deepak to overcome his homosexual desires. He also tells Deepak that if he wants to continue leading the food-relief ministry, he must remain celibate because if he engages in homosexual sex he will be broken. Pastor Sen cares for Deepak and encourages him to suppress his sexuality and remain an active member of the church.

Deepak appreciates Pastor Sen's advice and offer of support but, at the same time, struggles with deep feelings of shame.

What should Pastor Sen do differently?

Telling Deepak he must suppress his sexuality by practising celibacy might meet the definition of a suppression practice under the CSP Act.

Pastor Sen seeks advice from a friend, Alejandra, who suggests he look at the Commission's website. The site makes it clear that Pastor Sen can talk about his own views on sexuality and those of the church, but should avoid telling Deepak to change who he is or suppress that side of himself.

Pastor Sen points out to Alejandra that celibacy before heterosexual marriage is a core belief of the church and that he would promote this belief to anyone, irrespective of their sexuality. Alejandra reminds him, however, that suggesting celibacy as a means of 'fixing' someone's sexuality means that Pastor Sen's actions could

be seen as an attempt to change or suppress Deepak's sexual orientation. Alejandra also reminds Pastor Sen that intimacy and sexual relations are part of a person's sexual orientation under the CSP Act, so telling someone to remain celibate because of their sexual orientation may be asking them unlawfully to suppress their sexual orientation.

The code of conduct for Pastor Sen's church provides guidance on celibacy and that isn't likely to be a suppression practice as it isn't targeted at an individual because of their sexual orientation. However, church leaders may find it difficult to implement the code of conduct, as enforcing celibacy against an individual may be a suppression practice. Whether this conduct would amount to a change or suppression practice will depend on all of the circumstances as to whether the elements of a suppression practice are present.



Consequences of contravening the CSP Act

Civil response scheme

Making a report

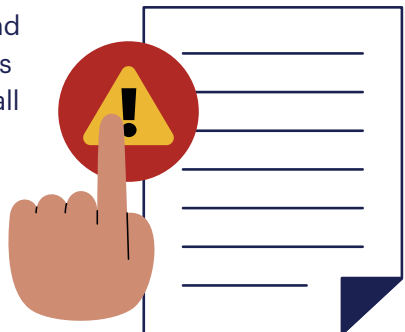
If people experience change or suppression practices, they can make a report to the Commission under the CSP Act's civil response scheme.

Anyone can make a report under the civil response scheme, including the person affected, someone on their behalf or a person who may have witnessed or be aware of such a practice. A report identifies a person or organisation that has allegedly tried to change or suppress a person's sexual orientation or gender identity.

Reporting change or suppression practices to the Commission is an important way to:

- show the harm of these practices
- ensure the affected person's story is heard
- seek an outcome – which may be facilitation, education or investigation
- stop the practices from happening.

The Commission's processes are free and confidential, and the Commission makes every effort to provide a safe space for all the parties involved to be heard.



What happens when someone makes a report

Most commonly, the Commission will help facilitate an outcome between the parties through a facilitation process. The facilitation can be conducted through a shuttle negotiation, where a facilitator relays information between the parties via phone or email without the need for the parties to be in the same room. The person making the report is not required to have direct contact with the person or organisation they have made the report against if they don't wish to, as the Commission can communicate separately with everyone involved. The facilitation process considers the affected person's wishes and reflects a trauma-informed care approach.

Possible outcomes of the facilitation process where a change or suppression practice is occurring include any or all of the following actions by the person or organisation responding to the report:

- committing to change or stop the behaviour
- agreeing to participate in a targeted education program
- issuing an apology to the person who experienced the change or suppression practice
- paying financial compensation, if both parties agree to that outcome.

In some situations, it may be appropriate for the Commission to refer a report of a change or suppression practice to another organisation, such as Victoria Police or the Health Complaints Commissioner. This would only happen with the consent of the person who made the report.

The Commission also has the discretion to investigate potential change or suppression practices that are serious or systemic in nature and relate to a class or group of people.

Scenario 5: Bible study group – Charlie and Marianne

Charlie regularly attends a Bible study group led by Marianne. The group discusses a wide range of issues that emerge from their Bible study. Charlie enjoys the group and gets on well with Marianne. After one of the sessions, when everyone else has left, Charlie tells Marianne he's gay and attracted to men. He says he really likes a guy at work and is thinking of asking him out.

At the Bible study group the following week, Marianne leads a discussion focused on certain biblical passages that she interprets as meaning that homosexual practice is wrong and sinful. Charlie gets a strong sense that this is directed at him and feels upset. He's anxious but doesn't want to say anything.

How might Marianne handle this situation?

After the Bible study group, Marianne raises the subject of homosexuality with a colleague. The colleague reminds her that there is now legislation around this issue and suggests she checks the Commission's website, just to make sure her ministry is operating within the law. Marianne knows that same-sex attraction is against her church's teachings and feels that her selection of biblical passages was merely trying to remind Charlie of that.

On making further enquiries, Marianne realises that her discussion about her views on the sinful nature of homosexuality immediately after Charlie confided in her about his sexuality could be seen as trying to encourage Charlie to change his behaviour and his sexuality. She also realises that her conduct might be harmful to Charlie and against the law.

She wants to help Charlie but feels conflicted and certainly doesn't want to fall foul of the law. She decides it might be better to refer Charlie to her colleague, who seems to know more about how to comply with the new law than she does.

If someone reports you

If someone makes a report about you, the Commission will provide you with information about education and facilitation, the objectives of the Act, the meaning of change or suppression practices and how it relates to the report made, as well as guidance about possible vicarious liability.

The Commission's processes are flexible, trauma-informed and designed to be fair to all people involved. The Commission remains impartial in its response to reports and the facilitation process.

The Commission will also work closely with you to:

- prepare you for facilitation
- hear your views about the report made against you
- discuss any concerns you may have about your participation in a facilitation process.

Participating in the facilitation process is voluntary. The Commission cannot compel anyone to attend a facilitation meeting.

The process is also confidential, which means a person making a report will not be publicly shaming anybody. Most survivors of change and suppression practice say they simply want people to understand that these practices are wrong, do damage to people and must stop.

While it is not compulsory, participating in the facilitation process may be useful for both you and the person who has made the report. Parties can bring a legal representative, advocate, family member or friend to provide support.

The facilitation process aims to reach a resolution that is agreed on by both parties.

Other codes to consider

Change and suppression practices may also contravene other professional codes and guidelines.

These include the codes of conduct of the Australian Psychological Society, the Psychotherapy and Counselling Association of Australia and the guidelines of several faith-based mental health bodies including the Christian Counsellors Association of Australia.

In its position statement on engaging with the LGBTQA community, the Australian Medical Association (AMA) states: “Conversion practices” are rooted in the false assumption that sexual orientations other than heterosexuality, and gender identities other than cisgender, are mental disorders that can and must be altered ... There is strong agreement among the medical profession in Australia that conversion practices have no medical benefit or scientific basis, and that there is evidence of significant harms resulting from such practices’.²

In its position on change and suppression practices, the Australian Psychological Society (APS) states: ‘There is [however] clinical evidence that change or suppression practices are harmful and can compound the challenges already faced by LGBTQ+ communities’.³

It is important to understand that there is robust and comprehensive medical and psychological research and evidence on which these organisations base their statements.

2. From the AMA position statement on LGBTQA community.

3. From the APA *Use of psychological practices that attempt to change or suppress a person’s sexual orientation or gender: Position statement*.

Criminal offences

What the CSP Act says

There are four criminal offences for intentional change or suppression practices that cause injury or serious injury, where the person carrying out the practices is negligent as to whether injury will be caused. These are:

- physical **injury** or harm to mental health, whether temporary or permanent
- **serious injury**: that is, an injury (including the cumulative effect of more than one injury) that endangers life or is substantial and protracted
- **taking someone outside of Victoria** for a change or suppression practice that causes injury
- **advertising** a change or suppression practice.

Under the CSP Act:

- **injury** includes physical injury or harm to mental health, whether temporary or permanent
- **serious injury** can include an injury (including the cumulative effect of more than one injury) that endangers life or is substantial and protracted.

Under the CSP Act, elements of the offence need to be established beyond a reasonable doubt. For the offences of causing injury or serious injury, it needs to be established that all of the following apply:

- that the conduct was engaged in intentionally
- that injury was caused
- that the injury was caused by the change or suppression practice
- that the person was negligent as to whether engaging in the practice would cause injury.

Criminal offences are overseen by Victoria Police. The Commission may also bring proceedings for the offence of advertising a change or suppression practice.

Vicarious liability

Vicarious liability is when an organisation or group can be held legally responsible for the actions of others who engage in prohibited conduct during employment, including as a volunteer or while acting on behalf of the organisation. Your organisation or group could be held liable for a change or suppression practice if you cannot show that you have taken reasonable precautions to prevent someone engaging in these practices.

Scenario 6: Drew and Tobias

Content warning: This scenario contains sensitive material, including discussion of self-harm and suicide, which may be triggering for some readers.

Drew, a member of a church youth group, tells Tobias, the youth group leader, they don't feel like they fit neatly into one gender or the other. In fact, they have realised they are non-binary.

Tobias tells Drew that this confusion over gender and sexuality probably stems from something in their upbringing, maybe even some kind of trauma. He tells Drew not to worry too much and that it can be 'fixed' with some prayer and regular counselling. Tobias tells Drew that following his advice will help Drew overcome these troubling ideas and feelings, and get back to their 'normal' gender and sexuality.

Tobias refers Drew to a counsellor for regular sessions, but despite Drew's genuine commitment to the process, nothing changes for them. Over time, Drew starts to feel a sense of failure and is tormented by their need to be true to themselves but also to be loved by God – and to feel supported by their church and Tobias.

Their sense of failure and ‘wrongness’ slowly turns into a deep depression and, rather than experiencing any ‘healing’, they begin to self-harm. Drew has not shared anything about the counselling or their discussion with Tobias and the first their family learns about it is when Drew is rushed to hospital following an attempt to take their own life.

The family is deeply distressed when they learn what has happened and make a report to the Commission that Tobias has engaged in change or suppression practices. They also name Tobias’s church as being legally responsible, for failing to take reasonable steps to prevent Tobias from engaging in change or suppression practices, which is known as being vicariously liable.

What you need to know

The CSP Act affirms that all people, regardless of sexual orientation or gender identity, should feel welcome and valued in Victoria, and that a person’s sexual orientation or gender identity is not broken and does not need to be fixed.

BUV’s Code of Ethics for Pastoral Leaders and Companion Guide also say pastoral leaders must respect the right of all people to make their own educated decisions and choices in life, and encourage them to move towards maturity in Christ.

Pastoral leaders may express their own opinions and offer appropriate advice, but should avoid making a decision for another person.

As far as vicarious liability is concerned, a relevant consideration is whether Tobias was going off on his own, not following church guidelines and not supporting youth in his care, or whether he was following what he understood to be his church’s practice.

Tobias's church leaders would have to consider what their church's practices are and what they have put in place, if anything, to prevent things like this happening. Do they, for example, have something in their Safe Church policy and volunteer code of conduct? Do they include clear information on change or suppression practices in the induction and ongoing training of staff and volunteers?

If the church doesn't have anything in place, there is a risk they might be vicariously liable, and they might also be considered to have engaged in the change or suppression practice, unless they can show they took reasonable precautions to prevent Tobias and others from responding in such ways.

Examples of reasonable precautions

Reasonable precautions are positive preventive actions that could include:

- increasing staff, volunteer and community awareness and understanding of the CSP Act and practices through regular training and induction
- incorporating the CSP Act in policies and procedures, codes of conduct and induction processes (for both staff and volunteers), specifically the Safe Church policy and volunteer code of conduct
- ensuring there are people within the church who are knowledgeable and informed about the legislation who can advise others, train staff and volunteers, and manage reports of change or suppression practices.

Scenario 7: Elizabeth and Pastor Anselm

Elizabeth is a single woman aged 19. She's a great singer and piano player, and often plays the piano and leads worship at church. She comes out to her small prayer group as bisexual and tells them that she is open to dating people regardless of gender. She's excited about a local speed-dating event for people of all genders that she is attending on the weekend. Her small prayer group leader approaches the congregation's pastor, Pastor Anselm, unsure what to do. They suggest that Elizabeth shouldn't be allowed to lead worship anymore as she 'can't pick the right side'.

Pastor Anselm believes that practising homosexuality is a sin. He believes Elizabeth is leading a sinful lifestyle as she has said that she is open to dating women. He is worried that having her lead worship would look as if he endorses what he sees as her sinful choices and feels that she should not act on her attraction to women.

Pastor Anselm approaches Elizabeth and explains that she must step down from leading worship as their church's stance is that romantic relationships should only occur between one man and one woman, and he has heard she is open to dating women. He explains that unless she is only going to date men and follow the church's teachings on this, they cannot have her lead worship, as it would look like the church is endorsing sin. Pastor Anselm believes that if he asks her to step down, she'll decide to live a righteous life and put aside her romantic and sexual interest in women.

Elizabeth is devastated and, although she really doesn't want to, she leaves the church. She feels as if she can never go to church again and she can't hear worship music without crying.

What does Pastor Anselm need to know?

It's one thing for Pastor Anselm to believe that practising homosexuality is a sin. It's another thing to require Elizabeth to change or hide who she is because the church's stance is that romantic and sexual relationships should only occur between one man and one woman. Saying that Elizabeth must only date men

to be able to continue in her role may be a change or suppression practice, as it may be seen as conduct directed towards Elizabeth on the basis of her sexuality for the purpose of changing or suppressing her sexual orientation.

Elizabeth could make a report to the Commission or ask a friend to make a report on her behalf. The Commission could then contact Pastor Anselm regarding the facilitation process for change or suppression reports, explaining that it is entirely confidential and voluntary.

Because the Commission is guided by the person making the report, it might relay concerns that Elizabeth has asked to be communicated. In the first instance she may want Pastor Anselm to understand that his actions might be a change or suppression practice and that they are harmful.

The facilitation process means the outcome has to be agreed to by both parties.

Under the civil response scheme, each case is considered on its own merits. While it may not be unlawful under the CSP Act to say that, as a bisexual, Elizabeth cannot lead worship at church, it may be discrimination under the EO Act in certain circumstances. The law around discrimination in Victoria applies to certain areas of public life – such as employment and educational settings. The law can be complex and so it could be useful for Pastor Anselm to contact the Commission for some free and confidential information.

Reflections for you to consider about Scenario 7: Elizabeth and Pastor Anselm

You might reflect on the following with your leadership group should you find yourself in a situation like this:

- Can you reach out to discuss this situation with your leadership group so that you're not alone in your decision-making? (What assistance might be available from the BUV Support Hub?)
- What are the privacy considerations of this situation? (How many people has Elizabeth shared this information about herself with? What is Elizabeth willing for you to share with others?)
- How might members of the congregation respond to Elizabeth returning to the church and her role?
- What would be helpful in preparing the congregation to manage this?
- Are there other ways in which Elizabeth might be included and involved in the church?
- How will you ensure all conversations about this are respectful and safe for everyone involved, including Elizabeth?
- Are there some learnings for the church from this experience? What could you do differently in future?

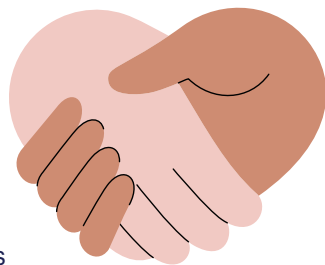
Preventing change or suppression practices

There are a range of actions that faith leaders can take to prevent change or suppression practices and mitigate the risk of contravening the CSP Act. These include:

- identifying key people in the organisation and their roles, particularly where there are interactions with young people – for example, youth leaders, Safe Church officers, program leaders, deacons/elders or volunteer coordinators – and support them to develop a deeper understanding of the CSP Act, including through regular professional learning opportunities
- having relevant content on the CSP Act in induction programs and materials that provides clarification on their obligations under the legislation
- reviewing policies and documentation related to duty of care matters and incorporating wellbeing and preventive measures, and responsibilities around change or suppression practices
- providing information, training and education to raise awareness within staff, volunteer and community groups about the harms caused by change or suppression practices
- reviewing existing guidance on wellbeing, respectful conversations and pastoral care, codes of conduct and other relevant policies, procedures and guidelines to ensure they comply with the legislation
- ensuring that there is a process in place for managing incidents of change or suppression practices when they arise and that everyone understands the Commission’s reporting process
- consulting with affirming churches and LGBTQA faith groups on how to best support LGBTQA members and their families
- contacting the BUV Support Hub or the Commission with questions or for information on how to mitigate risk and care for LGBTQA people of faith.

Supporting LGBTQA people of faith

La Trobe University has developed the *A guide to improving safety in pastoral care with LGBTQA+ people*.⁴ It provides guiding principles and practical suggestions for supporting LGBTQA people in your community. They are generic, broad-based principles that apply to all religions. The guide may allow you to consider the best ways the following principles could be applied in your context.



Recognise

In the diversity of human experience, some people are attracted to the same sex or have a gender that is different to what people assumed when they were born. We know from decades of medical research that attempts to change a person's sexual orientation or gender identity, in fact, only suppress that part of a person. When key parts of a person – such as their faith and their sexuality or gender identity – are put in conflict and suppressed, extreme psychological distress can result.

Protect

As a pastoral worker, you have a role to play as an advocate. If your community is telling LGBTQA people that to be a member of your faith community they are required to suppress their sexual orientation or gender identity, you should be aware that such a requirement will be harmful and unsafe for LGBTQA people in your community. LGBTQA people should be protected from such unsafe policies and practices.

4. These principles are expanded upon in Jones, T.W., Despott, N., Jones, T.M., Anderson, J., Pallotta-Chiarolli, M. and Power, J. (2023), *A guide to improving safety in pastoral care with LGBTQA+ people*. Australian Research Centre in Sex, Health and Society, La Trobe University, Melbourne.

Accept

Safe pastoral care for LGBTQA people involves supporting them to find a path where they can accept and hold in harmony their faith, their inner sense of sexuality and gender, and their relationship with their religious community, and also to explore how they might safely express those aspects of themselves in relation to the rules and traditions of their faith and community.

Explore

Sometimes people have uncertain feelings about their gender or sexual attraction. Safe pastoral practice involves supporting people with their exploration without predetermining any particular outcome for who they are. While your religious tradition will have rules about sexual and gender expression and behaviour, it most likely also has space for a person to explore and accept their sexual orientation and gender identity – who they are inside.

Support

A person in your community might seek support regarding many aspects of being LGBTQA. People you support might have experiences of trauma and discrimination, perhaps even within your faith and community. Accepting their LGBTQA identity may have implications for their family and friends, and for their personal safety, as they explore and reconcile the different elements of their identity.

Refer

Know what your expertise is and be prepared to refer people to others when they need support outside of that expertise. This could include referral to pastoral workers with more experience in your tradition or appropriately qualified mental health professionals.

Reflect

Pastoral care with LGBTQA people provides you with a valuable opportunity to reflect on your, and your community's, pastoral practice. Do you listen carefully to LGBTQA people's experiences in your community? What are the range of attitudes towards LGBTQA people that your community holds? What are the different ways that gender and sexual expression have been valued at different times and places in your faith tradition? Do your current pastoral responses to LGBTQA people reflect the core values of your faith?

Scenario 8: Rod and Mary

Rod and Mary are in their late 50s and have been married for 30 years. They have been attending and volunteering at their Baptist church since they moved to the area 25 years ago. Many people in the congregation look up to them as an example of a loving marriage and family. Their kids are now aged 22 and 25 and are also heavily involved in the church.

Rod and Mary approach Pastor Finian for advice. Rod recently learned from his kids that the A in LGBTQA stands for 'asexual' and realised that it names his own experience. He deeply loves Mary but has always struggled with sex and realises he is asexual. Rod and Mary both think that, as a good Christian man, he should want to have sex with his wife, so they are seeking their pastor's advice.

What should Pastor Finian do?

Pastor Finian might firstly create a safe space for Rod and Mary to share their thoughts and affirm that he is there to support them in whatever way he can. He might listen to both Rod and Mary, and give them the opportunity to explore this new dynamic in their relationship.

Following this, he could do a little research and would learn that being asexual is when a person experiences partial or no sexual attraction and may or may not experience romantic attraction. One of the things he reads is that people can take medication to create a sex drive, but he understands that's probably counter to the intent of the CSP Act because it may be considered an attempt to change a person's sexual orientation.

While Pastor Finian has his own feelings about this situation, it's not actually his role to impose them on Rod and Mary. He decides that their church supports the union of a man and a woman but doesn't insist on any strict rules around sexual behaviour within a relationship. He encourages them to express their relationship in ways that work for them.



LGBTQA glossary⁵

LGBTQA stands for lesbian, gay, bisexual, trans and gender diverse, queer and asexual.

The basics of using inclusive language

Using inclusive language makes a real difference to LGBTQA people. Here are our top 3 tips:

- If someone tells you that they're LGBTQA, respectfully ask what terms they use to describe themselves, then use those terms.
- Don't question or make assumptions about someone's sex, gender or sexuality. Accept and respect people as they are or as they identify.
- Use language that acknowledges that people have diverse relationships and families. This can mean using words like *partner*, *parent* and *child*, particularly when describing groups of people. It could also mean using gender-inclusive language like *sibling*, *folks* and *members*.

Gender

An **agender** person has no gender.

Aboriginal communities use **brotherboy** and **sistergirl** to describe **transgender** people and their relationships as a way of validating and strengthening their gender identities and relationships.

Cisgender (pronounced 'sis') refers to a person whose gender corresponds with their sex recorded at birth.

Gender diverse is an umbrella term for a range of genders expressed in different ways. Gender-diverse people use many terms to describe themselves. Language in this area is dynamic, particularly among young people, who are more likely to describe themselves as **non-binary**.

5. This section has been adapted from the Victorian Government's *LGBTIQA+ inclusive language guide*, which can be found at <https://www.vic.gov.au/inclusive-language-guide>.

A **non-binary** person is someone whose gender is not exclusively male or female. Non-binary is both an identity and an umbrella term describing a range of people who exist outside societal expectations that gender is only a binary of male and female.

A **trans** (short for transgender) person is someone whose gender does not match up with the one assigned to them at birth. Not all trans people will use this term to describe themselves.

Transition or **affirmation** refers to the process where a **trans** or **gender-diverse** person takes steps to socially and/or physically feel more aligned with their gender identity. They may change their pronouns, clothing or appearance, and/or access medical supports like hormones or surgery. But they may also not do all of these things, because there is no single right way to affirm gender identity or to be trans. It is not appropriate to ask a trans person about their medical or surgical status.

Sexuality

Asexual/‘ace’ refers to a sexual orientation that reflects little to no sexual attraction, either within or outside relationships. People who identify as asexual can still experience romantic attraction across the sexuality continuum.

A **bisexual** person is romantically and/or sexually attracted to people of their own gender and other genders. A **pansexual** person is romantically and/or sexually attracted to people of all genders, binary and non-binary. The term **multi-gender attraction** may also be used for those who experience attraction to more than one gender over a lifetime, regardless of self-identity or labels.

The terms **gay**, **lesbian** and **same-sex attracted** refer to people who experience romantic and/or sexual attraction solely or primarily to people of the same gender as their own.

Straight/heterosexual refers to people who are solely or primarily romantically and/or sexually attracted to people of the opposite gender, generally men who are attracted to women and women who are attracted to men.

The term **queer** has changed over the past few decades. Queer is used as an umbrella term to describe intersex, transgender and gender-diverse people, as well as people of diverse sexual orientations, all of whom identify as part of the queer community. It is often used as an umbrella term by people wishing to indicate that their sex, gender and/or sexuality cannot be understood within the boundaries of normative notions of sexuality and gender.

The use of queer can differ between different groups and generations. The term has been reclaimed in recent years and is increasingly used, particularly by younger LGBTQA people, in an empowering way to describe themselves. However, for some people queer has negative connotations, because in the past it was used as a derogatory term.

The 'Q' in LGBTQA sometimes stands for **questioning**, to reflect that a person may be exploring their gender or sexual orientation. People who are questioning may not feel comfortable identifying their sexuality or gender yet, for a variety of reasons, but may still wish to be clear, for example, that they are non-binary or non-heterosexual. It is important these individuals feel welcome and included in society, including in LGBTQA communities and spaces.

People with intersex variations

People with **intersex variations** is an umbrella term for people born with natural variations to sex characteristics. This can be physical features relating to sex including genitalia and other sexual and reproductive parts of a person's anatomy. It might also refer to the person's chromosomes, hormones and secondary physical features emerging at puberty. Most people with intersex variations are cisgender and identify as male or female.

Please note, religious LGBTQA change or suppression practices have not included forced medical interventions on people born with intersex variations, hence this guide's focus on 'LGBTQA' but not 'I' practices – although, of course, some intersex people are LGBTQA and have been subject to religious LGBTQA change or suppression practices.

Allyship

An **ally** is a person who considers themselves a friend and active supporter of LGBTQA communities. This term can be used for non-LGBTQA allies as well as those within the LGBTQA community who support each other – for example, a cisgender gay man who is an ally to the trans and gender-diverse community.

Using pronouns

Pronouns are one way that people refer to each other and themselves without using a name. Common pronouns include the masculine pronouns *he*, *him* and *his*; the feminine pronouns *she*, *her* and *hers*; and the gender-neutral pronouns *they*, *them* and *theirs*.

Correctly referring to someone using the pronouns they use for themselves is one way to show respect for their gender identity. Using the wrong pronouns for someone can make them feel disrespected, invalidated or excluded.

You cannot know from their appearance what pronouns a person uses. If you're unsure what someone's pronouns are, ask them respectfully and privately, using a question such as 'can I ask what pronouns you use?' (Please don't ask what pronouns they prefer; just ask what pronouns they use. Sex, gender, sexuality and the pronouns people use are not choices, they are aspects of a person's identity.)

Some people's pronouns may be context-specific. For example, someone might not use their pronoun in a particular environment or around particular people because they do not feel safe or comfortable to do so.

Further information and supports

Baptist Union of Victoria is a not-for-profit organisation, made up of over 250 churches and communities of faith throughout the state of Victoria. BUV's mission is to encourage, equip and empower local church leaders to advance the Kingdom of God.

www.buv.com.au

Further information and reporting

Victorian Equal Opportunity and Human Rights Commission is a statutory body that protects and promotes human rights in Victoria. The Commission can take reports and provide information about change or suppression practices.

www.humanrights.vic.gov.au/hub/lgbtiq-rights

[www.humanrights.vic.gov.au/for-individuals/
religious-belief-or-activity](http://www.humanrights.vic.gov.au/for-individuals/religious-belief-or-activity)

www.humanrights.vic.gov.au/change-or-suppression-practices

Victoria Police is where you can report LGBTQA change or suppression (conversion) practices.

[www.police.vic.gov.au/
report-change-or-suppression-conversion-practice](http://www.police.vic.gov.au/report-change-or-suppression-conversion-practice)

Survivor groups

Brave Network is a support and advocacy group for LGBTQA people from Christian backgrounds.

www.thebravenetwork.org

SOGICE Survivors (Survivors of Sexual Orientation and Gender Identity Change Efforts) represents the combination of lived experience, expertise, research and perspectives from long-term survivor support.

www.sogicesurvivors.com.au

Affirming faith organisations

People of Faith is Switchboard Victoria's webpage affirming that you can be a person of faith and LGBTQA.

www.switchboard.org.au/people-of-faith

Equal Voices is a national advocacy group for LGBTQA Christians.

www.equalvoices.org.au/

Queers Be With You offers educational workshops and individual consultations to churches and Christian organisations who want to be more LGBTQA inclusive.

www.queersbewithyou.com/

Religious Experiences of LGBTQA+ Australians is a La Trobe University project exploring a range of experiences with religion and faith for sexually and gender-diverse Australians. It includes the full *Guide to improving safety in pastoral care with LGBTQA+ people* and a guide to finding an affirming psychologist.

lgbtqareligiousexperiences.org.au

Crisis and mental health support

Beyond Blue is a free mental health line and online brief counselling service open 24/7 for everyone in Australia. Contact: 1300 224 636.

www.beyondblue.org.au/

Headspace provides information and support about mental health and wellbeing to young people aged 12–25 and their families and friends. Contact: 1800 650 890.

headspace.org.au/online-and-phone-support/

Charlee (Connection, Hope, Action, Resources and Lived Experience Education) is a suicide-prevention hub made by LGBTQA people.

www.charlee.org.au/

13YARN is a free and confidential telephone support line for Aboriginal and Torres Strait Islander people in crisis, for all ages, available 24/7.

www.13yarn.org.au/

LGBTIQ support organisations

Rainbow Door is a free specialist LGBTQA helpline providing information, support and referral to all LGBTQA Victorians, their family and friends.

www.rainbowdoor.org.au/

Switchboard Victoria provides peer-driven support services for lesbian, gay, bisexual, transgender and gender diverse, intersex, queer and asexual (LGBTQA) people.

www.switchboard.org.au/

QLife provides anonymous and free LGBTQA peer support and referral for people in Australia wanting to talk about sexuality, gender, bodies, feelings or relationships.

qlife.org.au/

Transcend Australia is a national community-led organisation providing family and peer support services, education, resources and advocacy programs.

transcend.org.au/

Numerous other LGBTQA support and other services can be found at the online directory of the **Victorian Pride Centre**.

pridecentre.org.au/resource-directory/

Legal information and support

Q+Law is a free statewide safe entry point to accessing legal assistance for all individuals who identify as part of LGBTQA communities. It is a partnership of Fitzroy Legal Service and Queerspace, supported by the Victorian Government.

fls.org.au/how-we-can-help/qlaw/

Victoria Legal Aid (VLA) provides free legal services to support to people with legal problems, including issues of sexual harassment. Phone 1300 792 387, Monday to Friday, from 8.45am to 5.15pm.

www.legalaid.vic.gov.au

We also recommend

Royal Children's Hospital (RCH) Gender Service aims to improve the physical and mental health outcomes of children and adolescents who are trans or gender diverse.

www.rch.org.au/adolescent-medicine/gender-service/

Monash Health Gender Clinic is the specialist public health service for the trans, gender-diverse and non-binary community in Victoria.

monashhealth.org/services/gender-clinic/

Minus18 is a charity improving the lives of LGBTQA young people across Australia, providing resources, videos and training.

www.minus18.org.au/



Victorian Equal Opportunity & Human Rights Commission

Enquiry Line	1300 292 153
Fax	1300 891 858
NRS Voice Relay	1300 555 727 then quote 1300 292 153
Interpreters	1300 152 494
Email	enquiries@veohrc.vic.gov.au
Find us on Facebook	facebook.com/veohrc
Follow us on Instagram	instagram.com/veohrc
Follow us on X	x.com/veohrc

humanrights.vic.gov.au