



THE CHRISTIAN
INSTITUTE

The “gold standard” conversion therapy ban?

The reality of the law in Victoria, Australia

NOVEMBER 2023



Foreword

Those calling for a broad conversion therapy law have consistently called for governments across the UK to follow the example of Victoria, Australia.

But official guidance issued under the Victoria law includes some very worrying examples of what is now considered illegal – including a parent “refusing to support” their child’s request for puberty blockers.

Religious freedoms are also attacked. Christians are even told how they can and cannot pray. This is not a model that any democratic government should embrace.

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Jayne Ozanne

Stonewall



Calls for the UK to emulate Victoria

“ the [ban] in Victoria is seen as the gold standard ”

Jayne Ozanne – Chair, Ban Conversion Therapy campaign ¹

“ [the conversion therapy ban] must be based off... best international practice such as Victoria State, Aus ”

Kieran Aldred – Head of Policy, Stonewall ²

“ The model that’s been passed in Victoria is a good one and it includes both criminal and civil response which is really important. ”

Alicia Kearns – Member of Parliament for Rutland and Melton (Conservative) ³

**BAN
CONVERSION
THERAPY**



Alicia Kearns MP

1. Scottish Parliament, Equalities, Human Rights and Civil Justice Committee Official Report, 2 November 2021, col. 24
2. Kieran Aldred tweet, 30 June 2021, see <https://twitter.com/thekieranaldred/status/1410279209734377473?xt=HHwWgsCwpYTeqJlnAAAA> as at 16 August 2022 (account no longer available)
3. 'Faith, Lies and Conversion Therapy', BBC Radio 4, 9 March 2021, see bbc.co.uk/programmes/m000sz1y as at 30 October 2023



The Scottish Parliament, Holyrood ↗



◀ Peter Tatchell

“ *the Victoria legislation in Australia provides one of the best practice examples* ”

The Scottish Parliament’s Equalities, Human Rights and Civil Justice Committee⁴

“ *we’ve got the Australian state of Victoria, which has an excellent model that works well* ”

Peter Tatchell – LGBT campaigner⁵

“ *This Victoria ban is by far the best example of a complete ban on conversion practices.* ”

Matthew Hyndman – Co-founder, Ban Conversion Therapy (NI)⁶

4. Report on Petition PE1817: End Conversion Therapy, Equalities, Human Rights and Civil Justice Committee, Scottish Parliament, SP Paper 88, 25 January 2022, para. 17
5. 'Jacob Rees-Mogg's State of the Nation', *GB News*, 19 October 2023, see <https://www.gbnews.com/shows/jacob-rees-moggs-state-of-the-nation/2023-10-19> as at 2 November 2023
6. Matthew Hyndman tweet, 8 February 2021, see <https://twitter.com/thatmattyh/status/1358726947027767297?ctx=HHwWgsC6hbS9ldsIAAAA> as at 13 April 2022 (account no longer available)



Introduction

The Australian state of Victoria introduced a 'conversion therapy' ban in 2021.

The *Change or Suppression (Conversion) Practices Prohibition Act 2021* makes it illegal for a person or organisation to engage in 'change or suppression practices'.

The penalty can be up to ten years in prison and a maximum fine of over £100,000.

It defines a 'change or suppression practice' as "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".

Alongside the police, the Victorian Equal Opportunity and Human Rights Commission is empowered by the Act to enforce the ban.

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Change or suppression (conversion) practices

LGBTQA Victorians should live their lives authentically with pride and dignity. No Victorian should be subjected to harmful practices that seek to change or suppress their sexual orientation or gender identity.



How the law protects you

<p>About the Change or Suppression (Conversion) Practices Prohibition Act</p>	<p>Have you experienced a change or suppression practice?</p>	<p>Real stories of change and suppression practices</p>	<p>For families and friends</p>
<p>For people of faith, professionals, and other communities</p>	<p>Preventing change and suppression practices</p>	<p>Reporting change and suppression practices</p>	<p>Investigating change and suppression practices</p>

The **Change or Suppression (Conversion) Practices Prohibition Act 2021** is an important step towards preventing and responding to the serious damage and trauma caused by change or suppression practices. It makes clear that a person's sexual orientation and gender identity are not broken and do not need to be fixed.

We can receive reports, provide facilitation, deliver education, and undertake investigations under the law.

“Prohibited practices”

The Commission has issued official guidance on the ban. It explains what is now prohibited by Victoria’s ‘conversion therapy’ ban.

The following are extracts [our emphasis added]:

Victorian Equal Opportunity & Human Rights Commission

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Have you experienced these illegal practices?

Conversion practices and experiences vary widely. Practices ultimately aim to change or suppress someone’s sexual orientation and gender identity.

This could be through **mixed-orientation marriage, celibacy, or abstinence**, as well as **not affirming someone’s gender identity** or insisting that someone does not change their gender.

”



Parents and children

“

Examples of prohibited practices

Practices that would be considered illegal under the Act include:

a parent... **refusing to support their child's request for medical treatment that will prevent physical changes from puberty** that do not align with the child's gender identity

”

The use of puberty-blocking drugs on gender-distressed children is very controversial. In up to 90% of cases, children with gender dysphoria find it resolves during puberty.⁷ But puberty blockers stop that very process.

Parents should not be criminalised for refusing to support the use of experimental and potentially dangerous drugs on their children.

7. Carmichael, P, Phillott, S, Dunsford, M et al, 'Gender Dysphoria In Younger Children: Support And Care In An Evolving Context', *World Professional Association for Transgender Health*, 2016. For more on this point, see [the.ci/90percent](#)



Traditional Christian beliefs

Victorian Equal Opportunity
& Human Rights Commission

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Examples of prohibited practices

Practices that would be considered illegal under the Act include:

a religious leader meeting one-on-one... and pressuring [a member of their congregation] to suppress and ignore their feelings of same-sex attraction by **practising celibacy**

”

Clearly church leaders should not be ‘pressuring’ members of their congregations. But it is easy to misrepresent taking a firm stance on matters of religious belief as ‘pressuring’, particularly when the beliefs are unpopular. Christians believe the Bible’s teaching on sexual ethics is liberating, not suppressing. But again it is often misrepresented by those who disagree with church teaching.

For 2,000 years, Christians have taught that man-woman marriage is the only right place for sexual intimacy. Unmarried Christians must be free to seek support from a church leader or other fellow Christians to help them remain celibate.



Church membership

Victorian Equal Opportunity
& Human Rights Commission

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Examples of prohibited practices

Practices that would be considered illegal under the Act include:

a religious leader telling a member of their congregation... that they will be **excommunicated** if they continue their same-sex relationship

”

The temporary or permanent removal of an individual's church membership rights is a last resort where a person persistently rejects basic church doctrine or ethics.

It could be compared to the ability of a political party to suspend someone for breaching membership rules. This is called freedom of association and is protected under the UK's international human rights obligations.



Youth groups

Victorian Equal Opportunity
& Human Rights Commission

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Examples of prohibited practices

Practices that would be considered illegal under the Act include:

using a youth group session to **provide ‘support’ through group prayer** to a young person to help them fight a desire to act on their feelings of same-sex attraction

”

Many church youth groups meet regularly to read the Bible and pray. Young people will often consider the meaning of a particular passage of the Bible, and ask how they might apply it in their everyday life. Teenagers often bring their struggles to these groups for prayerful support. That might be stress around exams or frustrations with parents or friends. Occasionally it might involve sexuality and relationships.

These everyday, harmless interactions must not become a battleground in which activists who oppose church teaching can call in the police to adjudicate on the content of people’s prayers.



Prayer

The Act specifically states that the ban includes “carrying out a religious practice”, such as “a prayer based practice”. According to the guidance, prayers likely to be illegal include:

Victorian Equal Opportunity
& Human Rights Commission

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asking “for a person to not act on their attractions”;
talking “about a person’s brokenness or need to repent”;
asking “for long-term celibacy”.

”

Telling people “**their gender identity is not real**” can also be considered an illegal practice.

The guidance lists “ways to continue practicing your faith without causing harm”. These include reassuring LGBT people that “**everyone has a different path**” and that they are “**perfect as they are**”.

The fundamental basis of the Christian faith is that none of us are perfect as we are. We all need forgiveness through Jesus Christ. It is extraordinary that any democratic government should take it upon itself to issue guidance prohibiting specific Christian prayers.

“Distraught parents now face prosecution”

The devastating effects of Victoria’s law were charted in the Australian Daily Mail:⁸

“ A new Victorian law which forces mothers and fathers to accept their children's desire to change gender has left distraught parents fearing prosecution if they do anything to try to prevent potentially harmful and irreversible treatment. ”

Discussing the stories of several struggling parents and children, it says:

“ Many parents feel trapped, unable to do anything to prevent their children pursuing potentially irreversible and harmful changes - from chest-binding to taking hormone blockers and ultimately sex-change surgery. ”

8. *Daily Mail Australia*, 14 August 2022 see <https://www.dailymail.co.uk/news/article-11101415/Parents-counsellors-face-prosecution-gender-transition-children-suppression-law.html> as at 3 November 2023

MailOnline



Distraught parents now face prosecution if they don't accept gender transition of their vulnerable kids - as experts slam radical new law based on 'ideology and falsehood'

By CINDY LEVER FOR DAILY MAIL AUSTRALIA

PUBLISHED: 01:04, 14 August 2022 | UPDATED: 11:31, 14 August 2022



One parent explained how taking her daughter out of a trans-affirming school could be considered 'conversion therapy' under the ban:

“ If we said we were pulling her out because their policies were going to put her on a path of lifelong destructive choices that would have irreversible consequences, we'd be at risk of breaking the law. ”

The article explains that:

“ [many parents] now live in fear of being charged for simply trying to get mental health support for their vulnerable children, many of whom are affected by an array of conditions including autism spectrum disorder, trauma, family dysfunction and neurodiverse issues ”

Is such a law viable in the UK?

It is obviously right to protect people from abuse and coercion. But the most shocking 'conversion therapy' abuses described by campaigners – such as so-called 'corrective rape' – are already illegal. Each part of the UK has comprehensive laws against physical abuse, verbal abuse and coercion, making a new law unnecessary. This was admitted in a Number 10 memo leaked to ITV News in 2022.⁹

If any of the nations of the UK introduces a Victoria-style ban, it will be open to challenge in the courts under human rights law. Jason Coppel KC analysed the Victoria law in light of the European Convention on Human Rights and concluded it could breach four fundamental human rights.

Read Coppel's opinion at: the.ci/coppel

9. 'Text of leaked Government memo on conversion therapy', *Let Us Pray*, 6 April 2022, see <https://letuspray.uk/blog/text-of-leaked-government-memo-on-conversion-therapy> as at 30 October 2023



In light of Coppel's advice, we instructed lawyers to write to the Governments in Westminster, Holyrood and Stormont in May 2021 indicating our willingness to seek judicial review.¹⁰

Mainstream Christian views on sexual ethics, and feminist beliefs about gender, have been recognised by the courts as 'worthy of respect in a democratic society'. This means they are protected by equality and human rights law. They cannot and must not be criminalised.

10. 'Broad "conversion therapy" campaign', *The Christian Institute*, see <https://www.christian.org.uk/campaign/broad-conversion-therapy-ban/> as at 6 November 2023



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