

Catholics For Renewal Inc.

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A Submission to
The Parliament of Victoria

on the
Change or Suppression (Conversion)
Practices Prohibition Bill 2020

From
Catholics for Renewal Inc.

Submitted to the Attorney-General of the State of Victoria

27 January 2021

Introduction

Catholics for Renewal Incorporated is a group formed in 2011 and composed chiefly, but not exclusively, of Catholic lay women and men, who have dedicated themselves to the cause of reforming the Catholic Church.

It is widely recognised that in recent years the Catholic Church has been the subject of enormous public scandal in Australia as well as many other countries. Most of that scandal has been caused by the abuse of children by ordained Catholic clergy and professed religious, but also by the way Church authorities responded to the abuse: attempting to cover it up and protect the abusers. They did not make the welfare of those abused their first priority.

In the service of reforming and renewing their Church, Catholics for Renewal has made submissions and given evidence to several public inquiries. Initially it was to the Victorian Parliamentary Committee's *Inquiry into the Handling of Child Abuse by Religious and Other Organisations* (2012-13)¹; then to the Australian Royal Commission into Institutional Responses to Child Sexual Abuse (2012-17)²; and more recently to the Commonwealth's Freedom of Religion Review, arguing that the state is competent and duty-bound to protect the human rights of its citizens even when doing so limits to that extent the religious freedom of other citizens.

In 2019, Catholics for Renewal also made a Submission to the forthcoming 5th Plenary Council of the Catholic Church in Australia - since published in book form as *Getting Back on Mission: Reforming Our Church Together* (Garratt Publishing) – in which it recommended that the teaching of the Catholic Church on homosexuality, as set out in the *Catechism of the Catholic Church*, be reviewed urgently in light of modern understanding of God-given sexuality (Rec. 2.10).

Body of Submission

The Purpose³ and the Objects⁴ of the *Change or Suppression (Conversion) Practices Prohibition Bill 2020* seem to us eminently consistent with any reasonable contemporary understanding of the Catholic tradition on this matter.

¹ Parliament of Victoria, Family and Community Development Committee, *Betrayal of Trust*, Report of the Inquiry into the Handling of Child Abuse by Religious and Other Non-Government Organisations, 2 Volumes, Melbourne 2013

² Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report*, Canberra 2017

³ Among those are:

The main purposes of this Act are—

- (a) to denounce and prohibit change or suppression practices; and
- (b) to establish a civil response scheme within the Victorian Equal Opportunity and Human Rights Commission that will—
 - (i) promote understanding of the prohibition on change or suppression practices under this Act and matters relating generally to change or suppression practices; and
 - (ii) consider and resolve reports of change or suppression practices; and
 - (iii) investigate serious or systemic change or suppression practices; and
- (c) to prohibit engaging in change or suppression practices, including through creating offences in relation to engaging in change or suppression practices and certain related activities....

⁴ **3 Objects of this Act**

- (1) The objects of this Act are—
 - (a) to eliminate so far as possible the occurrence of change or suppression practices in Victoria; and
 - (b) to further promote and protect the rights set out in the Charter of Human Rights and Responsibilities; and
 - (c) 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.
- (2) In enacting this Act, it is the intention of the Parliament—

Both secular law in this State and Christian religious teaching, including that of the Catholic Church, were once based on the assumption that heterosexuality was the only orthodox form of sexuality, and that all other forms were psychiatrically and morally deviant. Both the State and religion therefore prohibited 'unorthodox' expressions of sexuality and sought to suppress their development and existence in individuals.

However, modern science now recognises unequivocally that this assumption is false. Both psychiatry and biology agree that in fact there is a range of sexualities that must, according to the standards of their disciplines, be regarded as orthodox.^{5 & 6}

In Bills such as this many secular States have renounced this false assumption about the nature of sexualities they previously condemned as deviant. They now assert the basic human right of subjects of the relevant sexualities to be protected from practices which would condemn the sexualities themselves, or seek to suppress or overturn them.

Some religious groups have persisted in the assumption that heterosexuality is the only morally and psychiatrically orthodox form of sexuality, and that any limitation on their freedom to teach that belief, and to engage in practices designed to suppress or overturn such sexualities in individuals, is a violation of the human right to freedom of religion. As the Bill recalls (p. 4687), this right (section 14 of the *Victorian Charter of Human Rights and Responsibilities*) includes the right to practise and teach one's religious beliefs, as well as the right to hold them.

The Catholic Church is one faith group which, at the official level, holds this position. *Catholics for Renewal* believes that the Church interprets its tradition unreasonably in clinging to this position.

The human right of Catholic individuals to accept this position of the Church must be limited by the human right of those individuals who are subjects of the sexualities condemned by the Church. The 'inclination' to such sexualities, is, according to the *Catechism of the Catholic Church*, 'objectively disordered' (n. 2358). The State, we submit, is not competent to adjudicate on matters of religious doctrine, but it is competent, and indeed obliged, to protect the human rights of its citizens. According to the psychiatric evidence cited in the Bill⁷, the harm done by suppression and conversion practices is great, and such discrimination against non-heterosexual citizens is unjust inasmuch as it violates a basic human right. Indeed, the Catholic Church itself teaches that "every type of discrimination, whether social or cultural, whether based on sex, race, colour, social condition, language, or religion, is to be overcome and eradicated as contrary to God's intent".⁸ By persisting in

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- (a) to denounce and give statutory recognition to the serious harm caused by change or suppression practices; and
 - (b) to affirm that a person's sexual orientation or gender identity is not broken and in need of fixing; and
 - (c) to affirm that no sexual orientation or gender identity constitutes a disorder, disease, illness, deficiency or shortcoming; and
 - (d) to affirm that change or suppression practices are deceptive and harmful both to the person subject to the change or suppression practices and to the community as a whole.

⁵ In its Statement of Compatibility, the Bill cites recent research in the form of complaints to the Health Complaints Commissioner and a report by eminent bodies:

The Health Complaints Commissioner (HCC) highlighted the severity of these harms, including long-term psychological harm and distress. The Human Rights Law Centre (HRLC), La Trobe University, and Gay & Lesbian Health Vic released a report in October 2018 which also highlighted the harm caused by change or suppression practices (p. 4684).

It should be noted here that in Australia on October 15, 1973, the Australian and New Zealand College of Psychiatrists Federal Council declared that homosexuality was not an illness. It was the first such body in the world to do so. In its 2013 Edition, the American Psychiatric Association's *Diagnostic and Statistical Manual of Mental Disorders* (DSM) no longer defined homosexuality as a mental disorder. The science of psychiatry is thus unequivocal in its present view of homosexuality as a normal condition rather than a disorder.

⁶ Recent works in the field of biology expressing this view of non-heterosexual orientations as normal include Bruce Bagemihl (2000), *BIOLOGICAL EXUBERANCE: Animal Homosexuality and Natural Diversity*, (Stonewall Inn Editions, St. Martin's Press, Chicago), and Sullivan, Bill (2020), 'Stop calling it a choice: Biological factors drive homosexuality. In *The Conversation* <https://theconversation.com/stop-calling-it-a-choice-biological-factors-drive-homosexuality-122764>.

⁷ See notes 5 and 6.

⁸ Vatican Council II, *Gaudium et Spes (The Church in the Modern World)*, Rome, 1965, para. 29

its discrimination against non-heterosexual individuals, it is, we submit, unfaithful to this fundamental tenet of its own faith.

Catholics for Renewal believes that it is a requirement of the Church's own teaching that its doctrines be based on correct scientific assumptions. It learnt to its considerable cost from the Galileo experience that the Bible was not the source of scientific knowledge, and that the Church had to look to science for the answers to scientific questions. The question about the orthodoxy of the various forms of sexuality is one such scientific question the answer to which has now been revised by the relevant branch of science. The Church is repudiating its own commitment to respecting the autonomy of science by refusing to accept this revision and to adjust its teaching accordingly.⁹

This refusal to revise its teaching stands as testament to a prioritisation by the Church of its attachment to past doctrinal positions over its pastoral commitment to the welfare of its flock. As well as the scientific evidence, the spectacle of the suffering of subjects of sexualities formerly regarded as deviant should have functioned as a sign of the times to the Church. According to Catholic doctrine, God continues to speak in human history through the signs of the times to guide humankind in bringing that history to its culmination in a union of love with that God.¹⁰ Discrimination against people on grounds of sexual orientations, now recognised by science as normal, is unjust. It violates the obligation of charity.

The equality sought by the Objects of this Bill accords magnificently with the equality of all human beings proclaimed throughout the Bible, beginning with the creation stories where they are made 'in the image of God' (*Gen.* 1:26-8) and taken up by St. Paul in the New Testament where he proclaims that unity in Christ eliminates all pejorative distinctions between them (e.g. *Gal.* 3:28; *Rm.* 3:22-4).

Conclusion

Catholics for Renewal believes that this Bill reflects more faithfully authentic Catholic tradition on the equality of human beings than the present official teaching of the Church.

We also believe that practices aimed at changing or suppressing a persons's sexual orientation or gender identity are unjust and potentially harmful.

It is our hope that the passage of this Bill by the Parliament of Victoria, and of similar legislation in Australia and other parts of the world, will stir the official Catholic Church to recognise such moves as reflections of the signs of the times calling upon it to rethink its now-outdated teaching on diverse sexualities.

⁹ In the same paragraph the Council states: 'Consequently, we cannot but deplore certain habits of mind, which are sometimes found too among Christians, which do not sufficiently attend to the rightful independence of science and which, from the arguments and controversies they spark, lead many minds to conclude that faith and science are mutually opposed.(7)'

¹⁰ In the same document Vatican II affirmed the role of the signs of the times in directing its mission:

To carry out such a task, the Church has always had the duty of scrutinizing the signs of the times and of interpreting them in the light of the Gospel. Thus, in language intelligible to each generation, she can respond to the perennial questions which men ask about this present life and the life to come, and about the relationship of the one to the other. We must therefore recognize and understand the world in which we live, its explanations, its longings, and its often dramatic characteristics (4).