

## **Submission from the NEW ZEALAND CHRISTIAN NETWORK<sup>1</sup> on the Conversion Practices Prohibition Legislation Bill, including a suggested additional clause**

### **1. What we can agree with in the Bill:**

- a. The promotion of “respectful and open discussions regarding sexuality and gender”.
- b. Affirming “the dignity of all people”, and upholding “the human rights of all New Zealanders, including rainbow New Zealanders, to live free from discrimination and harm”.
- c. A ban on “therapies”, “treatments”, and “conversion practices” for LGBT people which are “harmful”.

### **2. The values and practices of most Christian churches:**

- a. We disavow any pastoral or counselling practices with regard to gay or transgender people (or anyone else) that are uninvited, coercive, unloving, harsh, or disrespecting of people’s freedoms.
- b. We agree that pastoral counselling and interaction should always be compassionate, gentle, and respectful of everyone’s personal worth, dignity, and freewill.

### **3. The core element of this submission is our proposal that the Bill be amended with an additional clause in Section 5 (2):**

[in this Act, conversion practice does not include— ]

(g) respectful and open discussions regarding sexuality and gender, and advice, guidance, prayer, or support given to anyone by anyone else including parents, family members, friends, counsellors, religious leaders, or health professionals, when such advice or support is requested, and is respectful and non-coercive”.

We believe such a clause would give effect to the Bill’s second stated purpose, (“respectful and open discussions regarding sexuality and gender”), and would address the majority of concerns being expressed about the Bill.

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<sup>1</sup> The New Zealand Christian Network is a significant inter-church organisation with member churches, individuals, and Christian organisations from a very wide range of church affiliations. It represents a moderate, orthodox Christian perspective. NZCN’s National Director is also a member of the Executive of the National Church Leaders Aotearoa New Zealand (NCLANZ).

#### 4. Our reasons for proposing this additional clause 5 (2) (g)

**1. The proposed additional clause would not detract in any way from the first of the two stated purposes of the Bill, i.e. “prevent harm caused by conversion practices” [Part 1, 3 (a)]**

- a. The Bill would still clearly criminalise any “harmful” practice, “performed with the intention of changing or suppressing the individual’s sexual orientation, gender identity, or gender expression” [5 (1) (b)].
- b. But, outside of any such harmful practices, the proposed amendment would clarify that “respectful and open discussions regarding sexuality and gender” and expressions of opinion, advice, and support would not be criminalised, if “requested”, “respectful” and “non-coercive”.

**2. The proposed additional clause would give effect to the second of the two stated purposes of the Bill i.e. [Part 1, 3 (b)] “promote respectful and open discussions regarding sexuality and gender”**

- a. There appears to be nothing in the Bill as currently worded that would address or facilitate that stated purpose of the Bill.
- b. Instead, we believe the Bill as currently worded and without our proposed amendment would have the effect indicated in Crown Law’s advice to the Attorney General: “a significant limitation on freedom of expression” and “a potential chilling effect on legitimate expressions of opinion within families/whānau about sexuality and gender”. That “chilling effect” would also extend to every other societal context.
- c. The Bill of Rights (Clause 14) is also clearly relevant: “Everyone has the right to freedom of expression, including the freedom to seek, receive, and impart information and opinions of any kind in any form”.

**3. The proposed additional clause would allay the considerable public concern about the Bill interfering with the rights and responsibilities of parents to give guidance and counsel to their children.**

- a. Most parents know their children very well, and are eager to do whatever is best for them.
- b. Most parents are also sensitive about the State inappropriately infringing on their own rights and responsibilities as parents.
- c. The proposed amendment would help clarify what is legal and what is not, and prevent the law having an inappropriately restrictive effect on what Crown Law refers to as “legitimate expressions of opinion within families/whānau about sexuality and gender”.

4. **The proposed additional clause would address legitimate concerns that the Bill would deny people the freedom to seek and receive whatever advice or support they themselves desire.**
- a. Sexuality and gender identity are often less than clear-cut matters, and choices can be difficult. In reality some people do sometimes wish to change the way they live or self-identify. Movement can occur in all directions: from heterosexual to homosexual or bi-sexual (and vice versa), or from male gender identity to female gender identify (and vice versa).
  - b. Those exploring any such change may often seek input or assistance from those around them or from professionals (including counsellors, mental health practitioners, religious leaders, youth workers), and should have the freedom to seek advice or support from anyone they choose, with all options open for discussion and exploration, providing that advice is respectful and non-coercive.
  - c. Without this proposed amendment, it is likely that those (professionals or otherwise) who could offer appropriate listening, discussion and support to those who request such help would be very wary of saying anything, out of fear they could be criminalised for any words or actions which could possibly be construed as “intended to change or suppress a person’s sexual orientation, gender identity, or gender expression”. The law would thus prevent some people from receiving the support they themselves want.
5. **The proposed additional clause would also address concerns that the Bill would inappropriately compromise religious freedoms.**
- a. We believe the church should certainly repudiate or avoid any pastoral practice which is coercive, disrespectful, or harmful, and we must emphasise that our point here is not to make space in any way for such practices.
  - b. The New Zealand Bill of Rights guarantees:
    - 13 “Freedom of thought, conscience, and religion: Everyone has the right to freedom of thought, conscience, religion, and belief, including the right to adopt and to hold opinions without interference”
    - 14 “Freedom of expression: Everyone has the right to freedom of expression, including the freedom to seek, receive, and impart information and opinions of any kind in any form,”
    - 15 “Manifestation of religion and belief: Every person has the right to manifest that person's religion or belief in worship, observance, practice, or teaching, either individually or in community with others, and either in public or in private”

- c. On the other hand, the Conversion Practices Prohibition Legislation Bill allows only for “the expression only of a religious principle or belief made to an individual that is not intended to change or suppress the individual’s sexual orientation, gender identity, or gender expression”.
- d. This is too narrow a freedom that is being permitted by this Bill. Religious groups do not state their doctrinal beliefs in isolation from life and practice, but legitimately commend them as a basis for life. Doctrine divorced from life is deeply inconsistent with Christian “observance” and “practice” as guaranteed in the Bill of Rights, and the State should avoid any undue interference in such matters.
- e. Our concern is simply about the likely constricting effect of this Bill on legitimate and *un-harmful* religious practices, i.e. the appropriate exercise of respectful pastoral advice, counselling, and prayer in church contexts.
- f. Caution about those effects was expressed by Crown Law, which noted that “the broad definition of those [conversion] practices creates the risk that it could extend further, to the exchange of thoughts or opinions about sexuality and gender that occur within the family/whānau or religious groups that do warrant protection and where the limitation could not easily be justified”, and that “There is no doubt that as expressed the prohibition will extend to activities and communications that occur within families and within religious groupings”.
- g. We are particularly disturbed that the State could take any interest in the content of private pastoral discussions and prayer. We would consider that an inappropriate breach of the Bill of Rights clause 15, which asserts “Manifestation of religion and belief: Every person has the right to manifest that person's religion or belief in worship, observance, practice, or teaching, either individually or in community with others, and either in public or in private”.
- h. The adoption of the amendment we propose would likewise largely address our concerns in the area of religious freedom.

Thank you very much for your work, and for carefully considering this submission.



Rev Dr Stuart Lange (National Director), on behalf of the New Zealand Christian Network