

# Conversion Practices Prohibition Legislation Bill

## Justice Committee

### Submission from The Salvation Army New Zealand, Fiji, Tonga and Samoa Territory

#### BACKGROUND

1. The Salvation Army is an international Christian and Social Services Organisation that has worked in New Zealand for over one hundred and thirty years. The Army provides a wide range of practical social, community and faith-based services, particularly for those who are suffering, facing injustice or those who have been forgotten and marginalised by mainstream society.
2. We have over 100 Community Ministry centres and Churches (Corps) across the nation, serving local families and communities. We are passionately committed to our communities as we aim to fulfil our mission of caring for people, transforming lives and reforming society through God in Christ by the Holy Spirit's power.<sup>1</sup>
3. This submission has been prepared by the Moral and Social Issues Council of The Salvation Army, with assistance from The Salvation Army Social Policy and Parliamentary Unit. The Council seeks to fulfil the mission of The Salvation Army by considering and responding to significant moral and social issues affecting the lives of people living within the Territory (New Zealand, Fiji, Tonga and Samoa).
4. This submission has been approved by Commissioner Mark Campbell, the Territorial Commander of The Salvation Army New Zealand, Fiji, Tonga and Samoa Territory.

#### INTRODUCTION

5. The Salvation Army **supports this Bill**.
  - i. Specifically, we affirm the purposes of the Bill to:
    - (a) prevent harm caused by conversion practices; and
    - (b) promote respectful and open discussions regarding sexuality and gender.

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<sup>1</sup> <http://www.salvationarmy.org.nz/our-community/mission/>

- ii. Without diminishing that support, we do seek amendment of the bill as outlined below, in order to provide greater clarity around the place of ‘respectful and open discussions regarding sexuality and gender’ in regards to:
  - (a) Family/Whānau, and legitimate pastoral engagement;
  - (b) The definition of ‘serious harm’;
  - (c) The question of the Church/State relationship.

## THE SALVATION ARMY PERSPECTIVE

- 6. The Salvation Army New Zealand, Fiji, Tonga and Samoa Territory has issued guidelines to members of The Salvation Army on ‘Gay Conversion Therapies’. These are available at [https://www.salvationarmy.org.nz/sites/default/files/uploads/2020/Oct/guideline\\_for\\_salvationists-gay\\_conversion\\_therapies.pdf](https://www.salvationarmy.org.nz/sites/default/files/uploads/2020/Oct/guideline_for_salvationists-gay_conversion_therapies.pdf)

These guidelines outline a basis for why “The Salvation Army recognises the emotional, psychological, social and spiritual harms that these therapies have caused and will stand against their use in every circumstance”, and expectations for how Salvationists will deal with the practicalities of engaging with the issue.

- 7. Fundamental to this conclusion are biblical and theological principles that underpin these views. Although a Christian and biblical worldview is increasingly uncommon in New Zealand, this is still the worldview of The Salvation Army that shapes all of our social, political, community and spiritual interactions. Specifically we would reference the following:
  - a. **God is Love** - One of the primary attributes of God is love. God’s love has no limits (1 Chronicles 16.34) and is for the whosoever (John 3.16). God deals fairly and justly with all people equally (Rom 2.11). God’s love is much more than merely tolerating people; this comprehensive love allows people freedom to make their own choices (Galatians 5.13, Revelation 3.20) and to follow their own gods (Micah 4.5) without it being diminished.

Further, Jesus resisted legalistic interpretations of scripture, summing up our obligations in the dual commandment to love God and our neighbours. (Mark 12:30-31) As this love is to be known by its fruit (Galatians 5:22), any action that causes harm to a person fails the test

of love. The damage now widely understood as the main product of conversion therapies cannot be justified in the light of an orientation of love.

- b. **God’s Purpose for Creation** - God’s purpose for creation is “shalom”. “Shalom” is defined as “whole” or “entire”<sup>10</sup>. It conveys “unity and harmony – something that is complete and sound”<sup>11</sup>. It means “health, well-being and fulfilment”<sup>12</sup> in all areas of life. This was the state of creation in Genesis 1-2 before sin entered it, but when sin entered creation, relationships were broken and wholeness was lost. God’s goal for creation from Genesis 3 onwards was, and still is, to restore “shalom”.

Therefore, working to bring wholeness to people is working with God to achieve his purposes for creation. Approving of methods which have been proven to bring pain and brokenness is counter to God’s purposes.

We do not see it as our role to impose our Christian worldview upon society. But we do see it as our role to advocate for this in social discussion, and this worldview certainly influences our compassionate work and advocacy for those who are vulnerable.

We are aware that not all faith groups are supportive of this Bill and acknowledge that some of our own Salvation Army members are not supportive either. However, for the reasons outlined here as well as those stated in our ‘Guidelines for Salvationists on Gay Conversion Therapies’ The Salvation Army and its leaders respectfully affirm their support for this Bill and its aims. We do have some suggestions, however, which are noted below.

## **SUGGESTED AMENDMENTS**

8. The Salvation Army notes that concerns have been raised by a number of Christian groups and churches, and, indeed, by some of our own members, about the possible criminalisation of parents seeking to engage in good faith with their children around issues of sexual orientation and identity. We therefore recommend that Clause 8 clarify the boundary between a legitimate family discussion about someone’s sexual identity, and what constitutes a Conversion Practice in the context of the family dynamic. We recognise that the concept of ‘intent’, as outlined in Clause 5, goes some way towards this. However, if people are fearful of, for instance, parents being criminalised for seeking to have a ‘respectful and open discussion’

then it seems expedient to clarify the boundary between discussion and exploration, and intent to change or suppress.

9. In addition, we recommend thought be given to clearly identifying the parameters of what the Bill considers 'serious harm' in Clause 9.
  
10. We note that questions have been raised around how a faith community might exercise appropriate pastoral care for those seeking advice or assistance. We are aware that some are objecting to this Bill on the grounds of 'religious freedom' in this regard. We do not believe this is an issue of religious freedom. Asking people not to engage in prayer or counsel aimed at changing someone's sexuality is not asking people not to pray. We also accept that praying or counselling towards specific outcomes regarding sexuality has often led to significant harm; and contend that there are more helpful options available when working with someone who is seeking counsel or prayer.

However, we also acknowledge that the question of the relationship between Church and State is complex. The State should not constrain the practice of faith, as enshrined in Sections 13-15 of the Bill of Rights Act – at least insofar as that faith is not then imposed on others or can be reasonably seen as harming others.

This is one area where we differ from some other faith groups: a careful reading of the Bill does not seem to criminalise the right to adopt and hold opinions without interference; the freedom to seek, receive and impart information and opinions; or the right to manifest belief in worship, observance, practice or teaching (rights enshrined in the Bill of Rights Act). Faith-based counselling, advice and support is not the same as actions aimed intentionally towards a specific outcome with regards to sexuality or gender; and our view is that the Bill does in fact differentiate between the practice of faith per se, and practices likely to harm others.

Clause 5 clearly provides scope for providing support, resilience, counsel, and the expression of religious belief. To argue that the restriction on religious practices *aimed specifically at changing or suppressing someone's orientation, identity or expression* is a restriction on religion itself is too far. It would be difficult to argue that sharing a tenet of belief or praying to support someone seeking to understand their identity is akin to knowing or being reckless about whether that would cause serious harm (Clause 9), and that those activities are therefore legally protected. Our own 'Guidelines for Salvationists' suggest ways to pray with those genuinely seeking advice or support.

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However, the fears on this issue being expressed in the faith community suggest there may be too much uncertainty about the place of counsel, pastoral support and prayer, and that it would be prudent to allay these concerns without changing the intent of the Bill.

11. We would therefore suggest that an addition to Clause 5 (2) could be helpful. One possibility might be a somewhat revised version of an amendment suggested by some other groups, such as the New Zealand Christian Network:

[in this Act, conversion practice does not include—] (g) respectful and open discussions regarding sexual orientation and gender identity or expression, including prayer or support by family members, friends, counsellors, religious leaders or health professionals given to anyone requesting such prayer or support; provided that such prayer or support is respectful and non-coercive – that is, not aimed at changing or suppressing the individual’s sexual orientation, gender identity, or gender expression; and not unsolicited.

## CONCLUSION

12. The Salvation Army supports the passage of this Bill.
13. We recommend some amendments as outlined above; specifically:
  - a. To provide clearer articulation of the line between respectful and open discussion, and harmful conversion practices – especially for those likely to be engaged in such discussions by the individuals concerned (e.g. family, counsellors, health professionals, religious adherents, etc). Doing this should serve to clarify the place and nature of appropriate freedoms around religious expression and support. Our suggested wording is above in point 13.
  - b. To clarify the meaning of ‘serious harm’.
14. Thank you for the opportunity to participate in this process.