



GUIDANCE PAPER

Conversion Practices Ban Act 2024 (NSW)

The *Conversion Practices Ban Act 2024* (the **Act**) commenced on 3 April 2025. The intent of this legislation is to ban practices to change or suppress the sexual orientation or gender identity of individuals. The purpose of this paper is to provide guidance to City on a Hill leaders and volunteers on how to comply with the Act, whilst upholding the teachings of the bible. City on a Hill holds a traditional biblical view of gender and sexuality consistent with Article 8 of the GAFCON Jerusalem Declaration (see Appendix).

Whilst, in our view, there are complex and potentially ambiguous elements in the Act's drafting (which is not the focus of this paper), we support its overall intent to protect people from harm. As people of love this is our goal too. In the past Christians and others have engaged in harmful practices in this area. It is our prayer that people who have been harmed in this way find peace and healing.

This paper is intended to provide general information in summary form on the Act, current at the time of publication, for general informational only, and is not legal advice.

WHAT IS A CONVERSION PRACTICE?

A *conversion practice* means a practice, treatment or sustained effort that is:

- a) directed to an individual on the basis of the individual's sexual orientation or gender identity, and
- b) directed to changing or suppressing the individual's sexual orientation or gender identity.

Gender identity means the gender-related identity of an individual, which may or may not correspond with the individual's designated sex at birth.

Sexual orientation means an individual's sexual orientation towards:

- individuals of the same sex, or
- individuals of a different sex, or
- individuals of the same sex and individuals of a different sex, and

includes having a lack of sexual attraction to any individual of any sex.



A conversion practice does not include genuinely facilitating an individual's coping skills, development or identity exploration to meet the individual's needs, including by providing acceptance, support or understanding to the individual.

Expressing a religious belief, including by doing so in prayer, or expressing that a religious belief should be followed, is not a conversion practice as long as it is not a *practice, treatment or sustained effort*. This may sound confusing as the Act has a circular reference here. It suggests that religious teaching is not a conversion practice unless it is a conversion practice.¹

A conversion practice does not include parents discussing matters relating to sexual orientation, gender identity, sexual activity or religion with their children. However, that exemption does not apply to other family members e.g. grandparents.

It is unlawful to provide a conversion practice to an individual:

- a) with the intention of changing or suppressing the individual's sexual orientation or gender identity, and
- b) that causes mental or physical harm to the individual that either endangers the individual's life, or is substantial.

Even if a person consents to the conversion practice, it is still unlawful.

It is also unlawful to take or arrange for a person to be taken outside of NSW for the purpose of a conversion practice, and for a person outside of NSW to undertake a conversion practice to a person within NSW.

Anti-Discrimination NSW Advice

Anti-Discrimination NSW (an independent statutory body) has released advice on the Act². Some legal commentators have noted ambiguities in aspects of that advice, including that it does not match with the wording of the Act³.

¹ <https://freedomforfaith.org.au/articles/nsw-ct>

² <https://antidiscrimination.nsw.gov.au/discrimination/conversion-practices.html>

³ <https://freedomforfaith.org.au/articles/nsw-ct>



PENALTIES

The maximum penalties for an individual if convicted include:

- providing or delivering a conversion practice to an individual - 5 years imprisonment,
- taking a person from New South Wales for a conversion practice – 3 years' imprisonment or a fine of 100 penalty units (currently \$11,000).

There is also a civil complaints scheme overseen by the Civil and Administrative Tribunal. This tribunal can receive and investigate complaints. The tribunal has the power to issue enforcement orders and order compensation be paid of up to \$100,000.

SUMMARY

The legislation includes language that is not always clear. Thus, it is difficult to be specific about what is lawful and unlawful, particularly given the complexity of these issues. The absence of any test case makes this more difficult. The best we can say is that it is legal to teach and uphold the bible's teaching, and even to express the belief that the bible's teaching should be followed. As long as this is not a *practice, treatment or sustained effort* conducted with the intent of changing or suppressing someone's sexual orientation or gender identity.

For more detailed information, including discussion on some pastoral scenarios, please refer to this paper by Associate Professor Neil Foster: freedomforfaith.org.au/wp-content/uploads/2024/04/religious-freedom-and-nsw-conversion-practices-ban-act-2024.pdf.

PASTORAL GUIDANCE

The presence of this legislation should not discourage us from providing pastoral care to those with questions regarding sexual orientation or gender identity. If anything, it should encourage us to do so and to do so in an informed way. Whilst we wish to encourage people to move forward in maturity in Christ, ultimately it must be the individual's decision to do so. We must respect a person's right to make their own choices in their life.

As people of love our desire is to avoid harm. We are people who seek to build people up not to tear them down. However, due to misunderstanding and poor teaching, Christians can say unhelpful and hurtful things. Below are some pointers on how to be a loving person in this context.

- All of us are sinful and in need of God's grace and to be transformed into the likeness of Christ. At the same time, all of us are loved by God and through the salvation he offers are welcomed into his kingdom as his children. Avoid giving people the impression that they are more sinful than others in the church.



- All sin is sin, we must be consistent in how we speak of sin and not pick and choose particular sins to focus on at the exclusion of others. Making a big deal of one type of sin and ignoring other types is inconsistent and hypocritical. It can make people feel marginalised and targeted.
- Lobbying of the government should be done in a positive and respectful way. Lobbying that results in an ‘us and them’ mentality can have a detrimental impact on people struggling in this area.
- Be respectful of people’s privacy. It is important that people disclosing information about themselves control who they tell, and the process by which they do so. Many will be quite specific about who they want to know and who they do not want to know.
- Take what people say seriously and do not dismiss or marginalise their struggles and feelings. For someone in a Christian community ‘coming out’ takes a lot of courage. If someone is telling you this sort of information, then it is a big deal for them.
- There have been many theories put forward on what causes someone to choose a different expression of gender or sexual orientation. The reality is that this is a complex area and we do not know all the answers. See paragraph headed competence below.
- Treat everyone as the unique person that they are. Whatever generalisation or stereotypes you have in your mind may not be relevant to the person you are talking with. Don’t apply a label that the person does not want.
- Our bible teaching should be done in a loving way. If a Christian is struggling with gender identity and sexual orientation – then chances are they know what the bible says and what the church has taught. That is why they are struggling. In which case lecturing them on what the bible teaches will not be helpful.
- Jesus’s offer of forgiveness is open to all and as a result our church door is open to all. Be careful not to socially exclude people (this is often done unconsciously).

Competence

You should only provide help within the limits of your capability and competency. If a person came to you wanting help to perform surgery, then you should not provide that help (unless you are a surgeon). However, if someone came to you wanting help to bandage a minor wound then you should help as it is within your capacity to do so. At no point does City on a Hill expect you to be an expert in something that you are not. Issues of gender identity and sexual orientation are very complex. Have a clear view in your mind of your own training and competence and only provide help to people in areas where you are competent.

This does not mean you cannot help people who are struggling with gender identity and sexual orientation. You can help in significant and profound ways. Such as by being a friend, listening, praying and being the loving person



that Jesus has called you to be. If you find yourself in a situation that you are not confident to handle, please seek assistance from your church leaders.

Judgementalism

At times, Christians can be perceived as people who are opposed to and hate others and, some can be seen as anti-gay. The behaviour of some people professing to be Christians has contributed to this, but nothing should be further from the truth. We are not people of hate, we are people of love because God first loved us. Whilst we do not support certain behaviours, lifestyles and world views, at the same time we are called to be people of love, forgiveness and light. In doing this we bear witness to Jesus. Jesus strongly condemned many things when he was on earth, but he was well known (and criticised) for spending time with and loving the very people who did these things.

A realistic approach

As you know in your own life, sanctification is a lifelong process. There are times when rapid change can happen, and other times when change is slow. People's differing backgrounds will also influence the magnitude and speed of change that takes place as we all seek to be more Christ like. Be realistic. What can be guaranteed for all Christians (including people struggling with sexual orientation or gender identity) is that a joyful, meaningful, God honouring life is possible and should be their expectation. Even if that life is lived out in a broken and sinful world.

When Jesus gave us the great commission (Matthew 28:18-20) he gave it to all of us, not just to those that 'have it all together'. All of us have a role to play to go, make disciples, baptise and teach. And when we do so we have the promise that Jesus will be with us, to the end of the age.

Reporting

City on a Hill is committed to being a movement of churches that actively lives out our love to God and to our neighbour. We have zero tolerance for any type of abuse of any person. If you observe any behaviour that is abusive, causes harm or may breach the legislation we encourage you to report this. Full details on our reporting framework and how to make a report can be found at cityonahill.com.au/safe-ministry.

Record keeping and privacy



Pastoral staff and volunteers should be aware that any notes taken of conversations that they have with congregation members about gender identity and sexual orientation may constitute personal and/or sensitive information.

There are various privacy laws that City of a Hill must comply with in relation to the handling of personal information (such as names, addresses, phone numbers etc) and sensitive information (such as information about an individual's sexual orientation and religious beliefs). Failure to handle personal and sensitive information responsibly can cause harm to the individual concerned and lead to a loss of trust in the church.

If you wish to take notes of a conversation with an individual, we recommend keeping a record with the date and time of the conversation and the pastoral care and support provided. For privacy reasons, you should ensure that the individual is not able to be identified from the record. This means ensuring that the individual's name or other personal details are not stated, and that the individual's identity is not able to be inferred from details recorded.

Code of Conduct

All those serving at City on a Hill are called to faithfully obey God and honour Jesus with their lives with conduct that is: above reproach, full of the fruit of the Spirit, and displaying evidence of the work of God in their lives. The City on a Hill code of conduct summarises these requirements. Please ensure you are familiar with and abide by this code.

- [City on a Hill Code of Conduct](#)
- [Guidelines for Safe Ministry to Children](#)

Further information

In the church community nobody should be alone. Neither those struggling nor those seeking to help others. City on a Hill is committed to ensuring that all staff and relevant volunteers are trained on the legislation and are equipped to serve in an informed way. It is an expectation that volunteers will complete such training when offered and minister in accordance with it. If you have any questions or find yourself in a situation that you are not sure how to handle, please reach out to your local church leaders for assistance.



APPENDIX

Article 8 GAFCON Jerusalem Declaration

We acknowledge God's creation of humankind as male and female and the unchangeable standard of Christian marriage between one man and one woman as the proper place for sexual intimacy and the basis of the family. We repent of our failures to maintain this standard and call for a renewed commitment to lifelong fidelity in marriage and abstinence for those who are not married.⁴

⁴ <https://www.gafcon.org/about/jerusalem-statement>