

**Submission  
No 60**

## **EQUALITY LEGISLATION AMENDMENT (LGBTIQA+) BILL 2023**

**Organisation:** Catholics for Renewal

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# SUBMISSION TO NSW EQUALITY LEGISLATION AMENDMENT (LGBTIQA+) BILL 2023

I write as the spokesperson on this matter for a body called *Catholics for Renewal*. *Catholics for Renewal* is a voluntary group of lay people committed to reform in the Catholic Church, particularly in the light of the clerical child sexual abuse crisis. Its work includes communication with public bodies of Church and state on issues relating to Church reform. Its major communication organ is its regular newsletter which has a wide national and international readership including most of the Catholic bishops of Australia.

*Catholics for Renewal* supports the government of NSW in this proposed legislation which we see as complementing the Conversion Practices Ban Act 2024. Both secular law in this country 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 therefore psychiatrically and morally deviant. Both the State and religion therefore prohibited 'unorthodox' expressions of sexuality and sought to suppress their development 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<sup>1 2</sup>.

In Bills such as this one, the secular state in many places has renounced this false assumption about the nature of sexualities it previously condemned as deviant, and has instead asserted 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.

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<sup>1</sup> In 2021 The Victorian parliament introduced a similar Bill to the NSW one. In its Statement of Compatibility, the Victorian 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.

<sup>2</sup> Recent works in the field of biology expressing this view of non-heterosexual orientations as normal include Bruce Bagemihl (2020), *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>).

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.

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 Church's condemnation of sexualities which diverge from the subject's biological sex is even stronger.

In its recent Declaration *Infinita Dignitas* (8/4/2024), the Vatican Dicastery for the Doctrine of Faith, while condemning 'unjust discrimination' against people of non-heterosexual orientations (n. 55), has nonetheless rejected in vehement terms so called 'gender theory' that acknowledges the possibility of legitimate divergence between biological sex on the one hand and gender characteristics on the other. Declaring that 'human life, in all its dimensions, both physical and spiritual, is a gift from God', the document declares: 'Desiring a personal self-determination, as gender theory prescribes, apart from this fundamental truth that human life is a gift, amounts to a concession to the age-old temptation to make oneself God, entering into competition with the true God of love revealed to us in the Gospel' (n. 57).

In this latest Vatican document on the issue, the Church is thus simply reasserting its current teaching. Human nature is determined by God, not by human beings. That nature is fixed and unchanging. Human sexuality forms part of that nature, and thus cannot be fluid as, in the perception of the Church, gender theory claims. Human attempts to treat human sexuality as fluid must therefore be seen as attempts to alter a nature determined by God, in short, to play God.

The Church is not unaware of the conflict between its teaching and current scientific opinion on this matter. It tries to address this difficulty by asserting that the 'scientific coherence [of gender theory] is the subject of considerable debate among experts' (n. 57). Unfortunately, the authors of this document cite no sources in support of this assertion. More importantly, however, they continue to assert that ultimately the findings of science, to be counted as valid, must conform to the Church's teaching about the dictates of 'natural law'. This argument on the part of the Church places the state in a dilemma.

Legislation, such as that enacted in the Conversion Practices Ban Act 2024 and proposed in the Equality Legislation Amendment (LGBTIQA+) Bill 2023, recognise the relevant sexualities as legitimate, and their expression by their subjects as a human right. By requiring Catholics within their institutions to respect this right in their employment practices, for example, the state is requiring these Catholics to violate the teaching of their Church on these sexualities. Such legislation, on this argument, thus violates the human right to religious freedom of citizens of faith. *Catholics for Renewal* believe that this is a false dilemma.

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 note 1, the harm done by suppression and conversion practices is great, and 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".<sup>3</sup> By persisting in this 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, therefore, by refusing to accept this revision and to adjust its teaching accordingly.<sup>4</sup>

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 signs 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.<sup>5</sup> Discrimination against people on grounds of sexual orientations now recognised by science as normal is unjust, and violates the obligation of charity. The impact of discriminatory practices on non-heterosexual people who are quite vulnerable in an at times ill-informed society, including attempts to suppress their natural sexual orientation, can, according to the evidence just cited, be very damaging.

The equality sought by these pieces of legislation, moreover, 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 distinctions between them (e.g. *Gal. 3:28; Rm. 3:22-4*).

*Catholics for Renewal* commends this Bill as a significant addition to the effort of the NSW government in its Conversion Practices Ban Act 2024 to create a more just society by protecting the human rights of a vulnerable minority from continuing violation by religious groups driven by superseded scientific assumptions about the nature of human sexuality.

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<sup>3</sup> Vatican Council II, *Gaudium et Spes (The Church in the Modern World)*, Rome 1965, para. 29

<sup>4</sup> 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)'

<sup>5</sup> 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).

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