

Submission to the Victorian Law Reform Commission

Focused Review of How the Change or Suppression Practices Ban Is Working

Please note that submissions must be relevant. We only review the matters detailed in the terms of reference. We recommend using the consultation paper and these questions to help guide your submission.

We will publish public submissions on our website, unless they are offensive, defamatory, or outside the scope of the review.

We will not publish the names of individuals who make a submission. We will also redact any information which may indirectly identify individuals.

The consultation paper relates to change or suppression practices, which can cause ongoing trauma and long-term health issues. If you need counselling or help you can get support by contacting the organisations on our [support page](#) or page 3 of the consultation paper.

Please provide your comments on the questions below. You may answer all or only some of the questions as relevant to you.

- 1. Has the Act reduced or stopped change or suppression practices? Describe any impact you think the Act has had on the occurrence or the nature of change or suppression practices.**

The Act's broad definition of "change or suppression practice" raises concerns about its effectiveness in identifying and addressing genuine instances of serious harm in the community, as it appears to prioritise intersectional politics over tangible harm. This overly broad definition not only fails to provide clear guidance on what constitutes coercive or abusive conduct, but also risks capturing ordinary conversations, pastoral care, and clinical practice that cause no harm whatsoever, thereby undermining the law's intended purpose of protecting victims of conversion practice.

- 2. To what extent do you think the community is aware of and understands:**
 - a. the Act and how it works**
 - b. what change or suppression practices are**
 - c. the harm caused by change or suppression practices.**

Within religious communities, it has created more fear and uncertainty as it is not clear whether ordinary religious teaching, requested prayer, pastoral care, support for celibacy and even parental conversations are lawful. This uncertainty has created fear, confusion, and self-censorship in churches and families.

- 3. Could the Act's operation and effectiveness be improved? If so, how?**

Stop trying to change people minds by blanket laws, instead find ways of promoting open and honest discourse so that understanding is built not more fear.

4. How clear is the Act's definition of what is and what is not a change or suppression practice? If further clarity is needed, what forms of clarification would be most helpful?

The Change or Suppression (Conversion) Practices Prohibition Act 2021's definition of change or suppression practices defaults to an affirmation-only approach, which raises concerns that certain forms of exploratory or Socratic questioning may be inadvertently caught by the legislation, despite being a legitimate aspect of pastoral care or therapeutic practice, and this lack of clarity is exacerbated by the Act's unprecedented intrusion into the content of religious doctrine, which privileges one clinical approach over another and leaves non-affirmation exposed to liability, ultimately placing pastors and faith leaders in an uncertain position where they cannot know with certainty whether their teaching constitutes a breach.

5. How clear is the exclusion for health service providers? If further clarity is needed, how could this best be achieved?

Despite the Act's intentions, practitioners with non-affirming clinical views cannot be confident that their ordinary professional practice is protected, even where it is evidence-based and conducted with informed consent, due to the overly broad definitions and exemptions that create uncertainty and a chilling effect on clinical practice.

6. Is greater clarity needed about how people of faith can hold and express their beliefs to support clear understanding and compliance with the Act? What forms of clarification would be most helpful?

The Victorian Law Reform Commission's consultation on the Change or Suppression (Conversion) Practices Prohibition Act 2021 raises concerns about the Act's lack of clarity on faith-based practices, as it fails to provide examples of practices that will not constitute a change or suppression practice, unlike the NSW Bill, leaving pastors and faith leaders uncertain about the liability of ordinary pastoral care, prayer, or scripture-based counsel.

7. How effective are VEOHRC's awareness and education materials on change or suppression practices? What improvements, if any, could help strengthen community understanding and compliance?

The consultation materials guiding the review of the Change or Suppression (Conversion) Practices Prohibition Act 2021 are fundamentally flawed, as they proceed from the assumption that affirmation of gender identity is the only medically appropriate option, thereby predetermining the outcome of the consultation. This assumption is particularly concerning as it is a contested clinical position not supported by the best available evidence, including the Cass Review, and may deter Victorians from engaging in lawful speech and activity, including ordinary conversations, pastoral care, and clinical practice, due to the chilling effect of characterising a broad range of conduct as potentially prohibited.

8. Are there any barriers to:

- a. reporting change or suppression practices to VEOHRC
- b. VEOHRC facilitating outcomes of reports
- c. VEOHRC conducting investigations.

If so, please describe what those barriers are.

9. Are there changes that could help support VEOHRC to carry out its functions or improve the effectiveness of the civil response scheme? If so, please describe any changes.

The Victorian Equal Opportunity and Human Rights Commission should engage with the findings of the Cass Review, the most comprehensive independent review of gender medicine for children and young people ever conducted, to ensure that its materials under the Act are informed by the best available evidence. When developing these materials, VEOHRC should be required to consider current best-evidence guidance, rather than relying on outdated or unproven information. Ultimately, any materials produced by VEOHRC under the Act should be treated as supplementary resources, rather than being permitted to stand as authoritative guidance, and should be considered in conjunction with other up-to-date systematic reviews of the evidence on gender-affirming care.

10. Are there barriers to reporting, investigating and prosecuting criminal change or suppression offences? If so, what are they?

11. Are there other aspects of the criminal offences in the Act that limit their effective operation? If so, what changes or supports could improve their operation?

12. Do existing avenues for redress adequately meet the needs of victim-survivors of change or suppression practices? Are there gaps, harms or barriers that require an additional or separate redress mechanism?

13. Should a civil cause of action be introduced under the Act? What distinct purpose would it serve compared to existing pathways?

The introduction of a civil cause of action against faith leaders and pastoral care activities under the Change or Suppression (Conversion) Practices Prohibition Act 2021 would have a devastating impact on religious communities, undermining their ability to provide spiritual guidance and support to their members. The provision of a private right of action through civil tribunals is particularly concerning, as it would create a powerful deterrent against any pastoral engagement with sensitive issues, due to the potentially crippling costs burden on respondents, even those who ultimately succeed in defending their actions.

