

The following submission to this review has been received

**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 Act's broad and ambiguous definition of prohibited conduct leaves faith leaders uncertain about the permissibility of their teachings, as they cannot be sure whether their words of guidance and prayer-based practices will be deemed a prohibited practice, thereby risking liability, and this lack of clarity is exacerbated by the absence of examples of permissible practices.

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

The Act's blanket prohibition on change or suppression practices disproportionately impacts clinicians whose approach is informed by their faith, unfairly singling them out for adverse treatment not applied to clinicians whose practice is shaped by other ideological commitments. By failing to account for minority or dissenting clinical perspectives, the Act unduly restricts the exercise of reasonable professional judgment, despite the contested evidence base underlying the regulation of change or suppression practices.

**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 should revisit the Change or Suppression (Conversion) Practices Prohibition Act 2021 to provide clear examples of faith-based practices that are explicitly protected, as the current lack of guidance leaves pastors, faith leaders and lay people uncertain about the legitimacy of their ordinary pastoral care, prayer, and scripture-based counsel, and risks exposing them to liability, thereby intruding on both religious freedom and individual autonomy.

**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 Change or Suppression (Conversion) Practices Prohibition Act 2021 is based on a contested clinical position that is not supported by the best available evidence, including the Cass Review, and the consultation materials provided by the Victorian Law Reform Commission are problematic as they proceed from the assumption that affirmation of gender identity is the only medically appropriate option, rather than presenting a neutral description of the law, and instead read as an advocacy document that seeks to maximise the reach of the Act beyond what the legislation requires.

**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 be required to consider current best-evidence guidance when developing materials under the Change or Suppression (Conversion) Practices Prohibition Act 2021, to ensure that such materials are informed by the most up-to-date and reliable research. In addition, the Commission should engage with other systematic

reviews of the evidence on gender-affirming care, to provide a comprehensive understanding of the complex issues involved. Any materials developed by the Commission should be subject to rigorous scrutiny and should not be permitted to stand as authoritative guidance under the Act, lest they risk causing serious harm to vulnerable young people by uncritically adopting affirmation of gender identity as the only medically appropriate option.

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

The Act's provision for a private right of action through civil tribunals is a draconian measure that poses a significant threat to freedom of expression. By empowering individuals to launch civil proceedings against those who express views deemed unacceptable, the Act creates a pervasive chilling effect on speech that goes far beyond any legitimate regulatory purpose. The costs burden on respondents, even those who ultimately succeed in defending themselves, will undoubtedly deter many from engaging in pastoral conversations or expressing their sincerely held views on matters of faith and conscience.

