

**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 carve-out for practices that encourage or promote gender transition in the Change or Suppression (Conversion) Practices Prohibition Act 2021 creates an uneven playing field where affirmation is explicitly protected, while non-affirmation is left vulnerable to liability. The Act's broad definition and prohibition effectively outlaw doctrinal religious preaching on questions of sexuality and gender, extending to prayer-based practices without providing clear guidance on what constitutes acceptable religious practice.

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

Allowing for reasonable professional judgment in the application of the Act is essential, as this enables clinicians to consider a range of approaches, including minority or dissenting clinical perspectives, in light of the contested evidence base surrounding conversion practices. The Act's current provisions, however, are discriminatory in their treatment of clinicians of faith, unfairly targeting them for adverse treatment not applied to clinicians whose approach is informed by other ideological commitments, and creating a chilling effect on clinical practice, as exemplified by the express inclusion of psychotherapy as a prohibited suppression activity unless exempt.

**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 significant concerns regarding the Act's scope and implications. Unlike the NSW Bill, the Act provides no examples of faith-based practices that will not constitute a change or suppression practice, leaving a concerning degree of ambiguity and uncertainty. This omission has the potential to undermine the legitimate rights of individuals to seek spiritual guidance and support from their faith communities. An LGB person of faith who consensually seeks support to live and practise their religion consistent with their same-sex attraction is not catered for by the Act, effectively disregarding their autonomy and agency. This is an extraordinary intrusion into both religious freedom and individual autonomy, warranting careful reconsideration of the Act's provisions to ensure they do not unjustly impinge on fundamental human rights.

**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 provided by the Victorian Law Reform Commission are fundamentally flawed, proceeding from the assumption that affirmation of gender identity is the only medically appropriate option for individuals experiencing gender dysphoria. This assumption is not supported by the best available evidence, including the Cass Review, which highlights the complexity and uncertainty surrounding the treatment of gender dysphoria. The commission's failure to acknowledge the contested nature of this clinical position undermines the integrity of the consultation process and raises concerns about the potential for the Act to be used to restrict access to evidence-based care.

**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's (VEOHRC) reliance on a single systematic review of the evidence on gender-affirming care is concerning, as it overlooks other up-to-date reviews that may offer alternative perspectives. VEOHRC's materials should be required to consider current best-evidence guidance, including the findings of the Cass Review, to prevent harm to vulnerable young people and ensure that affirmation of gender identity is not presented 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 imposition of a civil cause of action against faith leaders and pastoral care activities under the Change or Suppression (Conversion) Practices Prohibition Act 2021 would be catastrophic for religious communities, as it would expose pastors, priests, imams, and rabbis to civil liability simply for expressing their faith tradition's teaching through prayer, counsel, or scripture-based guidance, thereby creating a powerful deterrent against any pastoral engagement with these questions and a pervasive chilling effect on speech that goes far beyond any legitimate regulatory purpose, with the costs burden and private right of action through civil tribunals being the most chilling