

Organisation Name

FamilyVoice Australia

Do you want your submission to be kept confidential?

No

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 Change or Suppression (Conversion) Practices Prohibition Act 2021 has had a chilling effect on lawful pastoral care, parental conversations and voluntary support sought by adults. This had disproportionately affected the Australia Christian community causing fear and confusion in areas such as parenting, pastoral care, prayer, and clinical counselling. Thus formerly ordinary ministries are now confronted with the fear of complex legal matters.

The law has created unnecessary restrictions on parental rights and religious freedom, leading to widespread self-censorship out of fear.

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 and c. the harm caused by change or suppression practices

Community understanding appears limited. The current environment is one of confusion and general fear that the law is being used to impose a chilling effect on Christian moral teachings. FamilyVoice Australia would seriously hope that a chilling effect on Christian moral teaching is not the intent or purpose of this legislation.

It is vital that the Victorian government ensure that Christians have the liberty to continue to preach, teach and live according to Biblical standards.

Instructing or restricting what pastors, counsellors and parents can and cannot say is a very worrying development. Which every member of the community has a right to be concerned about.

Parents have every right to teach their children the sexual ethics inline with the Bible. They should be able to do so without fear of the risk of serious criminal penalties.

In summary the community, specifically the Christian community is feeling targeted. Once ordinary religious teaching, requests for prayer and parental conversations are now seen through the lens of uncertainty. This legislation has created fear, confusion, and self-censorship in churches and families.

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

This Act could be substantially improved by;

- 1) Narrowly defining the definition of 'conversion practices' to coercive and torturous practices.
- 2) Ensuring that parental rights are explicitly restored and protected within the Act. Ensuring that parents can continue to teach their children that the Bible says.
- 3) Excluding religious practices such as prayer and pastoral counselling from the definition of

"conversion practices." Freedom of religions and worship are fundamental Western and Australian values that must be upheld.

4) Removing the civil penalty scheme so that punishable practices meet thresholds determined by a Court.

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 definition defaults to an affirmation-only approach, which privileges one clinical approach over another and undermines the principles of neutrality and informed consent. More clarification is needed.

Religious practices, clinical counselling and parental guidance on sexual ethics should not be included in the definition of 'conversion practices'.

Biblical moral teachings should not be criminalised, via a chilling effect. Which is the current impact of this legislation by including religious practices such as prayer, which has created a climate of uncertainty and fear among faith leaders.

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

The Victorian Act effectively poses the affirmative model as the only lawful care for those experiencing gender distress. The government needs to reconsider this approach as the medical field is increasingly moving away from gender transition practices. The evidence disagrees with the benefit of gender transition practices; the legislation should move with the times allow for a number of approaches to dealing with gender distress.

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?

Yes. This is one of the Act's most serious defects. Freedom of religion and worship are core fundamentals to a Western nation. Australians expected to have the right to teach their children the Christian faith. This Act via a chilling effect is standing directly in opposition to that freedom of religion, speech and parental rights.

The Act should be amended to provide explicit protection for faith-based practices, such as pastoral care, prayer, and scripture-based counselling. To safeguard 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 current materials promote only one option of dealing with issues arising from a person's gender identity or sexual orientation. By suggesting only one pathway the legislation is moving beyond what a reasonable person expects the law to do. Additionally, it is ignoring developments within the medical profession which are increasingly moving away from gender transition practices. The legislation must allow for more holistic responses to gender dysphoria and distress.

By turning everyday conversations with parents into a potential conversion practice the material is a massive breach on the rights of parents to teach their children according to their faith. This assault on parent rights bleeds over into the areas of, pastoral care, and clinical practices. Now formerly normal conversations and even prayer are seen as potential conversion practices, the materials unjustifiably deter Victorians from engaging in lawful speech and activity, thereby producing a chilling effect that stifles open discussion and debate.

Fundamentally it ignores religious freedom, parental rights and other cultural views.

If so, please describe what those barriers are.

The process to make anonymous allegations carried a real risk of being weaponised against the Christian community in particular. FamilyVoice Australia hopes that this ability to harass and

demonise the Christian community is not the intent or design of the current system but as it stands the ability for the VEOHRC to conduct investigations, mandate outcomes in the area of religious practices and parental rights is very troubling. The broad powers and unsupervised authority of the VEOHRC should be reduced.

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 community expects that government agencies be accountable and transparent. It is therefore strongly recommended that:

- 1) The "secrecy provision" be removed from the Act.
- 2) All investigations and cases reported to VEOHRC be conducted with transparency.
- 3) An annual public report outlining the number of investigations, details of cases, and outcomes be released.

These changes are vital to maintain community support and trust.

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

No barriers exist. This law has dramatically impacted religious freedom in Victoria and threatened parental rights. The chilling effect had led to self-censorship and fear. Ordinary religious expression had now become criminalised via this chilling effect.

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?

None

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?

Victim-survivors already have multiple avenues to pursue financial compensation (5.4). No more is necessary.
No person should be held liable for an action they undertook before this Act was enacted (ie. no retrospective redress).

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

There are already multiple ways to deal with a grievance, introducing a civil cause of action is thus unnecessary. Furthermore, the Act's broad provisions are a threat to freedom of religion, speech and parental rights. The broad terminology and easy complain process threaten to ensnare faith leaders in civil liability simply for upholding their faith traditions teaching. Thus, making prayer, counselling, or Bible guidance a risky practice. Christian pastors, in particular, risk being drawn into costly and time-consuming proceedings for no reason other than expressing their sincerely held beliefs. This creates a pervasive, chilling effect on speech, and Christian teaching. Society needs faith leaders engaged with vulnerable individuals this will be put at risk due to the chilling effect of the legislation.