

24 March 2026

Victorian Law Reform Commission

By e-mail: [REDACTED]

Submission on Change or suppression practices ban

Who are we?

1. This submission is on behalf of, and co-signed by:
 - Australian Christian Churches
 - Seventh-day Adventist Church
 - Australian National Imams Council
 - Shia Muslim Council of Australia
 - Coptic Orthodox Church
 - ACTS Global Churches
 - Hillsong Church
 - International Network of Churches
 - Plymouth Brethren Christian Church
 - United Shia Islamic Foundation
2. The submission was coordinated by Freedom for Faith, a Christian legal think tank that exists to see religious freedom for all faiths protected and promoted in Australia and beyond. Freedom for Faith is led by people drawn from a range of denominational churches including the Anglican Church Diocese of Sydney, The Catholic Church, the Australian Christian Churches, Australian Baptist Churches, the Presbyterian Church of Australia, and the Seventh-day Adventist Church in Australia. It has strong links with, and works co-operatively with, a range of other faith groups in Australia.
3. We welcome the opportunity to make this submission and we give consent for this submission to be published. Our contact details are as follows.

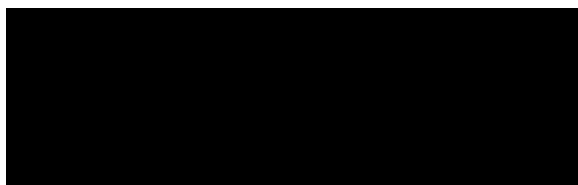
Freedom for Faith

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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.

4. The apparent purpose of the Act was to deter the kinds of harmful, invasive and non-consensual practices that were presented to the public as the main target of the legislation.
5. The available evidence does not show a substantial number of such practices being uncovered and stopped. At the time of its enactment, the only public empirical evidence of conversion practices cited by the government was the La Trobe University HRLC Report “Preventing Harm Promoting Justice” 2018, which told 15 people’s negative stories of conversion practices drawn from an unknown past period. It was asserted, but not evidenced, that there were many more cases of conversion practices. After 4 years of operation and considerable efforts by VEOHRC to promote the Act, VEOHRC has received a total of only 14 reports to date, and there have been no criminal prosecutions or civil proceedings under the Act. This reinforces the view that there were very few conversion practices occurring at the time of the enactment and that has not changed. As such, there is limited evidence that the Act has had any significant impact on curbing the extreme conduct used to justify its existence, as there was very little to curb.
6. Where the Act has clearly had an impact is an adverse impact on religious freedom by changing behaviour. It has created strong caution, and in many cases confusion, among pastors, parents, churches and faith-based organisations about what support, prayer, teaching or pastoral care can lawfully be offered. In that sense, the nature of relevant conduct may have shifted: not necessarily from harmful practices to safety, but from open pastoral engagement to hesitation, withdrawal and self-censorship. This has occurred at the same time as many nations and Australian states have paused or are reviewing gender affirming treatment as the preferred option for gender dysphoria.
7. If anything, the clearest demonstrated effect of the Act has been not the exposure of a large body of serious misconduct, but the chilling of lawful, consensual and non-coercive support. That suggests the review should focus on ensuring the law remains directed to genuinely harmful conduct, while giving clearer protection to ordinary pastoral, parental and religious activity.

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.

8. The Act appears to be poorly understood across the community. Public understanding often oscillates between two very different views: at one end, that the Act only bans extreme practices such as “shock therapy” or other coercive interventions; at the other, that it operates as a broad prohibition on expressing traditional religious or moral views about sex, sexuality and gender. That divergence itself suggests that the Act and its operation are not well understood.

9. There is likewise limited public clarity about what counts as a “change or suppression practice”. The statutory definition is broad, and public guidance has not resolved the uncertainty. Many people would readily recognise non-consensual treatment, coercive programs, or aversion-based interventions as falling within the intended scope of the law. But there is much less shared understanding about prayer, pastoral conversations, parental guidance, or voluntary support sought by a person who wishes to live in accordance with their faith.
10. There is also no clear community consensus about the “harm caused by change or suppression practices” as defined in the Act.
11. Some practices, such as non-consensual treatment and aversion therapy, are widely accepted as harmful. However, large sections of the community do not accept that a consensual conversation, prayer, or pastoral discussion is inherently harmful merely because it relates to sexuality or gender identity. The review should therefore distinguish more carefully between genuinely coercive or abusive conduct, and ordinary consensual interactions where views are expressed, support is sought, or religious beliefs are discussed.

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

12. The Act’s operation and effectiveness could be improved, but primarily by making it clearer, narrower and more workable in practice.
13. First, the definition of a change or suppression practice should be clarified so that it is unmistakably directed to conduct that is coercive, abusive or is shown to be genuinely harmful on an evidence-based approach. At present, the greatest practical difficulty is not at the extremes, but in the middle ground of prayer, pastoral care, parental guidance, religious teaching and other voluntary conversations. The application of the law should expressly protect consensual, non-coercive religious and familial interactions, while continuing to prohibit threats, intimidation, degradation, and sustained non-consensual pressure intended to force change.
14. Second, official guidance should be substantially improved. Current examples focus on obvious extremes or rely on distinctions that do not work well in a faith context. VEOHRC should be required to develop neutral, faith-specific guidance in consultation with a broad range of religious communities, including those with traditional beliefs on sex, marriage and gender. That guidance should address real-world scenarios such as requested prayer, support for chastity or celibacy, voluntary support groups, mixed-orientation marriage, parental conversations, and youth ministry.
15. Third, the Act should **not** be expanded until its boundaries are clearer. In particular, broader redress pathways, wider investigative powers or new civil causes of action would risk magnifying uncertainty and chilling lawful conduct before the core definition is settled.

16. Finally, the scheme would be improved by greater transparency about outcomes, de-identified examples of how the law has been applied, and a stronger emphasis on clarity and education rather than ambiguity and deterrence.
17. In short, the Act would operate more effectively if it were more precisely targeted at serious harm, and if ordinary religious and parental conduct were given clearer protection.

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

18. The Act's definition is not sufficiently clear. At a general level, most readers can understand that it is directed to coercive, abusive or degrading conduct intended to force a person to change or deny their sexuality or gender identity. The difficulty is that the statutory language, and the way it has been explained publicly, leave real uncertainty at the practical level.
19. The official post-enactment guidance from VEOHRC reflects that problem. It says the Act "does not prohibit prayer and religious practices, except when they amount to a change or suppression practice", and says private prayer can continue. But the same guidance gives examples where prayer with a person, or with their knowledge, is **likely** to be unlawful if it conveys that they are broken and need healing, and says sermons or religious explanations **may** become prohibited if they are directed at a person for the purpose of changing or suppressing orientation or identity. This advice confirms that the line turns on difficult subjective judgments about purpose and targeting, not a simple rule.
20. The Commission openly acknowledges the practical uncertainty. It says there is "no history or legal precedent" to answer every scenario, that it cannot provide legal advice on specific situations, and that people wanting greater specificity may need independent legal advice. That is a direct acknowledgment that the Act's application in real pastoral and religious settings remains highly subjective and not fully settled.
21. Further clarity is needed through statutory amendments and better examples. The examples in the Act, VEOHRC guidance and Hansard mostly concern extremes. There is little guidance for the common day-to-day situations faced by religious practitioners caring for people who voluntarily seek to live according to their faith. The Act should expressly protect consensual, non-coercive prayer, pastoral care, parental guidance and religious teaching.

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

22. No answer

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?

23. The examples used by both Parliament and VEOHRC identify the outer edges of the Act, but they do not adequately explain the large middle ground in which most ordinary religious life actually occurs.
24. For example, VEOHRC’s “real stories” contain only extreme cases: a young person sent to an exorcist, and a man told by church leaders and doctors that he had a mental illness.
25. Examples of permitted activity, by contrast, either describe full affirmation or rely on distinctions that are unworkable in a faith context. For example, the Attorney-General described a faith leader who “only informs this person that they consider such feelings to be contrary to the teachings of their faith, and does so only to convey their interpretation of those teachings and not to change or suppress the person’s sexual orientation or gender identity.” That formulation fundamentally misunderstands faith and practice, because it artificially separates the teaching of a belief from the intent that the hearer will accept it and seek to live by it.
26. In this way the Act is inconsistent with international human rights norms which require the State to respect—or at least to not infringe—on a person’s religious faith unless it is necessary to do so. For example, Article 18(1)-(3) of the *International Covenant on Civil and Political Rights* (ICCPR) declares that people are entitled to have, to adopt and to manifest religious beliefs which involve, for example, restraint on sexual activity outside marriage between one man and one woman.
27. As noted above, official examples provide little guidance other than in relation to extremes. A great deal of work is needed to produce workable, consistent advice for faith communities. To do so, the Commission should be required to work collaboratively with leaders from a wide range of faith communities, including those holding traditional beliefs about gender and sexuality. That process should work through real-world examples of religious ministry and provide specific guidance as to whether particular conduct is, or is not, a change or suppression practice.
28. The one significant example of this approach is the resource *Providing Safety for LGBTQA People of Faith*, developed for the Baptist Union. While it is a useful start, it unhelpfully concludes that conduct “may” be unlawful “depending on all the circumstances”. To provide clear, workable advice, the Commission must reduce that ambiguity and give practical guidance that ordinary clergy, parents, and faith communities can apply with confidence in everyday pastoral situations.

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?

29. VEOHRC’s materials are largely inadequate for religious communities.
30. The main problem is that the materials explain the law at a high level while leaving the hardest questions unresolved. The Commission’s faith page says the Act does not prohibit prayer or religious practice as such, and that private prayer can continue. But it also says prayer with a person, or with their knowledge, is likely to be unlawful if it suggests they are broken and need healing, and that sermons or explanations of religious teaching may become prohibited if directed at a person for the purpose of changing or suppressing orientation or identity.
31. The repeated use of language such as “may” and “likely” creates uncertainty rather than clarity.
32. The Commission then admits there is “no history or legal precedent”, it cannot advise on specific scenarios, and people may need independent legal advice. That is not adequate support for clergy, parents and volunteers in faith organisations that are often very small, donor funded, and lacking legal resources.
33. There is also the problem of the appearance of a government agent dictating theology: The stakeholder kit says it aims to affirm that faith and LGBTQA identity can coexist, and the family materials describe “allowed” conduct almost entirely as affirmation, transition support and affirming peer support. For many religious users this reads as a declaration that their faith is wrong and the government wants to change what they believe and teach about gender and sexuality. This is clearly inappropriate and contrary to international human rights norms.
34. VEOHRC’s own 2025 scoping report recommended more neutral presentation, better FAQs, and distribution through trusted third parties.
35. To remove this ambiguity, the Commission needs to undergo a process of consultation with a wide range of faith communities who hold “traditional” beliefs about gender and sexuality, and develop detailed, worked examples of real-world situations that do not resort to conditionals like “may”

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.

36. No answer

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.

37. The most helpful changes are clarification of the law rather than broader powers.
38. First, VEOHRC's educative and facilitative role will work better if the Act is clarified. The current scheme is built around education, facilitation and investigation, yet there is low awareness, high confusion and a lack of clarity in the educational materials that do exist.
39. In that setting, giving VEOHRC more coercive authority will only increase fear, uncertainty and self-censorship rather than improving outcomes.
40. Second, VEOHRC should be required to develop neutral, faith-specific guidance in consultation with a broad range of religious communities, including those holding traditional beliefs on sex, marriage and gender. The guidance should contain worked examples on requested prayer, celibacy or chastity support, marriage, parental conversations, youth ministry and ordinary pastoral care.
41. Thirdly, if VEOHRC retains both facilitative and enforcement roles, there should be stronger safeguards for independence and procedural fairness, including clear separation between education/facilitation staff and investigation/enforcement staff.
42. Finally, we would not support a broad positive duty or wider compulsory powers. Given the ambiguity and uncertainty in the current legislation, adding a positive duty to prevent the Act being transgressed would create an impossible burden on faith communities. It is unreasonable to require a positive duty to prevent something that "may" be unlawful "depending on the circumstances" and for which the commission admits there is "no history or legal precedent".

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

43. No answer

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?

44. The main feature limiting the effective operation of the criminal offences is the ambiguity in what constitutes a "change or suppression practice", particularly in relation to ordinary conversations, prayer, pastoral care, and other non-coercive conduct. Criminal offences operate best where the prohibited act is clearly defined. Here, the breadth and uncertainty of the definition make it difficult to identify with confidence what conduct is criminal, and when.
45. A related difficulty is causation. The offences depend not only on a change or suppression practice having occurred, but on that conduct causing injury or serious injury. In many real-world situations, especially where the alleged conduct consists of words, prayer, or pastoral interactions over time, it may be very difficult to draw a clear and direct causal

connection between a particular act and the harm alleged. That makes the offences inherently difficult to investigate and prosecute.

46. Indeed, even with the Act's currently broad definitions, the fact that no criminal prosecution has proceeded suggests there is no clear evidence of a direct link between present-day conduct that might be characterised as change or suppression and the level of harm required for a criminal offence. That may mean either that the serious practices used to justify the Act were already very rare, or that the criminal provisions are too uncertain to operate effectively in practice.
47. The most important improvement would be to narrow and clarify the definition so that the criminal law is directed only to clearly coercive, abusive, or degrading conduct. The criminal offences should be focused on conduct involving force, threats, intimidation, detention, or organised and sustained pressure, rather than leaving ordinary religious or familial interactions to be judged after the fact. Clearer statutory examples and express protection for consensual, non-coercive prayer, pastoral care, and parental guidance would also improve certainty.

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?

48. Existing avenues should not be expanded. The VLRC notes that Victoria already has several pathways through which a person may seek some form of redress, including VEOHRC facilitation, ordinary civil action, the Financial Assistance Scheme, and compensation orders following conviction. It also raises, as a possible reform, a pathway to VCAT.
49. The central problem is that the definition of a "change or suppression practice" remains too ambiguous. As the VLRC itself notes, the Act can apply to teachings, counselling and spiritual care activities, and there is "no history or legal precedent" to determine (either before or after the fact) whether an act is unlawful, harmful or deserving of redress.
50. Until there is much clearer guidance on what is and is not prohibited, any expansion of redress would risk encouraging claims, investigations and settlement pressure in relation to conduct that may ultimately be lawful, especially in religious, familial and pastoral settings.
51. That concern is sharpened by the limited evidence of the scheme's operation to date. The VLRC records only 14 reports to VEOHRC so far, and there have been no criminal prosecutions under the Act. That is not a sound basis on which to create a broader compensatory regime or separate redress mechanism.
52. A redress scheme that acts retroactively would be extremely inappropriate. Such schemes have a place where there has been systematic failure to address activity that was illegal at the time. A retrospective redress scheme applied to this Act would risk retroactively punishing religious activity—such as teaching, prayer, pastoral counselling and consensual support—that was fully legal and widely regarded as acceptable at the time. Since the

Commission admits that there is “no history or legal precedent” for activity that “may” be unlawful “depending on the circumstances”, it is difficult to see how this standard could be applied to a retrospective redress scheme without significant legal impost from spurious and speculative claims.

53. A bespoke redress scheme or new civil cause of action would likely amplify the chilling effect already created by the Act’s uncertainty, and could also amplify the risk of frivolous or vexatious claims. It would expose clergy, parents, volunteers, churches and schools to greater legal and reputational risk before the boundaries of the law have been properly settled. The priority should be to clarify and narrow the definition so that it is directed to clearly coercive, abusive and harmful conduct. Until that is done, expansion of redress should be approached with great caution and, in our view, should not occur.

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

54. No. A civil cause of action should not be introduced under the Act at this stage.
55. The only distinct purpose it would realistically serve would be to create a simpler pathway for compensation, potentially through VCAT or similar proceedings, without needing to rely on existing causes of action such as negligence or on criminal prosecution. But that benefit is outweighed by a more serious problem: the underlying concept of a “change or suppression practice” remains too ambiguous.
56. Where liability turns on contested questions of purpose, targeting, context and alleged harm, a new civil cause of action would invite factually complex and highly subjective claims in relation to prayer, pastoral conversations, parental guidance and other ordinary religious interactions. It would increase legal exposure and settlement pressure in areas where the boundary of unlawful conduct remains unclear. That would likely intensify the chilling effect already created by the Act, especially for churches, faith-based organisations, parents and volunteers.
57. There are already existing pathways by which a person may seek redress or support, including VEOHRC facilitation, ordinary civil actions, the Financial Assistance Scheme, and compensation orders where criminal liability is established. If those avenues are thought to have gaps, the first step should be to clarify the definition and narrow the Act’s reach to clearly coercive, abusive and harmful conduct.
58. Until that is done, a civil cause of action would not serve a sufficiently distinct or justified purpose. It would mainly lower the threshold for adversarial litigation in an area of law that is not yet sufficiently certain. In our view, the priority should be clarity, not expansion.
59. We thank you for the opportunity to submit to this important review



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