

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 represents an unprecedented intrusion of the state into the content of religious doctrine, marking a significant departure from the traditional separation of church and state. The Act's vague definition of prohibited conduct fails to clearly protect exploratory or Socratic questioning, including exploring alternative possibilities, and its extension to prayer-based practice lacks clarity on what practices will not contravene the prohibition.

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

The Act's constraints on reasonable professional judgment are overly restrictive, as they do not allow for minority or dissenting clinical approaches despite the contested evidence base surrounding conversion practices. Clinicians should be permitted to exercise their professional judgment and provide care that may differ from the prevailing view, rather than being forced to conform to a single, narrow approach.

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?

Under the Change or Suppression (Conversion) Practices Prohibition Act 2021, a pastor or faith-based counsellor who responds to a person's request for support regarding their sexual orientation or gender identity would risk liability, despite the individual seeking out that support freely. This is an extraordinary intrusion into both religious freedom and individual autonomy, as it undermines the ability of individuals to seek guidance from their faith leaders. The absence of clear guidance on what constitutes a "safe harbour" for faith-based practices has a serious chilling effect on religious communities, causing them to self-censor and refrain from providing support to those who need it. 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, highlighting the need for greater nuance and

clarity. The Act should be amended to provide clear examples of faith-based practices that are explicitly protected, to ensure that pastors and faith leaders can provide ordinary pastoral care, prayer, and scripture-based counsel without fear of liability.

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 for the Change or Suppression (Conversion) Practices Prohibition Act 2021 are fundamentally flawed, proceeding from the assumption that affirmation of gender identity is the only medically appropriate option. This stance is not supported by the best available evidence, including the Cass Review, which highlights the complexity and nuance of this issue. By casting a wide net over ordinary conversations, pastoral care, and clinical practice, the materials unjustifiably deter Victorians from engaging in lawful speech and activity, creating a chilling effect that undermines the very principles of open discussion and informed decision-making.

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 materials, which uncritically adopt affirmation of gender identity as the only medically appropriate option, pose a significant risk of causing serious harm to vulnerable young people who are struggling with their gender identity. These materials should not be permitted to stand as authoritative guidance under the Change or Suppression (Conversion) Practices Prohibition Act 2021, and instead, the VEOHRC should engage with the findings of the Cass Review to ensure that its guidance is informed by the most comprehensive and up-to-date research.

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

The creation of a private right of action through civil tribunals under the Change or Suppression (Conversion) Practices Prohibition Act 2021 is a draconian measure that will have a profoundly chilling effect on freedom of speech in Victoria. The provision's far-reaching implications will be catastrophic for religious communities, as faith leaders and pastoral care activities will be exposed to civil liability for merely expressing sincerely held views in a conversation, sermon, therapy session, or public forum.