

**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 of prohibited conduct in the Change or Suppression (Conversion) Practices Prohibition Act 2021 is overly broad and fails to provide sufficient clarity, leaving room for ambiguity and uncertainty, particularly with regards to exploratory or Socratic questioning, which may be misinterpreted as a prohibited practice. The Act's lack of clear boundaries and examples of what constitutes permissible conduct, including prayer-based practices, raises concerns that it will unjustly restrict the freedom of religious leaders to teach and preach on matters of sexuality and gender.

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

The Act's necessity exemption is flawed in that it establishes a higher threshold for non-affirming interventions than for affirming ones, deviating from the approach taken in the NSW equivalent and potentially leading to unequal treatment of individuals. This provision, combined with the express example that psychotherapy is a prohibited suppression activity unless exempt, will have a chilling effect on clinical practice, particularly for clinicians of faith who will be singled out for adverse treatment not applied to clinicians informed by other ideological commitments.

**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 about the erosion of fundamental freedoms. This legislation represents an extraordinary intrusion into both religious freedom and individual autonomy, as it potentially criminalises the very practices that are at the heart of religious life. The Act's failure to provide clear guidance on what constitutes a contravention, instead offering only a caution that faith practice may contravene the Act, has a serious chilling effect on religious communities, leaving them uncertain about what is permissible.

**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.**

In order to ensure that the guidance and resources provided under the Change or Suppression (Conversion) Practices Prohibition Act 2021 are based on the most reliable and up-to-date evidence, VEOHRC should also engage with other recent systematic reviews of the evidence on gender-affirming care, rather than solely relying on the Australian Psychological Society's 2019 Guidelines, which may not reflect current best practice.

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

The proposed civil cause of action against faith leaders and pastoral care activities would be catastrophic for religious communities, potentially crippling their ability to provide spiritual guidance

and support to their members. The private right of action through civil tribunals is the most chilling form of speech regulation available, as it could impose liability on pastors, priests, imams, and rabbis simply for expressing their faith tradition's teaching in a conversation, sermon, therapy session, or public forum.

