

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 Act's broad definition of "change or suppression practice" raises concerns that it prioritizes intersectional politics over identifying and addressing genuine instances of serious harm in the community. A more effective and targeted approach would be to focus on coercive or abusive conduct that causes harm, rather than capturing ordinary conversations, pastoral care, and clinical practice under its overly expansive scope.

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 creates an environment of uncertainty for pastors and faith leaders, who cannot know with certainty whether their teaching constitutes a prohibited practice under the legislation. This level of ambiguity represents an unprecedented intrusion of the state into the content of religious doctrine, as the Act effectively defaults to outlawing doctrinal religious preaching on questions of sexuality and gender. The failure to clearly protect exploratory or Socratic questioning in the definition of prohibited conduct raises concerns that even prayer-based practices will be caught by the prohibition, yet no examples are provided of what will not contravene the law.

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

The Change or Suppression (Conversion) Practices Prohibition Act 2021 has created uncertainty for practitioners who hold non-affirming clinical views, making it difficult for them to feel confident that their ordinary professional practice is protected, even when it is evidence-based and conducted with informed consent. The necessity exemption in the Act is problematic, as it imposes a higher threshold for non-affirming interventions than for affirming ones, unlike the equivalent provision in New South Wales. This approach undermines the principle of reasonable professional judgment, which must be allowed to encompass minority or dissenting clinical approaches, given the contested evidence base in this area, and should not be limited to dominant or majority views.

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 absence of clear guidance on safe harbour provisions in the Change or Suppression (Conversion) Practices Prohibition Act 2021 has a serious chilling effect on religious communities. A pastor or faith-based counsellor who responds to a person's request for support and guidance risks liability under the Act, despite the individual having sought out that support freely. This represents an extraordinary intrusion into both religious freedom and individual autonomy, as pastors and faith leaders are left uncertain whether ordinary pastoral care, prayer, or scripture-based counsel will expose them to liability, with only a vague caution that such faith practice may contravene the Act.

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 characterization of conversion practices as uniformly harmful is a contested clinical position that is not supported by the best available evidence, including the findings of the Cass Review. The consultation materials exacerbate this issue by employing language that produces a chilling effect, inappropriately characterizing a broad range of conduct as potentially prohibited, thereby potentially stifling legitimate therapeutic practices.

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 development of materials under the Change or Suppression (Conversion) Practices Prohibition Act 2021 should be informed by a comprehensive review of the evidence. In addition to the cited systematic reviews, VEOHRC should also engage with other up-to-date systematic reviews of the evidence on gender-affirming care to ensure that their materials are based on the most current and reliable research. If VEOHRC materials are not grounded in current best-evidence guidance, they risk causing harm to vulnerable young people and should not be permitted to stand as authoritative guidance under the Act.

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 would have a devastating impact on religious communities, who would be forced to choose between their deeply held convictions and the risk of costly litigation. The prospect of facing civil liability for simply expressing their faith tradition's teaching on matters of human identity and relationships would undoubtedly chill the willingness of pastors, priests, imams, and rabbis to engage in pastoral care and guidance, to the detriment of their congregations and the broader community.

