



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, with the definition of prohibited conduct defaulting to an affirmation-only approach that effectively outlaws doctrinal religious preaching on questions of sexuality and gender, and fails to clearly protect exploratory or Socratic questioning, including exploring alternative possibilities such as same-sex attraction and ruling out other diagnoses, while a carve-out for practices which encourage or promote gender transition explicitly protects affirmation, leaving non-affirmation exposed to liability, and extending to religious practice, including prayer-based practice,

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

The necessity exemption in the Change or Suppression (Conversion) Practices Prohibition Act 2021 is problematic as it establishes a higher threshold for non-affirming interventions compared to affirming ones, diverging from the approach taken in NSW. This disparity raises concerns about unequal treatment of different therapeutic approaches. Furthermore, the Act's requirement for "reasonable professional judgment" must be interpreted to encompass minority or dissenting clinical perspectives, given the contested nature of the evidence base in this area. As it stands, practitioners who hold non-affirming clinical views cannot be confident that their ordinary professional practice is protected, even when it is evidence-based and conducted with informed consent. The Act's approach also unjustly presumes that a clinician's faith perspective is inherently incompatible with or compromises their professional judgment.

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 within the Change or Suppression (Conversion) Practices Prohibition Act 2021 has a profound impact on religious communities, as they are only cautioned that their faith practices may contravene the Act, without any clarity on what is permissible, resulting in a serious chilling effect on their activities.

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 Victorian Law Reform Commission's consultation process is fundamentally flawed by its embedded assumption that suppression practices are inherently harmful, which undermines the pursuit of balanced and evidence-based recommendations, and is particularly concerning given that this assumption reflects a contested clinical position not supported by the best available evidence, including the findings of the Cass Review.

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 (VEOHRC) materials that promote affirmation of gender identity as the sole medically appropriate approach for vulnerable young people are concerning, as they may inadvertently cause serious harm to this demographic. In developing guidance under the Change or Suppression (Conversion) Practices Prohibition Act 2021, VEOHRC should critically engage with the findings of the Cass Review, the most comprehensive independent review of gender medicine for children and young people ever conducted. Such uncritical and potentially harmful materials 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 Act's broad definitions and sweeping prohibitions create a pervasive chilling effect on speech that goes far beyond any legitimate regulatory purpose, stifling open and honest discussion of deeply held convictions and values. The costs burden on respondents, even those who ultimately succeed in defending their actions, creates a powerful deterrent against any pastoral engagement with questions of sexual orientation and gender identity, effectively silencing many who would otherwise offer guidance and support. The catastrophic consequences of a civil cause of action against faith leaders and pastoral care activities would be felt deeply within religious communities, where sincerely held views expressed in conversation, sermon, therapy session, or public forum could trigger liability and undermine the very fabric of their existence.

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