

[REDACTED]

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. This lack of precision means the law may capture innocuous conduct, such as ordinary conversations and pastoral care, while failing to provide clear guidance on the kind of coercive or abusive conduct that genuinely harms individuals.

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 Act's carve-out for practices that encourage or promote gender transition raises concerns as it explicitly protects affirmation approaches, while leaving non-affirmation practices vulnerable to liability, creating an uneven playing field. This carve-out, combined with the lack of clear examples of what will not contravene the prohibition, particularly in relation to religious practice, prayer-based practice, and exploratory questioning, highlights the need for greater clarity and a more neutral approach that does not privilege one clinical or ideological approach over another.

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 imposes a higher threshold for non-affirming interventions than for affirming ones, a distinction not found in the equivalent NSW legislation, which may unfairly restrict clinicians' ability to provide certain services.

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 Change or Suppression (Conversion) Practices Prohibition Act 2021 creates uncertainty for faith communities, as it only cautions that faith practices may contravene the Act, without providing clear guidance on what is permitted. This lack of clarity has a serious chilling effect on religious communities, as a pastor or faith-based counsellor who responds to a request for support from an LGB person of faith who consensually seeks to live and practise their religion consistent with their same-sex attraction risks liability under the Act, and the Act should be amended to provide explicit protection for such faith-based practices.

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 assumption that the Change or Suppression (Conversion) Practices Prohibition Act 2021 is sound in principle and only requires tweaking. A consultation process that embeds this assumption cannot produce balanced or evidence-based recommendations. The materials provided for the consultation instead perpetuate a biased narrative that undermines the legitimacy of the process and the Act itself.

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 VEOHRC's materials that promote affirmation of gender identity as the sole medically appropriate option may inadvertently cause significant harm to vulnerable young individuals, particularly those who may be exploring their gender identity without fully understanding the long-term implications of such a decision. The Act should not permit these materials to stand as authoritative guidance without critical examination, and the VEOHRC should engage with the findings of the Cass Review and other up-to-date systematic reviews of the evidence on gender-affirming care to provide a more balanced and informed approach.

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 definition of change or suppression practices and its civil liability provisions pose a significant risk to religious leaders, including pastors, priests, imams, and rabbis, who may be held liable for expressing their faith tradition's teachings through prayer, counsel, or scripture-based guidance, thereby creating a chilling effect on free speech and pastoral care.