

**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 lack of clarity in the definition of prohibited conduct under the Change or Suppression (Conversion) Practices Prohibition Act 2021 creates significant uncertainty for pastors and faith leaders, who cannot know with certainty whether their teaching constitutes a prohibited practice. This uncertainty is compounded by the Act's failure to clearly protect exploratory or Socratic questioning, effectively defaulting to an affirmation-only approach that privileges one clinical approach over another and represents an unprecedented intrusion of the state into the content of religious doctrine, which ultimately defaults to outlawing doctrinal religious preaching on questions 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 necessity exemption in the Change or Suppression (Conversion) Practices Prohibition Act 2021 is concerning as it sets a higher threshold for non-affirming interventions compared to affirming ones, diverging from the approach taken in New South Wales. This disparate treatment undermines the principle of even-handedness in the regulation of healthcare practices. As a result, 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 implies that a clinician's faith perspective is presumptively incompatible with or compromising of their professional judgment, which is an unfounded and discriminatory assumption. This provision has the potential to chill the provision of legitimate healthcare services and undermine the integrity of the therapeutic relationship.

**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 lack of clarity in the Change or Suppression (Conversion) Practices Prohibition Act 2021 creates uncertainty for pastors and faith leaders, who cannot know whether ordinary pastoral care, prayer, or scripture-based counsel will expose them to liability. In order to alleviate this uncertainty, the Act should be amended to provide clear examples of faith-based practices that are explicitly protected, as this would help to establish a clearer boundary between permissible and impermissible conduct. The omission of such examples, unlike the NSW Bill, constitutes an extraordinary intrusion into both religious freedom and individual autonomy.

**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 on the Change or Suppression (Conversion) Practices Prohibition Act 2021 raises concerns about the clinical basis of the legislation, as it takes a contested position not supported by the best available evidence, including the Cass Review. The

consultation materials exacerbate these concerns by characterising a broad range of ordinary conversations, pastoral care, and clinical practices as potentially prohibited, thereby deterring Victorians from engaging in lawful speech and activity, and revealing a bias that assumes affirmation of gender identity is the only medically appropriate option.

**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, which provide guidance on the Change or Suppression (Conversion) Practices Prohibition Act 2021, should not be permitted to stand as authoritative guidance under the Act without rigorous scrutiny, as they may perpetuate a narrow and potentially harmful approach to supporting vulnerable young people. The Act should require VEOHRC to engage with a broader range of evidence, including up-to-date systematic reviews and the findings of the Cass Review, to ensure that its materials reflect current best-evidence guidance and do not cause harm to young people by uncritically promoting affirmation of gender identity as the only medically appropriate option.

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

The inclusion of a private right of action through civil tribunals in the Change or Suppression (Conversion) Practices Prohibition Act 2021 poses a significant threat to the freedom of faith leaders to express their sincerely held beliefs, as pastors, priests, imams, and rabbis who offer prayer, counsel, or scripture-based guidance could face civil liability simply for expressing their faith tradition's teaching, thereby creating a powerful deterrent against any pastoral engagement with questions of sexuality and gender identity.