

**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 exemption for practices that encourage or promote gender transition under the Change or Suppression (Conversion) Practices Prohibition Act 2021 explicitly protects affirmation practices yet leaves those who do not affirm at risk of liability, creating an uneven and unjust application of the law. Furthermore, the Act's reach into the content of religious doctrine is an unprecedented and concerning intrusion of the state into matters of faith, as it effectively outlaws doctrinal preaching, that is that there are only two sexes, on questions of sexuality and gender that do not conform to an affirmation-only approach.

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

The Act's failure to provide clear protections for practitioners with non-affirming clinical views creates uncertainty and fear among professionals who prioritize evidence-based practice and informed consent. Despite the exemption for health services provided in good faith, practitioners cannot be confident that their ordinary professional practice is safe from prosecution, even when it aligns with established clinical guidelines. The express example that psychotherapy is a prohibited suppression activity unless it falls within the exemption has a chilling effect on clinical practice, deterring clinicians from providing care that may be deemed non-affirming. This discriminatory approach unfairly targets clinicians of faith, subjecting them to adverse treatment not applied to clinicians whose approach is informed by other ideological commitments. Furthermore, the necessity exemption establishes a concerning double standard by imposing a higher threshold for non-affirming interventions than for affirming ones, a disparity not present in the NSW equivalent.

**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 ambiguity surrounding what constitutes a change or suppression practice under the Act has created a climate of uncertainty for pastors and faith leaders, who cannot know whether ordinary pastoral care, prayer, or scripture-based counsel will expose them to liability. This lack of clarity is particularly concerning, as it may lead to self-censorship and a chilling effect on the provision of spiritual guidance and support. The Act should be amended to provide clear examples of faith-based practices that are explicitly protected, in order to alleviate these concerns and ensure that individuals can receive the support they seek without fear of reprisal. For instance, a pastor or faith-based counsellor who responds to a person's request for prayer or spiritual guidance regarding their sexual orientation or gender identity would risk liability under the Act, even though the person sought out that support freely. This is an unintended consequence that undermines the very principles of freedom of religion and freedom of speech that the Act purports to uphold.

**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 consultation materials provided by the Victorian Law Reform Commission to inform submissions on the Change or Suppression (Conversion) Practices Prohibition Act 2021 are fundamentally flawed, as they advance a particular ideological perspective rather than providing a neutral description of the law, and therefore cannot form the basis of a balanced or evidence-based 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) approach to developing 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 National Health and Medical Research Council's (NHMRC) 2018 Guidelines, VEOHRC should also engage with other up-to-date systematic reviews of the evidence on gender-affirming care to ensure that its guidance is balanced and evidence-based. Furthermore, VEOHRC materials that uncritically adopt affirmation of gender identity as the only medically appropriate option risk causing serious 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 provision allowing a private right of action through civil tribunals is a deeply concerning aspect of the Act, as it constitutes the most chilling form of speech regulation available. This mechanism has the potential to stifle legitimate and lawful expression, particularly for religious leaders who may be subject to civil liability for simply articulating their faith tradition's teachings. Pastors, priests, imams, and rabbis who offer prayer, counsel, or scripture-based guidance could face civil liability, despite their good intentions and lawful actions. The costs burden on respondents, including those who ultimately succeed in defending their actions, creates a powerful deterrent against any pastoral engagement with these questions, effectively silencing them. This will inevitably have a profound impact on the ability of faith leaders to provide guidance and support to their communities. And as with many actions taken through tribunals, the process is an unjustified punishment in its own right.