

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 has the unintended consequence of outlawing doctrinal religious preaching on questions of sexuality and gender, effectively stifling the free expression of religious beliefs. Furthermore, the Act's prohibition extends to religious practices, including prayer-based practices, without providing clear examples of what will be considered permissible, marking an unprecedented and concerning intrusion of the state into the content of religious doctrine.

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

The Act's restrictive definition of reasonable professional judgment neglects the complexity of the evidence base surrounding conversion practices, failing to accommodate minority or dissenting clinical approaches that may be informed by diverse perspectives. By presuming a clinician's faith perspective inherently compromises their professional judgment, the Act perpetuates discriminatory treatment against clinicians of faith, singling them out for adverse treatment not applied to clinicians whose approach is informed by other ideological commitments. This discriminatory approach is compounded by the necessity exemption, which unjustly imports a higher threshold for non-affirming interventions than for affirming ones, undermining the confidence of practitioners with non-affirming clinical views in their ability to provide evidence-based care with informed consent.

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 Act's provisions fail to account for a lesbian, gay or bisexual individual who is a person of faith and wishes to receive support to live consistently with their religious beliefs while still acknowledging their same-sex attraction. A caution that certain faith practices may contravene the Act is insufficient, as it does not provide clear guidance on what is permissible. This lack of clarity has a serious chilling effect on religious communities, which may refrain from providing support to their members for fear of inadvertently breaching 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 consultation materials' overly broad characterisation of potentially prohibited conduct produces a chilling effect, undermining the integrity of the consultation process by presuming a priori that a wide range of legitimate activities are suspect, thereby precluding balanced and evidence-based recommendations that might arise from a more nuanced and neutral framing of the issues.

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 (VEOHRC) should engage with the findings of the Cass Review, a comprehensive and independent examination of gender medicine for children and young people, to ensure that its materials and guidance under the Change or Suppression (Conversion) Practices Prohibition Act 2021 are informed by the best available evidence. The VEOHRC's adoption of affirmation of gender identity as the sole medically appropriate option, without critical consideration of alternative perspectives, risks causing serious harm to vulnerable young people and should be revised to reflect current best-evidence guidance.

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

The civil cause of action provision in the Change or Suppression (Conversion) Practices Prohibition Act 2021 raises significant concerns about its potential to stifle free speech and unduly burden individuals and organizations. Unlike criminal prosecution, civil claims can be brought by any individual who feels aggrieved, with a lower standard of proof and costs falling on the respondent regardless of outcome, creating a pervasive chilling effect on speech that goes far beyond any legitimate regulatory purpose. This provision would have a catastrophic impact on religious communities, where a private right of action through civil tribunals could lead to pastors, priests, imams, and rabbis facing civil liability simply for expressing their faith tradition's teaching in a conversation, sermon, therapy session, or public forum.

