

The following submission to this review has been received

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" prioritizes intersectional politics over identifying and addressing genuine instances of serious harm, capturing innocuous conduct while failing to provide clarity on what constitutes coercive or abusive behavior, thereby undermining its intended purpose of protecting victims.

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 broad prohibition on change or suppression practices, including those involving prayer, raises significant concerns about the potential chilling effect on religious practice, as the lack of clear examples of permissible activities leaves religious leaders and practitioners uncertain about what constitutes a contravention, and may effectively outlaw doctrinal 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 problematic as it establishes a higher threshold for non-affirming interventions compared to affirming ones, departing from the approach taken in New South Wales. This provision raises concerns as it may unjustly restrict clinicians from providing certain interventions, even when they are deemed necessary, simply because they do not align with an affirming approach.

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 clear guidance on safe harbour provisions within the Change or Suppression (Conversion) Practices Prohibition Act 2021 is having a profound impact on religious communities, creating a serious chilling effect on their ability to practice their faith. The Act's current caution that faith practices may contravene its provisions only serves to heighten anxiety and uncertainty among religious leaders and adherents. To alleviate this uncertainty, the Act should be amended to provide explicit examples of faith-based practices that are protected, thereby ensuring that a pastor or faith-based counsellor who responds to a person's request for support does not risk liability under 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 provided by the Commission have a profound impact on the public's understanding of the Change or Suppression (Conversion) Practices Prohibition Act 2021, but unfortunately, they produce a chilling effect by characterising a broad range of conduct as potentially prohibited. This characterisation is not a neutral description of the law, but rather an advocacy

document that seeks to maximise the reach of the Act beyond what the legislation requires. The materials are fundamentally biased, proceeding from the assumption that affirmation of gender identity is the only medically appropriate option, a position that is contested within the clinical community and not supported by the best available evidence, including the Cass Review. This bias undermines the integrity of the consultation process, which cannot produce balanced or evidence-based recommendations while embedding such a flawed assumption. By framing ordinary conversations, pastoral care, and clinical practice as potential conversion practices, the materials deter Victorians from engaging in lawful speech and activity.

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 materials should not be permitted to stand as authoritative guidance under the Change or Suppression (Conversion) Practices Prohibition Act 2021, as this could potentially lead to confusion and undermine the integrity of the Act. The Commission should instead engage with the findings of the Cass Review, the most comprehensive independent review of gender medicine for children and young people ever conducted, to ensure that its guidance is informed by the latest evidence. Furthermore, the Commission should be required to consider current best-evidence guidance when developing materials under this Act to ensure that they are accurate, reliable, and up-to-date.

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 provisions and penalties create a pervasive chilling effect on speech that goes far beyond any legitimate regulatory purpose. The costs burden on respondents, even those who ultimately succeed, creates a powerful deterrent against any pastoral engagement with questions of sexual orientation and gender identity, effectively silencing many voices in the community. The breadth of the definition is such that 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 in a conversation, sermon, therapy session, or public forum.