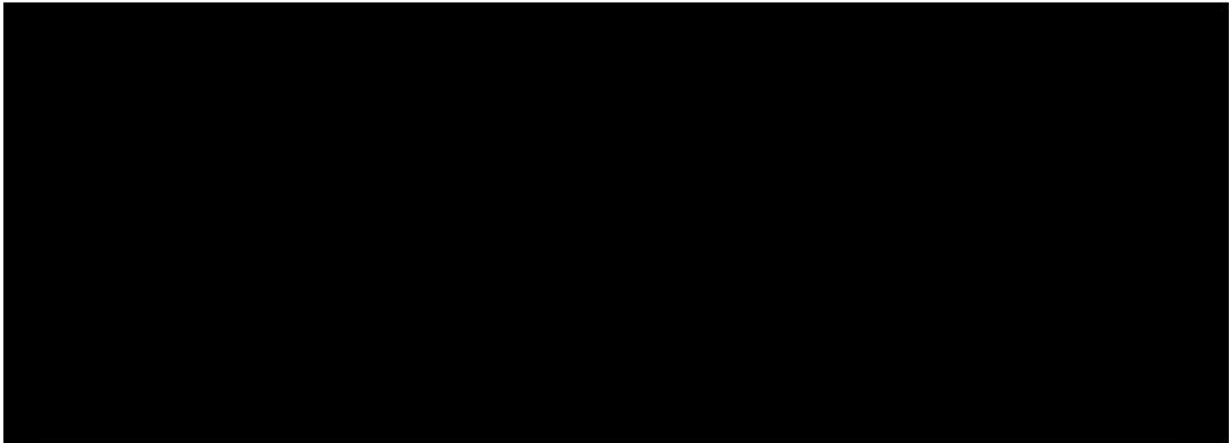


The following submission to this review has been received



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" raises concerns that it prioritizes intersectional politics over identifying genuine instances of serious harm in the community. This overly broad definition fails to provide clear guidance on what constitutes coercive or abusive conduct, potentially capturing ordinary conversations, pastoral care, and clinical practice, while neglecting to precisely target the kind of serious harm that genuine victims of conversion practice have described.

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 defaults to outlawing doctrinal religious preaching on questions of sexuality and gender, effectively curtailing the freedom of religious expression. This is because the definition of prohibited conduct defaults to an affirmation-only approach, which is an unprecedented intrusion of the state into the content of religious doctrine. A genuinely neutral law would not privilege one clinical approach over another, yet this Act does precisely that. The lack of clarity is further compounded by the definition of prohibited conduct, which fails to protect exploratory or Socratic questioning, including exploring alternative possibilities such as same-sex attraction and ruling out other diagnoses. This omission leaves a pastor or faith leader uncertain as to whether their teaching constitutes a prohibited practice, particularly given the extension of the prohibition to religious practice, including prayer-based practice, without clear examples of what will not contravene the prohibition.

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

The Victorian Law Reform Commission's consultation on the Change or Suppression (Conversion) Practices Prohibition Act 2021 raises concerns about the Act's potential impact on clinical practice and professional judgment. The necessity exemption, as drafted, creates an uneven playing field by imposing a higher threshold for non-affirming interventions than for affirming ones, unlike the equivalent provision in NSW. This disparity may lead to a chilling effect on clinical practice, as evidenced by the express example that psychotherapy is a prohibited suppression activity unless it falls within the exemption, which may deter clinicians from providing certain treatments.

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 Victorian Law Reform Commission should note that the Act's failure to provide clear examples of protected faith-based practices creates an unacceptable level of uncertainty, where a pastor or faith-

based counsellor responding to a person's voluntary request for support risks liability under the Act, representing 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 consultation process is fundamentally flawed by embedding an assumption that conversion practices are inherently harmful and should be prohibited. This assumption underpins the entire process, which cannot produce balanced or evidence-based recommendations as a result. The notion that conversion practices are always harmful is a contested clinical position, not supported by the best available evidence, including the Cass Review. By framing ordinary conversations, pastoral care, and clinical practice as potential conversion practices, the materials have a chilling effect, deterring Victorians from engaging in lawful speech and activity. This will inevitably lead to unintended consequences, stifling open discussion and limiting access to support and care for those who need it.

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 that promote affirmation of gender identity as the sole medically appropriate option for vulnerable young people are concerning, as they may cause serious harm to those who may not benefit from this approach. The development of such materials under the Change or Suppression (Conversion) Practices Prohibition Act 2021 should be subject to the requirement that VEOHRC considers current best-evidence guidance, ensuring that the information provided is accurate and safe. It is also imperative that VEOHRC engages with the findings of the Cass Review, the most comprehensive independent review of gender medicine for children and young people, and that any materials that do not adhere to these standards are not 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 imposition of a civil cause of action against faith leaders and pastoral care activities under the Change or Suppression (Conversion) Practices Prohibition Act 2021 would have catastrophic consequences for religious communities, severely curtailing their ability to provide spiritual guidance and care to their members. This provision's overly broad definition and scope would create a pervasive chilling effect on speech, deterring pastors, priests, imams, and rabbis from expressing their sincerely held views in conversations, sermons, therapy sessions, or public forums, for fear of facing civil liability and substantial costs.