

The following submission to this review has been received

**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 effectively restricts the ability of religious leaders to preach and teach on matters of human sexuality and gender, as its provisions default to outlawing doctrinal preaching that does not affirm certain identities or practices. This raises significant concerns about the Act's impact on religious freedom, as it represents an unprecedented intrusion of the state into the content of religious doctrine, and fails to provide clear guidance on what constitutes a prohibited practice, leaving pastors and faith leaders uncertain about what they can and cannot say.

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

The Change or Suppression (Conversion) Practices Prohibition Act 2021's health services exclusion does not provide adequate protection for clinicians with faith-based perspectives on gender, as it is contingent on the clinician's approach being uninfluenced by religious belief. This provision effectively treats a clinician's faith perspective as presumptively incompatible with or compromising professional judgment, undermining the right to freedom of thought, conscience, and religion.

**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?**

Concerns about the broad scope of the Change or Suppression (Conversion) Practices Prohibition Act 2021 are raised, as it seems that faith practices may inadvertently contravene the Act, despite no clear indication of a definitive breach. A person of faith who seeks support from a pastor or faith-based counsellor to live in accordance with their religious beliefs, particularly in relation to same-sex attraction, may find that this support is not accommodated by the Act, and the provider of such support may be at risk of liability.

**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 presented by the Victorian Law Reform Commission have a profound impact on the public's perception of the Change or Suppression (Conversion) Practices Prohibition Act 2021. By characterising a broad range of conduct as potentially prohibited, these materials produce a chilling effect that stifles open discussion and discourages individuals from engaging in lawful activities. This approach is fundamentally flawed, as it embeds an assumption that is not supported by evidence, resulting in a consultation process that cannot produce balanced or informed recommendations. The notion that ordinary conversations, pastoral care, and clinical practice constitute potential conversion practices is a contested clinical position that is not substantiated by the best available evidence, including the Cass Review. By framing these activities as potentially prohibited, the materials deter Victorians from exercising their right to free speech and engaging in

lawful activities.

**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 should be required to consider current best-evidence guidance when developing materials under the Change or Suppression (Conversion) Practices Prohibition Act 2021, to ensure that its resources are informed by the most up-to-date and reliable research. This provision is crucial to prevent harm to vulnerable young people, and VEOHRC should also engage with other systematic reviews of the evidence on gender-affirming care, including the findings of the Cass Review, to provide a balanced and evidence-based approach.

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

The overly broad definition of "change or suppression practice" in the Act raises significant concerns about its impact on freedom of speech and expression. The provision's reach is so extensive that merely expressing a sincerely held view in a conversation, sermon, therapy session, or public forum could trigger liability, potentially ensnaring pastors, priests, imams, and rabbis who offer prayer, counsel, or scripture-based guidance in the exercise of their faith. This creates a pervasive chilling effect on speech that goes far beyond any legitimate regulatory purpose, deterring individuals from engaging in discussions and pastoral care activities for fear of civil liability, which would be catastrophic for religious communities.