

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 definition of prohibited conduct in the Change or Suppression (Conversion) Practices Prohibition Act 2021 is overly broad and does not provide sufficient clarity to protect exploratory or Socratic questioning, leaving individuals uncertain as to what constitutes acceptable inquiry into an individual's sexual orientation or gender identity. This lack of clarity defaults to an affirmation-only approach, effectively stifling any discussion or exploration of alternative possibilities, and raises serious concerns about the Act's impact on religious freedom and clinical practice.

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 regarding the necessity exemption, which, unlike its NSW equivalent, unjustifiably elevates the threshold for non-affirming interventions above that of affirming ones, thereby introducing an unwarranted asymmetry.

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 Change or Suppression (Conversion) Practices Prohibition Act 2021 represents an extraordinary intrusion into both religious freedom and individual autonomy, infringing upon the fundamental rights of Victorians to hold and express their beliefs. The Act's broad and ambiguous language leaves pastors and faith leaders uncertain as to whether ordinary pastoral care, prayer, or scripture-based counsel will expose them to liability, potentially chilling their ability to provide spiritual guidance to their congregations.

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 are not a neutral description of the Change or Suppression (Conversion) Practices Prohibition Act 2021, but rather an advocacy document that seeks to expand the Act's scope beyond its legislative requirements. This approach is concerning, as it may lead to an overreach of the law's intended purpose. By framing ordinary conversations, pastoral care, and clinical practice as potential conversion practices, the materials have a chilling effect on Victorians, deterring them from engaging in lawful speech and activity. This is particularly problematic, as it may prevent individuals from seeking or receiving genuine support and guidance. The Commission's approach undermines the delicate balance between protecting individuals from harm and preserving fundamental freedoms.

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 ensure that its implementation of the Change or Suppression (Conversion) Practices Prohibition Act 2021 is informed by the most robust and up-to-date evidence, including the comprehensive findings of the Cass Review, current best-evidence guidance, and other systematic reviews of gender-affirming care, rather than relying on materials that uncritically adopt affirmation of gender identity as the only medically appropriate option, which risk causing serious harm to vulnerable young people.

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

The introduction 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 a devastating impact on religious communities, as it would expose pastors, priests, imams, and rabbis to civil liability simply for expressing their faith tradition's teaching through prayer, counsel, or scripture-based guidance, thereby imposing a form of speech regulation that is as chilling as it is unprecedented.