

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 fails to provide sufficient clarity, leaving individuals uncertain as to what constitutes permissible exploratory or Socratic questioning, including discussions around alternative possibilities such as same-sex attraction or the exploration of other diagnoses like autism spectrum disorder. A pastor or faith leader cannot determine with certainty whether their teaching on matters of sexuality and gender constitutes a prohibited practice, creating an unacceptable level of risk and self-censorship. This Act effectively defaults to an affirmation-only approach, outlawing doctrinal religious preaching that does not align with this perspective, and represents an unprecedented 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 differential treatment of clinicians based on their faith or ideological commitments is discriminatory, unfairly singling out those whose approach is informed by religious beliefs for adverse treatment not applied to those with other ideological commitments. This discriminatory approach is further entrenched by the Act's presumption that a clinician's faith perspective is inherently incompatible with or compromising of their professional judgment, rather than recognizing that faith can be a legitimate aspect of a clinician's professional identity.

**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's consultation on the Change or Suppression (Conversion) Practices Prohibition Act 2021 is of great concern, as the Act's provisions fail to provide clear guidance on what constitutes a change or suppression practice in a faith-based context. Unlike the NSW Bill, the Act does not offer any examples of faith-based practices that are exempt from the prohibition, instead cautioning only that such practices may contravene the Act, leaving pastors and faith leaders uncertain about their liability when providing ordinary pastoral care, prayer, or scripture-based counsel. This absence of clarity has a serious chilling effect on religious communities, as a pastor or faith-based counsellor who responds to a request for support may risk liability under the Act, even if the person sought out that support freely.

**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, deterring Victorians from engaging in lawful speech and activity, including ordinary conversations, pastoral care, and clinical practice, due to the perceived risk of contravening the Act.

**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 guidance materials developed under the Change or Suppression (Conversion) Practices Prohibition Act 2021 should not be permitted to stand as authoritative guidance if they are not grounded in current, best-evidence practice. In order to ensure that guidance materials are accurate and effective, the Victorian Equal Opportunity and Human Rights Commission should be required to consider current, best-evidence guidance when developing materials under this Act.

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

The provision of a private right of action through civil tribunals under the Change or Suppression (Conversion) Practices Prohibition Act 2021 is a deeply concerning aspect of the legislation, as it constitutes the most chilling form of speech regulation available, effectively silencing individuals and organizations from engaging in legitimate discussions and debates.

