

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 Change or Suppression (Conversion) Practices Prohibition Act 2021 falls short in its primary objective of protecting individuals from harm, as its broad definition of "change or suppression practice" prioritizes intersectional politics over identifying genuine instances of serious harm in the community. This overreach results in the Act capturing innocuous conduct, such as ordinary conversations and pastoral care, while neglecting to provide clear guidance on what constitutes coercive or abusive conduct that genuinely harms individuals. A more effective law would be precisely targeted at preventing serious harm, rather than casting a wide net that ensnares benign activities.

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 creates a chilling effect on religious leaders, as a pastor or faith leader cannot know with certainty whether their teaching constitutes a prohibited practice. This ambiguity defaults to outlawing doctrinal religious preaching on questions of sexuality and gender, effectively censoring the free exercise of religion. The prohibition extends to religious practice, including prayer-based practice, yet the Act fails to provide examples of what will not contravene the prohibition, leaving religious leaders vulnerable to prosecution. A genuinely neutral law would not privilege one clinical approach over another, whereas the Act's carve-out for practices that encourage or promote gender transition explicitly protects affirmation while leaving non-affirmation exposed to liability. Ultimately, this undermines the principle of equal treatment and freedom of conscience.

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

The Act's requirement that clinicians provide care in accordance with "contemporary, evidence-based, and clinically informed" standards should be clarified to allow for reasonable professional judgment that incorporates minority or dissenting clinical approaches, given the contested nature of the evidence base surrounding sexual orientation and gender identity, rather than imposing a uniform approach that disregards diverse perspectives.

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 Act's broad definition of change or suppression practices creates a chilling effect on religious leaders, as a pastor or faith-based counsellor who responds to a person's request for support in living out their faith consistent with their same-sex attraction risks liability under the Act, despite the individual seeking out that support freely and voluntarily.

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 have a chilling effect on Victorians by characterising a wide range of conduct as potentially prohibited, creating uncertainty and fear about what is permissible under the Change or Suppression (Conversion) Practices Prohibition Act 2021. This approach is concerning as it proceeds from a contested clinical position that is not supported by the best available evidence, including the Cass Review, and instead presents affirmation of gender identity as the only medically appropriate option, deterring 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 should 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 its understanding of the complexities of this issue is informed by the latest evidence. In developing materials under the Change or Suppression (Conversion) Practices Prohibition Act 2021, VEOHRC should be required to consider current best-evidence guidance, as well as other up-to-date systematic reviews of the evidence on gender-affirming care.

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

The Change or Suppression (Conversion) Practices Prohibition Act 2021 poses a significant threat to the rights of faith leaders to freely express and teach their faith traditions, as 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. The introduction of a private right of action through civil tribunals would be catastrophic for religious communities, enabling any individual to bring a claim with a lower standard of proof and imposing significant costs on respondents regardless of the outcome, effectively creating a chilling form of speech regulation.