


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 creates an environment of uncertainty for faith leaders, who cannot be sure whether their teachings on matters of sexuality and gender will be deemed a prohibited practice. This ambiguity poses a significant challenge for pastors and other faith leaders, who may inadvertently contravene the Act while simply carrying out their duties to preach and teach in accordance with their faith. As a result, the Act effectively defaults to outlawing doctrinal religious preaching on questions of sexuality and gender, potentially infringing on the rights of faith communities to freely practice their religion.

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

The Act's necessity exemption is fundamentally flawed in that it establishes a disparate threshold for non-affirming interventions compared to affirming ones, unlike the equivalent provision in New South Wales, which will inevitably create confusion and undermine the delivery of evidence-based healthcare.

**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 should be amended to provide clear examples of faith-based practices that are explicitly protected, as the current lack of clarity has created a high degree of uncertainty for pastors and faith leaders. The absence of safe harbour guidance leaves them unable to determine whether ordinary pastoral care, prayer, or scripture-based counsel will expose them to liability, an extraordinary intrusion into both religious freedom and individual autonomy that has a serious chilling effect on religious communities.

**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 for the Change or Suppression (Conversion) Practices Prohibition Act 2021 produce a chilling effect by characterising the broadest possible range of conduct as potentially prohibited. This has the unfortunate consequence of deterring Victorians from engaging in lawful speech and activity. By framing ordinary conversations, pastoral care, and clinical practice as potential conversion practices, the materials create a climate of uncertainty and fear. As a result, individuals and organisations may self-censor or refrain from providing support and guidance to those who need it, for fear of inadvertently falling foul of the Act. This undermines the very principles of free speech, religious freedom, and the provision of care and support that the Act is intended to protect.

**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. This provision is essential to ensure that the Commission's resources are informed by the most recent and reliable research, ultimately supporting the well-being and safety of individuals affected by change or suppression practices. The Commission's consideration of up-to-date systematic reviews of the evidence on gender-affirming care is also crucial to guarantee that its materials accurately reflect the complexities of this issue and provide effective support.

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

The broad and ambiguous language of the Change or Suppression (Conversion) Practices Prohibition Act 2021 creates a pervasive chilling effect on speech that goes far beyond any legitimate regulatory purpose, deterring religious leaders from providing spiritual guidance to their congregants due to the risk of civil liability, as pastors, priests, imams, and rabbis who offer prayer, counsel, or scripture-based guidance could face costly lawsuits simply for expressing their faith tradition's teaching.