VICTORIAN LAW REFORM COMMISSION REVIEW INTO THE OPERATION AND EFFECTIVENESS OF THE *CHANGE OR SUPPRESSION (CONVERSION) PRACTICES PROHIBITION ACT 2021* (VIC)

Prepared by Pastor [redacted]
For and on behalf of Australian Christian Churches (ACC)

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INTRODUCTION

My name is [redacted] and I am a credentialed Ordained Pastor with Australian Christian Churches (ACC). I am the ACC's Representative for Religious Freedom. This submission is made on behalf of Australian Christian Churches.

ACC is the largest Pentecostal movement in Australia consisting of more than 1,100 churches, 3346 Credentialed Pastors and over 400,000 constituents.

BACKGROUND TO SUBMISSION

The Attorney-General asked the Victorian Law Reform Commission (Commission) to review the operation and effectiveness of the Change or Suppression (Conversion) Practices Prohibition Act 2021 (Vic) (Act) in accordance with Section 57 of the Act. The review will not consider the purpose of the Act and the desirability of having criminal offences and a civil response scheme.

QUESTIONS AND RESPONSES

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.**

   If the purpose of the Act was to deter the kinds of harmful, invasive and non-consensual conversion practices, which were presented to the public as the main target of the legislation five years ago, then available evidence does not show a substantial number of such practices being uncovered and stopped.

   The VLRC's February 2026 consultation paper says VEOHRC had received 14 reports in total: 2 in 2022–23, 2 in 2023–24, 5 in 2024–25, and 5 in 2025–26 so far – slightly less than 3 each year. There have been no criminal prosecutions under the Act.
   The conclusion can be made that there is limited evidence that the Act has any significant impact reducing the extreme conduct used to justify its existence.

However, the Act has had an adverse impact on religious freedom through the confusion, among pastors, parents, churches and faith-based organisations about what support, prayer, teaching or pastoral care can lawfully be offered.

The consequence is that previously open appropriate pastoral engagement has been replaced by a hesitation, withdrawal and self-censorship by faith organisations.

This has occurred at the same time as many nations and Australian states have paused or are reviewing gender affirming treatment as the preferred option for gender dysphoria.

The unfortunate effect of the Act has been not the exposure of a large body of serious misconduct, but the reduction of lawful, consensual and non-coercive support. That suggests the review should focus on ensuring the law remains directed to genuinely harmful conduct, while giving clearer protection to ordinary pastoral, parental and religious activity.

2. TO WHAT EXTENT DO YOU THINK THE COMMUNITY IS AWARE OF AND UNDERSTANDS:

(A) The Act and how it works

(B) What change or suppression practices are

(C) The harm caused by change or suppression practices.

The Act is not understood in the community, especially in the faith community.

Evidence of a lack of public understanding manifests itself in two opinions.

Firstly, the Act only bans extreme practices such as ‘shock therapy’ or other coercive interventions or secondly, it is a broad prohibition on expressing traditional religious or moral views about sex, sexuality and gender. That divergence of opinion suggests that the Act and its operation are not well understood.

What is a “change or suppression practice” is not understood.

The statutory definition is broad, and public guidance has not resolved the uncertainty. Many people would readily recognise non-consensual treatment, coercive programs, or aversion-based interventions as falling within the intended scope of the law. However, the understanding about prayer, pastoral conversations, parental guidance, or voluntary support sought by a person who wishes to live in accordance with their faith is confusing.

There is also no clear community consensus about the ‘harm caused by change or suppression practices’ as defined in the Act. The community, beyond faith groups, do not accept that a consensual conversation, prayer, or pastoral discussion is inherently harmful merely because it relates to sexuality or gender identity.

The review should further examine what constitutes genuinely coercive or abusive conduct, and ordinary consensual interactions where views are expressed, support is sought, or religious beliefs are discussed.

3. COULD THE ACT'S OPERATION AND EFFECTIVENESS BE IMPROVED? IF SO, HOW?

The Act's operation and effectiveness can be improved in the following ways:

Firstly, the definition of a change or suppression practice should be clarified so that it is unmistakably directed to coercive, abusive and conduct which on an evidence based approach is shown to be genuinely harmful conduct.

The greatest practical challenge relates to prayer, pastoral care, parental guidance, religious teaching and other voluntary conversations. The law should expressly protect consensual, non-coercive religious and familial interactions, while continuing to prohibit threats, intimidation, degradation, sustained pressure and organised practices intended to force change.

Secondly, official guidance should be substantially improved to clarify uncertainties.

Current examples fail to assist faith groups specifically in their context. VEOHRC should be required to develop neutral, faith-specific guidance in consultation with a broad range of religious communities, including those with traditional religious beliefs on sex, marriage and gender. That guidance should address requested prayer, support for chastity or celibacy, mixed-orientation marriage, parental conversations and youth ministry.

Thirdly, the Act should not be expanded until the above two examples are addressed.

Broader redress pathways, wider investigative powers or new civil causes of action would risk magnifying uncertainty and reducing lawful conduct before the core definitions are settled.

Fourthly, the scheme would be improved by greater transparency about outcomes, de-identified examples of how the law has been applied, and a stronger emphasis on clarity and education rather than ambiguity and deterrence.

4. HOW CLEAR IS THE ACT'S DEFINITION OF WHAT IS AND IS NOT A CHANGE OR SUPPRESSION PRACTICE? IF FURTHER CLARITY IS NEEDED, WHAT FORMS OF CLARIFICATION WOULD BE MOST HELPFUL?

The Act's definitions are not sufficiently clear.

What is coercive, abusive or degrading conduct intended to force a person to change or deny their sexuality or gender identity is understood by most of the community. However, statutory language, and the way it has been explained publicly, leave confusion.

The official post-enactment guidance from VEOHRC is an example. It says the Act "does not prohibit prayer and religious practices, except when they amount to a change or suppression practice", and says private prayer can continue. Yet that same guidance gives examples where prayer with a person, or with their knowledge, is likely to be unlawful if it conveys that they are broken and need healing.

Further, sermons or religious explanations may become prohibited if they are directed at a person for the purpose of changing or suppressing orientation or identity. This does clarify somewhat, however, it also confirms a fine line exists on difficult factual judgments about purpose and targeting.

The Commission acknowledges the practical uncertainty. It says there is “no history or legal precedent” to answer every scenario, that it cannot provide legal advice on specific situations, and that people wanting greater specificity may need independent legal advice.

This is a direct acknowledgment that the Act’s application in real pastoral and religious settings remains fact-sensitive and not fully settled.

There is little guidance for the day-to-day situations faced by religious practitioners caring for people who voluntarily seek to live according to their faith. The Act should expressly protect consensual, non-coercive prayer, pastoral care, parental guidance and religious teaching.

5. HOW CLEAR IS THE EXCLUSION FOR HEALTH SERVICE PROVIDERS? IF FURTHER CLARITY IS NEEDED, HOW COULD THIS BEST BE ACHIEVED?

No answer.

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 examples by both Parliament and VEOHRC fail to identify practical examples where most ordinary religious life actually occurs.

For example, VEOHRC’s “real stories” contain only extreme cases: a young person sent to an exorcist, and a man told by church leaders and doctors that he had a mental illness.

Permitted activity, by contrast, either describe full affirmation or rely on distinctions that are unworkable in a faith context. The Attorney-General described a faith leader who “only informs this person that they consider such feelings to be contrary to the teachings of their faith, and does so only to convey their interpretation of those teachings and not to change or suppress the person’s sexual orientation or gender identity.”

That example fundamentally misunderstands faith and practice at the ‘coalface’, because it artificially separates the teaching of a belief from the hope that the hearer will accept it and seek to live by it.

In this way the Act is inconsistent with international human rights norms which require the State to respect – or at least to not infringe on a person’s religious faith - unless it is necessary to do so. For example, Article 18(1)-(3) of the *International Covenant on Civil and Political Rights* (ICCPR)

There needs to be workable, consistent advice for faith communities. T

It is suggested that the Commission should work collaboratively with leaders from a wide range of faith communities, including those holding traditional beliefs about gender and sexuality. Only then will real-world examples of religious ministry will be discussed in a cooperative manner and specific guidance as to whether particular conduct is, or is not, a change or suppression practice.

To provide clear, workable advice, the Commission must reduce that ambiguity and give practical guidance that clergy, parents, and faith communities can apply with confidence in everyday pastoral situations.

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?**

VEOHRC's materials are inadequate in the context of religious communities.
The existing material explains seeks to explain whilst leaving the practical questions unresolved. The Commission's faith page says the Act does not prohibit prayer or religious practice as such, and that private prayer can continue. Yet, somewhat confusingly, it also says prayer with a person, or with their knowledge, is likely to be unlawful if it suggests they are broken and need healing, and that sermons or explanations of religious teaching may become prohibited if directed at a person for the purpose of changing or suppressing orientation or identity.

The repeated use of language such as "may" and "likely" always will create uncertainty.

The Commission admits there is "no history or legal precedent". It cannot advise on specific scenarios, and people may need independent legal advice. This is unacceptable and unrealistic for clergy, parents and volunteers in faith organisations that are often very small, donor funded, and lacking legal resources.

Again, it is suggested that the Commission needs to undergo a process of consultation with a wide range of faith communities who hold "traditional" religious beliefs about gender and sexuality, and develop detailed, worked examples of real-world situations that occur in pastoral contexts.

8. **ARE THERE ANY BARRIERS TO:**
    (A) Reporting change or suppression practices to VEOHRC
    (B) VEOHRC facilitating outcomes of reports
    (C)VEOHRC conducting investigations.

If so, please describe what those barriers are.

No answer

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 Act needs clarification.

Firstly, VEOHRC's educative and facilitative role will work better if the Act is clarified. The current scheme is built around education, facilitation and investigation, yet in the community and again, specifically the faith community, confusion and a lack of clarity in the educational materials that do exist. To give VEOHRC more coercive authority will only increase fear, uncertainty and self-censorship rather than improving outcomes.

Secondly, VEOHRC should be required to develop neutral, faith-specific guidance in consultation with a broad range of religious communities, including those holding traditional beliefs on sex, marriage and gender as suggested in this submission previously.

Thirdly, if VEOHRC retains both facilitative and enforcement roles, there should be stronger safeguards for independence and procedural fairness, including clear separation between education/facilitation staff and investigation/enforcement staff. There should also be a procedural??

Finally, we would not support a broad positive duty or wider compulsory powers.

10. ARE THERE BARRIERS TO REPORTING, INVESTIGATING AND PROSECUTING CRIMINAL CHANGE OR SUPPRESSION OFFENCES? IF SO, WHAT ARE THEY?

No answer.

11. ARE THERE OTHER ASPECTS OF THE CRIMINAL OFFENCES IN THE ACT THAT LIMIT THEIR EFFECTIVE OPERATION? IF SO, WHAT CHANGES OR SUPPORTS COULD IMPROVE THEIR OPERATION?

The main feature limiting the effective operation of the criminal offences is the ambiguity in what constitutes a "change or suppression practice", particularly in relation to ordinary conversations, prayer, pastoral care, and other non-coercive conduct. Criminal offences must always be clearly defined. This is essence of the Criminal Law.

A related difficulty is causation. The offences depend not only on a change or suppression practice having occurred, but on that conduct causing injury or serious injury. In many real-world situations, especially where the alleged conduct consists of words, prayer, or pastoral interactions over time, it may be very difficult to draw a clear and direct causal connection between a particular act and the harm alleged. That makes the offences inherently difficult to investigate and prosecute.

Indeed, even with the Act's currently broad definitions, the fact that no criminal prosecution has proceeded suggests there is no clear evidence of a direct link between present-day conduct that might be characterised as change or suppression and the level of harm required for a criminal offence.

The most important improvement would be to narrow and clarify the definition so that the criminal law is directed only to clearly coercive, abusive, or degrading conduct. The criminal offences should be focused on conduct involving force, threats, intimidation, detention, or organised and sustained pressure, rather than leaving ordinary religious or familial interactions to be judged after the fact.

12. DO EXISTING AVENUES FOR REDRESS ADEQUATELY MEET THE NEEDS OF VICTIM-SURVIVORS OF CHANGE OR SUPPRESSION PRACTICES? ARE THERE GAPS, HARMS OR BARRIERS THAT REQUIRE AN ADDITIONAL OR SEPARATE REDRESS MECHANISM?

Existing avenues should not be expanded. The VLRC notes that Victoria already has several pathways through which a person may seek some form of redress, including VEOHRC facilitation, ordinary civil action, the Financial Assistance Scheme, and compensation orders following conviction.

Should this be extended to a pathway to VCAT? The definition of a "change or suppression practice" remains too ambiguous, therefore the answer must be in the negative.

As the VLRC itself notes, the Act can apply to teachings, counselling and spiritual care activities. As specified previously in this submission until there is much clearer guidance on what is and is not prohibited, any expansion of redress would risk encouraging claims, investigations and settlement pressure in relation to conduct that may ultimately be lawful, especially in religious, familial and pastoral settings.

Again with 14 reports in five years and no criminal prosecutions, this is not a sound basis on which to create a broader compensatory regime or separate redress mechanism.

A bespoke redress scheme or new civil cause of action would likely amplify the effect already created by the Act's uncertainty, and could also amplify the risk of frivolous or vexatious claims. It would expose clergy, parents, volunteers, churches and schools to greater legal and reputational risk before the boundaries of the law have been properly settled. Therefore, expansion of redress should be approached with great caution and, in our view, should not occur.

13. SHOULD A CIVIL CAUSE OF ACTION BE INTRODUCED UNDER THE ACT? WHAT DISTINCT PURPOSE WOULD IT SERVE COMPARED TO EXISTING PATHWAYS?

A civil cause of action should not be introduced under the Act at this stage.

Whilst the underlying concept of a "change or suppression practice" remains ambiguous, the introduction of a civil remedy should not occur.

If liability is determined by contested questions of purpose, targeting, context and alleged harm, a new civil cause of action would invite factually complex and highly subjective claims in relation to prayer, pastoral conversations, parental guidance and other ordinary religious interactions.

There are already existing pathways by which a person may seek redress or support, including VEOHRC facilitation, ordinary civil actions, the Financial Assistance Scheme, and compensation orders where criminal liability is established. If those avenues are thought to have gaps, the first step should be to clarify the definition and narrow the Act's reach to clearly coercive, abusive and harmful conduct. Once again, the limited number of reports must be an indicator that civil action should not be added to the Act.

Prepared by Pastor [redacted]
For and on behalf of Australian Christian Churches