

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 in its existing incarnation substitutes ideological virtue-signalling for a balanced approach to identifying authentic harm within society.

This is illustrated by its expansive and ill-defined description of “change or suppression practice,” which captures conduct that is plainly innocuous while neglecting to delineate the coercive or exploitative behaviours that have caused genuine suffering.

A credible victim protection framework must focus squarely on preventing serious, demonstrable wrongdoing - not on casting such a wide net that it stifles everyday discussion, spiritual counsel, or legitimate clinical treatment.

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 proposed legislation constitutes an unprecedented encroachment by the state into the doctrinal and theological domain of religious institutions. Such intrusion raises profound constitutional questions regarding the protection of freedom of religion under both domestic law and international human rights instruments.

The Act, in its current formulation, fails to articulate clear and objective criteria for determining what constitutes a “change or suppression practice.” The absence of definitional precision exposes religious leaders and institutions to significant legal ambiguity, thereby undermining the principles of legal certainty and proportionality fundamental to sound legislative drafting.

This lack of clarity will, as a matter of practical effect, compel faith leaders to engage in pre-emptive self-censorship to mitigate personal or institutional risk. In pastoral or educational contexts, a minister or counsellor cannot reasonably ascertain whether theological discourse, moral instruction, or Socratic dialogue regarding personal identity or orientation might be interpreted as falling within the Act's prohibitions.

The resulting chilling effect on spiritual expression and doctrinal exposition constitutes a substantive interference with the lawful and longstanding freedoms of conscience, religion, and speech.

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

The Act, by failing to afford explicit protection to clinicians whose practice is shaped by faith-informed perspectives on gender, creates a legal environment that disincentivises diversity of belief and conscience in medical care.

Because the health services exclusion cannot reliably be invoked where clinical reasoning is informed by religious conviction, practitioners of faith are rendered legally vulnerable for acting in accordance with their conscience. This omission undermines the principle of inclusivity that underpins patient centred care and creates inconsistency with broader human rights protections safeguarding freedom of conscience, belief, and

religion.

The legislative framework, as it stands, risks marginalising ethical and faith-based practitioners and impeding the development of genuinely pluralistic healthcare policy.

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?

As presently framed, the Act captures circumstances in which an individual voluntarily seeks advice, prayer, or pastoral support concerning matters of sexual orientation or gender identity, thereby exposing the faith leader or counsellor to criminal or civil sanction.

This framework impermissibly restricts both the individual's right to receive spiritual guidance and the counsellor's right to offer it, undermining the freedoms of belief, conscience, and religion recognised under domestic and international human rights law.

Accordingly, the legislation should be revised to delineate, with specificity, faith based activities and pastoral engagements that fall outside its prohibitions. By codifying such protections, Parliament would safeguard individuals' ability to pursue spiritual care voluntarily, while maintaining appropriate limits against genuinely coercive or harmful conduct.

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 issued by the Victorian Law Reform Commission substantially shape how the public and professionals interpret the Change or Suppression (Conversion) Practices Prohibition Act 2021.

Unfortunately, the materials' expansive characterisation of potentially prohibited conduct generates an inhibitory effect across religious, pastoral, and clinical contexts, discouraging legitimate discussion and support for fear of legal repercussion.

Such framing embeds a presupposition that affirmation of self declared gender identity constitutes the only medically appropriate response. This is an assumption not sustained by the best available scientific evidence and is contradicted by reviews such as the Cass Review, which advocate for evidence based caution and comprehensive psychosocial evaluation.

By grounding its analysis in a contested premise, the Commission compromises its capacity to produce impartial, reliable, and balanced recommendations to the Legislature.

For consultation processes to fulfil their statutory purpose, they must reflect epistemic neutrality and avoid privileging a single, disputed clinical model.

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 (VEOHRC) should be expressly required, under the Change or Suppression (Conversion) Practices Prohibition Act 2021, to take into account current best evidence of clinical and social research when developing educational or guidance materials.

Embedding such an obligation within the framework of the Act would ensure that the Commission's outputs remain scientifically robust, contemporaneous, and proportionate to demonstrable public need, thereby minimising the risk of producing materials that could inadvertently mislead stakeholders or cause harm to affected individuals.

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

Introducing a civil cause of action under the Change or Suppression (Conversion) Practices Prohibition Act 2021 would have deleterious and unintended structural consequences for both religious institutions and civil society.

It would enable private individuals to pursue actions against pastors, counsellors, or faith based organisations through a lower evidentiary threshold than that required in criminal law, while exposing respondents to financial liability even in the absence of proven wrongdoing.

Coupled with the Act's expansive and ambiguous definition of "conversion practice," such a reform would transform ordinary pastoral dialogue, scriptural teaching, or clinical reflection into potential grounds for litigation.

The resulting suppressive climate would strike at the heart of religious freedom, constraining open discourse, corroding the trust essential to pastoral relationships, and weakening the fabric of moral and communal life in Victoria.

Source URL: <https://www.lawreform.vic.gov.au/all-projects/make-a-submission/>