

**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's definition of prohibited conduct is concerning, as it fails to clearly safeguard exploratory or Socratic questioning, which is a crucial aspect of the therapeutic process. This omission may inadvertently discourage clinicians from exploring alternative possibilities with their clients, such as same-sex attraction, or from ruling out other diagnoses, like autism spectrum disorder, that may be relevant to their presenting issues. A genuinely neutral law would not privilege one clinical approach over another, but rather allow for a range of therapeutic methods to be employed, as long as they are not coercive or harmful.

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

The Act's provisions, as currently drafted, fail to provide sufficient protection for practitioners who hold non-affirming clinical views, leaving them uncertain whether their ordinary professional practice is lawful even when it is evidence-based and conducted with informed consent. The necessity exemption's higher threshold for non-affirming interventions, coupled with the explicit example of psychotherapy as a prohibited suppression activity, creates a chilling effect on clinical practice and undermines the role of reasonable professional judgment, which must be allowed to encompass minority or dissenting clinical approaches in light of the contested evidence base.

**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 fails to account for the complexities of an individual's faith and identity. A lesbian, gay or bisexual person who holds strong religious convictions and seeks support to reconcile their faith with their same-sex attraction is not provided for under the Act. If such an individual were to approach a pastor or faith-based counsellor for guidance, the practitioner would be at risk of liability under the Act, despite the person having freely sought out their assistance. This oversight represents an extraordinary intrusion into both the religious freedom of individuals and the autonomy of those seeking support. The Act's failure to accommodate the nuances of faith and identity undermines the very principles of freedom and choice it purports to uphold.

**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 description of the Change or Suppression (Conversion) Practices Prohibition Act 2021 and its application presented in the consultation materials is fundamentally flawed, as it reflects a contested clinical position that is not supported by the best available evidence, including the findings of the Cass Review, and instead advances an advocacy agenda that seeks to expand the reach of the Act beyond its legislative requirements.

**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's (VEOHRC) consideration of the Change or Suppression (Conversion) Practices Prohibition Act 2021 would benefit from engagement with the findings of the Cass Review, the most comprehensive independent review of gender medicine for children and young people ever conducted. Additionally, VEOHRC should also consult up-to-date systematic reviews of the evidence on gender-affirming care to ensure a thorough understanding of the complex issues at play. By failing to critically evaluate the evidence and instead promoting affirmation of gender identity as the only medically appropriate option, VEOHRC materials risk causing serious harm to vulnerable young people.

**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 the most chilling form of speech regulation available, creating a pervasive chilling effect on speech that goes far beyond any legitimate regulatory purpose, as it enables any individual who feels aggrieved to bring a claim with a lower standard of proof, while also imposing costs on the respondent regardless of the outcome, thereby threatening to stifle the expression of sincerely held views in conversations, sermons, therapy sessions, and public forums.