

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 purports to be neutral, yet its provisions betray a bias towards a particular clinical approach, thereby undermining its purported neutrality. A genuinely neutral law would not privilege one clinical approach over another, allowing for diverse perspectives and treatment options to coexist. However, this Act falls short of achieving such neutrality. The definition of prohibited conduct is overly broad and fails to clearly protect exploratory or Socratic questioning, a crucial aspect of the therapeutic process. This omission raises concerns that clinicians may be unduly constrained in exploring alternative possibilities, such as same-sex attraction, or ruling out other diagnoses, including autism spectrum disorder, with their clients.

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

The necessity exemption in the Change or Suppression (Conversion) Practices Prohibition Act 2021 is concerning as it establishes a higher threshold for non-affirming interventions than for affirming ones, a distinction not present in the New South Wales equivalent. This discrepancy may inadvertently create unequal treatment of individuals seeking different types of support. The Act's failure to provide clear protection for practitioners exercising reasonable professional judgment, including those holding minority or dissenting clinical views, undermines confidence in the provision of evidence-based care with informed consent.

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 overlooks the needs of LGB individuals who hold strong religious convictions and seek support to reconcile their faith with their same-sex attraction. These individuals may wish to access guidance from a faith-based counsellor or pastor to help them live in accordance with their religious beliefs, yet the Act fails to provide a clear pathway for them to do so. A person of faith who consensually seeks such support is not protected by the Act, which prioritises suppression of same-sex attraction over the individual's autonomy and agency. This has significant implications for faith-based practitioners who may be asked to provide support, as they risk liability under the Act despite the individual's explicit request for guidance. The Act's failure to account for these circumstances raises concerns about the erosion of religious freedom and the inability of individuals to access support that aligns with their deeply held beliefs.

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 an unduly broad scope, producing a chilling effect by characterising the broadest possible range of conduct as potentially prohibited under the Change or Suppression (Conversion) Practices Prohibition Act 2021. This framing of ordinary conversations, pastoral care,

and clinical practice as potential conversion practices deters Victorians from engaging in lawful speech and activity, undermining the very freedoms the Act purports 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 (VEOHRC) should be required to consider current best-evidence guidance when developing materials under the Change or Suppression (Conversion) Practices Prohibition Act 2021 to ensure that the information provided is reliable and trustworthy. This provision should also mandate engagement with the findings of the Cass Review, the most comprehensive independent review of gender medicine for children and young people ever conducted, and the materials should not be permitted to stand as authoritative guidance under the Act.

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

The Act's broad definition of a change or suppression practice is so expansive that it captures not only coercive or abusive conduct, but also the mere expression of sincerely held views in everyday conversations, sermons, therapy sessions, or public forums, thereby creating a pervasive chilling effect on speech that far exceeds any legitimate regulatory purpose and threatens to stifle open discussion and debate.