

**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 is overly broad in its definition of "change or suppression practice", capturing conduct that is innocuous and causes no harm, while neglecting to clearly delineate the coercive or abusive conduct that has been reported by genuine victims of conversion practice. This lack of precision undermines the Act's purported aim of protecting victims, instead threatening to entangle ordinary conversations, pastoral care, and clinical practice in a overly restrictive regulatory framework.

**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 lacks clarity regarding exploratory or Socratic questioning, potentially hindering healthcare professionals from engaging in open and nuanced discussions with patients about their experiences and identities. This omission is concerning as it may prevent the exploration of alternative possibilities, such as same-sex attraction, and the consideration of other diagnoses, including autism spectrum disorder. The Act's default affirmation-only approach to gender identity, coupled with a carve-out for practices that encourage or promote gender transition, raises concerns that non-affirmation practices will be unfairly exposed to liability.

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

The Victorian Law Reform Commission's consultation on the Change or Suppression (Conversion) Practices Prohibition Act 2021 raises concerns regarding the necessity exemption, which diverges from the New South Wales equivalent by imposing a higher threshold for non-affirming interventions than for affirming ones. This discrepancy undermines the principle of equal treatment and may lead to unintended consequences, as it implies that non-affirming interventions are inherently more problematic than affirming ones. The Act's failure to provide clear protections for practitioners with non-affirming clinical views, despite the contested evidence base, creates uncertainty and may have a chilling effect on clinical practice, as evidenced by the express example that psychotherapy is a prohibited suppression activity unless it falls within the exemption.

**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 raises significant concerns regarding the potential liability of religious leaders and faith-based counsellors. A pastor or faith-based counsellor who responds to a person's request for support or guidance on matters of sexual orientation or gender identity would risk liability under the Act, even though the person sought out that support freely. This is a deeply troubling scenario, as it implies that the government is better equipped to determine what constitutes acceptable spiritual guidance than the individual seeking it.

Furthermore, this provision is an extraordinary intrusion into both religious freedom and individual autonomy, as it seeks to dictate the boundaries of permissible pastoral care and counsel. By doing so, the Act undermines the fundamental right of individuals to seek out spiritual guidance 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 issued by the Victorian Law Reform Commission have a profound chilling effect on lawful speech and activity, as they characterise a broad range of conduct as potentially prohibited, including ordinary conversations and pastoral care. By proceeding from the assumption that affirmation of gender identity is the only medically appropriate option, the materials embed a contested clinical position not supported by the best available evidence, including the Cass Review, and cannot produce balanced or evidence-based recommendations.

**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) materials that uncritically adopt affirmation of gender identity as the only medically appropriate option are of concern as they risk causing serious harm to vulnerable young people. The Commission's narrow approach overlooks the complexity of the issue and the need for a more nuanced understanding of the evidence. To ensure the well-being of all individuals, particularly children and adolescents, VEOHRC should engage with a range of up-to-date systematic reviews of the evidence on gender-affirming care, rather than relying on a single perspective, and be required to consider current best-evidence guidance when developing materials under this Act.

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

The creation of a private right of action through civil tribunals under the Change or Suppression (Conversion) Practices Prohibition Act 2021 has a profound impact on freedom of speech. This provision creates a pervasive chilling effect on speech that goes far beyond any legitimate regulatory purpose, as individuals will be reluctant to express their views for fear of being taken to a tribunal. The breadth of the definition of change or suppression practices means that expressing a sincerely held view in a conversation, sermon, therapy session, or public forum could trigger liability, with the respondent facing significant costs and a lower standard of proof applied in civil claims.

