

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 undermines its stated aim of neutrality by effectively mandating a single clinical approach, thereby intruding on the content of religious doctrine in an unprecedented manner, and defaults to outlawing doctrinal preaching on questions of sexuality and gender, while also failing to clearly protect exploratory or Socratic questioning, and instead promoting an affirmation-only approach that exposes non-affirmation practices to liability, including prayer-based practices, without providing clarity on what practices will be deemed permissible.

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

The Change or Suppression (Conversion) Practices Prohibition Act 2021 creates uncertainty for practitioners holding non-affirming clinical views, as they cannot be confident that their ordinary professional practice is protected, even when it is evidence-based and conducted with informed consent. This Act's problematic provisions effectively discriminate against clinicians of faith, treating their perspective as presumptively incompatible with professional judgment, and the health services exclusion does not provide adequate protection for those whose clinical approach is informed by religious belief.

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 absence of explicit examples of faith-based practices that are exempt from the definition of change or suppression practices in the Act, unlike the NSW Bill, has created uncertainty and concern that legitimate religious activities may be inadvertently caught, and therefore, the Act should be amended to provide clear examples of faith-based practices that are explicitly protected to alleviate the chilling effect on religious communities.

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 released by the Victorian Law Reform Commission have a chilling effect on individuals and organisations by characterising a wide range of conduct as potentially prohibited under the Change or Suppression (Conversion) Practices Prohibition Act 2021, which is not a neutral description of the law but rather an advocacy document 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 should engage with the findings of the Cass Review, the most comprehensive independent review of gender medicine for children and young people ever conducted, when developing materials under the Change or Suppression (Conversion) Practices Prohibition Act 2021. The Commission should also be required to consider current best-evidence guidance and other up-to-date systematic reviews of the evidence on gender-affirming care, and any materials developed 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 introduction 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, as it allows any individual to bring a claim against another person for engaging in conduct deemed to be a change or suppression practice. This provision is particularly concerning as it creates a significant costs burden on respondents, even those who ultimately succeed in defending the claim, thereby deterring any pastoral engagement with questions related to sexual orientation and gender identity.