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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 Act's carve-out for practices that encourage or promote gender transition creates an imbalance, where affirmation is explicitly protected while non-affirmation is left vulnerable to liability, undermining the principle of neutrality. A genuinely neutral law would not privilege one clinical approach over another, yet the definition of prohibited conduct defaults to an affirmation-only approach, failing to clearly protect exploratory or Socratic questioning that considers alternative possibilities or rules out other diagnoses.

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 review of the Change or Suppression (Conversion) Practices Prohibition Act 2021 must consider the importance of allowing reasonable professional judgment to encompass minority or dissenting clinical approaches, given the complex and contested evidence base surrounding sexual orientation and gender identity, to prevent undue restriction of therapeutic options for individuals seeking care.

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 represents an extraordinary intrusion into both religious freedom and individual autonomy, as it seeks to regulate the most intimate and personal aspects of an individual's life. The Act's provisions would have a chilling effect on the ability of individuals to seek guidance and support from their faith leaders, as a pastor or faith-based counsellor who responds to a request for support would risk liability under the Act, even if the person sought out that support freely and without coercion. This undermines the fundamental right of individuals to make their own choices about their spiritual and emotional well-being.

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 accompanying the Change or Suppression (Conversion) Practices Prohibition Act 2021 fail to provide a neutral description of the law, instead advocating for an expansive interpretation that exceeds the legislation's requirements. By casting a wide net and characterizing ordinary conversations, pastoral care, and clinical practice as potentially prohibited conduct, the materials have a chilling effect that deters Victorians from engaging in lawful speech and activity.

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.

In order to ensure the development of accurate and effective materials under the Change or Suppression (Conversion) Practices Prohibition Act 2021, VEOHRC should be required to consider the most up-to-date and comprehensive evidence available, including other systematic reviews of gender-affirming care and the findings of the Cass Review, rather than relying on outdated or discredited materials that 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 creation of a private right of action under the Change or Suppression (Conversion) Practices Prohibition Act 2021 is concerning as it allows any individual who feels aggrieved to bring a civil claim, with a lower standard of proof required compared to criminal prosecution, and with the respondent bearing the costs regardless of the outcome. This provision effectively constitutes the most chilling form of speech regulation available, as it empowers individuals to bring potentially crippling claims against others without the safeguard of a criminal standard of proof.

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