

[REDACTED]

**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, in its current form, prioritizes intersectional politics over identifying and addressing genuine instances of serious harm in the community, as evidenced by its overly broad definition of "change or suppression practice", which fails to provide clear guidance on what constitutes coercive or abusive conduct, instead capturing innocuous conduct such as ordinary conversations, pastoral care, and clinical practice, thereby undermining the Act's purported goal of protecting victims of conversion practices.

**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 definition of prohibited conduct is concerning as it fails to clearly safeguard exploratory or Socratic questioning, leaving clinicians uncertain about whether they can engage in discussions that explore alternative possibilities, such as same-sex attraction, or ruling out other diagnoses, like autism spectrum disorder, without inadvertently contravening the law.

**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 may inadvertently capture lawful and evidence-based clinical practices, causing uncertainty among practitioners who hold non-affirming clinical views. These practitioners cannot be confident that their ordinary professional practice is protected, even where it is conducted with informed consent and in accordance with established professional standards. The Act must allow for reasonable professional judgment, which necessarily includes minority or dissenting clinical approaches, given the contested evidence base surrounding sexual orientation and gender identity. The express example in the Act that psychotherapy is a prohibited suppression activity unless it falls within the exemption creates a chilling effect on clinical practice, potentially leading to self-censorship and limiting the availability of diverse therapeutic options for clients. This may ultimately undermine the very goal of promoting the health and wellbeing of individuals.

**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 Act's broad definition of change or suppression practices would potentially capture a pastor or faith-based counsellor who responds to a person's request for support in living in accordance with their faith's teachings on sexuality or gender. This risks imposing liability on these individuals, despite the fact that the person sought out their support freely, and represents an extraordinary intrusion into both religious freedom and individual autonomy.

**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 provided by the Victorian Law Reform Commission are not a neutral description of the Change or Suppression (Conversion) Practices Prohibition Act 2021, but rather an advocacy document that seeks to expand the Act's scope beyond its legislative requirements. By casting a wide net over ordinary conversations, pastoral care, and clinical practice, the materials unjustifiably deter Victorians from engaging in lawful speech and activities, undermining the very principles of freedom of expression and conscience that 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's development of materials under the Change or Suppression (Conversion) Practices Prohibition Act 2021 should be informed by the findings of the Cass Review, the most comprehensive independent review of gender medicine for children and young people ever conducted. Any materials that do not reflect current best-evidence guidance, such as those that do not account for the Cass Review's findings, 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 through civil tribunals under the Change or Suppression (Conversion) Practices Prohibition Act 2021 will have a profound impact on freedom of speech, creating a pervasive chilling effect that goes far beyond any legitimate regulatory purpose, as individuals will be deterred from expressing sincerely held views in various settings, including conversations, sermons, therapy sessions, or public forums, due to the risk of costly and potentially frivolous civil claims, which can be brought by any individual with a lower standard of proof required, thereby rendering this provision the most chilling form of speech regulation