

**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 overly broad and fails to clearly exempt exploratory or Socratic questioning, leaving clinicians uncertain about how to engage in legitimate and necessary inquiries, such as exploring alternative possibilities or ruling out other diagnoses. This provision defaults to an affirmation-only approach, which privileges one clinical approach over others and undermines the principles of neutral and evidence-based practice.

**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 with non-affirming clinical views, who cannot be confident that their ordinary professional practice is protected, even where it is evidence-based and conducted with informed consent. This lack of clarity is compounded by the necessity exemption, which establishes a higher threshold for non-affirming interventions than for affirming ones, a distinction not present in the equivalent NSW legislation. The Act should be amended to allow reasonable professional judgment to encompass minority or dissenting clinical approaches, given the contested evidence base and the need for a nuanced understanding of the complexities involved.

**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 definitions and sweeping prohibitions create a chilling effect on religious leaders and faith-based counsellors who may be asked by individuals to provide support and guidance on matters of faith and conscience. A pastor or faith-based counsellor who responds to such a request would risk liability under the Act, even though the person sought out that support freely, highlighting a significant flaw in the legislation. This is an extraordinary intrusion into both religious freedom and individual autonomy, where an LGB person of faith who consensually seeks support to live and practise their religion consistent with their same-sex attraction is not catered for by the Act.

**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 Victorian Law Reform Commission's consultation materials have created a climate of uncertainty and self-censorship among Victorians, who are now hesitant to engage in ordinary conversations or provide pastoral care and clinical practice due to the risk of being misinterpreted as engaging in conversion practices. By casting such a wide net, the materials effectively deter individuals from exercising their lawful right to free speech and engaging in legitimate activities. This overbroad characterisation of potentially prohibited conduct produces a chilling effect, stifling open and honest communication and 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 guidance materials under the Change or Suppression (Conversion) Practices Prohibition Act 2021 should be informed by a comprehensive review of the evidence, including up-to-date systematic reviews of the effectiveness and safety of gender-affirming care for children and adolescents. This requires that VEOHRC engage with a range of credible sources, rather than relying solely on materials that uncritically promote affirmation of gender identity as the only medically appropriate option, as such an approach risks causing serious harm to vulnerable young people.

**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 definition of change or suppression practices is so broad that it risks capturing ordinary conversations, sermons, therapy sessions, and public forums where individuals express sincerely held views, thereby triggering unintended liability. The creation of a private right of action through civil tribunals is a particularly concerning aspect of the legislation, as it represents the most chilling form of speech regulation available, liable to stifle open discussion and debate.

