

**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?**

A genuinely neutral law would not privilege one clinical approach over another, yet the Act's definition of prohibited conduct appears to do just that, by implicitly endorsing a particular therapeutic approach while leaving others vulnerable to misinterpretation. The Act's failure to clearly protect exploratory or Socratic questioning, and its explicit protection of practices that encourage or promote gender transition, defaults to an affirmation-only approach that undermines the principles of neutrality and informed consent.

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

The Act's definition of "reasonable professional judgment" must be clarified to allow for minority or dissenting clinical approaches, given the contested evidence base surrounding sexual orientation and gender identity. This provision is necessary to ensure that healthcare professionals are not unfairly restricted from using their expertise to inform treatment decisions, even if their approach diverges from the dominant view. By failing to account for diverse perspectives, the Act risks stifling innovation and hindering the development of best practices in this complex and evolving field.

**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?**

Under the Change or Suppression (Conversion) Practices Prohibition Act 2021, a pastor or faith-based counsellor who responds to a person's request for support in living according to their religious beliefs would risk liability under the Act. This is the case even though the person sought out that support freely, exercising their individual autonomy in doing so. The Act's reach into the private and voluntary interactions between a person and their faith leader or counsellor is 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 framing of ordinary conversations, pastoral care, and clinical practice as potential conversion practices in the consultation materials has a deterrent effect on Victorians, causing them to refrain from engaging in lawful speech and activity. The broad and sweeping language used in the materials creates a chilling effect, characterising a wide range of conduct as potentially prohibited, even if it does not actually contravene the Act. By adopting this approach, the consultation materials cross the line from neutral description to advocacy, seeking to expand the reach of the Act beyond its legislative intent.

**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 on the Change or Suppression (Conversion) Practices Prohibition Act 2021 should not be permitted to stand as authoritative guidance under the Act due to concerns regarding their accuracy and potential harm. Furthermore, VEOHRC should engage with other up-to-date systematic reviews of the evidence on gender-affirming care to ensure that its guidance is comprehensive and balanced, rather than relying on materials that uncritically adopt affirmation of gender identity as the only medically appropriate option, which 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 broad definition of change or suppression practices creates a pervasive chilling effect on speech that goes far beyond any legitimate regulatory purpose. The breadth of this definition means that expressing a sincerely held view in a conversation, sermon, therapy session, or public forum could trigger liability, thereby stifling open and honest communication. Furthermore, allowing a private right of action through civil tribunals, where any individual can bring a claim with a lower standard of proof and costs falling on the respondent regardless of outcome, is the most chilling form of speech regulation available.