

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, as written, appears to prioritize intersectional politics over identifying and addressing genuine instances of serious harm in the community. The definition of "change or suppression practice" is overly broad, capturing conduct that is entirely harmless, while failing to provide clear guidance on what constitutes the kind of coercive or abusive conduct that has been reported by victims of conversion practice. A law truly committed to protecting victims should be precisely targeted at preventing serious harm, rather than drafted so broadly that it inadvertently captures ordinary conversations, pastoral care, and clinical practice.

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 provision in the Act that explicitly protects practices which encourage or promote gender transition, while leaving non-affirmation exposed to liability, is of concern as it creates an uneven playing field where affirmation is privileged over other approaches. A genuinely neutral law would not favour one clinical approach over another, yet the current definition defaults to an affirmation-only approach and fails to clearly protect exploratory or Socratic questioning, potentially leaving clinicians vulnerable to liability for simply exploring alternative possibilities or ruling out other diagnoses.

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

Concerns about the scope of the Change or Suppression (Conversion) Practices Prohibition Act 2021 arise from the uncertainty surrounding what constitutes a prohibited practice. Practitioners who hold non-affirming clinical views, yet engage in evidence-based practice with informed consent, cannot be confident that their ordinary professional activities are protected from being misconstrued as prohibited practices. The Act's express example that psychotherapy is a prohibited suppression activity unless it falls within the exemption creates a chilling effect on clinical practice, deterring practitioners from providing necessary care and support to their clients.

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 prohibition on change or suppression practices constitutes an extraordinary intrusion into both religious freedom and individual autonomy, as it fails to account for the complex and deeply personal circumstances of LGB individuals of faith who may seek consensual support to reconcile their sexual orientation with their religious beliefs, and would instead render liable a pastor or faith-based counsellor who responds to such a request in good faith.

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?

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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, to ensure that its guidance and materials developed under the Change or Suppression (Conversion) Practices Prohibition Act 2021 are informed by the most up-to-date and evidence-based research in this area.

13. Should a civil cause of action be introduced under the Act? What distinct purpose would it serve compared to existing pathways?

The inclusion of a private right of action through civil tribunals in the Change or Suppression (Conversion) Practices Prohibition Act 2021 is a deeply concerning provision that poses a significant threat to freedom of speech. This mechanism is the most chilling form of speech regulation available, as it enables any individual who feels aggrieved to bring a claim, without the need for the Attorney-General to initiate proceedings. Unlike a criminal prosecution, which requires a higher standard of proof and is subject to rigorous evidentiary requirements, civil claims can be brought with a lower standard of proof, with the respondent bearing the costs regardless of the outcome.