

The following submission to this review has been received

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 provide sufficient clarity on what constitutes permissible exploratory or Socratic questioning, potentially chilling open and non-judgmental discussions between healthcare professionals and their clients. This lack of clarity may lead to clinicians avoiding exploration of alternative possibilities, such as same-sex attraction, or ruling out other diagnoses, like autism spectrum disorder, for fear of inadvertently engaging in prohibited conduct. A genuinely neutral law would not privilege one clinical approach over another, yet the Act's definition defaults to an affirmation-only approach, undermining the principles of neutral and non-directive care.

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

The Act's requirement for reasonable professional judgment must be clarified to explicitly allow for minority or dissenting clinical approaches, given the contested and evolving evidence base surrounding the issues at hand. This is necessary to ensure that practitioners are not unfairly restricted from providing evidence-based care that deviates from prevailing but not universally accepted views.

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 provisions risk unfairly penalizing faith leaders and counsellors who provide support to individuals seeking to align their same-sex attraction with their deeply held religious beliefs. A pastor or faith-based counsellor who responds to a request for guidance on living a life consistent with their faith would risk liability under the Act, despite the individual having freely sought out that support. This raises serious concerns about the Act's impact on religious freedom and the ability of individuals to access the support they desire. Furthermore, the Act fails to account for the needs of LGB individuals of faith who consensually seek support to live and practise their religion in a way that aligns with their same-sex attraction. This omission constitutes 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 have a profound impact on the public's understanding of the Change or Suppression (Conversion) Practices Prohibition Act 2021, yet they produce a chilling effect by characterising the broadest possible range of conduct as potentially prohibited, thereby deterring individuals from engaging in lawful activities. The language and tone of the materials are not a neutral description of the law, but rather an advocacy document that seeks to maximise the reach of the Act beyond what the legislation actually requires.

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 developing materials under the Change or Suppression (Conversion) Practices Prohibition Act 2021, the Victorian Equal Opportunity and Human Rights Commission should be required to consider current best-evidence guidance to ensure that the information provided is accurate and reliable. Furthermore, these materials should not be permitted to stand as authoritative guidance under the Act, and the Commission should engage with the findings of the Cass Review and other up-to-date systematic reviews of the evidence on gender-affirming care, rather than uncritically adopting 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, stifling open discussion and debate on matters of conscience and belief. The sweeping scope of the definition means that expressing a sincerely held view in a conversation, sermon, therapy session, or public forum could trigger liability, with far-reaching and damaging consequences for individuals and communities.