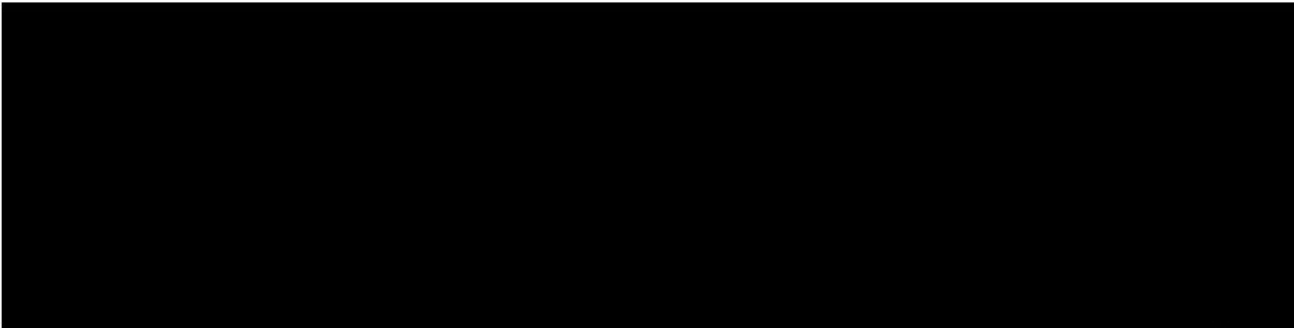


The following submission to this review has been received



**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 definition of change or suppression practices in the Act defaults to an affirmation-only approach, which raises concerns about the law's neutrality and potential to stifle open and nuanced discussions about an individual's experiences and feelings. A genuinely neutral law would not privilege one clinical approach over another, and therefore, the Act's definition and provisions should be revised to ensure that exploratory and Socratic questioning, including discussions about alternative possibilities and differential diagnoses, are clearly protected from liability.

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

The Act's broad definitions and uncertain exemptions create a chilling effect on practitioners who hold non-affirming clinical views, leaving them uncertain whether their ordinary professional practice is protected even when it is evidence-based and conducted with informed consent. The necessity exemption, unlike its NSW counterpart, introduces a higher threshold for non-affirming interventions than for affirming ones, which is inconsistent and potentially discriminatory. This provision undermines the principle of reasonable professional judgment, which must be allowed to encompass minority or dissenting clinical approaches, given the contested evidence base in this area.

**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 Change or Suppression (Conversion) Practices Prohibition Act 2021 fails to account for the scenario in which an LGB person of faith, who consensually seeks support to reconcile their same-sex attraction with their religious beliefs and practices, is unable to access the guidance they desire without their pastor or faith-based counsellor risking liability under 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 framing of ordinary conversations, pastoral care, and clinical practice as potential conversion practices in the consultation materials has the effect of deterring Victorians from engaging in lawful speech and activity. By characterising the broadest possible range of conduct as potentially prohibited, the materials produce a chilling effect that is 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 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.**

The Victorian Equal Opportunity and Human Rights Commission (VEOHRC) must be required to consider current best-evidence guidance when developing materials under the Change or

Suppression (Conversion) Practices Prohibition Act 2021. This provision is essential to ensure that materials developed by VEOHRC are informed by the most up-to-date and reliable evidence, rather than ideology or unsubstantiated claims. However, the Act must not permit such materials to stand as authoritative guidance, as this risks enshrining a particular approach as the only acceptable one, which may not be in the best interests of all individuals, particularly 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 breadth of the Change or Suppression (Conversion) Practices Prohibition Act 2021 creates a pervasive chilling effect on speech that goes far beyond any legitimate regulatory purpose. By casting a wide net over various forms of communication, the Act risks stifling open and honest discussion on matters of significant public interest. This is further exacerbated by the Act's provision for civil claims, which can be brought by any individual who feels aggrieved, with a lower standard of proof and costs falling on the respondent regardless of outcome.

