

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 is fundamentally flawed in its approach, prioritizing intersectional politics over the identification and prevention of genuine harm within the community. This provision is exemplified in the overly broad definition of "change or suppression practice", which fails to distinguish between innocuous conduct and coercive or abusive practices that have been reported by victims of conversion therapy. Consequently, the Act's sweeping scope risks capturing ordinary conversations, pastoral care, and clinical practice, rather than being precisely targeted at preventing serious harm.

2. To what extent do you think the community is aware of and understands: a. the Act and how it works b. what change or suppression practices are and c. the harm caused by change or suppression practices

I don't think they understand it at all.

3. Could the Act's operation and effectiveness be improved? If so, how?

By making gender transition the last possible option so that you can ensure all other options have been exhausted before you wind up with law suits up the wazoo like ██████████ win in America.

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 defaults to an affirmation-only approach, which raises concerns about the restriction of therapeutic options for individuals seeking to explore their sexual orientation or gender identity. This provision, combined with the carve-out for practices that encourage or promote gender transition, may privilege affirmation over other clinical approaches, potentially leaving non-affirmation practices exposed to liability and undermining the principles of a genuinely neutral law.

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

The necessity exemption in the Change or Suppression (Conversion) Practices Prohibition Act 2021 is problematic, as it imposes a higher threshold for non-affirming interventions than for affirming ones, unlike the equivalent provision in New South Wales. This disparate treatment is concerning, as it may lead to unequal protection for individuals seeking support. The Act's failure to allow for reasonable professional judgment that includes minority or dissenting clinical approaches, given the contested evidence base, further exacerbates this issue, and the explicit example that psychotherapy is a prohibited suppression activity unless exempt creates a chilling effect on clinical practice.

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 individuals who identify as lesbian, gay or bisexual and also hold strong religious convictions, leaving them without recourse to support that aligns with their faith. A person of faith who consensually seeks guidance on integrating their same-sex attraction with their religious beliefs would find that the Act does not provide for their needs. This oversight results in an extraordinary intrusion into both religious freedom and individual autonomy, as a pastor or faith-based counsellor responding to such a request would risk 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 Victorian Law Reform Commission's consultation materials on the Change or Suppression (Conversion) Practices Prohibition Act 2021 are not a neutral description of the law, but rather an advocacy document that seeks to expand the reach of the Act beyond its legislative requirements. This approach is concerning, as it promotes a contested clinical position that is not supported by the best available evidence, including the Cass Review. The consultation materials are inherently biased, proceeding from the assumption that affirmation of gender identity is the only medically appropriate option, thereby dismissing alternative perspectives and approaches. As a result, the consultation process is compromised, and it is unlikely to produce balanced or evidence-based recommendations. By framing ordinary conversations, pastoral care, and clinical practice as potential conversion practices, the materials have a chilling effect, deterring Victorians from engaging in lawful speech and activity.

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) should be required to engage with the findings of the Cass Review, a comprehensive and independent review of gender medicine for children and young people, to ensure that its actions under the Change or Suppression (Conversion) Practices Prohibition Act 2021 are informed by the best available evidence. In developing materials under this Act, VEOHRC should also be mandated to consider current best-evidence guidance, to ensure that its resources are accurate, reliable, and safe for all Victorians. By failing to critically evaluate the affirmation of gender identity as the only medically appropriate option, VEOHRC materials risk causing serious harm to vulnerable young people.

10. Are there barriers to reporting, investigating and prosecuting criminal change or suppression offences? If so, what are they?

No, if anything, the reach is too broad. Under the act, genuine concerns and conversations can be misconstrued as "conversion."

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 provisions create a pervasive chilling effect on speech that goes far beyond any legitimate regulatory purpose, stifling open and honest discussion on matters of personal identity and belief. By vesting a private right of action through civil tribunals, the Act employs the most chilling form of speech regulation available, as civil claims can be brought by any individual who feels aggrieved with a lower standard of proof and costs falling on the respondent regardless of outcome. The breadth of the definition is so expansive that expressing a sincerely held view in a conversation, sermon, therapy session, or public forum could trigger liability, casting a long shadow of fear over free expression.

Source URL: <https://www.lawreform.vic.gov.au/all-projects/make-a-submission/>