

**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 carve-out for practices that encourage or promote gender transition effectively shields affirmation-based approaches from liability, while leaving non-affirmation practices vulnerable to prosecution, which undermines the neutrality and clinical flexibility that a genuinely inclusive law should provide.

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

The Act's failure to provide adequate protection for practitioners with non-affirming clinical views, who may be acting in good faith and with informed consent, undermines confidence in the legitimacy of the legislation, as evidenced by the fact that the necessity exemption imposes a higher threshold for non-affirming interventions than for affirming ones, unlike the more balanced approach adopted in NSW, and disregards the importance of allowing reasonable professional judgment to encompass minority or dissenting clinical approaches in a contested field, while the explicit classification of psychotherapy as a prohibited suppression activity unless exempted creates a chilling effect on clinical practice and discour

**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 represents an extraordinary intrusion into both religious freedom and individual autonomy, undermining the fundamental rights of Victorians to seek guidance and support from their chosen spiritual leaders. A pastor or faith-based counsellor who responds to a person's request for support in line with their deeply held beliefs would risk liability under the Act, despite the person having freely sought out that support.

**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 accompanying the Change or Suppression (Conversion) Practices Prohibition Act 2021 consultation are problematic in that they provide a description of the law that is more expansive and interpretive than the actual legislation, effectively advocating for an extension of the Act's reach rather than offering a neutral explanation, thereby producing a chilling effect by characterising a broad range of conduct, including ordinary conversations, pastoral care, and clinical practice, as potentially prohibited, and 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.**

In reviewing the evidence on gender-affirming care, the Victorian Equal Opportunity and Human

Rights Commission (VEOHRC) should broaden its scope to include other up-to-date systematic reviews beyond those already considered. This would ensure that the Commission's understanding of the issue is comprehensive and informed by the latest research. However, the Commission's materials have been criticized for uncritically adopting affirmation of gender identity as the only medically appropriate option, which risks causing serious harm to vulnerable young people who may require a more nuanced approach. By neglecting to present alternative perspectives and evidence-based guidance, these materials may inadvertently perpetuate harm. The Commission should be required to consider current best-evidence guidance when developing materials under this Act to ensure the well-being and safety of all individuals.

**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 creation of a private right of action through civil tribunals has a profound impact on freedom of speech in Victoria, creating a pervasive chilling effect that extends far beyond any legitimate regulatory purpose. This is particularly concerning given that civil claims can be brought by any individual who feels aggrieved, with a lower standard of proof required and the respondent bearing the costs regardless of the outcome. The breadth of the definition of change or suppression practices is such that expressing a sincerely held view in a conversation, sermon, therapy session, or public forum could trigger liability, effectively stifling open and honest discussion.