

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 appears to prioritize intersectional politics over identifying and addressing genuine instances of serious harm, with a definition of "change or suppression practice" that is so broad it encompasses harmless conduct while failing to provide clear guidance on what constitutes coercive or abusive conduct, thereby risking the capture of ordinary conversations, pastoral care, and clinical practice, rather than being precisely targeted at protecting victims from serious harm.

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 inclusion of a carve-out for practices which encourage or promote gender transition in the Act explicitly protects affirmation while leaving non-affirmation exposed to liability, creating an uneven playing field for individuals seeking support. This unevenness arises because the definition defaults to an affirmation-only approach, effectively excluding the possibility of non-affirming support from being protected under the Act.

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 in that it establishes a higher threshold for non-affirming interventions than for affirming ones, a discrepancy not present in the New South Wales equivalent. This discrepancy creates an uneven playing field, where practitioners are held to different standards depending on the type of intervention being provided. As a result, practitioners who hold non-affirming clinical views cannot be confident that their ordinary professional practice is protected, even when it is evidence-based and conducted with informed consent.

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 rights of individuals to seek and receive support from faith-based counsellors and pastors. By failing to account for the complexities of an LGB person of faith who consensually seeks support to live and practise their religion consistent with their same-sex attraction, the Act risks penalizing those who provide such support, including pastors and faith-based counsellors, who would be acting in good faith and at the behest of the individual seeking help.

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 conflate same-sex attraction and gender identity, proceeding from the assumption that affirmation of gender identity is the only medically appropriate option, despite this being a contested clinical position not supported by the best available evidence, including the Cass Review, and thereby failing to adequately represent same-sex attracted Victorians and deterring 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's uncritical adoption of affirmation of gender identity as the only medically appropriate option in its materials risks causing serious harm to vulnerable young people, and therefore the Commission should also engage with other up-to-date systematic reviews of the evidence on gender-affirming care, including the findings of the Cass Review, and be required to consider current best-evidence guidance when developing materials under this Act, which should not be permitted to stand as authoritative guidance under the Act.

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

The Change or Suppression (Conversion) Practices Prohibition Act 2021 is not a neutral law, as it takes a clear stance on a contested clinical debate, effectively picking winners and losers in a field where dissenting views are legitimate and should be tolerated. By creating a civil cause of action, the Act risks chilling speech and exposing LGB-affirming therapists and counsellors to frivolous and costly claims, as any individual can bring a claim with a lower standard of proof and the respondent bears the costs regardless of outcome.