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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 Change or Suppression (Conversion) Practices Prohibition Act 2021 defaults to an affirmation-only approach in its definition of change or suppression practices, which raises concerns about the law's impartiality. A genuinely neutral law would not privilege one clinical approach over another, instead allowing for a range of evidence-based practices to support individuals questioning their gender identity. By explicitly protecting practices that encourage or promote gender transition while leaving non-affirmation practices exposed to liability, the Act effectively creates a carve-out that undermines its purported neutrality.

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 inappropriately establishes a higher threshold for non-affirming interventions compared to affirming ones, deviating from the more balanced approach taken in New South Wales, which may unjustly restrict clinicians' ability to provide evidence-based care.

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 poses significant concerns for individuals seeking faith-based support and counsel. A pastor or faith-based counsellor who responds to a request for support from a person experiencing same-sex attraction would risk liability under the Act, despite the individual having freely sought out that support. This raises serious issues about the limits of religious freedom and the autonomy of individuals to make choices about their own lives. An LGB person of faith who consensually seeks support to live and practise their religion in a way that aligns with their same-sex attraction is not provided for under the Act, effectively denying them access to support that is tailored to their specific needs and values. This represents an extraordinary intrusion into the private lives of Victorians, undermining 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 Victorian Law Reform Commission's consultation materials on the Change or Suppression (Conversion) Practices Prohibition Act 2021 have a profound impact on the daily lives of Victorians. By framing ordinary conversations, pastoral care, and clinical practice as potential conversion practices, the materials deter individuals from engaging in lawful speech and activity, thereby stifling open and honest discussion. This broad characterization of conduct as potentially prohibited produces a chilling effect, causing many to self-censor or refrain from providing support and guidance to those who need it. As a result, the materials undermine the very principles of freedom of

speech and religion that the Act purports to balance. Ultimately, this approach will have far-reaching and unintended consequences for the well-being of individuals and the community at large.

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 engage with the findings of the Cass Review, a comprehensive and independent examination of gender medicine for children and young people, to ensure that its understanding of best practice is informed by the most rigorous and up-to-date research. VEOHRC materials that uncritically adopt affirmation of gender identity as the only medically appropriate option risk causing serious harm to vulnerable young people by potentially overlooking the complexities and nuances of their needs. The Act should require VEOHRC to consider current best-evidence guidance and engage with other up-to-date systematic reviews of the evidence on gender-affirming care when developing materials to ensure that they are safe and effective.

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 has far-reaching implications that extend beyond its intended purpose, creating a pervasive chilling effect on speech that stifles open and honest discussion. This provision undermines the fundamental right to freedom of expression, as individuals become reluctant to engage in conversations or share their sincerely held views for fear of inadvertently triggering liability. The breadth of the definition of "change or suppression practice" is particularly concerning, as it could be interpreted to encompass a wide range of everyday interactions, including conversations, sermons, therapy sessions, or public forums. The Act's overreach in this regard is likely to have a profound impact on the way individuals communicate and interact with one another, ultimately stifling the free exchange of ideas and opinions. The submitter believes that this is an unacceptable outcome that undermines the very fabric of a healthy and functioning democracy.

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