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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, as currently written, appears to prioritize intersectional politics over identifying and addressing genuine instances of serious harm in the community. This is evident in the overly broad definition of "change or suppression practice", which encompasses conduct that is harmless while neglecting to provide clear guidance on what constitutes coercive or abusive conduct that has been reported by actual victims of conversion practices. A more effective law would be precisely targeted at preventing serious harm, rather than capturing ordinary conversations, pastoral care, and clinical practice within its scope.

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 change or suppression practices defaults to an affirmation-only approach, which raises concerns about the potential for unequal treatment of individuals seeking diverse therapeutic responses to gender dysphoria. A genuinely neutral law would not privilege one clinical approach over another, yet the carve-out for practices that encourage or promote gender transition explicitly protects affirmation while leaving non-affirmation exposed to liability.

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 discrepancy may inadvertently restrict the availability of certain therapeutic approaches, and it is essential that reasonable professional judgment be permitted to encompass minority or dissenting clinical perspectives, given the complexity and controversy surrounding the evidence base.

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, infringing upon the rights of individuals to seek guidance and support from their faith leaders. The Act's broad scope and vague definitions create a chilling effect, where individuals may be deterred from seeking help due to fear of repercussions. A pastor or faith-based counsellor who responds to a person's request for support and guidance on matters of sexual orientation or gender identity would risk liability under the Act, even though the person sought out that support freely and voluntarily. This raises serious concerns about the erosion of religious freedom and the ability of individuals to make informed choices about their own lives. The Act's failure to balance individual autonomy with its regulatory regime is a significant flaw that undermines its legitimacy.

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?

Concerns regarding the medical appropriateness of the sole affirmation of gender identity approach are not adequately addressed in the consultation materials, which neglect to consider the contested clinical position that this approach is not supported by the best available evidence, including the Cass Review. The assumption that affirmation is the only medically appropriate option undermines the integrity of the consultation process, which cannot produce balanced or evidence-based recommendations, and has the effect of deterring Victorians from engaging in lawful speech and activity, including ordinary conversations, pastoral care, and clinical practice.

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 order to ensure that the materials developed by the Victorian Equal Opportunity and Human Rights Commission under the Change or Suppression (Conversion) Practices Prohibition Act 2021 are informed by the best available evidence, the Commission should be required to engage with up-to-date systematic reviews of the evidence on gender-affirming care, including the findings of the Cass Review, and consider current best-evidence guidance, rather than solely relying on its own resources, and any materials developed should not be permitted to stand as authoritative guidance under the Act, particularly given the risk that uncritical adoption of affirmation of gender identity as

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

The inclusion of a private right of action in the Change or Suppression (Conversion) Practices Prohibition Act 2021 is of significant concern, as it can be brought by any individual who feels aggrieved, with a lower standard of proof required and costs falling on the respondent regardless of outcome. This provision creates a pervasive chilling effect on speech that goes far beyond any legitimate regulatory purpose, as the breadth of the definition means that merely expressing a sincerely held view in a conversation, sermon, therapy session, or public forum could trigger liability.