

**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, in its current form, prioritizes intersectional politics over identifying and addressing genuine instances of serious harm, resulting in a definition of "change or suppression practice" that is overly broad and fails to provide clear guidance on coercive or abusive conduct, thereby capturing harmless conduct while potentially neglecting the protection of actual victims.

**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's definition of prohibited conduct is overly broad and fails to clearly exempt exploratory or Socratic questioning, potentially exposing healthcare professionals to liability for simply exploring alternative possibilities with their patients, such as same-sex attraction or ruling out other diagnoses like autism spectrum disorder, which undermines a genuinely neutral approach to clinical practice.

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

The Act's necessity exemption is problematic in its requirement for a higher threshold for non-affirming interventions compared to affirming ones, diverging from the more balanced approach taken in the NSW equivalent. This inconsistency, combined with the restrictive definition of reasonable professional judgment and the explicit inclusion of psychotherapy as a prohibited suppression activity, creates a chilling effect on clinical practice and may unduly limit the availability of diverse therapeutic approaches for individuals seeking support.

**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?**

Under the Change or Suppression (Conversion) Practices Prohibition Act 2021, a pastor or faith-based counsellor who responds to a person's request for support to live in accordance with their religious beliefs, even if that person has freely sought out that support, would risk liability under the Act. This creates a concerning conflict between the Act's provisions and the rights of individuals to seek support in living out their faith, particularly for those who experience same-sex attraction. An LGB person of faith who consensually seeks support to live and practise their religion consistent with their same-sex attraction is not catered for by the Act, which fails to account for the complexities of their experiences and needs.

**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 provided by the Victorian Law Reform Commission are fundamentally

flawed, as they proceed from the assumption that affirmation of gender identity is the only medically appropriate option for individuals experiencing gender dysphoria. However, this is a contested clinical position that is not supported by the best available evidence, including the findings of the Cass Review. The materials' presentation of this assumption as fact undermines the neutrality required of a genuine consultation process. Instead, the document reads as an advocacy piece, seeking to maximise the reach of the Change or Suppression (Conversion) Practices Prohibition Act 2021 beyond what the legislation actually requires. As a result, the consultation process is unlikely to produce balanced or evidence-based recommendations.

**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 should engage with the findings of the Cass Review, the most comprehensive independent review of gender medicine for children and young people ever conducted, as well as other up-to-date systematic reviews of the evidence on gender-affirming care, to ensure that its materials under the Change or Suppression (Conversion) Practices Prohibition Act 2021 are informed by the most current and reliable evidence.

**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 threaten to stifle free speech in Victoria. By allowing for a private right of action through civil tribunals, the Act creates a pervasive chilling effect on speech that goes far beyond any legitimate regulatory purpose, as individuals will be deterred from expressing their sincerely held views for fear of being sued. This provision is particularly concerning given that 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, making it the most chilling form of speech regulation available.