

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. The carve-out for practices which 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 Change or Suppression (Conversion) Practices Prohibition Act 2021 creates uncertainty for practitioners who hold non-affirming clinical views, as they cannot be confident that their ordinary professional practice is protected, even when it is evidence-based and conducted with informed consent. This lack of clarity may lead to self-censorship and undermine the provision of legitimate therapeutic services. The necessity exemption in the Act is also problematic, as it imposes a higher threshold for non-affirming interventions than for affirming ones, a discrepancy not found in the equivalent NSW legislation.

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?

A person who seeks out pastoral care or faith-based counselling to explore their sexual orientation or gender identity may no longer be able to freely access such support, as a pastor or faith-based counsellor who responds to that request would risk liability under the Act, despite the individual's voluntary pursuit of guidance.

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 have a chilling effect on Victorians, characterising a broad range of conduct as potentially prohibited, which may deter individuals from engaging in ordinary conversations, pastoral care, and clinical practice. This is particularly concerning given that the materials proceed from a biased assumption that affirmation of gender identity is the only medically appropriate option, a position not supported by the best available evidence, including the Cass Review.

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 development of materials under the Change or Suppression (Conversion) Practices Prohibition Act 2021 should be subject to rigorous scrutiny, and such materials should not be permitted to stand as authoritative guidance under the Act unless they reflect a critical and nuanced consideration of the best available evidence, including the findings of the Cass Review, the most comprehensive independent review of gender

medicine for children and young people ever conducted, and other up-to-date systematic reviews of the evidence on gender-affirming care, in order to avoid causing serious harm to vulnerable young people by uncritically

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 overly broad definition of change or suppression practices creates a pervasive chilling effect on speech that goes far beyond any legitimate regulatory purpose, effectively stifling open and honest discussion on matters of deeply held conviction. This provision casts a wide net, capturing not only coercive practices, but also the expression of sincerely held views in everyday conversations, sermons, therapy sessions, and public forums, which could trigger liability under the Act. The breadth of the definition is such that individuals may self-censor to avoid potential repercussions, rather than engage in respectful and meaningful dialogue. Furthermore, the creation of a private right of action through civil tribunals is the most chilling form of speech regulation available, as it enables individuals to be dragged through the courts for expressing views deemed unacceptable by others. This will inevitably have a profound impact on the free exchange of ideas and the ability to engage in robust debate in Victorian society.