

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 is concerning as it may limit the availability of diverse therapeutic options for individuals. A genuinely neutral law would not privilege one clinical approach over another, instead allowing individuals to access a range of perspectives and treatments. The definition of prohibited conduct is also problematic, as it does not clearly protect exploratory or Socratic questioning, such as exploring alternative possibilities or ruling out other diagnoses, which is a crucial aspect of thorough and responsible therapeutic practice.

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

The Victorian Law Reform Commission's consideration of the Change or Suppression (Conversion) Practices Prohibition Act 2021 raises concerns regarding the necessity exemption, which, unlike the New South Wales equivalent, establishes a higher threshold for non-affirming interventions compared to affirming ones. This disparity is problematic, as it may unduly restrict clinicians from exercising reasonable professional judgment, including minority or dissenting clinical approaches, in an area where the evidence base is contested and multifaceted.

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 support and guidance from their faith leaders. The Act's provisions are overly broad, placing a pastor or faith-based counsellor at risk of liability for responding to a person's voluntary request for support, while also failing to cater for the needs of LGB individuals who freely seek support to live and practise their faith consistent with their same-sex attraction.

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 undermine the integrity of the consultation process by proceeding from the assumption that affirmation of gender identity is the only medically appropriate option, thereby excluding alternative perspectives and experiences. By framing ordinary conversations, pastoral care, and clinical practice as potential conversion practices, the materials have a chilling effect on lawful speech and activity, deterring Victorians from engaging in discussions and seeking help that may be essential to their well-being.

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 take into account the findings of the Cass Review, a comprehensive and independent review of gender medicine for children and young people, when providing guidance on the Change or Suppression (Conversion) Practices Prohibition Act 2021. In particular, materials that have been discredited or superseded by more recent reviews, such as the Cass Review, should not be permitted to stand as authoritative guidance under the Act, and VEOHRC should also engage with other up-to-date systematic reviews of the evidence on gender-affirming care.

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 through civil tribunals in the Change or Suppression (Conversion) Practices Prohibition Act 2021 is a particularly concerning aspect of the legislation, as it represents the most chilling form of speech regulation available, allowing any individual who feels aggrieved to bring a claim with a lower standard of proof and saddling the respondent with costs regardless of the outcome.