

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 is overly broad in its definition of "change or suppression practice", capturing conduct that is harmless and failing to provide clear guidance on what constitutes coercive or abusive conduct that causes serious harm. A more effective approach would be to precisely target the law at preventing serious harm, rather than drafting it so broadly that it inadvertently captures ordinary conversations, pastoral care, and clinical practice that are not harmful.

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 carve-out for practices that encourage or promote gender transition creates an uneven playing field, where affirmation is explicitly protected while non-affirmation is left vulnerable to liability, potentially chilling open and nuanced discussions. The definition of prohibited conduct is also concerning, as it fails to clearly safeguard exploratory or Socratic questioning, instead defaulting to an affirmation-only approach that may overlook alternative possibilities and neglect the complexities of individual experiences. I know of psychologists who have stopped treating children with 'gender confusion' as they are scared they will be prosecuted for doing so simply for using 'exploratory therapy' and not affirming immediately what is a subject and unproven 'feeling' of being born in the wrong body.

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" falls short of its NSW counterpart by unjustifiably imposing a more stringent standard on non-affirming interventions than on affirming ones, thereby introducing an unwarranted disparity in the treatment of practitioners with differing clinical views. It could prevent psychologists and psychiatrists and other therapy from using 'exploratory therapy' as it demands an affirmation approach.

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 seeking support from a pastor or faith-based counsellor to manage their same-sex attraction in accordance with their faith may be unable to access that support under the Act. This is because a pastor or faith-based counsellor who responds to that request would risk liability under the Act, even though the person sought out that support freely. The Act fails to provide for the situation where an LGB person of faith consensually seeks support to live and practise their religion in a way that is consistent with their same-sex attraction. The affirmation only approach could be very harmful.

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 Change or Suppression (Conversion) Practices Prohibition Act 2021 is based on a contested clinical position that lacks robust evidence, including the findings of the Cass Review. The Act's framing of ordinary conversations, pastoral care, and clinical practice as potential conversion practices is overly broad and deters Victorians from engaging in lawful speech and activity. This has a chilling effect on the free exchange of ideas and the provision of support services. The explanatory materials accompanying the Act do not provide a neutral description of the law, instead advocating for an expansive interpretation that exceeds the legislation's requirements. By doing so, the materials undermine the rule of law and the principles of clarity and certainty that should guide legislative interpretation. I am concerned that ordinary members of the public know little about the gender issue in particular and could be penalised just for stating the scientific fact that there are only 2 sexes.

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 not be permitted to develop materials under the Change or Suppression (Conversion) Practices Prohibition Act 2021 that are not grounded in current best-evidence guidance. The Commission's materials should instead be informed by rigorous and comprehensive reviews, such as the Cass Review, to ensure that its guidance does not uncritically adopt affirmation of gender identity as the only medically appropriate option, thereby risking serious harm to vulnerable young people. Other countries such as the UK and US are stepping away from the affirmation only approach to gender confusion - especially in children. This act would seem to lock in an affirmation only approach and people (esp. women) might be penalised for stating the biological fact that there are only 2 sexes.

11. Are there other aspects of the criminal offences in the Act that limit their effective operation? If so, what changes or supports could improve their operation?

The Act's provisions create a pervasive chilling effect on speech that goes far beyond any legitimate regulatory purpose, stifling open and honest discussion on matters of conscience and conviction. By enabling a private right of action through civil tribunals, the Act subjects individuals to a form of speech regulation that is uniquely burdensome, as it can be triggered by any individual with a lower standard of proof and at significant personal cost, regardless of the outcome.

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

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