

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?

Concerns arise regarding the Act's carve-out for practices that explicitly encourage or promote gender transition, as this provision may inadvertently create a two-tiered system where affirmation is safeguarded while non-affirmation practices are left vulnerable to liability, potentially stifling open and nuanced discussions.

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 concerning as it establishes a higher threshold for non-affirming interventions compared to affirming ones, unlike the equivalent provision in New South Wales. This disparity may lead to inconsistent and unfair treatment of individuals seeking support. The express example that psychotherapy is a prohibited suppression activity unless it falls within the exemption creates a chilling effect on clinical practice, potentially deterring practitioners from providing evidence-based care. Practitioners with non-affirming clinical views are left uncertain whether their ordinary professional practice is protected, even when conducted with informed consent and grounded in evidence. The Act must allow for reasonable professional judgment to encompass minority or dissenting clinical approaches, acknowledging the contested evidence base in this area.

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 fundamental rights of Victorians to seek and provide support in accordance with their deeply held convictions. By failing to account for consensual support sought by LGB individuals of faith, the Act creates a perverse situation where a pastor or faith-based counsellor who responds to such a request risks liability, despite the individual having freely sought out that support.

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 assumption underlying the consultation process, that affirmation of gender identity is the only medically appropriate option, fundamentally undermines the integrity of the inquiry, as it precludes consideration of alternative perspectives and evidence, thereby rendering any resulting recommendations unbalanced and lacking in a robust evidence base.

If so, please describe what those barriers are.

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safeguarded while non-affirmation practices are left vulnerable to liability, potentially stifling open and nuanced discussions.

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 (VEOHRC) consideration of the Change or Suppression (Conversion) Practices Prohibition Act 2021 would be strengthened by engagement with the findings of the Cass Review, a comprehensive independent review of gender medicine for children and young people. The Cass Review's thorough examination of the complex issues surrounding gender identity and youth healthcare provides valuable insights that should inform the Commission's approach. By failing to critically evaluate the affirmation-only approach, VEOHRC materials risk causing serious harm to vulnerable young people, who require a more nuanced and evidence-based consideration of their needs.

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

The civil claims provision in the Change or Suppression (Conversion) Practices Prohibition Act 2021 is concerning as it enables any individual who feels aggrieved to bring a claim, with a lower standard of proof than a criminal prosecution, and places the costs of defending such a claim on the respondent regardless of the outcome. This creates a pervasive chilling effect on speech that goes far beyond any legitimate regulatory purpose.