

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, prioritises the promotion of certain ideologies over the identification and prevention of genuine harm, as evidenced by its overly broad definition of "change or suppression practice" that fails to distinguish between innocuous conduct and coercive or abusive behaviour, thereby undermining its stated purpose of protecting victims and instead threatening to criminalise ordinary conversations, pastoral care, and clinical practice that cause no harm.

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 purported neutrality is undermined by its implicit endorsement of a singular clinical approach. A genuinely neutral law would not privilege one clinical approach over another, allowing individuals to access a range of therapeutic options. However, the definition of change or suppression practices in the Act defaults to an affirmation-only approach, effectively elevating this one method above others. This bias is further entrenched by the carve-out for practices which encourage or promote gender transition, which explicitly protects affirmation while leaving non-affirmation approaches exposed to liability. This unequal treatment of different therapeutic approaches undermines the Act's stated commitment to neutrality and raises concerns about the erosion of therapeutic freedom.

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

The NSW equivalent of the Change or Suppression (Conversion) Practices Prohibition Act 2021 sets a precedent that the necessity exemption should not create a higher threshold for non-affirming interventions compared to affirming ones, yet the Victorian Act fails to adopt this balanced approach. As a result, practitioners who hold non-affirming clinical views cannot be confident that their ordinary professional practice is protected, even when it is evidence-based and conducted with informed consent.

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 fails to account for the nuanced experiences of LGB individuals who are also people of faith. An LGB person who consensually seeks support to live and practise their religion in a way that is consistent with their same-sex attraction is not catered for by the Act. This oversight is concerning, as it disregards the complex intersections of faith, identity, and personal autonomy. The Act's provisions pose an extraordinary intrusion into both religious freedom and individual autonomy, as they restrict the ability of individuals to seek out support that aligns with their deeply held beliefs. A pastor or faith-based counsellor who responds to such a request would risk liability under the Act, 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 consultation materials provided by the Victorian Law Reform Commission fail to offer a neutral description of the Change or Suppression (Conversion) Practices Prohibition Act 2021, instead advancing an advocacy document that seeks to expand the Act's scope beyond its legislative requirements. This approach is particularly concerning given that it promotes a contested clinical position on gender identity that is not supported by the best available evidence, including the Cass Review, and may have a chilling effect on healthcare practitioners and individuals seeking diverse treatment options.

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) plays a crucial role in supporting the implementation of the Change or Suppression (Conversion) Practices Prohibition Act 2021. In developing materials under this Act, VEOHRC should be required to consider current best-evidence guidance to ensure that its resources are informed by the most up-to-date and reliable research. The Act should explicitly state that materials developed by VEOHRC do not constitute authoritative guidance under the Act, to prevent any potential misuse or misinterpretation of these resources.

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

The introduction of a private right of action through civil tribunals under the Change or Suppression (Conversion) Practices Prohibition Act 2021 constitutes the most severe form of speech regulation available, as it empowers any individual who feels aggrieved to bring a claim with a lower standard of proof required for success. This provision inevitably creates a pervasive chilling effect on speech, silencing individuals and organisations from expressing legitimate views and opinions, as the costs and risks associated with defending such claims will fall on respondents regardless of the outcome.