

Focused Review of How the Change or Suppression Practices Ban Is Working

VICTORIAN
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Consultation Paper

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For accessibility, case citations in this report include the medium neutral citation (MNC) applied by the court and the relevant law report citation. This enables readers to access copies of the cases from freely available databases such as AustLII.

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Focused Review of How the Change or Suppression Practices Ban Is Working: Consultation Paper

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A note on the cover design

The cover communicates a focused investigation highlighting diversity through a wide range of typographic variations within the same typeface.

This office is located on the land of the Traditional Custodians, the people of the Kulin Nations. We acknowledge their history, culture and Elders both past and present.

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Acknowledgements

Acknowledgement of victim-survivors of change or suppression practices

The Commission acknowledges the resilience and courage of victim-survivors of change or suppression practices, and that their stories can also be those of survival and resilience. We express our sincere gratitude to victim-survivors who share their experiences with us and acknowledge their bravery in speaking to us to help others.

Support services

This consultation paper relates to change or suppression practices. These practices can cause ongoing trauma and long-term health issues. If you need counselling or help, you can get support by contacting the following organisations:

Rainbow Door is a free helpline run by Switchboard Victoria which supports LGBTIQ+ Victorians, their friends and family. The service can provide LGBTIQ+ specialist, multidisciplinary support for family violence, mental health and relationship issues. It operates 7 days a week 10am–6pm.

Call: 1800 729 367

Text: 0480 017 246

Email: support@rainbowdoor.com.au

Switchboard Victoria's partner QLife provides anonymous and free LGBTIQ+ peer support and referral for people in Australia wanting to talk about sexuality, identity, gender, bodies, feelings or relationships.

Call: 1800 184 527

Chat online (3pm to midnight):
qlife.org.au/resources/chat

Thorne Harbour Health provides professional, affordable counselling for members of LGBTIQ+ communities and individuals or couples who are affected by or at risk of HIV.

Website: thorneharbour.org/

Email: support@thorneharbour.org

Call: 1800 961 780
(9am–5pm Monday to Friday)

Queerspace is an LGBTIQ+ health and wellbeing support service with a focus on relationships, families, parenting and young people, and offers co-located services across the north-west metropolitan region of Victoria. Queerspace is involved in the development of specialised support for survivors of LGBTQA+ conversion practices.

Website: queerspace.org.au

Email: enquiries@ds.org.au

Call: 03 9663 6733

If you need more information about change or suppression (conversion) practices, you can reach out to the following organisations:

Brave Network is a support and advocacy group for LGBTIQ+ people of faith and allies

Website: thebravenetwork.org/contact

Australian GLBTIQ Multicultural Council (AGMC) is a national body that advocates for the rights of multicultural and multifaith LGBTIQ individuals.

Website: agmc.org.au

Email: contact@agmc.org.au

Reporting change or suppression practices

This consultation is not a process for reporting individual experiences of harm.

If you, your child, or someone you know, is the target of change or suppression practices, you can report this to:

Victorian Equal Opportunity and Human Rights Commission

humanrights.vic.gov.au/change-or-suppression-practices/reporting-practices

If you or someone you know has been injured because of these practices, you can also report it to:

Victoria Police

police.vic.gov.au/report-change-or-suppression-conversion-practice

Terms of reference

Reference under section 5 of the Victorian Law Reform Commission Act 2000:

Independent statutory review of the operation and effectiveness of the Change or Suppression (Conversion) Practices Prohibition Act 2021.

The *Change or Suppression (Conversion) Practices Prohibition Act 2021* (the Act) prohibits practices or conduct that seek to change or suppress a person's sexual orientation or gender identity (commonly termed 'conversion practices'). The purposes of the Act include denouncing and prohibiting conversion practices, in recognition that these practices are harmful, deceptive and without medical basis. The Act further aims to ensure that people with diverse sexual orientations and gender identities feel respected and are able to live authentically with pride.

The Act prohibits conduct or practices directed towards a person, that aim to change or suppress the person's sexual orientation or gender identity. Practices or conduct can include teachings, counselling, spiritual care activities, or other psychological or medical interventions. The legal prohibitions on this conduct recognise that individuals subjected to conversion practices can experience profound, lifelong psychological harm, including long-term poor mental health and an elevated risk of suicide.

In accordance with section 57 of the Act, the VLRC is asked to review and report on the operation and effectiveness of Victoria's legislative framework prohibiting the use of conversion practices. The review should identify barriers to the current law's efficacy in responding to conversion practices and similar conduct and make recommendations to address these barriers. In conducting the review, the VLRC is asked to consider, and confine its consideration to:

- whether the criminal offences contained in the Act are effective
- whether the civil response scheme is effective, including whether broader investigation and enforcement powers are required, and
- whether a redress scheme should be developed.

The purposes of the Act and the desirability of having criminal offences and a civil response scheme are not part of the review.

In considering the operation and effectiveness of the criminal offence regime and civil response scheme, the VLRC is asked to consider:

- whether changes are required to increase the effectiveness of the criminal offences, including by considering why no criminal offences have been prosecuted, whether there are barriers to reporting offences to police, whether the framing of offences is appropriate, and in the case of offences that are reported to police, whether alternative offences are being prosecuted or whether there are barriers to prosecution, and

- 
- whether broader powers are needed for the civil response scheme administered by the Victorian Equal Opportunity and Human Rights Commission.

In conducting this review, the Commission will consider the perspectives of organisations and survivors with expert knowledge and lived experience of conversion practices.

The VLRC is required to:

- commence a review in accordance with this reference upon the appointment of a person who, in the opinion of the Attorney-General, possesses appropriate qualifications and expertise related to change or suppression practices
- complete the review within 6 months of commencement, and
- deliver a final written report on the review to the Attorney-General as soon as practicable after completing the review.

1. Introduction: Focused review of how the change or suppression practices ban is working

- 1.1 The Attorney-General asked the Victorian Law Reform Commission (Commission) to review the operation and effectiveness of the *Change or Suppression (Conversion) Practices Prohibition Act 2021* (Vic) (Act). A review is required under the Act.¹ The review is due to be completed within six months with a final report delivered to the Attorney-General no later than 28 August 2026.
- 1.2 Kerin Leonard has been appointed as an expert to the review. The Attorney-General approved the appointment of Kerin Leonard as a person with appropriate qualifications and expertise, in accordance with the Act.
- 1.3 Since the Act was passed, some other states in Australia have passed similar laws.² Recent research has been conducted, increasing understanding of how these practices occur, the harms they do, and how to best support survivors and their loved ones.³ It is in this context that the Commission has been asked to review how the Act is working and how it might be improved.

Scope of review

- 1.4 The scope of this review is focused on section 57 of the Act and the terms of reference provided by the Attorney-General (see page 4). **The review will not consider the purpose of the Act and the desirability of having criminal offences and a civil response scheme.**
- 1.5 When introducing the law to Parliament the then Attorney-General stated that the purpose of the review is to 'enable the impacts of the ban to be assessed and for potential improvements to the legislation to be made.'⁴
- 1.6 The review will focus on how the current law is operating and whether it is effective in responding to change or suppression practices consistent with the aims and purposes of the Act.

Victoria's regulatory framework

- 1.7 A change or suppression practice is conduct that seeks to change or hide an individual's sexual orientation or gender identity. These practices are often referred to as 'conversion practices' and can cause life-long harm and trauma.
- 1.8 Change or suppression practices can occur in health and non-health settings and can include teachings, counselling, spiritual care activities or other psychological or medical interventions.

1 *Change or Suppression (Conversion) Practices Prohibition Act 2021* (Vic) s 57.

2 *Conversion Practices Ban Act 2024* (NSW); *Conversion Practices Prohibition Act 2024* (SA); Noting Queensland and ACT previously enacted legislation prohibiting conversion practices in certain circumstances *Public Health Act 2005* (QLD) ss 213E-213I; *Sexuality and Gender Identity Conversion Practices Act 2020* (ACT).

3 For example, see Timothy, Jones et al, *Improving Spiritual Healthcare for LGBTQA+ Australians: Beyond Conversion Practices. A Community Report*. (Report, La Trobe University, 2024) <<https://doi.org/10.17605/OSF.IO/7439R>>.

4 Victoria, *Parliamentary Debates*, Legislative Assembly, 26 November 2020, 3726 (Jill Hennessy, Attorney-General).

- 1.9 To recognise and respond to the harm caused by change or suppression practices, the Victorian Government introduced the Act to clearly denounce and prohibit (ban) these practices. The Act was designed to 'clearly communicate that change or suppression practices are not tolerated or supported by the Victorian community in any form.'¹⁵ The Act affirms that 'all people have characteristics of sexuality, sexual orientation, gender identity and gender expression, and no combination of these characteristics constitutes a disorder, disease, illness, deficiency, disability or shortcoming.'¹⁶
- 1.10 The Act commenced on 17 February 2022. It consists of two main components:
- a civil response scheme within the Victorian Equal Opportunity and Human Rights Commission (VEOHRC) focused on educative and facilitative functions, with investigation and enforcement powers for serious or systemic practices
 - criminal offences relating to engaging in change or suppression practices and related activities.

How to tell us your views

- 1.11 We welcome your views on the questions raised in this paper and invite you to provide comments by **24 March 2026**. Submissions must be relevant. We only review the matters detailed in the terms of reference. We recommend using the consultation paper to help guide your submission.

You can find options for making a submission on our website at www.lawreform.vic.gov.au/all-projects/make-a-submission/.

To make a submission:

- complete an online form
- download a submission form and email it to csp@lawreform.vic.gov.au
- Mail your submission form to:

Victorian Law Reform Commission
PO Box 4637
GPO Melbourne VIC 3001

You may answer all or only some of the questions as relevant to you.

- 1.12 This review will also be informed by consultations with individuals and groups with experience or knowledge of the issues.

What we will do with your responses

- 1.13 We will publish public submissions on our website, unless they are offensive, defamatory, or outside the scope of the review. Where a submission is made by an organisation in an official capacity, the organisation will be named unless the submission is made confidentially. We will withhold names so that individuals are not identified when publishing a submission. We will also redact any information which may indirectly identify an individual.
- 1.14 You may also ask us to keep your submission confidential, which means we will not publish confidential submissions on our website or elsewhere. Alternatively, you can provide an anonymous submission. We may refer to a confidential or anonymous submission in our report, without identifying you.

- 1.15 Please note that because of our commitment to transparency, we usually prefer to quote from public submissions. This does not mean that the content of a confidential or anonymous submission will be treated as any less important. Your submission will be read carefully and used to decide on the recommendations and conclusions in the final report. For more information on how we treat submissions see lawreform.vic.gov.au/engage-in-law-reform/submissions-information.
- 1.16 Any request by someone outside the Commission for access to a confidential, anonymous or name withheld submission will be refused unless a formal freedom of information request has been made. Such a request will be determined in accordance with the *Freedom of Information Act 1982* (Vic), which is designed to protect personal information and information given in confidence. Further information can be found at: ovic.vic.gov.au
- 1.17 Submissions which contain personal information or personally identifying information will be collected, stored and used in accordance with our Information Privacy Policy, the *Privacy and Data Protection Act 2014* (Vic) and other relevant laws. For more information see lawreform.vic.gov.au/information-privacy-policy/
- 1.18 This consultation is not designed to investigate individual experiences, make findings about specific allegations, or initiate regulatory or enforcement action. Participation will not result in an investigation of any individual, organisation or service. You are not expected to disclose personal details or describe specific incidents. You can participate at a general or thematic level, and you may choose how much or how little you share. If you want to make a report or are concerned about someone's safety, see the reporting options on page 3.

A note on language

- 1.19 The Act relates to change or suppression practices directed towards a person's sexual orientation or gender identity. To define some of these, we adopt the term Lesbian, Gay, Bisexual, Transgender, Queer and Asexual (LGBTQA).
- 1.20 Change and suppression practices under the Act do not include forced medical interventions on people with intersex variations. Therefore, these practices are outside the scope of this review.

2. Is the Act achieving its objectives?

- 2.1 Effectiveness is the degree to which something is achieving the desired result. The Act has three objectives:
- a) eliminate as far as possible the occurrence of change and suppression practices in Victoria
 - b) further promote and protect the rights set out in the *Charter of Human Rights and Responsibilities Act 2006* (Vic)
 - c) ensure that all people, regardless of sexual orientation or gender identity, feel welcome and valued in Victoria and are able to live authentically and with pride.⁷
- 2.2 This review will consider a range of measures to determine whether the Act is effectively meeting or moving toward its objectives. Some measures of effectiveness are quantitative, meaning they can be measured in numbers, such as the number of convictions. Qualitative measures can provide descriptions of impacts that may be difficult to quantify.
- 2.3 The Act has only been operating since 2022. Some objectives may be achieved in the longer term, but it is important to monitor progress and assess whether the objectives are on track.
- 2.4 The law plays an important role in establishing rights and obligations for all Victorians. The law also sets standards for how we expect individuals and organisations to behave. It is important to understand that while the Act has introduced protections for LGBTQA people in Victoria, many Australian LGBTQA people report experiencing exposure to change or suppression messages.⁸

Is the Act clear and easy to understand?

- 2.5 For the Act to operate effectively, people must understand how the law applies to them and what their rights and obligations are. This requires consideration of whether the legislation is clear and easy to understand.
- 2.6 Section 5(1) of the Act defines a change or suppression practice as:
- a practice or conduct directed towards a person, whether with or without the person's consent—(a) on the basis of the person's sexual orientation or gender identity; and (b) for the purpose of—(i) changing or suppressing the sexual orientation or gender identity of the person; or (ii) inducing the person to change or suppress their sexual orientation or gender identity.⁹

7 *Change or Suppression (Conversion) Practices Prohibition Act 2021* (Vic) s 3.

8 Timothy, Jones et al, *Improving Spiritual Healthcare for LGBTQA+ Australians: Beyond Conversion Practices. A Community Report*. (Report, La Trobe University, 2024) 20 <<https://doi.org/10.17605/OSF.IO/7439R>>.

9 *Change or Suppression (Conversion) Practices Prohibition Act 2021* (Vic) s 5(1).

- 2.7 Section 5(3) provides examples of conduct that could be considered a change or suppression practice.¹⁰ Section 5(2) outlines what is *not* a change or suppression practice.¹¹ This includes conduct that is supportive or affirming of a person's gender identity or sexual orientation or conduct of a health professional in line with their reasonable professional judgement.
- 2.8 The Second Reading Speech also provides examples of conduct that may meet the definition of change or suppression practices, as well as conduct which would not be covered.¹² While these examples can help to interpret the Act, they are separate to the Act and people may not be aware of them.
- 2.9 A report by Fiona Collis, commissioned by VEOHRC, found that the term 'change or suppression practice' was not well understood.¹³ Collis found that there:
- is a need to clearly establish what is meant by change and suppression practices under the Act using examples that people can easily relate to, including practical examples that distinguish supportive care from harmful interventions.¹⁴
- 2.10 One recommendation was for fact sheets to include clear, easily recognisable examples of change or suppression practices to improve understanding among parents, caregivers and health professionals.¹⁵
- 2.11 Other jurisdictions have included examples in legislation to support people to understand what is and what is not included in the definition of change or suppression practices. For instance, the *Conversion Practices Ban Act 2024* (NSW) states:
- To avoid doubt, the following are examples of what does not constitute a conversion practice under this section (a) stating what relevant religious teachings are or what a religion says about a specific topic, (b) general requirements in relation to religious orders or membership or leadership of a religious community, (c) general rules in educational institutions, (d) parents discussing matters relating to sexual orientation, gender identity, sexual activity or religion with their children.¹⁶
- 2.12 We are interested in hearing whether section 5 of the Victorian Act operates effectively by making it sufficiently clear what is and what is not a change or suppression practice, or if more detail in the Act, guidance, education, or other mechanisms are needed to improve clarity.

Clarity on the exclusion of health service providers

- 2.13 The Act excludes certain practices of health service providers from the definition of change or suppression practices. Section 5(2)(b) of the Act states that a change or suppression practice is *not*:
- a practice or conduct of a health service provider that is, in the health service provider's reasonable professional judgement, necessary—(i) to provide a health service; or (ii) to comply with the legal or professional obligations of the health service provider.¹⁷
- 2.14 It is possible that the wording of this exception creates ambiguity around how the Act applies to health service providers.
- 2.15 A review of the ACT's change or suppression legislation considered what is covered by the concept of 'reasonable professional judgement'.¹⁸ It queried whether it would apply if a professional's views were based on outdated knowledge, or if they were held by a minority in their profession.¹⁹

10 Ibid s 5(3).

11 Ibid s 5(2).

12 Victoria, *Parliamentary Debates*, Legislative Assembly, 26 November 2020, 3723 (Jill Hennessy, Attorney-General).

13 Fiona Collis, *Parents' and Families' CSP Educational Needs Scoping Project: Report of Findings* (Report, July 2025) 2, 23, 40.

14 Ibid 2.

15 Ibid 5.

16 *Conversion Practices Ban Act 2024* (NSW) s 3(4).

17 *Change or Suppression (Conversion) Practices Prohibition Act 2021* (Vic) s 5(2)(b).

18 Legislative Assembly for the Australian Capital Territory, *Statutory Review Report - Sexuality and Gender Identity Conversion Practices Act 2020* (Report, March 2024) 21.

19 Ibid.

- 2.16 Similarly, the Tasmania Law Reform Institute noted that the 'reasonable professional judgement' standard in this provision 'may import too much subjectivity and uncertainty into the assessment of what is legitimate or not', placing the onus on health professionals 'to make decisions based on their own opinion rather than with explicit reference to appropriate professional codes or standard'.²⁰
- 2.17 Other jurisdictions have taken different approaches to the exception for health practitioners. The NSW Act contains more explicit examples than the Victorian legislation of health services or treatments that do not constitute a conversion practice.²¹
- 2.18 To date, the Victorian Act has not been considered in any detail by the courts. In *Re Devin*, although the Act was not in dispute, comments were made by expert witnesses and the father in the case that a lack of clarity about how the Act applies to health professionals may discourage them from treating children with gender issues.²² Justice Strum remarked that this may explain some of the difficulties raised in relation to obtaining expert evidence for the proceedings and alternative treatment proposals for the child in that case.²³
- 2.19 We are interested to hear your views on whether the exclusion for health service providers is clear and effective or if there is a need for legislative amendment, guidance or other mechanisms to increase clarity.

Clarity on how people of faith can express their beliefs within the context of the Act

- 2.20 The Act states that a change or suppression practice can include 'carrying out a religious practice, including but not limited to, a prayer-based practice, a deliverance practice or an exorcism'.²⁴ While some religious practices may meet the definition of a change or suppression practice, the Act was 'not designed to capture all religious practices or teachings or to prevent people seeking religious counsel'.²⁵
- 2.21 When introducing the Act to Parliament the then Attorney-General provided an example of when a religious practice may constitute a change or suppression practice:
- A person going to a religious leader seeking advice on their feelings of same-sex attraction, and the religious leader telling them they are broken and should live a celibate life for the purpose of changing or suppressing their same-sex attraction.²⁶
- 2.22 The Attorney-General also provided examples of religious practices that would *not* be captured by the definition of a change or suppression practices, such as where:
- A person goes to a religious leader seeking advice on their feelings of same-sex attraction, and the religious leader only informs this person that they consider such feelings to be contrary to the teachings of their faith, and does so only to convey their interpretation of those teachings and not to change or suppress the person's sexual orientation or gender identity.²⁷
- 2.23 Other jurisdictions have provided explicit examples in the legislation of what religious practices do and do not constitute a change or suppression practice.²⁸

20 Tasmania Law Reform Institute, *Sexual Orientation and Gender Identity Conversion Practices* (Final Report No 32, April 2022) 178.
 21 *Conversion Practices Ban Act 2024* (NSW) s 3(3)(a).
 22 *Re Devin* [2025] FedCFamC1F 211, [20]–[21]. This case was heard in the Federal Circuit and Family Court of Australia where the parents of the child in the case disagreed about whether the child should be administered Stage 1 puberty blocking medication and each parent sought orders for sole parental responsibility.
 23 *Ibid* [18].
 24 *Change or Suppression (Conversion) Practices Prohibition Act 2021* (Vic) s 5(3)(b).
 25 Victoria, *Parliamentary Debates*, Legislative Assembly, 26 November 2020, 3723 (Jill Hennessy, Attorney-General).
 26 *Ibid*.
 27 *Ibid*.
 28 *Conversion Practices Ban Act 2024* (NSW) s 3(4); *Conversion Practices Prohibition Act 2024* (SA) s 4(4).

- 2.24 VEOHRC has responded to requests for information on the Act for people of faith by creating tailored information materials such as the *Providing safety for LGBTQA people of faith* guide for leaders in churches of the Baptist Union of Victoria.²⁹
- 2.25 We are interested to hear whether greater clarity, through more detail in the Act, guidance, education, or other mechanisms, is needed to enable people of faith to understand how they can hold and express their beliefs within the context of the Act.

Questions

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.
2. To what extent do you think the community is aware of and understands:
 - a. the Act and how it works
 - b. what change or suppression practices are
 - c. the harm caused by change or suppression practices.
3. Could the Act's operation and effectiveness be improved? If so, how?
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?
5. How clear is the exclusion for health service providers? If further clarity is needed, how could this best be achieved?
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?

3. Effectiveness of the civil response scheme

- 3.1 Part 3 of the Act creates a civil response scheme administered by VEOHRC. The Act provides VEOHRC with several functions and powers (discussed below).³⁰
- 3.2 We are interested in your views on the effectiveness of the civil response scheme. Particularly, we are interested in whether there are any barriers to effectiveness, how these could be overcome, and whether VEOHRC needs broader powers than are currently available to meet its functions under the Act.

Receiving and responding to reports of change or suppression practices

- 3.3 Anyone can report an alleged change or suppression practice to VEOHRC.³¹ The civil scheme was designed to be 'trauma-informed and survivor-led,' with a focus on education and facilitation.³²
- 3.4 When responding to a report, VEOHRC must consider the wishes of the person affected by change or suppression practices.³³ VEOHRC can respond to a report in the following ways:
- a) **Education:** offering education to individuals or organisations involved in suppression practices.³⁴
 - b) **Facilitation:** offering to facilitate an outcome that meets the needs of people affected by change or suppression practices.³⁵ Facilitation is a voluntary process. VEOHRC has received a total of 14 reports of change or suppression practices to date. This includes 2 in 2022-23, 2 in 2023-24, 5 in 2024-25 and 5 in 2025-26 so far.³⁶ The number of reports appears relatively low (albeit increasing). This could be due to a range of factors such as a low level of understanding or awareness about the Act, or reporting hesitancy. Or, as the Act only applies to conduct occurring since 17 February 2022, it may take time for victim-survivors to recognise they have been subjected to a change or suppression practice and to seek justice.
 - c) **Referral:** referring the report to another person or body (including the Health Complaints Commissioner, the Australian Health Practitioner Regulation Agency, the Victorian Ombudsman or Victoria Police).³⁷

30 *Change or Suppression (Conversion) Practices Prohibition Act 2021* (Vic) pt 3 div 1.

31 *Ibid* s 24.

32 Victoria, *Parliamentary Debates*, Legislative Assembly, 26 November 2020, 3725 (Jill Hennessy, Attorney-General).

33 *Change or Suppression (Conversion) Practices Prohibition Act 2021* (Vic) s 27(2)(a).

34 *Ibid* s 28(1)(a).

35 *Ibid* ss 28(1)(b), (2).

36 Victorian Equal Opportunity and Human Rights Commission, *Annual Report 2024-25* (Report, October 2025) 108–9. Reports for financial year 2025-2026 current up until 29 February 2026 provided to the VLRC by VEOHRC.

37 *Change or Suppression (Conversion) Practices Prohibition Act 2021* (Vic) ss 28(1)(c), 29.

- d) **Investigation:** conducting investigations in cases of serious or systemic change or suppression practices.³⁸ The Act provides VEOHRC with powers in relation to investigations, including powers to compel information or documents.³⁹ Following an investigation, there are remedies available to VEOHRC, including enforceable undertakings and compliance notices.⁴⁰
- 3.5 VEOHRC can conduct investigations on its own motion, meaning it does not require someone to report a change or suppression practice to begin an investigation.⁴¹ Victoria Police can also refer reports to VEOHRC where they fail to meet the level of a criminal offence.
- 3.6 VEOHRC has a community reporting tool.⁴² This allows people to tell VEOHRC anonymously about any human rights issues or concerns they may have experienced. It does not lead to a formal report but allows VEOHRC to understand what issues may be occurring in the community which could help direct research or future investigations.

Education and raising awareness

- 3.7 VEOHRC carries out its prevention and education role by responding to enquiries about the Act, delivering education sessions and developing tailored educational publications.⁴³
- 3.8 After considering a report made to VEOHRC about a change or suppression practice, VEOHRC can offer targeted education to people or organisations reported to have engaged in change or suppression practices.⁴⁴
- 3.9 Research by Fiona Collis (discussed [2.9]) found that awareness of the Act amongst the sample of parents, support workers and health practitioners was 'very low' and that the term 'change or suppression practice' is not well understood.⁴⁵
- 3.10 Collis recommended developing targeted resources for parents and caregivers, reviewing existing fact sheets and raising awareness in the broader community.⁴⁶ VEOHRC has since produced the material suggested in the report,⁴⁷ which can be found here: humanrights.vic.gov.au/resources/talking-with-your-child-csp.
- 3.11 VEOHRC has produced several educational resources. These include general information around the Act, such as an explainer video,⁴⁸ resources and workshops for people of faith and education sessions to build understanding of the Act.⁴⁹

Communicating investigation outcomes

- 3.12 Potential barriers to the effectiveness of the objectives of the Act include that VEOHRC may not be able to:
- announce that it is beginning an investigation
 - report on the outcome of the investigation to the person who raised the report
 - communicate the outcomes of investigations more broadly to the public.

38 Ibid s 34.

39 Ibid s 36.

40 Ibid ss 43, 45.

41 Ibid s 34.

42 'Community Reporting Tool', Victorian Equal Opportunity and Human Rights Commission (Web Page) <<https://www.humanrights.vic.gov.au/get-help/community-reporting-tool/>>.

43 Victorian Equal Opportunity and Human Rights Commission, *Annual Report 2024-25* (Report, October 2025) 61–2; *Change or Suppression (Conversion) Practices Prohibition Act 2021* (Vic) ss 17–20.

44 *Change or Suppression (Conversion) Practices Prohibition Act 2021* (Vic) s 28(1)(a).

45 Fiona Collis, *Parents' and Families' CSP Educational Needs Scoping Project: Report of Findings* (Report, July 2025) 23, 40.

46 Ibid 4–6.

47 Victorian Equal Opportunity and Human Rights Commission, *Talking with Your Child about Sexuality and Gender Identity* (Report, April 2025) <<https://www.humanrights.vic.gov.au/resources/talking-with-your-child-csp/>>.

48 Victorian Equal Opportunity and Human Rights Commission, 'Change and Suppression (Conversion) Practices and Their Impacts Explained', *YouTube*, (Video, 15 August 2023) <https://www.youtube.com/watch?v=_MTIvNbMdu4>.

49 Victorian Equal Opportunity and Human Rights Commission, *Providing Safety for LGBTQA People of Faith: A Guide for the Baptist Union of Victoria* (Report, September 2024); Victorian Equal Opportunity and Human Rights Commission, *Annual Report 2024-25* (Report, October 2025) 61.

- 3.13 The secrecy provision in section 51 of the Act restricts VEOHRC Commissioners or staff from communicating protected information.⁵⁰ This includes information about a person or organisation obtained by VEOHRC performing its investigative functions under the Act, such as education, research and receiving reports of change or suppression practices.⁵¹
- 3.14 Victim-survivors may be discouraged from engaging with the civil response scheme if they are not provided with an outcome of an investigation. If VEOHRC is unable to publicly report on investigations this may limit its ability to use the risk of an investigation to prevent change or suppression practices.
- 3.15 There are exceptions to the secrecy requirements. This includes where disclosing protected information is 'necessary' for the purposes of, or in connection with, VEOHRC's functions under the Act.⁵² However, it may be difficult for VEOHRC to establish that disclosure is 'necessary'.
- 3.16 Another exception is if 'the information does not identify any person or organisation.'⁵³ This may allow VEOHRC to announce de-identified outcomes of investigations. However, section 51(2) prevents VEOHRC from indirectly disclosing protected information. There is a risk that de-identified outcomes may indirectly disclose protected information if those involved link the outcome to an organisation they know was involved in an investigation.
- 3.17 Other statutory bodies with complaint investigation functions allow or require the complainant to be informed about the result of an investigation. For example, the *Ombudsman Act 1973* (Vic) creates an obligation on the Ombudsman to inform complainants of the result of an investigation.⁵⁴ Similarly, the *Health Complaints Act 2016* (Vic) and the *Mental Health and Wellbeing Act 2022* (Vic) allows for the investigation report to be given to the complainant.⁵⁵
- 3.18 VEOHRC is able to report on the outcome of investigations under the Equal Opportunity Act.⁵⁶
- 3.19 Providing greater clarity about communicating investigation outcomes to the complainant as well as publicly reporting on de-identified outcomes may improve the effectiveness of the Act.

A positive duty to prevent harm

- 3.20 An object of the Act is to eliminate as far as possible the occurrence of change or suppression practices.⁵⁷ However, VEOHRC's investigatory functions react to situations where a possible change or suppression practice has already occurred. VEOHRC can only investigate if there is an indication of a possible contravention of the Act.⁵⁸
- 3.21 Other regulatory regimes contain positive duties to prevent harm. For example, under the *Equal Opportunity Act 2020* (Vic), duty holders (such as employers) have a positive duty to 'take reasonable and proportionate measures to eliminate discrimination, sexual harassment or victimisation as far as possible.'⁵⁹ VEOHRC also has the power to issue practice guidelines to support organisations to comply with the duty.⁶⁰
- 3.22 Introducing a duty for organisations to take positive action to prevent the occurrence of change or suppression practices may enable VEOHRC to take a preventative approach. It could allow VEOHRC to identify and manage risks of change or suppression practices before they occur.

50 *Change or Suppression (Conversion) Practices Prohibition Act 2021* (Vic) s 51.

51 *Ibid* s 50.

52 *Ibid* s 51(2)(a).

53 *Ibid* s 51(2)(f).

54 *Ombudsman Act 1973* (Vic) s 24.

55 *Health Complaints Act 2016* (Vic) s 51(3); *Mental Health and Wellbeing Act 2022* (Vic) s 482(5)(a)(i).

56 For example, *Equal Opportunity Act 2010* (Vic) ss 142(4), 144.

57 *Change or Suppression (Conversion) Practices Prohibition Act 2021* (Vic) s 3(1)(a).

58 *Ibid* s 34(b).

59 *Equal Opportunity Act 2010* (Vic) s 15(2).

60 *Ibid* s 148.

Questions

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?
8. Are there any barriers to:
 - a. reporting change or suppression practices to VEOHRC
 - b. VEOHRC facilitating outcomes of reports
 - c. VEOHRC conducting investigations.If so, please describe what those barriers are.
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.

4. Effectiveness of criminal offences

- 4.1 The Act contains criminal offences relating to change or suppression practices. This includes offences which prohibit:
- intentionally engaging in a change or suppression practice where that conduct causes serious injury,⁶¹ or injury to another person⁶²
 - taking another person from Victoria with the intention that person would be subject to a change or suppression practice where that practice causes injury⁶³
 - advertising a change or suppression practice⁶⁴
 - refusing to produce documents relating to advertising to VEOHRC.⁶⁵
- 4.2 To date, there have been no criminal prosecutions under the Act. Data from the Crime Statistics Agency indicates a small number of possible offences have been reported.⁶⁶ Other Australian jurisdictions also have criminal offences relating to change or suppression practices.⁶⁷ The Commission is not aware of any prosecutions under any of those laws.
- 4.3 A lack of prosecutions does not necessarily mean the law has been ineffective. The Act was informed by survivor feedback that a legislative response should focus 'on preventing harm, supporting survivors and educating the community rather than on punitive justice.'⁶⁸
- 4.4 Our terms of reference ask us to identify whether there are any barriers to the effectiveness of the criminal offences. Possible barriers include:
- a) Victim-survivors may not feel safe or supported to report offences. Fear of discrimination, previous negative experiences and the history of poor relations between LGBTQA people and police may discourage people from reporting.⁶⁹
 - b) Victim-survivors may not contact police because they are concerned it will affect their relationship with their family, friends or community.

61 *Change or Suppression (Conversion) Practices Prohibition Act 2021 (Vic)* s 10.

62 *Ibid* s 11.

63 *Ibid* s 12.

64 *Ibid* s 13.

65 *Ibid* s 14.

66 Crime Statistics Agency (Vic), *Recorded Offences: Offences recorded – Tabular visualisation* (Web page, September 2025) T5 offences by offence code and description (Year ending September 2025) <<https://author.crimestatistics.vic.gov.au/crime-statistics/latest-victorian-crime-data/recorded-offences-2/>> (accessed 12 February 2026).

67 *Conversion Practices Ban Act 2024 (NSW)* ss 5–6; *Conversion Practices Prohibition Act 2024 (SA)* ss 6–7; *Public Health Act 2005 (QLD)* s 213H; *Sexuality and Gender Identity Conversion Practices Act 2020 (ACT)* ss 8–9.

68 Victorian Government, *Legislative Options to Implement a Ban on Conversion Practices: Consultation Outcomes Report* (Report, 2019) 16 <<https://engage.vic.gov.au/conversion-practices-ban>>.

69 See for example Angela Dwyer et al, 'Barriers Stopping LGBTI People from Accessing LGBTI Police Liaison Officers: Analysing Interviews with Community and Police' (2020) 33(3) *Criminal Justice Studies* 256, 258, 261–262; Matthew Mitchell et al, 'Criminalising Gender Diversity: Trans and Gender Diverse People's Experiences with the Victorian Criminal Legal System' (2022) 11(2) *International Journal for Crime, Justice and Social Democracy* 104 <<https://www.crimejusticejournal.com/article/view/2225>>; William Leonard and Bianca Fileborn, *Policing for Same Sex Attracted and Sex and Gender Diverse (SSASGD) Young Victorians* (No 110, Australian Research Centre in Sex, Health and Society (ARCSHS), La Trobe University, 2018) 89 <<https://rainbowhealthaustralia.org.au/media/pages/research-resources/policing-for-same-sex-attracted-and-sex-and-gender-diverse-ssasgd-young-victorians/945288268-1709686057/policing-for-ssasgd-young-people.pdf>>.

- c) Psychological harm associated with conversion practices may prevent people from reporting.⁷⁰
- d) There may be a lack of awareness and understanding about the Act. People may not identify that an offence has occurred.
- e) Prosecutorial agencies may not be familiar with the Act or consider other more well-tested charges may be a more appropriate way to proceed.
- f) It may be difficult to prove injury or serious injury for the offences in sections 10, 11 and 12 to the criminal standard of beyond reasonable doubt.⁷¹ There is evidence for the link between exposure to change or suppression practices and 'acute distress and/or ongoing mental health issues such as severe anxiety and depression.'⁷² However, proving beyond reasonable doubt that the exposure caused a later harm is 'a high and difficult burden.'⁷³ Additionally, injury may 'not manifest until several years, or even decades after initial exposure'.⁷⁴

4.5 We are interested in any barriers to the effectiveness of the criminal offences and how those barriers could be overcome. If proving injury is a barrier, we want to hear whether legislative change is necessary, for instance by introducing an offence that does not require proof of injury. For example, the ACT legislation does not require proof of injury but only applies where a conversion practice is committed against a protected person (which is defined to mean a child or a person who has impaired decision-making ability in relation to a matter relating to the person's health or welfare).⁷⁵

Questions

- 10. Are there barriers to reporting, investigating and prosecuting criminal change or suppression offences? If so, what are they?
- 11. Are there other aspects of the criminal offences in the Act that limit their effective operation? If so, what changes or supports could help improve their operation?

70 Victorian Government, *Legislative Options to Implement a Ban on Conversion Practices: Consultation Outcomes Report* (Report, 2019) 16 <<https://engage.vic.gov.au/conversion-practices-ban>>.

71 *Change or Suppression (Conversion) Practices Prohibition Act 2021* (Vic) ss 10–12.

72 Karen Cusack, Health Complaints Commissioner, *Report on the Inquiry Into Conversion Therapy Executive Summary* (Report, Health Complaints Commissioner, 2018) 2 <https://hcc.vic.gov.au/sites/default/files/media-document/hcc_conversion_therapy_inquiry_executive_summary.pdf>. See also Timothy W Jones et al, *Preventing Harm, Promoting Justice: Responding to LGBT Conversion Therapy in Australia* (Report, Human Rights Law Centre, La Trobe University, 2018) 40 <<https://www.hrlc.org.au/app/uploads/2025/05/LGBTPreventingHarmConversionsReport-1.pdf>>; Timothy, Jones et al, *Improving Spiritual Healthcare for LGBTQA+ Australians: Beyond Conversion Practices. A Community Report*. (Report, La Trobe University, 2024) 18 <<https://doi.org/10.17605/OSF.IO/7439R>>.

73 Tasmania Law Reform Institute, *Sexual Orientation and Gender Identity Conversion Practices* (Final Report No 32, April 2022) 176.

74 Ibid.

75 *Sexuality and Gender Identity Conversion Practices Act 2020* (ACT) s 3, Dictionary (definition of 'protected person').

5. Redress

- 5.1 Our terms of reference ask us to consider whether a redress scheme should be developed for victim-survivors of change or suppression practices. Redress schemes can provide victim-survivors with a range of redress options such as an acknowledgement or apology from the reported party, access to counselling and psychological support and financial payments to recognise harm suffered.⁷⁶
- 5.2 During consultation to develop the Act, victim-survivors suggested that a redress commission should be established to 'provide financial support to survivors for recovery, in recognition of the costs of psychological support and reduced capacity to earn income.'⁷⁷ The establishment of a redress scheme was also recommended by the *Sexual Orientation and Gender Identity Change Efforts Survivors (SOGICE) Survivor Statement*.⁷⁸
- 5.3 No Australian jurisdiction has yet established a financial redress scheme or compensation fund attached to legislative responses to change or suppression practices.⁷⁹
- 5.4 There are existing options for Victorian victim-survivors to seek redress including financial compensation. These include:
- **Facilitation:** VEOHRC can facilitate outcomes which may include financial compensation made from the reported party to the survivor. However, a potential limitation is that facilitation only occurs by agreement of both parties.
 - **Civil action:** Victim-survivors may attempt to seek financial compensation through civil laws such as negligence. Establishing negligence requires demonstrating a link between the action and the harm caused. This may be challenging to prove even though the civil standard is lower than the criminal standard. The time and personal and financial cost of litigation may also be a barrier.
 - **Victoria's Financial Assistance Scheme (FAS):** Victim-survivors may attempt to access financial compensation through the FAS, which began operating in November 2024 (replacing the Victims of Crime Assistance Tribunal).⁸⁰ It provides victims with financial assistance by helping with costs such as counselling, medical expenses and loss of earnings and can provide primary victims with up to \$61,499.⁸¹ To be eligible, FAS must be satisfied that an applicant was a victim of an

76 *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth) s 16.

77 Victorian Government, *Legislative Options to Implement a Ban on Conversion Practices: Consultation Outcomes Report* (Report, 2019) 16 <<https://engage.vic.gov.au/conversion-practices-ban>>.

78 Sexual Orientation and Gender Identity Change Efforts Survivors, *SOGICE Survivor Statement* (Report, 2020) 9 <<https://sogicesurvivors.com.au/wp-content/uploads/2024/03/Survivor-Statement-A4-Doc-v1-2-Digital.pdf>>.

79 A redress scheme was a common suggestion to the Tasmania Law Reform Institute's inquiry into conversion practices Tasmania Law Reform Institute, *Sexual Orientation and Gender Identity Conversion Practices* (Final Report No 32, April 2022) 183.

80 Established by the *Victims of Crime (Financial Assistance Scheme) Act 2022* (Vic) ss 10–11, with some eligible for up to an additional \$25,000 in certain circumstances under the special financial assistance provisions.

81 Primary victim cap for the 2025–26 financial year. Victorian Government, 'About the Financial Assistance Scheme', *Victims of Crime* (Web Page, 18 August 2025) <<https://www.victimsofcrime.vic.gov.au/about-fas>>, *Victims of Crime (Financial Assistance Scheme) Act 2022* (Vic) s 10. In addition to the \$61,499 limit, primary victims may also be eligible for a payment of special financial assistance. This payment may be up to \$25,000 under s 11. Victorian Government, *Financial Assistance Scheme Guidelines* (Report, Victims of Crime Financial Assistance Scheme, 30 June 2025) 52, 65–68.

act of violence,⁸² and the crime must have been reported to Victoria Police within a reasonable time, but the offender does not need to be charged or convicted (there are special circumstances where a report is not required).⁸³ To be considered a primary or secondary victim applicants must show that they suffered an injury.⁸⁴ As set out in paragraph 4.4, proving injury may be difficult. However, the FAS only needs to be satisfied on the balance of probabilities.⁸⁵ An independent statutory review of the *Victims of Crime (Financial Assistance Scheme) Act 2022* (Vic) is currently underway and will consider if the FAS is delivering against its guiding principles for LGBTIQ+ victims of crime.⁸⁶ The report is due by 31 October 2026.

- **Compensation orders under the *Sentencing Act 1991* (Vic):** If a court finds a person guilty or convicts a person of an offence, a person who has suffered an injury as a direct result of an offence can make an application for a compensation order for pain and suffering as well as certain expenses incurred or reasonably likely to be incurred.⁸⁷ However, as discussed above there have been no prosecutions to date under the Act.⁸⁸

- 5.5 All Australian states and territories have state-funded financial assistance schemes for victims of crime.⁸⁹
- 5.6 Redress schemes have also been established in specific contexts. For example, the National Redress Scheme was established in response to the Royal Commission into Institutional Responses to Child Sexual Abuse.⁹⁰ It helps people who experienced institutional child sexual abuse including by providing access to counselling and a redress payment of up to \$150,000.⁹¹
- 5.7 We are interested in whether there are any gaps or issues with the existing options for redress which may require reform including the option of a standalone unique redress scheme for victim-survivors of change or suppression practices.

Civil cause of action

- 5.8 In some jurisdictions, the legal framework prohibiting change or suppression practices enables tribunals to make orders requiring respondents to compensate victim-survivors for loss or damage suffered.⁹² For example, in New South Wales, under the *Conversion Practices Ban Act 2024* (NSW) if a matter does not resolve through conciliation, a victim-survivor can take their matter to the NSW Civil and Administrative Tribunal, where the outcome could include financial compensation of up to \$100,000.⁹³

82 Section 3(1) defines an Act of violence as criminal act or a series of related criminal acts, committed by one or more persons, that has— (a) occurred in Victoria; and (b) directly resulted in injury to or the death of one or more persons, regardless of where injury or death occurred: *Victims of Crime (Financial Assistance Scheme) Act 2022* (Vic) ss 3, 9, 13, 15.

83 In considering whether there are special circumstances the FAS can look at factors such as a sense of shame, distress or trauma, fear of stigmatisation or ostracism from community and religious or cultural reasons, including due to religious beliefs or community expectations. Victorian Government, *Financial Assistance Scheme Guidelines* (Report, Victims of Crime Financial Assistance Scheme, 30 June 2025) 22; *Victims of Crime (Financial Assistance Scheme) Act 2022* (Vic) s 31(2)(a).

84 *Victims of Crime (Financial Assistance Scheme) Act 2022* (Vic) ss 9(1), 13(1).

85 *Ibid* s 28(1).

86 Victorian Government, *Terms of Reference: Independent Review of Victims of Crime Financial Assistance Scheme* (10 February 2026) <<https://www.victimsofcrime.vic.gov.au/reports-and-reviews>>; *Victims of Crime (Financial Assistance Scheme) Act 2022* (Vic) s 71.

87 *Sentencing Act 1991* (Vic) s 85B.

88 It has also been noted that 'compensation orders for injury are rarely made.' Victorian Law Reform Commission, *Victims of Crime Assistance Act 1996: Report* (Report, 2018) 40 <<https://www.lawreform.vic.gov.au/publication/review-of-the-victims-of-crime-assistance-act-1996-report/>>; Additionally, there are difficulties with enforcement and compensation orders are limited by the offender's capacity to pay: Sentencing Advisory Council, *Restitution and Compensation Orders Report* (Report, October 2018) 43–44. <https://www.sentencingcouncil.vic.gov.au/sites/default/files/2019-08/Restitution_and_Compensation_Orders_Report.pdf>.

89 *Criminal Injuries Compensation Act 2003* (WA); *Victims of Crime Act 2001* (SA); *Victims of Crime Assistance Act 1976* (Tas); *Victims of Crime Assistance Act 2006* (NT); *Victims of Crime Assistance Act 2009* (Qld); *Victims of Crime (Financial Assistance) Act 2016* (ACT); *Victims Rights and Support Act 2013* (NSW).

90 Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report - Volume 9, Advocacy, Support and Therapeutic Treatment Services* (Final Report, Attorney-General's Department (Cth), 2017) 12.

91 *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth) s 16.

92 *Conversion Practices Ban Act 2024* (NSW) ss 27(1), 42; *Conversion Practices Prohibition Legislation Act 2022* (NZ) s 12; *Equal Opportunity Act 1984* (SA) ss 86A, 95B, 96; *Human Rights Commission Act 2005* (ACT) ss 53ZA–53ZF.

93 *Conversion Practices Ban Act 2024* (NSW) ss 27–29.

- 5.9 In Victoria, under the *Equal Opportunity Act 2010* (Vic), a person can make an application to the Victorian Civil and Administrative Tribunal (VCAT),⁹⁴ which can make an order that the reported party pay the applicant to compensate for loss, damage or injury as a result of unlawful discrimination, sexual harassment or victimisation.⁹⁵
- 5.10 Currently, the Victorian Act does not provide a pathway that would allow victim-survivors or VEOHRC to refer reports of change or suppression practices to VCAT. Introducing an option to refer reports to VCAT for determination may enable victim-survivors to be awarded compensation.

Questions

12. Do existing avenues for redress adequately meet the needs of victim-survivors of change or suppression practices? Are there gaps, harms or barriers that require an additional or separate redress mechanism?
13. Should a civil cause of action be introduced under the Act? What distinct purpose would it serve compared to existing pathways?

Questions

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.
2. To what extent do you think the community is aware of and understands:
 - a. the Act and how it works
 - b. what change or suppression practices are
 - c. the harm caused by change or suppression practices.
3. Could the Act's operation and effectiveness be improved? If so, how?
4. How clear is the Act's definition of what is and is not a change or suppression practice? If further clarity is needed, what forms of clarification would be most helpful?
5. How clear is the exclusion for health service providers? If further clarity is needed, how could this best be achieved?
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?
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?
8. Are there any barriers to:
 - a. reporting change or suppression practices to VEOHRC
 - b. VEOHRC facilitating outcomes of reports
 - c. VEOHRC conducting investigations.If so, please describe what those barriers are.
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.
10. Are there barriers to reporting, investigating and prosecuting criminal change or suppression offences? If so, what are they?
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?
12. Do existing avenues for redress adequately meet the needs of victim-survivors of change or suppression practices? Are there gaps, harms or barriers that require an additional or separate redress mechanism?
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Focused Review of How the Change or Suppression Practices Ban Is Working

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