

3. Could the Act's operation and effectiveness be improved? If so, how?

My submission draws attention narrowly to the definition of 'sexual orientation' in the Equal Opportunity Act 2010 (Vic) that the Act incorporates and uses to define 'change or suppression practice' in s 5. In short, my concern (as a recent law graduate) is that the current definition of sexual orientation does not include all marginalised sexual orientations, meaning that some people cannot access the entire regime, despite experiencing a change or suppression practice.

My main concern is the definition's exclusion of asexuality because it assumes that a person experiences attraction towards other people, although it also excludes aromanticism. An asexual person experiences little to no sexual attraction: an aromantic person experiences little to no romantic attraction. There have been documented cases of asexual people experiencing change or suppression practices in Australia, particularly in medical settings (e.g.

https://www.utas.edu.au/_data/assets/pdf_file/0004/1585921/2022_CP.Report32.final.A4_securedwcopy.pdf page 54). Whilst Parliamentary Debates indicate that the Victorian Parliament intended to include asexual people in its definition of sexual orientation, as sexual orientation has been previously interpreted narrowly (*Bunning v Centacare* (2015) 293 FLR 37, 37), it most likely does not include asexual and aromantic people, which means they likely cannot access the Act's regime.

Drawing upon the definition of sexual orientation in the Anti-Discrimination Bill 2024 (Qld), my recommended updated definition of sexual orientation to explicitly include asexual and aromantic people, and consequently protect all people with marginalised sexual orientations under the Act, is: 'Sexual orientation means a person's capacity, or lack of capacity, for emotional, affectional or sexual attraction to, or intimate or sexual relations with, persons of a different gender or the same gender or more than one gender.'