

The following submission to this review has been received

Organisation Name

Survivors Support Network (Australia)

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.

Yes, the Act has reduced or stopped change or suppression practices although no one in our vibrant peer network of victim-survivors of childhood sexual abuse and adult sexual assault knows of where such practices have ever taken place.

However, the Act has seriously impacted, and in places now legally denies, any access to exploration or even basic discussion of the ongoing traumatic effects of sexual abuse and sexual assault on an individual's sexual or gender identity. Many of our network's members - the MAJORITY of whom are LGBTQ+ - have had therapeutic doors tightly shut by previously caring professionals who are now fearful of broaching ANYTHING to do with trauma's effects on sexuality and gender. One gay man in his early twenties in rural Victoria, who was grossly sexually abused as a child, has tried suicide nine times since this Act was passed. His only place of honest support is our peer network. He, and many others, now feel trapped in their sexual trauma because of the heavy penalties this Act threatens to those in the caring profession.

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 and c. the harm caused by change or suppression practices

(A) Fewer Acts have been as widely known about and broadcast as this one, both nationally and internationally, as a result of the crippling heavy penalties laid down within it. It has injected a paralysing fear into therapists, counsellors, and all those who previously walked with and lovingly supported members of the LGBTQ+ community and those outside of the community who struggle with and are coming to terms with their sexual identity or gender identity. Our own members are now suffering grievously and express fear of discussing even dissociation, betrayal, body-based trauma responses, shame and self-blame, and particularly sexuality and intimacy matters in the now-limited therapeutic and counselling sessions which remain open to them. Where trust and emotional regulation were previously blossoming for many, now they have regressed and experience a greater loss of meaning, faith and trust: i) in the world, ii) in the state government who promised to protect LGBTQ+ youth above all, and iii) in the LGBTQ+ community as a whole as it is their own members who have pushed for laws which now deny their own kind the life-giving support they need and used to have.

B) The communities that we are victim-survivors are involved in all know what change or suppression practices are.

C) Some of our network members reported having heard a few limited stories from others saying how they were harmed by their past therapy, or by their following a program, or by the offense they felt when someone prayed with them.

A fiery response rose up to this question when it was discussed, led by our LGBTQ+ members who, succinctly put, wanted to meet with individuals who profess having been harmed so as to compare

their own stories of early childhood rape with those harmed as teens or adults by prayer, a program or a therapist. There are few places to say this and for the message to be heard, but our members want the VLRC to wake up to the greater harm caused by childhood sexual abuse.

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

When discussing this question, our network's members unanimously agreed that the Act's operation and effectiveness can easily be improved, firstly by the government stepping back and allowing each individual to make his/her/their own decisions as to what therapeutic care and recovery journey they wish to follow. Everyone agreed that no one should ever, EVER be forced into any therapeutic setting, but on the opposite side that VEOHRC have now maliciously stripped many LGBTQ+ individuals - especially young adults - of accessing life-giving therapy of their own choice which fits best with their recovery journey from sexual trauma. What was meant to protect is now causing greater harm.

Some of our members take their faith journeys very seriously indeed and credit the spiritual input they receive as being most important to them, more than therapy, counselling and the gaining of knowledge. Sexual trauma has smashed their sexuality and any gender identity. Their unique, individually chosen faith journeys help them to be restored. We do not judge or question what works for them and believe that the Act should reflect this which it presently doesn't, thereby making its operation ineffective. Leaving more freedom for individual choice without threats and penalties would improve the Act.

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 way in which the Act defines a change or suppression practice is very clear, a definition which is equally crippling for those desperately struggling with mental health issues and suicidal ideation. The problem now created by the Act is that therapeutic practices which many LGBTQ+ individuals who have survived childhood or adult sexual assault have experienced as healing and beneficial to their mental, physical, sexual, emotional and spiritual well-being are now no longer accessible to them in Victoria (or indeed to the many other hundreds of thousands of non-LGBTQ+ victim-survivors of childhood and adult sexual abuse in Victoria).

The best clarification our network of over 80 members came up with is this: stop policing therapy spaces, especially for those who are LGBTQ+ who have already often suffered greater exclusion and rejection in their most tender relationships. This Act presently exacerbates the pain already felt by so many.

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

The exclusion for health service providers is very clear - but it is NOT HELPFUL for the Victorian members of our network.

All of them (15 of whom boldly identify as LGBTQ+, and 3 who say they are "fluid" and so reject all labeling) agreed that they do not feel comfortable approaching state health service providers when it is commonly known that the providers' agenda is concretely set by the state and does not permit the individual to take any lead. This reeks of an abuse of power. It is triggering and re-traumatising for the abuse/assault survivor and causes yet greater damage in the long run.

Those in greatest need of help and support now have severely less choice because of this Act with increasing numbers choosing to stay away from state health service providers.

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?

Our network varies in age (18 yrs to 88 yrs old), and in culture (Aboriginal, African, Arab, Australian, Asian, European, Indian, Islander, Maori).

We come from different religious and non-religious affiliations (Christian denominations – Catholic, Evangelical, Orthodox, Protestant, non-denominational; Hinduism; the Dreamtime; Muslim; Sikhism; Agnostic and Atheist). Our common bond is recovery, the restoration of dignity and the honouring of each individual's journey however each person wishes to live this out, whatever their sexual struggle, sexual identity, gender identity, religious or non-religious belief, and everything that could possibly be inbetween.

We respect one another - deeply. We respect those of faith and those of no faith - deeply. We all unanimously agreed, as some of the most vulnerable members of society in the areas of sexuality

and gender, that it is not the role of any government to decide or to police how people of any faith can hold and express their beliefs. We have learnt that it is amidst tension and suffering that we persevere and grow. We value freedom of expression, of religion, of therapeutic choice, of identity, and of sexuality and we meet each person where he/she/they is/are at. The VLRC should therefore clarify that in a democratic, pluralistic society differences of opinion on every topic are likely to exist and that citizens must learn to persevere and live amidst the tensions.

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?

VEOHRC's awareness and education materials are certainly known to all of our network members in Victoria (and to most of the others nationally).

Every one of the Victorian members find the materials misleading and, in some areas, even offensive.

They know from firsthand experience that fluidity in the area of sexuality and gender is not uncommon along the journey of recovery for them and for many victim-survivors of childhood sexual abuse (CSA) and adult sexual assault (ASA). This fluidity happens often without any therapeutic or prayer intervention as the psyche and the body get in touch with the effects of past trauma. This Act deems both sexual orientation and gender identity as being fixed, whereas the lived experience of most of our members - and most vocally, our Victorian members - is the opposite. The healing and flourishing of the human persona, led by the individual based on their unique life journey, is not only thwarted but all hope is often stolen by the Act, thereby causing significantly greater damage to those already unwittingly damaged.

If so, please describe what those barriers are.

No barriers whatsoever. In fact, greater concern in our group discussion was that the reporting process could be, and probably will be, abused by certain individuals who will want to remain anonymous but who want to punish someone they don't agree with or plainly just don't like. NOT ONE of our Victorian members - even those who are 'out' as LGBTQ+, would complete this online submission for fear of being identified even by members of the review committee, such is their shame around their past abuse/assault. If they experience barriers in even completing an online submission where they are promised confidentiality, then this shows how little trust Victorians have in any of the processes the Government has now put into place - whether reporting practices, facilitating reports, or conducting investigations.

One interesting point made by our youngest member, a young 18-yr-old gay man from Melbourne, is his and his generation's distaste and rejection of the whole "re-education" theme and practice now being held as a sword of Damocles over the heads and at the hearts of anyone who refuses to "celebrate and worship everything queer" (his words). He expressed great shame about this, which was echoed by other LGBTQ+ members.

They questioned whether VEOHRC is going a few steps too far as they are now ostracising even the youngest members of a minority they claim to be protecting.

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.

None of our network's members, to the best of our knowledge, access anything that slightly resembles or could be deemed as a change or suppression practice. However, even the existence of this Act has increased their overall fear.

The idea that those who complain can remain anonymous has meant that our own members are more fearful of sharing their recovery journeys with one another in case their comments are misunderstood and they are suddenly hauled before a court of law. Two previously vocal members in our online gatherings now choose to remain silent out of fear for what could be misinterpreted and used against them. Once again, another way in which the Act is further damaging the 'already damaged'.

Members have seen the rapidly increasing fragility of the young man who has tried suicide several times since his therapist suddenly stopped seeing him after the Act was introduced. He says that the mental health support he has received is cold and clinical, and doesn't remotely compare to the care, the trust and insights of his previous therapist.

Whatever changes are needed that VEOHRC could take to function and improve its effectiveness towards the well-being of this young man and others like him would be beneficial. What is criminal is that the relationship of trust he began to build with his therapist following the most horrendous

childhood abuse should be ripped away from him because of an Act that promised to protect individuals like him.

10. Are there barriers to reporting, investigating and prosecuting criminal change or suppression offences? If so, what are they?

The Survivors' Support Network noted collectively in our online discussion of this review that no one knows of anything or anyone anywhere in Australia engaging in 'criminal change or suppression offences'.

One elderly gay man recalled a past male lover receiving ECT from the state health authorities some years ago before the man took his own life. He expressed that his ex-lover should have undergone therapy rather than state-funded ECT, and that he might still be alive if this had been the case. Could anyone be investigated and prosecuted for this, he wondered?

No one therefore was surprised that they hadn't heard of any reports, and therefore of no investigations or prosecutions, for criminal change or suppression offences in Victoria.

Some of the network's younger members mentioned that they'd met Year 11 and 12 high-schoolers who are now reluctant to come out to their families and loved ones for fear that, if their family members ever 'say the wrong thing' - most likely innocently - this could lead to them being reported to the statutory authorities.

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?

Our members suffer grievously due to this Act and only wish its operation could be improved to help them to heal instead of further crippling or re-traumatising them as is presently the case.

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?

This question was seen as deeply offensive by many of our members, most of whom have no avenue open to them for redress because of the circumstances of their childhood molestation and rape. They do not decry others receiving redress, but they believe that present avenues of redress are already open to abuse with several members citing examples of where they suspect this has occurred in the past.

Redress has become a warning bell in the ears of therapists and all those who in the past have shown genuine care for same-sex attracted and gender conflicted persons. Significantly fewer professionals now want to offer genuine support to those who need help unless support fits solely within the parameters of the Victorian Government's limitations which, for the most part, ignore the individual's recovery needs.

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

Our network unanimously decided 'No' to introducing a civil cause of action. Once again, this was felt to be unnecessary and could actually be open to being abused.