

**To:**

The Commissioners  
Victorian Law Reform Commission

**Submission regarding the Review of the Change or Suppression (Conversion) Practices Prohibition Act 2021**

Q+Law welcomes the opportunity to contribute to the Victorian Law Reform Commission's review of the *Change or Suppression (Conversion) Practices Prohibition Act 2021* (the Act). We acknowledge the significance of the ban and the profound and lasting harm that change or suppression practices have on LGBTIQ+SB communities.

**Who we are**

Q+Law is Victoria's statewide specialist legal service for LGBTIQ+SB communities. The service was established as an initiative of *Pride in Our Future: Victoria's LGBTIQ+ Strategy 2022–2032* and is delivered by Fitzroy Legal Service in partnership with Queerspace.

Q+Law provides culturally safe(r) legal information, advice and representation to LGBTIQ+SB people across metropolitan and regional Victoria. Our team is peer led – our team members identify as part of LGBTIQ+SB communities, supporting the delivery of trauma-informed and affirming assistance in environments free from discrimination and judgement. In addition to direct legal services, Q+Law undertakes community engagement and community legal education to strengthen awareness of legal rights, improve access to support, and inform systemic advocacy.

Q+Law assists clients across a broad range of legal issues, including discrimination, human rights, access to gender-affirming care, family violence, name and identity recognition, employment and migration matters. The service plays an important role in addressing gaps in mainstream legal assistance where specialist expertise and cultural confidence are required.

**Overview**

Q+Law has received very few enquiries that explicitly reference the Act. However, this should not be interpreted as indicating that change or suppression practices are uncommon or that the legislation is fully effective in practice.

Rather, our experience suggests that complaint-driven frameworks are often ill-equipped to respond to change or suppression practices when they occur in interpersonal and institutional contexts, which is where we most frequently observe them. Low engagement with the Act is also likely compounded by limited community awareness and broader patterns of under-reporting of violence and harm within LGBTIQ+SB communities.

This submission therefore focuses on practical barriers affecting the operation of the current framework and recommends prevention and systemic design improvements.

Part 1 provides an outline of our experiences in working with LGBTIQ+ clients who have experienced change or suppression practices and other similar harms, including discrimination, vilification, identity-based family violence and hate crimes.

Part 2 sets out our recommendations for reforms to make the scheme safer, more accessible, and more effective in preventing and responding to these deeply harmful practices.

## Key recommendations

1. Q+Law recommends the recognition of change or suppression practices within family violence systems as a form of identity-based coercive control, with strengthened early intervention and coordinated response pathways.
2. Q+Law recommends acknowledgement of the heightened risk of suppression practices within custodial, youth justice and other criminal legal settings, alongside consideration of preventative responses within those systems.
3. Q+Law recommends a review of the Commissioner's Requirements governing placement and identity recognition through a change or suppression practices lens.
4. Q+Law recommends the repeal of provisions in the *Births, Deaths and Marriages Registration Act 1996* (Vic) and associated legislation that require "restricted persons" to obtain prior approval before changing their name or recognised sex details.
5. Q+Law recommends the establishment of a positive duty requiring reasonable and proportionate steps to prevent change or suppression practices.
6. Q+Law recommends the development of a guideline function for the Victorian Equal Opportunity and Human Rights Commission to support compliance with the *Change or Suppression (Conversion) Practices Prohibition Act 2021* and strengthen preventative responses to change or suppression practices.
7. Q+Law recommends the inclusion of an express protection from victimisation for people who report or otherwise participate in processes under the *Change or Suppression (Conversion) Practices Prohibition Act 2021*.
8. Q+Law recommends the development of a dedicated civil redress scheme and an enforceable civil pathway for victim-survivors of change or suppression practices.
9. Q+Law recommends funding for a Justice System Navigator model to support victim-survivors of change or suppression practices across intersecting legal and non-legal systems.
10. Q+Law recommends improvements to the civil response scheme for change or suppression practices, including reforms to secrecy and clarification of the healthcare provider exclusion.

## Part 1 – What we see

### Change or Suppression practices within family violence contexts

In our practice, change or suppression practices frequently arise in the context of family violence or coercive control.

Examples reported by clients include:

- refusal to use the person's name and/or pronouns in public and private settings
- pressure to conceal identity
- humiliating and disparaging comments denying a person's gender identity (for example, assertions that their gender is not "real")
- attempts to prevent or discourage a person from expressing their gender identity in everyday life, including through clothing, presentation, identity documents, or participation in affirming environments
- refusal to support medical transition, including withholding gender affirming healthcare or access to medical support, and
- threats of family separation, withdrawal of care, loss of housing and physical violence linked to a person's gender identity or sexual orientation.

These behaviours often operate cumulatively, and in our experience, are not recognised by service systems as unlawful change or suppression practices (or even, often, as serious family violence). We also observe limited recognition among police and courts of the seriousness of this conduct or its potential to constitute a change or suppression practice prohibited by the Act.

In our experience, victim-survivors can be reluctant to pursue criminal pathways against family members or intimate partners, even where harm is significant.

In considering the prevalence of change or suppression practices, it is important to recognise that LGBTIQ+SB communities experience disproportionately high rates of violence alongside comparatively low rates of reporting. Moreover, this pattern is particularly pronounced where harm occurs within family or community relationships, which is the setting in which change or suppression practices are most likely to arise.<sup>1</sup> Findings from the *Private Lives 3* study highlight this dynamic:

- 61% of respondents reported having experienced intimate partner violence
- 65% reported family violence
- only 28% of those who experienced family or sexual violence reported the harm
- just 5.9% reported to police.<sup>2</sup>

This suggests the prevalence of change or suppression practices cannot be accurately measured solely by reference to formal reports under the current framework. In our view, further consideration should be given to how change or suppression practices intersect with family violence systems, including opportunities for preventative and educative responses.

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<sup>1</sup> Jones, T.W., Power, J. Jones, T., Anderson, J., Despott, N. Palotta-Chiarolli, M., Curtler, P. & Migliorni, C. *Improving Spiritual Health Care for LGBTQA+ Australians: Beyond Conversion Practices. A Community Report* (La Trobe University, 2024).

<sup>2</sup> Hill AO, Bourne A, McNair R, Carman M and Lyons A, *Private Lives 3: The health and wellbeing of LGBTIQ people in Australia* (Australian Research Centre in Sex, Health and Society, La Trobe University, Monograph Series No 122, 2020) 72, 75, 78.

**Recommendation 1:** Q+Law recommends the recognition of change or suppression practices within family violence systems as a form of identity-based coercive control, with strengthened early intervention and coordinated response pathways.

## Suppression of gender identity within criminal legal and institutional systems

We also observe that suppression of gender identity occurs within legal and governmental settings, including correctional environments that restrict recognition of affirmed identity. In practice, laws and decision-making practices often prevent people in prison, youth justice, on parole, on post-sentence supervision orders, and on the sex offenders' register from both socially affirming their gender and from legally changing their name or sex markers, even where their gender identity is accepted as genuine.<sup>3</sup> In our view, these processes effectively operate to further punish people caught up in the criminal legal system by suppressing their gender identity.

This problem is particularly significant for our clients in custody. Trans women in men's prisons report:

- persistent misgendering by staff,
- barriers to accessing gender-affirming healthcare and products, and
- ongoing struggles to have their affirmed name recognised in prison systems (whether or not they have, or intend to, change their legal name).

Placement policies can also force individuals into impossible choices between safety and recognition of identity - for example, facing risks of sexual violence and invalidation of identity in men's prisons, or placement in solitary confinement within women's facilities. Recent policy shifts in the Commissioner's Requirements that remove a clear presumption in favour of placement aligned with affirmed gender are likely to further entrench these harms.

In this context, it is important to note that LGBTIQ+ people experience disproportionate levels of contact with criminal legal systems,<sup>4</sup> which increase their exposure to environments where suppression practices may occur. For this reason, preventative frameworks should account for the heightened risk of identity suppression within custodial and other criminal legal contexts.

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<sup>3</sup> Under the *Births, Deaths and Marriages Registration Act 1996* (Vic), people in prison, on parole, in youth detention, subject to serious offender orders, or on the sex offenders register are deemed "restricted persons" and cannot apply to alter their recognised sex details without prior approval from the relevant authority: s 4(1) (definition of "restricted person"). Across the relevant schemes, the decision-maker may approve such an application only where satisfied it is necessary or reasonable in all the circumstances, and must refuse approval where the proposed alteration is considered likely to create security, supervision, custody or register-administration concerns, or to be regarded as offensive by a victim of crime or an appreciable sector of the community: *Corrections Act 1986* (Vic) ss 47P, 79HD; *Children, Youth and Families Act 2005* (Vic) s 488Q; *Serious Offenders Act 2018* (Vic) s 265D; *Sex Offenders Registration Act 2004* (Vic) s 70S.

<sup>4</sup> Panfil, V. R. (2025). LGBTQ People's Experiences with Crime, Victimization, and the Criminal Legal System. *Annual Review of Criminology*, 9.

**Recommendation 2:** Q+Law recommends acknowledgment of the heightened risk of suppression practices within custodial, youth justice and other criminal legal settings, alongside consideration of preventative responses within those systems.

**Recommendation 3:** Q+Law recommends a review of the Commissioner's Requirements governing placement and identity recognition through a change or suppression practices lens.

**Recommendation 4:** Q+Law recommends the repeal of provisions in the *Births, Deaths and Marriages Registration Act 1996* (Vic) and associated legislation that require "restricted persons" to obtain prior approval before changing their name or recognised sex details.

## Barriers to reporting and engagement

The current prohibition on change or suppression practices is not well known or understood in community. Since our service's establishment in 2023, Q+Law has only received one enquiry where the person contacting us identified change or suppression practices as their primary legal issue.

**Recommendation 10:** Q+Law recommends improvements to the civil response scheme for change or suppression practices, including reforms to secrecy and clarification of the healthcare exception.

A consistent theme in our work is that many LGBTIQ+SB clients face significant barriers when engaging with formal complaint mechanisms. Clients often fear that they will not be believed, their experiences will be minimised or misconstrued, or engaging with legal institutions will expose them to further stigma or emotional harm. When they do engage with legal systems, these fears are all too frequently borne out.

The burden of navigating complex processes also influences decisions not to report. In our discrimination practice, for example, we frequently observe that the responsibility placed on individuals to initiate and carry complaint processes can be overwhelming. Even where matters have strong prospects, clients frequently instruct us to settle or discontinue complaints rather than face the stress, time and retraumatisation associated with lengthy tribunal or court proceedings. This is particularly pronounced where an individual feels ashamed by the discriminatory conduct, or fears being "outed" through a litigious process.

Reluctance to report harm is particularly pronounced in relation to engagement with police. In our broader practice, we regularly observe hesitation among LGBTIQ+SB clients to report hate-related incidents or family violence to Victoria Police. Many clients describe prior negative experiences in which police did not recognise or respond appropriately to the dynamics of queer relationships or the nature and severity of identity-based harm.

In the family violence context, almost all victim-survivors we assist report that they are reluctant to contact police. Where clients do seek police assistance, they frequently describe being denigrated or humiliated because of their sexual orientation or gender identity, not being believed, being misidentified as the person who has used violence, or having their experience - particularly emotional or identity-based abuse - minimised or treated as too complex to pursue.

These dynamics must also be understood in the context of the historical relationship between LGBTIQ+SB communities and policing. Many community members have experienced criminalisation, over-policing and discriminatory treatment by police and other justice institutions. In our practice, we see that these experiences continue to shape perceptions of safety and trust in reporting pathways.

**Recommendation 5:** Q+Law recommends the establishment of a positive duty requiring reasonable and proportionate steps to prevent change or suppression practices.

**Recommendation 6:** Q+Law recommends the development of a guideline function for the Victorian Equal Opportunity and Human Rights Commission to support compliance with the *Change or Suppression (Conversion) Practices Prohibition Act 2021* and strengthen preventative responses to change or suppression practices.

**Recommendation 9:** Q+Law recommends funding for a Justice System Navigator model to support victim-survivors of change or suppression practices across intersecting legal and non-legal systems.

### **No “one size fits all” approach to victim-survivors’ justice needs**

We have seen through our work supporting community members who have experienced discrimination, family violence, and hate crimes, that victim-survivors of identity-based harms are looking for a diverse range of outcomes when they contact a lawyer or bring a claim.

For some survivors, bringing a public claim through a Court or Tribunal is an important means of getting accountability, financial compensation, and public vindication. Experiencing identity-based harm can lead to significant mental health impacts, meaning people are not able to engage in paid employment and can require costly treatment to begin to move forward with their lives. A pathway to financial compensation is essential to meet this justice need.

For other survivors, the most important thing is the chance to engage in a restorative process where the other party or a representative acknowledges the harm they’ve experienced.

For others, reporting conduct to police (and being able to trust that police will treat that report seriously and with dignity), remains an important option.

In our experience, many survivors will need a mix of some, or all, of these outcomes.

**Recommendation 8:** Q+Law recommends the development of a dedicated civil redress scheme and an enforceable civil pathway for victim-survivors of change or suppression practices.

### **Fear of victimisation**

Across civil and criminal complaint pathways, our clients frequently report that they are terrified that they will be subjected to further harm when they make a complaint. This can include an escalation of family violence (which they do not trust that police will believe or protect them from); punishment by prison staff and police for raising concerns about sexual violence, misgendering, and discrimination; or being excluded or rejected from communities and services that are meaningful and helpful to them. This fear of victimisation is a significant barrier to engagement.

**Recommendation 7:** Q+Law recommends the inclusion of an express protection from victimisation for people who report or otherwise participate in processes under the *Change or Suppression (Conversion) Practices Prohibition Act 2021*.

## Part 2 – Future reform directions

### **Recommendation 1: Q+Law recommends the recognition of change or suppression practices within family violence systems as a form of identity-based coercive control, with strengthened early intervention and coordinated response pathways.**

We recommend that family violence risk assessment and response frameworks more clearly recognise change or suppression practices as a form of identity-based coercive control.

This could include:

- targeted training for family violence practitioners and court-based services on identifying and responding to change or suppression practices
- integration of prompts within family violence risk assessment tools to support identification of identity-related abuse
- appropriate recording of these risks on information-sharing platforms to inform safety planning and coordinated responses.

Strengthening recognition within family violence systems would support earlier intervention, improve survivor safety, and reduce reliance on criminal or complaint-driven pathways under the Act.

### **Recommendation 2: Q+Law recommends acknowledgement of the heightened risk of suppression practices within custodial, youth justice and other criminal legal settings, alongside consideration of preventative responses within those systems.**

We recommend that the Review expressly recognise that change or suppression practices may occur within criminal legal and other institutional settings. The Review should also consider opportunities to strengthen preventative responses within these systems. In particular, we support the development of targeted education and engagement initiatives to improve awareness among policy-makers, correctional decision-makers and frontline staff on the nature and harms of change or suppression practices and their responsibilities under the Act. A coordinated role for the Victorian Equal Opportunity and Human Rights Commission (VEOHRC) in delivering guidance and education across relevant institutions could assist to reduce the risk of systemic harms and promote more consistent rights-compliant practice. This approach would be consistent with the preventative and culture-building objectives reflected in initiatives such as the Charter Education Program, which has supported the development of human rights awareness across the Victorian public sector.

### **Recommendation 3: Q+Law recommends a review of the Commissioner's Requirements governing placement and identity recognition through a change or suppression practices lens.**

The Victorian Law Reform Commission should, as part of this review, examine the current Commissioner's Requirements governing placement and identity recognition through a change or suppression practices lens. In particular, the review should consider whether recent shifts away from a clear presumption in favour of placement aligned with affirmed gender risk facilitating identity suppression and associated safety harms for trans and gender diverse people in custody.

**Recommendation 4: Q+Law recommends the repeal of provisions in the *Births, Deaths and Marriages Registration Act 1996 (Vic)* and associated legislation that require “restricted persons” to obtain prior approval before changing their name or recognised sex details.**

Q+Law recommends the repeal of the legislative provisions that require “restricted persons” - including people in prison, on parole, in youth justice, subject to post-sentence supervision, or on the sex offenders register to obtain prior approval before changing their name or recognised sex details.

**Recommendation 5: Q+Law recommends the establishment of a positive duty requiring reasonable and proportionate steps to prevent change or suppression practices.**

Q+Law supports the introduction of a positive duty requiring duty holders to take reasonable and proportionate steps to prevent change or suppression practices. In our experience, comparable duties within human rights and equality law frameworks, such as the *Sex Discrimination Act 1984 (Cth)* and the *Equal Opportunity Act 2010 (Vic)*, have contributed to broader cultural reform, strengthened organisational accountability, and reduced reliance on individual complaints as the primary driver of compliance.

To be effective, the introduction of a positive duty should be accompanied by a clear enforcement function for the VEOHRC. In particular, enabling VEOHRC to initiate investigations into potential contraventions of the Act would help shift the focus from complaint-driven processes towards proactive prevention. This approach would both alleviate the burden on victim-survivors and create stronger systemic incentives for institutions to address risks of change or suppression practices.

**Recommendation 6: Q+Law recommends the development of a guideline function for the Victorian Equal Opportunity and Human Rights Commission to support compliance with the *Change or Suppression (Conversion) Practices Prohibition Act 2021* and strengthen preventative responses to change or suppression practices.**

Q+Law supports the introduction of a function for VEOHRC to develop and publish guidelines to support compliance with the Act. In our experience, VEOHRC’s guidance materials in areas such as discrimination and sexual harassment have played an important role in clarifying legal obligations, improving community understanding, and providing practical guidance for organisations seeking to meet their responsibilities.

Authoritative guidance would be particularly valuable in the context of change or suppression practices, where uncertainty about the scope of the law may inhibit compliance. Clear, sector-specific guidance has the potential to promote early intervention and reduce reliance on complaint-driven enforcement mechanisms. We note the practical utility of existing VEOHRC resources, including its guidance on LGBTIQ+ inclusive workplaces, which Q+Law has drawn upon in legal casework, community legal education and Continuing Professional Development sessions.

**Recommendation 7: Q+Law recommends the inclusion of an express protection from victimisation for people who report or otherwise participate in processes under the *Change or Suppression (Conversion) Practices Prohibition Act 2021*.**

Q+Law recommends that the Act be amended to include an express prohibition on victimisation for people who raise allegations of, report, or otherwise participate in processes relating to change or suppression practices, consistent with VEOHRC’s recommendation. This protection should extend to

people engaging in any facilitated response under the Act and could be modelled on the victimisation protections in s 104 of the *Equal Opportunity Act 2010* (Vic).

**Recommendation 8: Q+Law recommends the development of a dedicated civil redress scheme and an enforceable civil pathway for victim-survivors of change or suppression practices.**

Q+Law recommends the development of a dedicated civil redress scheme and enforceable civil pathway for victim-survivors of change or suppression practices. In our experience working with clients who have experienced discrimination and hate-related harm, financial redress can play an important role in supporting recovery and restoring a sense of safety and stability. Many clients report enduring impacts arising from rejection by family or community, including trauma-related mental health issues, disruption to education or employment, and strain on relationships and social support networks. The level of financial redress a survivor requires to begin to move forward with their life can vary significantly. For some, amounts specified in a redress scheme may suffice, while others may require the option of bringing a civil claim to more accurately respond to the harm they've suffered.

Redress also has an important symbolic function. Victim-survivors frequently emphasise the significance of formal recognition that the harm they experienced was wrong and should not have occurred. Where possible, a well-designed scheme has the potential to acknowledge these harms, promote healing, and reinforce broader community understanding that change or suppression practices are unlawful and unacceptable. In other circumstances, an enforceable civil pathway may be the only possible way for a survivor to receive public vindication and recognition that what occurred was wrong, and to hold an individual perpetrator or institution accountable.

In our view, the following design principles should guide the development of a civil redress scheme:

- **Community and lived experience led:** The scheme should be co-designed with victim-survivors of change or suppression practices, and involve consultation with LGBTQIA+ community organisations and representatives. This would enable the scheme to best meet the needs of victim-survivors, and ensure it can be effectively promoted within communities.
- **Accessibility and simplicity:** The scheme should be straightforward to navigate and minimise procedural and evidentiary burdens. Complex application processes and restrictive identification requirements may deter participation, particularly for victim-survivors experiencing trauma or marginalisation.
- **Trauma-informed design:** Processes should prioritise safety, dignity and choice, including flexible evidentiary pathways and options that avoid re-traumatisation.
- **Recognition of historical harms:** Consideration should be given to enabling claims in respect of past practices, including through the absence of a strict limitation period or the adoption of an extended timeframe for applications.
- **Inclusive support mechanisms:** Financial payments alone are unlikely to meet the needs of many victim-survivors. The scheme should be accompanied by access to appropriate support services, including culturally safe counselling and psychosocial assistance.
- **Restorative justice principles:** Consideration should also be given to engagement with experts in restorative justice processes and principles to inform the development of a civil redress scheme that meets victim-survivors' justice needs

- Equity and inclusion: The scheme should be designed to accommodate the diverse needs of LGBTIQ+SB communities, including people with disability, people from culturally and linguistically diverse backgrounds, and those with limited trust in formal institutions.

Where possible, these principles should also be foregrounded in the development of any enforceable civil pathway.

**Recommendation 9: Q+Law recommends funding for a Justice System Navigator model to support victim-survivors of change or suppression practices across intersecting legal and non-legal systems.**

The Review should recommend the establishment and funding of a Justice System Navigator model for people affected by change or suppression practices, consistent with the approach proposed by the Australian Law Reform Commission in *Safe, Informed, Supported: Reforming Justice Responses to Sexual Violence* (ALRC Report 143). Justice System Navigators could provide trauma-informed, culturally safe support to help victim-survivors understand available legal and non-legal pathways, make informed choices, and remain safely engaged across multiple service systems.

This model would be particularly valuable in the context of change or suppression practices, which often intersect with family violence, discrimination, education, policing, corrections and therapeutic services, among other complex systems. As discussed above, many of our clients are reluctant to engage with formal complaint pathways due to distrust of institutions and the significant burden of self-navigating them. A navigator model may reduce these barriers by providing pathway coordination, continuity and trusted support.

**Recommendation 10: Q+Law recommends improvements to the civil response scheme for change or suppression practices, including reforms to secrecy and clarification of the healthcare provider exclusion.**

Q+Law notes and supports the recommendations VEOHRC made in its submission to this Review regarding reforms to the secrecy provision and the introduction of a civil pathway to the Victorian Civil and Administrative Tribunal. While we have had limited direct involvement in supporting clients through the current civil response scheme, our experience across discrimination and hate-related matters suggests that greater transparency about regulatory responses and the availability of an enforceable civil pathway are likely to improve confidence in reporting mechanisms and strengthen incentives for engagement in resolution processes. We consider that these reforms have the potential to enhance the overall effectiveness of the Act's preventative and educative objectives.

Q+Law also supports VEOHRC's proposal to clarify the health-care provider exclusion. In our experience supporting families and service providers in relation to gender-affirming care for trans and gender-diverse young people, legal uncertainty can contribute to overly cautious clinical decision-making and delays in access to time-critical treatment. Clearer statutory guidance that centres compliance with legal and professional obligations may better support practitioners to provide appropriate care and reduce avoidable distress for young people and their families.