

# Reflections and Proposed Implementation Approach

Change or Suppression Practices Prohibition Act 2021 (Vic)

## Overview

Thank you for the opportunity to contribute to the consultation.

The patterns emerging through the consultation process, including low reporting, limited awareness, and absence of prosecutions – suggest not an absence of harm, but barriers in how harm is recognised, understood, and able to enter formal systems.

The Act provides a strong legislative foundation. However, its effectiveness is shaped by the conditions in which it operates.

Strengthening the impact of the Act therefore requires not only refinement of legal mechanisms, but a coordinated approach to how it is **interpreted, translated, and applied across systems, workforces, and communities.**

## Key System Insight

A consistent theme across consultation is that the Act relies on a chain of translation:

- individuals recognising harm
- practitioners identifying and responding appropriately
- organisations enabling safe escalation
- systems capturing and acting on information

Where this chain is weak, the Act does not fully activate in practice.

This is particularly evident where harm is:

- relational and ongoing
- cumulative rather than discrete
- embedded within families, communities, and faith contexts
- increasingly occurring or reinforced through digital environments

## Proposed Implementation Approach

Strengthening effectiveness can be supported through a coordinated system-level approach across six reinforcing pillars:

### 1. Clarify – Strengthen practical interpretation of the Act

There is a need to bridge the gap between legal definition and lived experience.

**Actions:**

- Develop scenario-based guidance across:
  - education
  - health and mental health
  - faith and community settings
  - youth and family contexts
  - online environments
- Clarify how the Act applies to:
  - cumulative and pattern-based conduct
  - relational and indirect forms of harm
- Provide clearer boundaries between:
  - supportive practice
  - expression of belief
  - conduct that induces suppression

## **2. Train – Build workforce capability as the enforcement bridge**

The effectiveness of the Act is dependent on workforce recognition and response.

**Actions:**

- Develop a coordinated workforce capability framework across:
  - education
  - health
  - youth and community services
  - safeguarding and family violence systems
- Integrate into:
  - TAFE and RTO programs
  - care-sector induction and training
  - professional development and accreditation pathways
- Equip practitioners with:
  - recognition skills
  - escalation pathways
  - referral options

## **3. Route – Establish intermediary reporting and escalation pathways**

Current pathways rely heavily on direct reporting to formal systems.

**Actions:**

- Formalise the role of trusted community organisations as intermediary pathways
- Develop a structured escalation framework that:
  - enables early disclosure
  - supports safe triage
  - escalates where appropriate
- Introduce a tiered model:
  - community support and advice
  - facilitated referral

- formal complaint
- urgent escalation

**Outcome:**

- improved accessibility
- earlier identification of harm
- reduced burden on VEOHRC
- stronger pattern recognition

#### 4. Monitor – Improve system visibility and intelligence

There is currently limited visibility into how the Act is operating in practice.

**Actions:**

- Develop a system-level monitoring framework (e.g. an equity and transparency approach)
- Track:
  - reporting pathways
  - sector engagement
  - training uptake
  - referral patterns
  - emerging risks (including digital contexts)
- Enable de-identified reporting of trends and outcomes

**Outcome:**

- better targeting of interventions
- improved accountability
- stronger policy feedback loops

#### 5. Incentivise – Use governance levers to shift behaviour

In many contexts, enforcement alone is insufficient.

**Actions:**

- Link funding, accreditation, or partnership arrangements to:
  - demonstrated prevention efforts
  - workforce capability
  - alignment with inclusive practices
- Recognise and promote best practice models

**Outcome:**

- encourages proactive behaviour
- shifts organisational norms
- complements regulatory enforcement

#### *Engagement with faith-based contexts*

In practice, influencing behaviour within faith settings may not be effectively achieved through traditional incentive or enforcement mechanisms alone.

A more effective approach may involve:

- partnering with affirming faith leaders and networks to co-develop guidance
- providing clear, scenario-based examples that distinguish between expression of belief and practices that induce suppression
- leveraging existing duty-of-care frameworks (such as education, child safety, and community services) where applicable
- strengthening capability among faith-adjacent roles (e.g. youth workers, school staff, counsellors)
- supporting culturally and linguistically appropriate communication that translates the intent of the Act into diverse contexts

This approach supports alignment with the Act's intent while recognising the complexity of faith-based environments.

## 6. Prevent – Strengthen upstream intervention

The current framework is largely reactive.

### Actions:

- Explore the introduction of a positive duty for organisations to take reasonable steps to prevent harm
- Embed prevention into:
  - education systems
  - care-sector training
  - organisational governance
- Align with:
  - safeguarding
  - coercive control frameworks
  - broader wellbeing and safety systems

### Outcome:

- earlier identification of risk
- reduced reliance on reporting after harm occurs

## 7. Regulatory alignment, audit and enforcement

Strengthening the effectiveness of the Act will also require clearer alignment with existing regulatory and professional accountability systems.

At present, there appears to be limited integration between the Act and key regulatory bodies across sectors, including health, education, and safeguarding systems. This may contribute to inconsistency in how obligations are understood and applied in practice.

To address this, consideration could be given to:

- **Aligning the Act with professional standards and codes of conduct**  
Clarifying how change or suppression practices intersect with existing definitions of unprofessional conduct across regulated professions

- **Embedding expectations within regulatory frameworks**  
Including recognition and prevention of such practices within accreditation, registration, and professional review processes
- **Introducing proportionate audit and compliance mechanisms**  
For example, requiring organisations to demonstrate:
  - workforce capability
  - policy alignment
  - clear escalation pathways
- **Strengthening referral pathways between systems**  
Enabling clearer coordination between VEOHRC and relevant regulatory bodies (e.g. health and education regulators) where concerns arise
- **Applying regulatory consequences where appropriate**  
Ensuring that serious or repeated breaches can be addressed through existing professional accountability mechanisms

This approach does not require the creation of new enforcement structures, but rather strengthens the connection between the Act and existing systems of professional responsibility and oversight.

## Operationalising “Professional Judgement”

The ambiguity of “reasonable professional judgement” appears less a matter of legislative drafting, and more a question of how it is supported in practice.

In its current form, it can be interpreted inconsistently across settings and may either unintentionally shield harmful practice or create uncertainty for practitioners.

To minimise this ambiguity:

- **Anchor to evidence-based standards**  
Clarify alignment with contemporary professional guidance and affirming practice standards
- **Provide scenario-based guidance**  
Offer applied examples across settings to support consistent interpretation
- **Introduce peer-based framing**  
Support judgement to be understood in relation to what a competent and informed practitioner would consider appropriate
- **Support documentation and reflective practice**  
Enable practitioners to articulate the rationale for decisions and test them through supervision
- **Clarify escalation pathways**  
Provide clear guidance on when and how to seek advice or escalate concerns

These approaches support consistency without attempting to remove necessary professional discretion.

## Positive Duty and Organisational Capability

The introduction of a positive duty presents a significant opportunity to strengthen prevention. However, its effectiveness will depend on organisational capability.

There is a risk that, without sufficient support, a positive duty may be operationalised as a compliance exercise rather than resulting in meaningful change.

This risk may be heightened in contexts of organisational restructuring, where functions supporting cultural capability (such as diversity, equity and inclusion) are reduced or fragmented.

To mitigate this:

- **Strengthen leadership capability**  
Support leaders to model behaviour, allocate resources, and align organisational culture with the intent of the Act
- **Build cultural capability across the workforce**  
Move beyond awareness to deepen understanding of how harm manifests in different contexts
- **Embed lived experience across organisational layers**  
Integrate lived experience not only at frontline or advisory levels, but across:
  - policy and program design
  - leadership and governance
  - workforce development
  - evaluation
- **Link duty to measurable practice**  
Define what “reasonable steps to prevent harm” looks like in practice

This supports a positive duty to function as a genuine preventative mechanism, rather than a compliance requirement.

## Redress – considerations for a restorative and preventative approach

Redress plays an important role in acknowledging harm, but on its own, it does not prevent harm from recurring.

There are risks if redress is implemented as a standalone or primarily transactional mechanism. In particular, redress may:

- reduce complex, relational harm to financial compensation
- replicate barriers associated with formal reporting processes
- operate downstream without influencing the conditions that enable harm

To strengthen effectiveness, a redress model could be designed as part of a broader restorative and preventative system.

This may include:

- **Multiple pathways for redress**, recognising that individuals may seek different forms of acknowledgement, support, or resolution
- **Trauma-informed and accessible processes**, with reduced evidentiary burden and support for facilitated disclosure
- **Use of trusted intermediary organisations** to support access and engagement, particularly for individuals embedded in community or faith contexts

- **Decoupling from criminal thresholds**, to ensure accessibility where harm does not meet evidentiary requirements for prosecution
- **Integration with system learning**, enabling insights from redress to inform workforce capability, sector-specific interventions, and prevention strategies

A redress model designed in this way can contribute not only to individual healing, but to broader system improvement and harm prevention.

## Cross-System Considerations

### Education system

- Public schools represent both a site of risk and a key opportunity for early intervention
- Non-government schools require different levers, including guidance, registration, and wellbeing frameworks

### Cross-departmental coordination

There appears to be limited awareness of the Act across key systems, including:

- multicultural institutions
- women's and multicultural health networks
- community-facing organisations

Without this alignment, awareness and implementation will remain uneven across communities most likely to be affected

Strengthening effectiveness may require:

- aligned communication across portfolios
- targeted engagement with community-facing bodies
- integration into existing frameworks (safeguarding, family violence, cultural safety)

### Digital and cross-jurisdictional contexts

- Harm is increasingly occurring or reinforced online
- Opportunities exist to align with digital safety and alternative reporting models

### Broader harm frameworks

Consider alignment with:

- coercive control
- family violence
- identity-based hostility and hate-related harm

## Conclusion

The Act is not ineffective in intent or structure.

However, current indicators suggest that its impact is constrained by gaps in:

- recognition
- access
- system coordination
- prevention

Strengthening the translation layer between law and lived experience: through workforce capability, intermediary pathways, system visibility, and prevention – represents the most significant opportunity to improve effectiveness.

## **Closing Reflection**

The Act has established a clear legal boundary.

The next stage is ensuring the system around it is capable of recognising harm, enabling safe pathways, and preventing it from recurring.