

Submission to the Review of the Change or Suppression Practices Prohibition Act

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Responses to 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
[page 30]
2. To what extent do you think the community is aware of and understands:
 - a. the Act and how it works
 - b. what change, suppression practices are
 - c. the harm caused by change or suppression practices. *[page 27]*
3. Could the Act's operation and effectiveness be improved? If so, how? *[page 38]*
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? *[page 27]*
5. How clear is the exclusion for health service providers? If further clarity is needed, how could this best be achieved? *[page 44]*
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? *[page 24]*
8. Are there any barriers to:
 - a. reporting change or suppression practices to VEOHRC
 - b. VEOHRC facilitating outcomes of reports
 - c. VEOHRC conducting investigationsIf so, please describe what those barriers are. *[page 31]*
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. *[page 40]*
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?
13. Should a civil cause of action be introduced under the Act? What distinct purpose would it serve compared to existing pathways? *[page 45]*

1 Executive Summary

The Victorian Equal Opportunity and Human Rights Commission (**VEOHRC**) welcomes the Victorian Law Reform Commission's (**VLRC**) Review of the *Change or Suppression (Conversion) Practices Prohibition Act 2021* (Vic) (**CSP Act**).

Practices that seek to change or hide someone's sexual orientation or gender identity are harmful and unlawful. The CSP Act prohibits change or suppression practices and provides mechanisms for prevention and response. As an independent statutory authority, VEOHRC has specific functions both in education and overseeing the civil response scheme under the CSP Act.

The CSP Act has had a significant preventative impact. During the first few years of the CSP Act, VEOHRC's focus has been on developing an evidence-based education program that is tailored to engagement with duty holders and informed by the lived experience of survivors. Our engagement and education work with duty holders has had some of the greatest impact.

There has been a modest number of reports received to date since the law commenced in 2022. That is to be expected given the barriers to reporting, and the time it takes for someone to identify they have been a survivor of a conversion practice, and to decide whether they want to make a report. We know from our work that conversion practices are still occurring, and that reporting levels are not necessarily indicative of the prevalence within the community.

This submission responds to the VLRC review consultation questions, in two parts.

Part A provides an overview and brief history of VEOHRC's functions under the CSP Act including education and information, enquiries, reporting and facilitation, and investigations.

Part A also considers the progress and effectiveness of VEOHRC's functions, and discusses the barriers to reporting, facilitating outcomes, and investigating change and suppression practices.

Part B considers the operation of the CSP Act and recommends reforms to strengthen and clarify the operation of the Act by:

- Establishing a positive duty to reduce the burden on survivors to come forward and enforce the law.
- Creating a protection from victimisation for people who report change and suppression practices.
- Adding a guideline function to enable VEOHRC to provide authoritative guidance to the community on how to comply with the CSP Act.
- Adding an intervention function to allow VEOHRC to intervene and provide specialist and independent submissions to the Court on cases that apply the CSP Act to assist with the development of CSP Act jurisprudence.
- Improving internal information sharing within VEOHRC.
- Creating new exceptions to the secrecy provision to clearly enable VEOHRC to report back on the outcomes of reports, to report back to survivors on the outcomes of investigations and to strengthen the impact and operation of investigations including to expressly enable the publication of reports following an investigation.

- Revising the exclusion for health service provider provisions under s 5(2)(b)(i) to remove uncertainty around its scope.
- Establishing a civil cause of action to enable survivors to lodge a complaint with VCAT providing them with more pathways for resolution.
- Amending the meaning of 'sexual orientation' to remove uncertainty and clearly provide protection for asexual and aromantic people from change and suppression practices.
- Including a mandatory referral requirement for other regulators requiring them to refer reports of change and suppression practices to VEOHRC, with the survivor or reporters' consent.
- Securing ongoing funding to allow VEOHRC to continue to provide services to survivors, guidance to duty holders, and ensure that the CSP Act has its intended impact.

We believe that these reforms will enable the CSP Act to reach its objective of eliminating conversion practices in Victoria as far as possible, and ensuring that all Victorians can live with safety, dignity and pride.

If the VLRC review team has further questions on VEOHRC's functions under the CSP Act or the issues raised in this submission, please do not hesitate to contact us.

A note on language: Please note that 'change and suppression practices' is used interchangeably with 'conversion practices' throughout this submission.

Recommendations

Recommendation 1

VEOHRC recommends the inclusion of a positive duty framed in similar terms to the positive duty under section 15 of the *Equal Opportunity Act 2010* (Vic).

Recommendation 2

VEOHRC recommends the inclusion of a protection from victimisation for people who raise an allegation of change or suppression practices, people who make a report of change or suppression practices, and people who engage in facilitation in relation to change or suppression practices. This provision can be modelled on the victimisation protection under section 104 of the *Equal Opportunity Act 2010* (Vic).

Recommendation 3

VEOHRC recommends adding a new provision to section 42(2) of the CSP Act to confirm that 'any action' can include publishing a report on an investigation.

Recommendation 4

VEOHRC recommends new exceptions to the secrecy provision in section 51(2) of the CSP Act:

- a) to permit the disclosure or communication of protected information where it relates to a response following a report of a change or suppression practice.
- b) to permit the disclosure, communication or production relating to the announcement or conduct of an investigation under section 34 or the outcome of an investigation under section 42.
- c) to permit the disclosure, communication or production of protected information where it is to another person to whom section 51(1) applies.

Recommendation 5

VEOHRC recommends that the CSP Act be amended to include a guideline function for VEOHRC to be able to provide practical guidance to the community and organisations, modelled on the guideline function in sections 148 to 150 of the *Equal Opportunity Act 2010* (Vic).

Recommendation 6

VEOHRC recommends that the CSP Act be amended to include an intervention function modelled on the intervention function under the *Charter*.

Recommendation 7

VEOHRC recommends reforming the exclusion for health service providers by removing “reasonable professional judgement” and “where necessary to provide a health service” from section 5(2)(b) of the CSP Act so that the exclusion applies to a practice or conduct of a health service provider that is necessary to comply with the legal or professional obligations of the health service provider.

Recommendation 8

VEOHRC recommends that a civil cause of action be introduced through a new part in the CSP Act, modelled on Part 3, Division 2 of the CSP Act and Part 8, Division 2 of the *Equal Opportunity Act 2010* (Vic).

Recommendation 9

To ensure greater protection for all people who might experience change or suppression practices, VEOHRC recommends that the definition of ‘sexual orientation’ be amended to include both:

- a) a person's emotional, affectional and sexual attraction to, or intimate or sexual relations with, persons of a different gender or the same gender or more than one gender; or
- b) a person's lack of emotional, affectional and sexual attraction to, or intimate or sexual relations with any person of any gender.

Recommendation 10

VEOHRC recommends the inclusion of a mandatory referral requirement for other regulators, requiring that they must refer reports of change and suppression practices to us. The mandatory referral requirement should require that the survivor or reporter consents to the referral, in the same way that VEOHRC must obtain consent to refer under section 29(3) of the CSP Act.

Recommendation 11

VEOHRC recommends secure, ongoing funding to enable us to carry out our functions effectively under the CSP Act.

2 Part A - VEOHRC's functions under the CSP Act

Please note: This submission contains content that some readers may find offensive or distressing.

VEOHRC expresses our deepest gratitude to conversion practice survivors who have shared their experiences with us over the years and acknowledge their bravery in speaking with us in order to help others. We also acknowledge that survivors' stories can also be those of recovery, resistance and resilience.

2.1 Background

The CSP Act was passed by the Victorian Parliament on 4 February 2021 and commenced on 17 February 2022. Change or suppression practices, commonly known as **conversion practices**, are harmful practices which seek to change or hide an individual's sexual orientation or gender identity.

Conversion practices can be formal or informal. Formal practices often involve organised, structured and professional methods. Formal conversion practices can take place during counselling, therapy, clinical camps, workshops claiming to 'heal' or 'fix' what they claim to be 'broken', or can take place in institutional settings, such as clinics, hospitals, or faith-based institutions.

Informal practices are more common and can also have long lasting and far-reaching negative impacts on people. Informal conversion practices can take place during pastoral care or take the form of religious pressure (such as unstructured sessions with religious or community leaders intended to encourage suppression or change), specific targeted vocal prayers¹ to 'cure' or suppress an individual's attraction or gender expression, or pressure from family or friends that seeks to change or hide someone's sexual orientation or gender identity.

Evidence shows that sexual orientation and gender identity change efforts are not only unwarranted and ineffective but are associated with psychological harms "including poor self-esteem, self-hatred, depression, anxiety, problematic substance use, and suicide ideation and attempts."²

¹ A point made in the parents' and families' CSP educational needs research report is to clarify "...while public prayer, prayer chains, prayer groups and other religious practices that are used to try to change or suppress an individual's sexuality are harmful, we suggest steering clear of using general references to prayer as examples of change or suppression practices in communication materials. People from faith backgrounds who took part in this study pointed out that prayer is often a silent practice – a private conversation between themselves and God that cannot be policed. Anything that could be interpreted as saying that people are banned from privately wishing or praying that their loved one stops being LGBTQA could amplify concerns that the CSP Act is an infringement on people's private lives and a threat to religious freedoms." To this end, VEOHRC's education tries to draw this distinction as much as possible – private prayer is not considered a conversion practice.

² Salway, Travis et al, [*Protecting Canadian Sexual and Gender Minorities from Harmful Sexual Orientation and Gender Identity Change Efforts*](#): A Brief Submitted to the Standing Committee on Health for the Committee's Study of LGBTQ2 Health in Canada, (Report, Ottawa, 2019).

Conversion practices have significant negative impacts on Lesbian, Gay, Bisexual, Trans and gender diverse, Queer and Asexual (LGBTQA)³ people's mental health. This can include low self-esteem, feelings of inauthenticity, self-hatred, failure, cognitive dissonance, low self-awareness, people-pleasing behaviour, stunted emotional development, muted creativity, under-developed psychosexual maturation, poor peer socialisation, and risky sexual behaviours.⁴

Conversion practices can also significantly negatively impact LGBTQA people's lives – including their education, employment, participation in sports, and overall health and wellbeing (i.e. including higher rates of smoking, drug use and post-traumatic stress).

Further evidence of the harm caused by conversion practices and the support survivors need to heal and recover can be found in the seminal report '*Healing Spiritual Harms: Supporting Recovery from LGBTQA+ Change and Suppression Practices*'.⁵

The CSP Act prohibits conversion practices, recognising the significant harm they cause. It established a civil response scheme to support survivors. It also created four criminal offences.

2.2 Overview of VEOHRC's functions

VEOHRC has several functions under the CSP Act including to:

- establish and undertake **information and education programs**⁶
- **receive reports**, request information, determine reports and **facilitate outcomes**⁷
- **undertake research**, collect and analyse data and report on research⁸
- **undertake investigations** into serious, systemic, or persisting practices⁹
- help people affected by CSP to **report to Police** and to find **support services**¹⁰

These functions are outlined in further detail in the following sections.

These functions contribute towards the Victorian Government's commitments under the *Pride in our future: Victoria's LGBTIQA+ strategy 2022–32*¹¹ and VEOHRC's commitment that no Victorian should be subjected to harmful practices that seek to change or suppress their sexual orientation or gender identity.¹²

³ The initialism LGBTQA (which stands for Lesbian, Gay, Bisexual, Trans and gender diverse, Queer and Asexual) is used throughout this document, as these orientations and identities are those targeted by conversion practices. Conversion practices do not include forced medical interventions on intersex people (also known as people with a variation of sex characteristics), mostly because being intersex is neither a sexuality nor a gender identity. While noting that some people with intersex variations are LGBTQA and have been subject to conversion practices.

⁴ Schlosz David J, *The Impact of Reparative Therapy on Gay Identity Development*, (May 2020) ISBN: 9798645477745.

⁵ Jones, Tiffany M et al, *Healing Spiritual Harms: Supporting Recovery from LGBTQA+ Change and Suppression Practices*, The Australian Research Centre in Sex, Health and Society, La Trobe University (Report, 2021).

⁶ *Change or Suppression (Conversion) Practices Prohibition Act 2021* (Vic) ss 17(1)(a) and 18.

⁷ *Change or Suppression (Conversion) Practices Prohibition Act 2021* (Vic) ss 17(1)(b), (c), (d), s 20, s 21, (s 17(1)(f)).

⁸ *Change or Suppression (Conversion) Practices Prohibition Act 2021* (Vic) ss (s19, s 20).

⁹ *Change or Suppression (Conversion) Practices Prohibition Act 2021* (Vic) ss (s 34).

¹⁰ *Change or Suppression (Conversion) Practices Prohibition Act 2021* (Vic) ss 17(1)(g), (h).

¹¹ See <https://www.vic.gov.au/pride-our-future-victorias-lgbtiga-strategy-2022-32>, Domain 1: Equal rights and freedoms to "Implement *Change or Suppression (Conversion) Practices Prohibition Act 2021* (Vic)" and report.

¹² VEOHRC Annual Report, 2020-21.

2.3 Education and information

This section provides an overview of VEOHRC's CSP Act education and information program.

First, it outlines our education strategy on the CSP Act, including our principles, pillars and approaches.

Second, it outlines some of our tailored education work with different groups, including supporting LGBTQA people of faith, LGBTQA young people, working with faith leaders and health workers, and supporting parents, families and caregivers.

Finally, it outlines the areas of future focus for our education work.

(i) VEOHRC's education approach and strategy

VEOHRC's education program aims to increase awareness and understanding of conversion practices across Victoria. Our long-term goal is to achieve real change by addressing the underlying causes of conversion practices and working to change attitudes and practices within organisations where unlawful conduct arises. From the commencement of the education function, VEOHRC used behaviour science to underpin its approach. We sought to identify *who needs to do what differently* to eliminate conversion practices. This led to the identification of target audiences and outcomes for the education strategy.

Central to our education work has been an important message to those who might be impacted by the CSP Act, that conversion practices:

- do still happen
- do not work and harm people, and
- are now against the law, including how the CSP Act works.

Our education pillars

These approaches informed the development of VEOHRC's CSP education strategy. In 2022, VEOHRC also established a CSP Expert Reference Group including survivors of conversion practices, trusted experts and academics who provide advice on the development and implementation of the strategy.

The CSP education strategy has three-pillars:

1. to support LGBTQA people of faith and LGBTQA young people to access information and support services by providing training and resources for lead LGBTQA agencies and services
2. to build the capacity of a diverse range of faith-based institutions, health practitioners, schools and others including through providing workshops, training and fact sheets
3. to connect Victorians, including parents, families and carers, to reliable and authoritative information about the CSP Act including information sessions, a webpage, research study and short animation videos.

Our education principles

The CSP education strategy is shaped by the following principles:

- *working collaboratively with survivors* of conversion practices so that their voice and experience is at the centre of VEOHRC's work, using the conversion practices Expert Reference Group, drawing from the latest international and national research, and constantly reaching out for guidance and input.

- *preventing re-traumatising people affected by conversion practices* by being guided by survivors and those at risk and current best practice and ensuring a trauma-informed, human-centred, human rights-based approach.
- *tailoring to specific audiences* so that services are relevant, using appropriate and relevant language and scenarios. This includes people across many faiths, health care workers, parents and other caregivers; co-designed so that the resources reflect relevant scenarios and language and continues to be respectful and relevant.
- *using an evidence-based approach* which includes working with targeted audiences, by directly engaging with queer and trans people, LGBTQA communities, and others at risk of conversion practices by working with them in a co-design process to identify both where the needs are and how they are best addressed.
- *using behavioural science* where possible, so that services influence behaviour and attitudes, and that the program of work is informed by behavioural insights and human centred design principles for long term impact.
- *using a harm-reduction and prevention model* to address behaviour before it occurs or escalates, minimising harm and the likelihood of harm.

Evidence-based approach

VEOHRC's education work has been informed by evidence and research¹³ that has improved our understanding of conversion practices. As more evidence has become available,¹⁴ particularly regarding the nature and focus of conversion practices across different faiths, we have updated our approach accordingly.

VEOHRC's education work has also been informed by the crucial lived experience insights of survivors and survivor advocates, including survivor groups such as the [Brave Network](#) and Sexual Orientation & Gender Identity Change Efforts Survivors (SOGICE Survivors).

The [SOGICE Survivors Statement](#)¹⁵ says that “we believe that LGBTIQ+ people are a loved and essential part of God’s intended human diversity”. Along with the Brave Network, the SOGICE Survivors have identified that conversion practices are based on a set of interconnected assertions that together form ‘conversion ideology’.

¹³ Jones, Timothy, W et al, [Preventing Harm, Promoting Justice: Responding to LGBT Conversion Therapy in Australia](#), (La Trobe, Report, 2018), Health Complaints Commissioner, [Report on the inquiry into conversion therapy](#), (Report, February 2019).

¹⁴ Research and evidence includes the following studies and reports: Jones, Timothy W, Power, Jennifer and Jones, Tiffany M, ‘[Religious Trauma and Moral Injury from LGBTQ+ Conversion Practices](#)’ (2022) 305 *Social Science & Medicine* 115040, Jones, Timothy W et al, [Improving Spiritual Health Care for LGBTQ+ Australians: Beyond Conversion Practices: A Community Report](#) (La Trobe University, 2024), Jones, Timothy, W et al, [Preventing Harm, Promoting Justice: Responding to LGBT Conversion Therapy in Australia](#), (La Trobe, Report, 2018), Gurtler, Percy, ‘[Navigating Identity and Belonging: LGBTQ+ People’s Experiences of Conversion Practices, Resistance, and Recovery in Migrant, Multicultural and Multifaith Communities in Australia](#)’, (School of Psychology and Public Health, La Trobe University, 2025), Hill, Adam O et al, [Writing Themselves In 4: The Health and Wellbeing of LGBTQ+ Young People in Australia](#), (National Report, Australian Research Centre in Sex, Health and Society, La Trobe University, February 2021) and previous ‘Writing Themselves In’ publications from 1998, 2005 and 2010 can be found here: <https://www.latrobe.edu.au/arcshs/nested-content/writing-themselves-in-publications>, Hill, Adam O et al, [Private Lives 3: The Health and Wellbeing of LGBTIQ People in Australia](#) (ARCSHS Monograph Series No 122, Australian Research Centre in Sex, Health and Society, La Trobe University, 2020) and previous ‘Private Lives’ studies from 2006, 2012 can be found here: <https://www.latrobe.edu.au/arcshs/nested-content/private-lives>.

¹⁵ See <https://thebravenetwork.org/wp-content/uploads/2019/11/SOGICE-Survivor-Statement-v2-Nov-2019.pdf>

Broadly, these groups categorise ‘conversion ideology’ as:

- **General beliefs** – such as that everybody is born heterosexual, that gender identity is fixed at birth, and that being LGBTQA is wrong.
- **Origins/causes** – such as that being LGBTQA is caused by trauma and is the result of being ‘broken’ or having a disorder, bad parenting, demonic possession or evil spirits.
- **Fixable** – that being LGBTQA is something to be ‘overcome’, and that the person can be “fixed” through celibacy, pastoral care, ‘counselling’ or pseudo-scientific ‘treatment.’¹⁶

The framework of conversion ideology has helped inform VEOHRC’s education work by identifying underlying harmful beliefs and assertions related to conversion practices.

Evidence of where conversion practices are most frequently occurring has also directed our education strategy. The summary data (see Table 1 below) adapted from the “Improving Spiritual Healthcare for LGBTQA Australians” research study,¹⁷ has guided where we focus our CSP education work.

Table 1 – Themes of conversion practices and experience in the community

Themes of conversion practices	% who experienced conversion practices ‘often’ or ‘frequently’
Family-based practices (e.g., encouraged or advised by family members to change sexuality or gender identity, influenced by faith, media, ‘pseudoscience’)	48%
Private behaviours (e.g., engaged in private prayer to change sexual or gender identity, influenced by faith, media, ‘pseudoscience’)	37%
Pastoral care experiences (e.g., experienced pastoral care to change or suppress gender or sexuality)	25%
Healthcare attendance (e.g., received counselling or psychotherapy)	10%
Group efforts (e.g., attended a support group for people struggling with gender or sexuality).	6%

¹⁶ Adapted from Jones, Tiffany et al, ‘Miseducation of Australian Youth: Exposure to LGBTQA+ Conversion Ideology and Practices’ (2022) 22(5) *Sex Education*, 22:5, 595-610, DOI:10.1080/14681811.2021.1978964.

¹⁷ Table adapted from Jones, Timothy W et al, *Improving Spiritual Health Care for LGBTQ+ Australians: Beyond Conversion Practices: A Community Report* (La Trobe University, 2024).

Stakeholder analysis and engagement

Another key aspect of VEOHRC's education approach has been a process of deep engagement with those most impacted by the CSP Act. VEOHRC engaged in extensive audience and stakeholder analysis which has informed our tailored approach to education. This included consultations with survivor groups, Victoria Police, referral agencies, research bodies, the Victorian Government, LGBTQA communities, organisational stakeholders, institutional stakeholders (including faith-based), and the Victorian public.

VEOHRC also engaged with survivor groups and academic experts to develop tailored information resources and education services to help individuals, organisations and community groups take reasonable precautions to prevent conversion practices from occurring.

Since the CSP Act came into effect, VEOHRC has engaged with:

- faith leaders
- LGBTQA people of faith
- young people (including young LGBTQA people, their friends and allies)
- health providers
- religious institutions
- service providers and other organisations.

We worked with these groups to raise awareness about unlawful change and suppression practices, the harm caused, and safe referral pathways. VEOHRC has always been committed to closely working to support all faiths better understand their obligations under the CSP Act. We have had many conversations across different faiths, especially with those seeking to understand how to balance their approach to their faith with the CSP Act.

Despite VEOHRC's work to provide information and education to the community on the purpose of the CSP Act, mis-and-disinformation continues to be widely shared by those opposed to the CSP Act. This includes suggestions that the CSP Act will take away people's rights to practice their beliefs, or their role as a parent and being able to discuss gender or sexuality with their children. Increasing fear and concern about the CSP Act makes it less likely that parts of the community will engage with the Act, and it is therefore essential that VEOHRC reach a wide audience to overcome misinformation.

(ii) Targeted education programs

The following section outlines VEOHRC's targeted education program under our three pillars:

- Pillar 1:
 - Supporting LGBTQA people of faith
 - Supporting LGBTQA young people
- Pillar 2:
 - Working with health workers
 - Working with faith leaders
- Pillar 3:
 - Working with families, parents and caregivers
 - Connecting Victorians to reliable information

Pillar 1: Supporting LGBTQA people of faith

The spiritual harms of conversion practices for LGBTQA people of faith are well documented.¹⁸ Research shows that around half of LGBTQA survivors of conversion practices lose their faith. Given the harms associated with conversion practices and the much-overlooked harm associated with losing one's faith, accessing support is all the more crucial. There were few resources to support survivors in affirming this choice.

Recognising that those who experience conversion practices require trauma-informed support, we worked with the community service Switchboard to develop a web page (see below) that informs Victorian LGBTQIA+ people of faith about supports and affirms their identity as well as their right to be a part of faith, family and community.

To support this page, VEOHRC ran training sessions for Switchboard/Rainbow Door staff and volunteers on how to recognise and assist queer and trans people of faith. We also developed and provided an identification and referral flow chart to help support the supporters.

Resources – Collaborating with Switchboard/Rainbow Door

The '[Support for LGBTQIA+ people of faith](#)' webpage:

- affirms that you can be a person of faith and LGBTQIA+
- reinforces that you should not have to choose between your faith and your sexuality or gender identity
- affirms that being LGBTQIA+ is completely natural
- explains that it is harmful to be told you need to be fixed or changed
- explains the law in Victoria



IMAGE: These are some of the stickers produced to promote the Supporting LGBTQIA+ People of Faith webpage, distributed by Switchboard/Rainbow Door and VEOHRC at the Midsumma Carnival.

¹⁸ Jones, Tiffany M et al, *Healing Spiritual Harms: Supporting Recovery from LGBTQIA+ Change and Suppression Practices* (The Australian Research Centre in Sex, Health and Society, La Trobe University, Report, 2021).

Pillar 1: Supporting LGBTQA young people

Young LGBTQA people are more than five times likely to consider attempting suicide than the general population.¹⁹ People who have attended conversion practices are over two-and-a-half times more likely to think about or plan suicide, and almost four times more likely to attempt suicide, than those who have not experienced conversion practices.²⁰ Recognising these specific risks and needs, VEOHRC developed CSP Act resources with young queer and trans people.

VEOHRC worked closely with young people to understand how and why they can identify and support a friend experiencing conversion practices. We conducted a survey and facilitated interactive groups for young trans and queer people, co-moderated by Transcend Australia. Two key findings identified from the sessions and survey were that young people were still being targeted with the message that being queer or trans is unnatural, and that many of them did not know where to turn for help or support.

This reinforced the 2020 research findings²¹ that around 4.9% of Australian students were taught “gay people should become straight” in school – a figure that increased to 1 in 6 in Catholic and Christian schools. In 2022, more than 1 in 2 LGBTQA young people were told to suppress or hide their identity.²² The same year, 2 in 3 LGBTQA young people were told in school that “being sexually and gender diverse goes against the natural order”. In government schools they mostly received this messaging from classmates (33%), but in religious schools, they were mostly told by teachers (66%).²³

To promote support offered by Switchboard/Rainbow Door to young people and the web page, we developed 4 TikTok animations, tested with young queer and trans people and shared across social media platforms. Informed by VEOHRC’s research, the animations promoted awareness of conversion practices, misgendering, queer and trans youth rights and how to seek support through Switchboard’s Rainbow Door service.

VEOHRC re-runs the campaign each year, to promote the Switchboard webpage to young LGBTQA people. As an example of the on-going success of the campaign, the number of visitors to the webpage grew from 48 in January 2025 to 9,529 visits in the period 20 February to 11 March 2025 after the campaign was run.

¹⁹ Hill, Adam O et al, *Private Lives 3: The Health and Wellbeing of LGBTIQ People in Australia* (ARCSHS Monograph Series No 122, Australian Research Centre in Sex, Health and Society, La Trobe University, 2020)

²⁰ Ibid.

²¹ Jones, Tiffany. *A Student-Centred Sociology of Australian Education: Voices of Experience*. (Springer: Cham, 2020). ISBNs: 978-3-030-36863-0 (e-book). DOI: 10.1007/978-3-030-36863-0

²² Ibid and Jones, Tiffany et al, ‘Miseducation of Australian Youth: Exposure to LGBTQA+ Conversion Ideology and Practices’ (2022) 22(5) *Sex Education* 595, <https://doi.org/10.1080/14681811.2021.1978964>

²³ Jones, Tiffany. *LGBTIQA+ students’ transformative ‘religious freedom’ definitions*, *Gender and Education* (2023), 35:6-7, 552-571, DOI: 10.1080/09540253.2023.2219688.

Resources – Young queer and trans people

We learned directly from young people the best ways to reach them, the drivers and barriers to changing their behaviours, and what visual identity and messages resonate with them.



IMAGE: Media Tiles from one of VEOHRC's advertisements targeting young people.

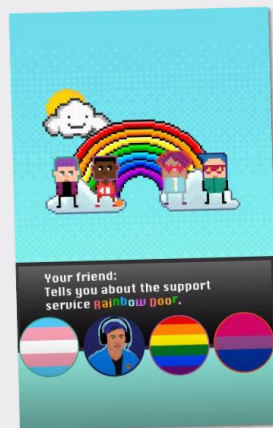


IMAGE: Screenshot from the TikTok animation 'The Game'.

Pillar 2: Working with faith leaders

Engagement and consultation

From the earliest consultations on the CSP Act, many religious leaders and faith-based organisations expressed concerns over the legislation. Many survivor advocates had expressed concern over faith-based organisations as being a major source of conversion ideology and practices.

Some faith leaders would only acknowledge conversion practices as extreme activities and locate them in the past, casting doubt about the legislation even being needed. Others who support banning conversion practices only wished the law to apply to 'coercive' practices. This is based on the notion that anyone asking for help to suppress or change their sexuality or gender should be allowed to do so, claiming that legislating against this has taken away people's freedom of choice. But conversion practices are harmful, ineffective and unlawful, even if someone requests or consents to them, which is why the CSP Act does not allow a person to consent to change or suppression practices.

In developing education, we consulted closely with faith leaders to ensure our materials would be fit for purpose. It has been our experience that some faith-based bodies are willing to work together on education and guidance, and for others they can do so if VEOHRC labelling is not prominent.

We heard from faith bodies that they want to understand what practices are permitted and what is not, as well as the practical implications for their practices. Core to our education is a discussion that the CSP Act is *not* about stopping people from practising their faith, or about parents explaining what they believe to their children. It is about preventing harm. The CSP Act does not prohibit prayer and religious practices, except when they amount to a change or suppression practice.

Faith organisations reached out to VEOHRC for guidance about how the CSP Act might affect how they hold and practice their beliefs. As VEOHRC also has responsibilities to uphold the right to freedom of thought, conscience, religion, and belief,²⁴ and to prevent or address discrimination based on people's religious beliefs or activities,²⁵ the approach had to be a balanced one.

Providing safety and support for LGBTQA people of faith

To further support religious organisations, we developed an education program for faith leaders, called '*Providing Safety and Support for LGBTQA people of Faith*'. This unique program, designed with our contractor Jac Tomlins in collaboration with survivors, seeks to address knowledge gaps on providing supportive and appropriate pastoral care for LGBTQA members of their faith. The workshop was successfully piloted and run several times in the multi-denominational setting through a partnership with the University of Divinity.

Considerable work was done to create psychological safety for participants, and to emphasise that, under the CSP Act, they have the right to their beliefs, just not the right to harm others with them.

Over time, the workshops have been refined and adapted to particular faiths, to ensure the material speaks to specific beliefs and practices and respectfully addresses individual faiths' concerns.

Pre-workshop survey responses typically indicated that:

- around half of participants strongly agreed that they had experience working with LGBTQIA+ people.
- more than half somewhat disagreed that they had a good understanding of the legislation.
- less than a third somewhat agreed that they understood how the legislation applied to their work.

Participants also raised questions about how to balance pastoral care responsibilities with personal beliefs. One participant noted: "for many of us, the greatest question is how do I care deeply without compromising my beliefs."

The feedback following the workshops was affirming of the content and approach. Participants reflected that the workshop helped them better understand the continued presence of conversion practices locally, the challenges faced by LGBTQA communities, the subtleties of suppression and coercion, and the way the legal obligations apply to faith-based organisations.

²⁴ Victorian Charter of Human Rights and Responsibilities Act 2006 (Vic) s 14.

²⁵ Under the protected attribute of religious belief or activity in the *Equal Opportunity Act 2010* (Vic) s 6 (n).

The programs have received overwhelmingly positive responses as reflected in the de-identified sample of responses below:

- *Informative and thought-provoking workshop. Valuable to enhance my practice and support the LGBTQIA community.*
- *I really appreciate the time put into creating this opportunity to learn and increase awareness.*
- *The activities in the workshop helped me apply learning to my practice.*
- *Unpacking the legislation was helpful, especially the space to ask our questions.*
- *I was aware of the conversion part, but the suppression part was new understanding for me.*
- *More clear about legislation and pastoral care responsibilities.*
- *I had no idea of the harm it caused.*
- *I will apply everything I have learnt today to my practice from tomorrow.*²⁶

For VEOHRC, there was a substantial amount of work in preparing for each of the faith-based sessions. Each workshop was tailored to incorporate appropriate and respectful language and concepts. There was substantial work in developing relationships of trust and engagement to establish a need for the sessions and embed them into the faith bodies calendars.

Pastoral care guidance

To complement this work, VEOHRC has been working with various faiths to provide written guidance on how the CSP Act might be considered when providing pastoral care to LGBTQA people.

Responding to calls for tailored information on the CSP Act, VEOHRC developed the guide [*“Providing Safety for LGBTQA people of faith”*](#) for leaders of faith in churches of the Baptist Union of Victoria (BUV). This guide was produced to create a broader understanding of the CSP Act and provide clarity on how the law may operate in practice within offering pastoral care and other faith-based environments.

Designed with some input from the BUV and other Baptist leaders, the guide helps pastors, group leaders, youth leaders, volunteers and others to better understand the CSP Act. The guide explains why the Act is needed and the harms that change and suppression practices cause, in particular for young people of faith and their families.

A lot of work was done with the BUV and others to ensure that the guide was relevant to their faith and sought to address concerns, doubts and confusion raised by Baptist leaders.

VEOHRC's intent was to provide guidance that is as clear as possible so Baptist faith leaders can continue to practice their faith and work effectively while staying within the law. While faith-based language and concepts were used, the guide is a VEOHRC resource that does not represent the doctrine, opinions, advice, or policies of the BUV.²⁷

²⁶ Direct quotes from participant feedback sheets for the workshops 'Providing safety and support for LGBTQA people of faith: Improving pastoral care'.

²⁷ [*Vic Baptists: How we were consulted on the LGBQA guide to the Change or Suppression \(Conversion\) Practices Prohibition Act*](#), posted on 12/12/2024 by John Sandeman.

Resources – Pastoral care guidance

The “[*Providing Safety for LGBTQA people of faith*](#)” guide defines the CSP Act and explains why it was implemented. It also presents a list of practices permitted under the Act, including statements of belief, counselling and advice.

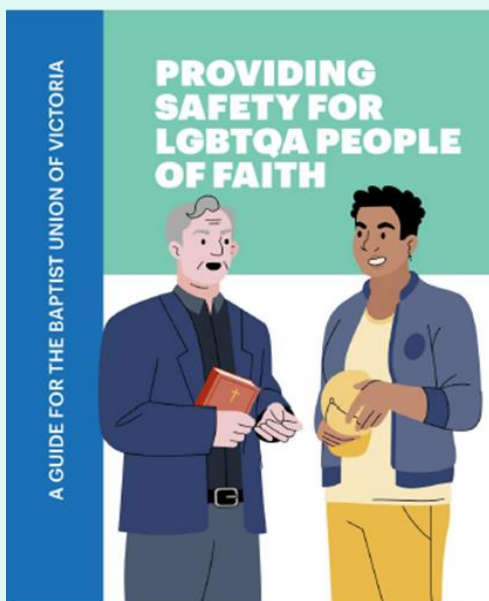


IMAGE: Cover of VEOHRC's 'Providing safety for LGBTQA people of faith' (Baptist edition).

Pillar 2: Working with health workers

VEOHRC has worked closely with the health sector to assist medical practitioners to better fulfill their obligations under the CSP Act. Concerns have been raised from a lack of clarity over the impact of the CSP Act on health workers, and VEOHRC has begun research into how to best support health workers with the CSP Act (see under (iii) Future focus of VEOHRC's education and engagement our answer to Consultation paper question 5).

VEOHRC worked with the Australian Health Practitioner Regulation Agency (**AHPRA**), the regulator of Australia's health practitioners. While AHPRA is a national body, the CSP Act is relevant to complaints about health practitioners in Victoria, and representatives from other jurisdictions may oversee Victorian complaints. VEOHRC organised a panel at the National Registration and Accreditation Scheme Combined Meeting held in Melbourne over two days in October 2023. The panel – 'Sex, religion and politics: finding a way to the best person-centred care' was followed with a comprehensive series of questions that also led to a follow-up workshop for the legal teams at AHPRA.

Pillar 3: Working with families, parents and caregivers

VEOHRC was often asked for guidance around how the CSP Act might impact upon people's parenting, by the public, and faith leaders and service providers who give support to parents, families and caregivers in their work. There has been persistent misrepresentation that the CSP Act takes away the rights of parents.

To understand the educational needs of parents, families, caregivers and their support workers in dealing with change and suppression practices, VEOHRC commissioned an independent researcher to conduct a mixed-methods study. The research involved a literature review, engagement with focus groups and interviews with parents, parent organisations, health professionals and service providers.

The study '[Parents' and families: CSP educational needs scoping project: Report of findings](#)' called for a booklet to contain advice and practical tips on how families can support their child, descriptions of the kinds of reactions/behaviours that are not helpful (and why), an explanation that some of the behaviours are against the law, and directions to support families and their child.

There was a clear message that the resources should not be solely produced by VEOHRC in order to reach a broader audience. Parents identified one of their most trusted online sources for parenting resources as being the Raising Children Network (**RCN**), and therefore VEOHRC collaborated with the RCN to produce the booklet. In keeping with the approach of RCN, the booklet does not direct parents towards particular approaches, but instead gives them tools and practical ideas to apply to their own situations.

The booklet discusses the right of parents to share their personal beliefs and values with their child, including their beliefs around sexuality and gender. Parents may have a range of reactions to the discovery that their child is LGBTQA and those can change over time. Our research showed us that all parents wanted to love and support their child but often wrestled with complex feelings around sexual or gender identity.

Based on ever-growing research, the VEOHRC's material has very clear messages that trying to change or suppress a child's sexual or gender identity can be harmful and puts them at higher risk of serious health problems. It also explains that family support can help to reduce young person's risk of harm, and help them to live happy, productive lives.

Resources – for parents and families

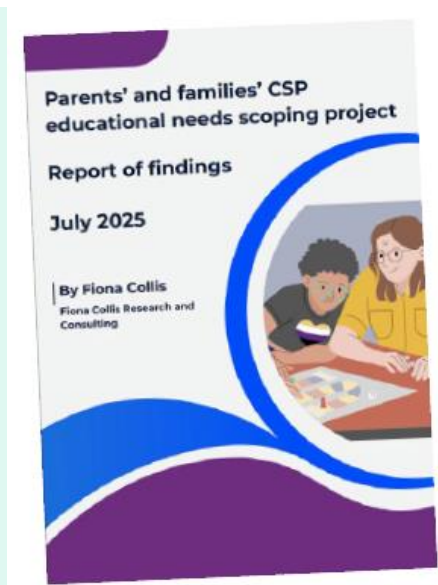
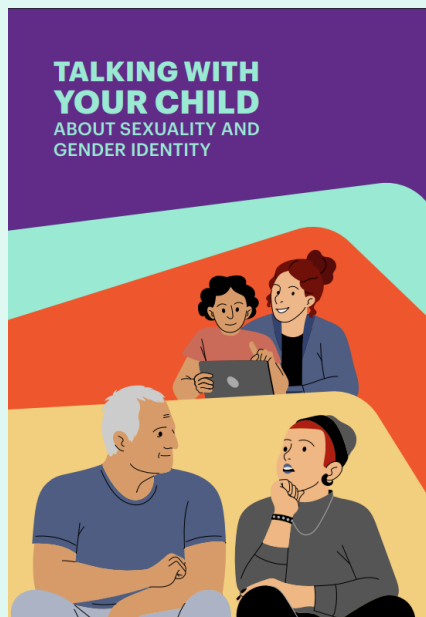


IMAGE: Cover of Fiona Collis's research 'Parents and families CSP educational needs scoping project'.

Based on these recommendations, VEOHRC developed:

A booklet '[Talking with your child about sexuality and gender identity](#)' (print and digital) hosted on VEOHRC's website.



Two 30 second promotional videos (launched via social media a month apart)



VIDEO: 'Navigating talks with your child about sexuality and gender identity'.



VIDEO: Show your child support about sexuality and gender identity.

Two accompanying fact sheets:

1. [What are change or suppression practices](#)
2. [How to make a CSP report](#)

Pillar 3: Connecting Victorians to reliable information

Website education materials

In order to make reliable information widely available across Victoria, VEOHRC established a new section on its website with clear and accessible information to the general public and for specific groups about the CSP Act. We recognised that web content is often the first place people turn for information, including to understand their rights and responsibilities.

The website features stories of people with lived experience as survivors of CSPs and responds to common scenarios and questions.

The website also includes a summary of [Change or suppression \(conversion\) practices](#) and outlines the specific protections under the CSP Act on the following pages:

- [About the Change or Suppression \(Conversion\) Practices Prohibition Act](#)
- [Have you experienced a change or suppression practice?](#)
- [Real stories of change and suppression practices](#)
- [For families and friends](#)
- [For people of faith, professionals and other communities](#)
- [Preventing change and suppression practices](#)
- [Reporting change and suppression practices](#)
- [Investigating change and suppression practices](#)

VEOHRC sought to increase reach and engagement by developing simple illustration and animation resources including:

- illustrations portraying religious contexts
- an [animation explainer](#) for the CSP Act

VEOHRC developed a fact sheet ([Ensuring safe spaces for faith](#)) translated into [16 languages](#), [Easy English](#) version for LGBTQA people with intellectual disability, and [Auslan](#).

Resources – VEOHRC website provides education materials for the public and different groups on the CSP Act



LINK: For the quickest understanding of the need for this law and how it works, please click on the graphic to play a simple 3-minute video²⁸.

²⁸ Video is available at: <https://www.humanrights.vic.gov.au/change-or-suppression-practices/about-the-csp-act/>

Consultation Paper Question 7

How effective are VEOHRC's awareness and education materials about change or suppression practices? What improvements, if any could help strengthen community understanding and compliance?

Assessment of VEOHRC's education strategy

As the only organisation with a statutory education function under the CSP Act, VEOHRC's education work is critical to addressing entrenched behaviours and ideologies by some faith bodies, health professionals and schools, among others, that give rise to change or suppression practices. Given VEOHRC's limited resources, we have not prioritised an evaluation of the education program, beyond process or formative evaluation. Using formative evaluation allows us to draw on evidence and data to design our approaches and resources to plan, review and improve our materials.

VEOHRC's programs have focused on targeting high risk areas as identified by independent research, and on creating 'legacy' items – resources that can be used beyond the funding horizon of the program. VEOHRC has sought to create longer term attitudinal change to shift behaviour through engagement, education and information.

Early signs of the effectiveness and impact of our CSP education work, such as feedback in workshop evaluations and informal feedback on resources, are encouraging.

VEOHRC make the following observations in relation to services under the CSP education strategy:

- There is strong demand for authoritative information on conversion practices - in 2022-2023, VEOHRC's CSP website content had over 21,600 page views and 11,331 unique users, in 2023-2024, over 19,500 page views and 9,414 unique users, in 2024-2025 10,383 page views and 5,344 unique users and in 2025-2026 9,540 page views and 5,616 unique users.²⁹
- There has been significant demand for our online material since commencement:
 - [Change or suppression \(conversion\) practices \(About the Act\)](#) (12,557 views)
 - [For people of faith, professionals and other communities](#) (7,336 views)
 - [For families and friends](#) (6,099 views)
 - [Reporting practices](#) (2,117 views)
 - [Change and suppression \(conversion\) practices and their impacts explained \(Explainer animation video\)](#) (9,446 views)
- Between 2020 until March 2026, VEOHRC conducted 53 tailored education sessions for individuals and organisations for 1,530 participants (see Table 2 below), including survivor groups, service providers, LGBTQA organisations, and religious and faith groups.
- Multi-denominational faith leaders are engaging in voluntary workshops to learn more about change and suppression practices.
- Participants of workshops have provided feedback that the sessions are relevant to their role, built their understanding of the CSP Act and, of those providing feedback, 90% were satisfied or very satisfied with the session.

²⁹ Following an initial interest in understanding the CSP Act, a decrease in numbers was expected. VEOHRC had been advised, for example, that there were few families and people this law would impact, therefore interest was likely to decrease over time except where it might have been from personal or professional interest.

Table 2- CSP Act VEOHRC education sessions

Cohort/Group	# of training sessions	# of people trained
Faith group	15	410
Service providers	13	669
Survivor group	2	92
LGBTQA organisation	9	176
General community	5	77
Other	9	106
TOTAL	53 sessions	1,530 people

Source: Resolve data as at 3 March 2026

VEOHRC's approach to our conversion practices education program uses the process of continuous improvement. After education sessions, we have engaged in reflective practices to identify lessons learned for the next session. This iterative continuous learning has meant no two sessions are the same, we have aimed to improve to engage the learner more effectively.

Anecdotally, many support services and agencies for parents whose children have come out to them as gender questioning or potentially lesbian, gay or bisexual have told us our parenting booklet fills a gap that had not been previously addressed. While there were some materials for parents willing to fully embrace their children as being queer or trans, and some opposed to this, there had been nothing which allowed for doubt and concerns, that offered information and choices to the families.

Naming of conversion practices

A key issue in targeting our education and support is that many survivors fail to recognise what they have been subject to as being conversion practices. In a key community study, when asked directly, 62% of participants said someone had suggested to them that they might be able to suppress their gender identity or sexuality, while 58% reported that someone had suggested that they might be able to change their gender identity or sexual orientation. That is, nearly two-thirds of participants heard messages that they can or should change or suppress their gender identity or sexuality.

However, when later asked if they had heard one or more of a list of actual conversion practice messages, 99% participants recalled hearing those messages - with 63% hearing them often or frequently. This difference may speak to people's lack of familiarity, or identification with the language of change or suppression practices.³⁰

³⁰ Jones, Timothy W et al, *Improving Spiritual Health Care for LGBTQ+ Australians: Beyond Conversion Practices: A Community Report* (La Trobe University, 2024).

There is a significant discrepancy between what participants experienced and what they were able to identify as a change or suppression practice. This suggests that our future work could benefit from finding a way to directly focusing on the messaging or behaviours that people recognise (without compounding the damage these do) as an improved way to draw them in to this work, rather than expecting them to follow a heading around conversion practices or change and suppression.

(iii) Future focus of VEOHRC's education and engagement

Areas of future focus for VEOHRC's education strategy include continued support to LGBTQA people of faith, multicultural and multifaith LGBTQA people, and mental health workers.

Support for LGBTQA people of faith

There is a need to provide ongoing support for LGBTQA people of faith in LGBTQA communities. VEOHRC plans to hold a forum for queer and trans people of faith in 2027, updating, informing and engaging them around conversion practices and related issues.

Support for multicultural and multifaith (MCMF) LGBTQA people

Drawing from Percy Gurtler's PhD on the subject³¹, VEOHRC and Australian GLBTIQ Multicultural Council (AGMC)³² will work with Percy to produce a booklet telling the story of MCMF LGBTQA people and those who have experienced conversion practices. By sharing stories of resistance and resilience in the face of conversion practices, the booklet will be a vital resource for MCMF LGBTQA people. For many, who had been told that there was 'nobody like them' within their faith or community, these examples will counter that very erasure. The booklet and associated materials will also educate their families and communities and assist clinicians and policymakers working with MCMF LGBTQA survivors of conversion practices.

Mental health clarity project

VEOHRC plans to conduct initial research about the educational needs of psychiatrists, psychologists, psychotherapists and other mental health workers (herein 'mental health workers') in relation to the CSP Act. It will examine how mental health workers can safely provide care and support for those who are gender-questioning, considering transitioning, or even reaffirming their original gender. The research will consider awareness and concerns mental health workers have about being in breach of the CSP Act, or confusion regarding what is necessary to comply with their legal or professional obligations. The final report will provide a summary of the key issues and recommendations for key messaging for mental health workers and the preferred formats for conveying these messages.

³¹ Gurtler, Percy, 'Navigating Identity and Belonging: LGBTQA+ People's Experiences of Conversion Practices, Resistance, and Recovery in Migrant, Multicultural and Multifaith Communities in Australia', (School of Psychology and Public Health, La Trobe University, 2025)

³² AGMC is the Australian GLBTIQ Multicultural Council, a national volunteer-run peak body that advocates for the rights, safety, and inclusion of lesbian, gay, bisexual, trans, intersex, and queer (GLBTIQ) individuals and community groups who come from multicultural and multifaith backgrounds.

Consultation Paper Question 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?

In VEOHRC's experience working on conversion practice education, the current definition and its "rule of three" works very well. The "rule of three" is based on the definition within the CSP Act is usually presented in our education as explaining that a change or suppression practice is:

- a practice or conduct directed towards a person
- on the basis of their sexual orientation or gender identity
- for the purpose of changing or suppressing their sexual orientation or gender identity.

The main clarification usually needed is that "a person" can refer to an individual or a group of people. It has helped to be able to explain that if one of these points is missing (e.g. if the conduct is not directed towards somebody, but rather a general statement of belief) then the conduct is unlikely to be a conversion practice.

The lack of jurisprudence clarifying how the definition of change or suppression practice in the CSP Act, applies in practice is a challenge. However, enabling survivors to bring claims to VCAT (see recommendation in section 3.9), would assist with this.

The challenge of 'change or suppression'

Further the original drafting of the CSP Act was clear in rejecting the phrasing of 'conversion therapy', one of the populist names for the practices. However, the phrasing of 'conversion practices' was also put aside, as an aspirational naming of the Act identified the practices more clearly.

As it is a challenge for survivors and others to identify 'conversion practices', it is unlikely that someone who has been subject to a conversion practice go directly to VEOHRC's website for more guidance and support on change or suppression practices.

There are now several other laws in Australia with conversion practices in their name and an increased understanding of the term. It is unlikely that the name of the CSP Act will change. However, current and future VEOHRC education material has leaned into using 'conversion practices' over 'change or suppression' as it is (often more widely understood) except when explaining the CSP Act itself, or these specific practices.

Consultation Paper Question 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*

Despite VEOHRC's significant education and engagement work, we understand that many in the community are not aware of the CSP Act. Some parts of the community know that the CSP Act exists, however they may misunderstand how it works in practice. They may have heard of the CSP Act through misinformation by individuals or organisation who oppose it.

For example, VEOHRC was approached by a major stakeholder a couple of years ago when a religious organisation letter-boxed several suburbs with large multicultural and multifaith households with material designed to create fear and confusion. The focus on telling parents that they could be sent to prison for talking with their children about sex or gender not only created confusion, but also embarrassment for households when parents who had English as another language asked their children to explain what it all meant.

For people who have a limited understanding, there is often confusion over what might constitute a change or suppression practice. There are some who only speak of the most extreme practices – exorcism and the like – to explain that they oppose these practices so they are therefore opposed to conversion practices and would never do them.

Even when conversion practices are understood and clearly identified, there is often a down-playing of the harm caused by conversion practices. When engaging with conservative faith leaders, there is often a dismissive response to what they perceive to be ‘claims’ of harm. In workshops, many faith leaders are surprised to learn that for a LGBTQA person of faith their gender identity and/or sexuality is as important to that person as their spiritual outlook.

Further, in relation to the respondents that VEOHRC has reached out to in response to reports, there have been some who are aware of the CSP Act and others who are not aware or have limited knowledge.

2.4 Enquiries

VEOHRC has received 18 enquiries through the phone lines and online since the CSP Act commenced in 2022. This does not include the hundreds of enquiries we have received as part of our education and engagement work since the commencement of the CSP Act. The questions raised by enquirers varied from people seeking general information about the CSP Act and VEOHRC’s functions, to people enquiring about making a report. Other enquirers raised concerns about the lack of gender affirming care and informed VEOHRC of potential conversion practices including online anti-trans groups and leaflets denouncing gender fluidity.

VEOHRC has seen a mix of engagement from different groups including trans and gender diverse people, young people and faith-based communities. We understand that there is underreporting across most service contexts and settings.

VEOHRC has one senior adviser in the Dispute Resolution and Enquiries Branch who manages all change and suppression reports and enquiries. “Facilitator” is the term that the senior adviser uses when managing enquiries and reports under the CSP Act. When consulting with survivor groups before the CSP Act was introduced, they informed VEOHRC that they preferred the language of “facilitation” and “facilitators” as opposed to “conciliation” and “conciliators”.

Our facilitator is an accredited mediator and experienced conciliator trained in trauma informed practice and an expert in the CSP Act. To inform the development of our facilitation services, we consulted with VEOHRC’s panel of experts and survivor groups before and after commencement of the CSP Act to gain insight into lived experience and best practice when engaging with survivors of change and suppression practices.

2.5 Reporting

VEOHRC has received 16 reports of conversion practices since the CSP Act commenced in 2022. Of these reports, six related to sexual orientation and ten related to gender identity. The area/type of respondent in the CSP report included: individuals, medical/health provider, religious group and education organisation. The data is summarised in Table 3 (below). We talk further in the next section about why the number of reports has been low each year.

Table 3 – Number of CSP Reports to VEOHRC (2021-2026)

Year	# of reports	Sexual orientation or Gender Identity	Area/Type of Respondent
2021-2022	1	Sexual orientation (1)	Medical/health (1)
2022-2023	2	Gender identity (2)	Education (1) Religious (1)
2023-2024	3	Sexual orientation (2) Gender identity (1)	Person (2) Religious (1)
2024-2025	6	Gender identity (6)	Service (2) Person (4)
2025-2026 (to March)	4	Sexual orientation (2) Gender identity (2)	Person (1) Medical/health (3)
TOTAL	16	Sexual orientation (6) Gender identity (10)	Medical Health (4) Service (2) Religious (2) Education (1) Person (7)

Source: VEOHRC reporting data

Responses to reports

Responses to reports have primarily been referrals and targeted education:

- **Facilitations:** To date, VEOHRC has not conducted any facilitations under the CSP Act. The most common outcomes sought by reporters are investigation and targeted education. Facilitation was attempted in one instance at the request of the reporter, but the respondent declined to participate.
- **Referrals:** VEOHRC has made referrals to Victoria Police in relation to two reports. VEOHRC has made referrals to Victoria Legal Aid and other Community Legal Centres in relation to one report.
- **Targeted education:** VEOHRC provided targeted education in relation to two reports received under the CSP Act. Both these reports related to religious organisations. We focus on the people who are in the most influential positions (e.g. pastors over large congregations, people who are designing the training within their faith groups).

We also note that some reports have been declined because they were about conduct that occurred prior to the commencement of the CSP Act or did not fall within the scope of the Act.

It is positive that the scheme allows for third party reporting, especially due to the trauma and burden involved in lodging reports by survivors. However, the CSP Act under section 29(3) states that VEOHRC must not refer a report without the consent of the person affected by the change or suppression practice to which the report relates. In relation to reports that VEOHRC has dealt with to date, when there has been a third-party reporter, VEOHRC has not been provided with sufficient information to contact the survivor or identify the respondent and progress the report.

Feedback from reporters

We have not sought specific feedback from reporters through a survey process as we have not progressed to formal facilitation or an outcome. We have, however, had generally positive feedback about the process of reporting and VEOHRC's service response, not being able to progress reports due to lack of consent or information.

We have generally had positive feedback in relation to the flexibility of our process and our willingness to make adjustments to the service to accommodate the needs of reporters. For example, in terms of allowing more time to consider options of whether to proceed with a report, gathering of additional information and the location and timing of meetings with participants.

Please see below a couple of quotes from reporters:

- *"Thank you, that's amazing."* (In relation to meeting an affected person at their preferred venue after office hours).
- *"Thank you again for your interest and support."* (In relation to organising a meeting with the LGBTQIA+ Commissioner).
- *"This is a good process."* (In response to VEOHRC taking a flexible approach and allowing more time for the reporter to consult with their family in relation to their decision to progress their report).

Consultation Paper Question 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.

It is difficult to comment on whether the CSP Act has reduced or stopped conversion practices as there is no available prevalence data to confirm this. However, we can provide some context and analysis of the conversion practice reports that VEOHRC has received.

There are a few contributing factors to the generally low number of conversion practice reports VEOHRC has received.

Survivor advocates have indicated that recovery from conversion practices can take many years. Identifying what they have endured as being a conversion practices takes time. It also takes time to reach out for information and consider whether they want to make a report.³³

³³ A comprehensive coverage of the layers of recovery required can be found in Jones, Tiffany M et al, *Healing Spiritual Harms: Supporting Recovery from LGBTQIA+ Change and Suppression Practices* (Report, The Australian Research Centre in Sex, Health and Society, La Trobe University, 2021).

Additionally, the CSP Act only allows for reporting of conversion practices that have happened since February 17, 2022. This may explain why there was only one report in the first year, increasing over the following years to the total of 16 reports.

Another factor may be the preventative nature of the law. While those opposed to the CSP Act have expressed concern over how much it may limit their speech, beliefs or activities, there is every indication that they nonetheless are abiding by the law. For many who have attended VEOHRC's education workshops, even when there are views in conflict with the law, there has been an interest in understanding how to comply with the CSP Act.

Having said that we know from our engagement with survivor groups and services that work with LGBTQA communities that conversion practices continue to be a significant issue. We hear that exorcisms to change or suppress are still occurring, as well as more informal practices. We hear from stakeholders that often reports are not made because of fear about the impact this will have on their ties to their family, faith and community. There are also anecdotal conversations about the law driving conversion practices underground, and occasionally we have been told about online or in-person workshops, for example, masquerading as personal development, that we have learned turned out to feature a lot of conversion ideology messaging. We have not been given enough information about these workshops to identify whether conversion practices within the meaning of the CSP Act are occurring.

Consultation Paper Question 8a. and 8b:

Are there any barriers to:

- *reporting change or suppression practices to VEOHRC*
- *VEOHRC facilitating outcomes of reports*

If so, please describe what those barriers are.

Barriers caused by our secrecy provision

VEOHRC has received clear feedback from survivors that a significant barrier in reporting change or suppression practices to us is the fact that VEOHRC may not be able to report on the relevant outcome once a report is received. In other words, once VEOHRC receives a report of a change or suppression practice, the CSP Act may restrict us from telling the reporter whether VEOHRC will provide targeted education to the party that has allegedly engaged in change or suppression practices, or whether VEOHRC will conduct an investigation.

This barrier exists because of section 51 of the CSP Act, the secrecy provision. This provision prevents VEOHRC from sharing **protected information** unless certain exceptions apply. **Protected information** is information relating to a person or organisation that has been obtained through performing a function under the CSP Act.³⁴ Understandably, this would extend to information relating to a person or organisation who has allegedly engaged in change or suppression practices, and whether they are being subject to targeted education or an investigation.

³⁴ *Change or Suppression (Conversion) Practices Prohibition Act 2021* (Vic) s 50.

While there are exceptions that enable VEOHRC to share protected information, the threshold for these exceptions is quite high. For example, sharing protected information will not be prohibited if it is “necessary” to comply with a function or duty under the CSP Act³⁵, where it is necessary to share the information to “prevent a credible and imminent threat of harm”³⁶ or where consent is provided.³⁷

This barrier is particularly significant in the context of investigations (discussed below). It is perhaps less significant in the context of providing targeted education, as the party that has allegedly engaged in the change or suppression practices must agree to the education. A party that has agreed to targeted education is more likely to consent to that information being reported back to the person who raised the report, although this may not always be the case.

We outline our recommendations relating to these barriers in section 3.5 in Part B below.

Barriers caused by lack of avenue to report to VCAT

Similar to the *Equal Opportunity Act 2010* (EO Act) conciliation function, VEOHRC’s facilitation function under the CSP Act is voluntary. Respondents do not have to participate in facilitation, or agree to targeted education and do not have to agree to outcomes sought by the reporter. Also, the CSP Act does not provide a right for a reporter to lodge an application at the Victorian Civil and Administrative Tribunal (VCAT) if the respondent declines to participate in the facilitation process or does not agree to the outcomes that they are seeking. There can therefore be less incentive for respondents to participate in facilitation.

We outline our recommendations relating to these barriers in section 3.5 below.

Barriers caused by burden on survivors to make a report and other factors

Survivors and survivor advocates have identified several other barriers to making a report.

A significant barrier is in relation to the burden that survivors carry in making a report and the trauma involved. As part of conversion practices, survivors have been made to feel a sense of shame, guilt and internalised stigma about who they are, that may prevent them from wanting to make a report. Survivors often still have relationships and interdependency with the individuals, institutions or communities who were involved in the conversion practice, and may have concerns about hurting others, or a wish to avoid conflict.

Survivors also may have a genuine fear of reprisal, and a fear that they will not be believed. For many survivors, they have spent years hearing and believing in a system that supports these harmful beliefs - it can be a huge decision to ‘take that on’.

Reporters on behalf of young people subject to conversion practices have reported barriers in relation to progressing reports due to the fear of being victimised by respondents. For example, in relation to a report alleging change and suppression practices by a religious school, fear that this will affect the child’s education.

We have also been conscious that a lack of awareness of how to report and what will happen after making a report are potential barriers to reporting, and we have taken steps to address this in the information on our website and in our engagement with the community.

³⁵ *Change or Suppression (Conversion) Practices Prohibition Act 2021* (Vic) s 51(2)(a).

³⁶ *Change or Suppression (Conversion) Practices Prohibition Act 2021* (Vic) s 51(2)(b).

³⁷ *Change or Suppression (Conversion) Practices Prohibition Act 2021* (Vic) s 51(2)(g).

As outlined above at 2.5 we note there are barriers to facilitating third-party reports.

We note that VEOHRC has received reports from regional and rural communities. VEOHRC is not aware of any specific barriers to reporting from rural and regional communities or intersectional identities. The reporting and enquiry numbers have not been significant enough to highlight any specific barriers of this nature.

Victoria Police

Some reporters have indicated that they have approached the police regarding conversion practices and the police have not been aware of criminal offences under the CSP Act. Barriers could be lack of knowledge of change or oppression offenses, need for CSP training, or a need for more specialised staff.

Victoria Police (**VicPol**) and VEOHRC have worked together from the earliest days of the draft legislation, formalising their relationship with an MOU in the first year of the CSP Act. This agreement is a broad understanding that if a conversion practice is reported to VEOHRC that might meet the criminal bar, with the consent of the reporter we would refer it on to VicPol. Conversely, if conduct was reported to VicPol which failed to meet the bar of criminality, but might still be a conversion practice, they would refer it to us.

We have also continued to work with VicPol, in both reports and education. There has been an effective sharing of details between the agencies in supporting those people considering making a report. (For many, choosing to go forward with a report to either agency can be a long process, and our dispute resolution people and VicPol's officers have collaborated on supporting people considering making reports).

However, there has, as yet, to be a single charge laid under the CSP Act by police. On one hand, this has been because of other factors weighed up by the potential reporters. However, there have also been issues that may include police members being uncertain about what might actually constitute a conversion practice or not understanding the CSP Act. For some the boundaries and cross-over with other laws, such as the *Family Violence Protection Act 2008* has been unclear.

Even if there is a perception of the criminal elements of the CSP Act being underutilised, we understand that the preventative nature of having this law is important. Anecdotally, a number of international students and displaced people whose families had threatened them with being sent overseas to be subject to conversion practices, have been able to show their families that to do so is against the law. This reinforces the preventative value of the legislation.

The lack of pursuing prosecutions may also have more pragmatic groundings, including concerns over the complexity of trying to prove an injury, which goes to the definitions within the CSP Act. For example, it is our understanding that bearing the financial costs for investigations that include engaging a qualified psychologist (or similar mental health professional) who specialises in understanding conversion practices, in order to establish a mental health injury, is a potential prohibiting factor in VicPol being able to pursue some CSP investigations. Further, we understand from our discussions with VicPol that incurring costs may be a direct disincentive to officers on the ground recommending the CSP Act. VEOHRC would support this being remedied with further ring-fenced funding. VEOHRC supports VicPol in seeking ways forward to better apply the CSP Act when needed.

VEOHRC is currently working with VicPol in educating its members. VEOHRC has developed a new digital eLearning program “CSP Act – *Protecting rights and preventing harm*”, aimed at general audiences to build broad awareness of the CSP Act. The module was written and created inhouse, with some review input from VicPol. The module will live on VEOHRC’s website, and VicPol will also make it available on their intranet.

The goal is to make the module compulsory for pre-detectives (from the VicPol Sexual Offences and Child Abuse Investigation Team (SOCIT), Family Violence and criminal investigations and others likely to have contact with these sorts of incidents) and optional for all other members. There is probably good reason to support the eLearning being promoted to the LGBTIQ+ Liaison Officers (the LLOs) as those who may have the most contact with LGBTQA community members.

There have also been discussions about supplementing this with a short educational video posted by a member of senior command addressing the links and cross-over between the CSP Act and other laws (e.g. family violence, child protection, Crimes Act), from a policing perspective, such as when and how to make a report to the VEOHRC, and referring on victims for support.

Another possible way forward, that may incur extra costs to VicPol, which we would nonetheless recommend, is to establish an internal system of alerts, where incidents that may be conversion practices are brought to the attention of VicPol’s subject matter experts. VEOHRC would be happy to provide support and links into survivor expertise to identify a list of possible key words that might turn up in incident reports of family violence and other matters, to provide greater clarity and possibly increased usage of the CSP Act, or referrals to VEOHRC.

It may well be for VicPol that there is a need for funding to support their investigations into conversion practices in stations across the State, particularly around the cost of engaging mental health professional expertise to determine mental health injury resulting from these practices.

2.6 Investigations

VEOHRC is yet to utilise its investigation function under section 34 of the CSP Act.

Under this section, VEOHRC can investigate serious or systemic breaches of the CSP Act. Under section 34, VEOHRC can conduct an investigation if we are satisfied that there has been a possible contravention of the CSP Act, that the issue relates to a group of people, and that an investigation would support the purposes of the CSP Act.

VEOHRC may conduct an investigation in scenarios involving:

- change or suppression practices in general,
- taking someone from Victoria for the purpose of subjecting them to a change or suppression practice,
- advertising a change or suppression practice.

As outlined in our publicly available CSP Act investigations policy, on top of considering the statutory requirements, VEOHRC will also consider other factors when deciding whether to conduct an investigation, such as:

- whether VEOHRC will be able to gather sufficient evidence to make a finding that a contravention of the CSP Act has occurred and obtain a satisfactory outcome,
- whether the investigation is likely to have a broader impact in terms of compliance with the CSP Act,
- whether the person impacted by the change or suppression practice is able to participate in the investigation process,
- whether the matter can be satisfactorily dealt with in another way, or by another body,
- whether VEOHRC can identify, contact and adequately engage with the person or organisation allegedly responsible for the change or suppression practice.³⁸

Anyone can request that VEOHRC investigate change or suppression practices. This may be the person affected by the change or suppression practice, a family member or support person or a bystander who is aware of change or suppression practices.

During an investigation, VEOHRC may interview the person or people affected, the person or people involved in the change or suppression practice, or other relevant people and may collect evidence.³⁹

VEOHRC has a broad discretion in relation to outcomes following an investigation.⁴⁰

Outcomes may involve:

- entering into a legal agreement with the investigated party, which sets out agreed steps to stop any change or suppression practices and comply with the CSP Act,
- accepting an enforceable undertaking from the investigated party, which sets out agreed steps to comply with the CSP Act. VEOHRC can publicly register and enforce an enforceable undertaking through the VCAT.
- issuing a compliance notice to the investigated party, which sets out required actions to comply with the CSP Act and can be enforced through VCAT.

VEOHRC's investigation process is trauma and survivor-informed, meaning we can accommodate the unique circumstances of the relevant parties to the investigation.⁴¹

As noted above, VEOHRC may not be able to disclose the fact that it may have commenced an investigation in response to a report. This barrier exists because of the secrecy provision at section 51 of the CSP Act. Additionally, VEOHRC may not be able to disclose that an investigation is taking place whilst conducting an investigation, posing a practical challenge if witnesses need to be interviewed or documents gathered during an investigation.

Significantly, VEOHRC may not be able to disclose the outcome of an investigation without the consent of the investigated party. This is because of the secrecy provision at section 51 of the CSP Act, which prohibits the disclosure or communication of 'protected information.' The outcome of an investigation is very likely to be protected information (see definition of 'protected information' discussed above).

³⁸ 'The Change or Suppression (Conversion) Practices Prohibition Act 2021 investigations policy' <https://www.humanrights.vic.gov.au/about-us/policies/change-or-suppression-investigations-policy/>

³⁹ *Change or Suppression (Conversion) Practices Prohibition Act 2021* (Vic) ss 35 and 36.

⁴⁰ *Change or Suppression (Conversion) Practices Prohibition Act 2021* (Vic) s 42.

⁴¹ 'Responding to practices: Investigations' <https://www.humanrights.vic.gov.au/change-or-suppression-practices/responding-to-practices/>

As also noted above, there are exceptions that permit VEOHRC to disclose protected information. However, these exceptions are limited and the threshold of 'necessary' within some of these exceptions is high. It is possible that some disclosures relating to an investigation may be deemed 'necessary' in some cases. However, without any legal precedent or clear statutory authority, VEOHRC would be creating legal risk every time it chooses to disclose protected information related to an investigation.

Under section 25, VEOHRC should be informed by the needs and wishes of persons affected when deciding how to respond to reports. On the few occasions where reporters were initially requesting an investigation, there are several reasons why VEOHRC could not investigate. For one reporter, upon learning that VEOHRC may not be able to report back to them the outcome of the investigation the reporter decided they did not want to pursue an investigation. For other reporters, the conversion practice they were reporting predated the CSP Act, they were a third-party reporter and there was insufficient information for VEOHRC to initiate an investigation.

Consultation Paper Question 8c:

Are there any barriers to:

- *VEOHRC conducting investigations*

If so, please describe what those barriers are.

The inability for VEOHRC to clearly and confidently disclose the commencement of an investigation, the existence of an investigation while the investigation is taking place, and the outcome of an investigation are significant barriers to VEOHRC conducting investigations.

Investigations under the CSP Act will likely involve survivors telling their stories and providing evidence to VEOHRC as the foundation of the investigation. To not be able to share the outcome of an investigation with a survivor, who has participated in and fundamentally contributed to the investigation, would not align with the trauma and survivor-informed principles underlying VEOHRC's investigation process.

Moreover, survivors have told VEOHRC that not being guaranteed that VEOHRC will be able to inform them of the outcome of an investigation is a substantial obstacle to reporting change or suppression practices and could create further harm for survivors. This means survivors are currently less likely to engage with VEOHRC to utilise our investigation function, because of the barriers caused by the CSP Act secrecy provision.

VEOHRC could release the outcome of an investigation in a de-identified way. This would not breach the secrecy provision, as protected information can be released when it does not identify any person or organisation (s 51(2)(f)). However practically, there is a substantial risk that individuals involved in the investigation will link the de-identified outcome that is announced to the organisation they know was recently involved in an investigation. In that sense, VEOHRC would be indirectly disclosing protected information, because it would be indirectly rather than directly identifiable, and would therefore still be breaching the secrecy provision.

Beyond the issue of reporting on outcomes of investigations to survivors, if VEOHRC cannot publicly communicate the outcome of an investigation, even in a deidentified way, without risking a breach of the secrecy provision, then this impacts our ability to use the risk of an investigation as a compliance tool. VEOHRC cannot effectively highlight reports on past investigations to use the risk of an investigation with a person or organisation that has engaged in change or suppression practices to secure voluntary compliance with the CSP Act through facilitation or education. It also deeply impacts on our ability to drive culture change with public messaging about the ban on conversion practices and the consequences of breaches. This undermines the broader preventative purpose of the CSP Act.

As such, the barriers to conducting investigations have a three-fold impact. They restrict VEOHRC's ability to conduct investigations because they act as a *disincentive to reporting* change or suppression practices in the first place and to pursuing an investigation in response to a report. They restrict VEOHRC's ability to *conduct* effective investigations because of restrictions on communication. Finally, they impede the CSP Act's broader purpose of *preventing* change and suppression practices.

3 Part B - Areas for Reform and Retention

3.1 Operation of the CSP Act

After four years of administering the CSP Act, VEOHRC is well placed to assess the operation and effectiveness of the legislation.

In our view, there are both amendments and additions that can be made to the CSP Act to better equip VEOHRC to fulfil its functions, increase the effectiveness of the legislation and move toward the legislation's objective of eliminating change and suppression practices in Victoria as far as possible.

Consultation Paper Question 3

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

The CSP Act could be strengthened to provide more preventative mechanisms, rather than focusing so heavily on reacting to individual instances of conversion practices.

3.2 Establish a positive duty

The addition of a positive duty within the CSP Act would assist in achieving this objective of eliminating change and suppression practices, as far as possible. A positive duty is an obligation within legislation, requiring proactive measures to be taken to prevent prohibited conduct. In this case, a positive duty would require proactive measures to be taken to prevent change and suppression practices.

Positive duties are common within human rights and equality law frameworks. Under the EO Act organisations have a positive duty to eliminate discrimination, sexual harassment and victimisation as far as possible.⁴² Under the *Sex Discrimination Act 1984* (Cth) organisations have an obligation to eliminate sex discrimination and other relevant unlawful conduct as far as possible.⁴³

There are clear benefits to having a positive duty in the CSP Act for survivors of change and suppression practices. Survivors have also told VEOHRC that they are supportive of the addition of a positive duty.

A positive duty would enable VEOHRC to conduct investigations without the involvement of survivors, reducing the burden on them to make reports and provide potentially traumatic evidence. A positive duty would enable VEOHRC to use investigations, or even the threat of an investigation, to work with groups to prevent change and suppression practices from occurring before they cause harm.

⁴² *Equal Opportunity Act 2010* (Vic) s 15.

⁴³ *Sex Discrimination Act 1984* (Cth) s 47C.

VEOHRC recommends the inclusion of a positive duty framed in similar terms to the positive duty under section 15 of the EO Act. The duty should encompass:

- An obligation on individuals and organisations to take reasonable and proportionate measures to eliminate change and suppression practices as far as possible
- A carve out to ensure that Part 3, Division 2 of the CSP Act does not apply to the positive duty – meaning that people would not be able to make a report of a breach of the positive duty
- A function for VEOHRC to conduct an investigation based on a contravention of the positive duty
- An explanation that in determining whether a measure is reasonable and proportionate the following factors must be considered—
 - the size of the person's organisation or operations.
 - the nature and circumstances of the person's organisation or operations.
 - the person's resources.
 - the person's business and operational priorities.
 - the practicability and the cost of the measures.

The positive duty under the CSP Act will differ to the positive duty under the EO Act, which applies to limited categories of people and organisations, such as the providers of goods and services, employers and providers of education. This is because protections against discrimination itself are limited to certain areas of life – such as the provision of goods and services, employment and education. By contrast, change and suppression practices are prohibited everywhere. Therefore, the positive duty must apply to all individuals and organisations.

In VEOHRC's view, this will not create an unnecessary burden on individuals who only have power and control over their own actions. The positive duty only requires a person to take reasonable and proportionate steps to prevent the relevant prohibited conduct. As such, individuals need only do what is within their power and control to do to prevent change or suppression practices – which may practically be very little.

Recommendation 1

VEOHRC recommends the inclusion of a positive duty framed in similar terms to the positive duty under section 15 of the *Equal Opportunity Act 2010*.

3.3 Protection from victimisation

There is currently no protection from victimisation for people making a report of CSP or raising an allegation of CSP. This is a barrier to the effectiveness of the legislation, with some reporters telling VEOHRC that they are hesitant about proceeding with a complaint because they are concerned about how they might be treated afterwards. In other words, they are concerned they will be victimised if they progress a complaint of CSP. The lack of victimisation protection in the CSP Act is out of step with the EO Act where victimisation protections apply to claims of discrimination and sexual harassment.

Recommendation 2

VEOHRC recommends the inclusion of a protection from victimisation for people who raise an allegation of change or suppression practices, people who make a report of change or suppression practices, and people who engage in facilitation in relation to change or suppression practices.

This provision can be modelled on the victimisation protection under section 104 of the *Equal Opportunity Act 2010*.

3.4 Express power to produce a report following an investigation

Following an investigation, VEOHRC can take “any action it considers fit” (section 42(1) of the CSP Act). While the drafting of this provision is broad, VEOHRC considers a minor amendment clarifying that ‘any action’ can include the publication of a report is warranted. This would bring the CSP Act in line with sections 139 and 142 of the EO Act.

The production of a report following an investigation is a vital part of shedding light on prohibited conduct, acts as a deterrent and can also be used as an educational tool for individuals or organisations who may be at risk of engaging in change and suppression practices.

Recommendation 3

VEOHRC recommends adding a new provision to section 42(2) of the CSP Act to confirm that ‘any action’ can include publishing a report on an investigation.

Consultation Paper Question 9

Are there any changes that could help or support VEOHRC carry out its functions or improve effectiveness of the civil response scheme? If so, please describe the changes.

3.5 Reform the secrecy exception provision

The secrecy provision in the CSP Act, and its limitations, have been discussed earlier in this submission. The potential inability for VEOHRC to share the outcome following the report of a CSP, to disclose the commencement and existence of an investigation, and the outcome of an investigation are significant barriers. Additionally, VEOHRC is potentially limited in how it can share information internally due to the secrecy provision.

This section focusses on the reforms to the secrecy exception provision that VEOHRC recommends to address the current limitations and barriers to reporting and investigation, and internal information sharing.

Reform of the secrecy provision to allow for disclosure of protected information where it relates to a report

The secrecy provision in section 51 of the CSP Act that prevents VEOHRC from committing to sharing outcomes with a reporter of change and suppression practices can be a barrier to reporting. VEOHRC is potentially restricted from telling the reporter whether we will provide targeted education to the party that has allegedly engaged in change or suppression practices, or whether we will conduct an investigation.

Reform of the secrecy provision where it relates to investigation functions

There is legislative precedent from other jurisdictions to have clear exceptions to secrecy provisions in relation to investigation processes. For example, section 56 of the *Children and Young People Act 2012* (Vic) permits the disclosure of protected information when it is in connection with the performance of a function of the Commission for Children and Young People.

Under section 144 of the EO Act the publication of an investigation report is permitted, despite the secrecy provision under s 176 of that Act.

Internal information sharing

The secrecy provision may also restrict the circumstances in which VEOHRC staff can share information with each other to inform the performance of VEOHRC's functions. As explained earlier, the secrecy provision prohibits the sharing of protected information unless an exception applies, such as it being 'necessary' to share the information. However, 'necessary' sets a high threshold and this creates uncertainty as to when internal sharing of protected information is permitted.

In practice, the uncertainty around internal information sharing can impact the effectiveness of the CSP Act for survivors. For example, a VEOHRC staff member who receives a disclosure that a person has been subject to a suppression practice on the sidelines of an education session may not be able to confidently share that disclosure with the dispute resolution, enquiries or legal teams to determine how we can assist the person.

Even with an exception to the secrecy provision that permits internal information sharing, VEOHRC will still be bound by obligations under the *Privacy and Data Protection Act 2014* (Vic) regarding internal information sharing and the use of personal or sensitive information. In that sense, VEOHRC staff will still have legal obligations to consider whenever they consider sharing protected information relating to change and suppression practices internally.

To bring clarity to VEOHRC staff and to ensure the effectiveness of the CSP Act, we recommend an additional exception to the secrecy provision that enables the disclosure, communication or production of protected information to another person who has obligations under the secrecy provision – in other words, VEOHRC staff members and the Commissioner.

Recommendation 4

VEOHRC recommends new exceptions to the secrecy provision in section 51(2) of the CSP Act:

- a) to permit the disclosure or communication of protected information where it relates to a response following a report of a change or suppression practice.

- b) to permit the disclosure, communication or production relating to the announcement or conduct of an investigation under section 34 or the outcome of an investigation under section 42.
- c) to permit the disclosure, communication or production of protected information where it is to another person to whom section 51(1) applies.

3.6 Establish a guideline function

VEOHRC has a function to produce guidelines to assist organisations to comply with their duties regarding discrimination, sexual harassment and victimisation.⁴⁴ Soon, VEOHRC will also have this function in relation to vilification.⁴⁵ These guidelines help organisations ensure they are meeting their legal obligations under equal opportunity laws and VEOHRC consults widely to ensure guidelines are relevant and useful.

In the discrimination and sexual harassment context, VEOHRC guidelines provide practical guidance to organisations to help them comply with their positive duty to take steps to prevent discrimination and sexual harassment, as far as possible. The guidelines do this by setting minimum standards that organisations should achieve, to comply with the positive duty. Each minimum standard then has suggested steps organisations can take to meet that standard. For example, to meet the minimum standard relating to continuous improvement, organisations can regularly monitor complaints data (relating to discrimination, sexual harassment or the relevant prohibited conduct), periodically identify trends within the data, and take appropriate action in response to trends.⁴⁶

Providing VEOHRC with a function to create guidelines on any matter relating to the CSP Act would enable us to provide authoritative guidance to the community on how to comply with the CSP Act. Guidelines would explain the law and set out practical minimum standards for community to meet according to their role, size and sector. While guidelines are not legally binding, compliance with guidelines can be considered by courts and tribunals where it is relevant to the legal proceeding (see section 149(b) of the EO Act).

A guideline function is also particularly important in circumstances where there is currently no significant jurisprudence to guide the community on the CSP Act. Given the ongoing requests for VEOHRC guidance from faith communities, the health sector and other community sectors on the CSP Act, we recommend that VEOHRC be provided with a guideline function.

Recommendation 5

VEOHRC recommends that the CSP Act be amended to include a guideline function for VEOHRC to be able to provide practical guidance to the community and organisations, modelled on the guideline function in sections 148 to 150 of the EO Act.

⁴⁴ *Equal Opportunity Act 2010* (Vic) s 148.

⁴⁵ *Justice Legislation Amendment (Anti-vilification and Social Cohesion) Act 2025* (Vic) which will move Victoria's vilification laws into the *Equal Opportunity Act 2010* (Vic) meaning that VEOHRC will be able to issue guidelines relating to vilification under s 148 of the *Equal Opportunity Act 2010*.

⁴⁶ See for example, 'Positive duty' VEOHRC website, accessible here: <https://www.humanrights.vic.gov.au/for-organisations/positive-duty/> and *Guideline: LGBTIQ+ inclusive workplaces*, 'Minimum Standard 5: Continuous improvement' pp 98-99, accessible here: <https://www.humanrights.vic.gov.au/static/7fcb64193968112593febb49ecd1ed39/Resource-LGBTIQA-Guideline-18-June-2025.pdf>

3.7 Establish an intervention function

Under section 55 of the CSP Act, VEOHRC may become involved in court or tribunal proceedings if the relevant court or tribunal grants permission. This is referred to as an *amicus curiae* ('friend of the Court') function under the legislation. VEOHRC can only act as *amicus curiae* in limited circumstances when:

- VEOHRC considers that the orders sought, or likely to be sought in the matter may significantly affect the rights of people who are not part of the proceedings,
- VEOHRC considers the proceedings have significant implications for the administration of the CSP Act, and
- VEOHRC is satisfied that it would be in the public interest to assist the court or tribunal.

There is no requirement for parties or the courts to notify VEOHRC if a proceeding raises issues under the CSP Act. VEOHRC has not used this function as there have not been any cases in Victoria applying the CSP Act.

VEOHRC considers there would be great benefit in having an intervention function alongside an *amicus curiae* function under the CSP Act.

VEOHRC has an intervention function under the EO Act and the *Charter of Human Rights and Responsibilities Act 2006* (Vic) (the **Charter**) which are broader than the *amicus curiae* function under the CSP Act. Under these intervention functions, VEOHRC can intervene in any proceeding that involves issues of equality of opportunity, discrimination, sexual harassment or victimisation, with permission from the court or tribunal;⁴⁷ and can intervene in any proceeding that raises a question of law under the *Charter* without seeking the permission of the court or tribunal.⁴⁸ Soon, VEOHRC will also be able to intervene in proceedings raising vilification issues.⁴⁹

VEOHRC recommends the addition of an intervention function modelled on the intervention function under the *Charter*. It should:

- enable VEOHRC to intervene in, and be joined as a party to, any proceeding before any court or tribunal in which a question of law arises that relates to the application of the CSP Act or a question arises with respect to the interpretation of a statutory provision in accordance with the CSP Act, and
- enable VEOHRC to be considered a party when it intervenes in a proceeding for the purpose of instituting and prosecuting an appeal from the original proceeding.

The intervention function should also include a notice requirement requiring parties to a proceeding that raises a question of law regarding the application of the CSP Act to give notice to the Attorney-General and VEOHRC. This provision can be modelled on the equivalent provision under the *Charter*.⁵⁰

⁴⁷ *Equal Opportunity Act 2010* (Vic) s 159.

⁴⁸ *Charter of Human Rights and Responsibilities Act 2006* (Vic) s 40.

⁴⁹ *Justice Legislation Amendment (Anti-vilification and Social Cohesion) Act 2025* (Vic) s 17.

⁵⁰ *Charter of Human Rights and Responsibilities Act 2006* (Vic) s 35.

A notice requirement within the intervention function will be important to ensure VEOHRC is made aware of cases that interpret and apply the CSP Act and can provide specialist and independent submissions on the legislation. This is especially important given the lack of jurisprudence under the CSP Act and the need for considered judicial guidance.

Recommendation 6

VEOHRC recommends that the CSP Act be amended to include an intervention function modelled on the intervention function under the *Charter*.

3.8 Revise the health care provider exclusion provision

Consultation Paper Question 5

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

The CSP Act, under section 5(3), makes it clear that change or suppression practices can include “providing a psychiatry or psychotherapy consultation, treatment or therapy, or any other similar consultation, treatment or therapy...” However, under section 5(2)(b) of the CSP Act, a change or suppression practice does not include certain conduct by health care providers.

The current wording of the health care provider exclusion enables a health service provider to engage in conduct - that may otherwise be a change or suppression practice - where the health service provider considers in their reasonable professional judgement that the conduct is necessary to:

- provide a health service, or
- comply with their legal or professional obligations.

VEOHRC recommends reforming the exclusion for health service providers as it is currently causing confusion and concern amongst health service providers.

VEOHRC recommends removing “reasonable professional judgement” and “where necessary to provide a health service” from section 5(2)(b) of the CSP Act so that the exclusion applies to a practice or conduct of a health service provider where this practice or conduct is necessary to comply with the legal or professional obligations of the health service provider. This places the focus of the exclusion on legal and professional obligations, which are more easily identifiable and objective than what may be considered necessary to provide a health service.

There is precedent for a health service exclusion that does not include an aspect of what is deemed ‘necessary to provide a health service.’ Under New Zealand’s equivalent legislation, section 5(2) of the *Conversion Practices Prohibition Legislation Act 2022* (NZ) only covers conduct that complies with legal, professional and ethical standards.

This would also bring the exclusion in line with the statutory authority exception in section 75 of the EO Act which does not include a subjective element like the respondent's "reasonable professional judgement" or broader consideration of what is necessary to provide a health service. The EO Act exception only covers discrimination that is "necessary to comply with, or is authorised by" the law.

The "reasonable professional judgement" and "necessary to provide a health service" elements of the exclusion can cause confusion for health service providers, and complexity for survivors.⁵¹ A clear exclusion for health service providers not only has benefits for the providers themselves but would also bring greater clarity for survivors.

VEOHRC has begun work on clarifying what complying with a health care or mental health care worker's legal or professional obligations might be understood to be. An initial scoping research project is underway focusing on psychiatrists, psychologists, psychotherapists, counsellors and other mental health workers, and concerns they have over possibly breaching the CSP Act, or confusion over what is necessary to comply with the legal or professional obligations of the health service provider in this area.

The goal is for VEOHRC to be able to address these concerns and knowledge gaps to provide guidance for mental health workers who need to better understand the CSP Act and how they may safely provide care and support, especially for those who are gender-questioning, considering transitioning, or even reaffirming their original gender.

Recommendation 7

VEOHRC recommends reforming the exclusion for health service providers by removing "reasonable professional judgement" and "where necessary to provide a health service" from section 5(2)(b) of the CSP Act so that the exclusion applies to a practice or conduct of a health service provider that is necessary to comply with the legal or professional obligations of the health service provider.

3.9 Establish a civil cause of action

Consultation Paper Question 13

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

A significant limitation of the civil response scheme under the CSP Act is the absence of a civil cause of action.

Currently, the only compliance mechanism is the threat of, or an actual, investigation by VEOHRC. This does not align with other jurisdictions under which VEOHRC has a dispute resolution function, such as in relation to discrimination, sexual harassment, victimisation⁵² and vilification.⁵³ People can also raise a complaint with the VCAT in these jurisdictions.⁵⁴

⁵¹ Clark, M, Gogarty, B, "Searching the Reins and Hearts: Conversion Practices Reforms in Australia" (2024) 2; 47(1) *UNSW Law Journal* 5.

⁵² *Equal Opportunity Act 2010* (Vic) s 111.

⁵³ *Racial and Religious Tolerance Act 2001* (Vic) s 19.

⁵⁴ *Equal Opportunity Act 2010* (Vic) s 122; *Racial and Religious Tolerance Act 2001* (Vic) s 23.

Without a civil cause of action, there is less incentive for people or organisations who have allegedly engaged in change or suppression practices to engage in facilitation and attempt to reach a resolution at VEOHRC.

Introducing a civil cause of action within the CSP Act, which would enable reports to go to the VCAT, would increase compliance with the CSP Act. It would result in publicly available decisions and enforceable orders which would act as a warning and disincentive to people and organisations who may engage in change and suppression practices. This is in contrast to facilitated outcomes at VEOHRC, which may result in confidential settlement agreements.

It would help VEOHRC carry out its functions if the CSP Act was amended to enable reporters to lodge an application at the VCAT. This would also improve the effectiveness of the civil response scheme in providing an incentive for respondents to participate in facilitated and targeted education.

Recommendation 8

VEOHRC recommends that a civil cause of action be introduced through a new part in the CSP Act, modelled on Part 3, Division 2 of the CSP Act and Part 8, Division 2 of the *Equal Opportunity Act 2010* (Vic).

3.10 Amend the meaning of ‘sexual orientation’

‘Sexual orientation,’ for the purposes of the CSP Act, is defined under section 4 of the EO Act. This definition is important as the elements of a change or suppression practice involve conduct that is intended to change a person’s sexual orientation (or gender identity).

Currently, it is not clear whether the definition of ‘sexual orientation’ under the EO Act captures asexual and aromantic people who experience a complete lack of attraction. Case law does not appear to have considered this specific point.

This means that it is unclear whether asexual and aromantic people who have a complete lack of attraction would have the attribute of a ‘sexual orientation.’ In turn, this means that some asexual and aromantic people would not be protected from change or suppression practices. Notably, VEOHRC has received reports relating to change or suppression practices directed at asexual and aromantic people.

Recommendation 9

To ensure greater protection for all people who might experience change or suppression practices, VEOHRC recommends that the definition of ‘sexual orientation’ be amended to include both:

- a) a person’s emotional, affectional and sexual attraction to, or intimate or sexual relations with, persons of a different gender or the same gender or more than one gender; or
- b) a person’s lack of emotional, affectional and sexual attraction to, or intimate or sexual relations with any person of any gender.

3.11 Mandatory referrals to VEOHRC

Through our education function, VEOHRC has been providing workshops and briefing meetings to agencies that may also receive reports of change and suppression practices. This has included the Victorian Ombudsman’s office and the Health Complaints Commission. VEOHRC uses these trainings to provide information about the CSP Act and significantly, information about how to make referrals if these organisations identify conversion practices in their work. This could occur, for example, if an issue was raised about a government agency or a complaint was made about a GP or a psychologist that included a conversion practice. Following these sessions, VEOHRC conducted a systems check and established a warm referral pathway from these organisations to us.

Organisations like the Victorian Ombudsman, Health Complaints Commission and Victoria Police are specifically mentioned in the CSP Act as organisations to which VEOHRC may refer change and suppression reports (section 29(2) of the CSP Act). The warm referral pathways established by VEOHRC have provided for referrals both ways and have been received positively. However, VEOHRC has not received any referrals from other regulators to date. Mandatory referral requirements for other regulators could assist to increase report numbers.

Recommendation 10

VEOHRC recommends the inclusion of a mandatory referral requirement for other regulators, requiring that they must refer reports of change and suppression practices to us. The mandatory referral requirement should require that the survivor or reporter consents to the referral, in the same way VEOHRC must obtain consent to refer under section 29(3) of the CSP Act.

3.12 Future resourcing

VEOHRC has no permanent funding to fulfil its functions under the CSP Act.

VEOHRC has been funded since 2021 to increase compliance with the law through education and information functions, a civil complaints scheme, research and investigation functions. The work of VEOHRC was initially funded on a four-year cycle, which lapsed on 30 June 2025.

VEOHRC’s initial funding totalled \$2.8m over the four years. This was listed in the Victorian State Budget under ‘Civil response to prohibit change or suppression practices’ and described as “Funding ... provided to establish a civil response scheme in the Victorian Equal Opportunity and Human Rights Commission to support the recent Change or Suppression (Conversion) Practices Prohibition Act 2021.”⁵⁵

Table 1.18: Output initiatives – Department of Justice and Community Safety (\$ million)

	2020-2				
	1	2021-22	2022-23	2023-24	2024-25
Advocacy, Human Rights and Victim Support					

⁵⁵ As presented in Budget Paper 3, State of Victoria 2021, (Department of Treasury and Finance), <https://www.dtf.vic.gov.au/2021-22-state-budget>

	2020-21	2021-22	2022-23	2023-24	2024-25
Civil response to prohibit change or suppression practices	..	0.5	0.8	0.8	0.7

For the following budget, VEOHRC sought ongoing funding at \$0.798 from July 2026 (\$3.194 million output over 5 years) to continue our legislative functions and strategy to eliminate unlawful conversion practices in Victoria.

The government provided reduced funding for only two further years under the heading 'Eliminating change and suppression practices', the money being "...to continue the Victorian Equal Opportunity and Human Rights Commission's civil response scheme to eliminate change and suppression practices in Victoria, enacted through the *Change or Suppression (Conversion) Practices Prohibition Act 2021*."⁵⁶ The allocation was as follows:

Table 1.18: Output initiatives – Justice and Community Safety (\$ million)

	2024-25	2025-26	2026-27	2027-28	2028-29
Advocacy, Human Rights and Victim Support					
Eliminating change and suppression practices	..	0.5	0.5	..	..

The current funding lapses on June 30, 2027, requiring the VEOHRC to make further funding requests to deliver statutory functions.

Ongoing funding for VEOHRC is required to manage enquiries, reports, referrals, education, research, resource development and publications, and organisational oversight. This work is critical to address entrenched behaviours and insidious ideologies that give rise to change and suppression practices in the first place, in particular within faith bodies, health care sectors and schools. Without funding CSP Act functions, VEOHRC will be unable to effectively deliver its functions, and change and suppression practices will continue unchecked.

Recommendation 11

VEOHRC recommends secure, ongoing funding to enable us to carry out our functions effectively under the CSP Act.

⁵⁶ As presented in Budget Paper 3, State of Victoria 2025, (Department of Treasury and Finance), <https://www.dtf.vic.gov.au/2025-26-service-delivery>

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