

Victoria Police Manual

The Victoria Police Manual is issued under the authority of the Chief Commissioner of Police in s.60, Victoria Police Act 2013. Non-compliance with or a departure from the Victoria Police Manual may be subject to management or disciplinary action. Employees must use VPM Professional and ethical standards to inform the decisions they make to support compliance.

Change or suppression (conversion) practices

Context

The *Change or Suppression (Conversion) Practices Prohibition Act 2021* (the Act) was created to denounce and prohibit change or suppression (conversion) practices and ensures that such behaviour is prohibited by law. Change or suppression practices are harmful practices that seek to change or suppress an individual's sexual orientation or gender identity.

The Act establishes a civil response scheme for which the Victorian Equal Opportunity and Human Rights Commission (VEOHRC) is responsible and gives statutory recognition to the serious harm caused by change or suppression practices by introducing new criminal offences.

Victoria Police takes all reports of alleged change or suppression (conversion) practices seriously, by conducting criminal investigations, making referrals where appropriate and sharing information with VEOHRC.

Victoria Police and VEOHRC will work together to support the objectives of the Act, provide for referral of enquiries from the public and share information in accordance with the **Memorandum of Understanding between Victorian Equal Opportunity and Human Rights Commission and Victoria Police** (the MOU).

This policy outlines procedures and guidelines for investigations and information sharing.

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Definitions

- **Change or suppression practice** – a practice or conduct directed towards a person, whether with or without the person's consent on the basis of the person's sexual orientation or gender identity and for the purpose of:
 - changing or suppressing the sexual orientation or gender identity of the person or;
 - inducing the person to change or suppress their sexual orientation or gender identity (s. 5, the Act).

For the purpose of this policy, change or suppression practices will be referred to as offences under the Act.

- **Gender identity** – a person's gender-related identity, which may or may not correspond with their designated sex at birth, and includes the personal sense of the body (whether this involves medical intervention or not) and other expressions of gender, including dress, speech, mannerisms, names and personal references (s.4, *Equal Opportunity Act 2010*).
- **Sexual orientation** – 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 (s.4, *Equal Opportunity Act*).

Scope and application

This policy applies to all Victoria Police employees involved in investigations of allegations of change or suppression (conversion) practice offences and information sharing with VEOHRC.

Responsibilities and procedures

1. Overview

- Where a crime has been committed that is an offence under the Act, Victoria Police is responsible for investigating and prosecuting the matter. Where civil action may be justified, assistance can be provided by VEOHRC (see section 4.1 of this policy).
- The Act provides offences for a person who:
 - intentionally engages in a change or suppression practice (or practices) directed towards another person that causes serious injury (s.10)
 - intentionally engages in a change or suppression practice (or practices) directed towards another person that causes injury (s.11)
 - takes another person from Victoria (or arrange for another person to be taken from Victoria) with the intention that a change or suppression practice (or practices) will be directed towards that person outside Victoria (s.12) (s.8 provides for extra-territorial application in these instances)
 - publishes, displays or authorises the publication or display of an advertisement or notice that indicates that a person intends to engage in a change or suppression practice (s.13).
- The Act also provides for offences committed by a body corporate (s.15).

2. Responding to and investigating allegations of offences

2.1 Initial response

- Members receiving a report of offences under the Act should gather information with sensitivity to the harm the victim has experienced (see section 2.2 of this policy for further information).
- Charges under the Act can only be laid where the offence occurred on or after 17 February 2022. For any reports of an alleged offence occurring prior to this date, members should consider other possible offending, including assault, stalking, harassment, sexual offending, child abuse and family violence. Where appropriate, an IR should be submitted. Refer to the **Change or suppression (conversion) practices Practice Guide** for more information.

2.2 Supporting victims

- Victoria Police adopts a victim-centric approach to policing and aims to increase confidence in the broader criminal justice system, improve victim participation and see an improvement in crime reporting rates by providing a consistent quality service to all victims.
- All victims should be treated with courtesy, respect and dignity and provided with appropriate information and support in a timely manner. Victoria Police is committed to offering a safe, inclusive and supportive policing service.
- Taking this approach into account, when receiving a report, members should:
 - ask the victim what their pronouns are (e.g. he/she/they) and ensure their gender identity and/or sexual orientation is affirmed
 - explain to the victim how police will proceed with the investigation
 - identify and mitigate any risks to the victim, such as continued threats or repeat victimisation
 - advise the victim that, in addition to criminal proceedings, with their consent a referral will be made to VEOHRC relating to possible civil action (see section 5.2 of this policy)
 - provide the victim with referral advice to VEOHRC for support and civil options, including historical offences
 - consider any other victim requirements and comply with **VPM Victim support**
 - consider a VPcR for Victim Support
 - notify the LGBTIQ Liaison Officer.
- Behaviour that is dismissive, intolerant, or disrespectful towards victims of change or suppression (conversion) practices is against the Victoria Police organisational values outlined in **VPM Professional and ethical standards**.

3. Victorian Equal Opportunity and Human Rights Commission

3.1 The role of the Victorian Equal Opportunity and Human Rights Commission

- VEOHRC is an independent statutory body that:
 - helps people resolve complaints of discrimination, sexual harassment and victimisation
 - administers the civil provisions of the Act, the *Equal Opportunity Act* and the *Charter of Human Rights and Responsibilities Act 2006*
- Part 3 of the Act establishes the civil response scheme, including functions and powers of VEOHRC in responding to change or suppression practices such as:
 - developing and providing education to persons and organisations
 - receiving reports and determining appropriate responses to reports on the basis of information provided and the wishes of persons affected
 - establishing processes for facilitating outcomes that meet the needs of persons affected
 - ensuring that persons affected by change or suppression practices receive support by directing them to appropriate support services
 - supporting persons who are or may be victims of criminal offences under the Act to voluntarily report these matters to police.

- Section 53 of the Act provides that VEOHRC must not perform their functions or duties or exercise their powers in a manner that would prejudice any criminal proceedings or investigations and as such they cannot contact members directly.

3.2 *Referrals by the Victorian Equal Opportunity and Human Rights Commission to Victoria Police*

- Where an incident is reported to VEOHRC that may constitute a criminal offence, with the victim's consent, the complaint will be referred to the Manager, Tasking and Coordination Support, Crime Command. If the victim chooses to pursue the referral, the Manager, Tasking and Coordination Support, Crime Command will arrange tasking and coordination of the matter via the divisional I&R inspector.
- The I&R inspector must assess the need for a criminal investigation and provide a response to the notification as soon as is practicable via the Manager, Tasking and Coordination Support, Crime Command. The Manager, Tasking and Coordination Support, Crime Command will advise VEOHRC of the outcome where appropriate.

4. **Information sharing with the Victorian Equal Opportunity and Human Rights Commission**

- VEOHRC and Victoria Police have established an MOU to provide for the referral of inquiries and reports from the public and the exchange of information for the purpose of fulfilling civil and criminal response functions under the Act.
- The agreement sets out the mutual commitments for the disclosure, exchange and handling of information between Victoria Police and VEOHRC via nominated contact officers. The Manager, Tasking and Coordination Support, Crime Command is the nominated Victoria Police contact officer.
- VEOHRC will inform the Victoria Police contact officer when they have referred a person to Victoria Police to assess whether any conduct reported to them may involve criminal offences being committed.
- The Victoria Police contact officer will notify VEOHRC to advise that the person has contacted them and provide an update on the status of any investigation.

4.1 *General requirements*

- Information exchange must comply with relevant legislation and existing policy, including **VPMP Information sharing**, **VPMP Information use, handling and storage** and **VPM Family violence and child information sharing** if applicable.

4.2 *Requesting information from the Victorian Equal Opportunity and Human Rights Commission*

- Investigating members seeking information collected and/or held by VEOHRC should provide a written request via email to the Manager, Tasking and Coordination Support, Crime Command.
- A written request should:
 - specify the information requested
 - detail the alleged conduct being investigated (where applicable)
 - specify the purpose(s) for which Victoria Police proposes to use the information.

Related documents

- VPM Crime and event reporting and recording
- VPM Crime attendance and investigation
- VPM Family violence
- VPM Victim support
- VPMP Information sharing
- VPMP Information use, handling and storage
- Memorandum of Understanding between Victorian Equal Opportunity and Human Rights Commission and Victoria Police
- Change or suppression (conversion) practices Practice Guide
- *Change or Suppression (Conversion) Practices Prohibition Act 2021*

Further advice and information

For further advice and assistance regarding this policy, contact your supervisor, LGBTIQ Liaison Officer, Priority and Safer Communities Division via OFFICE-OF-CMDR-PSCD-MGR or the Manager, Tasking and Coordination Support, Crime Command via CRIME-TASKING AND COORDINATION-OIC.

Update history

DATE OF FIRST ISSUE	25/07/2022	
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