

CLAUSE NOTES

Conversion Practices Prohibition Bill 2026

PART 1 – PRELIMINARY

Clause 1: Short Title

The short title of the Act will be the *Conversion Practices Prohibition Act 2026*.

Clause 2: Commencement

The majority of the Act will commence 12 months after Royal Assent, but may be commenced earlier by proclamation.

The amendments to the *Civil Liability Act 2002* contained in schedule 2 will commence 24 months after Royal Assent, but may be commenced earlier by proclamation.

Clause 3: Objects of Act

The objects of the Act are established. Objects provide an outline of what the Act is intended to achieve and can be used for interpretive purposes in circumstances of uncertainty or ambiguity.

The objects include prohibiting conversion practices, provide for offences relating to conversion practices, and outlining objects in respect of the Conversion Practices Commissioner (the Commissioner) and the Education, Prevention and Response Scheme (EPRS).

Clause 4: Interpretation

The clause provides definitions of terms used in the Act.

Clause 5: Meaning of *conversion practice*

The clause outlines the definition of *conversion practice*, including exemptions and avoidance of doubt provisions.

A conversion practice is defined as a practice or conduct directed towards a person, whether or not with that person's consent, on the basis of the person's sexual orientation or gender identity (or perception

thereof), for the purpose of changing, suppressing or eradicating the sexual orientation or gender identity of the person, or inducing the same.

The Bill exempts a practice or conduct if it is a health service provided by a registered health practitioner, that the practitioner in good faith, considers appropriate for the person, and if it complies with all relevant legal, professional and ethical requirements.

A practice or conduct is also exempt if it is to genuinely facilitate a person's coping skills, development, or for identity exploration to meet the person's needs.

The Bill includes avoidance of doubt provisions to clarify that a range of conduct does not, of itself, constitute a conversion practice.

Clause 6: Extra-territorial application

The clause sets out circumstances where conduct outside or partly outside of Tasmania is still captured by the Act.

In order for this conduct to be captured it must have a real and substantial link to Tasmania. This occurs if a significant part of the conduct occurs in Tasmania, or if the conduct occurred outside of Tasmania but the effects occurred, in whole or in part, in Tasmania.

This captures circumstances such as a conversion practice that occurs via telecommunications, or multiple sessions of conversion practices, some of which occur in another State or Territory.

Clause 7: Act binds Crown

Provides the Crown is bound by the Act. This means the government is required to comply with the Act.

Clause 8: Principles

Inserts principles that are to be observed in the application of the Act. The principles emphasise the harmful nature of conversion practices, the particular risks to children, and that a sexual orientation and gender identity is not any form of mental illness, does not require fixing, and that people should be respected and be able to live authentically regardless of their sexual orientation or gender identity.

Clause 9: Relationship with other laws

The clause sets out that no criminal or civil liability is created except as expressly provided in the Act.

The clause also provides that compliance with this Act doesn't itself mean that requirements of other legislation has been met.

PART 2 – CONVERSION PRACTICES PROHIBITED

Division 1 – Prohibition of Conversion Practice

Clause 10: General prohibition on conversion practices

Sets out that conducting a conversion practice is a breach of the Act.

Division 2 – Positive duty to eliminate conversion practices

Clause 11: Positive duty to eliminate conversion practices

Outlines that people have a general duty to take reasonable and proportionate measures to eliminate conversion practices of themselves, or a person acting on their behalf.

Provides guidance on the matters that must be considered in determining whether measures are reasonable and proportionate. This includes the size and nature of an organisation, their resources and operational priorities, as well as the practicability and cost of any measures.

The positive duty does not give grounds to make a report, but a serious breach of the positive duty may give grounds for an investigation under clause 40.

PART 3 – CRIMINAL OFFENCES RELATING TO CONVERSION PRACTICES

Division 1 – Conversion practice causing injury

Clause 12: Offence of engaging in one or more conversion practices that cause injury

Establishes an offence punishable under the criminal code of *engaging in one or more conversion practices that cause injury*. The offence applies if a person intentionally engages in a conversion practice or practices directed towards another person, the conversion practice or practices causes injury, and the person was negligent as to whether injury would be caused.

Clause 13: Conversion practices directed towards child or person with impaired decision-making ability

Sets out it is an aggravating factor for an offence of *engaging in one or more conversion practices that cause injury* if the conversion practice or practices are conducted on a child, or on a person with impaired decision-making ability.

This does not apply if the convicted person was a child or person with impaired decision-making ability at the time the offence was committed.

Division 2 – Removal from Tasmania for conversion practice

Clause 14: Offence of taking person from Tasmania for conversion practice

Establishes an offence punishable under the criminal code of *taking person from Tasmania for conversion practice*. The offence applies if a person takes another person from Tasmania with the intention of a conversion practice or practices being conducted, that conversion practice or practices occur, cause injury, and the person was negligent as to whether injury would be caused.

Clause 15: Child or person with impaired decision-making ability taken from Tasmania

Sets out it is an aggravating factor for an offence of *taking person from Tasmania for conversion practice* if the person taken from Tasmania is, and conversion practice or practices are conducted on, a child or on a person with impaired decision-making ability.

This does not apply if the convicted person was a child or person with impaired decision-making ability at the time the offence was committed.

Division 3 – Advertising conversion practices

Clause 16: Offence of advertising conversion practices

Establishes an offence if a person publishes or displays an advertisement or notice of a conversion practice, or authorises the same. This does not apply to an advertisement or notice discouraging, warning of the harms of, conversion practices.

Clause 17: Production of documents relating to advertising offence

Sets out that for the purposes of proceedings for an *advertising conversion practices* offence, the Commissioner may require a person to produce documents. A person must not fail to comply with such a requirement without reasonable excuse.

Clause 18: Who may bring proceedings for an offence under section 16

Provides that proceedings for an *advertising conversion practices* may be brought by the Commissioner, a police officer, or a person authorised by the Commissioner.

Division 4 – General matters relating to offences against this Part

Clause 19: Offences by employers

Sets out that if an employee, including a volunteer or contracted party, or an agent, commits an offence under the Act, then their employer or principal is also taken to have committed the offence, unless they could not, despite taking all reasonable precautions and exercising all due diligence, have known of or prevented the commission of the offence.

This is the case whether or not proceedings are brought against, or a conviction occurs for, the employee or agent.

Clause 20: General matters relating to offences

Sets out that a person is not criminally responsible, including as an accessory, co-principal or participant, for a conversion practice directed towards them, in respect of offences under this Part.

Also establishes that consent is not a defence to a charge for an offence under this Part.

Clause 21: Consent of DPP to proceedings under Part

Sets out that a prosecution for a criminal code offence under this Part - *engaging in one or more conversion practices that cause injury*, and *taking person from Tasmania for conversion practice* - can only occur if the Director of Public Prosecutions has given written permission.

PART 4 – COMMISSIONER

Clause 22: The Conversion Practices Commissioner

Establishes the Office of the Conversion Practices Commissioner, and sets out that the Anti-Discrimination Commissioner, by virtue of that office, is also the Conversion Practices Commissioner.

Clause 23: Functions of Commissioner

Sets out the Functions of the Commissioner.

The Commissioner can advise and make recommendations to the Minister in relation to conversion practices. The Commissioner can also undertake, or promote the undertaking of, research and education programs relating to conversion practices.

The Commissioner promotes understanding of, and compliance with, the Act and the prevention of conversion practices. They also consult on and inquire into conversion practices and their effects, and disseminate information about conversion practices, their effects, and the operation and objects of the Act.

The Commissioner receives, considers, investigates and seeks to resolve reports relating to conversion practices, as receives and responds to disclosures relating to historical conversion practices, and facilitates outcomes in relation to reports of conversion practices.

They have a role to promote and facilitate compliance with the positive duty under section 11.

The Commissioner can collect, analyse and report on information and data relating to reports and outcomes under the Act and submit reports to the Minister on any matter arising from the performance of the Commissioner's functions.

With the leave of a court or the Tribunal, the Commissioner can intervene in proceedings that involve issues relating to conversion practices.

They can perform any other functions imposed or conferred on the Commissioner under the Act or any other Act.

The clause also sets out that the Commissioner has the power to do all things necessary, or convenient, to perform their functions and exercise their powers.

Clause 24: Delegation

Provides the Commissioner with the power to delegate their functions or powers, other than the power of delegation.

Clause 25: Establishment of reference body

Provides the Commissioner may establish a reference body for the purposes of providing the Commissioner with advice.

The Commissioner may determine the number of members of the reference body and may appoint people who, in their opinion, have been directly affected by a conversion practice, possess skills or experience that the Commissioner considers appropriate, or have appropriate knowledge or experience in respect of matters relating to gender and sexual diversity.

The Commissioner may determine the terms and conditions of the members, matters relating to meeting times and proceedings, and may abolish the body at any time.

The reference body has none of the powers or functions of the Commissioner.

Clause 26: Practice guidelines

Allows the Commissioner to issue, vary, substitute or revoke practice guidelines in respect of any matter relating to the Act.

The Commissioner must consult with any persons that the Commissioner considers appropriate, which includes persons representing the interests of those to whom the practice guidelines will relate.

The Commissioner must also publish any issued, varied, substituted, or revocation of guidelines, on their website, and give a copy to any persons they consider relevant.

PART 5 – EDUCATION, PREVENTION AND RESPONSE SCHEME

Division 1 – Reports

Clause 27: Making of reports

Provides that a report alleging that a conversion practice has occurred or is occurring may be made to the Commissioner. Any person may make such a report.

A report must be made in a form provided for in regulations, unless no such regulations are made.

Clause 28: Principles for dealing with reports

Sets out the principles the Commissioner must have regard to in responding to a report.

These include that the responses should be: informed by the needs and wishes of any person affected by the alleged conversion practice; trauma-informed; appropriate having regard to the nature of the report; fair to all persons concerned; and consistent with the objects of this Act.

If the report relates to a child, the response should have regard to what is developmentally appropriate for the child, and the child should be supported to participate, in decisions affecting them, in a developmentally appropriate way.

Processes should be culturally safe, inclusive and accessible in a manner that recognises diverse identities, experiences and support needs.

Before any action is taken in relation to a report, regard should be had to the privacy, safety and wishes of any person affected by the alleged conversion practice.

A response should be provided to the person who made a report.

Clause 29: Power to request further information

Provides that the Commissioner has the power to request information or documents reasonably required by the Commissioner from the reporting person, an affected person, or the respondent.

Clause 30: Consideration of report

Outlines matters the Commissioner must have regard to when determining what actions to take in responding to the report under clause 31.

Clause 31: Responding to reports

Outlines the actions the Commissioner may take in response to a report. These are targeted education, offering facilitation, referral of the report,

or declining to respond. The Commissioner can take one or more actions.

The Commissioner must notify the reporting person of the outcome of the report, but does not need to disclose any information that would prejudice an investigation or enforcement action, contravene a law, unreasonably disclose personal information relating to another person, or if it would not be appropriate in the circumstances.

Clause 32: Referral of reports

Provides the Commissioner the power to refer a report to an appropriate entity if they consider it falls within their remit.

If the referral is not a mandatory referral under law, the Commissioner can only refer the report either with the consent of each affected person, or, one or more people don't consent, if they consider it reasonably necessary to protect the safety or wellbeing of another person.

The Commissioner may continue to deal with a matter even if they have referred it.

Clause 33: Referral to Commissioner

Sets out that *specified persons* are to refer matters, as a report, to the Commissioner if they have reasonable grounds to believe that a conversion practice has occurred or is occurring. They are also to refer relevant information, unless it is prohibited or restricted by law or would prejudice an investigation, inquiry or other proceedings.

They may continue their own processes after making a referral.

Specified persons include the Health Complaints Commissioner, Commissioner for Children and Young People, Custodial Inspector, Commissioner of Police, Integrity Commissioner, the Public Guardian, the Chief Psychiatrist, and any other prescribed person or body.

Clause 34: Discretion to decline to respond to report

Sets out the circumstances in which the Commissioner may decline to respond to a report.

The Commissioner may decline to respond if the report is frivolous, vexatious or lacking in substance or if the alleged conduct is not a conversion practice.

They may also decline if the person alleged to have engaged in the conversion practice cannot be reasonably located or if sufficient information is no longer available.

The report may not be responded to if another person, court, board or Tribunal would be more appropriate to deal with the report, or if they already have dealt with the report.

The Commissioner may decline to respond if, having regard to all the circumstances, it is not appropriate to respond to the report.

Division 2 – Facilitation

Clause 35: Facilitation of resolution

Sets out that the Commissioner may determine the manner in which a facilitation is conducted.

The facilitation includes any person affected by the conversion practice, and the respondent. If the report is made by a third party, they are not a participant in the facilitation.

The facilitation is voluntary for all parties. Any party may withdraw at any time, and the Commissioner may end the facilitation at any time.

If an agreement is reached resolving the matters raised in the report, the facilitation concludes and the Commissioner must give written notice to all parties of such.

Clause 36: Support person at facilitation

A party to a facilitation may, with the consent of other parties, bring a support person if reasonably necessary for their participation. This may include an advocate, translator, or a person providing communication support.

The support person may only provide the support necessary, and may not otherwise participate in the facilitation.

Clause 37: Confidentiality of facilitation

Evidence of anything said or done, or any document prepared, during a facilitation is not admissible in any civil or criminal proceeding unless agreed to by all participants in the facilitation, other than an obstruction or false or misleading offence under Part 9, or for the purposes of giving effect to or enforcing an agreement reached as part of the facilitation.

Clause 38: Agreement following facilitation

The Commissioner must record an agreement reached as part of a facilitation, unless the Commissioner is not satisfied each party entered into the agreement freely and on an informed basis.

The record must be signed by, or on behalf of, each party to the agreement, and the Commissioner is to provide a copy to each party and keep the original on file.

An agreement is enforceable as if it were an order made by the Tribunal in respect of an enforceable undertaking or compliance notice.

PART 6 – INVESTIGATIONS

Clause 39: Commencement of investigation

The Commissioner may launch an investigation on their own initiative. An investigation may be launched in the course of dealing with a report, whether or not a report has been finalised, or may launch an investigation whether or not there is a relevant or related report.

The Commissioner, if they consider it appropriate, may notify a subject of investigation, and if a report has been made, the reporting person and any affected person, that a decision has been made to conduct an investigation. This notice may contain such information the Commissioner considers appropriate.

An investigation is separate from the report process, but information obtained in a report process, other than information obtained during a facilitation, can be used for an investigation.

Clause 40: When investigation may be conducted

An investigation may occur if a matter raises a serious issue regarding either a serious non-compliance with a positive duty, or serious or systemic conversion practices, and the matter indicates a potential breach of the Act, an investigation would further the objects of the Act, and the matter relates to a class or group of persons.

Clause 41: Conduct of investigations

Sets out that the Commissioner may conduct an investigation in a manner they consider appropriate, subject to the provisions of Part 6, and must have regard to the principles of natural justice.

Clause 42: Power to require information and documents

Provides the Commissioner the power to require a person to provide information or produce documents if they reasonably believe that a person has information or documents that are relevant and necessary to an investigation. The Commissioner must provide reasonable time for such provision or production.

The Commissioner may take possession of documents, copy or extract from them, and retain them for as long as reasonably necessary for the investigation.

Clause 43: Power to require attendance

The Commissioner may require a person to meet with the Commissioner or another person to answer questions that are necessary and relevant for an investigation. The Commissioner must provide reasonable time for attendance, and must provide for reasonable allowances and expenses.

Regulations may provide further details for reasonable allowances and expenses, and if there are no such regulations the Commissioner may make their own determination.

A person is entitled to be accompanied by a legal or personal representative.

Clause 44: Failure to comply with notices

Sets out that a person must not fail to comply with a notice under clauses 42 or 43 without reasonable excuse. Clarifies that a reason excuse may include a legal or professional duty of confidentiality.

Clause 45: Self-incrimination

Requires a person to provide information, documents, or answer questions even where this may tend to incriminate them or expose them to penalty.

However, such evidence is not admissible in any civil or criminal proceedings other than proceedings arising from their false or misleading nature.

Clause 46: Protection of identity

The clause allows the Commissioner to direct a person giving, or proposing to give, evidence, information or documents for the purposes of an investigation, not to disclose information that would, or would be likely to, identify a person if the Commissioner considers it necessary in order to protect a person from victimisation, or to protect a person's employment, privacy or other lawful interests.

Clause 47: Restrictions on publication

The clause allows the Commissioner to direct that evidence, information, or the contents of documents pertaining to an investigation cannot be published, in whole or in part, or be otherwise restricted.

The Commissioner must consider the need to prevent certain matters in making such a direction, including prejudicing intergovernmental relations, the proper functioning of government, law enforcement or public safety, disclosure of Cabinet deliberations or enforcement sources, risk to the safety of any person, or unreasonable disclosure of personal or confidential information, or disclosure prohibited by law .

Clause 48: Outcome of investigation

On conclusion of an investigation, the Commissioner can take any action under the Act they consider appropriate, including taking no further action, accepting an enforceable undertaking, issuing a compliance notice, or publishing a report with any findings or recommendations.

The Commissioner must give written notice on the outcome of the investigation to each person who is a subject of the investigation or affected by the conversion practice or practices. If the investigation came about as the result of a report, the Commissioner may give notice to the reporting person.

The notice may include any findings the Commissioner has made, any actions they propose to take, and any other information they consider appropriate.

The Commissioner is not required to disclose information where such disclosure is not allowed by law, if it would prejudice an investigation, inquiry or other proceeding, or if it would unreasonably disclose personal or confidential information.

If the Commissioner publishes a report, they must take reasonable steps to not disclose personal and confidential information, unless reasonably necessary for the purposes of the report. The Commissioner must also give any person whose interests may be adversely affected a reasonable opportunity to comment on the report before publication.

PART 7 – COMPLIANCE AND ENFORCEMENT

Clause 49: Enforceable undertakings

Provides that during or after an investigation the Commissioner may accept an enforceable undertaking from a person if they are satisfied the person has or is engaging in a conversion practice, or has or is contravening the positive duty.

An enforceable undertaking outlines the actions a person is to take or refrain from taking for the purposes of complying with the Act. It may be varied with the consent of the person to whom it relates.

Clause 50: Register

Sets out that a public register of enforceable undertakings may be kept by the Commissioner. The Commissioner may omit or de-identify information if satisfied it is reasonably necessary to protect the safety, privacy or identity of any person, to avoid prejudice to an investigation or enforcement action, or to comply with legal requirements.

Regulations may set out the form of the register, the details to be kept in the register, and the manner in which it is to be made available to the public.

Clause 51: Compliance notices

Provides that during or after an investigation the Commissioner may issue a compliance notice to a person if they are satisfied the person has or is engaging in a conversion practice, or has or is contravening the positive duty.

A compliance notice must state the grounds on which it has been issued, the provisions of the Act the Commissioner considers have been

contravened, the date for which the requirements of the notice apply, the actions the Commissioner will take for non-compliance, and outline review rights to the Tribunal.

Clause 52: Review of compliance notices

Sets out that the subject of the compliance notice may, within 28 days of a compliance notice being issued, apply to the Tribunal for a review of the decision to issue a compliance notice, or a particular term or terms contained in the compliance notice.

Unless otherwise ordered by the Tribunal, a compliance notice remains in force while under review.

The Tribunal may confirm the Commissioner's decision, vary the decision, or quash the decision and direct the Commissioner to take a particular action.

Clause 53: Failure to comply with enforceable undertaking or compliance notice

Provides that if a person fails to comply with an enforceable undertaking or compliance notice, the Commissioner may apply to the Tribunal for an order.

The Tribunal, if satisfied that an enforceable undertaking or compliance notice has been contravened, may order it be varied or revoked, order the person to comply, or make any other such order they consider appropriate.

Clause 54: Vicarious liability

Sets out that an employer or principle is taken to be responsible for the employee, including a volunteer or contracted person, for the purposes of a report, compliance notice, or enforceable undertaking, unless, on the balance of probabilities, reasonable precautions were taken to prevent the person from engaging in the conversion practice.

Clause 55: Reports relating to organisations

Sets out that if a report relates to an organisation, an office holder or offices may be subject to information requests, targeted education, or a party to a facilitation.

Clause 56: Who may bring proceedings for an offence under Part 6

Sets out that proceedings for an offence in respect of an investigation may be brought by a police officer, the Commissioner, or a person authorised by the Commissioner.

PART 8 – REPORT OUTCOMES AND TRIBUNAL APPLICATIONS AND REFERRALS

Division 1 – Tribunal applications and referrals

Clause 57: Referral of report to Tribunal by Commissioner

Sets out the circumstances in which the Commissioner may refer a report to the Tribunal.

The Commissioner may refer the report to the Tribunal if they consider the report cannot be resolved by facilitation, or it is otherwise appropriate for the Tribunal to deal with the matter.

The Commissioner may not refer the report to the Tribunal if the person affected by the Conversion Practice does not consent, or if a facilitation process has resulted in an agreement that finally resolves the matters raised in a report.

The restriction once an agreement has been reached ensures that a person is not unduly subject to further potential sanctions for a matter they have reached an agreement on in good faith.

The qualifier of matters in the report being ‘finally resolved’ allows for parties to a facilitation agreement to reach an agreement on some particular matters relating to the report, while leaving other matters where a mutually acceptable outcome cannot be reached open for further assessment.

For example, both parties may reach an agreement regarding future actions the respondent may take to avoid conversion practices, but not reach agreement regarding remedy for the conversion practices that are the subject of the report, or vice versa.

In circumstances where an agreement only partially resolves matters in the report, the prohibition on referring the report to the Tribunal under subclause (2) would not apply.

The Commissioner’s referral to the Tribunal must be in writing and contain any information required by regulations. The Commissioner must write to the reporting person, and affected person, and a respondent, to notify them of the referral.

Clause 58: Application to Tribunal by person affected by conversion practice

Sets out the circumstances in which the person affected by a conversion practice may refer a report to the Tribunal. A referral may be made if a notice is issued by the Commissioner that they intend to conclude the report process, if a facilitation has occurred which has not finally resolved the matters raised by the report, or in other prescribed circumstances.

An application must be made within 28 days of notice of the relevant circumstances.

Clause 59: Application to Tribunal by respondent

Sets out the circumstances in which the respondent may refer a report to the Tribunal. A referral may be made if a notice is issued by the Commissioner of proposed targeted education, if a notice is issued by the Commissioner that they intend to conclude the report process, if a facilitation has occurred which has not finally resolved the matters raised by the report, or in other prescribed circumstances.

An application must be made within 28 days of notice of the relevant circumstances.

Clause 60: Tribunal's powers on referral or application

Sets out the Tribunal's powers in respect of a referred report. These include the powers the Commissioner has in respect of a report, targeted education, launching an investigation, or dismissing a report.

The Tribunal may also order a compensation payment or any other order the Tribunal considers appropriate.

In determining whether or not to order compensation, the Tribunal may have regard to any loss or damage suffered as a result of the conversion practice, and any other matter they consider relevant.

The Tribunal may attach any conditions to an order that they consider appropriate.

Division 2 – Conclusion of report process

Clause 61: Commissioner may conclude report process

The Commissioner may conclude the report process if they have taken all the actions that they consider appropriate.

The Commissioner must give written notice of their intention to end the report process to the reporting person, affected person, and respondent. The notice must specify the reasons for concluding the process, as well as notify of any right to refer the report to the Tribunal.

The report process cannot be concluded until the appeal period has expired, or, if the matter is with the Tribunal, until the Tribunal has finally determined the application.

Division 3 – Targeted education

Clause 62: Targeted education

Outlines that the Commissioner must give written notice of their intention to provide targeted education to the reporting person, affected person, and respondent.

The notice must state the nature of, and reasons for, the proposed education, as well as notice of any right to apply to the Tribunal.

The targeted education may be delivered by the Commissioner or through another person or body, and the expense must be borne by the Commissioner.

If the report is before the Tribunal, targeted education cannot occur unless the Tribunal orders it or the application is withdrawn or finally disposed of.

PART 9 – OFFENCES RELATING TO ADMINISTRATION

Clause 63: Obstruction

Provides that it is an offence to obstruct or hinder a person in the exercise or performance of a power or function under this Act, or to abuse, threaten or attempt to intimidate a person for the same.

Clause 64: False or misleading information

Establishes an offence for knowingly making a false or misleading statement, or omitting a matter from a statement knowing that the statement is misleading with that omission.

Clause 65: Who may bring proceedings for an offence under this Part

Sets out that proceedings for an offence under clause 63 or 64 may be brought by a police officer, the Commissioner, or a person authorised by the Commissioner.

PART 10 – MISCELLANEOUS

Clause 66: Prohibition of victimisation

Establishes an offence for victimising a person because that person engaged with or intends to engage with a process under this Act, including making a report, participation in a process, giving of evidence, alleging a contravention, refusing to contravene the Act, or taking any action in respect of a person under or in reference to the Act.

The clause further sets out that subjecting, or threatening to subject, another person or an associate of that other person to any detriment is victimisation.

Clause 67: Confidentiality of protected information

Sets out that information obtained concerning the affairs of a person obtained under the Act can only be recorded, disclosed, or communicated in specific circumstances.

These circumstances include if it is necessary for, or in connection with, the performance of a function or the exercise of a power under the Act; to prevent a credible and imminent threat of harm; compliance with a mandatory reporting obligation; the information is already lawfully public; the information does not, and reasonably cannot, identify a person; each person to whom the information relates has consented; or it is such information as is reasonably necessary for announcing or providing information about an investigation.

Further provides that a court must not require a person covered by this section to produce, disclose or communicate protected information, unless it relates to a criminal proceeding, a proceeding in relation to this section, or each person to whom the information relates has consented.

Clause 68: Disclosure of information to other bodies

Sets out that subject to the restrictions of section 67, the Commissioner may provide information to another person or body if satisfied that it

relates to their functions and is reasonably necessary for the performance of those functions.

Clause 69: Commissioner not to prejudice certain proceedings

Sets out that the Commissioner, when performing functions and exercising powers under the Act, must not prejudice criminal proceedings or investigations, or investigations conducted by the Integrity Commission, the Health Complaints Commissioner or any other integrity body prescribed by the regulations.

The Commissioner may consult with the Director of Public Prosecutions, Commissioner of Police, the Integrity Commission, the Health Complaints Commissioner, and any other prescribed body in order to ensure compliance with this section.

Clause 70: Commissioner may assist court or Tribunal

If a court or Tribunal grants leave, the Commissioner may intervene in proceedings in relation to conversion practices for the purpose of making submissions or otherwise assisting them.

Clause 71: Immunity for reporting persons and witnesses

Sets out that a person is not liable for an action, claim or demand for loss, damage or injury that results from the making of a report or giving information or evidence to the Commissioner or Tribunal.

Further clarifies that this does not provide protection for subsequent publication or communication of this information.

Clause 72: Immunities

While exercising their powers and performing their functions, the Commissioner has the same immunity as a judge of the Supreme Court.

Further sets out that a person acting for, or at the direction of, the Commissioner is not personally liable for an honest act or omission in respect of an actual or purported exercise of power or performance of functions.

Clause 73: Rules of evidence

Sets out that the Commissioner is not bound by, but may be informed by, the rules of evidence.

Clause 74: Annual Report

On or before the 31st of October each year, an annual report must be provided to the Minister on the operation of and effectiveness of the Act, including the accessibility and effectiveness of report-making and referral mechanisms.

The Minister must table this report in each House of parliament within 5 sitting-days of receiving it.

Clause 75: Review of Act

Requires the Minister to commission an independent review 5 years after this clause commences, examining operation of the Act in achieving its objects, the operation of the Commissioner, and any other matters relevant to the effect of this Act on improving the accessibility and effectiveness of procedures for dealing with conversion practices reports.

The Minister must ensure the review must include one or more persons who is not a State Service officer, or an employee of the State Service or any agency of the State.

The Minister must table the review in each House of Parliament within 10 sitting days of receiving it.

Clause 76: Transitional provisions

Sets out that an offence only applies to conduct that occurs after the commencement of the provisions establishing that offence, this is likewise the case for the general prohibition on conversion practices, and the positive duty.

Further provides Parts 4, 5, 6 and 7, which establish the office of the Commissioner and set out the elements of Education, Prevention and Response Scheme (EPRS), only applies to conduct that occurs after their commencement.

Parts 8, 9 and 10, other than the consequential amendments in clauses 80 and 81, which are dealt with separately, arise from proceedings related to earlier provisions, and are de facto covered by the coverage of Parts 4, 5, 6 and 7.

Further provides that the function under 23(1)(g) can relate to historic conduct. This provision sets out a function for receiving a disclosure of historic conduct for the purposes of acknowledgement, information, support, research and education, but does not provide for proceedings such as a report or investigation to occur.

Further sets out that the Commissioner can have regard to historic conduct for the purposes of identifying patterns of conduct or assessing the nature, context or impact of conduct, but such conduct must not form the basis of a decision to investigate or of a compliance notice or any other enforcement action.

Clause 77: Infringement notices

Sets out that the regulations may set an offence as an infringement offence, for which an infringement notice may be issued. The regulations may also prescribe the penalties.

An infringement notice cannot be served on a person under the age of 16, cannot relate to more than three offences, and must be in the form required by section 14 of the *Monetary Penalties Enforcement Act 2005*.

Clause 78: Regulations

Allows for regulations to be made for the purposes of the Act.

The regulations may apply differently according to matters, limitations or restrictions. They may authorise any matter to be determined, applied or regulated by any person or body;

The regulations may also include savings or transitional matters.

Clause 80: Consequential Amendments

Gives effect to the amendments outlined in schedule 1.

Clause 81: Consequential Amendments

Gives effect to the amendments outlined in schedule 2.

SCHEDULE 1 – CONSEQUENTIAL AMENDMENTS

Anti-Discrimination Act 1998

Amends the definition of *sexual orientation* in the *Anti-Discrimination Act 1998* for the purposes of ensuring a-sexual and a-romantic persons are captured by the definition.

Child and Youth Safe Organisations Act 2023

Amends the definition of *reportable conduct* in the *Child and Youth Safe Organisations Act 2023* to include a conversion practice.

Includes the Conversion Practices Commissioner any an entity that may disclose information or documents, or have information or documents disclosed to them, in relation to matters under that Act.

Criminal Code Act 1924

Includes the criminal code offences in the Act in the offences to which the *failing to report the abuse of a child* offence relates.

Health Complaints Act 1995

Includes that a person should be entitled to health care, and be provided with health services, free of discrimination, as a principle which must be had regard to when developing or reviewing the Charter of Health Rights.

Includes “a service provided for, or purportedly for, the assessment or treatment of a person in relation to that person’s sexual orientation or gender identity” as a health service under the *Health Complaints Act 1995*.

Limitation Act 1974

Provides that a limitation period does not apply to an action for damages for personal injury from a conversion practice towards a minor, as well as the provisions that allow a court to set aside an agreement affecting the settlement, on the grounds that it is in the interest of justice to do so.

These amendments apply to conduct that occurred before the commencement of the Act.

Personal Information Protection Act 2004

Includes the Conversion Practices Commissioner as a law enforcement agency for the purposes of the *Personal Information Protection Act 2004*.

Right to Information Act 2009

Provides that the *Right to Information Act 2009* only applies to information that relates to the administration of the *Conversion Practices Commissioner*.

Tasmanian Civil and Administrative Tribunal Act 2020

Includes the Act as a relevant Act under the *Tasmanian Civil and Administrative Tribunal Act 2020*, and allocates the Act to the Anti-Discrimination Stream of the General Division of the Tribunal.

SCHEDULE 2 – CONSEQUENTIAL AMENDMENTS

Civil Liability Act 2002

Includes a conversion practice towards a child as *child abuse* for the purposes of provisions relating to organisational liability for associates of that organisation. This is not retrospective.