

FACT SHEET

Conversion Practices Prohibition Bill 2026

The *Conversion Practices Prohibition Bill 2026* (the Bill) prohibits practices and conduct aimed at changing, suppressing or eradicating the sexual orientation or gender identity of a person ('conversion practices').

The Bill provides for an education and prevention first approach through an Education, Prevention and Response Scheme (EPRS) administered by a Conversion Practices Commissioner (the Commissioner).

The EPRS allows for a person to make a report about a conversion practice, and for the Commissioner to investigate serious or systemic conversion practices.

For intentional and negligent conduct that causes injury, the Bill establishes the following offences:

- engaging in conversion practices that cause injury
- taking a person outside Tasmania for conversion practices
- a lesser offence for advertising conversion practices.

Meaning of conversion practice

A conversion practice is defined as a practice or conduct directed towards a person on the basis of the person's sexual orientation or gender identity, for the purpose of changing, suppressing or eradicating the sexual orientation or gender identity of the person, or inducing the same.

Providing consent does not prevent a practice or conduct from being considered a conversion practice, nor is it relevant if the practice or conduct is based on an incorrect assumption or belief about the person's sexual orientation or gender identity.

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.

Prohibition on conversion practices

The Bill establishes a general prohibition on conversion practices, as well as a positive duty to eliminate conversion practices.

The positive duty 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.

The Bill 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 be grounds for an investigation.

The Bill also outlines that contravention of any provisions of the Bill does not create any civil or criminal liability, or any civil right or remedy, except to the extent expressly provided for by the Bill.

This clarifies that a breach of the general prohibition or positive duty does not itself give rise to criminal or civil liability.

Offences

The Bill establishes an offence for 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.

An offence of taking a person from Tasmania for a conversion practice is also established. This 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.

These offences are included as an abuse offence for the purposes of the failing to report the abuse of a child offence in the criminal code.

It is an aggravating factor for both offences if the conversion practice is conducted on a child, or on a person with impaired decision-making ability.

An offence is also established for advertising conversion practices.

Education, Prevention and Response Scheme (EPRS)

Conversion Practices Commissioner

The Bill establishes the statutory office of Conversion Practices Commissioner (the Commissioner). The Anti-Discrimination Commissioner, by virtue of that office, is appointed as Commissioner.

The Commissioner administers the EPRS, establishes a reference body to provide advice, and issues practice guidelines on conversion practices.

Reports

A person may make a report to the Commissioner alleging that a conversion practice has occurred or is occurring. The Commissioner may decline to respond to a report, refer a report to a more appropriate body, provide targeted education, offer voluntary facilitation, or refer the report to the Tasmanian Civil and Administrative Tribunal (the Tribunal) for assessment.

If an agreement is not reached as part of the facilitation process, a person affected by the alleged conversion practice, or the respondent to the report, may also refer the report to the Tribunal if they have received a notification of the Commissioner's intended response to the report.

The Tribunal can order the Commissioner to respond to the report in a particular way, dismiss the report, order financial compensation to a victim, or make any other order they consider appropriate.

Investigations

An investigation can be undertaken if there has been a serious breach of the positive duty or systemic or ongoing conversion practices that relate to a group or class of persons, there has been a potential contravention of the Act, and the investigation would advance the objects of the Act. The Commissioner has the power to require documents, and attendance for answering questions, as part of an investigation.

An investigation may result in: no further action; accepting an enforceable undertaking; issuing a compliance notice; publishing of a report.

The subject of an investigation may enter into an enforceable undertaking as a result of the investigation. Such an undertaking may stipulate particular actions the person will do, or refrain from doing, for the purposes of complying with the Act.

Undertakings may be published in a public register, and any information may be omitted if necessary for safety or privacy purposes, to avoid prejudicing an investigation or enforcement action, or to comply with a requirement of the Act or any other Act.

If the enforceable undertaking is not complied with, the Commissioner may take the matter to the Tribunal. The Tribunal may issue a compliance order, discharge or vary the undertaking, or make any other order it considers appropriate.

The Commissioner also has the power to issue compliance notices. A person to whom a compliance notice is issued may appeal the notice as a whole, or particular terms of the notice, to the Tribunal.

The Tribunal may confirm, vary or quash the notice, and may direct the Commissioner to take such action as the Tribunal considers appropriate.

If the compliance notice is not complied with, the Commissioner may take the matter to the Tribunal. The Tribunal may issue a compliance order, vary the notice, order the Commissioner to withdraw the notice, or make any other order it considers appropriate.

Consequential amendments

The Bill also introduces a range of consequential amendments, including:

- updating the definition of *sexual orientation* in the *Anti-Discrimination Act 1998* for the purposes of capturing both a-sexual and a-romantic persons;
- including conversion practices as reportable conduct under the *Child and Youth Safe Organisations Act 2023*;
- Including that a person should be entitled to health care, and be provided with health services, free of discrimination under the Charter of Health Rights in the *Health Complaints Act 1995*;
- Including 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 and a health service for the purposes of the *Health Complaints Act 1995*;
- Amending the *Limitation Act 1974* to include conversion practices under the limitation period waiver provisions, and as child abuse under the provisions that allow a court to set aside an agreement effecting the settlement where it is in the interest of justice to do so;
- Including the Commissioner as a law enforcement agency under the *Personal Information Protection Act 2004*;
- Including the Commissioner as a body where the *Right to Information Act 2009* applies for administration matters only;
- Including the *Conversion Practices Prohibition Act 2026* under the Anti-Discrimination stream of the *Tasmanian Civil and Administrative Tribunal Act 2020*; and
- Amending the *Civil Liability Act 2002* to include conversion practices as child abuse under the organisational liability provisions.