

TASMANIA

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**CONVERSION PRACTICES PROHIBITION BILL  
2026**

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# CONVERSION PRACTICES PROHIBITION BILL 2026

*(Brought in by Dr Rosalie Woodruff, MP)*

## A BILL FOR

**An Act to prohibit practices that are directed to changing or suppressing a person's sexual orientation or gender identity, and for related purposes**

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

### PART 1 – PRELIMINARY

#### 1. Short title

This Act may be cited as the *Conversion Practices Prohibition Act 2026*.

#### 2. Commencement

- (1) Subject to this section, the provisions of this Act commence on a day or days to be proclaimed.
- (2) If the provisions of this Act other than section 70 and Schedule 2, have not commenced before the end of the period of 12 months from the day on which this Act receives the Royal Assent, those uncommenced provisions commence at the end of that 12-month period.

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- (3) If section 70 and Schedule 2 have not commenced before the end of the period of 24 months from the day on which this Act receives the Royal Assent, those uncommenced provisions commence at the end of that 24-month period.

**3. Objects of Act**

The objects of this Act are to –

- (a) prohibit conversion practices; and
- (b) confer functions on the Anti-Discrimination Commissioner to –
  - (i) promote understanding of this Act and the prohibition on conversion practices; and
  - (ii) administer the civil response scheme; and
  - (iii) receive, assess and resolve reports of conversion practices; and
  - (iv) investigate serious or systemic conversion practices; and
- (c) establish a civil response scheme to –
  - (i) discourage conversion practices; and

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- (ii) provide for facilitated outcomes in relation to reports of conversion practices; and
- (iii) provide for compliance notices and enforceable undertakings in response to serious or systemic conversion practices; and
- (d) provide for offences relating to conversion practices.

#### 4. Interpretation

In this Act –

***child*** means a person who has not attained the age of 18 years;

***Commissioner*** means the Anti-Discrimination Commissioner appointed under the *Anti-Discrimination Act 1998*;

***conversion practice*** – see section 5;

***facilitation*** means facilitation under section 31;

***gender identity*** has the same meaning as in the *Anti-Discrimination Act 1998*;

***harm to mental health*** includes psychological harm, but does not include an emotional reaction (including distress, grief, fear or anger) unless it results in psychological harm;

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***injury*** means –

(a) physical injury; or

(b) harm to mental health –

whether temporary or permanent;

***investigation*** means an investigation conducted under Division 3 of Part 4;

***person*** includes an organisation;

***publish*** includes to authorise publication;

***physical injury*** includes unconsciousness, disfigurement, substantial pain, infection with a disease and impairment of bodily function;

***registered health practitioner*** means a person registered under the Health Practitioner Regulation National Law (Tasmania) to practise in the medical profession (other than a student);

***regulations*** means regulations made under this Act;

***report*** means a report made under Division 2 of Part 4;

***sexual orientation*** has the same meaning as in the *Anti-Discrimination Act 1998*;

***statutory authority*** means a body or authority, whether incorporated or not, that is established or constituted by or under an

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Act or under the royal prerogative, being a body or authority which, or of which the governing authority, wholly or partly consists of a person or persons appointed by the Governor, a Minister or another statutory authority;

***Tribunal*** means the Tasmanian Civil and Administrative Tribunal.

**5. Meaning of *conversion practice***

- (1) In this Act, ***conversion practice*** means a practice or conduct directed towards a person, whether with or without the person's consent –
- (a) on the basis of the person's sexual orientation or gender identity; and
  - (b) for the purpose of –
    - (i) changing, suppressing or eradicating the sexual orientation or gender identity of the person; or
    - (ii) inducing the person to change, suppress or eradicate their sexual orientation or gender identity.
- (2) For the purposes of subsection (1), it is irrelevant whether a practice or conduct directed towards a person on the basis of the person's sexual orientation or gender identity is based on an incorrect assumption or belief about the person's sexual orientation or gender identity.

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- (3) A conversion practice does not include –
- (a) a health service provided by a registered health practitioner that –
    - (i) the registered health practitioner has assessed as clinically appropriate for a person, in the registered health practitioner’s reasonable professional judgement; and
    - (ii) complies with all relevant legal, professional and ethical requirements; or
  - (b) genuinely facilitating a person’s coping skills, development or identity exploration to meet the person’s needs, including by providing acceptance, support or understanding to the person; or
  - (c) the following conduct, provided the conduct is not engaged in as part of a conversion practice:
    - (i) an expression, including in prayer, of a belief or principle, including a religious belief or principle;
    - (ii) an expression that a belief or principle ought to be followed or applied;

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- (iii) stating what relevant religious teachings are, or what a religion says, about a specific topic;
- (iv) the making, application or communication of general requirements in relation to religious orders, or membership or leadership of a religious community;
- (v) parents discussing matters relating to sexual orientation, gender identity, sexual activity or religion with their children.

**6. Extra-territorial application**

- (1) This section applies if –
  - (a) a person engages in conduct outside, or partly outside, Tasmania; and
  - (b) there is a real and substantial link between the conduct and Tasmania.
- (2) This Act has effect in relation to the conduct as if it had been engaged in wholly within Tasmania.
- (3) For the purposes of subsection (1), there is a real and substantial link with Tasmania –
  - (a) if a significant part of the conduct occurs in Tasmania; or

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- (b) the conduct occurred wholly outside Tasmania, but the effects of the conduct occurred wholly or partly in Tasmania.

**7. Act binds Crown**

This Act binds the Crown in right of Tasmania and, so far as the legislative power of Parliament permits, in all its other capacities.

**8. Principles**

The following principles are to be observed in the operation, administration and enforcement of this Act:

- (a) conversion practices are deceptive and harmful to the persons subjected to them and to the community, and should be denounced and eliminated as far as possible;
- (b) all people, regardless of sexual orientation or gender identity, should be welcomed, valued and respected, and should be able to live authentically and with pride;
- (c) a person's sexual orientation or gender identity is not broken and does not require fixing, changing or suppression;
- (d) no sexual orientation or gender identity constitutes a disorder, disease, illness, deficiency or shortcoming.

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**PART 2 – CRIMINAL OFFENCES RELATING TO  
CONVERSION PRACTICES**

*Division 1 – Conversion practices causing injury*

**9. Offence of engaging in one or more conversion practices that cause injury**

(1) A person is guilty of an indictable offence punishable under the *Criminal Code* if –

(a) the person intentionally engages in a conversion practice directed towards another person (the *recipient*); and

(b) the person –

(i) causes injury to the recipient; or

(ii) is reckless as to whether engaging in the conversion practice will cause injury to the recipient.

(2) A person is guilty of an indictable offence punishable under the *Criminal Code* if –

(a) the person intentionally engages in conversion practices directed towards another person (the *recipient*); and

(b) any or all of the conversion practices, considered as a group, cause injury to the recipient, or the person is reckless as to whether engaging in any or all of the conversion practices will cause injury to the recipient.

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**10. Conversion practices directed towards a child**

- (1) A person is guilty of an indictable offence punishable under the *Criminal Code* if the person intentionally engages in a conversion practice directed towards a child.
- (2) For the avoidance of doubt, it is not necessary to prove that the conversion practice caused injury to the child.
- (3) It is a defence in proceedings for an offence under subsection (1) if the defendant establishes that, at the time of the conduct, the defendant was a child.
- (4) Without limiting subsection (1), a person engages in a conversion practice directed towards a child if the person causes, directs, induces or procures another person to engage in the conversion practice directed towards a child.

***Division 2 – Removal from Tasmania for conversion practice***

**11. Offence of taking person from Tasmania for conversion practice**

- (1) A person is guilty of an indictable offence punishable under the *Criminal Code* if –
  - (a) the person takes another person (the ***intended recipient***) from Tasmania, or arranges for the intended recipient to be taken from Tasmania; and
  - (b) the person intends that a conversion practice directed towards the intended

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recipient will be engaged in outside Tasmania (whether by the person or another person); and

- (c) a conversion practice directed towards the intended recipient is engaged in outside Tasmania; and
  - (d) the conversion practice causes injury to the intended recipient, or the person is reckless as to whether the conversion practice will cause injury to the intended recipient.
- (2) A person is guilty of an indictable offence punishable under the *Criminal Code* if –
- (a) the person takes another person (the ***intended recipient***) from Tasmania, or arranges for the intended recipient to be taken from Tasmania; and
  - (b) the person intends that conversion practices directed towards the intended recipient will be engaged in outside Tasmania (whether by the person or another person); and
  - (c) conversion practices directed towards the intended recipient are engaged in outside Tasmania; and
  - (d) any or all of the conversion practices, considered as a group, cause injury to the intended recipient, or the person is reckless as to whether any or all of the conversion practices, considered as a

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group, will cause injury to the intended recipient.

**12. Child taken from Tasmania**

- (1) A person is guilty of an indictable offence punishable under the *Criminal Code* if –
  - (a) the person takes a child from Tasmania, or arranges for a child to be taken from Tasmania; and
  - (b) the person intends that a conversion practice directed towards the child will be engaged in outside Tasmania (whether by the person or another person); and
  - (c) a conversion practice directed towards the child is engaged in outside Tasmania.
- (2) For the avoidance of doubt, it is not necessary to prove that the conversion practice caused injury to the child.
- (3) It is a defence in proceedings for an offence under subsection (1) if the defendant establishes that, at the time of the conduct, the defendant was a child.
- (4) Without limiting subsection (1), a person engages in a conversion practice directed towards a child if the person causes, directs, induces or procures another person to engage in the conversion practice directed towards a child.

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***Division 3 – Advertising conversion practices***

**13. Offence of advertising conversion practices**

- (1) A person must not publish or display, or authorise the publication or display of, an advertisement or other notice that indicates, or could reasonably be understood as indicating, that the person or any other person intends to engage in one or more conversion practices.

Penalty: In the case of –

- (a) a natural person, a fine not exceeding 60 penalty units; or
  - (b) a body corporate, a fine not exceeding 300 penalty units.
- (2) Subsection (1) does not apply if the advertisement or notice is published or displayed solely for the purpose of –
- (a) warning of the harm caused by conversion practices; or
  - (b) discouraging conversion practices.

**14. Production of documents relating to advertising offence**

- (1) For the purposes of proceedings under section 13, the Commissioner may, by written notice, require a person to produce to the Commissioner any documents specified in the notice.

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- (2) A person must not, without reasonable excuse, refuse or fail to comply with a requirement under subsection (1).

Penalty: In the case of –

- (a) a natural person, a fine not exceeding 60 penalty units; or
- (b) a body corporate, a fine not exceeding 300 penalty units.

**15. Who may bring proceedings for an offence under section 13**

Proceedings for an offence under section 13 may be brought by –

- (a) the Commissioner; or
- (b) a police officer; or
- (c) a person who is authorised to do so, either generally or in a particular case, by the Commissioner.

***Division 4 – General matters relating to offences against this Part***

**16. Offences by employers**

- (1) For the purposes of this section –

*employee* includes a person engaged under a contract for services or as a volunteer.

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- (2) If an employee or agent commits an offence under this Act, the employer or the principal of the agent is taken to have committed the same offence.
- (3) Despite subsection (1), it is a defence in proceedings for an offence against an employer or principal if it is proved that the employer or principal could not, despite taking all reasonable precautions and exercising all due diligence, have known of or prevented the commission of the offence.
- (4) An employer or principal may be proceeded against and convicted for an offence pursuant to this section whether or not the employee or agent has been proceeded against or convicted for the offence.

**17. General matters relating to offences**

- (1) A person is not criminally responsible for an offence under this Part in respect of a conversion practice carried out on the person, including as an accessory, co-principal or participant.
- (2) The consent of a person on whom a conversion practice is carried out is not a defence to a charge under this Part.

**18. Consent of DPP to proceedings under Part**

A prosecution under Divisions 1 and 2 of this Part must not be commenced without the written consent of the Director of Public Prosecutions.

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**PART 3 – COMMISSIONER**

**19. Functions of Commissioner**

- (1) The functions of the Commissioner are –
- (a) to advise and make recommendations to the Minister on matters relating to conversion practices;
  - (b) to promote understanding of, and compliance with, this Act and the prevention of conversion practices;
  - (c) to consult and inquire into conversion practices and the effects of conversion practices;
  - (d) to disseminate information about conversion practices, the effects of conversion practices, and the operation and objects of this Act;
  - (e) to undertake, or promote the undertaking of, research and education programs relating to conversion practices;
  - (f) to receive, consider, investigate and seek to resolve reports relating to conversion practices;
  - (g) to facilitate outcomes in relation to reports made by persons affected by conversion practices;

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- (h) to collect, analyse and report on information and data relating to reports and outcomes under this Act;
  - (i) to submit reports to the Minister on any matter arising from the performance of the Commissioner's functions;
  - (j) to intervene, with the leave of a court or the Tribunal, in proceedings that involve issues relating to conversion practices;
  - (k) to perform any other functions imposed or conferred on the Commissioner under this Act or any other Act.
- (2) The Commissioner has the power to do all things necessary, or convenient, to perform the Commissioner's functions and exercise the Commissioner's powers under this Act or any other Act.

**20. Delegation**

The Commissioner, in writing, may delegate a function or power under this Act other than this power of delegation.

**21. Establishment of reference body**

- (1) The Commissioner may establish a reference body to provide advice to the Commissioner in relation to the performance or exercise of the Commissioner's functions or powers under this Act.

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- (2) The Commissioner may appoint as members of the reference body persons who, in the opinion of the Commissioner –
  - (a) have been directly affected by the carrying out of a conversion practice; or
  - (b) possess skills or experience that the Commissioner considers appropriate; or
  - (c) have appropriate knowledge of, or experience in, matters relating to gender and sexual diversity.
- (3) A member holds office on such terms and conditions as the Commissioner determines.
- (4) The reference body has no power to perform any function or exercise any power of the Commissioner.
- (5) The reference body is to meet at such times and conduct its proceedings in such manner as the Commissioner determines.
- (6) The Commissioner may abolish a reference body at any time.

**22. Practice guidelines**

- (1) The Commissioner may issue practice guidelines on any matter relating to this Act.
- (2) In preparing practice guidelines, the Commissioner must consult with any persons that the Commissioner considers appropriate,

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including persons representing the interests of those to whom the practice guidelines will relate.

- (3) The Commissioner may vary, substitute or revoke practice guidelines issued under this section.
- (4) The Commissioner must –
  - (a) publish on a website operated by, or on behalf of, the Commissioner any practice guidelines and any variation, substitution or revocation of those practice guidelines; and
  - (b) give notice in the *Gazette* of any such publication, variation, substitution or revocation.

**PART 4 – CIVIL RESPONSE SCHEME**

***Division 1 – Preliminary***

**23. Interpretation of Part**

In this Part –

*affected*, in relation to a conversion practice, means the person in respect of whom the conversion practice is being carried out, has been carried out, or is alleged to have been carried out;

*respondent* means a person who is alleged, in a report, to have engaged in a conversion practice.

***Division 2 – Reports***

**24. Making of reports**

- (1) A person, whether or not affected by a conversion practice, may make a report to the Commissioner alleging that a conversion practice has occurred or is occurring.
- (2) A report is to be made in the prescribed form, if any.

**25. Principles for dealing with reports**

In responding to a report, the Commissioner must have regard to the following principles:

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- (a) that a response is provided to the person who made the report;
  - (b) that the response is informed by the needs and wishes of any person affected by the alleged conversion practice;
  - (c) that the response is appropriate having regard to the nature of the report;
  - (d) that the response is fair to all persons concerned; and
  - (e) that the response is consistent with the objects of this Act.

**26. Power to request further information**

For the purpose of dealing with a report, the Commissioner may, by written notice, request the maker of the report, or a person alleged to have engaged, or to be engaging, in the conversion practice to which the report relates, to provide information or documents reasonably required by the Commissioner.

**27. Consideration of report**

If, in considering a report, the Commissioner is satisfied that a person has engaged, or is engaging, in a conversion practice, the Commissioner, in responding to the report must, so far as is reasonably practicable, have regard to the following matters, to the extent that information about those matters is reasonably available to the Commissioner:

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- (a) the wishes of any person affected by the conversion practice;
- (b) whether the conversion practice was an isolated incident or formed part of a pattern of conduct;
- (c) the number of persons affected by the conversion practice;
- (d) the nature and extent of any harm caused by the conversion practice;
- (e) any steps taken by a person to cease the conversion practice or to remedy any harm caused by it.

**28. Responding to reports**

- (1) The Commissioner, after considering a report may do any one or more of the following:
  - (a) provide targeted education to any person reported to have engaged in conversion practices;
  - (b) if the report is made by a person affected by a conversion practice, offer facilitation in relation to the matters raised in the report;
  - (c) refer the report in accordance with section 29;
  - (d) decline to respond to the report in accordance with section 30.

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- (2) The Commissioner must, as soon as practicable, notify the maker of the report, in writing, of the outcome of the report.
  - (3) Subsection (2) does not require the disclosure of information if the Commissioner reasonably considers that the disclosure would –
    - (a) prejudice an investigation or enforcement action; or
    - (b) contravene a law; or
    - (c) unreasonably disclose personal information relating to another person.

**29. Referral of reports**

- (1) If the Commissioner considers that a report relates to conduct that should be investigated by another person, body or authority that has functions under any law of Tasmania, of another State, of a Territory or of the Commonwealth, the Commissioner may refer the matter to the other person, body or authority for investigation.
- (2) Unless the referral is mandatory under another Act or law, the Commissioner may only make a referral under subsection (1) with the consent of each person affected by the conversion practice to which the report relates.
- (3) A referral under subsection (1) may constitute a referral for the purposes of another law.
- (4) The Commissioner's powers to investigate or otherwise deal with a matter are not affected by

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a matter having been referred under subsection (1).

**30. Discretion to decline to respond to report**

The Commissioner may decline to respond to a report if the Commissioner is satisfied that –

- (a) the report is frivolous, vexatious or lacking in substance; or
- (b) the person alleged to have engaged in the conversion practice cannot be reasonably located; or
- (c) the report relates to conduct in respect of which sufficient information is no longer available; or
- (d) the report relates to conduct that has been adequately dealt with, or would be more appropriately dealt with, by another person, court, board or Tribunal; or
- (e) having regard to all the circumstances, it is not appropriate to respond to the report.

**31. Facilitation of resolution**

- (1) The Commissioner may facilitate the resolution of matters raised in a report in any manner that the Commissioner considers appropriate.
- (2) Participation in a facilitation is voluntary.

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- (3) The Commissioner may end facilitation at any time.
  - (4) A person participating in facilitation may withdraw at any time by notice to the Commissioner.

**32. Confidentiality of facilitation**

- (1) Evidence of anything said or done, or any document prepared, in the course of facilitation is not admissible in any civil or criminal proceeding.
- (2) Subsection (1) does not apply in the following circumstances:
  - (a) if all persons participating in the facilitation consent to the admission of the evidence;
  - (b) in respect of proceedings for an offence under Part 6.
- (3) This section does not prevent disclosure of information if required for the purposes of giving effect to, or enforcing, an agreement reached following facilitation.

**33. Resolved report**

- (1) If an agreement is reached following facilitation, the Commissioner must record the terms of the agreement.

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- (2) Before recording the agreement, the Commissioner must be satisfied that each party entered into the agreement freely and on an informed basis.
- (3) The record must be signed by, or on behalf of, each party.
- (4) The Commissioner is to –
  - (a) provide a copy of the record to each party; and
  - (b) keep the original record on file.
- (5) An agreement recorded under this section is enforceable as if it were an order of the Tribunal under section 48(3).

***Division 3 – Investigations***

**34. Conduct of investigation**

- (1) The Commissioner may, on the Commissioner's own initiative, conduct an investigation, including in the course of dealing with a report under Division 2.
- (2) An investigation commences when the Commissioner decides to investigate a matter.
- (3) The Commissioner may commence an investigation whether or not –
  - (a) a report has been made; or
  - (b) a report has been finalised.

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- (4) In conducting an investigation, the Commissioner may have regard to any information obtained in dealing with a report under Division 2.
  - (5) An investigation under this Division is separate from, and not limited by, the process for dealing with a report under Division 2.

**35. When investigation may be conducted**

The Commissioner may conduct an investigation under this Division into any matter relating to this Act if the Commissioner considers that the matter –

- (a) raises an issue of a serious nature or indicates systemic or ongoing conversion practices; and
- (b) indicates a possible contravention of this Act; and
- (c) relates to a class or group of persons; and
- (d) would advance the objects of this Act.

**36. Conduct of investigations**

- (1) Subject to this Division, the Commissioner may conduct an investigation in the manner that the Commissioner considers appropriate.
- (2) In conducting an investigation, the Commissioner must have regard to the rules of natural justice.

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**37. Power to require information and documents**

- (1) If the Commissioner reasonably believes that a person has information or documents that are relevant and necessary to an investigation, the Commissioner may, by written notice, require the person to provide the information or produce the documents.
- (2) A notice under subsection (1) must specify a reasonable period for compliance or a reasonable date, time and place at which the information or documents are to be provided or produced.
- (3) If documents are produced, the Commissioner may:
  - (a) take possession of the documents;
  - (b) copy, or extract from, the documents; and
  - (c) retain the documents for as long as reasonably necessary for the investigation.

**38. Power to require attendance**

- (1) The Commissioner may, by written notice, require a person to attend before the Commissioner or a person specified in the notice at a reasonable time and place to answer questions that are relevant and necessary to an investigation.
- (2) A person required to attend –

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- (a) is entitled to be paid such allowances and expenses as are prescribed or, if not prescribed, as the Commissioner determines; and
- (b) may be accompanied by a legal or personal representative.

**39. Failure to comply with notices**

A person must not, without reasonable excuse, fail to comply with a notice issued under section 37 or 38.

Penalty: In the case of –

- (a) a natural person, a fine not exceeding 60 penalty units; or
- (b) a body corporate, a fine not exceeding 300 penalty units.

**40. Self-incrimination**

- (1) A person is not excused from answering a question, or providing information or a document, under this Act on the ground that the answer to the question, or the information or document, may tend to incriminate the person or expose the person to a penalty.
- (2) Despite subsection (1), the answer to a question, or information or a document, provided by an individual is not admissible as evidence against that individual in civil or criminal proceedings other than –

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- (a) in proceedings for an offence under the Act; or
- (b) in proceedings under any Act arising out of the false or misleading nature of the answer, information or document.

**41. Protection of identity**

- (1) This section applies to a person who gives, or proposes to give, evidence, information or documents to the Commissioner in connection with an investigation.
- (2) The Commissioner may direct that the identity of the person, or information likely to identify the person, not be disclosed if the Commissioner considers this necessary to –
  - (a) protect the person’s employment, privacy or other lawful interests; or
  - (b) protect the person from victimisation.
- (3) A person must not, without reasonable excuse, fail to comply with a direction under subsection (2).

Penalty: In the case of –

- (a) a natural person, a fine not exceeding 60 penalty units; or
- (b) a body corporate, a fine not exceeding 300 penalty units.

**42. Restrictions on publication**

- (1) The Commissioner may direct that evidence, information or the contents of any document obtained in the course of an investigation are not to be published, or that their publication is to be restricted, redacted or otherwise limited.
- (2) In making a direction, the Commissioner must have regard to the need to prevent such of the following as are relevant to the circumstances:
  - (a) prejudice to intergovernmental relations;
  - (b) disclosure of Cabinet deliberations;
  - (c) prejudice to the proper functioning of government;
  - (d) disclosure of confidential law enforcement sources;
  - (e) risk to the safety of any person;
  - (f) prejudice to law enforcement or public safety;
  - (g) disclosure prohibited by or under another Act;
  - (h) unreasonable disclosure of personal or confidential information.
- (3) A person must not, without reasonable excuse, fail to comply with a direction under subsection (1).

Penalty: In the case of –

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- (a) a natural person, a fine not exceeding 60 penalty units; or
- (b) a body corporate, a fine not exceeding 300 penalty units.

**43. Outcome of investigation**

- (1) After conducting an investigation, the Commissioner may take such action under this Act as the Commissioner considers appropriate.
- (2) Without limiting subsection (1), the Commissioner may do any of the following:
  - (a) take no further action;
  - (b) enter into an agreement with a person about action to be taken by that person to ensure compliance with this Act;
  - (c) accept an enforceable undertaking;
  - (d) issue a compliance notice to a person;
  - (e) publish a report on the investigation, including any findings or recommendations.
- (3) Before publishing a report under subsection (2)(e), the Commissioner is to –
  - (a) take reasonable steps to ensure that personal information and confidential information are not disclosed, except to the extent reasonably necessary for the purposes of the report; and

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- (b) give any person whose interests may be adversely affected by publication of the report a reasonable opportunity to comment on the proposed publication.

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## **PART 5 – REMEDIES**

### **44. Enforceable undertakings**

- (1) If, during or after an investigation, the Commissioner is satisfied that a conversion practice has occurred, is occurring, or is likely to occur, the Commissioner may accept a written undertaking from a person.
- (2) An undertaking under subsection (1) may require the person to take specified action, or to refrain from specified action, in order to comply with this Act.
- (3) The Commissioner may vary an undertaking with the consent of the person who gave it.

### **45. Register**

- (1) The Commissioner may establish and maintain a register of enforceable undertakings.
- (2) The register under subsection (1) is to be made available to the public.
- (3) The regulations may prescribe –
  - (a) the form of the register; and
  - (b) the particulars to be included in the register; and
  - (c) the manner in which the register is to be made available to the public.

- (4) The Commissioner may omit from the register, or publish in de-identified form, any information that would otherwise be included if satisfied that it is reasonably necessary to do so –
- (a) to protect the safety, privacy or identity of any person; or
  - (b) to avoid prejudice to an investigation or enforcement action; or
  - (c) to comply with a requirement of this Act or any other Act or law.

#### **46. Compliance notices**

- (1) If, after an investigation, the Commissioner is satisfied that a conversion practice has occurred or is occurring, the Commissioner may issue a compliance notice to a person who is wholly or partly responsible for the practice.
- (2) A compliance notice must state –
- (a) the grounds on which the Commissioner is satisfied that a conversion practice has occurred or is occurring; and
  - (b) the provision or provisions of this Act that the Commissioner considers have been contravened; and
  - (c) the date by which the person must take, or refrain from taking, specified action in relation to the practice; and

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- (d) the action that the Commissioner may take if the person fails to comply with the notice; and
- (e) that the person may apply to the Tribunal for a review of the issuing of the notice or of any term of the notice.

**47. Review of compliance notices**

- (1) A person to whom a compliance notice is issued may apply to the Tribunal for a review of either of both of the following decisions of the Commissioner:
  - (a) a decision to issue the compliance notice under section 46;
  - (b) a decision as to any term of the compliance notice.
- (2) An application for review is to be made in writing within 28 days after the day on which the compliance notice is given to the person.
- (3) On receipt of an application, the Tribunal may review the decision of the Commissioner and either –
  - (a) confirm the decision; or
  - (b) vary the decision; or
  - (c) quash the decision and direct the Commissioner to take such action as the Tribunal considers appropriate.

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- (4) Subject to any order made by the Tribunal, an application for the review of a decision under this section does not, of itself, operate to stay or suspend the decision to which the application relates.

**48. Failure to comply with enforceable undertaking or compliance notice**

- (1) This section applies if –
- (a) the Commissioner has accepted an enforceable undertaking given by a person; or
  - (b) the Commissioner has issued a compliance notice to a person.
- (2) The Commissioner may apply to the Tribunal for an order under subsection (3) if the person fails to comply with the enforceable undertaking or the compliance notice.
- (3) If the Tribunal is satisfied that the person who gave the enforceable undertaking or received a compliance notice has failed to comply with the undertaking or compliance notice, the Tribunal may make any one or more of the following orders:
- (a) an order directing the person to comply with the undertaking or notice;
  - (b) an order discharging or varying the undertaking;
  - (c) an order varying the compliance notice;

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- (d) an order that the Commissioner withdraw the compliance notice;
- (e) any other order that the Tribunal considers appropriate in the circumstances, including orders directing the person to pay the costs of the proceedings.

**49. Vicarious liability**

- (1) In this section –

*employment* includes engagement under a contract for services and engagement as a volunteer.

- (2) For the purposes of this Part, if a natural person engages in a conversion practice in the course of the person’s employment or while acting as an agent of another person –

- (a) both the natural person and the employer or principal, as the case requires, are taken to have engaged in the conversion practice, subject to subsection (3); and
- (b) a report may be made under section 24 in relation to –
  - (i) the natural person;
  - (ii) the employer or principal; or
  - (iii) both the natural person and the employer or principal.

- (3) An employer or principal is not taken to have engaged in the conversion practice if the employer or principal establishes, on the balance of probabilities, that reasonable precautions were taken to prevent the natural person from engaging in the practice.

**50. Who may bring proceedings for an offence under this Part**

Proceedings for an offence against this Part may be brought by –

- (a) the Commissioner;
- (b) a police officer; or
- (c) a person authorised by the Commissioner, either generally or in a particular case.

**51. Reports relating to organisations**

If a report relates to an alleged conversion practice by an organisation –

- (a) the Commissioner may request information under section 26 from an office holder or officer of the organisation; and
- (b) the Commissioner may offer targeted education to an office holder or officer of the organisation; and

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- (c) an office holder or officer may be a party to a facilitation.

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**PART 6 – OFFENCES RELATING TO  
ADMINISTRATION**

**52. Obstruction**

A person must not –

- (a) obstruct or hinder a person in the exercise or performance of a power or function under this Act; or
- (b) abuse, threaten or attempt to intimidate a person in the exercise or performance of a power or function under this Act.

Penalty: Fine not exceeding 100 penalty units or imprisonment for a term not exceeding 6 months, or both.

**53. False or misleading information**

A person, in connection with a matter arising under this Act, must not –

- (a) make a statement knowing it to be false or misleading; or
- (b) omit a matter from a statement knowing that, without the matter, the statement is misleading.

Penalty: Fine not exceeding 10 penalty units.

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**54. Who may bring proceedings for an offence under this Part**

Proceedings for an offence against this Part may be brought by –

- (a) the Commissioner;
- (b) a police officer; or
- (c) a person authorised by the Commissioner, either generally or in a particular case.

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**PART 7 – MISCELLANEOUS**

**55. Prohibition of victimisation**

- (1) A person must not victimise another person because that other person –
- (a) made, or intends to make, a report under this Act; or
  - (b) participates, or proposes to participate, in a process under this Act; or
  - (c) gave, or intends to give, evidence or information in connection with an investigation or any proceedings under this Act; or
  - (d) alleged, or intends to allege, that any person has committed an act which would amount to a contravention of this Act; or
  - (e) refused, or intends to refuse, to do anything that would amount to a contravention of this Act; or
  - (f) has done anything in relation to any person under or by reference to this Act.

Penalty: Fine not exceeding 100 penalty units or imprisonment for a term not exceeding 6 months, or both.

- (2) For the purposes of subsection (1), victimisation takes place if a person subjects, or threatens to

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subject, another person or an associate of that other person to any detriment.

**56. Confidentiality of protected information**

(1) In this section –

*protected information* means information concerning the affairs of a person that is obtained by a person to whom this section applies –

- (a) in the course of performing functions or exercising powers, under this Act; or
- (b) as a result of another person performing functions or exercising powers, under this Act.

(2) This section applies to a person who is, or has been –

- (a) the Commissioner; or
- (b) a member of a reference body established under section 21; or
- (c) any person assisting or acting under the authority of the Commissioner.

(3) A person to whom this section applies must not, whether directly or indirectly, make a record of, disclose or communicate protected information to another person unless –

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- (a) the making of the record, disclosure or communication is necessary for, or in connection with, the performance of a function or the exercise of a power, under this Act; or
  - (b) it is necessary to prevent a credible and imminent threat of harm to one or more persons; or
  - (c) it is necessary to comply with a mandatory reporting obligation; or
  - (d) the disclosure, communication or production is made to a court in accordance with subsection (5); or
  - (e) the information is lawfully in the public domain; or
  - (f) the information does not identify, and is not reasonably capable of identifying, any person; or
  - (g) the disclosure or communication is made for the purpose of announcing, or providing information about, an investigation under this Act, provided that the disclosure does not include more information than is reasonably necessary in the circumstances; or
  - (h) each person to whose affairs the information relates has consented to the disclosure.

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Penalty: Fine not exceeding 100 penalty units or imprisonment for a term not exceeding 6 months, or both.

- (4) A person to whom this section applies must not be required –
- (a) to produce in a court a document containing protected information; or
  - (b) to disclose or communicate protected information to a court.
- (5) Subsection (4) does not prevent a person to whom this section applies from –
- (a) disclosing or communicating protected information, or producing a document containing protected information, if necessary for the purposes of, or for a prosecution under or arising out of, this section; or
  - (b) complying with an order of a court requiring disclosure, communication or production for the purposes of a criminal proceeding; or
  - (c) disclosing, communicating or producing the information with the consent of the person to whose affairs the information relates.

**57. Disclosure of information to other bodies**

The Commissioner may communicate information obtained in the administration of this

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Act to another person or body if the Commissioner is satisfied that the information relates to a matter within the functions of that person or body.

**58. Commissioner not to prejudice certain proceedings**

- (1) The Commissioner must not perform the Commissioner's functions or exercise the Commissioner's powers, under this Act in a manner that would prejudice –
- (a) criminal proceedings or criminal investigations; or
  - (b) investigations conducted by the Integrity Commissioner or any other prescribed integrity body.
- (2) For the purpose of ensuring compliance with subsection (1), the Commissioner may consult with –
- (a) the Director of Public Prosecutions; or
  - (b) the Commissioner of Police; or
  - (c) the Integrity Commission; or
  - (d) any other prescribed body.

**59. Commissioner may assist court or Tribunal**

The Commissioner may, with the leave of the court or the Tribunal, intervene in any proceedings, whether under this Act, any other

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Act or otherwise, that involve, or arise out of, alleged or actual conversion practices, including by making submissions or otherwise assisting the court or Tribunal.

**60. Immunity for complainants and witnesses**

A person is not liable to any action, claim or demand for loss, damage or injury suffered by another person only because the person, in good faith –

- (a) made a report or complaint to the Commissioner; or
- (b) gave information or evidence to the Commissioner or the Tribunal.

**61. Immunities**

- (1) In exercising powers or performing functions under this Act, the Commissioner has the same immunity as a judge of the Supreme Court.
- (2) A person acting for, or at the direction of, the Commissioner is not personally liable for an honest act or omission done or made in the exercise or purported exercise of a power, or in the performance or purported performance of a function, under this Act or in proceedings of the Tribunal for the purposes of this Act.

## 62. Rules of evidence

In performing a function, or exercising a power, under this Act, the Commissioner is not bound by the rules of evidence but may inform the Commissioner on any matter in any manner that the Commissioner thinks fit.

## 63. Annual report

- (1) The Commissioner, on or before 31 October in each year, is to give to the Minister a report on –
  - (a) the operation and effectiveness of this Act; and
  - (b) the accessibility and effectiveness of report-making and referral mechanisms in relation to conversion practices.
- (2) The Minister is to cause a copy of a report to be tabled in each House of Parliament within 5 sitting-days after the report is given to the Minister under subsection (1).

## 64. Review of Act

- (1) In this section –

*independent review* means a review carried out by persons who –

- (a) in the Minister’s opinion, are appropriately qualified for that task; and

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- (b) include one or more persons who are not State Service employees or State Service officers or employees of any agency of the State.
- (2) The Minister is to cause an independent review of the operation and effectiveness of this Act to be carried out as soon as practicable after the fifth anniversary of the commencement of this section to enable consideration of the following:
- (a) the operation of the Act in achieving its objects;
  - (b) the operation of the Commissioner;
  - (c) any other matters relevant to the effect of this Act on improving the accessibility and effectiveness of procedures for dealing with conversion practices reports.
- (3) The persons who carry out the independent review are to give the Minister a written report on its outcome.
- (4) The Minister is to cause a copy of the report to be tabled in each House of Parliament within 10 sitting-days of the House after the report has been given to the Minister.

**65. Transitional provision**

- (1) In this section –

*commencement day* means the day on which  
Part 4 commences.

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- (2) An offence under this Act may only be committed by conduct occurring on or after the commencement of the provision creating the offence.
- (3) Parts 4 and 5 apply only in relation to conduct occurring on or after the commencement day.
- (4) Despite subsection (3), in exercising functions under Parts 4 and 5, the Commissioner may have regard to conduct occurring before the commencement day, including for the purpose of identifying patterns of conduct or assessing the nature or impact of conduct.
- (5) For the avoidance of doubt, conduct occurring before the commencement day must not, of itself, be the basis for action under Parts 4 or 5.

**66. Infringement notices**

- (1) In this section –

*infringement offence* means an offence under this Act that is prescribed as an infringement offence.

- (2) The Commissioner may issue and serve an infringement notice on a person if the Commissioner reasonably believes that the person has committed an infringement offence.
- (3) An infringement notice may not be served on a person under the age of 16 years.
- (4) An infringement notice –

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- (a) is to be in accordance with section 14 of the *Monetary Penalties Enforcement Act 2005*; and
  - (b) is not to relate to more than 3 offences.
- (5) The regulations may prescribe –
- (a) the penalty that is payable, for an infringement offence, under an infringement notice; and
  - (b) different penalties for bodies corporate and individuals.

**67. Regulations**

- (1) The Governor may make regulations for the purposes of this Act.
- (2) The regulations may be made so as to apply differently according to matters, limitations or restrictions, whether as to time, circumstance or otherwise, specified in the regulations.
- (3) The regulations may authorise any matter to be from time to time determined, applied or regulated by any person or body specified in the regulations.
- (4) The regulations may –
  - (a) provide for savings or transitional matters necessary or expedient for bringing this Act into operation; and

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- (b) provide for any of those savings or transitional matters to take effect when a section of this Act commences or on a later day specified in the regulations, whether the day so specified is before, on or after the day on which the regulations are made.

**68. Administration of Act**

Until provision is made in relation to this Act by order under section 4 of the *Administrative Arrangements Act 1990* –

- (a) the administration of this Act is assigned to the Minister for Justice; and
- (b) the department responsible to that Minister in relation to the administration of this Act is the Department of Justice.

**69. Consequential amendments**

The legislation specified in Schedule 1 is amended as specified in that Schedule.

**70. Consequential amendments**

The legislation specified in Schedule 2 is amended as specified in that Schedule.

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**SCHEDULE 1 – CONSEQUENTIAL AMENDMENTS**

Section 69

***Criminal Code Act 1924***

1. Section 105A(1) is amended by inserting after paragraph (b) in the definition of *abuse offence* the following paragraph:
  - (ba) an offence under Part 2 of the *Conversion Practices Prohibition Act 2026*;

***Health Complaints Act 1995***

1. Section 20(3) is amended by inserting after paragraph (c) the following paragraph:
  - (ca) that a person should be entitled to health care, and be provided with health services, free of discrimination, within the meaning of the *Anti-Discrimination Act 1998*;
2. Schedule 1 is amended by inserting after item 11A in Part 1 the following item:
  - 11B.** 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.

***Limitation Act 1974***

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1. Section 5B(1) is amended by inserting after paragraph (a) the following paragraph:

(ab) an action for damages for personal injury to a person arising from or related to a conversion practice, within the meaning of the *Conversion Practices Prohibition Act 2026*, directed towards that person when the person was a minor; or

2. Section 5C(1) is amended by omitting the definition of *child abuse* and substituting the following definition:

***child abuse*** means –

(a) sexual abuse, or serious physical abuse, of a child and any psychological abuse of the child that arises from the sexual abuse or serious physical abuse of the child; or

(b) engaging in a conversion practice, within the meaning of the *Conversion Practices Prohibition Act 2026*, directed towards a child –

but does not include an act that is lawful at the time at which it occurs;

3. After section 38A, the following section is inserted in Part IV:

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**38B. Application of amendments made by  
*Conversion Practices Prohibition Act 2026***

(1) In this section –

*amending Act* means the *Conversion Practices Prohibition Act 2026*;

*amendment day* means the day on which the amendments to this Act made by the amending Act commence.

(2) Subject to this section, this Act, as amended by the amending Act, applies in relation to an action in respect of a personal injury –

(a) whether the cause of action accrued before, on or after the amendment day; and

(b) whether or not a period of limitation under this Act, as in force before the amendment day has, before that day, expired in respect of the injury.

***Personal Information Protection Act 2004***

1. Section 3 is amended by inserting after paragraph (ma) in the definition of *law enforcement agency* the following paragraph:

(mb) the Conversion Practices Commissioner under the *Conversion Practices Prohibition Act 2026*;

***Right to Information Act 2009***

1. Section 6(1) is amended by inserting after paragraph (ma) the following paragraph:

(mb) the Conversion Practices Commissioner;

***Tasmanian Civil and Administrative Tribunal Act 2020***

1. Schedule 1 is amended by inserting after item 19 the following item:

**19A.** The Conversion Practices Prohibition Act 2026.

2. Schedule 2 is amended as follows:

(a) by inserting the following paragraph after paragraph (q) in clause 1(1) of Part 3:

(qa) the Conversion Practices Prohibition Act 2026;

(b) by omitting clause 2 from Part 4 and substituting the following clause:

**2. Functions and powers allocated to Anti-Discrimination stream**

The functions and powers of the Tribunal in relation to the following Acts, including functions and powers conferred or imposed on the Tribunal by regulations or instruments made

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under those Acts, are allocated to the Anti-Discrimination stream:

- (a) the *Anti-Discrimination Act 1998*;
- (b) the *Conversion Practices Prohibition Act 2026*.

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**SCHEDULE 2 – CONSEQUENTIAL AMENDMENTS**

Section 70

***Civil Liability Act 2002***

1. Section 4 is amended by inserting after subsection (7) the following subsection:

(7A) The amendment to section 49H(5) effected by the *Conversion Practices Prohibition Act 2026* does not apply to a cause of action accrued before the commencement of that amendment.

2. Section 49H(5) is amended by omitting the definition of *child abuse* and substituting the following definition:

***child abuse***, in relation to a child, means the following:

- (a) sexual abuse, or physical abuse, of the child;
- (b) any psychological abuse of the child that arises from the sexual abuse, or physical abuse, of the child;
- (c) engaging in a conversion practice, within the meaning of the *Conversion Practices Prohibition Act 2026*, directed towards the child –

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but does not include an act that is lawful  
at the time at which it occurs.

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