

## Opening position

The Archdiocese of Hobart does not support coercive, abusive or degrading practices directed towards people because of their sexual orientation or gender identity. It is open to engaging constructively where there are genuine gaps in Tasmanian law which leave people vulnerable to harmful practices; and about how those gaps should be addressed.

The broad concern is that this proposed Bill goes considerably further by creating serious uncertainty about conduct which ought to remain lawful. Religious institutions and their agencies must be able to profess, teach and practice their beliefs. Parents should not feel the threat of prosecution if their conversations with their children are done in good faith and from a place of conscientious belief and conviction. The current draft Bill also raises questions extending well beyond the interests of the Catholic Church to education and community services across Tasmania.

The Archdiocese expresses its gratitude to the Greens for meeting and discussing beyond the shared intention behind the Bill – to the unintended consequences of the current drafting, if enacted.

## Issues, Challenges and Questions Register

Compiled from review of the Bill and discussion of pastoral care education, social work, psychology, ethics, autonomy, identity formation, social media, parenting and service delivery impacts.

| Page & Section | Area of Challenge                                                                                                                               | Description of Issue                                                                                                                                                                                                                                                                                   | Clarifying Questions                                                                                                                                                                                                                                                                                                                                                                                                                               |
|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| p7 s4          | Undefined psychological harm                                                                                                                    | Psychological harm is not defined                                                                                                                                                                                                                                                                      | How is this isolated from other matters the person might be experiencing and then defined enough to be established to prove a criminal offence?                                                                                                                                                                                                                                                                                                    |
| p9 s5(1)       | Undefined suppression                                                                                                                           | Suppression is not defined and may capture support for behavioural restraint, celibacy, value-based living or natal-sex alignment.                                                                                                                                                                     | How do we distinguish supporting a person's chosen goals from suppressing an identity?                                                                                                                                                                                                                                                                                                                                                             |
| p9 s5(1)       | Adult autonomy and consent                                                                                                                      | Consent is expressly irrelevant. Adults may voluntarily seek support aligned with personal values.                                                                                                                                                                                                     | How should the law balance protection from harm with respect for informed adult choice?                                                                                                                                                                                                                                                                                                                                                            |
| p9-11 s5       | Therapeutic exploration<br>ACT practice<br>Motivational interviewing<br>CBT/Narrative therapy<br>Trauma-informed practice<br>Self-determination | Practitioners may avoid exploring uncertainty or alternatives.<br><br>Values clarification may be interpreted as suppression if a client chooses restraint.<br><br>Exploring ambivalence could be characterised as influencing identity.<br><br>Questioning beliefs or narratives may be misconstrued. | How do we preserve genuine therapeutic neutrality?<br><br>Can therapists support client-chosen values without legal risk?<br><br>How can practitioners safely explore both sides of a client's uncertainty?<br><br>Where is the line between exploration and attempted change?<br><br>Can clinicians explore underlying causes without assumptions about outcomes?<br><br>What happens when a client seeks an outcome others consider undesirable? |

**Conversion Practices Prohibition Bill 2026 (Tas) - Archdiocese of Hobart response**

|                   |                                                                                                  |                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                       |
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|                   |                                                                                                  | Investigating links between trauma and identity may become sensitive.<br><br>Tension between protection and autonomy.                                                                                                      |                                                                                                                                                                                                                                                       |
| p9-11 s5          | School policies                                                                                  | No explicit protection for ordinary school rules.                                                                                                                                                                          | How should schools apply values-based policies with legal certainty?                                                                                                                                                                                  |
| p10-11 s5(3)      | Pastoral support / Religious and conscientious belief                                            | Uncertainty around applying beliefs or values to an individual situation.                                                                                                                                                  | At what point does requested guidance become unlawful influence?                                                                                                                                                                                      |
| p11 s5(3)(v)      | Parenting rights                                                                                 | Parents are protected when discussing issues but less clearly when making parenting decisions.                                                                                                                             | What distinguishes healthy parenting from prohibited influence?                                                                                                                                                                                       |
| p14 s10           | Child offence without harm                                                                       | No need to prove injury to establish offence.                                                                                                                                                                              | What principle justifies criminal liability when harm is not established?                                                                                                                                                                             |
| p19 s16 & p42 s49 | Organisational liability                                                                         | Employers and volunteers may expose organisations to liability.                                                                                                                                                            | How can agencies provide holistic support without excessive risk aversion?                                                                                                                                                                            |
| p24 s24           | Third-party complaints                                                                           | Anyone can report, even if not affected.                                                                                                                                                                                   | How do we balance access to reporting with fairness to respondents? How do we protect practitioners and clients from systems abuse?                                                                                                                   |
| p30-43            | Investigative powers                                                                             | Broad powers to compel information and attendance.                                                                                                                                                                         | What procedural safeguards are appropriate for sensitive conversations and records? How do we protect the expected private and confidential nature of practitioner/client discussions?                                                                |
| p33 s40           | Self-incrimination                                                                               | Abrogation of the privilege against self-incrimination                                                                                                                                                                     | What is the public policy reason to remove such a fundamental right and civil liberty?<br><br><i>*Noted as a drafting error to be remedied relating to procedural offences.</i>                                                                       |
| p59-64 Schedules  | Child abuse classification                                                                       | Conversion practices added to child abuse provisions.                                                                                                                                                                      | What threshold should be met before conduct is categorised as child abuse?                                                                                                                                                                            |
| Throughout        | Social media influence<br><br>Online outrage culture and belonging<br><br>Orientation neutrality | Bill focuses on direct actors more than algorithms and online communities.<br><br>Online belonging and social pressure can influence identity development.<br><br>Legislation applies equally to heterosexual orientation. | How should society respond to identity shaping through social media systems?<br><br>How do we distinguish authentic identity from adaptation to social pressure?<br><br>If a heterosexual identity is pressured to change, how would the law respond? |