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31 July 2026

Attention: Dr Rosalie Woodruff MP
Parliament House
Hobart TAS 7000.

BY EMAIL: greens@parliament.tas.gov.au

Dear Dr Woodruff MP,

Submission in relation to the Draft Conversion Practices Prohibition Bill 2026 (Tas)

1. Australian Lawyers for Human Rights ("ALHR") is grateful for the opportunity to make this submission in support of the draft *Conversion Practices Prohibition Bill 2026* (Tas) ("the Bill").
2. Conversion practices are inconsistent with the inherent dignity of the person and with Australia's international human rights obligations. Such practices cause documented and enduring harm, including profound psychological injury, social isolation, and, in too many cases, suicidal ideation and completed suicide. The Bill represents Tasmania's best opportunity to prohibit conversion practices. Accordingly, ALHR strongly supports the passage of the Bill.
3. ALHR recognises and acknowledges that the Bill is the product of sustained exertion by survivors, Equality Tasmania and the Tasmanian Greens. The Bill draws appropriately on the recommendations of the Tasmanian Law Reform Institute, the prevention and education focus of the Victorian legislation, and the exemptions model adopted in New South Wales.
4. ALHR welcomes the Bill's core architecture, which includes:
 - a. the criminal prohibitions directed at practices causing injury and those directed at children;

- b. a civil response scheme vested in the Anti-Discrimination Commissioner, with its emphasis on education, prevention, reports, enforceable undertakings and compliance notices; and
 - c. a carefully calibrated exemptions that preserve genuine identity exploration, clinically appropriate health care meeting professional standards, and the expression of personal or religious views that do not constitute a conversion practice.
5. These features place the legislation on a sound footing consistent with the right to equality and non-discrimination¹, the right to the highest attainable standard of physical and mental health², the rights of children³, and freedom from cruel, inhuman or degrading treatment⁴ - all of which are enshrined in core United Nations human rights treaties to which Australia is a party.
6. However, further improvements are required if the Bill is to achieve its protective purpose in full measure. In this regard, ALHR addresses the following matters:
- a. positive duty on organisations to prevent conversion practices;
 - b. civil cause of action for survivors;
 - c. protection of asexual, aromantic and agender people;
 - d. exemption for health practitioners; and
 - e. mandatory referrals.

Positive duty on organisations to prevent conversion practices

7. The Bill presently equips the Anti-Discrimination Commissioner with power to issue practice guidelines. Whilst power is useful, it is insufficient.
8. ALHR submits that the legislation should impose a positive duty on organisations to take reasonable steps to ensure that no member, officer, employee or agent of the organisation engages in conversion practices. Such a duty already exists in relation to discrimination under section 104 of the *Anti-Discrimination Act 1998* (Tas). The same principled approach should apply here. A positive duty would shift the primary responsibility for prevention away from individual survivors to organisations.
9. This shift would be meaningful noting:

¹ United Nations Declaration of Human Rights, article 1.

² International Covenant on Economic, Social and Cultural Rights, article 12.

³ The United Nations Committee on the Rights of the Child has connected conversion therapy practices with violations of the rights of all adolescents to freedom of expression and respect for their physical and psychological integrity, gender identity and emerging autonomy: See Committee on the Rights of the Child, general comment No. 20 (2016) on the implementation of the rights of the child during adolescence.

⁴ *“Practices of so-called “conversion therapy”*: Report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity”, presented to Human Rights Council of the United Nations General Assembly, May 2020, page 15.

a. individual survivors are often the least resourced and most vulnerable, whereas organisations often have access to comparatively greater resources, are best placed to embed systemic change and necessary allowances could be made to take into account their size, the extent of their resources and the nature of their operations.

b. it would ensure that the objectives of the Bill are not left to reactive enforcement alone..

10. Without a positive duty, the preventive framework remains incomplete.

Civil cause of action for survivors

11. The right to an effective remedy is a fundamental human rights obligation requiring states to provide accessible, binding legal recourse and reparation to individuals whose rights have been violated.⁵

12. Under the Bill, the Commissioner may issue enforceable undertakings or compliance notices. If these are not complied with, the matter may be referred to the relevant tribunal. It is not, however, possible for conversion survivors to seek and be granted remedies for the harm they have suffered. Remedies may include an apology or financial redress. Such civil remedies are already available in cases of discrimination under the *Anti-Discrimination Act 1998* (Tas).

13. ALHR submits that in addition to the power of the Commissioner to issue enforceable undertakings or compliance notices, survivors should be given a direct civil cause of action. This would provide elevated agency for those who have been harmed and would align the conversion practices regime with redress available for other discriminatory harms.

Protection of asexual, aromantic and agender people

14. Commendably, Tasmania was the first Australian jurisdiction to afford formal recognition to asexual, aromantic and agender people.⁶ Arguably, that recognition carries a corresponding obligation to ensure that legal protections that follow are coherent and complete.

15. The Bill relies upon the definitions of sexual orientation and gender identity contained in the *Anti-Discrimination Act 1998* (Tas). Those definitions do not, in their present form, unambiguously encompass asexuality, aromanticism or agender identity. The result is an unacceptable gap that risks leaving people who experience conversion practices directed at these attributes outside the protective reach of the Bill..

16. If the recognition is not to be rendered tokenistic, ALRH submits that the relevant attributes under the *Anti-Discrimination Act 1998* (Tas) must be amended accordingly so that the protections of the Bill apply equally and unequivocally to all people vulnerable to these practices.

⁵ Article 2(3) of the *International Covenant on Civil and Political Rights* (ICCPR), 1999.

⁶ Adam Holmes, 'Tasmania is the first state to officially recognise those who identify as asexual, adding the A to LGBTIQ+', ABC News (online, 17 July 2023) <<https://www.abc.net.au/news/2023-07-17/asexual-people-officially-recognised-by-tasmanian-government/102605830>>.

Exemption for health practitioners

17. The Victorian Equal Opportunity and Human Rights Commission (“VEOHRC”) has recommended that the exemption for health service providers in the *Change or Suppression (Conversion) Practices Prohibition Act 2021* (Vic) be made clearer and more objective.⁷ In particular, it has recommended the removal of language that turns on the health service provider’s “*reasonable professional judgement*”.
18. On this discrete point, s 5(3) of Bill currently provides, in substance:

A conversion practice does not include a health service provided by a registered health practitioner that the registered health practitioner has assessed as clinically appropriate for a person, in the registered health practitioner’s reasonable professional judgement; and complies with all relevant legal, professional and ethical requirements.

19. ALHR does not consider the formulation of s. 5(3) in the Bill sufficiently addresses the concerns identified by VEOHRC, notwithstanding the amendment of “or” to “and” when comparing the Bill against the directly comparable provision in Victoria’s legislation. With a continued reliance on “*reasonable professional judgement*” there remains a residual subjectivity that may be relied upon to justify practices that are, in substance, conversion practices. Accordingly, ALHR respectfully recommends that the proposed exemption provision at s 5(3) of the Bill be redrafted in unequivocal terms. The following construction is therefore proposed:

“... (3) A conversion practice does not include -
(a) a health service provided by a registered health practitioner that:
(i) complies with all relevant legal, professional and ethical requirements;
and
(ii) is necessary for the provision of that health service in accordance with those requirements; or...”

20. ALHR’s proposed drafting promotes objectivity as against the subjective judgement of a professional as the primary criterion and anchors the exemption firmly in compliance with established legal, professional and ethical standards.

Mandatory referrals

21. ALHR recommends including a mandatory referral requirement from relevant bodies, including the Ombudsman, the Health Complaints Commissioner and Tasmania Police. Education of these bodies is not sufficient. Mandatory referral should occur in Tasmania, particularly given the existing legislative requirements concerning institutional child sexual abuse.

⁷ Victorian Equal Opportunity and Human Rights Commission, Submission to the Review of the Change or Suppression Practices Prohibition Act (online, March 2026), Recommendation 7, Page 8
<https://media.lawreform.vic.gov.au/wp-content/uploads/2026/05/Sub_133_Victorian_Equal_Opportunity_and_Human_Rights_Commission_Redacted.pdf> .

Additional matters

22. ALHR notes that protection from victimisation, the power to issue guidelines, and the power to intervene in proceedings are already addressed in the CPP Bill and should be retained.

Conclusion

23. Whilst the ALHR regards the Bill as a measured and constructive response to a serious human rights concern, we recommend that the above suggested amendments be adopted so that it will stand as a coherent and effective instrument. Accordingly, ALHR urges that the Bill be progressed, strengthened in the respects identified, and enacted without delay.

We remain available to provide any further assistance that may be of use. Thank you for the opportunity to consult on the Bill.

Yours faithfully,



Monica Serci (They/Them)



Georgia Bourke (She/Her)

LGBTIQ Subcommittee Co-Chairs

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Acknowledgement

Australian Lawyers for Human Rights (ALHR) acknowledges the traditional owners and custodians of the lands, rivers and seas on which we work, live and travel across Tasmania as the first people of this country. We recognise that the land belonging to these peoples was never ceded. We pay our deep respect to Elders past and present. We recognise First Nations peoples cultural authority and rights to self determination and we acknowledge that ALHR knows that when First Nations people and communities receive the respect and support they deserve, they have a proud history of designing and implementing robust, holistic and culturally safe First Nations-led solutions.

About Australian Lawyers for Human Rights (ALHR)

ALHR was established in 1993 and is a national association of Australian solicitors, barristers, academics, judicial officers and law students who practise and promote international human rights law in Australia. ALHR has active and engaged National, State and Territory committees and specialist thematic committees.

ALHR seeks to utilise its extensive experience and expertise in the principles and practice of international law and human rights law in Australia to:

- Promote Federal and State laws across Australia that comply with the principles of international human rights law;
- Engage with the United Nations in relation to Australian human rights violations;

- Promote and support lawyers' practice of human rights law in Australia;
- Engage internationally to promote human rights and the rule of law.

Through advocacy, media engagement, education, networking, research and training, ALHR promotes, practices and protects universally accepted standards of human rights throughout Australia and overseas.

Any information provided in this submission is not intended to constitute legal advice, to be a comprehensive review of all developments in the law and practice, or to cover all aspects of the matters referred to. Readers should take their own legal advice before applying any information provided in this document to specific issues or situations.