

COMMUNITY LEGAL CENTRES TASMANIA

7 August 2026

Tasmanian Greens
Parliament House
Hobart TAS 7000
attn: Leader of the Tasmanian Greens

via email: greens@parliament.tas.gov.au

To Rosalie Woodruff MP,
Re: *Conversion Practices Prohibition Bill 2026*

Community Legal Centres Tasmania (CLC Tas) welcomes the opportunity to provide comment on the *Conversion Practices Prohibition Bill 2026* ('the Bill').¹ We are strong supporters of a prohibition on conversion practices and strongly support the Bill.

CLC Tas is the peak body representing the interests of nine community legal centres (CLCs) located through Tasmania. We are a member-based, independent, not-for-profit and incorporated organisation that advocates for law reform on a range of public interest matters aimed at improving access to justice, reducing discrimination and protecting and promoting human rights.

Background

In 2015 a joint statement issued by the World Health Organisation and 11 other United Nations agencies called on States around the world to protect LGBTI persons from "discrimination and violence" including "unethical and harmful so-called 'therapies' to change sexual orientation...".² A year later, the UN Committee on the Rights of the Child urged States to "eliminate such practices".³ In Australia, the Australian Medical Association and the Australian Psychological Society both have position statements opposing conversion practices.⁴

¹ CLC Tas would like to acknowledge those persons and organisations who gave freely of their time in assisting with our submission.

² United Nations, 'United Nations Entities Call on States to Act Urgently to End Violence and Discrimination against Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) Adults, Adolescents and Children' (Statement, September 2015). As found at http://www.ohchr.org/Documents/Issues/Discrimination/Joint_LGBTI_Statement_ENG.PDF (Accessed 31 January 2021).

³ United Nations Committee on the Rights of the Child, General comment No. 20 (2016) On the implementation of the rights of the child during adolescence (6 December 2016) para. 34. As found at <https://www.refworld.org/docid/589dad3d4.html> (Accessed 31 January 2021).

⁴ Australian Medical Association, Sexual Diversity and Gender Identity Position Statement, para. 6.10; Australian Psychological Society, APS Position Statement on Psychological Practices that attempt to change Sexual Orientation (2015). As found at <https://www.psychology.org.au/getmedia/ebd486a2-761c-403c-bdef-406fda87dc4b/Position-Statement-Sexual-Orientation.pdf> (Accessed 31 January 2021).

The United Nations Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity has defined conversion therapy as follows:⁵

‘Conversion therapy’ is used as an umbrella term to describe interventions of a wide-ranging nature, all of which are premised on the belief that a person’s sexual orientation and gender identity, including gender expression, can and should be changed or suppressed when they do not fall under what other actors in a given setting and time perceive as the desirable norm, in particular when the person is lesbian, gay, bisexual, trans or gender diverse.

We strongly believe that Australia’s ratification of human rights instruments means that the Tasmanian Government has both an obligation and duty to statutorily protect those rights at a local level. As the United Nations Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity has noted, conversion practices violate the right of persons to “enjoy the highest attainable standard of physical and mental health”.⁶ Other rights that are violated include freedom from discrimination and the right to privacy.⁷ In relation to children, article 3(1) of the *Convention on the Rights of the Child* enshrines the principle that “in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration”. And, in its commentary about the Convention of the Rights of the Child, there was an emphasis on “the rights of all adolescents to freedom of expression and respect for their physical and psychological integrity, gender identity and emerging autonomy” and a condemnation of “the imposition of so-called ‘treatments’ to try to change sexual orientation”.⁸

Conversion practices in Australia

Conversion practices continue to take place as the Tasmania Law Reform Institute (TLRI) observed:⁹

...conversion practices continue, albeit on the fringes of the health profession as a form of medical malpractice, or now, more commonly, as a form of pseudoscientific or pseudo medical practice outside the clinical space. That may involve individual or group ‘therapy’, ‘treatment’, ‘healing’, ‘counselling’, ‘mentoring’ or other forms of ‘study’ programs.

In 2021 a report found that 5 per cent of LGBTIQ+ Tasmanians surveyed had undergone conversion practices to change their sexual orientation or gender identity and that 97 per

⁵ United Nations, ‘Practices of so-called “conversion therapy”’, Report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, Victor Madrigal-Borloz, UN GAOR, 44th sess, Agenda Item 3, UN Doc A/HRC/44/53 (1 May 2020) at para. 17.

⁶ Article 12 of the *International Covenant on Economic, Social and Cultural Rights*.

⁷ Articles 2(1), 17 and 26 of the *International Covenant on Civil and Political Rights*.

⁸ United Nations Committee on the Rights of the Child, General comment No. 20 (2016) On the implementation of the rights of the child during adolescence (6 December 2016) para. 34. As found at <https://www.refworld.org/docid/589dad3d4.html> (accessed 7 August 2026).

⁹ Tasmania Law Reform Institute, *Sexual Orientation and Gender Identity Conversion Practices* (Final Report No 32, April 2022), iii.

cent of those surveyed had been told that their identity was the result of abuse or trauma or that that they needed to be ‘fixed’.¹⁰ Finally, it is worth noting that of the 182 submissions accepted by the TLRI as part of its report *Sexual Orientation and Gender Identity Conversion Practices*, one in four “reported people being offered or undergoing conversion practices in Tasmania... [including] some submissions from Tasmanian organisations and individuals stated or implied that they engage in these practices”.¹¹

The majority of Australian jurisdictions have now banned conversion practices. In August 2020, Queensland became the first jurisdiction in Australia to ban conversion practices.¹² This was followed by the Australian Capital Territory and Victoria.¹³ Recently, New South Wales and South Australia also banned conversion practices.¹⁴

Consent

Sexual orientation and gender identity are not disorders, diseases illnesses or disabilities.¹⁵ Or, in the succinct words of Rodney Croome AM “it is impossible to consent to a ‘treatment’ that doesn’t work for a ‘condition’ that doesn’t exist”.¹⁶ We therefore support the Bill’s explicit prohibition of conversion practices even in circumstances where an adult consents and understands that it could cause physical or mental harm.

Positive Duty to prevent conversion

The Bill expressly provides that employers will be found liable for the actions of their employees (including volunteers). In Victoria, section 15 of the *Equal Opportunity Act 2010* (Vic) imposes a positive duty to “take reasonable and proportionate measures to eliminate discrimination, sexual harassment or victimisation as far as possible”. The same positive duty has been recommended for inclusion in Victoria’s *Change or Suppression (Conversion) Practices Prohibition Act 2021* by the Victorian Human Rights and Equal Opportunity Commission.¹⁷ We strongly believe that a similar positive duty should be added into the Tasmanian Bill to achieve the Bill’s objective of eliminating conversion practices. The advantage of a positive duty is that organisations will be required to take proactive measures to prevent conversion practices rather than the burden falling on survivors.

¹⁰ Angela Dwyer, Ruby Grant, Ron Mason and Ash Barnes, *Just listen properly, like with intent’: LGBTIQ+ Tasmanians: Telling us the story* (Final Report, December 2021) at 75.

¹¹ Tasmania Law Reform Institute, *Sexual Orientation and Gender Identity Conversion Practices* (Final Report No 32, April 2022), iii.

¹² Chapter 5B of the *Public Health Act 2005* (Qld).

¹³ *Sexuality and Gender Identity Conversion Practices Act 2020* (ACT); *Change or Suppression (Conversion) Practices Prohibition Act 2021* (Vic).

¹⁴ *Conversion Practices Ban Act 2024* (NSW); *Conversion Practices Prohibition Act 2024* (SA).

¹⁵ Australian Medical Association, LGBTQIA+ Health Position Statement; Australian Psychological Society, Use of Psychological Practices that attempt to change or suppress a person’s sexual orientation or gender: Position statement.

¹⁶ Equality Tasmania, ‘Concern Conversion Bill will allow practices to continue’, 13 December 2023. As found at <https://equalitytasmania.org.au/concern-conversion-bill-will-allow-practices-to-continue/> (accessed 7 August 2026).

¹⁷ Victorian Equal Opportunity and Human Rights Commission, *Submission to the Review of the Change or Suppression Practices Prohibition Act* (Submission to the Victorian Law Reform Commission, 2026), recommendation 1.

Broaden the civil response scheme to include referral to TASCAT

We strongly support the establishment of a civil response scheme in Part 4 of the Bill which will provide the Anti-Discrimination Commissioner with the power to investigate reports of conversion practices,¹⁸ accept enforceable undertakings¹⁹ and issue compliance notices.²⁰ However, without the Commissioner having the power to refer reports to the Tasmanian Civil and Administrative Tribunal (TASCAT) with powers to undertake public hearings and impose a broad range of remedies,²¹ we are concerned that some persons and organisations may stymie resolution before the Commissioner. Providing a mechanism within the Bill to refer reports to TASCAT is likely to lead to increased compliance, with decisions made publicly available and enforceable remedies and should be included in Bill. We would also note that this reform was recommended by the Victorian Human Rights and Equal Opportunity in its submission to the review of the *Change or Suppression (Conversion) Practices Prohibition Act 2021* (Vic).²²

Protection for asexual, aromantic and agender people

The Tasmanian Government was the first Australian jurisdiction to officially recognise people who identify as asexual, aromatic or agender.²³ However, as the Bill is currently drafted, conversion practices are limited to “changing, suppressing or eradicating sexual orientation or gender identity of the person” or “inducing the person to change, suppress or eradicate their sexual orientation or gender identity”.²⁴ To ensure that asexual, aromatic and agender persons are assured the same protection against conversion practices we strongly recommend that the definition of ‘sexual orientation’ in the *Anti-Discrimination Act 1998* (Tas) is amended. In Victoria, the Victorian Human Rights and Equal Opportunity recommended the following wording:²⁵

...that the definition of ‘sexual orientation’ is amended to include both:

- (a) A person’s emotional, affectional and sexual attraction to, or intimate or sexual relations with, persons of a different gender or the same gender or more than one gender; or*
- (b) A person’s lack of emotional, affectional and sexual attraction to, or intimate or sexual relations with, any person of any gender.*

Criminal offence

We strongly support the principles set out in Clause 8 of the Bill including that “conversion practices are deceptive and harmful to the persons subjected to them... and should be denounced and eliminated as far as possible”.²⁶ The inherent harm of conversion practices is recognised in clause 10 of the Bill which expressly provides that a person is guilty of an

¹⁸ Clause 27 of the Bill.

¹⁹ Clause 44(2) of Bill.

²⁰ Clause 46(2) of Bill.

²¹ Section 89 of the *Anti-Discrimination Act 1998* (Tas).

²² Victorian Equal Opportunity and Human Rights Commission, *Submission to the Review of the Change or Suppression Practices Prohibition Act* (Submission to the Victorian Law Reform Commission, 2026), recommendation 8.

²³ Adam Holmes, ‘Tasmania Is the First State to Officially Recognise Those Who Identify as Asexual, Adding the A to LGBTQ+’ (online, 17 July 2023) *ABC News* <https://www.abc.net.au/news/2023-07-17/asexual-people-officially-recognised-by-tasmanian-government/102605830>

²⁴ Clause 5(1)(b) of the Bill.

²⁵ Victorian Equal Opportunity and Human Rights Commission, *Submission to the Review of the Change or Suppression Practices Prohibition Act* (Submission to the Victorian Law Reform Commission, 2026), recommendation 9.

²⁶ Clause 8(a) of the Bill.

indictable offence if a conversion practice is directed towards a child.²⁷ This can be contrasted with clause 9 of the Bill which addresses conversion practices involving adults, requiring a prosecutor to prove that the offender caused injury or was reckless as to causing injury. The inherent harm of conversion practices means that no distinction should be made between adults and children. To ensure consistency with the Bill's principles, we recommend that the requirement that the conversion practice cause injury be removed from clause 9 of the Bill.

Mandatory reporting

The Bill requires the Commissioner to refer cases of conversion practices in circumstances where they form the view that it "relates to conduct that should be investigated by another person, body or authority..."²⁸ However, there is no requirement for other persons, bodies or authorities to refer alleged cases of conversion practices to the Commissioner. We strongly recommend that government agencies should be required to mandatorily refer suspected reports of conversion practices to the Commissioner in circumstances where the survivor or reporter consents as was recommended by Victoria's Equal Opportunity and Human Rights Commission in its submission to the review of the *Change or Suppression (Conversion) Practices Prohibition Act 2021* (Vic).²⁹

Appropriate resourcing

The Office of the Anti-Discrimination Commissioner is likely to see an increase in its workload if the Bill becomes law. This is because the functions of the Commissioner will be expanded to include investigating and seeking to resolve complaints in relation to conversion practices.³⁰ However, over the following five years the workload of the OADC has increased significantly as the following Table highlights.

OADC Investigation and Conciliation Officer Workload

	FTE staff	No. of complaints	Complaints per staff member
2020-21	3.4	190	56
2021-22	3.1	184	59
2022-23	4.1	190	46
2023-24	4.1	242	59
2024-25	3.23	261	81

Source: Office of the Anti-Discrimination Commissioner, *Annual Reports 2020-25* + email clarification received from OADC on 3 August 2026

Expressed in another way, the workload of investigation and conciliation staff within the Office of the Anti-Discrimination Commissioner has increased by 37 per cent at the same time as FTE equivalent staff has *decreased* by 9 per cent. Five years ago, each investigation and conciliation officer was responsible for 56 complaints. Today, they are responsible for 81 complaints (a 45 per cent increase). If the Bill is passed it is critical that appropriate additional resources are made available to the OADC.

²⁷ Clause 10(1) of the Bill.

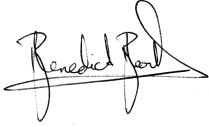
²⁸ Clause 29(1) of Bill.

²⁹ Victorian Equal Opportunity and Human Rights Commission, *Submission to the Review of the Change or Suppression Practices Prohibition Act* (Submission to the Victorian Law Reform Commission, 2026), recommendation 10.

³⁰ Clause 19(1)(f) of Bill.

If you have any queries, or we can be of further assistance, please do not hesitate to contact us.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Benedict Bartl', with a long horizontal stroke extending from the end of the signature.

Benedict Bartl
Policy Officer
Community Legal Centres Tasmania
