TASMANIA

_____

CONVERSION PRACTICES PROHIBITION BILL 2026

_____

CONTENTS

PART 1 – PRELIMINARY

1. Short title
2. Commencement
3. Objects of Act
4. Interpretation
5. Meaning of *conversion practice*
6. Extra-territorial application
7. Act binds Crown
8. Principles
9. Relationship with other laws

PART 2 – CONVERSION PRACTICES PROHIBITED

Division 1 – Prohibition of Conversion Practice

10. General prohibition on conversion practices

Division 2 – Positive duty to eliminate conversion practices

11. Positive duty to eliminate conversion practices

PART 3 – CRIMINAL OFFENCES RELATING TO CONVERSION PRACTICES

Division 1 – Conversion practice causing injury

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

13. Conversion practices directed towards child or person with impaired decision-making ability

Division 2 – Removal from Tasmania for conversion practice

14. Offence of taking person from Tasmania for conversion practice

15. Child or person with impaired decision-making ability taken from Tasmania

Division 3 – Advertising conversion practices

16. Offence of advertising conversion practices

17. Production of documents relating to advertising offence

18. Who may bring proceedings for an offence under section 16

Division 4 – General matters relating to offences against this Part

19. General matters relating to offences

20. Consent of DPP to proceedings under Part

PART 4 – COMMISSIONER

21. The Conversion Practices Commissioner

22. Functions of Commissioner

23. Delegation

24. Establishment of reference body

25. Practice guidelines

PART 5 – EDUCATION, PREVENTION AND RESPONSE SCHEME

Division 1 – Reports

26. Making of reports

27. Principles for dealing with reports

28. Power to request further information

29. Consideration of report

30. Responding to reports

31. Referral of reports
32. Referral to Commissioner
33. Discretion to decline to respond to report

Division 2 – Facilitation

34. Facilitation of resolution
35. Support person at facilitation
36. Confidentiality of facilitation
37. Agreement following facilitation

PART 6 – INVESTIGATIONS

38. Commencement of investigation
39. When investigation may be conducted
40. Conduct of investigations
41. Power to require information and documents
42. Power to require attendance
43. Failure to comply with notices
44. Self-incrimination
45. Protection of identity
46. Restrictions on publication
47. Outcome of investigation

PART 7 – COMPLIANCE AND ENFORCEMENT

48. Enforceable undertakings
49. Register
50. Compliance notices
51. Review of compliance notices
52. Failure to comply with enforceable undertaking or compliance notice
53. Vicarious liability
54. Reports relating to organisations
55. Who may bring proceedings for an offence under Part 6

PART 8 – REPORT OUTCOMES AND TRIBUNAL APPLICATIONS AND REFERRALS

Division 1 – Tribunal applications and referrals

56. Referral of report to Tribunal by Commissioner

57. Application to Tribunal by person affected by conversion practice

58. Application to Tribunal by respondent

59. Tribunal's powers on referral or application

Division 2 – Conclusion of report process

60. Commissioner may conclude report process

Division 3 – Targeted education

61. Targeted education

PART 9 – OFFENCES RELATING TO ADMINISTRATION

62. Obstruction

63. False or misleading information

64. Who may bring proceedings for an offence under this Part

PART 10 – MISCELLANEOUS

65. Prohibition of victimisation

66. Confidentiality of protected information

67. Disclosure of information to other bodies

68. Commissioner not to prejudice certain proceedings

69. Commissioner may assist court or Tribunal

70. Immunity for reporting persons and witnesses

71. Immunities

72. Rules of evidence

73. Annual report

74. Review of Act

75. Transitional provisions

76. Infringement notices

77. Regulations

78. Administration of Act

79. Consequential amendments
80. Consequential amendments
SCHEDULE 1 – CONSEQUENTIAL AMENDMENTS
SCHEDULE 2 – CONSEQUENTIAL AMENDMENTS

CONVERSION PRACTICES PROHIBITION BILL 2026

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

LAURA ROSS, *Clerk of the House*
29 October 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 80 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.

(3) If section 80 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 Conversion Practices Commissioner to –

(i) promote understanding of this Act and the prohibition on conversion practices; and

(ii) administer the education, prevention and response scheme; and

(iii) receive, assess and resolve reports of conversion practices; and

(iv) investigate serious or systemic conversion practices; and

(v) investigate serious contraventions of the positive duty under section 11; and

(c) establish an education, prevention and response scheme to –

(i) discourage conversion practices; and

(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

(1) In this Act –

Anti-Discrimination Commissioner means the Anti-Discrimination Commissioner appointed under section 5 of the *Anti-Discrimination Act 1998*;

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

Commissioner means the Conversion Practices Commissioner referred to in section 21;

conversion practice – see section 5;

facilitation means facilitation under section 34;

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

guardian has the same meaning as in the *Children, Young Persons and Their Families Act 1997*;

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;

Health Complaints Commissioner means the Health Complaints Commissioner appointed under the *Health Complaints Act 1995*;

injury means –

(a) physical injury; or

(b) harm to mental health –

whether temporary or permanent;

investigation means an investigation conducted under Part 6;

person includes an organisation;

person with impaired decision-making ability means an adult who has impaired

decision-making ability, within the meaning of section 11 of the *Guardianship and Administration Act 1995*, in relation to a decision relating to a conversion practice;

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

publish includes to authorise publication;

registered health practitioner means a registered health practitioner within the meaning of the Health Practitioner Regulation National Law (Tasmania);

regulations means regulations made under this Act;

report means a report made under Division 1 of Part 5;

reporting person, in relation to a report, means the person who made the report;

respondent, in relation to a report, means a person whose conduct, actions or circumstances are the subject of the report;

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 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.

(2) For the purposes of this Act, a person is affected by a conversion practice if the conversion practice is being, has been, or is alleged to be or have been, directed towards the person.

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.

(3) A conversion practice does not include –

(a) a health service provided by a registered health practitioner that –

(i) the registered health practitioner, in good faith, considers appropriate for the person; 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.

(4) For the avoidance of doubt, the following conduct does not, of itself, constitute a conversion practice:

(a) participating in a public debate;

(b) an expression, including in a sermon, religious education, pastoral care or prayer, of a belief or principle, including a religious belief or principle;

(c) an expression that a belief or principle ought to be followed or applied;

(d) stating what relevant religious teachings are, or what a religion says, about a specific topic;

(e) the making, application or communication of general requirements in relation to religious orders, or membership or leadership of a religious community;

(f) guardians discussing or providing guidance, support or advice on matters relating to sexual orientation, gender identity, sexual activity or religion with a child for whom they are a guardian;

(g) the provision of age-appropriate relationships and sexuality education that is consistent with a curriculum approved or recognised under a law of Tasmania or the Commonwealth and is delivered in accordance with the requirements applicable to the provision of that education;

(h) health practitioners providing information, in good faith, about treatment and non-treatment options, including their potential benefits, risks, limitations and uncertainties;

(i) health practitioners helping a person explore their identity without directing,

predetermining or seeking to influence the person towards a particular outcome;

(j) health practitioners discussing with a person the person's desire or intention to detransition, desist, reverse, discontinue or modify a social or medical transition.

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

(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, have the right to be treated in a way that makes them feel welcomed, valued and respected, and should be able to live authentically and with pride;

(c) no sexual orientation or gender identity is broken, constitutes a disorder, disease, illness, deficiency or shortcoming, or requires treatment or fixing;

(d) children are particularly at risk of being subject to conversion practices and harms from conversion practices;

(e) responses under this Act should, where appropriate, prioritise education and prevention.

9. Relationship with other laws

(1) A contravention of this Act does not create any civil or criminal liability, or any civil right or remedy, except to the extent expressly provided by this Act.

(2) This Act is in addition to, and does not limit or otherwise affect, any liability, duty, obligation, right or remedy arising under or by virtue of another Act or law.

(3) Compliance with this Act does not, of itself, constitute compliance with any duty or obligation arising under or by virtue of another Act or law.

PART 2 – CONVERSION PRACTICES PROHIBITED

Division 1 – Prohibition of Conversion Practice

10. General prohibition on conversion practices

A person contravenes this Act if the person engages in a conversion practice.

Division 2 – Positive duty to eliminate conversion practices

11. Positive duty to eliminate conversion practices

(1) A person must take reasonable and proportionate measures to eliminate conversion practices engaged in by the person or by another person acting on behalf of the person.

(2) In determining whether measures taken by a person are reasonable and proportionate for the purposes of subsection (1), regard must be had to –

(a) if the person is an organisation –

(i) the size and nature of the organisation; and

(ii) the nature and circumstances of its operations; and

(iii) the organisation's financial and other resources; and

(iv) the organisation's business and operational priorities; and

(b) in any case –

(i) the practicability and the cost of the measure; and

(ii) any other prescribed matter.

(3) Division 1 of Part 5 does not apply in relation to an alleged contravention of subsection (1).

PART 3 – CRIMINAL OFFENCES RELATING TO CONVERSION PRACTICES

Division 1 – Conversion practice causing injury

12. 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 conversion practice causes injury to the recipient; and

(c) the person is negligent 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; and

(c) the person is negligent as to whether engaging in any or all of the conversion practices will cause injury to the recipient.

13. Conversion practices directed towards child or person with impaired decision-making ability

(1) If a person is convicted of an offence under section 12 in relation to a conversion practice directed towards a child or person with impaired decision-making ability, the court, in determining the appropriate sentence, is to treat the fact that the recipient of the conversion practice was a child or person with impaired decision-making ability as an aggravating factor.

(2) Subsection (1) also applies if the offence involved the person causing, directing, inducing or procuring another person to engage in a conversion practice directed towards a child or person with impaired decision-making ability.

(3) Subsection (1) does not apply if the person convicted of the offence was a child or person with impaired decision-making ability at the time the offence was committed.

Division 2 – Removal from Tasmania for conversion practice

14. 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 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; and

(e) the person is negligent 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; and

(e) the person is negligent as to whether any or all of the conversion practices, considered as a group, will cause injury to the intended recipient.

15. Child or person with impaired decision-making ability taken from Tasmania

(1) If a person is convicted of an offence under section 14 in relation to a conversion practice directed towards a child or person with impaired decision-making ability, the court is to, in determining the appropriate sentence, treat as an aggravating factor the fact that –

(a) the person took the child or person with impaired decision-making ability from Tasmania, or arranged for the child or person with impaired decision-making ability to be taken from Tasmania; and

(b) the person intended that a conversion practice directed towards the child or person with impaired decision-making ability would be engaged in outside Tasmania, whether by the person or another person; and

(c) the conversion practice was engaged in outside Tasmania.

(2) Subsection (1) does not apply if the person convicted of the offence was a child or person with impaired decision-making ability at the time the conduct referred to in subsection (1) occurred.

Division 3 – Advertising conversion practices

16. 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.

17. Production of documents relating to advertising offence

(1) For the purposes of proceedings under section 16, the Commissioner may, by written notice, require a person to produce to the Commissioner any documents specified in the notice.

(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.

18. Who may bring proceedings for an offence under section 16

Proceedings for an offence under section 16 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

19. General matters relating to offences

(1) A person is not criminally responsible for an offence under this Part in respect of a conversion practice directed towards that person, including as an accessory, co-principal or participant.

(2) The consent of a person towards whom a conversion practice is directed is not a defence to a charge under this Part.

20. Consent of DPP to proceedings under Part

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

PART 4 – COMMISSIONER

21. The Conversion Practices Commissioner

(1) The office of Conversion Practices Commissioner is established.

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

22. 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; and

(b) to promote understanding of, and compliance with, this Act and the prevention of conversion practices; and

(c) to consult on and inquire into conversion practices and the effects of conversion practices; and

(d) to disseminate information about conversion practices, the effects of conversion practices, and the operation and objects of this Act; and

(e) to undertake, or promote the undertaking of, research and education programs relating to conversion practices; and

(f) to receive, consider, investigate and seek to resolve reports relating to conversion practices; and

(g) to receive and respond to disclosures relating to historical conversion practices, including for the purposes of acknowledgement, information, support, research and education, whether or not the conduct disclosed is capable of investigation, enforcement or other action under this Act; and

(h) to promote and facilitate compliance with the positive duty under section 11; and

(i) to facilitate outcomes in relation to reports made by persons affected by conversion practices; and

(j) to collect, analyse and report on information and data relating to reports and outcomes under this Act; and

(k) to submit reports to the Minister on any matter arising from the performance of the Commissioner's functions; and

(l) to intervene, with the leave of a court or the Tribunal, in proceedings that involve issues relating to conversion practices; and

(m) 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.

23. Delegation

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

24. 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.

(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 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.

25. 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, 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 is to –

(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 a copy of any practice guidelines, or any variation, substitution or revocation of those practice guidelines, to such

persons as the Commissioner considers relevant.

PART 5 – EDUCATION, PREVENTION AND RESPONSE SCHEME

Division 1 – Reports

26. 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.

27. Principles for dealing with reports

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

(a) the person who made the report should receive a response;

(b) responses should be trauma-informed;

(c) if the report relates to a child, the response should have regard to what is developmentally appropriate for the child, and the child should be supported to participate, in decisions affecting them, in a developmentally appropriate way;

(d) processes should be culturally safe, inclusive and accessible in a manner that

recognises diverse identities, experiences and support needs;

(e) before any action is taken in relation to a report, regard should be had to the privacy, safety and wishes of any person affected by the alleged conversion practice;

(f) the response should be informed by the needs and wishes of any person affected by the alleged conversion practice;

(g) the response should be appropriate having regard to the nature of the report;

(h) the response should be fair to all persons concerned; and

(i) the response should be consistent with the objects of this Act.

28. Power to request further information

For the purpose of dealing with a report, the Commissioner may, by written notice, request the reporting person, a person affected by the conversion practice to which the report relates, or the respondent, whose conduct, actions or circumstances are the subject of the report, to provide any information or documents reasonably required by the Commissioner.

29. Consideration of report

If, in considering a report, the Commissioner considers that there are reasonable grounds to suspect 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:

(a) the wishes of any person affected by the conversion practice;

(b) the immediate and ongoing safety and wellbeing of persons affected by conversion practices, including risks arising from ongoing coercion, abuse, retaliation or social exclusion;

(c) whether the conversion practice was an isolated incident or formed part of a pattern of conduct;

(d) the number of persons affected by the conversion practice;

(e) the nature and extent of any harm caused by the conversion practice;

(f) any steps taken by a person to cease the conversion practice or to remedy any harm caused by it.

30. 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 a person affected by a conversion practice that is the subject of the report wishes to participate in facilitation, offer facilitation in relation to the matters raised in the report;

(c) refer the report in accordance with section 31;

(d) decline to respond to the report in accordance with section 33.

(2) The Commissioner must, as soon as practicable, notify the reporting person, 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; or

(d) not be appropriate in the circumstances, having regard to the matters outlined in sections 27 and 29.

31. 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) if –

(a) each person affected by the conversion practice to which the report relates has consented to the referral; or

(b) one or more of those persons has not consented to the referral, but the Commissioner is satisfied that the referral is reasonably necessary to protect the safety or wellbeing of another person, including a person who may be at risk of being subjected to a conversion practice in the future.

(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

a matter having been referred under subsection (1).

32. Referral to Commissioner

(1) In this section –

specified person includes the following:

(a) the Health Complaints Commissioner;

(b) the Commissioner for Children and Young People appointed under the *Commissioner for Children and Young People Act 2016*;

(c) the Independent Regulator appointed under the *Child and Youth Safe Organisations Act 2023*;

(d) the Custodial Inspector appointed under section 5 of the *Custodial Inspector Act 2016*;

(e) the Commissioner of Police appointed under section 6 of the *Police Service Act 2003*;

(f) the Integrity Commission within the meaning of the *Integrity Commission Act 2009*;

(g) the Public Guardian, within the meaning of the *Guardianship and Administration Act 1995*;

(h) the Chief Psychiatrist within the meaning of the *Mental Health Act 2013*;

(i) any other prescribed person or body.

(2) If a specified person receives, in the performance of the specified person's functions, a complaint, report or other information that gives the specified person reasonable grounds to believe that a conversion practice has occurred or is occurring, the specified person is to refer the matter to the Commissioner.

(3) A referral under subsection (2) does not prevent the specified person from performing or exercising any function or power that the specified person has in relation to the matter.

(4) A referral under this section is taken to be a report for the purposes of this Part.

(5) A specified person making a referral under this section is to disclose to the Commissioner any information reasonably necessary for the Commissioner to consider or deal with the referral, unless the disclosure –

(a) is prohibited or restricted by or under another Act or law; or

(b) would, in the opinion of the specified person, prejudice an investigation, inquiry or other proceeding.

33. 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) the alleged conduct is not a conversion practice; or

(f) having regard to all the circumstances, it is not appropriate to respond to the report.

Division 2 – Facilitation

34. 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) The parties to a facilitation are –

(a) any person affected by the conversion practice that is the subject of the report; and

(b) the respondent.

(3) A person does not become a party to the facilitation merely because the person made the report.

(4) Participation in a facilitation is voluntary.

(5) The Commissioner may end facilitation at any time.

(6) A party to a facilitation may withdraw at any time by notice to the Commissioner.

(7) If facilitation in relation to a report concludes, the Commissioner must give the parties written notice that the facilitation has concluded.

35. Support person at facilitation

(1) Where reasonably necessary to support a person's participation in a facilitation, the person may, with the consent of each other party to the

facilitation, be accompanied by a support person, including, but not limited to, an advocate, interpreter or person providing communication support.

(2) A support person may provide such support as is reasonably necessary but must not otherwise participate in the facilitation.

36. 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 9;

(c) in proceedings before the Tribunal under section 59, to the extent that the Tribunal considers the evidence reasonably necessary for the purposes of that section.

(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.

37. Agreement following facilitation

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

(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 52(3).

PART 6 – INVESTIGATIONS

38. Commencement of investigation

(1) The Commissioner may, on the Commissioner's own initiative, conduct an investigation, including in the course of dealing with a report.

(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.

(4) If the Commissioner decides to conduct an investigation, the Commissioner may, if the Commissioner considers it appropriate, give written notice of the decision to –

(a) if the investigation arises in the course of dealing with a report –

(i) the reporting person; and

(ii) a person affected by the conversion practice to which the report relates; and

(b) a person who is a subject of the investigation.

(5) A notice under subsection (4) may include any details relating to the investigation that the Commissioner considers appropriate.

(6) In conducting an investigation, the Commissioner may have regard to any information obtained in dealing with a report, other than information provided during a facilitation under section 34.

(7) An investigation under this Part is separate from, and not limited by, the process for dealing with a report.

39. When investigation may be conducted

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

(a) raises a serious issue, including because the matter –

(i) concerns serious non-compliance with the positive duty under section 11; or

(ii) indicates systemic or ongoing conversion practices; and

(b) indicates a possible material contravention of this Act; and

(c) relates to, or may affect, a class or group of persons; and

(d) would advance the objects of this Act.

40. Conduct of investigations

(1) Subject to this Part, 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.

41. 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; and

(b) copy, or extract from, the documents; and

(c) retain the documents for as long as reasonably necessary for the investigation.

42. 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 –

(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.

43. Failure to comply with notices

(1) A person must not, without reasonable excuse, fail to comply with a notice issued under section 41 or 42.

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) Without limiting what constitutes a reasonable excuse, a duty of confidentiality arising by law or in the course of a professional relationship may constitute a reasonable excuse.

44. Self-incrimination

(1) A person is not excused from answering a question, or providing information or a document, as required under this Part on the ground that the answer, information or document may tend to incriminate the person or expose the person to a penalty.

(2) Despite subsection (1), evidence of an answer given, or information or a document provided, by an individual as required under this Part is not admissible against that individual in any civil or criminal proceeding.

(3) Subsection (2) does not apply in proceedings under this Act or any other Act arising out of the false or misleading nature of the answer, information or document.

45. 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.

46. 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 –

(a) a natural person, a fine not exceeding 60 penalty units; or

(b) a body corporate, a fine not exceeding 300 penalty units.

47. 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) accept an enforceable undertaking;

(c) issue a compliance notice to a person;

(d) publish a report on the investigation, including any findings or recommendations.

(3) On completing an investigation, the Commissioner –

(a) must give written notice of the outcome of the investigation to each person who is a subject of the investigation and each person affected by the conversion practice to which the investigation relates; and

(b) if the investigation arose in the course of dealing with a report, may give written notice of the outcome of the investigation to the reporting person.

(4) A notice under subsection (3) may include –

(a) any findings made by the Commissioner; and

(b) any action taken, or proposed to be taken, by the Commissioner as a result of the investigation; and

(c) any other information that the Commissioner considers appropriate.

(5) The Commissioner is not required to include in a notice under subsection (3) information if the Commissioner considers that its disclosure –

(a) is prohibited or restricted by or under another Act or law; or

(b) would prejudice an investigation, inquiry or other proceeding; or

(c) would unreasonably disclose personal or confidential information.

(6) Before publishing a report under subsection (2)(d), 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

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

PART 7 – COMPLIANCE AND ENFORCEMENT

48. Enforceable undertakings

(1) If, during or after an investigation, the Commissioner is satisfied that –

(a) a person has engaged in, or is engaging in, a conversion practice; or

(b) a person has contravened, or is contravening, the positive duty under section 11 –

the Commissioner may accept a written undertaking from that 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.

49. 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.

50. Compliance notices

(1) If, after an investigation, the Commissioner is satisfied that –

(a) a person has engaged in, or is engaging in, a conversion practice; or

(b) a person has contravened, or is contravening, the positive duty under section 11 –

the Commissioner may issue a compliance notice to that person.

(2) A compliance notice must state –

(a) the grounds on which the Commissioner is satisfied that the person to whom the notice is issued –

(i) has engaged in, or is engaging in, a conversion practice; or

(ii) has contravened, or is contravening, the positive duty under section 11; 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

(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.

51. Review of compliance notices

(1) A person to whom a compliance notice is issued may apply to the Tribunal for a review of either or both of the following decisions of the Commissioner:

(a) a decision to issue a compliance notice under section 50;

(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.

(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.

52. 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;

(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.

53. Vicarious liability

(1) In this section –

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

(2) For the purposes of Part 5 and 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 26 in relation to –

(i) the natural person; or

(ii) the employer or principal; or

(iii) both the natural person and the employer or principal.

(3) An employer or principal is taken not 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.

(4) In determining whether reasonable precautions were taken for the purposes of subsection (3), regard may be had to any of the following:

(a) the relationship between the employer's or principal's business or undertaking and the affected person;

(b) the role in the employer's or principal's business or undertaking of the natural

person who engaged in the conversion practice;

(c) the level of control the employer or principal had over the natural person who engaged in the conversion practice;

(d) the extent to which the employer or principal complied with the positive duty under section 11;

(e) any other relevant matter.

54. Reports relating to organisations

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

(a) the Commissioner may request information under section 28 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

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

55. Who may bring proceedings for an offence under Part 6

Proceedings for an offence under Part 6 may be brought by –

(a) the Commissioner; or

(b) a police officer; or

(c) a person authorised by the Commissioner, either generally or in a particular case.

PART 8 – REPORT OUTCOMES AND TRIBUNAL APPLICATIONS AND REFERRALS

Division 1 – Tribunal applications and referrals

56. Referral of report to Tribunal by Commissioner

(1) The Commissioner may refer a report to the Tribunal if –

(a) the Commissioner considers that –

(i) the report cannot be resolved by facilitation; or

(ii) it is otherwise appropriate for the Tribunal to determine the report; and

(b) the person affected by the conversion practice that is the subject of the report consents to the referral.

(2) The Commissioner must not refer a report to the Tribunal under subsection (1) if facilitation in relation to the report has commenced and has not concluded.

(3) A referral under this section must –

(a) be in writing; and

(b) include any other information prescribed by the regulations.

(4) As soon as practicable after referring a report to the Tribunal, the Commissioner must give written notice of the referral to –

(a) the reporting person; and

(b) the person affected by the conversion practice that is the subject of the report; and

(c) the respondent.

57. Application to Tribunal by person affected by conversion practice

(1) The person affected by the conversion practice that is the subject of a report may apply to the Tribunal for determination of the report.

(2) An application under subsection (1) may be made if –

(a) the Commissioner has given notice of an intention to conclude the report process under section 60; or

(b) facilitation in relation to the report has concluded; or

(c) in any other prescribed circumstances.

(3) Despite subsection (2), an application under subsection (1) must not be made if facilitation in relation to the report has commenced and has not concluded.

(4) An application under subsection (1) must be made in writing within 28 days after –

(a) in the circumstances referred to in subsection (2)(a), the notice under section 60(2) is given; or

(b) in the circumstances referred to in subsection (2)(b), the person affected by the conversion practice is given written notice that the facilitation has concluded; or

(c) in the circumstances referred to in subsection (2)(c), the prescribed event occurs.

(5) If facilitation in relation to a report commences before the expiry of a period referred to in subsection (3), an application under subsection (1) may be made within 28 days after the Commissioner gives notice under section 34(7) that the facilitation has concluded.

58. Application to Tribunal by respondent

(1) The respondent to a report may apply to the Tribunal for determination of the report.

(2) An application under subsection (1) may be made if –

(a) the Commissioner gives the respondent notice of proposed targeted education under section 61; or

(b) the Commissioner has given notice under section 60(2) of an intention to conclude the report process and the report has not otherwise been finally determined or resolved; or

(c) facilitation in relation to the report has concluded; or

(d) in any other prescribed circumstances.

(3) Despite subsection (2), an application under subsection (1) must not be made if facilitation in relation to the report has commenced and has not concluded.

(4) An application under subsection (1) must be made in writing within 28 days after –

(a) in the circumstances referred to in subsection (2)(a), the notice under section 61 is given; or

(b) in the circumstances referred to in subsection (2)(b), the notice under section 60(2) is given; or

(c) in the circumstances referred to in subsection (2)(c), the respondent is given written notice that the facilitation has concluded; or

(d) in the circumstances referred to in subsection (2)(d), the prescribed event occurs.

(5) If facilitation in relation to a report commences before the expiry of a period referred to in subsection (3), an application under subsection (1) may be made within 28 days after the Commissioner gives notice under section 34(7) that the facilitation has concluded.

59. Tribunal's powers on referral or application

(1) This section applies if a report is referred to the Tribunal under section 56 or an application for determination of a report is made to the Tribunal under section 57 or 58.

(2) After hearing the matter, the Tribunal may make one or more of the following orders:

(a) an order requiring the respondent to pay to the person affected by the conversion practice that is the subject of the report such amount by way of compensation as the Tribunal considers appropriate;

(b) an order requiring the respondent to cease engaging in, or to refrain from repeating or engaging in, a conversion practice;

(c) an order that targeted education be provided or undertaken, on such terms as the Tribunal considers appropriate;

(d) an order that the Commissioner conduct an investigation of the report under Part 6;

(e) an order dismissing the report;

(f) any other order that the Tribunal considers appropriate.

(3) Without limiting subsection (2)(a), in determining whether to award compensation and the amount of any compensation, the Tribunal may have regard to –

(a) any loss or damage suffered by the person affected by the conversion practice as a result of the conduct to which the report relates; and

(b) any other matter that the Tribunal considers relevant.

(4) If –

(a) an agreement is recorded under section 37 in respect of a report to which this section applies; and

(b) the agreement includes a requirement that compensation be paid to the person affected by the conversion practice that is the subject of the report –

the Tribunal may only make an order under subsection (2)(a) in respect of the report if the Tribunal is satisfied that it is in the interests of justice to do so.

(5) If an agreement is recorded under section 37 in respect of a report to which this section applies, the Tribunal may only make an order under

subsection (2) that would be inconsistent with that agreement if the Tribunal is satisfied that it is in the interests of justice to do so.

(6) If the Tribunal makes an order under subsection (2) that is inconsistent with an agreement recorded under section 37 in relation to the report, the Tribunal may, to the extent necessary to give effect to the order, vary or discharge the agreement.

(7) An order under this section may be made subject to any conditions that the Tribunal considers appropriate.

Division 2 – Conclusion of report process

60. Commissioner may conclude report process

(1) The Commissioner may decide to conclude a report process if the Commissioner considers that no further action by the Commissioner in relation to the report is appropriate.

(2) Before concluding a report process under subsection (1), the Commissioner must give the reporting person, the person affected by the conversion practice that is the subject of the report and the respondent written notice –

(a) that the Commissioner intends to conclude the report process; and

(b) of the reasons for the proposed conclusion; and

(c) of any right of the person to apply to the Tribunal under this Part.

(3) The Commissioner must not conclude the report process before –

(a) the applicable period within which an application may be made to the Tribunal in relation to the proposed conclusion has expired; or

(b) if an application is made within that period, the Tribunal has finally determined the application.

(4) If no application is made within the applicable period, the Commissioner may, by written notice to the reporting person, the person affected by the conversion practice that is the subject of the report and the respondent, conclude the report process.

Division 3 – Targeted education

61. Targeted education

(1) If the Commissioner considers that targeted education is appropriate in the circumstances in relation to a report, the Commissioner must give written notice of the proposed targeted education to –

(a) the reporting person; and

(b) the person affected by the conversion practice that is the subject of the report; and

(c) the respondent.

(2) A notice under subsection (1) must –

(a) state the nature of the targeted education that the Commissioner considers appropriate; and

(b) state the reasons why the Commissioner considers targeted education to be appropriate; and

(c) inform the respondent of the right to apply to the Tribunal under section 58.

(3) The targeted education –

(a) may be delivered by the Commissioner or facilitated by the Commissioner through another person or body; and

(b) is to be provided at the Commissioner's expense.

(4) If a report is before the Tribunal under section 56, 57 or 58, the Commissioner must not provide or facilitate the targeted education unless –

(a) the Tribunal orders that the targeted education occur; or

(b) the referral or application is withdrawn or otherwise finally disposed of.

PART 9 – OFFENCES RELATING TO ADMINISTRATION

62. 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.

63. 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.

64. Who may bring proceedings for an offence under this Part

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

(a) the Commissioner; or

(b) a police officer; or

(c) a person authorised by the Commissioner, either generally or in a particular case.

PART 10 – MISCELLANEOUS

65. 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

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

66. 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 24; 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 –

(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.

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.

67. Disclosure of information to other bodies

Subject to section 66, the Commissioner may communicate information obtained in the

administration of this Act to another person or body if the Commissioner is satisfied that –

(a) the information relates to a matter within the functions of that person or body; and

(b) the communication of the information is reasonably necessary for the performance of those functions.

68. 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 Commission, the Health Complaints 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 appointed under section 6 of the *Police Service Act 2003*; or

(c) the Integrity Commission within the meaning of the *Integrity Commission Act 2009*; or

(d) the Health Complaints Commissioner; or

(e) any other prescribed body.

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

70. Immunity for reporting persons and witnesses

(1) 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 to the Commissioner; or

(b) gave information or evidence to the Commissioner or the Tribunal.

(2) Subsection (1) does not confer any immunity in relation to a subsequent publication or communication of the matters contained in a report or in information or evidence given to the Commissioner or the Tribunal.

71. 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.

72. 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.

73. 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 the report to be tabled in each House of Parliament within 5

sitting-days after the report is given to the Minister under subsection (1).

74. 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

(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 and advancing the principles set out in section 8;

(b) the operation of the Commissioner;

(c) the operation of the Act in balancing rights and freedoms, including, but not limited to, the following:

(i) freedom of religion, beliefs and expression;

(ii) parental rights;

(iii) the rights of the child;

(iv) freedom from harm and discrimination;

(d) the effect of the Act on healthcare, therapeutic and counselling outcomes for persons in relation to their gender identity or sexual orientation;

(e) 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.

75. Transitional provisions

(1) In this section –

commencement day means the day on which Part 4 commences.

(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) Section 10 applies only in relation to conversion practices engaged in on or after the commencement of that section.

(4) Section 11 applies only in relation to conduct occurring on or after the commencement of that section.

(5) Subject to subsections (7) and (8), Parts 4, 5, 6 and 7 apply only in relation to conduct occurring on or after the commencement day.

(6) Section 22(1)(g) applies in relation to conduct occurring before, on or after the commencement day.

(7) In exercising functions under Parts 4, 5, 6 and 7 in relation to conduct occurring on or after the commencement day, the Commissioner may have regard to conduct occurring before the commencement day, including for the purpose of –

(a) identifying patterns of conduct; or

(b) assessing the nature, context or impact of conduct.

(8) Conduct occurring before the commencement of section 10 or 11, as applicable, must not, of itself, be –

(a) the subject of an investigation under Part 6 into a contravention of that section; or

(b) the basis for accepting an enforceable undertaking, issuing a compliance notice or taking any other enforcement action under Part 7 in relation to a contravention of that section.

76. 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 –

(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.

77. 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

(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.

78. 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.

79. Consequential amendments

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

80. Consequential amendments

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

SCHEDULE 1 – CONSEQUENTIAL AMENDMENTS

Section 79

Anti-Discrimination Act 1998

1. Section 3 is amended as follows:

(a) by inserting "agender," after "being" in the definition of *gender identity*;

(b) by omitting the definition of *sexual orientation* and substituting the following definition:

sexual orientation means –

(a) a person's emotional, affectional and sexual attraction to, or intimate or sexual relationship with, persons of a different gender, the same gender or more than one gender; or

(b) a person's absence of emotional, affectional or sexual attraction to, or intimate or sexual relationship with, any person of any gender;

Child and Youth Safe Organisations Act 2023

1. Section 40(3) is amended by inserting after paragraph (g) the following paragraph:

(ga) the Conversion Practices Commissioner appointed under section 22 of the *Conversion Practices Prohibition Act 2026*;

Criminal Code Act 1924

1. The definition of *abuse offence* in section 105A(1) is amended as follows:

(a) by inserting the following paragraph after paragraph (b):

(ba) an offence under Division 1 or 2 of Part 3 of the *Conversion Practices Prohibition Act 2026*;

(b) by omitting from paragraph (c) "paragraph (a) or (b);" and substituting "paragraph (a), (b) or (ba);".

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

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:

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;

conversion practice has the same meaning as in the amending Act.

(2) The amendments to this Act made by the amending Act apply only in relation to an action for damages for personal injury arising from or related to a conversion practice that occurs on or after the amendment day.

(3) For the avoidance of doubt, the amendments to this Act made by the

amending Act do not apply in relation to an action for damages for personal injury arising from or related to a conversion practice that occurred before the amendment day.

(4) If an action for damages for personal injury arises from or relates to conversion practices occurring both before and on or after the amendment day, the amendments to this Act made by the amending Act apply only in relation to the conversion practices occurring on or after the amendment day.

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

(a) the *Anti-Discrimination Act 1998*;

(b) the *Conversion Practices Prohibition Act 2026*.

SCHEDULE 2 – CONSEQUENTIAL AMENDMENTS

Section 80

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 –

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