



# **ENDING CONVERSION PRACTICES IN TASMANIA**

Equality Australia's response to the Conversion Practices Prohibition  
Bill 2026 (Consultation Draft)

13 August 2026

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# OUR SUBMISSION

Equality Australia welcomes the opportunity to provide feedback on the Conversion Practices Prohibition Bill 2026 (Consultation Draft) (**the Bill**), the proposed new law to prohibit practices and conduct aimed at changing, suppressing or eradicating the sexual orientation or gender identity of a person (conversion practices). **We welcome the Bill**, which marks an important step towards ending conversion practices in Tasmania.

Equality Australia is a national organisation working to ensure equality for LGBTIQ+ people in Australia.<sup>1</sup> Ending damaging conversion practices in Australia is one of our key policy goals. This is our second submission in relation to prohibiting conversion practices in Tasmania.<sup>2</sup>

We thank Equality Tasmania for its analysis of the Bill, which has informed this submission. We acknowledge Equality Tasmania's long-term efforts to see effective conversion practices reforms put in place in Tasmania.

## WHY THE BILL IS NEEDED

### Prevalence of conversion practices

Research has shown that prior to legislative bans in other jurisdictions, conversion practices were pervasive within some faith communities in Australia.<sup>3</sup> This is true in Tasmania, where conversion practices remain prevalent today.

A 2021 report from the University of Tasmania, commissioned by the Tasmanian Government, found that 5% of 825 LGBTIQ+ Tasmanians surveyed have experienced conversion practices to change their sexual orientation or gender identity.<sup>4</sup> The research found that people who had undergone conversion practices were significantly more likely to feel unsafe in public places, to be very unhappy, and to be uncomfortable being LGBTIQ+ in Tasmania.<sup>5</sup>

The University of Tasmania's research also considered the underlying ideologies supporting conversion practices, finding that 97% of all survey respondents had been told their identity was the result of abuse or trauma or that they need to be 'fixed'.<sup>6</sup>

Research suggests that messages supporting conversion practices remain prevalent across Australia. In 2019, the Australian Research Centre in Sex, Health and Society at La Trobe University conducted the largest ever national survey of the health and wellbeing of LGBTQA+ young people aged 14-21 (*Writing Themselves in 4*).<sup>7</sup> Of the 6,418 young people surveyed, 4.16% had experienced conversion practices.

La Trobe University analysis showed that experiencing conversion practice is related to individuals being almost 3.5 times as likely to have been diagnosed with PTSD, over 2.5 times more likely to think about or plan suicide, almost 4 times more likely to attempt suicide, and over 3 times more likely to have experience homelessness.<sup>8</sup>

A 2024 community report by La Trobe University drawing on a series of studies into conversion practices surveyed 1,311 LGBTQA+ people. While the data was not disaggregated by state or territory, the findings provide insight into the ongoing prevalence of these practices and messages across Australia.

The survey found that:

- 63% of respondents reported hearing messages promoting conversion practices often or frequently.
- 8% reported experiencing at least one type of formal conversion practice often or frequently.

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<sup>1</sup> For the purposes of this submission, we use the term LGBTQA+ to acknowledge that conversion practices primarily target sexual orientation and gender identity, and that intersex communities experience distinct and different harms that fall outside the scope of this Bill.

<sup>2</sup> Equality Australia (2024), [Ending LGBTQA+ Conversion Practices in Tasmania: Equality Australia's response to the Justice Miscellaneous \(Conversion Practices\) Bill 2024 Consultation Draft](#).

<sup>3</sup> Timothy W. Jones, Anna Brown, Lee Carnie, et al, 'Preventing Harm, Promoting Justice: Responding to LGBT conversion therapy in Australia' (Human Rights Law Centre and Gay and Lesbian Health Victoria, Australian Research Centre in Sex, Health and Society, La Trobe University, 2018) 11 <https://www.hrlc.org.au/reports/preventing-harm/>.

<sup>4</sup> Angela Dwyer, Ruby Grant, Ron Mason and Ash Barnes, 'LGBTIQ+ Tasmanians: Telling Us the Story' (University of Tasmania, 2021) 75 [https://www.dpac.tas.gov.au/\\_data/assets/pdf\\_file/0031/465925/LGBTIQ-Tasmanians-Telling-Us-the-Story-Survey-Report.pdf](https://www.dpac.tas.gov.au/_data/assets/pdf_file/0031/465925/LGBTIQ-Tasmanians-Telling-Us-the-Story-Survey-Report.pdf).

<sup>5</sup> Ibid 76.

<sup>6</sup> Ibid.

<sup>7</sup> T Jones, A Bourne, J Anderson, 'Writing Themselves In 4: Experience of sexuality and/or gender conversion practice among LGBTQ young people in Australia' (La Trobe University, 2021).

<sup>8</sup> Ibid.

- 45% reported experiencing a form of informal conversion practice often or frequently.<sup>9</sup>

The researchers concluded that messages promoting conversion practices were “not a thing of the past”, and that younger people were more likely than older respondents to report hearing these messages in childhood and adolescence.<sup>10</sup>

The most common conversion messages received included that sexuality or gender identity goes against the natural order (82%), and that being LGBTQA+ means a person is sinning or living a sinful life.<sup>11</sup> The research also identified that asexual people reported unique experiences of pressure to express their sexuality or explain their identity.<sup>12</sup>

Most experiences of conversion practices occurred in informal contexts. Nearly half of respondents reported experiences within the family, such as family members encouraging or advising the person to change (48%).<sup>13</sup> Other common contexts included private prayer (37%) and pastoral care (25%).<sup>14</sup> A smaller proportion reported experiences in healthcare settings (10%) or in formal group settings such as organised support groups (6%).<sup>15</sup>

This research suggests that while formalised conversion programs (e.g. traditional support groups or camps to address ‘unwanted same-sex attraction’) may have become less visible, messages and informal practices aimed at changing or suppressing sexual orientation or gender identity continue at concerning rates of prevalence.

## Conversion practices cause lasting harm

Conversion practices cause lasting harm and find no support among any mainstream medical or psychological professional community.<sup>16</sup> Research<sup>17</sup> in Australia and internationally has consistently found that conversion practices are associated with serious negative outcomes, including psychological distress, shame, internalised stigma, and increased risk of mental health challenges. The harms are particularly significant when practices occur during childhood or adolescence, when individuals may be more vulnerable to pressure from family, religious leaders, or other authority figures.

Conversion practices also infringe on basic human rights, including the right to be free from inhuman or degrading treatment, and in the most extreme instances could be considered torture.<sup>18</sup>

Despite this evidence, some faith groups and medical practitioners continue to frame these practices as supportive, clinically sound, or valid faith-based guidance for adherents of some faiths. This framing can obscure the harms experienced by LGBTQA+ people and may contribute to ongoing acceptance of practices that seek to

<sup>9</sup> Timothy W. Jones, Jennifer Power and Tiffany Jones, ‘Improving Spiritual Health Care for LGBTQA+ Australia: Beyond Conversion Practices, A Community Report’ (La Trobe University, 2024) 5 <https://doi.org/10.17605/OSF.IO/7439R>.

<sup>10</sup> Ibid 14.

<sup>11</sup> Ibid 15.

<sup>12</sup> Ibid 18.

<sup>13</sup> Ibid 17.

<sup>14</sup> Ibid.

<sup>15</sup> Ibid.

<sup>16</sup> See Australian Medical Association, *AMA Position Statement – LGBTQIASB+ Health* (2023) 2, 7, 10 <https://www.ama.com.au/articles/lgbtqiasb-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* (2021) <https://psychology.org.au/about-us/position-statements/psychological-practices-conversion-practices>; Psychotherapy & Counselling Federation of Australia, *Position Statement on Therapeutic Support for Lesbian, Gay, Bisexual, Transgender, Intersex and Queer People and their Families* (2018) <https://pacfa.org.au/common/Uploaded%20files/PCFA/Documents/Documents%20and%20Forms/Position-Statement-on-therapeutic-support-for-LGBTIQ-people.pdf>; Royal Australian & New Zealand College of Psychiatrists, *Position Statement: Sexual Orientation Change Efforts* (Position Statement No 60, March 2019) <https://www.ranzcp.org/clinical-guidelines-publications/clinical-guidelines-publications-library/sexual-orientation-change-efforts>.

<sup>17</sup> Timothy W. Jones, Tiffany M. Jones and Jennifer Power et al, *Healing Spiritual Harms: Supporting recovery from LGBTQA+ change and suppression practices* (Report, Australian GLBTIQ+ Multicultural Council, Brave Network, Australian Research Centre in Sex, Health and Society: La Trobe University, Macquarie University and Victorian Government 2021) 19-25 <https://doi.org/10.26181/616674e751dce>; Tural Mammadli et al, ‘Understanding Harms Associated with Gender Identity Conversion Efforts among Transgender and Nonbinary Individuals: The Role of Preexisting Mental Well-Being’ (2025) *International Journal of Transgender Health*; John Campbell and James Rodgers, ‘Conversion Therapy, Suicidality, and Running Away: An Analysis of the Effects of Sexual Orientation Change Efforts on Youth’ (2023) *Journal of Health Economics* 87, 102734; Tania Wright, Bridget Candy and Michael King, ‘Conversion Therapies and Access to Transition-Related Healthcare in Transgender People: A Systematic Review’ (2018) 8(12) *BMJ Open* e022425 Jordan K Gibb et al, ‘Association Between Conversion Therapy Exposure and Cardiovascular Disease Risk Factors’ (2025) *JAMA Network Open*.

<sup>18</sup> Ilias Trispiotis and Craig Purshouse, ‘Conversion Therapy as Degrading Treatment’ (2021) 41(1) *Oxford Journal of Legal Studies* 104; United Nations Human Rights Council, *Report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity*, UN Doc A/HRC/44/53 (15 June 2020).

change or suppress sexual orientation or gender identity.

Considering the gravity of the harms, there remains a clear public purpose in introducing legislation banning such practices. Beyond its legal effect, the Bill has a powerful symbolic role and operates as a deterrent, signalling clearly that conversion practices are unacceptable and will not be tolerated in Tasmania.

## WHAT THE BILL GETS RIGHT

We are pleased to see that the Bill includes the following:

- **clear definition of the meaning of conversion practice**, which also sets out which circumstances and conduct are not a conversion practice,
- **Civil Response Scheme** proposed to be run by the Anti-Discrimination Commissioner (the Commissioner), which would enable reports to be made about conversion practices and for a voluntary process to be facilitated by the Commissioner, and allowing investigations to be launched on the Commissioner's own initiative if the matter is of a serious or systemic nature,
- **criminal offences reserved for the most serious conduct**, including engaging in conversion practices that cause injury, conversion practices towards a child, and taking a person outside Tasmania for conversion practices,
- **power for the Commissioner to issue practice guidelines** on any matter relating to the Act, following consultation with any persons the Commissioner considers appropriate,
- **power for the Commissioner to intervene**, with the leave of a court or the Tasmanian Civil and Administrative Tribunal (TASCAT), in proceedings that involve issues relating to conversion practices, and
- **prohibition of victimisation**, protecting a person from being victimised for an action taken under the Act.

## AREAS FOR IMPROVEMENT

In our view, the Bill could be strengthened in the following ways:

- **introduce a civil cause of action** to allow victim-survivors to seek an enforceable outcome including compensation for harm experienced, ensuring meaningful accountability beyond voluntary resolution through the facilitation process,
- **clarify the scope of 'sexual orientation'** to expressly include asexual people and aromantic people, ensuring that all sexual orientations are clearly protected, and
- **introduce a positive duty to prevent conversion practices**, requiring organisations to take reasonable and proportionate steps to prevent change or suppression practices.

We explore these suggested areas for improvement in detail below.

### Introduce a civil cause of action

While we are pleased to see the inclusion of the Civil Response Scheme in the Bill, including a civil penalty for breach of a Commissioner's enforceable agreement, it does not provide an avenue for victims to seek remedies for the harm done to them. Accordingly, the Bill could be strengthened by including a civil cause of action to allow victim-survivors to seek an enforceable outcome including compensation for harm experienced.

Under the Bill, a person affected by conversion practices cannot initiate proceedings in TASCAT nor can the matter proceed to TASCAT following the Commissioner process if the facilitation process does not resolve the matter. This significantly limits the enforceability of rights and may discourage victim-survivors from engaging with the Civil Response Scheme. More entrenched disputes are unlikely to result in any meaningful outcome, and requiring a victim-survivor to attempt resolution directly with someone they perceive as having harmed them, without any avenue for a third-party determination, is both unappealing and unrealistic.

The lack of any consequence if a matter is not resolved may reduce the incentive for respondents to reports to engage constructively in the facilitation process. By contrast, in discrimination matters the Commissioner can encourage settlement during conciliation on the basis that early resolution may prevent the matter progressing to a hearing before TASCAT. The prospect of resolving a matter at an early stage can itself operate as a practical incentive for respondents to engage in good faith.

Similar barriers have been identified in Queensland with the *Human Rights Act 2019* (Qld) complaint scheme that

does not allow for complaints to be referred to a court or tribunal should the matter not resolve. The lack of a legal consequence has been found to make the system of conciliation ineffective, particularly in the case where there are significant power disparities between the parties, causing a review of that Act to recommend that there is an option of referral to Queensland Civil and Administrative Tribunal for unresolved complaints.<sup>19</sup>

Further, the absence of an enforceable pathway may also undermine the effectiveness of the education programs offered by the Commissioner. In our experience, many organisations and individuals engage with discrimination law education because it helps them understand and reduce their exposure to legal liability. Introducing an enforceable framework for conversion practices would create a similar incentive, encouraging greater participation in education and preventative training, and ultimately supporting compliance with the law.

In contrast, the more recently drafted Conversion Practices Ban Act 2024 (NSW) allows for referrals to complaints to NSW Civil and Administrative Tribunal and for awards of damages up to \$100,000, as well as other remedies such as orders to refrain from unlawful conduct and apologies. South Australia and the Australian Capital Territory have similar tribunal referral pathways for conversion complaints not resolved through conciliation, but without specific statutory caps on the award of damages.

For some victims, financial redress may be the primary outcome sought, yet this would be unavailable unless the parties voluntarily resolve the matter through facilitation. In the absence of legal risk, the chances of financial compensation through facilitation are next to none. In our view, this is the most important change that should be made to the Bill.

A logical approach would be for reports — perhaps renamed as ‘complaints’ where they are made by victim-survivors — to follow the same pathway as discrimination and sexual harassment matters, allowing complainants to make a complaint to the Commissioner which can then be referred to TASCAT if it cannot be resolved through conciliation.

#### RECOMMENDATION

Introduce a civil cause of action to enable complainants to seek compensation for loss or damage and other remedies, including by establishing a pathway aligned with discrimination complaints that allows matters to proceed either through the Commissioner or directly to TASCAT.

### Definition of ‘sexual orientation’ needs to explicitly include asexual people

In 2023, the Tasmanian Government became the first state to officially recognise asexual people and aromatic people through its adoption of the LGBTIQ+ acronym.

People who are asexual experience little or no sexual attraction. People who are aromantic often experience little or no romantic attraction to other people. Although asexuality and aromanticism often appear together they are different and distinct communities.

While not specific to Tasmania, we are aware of reports of change or suppression practices being directed at asexual people and aromatic people.

The Bill prohibits practices and conduct aimed at changing, suppressing or eradicating the sexual orientation or gender identity of a person. In doing so, the Bill relies on the definition of ‘sexual orientation’ in the *Anti-Discrimination Act 1998* (Discrimination Act).

In our view, amendments could be made to this definition to ensure that asexual people and aromatic people are clearly protected from conversion practices. This would also ensure that asexual people and aromatic people are protected from other conduct prohibited under the Discrimination Act: direct and indirect discrimination; vilification; sexual harassment; and victimisation.

The Discrimination Act defines ‘sexual orientation’ as including ‘(a) heterosexuality; and (b) homosexuality; and (c) bisexuality’. While the use of ‘includes’ means this is a non-exhaustive definition that may encompass asexual and aromatic people, the Discrimination Act could be amended to explicitly recognise a lack of sexual or romantic attraction to ensure clarity and inclusivity. This could be done by either inserting ‘(d) asexuality’ to the existing non-

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<sup>19</sup> Susan Harris Rimmer, *Placing People at the Heart of Policy: First Independent Review of the Human Rights Act 2019 (Qld)* (Final Report, 30 September 2024) 82-85.

exhaustive list or an additional line that clarifies sexual orientation includes having a lack of sexual or romantic attraction.

The Queensland Human Rights Commission's Review of the *Anti-Discrimination Act 1991* (Qld) in 2022 recommended changes to ensure that asexual people are clearly covered by the law, given evidence of experiences of discrimination and stigma for this group.<sup>20</sup>

This suggestion was adopted by the then Queensland Government in its Respect at Work and Other Matters Amendment Act 2024 (Qld), which sought to amend the Anti-Discrimination Act 1991 (Qld), including by defining 'sexual orientation' to mean (emphasis added):

a person's capacity or **lack of capacity**, for 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.

Unfortunately, in 2025, the subsequent Queensland Government indefinitely delayed the commencement of most of the amending legislation, including this revised definition.<sup>21</sup>

In NSW, while the Anti-Discrimination Act 1977 (NSW) may be modernised soon, the more recent *Conversion Practices Ban Act 2024* (NSW) sets out that sexual orientation (emphasis added):

- (a) means an individual's sexual orientation towards –
  - (i) individuals of the same sex, or
  - (ii) individuals of a different sex, or
  - (iii) individuals of the same sex and individuals of a different sex, and
- (b) includes **having a lack of sexual attraction of any individual of any sex**.<sup>22</sup>

In Victoria, it is currently unclear whether the definition of 'sexual orientation', which takes the same meaning as the term in the *Equal Opportunity Act 2010* (Vic), encompasses asexuality:

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.<sup>23</sup>

On this basis we have similarly recommended this clarification in the Victorian law.

## RECOMMENDATION

Amend the definition of 'sexual orientation' in the *Anti-Discrimination Act 1998* to expressly include a lack of sexual or romantic attraction, ensuring that asexual people and aromantic people are clearly and consistently protected under the Act.

## Introduce a positive duty to prevent conversion practices

The Bill would be strengthened through the inclusion of a positive duty requiring organisations to take reasonable and proportionate steps to prevent change or suppression practices. To be effective, the positive duty would need to be enforceable, reasonable in scope, and properly resourced.

A positive duty shifts the focus toward prevention, rather than placing the full burden of compliance and enforcement on victim-survivors. This would complement the existing positive duty to take reasonable steps to prevent discrimination and prohibited conduct, set out in section 104 of the Discrimination Act.

For the duty to be meaningful and enforceable, several elements are critical:

- The ability to develop binding or authoritative practice guidelines, particularly tailored to specific contexts of faith-based, educational and healthcare settings, to clarify what compliance requires in practice.
- Adequate resourcing for both duty holders and the Commissioner to support implementation, education and monitoring.

<sup>20</sup> Queensland Human Rights Commission, Building Belonging: Review of Queensland's Anti-Discrimination Act 1991 (Final Report, July 2022) 285 <https://www.qhrc.qld.gov.au/our-work/major-reviews2/review-of-queenslands-anti-discrimination-act>.

<sup>21</sup> Crime and Corruption (Restoring Reporting Powers) and Other Legislation Amendment Act 2025 (Qld) s 53.

<sup>22</sup> Conversion Practices Ban Act 2024 (NSW) sch 2, Dictionary (definition of 'sexual orientation').

<sup>23</sup> *Equal Opportunity Act 2010* (Vic) s 4(1) (definition of 'sexual orientation').

- Clear powers for the Commissioner to review compliance, on both a voluntary and compulsory basis.
- The ability for the Commissioner to report publicly on compliance activities and outcomes, including steps taken by organisations or individuals to meet the duty.

Given that conversion practices may occur in private or familial settings, it would be inappropriate for the positive duty to extend to these contexts. The duty should be clearly confined to institutional and organisational settings, particularly in faith, education, healthcare and counselling environments, where regulatory oversight is both feasible and justified.

#### **RECOMMENDATION**

Create an enforceable positive duty to take reasonable and proportionate steps to prevent conversion practices, supported by appropriate powers and resourcing for the Commissioner to issue practice guidelines, educate duty holders, review compliance, and publicly report on the process and outcome.