WOMEN SPEAK TASMANIA

CONVERSION PRACTICES PROHIBITION BILL 2026

Briefing on Bill 45 (2nd Print) for the Legislative Council — November 2026

WHAT REMAINS THE PROBLEM?

Women Speak Tasmania supports a targeted prohibition on coercive and abusive practices intended to change a person's sexual orientation. However, we do not support including gender identity within the same framework.

We acknowledge that the second print of the Bill includes several improvements. Sermons, pastoral care and prayer are now expressly listed. Parents and guardians are permitted to provide guidance, support and advice. The threshold for investigations has been raised, a five-year review has been included, and some of the concerns around employer liability and retrospectivity have been addressed.

These changes are welcome, but they do not resolve our central concern: the inclusion of gender identity and the uncertainty surrounding what the Bill actually prohibits.

Section 5 continues to define a conversion practice largely by its purpose, regardless of whether the person consents. It also makes clear that an incorrect assumption about a person's sexual orientation or gender identity is not relevant. Section 8 retains the principle that no sexual orientation or gender identity is broken or in need of fixing.

The health exemption is still tied to registered practitioners complying with current professional requirements, and conversion practices directed at children remain classified as child abuse for civil purposes under the Bill.

This brings us back to a very basic question:

What does suppressing a gender identity actually mean in everyday life?

WHAT COULD SUPPRESSION LOOK LIKE IN PRACTICE

The Bill does not provide clear, practical examples of the contemporary conduct it intends to prohibit.

It lists certain activities that do not, by themselves, constitute conversion practices. However, this does not give parents, teachers or health professionals much certainty about where the boundaries lie.

For example, would declining to affirm a child's claimed gender identity amount to suppression? What about questioning the reasons behind a child's distress, exploring possible contributing factors or adopting a watchful-waiting approach?

These are not abstract legal questions. They reflect situations families are already facing.

The following anonymised accounts, drawn from testimonies provided to the Attorney-General, illustrate why this uncertainty matters.

Example 1 — A parent who declines to affirm

One mother described how her 16-year-old daughter declared a male identity. The family made it clear that they would not affirm this identity. The daughter was subsequently referred to the Tasmanian Gender Service without the family's full involvement.

The mother later raised concerns about school programs teaching children that they could change sex and questioned the evidence being presented. She experienced professional consequences for speaking out.

Under a definition based on purpose, the family's refusal to affirm and the mother's questions about the possible causes of her daughter's distress could potentially be characterised as attempts to suppress a gender identity.

Example 2 — Asking clinicians to consider other explanations

Another mother described her daughter's experience of gender distress alongside autism, psychosis and anorexia. The parents wanted clinicians to consider whether autism, trauma or other factors might be contributing to their daughter's distress before proceeding with an affirming approach.

Instead, they were corrected for using female pronouns and told they needed to educate themselves. They struggled to find a clinician willing to explore the situation without starting from an assumption that affirmation was the appropriate response.

Parents should be able to ask questions about their child's mental health and request a thorough assessment. Yet it is difficult to see how the Bill's broad definition would

provide them with sufficient certainty that this approach could not be interpreted as an attempt to suppress an identity.

Example 3 — When parents cannot provide the affirmation sought

A mother of two adult sons described how both later identified as transgender women. She was unable to provide the affirmation they wanted, and contact between them eventually ceased.

Although these were adults making their own decisions, the account raises an important question about the expectations placed on family members.

Can a parent disagree with an adult child's understanding of their identity? Can they decline to use a new name or pronouns, or express their concerns, without that disagreement being treated as an attempt to suppress an identity?

The Bill's definition does not require consent, and the civil prohibition does not necessarily require evidence of injury. This makes the boundaries particularly important.

Example 4 — Seeking an exploratory approach to healthcare

Another mother described finding cross-sex hormones hidden in her son's room. The parents tried to understand what was happening and sought a clinician who would assess their son and explore the circumstances rather than immediately affirm a particular identity.

Their son subsequently left home and cut contact.

The parents were trying to understand a sudden and distressing change in their child's life. Seeking an assessment that considers different possibilities should not be confused with an attempt to force a particular outcome.

Yet the Bill does not give families sufficient clarity about how such conduct would be treated.

WHY THE EXEMPTIONS DO NOT RESOLVE THE PROBLEM

We recognise that the second print includes some important exemptions. Section 5(4)(f), for example, allows parents and guardians to provide guidance, support and advice. Section 5(4)(i) also makes provision for health practitioners to explore a person's identity without directing them towards a particular outcome.

These are welcome additions. However, they do not fully address the underlying uncertainty.

The exemptions say that certain activities do not, by themselves, constitute conversion practices. They do not establish clear protections for parents who question an identity, clinicians who want to investigate possible contributing factors, or families who believe a cautious approach is appropriate.

Nor do they remove the possibility of a complaint or investigation where someone interprets the conduct differently.

For a parent or professional, the concern is not simply whether they might ultimately be found to have breached the law. It is whether ordinary conversations, questions and decisions could expose them to a complaint and investigation in the first place.

The legislation needs to provide greater certainty, particularly when children are involved.

WHAT WE ASK THE LEGISLATIVE COUNCIL TO CONSIDER

Women Speak Tasmania asks Legislative Council members to:

1. Reject the Bill in its present form or, at a minimum, remove gender identity from the definition of conversion practices.
2. If legislation proceeds, require clear and practical examples of the conduct Parliament intends to prohibit, rather than relying on broad definitions and exclusions.
3. Include express protections for differential assessment, consideration of co-existing conditions, discussion of sexual orientation, desistance and detransition, and ordinary parental guidance that does not involve coercion.
4. Establish a parliamentary inquiry that can hear confidential evidence from parents, clinicians and detransitioners before the legislation proceeds further.
5. Avoid legislating ahead of the NHMRC review and the opportunity to consider its findings.

CHILDREN DESERVE CAREFUL CONSIDERATION, NOT ASSUMPTIONS

A child experiencing distress deserves to be listened to, understood and properly assessed. Parents should be able to ask questions, explore possible explanations and seek appropriate professional advice without fearing that their actions could be interpreted as unlawful.

Protecting people from coercion and abuse is important. But legislation must also protect the ability of families and professionals to have difficult conversations, question assumptions and consider different approaches.

The amendments have addressed some concerns, but the central problem remains. Before Parliament imposes these far-reaching consequences, it must be clear about what conduct it intends to prohibit and how the law will affect families in practice.

Clarity must come before legislation that can carry civil, criminal and child-abuse consequences.

Women Speak Tasmania
November 2026