



The Greens' draft legislation *is not limited* to “coercive and harmful” practices

It is false to claim that the Tasmanian Greens' draft legislation is limited only to “coercive and harmful” practices.

The draft legislation is targeted at a broad range of activity, including consensual non-coercive conversations, regardless of whether they are harmful.

Coercion and consent

The draft expressly addresses consensual and non-coercive activities, including conversations, advice and prayer. The foundational definition of “conversion practice” in the legislation expressly excludes considering consent:

In this Act, *conversion practice* means a practice or conduct directed towards a person, whether with or without the person's consent –

Advice about chastity, relationships or sexual conduct would be characterised as “inducing suppression”, even where the person freely seeks the advice and remains free to accept or reject it.

Harm

The draft applies criminal sanctions to activities regardless of harm. Section 9 applies where a person engages in a conversion practice and:

... is reckless as to whether the conversion practice will cause injury to the person.

This means that, even if no injury occurs, a person may face criminal liability because they were said to have disregarded a risk of injury. If a court accepts activist's claims that all “conversion practices” are harmful by definition, then any single consensual conversation might be considered to be “reckless” and risk criminal prosecution – even if no harm is caused.

In relation to children, Section 10 expressly provides:

It is not necessary to prove that the child suffered injury as a result of the conversion practice.

A single consensual and non-coercive interaction may therefore attract indictable criminal liability even where no injury occurred.