



Australian Capital Territory

# **Sexuality and Gender Identity Conversion Practices Act 2020**

**A2020-49**

**Republication No 1**

**Effective: 4 March 2021 – 4 March 2024**

Republication date: 4 March 2021

Act not amended

## About this republication

### The republished law

This is a republication of the *Sexuality and Gender Identity Conversion Practices Act 2020* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 4 March 2021. It also includes any commencement, repeal or expiry affecting this republished law.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register ([www.legislation.act.gov.au](http://www.legislation.act.gov.au)). For more information, see the home page for this law on the register.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the *Legislation Act 2001*, section 95.

### Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$160 for an individual and \$810 for a corporation (see *Legislation Act 2001*, s 133).



Australian Capital Territory

# Sexuality and Gender Identity Conversion Practices Act 2020

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R1  
04/03/21

Sexuality and Gender Identity Conversion Practices  
Act 2020  
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Australian Capital Territory

# Sexuality and Gender Identity Conversion Practices Act 2020

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An Act about conversion practices relating to sexuality and gender identity, and  
for other purposes

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R1  
04/03/21

Sexuality and Gender Identity Conversion Practices  
Act 2020

page 1

Effective: 04/03/21-04/03/24

## Part 1 Preliminary

### 1 Name of Act

This Act is the *Sexuality and Gender Identity Conversion Practices Act 2020*.

### 3 Dictionary

The dictionary at the end of this Act is part of this Act.

*Note 1* The dictionary at the end of this Act defines certain terms used in this Act, and includes references (*signpost definitions*) to other terms defined elsewhere in this Act.

For example, the signpost definition ‘*gender identity*—see the [Discrimination Act 1991](#), dictionary.’ means that the term ‘gender identity’ is defined in that dictionary and the definition applies to this Act.

*Note 2* A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see [Legislation Act](#), s 155 and s 156 (1)).

### 4 Notes

A note included in this Act is explanatory and is not part of this Act.

*Note* See the [Legislation Act](#), s 127 (1), (4) and (5) for the legal status of notes.

## 5 Offences against Act—application of Criminal Code etc

Other legislation applies in relation to offences against this Act.

*Note 1 Criminal Code*

The [Criminal Code](#), ch 2 applies to all offences against this Act (see Code, pt 2.1).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg *conduct*, *intention*, *recklessness* and *strict liability*).

*Note 2 Penalty units*

The [Legislation Act](#), s 133 deals with the meaning of offence penalties that are expressed in penalty units.

## 6 Objects of Act

The objects of this Act are—

- (a) to affirm that—
  - (i) all people have characteristics of sexuality and gender identity; and
  - (ii) no combination of those characteristics constitutes a disorder, disease, illness, deficiency, disability or shortcoming; and
- (b) to recognise and prevent the harm caused by sexuality and gender identity conversion practices.

*Note* A person may make a complaint to the human rights commission about sexuality and gender identity conversion practices (see [Human Rights Commission Act 2005](#), s 43 and div 4.2D).

## Part 2 Sexuality and gender identity conversion practices

### 7 Meaning of *sexuality or gender identity conversion practice*

(1) In this Act:

*sexuality or gender identity conversion practice* means a treatment or other practice the purpose, or purported purpose, of which is to change a person's sexuality or gender identity.

(2) However, *sexuality or gender identity conversion practice* does not include a practice the purpose of which is to—

- (a) assist a person who is undergoing a gender transition; or
- (b) assist a person who is considering undergoing a gender transition; or
- (c) assist a person to express their gender identity; or
- (d) provide acceptance, support or understanding of a person; or
- (e) facilitate a person's coping skills, social support or identity exploration and development.

#### Examples—s (2)

- diagnosis and assessment of a person with gender dysphoria or gender non-conforming behaviour or identity
- support for a person with social adjustments related to gender dysphoria
- gender-affirming hormone treatment



- other gender transition services, for example, speech pathology services for a transgender or gender-diverse person who wishes to alter their voice and communication to better align with their gender identity
- support for a person exploring and expressing their sexuality

*Note* Under the *Human Rights Act 2004*, s 14, a person has the right to freedom of thought, conscience and religion, including the freedom to demonstrate their religion or belief in worship, observance, practice and teaching, either individually or as part of a community and whether in public or private. It is not intended that a mere expression of a religious tenet or belief would constitute a sexuality or gender identity conversion practice.

- (3) Also, *sexuality or gender identity conversion practice* does not include a practice by a health service provider that, in the provider's reasonable professional judgment, is necessary to—
- (a) provide a health service in a manner that is safe and appropriate; or
  - (b) comply with the provider's legal or professional obligations.

- (4) In this section:

*health service*—see the *Health Act 1993*, section 5.

*health service provider*—see the *Health Act 1993*, section 7.

## **8 Offence—performing conversion practice on protected person**

- (1) A person commits an offence if—
- (a) the person performs a sexuality or gender identity conversion practice on another person (the *recipient*); and
  - (b) the recipient is a protected person.

Maximum penalty: 150 penalty units, imprisonment for 12 months or both.

- (2) A person commits an offence against subsection (1) whether or not the recipient, or a parent or guardian of the recipient, consented to the practice.

**9 Offence—removing protected person from ACT for conversion practice**

A person commits an offence if—

- (a) the person removes another person (the *recipient*) from the ACT; and
- (b) the recipient is a protected person; and
- (c) the removal is for the purpose of a sexuality or gender identity conversion practice being performed on the recipient.

Maximum penalty: 150 penalty units, imprisonment for 12 months or both.

## Part 3                      Review of Act

### 10                      Review of Act

- (1) The Minister must review the operation of this Act, and the amendments of other territory laws made by this Act, and present a report of the review to the Legislative Assembly as soon as practicable after the end of its 2nd year of operation.

*Note*                      A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see [Legislation Act](#), s 104).

- (2) This part expires 3 years after the day it commences.

## Dictionary

(see s 3)

*Note 1* The [Legislation Act](#) contains definitions and other provisions relevant to this Act.

*Note 2* For example, the [Legislation Act](#), dict, pt 1, defines the following terms:

- ACT
- penalty unit (see s 133)
- person (see s 160).

***gender identity***—see the [Discrimination Act 1991](#), dictionary.

***impaired decision-making ability***—see the [Guardianship and Management of Property Act 1991](#), section 5.

***protected person*** means—

- (a) a child; or
- (b) a person who has impaired decision-making ability in relation to a matter relating to the person’s health or welfare.

***sexuality***—see the [Discrimination Act 1991](#), dictionary.

***sexuality or gender identity conversion practice***—see section 7.

## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired

## Endnotes

3 Legislation history

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### 3 Legislation history

#### **Sexuality and Gender Identity Conversion Practices Act 2020 A2020-49**

notified LR 4 September 2020

s 1, s 2 commenced 4 September 2020 (LA s 75 (1))

remainder commenced 4 March 2021 (s 2)

## 4 Amendment history

### Commencement

s 2 om LA s 89 (4)

### Review of Act

pt 3 hdg exp 4 March 2024 (s 10 (2))

### Review of Act

s 10 exp 4 March 2024 (s 10 (2))

### Consequential amendments

pt 4 hdg om LA s 89 (3)

### Legislation amended—sch 1

s 11 om LA s 89 (3)

### Human Rights Commission Act 2005—Consequential amendments

sch 1 om LA s 89 (3)

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