



# Conversion Practices Prohibition Legislation Act 2022

Public Act 2022 No 1  
Date of assent 18 February 2022  
Commencement see section 2

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**The Parliament of New Zealand enacts as follows:**

**1 Title**

This Act is the Conversion Practices Prohibition Legislation Act 2022.

**2 Commencement**

- (1) This Act, except the provisions specified in subsection (2), comes into force on the day after the date on which it receives the Royal assent.
- (2) The following provisions come into force 6 months after the date on which this Act receives the Royal assent:
  - (a) subpart 2 of Part 2:
  - (b) Part 3.

**Part 1**  
**Preliminary provisions**

**3 Purpose of this Act**

The purpose of this Act is to—

- (a) recognise and prevent harm caused by conversion practices; and
- (b) promote respectful and open discussions regarding sexuality and gender.

**4 Interpretation**

In this Act, unless the context otherwise requires,—

**conversion practice** has the meaning given to it in section 5

**health practitioner** has the same meaning as in section 5(1) of the Health Practitioners Competence Assurance Act 2003

**health service** has the same meaning as in section 5(1) of the Health Practitioners Competence Assurance Act 2003

**serious harm**, in relation to an individual, means any physical, psychological, or emotional harm that seriously affects the health, safety, or welfare of the individual.

## 5 Meaning of conversion practice

- (1) In this Act, **conversion practice** means any practice, sustained effort, or treatment that—
- (a) is directed towards an individual because of the individual’s sexual orientation, gender identity, or gender expression; and
  - (b) is done with the intention of changing or suppressing the individual’s sexual orientation, gender identity, or gender expression.
- (2) However, **conversion practice** does not include—
- (a) any action that a health practitioner takes when providing a health service if the health practitioner—
    - (i) considers in their reasonable professional judgement it is appropriate to take that action; and
    - (ii) complies with all legal, professional, and ethical standards when taking the action; or
  - (b) assisting an individual who is undergoing, or considering undergoing, a gender transition; or
  - (c) assisting an individual to express their gender identity; or
  - (d) providing acceptance, support, or understanding of an individual; or
  - (e) facilitating an individual’s coping skills, development, or identity exploration, or facilitating social support for the individual; or
  - (f) the expression only of a belief or a religious principle made to an individual that is not intended to change or suppress the individual’s sexual orientation, gender identity, or gender expression.

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### Examples of conversion practices

The following are examples of a conversion practice if each practice, sustained effort, or treatment described is directed towards an individual because of that individual’s sexual orientation, gender identity, or gender expression:

- using shame or coercion intending to give an individual an aversion to same-sex attractions or to encourage gender-conforming behaviour;
- encouraging an individual to believe that their sexual orientation, gender identity, or gender expression needs changing because it is a defect or disorder;
- carrying out a prayer-based practice, a deliverance practice, or an exorcism intending to change or suppress an individual’s sexual orientation, gender identity, or gender expression.

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Compare: Public Health Act 2005 s 213F (Qld); Sexuality and Gender Identity Conversion Practices Act 2020 s 7 (ACT); Change or Suppression (Conversion) Practices Prohibition Act 2021 s 5 (Vic)

## 6 Transitional, savings, and related provisions

The transitional, savings, and related provisions (if any) set out in Schedule 1 have effect according to their terms.

**7 Act binds the Crown**

This Act binds the Crown.

**Part 2****Offences and civil liability in relation to conversion practices****Subpart 1—Offences relating to conversion practices****8 Offence to perform conversion practice on person under age of 18 years or lacking decision-making capacity**

- (1) A person commits an offence if the person performs a conversion practice on an individual and knows that, or is reckless as to whether, the individual—
- (a) is under the age of 18 years; or
  - (b) lacks, wholly or partly, the capacity to understand the nature, and to foresee the consequences, of decisions in respect of matters relating to their health or welfare.
- (2) A person who commits an offence under subsection (1) is liable on conviction to a term of imprisonment not exceeding 3 years.

Compare: Public Health Act 2005 s 213H (Qld); Sexuality and Gender Identity Conversion Practices Act 2020 s 8 (ACT)

**9 Offence to perform conversion practice that causes serious harm**

- (1) A person commits an offence if the person performs a conversion practice on an individual that causes serious harm to the individual and the person—
- (a) knew that performing the conversion practice would cause serious harm to the individual; or
  - (b) was reckless as to whether the performance of the conversion practice would cause serious harm to the individual.
- (2) A person who commits an offence under subsection (1) is liable on conviction to a term of imprisonment not exceeding 5 years.

Compare: Change or Suppression (Conversion) Practices Prohibition Act 2021 s 10 (Vic)

**10 Consent not defence**

It is not a defence to a charge under section 8 or 9 that—

- (a) the individual on whom the conversion practice was performed, or a person on behalf of that individual, consented to the performance of that practice; or
- (b) the person charged believed that such consent was given.

Compare: 1961 No 43 ss 204A(6), 204B(4)

**11 Person on whom conversion practice performed not party to offence**

A person on whom a conversion practice is performed may not be charged as a party to an offence committed on them under section 8 or 9.

Compare: 1961 No 43 ss 204A(7), 204B(5)

**12 No prosecution without Attorney-General's consent**

No prosecution for an offence against section 8 or 9 may be instituted without the consent of the Attorney-General.

Compare: 1993 No 82 s 132

**Subpart 2—Civil liability relating to conversion practices****13 Complaint may be made under Human Rights Act 1993**

A person may make a complaint under the Human Rights Act 1993 alleging that there has been a breach of section 63A of that Act.

**Part 3****Amendment to Human Rights Act 1993****14 Principal Act**

This Part amends the Human Rights Act 1993.

**15 New section 63A inserted (Conversion practices)**

After section 63, insert:

**63A Conversion practices**

- (1) It is unlawful for any person to—
  - (a) perform a conversion practice on any other person; or
  - (b) arrange for a conversion practice to be performed on any other person.
- (2) In this section, **conversion practice** has the same meaning as in section 5 of the Conversion Practices Prohibition Legislation Act 2022.

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## Schedule 1

### Transitional, savings, and related provisions

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### Part 1

#### Provisions relating to this Act as enacted

There are no transitional, savings, or related provisions relating to this Act as enacted.

#### Legislative history

30 July 2021	Introduction (Bill 56–1)
5 August 2021	First reading and referral to Justice Committee
2 February 2022	Reported from Justice Committee (Bill 56–2)
8 February 2022	Second reading
9 February 2022	Committee of the whole House
15 February 2022	Third reading
18 February 2022	Royal assent

This Act is administered by the Ministry of Justice.