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**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

**VARIATION IN SEX CHARACTERISTICS (RESTRICTED MEDICAL
TREATMENT) BILL 2023**

SUPPLEMENTARY EXPLANATORY STATEMENT

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VARIATION IN SEX CHARACTERISTICS (RESTRICTED MEDICAL TREATMENT) BILL 2023

This Supplementary Explanatory Statement is for government amendments to the Variation in Sex Characteristics (Restricted Medical Treatment) Bill 2023.

Section 7(2) of the Bill contains a definition of “sex characteristics”:

sex characteristics—

(a) means a person’s chromosomal, gonadal or anatomical sex; and

(b) includes—

(i) the person’s hormones that are related to sex; and

(ii) the sexual and reproductive parts of the person’s anatomy; and

(iii) the person’s secondary physical features emerging as a result of puberty.

Where the term “sex characteristics” is used elsewhere in the Bill, and it is intended to have the same meaning as in section 7(2), a subsection is used to provide a cross-reference to the relevant definition.

The Bill contains two such cross-referrals to the definition in section 7(2). These are in section 8 (Meaning of *restricted medical treatment*) and section 43 (Reporting treatment in relation to sex characteristics).

The Bill omitted to include a cross-referral to the definition in one section that uses the term “sex characteristics”: section 13 (Assessment criteria—general and individual treatment plans).

The provisions of section 43 do not use the term “sex characteristics”, therefore the cross-referral is unnecessary.

These amendments correct these two technical matters.

CLAUSE NOTES

Clause 1

This clause inserts a cross-reference in section 13 of the Bill to the definition in section 7(2) of “sex characteristics”.

Clause 2

This clause deletes a cross-reference in section 43 of the Bill to the definition in section 7(2) of “sex characteristics”.