

Australian Capital Territory

Variation in Sex Characteristics (Restricted Medical Treatment) Regulation 2023

Subordinate Law SL2023-35

The Australian Capital Territory Executive makes the following regulation under the [Variation in Sex Characteristics (Restricted Medical Treatment) Act 2023](http://www.legislation.act.gov.au/a/2023-23).

Dated 8 December 2023.

Andrew Barr

Chief Minister

Rachel Stephen-Smith

Minister



Australian Capital Territory

Variation in Sex Characteristics (Restricted Medical Treatment) Regulation 2023

Subordinate Law SL2023-35

made under the

[Variation in Sex Characteristics (Restricted Medical Treatment) Act 2023](http://www.legislation.act.gov.au/a/2023-23" \o "A2023-23)

Contents

Page

[1 Name of regulation 1](#_Toc149305981)

[2 Commencement 1](#_Toc149305982)

[3 Excluded conditions—Act, s 7 (1), def *variation in sex characteristics*, par (c) 1](#_Toc149305983)

[4 Temporary restricted medical treatment—Act, s 8 (1), def *restricted medical treatment*, par (b) 1](#_Toc149305984)

[5 Operation of assessment committee—additional requirements—Act, s 18 (4) 1](#_Toc149305985)

[6 Membership of assessment board—criteria for medicine category—Act, s 31 (6) 2](#_Toc149305986)

[7 Membership of assessment board—criteria for variation in sex characteristics category—Act, s 31 (6) 2](#_Toc149305987)

[8 Membership of assessment board—criteria for provision of psychosocial support category—Act, s 31 (6) 2](#_Toc149305988)

[9 Reporting treatment in relation to sex characteristics—Act, s 43 (1) (b) (iv) 3](#_Toc149305989)

[10 Reportable treatment—Act, s 43 (2), def *reportable treatment*, par (c) 3](#_Toc149305990)

1 Name of regulation

This regulation is the *Variation in Sex Characteristics (Restricted Medical Treatment) Regulation 2023*.

2 Commencement

(1) This regulation (other than section 9) commences on 23 December 2023.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), s 75 (1)).

(2) Section 9 commences on 23 December 2024.

3 Excluded conditions—Act, s 7 (1), def variation in sex characteristics, par (c)

The following conditions are prescribed:

(a) bladder exstrophy;

(b) epispadias;

(c) hypospadias, other than proximal hypospadias with cryptorchidism;

(d) polycystic ovary syndrome;

(e) undescended testis.

4 Temporary restricted medical treatment—Act, s 8 (1), def restricted medical treatment, par (b)

Vaginal dilation is prescribed.

5 Operation of assessment committee—additional requirements—Act, s 18 (4)

An assessment committee must keep minutes of its meetings.

6 Membership of assessment board—criteria for medicine category—Act, s 31 (6)

A person appointed for the category mentioned in the [Act](https://www.legislation.act.gov.au/a/2023-23/), section 31 (1) (b) (ii) must have qualifications or expertise in at least 1 of the following areas:

(a) adolescent and young adult medicine;

(b) clinical genetics;

(c) general paediatrics;

(d) neonatology;

(e) paediatric endocrinology;

(f) paediatric or adolescent gynaecology;

(g) paediatric urology.

7 Membership of assessment board—criteria for variation in sex characteristics category—Act, s 31 (6)

A person appointed for the category mentioned in the [Act](https://www.legislation.act.gov.au/a/2023-23/), section 31 (1) (b) (iv) must have lived experience of a variation in sex characteristics.

Examples

1 a person with a variation in sex characteristics

2 a parent of, or carer for, a person with a variation in sex characteristics

8 Membership of assessment board—criteria for provision of psychosocial support category—Act, s 31 (6)

A person appointed for the category mentioned in the [Act](https://www.legislation.act.gov.au/a/2023-23/), section 31 (1) (b) (v) must have qualifications or experience in providing—

(a) psychological support; or

(b) social work services; or

(c) counselling, including genetic counselling, services; or

(d) support or care for the psychosocial needs of people with a variation in sex characteristics.

9 Reporting treatment in relation to sex characteristics—Act, s 43 (1) (b) (iv)

(1) The following information is prescribed:

(a) details of each reportable treatment undertaken;

(b) the date the reportable treatment started.

(2) In this section:

reportable treatment—see the [Act](https://www.legislation.act.gov.au/a/2023-23/), section 43 (2).

10 Reportable treatment—Act, s 43 (2), def reportable treatment, par (c)

The following conditions are prescribed:

(a) bladder exstrophy;

(b) epispadias;

(c) hypospadias, other than proximal hypospadias with cryptorchidism;

(d) polycystic ovary syndrome;

(e) undescended testis.

Note This section prescribes conditions that are excluded under s 3 from the general application of the [Act](https://www.legislation.act.gov.au/a/2023-23/) but which are still subject to reporting requirements in the [Act](https://www.legislation.act.gov.au/a/2023-23/), s 43 and s 44.

Endnotes

1 Notification

Notified under the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14) on 14 December 2023.

2 Republications of amended laws

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au/).

© Australian Capital Territory 2023