



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*.

Dated 8 December 2023.

ANDREW BARR
Chief Minister

RACHEL STEPHEN-SMITH
Minister



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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](#), 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](#), 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](#), 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](#), 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](#), 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](#) but which are still subject to reporting requirements in the [Act](#), s 43 and s 44.

Endnotes

1 Notification

Notified under the [Legislation Act](#) on 14 December 2023.

2 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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