



Australian Capital Territory

# **Variation in Sex Characteristics (Restricted Medical Treatment) Regulation 2023**

**SL2023-35**

made under the

**Variation in Sex Characteristics (Restricted Medical Treatment)  
Act 2023**

**Republication No 1**

**Effective: 23 December 2023 – 22 December 2024**

Republication date: 23 December 2023

Regulation not amended

Not all provisions are in force: see last endnote

## About this republication

### The republished law

This is a republication of the *Variation in Sex Characteristics (Restricted Medical Treatment) Regulation 2023*, made under the *Variation in Sex Characteristics (Restricted Medical Treatment) Act 2023* (including any amendment made under the [Legislation Act 2001](#), part 11.3 (Editorial changes)) as in force on 23 December 2023. 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 amendments

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).



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23/12/23

Variation in Sex Characteristics (Restricted Medical  
Treatment) Regulation 2023  
Effective: 23/12/23-22/12/24

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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.

**U 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 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

#### **Variation in Sex Characteristics (Restricted Medical Treatment) Regulation 2023 SL2023-35**

notified LR 14 December 2023

s 1, s 2 commenced 14 December 2023 (LA s 75 (1))

s 9 awaiting commencement

remainder commenced 23 December 2023 (s 2 (1))

### 4 Uncommenced provisions

Section 9 was uncommenced at the republication date but has been included in this republication with the symbol U immediately before the provision heading.

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