

# EXPOSURE DRAFT

**Chief Minister**

(Prepared by Parliamentary Counsel's Office)

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

**Subordinate Law SL2023-**

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The Australian Capital Territory Executive makes the following regulation under the *Variation in Sex Characteristics (Restricted Medical Treatment) Act 2023*.

Dated 2023.

Chief Minister

Minister

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Variation in Sex Characteristics (Restricted Medical Treatment) Act 2023

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**EXPOSURE DRAFT**

**1 Name of regulation**

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

**2 Commencement**

This regulation commences on the commencement of the *Variation in Sex Characteristics (Restricted Medical Treatment) Act 2023*, section 3.

*Note* The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

**3 Included conditions—Act, s 7 (1), def *variation in sex characteristics*, par (b)**

A congenital condition mentioned in table 3, column 2 is prescribed.

**Table 3**

column 1 item	column 2 prescribed congenital condition	column 3 alternative names or acronyms by which the prescribed condition may be known
1	17-beta-hydroxysteroid dehydrogenase deficiency	<ul style="list-style-type: none"><li>• 17<math>\beta</math>-Hydroxysteroid dehydrogenase III deficiency</li></ul>
2	48XXXX/XXXX Syndrome	<ul style="list-style-type: none"><li>• Tetrasomy X</li><li>• Quadruple X</li></ul>
3	49XXXXX, XXXXX Syndrome	<ul style="list-style-type: none"><li>• Pentasomy X</li></ul>
4	5-alpha reductase deficiency	<ul style="list-style-type: none"><li>• 5-ARD</li><li>• Pseudovaginal perineoscrotal hypospadias</li><li>• PPSH</li></ul>

column 1 item	column 2 prescribed congenital condition	column 3 alternative names or acronyms by which the prescribed condition may be known
5	Androgen Insensitivity Syndrome	<ul style="list-style-type: none"> <li>• AIS</li> <li>• androgen resistance</li> <li>• testicular feminisation</li> </ul>
6	aphallia	
7	clitoromegaly	<ul style="list-style-type: none"> <li>• enlarged clitoris</li> </ul>
8	Complete Androgen Insensitivity Syndrome	<ul style="list-style-type: none"> <li>• CAIS</li> </ul>
9	Congenital Adrenal Hyperplasia	<ul style="list-style-type: none"> <li>• Adrenogenital Syndrome</li> <li>• CAH</li> </ul>
10	De la Chapelle Syndrome	<ul style="list-style-type: none"> <li>• XX Male Syndrome</li> </ul>
11	Follicle-Stimulating Hormone Insensitivity	<ul style="list-style-type: none"> <li>• FSH</li> </ul>
12	Fraser Syndrome	<ul style="list-style-type: none"> <li>• Fraser-François Syndrome</li> <li>• Meyer-Schwickerath Syndrome</li> <li>• Ullrich-Feichtiger Syndrome</li> </ul>
13	gonadal dysgenesis (partial or complete)	
14	isolated 17,20-lyase deficiency	<ul style="list-style-type: none"> <li>• ILD</li> </ul>
15	Jacobs Syndrome	<ul style="list-style-type: none"> <li>• XYY Syndrome</li> </ul>
16	Kallmann Syndrome	
17	Klinefelter Syndrome, including 47XXY, 48XXXY or 49XXXXY variations	<ul style="list-style-type: none"> <li>• XXY Syndrome</li> </ul>
18	Leydig cell hypoplasia	

column 1 item	column 2 prescribed congenital condition	column 3 alternative names or acronyms by which the prescribed condition may be known
19	Mayer-Rokitansky-Küster-Hauser Syndrome	<ul style="list-style-type: none"> <li>• MRKH</li> <li>• Müllerian (duct) aplasia</li> <li>• Müllerian agenesis</li> <li>• vaginal agenesis</li> </ul>
20	micropenis	
21	Mild Androgen Insensitivity Syndrome	<ul style="list-style-type: none"> <li>• MAIS</li> </ul>
22	mosaicism or chimerism involving sex chromosomes	
23	Non-classical Congenital Adrenal Hyperplasia	<ul style="list-style-type: none"> <li>• NCAH</li> </ul>
24	ovo-testes	<ul style="list-style-type: none"> <li>• true hermaphroditism</li> <li>• ovotesticular disorder</li> </ul>
25	Partial Androgen Insensitivity Syndrome	<ul style="list-style-type: none"> <li>• PAIS</li> </ul>
26	Persistent Mullerian Duct Syndrome	<ul style="list-style-type: none"> <li>• PMDS</li> </ul>
27	progestin-induced virilisation	
28	proximal hypospadias with cryptorchidism	
29	pseudohermaphroditism	
30	Swyer Syndrome	<ul style="list-style-type: none"> <li>• XY gonadal dysgenesis</li> </ul>

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column 1 item	column 2 prescribed congenital condition	column 3 alternative names or acronyms by which the prescribed condition may be known
31	Triple-X Syndrome	<ul style="list-style-type: none"> <li>• 47XXX</li> <li>• triple-X</li> <li>• trisomy X</li> <li>• XXX</li> <li>• XXX syndrome</li> </ul>
32	Turner Syndrome	<ul style="list-style-type: none"> <li>• 45X0 or 45X</li> <li>• gonadal dysgenesis</li> <li>• Ullrich-Turner Syndrome</li> </ul>
33	XO/XY Mosaics	

**4 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.

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

Vaginal dilation is prescribed.

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

An assessment committee must keep minutes of its meetings.

**7            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 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.

**8            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

**9 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.

**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 5 from the general application of the Act but which are still subject to reporting requirements in the Act, s 43 and s 44.

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## Endnotes

**1 Notification**

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

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