

Intersex Children Protection Act 2018

As passed

The Hon. Drunk_King_Robert MP

A Bill for an Act to protect the bodily autonomy of intersex individuals.

The Parliament of AustraliaSim enacts the following

PART 1 - PRELIMINARY

1. Short Title

This Act may be cited as the *Intersex Protection Act 2018*

2. Commencement

This Act is to commence on the day it receives Royal assent.

3. Objects of this Act

(1) The aim of this act is to establish regulations limiting the practice of Intersex Medical Interventions, so that:

- (a) The right of informed consent for medical procedures is enforced for intersex children.

4. Definitions

In this Act:

Intersex Medical Interventions refers to medical procedures, whether surgical or hormonal, used to modify atypical sex characteristics so as to more closely conform to either male or female sex characteristics.

Age of Majority refers to the age at which a person becomes a legal adult.

Minor refers to any person under the Age of Majority.

Medical Practitioner means a person who is registered under a law of a State or Territory as a medical practitioner.

Psychiatrist means a person who is registered under the Health Practitioner National Law (National Law) as in force in each state and territory registered as a Specialist psychiatrist and is a fellow of the Royal Australian and New Zealand College of Psychiatrists.

PART 2 - APPLICATION

5. Intersex Medical Interventions on minors

- (1) The practice of Intersex Medical Interventions on minors is prohibited.
 - (a) Penalty: Revocation of medical license and up to 1000 penalty units.
- (2) Exceptions are available in cases where:
 - (a) The child both –
 - (i) Has the approval of 1 different Medical Practitioners;
 - (1) Requires an Intersex Medical Intervention for any physically life threatening conditions.
- (3) Exceptions are available for hormone based treatments in cases where:
 - (a) The child-
 - (i) Expresses their wish to transition to male or female over a period of at least 6 months;
 - (ii) Has the approval of 2 different Medical Practitioners;
 - (iii) Has the approval of a legal guardian, or of an appropriate court in the lack or disapproval of such;
 - (iv) the approval of a psychiatrist.

6. Intersex Medical Interventions for those above Age of Majority

- (1) Intersex Medical Interventions may be provided to consenting adults at or above the age of majority.
- (2) Consent shall be validated by an affidavit swearing that the consenting party is:
 - (a) At the age of majority; and,
 - (b) In full capacity to make legal decisions; and,
 - (c) Is making said decision without any coercion, pressure, or under the influence of any medication or drug; and,
 - (d) Has been fully informed of all potential dangers, side effects, or other knowledge that may prevent an individual from consenting to an Intersex Medical Intervention.

Penalty: Revocation of medical license and up to 1000 penalty units on failure to meet this criteria for consent.