

MEDICAL INTERVENTIONS — INTERSEX CHILDREN

1768. Hon Dr Brad Pettitt to the Leader of the House representing the Minister for Health:

I refer to non-essential medical interventions, including surgical and hormonal procedures, that children at Perth Children's Hospital (PCH) are still subjected to without their personal, informed consent. These procedures are often harmful and can leave children to grow up feeling as if they fit into the body that medicine assigned them. Children with intersex variations may have their gonads removed that were safely and effectively producing hormones and then subsequently be required to undergo Hormone Replacement Therapy as a young adult so they can develop. Some children have their genitals 'normalised' to make them fit into the body that medicine assigned them and these procedures are not reversible. These interventions can have lifelong consequences including trauma, shame, scarring, loss of sexual function, loss of sensation and infertility. I also refer to the passing of the *Variations in Sex Characteristics (Restricted Medical Treatment) Bill* in the Australian Capital Territory in June 2023 and to similar reforms that are now being considered in Victoria, and I ask:

- (a) as Health Minister, how are you progressing reforms in Western Australia to protect the human rights and choices of people with innate variations of sex characteristics in medical settings;
- (b) please outline what work is being done by the Health Department to protect the human rights and choices of intersex people in medical settings in Western Australia;
- (c) if no specific work is being done in response to (a), or (b), why not;
- (d) will the Health Minister commit to ending deferrable treatments on intersex people's sex characteristics until they are old enough to participate meaningfully in those decisions;
- (e) if no to (d), why not;
- (f) what actions are being taken to change the *Criminal Code Amendment Act* to protect children with innate variations in sex characteristics from medical interventions without their personal, informed consent;
- (g) if no actions were taken in (f), why not;
- (h) What actions are being taken to change the *Equal Opportunity Act* to protect children with innate variations in sex characteristics from medical interventions without their personal, informed consent;
- (i) if no actions were taken in (h), why not;
- (j) what actions are being taken to change the *Gender Reassignment Act* to protect children with innate variations in sex characteristics from medical interventions without their personal, informed consent;
- (k) if no action were taken in (j), why not; and
- (l) I refer to *Health Policy 109* from the *2022 WA Labor Platform*, which states: "WA Labor supports the rights of intersex people to have agency and autonomy, including in medical settings. WA Labor will ensure effective oversight of clinical practices, and end harmful practices that modify sex characteristics of people with intersex variations without personal informed consent.":
 - (i) why do children with innate variations in sex characteristics continue to be subjected to deferrable and irreversible surgeries in Western Australia;
 - (ii) what specific actions have you taken as Health Minister to protect the rights of people with variations in sex characteristics in medical settings in line with your party's own platform; and
 - (iii) if no actions were taken in (ii), why not?

Hon Sue Ellery replied:

- (a) The WA Government and the Department of Health are committed to supporting LGBTIQ+ people living in WA and are currently progressing a number of important changes to legislation including the *Western Australian Human Reproductive Technology Act 1991* and the *Surrogacy Act 2008*. The WA Government also remains committed reform to the *Equal Opportunity Act 1984* and the abolition of the Gender Reassignment Board.

Another key priority of the Government is to ensure LGBTIQ+ patients' experience of health services is inclusive and meets all physical, mental health and wellbeing needs. This work has been and continues to be progressed as part of a number of actions set out in the *WA Lesbian, Gay, Bisexual, Transgender, Intersex Health Strategy 2019–2024*.

- (b) See answer to (a)
- (c) N/A

- (d) Children with innate variations in sex characteristics only receive surgical intervention due to urgent clinical need to reduce the risk of malignancy and to ensure urinary tract functionality is preserved; the principles followed are that the surgery is required to avoid serious harm where there are no established non-surgical alternatives. Treatment regimens follow internationally accepted guidelines.
- (e)–(l)
 - (i) See answer to (d).
 - (ii) The WA Government is currently progressing legislative reform to assisted reproduction and surrogacy equity of access and treatment, and will consider further reforms to support the LGBTIQ+ community in due course.
 - (iii) See answer to (ii).