



Villamanta Disability  
Rights Legal Service Inc.

# Villamanta Disability Rights Legal Service Inc. Information Sheet

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## Sterilisation

### **What is sterilisation?**

Sterilisation is a medical procedure that stops people from ever being able to have a baby or becoming pregnant. Procedures called hysterectomy and tubal ligation are sterilisation procedures for females. A hysterectomy can also be performed for medical reasons other than sterilisation, for example to stop cancer spreading. A procedure called vasectomy is a procedure for males. Most sterilisation procedures cannot be reversed and last forever.

### **Who has the right to make decisions about whether or not I have a sterilisation?**

The law is different on this, depending on whether you are under 18 years of age or not. If you are under 18 years of age, no one is allowed to perform a sterilisation on you unless the Family Court has approved this. If you are 18 years of age or over, it all depends on whether or not you are able to understand what's involved in making your own decision about whether or not to have a sterilisation.

### **What if I'm over 18 and am able to make my own decision?**

Then no one but you can consent to having a sterilisation.

### **How much do I have to be able to understand about sterilisation to be able to make my own decision on whether or not to have one?**

You have to be able to understand, in general terms, what it means to have a sterilisation. This means you need to be able to understand what the operation will do to you, what risks are involved and what other choices you have available to you.

### **What if I can understand some of this, but not all of it?**

Then the doctor has a responsibility to try to make sure that you can learn to understand those things that you find confusing. There are also agencies and workers who can provide you with information about sterilisations and about what other choices are available to you.

### **What if, even with support, I'm not able, because of having a disability, to understand enough about sterilisation in order to make a decision?**

Then no one can make a decision for you unless they have specifically been given the authority to do this by the Guardianship List of Victorian Civil and Administrative Tribunal. We refer you to our Information Sheet on Medical Treatment and Guardianship which discusses this issue in more detail.

### IMPORTANT NOTE!

Remember - this Information Sheet has been produced only for use in Victoria, Australia. Some of the laws mentioned in this Information Sheet will be different in other places.

**What if I already have a guardian? Is that person allowed to make a decision on my behalf about a sterilisation?**

No. Even if the guardian has been appointed to make decisions about health care, he or she cannot consent to a sterilisation unless the Guardianship List has given specific permission to do so.

**What rights do I have when the Guardianship List are deciding whether or not to appoint a guardian to make a decision about a sterilisation?**

You have the right to have your say at the Guardianship hearing and you also have the right to have an advocate or lawyer there to make sure that the Guardianship List listens to what is best for you.

The Public Advocate should also be at the hearing to make sure that these rights are upheld.

**What is the role of other people, such as parents and carers, in making decisions about whether or not I am to have a sterilisation?**

Doctors can talk to parents and carers if you give permission for this, and if it helps the doctor to work out whether or not the operation is right for you.

If, because of having a disability, you are not able to make your own decision about the sterilisation, then parents and carers may be invited to come along to the Guardianship hearing and the Guardianship List may ask them to say what they think about you having the operation.

**What can I do if someone is telling me that I have to have a sterilisation?**

The first thing to remember is that no one has the legal right to make you have a sterilisation unless either you consent yourself or, if you are unable to consent, consent is given by the Family Court or a guardian appointed specifically for this purpose by the Guardianship and Administration Board. If someone is trying to tell you that you have to have the operation without one of these people consenting to it, they are wrong and you may want to talk to a lawyer or other advocate to support you in doing this.

**What if they still go ahead and perform the operation, without having got proper consent from either myself or from the guardian specifically appointed by the Guardianship List?**

Then the doctor is breaking the law, and is committing an assault on you. You can take legal action against the doctor and ask the courts to award you compensation. If this happens, you should talk to a lawyer as soon as possible.

**What if I have already had a sterilisation performed on me in the past, and I think that this might have been done without having got the proper consent?**

If this has happened then the operation may have been unlawful and you should get legal advice. You may be able to get compensation. If you are thinking of taking this sort of action, you should talk to a lawyer as soon as possible.





### Helpful Hint:

This Information Sheet should be read together with the Villamanta Disability Rights Legal Service Inc. Information Sheets on Guardianship, Appointing an Enduring Guardian and Capacity and Consent.

### Looking for More Information?

If you want more information about having an administrator, you can phone:  
*The Guardianship List of the Victorian  
Civil and Administrative  
Tribunal.*