

13th October 2010

Australian Human Rights Commission
Mr Benjamin Jackson
Level 8 Piccadilly Tower
133 Castlereigh Street
Sydney. 2001.

Re: Your ref 209224 FD:BJ

Good morning Mr Jackson,

Thank you for your letter dated 6th October.

Thank you also for agreeing with my decision to air my grievances to the NSW Health Care Complaints Commission.

With respect, however, I will decide the most appropriate bodies that should be employed to advance my concerns.

Without specific guidance, it was perhaps unrealistic of me to expect a full and complete analysis of my complaint.

Contrary to your simplistic reply, Dr Sxxxxx did not act in isolation in this sorry affair.

Dr Sxxxxx's personal interpretations and decisions will almost certainly be tested by litigation.

Taking a larger view, however, Dr Sxxxxx was afforded the latitude to believe he could legally circumcise my son by the legislative and regulatory framework that controls the delivery of medical services in Australia.

The same legislative and regulatory framework that afforded Dr Sxxxxx the latitude to believe he could legally circumcise my son, specifically, definitely and non-ambiguously prohibits him from performing such surgery on a female.

This level of blatant, systemic discrimination, particularly as it relates to core human rights issues, is clearly within the charter of the Commission and the Acts that it oversees.

Against the backdrop of the Sex Discrimination Act 1984 and the Human Rights and Equal Opportunity Commission Act 1984 would you please separately address the following points:

1. The Commonwealth Government, via Medicare, pays a scheduled rebate for the act of non-medically indicated circumcision of infant males. No similar rebate is payable for female circumcision. The provision of a Medicare scheduled rebate for the 'procedure' of non-medically indicated circumcision of infant males must be seen as a tacit endorsement of the procedure by the Commonwealth Government. If the Commonwealth Government, via Medicare, is seen to be promulgating and promoting a discriminatory act, please advise what immediate steps will be taken to ensure future compliance.
2. Female circumcision is specifically banned in all Australian jurisdictions, although male infant circumcision is not. In other words, an Australian female enjoys total protection in law of her sexual organs from birth. A male does not enjoy that or any other protection. Would you please comment on this obvious discrimination against infant males with reference to the two Acts and detail, comprehensively, why this disparity is tolerated by the Australian Human Rights Commission.
3. The state sanctioned regulatory bodies, including but not limited to the Royal Australian College of General Practitioners and The Royal Australian College of Physicians also treat the issue of circumcision differently depending on the sex of the recipient. Would you please indicate as to whether these and other state sanctioned medical regulatory bodies fall under the auspices of the two Acts listed and, if they are deemed accountable, indicate why the Australian Human Rights Commission allows the obvious inequality to exist.

All this is not to say, of course, that the Commission has no choice in how to proceed.

It may elect not to align the rights of males with the rights of females but rather align the 'rights' of females to that which males enjoy with regard to infant circumcision. I would be grateful to receive an indication regarding which realignment the Commission regards as an enlightened way forward in 2010 Australia.

Yours sincerely,