

7<sup>th</sup> May, 2012

Attorney General's Department  
Ms Cathy Rainsford  
Principal Legal Officer – Family Law Branch  
3-5 National Circuit  
Barton. ACT 2600

cc: The Honourable Justice Strickland – Family Law Court of Australia  
Mr Barry O’Farrell - NSW Premier  
Mr Greg Smith - NSW Attorney-General  
Mr David Clarke MLC – NSW Parliamentary Secretary for Justice  
Mr Warwick Marshall - Tasmanian Law Reform Institute  
Ms Megan Mitchell - NSW Commissioner for Children and Young People  
Ms Lou-Anne Lind - NSW Commission for Children and Young People  
Mr Paul Mason – Barrister  
Mr Robert Darby  
Dr George Williams - Paediatrician  
Ms Justine McKay – NSW Health Care Complaints Commission  
Mr Bob Brown – Senator  
Mr Walter Victor – CFO, QBE Insurance Ltd  
Ms Mandy Anderson - MIGA

NSW Govt ref: IM11/3346 File10/005444 Matter11/003630  
AG10/06518 File 10/005444 Matter 10/007258  
AG12/01713 File 10/005444 Matter 12/001047  
M10/6577 eA1613153

NSW HCCC ref: 10/02194

AHRC ref: 209224FD:BJ

MIGA ref: CSM:LH

Your ref: AG-MC11/13774

Good morning Ms Rainsford,

Thank you for your letter dated the 12th April 2012. A copy of your letter is attached. This correspondence, as well as all previous correspondence from you and others, can be found at [www.MyCircumcisionDisgrace.org](http://www.MyCircumcisionDisgrace.org).

If you'll indulge me, it's important that I go on record in a number of areas. You have made it clear that you will not be replying to this or subsequent letters. Thank you for your candor.

1. A summary of my son's and my situation
2. My domain name [www.MyCircumcisionDisgrace.org](http://www.MyCircumcisionDisgrace.org)
3. Your recommendation that I seek legal advice
4. Previous cases where parents disagreed on circumcision, including the example previously provided in matter AD 4887 of 2002 – The Honourable Justice Strickland
5. The autonomous parental responsibilities contained with the Family Law Act
6. The future of non-medically indicated infant male circumcision in Australia
7. The future for my son

### **1. A summary of my son's and my situation**

In 2010 my partner submitted our little boy, then six weeks old, to be circumcised because she has a sexual preference for circumcised men. The consent form was signed by her alone immediately prior to the surgery and acknowledged that our little boy's death was a possible consequence of the surgery. The doctor did not display any interest in my views and was (apparently) principally concerned with how payment was to be made.

The message has been steadfastly delivered to me ever since that this sequence of events is fully supported, justified and made legal by the Family Law Act.

### **2. My domain name [www.MyCircumcisionDisgrace.org](http://www.MyCircumcisionDisgrace.org)**

I note your recent assertion that *"Unfortunately neither I nor the Attorney-General's Department is able to provide further assistance to you at this time"*. Firstly, Ms Rainsford, any assistance that you may or may not give is of no benefit to me, or my son. His circumcision is permanent and my lack of consent to it is similarly permanent. The assistance which you are refusing to advance could only advantage the next infant and parent that this situation visits.

Secondly, and with the greatest of respect, I, not you, will determine when you or the Attorney-General's Department can or cannot offer further assistance. Even if you elect to ignore all my future correspondence you are still, although unintentionally perhaps, offering assistance.

I recently entered your name into one of the popular internet search engines. Your work in the public arena of family law is laudable and well chronicled in the first page of results. Also ranking on the first page, however, are links to your communications to me. As yet, I have not done anything to inflate the page ranking in any way; this ranking has been achieved solely on the weight of traffic that downloading your correspondence from my site has caused.

As at the time of writing, my site has received just short of 6500 unique visitors. While most emanate from America, the UK and Europe, over 600 Australians have taken the time to read my son's and my story.

In all, I have received just over 500 emails from the site. Although I understand that statistically the respondents form a very jaundiced sample pool, all but 6 people have expressed their absolute dismay at my son's and my circumstance. Disparaging remarks as to political and bureaucratic performance, ethical standards and laziness are almost universal. Many people required considerable persuasion in order to believe that my son could possibly have been circumcised without my consent.

Of the 6 people who were non-supportive, one assured me that my course of action will mean that I will spend eternity in a fiery hell for "*spitting in Gods [sic] face*".

I am currently targeting Premier Barry O'Farrell with a Google Adwords campaign. Such a campaign allows me to direct people to my site based on keywords other than those that would normally be filtered by the various search engines.

As funds allow I will target other politicians, bureaucrats and regulators with similar campaigns.

### **3. Your recommendation that I seek legal advice**

Thank you for your continued insistence that I obtain legal advice. It may come as a surprise to you that I have sought such advice on several occasions. I have been universally assured that my chance of winning a Judgment based on my lack of consent is highly unlikely given the vague and imprecise nature of the Act.

I regret, however, that I view your advice as merely an attempt to abrogate responsibility. The major purpose of such advice, especially after your analysis that the circumcision of my son without my consent was in accordance with the Family Law Act, is to legitimize your doing nothing (and thereby avoid the possibility of doing anything wrong). If I take action and somehow succeed, you bask in the fact your advice to me caused appropriate changes. If I take action and loose, you can proclaim that due process was observed and any future similar situations are not your fault.

It's a beautiful, self perpetuating circle guaranteeing inaction from within and a hallmark of the contemporary public service.

It is not my responsibility, Ms Rainsford, however logical it may appear to you or others, to risk our family home in a futile attempt to remediate flawed legislation.

### **4. Previous cases where parents disagreed on circumcision, including the example provided in matter AD 4887 of 2002 – The Honourable Justice Strickland.**

Your 'invoking the 5th', to use American parlance, in relation to the matter before Justice Strickland in 2002 involving Mother H and Father K <sup>(1)</sup> is predictable. Whilst I'm sure you've been researching the matter furiously since your recent letter to me you may nevertheless be interested in my analysis.

In relation to the case in Adelaide, AD4887; sometime in 2001, Father K apparently approached a doctor with a view to having his infant son circumcised. By pure good fortune the doctor he approached had ethical scruples and refused to perform the procedure without Mother H's acquiescence. Moreover, it appears likely that he may have alerted the mother to the father's solicitation. Father K, clearly not aware of his 'right' to have his son circumcised without deference to the child's mother embarked on a series of negotiations to try and convince Mother H to give her consent. She refused and the matter came before Justice Strickland.

In my view, had Father K been informed (or found out) that he was legally able to procure a circumcision for his child by simply finding a more amenable doctor, he would have had the circumcision performed and Mother H would have had her child returned one day with a mutilated penis and instructions outlining how to care for the bloody wound. It is highly unlikely, given what I now know, that she would have had any recourse or that Father K would have faced any jeopardy. In all probability this case would likely have been a harbinger to the case in Bundaberg a short time later.

In Bundaberg, in 2002, a man picked up his sons, aged five and nine, from their mother's house<sup>(2)</sup>. Under the pretext of a medical examination, he presented his children to a fully prepared waiting doctor who performed a circumcision on both using only the father's consent. The children were returned to their mother later that day circumcised. Charges were laid against the father for assault but subsequently dismissed. The doctor, representing all that is pure and ethical within the medical fraternity, escaped unscathed.

On the ..... NSW, in 2010, I arrived home as my little boy was having his bath. Looking forward to seeing him I ran to the bathroom, calling for him along the way. When I reached him I was presented with the grotesque sight of his penis with a plastic ring still in situ, secured by what looked like fishing line, forcing what was left of his foreskin away from the glans of his penis. His penis was red, swollen and raw. The next day, livid and almost speechless, I confronted the doctor who performed the circumcision and demanded to be provided with a copy of the consent form. He begrudgingly provided it and at the same time, smirking, advised me that "you know it's permanent don't you... it can't be reversed".

Although I have been advised not to make this next point, I believe it should be articulated. I have sought to ameliorate my feelings of guilt and remorse in an utterly peaceful way, by seeking to use my son's and my misfortune to protect future infants and parents. Others, perhaps many others in my position may have reacted in a far more 'Old Testament' way when confronted with the perceived assault of their infant boy. If, sometime in the future, a similar circumstance results in a violent outcome there will be an abundance of analysis and recrimination, more so when my story is revisited.

## **5. The autonomous parental responsibilities contained with the Family Law Act**

The interpretation of the Family Law Act that you (and others) have proffered as providing the justification for my son having been circumcised without my consent is as follows. (I quote directly from your letter to me).

*"Under the Family Law Act 1975, each of the parents of a child who is not 18 has parental responsibility for a child. Parental responsibility means all the duties, powers, responsibilities and authority which, by law, parents have in relation to children. This includes responsibility for making long-term decisions about a child's health, education, religion and upbringing. Parental responsibility is not affected by changes in the parents' relationship. But can be removed by a family court order. In the absence of any court order, you and your partner each have parental responsibility for making decisions about medical procedures about your son Connor, including circumcision"*

A ten year old could probably identify that the concept of parental autonomy, when used in the context of medical procedures, was included in the Act so as to ensure that a child could not languish in an emergency ward while both parents were located. I simply refuse to believe that the provision was provided in order that one parent, unilaterally, on a first-in-best-dressed basis, could legally marginalize the wishes of the other parent in relation to pre-meditated, non-essential, non-urgent, permanent surgery. I REFUSE to believe it. What I find appalling and, frankly, frightening, is that you, as well as others in similar positions of influence, DO believe it, and see nothing in my son's and my situation that alerts you to the fact that the Act is being prostituted.

The appropriate response to my alerting you of my son's and my situation would have been to immediately clarify how the Act should be interpreted; whether a non-medically indicated circumcision could or should be defined as a 'medical procedure' for the purposes of the Act. If the conclusion was reached that the Act DID support the circumcision of an infant without the clearest and most informed consent of both parents then steps should have been taken to make legislative changes. Such changes would then force the timid and self serving RACP to amend it's guidelines pertaining to infant circumcision.

## 6. The future of non-medically indicated infant male circumcision in Australia

As a relative newcomer to the sordid world of interfering with little boy's penises for no medical reason, I confess that I remain bewildered as to how this barbarism is allowed to continue. The numbers alone present a picture of an almost farcical political dichotomy. Surely there is no other issue that has such an overwhelming LACK of support in the community that enjoys such TOTAL support amongst the politic and bureaucracy.

Many have advanced the explanation that the Jewish and Muslim lobbies simply exert the most extraordinary influence within government, far beyond their weight of population.

Others maintain that the reason for governmental ambivalence is that the act of circumcision is still seen as a benign procedure, akin to cutting off a finger nail. Naturally, even a cursory amount of research will reveal this not to be the case.

Whatever the reason for the support that infant circumcision enjoys within the ranks of those who could intervene to stop it, I must philosophically accept that there is nothing I can do other than what I have done to prevent it. I firmly believe, in time, that the self evident human rights vandalism that results from performing permanent, irreversible, debilitating surgery on an infant who is unable to grant consent will one day, without fanfare, put a definitive end to non-medically indicated infant circumcision.

The movement is well underway in Europe, as my small sample of emails would attest. Sadly but predictably, Australian politicians and bureaucrats will likely continue to follow America's pro-circumcision obsession, finger nails dragging down the glass, until the impetus for change becomes unstoppable.

What I simply cannot get my head around, Ms Rainsford, even in the event that everyone who has read my letters plays trumpet every weekend at a local Bar Mitzvah, is why no one will accept the absolute self evident wrongness of performing this surgery without the most stringent consent procedures, including the non-negotiable requirement that both parents acquiesce.

Contract law demands more onerous compliance from a used car dealer about to sell a car than a doctor about to perform permanent surgery on an infant.

After all, a robust consent regime would still allow infants, for the time being at least, to be mutilated at will by determined parents; clearly a high priority of government and the zealous lobby groups. Some infants, such as those in my son's position, however, would be spared; and therein I suppose I have just answered by own question. The pro-circumcision lobby will not tolerate ANY infant being spared.

I referenced a book in my previous letter to you; **Male and Female Circumcision – Medical, Legal, and Ethical considerations in Pediatric [sic] Practice** <sup>(3)</sup>. It provides what many consider to be a definitive analysis of the many issues surrounding infant male circumcision. Although you probably rushed out and procured a copy, I've decided to enclose one for you anyway.

I would love to have provided all the carbon recipients of this letter with a copy but at nearly \$200, it makes an expensive doorstep. No doubt you will be inundated with requests to borrow it when you are finished reading it.

## **7. The future for my son**

One thing is certain. My son will not grow up in an air of polite silence with regard to his assault. As soon as practical, he will be told truthfully what was done to him, when, how and by whom. Then, if he is of a mind to seek any form of legal retribution, regardless of the chance of success I promise you that my support for him will be unconditional and merciless.

I will encourage him to do what he can to repair the damage done to his body.

I will beg his forgiveness for failing to protect him when he was completely helpless.

Yours sincerely,

### References:

(1) Family Law Court of Australia No AD 4887 of 2002 – The Honourable Justice Strickland.

(2) An excellent summary of the Bundaberg case, including media reports from the time, can be found here:

<http://www.circinfo.org/bundaberg.html>

(3) Male and Female Circumcision – Medical, Legal and Ethical Considerations in Pediatric Practice. *George Denniston, Frederick Hodges and Marilyn Milos. Kluwer Academic/Plenum Publishers 1999*