



Australian Government
Attorney-General's Department

AG-MC11/13774

10 February 2012

Thank you for your letter dated 12 December 2011 to the former Attorney-General, the Hon Robert McClelland MP, about non-medically indicated infant male circumcision. The Attorney-General, the Hon Nicola Roxon MP, has asked me to respond on her behalf.

I appreciate the concerns you have raised about the circumcision of your son, against your wishes, and I acknowledge the stress that this matter has caused you.

You have asked for advice on a number of legal matters, and for comment on the morality of non-medically indicated circumcision.

In Australia, the issue of the morality of infant male circumcision is one for individuals and parents to decide according to their own values, culture and medical advice.

It is not appropriate for me to provide legal advice to members of the public about private legal matters or to comment on court cases. However, the following information may be of assistance to you. You may also wish to seek your own legal advice, and you can find a lawyer through <www.accesstojustice.gov.au>.

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 (including circumcision.

Where parents disagree on issues of parental responsibility, and the dispute has not been able to be resolved by family discussion, family dispute resolution or counselling, it is possible to seek specific orders from a family court to determine the matter, including injunctions to prevent certain events occurring. The court will decide the matter on a case by case basis, considering all the circumstances specific to the case, with the best interests of the child being the paramount consideration. The circumstances in your son's case appear to be different to those in the case you have attached.

As you are aware, complaints against the medical profession about good medical practice should be directed to relevant medical disciplinary bodies.

You may also wish to consider undertaking family counselling and possibly preparing a parenting plan to help resolve possible future disputes about ~~children's~~ long term wellbeing. You can access these services by contacting the Family Relationship Advice Line on 1800 050 321.

I hope this information is of assistance to you.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Cathy Rainsford', written in a cursive style.

Cathy Rainsford
Principal Legal Officer
Family Law Branch