

12th December 2011

The Hon Robert McClelland MP
Attorney-General of Australia
PO Box 6022, House of Representatives
Parliament House
Canberra ACT 2600

NSW govt ref: IM11/3346
 File10/005444
 Matter11/003630

NSW HCCC ref: 10/02194

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
 Dr George Williams - Paediatrician
 Ms Lynda Stewart – NSW Health Care Complaints Commission

Re: Non-medically indicated infant male circumcision.

Good morning Mr McClelland,

Please find attached a letter to the then Premier of NSW, Kristina Keneally, and a subsequent letter to the Prime Minister.

Would you please comment on the points raised in my letter to the Prime Minister as the majority of the issues raised fall under the auspices of the Attorney Generals Department. All the questions raised in my letters relate to **non-medically indicated infant male circumcision**, not circumcision performed with any medical imperative. None of the issues, therefore, can or should be answered by the Minister for Health and Ageing, the medical regulators or the medical fraternity generally.

You will note that my son was circumcised, for no medical reason, without my consent.

I attach a letter from a Dr Andrew McDonald who is responding on behalf of the then NSW Health Minister Carmel Tebbutt. As you can see, Dr McDonald uses the Family Law Act to justify and vindicate the proposition that my consent was irrelevant to the decision to circumcise my little boy.

Ms Lynda Steward, from the NSW Health Care Complaints Commission was utterly pragmatic when she dismissed my complaint regarding my lack of consent by assuring me that consent had been adequately granted and that my complaint against Dr Sxxxxx had no substance.

In essence, Mr McClelland, it is the universally held view of politicians, bureaucrats, medical regulators and the legal profession that the non-medically indicated circumcision of my son was simply none of my business; morally, ethically or legally. Naturally, I believe that I had an inalienable right to protect my son from this barbarism and that my son had an inalienable right to expect that he would be afforded my protection, care and authority.

Please find attached a copy of a Judgement made by Justice Strickland (AD4887 of 2002)

You will see that Justice Strickland has elected to sit on a case involving the proposed non-medically indicated circumcision of an infant where the parents dissented. In this case, Father K wanted to have his son circumcised while Mother H refused to give her consent.

Obviously, my finding this Judgement causes me considerable angst in the light of the quite unequivocal advice that I have been given to date.

I would be grateful if you would indicate which of the three options below are correct.

1. That Justice Strickland had every right to sit on this case. All the advice I have been previously offered is wrong. Dr Sxxxxx, the doctor who circumcised my son, should NOT have proceeded without my explicit and fully informed consent. If my partner and I were unable to reach agreement as to my son's circumcision the matter should have been decided by a court hearing, as with the matter referenced.

Or

2. That all the written and verbal platitudes I have accumulated over the past eighteen months are correct. Justice Strickland should not have heard this case. The parties should have been sent away with the advice that so long as either parent could gain access to the child for the requisite few hours necessary for a circumcision, the other parent would simply have to accept that outcome. In this case you will no doubt instruct that the Judgement be set aside and that Father K be informed that he is free to have his son circumcised, regardless of Mother H's views.

Or

3. That the rights of my son and I are somehow different to those of Mother H and her child.

Mr McClelland, I wonder if you would extend to me the kindness of providing me with a reasonable, insightful reply to my questions.

My son has been subjected to what I consider to be debilitating, needless and painful surgery without my consent.

Letters I have received from other politicians, bureaucrats and medical regulators have been intellectually insulting, evasive or entirely unilluminating.

Russell Crowe recently went on record as denouncing circumcision as 'barbaric and stupid'. Within hours, with military zeal and precision, he had been declared a 'Holocaust denier' and 'anti-Semitic'. To his credit, Crowe refused to back down, saying that he "could not apologise for what he knew was right".

I, like most other reasonable people, fail to see an immediate link between the murder of millions of innocent people and the excision of a functional piece of a baby boy's body. The fanatical response that Crowe's observation elicited, however, underlines the fact that the pro-circumcision lobby will never go quietly.

The response to Russell Crowe's statement also goes some way to explaining the universal fear that the pro-circumcision lobby evokes among politicians and bureaucrats. I would nevertheless ask, despite the risk, that you become the first person to present me with a reasonable, lucid and forthright response regarding the morality of non-medically indicated circumcision generally and the matter of my consent specifically.

Yours sincerely,