

MEDIA RELEASE

NEWS FROM THE UNIVERSITY OF TASMANIA

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ATTENTION: Chiefs of Staff, News Directors



Researchers report confusion among doctors over their legal rights to circumcise infant males

A University of Tasmania paper released today has highlighted the uncertainty of whether doctors can legally perform circumcision on infant males.

Non-Therapeutic Male Circumcision, requested by the Tasmanian Commissioner for Children, has identified serious uncertainty about when and under what circumstances a non-therapeutic circumcision can be carried out on an infant male.

Professor Kate Warner of the Tasmania Law Reform Institute, at UTAS, said doctors and those who perform circumcision in a traditional way, need to know the circumstances of how they can be protected from the law.

“The criminal and civil law don't have sufficient certainty,” Prof Warner said.

“The crux of the uncertainty is whether the consent of the parent of a male infant being circumcised can provide protection from criminal and civil actions brought against a person for performing a circumcision.”

Prof Warner said the issues paper seeks to overcome the lack of clarity in the application of existing circumcision laws which have arisen from the absence of a thorough legal analysis in Australia.

She said Tasmania's public hospitals do not perform non-therapeutic circumcision on infant males.

The Tasmanian Commissioner for Children requested the Institute review the issues relating to the circumcision of males under the age of majority with doctors wanting clarity on their legal position.

Prof Warner said the Commissioner was concerned that some procedures, when performed without medical indication and without the competent consent of the child, may traverse the rights of children.

“Any reforms to clarify the uncertainty in the existing legal framework might also present an opportunity to set or clarify the standards that those who perform circumcision have to meet in Tasmania,” she said.

Prof Warner said the paper was not about opposing or supporting circumcision.

She said the issues paper, written by Faculty of Law postgraduate student Warwick Marshall, aims to stimulate public debate on an appropriate legal framework for the practice.

“We encourage people to tell their stories about their experiences with circumcision to the Law Reform Institute,” Prof Warner said.

Public feedback closes on 28 August, and will be incorporated into a detailed final report which will be presented to the Attorney-General for review.

For more information contact Professor Kate Warner, Director, Tasmania Law Reform Institute, on (03) 6226 2067.

The full report can be downloaded from www.law.utas.edu.au/reform/

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