

**Submission
No 40**

**INQUIRY INTO CORRECTIONAL SERVICES
LEGISLATION AMENDMENT BILL 2006**

Organisation:

Name: Dr Andrew Byrne

Telephone:

Date Received: 28/07/2006

Subject:

Summary

Dr ANDREW BYRNE MB, BS, FACHAM (RACP)
Dr RICHARD HALLINAN B.Med. FACHAM (RACP)
MEDICAL PRACTICE - DRUG AND ALCOHOL

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Dr ANDREW BYRNE M.B., B.S. (Sydney) FACHAM
Dr RICHARD HALLINAN B.Med. (Newcastle) FACHAM
MEDICAL PRACTICE - DRUG AND ALCOHOL

General Purpose Standing Committee No. 3
Parliament House,
Macquarie St,
Sydney NSW 2000

Fax submissions to: (02) 9230 3416. Chair Hon A. Fazio MLC.

Dear Ms Fazio,

I hope that you will reject this law on the simple basis that it contravenes basic medical rights of prisoners, adding to their punishment. Prisoners ought to be entitled to exactly the same quality of medical care as those in the community.

While it may seem inappropriate to order these measures in serious criminals, I would venture that prison doctors are only too aware of what is appropriate without need for a law which in its essence is discriminatory and unfair.

One need have no sympathy for murderers or rapists to find this law repugnant. Some are found innocent on DNA testing or when additional evidence arises. Others have served most of their sentences and such quite normal medical manoeuvres may occasionally be quite appropriate as part of normal rehabilitation.

I recently had chemotherapy for lymphoma and, although over 50, it was put to me that I might want to put some sperm aside for future use. This is just routine, normal care and should not be denied to prisoners by compulsion as in this law. To do so demeans us all.

I ask that you reject the law, and stand for this important equitable principle since other denials of prisoner rights could be justified on this decision. Depriving someone of their liberties is serious enough, further punishment of this nature is not fair on the prisoner and in this case, on his or her family as well.

Yours sincerely,



28/7/06

AATOD Dole-Nyswander Award recipient, Atlanta, April 2006.