

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

**Organisation:**

**Name:** Dr Robert P Read

**Telephone:**

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**Subject:**

**Summary**

I am writing to express concern as at the Correctional Services Bill currently before Parliament. It is my understanding that this Bill will make it a criminal offence for a medical practitioner to arrange for the collection and storage of semen of a patient undergoing treatment [such as chemotherapy] which would make the patient sterile, if that patient is a prisoner convicted for a serious indictable offence. I understand that the legislation will also apply to juvenile offenders; this is significant in that there are a number of highly treatable malignancies that recognized to occur in that age group.

It appears to me that there needs to be considerably more debate and informed public discussion with respect to this matter. This discussion is not about whether a person should be able to father children whilst in custody; it is about equal access and equal quality medical care for all. [I certainly am not suggesting that whilst in custody a convicted prisoner should be able to father a child.] There are I believe a number of questions that need to be answered. These include:

1. What would be the position if a patient was rendered infertile by a medical treatment and then subsequently found to be not guilty on appeal?

2. What would be the position of the doctor under Criminal vs. Tort Law? A doctor must provide appropriate and ethical treatment and could potentially have subsequent action brought against him/her were such aspects of normal/best practice treatment not given. However, that doctor would, in this situation, be held criminally responsible if that treatment was provided.

3. With respect to juvenile offenders, given that we make allowances for immaturity in terms of sentencing and provide resources for rehabilitation, is it reasonable that legislation would prevent, at the developmental stage of adolescence, the possibility of that adolescent, at some stage in the future being able to take on the adult role of parenthood. For a [convicted] teenager faced with a life-threatening illness requiring chemotherapy, is it reasonable to add the distress of guaranteed childlessness at that particular point in the young person's life.

I would very much value your thoughts about the legislation and hope that until the serious issues raised by the Bill are addressed, that it not be passed by the Parliament.

Thank you for your time in considering this

Dr Read