

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

Organisation:

Name: Dr Raina MacIntyre

Telephone:

Date Received: 9/06/2006

Subject:

Summary

As a doctor, I strongly oppose this amendment. Anyone who has studied history would know that this is a sinister and dangerous precedent and paves the way for human rights abuse and the practice of eugenics* such as occurred under Nazi medicine. If this legislation passes, we may find ourselves on a moral slippery slope.

The Australian Medical Association position Statement on the Health Care of Prisoners and Detainees (1998) states:- "Medical practitioners should not deny treatment to any prisoner or detainee on the basis of their culture, ethnicity, religion, political beliefs, gender, sexual orientation or the nature of their illness. The duty of medical practitioners to treat all patients professionally with respect for their human dignity and privacy applies equally to the care of those detained in prison, whether convicted or on remand, irrespective of the reason for their incarceration."

The case which allegedly started this is that of a convicted paedophile who developed cancer and wanted his sperm stored. As a mother, I am appalled at the leniency of sentences imposed upon paedophiles in NSW, and the fact that they are usually released early, and usually reoffend. However, a generic law on reproduction rights which could be abused and misused (not just on the initial target group, but for example on racial, political and other grounds) is not the solution. If the key issue is ensuring that a paedophile cannot harm children, our justice system should address this by appropriate sentencing and incarceration. If the justice system fails (as it does so often) and releases dangerous paedophiles into the community, giving them a license to prey on children (including their own potential offspring) again, then the solution is to fix the justice system and ensure that criminals who pose an ongoing threat to society are appropriately sentenced and never released.

A law on reproduction rights of prisoners once enshrined will open the way for even worse human rights abuses, such as forced sterilisation and murder. History teaches us that this is quite possible, perhaps even likely, once we take this initial, terrible step. The laws themselves as well as the target for such laws could shift over time, and who knows what political and social climate we will be living under in 10 years time?

The "final solution" in Nazi Germany did not occur overnight, but very gradually over a decade. It began with "small" legislative changes such as this proposed change. We must learn the lessons of history to ensure a better society for ourselves.

Please oppose this proposal in the name of human rights. I urge you to also refer to a paper published in the Lancet, referred to below. Copyright law precludes me from attaching it to this submission.

Yours sincerely,

Dr Raina MacIntyre MBBS (Hons 1), FRACP, FAFPHM, M App Epid, PhD

*Reference: Arthur Caplan. Medicine's shameful past. In Lancet, Volume 363, Issue 9422, 22 May 2004, Pages 1741-1742