



Honourable Yvette D'Ath MP
Attorney-General and Minister for Justice
Leader of the House

In reply please quote: 572305/4; 4911974

16 SEP 2019

1 William Street Brisbane
GPO Box 149 Brisbane
Queensland 4001 Australia
Telephone +61 7 3719 7400
Email attorney@ministerial.qld.gov.au

Mr Neil Laurie
The Clerk of Parliament
Parliament House
George Street
BRISBANE QLD 4000

Dear Mr Laurie *Neil*

I refer to e-Petition 3123-19 tabled in the Legislative Assembly on 20 August 2019 titled *Genital mutilation of children*.

The petitioners specifically ask for law reform to ban the practice of male genital mutilation. The Palaszczuk Government thanks the petitioners for raising this important issue.

As the petitioners have noted, the Queensland Criminal Code, in sections 323A and 323B, contains offences criminalising female genital mutilation and removing a child from the state with the intention of having female genital mutilation performed on the child.

Queensland's laws are in line with all other states and territories in Australia that have passed criminal legislation specifically criminalising female genital mutilation both within and outside Australia.

In 1994, the Queensland Law Reform Commission (QLRC) considered the issue of female genital mutilation and recommended, given there may be doubt that the law in Queensland prohibits all forms of female genital mutilation, amendments to the Criminal Code to prohibit this practice except for good medical reasons. The QLRC noted that female genital mutilation is a very intrusive procedure surgically performed on young women, usually under the age of 18 years, and that there are no known medical advantages in the performance of this procedure on normal healthy female genitalia. On the contrary, the QLRC noted the adverse health effects of female genital mutilation are long-term, debilitating, and in some cases, fatal.

While there are no similar specific offences criminalising male genital mutilation in the Criminal Code, a person who wounds, maims or disfigures a male's genitalia may be captured by a range of offences depending on the circumstances. This may include, for example, the offence of wounding in section 323 of the Criminal Code or grievous bodily harm in section 320, in the absence of a defence or excuse.

Section 282 of the Criminal Code provides that a person is not criminally responsible for performing or providing in good faith and with reasonable care and skill, a surgical operation on, or medical treatment of, a person that is for the patient's benefit if

(2)

performing the operation or providing medical treatment is reasonable, having regard to all the circumstances. Whether a surgical operation or medical treatment is performed for the 'patient's benefit' or whether the treatment is 'reasonable' are matters that will depend on the particular facts in an individual case.

The Palaszczuk Government currently has no plans to create new specific offences criminalising male genital mutilation.

I thank the petitioners for bringing their concerns to the attention of the House.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Yvette D'Ath', written in a cursive style.

YVETTE D'ATH MP
Attorney-General and Minister for Justice
Leader of the House