



**Senator Sue Boyce**  
Queensland

**MEDIA RELEASE**

**FOR IMMEDIATE RELEASE**

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**STERILISATION DECISION “APPALLING”**

Queensland Liberal Senator Sue Boyce has urged Federal Attorney General Robert McClelland, as Australia's First Law Officer, to appeal a decision by the Family Court in Brisbane to give the parents of a young disabled girl permission to have a hysterectomy performed on her.

Senator Boyce, a disability rights advocate and a former President of the Down Syndrome Association of Queensland, said the decision was incomprehensible in the 21<sup>st</sup> century.

"I'm amazed that the Family Court, in making this decision, completely ignored the fact that the Australian Government has ratified the Convention on the Rights of Persons with Disabilities (CRPD) which contains specific articles relating to the rights of children and the right to family. Article 23 states that people with a disability have a right to retain their fertility," Senator Boyce said.

"I have written to Mr McClelland, in the strongest possible terms drawing his attention to this Convention and asking him, as the nation's first law officer, to appeal this decision by Justice Cronin to the Full Bench of the Family Court;" she said.

"If necessary, the appeal should go to the High Court because if it remains unchallenged it will be regarded as a precedent and that could mean more children with disabilities being subjected to this treatment."

"I have also asked the Attorney if he can explain why Family Court Rules – specifically Chapter 1V, Rule 4.09 cited by Justice Cronin in his decision – provides a pathway for judges when they are considering a Medical Procedure Application yet there is no mention at all of the human rights of people with disabilities and to Australia being a signatory to the CRPD."

Senator Boyce said the issue was one of fundamental human rights for children with disabilities.

"Every Australian would be appalled if an 11 year old girl without a disability was sterilised with legal blessing. It's completely discriminatory and inhumane to treat a girl with a disability any differently," Senator Boyce said.

"I know of young women with a disability who have wanted a baby and have then discovered to their horror that they had been sterilised when they were a child," Senator Boyce said.

"Certainly Women With Disabilities Australia strongly disagrees with the sterilisation and only recently they advised the Federal Attorney General of their view," she said.

Senator Boyce said in August 2003 the Standing Committee of Attorneys General (SCAG) had decided that a nationally consistent approach to the authorisation procedures required for the lawful sterilisation of minors was appropriate. A Working Group drafted a Model Sterilisation Bill which was released for consultation in September, 2006.

"In response to submissions and other evidence, there was a comprehensive review of the Model Bill but it seems since then nothing has happened under the Rudd government," Senator Boyce said.

"The fact is that the only legislation required is to confirm in Australian law our undertaking when we ratified the Convention on the Rights of Persons with Disabilities. If the Rudd government believes in honouring our international obligations and believes in human rights for people with disabilities then this should be a priority.

"The only reason for courts to get involved in the sterilisation of any minor or any person with a disability must be a life-threatening illness."

Ends...

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