

SUMMARY OFFENCES (PIERCING AND SCARIFICATION)

AMENDMENT BILL

Wednesday, 20 June 2007

The Hon. D.G.E. HOOD: Today I introduce a simple bill that Family First believes will work to decrease the inappropriate body piercing of minors without parental consent. Family First believes that children are risking their health by receiving piercings at a young age and without parental consent. Family First is a strong advocate for parental rights and responsibilities, and we are concerned that the rights of parents in this area are currently being ignored or eroded.

Broadly, my bill does several things. First, it leaves in place the total prohibition on tattooing minors under the age of 18 which already exists in law. This is the prohibition already contained in section 21A of the Summary Offences Act 1953. It adds to that a total prohibition on the scarification and branding of minors. Clause 6 creates a new section 21B, which is drafted in the simplest possible terms. It provides that a piercing cannot be performed unless a minor is accompanied by a parent or guardian who consents to the procedure. A minor in this regard is a person under 18 years of age.

I acknowledge the work done in the other place by Mr John Rau, with whom I consulted in reintroducing this bill. Mr Rau welcomes Family First's move in reintroducing this simple and, we would say, sensible bill. Mr Rau, of course, introduced private member's bills in relation to this practice in 2002 and 2004 both of which bills met with strong support from Family First and, indeed, from other members. In fact, Mr Rau's bill of 2002 passed in the other place unanimously. However, no consensus could be reached on the bill between the houses. By way of a compromise, a select committee was formed which reported on the practice on 19 October 2005.

I note that the select committee's report strongly called for action, and yet we have been waiting for a legislative response for the past two years. It is for that reason that I introduce this bill today. The select committee confirmed that there are currently no laws prohibiting the practice, with David Peek QC confirming

that in many circumstances a child can be pierced at any age as long as they are aware of the nature of the act performed on them and consent to it. Such is the current law.

The select committee report listed 15 recommendations. At the outset, I indicate that this bill does not seek to implement all of those recommendations. I generally agree with the recommendations contained in the report; however, with a view to helping ensure the success of this measure, this bill starts with a very basic benchmark. Rather than seek to implement all the recommendations of the report, it implements one that I hope all or certainly most members can agree upon. Simply put, it is this: that minors should not be put at risk through tattooing or scarification in any circumstances and should not be put at risk via body piercing where their parents do not approve of it being done. Simply, any body piercing that is conducted on a minor will require parental consent should this bill pass.

Since the preparation of the report, body scarification has become more commonplace in Australia. It is therefore included as prohibited in this bill, although the practice was not addressed in the select committee report. My recent discussions with piercers or minors who have been pierced indicate that a number of tattoo parlours in Adelaide now provide this service, which involves cutting or branding the flesh with words, designs or the like. Apparently, this practice is becoming quite popular, and I trust that most members would agree that this practice is totally inappropriate for minors under any circumstances.

There are fundamentals and there are incidentals in all bills. Family First believes that the fundamentals are that children should not be pierced without parental consent, or tattooed or scarred in any circumstances as contained in this bill. That fundamental proposition met with wide support when debated in recent years. The incidentals concern the exact way that these prohibitions should be implemented, whether any further recommendations from the select committee report should be included, and the age at which parental consent will be required. I am not concerned about—and, in fact, welcome—members tabling amendments regarding the incidentals. However, I do not think that the

argument over the incidentals should again stop us from implementing legislation to address the fundamental concern presented in this bill.

One incidental—the age issue—may be contentious. As a starting point, Family First suggests that children under 18 must require parental consent. The South Australian branch of the Australian Dental Association has publicly called for parental consent for under 18s. The select committee report divided piercings into different categories, some of which were to be prohibited for under 18s. However, the Consent to Medical Treatment and Palliative Care Act 1995 restricts medical professionals from operating on children under 16 without parental consent—and there may very well be an argument for uniformity with these provisions. However, I state for the record, and I make it clear to members, that the preference of Family First and, indeed, my personal preference is that the age remain at 18 for piercing without parental consent, as is contained in the bill at present. In any event, should this bill reach the committee stage, I would look forward to debate regarding the appropriate age and whether members are interested in different ages for different categories of piercing. However, again, I state that that is not my personal preference.

The select committee report also highlighted inadequate enforcement of current tattooing restrictions, inadequate health inspections, and the licensing of tattooing and piercing businesses. Those aspects are beyond the scope of this bill, many of them being internal Department of Health matters. However, again for the record, I state that my view is that these matters need to be looked at and, indeed, I will certainly turn my attention to those matters in due course.

Body piercing is not always a safe practice and, as a parent, I would be very upset if my daughter (albeit in years to come) came home with body piercings of any sort without my prior knowledge. Tony Maiello of Essential Beauty appeared in the media when the previous bills were debated to indicate support for a parental consent requirement. He spoke of being aware of isolated cases where beauticians had given tongue and multiple eyebrow piercings to children as young as 12. Body piercing is a minor surgical procedure and it carries with

it many of the complications that surgery can entail, including severe risk of infection.

A recent survey has indicated that more than 1 000 people have been treated in the past year alone for body piercing related infections, and that is just in the southern suburbs of Adelaide. Further, a recent hepatitis C surveillance report revealed that, in 2003, 45 people contracted the disease through tattooing, while a further 51 people contracted the virus through an 'other' exposure category. I am aware that some body piercers wrote to the Minister for Health in 2004 concerned that many of those listed in the 'other' category would have contracted the disease through unsafe piercing. It is for this reason that I am very concerned to hear that the SAVIVE program is handing out body piercing needles.

SAVIVE, which is the needle exchange program of the AIDS Council of South Australia, provides a needle exchange service in Norwood, Angle Park, Port Adelaide, Noarlunga and Salisbury. I was informed by the minister yesterday in response to my question that the AIDS Council received state government funding of some \$264 363 for the financial year 2006-07. In any event, we observed, along with a journalist on Monday, a young 16-year old girl attend the service and buy a body piercing needle for \$3. I believe that this is very telling of our lax attitude towards body piercing, and I encourage the Minister for Health to take a harder line on this issue.

Some members might have heard me discuss this on radio yesterday. In fact, the issue has been picked up by stations as far away as Radio 2UE in Sydney and has received favourable comments. After my comments, one mother called talkback radio to say that her 14-year old son had 10 piercings, including bars through his wrist, chest and several through his lip. Now, he is apparently also piercing others. She made the comment:

The person that's just pierced my son, not only has she pierced him without my consent, but she has now taken \$500 from him and has 'trained him' to be a piercer and he's now doing piercings at her shop.

That is a 14-year old. Obviously, we have a situation that is getting out of control, and it is no wonder that our infection rates from body piercings in South Australia are so high. In fact, even young people realise that some sort of prohibition is now required, with a recent BTN poll showing that 65 per cent of young people are in support of an age restriction for body piercing.

I began by saying that Family First is a strong advocate of parents' rights. Family First believes that we are in danger of fostering a generation of strong-willed children who are fully aware of their rights (so-called), but who have little or no respect for their parents and the rights that they have. We believe that a requirement for parental consent has a positive side effect. It encourages dialogue within the family—something that can be lacking—and it requires a child respectfully to ask their parent for their permission for such a procedure to be done. At the very least, it informs the parent of the child's desire which will create that conversation.

In the near future, I will seek leave to introduce a further bill which grants more rights to parents. This bill will require schools to notify a parent if their child is absent without excuse during school hours, for example. Although the topic of the bill is different, the same result comes about, which is a restoration of parental authority and dialogue within the family unit. In very simple terms, as I said, this bill will make one simple change to the act; that is, it will require children (that is, people under the age of 18) to obtain their parents' consent should they wish to have body piercing. I commend the bill to the council.