

**SUMMARY OFFENCES (PIERCING AND SCARIFICATION)
AMENDMENT BILL**

24 September 2008

The Hon. D.G.E. HOOD:

Today I reintroduce a very simple bill that Family First believes will work to decrease the inappropriate body piercing of minors without their parents' consent. This is a long delayed and long overdue initiative. Broadly, this bill does several things. First, it leaves in place a total prohibition on tattooing minors under the age of 18. This is the prohibition already contained in section 21A of the Summary Offences Act 1953, but it adds to that a total prohibition on the scarification and branding of minors.

Clause 6 creates a new section 21B. That section provides that a piercing cannot be performed unless the minor is accompanied by a parent or guardian who consents to the procedure. A minor in this regard is a person under the age of 18 years. Put simply, this bill would require any child considering a body piercing to be with their parent or guardian when it occurs. That is, if the parent/guardian consents, there is no problem with the piercing proceeding; however, it requires the parents' consent for it to take place. I acknowledge the work done on this issue by the member for Enfield in the other place over a number of years and, indeed, I have consulted him in reintroducing the bill this evening.

This proposal dates back to 2002 and, in fact, the member for Fisher also suggested a similar measure as far back as 2001. It is consistently met with strong support and then, unfortunately, gets bogged down in detail or delays during the debate. As I said, the member for Enfield introduced private member's bills in late 2002 and again in 2004 regarding this practice, both of which met with strong support from Family First's only member at that time, as well as from other members, including the opposition. The member for Enfield's bill in 2002 passed the other place unanimously, as I understand it; however, when it came to this chamber, no consensus could be reached and

the bill lapsed.

By way of compromise, a select committee was formed which reported on the practice of body piercing of minors on 19 October 2005. The report strongly called for action, yet we have remained waiting for a legislative response for three years since the report was handed down. Indeed, the industry itself is clamouring for this. I have consulted with the industry quite extensively on this issue and I can assure the council that I am yet to find a voice within the industry that does not want this bill to be passed. So, I reintroduce this bill today in an effort to reignite the debate on this very important measure.

The select committee that I refer to confirmed that we currently have no laws to prohibit the piercing of minors in South Australia, 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. So, hypothetically, the current law in South Australia is that a 10 year old, if it was deemed that they could understand what they were asking to be done to themselves, could be pierced without their parents' consent, and that would be lawful in South Australia, something which Family First and I am sure many other members find offensive. The core of this issue is whether the parent has the right to refuse their child to be body pierced without their consent, something to which Family First says yes wholeheartedly.

The select committee report listed some 15 recommendations. At the outset, I indicate that this bill does not seek to implement all of those recommendations. Rather than getting bogged down in all of the proposals listed, which has stalled the bill in the past, it implements simply one recommendation that I hope all (or most) members can agree upon: that minors should not be put at risk through tattooing or scarification in any circumstances and should not be put at risk by body piercing when their parents do not approve of it.

I think it is ludicrous that the current Consent to Medical Treatment and Palliative Care Act 1995 restricts medical professionals from treating children under 16 without parental consent, and yet body piercers, who may actually be untrained, are given complete freedom to pierce even very young children's

skin without their parents' consent. We have a ridiculous situation where a medical practitioner would require parental permission to act on a child but a body piercer does not.

Body piercing is indeed a minor surgical procedure and carries with it many of the risks associated with surgery. A recent survey on the *Adelaidenow* website found that 1,000 people were treated in 2006 for body piercing related infections in the southern suburbs of Adelaide alone. So, the incidence of infection is very common indeed. Obviously, some of those were very minor infections but, of course, some were very serious.

This measure can no longer be delayed. In fact, it is abhorrent that there has been such a delay for so long when we are talking about the health of our children. It has been almost seven years now that this has been the case. I encourage members to offer their speedy support for this proposal. I will be calling this bill to a vote in the near future, certainly before the end of this calendar year.

I would like to make a point very quickly. At the end of the day, all this bill will do is provide that if a child, that is, someone under 18 (a minor), wants to have body piercing they can do so but only with their parents' consent. If their parent does not consent then, quite simply, they will not be able to have it. The key issue is that it is the parents' right to say yes or no to having their child pierced, not the child's right at that young age. When the child turns 18, it is up to that child. That is the law of the land. It is offensive, I think, that parents are told at this stage that their children, theoretically as young as 10, have the right to overrule them when it comes to what could be a minor surgical procedure with very serious, unintended consequences. I commend the bill to the council.