



AUSTRALIAN MEDICAL ASSOCIATION
(SOUTH AUSTRALIA) INC.

17 February 2011

Mr John Rau
Attorney-General
GPO Box 464
ADELAIE SA 5001
DX 336

Dear Mr Rau

Re: Summary Offences (Tattooing, Body piercing and Body Modification Amendment Bill.

Thank you for your invitation to provide comment in relation to the above Amendment Bill.

In general terms the AMA(SA) supports the intent of the Bill and the amendments contained. The opinions expressed by the AMA(SA) in its representation to the Select Committee in 2005 remain valid today. At that time the AMA(SA) restricted its comments to the medical (as opposed to the criminal or civil) issues. These matters may be categorised as follows:

- Health impacts upon to public undertaking tattooing, body piercing and other modifications
- Informed consent
- Indemnity
- Public protection from harm

In respect of the proposed amendments, the above has been addressed in some respects, but not all.

Section 21B amendments

Prohibition of certain procedures on minors.

The AMA(SA) supports the proposed amendments affecting on minors and the accompanying prescribed definition of a 'minor' as being under the age of 18 years. Given the permanent effects of the prohibited procedures this is supported and consistent with medical principles.

Restriction of certain procedures on minors.

The scope of restrictions on eyebrow, navel; nose and other ear parts is noted. Social fashions dictate practice and some body areas are at more risk of infections and scarring issues. The further restrictions covering more intimate and sensitive areas appear sensible and appropriate.

Section 21C amendments

Intoxicated persons

The amendment should be expanded to incorporate persons providing third party consent. It would not be appropriate for a parent who is intoxicated to consent for a minor to undergo any procedure, including those 'restricted' procedures described in S21 (eyebrows, navels, nose etc).

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Section 21D amendments

Informed Consent

Agreed - the written information must be medically verified and contain all potential complications and medical sequelae. In addition, it is a requirement in obtaining proper informed consent that the consenting person has the opportunity to seek further advice and have all questions answered satisfactorily prior to any procedure.

Section 21G amendments

Police Powers

Agreed

Other matters

Other matters which have been previously raised by the AMA(SA) relating to health impacts have not been incorporated into the amendments and we seek further expansion of the proposed Bill to address these areas in the interest of public health and safety.

The AMA(SA) remains very concerned about issues of sterility of equipment and surroundings, infection control standards, procedural training of staff, indemnity and compensation mechanisms sufficient to afford protection of the public's right to financial recovery in the event of suffering any consequential damages.


As stated in our submission in 2005, the AMA(SA)'s concerns include a lack of formal accreditation and training of persons performing such procedures as covered in the legislation. Any licensing framework covering rights to perform the intended procedures should address these matters.

Indemnity issues have not been addressed to date. Body piercing is seen as akin to minor surgery and as such, carries the relevant risks. Medical practitioners, practising in a regulated framework, must have necessary medical indemnity insurance cover to ensure the patients' capacity to recover for any losses which may result from negligent acts. The AMA(SA) believes this preservation of the public's right of recovery is no less important in the tattooing and associated areas than in the medical context and should be applied to the industry.

The AMA(SA) strongly supports regulation and licensing of the industry and implementation of the appropriate standards in training, infection control, insurance, accreditation as applies in any medical or associated profession where public health is placed at risk through the actions of a third party, regardless of consent provisions.

Thank you for the opportunity to provide comment.

Yours sincerely


Joe Hooper
Chief Executive Officer