



Hon. Rob Hulls MLA
Deputy Premier and Attorney General
Level 3, 1 Treasury Pl, East Melbourne 3002
Fax: 9651 11881

September 14, 2007

Dear Attorney General

Summary Offences Amendment (Body Piercing) Bill 2007

We are writing to express our concerns in relation to the *Summary Offences Amendment (Body Piercing) Bill 2007* which we understand will be further debated on 19 September, 2007.

Youthlaw is a specialist community legal centre for young people up to the age of 25. In the 2006/7 financial year we provided legal information, advice and representation to over 500 young people from the inner city and from locations throughout Victoria through our legal clinic and by telephone and email.

Youthlaw is also co-located with 7 other youth services as part of Frontyard Youth Services at 19 King St, Melbourne. In the 2006/7 financial year, Frontyard Services assisted 1,832 young people and had 11,000 contacts with young people.

Young people accessing Frontyard Services are mostly aged between 18 and 25 and are either homeless, experiencing significant family breakdown or deemed to be 'at risk'.

Our key concerns are:

1. *The proposed legislation breaches the Victorian Charter of Human Rights and Responsibilities.*

The proposed legislation unreasonably restricts young people's right to freedom of expression as set out in section 15 of the Victorian Charter of Human Rights and Responsibilities and Article 13 of the United Nations Convention on the Rights of the Child (CROC).

We do not accept that the requirement that a person under 18 must provide written consent of a parent or guardian (provided personally by the guardian or parent) is a proportionate or appropriate limitation on the right of freedom of expression.

We acknowledge that piercings are very popular with young people as we observe this in our work with young people. We also accept that there may be a need for government to address some of the more serious health impacts of piercings however we are of the view that this represents if any a small number of piercings performed and that the proposed limitation is disproportionately broad and excessive relative to the protection sought and significantly impinges on the right of young people to express themselves.

The limitation is excessive when compared with a range of developments in medical and privacy guidelines and law and the recently flagged Victorian Government proposal in regard to voting rights for young people which increasingly recognise that young people are capable of autonomous decision making and should be entitled wherever possible to make decisions in matters which affect them.

The limitation is also disproportionate when compared with other legislative alternatives such as specifying a minimal age or the setting of ages in regard to different procedures.

The limitation proposed will also discriminate against a significant group of young people who are unable to obtain parental or guardian consent due to their homelessness or other 'at risk' circumstances. The 2001 census recorded 7,064 homeless young people aged between 12 and 24, in Victoria.

We do not accept that the limitation is justified on the basis of public health protection or the need to protect children in their best interest. Increased regulation of body piercing services particularly in regard to health standards, consent by young person and information provided is more likely to decrease negative health outcomes for young people than the proposed legislation.

We have consulted with the staff of the Young People's Health Service which is also located at Frontyard services in regard to the legislation. The doctors and nurses of this outreach service of the Royal Children's Hospital Centre for Adolescent Health has had over 3,000 contacts with young people each year but has observed only a small number of infections related to piercings. They are concerned that the proposed legislation will increase the number of infections resulting from unsafe piercing practices and that young homeless people will be particularly vulnerable.

We would strongly support a health regulatory response to this issue rather than a blunt legislative response that excessively diminishes the rights of young people.

2. The proposed legislation is a significant departure from common law rights of young people

Youthlaw is concerned that the proposed bill and particularly those provisions regarding the requirement of parental or guardian consent are a significant departure from the common law rights currently accorded to young people in regard to medical procedures and the evolving professional body acceptance (eg. the AMA) that many young people are capable of making autonomous decisions regarding medical treatment and should also be accorded privacy in regard to this treatment and their records.

3. The proposed legislation will have significant negative health impacts on young people.

We are concerned about the health impacts on young people if this legislation is enacted.

We are concerned that young people will use less reputable services or will not use a service and instead undertake piercings themselves.

Homeless young people or those experiencing significant family breakdown are particularly vulnerable. They will in most cases be unable to obtain parental or guardian consent. This group already has a high rate of Hepatitis C transmission and

unsafe piercing practices using non-sterilised or dirty equipment would be likely to increase this transmission and other blood borne viruses.

We would welcome the opportunity to meet with you to discuss these concerns, and those of our constituents and members, in more detail.

We have raised these concerns also with the Hon. Daniel Andrews, Minister for Health and the Hon. James Merlino Minister for Sport, Recreation and Youth Affairs.

Yours Sincerely,

Ariel Couchman
Director
Youthlaw