

HEALTH LEGISLATION (RESTRICTION ON USE OF COSMETIC SURGERY FOR CHILDREN AND ANOTHER MEASURE) AMENDMENT BILL

First Reading

Hon. S ROBERTSON (Stretton—ALP) (Minister for Health) (12.45 pm): I present a bill for an act to amend the Public Health Act 2005, the Radiation Safety Act 1999, the Dental Practitioners Registration Act 2001 and the Medical Practitioners Registration Act 2001 for particular purposes. I present the explanatory notes, and I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Second Reading

Hon. S ROBERTSON (Stretton—ALP) (Minister for Health) (12.45 pm): I move—

That the bill be now read a second time.

The health and wellbeing of Queensland's children and young people is of paramount concern to this government. The age related provisions in this bill relating to cosmetic procedures and the use of solariums will help protect young Queenslanders from potentially harmful health outcomes.

The bill will amend the Public Health Act 2005 and the Radiation Safety Act 1999 in order to achieve two important objectives regarding health outcomes for children. Amendments to the Public Health Act will protect children from problems associated with higher risk, invasive, cosmetic procedures where these procedures are not in the child's best interests. Amendments to the Radiation Safety Act will protect children from the potentially harmful effects of UV exposure through the use of solariums. Our young people are vulnerable to social and peer pressure and a desire to conform to stereotypes and cultural norms. Just last year a popular Australian magazine aimed at teenage girls reported that one-quarter of its young readers would consider getting cosmetic surgery if they could. In a separate survey the same year, Mission Australia found that body image was a major concern for one-third of 15,000 young people aged between 11 and 24 who were polled on this subject. It is increasingly clear that the presence of cosmetic surgery in advertising and TV shows has added to age-old pressures affecting our children about their appearance.

Last year, the Premier told this House that doctors were reporting an increase in adolescent patients inquiring about and demanding cosmetic surgery. These social pressures appear to be contributing to an increase in young people asking about cosmetic procedures for purely aesthetic reasons. This is a trend that the Bligh government wants to tackle now. The good news is that a young person's self-image tends to change with age and maturity. The government recognises that decisions made by young people to enhance physical aspects of their appearance with cosmetic surgery may be regretted later on. These legislative amendments are underpinned by a need to protect our young people from procedures where they may not fully understand the risks or limitations. Given the time, I seek leave to have the remainder of my second reading speech incorporated in *Hansard*.

Leave granted.

The amendments to the Public Health Act will make it an offence for a person to perform, or offer to perform, certain cosmetic procedures on children, other than where it is in the child's best interests.

Higher risk, invasive cosmetic procedures that will be prohibited, include: face lifts, tummy tucks, eyelid surgery, breast augmentation and the attachment of porcelain veneers to the front surface of teeth.

But there will be occasions, Mr Speaker, when these procedures are justifiable on medical grounds, and in these cases, the legislation will provide an exemption from this offence.

Exemptions may include surgery to correct a congenital abnormality, or, a residual physical deformity as a result of an accident or burn.

The over-riding principle in such circumstances will be the best interests of the child.

That is, a person performing, or offering to perform, a cosmetic procedure will not commit an offence if the person believes, on grounds that are reasonable in the circumstances, that the procedure is in the best interests of the child.

Mr Speaker, you may also be aware from the media that brokerage and advisory services have emerged as a part of the cosmetic industry in Australia.

I understand that such services aim to help people find a cosmetic solution suited to their needs, and in doing so, may look to the industry within Queensland, interstate or overseas.

The Bill will make it an offence for a person to procure, or offer to procure for payment, a cosmetic procedure on behalf of a child.

This offence is specific to these brokerage and advisory services.

It does not apply to cases where a registered health practitioner makes a clinical referral to another practitioner—for example, if a GP makes a referral to a plastic surgeon who performs a particular type of cosmetic procedure.

The Bill will also ensure that the chief executive of Queensland Health can report an alleged contravention of the cosmetic procedure offence to a relevant body such as the Health Quality and Complaints Commission and the practitioner's registration board.

This will enable disciplinary procedures to be considered if a practitioner was found to have performed a procedure in contravention of the legislation.

Authorised persons under the Act will also have the power to enter a place to monitor compliance with the new cosmetic procedure offence provisions.

Mr Speaker, Queensland has the highest incidence of skin cancer in the world.

As 80% of skin damage associated with skin cancer occurs in the first 18-21 years of life, it is evident that regulating children and young people's access to solariums can contribute to an overall reduction in UV radiation exposure.

As members of the House may be aware, the solarium industry in Queensland is currently self-regulating.

Operators can choose to voluntarily adhere to the Australian Standard for the operation of solariums, which includes a requirement to obtain consent for anyone under the age of 18.

Research commissioned by Queensland Health last year found that 44 percent of the 200 solarium operators in Queensland set a minimum age of 18 years for access to a solarium.

However, 15 percent of operators permitted users as young as 15 years to use solariums for cosmetic purposes.

The use of solariums by young people has come under scrutiny by all Australian governments, Mr Speaker, leading to a call for nationally consistent regulation of the solarium industry.

The amendments to Queensland's Radiation Safety Act have been introduced to address this issue, pending the adoption of the broader national model.

This matter is being progressed through the Australian Health Ministers' Conference.

Work is being undertaken to develop a national model that could be incorporated into the National Directory for Radiation Protection in accordance with AHMC's decision of 1999 that jurisdictions seek uniformity in radiation protection practices across Australia.

Mr Speaker, I can advise the House that over 80 percent of operators backed moves to regulate the use of solariums by people under the age of 18.

The Cancer Council Queensland and the Australasian Solarium Association are among those who support the steps being taken by the Bligh Government.

The Radiation Safety Regulation 1999 will be amended to set out the circumstances where people under 18 years of age will not be permitted to access solariums in various commercial settings, for example:

- use of solariums at a sun tanning clinic;
- access to solariums as part of an incentives package offered by a gymnasium;
- access to coin or token operated solariums at commercial premises, such as gymnasiums;
- hiring a sun tanning unit to a young person for use at home.

The maximum penalty for contravening this prohibition will be 400 penalty units, or \$30,000 for an individual and \$150,000 for a company.

The development of a Bill such as this involves extensive consultation with stakeholders. I would like to take this opportunity to thank all those stakeholders who were involved with the development of the Bill.

This Bill will protect the health of young Queenslanders and ensure that our youth are not resorting to surgical quick fixes to improve their appearance.

I commend the Bill to the House.

Debate, on motion of Mr Langbroek, adjourned.

~~FISHERIES AMENDMENT BILL~~

~~First Reading~~

~~Hon. TS MULHERIN (Mackay—ALP) (Minister for Primary Industries and Fisheries) (12.48 pm): I present a bill for an act to amend the Fisheries Act 1994 for particular purposes. I present the explanatory notes, and I move—~~

~~That the bill be now read a first time.~~

~~Question put—That the bill be now read a first time.~~

~~Motion agreed to.~~

~~Bill read a first time.~~

~~Second Reading~~

~~Hon. TS MULHERIN (Mackay—ALP) (Minister for Primary Industries and Fisheries) (12.48 pm): I move—~~

~~That the bill be now read a second time.~~