

**CHILDREN AND COMMUNITY SERVICES AMENDMENT (BODY PIERCING) BILL 2007**

*Second Reading*

Resumed from 2 April.

**MR A.J. SIMPSON (Serpentine-Jarrahdale)** [4.00 pm]: Body piercing is part of society. During afternoon tea, I was speaking to some people about body piercing, and someone said that body piercing has almost become an Olympic sport, because so many people are getting it done. I agree that that is very much the case. This bill is all about giving us as parents, and as lawmakers, a way of protecting the innocent. I have actually just been communicating with my 13-year-old daughter on MSN, and I asked her whether she would ever want to get any body piercing done, and she said no way. I was happy to hear that. Our friends Murray and Jenny live at the end of our street. They have three daughters. About four years ago, their oldest daughter, who was about 15, was working for me in my bakery. She wanted to get her bellybutton pierced, but her parents were very strict about that and they kept saying, "No. You will have to wait until you turn 18. While you are living under our roof, you will live by our rules." It was interesting that a few years later we went to her eighteenth birthday party, and I asked her whether she had now had her bellybutton pierced, and she said no; she did not want to do it now. I thought that was quite funny. Obviously, other people at her school had been getting body piercing done, and she had wanted to be part of that process. That is what this bill is all about.

Body piercing, like tattooing, can be very dangerous. People can pick up certain diseases if the procedure is not carried out correctly. If young people try to get body piercing done against the wishes of their parents, they may go to someone to have the procedure done who is not —

**The ACTING SPEAKER (Mr P.B. Watson)**: Members, three or four conversations are taking place at the moment. I want to hear the member for Serpentine-Jarrahdale.

**Mr A.J. SIMPSON**: Thank you very much, Mr Acting Speaker.

If these young people try to hide their intentions from their parents, they may go to a person who can do it more cheaply, and they may catch a disease.

Tattooing, or branding as it is sometimes called, and piercing, are very prominent in our society whether we like it or not. Some people like to voice their opinions about body piercing and tattooing. I cannot add much more to this debate. We support the bill.

**DR G.G. JACOBS (Roe)** [4.04 pm]: I support the Children and Community Services Amendment (Body Piercing) Bill. I commend the member for Alfred Cove for introducing this bill into the Parliament. Although this is only a short bill, it raises some important issues in the community. As a practising doctor for more than 27 years, I was always amazed when some of my younger patients, particularly my 13, 14 and 15-year-old patients, would attend my surgery to be examined for a sore throat, because when they opened their mouths as I protruded the spatula, I would find that they had a foreign rod poked through their tongue, with two little knobs, one at the top and one at the bottom; that is, one at the dorsal aspect, and one on the floor of the mouth. I am sure that many patients and many people in the community do not realise the danger of such a procedure.

I said to the minister that I would speak for only a short while. He did not actually believe me. A few people on this side do not believe me either! However, I want to tell members a little story about an issue that I had with the Medical Board of Western Australia and a Filipino faith-healer who had come to town. Patients were coming to my office and were saying to me that they were going to see this faith-healer to have their gallstones removed. I said to them, "Well, that is wonderful, but how does it happen?" They said, "Well, it does happen, because Mrs Jones has had it done, and she is feeling much better." All sorts of stories were going around town, such as people with hemiplegia who had been healed and could throw away their wheelchairs and walk again.

I did not want to look as though I was guilty of professional sour grapes, and I did not want people to say that I did not want anyone else to cure people because I wanted to keep all the custom to myself. Therefore, I thought I had better have a look at this faith healing in a very objective way and see how it was done. One of my patients had told me that she was going to see this Filipino faith-healer to have her gallstones removed, so I thought I would go to the residence where this faith-healer was in session to see whether I could speak to him. It was a private residence, and when I asked the lady at this residence whether I could speak to the Filipino faith-healer who was seeing patients, or clients, or whatever, she ushered me into a bedroom. All the curtains and blinds were closed, candles were burning in each corner of the room, and there was a couch in the middle of the room. I said to the Filipino faith-healer that one of my patients was coming to see him today, and I would like to watch the "operation", and he said that would be okay; he would be doing it at 3.00 pm. So I cancelled some of the patients who had made an appointment to see me in my rooms, and I went to that residence at 3.00 pm to watch this so-called operation. You are probably wondering, Mr Acting Speaker, where this story is going.

Mr Tony Simpson; Acting Speaker; Dr Graham Jacobs; Mr Mick Murray; Mr Paul Omodei; Mr David Templeman; Mr Colin Barnett; Ms Sue Walker; Mr Grant Woodhams; Dr Janet Woollard

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**The ACTING SPEAKER:** I am!

**Dr G.G. JACOBS:** If members will bear with me, what I want to talk about is the inconsistencies under the Medical Act in dealing with the operations of a Filipino faith-healer versus dealing with the operations of the practitioners of body piercing. I will get back to the story. At 3.00 pm a patient was ushered into a room and laid on a couch. It was quite dark, as members can imagine; the room was lit only by candlelight. The Filipino faith-healer worked on the patient's right upper quadrant, which is where the liver is. The member for Dawesville knows this and it is probably quite boring for him. The gall bladder is located under and attached to the liver. The faith-healer began to knead the patient's body deeply with his hands. He stuck his hands in under the rib cage, mashed around and pushed in deeply.

**Mr A.D. McRae:** Those actions will not work on radio.

**Dr G.G. JACOBS:** That is alright; it is for the benefit of the member for Riverton. The member for Dawesville understands this. The member for Riverton might understand the legal matters but he might not understand the medical matters. I am describing the area of the operation. Suddenly a red fluid appeared. That was obviously meant to create the impression that it was blood. The healer continued the process and some stuff was almost welling up. The healer then brought up his hand and threw the contents of the operation into a steel bucket that was next to the bed, creating a pinging sound. That noise was meant to create the impression that the gallstone had been delivered. He continued to do the operation and he made another couple of noises when he threw more of the supposed contents of the operation into the bucket. The operation took about 15 minutes. Eventually all the red fluid was mopped away and the patient was ushered out of the room. The operation cost \$250 or \$300. I took this matter to the Medical Board. Members might say that it is a case of sour grapes and that I am worried about my patients going to another so-called practitioner. I believed that there was an issue of blatant fraud.

**Mr P.D. Omodei:** And they paid cash.

**Dr G.G. JACOBS:** They paid cash. They were told that they had had an operation. For all intents and purposes, the impression was created that an operation had been performed. I asked one of the patients to see me the next day so that we could check it out. The patient asked what I meant and I told her that I would perform an ultrasound of her gallbladder to see whether the gallstones had gone.

**Dr K.D. Hames:** I presume that you knew she had gallstones beforehand.

**Dr G.G. JACOBS:** Absolutely; she had gallstones before she saw the faith-healer. I conducted an ultrasound and it showed that the stones were present. I told the Medical Board that this behaviour was fraudulent because people believed that they were having an operation. They were paying relatively large sums of money for it but they were not getting what they were purported to get. The Medical Board cogitated on that matter for about a week and told me that it wanted to ask me a couple of questions. It asked whether the practitioner was purporting to be a doctor. I said that he did not call himself a doctor; he called himself a faith-healer. The second question was whether the practitioner physically picked up an instrument and breached the skin with either a scalpel or another instrument to pierce the skin and enter the abdominal cavity. I told the board that the patient had no scarring and that the faith-healer had created the impression that an operation had been performed but that the skin had not been breached. It was all sleight of hand. The red fluid was sleight of hand and the impression that a stone had been delivered and thrown into the bucket was all sleight of hand. The board said that the faith-healer was not an impostor because he did not say that he was a doctor and he did not pick up an instrument and breach the patients' skin or any body cavity. The board decided that it did not have an issue with the faith-healer and that the practice did not come under its act. According to the Medical Board, the operation did not come under its jurisdiction because the healer did not conduct an operation.

I know of another patient—a young girl—who has had an operation. A lot of boys and girls have their tongues pierced. That is potentially a very dangerous operation. The body piercer picks up an instrument and breaches the skin or mucosal surface to conduct the operation. What happens in this state? Practitioners see all sorts of body parts that have been pierced. The member for Alfred Cove talked about body piercing being conducted on a person's umbilicus, ears, tongue, nose, and even genitalia. Even underage children are having these types of procedures done, and it is an operation. They are being physically operated on with instruments by practitioners. It is important to legislate for this practice in some manner. People have asked me whether I am trying to ban the practice. We are not going that far with this legislation. However, there is an issue about underage people who are having these operations performed without parental consent. I asked the member for Alfred Cove how she would feel if her 13-year-old daughter wanted to put a stud in her tongue and the body piercer hit the lingual artery, which is one of the major vessels in the tongue. It is also one of the most vascular areas in the tongue. As a practitioner, if someone asked me to take off a little polyp or wart from his tongue, I would be very careful. That is not the type of job that can be done in the treatment room with a bit of local anaesthetic. The member for Darling Range knows about the vascular nature of the mouth, tongue and the floor of the mouth. The tongue is

Mr Tony Simpson; Acting Speaker; Dr Graham Jacobs; Mr Mick Murray; Mr Paul Omodei; Mr David Templeman; Mr Colin Barnett; Ms Sue Walker; Mr Grant Woodhams; Dr Janet Woollard

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very difficult to operate on. The member for Alfred Cove's 13-year-old daughter would be given a local anaesthetic and the body piercer would pierce the tongue with a stud. That is potentially very dangerous. We are not about to ban that completely. However, as I said to the member for Alfred Cove, would it not be devastating if she received a call from Royal Perth Hospital to say that her 13-year-old daughter had a problem because the body piercer hit a major artery while performing the operation to make the channel for the stud and her daughter was receiving her fifth unit of blood?

The story about the Filipino is to demonstrate that the Medical Board was prepared to say that that type of operation was not within its jurisdiction. I believe that this legislation addresses another issue. It does not say that they are doctors, but the second answer I got to the Filipino faith-healer story is that they are operating on people. If a person is breaking somebody's skin and going through structures of the body, he or she is operating on that person. This legislation will minimise some of that harm and make people aware of the consequences. Parents will be made aware that they must give consent if their child is under the age of 18. People have said that the age of consent is not 18; it is 16. They are asking why the age of 18 has been included in this bill. The answer is that legislation is already in place for tattooing and branding, for which the age of consent is 18. The member for Alfred Cove wants to have some uniformity and believes that the age of consent should be 18 to be consistent with what currently applies to tattooing and branding.

Mr Acting Speaker, I thank you for your indulgence. I wanted to highlight some of the inconsistencies. It is not about sour grapes or the medical profession trying to keep the work for itself; it is about the safety and health of individuals. This bill goes some way to pursuing some of the safety issues in the industry of body piercing.

**MR M.P. MURRAY (Collie-Wellington — Parliamentary Secretary)** [4.21 pm]: I listened to the member for Roe's contribution to the Children and Community Services Amendment (Body Piercing) Bill 2007, and there is an area of concern that he did not highlight. I am not sure what the process to which I will refer is called, but in recent times I have seen internet footage of the procedure. It is probably one of the most grotesque things that I have seen performed on any human being. The skin is stripped back and, in some cases, a plate of skin is taken off a person's back. The cavities are filled with dye and the scar tissue grows over the top of the design. It is similar to a tattoo. Whatever else comes out of this debate, this procedure should be included in the legislation. It is all about piercing the skin to insert studs and those sorts of things. I understand that the procedure to which I have referred has a Japanese background. People who have had it done would have to have their head examined as well as their back. As we know, these are fads and in later life people regret their disfigurement. As a father and a grandfather I would hate to think that this practice would be allowed to occur in Western Australia. At a later date I will furnish some images of this process. The photos made me feel sick in the pit of my stomach. At first I thought it was a mock up, but it was not. I understand that a committee might be established to consider this bill. If that is the case, I ask it to consider including in the bill the process to which I have referred. We should not allow people to disfigure themselves through this procedure.

**MR P.D. OMODEI (Warren-Blackwood)** [4.24 pm]: I indicate my support for the Children and Community Services Amendment (Body Piercing) Bill 2007. The member for Alfred Cove has struck on an area of deep concern. Over time people, particularly those in the Navy, have had a propensity towards tattoos and earrings. In days gone by pirates wore earrings.

There is a concern about the health aspect of body piercing. There needs to be an education program at a school level to ensure that young people who want piercings or tattoos understand the ramifications of their actions and what can go wrong. To that extent this is a good bill, given that over centuries there has been a tradition of people marking their bodies. The legislation that exists covers people under 18 years of age.

I have a brother-in-law who has extensive tattoos over his body. He was in the Navy and tattooing was part and parcel of it. Coming from a conservative background, I am not in favour of body piercing or tattooing. I do not favour the wearing of a significant amount of jewellery. Some women have their ears pierced at a very young age; that is part of parcel of being a woman.

As an anecdote, I have three sons and a daughter. One of the boys came home and said to his mother and me that he was thinking of having one of his ears pierced so that he could wear an earring. Being very conservative, I said that if he wore an earring I would go into his bedroom at night with the pliers and remove it without any anaesthetic. I was told that I was old-fashioned. Anyway, neither he nor his brothers decided to risk the consequences. One day two of the boys came to me and said, "Dad, guess what? Your favourite daughter's boyfriend wears a stud in his ear." I said, "You tell him from me that if he comes through that door with an earring I will take it out with the pliers in the same way I was going to take yours out." Fortunately for him he never wore the earring from that day on.

I have witnessed cases referred to by the member for Roe of young people with studs in their tongues and their tongues have become infected. The consequences are serious.

Mr Tony Simpson; Acting Speaker; Dr Graham Jacobs; Mr Mick Murray; Mr Paul Omodei; Mr David Templeman; Mr Colin Barnett; Ms Sue Walker; Mr Grant Woodhams; Dr Janet Woollard

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I support this bill. Putting aside my old-fashioned views, the idea of ensuring the health of our younger generation would be assured by this legislation. To that extent it is a good thing. My plea to whoever is responsible for this legislation is that there be an education program at a school level, not so much about earrings and nose studs but other body piercings that can cause serious harm to younger people. This legislation is worthwhile.

**MR D.A. TEMPLEMAN (Mandurah — Minister for the Environment)** [4.27 pm]: I indicate to the house and particularly the member who introduced the Children and Community Services Amendment (Body Piercing) Bill 2007, the member for Alfred Cove, that the government, through the Minister for Child Protection, has given its public commitment to seriously consider this important initiative. The minister has indicated strong support for an amendment along the lines that the member proposes, in particular to require parental consent for body piercing of minors in the same way that the provisions of the Children and Community Services Act 2004 currently apply to tattooing and branding.

I commend the member for Alfred Cove for bringing this bill to this place. It is clear that, as has been highlighted by previous speakers including the member for Alfred Cove, this issue is about safe practices as they relate to children. I note the reference to the age of consent that has been highlighted in the bill, as well as the particular elements relating to current provisions in the act that apply to branding and tattooing. The member's amendment goes further than that, and that is acknowledged.

I want to comment briefly on the contribution by the member for Roe. It interests me to listen to learned physicians, because I actually appreciate hearing their perspective on the potential impacts and real impacts of these practices on the human body. All of us are aware—I think the member for Warren-Blackwood highlighted it—that cultural piercing has occurred over a long period. Brandings have had cultural significance in a range of cultures throughout the world.

**Mr P.D. Omodei:** Maoris in particular.

**Mr D.A. TEMPLEMAN:** That is very true. I think that with this bill the member for Alfred Cove wants to ensure that parents have an absolute say on what happens to their child—in this case, their child's body.

**Dr J.M. Woollard:** Rather than finding out when they have a nasty infection.

**Mr D.A. TEMPLEMAN:** That is right. I acknowledge exactly where the member is coming from. That is why the government, through the Minister for Child Protection, will support the examination of the bill. We would like to refer this bill to the Community Development and Justice Standing Committee, which I know the member is happy to do, and ensure that the member is co-opted onto the committee for the purpose of reviewing the bill. I checked with the Clerk of the house and I understand that if a time limit is not placed on when a committee should report, the time limit is automatically a year. However, that is not appropriate in this case. I think the thrust of this bill can be dealt with relatively quickly. I will propose that we request the committee to report back to the house by 25 September, which is an appropriate amount of time for that committee to consider the bill and report back to Parliament.

**Mr P.D. Omodei:** Will the committee members have to experience some piercings before they report?

**Mr D.A. TEMPLEMAN:** I do not have control over the workings of that particular committee.

**Dr G.G. Jacobs:** I am on the committee, and I will not be pierced, thanks.

**Mr D.A. TEMPLEMAN:** I am sure that if the committee decides to visit places where piercings take place, they might want to consider it!

Once the second reading speech has been passed, before the third reading, I will move to have the bill referred according to the following proposed motion —

That —

- (1) The bill be referred to the Community Development and Justice Standing Committee.
- (2) The member for Alfred Cove be co-opted to the Community Development and Justice Standing Committee for the purpose of reviewing the bill.
- (3) The committee be requested to report back to the house by 25 September 2008.

It is interesting that in her second reading speech, the member for Alfred Cove referred to legislation in other parts of Australia that covers this issue. She highlighted that Queensland and South Australia already have in place legislation, and Victoria has moved to introduce similar legislation. I am not sure of the progress the Victorian Parliament had made with this issue when the member for Alfred Cove made her second reading speech in August 2007. However, there is certainly good reason that Western Australia should move to amend

Mr Tony Simpson; Acting Speaker; Dr Graham Jacobs; Mr Mick Murray; Mr Paul Omodei; Mr David Templeman; Mr Colin Barnett; Ms Sue Walker; Mr Grant Woodhams; Dr Janet Woollard

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our Children and Community Services Act to further protect children in light of these practices. I am not sure who else will speak to this issue, but I understand that before the third reading of the bill I will be able to move the motion I foreshadowed.

**MR C.J. BARNETT (Cottesloe)** [4.33 pm]: I will not address the substance of the bill. On behalf of the members of the Liberal Party who have spoken, we support that approach. It is an appropriate way of dealing with this important social and, as we heard from the member for Roe, health issue. It is also clearly an important issue about parental responsibility and child welfare. I compliment the member for Alfred Cove on bringing it forward. The suggestion by the minister is an appropriate way of handling it.

**MS S.E. WALKER (Nedlands)** [4.34 pm]: I read the record of when we first debated this issue, and I listened today to the minister's comments on it. The government has had four years to consider this legislation. The member for Alfred Cove first raised it on 6 April 2004 during debate on the abolition of certain sections of the Child Welfare Act. I refer to page 1773 of *Hansard*, which shows that the minister then refused point blank to accept the amendments moved by the member for Alfred Cove on that day. The member had undertaken quite a considerable amount of research. The then minister said —

This issue occupied a considerable degree of departmental officers' time and deliberations, including consultation with a number of parents, children, practitioners and others. It is very clear that there are many views on body piercing within the community.

She states further —

It is a difficult issue. After taking into consideration all the issues, it was considered that, unlike branding and tattooing, piercing does not leave the body permanently scarred. The member for Alfred Cove may not agree with our approach, but we gave the issue a fair amount of consideration and undertook consultation. We spoke to a number of schools about the practical implications of body piercing and its impact in schools.

She states further —

I have been approached by parents about this practice. The Government is not about making legislation to appease a handful of parents.

I heard the present minister say that the former minister was committed to looking at it.

**Dr J.M. Woollard** interjected.

**Ms S.E. WALKER:** Yes, but he was talking about the former minister. I listened downstairs on my monitor and the present minister said that the former minister had committed to looking at it. She did look at it, and she rejected it. It is very poor of the government to fob off this bill to a committee after all this time. At the time the member for Alfred Cove spoke, I supported her amendment because I thought she had done a lot of research. She referred to the Queensland legislation. Even though the member for Alfred Cove thinks it is a good idea, it is a shame that the current minister, the member for Mandurah, who has been a member of this house for seven years and must have heard the debate and must be across the issue, does not support the bill. I remind the house of the former minister's position, which is not quite what the current minister indicated.

**MR G. WOODHAMS (Greenough)** [4.37 pm]: I rise to support members on this side of the house and the comments and information they have brought before us. I will make a couple of points, but I will not spend a great deal of time elaborating on them. I acknowledge the member for Roe's contribution. Having had some involvement in the sporting arena I know the rules surrounding tongue studs, ear-rings and even finger rings, which are not worn as a result of body piercing. Many sporting disciplines require that they be removed so that people can participate without threat of injury. I do not know how widely embracing this bill might be; however, those considerations should also be taken on board. In some forms of motor racing, a sport I have a great deal of involvement in, there is great concern about body piercing, particularly of eyebrows and ears, due to the effect the removal of safety helmets can have on those piercings when someone might be injured in a motor racing accident. While that might be somewhat removed from the intent of the member for Alfred Cove's original thoughts and speech in this house, I believe it is just as relevant and important to this society from a health aspect. People in this community are greatly concerned about the incidence of body piercing and how it is allowed to happen. Mr Acting Speaker (Mr P.B. Watson), as I think you are aware, I have a 15-year-old daughter. She has both of her ears pierced. Like many of her peers, she has earrings. I know that members of both genders in this place have pierced ears. I do not know whether they have both ears pierced. I am certainly not privy to other piercings.

If this bill passes through this place—I understand that the government is taking a different position at this stage—and it is sent to a committee, I will ask that committee to seriously look at the health implications of body

Mr Tony Simpson; Acting Speaker; Dr Graham Jacobs; Mr Mick Murray; Mr Paul Omodei; Mr David Templeman; Mr Colin Barnett; Ms Sue Walker; Mr Grant Woodhams; Dr Janet Woollard

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piercing across the wider community. The absolute deliberation needs to be on young people who perhaps do not have the capacity to understand what body piercing might do to them in the years to come, as the member for Roe so accurately pointed out. It is a genuine concern. One of the other things that concerns me is that sometimes in this place we seem a little removed from the way that people in society behave and unaware of social mores generally. Some of us tend to be a little aloof on occasions. We generally get an idea of how we should proceed with things but sometimes, though unintended, we miss the mark. I ask the government and this committee, if it is formed, to look at the whole issue of body piercing from zero through to whatever point in time that a person can get his or her body pierced, what permission is needed and what medical guarantees can be put in place to enable that to happen safely.

**DR J.M. WOOLLARD (Alfred Cove)** [4.42 pm] — in reply: I thank members on both sides of the house for their support of this amendment bill. I appreciate that the minister representing the Minister for Child Protection in this house, the Minister for the Environment, has indicated that he will move to refer this bill to a committee. Obviously, I would like this bill to be passed now. I feel very strongly about this issue and I know people in the community feel very strongly about this issue. The Minister for Child Protection has also put on record her support for amending the legislation to include body piercing in the same category as branding and tattooing. I am sure it is because the medical problems associated with body piercing—mutilation, septicaemia, scarring, hepatitis and acquired immune deficiency syndrome—have been brought to the minister’s attention. As well as including body piercing with branding and tattooing, it is also important that parental consent be required for children who want to have some parts of their body pierced. Some parts of children’s bodies should be protected until they turn 18. When this legislation is enacted, I would like it to include provisions to ensure that children under the age of 18 cannot have their genitalia pierced and that girls under the age of 18 cannot have their nipples pierced because of the problems that can develop later in life from such piercings.

I am pleased that the government is supporting this bill. The member for Collie-Wellington has concerns about what is being done now with tattooing. Maybe the committee needs to look at the definition of tattooing. I had not heard of tattooists peeling away the skin for the insertion of ink. I had heard of general tattooing but this seems to go a step further. Members of my community have not contacted me about this but, on behalf of the member for Collie-Wellington, I am willing to look into this as a member of the committee.

Again, I thank members for their support and assure them that this is a serious problem in the community. I still get regular calls about this issue from my constituents who know that I have been trying to get an amendment made to the legislation now for quite some time—four years. I am very pleased that Hon Sue Ellery has given this bill her support. I appreciate that the Minister for the Environment will move that this bill be referred to a committee but I hope that the bill does not get lost in paperwork. I appreciate the fact that it will be brought back to this house by September. Hopefully, that will be before the next election is called. That is my only concern. There is talk of an early election. I do not want this legislation to be left on the backburner for another four years.

**Mr M.P. Murray:** Why would we have an early election?

**Dr J.M. WOOLLARD:** The Premier has said that we may have an early election. I am wondering whether September will be safe. The minister said that the committee would report back in three months. I look forward to working with the member for Roe, who will also be a member of that committee, and other members of that committee. I hope that when the bill comes back to the house in three months, it will progress smoothly through the house. I thank members for their support.

Question put and passed.

Bill read a second time.

*Referral to Community Development and Justice Standing Committee*

On motion by **Mr D.A. Templeman (Minister for the Environment)**, resolved —

- (1) That the Children and Community Services Amendment (Body Piercing) Bill 2007 be referred to the Community Development and Justice Standing Committee.
- (2) That the member for Alfred Cove be co-opted to the Community Development and Justice Standing Committee for the purposes of reviewing the bill.
- (3) That the committee report back to the house by 25 September 2008.