

# **HAVE YOUR SAY: CHILDREN AND YOUNG PEOPLE USING COSMETIC SURGERY AND SOLARIUMS IN QUEENSLAND**

**October 2007**

There is some evidence that there may be an increase in the number of Queensland children and young people under the age of 18 using cosmetic surgery procedures and using solariums for cosmetic tanning.

The Queensland Government wants to hear Queenslanders' views about the extent of this problem and whether existing regulatory arrangements for cosmetic surgery procedures and solarium use are enough to protect the wellbeing of Queensland children and young people.

## **WHAT ARE COSMETIC SURGERY AND SOLARIUMS?**

In this paper, 'cosmetic surgery' refers to invasive (procedures that break the skin, such as breast enlargement, rhinoplasty (nose surgery), surgical face-lifts, tummy tucks, liposuction, and collagen and botox® injections) and non-invasive (procedures that do not usually break the skin, such as chemical peels, microdermabrasion, and laser hair removal) procedures performed for non-medical reasons.

They are procedures that are performed on otherwise healthy people, purely for cosmetic reasons, not because of any medical reason.

However, 'cosmetic surgery' does not include invasive and non-invasive procedures done for medical reasons, as directed by a qualified clinician. Procedures done for medical reasons could be to treat and correct physical conditions which cause problems for the medical, psychological and social well being of people. For example, ear surgery (otoplasty), breast reduction in men (gynecomastia) and corrective rhinoplasty (nose) surgery.

A solarium (sun bed or tanning bed) is an indoor tanning machine that uses an artificial source of ultraviolet (UV) radiation applied to the skin surface to make the skin appear tanned.

There are some forms of UV light treatments approved for medical use to treat conditions such as psoriasis, these are not included when we refer to 'solariums'.

This paper is only about access to solariums and cosmetic surgery performed on Queensland children and young people under the age of 18 for non-medical reasons. It does not cover:

- any procedure undertaken for medical reasons at the direction of a medical or other qualified clinical professional
- cosmetic dentistry which is performed by dentistry professionals

- tattoos and body piercing, which are not commonly regarded as cosmetic surgery.

## **CHILDREN AND YOUNG PEOPLE'S USE OF COSMETIC SURGERY AND SOLARIUMS**

There is some evidence that there may be an increasing number of children and young people in Queensland and Australia who are using cosmetic surgery. A popular Australian young girls magazine recently published results of its survey of 4,000 teenage girls aged 11 to 18. About 1,000 of those surveyed said they would get plastic surgery if they could and 80 had already had cosmetic surgery.

During the last few years a number of media articles have said that doctors are reporting an increase in adolescent patients enquiring about and demanding cosmetic surgery, particularly rhinoplasty, liposuction and breast enhancement. The media have explained the trend for cosmetic surgery as being caused by young people's obsession with celebrities, aggressive marketing by cosmetic clinics and some doctors, and the promotion of having the perfect body.

At the moment there are no statistics collected on what and how much cosmetic surgery is performed in Queensland and Australia, or how old the people are that are having the surgery. There are also no statistics on the number and ages of people using a solarium in Queensland or Australia. Without those statistics we are unable to say for sure if there is an increasing trend in Queensland children and young people using cosmetic surgery or solariums.

When we are looking at what options there are to control access to cosmetic surgery and solarium use by people under the age of 18 we need to consider a number of issues such as physical, emotional and social development of young people.

Physically, teenager's bodies are still growing and developing. Emotionally, teenagers are vulnerable to social pressure, a desire to conform to stereotypes and cultural 'norms'. Teenagers are concerned about becoming attractive, confident and acceptable to others.

The way children and young people view their bodies' changes as they mature. The way society views beauty also changes. Research has shown that while teenagers may dislike their appearance, this improves as they get older. Older teens feel better about their bodies than younger teens. The features most disliked are those associated with culturally determined stereotypes portrayed in books, mass media and advertisements. Teenagers may later regret deciding to have cosmetic surgery.

There are no studies or clinical trials on the safety and long-term risks of breast implants or liposuction on patients under the age of 18. Breast development can continue into late teens and early twenties.

There is limited scientific evidence indicating a link between solarium use and development of skin cancer. However, as a solarium uses an artificial source of UV, this could present a potential risk for skin cancer and skin damage.

## **WHO PROVIDES COSMETIC SURGERY AND SOLARIUMS IN QUEENSLAND?**

In Queensland, cosmetic surgery procedures and solarium treatment for non-medical reasons are only done by the private business sector and private health system. Queensland's public health system does not perform cosmetic surgery procedures or solarium treatment for non-medical reasons. Medicare rebates are not available for cosmetic procedures or solarium treatment for non-medical reasons.

Cosmetic surgery procedures are performed by a range of providers in Queensland including doctors, nurses, medical specialists, general practitioners, as well as beauty therapists for non-invasive cosmetic surgery procedures. These procedures are provided in a range of private hospitals, clinics and small practices.

Doctors providing cosmetic surgery often work in small practices or as employees in specialised clinics, such as skin care clinics. The cosmetic surgery industry is highly competitive, which may restrict peer review and publishing of research which could improve clinical practice and training.

It is illegal for a doctor to pay another doctor to refer patients to him or her. It is also illegal for a doctor to accept payment from another doctor for referring a person.

However, there are several specialist referral agents who, although non-medically trained, provide advice to consumers on preferred procedures, techniques and providers. Manufacturers and distributors of devices used in cosmetic surgery also play a major role in patient referral and promotion of their products.

There are approximately 200 solarium operators and about 350 solarium units operating in Queensland. Solarium sessions are available through a number of commercial providers including; tanning salons, hairdressers, health and beauty businesses and gyms.

Solarium operators, although not medically trained, provide advice on solarium use and skin type assessment for suitability for client access.

## **HOW ARE THE COSMETIC SURGERY AND SOLARIUM INDUSTRIES REGULATED IN QUEENSLAND?**

Queensland's cosmetic surgery and solarium industries are not directly regulated by legislation specifically designed to regulate those industries alone. Similarly, no other Australian State or Territory government has specific legislation regulating the cosmetic surgery or solarium industries. Instead, Australian governments have relied on existing industry and professional legislation, industry self-regulation, and common law to regulate these industries. Some aspects of the law affecting cosmetic surgery and solariums are mentioned below.

### *Industry self-regulation*

The Australian Society of Plastic Surgeons and the Australasian College of Cosmetic Surgery have advised their members to operate within established codes of practice that encompass the need for:

- a medical evaluation to ensure a patient's suitability for the procedure and to identify possible risk factors or other factors that may result in a poor outcome
- psychological evaluation to establish the reason the patient wants the procedure done and to identify possible psychological risk factors or indicators of poor outcome
- patient education including information about the procedure, possible alternative treatments, obtaining a second opinion, information about complications, side-effects and expected realistic outcomes
- obtaining informed consent and allowing for a "cooling off period" between the initial consultation and performance of the procedure.

The operation of a solarium is governed by a voluntary Australian and New Zealand Standard, *AS/NZS 2635:2002 Operation of Solaria for Cosmetic Purposes*. The requirements set out in this Standard provide the basis for the set up and operation of artificial tanning equipment in commercial establishments with solarium facilities (including access by minors 15-17 years).

### *Medical Practitioner Registration*

Medical practitioners performing cosmetic surgery are subject to regulation under a number of Acts, including the *Medical Practitioners Registration Act 2001* and the *Health Practitioners (Professional Standards) Act 1999*. These Acts provide for disciplinary action against doctors engaging in unprofessional conduct.

The *Medical Practitioners Registration Act 2001* also restricts the use of the professional titles 'Surgeon' and 'Plastic and Reconstructive Surgeon' to fellows of the Royal Australasian College of Surgeons. However, the Act does not directly restrict use of the title 'Cosmetic Surgeon'.

### *Health Quality and Complaints Commission*

All health practitioners in Queensland are subject to the powers of the Health Quality and Complaints Commission ("the HQCC"). The HQCC's role is to oversee and suggest improvement to the quality of health services and to undertake independent review and management of health complaints. The HQCC has statutory powers to investigate individual complaints about health services, as well as complaints about health quality and safety generally. The HQCC can report on the investigation or conciliate the complaint. However, cases of unprofessional or unethical conduct are referred to the relevant registration Board (eg Medical Board).

### *Radiation Safety Act 1999*

The *Radiation Safety Act 1999* requires all persons who use radiation apparatus to hold an appropriate licence issued by the Chief Executive Officer, Queensland Health. These licences may only be issued to persons who have appropriate skills and

knowledge of the principles and practices of radiation protection, as well as expertise in the use of the radiation apparatus.

Such apparatus include lasers that may be used to carry out a diagnostic, therapeutic or cosmetic procedure involving the irradiation of a person. Currently, licences may be issued to persons for the use of a laser for procedures such as tattoo removal, superficial vascular lesion treatment, skin rejuvenation, hard and soft tissue dental procedures, dermatology, hair removal, and ophthalmology.

### *Common law*

Persons performing cosmetic surgery are also subject to tort law, including actions for negligence. Negligence involves a failure in law to do what a reasonable person would have done in the circumstances to avoid loss or injury to the plaintiff. It entails conduct which falls below the standard demanded for the protection of others against unreasonable risk or harm. A plaintiff can claim either special or general damages as a remedy for negligence.

### *Consent Issues*

Issues relating to the capacity for young people to consent and understand the risks associated with cosmetic procedures and surgery also require consideration.

In most cases, a parent's right to make medical decisions for a child ceases when the child turns 18. However, as children mature, they gradually acquire the right to make their own medical decisions and be entitled to the same confidentiality of medical information as an adult patient.

The High Court of Australia settled the common law test for determining a young person's competence to make medical decisions in *Marion's case*. The Court held that a minor is capable of giving informed consent when he or she achieves a sufficient understanding and intelligence to enable him or her to understand fully what is proposed.

This test for competence to make medical decisions focuses on an assessment of the individual young person's level of maturity and understanding in relation to the proposed treatment (including the nature and consequences of that treatment). Factors which a doctor is likely to take into consideration when assessing a minor's competence to consent include: the child's age, if the child is socially independent of their parents, the nature of the procedure, their insight into their condition, their apparent maturity, intelligence and attitude, voluntary presentation rather than parent-organised appointment, family dynamic, signs of mental illness, social history and personality.

Other than in exceptional circumstances (eg. an emergency), a person who performs surgery on a child who is not competent to give consent must obtain the consent of the child's parent or guardian, or the approval of a court or authorised tribunal. If the person performs the surgery without the proper consent, he or she risks being sued for damages.

To be legally effective, consent must be *informed*. For this reason, clinicians usually explain the proposed surgery and the risks involved with the patient before asking the patient to sign a consent form. As noted above, codes of practice endorsed by the Australian Society of Plastic Surgeons and the Australasian College of Cosmetic Surgery advise their members to allow a “cooling off period” between the initial consultation and obtaining consent.

Prior to the commencement of any solarium session, it is a requirement by operators under the current Australian and New Zealand Standard AS/NZS 2635:2002, that *no individual under the age of 18 without parental or guardian consent shall use a sun-tanning unit. And no individual under the age of 15 shall be permitted under any circumstance to use a sun-tanning unit.* Solarium operators shall ensure that a Client Consent Form is handed to the client, for completion, signing and return. For minors 15-17 years the Standard requires a Client Consent Form to be signed by the parent/guardian before session commencement.

## **HAVE YOUR SAY**

The Queensland Government wants to hear your views about children and young people using cosmetic surgery and solariums in Queensland.

This discussion paper "*Have Your Say: Children and Young People Using Cosmetic Surgery and Solariums in Queensland*" is available electronically by:

Following the links at:

[www.qld.gov.au](http://www.qld.gov.au)

Emailing to request an electronic copy at:

[cosmeticsurgery@health.qld.gov.au](mailto:cosmeticsurgery@health.qld.gov.au)

Please have your say by completing the attached survey by **30 November 2007** by:

Email to:

[cosmeticsurgery@health.qld.gov.au](mailto:cosmeticsurgery@health.qld.gov.au)

Mail to:

Review of Cosmetic Surgery & Solariums for Children & Young  
People  
Queensland Health  
GPO Box 48  
BRISBANE QLD 4001

Complete online by following the links at:

[www.qld.gov.au](http://www.qld.gov.au)

## **SURVEY: CHILDREN AND YOUNG PEOPLE USING COSMETIC SURGERY AND SOLARIUMS IN QUEENSLAND**

Please mark an 'X' in the box that best describes your response.

### ***About you***

1. What is your age?
  - a. 0-10 years
  - b. 11-15 years
  - c. 16-17 years
  - d. 18-30 years
  - e. 30-45 years
  - f. 45-65 years
  - g. 65 years and over
  
2. Sex:
  - a. Male
  - b. Female
  - c. Other
  
3. Which of the following best describes you:  
*(You can mark more than one box.)*
  - a. Child
  - b. Young person
  - c. Parent or guardian
  - d. Cosmetic surgery practitioner, owner or operator
  - e. Plastic surgeon
  - f. General Practitioner
  - g. Other medical or health professional
  - h. Solarium owner or operator
  - i. Gymnasium owner or operator
  - j. Beauty therapist
  - k. Other
  
4. Have you or anyone in your family:
  - a. Had cosmetic surgery for non-medical purposes? YES  NO
  - b. Used a solarium for cosmetic tanning? YES  NO
  
5. If you answered yes to any of Question 4, were you/they happy with the outcome?

YES  NO
  
6. If you answered yes to Question 4a, what age were you or the family member when the cosmetic surgery for non-medical purposes was performed?
  
7. How much did the cosmetic surgery for non-medical purposes cost? .....

8. How did you/they pay for the cosmetic surgery for non-medical purposes cost? .....
9. If you answered yes to Question 4b, what age were you or the family member when the solarium for cosmetic tanning was used?

***Your thoughts about the issue generally***

10. How concerned are you about children and young people under 18 using cosmetic surgery for non-medical reasons?
- a. Not concerned
  - b. Indifferent
  - c. Slightly concerned
  - d. Very concerned
11. How concerned are you about children and young people under 18 using a solarium for cosmetic tanning?
- e. Not concerned
  - f. Indifferent
  - g. Slightly concerned
  - h. Very concerned
12. Do you think there needs to be more regulation of the use of cosmetic surgery by children and young people for non-medical reasons? YES  NO
13. Do you think there needs to be more regulation of the use of solariums for cosmetic tanning by children and young people? YES  NO
14. Do you think there should be different levels of regulation for invasive (that is, procedures which break the skin) and non-invasive (that is, procedures that do not typically break the skin) cosmetic surgery? YES  NO

***Invasive cosmetic surgery***

*(Invasive refers to those procedures that break the skin)*

15. How concerned are you about children and young people under 18 using invasive cosmetic surgery for non-medical reasons?
- i. Not concerned
  - j. Indifferent
  - k. Slightly concerned
  - l. Very concerned

16. Do you think children and young people under 18 should be allowed to have invasive cosmetic surgery for non-medical reasons?

YES  NO

17. If you said yes to Question 12, what measures do you think should be taken before children and young people can use invasive cosmetic surgery for non-medical reasons? (*You can mark more than one box.*)

- |   |                              |                             |
|---|------------------------------|-----------------------------|
| m. Information and education  | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| n. Counselling  | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| o. Informed consent   | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| p. Cooling off period between the initial consultation and having the procedure performed | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| q. Medical evaluation   | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| r. Psychological evaluation   | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| s. Parental or guardian's consent   | YES <input type="checkbox"/> | NO <input type="checkbox"/> |

***Non-invasive cosmetic surgery***

*(Non-invasive refers to those procedures that do not typically break the skin)*

18. How concerned are you about children and young people under 18 using non-invasive cosmetic surgery for non-medical reasons?

- |                       |                          |
|-----------------------|--------------------------|
| t. Not concerned      | <input type="checkbox"/> |
| u. Indifferent        | <input type="checkbox"/> |
| v. Slightly concerned | <input type="checkbox"/> |
| w. Very concerned     | <input type="checkbox"/> |

19. Do you think children and young people under 18 should be allowed to have non-invasive cosmetic surgery for non-medical reasons?

YES  NO

20. If you said yes to Question 15, what measures do you think should be taken before children and young people can use non-invasive cosmetic surgery for non-medical reasons? (*You can mark more than one box.*)

- |  |                              |                             |
|--|------------------------------|-----------------------------|
| x. Information and education   | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| y. Counselling   | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| z. Informed consent  | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| aa. Cooling off period between the initial consultation and having the procedure performed | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| bb. Medical evaluation   | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| cc. Psychological evaluation   | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| dd. Parental or guardian's consent   | YES <input type="checkbox"/> | NO <input type="checkbox"/> |

***Solariums***

21. Do you think children and young people under 18 should be allowed to use a solarium for cosmetic tanning?  
YES  NO
22. If you said yes to Question 21, what measures do you think should be taken before children and young people can use a solarium for cosmetic tanning?  
(You can mark more than one box.)
- ee. Information and education YES  NO
  - ff. Counselling YES  NO
  - gg. Informed consent YES  NO
  - hh. Cooling off period between the initial consultation and using the solarium YES  NO
  - ii. Medical evaluation YES  NO
  - jj. Psychological evaluation YES  NO
  - kk. Parental or guardian's consent YES  NO

***Information about the issue***

23. Should information about the types, numbers and age of people using cosmetic surgery for non-medical reasons be collected?  
YES  NO
24. Should information about the types, numbers and age of people using solariums be collected?  
YES  NO
25. Do you think parents, children and young people need more information about cosmetic surgery and solariums?  
YES  NO

***Additional comments***

26. Do you have any other comments?

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