



New South Wales

Children and Young Persons (Care and Protection) Amendment (Body Piercing and Tattooing) Act 2008 No 78

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New South Wales

Children and Young Persons (Care and Protection) Amendment (Body Piercing and Tattooing) Act 2008 No 78

Act No 78, 2008

An Act to amend the *Children and Young Persons (Care and Protection) Act 1998* relating to body piercing and tattooing of children and young persons. [Assented to 5 November 2008]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Children and Young Persons (Care and Protection) Amendment (Body Piercing and Tattooing) Act 2008*.

2 Commencement

This Act commences on the day occurring 28 days after the date of assent to the Act.

3 Amendment of Children and Young Persons (Care and Protection) Act 1998 No 157

The *Children and Young Persons (Care and Protection) Act 1998* is amended as set out in Schedule 1.

4 Repeal of Act

- (1) This Act is repealed on the day following the day on which the Act commences.
- (2) The repeal of this Act does not, because of the operation of section 30 of the *Interpretation Act 1987*, affect any amendment made by this Act.

Schedule 1 Amendments

(Section 3)

[1] Section 230

Omit the section. Insert instead:

230 Tattooing of children and young persons

- (1) In this section, *tattooing* means any procedure the purpose of which is to make a permanent mark on the skin of a person, and includes the procedures known as scarification, branding and beading.
- (2) A person must not perform tattooing on any part of a child's or young person's body unless the person has first obtained the consent of a parent of the child or young person, given in accordance with this section, to the tattooing of the child or young person in that manner and on that part of the child's or young person's body.
Maximum penalty: 200 penalty units.
- (3) The consent of a parent to the tattooing must be given in person by a parent accompanying the child or young person or in writing.

[2] Section 230A

Insert after section 230:

230A Body piercing of children

- (1) In this section, *body piercing* means piercing a part of the body of a person to insert a ring, bar or other thing through that body part.
- (2) A person must not perform body piercing on any part of:
 - (a) the genitalia of a child, or
 - (b) the nipples of a child.Maximum penalty: 200 penalty units.
- (3) It is not a defence to a prosecution for an offence under subsection (2) that the child or a parent of the child consented to the body piercing of the child.

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Schedule 1 Amendments

- (4) A person must not perform body piercing on any other part of a child's body unless the person has first obtained the consent of a parent of the child, given in accordance with this section, to the body piercing of that part of the child's body.
Maximum penalty: 30 penalty units.
- (5) The consent of a parent to the body piercing must be given in person by a parent accompanying the child or in writing.
- (6) This section does not apply in relation to any body piercing performed for a medical purpose.

[3] Schedule 3 Savings, transitional and other provisions

Insert at the end of clause 1 (1):

*Children and Young Persons (Care and Protection) Amendment
(Body Piercing and Tattooing) Act 2008*

[Agreement in principle speech made in Legislative Assembly on 16 May 2008
Second reading speech made in Legislative Council on 22 October 2008]

BY AUTHORITY