



New South Wales

Tattoo Parlours Amendment (Permits) Regulation 2015

under the

Tattoo Parlours Act 2012

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Tattoo Parlours Act 2012*.

VICTOR DOMINELLO, MP
Minister for Innovation and Better Regulation

Explanatory note

The objects of this Regulation are:

- (a) to no longer provide for permits authorising the performance of body art tattooing procedures by visiting overseas body art tattooists, and
- (b) to authorise the performance of body art tattooing procedures by a person who does not hold a licence under the *Tattoo Parlours Act 2012* (such as a visiting overseas body art tattooist) at a body art tattooing show if the show is authorised by a permit and the individual is an authorised participant of the show, and
- (c) to permit overseas individuals who are authorised participants of shows to perform body art tattooing procedures at other premises for up to 31 days as if those individuals held a tattooist licence, and
- (d) to provide how an individual becomes an authorised participant of a show and how that authorisation ceases, and
- (e) to create offences (maximum penalty \$2,200) if the permit holder for a show fails to ensure that a list of authorised participants is kept at the show, fails to make that list available to an authorised officer on request or fails to ensure that body art tattooing procedures are performed at the show only by persons acting under the authority of a licence under the *Tattoo Parlours Act 2012* or under the authority of the permit for the show, and
- (f) to provide that those offences may be dealt with by way of a penalty notice (on-the-spot fine) of \$550, and
- (g) to standardise the fee for an application for a permit to conduct a body art tattooing show.

This Regulation is made under the *Tattoo Parlours Act 2012*, including sections 7 (2) (b), 35 and 41 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Tattoo Parlours Amendment (Permits) Regulation 2015*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Tattoo Parlours Regulation 2013

[1] **Part 2, heading**

Omit “relating to unlicensed body art tattooing”. Insert instead “—tattooing shows”.

[2] **Part 2, Division 1**

Omit the heading to the Division.

[3] **Clause 3A**

Insert before clause 4:

3A Definitions

In this Part:

authorised participant of a show has the meaning given by clause 4.

personal details of a person means:

- (a) the full name of the person, and
- (b) the date and place of birth of the person, and
- (c) the residential address of the person and, if the person’s postal address is different from that residential address, the person’s postal address.

tattooing show or *show* means a body art tattooing show or exhibition.

unsuitable individual means an individual who is:

- (a) under 18 years of age, or
- (b) a controlled member of a declared organisation.

Note. Controlled members are prohibited from applying for permits—see section 27 of the *Crimes (Criminal Organisations Control) Act 2012*.

[4] **Clauses 4, 5 and 7 (1)**

Omit “this Division” wherever occurring. Insert instead “this Part”.

[5] **Clauses 4, 5 and 6 (1) and (3)**

Omit “body art tattooing show or exhibition” wherever occurring.

Insert instead “tattooing show”.

[6] **Clause 4 Certain tattooing shows exempt from licensing requirements**

Omit clause 4 (2). Insert instead:

- (2) The performance of a body art tattooing procedure at a tattooing show that is conducted by a person (the *permit holder*) under the authority of a permit granted under this Part is prescribed as a circumstance for the purposes of section 7 (2) (b) of the Act if it is performed by:
 - (a) an individual who holds an operator licence for premises at which the individual performs body art tattooing procedures as a self-employed individual, or
 - (b) an individual who is an authorised participant of the show.
- (3) An individual is an *authorised participant* of a show if:
 - (a) the personal details of the individual have been provided to the Chief Executive by the permit holder for the show at least 14 days before the commencement of the show, and

- (b) the individual is not an unsuitable individual, and
- (c) the individual has not, in the previous 12 months, been an authorised participant of more than one other show.
- (4) An individual ceases to be an authorised participant of a show if:
 - (a) the Chief Executive gives written notice to the permit holder stating that the individual is not to be an authorised participant of the show, or
 - (b) the individual becomes an unsuitable individual, or
 - (c) the permit holder notifies the Chief Executive in writing that the individual is to no longer be an authorised participant of the show.
- (5) The Chief Executive may give written notice under subclause (4) (a) at any time.
- (6) The performance of a body art tattooing procedure at premises in respect of which an operator licence is in force that is conducted by an individual who is an authorised participant in a show is prescribed as a circumstance for the purposes of section 7 (2) (b) of the Act if:
 - (a) the individual is not an Australian citizen or Australian resident, and
 - (b) the performance of a body art tattooing procedure for fee or reward is not in breach of any visa condition of the individual, and
 - (c) the individual has not, in the previous 12 months, performed body art tattooing procedures at premises in respect of which an operator licence is in force on more than 31 days in total, and
 - (d) the individual, when performing body art tattooing procedures at any such premises, carries the following documents and promptly produces them if requested to do so by an authorised officer:
 - (i) the individual's passport,
 - (ii) written evidence that the individual is an authorised participant in a show.

[7] Clauses 6 (3) and (5) (d) and (e) and 7 (3) (c) and Schedule 1

Omit "show or exhibition" wherever occurring. Insert instead "show".

[8] Clause 6 (4)

Omit the subclause. Insert instead:

- (4) An application for a permit may not be made by:
 - (a) an unsuitable individual, or
 - (b) an individual who is not an Australian citizen or Australian resident.

[9] Clause 6 (5) (c)

Omit the paragraph. Insert instead:

- (c) state the personal details of the applicant, and

[10] Clause 6 (5) (f)

Omit "for the kind of show or exhibition concerned".

[11] Clause 7A

Insert after clause 7:

7A Requirements on permit holder

A permit holder for a tattooing show must ensure:

- (a) that a written list of the personal details of each authorised participant of the show is held at the show at any time at which the show is open to the public, and
- (b) that the written list is promptly made available to any authorised officer who requests to see the list during any of those times, and
- (c) that no body art tattooing procedure is performed at the show unless the procedure is authorised under a licence or under the authority of the permit.

Maximum penalty: 20 penalty units.

[12] Part 2, Division 2

Omit the Division.

[13] Clause 30 2014 Australian Tattoo & Body Art Expo

Omit the clause.

[14] Schedule 1 Fees

Omit items 1 and 2. Insert instead:

1 Fee to accompany application for permit for body art tattooing show or exhibition (clause 6 (5) (f))	\$209	\$418	\$627
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[15] Schedule 2 Penalty notice offences

Insert in appropriate order under the heading “Offences under this Regulation”:

Clause 7A	\$550
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