

Passed by both Houses



New South Wales

Tattoo Parlours Amendment (Statutory Review) Bill 2022

Contents

		Page
	1 Name of Act	2
	2 Commencement	2
Schedule 1	Amendment of Tattoo Parlours Act 2012 No 32	3
Schedule 2	Amendment of other Acts and instruments	17

I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney,*

, 2022



New South Wales

Tattoo Parlours Amendment (Statutory Review) Bill 2022

Act No _____, 2022

An Act to amend the *Tattoo Parlours Act 2012* to make miscellaneous amendments resulting from a review of the *Tattoo Parlours Act 2012*; and for related purposes.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

The Legislature of New South Wales enacts—

1 Name of Act

This Act is the *Tattoo Parlours Amendment (Statutory Review) Act 2022*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

Schedule 1 Amendment of Tattoo Parlours Act 2012 No 32

[1] Section 1 Name of Act

Omit “*Tattoo Parlours Act 2012*”. Insert instead “*Tattoo Industry Act 2012*”.

[2] Section 3 Definitions

Omit the definitions of *adverse security determination*, *operator licence* and *Secretary* from section 3(1).

[3] Sections 3(1), definition of “approved”, 6(4), 10, 11, 13(2), 13A, 13B, 16, heading, (2) and (4), 17, 22(1), 23(1), 25, 26(2), except 26(2)(a1), (4), (6) and (7), 27(1), 36(1) and (3), 36A(1), 40, heading and (2) and 41(2)(e1)

Omit “Secretary” wherever occurring. Insert instead “Commissioner”.

[4] Section 3(1), definition of “authorised officer”, paragraphs (a) and (b)

Omit the paragraphs. Insert instead—

- (a) a police officer,
- (b) a member of the NSW Police Force, other than a police officer, who is authorised by the Commissioner in writing to exercise the functions of an authorised officer under this Act,

[5] Section 3(1)

Insert in alphabetical order—

disqualifying offence means an offence prescribed by the regulations to be a disqualifying offence for—

- (a) all licences and permits, or
- (b) a type of licence or permit.

licence number, for a licence, means the number included in the licence under section 18.

master licence—see section 9.

member, of a prescribed criminal organisation, includes the following—

- (a) a director or an officer of the organisation,
- (b) an associate member or prospective member, however described, of the organisation,
- (c) a person who identifies in some way with the organisation, including by wearing or carrying clothing, jewellery or an accessory displaying—
 - (i) the colours, club patch, insignia or image of a prescribed criminal organisation, or
 - (ii) an image, symbol, abbreviation, acronym or other form of writing that indicates membership of, or an association with, a prescribed criminal organisation,
- (d) a person who is treated by the organisation, or persons who belong to the organisation in some way, as if the person belongs to the organisation.

permanent Australian resident means a person resident in Australia whose continued presence in Australia is not subject to a limitation as to time imposed by or in accordance with law.

permit means a permit under this Act or the regulations.

permit number, for a visiting tattooist permit, means the permit number included in the permit under section 26D.

prescribed criminal organisation—see section 4A.

visiting tattooist permit—see section 26A(1).

[6] Sections 3(1), definition of “licensed premises”, 6, 7, 9(1)(a), 11, 12(1), 16(4), 21(1), 22, 23(1), 28(1)(a) and 29(1)(a)

Omit “an operator licence” wherever occurring. Insert instead “a master licence”.

[7] Section 4A

Insert after section 4—

4A Prescribed criminal organisations

- (1) The regulations may prescribe an incorporated body or unincorporated group, however structured, to be a *prescribed criminal organisation*.
- (2) The body or group may be prescribed whether or not the body or group is—
 - (a) based outside New South Wales, or
 - (b) consists of persons who are not ordinarily resident in New South Wales.
- (3) The Minister must consider the advice of the Commissioner before recommending the making of a regulation that prescribes a body or group to be a prescribed criminal organisation.

[8] Sections 6(2) and 12, heading

Omit “operator licence” wherever occurring. Insert instead “master licence”.

[9] Section 7 Body art tattooists to be licensed

Insert after section 7(2)(a)—

- (a1) if the individual performs the procedure under a visiting tattooist permit, or

[10] Section 8, heading

Insert “or hold permit” after “licensed”.

[11] Section 8(1)

Insert “or a visiting tattooist permit” after “licence”.

[12] Section 8(2)

Insert “or did not hold a visiting tattooist permit” after “unlicensed”.

[13] Section 8A

Insert after section 8—

8A Advertising body art tattooing

- (1) A person must not advertise that the person carries on a body art tattooing business at premises unless the person is the holder of a master licence.
Maximum penalty—
 - (a) for a corporation—100 penalty units, or
 - (b) for an individual—50 penalty units.

- (2) The holder of a master licence must ensure an advertisement for the holder's body art tattooing business includes the licence number for the master licence to which the advertisement relates.
Maximum penalty—
(a) for a corporation—100 penalty units, or
(b) for an individual—50 penalty units.
- (3) A person must not advertise that the person performs, or is willing to perform, a body art tattooing procedure referred to in the advertisement unless the person is—
(a) an individual who carries out the procedure as a self-employed individual at premises for which the individual holds a master licence, or
(b) the holder of—
(i) a tattooist licence, or
(ii) a permit.
Maximum penalty—50 penalty units.
- (4) An individual who carries out a body art tattooing procedure as a self-employed individual must ensure that an advertisement for a body art tattooing procedure performed by the individual contains the licence number for the master licence to which the advertisement relates.
Maximum penalty—50 penalty units.
- (5) The holder of a tattooist licence or the holder of a permit must ensure an advertisement for a body art tattooing procedure performed by the holder contains the licence number or permit number for the holder to whom the advertisement relates.
Maximum penalty—50 penalty units.
- (6) In this section—
advertisement includes a reference to any form of notice or statement in the nature of an advertisement.
Example of an advertisement— a notice or statement on a social media platform that takes the nature of an advertisement about the performance of a body art tattooing procedure

[14] Section 9 Types of licences and authorisation conferred by licence

Omit “An operator licence” from section 9(2). Insert instead “A master licence”.

[15] Part 3, Division 2, heading

Omit the heading. Insert instead—

Division 2 Licence and permit applications and granting of licences

[16] Section 11 Licence applications

Omit section 11(4)(b). Insert instead—

- (b) an individual who is not an Australian citizen or a permanent Australian resident, or

[17] Section 13A Renewal of licence

Omit the note to section 13A(4).

[18] Section 14

Omit the section. Insert instead—

14 Investigations, inquiries and determinations in relation to licence or permit applications

If the Commissioner receives an application for a licence or permit, or for the renewal or restoration of a licence, the Commissioner may carry out the investigations or inquiries in relation to the application the Commissioner considers necessary for a proper consideration of the application, including in relation to the following matters—

- (a) whether the applicant is a fit and proper person to hold a licence or permit,
- (b) whether a close associate of the applicant is a fit and proper person,
- (c) whether it would be contrary to the public interest for—
 - (i) the licence to be granted, renewed or restored, or
 - (ii) the permit to be granted,
- (d) whether the applicant has, within the period of 10 years before the application was made, been convicted in New South Wales or elsewhere, of a disqualifying offence for the type of licence or permit applied for, whether or not the offence is an offence under New South Wales law,
- (e) whether the applicant—
 - (i) is a member of a prescribed criminal organisation, or
 - (ii) was a member of a prescribed criminal organisation in the 12 months before making the application.

[19] Section 15, heading

Omit “Secretary or”.

[20] Section 15(1)

Omit “The Secretary or the”. Insert instead “The”.

[21] Section 15(1)

Omit “the Secretary or” wherever occurring.

[22] Section 15(1)

Insert “or restoration” after “renewal”.

[23] Sections 15(1)(d) and 19A(1)(d)

Omit “furnish” wherever occurring. Insert instead “give”.

[24] Section 15(3)

Omit the subsection. Insert instead—

- (3) The Commissioner may refuse to determine an application if a requirement made under this section in relation to the application is not complied with.

[25] Section 16(1)

Omit the subsection. Insert instead—

- (1) The Commissioner may, after considering an application for a licence or for the renewal or restoration of a licence—
 - (a) grant, renew or restore the licence, or
 - (b) refuse to grant, renew or restore the licence.

[26] Section 16(3)

Omit the subsection. Insert instead—

- (3) The Commissioner must not grant, renew or restore a licence if—
 - (a) the Commissioner is satisfied the application for the licence or for the renewal or restoration of the licence was not properly made, or
 - (b) the applicant is a controlled member of a declared organisation, or
Note— Controlled members are prohibited from applying for licences—see the *Crimes (Criminal Organisations Control) Act 2012*, section 27.
 - (c) the Commissioner is satisfied the applicant is not a fit and proper person to be granted a licence, or to have a licence renewed or restored, or
 - (d) the Commissioner is satisfied a close associate of the applicant is not a fit and proper person, or
 - (e) the Commissioner is satisfied it would be contrary to the public interest for the applicant to be granted a licence, or have a licence renewed or restored, or
 - (f) the Commissioner is satisfied the applicant had, within the period of 10 years before the application was made, been convicted in New South Wales or elsewhere of a disqualifying offence for the type of licence applied for, whether or not the offence is an offence under New South Wales law, or
 - (g) the Commissioner is satisfied the applicant—
 - (i) is a member of a prescribed criminal organisation, or
 - (ii) was a member of a prescribed criminal organisation in the 12 months before the application was made.

[27] Section 18 Form of licence

Insert “and contain a licence number” after “approved form” in section 18.

[28] Part 3, Division 3, heading

Omit the heading. Insert instead—

Division 3 Investigations, inquiries and determinations for existing licensees

[29] Section 19

Omit section 19. Insert instead—

19 Commissioner may investigate, inquire and make determinations about licensees or permit holders

The Commissioner may investigate, inquire into and determine one or more of the following matters—

- (a) whether a licensee or permit holder continues to be a fit and proper person to hold a licence or permit,

- (b) whether a close associate of a licensee or permit holder continues to be a fit and proper person,
- (c) whether it would be contrary to the public interest for a licensee or permit holder to continue to hold the licence or permit,
- (d) whether a licensee or permit holder has been convicted of a disqualifying offence,
- (e) whether a licensee or permit holder—
 - (i) is a member of a prescribed criminal organisation, or
 - (ii) was a member of a prescribed criminal organisation in the period of 12 months before the investigation or inquiry.

[30] Section 19A Commissioner may require further information

Omit “section 19(2)” from section 19A(1). Insert instead “section 19”.

[31] Part 3, Division 3A

Omit section 20. Insert instead—

**Division 3A Investigations, inquiries and determinations—
administration**

19B Information for determinations

- (1) This section applies for the purpose of making a determination on a matter referred to in section 14 or 19.
- (2) The Commissioner may have regard to a criminal intelligence report or other criminal information held in relation to the applicant, licensee or permit holder, or a close associate of the applicant, licensee or permit holder, that—
 - (a) is relevant to the business or procedures proposed to be carried on or performed, or carried on or performed, under the licence or permit, or
 - (b) causes the Commissioner to conclude improper conduct is likely to occur if—
 - (i) the applicant were granted the licence or permit, or
 - (ii) the licensee or permit holder continued to hold the licence or permit, or
 - (c) causes the Commissioner to lack confidence that improper conduct will not occur if—
 - (i) the applicant were granted the licence or permit, or
 - (ii) the licensee or permit holder continued to hold the licence or permit.
- (3) Without limiting subsection (2), the Commissioner may consider the following—
 - (a) information relating to spent convictions, despite anything to the contrary in the *Criminal Records Act 1991*,
 - (b) information relating to criminal charges, whether or not heard, proven, dismissed, withdrawn or discharged,
 - (c) information relating to offences, despite anything to the contrary in the *Crimes Act 1900*, section 579.

20 Disclosure of criminal intelligence information

The Commissioner is not, under this Act or another Act or law, required to give reasons for the following, if the giving of the reasons would disclose the existence or content of a criminal intelligence report or other criminal information—

- (a) not granting a licence or permit to a person,
- (b) refusing to renew or restore a licence to a person,
- (c) suspending or cancelling the licence or permit of a person.

[32] Section 22A

Omit the section. Insert instead—

22A Master licence holder not to permit procedures by certain persons on licensed premises

It is a condition of a master licence that the licensee must not permit an individual to perform a body art tattooing procedure at the licensed premises unless the individual is the holder of—

- (a) a tattooist licence, or
- (b) a visiting tattooist permit.

[33] Section 24

Omit the section. Insert instead—

24 Display of licence information

It is a condition of a master licence that the licensee must ensure that a document or information prescribed by the regulations is conspicuously displayed at the licensed premises.

[34] Section 26 Cancellation of licence

Omit “The Secretary” from section 26(1). Insert instead “The Commissioner”.

[35] Section 26(1)(a)

Omit “and the Secretary has been notified by the Commissioner of that failure”.

[36] Section 26(1)(b)

Omit the paragraph. Insert instead—

- (b) the Commissioner is satisfied that, if the licensee were applying for a new licence, the application would be required to be refused under this Act.

[37] Section 26(2)(a1)

Omit the paragraph.

[38] Section 26(3)

Omit “because of an adverse security determination made by the Commissioner about the licensee or on the ground referred to in subsection (2) (a1), the Secretary”.

Insert instead “on a ground specified in subsection (1)(b), the Commissioner”.

[39] Part 3, Division 5A

Insert after Part 3, Division 5—

Division 5A Permits relating to unlicensed body art tattooing

26A Visiting tattooist permits

- (1) A permit granted under this Division (a *visiting tattooist permit*) authorises the permit holder to perform body art tattooing procedures—
 - (a) under the conditions of the permit, and
 - (b) for the period stated in the permit.
- (2) The conditions of the permit may be—
 - (a) imposed by the Commissioner, whether at the time the permit is granted or at a later time, or
 - (b) imposed by this Act, or
 - (c) prescribed by the regulations.
- (3) The regulations may prescribe the maximum period for which a permit may be granted.

26B Application for visiting tattooist permit

- (1) An application for a visiting tattooist permit may only be made by an individual—
 - (a) who is at least 18 years of age, and
 - (b) who is not an Australian citizen or permanent Australian resident.
- (2) The application must—
 - (a) be made to the Commissioner in the way decided by the Commissioner, and
 - (b) include information prescribed by the regulations, and
 - (c) be accompanied by—
 - (i) documents prescribed by the regulations, and
 - (ii) the fee prescribed by the regulations, and
 - (d) comply with other requirements prescribed by the regulations.
- (3) Without limiting subsection (2), the Commissioner may prescribe that a type of information required for an application is to be information specified in a standard or guidelines prescribed by the regulations.
- (4) The Commissioner may request further information about the application, prescribed by the regulations, after the application is made.

26C Decisions about application for visiting tattooist permit

The Commissioner may decide to grant or refuse to grant an application for a visiting tattooist permit in accordance with the grounds prescribed by the regulations.

26D Form of permit

- A permit must be—
- (a) in the approved form, and
 - (b) include a permit number.

26E Cancelling or suspending a visiting tattooist permit

- (1) The Commissioner may decide, on the Commissioner's own initiative, to cancel or suspend a visiting tattooist permit.
- (2) Without limiting subsection (1), the Commissioner may decide to cancel or suspend a visiting tattooist permit as a result of a determination of a matter referred to in section 19.

[40] Part 3, Division 6, heading

Omit "licensing".

[41] Section 27 Right to seek administrative review from Civil and Administrative Tribunal

Omit "section 26 (2) (a1)" from section 27(1)(c). Insert instead "section 26(1)(b)".

[42] Section 27(1)(d)–(f)

Insert after section 27(1)(c)—

- (d) the refusal or failure by the Commissioner to grant a visiting tattooist permit to the person,
- (e) a condition imposed by the Commissioner on a visiting tattooist permit granted to the person,
- (f) the suspension or cancellation of a visiting tattooist permit granted to the person.

[43] Section 27(2)

Omit the subsection. Insert instead—

- (2) For the purposes of this section, an application for the grant or renewal of a licence, or for the grant of a visiting tattooist permit, is taken to have been refused if the licence or permit is not granted, or the licence is not renewed, within 60 days after the application is made under this Act.

Note— Under the *Civil and Administrative Tribunal Act 2013*, if the Tribunal has made an administrative review decision, for example, when it reviews a decision referred to in subsection (1), a party to the proceedings may appeal to an Appeal Panel of the Tribunal. An appeal on a question of law may then lie to the Supreme Court.

[44] Section 27(3) and (4)

Omit the subsections. Insert instead—

- (3) Subsection (4) applies in relation to an application for administrative review of a decision to—
 - (a) refuse to grant, renew or restore a licence, or
 - (b) refuse to grant a permit, or
 - (c) suspend or cancel a licence or permit.
- (4) The Civil and Administrative Tribunal, in determining an application for administrative review, and an Appeal Panel of the Tribunal, in determining an internal appeal against the review under the *Civil and Administrative Tribunal Act 2013*—
 - (a) must ensure that it does not, in the reasons for the decision or otherwise, disclose the existence or content of a criminal intelligence report or other criminal information without the Commissioner's approval, and
 - (b) must, to prevent the disclosure of a criminal intelligence report or other criminal information, receive evidence and hear argument in the

absence of the following, unless the Commissioner otherwise approves—

- (i) the public,
- (ii) the applicant for the administrative review,
- (iii) the applicant's representative,
- (iv) any other interested party.

Note— See section 20 for the Commissioner's obligations in relation to disclosure of criminal intelligence information.

[45] Section 27(5)

Omit the subsection.

[46] Part 4, Division 2A

Insert after Part 4, Division 2—

Division 2A Power to obtain information or records in relation to advertising offence

31A Application of Division

This Division applies whether or not a power of entry under this Part is being or has been exercised.

31B Requirement to provide information and records

- (1) An authorised officer may, by written notice given to a person, require the person to give the officer the information or records the officer requires by the notice for the purpose of determining whether a person has committed an offence under section 8A.
- (2) A notice under this section must state—
 - (a) the way the information or records are required to be given, and
 - (b) a reasonable time by which the information or records are required to be given.
- (3) The notice may only require a person to give to the officer existing records that are—
 - (a) in the person's possession, or
 - (b) within the person's power to obtain lawfully.
- (4) The authorised officer may take copies of the records.
- (5) If a record required under this section is in electronic, mechanical or other form, the record must, unless the notice otherwise provides, be given in writing.

31C Power of authorised officers to require answers and record evidence

- (1) If an authorised officer suspects, on reasonable grounds, that a person has knowledge of matters in relation to which information is reasonably required for the purpose referred to in section 31B, the authorised officer may require the person to answer questions about the matters.
- (2) For the purpose of answering questions under this section, the Commissioner may require a corporation to nominate a director or officer of the corporation who is authorised to represent the corporation to answer the questions.

- (3) An authorised officer may, by written notice given to a person, require the person to attend at a specified place and time to answer questions under this section.
- (4) An authorised officer may record questions and answers to questions given under this section if the officer has informed the person being questioned that the record is to be made.
- (5) The record may be made using—
 - (a) sound recording apparatus, or
 - (b) audio visual apparatus, or
 - (c) another method decided by the authorised officer.
- (6) A copy of the record must be provided by the authorised officer to the person as soon as practicable after the record is made.
- (7) A record may be made under this section despite the provisions of another law.

[47] Section 32, heading

Insert “**and permits**” after “**licences**”.

[48] Section 32

Insert “or the holder of a visiting tattooist permit” after “A licensee”.

[49] Section 32

Insert “or permit” after “licence”.

[50] Section 32A

Insert after section 32—

32A Identification of certain authorised officers

- (1) An authorised officer, who is not a police officer, must be provided with an identification card as an authorised officer by the Commissioner.
- (2) An authorised officer, who is not a police officer, exercising a function under this Act must produce to a person affected by the exercise of the function the officer’s identification card if requested by the person.

[51] Section 33A, heading

Omit “**furnish**”. Insert instead “**give**”.

[52] Section 33A(1) and (2)

Omit “under section 19A or 30C to furnish” wherever occurring.

Insert instead “under section 19A, 30C, 31B or 31C to give”.

[53] Section 33A(3)

Omit “furnished or answer given by a natural person in compliance with a requirement under section 19A or 30C”.

Insert instead “given or answer given by an individual in compliance with a requirement under section 19A, 30C, 31B or 31C”.

[54] Section 33A(3)(b)

Omit “furnishing the information or giving the”. Insert instead “giving the information or”.

- [55] Section 33A(4)**
Omit “furnished by a person in compliance with a requirement under section 19A or 30C”.
Insert instead “given by a person in compliance with a requirement under section 19A, 30C, 31B or 31C”.
- [56] Section 33A(5)**
Omit “furnished” wherever occurring. Insert instead “given”.
- [57] Section 33A(5)**
Omit “section 19A or 30C”. Insert instead “section 19A, 30C, 31B or 31C”.
- [58] Section 36 Exchange of information**
Omit “the Secretary or” from section 36(2).
- [59] Section 36(4), definition of “relevant agency”, paragraph (a)**
Omit the paragraph.
- [60] Section 36A Certificate evidence**
Omit “issued under the regulations” wherever occurring from section 36A(1)(f) and (g).
- [61] Section 36A(1)(h)**
Omit “issued under the regulations and”.
- [62] Section 36A(1)(i)**
Insert after section 36A(1)(h)—
(i) that on a specified day, or during a specified period, specified premises were, or were not, subject to an interim closure order.
- [63] Section 36A(2)**
Omit the subsection.
- [64] Section 37 No compensation payable for exercise of regulatory functions**
Insert “or visiting tattooist permit” after “licence” wherever occurring in section 37(1)(b) and (c).
- [65] Section 38 Delegations**
Omit section 38(1).
- [66] Section 38(3)**
Omit “the Secretary or the Commissioner if the delegate is authorised in writing to do so by the Secretary or Commissioner (as the case requires)”.
Insert instead “the Commissioner if the delegate is authorised in writing by the Commissioner”.
- [67] Section 40(1)**
Omit the subsection. Insert instead—
(1) A document may be served on, given to or lodged with the Commissioner in a way approved by the Commissioner.

Note— The ways a document may be served under this Act that are approved by the Commissioner are listed on the NSW Police Force website.

[68] Section 41 Regulations

Insert “or permits” after “licences” in section 41(2)(a).

[69] Schedule 1 Savings, transitional and other provisions

Insert after Part 5—

Part 6 Provisions consequent on enactment of Tattoo Parlours Amendment (Statutory Review) Act 2022

10 Definition

In this Part—

amending Act means the *Tattoo Parlours Amendment (Statutory Review) Act 2022*.

11 References to Tattoo Parlours Act 2012

A reference in an Act, statutory instrument or other instrument to the *Tattoo Parlours Act 2012* or a provision of that Act is to be read as a reference to this Act, or a provision of this Act.

12 Licence applications taken to have been made to Commissioner

- (1) An application for a licence made, but not finally dealt with by the Secretary before the commencement of the amending Act, Schedule 1[18], is taken to have been made to the Commissioner.
- (2) In this clause—
application, for a licence, includes an application for the renewal or restoration of a licence.

13 Applications for operator licences

- (1) This section applies to a person who—
 - (a) has made an application for an operator licence, or renewal or restoration of an operator licence, that was not finally determined before the commencement, or
 - (b) for an operator licence that expired before the commencement—makes an application for restoration of the licence in the time set out in section 13B(1).
- (2) The person is taken to have made an application for a master licence.
- (3) In this clause—
commencement means the commencement of the amending Act, Schedule 1[14].

14 Operator licences taken to be master licences

A person who is the holder of an operator licence that is in force immediately before the commencement of the amending Act, Schedule 1[14] is taken to hold a master licence.

15 References to former licensees

A reference to a former licensee under a master licence is taken to include a reference to a person who, before the commencement of the amending Act, Schedule 1[14], was a former licensee under an operator licence.

16 References to operator licences

A reference in an Act, statutory instrument or other instrument to an operator licence granted under this Act is taken to be a reference to a master licence granted under this Act.

17 Existing applications and licences

- (1) The amendments to sections 14, 16 and 19 made by the amending Act—
 - (a) apply for all licences, whether granted before or after the commencement, and
 - (b) extend to an application for a licence or for the renewal or restoration of a licence that was made, but not finally determined, before the commencement, and
 - (c) for a licence that expired before the commencement—extend to an application for restoration of the licence made during the period set out in section 13B(1).
- (2) Despite the operation of subclause (1), the Commissioner must not, under section 25 or 26 as amended by the amending Act, suspend or cancel a licence held by an existing licensee on the ground that the existing licensee has been convicted of a disqualifying offence.
- (3) In this clause—

commencement means the commencement of the amending Act, Schedule 1[18].

existing licensee means a person who held a licence before the commencement that—

 - (a) was in force immediately before the commencement, and
 - (b) has not expired, or been renewed or restored under this Act, after the commencement.

18 Appeals and reviews

- (1) An appeal made, or review commenced, in relation to a licence or an application for a licence that has not been determined before the commencement, must be determined in accordance with the Act, as in force after the commencement.
- (2) In this clause—

commencement means the commencement of the amending Act, Schedule 1[18].

19 Document transferred

A document, kept by the Secretary for the Secretary's licensing function under this Act, is to be transferred to the control of the Commissioner for the purposes of this Act.

Schedule 2 Amendment of other Acts and instruments

2.1 Civil and Administrative Tribunal Act 2013 No 2

Schedule 5 Occupational Division

Omit “*Tattoo Parlours Act 2012*” from clause 4(1).

Insert instead “*Tattoo Industry Act 2012*”.

2.2 Crimes (Criminal Organisations Control) Act 2012 No 9

Section 27 Prohibition on carrying on of certain activities when interim control order or control order takes effect

Omit “*Tattoo Parlours Act 2012*” from section 27(6), definition of *prescribed activity*, paragraph (j1).

Insert instead “*Tattoo Industry Act 2012*”.

2.3 Criminal Procedure Regulation 2017

Schedule 3 NSW Government agencies and statutory bodies required to pay court fees

Omit “*Tattoo Parlours Act 2012*” from the matter relating to the Department of Finance, Services and Innovation, paragraph (ad).

Insert instead “*Tattoo Industry Act 2012*”.

2.4 Law Enforcement (Powers and Responsibilities) Act 2002 No 103

Section 148(1)(d) and Schedule 2

Omit “*Tattoo Parlours Act 2012*” wherever occurring.

Insert instead “*Tattoo Industry Act 2012*”.

2.5 Road Transport Act 2013 No 18

[1] Sections 55(1)(e), 56(1)(vi) and 57(1)(d)(iv)

Insert “or permit” after “licence” wherever occurring.

[2] Sections 55(1)(e), 56(1)(vi) and 57

Omit “*Tattoo Parlours Act 2012*” wherever occurring.

Insert instead “*Tattoo Industry Act 2012*”.

[3] Section 57(1)(hb)

Omit “Secretary” wherever occurring. Insert instead “Commissioner”.

[4] Section 57(1)(hb)

Insert “or permits” after “licences”.

[5] Section 57(3)

Omit “of the *Security Industry Act 1997*.”. Insert instead—
of—

- (a) the *Security Industry Act 1997*, or
- (b) the *Tattoo Industry Act 2012*.

2.6 State Records Regulation 2015

Schedule 1 Provisions excepted from operation of section 21

Omit “*Tattoo Parlours Act 2012*” from Schedule 1, clause 2.

Insert instead “*Tattoo Industry Act 2012*”.

2.7 Tattoo Parlours Regulation 2013

[1] Clause 1 Name of Regulation

Omit “*Tattoo Parlours Regulation 2013*”.

Insert instead “*Tattoo Industry Regulation 2013*”.

[2] Clause 3 Definitions

Omit “*Tattoo Parlours Act 2012*” from clause 3(1), definition of *the Act*.

Insert instead “*Tattoo Industry Act 2012*”.

[3] Part 2, heading

Omit “—tattooing shows”.

[4] Part 2, Division 1, heading

Insert before Part 2, clause 3A—

Division 1 Tattooing shows

[5] Clauses 4, 12(1)(d), 13(1), 15–19, 22, 24(1) and 26B(5), definition of “application fee”

Omit “an operator licence” wherever occurring. Insert instead “a master licence”.

[6] Clauses 4, 6(1), 7, 13, 15–17, 21(1), 25(c), 26(3), 26A, 26B(2) and 27 and Schedule 1, clause 4

Omit “Secretary” wherever occurring. Insert instead “Commissioner”.

[7] Clauses 4(6)(a) and 6(4)(b)

Insert “permanent” before “Australian resident” wherever occurring.

[8] Clause 7(3)(a)

Omit “, if so, any security determinations made by the Commissioner in relation to the application”.

Insert instead “the decision made in relation to the application”.

[9] Part 2, Division 2

Insert after section 7A—

Division 2 Visiting tattooist permits

8 Maximum period of permit

For the purposes of the Act, section 26A(3), the maximum period a visiting tattooist permit may be granted is 3 months.

9 Information to accompany applications for visiting tattooist permits

The following information is prescribed for the purposes of the Act, section 26B(2)(b)—

- (a) the full name of the applicant,
- (b) the date and place of birth of the applicant,
- (c) the address at which the applicant intends to reside while in Australia, and, if the applicant's postal address is different from the intended residential address, the applicant's postal address.

10 Documents to accompany applications for visiting tattooist permits

- (1) The following documents are prescribed for the purposes of the Act, section 26B(2)(c) and (3)—
 - (a) a copy of the applicant's passport,
 - (b) another kind of identification, issued by the Government, the Commonwealth Government, the Government of another State or Territory, or an overseas government,
 - (c) if the applicant has a copy of a visa issued to the applicant to enter Australia—a copy of the visa.
- (2) For the purposes of the Act, section 26B(4), if a copy of the visa issued to the applicant was not included in the application, the applicant must provide the Commissioner evidence that the applicant has applied for a visa on request of the Commissioner.

11 Time required to make application for visiting tattooist permit

For the purposes of the Act, section 26B(2)(d), an application for a visiting tattooist permit must be made at least 28 days before the proposed commencement date for the permit.

11A Grounds for refusing to grant visiting tattooist permits

For the purposes of the Act, section 26C, the Commissioner may refuse an application for a visiting tattooist permit if—

- (a) the grant of the permit would result in more than 2 visiting tattooist permits being granted to the same individual in the same calendar year, or
- (b) the Commissioner is satisfied the application was not properly made, or
- (c) the Commissioner is satisfied that the applicant is not a fit and proper person to be granted a permit, or
- (d) the Commissioner is satisfied that a close associate of the applicant is not a fit and proper person, or
- (e) the Commissioner is satisfied that it would be contrary to the public interest for the applicant to be granted a permit, or
- (f) the Commissioner is satisfied that the applicant has, within the period of 10 years before the application for the permit was made, been

convicted in New South Wales or elsewhere of a disqualifying offence for the type of permit applied for, whether or not the offence is an offence under New South Wales law, or

- (g) the Commissioner is satisfied that the applicant—
 - (i) is a member of a prescribed criminal organisation, or
 - (ii) was a member of a prescribed criminal organisation in the period of 12 months before making the application.

[10] Clause 13 Additional grounds for refusing to grant licences

Omit “operator licence” from clause 13(1), heading. Insert instead “master licence”.

[11] Clauses 13(1) and (2) and 21(1)

Omit “a relevant Minister” wherever occurring. Insert instead “the Minister”.

[12] Clause 13(3)

Omit the subclause. Insert instead—

- (3) In this clause—
Minister means the Minister administering the *Police Act 1990*.

[13] Clause 13A

Insert after clause 13—

13A Prescribed criminal organisations

For the purposes of the Act, section 4A, definition of *prescribed criminal organisation*, the bodies and groups listed in Schedule 3 are prescribed.

[14] Part 3, Division 3, heading

Omit “operator licences”. Insert instead “master licences”.

[15] Clauses 15 and 16, headings

Omit “operator licence” wherever occurring. Insert instead “master licence”.

[16] Clause 20

Omit the clause. Insert instead—

20 Display of licensing information certificate—the Act, s 24

For the purposes of the Act, section 24, a licensing information certificate issued by the Commissioner for the licensed premises is prescribed.

[17] Clause 21

Omit “operator licences” wherever occurring. Insert instead “master licences”.

[18] Clause 21(2)

Omit the subclause. Insert instead—

- (2) In this clause—
Minister means the Minister administering the *Police Act 1990*.

[19] Clause 22 Tattooing procedures log to be kept for licensed premises

Omit “the operator licence” from clause 22(1). Insert instead “the master licence”.

[20] Clause 22(2)

Omit “former operator licence”. Insert instead “former master licence”.

[21] Clause 26 Fees

Omit “(other than on the ground of an adverse security determination made by the Commissioner)” from clause 26(3)(a).

[22] Clause 26A, heading

Omit “Secretary’s”. Insert instead “Commissioner’s”.

[23] Schedule 1 Fees

Insert after Part 1, table, item 1—

1A	Application for visiting tattooist permit—the Act, s26B(2)(c)(ii)	1.08	1.08	2.16
----	---	------	------	------

[24] Schedule 1, Part 1

Omit “Operator of body art tattooing business”. Insert instead “Master licences”.

[25] Schedule 1, Part 1

Omit “operator licence” wherever occurring. Insert instead “master licence”.

[26] Schedule 1, Part 1

Omit “Fees for operators and tattooists”.

Insert instead “Fees for replacement licences and permits”.

[27] Schedule 1, Part 1, item 8

Insert “or permit” after “licence”.

[28] Schedule 2 Penalty notice offences

Insert in appropriate order—

Section 8A(1) and (2)	for a corporation—\$1,100 for an individual—\$550
Section 8A(3)–(5)	\$550

[29] Schedule 3

Insert after Schedule 2—

Schedule 3 Prescribed criminal organisations

clause 13A

Bandidos

Black Uhlans

Brothers for Life

Comanchero

Finks

Fourth Reich
Gladiators
Gypsy Joker
Hells Angels
Highway 61
Iron Horsemen
Life and Death
Lone Wolf
Mobshitters
Mongols
Mongrel Mob
No Surrender
Nomads
Odin's Warriors
Outcasts
Outlaws
Phoenix
Rebels
Rock Machine
Satudarah