



New South Wales

# Tattoo Parlours Amendment Bill 2012

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The objects of this Bill are:

- (a) to confer additional powers on authorised officers in relation to entry to premises and the conduct of searches for the purposes of ensuring compliance with the *Tattoo Parlours Act 2012* (*the principal Act*), and
- (b) to expand the definition of *close associate* of an applicant for a licence or a licensee to include certain contractors and employees, and
- (c) to prohibit persons, other than licensed tattooists, from performing body art tattooing procedures on licensed premises, and
- (d) to make further provision with respect to licences, the information that must accompany an application for a licence, the display of information by licensed tattooists and operators and the conditions that apply to licences, and
- (e) to make provision with respect to the handling of criminal intelligence material provided to the Administrative Decisions Tribunal (*the Tribunal*) by the Commissioner of Police (*the Commissioner*), and

- (f) to allow the Commissioner to require a licensee or close associate of a licensee to provide certain information in connection with investigations for security determinations about licensees, and
- (g) to make provision for the making and keeping of records in relation to body art tattooing businesses, and
- (h) to make other minor amendments.

## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on the date of assent to the proposed Act.

## **Schedule 1      Amendment of Tattoo Parlours Act 2012 No 32**

**Schedule 1 [1]** expands the definition of *close associate* of an applicant for a licence or a licensee to include a person who is or will be an employee, or is or will be a contractor, in respect of the business carried on pursuant to the licence. The principal Act allows the Director-General to require certain information to be provided relating to close associates of an applicant or licensee and allows the Commissioner to have regard to information relating to close associates of an applicant or licensee when making a security determination.

**Schedule 1 [2]** provides that it is an offence for a person to perform a body art tattooing procedure (whether or not for fee or reward) at licensed premises unless the person is authorised to do so under a tattooist licence. **Schedule 1 [3]** makes a consequential amendment.

**Schedule 1 [4]** provides that an application for a licence must be accompanied by copies of 3 forms of personal identification (of a kind approved by the Director-General) in respect of each individual identified as being a close associate of the applicant.

**Schedule 1 [6]** provides that a tattooist licence or operator licence comes into force on the date specified in the licence rather than on the date on which the licence is collected by the licensee.

**Schedule 1 [8]** allows the Commissioner to require a licensee or a close associate of a licensee to provide information for the purpose of investigating and determining whether a licensee continues to be a fit and proper person to hold a licence or whether it would be contrary to the public interest for the licensee to continue to hold the licence.

**Schedule 1 [9]** provides that it is a condition of an operator licence that the licensee must not permit an individual to perform any body art tattooing procedure at the licensed premises unless the individual is licensed to do so.

**Schedule 1 [10]** allows for the making of regulations that specify the document or information that a licensee under an operator licence is required to display in licensed premises. It is a condition of a licence that a licensee must comply with the Act and the regulations.

**Schedule 1 [11]** provides that the Director-General must cancel a licence if the licensee does not collect the licence within 60 days of being notified of the grant of the licence. This is in addition to the existing requirement that the Director-General must cancel a licence if an adverse security determination is made by the Commissioner about the licensee. **Schedule 1 [5], [7] and [12]** make consequential amendments.

**Schedule 1 [14]** allows the Commissioner to withdraw from a security determination information from a criminal intelligence report or other criminal information that has been included in the determination if the Tribunal determines that the information is not information that the Tribunal is prevented from disclosing in the reasons for its decision. The amendment provides that, in such a case, the Tribunal is to give the Commissioner an opportunity to withdraw the information before making its decision. If the Commissioner withdraws information, the Tribunal is not to consider that information in its decision and must not disclose that information to any person. **Schedule 1 [13]** makes a consequential amendment.

**Schedule 1 [16]** inserts proposed sections 30A–30C. **Schedule 1 [15] and [17]** make consequential amendments.

**Proposed section 30A** permits an authorised officer to enter licensed premises, or other premises on which the officer reasonably suspects body art tattooing procedures are being performed, for the purpose of ensuring compliance with the principal Act.

**Proposed section 30B** permits an authorised officer to obtain a warrant to enter premises and conduct a search of the premises for evidence of a breach of the principal Act if there are reasonable grounds for believing that a provision of the principal Act has been contravened.

**Proposed section 30C** permits an authorised officer to exercise certain functions while conducting a search of premises that have been lawfully entered in accordance with the principal Act for the purpose of determining whether a provision of the principal Act has been or is being contravened.

**Schedule 1 [18]** provides that it is an offence to obstruct or hinder an authorised officer who is exercising functions under the principal Act in the course of determining whether a contravention of that Act has occurred, or to fail to comply with a reasonable request made by such an officer in exercising such a function.

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**Schedule 1 [19], [20] and [21]** expand the general regulation-making power under the principal Act to allow for the making of regulations with respect to the following:

- (a) the application of and exemptions from the licence requirements of the Act, including the issue of short term permits to perform body art tattooing procedures, and the conduct of body art tattooing shows or exhibitions,
- (b) the refund of fees paid under the Act, in addition to the existing power to make regulations relating to the waiver, reduction and postponement of such fees,
- (c) the making, keeping and inspection of records relating to body art tattooing businesses.

**Schedule 1 [22]** inserts transitional provisions consequent on the enactment of both the principal Act and proposed Act.

**Schedule 2      Amendment of Law Enforcement  
(Powers and Responsibilities) Act 2002  
No 103**

**Schedule 2** makes an amendment consequent on the insertion of proposed section 30B in the *Tattoo Parlours Act 2012* by Schedule 1 [16].