



New South Wales

Tattoo Parlours Amendment (Statutory Review) Bill 2021

Explanatory note

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

Overview of Bill

The object of this Bill is to amend the *Tattoo Parlours Act 2012* (***the Act***) to address recommendations of the Statutory Review of the *Tattoo Parlours Act 2012*, including to—

- (a) rename the Act the *Tattoo Industry Act 2012* and rename the *Tattoo Parlours Regulation 2013* the *Tattoo Industry Regulation 2013*, and
- (b) allocate the responsibilities under the Act of the Secretary of the Department of Customer Service (the ***Secretary***) to the Commissioner of Police (the ***Commissioner***), and
- (c) provide that membership of a prescribed criminal organisation is a mandatory ground for refusal of a licence, and
- (d) provide for a regulation-making power to prescribe mandatory disqualifying offences in relation to refusal of a licence or permit, and
- (e) establish a limited duration permit scheme for body art tattooists visiting from overseas which is not related to attendance at a tattoo show or other industry event, and
- (f) provide for offences in relation to the advertising of body art tattooing and powers to obtain information and records for those offences, and
- (g) make other minor and consequential 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.

Schedule 1 Amendment of Tattoo Parlours Act 2012 No 32

Schedule 1[1] renames the Act the *Tattoo Industry Act 2012*.

Schedule 1[2] omits the definitions of *adverse security determination* and *Secretary* as a consequence of the changes to reallocate the responsibilities under the Act from the Secretary to the Commissioner. The definition of *operator licence* is omitted as the term is no longer used by the Act.

Schedule 1[3], [19]–[21], [24], [25], [34]–[36], [38], [44], [58], [63] and [65]–[67] make amendments in relation to the reallocation of responsibilities under the Act from the Secretary to the Commissioner.

Schedule 1[4] amends the definition of *authorised officer* to remove references to investigators within the meaning of the *Fair Trading Act 1987* and to require a member of the NSW Police Force who is not a police officer to be authorised by the Commissioner to exercise the functions of an authorised officer under the Act.

Schedule 1[5] inserts the definition of *disqualifying offence* to provide a regulation-making power for particular offences to be mandatory disqualifying offences. The definitions of *licence number*, *member* of a prescribed criminal organisation, *permanent Australian resident*, *permit*, *permit number*, *prescribed criminal organisation* and *visiting tattooist permit* are also inserted. The definition of *master licence* is inserted to replace the term “operator licence”.

Schedule 1[6], [8] and [14] amend provisions to change the name of an operator licence to a master licence.

Schedule 1[7] inserts a power for the regulations to prescribe a body or group as a criminal organisation.

Schedule 1[9] provides that an offence under section 7(1) or (1A) does not apply if the individual performs the body art tattooing procedure specified in section 7(1) or (1A) under a visiting tattooist permit.

Schedule 1[10]–[12] provide that it is not an offence to employ a person who is the holder of a visiting tattooist permit to work as a body art tattooist.

Schedule 1[13] inserts an offence for advertising the carrying on of a body art tattooing business at premises unless the person is a holder of a master licence. It is also an offence for the advertisement not to contain the licence number for the master licence to which the advertisement relates. The proposed section also makes it an offence to advertise the performance of a body art tattooing procedure unless the person is the holder of a master licence, tattooist licence or a permit. It is an offence for the advertisement not to contain the licence number for the master licence, or licence number or permit number for the tattooist licence or permit, to which the advertisement relates.

Schedule 1[15] inserts a new heading for Part 3, Division 2 to include a reference to permits.

Schedule 1[16] updates a reference to Australian residents to refer to permanent Australian residents.

Schedule 1[17] omits a note as a consequence of amendments to section 14 and Part 3, Division 3.

Schedule 1[18] provides for the reallocation of the role for investigations, inquiries and determinations about applications for a licence or permit, or for the renewal or restoration of a licence, to the Commissioner instead of the Secretary. The provision also provides for the Commissioner to investigate additional matters, including whether the applicant has been convicted of a disqualifying offence within the period of 10 years before the application was made and whether the applicant is a member of a prescribed criminal organisation or was a member in the 12 months before making the application.

Schedule 1[22] clarifies that certain requirements applying to the renewal of a licence also apply to the restoration of a licence.

Schedule 1[23], [51], [54] and [56] update references from “furnish” to “give” consistent with plain English policy.

Schedule 1[26] reallocates the responsibilities about the grant, renewal and restoration of a licence to the Commissioner, and provides for the mandatory grounds on which the Commissioner must not grant, renew or restore a licence. These grounds include that the Commissioner is satisfied the applicant has been convicted of a disqualifying offence in the period of 10 years before the application was made, that the applicant is a member of a prescribed criminal organisation or that the applicant was a member in the 12 months before the application was made.

Schedule 1[27] requires a licence number to be included in a licence.

Schedule 1[29] provides for the reallocation of investigations, inquiries and determinations about existing licensees to the Commissioner without referral by the Secretary. The provision also provides for the Commissioner to investigate and determine whether the holder has been convicted of a disqualifying offence, is a member of a prescribed criminal organisation or was a member in the 12 months before the investigation. **Schedule 1[28] and [30]** make consequential amendments to insert a new heading for the Division and to fix a cross-reference because of the replacement of section 19.

Schedule 1[31] relocates section 19(3) and (4) to proposed section 19B and extends the provisions to permits. Section 20 is reinserted with amendments consequent on the reallocation of matters from the Secretary to the Commissioner.

Schedule 1[32] substitutes section 22A to provide that the holder of a master licence does not breach a condition of the licence if a person who holds a visiting tattooist permit is permitted to perform a body art tattooing procedure at the licensed premises to which the master licence relates.

Schedule 1[33] amends the conditions imposed on a licence under section 24 to avoid duplication as a consequence of the offence provision in proposed section 8A requiring that an advertisement include the licence number of a body art tattooing business.

Schedule 1[37] omits section 26(2)(a1) as a consequence of the reallocation of the responsibilities to the Commissioner.

Schedule 1[39] inserts proposed Part 3, Division 5A, which provides that a visiting tattooist permit may be granted to an individual who is not a permanent Australian resident that authorises the person to perform body art tattooing procedures, subject to the conditions imposed by the Commissioner, the Act or regulations. The Division sets out requirements relating to the making of applications for a permit and the cancellation or suspension of a permit and the powers of the Commissioner relating to the permit and the form of the permit.

Schedule 1[40] amends the Division heading as a consequence of the proposed amendment to section 27 to include decisions about permits as decisions for which a person may apply to the Civil and Administrative Tribunal for an administrative review.

Schedule 1[41] makes a consequential amendment.

Schedule 1[42] inserts additional decisions for which a person may apply to the Civil and Administrative Review Tribunal for administrative review.

Schedule 1[43] provides that the time at which the application for the grant of a visiting tattooist permit is taken to have been refused is the same as for a licence for the purposes of the Act, section 27.

Schedule 1[45] omits the provision that disappplied the *Administrative Decisions Review Act 1997*, section 53 (Internal reviews) for decisions referred to in the Act, section 27(1).

Schedule 1[46] inserts proposed Part 4, Division 2A, which provides for additional enforcement powers for the purpose of investigating an offence under proposed section 8A. The power enables an authorised officer to require a person to give information or records or answer questions and enables the authorised officer to record questions and answers in certain circumstances. The power applies whether or not a power of entry is exercised under Part 4.

Schedule 1[47]–[49] extend the requirement to produce a licence under section 32 to visiting tattooist permits.

Schedule 1[50] inserts proposed section 32A to require the Commissioner to issue an authorised officer who is not a police officer with an identification card, and to require the authorised officer to present the card to a person on request when exercising a function under the Act.

Schedule 1[52], [53], [55] and [57] make consequential amendments as a result of the insertion of proposed Part 4, Division 2A to extend provisions relating to requirements to give records or information or answer questions to proposed sections 31B and 31C.

Schedule 1[59] makes an amendment to omit the NSW Police Force from the list of relevant agencies consequent on the transfer of responsibilities under the Act to the Commissioner.

Schedule 1[60] and [61] make amendments to omit reference to permits being issued under the regulations as a consequence of the proposed definition of *permit*.

Schedule 1[62] provides for an additional matter for which a certificate signed by the Commissioner is admissible in evidence in proceedings and is evidence of the matter.

Schedule 1[64] extends the operation of section 37 to visiting tattooist permits.

Schedule 1[68] provides that the regulations may make provision for or with respect to the conditions of permits, in addition to licences.

Schedule 1[69] inserts savings, transitional and other provisions.

Schedule 2 Amendment of other instruments

Schedule 2.1–2.4, 2.5[2], 2.6 and 2.7[2] make consequential amendments to update references to the short title of the Act.

Schedule 2.5[1] and [4] amend the *Road Transport Act 2013* to extend certain provisions to include permits.

Schedule 2.5[3] and 2.7[6], [8], [21] and [22] make amendments to the *Road Transport Act 2013* and the *Tattoo Parlours Regulation 2013* in relation to the reallocation of responsibilities under the Act from the Secretary to the Commissioner.

Schedule 2.5[5] amends the *Road Transport Act 2013* to require photographs under the *Road Transport Act 2013*, Part 3.5 to be provided to the Commissioner on request if the request relates to the administration of the Act.

Schedule 2.7[1] renames the *Tattoo Parlours Regulation 2013* the *Tattoo Industry Regulation 2013*.

Schedule 2.7[3] and [4] make consequential amendments to the *Tattoo Parlours Regulation 2013* to reflect the different types of permits that may be issued under the Act or the *Tattoo Industry Regulation 2013*.

Schedule 2.7[5], [10], [14], [15], [17], [19], [20], [24] and [25] amend provisions of the *Tattoo Parlours Regulation 2013* to change the name of an operator licence to a master licence.

Schedule 2.7[7] updates references in the *Tattoo Parlours Regulation 2013* to Australian residents to refer to permanent Australian residents.

Schedule 2.7[9] inserts Part 2, Division 2 into the *Tattoo Parlours Regulation 2013*. The proposed Division provides for the maximum period a visiting tattooist permit may be granted for, the information and documents to accompany applications for visiting tattooist permits, the time in which an application must be made before the permit is to commence and the grounds for refusing to grant a permit.

Schedule 2.7[11], [12] and [18] amend references in the *Tattoo Parlours Regulation 2013* to refer only to the Minister administering the *Police Act 1990*.

Schedule 2.7[13] and [29] insert provisions into the *Tattoo Parlours Regulation 2013* to prescribe certain organisations and groups as criminal organisations.

Schedule 2.7[16] makes an amendment to the *Tattoo Parlours Regulation 2013* as a consequence of proposed amendments to the Act, section 24.

Schedule 2.7[23] inserts a fee under the *Tattoo Parlours Regulation 2013* for a visiting tattooist permit.

Schedule 2.7[27] provides for a fee under the *Tattoo Parlours Regulation 2013* for a replacement permit. **Schedule 2.7[26]** makes a consequential amendment.

Schedule 2.7[28] prescribes offences under the *Tattoo Parlours Regulation 2013* relating to the advertising of tattooing services under the Act, proposed section 8A as penalty notice offences and prescribes the amount payable for each offence.



New South Wales

Tattoo Parlours Amendment (Statutory Review) Bill 2021

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New South Wales

Tattoo Parlours Amendment (Statutory Review) Bill 2021

No. , 2021

A Bill for

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.

The Legislature of New South Wales enacts—	1
1 Name of Act	2
This Act is the <i>Tattoo Parlours Amendment (Statutory Review) Act 2021</i> .	3
2 Commencement	4
This Act commences on a day or days to be appointed by proclamation.	5

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.

	<i>permit number</i> , for a visiting tattooist permit, means the permit number included in the permit under section 26D.	1
	<i>prescribed criminal organisation</i> —see section 4A.	2
	<i>visiting tattooist permit</i> —see section 26A(1).	3
[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)	4
	Omit “an operator licence” wherever occurring. Insert instead “a master licence”.	5
[7]	Section 4A	6
	Insert after section 4—	7
	4A Prescribed criminal organisations	8
	(1) The regulations may prescribe an incorporated body or unincorporated group, however structured, to be a <i>prescribed criminal organisation</i> .	9
	(2) The body or group may be prescribed whether or not the body or group is—	10
	(a) based outside New South Wales, or	11
	(b) consists of persons who are not ordinarily resident in New South Wales.	12
	(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.	13
[8]	Sections 6(2) and 12, heading	14
	Omit “operator licence” wherever occurring. Insert instead “master licence”.	15
[9]	Section 7 Body art tattooists to be licensed	16
	Insert after section 7(2)(a)—	17
	(a1) if the individual performs the procedure under a visiting tattooist permit, or	18
[10]	Section 8, heading	19
	Insert “or hold permit” after “licensed”.	20
[11]	Section 8(1)	21
	Insert “or a visiting tattooist permit” after “licence”.	22
[12]	Section 8(2)	23
	Insert “or did not hold a visiting tattooist permit” after “unlicensed”.	24
[13]	Section 8A	25
	Insert after section 8—	26
	8A Advertising body art tattooing	27
	(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.	28
	Maximum penalty—	29
	(a) for a corporation—100 penalty units, or	30
	(b) for an individual—50 penalty units.	31

(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.	1
	Maximum penalty—	2
(a)	for a corporation—100 penalty units, or	3
(b)	for an individual—50 penalty units.	4
(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—	5
(a)	an individual who carries out the procedure as a self-employed individual at premises for which the individual holds a master licence, or	6
(b)	the holder of—	7
(i)	a tattooist licence, or	8
(ii)	a permit.	9
	Maximum penalty—50 penalty units.	10
(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.	11
	Maximum penalty—50 penalty units.	12
(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.	13
	Maximum penalty—50 penalty units.	14
(6)	In this section—	15
	advertisement includes a reference to any form of notice or statement in the nature of an advertisement.	16
	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	17
[14]	Section 9 Types of licences and authorisation conferred by licence	18
	Omit “An operator licence” from section 9(2). Insert instead “A master licence”.	19
[15]	Part 3, Division 2, heading	20
	Omit the heading. Insert instead—	21
	Division 2 Licence and permit applications and granting of licences	22
[16]	Section 11 Licence applications	23
	Omit section 11(4)(b). Insert instead—	24
	(b) an individual who is not an Australian citizen or a permanent Australian resident, or	25
[17]	Section 13A Renewal of licence	26
	Omit the note to section 13A(4).	27

[18] Section 14	1
Omit the section. Insert instead—	2
14 Investigations, inquiries and determinations in relation to licence or permit applications	3
	4
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—	5
	6
	7
	8
	9
(a) whether the applicant is a fit and proper person to hold a licence or permit,	10
	11
(b) whether a close associate of the applicant is a fit and proper person,	12
(c) whether it would be contrary to the public interest for—	13
(i) the licence to be granted, renewed or restored, or	14
(ii) the permit to be granted,	15
(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,	16
	17
	18
	19
	20
(e) whether the applicant—	21
(i) is a member of a prescribed criminal organisation, or	22
(ii) was a member of a prescribed criminal organisation in the 12 months before making the application.	23
	24
[19] Section 15, heading	25
Omit “Secretary or”.	26
[20] Section 15(1)	27
Omit “The Secretary or the”. Insert instead “The”.	28
[21] Section 15(1)	29
Omit “the Secretary or” wherever occurring.	30
[22] Section 15(1)	31
Insert “or restoration” after “renewal”.	32
[23] Sections 15(1)(d) and 19A(1)(d)	33
Omit “furnish” wherever occurring. Insert instead “give”.	34
[24] Section 15(3)	35
Omit the subsection. Insert instead—	36
(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.	37
	38
[25] Section 16(1)	39
Omit the subsection. Insert instead—	40

(1)	The Commissioner may, after considering an application for a licence or for the renewal or restoration of a licence—	1
		2
(a)	grant, renew or restore the licence, or	3
(b)	refuse to grant, renew or restore the licence.	4
[26]	Section 16(3)	5
	Omit the subsection. Insert instead—	6
(3)	The Commissioner must not grant, renew or restore a licence if—	7
(a)	the Commissioner is satisfied the application for the licence or for the renewal or restoration of the licence was not properly made, or	8
		9
(b)	the applicant is a controlled member of a declared organisation, or	10
	Note— Controlled members are prohibited from applying for licences—see the <i>Crimes (Criminal Organisations Control) Act 2012</i> , section 27.	11
		12
(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	13
		14
(d)	the Commissioner is satisfied a close associate of the applicant is not a fit and proper person, or	15
		16
(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	17
		18
		19
(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	20
		21
		22
		23
		24
(g)	the Commissioner is satisfied the applicant—	25
(i)	is a member of a prescribed criminal organisation, or	26
(ii)	was a member of a prescribed criminal organisation in the 12 months before the application was made.	27
		28
[27]	Section 18 Form of licence	29
	Insert “and contain a licence number” after “approved form” in section 18.	30
[28]	Part 3, Division 3, heading	31
	Omit the heading. Insert instead—	32
	Division 3 Investigations, inquiries and determinations for existing licensees	33
		34
[29]	Section 19	35
	Omit section 19. Insert instead—	36
19	Commissioner may investigate, inquire and make determinations about licensees or permit holders	37
		38
	The Commissioner may investigate, inquire into and determine one or more of the following matters—	39
		40
(a)	whether a licensee or permit holder continues to be a fit and proper person to hold a licence or permit,	41
		42

(b)	whether a close associate of a licensee or permit holder continues to be a fit and proper person,	1 2
(c)	whether it would be contrary to the public interest for a licensee or permit holder to continue to hold the licence or permit,	3 4
(d)	whether a licensee or permit holder has been convicted of a disqualifying offence,	5 6
(e)	whether a licensee or permit holder—	7
(i)	is a member of a prescribed criminal organisation, or	8
(ii)	was a member of a prescribed criminal organisation in the period of 12 months before the investigation or inquiry.	9 10
[30]	Section 19A Commissioner may require further information	11
	Omit “section 19(2)” from section 19A(1). Insert instead “section 19”.	12
[31]	Part 3, Division 3A	13
	Omit section 20. Insert instead—	14
	Division 3A Investigations, inquiries and determinations—administration	15 16
19B	Information for determinations	17
(1)	This section applies for the purpose of making a determination on a matter referred to in section 14 or 19.	18 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—	20 21 22
(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	23 24
(b)	causes the Commissioner to conclude improper conduct is likely to occur if—	25 26
(i)	the applicant were granted the licence or permit, or	27
(ii)	the licensee or permit holder continued to hold the licence or permit, or	28 29
(c)	causes the Commissioner to lack confidence that improper conduct will not occur if—	30 31
(i)	the applicant were granted the licence or permit, or	32
(ii)	the licensee or permit holder continued to hold the licence or permit.	33 34
(3)	Without limiting subsection (2), the Commissioner may consider the following—	35 36
(a)	information relating to spent convictions, despite anything to the contrary in the <i>Criminal Records Act 1991</i> ,	37 38
(b)	information relating to criminal charges, whether or not heard, proven, dismissed, withdrawn or discharged,	39 40
(c)	information relating to offences, despite anything to the contrary in the <i>Crimes Act 1900</i> , section 579.	41 42

20	Disclosure of criminal intelligence information	1
	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—	2
	(a) not granting a licence or permit to a person,	3
	(b) refusing to renew or restore a licence to a person,	4
	(c) suspending or cancelling the licence or permit of a person.	5
[32]	Section 22A	6
	Omit the section. Insert instead—	7
22A	Master licence holder not to permit procedures by certain persons on licensed premises	8
	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—	9
	(a) a tattooist licence, or	10
	(b) a visiting tattooist permit.	11
[33]	Section 24	12
	Omit the section. Insert instead—	13
24	Display of licence information	14
	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.	15
[34]	Section 26 Cancellation of licence	16
	Omit “The Secretary” from section 26(1). Insert instead “The Commissioner”.	17
[35]	Section 26(1)(a)	18
	Omit “and the Secretary has been notified by the Commissioner of that failure”.	19
[36]	Section 26(1)(b)	20
	Omit the paragraph. Insert instead—	21
	(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.	22
[37]	Section 26(2)(a1)	23
	Omit the paragraph.	24
[38]	Section 26(3)	25
	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”.	26
	Insert instead “on a ground specified in subsection (1)(b), the Commissioner”.	27

[39] Part 3, Division 5A	1
Insert after Part 3, Division 5—	2
Division 5A Permits relating to unlicensed body art tattooing	3
26A Visiting tattooist permits	4
(1) A permit granted under this Division (a <i>visiting tattooist permit</i>) authorises the permit holder to perform body art tattooing procedures—	5
(a) under the conditions of the permit, and	7
(b) for the period stated in the permit.	8
(2) The conditions of the permit may be—	9
(a) imposed by the Commissioner, whether at the time the permit is granted or at a later time, or	10
(b) imposed by this Act, or	12
(c) prescribed by the regulations.	13
(3) The regulations may prescribe the maximum period for which a permit may be granted.	14
26B Application for visiting tattooist permit	16
(1) An application for a visiting tattooist permit may only be made by an individual—	17
(a) who is at least 18 years of age, and	19
(b) who is not an Australian citizen or permanent Australian resident.	20
(2) The application must—	21
(a) be made to the Commissioner in the way decided by the Commissioner, and	22
(b) include information prescribed by the regulations, and	24
(c) be accompanied by—	25
(i) documents prescribed by the regulations, and	26
(ii) the fee prescribed by the regulations, and	27
(d) comply with other requirements prescribed by the regulations.	28
(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.	29
(4) The Commissioner may request further information about the application, prescribed by the regulations, after the application is made.	32
26C Decisions about application for visiting tattooist permit	34
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.	35
26D Form of permit	38
A permit must be—	39
(a) in the approved form, and	40
(b) include a permit number.	41

26E	Cancelling or suspending a visiting tattooist permit	1
(1)	The Commissioner may decide, on the Commissioner's own initiative, to cancel or suspend a visiting tattooist permit.	2
(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.	3
[40]	Part 3, Division 6, heading	7
	Omit "licensing".	8
[41]	Section 27 Right to seek administrative review from Civil and Administrative Tribunal	9
	Omit "section 26 (2) (a1)" from section 27(1)(c). Insert instead "section 26(1)(b)".	10
[42]	Section 27(1)(d)–(f)	11
	Insert after section 27(1)(c)—	12
	(d) the refusal or failure by the Commissioner to grant a visiting tattooist permit to the person,	13
	(e) a condition imposed by the Commissioner on a visiting tattooist permit granted to the person,	14
	(f) the suspension or cancellation of a visiting tattooist permit granted to the person.	15
[43]	Section 27(2)	19
	Omit the subsection. Insert instead—	20
(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.	21
	Note— Under the <i>Civil and Administrative Tribunal Act 2013</i> , 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.	22
[44]	Section 27(3) and (4)	29
	Omit the subsections. Insert instead—	30
(3)	Subsection (4) applies in relation to an application for administrative review of a decision to—	31
	(a) refuse to grant, renew or restore a licence, or	32
	(b) refuse to grant a permit, or	33
	(c) suspend or cancel a licence or permit.	34
(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 <i>Civil and Administrative Tribunal Act 2013</i> —	35
	(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	36
	(b) must, to prevent the disclosure of a criminal intelligence report or other criminal information, receive evidence and hear argument in the	37

	absence of the following, unless the Commissioner otherwise approves—	1
	(i) the public,	2
	(ii) the applicant for the administrative review,	3
	(iii) the applicant's representative,	4
	(iv) any other interested party.	5
	Note— See section 20 for the Commissioner's obligations in relation to disclosure of criminal intelligence information.	6
[45]	Section 27(5)	7
	Omit the subsection.	8
[46]	Part 4, Division 2A	9
	Insert after Part 4, Division 2—	10
	Division 2A Power to obtain information or records in relation to advertising offence	11
		12
31A	Application of Division	13
	This Division applies whether or not a power of entry under this Part is being or has been exercised.	14
31B	Requirement to provide information and records	15
	(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.	16
	(2) A notice under this section must state—	17
	(a) the way the information or records are required to be given, and	18
	(b) a reasonable time by which the information or records are required to be given.	19
	(3) The notice may only require a person to give to the officer existing records that are—	20
	(a) in the person's possession, or	21
	(b) within the person's power to obtain lawfully.	22
	(4) The authorised officer may take copies of the records.	23
	(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.	24
31C	Power of authorised officers to require answers and record evidence	25
	(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.	26
	(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.	27

(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.	1 2 3
(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.	4 5 6
(5)	The record may be made using—	7
(a)	sound recording apparatus, or	8
(b)	audio visual apparatus, or	9
(c)	another method decided by the authorised officer.	10
(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.	11 12
(7)	A record may be made under this section despite the provisions of another law.	13
[47]	Section 32, heading	14
	Insert “ and permits ” after “ licences ”.	15
[48]	Section 32	16
	Insert “or the holder of a visiting tattooist permit” after “A licensee”.	17
[49]	Section 32	18
	Insert “or permit” after “licence”.	19
[50]	Section 32A	20
	Insert after section 32—	21
32A	Identification of certain authorised officers	22
(1)	An authorised officer, who is not a police officer, must be provided with an identification card as an authorised officer by the Commissioner.	23 24
(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.	25 26 27
[51]	Section 33A, heading	28
	Omit “ furnish ”. Insert instead “ give ”.	29
[52]	Section 33A(1) and (2)	30
	Omit “under section 19A or 30C to furnish” wherever occurring.	31
	Insert instead “under section 19A, 30C, 31B or 31C to give”.	32
[53]	Section 33A(3)	33
	Omit “furnished or answer given by a natural person in compliance with a requirement under section 19A or 30C”.	34 35
	Insert instead “given or answer given by an individual in compliance with a requirement under section 19A, 30C, 31B or 31C”.	36 37
[54]	Section 33A(3)(b)	38
	Omit “furnishing the information or giving the”. Insert instead “giving the information or”.	39

[55] Section 33A(4)	1
Omit “furnished by a person in compliance with a requirement under section 19A or 30C”.	2
Insert instead “given by a person in compliance with a requirement under section 19A, 30C, 31B or 31C”.	3 4
[56] Section 33A(5)	5
Omit “furnished” wherever occurring. Insert instead “given”.	6
[57] Section 33A(5)	7
Omit “section 19A or 30C”. Insert instead “section 19A, 30C, 31B or 31C”.	8
[58] Section 36 Exchange of information	9
Omit “the Secretary or” from section 36(2).	10
[59] Section 36(4), definition of “relevant agency”, paragraph (a)	11
Omit the paragraph.	12
[60] Section 36A Certificate evidence	13
Omit “issued under the regulations” wherever occurring from section 36A(1)(f) and (g).	14
[61] Section 36A(1)(h)	15
Omit “issued under the regulations and”.	16
[62] Section 36A(1)(i)	17
Insert after section 36A(1)(h)—	18
(i) that on a specified day, or during a specified period, specified premises were, or were not, subject to an interim closure order.	19 20
[63] Section 36A(2)	21
Omit the subsection.	22
[64] Section 37 No compensation payable for exercise of regulatory functions	23
Insert “or visiting tattooist permit” after “licence” wherever occurring in section 37(1)(b) and (c).	24 25
[65] Section 38 Delegations	26
Omit section 38(1).	27
[66] Section 38(3)	28
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)”.	29 30
Insert instead “the Commissioner if the delegate is authorised in writing by the Commissioner”.	31 32
[67] Section 40(1)	33
Omit the subsection. Insert instead—	34
(1) A document may be served on, given to or lodged with the Commissioner in a way approved by the Commissioner.	35 36

	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.	1 2
[68]	Section 41 Regulations	3
	Insert “or permits” after “licences” in section 41(2)(a).	4
[69]	Schedule 1 Savings, transitional and other provisions	5
	Insert after Part 5—	6
	Part 6 Provisions consequent on enactment of Tattoo Parlours Amendment (Statutory Review) Act 2021	7 8
10	Definition	9
	In this Part—	10
	<i>amending Act</i> means the <i>Tattoo Parlours Amendment (Statutory Review) Act 2021</i> .	11 12
11	References to Tattoo Parlours Act 2012	13
	A reference in an Act, statutory instrument or other instrument to the <i>Tattoo Parlours Act 2012</i> or a provision of that Act is to be read as a reference to this Act, or a provision of this Act.	14 15 16
12	Licence applications taken to have been made to Commissioner	17
(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.	18 19 20
(2)	In this clause—	21
	<i>application</i> , for a licence, includes an application for the renewal or restoration of a licence.	22 23
13	Applications for operator licences	24
(1)	This section applies to a person who—	25
(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	26 27 28
(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).	29 30 31
(2)	The person is taken to have made an application for a master licence.	32
(3)	In this clause—	33
	<i>commencement</i> means the commencement of the amending Act, Schedule 1[14].	34 35
14	Operator licences taken to be master licences	36
	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.	37 38 39

15	References to former licensees	1
	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.	2 3 4
16	References to operator licences	5
	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.	6 7 8
17	Existing applications and licences	9
(1)	The amendments to sections 14, 16 and 19 made by the amending Act—	10
(a)	apply for all licences, whether granted before or after the commencement, and	11 12
(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	13 14 15
(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).	16 17 18
(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.	19 20 21 22
(3)	In this clause—	23
	<i>commencement</i> means the commencement of the amending Act, Schedule 1[18].	24 25
	<i>existing licensee</i> means a person who held a licence before the commencement that—	26 27
(a)	was in force immediately before the commencement, and	28
(b)	has not expired, or been renewed or restored under this Act, after the commencement.	29 30
18	Appeals and reviews	31
(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.	32 33 34 35
(2)	In this clause—	36
	<i>commencement</i> means the commencement of the amending Act, Schedule 1[18].	37 38
19	Document transferred	39
	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.	40 41 42

Schedule 2	Amendment of other Acts and instruments	1
2.1	Civil and Administrative Tribunal Act 2013 No 2	2
	Schedule 5 Occupational Division	3
	Omit “ <i>Tattoo Parlours Act 2012</i> ” from clause 4(1).	4
	Insert instead “ <i>Tattoo Industry Act 2012</i> ”.	5
2.2	Crimes (Criminal Organisations Control) Act 2012 No 9	6
	Section 27 Prohibition on carrying on of certain activities when interim control order or control order takes effect	7
	Omit “ <i>Tattoo Parlours Act 2012</i> ” from section 27(6), definition of <i>prescribed activity</i> , paragraph (j1).	8
	Insert instead “ <i>Tattoo Industry Act 2012</i> ”.	9
2.3	Criminal Procedure Regulation 2017	10
	Schedule 3 NSW Government agencies and statutory bodies required to pay court fees	11
	Omit “ <i>Tattoo Parlours Act 2012</i> ” from the matter relating to the Department of Finance, Services and Innovation, paragraph (ad).	12
	Insert instead “ <i>Tattoo Industry Act 2012</i> ”.	13
2.4	Law Enforcement (Powers and Responsibilities) Act 2002 No 103	14
	Section 148(1)(d) and Schedule 2	15
	Omit “ <i>Tattoo Parlours Act 2012</i> ” wherever occurring.	16
	Insert instead “ <i>Tattoo Industry Act 2012</i> ”.	17
2.5	Road Transport Act 2013 No 18	18
[1]	Sections 55(1)(e), 56(1)(vi) and 57(1)(d)(iv)	19
	Insert “or permit” after “licence” wherever occurring.	20
[2]	Sections 55(1)(e), 56(1)(vi) and 57	21
	Omit “ <i>Tattoo Parlours Act 2012</i> ” wherever occurring.	22
	Insert instead “ <i>Tattoo Industry Act 2012</i> ”.	23
[3]	Section 57(1)(hb)	24
	Omit “Secretary” wherever occurring. Insert instead “Commissioner”.	25
[4]	Section 57(1)(hb)	26
	Insert “or permits” after “licences”.	27
[5]	Section 57(3)	28
	Omit “of the <i>Security Industry Act 1997</i> .”. Insert instead—	29
	of—	30

(a) the <i>Security Industry Act 1997</i> , or	1
(b) the <i>Tattoo Industry Act 2012</i> .	2
2.6 State Records Regulation 2015	3
Schedule 1 Provisions excepted from operation of section 21	4
Omit “ <i>Tattoo Parlours Act 2012</i> ” from Schedule 1, clause 2.	5
Insert instead “ <i>Tattoo Industry Act 2012</i> ”.	6
2.7 Tattoo Parlours Regulation 2013	7
[1] Clause 1 Name of Regulation	8
Omit “ <i>Tattoo Parlours Regulation 2013</i> ”.	9
Insert instead “ <i>Tattoo Industry Regulation 2013</i> ”.	10
[2] Clause 3 Definitions	11
Omit “ <i>Tattoo Parlours Act 2012</i> ” from clause 3(1), definition of <i>the Act</i> .	12
Insert instead “ <i>Tattoo Industry Act 2012</i> ”.	13
[3] Part 2, heading	14
Omit “—tattooing shows”.	15
[4] Part 2, Division 1, heading	16
Insert before Part 2, clause 3A—	17
Division 1 Tattooing shows	18
[5] Clauses 4, 12(1)(d), 13(1), 15–19, 22, 24(1) and 26B(5), definition of “application fee”	19
Omit “an operator licence” wherever occurring. Insert instead “a master licence”.	20
[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	21
Omit “Secretary” wherever occurring. Insert instead “Commissioner”.	22
[7] Clauses 4(6)(a) and 6(4)(b)	23
Insert “permanent” before “Australian resident” wherever occurring.	24
[8] Clause 7(3)(a)	25
Omit “, if so, any security determinations made by the Commissioner in relation to the application”.	26
Insert instead “the decision made in relation to the application”.	27
[9] Part 2, Division 2	28
Insert after section 7A—	29
	30
	31

Division 2	Visiting tattooist permits	1
8	Maximum period of permit	2
	For the purposes of the Act, section 26A(3), the maximum period a visiting tattooist permit may be granted is 3 months.	3 4
9	Information to accompany applications for visiting tattooist permits	5
	The following information is prescribed for the purposes of the Act, section 26B(2)(b)—	6 7
	(a) the full name of the applicant,	8
	(b) the date and place of birth of the applicant,	9
	(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 11 12
10	Documents to accompany applications for visiting tattooist permits	13
	(1) The following documents are prescribed for the purposes of the Act, section 26B(2)(c) and (3)—	14 15
	(a) a copy of the applicant's passport,	16
	(b) another kind of identification, issued by the Government, the Commonwealth Government, the Government of another State or Territory, or an overseas government,	17 18 19
	(c) if the applicant has a copy of a visa issued to the applicant to enter Australia—a copy of the visa.	20 21
	(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.	22 23 24 25
11	Time required to make application for visiting tattooist permit	26
	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.	27 28 29
11A	Grounds for refusing to grant visiting tattooist permits	30
	For the purposes of the Act, section 26C, the Commissioner may refuse an application for a visiting tattooist permit if—	31 32
	(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	33 34 35
	(b) the Commissioner is satisfied the application was not properly made, or	36
	(c) the Commissioner is satisfied that the applicant is not a fit and proper person to be granted a permit, or	37 38
	(d) the Commissioner is satisfied that a close associate of the applicant is not a fit and proper person, or	39 40
	(e) the Commissioner is satisfied that it would be contrary to the public interest for the applicant to be granted a permit, or	41 42
	(f) the Commissioner is satisfied that the applicant has, within the period of 10 years before the application for the permit was made, been	43 44

	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	1 2 3
	(g) the Commissioner is satisfied that the applicant—	4
	(i) is a member of a prescribed criminal organisation, or	5
	(ii) was a member of a prescribed criminal organisation in the period of 12 months before making the application.	6 7
[10]	Clause 13 Additional grounds for refusing to grant licences	8
	Omit “operator licence” from clause 13(1), heading. Insert instead “master licence”.	9
[11]	Clauses 13(1) and (2) and 21(1)	10
	Omit “a relevant Minister” wherever occurring. Insert instead “the Minister”.	11
[12]	Clause 13(3)	12
	Omit the subclause. Insert instead—	13
	(3) In this clause—	14
	<i>Minister</i> means the Minister administering the <i>Police Act 1990</i> .	15
[13]	Clause 13A	16
	Insert after clause 13—	17
	13A Prescribed criminal organisations	18
	For the purposes of the Act, section 4A, definition of <i>prescribed criminal organisation</i> , the bodies and groups listed in Schedule 3 are prescribed.	19 20
[14]	Part 3, Division 3, heading	21
	Omit “operator licences”. Insert instead “master licences”.	22
[15]	Clauses 15 and 16, headings	23
	Omit “operator licence” wherever occurring. Insert instead “master licence”.	24
[16]	Clause 20	25
	Omit the clause. Insert instead—	26
	20 Display of licensing information certificate—the Act, s 24	27
	For the purposes of the Act, section 24, a licensing information certificate issued by the Commissioner for the licensed premises is prescribed.	28 29
[17]	Clause 21	30
	Omit “operator licences” wherever occurring. Insert instead “master licences”.	31
[18]	Clause 21(2)	32
	Omit the subclause. Insert instead—	33
	(2) In this clause—	34
	<i>Minister</i> means the Minister administering the <i>Police Act 1990</i> .	35
[19]	Clause 22 Tattooing procedures log to be kept for licensed premises	36
	Omit “the operator licence” from clause 22(1). Insert instead “the master licence”.	37

[20] Clause 22(2)	1
Omit “former operator licence”. Insert instead “former master licence”.	2
[21] Clause 26 Fees	3
Omit “(other than on the ground of an adverse security determination made by the Commissioner)” from clause 26(3)(a).	4
	5
[22] Clause 26A, heading	6
Omit “Secretary’s”. Insert instead “Commissioner’s”.	7
[23] Schedule 1 Fees	8
Insert after Part 1, table, item 1—	9
1A Application for visiting tattooist permit—the Act, s26B(2)(c)(ii)	1.08 1.08 2.16
[24] Schedule 1, Part 1	10
Omit “Operator of body art tattooing business”. Insert instead “Master licences”.	11
[25] Schedule 1, Part 1	12
Omit “operator licence” wherever occurring. Insert instead “master licence”.	13
[26] Schedule 1, Part 1	14
Omit “Fees for operators and tattooists”.	15
Insert instead “Fees for replacement licences and permits”.	16
[27] Schedule 1, Part 1, item 8	17
Insert “or permit” after “licence”.	18
[28] Schedule 2 Penalty notice offences	19
Insert in appropriate order—	20
Section 8A(1) and (2)	for a corporation—\$1,100 for an individual—\$550
Section 8A(3)–(5)	\$550
[29] Schedule 3	21
Insert after Schedule 2—	22
Schedule 3 Prescribed criminal organisations	23
	clause 13A 24
Bandidos	25
Black Uhlans	26
Brothers for Life	27
Comanchero	28
Finks	29

Fourth Reich	1
Gladiators	2
Gypsy Joker	3
Hells Angels	4
Highway 61	5
Iron Horsemen	6
Life and Death	7
Lone Wolf	8
Mobshitters	9
Mongols	10
Mongrel Mob	11
No Surrender	12
Nomads	13
Odin's Warriors	14
Outcasts	15
Outlaws	16
Phoenix	17
Rebels	18
Rock Machine	19
Satudarah	20