



New South Wales

Tattoo Industry Regulation 2023

under the

Tattoo Industry Act 2012

[*The following enacting formula will be included if this Regulation is made—*]

Her Excellency the Governor, with the advice of the Executive Council, has made the following regulation under the *Tattoo Industry Act 2012*.

Minister for Police and Counter-terrorism

Explanatory note

The object of this regulation is to remake, with minor changes, the *Tattoo Industry Regulation 2013*, which is repealed on 1 September 2023 by the *Subordinate Legislation Act 1989*, section 10(2).

The regulation provides for the following—

- (a) additional requirements and information for licence applications under the *Tattoo Industry Act 2012* (*the Act*),
- (b) additional conditions for licences granted under the Act,
- (c) additional grounds for the refusal of licence applications and the cancellation of master licences,
- (d) to enable permits to be granted for the carrying out of—
 - (i) body art tattooing shows and exhibitions, or
 - (ii) the performance of body art tattooing procedures by visiting overseas body art tattooists,
- (e) the keeping of records concerning body art tattooing businesses,
- (f) to create offences in connection with the misuse of licences,
- (g) to prescribe fees for licence applications, permits and replacement licences,
- (h) to prescribe offences under the Act and the regulation as penalty notice offences,
- (i) to prescribe criminal organisations,
- (j) to prescribe offences that disqualify applicants for permits and licences.

This regulation is made under the *Tattoo Industry Act 2012*, including sections 3(1), definition of *disqualifying offence*, 4A, 6(4)(c), 7(2)(b), 11(5)(e) and (f), 16(5), 24, 26(2)(b), 26A(3), 26B(2)(c) and (d), (3) and (4), 26C and 41, the general regulation-making power.

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public consultation draft

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Tattoo Industry Regulation 2023

under the

Tattoo Industry Act 2012

Part 1 Preliminary

1 Name of regulation

This regulation is the *Tattoo Industry Regulation 2023*.

2 Commencement

This regulation commences on 1 September 2023 and is required to be published on the NSW legislation website.

Note— This regulation replaces the *Tattoo Industry Regulation 2013*, which is repealed on 1 September 2023 by the *Subordinate Legislation Act 1989*, section 10(2).

3 Definitions

In this regulation—

fee unit—see Schedule 1, Part 2.

tattooing procedures log, in relation to licensed premises, means a tattooing procedures log required to be kept for the premises under section 31.

the Act means the *Tattoo Industry Act 2012*.

Note— The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this regulation.

Part 2 Permits

Division 1 Applications for permits

4 Disqualifying offences—permits

For the Act, section 3(1), definition of *disqualifying offence*, paragraph (a), the following offences are prescribed for all permits—

- (a) an offence specified in Schedule 4,
- (b) an offence under the law of another Australian jurisdiction, or the law of an overseas jurisdiction, that is substantially the same as, or the equivalent of, an offence specified in Schedule 4.

Division 2 Tattooing shows

5 Definitions

In this part—

authorised participant of a tattooing show—see section 6.

personal details of a person means—

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

tattooing show means a body art tattooing show or exhibition conducted under a tattooing show permit.

tattooing show permit—see section 9(1).

unsuitable individual means an individual who—

- (a) is under 18 years of age, or
- (b) is a controlled member of a declared organisation, or
Note— Controlled members are prohibited from applying for permits—see the *Crimes (Criminal Organisations Control) Act 2012*, section 27.
- (c) is a member of a prescribed criminal organisation, or
- (d) was a member of a prescribed criminal organisation in the period of 12 months before making the application.

6 Authorised participants of tattooing shows

- (1) An individual is an *authorised participant* of a tattooing show if—
 - (a) the personal details of the individual have been given to the Commissioner by the permit holder for the show at least 14 days before the commencement of the show, and
 - (b) the individual is not an unsuitable individual, and
 - (c) the individual has not, in the previous 12 months, been an authorised participant of more than 1 other tattooing show.
- (2) An individual stops being an authorised participant of a tattooing show if—
 - (a) the Commissioner gives written notice to the permit holder for the show stating that the individual is not to be an authorised participant of the show, or
 - (b) the individual becomes an unsuitable individual, or

- (c) the permit holder gives written notice to the Commissioner that the individual is no longer to be an authorised participant of the show.
- (3) The Commissioner may give written notice under subsection (2)(a) at any time.

7 Tattooing shows exempt from licensing requirements

For the Act, section 6(4)(c), the carrying on of the person's body art tattooing business at premises on which a tattooing show is being conducted by the person is a prescribed circumstance.

8 Body art tattooists at tattooing shows exempt from licensing requirements

- (1) For the Act, section 7(2)(b), the following circumstances are prescribed—
 - (a) the individual carries out the body art tattooing procedure at a tattooing show, and
 - (i) the individual holds a master licence for premises at which the individual performs body art tattooing procedures as a self-employed individual, or
 - (ii) the individual is an authorised participant of the show,
 - (b) the individual is an authorised participant of a tattooing show, and
 - (i) the individual is not an Australian citizen or permanent Australian resident, and
 - (ii) the performance of a body art tattooing procedure for fee or reward is not in breach of a condition of a visa issued to the applicant to enter Australia, and
 - (iii) the individual carries out the body art tattooing procedure at premises for which a master licence is in force, and
 - (iv) the individual has not, in the previous 12 months, performed body art tattooing procedures at premises for which a master licence is in force on more than 31 days in total, and
 - (v) the individual, when performing body art tattooing procedures at the premises, carries written evidence that the individual is an authorised participant in a show.
- (2) The individual must promptly produce the evidence referred to in subsection (1)(b)(v) to an authorised officer if asked to do so by the officer.

9 Authority conferred by tattooing show permits

- (1) For the Act, section 41(2)(c), the Commissioner may grant a permit (a ***tattooing show permit***) authorising the permit holder to conduct a tattooing show—
 - (a) on the permit holder's own behalf or on behalf of a corporation, partnership or trust, and
 - (b) at the premises specified in the permit, and
 - (c) in accordance with the conditions of the permit, and
 - (d) for the period specified in the permit.
- (2) A tattooing show permit does not confer property rights and cannot be transferred, assigned or mortgaged, charged or otherwise encumbered.

Note— A non-transferable licence is not personal property for the purposes of the *Personal Property Securities Act 2009* of the Commonwealth. See the definitions of ***licence*** and ***personal property*** in that Act, section 10.

10 Applications for tattooing show permits

- (1) An individual may apply to the Commissioner for a tattooing show permit.
- (2) However, an application must not be made by—
 - (a) an unsuitable individual, or
Note— Controlled members are prohibited from applying for permits—see the *Crimes (Criminal Organisations Control) Act 2012*, section 27.
 - (b) an individual who is not an Australian citizen or permanent Australian resident.
Note— See the *Crimes Act 1900*, Part 5A for offences for the making, giving or production of false and misleading applications, information and documentation.
- (3) If a proposed tattooing show will be conducted on behalf of a corporation, partnership or trust, the application must be made by the individual nominated by the corporation, partnership or trust to be the events manager for the show.
- (4) The application must—
 - (a) be in the approved form, and
 - (b) include the following information—
 - (i) the personal details of the applicant,
 - (ii) the proposed starting date for the show and the period for which the show is proposed to be conducted,
 - (iii) the address of the premises at which the show is proposed to be held,
 - (iv) if the applicant will be conducting the show on behalf of a corporation, partnership or trust—evidence, in the approved form, of the individual's nomination as the events manager for the show, and
 - (c) be accompanied by the application fee for a tattooing show permit specified in Schedule 1, Part 1, and
 - (d) be made at least 28 days before the proposed starting date for the show.

11 Decision on tattooing show permit applications

- (1) The Commissioner may decide an application for a tattooing show permit by—
 - (a) granting the permit, or
 - (b) refusing to grant the permit.
- (2) The Commissioner may, if the Commissioner considers it appropriate in the circumstances, treat the application as having been withdrawn.
- (3) The Commissioner must consider the following matters when deciding the application—
 - (a) if the applicant has previously applied for a licence under the Act—the decision made in relation to the previous application,
 - (b) if the applicant has previously held a licence under the Act—the applicant's licence history, including the applicant's compliance and complaints history,
 - (c) the body art tattooists who are likely to participate in the proposed show,
 - (d) the applicant's capacity to ensure participants comply with any applicable legislative requirements relating to performing body art tattooing procedures.
- (4) The Commissioner must refuse to grant the permit if—
 - (a) the Commissioner is satisfied the application was not properly made, or
 - (b) the applicant is an unsuitable individual.

- (5) The Commissioner may grant the permit unconditionally or subject to conditions.
- (6) The permit must state the period, of not more than 7 days, during which the permit is in force.
- (7) The Commissioner may, at any time, by written notice to the permit holder—
 - (a) revoke the permit, or
 - (b) vary the conditions of the permit.
- (8) The Commissioner may not grant more than 2 permits in the same calendar year to—
 - (a) the same individual, or
 - (b) an individual applying on behalf of the same corporation, partnership or trust.

12 Requirements on tattooing show permit holders

The holder of a tattooing show permit must ensure—

- (a) a written list of the personal details of each authorised participant of the show is—
 - (i) kept at the show when the show is open to the public, and
 - (ii) promptly made available to an authorised officer who requests to see the list at any time the show is open to the public, and
- (b) no body art tattooing procedure is performed at the show unless the procedure is authorised under—
 - (i) a licence, or
 - (ii) a tattooing show permit.

Maximum penalty—20 penalty units.

Division 3 Visiting tattooist permits

13 Maximum period of permits

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

14 Information to accompany applications for visiting tattooist permits

For the Act, section 26B(2)(b), the following information is prescribed—

- (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,
- (d) if the applicant's postal address is different from the intended residential address—the applicant's postal address.

15 Documents to accompany applications for visiting tattooist permits

- (1) For the Act, section 26B(2)(c) and (3), the following documents are prescribed—
 - (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 Act, section 26B(4), if a copy of a visa issued to the applicant was not included in the application, the applicant must give the Commissioner evidence that the applicant has applied for a visa on request of the Commissioner.

16 Time required to make application for visiting tattooist permits

For 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.

17 Grounds for refusing to grant visiting tattooist permits

For 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 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 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.

Part 3 Licensing

Division 1 General

18 Definition

In this part—

Minister means the Minister administering the *Police Act 1990*.

Division 2 Applications for licences

19 Disqualifying offences—licences

For the Act, section 3(1), definition of **disqualifying offence**, paragraph (a), the following offences are prescribed for all licences—

- (a) an offence specified in Schedule 4,
- (b) an offence under the law of another Australian jurisdiction, or the law of an overseas jurisdiction, that is substantially the same as or the equivalent of an offence specified in Schedule 4.

20 Additional information and requirements for applications for licences

- (1) For the Act, section 11(5)(e) and (f), the following information and requirements are prescribed for applications for licences—

- (a) the date and place of birth of the applicant,
- (b) other names by which the applicant has previously been known,
- (c) for an applicant who holds a NSW driver licence or NSW Photo Card—
 - (i) the licence number or card number, and
 - (ii) the full name of the applicant stated in the application must be the same as the name specified on the licence or card,
- (d) for an application for a master licence—the business name of the body art tattooing business carried on or proposed to be carried on at the proposed licensed premises,
- (e) copies of 3 forms of personal identification of an approved kind.

- (2) In this section—

NSW driver licence means a driver licence issued under the *Road Transport Act 2013*.

NSW Photo Card means a Photo Card issued under the *Photo Card Act 2005*.

21 Additional grounds for refusing to grant master licence applications

For the Act, section 16(5), the Commissioner may refuse to grant a master licence if satisfied of any of the following grounds—

- (a) for an application made in connection with a body art tattooing business owned or operated by or for a corporation—the corporation is a corporation—
 - (i) the subject of a winding up order, or
 - (ii) for which a controller or administrator has been appointed,
- (b) the applicant holds, or has held, a licence, permit or other authority under legislation administered by the Minister that has been suspended, cancelled or revoked,
- (c) the applicant is disqualified from holding a licence, permit or other authority under legislation administered by the Minister,

- (d) the applicant is, or was at any time in the last 3 years, concerned in the management of, or a director of, an externally-administered body corporate within the meaning of the *Corporations Act 2001* of the Commonwealth except for the voluntary winding up of the body corporate,
- (e) the applicant has been convicted of an offence under the Act, section 6(1) or (3) or 8(1).

22 Additional grounds for refusing to grant tattooist licence applications

For the Act, section 16(5), the Commissioner may refuse to grant a tattooist licence if satisfied of any of the following grounds—

- (a) the applicant holds, or has held, a licence, permit or other authority under legislation administered by the Minister that has been suspended, cancelled or revoked,
- (b) the applicant is disqualified from holding a licence, permit or other authority under legislation administered by the Minister,
- (c) the applicant has been convicted of an offence under the Act, section 7(1) or (1A).

23 Prescribed criminal organisations

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

Division 3 Special conditions relating to licences generally

24 Licensee not to sell or dispose of licence

For the Act, section 41(2)(a), it is a condition of a licence that the licensee must not—

- (a) sell, dispose of, deliver, let out, hire or rent the licence to another person, or
- (b) permit another person to use the licence.

Division 4 Special conditions relating to master licences

25 Surrender of master licence for premises under long-term closure order

For the Act, section 41(2)(a), it is a condition of a master licence that if a closure order has been made under the Act, section 29 for the licensed premises, the licensee must return the licence to the Commissioner within 10 days after the order is made.

26 Notifying Commissioner of lost, stolen or destroyed master licence

For the Act, section 41(2)(a), it is a condition of a master licence that the licensee must give the Commissioner written notice that the licence has been lost, stolen or destroyed within 10 days after the licensee becomes aware the licence has been lost, stolen or destroyed.

27 Particulars to be given—change of licence particulars special condition

The following changes in particulars must be included in a notice given for the purposes of the condition imposed on a master licence by the Act, section 22(1)—

- (a) if the last time the particulars were given was in connection with the application for the licence—a change in the particulars required to be given in connection with the licence application by or under the Act, sections 11 and 12, since the application was made,
- (b) if the last time the particulars were given was in a notice given for the Act, section 22(1)—a change in the particulars since the notice was given.

28 Particulars to be given—change in staff special condition

- (1) The following particulars, in connection with a change in staff employment, must be included in a notice given for the condition imposed on a master licence by the Act, section 23(1) for a change in staff employment—
 - (a) for a new staff member employed to work at the licensed premises—
 - (i) the full name of the new staff member, and
 - (ii) the residential address of the new staff member, and
 - (iii) the date of birth of the new staff member, and
 - (iv) the date on which the new staff member commenced work at the premises, and
 - (v) the position in which the new staff member is employed to work,
 - (b) for a staff member who has stopped being employed to work at the licensed premises—
 - (i) the full name of the former staff member, and
 - (ii) the date of birth of the former staff member, and
 - (iii) the date on which the former staff member commenced work at the premises, and
 - (iv) the date on which the former staff member stopped being employed to work at the premises, and
 - (v) the position in which the former staff member was employed to work immediately before the former staff member stopped being a staff member.

29 Display of licensing information certificate

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

Division 5 Cancellation of licences

30 Additional grounds for cancelling master licences

For the Act, section 26(2)(b), the following circumstances are prescribed for master licences—

- (a) the Commissioner is satisfied that the licensee holds, or has held, a licence, permit or other authority under legislation administered by the Minister that has been suspended, cancelled or revoked,
- (b) the Commissioner is satisfied that the licensee is disqualified from holding a licence, permit or other authority under legislation administered by the Minister,
- (c) for a body art tattooing business owned or operated by or for a corporation—the Commissioner is satisfied the corporation is a corporation that is the subject of a winding up order or for which a controller or administrator has been appointed,
- (d) the Commissioner is satisfied—
 - (i) a prohibition order under the *Public Health Act 2010*, Part 3, in connection with the carrying out of skin penetration procedures is in force for the licensed premises, or
 - (ii) a person has been convicted of an offence under the *Public Health Act 2010* or the regulations under that Act in connection with carrying out skin penetration procedures at the licensed premises,

- (e) the Commissioner is satisfied that a closure order made under the Act, section 29, is in force for the licensed premises.

Division 6 Keeping of records

31 Tattooing procedures log to be kept for licensed premises

- (1) For the Act, section 41(2)(g), the licensee under a master licence must ensure a tattooing procedures log in the approved form is kept for each calendar year, or part of a calendar year, during which the master licence is in force.
- (2) The licensee under a master licence or, for a former master licence, the former licensee, must keep the tattooing procedures log for the licensed premises, or former licensed premises, for 3 years after the end of the calendar year, or part of the calendar year, to which the log relates.
- (3) A person who contravenes a provision of this section is guilty of an offence.
Maximum penalty—20 penalty units.

32 Tattooists to make contemporaneous entries in tattooing procedures log for licensed premises

For the Act, section 41(2)(g), an individual who performs a body art tattooing procedure, whether or not for a fee or reward, on another individual at licensed premises must ensure a contemporaneous record containing the following particulars concerning the procedure is made in the tattooing procedures log for the premises—

- (a) the date or dates on which the procedure was performed,
- (b) the full name and tattooist licence number of the individual performing the procedure,
- (c) the following payment details, if relevant—
 - (i) the amount charged for performing the procedure,
 - (ii) the method of payment,
 - (iii) the receipt number.

Maximum penalty—20 penalty units.

33 Keeping records for licensed premises

- (1) For the Act, section 41(2)(g), the licensee under a master licence must ensure that a record, whether in written or electronic form, that the licensee keeps in connection with the carrying on of a body art tattooing business at the licensed premises is—
 - (a) in the English language, and
 - (b) in a form that allows the record to be readily accessed by an authorised officer for inspection, and
 - (c) kept at the licensed premises at all times.Maximum penalty—20 penalty units.

- (2) In this section—
record, in connection with a body art tattooing business, includes a record required to be kept or made under the Act or this regulation.

Division 7 Offences relating to licences

34 Misuse of licences

For the Act, section 41(2)(b), a person must not—

- (a) make a representation, or enable or allow a representation to be made, to the effect that the person is a licensee if the person does not hold a licence, or
- (b) forge or steal a licence, or
- (c) deface, damage, alter or destroy a licence without the permission of the Commissioner, or
- (d) have another person's licence in the person's possession without a reasonable excuse.

Maximum penalty—

- (a) for a corporation—40 penalty units, or
- (b) otherwise—20 penalty units.

Part 4 Miscellaneous

35 Fees

- (1) The fees payable for the Act and sections 10(4)(c) and 36 are listed in Schedule 1, Part 1.
- (2) The total application fee payable is set out in Schedule 1, Part 1 under the heading “Total”.
- (3) An amount specified in relation to an application fee in Schedule 1, Part 1 under the heading “Processing component” is taken to be a fee to cover the costs incurred by the Commissioner in processing the application.

Note— This amount is consequently a processing fee for the *Licensing and Registration (Uniform Procedures) Act 2002*, Part 2. If an application is made by electronic communication, the processing fee is discounted, see that Act, section 13. If an application is refused or withdrawn, the applicant is entitled to a refund of all fees paid, other than the processing fee, see that Act, section 22.

36 Replacement of licence

For the Act, section 41(2)(e), the Commissioner may, on the payment of the fee set out in Schedule 1, Part 1, issue a replacement licence to a person if satisfied the person is the holder of a licence that has been lost, stolen, damaged, destroyed or defaced.

37 Savings

Any act, matter or thing that, immediately before the repeal of the *Tattoo Industry Regulation 2013*, had effect under that regulation continues to have effect under this regulation.

Schedule 1 Fees

sections 35 and 36

Part 1 Fees payable

	Type of fee	Fixed component (in fee units)	Processing component (in fee units)	Total (in fee units)
1	Application for tattooing show permit	4.34	2.17	6.51
2	Application for visiting tattooist permit—the Act, s 26B(2)(c)(ii)	1.08	1.08	2.16
	Master licences			
3	Application for grant of master licence			
	(a) 1 year	2	16.69	18.69
	(b) 3 years	6.01	16.69	22.7
	(c) 5 years	10	16.69	26.69
4	Application for renewal of master licence			
	(a) 1 year	2	16.29	18.29
	(b) 3 years	6.01	16.29	22.3
	(c) 5 years	10	16.29	26.29
5	Application for restoration of master licence			
	(a) 1 year	2	16.49	18.49
	(b) 3 years	6.01	16.49	22.50
	(c) 5 years	10	16.49	26.49
	Tattooist licences			
6	Application for grant of tattooist licence			
	(a) 1 year	0.67	5.57	6.24
	(b) 3 years	2.02	5.57	7.59
	(c) 5 years	3.35	5.57	8.92
7	Application for renewal of tattooist licence			
	(a) 1 year	0.67	5.17	5.84
	(b) 3 years	2.02	5.17	7.19
	(c) 5 years	3.35	5.17	8.52
8	Application for restoration of tattooist licence			
	(a) 1 year	0.67	5.37	6.04
	(b) 3 years	2.02	5.37	7.39
	(c) 5 years	3.35	5.37	8.72
	Fees for replacement licences and permits			
9	Application for replacement of licence or permit	Nil	0.46	0.46

Part 2 Adjustment of fees for inflation

1 Definitions

In this part—

CPI number means the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics in the latest published series of that index.

financial year means a period of 12 months commencing on 1 July.

2 Calculation of fee unit for regulation

(1) For this regulation, a **fee unit** is—

- (a) in the financial year 2017–18—\$100, and
- (b) in each later financial year—the amount calculated as follows—

$$\$100 \times \frac{A}{B}$$

where—

A is the CPI number for the March quarter in the financial year immediately preceding the financial year for which the amount is calculated.

B is the CPI number for the March quarter of 2017.

- (2) The amount of a fee unit must be rounded to the nearest cent, and an amount of 0.5 cent must be rounded down.
- (3) However, if the amount of a fee unit calculated for a financial year is less than the amount that applied for the previous financial year, then the amount for the previous financial year applies instead.

3 Rounding of fee amounts

The amount of a fee calculated by reference to a fee unit, including the amount of a component of a fee, must be rounded to the nearest dollar, and an amount of 50 cents must be rounded down.

4 Notice of indexed fees

- (1) As soon as practicable after the CPI number for the March quarter is first published by the Australian Statistician, the Commissioner is required to—
 - (a) notify the Parliamentary Counsel of the amount of the fee unit for the next financial year so that notice of the amount may be published on the NSW legislation website, and
 - (b) give public notice on an appropriate government website of the actual amounts of the fees applying in each financial year resulting from the application of the amount of a fee unit calculated under this part.
- (2) This part operates to change an amount of a fee that is calculated by reference to a fee unit and the change is not dependent on the notification or other notice required by this section.

Schedule 2 Penalty notice offences

1 Application of schedule

- (1) For the Act, section 35—
- (a) each offence created by a provision specified in this schedule is an offence for which a penalty notice may be issued, and
 - (b) the amount payable for the penalty notice is the amount specified opposite the provision.
- (2) If the provision is qualified by words that restrict its operation to limited kinds of offences or to offences committed in limited circumstances, the penalty notice may be issued only for—
- (a) the limited kind of offence, or
 - (b) an offence committed in those limited circumstances.

Provision	Penalty
Offences under the Act	
Section 6(1) and (3)	for a corporation—\$1,100 otherwise—\$550
Section 7(1) and (1A)	for a first offence—\$550 for a second or later offence—\$1,100
Section 8(1)	for a corporation—\$1,100 otherwise—\$550
Section 8A(1) and (2)	for a corporation—\$1,100 otherwise—\$550
Section 8A(3)–(5)	\$550
Section 10(5)	\$550
Section 11(6)	\$550
Section 25(2)	\$550
Section 26(7)	\$550
Section 30(1)	for a corporation—\$1,100 otherwise—\$550
Section 32	\$550
Section 35A(1)	\$550
Section 35B	\$550
Offences under this regulation	
Section 12	\$550
Section 31(3)	\$550
Section 32	\$550
Section 33(1)	\$550
Section 34(c) and (d)	\$550

Schedule 3 Prescribed criminal organisations

section 23

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

Schedule 4 Disqualifying offences

sections 4 and 19

1 Offences relating to firearms or weapons

An offence relating to the possession, use or supply of a firearm or another weapon, or a firearm part or ammunition, that disqualifies the person from holding a licence under the *Firearms Act 1996*.

2 Offences relating to prohibited drugs

An offence—

- (a) relating to—
 - (i) a psychoactive substance, prohibited plant or prohibited drug within the meaning of the *Drug Misuse and Trafficking Act 1985*, or
 - (ii) a prescribed restricted substance within the meaning of the *Poisons and Therapeutic Goods Regulation 2008*, and
- (b) for which the penalty imposed included—
 - (i) a term of imprisonment, whether or not suspended, or
 - (ii) a community service work condition, or
 - (iii) a penalty of \$500 or more.

3 Offences involving serious violence

An offence involving serious violence, punishable by imprisonment for life or for a term of 10 years or more, if the conduct constituting the offence involves—

- (a) the loss of or a serious risk to a person's life, or
- (b) serious injury or a serious risk of serious injury to a person, or
- (c) serious damage to property in circumstances endangering the safety of a person.

4 Offences involving organised criminal groups, consorting and recruitment

An offence under the *Crimes Act 1900*, section 93T, 93X or 351A.

5 Offences involving money laundering

An offence under the *Crimes Act 1900*, Part 4AC.

6 Offences of a sexual nature

An offence—

- (a) of a sexual nature under—
 - (i) the *Crimes Act 1900*, Part 3, Division 10, 10A, 10B, 14A, 15 or 15A, or
 - (ii) the *Summary Offences Act 1988*, section 11G, or
- (b) that is an offence of attempting to commit, threatening to commit or conspiring to commit an offence referred to in paragraph (a).

7 Offences relating to tattooing and body piercing of children and young persons

An offence under the *Children and Young Persons (Care and Protection) Act 1998*, section 230 or 230A.

8 Offences relating to riot

An offence under the *Crimes Act 1900*, section 93B.

9 Offences involving stalking or intimidation

An offence involving stalking or intimidation.

10 Offences involving kidnapping or abduction

An offence involving kidnapping or abduction.

11 Offences involving robbery

An offence involving robbery, whether armed or otherwise.

12 Offences involving fraud

An offence involving fraud for which the penalty imposed included a term of imprisonment, whether or not suspended, for 3 months or more.

13 Offences relating to terrorism

An offence relating to terrorism being—

- (a) an offence under the *Crimes Act 1900*, Part 6B, or
- (b) an offence under the *Criminal Code*, Part 5.3, set out in the Schedule to the *Criminal Code Act 1995* of the Commonwealth.

14 Offences relating to blackmail

An offence under the *Crimes Act 1900*, Part 4B relating to blackmail.