

South Australia

Summary Offences (General) Variation Regulations 2012

under the *Summary Offences Act 1953*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Summary Offences (General) Regulations 2001*

- 4 Insertion of Part 3A
 - Part 3A—Tattooing, body piercing and body modification
 - 14AA Interpretation
 - 14AB Evidence of age of person (sections 21R and 21T)
 - 14AC Pre-conditions to performing certain procedures (section 21S)
 - 14AD Prescribed information (section 21U)
 - 14AE Record keeping (section 21V)
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Summary Offences (General) Variation Regulations 2012*.

2—Commencement

These regulations will come into operation at the time at which the *Summary Offences (Tattooing, Body Piercing and Body Modification) Amendment Act 2011* comes into operation.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Summary Offences (General) Regulations 2001*

4—Insertion of Part 3A

After regulation 14 insert:

Part 3A—Tattooing, body piercing and body modification

14AA—Interpretation

In this Part—

customer, in relation to a service provider, means a person on whom the service provider is to carry out a body piercing or body modification procedure;

service provider means a person who (or on whose behalf another person) is to perform a body piercing or body modification procedure on a third person.

14AB—Evidence of age of person (sections 21R and 21T)

For the purposes of sections 21R(4)(a)(i) and 21T(2)(a) of the Act, the following kinds of evidence of a person's age may be produced to a service provider:

- (a) a current photographic driver's licence issued under the *Motor Vehicles Act 1959* or under a corresponding law of another State or a Territory;
- (b) a current photographic student identification card issued by an Australian education institution that shows the age of the person;
- (c) a current photographic Proof of Age card issued by the Registrar of Motor Vehicles or by a corresponding public authority of the Commonwealth or another State or a Territory;
- (d) a current passport issued by the Commonwealth or under the law of another country, bearing a photograph of the person and enabling the age of the person to be determined;
- (e) a current photographic Keypass identification card issued by Alfa Omega Nominees Pty Ltd, trading as Commonwealth Key and Property Register.

**14AC—Pre-conditions to performing certain procedures
(section 21S)**

- (1) For the purposes of section 21S(1)(a) of the Act, the following prescribed information must be included in the written agreement entered into between the service provider and the customer:
 - (a) the name, address and phone number of the business where the procedure is to be performed;
 - (b) the name of the person who will perform the procedure;
 - (c) the name and address of the customer;
 - (d) a description of the nature of the procedure to be performed on the customer and the manner in which it is to be carried out;
 - (e) if more than 1 session will be required for the purpose of completing the procedure, an estimation of the number of such sessions required;
 - (f) if the procedure includes a body piercing—
 - (i) a detailed description of the type of jewellery that will be used in the piercing; and
 - (ii) a description of the precise part of the body on which the procedure is to be performed.
- (2) For the purposes of section 21S(1)(b)(ii) of the Act, the consent form for a customer who is less than 16 years of age on whom a body piercing is to be performed must include the following information:
 - (a) the name and address of the customer;
 - (b) the date of birth of the customer;
 - (c) the name, address and phone number of the customer's guardian;
 - (d) the name, address and phone number of the business where the procedure is to be performed;
 - (e) a detailed description of the body piercing to be performed on the customer.
- (3) The consent form must be—
 - (a) signed and dated by the customer's guardian; and
 - (b) verified by statutory declaration.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (4) For the purposes of paragraph (b) of the definition of *prescribed information* in section 21S(4) of the Act, information about the possible risks associated with body piercing or body modification is prescribed.

14AD—Prescribed information (section 21U)

- (1) For the purposes of section 21U of the Act, the following information is prescribed:
 - (a) that it is an offence to perform an intimate body piercing or body modification procedure on a person under the age of 18 years;
 - (b) that the penalty for an offence referred to in paragraph (a) is a fine of \$5 000 or imprisonment for 12 months;
 - (c) that it is an offence to perform any other body piercing on a minor under the age of 16 years without first obtaining the consent of the minor's guardian—
 - (i) in person; or
 - (ii) in writing in the prescribed form and verified by statutory declaration;
 - (d) that the penalty for an offence referred to in paragraph (c) is a fine of \$5 000 or imprisonment for 12 months;
 - (e) that it is an offence to sell body modification equipment to a person under the age of 18 years;
 - (f) that the penalty for an offence referred to in paragraph (e) is a fine of \$2 500;
 - (g) that proof of age may be required—
 - (i) before a body piercing or body modification procedure may be performed; or
 - (ii) before body modification equipment may be purchased.
- (2) The prescribed information must be printed on a notice in any readily legible font no smaller than 12 points and displayed in a prominent place at the premises at which the procedures are offered.

14AE—Record keeping (section 21V)

For the purposes of section 21V(1), a service provider must keep the following records:

- (a) a written agreement entered into with a customer under section 21S(1)(a) of the Act;
- (b) the written consent of a customer's guardian and the statutory declaration verifying the consent under section 21S(1)(b)(ii) of the Act;
- (c) evidence of a person's age produced to the service provider.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 15 November 2012

No 227 of 2012

AGO0024/12CS