

New laws to cover body piercing

January 2009

New laws relating to body piercing and related practices come into effect on 1 January 2009. The new laws are designed to protect young people and cover scarification, tongue splitting, branding and beading, as well as body piercing and tattooing.

What does the *Summary Offences Amendment (Tattooing and Body Piercing) Act 2008* do?

The new laws:

- make it an offence for a body piercer to perform intimate body piercing on a person aged under 18. The maximum penalty will be 60 penalty units (approximately \$6600).
- make it an offence for a body piercer to perform non-intimate body piercing on someone under 16 without the consent of a parent or guardian. The maximum penalty for doing so will be 20 penalty units (approximately \$2200).
- prohibit scarification, tongue splitting, branding and beading on people aged under 18. The maximum penalty for doing so will be 60 penalty units.
- increase the maximum penalty for the offence of tattooing of people aged under 18 years, to 60 penalty units.

It will also be an offence for a body piercer to employ someone under 16 to perform a non-intimate body piercing in breach of the parental consent requirements (maximum penalty of 20 penalty units), or an intimate body-piercing on someone under 18 (maximum penalty of 60 penalty units).

Under the new laws, a defence to a body piercing offence would be to prove that at the time of the alleged offence, the defendant had seen an evidence of age document (for example a drivers licence or passport) indicating the young person had reached the relevant age of consent for the procedure.

Know your obligations under the new laws

As of 1 January:

“Body piercer” will be defined as a person of or over the age of 16 years who:

- carries on a body piercing business; or
- is employed in a body piercing business; or
- performs body piercing for a fee, wage or other remuneration or payment in kind.

“Intimate body piercing” will be defined as a piercing of the nipples, genitalia, anal region or perineum.

“Non-intimate piercing” will be defined as any piercing except of the nipples, genitalia, anal region or perineum.

Further information

A copy of the legislation may be downloaded from www.legislation.vic.gov.au

Further information may be obtained from the Department of Justice on 03 8684 0000.

DEPARTMENT
OF JUSTICE