



# TATTOOS AND PIERCINGS

## Tattoos and the Law

**Can someone get in trouble for giving me a tattoo when I'm underage?**

Yes. It is illegal for anyone to give someone under 18 years old a tattoo. This law applies to tattoo artists as well as everyone else. This means that someone can get in trouble for tattooing someone who is underage by using a DIY kit or any other tool. This is true even if the young person wants the tattoo.

It's also against the law for someone to tattoo another person who is intoxicated (whether by alcohol or drugs, or a combination). If they didn't know the person was intoxicated, this may be a defence. If you've been given a tattoo while you were intoxicated, you can make a police complaint against the person who gave you the tattoo.

## Piercings

The law about piercings depends on what kind of piercing you want and how old you are.

**What's the law if I'm under 16?**

If you are under 16 years old you can only get a piercing if you have permission from your parents (in person or in writing).

If the piercing is in an intimate area (your nipples, genitals, anal region, perineum or uvula) then no one is legally allowed to do this to you until you are 18, even if you want them to.

**What's the law if I'm 16 or 17 years old?**

Once you turn 16, there is no law to stop you getting piercings without your parents' permission as long as the piercing isn't in an intimate area. If you want a piercing in an intimate area, you have to wait until you are 18 before anyone is allowed to do this to you.

### Did you know...

It's illegal to lie about your age, use fake evidence, or lie about having your guardian's permission in order to get a tattoo, piercing or body modification when you're underage. It's also illegal to help someone else do this.

**What's the law if I'm 18 or older?**

If you are 18 years old, you can decide whether you want to get any kind of piercing. It is completely up to you.



## What about other body modifications?

If you are under 18, it's illegal for someone to perform a body modification on you like earlobe stretching, scarring or tongue splitting. It is illegal for anyone to do this to you, even if you want them to.

If you perform a body modification procedure on someone under 18 years old, you will be breaking the law.

## Giving your agreement

In South Australia, no matter how old you are, you must enter into a written agreement with the person who is giving you a tattoo, piercing or other body mark.

The agreement must contain information about the nature of the procedure and the way it is to be carried out. It must also contain information about how to care for the area of your body where you get the procedure done. The only time you don't have to enter into a written agreement is if you want an earlobe piercing and you are 16 years old or older.

## Having a tattoo, piercings and body modifications at school or work

### Can I be expelled or fired for having a tattoo or piercing?

Your school or workplace may have specific rules or policies about tattoos, piercings and body marks. These rules may be against the law if they are unreasonable or discriminatory. For example, if a tattoo, piercing or body

modification is part of your culture or religion then it may be unlawful discrimination for a school or workplace to ban you from having it.



If this has happened to you, seek legal advice as soon as possible. Call our free Legal Help Line on 1300 366 424.

Importantly, workers in Australia are protected by unfair dismissal laws. This means that if you are fired only because you have a tattoo or piercing and this has never been discussed with you or addressed in your employment contract then this may be against the law.

## Contact us!

Would you like more information, resources, or a free visit to your school, organisation or group?

Email: [cle@lsc.sa.gov.au](mailto:cle@lsc.sa.gov.au)

To apply for legal aid online, visit: [www.lsc.sa.gov.au](http://www.lsc.sa.gov.au)

### Acknowledgments:

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**Legal Services**  
Commission South Australia

Call our free Legal Help Line:

**1300 366 424**

*Disclaimer: The material in this factsheet is a general guide only. It is not legal advice. For legal advice about your own particular situation we encourage you to call the Free Legal Helpline on 1300 366 424. The legal information was correct at the time of publishing, however may change without notice.*