

South Australia

Tattooing Industry Control Regulations 2016

under the *Tattooing Industry Control Act 2015*

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1—Short title

These regulations may be cited as the *Tattooing Industry Control Regulations 2016*.

2—Commencement

These regulations will come into operation on the day on which the *Tattooing Industry Control Act 2015* comes into operation.

3—Interpretation

In these regulations—

Act means the *Tattooing Industry Control Act 2015*.

4—Commissioner for Consumer Affairs may disqualify person from providing tattooing services

- (1) For the purposes of section 8(1)(c) of the Act, the following offences are prescribed:
- (a) an offence against Part 3A of the *Summary Offences Act 1953* (other than an offence against section 21C(1) or 21E of that Act);
 - (b) a serious and organised crime offence (as defined in the *Criminal Law Consolidation Act 1935*);
 - (c) an offence against the *Controlled Substances Act 1984* involving a controlled drug, controlled precursor or controlled plant (other than an offence constituted of possessing a controlled drug, controlled precursor or controlled plant);
 - (d) an indictable offence involving violence;
 - (e) an offence against the *Firearms Act 1977* (other than an offence against section 15C, 16, 21A, 21AB or 26 of that Act);
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- (f) an offence of attempting to commit, or assault with an attempt to commit, an offence prescribed by a preceding paragraph;
 - (g) an offence against the law of another jurisdiction that would, if committed in this State, constitute an offence prescribed by a preceding paragraph.
- (2) For the purposes of section 8(5)(c) of the Act, a disqualification notice given by the Commissioner for Consumer Affairs must contain a warning that—
- (a) it is an offence to contravene, or fail to comply with, a disqualification notice; and
 - (b) such an offence is punishable by—
 - (i) in the case of a natural person—a maximum term of imprisonment for 4 years; or
 - (ii) in the case of a body corporate—a maximum fine of \$250 000.

5—Providers of tattooing services etc to provide certain information to Commissioner for Consumer Affairs

- (1) For the purposes of section 13(3)(c)(iii)(C) of the Act, the following information is required to be included in a notice given by a person proposing to commence carrying on a business in the course of which tattooing services are provided:
- (a) the full name, residential address and date of birth of each person who is to be employed in the business to provide services other than tattooing services;
 - (b) the full name, residential address and date of birth—
 - (i) if the business is to be carried on by a natural person—of each close associate of the person; or
 - (ii) if the business is to be carried on by a body corporate—
 - (A) of each close associate of the body corporate; and
 - (B) of each close associate of each director of the body corporate;
 - (c) the telephone number and email address—
 - (i) if the business is to be carried on by a natural person—of the person; or
 - (ii) if the business is to be carried on by a body corporate—of each director of the body corporate;
 - (d) if the business is to be carried on by a natural person—any business or trading name under which the person is to provide tattooing services;
 - (e) a copy of the lease agreement (if any) for the premises where tattooing services are to be provided in the course of the business;
 - (f) a statement as to whether any circumstances apply by virtue of which the person proposing to commence carrying on the business would be disqualified from providing tattooing services;
 - (g) an address for service.

- (2) For the purposes of section 13(3)(c)(iii)(C) of the Act, the following information is required to be included in a notice given by a person who is carrying on a business in the course of which tattooing services are provided:
- (a) the full name, residential address and date of birth of each person who is employed in the business to provide services other than tattooing services;
 - (b) the full name, residential address and date of birth—
 - (i) if the business is carried on by a natural person—of each close associate of the person; or
 - (ii) if the business is carried on by a body corporate—
 - (A) of each close associate of the body corporate; and
 - (B) of each close associate of each director of the body corporate;
 - (c) the telephone number and email address—
 - (i) if the business is carried on by a natural person—of the person; or
 - (ii) if the business is carried on by a body corporate—of each director of the body corporate;
 - (d) if the business is carried on by a natural person—any business or trading name under which the person provides tattooing services;
 - (e) a copy of the lease agreement (if any) for the premises where tattooing services are provided in the course of the business;
 - (f) a statement as to whether any circumstances apply by virtue of which the person carrying on the business would be disqualified from providing tattooing services;
 - (g) an address for service;
 - (h) in relation to any tattoo show, exhibition, festival, fair or convention that the person carrying on the business, and any person employed in the business, has participated at, or intends to participate at—the name of the show, exhibition, festival, fair or convention and the date on which it was, or is to be, held.

6—Employees to provide certain information to Commissioner for Consumer Affairs

- (1) For the purposes of section 14(2)(b) of the Act, the following information is required to be included in a notice given by a person who has commenced employment in the course of which he or she provides tattooing services:
- (a) the full name, residential address and date of birth of the person;
 - (b) the full name, residential address and date of birth of each close associate of the person;
 - (c) the name and address of the business employing the person;
 - (d) a statement as to whether any circumstances apply by virtue of which the person would be disqualified from providing tattooing services.

- (2) A person required to give notice under section 14 of the Act must, within 14 days of any change in the information referred to in subregulation (1), notify the Commission for Consumer Affairs of the changed information.

Maximum penalty: \$10 000.

- (3) A notice under subregulation (2) must be given in a manner and form determined by the Commissioner for Consumer Affairs.

7—Record keeping

For the purposes of section 16(1) of the Act, the records to be kept by a person carrying on a business in the course of which tattooing services are provided are—

- (a) a record of the full name, residential address and date of birth of each person employed in the business; and
- (b) in the case of a body corporate—
- (i) the name of the body corporate; and
 - (ii) any business or trading name under which the body corporate provides tattooing services; and
 - (iii) the registered address of the body corporate; and
 - (iv) the full name, residential address and date of birth of each director of the body corporate; and
- (c) the full name, residential address and date of birth—
- (i) if the business is being carried on by a natural person—of each close associate of the person; or
 - (ii) if the business is being carried on by a body corporate—
 - (A) of each close associate of the body corporate; and
 - (B) of each close associate of each director of the body corporate; and
- (d) in relation to any tattoo show, exhibition, festival, fair or convention that the person carrying on the business, and any person employed in the business, has participated at—the name of the show, exhibition, festival, fair or convention and the date on which it was held.

8—Exemptions

- (1) A tattooing service is exempt from the provisions of the Act if—
- (a) it consists only of cosmetic tattooing; or
 - (b) it consists of tattooing performed on a person in the course of medical treatment.
- (2) In this regulation—

cosmetic tattooing means the use of tattooing as a means of producing designs that resemble makeup, such as eyelining and other permanent enhancing colours to the skin of the face, lips and eyelids.

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' Deputy

with the advice and consent of the Executive Council
on 2 June 2016

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