

Guideline for the provision of tattooing services at licensed premises and events in South Australia

Disclaimer: This summarised information is intended as a guide only and is not a comprehensive analysis of the relevant legislation. It should not be used as a substitute for independent review and advice on any obligations under any associated legislation or regulations.

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Introduction

This guide aims to assist relevant stakeholders and authorities to understand the best practice for tattooing at licensed premises and events in South Australia.

The tattooing industry in South Australia is governed by the *Tattooing Industry Control Act 2015* (TIC Act) and persons providing tattooing services must comply with requirements in the *South Australian Public Health Act 2011* (PH Act).

In South Australia, both state and local government authorities are involved in the regulation and monitoring of compliance in relation to tattoo services. Consumer and Business Services (CBS) monitor the tattoo industry to ensure compliance with laws designed to protect members of the public when accessing tattoo services.

SA Health, with assistance from local councils, monitors compliance with the safety and hygiene requirements of the PH Act and the [Guidelines on the Safe and Hygienic Practice of Skin Penetration](#).

For a copy of the relevant Acts and related regulations, please visit:

www.legislation.sa.gov.au.

Tattooing in South Australia

The TIC Act definition of tattooing services is broad and includes:

- For a **natural person**, anyone who, whether or not for fee or reward -
 - tattoos another person
 - (carries on a business in the course of which he or she or another person tattoos a person
 - is a director of a body corporate that carries on a business in the course of which he or she or another person tattoos a person
 - sells or supplies, or offers to sell or supply, prescribed tattooing equipment to a person
- For a **body corporate**, anyone who, whether or not for fee or reward -
 - carries on a business in the course of which a person tattoos another person
 - is a close associate of a body corporate that carries on a business in the course of which a person tattoos another person
 - sells or supplies, or offers to sell or supply, prescribed tattooing equipment to a person

Requirements to provide tattooing services

Do I need to register or obtain a licence to provide tattooing services in South Australia?

No. Unlike other schemes administered by CBS, that typically involve registration or approval processes to seek a licence to participate in a specific industry, this is not

generally required for persons who provide tattooing services.

However, a person who proposes to operate a business in which tattooing services are provided must give the Commissioner for Consumer Affairs (the Commissioner) written notice.

Restrictions may also be imposed under the TIC Act on certain individuals or groups, to restrict access to only those who meet specific criteria to operate within the tattoo industry.

How do I provide notice that I am providing tattooing services?

As a business, you must keep records and tell CBS:

- that you're running a business that provides tattoo services;
- the name and address of company directors;
- details of all employees;
- details of your lease agreement or title of deed; and
- details of the place you provide tattooing services.

You're required to notify CBS within 14 days if your circumstances change.

This notification can be made online at: www.sa.gov.au/topics/business-and-trade/licensing/tattoo-industry.

There is no fee to provide this notification.

Do I need to provide this notification if it is only for a one-off event?

Yes. Every time you undertake an event in South Australia you will need to lodge a new notification at least 90 days in advance of the date of the event at: www.sa.gov.au/topics/business-and-trade/licensing/tattoo-industry.

One off or temporary events are also bound by the same health and hygiene requirements as permanent premises. Operators must comply with the general duty requirements of the PH Act. The local council environmental health team in the area where the event is to take place should also be notified of any pop-up, temporary or event tattoo business at least 90 days in advance of the event.

Are there any other requirements if alcohol is being served at tattooing event?

Yes. Every time you provide tattooing services in South Australia where it is intended that alcohol will be served, you need to consider any obligations under the *Liquor Licensing Act 1997*. If you are providing these services in licensed premises and alcohol is being purchased from that venue, a further licence may not be required but you will still need to ensure the services are being provided in accordance with the Guidelines on the Safe and Hygienic Practice of Skin Penetration. If you are providing these services outside of a licensed premises and intend to serve alcohol, you will need to apply for the appropriate liquor licence at: www.sa.gov.au/topics/business-and-trade/liquor/apply.

Is it an offence to not provide information?

Yes. There are many provisions under the TIC Act which require the provision of relevant information.

Breaching these requirements may result in serious enforcement action. The maximum penalty for an individual is \$250,000 or imprisonment for 1 year and for a body corporate is \$250,000.

Disqualification from providing tattooing services

Can I be automatically and permanently disqualified from providing tattooing services?

Yes. In South Australia, certain persons may be automatically and permanently disqualified so they cannot provide tattooing services at any point, including members of organised crime gangs and their associates.

A full guide about when a person or company may be disqualified can be found at: www.cbs.sa.gov.au/documents/tattoo-disqualifications.pdf.

Are there other circumstances where I can be disqualified from providing tattooing services?

Yes. The Commissioner may disqualify a person from providing tattooing services. This disqualification can be made –

- indefinitely; or
- for the period specified in the notice; or
- until the notice is revoked in accordance with this or any other Act.

A full guide about when a person or company may otherwise be disqualified can be found at:

www.cbs.sa.gov.au/documents/tattoo-disqualifications.pdf.

Will I be notified if I have been disqualified by the Commissioner?

Yes. All disqualification notices given by the Commissioner must be made in writing and contain information relating to the basis of the disqualification.

The notice will be provided to you personally and will be binding once you have received it. If the notice cannot be provided to you in person, a court can order it be provided in another manner.

Can I review a disqualification that has been served on me?

Yes. There is a process of review for people who are dissatisfied with a decision of the Commissioner, or a direction of an authorised officer under section 12 of the TIC Act.

Generally, an application for review of a decision must be made within 28 days of the notice of the decision being received. Persons seeking a review of a decision of the Commissioner under the TIC Act must do so through the South Australian Civil and Administrative Tribunal. Further information can be found at: www.sacat.sa.gov.au/case-type/ROG/a-z-list-of-decisions-we-can-review/tattoo-industry.

Are there circumstances where I can provide tattooing services when disqualified?

No. Where a person has been disqualified from providing tattooing services, automatically by determination of the Commissioner, they are not allowed to provide tattooing services at any point whilst the disqualification is in effect.

Breaching this requirement may result in serious enforcement action. The maximum penalty for an individual is imprisonment for 4 years and for a body corporate is \$250,000.

Can I allow someone else who is disqualified to provide tattooing services from my business?

No. Unless you can show that you reasonably believed that the person who provided tattooing services in contravention of that subsection was not disqualified, this is an offence under the TIC Act to allow a person who is disqualified under the TIC Act from

providing tattooing services in the course of your business.

Breaching this requirement may result in serious enforcement action. The maximum penalty for an individual is imprisonment for 4 years and for a body corporate is \$250,000.

Powers of Authorised Officers under the TIC Act

What powers can be exercised by Authorised Officers under the TIC Act?

Under the TIC Act, the Commissioner, officers within CBS and South Australian Police officers are provided powers to enforce the TIC Act.

Authorised Officers have the power to:

- enter and inspect a premises used for, or in connection with, the provision of tattooing service (including any vehicle or equipment or other thing on the premises);
- require records to be produced;
- examine and copy records;
- seize and remove anything with is evidence of an offence under the TIC Act.
- make inquiries;
- examine, inspect and test equipment;

Further to the powers above, police officers may carry out general drug detection.

It is an offence to hinder an authorised officer who is exercising these powers or to refuse or fail to comply with a requirement. The maximum penalty is \$5,000.

Can directions be made by Authorised Officers under the TIC Act?

Yes. An Authorised Officer may give a direction, in writing, under this section to a person who provides tattooing services for the purpose of averting, eliminating or minimising a risk, or a perceived risk, to the safety of members of the public.

Breaching this requirement may result in serious enforcement action. The maximum penalty for an individual is \$250,000 or imprisonment for 1 year and for a body corporate is \$250,000.

Skin penetration

What is skin penetration?

Skin penetration means any process, whether intentionally or otherwise, that involves the shaving, piercing, cutting, puncturing, tearing of the skin or mucous membrane.

Businesses that conduct non-medical skin penetration procedures are bound by the requirements of the PH Act and the Guidelines on the Safe and Hygienic Practice of Skin Penetration.

How can I minimise risks in relation to skin penetration?

The body's first lines of defence against invasion by micro-organisms are the skin and the mucous membranes. Provided they remain intact, they provide a very effective barrier against infection. Skin penetration procedures involve the intentional or unintentional penetration of these barriers thereby increasing the risk of infection. Infection can occur if equipment is contaminated or unclean from direct person-to-person contact with blood or other body substances, or while the site is healing.

The use of infection control techniques for skin penetration procedures minimises the risk of infection. To minimise transfer of micro-organisms, operators must perform all procedures in a safe and hygienic manner, following all infection control techniques and procedures to minimise the risk of transferring infections.

To minimise the risk of transmission of infectious disease to clients and themselves, persons performing tattoo services should:

- ensure the design, construction and layout of the premises is suitable and all surfaces and equipment are able to be effectively cleaned
- maintain the procedure area in a clean condition
- wash hands immediately before and after attending a client and before attending the next client, or before resuming a tattoo if interrupted
- wear clean disposable gloves when contact with blood or body fluid is anticipated use equipment that has been properly cleaned and where necessary sterilised before use
- not reuse any equipment that is designed for single use
- store single use items in a sealed condition or a location where they are protected from contamination
- Handle and dispose of sharps in a safe manner

Is there any specific information I need to provide when providing tattooing services?

Yes. Due to the nature of the procedures being undertaken, additional information must be given and understood, particularly where substances such as alcohol may be involved.

You can't perform tattooing (or body piercing) on another person unless they've been given specific information relating to the risks associated with the procedure and proper care afterwards.

This information can be found –

- For tattooing at:
www.cbs.sa.gov.au/documents/tattooing-know-the-risks77b4.pdf
- For body piercing at:
www.cbs.sa.gov.au/documents/body-piercing-know-the-risks9bd6.pdf

Anyone performing tattooing or body piercing must display a notice of warning at the premises where the procedures are offered. This can be found at:

www.cbs.sa.gov.au/documents/tattooing-prescribed-notice-of-warningf6b7.pdf.

Offences and powers relating to skin penetration under the PH Act

What powers can be exercised by Authorised Officers under the PH Act?

Under the PH Act, Authorised Officers have the power to:

- serve notices to the owner or other responsible person;
- enter and inspect the premises at reasonable times;
- make inquiries;
- ask questions;
- examine, inspect and test equipment;
- take samples;
- take photographs and videos;
- require records to be produced;
- examine and copy the records.

Referrals

Consumer and Business Services

For any further information or assistance contact CBS on 131 882.

SA Health

For any further information or assistance regarding the public health requirements of skin penetration procedures contact SA Health, Health Protection Programs on 82267 1000 or Healthprotectionprograms@sa.gov.au, or your local council environmental health team.