

SUBMISSION to the INQUIRY into the QUEENSLAND DEBT REDUCTION AND SAVINGS Bill 2021

**INFORMATION AND RECOMMENDATIONS SUBMITTED
BY THE AUSTRALIAN TATTOOISTS GUILD (ATG)**

APRIL 2021



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TABLE OF CONTENTS

1. Executive summary.....	4
1.1 Summary of recommendations.....	4-5
2. Background and contexts.....	6-11
2.1 Overview of international standards.....	6
2.2 Existing regulation.....	7-8
2.3 Chemical analysis certificates.....	8-10
2.4 Penalties.....	11
3. Regulatory burden.....	11-13
3.1 Tattoo Industry Act 2013 QLD.....	11-12
3.2 Public Health Act 2005 QLD.....	12-13
3.3 Workplace health and safety.....	13
4. Consultation with stakeholders.....	13-14
5. Recommendations.....	14
6. Conclusion.....	14-15

1. EXECUTIVE SUMMARY

The Australian Tattooists Guild (ATG) is a registered not-for-profit organisation established by a group of professional tattooists in 2013 in response to the implementation of the NSW Tattoo Parlours Act 2012. The ATG has since grown to include a membership of professional tattooists, business members and supporters from across Australia. The ATG requires members of the guild to adhere to a strict industry code of conduct and to maintain high levels of professional practice in the Australian tattoo industry.

The ATG are grateful to the Economic and Governance Committee Chair, Mr Linus Power MP, and to the Economics and Governance Committee of Inquiry for this opportunity to provide a submission that will inform this important investigation into the effect of restrictions and prohibitions on the tattoo industry, its stakeholders and diverse communities.

In previous submissions to the Federal and Queensland State Government¹ the ATG have objected to the policy effects of the Tattoo Industry Act 2013 QLD, and have argued that any legislative amendments directed at the industry should make the health standards, sustainability and wellbeing of industry its principal objectives. The ATG has always asserted that industry consultation should occur prior to and during the drafting and development of any new regulation that effects the operation of the industry.

In this submission we offer information to the Inquiry to support a clear understanding of the concerns of the industry with the proposed amendment to the Medicines and Poisons Act 2019 within the Debt Reduction and Savings Bill 2021.

Below we offer a summary set of recommendations for the Inquiry's consideration that have been developed in consultation with our members.

1a. SUMMARY of RECOMMENDATIONS

The recommendations listed below are supported by our industry members and have been developed through a process of rigorous consultation with them. We believe these ideas are viable for government, law enforcers and industry and should inform policy and any review of legislation.

Our advice can be summarised in the following submissions and recommendations:

1. The ATG have significant concerns around the proposed amendments to the Medicines and Poisons Act 2019, referred to within the Debt Reduction and Savings Bill 2021.

1a. The ATG submit that any requirements on industry participants and penalties for non-compliance should be based on, and proportionate to, the Departmental standard that they correspond to.

2. The ATG submit that the proposed amendments to the Medicines and Poisons Act 2019 (48A) are premature due to the departmental standard that they correspond to not yet being consulted on with industry, drafted or developed as legislation or finalised.

2a. The ATG recommend that the amendments to the Medicines and Poisons Act 2019 (48A) be withdrawn from the Debt Reduction and Savings Bill 2019 and that these are re-drafted and re-introduced to Parliament once the proposed departmental health standard has been consulted on by stakeholders, developed and finalised.

¹ See Australian Tattooists' Guild website, 'Work we have done and what it has achieved', australiantattooistsguild.com.au/work-we-ve-done

3. The ATG submit that the proposed amendments to the Medicines and Poisons Act 2019 (48A) are incompatible with currently achievable technical standards and business practices within the tattoo industry, particularly the ink manufacturing sector. They therefore offer little value to all stakeholders including members of the industry, consumers, law enforcers, and government.

3a. The ATG recommends that further substantial investigation and consultation occur prior to the implementation of these proposed amendments.

4. The ATG notes that the requirement, in its currently proposed form, for suppliers to provide a chemical analysis certificate (CAC) for all inks being sold goes above and beyond any existing international requirements. It is, moreover, unsustainable in the Australian context, which has no domestic ink manufacturing, and is a small market for international ink manufacturers. The introduction of such a requirement would produce one of the most difficult technical and regulatory burdens on members of the Australian tattoo industry to date.

4a. The ATG recommend that Material Safety Data Sheets (MSDS)² become the requirement for compliance of all inks within the standard, as opposed to a CAC³.

5. The ATG submit that industry participants who are licensed to operate under the Tattoo Industry Act 2013⁴ are already burdened by onerous record-keeping obligations and compliance requirements under both the Tattoo Industry Act 2013, and the Public Health Act 2005 and that no further administrative burdens of this type are necessary.

6. The ATG notes that in the case of the proposed amendments to the Medicines and Poisons Act 2019 (48A), it would become the obligation of the State Government to educate practitioners on compliance to all requirements and penalties. This would include extensive statewide educational training and information on how to read, understand and implement analytical and scientific data as is presented on a CAC, should the proposed amendments proceed in their current form.

7. The ATG submits that there be an extended lead time on the introduction of any new requirements for both ink suppliers and industry participants in order that all stakeholders have time to align themselves with potential requirements.

7a. The ATG suggest a three-year lead time on the implementation of both the Departmental standard and any accompanying compliance regulations.

8. The ATG submit that the penalty units, as are proposed within the amendments to the Medicines and Poisons Act 2019 (48A) are excessive and disproportionate to the proposed offences. Furthermore the offence for which the penalties are set, being the production of a CAC by the supplier and being reasonably satisfied it exists by the industry participant, is unachievable due to CACs not being consistently available from the manufacturer.

8a. The ATG asserts that it is absolutely essential that Australian ink regulation does not introduce more onerous compliance standards than those of the larger international tattoo ink markets of Europe and the United States, as these are the production markets upon which the Australian tattoo industry is entirely dependent for its supply of tattoo ink.

² See Safe Work Australia, 'Safety data sheets', safeworkaustralia.gov.au/sds

³ See 'Certificates of Analysis', sigmaaldrich.com/united-kingdom/technical-services/c-of-a.html

⁴ State of Queensland 2019, Tattoo Industry Act 2013 (Current as at 10 March 2019, legislation.qld.gov.au/view/pdf/inforce/current/act-2013-046)

2. BACKGROUND AND CONTEXTS

2.1 Overview of international standards

The tattoo industry is in a period of substantial global growth. Appropriate regulation has the potential to both support the industry and to enhance public safety by strengthening health practices in the industry. In Australia, the tattoo industry is at a critical juncture as historically some state governments have regulated the industry under the false assumption that a high level of criminality exists within the industry.

The licensing regimes in both Queensland and New South Wales have damaged the integrity of the profession and promoted the phenomena of unskilled participants gaining licensure. It is the opinion of the ATG that this complex issue has contributed to the purchasing and use of untested and unsafe inks and tattoo related equipment by potentially licensed, yet unskilled, individuals currently operating with licenses in Queensland.

While the development of a standard for inks has the potential to support safe practice, the current standard proposed by the Queensland Health Department – based on Commission Regulation (EU) 2020/2081 Amendment to Annex XVII to Regulation No 1907/2006 (REACH)⁵ as regards substances in tattoo inks or permanent makeup has proven problematic for industry participants, suppliers, manufacturers and Governments within the seven Member States of the European Union who have chosen to implement legislation based on ResAP(2008).

Extensive feedback from industry stakeholders and reports from both Government and NGOs clearly indicate that the regulatory process has suffered a lack of strong data and analysis about the possible dangers and damages related to using potentially harmful ingredients. The restrictions provided for by the proposed regulations represent only a potential protection, due to there being limited or no data about their effectiveness.

Furthermore, the market is still waiting on harmonised test methods. Due to inconsistencies in the individual regimes of the source markets in their countries, potential compliance issues may exist that fall within the jurisdiction of the manufacturer's country of origin. This is not to suggest that inks currently being supplied to the Australian market by professional supply houses for use by licensed professional tattooists (supply houses do not sell to members of the public) are untested. To our knowledge, all inks being utilised in registered professional Australian tattoo studios today meet the highest quality and analysis standards

In response to these issues, numbers of organisations have been formed to address the impacts of bans in the European Union. The recent Commission Regulation (EU) 2020/2081 Amendment to Annex xvii No 1907/2006 has seen the largest petition⁶ ever delivered to the European Union Parliament with over fifty three thousand signatures so far. The EU Parliament has now reopened the petition and the amendment will be reviewed, based on its lack of supporting evidence.

In light of these developments internationally, it would seem reasonable that vigorous consultation with all stakeholders occur before any standard and regulation around compliance be considered and implemented in Australia.

⁵ Commission Regulation (EU) 2020/2081 Amendment to Annex XVII to Regulation No 1907/2006 (REACH)

⁶ EU petitions <https://www.europarl.europa.eu/petitions/de/petition/content/1072%252F2020/html/Petition-Nr.%25C2%25A01072%252F2020%252C-eingereicht-von-Erich-M%25C3%25A4hnert%252C-%25C3%25B6sterreichischer-Staatsangeh%25C3%25B6rigkeit%252C-zum-Erhalt-der-beiden-Pigmente-Blue%25C2%25A015%253A3-%2526-Green%25C2%25A07-in-der-Verordnung-%2528EG%2529-Nr.%25C2%25A01907%252F2006-%2528REACH%2529>

2.2 Existing regulation

A range of State, Territory and Commonwealth government agencies share responsibility for chemical safety in Australia, with each chemical regulated according to its use as a therapeutic good (e.g. medicine), veterinary medicine, pesticide, food additive or industrial chemical. This includes any chemical not falling into one of the above categories, such as tattoo inks. Industrial chemicals include chemicals used in solvents, adhesives, plastics, paints, inks and fuels.

The Australian Industrial Chemicals Introduction Scheme (AICIS, formerly the National Industrial Chemicals Notification and Assessment Scheme or NICNAS) helps to protect the Australian people and environment by detecting risks associated with the manufacture, importation or use of industrial chemicals, and by maintaining a national standard for cosmetic products. AICIS operates within the Australian Federal Government's Department of Health and Ageing and promotes the safe use of industrial chemicals by providing information and recommendations to other regulators, industry and to the public.

Chemicals used in tattoo inks are classified as industrial chemicals by AICIS. They are subject to the same requirements as any other industrial chemical under the Industrial Chemicals (Notification and Assessment) Act 1989.

If a chemical used in a tattoo ink is already listed on the Australian Inventory of Chemical Substances (AICS)⁷, then in general the chemical is not subject to any intervention by AICIS as it enters Australia. However, if the chemical is not listed on the AICS, which means it is a 'new' chemical, the Act offers provisions for whether a pre-market assessment is required. AICIS assesses the impacts to human health, worker safety and the environment of all 'new' industrial chemicals, including chemicals in formulations such as tattoo and other inks, and makes recommendations regarding their regulation. AICIS does not test individual consumer products. Persons who commercially import industrial chemicals into Australia, or manufacture them in Australia need to be registered with AICIS, but the registration of an importer is unrelated to whether or not a chemical needs to be assessed.

In July 2012, AICIS began using the Inventory Multi-tiered Assessment and Prioritisation (IMAP) framework to review the risks of 3,000 chemicals already listed on the AICS inventory, whose assessment order was prioritised through a consultation process. Once an IMAP assessment is completed, AICIS publishes an IMPAP assessment report that may recommend further regulatory controls (as may be the case for new chemicals). Some chemicals used in tattoo inks were assessed under the IMAP framework and recommendations for their use were provided to industry stakeholders.

The Poisons Standard, a legislative instrument made under the Therapeutic Goods Act 1989, classifies medicines and poisons into Schedules for inclusion by reference to the relevant legislation of the States and Territories for the protection of public health. It promotes uniform labelling and packaging requirements throughout Australia. Listings in Schedules 2, 3, 4, 8 and 9 pertain to medicines and chemicals used in research/testing, whereas listings in Schedules 5, 6, 7 and 10 are relevant to chemicals that are available for use in the workplace and by the general public.

As PMU/tattoo inks are regarded as workplace chemicals, Schedules 5, 6 or 7 apply to them. Chromium, barium and copper are listed as Schedule 6 of the Poisons Standard, so tattoo inks that are available to consumers and contain barium, chromium, lead and antimony above a certain concentration are to be labelled with the signal word 'Poison'.

⁷ See Intertek, 'Australian Industrial Chemicals Introduction Scheme (AICIS) in Effect', 3 August 2020, www.intertek.com/blog/2020-08-03-aicis/

Model Work Health and Safety (WHS) Regulations administered by SafeWork Australia become legally binding when these model provisions are enacted by State and Territory jurisdictions. WHS regulations specify that hazardous chemicals in the workplace must be correctly labelled and a Material Safety Data Sheet must be provided on supply.

SafeWork Australia also administers the Hazardous Chemical Information System (HCIS), a database of hazard classifications and exposure standards for many workplace chemicals. Tattoo inks are considered workplace chemicals; therefore, any relevant state or territory WHS regulations apply to these inks.

Traditionally within Australia it has been the responsibility of State and Territory Health Departments to alert tattoo business of the recall of unsafe inks. The experience of industry however is that such alerts are very infrequent. Many tattooists today utilise the EU Safety Gate: rapid alert system⁸ for dangerous non-food products Directive 2001/95/EC of the European Parliament and of the Council concerning the obligations of the producers to place products on the market only if they are safe.

2.3. Chemical Analysis Certificate (CAC)

Certificates of Analysis (CACs) are prepared by registered laboratories that give a chemical analysis of a substance or product. A CAC is used to satisfy qualification and/or acceptance activities (e.g. receiving inspection) by customers i.e. manufacturers that are subject to regulatory body expectations including, but not limited to the following:

- Food and Drug Administration (FDA)
- Clinical Laboratory Improvement Amendments (CLIA)
- International Organisation for Standardisation (ISO)
- European Chemical Agency (ECHA)
- Australian Industrial Chemicals Introduction Scheme (AICIS)

CAC are based on standard chemical analysis methods, typically using gas chromatography and/ or High-Performance Liquid Chromatography.

CAC are utilised by manufacturers of tattoo inks in the testing of formulations to be approved predominantly for entry into the European market and for overall safety of use. Under the current EU testing regime a formulation is tested and a CAC is issued for a period of two years. The cost on the manufacture for testing each formulation is an estimated €800–1280 (Euro). There are an estimated 20,000 ink formulations on the market globally and each manufacturer may have as many as 200 (or more) separate tattoo ink colours to certify.

Many manufacturers buy ingredients such as compound pigments and chemicals in bulk quantities. Often the CAC will expire prior to the full quantity of raw ingredients of the certified compound product having been used. As a result of this, it is common to find inks listed on chemical lab testing websites whose certificates have expired as the given manufacturer has proceeded with manufacturing an ink whose initial formulation was certified as being safe for sale, using the exact same raw ingredient batches as the original certified product.

A requirement for Australian suppliers to make available CAC for inks they sell into Queensland places a burden on the supplier to be constantly requesting the certificates if they are not immediately available from the manufacturer, or requesting an updated certificate if they have expired. This means requesting a new certification in cases of expiration, which has associated costs incurred to the manufacturer.

⁸ European Commission, 'Safety Gate: the EU rapid alert system for dangerous non-food products', [www.https://ec.europa.eu/safety-gate/#/screen/home](https://ec.europa.eu/safety-gate/#/screen/home)

Australia is a small portion of the international ink market, and there are currently no domestic ink manufacturers in Australia, rendering the industry entirely dependent on foreign manufacturers for ink. There are major concerns that if compliance with Australian standards becomes a burden for manufacturers, then they will leave the Australian market. This will have dire effects on the Australian tattoo industry as it is impossible to trade without ink.

Currently, all professional tattooists buy their supplies from established suppliers that only sell to licensed professionals, and actively restrict to the general public. These supplies are sourced from quality manufacturers within the United States and Europe. Inferior tattoo inks sold online via e-commerce are currently able to be imported into Australia by unlicensed tattooists, amateurs, or the general public, with no age restrictions due to a lack of regulation around chemicals arriving in Australia via personal import. A lot of these poor quality inks sold on E-bay and other e-commerce platforms are made in countries that have no quality control or minimum requirements for material safety. These inks are not used by professional tattooists in Australia. The overwhelming majority of inks sold by professional supply houses in Australia and internationally are sourced from manufacturers who adhere to the strictest production and formulation regimes. Professional tattooists globally demand safe, quality inks. Suppliers and manufacturers have worked very hard to align themselves with any new scientific data and regulatory requirements.

If licensed professionals in Queensland cannot obtain access to quality ink sold through reputable suppliers due to the burden placed on manufacturers for CAC of every ink they sell, the only other options will be to close business or to purchase inferior and unsafe tattoo ink online. Such conditions greatly increases the likelihood of unlicensed amateurs picking up the clientele of closed tattoo studios, using inferior and unsafe ink when tattooing the public. This would create a major public health risk.

The requirement for industry participants in Australia to be 'reasonably satisfied' that a CAC exists is problematic for the reasons outlined above: CAC are regularly not available from the manufacture or are out of date, despite the ink product being registered, tested and for all intents and purposes compliant and deemed safe for use.

The CAC requirement also begs the question: for what purpose must tattooists be reasonable satisfied that a CAC exists when it is highly likely that the individual looking at the CAC in their workplace cannot understand nor utilise the information provided? Industry participants have no use for chemical levels. They need information that informs them of safety and handling, expiry dates, sterility, and batch number, all of which currently exist on tattoo ink bottle labelling and manufacturer websites. Additionally many Australian tattoo artists choose to look up the EU Safety Gate RAPEX alert system⁹, and this will provide them with chemical analysis details as well as any recall that may be in place.

CAC are for use by manufactures and regulatory bodies, not industry participants in their workplace. The requirement for CAC as outlined in this Bill also creates a barrier to any domestic start-up businesses wanting to enter the Australian tattoo supply market. CAC produced in Australia cost upwards of AU\$20,000 per tattoo ink colour tested. This prohibits both the expansion of the industry within Australia and perpetuates the Australian tattoo industry's dependence on international sources of quality tattoo ink. This represents a significant loss of potential revenue for both Government and viable businesses.

⁹ European Commission, 'Safety Gate: the EU rapid alert system for dangerous non-food products', [www.https://ec.europa.eu/safety-gate/#/screen/home](https://ec.europa.eu/safety-gate/#/screen/home)

2.3.b Material Safety Data Sheets (MSDS)

MSDS are designed for workplace use and include the list of ingredients within the tattoo ink itself, including the Colour Index (CI) number of the pigments used within the ink. The CI is a consistent register of the chemical composition of any pigment or dye (tattoo inks are made with pigments only, not dyes). When looking to restrict or ban the use of a colour, the CI number is given as the reference for compliance.

According to Safe Work Australia MSDS are documents that provide critical information about hazardous chemicals.¹⁰

MSDS must provide information on the:

- Hazards of the chemical and how to handle it safely, including storage and disposal
- Physical and chemical properties of the chemical, as well as potential health and emergency response measures
- Environmental effects of the chemical
- Identification: product identifier and chemical identity
- Hazard(s) identification
- Composition and information on ingredients
- First aid measures
- Firefighting measures
- Accidental release measures
- Handling and storage, including how the chemical may be safely used
- Exposure controls and personal protection
- Physical and chemical properties
- Stability and reactivity
- Toxicological information
- Ecological information
- Disposal considerations
- Transport information
- Regulatory information
- Any other relevant information
- The name, Australian address and business telephone number of either the manufacturer or the importer
- An Australian business telephone number that preferably operates out-of-hours in case of an emergency.

This CI number is also noted on the ingredients list of most tattoo ink products purchased from professional tattoo suppliers in Australia. As far as compliance to a restricted list of pigments annexed within the EU ResAP directives, the CI number is the most obvious indicator, as it is included not only on the MSDS, but on every bottle of ink sold by reputable suppliers to professional tattooists.

Tattoo industry participants are familiar with MSDS, and the majority of suppliers make these sheets readily available online.

¹⁰ Safe work Australia, [xx]

2.4 Penalties

In the proposed amendment to the Medicines and Poisons Act 2019 (48A), suppliers who sell inks into QLD without a currently available CAC are subject to a fine equivalent to 100 penalty units. Additionally tattoo artists are required to be reasonably satisfied that the current CAC exists or be subject to a penalty of 50 units.

The schedule sets 100 penalty units to equate to \$11,780.00 to an individual or \$58,900 to a corporation and 50 penalty units at \$5,890.00 for an individual or \$29,450.00 for a corporation.

The Queensland Government penalty schedule as of July 2020 set the value of a penalty unit at \$133.45. This equates 100 penalty units to 13,300.55 or 50 penalty units \$6672.50.

The penalties within the proposed amendment are set for the offence of not supplying a CAC, which, as this submission outlines, are not currently available for either supplier or industry participants.

3. REGULATORY BURDENS

The existing regulatory burden on licensed tattooists in Queensland are the heaviest in Australia. Substantial penalties already exist for breaches of license types that both operators and tattooists are required to hold, as well as breaches under the Public Health ACT 2003.

In order to provide a clear overview of the current regulatory requirements placed on industry participants we have provided the information below for the Inquiry Committee's consideration.

3.1 Tattoo Industry Act 2013

The tattoo industry was licensed by the Queensland State Government in January 2014, under the Tattoo Industry Act 2013. The Act is a probity-based positive licensing regime which requires applicants to undertake a criminal history check, submit finger and palm prints and photographs, and provide extensive documentation in order to operate.

The cost of an operator's license is \$972.40 for 1 year, or \$1,949.00 for 3 years.

The cost of a tattooist license is \$236.70 for 1 year and \$492.70 for three years.

The current wait time for a license application according to the OFT in 2019 is three to six months. Between 2014 and 2016 the average wait time was two to four years.

The individual holding the operator license must clearly display their license at the premises. All tattooists must include their license number on all advertising material, including t-shirts, banners, shop signage and online advertisements.

The operator and the tattooist are required to update the OFT if a tattooist leaves or commences working within the premises.

Operators are required to keep daily logs that record the tattoos applied by each individual tattooist, the date the tattoo was applied, the tattooist's license number and the amount paid for the tattoo.

Business financial records (separate from the financial records used by all Australian businesses required by Australian taxation law) must be kept on the premises at all times and an inspector or police officer may require the operator to produce them without written notice. The ATG have been

unable to find any clear evidence that the extra financial records that operators are required to keep under the Act hold any value or purpose for Governments or industry participants.

International and interstate tattooists are restricted when working in Queensland tattoo studios under the Act. The effect of this is that the culture, practice and facilitation of industrial knowledge, artistic practice and best practice service has been significantly limited.

Renewal of licenses is at the discretion of the Commissioner of Fair Trade. The licensing act contains no clear disqualifications and as such individuals can, and have been, denied licensure on application or renewal for petty offences.

3.2 Public Health (Infection Control for Personal Appearance Services) Act 2003 (PHA)

In Queensland tattoo business are regulated and guided under the Public Health (Infection Control for Personal Appearance Services) Act 2003. Business that offer high-risk services need to hold a 'higher risk appearance service' license and an accreditation.

A license holder must:

- ensure a copy of their license is displayed in their premises (2 penalty units)
- ensure that a copy of Infection Control Guidelines is kept in their premises (2 penalty units)
- notify a local council of their intention to provide services from mobile premises in its area (2 penalty units)
- give written confirmation after giving notification by phone as above (1 penalty unit)

Businesses providing higher risk personal appearance services must pay a license fee. In addition, the Act allows local councils to charge higher risk and non higher risk services a fee for inspecting business premises. An inspection fee may only be charged after an inspection is carried out. Each local council may set the licensing and inspection fee, but these must be no more than the cost to the local government of providing the service or taking the action.

In order to operate as a tattooist under the Public Health Act 2003 a qualification, 'Infection Control Competency HLTINFOO5', must be obtained. This qualification requires the individual to study written texts and perform a written and practical test in order to complete the unit. The cost of the course at the time of writing is between \$450.00 to \$600.00 Aus.

As the Act stipulates, business premises are regulated for building requirements under the Queensland Development Code and include provisions for handwashing basins, separate instrument cleaning sink, floor, wall, ceiling, shelves, fittings and furnishings and other coverings, medical waste disposal, autoclave records and logs, client information forms.

Client records are to be retained for a period of seven years and must record the clients name, address, date of birth, any allergies, health questions relating to conditions, the tattooist's license number, autoclave number, batch numbers for ink and needles. Tattoo businesses are also bound by privacy laws and must protect client information.

Under the Act, authorised persons may enter and search premises, take samples for testing, stop motor vehicles, copy documents, issue notices and seize evidence of an alleged or presumed offence against

the Act. Fines are issuable with the value of the penalty unit being determined by the Penalties and Sentences Act 1992. If convicted of an offence, an operator may be ordered to stop providing personal appearance services. Authorised council inspectors conduct annual inspections for compliance.

3.3 Workplace health and Safety

The Work Health and Safety Act 2011 requires employers to take steps to ensure the safety of employees at work. It also requires employers and self-employed persons to conduct their business in a manner that ensures their own health and safety, the health and safety of people not in their employment, and the health and safety of members of the public who may be affected.

Relevant standards under this Act include the First Aid Advisory Standard 1999 and the Supplements to the Risk Management Advisory Standard 2000: Supplement No. 1 (Personal Protective Equipment) and Supplement No. 2 (Training).

4. Consultation with stakeholders

The ATG has operated as the peak body for the tattoo industry and has been recognised by Government nationally since 2014. The guild has consulted with a number of different agencies, participated in public and closed consultations, taskforce inquiries and Parliamentary reviews in an ongoing endeavor to fairly and transparently represent the concerns of the professional tattoo industry and to ensure any regulation directed toward it takes into consideration the safety, culture, sustainability and working practices of the profession.

The Inquiry into the Debt Reduction and Savings Bill 2021 and its proposed amendments to the Medicines and Poisons Act 2019 presents an obvious challenge to the Guild and the industry participants it represents. It introduces penalties for non-compliance; it references a Departmental standard that the amendments aim to compliment, but that has not yet been developed. How may a penalty be evaluated if the benchmark standards for the penalty do not exist? Whilst regulators may perceive this question as mute, based on the presumed inevitability that a standard will be developed and implemented in some form, it is already apparent, as this submission has outlined, that the requirements and their associated penalties specified within the amendments are both unsustainable and unachievable by manufacturers, suppliers and industry participants alike.

The proposition of the development of a standard by the Department is not new to the ATG. Round-table talks with the Queensland State Health Department were attended by the ATG in 2019. The proposed standard presented was substantially redacted after input provided by the ATG revealed that a large number of listed inks were actually safe, were industry staples and were irreplaceable.

These talks ended in 2019 with a commitment from the Department to reconvene once the ResAP 2008 (1) amendments were available from the EU Commission, which occurred in December 2020. Resumption of talks has not occurred. Instead the ATG were notified in March 2021 that the Department would be proceeding with the adoption of the ResAP 2020 amendment and that public consultation would occur in April 2021. Since this initial contact there has been ongoing dialogue with the Department and a number of changes have occurred as a consequence of this input. The ATG have worked to keep up with the changes, although this itself has been challenging for an industry body comprised of working industry members, and within the communications atmosphere of the current situation.

While the ATG acknowledge and support the progressive attitude of the Department, it is alarming that despite clear and founded objections from both the Tattoo and PMU peak bodies that requirements such as CAC are unachievable, unsustainable, offer no value to industry and have the potential to do

enormous harm, the Department has continued to move forward with amendments without careful consideration of the dramatic effect this will have on the tattoo industry, its participants and thousands of jobs.

This is not the first time that tattoo industry participants have experienced this from the Queensland Government. No consultation was taken during the drafting or implementation of the Tattoo Industry Act 2013, with the impacts of ill-informed and reactive regulation therein still impacting the industry today.

In the QLD Justice Departments 2016 report¹¹ 'Taskforce into Organised Crime Legislation Report' it is stated in reference to the tattoo industry licensing regime, that the 'regulatory burden is disproportionate to the risk posed to the community'. The ATG submit that this statement is relevant to the proposed amendments now being considered by this in-quiry. No GIPA has been provided to stakeholders by the Department that justifies the need for compliance penalties in regards to the supply and purchase of professional tattoo inks, and despite consultations that indicated grave concerns regarding the implications of such decisions, no apparent change is being considered.

5. Recommendations

1. The ATG recommend that Material Safety Data Sheets be used as a mechanism for compliance in the proposed amendment to the Medicines and Poisons Act (48A) (1).
2. The ATG recommend that the Departmental draft standard be consulted on and completed prior to penalties for non-compliance being legislated.
3. The ATG Recommend that any proposed penalties be proportionate to the offence and that the offence itself be evidence based.
4. The ATG recommend that regular meetings between Government and industry bodies take place during the development of any future reforms and/or amendments to existing legislation.
5. The ATG recommend the distribution of communications to all licensed tattooists in Queensland that updates them of any changes and/or new obligations that may occur as a consequence of the this Inquiry.

6. Conclusion

Tattooing has now become a respected artistic and professional practice.

Tattoos are applied in an endless variety of styles, traditions, and sophisticated techniques. Nurtured in an environment of artistic integrity, economic expansion, freedom of expression and a thriving artisanal subculture, tattooing is experiencing an explosive artistic renaissance and is contributing to both the economic and cultural vitality of Australian society.

The vast majority of professional tattooists strive to uphold high standards of practice that are expected within this competitive and fast-growing art form, and their adherence to these standards are required to maintain financial viability in an increasingly competitive market. Australia is renowned for its excellence in tattooing and is home to many of the global industry's finest artists.

Despite these exciting developments, some official agencies have painted and have continued to paint

¹¹ Queensland Government, 'Taskforce on Organised Crime Legislation', www.justice.qld.gov.au/_data/assets/pdf_file/0017/463022/report-of-the-taskforce-on-organised-crime-legislation.pdf

a dark and threatening portrait of the culture of Australian tattooing and many agencies dealing with the tattoo industry have yet to fully understand the current sophisticated nature and high standards of the industry, its suppliers, international network of manufacturers and participants.

In order to further rehabilitate the reputation of the industry, ensure its health, professional functioning and enable tattooing to be embraced by the community as a fine art form, industry professionals strive to foster and encourage an environment of growth, responsibility, ethical practice and change among ourselves and other artist practitioners.

It is hoped that state governments will recognise and acknowledge these developments and support us in our endeavours to build a safe and sustainable environment for the future.

The ATG on behalf of our Members and Committee thank the Economics and Governance Committee for considering our Submission.



solidarity, unity, to respect and protect

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