

Tattoo parlours

Licensing information for tattooists and operators

Body art tattooing businesses and tattooists who operate in NSW have to be licensed with NSW Fair Trading.

It is an offence to perform a body art tattooing procedure for a fee or reward or conduct a body art tattooing business without an appropriate licence and heavy penalties apply.

However, transitional arrangements apply for operators and tattooists who lodged their licence applications with NSW Fair Trading prior to 1 October 2013, see below for details.

Individuals and businesses that only perform cosmetic tattooing procedures are exempt from the new licensing requirements.

Who needs a licence?

Anyone who performs body art tattooing procedures for a fee or reward, or who runs a body art tattooing business in NSW will need to be licensed.

A 'body art tattooing' procedure is a tattooing procedure performed for decorative purposes.

A 'body art tattooing business' is a business, which carries out body art tattooing procedures, whether or not the business also carries out other activities.

You need an **operator licence** if you operate or intend to operate a body art tattooing business in NSW.

If you run a body art tattooing business and perform tattooing procedures at that premises you do not need a separate tattooist licence. However, if you operate from more than one location, you must have a separate operator licence for each location.

You need a **tattooist licence** if you work or intend to work as a body art tattooist in NSW. This is an individual who performs body art tattooing procedures for a fee or reward.

You will **not need a licence** if you only perform cosmetic tattooing procedures, which are procedures performed:

- for the purpose of providing eyeliner, eyebrow or any other permanent make-up effect, or
- by a medical practitioner for a medical reason (eg. to hide, disguise or correct a medical condition or post-operative outcome).

How much does a licence cost?

Licences are granted for a period of 3 years and payments can be made by cash, cheque, money order or credit card. Licence costs are as follows:

- Tattooist licence: \$730.
- Operator licence: \$2,186.

If your application is refused, the licence fee will not be refunded. If you withdraw your application, you may be able to apply for a refund - refer to the *Applying for an Operator or Tattooist Licence* information available with your application form.

How do I get a licence?

To apply for either a **tattooist** or **operator licence** you must:

- be at least 18 years of age and an Australian citizen or resident
- not be a controlled member of a declared organisation
- consent to a National Police Check
- provide certified copies of three types of approved identification
- lodge the completed licence application form and pay the prescribed fee
- attend a police station to have your finger and palm prints taken, when requested.

Applicants for a **tattooist licence** must also provide details of their previous, current, existing or upcoming employment as a body art tattooist, including any employment as an apprentice.

Applicants for an **operator licence** must also comply with the following requirements in addition to those stated above:

- Provide a declaration about all close associates.
- If a close associate is an entity or organisation, you must consider whether the individuals involved in the entity are also close associates. If they are, you must ensure you list those individuals in your declaration as well.
- Provide, or have your individual close associates provide, certified copies of three forms of identification directly to Fair Trading.
- Ensure all individual close associates sign a Close Associate Consent form and consent to a National Police Check.

If you are applying as an individual nominated by an organisation to be the premise's manager, you must provide details of the entity and individuals involved with a letter nominating you to be the premise's manager.

The licence application forms have more detail about the specific requirements for tattooist and operator licences, which are available from the *Forms* section of the Fair Trading website.

Transitional arrangements

For existing tattoo parlour operators and tattooists:

- If you operated a body art tattooing business prior to 1 October 2013 and lodged an operator licence application before 1 October 2013, you can continue to operate the business while your application is being determined. If advised that your application has been refused or considered withdrawn, you then have seven days from the date of the advice to close your business.
- If you lodged an application for a body art tattooist licence before 1 October 2013, you can continue tattooing while your application is being determined. If advised that your application has been refused or considered withdrawn, you must stop tattooing immediately.

For new tattoo parlour operators:

- If you were not operating a body art tattooing business prior to 1 October 2013 but you lodged an operator licence application before 1 October 2013 and are then advised your application has been refused or considered withdrawn, your business, if it has begun to operate, must close immediately.

What is a close associate?

A person is considered to be a close associate if they will:

- hold any relevant financial interest or will be entitled to exercise any relevant power in the parlour and because of that interest or power will be able to have a significant influence over the management or operation of the parlour
- hold any relevant position in the parlour; or
- be engaged as a contractor or employed in the business.

A close associate may be an individual or a corporation or other entity (eg. a partnership or trust). For the full definition please refer to Section 4 of the *Tattoo Parlours Act 2012* (the Act).

Why are close associates important?

Under the Act, the Commissioner of Police must make a security determination about the applicant and consider all the people who may affect the business, including all close associates. Their written consent and identification documents are required to ensure that each individual is correctly identified to enable the NSW Police Force to make a security determination.

Secure information obtained about close associates (including the results of the National Police Check) will be treated confidentially and will not be disclosed to third parties, such as the applicant, except where required by the law.

Declarations by close associates

Close associates are required to complete a declaration and provide certified copies of three forms of approved identification so that National Police Checks can be conducted. This information can either be provided to the

applicant to submit with their application or the close associate can provide it to Fair Trading directly. The application will not be considered without the declaration and identification documents.

How do I lodge my application?

Licence applications can be lodged:

- online at www.licence.nsw.gov.au
- in person at any NSW Fair Trading Centre
- by mail to NSW Fair Trading, Business Licensing, Locked Bag 5138, Parramatta NSW 2124.

What happens once my application has been lodged?

Once you lodge an application with Fair Trading:

- It will be checked for completeness. If there is an issue, we will contact you for clarification.
- All completed applications will be referred to the Commissioner of Police for a security determination.
- As part of this process, you will be required to attend a police station to have your finger and palm prints taken and verify your identity documents. You will receive a list of police stations you can attend and you must make an appointment.

Please note it may take some time to process your application. If it is approved, you will receive a letter advising when to collect your licence card from your nominated Roads & Maritime Services (RMS) registry. You must provide identity documents acceptable to RMS when collecting your licence.

What if my application is unsuccessful?

If your application is unsuccessful, you will receive a letter advising you of the outcome and if relevant, the reasons for the decision. If you disagree with the decision, you may apply to the Administrative Decisions Tribunal (ADT) for a review. Visit their website for more details www.adt.lawlink.nsw.gov.au

What if I work from home?

If you conduct a body art tattooing business, even if it is not at a formal tattoo parlour, you are required to hold an operator's licence.

Do interstate artists need a licence?

Yes, interstate artists working in NSW must apply for a licence in the same way as NSW residents.

What about events and international visitors?

Individuals or organisations wishing to hold events or exhibitions where body art tattooing procedures will be performed, must apply for an **event permit**. An event permit may be issued for a maximum of 7 days with a maximum of two event permits per person per year. To apply for an **event permit** you must:

- be at least 18 years of age and an Australian citizen or resident
- not be a controlled member of a declared organisation
- complete an event/exhibition permit application providing information about yourself and the proposed event including:
 - your name, residential and postal addresses, date and place of birth
 - the address at which you propose to conduct the event
 - details of any licence you may hold or have held under the Act
 - the tattooists who will perform at the event
 - a declaration ensuring that all participants will comply with legislative requirements in relation to body art tattooing, including health and local government requirements.
- provide details of the organisation and evidence that you have been nominated by the organisation to be the event manager, if you are applying on behalf of an organisation
- lodge your application and pay the prescribed fee:
 - 1-5 participants: \$418
 - 6-10 participants: \$627
 - 11 or more participants: \$940.

If you live outside of Australia and wish to visit NSW to perform body art tattooing procedures for a fee or reward, you must apply for a **visitor permit**. A visitor permit may be issued for a maximum of 31 days with a maximum of two permits per person per year. To apply for a **visitor permit** you must:

- complete a visitor permit application providing information about yourself including:
 - your name, date and place of birth and usual place of residence
 - the address you intend to reside at and your postal address while in Australia
 - a copy of your passport and any visas required to enter Australia
 - a declaration that you will comply with all legislative requirements, including health and local government requirements.
- pay the prescribed fee of \$208 and lodge your application.

Permit applications must be made at least 28 days before the proposed event or commencement of the visitor permit and can be lodged by post or in person at any Fair Trading Centre.

Permits may be issued unconditionally or subject to conditions, and Fair Trading may revoke the permit or vary its conditions, even after the permit has been issued.

Permit holders must keep a copy of the permit for its duration and provide it to an authorised officer upon request.

Licence conditions

Under the Act, a licence is granted subject to specific conditions. However, Fair Trading may impose additional conditions on a licence. All licensees must not sell, rent out or lend their licence to anyone. Operators must also:

- make business financial records available for inspection by an authorised officer upon written request
- notify NSW Fair Trading of any changes in relation to their staff members, close associates or any other licence details, including if a licence has been lost, stolen or destroyed

- display the certificate of licence at the licensed premises in a visible location
- include their licence number in any advertising
- keep a log book of all procedures performed on the premises. The log book must include the:
 - date/s when the procedure was performed
 - full name and licence number of the tattooist who performed the procedure
 - amount charged, method of payment and receipt number (if any).
- keep all records in English at the licensed premises at all times, which must be readily accessible by an authorised officer upon written notice.

The maximum penalty for not complying with a licence condition is \$2,200.

Penalties

Anyone operating a body art tattooing business or performing body art tattooing procedures without a licence or permit, or not covered by the transitional arrangements that apply will be breaking the law and may be subject to penalties.

Maximum penalties for **operators** are as follows:

- \$11,000 in the case of a corporation and in the case of a continuing offence, \$11,000 for each day the offence continues
- \$5,500 in any other case and in the case of a continuing offence, \$5,500 for each day the offence continues.

Maximum penalties for **tattooists** are as follows:

- \$5,500 for a first offence.
- \$11,000 for a second or subsequent offence.

Additional enforcement powers

The new law also allows the NSW Police Force to enter tattoo parlours or premises suspected of being used to perform body art tattooing procedures with sniffer dogs to check for drugs, firearms and explosives.

www.fairtrading.nsw.gov.au
Fair Trading enquiries 13 32 20
TTY 1300 723 404
Language assistance 13 14 50

This fact sheet must not be relied on as legal advice. For more information about this topic, refer to the appropriate legislation.

© State of New South Wales through NSW Fair Trading
You may freely copy, distribute, display or download this information with some important restrictions. See NSW Fair Trading's copyright policy at www.fairtrading.nsw.gov.au or email publications@finance.nsw.gov.au
