

FACT SHEET

Visiting Overseas Body Artists wishing to work at shows

Tattoo Parlours Act 2012

Before seeking work at a show you should first read this fact sheet.

If you live outside of Australia and wish to visit New South Wales to perform body art tattooing procedures for a fee or a reward, you no longer need to apply for a visiting overseas body art tattooist permit (visitor permit).

However, preferably before arriving in NSW, you should give your full particulars to the person applying for a Tattooing Show Permit. This is necessary because they are required to provide this information to the Secretary of the Department of Finance, Services and Innovation at least 14 days prior to the commencement of the show at which you want to perform body art tattooing.

Who is an authorised participant?

An individual is an authorised participant of a show if:

- (a) the personal details of the individual have been provided to the Secretary by the permit holder for the show at least 14 days before the commencement of the show, and
- (b) the individual is not an unsuitable individual, and
- (c) the individual has not, in the previous 12 months, been an authorised participant of more than one other show.

Who is an unsuitable individual?

A person is an unsuitable individual if they are:

- (a) under 18 years of age, or
- (b) a controlled member of a declared organisation.

Note: Controlled members are prohibited from applying for permits – see section 27 of the *Crimes (Criminal Organisations Control) Act 2012*.

When does an individual cease to be an authorised participant of a show?

An individual ceases to be an authorised participant of a show if:

- (a) the Secretary gives written notice to the permit holder stating that the individual is not to be an authorised participant of the show, or
- (b) the individual becomes an unsuitable individual, or
- (c) the individual notifies the Secretary that they are no longer an authorised participant, or
- (d) the individual has performed body art tattooing procedures at premises in respect of which an operator licence is in force on more than 31 days in total.

When can a visiting overseas body art tattooist work at a premises without a licence?

The performance of a body art tattooing procedure at premises in respect of which an operator licence is in force that is conducted by an individual who is an authorised participant in a show is prescribed as a circumstance for which a licence as a body art tattooist under the Act is not required to be held if:

- (a) the individual is not an Australian citizen or Australian resident, and
- (b) the performance of a body art tattooing procedure for fee or reward is not in breach of any visa condition of the individual, and
- (c) the individual has not, in the previous 12 months, performed body art tattooing procedures at premises in respect of which an operator licence is in force on more than 31 days in total, and
- (d) the individual, when performing body art procedures at any such premises, carries the following documents and promptly produces them if requested to do so by an authorised officer:
 - (i) the individual's passport, and
 - (ii) written evidence that the individual is an authorised participant in a show.

Penalties may apply to anyone operating a body art tattooing business or performing body art tattooing procedures without a licence. For more details on the penalties refer to the *Tattoo Parlours Regulation 2013*

What is a body art tattooing procedure?

A body art tattooing procedure is a tattooing procedure performed for decorative purposes, which involves the making of a permanent mark on or in the skin of a person, by means of ink, dye or any other colouring agent. It does not include a cosmetic tattooing procedure.

What is a cosmetic tattooing procedure?

A cosmetic tattooing procedure is one performed:

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

You are not required to be an authorised participant to perform only cosmetic tattooing procedures at a show.

Remember, the Permit holder for the show must lodge your details **at least 14 days before** the proposed commencement of the show. You must keep in touch with the permit holder to determine your status to work at the show.

Particulars to be provided

To be an authorised participant at a show, you should provide the following information to the permit holder early enough to enable them to provide the information to the Secretary, Department of Finance, Services and Innovation **at least 14 days before the proposed commencement of the show**:

- your full name;
- date and place of birth;
- residential and postal address

Permit Fee

There is no fee payable by visiting overseas tattooists to perform body art tattooing at a show. However, the person requiring the permit to conduct the show is required to pay a fee. The fee is specified in Schedule 1 to the *Tattoo Parlours Regulation 2013*.

Legislative Requirements Relating to the Performance of Body Art Tattooing Procedures

Visitor body art tattooists must be able to demonstrate their capacity to comply with the *Public Health Act 2010* and *The Public Health Regulation 2012*. These provide the legislative requirements for body art tattooing operators and premises in NSW in relation to hygiene standards, infection control, premises standards and equipment.

For more information on public health legislation and regulations affecting body art tattooists, see the *Tattooing and other body art - hygiene standards* fact sheet on the NSW Health website at www.health.nsw.gov.au