

Tattoo Parlours Regulation 2013

Explanatory Notes for SL 2013 No. 244

made under the
Queensland Civil and Administrative Tribunal Act 2009
State Penalties Enforcement Act 1999
Tattoo Parlours Act 2013

General outline

Short title

Tattoo Parlours Regulation 2013

Authorising law

Section 242 of the *Queensland Civil and Administrative Tribunal Act 2009*
Section 165 of the *State Penalties Enforcement Act 1999*
Section 70 of the *Tattoo Parlours Act 2013* (the Act)

Policy objective and reasons for it

The principal policy objective of the Act is to introduce a new occupational licensing and regulatory framework which eliminates and prevents infiltration of the Queensland tattoo industry by criminal organisations, including criminal motorcycle gangs and their associates. The Act provides for the licensing and regulation of body art tattooing businesses and body art tattooists.

Details of the policy objectives and reasons for the Act are contained in the explanatory notes accompanying the Bill for the Act.

The policy objective of the Regulation is to support the licensing and regulatory framework in the Act by:

1. setting the licensing fees, namely for a tattooist licence, tattoo operators licence, tattoo permits in respect of visiting tattooists and exhibitions and a replacement licence;

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2. amending the *State Penalties Enforcement Regulation 2000* to list certain offences under the *Tattoo Parlours Act 2013* as being infringement notice offences to allow authorised persons to issue infringement notices for infringement notice offences;
 3. amending the *Queensland Civil and Administrative Tribunal Regulation 2009* to allow for a fee for an application or referral to the Queensland Civil and Administrative Tribunal (QCAT) under the *Tattoo Parlours Act 2013*; and

The Regulation also makes technical and minor amendments to the *Queensland Civil and Administrative Tribunal Regulation 2009* as requested by the Queensland Civil and Administrative Tribunal.

Achievement of policy objective

The Regulation achieves the policy objectives of the Act by establishing a fee schedule for a tattooist licence, tattoo operators licence, tattoo permits in respect of visiting tattooists and exhibitions and a replacement licence; for providing for the issuing of infringement notice fines and for a fee for an application or referral to QCAT in support of the Act.

These will be new fees and will be imposed on an industry that is predominantly unregulated at this time (aside from the public health licensing regime in respect of infection control in the *Public Health (Infection Control for Personal Appearance Services) Act 2003*).

Consistency with policy objectives of authorising law

The Regulation is consistent with the Act.

Inconsistency with policy objectives of other legislation

The Regulation is not inconsistent with the policy objectives of other legislation.

The licensing and regulatory framework established in the Act and regulation are very similar to the model adopted in the New South Wales *Tattoo Parlours Act 2012* and *Tattoo Parlours Regulation 2013*, with necessary modifications to appropriately reflect particular legislative and administrative arrangements in the State of Queensland. Similarly, the fees are based closely on the licensing fees from the New South Wales legislation.

Alternative ways of achieving policy objective

There is no alternative way to achieve the policy objective.

Benefits and costs of implementation

The Regulation will support the licensing and regulatory framework in the Act. There is no cost associated with the implementation of the Regulation.

Consistency with fundamental legislative principles

The Regulation is consistent with fundamental legislative principles.

Consultation

The Act is part of an urgent package of reforms developed by the Queensland Government to deal with recent, unacceptable incidents of violent, anti-social and criminal behaviour of members of criminal motorcycle gangs. As a result no community consultation has been undertaken on the Act or the Regulation.