

Tattooing Industry Control Act 2015

# Disqualifications

Why a person or company may be disqualified

## Am I eligible to provide tattooing services?

Certain persons are or can be disqualified from providing tattooing services. If you are disqualified from providing tattooing services and you continue to do so you could face penalties of up to 4 years imprisonment or \$250,000 fine.

## Automatic and permanent disqualifications

If a person is one of the following, they are automatically and permanently disqualified and must not provide tattooing services:

- member of a **prescribed organisation**
- **close associate** of a person who is a member of a **prescribed organisation** or is subject to a control order under the *Serious and Organised Crime (Control) Act 2008*
- disqualified from providing tattooing services under a law of the Commonwealth or another state or territory.

If a body corporate is one of the following, they are automatically and permanently disqualified and must not provide tattooing services:

- **prescribed organisation**
- disqualified from providing tattooing services under a law of the Commonwealth or another state or territory
- director of the body corporate is disqualified from providing tattooing services.

## Discretionary disqualifications

The Commissioner for Consumer Affairs may choose to disqualify a person if:

- the person was, at any time within the last 5 years, a member of a **prescribed organisation**
- the person was, at any time within the last 5 years, a **close associate** of a member of a **prescribed organisation**
- the person is found guilty, or has within the last 10 years been found guilty, of an **offence prescribed by regulation**
- the Commissioner reasonably believes that it is appropriate for averting, eliminating or minimising risk, or perceived risk, to the safety of members of the public

- the Commissioner reasonably believes that to allow the person to provide tattooing services, would not be in the public interest.

## Prescribed organisations

- A **declared organisation** within the meaning of the *Serious and Organised Crime (Control) Act 2008*
- A criminal organisation within the meaning of Division 1 or Division 2 of the *Serious and Organised Crime (Control) Act 2008*.

The following (motorcycle clubs) are declared organisations:

- Bandidos
- Comanchero
- Descendants
- Finks
- Gypsy Joker (also known as the Gypsy Jokers)
- Hells Angels
- Mongols
- Nomads
- Rebels
- Red Devils

## Close associates

Persons are considered close associates if they:

- are a spouse, domestic partner, parent, brother, sister or child of the other
- are members of the same household
- are in partnership
- are related bodies corporate (within the meaning of the *Corporations Act 2001* of the Commonwealth)
- have a right to participate (otherwise than as a shareholder in a body corporate) in income or profits derived from a business conducted by the other
- are in a position to exercise control or significant influence over the conduct of the other.

## Offences prescribed by regulation

The following offences are prescribed if the person is found guilty within the past 10 years:

- offence against Part 3A of the *Summary Offences Act 1953* (other than an offence against section 21C (1) or 21E of that Act)
- serious and organised crime offence (as defined in the *Criminal Law Consolidation Act 1935*)
- offence against the *Controlled Substances Act 1984* involving a controlled drug, controlled precursor or controlled plant (other than an offence constituted of possessing a controlled drug, controlled precursor or controlled plant)
- indictable offence involving violence

- offence against the *Firearms Act 2015* (other than an offence against section 15C, 16, 21A, 21AB or 26 of that Act)
- offence of attempting to commit, or assault with an attempt to commit, an offence prescribed by a preceding paragraph
- offence against the law of another jurisdiction that would, if committed in this State, constitute an offence prescribed by a preceding paragraph.

**Maximum penalty** for providing tattooing services when disqualified:

- in the case of an individual - imprisonment for 4 years
- in the case of a body corporate - \$250 000.

### **For more information**

Contact Consumer and Business Services

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