

Office of Fair Trading

Tattoo industry compliance operating policy

Version 1 – February 2017



1. Purpose

To outline the Office of Fair Trading's (OFT's) responsibilities concerning compliance monitoring activities on entities licensed under the *Tattoo Industry Act 2013* and unlicensed operators.

2. Scope

This policy applies to compliance activities and enquiries undertaken by OFT relating to licensing requirements within the tattoo industry (the industry). Compliance activities may include joint compliance operations with the Queensland Police Service (QPS).

This policy is to be read in conjunction with OFT's:

- *Compliance and enforcement policy and standards (CEPS)*
- *Entry search and seizure policy*
- *Compliance investigations manual*
- The Department of Justice and Attorney-General's (DJAG's) *Workplace Health and Safety Management Framework*
- *Tattoo Industry Act 2013*
- *Tattoo industry compliance factsheet*

This policy will be reviewed annually or following legislative or procedural changes.

3. Responsible officers

This policy applies to all Brisbane and regional OFT inspectors appointed under the *Fair Trading Act 1989* engaging in compliance and enforcement activities as an 'authorised officer' under the *Tattoo Industry Act 2013*.

4. Intelligence received

Information or intelligence received by OFT about alleged licensing contravention in the tattoo industry will be analysed by OFT's Senior Intelligence Analyst within the Investigations and Enforcement Division. The Senior Intelligence Analyst will provide advice to the Director Investigation and Enforcement (I & E) who will determine if compliance activities should be undertaken.

Ongoing surveillance by OFT across the industry will assist with maintaining the integrity of the licensing regime and strengthen the link between the industry, QPS and OFT. QPS have established an extensive information/intelligence network across the industry which will assist OFT in targeting both licensed and unlicensed operators and/or tattooists.

5. Complaints received

Complaints about an operator and/or a tattooist received via OFT's Case Assessment and Response team, and which provide reasonable concerns about the integrity of that trader, will be forwarded to the Manager Marketplace and Financial Investigations (MFI), or regional manager for further consideration.

Investigations will be overseen by the manager MFI or regional manager who will also oversee compliance activities on licensed and unlicensed tattooists.

6. Investigations

Where an investigation is warranted and a site visit is considered necessary, inspectors are to comply with the OFT's CEPS and the OFT *Compliance Investigations Manual* regarding investigative procedures generally.

However, prior to conducting a site visit OFT inspectors must first:

- Establish whether the subject premises is a dwelling house or other commercial premises
- Forward a request to the Senior Intelligence Analyst for criminal history and intelligence searches to be conducted upon both the subject premises and persons known or identified as possibly frequenting the premises
- Via their manager or supervisor obtain the approval of the Director I & E for compliance activities to be undertaken
- Seek operational support / attendance of local QPS officers

When attending premises where tattoo services are being carried out or are alleged to be carried out, OFT inspectors must adhere to DJAG's workplace health and safety standards.

OFT inspectors are to strictly observe a 'DO NOT TOUCH' approach within a premises.

OFT inspectors shall not unnecessarily touch or physically inspect equipment or enter rooms within the business containing tattoo equipment. Tattooists (generally) work within a sterile environment and maintain stringent health and safety standards. The unnecessary touching or physical inspection of tattoo equipment poses a risk of jeopardising health and safety standards and may add further and unnecessary cost to legitimate industry operatives.

Where it is necessary to seize tattoo equipment as part of an investigation, OFT inspectors will ensure appropriate personal hygiene protection standards are maintained. Inspectors will wear protective gloves and ensure seized items are appropriately and safely packaged for evidentiary purposes.

ALL inspectors must wear closed in shoes for the purpose of investigation or trader engagement within a tattooing premises.

7. Industry engagement

Compliance activities and industry engagement will be undertaken as required based on complaints or intelligence received.