



*Submission to the
Australian
Consumer Law
Review 2016*



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PREFACE

The Australian Tattooists Guild has compiled the following report to assist the Australian Consumer Law Review to better understand some of the challenges faced by the Professional Tattoo Industry in relation to Consumer Law in Australia today.

The ACL review comes at a very important time for the Australian tattoo industry. Recent interest from both the media and the general public in the art form of tattooing has resulted in huge growth to the industry. In response to this and other perceived issues, various State and Territory government are now introducing legislation to regulate the industry.

These factors have presented many challenges for the professional industry and its participants and now the ATG work to ensure responsible and informed choices are made.

It remains the perception of the ATG that if positive and sustainable outcomes are to be achieved for all stakeholders the need for open and transparent dialogue is imperative.

In order for the ATG to provide information to the ACL Review that is relevant to both consumers and industry, the following report that focuses on matters of Public Health and Safety has been compiled.

The issues highlighted are complex and it is appreciated that some of the recommendations may fall outside of the scope of this review. It is the intention of the ATG to provide the ACL Committee with an informed understanding of the issues concerning consumers today in relation to tattooing within Australia.

On behalf of the ATG and our members we would like to thank the ACL Review Committee for offering us an opportunity to contribute to this important review.

Josh Roelink
President



1. INTRODUCTION TO THE AUSTRALIAN TATTOOISTS GUILD

The Australian Tattooists Guild (ATG) was founded in February 2013 by a group of Professional Tattoo Artists in response to the introduction of licensing regimes for the tattoo industry by the NSW Government.

The need for an industry appropriate body to represent professional tattooists and their practices has become of paramount importance as interest in the art form increases.

The ATG launched nationally in 2014 with the aim of uniting and supporting professional tattoo artists across Australia, whilst also providing - through the Guild's structure - a professional set of standards for tattoo artists to uphold.

The ATG have developed these standards and codes in consultation with the wider industry to provide tattoo artists with a solid foundation on which to practice. As a part of the membership criteria for our organisation, all artists are required to adhere to these standards.

Since its formation the group has continued to liaise with government to make sure its members interests are represented, and that any further regulation of the tattooing industry in this country will be in the best interest of the professional tattooing community, the general public and other stakeholders.

The ATG is a not-for-profit organisation dedicated to protecting the history, culture and future of Australian tattooing as well as elevating and advancing this art form.

It is hoped that through ongoing input with Reviews such as the ACL positive outcomes will be achieved for all.



2. EMERGING CONSUMER POLICY ISSUES – ONLINE SALES

2.1 Tattoo Ink and Related Equipment

An issue that continues to be of grave concern to all stakeholders in relation to tattooing is the safety of the general public.

The unrestricted importation and sale - over the Internet - of tattoo pigments (ink) and associated equipment to the general public continues to create health and safety risks. These risks are now being widely documented by medical practitioners, state health departments and professional tattooists alike.

Australia - unlike many countries in the EU, USA and NZ - has no Standard or Guideline which looks to ensure that pigments and related equipment being imported for personal use into Australia has undergone a screening process, and nor is this information available to consumers.

As a result there is no certainty as to the chemical constituents being contained within pigments being sold online, with concerns also existing around sterility from the point of origin.

Within the Professional Tattoo industry, supplies from online platforms such as EBay are rarely if ever utilized - professional tattooists prefer to source their equipment from professional supply companies where quality products, which are predominantly being manufactured in Europe and the USA, are ensured.

Professional supply companies who cater exclusively to professional tattooists, not the general public, are increasingly seeking evidence from manufacturers that the chemical compounds within their pigments have been tested.

Indeed many of these manufacturers who produce exclusively for the industry are currently following the protocols of the EU ResAp (2008) to ensure that concerns around public safety are addressed.

The move for all manufacturers to provide such evidence is strongly supported by both professional supply companies and professional tattooists alike.

In light of this information it is realistic to assume that the sale of tattoo inks, needles and other related equipment being purchased on online stores are being purchased by the general public.



Amateur tattooing - which is the practice of untrained individuals who operate outside of the professional tattoo industry and are working from premises unlicensed by council or the health department - is a growing problem for the Australian society today.

Professional tattooists are regularly called upon to correct or cover tattoos being applied by amateur operators, as are medical practitioners who are regularly sought out to manage infections and other related issues as a consequence of amateur tattooing.

This growing practice raises concerns due to the health risks connected to the practice of tattooing as well as the potential long-term psychological affects experienced by people who wear these tattoos.

2.2 Issues

Products being sold via online platforms, which are available to the general public neglect to monitor or ensure the following minimum standards are met;

- products are not being sold to minors
- products are being labeled correctly
- products conform to current safety standards

A distinct lack of consumer safety and awareness exists on sites selling tattoo related equipment.

EBay along with numerous other sites are openly providing information to buyers regarding the utilisation of tattoo related equipment without also providing warnings in regard to the potential hazards associated with it.

The provision of this information to the general public being perceived by Professional Tattooists, Medical practitioners and Health Departments Nationally as being highly irresponsible.



3. ONLINE UNACCREDITED TATTOO SCHOOLS

The recent emergence of online tattoo schools, which pertain to train members of the public in the technical aspect of tattooing is concerning to all stakeholders.

Numbers of these quasi schools are now appearing, offering courses for amounts ranging from \$300.00 to \$3000.00, with training periods ranging from 1 week to 2 months. A number of these schools advertise bogus certification such as a 'Tattoo Studios Industry Certificate'. Of the four online schools reviewed in the research process of this report, all of these provided training solely online, with no one-on-one training available.

Despite having no formal industry specific accreditation currently available for entry to the tattoo industry, professional tattooists have traditionally trained new entrants within the studio environment, typically seeking individuals who show artistic merit and commitment to the art form.

This method of training provides the trainee with a broad knowledge of all aspects within the complex practice of tattooing and would typically take up to three years.

A distinct lack of transparency clearly exists within the advertising methods in use by online tattoo schools. It is also broadly perceived within the professional industry that the operators of such businesses employ a level of deception by duping potential clients into thinking they will gain the knowledge to operate in a proficient manner through attending their course.

Questions also exist as to whether the operators of these businesses are advising the trainees about the dangers/hazards involved with the practice of amateur tattooing.

It is assumed that once an individual has completed the course they will continue the practice of tattooing in their home or other unregistered environment or even more alarmingly, open a new studio and apply amateur tattoos to the general public - as these courses are not recognized by professional tattooists or studio owners.

This situation being exacerbated by the availability of online stores selling tattoo inks and related equipment to the general public.



3.1 Issues

Online tattoo schools neglect to ensure appropriate transparency is in place, which informs the consumer of the following;

- qualifications of the trainer
- courses are not accredited
- safety hazards in relation to unsupervised training

These courses are also not offering the industry standard cross contamination course, which is available nationally through Tafe colleges and Universities.

The ATG, in consultation with the industry, are now drafting guidelines for the training of new entrants. It is perceived that these guidelines will provide all senior tattooists who engage in the training of new entrants with an outline that will ensure the level of knowledge and practice is consistent through the professional industry into the future.

4. REGULATORY BARRIERS AND GOALS FOR ONLINE SALES

NICNAS, a statutory scheme administered by the Australian Government Department of Health, currently lists tattoo inks under the Australian Inventory of Chemical Substances.

The importation of these chemicals into Australia is not restricted, other than if they are being imported for Industrial Use, this being defined by the weight of the chemical/ substance imported.

Tattoo pigments (inks) being purchased in smaller amounts online are defined as "personal imports" and therefore like many other chemicals, are not subject to restrictions.

The creation of a Standard for the use of tattoo pigment in Australia would allow for the development of a set of protocols and guidelines which outline best practice for importers, suppliers and tattooists.

Regulation may then be developed around this Standard, which looks to ensure public health is protected.

This has already occurred in many countries within the European Union as well as in NZ and the USA.



The European Council created a resolution to protect public health (in member states) through a group of proposals - ResAP 2008 that provide a basis for possible laws and regulations.

The main specifications of the resolution are;

- Inks must not endanger the health or safety of persons or the environment.
- A risk evaluation should be performed using recent toxicological data. The evaluation, set out in a dossier, should be made available to the competent authorities.
- Certain aromatic amines must not be present or released by reduction of the pigments using appropriate test methods

Numbers of these countries - including NZ - have now created regulation around this proposal, which restricts the import of tattoo pigments that do not meet the standards as set out in the resolution.

Manufacturers of tattoo ink within these countries who supply ink to the professional tattoo industry in Australia are already following the protocols set out by this resolution.

Professional supply companies within Australia who have been consulted in the compiling of this report support the creation of such a standard for Australia as it enables them to hold manufacturers accountable for what their inks contain.

A standard of this type in Australia would also mean that professional tattooists could have confidence in the inks that they use.

A Standard for this purpose would provide government agencies with a basis from which regulation is developed that responsibly protected Australians. It is the recommendation of the ATG that government would then develop policy, which restricts the import of such products for sale to the general public.

The ATG and its Supplier Members hope that the following outcomes may be achieved in the future;

- A national law with comprehensive coverage which regulates the standard of tattoo inks for personal use
- Clear obligations to manage risk
- Clear compliance requirements
- Adequate sanctions

The ATG are currently developing dialogue with Standards Australia in an endeavour to see the adoption of such a standard within Australia.



5. RECOMENDATIONS

- All Personal Imports of tattoo ink require a MSDS as is defined by Work Safe Australia
- Online sales of tattoo related equipment are restricted to use by registered professional tattooists through the development of regulation.
- All online sales of tattoo related equipment align with EU res AP (2008) or similar through the creation of a Standard for use in Australia.
- Accurate labeling of all tattoo pigments being imported into Australia in accordance with current advertising standards as defined by the Australian Consumer and Competition Commission – Product Safety and/ or the Therapeutic Goods ACT or similar.
- More transparency is required of online sellers to provide warnings regarding the hazards re the use of tattoo inks and related equipment outside of the professional environment.
- Restrictions on the advertising of tattoo schools and their ‘certification’



6. APPENDIX

Hazardous Substances and New Organisms ACT 1996 NZ
EU Resolution ResAP 2003/ 2008
Tattoo Parlours Bill NSW 2012
Tattoo Parlours Bill QLD 2013
Work Safe Australia – MSDS
Therapeutic Goods ACT 1989