

# ***Public Health (Infection Control for Personal Appearance Services) Act 2003***

Report on activities administered and enforced by Local  
Government 2020-2021



## Public Health (Infection Control for Personal Appearance Services) Act 2003

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An electronic version of this document is available at

[http://www.health.qld.gov.au/eholocalgov/secure\\_area/icpasact2003/default.asp](http://www.health.qld.gov.au/eholocalgov/secure_area/icpasact2003/default.asp)

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# Summary

Local governments and Queensland Health are accountable to the community for ensuring that businesses providing personal appearance services in Queensland have acceptable infection control standards and practices in place and are therefore meeting their obligations under the *Public Health (Infection Control for Personal Appearance Services) Act 2003* (Qld) (the Act), *Public Health (Infection Control for Personal Appearance Services) Regulation 2016* (Qld) (the Regulation) and the *Infection Control Guidelines for Personal Appearance Services 2012* (the Guidelines).

The administration and enforcement of the Act, the Regulation and the Guidelines is a function of local government. The data provided in this report is collated from information received by Queensland Health on a voluntary basis from local governments. The total number of complaints and licenced businesses in Queensland may be higher than the numbers reported.

## Background

The Act is the primary Queensland legislation for body art/modification and personal appearance services. It allows for the licencing of businesses offering higher risk personal appearance services (HRPAS) (such as tattooists and body piercers), and for the person providing the HRPAS to hold a designated infection control qualification.

All personal appearance service providers must comply with the Guidelines, which are made under s28 of the Act. Compliance with the Guidelines is required by both providers of HRPAS and non-higher risk personal appearance services (N-HRPAS) such as hairdressers and beauty therapists.

The personal appearance services industry is an evolving industry. There are several emerging practices that expose clients to infection risks from blood-borne diseases which are testing the interpretation and application of the legislation. These include a range of skin penetrating activities such as dermal rolling, skin needling, cosmetic injectables and foot razoring. A HRPAS is defined in the Act. Where a new practice emerges that is not covered by the definition, the personal appearance service (PAS) business proprietor is not required to hold a licence to carry on the business and the operator is not required to hold a designated infection control qualification for that service. A new practice or procedure that involves skin penetration but is outside of the existing definition of a HRPAS, may be prescribed in the Regulation. Businesses offering that practice would then require the same licence as for defined HRPAS.

# Reporting process

Queensland Health emailed a report form to local governments for completion. A total of 78 forms were distributed.

## Results from local government responses

Please refer to Table 1 for a high-level summary of local government responses.

Table 1. Local government responses from 2021 Annual ICPAS local government survey

Requested key information	Local Government responses		
Response rate	62 of 78 local governments responded (response rate of 82%)		
Licenses issued by local government	1001 licenses issued by local government (an increase of 184 from previous year)		
Inspections carried out by local government	1104 higher risk personal appearance services 75 non-higher risk personal appearance services		
Complaints received by local government	99 higher risk personal appearance services 64 non-higher risk personal appearance services		
Guideline breaches identified	55		
Enforcement notices issued by local government	24 remedial notices	3 cancellations of licenses	0 prosecutions

## Personal appearance services not currently required to be licensed

This reporting period local government authorities were asked if they had identified any personal appearance services which are not currently higher risk or licensable under the Act but could or should be designated as HRPAS? Botox clinics, fibroblast treatments, cosmetic injectables and plasma products were identified as some of the services which local governments believe should be licensable but do not clearly meet the definition of HRPAS under the Act. These interpretation issues have been raised by local governments in previous reports.

## Local government feedback

Voluntary feedback from local government representatives has identified some new and existing issues that are affecting administration and enforcement of the Act. This feedback included the following:

- The steady introduction of new procedures, many of which involve skin penetration and long treatment times that are hard to define under the existing legislation. Local governments recommended more collaboration with industry, training facilities and

business partners to develop more accurate risk assessments to ensure clarity for existing and future operators

- The increase in non-traditional business sites, for example, home salons, has made it more difficult for local governments to be aware of, communicate with and provide and enforce licensing of these businesses. Local governments report that many of these businesses do not believe they must comply with the Act.
- The management of unlicensed operators continues to be an issue across all local government authorities.
- The Act does not accurately reflect current practices in relation to HRPAS. Updated training would be of benefit to local government environmental health officers and support them to enforce the legislation.

## Conclusion

This report has identified that the current definitions under the Act are difficult to apply to some of the new and emerging industry procedures and practices. Uniform interpretation and application of the definitions in the Act is required to achieving consistency of the administration and enforcement of the Act by local governments.

Similar recommendations have been made from previous years' reporting. Legislative change should be considered to enable the legislation to address the risks associated with evolving industry practices and procedures. This includes an updated version of the Guidelines and an ability to identify and declare emerging or altered practices and procedures as higher risk personal appearance services when required. It is noted that a previous recommendation, an amendment to the Act to make provision for restoration of a licence, has been introduced to Parliament and is currently at the Committee stage of review.

## Recommendations

It is recommended that consideration is given to the following:

- review the definition of higher risk personal appearance services (HRPAS) to make it clear and flexible.
- review engagement strategies with the beauty and personal appearance industry to improve the identification of new and emerging procedures and practices
- review the Guidelines to ensure it is in line with current practices and trends
- review training/advice available to local government environmental health officers
- investigate ways to obtain evidence for services provided at non-traditional premises (e.g. residential premises).

# Glossary of terms

**Beauty therapy** means a procedure, other than hairdressing, intended to maintain, alter or enhance a person's appearance, including the following—

- (a) facial or body treatments
- (b) application of cosmetics
- (c) manicure or pedicure
- (d) application of, or mending, artificial nails
- (e) epilation including by electrolysis or hot or cold wax

**Body piercing** means the process of penetrating a person's skin or mucous membrane with a sharp instrument for the purpose of implanting jewellery or other foreign material through or into the skin or mucous membrane.

However, it does not include the process of piercing a person's ear or nose with a closed piercing instrument that—

- (a) does not come into contact with the person's skin or mucous membrane; and
- (b) is fitted with a sterilised single-use disposable cartridge containing sterilised jewellery and fittings

**Hairdressing** means a procedure intended to maintain, alter or enhance a person's appearance involving facial or scalp hair and includes cutting, trimming, styling, colouring, treating or shaving the hair

**Higher risk personal appearance service** means a personal appearance service involving any of the following skin penetration procedures in which the release of blood or other bodily fluid is an expected result—

- (a) body piercing
- (b) implanting natural or synthetic substances into a person's skin, including, for example, hair or beads
- (c) scarring or cutting a person's skin using a sharp instrument to make a permanent mark, pattern or design
- (d) tattooing
- (e) another skin penetration procedure prescribed under a regulation

**Non-higher risk personal appearance service** means a personal appearance service other than a higher risk personal appearance service

**Personal appearance service** means beauty therapy, hairdressing or skin penetration that is provided as part of a business transaction

**Place of business** means a place where a personal appearance service is provided.

**Premises**, other than for part 10, includes—

- (a) a building or other structure; and
- (b) a part of a building or other structure; and
- (c) land where a building or other structure is situated; and
- (d) a vehicle

**Skin penetration** means a procedure intended to alter or enhance a person's appearance that involves the piercing, cutting, scarring, scraping, puncturing, or tearing of a person's skin or mucous membrane with an instrument

**Tattooing** means the process of penetrating a person's skin and inserting into it colour pigments to make a permanent mark, pattern or design on the skin. Tattooing also includes any process that penetrates the skin and inserts into it colour pigments to make a semi-permanent mark, pattern or design on the skin including, for example—

- (a) the process known as cosmetic tattooing; or
- (b) the process for applying semi-permanent make-up



# Appendix A



**Queensland Government**

**Public Health (Infection Control for Personal Appearance Services) Act 2003**

Annual administration and compliance Information form 2020/2021

<b>Local Government</b>	
Contact Person	
Position Title	
Contact Phone	
Contact Email	
Secondary Contact	
Number of higher risk personal appearance service licences issued:	Number of licences for fixed premises:
	Number of licences for mobile premises:
Type of HRPAS conducted (where possible)	Tattooist
	Body piercing
	cosmetic tattooing/microblading
	Tattoo removal
	Implanting natural or synthetic substances into a person's skin
	Scarification or cutting skin to make permanent design pattern or mark
	other higher risk procedures
	Registered Training Organisation (RTO) premises
Number of single/one-off event higher risk licences issued	
Number of inspections - higher risk premises	
Number of inspections non-higher risk	
Number of complaints received	Total
	higher risk                      non-higher risk
<b>Enforcement actions</b>	
Number of Penalty infringement notices (PIN)	Total
section 22	
section 23	
section 24	
section 42	

section 65 (2)	
section 65 (5)	
Breaches of the Infection Control Guideline identified during inspections	
Number of Show Cause Notices	
Number of Remedial Notices	
Number of licence cancellations/suspensions	
Number of prosecutions	
Did this action resolve the issue? (circle one)	Y          N If no, what changes could be made to help rectify the issue?
Has council identified any personal appearance services which are not currently higher risk or licensable under the Act but could or should be designated as HRPAS? If so please provide details of the service.	
<b>Issues affecting the administration and enforcement of the Act</b>	
To be completed by 16 August 2021	
Please send completed form to the Notifiable Diseases Prevention and Control Section, Communicable Diseases Branch, Queensland Health at: <a href="mailto:NDPC@health.qld.gov.au">NDPC@health.qld.gov.au</a> with "Local Government ICPAS report" in the subject.	
If you require any further information on local government reporting please contact: Notifiable Disease Prevention and Control Unit Communicable Diseases Branch, Queensland Health on phone 33289276 or email <a href="mailto:NDPC@health.qld.gov.au">NDPC@health.qld.gov.au</a>	