

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

Report on Local Government activities 2015-16

March 2017

Report on local government activities 2015 – 16

Published by the State of Queensland (Queensland Health), 2017



This document is licensed under a Creative Commons Attribution 3.0 Australia licence. To view a copy of this licence, visit creativecommons.org/licenses/by/3.0/au

© State of Queensland (Queensland Health) **2017**

You are free to copy, communicate and adapt the work, as long as you attribute the State of Queensland (Queensland Health).

For more information contact:

Communicable Diseases Branch, Department of Health, GPO Box 48, Brisbane QLD 4001, email NDPC@health.qld.gov.au, phone (07) 3328 9276.

An electronic version of this document is available at

www.health.qld.gov.au/eholocalgov/secure_area/icpasact2003/default.asp

Disclaimer:

The content presented in this publication is distributed by the Queensland Government as an information source only. The State of Queensland makes no statements, representations or warranties about the accuracy, completeness or reliability of any information contained in this publication. The State of Queensland disclaims all responsibility and all liability (including without limitation for liability in negligence) for all expenses, losses, damages and costs you might incur as a result of the information being inaccurate or incomplete in any way, and for any reason reliance was placed on such information.

Contents

Summary	iv
Background	1
Survey Design and Methodologies	2
Results	3
Licenses issued	3
Inspections to monitor compliance	4
Complaints	5
Does Council have an enforcement plan or matrix?	5
Enforcement actions	5
Issues identified by local government that impact on the administration and enforcement of legislation.	5
Discussion	6
Licensing	7
Transient nature of operators.....	7
Uniformity of resources	7
Fit-out requirements.....	8
Infection Control Guidelines.....	8
Enforcement actions	8
Complaints	9
Infection Control Qualification	10
Reporting template	10
Overlap of local government and state government licencing	10
Recommendations	11
Glossary	12
Abbreviations.....	13
References	14

Tables

Table 1 Comparison of compliance reports submitted for 2014/15 and 2015/16 reporting periods.	4
Table 2 Range comparison of licensed higher risk personal appearance service businesses 2014/15 and 2015/16	4

Summary

Local governments and the Department of 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 (the Act)*, *Public Health (Infection Control for Personal Appearance Services) Regulations 2003, (the Regulations)* and the *Infection Control Guidelines for Personal Appearance Services 2012 (the Guidelines)*.

The administration and enforcement of the *Public Health (Infection Control for Personal Appearance Services) Act 2003*, *Public Health (Infection Control for Personal Appearance Services) Regulations 2003* and the *Infection Control Guidelines for Personal Appearance Services 2012* is a function of local government. The Executive Director of the Communicable Diseases Branch within the Department of Health is the custodian of the legislation on behalf of Queensland Health.

The 2015/16 report has seen the response rate increase from 84.4% of local governments to 93.5%. The number of higher risk personal appearance service licenses issued has risen from 416 to 508. This may be partially due to an increase in the response rate. The increased numbers indicate a state-wide increase of 92 licensed businesses. The largest local government Brisbane City Council showed an increase of 24 licenced higher risk personal appearance service businesses in their council area.

Most issues or breaches of the legislation, as identified in the audit, were dealt with without the need for prosecution. Backyard/illegal operators are an ongoing issue identified by the industry groups but local government did not raise this as a significant issue.

The reporting template used for this report contains some refinements from the previous version. It is possible that further refinements may be made to the current template to improve the accuracy and quality of data collected.

During the 2015/16 year amendments to the legislation were made to the Act and Regulation; however the result of these changes will not be reflected before the 2016/17 report is completed.

The infection control competency required under the Act *HLTIN402C - Maintain infection control standards in office practice settings* was superseded by *HLTINF005 - Maintain infection prevention for skin penetration treatments* on 07 December 2015. A teach out period for the previous competency expires in late 2016.

Background

The *Public Health (Infection Control for Personal Appearance Services) Act 2003* is the primary piece of Queensland legislation that deals with body art and personal appearance services.

The Act establishes a framework to protect the health and wellbeing of the community by minimising the risk of infection that may result from the provision of personal appearance services. Personal appearance services include beauty therapy, hairdressing or skin penetration services provided as part of a business transaction. It does not apply to personal appearance services provided in a health-care facility. A health-care facility is a place where a health service is provided and the health service is defined under section 15 of the *Hospital and Health Boards Act 2011*.

The objective of the Act is to minimise the risk of infection that may result from the provision of hairdressing, beauty therapy and skin penetration services (collectively referred to as “personal appearance services”).

The Act is modelled on a two tier (higher risk and non-higher risk) personal appearance services model. Providers of higher risk personal appearance services (tattooists and body piercers) are required to be licensed and hold a designated infection control qualification. They are also required to comply with other obligations intended to protect the health of consumers such as a requirement to ensure suitable premises and minimise an infection risk.

Providers of non-higher risk personal appearance services such as hairdressing, beauty and nail treatments, foot spas, waxing and electrolysis, and skin penetration procedures such as closed ear or nose piercing are not required to be licenced, hold an infection control qualification or meet other obligations such as ensuring the suitability of premises. However, they are expected to take all reasonable care and precautions to minimise the infection risk to clients.

Together the Department of Health (DoH) and local governments are accountable to the community for ensuring that acceptable infection control standards are being achieved by body art and personal appearance services businesses.

This report is one way of demonstrating that both agencies take their responsibilities seriously in addressing the risk posed to the community by providers of personal appearance services.

During the 2015/16 year the Department of Health has been exploring the legislative framework employed by other jurisdictions to manage the risks and emerging issues in the body art and personal appearance service industries. An important difference is that some practices, including waxing and nail salon services, are licensable in jurisdictions other than South Australia and Queensland. A fragmented regulatory approach between jurisdictions presents challenges for businesses operating across state and territory borders.

An amendment to the Act and Regulation was made during the reporting period. The amendment includes tattoo removal as a higher risk personal appearance service.

Emerging practices that are not currently regulated or licensed, but which expose clients to infection risks from serious blood-borne diseases, include a range of skin penetrating procedures such as dermal rolling, skin needling and foot razoring. These procedures are not currently defined as higher risk personal appearance services, however this is likely to be reviewed in 2016/17.

This report builds on the baseline information contained in the 2014/15 report. This annual local government report assists the Department in monitoring compliance with the Act, the Regulation and the Infection Control Guidelines across the State. Local governments have undertaken follow-up inspections of non-higher risk personal appearance service providers revealed in the 2014/15 reporting period throughout this reporting period. The inspections/audits have identified improvements within this section of the industry, particularly with infection control practices.

This annual report on the state-wide administration and enforcement of the Act will be distributed to all local governments.

Survey Design and Methodologies

The Local Government Advisory Group (LGAG) established in November 2012 for the *Public Health (Infection Control for Personal Appearance Services) Act 2003* continues to provide a forum between local government and Queensland Health for a collaborative approach to capture and address issues and challenges associated with the implementation, monitoring and enforcement issues of the *Public Health (Infection Control for Personal Appearance Services) Act 2003*, the *Public Health (Infection Control for Personal Appearance Services) Regulation 2003* and Infection Control Guidelines.

Its role, function and responsibilities remain unchanged from that outlined in the December 2015 report.

The LGAG was consulted in the design of the reporting template and actively encouraged local governments to complete the report.

Additional data sought for the 2015/16 reporting template included:

- Number of single/one-off event higher risk licences issued, and
- Does Council have an enforcement plan or matrix for the Act?

Population figures used for comparison in this report were based on the projected population, by local government area, Queensland, 2011 to 2036 (medium series) published by the Queensland Government Statisticians Office (QGSO).

The reporting parameters were broken down into six categories for this report - five categories used for the previous report: licences issued, inspections (higher risk and non-higher risk premises), complaints, enforcement actions and a new category included Council having an enforcement plan or matrix. This will be compared to data presented in the inaugural report. The new data present in this report will be used as baseline data for future compliance reports.

Enforcement plans or matrices provide guidance on enforcement actions which may be undertaken to punish a breach of legislation administered by an authority, to deter or prevent a person or persons from committing future breaches of the legislation, or to require someone to remedy or stop committing a breach of the legislation. They will generally address a range of enforcement options available to the enforcing authority (in this case the local government) such as warning letters, show cause notices and penalty infringement notices.

Approximately 2 months prior to the end of the 2015/16 financial year an email was sent to all local governments reminding them to submit their annual compliance report by the 30th August in the current reporting template. During the second week of August a second reminder email was sent. The data was interrogated and a state report completed.

Results

There are 77 local governments and 1 Town Authority in Queensland. Therefore, for the purposes of this report the total number of local governments will be 78. The local government response rate to the data request was 93.5% (73/78). This represents an increase in the response rate from that attained for the previous reporting period (84.4%).

Queensland's current estimated 2016 population based on the QGSO figures is 4,853,048 persons. This represents an estimated rise of 130,536 persons during the 2015/16 reporting period. The local government responses received represent 96.9% of the estimated Queensland population. The figures generally reflect councils with lower populations having a lower response rate, although this was not consistent in all areas. This may reflect challenges within viable and sustainable business models in smaller population areas.

The number of higher risk personal appearance service (HRPAS) licences issued by local governments rose from four hundred and sixteen (416) to five hundred and eight (508).

Licenses issued

This reporting period has seen some small changes to the overall demographics of the personal appearance service industry. While 35 local governments have licenced businesses, 36 do not have any licenced businesses and no report was received from seven local governments. A total of 508 HRPAS businesses were licenced during the 2015/16 financial year.

Of the local governments which have issued licences under the Act, 18 local governments (an increase of 1 from the last reporting period) had less than 5 licenced HRPAS businesses while 2 local governments had a combined total of two hundred and eight (208) licenced businesses (up from one hundred and seventy-seven (177) for the previous reporting period). This represents a combined increase of 31 new licenses for the same 2 local governments over the past year (24 and 7 respectively).

Table 1 represents a comparison between the 2014/15 and 2015/16 reporting periods for compliance reports submitted and licences issued by local government under the Act.

Table 1: Comparison of compliance reports submitted for 2014/15 and 2015/16 reporting periods.

Factor	2015/16 reporting period	2014/15 reporting period
Reports submitted	73	65
Reporting rate	93.5%	84.4%
Licences issued	508	416

Table 2 seeks to represent a breakdown of the numerical range of licences issued by local government. It shows the two local governments with the major share of HRPAS businesses moved from the 50 - <90 licence range to the >90 range. It also shows 36 local governments have no HRPAS licensed businesses within their boundaries and 18 have less than five HRPAS licensed businesses.

Table 2: Range comparison of licensed higher risk personal appearance service businesses 2014/15 and 2015/16

Range of higher risk licences	Number of local governments with HRPAS licensed businesses within the range (2014/15)	Number of local governments with HRPAS licensed businesses within the range (2015/16)	Total number of higher risk licences (2015/16) in the range
0	33	38	0
<5	17	18	40
5 - <20	9	10	91
20 - <50	4	5	169
50 - <90	2	0	0
>90	0	2	208
Total	65	73	508

Inspections to monitor compliance

Routine inspections were conducted on 87.4% of the licensed HRPAS businesses. This represents a comparable inspection rate to the previous year. Fifty-nine (59) inspections were also conducted on non-higher risk personal appearance service businesses. The non-

higher risk personal appearance service businesses such as beauty therapy salons, nail salons and hairdressing establishments are not licensed by local government.

Complaints

One hundred and two (102) complaints from members of the public were received and dealt with by 18 local councils during this reporting period. Thirty-three (32%) of these complaints concerned non-higher risk premises whilst the remainder concerned issues at HRPAS premises. Thirty-eight (38) of the councils who submitted a report did not receive any complaints from the public about personal appearance service businesses within their local government area.

One complaint investigated involved an alleged illegal/unlicensed HRPAS (tattoo) business operating within the local government area. The investigation of the complaint resulted in the operator moving from that local government area to an unknown address.

Does Council have an enforcement plan or matrix?

Thirteen local governments have existing enforcement plans, enforcement policies and/or matrices, whilst two local governments are developing these documents to support legislative enforcement activities. The plans, policies or matrices provide the authorised person/Environmental Health Officer with guidance on the level of expectation a local government has on enforcement actions to be taken under the Act in response to minor and major breaches of the Act and Regulation.

One response indicated that the local government has a “Compliance and Enforcement Policy” for all regulatory matters.

Enforcement actions

The majority of identified breaches of the legislation were resolved without the need to initiate enforcement actions available under the Act. However, there were three licences cancelled and one prosecution undertaken.

One local government developed an audit tool to assist Environmental Health Officers (EHO's) in undertaking audits of higher risk personal appearance service premises. The tool was provided to other local governments to assist them in undertaking audits of HRPAS businesses.

Issues identified by local government that impact on the administration and enforcement of legislation.

Several issues were raised in the reports submitted by local government which have been adversely impacting on their ability to administer and enforce the legislation. These include:

- Promotion of unlicensed services via social media and the difficulty of monitoring all sources.
- The transient nature of unlicensed/illegal operators has been identified as an issue which impedes the enforcement of the Act. One intervention resulted in an operator being identified and questioned about their activities. The operator immediately

relocated to an unknown address and attempts to locate the person have been unsuccessful.

- Uncertainty surrounding the possible enforcement of the infection control guidelines is seen as an issue. It is a condition of each licence that a copy of the Infection Control Guidelines (ICG) be kept on site, but not a licence condition that the ICG are complied with.
- Uniformity of resources to assist local government in administration and enforcement activities e.g. higher risk inspection pro forma for Environmental Health Officers (EHOs).
- Uniform interpretation of requirements for fit-outs including fixed premises, festivals, shows and other one-off events.
- The provisions of the current legislation allows for an inspection fee to be charged for monitoring compliance by both higher risk personal appearance service and non-higher risk personal appearance service providers with the Act. The charging of fees to non-higher risk personal appearance service providers imposes a greater impost on local government as there is no ready access to a database of the location of these premises.
- Council enforcement policies do not allow the use of prescribed infringement notices (PINs) for this Act.
- The *Infection Control Guideline for Personal Appearance Services 2012* needs to be updated. The updated infection control guidelines should allow for consistency with changes in industry practice and interstate requirements.
- Some new operators believe that approval under the *Tattoo Parlours Act 2013* is all that is required to conduct skin penetration activities in QLD. There is confusion between the requirements for the infection control qualifications under the ICPAS legislation with approvals under the *Tattoo Parlours Act 2013*.
- The application of the mobile higher risk personal appearance services sections are difficult for operators to understand and follow. The premises are to be mobile not the operator. A second local government can't charge a licence fee for a mobile HRPAS operator operating in their area if they are licenced by another local government.
- The requirements surrounding the licensing and use of lasers and intense pulsed light devices for tattoo removal and other beauty treatments/procedures are confusing.

Discussion

The reporting by local government is on a voluntary basis. Considering the exceptional response rate achieved, local governments must be congratulated on their response to the request for information and the dedicated services they provide to their ratepayers.

Licensing

The licensing regime which underpins the administration of the Act by local government relies on the interpretation of the definitions under the Act. The interpretation and meaning of the definitions in turn determines if a procedure is a higher risk personal appearance service, a non-higher risk service or a service that is regulated under another piece of legislation. As new practices and procedures are being developed and implemented in the body art and personal appearance service industry, the current Act and regulations struggle to keep pace with these new practices and procedures.

The increased number of licensed premises identified in this report may be attributable to an increase in number of local governments submitting an annual compliance report; however the largest local government (Brisbane City Council) advise that an additional 24 licences were issued to business in the current reporting year.

While there are many variables in the decision making process for establishing a HRPAS in Queensland, including local demand, business viability and local population demographics, analysis of the data submitted indicates the minimum population required to sustain demand for higher risk businesses is approximately 11,400 persons. Where a local government has a population level below this figure it may be subject to an increased risk of unlicensed higher risk personal appearance activity in the community.

Continued updating and review of the Personal Appearance Services Categorisation Table will guide and assist both business and local government in determining if the practices or procedures undertaken at a business fall within the scope of the Act and Regulation. That is, if businesses providing personal appearance services fall under the higher risk, non-higher risk categories or are not a personal appearance service at all.

Transient nature of operators

Data on unlicensed/illegal operators is poor because of the transient nature of the operators. Anecdotal evidence suggests that if a local government undertakes action against an illegal operator it is common for that operator to pack up and move either to a neighbouring local government or further afield. Consequently no database exists which can be interrogated to ascertain if an operator has been the subject of any enforcement action in Queensland.

It would benefit both local governments and the licensed businesses for a system of data sharing to be implemented in Queensland. Whilst such an arrangement is not prohibited under the Act, the benefits of data sharing would assist in the ability of local government to administer and enforce of the legislation. Currently the Act is silent on this subject.

Uniformity of resources

The lack of uniform resources for local government to assist in their administration and enforcement of the Act was raised as an issue. Throughout the year resources, such as the higher risk personal appearance service inspection pro forma, have been distributed to local governments with the agreement of the local government which developed the resource in the first instance. It can be an impediment for a local government with less than five licensed operators to devote the resources necessary to ensure consistency of the business information for licenced operators with state-wide information. The LGAG will be utilised to

develop identified additional resources required to assist both local government and business proprietors and operators to fulfil their obligations under the personal appearance service legislation.

Some local governments have increasing multicultural communities. This may require resources to be available to the public and to business operators in languages other than English.

Fit-out requirements

One-off events are being held regularly in Queensland. The current fit-out requirements contained in the *Queensland Development Code - MP 5.2 – Higher Risk Personal Appearance Services* are causing some issues when differing interpretations are made when acceptable solutions are compared to the performance criteria. Advances in technology associated with sinks and hand wash basins and innovative premise layouts are testing the standards applied by local government when an assessment of an application is made. For example, as per Performance Criteria 2 – “A place of business must be provided with suitable hand washing and instrument cleaning facilities to provide and maintain hygienic conditions”. This performance criterion can have varied interpretation. Some differing acceptable solutions have been allowed and/or considered for fixed premises when compared to the requirements applied for festivals, shows and other one-off events. This could be seen as giving preferential treatment to one sector as opposed to the other.

Infection Control Guidelines

This reporting period identified several businesses that breached the provisions of the *Infection Control Guidelines for Personal Appearance Services 2012*. The most common breach was of Section 7 *Records*, with Section 5 *Sterilizing Instruments* the next most breached section. Other sections where issues were identified included: 1.2 *Hand hygiene*, 1.4 *Exposures to blood and body substances*, 1.5 *Instruments and wax*, 1.6 *Cleaning and storage of re-usable instruments* and 1.10 *Clothing and footwear*.

The most appropriate means of ensuring compliance with the Infection Control Guidelines by HRPAS businesses may be to include this as a condition of the licence. This provision would raise the profile of the infection control guidelines in the eyes of the business proprietors and the operators and in turn ensure the risks of infection from the provision of higher risk personal appearance services are addressed.

The Infection Control Guidelines are being reviewed by the LGAG. There is an expectation that the new document will provide the regulators and business with greater clarity on expectations for infection control practices and be easier to understand ensuring greater compliance by industry.

There appears from this reporting period and the previous that operator awareness of the requirements of the Infection Control Guidelines is lower than expected.

Enforcement actions

The reported enforcement actions undertaken by local government may need further analysis to ascertain if the Act provided an appropriate mechanism to resolve breaches

identified. Issues identified from the complaints data indicate the definition of “Personal Appearance Services” may impede enforcement practices because of the stipulation that the service is part of a business transaction.

The survey work completed during the past few years by joint local governments and public health units builds on the intelligence gathered from previous projects. Previous surveys have highlighted deficiencies in the skills and knowledge of infection control practices and procedures including hand washing, use of inappropriate equipment, staff training and a lack of educational resources for industry and Environmental Health Officers as issues for the industry.

During this reporting period two local governments conducted a series of follow-up inspections resulting from a joint proactive assessment and education program for non-higher risk personal appearance services conducted in the 2014/15 reporting period. The program evaluated infection control practices at these non-higher risk premises. Whilst some issues were highlighted such as questionable hand washing practices; reuse of single use items and nail businesses being unaware of the infection control guidelines. Infection control standards within the nail salon sector within the two local governments have increased due to this proactive approach. The recommendations of the program will be considered by the working group and provide a valuable data source for the future compliance work. The recommendations are also being factored into possible changes to the infection control guidelines.

The Queensland Ombudsman in the document *Tips and Traps for Regulators November 2007* contains the following statement which still applies today “Regulators’ circumstances vary and they are in the best position to determine which regulatory model is appropriate for them. My concern is that, regardless of the model adopted, a regulator should administer its regulatory scheme in a way that is:

- Effective – the regulator achieves the objectives of the regulatory scheme;
- Consistent – the regulator fairly and equitably enforces the scheme;
- Transparent – the regulator’s policies and procedures/strategies for administering the regulatory scheme are open to scrutiny by decision-makers (including supervisors) and those affected by the scheme; and
- Accountable – the regulator has and adheres to procedures about the way the regulatory scheme is to be administered.”

Complaints

There are several authorities and sections within those authorities which deal with complaints from members of the public, healthcare professionals and the operators of personal appearance service businesses. These authorities include the Office of the Health Ombudsman, the Office of Fair Trading, Queensland Police Service, local governments and the Department of Health Branches – the Communicable Diseases Branch and the Health Protection Branch. The role and scope of each agency may need to be addressed and information provided through the personal appearance services web portal.

Options being explored to facilitate enforcement actions on this front include joint inspections between officers of the Tattoo Probity and Enforcement Unit, Queensland Police Service and local government to address backyard operators.

Infection Control Qualification

The Australian Industry and Skills Committee has oversight of training packages for the Community Services and Health Industry. In December 2015 changes to the competency were advised which necessitated a legislative change. The changes were made to commence on 1 September 2016 after the 2015/16 reporting period. The new infection control competency required under the PH(ICPAS) legislation is HLTINF005 and continues to fall under the Health Sector training package. The training packages are in continual review. Increased oversight may need to be implemented to ensure the competency continues to be current, relevant and accessible to all operators.

The Infection Control Qualification which operators are required to hold prior to providing a higher risk personal appearance service has been updated. At the time of writing this report the current qualification is HLTINF005 - Maintain infection prevention for skin penetration treatments. The competency includes the competency by its former titles “HLTIN2A—Maintain Infection Control Standards in Office Practice Settings”, ‘HLTIN402B—Maintain Infection Control Standards in Office Practice Settings’ and HLTIN402C – Maintain Infection Control Standards in Office Practice Settings’.

Reporting template

The reporting template was modified to include additional questions for this reporting period and will continue to be refined as the situation demands.

Overlap of local government and state government licencing.

Some confusion exists within industry and local government about the legislation which applies to the body art and personal appearance service industry, what licences are required, what qualifications are mandatory and who administers and enforces which piece of legislation.

Consultation will be undertaken with local governments who have provided feedback to identify and address their concerns. Once an initial assessment of the issue has been completed it will be addressed at LGAG level and a fact sheet could be developed to clarify the role of state and local governments.

The Department of Fair Trading and the Police Service administer and enforce the *Tattoo Parlours Act 2013*. Two licences identified under this Act are,

- a tattoo operator licence allows person to run a body art or tattooing business in Queensland and
- a tattooist licence which authorises the licensee to perform body art tattooing procedures.

The *Public Health (Infection Control for Personal Appearance Services) Act 2003* requires a business proprietor to hold a licence to carry on a business and the individual operators to possess an infection control qualification.

During this reporting period the Queensland Police Service and the Department of Fair Trading have provided information sessions at a Public Health School facilitated by Environmental Health Australia. This enabled some of the confusion in roles of the agencies to be addressed. It is anticipated that similar sessions will be held in the future where similar issues become apparent.

Recommendations

These recommendations have been developed following consideration of the issues identified by local government as affecting the administration and enforcement of the Act. The recommendations will be considered by the LGAG at subsequent committee meetings.

1. Explore the use of social media as a medium to advise the public on the use of licenced studios; infection risks; how to choose your operator and appropriate after care.
2. The Personal Appearance Services Categorisation table is subject to continual review to assist both local governments and business in the administration and compliance with the legislation. The table will be reviewed at local government advisory group meetings.
3. Scope the requirements for a data sharing system for local governments in Queensland, to address the challenges of unlicensed and/or illegal operators.
4. Local Government is encouraged to include compliance with the infection control guidelines as a condition of the business licence. The guidelines review will continue and be finalised during the 2017 year.
5. The LGAG will continue to identify and develop additional resources to assist local governments in the administration and enforcement of the Act and Regulations. Specific attention and feedback to relevant agencies will be provided to address:
 - a. Uniform interpretative guidelines for festivals, shows and one-off events
 - b. Industry specific fact sheets
 - c. the current and previous versions of the Infection Control Qualification
6. Local governments will be encouraged to develop and enforcement matrix and policy for the effective and consistent administration and enforcement of the legislation.
7. Queensland Health, through the Prevention Division, in conjunction with the Tattoo Probity Unit of the Queensland Police Service, the Department of Fair Trading and Environmental Health Australia will address and clarify any overlapping of state and local government licencing roles to reduce the impact on personal appearance service businesses.

Glossary

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.

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 semipermanent mark, pattern or design on the skin including, for example—

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

Abbreviations

ABS	Australian Bureau of Statistics
DoH	Department of Health
EHO	Environmental Health Officer
HRPAS	Higher risk personal appearance services
ICG	Infection Control Guidelines
LGAG	Local Government Advisory Group
PH(ICPAS)	Public Health (Infection Control for Personal Appearance Services)
QGSO	Queensland Government Statisticians Office

References

Projected population (medium series), by local government area, Queensland, 2011 to 2036

<http://www.qgso.qld.gov.au/products/tables/proj-pop-lga-qld/index.php?region=mackay>

Report of the Queensland Ombudsman *Tips and Traps for Regulators* November 2007
Queensland Ombudsman

<http://www3.austlii.edu.au/au/other/QldOmbIRp/2007/2.pdf>.

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

<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/P/PubHelCPA03.pdf>

Public Health (Infection Control for Personal Appearance Services) Regulation 2016

<https://www.legislation.qld.gov.au/LEGISLTN/SLS/2016/16SL139.pdf>

