

Licensed mobile premises providing higher risk personal appearance services—what the proprietor needs to know

Fact sheet for proprietor August 2019

Introduction

Laws apply to providing higher risk personal appearance services (HRPAS), whether the HRPAS are provided in fixed premises or mobile premises.

The information in this fact sheet will assist business proprietors providing HRPAS from mobile premises to comply with the [Public Health \(Infection Control for Personal Appearance Services\) Act 2003](#) (the Act) and the [Public Health \(Infection Control for Personal Appearance Services\) Regulation 2016](#) (the Regulation).

Licence applications for the provision of HRPAS from mobile premises may be made to any council.

If you intend to provide HRPAS from the mobile premises in more than one council area, see the section below titled '[Licence valid across Queensland—Notify second council of intention to operate within that council's boundaries](#)' for details.

The terms used in this document, such as 'higher risk personal appearance service' and 'mobile premises' have the same meaning as in the Act.

Legislation and references

[Public Health \(Infection Control for Personal Appearance Services\) Act 2003.](#)

[Public Health \(Infection Control for Personal Appearance Services\) Regulation 2016.](#)

[Infection Control Guidelines for Personal Appearance Services 2012](#) (the Guidelines).

[Queensland Development Code \(QDC\) MP 5.2 Higher risk personal appearance services.](#)

Background

The purpose of the Act is to minimise the risk of infection that may result from the provision of personal appearance services. This is achieved by

- (a) requiring business proprietors and operators to take reasonable precautions and care to minimise infection risks; and
- (b) requiring business proprietors whose business provides higher risk personal appearance services to hold a licence; and

(c) requiring operators providing higher risk personal appearance services to hold an infection control qualification; and

(d) providing for compliance with this Act to be monitored and enforced.

HRPAS is a personal appearance service that involves skin penetration where blood or other body fluids may be released (s14 of the Act) and includes, for example, tattooing and other types of body piercing.

The Act, the Regulation and the Guidelines apply to all premises where personal appearance services are provided. The requirements of the QDC MP 5.2 apply to all providers of HRPAS, irrespective of where the services are provided.

What is the difference between a fixed premise and a mobile premise?

Under the Act, the definition of:

- fixed premises means a building or other structure, or part of a building or other structure, that has a permanent address.
- mobile premises means a vehicle, or other premises that are ordinarily moved from place to place.

These definitions apply to the place where the HRPAS is being provided, not necessarily the place where the business proprietor or the individual operator is usually based or located.

A person running a business providing HRPAS, from either a fixed or a mobile premise, must hold a licence.

Who enforces the personal appearance legislation?

Local Government (Councils) have the responsibility for the administration, monitoring and enforcement of personal appearance laws.

What types of personal appearance services require licencing?

Any person who runs/carries on a business that provides HRPAS must be licenced.

The types of HRPAS may include, but are not limited to, the following:

- tattooing
- body piercing
- cosmetic tattooing
- micro-blading/feathering
- application of semi-permanent make-up
- tattoo removal
- scarification
- implanting natural or synthetic substances into the skin e.g. skin needling combined with the use of a natural or synthetic substance.

Submitting an application for a licence.

Each council has their own process for submitting licence applications and for making decisions on the applications. Check with the relevant council for their requirements prior to applying for a licence.

For example, see the [Brisbane City Council website](#) the [Gold Coast council website](#) or the [Fraser Coast Regional Council website](#).

Licence valid across Queensland—notify second council of intention to operate within that council’s boundaries

The licence to carry on a business providing HRPAS from mobile premises is valid in all councils across Queensland.

However, if you intend to operate in more than one council area, you need to notify the second or subsequent council of your intention to operate within their boundaries at least 7 (seven) days prior to providing any HRPAS.

Any second or subsequent council must be informed of the following:

- places where services will be provided
- existing licence details
- details of the operator's infection control qualifications; and
- any other information required by the second or subsequent council.

What details are included in a licence to provide HRPAS from mobile premises?

When a licence is issued by a local council it will state a number of particulars including;

- the licensee's name and address for service of documents
- a description of the premises, this includes the registration number of any vehicle being used as premises to provide HRPAS
- the day the licence becomes effective
- when the licence expires
- the licence number (each licence issued has a separate licence number)
- the licence conditions (the council may impose additional reasonable conditions on the licence which it considers appropriate).

The licensee must comply with the conditions of a licence.

Fit-out requirements—MP 5.2 Higher risk personal appearance services

Licensed business proprietors MUST comply with the [Queensland Development Code, Part MP 5.2 \(QDC\)](#), which contains the requirements for design, construction, fit-out, fixtures and finishes for HRPAS premises.

While the requirements may vary between fixed and mobile premises, the principles remain the same, to the extent that they may reasonably apply to mobile premises.

The 'performance criteria' detailed in the QDC are the expectations of what needs to be met, and the 'acceptable solutions' described are one way of meeting the performance criteria. These are provided in detail below.

Performance criteria and Acceptable solutions

Functionality

Performance criteria 1

A place of business must be suitably planned and fitted out to effectively minimise infection risks, taking into consideration;

- (a) separation of clean or sterile items from contaminated items
- (b) convenient access by operators to hand basins from a number of rooms.

Acceptable solution considerations A1

A place of business consisting of a single room or multiple rooms incorporates;

- (a) a clean zone within a room, or rooms where clean or sterilised items are stored and a hand basin complying with A2 (a) is located; and
- (b) a dirty or contaminated zone within a room, or rooms where contaminated items are placed to await cleaning, and where the cleaning sinks, instrument washers and sterilisers complying with A2 (b) are located.

From a practical perspective the size of the mobile premise may require innovative solutions to be developed.

Hand washing, instrument and equipment cleaning facilities

Performance criteria P2

A place of business must be provided with suitable hand washing and instrument cleaning facilities to provide and maintain hygienic conditions.

Acceptable solution considerations A2

A place of business is provided with hand washing and instrument cleaning facilities which consist of;

- (a) at least one hand-washing basin for each five workstations or part thereof with—
 - (i) bowl dimensions of not less than 400mm x 250mm; and
 - (ii) reticulated cold water controlled by non-touch taps and includes wrist, elbow, knee, foot or sensor operated taps; and
 - (iii) unobstructed space above it, not less than 600mm wide and extending not less than 750mm above the fixture; and

- (iv) the basin situated not more than 5m from any work station unobstructed by walls or fixtures; and
- (v) each hand-washing basin located between 800mm and 1000mm above the floor; and
- (b) at least one sink solely for washing and cleaning instruments and equipment with;
 - (i) a bowl not less than 400mm long; and
 - (ii) reticulated hot and cold water; and
 - (iii) each sink located between 800mm and 1000mm above the floor.

From a practical perspective for mobile premises, the type of hand wash basin needs to be considered as the size and layout of the premise may limit choices. A self-contained hand wash station with cold water, and a separate self-contained instrument cleaning facility with hot and cold water, may potentially provide an acceptable solution.

Finishing Materials

Performance criteria P3

The floors, walls, ceilings, benches and cupboard surfaces, workstations and any areas used in conjunction with workstations must be finished in materials suitable to enable easy cleaning.

Acceptable solution considerations A3

- (a) The finished floor surface consists of a material that is free of cracks, irregularities, and imperfections and includes;
 - (i) ceramic tiles; or
 - (ii) sealed cork tiles; or
 - (iii) plastic tiles or sheeting; or
 - (iv) polyurethane sealed timber; or
 - (v) epoxy resin sealed concrete; or
 - (vi) carpet that can withstand fluids and can be easily cleaned.
- (b) The finished wall surfaces consist of a material that is easily cleaned when painted or sealed and includes;
 - (i) sealed smooth concrete; or
 - (ii) rendered hard plaster; or
 - (iii) smooth concrete masonry; or
 - (iv) smooth clay masonry; or
 - (v) timber boards; or
 - (vi) timber sheeting; or

- (vii) washable vinyl wallpaper; or
 - (viii) plasterboard.
- (c) The finished ceiling surfaces consist of a material that is easily cleaned when painted or sealed and includes;
- (i) sealed smooth concrete; or
 - (ii) rendered hard plaster; or
 - (iii) plasterboard; or
 - (iv) timber; or
 - (v) timber boards or sheeting; or
 - (vi) vinyl faced board.
- (d) All joinery and other finished surfaces including benches, cupboards, shelves and work station areas on which instruments are placed consist of a material that can be easily cleaned, is smooth and free from cracks and crevices and includes;
- (i) gloss paint or stain; or
 - (ii) laminate; or
 - (iii) glass; or
 - (iv) stainless steel; or
 - (v) epoxy resin.
- (e) The intersections between floors and walls are provided with;
- (i) coving at least 50mm high; or
 - (ii) continuous skirting at least 50mm high consisting of timber, ceramic tiles or the like.

From a practical perspective – the key issue is that the finished surfaces must be easy to clean.

Finishes—joining system

Performance criteria P4

Internal wall, ceiling and floor finishes must have a suitable joining system to facilitate the maintenance of hygienic conditions.

Acceptable solution considerations A4

Joints between;

- (a) wall and ceiling linings are flush with the surface; and
- (b) ceramic wall and floor tiling are filled with heavy duty 100% epoxy, acid resisting grouting in accordance with the manufacturer's recommendations; and

(c) wall and floor flexible PVC sheeting have heat welded seams; and

(d) polypropylene sheeting has proprietary plastic mouldings.

From a practical perspective—the key issue is that where the floor and walls meet, and the walls and the ceiling meet, hygienic conditions must be maintained—there should be no areas where dirt can be trapped.

What will the Council consider when deciding the application?

The council will consider the suitability of the person who will hold a licence; and the suitability of the premises, when deciding if a licence should be issued.

How long does the assessment take?

Time periods for assessments can vary, but under the Act if a decision is not made within 40 days, the council is taken to have refused to grant the application (section 39 of the Act).

The Infection Control Guidelines for HPRAS

The Act requires that business proprietors (and operators) who provide personal appearance services, including HRPAS, take all reasonable precautions and care to minimise infection risks to clients.

The Infection Control Guidelines for Personal Appearances Services 2012 (the Guidelines) apply to business proprietors who provide any HRPAS, and detail appropriate methods of minimising infection risks.

A copy of the Guidelines must be kept on the mobile premises, as per the licence conditions.

If a business proprietor chooses to adopt an alternate way of minimising the infection risk, the alternative way of minimising the infection risk must be documented.

The record keeping requirements as described under the Guidelines still apply. Details of the type of records to be kept are described in the Guidelines and include keeping records relevant to sterilising equipment.

Infection control qualifications

Each individual operator who provides HRPAS must hold an 'infection control qualification' before providing these services (s24 of the Act).

However, importantly, under the Act it is the business proprietor who must ensure all persons employed by them to provide HRPAS hold an infection control qualification (s25 of the Act).

An 'infection control qualification' is a specific type of qualification which must be issued by a registered training organisation to an individual stating that the individual has achieved an infection control competency standard prescribed under a regulation. Only the following competency standards are acceptable as an 'infection control qualification' under the Act:

- 'HLTINF005—Maintain infection prevention for skin penetration treatments', approved by the Australian Industry and Skills Committee (established by the Council of Australian Councils' Industry and Skills Council in May 2015);
- The above competency known by its former titles:
 - HLTIN2A—Maintain Infection Control Standards in Office Practice Settings
 - HLTIN402B—Maintain Infection Control Standards in Office Practice Settings
 - HLTIN402C—Maintain Infection Control Standards in Office Practice Settings.

Annual inspections

The council that issued the licence to provide HRPAS from mobile premise may require an annual inspection of the premise to be undertaken as part of the licence renewal process.

All councils may charge an inspection fee if you provide HRPAS in their council area. The inspection fee is set by each local government to recover their costs of monitoring compliance. A single local government can only charge one inspection fee for each mobile premise per year (ss106(4) and (5) of the Act). There is no limit to the number of inspections that a local government can undertake for a mobile premise.

Roadside vending/town planning requirements

Check with the council where you are operating to ensure you comply with any roadside vending or town planning requirements that may impact on where you can park and operate from.

Waste disposal—clinical waste and sharps

Section 2 of the Guideline details waste disposal processes that should be followed, which also applies to mobile premises. For HRPAS, this may include the storage and disposal of sharps and sharps containers, which must be carried out in compliance with relevant legislation. [A Guideline on Clinical and Related Waste](#) (ESR/2015/1571) is available from the Department of Environment and Science website.

Other legislation

The Tattoo Industry Act 2013 (Qld) and Tattoo Industry Regulation 2013 (Qld) are administered by the Department of Justice and Attorney-General, and apply to all persons who own and/or operate a tattoo business, and individual tattooists.

The Tattoo Industry Act 2013 requires a person to possess a permit to hold events or exhibitions that involve tattooing procedures, and also regulates overseas tattooists.

Further information relevant to the Queensland Government regulation of the tattoo industry is available at the [Tattoo industry regulation web site](#).

Further information

In addition, your local council will be able to assist with any enquiries about the regulation of HRPAS in their area.

Links in document

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

<https://www.legislation.qld.gov.au/view/html/inforce/current/act-2003-081>

[Public Health \(Infection Control for Personal Appearance Services\) Regulation 2016](#)

<https://www.legislation.qld.gov.au/view/html/inforce/current/sl-2016-0139>

[Infection Control Guidelines for Personal Appearance Services 2012](#)

www.health.qld.gov.au/__data/assets/pdf_file/0019/430642/infectcontrolguide.pdf

[Queensland Development Code \(QDC\) MP 5.2 Higher risk personal appearance services.](#)

www.hpw.qld.gov.au/SiteCollectionDocuments/MP%205.2%20High%20risk%20personal%20a%20appearance%20services%20%28previously%20Part%2015%29.pdf

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[Brisbane City Council website](https://www.brisbane.qld.gov.au/laws-permits/laws-permits-businesses/personal-appearance-services-licence) <https://www.brisbane.qld.gov.au/laws-permits/laws-permits-businesses/personal-appearance-services-licence>

[Gold Coast council website](http://www.goldcoast.qld.gov.au/personal-appearance-services-such-as-tattooist-body-piercing-hairdressing-beauty-therapy-1956.html) <http://www.goldcoast.qld.gov.au/personal-appearance-services-such-as-tattooist-body-piercing-hairdressing-beauty-therapy-1956.html>

[Fraser Coast Regional Council website](https://www.frasercoast.qld.gov.au/personal-appearance-services) <https://www.frasercoast.qld.gov.au/personal-appearance-services>.

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Fit-out requirements—[MP 5.2 Higher risk personal appearance services](http://www.hpw.qld.gov.au/SiteCollectionDocuments/MP%205.2%20High%20risk%20personal%20appearance%20services%20%28previously%20Part%2015%29.pdf)
www.hpw.qld.gov.au/SiteCollectionDocuments/MP%205.2%20High%20risk%20personal%20appearance%20services%20%28previously%20Part%2015%29.pdf

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[A Guideline on Clinical and Related Waste](https://environment.des.qld.gov.au/assets/documents/regulation/pr-gl-clinical-and-related-waste.pdf) (ESR/2015/1571)
<https://environment.des.qld.gov.au/assets/documents/regulation/pr-gl-clinical-and-related-waste.pdf>

[Tattoo industry regulation web site](https://www.qld.gov.au/law/laws-regulated-industries-and-accountability/queensland-laws-and-regulations/regulated-industries-and-licensing/regulated-industries-licensing-and-legislation/tattoo-industry-regulation). <https://www.qld.gov.au/law/laws-regulated-industries-and-accountability/queensland-laws-and-regulations/regulated-industries-and-licensing/regulated-industries-licensing-and-legislation/tattoo-industry-regulation>