

Fact sheet for local government — Public Health (Infection Control for Personal Appearance Services) Act 2003 — tattoo shows, festivals and other one-off events

Introduction

Local governments are responsible for administering, monitoring and enforcing personal appearance legislation, namely, the Public Health (Infection Control for Personal Appearance Services) Act 2003 (Qld) (the Act) and Public Health (Infection Control for Personal Appearance Services) Regulation 2016 (Qld) (the Regulation). The chief executive, Queensland Health, may also perform functions and exercise powers under the Act.

The information in this fact sheet is provided to assist local governments administer the Act and the Regulation at tattoo shows, festivals or similar one-off events.

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.

Higher risk personal appearance services (HRPAS) involve skin penetration where blood or other body fluids may be released (s14 of the Act) and include, for example, tattooing and other types of body piercing.

One-off events providing HRPAS, such as tattoo shows and festivals, have been held regularly in Queensland for many years. While the premises where events have been held have varied in type and location, all the premises have been considered ‘fixed premises’ under the Act.

The Act does not differentiate between the requirements for HRPAS provided at fixed premises and for HRPAS provided at one-off events. Further, the requirements of the QDC and the Guidelines apply to all providers of HRPAS, irrespective of where the services are provided.

Who holds the licence under the Act?

The person in charge of the event/show is required to hold a HRPAS licence (s22 of the Act). The licence is issued for the one-off event and, similar to a permanent operation, the conditions of the licence must be complied with.

Type of Licence

A HRPAS licence is required under Part 2, Division 2, section 22 of the Act, to carry on a business providing HRPAS.

The licence must state the premises where the HRPAS are being provided (s23 of the Act). For example, if the event is being held in a convention centre, the licence only applies to the area where the event is being held — this may be a section of the centre, or the whole centre.

Infection Control Qualification

All persons providing HRPAS at the event must hold an infection control qualification (s24 of the Act).

The relevant infection control qualification required under the Act and the Regulation is **HLTIN005 Maintain infection prevention for skin penetration treatments**. The following are also accepted competencies (former titles of the current infection control qualification):

- (a) HLTIN2A—Maintain Infection Control Standards in Office Practice Settings
- (b) HLTIN402B—Maintain Infection Control Standards in Office Practice Settings
- (c) HLTIN402C—Maintain Infection Control Standards in Office Practice Settings.

This requirement may affect interstate and overseas tattoo artists participating at these events, who also must hold an infection control qualification. There may be registered training

organisation/s who can assist in the provision of a compliant short course for operators who do not hold the infection control qualification and intend to provide a HRPAS.

Infection Control Guidelines

The Guidelines apply to all one-off events.

Under the Guidelines, all equipment and jewellery used in skin penetration procedures should be clean and sterile prior to use.

Single-use pre-sterilised disposable instruments and equipment may be evidence that the Guidelines are being complied with by the operator or business proprietor.

Records required

Under the Guidelines, records must be kept by the operators.

Details of the type of records to be kept are described in the Guidelines (Guideline 7), and include keeping records relevant to sterilising equipment.

A system to maintain a record of all higher risk personal appearance services provided by each operator should be implemented by the person in charge of the event/show (licence holder). These records should be provided to the person in charge of the event/show at the end of each day and must be made available for inspection by the authorised person upon request.

Waste

The person in charge of the event/show must ensure all waste generated at the event is removed and disposed of appropriately in accordance with the requirements of the local government.

Section 2 of the Guideline details waste disposal processes that should be followed, which also applies to mobile premises. Depending on the type of HRPAS provided, 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.

Set-up of the event including booths/workstations

The [Queensland Development Code \(QDC\) MP5.2 Higher risk personal appearance services](#) applies to one-off events. While the requirements may vary between permanent and one-off event premises, the principles remain the same for both types of premises.

The ‘performance criteria’ detailed below are the expected criteria that must be met under the QDC, and the ‘acceptable solutions’ are examples of how to meet the ‘performance criteria’.

Performance criteria and acceptable solutions

Functionality

Performance criteria P1 — 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; and
- (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 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, 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. Appropriate signage will need to be provided e.g. not for public use, handwashing only.

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 — floors must be finished in materials suitable to enable easy cleaning and walls must be finished in materials suitable to enable easy cleaning. Black plastic on the floor may be considered acceptable for a one-off event.

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.

Booths/Work Stations

It is recommended that there should only be one or two operators per booth, and that each booth be provided with appropriate barriers or entry restrictions to prevent public access to the work area. This will reduce the likelihood of potential injury or infection transmission to persons attending the event.

Each workstation should be self-contained with:

- receptacles for cleaning and disinfecting products for the work bench and the client's skin;
- waste containers including sharps;
- containers for storing clean items and equipment; and
- containers for storing soiled and contaminated items and equipment.

If a central sterilisation room for the reprocessing of reusable equipment is established, it should be supervised at all times and have adequate barriers to prevent access by non-approved personnel.



An example soft barrier to prevent public access.



Example Signage 'Not for public use'



Example Booth/Work station barriers. The images are provided as examples only.

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 website](#).

Contact

For further information, please contact your local [Public Health Unit](#).

Associated documents

Additional documents that may provide guidance to local governments are available at [Personal appearance services regulation](#)

Full links

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/pdf/inforce/current/sl-2016-0139>)

Infection Control Guidelines for Personal Appearance Services 2012 (the Guidelines)

(https://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

(<http://www.hpw.qld.gov.au/SiteCollectionDocuments/MP%205.2%20High%20risk%20personal%20appearance%20services%20%28previously%20Part%2015%29.pdf>)

A Guideline on Clinical and Related Waste

(<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>)

Local Public Health Units (<https://www.health.qld.gov.au/system-governance/contact-us/contact/public-health-units>)

Personal appearance services regulation (<https://www.health.qld.gov.au/public-health/industry-environment/personal-appearance>)