

Mobile premises and the application of the Public Health (Infection Control for Personal Appearance Services) Act 2003

Guidance for local governments

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* (the Act) and Public Health (Infection Control for Personal Appearance Services) Regulation 2016 (the Regulation).

The information in this document is provided to assist local governments in the regulation and licensing of mobile premises under the Act and the Regulation.

Background

The purpose of the Act is to minimise the risk of infection that may result from the provision of personal appearance services. The Act does not differentiate between the requirements for higher risk personal appearance services (HRPAS) provided at fixed or mobile premises.

All HRPAS providers irrespective of where the services are provided are required to be licensed, and the premise fitout must comply with the Queensland Development Code (QDC) Part 5.2.

Fixed and mobile premises

The following definitions apply under the Act:

fixed premises: for a business providing personal appearance services, means a building or other structure, or part of a building or other structure, that has a permanent address

mobile premises: for a business providing personal appearance services, means premises that are a vehicle or are otherwise ordinarily moved from place to place

These definitions describe the location where the personal appearance services (PAS) are provided, which are not necessarily where the individual operator is usually based or located.

A person wishing to apply for a licence to carry on the business of providing HRPAS must apply:

- for the provision of HRPAS from fixed premise – to the local government in which the premises are located

- for the provision of HRPAS from mobile premises – to the local government even if the services may be provided in another local government area.

Irrespective of whether the HRPAS are provided at fixed premises or mobile premises:

- the proprietor of a business providing HRPAS is required to hold a HRPAS licence before providing these services in Queensland
- each individual operator who provides HRPAS must hold an infection control qualification before providing these services.

Licence valid across Queensland— Notification

A licence from a local government to carry on a business providing HRPAS from mobile premises is valid in all local governments across Queensland.

If the licensee intends to operate HRPAS from a mobile premise in more than one local government area, prior to providing HRPAS in a second or subsequent local government's area, at least seven days' notice must be given to the second or subsequent local government of the following:

- date(s) the licensee intends to provide HRPAS in the second or subsequent local government area
- the places where the HRPAS will be provided
- licensee's licence details
- details of the operator's infection control qualifications
- any other information reasonably required by the second or subsequent local government to ensure the licensee and operator will take reasonable precautions and care to minimise the risk of infection associated with providing HRPAS.

The licensee is required to provide this notification in writing (i.e. email), or if the notification is provided over the phone, the licensee must immediately follow up with written confirmation. It is an offence to fail to provide notification of an intention to provide HRPAS from a mobile premise in a subsequent local government's area, and to fail to give written communication after giving notification by phone.

Licence particulars

The licence particulars prescribed under s43 of the Act apply to all HRPAS licences.

For mobile premises, the licence must state a description of the premises including the registration number if the premises are a vehicle that is required to be licensed.

Fitout requirements

The QDC MP 5.2 Higher risk personal appearance services contains the requirements for design, construction, fit-out, fixtures and finishes for HRPAS premises that are either fixed or mobile. While the requirements may vary between fixed and mobile premises, the principles remain the same for both types of premises.

Some considerations of acceptable solutions to the expected QDC criteria specific to mobile premises are provided below.

Functionality

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

Hand washing, instrument and equipment cleaning facilities

Reticulated water is a requirement of the QDC for HRPAS. Operators should ensure they have sufficient storage capacity for their activities and travel.

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

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.

Infection control guidelines

The Guidelines require that business proprietors and operators who provide PAS to the public must take all reasonable precautions and care to minimise infection risks to clients.

The Guidelines apply to the provision of PAS in both fixed and mobile premises.

To facilitate compliance with the obligations related to minimising infection risks under the Act, an operator or business proprietor should adopt and follow the appropriate methods of minimising infection risks set out in the Guidelines.

A copy of the Guidelines must be kept on the mobile premises as a mandatory condition of a HRPAS licence.

If an operator chooses to adopt alternate processes that will minimise the infection risk, the alternative way of minimising the infection risk must be documented. Details of the type of records to be kept are described in the Guidelines and include keeping records relevant to sterilizing equipment.

Annual inspections

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

Each local government where the mobile premises operates may charge an inspection fee. A single local government can only charge one inspection fee for each mobile premise per year. The inspection fee is set by each local government to recover their costs of monitoring compliance. There is no limit to the number of inspections that a local government can undertake for a mobile premise. Additional inspection fees may also be charged for non-compliance.

Waste disposal

The Guidelines detail the waste disposal processes that should be followed by all PAS, including mobile premises. Depending on the type of PAS provided, this may include the storage and disposal of sharps and sharps containers, which must be carried out in compliance with the relevant legislation.

Contact

For further information on mobile premises, contact the [Communicable Diseases Management Unit](#) or your local [public health unit](#).



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