

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

Fact sheet for local governments August 2019

## 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 regulate the licencing of mobile premises under the Act and the Regulation.

## 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.

While non-higher risk personal appearance service business proprietors do not need to hold a licence or an infection control qualification, they and their operators are required to take all reasonable precautions and care to minimise the infection risks.

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.

The Act does not differentiate between the requirements for HRPAS provided at fixed or mobile premises. Further, the requirements of the QDC and the Guidelines 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?

The following definitions apply under the Act (Schedule 2):

- **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 (s30 of the Act):

- for the provision of HRPAS from fixed premise—to the local government in which the premises are located; or
- 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 (s22 of the Act); and
- each individual operator who provides HRPAS must hold an infection control qualification before providing these services (s24 of the Act).

# What types of personal appearance services require licencing?

Any person who runs 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.

## Determining an application for a licence

An application for a licence must be made in the approved form under the Act and contain the details described in section 32 of the Act.

Once an application is received, the local government may only grant the licence if they are satisfied that (s34 of the Act):

- (a) the applicant is a suitable person to hold a licence (s35 of the Act); and
- (b) the premises at which the HRPAS are to be provided are suitable for providing the services (s36 of the Act).

If the local government fails to decide the application within 40 days of its receipt, or within 40 days of the receipt of further information or documents, the local government is taken to have decided to refuse to grant the application (s39 of the Act).

In addition to the mandatory conditions of a licence (s41(1)(b) of the Act) additional conditions may be placed on a licence (s41(1)(c) of the Act).

Applications may also be made to amend or renew licences (ss47 and 44 of the Act), and the local government may consider the relevant criteria detailed in Part 4 of the Act when making decisions about these applications.

# 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.

However, if you intend to operate in more than one council area, prior to providing HRPAS from a mobile premise in a second or subsequent local government's area, at least seven (7) days' notice must be given to the second or subsequent local government (s65(2) of the Act) 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; and
- 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.

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

When a licence is issued by a local government it must state the following (s43 of the Act):

- the licensee's name and address for service of documents;
- a description of the premises that includes the registration number if the premises is a vehicle that is required to be registered;
- the day the licence becomes effective;
- the term of the licence, including the day the licence expires;
- the licence number; and
- the licence conditions (the local government may impose additional reasonable conditions on the licence which it considers appropriate (ss41(1)(c) and (2) of the Act)).

The licensee must comply with the conditions of a licence (s42 of the Act).

## Fit-out 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.

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 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 floors must be finished in materials suitable to enable easy cleaning and walls must be finished in materials suitable to enable easy cleaning.

## 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.

# Infection Control Guidelines

The Infection Control Guidelines for Personal Appearance Services 2012 (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 (s8 of the Act).

The Guidelines apply to 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 (s41(1)(b)(ii) of the Act).

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. The record keeping requirements in Section 7 of the Guidelines apply. Details of the type of records to be kept are described in the Guidelines and include keeping records relevant to sterilising 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 (s106(3) of the Act). A single local government can only charge one inspection fee for each mobile premise per year (ss106(4) and (5) of the Act). 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.

## 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. Depending of 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 relevant legislation. [A Guideline on Clinical and Related Waste](#) (ESR/2015/1571) is available from the Department of Environment and Science web site.

## 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](#).

# Abbreviations

PAS – personal appearance services

HRPAS – higher risk personal appearance services

QDC – Queensland Development Code

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

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

the Guidelines – Infection Control Guidelines for Personal Appearance Services 2012.

# 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](#).

# Links in document

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[Public Health \(Infection Control for Personal Appearance Services\) Act 2003 \(Qld\)](https://www.legislation.qld.gov.au/view/html/inforce/current/act-2003-081) (the Act)  
<https://www.legislation.qld.gov.au/view/html/inforce/current/act-2003-081>

[Public Health \(Infection Control for Personal Appearance Services\) Regulation 2016 \(Qld\)](https://www.legislation.qld.gov.au/view/html/inforce/current/sl-2016-0139)  
(the Regulation)

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

[Infection Control Guidelines for Personal Appearance Services 2012](https://www.health.qld.gov.au/__data/assets/pdf_file/0019/430642/infectcontrolguide.pdf) (the Guidelines)  
[https://www.health.qld.gov.au/\\_\\_data/assets/pdf\\_file/0019/430642/infectcontrolguide.pdf](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](https://www.hpw.qld.gov.au/SiteCollectionDocuments/MP%205.2%20High%20risk%20personal%20appearance%20services%20%28previously%20Part%2015%29.pdf)  
<https://www.hpw.qld.gov.au/SiteCollectionDocuments/MP%205.2%20High%20risk%20personal%20appearance%20services%20%28previously%20Part%2015%29.pdf>

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[MP 5.2 Higher risk personal appearance services](https://www.hpw.qld.gov.au/SiteCollectionDocuments/MP%205.2%20High%20risk%20personal%20appearance%20services%20%28previously%20Part%2015%29.pdf)  
<https://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)  
<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>

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

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