

Upper Hutt City Council

Appearance Industries Bylaw 2022

(Ture ahumahi ahua 2022)

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1. Introduction

- 1.1 This Bylaw is called the Upper Hutt City Council Appearance Industries Bylaw 2022 (Bylaw) and was made in accordance with the [Local Government Act 2002](#) (LGA) and s64 the [Health Act 1956](#) (HA).

2. Commencement

- 2.1 This Bylaw was adopted by Upper Hutt City Council (Council) on 9 March 2022, and will come into effect on 1 July 2022.
- 2.2 The Bylaw will come into full force, regarding compliance aspects specified in Section 10, on 1 July 2023. Existing Operators will therefore have a 12-month transition period, from the date of effect in which to meet the required standards outlined in this Bylaw and obtain a valid Licence. Any Licences approved prior to the date of full force shall be valid for a period of no more than one-year from that date, subject to conditions specified in Section 5.

3. Purpose, Scope and Extent of Bylaw

- 3.1 The purpose of this Bylaw is to promote and protect public health, and prevent the transference of communicable diseases via beauty therapy practices, tattooing or skin piercing practices which risk piercing, breaking or burning of the skin or tissue. A key objective of this Bylaw is to set a minimum health standard for the industry.
- 3.2 This Bylaw applies within the district of Upper Hutt City Council.
- 3.3 All **Prescribed Practices** outlined in schedule 1 of this Bylaw offered as commercial services must comply with the requirements specified in this bylaw.
- 3.4 The following services are **exempt from needing to comply** with the requirements specified in this Bylaw:
- (a) Any commercial services undertaken by **Registered doctors, dentists, nurses, physiotherapists, Occupational Therapists and other health practitioners covered by the [Health Practitioners Competence Assurance Act 2003](#) in the practice of their profession** and **podiatrists** are exempt due to their recognised training standards; however general standards of hygiene must still comply with the *Infection Control Standards NZS 8134 3 2008*.
 - (b) **Acupuncture** if undertaken by members of Acupuncture NZ or the New Zealand Acupuncture Standards Authority.
 - (c) **Commercial ear-piercing** services undertaken in a pharmacy/chemist licensed by the Ministry of Health.
 - (d) a person acting under the **direction or supervision** of any person described and acting in accordance with this Bylaw.
 - (e) Ko te moko te **taonga moko**, he taonga ahurea rānei, ka tiakina i raro i nga Tiriti o Waitangi. No reira, ka kore e tika kia u ki te Ture Ture mena ka mahia ki runga marae i runga ano i nga tikanga Maori. Heoi ano, e tino akiakihia ana nga tohunga (tohunga-ta-moko) ki te whai i nga wahanga 5-9 me te rarangi 1 o te ture ture, me/ranei te Manatū Hauora 2010 'Arahi Moko Tikanga mo nga Kai-whakahaere' hei aratohu mahi tino pai.

Advisory note

*Section 3.4(e) in English means – **Tā moko** (traditional Māori tattooing) is a taonga, or cultural treasure, and is protected under the Treaty of Waitangi Principles. Therefore, it is exempt from needing to comply with this Bylaw if it is undertaken on a marae in accordance with tikanga-Māori (traditional Māori customs). However, practitioners (tohunga-tā-moko) are encouraged to consider sections 5-9 and schedule 1 of the bylaw, and/or the Ministry of Health's 2010 '[Customary Tattooing Guidelines for Operators](#)' as a best practice guide where possible.*

NOTE: For the avoidance of doubt, all other forms of tattooing are required to comply with this Bylaw.

- (f) In a situation where an Authorised Officer is satisfied that compliance with any requirements of this part of the Bylaw would be impractical or unreasonable, having regard to the premises in question, or the Prescribed Practice being undertaken. A written exemption may be granted by the Council Compliance Services Manager, with such modifications, and subject to such conditions as are in the interests of public health as may be desirable in the circumstances.

3.5 Restricted Services

- 3.5.1. Commercial services that pierce the eyeball (including eyeball tattooing) are **prohibited** unless undertaken by appropriately qualified health practitioners, such as Ophthalmologists who are registered and have a current practicing certificate with the NZ Medical Council, and are covered by the Health Practitioners Competence Assurance Act 2003 in the practice of their profession.
- 3.5.2. Commercial services requiring or using prescription medicine **must** be undertaken by appropriately qualified health practitioners covered by the Health Practitioners Competence Assurance Act 2003 in the practice of their profession such as a podiatrist.
- 3.5.3. Due to the risks associated with dermal-filler procedures, this procedure **must** be undertaken by appropriately qualified health practitioners covered by the Health Practitioners Competence Assurance Act 2003 in the practice of their profession.
- 3.5.4. Commercial services which use heel blades or razors to cut or shave thickened skin may only be undertaken by appropriately qualified health practitioners covered by the Health Practitioners Competence Assurance Act 2003 in the practice of their profession.
- 3.5.5. Commercial services which insert dermal-implants or any adornment that cannot be easily removed may only be undertaken by appropriately qualified health practitioners covered by the Health Practitioners Competence Assurance Act 2003 in the practice of their profession.
- 3.5.6. Commercial services which require suturing, including anything that uses stitches, staples, Steri-strips or glue to close openings made to the skin.

4. Definitions

- 4.1 In this Bylaw, unless the context otherwise requires:

Acupuncture means a practice involving the insertion of filiform (very narrow) needles through the skin and tissues for the intended purpose of alleviating ailments or injuries.

Authorised Officer means a person who is approved in writing by Upper Hutt City Council to do the work described in this Bylaw where the term authorised officer is used.

Autoclave means a device that sterilises instruments or materials with heat, high pressure and/or steam and is the only totally effective sterilisation method.

Body Piercing means the piercing of the body for the purpose of inserting an adornment which upon healing can be safely removed without assistance.

Cleaning means the physical removal of dirt, blood and other such substances from surfaces by washing in detergent and warm water to reduce the number of micro-organisms. This is the most basic form of hygiene, which is sometimes followed by disinfection and sterilisation.

Commercial service means a service provided by one or more persons for another person for monetary payment or any other consideration.

Communicable Disease means any infectious disease such as Hepatitis B and C, HIV/AIDS and any other disease declared by the Governor General, by order in Council, to be a communicable disease for the purpose of the Health Act 1956.

Council means Upper Hutt City Council or any person delegated to act on its behalf.

Customer or client means a person on whom a service is being, or is to be, carried out.

Derma rolling/stamping means a practice of using micro-needles to create tiny punctures in the skin intended to stimulate growth factors to enhance collagen production and better alignment of the collagen fibres.

Disinfection means to use chemical agents designed to inactivate or destroy micro-organisms, usually on surfaces such as floors, walls etc and some equipment. This is a mid-level form of hygiene, which is sometimes followed by sterilisation.

Ear-piercing means a practice of piercing the ear for decorative purposes, inserting jewellery or implants to alter the appearance of the skin.

Electrolysis means a practice involving the insertion of a sterilised needle into individual hair follicles to the root. An electric impulse is passed through the needle to the root area to aid in the removal of hair.

Exfoliation means a practice that intends to remove dead skin and can be performed using microdermabrasion, physical peels that have an abrasive action and chemical peels such as glycolic or enzyme.

Extractions means a practice for the removal of comedones (blackheads), pimples and ingrown hairs by manipulating the pores of the skin, either with fingertips or a tool, to remove sebum. Some extractions can involve penetration of the skin using sharp equipment such as a metal tool or lance.

Eyeball Tattooing means a practice of piercing any part of the eye (including but not limited to the sclera and surrounding tissues) and inserting pigments, dyes or any object. Ophthalmologists (eye specialists) are the **only** health practitioners permitted to carry out eyeball tattooing.

Hair removal means the removal of hair by waxing (pulling the hair from the skin using soft wax, hot wax or glucose); threading (lifting the hair out from the follicle by entwined thread); or tweezing (grasping hairs and pulling them out of the skin, including epilation - a mechanical means of tweezing).

Health practitioner means a person who is, or is deemed to be, registered with a responsible authority under the Health Practitioners Competence Assurance Act 2003 as a practitioner of a particular health profession with a relevant scope of practice.

Instrument means any appliance, implement, needle or tool, of metal or non-metallic construction, which may come into contact with the skin or tissue on which the service is being carried out. It must also include any swab or dressing applied to the broken skin surface.

Laser treatment means a practice involving the use of a laser device, which amplifies light and usually produces an extremely narrow beam of a single wavelength (one colour), intended to remove tattoos or hair, skin or tissue photo-rejuvenation, and other appearance enhancing procedures.

Licence means a licence or approval to do something under this Bylaw and includes all conditions to which the licence is subject.

Manager means:

- (a) a person who has effective control over operators; or
- (b) if no person meets the description in (a), manager has the same meaning as operator.

Manicure means beautification or enhancement of the hands and fingernails, including shaping and polishing.

Mobile premises means any location other than a permanent premises where any service is undertaken on an ongoing and regular basis by any person. This includes itinerant trading such as door-to-door trading, mobile stalls, and operating at the client's home or a Rest Home.

Operator means a person who carries out a service.

Pedicure means beautification or enhancement of the feet and toenails by shaping and polishing toenails and exfoliation of skin or tissue from the feet.

Permanent premises means any land, dwelling, storehouse, warehouse, shop, cellar, yard, building, or part of the same, or enclosed space separately occupied where any service is undertaken on an on-going and regular basis by any person. All lands, buildings, and places adjoining each other and occupied together are deemed to be the same premises.

Registration means a Council approval to offer Prescribed Practices under this Bylaw, and includes all conditions to which the Registration is subject.

Prescribed Practices means any treatment offered as a commercial service which is required to comply with the requirements in this Bylaw. These treatments are outlined in Schedule 1.

Pulsed light means a practice using a powerful flash of broad spectrum, non-coherent light intended to remove hair and/or for skin/tissue photo-rejuvenation, and may include but is not limited to Intense Pulsed Light (IPL) and

Variable Pulsed Light (VPL) or other energy devices intended to be used for appearance enhancing procedures, may include but is not limited other modalities.

Red vein treatment means a practice of piercing a vein with a needle along the length of a damaged capillary, causing little dams or blockages along the vessel.

Skin is included in the definition of tissue and means the outer surface covering the body and is made up of the outer epidermis, middle dermis and deep subcutaneous tissue.

Skin Photo-rejuvenation is a skin/tissue treatment that uses lasers, intense pulsed light, or photodynamic therapy to treat skin/tissue conditions and remove effects of photo-aging such as wrinkles, spots, and textures.

Specified Skin Piercing Services means any skin piercing such as body piercing, tattooing, traditional tool tattooing, electrolysis, extractions, derma rolling/stamping, red vein treatment, and acupuncture.

Sterilised, in relation to an instrument, article or container, means subjecting an instrument, article or container to a process which kills all organisms and their spores present on the surfaces of the instrument, article or container.

Tattooing means a practice of making indelible marks in human skin or tissue by inserting pigments or dyes into punctures made in the skin or tissues. Tattooing also includes the processes known as **pigment implantation, micropigmentation, permanent makeup** and **microblading**.

Temporary premises means any location where any service is undertaken by any person, such as a Mobile Operator, on an irregular basis and the primary purpose of that location is not ordinarily the provision of that service.

Advisory note

Temporary premises include, for example, residential dwellings, apisā at a fale or maota, events or markets.

Tissue means a collection of similar cells that together carry out a specific function. It includes connective tissue, such as blood, bones and ligaments, muscular tissue, nervous tissue, membranes and skin.

Ultrasonic cleaning means a process that uses ultrasound (usually from 20–40 kHz) to agitate a fluid (water or a suitable solvent) to help clean debris off equipment. It is NOT of itself a method of sterilising.

UV Cabinet is used to maintain the sterility of instruments which have already been processed in an autoclave or dry heat steriliser. It is NOT of itself a method of sterilising.

- 4.2 Advisory notes do not form part of this Bylaw and may be inserted, changed or removed without any formality.

5. Registration, Verification and Licences

- 5.1 No person shall undertake any Prescribed Practices unless either they or the Premises where they are operating holds a current Licence.
- 5.2 Applications for a Registration under this Bylaw shall be made by the owner, manager or Operator, and shall be made on the prescribed form.
- 5.3 A Licence is personal to the holder and is **not** transferable.
- 5.3.1. Council may make controls and set fees for the following matters with respect to any licence required by section 5:
- (a) applying for a licence, including forms and information;
 - (b) assessing an application for a licence, including verification;
 - (c) granting or declining an application for a licence;
 - (d) the conditions that may be imposed on a licence;
 - (e) the duration of the licence;
 - (f) objecting about a decision to decline a licence, including the objection period;
 - (g) objecting about a condition of a licence, including the objection period;
 - (h) conducting verifications to ensure that a licence and its conditions are complied with;

- (i) reviewing a licence or its conditions;
 - (j) refunding or waiving fees;
 - (k) suspending or cancelling a licence; and
 - (l) objecting about a decision to suspend or cancel a licence, including the objection period.
- 5.4 At the discretion of Council, and having regard to any controls made under section 5, licences may be declined, or granted subject to any conditions.
- 5.5 Fees, as set by Council annually, shall be paid in full prior to a Licence being issued by Council.
- 5.6 A Licence will **only** be issued after an Authorised Officer has completed a verification and registration of the premises or Operator, and Council is satisfied that they comply with all necessary requirements in this Bylaw. Any Corrective Action Requests (CARs) issued by an Authorised Officer as a result of a verification visit must be rectified before a Licence can be issued. A Licence is subject to the above consideration, at the discretion of Council.
- 5.7 A Licence will only be valid from the date it was issued, for a term of no more than one year, and it must be renewed thereafter on an annual basis.
- 5.8 A Licence may be revoked by Council if any CARs issued by an Authorised Officer as a result of any verification are not rectified within the specified timeframe.
- 5.9 The Licence **must** be prominently displayed at the principal entrance to the premises to which the Prescribed Practice applies.

6. Minimum standards for Premises

- 6.1 No person shall use, or allow, any **permanent premises** to be used for a Prescribed Practice unless the following requirements are complied with:
- (a) The premises and all fittings, fixtures and appliances in the premises must be maintained in a state of good repair, and in a clean, sanitary, tidy condition. It must be kept free from any accumulation of rubbish or other materials that may harbour vermin or insects or that may become offensive or a nuisance.
 - (b) The floors, walls, ceiling, fixtures and fittings in any area connected with the carrying out of any Prescribed Practices shall be constructed of materials that are easily cleaned.
 - (c) A wash-basin is supplied with splash guards, a constant piped supply of hot and cold water, soap, a nail brush and approved hand drying facilities shall be provided in a readily accessible position within the working area associated with the Prescribed Practices.
 - (d) A designated sink supplied with a constant piped supply of hot and cold water shall be provided in a readily accessible position within the working area for the sole purpose of cleaning instruments and equipment associated with a Prescribed Practice.
 - (e) All parts of the premises shall be adequately ventilated.
 - (f) All parts of the premises shall be provided with adequate lighting to perform procedures, facilitate cleaning and inspection.
 - (g) There must be an adequate supply of cleaning, sanitising and sterilising agents, as are necessary, and suitable cleaning equipment, sufficient to enable regular and proper cleaning of the premises and of the equipment and containers used in the premises. There shall be adequate provision for separate storage of such items when not in use.
 - (h) Adequate and sufficient covered waste receptacles that are constructed of readily cleanable material shall be provided.

- (i) All mattresses, squabs and cushions used on any chair, bed, table or the like, used in conjunction with the carrying out of any Prescribed Practices, shall be covered in a waterproof and readily cleanable material. After each client, all linen/paper must be replaced, and the tables and equipment must be cleaned and disinfected.
- (j) Adequate and separate storage shall be provided for clean and soiled laundry, beauty products and other chemicals, products or materials. The storage container for the laundry must be made of water-proof material and capable of being easily cleaned. There must be procedures in place for decontaminating blood-contaminated linen.
- (k) Where refreshments are served to customers, single-use utensils are to be used, unless adequately cleaned in a dishwasher. Refreshments are only to be served in customer waiting areas, not in work areas.

6.2 All mobile operators and mobile premises must:

- (a) provide sufficient facilities to adequately store all clean and used equipment, linen and waste products safely in separate containers before and after use and while in transit;
- (b) establish and maintain a 'clean' work area at the site and protect all surfaces and equipment from contamination by dust, dirt, other such contaminants or members of the public at all times;
- (c) ensure they have direct access to hand-washing facilities with soap, paper towels and hot and cold running water, preferably through a single spout;
- (d) wash their hands with running water and soap if their hands are visibly soiled; and
- (e) ensure there is adequate sterile equipment for all clients undergoing skin penetration procedures and, if the mobile facility does not have an autoclave, then single-use pre-sterilised equipment is to be used.
- (f) ensure that the area set aside for mobile premises complies with all controls for Prescribed Practices as determined to be appropriate by an Authorised Officer, given the circumstances in which the procedure is being undertaken.

7. General Conditions of Operation

- 7.1 Informed consent must be obtained prior to performing any treatment that invades someone's body in any way.
- 7.2 Information must be given to the Client in a manner which fully explains the nature of the procedure, the outcomes of it, and any risks involved. The information must be understandable and take into account the age of the person involved and their understanding of the language used. Informed consent cannot be legally given by someone under the age of 16 years.
- 7.3 No Operator shall allow or carry out any Prescribed Practice on any person under the age of 16 years without the written permission of that person's parent or legal guardian. Some Prescribed Practices may have higher ages of consent, as specified in Schedule 1.
- 7.4 Operators must maintain accurate client records in accordance with section 9 of this Bylaw.
- 7.5 No Operator shall carry out any Prescribed Practices on any person whom they suspect is under the influence of alcohol, drugs or mind-altering substances.
- 7.6 No Operator shall eat or drink on the premises except in a part of the premises that is clearly separate from the area where the Prescribed Practice is carried out.
- 7.7 The Operator of a premises where any Prescribed Practice takes place must display, in a prominent place, a notice asking clients to inform them of any communicable disease(s) they have.

- 7.8 No Operator who knows or suspects that they are suffering from, or are a carrier of, a skin infection, communicable disease or associated conditions, shall carry out any Prescribed Practices, without taking adequate precautions to prevent the transmission of such infection, disease or condition.
- 7.9 No animals, except disability assist dogs, are to be permitted in the part of the premises where the Prescribed Practice takes place.
- 7.10 No services that risk breaking the skin should be performed on obviously infected or broken skin.

8. Operator Conduct

- 8.1 Whilst carrying out a Prescribed Practice, an Operator, must:
- (a) at all times keep their clothing, hands and fingernails clean, and must cover any infected, damaged or inflamed skin with an impermeable dressing or single-use disposable surgical gloves;
 - (b) thoroughly clean their hands by washing up to the wrist with soap or antibacterial cleansing agent, using an effective method to operate taps to maintain cleanliness; by brushing their hands and nails when necessary and drying them with a single service towel or other approved hand- drying equipment:
 - (i) before and after completing any Prescribed Practice;
 - (ii) immediately after using a toilet, using any handkerchief or nasal tissue, smoking or vaping, using electronic devices, checkout or computer.
 - (iii) immediately after handling soiled laundry, money, biological matter or waste materials used or produced in connection with a Prescribed Practice;
 - (c) prior to commencing any Prescribed Practice, cleanse the client's skin by swabbing with a clean, single-use, antiseptic swab and
 - (d) dispose of all blood contaminated materials, and dye residue into a puncture resistant container, 'sharps box' or otherwise in a manner approved by an Authorised Officer.
- 8.2 Before starting any treatment, Operators should discuss the procedure with the client, and ask if they have any existing medical conditions or history which might be relevant, e.g. are suffering from a communicable disease, have a history of problem bleeding/haemophilia, taking medications such as anticoagulants/blood-thinners, seizures, allergies, skin sensitivity, epilepsy, asthma, diabetes, heart conditions, or have a pacemaker etc.
- 8.3 Operators can decline to carry out the procedure, or put appropriate safeguards in place, based on the information provided under section 8.2. Nothing in this part of the Bylaw shall be construed as requiring any person to perform a Prescribed Practice on any other person.
- 8.4 No Operator shall undertake any tattooing, electrolysis or skin-piercing procedure unless that person covers their hands with new, single-use disposable surgical gloves for each client.
- 8.5 All Operators must have procedures for dealing with customers or staff where accidental exposure to another customer's blood or bodily fluids occurs. Procedures should also be in place to deal with incidents where prolonged or unexpected bleeding occurs. Such procedures must be kept on the premises in a form of a written policy and in view of the operator. All staff must be trained to comply with it.
- 8.6 All Operators must record any adverse reactions to treatments, and incidents where exposure to a person's blood or bodily fluids occurs. Records should contain the name and address of those exposed, and the steps undertaken to respond to the incident. Records of such accidents involving exposure to another customer's blood or bodily fluids must be kept for a period of two years and shall be made available to the Council for inspection on request.
- 8.7 An Operator must not use a towel, sheet, cloth, pillow or any other protective garment or cover, on, or immediately under or over, a customer unless:

- (a) it has not been previously used; or
 - (b) where it has been previously used, it has been laundered to render it clean and hygienic since last having been used.
- 8.8 Soiled-linen may be laundered in a washing machine with laundry detergent at a suitable water temperature, or by a commercial laundry service.
- 8.9 Creams and lotions must be dispensed from the container via a disposable single-use or disinfected applicator.
- 8.10 Sprays should be dispensed via a purpose-specific pump where possible.
- 8.11 All chemicals must be clearly labelled for identification, and bottles must never be reused other than with the original product.
- 8.12 Any equipment used for a Prescribed Practice must be calibrated and serviced in accordance with the manufacturer's specifications. This includes the manner and frequency of any necessary upkeep. It must also be operated according to the manufacturer's specifications, and used for no purpose other than given in such instructions.

ADVISORY NOTE:

- *It is highly recommended that ALL operators should undergo training which includes hygiene and infection control.*
- *Operators carrying out any Prescribed Practices should hold a recognised qualification where one is available for the process. A recognised qualification may include a nationally or internationally recognised training standard, NZQA unit standard, or industry training organisation. This may not be required where the Operator is under the direct supervision of someone who holds such a qualification.*
- *Recognised qualifications should be displayed in a prominent position so customers can read them, and must be in the name of the operator performing the procedure.*
- *Operators should provide the client with any suitable written after-care instructions or treatment e.g. wound cleaning, drying and dressing the wound, recognising the signs of infection, specific instructions for that type of piercing. Advise that if any symptoms persist, they should contact you and/or a doctor.*
- *It is recommended that Operators should hold a current St John's or Red Cross First Aid workplace certificate, or an approved equivalent. There should also be a suitably stocked First Aid kit available at the Premises.*

9. Records

- 9.1 Records shall be maintained to assist operators with providing aftercare advice for patients, and as an opportunity to audit the quality of procedures if any complications occur.
- 9.2 Prior to commencing any Prescribed Practices, the Operator shall obtain and record the following information in writing:
- Client name, address, and phone contact;
 - Details of the procedure type; and
 - Consent that is signed by the client.
- 9.3 Records shall be strictly confidential and all personal client information shall be kept secure in accordance with the [Privacy Act 2020](#).
- 9.4 Operators must hold client records regarding information collected under section 9.2 on-site for a minimum period of 12 months. These records shall be made available to an Authorised Officer on request.
- 9.5 Operators must maintain records of monitoring of sterilisation equipment, including the date, time, temperature and pressure readings. These records must be kept for a minimum period of 12 months, and shall be made available to an Authorised Officer or a Medical Officer of Health on request.

- 9.6 Operators must maintain and calibrate electrical equipment, as required by the manufacturer. These records must be kept for a minimum period of 12 months, and shall be made available to an Authorised Officer on request
- 9.7 A record of medical waste disposal must be kept for a minimum period of 12 months, and shall be made available to an Authorised Officer or a Medical Officer of Health on request.

10. Compliance, Breaches, Offences and Penalties

Compliance with the Bylaw

- 10.1 Council may use its powers under the Local Government Act 2002 and the Health Act 1956 to enforce this Bylaw.
- 10.2 Without limiting section 10.1, any person authorised by Council to undertake verifications under this Bylaw may take or remove a sample or thing for analysis, for the purpose of determining whether or not this Bylaw is being complied with.

Bylaw Breaches

- 10.3 A breach of any part of this Bylaw may result in a Licence being revoked.
- 10.4 Any person who fails to comply with this Bylaw commits a breach of this Bylaw and may be liable to a penalty under the [Local Government Act 2002](#) or the [Health Act 1956](#).

Offences and Penalties

- 10.5 A person who is convicted of an offence against this Bylaw may be:
- (a) fined a maximum of \$20,000 according to section 242 of the LGA;
 - (b) fined a maximum of \$500 in accordance with section 66 of the Health Act 1956;
 - (c) where the offence is continuing, fined a maximum of \$50 every day the offence continues, according to section 66 of the Health Act 1956.

11. Fees Payable

- 11.1 There are two costs which can be charged under this Bylaw. These are based on an hourly-rate which Council will assess and set on an annual basis as part of its [Fees and Charges Schedule](#):
- (a) An annual fee, which is based on the time taken for an Authorised Officer to complete verification, administration and travel time for an application.
 - (b) An hourly fee, for the investigation of any justified complaints made under this Bylaw.
- 11.2 The Council may, by resolution, prescribe or vary fees and charges in respect of any matter provided for in this Bylaw.

12. Prescribed Practices

- 12.1 Prescribed Practices are listed in Schedule 1.
- 12.2 Council may, by resolution, add, amend or remove a Prescribed Practice in this Bylaw, if it:
- (a) relates to the operation of commercial services that pose an associated health risk to any persons using or accessing their services, products or business operation; and
 - (b) establishes mandatory minimum Prescribed Practice standards to be observed with regard to the way in which premises are constructed, equipped and maintained, and in regard to the way operators conduct themselves when providing services.
- 12.3 Council must, before adding, amending or revoking a Prescribed Practice in clause 12.2:
- (a) comply with the requirements under Part 6: Subpart 1 of the Local Government Act 2002.
 - (b) be satisfied that the Prescribed Practice standards are the minimum necessary to ensure that the purpose of the Bylaw will be met, and are appropriate.
- 12.4 Such a resolution will only take effect after the proposed amendment has been adopted at a full council meeting.
- 12.5 The intent of such a resolution is to further protect the public safety and hygiene as new body-modification or enhancement procedures emerge.
- 12.6 Once adopted, any new, amended or revoked Prescribed Practice(s) and their standard(s) shall be updated in schedule 1.
- 12.7 Any Prescribed Practice added, amended or revoked under section 12.2 must be publicly notified.

Schedule 1: Prescribed Practices and Standards

ADVISORY NOTE:

From time to time, Council may add, amend or remove certain Prescribed Practices from this schedule.

This schedule was complete and correct as at 9 March 2022.

Operators who offer the following Prescribed Practices as treatments **must** comply with the requirements outlined in the Bylaw:

- B** **Tattooing**
- C** **Body piercings and Acupuncture** (and Moxibustion and Cupping)
- D** **Hair Removal**
- E** **Electrolysis, Red Vein Treatment and Derma Rolling /Stamping**
- F** **Exfoliation**
- G** **Manicure, Pedicure and Nail clinics.**
- H** **Pulsed-light and Laser Treatment**
- I** **Extractions**

Where there are Prescribed Practice Standards for specific treatments, as follows, Operators **must** follow these standards as a mandatory minimum in order to comply with this Bylaw.

Additional Recommended Best Practice – recommended but not compulsory.

- It is highly recommended that during any treatments there must be at least one operator on-site who holds a current St John's or Red Cross First Aid Workplace Certificate, or an approved equivalent. There should also be a suitably stocked First Aid kit available at the Premises.

Prescribed Practice Standards

A. Sterilisation of Equipment

- A.1 No equipment, such as needles and similar equipment that pierces or risks cutting the skin, shall be used, or reused, for the following Prescribed Practices (including tattoos, piercings, acupuncture, pedicure, manicure, or derma rolling/stamping equipment), unless it has been sterilised in one of the following ways:
- (a) Thoroughly cleansed and exposed to steam under pressure in a **steriliser (autoclave)** at:
 - (i) 103KPa (15psi) for at least 15 minutes at not less than 121 °C; or
 - (ii) 138KPa (20psi) for at least 10 minutes at not less than 126 °C; or
 - (iii) 206KPa (30psi) for at least 4 minutes at not less than 134 °C, or
 - (iv) according to the manufacturer's instructions.

The times quoted above are holding times and do not include the time taken for the steriliser (autoclave) to reach the required temperature.

Every steriliser used for the purposes of section A.1(a) shall be fitted with time, temperature and pressure gauges. Additionally, every time the autoclave is used, chemical indicator strips shall be inserted to show that the temperatures as set out above have been attained during the autoclaving procedure. During each use, the gauges shall be viewed to ensure that the correct times, temperatures and pressures are reached. Where this has not been achieved, the load must be processed again.
 - (b) Thoroughly cleansed and then exposed to **dry heat** for at least 60 minutes at not less than 170 °C, or according to the manufacturer's instructions.
 - (c) Thoroughly cleansed and then totally immersed in a **glass bead steriliser** operating at 250 °C for a minimum of four minutes, or according to the manufacturer's instructions.
 - (d) **Thoroughly cleansed by a method appropriate** to the nature of the article concerned and then submitted to a process of sterilisation approved by an Authorised Officer.
- A.2 All disposable needles used for any Prescribed Practices must be disposed of in an appropriate "sharps" container for infectious waste, which in turn must be disposed of in an approved manner.
- A.3 All materials containing body fluids and blood (including follicles) must be disposed of as medical waste in an approved manner. Medical waste must not be stored on the property for any longer than two weeks.
- A.4 Where an instrument or like article used for projecting a needle into the skin of any person, would be rendered inoperable or be damaged if a hand piece attached to it were sterilised, the handpiece shall be deemed to be disinfected if it has been cleaned of all visible soiling then wiped with a clean paper towel saturated with either:
- (a) ethyl alcohol or isopropyl alcohol (in each case containing not less than 70% alcohol); or
 - (b) *iraclean*, *PeraSafe* or other similar appropriate solutions.
- A.5 Prior to cleansing the handpiece, the needle shall be removed from the handpiece and disposed of.

B. Tattooing

- B.1 Operators must evaluate the skin site prior to treatment, and any skin condition that may lead to skin irritation must be discussed with the client.
- B.2 Prior to commencing any service that involves piercing of the skin, all operators must cleanse the customer's skin by swabbing with a clean, single-use antiseptic swab.
- B.3 No person may use any instrument to pierce skin unless it has been sterilised and has been kept in such a manner as to maintain sterility. All needles must be pre-sterilised single-use disposable.
- B.4 The sterilisation of tattooing equipment shall include, but not be limited to, the sterilisation of needle bars, tubes and tube tips.
- B.5 Stencils must **only** be used for one client, and then disposed.
- B.6 No operator shall, in tattooing a client, use any dye, pigment or solution, unless the dye, pigment or solution:
- (a) has been decanted into a sterile container holding a sufficient quantity of the liquid for carrying out the tattoo on that client only; and
 - (b) is, while the process is being carried out on that client, extracted or withdrawn only from that container.
- B.7 The operator shall ensure that on completion of the tattoo, any dye, pigment or solution residue is discarded and disposed to waste, and the container is either sterilised or discarded.
- B.8 The operator is responsible for ensuring all dyes, inks, pigments, or solutions used for tattooing are:
- (a) approved under the New Zealand Environmental Protection Agency's Tattoo and Permanent Makeup Substances Group Standard 2011 or meet the relevant standards that apply under legislation from the territory or country from which they are imported; and
 - (b) prepared, stored and dispensed in such manner as to prevent any likelihood of infection to any other person.
- B.9 During any treatments, there must be at least one operator on site who holds a current St John's or Red Cross First Aid Workplace Certificate, or an approved equivalent.
- B.10 Operators must not tattoo any person under the age of 18 unless their parent or guardian gives written consent.
- B.11 Operators should only work on one customer at a time.

Additional Recommended Best Practice – recommended but not compulsory.

- It is highly recommended that all operators undertaking tattooing should be immunised against Hepatitis B.
- It is highly recommended that all operators wear a protective garment or cover to prevent the operator's clothing from becoming contaminated during any treatment that pierces the skin.

C. Body Piercing and Acupuncture

- C.1 Operators must evaluate the skin site prior to treatment, and any skin condition that may lead to skin irritation must be discussed with the client.
- C.2 Prior to commencing any service that involves piercing of the skin, all operators must cleanse the customer's skin by swabbing with a clean, single-use, antiseptic swab.
- C.3 All needles must be either pre-sterilised single-use disposable types, or sterilised as directed in Prescribed Practice Standard A.
- C.4 No needle or other instrument used to pierce skin may be touched by bare fingers, nor contaminated by packaging which has been contacted by bare fingers.
- C.5 All body piercing jewellery for primary piercing must be made of high-quality 14 carat or 18 carat yellow or white gold, surgical grade stainless steel (316L or LVM), titanium, niobium, platinum or inert plastics.
- C.6 No Body piercing jewellery thinner than 14 gauge should be used below the neck.
- C.7 All devices used on any mucous membrane of any customer, such as a marker pen, must be single-use and disposable.
- C.8 You must not carry out any skin-piercing on any person under the age of 16 unless their parent or guardian gives written consent.
- C.9 During any treatments, there must be at least one operator on site who holds a current St John's or Red Cross First Aid Workplace Certificate, or an approved equivalent.

Additional Recommended Best Practice – recommended but not compulsory.

- It is highly recommended that all operators undertaking piercing should be immunised against Hepatitis B.
- It is highly recommended that all operators wear a protective garment or cover to prevent the operator's clothing from becoming contaminated during any treatment that pierces the skin. The Ministry of Health has published '*Guidelines for the Safe Piercing of Skin*' to help people in the skin-piercing industry better understand how to protect themselves and their customers from the risk of infection. It also aims to encourage operators to reduce harm from skin piercing and promote healthy skin piercing practices.
- It is also advisable that Acupuncture needles should be inserted swiftly using the correct needle technique. Needle points should not be re-palpated with bare fingers unless hands have been washed appropriately and alcohol gel has been used. Needles should not be entered into open wounds.

Additional Recommended Best Practice – recommended but not compulsory.

Moxibustion is a traditional Chinese medicine technique that is sometimes used in conjunction with Acupuncture.

- Before commencing moxibustion directly on the skin, all operators should moisten the skin with a swab or cotton wool bud, and clean water.
- A customer should never be left unattended at any stage during the procedure and care should be taken when performing moxibustion directly on the face or any sensitive area.
- Any premises providing moxibustion should have a window that can be opened, or an extraction fan available to clear any smoke.

Additional Recommended Best Practice – recommended but not compulsory.

Cupping is a traditional Chinese medicine technique that is sometimes used in conjunction with Acupuncture.

- Operators should advise the customer of the possibility of bruising.
- The procedure of cupping should be explained to a customer before commencement and the operator should ask to be informed if the procedure becomes too uncomfortable for the customer.
- Care should be taken not to overheat the cups before placement on the body.
- All cups should be sterilised before use.

D. Hair Removal (Epilation): Waxing, Tweezing or Threading

- D.1 The skin site must be evaluated prior to each service and any skin condition that may lead to skin irritation must be discussed.
- D.2 The client's skin must be cleansed with a single-use antiseptic swab prior to waxing.
- D.3 Operators must not remove hairs from moles, birthmarks and other abnormalities without medical permission in writing.
- D.4 Operators must ensure that wax is not applied to broken skin or over an area where blood has been drawn.
- D.5 Wax that has been applied to a client's body for hair removal must not be reused.
- D.6 Any applicator that makes contact with a person's skin shall not be reused (double-dipped) or be replaced in a receptacle containing wax or any product, unless the product has been decanted into single-use container(s).
- D.7 Any product cross-contaminated through the process of double-dipping must be disposed of before the next client.
- D.8 Only new, single-use cotton thread is to be used.

Additional Recommended Best Practice – recommended but not compulsory.

- Operators are advised to cover their hands with clean, well-fitting single-use disposable surgical gloves wherever possible or practical.

E. Electrolysis, Red Vein Treatment and Derma Rolling/Stamping

- E.1 All needles and blades, including clinical-grade derma rollers above 0.5mm, must be sterile and single-use and disposable.
- E.2 Operators must wear protective eyewear and a mask when undertaking derma rolling /stamping.
- E.3 Creams and lotions must be applied with single-use, disposable applicators before and after derma rolling /stamping.
- E.4 Operators must maintain and calibrate electrical equipment as required by the manufacturer.
- E.5 Written medical consent is required for the removal of hair from moles, and electrical treatments or skin penetrating treatments on any customer who has a Cochlear implant, diabetes, heart conditions, blood thinning medication or serious health issues or who has large metal pins or a metal plate within the area of treatment.
- E.6 Any client fitted with a pacemaker must not be given an electrical treatment under any circumstances, especially when they are holding an electrode (a loop circuit), as these treatments could fuse the pacemaker.
- E.7 Operators must not remove any moles, skin tags or other lesions, as such treatments should only be performed by suitably qualified dermatologist or medical practitioner.

F. Exfoliation

Operators must comply with the requirements outlined in the Bylaw.

Additional Recommended Best Practice – recommended but not compulsory.

- Single-use disposable sponges are recommended to be used where facial towelling is necessary for exfoliation if blood is drawn.
- The New Zealand Association of Registered Beauty Therapists recommends that only safety certified microdermabrasion equipment should be used.

G. Manicure, Pedicure and Nail Clinics

- G.1 Operators must ensure there is adequate ventilation for the products used.
- G.2 Do not undertake a manicure or pedicure on any customer if there are any exposed cuts or abrasions on the customer's hands and feet.
- G.3 No operator may expose any skin that is broken during a manicure or pedicure to any further service.
- G.4 Do not use heel blades or razors to cut or shave thickened skin.
- G.5 Operators must evaluate the skin site prior to each service and any skin condition that may lead to skin irritation must be discussed.
- G.6 The client's skin must be sanitised prior to treatment, using a clean, single-use, antiseptic swab.
- G.7 Operators must be conscious of the heat created when using an electric nail file on a nail plate.
- G.8 All nail files should be single-use, or effectively cleaned.
- G.9 Ensure that chemicals and products are stored in containers with air-tight lids and are not to be used beyond their expiry dates.
- G.10 Make sure that waste with absorbed products, such as tissue and paper towels, is disposed of in a sealed container.

Additional Recommended Best Practice – recommended but not compulsory.

- Single-use disposable spa liners are recommended to be used in footspas and changed as often as necessary but as a minimum between each customer.
- It is highly recommended that all operators wear single-use disposable surgical gloves and face masks.
- It is recommended that adequate ventilation is provided to remove any dust and/or solvents from the work-area.

H. Pulsed Light and Laser Treatment

- H.1 Pulsed light may include, but is not limited to, Intense Pulsed Light (IPL) and Variable Pulsed Light (VPL). Laser treatment is a practice involving the use of a laser device, which amplifies light and usually produces an extremely narrow beam of a single wavelength. These may be used to remove tattoos or hair, lighten skin, reduce cellulite and fat, skin photo-rejuvenation, and other appearance enhancing practices.
- H.2 Operators must have suitable training in the safe use of lasers. This is based on *AS/NZS 4173: 2018: Safe Use of Lasers and Intense Light Sources in Health Care*. You must display your qualifications in a prominent position.
- H.3 Moles, melanoma, pigmented skin lesions and skin cancer lesions must not be removed. Clients should be advised to seek assessment and treatment by a suitably qualified dermatologist or medical practitioner. If these skin abnormalities are treated to make them less visible, their diagnoses could be further delayed.
- H.4 Operators should cover any moles, lesions or skin abnormalities the customer has. Skin lesions and/or moles may only be managed and removed by a health practitioner.
- H.5 Operators must check the client's skin condition before treatment, and sanitise with a clean, single-use, antiseptic swab if required.
- H.6 **Controlled area:** operators must ensure there is a 'controlled area' for the procedure, which has:
- suitable door locks or keypads
 - a warning notice outside the procedure room
 - non-reflective work-area (such as mirrors, steel sheets etc). and instruments
 - all flammable materials must be removed from the work area before treatment commences.
- H.7 The Client and Operator must wear suitable eye protection throughout the procedure. Purpose-made protective eyewear (glasses or eyeshields) which is specifically designed for laser and IPL work and meets the AS/NZS IEC 60825.1:2014 safety standard or equivalent, must be worn, as sunglasses or tinted lenses do not protect the eyes from damage by pulsed or laser light.
- H.8 Before treatment, Operators should perform a patch test, or a trial exposure of a small area of representative skin and hair, to see how the customer might react to the full service.
- H.9 Operators must ensure the laser or pulsed light equipment has been serviced and calibrated in accordance with the manufacturer's instructions and evidence of this is available to council upon request.

I. Extractions

Operators must comply with the requirements outlined in the Bylaw.

Additional Recommended Best Practice – recommended but not compulsory.

- All instruments used for treatments shall be sterile or single-use, and replaced between each customer.
- It is highly recommended that all operators wear single-use disposable surgical gloves.

Schedule 2: Guidance on complying with this Bylaw

ADVISORY NOTE: The following diagram outlines the key steps operators should consider to help them satisfy their requirements under this Bylaw.

Section in the Bylaw	• Summary of requirements
Registration & Inspection (Section 5)	<ul style="list-style-type: none"> • Send your registration form to Council. • Council will inspect your premises and processes, as follows:
Premises (Section 6)	<ul style="list-style-type: none"> • Floors, Walls, Work-spaces in good repair and kept clean. Adequate Lighting & Ventilation, Hand-washing facilities and Waste Bins
General Conditions of Operation (Section 7)	<ul style="list-style-type: none"> • Training, Personal hygiene, Client consent, Health risks, Supply of materials, Laundry & Disposal of Waste
Conduct & Treatment (Section 8)	<ul style="list-style-type: none"> • Hand-washing and Gloves, Client's medical history, Equipment servicing, Cleaning practices
Practice Standards (Schedule 1, as required)	<ul style="list-style-type: none"> • Follow Prescribed Practice Standards for higher-risk activities
Disinfection & Sterilisation (Schedule 1A: if required)	<ul style="list-style-type: none"> • Certain Prescribed Practices require higher levels of cleaning
Record Keeping (Section 9)	<ul style="list-style-type: none"> • Client consent (confidential and kept for 12 months), records of equipment servicing and medical waste (kept for 12 months)
Corrective Actions	<ul style="list-style-type: none"> • Rectify any problems identified in the inspection
Registration Fee (Section 11)	<ul style="list-style-type: none"> • Pay the annual registration fee
Licence (Section 5)	<ul style="list-style-type: none"> • Once approved, Council will send you a licence, which you must display