

Notice of Meeting:

I hereby give notice that an ordinary meeting of the Consultation Hearings will be held on:

Date: Thursday 26 June 2025
Time: 2.00 pm - Beauty Therapists, and Skin Piercers Bylaw
Venue: Council Chambers, Dunedin Public Art Gallery, The Octagon,
Dunedin

Sandy Graham
Chief Executive Officer

Hearings Committee - Bylaws and Policies
PUBLIC AGENDA

MEMBERSHIP

Chairperson	Cr Mandy Mayhem
Deputy Chairperson	
Members	Cr Cherry Lucas Cr Carmen Houlahan

Senior Officer	Cazna Savell (Compliance Solutions Manager – Acting)
Governance Support Officer	Jennifer Lapham

Jennifer Lapham
Governance Support Officer

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Note: Reports and recommendations contained in this agenda are not to be considered as Council policy until adopted.

ITEM	TABLE OF CONTENTS	PAGE
1	Opening	4
2	Apologies	4
3	Confirmation of Agenda	4
4	Declaration of Interest	5
PART A REPORTS (Committee has power to decide these matters)		
5	Beauty Therapists, Tattooists and Skin-Piercers Bylaw review - results of consultation	8

1 OPENING**2 APOLOGIES**

At the close of the agenda no apologies had been received.

3 CONFIRMATION OF AGENDA

Note: Any additions must be approved by resolution with an explanation as to why they cannot be delayed until a future meeting.

DECLARATION OF INTEREST

EXECUTIVE SUMMARY

1. Members are reminded of the need to stand aside from decision-making when a conflict arises between their role as an elected representative and any private or other external interest they might have.
2. Elected members are reminded to update their register of interests as soon as practicable, including amending the register at this meeting if necessary.

RECOMMENDATIONS

That the Committee:

- a) **Notes/Amends** if necessary the Elected Members' Interest Register attached as Attachment A; and
- b) **Confirms/Amends** the proposed management plan for Elected Members' Interests.

Attachments

	Title	Page
↓A	Register of Interest	6

Interest Register 18 June 2025				
Councillors are members of all committees				
Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
Cr Carmen Houlahan	Owner	Residential Property - Dunedin	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Owner	Rental Property - North Dunedin	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Part Owner	Adobe Group Ltd, Wanaka	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Rotary Club	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Institute of Directors	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Otago Property Investors Association	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Public Art Gallery Society (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Public Art Gallery Acquisitions Committee (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Creative Dunedin Partnership (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Trustee	KBCLR Family Trust	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Otago Theatre Trust (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
Cr Cherry Lucas	Trustee	Otago Farmers Market	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Otago A & P Society	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Trustee	Henderson Lucas Family Trust - Residential Dunedin Property	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	NZ Institute of Chartered Accountants	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Deputy Chair	Otago Museum Trust Board (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Chinese Garden Advisory Board (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Toitū Otago Settlers Museum Board (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Local Government New Zealand (Zone 6 Committee) (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member (alternate)	Grow Dunedin Partnership (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
	Member	Taieri Airport Trust (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Mosgiel Taieri Community Board (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Te Poāri a Pukekura Partnership (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
Cr Mandy Mayhem	Chairperson	Waitati Hall Society Inc	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Chairperson	Blueskin News Committee	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Co-ordinator	Waitati Market	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Co-ordinator	Emergency response group, Blueskin area	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	FENZ Local Advisory Committee for Otago	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Waitati Music Festival Committee	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Blueskin Bay Amenities Society	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Blueskin A & P Society	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Chairperson	Keep Dunedin Beautiful (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Zone Representative and Board Member	Keep New Zealand Beautiful	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Coastal Community Cycleway Network	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	West Harbour Community Board (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Disability Issues Advisory Group (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Former Refugee Steering Committee (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Music Advisory Panel (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Property Owner	Residential Property	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Social Wellbeing Advisory Group (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.

PART A REPORTS

BEAUTY THERAPISTS, TATTOOISTS AND SKIN-PIERCERS BYLAW REVIEW - RESULTS OF CONSULTATION

Department: Customer and Regulatory

EXECUTIVE SUMMARY

- 1 On 17 September 2024, the Customer and Regulatory Committee resolved to commence a review of the Beauty Therapists, Tattooists and Skin-Piercers Bylaw (the Bylaw) and on 11 March that Committee approved a draft Bylaw and statement of proposal for consultation purposes.
- 2 This report to the Hearings Committee (the Committee) summarises the 38 submissions received during the consultation period.
- 3 The proposed draft Bylaw was well supported with 92 percent agreeing with it. See Attachment A for the proposed draft Bylaw and Attachment B for a tracked changes version of the proposed draft Bylaw.
- 4 None of the submitters wishes to be heard.

RECOMMENDATIONS

That the Committee:

- a) **Considers** the submissions on the review of the Beauty Therapists, Tattooists and Skin-Piercers Bylaw
- b) **Makes** recommendations to the Council on the review of the Beauty Therapists, Tattooists and Skin-Piercers Bylaw.

BACKGROUND

Local Government Act 2002 and Health Act 1956

- 5 Under the Local Government Act (the Act), bylaws can be made for one or more of the following general purposes: protecting the public from nuisance; protecting, promoting, and maintaining public health and safety; and minimising the potential for offensive behaviour in public places (section 145). Bylaws can also be made under the Health Act for the purposes of improving, promoting, or protecting public health and prescribing the sanitary precautions to be adopted in respect of any business or trade (section 64).

- 6 The Act requires that a bylaw is reviewed within ten years of the previous review, and this Bylaw is now due for review.

Dunedin Beauty Therapists, Tattooists and Skin-Piercers Bylaw

- 7 There is no national legislation for appearance industries in New Zealand. The appearance industries cover beauty therapy, tattooing and skin-piercing industries. In the absence of national legislation, some local authorities have adopted bylaws.
- 8 The Beauticians, Tattooists and Skin Piercers Bylaw was introduced in July 2005 and was made under both the Act and the Health Act.
- 9 The purpose of the Bylaw is to protect, promote and maintain public health and safety and, in particular, to prevent the transfer of communicable diseases such as Hepatitis B and C, HIV/AIDS and bacterial skin infections via beauty therapy, tattooing and skin piercing practices. The Bylaw requires that any person undertaking beauty therapy, tattooing and skin piercing processes is registered, and conducts activities in a manner that complies with the requirements of the Bylaw.
- 10 Indications are that the appearance industries are growing steadily. In Dunedin, the number of registered appearance industry businesses has increased from around 60 in 2016 to the current figure of 89.

DISCUSSION

Community engagement

Early engagement

- 11 Early engagement was carried out during November/December 2024 to inform any proposed changes to the Bylaw. Information and an online survey were advertised via the Otago Daily Times noticeboard, and through the Dunedin City Council (DCC) social media. Targeted emails were sent to key stakeholders. Questions focussed on whether anyone had experienced a problem with beauty therapist, tattooist or skin-piercing practices within the last ten years as well as asking for general feedback. There were six responses from the public and five from stakeholders such as Health NZ (Te Whatu Ora) and practitioners. Results of early engagement were reported to the Customer and Regulatory Committee on 11 March 2025.

Special consultative procedure

- 12 Consultation on proposed changes was then carried out from Monday 5 May until Friday 6 June 2025, using the special consultative procedure.
- 13 Engagement methods included publication and advertising on the DCC website, social media pages, on the Otago Daily Times noticeboard, via the People's Panel and the DCC monthly mailout, FYI. Mana whenua and key stakeholders such as registered appearance industry practitioners and Health NZ (Te Whatu Ora) were emailed information and asked for feedback.

Results of consultation

- 14 There were 38 submissions on this bylaw review including two from organisations.

15 Key findings from the consultation are as follows:

Overall, do you agree with the proposed Beauty Therapists, Tattooists and Skin-Piercers Bylaw?

Overall, do you agree with the proposed Bylaw?	Number	%
Yes	35	92%
No	1	3%
Did not answer	2	5%
TOTAL	38	100%

Why/why not?

Topic	Number
Protect health and safety	20
Support proposed underage change	2
Other comments	5

Which of the following options do you support?

Which option do you support?	Number	%
Option 1: Keep most Bylaw controls with some updates (proposed)	35	92%
Option 2: Do not update the Bylaw	0	0
Option 3: Other	1	3%
Did not answer	2	5%
TOTAL	38	100%

If Option 3, please specify:

One submitter said beauty therapists having their own bylaw should be a consideration.

Do you have any other comments to make about the proposed Beauty Therapists, Tattooists and Skin-Piercers Bylaw?

Further comments included supporting protecting health and safety, supporting greater protection for clients under the age of 16 years, supporting the introduction of blood pathogen training requirements for skin-piercers and tattooists, other specific provisions of the proposed Bylaw, and personal experiences.

Social media feedback

- 16 Information about the review was posted on the DCC Facebook and Instagram pages on 19 May 2025. Posts provided links to further information that included the submission form. There were 16,633 views and 164 engaged with the content (i.e. like, shared, reacted or commented). 41 users clicked on the link to find out more about the consultation. Topics discussed in the social media chat included revenue gathering, personal experiences and eyeball tattooing.

Staff comments

Considerations following consultation

- 17 Following consultation, staff suggest the Committee consider the following changes to the proposed Bylaw. These are in response to feedback.

Section	Suggested change for consideration	Reason
9. General conditions of licence and operation	ADD: <ul style="list-style-type: none"> A person must not tattoo any person under 18 years of age. A person must not pierce any nipple or genital area of a person under 18 years of age. RETAIN: A person may not carry out any service on any person they suspect is under the influence of alcohol, drugs or mind-altering substances.	To add a greater level of protection, in response to submissions.
9. General conditions of licence and operation	ADD after 9.12 explanatory notes about bloodborne pathogen training: <i>Explanatory note:</i> <ul style="list-style-type: none"> A bloodborne pathogen training course includes training undertaken face to face or online. Such courses must cover identification of disease and infection causing microorganisms, the risks associated with such microorganisms, and the prevention and control measures required to protect clients when reprocessed items or equipment is used. All skin-piercers and tattooists must complete bloodborne pathogen training within one year of either the enactment of this bylaw, or within one year of initial registration under the bylaw. 	To be clearer about this proposed requirement in response to industry submissions.

Date of effect

- 18 A lead in time of several weeks is recommended for the date of effect to allow time for communications on any rule changes.

OPTIONS

- 19 There are no options with this report as its purpose is to present a summary of submissions.

NEXT STEPS

- 20 Next steps are for the Committee to consider consultation results and make recommendations to the Council regarding the Bylaw review.

Signatories

Author:	Anne Gray - Policy Analyst Tanya Morrison - Team Leader Environmental Health and Alcohol Licensing
Authoriser:	Cazna Savell - Compliance Solutions Manager (Acting) Paul Henderson - General Manager Customer and Regulatory (Acting)

Attachments

	Title	Page
↗A	Clean - Proposed Beauty Therapists, Tattooists and Skin-Piercers Bylaw	15
↗B	Tracked changes - Proposed Beauty Therapists, Skin-Piercers and Tattooists Bylaw	25

SUMMARY OF CONSIDERATIONS

Fit with purpose of Local Government

This decision enables democratic local decision making and action by, and on behalf of communities, and promotes the social well-being of communities in the present and for the future.

Fit with strategic framework

	Contributes	Detracts	Not applicable
Social Wellbeing Strategy	✓	<input type="checkbox"/>	<input type="checkbox"/>
Economic Development Strategy	<input type="checkbox"/>	<input type="checkbox"/>	✓
Environment Strategy	<input type="checkbox"/>	<input type="checkbox"/>	✓
Arts and Culture Strategy	<input type="checkbox"/>	<input type="checkbox"/>	✓
3 Waters Strategy	<input type="checkbox"/>	<input type="checkbox"/>	✓
Future Development Strategy	<input type="checkbox"/>	<input type="checkbox"/>	✓
Integrated Transport Strategy	<input type="checkbox"/>	<input type="checkbox"/>	✓
Parks and Recreation Strategy	<input type="checkbox"/>	<input type="checkbox"/>	✓
Other strategic projects/policies/plans	<input type="checkbox"/>	<input type="checkbox"/>	✓

This Bylaw contributes to the 'healthy and safe people' strategic direction of the Social Wellbeing Strategy.

Māori Impact Statement

We specifically engaged with mana whenua via email to the offices of Te Rūnanga o Ōtākou and Kāti Huirapa Rūnaka ki Puketeraki for this review and no specific impacts were identified.

Sustainability

There are no known implications for sustainability.

Zero carbon

Emissions considerations are not applicable to this report.

LTP/Annual Plan / Financial Strategy /Infrastructure Strategy

There are no implications for these documents.

Financial considerations

There are no financial implications.

Significance

The bylaw review is considered low in terms of the Council's Significance and Engagement Policy.

Engagement – external

Early engagement was carried out in November 2024 to inform any changes to the Bylaw. Information and an online survey were advertised via the Otago Daily Times noticeboard, and through the Dunedin City Council (DCC) social media. Targeted emails were sent to mana whenua and key stakeholders such as industry practitioners and Health NZ (Te Whatu Ora).

Consultation on proposed changes was then carried out from 5 May until 6 June 2025, using the special consultative procedure. Engagement methods included publication and advertising on the DCC website, social media pages, on the Otago Daily Times noticeboard, via the People's Panel and the DCC monthly mailout, FYI. Mana whenua and key stakeholders such as registered appearance industry practitioners and Health NZ (Te Whatu Ora) were emailed information and asked for feedback.

SUMMARY OF CONSIDERATIONS

Engagement - internal

There has been internal engagement with Communications and Marketing, Governance and the web team. In-House Legal Counsel has assisted with liaison for an external legal review.

Risks: Legal / Health and Safety etc.


The draft bylaw has undergone an external legal review by Simpson Grierson. There are health and safety risks from not having a bylaw.

Conflict of Interest

There is no identified conflict of interest.

Community Boards

There are no specific implications for Community Boards.

BEAUTY THERAPISTS, TATTOOISTS AND SKIN-PIERCERS BYLAW 2025  DUNEDIN kaunihera CITY COUNCIL a-rohe o ōtepoti			
Beauty Therapists, Tattooists and Skin-Piercers Bylaw 2025			
Approved by:	The Council		
Date approved:	TBC		
Date of effect:	TBC	Reviewed:	2005, 2016, 2025
Next review date:	2035	DOC ID:	

This bylaw is made by the Dunedin City Council under section 145 of the Local Government Act (LGA 2002) and section 64 the Health Act 1956.

1 SHORT TITLE

This bylaw is the Dunedin City Council Beauty Therapists, Tattooists and Skin-Piercers Bylaw 2025.

2 APPLICATION

2.1 The provisions of this bylaw do not apply to:

- 2.1.1 Any health practitioner registered under The Health Practitioners Competence Assurance Act 2003 or subsequent Act; or
- 2.1.2 A person acting under the direction or supervision of any such health practitioner (including medical practitioner, nurse, physiotherapist, podiatrist, or dentist), where the purpose is the practice of medicine, physiotherapy, podiatry, nursing or dentistry, respectively; or
- 2.1.3 A situation where an Authorised Officer is satisfied that compliance with any requirements of this bylaw would be impractical or unreasonable, having regard to the premises in question, or the service being undertaken. In this instance a written exemption may be granted with such modifications, and subject to such conditions as are in the interests of public health as may be desirable in the circumstances.
- 2.1.4 A person carrying out traditional or customary tattooing when undertaken in a non-commercial capacity, such as on a marae, as part of a rite of passage or as part of a cultural gifting experience, and for which profit is not received.

3 PURPOSE

3.1 The purpose of this bylaw is to protect, promote and maintain public health and safety by requiring any person undertaking beauty therapy, tattooing and skin-piercing services:

- 3.1.1 To be registered; and
- 3.1.2 To comply with all requirements in this bylaw,

with the object of preventing the transfer of communicable diseases and bacterial skin infections from beauty therapy, tattooing and skin piercing practices.

4 EXPLANATORY NOTES

4.1 Explanatory notes are not part of this bylaw, and the Council may add, amend or delete explanatory notes at any time without amending the bylaw.

Explanatory note: Explanatory notes are used for a number of reasons, including to explain the intent of a clause in less formal language, to include additional helpful information, or because the information may be subject to change and need to be updated before the bylaw itself has to be updated.

5 DEFINITIONS

In this bylaw, unless context otherwise requires, written means in hardcopy or electronic form, and:

Authorised Officer	Means any person employed and warranted by the Dunedin City Council for the purposes of this bylaw.
Beauty therapy	Means any service in the treatment of skin and body to enhance beauty and includes (but is not limited to) permanent make-up, exfoliation, waxing and hair removal, pedicures, manicures, or other nail services, tinting, and extractions.
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 or subsequent Act.
Designated premises	Includes any part of a commercial, industrial, residential or community building that is designated in a trading licence where a service is carried out.
Itinerant licence holder	Means any person undertaking a beauty therapy service in an approved manner in the absence of a designated, mobile or temporary premises and for which payment is received.
Licence	Means a trading licence, mobile licence, or itinerant licence issued under this bylaw (and includes a Certificate of Registration that may have been issued under any previous bylaw).
Licensee	Means the person to whom a licence has been issued under this bylaw.
Medical waste	Means any needle, sharp instrument, or other article contaminated by blood, tissue, or other bodily fluid that must be disposed of in an approved manner such as a sharps container or biohazard waste receptacle.

Mobile licence	Means a licence issued to a person under clause 6.1 to provide a service from any mobile premises.
Mobile premises	Means any vehicle, stall, or unit whether self-propelled or not, that is not a fixed premises nor dwelling house from which a service is provided.
Operator	Means any Licensee and/or any person working at a premises who provides a service.
Premises	Means as the context requires, a designated premises, mobile premises or temporary premises.
Readily accessible	Refers to the location of any fixture, equipment, instrument, or utensil so that it can be accessed quickly, practically and without any action likely to pose a risk to any person.
Service	Means any beauty therapy, tattooing or skin piercing processes for which payment is received.
Skin penetration	Means any service, usually tattooing or skin piercing, that breaks or penetrates the skin.
Tattooing and skin-piercing	Means any service to modify a person's appearance involving the intentional piercing, cutting, puncturing or practice of making indelible marks in human skin or tissue for the purpose of inserting jewellery, pigments, ink, or dyes into the skin or other part of the human body. Cosmetic and semi-permanent tattooing, such as microblading is included, along with traditional tool and customary tattooing and skin piercing procedures when conducted in a commercial manner for profit.
Temporary premises	Means a place where any service is provided intermittently such as an event, demonstration or festival, with a maximum duration of seven days unless otherwise approved by an Authorised Officer.
Trading licence	Means a licence issued to a person under clause 6.1 to provide a service from any designated premises or any temporary premises.

6 REGISTRATION AND LICENSING

- 6.1 A person must obtain the appropriate licence to provide a service at any designated mobile, or temporary premises or to trade in an itinerant manner.
- 6.2 Applications for any licence under this bylaw must be made on the prescribed form provided by the Council.
- 6.3 A fee is payable on application for a licence, and as a condition of any licence.

6.4 A licence is renewed on an annual basis in accordance with this bylaw for a term of no more than one year.

Explanatory note: Application and licence fees are generally set by the Council annually as part of the long-term or annual plan process.

7 EXEMPTIONS

7.1 Operators must comply with the relevant requirements of this bylaw unless a written exemption is obtained.

7.2 Any person may apply in writing to an Authorised Officer for a written exemption from any requirement in this bylaw, or the requirement to obtain a licence under this bylaw. Exemptions will be considered where the person can demonstrate that any risk to public health is mitigated to the same extent as provided for in the bylaw.

Explanatory note: Examples of situations where an exemption may be granted include (but are not limited to) eyebrow tinting, and the painting of nails as sole business activities.

8 LICENCE MAY BE ALTERED, SUSPENDED, CANCELLED OR REVIEWED

8.1 The Council may, at its discretion, alter, suspend, or cancel any licence given under clause 6 of this bylaw if licence conditions are being breached.

8.2 When a licence has been suspended or cancelled the licensee must immediately cease operation.

8.3 Any applicant affected by a decision made under this bylaw may apply in writing to the Chief Executive for a review of the decision within 14 days after receiving notification of the decision.

9 GENERAL CONDITIONS OF LICENCE AND OPERATION

9.1 The holder of a designated premises trading licence must prominently display their licence at the principal entrance to the designated premises.

9.2 The holder of an itinerant licence, mobile licence or temporary trading licence must carry a copy of their licence with them and present it on request.

9.3 A licence is effective from the date of issue up to the date of expiry.

9.4 A licence is personal to the licensee and is not transferrable.

9.5 A person must not provide any service as a beauty therapist, tattooist or skin-piercer without holding a current licence.

9.6 A person must not provide any service under an expired licence.

9.7 A person must not use any premises unless, as the context requires, the premises comply with this bylaw, or an exemption in accordance with clause 7 of this bylaw has been granted.

9.8 A person must not provide a service where skin is penetrated or pierced on any person under the age of 16 years without the written permission of that person's parent or legal guardian, and that parent/legal guardian being present during the service.

9.9 A person who knows or suspects that he or she is suffering from or is a carrier of a skin infection or communicable disease, or associated conditions, must not carry out any service without taking adequate precautions to prevent the transmission of such infection, disease or condition.

9.10 Where a recognised qualification is available, an operator must obtain or be working towards a qualification applicable to the services being offered.

9.11 An operator must work under the direct supervision of a qualified operator and be working towards obtaining a recognised qualification if a recognised qualification has not been obtained.

9.12 Any operator who undertakes a service that pierces or penetrates the skin must have obtained and be able to produce evidence of a bloodborne pathogen training course being successfully undertaken.

Explanatory note: Recognised training may include a national or international recognised training standard, NZQA unit standard or industry training organisation qualification.

Explanatory note: Licensees must comply with all relevant legislation including, but not limited to the Building Act 2004 (in relation to the premises) and the Hazardous Substances and New Organisms Act 1996.

Explanatory note: All licensees operating from a mobile premises must meet the requirements of Dunedin City's Trading in Public Places Bylaw or any replacement bylaw if they are trading in a public place.

10 RECORDS

10.1 Prior to the commencement of any service every operator is required to obtain the following client information in written form:

- Client name, address and contact details
- Client date of birth
- Acknowledgement of any potential risks associated with the service to be administered
- Client consent for the service to be administered
- Client health information including (but not limited to):
 - Any medication taken which may affect the service
 - Any known blood or bleeding disorder or blood thinning medication taken
 - Any medical history of known allergies or adverse reactions
 - Any medical history in relation to communicable or infectious diseases.

Explanatory note: Operators must ensure they comply with the Privacy Act 2020.

10.2 The licensee must hold client records regarding such information on site for a minimum of 12 months and ensure that information is updated after every visit.

10.3 The licensee must keep for a minimum of 12 months:

10.3.1 written evidence of the regular servicing and calibration of all equipment used for sterilisation such as an autoclave.

10.3.2 a record of medical waste disposal, including the disposal of any sharps.

10.4 The information in clauses 10.2 and 10.3 must be made available to an Authorised Officer on request.

11 PHYSICAL ASPECTS OF DESIGNATED AND MOBILE PREMISES

11.1 A person must not use, or allow any designated or mobile premises to be used for any service except in accordance with the following provisions:

11.1.1 A licensee must maintain the premises in a state of good repair and in a clean and tidy condition at all times.

11.1.2 The floors, walls, ceiling, fixtures and fittings in any area connected with the carrying out of any service must be constructed of materials that are continuously smooth, impervious and easily cleaned.

11.1.3 A wash hand basin supplied with a constant supply of hot and cold water, soap, a nail brush and approved hand drying facilities must be provided in a readily accessible position to the operator associated with any service.

11.1.4 A sink supplied with a constant supply of hot and cold water, shall be provided in a readily accessible position to those working at the premises for the sole purpose of cleaning instruments and equipment associated with any service.

11.1.5 All parts of the premises must be ventilated.

11.1.6 All parts of the premises must be provided with lighting to facilitate cleaning and inspection.

11.1.7 Covered waste receptacles that can be easily cleaned must be provided.

11.1.8 All mattresses, squabs and cushions used on any chair, bed, table, or the like, at the premises must be covered in an impervious and easy to clean material.

11.1.9 All linen/paper, if not single use, must be replaced after each client.

11.1.10 All laundry items used on a premises or in association with a service must be cleanly laundered. Clean and soiled laundry must be stored separately.

11.1.11 Where refreshments are served to customers, utensils must be thoroughly cleaned between use.

12 ITINERANT LICENCE HOLDERS

12.1 A person intending to perform a service itinerantly may apply for an itinerant licence.

12.2 To avoid doubt, itinerant licence holders are exempt from clause 11 of this bylaw.

12.3 All itinerant licence holders must ensure that they:

12.3.1 provide sufficient facilities to store all clean and used equipment, linen and waste products safely in separate containers before and after use and while in transit.

12.3.2 maintain any work area and protect all surfaces and equipment from contamination by dust, dirt, or other such contaminants at all times.

- 12.3.3 have adequate sterile equipment for all clients undergoing skin penetration procedures and if the Itinerant Licence holder does not have an autoclave or approved steriliser, then single use pre-sterilised equipment is to be used.

13 CONDUCT

13.1 An operator must:

- 13.1.1 At all times keep their clothing, hands, and fingernails clean, and must cover any infected, damaged, or inflamed skin with an impermeable dressing.
- 13.1.2 Thoroughly clean their hands, using soap and water for at least 20 seconds, rinsing and then drying them properly (using paper towels, single use cloths, or an air dryer) immediately:
- 13.1.2.1 before commencing and after completing the service
 - 13.1.2.2 after using a toilet
 - 13.1.2.3 after smoking or vaping
 - 13.1.2.4 after blowing the nose or touching the face
 - 13.1.2.5 after handling soiled laundry, money, biological matter or waste materials used or produced in connection with a service.
- 13.1.3 Ensure that all needles used in any service are single use, pre-sterilised, and disposable needles.
- 13.1.4 Prior to commencing any service, cleanse client's skin with a cleansing agent approved by an Authorised Officer and allow to dry. For any service where skin is penetrated, the client's skin must be cleansed using a solution of 70% alcohol (ethyl alcohol or isopropyl).
- 13.1.5 Provide to every client or make available through a website or other electronic link at the completion of any service, written aftercare instructions for the subsequent care of the site to prevent its infection.
- 13.1.6 Dispose of all blood or tissue contaminated materials used in a service, into a puncture resistant container or otherwise, in an approved manner.
- 13.2 The licensee must ensure all operators can demonstrate an awareness of how any blood or tissue contaminated linen or fixtures will be cleansed/disinfected.
- 13.3 An operator must not undertake any service unless that operator covers their hands with new, single use gloves for each customer, or prior to and following the procedure the operator washes and sanitises their hands using a waterless alcohol-based cleanser, or uses waterless, alcohol-based antiseptic hand gels, foams or liquids where it is physically impossible to have or use hand washing facilities with running water.
- 13.4 Any equipment used must only be operated according to manufacturer specifications and not for any other purpose.

14 STERILISATION, DISINFECTION AND CLEANING**Sterilisation**

- 14.1 Equipment used in any service that involves skin penetration must not be reused unless it has been sterilised by being thoroughly cleansed then exposed to steam under pressure in a steriliser (autoclave) in accordance with manufacturer's instructions.
- 14.2 Evidence of the use of chemical indicator strips to demonstrate that the appropriate time, pressure, and temperature have been achieved during the sterilisation cycle must be kept and be made available for inspection by an Authorised Officer for a minimum of 12 months.
- 14.3 Evidence of re-processing following a chemical indicator strip fail or load failure must be kept and made available for inspection for a minimum of 12 months.
- 14.4 All disposable needles must be disposed of in an appropriate sharps container for medical waste, which in turn must be disposed of in an approved manner.
- 14.5 All non-medical waste is to be stored in a covered receptacle and removed from the premises on a regular basis.

Disinfection and cleaning

- 14.6 All equipment, instruments and utensils that are unable to be sterilised must be thoroughly cleaned and then disinfected by a thermal or chemical disinfection procedure, or via a glass bead steriliser or ultra-violet (UV) light cabinet, following manufacturer's instructions.
- 14.7 After thorough cleaning, approved solutions for disinfecting include (but are not limited to):
 - 14.7.1 Ethyl alcohol, isopropyl alcohol or methylated spirits (in each case containing not less than 70% alcohol); or
 - 14.7.2 An industrial strength disinfecting solution (such as a chlorine, phenol, or Quaternary ammonium cation (QUAT) based solution) used in accordance with manufacturer's instructions.
- 14.8 Operators must provide an adequate supply of chemicals used for general cleaning of the premises and the disinfection of equipment, instruments and utensils.
- 14.9 For any chemical used to disinfect, operators must be able to demonstrate knowledge of chemical dilution rates, application method and contact times.

15 CLEANSING AND REPAIR

- 15.1 The licensee must immediately cease operation if customers may be exposed to contamination or communicable disease because of the:
 - 15.1.1 condition of any premises or equipment; or
 - 15.1.2 procedure or service.
- 15.2 The licensee must on receipt of written instruction signed by an Authorised Officer:

15.2.1 cleanse, reconstruct or repair the premises or equipment, or redesign the procedures within the time specified on the written instruction; and

15.2.2 immediately cease using the premises until any such time agreed by the Authorised Officer.

16 TATTOOING AND SKIN PIERCING

16.1 A person must not undertake eyeball tattooing unless that person is a registered ophthalmologist.

16.2 All jewellery used for piercing must be sterile.

16.3 Stencils and marker pens must only be used for one client and then disposed of.

16.4 The licensee is responsible for ensuring that all pigments, inks, and dyes purchased and used for tattooing are approved under the New Zealand Environmental Protection Agency's Tattoo and Permanent Makeup Substances Group Standard 2022 or meet the relevant standards that apply under legislation from the territory or country from which they are imported.

16.5 An operator must not, in tattooing a customer, use any dye, pigment or solution, unless the dye, pigment or solution has been decanted into a container holding sufficient of the liquid for carrying out the tattoo on that customer only.

16.6 Operators must ensure that on completion of the tattoo, any dye, pigment, or solution residue is discarded and disposed of to waste, and the container is either sterilised or discarded.

17 BEAUTY THERAPY

17.1 A person must not remove hairs from areas of the body such as moles, birthmarks, and the like without written medical permission.

17.2 Any product that has been applied to a client's body (including wax) must not be reused.

17.3 All utensils or instruments used for product application must be single use or rendered hygienic between clients.

18 OFFENCES AND PENALTIES

18.1 Every person who fails to comply with this bylaw commits an offence and is liable on conviction to a penalty under the Local Government Act 2002 and/or the Health Act 1956.

18.2 The continued existence of any work or thing in a state, or the intermittent repetition of any action, that contravenes this bylaw is a continuing offence.

18.3 Every person who commits a breach of this bylaw that is an offence under the Health Act 1956 or subsequent Act is liable to a fine up to \$500 and to a further fine of up to \$50 for every day on which the offence continues.

18.4 Every person who commits a breach of this bylaw that is an offence under the Local Government Act 2002 or subsequent Act is liable on conviction to a fine up to \$20,000.

19 SAVINGS

19.1 Any licence issued prior to the commencement date of this bylaw continues to be valid until its date of expiry.

Explanatory note: This additional information does not form part of the bylaw. It contains information to help users understand, use, and maintain the bylaw. This information may be updated at any time.

Relevant Legislation:	<i>Building Act 2004</i> <i>Hazardous Substances and New Organisms Act 1996</i> <i>Health Act 1956</i> <i>Health (Registration of Premises) Regulations 1966</i> <i>Local Government Act 2002</i> <i>Resource Management Act 1991</i> <i>Trading in Public Places Bylaw</i>
Associated Documents:	<i>Dunedin City District Plan (2GP)</i> <i>Ministry of Health Customary Tattooing Guidelines for Operators 2010</i> <i>Ministry of Health Guidelines for the Safe Piercing of Skin 1998</i> <i>New Zealand Association of Registered Beauty Therapists (NZARBT) Health, Hygiene and Safety Standards</i> <i>New Zealand Board of Professional Skin Therapies Health, Hygiene and Safety Standards for the NZ Aesthetic Industry</i> <i>New Zealand Environmental Protection Agency's Tattoo and Permanent Makeup Substances Group Standard 2022</i>

17 Beauty Therapists, Tattooists and Skin Piercers

17.1	FORMER BYLAW REVOKED.....	2
17.2	SHORT TITLE.....	2
17.3	COMMENCEMENT	2
17.4	APPLICATION OF BYLAW	2
17.5	PURPOSE	2
17.6	INTERPRETATION.....	2
17.7	REGISTRATION AND LICENSING	3
17.8	GENERAL CONDITIONS OF OPERATION	4
17.9	RECORDS	5
17.10	PHYSICAL ASPECTS OF DESIGNATED AND MOBILE PREMISES.....	5
17.11	MOBILE PREMISES	6
17.12	ITINERANT LICENCE HOLDERS.....	6
17.13	CONDUCT	7
17.14	TATTOOING AND SKIN PIERCING	7
17.15	BEAUTY THERAPY.....	8
17.16	STERILISATION, DISINFECTION AND CLEANING.....	8
17.17	CLEANSING AND REPAIR.....	9
17.18	EXEMPTION.....	9
17.19	APPEALS.....	9
17.20	OFFENCES AND PENALTIES	10
17.21	SAVINGS	10

Beauty Therapists, Tattooists and Skin Piercers

Approved by Council: 16 May 2005
Date of Effect: 1 July 2005

Amendment Approved by Council: 27 June 2016
Date of Effect: 1 August 2016

17

PART 17: BEAUTY THERAPISTS, TATTOOISTS AND SKIN PIERCERS

17.1 FORMER BYLAW REVOKED

17.1.1 The Beauticians, Tattooists and Skin Piercers Bylaw 2005 is revoked.

17.2 SHORT TITLE

17.2.1 The short title of this bylaw shall be the Beauty Therapists, Tattooists and Skin Piercers Bylaw 2016.

17.3 COMMENCEMENT

17.3.1 This bylaw shall commence on 1 August 2016.

17.4 APPLICATION OF BYLAW

17.4.1 The provisions of this bylaw do not apply to:

- (a) Any Health Practitioner registered under The Health Practitioners Competence Assurance Act 2003 or subsequent Act; or
- (b) A person acting under the direction or supervision of any such Health Practitioner (including medical practitioner, nurse, physiotherapist, podiatrist, or dentist), where the purpose is the practice of medicine, physiotherapy, podiatry, nursing or dentistry, respectively; or

(c) A situation where an Authorised Officer is satisfied that compliance with any requirements of this bylaw would be impractical or unreasonable, having regard to the premises in question, or the ~~prescribed process~~ service being undertaken. In this instance a written exemption may be granted with such modifications, and subject to such conditions as are in the interests of public health as may be desirable in the circumstances.

~~(e)(d) A person carrying out traditional or customary tattooing when undertaken in a non-commercial capacity, such as on a marae, as part of a rite of passage or as part of a cultural gifting experience, and for which profit is not received.~~

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17.5 PURPOSE

17.5.1 The purpose of this bylaw is to ~~protect, promote and maintain public health and safety by requiring any person undertaking beauty therapy, tattooing and skin-piercing services:~~

17.5.2 (a) to be registered; and

17.5.3 (b) to comply with all requirements in this bylaw.

17.5.1 ~~with the object of preventing the transfer of communicable diseases such as Hepatitis B and C, HIV/AIDS and bacterial skin infections via~~ beauty therapy, tattooing and skin piercing practices.

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17.5.2 This bylaw requires that any person undertaking beauty therapy, tattooing and skin piercing processes is registered, and conducts such activities so that they comply with all requirements outlined in this bylaw.

17.6 EXPLANATORY NOTES

~~17.5-317.6.1~~ Explanatory notes are not part of this bylaw, and the Council may add, amend or delete explanatory notes at any time without amending the bylaw.

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Explanatory note: Explanatory notes are used for a number of reasons, including to explain the intent of a clause in less formal language, to include additional helpful information, or because the information may be subject to change and need to be updated before the bylaw itself has to be updated.

~~17.6-1~~17.7 INTERPRETATION

~~17.6-1~~17.7.1 In this bylaw, unless the context otherwise requires, written means in hardcopy or electronic form, and:

Authorised Officer – means any person employed and warranted by the Dunedin City Council for the purposes of this bylaw.

Beauty Therapy – means any process-service in the treatment of skin and body to enhance beauty and includes (but is not limited to) permanent make-up, exfoliation, waxing and hair removal, pedicures, manicures, or other nail services, tinting, and extractions.

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 or subsequent Act.

~~Contravene~~ – includes failure to comply with:

Designated Premises – includes any part of a commercial, industrial, residential property, or community building that is designated in a trading licence where a Prescribed Process service is carried out and for which payment is received.

Itinerant Licence Holder – means a licence issued to a person under clause 17.8.4 to provide a service other than in any designated premises, mobile premises or temporary premises any person undertaking a prescribed Beauty Therapy process undertaken in an approved manner in the absence of a Designated, Mobile or Temporary Premises and for which payment is received.

Licence – means a trading licence, mobile licence, or itinerant licence issued under this bylaw (and includes a Certificate of Registration that may have been issued under any previous bylaw).

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Licensee – means the person or legal entity to whom a Mobile Licence, Trading Licence or Certificate of Registration licence has been issued to under this bylaw in respect to a Prescribed Process.

Medical Waste – refers to the disposal of Means any needle, sharp instrument, or other article contaminated by blood, tissue, or other bodily fluid that must be disposed of in an approved manner such as a sharps container or biohazard waste receptacle.

Mobile Licence – means a licence issued to a person obtained under 17.8.2 to provide a service from any mobile premises.

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Mobile Premises – means any vehicle, stall or unit whether self-propelled or not, that is not a fixed premises nor dwelling house from which a service is provided prescribed Beauty Therapy, Tattooing or Skin Piercing process is carried out and for which payment is received.

Operator – means any Licensee and/or any person working at a premises staff member who performs-provides a Prescribed-Process service.

Premises – means as the context requires, a Designated Premises, Mobile Premises or Temporary Premises.

Prescribed-Process Service – means any Beauty Therapy, Tattooing or Skin Piercing processes for which payment is received.

Readily Accessible – refers to the location of any fixture, equipment, instrument, or utensil so that it can be accessed quickly, practically and without any action likely to pose a risk to any person.

Skin Penetration – means any service, usually tattooing or skin piercing, that breaks the skin or penetrates the skin.

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Tattooing and Skin Piercing – means any Prescribed-Process service to modify a person's appearance involving the intentional piercing, cutting, puncturing or practice of making indelible marks in human skin or tissue for the purpose of inserting jewellery, pigments, ink or dyes into the skin or other part of the human body. Cosmetic and semi-permanent tattooing, such as microblading is included as is Tattooing and Skin Piercing includes traditional tool and customary tattooing and skin piercing procedures if conducted in a commercial manner for profit.

Temporary Premises – means a place where any Prescribed-Process service covered by this bylaw is undertaken-provided intermittently such as an event, demonstration or festival, with a maximum duration of seven days unless otherwise approved by an authorized officer.

Trading Licence – means a licence obtained-issued to a person under clause 17.8.1 to provide a service from any designated premises or any temporary premises.

17.7.17.8 REGISTRATION AND LICENSING

17.7.1 No person may operate as a Beauty Therapist, Tattooist or Skin Piercer without holding a current Certificate of Registration or Mobile Licence or Trading Licence.

17.7.2 No person is permitted to operate under an expired Certificate of Registration or Mobile Licence or Trading Licence.

17.7.3 No person may use any Premises unless, as the context requires, the Premises comply with this bylaw, or an exemption in accordance with section 17.19 of this bylaw has been granted.

17.7.4 The Certificate of Registration must be prominently displayed at the principal entrance to the Premises to which the Prescribed-Process relates.

17.7.5 17.8.1 An operator person must obtain a Trading the appropriate licence to conduct a Prescribed-Process provide a service in the absence of at any Designated mobile, or temporary Premises or to trade in an itinerant manner.

17.7.6 An operator must obtain a Mobile Licence to conduct a Prescribed-Process at Mobile Premises.

17.8.2 An operator must obtain a Trading Licence to conduct a Prescribed-Process at Temporary Premises.

17.7.7 All operators must comply with the conditions of any licence or Certificate of Registration and requirements within this bylaw unless a written exemption is obtained.

~~17.8.3~~ Applications for any licence ~~or Certificate of Registration~~ under this bylaw ~~shall must~~ be made ~~by the owner or manager and shall be made on~~ the prescribed form ~~provided by the Council~~.

~~17.7.8~~ A licence ~~or Certificate of Registration~~ is effective from the date of issue, up to and including the date of expiry.

~~17.7.9~~ The holder of a Mobile Licence or Trading Licence must carry a copy of their current licence with them at all times.

~~17.8.4~~ A Fees (as set by Council annually) shall be payable ~~fee is payable~~ on application for registration a licence, and as a condition of any licence, and renewed thereafter on an annual basis in accordance with this bylaw for a term of no more than one year.

~~17.8.5~~ A licence is renewed on an annual basis in accordance with the bylaw for a term of no more than one year.

~~17.7.10~~ *Explanatory note: Application and licence fees are generally set by the Council annually as part of the long-term plan or annual plan process.*

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~~17.8~~ **17.9 EXEMPTIONS**

~~17.9.1~~ Operators must comply with the relevant requirements of this bylaw unless a written exemption is obtained.

~~17.9.2~~ Any Operator-person may apply ~~in writing to an Authorised Officer for an written~~ exemption from any requirement in this bylaw, ~~or the requirement to obtain a licence under this bylaw. Exemptions will be considered~~ where the Operator-person can demonstrate that any risk to public health is mitigated to the same extent as ~~what is~~ provided for in the bylaw.

Explanatory note: Examples of situations where an exemption may be granted include (but are not limited to) eyebrow tinting, and the painting of nails as sole business activities.

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~~17.9~~ **17.10 APPEALS** ~~LICENCE MAY BE ALTERED, SUSPENDED, CANCELLED OR REVIEWED~~

~~17.10.1~~ The Council may, at its discretion, alter, suspend, or cancel any licence given under clause 8 of this bylaw if licence conditions are being breached.

~~17.10.2~~ When a licence has been suspended or cancelled the licensee must immediately cease operation.

~~17.9-17.10.3~~ Any person applicant affected by a decision made under this bylaw who is dissatisfied with the decision or a requirement made by an Authorised Officer may appeal in writing to the Chief Executive ~~for a review of the decision~~ within 14 days after ~~being receiving~~ notification ~~in writing~~ of the decision, ~~or requirement~~.

~~17.10~~ **17.11 GENERAL CONDITIONS OF LICENCE AND OPERATION**

~~17.11.1~~ The holder of a designated premises trading licence must prominently display their licence at the principal entrance to the designated premises.

~~17.11.2~~ The holder of an itinerant licence, mobile licence or temporary trading licence must carry a copy of their licence with them and present it on request.

~~17.11.3~~ A licence is effective from the date of issue up to the date of expiry.

~~17.11.4~~ A licence is personal to the licensee and is not transferrable.

~~17.11.5~~ A person must not provide any service as a beauty therapist, tattooist or skin piercer without holding a current licence.

~~17.11.6~~ A person must not provide any service under an expired licence.

~~17.11.7~~ A person must not use any premises unless, as the context requires, the premises comply with this bylaw, or an exemption in accordance with clause 17.9 has been granted.

~~17.10.4-17.11.8~~ ~~No person may carry out any Prescribed Process~~ A person must not provide a service where skin is penetrated or pierced on any person under the age of 16 years without the written permission of that person's parent or legal guardian, ~~and that parent/legal guardian being present during the prescribed process~~ service.

~~17.10.2~~ ~~No person may carry out any Prescribed Process on any person whom they suspect is under the influence of alcohol, drugs or mind-altering substances.~~

~~17.10.3~~ ~~No person may smoke on the Premises.~~

~~17.10.4~~ ~~17.11.9~~ ~~No~~ A person who knows or suspects that he or she is suffering from or is a carrier of a skin infection or Communicable Disease, or associated conditions, shall must not carry out any ~~Prescribed Process~~ service without taking adequate precautions to prevent the transmission of such infection, disease or condition.

~~17.10.5~~ ~~No animals, except registered disability assist dogs are to be permitted on the Premises.~~

~~17.10.6~~ ~~17.11.10~~ ~~An Operator must ensure that w~~ where a recognised qualification is available, an operator must obtain or be working towards a qualification applicable to the ~~Prescribed Processes~~ services being offered.

~~17.10.7~~ ~~17.11.11~~ ~~An employee-operator must work under the direct supervision of a qualified person-operator and be working towards obtaining a recognised qualification if a recognised qualification has not been obtained.~~

~~17.11.12~~ ~~Any operator who undertakes a service that pierces or penetrates the skin must have obtained and be able to produce evidence of a bloodborne pathogen training course being successfully undertaken.~~

(Explanatory Note: Recognised Training may include a national or international recognised training standard, NZQA unit standard or industry training organisation qualification.)

Explanatory note: Licensees must comply with all relevant legislation including, but not limited to the Building Act 2004 (in relation to the premises) and the Hazardous Substances and New Organisms Act 1996.)

Explanatory note: All licensees operating from a mobile premises must meet the requirements of Dunedin City's Trading in Public Places Bylaw or any replacement bylaw if they are trading in a public place.

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~~17.11~~ ~~17.12~~ **RECORDS**

~~17.11.1~~ ~~17.12.1~~ ~~Prior to the commencement of any Prescribed Process~~ service every Operator is required to obtain the following client information in written form:

- Client name, address and contact details.
- Client date of birth.
- Acknowledgement of any potential risks associated with the ~~Prescribed Process~~ service to be administered.
- Client consent for the ~~Prescribed Process~~ service to be administered.
- Client health information including (but not limited to):
 - Any medication taken which may affect the ~~Prescribed Process~~ service.
 - Any known blood or bleeding disorder or blood thinning medication taken
 - Any medical history of known allergies or adverse reactions.
 - Any medical history in relation to communicable or infectious diseases.

Explanatory note: Operators must ensure they comply with the Privacy Act 2020.

~~17.11.2~~17.12.2 The Licensee must hold client records regarding such information on site for a minimum of 12 months and ensure that information is updated after every visit. These records must be made accessible to Authorised Officers on request.

~~17.11.3~~17.12.3

17.12.4 The Licensee must keep for a minimum of 12 months:

(a) provide written evidence of the regular servicing of all equipment used for sterilisation such as an autoclave, UV cabinet or glass bead steriliser. Such records must be kept for a minimum period of 12 months. The records shall be made available to an Authorised Officer on request.

(a) A record of medical waste disposal, including the disposal of any sharps. must be kept for a minimum period of 12 months.

The records information in clauses 17.12.2 and 17.12.3 must shall be made available to an Authorised Officer on request.

~~17.12~~17.13 PHYSICAL ASPECTS OF DESIGNATED AND MOBILE PREMISES

~~17.12.1~~17.13.1 No person shallA person must not use, or allow any Premises to be used for any Prescribed Processservice except in accordance with allthe following provisions:

(1) Any new premises shall be constructed in accordance with the Building Act 2004 or subsequent Act.

(2)(1) The premises shall beA licensee must maintained the premises in a state of good repair and in a clean and tidy condition at all times.

(3)(2) The floors, walls, ceiling, fixtures and fittings in any area connected with the carrying out of any Prescribed Processshall service must be constructed of materials that are continuously smooth, impervious and easily cleaned.

(4)(3) A wash hand basin supplied with a constant piped supply of hot and cold water, soap, a nail brush and approved hand drying facilities shall must be provided in a Readily Accessible Position to the operator associated with any Prescribed Processservice.

(5)(4) A sink supplied with a constant piped supply of hot and cold water, shall be provided in a Readily Accessible Position to those working at the premises for the sole purpose of cleaning instruments and equipment associated with any Prescribed Processservice.

(6)(5) All parts of the Premises shall must be ventilated.

(7)(6) All parts of the Premises shall must be provided with lighting to facilitate cleaning and inspection.

(8) There shall be provision for separate storage of chemicals, cleaning equipment and products associated with any Prescribed Process when not in use.

(9) Hazardous chemicals must be stored in accordance with The Hazardous Substances and New Organisms Act 1996 or subsequent Act.

(10)(7) Covered waste receptacles that are constructed of a readily cleanable material shall can be easily cleaned must be provided.

(11)(8) All mattresses, squabs and cushions used on any chair, bed, table, or the like, used in conjunction with the carrying out of any Prescribed Process, shall at the premises must be covered in an impervious and readily cleanableeasy to clean material. All linen/paper, if single use, must be replaced after each client.

~~(12)(9) Separate storage shall be provided for clean and soiled laundry. All laundry items used on a premises or in association with a service must be cleanly laundered. Clean and soiled laundry must be stored separately, must be either commercially cleaned or otherwise rendered hygienic.~~

~~(13)(10) Where refreshments are served to customers, single-use utensils are to be used unless dishwashing facilities are supplied must be thoroughly cleaned between use.~~

17.13 MOBILE PREMISES

~~17.13.1 All Licensees operating from a Mobile Premises must meet all requirements of Dunedin City's Mobile Trading and Temporary Stall Bylaw 2014 Trading in Public Places Bylaw or subsequent bylaw.~~

17.14 ITINERANT LICENCE HOLDERS

~~17.14.1 Only operators conducting prescribed Beauty Therapy processes~~ A person intending to perform a service itinerantly may apply for an Itinerant licence.

~~17.14.2 All Operators carrying out a Prescribed Process with an~~ To avoid doubt, Itinerant Licence holders are exempt from clause 17.13 of this bylaw.

17.14.3 All Itinerant Licence Holders must ensure that they:

- (a) Provide sufficient facilities to store all clean and used equipment, linen and waste products safely in separate containers before and after use and while in transit.
- (b) Maintain any work area and protect all surfaces and equipment from contamination by dust, dirt, ~~members of the public in the immediate area~~ or other such contaminants at all times.
- ~~(c) Have direct access to hand washing facilities with soap, paper towels and hot and cold running water. Alternatively, waterless, alcohol-based antiseptic hand gels, foams, or liquids can be used by mobile operators only where it is physically impossible to have hand washing facilities with running water.~~
- ~~(d)(c)~~ Have adequate sterile equipment for all clients undergoing skin penetration procedures and if the Itinerant Licence holder does not have an autoclave or approved steriliser, then single use pre-sterilised equipment is to be used.

17.15 CONDUCT

17.15.1 An operator on a Premises must:

- ~~(e)(d)~~ At all times keep ~~his or her~~ their clothing, hands and fingernails clean, and must cover any infected, damaged or inflamed skin with an impermeable dressing.
- ~~(f)(e)~~ Thoroughly clean ~~his or her~~ their hands, using soap and water for at least 20 seconds, rinsing and then drying them properly (using paper towels, single use cloths, or an air dryer) immediately:
 - before commencing and after completing the ~~Prescribed Process~~ service;
 - after using a toilet;
 - after smoking or vaping;
 - after blowing the nose or touching their face;

- after handling soiled laundry, money, biological matter or waste materials used or produced in connection with a ~~Prescribed-Process~~service.
- 17.15.2 Ensure that all needles used in any ~~Prescribed-Process~~service are single use, pre-sterilised, and disposable needles.
- 17.15.3 Prior to commencing any ~~procedure~~service, cleanse client's skin with a cleansing agent approved by an Authorised Officer and allow to dry. For any ~~Prescribed-Process~~service where skin is penetrated, the client's skin must be cleansed using a solution of 70% alcohol (ethyl alcohol or isopropyl).
- 17.15.4 Provide to every client, or make available through a website or other electronic link at the completion of any ~~Prescribed-Process~~service, ~~to every client suitably~~ written ~~aftercare~~ instructions for the subsequent care of the site to prevent its infection.
- 17.15.5 Dispose of all blood or tissue contaminated materials used in a ~~Prescribed Process~~service, into a puncture resistant container or otherwise, in an approved manner.
- 17.15.6 The Licensee must ensure ~~there is a written procedure for the cleaning of any blood or tissue contaminated linen or fixtures held onsite at all times. all operators can demonstrate an awareness of how any blood or tissue contaminated linen or fixtures will be cleansed/disinfected.~~
- 17.15.7 ~~No Operator shall undertake any Prescribed Process~~An operator must not undertake any service unless the Operator covers their hands with new, single use gloves for each customer or ~~prior to and following the procedure,~~ the Operator washes and sanitises their hands using a waterless alcohol-based cleanser, ~~or uses waterless, alcohol-based antiseptic hand gels, foams or liquids where it is physically impossible to have or use hand washing facilities with running water. prior to and following the procedure.~~
- 17.15.8 Any equipment used must only be operated according to manufacturer specifications and ~~not~~ for ~~any~~ other purpose.

17.16 STERILISATION, DISINFECTION AND CLEANING

Sterilisation

- ~~17.16.1 No e~~Equipment used in any ~~Prescribed-Process~~service that involves skin penetration ~~shall be must not be~~ reused unless it has been sterilised ~~in one of the following ways: by being~~thoroughly cleansed then exposed to steam under pressure in a steriliser (autoclave) in accordance with manufacturer's instructions.
- ~~17.16.2~~ Evidence of the use of chemical indicator strips to demonstrate that the appropriate ~~time, pressure and~~ temperature have been achieved during the sterilisation cycle must be kept and be made available for inspection for a minimum of 12 months.
- ~~(g) 17.16.3~~ Evidence of re-processing following a chemical indicator strip fail or load failure must be kept and made available for inspection ~~by an Authorised Officer~~ for a minimum of 12 months.
- ~~(a) (a)~~Thoroughly cleansed then totally immersed in a glass bead steriliser according to manufacturer's instructions.
- ~~(b) (c)~~Thoroughly cleansed by a method appropriate to the nature of the article concerned and then submitted to a process of sterilisation.
- ~~17.1.2~~The Licensee must provide evidence of regular servicing and calibration ~~(as applicable) of all sterilisation equipment upon request by an Authorised Officer.~~
- ~~17.16.2~~17.16.4 All disposable needles must be disposed of in an appropriate 'sharps'

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container for Medical Waste, which in turn must be disposed of in an approved manner.

~~17.16.3~~17.16.5 All non-medical waste is to be stored in a covered receptacle and removed from the premises on a regular basis.

Disinfection and Cleaning

~~17.16.4~~17.16.6 All equipment, instruments and utensils that are unable to be sterilised must be thoroughly cleaned and then disinfected by a thermal or chemical disinfection procedure, or via a Glass bead Steriliser or Ultra-violet (UV) light cabinet, following manufacturer's instructions, in an approved manner.

~~17.16.5~~17.16.7 After thorough cleaning, approved solutions for disinfecting include (but are not limited to):

- (a) Ethyl alcohol, isopropyl alcohol or methylated spirits (in each case containing not less than 70% alcohol); or
- (b) An industrial strength disinfecting solution (such as a chlorine, phenol or Quaternary ammonium cation (QUAT) based solution) used in accordance with manufacturer's instructions.

~~17.16.6~~17.16.8 There shall be provided at all times Operators must an adequate supply of chemicals used for general cleaning of the Premises and the disinfection of equipment, instruments and utensils.

~~17.16.7~~17.16.9 For any chemical used to disinfect, Operators must be able to demonstrate knowledge of chemical dilution rates, application method and contact times.

17.17 CLEANSING AND REPAIR

17.17.1 The Licensee must immediately cease operation if customers may be exposed to contamination or communicable disease because of the:

- (a) condition of any Premises or equipment; or
- (b) procedure or ~~Prescribed Process~~service.

17.17.2 The Licensee must on receipt of written instruction signed by an Authorised Officer:

- (a) cleanse, reconstruct or repair the Premises, or equipment or redesign the procedures within the time specified on the written instruction; and
- (b) immediately cease using the Premises until any such time agreed by the Authorised Officer.

17.18 TATTOOING AND SKIN PIERCING

17.18.1 ~~A person must not undertake eyeball tattooing unless that person is a registered ophthalmologist.~~

~~17.18.2 All equipment used for Tattooing or Skin Piercing that is not disposable must be sterilised.~~

~~17.18.3~~17.18.2 All jewellery used for piercing must be sterile.

~~17.18.4~~17.18.3 Stencils and marker pens must only be used for one client and then disposed of.

~~17.18.5~~17.18.4 The Licensee is responsible for ensuring that all pigments, inks, and dyes ~~purchased and~~ used for tattooing are approved under the New Zealand Environmental Protection Agency's Tattoo and Permanent Makeup Substances Group Standard 2022, ~~and purchased in a manner that fits within this standard~~ or meet the relevant standards that apply under legislation from the territory or country from which they are imported.

~~17.18.6~~17.18.5 No-An Operator ~~shall~~must not, in tattooing a customer, use any dye, pigment or solution, unless the dye, pigment or solution has been decanted into a container holding sufficient of the liquid for carrying out the tattoo on that customer only.

~~17.18.7~~17.18.6 The Operators ~~shall~~must ensure that on completion of the tattoo, any dye, pigment or solution residue is discarded and disposed of to waste, and the container is either sterilised or discarded.

17.19 BEAUTY THERAPY

17.19.1 No-A person ~~shall~~must not remove hairs from ~~areas of the body such as~~ moles, birthmarks, and ~~the like~~other abnormalities without medical permission.

17.19.2 Any product that has been applied to a client's body (including wax) ~~shall~~must not be reused.

17.19.3 All utensils or instruments used for product application must be single use or rendered hygienic between clients.

17.20 OFFENCES AND PENALTIES

17.20.1 Every person who fails to comply with this bylaw commits an offence and is liable ~~on conviction~~ to a penalty under the Local Government Act 2002 and/or the Health Act 1956 ~~or subsequent Acts~~.

17.20.2 The continued existence of any work or thing in a state, or the intermittent repetition of any action, that contravenes this bylaw ~~shall be deemed to be~~is a continuing offence.

17.20.3 Every person who commits a breach of this bylaw that is an offence under the Health Act 1956 or subsequent Act is liable to a fine up to \$500 and to a further fine of up to \$50 for every day on which the offence continues.

17.20.4 Every person who commits a breach of this bylaw that is an offence under the Local Government Act 2002 or subsequent Act is liable ~~on conviction~~ to a fine up to \$20,000.

17.21 SAVINGS

17.21.1 Any ~~Certificate of Registration or other~~ licence issued prior to the commencement date of this bylaw continues to be valid until its date of expiry.