

ENVIRONMENTAL  
HEALTH POLICY

## SKIN PENETRATION SURVEILLANCE STRATEGY

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## 1. Introduction

Skin that is intact, without cuts, abrasions or lesions, is a natural protective barrier against infection. Penetrating the skin can introduce infective micro-organisms into the body. To prevent the transfer of micro-organisms, operators must perform procedures in a safe and hygienic manner that include standard infection control procedures, maintaining clean premises, appropriate reprocessing of equipment and safe work practices.

Unhygienic practices and procedures may affect the health of both the client and the operator. Where procedures involving skin penetration are not managed correctly, they have the potential to transmit bacterial and fungal infections, as well as viral infections such as HIV, hepatitis B and hepatitis C.

The Public Health Act 2010 and Public Health Regulation 2012 regulates body decorating and grooming practices carried out by people who are not registered as health professionals.

The regulated body decorating and grooming industries include:

- Beauty treatments such as waxing, cuticle cutting, microdermabrasion etc
- Body, nose and ear piercing
- Cosmetic enhancements
- Colonic lavage
- Tattooing

Hairdressing and other body decorating and grooming practices which do not deliberately pierce the skin are not regulated.

The City of Canada Bay recognises the importance of regulating and educating skin penetration businesses throughout the City and this strategy documents Council's commitment.

## 2. Aim of the strategy

Minimise the risks associated with skin penetration procedures within the City of Canada Bay, through enforcement and education.

## 3. Scope

The Skin Penetration Surveillance Strategy applies to skin penetration businesses within the City of Canada Bay. Specifically, the Strategy applies to skin penetration businesses regulated under applicable legislation; however the principles outlined are relevant to all skin penetration procedures.

## 4. Legislation and Codes of Best Practice

Applicable skin penetration legislation and codes of best practice include:

- NSW Public Health Act 2010
- NSW Public Health Regulation 2012

## 5. NSW Health

City of Canada Bay is primarily responsible for the regulation of skin penetration businesses within the City. NSW Health provides guidance to Council and has regulatory powers under legislation to regulate skin penetration businesses within NSW.

## 6. The NSW Public Health Act 2010 and Council's Responsibilities

The NSW Public Health Act 2010 gives Council's Environmental Health Officers the power to enter, inspect, examine, photograph and require records of any premise undertaking skin penetration procedures, other than a medical practitioner for whom separate infection control procedures apply.

## 7. Skin Penetration business types and inspection frequencies

### 7.1 Skin Penetration Business Types

Under the NSW Public Health Act 2010, a skin penetration procedure means any procedure whether medical or not that involves skin penetration including:

- Acupuncture
- Tattooing
- Ear piercing
- Hair removal, and
- Any procedure declared by the NSW Public Health Regulation 2012 to be a skin penetration procedure

It does not include:

- Any procedure carried out by or under the supervision of a health practitioner registered under the Health Practitioner Regulation National Law, or
- Any procedure declared by the NSW Public Health Regulation 2012 not to be a skin penetration procedure

### 7.2 Exempt Premises

The Public Health Act 2010 and Public Health Regulation 2012 do not apply to:

- Acupuncturists registered with the Chinese Medical Board
- Hairdressers and barbers

If a hairdressing salon undertakes skin penetrating procedures in addition to hairdressing such as ear piercing, waxing, cuticle cutting etc they are required to register their business with the Council within seven (7) days of the change occurring. Once registered the premises will be inspected as per Council's inspection regime.

### 7.3 Skin Penetration Business Inspection Frequencies

All skin penetration businesses will be inspected annually. Inspection frequencies will be at Council's discretion and generally based on risk.

## 8. Fees and charges

### 8.1 Council's Fees and Charges

Section 608 of the Local Government Act 1993 allows Councils to charge a fee for the services it provides. In particular Council may charge a fee for inspecting premises that are reasonably required to be inspected in the exercise of the Council's functions, whether or not the inspection is requested or agreed to by the owner or occupier of the premises.

In determining such a fee, Council must consider the following:

- 'A council, if it determines the amount of a fee for a service, must take into consideration the following factors:
  - the cost to the council of providing the service,
  - the price suggested for that service by any relevant industry body or in any schedule of charges published, from time to time, by the Department,
  - the importance of the service to the community,
  - any factors specified in the regulations.
- The cost to the council of providing a service in connection with the exercise of a regulatory function need not be the only basis for determining the approved fee for that service.

- A higher fee or an additional fee may be charged for an expedited service provided, for example, in a case of urgency'.

In accordance with the Public Health Regulation 2012 the following fees may also be charged:

Public Health	Service	Prescribed Fee
Section 97	Issue of Improvement Notice or Prohibition Order	\$270
Section 98	Reinspection of premises issues with Prohibition Order	\$250 per hour  Minimum charge – half an hour  Maximum charge – 2 hours

Council's fees and charges are set annually. An inspection and reinspection fee where applicable will be charged. For further information please see Council's current fees and charges.

### Waiving and reduction of fees under certain circumstances

Regular inspection of skin penetration businesses plays an important role in ensuring compliance with applicable legislation and best practice infection control procedures. Council appreciates increasing financial pressure placed on small businesses and will consider waiving fees or reducing fees on a case by case basis where written application is received outlining the details why the fees cannot be paid.

## 9. Skin Penetration Business Inspection Procedure

### 9.1 Inspection Procedure

When conducting an inspection of a skin penetration business, Council's Environmental Health Officer should:

- Attend to the premises when due for inspection without prior notice being given to the business.
- Present themselves at the front counter, advise that they are at the premises to conduct an inspection under the Public Health Act 2010 and request to speak to a person with the authority to represent the business.
- Conduct the inspection whilst the business is open for trading.
- Provide proof of identity when requested.
- Adhere to any occupational health and safety requirements applicable whilst in attendance at the skin penetration business.
- Conduct the inspection with or without the presence of the person authorised to represent the business.
- Record all identified non-compliances with skin penetration legislation.
- Provide a written report to the business on all outcomes from the inspection.
- Answer any questions from the business relating to the report or other related skin penetration matters.
- Be courteous and fair throughout the inspection.
- Exercise discretion when required in all of the above matters.

### 9.2 Enforcement

#### 9.2.1 Verbal Warnings

Council's Environmental Health Officers may issue verbal warnings for non-compliances with skin penetration legislation where the risk of the non-compliance is considered low or can be immediately rectified.

#### 9.2.2 Re-Inspection

Council will undertake a re-inspection (where required) to enforce compliance with skin penetration legislation. A re-inspection will be undertaken for all non-compliances with skin penetration legislation where the risk is considered greater than low and the non-compliance cannot be immediately rectified.

### 9.2.3 Written Warnings

Council may issue a written warning (letter) for non-compliances with skin penetration legislation where the risk of the non-compliance is considered low, is the first offence and not an immediate risk or greater to public health.

### 9.2.4 Local Government Order

An Order under section 124 of the Local Government Act 1993 may be issued for non-compliance with the prescribed requirements listed under Schedule 2 of the Local Government (General) Regulation 2005 where prior warning has been given and/or the non-compliance is considered to pose a moderate risk to public health.

### 9.2.5 Improvement Notice

Council may issue an Improvement Notice for non-compliance with Public Health Regulation 2012 where non-compliance/s present a medium to high risk or where a warning has previously been issued.

### 9.2.6 Penalty Notice

Council may issue a penalty notice where businesses fail to rectify non-compliances or where the risk of non-compliance is considered medium to high.

### 9.2.7 Prohibition Order

A prohibition order may be issued on a business failing to comply with Public Health Regulation 2012 where continued operation of a business, use of specific rooms or equipment present a serious risk to public health.

### 9.2.8 Prosecution

Council may undertake prosecution for repeated non-compliances with skin penetration legislation or where a serious non-compliance has occurred.

## 9.3 Skin Penetration Business Classification

Skin penetration businesses have been placed into three categories based on the risks associated with procedures that are carried out.

The three categories are:

- Level 0 - Low risk businesses
- Level 1 - Medium risk businesses
- Level 2 - High risk businesses

The categorisation of the Skin Penetration business may vary dependant on result of inspections undertaken. The variation of a skin penetrations business categorisation will be at the discretion of Council.

## 9.4 Skin Inspection Frequencies

The inspection frequency of skin penetration business will be dependent on their category:

- Level 0 - Will only be inspected should an incident require it (e.g. Complaint).
- Level 1 - Will be inspected once every 2 years (plus re-inspections if required).
- Level 2 - Will be inspected once per year (plus re-inspections if required).

The above-mentioned Inspection frequencies are to be used as guide only. Inspection frequencies will be at Council's discretion and generally based on risk to public health and safety.

# 10. Urgent Skin Penetration Safety Response and Complaint Management

## 10.1 Investigation of urgent skin penetration complaints

It is an unfortunate reality that emergencies either deliberate or accidental, can seriously threaten the safety of the community. They require an immediate on-the-ground response. The unconditional availability of all regulatory personnel to address such urgent incidents is critical to protecting the public. In most cases such emergencies will be covered by

Commonwealth and State emergency management plans. Council will be available to assist in any urgent public health incidents relating to skin penetration procedures

## 10.2 General Skin Penetration Complaints

Council will investigate general complaints about skin penetration businesses in a timely manner to control further risk to public health.

Council and NSW Health have a close working relationship. All complaints received by Council will be assessed and where appropriate, NSW Health will be notified.

## 11. Perceived Conflicts of Interest

A conflict of interest refers to situations where a conflict arises between public duty and private interest, which could influence the performance of official duties and responsibilities. Such conflict generally involves opposing principles or incompatible wishes or needs.

Where an Environmental Health Officer believes a potential conflict of interest has arisen in relation to the regulation of a skin penetration business, the potential conflict must be acknowledged and the Manager Environmental Health advised. Where the conflict of interest cannot be resolved, Council may seek assistance from NSW Health.

Council's Code of Conduct should be referred to when assessing a potential conflict of interest.

## 12. Acceptance of Gift

Any token or gifts of value offered to Environmental Health Officers are to be handled in accordance with Council's Code of Conduct.

## 13. Registration of Skin Penetration Businesses and Council's Skin Penetration Business Register

### 13.1 Registration of Skin Penetration Businesses

Under NSW Public Health Act 2010 and NSW Public Health Regulation 2012, all skin penetration businesses must notify Council of their details prior to business. Once notified, Council will register the business on Council's Skin Penetration Business Register. It is the responsibility of the business proprietor to ensure that any changes to the original registration are advised to Council within seven (7) days of the change.

### 13.2 Council's Skin Penetration Business Register

All details provided by the skin penetration business as part of their registration are entered into Council's Skin Penetration Business Register and updated as required. All details from business inspection activities will be entered into the register. The register will be used to schedule inspections and track any actions required.

The register will store all of Council's information on skin penetration surveillance and will be used to generate reports where required.

### 13.3 Integrity of Information

Accuracy of information kept in Council's Skin Penetration Business Register is imperative and all persons accessing the register will be responsible for ensuring the information remains accurate.

### 13.4 Data Entry

Council's Environmental Health Officers are responsible for entering all information relating to inspection activities and business registrations.

### 13.5 Privacy

All information entered into and obtained from Council's Skin Penetration Business Register is confidential and information must be handled in accordance with Council's Code of Conduct.

## 14. Education

Council aims to provide a detailed and diverse education program as part of its Skin Penetration Surveillance Strategy. Council's Environmental Health Officers' will aim to provide ongoing updates on the website, as well as verbal and written education where required to ensure all skin penetration businesses have access to the latest information available.

### 14.1 Methods of Education for Skin Penetration Businesses

#### 14.1.1 Website and Fact Sheets - Online

Council's website has been designed to provide a 'one stop information shop' for skin penetration businesses. The website includes information and details in relation to Council's Skin Penetration Surveillance Strategy, relevant codes and policies, relevant forms, fact sheets and new business requirements.

Council's website will be updated regularly and the aim is to grow the website to a point where it is the central information area to be used by skin penetration operators and the like.

#### 14.1.2 Verbal and Written Communication

Council's Environmental Health Officers are available to discuss any issues with skin penetration proprietors and can be readily accessed by phone, email or approached during inspection. Council's inspection routine aims to not only provide enforcement of legislation but also an educative tool to increase knowledge amongst skin penetration operators.

Council will also aim to provide written information to skin penetration businesses as the need arises.

#### 14.1.3 Newsletter

Council's Piercing Issues newsletter has been created to further improve communications between Council and skin penetration operators. The newsletter covers a range of beauty matters including best practice procedures, available resources, legislative changes and common misunderstandings in the industry..

#### 14.1.4 Seminars

Council provides skin penetration seminars aimed at presenting local skin penetration business owners with the opportunity to refresh their skills and knowledge in the skin penetration industry and advise them of any changes in legislative requirements or Council procedures. Further, the seminars will enable local business operators to meet and become familiar with Council's Environmental Health Officers whilst providing the opportunity to ask any questions or concerns they may have in a non threatening environment.

Seminars will be held at the discretion of Council.

#### 14.1.5 Education of General Public

Council will endeavour to promote its Skin Penetration Surveillance Strategy through its website and local media. Council may also provide statistical reporting to the public where appropriate. The information gathered through inspection and complaints will remain confidential, however Council may publicise overall statistics which do not identify specific businesses.

## 15. Communication

Communication is a critical aspect of achieving public health outcomes. Council is required to effectively communicate with:

- NSW Health
- Other Councils
- Skin Penetration Businesses
- General Public

### 15.1 Methods of Communication

There are a variety of methods Council will use to communicate with the above-mentioned sectors:

- Telephone
- Email
- Face to Face
- Written Correspondence
- Council's Website
- Media

## 15.2 Communication with NSW Health

Effective communication between Council and NSW Health is necessary to maintain public health. Council may request information or assistance from NSW Health at times and conversely NSW Health may seek assistance or information from Council. Council will cooperate where possible with such requests.

## 15.3 Communication with other Council's

Council will assist other Councils where requested in providing information and assistance. Council will also communicate with other Councils where a skin penetration matter spans across Local Government Areas.

## 15.4 Communication with Skin Penetration Businesses

Open and honest communication with local skin penetration businesses is vital in maintaining public health. Council will remain open and honest with skin penetration businesses and provide assistance when requested. Council will ensure that skin penetration businesses are made aware of changes to legislation, news/initiatives or any change that may impact local businesses.

## 15.5 Communication with general public

Council will provide public health education and information to the general public when requested or when necessary. Council will remain attentive to complaints about skin penetration businesses and communicate with the complainant as to the progress of their complaint.

# 16. Training, appointment and competency of Environmental Health Officers

## 16.1 Appointment of Environmental Health Officers

Environmental Health Officers are appointed by Council under the Public Health Act 2010 for the purpose of carrying out duties prescribed in the Act.

## 16.2 Powers of Environmental Health Officers

An environmental health officer who believes on reasonable grounds that premises are used for the carrying on of skin penetration procedures may enter the premises and do any one or more of the following on those premises:

- inspect the premises,
- make inquiries of any person found on the premises,
- examine, inspect or test any apparatus, equipment or works,
- take and remove samples of any substance or other thing,
- require the samples referred to in paragraph (d) to be taken and given to the environmental health officer or another person or to the Director-General,
- take such photographs, films and audio, video and other recordings as the environmental health officer considers necessary,
- require records to be produced for inspection,
- examine, inspect and copy any records,
- make such other examinations, inquiries and tests as the environmental health officer considers necessary.

## 16.3 Competency and Training of Environmental Health Officers

Council's environmental health officers hold tertiary qualifications in health related disciplines. Officers regularly attend specialist courses and briefings to make sure their skills and knowledge are at the forefront of public health best practice.

