



Health, Environment & Waste

COMPLIANCE STRATEGY PUBLIC HEALTH (INFECTION CONTROL FOR PERSONAL APPEARANCE SERVICES) ACT 2003



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

The main purpose of the *Public Health (Infection Control for Personal Appearance Services) Act 2003* (the Act) is to:

- To minimise the risk of infection that may result from the provision of personal appearance services.

The role of Local Government in relation to achieving the purpose of the Act is:

- To require business proprietors and operators to take reasonable precautions and care to minimise infection risks; and
- To require business proprietors whose business provides higher risk personal appearance services to hold a licence; and
- To require operators providing higher risk personal appearance services to hold an infection control qualification; and
- To provide for compliance with this Act to be monitored and enforced.

Compliance Objectives for Environmental Health

The objectives of the Environmental Health Program are to prevent, control and reduce risks to public health associated with personal appearance services; ensure that businesses are regulated in a fair and effective manner and to provide business and the public with relevant information in relation to infection control. In addition, officers from the Environmental Health Program will work alongside other regulators and policy makers (i.e. Department of Health, Local Authorities) to ensure the overarching purpose of the Act is achieved.

Strategy for Compliance Activities

The Environmental Health Program will use this Compliance Strategy as a framework, using a risk-based approach, to conduct routine inspections, complaint investigations and proactive regulatory work to achieve the objectives outlined.

Routine Inspection of Licensed Higher Risk Personal Appearance Service Businesses

The Environmental Health Program will undertake routine inspection of licensed higher risk personal appearance service businesses under a routine inspection program. Officers will aim to identify non-compliance with legislative requirements and thereafter work with the business operator in order to ensure the risk of infection is minimised.

Investigation of Customer Requests Regarding Alleged Non-Compliance in Licensed Personal Appearance Service Businesses

The Environmental Health Program investigates customer requests relating to the operation of licensed personal appearance service businesses. Issues investigated include improper infection control practices, unlicensed premises, training of employees, cleanliness, etc. Officers will inspect the business to assess the validity of the complaint and take appropriate action to ensure any non-compliance found are resolved in a suitable timeframe.

Risk Assessment of Compliance Outcomes

The Environmental Health Program identified consistency in decision making, and in particular the adoption of appropriate enforcement tools, as being critical to the work of the Program and to ensure they are an open, fair and transparent regulator. To foster greater consistency between individual officers, this Compliance Strategy for the *Public Health (Infection Control for Personal Appearance Services) Act 2003* has been developed.

This Compliance Strategy provides a framework for the risk-based selection of enforcement options in the Act. By utilising a risk-based framework it will be possible to ensure that all enforcement tools are used in a consistent and transparent manner by officers within the Environmental Health Program.

The *Public Health (Infection Control for Personal Appearance Services) Act 2003* Enforcement Matrix, utilises a risk assessment based on two distinct factors, these being the human health risk posed by the breach and the likelihood of the business operator to resolve the non-compliance in a reasonable timeframe. The factors are independent of each other, however when assessed together in the Enforcement Matrix, provide the 'recommended enforcement option'. It is then expected that officers will adopt the 'recommended enforcement option' in regards to securing compliance. If however an officer believes that an alternative enforcement option is more suitable than the 'recommended enforcement option', the officer must provide an evidence report to their supervisor outlining the reason for this decision. If the evidence report provides clear evidence that another enforcement tool would better secure compliance, then the 'recommended enforcement option' may be replaced with a more appropriate option.

Regardless of the enforcement action that may be required, the officer will always discuss the issues with the business operator / alleged offender. For some lower risk, first time offences, the officer may only provide verbal advice. However, if escalated enforcement action is recommended, the officers will explain this prior to it occurring. The Environmental Health Program is committed to being an open and transparent regulator that works with business operators / customers to achieve compliance.



Public Health (Infection Control for Personal Appearance Services) Act 2003 Enforcement Matrix

		HUMAN HEALTH RISK (Actual or Potential)		
		MINOR (low Risk)	MAJOR	CRITICAL (Very High Risk)
LIKELIHOOD OF COMPLIANCE (COMPLIANCE HISTORY/WILLINGNESS AND CAPACITY TO COMPLY)	CATEGORY A (Low Risk)	Verbal Advice	Remedial Notice	Remedial Notice
	CATEGORY B	Remedial Notice	Remedial Notice	Remedial Notice Prosecution
	CATEGORY C (High Risk)	Remedial Notice*	Remedial Notice Prosecution	Prosecution

Note 1: The enforcement options in the enforcement matrix are a guide only. Enforcement should be undertaken in accordance with the enforcement matrix and unless approval is obtained from the officer's line manager.

Note 2: Officers must always discuss the identified issues / offences and proposed actions with the business operator / alleged offender prior to any documentation / notices being delivered.

Note 3: Officers must always refer to the relevant legislation to determine whether a particular enforcement

option (e.g. Infringement Notice) is permitted for a particular offence.

Note 4: If deviating from the above default enforcement options, the decision must be clearly documented and validated by the responsible officer.

** Please note that an Infringement Notice may be served for a small number of minor issues. If this is the case, please evaluate this option as part of the enforcement matrix.*



Levels of Human Health Risk (Actual or Potential)

MINOR (Low Risk)

- Legislative non-compliances which have the potential to result in a minor, temporary threat to human health. Minor non-compliances can be easily rectified during the normal course of business.
- Minor administrative non-compliances.

Examples:

- Minor cleaning or maintenance issues e.g. section of unclean flooring, damaged chair etc.
- Licence not displayed in a suitable manner in premises.
- A copy of the Infection Control Guidelines not kept on the premises.

MAJOR (High Risk)

- Legislative non-compliances which have the potential to result in a significant threat to human health. Businesses may not be able to fix major non-compliances during the normal course of business.
- Serious administrative non-compliances.

Examples:

- Serious cleanliness issues regarding floors, walls, ceilings and fixtures/fittings.
- Employees undertaking personal appearance services not suitably qualified.
- Serious structural issues in work areas e.g. multiple holes in walls, large areas of damaged flooring etc.
- Improper operation of or lack of current validation of autoclave.
- Business not holding a current licence with Council.

CRITICAL (Very High Risk)

- Legislative non-compliances which represent an imminent and significant threat to human health. Critical non-compliances represent a fundamental breakdown of public health in the business and require immediate corrective action.

Examples:

- Serious issues with the cleanliness/sterilisation of equipment e.g. tattoo guns, jewellery, piercing guns, etc.
- Single-use items being re-used.

Categories of Likelihood of Compliance

(Compliance History/Willingness and Capacity to Comply)

CATEGORY A - Indications of future and ongoing compliance are high (Low Risk)

- No known occurrences of historic and/or current ongoing serious non-compliance
- Good demonstrated awareness of and/or capacity to meet regulatory requirement; and/or
- Reasonable and cooperative attitude

CATEGORY B - Indications of future and ongoing compliance are uncertain

- Few known occurrences of historic and/or current ongoing non-compliance; and/or
- Questionable awareness of and/or capacity to meet regulatory requirement

CATEGORY C - Indications of future and ongoing compliance are low

- Numerous known occurrences of historic and/or current ongoing non-compliance; and/or
- Low awareness of and/or capacity to meet regulatory requirement

Level of Action

VERBAL ADVICE

- Minor compliance issue that is expected to have a high level of compliance; and/or
- Unlikely to result in any imminent human health risk

REMEDIAL NOTICE

- Minor non-compliance where there is doubt in relation to the likelihood of the business to comply ; and/or
- May ultimately result in a serious human health risk if not resolved

PROSECUTION

- Critical imminent risk to human health; and/or
- Known or expected ongoing legislative non-compliance

Issue 3 however, is more serious in nature and would require the adoption of formal enforcement options to ensure compliance is achieved.

When issue 3 is reviewed, a Critical non-compliance and is recurrent from the last routine inspection, it can be determined that the risk to human health would be very high whilst the likelihood of compliance being Category B due to the serious repeated ongoing nature of the issue. In this instance, the most appropriate enforcement option would be to issue a Remedial Notice.

When the overall outcome of the inspection is reviewed, the following 'recommended enforcement options' have been recorded for the issues noted:

- Verbal advice
- Verbal advice
- Remedial Notice