

Queensland Health

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

Report on local government activities 2023-2024



**Queensland  
Government**

## **Public Health (Infection Control for Personal Appearance Services) Act 2003 - Report on local government activities 2023-2024**

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# Summary

Each financial year, the Communicable Diseases Branch, Queensland Health (hereafter referred to as 'the Department') request data on local government administration and enforcement activities conducted under the *Public Health (Infection Control for Personal Appearance Services) Act 2003* (the Act).

For the 2023-2024 reporting period, data was requested on the number and type of businesses holding a higher risk personal appearance service (HRPAS) licence, inspections of HRPAS and non-higher risk personal appearance services (N-HRPAS) conducted, complaints received and enforcement actions. Data provision by local government is voluntary and this report provides the responses of 59 local governments (76%) within Queensland.

There were 1,169 fixed, 10 mobile and 3 one-off HRPAS licences. The types of HRPAS conducted under these licences were collected for the first time revealing 816 body art premises, 567 cosmetic personal appearance services (PAS), 3 registered training organisations and 46 premises offering tattoo removal. Local governments conducted 1,062 inspections of HRPAS and 26 of N-HRPAS and received similar levels of complaints for both types of PAS (67 HRPAS; 54 N-HRPAS). There were 16 records of enforcement action undertaken, primarily the issuing of remedial notices (n=13).

During the 2023-2024 year there were significant legislative changes which impacted upon the PAS industry, including the release of the Infection Control Guidelines for Personal Appearance Services 2024 (the Guidelines) and a new Australian Standard for reprocessing reusable instruments and equipment. Alongside activity data, local governments provided feedback on matters which had an impact on the administration and enforcement of the Act during the reporting period. The main themes from the feedback received from local government were:

- The Guidelines lack industry-specific infection control practices for all new cosmetic-related HRPAS, including platelet-rich plasma (PRP) injections, thread lifts and skin needling.
- Further guidance and training on emerging PAS, particularly cosmetic-related PAS, and Spaulding Classification Scheme are needed to ensure that infection control standards are enforced consistently across the state.
- The Department poorly communicated the key changes that occurred during 2023-2024, resulting in a gap in awareness amongst the PAS industry.
- Enhanced engagement between the Department and local government is necessary to understand contemporary and emerging industry practices, to work to resolve concerns, and to remove ambiguity around the Act.

# Background

Local government and Queensland Health have legislative responsibilities for identifying and managing potential infection risks associated with PAS. The administration and enforcement of the Act and the Public Health (Infection Control for Personal Appearance Services) Regulation 2016 (the Regulation) falls under the jurisdiction of local government.

Local governments are responsible for ensuring that businesses offering PAS in Queensland, including body art, body modification, and other prescribed PAS, comply with their obligation to minimise the risk of infection that may result from the provision of these services. These obligations are legislated and supported under the Act, the Regulation and the Guidelines.

PAS are classified into two categories:

- HRPAS, defined under Section 14 of the Act, which involve skin penetration procedures in which the release of blood or other bodily fluid is an expected result, such as tattooing and body piercing.
- N-HRPAS, defined under Section 15 of the Act, are other types of PAS that are not considered to be a HRPAS, such as hairdressing and beauty therapy.

The Executive Director of the Communicable Diseases Branch, Queensland Health, is the custodian of the legislation and carries responsibility for assisting and supporting local governments in addressing the evolving challenges within the PAS industry.

The Act does not apply to PAS provided in health-care settings where services are aimed at maintaining, improving, restoring, or managing a person's health and wellbeing; these settings are under the jurisdiction of Queensland Health and are outside the scope of this report.

## Yearly overview

The 2023-2024 year was significant for the PAS industry with two key changes impacting the operation and regulation of PAS:

- The previous Australian Standards for sterilizing were superseded in December 2023 with one all-encompassing Australian Standard – AS 5369:2023 Reprocessing of reusable medical devices and other devices in health and non-health related facilities (AS 5636:2023).
- The infection control guidelines for personal appearance services 2024 came into effect on 8 August 2024 under a notice made by the Minister pursuant with section 28 of the Act. After several years of re-drafting and delays due to the COVID-19 pandemic, this is the first time the Guidelines have been updated since 2012.

To assist industry in meeting their obligations to minimise infection risks, in addition to the 2024 Guidelines, the Department released supporting resources including updated versions of the 'What business needs to know' and 'A guide for local government' booklets, updated record keeping templates and a quick reference guide on applying Spaulding Classification

Scheme in a PAS setting. Spaulding Classification Scheme sets out the minimum requirements for the reprocessing of reusable equipment and instruments and was one of the prominent changes to AS 5369:2023 and consequently reflected within the Guidelines.

## Reporting process

In August 2024, the Department emailed a reporting form to all local governments, including one Town Authority, requesting data on activities conducted under the Act for the 2023-2024 financial year. As per previous years, data was sought on the number of licences issued, inspections, complaints and enforcement action. However, led by the shift in regulatory complexities of modern cosmetic-related PAS such as PRP and cosmetic injectables over the traditional forms of PAS such as body art and piercing, the Department amended the 2023-2024 reporting format to quantify the types of HRPAS being licensed in Queensland. PAS were categorised broadly as body art, cosmetic services (including cosmetic tattooing), registered training organisations and tattoo removal.

The Department will use the refined categorical data obtained from the 2023-2024 year as a baseline to monitor trends in the number and types of services being licensed across the state.

## Results

A total of 78 forms were distributed. Please refer to Table 1 for a high-level summary of local government responses.

**Table 1 Local government activities: 2023-2024**

	Local government responses			
Responses	59 of 78 (76%)			
Licences	1,169 fixed		10 mobile	3 single/one-off
	816 body art*	567 cosmetic services*	3 registered training organisations	46 tattoo removal*
Inspections carried out	1,062 HRPAS		26 N-HRPAS	
Complaints received	67 HRPAS		54 N-HRPAS	

	Local government responses				
Enforcement action	0 Penalty infringement Notices (PINs)	2 Show cause notices	13 Remedial notices	1 Licence cancellation /suspension	0 Prosecution

\*Some business offer body art, cosmetic services and/or tattoo removal under one HRPAS licence but may be represented multiple times in the data

The results presented in Table 1 demonstrate that body art services including tattooing, piercing and scarification are the leading type of HRPAS being licensed in Queensland. Cosmetic services including cosmetic injectables, dermal rollers, thread lifts and cosmetic tattooing also represent a significant proportion of licences. It is expected that the cosmetic PAS industry will grow in future reporting periods, with the number of licences attributable to cosmetic services already exceeding that of body art services in some individual local government areas.

There were 46 HRPAS licences for businesses conducting tattoo removal using skin penetration (i.e. excluding laser tattoo removal). Whilst body art tattoo removal has largely moved to the use of laser over acid-based solutions, laser is not considered an appropriate removal method for cosmetic tattooing. Saline and glycolic acid tattoo removal methods are licensable skin penetration procedures used for fading or removing cosmetic tattoos. These tattoo removal methods are increasingly being offered by cosmetic tattooists and the number of businesses offering this service is expected to increase with demand over the coming years.

Table 2 details the local government activity comparisons between the previous four reporting periods (years).

**Table 2 Comparison with previous reporting periods**

	2023-2024	2022-2023	2021-2022	2020-2021
Response rate (of 78)	76% (59)	58% (45)	65% (51)	79% (62)
Fixed licences	1,169	740	988	1,001
Inspections	1,062 HRPAS 26 N-HRPAS	606 HRPAS 8 N-HRPAS	1,077 HRPAS 103 N-HRPAS	1,104 HRPAS 75 N-HRPAS
Complaints	67 HRPAS 54 N-HRPAS	70 HRPAS 13 N-HRPAS	52 HRPAS 93 N-HRPAS	99 HRPAS 64 N-HRPAS
Total enforcement action	16	9	16	27

A total of 59 local governments (76%) provided activity data for the 2023-2024 year, an increase from only 45 (58%) the year prior. A comparison between the 2023-2024 and 2020-2021 data, for which similar response rates were received, 59 vs. 62 out of a total of 78 local governments, demonstrates an increase in the number of fixed licences from 1,001 to 1,169 but a decrease in inspections, complaints and enforcement activity.

The proportion of enforcement action, commensurate with the number of inspections undertaken each reporting period, has remained steady over the previous three years with, on average 1.5% of inspections resulting in a form of enforcement action. This is a decrease from the 2020-2021 year in which enforcement action was higher at ~2.3% based on the total number of inspections. During 2023-2024, contrary to previous years, the overall number of complaints relating to N-HRPAS were similar to those for HRPAS, 54 and 67, respectively.

## Overall summary

There was an encouraging increase in local government responses for 2023-2024. Trends over the previous four reporting years indicate enforcement actions have remained steady relative to the number of inspections conducted. Quantifying the types of licensable higher risk businesses operating across Queensland for the first time has provided invaluable baseline data to track industry growth areas. Already, it is clear that Queensland is experiencing the reemergence of tattoo removal using skin penetration procedures as a result of the widespread cosmetic tattooing industry. Cosmetic services, as expected, have a strong presence across the state and based on the current number of licensable businesses (567) have the potential to exceed body art licenses in coming years as this industry continues to diversify.

# Local government feedback

Local governments were asked to provide feedback on matters affecting the administration and enforcement of the Act during 2023-2024. This feedback identified some new and existing issues impacting local government and fell within three main categories: the implementation of the updated Guidelines, improved support for local governments and industry, and the legislative scope for cosmetic services.

## Guidelines

There were two main themes evident in the feedback related to the Guidelines. Firstly, local governments are collectively seeking further guidance and support on the implementation of Spaulding Classification Scheme, specifically the classification of instruments and equipment and the high-level disinfection process. Secondly, local governments would like to see specific infection control advice and standards for contemporary HRPAS, including cosmetic injectables, threads and PRP. Both of these points were linked to ensuring consistency across Queensland in the application and enforcement of these activities.

## Improved support for local government and industry

With several significant changes occurring during 2023-2024, local governments felt there were shortcomings in the Department's communication which has resulted in gaps in

awareness across the industry. This highlights the need for open channels of communication and increased engagement between the Department and local government.

To support the implementation of the Guidelines and AS 5369:2023, local governments identified a need for industry specific factsheets and further training for environmental health officers (EHOs). Further to this, local governments wished to strengthen the ability to conduct joint inspections with Queensland Health public health unit EHOs.

## Legislative scope

Local governments provided resounding feedback on the need for legislative amendments which provide clearer definitions of HRPAS, including cosmetic injectables, and remove the ambiguities related to PAS provided in health-care facilities. Local governments would like to see clear regulatory direction for modern PAS. Furthermore, local governments raised concerns with regulating medical professionals such as doctors and nurses within the cosmetic PAS industry.

## 2024-2025

The Department is committed to continuing to increase collaborative engagement with local governments during 2024-2025, with initiatives aimed at keeping local governments informed of regulatory changes, emerging trends and other matters related to PAS under development. A primary focus for the Department will be commencing updates to the Guidelines which reflect modern services and address local government feedback concerning the components creating operational and regulatory hurdles for industry and local governments.

## Conclusion

Following the release of the updated Guidelines there was an increased response rate in voluntary data and local government feedback for the 2023-2024 period. Although suspected through previous years' reports, there is now strong baseline data demonstrating the expansion of the cosmetic-related PAS industry, and surprisingly, the reemergence of tattoo removal operators.

Local governments provided invaluable feedback on the Guidelines, outlining critical omissions and the need for improved support and regulatory clarity, particularly in relation to modern PAS. The Department is focused on modernising the Guidelines to reflect current services, with improved communication and collaboration with local governments to address the challenges faced by regulators and service providers alike. Ongoing consultation will be essential to ensure the Guidelines remain relevant and continue to promote infection control standards as the industry evolves.

# Glossary

Term	Definition
Body piercing	<p>The process of penetrating a person's skin or mucous membrane with a sharp instrument for the purpose of implanting jewellery or other foreign material through or into the skin or mucous membrane.</p> <p>However, it does not include the process of piercing a person's ear or nose with a closed piercing instrument that –</p> <p>(a) does not come into contact with the person's skin or mucous membrane; and</p> <p>(b) is fitted with a sterilised single-use disposable cartridge containing sterilised jewellery and fittings.</p>
Higher risk personal appearance service	<p>A personal appearance service involving any of the following skin penetration procedures in which the release of blood or other bodily fluid is an expected result –</p> <p>a) body piercing</p> <p>b) implanting natural or synthetic substances into a person's skin, including, for example, hair or beads</p> <p>c) scarring or cutting a person's skin using a sharp instrument to make a permanent mark, pattern or design</p> <p>d) tattooing</p> <p>e) another skin penetration procedure prescribed under a regulation.</p>
Non-higher risk personal appearance services (N-HRPAS)	<p>A personal appearance service other than a higher risk personal appearance service.</p>
Personal appearance service (PAS)	<p>Means beauty therapy, hairdressing or skin penetration that is provided as part of a business transaction</p>
Skin penetration	<p>A procedure intended to alter or enhance a person's appearance that involves the piercing, cutting, scarring, scraping, puncturing, or tearing of a person's skin or mucous membrane with an instrument.</p>
Spaulding Classification Scheme	<p>A system used to classify reusable medical devices and other devices as critical, semi-critical, or non-critical on the basis of risk to patient/client safety from device contamination and determine the level of microbicidal action required for reprocessing.</p>

Term	Definition
Tattooing/cosmetic tattooing	The process of penetrating a person's skin and inserting into it colour pigments to make a permanent mark, pattern, or design on the skin. Tattooing also includes any process that penetrates the skin and inserts into it colour pigments to make a semi-permanent mark, pattern or design on the skin, e.g. cosmetic tattooing or the process for applying semi-permanent makeup.
Tattoo removal	Tattoo removal by skin penetration procedures in which the of blood or other bodily fluid is an expected result. Excludes laser tattoo removal.