

Looking after the health of Aucklanders

Improving services that contact the body

beauty and health treatments, tattoo, body piercing, massage



1 Have your say

Looking after the health of Aucklanders

Every day Aucklanders use a wide range of services such as beauty and health treatments, tattoo, body piercing and swimming pools.

Using services with poor hygiene or health practices can cause infection or injury.

How Auckland Council keeps you safe

We make rules that require the people who provide you with these services to meet minimum health and hygiene standards.

Every year we inspect places that require a licence and check to see if they comply with the rules. We give services a chance to fix any problem we find. If the service does not fix the problem in time, or it is serious, we may take legal action.

The rules are set out in the Health and Hygiene Bylaw 2013, Te Ture ā-Rohe Whakamaru Hauora 2013

Improving health and hygiene rules

We recently checked how well the rules are working. While most rules are working, there are some improvements needed to better protect public health.

The main changes we want to make are:

- require services that pierce, or risk breaking or burning tissue (not just the skin) to be licensed
- require therapeutic massage, water play parks and splash pads to meet minimum standards
- ban eyeball tattooing unless carried out by a qualified health practitioner
- introduce rules that services must display a licence
- clarify rules about traditional tattooing like tā moko and traditional Pacific tattoo.

We want to know what you think

We want to know what you think about the Health and Hygiene Bylaw, especially the changes.

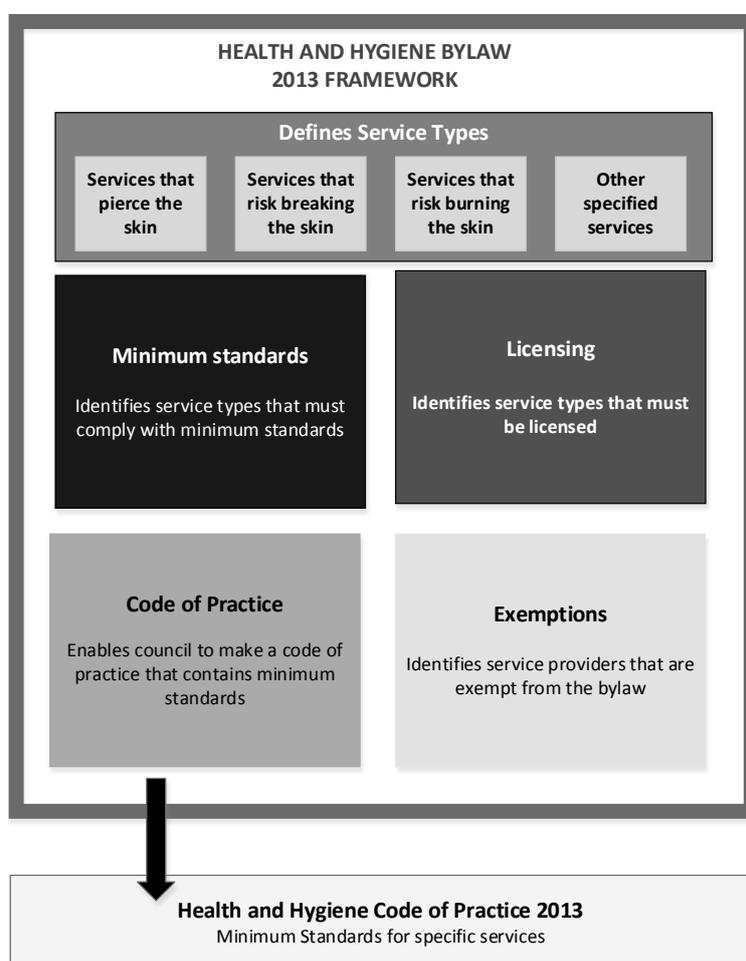
Visit www.aucklandcouncil.govt.nz/have-your-say to find more information, give your feedback and find out where you can drop into a 'have your say' event.

2 What is the Bylaw

The Auckland Council Health and Hygiene Bylaw 2013, Te Ture ā-Rohe Whakamaru Hauora 2013 (Bylaw) was made on 27 June 2013.

The purpose of the Bylaw is to promote and protect public health by minimising health risks to Aucklanders who use service that involve contact with the body.

Health and Hygiene Bylaw 2013 framework



Note: We are not seeking feedback on the Health and Hygiene Code of Practice 2013. The code can be viewed at www.aucklandcouncil.govt.nz/bylaws.

How the Bylaw works

The Bylaw sets rules about what services must meet minimum health and hygiene standards and what services must be licensed.

Services that must be licensed and comply with minimum standards	Services that must comply with minimum standards only
<ul style="list-style-type: none"> • tattooing • traditional tattooing • body piercing • body modification • acupuncture • electrolysis • red vein treatment • derma rolling 	<ul style="list-style-type: none"> • hair removal • manicure • pedicure • exfoliation • sun-beds • pulsed light • laser treatment • colon hydrotherapy • swimming pools

How we implement the Bylaw

Auckland Council provides a licensing and complaint response service.

Council undertakes inspections before granting or renewing licences to ensure compliance with the Code. Licences are renewed annually.

Council investigates all complaints and applies a graduated approach to compliance. For example, for high risk services (such as tattooing, traditional tattooing, skin piercing, laser, intense pulsed light and sunbeds) officers will carry out more detailed inspections, provide more education and respond to complaints within 48 hours.

If a problem is found, operators will be given an opportunity to fix the issue or apply for a licence, depending on the circumstances.

If an operator fails to fix the issue or apply for a licence, council can take legal action. Penalties include a fine of up to \$20,000.

3 What's proposed to change

Improving health and hygiene rules

We recently checked how well the current rules are working. While most rules are working well, some improvements are needed.

Council is proposing to make changes to the Bylaw to better minimise health risks to people using services that contact the body.

The major changes proposed are:

Proposed amendment	Reason for proposed change
<ul style="list-style-type: none"> Requiring services that pierce, or risk breaking or burning tissue (not just skin) to be licensed. 	Services that contact tissues that are not skin (such as vaginal laser treatments) are not currently covered in the Bylaw but have the same risk as services that are currently required to be licensed.
<ul style="list-style-type: none"> Requiring therapeutic massage, water play parks and splash pads to meet minimum standards. 	Massage, public water play parks and splash pads are not currently covered in the Bylaw but have the same risk as services (such as swimming pools) that are currently required to comply with minimum standards.
<ul style="list-style-type: none"> Banning eyeball tattooing unless carried out by a qualified health practitioner. 	Eyeball tattoo is very high-risk and may cause permanent blindness. Only certain health practitioners are qualified to perform this service, (including ophthalmologists or eye specialists).
<ul style="list-style-type: none"> Requiring service operators to display a licence. 	Gives customers confidence that the operator will provide services in a way that minimises risks to their health.
<ul style="list-style-type: none"> Clarifying the existing ability of marae to authorise tā moko artists. 	Better reflects current practice.
<ul style="list-style-type: none"> Clarifying the existing requirement for traditional Pacific tattoo artists to be licensed. 	Better recognises traditional Pacific tattoo as a culturally significant practice that is distinct from commercial tattoo services.

If you want to know more, Section B shows the proposed changes in full with an explanation for the change. Section C contains a copy of the proposed changes to the Bylaw text.

4 How we got here

Decisions leading to the proposed changes

The Local Government Act 2002 requires council to review its bylaws to determine whether they are still needed, effective and efficient.

The council reviewed the Bylaw and reported its findings in April 2018.

Key findings from the Bylaw review included:

- services that contact the body continue to pose health risks, including the transfer of viral and bacterial infections, cancer and injury to the body
- new services emerge at a fast pace and not all are appropriately regulated by the Bylaw (e.g. eyeball tattoo and laser treatments)
- the Bylaw has effectively minimised most public health risks – 95 per cent of licensed operators comply with the Code
- stakeholders consider the Bylaw is necessary, as it is the only regulatory tool that proactively minimises health risks, but it could be improved.

In May 2018 the Council made a decision that:

- a bylaw is still the most appropriate way of minimising health risks for people using services that involve contact with the human body
- the Bylaw is not the most appropriate form as it currently does not properly regulate certain services
- the Bylaw does not give rise to any implications and is not inconsistent with the New Zealand Bill of Rights Act 1990.

The Council then considered its options and approved the option to amend the current Bylaw framework. Section A contains a summary of the options the council considered.

This statement of proposal was approved for public consultation by the Governing Body in July 2018 to commence the process to amend the Bylaw.

Go to www.aucklandcouncil.govt.nz/have-your-say for copies of the above decisions.

5 We want your input

You now have an opportunity to tell us your views.

We want to know what you think about the Health and Hygiene Bylaw.

We are really interested to know whether you agree with the proposed changes.

Give us your feedback

Starting on 26 August 2018 through to 1 October 2018 we will be seeking feedback on the proposed changes to the Bylaw.

You can give your feedback:

- in person at one of our 'have your say' events – visit our website for details
- online at our website www.aucklandcouncil.govt.nz/have-your-say

Online services are available at our libraries.

Your name and feedback will be available to the public in our reports and online. All other personal details will remain private.

Section A: Summary of options considered by Council

Option	Description	Assessment
Option 1: Status Quo – retain the current bylaw framework	<ul style="list-style-type: none"> defines four service types (see Figure 1 above) identifies which service types require a licence and which must comply with minimum standards in a code identifies exemptions (e.g. health practitioners). 	Option 1 was not adopted. While it effectively minimises most health risks, it does not regulate some current and new services identified in Option 2 that pose health risks.
Option 2: Amend current bylaw framework Recommended	Retains current bylaw framework with amendments: <ul style="list-style-type: none"> require services that pierce, or risk breaking or burning tissue to be licensed require therapeutic massage, water play parks and splash pads to meet minimum standards prohibit eyeball tattoo except by health practitioner require service operators to display a licence clarify current ability of marae to authorise tā moko artists clarify current licensing of traditional Pacific tattoo artists. 	Option 2 was adopted. It further minimises health risks by covering a broader range of current and new services, without additional resourcing or implementation costs.
Option 3: New risk-based bylaw framework	Make a new bylaw that more explicitly regulates services based on public health risk (very high, high, moderate or low-risk) <ul style="list-style-type: none"> identifies which risk categories require a licence and which must comply with minimum standards enables minimum standards to be adopted in a code identifies exemptions (e.g. health practitioners). 	Option 3 was not adopted. While it would further minimise health risks (the same as Option 2) and cover unanticipated future services without the need to amend the Bylaw (unlike Option 2), the approach is untested and would require additional resourcing, expert advice and implementation costs.
Option 4: respond to complaints only using Health Act 1956	Revoke the Bylaw and rely on existing powers under the Health Act 1956 to respond to health nuisance complaints.	Option 4 was not adopted. It does not proactively minimise health risks and harm must occur before officers can take action.
Option 5: Industry self-regulation	Revoke the Bylaw and rely on industries to regulate themselves.	Option 5 was not adopted. Council has a duty to improve, promote and protect public health under the Health Act 1956.
Option 6: bylaw includes minimum standards	Amend the Bylaw so that it includes all minimum standards that are currently contained in a separate code.	Option 6 was not adopted. It would be less flexible and efficient than amending the current Bylaw.

Section B: Proposed changes to Health and Hygiene Bylaw

Existing clause	New clause	Explanation for change
<p>2 Commencement</p> <p>(1) This bylaw comes into force on 01 July 2014.</p>	<p>2 Commencement</p> <p>(1) This bylaw comes into force on 01 July 2014.</p> <p>(2) <u>Amendments to clause 9 by resolution GB/yyyy/## come into force three months after the date of the resolution.</u></p> <p>(3) <u>All other amendments by resolution GB/yyyy/## come into force on the date of the resolution.</u></p>	<ul style="list-style-type: none"> Amended to provide clear commencement dates for amendments and allow a three-month transition period for operators to display licence (clause 9).
<p>4 Purpose</p> <p>(1) The purpose of this bylaw is to promote and protect public health by –</p> <p>(a) requiring certain services with the following health risks to comply with minimum standards, including –</p> <p>(i) any commercial service that pierces the skin;</p> <p>(ii) any commercial service that risks breaking the skin;</p> <p>(iii) any commercial service that risks burning the skin;</p>	<p>4 Purpose</p> <p>(1) The purpose of this bylaw is to promote and protect public health by –</p> <p>(a) requiring certain services with the following health risks to comply with minimum standards, including –</p> <p>(i) any commercial service that pierces the skin <u>or tissue</u>;</p> <p>(ii) any commercial service that risks breaking the skin <u>or tissue</u>;</p> <p>(iii) any commercial service that risks burning the skin <u>or tissue</u>;</p>	<ul style="list-style-type: none"> Amended to ensure the Bylaw covers a broader range of services that pose health risks (e.g. laser treatments that risk burning vaginal tissue).

Existing clause	New clause	Explanation for change
	<p><u>(iv) any tattooing or traditional tools tattooing that has recognised cultural significance;</u></p>	<ul style="list-style-type: none"> Amended to better recognise traditional Pacific tattoo as a culturally significant practice that is distinct from commercial tattoo services. No change to current requirement to obtain a licence and comply with minimum standards.
<p>(iv) any commercial service involving colon hydrotherapy; or</p> <p>(v) public swimming pools.</p>	<p><u>(v) any commercial service involving colon hydrotherapy;</u></p> <p><u>(vi) public swimming pools, public water play park or splash pad; or-</u></p>	<ul style="list-style-type: none"> Amended to include public water play parks and splash pads as these pose similar health risks to public swimming pools and should comply with minimum standards.
	<p><u>(vii) therapeutic massage.</u></p>	<ul style="list-style-type: none"> Inserted to require therapeutic massage operators to comply with minimum standards that protect public health.
<p>(b) requiring a licence for certain services, including –</p> <p>(i) any commercial service that pierces the skin;</p> <p>(ii) any commercial service that risks breaking the skin; or</p> <p>(iii) any commercial service that risks burning the skin.</p>	<p>(b) requiring a licence for certain services, including –</p> <p>(i) any commercial service that pierces the skin <u>or tissue;</u></p> <p>(ii) any commercial service that risks breaking the skin <u>or tissue; or</u></p> <p>(iii) any commercial service that risks burning the skin <u>or tissue; or</u></p>	<ul style="list-style-type: none"> Amended to ensure the Bylaw covers a broader range of services that pose health risks (e.g. laser treatments that risk burning vaginal tissue).

Existing clause	New clause	Explanation for change
	(iv) <u>any tattooing or traditional tools tattooing that has recognised cultural significance.</u>	<ul style="list-style-type: none"> Amended to better recognise traditional Pacific tattoo as a culturally significant practice that is distinct from commercial tattoo services. No change to current requirement to obtain a licence and comply with minimum standards.
5 Interpretation	5 Interpretion	
	<u>Eyeball Tattooing means a practice of piercing any part of the eye (including but not limited to the sclera and surrounding tissues) and inserting pigments, dyes or objects.</u>	<ul style="list-style-type: none"> Definition inserted to provide clear definition of eyeball tattooing to ensure people understand extent of prohibition unless carried out by a health professional.
Health practitioner means a person who is, or is deemed to be, registered under the Health Practitioners Competence Assurance Act 2003 as a practitioner of a particular health profession.	Health practitioner means a person who is, or is deemed to be, registered under the Health Practitioners Competence Assurance Act 2003 as a practitioner of a particular health profession. <u><i>Explanatory note: Health practitioners include professionals working as doctors, nurses, physiotherapists, optometrists, podiatrists, chiropractors and osteopaths.</i></u>	<ul style="list-style-type: none"> Explanatory note inserted to give practical examples of professionals who are health practitioners under the Health Practitioners Competence Assurance Act 2003.
Manager means (a) in the case of a permanent premises, a person who is usually present and who has specific responsibility for operator supervision; or (b) in the case of a temporary premises, a person who has effective control over operators; or (c) if no person meets the description in (a) or (b), manager the same meaning as operator .	Manager means (a) in the case of a permanent premises, a person who is usually present and who has specific responsibility for operator supervision; or (b) in the case of a temporary premises, a person who has effective control over operators; or (c) if no person meets the description in (a) or (b), manager <u>has</u> the same meaning as operator .	<ul style="list-style-type: none"> Definition amended to clarify and simplify the meaning of manager.

Existing clause	New clause	Explanation for change
<p>Permanent premises means any land, dwelling, storehouse, warehouse, shop, cellar, yard, building, or part of the same, or enclosed space separately occupied. All lands, buildings, and places adjoining each other and occupied together are deemed to be the same premises.</p>	<p>Permanent premises means any land, dwelling, storehouse, warehouse, shop, cellar, yard, building, or part of the same, or enclosed space separately occupied <u>where any service is undertaken on an on-going and regular basis by any person</u>. All lands, buildings, and places adjoining each other and occupied together are deemed to be the same premises.</p>	<ul style="list-style-type: none"> Definition amended to ensure permanent premises includes the necessary intention to undertake the service on an on-going basis.
	<p>Public water play park or splash pad means <u>a recreation area that is constructed to be used for water play (including sprinklers, fountains and nozzles) and is drained to allow for little or no standing water. It includes commercial, school, institutional, club, hospitality, community, and local authority water play parks and splash pads. It does not include water play parks and splash pads for domestic use only.</u></p>	<ul style="list-style-type: none"> Definition inserted to ensure the public understand what is meant by water play parks and splash pads now that they must comply with minimum standards.
<p>Skin piercing means a practice involving piercing, cutting and puncturing the skin or any other part of the human body and includes such services as acupuncture, body piercing, derma rolling/stamping, electrolysis, extractions, red vein treatment, tattooing, and traditional tools tattooing.</p>	<p>Skin piercing [repealed] means a practice involving piercing, cutting and puncturing the skin or any other part of the human body and includes such services as acupuncture, body piercing, derma rolling/stamping, electrolysis, extractions, red vein treatment, tattooing, and traditional tools tattooing.</p>	<ul style="list-style-type: none"> Definition deleted as the term “skin piercing” not used in bylaw.
	<p>Skin is included in the definition of tissue and <u>means the outer surface covering the body and is made up of the outer epidermis, middle dermis and deep subcutaneous tissue.</u></p>	<ul style="list-style-type: none"> Definition inserted to clarify the meaning of skin and explains that it is included in the definition of tissue.
<p>Temporary premises means any premises used for a service or any area set up for not more than 5 days to undertake a service.</p>	<p>Temporary premises means <u>any location where any service is undertaken by any person on an irregular basis, and the primary purpose of that location is not ordinarily the provision of that service.</u></p> <p><i>Explanatory note: temporary premises include, for example, residential dwellings, apisā at a fale or moata, events or markets.</i></p>	<ul style="list-style-type: none"> Definition amended to allow greater flexibility around the time frame for a temporary activity. Some temporary activities, such as traditional Pacific tattoo may take longer than five days.

Existing clause	New clause	Explanation for change
	<p>Therapeutic massage means the rubbing and kneading of muscular tissue to relieve tension or pain, and excludes commercial sexual services as defined in the Prostitution Reform Act 2003.</p>	<ul style="list-style-type: none"> Definition inserted to ensure the public understand what is meant by therapeutic massage if operators are required to comply with minimum standards.
	<p>Tissue means a collection of similar cells that together carry out a specific function. It includes connective tissue, such as blood, bones and ligaments, muscular tissue, nervous tissue, membranes and skin.</p>	<ul style="list-style-type: none"> Definition inserted to ensure the public understand what is meant by tissue if the Bylaw covers services that pierce, risk breaking and risk burning tissue.
<p>6 Health protection code of practice</p> <p>(1) The council may make, amend or revoke a code of practice that –</p> <p>(a) relates to the operation of commercial services that pose an associated health risk to any persons using or accessing their services, products or business operation; and</p> <p>(b) establishes minimum standards with regard to the way premises are constructed, equipped and maintained, and in regard to the way operators conduct themselves when providing services; and</p> <p>(c) includes recommendations on the best practice to be observed with regard to the way premises are constructed, equipped and maintained, and in regard to the way operators conduct themselves when providing services.</p>	<p>6 Health protection code of practice</p> <p>(1) The council may make, amend or revoke a code of practice about any services in clause 8.</p> <p>(2) Every code of practice adopted under (1) may specify –</p> <p>(a) minimum standards for the operation of those services, including (but not limited to):</p> <p>(i) operator conduct, training and qualifications;</p> <p>(ii) premises construction, facilities and maintenance;</p> <p>(iii) equipment, supplies and products used;</p> <p>(iv) cleaning, sterilisation and disposal of waste products</p> <p>(v) customer age restrictions, consent and after care advice;</p> <p>(vi) record keeping; and</p> <p>(b) recommended best practice for the operation of those services.</p>	<ul style="list-style-type: none"> Amended to clarify the types of minimum standards council can make in the Code. The amendments do not change the types of minimum standards from those already in the Code (e.g. minimum standards for operator training and qualifications).

Existing clause	New clause	Explanation for change
<p>8 Services allowed subject to minimum standards</p> <p>(1) The operator of any of the following services must comply with relevant standards set by the council in a code of practice made under clause 6 –</p> <p>(a) any commercial service that pierces the skin, including but not limited to, tattooing, traditional tools tattooing, body piercing, acupuncture, electrolysis, extractions, red vein treatment, or derma rolling;</p> <p>(b) any commercial service that risks breaking the skin, including but not limited to, hair removal, manicure, pedicure, or exfoliation;</p> <p>(c) any commercial service that risks burning the skin, including but not limited to, sun-bed (tanning unit), pulsed light, or laser treatment;</p>	<p>8 Services allowed subject to minimum standards</p> <p>(1) The operator of any of the following services must comply with relevant standards set by the council in a code of practice made under clause 6 –</p> <p>(a) any commercial service that pierces the skin <u>or tissue</u>, including but not limited to tattooing, traditional tools tattooing, body piercing, acupuncture, electrolysis, extractions, red vein treatment, or derma rolling;</p> <p>(b) any commercial service that risks breaking the skin <u>or tissue</u>, including but not limited to hair removal, manicure, pedicure, or exfoliation;</p> <p>(c) any commercial service that risks burning the skin <u>or tissue</u>, including but not limited to sun-bed (tanning unit), pulsed light, or laser treatment;</p>	<ul style="list-style-type: none"> Amended to include tissue to ensure coverage of a broader range of services that can pose a public health risk (e.g. vaginal laser treatments).
	<p>(d) <u>any tattooing or traditional tools tattooing that has recognised cultural significance;</u></p>	<ul style="list-style-type: none"> Amended to better recognise traditional Pacific tattoo as a culturally significant practice that is distinct from commercial tattoo services. No change to current requirement to obtain a licence and comply with minimum standards.

Existing clause	New clause	Explanation for change
<p>(d) any commercial service involving colon hydrotherapy; or</p> <p>(e) public swimming pool.</p>	<p>(e)(d) any commercial service involving colon hydrotherapy;</p> <p>(f)(e) public swimming pool, <u>public water play park or splash pad; or</u></p> <p><u>(g) therapeutic massage.</u></p>	<ul style="list-style-type: none"> Amended to include public water play parks and splash pads as they are not currently covered in the Bylaw but have the same risk as services (such as swimming pools) that are currently required to comply with minimum standards. Inserted to include therapeutic massage operators as these pose similar health risks to other services that must comply with minimum standards.
<p>9 Services requiring a licence</p> <p>(1) This clause applies to the following services –</p> <p>(a) any commercial service that pierces the skin, including but not limited to, tattooing, traditional tattooing, body piercing, acupuncture, electrolysis, extractions, red vein treatment, or derma rolling;</p> <p>(b) any commercial service that risks breaking the skin, including but not limited to, hair removal, manicure, pedicure, or exfoliation; or</p> <p>(c) any commercial service that risks burning the skin, including but not limited to, sun-bed (tanning unit), pulsed light, or laser treatment;</p>	<p>9 Services requiring a licence</p> <p>(1) This clause applies to the following services –</p> <p>(a) any commercial service that pierces the skin <u>or tissue</u>, including but not limited to, tattooing, traditional <u>tools</u> tattooing, body piercing, acupuncture, electrolysis, extractions, red vein treatment, or derma rolling;</p> <p>(b) any commercial service that risks breaking the skin <u>or tissue</u>, including but not limited to, hair removal, manicure, pedicure, or exfoliation; or</p> <p>(c) any commercial service that risks burning the skin <u>or tissue</u>, including but not limited to, sun-bed (tanning unit), pulsed light, or laser treatment; <u>or</u></p>	<ul style="list-style-type: none"> Amended to include tissue to ensure coverage of a broader range of services that can pose a public health risk (e.g. vaginal laser treatments).

Existing clause	New clause	Explanation for change
	<p><u>(d) any tattooing or traditional tools tattooing that has recognised cultural significance.</u></p>	<ul style="list-style-type: none"> Amended to better recognise traditional Pacific tattoo as a culturally significant practice that is distinct from commercial tattoo services. No change to current requirement to obtain a licence and comply with minimum standards.
<p>(2) The manager of any service to which this clause applies must -</p> <p>(a) obtain a licence from the council before commencing operation; and</p> <p>(b) hold a valid and unexpired licence from the council at all times that the commercial service is offered.</p>	<p>(2) The manager of any service to which this clause applies must -</p> <p>(a) obtain a licence from the council before commencing operation; and</p> <p>(b) hold a valid and unexpired licence from the council at all times that the commercial service is offered; <u>and</u></p> <p><u>(c) conspicuously display a copy of a valid licence at the principal entrance or reception of any permanent premises or mobile premises in full and unobscured view to the satisfaction of the council;</u></p> <p><u>(d) ensure operators carry a copy of a valid licence on their person at all times when providing a service at a temporary premises and show the licence to the customer prior to providing a service.</u></p>	<ul style="list-style-type: none"> Amended to give customers confidence that operators follow minimum standards to minimise risks to public health by displaying a licence.

Existing clause	New clause	Explanation for change
	<p><u>10 Restricted services</u></p> <p><u>(1) Commercial services that pierce the eyeball (including eyeball tattooing) are prohibited unless undertaken by health practitioners covered by the Health Practitioners Competence Assurance Act 2003 in the practice of their profession.</u></p> <p><i>Explanatory note: Health practitioners that may perform these services include ophthalmologists (eye specialists).</i></p>	<ul style="list-style-type: none"> Inserted because eyeball tattooing is very high-risk and may cause permanent blindness. Only certain health practitioners are qualified to perform this service, (including ophthalmologists or eye specialists).
<p>10 Exemptions</p> <p>(1) Clauses 8 and 9 do not apply to –</p> <p>(a) any commercial service undertaken by health practitioners covered by the Health Practitioners Competence Assurance Act 2003 in the practice of their profession;</p> <p>(b) acupuncture undertaken by members of the New Zealand Register of Acupuncturists or members of the New Zealand Acupuncture Standards Authority;</p> <p>(c) traditional and non-commercial ta moko undertaken by artists on, or under the authority of, a marae in the Auckland region under tikanga-maori; or</p> <p>(d) commercial ear-piercing services undertaken in a pharmacy licenced by the Ministry of Health.</p>	<p><u>11 Exemptions</u></p> <p>(1) Clauses 8 and 9 do not apply to –</p> <p>(a) any commercial service undertaken by health practitioners covered by the Health Practitioners Competence Assurance Act 2003 in the practice of their profession;</p> <p>(b) acupuncture undertaken by members of the New Zealand Register of Acupuncturists or members of the New Zealand Acupuncture Standards Authority; or</p> <p>(c) traditional and non-commercial ta moko undertaken by artists on, or under the authority of, a marae in the Auckland region under tikanga-maori; or</p> <p><u>(c) commercial ear-piercing services undertaken in a pharmacy licenced by the Ministry of Health.</u></p> <p><u>(2) Ko ngā mahi tā moko a te kaitāmoko me whakamana e tētahi marae no roto i te rohe o Te Kaunihera o Tāmaki Makaurau he ai ki te tikanga Māori ka noho wātea i ngā here o tēnei ture-a-rohe. Heoi anō rā me whaiwhakaaro tonu pea te marae ki te itinga rawa o ngā paerewa takinga</u></p>	<ul style="list-style-type: none"> Amended to ensure marae authorisation of ta moko better reflects current practice and guides marae about standards and duration of authorisations. The clause has been drafted in Te Reo Māori to reflect the cultural significance of tā moko. The Explanatory note provides the English translation of the clause.

Existing clause	New clause	Explanation for change
	<p><u>a mahi i raro i te whiti 6, me te whakawhāiti i te roanga o te wā e mau ai te whakamana.</u></p> <p><u>Explanatory Note: Clause 11(2) in English, means <i>tā moko (traditional Māori tattooing)</i> undertaken by artists authorised by a marae in Auckland and in accordance with tikanga-Māori (<i>traditional Māori customs</i>) is exempt from compliance with this bylaw. Marae should consider the minimum standards in the code of practice made under clause 6, and a limit to the duration of the authorisation.</u></p> <p><u>Tā moko are a taonga (or cultural treasure) and are protected under the Treaty of Waitangi Principles.</u></p>	

Existing clause	New clause	Explanation for change
<p style="text-align: center;">Part 5</p> <p style="text-align: center;">Savings, transitional provisions</p> <p>14 Savings, transitional provisions</p> <p>(1) This clause applies to the former -</p> <p>(a) Rodney District Council General Bylaw 1998 Chapter 10: Sanitation and Cleanliness of Buildings and Places of Public Resort;</p> <p>(b) Rodney District Council General Bylaw 1998 Chapter 14: Brothels and Commercial Sex Premises;</p> <p>(c) North Shore City Council Bylaw Part 16: Swimming, Health and Beauty Facilities;</p> <p>(d) North Shore City Council Bylaw Part 11: Safe Piercing of Skin;</p> <p>(e) Auckland City Council Bylaws 2008 05: Bathing, Health and Beauty Facilities;</p> <p>(f) Auckland City Council Bylaws 2008 17: Skin Piercing;</p> <p>(g) Auckland City Council Bylaws 2008 30: Brothels and Commercial Sex Premises;</p> <p>(h) Waitakere City Council Sanitation and Hygiene in Commercial Premises Bylaw 2010;</p> <p>(i) Manukau City Consolidated Bylaw 2008 Chapter 18: Tattooing, Beauty Therapy, Skin Penetration and Piercing; and</p> <p>(j) Manukau City Consolidated Bylaw 2008</p>	<p style="text-align: center;">Part 5</p> <p style="text-align: center;">Savings, transitional provisions</p> <p>14 Savings, transitional provisions</p> <p>(1) This clause applies to the former -</p> <p>(a) Rodney District Council General Bylaw 1998 Chapter 10: Sanitation and Cleanliness of Buildings and Places of Public Resort;</p> <p>(b) Rodney District Council General Bylaw 1998 Chapter 14: Brothels and Commercial Sex Premises;</p> <p>(c) North Shore City Council Bylaw Part 16: Swimming, Health and Beauty Facilities;</p> <p>(d) North Shore City Council Bylaw Part 11: Safe Piercing of Skin;</p> <p>(e) Auckland City Council Bylaws 2008 05: Bathing, Health and Beauty Facilities;</p> <p>(f) Auckland City Council Bylaws 2008 17: Skin Piercing;</p> <p>(g) Auckland City Council Bylaws 2008 30: Brothels and Commercial Sex Premises;</p> <p>(h) Waitakere City Council Sanitation and Hygiene in Commercial Premises Bylaw 2010;</p> <p>(i) Manukau City Consolidated Bylaw 2008 Chapter 18: Tattooing, Beauty Therapy, Skin Penetration and Piercing; and</p> <p>(j) Manukau City Consolidated Bylaw 2008 Chapter 3: Brothels.</p> <p>(2) Any licence, consent, permit, dispensation, permission or</p>	<ul style="list-style-type: none"> Part 5 deleted. It is no longer needed as all operators are now licensed under the current Bylaw.

Existing clause	New clause	Explanation for change
<p>Chapter 3: Brothels.</p> <p>(2) Any licence, consent, permit, dispensation, permission or other form of approval granted under a bylaw referred to in subclause (1) continues in force but –</p> <p>(a) expires on the date specified in that approval; or</p> <p>(b) if no expiry date is specified, it expires on the date 12 months after the commencement of this bylaw; and</p> <p>(c) can be renewed only by application made and determined under this bylaw.</p> <p>(3) Any application for a consent, permit, dispensation, permission or other form of approval granted under a bylaw referred to in subclause (1) that was filed before the day on which this bylaw commences must be dealt with by the council –</p> <p>(a) under the relevant former bylaw in subclause (1); and</p> <p>(b) as if this bylaw had not been made.</p>	<p>other form of approval granted under a bylaw referred to in subclause (1) continues in force but –</p> <p>(a) expires on the date specified in that approval; or</p> <p>(b) if no expiry date is specified, it expires on the date 12 months after the commencement of this bylaw; and</p> <p>(c) can be renewed only by application made and determined under this bylaw.</p> <p>(3) Any application for a consent, permit, dispensation, permission or other form of approval granted under a bylaw referred to in subclause (1) that was filed before the day on which this bylaw commences must be dealt with by the council –</p> <p>(a) under the relevant former bylaw in subclause (1); and</p> <p>(b) as if this bylaw had not been made.</p>	

Section C: Proposed amended Health and Hygiene Bylaw



Health and Hygiene Bylaw 2013 Te Ture ā-Rohe Whakamaru Hauora 2013

(as at dd month yyyy)

Made by the

Governing Body of Auckland Council

by

Resolution in Council

27 June 2013

(amended by minute GB/2014/120 with effect from 1 November 2014)

(amended by minute GB/yyyy/## with effect from dd month yyyy)

Pursuant to the Local Government Act 2002 and the Health Act 1956, the Governing Body of Auckland Council makes the following bylaw.

Contents

Clause	Description	Page
1	Title.....	3
2	Commencement.....	3
3	Application.....	3

Part 1

Preliminary provisions

4	Purpose.....	3
5	Interpretation.....	3

Part 2

Regulation of certain services for health protection

6	Health protection code of practice.....	<u>76</u>
7	Procedure for making a code of practice.....	<u>76</u>
8	Services allowed subject to minimum standards.....	<u>86</u>
9	Services requiring a licence.....	<u>87</u>
10	<u>Restricted services</u>	<u>8</u>
<u>11</u>	<u>Exemptions</u>	<u>97</u>

Part 3

Licences

11	Health protection licences.....	<u>97</u>
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Part 4

Enforcement, offences, penalties

12	Enforcement.....	<u>98</u>
13	Offences and penalties.....	<u>108</u>

Part 5

[repealed]

Savings, transitional provisions

14	Savings, transitional provisions.....	8
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1 Title

- (1) This bylaw is the Health and Hygiene Bylaw 2013.

2 Commencement

- (1) This bylaw comes into force on 01 July 2014.
(2) Amendments to clause 9 by resolution GB/yyyy/## come into force three months after the date of the resolution.
(3) All other amendments by resolution GB/yyyy/## come into force on the date of the resolution.

Explanatory note: Clause 2 amended by minute GB/YYYY/##, in force on dd month yyyy.

3 Application

- (1) This bylaw applies to ~~the district of the~~ Auckland ~~Council~~.

**Part 1
Preliminary provisions**

4 Purpose

- (1) The purpose of this bylaw is to promote and protect public health by –
- (a) requiring certain services with the following health risks to comply with minimum standards, including –
- (i) any commercial service that pierces the skin or tissue;
 - (ii) any commercial service that risks breaking the skin or tissue;
 - (iii) any commercial service that risks burning the skin or tissue;
 - (iv) any tattooing or traditional tools tattooing that has recognised cultural significance;
 - (v) any commercial service involving colon hydrotherapy;
 - (vi) public swimming pools, public water play park or splash pad; or-
 - (vii) therapeutic massage.
- (b) requiring a licence for certain services, including –
- (i) any commercial service that pierces the skin or tissue;
 - (ii) any commercial service that risks breaking the skin or tissue; ~~or~~
 - (iii) any commercial service that risks burning the skin or tissue; ~~or~~
 - (iv) any tattooing or traditional tools tattooing that has recognised cultural significance.

Explanatory note: Clause 4 amended by minute :GB/YYYY/##, in force on dd month yyyy.

5 Interpretation

- (1) In this bylaw, unless the context otherwise requires, -

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

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

Colon hydrotherapy means a practice of introducing liquids into the rectum and colon via the anus and is intended to remove faeces and non-specific toxins from the colon and intestinal tract.

Commercial ear-piercing means a practice of piercing the ear for decorative purposes, inserting jewellery or implants to alter the appearance of the skin.
Explanatory note: Clause 5(1) amended by minute GB2014/120, in force on 1 November 2014

Commercial service means a service (whether from permanent premises, temporary premises or mobile premises) provided by one or more persons for another person for monetary payment or any other consideration.

Council means the governing body of the Auckland Council or any person delegated to act on its behalf.

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

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

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

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

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

Eyeball Tattooing means a practice of piercing any part of the eye (including but not limited to the sclera and surrounding tissues) and inserting pigments, dyes or any object.

Explanatory note: Definition inserted by minute GB/YYYY/##, in force on dd month yyyy.

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

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

Explanatory note: Health practitioners include professionals working as doctors, nurses, physiotherapists, optometrists, podiatrists, chiropractors and osteopaths.

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

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

Manager means

- (a) ~~in the case of a permanent premises, a person who is usually present and who has specific responsibility for operator supervision; or~~
~~(b) in the case of a temporary premises, a person who has effective control over operators; or~~
(be) if no person meets the description in (a) ~~or (b)~~, **manager** has the same meaning as **operator**.

Explanatory note: Definition amended by minute GB/YYYY/##, in force on dd month yyyy.

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

Mobile premises means any location other than a permanent premises where any service is undertaken on an ongoing and regular basis by any person.

Operator means a person who carries out a service.

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

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

Explanatory note: Definition amended by minute GB/YYYY/##, in force on dd month yyyy.

Public swimming pool means a water-retaining structure, wholly or partially of artificial construction and generally having a circulation and filtration system, designed for recreational, training or therapeutic use, and includes commercial, school, institutional, club, hospitality, community, and local authority pools. It does not include pools for domestic use only.

Public water play park or splash pad means a recreation area that is constructed to be used for water play (including sprinklers, fountains and nozzles) and is drained to allow for little or no standing water. It includes commercial, school, institutional, club, hospitality, community, and local authority water play parks and splash pads. It does not include water play parks and splash pads for domestic use only.

Explanatory note: Definition inserted by minute GB/YYYY/##, in force on dd month yyyy.

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

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

~~**Skin piercing** [repealed] means a practice involving piercing, cutting and puncturing the skin or any other part of the human body and includes such services as acupuncture, body piercing, derma rolling/stamping, electrolysis, extractions, red vein treatment, tattooing, and traditional tools tattooing.~~

~~*Explanatory note: Definition repealed by minute GB/YYYY/##, in force on dd month yyyy.*~~

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

~~*Explanatory note: Definition inserted by minute GB/YYYY/##, in force on dd month yyyy.*~~

Sun-bed (tanning unit) means an electrically-powered device designed to produce tanning of the human skin by the emission of ultra-violet radiation.

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

Temporary premises means any ~~premises used for a service or any area set up for not more than 5 days to undertake a service.~~ location where any service is undertaken by any person on an irregular basis for not more than 40 hours within any 90 day period.

~~*Explanatory note: temporary premises include, for example, residential dwellings, apisā at a fale or moata, events or markets.*~~

~~*Explanatory note: Definition inserted by minute GB/YYYY/##, in force on dd month yyyy.*~~

Therapeutic massage means the rubbing and kneading of muscular tissue to relieve tension or pain, and excludes commercial sexual services as defined in the Prostitution Reform Act 2003.

~~*Explanatory note: Definition inserted by minute GB/YYYY/##, in force on dd month yyyy.*~~

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

~~*Explanatory note: Definition inserted by minute GB/YYYY/##, in force on dd month yyyy.*~~

Traditional tools tattooing means a practice of making indelible marks in the human skin or tissue by inserting pigments or dyes into punctures made in the skin or tissue using tools that are culturally traditional in structure and used in procedures such as ta moko, Tatau, uhi or any other traditional tattooing practice that has recognised cultural significance.

- (2) Explanatory notes and attachments are for information purposes, do not form part of this bylaw, and may be made, amended and revoked without any formality.
- (3) The Interpretation Act 1999 applies to this bylaw.

Part 2
Regulation of certain services for health protection

6 Health protection code of practice

- (1) The council may make, amend or revoke a code of practice ~~that—~~about any services in clause 8.
- ~~(2) Every code of practice adopted under (1) may specify –~~
- ~~(a) minimum standards for the operation of those services, including (but not limited to):~~
- ~~(i) operator conduct, training and qualifications;~~
 - ~~(ii) premises construction, facilities and maintenance;~~
 - ~~(iii) equipment, supplies and products used;~~
 - ~~(iv) cleaning, sterilisation and disposal of waste products~~
 - ~~(v) customer age restrictions, consent and after care advice;~~
 - ~~(vi) record keeping; and~~
- ~~(b) recommended best practice for the operation of those services.~~
- ~~(a) relates to the operation of commercial services that pose an associated health risk to any persons using or accessing their services, products or business operation; and~~
- ~~(b) establishes minimum standards with regard to the way premises are constructed, equipped and maintained, and in regard to the way operators conduct themselves when providing services; and~~
- ~~(c) includes recommendations on the best practice to be observed with regard to the way premises are constructed, equipped and maintained, and in regard to the way operators conduct themselves when providing services.~~

Explanatory note: Clause 6 amended by minute GB/YYYY/##, in force on dd month yyyy.

7 Procedure for making a code of practice

- (1) The council must, before making, amending or revoking a code of practice in clause 6,—
- (a) comply with the requirements under Subpart 1 of Part 6 of the Local Government Act 2002.
 - (b) consult with –
 - (i) medical officers of health in the Auckland region; and
 - (ii) any affected operators;
 - (c) be satisfied that –
 - (i) the standards are the minimum necessary to ensure that the purpose of the Bylaw will be met; and
 - (ii) the recommendations for best practice (if any) are appropriate.
 - (d) have regard to –
 - (i) the feasibility and practicality of effecting a transition from current practices to new practices and any adverse effects that may result from such a transition; and
 - (i) any other matters considered relevant by the council.
- (2) A code of practice made, amended or revoked under subclause (1) must be publicly notified.

8 Services allowed subject to minimum standards

- (1) The operator of any of the following services must comply with relevant standards set by the council in a code of practice made under clause 6 –
- (a) any commercial service that pierces the skin or tissue, including but not limited to, tattooing, traditional tools tattooing, body piercing, acupuncture, electrolysis, extractions, red vein treatment, or derma rolling;
 - (b) any commercial service that risks breaking the skin or tissue, including but not limited to, hair removal, manicure, pedicure, or exfoliation;
 - (c) any commercial service that risks burning the skin or tissue, including but not limited to, sun-bed (tanning unit), pulsed light, or laser treatment;
 - (d) any tattooing or traditional tools tattooing that has recognised cultural significance;
 - (e)(d) any commercial service involving colon hydrotherapy; -or
 - (f)(e) public swimming pool, public water play park or splash pad; or
 - (g)(f) therapeutic massage.

Explanatory note: Clause 8 amended by minute GB/YYYY/##, in force on dd month yyyy.

9 Services requiring a licence

- (1) This clause applies to the following services -
- (a) any commercial service that pierces the skin or tissue, including but not limited to, tattooing, traditional tools tattooing, body piercing, acupuncture, electrolysis, extractions, red vein treatment, or derma rolling;
 - (b) any commercial service that risks breaking the skin or tissue, including but not limited to, hair removal, manicure, pedicure, or exfoliation; or
 - (c) any commercial service that risks burning the skin or tissue, including but not limited to, sun-bed (tanning unit), pulsed light, or laser treatment; or
 - (d) any tattooing or traditional tools tattooing that has recognised cultural significance.
- (2) The manager of any service to which this clause applies must -
- (a) obtain a licence from the council before commencing operation; and
 - (b) hold a valid and unexpired licence from the council at all times that the commercial service is offered; and
 - (c) conspicuously display a copy of a valid licence at the principal entrance or reception of any permanent premises or mobile premises in full and unobscured view to the satisfaction of the council;
 - (d) ensure operators carry a copy of a valid licence on their person at all times when providing a service at a temporary premises and show the licence to the customer prior to providing a service.

Explanatory note: Clause 9 amended by minute GB/YYYY/##, in force on dd month yyyy.

10 Restricted services

- (1) Commercial services that pierce the eyeball (including eyeball tattooing) are prohibited unless undertaken by health practitioners covered by the Health Practitioners Competence Assurance Act 2003 in the practice of their profession.

Explanatory note: Health practitioners that can carry out eyeball tattoo can include ophthalmologists (eye specialists).

Explanatory note: new clause 10 inserted by minute GB/YYYY/##, in force on dd month yyyy.

110 Exemptions

- (1) Clauses 8 and 9 do not apply to –
- (a) any commercial service undertaken by health practitioners covered by the Health Practitioners Competence Assurance Act 2003 in the practice of their profession;
 - (b) acupuncture undertaken by members of the New Zealand Register of Acupuncturists or members of the New Zealand Acupuncture Standards Authority;
 - ~~(c) traditional and non-commercial tā moko undertaken by artists on, or under the authority of, a marae in the Auckland region under tikanga-māori; or~~
 - ~~(d)(c)~~ commercial ear-piercing services undertaken in a pharmacy licenced by the Ministry of Health.
- (2) ~~Ko ngā mahi tā moko a te kaitāmoko me whakamana e tētahi marae no roto i te rohe o Te Kaunihera o Tāmaki Makaurau he ai ki te tikanga Māori ka noho wātea i ngā here o tēnei ture-a-rohe. Heoi anō rā me whaiwhakaaro tonu pea te marae ki te itinga rawa o ngā paerewa takinga a mahi i raro i te whiti 6, me te whakawhāiti i te roanga o te wā e mau ai te whakamana.~~

Explanatory Note: Clause 11(2) in English, means tā moko (traditional Māori tattooing) undertaken by artists authorised by a marae in Auckland and in accordance with tikanga-Māori (traditional Māori customs) is exempt from compliance with this bylaw. Marae should consider the minimum standards in the code of practice made under clause 6, and a limit to the duration of the authorisation. Tā moko are a taonga (or cultural treasure) and are protected under the Treaty of Waitangi Principles.

Explanatory note: Clause 11 amended by minute GB/YYYY/##, in force on dd month yyyy.

Part 3 Licences

124 Health protection licences

- (1) The council may make controls and set fees for the following matters with respect to any licence required by clause 9 –
- (a) applying for a licence, including forms and information;
 - (b) assessing an application for a licence, including inspection;
 - (c) granting or declining an application for a licence;
 - (d) the conditions that may be imposed on a licence;
 - (e) the duration of the licence;
 - (f) objecting about a decision to decline a licence, including the objection period;
 - (g) objecting about a condition of a licence, including the objection period;
 - (h) conducting inspections to ensure that a licence and its conditions are complied with;
 - (i) reviewing a licence or its conditions;
 - (k) refunding or waiving fees;
 - (l) suspending or cancelling a licence; and
 - (m) objecting about a decision to suspend or cancel a licence, including the objection period.

- (2) At the discretion of the council, and having regard to any controls made under subclause (1), licences may be declined, or granted subject to any conditions.
- (3) If no controls are made about the duration of a licence under subclause (1)(e), a licence has a duration of 12 months from the date granted.
- (4) A licence is personal to the holder and is not transferable.

Part 4 **Enforcement, offences, penalties**

132 Enforcement

- (1) The council may use its powers under the Local Government Act 2002 and the Health Act 1956 to enforce this bylaw.
- (2) Without limiting subclause (1), any person authorised by the council to undertake inspections under this bylaw may take or remove a sample or thing for analysis, for the purpose of determining whether or not this bylaw is being complied with.

143 Offences and penalties

- (1) A person who fails to comply with this bylaw commits a breach of this bylaw and is liable to a penalty under the Local Government Act 2002 and the Health Act 1956.

Part 5 **[repealed]** **Savings, transitional provisions**

~~14 Savings, transitional provisions~~

- ~~(1) This clause applies to the former—~~
 - ~~(a) Rodney District Council General Bylaw 1998 Chapter 10: Sanitation and Cleanliness of Buildings and Places of Public Resort;~~
 - ~~(b) Rodney District Council General Bylaw 1998 Chapter 14: Brothels and Commercial Sex Premises;~~
 - ~~(c) North Shore City Council Bylaw Part 16: Swimming, Health and Beauty Facilities;~~
 - ~~(d) North Shore City Council Bylaw Part 11: Safe Piercing of Skin;~~
 - ~~(e) Auckland City Council Bylaws 2008 05: Bathing, Health and Beauty Facilities;~~
 - ~~(f) Auckland City Council Bylaws 2008 17: Skin Piercing;~~
 - ~~(g) Auckland City Council Bylaws 2008 30: Brothels and Commercial Sex Premises;~~
 - ~~(h) Waitakere City Council Sanitation and Hygiene in Commercial Premises Bylaw 2010;~~
 - ~~(i) Manukau City Consolidated Bylaw 2008 Chapter 18: Tattooing, Beauty Therapy, Skin Penetration and Piercing; and~~
 - ~~(j) Manukau City Consolidated Bylaw 2008 Chapter 3: Brothels.~~

- ~~(2) — Any licence, consent, permit, dispensation, permission or other form of approval granted under a bylaw referred to in subclause (1) continues in force but —~~
- ~~(a) — expires on the date specified in that approval; or~~
 - ~~(b) — if no expiry date is specified, it expires on the date 12 months after the commencement of this bylaw; and~~
 - ~~(c) — can be renewed only by application made and determined under this bylaw.~~
- ~~(3) — Any application for a consent, permit, dispensation, permission or other form of approval granted under a bylaw referred to in subclause (1) that was filed before the day on which this bylaw commences must be dealt with by the council —~~
- ~~(a) — under the relevant former bylaw in subclause (1); and~~
 - ~~(b) — as if this bylaw had not been made.~~

Explanatory note: Part 5 repealed by minute GB/YYYY/##, in force on dd month yyyy.

Additional Information to Health and Hygiene Bylaw 2013

This document contains matters for information purposes only and does not form part of any bylaw. They include matters made pursuant to a bylaw and other matters to assist in the ease of understanding, use and maintenance.

The information contained in this document may be updated at any time.

		Contents	
Section	Description		Page
1	History of bylaw		13
2	Related Documents		13
3	Delegations.....		14
4	Register of controls.....		14
5	Enforcement Powers		14
6	Offences and Penalties		15

Section 1: History of Bylaw

Action	Description	Date of Decision	Decision Reference	Commencement
Make	Legacy health and hygiene bylaws in force on 31 Oct 2010 deemed to have been made by Auckland Council. ¹	01 Nov 2010	Section 63 Local Government (Auckland Transitional Provisions) Act 2010	01 Nov 2010
Revoke	Legacy health and hygiene bylaws.	27 June 2013	GB/2013/66	01 July 2014
Make	Health and Hygiene Bylaw 2013	27 June 2013	GB/2013/66	01 July 2014
Amend	To exempt pharmacists from requirement to be licensed and comply with minimum standards for ear piercing.	30 October 2014	GB/2014/120	01 November 2014

Section 2: Related Documents

Document Title	Description of Document	Location of Document
Health and Hygiene Code of Practice	Sets standards to promote public health	www.aucklandcouncil.govt.nz
Decision Minutes and Agenda	Decisions on submissions to proposed health and hygiene bylaw	www.aucklandcouncil.govt.nz
Hearings Report	Background and summary of submissions to proposed health and hygiene bylaw	www.aucklandcouncil.govt.nz
Health and Hygiene Bylaw Review Statement of Proposal	Provides background to the health and hygiene code of practice and bylaw	www.aucklandcouncil.govt.nz
Long Term Plan	Outlines financial plans	www.aucklandcouncil.govt.nz
Annual Plan	Sets environmental health fees	www.aucklandcouncil.govt.nz
The Local Government Act 2002	Provides certain functions, duties, powers and penalties to make and enforce this bylaw	www.legislation.govt.nz
The Health Act 1956	Provides certain functions, duties, powers and penalties to make and enforce this bylaw	www.legislation.govt.nz

¹ Rodney District Council General Bylaw 1998 Chapter 10: Sanitation and Cleanliness of Buildings and Places of Public Resort; Rodney District Council General Bylaw 1998 Chapter 14: Brothels and Commercial Sex Premises; North Shore City Council Bylaw Part 16: Swimming, Health and Beauty Facilities; North Shore City Council Bylaw Part 11: Safe Piercing of Skin; Auckland City Council Bylaws 2008 05: Bathing, Health and Beauty Facilities; Auckland City Council Bylaws 2008 17: Skin Piercing; Auckland City Council Bylaws 2008 30: Brothels and Commercial Sex Premises; Waitakere City Council Sanitation and Hygiene in Commercial Premises Bylaw 2010; Manukau City Consolidated Bylaw 2008 Chapter 18: Tattooing, Beauty Therapy, Skin Penetration and Piercing; and Manukau City Consolidated Bylaw 2008 Chapter 3: Brothels.

Local Government (Auckland Transitional Provisions) Act 2010	Provides certain functions, duties, powers and penalties to make and enforce this bylaw	www.legislation.govt.nz
Bylaws Act 1910	Provides for certain matters related to the validity of bylaws	www.legislation.govt.nz
Interpretations Act 2009	Provides for certain matters related to the interpretation of bylaws	www.legislation.govt.nz

Section 3: Delegations

Clause	Function, Duty, Power to be Delegated	Delegated Authority	Date of Delegation Decision	Decision Reference	Commencement of Delegation
All	All powers, duties and functions.	Licensing and Compliance Department - Tier 6 (Environmental Health Officers)	27 June 2013	GB/2013/66	01 July 2014
11	Make controls for health protection licence	Licensing and Compliance Department - Tier 3 (Manager Licensing and Compliance)	27 June 2013	GB/2013/66	01 July 2014
6	Make, amend, revoke codes of practice	Regulatory Committee (set regulatory policy)	1 November 2016	GB/2016/237	1 November 2016

Section 4: Register of controls

Action	Description	Date of decision	Decision reference	Commencement
Make	Health and Hygiene Code of Practice 2013	27 June 2013	GB/2013/66	1 July 2014

Section 5: Enforcement Powers

Legislative Provision	Description of Legislative Provision
Part 8 of Local Government Act 2002	162 Injunctions restraining commission of offences and breaches of bylaws 171 General power of entry 172 Power of entry for enforcement purposes 178 Enforcement officers may require certain information
Health Act 1956	23 General powers and duties of local authorities in respect of public health 30 Penalties for permitting or causing nuisances 33 Proceedings in respect of nuisances 34 Power to abate nuisance without notice 41 Owners or occupiers may be required to cleanse premises

	<p>42 Local authority may require repairs and issue closing order</p> <p>65 General provisions as to bylaws</p> <p>66 Penalties for breach of bylaws</p> <p>114 Ban on providing artificial UV tanning services to persons under 18 years</p> <p>115 Infringement offences (artificial UV tanning services)</p> <p>116 Commission of infringement offences</p> <p>116A Infringement notices</p> <p>137 Offences punishable on summary conviction</p>
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Section 6: Offences and penalties

Clause	Description of Offence	Fine	Infringement Fee	Other Penalty
All	A person who fails to comply with Part 2 or Part 3 of this bylaw commits a breach of this bylaw and is liable to a penalty under the Local Government Act 2002 and/or the Health Act 1956.	<p>Under section 242 of the Local Government Act 2002 a person who is convicted of an offence against a bylaw is liable to a fine not exceeding \$20,000.</p> <p>Under section 66 of the Health Act 1956, any person who breaches a bylaw is liable to a fine not exceeding \$500 and, in the case of a continuing offence, to a further fine not exceeding \$50 for every day on which the offence has continued.</p>	nil	
Section 114 Health Act 1956	A person who provides artificial tanning services to a person under 18 is liable to a penalty under the Health Act 1956.	Under section 114 of the Health Act 1956 a person who provides artificial UV tanning services to a person under the age of 18 is liable to a fine not exceeding \$2,000 for an individual or \$10,000 for a body corporate.	nil	

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