



Speech by

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MEMBER FOR ASPLEY

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PUBLIC HEALTH [INFECTION CONTROL FOR PERSONAL APPEARANCE SERVICES] BILL

Ms BARRY (Aspley—ALP) (11.25 p.m.): It is my pleasure to rise to support the Public Health (Infection Control for Personal Appearance Services) Bill 2003. I remember having input into this legislation when I was a professional officer with the Queensland Nurses Union, and I commend the minister for the lengthy and extensive process she goes through in preparing bills to bring before this House. I particularly want to talk about how the bill will protect the public. It will do so by minimising the risk of infections that may result from the provision of personal appearance services—that is, hairdressing, beauty therapy and skin penetration services. In the development of the bill careful consideration was given as to what kinds of infection risks may result from personal appearance services. To identify these risks and ways of minimising them, a risk assessment process was undertaken by independent experts in microbiology and infection control.

That particular assessment evaluated a number of things, those being the range of infections that could potentially occur from such services, the degree of seriousness of such infections and the health costs associated with treating them and the most effective way of managing those identified infection risks. The assessment report noted that infections that may arise from such things as hairdressing, beauty therapy and skin penetration activities included some rather gruesome things such as tinea, head lice, herpes simplex, warts, streptococcus, conjunctivitis and blood-borne diseases such as HIV and hepatitis C. The risk assessment also examined the likelihood of transmission of these infections, the potential causes of the transmission and the role of various factors such as things like equipment, premises and expertise in infection control practices in relation to a wide range of personal appearance activities.

The risk assessment report found that blood-borne infections such as hepatitis C and HIV posed the most serious risk to consumers and incurred the most significant health costs to the community. The report recommended that the primary focus of the new legislation to regulate personal appearance services should be to minimise the risk of transmitting blood-borne infections. The risk assessment report noted that the current legislation, which is based on premises licensing, would provide some degree of protection to the public from infection risks. However, the report also found that the most effective way to minimise infection risks would be to improve operator skills and knowledge in relation to infection control and to ensure that appropriate infection control procedures are implemented within the industry.

A key finding in the report was that different types of personal appearance activities give rise to different risks and that stricter regulatory requirements should apply to those activities that involve the most serious infection risks—that is, those involving the transmission of blood-borne diseases. The report considered various methods of minimising infection risks that may occur and made recommendations concerning infection control training, legislation and appropriate infection control practices. It also outlined the basis of universal recognised infection control principles.

The risk assessment report classified personal appearance activities under three different risk categories. There was the higher risk, and that is those activities that relate to the release of blood or other body fluids. Activities in that category were things like body piercing, tattooing and micropigmentation or cosmetic tattooing. Moderate risks are those activities that are not of a higher risk, but have the potential to cause blood or body fluids to be released accidentally or result in the release of small quantities of blood or body fluid where infection risks are minimal or those activities that minimise infection risks by the use of disposable equipment. Those activities that have been identified

for this category include such things as nail cutting, filing and cleaning, shaving, electrolysis and waxing. Finally, the third category is lower risks, and they are activities that do not cause blood or other body fluids to be released, but still may create the opportunity for transmission of infection conditions. Those are such things as the application of cosmetics, body wraps, facial peels, hair styling and such things as artificial nails.

All the infection control recommendations made in the report are implemented under the new legislation. The personal appearance services categorised as higher risk in the risk assessment report are defined as higher risk services, while those in the moderate or lower risk categories are non-higher risk services.

The bill contains a range of measures to protect the public from infection risks that may result from the provision of these services. Firstly, it imposes an obligation on businesses providing such services—all of them, whether they are higher risk or non-higher risk—to take reasonable precautions and care to minimise infection risks to the proprietors and clients. This obligation can be met by following the infection control guidelines made by the minister or by adopting other measures that minimise infection risks. These infection guidelines will provide information and guidance about minimising infection risks as well as providing information applying to specific procedures, such as body piercing, tattooing, waxing and electrolysis. The guidelines will address issues such as proper hand washing, the preparation of skin procedures, the use of disposable instruments, the cleaning and storage of reusable instruments, waste and disposal, and the cleaning and maintenance of premises.

I note that the shadow minister talked about the Scrutiny of Legislation Committee asking whether the guidelines have due regard for parliament. My view is that they are very extensive and descriptive guidelines. I know they took a long time to develop. They need to be fluid, dynamic and responsive. It is very true, as the Scrutiny of Legislation Committee states, that whilst they are not subordinate legislation they will take effect only once they are notified by a notice that, in fact, declares them to be subordinate legislation and will therefore be subject to parliamentary tabling and disallowance.

Secondly, the bill imposes important obligations on businesses and individual proprietors providing higher risk personal appearance services, such as tattooing and body piercing. Those proprietors who provide these services will be required to be licensed and may provide services only from premises stated on their licence. The criteria for the licence will be based on the applicant's suitability to hold a licence and the suitability of the premises at which they provide those services. The factors that will be taken into account will include a whole range of things, such as cleaning, sterilisation and waste disposal facilities that will enable safe infection control practices. Premises at which the higher risk services are provided will need to comply with building requirements set out in part 15 of the Queensland development code. They include a whole range of things such as finishing materials, floors, walls and other surfaces. Individuals who themselves provide these services will be required to hold infection control qualifications, which will be prescribed by regulation. The relevant qualification is based on a training package being developed by Queensland Health and will deal with basic competency standards. This process will allow those persons undertaking services to be assessed against required competency standards.

The public will have an appropriate level of protection from infection risks associated with the provision of these services only if those providers provide those services in a way that meets their obligations under the bill. Therefore, to ensure compliance with these obligations, local governments are given a comprehensive set of monitoring, investigation and enforcement powers under the bill. There are significant penalties for offences under the bill, which have been set at levels higher than those under the current legislation. With those matters on the record, I state that I believe this is a bill that protects the public, and I commend it to the House.