



Statement of Proposal

Draft Appearance Industries Bylaw Review

Summary of Proposal

The Appearance Industries Bylaw 2020 and the Appearance Industries Bylaw 2020 Code of Practice regulate the provision of beauty therapy, skin and body piercing, and tattooing services in Te Awa Kairangi ki Tai, Lower Hutt.

The purpose is to safeguard public health by ensuring businesses comply with hygiene, sterilisation, and safety protocols to prevent the spread of infections and other health risks.

The Appearance Industries Bylaw 2020 sets rules for licensing and hygiene, ensuring safety, while the Code of Practice provides guidance on compliance and safe procedures.

The Bylaw has now been in place for five years and is due to be reviewed in accordance with Section 158 of the Local Government Act (2002). The goal of the review is to make sure the Bylaw and Code of Practice still work well, protect public health and meet industry needs.

Early engagement

In January 2025, initial feedback was sought from registered businesses and relevant industry groups to ensure the Bylaw and Code of Practice were effective in protecting public health and meeting industry needs.

The survey asked respondents what changes they would like to see made to the Bylaw and Code. the qualitative details in these responses were used to inform the proposed changes in this document.

There were 12 respondents to the early engagement. Of the respondents, 10 work in 'beauty enhancement', 4 'tattooing' and 3 in 'skin and body piercing'. As some businesses provide multiple services, respondents could select all that applied.

There was a mixture of levels of satisfaction with the Bylaw and Code, with most of the respondents neither satisfied nor dissatisfied with the bylaw and satisfied with the Code.

Comprehensive feedback was received from the NZ Board of Professional Skin Therapies (NZBPST). The role of NZBPST is to represent, support and advocate on behalf of skin therapists and other sectors of the beauty industry to safeguard the health and well-being of their clients, staff and public. Where possible, the recommendations from NZBPST have been incorporated into the proposed changes.

Consideration of traditional tā moko practices

Currently, traditional tā moko practices on Marae are exempt from the Bylaw and Code of Practice. Officers have engaged with iwi to understand tā moko practices and whether these should be included in the Bylaw and Code of Practice. Our conclusion is that Marae have appropriate tikanga and processes to manage tā moko work so there is no reason to change the exemption of tā moko from the Bylaw and Code of Practice at this time.

Proposed changes to the Bylaw and Code of Practice

Council has developed a consolidated list of proposed changes to the Bylaw and Code of Practice. These changes are tracked in the draft Bylaw and Code of Practice attached as Appendix A (the draft Bylaw) and Appendix B (the draft Code of Practice).

The proposed changes primarily focus on clarifying standards, improving hygiene and safety measures, and ensuring compliance with industry best practices.

The table below summarises the issues identified during early engagement, both externally and internally, and provides the proposed change to the Bylaw or Code.

Proposed changes to the Bylaw and Code of Practice

Issue Identified	Proposed Change	Relevant Code Section
Training & Qualifications	Changed "recognised qualification" to "appropriate qualification" to include overseas verification.	Minimum Standard 2

Incident Recording	Added requirement to notify the council of incidents by the next working day.	Minimum Standard 2
Recognition of NZBPST	Added NZ Board of Professional Skin Therapies (NZBPST) as an official industry oversight body.	Minimum Standard 2
Sterilisation Process	Updated to ensure instruments remain sterile during use.	Minimum Standard 3
Electrolysis Definition	Corrected spelling and, refined technical terminology and added recommended aftercare.	Minimum Standard 3
Autoclave Spore Testing	Required operators to provide proof of regular spore testing during inspections.	Minimum Standard 3
Hygiene Standards	Added floor cleaning protocols and a new rule restricting operator jewellery	Minimum Standard 4
Threading Hygiene	Prohibited holding thread in the mouth.	Minimum Standard 4A
Manicure & Pedicure Health	Added a clause requiring operators to stop treatment and refer to a medical practitioner if infection is identified.	Minimum Standard 4B
Electric Nail File Safety	Banned use of electric nail files on natural nails to prevent burns and trauma.	Minimum Standard 4B
Imported Machinery Safety	Required NZ/AU compliance before use of imported machinery.	Minimum Standard 5
Laser Equipment Calibration	Required regular recalibration of IPL/Laser equipment by a certified technician.	Minimum Standard 5
Licence Naming	Renamed 'Health Protection Licence' to 'Certificate of Registration'.	General References
Fee Structure	Removed fixed fees to allow annual updates without a formal bylaw review.	Section 9 (Bylaw)

The rationale for Council's decision about what proposed changes to come out of the early engagement has been made and what have not can be found here: https://hccpublicdocs.azurewebsites.net/api/download/83c4c58dfb9a4cb0a0d6a833cfa250f9/_policies/ce3facb624581cc249c3ab72379d15cfa180

The full version of the proposed changes to the Bylaw and Code, with the proposed changes marked in red, can be found here:

https://hccpublicdocs.azurewebsites.net/api/download/83c4c58dfb9a4cb0a0d6a833cfa250f9/_policies/d17dfa4d24595dd24c9696775b38338fe28a

Code of Practice:

https://hccpublicdocs.azurewebsites.net/api/download/83c4c58dfb9a4cb0a0d6a833cfa250f9/_policies/ce3facb624581cc249c3ab72379d15cfa180

How to have your say

We want your feedback on the proposed changes to the Appearance Industries Bylaw (Bylaw) and Code of Practice (Code). The submission period runs from **26 March– 26 April 2025**. If required, hearings will be held in June 2025.

You can provide feedback in multiple ways:

- Make an online submission at haveyoursay.huttcity.govt.nz [link];
- Email your submission to policy@huttcity.govt.nz with 'Appearance Industries' in the email subject line; and
- Drop off a submission at the front counter at our offices at 30 Laings Road.

Timeline for consultation

The consultation is open from 26 March – 26 April 2025

Public consultation	26 March - 26 April 2025
Hearings of submissions	June 2022 (if required)
Results of consultation and options presented to Policy and Finance Committee for approval	1 July 2025
Council adopts updated Bylaw and Code	27 July 2025

Privacy Statement

We require your name, contact details and the suburb you live in as part of your feedback. All feedback will be published on our website with your name. All other personal or commercially sensitive information (including your email address and suburb) will be removed. Publishing feedback in full supports a transparent process and will assist in the public hearing process. If you have specific reasons for not wanting your feedback publicly released, please contact policy@huttcity.govt.nz.

Public Hearings

The online survey also asks if you want to present directly to Councillors at a hearing. If you state that you do want to present to Councillors, you will be contacted by Council staff to arrange a time for you to speak.

Feedback will be considered by Council regardless of whether you wish to present your views at a hearing or not. Final decisions will be made in July 2025 and the reviewed Appearance Industries Bylaw and Code of Practice will be adopted in July 2025.

Storing personal information

Council stores information with reasonable safeguards against loss and disclosure. Reasonable safeguards include physical and technological protections. Personal information is accessible to staff who have a legitimate reason to access it. Council has a code of conduct where unauthorised disclosure of confidential information or records in accordance with the provisions of the Public Records Act, which includes the authorised destruction of records once they are no longer required to be kept for legislative compliance or business purposes.

Access to your information

The information you provide will be accessible only by Council staff and will not be shared with any third party outside of the Bang the Table survey platform. You have the right to ask for a copy of any personal information we hold about you, and to ask for it to be corrected if you think it is wrong. If you'd like to ask for a copy of your information, or to have it corrected, please contact us at policy@huttcity.govt.nz, or 04 570 6666, or 30 Laings Road, Lower Hutt 5010.

Statutory authority to undertake reviews

Relevant legislation

Relevant Act:	Section:	Description:
Local Government Act 2002	145	Councils may enact bylaws to prevent nuisance, protect public health and safety, and minimise offensive behaviour in public spaces.
	155	Council must decide if a bylaw is necessary. If so, it must ensure it is the best option and complies with the New Zealand Bill of Rights Act 1990.
	158	Council must review bylaws within 5 years of it being made.
	Part 8 subpart 2	LGA enforcement includes: <ul style="list-style-type: none">• court injunctions (s.162),• property seizure and disposal of property (s.164, 165, 168)• entry powers (s.171, 172, 173),• and the ability to request personal information (s178).
Health Act 1956	64	The Health Act allows local authorities to make bylaws to protect public health, prevent nuisances, and enforce sanitary measures for businesses.
	Parts 2 and 7.	Enforcement powers include: <ul style="list-style-type: none">• court orders (s.33)• cost recovery to abate nuisance (s.34)• cleaning of premises (s.41)• powers of entry (s.128)

Council has made the following determinations previously in relation to the review of the Bylaw and Code

In 2020, Council identified the perceived problems with the Appearance Industry that warranted a bylaw as:

- the public health risk associated with appearance industry procedures that risk breaking or cutting the skin, such as pedicures, microblading, tattooing, and piercing.

- these treatments can expose clients to bacterial infections, blood-borne viruses (e.g., hepatitis B, C, HIV), and fungal infections.

As no national legislation regulates the appearance industries, local councils are responsible for setting and enforcing minimum hygiene and safety standards. While many operators follow best practices, others do not, and new businesses may unknowingly operate below the expected standards.

The most appropriate way of addressing the perceived problem

When creating the Bylaw in 2020, Council identified three options for addressing the perceived problem with the appearance industries:

- Non-regulatory: eg voluntary compliance and education;
- Other regulatory options: using existing regulatory powers when Council is notified of harm occurring; and
- Establish a bylaw.

After analysing all options, Council determined that a Bylaw was the most effective and appropriate solution for mitigating public health risks posed by the appearance Industries.

Recent inspection results provided in the table below show the number of hygiene and safety issues that had to be corrected before licenses were granted. This indicates that the problem persists and that the Bylaw and inspections remain essential in improving compliance and protecting public health.

issues identified during licencing inspections 2022-2024

Issue identified	2022	2023	2024
Cleaning and sanitising	16	20	17
Facilities/Structure	3	7	1
Equipment	12	19	5
Sanitary fixtures	0	4	1
Operator conduct etc	6	2	3
Consent	3	4	1
Qualifications/standards/policies	19	18	7
	59	74	35

Because evidence shows the risks posed by those working in the Appearance Industry remain and no national legislation has been implemented, Council considers retaining and updating the Bylaw and Code of Practice are still the most appropriate way to address the perceived problem.

New Zealand Bill of Rights Implications

Under section 155 of the Local Government Act 2002, Council must assess whether the reviewed Appearance Industries Bylaw has implications under the New Zealand Bill of Rights Act 1990 (NZBORA).

The only potential concern is a limitation on freedom of expression (section 14) As the Bylaw aims to protect public health by regulating service methods rather than restricting their use for expression, we consider this does not infringe on civil or political rights under NZBORA.

Appendix 1: Draft Appearance Industries Bylaw

Appendix 2: Draft Code of Practice