

Ngā Ture ā-Rohe Tōpu o Wairarapa

Wairarapa Consolidated Bylaw

Wāhanga Waru: Ngā Ture ā-
Rohe Haumanu Rerehua, Kirituhi,
Titi Kiri

Part Eight: Beauty Therapy, Tattooing and Skin Piercing

Timatanga | Commencement

The Wairarapa Consolidated Bylaw came into force throughout the Masterton, Carterton and South Wairarapa Districts on 1 November 2025.

Whakaae | Adoption

Date	Summary of Amendments	Adopted By
14 August 2013	Consolidated Bylaw 2012: Parts One to Eighteen	Masterton District Council
31 July 2013	Consolidated Bylaw 2012: Parts One to Six, Parts 8 and 9, Parts Eleven to Sixteen	South Wairarapa District Council
26 June 2019	Wairarapa Consolidated Bylaw 2019: Part Twelve – Beauty Therapy, Tattooing and Skin Piercing	Masterton District Council Carterton District Council South Wairarapa District Council
8 October 2025	Wairarapa Consolidated Bylaw: Part Eight – Beauty Therapy, Tattooing and Skin Piercing	Masterton District Council Carterton District Council South Wairarapa District Council

Arotakenga | Review

The Wairarapa Consolidated Bylaw is next due for review by November 2030. If not reviewed by this date, the Bylaw will revoke in November 2032 in accordance with section 160A of the Local Government Act 2002.

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Tuhinga Pāhekoheko | Referenced Documents

Reference is made in this document to the following legislation:

- Health Act 1956
- Local Government Act 2002

Reference is made to the following documents:

- Guidelines for the Safe Piercing of Skin published in October 1998 by the Ministry of Health
- Customary Tattooing Guidelines for Operators published in April 2010 by the Minister of Health

New Zealand Environmental Protection Authority's Tattoo and Permanent Makeup Substances Group Standard 2022

Kupu Takamua | Foreword

Part Eight is made under sections 145 of the Local Government Act 2002 and section 23(e) and section 64 of the Health Act 1956.

If any provision of this Part is inconsistent with Part One – Introductory, then the provisions of this Part prevail.

1. Aronga me te Pūtake | Scope and Purpose

- 1.1. Part Eight protects, promotes and maintains public health and safety and prescribes sanitary precautions to prevent the transference of communicable diseases via Beauty Therapy Practices, Tattooing or Skin Piercing businesses.
- 1.2. An **exemption from the requirements of registration** is provided for certain qualified health practitioners due to their recognised training standards, however general standards of hygiene must still comply with the Infection Control Standards NZS 8134 3 2008. Other exemptions, where appropriate, also apply (refer section 14 of this Part for further details).
- 1.3. Part Eight should be read in conjunction with the Guidelines for the Safe Piercing of Skin published in October 1998 by the Ministry of Health.

Explanatory Note:

Part Eight supplements other obligations of premises, including but not limited to, those set out in the Resource Management Act 1991 and Building Act 2004, and any codes developed under such legislation, and those in Council plans and bylaws. A premises may also be subject to other licensing requirements by the Council.

2. Kuputaka | Definitions

Refer to the Wairarapa Consolidated Bylaw: Part One - Introductory for any definitions not included in this Part.

- 2.1. The following definitions are applicable to Part Four:

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

Authorised Officer has the meaning given in Part One of the Bylaw.

Autoclave: means a machine using high pressure and steam to Sterilise equipment and supplies.

Beauty Therapy Practices: means any procedure intended to improve, alter or cleanse a person's appearance (hair, skin or complexion) or wellbeing including, but not limited to, any Prescribed Process that:

- pierces the skin (including but not limited to Tattooing, body Skin Piercing, Electrolysis, red vein therapy, dermal rolling or stamping, extractions); or
- risks breaking the skin (including but not limited to hair removal e.g. Epilation or Depilation, waxing and Electrolysis, manicure, pedicure); or
- risks burning the skin (including but not limited to pulsed light, laser treatments, Solariums).

Where relevant, this includes businesses such as jewellers, body skin piercers, beauty therapists, nail technicians, and tattooists.

Certificate of Registration: means a certification or licence issued by the Council confirming that the Prescribed Processes a Beauty Therapy professional or establishment provides meets the required standards as set by this bylaw or the relevant regulations and includes all conditions to which the Certificate of Registration is subject.

Cleaning: means the physical removal of dirt, blood and any other substances from surfaces by washing in detergent and warm water to reduce the number of microorganisms. "Clean" and "Cleansed" have a corresponding meaning.

Communicable Disease: has the meaning given to it in section 2 of the Health Act 1956.

Designated Premises: includes any commercial, industrial, Residential, or community building where a Prescribed Process is carried out, whether they are Permanent or Temporary Premises.

Disability Assist Dog: has the meaning given to it under section 2 of the Dog Control Act 1996.

Disinfection: means the killing of disease-causing microorganisms except bacterial spores. "Disinfected" has a corresponding meaning.

Electrolysis or short-wave diathermy: means the use of negatively charged electrical current to destroy hair.

Epilation or depilation: means the practice involving the penetration of the skin for the purpose of removing hair and includes the process commonly known as Electrolysis.

Health Practitioner: has the meaning given to it under section 5(1) of the Health Practitioners Competence Assurance Act 2003 as a practitioner of a particular health profession.

Instrument: means any appliance, implement, needle or tool, of metal or non-metallic construction, which may come into contact with the skin or tissue on which the Prescribed Process is being carried out. It must also include any swab or dressing applied to the broken skin surface.

Licensee: means the person or legal entity to whom a Certificate of Registration has been issued to under this Bylaw in respect of a Prescribed Process in their Premises.

Medical Waste: means the disposal of any needle or other article contaminated by blood, tissue or other bodily fluid in an approved manner such as a sharps container or biohazard waste receptacle.

Psychoactive Substance: has the meaning given to it under section 9 of the Psychoactive Substance Act 2013.

Mobile Operator: means a person who operates without a Premises.

Mobile Premises: means a location other than a Permanent Premises where any Prescribed Process is undertaken on an ongoing and regular basis by any person including any vehicle, stall or unit whether self-propelled or not.

Operator: means any Licensee and/or staff member who performs or carries out a Prescribed Process.

Permanent Premises: means any location where a Prescribed Process is undertaken by any person on a permanent basis and the primary purpose of that location is the ordinary provision of that process.

Premises: is defined in Section 4 of Part One and includes, where the context requires in this Part, Designated Premises, Permanent Premises, Temporary Premises, and Mobile Premises.

Prescribed Process: means any Beauty Therapy, Tattooing or Skin Piercing process, (whether operated from Permanent, Temporary or Mobile Premises, and including Mobile Operators), for which payment is received.

Principal Entrance: means the main entry point to the Premises, through which clients, customers, or visitors access the Premises.

Readily Accessible: means the location of any fixture, equipment, instrument or utensil so that it can be accessed quickly, practically and without any action likely to pose a risk to any person.

Recognised Qualification: may include a nationally or internationally recognised training standard, NZQA unit, standard, or industry training organisation qualification.

Red Vein Treatment: means the practice of piercing a veins with a needle along the length of a damaged capillary causing little dams or blockages along the vessel.

Residential: means from a private dwelling.

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.

Skin Piercing: means a practice involving the piercing, cutting or puncturing of the skin or any other part of the human body and includes such services as acupuncture, body piercing, derma rolling/stamping, dry needling, Electrolysis, extractions, Red Vein Treatment and Tattooing, and Traditional Tools Tattooing.

Sterilised: means in relation to an instrument or like article or container, means subjecting an instrument, article or container to a process (including methods like with heat or an Autoclave), as a result of which all organisms and their spores present on the surfaces of the instrument, article or container are completely eliminated or killed. "Sterilisation" and "Sterilise" have a corresponding meaning.

Tā moko: means, in relation to Prescribed Processes where payment is received, the permanent marking or Tattooing as customarily practised by Māori.

Explanatory Note:

Practitioners undertaking tā moko on a marae in Wairarapa and in accordance with tikanga Māori (traditional Māori custom), where no payment is received, are exempt from complying with this part of the bylaw (refer section 14.2 of this part).

Tattooing: means a process by which indelible marks are made in human skin or Tissue by inserting pigments or dyes into punctures. Tattooing also includes the process known as pigment implantation or permanent makeup. "Tattoo" has a corresponding meaning. Tattooing also includes cosmetic and semi-permanent Tattooing/makeup applications.

Tatau: means the permanent marking or Tattooing as customarily practised in Samoa.

Temporary Premises: means any location where any Prescribed Process is undertaken by any person on an irregular basis and the primary purpose of that location is not the ordinary provision of that service.

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, membranes and Skin.

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 Tā moko, Tatau, Uhi or any other traditional Tattooing practice that has recognised cultural significance.

Uhi: means Māori Tattooing implements (chisel blades).

3. Tohu Rēhita | Certificate of Registration

- 3.1. A Person must not use any Premises to carry out any Prescribed Process without a current Certificate of Registration.
- 3.2. Applications for a Certificate of Registration must be made by the owner or manager or Operator and shall be made on the prescribed form. The applicant must pay the applicable registration fees as set by the Council.
- 3.3. Council may make controls and set fees or recover costs for the following matters with respect to any Certificate of Registration required by clause 3.1:
 - a) applications for a Certificate of Registration (including renewals);
 - b) process to review, suspend or cancel a registration or its conditions;
 - c) process to object to a decision of the Council in relation to the review, suspension or cancellation of a registration;
 - d) conducting inspections necessary as part of the process of assessing an application for registration; and
 - e) conducting inspections to ensure that a registration and its conditions are complied with.
- 3.4. At the discretion of Council and having regard to any controls made under clause 3.3, a Certificate of Registration may be declined, or granted subject to any conditions.
- 3.5. A Certificate of Registration must not be issued unless the Premises concerned complies with all requirements of this Part of the Bylaw, or an exemption in accordance with section 13 of this Part of the Bylaw has been granted.
- 3.6. All Operators must comply with the conditions of any Certificate of Registration and requirements within this Bylaw unless a written exemption is obtained.
- 3.7. The Certificate of Registration must be prominently displayed at the Principal Entrance so that anyone visiting the Premises can easily see it.
- 3.8. A Certificate of Registration is valid for up to 12 months from the date it was issued and it must be renewed annually.
- 3.9. A Certificate of Registration issued under this Part of the Bylaw is not transferable without written approval from Council. If the business is sold or transferred to another person, the owner, manager, or Operator must notify the Council in writing within 14 days of the settlement date of the sale of the business. The new owner must apply to Council for a new Certificate of Registration and must pay the required registration fees.

4. Ngā Herenga Mahi | General Conditions of Operation

- 4.1. A person must not allow or carry out any Prescribed Process on any person under the age of 16 years without the written permission of that person's parent or legal guardian.
- 4.2. A person must not carry out the Prescribed Process of Tattooing any person under the age of 18 years.
- 4.3. A person must not pierce any nipple or genital area of a person under the age of 18 years.
- 4.4. A person must not carry out any Prescribed Process on any person whom they suspect is under the influence of alcohol, drugs or Psychoactive Substances.
- 4.5. A person must not allow or carry out any Prescribed Process unless they hold a Recognised Qualification, where a Recognised Qualification is available for the Prescribed Process. An exemption will be applied to any person under the direct in-person supervision of someone who holds the said qualification and where the person providing the supervision is employed by a training institution.
- 4.6. Any person who undertakes a prescribed process that pierces or penetrates the Skin must have obtained and be able to provide evidence of the successful completion of a bloodborne pathogen training course.

Explanatory Note:

A bloodborne pathogen training course includes training undertaken face-to-face or online. Such courses must cover identification of disease and infection causing microorganisms, the risks associated with such microorganisms, and the prevention and control measures required to protect clients when reprocessed items or equipment is used.

All skin-piercers and tattooists must complete bloodborne pathogen training within one year of either the enactment of this Part of the Bylaw or within one year of initial registration under this Part of the Bylaw.

- 4.7. A person must not eat or drink on the Premises except in a part of the Premises that is clearly separate from the area where the Prescribed Process is carried out and refreshments are only to be served in client waiting areas, not in work areas.
- 4.8. Smoking and vaping are prohibited on the Premises.
- 4.9. The Operator of a Premises where any Prescribed Process takes place, must display in a prominent place a notice asking clients to inform them of any Communicable Disease the client has, which may be likely to have an effect on the Prescribed Process.

- 4.10. A person who knows or suspects that they are suffering from, or are a carrier of, a Skin infection or Communicable Disease, or associated conditions, must not carry out any Prescribed Process, without taking adequate precautions to prevent the transmission of such infection, disease or condition.
- 4.11. No Animals, except Disability Assist Dogs, are to be permitted in that part of the Premises where the Prescribed Process takes place.
- 4.12. Prior to performing any Prescribed Process that invades someone's body in any way, information must be given in a manner which fully explains the nature of the procedure, the outcomes of it and any risks involved. The information must be understandable and take into account the age of the person involved, and their understanding of the language used. Informed consent cannot be legally given by someone under the age of 16 years.
- 4.13. Any person who wishes to have a Prescribed Process carried out, must inform the Licensee, manager, or other person for the time being appearing to be in charge of the Premises, prior to the commencement of any Prescribed Process, if they know or suspect that they:
- a) are suffering from a Communicable Disease;
 - b) have a history of problem bleeding;
 - c) are taking medication such as anticoagulants which thin the blood or interfere with blood clotting;
 - d) have a history of allergies or adverse reactions to pigments, dyes or has other Skin sensitivities; or
 - e) have a history of epilepsy or seizures.
- 4.14. The Operator is required to specifically request the information needed under clause 4.13 and keep accurate records under section 13.
- 4.15. The Operator may decline to carry out any Prescribed Process on the basis of information received under clause 4.13 or agree to carry out the Prescribed Process subject to such conditions as are considered appropriate in the circumstances. Nothing in this Part of the Bylaw shall be construed as requiring any person to perform a Prescribed Process on any other person.

5. Ngā Āhuatanga Ōkiko o te Hanganga | Physical Aspects of Premises

- 5.1. A person must not use, or allow any Premises to be used for a Prescribed Process except in accordance with all of the following provisions:
- a) the Premises must be maintained in a state of good repair, Sanitised, clean and tidy condition;
 - b) the floors, walls, ceiling, fixtures and fittings in any area connected with the carrying out of any Prescribed Process must be constructed of materials that are continuously smooth, impervious and easily cleaned;

- c) a wash basin, a constant piped supply of hot and cold water, soap, a nail brush and approved hand drying facilities must be provided in a readily accessible position within the working area associated with the Prescribed Process;
- d) a designated sink supplied with a constant piped supply of hot and cold water must be provided in a readily accessible position within the working area for the sole purpose of Cleaning Instruments and equipment associated with a Prescribed Process;
- e) all parts of the Premises must be adequately ventilated;
- f) all parts of the Premises must be provided with adequate lighting to assist in the performance of a Prescribed Process and facilitate cleaning and inspection;
- g) there must be a sufficient supply of Cleaning, Sanitising and Sterilising agents, and suitable Cleaning equipment, to enable regular and proper Cleaning of the Premises and the equipment.
- h) there must be a separate area in the Premises for the storage of chemicals, Cleaning equipment and products associated with any Prescribed Process when they are not in use;
- i) there must be a sufficient supply of covered waste receptacles that are constructed of easily cleanable materials;
- j) all mattresses, squabs and cushions used on any chair, bed, table or the like, used in conjunction with the carrying out of any Prescribed Process, must be covered in impervious and readily cleanable material. After each client, all linen/paper used to cover these must be replaced and the tables and equipment must be Cleaned and Disinfected.
- k) there must be a separate storage area for Clean and soiled laundry. The storage containers for the laundry must be made of water-proof material and capable of being easily Cleaned;
- l) there must be a separate storage area in the Premises for the storage of beauty products and other products or materials.
- m) where refreshments are served to clients, single use utensils are to be used unless dishwashing facilities are supplied.

6. Ngā Hanganga Hīkawe me ngā Kaiwhakahaere Hīkawe | Mobile Premises and Mobile Operators

6.1. All Mobile Operators must:

- a) provide sufficient facilities in the Mobile Premises to adequately store all Clean and used equipment, linen and waste products safely in separate containers before and after use and while in transit;
- b) establish and maintain a 'Clean' work area in the Mobile Premises and protect all surfaces and equipment in that work area from contamination by dust, dirt, other such contaminants or members of the public at all times;

- c) ensure that in the Mobile Premises, there is direct access to hand washing facilities with soap, paper towels and hot and cold running water. Alternatively, where it is physically impossible to have hand washing facilities with running water in the Mobile Premises, waterless alcohol-based antiseptic hand gels, foams, or liquids can be used.
 - d) Clean their hands using waterless alcohol-based hand cleanser between each client;
 - e) wash their hands with running water and soap if their hands are visibly soiled; and
 - f) ensure there is sufficient Sterile equipment for all clients undergoing Skin penetration procedures and, if the Mobile Premises does not have an Autoclave, then single use pre-sterilised equipment is to be used.
- 6.2. All owners or Operators of a Mobile Premises must ensure that the area set aside for the Mobile Premises complies with all controls for a Prescribed Process. The controls for a Prescribed Process in a Mobile Premises are to be determined by an Authorised Officer, who will take into consideration the circumstances in which the Prescribed Process is being undertaken to decide what is appropriate.

7. Ngā Whanonga | Conduct

- 7.1. While on the Premises, an Operator must:
- a) at all times keep their clothing, hands and fingernails Clean, and cover any infected, damaged or inflamed Skin with an impermeable dressing or disposable gloves;
 - b) thoroughly Clean their hands immediately:
 - i. before commencing and after completing any Prescribed Process;
 - ii. after using a toilet;
 - iii. after smoking or vaping;
 - iv. after blowing the nose; and
 - v. after handling soiled laundry, money, biological matter or waste materials used or produced in connection with a Prescribed Process;
 - c) prior to commencing any Prescribed Process, cleanse the client's Skin by swabbing with a suitable cleansing agent; and
 - d) dispose of all blood or Tissue contaminated materials, and dye residue used in a Prescribed Process into a puncture resistant container, 'sharps container' or otherwise in a manner approved by an Authorised Officer.
- 7.2. An Operator shall, at the completion of any Prescribed Process, provide to each client suitable written instructions for the subsequent after care of the site to prevent its infection.

- 7.3. An Operator must not undertake any Tattooing, waxing, Electrolysis or Skin Piercing procedure unless that person covers their hands with new, single use gloves for each client, wherever practical.
- 7.4. Any equipment used for a Prescribed Process must be calibrated, serviced and operated according to manufacturer specifications and only used for the purpose set out in the instructions. Section 13 contains requirements for keeping records about the servicing and calibration of this equipment.
- 7.5. An Operator must ensure there is a written procedure for the Cleaning of any blood or Tissue contaminated linen or fixtures held onsite at all times.

8. Kirituhi | Tattooing

- 8.1. The Sterilisation of Tattooing equipment must include, but not be limited to, the Sterilisation of needle bars, tubes and tube tips.
- 8.2. Stencils and marker pens must only be used for one client and then disposed of.
- 8.3. An Operator must not, in Tattooing a client, use any dye, pigment or solution, unless the dye, pigment or solution:
 - a) has been decanted into a single use container (as per Section 11) holding a sufficient amount of the liquid for carrying out the Tattoo on that client only; and
 - b) is, while the process is being carried out on that client, extracted or withdrawn only from that container.
- 8.4. The Operator must ensure that on completion of the Tattoo, any dye, pigment or solution residue is discarded and disposed to waste, and the container is either sterilised or discarded.
- 8.5. The Operator is responsible for ensuring all dyes, inks, pigments, or solutions used for Tattooing are:
 - a) approved under the New Zealand Environmental Protection Authority's Tattoo and Permanent Makeup Substances Group Standard 2022 (or subsequent iteration) or meet the relevant standards that apply under legislation from the territory or country from which they are imported; and
 - b) prepared, stored and dispensed in such manner as to prevent any likelihood of infection to any other person.

9. Haumanu Rerehua, Titi Kiri me te Kuku Huruuru | Beauty Therapy/Skin Piercing/Epilation

- 9.1. An Operator must not remove hairs from moles, birthmarks and other abnormalities without medical permission.
- 9.2. The client's Skin must be suitably Cleansed prior to waxing.

- 9.3. No person may use any Instrument to pierce Skin unless it has been Sterilised and has been kept in such a manner as to maintain sterility. All needles must be either pre-sterilised disposable types or needles sterilised as directed in section 11. No needle or other Instrument used to carry out a Skin Piercing may be touched by bare fingers, nor contaminated by packaging which has been contacted by bare fingers.
- 9.4. All jewellery used for Skin Piercing must be Sterile.
- 9.5. Any product that has been applied to a client's body (including wax) must not be reused on another client.
- 9.6. Any applicator that makes contact with a person's Skin must not be reused (double-dipped) or be replaced in a receptacle containing wax or any product unless the product has been decanted into single use containers.
- 9.7. All equipment and disposables used as part of treatment or after care must be used and stored in such a way to prevent contamination.

10. Ngā Ratonga Aukati | Prohibited or Restricted Services

- 10.1. Commercial Services that pierce the eyeball (including tattooing of the eyeball or scleral Tattooing) are prohibited unless undertaken by appropriately qualified health practitioners (Ophthalmologists) who are covered by the Health Practitioners Competence Assurance Act 2003 in the practice of their profession.

11. Te Patu Moroiti i ngā Taputapu | Sterilisation of Equipment

- 11.1. No tools or equipment used for any Prescribed Process, such as needles and similar equipment that pierces or risks cutting the Skin (including pedicure, manicure or waxing equipment), shall be reused unless it has been Sterilised in one of the following ways:
- a) thoroughly Cleansed and Sterilised in an Autoclave in accordance with manufacturer's instructions. Evidence of the use of chemical indicator strips to demonstrate that the appropriate temperatures have been achieved during the Sterilisation cycle must be kept and be made available for inspection for a minimum of 12 months.
 - b) thoroughly Cleansed by a method appropriate to the nature of the article concerned and then submitted to a process of Sterilisation approved by an Authorised Officer.
- 11.2. All disposable needles used for any Prescribed Process must be disposed of in an appropriate "sharps" container for medical waste, which in turn must be disposed of in an approved manner.
- 11.3. All materials containing body fluids and blood (including follicles) must be disposed of as medical waste in an approved manner. Medical waste must not be stored on the Premises for any longer than two weeks.

- 11.4. All non-medical waste is to be stored in a covered receptacle and removed from the Premises regularly.
- 11.5. Where an Instrument or like article used for projecting a needle into the Skin of any person, would be rendered inoperable or be damaged if a hand piece attached to it were Sterilised, the hand piece shall be deemed to be Disinfected if it has been cleaned of all visible soiling then wiped with a clean paper towel saturated with:
- a) a solution of industrial methylated spirit; or
 - b) ethyl alcohol or isopropyl alcohol (in each case containing not less than 70 percent alcohol).
- 11.6. Prior to cleansing the hand piece, the needle shall be removed from the hand piece and disposed.

Explanatory Note:

Operators should follow manufacturer's instructions in Cleaning products, in particular concentration and use by dates.

12. Te Patu Huakita, te Whakamā, te Akuaku me te Whakatika | Disinfection, Cleaning, Cleansing and Repair

- 12.1. Where any Premises, equipment or procedures used to carry out any procedure or Prescribed Process are in such a condition whereby clients may be exposed to contamination or Communicable Disease, the Licensee must on receipt of a notice signed by an Authorised Officer Cleanse, reconstruct or repair the Premises, equipment or redesign the procedures as directed within the time specified on the notice or cease using the Premises until any such time agreed by the Authorised Officer.
- 12.2. All equipment, Instruments and utensils that are unable to be Sterilised must be thoroughly Cleaned and then Disinfected by a thermal or chemical Disinfection procedure in accordance with the manufacturer's instructions.
- 12.3. After thorough Cleaning, approved solutions for Disinfecting include, but are not limited to:
- a) Ethyl alcohol, isopropyl alcohol or methylated spirits (in each case containing not less than 70 percent alcohol); or
 - b) an industrial strength disinfecting solution (such as a chlorine, phenol or Quaternary ammonium cation (QUAT) based solution) used in accordance with manufacturer's instructions.
- 12.4. For any chemical used to Disinfect, Operators must be able to demonstrate knowledge of chemical dilution rates, application method and contact times.

13. Ngā Mauhanga | Records

- 13.1. Accurate records must be maintained to assist Operators with providing aftercare advice for clients and as an opportunity to audit the quality of procedures, should complications occur.
- 13.2. Prior to commencing any Prescribed Process, the Operator must obtain and record the following information in writing:
- a) client name, address, and phone contact;
 - b) client date of birth;
 - c) details of the procedure type and potential risks associated with the Prescribed Process to be administered;
 - d) consent for the Prescribed Process to be administered that is signed by the client; and
 - e) client health information including, but not limited to:
 - i. any medication taken which may affect the Prescribed Process;
 - ii. any known blood or bleeding disorder or blood thinning medication taken;
 - iii. any medical history of known allergies or adverse reactions;
 - iv. any medical history in relation to Communicable Disease or infectious disease; and
 - v. any history of epilepsy or seizures.
- 13.3. The Operator must hold client records on site and ensure that information is updated after every visit. These records must be made accessible to an Authorised Officer upon request.
- 13.4. Records must be strictly confidential and all personal client information must be kept secure in a secure area, in accordance with the Privacy Act 2020.
- 13.5. The Operator must hold records regarding information collected under clause 12.2 (regarding equipment, instruments, and utensils) on site for a period of 12 months from the date of the initial Prescribed Process. These records must be made accessible to an Authorised Officer upon request.
- 13.6. The Operator must collate information relating to the monitoring and regular servicing and calibration of all equipment used for Sterilisation such as an autoclave. Such records must be kept for a minimum period of 12 months from the date the monitoring or servicing was carried out. The records shall be made available to an Authorised Officer or a Medical Officer of Health upon request.
- 13.7. A record of medical waste disposal must be kept for a minimum period of 12 months from the date of disposal. The records must be made available to an Authorised Officer or a Medical Officer of Health on request.

14. Ngā Kapenga | Exemptions

14.1. The provisions of clause 4.5 of this Part of the Bylaw shall not apply:

- a) where the procedures are carried out in the practice of medicine, dentistry, nursing, physiotherapy, pharmacy or podiatry respectively, by a medical practitioner registered pursuant to the Medical Practitioners Act 1995, a dentist registered under the Dental Act 1988, a nurse registered under the Nurses Act 1977, a physiotherapist registered under the Physiotherapists Act 1949, a pharmacist registered under the Pharmacy Act 1970, a podiatrist registered under the Medical Auxiliaries Act 1966, or any Health Practitioner registered under the Health Practitioners Competence Assurance Act 2003 or subsequent Act;
- b) acupuncture undertaken by members of the New Zealand Register of Acupuncturists or members of the New Zealand Acupuncture Standards Authority or by members of Acupuncture NZ;
- c) a person acting under the direction or supervision of a any person described and acting in accordance with clause 14.1 (a), where the purpose is the practice of medicine, dentistry, nursing, physiotherapy, pharmacy or podiatry;
- d) to any tertiary educational institution authorised to train persons to become qualified in the practices of Beauty Therapy and/or nail technology; or
- e) in a situation where an Authorised Officer is satisfied that compliance with any requirements of this Part of the Bylaw would be impractical or unreasonable, having regard to the Premises in question, or the Prescribed Process being undertaken. A written exemption may be granted with such modifications, and subject to such conditions as are in the interests of public health as may be desirable in the circumstances.

14.2. Kua kore tēnei wāhanga o ngā ture ā-rohe e hāngai ki ngā ringatā e tā moko ana ki ngā marae i Wairarapa, whai rawa i ngā tikanga Māori. Me whai whakaaro ngā ringatā ki ngā paerewa, ki ngā tohutohu hoki o roto i te 2010 Customary Tattooing Guidelines for Operators a te Manatū Hauora hei ārahi matua, me ētahi anō tohutohu ārahi e tuwhera ana. He taonga te tā moko. Ko tā te Atikara 2 o Te Tiriti o Waitangi he tiaki i te rangatiratanga o Ngāi Māori ki ō rātou taonga.

Explanatory Note:

Section 14.2 in English means practitioners undertaking Tā moko on a marae in the Wairarapa and in accordance with tikanga Māori (traditional Māori custom) – where no payment is received - are exempt from complying with this Part of the Bylaw.

Practitioners should consider the minimum standards of this Part and the Ministry of Health's 2010 Customary Tattooing Guidelines for Operators as a best practice guide, alongside other available guidance. Tā moko is considered to be a taonga (or cultural treasure). Article 2 of the Treaty of Waitangi protects Māori rangatiratanga over taonga.

- 14.3. Any Operator may apply for an exemption from any requirement in this Part of the Bylaw where the Operator can demonstrate that any risk to public health is mitigated to the same extent as what is provided for in this Part of the Bylaw.

15. Ngā Hara me ngā Hāmene | Offences and Penalties

- 15.1. An Authorised Officer undertaking inspections under this Part may take or remove a sample or thing for analysis, for the purpose of determining whether or not this Part is being complied with.
- 15.2. Any person who breaches or fails to comply with this Part of the Bylaw commits an offence and may be liable on conviction to a penalty under the Health Act 1956 or the Local Government Act 2002 (LGA). Refer to Wairarapa Consolidated Bylaw 2025: Part 1 - Introductory (Section 15.2) for details of what constitutes a breach.
- 15.3. A breach or failure to comply with this Part of the Bylaw may result in a Certificate of Registration being cancelled.

Explanatory Note:

As at the date the Bylaw comes into force, a Person who is convicted of an offence against Part Eight:

- is liable to a fine not exceeding \$20,000 in accordance with section 242 of the Local Government Act 2002;
- is liable to a fine not exceeding \$500 in accordance with section 66 of the Health Act 1956;
- where the offence is continuing, is liable to a fine not exceeding \$50 every day the offence continues in accordance with section 66 of the Health Act 1956
- where a person provides artificial tanning services to a person under 18, is liable to a fine not exceeding \$2,000 for an individual or \$10,000 for a body corporate in accordance with section 114(3) of the Health Act 1956.

