



Skin penetration procedures and the law

Skin penetration is a procedure which incorporates:

- the skin being cut, punctured, torn or shaved
- a mucous membrane being cut, punctured or torn.

Skin penetration includes body art such as:

- tattoos
- piercing
- scarification or branding
- dermal anchors
- 3-D art or body modifications (for example beading).

Some beauty therapies, such as waxing, shaving, tweezing and electrolysis are also considered a skin penetration procedure, as is the practice of acupuncture.

If you are an operator providing any of these services, you need to be aware of the potential health risks and the importance of following correct infection control guidelines.

It is important to have standards for infection control for skin penetration operators so clients can have confidence in the services they access.

Laws help prevent the spread of infections, including:

- **viral infections** (for example hepatitis B, hepatitis C, HIV/AIDS)
- **bacterial infections** (for example *Staphylococcus aureus*, *Mycobacterium fortuitum*)
- **fungal infections** (*Candida albicans*).

Skin penetration legislation and Code of Practice

Operators who perform skin penetration procedures are required by law to operate at high standards of infection control and must comply with the:

- [Health \(Skin Penetration Procedures\) Regulations 1998 \(external site\)](#)
- [Code of Practice for Skin Penetration Procedures \(PDF 324KB\)](#).

The regulations and code outline minimum standards of infection control including basic hygiene, disinfection and sterilisation requirements.

The legislation and regulations applies to any operator performing a skin penetration procedure including:

- tattooists
- body piercers
- beauty therapists
- acupuncturists.

The legislation does not apply to:

- medical practitioners or dentists
- a person under the supervision of a medical practitioner
- podiatrists or nurses
- any other person registered with the [Australian Health Practitioner Regulation Agency \(external site\)](#).

It is mandatory for an operator of a skin penetration establishment to comply with the above legislation. The owner of an establishment who fails to comply with the Regulations or the Code may be fined up to \$1000, plus daily penalties.

There are several pieces of subsidiary legislation which an operator may also be required to follow:

- *Radiation Safety (General) Regulations 1983* ([external site](#)). This legislation applies to lasers (for example, hair removal).

Approval to operate a skin penetration business

WA establishments wishing to perform skin penetration procedures are required to notify the local government of their:

- registered trading name
- business address and
- the types of procedures they are planning to perform.

Before you open your establishment, you should provide the local government with a copy of the layout, including details about the location of fixtures, such as hand basins and sinks, and materials used for shelving and flooring to ensure compliance with the Code of Practice for Skin Penetration Procedures (PDF 324KB).

It is advisable to that you work with your local government Environmental Health Officer to ensure you comply with the Code.

Design requirements for a skin penetration establishment

There are specific requirements for the layout of a skin penetration establishment which are outlined in section 7 of the Code.

Skin penetration procedures area

The skin penetration procedures area is the area where the skin penetration procedure will take place. For example, the area where a client will be pierced, tattooed, or waxed.

Design requirements:

- Floors, floor coverings, walls, ceilings, shelves, fittings and other furniture in this area must be made from materials suitable for the procedures undertaken here. These must be kept clean and in good repair.
- All surfaces that come into direct contact with client's skin is smooth, impervious and in good repair. For example, client chairs or beds must be made of a material that can be easily cleaned after each use.
- A hand basin with a hot and cold water supply, soap and paper towels provided in the immediate area where the skin penetration procedures are undertaken. The hand basin should be easily accessible to allow the person performing the procedure to wash their hands thoroughly before and after.

It is recommended that liquid soap from a pump dispenser be used for hand washing.

For new premises or those undergoing refurbishment it is mandatory to install a hands-free basin. The basin must be supplied with hot and cold water supply through a single outlet. A hands-free basin is one which can be operated without use of hands. The Code advises that hands-free basins should be knee- or elbow-operated.

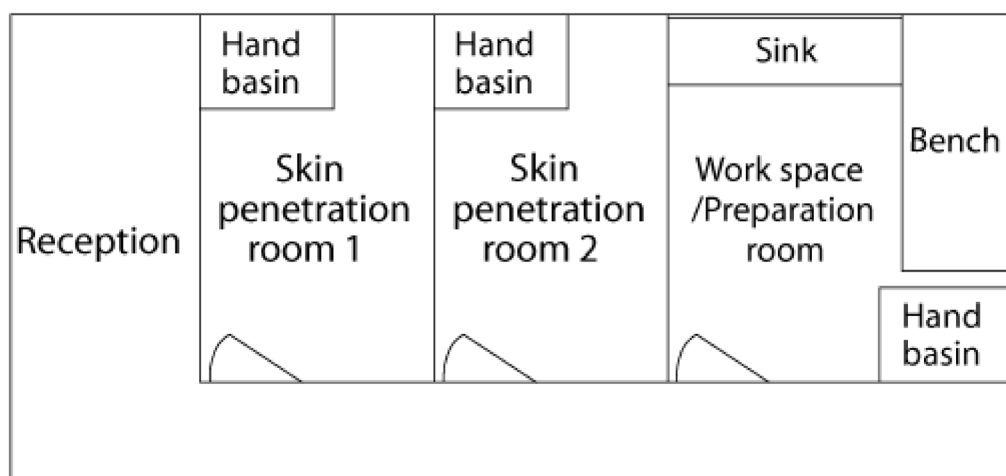
Work space and preparation area

The work space is where appliances are stored, for example an autoclave. The preparation area is where appliances are prepared before use.

Design requirements:

- The work space and preparation areas must be separated from the client treatment area.
- This area must have at least 2 designated sinks; one for hand washing and another for cleaning and decontaminating equipment.
- All sinks must be made of suitable materials, such as stainless steel.
- All work surfaces should be smooth and impervious, and all floors must be smooth, impervious and non-slip.
- There should be sufficient bench space to accommodate equipment.

Example layout



An example of a skin penetration establishment.

Training - skills and knowledge of staff

It is the responsibility of any person who performs skin penetration procedures, to ensure that they are familiar with infection control and safe working procedures.

Employers have a responsibility to provide adequate levels of staff training to ensure the maintenance of adequate infection control procedures and safe working practices.

Inspections

Each local government employs authorised officers (also known as Environmental Health Officers) who have the regulatory power to:

- inspect a skin penetration business to make sure the business and staff are operating in accordance with skin penetration laws
- investigate complaints someone may make about a business

You don't need to fear these inspections and you are encouraged to build a good relationship with the authorised officer, who wants to make sure the safety of the community.

Mobile practitioners

Mobile practitioners (tattooists, beauty therapists, etc.) are not permitted to undertake skin penetration procedures unless:

- every place where a skin penetration procedure is undertaken is registered with the local government
- the mobile therapist complies fully with the Code of Practice for Skin Penetration Procedures.

Age limits for body art procedures

The Department for Child Protection (external site) is the State Government agency responsible for enforcing age limits for tattooing, piercings and other body modification procedures in Western Australia.

Tattooing and branding

In Western Australia it is illegal to tattoo or brand a person under the age of 18, unless they have the written permission of their parent or guardian.

The penalty for tattooing or branding a minor could be a \$12,000 fine and imprisonment for one year.

Body piercing

In 2011 new age limits were established for body piercing procedures as part of an amendment to the Children and Community Services Act 2004 (external site).

Under Section 104A of the Act it is prohibited to pierce a child under the age of 18 in any intimate area. This includes:

- genitals
- nipples
- anal area
- perineum.

A person who carries out this type of piercing on a child under the age of 18 can be fined \$18,000 and imprisoned for 18 months. It is not a defence to say that the child, or a parent of the child, consented to the body piercing.

Additionally, a child under the age of 18 will require the written consent of their parent for all non-intimate body piercings.

Non-intimate body piercing means piercing a part of the body such as:

- nose
- tongue
- face
- navel (belly button)
- other skin surfaces.

A person who carries out this type of piercing on a child without written parental consent can be fined \$12,000 and imprisoned for 1 year.

Visit the Department for Child Protection ([external site](#)) to learn what information needs to be included on a parental consent form.

The only circumstances where a child does not need their parent's consent is for ear piercing if the child is aged 16 years or over.

WorkSafe role

WorkSafe ([external site](#)) deals with issues relating to occupational safety and health in the workplace including:

- Code of Practice on the Management of HIV/AIDS and Hepatitis at Workplaces
- material safety data sheets
- chemicals at work
- personal protective equipment.

Making a complaint

If you have concerns about a skin penetration establishment and their level of infection control you are encouraged to raise your concerns with the [local government Environmental Health Services \(external site\)](#) in the area where the establishment is located.

Local government employ authorised officers who have powers under legislation to inspect the establishment and enforce the regulations.

Contact the relevant local government Environmental Health Services ([external site](#)) for further advice about starting a business, making a complaint about a business operating in a local district or for general advice about this topic.