



December 2009

Public Health and Wellbeing Act 2009

The Public Health and Wellbeing Act 2008 (PHWA) was passed in Victorian Parliament in August 2008. The new *Act* takes effect on 1 January 2010 and replaces the previous *Health Act 1958*.

The new legislation has been designed to strengthen councils' traditional public health roles and to deal proactively with contemporary public health concerns and emerging risks.

Major enforcement changes affecting registered businesses are outlined in the Public Health and Wellbeing Regulations 2009. Proprietors and occupiers are required to:

- ensure that the premises are kept in a clean and hygienic state
- ensure that an article intended for penetrating skin is sterile at the time of use
- ensure that an article which has penetrated the skin of a person or is contaminated with blood is:
 - destroyed or disposed of immediately in a manner to prevent infection of another person; or
 - sterilised in accordance with the requirements set out before it is used on another person; and
 - cleaned before it is used on another person.
- ensure that each person in the business who is engaged in carrying out any hairdressing or beauty therapy or similar process or any tattooing, ear piercing, or other processes involving skin penetration (a) has clean hands; and (b) has no exposed cuts, abrasions or wounds before carrying out the process.
- ensure that easily accessible hand washing facilities are available for use by staff
- ensure the proprietor or occupier of the registered premises providing tattooing, ear piercing, body piercing or any other process involving the penetration of the skin in a living human;
 - provides information to the person about the transmission of infectious diseases before any process is carried out
 - provides information to a person about the transmission of infectious diseases that is not misleading
 - records and stores the name and address of each client at the premises for a period of 12 months following the date of the last body piercing or tattooing procedure undertaken by the client at the premises.

Case study: Electrolysis Gone Wrong

In December 2007 a client attended a skincare premises to undergo a facial treatment involving electrolysis. During the treatment the client complained about a burning sensation she had never previously experienced. At the end of the treatment the client explained that the burning sensation had increased and the premises gave her some cream to apply to her face to resolve the problem.

The client then obtained medical advice, which confirmed that she had experienced first degree burns, with the risk of hyper-pigmentation which would require treatment with medicinal cream. Subsequent scarring would require laser treatments or surgery.

Consumer Affairs Victoria (CAV) investigated the matter and as a result the premises was found to be in breach of the *Fair Trading Act 1999*. CAV found that the company did indeed supply those electrolysis services and they were not carried out with due skill and care, causing first-degree burns.

CAV formally directed the company to pay \$3175.50 compensation to the client, which covered dermatological, medicinal and future laser therapy expenses.

The company was also directed to prevent staff members from administering electrolysis to clients unless they could demonstrate they had reached the appropriate level of skill and competence. CAV stated that this can be achieved by demonstrating that treatment staff had completed a diploma, such as a Diploma of Beauty Therapy or a similar recognised course.

Finally CAV directed the company to ensure that all clients were provided with written information about the potential dangers of receiving electrolysis prior to accepting payment for and administering such treatment.

The company accepted the matter and directions set down by CAV. If you would like to see the undertaking, visit the Consumer Affairs Victoria website at www.consumer.vic.gov.

Registration reminder – 2010

You are reminded that your registration is due **31 December 2009**.

Failure to pay your registration by this date can affect your business in two ways:

- you may be liable for a **50 per cent** late fee
- you may be committing an offence by trading while unregistered.

Should you misplace or lose your registration renewal form please contact Bayside Environmental Health Services on 9599-4417.

Let us know what you think

If you have any comments about the Health newsletter, have any questions you would like answered, topics you would like covered in future issues, or perhaps suggest some tips to share with other businesses, why not contact us:

Bayside City Council

Environmental Health Unit

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