



Te marohitanga hei whakapai ake i tā tātou ture ā-rohe me tōna whakaūnga mō te hauora me te akuaku

# Proposal to improve our health and hygiene bylaw and control

Statement of Proposal to amend the Te Ture ā-Rohe Whakamaru Hauora 2013 / Health and Hygiene Bylaw 2013 and amend the Tikanga ā-Mahi Whakamaru Hauora 2013 / Health and Hygiene Code of Practice 2013

Public consultation from 4 May 2026 to 7 June 2026

March 2026, Version 1.0

[akhaveyoursay.aucklandcouncil.govt.nz](https://akhaveyoursay.aucklandcouncil.govt.nz)



# 1 What this is about

## Ensuring healthy and safe services in Auckland

For both personal and cultural reasons, Aucklanders use a variety of services that can have health and safety risks. These services can range from appearance, wellness and beauty services, cultural practices to public swimming pools.

These services can pierce, burn, or break the skin, or spread infections. Most harms are minor, but some have higher risks. For example:

- services that pierce the skin can spread blood-borne viruses such as hepatitis B and C
- laser treatments can cause eye damage and burns
- swimming pools can transfer waterborne illnesses, such as gastrointestinal infection.

## What Auckland Council does

We make rules to minimise the risk of physical harm to recipients and providers from poor practices associated with services with hygiene and safety risks in Auckland.

The existing rules are set in the Auckland Council Te Ture ā-Rohe Whakamaru Hauora | Health and Hygiene Bylaw 2013 (**Bylaw**) and Tikanga ā-Mahi Whakamaru Hauora | Health and Hygiene Code of Practice 2013 (**Control**).

## Improving our approach to health and safety in Auckland

We recently checked how the rules are working and identified improvements. Key improvements proposed in comparison to the existing Bylaw and Control include to:

- remove the licence requirement for services with low to medium impact harms, for example, ‘fat-freezing’, hair removal, manicures and pedicures
- remove specific rules for exfoliation, manicures and pedicures, and massage
- exempt practitioners registered with the Chinese Medicine Council of New Zealand
- add new rules for scarification
- add the power for council to approve alternative practices to Control rules
- update general standards for premises and services that break or pierce the skin
- require all providers to be suitably qualified
- enable council to require a water treatment plan for a public swimming pool
- update rules to reflect current practice and technical advice that providers must follow
- make the Bylaw and Control easier to read and understand, including by listing services that must obtain a licence or comply with rules in the Control.

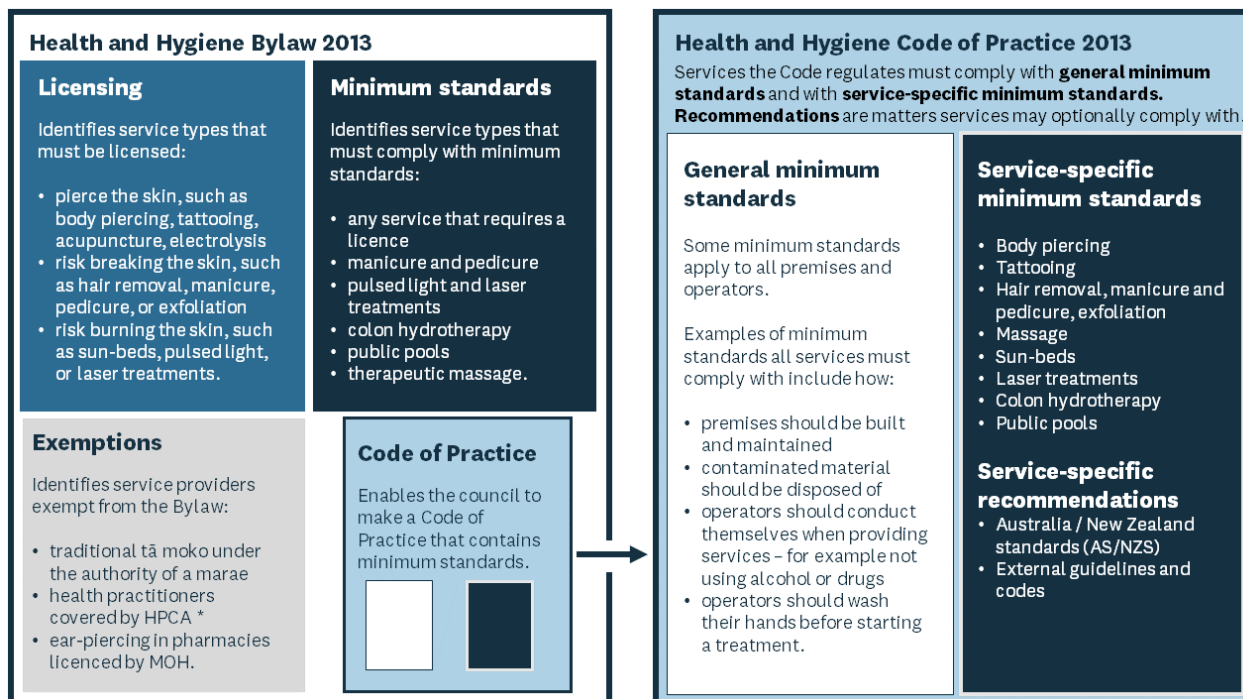
## We want to know what you think

From **4 May 2026** through to **7 June 2026**, we want you to tell us what you think about the proposal to improve our Bylaw and Control about services with health or safety risks in Auckland.

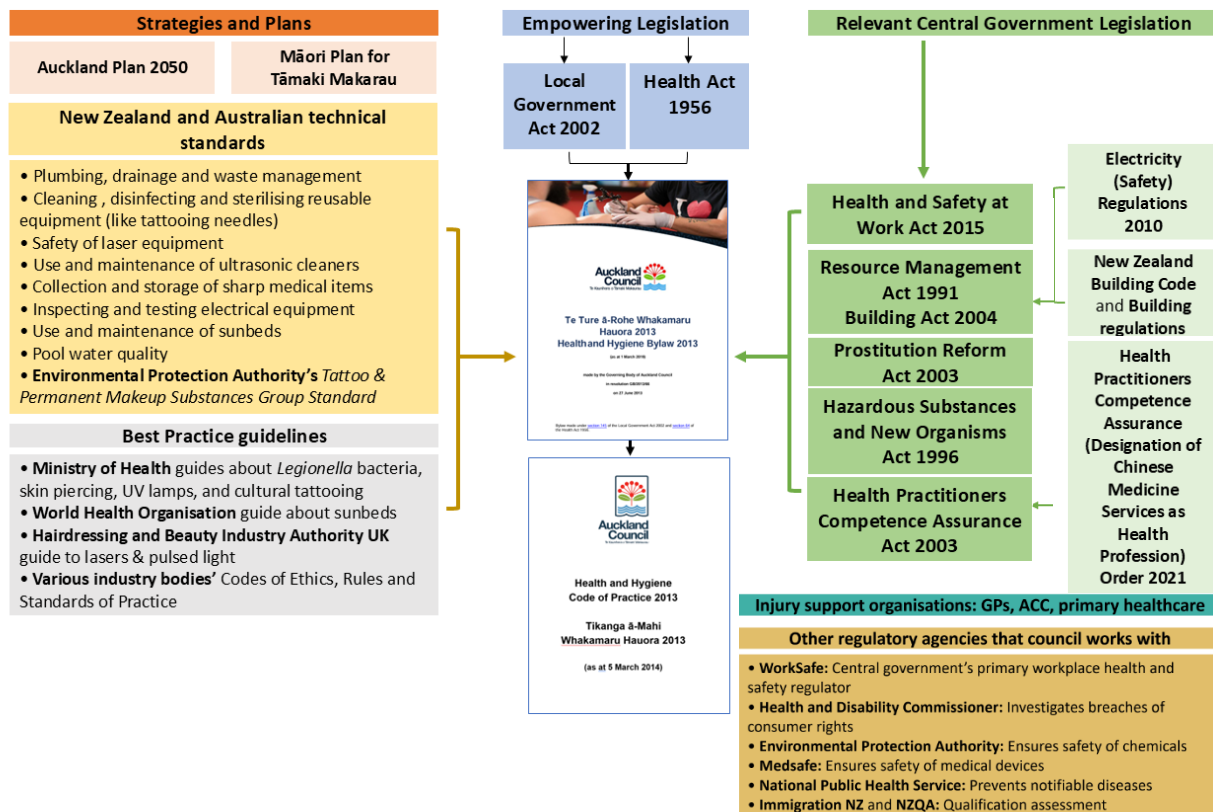
Visit [akhaveyoursay.aucklandcouncil.govt.nz/](https://akhaveyoursay.aucklandcouncil.govt.nz/) for more information and to find out how to give your feedback in writing, in-person or by phone. Free internet access is available at our libraries.

# 2 What are the Bylaw and Control?

The Health and Hygiene Bylaw and Control set rules for which services with health and safety risks in Auckland require an approval (a health protection licence and inspections) and which services must comply with minimum practice standards in a control (Code of Practice).



The rules form part of a wider framework about public health and safety that the Bylaw and Control seek to complement and not duplicate.



# **3 Implementing the Bylaw and Control**

## **Our Licensing and Environmental Health team administer the Bylaw and Control**

Our Licensing and Environmental Health staff are responsible for day-to-day administration of the Bylaw and Control. For example, staff process applications for health protection licences, inspect premises to check for compliance and respond to incidents of non-compliance where service providers may not be following the rules in the Bylaw or Control.

Providers are charged an annual licensing fee based on whether their service is high-risk (such as tattooing), and if they are offering multiple services (for example manicures and hair removal).

A committee of elected members can make, amend or revoke a control. Only the Auckland Council Governing Body may make, amend, or revoke a bylaw.

## **Modern approach to compliance**

We carry out activities to ensure compliance using a modern regulatory approach. This includes:

- providing online information to help people voluntarily comply with the rules, for example a copy of the Control and summaries of rules for specific services
- enabling Aucklanders to report incidents of providers not complying with the rules
- inspecting over 1,200 providers every year (as at 2024) as part of the licensing process
- educating providers and issuing notices requesting specific actions to address non-compliance
- working with partner agencies such as the National Public Health Service or the Health and Disability Commissioner to resolve an issue.

Penalties for not complying with the Bylaw or Control can include a maximum \$20,000 court fine.

## 4 What council proposes to change

We recently checked how the rules are working and identified improvements to how we minimise the risk of physical harm associated with services with hygiene and safety risks in Auckland.

Key improvements proposed in comparison to the existing Bylaw and Control include to:

Main proposals	Reasons for proposal
<p><b>Remove services from requiring an approval (licence) that do not intentionally pierce, break or burn skin or tissue</b>, for example exfoliation, manicures and pedicures, cryolipolysis ('fat-freezing') and thermal shock lipolysis (fat removal using hot and cold temperatures).</p> <p><b>Remove specific Control (code) rules</b> for exfoliation, manicures and pedicures, and massage.</p> <p><b>Note:</b> These services must still comply with general rules in the Control.</p>	<ul style="list-style-type: none"> <li>• More proportionate regulatory response to services:                             <ul style="list-style-type: none"> <li>○ with low to medium impact harms, or</li> <li>○ where inspections will not minimise the risk of harm.</li> </ul> </li> </ul>
<p><b>Exempt practitioners registered with the Chinese Medicine Council of New Zealand (CMCNZ)</b> from needing to comply with the Bylaw, such as registered acupuncturists and registered providers of traditional Chinese medicine.</p> <p><b>Note:</b> Chinese medicine practitioners not registered with the CMNZ still need to comply with the Bylaw and Control.</p>	<ul style="list-style-type: none"> <li>• Align with central government legislation and regulations.</li> </ul>
<p><b>Add new rules for scarification</b> (intentionally scarring the skin), including to prohibit providers from treating people with keloids, diabetes or a family history of these conditions.</p>	<ul style="list-style-type: none"> <li>• Minimise health and safety risks, as some specific health risks are currently not adequately addressed.</li> </ul>
<p><b>Add the power to approve alternative practices to Control rules</b>, including to replace rules for specific exemptions for cleaning basins with a general power to approve alternative practices.</p>	<ul style="list-style-type: none"> <li>• Regulate services at an appropriate level, by providing for practices that result in the same or better outcome.</li> </ul>
<p><b>Update general standards for premises and services that break or pierce the skin</b>, including:</p> <ul style="list-style-type: none"> <li>• add a new general rule requiring providers to supply their services safely and hygienically</li> <li>• require providers to verify any products injected into recipients are safe (including blood plasma for vampire facials or dermal fillers)</li> <li>• require providers of services that can break the skin to take reasonable measures to minimise the risk of unintentionally breaking the skin while providing a service</li> <li>• prohibit providing a service that can break the skin to anyone who has exposed cuts or abrasions before the service, or whose skin is broken during the service</li> <li>• prohibit providers removing skin tags and lesions unless they are a health practitioner.</li> </ul>	<ul style="list-style-type: none"> <li>• Better minimise risk to public health and safety.</li> <li>• Reduce the risk of cancers going undetected by prohibiting removal of skin tags and lesions.</li> </ul>
<p><b>Require all providers to be suitably qualified, using a general rule</b> that providers must:</p> <ul style="list-style-type: none"> <li>• have the knowledge and skills to provide their services safely and hygienically, and</li> <li>• either have an 'officially recognised qualification' or an alternative (such as an apprenticeship).</li> </ul> <p><b>Note:</b> The current Control rules only have competency requirements (such as specific qualifications) for specific services rather than all services.</p>	<ul style="list-style-type: none"> <li>• Better minimise risks to public health and safety.</li> </ul>

Main proposals	Reasons for proposal
<p><b>Enable council to require a water treatment plan for public swimming pool</b> if the provider repeatedly fails to maintain chemical balancing.</p>	<ul style="list-style-type: none"> <li>• Better minimise risks to public health from waterborne illnesses and chemical poisoning.</li> </ul>
<p><b>Update rules to reflect current practice and technical advice</b>, including:</p> <ul style="list-style-type: none"> <li>• allow people with a family history of melanoma to receive laser and pulsed light treatments where providers gain specific medical consent to treat existing moles or pigmented skin lesions and recipients supply medical history information in consent forms</li> <li>• decrease servicing frequency for autoclaves (steam sterilisers) from six months to annually (with the option for more often if required)</li> <li>• enable tattoo providers to manufacture their own ink if it is compliant with Environmental Protection Authority standards</li> <li>• clarify rules for when people using photosensitive medication can receive a sunbed treatment</li> <li>• add an alternative process for creating a clean work area in mobile and temporary premises, by creating a boundary (for example, distance) between living areas and where the service is being provided</li> <li>• add an alternative process for cleaning tools made of natural materials, involving covering the tools while providing the service and then wiping down and washing the tools in hospital grade disinfectant</li> <li>• clarify requirements for providers—for example:             <ul style="list-style-type: none"> <li>◦ construction of storage areas for contaminated products</li> <li>◦ how to keep areas in temporary premises clean</li> </ul> </li> <li>• update references to technical standards (for example Australia / New Zealand (AS / NZS) standards) and rules that rely on those standards</li> <li>• add related information notes and best practice advice (for example, advice about disposing of used needles, examples of consent forms, and information about potential risks from electrolysis).</li> </ul>	<ul style="list-style-type: none"> <li>• Regulate services at an appropriate level.</li> <li>• Better minimise risks to public health and safety.</li> <li>• Ensure requirements are practical and reflect current practices and technical advice.</li> <li>• Improve certainty about council’s approach to rules for services that have health and safety risks.</li> </ul>
<p><b>Make the Bylaw and Control easier to read and understand</b>, including to:</p> <ul style="list-style-type: none"> <li>• explicitly add services that must be licensed and comply with Control rules, including branding, fibroblast therapy, IV drip therapy and infusion therapy, non-surgical dermal filler injections, including needleless injections, scarification, and vampire facials</li> <li>• amalgamate rules that are repeated in different sections or could be grouped together, for example grouping rules about hand-washing</li> <li>• rename the Bylaw as the ‘Services with Health and Safety Risks Bylaw 2026’</li> <li>• rename the Code as the ‘Auckland Council Services with Health and Safety Risks Bylaw (Practices) Control 2026’.</li> </ul>	<ul style="list-style-type: none"> <li>• Make the Bylaw and Control easier to read, understand, comply with and enforce.</li> <li>• Remove unnecessary duplication.</li> </ul>

If you want to know more, see for **Appendix A** for the proposed amended Bylaw, **Appendix B** for the proposed amended Control. A copy of the [current Bylaw](#) and [current Control](#) can be viewed at [aucklandcouncil.govt.nz/](http://aucklandcouncil.govt.nz/).

## 5 How we got here

The [Local Government Act 2002](#) requires the council to review its bylaws periodically to determine if they are effective, efficient and still necessary to address the problem. We also check whether the bylaw is not inconsistent with other legislation such as the [New Zealand Bill of Rights Act 1990](#).

We reviewed the current Bylaw and Control by engaging with stakeholders and undertaking research. This was reported in our findings and options reports at the council's Regulatory and Safety Committee meetings on [8 October 2024](#) and [15 July 2025](#).

The decisions leading to the proposed improvements and a summary of the key findings and options are summarised in the Figure and Tables below.

Go to [akhaveyoursay.aucklandcouncil.govt.nz/](http://akhaveyoursay.aucklandcouncil.govt.nz/) for a full copy of these decisions.



### Key findings from our review of the current Health and Hygiene Bylaw and Control (Code)

That the current Auckland Council Health and Hygiene Bylaw and Control:

- have helped minimise harms from health and beauty services but their effectiveness is challenged by issues with
  - implementation (such as difficulties in verifying qualifications), and
  - the wider regulatory framework (such as the lack of specific central government regulation of the health and beauty industry, which means council must prioritise its resources for minimising harm)
- meet council's duty under the [Health Act 1956](#) to protect public health in Auckland
- could be improved, including by:
  - amending parts of the Control that are outdated, confusing or difficult to enforce
  - amending how the Bylaw regulates services, to better reflect the impact of each service's potential harms
  - specifying that practitioners of Chinese medicine who are registered with the Chinese Medicine Council of New Zealand are health practitioners and are exempt from complying with the Bylaw if they offer services within the scope of their practice
  - making the Bylaw and Control easier to read and understand.

### Key responses to findings in our options report

We identified four statutory options for the Bylaw and Code:

- Option 1 (Confirm) – Retain current Bylaw and Code (**not appropriate** as both need to be improved)
- Option 2 (Amend) – Amend current Bylaw and Code (**recommended option** as allows both to be improved)
- Option 3 (Replace) – Replace current Bylaw with a new Bylaw (**not appropriate** as the current Bylaw framework requiring some services to comply with standards in a Control while others also need to be licensed remains appropriate).
- Option 4 (Revoke) – Revoke current Bylaw (**not appropriate** as a Bylaw is still required).

## 6 We want your input

### Have your say on changes to our health and hygiene rules

We are proposing amendments to the Auckland Council Health and Hygiene Bylaw 2013 and Health and Hygiene Code of Practice 2013.

We want to hear from people who use and provide services with health and safety risks, such as appearance, wellness, beauty services, cultural practices and public swimming pools. Your experience is essential to getting these changes right.

Read the full proposal, then have your say on the changes we are suggesting between Monday 4 May and Sunday 7 June 2026.

You can **give us your feedback**:

- by completing the online feedback form
- in-person or online via audio-visual link at one of our 'Have your say' events
- by phone
- using New Zealand sign language.

We will consider your feedback and feedback from mana whenua, stakeholders and technical experts before deciding whether or not to adopt the proposed changes in late 2026.

Visit [akhaveyoursay.aucklandcouncil.govt.nz/](https://akhaveyoursay.aucklandcouncil.govt.nz/) for more information.

Free online services are available at our libraries or by contacting us by phone on 09 301 0101.

Your feedback may be published in Auckland Council reports and online, but your personal details will not be made public.

Auckland Council disclaims any liability whatsoever in connection with any action taken in reliance of this document for any error, deficiency, flaw or omission contained in it.  
© 2021 Auckland Council