



29 July 2025

s 9(2)(a)

### Official information request

Our ref: R001072

Tēnā koe s 9(2)(a)

Thank you for your Official Information Act 1982 (OIA) request received by the Ministry for Regulation (Ministry) on 16 June 2025.

Your request is as follows, which we have numbered for ease of reference:

1. *Can you please provide me with any and all reports, data, insights, policy documents, internal processes, advice provided to Ministers, including but not limited to briefings, memos, and meetings on the topic of Te Tiriti o Waitangi regulation?*
2. *Please include any and all data and information relevant to the proposed regulatory standards bill, and also on the general subject of regulation in the areas of the Constitution, and Te Tiriti o Waitangi (including the English version ie the Treaty of Waitangi). Within the last 5 years at a minimum, but all historical data would also be appreciated.*
3. *Please include data and demographic insights regarding any government consultation processes, including information about any and all workshops, with any demographically identified depersonalised aggregate data collected, and provide this information alongside any resulting advice provided to Government Ministers.*
4. *Please also provide any policies and information regarding staffing of this Government department, with demographic identifiers and salary information by role and team.*
5. *Please also include in this information request policies and information regarding requisite staff training, by subject matter, and completion rates of those trainings.*
6. *Please provide all of this information in both te reo Māori, and English, and in accessible formats including plain English, and easy read format, as well as providing the information in raw data form as it has been recorded on government systems.*

#### Item 1

We have interpreted this part of your request as referring to work undertaken by the Ministry in relation to regulations specifically concerning Te Tiriti o Waitangi / the Treaty of Waitangi (the Treaty). We can confirm that the Ministry does not hold any reports, data, insights, policy documents, internal processes, or ministerial advice specifically relating to the regulation of the Treaty. Accordingly, this part of your request has been refused under section 18(e) of the OIA as the information requested does not exist.

The Ministry is committed to transparency and accountability through the proactive release of official information. Wherever possible, we aim to make policy documents, Cabinet papers, briefings, and other relevant materials publicly available. This approach supports informed public engagement, strengthens trust in government processes, and ensures that key decisions and developments are accessible. You may be interested in some publicly available information on the Ministry's website that outlines our general approach to regulatory stewardship which includes principles relevant to the Treaty of Waitangi. This information can be accessed at: [Our publications | Ministry for Regulation](#)<sup>1</sup>

## Item 2

I have interpreted your request as relating to any work undertaken by the Ministry concerning the proposed Regulatory Standards Bill (RSB) and its regulatory impact on the Constitution and the Treaty.

The Ministry does not have a regulatory or oversight role in relation to the Treaty of Waitangi. Matters concerning the interpretation, application, and implementation of Treaty principles typically fall within the responsibilities of other agencies, such as Te Arawhiti, the Office for Māori Crown Relations, and the Waitangi Tribunal. The Ministry's focus is on improving the quality of regulation and legislative processes across government, rather than regulating constitutional or Treaty-related frameworks.

You may be interested to read the following documents available on the Ministry's website:

- **Information Release: Cabinet Paper CAB-24-SUB-0437 Approval to consult on a proposed approach to the Regulatory Standards Bill**<sup>2</sup> (specifically Annex 4: Preliminary Treaty Impact Analysis for the proposed Regulatory Standards Bill)
- **Policy Approvals for Progressing a Regulatory Standards Bill**<sup>3</sup> (specifically Annex Three: The Treaty of Waitangi/te Tiriti o Waitangi Impact Analysis for the Regulatory Standards Bill)
- **2024-103** The Regulatory Standards Bill and the Treaty of Waitangi.

The Ministry for Regulation was established on 1 March 2024 and so we have no historical data for the previous 5 years as you have requested.

## Item 3

The Ministry undertook comprehensive engagement and consultation processes across its sector reviews to ensure a wide range of stakeholder perspectives were considered. These processes were designed to be inclusive, transparent, and accessible, and typically involved:

- Public consultation via online platforms, including Citizen Space<sup>4</sup>, where individuals and organisations could submit feedback on regulatory issues and proposed changes.
- Targeted workshops and meetings with key stakeholders such as industry representatives,

---

<sup>1</sup> <https://www.regulation.govt.nz/about-us/our-publications/>

<sup>2</sup> <https://www.regulation.govt.nz/assets/Publication-Documents/Information-Release-Cabinet-Paper-CAB-24-SUB-0437-Approval-to-consult-on-a-proposed-approach-to-the-RSB.pdf>

<sup>3</sup> [https://www.regulation.govt.nz/assets/Publication-Documents/Information-Release-Policy-Approvals-for-Progressing-a-Regulatory-Standards-Bill-May-2025\\_v4.pdf](https://www.regulation.govt.nz/assets/Publication-Documents/Information-Release-Policy-Approvals-for-Progressing-a-Regulatory-Standards-Bill-May-2025_v4.pdf)

<sup>4</sup> <https://consultation.regulation.govt.nz/>

professional bodies, unions, advocacy groups, and government agencies.

- Surveys and written submissions, which allowed participants to provide detailed input on specific regulatory concerns.
- Publication of engagement summaries, which outlined what was heard during consultation and how it informed the Ministry's advice to the Minister.

The Ministry has proactively released a range of documents summarising engagement and consultation processes across sector reviews on our website under [|Ministry for Regulation - our publications|](#)<sup>5</sup>. These documents provide insights into stakeholder participation and the advice that resulted from these engagements.

#### *Early Childhood Education (ECE) Sector Review*

The Ministry engaged with a broad spectrum of stakeholders including ECE business owners, the Ministry of Education, unions, child advocacy organisations, research bodies, the ECE workforce, and parents and caregivers.

You can learn about the data and demographic insights collected during the Ministry's engagement and consultation processes by visiting the following links on the Ministry website:

- [ECE review: Terms of Reference](#)<sup>6</sup>
- [ECE Regulatory Review - what submitters said - October 2024](#)<sup>7</sup>
- [Regulatory Review of Early Childhood Education – full report](#)<sup>8</sup>

#### *Agricultural and Horticultural Products Sector Review*

The Ministry undertook a targeted and inclusive engagement process between August and December 2024. This process was designed to gather input from a broad range of stakeholders across the agricultural and horticultural sectors. Key aspects of the engagement included:

- Direct engagement with farmers, growers, businesses, and industry bodies to understand concerns about regulatory burdens and competitiveness.
- Written submissions collected via the Ministry's online engagement platform, allowing stakeholders to provide detailed feedback.
- Collaboration with other government agencies, including the Ministry for Primary Industries, New Zealand Food Safety, Ministry for the Environment, and the Environmental Protection Authority.
- Focus on regulatory pathways under the Agricultural Compounds and Veterinary Medicines Act 1997 and the Hazardous Substances and New Organisms Act 1996, with attention to balancing product access and risk management.

You can learn about the data and demographic insights collected during the Ministry's engagement and consultation processes by visiting the following links on the Ministry website:

---

<sup>5</sup> <https://www.regulation.govt.nz/about-us/our-publications/>

<sup>6</sup> <https://www.regulation.govt.nz/assets/Uploads/Terms-of-Reference-for-the-regulatory-sector-review-of-early-childhood-education-1.pdf>

<sup>7</sup> <https://www.regulation.govt.nz/about-us/our-publications/what-submitters-told-the-early-childhood-education-regulatory-review/>

<sup>8</sup> <https://www.regulation.govt.nz/about-us/our-publications/regulatory-review-of-early-childhood-education-full-report/>

- [Agricultural and horticultural products regulatory review – summary of engagement](#)<sup>9</sup>
- [Agriculture and horticulture products regulatory review: Terms of Reference](#)<sup>10</sup>
- [Agricultural and horticultural products regulatory review – full report](#)<sup>11</sup>

### *Hairdressing and Barbering Industry Regulatory Review*

The Ministry undertook two rounds of targeted consultation process using a range of methods. The first was a consultation to understand the regulatory issues being faced by hairdressing and barbering businesses, and hairdressers and barbers. The second was a consultation on options for changing the regulatory settings. During both rounds of consultation, the Ministry engaged directly and indirectly with stakeholders. This included meetings with stakeholder groups and individual business owners, as well as questionnaires hosted on the Ministry's Citizen Space platform from 17 January to 3 February 2025.

There were four questionnaires which were distributed as part of the first stage of consultation via a private link for hairdressing and barber business owners; hairdressers and barbers themselves; Environmental Health Officers who work in local authorities and organisations that represented the sector. For consulting on options, the Ministry had meetings with key stakeholders and sent a Citizen's Space questionnaire to all Local Authorities.

Alongside these consultation activities, the Ministry engaged closely with the Ministry of Health and other relevant agencies— including Health New Zealand, the Ministry of Business, Innovation and Employment, Department of Internal Affairs, WorkSafe New Zealand, and the Ministry of Justice.

You can learn about the data and demographic insights collected during the Ministry's engagement and consultation processes by visiting the following links on the Ministry website:

- [Appendix A to the Final Report of the Hairdressing and Barbering Regulatory Review - Report about what we heard through engagement](#)<sup>12</sup>
- [Hairdressing and barbering industry regulatory review: Terms of Reference](#)<sup>13</sup>
- [Hairdressing and Barbering Industry Regulatory Review - Final Report - May 2025](#)<sup>14</sup>

### *Regulatory Standards Bill (RSB)*

The Ministry for Regulation led public consultation on the proposal to introduce the Regulatory Standards Bill from 19 November 2024 to 13 January 2025. The consultation aimed to gather feedback on the Bill's objectives, which include codifying principles of good regulatory practice, improving regulatory performance, and enhancing transparency and accountability across

---

<sup>9</sup> <https://www.regulation.govt.nz/assets/Publication-Documents/Agricultural-Horticultural-Products-Regulatory-Review-summary-engagement.pdf>

<sup>10</sup> <https://www.regulation.govt.nz/assets/Uploads/Terms-of-Reference-for-Agricultural-and-Horticultural-Products-Regulatory-Review.pdf>

<sup>11</sup> <https://www.regulation.govt.nz/assets/Publication-Documents/Agricultural-Horticultural-Products-Regulatory-Review-full-report.pdf>

<sup>12</sup> <https://www.regulation.govt.nz/about-us/our-publications/appendix-a-to-the-final-report-of-the-hairdressing-and-barbering-regulatory-review-report-about-what-we-heard-through-engagement-v1-0/>

<sup>13</sup> <https://www.regulation.govt.nz/assets/Publication-Documents/Terms-of-reference-hairdressing-barbering-regulatory-review.pdf>

<sup>14</sup> <https://www.regulation.govt.nz/about-us/our-publications/hairdressing-and-barbering-industry-regulatory-review-final-report-may-2025/>

government regulation.

The Ministry invited submissions from a wide range of stakeholders, including:

- Members of the public
- Regulatory agencies
- Legal and policy experts
- Industry representatives
- Civil society organisations.

You can learn about the insights collected during the Ministry's engagement and consultation processes on the RSB by visiting the following links on the Ministry website:

- [Submissions on the Regulatory Standards Bill Discussion Document](#)<sup>15</sup>

#### *Telecommunications Sector Review*

This review was launched in 2025 to assess the regulatory settings that support innovation and competition in digital infrastructure. The review aims to gather input from a broad range of voices, including regulated parties, service providers, consumers—particularly those in rural and disabled communities—and other stakeholders affected by current regulations. To ensure inclusive participation, the review will employ a variety of engagement methods, including online platforms, in-person meetings, and written submissions. The Ministry is committed to considering a wide spectrum of views throughout the process. Further details on the Ministry's approach can be found in the [Terms of Reference for the regulatory review of the telecommunications sector](#).<sup>16</sup>

#### *Advice to Minister*

**Table 1** lists documents containing advice provided to the Minister for Regulation resulting from government engagement, along with my decision on their release.

Some information has been withheld or refused under the following sections of the OIA:

- Section 9(2)(f)(iv), to maintain the constitutional convention protecting the confidentiality of advice tendered by Ministers of the Crown and officials.
- Section 18(d), as the information requested is or will soon be made publicly available.

---

<sup>15</sup> <https://www.regulation.govt.nz/assets/Publication-Documents/Information-Release-Summary-of-Submissions-for-proposed-Regulatory-Standards-Bill.pdf>

<sup>16</sup> <https://www.regulation.govt.nz/assets/Publication-Documents/Terms-of-Reference-for-the-regulatory-review-of-the-telecommunications-sector.pdf>

Table 1.

Date	Reference	Title	Decision
3/05/2024	MFR2024-017	ECE sector review engagement strategy	Refused under section 18(d) as the information is publicly available on the Ministry website, in <a href="#">Cabinet paper SOU-24-SUB-0050</a> . <sup>17</sup>
20/09/2024	MFR2024-121	Early Childhood Education Regulatory System Review: Themes from direct engagement	Refused under section 18(d) as the information is publicly available on the <a href="#">Ministry website</a> . <sup>18</sup>
20/09/2024	MFR2024-106	September update on Agricultural and Horticultural Products Regulatory Review for 24 September Joint Ministers Meeting	Refused under section 18(d) as the information is publicly available on the <a href="#">Ministry website</a> . <sup>19</sup>
9/07/2024	MFR2024-070	Summary of consultation feedback on the terms of reference and Cabinet paper for the Agricultural Products Regulatory Review	Refused under section 18(d) as the information is publicly available on the Ministry website, in <a href="#">Cabinet Paper EXP-24-SUB-0033</a> . <sup>20</sup>
12/03/2025	MFR2025-043	Hairdressing and Barbering Industry Regulatory Review: Draft Findings	Partially released as <b>Appendix A</b> .
2/05/2025	MFR2025-086	Updated draft Terms of Reference and draft Cabinet paper for Telecommunications sector review	Refused under section 18(d) as the information is publicly will soon be made available on the Ministry website.
10/07/2025	MFR2025-147	Results of targeted	Paper withheld in full under section

<sup>17</sup> <https://www.regulation.govt.nz/assets/Publication-Documents/Information-release-Cabinet-paper-SOU-24-SUB-0050-ToR-for-ECE-regulatory-review.pdf>

<sup>18</sup> <https://www.regulation.govt.nz/assets/Publication-Documents/MFR2024-121-Early-Childhood-Education-Regulatory-System-Review-Themes-from-direct-engagement.pdf>

<sup>19</sup> <https://www.regulation.govt.nz/assets/Publication-Documents/Key-advice-papers-ECO-25-SUB-0006-Agricultural-and-Horticultural-Products-Regulatory-Review.pdf>

<sup>20</sup> <https://www.regulation.govt.nz/about-us/our-publications/information-release-terms-of-reference-for-the-approval-path-for-agricultural-and-horticultural-products-regulatory-review/>

Date	Reference	Title	Decision
		engagement for telecommunications regulatory review	9(2)(f)(iv) of the OIA.
21/02/2025	MFR2025-026	Regulatory Standards Bill: Initial findings from public consultation	Refused under section 18(d) as the information is publicly available on the <a href="#">Ministry website</a> . <sup>21</sup>
24/02/2025	MFR2025-042	Regulatory Standards Bill: Options for next steps following public consultation	Refused under section 18(d) as the information is publicly available on the <a href="#">Ministry website</a> . <sup>22</sup>

There is some information in the attached **Appendix A** that has been withheld under section 9(2)(a) of the OIA to protect the privacy of natural persons.

There is also some information in the proactively released material that was redacted consistent with the provisions for withholding information under the OIA. Where this is the case, the relevant sections of the OIA that would apply have been identified and where information has been withheld, no public interest considerations were identified that would outweigh the reasons for withholding the information.

#### Item 4

I have interpreted this portion of your request as seeking comprehensive information on Ministry staffing policies, staff salaries, and demographic breakdowns.

Please see the Ministry's internal recruitment and remuneration policies attached as **Appendix B**.

**Table 2** outlines the Ministry's staff salary bands, the roles associated with each band, and the number of staff members within each category - including those on fixed-term contracts. This data is current as of 23 June 2025.

<sup>21</sup> <https://www.regulation.govt.nz/about-us/our-publications/mfr2025-026-regulatory-standards-bill-initial-findings-from-public-consultation/>

<sup>22</sup> <https://www.regulation.govt.nz/about-us/our-publications/mfr2025-042-regulatory-standards-bill-options-for-next-steps-following-public-consultation/>

Table 2.

<b>Salary bands</b> <i>Range (90% - 100% - 120%)</i>	<b>Position titles</b>	<b>Number of staff</b>
\$62,867 – \$69,201 – \$83,041	Graduate Advisor, Reviews and System Capability Ministerial Services Coordinator People Coordinator Programme Co-Ordinator Submissions Analyst Team Coordinator	10
\$79,078 – \$87,406 – \$104,887	Advisor, Ministerial Services Advisor, Reviews and System Capability Executive Assistant Advisor, Policy	10
\$90,791 – \$100,420 – \$120,504	Executive Assistant to Chief Executive	1
\$108,126 – \$119,681- \$143,618	Senior Advisor, Digital Channels & Design Senior Advisor, Engagement Senior Advisor, Ministerial Services Senior Advisor, People Senior Advisor, Policy Senior Advisor, Reviews and System Capability	19
\$127,142 - \$140,812 - \$168,973	Senior Advisor, Legal Principal Advisor, Digital & Insights Principal Advisor, Engagement and Communications Principal Advisor, Finance Principal Advisor, Planning and Performance Principal Advisor, Policy Principal Advisor, Reviews and System Capability Project Lead, Regulatory Practice & Essentials Project Manager	20
\$145,563 - \$161,280 - \$193,287	Principal Advisor, Legal Lead Advisor, Economics Lead Advisor, Policy Lead Advisor, Reviews and System Capability	9
\$169,590 - \$187,900 - \$224,313	Chief Advisor to the Chief Executive Head of Digital and Insights Head of Engagement Head of Ministerial Services Head of People and Operations Head of Regulatory System Capability	13

<b>Salary bands</b> <i>Range (90% - 100% - 120%)</i>	<b>Position titles</b>	<b>Number of staff</b>
	Manager, Regulatory Management System Manager, Regulatory Policy Design Manager, Regulatory Reviews Manager, Regulatory Stewardship	
\$196,028 - \$216,764 - \$257,941	Chief Economist	1
\$272,725 - \$303,028 - \$348,482	Deputy Chief Executive - Policy Deputy Chief Executive, Reviews and System Capability Deputy Chief Executive - Organisational Enablement	3

**Table 3** details all staff broken down by ethnicity group and gender. This table contains self-selected data. Staff that have not declared their ethnicity information are listed as “Unknown”. Staff who have not declared their gender information or who identify with a gender outside the traditional binary are listed as “Other”.

Table 3.

<b>Ethnicity</b>	<b>All Staff</b>	<b>% Female</b>	<b>% Male</b>	<b>% Other</b>
Asian	12.79%	8%	3%	1%
European	58.14%	36%	16%	6%
Māori and Pacific	5.81%	5%	1%	0%
Unknown	23.26%	5%	5%	14%
<b>Total</b>	<b>100%</b>	<b>53%</b>	<b>25%</b>	<b>21%</b>

You may be aware that the 2025 Te Taunaki Public Service Census results were published on 8 July 2025. The census ran from 3–21 March 2025 and gathered insights from public servants across New Zealand to inform improvements in public service performance and culture. This included self-selected responses for gender and ethnicity.

You can read more about the Public Service Census, and access the results on the [Public Service Commission’s website](#)<sup>23</sup>.

The Ministry’s report can be found here:

[https://www.publicservice.govt.nz/assets/Census/Min\\_for\\_Regulation\\_agency\\_report.pdf](https://www.publicservice.govt.nz/assets/Census/Min_for_Regulation_agency_report.pdf)

<sup>23</sup> <https://www.publicservice.govt.nz/data/public-service-census-2>

**Item 5**

The Ministry does not currently require its staff to undertake specific training. However, this is expected to change in the first quarter of the current financial year with the launch of the Ministry's internal Learning Management System.

Although not mandatory, a range of training and professional development opportunities are also available to support the capability goals of our employees and the Ministry.

**Item 6**

We have considered your request to receive the information in te reo Māori, however, pursuant section 16(2) of the OIA, we are declining to provide the information in that form, as doing so would impair efficient administration of the Ministry due to resource constraints. Our systems do accurately enable us to provide information in the requested language. Providing the information in that requested format would delay the response or would require us to look for capability outside our existing resources. We are therefore providing the information to you in English to ensure a timely response.

**Right of review**

If you wish to discuss this decision with us, please contact [hello@regulation.govt.nz](mailto:hello@regulation.govt.nz).

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

Please note that we may publish this response (with your details removed) on the Ministry for Regulation website.

Ngā mihi

s 9(2)(a)



Aisling Risdon

**Head of Ministerial Services**  
**Ministry for Regulation**



To	<b>Hon David Seymour, Minister for Regulation</b>		
Title	<b>Hairdressing and Barbering Industry Regulatory Review: Draft Findings</b>	Number	<b>2025-043</b>
Date	<b>6 March 2025</b>	Priority:	<b>Medium</b>
Action Sought	<b>Note the draft findings of the Review and forward to your Ministerial colleagues for discussion</b>	Due Date	<b>12 March 2025</b>
Contact Person	<b>Hannah McGlue, Manager, Regulatory Reviews</b>	Phone	s 9(2)(a)
Attachments	<p><b>Appendix A: Summary of engagement analysis</b></p> <p><b>Appendix B: Framework for assessing regulatory quality</b></p> <p><b>Appendix C: Summary of requirements in the hairdressing and barbering regulations</b></p> <p><b>Appendix D: Talking points to support discussion with Ministerial colleagues</b></p>	Security Level	<b>IN CONFIDENCE</b>
Consultation	<p>The Ministry of Health, WorkSafe New Zealand and the Department of Internal Affairs provided feedback on this briefing. Health New Zealand provided feedback on the public health analysis component. The Accident Compensation Corporation (ACC) reviewed our descriptions of their data. The Ministry for Business, Innovation and Employment did not provide feedback on this briefing, but we are engaging with their legal and policy teams and will meet with them to discuss the options and recommendations under consideration.</p>		

## Executive Summary

See next page for an A3 executive summary of this briefing.

# Findings and options for reform

## Hairdressing and Barbering Industry Review

This A3 provides a summary of the draft findings of the hairdressing and barbering industry regulatory review (the Review), and the options for reform we are considering. We will provide you with the final report of the Review on 27 March 2025.

### (a) Do we think there is rationale for any government intervention in the hairdressing and barbering industry to address public health risks? Yes.

#### Why this review, and why now?

The New Zealand economy primarily consists of small businesses – 97% of New Zealand businesses employ fewer than 20 people. The hairdressing and barbering industry is reflective of this, as it is characterised by small, local businesses. The Ministry’s engagement with the hairdressing and barbering industry is providing us with valuable insights into the issues small businesses in New Zealand are facing. We are extrapolating from these insights – and others we are receiving through data, engagement, and our online red tape portal – to focus further action to assist small businesses. These insights will also inform the focus of future investigations and reviews.

### There is a case for some level of government intervention in the hairdressing and barbering industry

There are low to moderate public health risks associated with the hairdressing and barbering industry:

- a. risk of transmission of communicable diseases and ectoparasites (e.g., headlice) between customers, to members of the public and between customers and workers
- b. harm due to use of hazardous chemicals.

We believe that the market alone cannot sufficiently mitigate the identified risks. This is because customers have little ability to know or find out about how risks are mitigated, e.g., cleaning and disinfection practices (information asymmetry), and hairdressers and barbers do not bear the full consequences of the risks they create, e.g., infectious diseases causing costs to the health system (negative externalities).

Therefore, some level of government intervention is required in the hairdressing and barbering industry to mitigate the public health risks.

### (b) Is the current set of specific regulations and their implementation effective and efficient? No.

### The current hairdressing and barbering regulations are not an effective, nor efficient, government intervention

Criteria	Assessment
Effective at achieving objectives	The regulations are only somewhat effective at driving good practice and mitigating public health risks
Efficient at achieving objectives	We have identified that the regulations are imposing some unnecessary costs on businesses that are not justified by benefits
Proportionate to risks	The level of prescription in the regulations is in most cases not proportionate to the risk of harm
Flexible to change	The hairdressing regulations are largely inflexible due to the prescriptive nature of the requirements
Transparent for regulated parties and regulators	The hairdressing regulations themselves are transparent, but inconsistent practice and enforcement is creating uncertainty for businesses

■ Fully meet criteria   
 ■ Issues identified   
 ■ Fail to meet criteria

### (c) What are the alternatives?

### We are considering two options for reform

We have considered three broad categories of options for reform; maintaining the status quo, amending the hairdressing regulations, or revoking the regulations and replacing them. We have discounted maintaining the status quo, amending the regulations, and revoking the regulations and replacing them with regulations covering the appearance industry. We are considering the following options for further development:

#### Revoke the current regulations, and...

OPTION 1

#### ...rely on existing mechanisms

This option would:

- remove any industry-specific regulations and rely on existing and more general legislation and other regulatory frameworks, e.g., Health and Safety at Work Act 2015, Health Act 1956, Consumer Guarantees Act 1993, Building Act 2004, Hazardous Substances and New Organisms Act 1996, their associated regulations, and hairdressing-specific guidelines on the WorkSafe website, and
- remove the need for a hairdressing or barbering premise to be registered with the local authority.

WorkSafe hairdressing-specific guidance could be introduced to support any gaps in existing legislation.

OPTION 2

#### ...replace with simplified regulations

This option would introduce new regulations to replace the revoked regulations. These regulations would be made under the Health Act 1956, but would be more targeted, focusing on safe use of chemicals and reducing the risk of transmitting communicable diseases through hygiene and sanitation.

The new regulations would be risk-based and introduce graduated categories for different activities, rather than general and/or prescriptive requirements. This means that the regulations could capture the core elements to reduce public health risk, but the practical measures to achieve the requirements (e.g., approved disinfectants) could be captured in a separate, more easily updated document such as guidance.

## NEXT STEPS

We will assess these options against five criteria (effectiveness, efficiency / equity, proportionality, flexibility / durability, and transparency) to develop our advice. We are consulting on draft findings and options with industry groups, local authorities, and impacted government agencies. We will recommend a preferred option in the final report of the Review, which we will provide to you on 27 March 2025.



## Recommended Action

---

We recommend that you:

- a. **note** that this report sets out draft Review findings which we are continuing to synthesise with engagement findings and the results of our desktop analysis *Noted*
  
- b. **note** that the hairdressing and barbering industry regulatory review (the Review) has completed its first round of engagement, receiving 143 submissions through written and direct engagement with hairdressers and barbers, hairdressing and barbering business owners, industry representative organisations, and Environmental Health Officers *Noted*
  
- c. **note** that the analytical approach of the Review is to consider first whether there is any rationale for government intervention in the hairdressing and barbering industry, and if yes, whether the status quo is the appropriate intervention *Noted*
  
- d. **note** that the Review has formed the following draft findings about the rationale for government intervention:
  - i. there are low to moderate public health risks associated with the hairdressing and barbering industry
  - ii. there are two potential market failures in the hairdressing and barbering industry that go beyond what can be addressed by market forces alone:
    - i. information asymmetry
    - ii. negative externalities.
  - iii. some level of government intervention is therefore required to mitigate the potential market failures in the hairdressing and barbering industry*Noted*
  
- e. **note** that the Review has formed the following draft finding about whether the status quo is the appropriate intervention:
  - i. the specific regulations for the hairdressing and barbering industry are not an effective or efficient government intervention *Noted*



- f. **note** that the Review is considering two possible options for reform:
- i. **Option 1:** Revoke the Health (Hairdressers) Regulations 1980 in full and rely on existing mechanisms in other legislation and guidance *Noted*
  - ii. **Option 2:** Revoke the Health (Hairdressers) Regulations 1980 and replace with risk-based regulations focused on health and hygiene practices
- g. **note** that the Review has discounted four options as they will not address the reasons for government intervention and / or solve the issues with the status quo and / or are outside the scope of the Review's Terms of Reference *Noted*
- h. **note** that we are currently consulting on the draft findings and options for reform with industry representatives, local authorities, the New Zealand Institute of Environmental Health and impacted government agencies *Noted*
- i. **note** that we will provide advice on our recommended option for reform in the Final Report, which we will provide to you on 27 March 2025 *Noted*
- j. **forward** this paper to the Minister of Health, Minister for Workplace Relations and Safety and Minister for Local Government for discussion *Yes / No*

### Proactive Release Recommendations

- k. **agree** that the Ministry for Regulation will release this briefing in full following Cabinet consideration of the Review's recommendations *Agree / Disagree*

s 9(2)(a)

---

Hannah McGlue  
Manager, Regulatory Reviews  
**Ministry for Regulation**  
Date: 6 March 2025

---

Hon David Seymour  
**Minister for Regulation**  
Date:



### Purpose

---

1. This report sets out the draft findings of the hairdressing and barbering industry regulatory review, and the options for reform we are considering, ahead of us providing you with the Final Report on 27 March 2025.
2. Please note that while we expect the headline findings in this briefing to be broadly the same in the Final Report, the detail underpinning these findings will develop further in our final advice to you. This briefing does not provide advice about a recommended option.

### Background

---

3. On 25 November 2024, Cabinet agreed that the Ministry for Regulation would undertake a regulatory review of the hairdressing and barbering industry (the Review) [CAB-24-MIN-062 refers].
4. In January 2025, we advised you about implementation timelines for different recommendations that could result from the Review [MFR2025-010 refers]. You agreed that we would report back to you on 6 March 2025 with draft findings in response to the Review's Terms of Reference and a direction of travel for the recommendations, ahead of the Final Report.
5. The purpose of the Review is to ensure that the regulation that applies to the hairdressing and barbering industry is proportionate to the risks posed by the industry. The Terms of Reference direct the Review to form findings and make recommendations about:
  - a. whether regulation of hairdressing and barber shops, hairdressers and barbers **continues to have valid rationale**
  - b. whether the current regulatory framework is **effective and efficient** (to the extent that the review finds valid rationale for regulation).
6. The legislative instruments expressly **in scope** of the Review are the regulations that are specific to hairdressing and barbering, namely:
  - a. The Health (Hairdressers) Regulations 1980, made under the Health Act 1956 with the objective of achieving, and being able to enforce, healthy hairdressing practices, in line with the wider legislative purpose of the improvement, promotion and protection of public health
  - b. The Health (Registration of Premises) Regulations 1966, also made under the Health Act 1956, with the objective of setting out requirements for registration by local authorities of premises that are required to be registered by virtue of other regulations (currently the premises captured under this set of regulations are hairdressers' or barbers' shops, campgrounds and funeral director's premises).
7. Throughout this briefing we will refer to these two sets of regulations together as the hairdressing and barbering regulations.



8. The Review is not considering whether there should be changes to the way other beauty services or the broader appearance industry as a whole are currently regulated, as this is out of scope for the Review.<sup>1</sup>

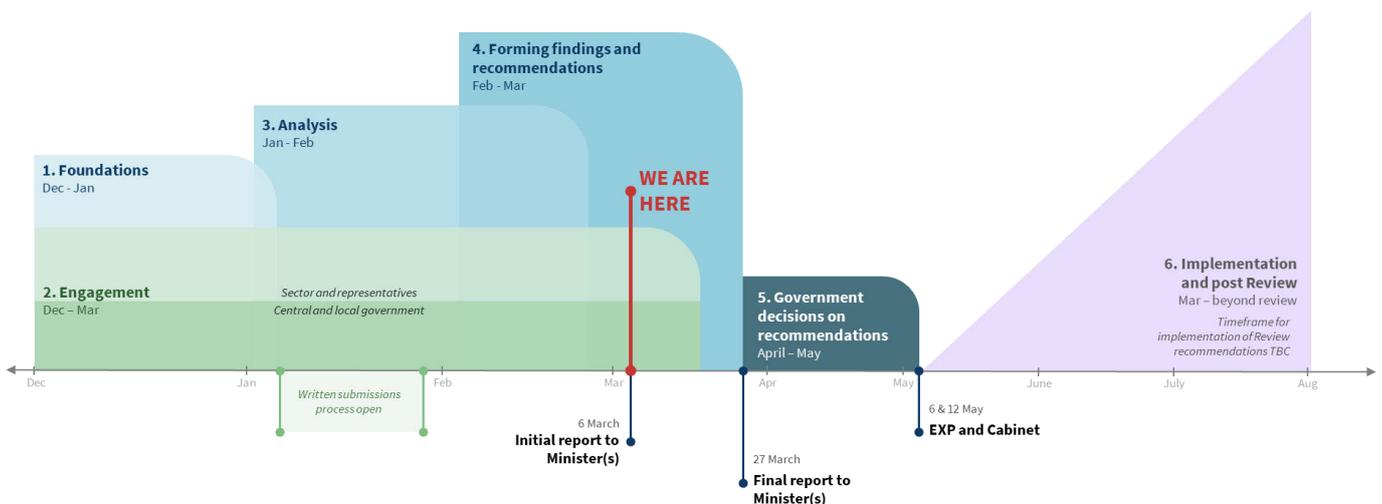
## Update on the Review’s analytical approach and progress

### The Review’s analytical approach

9. To answer the Review’s Terms of Reference, the Review is working through the following questions:
- Is there rationale for any government intervention in the hairdressing and barbering industry?** Answering this question will tell us whether the potential market failures require specific public health intervention in the hairdressing and barbering industry alongside broader legislative requirements.
  - If yes (there is rationale for government intervention), is the current set of specific regulations and their implementation effective and efficient?** Answering this question will identify problems or gaps with the current approach to inform options for change.
  - If no (the current approach is not effective or efficient), what are the alternatives** (including whether general regulation is sufficient)?

### Update on progress

10. Figure one below shows the high-level Review process and timeline, and indicates the current status of the Review.



<sup>1</sup> Beauty services are not defined in legislation but in this context is used as a general term to cover nail care, skincare, hair removal, tanning, makeup, and hair restoration (excluding hair transplant) services. Beauty services are sometimes provided in the same premises as hairdressing and barbering and are not currently regulated at the national level.



11. The Review is close to completing its analysis phase. This has included reviewing industry and local government practice, international benchmarking, and reviewing available literature and evidence. We have requested a range of data to inform our analysis, including Accident Compensation Corporation (ACC) reports of harm and local authority enforcement data. We have also sought specific expertise where relevant, including from public health academics as well as public health officials in Australian states which have recently reviewed or are currently reviewing their hairdressing and barbering regulatory settings.
12. We have completed our first round of engagement with industry and local authorities, which focused on understanding the risks and potential market failures in the industry and problems with the current regulatory framework. We received 143 submissions, through a combination of direct engagement and written submissions, from:
  - a. Hairdressers and barbers (32 submissions)
  - b. Hairdressing and barbering business owners (58 submissions)
  - c. Industry representative organisations (6 submissions)
  - d. Environmental Health Officers (EHOs), who inspect hairdressing and barbering businesses on behalf of local authorities (47 submissions).
13. Where insights from engagement are referenced in this report, the following terms are used:
  - ‘most’ meaning 50% or more submitters ( $50\% \leq x$ )
  - ‘many’ meaning between 30% and 50% of submitters ( $30\% \leq x < 50\%$ )
  - ‘some’ meaning between 12% and 30% of submitters ( $12\% \leq x < 30\%$ )
  - ‘a few’ meaning less than 12% of submitters ( $x < 12\%$ ).
14. A summary of the engagement analysis is attached at **Appendix A**. We will provide a report setting out the engagement analysis in full as an attachment to the Final Report. The second round of engagement (consulting on findings and options for change) began this week.

### **Understanding the hairdressing and barbering sector**

---

15. In the Final Report we will provide a detailed overview of the hairdressing and barbering industry, and analysis of the market dynamics based on available data and information. For the purposes of this initial briefing, we have prepared two diagrams to illustrate the makeup of the sector, and the legislative framework underpinning it (see next page).
16. As we note in the following diagram, much of the available data combines hairdressing and barbering with other parts of the appearance industry. This makes it challenging to provide specific information about hairdressing and barbering businesses in New Zealand. Where we rely on data about the appearance industry as a whole, we specify this.
17. The New Zealand economy primarily consists of small businesses – 97% of New Zealand businesses employ fewer than 20 people.<sup>2</sup> The hairdressing and barbering industry is reflective of this, as it is characterised by small, local businesses. The Ministry’s engagement

---

<sup>2</sup> Statistics New Zealand



with the hairdressing and barbering industry and analysis is providing us with valuable insights into the issues small businesses in New Zealand are facing, including:

- a. How small businesses interact with local authorities in their role as regulators for a range of different areas (e.g., resource management, food and business licensing, building inspections, etc.)
  - b. How small businesses can find it difficult to navigate the different, overlapping regulations and pieces of legislation that apply to their business
  - c. The costs and other barriers to market entry, expansion and innovation that regulation can create for small businesses
  - d. How regulation can even the playing field between small businesses and bigger players in their industry
  - e. How small businesses can find well-implemented regulation a helpful tool to run their business well.
18. We are extrapolating from these insights - and others we are receiving through data, engagement, and our online red tape portal - to focus further action to assist small businesses. These insights will also inform the focus of future investigations and reviews.

# The appearance industry in New Zealand

It is challenging to separate data about hairdressing and barbering from other parts of the beauty / appearance industry (e.g., nail salons, skincare services). Therefore, the statistics presented here may combine hairdressing, barbering, and other beauty services.

## \$1.4 billion

revenue contributing \$753 million to New Zealand's GDP

The industry relies heavily on discretionary spending, meaning revenue responds quickly to market pressures such as economic downturns

## 13,000 people

are employed in hairdressing, barbering, and other appearance industries across

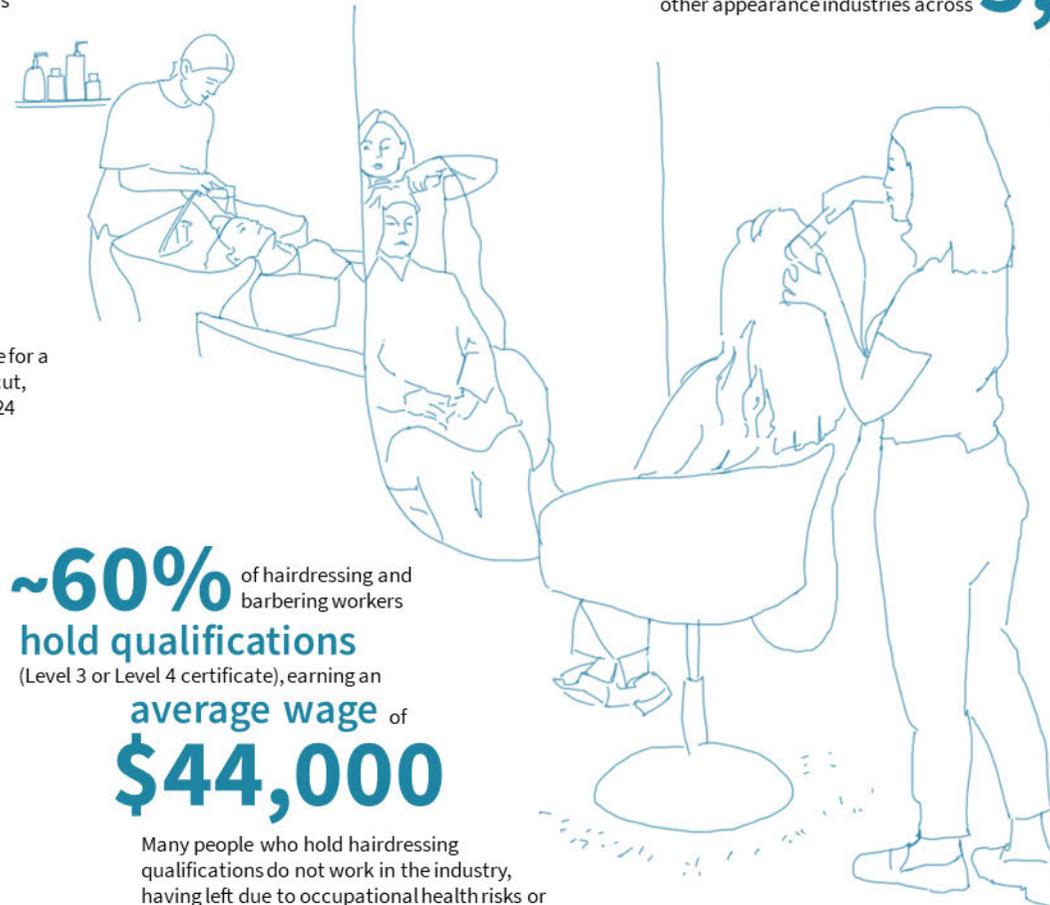
## 5,600 businesses

Much of the industry is made up of small businesses with 1 – 2 employees

The number of businesses has grown since 2015, but the number of people employed in the industry has remained static since 2021

## \$90

was the average price for a women's shampoo, cut, and blow-wave in 2024



## ~60%

of hairdressing and barbering workers hold qualifications

(Level 3 or Level 4 certificate), earning an

## average wage of \$44,000

Many people who hold hairdressing qualifications do not work in the industry, having left due to occupational health risks or low wages

## 87%

of the industry is female

but pay gaps between male and female workers are still evident

## 60%

of the industry was born outside of New Zealand

36% of industry workers hold a work visa, and 24% hold a residence visa

# The current legislative framework for the hairdressing and barbering industry

## Health and Safety at Work Act 2015

Primary legislation and associated regulations

Under the Health and Safety at Work Act 2015 and associated regulations, businesses must ensure the health and safety of their workers and other people in the workplace by maintaining a work environment that is free of health and safety risks (as far as is reasonably practicable). In the hairdressing and barbering industry, this might include ensuring the building, electrical equipment, substances, and methods of work are safe, and providing adequate training to workers so that they can operate safely.

## Consumer Guarantees Act 1993

Primary legislation

Under the Consumer Guarantees Act 1993, all businesses must meet minimum standards of safety and quality of their services, including guaranteeing that the service will be carried out with reasonable care and skill.

## Building Act 2004

Primary legislation

Under the Building Act 2004, businesses must ensure that people can use buildings safely and without endangering their health. In the hairdressing and barbering industry, this means businesses must comply with the Building Code, which governs issues such as fire safety, the storage of hazardous substances, water supply, and the disposal of used water and other liquid and solid waste (including backflow prevention).

## Health Act 1956

Primary legislation

The Health Act 1956 governs the health system. Two sets of regulations that relate to hairdressing and barbering have been issued under this Act to improve, promote, and protect public health. These regulations are implemented by local authorities, who can charge fees (under the Local Government Act 2002) and issue offences under the Health Act 1956. Local authorities also have other powers under the Health Act 1956 to protect and preserve public health.

## Health (Hairdressers) Regulations 1980

Secondary legislation

The Health (Hairdressers) Regulations 1980 set out registration requirements and minimum standards for hairdressing premises, including layout, lighting, hygiene, ventilation, and waste disposal requirements, and prohibitions on dogs (other than guide dogs). These regulations also specify requirements for hairdressers and barbers and how they conduct their business, including health and cleanliness, disinfection practices, use of towels and capes, and the service of refreshments.

## Health (Registration of Premises) Regulations 1966

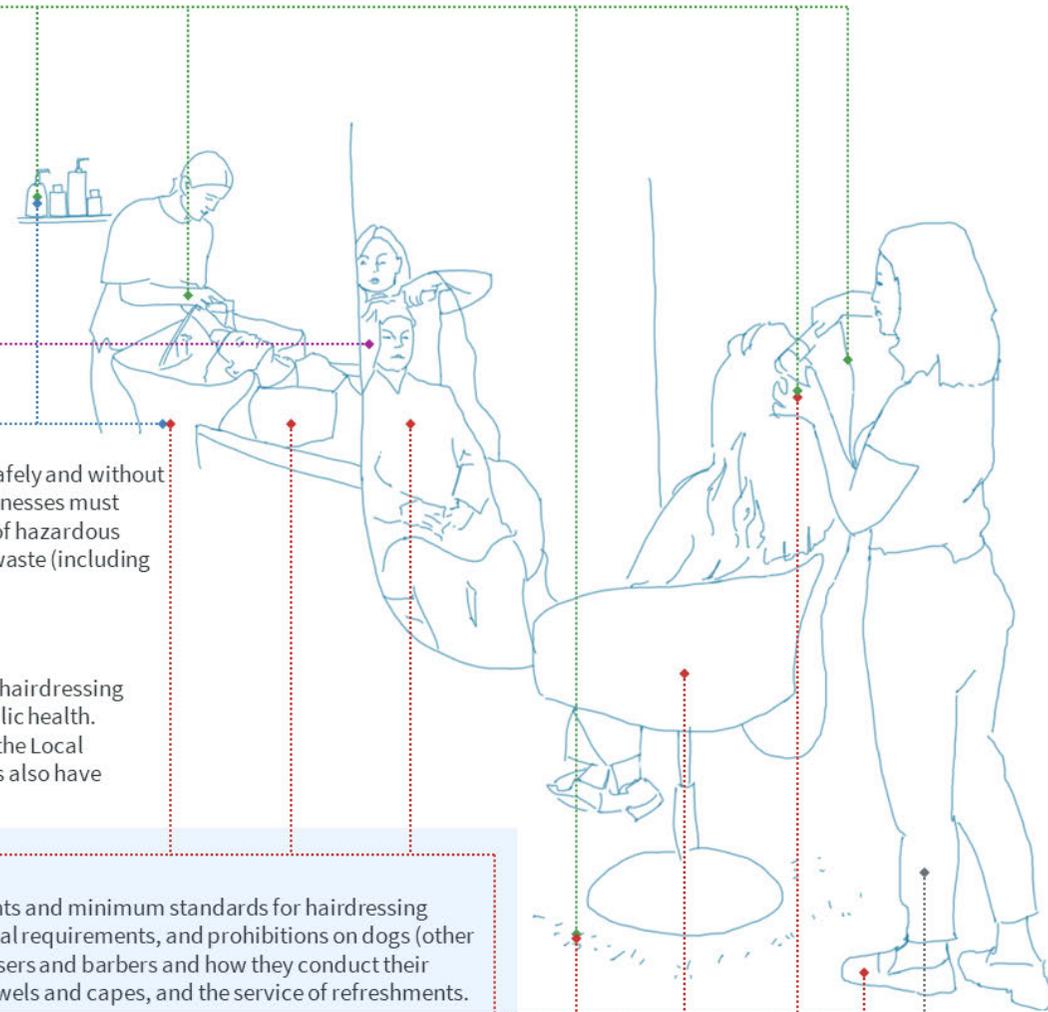
Secondary legislation

The Health (Registration of Premises) Regulations 1966 set out the process for obtaining a registration for a hairdressing premises. These regulations apply to a number of different industries, and do not specifically refer to hairdressing.

## Smokefree Environments and Regulated Products Act 1990

Primary legislation

The Smokefree Environments and Regulated Products Act 1990 prohibits smoking and vaping in workplaces.



Legislation specific to hairdressing and barbering.  
Other legislation applies to all types of businesses.

IN CONFIDENCE



## Draft findings: there is continuing rationale for government intervention in the hairdressing and barbering industry

---

19. The Review has found that there **are public health risks that market forces alone cannot sufficiently mitigate, and therefore there is a case for government intervention in the hairdressing and barbering industry to mitigate those risks.**
20. This finding is based on the Review's assessment of evidence from a range of sources, including through the Review's engagement process (with business owners, sector bodies, technical experts and government agencies), desk-based research and data analysis.
21. The level and type of government intervention required is continuing to be assessed to determine if existing (general) legislative frameworks are sufficient, or whether specific intervention in the industry is required. A key question the Review is working through is the relationship between public health and workplace health and safety regimes and where they do and do not intersect. While the review is primarily taking a public health lens, we are considering workplace health and safety risks where there is overlap.
22. This assessment is part of the options analysis. Advice on this point will be provided in the Final Report.

### *There are low to moderate public health risks associated with the hairdressing and barbering industry*

23. Most people will not experience any negative health impacts as a result of a visit to a hairdresser or barber. However, there are a range of risks that can arise in the process of providing hairdressing and barbering services unless well managed by the individual hairdresser or barber and the salon or shop as a whole. These risks apply to customers and hairdressers and barbers and can be grouped into two key risks:
  - a. **risk of transmission of communicable diseases and ectoparasites between customers, to members of the public and between customers and workers.** This includes risk of transmission of viral infections from bloodborne pathogens,<sup>3</sup> transmission of bacterial infections,<sup>4</sup> transmission of fungal infections,<sup>5</sup> and transmission of ectoparasites.<sup>6</sup>
  - b. **harm due to use of hazardous chemicals.** Inappropriately applied or handled chemicals and/or allergies can result in either one-off skin or hair damage (e.g., chemical burns) or ongoing skin-related harm (e.g., irritant contact dermatitis or allergic contact dermatitis).
24. There are other types of physical health risks that can arise in the hairdressing and barbering industry, such as slips and trips or occupational health risks like gradual process injuries, which appear to be well aligned with the scope and purpose of the Health and Safety at

---

<sup>3</sup> E.g., hepatitis B, hepatitis C.

<sup>4</sup> E.g., staphylococcus aureus infection causing impetigo or bacterial folliculitis, streptococcus pyogenes [a type of 'Group A Strep' which can lead to Invasive Group A Strep [IGAS].

<sup>5</sup> E.g., tinea capitis – scalp ringworm.

<sup>6</sup> E.g., head lice.



Work Act 2015 (HSWA).<sup>7</sup> Our view is that those risks should already be managed by HSWA. We therefore do not focus on these in detail in our analysis.

25. The type and severity of the risks identified at paragraph 23 are not homogenous across the industry. The actual risks at a particular salon or barbershop will vary depending on the type of service being performed, and staff skills and experience. It will also depend significantly on the extent to which hairdressers and barbers follow appropriate processes. For example:
- a. The risk profile for a specific business will depend on what services they offer. For example, chemical burns are more common in hair salons (particularly if the salon uses products containing ammonia), as their work involves greater use of hair dyes and chemical treatments.
  - b. While some risks simply require clear internal processes and access to appropriate tools and equipment, effective mitigation of other risks has a strong relationship to the skill and experience level of staff involved. For example, we have heard that unqualified barbers doing a wet shave with a blade are less likely to use correct angles and techniques, and less likely to know how to deal with blood and wound care.
26. There is limited reliable data or evidence available – either in New Zealand or overseas – on the incidence and severity of harm occurring as a result of these risks in hair salons and barbershops.<sup>8</sup> The Review has concluded that it is unlikely that there are significant levels

---

<sup>7</sup> Section 3 of the Health and Safety at Work Act 2015 provides that the main purpose of the Act is to provide for a balanced framework to secure the health and safety of workers and workplaces. This includes by protecting workers and other persons against harm to their health, safety, and welfare by eliminating or minimising risks arising from work.

<sup>8</sup> **New Zealand health-related data collections:**

- Accident Compensation Corporation (ACC): We received data from ACC, but this presents a partial picture as: (a) it does not include communicable diseases; and (b) while data on worker injuries appears robust, ACC does not collect sufficiently granular data on the location of injuries to non-workers – this is a significant data gap. Instead, ACC tried to identify claims where the injury occurred in a hair salon or barbershop using keywords in a non-mandatory free-text field ('accident description'). Identifying injury claims for clients of these businesses is less accurate than for employees because ACC relies on free-text fields to identify these claims. In some cases, this can cause undercounts if key words are missing, and overcounts if irrelevant keywords are included.
- Notifiable Disease Management System: the Ministry of Health has confirmed that there is no relevant data, as very few of the communicable diseases that may be acquired in hair salons or barbershops are notifiable. A subset of harm caused to customers in salons or barbershops will not require medical treatment.

**New Zealand other data sources:**

- Commerce Commission: We received anonymised data from the Commerce Commission on complaints they received in relation to hair salons and barbershops. At a high level this revealed a range of concerns including fee transparency, hygiene, chemical burns and other harm, and poor skills and technique. However, this is also likely to be an incomplete dataset, as their role is limited to the legislation they administer.
- Hair and Barber New Zealand: provided anonymised complaint data, however again this is likely to reflect a subset of the level of harm occurring.

**Other jurisdictions:**

- A desktop literature scan revealed very little information on the level of harm that occurs to customers in hair salons and barbershops in comparable jurisdictions. There is some literature on occupational risks, however this has not been a key area of focus for the Review as explained at paragraph 19.



of harm occurring on a frequent basis, otherwise there would be evidence to support this. Our assessment is that the risks are either:

- a. low occurrence and carry moderate harm to individuals and the public
- b. moderate occurrence and carry low harm to individuals and the public.

***Market forces alone cannot sufficiently mitigate the identified public health risks***

27. Our initial analysis suggests that the hairdressing and barbering industry has conditions in place that enable workable competition. Customers wanting to switch providers face minimal to no financial costs to do so. Barriers to new entry in the industry are relatively low due to relatively low setup costs compared to other industries and the absence of mandatory qualification requirements.
28. It should be noted that setup costs will vary depending on the business model. Alternatives to brick-and-mortar shops and salons such as home-based businesses open up the market up to more players, particularly in a female-dominated workforce where starting a business from home with relatively low set-up costs presents an attractive option.
29. There appears to be effective price competition in the market. When adjusted for inflation, the price for a women's shampoo, cut and blow wave has been flat since around 2015.<sup>9</sup> This suggests that prices have been rising in line with general inflation, consistent with a competitive environment where price increases are in line with costs.
30. However, while competitive forces can do a lot of the 'heavy lifting' in terms of good consumer outcomes, this does not rule out the rationale for regulation where there are identifiable and material market failures. The key question the Review has sought to answer is whether market failures go beyond those that can be addressed by competitive forces alone.
31. The Review has identified two primary potential market failures for the hairdressing and barbering industry which could occur if there was no government intervention.
32. The first market failure is **information asymmetry**.<sup>10</sup> While customers are clearly capable of assessing whether they are happy with the end result of the service (e.g., a haircut, colour or shave), they have very little ability to know or find out about any issues in relation to the risks they may be exposed as part of the process of receiving the service.
33. Many of the factors that determine the relative risk involved in a service are invisible to customers, for example:
  - a. the frequency and method used to sterilise tools such as scissors and clippers
  - b. the processes in the hairdressing or barber shop for handling and applying chemicals such as hair dye and treatments such as chemical straightening
  - c. whether razor blades are disposable or reusable, and if non-reusable razors are used, whether they are sterilised between clients

<sup>9</sup> Data sourced from Statistics New Zealand Consumer Price Index.

<sup>10</sup> Information asymmetry refers to a situation where one party to the transaction has access to information that the other does not, which can cause the transaction to be inefficient.



- d. the processes hairdressers and barbers follow if they identify that a client has a communicable condition such as ringworm or headlice.
34. In a well-functioning market, customers would be aware of the public health risks of using a hairdresser or barber and would easily be able to assess the safety and hygiene practices before using the service. Hairdressers and barbers who used safe practices would be able to charge higher prices (high enough to cover the costs of using safe practices). Those who did not would either charge lower prices and serve only customers with a low willingness to pay for safety or be forced out of the market.
35. This is not the way the market functions in practice. Business owners told the Review that they rely on the presentation and visual cleanliness of their shop and displayed certifications and accreditations to communicate with their customers about the hygiene and safety of their services. However, as customers are not able to see the types of practices outlined in paragraph 33, they cannot rely on presentation alone as evidence of safety. Some hair salons and barbershops that ‘look good’ may have poor hygiene and disinfection practices. Some that may appear to offer a more basic service may have excellent hygiene and disinfection practices.
36. Submission feedback suggests that consumers cannot reliably assume that hairdressing and barbering businesses maintain high standards of hygiene and safety despite specific regulations being in place to address this. EHOs submitted that the most common infringements that they saw during inspections related to incorrect or ineffective hygiene and disinfection practices. Customers may assume that hairdressers are qualified and skilled in hygiene and disinfection practices. However, our engagement suggested that customers can be surprised to learn that qualification is not required to practice as a hairdresser or barber.
37. The second market failure relates to **negative externalities**.<sup>11</sup> The spread of communicable disease poses risks that individual hairdressers and barbers do not fully internalise (i.e., they do not bear the full consequences for risks that they create).
38. Without some level of regulation (or other means of intervention), businesses may not take adequate precautions, leading to wider social costs. While the risk of contracting a communicable disease at a hairdressing or barbering business is relatively low, some can result in permanent health impacts – either for the customer, or for others the customer might pass the infection or infestation on to.
39. For most of the likely harms, the costs are primarily borne by the individual customer. However, some risks involve costs that will fall on the health system (e.g., hepatitis C infection), the education system (e.g., the spread of lice through an early childhood education centre or a school) or impact productivity for hairdressers and their customers (e.g., the spread of a respiratory disease requiring time off work).
40. The ACC system bears some costs of harms that result from hairdressing and barbering. While some of these costs are borne by hairdressing and barbering business owners through their levies, those levies only reflect claims made by workers (approximately \$2.5m in 2024),

---

<sup>11</sup> ‘Negative externalities’ refers to the indirect imposition of a cost by one party, onto another party.



and not customers (approximately \$360k in 2024).<sup>12</sup> Please refer to the caveats in footnote 8 on page 12 of this briefing regarding interpreting ACC data in this context.

***Some level of government intervention is required in the hairdressing and barbering industry to mitigate risks***

41. Taken together, our view is that these market failures prevent competitive market forces from appropriately addressing the public health risks identified, suggesting that some form of government intervention is still required.<sup>13</sup>
42. We have assessed whether existing legislative frameworks are sufficient to mitigate these risks or whether specific regulation for the industry continues to be required. The main pieces of legislation we have assessed are the HSWA, the Building Act 2004 and associated Building Code, the Consumer Guarantees Act 1993 and general provisions in the Health Act 1956 and Local Government Act 2002.
43. The provisions in the HSWA are broad and do not provide the same level of detail as the hairdressing and barbering regulations in relation to some obligations (such as the minimum standards required for a hairdressers' shop). We also know that if left solely to the workplace health and safety regime, monitoring of compliance and enforcement would significantly reduce compared to the current state.
44. The key piece of work for the Review as we prepare the Final Report is working across government agencies, including Ministry of Health, Health New Zealand, the Ministry of Business, Innovation and Employment and WorkSafe New Zealand to form a Ministry for Regulation view on which risks are appropriately covered by the workplace health and safety system and which require public health intervention.

---

<sup>12</sup> Claims made by customers are covered by levies on earners (earner's account) or through government appropriation (non-earner's account).

<sup>13</sup> While non-regulatory tools can also be used to address market failure, such as warranties or screening methods that help resolve information asymmetries, such tools are typically not considered in respect of public health risks. In this case these types of tools have not emerged in the market organically to respond to issues with the status quo.



## **Draft findings: the current set of regulations specific to the hairdressing and barbering industry are not an effective or efficient government intervention**

---

45. The Terms of Reference direct the Review to form findings about whether the current regulatory framework is effective and efficient in that:
  - a. It has appropriate objectives, and is the best way to achieve those objectives
  - b. The benefits of the requirements outweigh the costs, and it has not given rise to unnecessary costs or other unintended impacts
  - c. It responds to modern understandings of health risks and contemporary hairdressing and barbering practices.
46. Our draft finding is that the objectives of the hairdressing and barbering regulations (to set out standards for maintaining healthy hairdressing practices and to provide avenues for enforcement) remain appropriate. However, **the hairdressing and barbering regulations are not an effective or efficient government intervention.**
47. To guide our analysis, we used an assessment framework developed by the Ministry for Regulation to assess the quality of regulation. This framework is attached at **Appendix B**.
48. For your information, attached at **Appendix C** is a summary of what the hairdressing and barbering regulations require. To undertake our assessment, the Review grouped the regulations into the following parts:
  - a. the requirement to register hairdresser and barber shops with the local authority
  - b. the minimum standards that need to be met to achieve registration
  - c. requirements placed directly on hairdressers and barbers to maintain hygiene and sanitation standards
  - d. 'day-to-day' requirements for the operation of hairdresser and barber shops (i.e., no refreshments in the service area and only guide dogs permitted).
49. These findings are draft only and may be subject to change in the Final Report. The Review is still completing its final analysis and testing these findings with industry representatives, local authorities, the New Zealand Institute of Environmental Health and impacted government agencies.

### ***Overall assessment of the hairdressing and barbering regulations***

50. The table below summarises our assessment of the Health (Hairdressers) Regulations 1980, as well as the Health (Registration of Premises) Regulations 1966 as they apply to hairdressers and barbers. It uses a traffic light system to identify the extent to which the regulations satisfy the criteria:
  - a. **Green** indicates that the regulations fully meet the criteria. There are no issues identified related to the criteria and the regulations are functioning well in practice.



- b. **Yellow** indicates that several issues have been identified with how the regulations fulfil the criteria. These issues may be minor, but do impact how the regulations are functioning in practice and are an opportunity for improvement.
- c. **Red** indicates that regulations fail to meet the criteria. The issues identified are significant enough to have a detrimental effect on how the regulations are functioning in practice.

Criteria	Rating	Summary of assessment
Effective at achieving objectives	The regulations are somewhat effective	<p>We do not have clear evidence about whether the regulations are driving good practice and mitigating public health risks compared to other parts of the system such as other legislative instruments and qualifications and training, although we think it is likely that they are contributing to some extent.</p> <p>There is inconsistent compliance with some aspects of the regulations. However, there is no evidence of significant harm occurring as a result.</p>
Efficient at achieving objectives	The regulations are somewhat efficient	<p>We have identified that the regulations are imposing some unnecessary costs on businesses that are not justified by benefits. These largely relate to the registration and minimum standards requirements. However, we estimate the magnitude of unnecessary costs to be relatively low. We do not have the necessary and / or sufficient data to carry out a quantified cost-benefit analysis.</p>
Proportionate to risks	The regulations are not proportionate to the risks	<p>The level of prescription in the regulations is in most cases not proportionate to the risk of harm. The scale of disproportionality varies across different parts of the regulations.</p>
Flexible to change	The regulations are not flexible	<p>The prescriptive nature of the regulations gives little discretion to operators as to how to achieve the desired outcome (minimising risks to customers and to the public), when there may be alternative ways to achieve this outcome.</p> <p>The regulations take a one size fits all approach that does not account for the differing service profiles, and therefore differing levels of risk, across different types of businesses within the industry.</p> <p>Updating the regulations to keep up with technological and market changes in the industry has not been prioritised, making some aspects outdated, although in other areas the requirements are still relevant.</p>
Transparent for regulated parties and regulators	The regulations are somewhat transparent	<p>The regulations themselves are generally clear in setting out the requirements that must be met. However, inconsistent practice and enforcement across local authorities may be causing uncertainty for businesses about the existence of the requirements, how to comply, and whether and how they will be enforced.</p>



### ***The hairdressing and barbering regulations are somewhat effective at achieving the objective of enforceable healthy hairdressing practices***

51. It is difficult to assess the contribution of the hairdressing and barbering regulations to meeting the intended objectives. There are currently multiple mitigations operating to manage risks of harm in the hairdressing and barbering industry, including the regulations themselves, broader legislative requirements such as HSWA and the Building Act 2004, the qualifications regime and the presence of industry bodies (albeit with a small participant base). We do not have good evidence to tell us whether one, some or all of these mitigations working together is what is managing the risks associated with the industry.

#### *Healthy hairdressing practices*

52. It seems clear that the hairdressing and barbering regulations are not having a negative impact on management of public health risks. 75% of business owners, hairdressers, and barbers who submitted said that the regulations **did not** pose a barrier to reducing risks to their clients.
53. However, we do not have clear evidence that the regulations themselves are having a significant positive impact on promoting healthy hairdressing practices, although some submitters reported that this is the case.
54. The effectiveness of the hairdressing and barbering regulations has diminished as subsequent legislation and regulations have been enacted that overlap with the requirements in the regulations. Some aspects of the regulations have been superseded by other laws altogether, for example, clause 7(e) prohibiting the use of tobacco while hairdressing has been superseded by the Smokefree Environments and Regulated Products Act 1990.
55. Other parts of the regulations are not specifically addressed by other regulatory requirements, but do overlap with broader regulatory frameworks, such as the Building Act 2004 and the associated Building Code, or the HSWA and associated regulations.
56. There was a perception among some submitters that some businesses, particularly home-based businesses, are operating without registration and “under the radar”, meaning that they do not comply with the regulations and are thereby able to undercut other businesses on prices because of lower compliance costs.
57. We are unable to substantiate this claim or estimate the prevalence of unregistered businesses due to a lack of data. We will complete further analysis of this with an economic lens and incorporate it into our options analysis if and where relevant.

#### *Enforceability*

58. The hairdressing and barbering regulations are effective at achieving the objective of providing avenues for enforcement, although it is unclear how much the actual monitoring and enforcement mechanisms are contributing to managing risks. There are different monitoring and enforcement approaches taken by different local authorities, with the degree of activity varying across the country.



59. The enforcement avenues are not as effective as they could be. The existing compliance avenues are declining to register a business, revoking a registration or taking a prosecution under the Health Act. Many EHOs felt that other enforcement options such as higher fines were needed to incentivise compliance. The costs of bringing enforcement action via prosecutions in many cases appear to outweigh the benefits.
60. Annual registration and inspections by EHOs, enabled by the regulations, are currently one of the main levers to inform and educate barbers and hairdressers of both the regulatory requirements under the current regime and of best practice, especially regarding hygiene and disinfection. One consideration for options analysis will be whether removing specific hairdressing and barbering regulations would result in lower understanding and adherence to hygiene and disinfection best practice.

***The hairdressing and barbering regulations are somewhat efficient at achieving the objective of enforceable healthy hairdressing practices***

61. The regulations are somewhat efficient at achieving the intended objectives. We do not have evidence to carry out a quantified cost-benefit analysis, and the balance between the costs and benefits is likely to be marginal. We have identified that the regulations are imposing some unnecessary costs that are not justified by benefits, although we estimate the magnitude of unnecessary costs to be low.
62. 48% of business owners said that the regulations create unnecessary costs. These costs are mostly concentrated in the initial registration and set-up of premises to comply with the minimum standards in clauses 3 and 4 of the Health (Hairdressers) Regulations 1980.
63. The regulations do not appear to be imposing unnecessary costs in relation to the day-to-day running of salons and barbershops. 88% of hairdressers and barbers said that the regulations did not cause them to spend more time doing something than they thought was necessary. This reflects the fact that hygiene and disinfection processes are part of ordinary practice in hairdressing and barbering salons.
64. The table below details the unnecessary costs of the regulations that the Review has found.



Type of cost	Description	Necessity of cost	Magnitude of cost
<b>Costs borne by regulated parties (businesses owners and hairdressers/barbers)</b>			
Fit-out costs	<p>Prescriptive requirements in the minimum standards (e.g., number and placement of wash-hand basins, specific lighting levels) mean that business owners incur what many believe to be <b>unnecessary fit-out costs</b> during the initial set-up of their salons and barbershops to comply with regulations.</p> <p>These costs include installation costs, and the costs of compliance assessments (e.g., electricians to certify that the premise meets the standard).</p>	<p>We consider some costs to meet minimum premises standards are unnecessary as they are ineffective and disproportionate to the risks present.</p> <p>Many of the costs incurred during premises fit out are costs that business owners would incur regardless of whether there were minimum standards requirements (for example installing lighting and hand basins). The nature of the cost is the difference between buying a component of the business owners' choice, versus buying a specific component to comply with the regulatory requirements.</p>	<p>We consider these costs to be <b>low</b>.</p>
Opportunity costs	<p>Opportunity costs can limit client numbers, turnover and ultimately business viability and profit.</p> <p>Some business owners said that some minimum standards restricted how they can use their premises, such as minimum spacing between chairs which limits customer turnover (if sufficient demand exists).</p> <p>A few business owners said that the regulations restrict their ability to differentiate their service offerings and provide additional value to customers. The examples given for this were all about refreshments and dogs. We know many businesses do not comply with these requirements, and therefore the genuine impact of these restrictions on differentiating service offerings will be low.</p> <p>A few business owners reported a <b>delay in opening</b> their business because additional work was required to meet the regulations. These submitters referenced poor and inconsistent communication from local authorities about requirements, or additional fit-out work to comply with requirements (e.g., installing additional handbasins).<sup>14</sup> Submissions on this point typically did not distinguish between compliance with the hairdressing and barbering regulations vs. compliance with broader legislative requirements such as the Building Code.</p>	<p>As above, we consider some costs to meet minimum premises standards are unnecessary as they are ineffective and disproportionate to the risks present.</p> <p>We consider that some delays in opening because of additional work to meet requirements are not completely avoidable. However, some could be avoided if business owners had greater knowledge and understanding of the requirements and regulators had more capacity to provide support.</p>	<p>These costs are difficult to quantify as we do not have information about the level or scale of opportunity costs.</p> <p>Only a small number of businesses raised these, including in response to specific questions.</p>
Cost of premises registration and renewal	<p>A few businesses owners felt that the <b>costs of registration and renewal</b> are unnecessary. Registration fees are used to cover the costs associated with the regulatory functions of the councils, including inspections, compliance checks, and administrative processes. Business owners who objected to the fees tended to do so on the basis that inspections and engagement with their local council were irregular or low quality.</p>	<p>The necessity of registration of premises with local authorities remains under active consideration as part of the development of options for reform.</p>	<p>We consider these costs to be <b>low</b>.</p> <p>On average, business owners reported spending less than a day to register their business for the first time, and less than an hour to renew their business registration every year.</p> <p>Annual registration fees range from \$140 to \$495 depending on the specific local authority and the type of registration required (initial or renewal). This is 1.5 to 5.5 times the average cost of one women's shampoo and cut.</p>

<sup>14</sup> This also indicates that some business owners do not know what the requirements are before they apply for registration.



Type of cost	Description	Necessity of cost	Magnitude of cost
<b>Costs borne by the regulator (local authorities)</b>			
Administrative costs (time and money) of monitoring compliance and enforcement	<p>These costs primarily relate to the administration of processing registrations, and the costs associated with having EHOs carry out inspections and make findings.</p> <p>There are some costs associated with taking enforcement action, but a sample of responses from local authorities suggests it is rare for enforcement action to be taken beyond declining registration or issuing notices to remedy.</p>	<p>These costs are unavoidable if a regulator is in place.</p> <p>We do not think there are additional unnecessary costs being generated by the way local authorities are practicing.</p> <p>It is difficult to quantify the benefits of the monitoring and enforcement regime, as it is difficult to identify what benefits accrue from the regulations themselves versus other mitigations in the regulatory and non-regulatory environment in managing risks of harm. However, we think that the monitoring and enforcement regime is likely delivering some benefits in mitigating public health risks. As part of options analysis we are considering whether this type of monitoring and enforcement regime is the most efficient way to achieve this objective.</p>	<p>We consider that the costs of monitoring compliance and enforcement are low for local authorities, relative to their other regulatory activity.</p> <p>Our assumption is that the fees generated from registration do not cover all these costs.</p>



***The hairdressing and barbering regulations are disproportionate to the level of public health risk posed by the industry, particularly when compared to similar industries***

65. As we identified at paragraph 26, the public health risks associated with the hairdressing and barbering industry are low to moderate. The requirements in the regulations are disproportionate to this level of risk.
66. Some of the requirements in the hairdressing regulations seem clearly unnecessary and disproportionate. Examples are the prohibition on serving refreshments in cutting areas, and the prohibition on allowing dogs (other than guide dogs) in salons. These requirements inhibit business practices in relation to what we assess to be low-risk issues. In other industries, businesses are trusted to manage these types of risks within a broader regulatory environment.
67. We heard from some submitters that while specific regulations may have been required in the past, current hairdressing and barbering practices mean the risks to customers, workers, and the public are relatively low. They feel that the regulations are too specific or onerous to comply with, given the low level of risk.
68. There were mixed views from submitters about whether any form of regulation is necessary or proportionate for the industry. A few submitters suggested that market forces (i.e., customer choice) were sufficient to enforce standards and manage the risks associated with the industry, and that specific government intervention was not necessary. Some other submitters thought that having regulations was important. These submitters raised two main points:
  - a. The regulations about hygiene and disinfection incentivise good practice by providing businesses and workers with a minimum standard and informing them how to meet that standard.
  - b. In general, the regulations keep the industry accountable by setting standards across the industry and allowing for a monitoring mechanism. This in turn provides the public with assurance that businesses are implementing safe and effective practices.

***The hairdressing and barbering regulations are largely inflexible due to the prescriptive nature of the requirements***

69. The prescriptive nature of the regulations gives little discretion for business owners and hairdressers / barbers to decide how to achieve the desired outcome (minimising risks to customers and to the public), when there may be alternative ways to achieve this outcome.
70. The regulations contain detailed requirements, which have not been updated since the regulations were introduced 45 years ago. In some cases, the level of prescription requires operators to comply with outdated or redundant requirements with no clear public health rationale. For example, the regulations specify processes for items and practices that are no longer in common use, such as provisions around the storage of powder puffs or the use of self-service electric shavers.



71. Other requirements remain relevant to contemporary practices but dictate processes for low-risk issues where hairdressing and barbering businesses can manage these appropriately without regulatory intervention. Examples include regulations specifying the features of containers in which towels and linens are to be stored, or the process for sweeping up hair clippings.
72. The prescriptive nature of some of the requirements means businesses cannot adapt to certain consumer expectations, or are rendered non-compliant if they do so. An example of this is offering refreshments in cutting areas (which is prohibited under the regulations). 37% of submitters (business owners and workers) feel that the regulations stop them from providing services that they would like to provide.
73. It is important to note that there are some situations where prescriptive regulation may be necessary to achieve a desired outcome. As part of options analysis we are considering whether there are any technical thresholds, for example in relation to disinfection practices, which need to be set in regulation to ensure the desired public health outcome is reached, or whether these are better managed in other forms like guidance.

***The hairdressing and barbering regulations themselves are transparent, but inconsistent practice and enforcement is creating uncertainty for businesses***

74. The specific and prescriptive nature of the requirements mean it is generally clear to industry from reading the regulations what is required to comply. There are a few areas where terms or requirements are not explicitly defined, but these are relatively minor.
75. Submissions indicated that most business owners and workers know about the regulations and how they apply to their activities. However, EHOs rated business owners' understanding of the requirements lower than the business owners themselves, and a few submissions said there is a proportion of the industry that does not know about the regulations or understand the requirements to operate cleanly and safely.
76. We heard that this is a particular issue in barbering, which we understand has seen an increase in operations in the last decade and has a higher proportion of unqualified practitioners. This includes reports that some are not aware that the regulations apply to barber shops as well as hairdresser shops.
77. Local authorities are the regulator, and in practice EHOs are responsible for monitoring compliance and enforcing the regulations. Approximately two thirds of businesses and EHOs who submitted to the Review indicated that inspections were conducted annually (linked to the requirement for annual registration). The most common issues identified during these inspections relate to hygiene, or a lack of knowledge of the requirements to operate cleanly and safely.
78. Most business owners reported being satisfied with their experiences with local authorities. A few reported that their local authority was unable to tell them what was required to comply with the regulations or receive their registration, or that they received generally unclear information.



79. How local authorities implement the regulations varies between different local authorities and even within the local authority:
- a. Different local authorities interpret and apply the regulations differently, including different inspection schedules (and some not inspecting regularly) and not assessing compliance with some parts of the regulations
  - b. Different officers within the same local authority interpreting and applying the regulations differently.
80. This variable approach to implementation is partly due to a view held by some in the industry and local authorities that the regulations are outdated and not fit for purpose. We have heard that some business owners and local authorities choose what requirements they respectively comply with and enforce based on their own perception of the level of risk. In this sense there is not only lack of knowledge but disregard for compliance among regulated parties and the regulator.
81. Overall, this variable approach to implementation and enforcement of the regulations is likely to introduce some level of uncertainty for businesses.

## Options for reform under consideration: what are the alternatives?

82. Based on our assessment, the current hairdressing and barbering regulatory regime is not fit for purpose. The Review will recommend changes to the current regulatory regime. In developing the options and analysing them, the Review will consider its analysis of the reasons for government intervention alongside the issues identified with the current approach. Six options have been considered and four discounted.

### *We are considering two options for reform*

83. The table below sets out the two options we are exploring. Both options would significantly reform how the hairdressing and barbering industry is regulated.
84. These options are subject to further development and analysis, including further consideration of insights from the submissions process. We are also consulting with impacted parties on these options and will reflect their feedback in our final advice. Further details of this consultation is set out at paragraph 90 of this briefing.

Option	Comments
<b>Option 1:</b> Revoke the Health (Hairdressers) Regulations 1980 in full and rely on existing mechanisms in other legislation	<p>This option would:</p> <ul style="list-style-type: none"> <li>remove any industry-specific regulations and rely on existing and more general legislation and other regulatory frameworks i.e., HSWA, Health Act 1956, Consumer Guarantees Act 1993, Building Act 2004, Smokefree Environments and Regulated Products Act 1990, Food Act 2014, Sale and Supply of Alcohol Act 2012, Hazardous Substances and New Organisms Act 1996, their associated regulations, and WorkSafe hairdressing-specific guidelines</li> </ul>



Option	Comments
	<ul style="list-style-type: none"> <li>remove the need for a hairdressing or barbering premise to be registered with the local authority.</li> </ul> <p>Industry-specific guidance could also be introduced to support any gaps in existing legislation. These could be developed by the Ministry of Health, WorkSafe or the industry. The enforceability of the guidance would depend on who is responsible and what legislative framework the guidance is issued under (if any).</p>
<p><b>Option 2:</b> Revoke the Health (Hairdressers) Regulations 1980 and replace with risk-based regulations focused on health and hygiene practices</p>	<p>The new regulations would still be made under the Health Act 1956 but would be more targeted, focusing on safe use of chemicals and reducing the risk of transmitting communicable diseases through hygiene and disinfection.</p> <p>The new regulations would be risk-based and introduce graduated categories for different activities, rather than general and/or prescriptive requirements. This means that the regulations could capture the core elements to reduce public health risk, but the practical measures to achieve the requirements (e.g., approved disinfectants) could be captured in a separate, more easily updated document such as guidance.</p>

***We will assess options against criteria to develop our advice***

85. We have identified five criteria to assess the proposed options (broadly in line with our criteria for assessing the status quo). They are:

**a. Flexible / durable**

- i. Is the option capable of moving with the times i.e., accommodating new technology or services?
- ii. Is the option capable of including new trends or accommodating customer expectations?

**b. Efficient / equitable**

- i. Does the cost of this option compare reasonably to the cost of the status quo e.g., what is the impact on local authorities?
- ii. Does the option provide a level playing field for those working in the industry i.e., salon-based, home-based, mobile?

**c. Proportional**

- i. Is the compliance effort, including time and costs, imposed by the option proportional to the public health risks posed by the industry?
- ii. Where does the risk lie with the proposed option? Is that reasonable?
- iii. Does the option reflect how the risks of similar industries are managed?

**d. Effective**

- i. Will the option effectively manage the identified risks and maintain the confidence of clients and the wider public?
- ii. If the option includes regulation, how will non-compliance be identified?
- iii. How will non-compliance be enforced consistently across the country?



iv. Could there be any unintended consequences?

**e. Transparent**

- i. Will those working in the industry understand the requirements of the new option?
- ii. Will customers understand what the proposed option means for them?

86. Given the low to moderate evidence base for some of our findings, we are thinking carefully about how to avoid potential unintended consequences.
87. For example, we identified at paragraph 26 of this briefing that we are not seeing evidence of high rates or severity of harm. There are currently multiple mitigations operating to manage risks of harm in the hairdressing and barbering industry, including the hairdressing regulations themselves, broader legislative requirements such as HSWA and the Building Act, the qualifications regime and on-the-job training, and the presence of industry bodies (albeit with a small participant base). We do not have good evidence to tell us whether one, some or all of these mitigations working together is what is managing the risks associated with the industry. We are therefore weighing how any option would affect the balance of these mitigations.

**Options considered and discounted**

88. Based on our analysis to date and draft findings we have considered and discounted four options, set out in the table below.

Option	Reason for discounting
Leaving the current Health (Hairdressers) Regulations 1980 in place, i.e., do nothing / maintain the status quo	This option was discounted because of our assessment of the regulations, as outlined on page 17 of this briefing.
Amending the current Health (Hairdressers) Regulations 1980 (removing unnecessary requirements)	<p>The regulations are 45 years old and do not reflect how we regulate today. Taking a line-by-line approach may leave us with very little of the original regulations.</p> <p>This option was discounted because, given the issues with the current regulations, we think it is better to revoke them and rely on existing regulatory frameworks or revoke and replace (proposed options 1 and 2). If option 2 is preferred, the replacement would be modern, risk-based regulations, with clear outcomes, expectations, and graduated enforcement tools.</p>
Revoking the current Health (Hairdressers) Regulations 1980 and	Revoking the current regulations and implementing new guidance was considered as a standalone option, but early in our analysis it became clear it was very similar to proposed option 1. It also did not account for existing regulatory frameworks like the Building Act



<p>implementing new guidance</p>	<p>2004 and associated Building Code and HSWA and associated regulations.</p> <p>This option was discounted, but the idea of hairdressing and barbering-specific guidance is included in option 1 to support the industry’s understanding of and fill any industry-specific gaps not covered by the other regulatory frameworks.</p>
<p>Revoking the current Health (Hairdressers) Regulations 1980 and replacing with regulations covering the appearance industry as a whole</p>	<p>A number of submitters suggested that there should be broader regulation for the appearance industry or regulations for higher risk activities such as skin piercing or tattooing.</p> <p>We have not considered this as an option as it is out of scope under the Terms of Reference. However, as part of analysing preferred options we will consider whether options could be used as a blueprint to add other appearance industries later if there was political appetite to do so.</p>

## Process for finalising our advice

89. The Review team are assessing the options against the evidence gathered during the Review to finalise our findings and determine a preferred option for reform.
90. The Review team are in the process of consulting on the draft findings and options for reform with the following groups:
  - a. **Industry representatives** (Hair and Barber New Zealand, the Hair Industry Training Organisation and Toi Mai the Workforce Development Council)
  - b. **Local authorities** via the Chief Executives and meeting with Local Government New Zealand (LGNZ) and the Taituarā Bylaws and Regulations Refence Group
  - c. The **New Zealand Institute of Environmental Health**, which represents environmental health professionals and promotes awareness of environmental health issues.
  - d. Impacted **government agencies**, which are:
    - i. the Ministry of Health (policy responsibility for the legislative framework) and Health New Zealand - Te Whatu Ora (regulatory function under the legislative framework)
    - ii. the Ministry of Business, Innovation and Employment (responsibility for HSWA)
    - iii. WorkSafe New Zealand (regulators under the HSWA)
    - iv. the Department of Internal Affairs (responsibility for the Local Government Act 2002 / local government policy and local authorities are the regulators under the legislative framework).



## Discussion with Ministers

91. Given that the Review will be recommending significant changes to the status quo, we recommend that you forward this briefing to your Ministerial colleagues to keep them informed of the implications of the Review's draft findings and potential options for reform, and to ensure they are aware we are working with relevant agencies to consider these. The recommendations of the Review will have implications for the Ministry of Health, Health New Zealand and local authorities, and may have implications for the health and safety regulatory system. This impacts the portfolios of:
- The Minister of Health (Hon Simeon Brown)
  - The Minister for Workplace Relations and Safety (Hon Brooke van Velden)
  - The Minister for Local Government (Hon Simon Watts).
92. We have attached talking points at **Appendix D** to support you should you wish to discuss this briefing with relevant Ministers.

## Next Steps

93. We will report to you on 27 March 2025 with our Final Report. This will also attach a finalised report outlining our engagement analysis.
94. The table below outlines the next steps following us providing the Final Report to you. Please note that under this timeline we will provide the draft Cabinet paper to you slightly earlier than indicated in our previous report to you [MFR2025-010 refers]. The other dates are unchanged.

Action	Date
Draft Cabinet paper (and Regulatory Impact Statement if required) to you for Ministerial consultation	10 April
Ministerial and agency consultation	14 – 18 April
Final Cabinet paper to you	24 April
Cabinet paper lodged	1 May
Cabinet paper discussed at EXP	6 May
Cabinet consideration	12 May



## List of Appendices

---

**Appendix A: Summary of engagement analysis**

**Appendix B: Framework for assessing regulatory quality**

**Appendix C: Summary of requirements in the hairdressing and barbering regulations**

**Appendix D: Talking points to support discussion with Ministerial colleagues**



## **Appendix A: Summary of engagement analysis**

---

This is attached separately.



### Appendix B: Framework for assessing regulatory quality

The table below sets out the assessment criteria used to assess the quality of the Health (Hairdressing) Regulations 1980, as well as the aspects of the Health (Registration of Premises) Regulations 1966 as they relate to hairdressing and barbering businesses.

The assessment framework draws on a number of guidance documents including the New Zealand Institute of Economic Research (NZIER) report '[Good regulatory design](#)', Treasury's [Government Expectations for Good Regulatory Practice](#) and the Treasury's '[Best Practice Regulation: Principles and Assessments](#)'.

We used a traffic light system to identify the extent to which the regulations satisfy the criteria:

- **Green** indicates that the regulations fully meet the criteria. There are no issues identified related to the criteria and the regulations are functioning well in practice.
- **Yellow** indicates that several issues have been identified with how the regulations fulfil the criteria. These issues may be minor, but do impact how the regulations are functioning in practice and are an opportunity for improvement.
- **Red** indicates that regulations fail to meet the criteria. The issues identified are significant enough to have a detrimental effect on how the regulations are functioning in practice.

Criteria	Questions for macro-level issues (i.e., groups of requirements or system-level issues)	Questions for micro-level issues (i.e., specific requirements)
<b>Effectiveness</b>	<ul style="list-style-type: none"> <li>• How effectively does the regulation meet its stated objectives?</li> <li>• Can the success of the regulatory approach be measured against the intended outcomes?</li> <li>• Are there clear indicators or metrics in place to assess the effectiveness of the regulation?</li> </ul>	<ul style="list-style-type: none"> <li>• What is the market failure and/or risk; to what extent does the regulation address it?</li> <li>• Does the requirement replicate or overlap with other regulatory requirements?</li> </ul>
<b>Efficiency</b>	<ul style="list-style-type: none"> <li>• What are the total costs associated with implementing and complying with the regulation?</li> <li>• Have the benefits of the regulation been quantified and compared against the costs?</li> <li>• Is there an alternative regulatory approach that could achieve the same outcomes at a lower cost or with minimal resource use?</li> </ul>	<ul style="list-style-type: none"> <li>• What are the costs involved in meeting the requirement?</li> <li>• What are the benefits involved in meeting the requirement?</li> <li>• How do the costs compare with the benefits?</li> <li>• Can the same results be achieved with less cost or time?</li> </ul>



Criteria	Questions for macro-level issues (i.e., groups of requirements or system-level issues)	Questions for micro-level issues (i.e., specific requirements)
Proportionality	<ul style="list-style-type: none"> <li>Do the regulatory requirements align with the level of risk being managed?</li> <li>Are the compliance processes reasonable and not overly burdensome for the regulated entities?</li> <li>How is the balance between regulatory control and operational freedom maintained?</li> </ul>	<ul style="list-style-type: none"> <li>Is the regulatory intervention appropriate to the level of risk or harm?</li> <li>Are unnecessary burdens on those being regulated avoided?</li> </ul>
Flexibility	<ul style="list-style-type: none"> <li>Does the regulatory system provide sufficient flexibility to adapt to technological, market, or societal changes?</li> </ul>	<ul style="list-style-type: none"> <li>Do regulated parties have flexibility in terms of how they meet the requirement (where applicable)?</li> <li>Is the requirement up-to-date in terms of reflecting technological, market, and societal change?</li> <li>How do specific regulations accommodate or inhibit operational flexibility and innovation at the service delivery level?</li> </ul>
Transparency	<ul style="list-style-type: none"> <li>Are the regulations and their requirements clearly communicated and easily accessible to all stakeholders?</li> <li>Is there a system in place to ensure stakeholders are informed of regulatory changes and updates?</li> <li>How are the regulations made available to the public, and are they presented in a user-friendly format?</li> <li>What mechanisms are in place to hold the regulator accountable for its decisions and actions?</li> <li>Is there regular performance reporting and public disclosure of relevant regulatory documents?</li> <li>How are disputes resolved, and what processes are available for stakeholders to challenge regulatory decisions?</li> </ul>	<ul style="list-style-type: none"> <li>Is what is required clear?</li> <li>Are there safe harbours, and/or access to authoritative advice?</li> <li>Is there transparency around non-compliance?</li> </ul>



## Appendix C: Summary of requirements in the hairdressing and barbering regulations

### Health (Hairdressers) Regulations 1980

Reg #	Regulation	Key points / what is broadly covered by the regulation
HAIRDRESSING SHOPS		
3	<a href="#">Registration</a>	<ul style="list-style-type: none"> <li>no person can use or permit any premises to be used as a hairdresser's shop unless the premises is registered with the relevant local authority</li> </ul>
4	<a href="#">Minimum standards for hairdresser's shop</a>	<ul style="list-style-type: none"> <li>describes 20 minimum standards that hairdresser's shops must comply with, covering: floors, walls, ceilings, lighting, ventilation, floor area, distance between chairs, basins, storage, rubbish, proximity to areas where food is prepared for sale, or unwrapped food held for sale, surfaces and appliances</li> <li>the local authority may grant an exemption (via a certificate) to any of the above items, if requiring it would cause undue hardship</li> </ul>
5	<a href="#">Dogs on premises prohibited</a>	<ul style="list-style-type: none"> <li>no dogs (other than certified guide dogs) can enter or be in the hairdresser's shop</li> </ul>
HAIRDRESSERS		
6	<a href="#">Health of hairdressers</a>	<ul style="list-style-type: none"> <li>no person permitted to work as a hairdresser while 'suffering from any condition causing a discharge of pus or serum from any part of the head, neck, hands, or arms'</li> </ul>
7	<a href="#">Cleanliness and personal hygiene</a>	<ul style="list-style-type: none"> <li>every hairdresser is required to: (a) wash their hands with water and soap at certain intervals; (b) be clean, wear clean clothing; (c) refrain from putting tools in his or her pockets, or using tobacco</li> </ul>
8	<a href="#">Sanitary practices</a>	<ul style="list-style-type: none"> <li>measures to ensure that cross-contamination does not occur between customers: (a) use certain specified single-use articles once; (b) alum or other astringent material used to stop wounds from bleeding is applied only in a powder or liquid form (alum also comes in solid form); (c) all liquids, creams, and other powders removed via single-service spatula</li> </ul>
9	<a href="#">Disinfection of appliances and other equipment</a>	<p>Every hairdresser to keep tools and equipment clean and hygienic in the following way:</p> <ul style="list-style-type: none"> <li>if not otherwise specified, tools should be washed after each customer, with detergent, in water that is at least 43°C</li> <li>at the end of each day, tools and equipment should be washed with detergent and water at least 43°C, and then disinfected/sterilized in one of four ways</li> <li>shaving brushes, mugs, and sponges to be immersed in boiling water for at least 5 minutes after each use</li> <li>electric clippers, shavers, and other instruments with non-detachable parts should be cleaned, and then disinfected</li> <li>strops (leather strips used to sharpen razor) to be disinfected after each use</li> <li>any appliance, tool, or equipment that is dropped on the floor should be cleaned and then disinfected or sterilized</li> <li>appliances, tools, and equipment should be kept in containers when not in use</li> </ul>
10	<a href="#">Self-service electric shavers</a>	<ul style="list-style-type: none"> <li>electric shavers used by customers must be capable of being cleaned and disinfected or sterilized, and that this occurs</li> </ul>



Reg #	Regulation	Key points / what is broadly covered by the regulation
11	<a href="#">Towels and other coverings</a>	<ul style="list-style-type: none"> <li>• clean laundered towel or single-service paper towel used: (a) for each customer; (b) on every head or neck rest; (c) placed around the customer's neck; (d) placed in the rubbish after use</li> <li>• every appliance and other piece of equipment waiting to be cleaned and disinfected or sterilized is placed in a container</li> <li>• protective coverings that have hair fall on them are not 'violently shaken'</li> <li>• laundry not able to be done in the service area of a hairdresser's shop</li> </ul>
12	<a href="#">Service of refreshments</a>	<ul style="list-style-type: none"> <li>• refreshments: (a) are not able to be served in a part of the service area where hair is being cut; (b) if beverages are served each utensil should be cleaned and made hygienic, unless single-use utensils are used</li> </ul>
13	<a href="#">Appeals to Medical Officer of Health</a>	<ul style="list-style-type: none"> <li>• decisions can be appealed to a Medical Officer of Health within 14 days of being notified of the decision</li> </ul>
14	<a href="#">Appeal to District Court</a>	<ul style="list-style-type: none"> <li>• decisions made by a Medical Officer of Health can be appealed to a District Court within 14 days of being notified of the decision</li> </ul>
15	<a href="#">Offences</a>	<ul style="list-style-type: none"> <li>• it is an offence to do or attempt to do something other than described in the regulations, or to omit or fail to provide anything required under the regulations</li> </ul>



## Health (Registration of Premises) Regulations 1966

Reg #	Regulation	Key points / what is covered by the regulation
5	<a href="#">Certificate of registration</a>	<ul style="list-style-type: none"> <li>provided application meets the requirements and fee has been paid, local authorities to register the premises</li> <li>the initial registration may be for a period shorter than a year, but otherwise each registration is valid for a year (unless revoked earlier)</li> <li>every registration certification should include the information such as the name and address of the holder of the certificate, the occupier, any conditions</li> <li>registration to be renewed (providing requirements are met) 'from time to time' provided the appropriate fee is paid</li> <li>certificates of registration should posted and easily visible by members of the public at the premises; each renewal results in a new certificate</li> </ul>
6	<a href="#">Noting of certificate</a>	<ul style="list-style-type: none"> <li>if the premises has a new occupier, the new occupier must apply to the local authority to have the change noted in the record of registration and new certificate, and pay the appropriate fee</li> </ul>
7	<a href="#">Fees</a>	<ul style="list-style-type: none"> <li>the local authority determines the fees</li> </ul>
8	<a href="#">Record of registration</a>	<ul style="list-style-type: none"> <li>the local authority should keep a record of all registered premises, all certificates, and renewals; records must include certain specific information; and must be available at all reasonable times for inspection by an employee of the Director-General of Health, a Medical Officer of Health, a Health Protection Officer, or other similar officer with duties administered by the Ministry of Health</li> </ul>
9	<a href="#">Revocation of registration</a>	<ul style="list-style-type: none"> <li>if a hairdresser shop is not continuing to meet the registration requirements, the local authority can issue a notice requiring remedial action to be taken by a specified time ('the first notice')</li> <li>if the terms in the first notice are not complied with within the specified timeframe, the local authority can issue a second notice asking the occupier to 'show cause, at a time and place to be stated in the notice, why the registration of the premises should not be revoked'</li> <li>if the terms of the first notice have still not be complied with, and there is no acceptable reason for this, the local authority may revoke the registration</li> <li>if a registration has been cancelled, the local authority can decline to issue a new certificate to the same person for 2 years</li> </ul>
10	<a href="#">Appeals</a>	<ul style="list-style-type: none"> <li>Local authorities should give written notice of their decision to refuse to register premises, decline to renew registration or revoke registration of any premises and the applicant or occupier can appeal such decisions to the District Court within 14 days of receiving the decision</li> </ul>



## **Appendix D: Talking points to support discussion with Ministerial colleagues**

---

You may wish to discuss the draft findings with your colleagues who hold ministerial portfolios relevant to the regulatory review of the hairdressing and barbering industry:

- Minister of Health: Hon Simeon Brown
- Minister for Workplace Relations and Safety: Hon Brooke van Velden
- Minister of Local Government: Hon Simon Watts

The purpose would be to provide an indication of the findings and options being considered, and to provide your colleagues with the opportunity to raise any questions or concerns.

### **Talking points**

#### ***Background and context (optional)***

- The Ministry for Regulation's third regulatory review is looking at regulations in the hairdressing and barbering industry.
- It is a targeted review, running from December 2024 to March 2025.

#### ***Findings***

- The review's initial findings are that:
  - There are low to moderate public health risks associated with the hairdressing and barbering industry.
  - There are two key risks that may not be sufficiently addressed by either market forces or existing legislation:
    - risk of transmission of communicable diseases and ectoparasites (e.g., headlice)
    - risk of harm due to use of hazardous chemicals.

#### ***Market failure***

- In this industry, the market alone cannot sufficiently mitigate the identified risks.
- This is because customers have little ability to know or find out about how health risks are mitigated (or not mitigated), and hairdressers and barbers do not bear the full consequences of the risks they create.
- Therefore, some level of government intervention is required to mitigate remaining risks to maximise net social benefit.



## **Options**

- The review has provisionally identified two options.
- The first step for both is to revoke the current regulations (which are very specific in terms of the requirements and cover a broad range of topics). The options are then to:
  - Option 1: Rely on existing legislation (e.g., Health and Safety at Work Act 2015) – which is very general.
  - Option 2: Replace with simplified regulations that are tightly focused on the two key areas of risk, but take a modern outcomes-based approach, which reflects the level of risk present in each setting.
- What could this look like in practice?
  - The requirements on a barber that didn't do cut-throat shaves or use dyes or treatments would be different to one that did (reflecting much lower risk profile).
  - Some hairdressing and barbering businesses might have to register each year still (those with poor track records in compliance and/or dealing with the two key risks), others could register every 2-3 years.



## Internal policy | Recruitment

Version	1.0	Contact	People Team
Policy Owner	Head of Corporate	Approved	26 July 2024
SharePoint	<a href="#">Internal policies</a>	Due for Revision	March 2025

### Scope

This recruitment policy applies to the appointment of employees to a position with the Ministry for Regulation (**the Ministry** or **we/our**), whether permanent or fixed-term or secondment.

This policy also does not apply to the engagement of contractors and consultants, and service contractors. These engagements are to occur under the Ministry's procurement policy [Internal policy | Procurement](#).

### Principles

The Ministry wants a collaborative and inclusive work environment with talented people motivated by a spirit of service who thrive on complex issues, can see the big picture and inspire others.

Our recruitment and selection processes for a position therefore must:

- meet all legislative requirements;

- be merit based, giving preference to the candidate best suited to the position considering their relevant skills and experience (including cultural expertise and experience gained from voluntary and community work);
- support diversity and inclusion;
- include an expectation on a candidate to bring or be open to developing Māori Crown relations capability (including te ao Māori, tikanga and kawa, Aotearoa New Zealand history and Te Tiriti o Waitangi | Treaty of Waitangi);
- encourage and value workforce agility and the transfer, development and promotion of internal talent within the Ministry when considering recruitment to a position;
- follow a fair and impartial process including minimising unconscious bias and protecting confidentiality and which enables all candidates to be able to demonstrate their 'best self'.

## Implementing this policy

All staff will be able to view vacancies in the [Ministry's careers hub](#).

**Applicable appointments** (being appointments except for appointments of acting or temporary or casual employees, or to ministerial staff) of successful candidates will be accessible via the appointments intranet page [Vacancies and appointments](#). Existing employees may raise a complaint about any applicable appointment for review by the Ministry [Internal procedure | Complaints about appointments](#) as per Schedule 8 of the Public Service Act 2020. To do so, an employee can email [people@regulation.govt.nz](mailto:people@regulation.govt.nz) within 5 working days from the date of the appointment stated on the appointments intranet page, for Ministry review of their complaint [Internal procedure | Complaints about appointments](#). The employee's email should include:

- the appointment to which the complaint relates;
- the nature and/or grounds for the complaint, and any supporting written material; and
- whether the employee wishes to be heard on the matter.

A manager who is hiring (and the successful candidate) will need to be aware that applicable appointments under this policy are provisional pending the outcome of the Ministry review (as one outcome of a review could be cancellation of the applicable appointment). The employee will be informed promptly of the outcome of that review.

A manager who is hiring to a position is responsible for leading a rigorous recruitment and selection process and must own the outcome. This includes

complying with the Ministry's delegations policy [Internal policy | Delegations](#), ensuring the processes' compliance with the above principles and:

- finalising a job description or job brief (for temporary roles) that captures a realistic view of the position and the work it entails;
- notifying any vacancy which is permanent or with a duration of longer than 6 months using one or more means that will enable suitably qualified people to apply for the position;
- proactively involving other teams within the Ministry on selection panels, where appropriate, and ensuring that the selection panel composition is diverse, where practicable;
- using multiple sources of information when making recruitment decisions so that decisions are not based on only one source which may end up being unreliable;
- communicating with candidates clearly, respectfully and in a timely manner, and prioritising the recruitment process once commenced;
- completing pre employment checks, including as required under the protective security policy [Internal policy | Protective Security](#).

To begin the process, the manager contacts the People Team to assist the manager with guidance on the life-cycle of the recruitment and selection process. Head of Corporate will approve any policy exemptions and the People Team will ensure a central record is kept of all recruitment processes undertaken and the resulting outcomes.

The Ministry monitors starting salaries to ensure a fair and equitable salary compared with others in similar roles, given the successful candidate's level of skills and experience. The Ministry's remuneration policy is also available here [Internal policy | Remuneration](#).

Managers may need to consider the application of our flexible working policy in respect of an appointment [Internal policy | Flexible working](#).

Once an appointment is finalised, managers should access the onboarding and induction information from the People Team.

## Related policies and more information

Delegations policy [Internal policy | Delegations](#)

Remuneration policy [Internal policy | Remuneration](#)

Flexible working policy [Internal policy | Flexible working](#)

## Relevant legislation:

- Public Service Act 2020
- Employment Relations Act 2000
- Privacy Act 2020
- Human Rights Act 1993
- Equal Pay Act 1972