



Hairdressing and Barbering Industry Regulatory Review

Final Report

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Ministry for Regulation
Te Manatū Waeture



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Contents

Contents	3
.....	4
Acknowledgements.....	5
Executive Summary.....	6
Part 1: Introduction	12
Part 2: The hairdressing and barbering industry	16
Part 3: Risks arising from hairdressing and barbering practices	25
Part 4: Are there material market failures in the hairdressing and barbering industry?	33
Part 5: Regulatory context.....	39
Part 6: Assessment of the status quo.....	47
Part 7: Recommendations for reform	60
Part 8: Regulatory and non-regulatory opportunities	74
Appendix A: What the Review heard through engagement.....	80
Appendix B: Background information on risks and/or harms – summary of literature scan	81
Appendix C: Available data on health impacts in New Zealand context	87
Appendix D: Data limitations	92
Appendix E: Framework for assessing regulatory quality	93
Appendix F: Detailed options analysis.....	96



Summary of the Report

Hairdressing and Barbering Industry Regulatory Review

This A3 provides a summary of the findings and recommendations of the hairdressing and barbering industry regulatory review (the Review).

(a) Do we think there is rationale for GENERAL government intervention in the hairdressing and barbering industry? Yes.

Why this review, and why now?

The New Zealand economy primarily consists of small businesses – 97 percent 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 general government intervention in the hairdressing and barbering industry

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

- risk of transmission of communicable diseases and ectoparasites (e.g., headlice) between customers, to members of the public and between customers and workers
- harm due to use of hazardous chemicals
- workplace hazards such as slips and trips and gradual process injuries.

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., through cleaning and disinfection practices, 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.

Therefore, some level of government intervention is warranted in the hairdressing and barbering industry to mitigate these risks.

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

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

Criteria	Assessment
Effective at achieving objectives	We do not have clear evidence of whether the regulations are driving good practice and mitigating health risks compared to other parts of the system, although it is likely they are contributing to some extent. There is inconsistent compliance.
Efficient at achieving objectives	We have identified that the regulations are imposing some limited 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 present in the hairdressing and barbering industry.
Flexible to change	The regulations are largely inflexible due to the prescriptive nature of the requirements.
Transparent for regulated parties and regulators	The regulations themselves are transparent, but inconsistent practice and enforcement is creating uncertainty for businesses.
■ Fully meet criteria ■ Issues identified ■ Fail to meet criteria	

(c) Do we think there is rationale for SPECIFIC government intervention in the hairdressing and barbering industry? No.

We recommend that the hairdressing and barbering regulations be revoked and replaced with guidance, as the low risks posed by the industry are adequately addressed by existing government interventions

We have considered four broad categories of options for reform; maintaining the status quo, amending the hairdressing regulations, revoking the regulations and replacing them with simplified regulations, or revoking the regulations and not replacing them. Two options were fully analysed; supported revocation, or new risk-based, simplified regulations. There are trade-offs between risks and benefits for both options and it was a close-run assessment.

On balance, we recommend revoking the Health (Hairdressers) Regulations 1980 and replacing them with guidance. This means that we would be relying 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, their associated regulations, and hairdressing-specific guidelines on the WorkSafe website.

When we consider all the information available to the Review, public safety is unlikely to be affected by this approach. The relatively low level of harm that results from the hairdressing and barbering industry does not outweigh the costs that would be incurred by central and local government to put a new regime in place.

We recommend that **revocation of the regulations should be supported by measures to mitigate risks:**

- the Ministry for Regulation will work with Ministry of Health and other relevant parties to develop updated guidance for the industry about health and hygiene best practice and communicate changes to industry and local authorities
- the Ministry for Regulation will monitor the impacts of regulation and report back to Cabinet two years following revocation of the Health (Hairdressers) Regulations 1980 on whether risks are being appropriately managed under the new regime, or whether new risk-based regulations should be introduced.

We also recommend that the **Ministry for Regulation work with the Ministry of Justice to respond to issues raised by submitters with how the Sale and Supply of Alcohol Act 2012 applies to the hairdressing and barbering industry.**



Acknowledgements

We would like to thank all those who took the time to make submissions or meet with the Hairdressing and Barbering Industry Regulatory Review team, including business owners, hairdressers and barbers, Environmental Health Officers, local authorities, Hair & Barber New Zealand, Toi Mai Workforce Development Council, New Zealand Institute of Environmental Health, Hair and Beauty Training Industry Organisation, and Taituarā Regulations and Bylaws Reference Group.

We would also like to thank officials from across agencies, in particular the Ministry of Health, Ministry of Business, Innovation and Employment, the Ministry of Justice, Health New Zealand and WorkSafe, who have worked constructively with us and provided valuable feedback throughout this Review.



Executive Summary

Background

The hairdressing and barbering industry is a highly competitive industry made up predominantly of small independent businesses. Hairdressing and barbering businesses are projected to generate over \$1 billion in revenue in 2025.¹

The industry in 2025 is in a period of change. Businesses are moving away from traditional brick-and-mortar salons into home or mobile setups. Global trends, amplified by social media, are expanding the range of services consumers are seeking. Barbering in particular has seen significant growth in New Zealand over the last 20 years.

Hairdressers and barbers must comply with general requirements that apply to businesses under legislation such as the Health and Safety at Work Act 2015 and associated regulations, the Building Act 2004 and Building Code, the Consumer Guarantees Act 1993, the Health Act 1956 and others.

There are two sets of regulations that specifically regulate the hairdressing and barbering industry: the Health (Hairdressers) Regulations 1980 and the Health (Registration of Premises) Regulations 1966. The two sets of regulations are made under the Health Act 1956, which mean their purpose is to promote and protect public health.

Most people visiting a hairdresser or barber will not experience any negative health impacts. However, there are risks associated with the hairdressing and barbering industry that may cause harm to customers and workers if proper precautions are not taken. The key risks are:

- risk of transmission of communicable diseases and ectoparasites (e.g., head lice)
- risk of harm due to use of hazardous chemicals
- workplace hazards such as slips and trips and gradual process injuries.

Purpose and scope of the Review

The Hairdressing and Barbering Industry Regulatory Review (the Review) is examining whether the regulation that applies to the industry is proportionate to the risks posed by it. This has involved looking at:

- whether specific regulation of the industry continues to have valid rationale
- whether the current regulatory regime is effective and efficient
- what changes or alternatives to the current regulatory regime would be appropriate.

¹ IBISWorld Pty Ltd *Industry Report: Hairdressing and Beauty Services in New Zealand* (May 2024) at 9.



Findings

The Review has made the following findings:

- There are material market failures in the hairdressing and barbering industry that mean that competitive market forces are not able to address health matters to a satisfactory extent for the overall welfare of society. This exposes customers and workers to low to moderate health risks. These market failures are:
 - **Information asymmetry:** Customers have very little ability to know or find out to what extent the risks they are exposed to are being appropriately managed, as hygiene and safety practices are largely invisible to customers. This means that customers cannot choose a service and opt to pay a higher or lower price based on level of hygiene and safety.
 - **Negative externalities:** harms that arise in the course of hairdressing and barbering, such as spread of communicable disease or injury from chemicals, largely fall on the individual harmed, but some costs fall on the health system or the Accident Compensation Corporation (ACC). Hairdressers and barbers do not bear the full consequences of the risks created as ACC levies only reflect claims by workers, not customers.
- There are currently a range of mechanisms in the system which are operating to manage risks associated with the industry, including the specific hairdressing regulations, general legislation applying to businesses more broadly, the qualifications regime and on-the-job training, guidance documents and the presence of an industry body, Hair and Barber New Zealand. It is unclear to what extent each of these factors are contributing to risk mitigation and which are the key interventions.
- Harm, such as chemical burns or transmission of communicable diseases, is occurring to customers and workers under the current framework, although in most cases it is likely to be low level. Workers, due to higher levels of exposure, are experiencing higher levels of harm.
- While the original objective of the hairdressing and barbering regulations to promote healthy practices is valid, the regulations are not an effective or an efficient intervention. The regulations are outdated, and the level of prescription in the regulations is in most cases not proportionate to the risk of harm. The regulations take a one size fits all approach that does not account for differing service profiles and differing levels of risk across the industry. There is inconsistent compliance with some aspects of the regulations.
- The hairdressing and barbering regulations do not carry high compliance costs (for either regulated parties or the regulator), although some unnecessary costs are being incurred by some business owners. The Review found limited evidence that



the regulations are acting as barriers to entry, innovation or expansion of hairdressing and barbering businesses.

- It is inconsistent to have specific regulations for the hairdressing and barbering industry but not the wider appearance industry, given that hairdressing and barbering are relatively low risk compared to other types of services such as tattooing or skin piercing. Internationally, jurisdictions which have reformed their public health legislation or which regulate the wider appearance industry have been able to move away from specific regulation for the hairdressing and barbering industry.

Recommendations

Recommendations to reform the regulation of the hairdressing and barbering industry

The Review makes the following recommendations:

- **Recommendation 1:** Revoke the Health (Hairdressers) Regulations 1980 in full.
- **Recommendation 2:** Ministry for Regulation collaborate with the Ministry of Health, Health New Zealand, and other relevant parties to develop updated guidance for the industry about health and hygiene practices and communicate changes to the industry and local authorities.
- **Recommendation 3:** Ministry for Regulation monitor and report back to Cabinet two years following revocation of the Health (Hairdressers) Regulations 1980 on whether risks are being appropriately managed under the new regime or whether new risk-based regulations should be introduced.
- **Recommendation 4:** Ministry for Regulation work with the Ministry of Justice to respond to issues raised by submitters with how the Sale and Supply of Alcohol Act 2012 applies to the hairdressing and barbering industry.

The Review assessed two options to respond to the issues identified:

- **Option 1: supported revocation, moving from a proactive to a reactive approach.**
- **Option 2: new risk-based, simplified regulations, made under the Health Act 1956, that regulate health and hygienic practices.**

Both options come with risks and trade-offs, and costs to government to implement. On balance, the Review considers that Option 1 (supported revocation) is the recommended approach. This is because:

- Revoking the Health (Hairdressers) Regulation 1980 and not replacing them would reduce the (already low) compliance costs to businesses, in a way that is unlikely to materially increase health risks.



- Revocation of the regulations would remove one component of government intervention but leave others in place. Most of the risks presented by the industry are broadly managed under general legislative schemes applying to businesses. While these general requirements do not eliminate the market failures and ensuing health risks identified, they do mitigate them.
- Revocation of the regulations would be supported by Ministry for Regulation monitoring the impact of the changes and reporting back to Cabinet on whether risks are being appropriately managed, ensuring that any significant increase in harm can be identified and responded to if required.
- Under the current regulatory regime, most of the monitoring and enforcement activities involve businesses that would already be likely to comply with the hairdressing and barbering regulations and present lower levels of risk (as they have gone through the process of registering and are aware of the regulations). This would be unlikely to change under a new regulatory regime. The cost to resource the level of monitoring and enforcement required to identify operators who are unaware of the requirements or who avoid registration would outweigh the benefits, given the overall low risk level associated with hairdressing and barbering.
- This approach ensures the hairdressing and barbering industry is treated fairly and proportionately to the risk it poses. Introducing new regulations would continue to subject the hairdressing and barbering industry to a higher level of regulation than the wider appearance industry, even though it presents less risk than other services such as skin piercing or tattooing.

There are trade-offs that come with Option 1 (supported revocation) and moving from a proactive to a reactive model:

- The key requirements from a public health perspective that will be forfeited if the regulations are revoked are the requirements to disinfect appliances and other equipment. Environmental Health Officers (EHOs) consulted on the Review report that poor cleaning, disinfection, and hygiene practices are the most common issue they encounter when inspecting hairdressing and barbering premises. The current legal framework gives EHOs a mandate to inspect these premises and draw attention to these requirements to educate and promote better practices.
- It is unknown whether similar outcomes could be achieved if the Health (Hairdressers) Regulations 1980 are revoked and not replaced. EHOs will still be able to visit hairdressing and barbering premises when discharging local authorities' general duty to promote public health, but with resources constrained, we expect that local authorities will prioritise the inspection of regulated premises and activities over unregulated premises and activities.



If risks eventuate, they are likely to fall inequitably. Those at greater risk are more likely to be young people accessing services from their peers who may not be formally trained, those accessing lower-cost services from hairdressers and barbers with lower skill levels due to having a low level of disposable income, and others who have limited general knowledge about health risks.

Support measures are therefore important to ensure the industry understands the need to maintain high standards of hygiene and safety to reduce the risk of harm to their workers and customers. These additional measures will involve clearly communicating the changes to the industry and local authorities, developing updated guidance for the industry about health and hygiene best practice, and monitoring any impacts from revoking the regulations over the following two years.

If monitoring finds that harm has materially increased, it would be possible to introduce a new more targeted risk-based regulations in line with Option 2 at a later date.

Other opportunities for improvement

During the Review, a number of broader regulatory and non-regulatory issues and opportunities were identified. These were either issues that apply to businesses more broadly than just the hairdressing and barbering industry or matters that are out of scope of the Review. We make observations on these in Part 8.

Broader regulatory issues:

- **Sale and supply of alcohol** – the Review recommends that the Ministry for Regulation work with the Ministry of Justice to respond to issues raised by submitters with how the Sale and Supply of Alcohol Act 2012 applies to the hairdressing and barbering industry.
- **Regulatory stewardship under the Health Act 1956** – the Health Act 1956 is out of date and limits modern solutions, but delays in progressing reform of the Act have hampered the Ministry of Health’s ability to carry out its regulatory stewardship role to the extent it would like.
- **Improving data collection** – the Review has encountered challenges in obtaining reliable data to understand the level and prevalence of harm occurring from hairdressing and barbering practices.
- **The experiences of small businesses** - the Review’s analysis and engagement with the hairdressing and barbering industry is providing us with valuable insights into the issues small businesses in New Zealand are facing.

Matters deemed out of scope of the Review:

- **Regulation of the wider appearance industry** – the Review encourages the Ministry of Health to consider future work to examine whether the wider



appearance industry should be regulated, given the higher risk level posed to consumers compared to hairdressing and barbering services.

- **Qualifications for hairdressers and barbers** - the Review found no significant evidence that having only 60 percent of the current industry qualified has contributed to an increase in harm, but will monitor this following any changes to the regulatory framework.
- **The role of the industry body** – the industry is fragmented and the industry body, Hair & Barber New Zealand | Makawe me Kaikuti Makawe o Aotearoa, only represents 10 percent of the industry. We will seek to work with Hair & Barber New Zealand on developing and communicating new guidance for the industry and will explore ways to involve the broader industry as part of this.



Part 1: Introduction

1. This section of the report outlines the reason for, and the purpose and scope of, the Hairdressing and Barbering Industry Regulatory Review (the Review). It also summarises the Review's process.

Summary

- Regulations governing the hairdressing and barbering industry have become outdated.
- The aim of the Review is to identify whether the specific regulations governing the hairdressing and barbering industry are proportionate to the level of risk posed by the industry, and if they are not, to recommend options for change.

Structure of this report

2. This report is broken into eight parts:
 - **Part 1** outlines the purpose and scope of the Review and describes the process followed in carrying out the Review
 - **Part 2** gives an overview of the hairdressing and barbering industry
 - **Part 3** outlines the main health risks associated with the hairdressing and barbering industry
 - **Part 4** analyses the market failures in the hairdressing and barbering industry that are resulting in health risks
 - **Part 5** describes the regulatory system underpinning the hairdressing and barbering industry
 - **Part 6** assesses how effective and efficient the specific hairdressing and barbering regulations are in mitigating the identified health risks
 - **Part 7** sets out the Review's assessment of the appropriate level of government intervention in the hairdressing and barbering industry, and outlines recommendations for reform
 - **Part 8** identifies other regulatory and non-regulatory opportunities.

The need for the Review

3. One of the functions of the Ministry for Regulation (the Ministry) is to carry out regulatory reviews. These reviews identify opportunities to improve existing regulation. This Review is the third review by the Ministry.
4. Hairdressers and barbers are in every community across the country, providing valued services purchased by a significant proportion of New Zealanders.



Hairdressing and barbering practices have a long history and cultural significance in New Zealand and around the world, and in 2025, hairdressing and barbering are seen as creative and attractive careers with low barriers to entry. Barbering particularly is growing in popularity, both as a service and as a career path. Hairdressing and barbering businesses are projected to generate over \$1 billion in revenue in 2025.²

5. Regulation governing the hairdressing and barbering industry was identified by industry and representative groups as an example of a regulatory framework that is outdated and in need of reform.

Purpose and scope of the Review

6. The purpose of this 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 Review has been directed to examine:
 - whether regulation of the hairdressing and barbering industry continues to have valid rationale
 - whether the current regulatory framework is effective and efficient
 - what changes or alternatives to the current regulatory regime would be appropriate, including removal of unnecessary requirements and non-regulatory approaches to managing identified risks.
7. The scope of the Review is focused on regulations that apply specifically to the hairdressing and barbering industry. The priority legislative instruments are the Health (Hairdressers) Regulations 1980 and the Health (Registration of Premises) Regulations 1966. Throughout this report we refer to these two sets of regulations together as the hairdressing and barbering regulations.
8. Several matters are expressly out of scope of the Review:
 - whether other beauty services, such as tattooing, skin piercing or hair removal, should be subject to different regulation to the current state
 - investigation of individual complaints about how the regulations are applied by particular local authorities
 - workforce planning or estimating the market's requirements for trained workers
 - evaluating the appropriateness of hairdressing and barbering qualifications or the level and targeting of government funding for these qualifications.

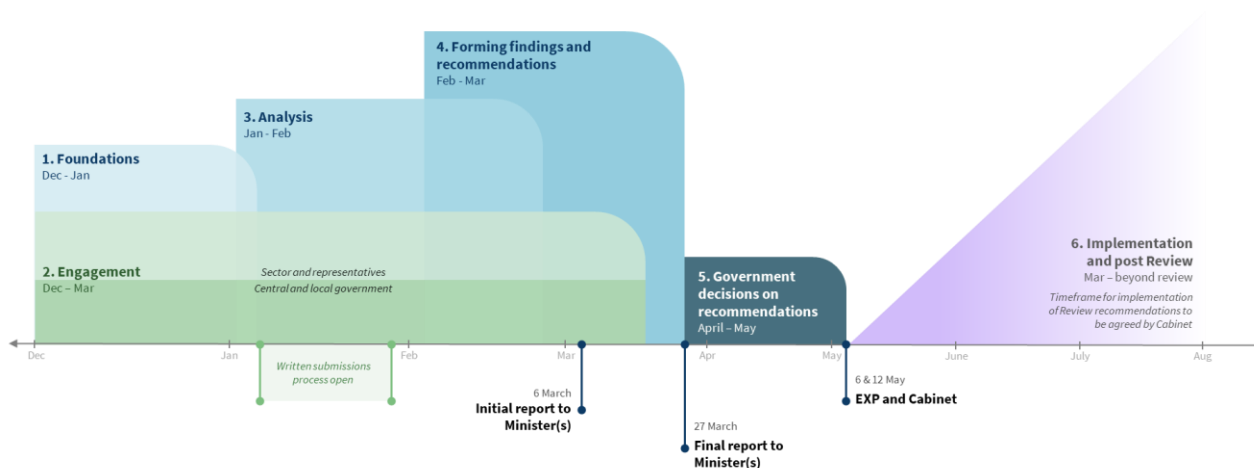
² IBISWorld Pty Ltd *Industry Report: Hairdressing and Beauty Services in New Zealand* (May 2024) at 9.



9. The Terms of Reference provide further details on the purpose and scope of the Review.

Process for the Review

10. The diagram below shows the high-level Review process and timeline.



The analytical approach for the Review

11. To answer the Terms of Reference, the Review worked through the following questions:
 - a) **Is there rationale for any government intervention in the hairdressing and barbering industry?** The Review explored whether there are market failures, and resulting health risks, of sufficient magnitude to require government intervention, through regulatory or non-regulatory mechanisms.
 - b) **If yes (there is rationale for government intervention), is the current set of specific regulations and their implementation effective and efficient?** The Review looked at whether current government intervention was appropriate.
 - c) **If no (the current approach is not effective or efficient), what are the alternatives?** The Review considered the alternatives to current government intervention, and analysed what type and level of intervention from government is proportionate to the risks.
12. The analysis process for the Review included engaging with impacted parties, reviewing industry and local government practice, international benchmarking and reviewing available literature and evidence. The Review assessed a range of data to inform the analysis, including Accident Compensation Corporation (ACC) reports of harm and local authority enforcement data. The Review also sought specific expertise where relevant, including from public health academics as well as public health officials in Australian states.



The engagement process

13. The findings and recommendations set out in this report are informed by two rounds of engagement. A report setting out what we heard during engagement is attached at **Appendix A**.
14. The Review's first round of engagement was market research, focusing on understanding the health risks and potential market failures in the industry and problems with the current regulatory framework. This round prioritised hearing from industry and local authorities. We received 147 submissions, through a combination of direct engagement and written submissions, from:
 - hairdressers and barbers (32 submissions)
 - hairdressing and barbering business owners (62 submissions)
 - industry representative organisations (7 submissions)
 - Environmental Health Officers (EHOs), who inspect hairdressing and barbering businesses on behalf of local authorities (46 submissions).
15. For the second round of engagement, the Review tested draft findings and sought feedback on options for reform with industry representatives, local authorities and impacted government agencies. We received 24 written submissions from local authorities, and engaged directly with industry representatives, including the New Zealand Institute of Environmental Health (NZIEH). We also engaged directly with:
 - Ministry of Health | Manatū Hauora
 - Health New Zealand | Te Whatu Ora
 - Ministry of Business, Innovation, and Employment | Hīkina Whakatutuki (MBIE)
 - WorkSafe New Zealand | Mahi Haumaru Aotearoa
 - Department of Internal Affairs | Te Tari Taiwhenua.
16. Note that where topics were raised by less than 10 percent of submitters, we have not addressed them in this report.



Part 2: The hairdressing and barbering industry

17. To answer the Terms of Reference questions, the Review needed to understand the dynamics of the hairdressing and barbering industry. This part of the report describes the industry, to provide context and information for the findings and recommendations set out later in this the report.
18. There is a lack of good data and evidence that relates specifically to the hairdressing and barbering industry in New Zealand. Much of the available data covers the appearance industry as a whole, which in addition to hairdressing and barbering includes tattooing and skin piercing and other beauty services. Where available data refers to the appearance industry as a whole, we specify this.

Summary:

- There are high levels of competition in the industry due to low barriers to entry and minimal to no financial costs for consumers to switch between providers.
- Much of the industry is made up of small independent businesses. There are a few large chains which hold a modest market share.
- The appearance industry is a young industry and 87 percent of the workforce are women.
- It is estimated that around 60 percent of hairdressers and barbers are formally qualified, although the proportion is likely to be lower for barbers.
- Business models and services are changing. Key trends include:
 - an increase in home salon and mobile set-ups
 - expanded service offerings influenced by global trends
 - the growth of the barbering industry.
- High levels of competition and changing market trends are key context for considering how the industry should be regulated.

Overview of the hairdressing and barbering industry

19. The hairdressing and barbering industry includes two distinct but related services and professions:
 - Barbers – cut men’s hair and shave or trim beards. Barbers typically do not provide hair colour (dye) services or treatments, or wash hair. Some barbers may also provide services for women.
 - Hairdressers or hair stylists – cut and style people’s hair. Hair colouring and treatments such as chemical straightening are commonly provided services.



Demographics

20. **Figure 1** below provides some key information about the appearance industry.

Figure 1: The appearance industry in New Zealand

The appearance industry in New Zealand

It is challenging to separate data about hairdressing and barbering from other parts of the 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

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

5,600
businesses
Much of the industry is made up
of small independent businesses

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%
hold qualifications
(Level 3 or Level 4 certificate).

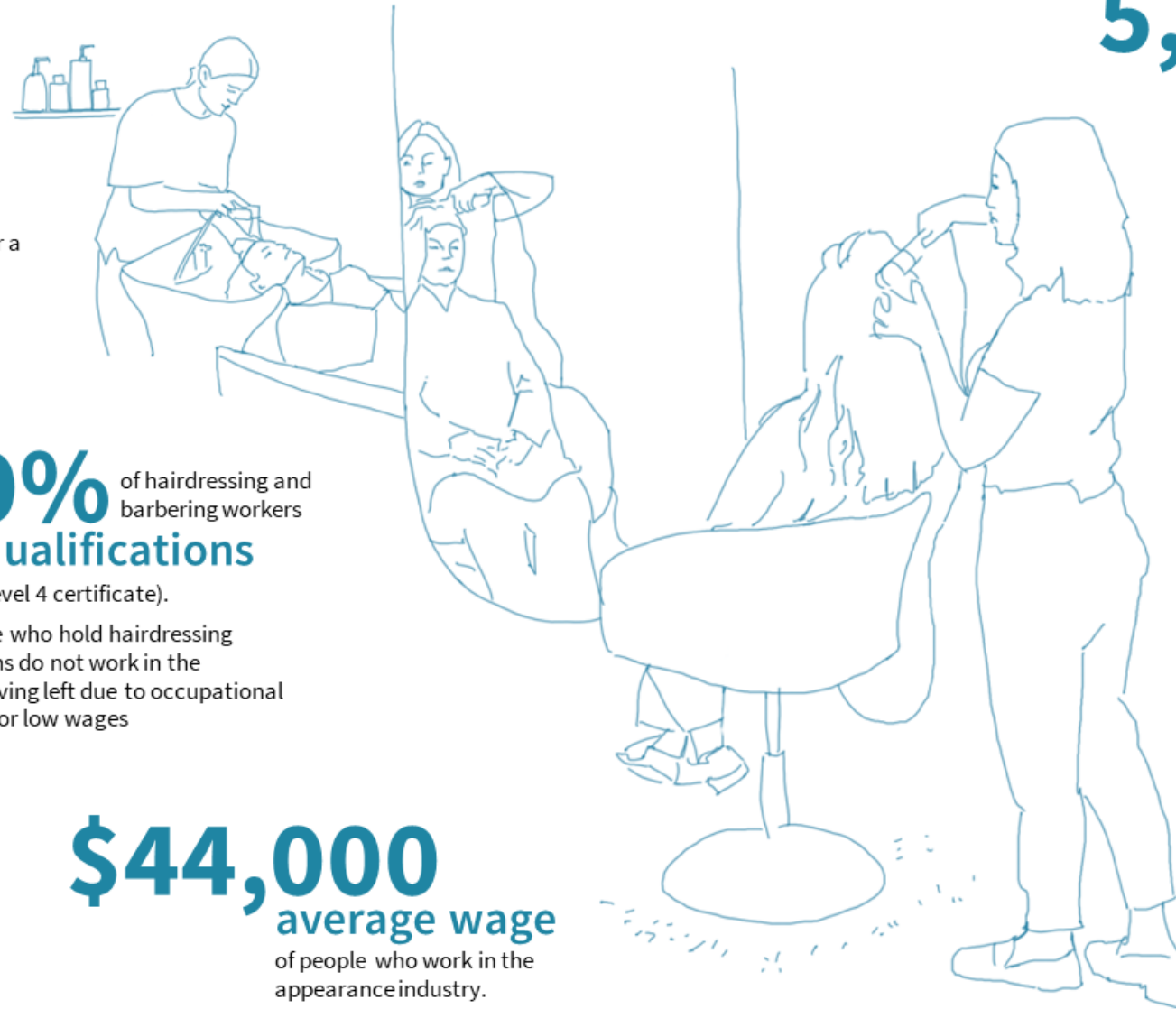
Many people who hold hairdressing
qualifications do not work in the
industry, having left due to occupational
health risks or low wages

87%
of the industry is female
but pay gaps between male and female
workers are still evident

\$44,000
average wage
of people who work in the
appearance industry.

60%
of the industry was born
outside of New Zealand

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





Skills and qualifications

21. Approximately 60 percent of people who work in the wider beauty industry have formal qualifications.³ Qualification in this industry is a Level 3 or 4 New Zealand Certificate in either Hairdressing or Commercial Barbering. There are three main pathways to becoming a qualified hairdresser or barber:
 - Learning with a tertiary education provider (one to two years): preferred by some younger entrants to the industry coming out of high school
 - Workplace-based apprenticeship (three to four years): learning on the job under the supervision of a qualified hairdresser or barber
 - Qualification by Experience: people with seven years of experience can be assessed for certification.
22. While barbering and hairdressing share the same qualification pathways, there are significant differences in the qualification rates and challenges facing the two industries.
23. In the hairdressing industry there is a strong history of apprenticeship training. However, the quality of education and training in the industry is generally seen as sub-optimal, with the process for getting qualified taking too long and skill level of graduates varying widely.⁴ Fewer people are enrolling in hairdressing programmes, with the number of learners reducing from around 750 in 2017 to just under 500 in 2022. Only half of those who enrol in a hairdressing programme complete their qualification, although some who leave training may work in the industry while unqualified or return to complete their qualification later.⁵

“The industry is flooded with unqualified unskilled ‘hairdressers’. They get a qualification from [institution] for one or two years and think they can cut hair. They can’t!”

- Business owner
24. In contrast to hairdressing, barbering is a largely self-taught industry. Many well-regarded barbers have no formal qualifications. There has been an increase in enrolments in barbering qualifications over the last decade, from approximately 250 learners in 2017 to over 600 in 2022. However, attrition rates are greater than for

³ Cheree Kinnear “Watch Focus: Hairdressing industry faces ‘concerning’ skills gap as salons turn apprentices away” *The New Zealand Herald* (online ed, Auckland, 24 May 2024).

⁴ *Kia Ita! The Barbering and Hairdressing Workforce Development Plan* (Toi Mai Workforce Development Council, October 2024) at 68.

⁵ *Ibid.*, at 65.



hairdressing qualifications.⁶ There is a similar view that qualification pathways are not fit for purpose, as formal training pathways are not viewed as providing the practical on-the-job training entrants are seeking.

25. Hairdressing and barbering, as is common with women-dominated professions⁷, is low paid.⁸ Being qualified also does not lead to much difference in income levels.⁹
26. Hairdressing and barbering are flexible and creative industries which provide attractive pathways for people entering the workforce outside of traditional education models. Barbering training programmes are being set up outside of formal training and funding mechanisms to cater to Māori and Pacific barbers or to employ young people who are not engaged in employment, education or training.¹⁰ Hairdressing programmes have been set up in women's prisons in New Zealand to provide pathways to employment following release.¹¹

Market structure and characteristics

The industry is dominated by small businesses

27. There are three main business models for hairdressing and barbering businesses:
 - full operation – where an employer pays staff salary or wages, some of which may be commission-based
 - sole operator – often working from home in a home-based salon, but some work from a shop or salon, or offer a mobile service
 - rent-a-chair – where the hairdresser or barber pays a fee or a proportion of their income to rent a chair in a salon or barbershop.
28. The three main business models operate in different settings to deliver their services: brick-and-mortar salons and barbershops, home-based services, mobile services and itinerant, temporary and informal services. To understand the relative market share for each setting, the Review requested information from local authorities on registered hairdressing and barbering businesses in their area.

⁶ *Kia Ita! The Barbering and Hairdressing Workforce Development Plan* (Toi Mai Workforce Development Council, October 2024) at 42.

⁷ *Women at Work: 1991-2013* (Stats NZ, October 2015) at 30.

⁸ *Kia Ita! The Barbering and Hairdressing Workforce Development Plan* (Toi Mai Workforce Development Council, October 2024) at 62 – according to Seek the average annual salary for hairstylist jobs in Aotearoa ranges from \$45,000 to \$55,000 or \$865 - \$1057 per week. The median weekly earnings in New Zealand as at June 2024 was \$1343 – see Statistics New Zealand “Income” <www.stats.govt.nz/topics/income>.

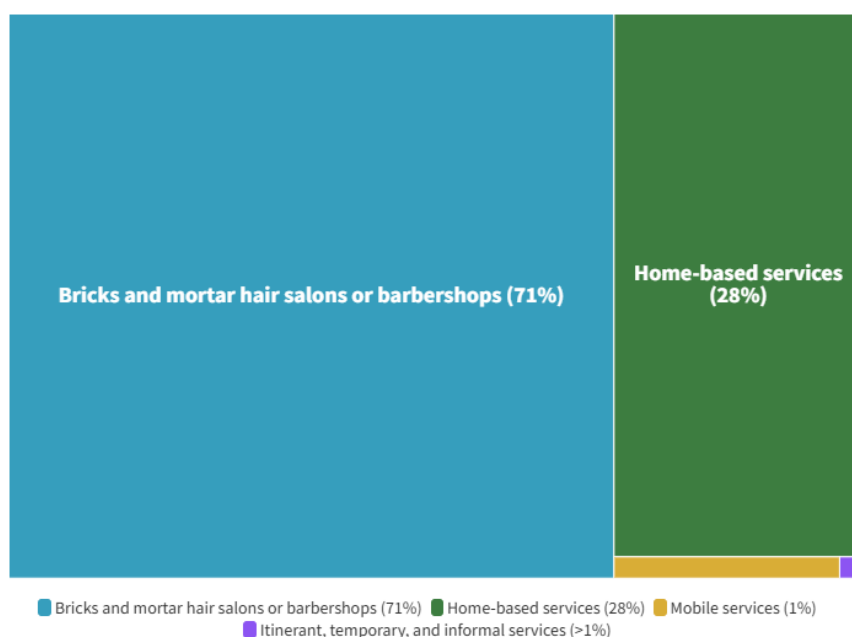
⁹ *Kia Ita! The Barbering and Hairdressing Workforce Development Plan* (Toi Mai Workforce Development Council, October 2024) at 42.

¹⁰ *Ibid.*, at 45.

¹¹ “Hair 4 Change At Christchurch’s Women’s Prison” HITO <www.hito.org.nz>.



Figure 2: market share of different settings for hairdressing and barbering businesses¹²



29. Much of the industry is based around small independent businesses. A few large chains hold an estimated 10-15 percent of market share between them.¹³
30. Some businesses are not confined to hairdressing and barbering services but also offer other appearance services in the same premises, such as hair removal or nail care.

The industry has conditions in place that enable workable competition

31. The Review has considered the available data and information to conclude that the hairdressing and barbering industry is a highly competitive one, particularly in urban areas where greater population density can sustain a greater number of businesses. The industry has relatively low barriers to entry and minimal to no financial costs for consumers to switch between providers.
32. When entry costs are low, new businesses can quickly and easily enter and win market share, which means existing businesses are less likely to raise prices or lower quality to maintain their competitiveness.
33. There are several features of the industry that contribute to low entry costs:
 - There are no mandatory qualification or training requirements to operate as a hairdresser or barber (although workers do need some level of skill to remain in the market)

¹² Based on a survey of Territorial Authorities (TAs) undertaken by Ministry for Regulation in February 2025. Percentages are based on the 27 TAs that provided time series data and included premises type.

¹³ IBISWorld Pty Ltd *Industry Report: Hairdressing and Beauty Services in New Zealand* (May 2024) at 51.



- Models such as ‘rent-a-chair’ setups provide alternative avenues for entry that allow operators to avoid the entry costs of setting up brick-and-mortar shops and salons. Alternatives to brick-and-mortar shops and salons such as home-based businesses open up the market up to more players, particularly in a women-dominated workforce where starting a business from home with relatively low set-up costs presents an attractive option.
34. Another factor creating high levels of competition is the fact that consumers face minimal to no financial costs to switch from one hairdresser or barber to another. There are no structural barriers preventing switching, such as break fees or lengthy cancellation processes that might be present in other industries, although in areas where there are long waiting times to get an appointment this may act as a deterrent to switching.
 35. Having said this, hairdressing and barbering workers can form close bonds with clients due to seeing the same person repeatedly, sometimes acting as informal confidants in addition to providing hairdressing or barbering services. For clients, having a personal rapport with their hairdresser is a crucial component of service choice – a 2022 industry study in the UK found that over 40 percent of women surveyed reported sharing a bond with their hairdresser that surpasses providing a service.¹⁴ This relational element is likely to make switching between providers less common than in other comparable industries.
 36. Analysis of pricing data corroborates our assessment that there is workable competition in for hairdressing businesses, although we were unable to find data to assess this for barbering businesses.
 37. When adjusted for inflation, the price for a woman’s shampoo, cut and blow wave has remained essentially flat since around 2015.¹⁵ This suggests that price increases have tracked with general inflation, consistent with a competitive environment where price adjustments are in line with costs.
 38. Since 2015, the number of hairdressing and beauty businesses has grown at a faster rate than the total number of businesses across New Zealand, as shown in **Figure 3**. This may partially explain the trend of flat prices across this period (when adjusted for inflation), with new entrants to the market placing increased competitive pressure on pricing.

¹⁴ Sam Taylor “Study from Kao reveals how salon visits pay off on personal wellbeing” *Concept Hair* (online ed, United Kingdom, 15 December 2022). Note that this is an industry-commissioned study from a company that sells hair products.

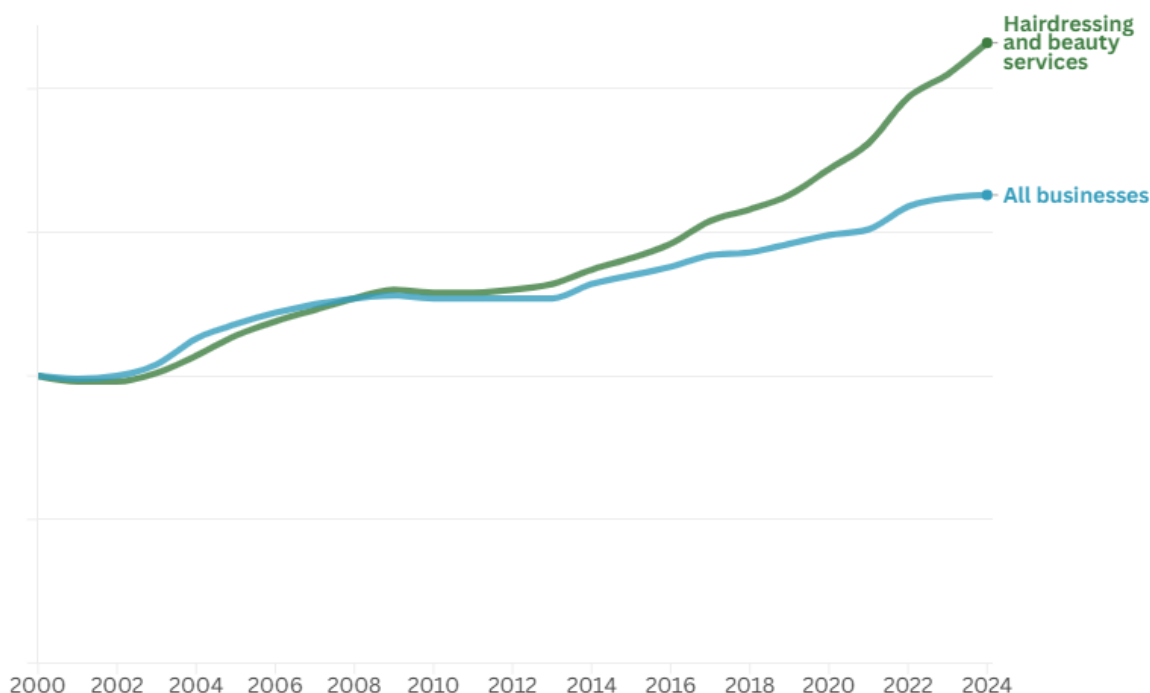
¹⁵ Data sourced from Statistics New Zealand Consumers Price Index: December 2024 quarter.



Figure 3: annual growth trend in the number of hairdressing and beauty businesses¹⁶

Annual growth trend in the number of hairdressing and beauty businesses

Compared to all businesses, 2000 to 2024



The industry is changing

39. A number of market trends are changing the way the hairdressing and barbering industry operates.

Alternative service models are a growing proportion of the industry

40. Business owners and industry groups told the Review that there has been a shift in recent years away from brick-and-mortar salons towards hairdressers and barbers setting up home-based businesses. Some business owners are forgoing the costs of setting up and running more traditional high street businesses in favour of running businesses from home, where operating costs are likely to be lower.
41. The Review has heard that this trend is tied to the falling number of hairdressing apprentices. Home-based hairdressers usually work as sole operators and often do not take on apprentices, reducing the pool of workers available to train the next generation of hairdressers.¹⁷

¹⁶ Data sourced from Statistics New Zealand Business Demography dataset at February 2024. Both series have been set to a comparable value in 2000.

¹⁷ Cheree Kinnear “Watch Focus: Hairdressing industry faces ‘concerning’ skills gap as salons turn apprentices away” *The New Zealand Herald* (online ed, Auckland, 24 May 2024).

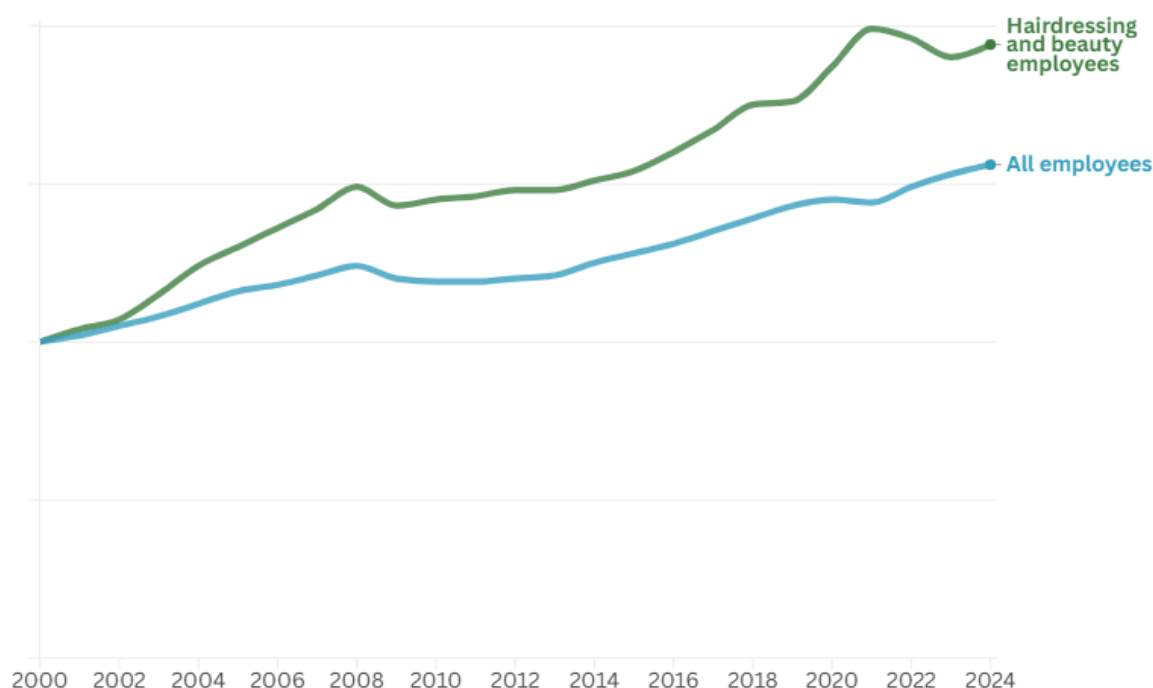


42. Business demography data corroborates this reported shift. As **Figure 4** demonstrates, the number of employees in hairdressing and beauty services increased through to around 2021, but since then has remained flat (including relative to increasing employee numbers across all industries), despite the number of businesses continuing to increase from 2021 to 2024, as shown earlier in **Figure 3**.
43. This suggests that a constant pool of existing employees have been leaving larger businesses and establishing new, smaller businesses.

Figure 4: annual growth trend in the number of hairdressing and beauty employees¹⁸

Annual growth trend in the number of hairdressing and beauty employees

Compared to all employees, 2000 to 2024



¹⁸ Data sourced from Statistics New Zealand Business Demography dataset at February 2024. Both series have been set to a comparable value in 2000.



Barbering is a growing segment of the overall industry

44. In the 1970s, men's barbering went into decline as men started to wear longer hair. The shift away from short hair meant that men's hair was cut less frequently, and many barbers closed their doors.¹⁹ By the mid-1970s nearly 80 percent of the hairdressing workforce in New Zealand were women.²⁰
45. However, since the 2000s, the number of barbershops in New Zealand has grown significantly. Barbering is becoming increasingly popular as a service and as a career path.²¹ Service models are evolving, shaped by homegrown Māori and Pacific approaches as well as overseas influences.²²
46. Some barbershops are operating not just as places to get a haircut, but as community spaces for men's connection and wellbeing.²³ For example, She is Not Your Rehab was founded in 2019 from a barbershop as a movement for men to acknowledge and respond to childhood trauma, undertaking national campaigns about mental health support and family violence.²⁴
47. Barbering is particularly attractive to young people. Many barbers first experience cutting hair between the age of 11 and 15.²⁵ Social media trends are entrenching this pattern, as barbering content is popular on Instagram and TikTok and savvy users are able to leverage this into significant marketing reach. Young people in New Zealand are taking inspiration from online creators to start their own barbering businesses.²⁶
48. The service profile of barbering is evolving in response to consumer demand and the changing profile of barbers. During engagement we heard that:
 - 'traditional' services such as cut-throat shaves are coming back into fashion and are increasingly in demand by consumers
 - some barbers are expanding into offering chemical services like perms
 - barbering is an attractive business opportunity for new migrants, particularly those from countries with a strong culture of traditional barbering, who are bringing new techniques and services like Turkish shaves into the market.

¹⁹ Bronwyn Dalley "Personal Grooming" (5 September 2013) Te Ara – The Encyclopedia of New Zealand <www.teara.govt.nz>.

²⁰ Barbara Brookes and Catherine Smith "Technology and Gender: Barbers and Hairdressers in New Zealand, 1900–1970" (2009) 25(4) History and Technology 365 at 381.

²¹ See for example Hamish McNicol "Booming barbering industry looks to sharpen its blade" (30 July 2017) *Stuff.co.nz* <www.stuff.co.nz>.

²² *Kia Ita! The Barbering and Hairdressing Workforce Development Plan* (Toi Mai Workforce Development Council, October 2024) at 34.

²³ *Ibid.*, at 57.

²⁴ "About – She Is Not Your Rehab" <www.sheisnotyourrehab.com>.

²⁵ *Ibid.*, at 40.

²⁶ See for example Duncan Greive "How the Gen Z broccoli haircut became big business for a teen barber" (2 November 2024) *The Spinoff* <www.thespinoff.co.nz>.



Part 3: Risks arising from hairdressing and barbering practices

49. This part of the report describes the health risks involved in the hairdressing and barbering industry.

Summary:

- There are three key risks that can arise in the course of hairdressing and barbering services, which can affect both customers and workers:
 - risk of transmission of communicable diseases (e.g., Hepatitis B or C, tinea capitis – scalp ringworm) and ectoparasites (e.g., headlice)
 - risk of harm due to use of hazardous chemicals
 - workplace hazards like repetitive strain injury, conditions caused by chemical exposure, slips and trips.
- The level of risk involved depends on the risk profile of the service offered, the skill level of the person providing the service, and the systems and processes the business has in place to mitigate risks (e.g., disinfection processes).
- It is difficult to know the prevalence of harm. However, the Review has concluded that:
 - harm is occurring from the risks in the hairdressing and barbering industry
 - workers, due to higher levels of exposure, are experiencing higher levels of harm than customers
 - the harm has individual, societal and government costs.

What are the risks involved in the hairdressing and barbering industry?

50. 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 are present when having a haircut, colour, or shave. These risks apply to customers and hairdressers and barbers and can be grouped into three key risks:

- **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,²⁷ transmission of bacterial infections,²⁸ transmission of fungal infections,²⁹ and transmission of ectoparasites.³⁰ These types of risks are generally managed through public health responses.

- **risk of 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). These types of risks are generally managed through workplace health and safety responses.
 - **common workplace hazards** – such as slips and trips, use of hot tools, and gradual process injuries such as repetitive strain injuries. This group of risks largely affects workers. As these types of workplace hazards are not specific to hairdressing and barbering, we do not consider them in detail in this report.
51. **Appendix B** provides more detail on the first two categories of risk above, including how each risk arises, what is known about the level and severity of harm that can be incurred, and whether the harm is covered by the Accident Compensation Corporation (ACC) scheme.
52. The type and severity of the risks identified above are not the same across the industry. The actual risks at a particular salon or barbershop will vary depending on:
- the risk profile of the services offered – for example, chemical burns are more common in hair salons (particularly if the salon uses products containing ammonia), as many barbershops do not colour hair or provide chemical services
 - the skills and experience of the person providing it – for example, we have heard that unqualified barbers new to the industry 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
 - the systems and processes used by the business – for example, we have heard that some have more thorough approaches than others to safety and hygiene practices.

²⁷ E.g., hepatitis B, hepatitis C.

²⁸ 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)].

²⁹ E.g., tinea capitis (scalp ringworm).

³⁰ E.g., head lice.



What is the magnitude of the risks and how often do they result in harm?

53. The Review analysed available data and information to assess the magnitude (likelihood of risk arising and consequence of risk occurring) of the risks posed by the hairdressing and barbering industry, and to assess evidence of harm occurring due to those risks.
54. This data is not perfect, and it is likely that the harm levels are under-represented.³¹ The Review found several overseas studies that looked at the presence of pathogens on barbers' tools and barbers' understanding of hygiene and sanitation practices. These studies found high prevalence and low understanding. However, no New Zealand based studies were identified, and those found were from countries we do not typically compare our health settings to.
55. The data and information the Review assessed includes:
- data on frequency of accidents or harm to customers and/or workers from ACC, WorkSafe and Health New Zealand
 - data on regulatory enforcement activity from WorkSafe and Local Authorities
 - feedback from hairdressing and barbering customers in the form of complaints made to:
 - the Commerce Commission³²
 - the industry body (Hair & Barber New Zealand)³³
 - feedback from those with on-the-ground experience in the industry through:
 - responses from business owners, hairdressers and barbers, and Environmental Health Officers in written submissions to the Review to questions about what risks are present in the industry and what issues most frequently seen
 - meetings with the industry body (Hair & Barber New Zealand) and the Hair and Beauty Industry Training Organisation (HITO)
 - feedback from government officials and academics with technical expertise in New Zealand and Australia.

³¹ Most communicable diseases are not reportable, and therefore not captured in any national dataset. While ACC has robust data on injuries to workers, data on injuries to non-workers is considerably less robust as it is reliant on the use of specific keywords (e.g., haircut) in an optional free text field.

³² Commerce Commission staff removed all identifying information from the descriptions before providing to the Ministry for Regulation. Any conduct mentioned in complaints is an allegation from the complainant's perspective.

³³ Hair and Barber New Zealand staff removed all identifying information before providing to the Ministry for Regulation.



Magnitude of risks

56. Based on the available data and information the Review has developed the table in **Figure 5** below, showing the key risks by relative frequency and typical consequence.

Figure 5: Relative health and safety risks and typical health impacts in the hairdressing and barbering industry³⁴

		Typical consequence (relative)		
		Low (likely to make full recovery, no ongoing impacts)	Moderate (likely to require medical care, but typically will lead to full recovery)	High (likely to require significant or ongoing medical care, permanent harm, reduction in ability)
Frequency (relative)	Very low (occurs less frequently than once a year for a typical hair stylist or barber)	<ul style="list-style-type: none"> chemical burns to airways or eyes – customers in hair salons 	<ul style="list-style-type: none"> encounter a customer with tinea capitis - scalp ringworm (fungal infection) encounter a customer with impetigo (bacterial infection) 	
	Low (occurs once a year for a typical hair stylist or barber)	<ul style="list-style-type: none"> encounter a customer with scabies (ectoparasite) encounter a customer with an infected cut (bacterial) – in a hair salon burns from hot instruments – barbers chemical burns to airways or eyes – hair stylists 	<ul style="list-style-type: none"> more than minor cuts – customers in hair salons 	
	Low to moderate (occurs every 6 months for a typical hair stylist or barber)	<ul style="list-style-type: none"> encounter a customer with head lice (ectoparasite) – in a hair salon encounter a customer with an infected cut (bacterial) – barbers minor cuts – customers in hair salons burns from hot instruments – customers in hair salon 	<ul style="list-style-type: none"> more than minor cuts – hair stylists and barbers more than minor cuts – customers in barbershops chemical burns – customers in hair salons contact irritant dermatitis or contact allergic dermatitis (can become infected) – barbers contact irritant dermatitis or contact allergic dermatitis (can become infected) – customers in barbershops 	<ul style="list-style-type: none"> encounter a customer with Hepatitis B infection encounter a customer with Hepatitis C infection
	Moderate to high (occurs once a month for a typical hair stylist or barber)	<ul style="list-style-type: none"> encounter a customer with head lice (ectoparasite) – in a barbershop yeast infections in skin folds encounter a customer with bacterial folliculitis (bacterial infection) minor cuts – customers in barbershops burns from hot instruments – hair stylists injuries due to slips and trips 		
	High (occurs once a week for a typical hair stylist or barber)	<ul style="list-style-type: none"> encounter a customer with illness due to airborne pathogen (e.g., COVID-19, whooping cough) minor cuts – barbers minor cuts – hair stylists chemical burns – hair stylists 	<ul style="list-style-type: none"> contact irritant dermatitis or contact allergic dermatitis (can become infected) – customers in hair salons 	<ul style="list-style-type: none"> contact irritant dermatitis or contact allergic dermatitis (can become infected) hair stylists – many have had to leave industry due to it

Low risk
 Medium risk
 High risk

³⁴ This table was compiled based on a combination of feedback from direct engagement with the sector and desktop research.



Harm caused by risks

57. The table in **Figure 5** outlines the risks that are present, and how likely they are to be encountered in hairdresser and barber shops. How often those risks turn into harm is harder to estimate.
58. Some harm is unlikely to be reported by customers or workers (including because there is no clear complaint route). For some types of harm, the customer or worker may not know that the harm was incurred from the hairdressing or barbering service. Relevant data is spread across multiple government and non-government bodies, further complicating the ability to estimate the likelihood of risks eventuating in harm.
59. The Review can conclude that:
 - harm is occurring from the risks in the hairdressing and barbering industry – both to customers and workers
 - workers, due to higher levels of exposure, are experiencing higher levels of harm than customers and this is one of the factors behind the relatively high number of workers leaving the industry
 - the harm has individual, societal and government costs, albeit lower than harm occurring as a result of the work of other industries.
60. The Review has identified evidence of harm to customers from the hairdressing and barbering industry through:
 - **ACC claims:** 436 active claims relating to non-workers in 2024
 - **Complaints made to Hair & Barber New Zealand (the industry body)** – 35 complaints relating to a customer being injured or having their hair burnt in a two-year period.
 - **Complaints made to the Commerce Commission** – 100 complaints made between 19 January 2012 and 27 July 2024 (entire records at the time of the request). Although only 12 complaints related to a customer being allegedly harmed, others raised risks present in businesses that could have resulted in harm to other customers.³⁵ For example, one complaint involved concerns around the use of chemicals in an unregistered hair salon being run from a garage, and others involved reports of unhygienic or unsafe practices. Hairdressing/barber complaints made up less than 0.1% (0.097) of the total reported concerns received during this period for all sectors.

³⁵ It would be expected that complaints made to the Commerce Commission were not about harm and public health risks but rather about areas within their regulatory scope, so the low proportion of complaints relating to alleged harm is not taken as direct evidence of low harm.



Harm to hairdressers and barbers

61. It is likely that harms to workers are resulting in some workers leaving the workforce.³⁶ A relatively high proportion of people who train and/or work in hairdressing and barbering leave the industry each year. A 2002/03 Department of Labour survey of 70 hairdressers found that 50 percent had or had in the past five years suffered a chemical overuse disorder, and 10 percent currently had or had had dermatitis.³⁷ A HITO survey of apprentices who did not complete their training in 2005 found that 5.3 percent did so for medical reasons.³⁸

“I think the main risk in hairdressing health is lung health and what we are breathing in daily... whether it be chemical for colour or care and styling”

- Business owner

Harm to customers

62. The most common harm suffered by customers is likely to be a chemical burn or a minor cut. The impact of this harm is predominantly pain to the individual, with many of the minor injuries able to be managed at home without medical treatment. The harm that is likely to occur to customers is often very visible harm (burnt hair, burnt face) which could have an, albeit short-term, impact on their comfort and confidence.
63. While the most common harm is a chemical burn or minor cut, there are low or moderate occurrence risks that can cause moderate or high harm to customers (refer to **Figure 5** above). It is also worth noting that there are some risks in this category that occurrence cannot be measured for – for example, if a disease such as Hepatitis B was passed on through a hairdressers or barbers shop it is highly unlikely the source could or would be traced.³⁹

“There is the possibility of chemical burns on scalps if manufacturers' instructions are not followed. We ensure that our staff have all had the required training to apply the product correctly as per the manufacturer's guidelines”

- Business owner

³⁶ This is likely alongside the fact it is a relatively low paid industry with late night and weekend work required.

³⁷ Department of Labour *Health and safety in hairdressing: An evaluation of health and safety management practices in the hairdressing industry* (August 2007) at 68.

³⁸ Ibid., at 68.



Impact and cost of harm

64. In addition to pain or ongoing conditions caused to an individual worker or customer, some harms arising in the hairdressing and barbering industry results in costs that will fall on the health system (e.g., hepatitis C infection, treatment of chemical burns), 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 or a burn requiring time off work).
65. The Review has also found a direct cost to government of harm occurring in hairdressing and barbering businesses, in the form of ACC payments (noting that levies paid by hairdressing and barbering businesses at least partly cover these costs). Approximately \$2.8 million was paid as a result of this harm in 2024. Active claims to ACC in the 2024 calendar year included:
- a. 436 active claims in relation to non-workers, at a cost of approximately \$360k to government – common injuries involved the word ‘hair dye’ (254), and/or soft tissue injuries (107), and/or occupational disease (81), and/or lacerations/punctures/stings (76), and/or burns (30)⁴⁰
 - b. 717 active claims in relation to workers, at a cost of approximately \$2.5 million to government – common injuries involved soft tissue injuries (407), and laceration/punctures/stings (48).⁴¹

⁴⁰ Data will not sum to total as some events counted in more than one group.

⁴¹ Accident Compensation Corporation “Information request GOV-037448” (12 February 2025).



66. The cost of ACC claims from the hairdressing and barbering industry for both workers and non-workers has increased significantly in recent years, as shown by **Figure 6** and **Figure 7** below.⁴²

Figure 6: ACC non-worker claims - active costs by year

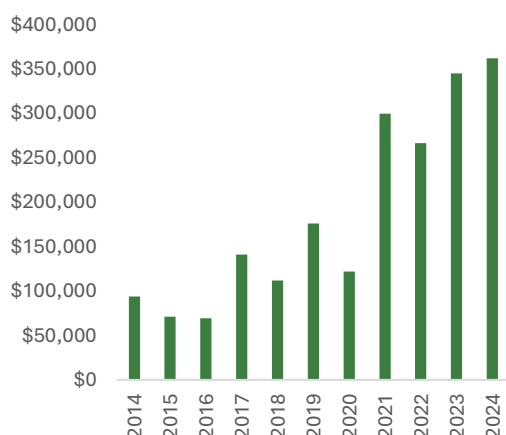
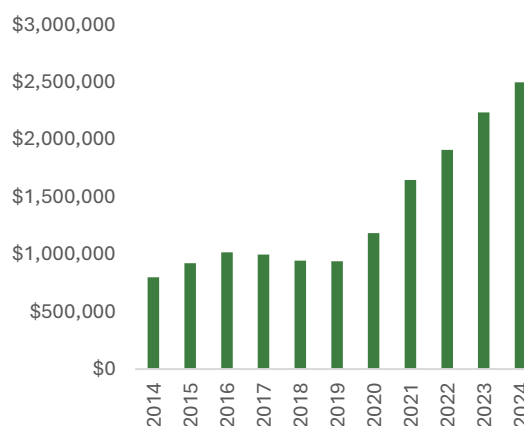


Figure 7: ACC worker claims - active costs by year



67. Please see **Appendix C** for further detail on the data considered by the Review to form the conclusions made in this section.

⁴² Accident Compensation Corporation “Information request GOV-037448” (12 February 2025). The increase could be due to a range of impacts, such as inflationary pressures, increased risks, impacts arising from the Covid-19 pandemic or data imperfections. We have not undertaken detailed analysis to isolate the impact of any of these, or other, factors. The data ACC provided shows that new claims as a percentage of active claims has been declining (suggesting that workers may be requiring treatment for longer than in the past), cost per active claim has increased significantly (more than double between 2020 and 2024), and there seems to be an increase in claims from workers aged 30-55 (although as denominator data is not available, it is unclear whether this is a function of underlying demographic changes in the workers in the sector). From 2020 onwards the annual percentage change in average cost per active ACC claim has increased more for hairdressing and beauty services claims than for all work-related claims.



Part 4: Are there material market failures in the hairdressing and barbering industry?

68. This part of the report explores what market failures exist in the hairdressing and barbering industry that cause the health risks outlined in Part 4 to arise.

Summary

- The term ‘market failure’ refers to a situation where the allocation of goods and services under a free market does not maximise the overall welfare of society.
- In the context of the hairdressing and barbering industry, a market failure could mean that health is not sufficiently protected because competitive factors alone do not incentivise business owners, hairdressers and barbers to act in ways that sufficiently protect customers’ and workers’ health.
- There are two material market failures in the hairdressing and barbering industry:
 - information asymmetry (customers have little ability to know or find out about how health risks are mitigated)
 - negative externalities (hairdressers and barbers do not bear the full consequences of the risks they create e.g., infectious diseases cause costs to the health system, not to hairdressers and barbers).
- There are low to moderate risks resulting from these market failures, which is having a material impact on the overall welfare of society.

Why consider market failure?

69. The Review is assessing market failure to:
- determine the extent to which market forces are able to appropriately mitigate the health risks associated with the hairdressing and barbering industry⁴³
 - determine the appropriate level of government intervention in the industry.
70. A market is a collection of buyers and sellers that engage in the voluntary exchange of goods and services.⁴⁴ The hairdressing and barbering industry is a market where business owners sell hairdressing and barbering services to members of the public.

⁴³ Market forces are the economic factors that influence the price and quantity of goods and services in a market.

⁴⁴ Robert S. Pindyck and Daniel L. Rubinfeld *Microeconomics* (7th ed, Pearson Prentice Hall, 2009) at 7.



71. The term ‘market failure’ refers to a situation where the allocation of goods and services under a free market does not maximise the overall welfare of society. In the context of the hairdressing and barbering industry, a market failure could mean that health is not sufficiently protected because business owners, hairdressers and barbers are not ‘doing the right thing’ to further the public interest, either intentionally or unintentionally.
72. The theory is that business owners, hairdressers and barbers acting in their own best interests to stay in business and make profits will take the appropriate steps to protect health – a ‘market failure’ can get in the way of that.
73. There are several different types of market failure. In the context of the hairdressing and barbering industry, we know that there are health risks, as outlined in Part 4 of this Report. While most people who visit a hairdresser or barber will not experience harm from the service they purchase, the Review has found that harm does occur in some cases. The Review has therefore investigated whether there are market failures occurring that mean the market is not effectively mitigating the risk of harm.
74. Under economic theory, the presence of a market failure alone is not sufficient justification for government intervention. Under this theory, the government should only intervene when there is a market failure of sufficient magnitude to warrant intervention. Intervention might be through regulatory or non-regulatory mechanisms.
75. In considering whether a market failure is of sufficient magnitude to require government intervention, some of the matters to be considered are whether:
 - it is possible to address the market failure through government intervention
 - the benefits of government intervention outweigh the costs
 - there are non-government means that can resolve the market failure.⁴⁵

⁴⁵ New South Wales Department of Industry *Market failure guide: A guide to categorising market failures for government policy development and evaluation* (December 2017) at iv.



What market failures exist in the hairdressing and barbering industry?

76. This section outlines two market failures in the hairdressing and barbering industry: information asymmetry, and negative externalities.

Customers have very little ability to know or find out to what extent the risks they are exposed to are being appropriately managed

77. The first market failure is information asymmetry.⁴⁶ 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.
78. Many of the factors that determine the relative risk involved in a service are invisible to customers, for example:
- the frequency and method used to disinfect or sterilise tools such as scissors and clippers
 - the processes the business uses for handling and applying chemicals such as hair dye and treatments such as chemical straightening
 - whether razor blades are disposable or reusable, and if non-reusable razors are used, whether they are sterilised between clients
 - the processes hairdressers and barbers follow if they identify that a client has a communicable condition such as ringworm or headlice.
79. 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 of a business 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.

⁴⁶ 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.



80. 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 often not able to see the types of practices used to ensure safety and hygiene, they cannot rely on presentation alone as evidence of safety.

"I make sure my shop is disinfected daily this adds to a nice clean fresh smell that clients love"

- Business owner

Some businesses that 'look good' may have poor hygiene and safety practices. Some that may appear to offer a more basic service may have excellent hygiene and safety practices.

81. 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.

"Disinfection practices are not given the importance or generally not understood by majority of stylists. There are always exceptions, but generally the importance of effective cleansing and disinfection is the poor cousin to look, style and colour"

- Environmental Health Officer



Hairdressers and barbers do not bear full consequences for the risks that they create

82. The second market failure relates to negative externalities.⁴⁷ 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).
83. Without some level of regulation (or other non-regulatory tools), 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.

“Without a registration, inspection and enforcement regime, it is likely that standards for some hairdressing establishments would degenerate... resulting in public health risk to customers / spread of infectious disease”

- Local authority
84. For most of the harms that arise in the hairdressing and barbering industry, 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).
85. 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), and not customers (approximately \$360k in 2024).⁴⁸ Please refer to the caveats in **Appendix D** regarding interpreting ACC data in this context.

⁴⁷ ‘Negative externalities’ refers to the indirect imposition of a cost by one party, onto another party.

⁴⁸ Claims made by customers are covered by levies on earners (earner’s account) or through government appropriation (non-earner’s account).



What is the impact of the market failures?

86. The presence of information asymmetry and externalities in the hairdressing and barbering market, which the Review considers are material, means that the competitive forces of the market alone cannot effectively manage the risks identified in Part 3 of this report.
87. The Review does not expect that any industry with health risks present would be able to reduce harm down to zero – it is simply not possible and is unlikely to be efficient. However, we have found that there are low to moderate public health risks resulting from market failures, which is having a material impact on the overall welfare of society. In particular, the Review considers that the scale of information asymmetry in the hairdressing and barbering market is moderate, with:
 - a generally low level of knowledge among the public of the risks posed by hairdressing and barbering
 - a low level of ability to assess the quality of a business' risk mitigations.
88. The impacts of information asymmetry are not evenly distributed. They are more likely to affect young people and those accessing lower-cost services (from those with lower skill levels) due to having a low level of disposable income, and others who have a low level of general knowledge about public health and public health risks.
89. With negative externalities, changes in the market have potential to increase the impact of that market failure, although it is difficult to assess their current magnitude or impact. With more businesses opening in homes with sole operators, the industry being an attractive one to young entrepreneurs and an increasing number of people operating without formal qualifications, there may be decreasing knowledge of the risks involved and less understanding of the importance of safe and hygienic practices.
90. This has already been reported as a concern by industry groups that submitted to the Review. This would create a higher level of risk and likelihood of harm, and therefore a more material negative externality problem.



Part 5: Regulatory context

91. This part of the report sets out the regulation that applies to the hairdressing and barbering industry. It also describes how the regulatory framework in New Zealand compares to other jurisdictions.

Summary:

- Hairdressing and barbering businesses must comply with general legislative requirements that apply to businesses. This includes requirements under the Health and Safety at Work Act 2015 and associated regulations, the Building Act 2004 and Building Code, and the Health Act 1956. As a business supplying a service, they must also comply with the Consumer Guarantees Act 1993.
- There are two sets of regulations, made under the Health Act 1956, that specifically regulate the hairdressing and barbering industry in New Zealand: the Health (Hairdressers) Regulations 1980 and the Health (Registration of Premises) Regulations 1966.
- The two sets of regulations require registration of premises which must meet specified minimum standards and impose obligations on hairdressers and barbers to follow hygiene, disinfection and sanitation requirements.
- Compliance with these two sets of regulations is monitored by local authorities, who also have powers to respond to breaches of the regulations.
- Risks are reduced through non-regulatory and private features of the industry as well as through regulation, such as qualifications and on-the-job training and the role of the industry body.
- There is no one 'best practice' model for mitigating the risks posed by hairdressing and barbering, and different jurisdictions take different approaches.

Broader regulatory frameworks that apply to hairdressing and barbering businesses

92. Key pieces of legislation have been put in place to protect workers and customers from risks posed by workplaces and businesses. Hairdressing and barbering businesses are subject to these pieces of legislation, as they generally apply to all businesses and workplaces.
93. **Figure 8** below sets out the key pieces of legislation that businesses and workplaces must comply with, and how these impact hairdressing and barbering businesses specifically.



Figure 8: the current legislative framework for the hairdressing and barbering industry

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, every business has a responsibility to ensure, so far as is reasonably practicable, the health and safety of workers, and that others are not put at risk by the work of the business. 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 need to 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 in New Zealand. Two sets of regulations that relate to hairdressing and barbering have been issued under the Health Act 1956 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 and barbering 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

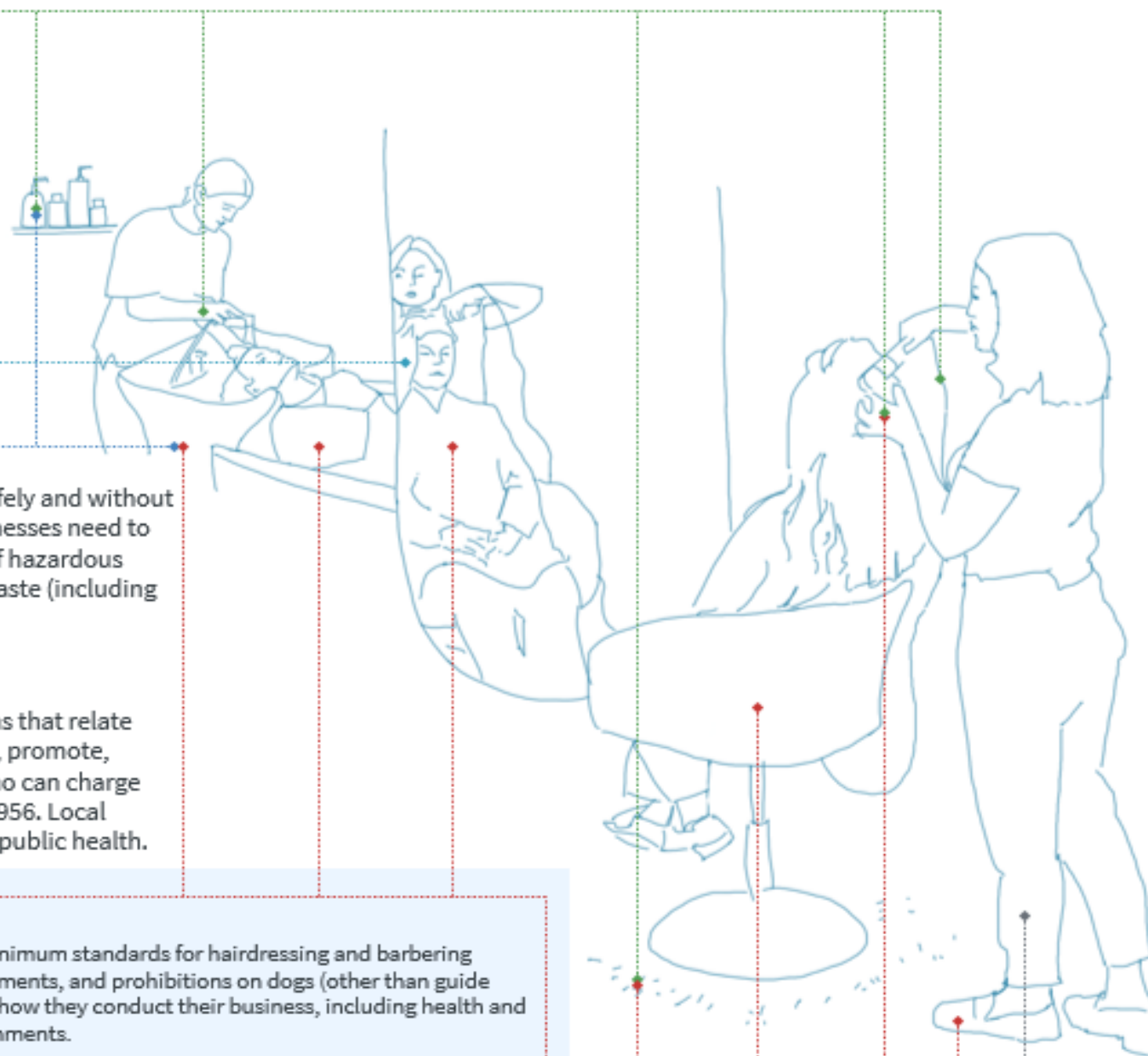
Secondary legislation

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

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.



The hairdressing and barbering regulations

94. The hairdressing and barbering industry is specifically regulated under two sets of regulations, both made under the Health Act 1956:

- **Health (Registration of Premises) Regulations 1966.** These set out requirements for registration of certain premises which are required under regulations to register with a local authority.⁴⁹
- **Health (Hairdressers) Regulations 1980.** These were enacted with the objective of setting standards for the maintenance of healthy hairdressing practices, and to provide a means of enforcement. The definition of hairdressing shop applies to all business types where cutting or treatment of hair takes place, including barbershops. These regulations can be grouped into four sets of requirements, outlined in the table below.

Summary of requirements	Detailed description
Requirement to be registered with the local authority	<p>The regulations require that any premises being used as a hairdresser's or barber's shop are required to be registered (with annual renewal) with the appropriate local authority, in accordance with the Health (Registration of Premises) Regulations 1966. The business owner must hold a current certificate of registration to use the premises for this purpose.</p> <p>The Health (Registration of Premises) Regulations 1966 set out the process and fees involved in registering premises with the local authority.</p>
Minimum standards for registration	<p>Hairdressers and barbers shops must meet a set of minimum standards that are in the regulations. The standards cover a range of areas including:</p> <ul style="list-style-type: none"> • water-impervious surfaces • prescribed lighting requirements • adequate ventilation • mandatory spacing specifications for chairs and waiting areas • the number and location of different types of sinks and basins for different purposes (hand washing, shampooing or cleansing hair, cleaning equipment).

⁴⁹ Campgrounds and funeral director's premises are the two other types of premises which are required to be registered under the Health (Registration of Premises) Regulations 1966.



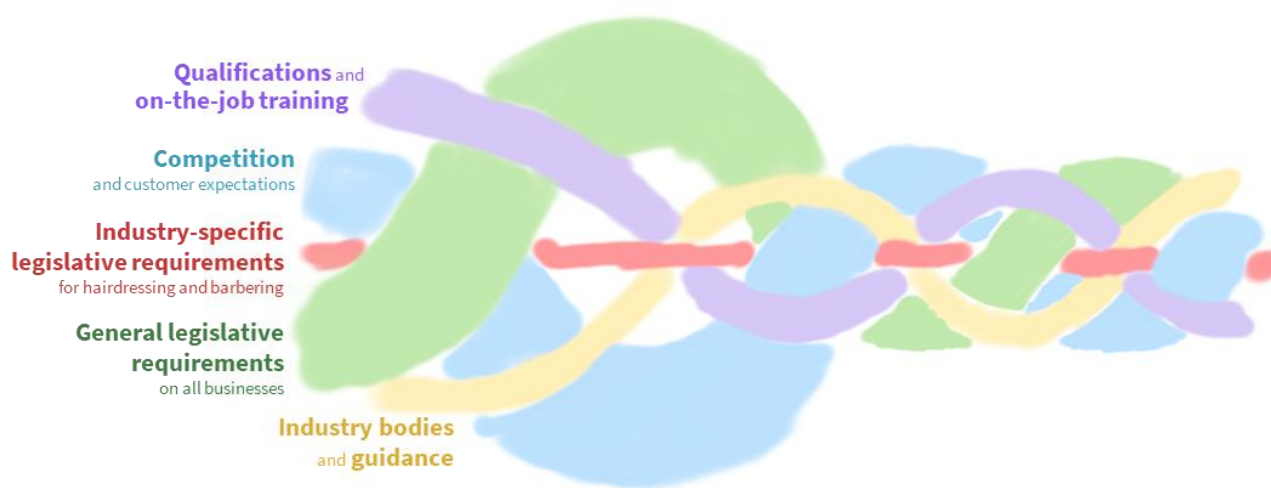
Summary of requirements	Detailed description
Hygiene, disinfection and sanitation standards	<p>The regulations place requirements directly on hairdressers and barbers to maintain hygiene through disinfection, sanitation and other practice requirements. These include:</p> <ul style="list-style-type: none"> • a prohibition on working while suffering from conditions causing discharge of pus or serum from the head, neck, hands or arms • maintaining personal hygiene through washing hands, wearing clean clothes, and refraining from using tobacco • adopting sanitary practices in storing and tidying equipment, towels and coverings • specific processes for disinfecting appliances and other equipment.
‘Day-to-day’ requirements for the operation of hairdresser’s and barber’s shops	<p>There are specific requirements about the way that hairdresser and barber shops operate, specifically:</p> <ul style="list-style-type: none"> • no refreshments may be served in cutting areas • no dogs, other than guide dogs for the blind, are permitted to enter or be in the shop. (Note that this has been superseded by section 75(3) of the Dog Control Act 1996, which permits a broader category of disability assist dogs to enter public places).
Enforcement mechanisms	<p>Business owners and hairdressers and barbers can appeal decisions of local authorities (“inspectors” in the regulations) to the Medical Officer of Health and the District Court.</p> <p>There is an offence for not complying with the regulations, which is in section 136 of the Health Act. The maximum penalty is a \$500 fine.</p>



Non-regulatory risk management

95. Multiple mitigations are operating in the industry to help manage the public health risks arising from hairdressing and barbering services. While the hairdressing and barbering regulations and general legislation that applies to the industry play a part, there are other non-regulatory factors that also contribute to the overall management of risk.

Figure 9: Interaction between different components of risk mitigation



Qualifications and on-the job training

96. The most significant non-regulatory mitigating factor is training and qualifications.
97. Those with qualifications receive education on the importance of keeping equipment and premises clean and hygienic and are taught best practice methods for disinfection, sanitation and recognising health conditions and how to appropriately manage them. A few hairdressers who submitted to the review cited their qualification as setting the standard of practice they took professional pride in living up to, including practicing safely and hygienically.
98. However, there is no requirement to be qualified to work as a hairdresser or barber or run a hairdressing or barbering business. Around 40 percent of those working in the industry do not have formal hairdressing or barbering qualifications. Barbers are also more likely to be unqualified than hairdressers.

"I feel [the qualification] is my regulation"

- Business owner



99. Qualification is also not a guarantee of good practice – the Review heard that in some cases apprentices will be told by their employer to carry out certain hygiene and sanitation tasks differently on the job the way they were taught.
100. On the job training is another non-regulatory mitigation for risks. Business owners and/or managers of hairdressing and barbering shops with professional qualifications may provide on-the-job training about safe and hygienic practices, particularly for non-formally qualified staff. The Review does not know how widespread this practice is, but assumes it is common for hairdressing and barber shops that hire staff without formal qualifications.

Industry bodies

101. Industry bodies play a role in providing advice and support to businesses and setting standards for industry. New Zealand has one formal body that represents hairdressing and barbering businesses, Hair & Barber New Zealand – Makawe me Kaikuti Makawe o Aotearoa. Hairdressers and barbers must be qualified to become a member, and Hair & Barber New Zealand report a membership base of approximately 10 percent of the overall industry.
102. Hair & Barber New Zealand issue workplace health and safety guidance on their website for members and they receive complaints from the public, which they address if the relevant hairdresser or barber is a member.

Guidance

103. Guidance for the hairdressing and barbering industry is another, non-legislative mechanism for managing and mitigating risks.
104. WorkSafe has issued specific guidance for the hairdressing and barbering industry on their website that outlines the key workplace health and safety hazards and risks that are likely to be present during hairdressing and barbering work. This guidance is not enforceable, although the issuing of guidance puts an industry on notice to take heed of the guidance in the operation of their business, and is relevant to any proceeding as context as to what is expected of a business owner. The existence of guidance for the hairdressing and barbering industry may not be very widely known.
105. As noted above, Hair & Barber New Zealand also publish health and safety guidelines for the industry.



General knowledge

106. Some submitters told us that standards, practices and client expectations around hygiene, disinfection and sanitation have developed since 1980, particularly since the COVID-19 pandemic. This is also likely to contribute to management of the health risks that arise in the industry.

“...these Regulations were written in an altogether different era of time and are now obsolete by current standard practice (and customer / staff expectations)”

- Business owner

Competition

107. Competition between hairdressing and barbering businesses is also likely to play a non-regulatory role in managing risks. As noted earlier, customer switching is relatively easy (although relational factors may place constraints on switching) and it is fairly easy for new businesses to enter the market. There are also mechanisms like online reviews or word-of-mouth that allow information on poor practices to be easily circulated. This gives hairdressing and barbering businesses a strong incentive to ensure they are operating in a safe and hygienic way, otherwise they risk losing business to their competitors.

Comparison to international approaches

108. There is no one ‘best practice’ model for government intervention in the hairdressing and barbering industry internationally. Different jurisdictions take different approaches depending on their local context.
109. **Figure 10** below provides more detail on the range of approaches taken in different jurisdictions and demonstrates where New Zealand’s current regime fits within this broader set of approaches.



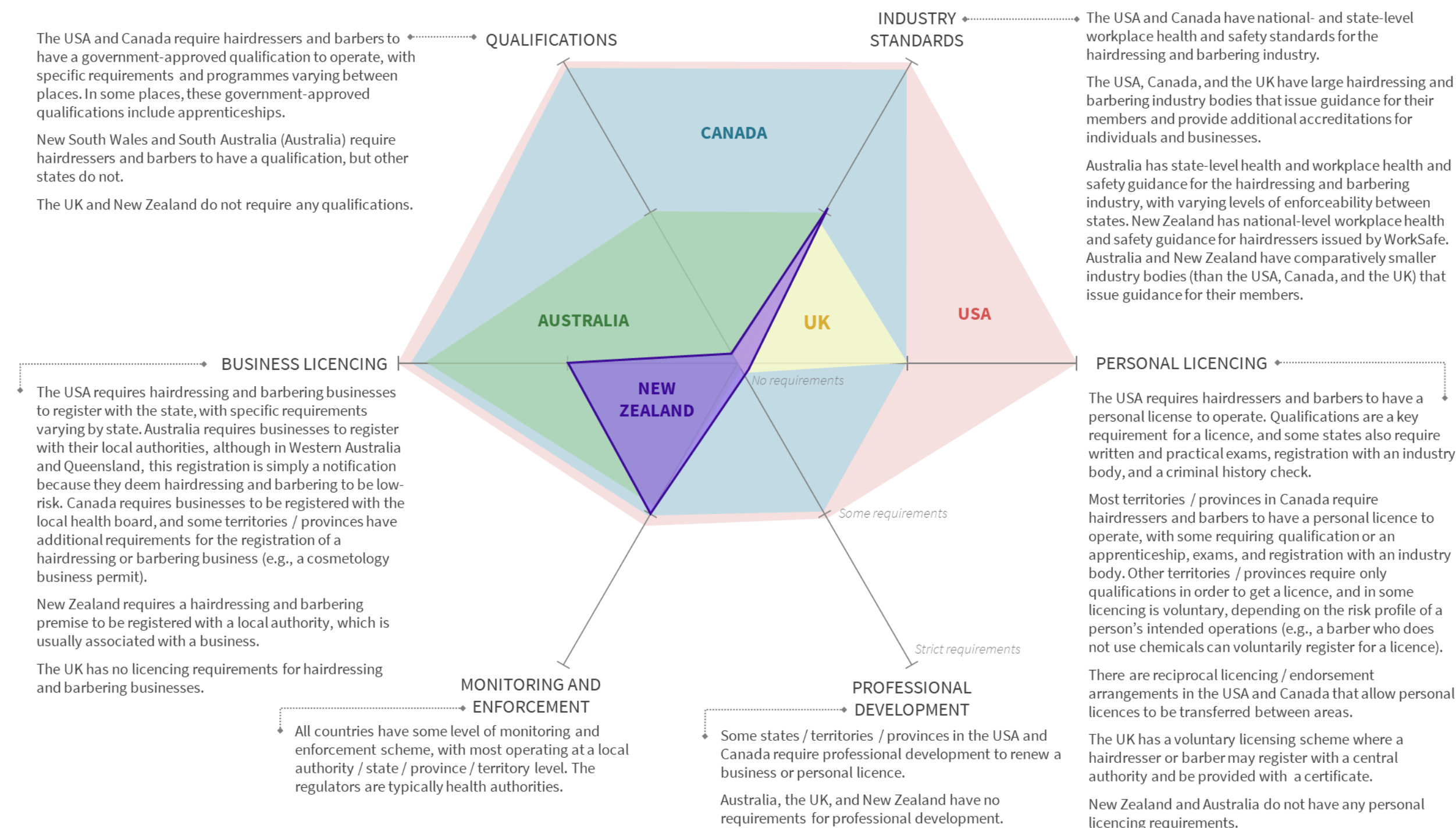
Figure 10: international benchmarking of New Zealand's hairdressing regulations

International benchmarking of New Zealand's hairdressing and barbering regulations

Hairdressing and Barbering Industry Regulatory Review

This A3 compares how the hairdressing and barbering industry is regulated by different countries with similar legislative approaches to New Zealand.

This puts New Zealand's hairdressing and barbering regulations (the Health (Hairdressers) Regulations 1980 and the Health (Registration of Premises) Regulations 1966) in context, and shows that there is a broad spectrum of options for how the hairdressing and barbering industry is regulated, and no one best practice.



The diagram shows how the regulatory regimes of New Zealand, Australia, the United Kingdom (UK), Canada, and the United States of America (USA) compare in six areas. Each of these six areas is rated on a three point scale – no requirements, some requirements, and strict requirements, noting that this is a general rating as there are nuances within countries that have a federated structure (Australia, Canada, and the USA).



Part 6: Assessment of the status quo

110. In this part, we assess how well the current hairdressing and barbering regulations are working to respond to the identified market failures and resulting health risks.
111. The Terms of Reference direct the Review to form findings about whether the current regulatory framework is effective and efficient in that:
- it has appropriate objectives, and is the best way to achieve those objectives
 - the benefits of the requirements outweigh the costs, and it has not given rise to unnecessary costs or other unintended impacts
 - it responds to modern understandings of health risks and contemporary hairdressing and barbering practices.
112. This part sets out our findings in response to these questions.

Summary

- The objectives of the hairdressing and barbering regulations, to promote health hairdressing practices and provide a means for enforcement, are still valid.
- However, the regulations are not an effective or efficient government intervention to achieve that objective. They are outdated and disproportionately strict for the level and nature of the risks. Inconsistent practice and enforcement is likely to be resulting in business uncertainty about whether and how they will be enforced.
- The regulations that apply to hairdressers and barbers do not carry high compliance costs – either financial or time – and limited evidence was found that the regulations are barriers to entry, innovation or expansion of hairdressing and barbering businesses.

The original objectives of the regulations are valid

113. The original policy objectives of the hairdressing and barbering regulations were to promote healthy hairdressing practices and provide a means for enforcement.
114. The Review considers that these objectives are still appropriate. The nature of the risks associated with the hairdressing and barbering industry have not materially changed since the regulations were introduced in 1980, and managing these risks appropriately continues to be the key driver for any government intervention in the industry. Whatever form any government intervention takes, whether regulatory or non-regulatory, it is important that right-touch enforcement mechanisms are in place to support that intervention.



The hairdressing and barbering regulations are not an effective or efficient intervention

Overall assessment of the hairdressing and barbering regulations

115. 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:

- **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.

116. The full framework used for assessing the hairdressing and barbering regulations is attached at **Appendix E**.

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 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>The regulations do not address some of the highest risks posed by the industry, i.e., injuries caused by the incorrect use / application of chemicals.</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>



Criteria	Rating	Summary of assessment
Efficient at achieving objectives	The regulations are somewhat efficient	We have identified that the regulations are imposing some unnecessary costs on businesses that are not justified or are only marginally 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.
Proportionate to risks	The regulations are not proportionate to the risks	The level of prescription in the regulations is in most cases not disproportionately strict for the risk of harm. The scale of disproportionality varies across different parts of the regulations.
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	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.

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

117. 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 the 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

118. It seems clear that the hairdressing and barbering regulations are not having a negative impact on management of public health risks. 75 percent of business owners, hairdressers, and barbers who submitted said that the regulations did not pose a barrier to reducing risks to their clients.
119. 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.
120. 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.
121. 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.
122. 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. We are unable to substantiate this claim or estimate the prevalence of unregistered businesses due to a lack of data.

“While high street salons must navigate the complexity and cost of compliance, many hairdressers operating from home remain unregulated and off the radar. This inconsistency disadvantages regulated salons and undermines fairness in the industry”

- Business owner



Enforceability

123. 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.

“Health inspectors are inconsistent, some [are] very officious and out to try and trip you up, yet others are very relaxed and helpful”

- Hairdresser

124. 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 1956. 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.

“It was very costly to the council to [take enforcement action] and the fines were so minimal it wasn't much of a deterrent”

- Environmental Health Officer

125. 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 safety and hygiene. One consideration for assessing the options for reform set out in Part 7 has been whether removing specific hairdressing and barbering regulations would result in lower understanding and adherence to hygiene and disinfection best practice.

“Our preference is to educate first, then utilise re-inspections (which incur a cost to the operator) [with] increased inspection frequency...”

- Environmental Health Officer

Risks addressed by the regulations

126. In Part 3 of this report the main risks posed by the hairdressing and barbering industry were outlined, namely transmission of communicable diseases, harm resulting from the use of chemical products and more common workplace risks. The regulations are significantly aimed at preventing the transmission of communicable



diseases – for example through requirements about disinfection of tools, preventing hairdressers from hairdressing when unwell and having premises requirements to ensure cleanliness.

127. The regulations do not cover the safe use of chemicals, meaning they cannot be effective at reducing one of the highest risks posed by the hairdressing and barbering industry.⁵⁰ Therefore, they are not effective in reducing any risks presented by chemical use.

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

128. 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 either not justified or are only marginally justified by benefits, although we estimate the magnitude of unnecessary costs to be low.

129. 48 percent 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.

“The current lighting provided in both of my salons prior to fit-out wasn’t bright enough even though I am surrounded by windows. The unnecessary cost of an electrician to install new lighting in a building I don’t own that has enough windows to do my job efficiently was annoying too”

- Business owner

130. The regulations do not appear to be imposing unnecessary costs in relation to the day-to-day running of salons and barbershops. 88 percent 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.
131. The table below details the unnecessary costs of the hairdressing and barbering regulations identified by the Review.

⁵⁰ The Review understand that the reason the regulations do not address the risks posed by chemical use may be because of another piece of regulation that was in place when the regulations were brought into force, which has since been replaced by the Hazardous Substances and New Organisms Act 1996.



Type of cost	Description	Necessity of cost / benefits from cost investment	Magnitude of cost
Costs borne by regulated parties (business owners and hairdressers/barbers)			
Fit-out costs	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 unnecessary fit-out costs during the initial set-up of their salons and barbershops to comply with regulations. These costs include installation costs, and the costs of compliance assessments (e.g., electricians to certify that the premise meets the standard).	We consider some costs to meet minimum premises standards are unnecessary as they are ineffective and disproportionately strict for the risks present. 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 owner's choice, versus buying a specific component to comply with the regulatory requirements.	We consider these costs to be low .
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 prohibitions, and therefore the genuine impact of the regulations on differentiating service offerings will be low.</p> <p>A few business owners reported a delay in opening 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).⁵¹ 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 disproportionately strict for 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>

⁵¹ 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 / benefits from cost investment	Magnitude of cost
Cost of premises registration and renewal	A few businesses owners felt that the costs of registration and renewal are unnecessary. Registration fees are used to cover the costs associated with the regulatory functions of the local authority, 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 authority were irregular or low quality.	Costs associated with premises registration and renewal are required to enable local authorities to carry out the monitoring and enforcement regime. 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 health risks.	We consider these costs to be low . 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. 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.
Costs borne by the regulator (local authorities)			
Administrative costs (time and money) of monitoring compliance and enforcement	These costs primarily relate to the administration of processing registrations, and the costs associated with having EHOs carry out inspections and make findings. 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.	These costs are unavoidable if a regulator is in place. We do not think there are additional unnecessary costs being generated by the way local authorities are practicing. As noted above, 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 health risks.	We consider that the costs of monitoring compliance and enforcement are low for local authorities, relative to their other regulatory activity. Our assumption is that the fees generated from registration do not cover all these costs.



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

132. As identified in Part 3, the health risks associated with the hairdressing and barbering industry are low to moderate. The hairdressing and barbering regulations are disproportionately strict for this level of risk.

133. Some of the requirements in the hairdressing regulations seem clearly unnecessary and disproportionately strict. 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.

134. 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.

135. 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.

“In 30 years of hairdressing I have never had an issue with clients having a cuppa in the salon, no hair in drinks, no spills just clients enjoying being pampered!”

- Business owner

“For the actual risk this sector poses to public health, it is over-regulated, particularly considering that there are no regulations at all for businesses that pierce the skin for cosmetic purposes”

- Environmental Health Officer

“The industry has advanced significantly since the Health (Hairdressers) Regulations 1980 were implemented, and updating the framework is necessary to ensure it aligns with contemporary practices, technology, and client expectations”

- Business owner

“There is currently so much choice when it comes to hairdressers and barbershops that customers have the ability to decide if they believe a shop is clean enough or not, and they can choose whether to spend their money there or not”

- Environmental Health Officer



136. Some other submitters thought that having regulations was important. These submitters raised two main points:

- 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.
- 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 Regulations... provide awareness of person-to-person transmission of illnesses and the importance of effective sanitation / sterilisation practices and basic personal hygiene and health standards for hairdressers”

- Environmental Health Officer

“It ensures a standardized approach to regulatory oversight within the industry... ensuring that businesses maintain professionalism and uphold public trust”

- Environmental Health Officer

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

137. The prescriptive nature of the hairdressing and barbering 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.

138. 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 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.

“I’ll tell you something we get failed on - not having a nail brush at every handwash station. Nail brushes haven’t been used since the 1980’s. We use gloves. Nail brushes are out of date”

- Business owner

139. Other requirements remain relevant to contemporary practices but dictate processes for low risk issues which hairdressing and barbering businesses can manage these appropriately without regulatory intervention. Examples include requirements



specifying the features of containers in which towels and linens are to be stored, or the process for sweeping up hair clippings.

140. 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 percent of submitters (business owners and workers) feel that the regulations stop them from providing services that they would like to provide.

“Absolutely, I would love the opportunity to offer my clients tea, coffee, water, and even a glass of wine during late nights or weekends. We are mature adults who value the chance to unwind and enjoy a relaxing experience in a regulated, professional environment. This would allow us to elevate the client experience”

- Business owner

141. It is important to note that there are some situations where prescriptive regulation may be necessary to achieve a desired outcome. In some cases technical thresholds, for example in relation to disinfection practices, may need to be set in regulation to ensure the desired health outcome is reached.

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

142. The specific and prescriptive nature of the requirements mean it is generally clear to industry from reading the hairdressing and barbering regulations what is required to comply. There are a few areas where terms or requirements are not explicitly defined, but these are relatively minor.

143. 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. 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.

“...it is most likely that many salons/stylists do not know about these regulations/rules and there is blatant non-compliance across the industry”

- Business owner

144. 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.

“[lack of knowledge] seems to be more of a barber-specific concern. Hairdressing businesses generally perform better in this regard”

- Environmental Health Officer

145. 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 hygienically and safely.

146. 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.

147. How local authorities implement the hairdressing and barbering regulations varies between different local authorities and even within the local authority:

- Different local authorities may 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.
- Different officers within the same local authority may interpret and apply the regulations differently.

“She pointed out a few things, didn’t say anything about hot drinks or my dog”

- Business owner

“Different officers approach things differently. An inspection can be very hit and miss, with officials choosing to focus on different things at different times”

- Business owner

148. 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

“...we doubt that any Councils have been enforcing the “no serving food in the cutting room” or other silly rules for several years”

- Local authority



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.

149. Overall, this variable approach to implementation and enforcement of the regulations is likely to introduce some level of uncertainty for businesses.



Part 7: Recommendations for reform

150. We concluded in Part 6 that current government intervention through industry specific regulations is not working well and is disproportionately strict for the risks posed by the industry. In this Part of the report, we:

- consider whether intervention in the hairdressing and barbering industry through specific regulation continues to be appropriate or whether other existing regulation adequately addresses the market failures and risks posed by hairdressing and barbering businesses
- outline our recommendations for reform.

Summary

- The Review recommends removing specific regulations for hairdressing and barbering businesses by revoking the Health (Hairdressers) Regulations 1980 in full.
- This will mean the hairdressing and barbering industry is governed by general requirements for businesses contained primarily in the Health and Safety at Work Act 2015 (HSWA), the Building Act 2004, the Consumer Guarantees Act 1993, the Health Act 1956.
- The Review recommends revocation is supported by monitoring the impact over the two years following revocation, developing new guidance for health and hygiene best practice, and communicating with the industry and local authorities about the changes.
- There are two key trade-offs to revoking the Health (Hairdressers) Regulations 1980:
 - there will be no monitoring or enforcement of hygiene, disinfection and sanitation practices, which could lead to an increase in the transmission of communicable diseases
 - local authorities may create bylaws to fill the gap left by the revocation of the regulations, leading to national inconsistencies.
- A range of options were considered, and two were fully analysed. The other option explored in detail was to revoke the Health (Hairdressers) Regulations 1980 and replace them with a new set of simplified, risk-based regulations.
- The trade-offs between the two final options result in a close-run analysis, where the choice comes down to having a reactive approach or a proactive approach.
- There is a level of health risk posed by the hairdressing and barbering industry. However, the Review concluded that the benefits of new regulations are outweighed by the costs of developing and administering them, particularly because there are other higher risk services in the appearance industry which do not have the same level of intervention.



Several options were considered but discounted

151. Having determined the status quo needs to change, the Review considered a range of options to address the issues. Four were discounted and two progressed to further analysis. The discounted options are outlined in the table below.

Option	Reason for discounting
Leave the current Health (Hairdressers) Regulations 1980 in place, i.e., do nothing / maintain the status quo	This option was discounted after the assessment of the regulations (see Part 6).
Amend the current Health (Hairdressers) Regulations 1980 (removing unnecessary requirements)	<p>The regulations are 45 years old and do not reflect modern regulatory design. Taking a line-by-line approach would leave very little of the original regulations.</p> <p>This option was discounted because of the significant issues identified with the current hairdressing and barbering regulations. If a decision is made to continue to specifically regulate the sector, the preference would be for modern, risk-based regulations, with clear outcomes, expectations, and graduated enforcement tools.</p>
Revoke the current Health (Hairdressers) Regulations 1980 and implement new guidance	Revoking the current regulations and implementing new guidance was considered as a standalone option, but early in the analysis it became clear it was similar to supported revocation, which was one of the final two options analysed. Guidance is not enforceable but could be used to support the industry's understanding of the risks.
Revoke the current Health (Hairdressers) Regulations 1980 and replace with regulations covering the appearance industry as a whole	<p>Many submitters suggested there should be broader regulation for the appearance industry or regulations for higher risk activities such as skin piercing or tattooing.</p> <p>This was not considered further as the Terms of Reference ruled it out of scope. However, one of the two options analysed in full included new risk-based, simplified regulations. These were developed in a way that could act as a blueprint to add other appearance industries later if there was political appetite to do so (see Part 8 for more comment on this).</p>



Two options were progressed for further analysis

152. The two options analysed further and discussed with stakeholders were:

- **Option 1** – Revoke the Health (Hairdressers) Regulations 1980 and rely on existing mechanisms in other legislation and new industry guidance
- **Option 2** – Revoke the Health (Hairdressers) Regulations 1980 and replace with risk-based regulations focused on health and hygiene practices.

153. The options were assessed against the same five criteria used to assess the status quo in Part 6.⁵²

Option 1: Supported revocation

154. This option would revoke the Health (Hairdressers) Regulations 1980, and existing (more general) regulatory frameworks would be relied on to manage the health risks.⁵³ It means that:

- hairdressing and barbering premises would no longer need to be registered with the local authority
- there would no longer be any minimum standards. Hairdressers and barbers would not be held to specific hygiene and sanitation standards, and business owners could set up their premises however they like
- serving non-alcoholic beverages in the salon and allowing dogs on the premises would be left to the discretion of the business owner.

155. To address some of the concerns raised by stakeholders, revocation would be supported by additional measures:

- communicating the changes to the industry and what it means for business owners, as well as a reminder of the health risks that can arise from poor sanitation and hygiene (working in collaboration with the Ministry of Health)
- developing updated guidance for the industry about health and hygiene best practice (working in collaboration with the Ministry of Health, Health New Zealand, and other relevant parties)
- monitoring any impacts over the two years following revocation, with a report-back to Cabinet on whether industry guidance alongside general requirements that apply to all businesses are adequately managing the risk. This would

⁵² Effective, proportional, efficient, transparent and flexible.

⁵³ Health Act 1956, Health and Safety at Work Act 2015, Consumer Guarantees Act 1993, Building Act 2004, Smokefree Environments and Regulated Products Act 1990, Sale and Supply of Alcohol Act 2012, Hazardous Substances and New Organisms Act 1996, their associated regulations, and WorkSafe hairdressing-specific guidelines.



involve looking at whether there had been an increase since the Health (Hairdressers) Regulations 1980 were revoked in:

- the creation of new bylaws or extension of existing bylaws to cover hairdressing and barbering and the impact of those bylaws on businesses (looking to work with the Department of Internal Affairs and local government)
- complaints or ACC payouts for hairdressing or barbering-related harm or injuries to the extent it can be identified (looking to work with Commerce Commission, local authorities, WorkSafe and ACC)
- business owners who employ qualified hairdressers and barbers shutting down and leaving the industry because they cannot compete with businesses operating without qualified staff (looking to work with Hair & Barber New Zealand).

156. The two-year report back would identify ways to respond to any increase in risk and include an assessment of whether further monitoring is necessary e.g., another report back at the five-year mark.

157. A summary of Option 1 (supported revocation) is outlined below.

Details	Requirements
Regulations:	No longer any specific hairdressing and barbering regulations. Existing regulatory frameworks in relation to health, workplace health and safety, building, alcohol, tobacco and hazardous substances would still apply to the industry.
Regulator:	No longer any specific hairdressing and barbering regulator or enforcement. There may be a pathway for some general monitoring and enforcement if issues were brought to the attention of local authorities or WorkSafe and were serious enough to warrant action. However, this would be reactive, not proactive.
Applies to:	All hairdressing and barbering businesses would need to comply with the relevant regulatory frameworks that apply to businesses generally.
Registration:	Business owners would not be required to register their premises with the local authority or be inspected.
Registration fees:	Not required.
Enforcement tools:	Specific hairdressing regulations would not exist. Other applicable agencies would have their own enforcement tools (if an incident was serious enough to warrant enforcement).



Infringement fees:	Other applicable agencies may have the ability to enforce infringement fees (if an incident was serious enough to warrant enforcement).
Penalties:	Other applicable agencies will have their own penalty regime (if an incident was serious enough to warrant enforcement).
Additional information:	To support the industry, new voluntary guidance for the industry would be developed outlining health and hygiene best practice (working in collaboration with the Ministry of Health and other relevant parties)

Case Study: Western Australia

- Western Australia (WA) provides a useful example of how one government successfully shifted away from outdated, highly prescriptive regulation for the hairdressing and barbering industry.
- In 2016, WA enacted a new Public Health Act 2016 that established a general public health duty, representing a more contemporary, risk-based approach to managing public health. The Act imposes a legal duty on every person in WA to ensure that their actions or omissions do not cause harm to the health of others.
- As part of this reform, WA repealed industry-specific primary and subsidiary legislation for the hairdressing and barbering industry, some of which was in place for over 65 years. This came into effect in 2024.
- WA found that the existing regulations, which were similar to New Zealand's Health (Hairdressers) Regulations 1980, were restrictive, not in line with best practice and were creating unnecessary costs for business owners.
- WA assessed the hairdressing and barbering industry to be low risk to public health and replaced the industry-specific regulations with an industry guideline. The guidelines set out the general public health duty, industry best practice for carrying out hairdressing and barbering services, and enforcement options available to local government.
- Health officials from WA we spoke to informed us that WA had not seen any increase in the number of public health complaints or incidents since the change to the risk-based approach.

158. **Figures 11 - 13** below compare specific requirements for the hairdressing and barbering industry in current regulations against the general requirements for buildings, businesses, business owners and workers, and show what requirements would remain on hairdressing and barbering business if Option 1 (supported revocation) was implemented.



Figure 11: status quo vs Option 1 - Premises

Status quo vs Option 1 – Premises

Hairdressing and Barbering Industry Regulatory Review

This A3 shows how the broad requirements for hairdressing and barbering premises in general primary and secondary legislation compare to the specific requirements for hairdressing and barbering premises under the Health (Hairdressers) Regulations 1980.

- General** requirements of buildings and / or businesses in the Building Code or the Health Act 1956.
- Specific** requirements introduced by the Health (Hairdressers) Regulations 1980 **not already covered** by the general requirements in other legislation

<p>Higher lux levels and a requirement to avoid glare and shadows</p> <p>No less than 300 lux at working surfaces</p> <p>No less than 100 lux 800mm above the floor</p> <p>Reasonably free from glare and distributed to avoid shadows</p> <p><i>Health (Hairdressers) Regulations 1980, reg 4 (1)(c-e)</i></p>	<p>No additional specific requirements from the hairdressing regulations</p>	<p>Additional space requirement to ensure easy cleaning</p> <p>No additional specific requirements from the hairdressing regulations</p>	<p>Specific requirements for the number and position of handwash basins, shampoo basins, and utensil sinks</p> <p>Floor space shall be sufficient to allow for easy cleaning</p> <p><i>Health (Hairdressers) Regulations 1980, reg 4 (1)(h)</i></p>	<p>Wash hand basins</p> <p>One for every 10 service chairs</p> <p>One within 6 metres of every service chair</p> <p>Must be supplied with soap, a nail brush, and clean towels</p> <p>Shampoo basins</p> <p>Sufficient shampoo basins exclusively for the use of cleaning hair need to be provided</p> <p>Utensil sinks</p> <p>Sufficient sinks for cleaning utensils must be provided, and not in a staff meal room</p> <p><i>Health (Hairdressers) Regulations 1980, reg 4(1)(m, n, t)</i></p>	<p>Specific space requirements for customers</p> <p>Space requirements for customers</p> <p>2.3 square metres of floor area per customer during a service</p> <p>Service chairs for haircutting must be 1.5m apart</p> <p>0.9 square metres of floor area for customers who are waiting, with a minimum of 4.6 square metres of total floor area</p> <p><i>Health (Hairdressers) Regulations 1980, reg 4(1)(i-l)</i></p>	<p>Requirements to be clean, and not allowing dogs</p> <p>Only hairdressing materials and equipment may be stored in the hairdressing area</p> <p>Shops shall be kept clean, in good repair, and free from rubbish, foul odours, vermin, and insects</p> <p>Rubbish must be stored in a covered, vermin-proof container, and cleared once per day</p> <p>Dogs are not permitted in hairdresser's shops</p> <p><i>Health (Hairdressers) Regulations 1980, regs 4(1)(o, q, r) and 5</i></p>	<p>Additional requirements to avoid food contamination</p> <p>The service area should not be in direct communication with a place where food is prepared for sale, or where food that is not sealed is held for sale</p> <p><i>Health (Hairdressers) Regulations 1980, reg 4 (1)(p)</i></p>
<p>Artificial light</p> <p>Adequate artificial lighting which will enable safe movement, specifically no less than 20 lux at floor level</p> <p>Natural light</p> <p>No less than 30 lux at floor level for 75% of the standard year</p> <p><i>G7 and G8 of the Building Code</i></p>	<p>Spaces within buildings shall be provided with adequate natural or mechanical ventilation consistent with their maximum occupancy and intended use, including removing gaseous by-products and excessive moisture from commercial processes, and poisonous fumes and gases</p> <p><i>G4.3 of the Building Code</i></p> <p><i>Health (Hairdressers) Regulations 1980, reg 4 (1)(f-g)</i></p>	<p>No additional specific requirements from the hairdressing regulations</p> <p>Sanitary fixtures and appliances for washing must be provided with safe and adequate water, and hot water</p> <p><i>G12.2, G12.3.5, and G12.3.7 of the Building Code</i></p> <p><i>Health Act 1956, s 39 (for home-based salons)</i></p> <p><i>Health (Hairdressers) Regulations 1980, reg 4 (1)(m)(iii), 4(1)(n, t)</i></p>	<p>Wall and floor surfaces next to sanitary fixtures must be impervious to water and easily cleaned</p> <p>Other surfaces of building elements likely to be splashed or become contaminated in the course of the intended use of the building must be impervious and easily cleaned.</p> <p><i>G3.3 of the Building Code</i></p> <p><i>Health (Hairdressers) Regulations 1980, reg 4 (1)(a, b, s)</i></p>	<p>A sufficient number of appropriate sanitary fixtures need to be provided in convenient locations</p> <p><i>G1.3.1 and G1.3.3 of the Building Code</i></p>	<p>No general requirements</p>	<p>No general requirements</p>	<p>Food preparation facilities shall be hygienic, and constructed to safeguard contents from contamination</p> <p><i>G3 of the Building Code</i></p>
LIGHTING	VENTILATION	WATER SUPPLY	WATERTIGHTNESS AND CLEANABILITY	SINKS	SPACE	CLEANLINESS	FOOD



Figure 12: status quo vs Option 1 – Practices

Status quo vs Option 1 – Practices

Hairdressing and Barbering Industry Regulatory Review

This A3 shows how the broad requirements for hairdressing and barbering practices in general primary and secondary legislation compare to the specific requirements for hairdressing and barbering practices under the Health (Hairdressers) Regulations 1980.

- General requirements of a person conducting a business or undertaking (PCBU) under the Health and Safety at Work Act 2015 (HSWA) and associated regulations
- General requirements of any person under other primary or secondary legislation
- Specific requirements introduced by the Health (Hairdressers) Regulations 1980 **not already covered** by the general requirements in other legislation

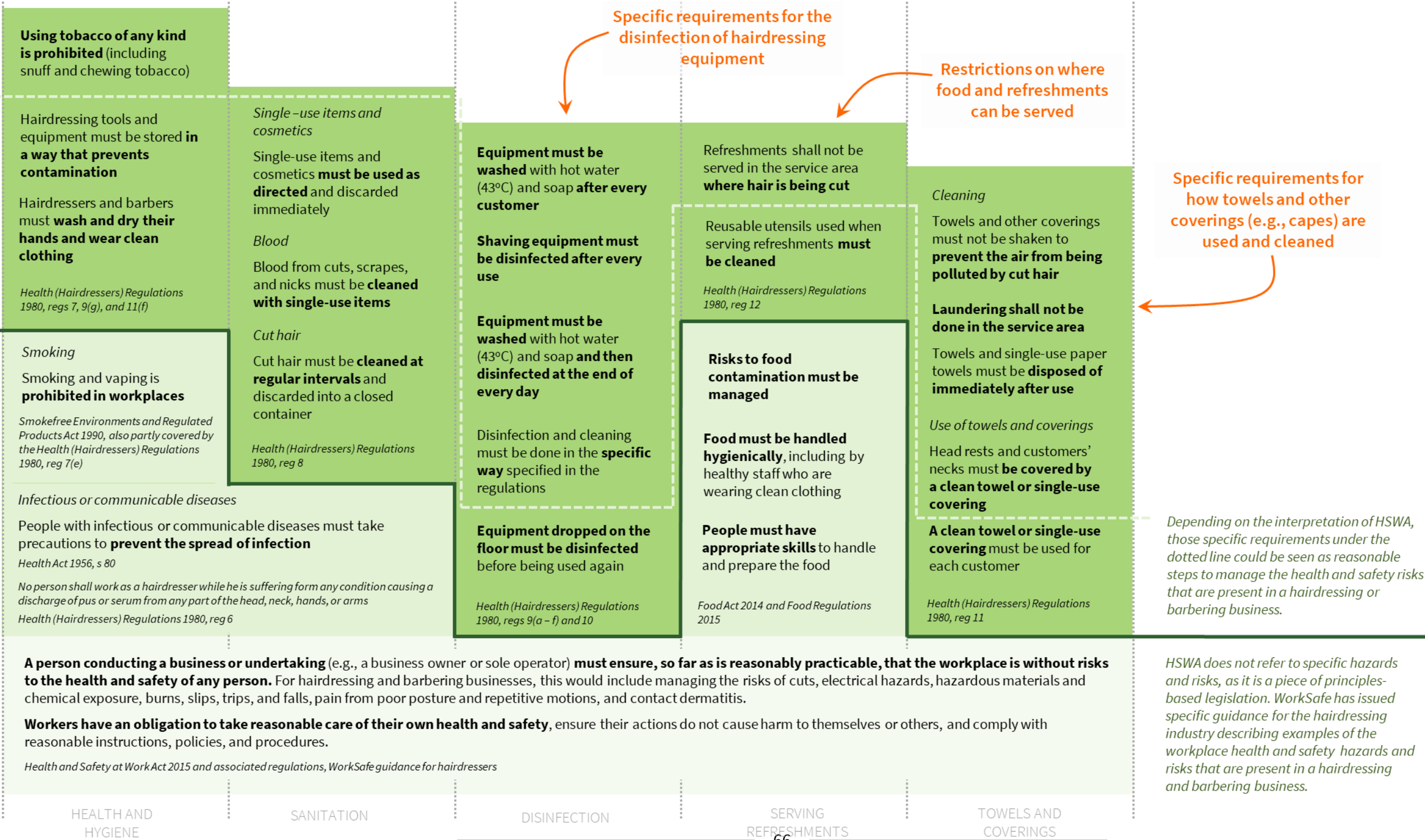




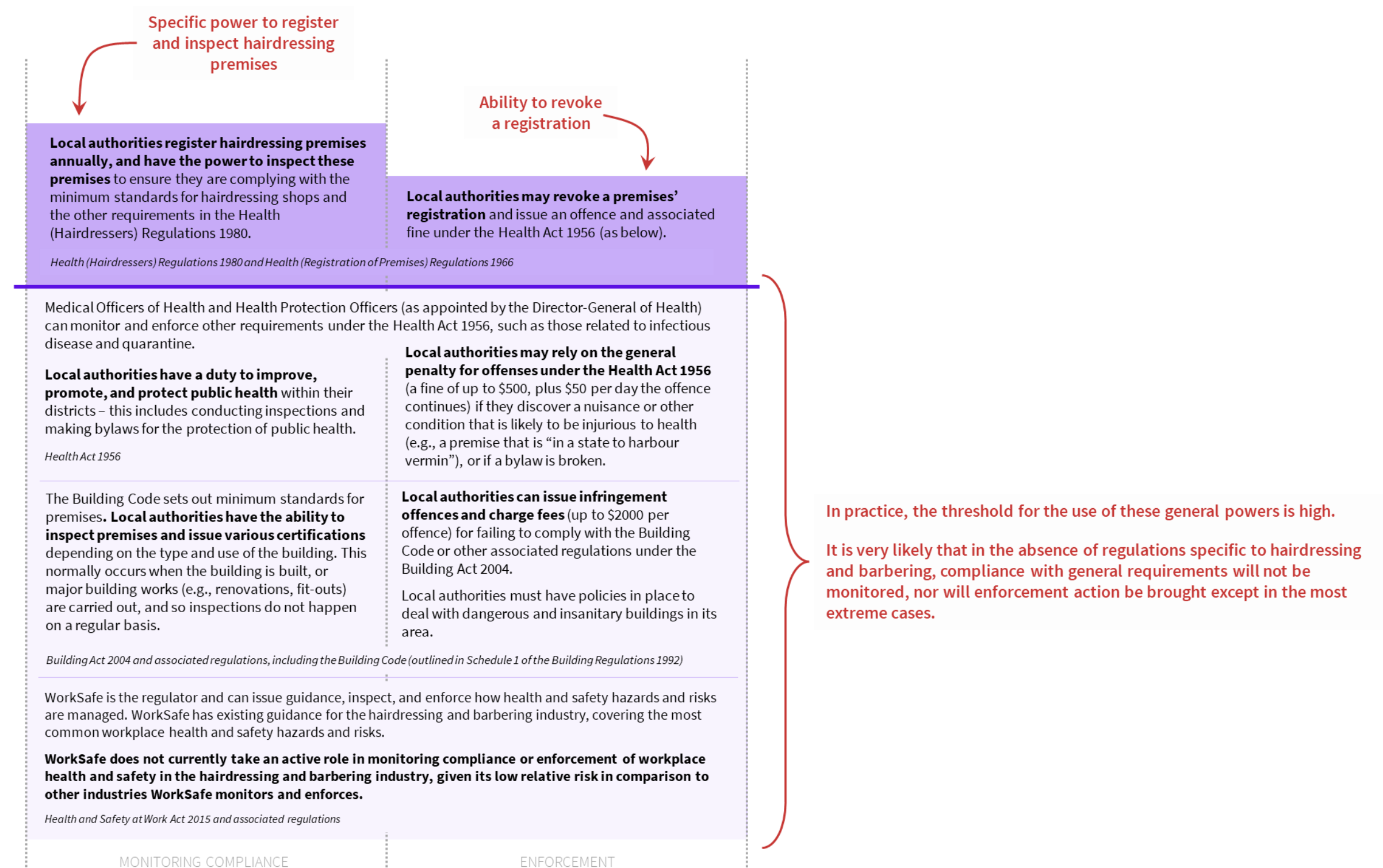
Figure 13: Status quo vs Option 1 – Monitoring compliance and enforcement

Status quo vs Option 1 – Monitoring compliance and enforcement

Hairdressing and Barbering Industry Regulatory Review

This A3 shows how the broad monitoring and enforcement powers in general primary and secondary legislation compare to the specific monitoring and enforcement powers under the Health (Hairdressers) Regulations 1980 and the Health (Registration of Premises) Regulations 1966.

- General monitoring and enforcement powers in general legislation
- Specific monitoring and enforcement powers in the Health (Hairdressers) Regulations 1980 or Health (Registration of Premises) Regulations 1966 **not already covered** by the general powers in other legislation





Option 2: New risk-based regulations

159. This option would revoke the Health (Hairdressers) Regulations 1980 and introduce new risk-based, simplified regulations, made under the Health Act 1956, that regulate health and hygienic practices.
160. Under this option, the existing minimum standards would cease to exist. Except where stipulated in the Building Code, there would be no prescriptions on matters such as minimum lighting levels, what surfaces should be used on the floor, walls and ceiling or minimum spacing between service chairs and hand-wash basins. Whether to serve non-alcoholic beverages or allow dogs on the premises would be left to the discretion of the business owner.
161. Existing regulatory requirements that apply businesses generally would still apply to the hairdressing and barbering industry, but there would also be new specific regulations introduced.
162. A summary of Option 2 is provided in the table below.

Details	Requirements
Regulations:	Specific hairdressing and barbering regulations that describe requirements for hairdressing and barbering businesses.
Requirement:	<ul style="list-style-type: none"> • All hairdressing and barbering businesses will be required to register their premises with their local authority. If the business has multiple locations, each premise will need to be registered. • All hairdressing and barbering businesses must ensure: <ul style="list-style-type: none"> ○ equipment is sanitised or wiped down between clients following the guidelines (see additional information section below) ○ fresh towels and linen are used for each client (see additional information section below) ○ hairdressers and barbers wash their hands before they see a client ○ hairdressers and barbers check a client's head before they start to check for any cuts, sores or headlice ○ staff follow manufacturers' instructions when using any products, including disinfectant (see additional information section below).
Applies to:	All businesses that offer hairdressing and barbering services, regardless of whether it is in a salon/shop-based location, home-based or mobile.
Regulator:	Local authorities



Details	Requirements
Verification frequency:	<p>The frequency checks would be as follows:</p> <ol style="list-style-type: none"> 1. within six weeks of registration (included in registration fee) 2. then every three years provided no complaint regarding hygiene and sanitation was brought to the attention of the local authority in between verifications, and upheld. <p>This frequency cycle would be standard only if the local authority deems the business or premises to be 'acceptable' following the verification process.</p> <p>If the verification was deemed 'not acceptable' i.e., the business was not following the requirements, the local authority would have the power to place the business on a shorter verification frequency (annually) until it was found to be 'acceptable' for two verification checks in a row.</p>
Enforcement tools:	<ul style="list-style-type: none"> • entry and exit controls (registration / suspension / revocation) • improvement notice – business owner directed to take certain actions or refrain from certain actions • infringement fees - an 'on the spot' fine for not complying with the improvement notice • prosecution – local authority can take a business owner to court for failing to comply with the requirements.
Registration fees:	\$450 (indicative)
Infringement fees:	\$450 (indicative) for failing to comply with an improvement notice.
Offences:	<p>There would be two offences for:</p> <ul style="list-style-type: none"> • failing to register a hairdressing and barbering premise • failing to comply with the requirements and/or guidance
Additional information:	<p>Additional guidance would be provided on how to clean equipment to manage the public health risk. This could be included in the regulations or be treated as additional guidance.</p> <p>The Review could adopt a similar approach in developing guidance to that taken Victoria and Western Australia.</p>



Risks

163. The options carry different risks, which are summarised in the table below. More detailed analysis of the extent to which each option meets the options analysis criteria is in **Appendix F**.

Risks / disadvantages of Option 1: Supported revocation	Risks / disadvantages of Option 2: New risk-based regulation
<ul style="list-style-type: none"> Incidents of harm may increase (although there are ways to mitigate this risk through non-regulatory interventions, as discussed above). Some local authorities are likely to step in and make bylaws, creating inconsistency and swapping one form of regulation for another. Monitoring compliance and enforcement under the HSWA regime will be unlikely to take place / will only take place if an incident reaches “notifiable” levels, which will be rare. There may be quality impacts from new entrants to the market who do not follow good safety practices undercutting businesses who have invested in training and developing good processes and price their services accordingly. If customers cannot adequately distinguish between the different types of businesses, it may lead to the market being dominated by lower quality providers. Revoking the regulations without replacing them was not supported by industry groups, which could present challenges in working with them to ensure success. However, this option was refined to add support measures following consultation. 	<ul style="list-style-type: none"> Some local authorities and businesses may view the requirements as overly onerous for the level of risk presented by the industry, even at a reduced level of requirements compared to the status quo. This option would not address the widely held view that regulation of hairdressing and barbering is disproportionately strict when higher risk services in the appearance industry remain unregulated.
<p>Neither option adequately deals with hairdressers or barbers that operate with poor hygiene and safety practices. Knowing who these businesses are relies on customers or members of the public making a complaint to the local authority or Ministry of Health.</p>	



164. The Review considered the role of qualifications in the industry but determined that qualifications alone cannot be relied on to do the heavy lifting of risk mitigation for either option. This is due to the large number of unqualified people already working in the industry and because qualification itself does not guarantee good practice (see Part 8 for further commentary on this).

On balance we recommend Option 1, to revoke and not replace the Health (Hairdressers) Regulations 1980

165. On balance, the Review recommends Option 1, to revoke and not replace the Health (Hairdressers) Regulations 1980. New guidance will instead be put in place for the industry about health and hygiene best practice (working in collaboration with relevant parties such as the Ministry of Health and Health New Zealand) and the Ministry for Regulation will monitor the impact of revoking the regulations.
166. The Review considered whether new regulations should be put in place with the intention of regulating the wider appearance industry in the future. However, in the absence of any motivation to regulate the wider appearance industry, revocation of the Health (Hairdressers) Regulations 1980 accompanied by the identified support measures is the recommended option to ensure the hairdressing and barbering industry is treated fairly and proportionately to the risk it poses.
167. After considering all the information available, the Review has concluded that given the low likelihood of harm occurring, this approach would be unlikely to present a material increase in risk. There are already a number of unregulated operators in the market, which has not resulted in significant harm being identified. The Ministry for Regulation will monitor the impact of the changes and will be able to identify in its two-year report back to Cabinet whether further intervention is required if harm levels do rise.
168. The relatively low levels of harm (comparative to other industries) that could result from the hairdressing and barbering industry does not outweigh the costs that would be incurred by central and local government to put a new regime in place.
169. Revoking the Health (Hairdressers) Regulations 1980 and not replacing them would further reduce the already very low compliance cost to business, potentially without any material change to the level of health risk. This is because compliance with and enforcement of the current regulations is inconsistent.
170. Introducing new regulations would continue to separate the hairdressing and barbering industry as requiring additional regulation, when it arguably presents less risk than other services in the wider appearance industry. Even with significantly less prescription in new regulations, some business owners would likely pay more of an upfront registration fee than they currently do, although this would be offset by the



fact that compliant businesses would only need to register every three years, as opposed to annually, spreading out the cost overall.

There are trade-offs with revoking and not replacing the regulations, some of which can be mitigated

171. Neither option is perfect for mitigating the market failures and therefore addressing the health risks the Review has identified. Neither option adequately deals with hairdressers or barbers that operate with poor cleaning, disinfection and hygiene practices.
172. There are few private or non-government solutions available to effectively replace the regulations, particularly regarding communication and developing and disseminating guidance for business owners. There is an industry body, but its membership currently only represents 10 percent of the industry, and members must be qualified hairdressers and barbers to join (see Part 8 for further commentary).
173. The key difference between the options is the presence of a specific compliance monitoring and enforcement mechanism in Option 2, with the costs of that mechanism able to be recovered by local authorities through a registration fee. While local authorities have general compliance monitoring and enforcement powers for public health under the Health Act 1956, these are reactive, not preventative measures. The enforcement pathway is unclear, with low penalties.



174. There are two main trade-offs with Option 1 as outlined in the table below:

Trade-off	Could be mitigated by...
No monitoring or enforcement of hygiene, disinfection and sanitation practices	<ul style="list-style-type: none"> • Introduction of new guidelines, but these are voluntary and not enforceable. • Some coverage in the HSWA as this relates to workers and others in the workplace (e.g., customers), but not in respect of public health risks. A workplace health and safety incident would likely only come to the attention of WorkSafe if it meets the relatively high threshold for a notifiable event, for instance a serious chemical burn. • Potentially some coverage in the Health Act 1956 under nuisance provisions, but this would rely on complaints to the local authority about hygiene and sanitation practices for them to know there is an issue. If an issue was identified the enforcement pathway is unclear, and penalties are likely too low to act as a deterrent.⁵⁴ • Two-year review and report back to Cabinet following revocation on whether risks have increased under the new regime.
Potential creation of bylaws leading to national inconsistency	<ul style="list-style-type: none"> • Strong communications to local authorities on the changes and what it means for them. • Potentially, advice from the Department of Internal Affairs to local authorities. • Ministerial letter to local authorities. • Two-year review and report back to Cabinet.

175. Regardless of the option, there are costs to Government to implement and monitor. For Option 1 (supported revocation) the costs include:

- providing communication and advice to local authorities, the industry and the public
- developing guidance for the industry on health and hygiene practices
- monitoring any impacts over the two years following revocation and reporting back to Cabinet.

⁵⁴ See sections 23 and 29-35 of the Health Act 1956. The remedies available are either entry on to the premises to abate the nuisance or commencing District Court proceedings, which are unlikely to be used by local authorities in practice in relation to hairdressing and barbering businesses.



Part 8: Regulatory and non-regulatory opportunities

176. In this part we discuss other issues identified during the Review. These are either outside the scope of the Review or are general observations about the interplay between business and regulations.

Summary

- A range of regulatory and non-regulatory issues were brought to the attention of the Review, that we felt required more work or comment.
- The Ministry for Regulation recommends that it work with the Ministry of Justice to respond to issues raised by submitters with how the Sale and Supply of Alcohol Act 2012 applies to the hairdressing and barbering industry.
- The Review encountered several challenges in being able to understand exactly what harm was occurring in the hairdressing and barbering industry. We consider better data collection would be beneficial.
- We were provided with valuable insights into the issues New Zealand's small businesses are facing. These can inform future investigations and reviews.
- A common theme from submissions was the lack of regulation of the wider appearance industry, which arguably presents a higher risk than hairdressing and barbering. This was out of scope for this Review. However, this Review has provided an option and analysis that could be used as a blueprint for the wider appearance industry if government decided to regulate in the future.
- The Review found no significant evidence that having only 60 percent of the current industry qualified has contributed to poor quality outcomes or an increase in health incidents, but will monitor this following any changes to the regulatory framework.
- The hairdressing and barbering industry is fragmented and the industry body, Hair & Barber New Zealand, only represents 10 percent of the industry. We will seek to work with Hair & Barber New Zealand on communication and development of new guidance for the industry and will explore ways to involve the broader industry as part of this.



Broader regulatory issues

Sale and supply of alcohol

177. Most submitters wanted to be able to serve refreshments in the service area of hairdressing and barbering businesses, but submitters had mixed views on allowing alcohol to be served without a licence. Some (between 12 and 30 percent) specifically wanted to be able to serve a small amount of complimentary alcohol without a licence (1-2 standard drinks) or allow bring-your-own (BYO) alcohol. These submitters wanted to offer services such as “blow-dry and bubbles” or catering to bridal parties. Serving alcohol was seen as one way to differentiate their service offerings and increase revenue.
178. However, a few other submitters (less than 12 percent) felt that the risks introduced by serving alcohol (e.g., unruly customers, minors on premises or unknowingly serving intoxicated customers who had previously consumed alcohol elsewhere) are too high.
179. It appears that a few hairdressing and barbering businesses have taken the step of applying for a licence. One business owner told us they had successfully applied for a licence and operate a bar as part of their hairdressing business, separate from the service area, but this was an isolated example.
180. The Sale and Supply of Alcohol Act 2012 (SSAA) applies to any business wishing to sell or supply alcohol. Section 28 outlines the eligibility criteria for those wishing to apply for one of four licence categories under the SSAA. Broadly, any person or organisation meeting the requirements under section 28 may apply for a licence to sell or supply alcohol and may only proceed to serve alcohol if they have the appropriate licence permitting them to do so.
181. There are currently five provisions under Part 2 of the SSAA that exempt certain business operations from requiring licences. Hairdressing and barbering businesses are not included in the list of exemptions.
182. Internationally, while many jurisdictions have maintained a blanket approach to alcohol licensing requirements, there are some examples where hairdressing salons (and in some cases barbers) are able to serve alcohol. For example:
 - Western Australia has a broad exemption – under the Liquor Control Act 1988 businesses can provide complimentary alcohol to a customer without a liquor licence, provided certain conditions are met.⁵⁵

⁵⁵ “Exemptions to the Liquor Control Act 1988” (21 February 2025) Western Australia Department of Local Government, Sport and Cultural Industries <www.dlgsc.wa.gov.au>.



- Queensland permits exemptions for seven specific industries under the Liquor Act 1992.⁵⁶

183. There are currently four members' bills in the ballot relating to the SSAA, including one proposing a specific carve-out for hairdressers and barbers. In addition, there have been several issues raised with the Ministry for Regulation in relation to the SSAA through the regulatory issues portal. This (alongside other reviews and commentary) suggests businesses face regulatory issues relating to the sale and supply of alcohol, and the legislation would benefit from review. However, there is insufficient time to include a broader review of the SSAA in scope of the work.
184. To respond to submitters' views specifically about the hairdressing and barbering industry, the Review recommends that the Ministry for Regulation undertake further work with the Ministry of Justice to respond to issues raised by submitters with how the Sale and Supply of Alcohol Act 2012 applies to the hairdressing and barbering industry.

The Health Act 1956 limits modern solutions

185. In determining the best options for the appropriate level of government intervention, the Health Act 1956 has presented several challenges for the Review. It is old and out of date, and due to numerous amendments over the years, is clunky and difficult to navigate. If the Health (Hairdressers) Regulations 1980 are revoked, there are little to no enforcement mechanisms remaining under the Health Act 1956, and the penalties are very low by current standards, meaning the cost of a prosecution would be significantly more than the penalty available.
186. A Public Health Bill was drafted and had its first reading in the House in 2007. The Bill would have replaced the public health elements of the Health Act 1956, as well as the Tuberculosis Act 1948. It was designed to cover traditional aspects of public health such as controlling infectious disease and providing for sanitary housing conditions, as well as introduce modern approaches to deal with a wider range of public health risks. However, the Bill was withdrawn in 2015.
187. This, as well as the focus drawn by the COVID-19 pandemic, has meant the Ministry of Health has not been able to discharge its regulatory stewardship role in this area as well as it would have liked.

Improving data collection

188. The Review encountered challenges in obtaining reliable data to understand the level and prevalence of harm occurring due to hairdressing and barbering practices.

⁵⁶ "Liquor licence exemptions" (20 September 2023) Queensland Government <www.business.qld.gov.au>.



189. For example, while ACC collects sufficiently granular data to identify the industry associated with each worker claim, it does not collect data that enables it to identify any specific industry associated with non-worker claims i.e., customers who may be injured at the hairdresser or barber. The form that claimants or their service providers fill in only asks whether the accident happened at home, school, or other. See **Appendix C** for further information on how ACC records data.
190. The inability to identify the setting where accidents involving non-workers occurred presents challenges as it means it is not possible to quantify (volume, severity, and costs) the harm for this group. It highlights a systemic issue that may affect future reviews that involve the question of harm to the public and also cost benefit analyses for potential future regulation in other areas.
191. Being able to record, and subsequently, access data that helps quantify the harm for non-workers would be beneficial. As part of further work following revocation of the Health (Hairdressers) Regulations 1980, the Ministry for Regulation will explore whether there are opportunities to improve data collection.

Small business impacts

192. The New Zealand economy primarily consists of small businesses – 97 percent of New Zealand businesses employ fewer than 20 people. The hairdressing and barbering industry reflects this, as it is characterised by small independent businesses. The Ministry’s engagement 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:
 - 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)
 - how small businesses can find it difficult to navigate the different, overlapping regulations and pieces of legislation that apply to their business
 - the costs and other barriers to market entry, expansion and innovation that regulation can create for small businesses
 - how regulation can even the playing field between small businesses and bigger players in their industry
 - how small businesses can find well-implemented regulation a helpful tool to run their business well.
193. We will draw on these insights to inform the focus of future investigations and reviews.



Deemed outside the scope of the Review

Regulation of the wider appearance industry

194. During consultation, the Review heard overwhelmingly from business owners, local authorities, hairdressers and barbers, academics specialising in infectious disease and environmental health and industry groups that it is inconsistent to regulate hairdressing and barbering but not the wider appearance industry.
195. Other parts of the appearance industry like tattooing present a much higher risk to customers. For example, any service that pierces the skin increases the risk of bloodborne and infectious diseases. Additionally, sunbed services carry high long-term risks such as cancer, and that industry is only subject to guidance which is reportedly not followed.
- As the options were developed and analysed, we envisaged that any new risk-based regulations for hairdressing and barbering could be used as a blueprint for regulation of the wider appearance industry if government decided on this in the future. For this Review, it was deemed out of scope. However, the Review encourages the Ministry of Health to consider future work to examine whether the wider appearance industry should be regulated.

Qualifications for hairdressers and barbers

196. As this report has already discussed, there is no requirement for hairdressers and barbers to be qualified to work in the industry. Currently, around 60 percent of hairdressers and barbers are qualified. In considering the options for reform, the Review looked at whether making qualifications mandatory would help manage the health risks more effectively than the status quo.
197. The Review acknowledges the concerns raised by Hair and Barber New Zealand, the industry body, and some submitters who feel that all hairdressers and barbers should have to hold relevant qualifications to ensure they have the knowledge and skills to operate competently and safely, especially around chemicals. There was also concern that Option 1 (supported revocation) would see a potential increase in unqualified hairdressers or barbers joining the industry.
198. On the other hand, some submitters thought that having no qualification requirements would lower the barriers to entry into the profession and incentivise an apprenticeship model. Some business owners raised concerns about the low quality of the current qualifications, meaning that even qualified hairdressers and barbers did not have the required skills to operate independently.



199. The Review found no significant evidence that having only 60 percent of the current industry qualified has contributed to an increase in health incidents. This means there is not a strong rationale for making qualifications mandatory.
200. If Option 1 (supported revocation) is pursued, as part of the monitoring of the industry over the following two years the Ministry for Regulation will work to determine what is happening in the market as a result of the changes, and whether businesses that employ qualified hairdressers and barbers are shutting because they cannot compete with businesses operating solely with unqualified staff.

Industry body

201. One of the challenges the Review has faced is the fragmentation of the industry. As stated, only 10 percent of mainly business owners belong to Hair & Barber New Zealand, the main industry body. Membership is only open to qualified hairdressers and barbers, though non-members can purchase resources at a higher cost.⁵⁷ This fragmentation means that options requiring strong industry-leadership, such as self-regulation, were excluded early in the Review.
202. This fragmentation will also hamper our ability to communicate with the sector on any changes and develop guidance for the wider industry. We will seek to work with Hair & Barber New Zealand on communication and guidance and will explore ways to involve the broader industry as part of this process.

⁵⁷ These include health and safety guidelines, employment agreement templates, job description templates and a cancellation policy template.



Appendix A: What the Review heard through engagement

[Attached separately]



Appendix B: Background information on risks and/or harms – summary of literature scan

What is the risk and how does transmission occur?	What is known about the nature of the harm?	What is known about the level of harm?	Is it covered by ACC and how many claims have there been in NZ?
Communicable diseases: viral infections Moderate to low frequency of encountering a customer with a viral infection, high consequence if transmitted			
<ul style="list-style-type: none"> Viral infections (bloodborne) – spread via contact with blood or bodily fluids of an infected person with viral loads sufficient to transmit an infectious dose. In hairdressing and barbering this risk primarily arises when either a customer or worker receives an accidental cut or nick from a sharp non-single use instrument (such as a razor, clippers, or scissors) that is not cleaned and disinfected and then transferred to another worker or customer. The degree of risk will depend on many factors (prevalence, source of infection, characteristics of who it is transmitted to). 	<p><u>HEPATITIS B (ON CHILDHOOD IMMUNISATION SCHEDULE)</u></p> <ul style="list-style-type: none"> Hepatitis B is a bloodborne virus that attacks and damages the liver.⁵⁸ It is estimated that approximately 120,000 people in New Zealand have Hepatitis B.⁵⁹ Overall population prevalence in New Zealand is estimated to be 5.7 percent.⁶⁰ It is estimated that between 200-300 New Zealanders die due to hepatitis B-related liver disease each year.⁶¹ Worldwide, half the population is exposed to hepatitis B at birth or early childhood, and 350 million have subsequently developed chronic infection. Almost 20 percent develop active liver disease (chronic hepatitis B), and will progress to cirrhosis and liver failure, and 5-40 percent will develop liver cancer.⁶² <p><u>HEPATITIS C (NO VACCINE)</u></p> <ul style="list-style-type: none"> Hepatitis C is a bloodborne virus that attacks the liver.⁶³ It is estimated that 45,000 New Zealanders are living with chronic Hepatitis C, 40 percent of whom are likely to be unaware that they have the virus.⁶⁴ It is estimated that approximately 500 people contract the virus each year. Approximately 70-75 percent will develop chronic hepatitis C, which can cause serious liver damage, including liver failure and liver cancer.⁶⁵ 	<p><i>Studies assessing likelihood of bloodborne pathogens on tools used in barbershops:</i></p> <ul style="list-style-type: none"> A 2018 study in South Africa analysed the clippers of 50 barbers immediately after they had done a clean-shave haircut. 42 percent of clippers were detected to have blood on them, and 8 percent were positive for hepatitis B virus.⁶⁸ A 2010 Turkish study of 151 used razor blades purchased from barbershops identified hepatitis B DNA in 6.6 percent of razor blades.⁶⁹ Population prevalence of chronic hepatitis B infection in Turkey is estimated to be 4.57 percent (not dissimilar to New Zealand).⁷⁰ <p><i>Studies assessing barbers' knowledge and typical practice:</i></p> <ul style="list-style-type: none"> A 2020 review of international evidence relating to infections acquired in barbershops revealed poor knowledge and/or practices in barbershops; use of barbershops being a risk factor for developing hepatitis; pathogens on equipment that hasn't been sterilised (or was incorrectly sterilised), however all studies were in developing countries.⁷¹ A 2010 study of hairdressers in Palermo, Italy found while over 90 percent of hairdressers understood that HIV/AIDs and hepatitis viruses could be transmitted by razors, 30 percent of barbers never used gloves, 62 percent did not sterilize items between clients, and only 34 percent disinfected hairbrushes daily.⁷² 	<p>ACC does not cover contagious diseases or conditions.</p>

⁵⁸ "Te mate ate kakā B | Hepatitis B" (19 November 2024) Health New Zealand | Te Whatu Ora <info.health.nz>.

⁵⁹ Health New Zealand | Te Whatu Ora *Immunisation Handbook 2025, version 1* (21 January 2025) at 240.

⁶⁰ Tom Robinson and others "The New Zealand Hepatitis B Screening Programme: screening coverage and prevalence of chronic hepatitis B infection" (2005) 118(1211) NZ Med J 29 at 29.

⁶¹ The Hepatitis Foundation of New Zealand *Hepatitis B in New Zealand* at 2.

⁶² Edward Gane "Screening for chronic hepatitis B infection in New Zealand: unfinished business" (2005) 118(1211) NZ Med J 10 at 10.

⁶³ "Hepatitis C: Work in progress for improving hepatitis prevention and treatment services in New Zealand" (2024) Health New Zealand | Te Whatu Ora <tewhaturora.govt.nz>.

⁶⁴ Ministry of Health *National Hepatitis C Action Plan for Aotearoa New Zealand – Māhere Mahi mō te Ate Kakā C 2020–2030* (July 2021) at 5 and 7.

⁶⁵ "Hepatitis C: Work in progress for improving hepatitis prevention and treatment services in New Zealand" (25 July 2024) Health New Zealand | Te Whatu Ora <tewhaturora.govt.nz>.

⁶⁸ Zandile Spengane and others "Blood and virus detection on barber clippers" (March 2018) 108(4) S Afr Med J 278 at 278.



⁶⁹ Cafer Eroglu and others "Detection of hepatitis B virus in used razor blades by PCR" (2010) 10(1) Hepat Mon 22 at 24.

⁷⁰ Hasan Özkan "Epidemiology of Chronic Hepatitis B in Turkey" (January-June 2018) 8(1) Euroasian J Hepatogastroenterol 73 at 73.

⁷¹ Jakob M Britsch, Stefan Bereswill and Markus M Heimesaat "Infections acquired in barbershops – A review" (2024) 14(4) European Journal of Microbiology and Immunology 366 at 366.

⁷² Emanuele Amodio and others "Knowledge, attitudes and risk of HIV, HBV and HCV infections in hairdressers of Palermo city (South Italy) (2010) 20(4) European Journal of Public Health 433 at 433.



What is the risk and how does transmission occur?	What is known about the nature of the harm?	What is known about the level of harm?	Is it covered by ACC and how many claims have there been in NZ?
	<ul style="list-style-type: none"> It is estimated that 100 people in New Zealand die each year from Hepatitis C.⁶⁶ A 2020 study that involved screening 192 people at pharmacies in West and North Auckland found that 7/192 (3.6 percent) had positive tests on screening, four of whom indicated current infection (either acute or long-term).⁶⁷ 	<p><i>Studies assessing use of barbershops as a risk factor for hepatitis</i></p> <ul style="list-style-type: none"> A 2024 study in Pakistan into the relationship between Hepatitis C virus infection and several risk factors found that of the variables considered, facial shave at a barbers had the greatest association with transmission of Hepatitis C.⁷³ A 2009 study of 466 men in Egypt found that shaving in barbershops was associated with a two-fold increased risk of transmission of Hepatitis B virus, but not of other hepatitis viruses.⁷⁴ 	
Communicable diseases: bacterial infections Very low to low frequency of encountering a customer with a bacterial infection, low to moderate consequence if transmitted			
<ul style="list-style-type: none"> Bacterial infections can spread via droplets, dust in air, direct or indirect contact, a vector, or contaminated food or water. Bacterial infections in hair salons and barbershops are usually caused by <i>Staphylococcus aureus</i> and or <i>Streptococcus pyogenes</i>.⁷⁵ It is estimated that 10-20 percent of the population are staphylococcal carriers. It is most commonly carried in the nostrils, armpits, between the legs and in the cleft between the buttocks.⁷⁶ In the context of hairdressing and barbering, small nicks or grazes can inoculate the bacteria onto the skin, leading to one of the conditions described. 	<p>IMPETIGO⁷⁷</p> <ul style="list-style-type: none"> Impetigo is a common, highly contagious skin infection that results in pustules and honey-coloured crusted erosions. It is more commonly transmitted in warm, humid climates, where there is poor hygiene.  <p>Image source: DermNet</p> <p>BACTERIAL FOLLICULITIS</p> <p>'Folliculitis' refers to an inflamed hair follicle. It can have many causes, one of which is due to bacteria.</p>  <p>Image source: DermNet</p> <p>BOILS⁷⁸</p> <p>A boil is a deep form of bacterial folliculitis (infection of a hair follicle), typically caused by <i>Staphylococcus aureus</i>. Large boils may form abscesses (accumulation of pus within a cavity).</p>	<p>The Ministry of Health (MoH) has confirmed that as these conditions are not notifiable, there is no data available on incidence. MoH states that there is no evidence of significant incidence due to hairdressers' or barbers' practices in New Zealand, and that they would be reliant on media or public queries of which they are not aware of any.</p>	<p>ACC does not cover contagious diseases or conditions.</p>

⁶⁶ Ibid.

⁶⁷ Natalie Gauld and others "Feasibility and outcomes of a hepatitis C screening programme in community pharmacies" (2020) 133(1525) NZMJ 74 at 77.

⁷³ Roohul Amin and others "Statistical analysis of seroprevalence and risk factors of hepatitis C in Nowshera District, Pakistan" (2024) 14(1) Sci Rep.

⁷⁴ Adela Paez Jimenez and others "Community transmission of hepatitis B virus in Egypt: results from a case-control study in Greater Cairo" (2009) 38(3) Int J Epidemiol 757 at 757.



⁷⁵ Dr Kate Quirke "Impetigo" (March 2022) DermNet <www.dermnetnz.org/topics>.

⁷⁶ Dr Amanda Oakley "Boil" (January 2016) DermNet <www.dermnetnz.org/topics>.

⁷⁷ Dr Kate Quirke "Impetigo" (March 2022) DermNet <www.dermnetnz.org/topics>.

⁷⁸ Dr Amanda Oakley "Boil" (January 2016) DermNet <www.dermnetnz.org/topics>.



What is the risk and how does transmission occur?	What is known about the nature of the harm?	What is known about the level of harm?	Is it covered by ACC and how many claims have there been in NZ?
Communicable diseases: fungal infections Very low frequency of encountering a customer with fungal infection, moderate consequence if transmitted			
<ul style="list-style-type: none"> Fungal infections spread via direct skin contact, or sharing contaminated objects (towels, hairbrushes, clippers), or via surfaces (e.g., basins). In the context of hairdressing and barbering, transmission can occur if tools and materials are not effectively cleaned and disinfected between each client. 	<p><u>TINEA CAPITIS (SCALP RINGWORM) AND TINEA BARBAE (FUNGAL INFECTION OF THE BEARD)</u></p> <ul style="list-style-type: none"> Tinea capitis is a fungal infection of the scalp caused by dermatophytes. It typically involves hair loss, dry scaly areas, redness, and itch.⁷⁹ Tinea barbae is the same infection, but in the beard area.⁸⁰ In New Zealand, tinea capitis has traditionally been caused by <i>Microsporum canis</i>, due to contact with an infected kitten or older cat or dog. However, in the last decade <i>Trichophyton tonsurans</i> and <i>Trichophyton violaceum</i> have become common causes. These dermatophytes can be transmitted by sharing hairbrushes and clothing.⁸¹  <p>Image source: DermNet</p>	<p><u>New Zealand:</u> MoH has confirmed that as this condition is not notifiable, there is no data available on incidence. MoH states that there is no evidence of significant incidence due to hairdressers' or barbers' practices in New Zealand, and that they would be reliant on media or public queries of which they are not aware of any.</p> <p><u>International:</u> In the past four years, there have been multiple reports from the UK⁸² and Germany⁸³ linking poor hygiene at barbershops to an increase in cases of men catching ringworm. This has been attributed to more men requesting popular 'skin fade' haircuts – where the sides are shaved short, and the length is left on the top.</p>	<p>ACC does not cover contagious diseases or conditions.</p>
Communicable diseases: ectoparasites Moderate to high frequency of encountering a customer with an ectoparasites, low consequence if transmitted			
<ul style="list-style-type: none"> Ectoparasites are pathogens that infest the superficial layers of the skin of human beings and other animals. In the context of hairdressing and barbering, transmission may occur if tools are not effectively cleaned and disinfected between customers, or may occur via contact with fabric such as capes and towels. 	<ul style="list-style-type: none"> Head lice are 2-3mm, wingless insects that can infest the human scalp. The body of the insect is grey, but becomes reddish after feeding, which occurs up to five times per day. The female louse can lay 50-100 eggs, which hatch after approximately 8 days. They reach maturity after 10 days, and the cycle repeats. Head lice usually cause the scalp to become itchy and irritated.  <p>Image source: Dermnet</p>	<ul style="list-style-type: none"> MoH has confirmed that as this condition is not notifiable, there is no data available on incidence. MoH states that there is no evidence of significant incidence due to hairdressers' or barbers' practices in New Zealand, and that they would be reliant on media or public queries of which they are not aware of any. Recent news articles in New Zealand have indicated a high prevalence of lice among children in New Zealand.⁸⁴ 	<p>ACC does not cover contagious diseases or conditions.</p>

⁷⁹ Dr Amanda Oakley "Tinea capitis" (2003) DermNet <www.dermnetnz.org/topics>.

⁸⁰ "Tinea barbae" (2003) Dermnet <www.dermnetnz.org/topics>.

⁸¹ "Tinea capitis" (2003) Dermnet <www.dermnetnz.org/cme>.

⁸² See for example, Curtis Lancaster "Why are people getting ringworm from their barbers?" *BBC News* (online ed, London, 21 November 2024), Elaine Blackburn "Urgent warning as surge in 'scald-head' infections linked to popular haircut" *The Mirror* (online ed, 13 December 2024).

⁸³ See for example Fernando Mateos Frühbeck "How to get an 'undercut' in Germany and avoid ringworm" *Deutsche Welle* (online ed, Bonn, 17 July 2024), Valentina Laura Müller and others "Tinea capitis et barbae caused by *Trichophyton tonsurans*: A retrospective study of an infection chain after shavings in barber shops" (2021) 64(4) *Mycoses* 428-436.

⁸⁴ See for example Isra'a Emhail and Luka Forman "Head lice frustrations driving some parents to risky treatments" *RNZ News* (online ed, 28 January 2025).



What is the risk and how does transmission occur?	What is known about the nature of the harm?	What is known about the level of harm?	Is it covered by ACC and how many claims have there been in NZ?
Chemical exposure: burns Moderate to high occurrence, low to moderate consequence			
<ul style="list-style-type: none"> Chemical burns can occur to either customers or workers for a range of different reasons, including: <ul style="list-style-type: none"> hair dye or other treatment being left on for too long poor technique in applying chemicals to customers' hair lack of or inadequate use of appropriate personal protective equipment (e.g., cape, towel on neck) other non-adherence to manufacturer's instructions 	<p>The nature of harm will depend on the specifics of each situation, particularly the chemical involved, and the level of exposure (volume and duration).</p>	<p><u>New Zealand:</u></p> <ul style="list-style-type: none"> Based on ACC data on for period 2014-2024, annual average accepted claims relating to hairdressing and barbering included: <ul style="list-style-type: none"> between 200-300 non-workers where the injury type mentioned the word 'hair dye' between 20-50 non-workers where the primary diagnosis was 'burns' (which may have been related to chemicals, or to hot objects); and 5-15 workers fewer than 5 non-workers each year where the injury type included the phrase 'hair treatment'. A 2007 Department of Labour report on health and safety in hairdressing noted poor practice in the industry for chemical safety.⁸⁵ <p><u>International:</u></p> <p>A retrospective case series from 2016 to 2020 at two statewide tertiary referral burns centres (i.e., hospitals that deal with the most severe burns cases) in Sydney identified 14 patients with skin burns due to hair-bleaching procedures. Most involved full thickness components, many of which required grafting. Only one patient received adequate first aid at the time of the injury. 71 percent of the burns occurred in a professional setting.⁸⁶</p>	<ul style="list-style-type: none"> Burns (chemical or other) are covered by ACC. ACC data for the past 10 years shows approximately: <ul style="list-style-type: none"> between 30-50 burns diagnoses for non-workers each year between 5-15 burns diagnoses for workers each year.
Chemical exposure: skin reactions Very varied occurrence and consequence, high occurrence and high consequence for workers			
<ul style="list-style-type: none"> A person may have an allergic reaction due to a product or material used as part of the hairdressing process (hair dye, treatment, product, shampoo etc). 	<ul style="list-style-type: none"> The most common types of skin reactions related to hairdressing and barbering include: <ul style="list-style-type: none"> Contact irritant dermatitis (CID) (largely workers but may affect customers) - occurs when physical or chemical damage to the barrier layer of the skin exceeds the skin's ability to repair the damage. It may occur as a one-off event, repeated relapsing episodes, or chronic dermatitis due to repetitive injury.⁸⁷ Contact allergic dermatitis (CAD) (customers and workers) - results from an immunological response to an allergen. Once sensitized, the person may react with minimal exposure to the 	<ul style="list-style-type: none"> Dermatitis is understood to be a significant issue in the sector – particularly for workers, but also for some customers: <ul style="list-style-type: none"> Up to 50 percent of hairdressers develop hand dermatitis within three years of starting work – either irritant contact dermatitis, or allergic contact dermatitis.⁹⁰ A 2002/03 Department of Labour survey of 70 hairdressers found that 50 percent currently had or had in the past 5 years suffered an overuse disorder, and 10 percent had or had had dermatitis at the time of the survey.⁹¹ 	<ul style="list-style-type: none"> If harm can be proven to be due to a gradual process injury relating to a workplace exposure (e.g., contact irritant dermatitis), the claimant may be covered by ACC. Contact allergic dermatitis would not be covered by ACC for either workers or non-workers.

⁸⁵ Department of Labour *Health and safety in hairdressing: An evaluation of health and safety management practices in the hairdressing industry* (August 2007) at 40, 41.

⁸⁶ Omar Noori and others "Chemical burns to scalp from hair bleach: A retrospective case series" (2024) 7(2) *Australas J Plast Surg*.

⁸⁷ Susan Ford "Skin problems in hairdressers and barbers" (2012) *Dermnet* <www.dermnetnz.org/topics>.

⁹⁰ Allison Worth, S Hasan Arshad and Aziz Sheikh "Occupational dermatitis in a hairdresser" (2007) 335 *BMJ* 399 at 399.

⁹¹ Department of Labour *Health and safety in hairdressing: An evaluation of health and safety management practices in the hairdressing industry* (August 2007) at 9 and 68.



What is the risk and how does transmission occur?	What is known about the nature of the harm?	What is known about the level of harm?	Is it covered by ACC and how many claims have there been in NZ?
	<p>allergen. The allergen may have previous been well-tolerated. There is no cure, so the only way to manage it is to avoid exposure. Hair dye is the most frequent / common allergen.^{88 89}</p> <ul style="list-style-type: none"> ○ Contact urticaria (CU) causes transient localized swelling and redness immediately after contact. An example is rubber latex allergy. • The impact of an allergic reaction is likely to be variable, ranging from minor irritation to major physical reaction. 	<ul style="list-style-type: none"> ○ A 2007 Department of Labour report on health and safety in hairdressing produced noted poor practice in the industry with chemical safety.⁹² • However, while these impacts are understood to be common, and result in some workers leaving the industry, these harms do not appear to be captured in any official data, even though they should be. 	
Chemical exposure: harm from airborne hazardous substance Unknown occurrence and consequence			
<p>Negative health impacts have been associated with several chemicals commonly used in hairdressing and barbering. Chemicals where health risks have been identified include:</p> <ul style="list-style-type: none"> • Formaldehyde and formaldehyde releasing agents (methylene glycol, formalin, methanal) – used in many keratin hair treatments, and some shampoos⁹³ • Ammonia – used in hair dyes and bleach • Persulphates – used in hair bleaches and hair lighteners⁹⁴ • Ortho-, meta (m)- and para (p)-toluidine⁹⁵ • Paraphenylenediamine (PPD) – found in many permanent and some semi-permanent dyes. 	<ul style="list-style-type: none"> • Staff and customers in hair salons are frequently exposed to chemicals in the form of shampoo, treatments, hair dyes, and hair products. • Exposure is less frequent in barbershops, as barbering typically involves significantly lower use of chemical products. • Many chemicals used in chemical hair relaxers have had concerns noted in relation to potential health hazards.⁹⁷ • The impact is likely to vary considerably, from minor irritant to significant permanent impact. • The risks for each salon or barbershop will be dependent on both the nature and level of exposure (e.g., services offered, specific products used, customer volumes, physical space, effectiveness of ventilation), and mitigations used (e.g., ventilation systems, use of gloves and masks, use of lower toxicity products, hygiene and cleaning). • Manufacturer’s instructions for chemicals used in salons typically require patch testing prior to initial use. This is taught and required as part of hairdressing qualifications, but very rarely required in hairdressing salons.⁹⁸ 	<p><u>New Zealand</u></p> <ul style="list-style-type: none"> • Based on ACC data on for period 2014-2024, annual average accepted claims relating to hairdressing and barbering included approximately 5-10 non-workers where the primary diagnosis was inhalation or ingestion. <p><u>International</u></p> <p><u>Airborne hazardous chemicals</u></p> <ul style="list-style-type: none"> • A review of occupational exposure of hairdressers to airborne hazardous chemicals found that exposure to chemicals such as formaldehyde, ammonia, and total volatile organic compounds, and toluene exceeded the relevant occupational exposure limit in some studies.⁹⁹ • Several studies have considered links between chemical exposures that hairdressers experience and respiratory symptoms.¹⁰⁰ <p><u>Formaldehyde (permitted in New Zealand up to 0.02%)</u></p> <ul style="list-style-type: none"> • Formaldehyde can cause irritation of the eyes, nose, throat and skin. • Formaldehyde has been classified as a probable human carcinogen by the Integrated Risk Information System and as a carcinogen by the 	<p><u>Non-workers</u></p> <ul style="list-style-type: none"> • A customer who was harmed due to chemicals used at a hair salon or barbershop would be eligible for ACC in limited circumstances. • ACC non-worker data for the past 10 years shows between 5-10 new claims relating to inhalation/ingestion each year. <p><u>Workers</u></p> <ul style="list-style-type: none"> • If harm can be proven to be due to a gradual process injury relating to a workplace exposure,

⁸⁸ N Alajaji “Hair Product Allergy: A Review of Epidemiology and Management” (11 April 2024) 16(4) Cureus.

⁸⁹ Susan Ford “Skin problems in hairdressers and barbers” (2012) Dermnet <www.dermnetnz.org/topics>.

⁹² Ibid., at 39-41.

⁹³ See for example, “Hair smoothing products that release formaldehyde when heated” (15 October 2024) US Food & Drug Administration <www.fda.gov>, Dr Noreen Iftikhar “What are the side effects of a keratin treatment?” (15 May 2023) Healthline www.healthline.com and JS Pierce and others “Characterization of formaldehyde exposure resulting from the use of four professional hair straightening products” (2011) 8(11) J Occup Environ Hyg 686 at 686.

⁹⁴ Gianna Moscato and Eugenia Galdi “Asthma and hairdressers” (2006) 6(2) Curr Opin Allergy Clin Immunol 91 at 91.

⁹⁵ Gabriella M Johansson and others “Exposure of hairdressers to ortho- and meta-toluidine in hair dyes” (2015) 72 Occup Environ Med 57 at 57.

⁹⁷ Carli D. Needle and others “Safety of chemical hair relaxers: A review article” (2024) 2 JAAD Review 50 at 50.

⁹⁸ Interview with Suzanne Stratford, Portfolio Team Leader, Hairdressing Barbering and Beauty, HITO (Ministry for Regulation, 26 February 2025).

⁹⁹ Sanja Kezic and others “Occupational exposure of hairdressers to airborne hazardous chemicals: a scoping review” (2022) 19(7) Int J Environ Res Public Health 4176 at 4176.

¹⁰⁰ Julia Hiller, Annette Greiner and Hans Drexler “Respiratory afflictions during hairdressing jobs: case history and clinical evaluation of a large symptomatic case series” (2022) 17(10) J Occup Med Toxicol at 1.



What is the risk and how does transmission occur?	What is known about the nature of the harm?	What is known about the level of harm?	Is it covered by ACC and how many claims have there been in NZ?
<ul style="list-style-type: none">• Volatile organic compounds - in aerosol sprays.⁹⁶		<p>International Agency for Research on Cancer and by the U.S. National Toxicology Program agencies.</p> <ul style="list-style-type: none">• Regulators in other jurisdictions have provided specific guidance on exposure to formaldehyde in the hairdressing sector (e.g., SafeWork NSW).¹⁰¹ A proposed ban on formaldehyde in chemical straightening products by the Food and Drug Administration in the US has been put on hold following a recent executive order pausing all new regulations.¹⁰² <p><i>Paraphenylenediamine (PPD)</i></p> <ul style="list-style-type: none">• PPD is a common ingredient in permanent hair dye. Customers and staff can develop contact allergic dermatitis to PPD if they have been sensitized to it previously. Patch tests are typically recommended but may not necessarily prevent a reaction.¹⁰³	<p>the claimant may be covered by ACC.</p> <ul style="list-style-type: none">• ACC worker data for the past 10 years shows between 5-20 new gradual process claims (for any reason) each year relating to the hairdressing and barbering industry.

⁹⁶ See for example Niklas Ricklund, Ing-Liss Bryngelsson and Jessika Hagberg “Occupational exposure to volatile organic compounds (VOCs), including aldehydes for Swedish hairdressers” (2023) 67 Annals of Work Exposures and Health 366 at 371 and Gianluigi de Gennaro and others “Indoor air quality in hair salons: Screening of volatile organic compounds and indicators based on health risk assessment” (2014) 83 Atmospheric Environment 119 at 119.

¹⁰¹ SafeWork New South Wales “Potential exposure to formaldehyde whilst using keratin treatments: Safety alert” (Catalogue number SW08780).

¹⁰² Jonathan Franklin “The FDA misses its deadline again to propose a ban on formaldehyde in hair products” *NPR* (online ed, Washington DC, 20 July 2024).

¹⁰³ Vanessa Ngan and Jannet Gomez “Allergy to paraphenylenediamine” (Updated August 2018) Dermnet <www.dermnetnz.org/topics>.



Appendix C: Available data on health impacts in the New Zealand context

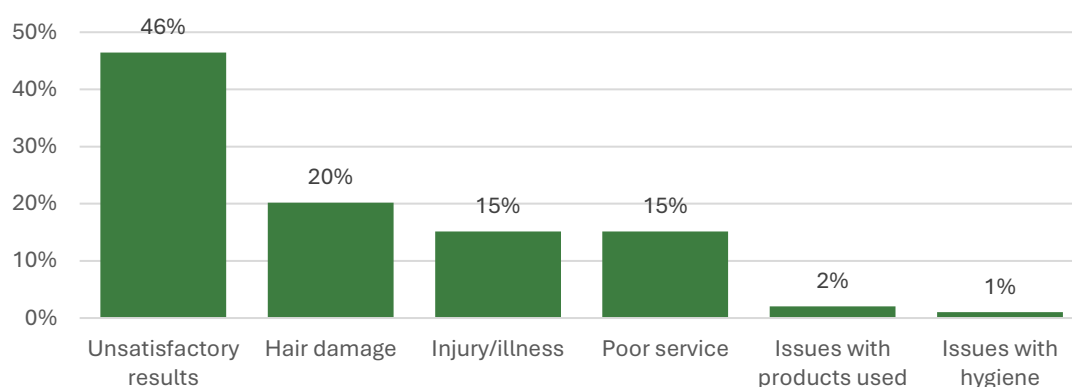
Data from written submissions

- Submissions from hairdressers, barbers, and health professionals are explored in detailed in the engagement analysis report in **Appendix A**.

Complaints to Hair and Barber New Zealand

Hair & Barber New Zealand provided anonymised summaries of 99 complaints they had received. The data shows that just over a third of complaints (36 percent) relate to customer harm (hair damage, injury/illness) or poor hygiene - see **Figure 11** below.

Figure 14: summary of reasons for complaints regarding hairdressers or barbers¹⁰⁴

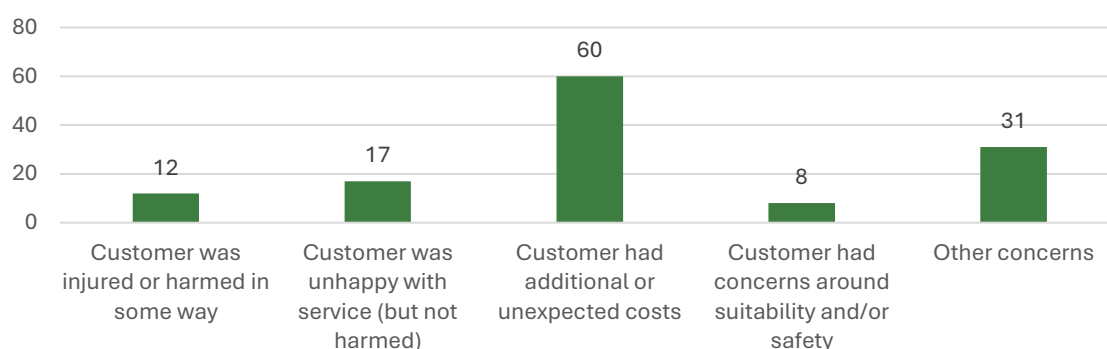


Complaints to the Commerce Commission

The Commerce Commission provided anonymised data on 100 concerns they received from customers regarding hairdressing or barbering services between January 2012 and July 2024.

The Ministry for Regulation categorised the complaints into five categories – as shown in **Figure 12** below. Some complaints related to multiple categories.

¹⁰⁴ Data provided by Hair and Barber New Zealand and analysed by the Ministry for Regulation.

**Figure 15: summary of reasons for complaints regarding hairdressers or barbers¹⁰⁵**

ACC data

While ACC records comprehensive data in relation to injuries to workers in hair salons and barbershops, data on injuries for non-workers is considerably less robust. The main issue is that for accidents that occur to non-workers, the location or setting where the injury occurred is only recorded at a very high level.

Why is ACC data on injuries occurring in hair salons and barbershops robust for workers, but not for non-workers?

- The key issue is that ACC forms and data for non-workers do not require the person to identify **specifically** where the injury occurred (e.g., address, business, education provider).
- While a person might provide this information while filling in the form, when the health service provider submits the data this is grouped into broad categories (e.g., home/work/school/farm/other) - which are not granular enough to enable reliable identification of **all ACC claims** relating to accidents that occurred in hairdressing salons or barbering businesses.

How has ACC identified events that occurred in hairdressing or barbering businesses in the data presented below?

- ACC has used presence of **keywords in the accident description field** as a way of trying to identify accidents that occurred in hair salons or barbershops.
- However, is a **non-mandatory free-text field**, and ACC has noted that the nature and quality of responses varies. If the free text field includes multiple keywords, it is counted multiple times in the ACC dataset.
- For the data presented below, ACC used the following keywords: hair cut, hair dye, hair treatment, barber, hairdresser, hair salon. This is problematic as it may mean that other types of injuries will be missed (eg cuts, infections that occur as a result of a cut or slips and trips)

¹⁰⁵ Anonymised data on 100 complaints provided by the Commerce Commission, analysed by Ministry for Regulation.



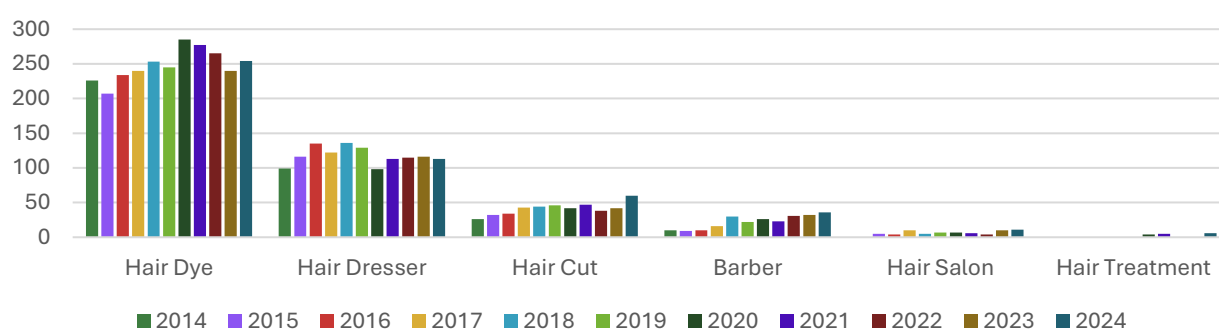
Is the cost data reliable for the events that have been identified?

- Even for the subset of ACC events identified based on the keywords above, **cost data does not include costs related to the acute phase of the injury in public hospitals** (for example, if the injured person went to a hospital emergency department, or if they needed an initial hospitalisation for chemical burns). This means that what is likely to be the most costly phase of the more severe cases will not be included in the cost data presented below.
- Cost data will include costs for health services such as visiting a GP or physio, however these events are likely to relate to lower severity cases.
- The most common diagnosis in the non-worker dataset is ‘occupational disease’, which suggests that some worker data is included in the non-worker dataset.

Injuries to non-workers

The most frequent ACC claim for non-workers relates to the use of hair dye, as shown in **Figure 13** below.

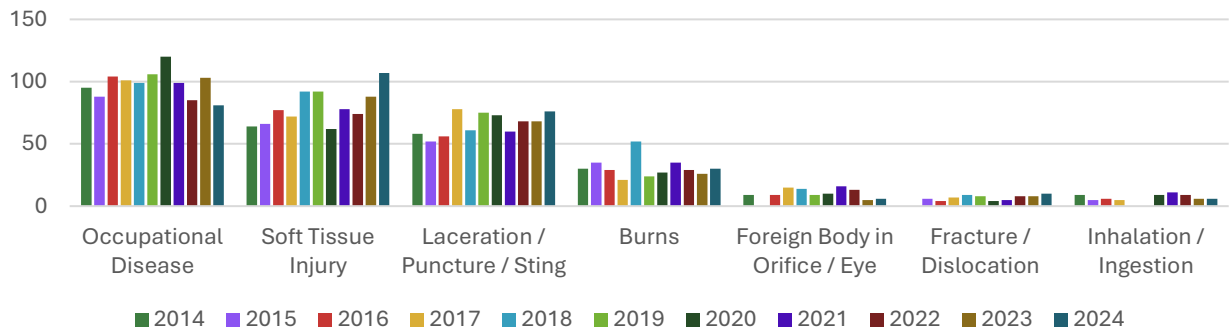
Figure 16: ACC non-worker claims – number of new claims by year and injury type





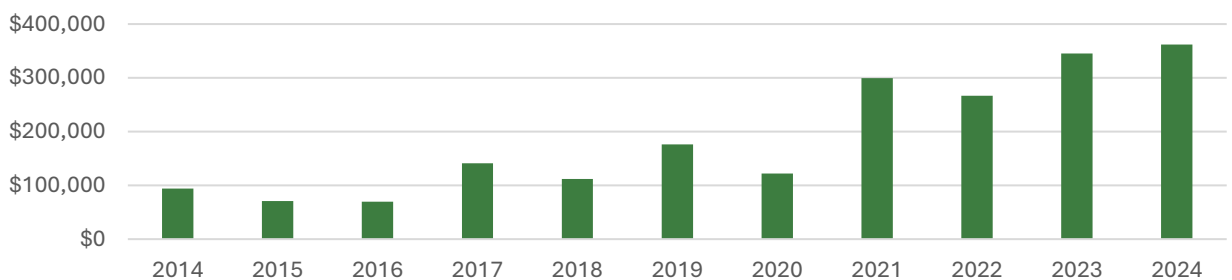
The three most common primary diagnoses were occupational disease, soft tissue injury, and laceration / puncture / sting, as shown in **Figure 14** below.

Figure 17: ACC non-worker claims – number of new claims, by year and primary injury diagnosis



Costs for injuries to non-workers have increased significantly in 2021, with a trend for increasing costs in following years, as shown by **Figure 15** below.

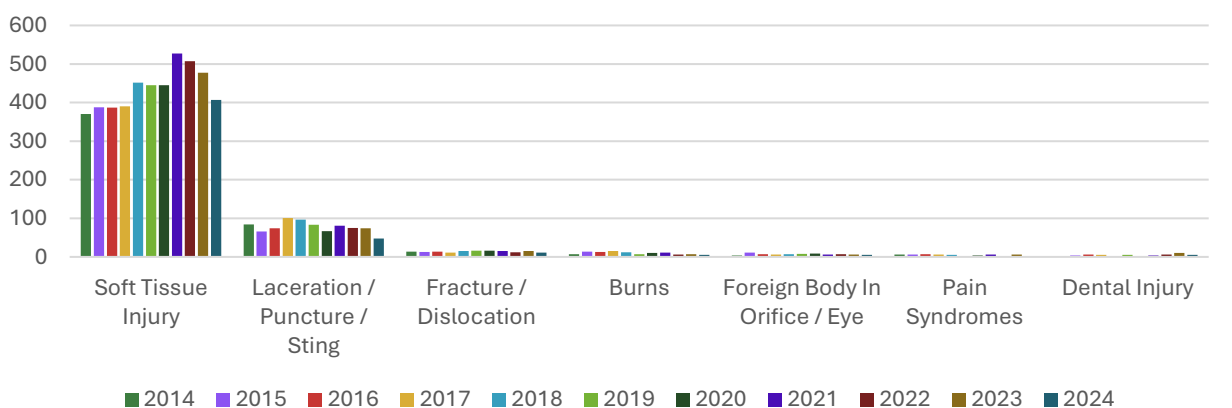
Figure 18: ACC non-worker claims – active costs by year



Injuries to workers

For workers, the most frequent injury relates to soft tissue injuries (i.e., relating to muscles, tendons, or ligaments), as shown in **Figure 16** below.

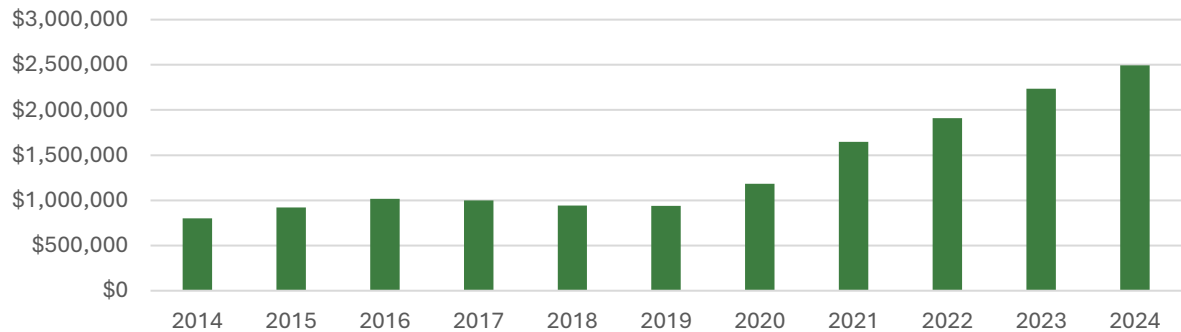
Figure 19: ACC worker claims – number of new claims, by year and injury type





ACC costs for workers have also increased significantly in from 2020 onwards, as shown in **Figure 20** below.

Figure 17: ACC worker claims – active costs by year





Appendix D: Data limitations

New Zealand health-related data collections

- **Accident Compensation Corporation (ACC):** We received data from ACC, but this presents a partial picture as:
 - it does not include communicable diseases
 - 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.
- **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 approximately 100 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 likely to be an incomplete dataset, as their role is limited to the legislation they administer.
- **Hair & Barber New Zealand:** provided anonymised data covering approximately 100 complaints, 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.



Appendix E: Framework for assessing regulatory quality

The table below sets out the assessment criteria used to assess the quality of the Health (Hairdressers) 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’,¹⁰⁶ Treasury’s Government Expectations for Good Regulatory Practice¹⁰⁷ and the Treasury’s ‘Best Practice Regulation: Principles and Assessments’.¹⁰⁸

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)
Effectiveness	<ul style="list-style-type: none"> • How effectively does the regulation meet its stated objectives? • Can the success of the regulatory approach be measured against the intended outcomes? • Are there clear indicators or metrics in place to assess the effectiveness of the regulation? 	<ul style="list-style-type: none"> • What is the market failure and/or risk; to what extent does the regulation address it? • Does the requirement replicate or overlap with other regulatory requirements?

¹⁰⁶ New Zealand Institute of Economic Research *Good regulatory design: Assessing the regulatory options for the Pharmacy Council and Medicines Control* (8 April 2019).

¹⁰⁷ The Treasury *Government Expectations for Good Regulatory Practice* (April 2017).

¹⁰⁸ The Treasury *Best Practice Regulation: Principles and Assessments* (February 2015).



Criteria	Questions for macro-level issues (i.e., groups of requirements or system-level issues)	Questions for micro-level issues (i.e., specific requirements)
Efficiency	<ul style="list-style-type: none"> • What are the total costs associated with implementing and complying with the regulation? • Have the benefits of the regulation been quantified and compared against the costs? • Is there an alternative regulatory approach that could achieve the same outcomes at a lower cost or with minimal resource use? 	<ul style="list-style-type: none"> • What are the costs involved in meeting the requirement? • What are the benefits involved in meeting the requirement? • How do the costs compare with the benefits? • Can the same results be achieved with less cost or time?
Proportionality	<ul style="list-style-type: none"> • Do the regulatory requirements align with the level of risk being managed? • Are the compliance processes reasonable and not overly burdensome for the regulated entities? • How is the balance between regulatory control and operational freedom maintained? 	<ul style="list-style-type: none"> • Is the regulatory intervention appropriate to the level of risk or harm? • Are unnecessary burdens on those being regulated avoided?
Flexibility	<ul style="list-style-type: none"> • Does the regulatory system provide sufficient flexibility to adapt to technological, market, or societal changes? 	<ul style="list-style-type: none"> • Do regulated parties have flexibility in terms of how they meet the requirement (where applicable)? • Is the requirement up to date in terms of reflecting technological, market, and societal change? • How do specific regulations accommodate or inhibit operational flexibility and



Criteria	Questions for macro-level issues (i.e., groups of requirements or system-level issues)	Questions for micro-level issues (i.e., specific requirements)
		innovation at the service delivery level?
Transparency	<ul style="list-style-type: none"> • Are the regulations and their requirements clearly communicated and easily accessible to all stakeholders? • Is there a system in place to ensure stakeholders are informed of regulatory changes and updates? • How are the regulations made available to the public, and are they presented in a user-friendly format? • What mechanisms are in place to hold the regulator accountable for its decisions and actions? • Is there regular performance reporting and public disclosure of relevant regulatory documents? • How are disputes resolved, and what processes are available for stakeholders to challenge regulatory decisions? 	<ul style="list-style-type: none"> • Is what is required clear? • Are there safe harbours, and/or access to authoritative advice? • Is there transparency around non-compliance?



Appendix F: Detailed options analysis

The tables below set out our detailed analysis of the extent to which the identified options for reform meet the criteria for options analysis.

	Option 1: Revoke the Health (Hairdressers) Regulations 1980 in full (supported revocation)	Option 2: Revoke the Health (Hairdressers) Regulations 1980 and replace with risk-based regulations focused on health and hygiene practices
Effective Will the option effectively manage the identified risks and maintain the confidence of clients and the wider public? If the option includes regulation, how will non-compliance be identified? How will non-compliance be enforced consistently across the country? Could there be any unintended consequences?	<p><i>Pros</i></p> <ul style="list-style-type: none"> Barriers to market entry are already low under the status quo, but these would be reduced further under this option i.e., no unnecessary fit-out costs as currently prescribed in the minimum standards. This is the way the wider appearance industry is regulated, and while there is higher public health risk, on the surface, there does not appear to be widespread evidence of harm. Modern and simplified guidance, focused on health and hygiene practices, may be more accessible to business owners than regulation, and can be easily updated if required. Local authorities will retain a general duty to promote public health. <p><i>Cons</i></p> <ul style="list-style-type: none"> The key public health requirement to keep tools and equipment clean and hygienic will be forfeited. The impacts of this are: <ul style="list-style-type: none"> it may lead to the spread of infectious disease customers will have even less insight about whether the tools used during their service are clean. The agency responsible for developing the guidance would incur a cost (not quantified). The hairdressing and barbering industry will not be seen as a priority for other regulators such as WorkSafe when compared to higher risk industries i.e. forestry, manufacturing etc. By revoking the current regulations, local authorities may create bylaws to take its place. This could lead to further inconsistent practice across the country when compared to the status quo and make it difficult for business owners with multiple businesses located across more than one local authority area. Revoking industry-specific regulations may reduce public confidence in hairdressers and barbers and send a signal to business owners that standards can be lowered as no one is really monitoring them. Effectiveness may be affected if there is an increase in more hairdressers/barbers entering the market with low understanding of hygiene and sanitation practices. Market forces may control this, but it's unknown to what extent, and what harm would be caused before they do. 	<p><i>Pros</i></p> <ul style="list-style-type: none"> Specific hairdressing and barbering regulations could incentivise good practice in relation to hygiene and sanitation, which will contribute to good public health outcomes. We heard during consultation that some in the industry would prefer specific regulations to keep the industry accountable. Risk-based regulations, including moving registration requirements from an annual basis to three-yearly if compliant, being clearer about the local authorities' role in regulation, and providing more nuanced enforcement tools, means Environmental Health Officers could concentrate their efforts on businesses not meeting the requirements. This could free up resources for the local authority and improve compliance and consistency of practice overall when compared to the status quo. Any increase in enforcement action by local authorities may see some businesses exit the market. However, they may be businesses that are currently operating under the radar or not meeting the current regulations, but this is difficult to quantify. Barriers to market entry are low under the status quo and are likely to remain low under this option by removing the overly prescriptive nature of the current minimum standards. However, registration costs would remain and could be higher than what some local authorities currently charge. For example, if the registration fees are set at \$450, this would mean the industry would collectively pay approximately \$2.52m, an increase of around 65 percent. However, this is mitigated by making registration fees a one-off cost every three years (so long as no complaints are received and upheld by the local authority) <p><i>Cons</i></p> <ul style="list-style-type: none"> There may be a capacity issue for local authorities, who may prioritise the regulation of other industries like eateries over hairdressing and barbering businesses. However, this is no different than the status quo. Some young men enter the barbering industry by starting off cutting their friends' hair at home or school. If they take payment for this, they would be breaching the regulations (as is the case with the status quo). This may act as a barrier for entering the industry.
Proportional Is the compliance effort, including time and costs, imposed by the option proportional to the risks posed to public health and safety by the industry? Where does the risk lie with the proposed option? Is that reasonable? Does the option reflect how the risks of similar industries are managed?	<p><i>Pros</i></p> <ul style="list-style-type: none"> Relying on general regulations (as opposed to industry-specific) reflects what happens in other appearance industries, which arguably presents higher risk e.g., tattooing and skin piercing. This would even the playing field between industries. The compliance effort for business owners and local authorities is low under the status quo. This option reduces this further as there would no longer be any registration requirements, inspections, or prescribed minimum standards to meet. Removes any unnecessary fit-out costs like the number and placement of handwash basins and specific lighting levels. Removes opportunity costs. There would no longer be any minimum spacing between service chairs which may have restricted how the space could be used and limit the number of clients that can be seen at any one time, which could affect turnover and profit. This option would remove duplication with other regulatory frameworks. 	<p><i>Pros</i></p> <ul style="list-style-type: none"> The outcome of the new regulations would be to focus on the highest risks i.e., disinfection and cleaning of tools, towels and linen. Unlike the status quo which prescribes how to mitigate all the risks, even if they are very low, this is a proportional fit-for-purpose approach. The new regulations would remove duplication with other regulatory frameworks Removes any unnecessary fit-out costs e.g., removing the prescription around the number and placement of handwash basins and specific lighting levels. It could reduce opportunity costs and contribute to greater turnover and profit. For example, by removing the minimum spacing requirements between service chairs, businesses may be able to have an additional service chair and meet demand by seeing more customers at once or having less wait time for customers. However, this is difficult to quantify. While these new regulations would be specific to hairdressing and barbering, which perpetuates the uneven playing field with the wider appearance industry, they could be used as a blueprint for inclusion of other beauty services e.g., tattooing, skin piercing or nail care.



	Option 1: Revoke the Health (Hairdressers) Regulations 1980 in full (supported revocation)	Option 2: Revoke the Health (Hairdressers) Regulations 1980 and replace with risk-based regulations focused on health and hygiene practices
	<p><i>Cons</i></p> <ul style="list-style-type: none"> Revoking the current regulations mean there will no longer be any specific preventative measures in place. While revoking the regulations will reduce compliance costs for business owners, it could see an increase in the prevalence of harm if it transpires the current regulations play a significant role when compared to the other mitigation strategies such as other legislative frameworks and qualifications and training. There is no clear evidence to predict what would happen if there were no industry-specific regulations in place, and no way of measuring ‘near misses’ in a public health setting. 	<p><i>Cons</i></p> <ul style="list-style-type: none"> Regulations for the hairdressing and barbering industry are not proportionate when anyone can buy scissors, blades or commercial grade hair dye and cut or colour hair at home or other locations. Introducing new risk-based regulations, while less prescriptive than the status quo, is out of step with how the wider appearance industry is treated. Some business owners may consider industry-specific regulations unnecessary and adding additional compliance costs. However, the costs are likely to be no more than what business owners currently pay. There will be a one-off registration fee, but compliant businesses will only have to pay this once every three years, as opposed to annually under the status quo. This provides an incentive to comply with the regulations. Some local authorities may not see these regulations as a priority when compared to other industries they regulate like restaurants and cafes.
<p>Efficient / Equitable</p> <p>Does the cost of this option compare reasonably to the cost of the status quo e.g. what is the impact on local authorities?</p> <p>Does the option provide a level playing field for those working in the industry i.e. salon-based v home-based/mobile?</p>	<p><i>Pros</i></p> <ul style="list-style-type: none"> This option removes the cost of registering a hairdressing and barbering business with local authorities, which will benefit business owners. There would also be a saving for any businesses operating in local authority areas that charge inspection fees, but this is difficult to quantify. All hairdressers and barbers would be required to comply with the general requirements in the Health Act 1956, Building Act 2004, the HSWA and other relevant rules and regulations. <p><i>Cons</i></p> <ul style="list-style-type: none"> While this option would result in less regulatory burden on local authorities, it removes a small revenue stream they receive from registering businesses on an annual basis. Feedback received by some local authorities suggests this is not a significant issue, as the registration fee barely covers the cost of inspection and enforcement and in some areas does not cover the costs. Local authorities would still have general powers under the Health Act 1956 to enter and inspect any premises. However, there would not be any mechanism for local authorities to recover the cost of this work, as is the case with the status quo. This option may simply swap one type of regulation for another. This is because in removing the registration requirement, local authorities may create their own bylaws to maintain current requirements. Bylaws are intended to be used as local solutions to local problems, not national issues. If bylaws are created, it is highly likely the fees would increase for local authorities to recover all the costs incurred and lead to more inconsistent practice across the country. This would make it difficult for business owners with salons located across more than one local authority area and potentially create barriers to market entry but is difficult to quantify. 	<p><i>Pros</i></p> <ul style="list-style-type: none"> The outcome of the new regulations would be to focus on the highest risks. This would make the new regulations more efficient when compared to the one size fits all approach in the status quo. A risk-based approach means that registration and verification can be set at a frequency that reflects a business’ compliance. This provides an incentive for businesses to comply, and less regulatory burden for local authorities The new regulations would apply to both hairdressers and barbers, wherever they are operating (shop, home or mobile), which removes the perception of an uneven playing field. Retains national regulations. This would promote consistency and a collective understanding of the rules, which is beneficial to business owners operating in more than one local authority area. It also removes the risk of bylaws being introduced across different local authorities, which would likely maintain the inconsistent enforcement seen under the status quo. <p><i>Cons</i></p> <ul style="list-style-type: none"> Local authorities may want to increase registration fees to cover all the costs involved in regulating hairdressers and barbers, which would impact business owners (and likely be passed onto customers). However, this can be mitigated by prescribing registration fees in the regulations. An inspection cycle with different inspection timeframes may require new administrative systems in local authorities to track when inspections are due. This could impose additional costs on local authorities.
<p>Transparent</p> <p>Will those working in the industry understand the requirements of the new option?</p> <p>Will customers understand what the proposed option means for them?</p>	<p><i>Pros</i></p> <ul style="list-style-type: none"> Compliance costs in terms of time and money would likely be lower than the status quo for both business owners and local authorities. There would be no prescriptive minimum standards that business owners need to comply with. <p><i>Cons</i></p> <ul style="list-style-type: none"> Information asymmetry is not addressed. Customers would still not adequately understand beforehand whether a business is managing health risks by adequately cleaning and sanitising equipment. Word of mouth and customer reviews only addresses this in part, as does having 60 percent of the industry trained and qualified. 	<p><i>Pros</i></p> <ul style="list-style-type: none"> Higher chance of transparency as business owners would have simpler regulations to follow. <p><i>Cons</i></p> <ul style="list-style-type: none"> This option does not fully address the information asymmetry issue. It could if local authorities were required to publish registration information on their websites, including any enforcement action. This means customers would have significantly more information than under the status quo. There would be a cost for the Government to develop the new regulations and communicating the changes to the industry [not quantified]. Depending on the current set-up local authorities have, they may bear a cost to implement this option (not quantified).



	Option 1: Revoke the Health (Hairdressers) Regulations 1980 in full (supported revocation)	Option 2: Revoke the Health (Hairdressers) Regulations 1980 and replace with risk-based regulations focused on health and hygiene practices
<p>Flexible / Durable</p> <p>Is the option capable of moving with the times i.e. accommodating new technology or services?</p> <p>Is the option capable of including new trends or accommodating customer expectations?</p>	<p><i>Pros</i></p> <ul style="list-style-type: none">• Business owners would have more discretion on how they operate, as the current minimum standards will be removed. For example, the ratio of hand-wash basins to service chairs, the distance between hand-wash basins and service chairs, how to store towels and linen, or the process for sweeping up hair clippings.• Revoking the current regulations would enable business owners to determine whether they want to allow dogs on their premises. It would also enable them to serve non-alcoholic refreshments to their customers.• On paper, new technology and customer expectations could be more easily accommodated than the status quo. However, the reality is the current regulations are not a barrier to innovation; new hairdressing and barbering trends have been accommodated in the last 45 years. In areas where the regulations have been a barrier, for example, providing tea and coffee in the service area, this requirement has been largely ignored. <p><i>Cons</i></p> <ul style="list-style-type: none">• While consumers will be able to make their own assessment of the cleanliness of the premises, linen and towels, they generally will not have visibility of the tools being used on them to determine whether they look clean, and even less insight about when a tool was sanitised. This trade-off may be acceptable given that the wider appearance industry is not regulated. However, we know there are multiple mitigations working together to manage the public health risk. If the industry-specific regulations are revoked, this may affect the balance, and incidents of harm may increase.	<p><i>Pros</i></p> <ul style="list-style-type: none">• Moving to modern, risk-based regulations would simplify the requirements by removing reference to outdated practice and unnecessary prescription. This option gives business owners more discretion to determine what happens in their business and how it operates.• On paper, new technology and customer expectations could be more easily accommodated than the status quo, However, the reality is the current regulations are not a barrier to innovation; new hairdressing and barbering trends have been accommodated in the last 45 years. In areas where the regulations have been a barrier, for example, providing tea and coffee in the service area, this requirement has been largely ignored. <p><i>Cons</i></p> <ul style="list-style-type: none">• Some regulated parties may feel that any regulations, regardless of how simple they are, constrains flexibility and discretion. This could be mitigated by ensuring that the regulations contain only the minimum requirements to manage the health risk.



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