

Public Health Regulation 2012

Part 4 Control of skin penetration procedures

Division 1 Preliminary

21 Skin penetration procedures

(1) Colonic lavage is declared to be a skin penetration procedure.

(2) Laser hair removal is declared not to be a skin penetration procedure.

22 Prescribed requirements for premises where skin penetration procedures are carried out

For the purposes of section 38 (1) of the Act, the requirements set out in Divisions 2 and 3 are prescribed.

Division 2 Requirements for premises where skin penetration procedures are carried out

23 Premises must be properly equipped

(1) Any premises where skin penetration procedures are carried out must:

- (a) be clean and hygienic, and
- (b) have a waste disposal bin, and
- (c) have a hand basin that has a supply of clean, warm, potable water, and
- (d) have a separate sink that has a supply of clean, warm water for cleaning equipment (if equipment used in skin penetration procedures at the premises is cleaned at the premises), and
- (e) have available for use by persons carrying out skin penetration procedures at the premises:
 - (i) liquid soap (or an alcohol-based hand cleaner), and
 - (ii) single-use towels or an automatic hand dryer, and
 - (iii) disposable gloves, clean linen and gowns or aprons that are appropriate for the skin procedures carried out at the premises.

(2) Any equipment at premises where skin penetration procedures are carried out must be in good working order, be cleaned and dried after use and be kept in a clean and dry condition.

24 Additional requirement for colonic lavage procedures

Premises at which a colonic lavage procedure is carried out must have a toilet, being a toilet that is available for use by clients and not by the general public, that is:

- (a) in the case of a procedure using a closed system—located in close proximity to the room in which the procedure is being carried out, or
- (b) in the case of a procedure using an open system—located in the immediate vicinity of the room in which the procedure is being carried out.

25 Premises must have sharps containers and supply of sterile disposable needles

(1) If skin penetration procedures that involve the use of sharps are carried out at the premises, there must be an appropriate sharps container at the premises.

- (2) If skin penetration procedures that involve the use of needles are carried out at the premises, there must be an adequate supply of sterile disposable needles at the premises.
- (3) In this clause, appropriate sharps container means:
- (a) if skin penetration procedures that involve the use of reusable sharps are carried out at the premises—a sharps container that complies with AS/NZS 4261:1994 Reusable containers for the collection of sharp items used in human and animal medical applications, or
 - (b) if skin penetration procedures that involve the use of non-reusable sharps are carried out at the premises—a sharps container that complies with AS 4031–1992 Non-reusable containers for the collection of sharp medical items used in health care areas.

26 Reusable articles must be sterilised

- (1) All reusable articles used to penetrate a person's skin for skin penetration procedures must be sterilised, whether at the premises or off-site.
- (2) If reusable articles are sterilised at the premises:
- (a) a bench top autoclave, maintained in accordance with AS 2182–1998 Sterilizers—Steam—Benchtop, must be used, and
 - (b) there must be at least one person present at the time the autoclave is used who is adequately trained in the operation of the autoclave, and
 - (c) the sterilisation must be carried out in accordance with AS/NZS 4815:2006 Office-based health care facilities—Reprocessing of reusable medical and surgical instruments and equipment, and maintenance of the associated environment.
- (3) If reusable articles are sterilised at the premises, the occupier of the premises must make, and keep for at least 12 months, a record of:
- (a) the time and date when each article was sterilised, and
 - (b) the length of time that the article was autoclaved and the temperature and pressure levels of the autoclave.
- (4) If reusable articles are sterilised off-site, the occupier of the premises must make, and keep for at least 12 months, a record of:
- (a) the date on which each article was sent off-site for sterilisation, and
 - (b) the name and address of the person who sterilised the article.

Division 3 Requirements for carrying out skin penetration procedures

27 Use of needles, sharps and other articles

- (1) A person who carries out a skin penetration procedure must not use a needle that has previously been used in a skin penetration procedure.
- (2) A person who uses a needle in a skin penetration procedure must dispose of the needle in the appropriate sharps container immediately after completing the procedure.
- (3) A person who uses any article in a skin penetration procedure that is manufactured for a single use only must dispose of the article immediately after completing the procedure.
- (4) A person who uses a non-reusable sharp in a skin penetration procedure must dispose of the sharp in the appropriate sharps container immediately after completing the procedure.

(5) A person must not use an article that may penetrate the skin of a person in a skin penetration procedure unless it is clean and has been sterilised and kept in a sterile environment.

(6) A person must not use an article in a skin penetration procedure if the article has previously been used in a skin penetration procedure but did not penetrate the skin of the person undergoing the previous procedure unless the article has been cleaned and kept in a clean condition.

(7) In this clause, appropriate sharps container means a sharps container that complies with AS 4031–1992 Non-reusable containers for the collection of sharp medical items used in health care areas.

Maximum penalty: 20 penalty units.

28 Protective equipment to be worn

(1) A person who carries out a skin penetration procedure must:

- (a) wear gloves that have never been used before, and
- (b) appropriately dispose of the gloves immediately after completing the procedure.

(2) A person who carries out a skin penetration procedure (other than colonic lavage) must wear a clean gown or apron during the procedure.

(3) A person who carries out colonic lavage must wear a clean gown made of impermeable material during the procedure.

(4) This clause does not apply to a person carrying out a skin penetration procedure that involves the use of wax for the purposes of hair removal unless the person reasonably suspects that he or she will be exposed to human bodily substances during the procedure.
Maximum penalty: 20 penalty units.

29 Use of inks and pigments

(1) A person who carries out a skin penetration procedure that involves the use of ink, pigment or other liquid must decant the liquid into a single use container, and use a single use applicator, for each person undergoing the procedure.

Maximum penalty: 20 penalty units.

(2) This clause does not apply to skin penetration procedures involving the use of wax for the purposes of hair removal.

30 Use of wax for hair removal

A person who carries out a skin penetration procedure using wax for the purposes of hair removal must dispose of that wax, and any instrument used to apply the wax (such as a spatula), immediately after completing the procedure.

Maximum penalty: 20 penalty units

Division 4 Miscellaneous

31 Notification of carrying out of skin penetration procedures

(1) For the purposes of section 38 (2) of the Act, the local government authority for the area in which the premises are located is prescribed and the notice is to be in writing and is to be accompanied by the fee (not exceeding \$100) determined by the local government authority.

(2) In the case of skin penetration procedures carried out in mobile premises, the local government authority for the area in which the occupier resides is prescribed.

(3) The occupier of premises where skin penetration procedures are carried out must notify the local government authority for the area in which the premises are located within 7 days of any change in the particulars provided to the authority in the approved form under section 38 (2) of the Act. No fee is payable for such a notification.

Maximum penalty: 10 penalty units.

32 Register of premises where skin penetration procedures are carried out

(1) Each local government authority must keep a register of premises in its area where skin penetration procedures are carried out.

(2) The following details must be entered in the register in relation to each premises:

- (a) the address and telephone number of the premises,
- (b) the name and contact details of the occupier of the premises (including residential address and home, business and mobile telephone numbers),
- (c) the Australian Business Number (ABN) or Australian Company Number (ACN) (if any) of the occupier,
- (d) the type of skin penetration procedures carried out at the premises,
- (e) details of any inspections of the premises carried out by the local government authority,
- (f) in the case of skin penetration procedures that are carried out in mobile premises, the local government areas in which the occupier of the premises intends to carry out the procedures.

(3) A local government authority must on request make its register available for inspection without charge by the Director-General, a public health officer or an officer of the Ministry of Health authorised by the Director-General.

33 Display of prohibition orders

The occupier of premises where skin penetration procedures are carried out who has been served with a prohibition order must display a copy of the order in a conspicuous place at or near each entrance to the premises concerned.

Maximum penalty: 10 penalty units.