



New South Wales

# Public Health (Skin Penetration) Regulation 2000

under the

Public Health Act 1991

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Public Health Act 1991*.

CRAIG KNOWLES, M.P.,

Minister for Health

## Explanatory note

Section 51 of the *Public Health Act 1991* empowers environmental health officers to enter and inspect premises that they believe are used for the carrying out of skin penetration procedures and to take certain action in relation to those premises. This Regulation includes colonic lavage procedures within the definition of “skin penetration procedures” in that section, so as to allow environmental health officers to enter and inspect premises that are being used for such procedures. This Regulation also excludes any skin penetration procedure carried out by a registered health professional from the scope of the section.

This Regulation also regulates the conduct of skin penetration procedures (including colonic lavage) by persons other than registered health professionals. (Those matters were previously dealt with by Part 3 of the *Public Health Regulation 1991*, which is repealed by this Regulation.)

This Regulation is made under the *Public Health Act 1991*, including section 51 (regarding the definition of *skin penetration procedure*) and section 82 (the general regulation-making power).

This Regulation is made in connection with the staged repeal of statutory rules under the *Subordinate Legislation Act 1989*.

## 2000 No 499

Public Health (Skin Penetration) Regulation 2000

Contents

---

## Contents

---

	Page
<b>Part 1 Preliminary</b>	
1 Name of Regulation	3
2 Commencement	3
3 Definition	3
<b>Part 2 Extent of skin penetration procedure powers of environmental health officers</b>	
4 Skin penetration procedure powers of environmental health officers to enter and inspect premises	4
<b>Part 3 Regulation of skin penetration procedures</b>	
5 Meaning of "skin penetration procedure"	5
6 Premises where skin penetration procedures are carried out	5
7 Articles and equipment used in skin penetration procedures	6
8 Protective equipment used by person carrying out skin penetration procedures	7
9 Use of piercing guns and equipment	7
10 General defence	8
<b>Part 4 Registration of premises</b>	
11 Meaning of "skin penetration procedure"	9
12 Local authority to be notified of premises where skin penetration procedures are carried out	9
13 Register of premises where skin penetration procedures are conducted	9
<b>Part 5 Miscellaneous</b>	
14 Amendment of Public Health Regulation 1991	10

## Public Health (Skin Penetration) Regulation 2000

### Part 1 Preliminary

#### 1 Name of Regulation

This Regulation is the *Public Health (Skin Penetration) Regulation 2000*.

#### 2 Commencement

This Regulation commences on 31 August 2000.

#### 3 Definition

(1) In this Regulation:

*the Act* means the *Public Health Act 1991*.

(2) The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

## 2000 No 499

Clause 4 Public Health (Skin Penetration) Regulation 2000

Part 2 Extent of skin penetration procedure powers of environmental health officers

---

## Part 2 Extent of skin penetration procedure powers of environmental health officers

### 4 Skin penetration procedure powers of environmental health officers to enter and inspect premises

- (1) For the purposes of paragraph (f) of the definition of *skin penetration procedure* in section 51 (3) of the Act, the procedure known as colonic lavage is a prescribed procedure.
- (2) For the purposes of paragraph (h) of the definition of *skin penetration procedure* in section 51 (3) of the Act, the following procedures are prescribed as procedures that are not included in the definition:
  - (a) a procedure carried out in the practice of a health profession by a practitioner registered under any of the following Acts:
    - (i) *Chiropractors and Osteopaths Act 1991*,
    - (ii) *Dental Technicians Registration Act 1975*,
    - (iii) *Nurses Act 1991*,
    - (iv) *Optical Dispensers Act 1963*,
    - (v) *Optometrists Act 1930*,
    - (vi) *Pharmacy Act 1964*,
    - (vii) *Physiotherapists Registration Act 1945*,
    - (viii) *Podiatrists Act 1989*,
    - (ix) *Psychologists Act 1989*,
  - (b) a procedure carried out by a person acting under the direction or supervision of such a practitioner where the procedure is carried out in the practice (by that or any other practitioner) of a health profession.

**Note.** Paragraph (g) of the definition of *skin penetration procedure* in section 51 of the Act provides that the definition does not include a procedure carried out in the practice of medicine or dentistry by a registered medical practitioner or a registered dentist or by a person acting under the direction or supervision of a registered medical practitioner or registered dentist.

## Part 3 Regulation of skin penetration procedures

### 5 Meaning of “skin penetration procedure”

In this Part, *skin penetration procedure* has the same meaning as in section 51 (3) of the Act.

### 6 Premises where skin penetration procedures are carried out

- (1) A person must not carry out a skin penetration procedure unless the premises where the procedure is carried out:
- (a) are clean and hygienic, and
  - (b) contain only equipment that is in a clean and dry condition and in good working order, and
  - (c) have a hand basin that has:
    - (i) an adequate supply of potable water at a temperature of at least 40 degrees centigrade mixed from a hot and cold water supply, and
    - (ii) soap, or another substance for the cleaning of hands, located next to it, and
    - (iii) single-use towels or other suitable hand drying equipment located next to it,at all times when skin penetration procedures are carried out, and
  - (d) have a sink for the cleaning of equipment between procedures that has an adequate supply of potable water at a temperature of at least 40 degrees centigrade mixed from a hot and cold water supply at all times when skin penetration procedures are carried out, and
  - (e) have a waste disposal bin, and
  - (f) in the case of the carrying out of a procedure where disposable sharps are used, have a sharps bin.

Maximum penalty: 20 penalty units.

## **2000 No 499**

Clause 6            Public Health (Skin Penetration) Regulation 2000

Part 3               Regulation of skin penetration procedures

---

- (2) A person must not carry out a colonic lavage procedure using an open system unless a toilet is located in close proximity to the room where the procedure is carried out, being a toilet that is available for use by clients of the person and not by the general public.

Maximum penalty: 20 penalty units.

- (3) A person must not carry out a colonic lavage procedure using a closed system unless a toilet is located in the immediate vicinity of the person on whom the procedure is carried out, being a toilet that is available for use by clients of the person and not by the general public.

Maximum penalty: 20 penalty units.

### **7 Articles and equipment used in skin penetration procedures**

- (1) A person must not carry out a skin penetration procedure unless:
- (a) any article used in the procedure that may penetrate the skin of a person has been sterilised and has been maintained in a clean condition, and
  - (b) any article used in the procedure that has previously penetrated the skin of a person has been sterilised and has been maintained in a clean condition, and
  - (c) any article used in the procedure that has previously been used in a skin penetration procedure and that did not penetrate the skin of the person undergoing the previous procedure, has been cleaned and has been maintained in a clean condition, and
  - (d) any article used in the procedure that penetrates the skin of the person undergoing the procedure is sterilised before being used again or is disposed of appropriately immediately after its use, and
  - (e) any article use in the procedure that is manufactured for a single use only is disposed of appropriately immediately after the completion of the procedure.

Maximum penalty: 20 penalty units.

- (2) A person who uses wax for the purposes of hair removal must dispose of that wax immediately after the completion of the hair removal procedure.

Maximum penalty: 20 penalty units.

- (3) A person who carries out skin penetration procedures must keep records of:
- (a) the time and date when articles used in those procedures (that are required to be sterilised) were sterilised, and
  - (b) the length of time for which any articles that were autoclaved were sterilised and the temperature and pressure of any autoclaving.

Maximum penalty: 20 penalty units.

**8 Protective equipment used by person carrying out skin penetration procedures**

- (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.

Maximum penalty: 20 penalty units.

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

Maximum penalty: 20 penalty units.

- (3) A person who carries out colonic lavage using a closed system must wear a clean apron made of impermeable material during the procedure.

Maximum penalty: 20 penalty units.

**9 Use of piercing guns and equipment**

- (1) A person must not use an ear piercing gun to carry out a skin penetration procedure other than ear piercing.

Maximum penalty: 20 penalty units.

- (2) A person must not use body piercing equipment to carry out a skin penetration procedure other than body piercing.

Maximum penalty: 20 penalty units.

## **2000 No 499**

Clause 10          Public Health (Skin Penetration) Regulation 2000

Part 3              Regulation of skin penetration procedures

---

### **10    General defence**

It is a defence to a prosecution for an offence against this Part if the defendant satisfies the court that the act or omission constituting the offence was done:

- (a)    in the case of skin penetration for the sake of blood cholesterol testing or blood screening—in compliance with any guidelines approved by the Director-General, or
- (b)    in the case of skin penetration for any other purpose—in compliance with the *Guidelines on Skin Penetration* published by the Department of Health as in force for the time being.



## Part 4 Registration of premises

### 11 Meaning of “skin penetration procedure”

In this Part, *skin penetration procedure* has the same meaning as in section 51 (3) of the Act.

### 12 Local authority to be notified of premises where skin penetration procedures are carried out

A person must not carry out a skin penetration procedure unless:

- (a) the address of the premises at which the procedure is carried out has been notified to the local authority responsible for the area where the premises are located, or
- (b) if the person carries out (or intends to carry out) skin penetration procedures from mobile premises or from more than one premises in an area, the local authority responsible for the area in which the procedure is carried out has been notified of the person’s activities or intentions.

Maximum penalty: 20 penalty units.

### 13 Register of premises where skin penetration procedures are conducted

- (1) Each local authority must maintain a register of premises in its area at which skin penetration procedures are carried out.
- (2) An entry in the register is to be made when the local authority becomes aware of any of the particulars relating to the premises referred to in clause 12.
- (3) An entry in the register must show the following:
  - (a) the type of skin penetration procedures carried out at the premises,
  - (b) the address of the premises,
  - (c) details of any inspections carried out by the local authority for the purposes of the Act.
- (4) The register is to be made available to the public at no charge at the head office of the local authority, during the business hours of that head office.

## **2000 No 499**

Clause 14          Public Health (Skin Penetration) Regulation 2000

Part 5              Miscellaneous

---

## **Part 5 Miscellaneous**

### **14 Amendment of Public Health Regulation 1991**

- (1) Part 3 and clause 92 of the *Public Health Regulation 1991* are repealed.
- (2) Any act, matter or thing that, immediately before the repeal of Part 3 and clause 92 of the *Public Health Regulation 1991*, had effect under that Part or clause, is taken to have effect under this Regulation.

BY AUTHORITY

---