

Australian Capital Territory

Public Health (Risk Activities) Declaration 2005 (No 1)*

Disallowable Instrument DI2005–302

made under the

Public Health Act 1997, s 18 (Public health risk activities and procedures – declaration)

1. Name of instrument

This instrument is the *Public Health (Risk Activities) Declaration 2005 (No 1)*.

2. Commencement

This instrument commences on the day after it is notified.

3. Instrument revoked

This instrument revokes the *Public Health Risk (Infection Control) Declaration Amendment 2001* Instrument No.184 of 2001.

4. Infection Control – public health risk activities

- (1) It is a licensable public health risk activity to operate, manage or control a business, charity, demonstration or service that carries out a ***skin penetration procedure***.
- (2) It is a non-licensable public health risk activity to manage or control a business, charity, demonstration or service that carries out an ***infection risk procedure***.

5. Exemptions

- (1) This instrument does not apply to a ***health care facility***.
- (2) This instrument does not apply to a business, charity, demonstration or service in which all persons employed that carry out ***skin penetration procedures*** and/or ***infection risk procedures*** are registered as medical practitioners under the *Health Professionals Act 2004*, or acting under the direction of a registered medical practitioner.

*Name amended under Legislation Act, s 60

6. Definitions

In this instrument –

closed ear piercing means a process of ear piercing that is carried out on the lower lobe of the ear by means of an apparatus that does not come into contact with the skin and can be operated only by the use of sealed and pre-sterilised disposable fittings.

health care facility means a premises upon which ***prescribed medical procedures*** are carried out and/or a premise in which over night patient stays are provided prior to or after receiving medical treatment.

infection risk procedure means any process that involves:

- (a) the insertion of instruments, equipment, foreign objects, substances or other matter inside a human body for cosmetic or therapeutic purposes; or
- (b) any process that involves the administration of make-up or other like substance on human skin or mucus membrane.

prescribed medical procedures means procedures undertaken for medical or cosmetic reasons by a health care professional that involves:

- (a) the administration of a general, spinal, epidural or major regional block anaesthetic or intravenous sedative for the purpose of performing an elective procedure, but does not include mandibular blocks;
- (b) endoscopy;
- (c) dialysis, haemofiltration or haemoperfusion;
- (d) prolonged intravenous infusion of a single cytotoxic agent or sequential intravenous infusion of more than one cytotoxic agent; or
- (e) cardiac catheterisation.

test equipment means lancets, needles and other similar single-use devices used in the testing of glucose or cholesterol levels.

skin penetration procedure means any process that involves the piercing, cutting, puncturing or tearing of a living human body but does not include the cutting, shaving or dying of a person's hair or ***closed ear piercing*** or the use of ***test equipment***.

Simon Corbell
Minister for Health

14 December 2005