

AUSTRALIAN CAPITAL TERRITORY

Public Health Act 1997

**Declaration of operation, management or control of a business, charity,
demonstration or service, in which a skin penetration procedure is carried out to be
a Public Health Risk Activity**

INSTRUMENT NO. 184 OF 2001

EXPLANATORY STATEMENT

Subsection 18(1) of the *Public Health Act 1997* (the Act) provides that the Minister may, by instrument, declare an activity that may result in the transmission of disease, or that may otherwise adversely affect the health of individuals in the context of the wider health of the community, to be a public health risk activity. Section 18(3) of the Act provides that a declaration under Subsection 18(1) shall indicate whether the declared activity is licensable, registerable or non-licensable activity.

This instrument declares the operation, management or control of a business, charity, demonstration or service, in which a skin penetration procedure is carried out a public health risk activity under subsection 18(1) of the Act. The instrument further declares operation, management or control of a business, charity, demonstration or service, in which a skin penetration procedure is carried out to be a licensable public health risk activity under subsection 18(3) of the Act.

A skin penetration procedure is any process that involves penetrating a part of the human body. These procedures can transmit disease if proper precautions are not taken to ensure the appliances used are properly cleaned, sterilised or disinfected.

Those businesses that only conduct lower lobe ear piercing using an apparatus that does not come into contact with the skin or single-use equipment used in the testing of glucose or cholesterol levels will not be required to hold a licence under this declaration.

This instrument specifically excludes Health Care Facilities from the requirement to hold an Infection Control licence. This will ensure that the operators of Health Care Facilities are not required to obtain a licence under section 18 (1) the *Public Health Act 1997* for the operation, management or control of a business, charity, demonstration or service, in which a skin penetration procedure is carried out as they will be covered by the Health Care Facilities regulatory system.