

- (b) the contact details of the occupier of the premises,
 - (c) the Australian Business Number or Australian Company Number, if any, of the occupier of the premises,
 - (d) details of the inspections carried out by the local government authority for the purposes of the Act.
- (3) A local government authority must make the register available for inspection without charge if requested by—
- (a) the Secretary, or
 - (b) a public health officer, or
 - (c) an officer of the Ministry of Health authorised by the Secretary.
- (4) This section does not apply to a natural swimming pool.

Part 4 Skin penetration procedures—the Act, Part 3, Div 4

Division 1 Preliminary

32 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.

33 Requirements for premises at which skin penetration procedures are carried out

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

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

34 Premises must be properly equipped

- (1) 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—
 - (i) has a supply of clean, warm, potable water, and
 - (ii) is not obstructed or used for storage, and
 - (d) if equipment used in skin penetration procedures at the premises is cleaned at the

premises—have a separate sink with a supply of clean, warm water that is used only for cleaning equipment, and

- (e) have the following available for use by persons carrying out skin penetration procedures at the premises—
 - (i) liquid soap,
 - (ii) an alcohol-based hand cleaner,
 - (iii) single use towels or a working automatic hand dryer,
 - (iv) single use gloves, clean linen and gowns or aprons that are appropriate for the skin procedures carried out at the premises.

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

35 Toilets for colonic lavage procedures

Premises at which a colonic lavage procedure is carried out must have a toilet that is—

- (a) available for use by clients and not by the general public, and
- (b) for a procedure using a closed system—located close to the room in which the procedure is being carried out, and
- (c) for a procedure using an open system—located in the immediate area of the room in which the procedure is being carried out.

36 Premises must have sharps containers and sterile disposable needles

- (1) If skin penetration procedures involving 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 involving 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 section—

appropriate sharps container means—

- (a) if skin penetration procedures involving 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 involving 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*.

37 Reusable articles must be sterilised

- (1) All reusable articles used to penetrate a person's skin for skin penetration procedures must be sterilised at the premises or off-site.
- (2) If reusable articles are sterilised at the premises—
 - (a) an autoclave must be used, and
 - (b) there must be at least 1 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, and
 - (d) the autoclave must be calibrated at least every 12 months in accordance with AS/NZS 4815:2006.
- (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 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—
 - (a) make, and keep for at least 12 months, a record of the date on which each article was sent off-site for sterilisation and the contact details of the person who sterilised the article, and
 - (b) keep, for at least 12 months, a copy of the report on the sterilisation by the person who sterilised the article.
- (5) In this section—

AS/NZS 4815:2006 means AS/NZS 4815:2006, *Office-based health care facilities—Reprocessing of reusable medical and surgical instruments and equipment, and maintenance of the associated environment*.

autoclave means a bench top autoclave that uses steam under pressure.

Division 3 Requirements for carrying out skin penetration procedures

38 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.

Maximum penalty—20 penalty units.

- (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.

Maximum penalty—20 penalty units.

- (3) A person who uses an article in a skin penetration procedure that is manufactured for a single use only must dispose of the article immediately after completing the procedure.

Maximum penalty—20 penalty units.

- (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.

Maximum penalty—20 penalty units.

- (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.

Maximum penalty—20 penalty units.

- (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.

Maximum penalty—20 penalty units.

- (7) In this section—

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*.

39 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.

Maximum penalty—20 penalty units.

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

Maximum penalty—20 penalty units.

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

Maximum penalty—20 penalty units.

- (4) This section does not apply to a person carrying out a skin penetration procedure involving the use of wax for the purposes of hair removal unless the person reasonably suspects that the person will be exposed to human bodily substances during the procedure.

40 Use of inks and pigments

- (1) A person who carries out a skin penetration procedure involving the use of ink, pigment or other liquid must, for each person undergoing the procedure—

- (a) decant the liquid into a single use container, and
- (b) use a single use applicator.

Maximum penalty—20 penalty units.

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

41 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 the wax, and the instrument used to apply the wax, such as a spatula, immediately after completing the procedure.

Maximum penalty—20 penalty units.

Division 4 Miscellaneous

42 Notification of carrying out of skin penetration procedures

- (1) For the Act, section 38(2), the notice must be—

- (a) written, and

- (b) accompanied by the fee, not exceeding the amount specified in Schedule 5, determined by the local government authority for the area in which—
 - (i) the premises are located, or
 - (ii) if the skin penetration procedures are carried out in mobile premises—the occupier resides, and
- (c) given to the local government authority before skin penetration procedures are carried out at the premises.

- (2) 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 a change in the information provided to the authority in the approved form under the Act, section 38(2).

Maximum penalty—10 penalty units.

- (3) No fee is payable for a notification under subsection (2).

43 Register of premises where skin penetration procedures are carried out

- (1) A local government authority must keep a register of premises in the local government authority's area at which 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 contact details of the occupier of the premises,
 - (c) the Australian Business Number or Australian Company Number, if any, of the occupier,
 - (d) the type of skin penetration procedures carried out at the premises,
 - (e) details of inspections of the premises carried out by the local government authority,
 - (f) for skin penetration procedures 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 make the register available for inspection without charge if requested by—
 - (a) the Secretary, or
 - (b) a public health officer, or

(c) an officer of the Ministry of Health authorised by the Secretary.

44 Display of prohibition orders

The occupier of premises at which 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.

Maximum penalty—10 penalty units.

Part 5 Safety measures for drinking water—the Act, Part 3, Div 1

Division 1 QAPs for suppliers of drinking water

45 Information to be included in all QAPs

A QAP of a supplier of drinking water must include the following—

- (a) the identification of potential health risks associated with the supply of drinking water,
- (b) a process for controlling the potential health risks in accordance with the Framework for Management of Drinking Water Quality, as set out in the *Australian Drinking Water Guidelines* published by the National Health and Medical Research Council,
- (c) for a supplier of drinking water other than a private water supplier or water carter—the matters required under Division 2,
- (d) for a private water supplier—the matters required under Division 3,
- (e) for a water carter—the matters required under Division 4.

Division 2 QAPs for suppliers other than private water suppliers or water carters

46 Information to be included in QAPs for suppliers other than private water suppliers or water carters

A QAP of a supplier of drinking water who is not a private water supplier or water carter must include information about the following—

- (a) a commitment by the supplier to drinking water quality management and a description of how the commitment is communicated to staff and included in planning and policy documents,
- (b) research and development carried out in relation to maintaining or improving the quality of the drinking water, including a list of previous water quality studies and plans for future studies,
- (c) systems or procedures for record keeping,