

Australian Capital Territory

Medicines, Poisons and Therapeutic Goods Amendment Regulation 2020 (No 4)

Subordinate law SL2020-31

made under the

Medicines, Poisons and Therapeutic Goods Act 2008, Section 184 (Regulation-making power)

EXPLANATORY STATEMENT

The objective of the *Medicines, Poisons and Therapeutic Goods Act 2008* (MPTG Act) is to promote and protect public health and safety by minimising medicinal misadventure with, and diversion of, regulated substances, and the manufacture of regulated substances that are subject to abuse.

The *Medicines, Poisons and Therapeutic Goods Regulation 2008* (MPTG Regulation) provides the detail for the regulatory framework established by the MPTG Act. With reference to medicine and poisons categorised by the Poisons Standard, the MPTG Regulation sets out which health professionals are able to prescribe, administer and dispense a medicine, and conditions relating to such dealings. Some provisions of the MPTG Regulation also prescribe additional information required for licences or authorisations.

This amendment regulation seeks to automatically authorise suitably qualified nurses and midwives to administer vaccines without a prescription or standing order under defined circumstances.

In accordance with the *Legislation Act 2001*, a regulatory impact statement was not required to be presented with this amendment regulation as the proposed subordinate law is not likely to impose appreciable costs on the community, or a part of the community.

Details

A detailed explanation of each clause of the Regulation follows.

Clauses

Clause 1 Name of regulation

The first clause of the Regulation declares the name of the Regulation to the *Medicines, Poisons and Therapeutic Goods Amendment Regulation 2020 (No 4)*.

Clause 2 Commencement

Pursuant to this provision, the Regulation is to commence the day after notification.

Due to the operation of section 75(1) of the *Legislation Act 2001* (the Legislation Act) the naming and commencement provisions of this Regulation, clauses 1 and 2, commence automatically on the day the Regulation is notified. A note to that effect is included in the provision.

Clause 3 Legislation amended

This provision alerts the reader that this Regulation amends the MPTG Regulation.

Upon commencement this Regulation will alter the MPTG Regulation in accordance with the provisions that this Regulation contains. This Regulation will then be immediately repealed. Consequentially, from the date that this Regulation commences a new republication of the MPTG Regulation will be available. That new republication will feature the alterations made by this Regulation.

Clause 4 New section 353

This provision will automatically authorise suitably qualified nurses and midwives to administer vaccines without a prescription. The authorisation will be conditional on compliance with the new Chief Health Officer (CHO) approved ACT Registered Nurse and Midwife Vaccination Standards

Specifically, this provision enables a registered nurse or midwife to initiate administration of vaccines to a person in the absence of a supply authority (prescription) or standing order in accordance with a direction of the Chief Health Officer. It is expected that a direction by the Chief Health Officer will determine minimum additional qualifications for nurses and midwives who provide this service and other conditions to protect public safety arising from the administration of a vaccine without oversight by a prescriber or in the absence of a standing order.