

Consultation Brief

Drugs, Poisons and Controlled Substances Amendment (Medication Administration in Aged Care) Regulations 2026

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In this document, 'Aboriginal' refers to both Aboriginal and Torres Strait Islander people. 'Indigenous' or 'Koori/Koorie' is retained when part of the title of a report, program or quotation.

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Available at the department's [webpage on medication management in residential aged care](https://www.health.vic.gov.au/drugs-and-poisons/medication-administration-in-residential-aged-care) <<https://www.health.vic.gov.au/drugs-and-poisons/medication-administration-in-residential-aged-care>>

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Purpose

The Victorian Government is consulting on proposed amendments to the Drugs, Poisons and Controlled Substances Regulations 2017. The amendments are part of reforms to medication administration in Victorian residential aged care.

The Government has released a draft of the Drugs, Poisons and Controlled Substances Amendment (Medication Administration in Aged Care) Regulations 2026. Victorian residential aged care providers, direct care workers, industry peak bodies, and those interested are encouraged to review the proposed Regulations and share their feedback.

This paper provides background of the reform, explains the draft Regulations, and provides questions to consider when making a submission.

Background

On 9 September 2025 the Victorian Parliament passed the [Drugs, Poisons and Controlled Substances Amendment \(Medication Administration in Residential Aged Care\) Act 2025 \(the Act\)](https://www.legislation.vic.gov.au/bills/drugs-poisons-and-controlled-substances-amendment-medication-administration-residential-aged-care) <<https://www.legislation.vic.gov.au/bills/drugs-poisons-and-controlled-substances-amendment-medication-administration-residential-aged-care>>. The Act places a new requirement on registered aged care providers in Victoria.

Under this requirement, only nurses (and other registered health practitioners) can administer certain medications to residents. These medications are prescribed and dispensed Drugs of Dependence and Schedules 4, 8 and 9 medications. The requirement will commence on 1 July 2026.

The change aims to reduce the risk of medicine-related problems in residential aged care.

The requirement will only apply when a resident is on the premises of the residential aged care home. It will also only apply to residents who do not administer their own medication.

The new requirement **will not**:

- Prescribe models of care or how Commonwealth Government mandated direct care minutes are to be used; how homes implement the reform is a decision for providers
- Change registered health practitioners' existing authorisation under the *Drugs, Poisons and Controlled Substances Act 1981* (DPCSA), or the Drugs, Poisons and Controlled Substances Regulations 2017, to administer medication within their scope of practice (for example general practitioners, dentists, pharmacists, and paramedic practitioners)
- Apply to unscheduled and Schedule 2 and 3 medications
- Change requirements of the voluntary assisted dying legislation
- Impact existing authorisation for Aboriginal and/or Torres Strait Islander Health Practitioners to administer Schedule 4 and 8 medications.

A registered provider does not contravene the new requirement if:

- a) They have a reasonable excuse¹; or
- b) The person for whom the drug or poison has been supplied self-administers the drug or poison; or
- c) A person other than a registered or enrolled nurse or registered health practitioner administers the drug or poison in prescribed circumstances.

The Regulations will **prescribe circumstances** which *a person other than a nurse or registered health practitioner* can administer medication. These may be referred to as exemptions – circumstances where the provider does not need to comply with the requirement.

To support the sector to prepare for the reform, the Victorian Government has committed to a 90-day grace-period. No monitoring or enforcement will be pursued until 29 September 2026.

Regulations

An exposure draft of the Drugs, Poisons and Controlled Substances Amendment (Medication Administration in Aged Care) Regulations 2026 has been prepared for consultation and is available on [the department's website](https://www.health.vic.gov.au/drugs-and-poisons/medication-administration-in-residential-aged-care#consultation-on-the-exposure-draft-of-the-regulations) <https://www.health.vic.gov.au/drugs-and-poisons/medication-administration-in-residential-aged-care#consultation-on-the-exposure-draft-of-the-regulations>

The Regulations outline circumstances where the requirement does not apply.

These situations relate to unforeseen events that affect nursing availability. Illustrative examples include:

- A serious emergency involving a resident
- Unexpected staff shortages
- Other unforeseen issues that prevent a nurse from giving medication on time.

In these cases, an exemption can apply if waiting for a nurse (or registered health practitioner) would put a resident at risk.

The proposed exemptions are intended to be limited and used only in unforeseen, time-bound situations where a resident may be at risk if medication is delayed. They are not intended to replace workforce planning or create a routine alternative to nurse-led medication administration.

Guidance document

To complement the Regulations, a draft guidance document has been prepared for consultation and is available [on the department's website](https://www.health.vic.gov.au/drugs-and-poisons/medication-administration-in-residential-aged-care#consultation-on-the-exposure-draft-of-the-regulations) <https://www.health.vic.gov.au/drugs-and-poisons/medication-administration-in-residential-aged-care#consultation-on-the-exposure-draft-of-the-regulations>.

¹ 'Reasonable excuse' is a common defence featured in legislation which allows the accused to provide evidence of the reasonableness of their actions in the circumstances, to an objective standard. The prosecution must then prove to a criminal standard that their excuse is not reasonable.

The guidance document is not legally binding. It intends to support the interpretation of the Regulations. It explains what unforeseen events could include and how to manage them when they occur.

Invitation for Submissions

The Department of Health invites feedback on the exposure draft of the Regulations and the Guidance document.

Submissions with feedback can be sent to Vic_AgedCare@health.vic.gov.au.

Submissions can also be made, including anonymously, [via a survey](https://forms.office.com/r/M5qiZJ9y94)
<<https://forms.office.com/r/M5qiZJ9y94>>

The department can meet with interested stakeholders. This can be arranged by emailing the Older People and Aged Care Policy team via email Vic_AgedCare@health.vic.gov.au

Consultation will be open from 23 February 2026 to 7 April 2026.

Consultation questions

You do not need to answer these questions specifically, but they are intended to guide your submission.

1. The policy intention of the Regulations is to account for unforeseen events where a nurse is not available, and a resident cannot wait for their medication. **To what extent do you agree that the Regulations reflect the policy intention?**

[1. Strongly disagree, 2. Disagree, 3. Neither agree or disagree, 4. Agree, 5. Strongly Agree]

Any additional comments?

2. **Is it clear when an exemption applies?**

If not, what could be improved?

3. **The draft Regulations details prescribed circumstances where exemptions apply. Are there other operational scenarios, that cannot be reasonably planned for, where you feel an exemption should apply?**

Why can't these scenarios be reasonably planned for?

How your feedback will be used

Feedback will inform refinement of the Regulations prior to finalisation.

The department will collect, handle and store information you provide in accordance with the *Privacy and Data Protection Act 2014 (Vic)*, *Public Records Act 1973 (Vic)*, *Health Records Act 2001 (Vic)*, *Health Services Act 1988 (Vic)* and the *Privacy Act 1988 (Vic)*.

Please do not include identifying health or medical information about you or third parties in your submission. For example, please do not include names or health information of other staff, residents or their family and friends.

Next Steps

Following consultation, the department will continue to refine the draft Regulations before finalising through the regulatory processes.

The Regulations will be shared with the sector prior to the reforms commencing on 1 July 2026.

For more information about the reforms to medication administration in residential aged care, visit the [department's website](http://www.health.vic.gov.au/drugs-and-poisons/medication-administration-in-residential-aged-care) <<http://www.health.vic.gov.au/drugs-and-poisons/medication-administration-in-residential-aged-care>>.