

Drugs, Poisons and Controlled Substances Act 1981
**Drugs, Poisons and Controlled Substances
Amendment (Medication Administration in Aged
Care) Regulations 2026**

Exposure Draft

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1 Objectives

The objective of these Regulations is to amend the Drugs, Poisons and Controlled Substances Regulations 2017 to prescribe the circumstances in which a non-specified person may administer a drug of dependence or a Schedule 9, Schedule 8 or Schedule 4 poison to a person accessing funded aged care services in a residential aged care home.

2 Authorising provisions

These Regulations are made under sections 129 and 132 of the **Drugs, Poisons and Controlled Substances Act 1981**.

3 Commencement

These Regulations come into operation on 1 July 2026.

4 New Chapter 3C inserted

After Chapter 3B of the Drugs, Poisons and Controlled Substances Regulations 2017¹ insert—

**"Chapter 3C—Administration
in residential aged care homes**

149O Definitions

In this Part—

specified person means a person specified in section 36EA(2) of the Act;

unforeseen event has the meaning given by regulation 149P.

149P Meaning of *unforeseen event*

(1) An *unforeseen event* at or in connection with a residential aged care home means an event that is not reasonably foreseeable by the registered provider who delivers funded aged care services in that home, including—

(a) an emergency or critical incident at or in connection with the home; or

Examples

An emergency or critical incident may include a flood, fire, evacuation or medical emergency.

(b) a significant and prolonged period during which no specified persons are available to administer drugs of dependence, Schedule 9 poisons, Schedule 8 poisons or Schedule 4 poisons to persons accessing funded aged care services in the home.

(2) Despite subregulation (1), an *unforeseen event* at or in connection with a residential aged care home does not include a circumstance—

(a) where no specified persons are available to administer drugs of dependence, Schedule 9 poisons, Schedule 8 poisons or Schedule 4 poisons to persons accessing funded aged care services in the home; and

(b) that the registered provider who delivers funded aged care services in that home

could have taken reasonable steps to avoid.

Example

Reasonable steps may include rostering a sufficient number of specified persons to be available to administer medication during minor or foreseeable incidents that occur at the residential aged care home. A specified person includes a registered nurse and an enrolled nurse who holds a qualification approved by the Nursing and Midwifery Board of Australia in relation to the administration of medication—see section 36EA(2) of the Act.

149Q Administration of drugs of dependence and Schedule 9, 8 and 4 poisons in residential aged care homes

- (1) For the purposes of section 36EA(3)(c) of the Act, the prescribed circumstances are that—
 - (a) an unforeseen event occurs at or in connection with the residential aged care home that results in no specified persons being available to administer the drug or poison to the person for whom the drug or poison has been supplied; and
 - (b) the registered nurse who manages the administration of the drug or poison determines that it is necessary for the drug or poison to be administered without delay.
 - (2) As soon as practicable after making a determination under subregulation (1)(b), the registered nurse must record the following in writing—
 - (a) the date of the unforeseen event;
 - (b) a description of the unforeseen event;
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- (c) the period of time during which it is necessary for a person other than a specified person to administer the drug or poison to the person for whom the drug or poison has been supplied.

149R Retention and production of records of administration in respect of unforeseen events

- (1) A registered provider who delivers funded aged care services in a residential aged care home must keep a record made under regulation 149Q(2) for a period of 3 years after the occurrence of the unforeseen event that is the subject of the record.
- (2) The registered provider must produce a record referred to in subregulation (1) on demand to an authorized officer.”

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Endnotes

Endnotes

ⁱ Reg. 4: S.R. No. 29/2017 as amended by S.R. Nos 31/2018, 45/2018, 72/2018, 178/2018, 15/2020, 73/2020, 13/2021, 174/2021, 13/2022, 16/2022, 96/2022, 112/2022, 113/2022, 20/2023, 46/2023, 61/2023, 105/2023, 126/2024 and 124/2025.

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