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The Commissioner for Children is an independent, statutory office responsible to the Parliament of Tasmania. The Commissioner's functions include promoting the rights and well-being of children and young people, examining and advising Government on policies, practices and services provided for children and laws affecting their health, welfare, care, protection and development.

Mr David Roberts  
Secretary  
Department of Health and Human Services  
GPO Box 125 HOBART  
TASMANIA 7001

Dear Mr Roberts

**RE : POISONS AMENDMENT BILL 2008**

I refer to your letter of 7 October 2008 inviting comment on the above Bill.

The aim of my comments at this juncture is not to provide detailed comment on the Bill but to alert you to issues of particular concern for children and young people which should be included in the Discussion Paper foreshadowed by Minister Giddings in her media release of 14 October 2008. In my opinion these issues should be the subject of wider and more detailed consultation.

***Removal of restrictions on administration of legally dispensed and supplied medication by carers***

The new section 47A "*Administration of medicinal poisons and potent, restricted and narcotic substances*" would have the effect of broadening the categories of people who may lawfully administer or make available for self-administration to another person, a medicinal poison, restricted substance, potent substance or narcotic substance.

The amendments proposed by the Bill clearly contemplate employees of a school, child care centre, community support agency, respite care centre “or similar organisation, whether government-operated or not”<sup>1</sup> administering or making available scheduled drugs to children and young people in their care. It would not seem to exclude foster carers, therapeutic rostered care workers or disability support workers. The Bill does refer to the proper storage of narcotic substances but not expressly to the qualifications or training of the person who has “the care of” a child or young person<sup>2</sup>.

In my opinion, unless some provision is made to ensure that non-medically qualified and trained employees and carers in relevant organisations undertake appropriate training in the administration, storage and recording of dosages and usage of scheduled drugs, the changes proposed by the Bill have the potential to expose children and young people to an unacceptable level of risk.

Additionally, there should be uniform standards for training in administration, storage and other relevant matters across organisations and provision for independent oversight and regulation of the operation of these standards.

Because of these and related issues I strongly endorse further consultation through a detailed Discussion Paper which should:

- Consider in more detail issues I have raised above, particularly from the perspective of:
  - (i) removing potential risks to children and young people requiring medication
  - (ii) addressing the situation of children and young people who may be required to administer medication to older adult family members;
- Consider whether similar issues of concern have arisen in other States and Territories and if so, how they have been resolved;
- Explain the existing restrictions on parents, carers (including children and young people who may care for parents or other family members) and employees in relevant organisations (i.e those organisations defined in proposed s47A(2) ) in relation to the administration and provision of scheduled drugs, especially narcotic drugs. The current legislative scheme is unduly confusing and complicated;

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<sup>1</sup> Proposed 47A (2) of the Bill.

<sup>2</sup> See for example current regulation of disability service employees as defined, in current Regulation 98 of the *Poisons Regulations*, applicable to Schedule 2,3 and 4 substances.

- Explain in more detail the rationale behind the proposed widening of categories of persons who may lawfully administer or provide for self-administration scheduled drugs;
- Propose options for development of standards and for their oversight.

I hope these comments have been useful and I look forward to participating further in this consultative process.

Thank you for the opportunity to comment.

Yours sincerely,

Paul Mason  
Commissioner