



# Victoria Government Gazette

No. S 210 Thursday 28 April 2022  
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## Drugs, Poisons and Controlled Substances Act 1981

### PUBLIC HEALTH EMERGENCY ORDER UNDER SECTION 22D (PHEO #18)

I, Professor Euan Wallace, Secretary to the Department of Health, pursuant to section 22D of the **Drugs, Poisons and Controlled Substances Act 1981**, make this Public Health Emergency Order (**Order**) in the belief that it is necessary to do so to prevent or respond to, a serious risk to public health posed to the State of Victoria by influenza in certain vulnerable groups in the community.

The purpose of this Order is to reduce the burden of influenza within the context of the ongoing public health emergency posed by the SARS-CoV-2 pandemic, which is currently affecting the State of Victoria.

In furtherance of that purpose, this Order is intended to facilitate the supply by the **Australian Government Department of Health** of influenza anti-viral treatments from the **National Medical Stockpile** by authorising **residential aged care facilities** to obtain and possess or supply Schedule 4 poisons entered in the **Register** and indicated for the treatment of influenza, in accordance with the conditions outlined in this Order.

All **residential aged care facilities**, irrespective of whether they hold a health services permit under the **Act**, are to adhere to the conditions of this Order.

#### Authorisation

By this Order, I authorise residential aged care facilities to obtain and possess or supply the Schedule 4 poisons entered in the **Register** and indicated for the treatment of influenza in accordance with the Act, the Regulations and any other applicable Victorian or Commonwealth legislation, subject to the residential aged facilities complying with the requirements of manufacturers' directions and Victorian requirements for the:

- (a) authorisation of administration of a Schedule 4 poison by a medical practitioner or nurse practitioner registered under the **Health Practitioner Regulation National Law**;
- (b) administration of the Schedule 4 poisons by a person registered under the **Health Practitioner Regulation National Law** and authorised under the Act and the Regulations;
- (c) safe and secure storage of the Schedule 4 poisons in accordance with the Act and the Regulations;
- (d) making and retention of records in relation to the Schedule 4 poisons in accordance with the Act and the Regulations;
- (e) storage of temperature-sensitive Schedule 4 poisons and cold chain management; and
- (f) disposal of unused, unwanted, or expired Schedule 4 poisons in accordance with the Act and the Regulations.

As part of this Order, the residential aged care facilities must comply with any reasonable direction given by the Victorian Department of Health or Australian Government Department of Health for the purposes of compliance with the conditions of this Order.

#### Definitions

**Act** means the **Drugs, Poisons and Controlled Substances Act 1981**;

**Australian Government Department of Health** means the department of the Commonwealth Government of Australia that is responsible for overseeing Australia's health system;

**National Medical Stockpile** means the reserve of supplies for national health emergencies administered by the Australian Government Department of Health and distributed in accordance with the **Public Governance, Performance and Accountability Act 2013** of the Commonwealth;

**SPECIAL**

**Health Practitioner Regulation National Law** means the Health Practitioner Regulation National Law as in force from time to time, set out in the Schedule to the **Health Practitioner Regulation National Law Act 2009** of Queensland, applying as a law of Victoria because of section 4 of the **Health Practitioner Regulation National Law (Victoria) Act 2009**;

**Register** means the Australian Register of Therapeutic Goods maintained under section 9A **Therapeutic Goods Act 1989** of the Commonwealth;

**Regulations** means the Drugs, Poisons and Controlled Substances Regulations 2017 (Vic);

**residential aged care facilities** means premises at which accommodation and personal care or nursing care or both are provided to a person in respect of whom a residential care subsidy or a flexible care subsidy is payable under the **Aged Care Act 1997** of the Commonwealth.

This order comes into force on the date of publication in the Government Gazette and continues in force for a period of six months, unless revoked earlier.

Dated 27 April 2022

PROFESSOR EUAN WALLACE  
Secretary to the Department of Health

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