



**Public Health Association**  
AUSTRALIA

# Public Health Association of Australia submission on Draft Medicines, Poisons and Therapeutic Goods (MPTG) Bill 2022

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The **Public Health Association of Australia** (PHAA) is Australia's peak body on public health. We advocate for the health and well-being of all individuals in Australia.

**We believe** that health is a human right, a vital resource for everyday life, and a key factor in sustainability. The health status of all people is impacted by the social, commercial, cultural, political, environmental and economic determinants of health. Specific focus on these determinants is necessary to reduce the root causes of poor health and disease. These determinants underpin the strategic direction of PHAA. Our focus is not just on Australian residents and citizens, but extends to our regional neighbours. We see our well-being as connected to the global community, including those people fleeing violence and poverty, and seeking refuge and asylum in Australia.

**Our mission** is to promote better health outcomes through increased knowledge, better access and equity, evidence informed policy and effective population-based practice in public health.

**Our vision** is for a healthy population, a healthy nation and a healthy world, with all people living in an equitable society, underpinned by a well-functioning ecosystem and a healthy environment.

**Traditional custodians** - we acknowledge the traditional custodians of the lands on which we live and work. We pay respect to Aboriginal and Torres Strait Islander elders past, present and emerging and extend that respect to all other Aboriginal and Torres Strait Islander people.

## Introduction

PHAA welcomes the opportunity to provide input to the Draft *Medicines, Poisons and Therapeutic Goods (MPTG) Bill 2022* (NSW).

The Draft MPTG Bill and its associated regulation would replace the current Poisons and Therapeutic Goods Act 1966 (PTGA) and the Poisons and Therapeutic Goods Regulation 2008 (PTGR), which provide the primary framework governing control of medicines, poisons, and therapeutic goods in NSW.

Medicines, poisons (chemicals) and therapeutic goods are an essential part of people's lives and our society. These substances bring many benefits to health and are necessary in many industries. However, the substances can also pose a risk to health and safety when used inappropriately.

The PTGA and PTGR restrict who can manufacture, supply by wholesale, supply, prescribe, use, and administer these substances. The PTGA is over 50 years old, can be difficult to understand, and has not kept pace with changes in practice and industry. The Draft MPTG Bill seeks to ensure that the framework regulating medicines, poisons and therapeutic goods is contemporary, robust, safe, and efficient.

## PHAA opinion on the Bill

### Health Practitioner Prescribing and Supply

Under the current proposal in the discussion paper, the Draft MPTG Bill makes it an offence to supply (non-wholesale) or prescribe scheduled substances unless authorised under the Bill (Sections 30 and 37).

Accordingly, it states that:

Certain practitioners are able to supply or prescribe in the course of their profession, including:

- medical practitioners, dentists, nurse practitioners, and veterinary practitioners;
- nurses and midwives, podiatrists and optometrists whose registration has an endorsement under the Health Practitioner Regulation National Law (NSW) or who are otherwise qualified;
- pharmacists, who may supply certain scheduled substances in certain settings, and dispense on prescription.<sup>1</sup>

The Draft MPTG Bill includes a regulation making power to allow other health practitioners to prescribe or supply. This recognises that there may be a future need for other health practitioners to supply or prescribe.

While certain health practitioners can generally supply or prescribe medicines in the course of their profession, consistent with the current PTGA and PTGR, the Draft MPTG Bill provides that certain administration, prescribing, or supply can only occur subject to additional approvals or requirements.

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<sup>1</sup> In addition, it is expected that regulations under the Draft MPTG Bill will also provide for the continuation of existing supply and administration by pharmacists of specific vaccines, in a continuation of the existing authorisation provided for at clause 48A PTGR.

The PHAA supports the current proposal to ensure that flexibility is needed in the Draft MPTG Bill for authorising other health practitioners, who are trained and competent to supply or prescribe. However, it does not explicitly state that, under the National Law, three other registered dental practitioner divisions can supply or prescribe in the course of their profession: dental hygienists, dental therapists and oral health therapists.

The Draft MPTG Bill likely has accepted the 'grandfathering' arrangements of these health practitioners being requirement to work under 'supervision' or 'a structured professional relationship' with a dentist to provide oral healthcare. However, recent regulatory changes to the Dental Board of Australia's Scope of Practice Standard from July 2020 have removed these requirements,<sup>2</sup> and the divisions referred to are now recognised as independent health practitioners. While competencies to supply or prescribe are not defined by the Australian Dental Council's Professional Competencies of the Newly Qualified Dental Hygienist, Dental Therapist and Oral Health Therapist,<sup>3</sup> they are embedded in the teaching curriculum for all dental hygiene and oral health therapy programs in Australia.

The PHAA recommends that Section 24 (c) of the Draft MPTG Bill be revised to include the explicit reference to dental prosthetists, dental hygienists, dental therapists and oral health therapists within the legislation as authorised to supply and prescribe medicines within their scope of practice. Such a revised Section 24 (c) should state:

*"a dental practitioner including dentist, dental prosthetist, dental hygienist, dental therapist and oral health therapist, for treatment of a person,".*

## Conclusion

PHAA supports the broad directions of the Draft MPTG Bill (NSW). However, we are keen to ensure registered dental prosthetists, dental hygienists, dental therapists and oral health therapists are explicitly included in the regulations to supply and prescribe in line with this submission.

The PHAA appreciates the opportunity to make this submission.

Please do not hesitate to contact us should you require additional information or have any queries in relation to this submission.



Terry Slevin  
Chief Executive Officer



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Co-convenors, PHAA Oral Health Special Interest Group



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<sup>2</sup> <https://www.dentalboard.gov.au/Registration-Standards/Scope-of-practice-registration-standard.aspx>

<sup>3</sup> <https://www.adc.org.au/accreditation/accredited-programs/professional-competencies/>