

Application of Better Regulation Principles

Poisons and Therapeutic Goods Amendment (Correctional Centres) Regulation 2021

Principle 1 - The need for government action should be established

The *Poisons and Therapeutic Goods Amendment (Correctional Centres) Regulation 2021* (Amending Regulation) creates a transparent mechanism for supply of medicine to, and within, managed correctional centres. Currently Corrective Services NSW has contracts with private providers to manage three correctional centres in NSW (Junee, Parklea, and Clarence correctional centres). Medicine supply to and within the three privately managed correctional centres does not follow one consistent model. The Amending Regulation seeks to more transparently recognise medicine supply to, and in, managed correctional centres, and to enable an inmate to transition as seamlessly as practicable between public and privately managed correctional centres, insofar as the regulation of medicines is concerned.

Principle 2 - The objective of government action should be clear

The Amending Regulation provides for storage, administration, possession, supply, and destruction of medicines within managed correctional centres. The key purpose of the Amending Regulation is to clearly articulate a mechanism for supply of medicines to, and within, a managed correctional centre and avoid the current uneasy process whereby a single authorised practitioner may be required to take responsibility for the entire stock of medicines at the centre; while the management company or sub-management company holds minimal responsibility for ensuring compliance with requirements in the *Poisons and Therapeutic Goods Regulation 2008* (the Regulation) regarding storage, administration and supply of medicines. The Amending Regulation clearly articulates that it is the management company or sub-management company that may order medicines for use in the centre, and must appoint a person who is responsible for those medicines within the centre. Further, the amendments impose an obligation on the governor of the managed correctional centre to ensure compliance with the obligations in the Amending Regulation.

Principle 3 - The impact of government action should be properly understood by considering the costs and benefits of a range of options, including non-regulatory options

Non-regulatory options were considered in development of the Amending Regulation and discussed with stakeholders. There is no non-regulatory way to create a consistent model of medicine supply to, and within, managed correctional centres.

Principle 4 - Government action should be effective and proportional

The Amending Regulation is considered to be effective and proportional. It is limited to medicine supply to, and in, managed correctional centres to address concerns that have been raised by both Corrective Services NSW and the providers of health services. The amendments create controls that are targeted to those medicines posing higher risk, for example by requiring administration of a drug of addiction or restricted substance to occur under the direction of an authorised practitioner.

Principle 5 - Consultation with businesses and the community should inform regulatory development

The Amending Regulation follows significant consultation with Corrective Services NSW and the providers of health services in the three managed correctional centres. The health services at Parklea correctional centre are provided by St Vincent's Hospital Sydney Limited (SVHS), the health services at Junee correctional centre are provided by GEO, and the health services at Clarence are provided by Serco. The proposed amendments have also been discussed with the Medical Services Committee.

Principle 6 - The simplification, repeal, reform, consolidation of existing regulation should be considered

The Amending Regulation amends the existing Regulation.

Principle 7 - Regulation should be periodically reviewed, and if necessary reformed to ensure its continued efficiency and effectiveness

The Regulation is subject staged repeal under the Subordinate Legislation Act 1989.