

Queensland



Subordinate Legislation 2003 No. 29

Health Act 1937

**HEALTH (DRUGS AND POISONS)
AMENDMENT REGULATION (No. 1) 2003**

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1 Short title

This regulation may be cited as the *Health (Drugs and Poisons) Amendment Regulation (No. 1) 2003*.

2 Regulation amended

This regulation amends the *Health (Drugs and Poisons) Regulation 1996*.

3 Insertion of new s 256A

After section 256—

insert—

‘256A Particular individuals who provide child care

‘(1) This section applies to an individual who is—

- (a) a licensee of a child care service; or
- (b) an adult engaged by a licensee of a child care service to provide child care at a child care centre or under a family day care scheme.

‘(2) The individual is authorised to administer an S2 or S3 poison to a child at a child care centre or a place where child care is provided under a family day care scheme if the poison is administered—

- (a) under the centre’s or scheme’s policy and practice, under the *Child Care Act 1991*, for the storage and administration of medication for children; and
- (b) with the written consent of a parent or guardian of the child.

‘(3) In this section—

“**child care**” see the *Child Care Act 1991*, section 3.¹

“**child care centre**” see the *Child Care Act 1991*, section 3.

“**family day care scheme**” see the *Child Care Act 1991*, section 3.

“**guardian**”, of a child, means any of the following persons—

¹ *Child Care Act 1991*, section 3 (Definitions)

- (a) a person who is recognised in law as having all the duties, powers, responsibilities and authority relating to the child that, by law, parents have relating to their children;²
- (b) a person in whose favour a parenting order is in force under the *Family Law Act 1975* (Cwlth);
- (c) a person who is entitled to the care and custody of the child under the *Adoption of Children Act 1964*.

“licensee of a child care service” means a person who holds a licence to conduct a child care service under the *Child Care Act 1991*.

“parent”, of a child, includes—

- (a) for any child—the spouse of a parent of the child; and
- (b) for an Aboriginal child—a person who, under Aboriginal tradition, is regarded as a parent of the child; and
- (c) for a Torres Strait Islander child—a person who, under Island custom, is regarded as a parent of the child; and
- (d) a carer of the child under the *Child Protection Act 1999*.³

4 Amendment of appendix 9 (Dictionary)

Appendix 9, definition “prison”, ‘1988.’—

omit, insert—

‘2000, schedule 3.³’.

ENDNOTES

1. Made by the Governor in Council on 6 March 2003.
2. Notified in the gazette on 7 March 2003.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Health.

2 See the *Family Law Act 1975* (Cwlth), part VII (Children), division 2 (Parental responsibility).

3 *Corrective Services Act 2000*, schedule 3 (Dictionary)

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