Government of **Western Australia**
Department of **Health**
Public and Aboriginal Health Division

Communicable Disease Control Directorate
Guidelines

Guideline: Provision of needle and syringe programs (NSP) in Western Australia

Guideline 0001 / January 2022

These guidelines have been released by the Communicable Disease Control Directorate, Public and Aboriginal Health Division, Western Australian Department of Health, to provide consistent and evidence informed advice to agencies involved in the prevention of infections and management of communicable diseases in Western Australia.

ACKNOWLEDGEMENT OF COUNTRY AND PEOPLE

The Communicable Disease Control Directorate at the Department of Health acknowledge the Aboriginal people of the many traditional lands and language groups of Western Australia. We acknowledge the wisdom of Aboriginal Elders both past and present and pay respect to Aboriginal communities of today.

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1. Definitions / Acronyms

Term	Definition
Needle and syringe dispensing machine (NSDM)	Self-service devices which dispense sterile injecting equipment for free.
Needle and syringe exchange program (NSEP)	Supply of free sterile needles and syringes on the return of used items.
Needle and syringe program (NSP)	Harm reduction program that provides sterile needles and syringes people who inject drugs to reduce transmission of blood-borne viruses.
Needle and syringe vending machine (NSVM)	Self-service devices which vend sterile injecting equipment on a cost-recovery basis.

2. Purpose

The aim of this Guideline is to describe the requirements for needle and syringe program (NSP) approval and provision within Western Australia (WA).

3. Introduction / Background

The primary public health strategy in Australia to prevent the transmission of blood-borne viruses (BBVs), including HIV, hepatitis B and hepatitis C amongst and from people who inject drugs (PWID), is to provide access to sterile needles and syringes. In WA, NSP are underpinned by the legislative requirements of the *Medicines and Poisons Act 2014* and the *Medicines and Poisons Regulations 2016*.

The provision of NSP in WA aims to:

- provide access to sterile needles and syringes to PWID
- provide safer injecting and health information
- provide safer disposal information and options
- offer clients referral to drug treatment services
- offer referral or access to BBV testing and treatment
- offer referrals to other health and community services.

The intended health outcome is the prevention of BBV transmission and reduction of other injecting-related harms in WA.

The need to maintain and increase access to needles and syringes remains an important strategic action for BBV prevention, as supported by the relevant state and national strategies as outlined below (3.1 Policy and strategy supporting NSP).

This Guideline and associated WA Country Health Service (WACHS) Policy: *Needle and syringe program provision from WACHS Facilities* supersedes *OD 0553/14 Provision of Sterile Needles and Syringes from Rural and Regional Hospitals to People Who Inject Drugs*.

3.1 Policy and strategy supporting NSP

Increasing access to needles and syringes as a strategy to reduce the transmission of blood-borne viruses is supported by the following state and national strategies:

- WA Hepatitis C Strategy 2019–2023
- WA Hepatitis B Strategy 2019–2023
- WA HIV Strategy 2019–2023
- WA Aboriginal Sexual Health and BBV Strategy 2019-2023
- WA Alcohol and Drug Interagency Strategy 2018-2022
- Fifth National Aboriginal and Torres Strait Islander Blood-borne Viruses and Sexually Transmissible Infections Strategy 2018–2022
- Fifth National Hepatitis C Strategy 2018–2022
- Third National Hepatitis B Strategy 2018–2022
- Eighth National HIV Strategy 2018-2022
- National Drug Strategy 2017-2026.

3.2 Types of NSP in WA

In Western Australia, there are four main models of NSP:

- Needle and syringe exchange programs (NSEPs) supply free sterile needles and syringes on the return of used items. These are run through a combination of fixed-site, outreach and mobile services.
- Pharmacy-based NSPs are run on a commercial basis selling needles and syringes to PWID.
- Health service-based NSPs provide sterile injecting equipment at no cost to PWID through regional hospitals, public health units, community health centres, community drug services and other health services.

- Needle and syringe vending machines (NSVM) and needle and syringe dispensing machines (NSDM) are self-service devices which dispense sterile injecting equipment on either a cost-recovery basis (NSVM) or for free (NSDM).[1]

4. Requirements of NSP approval

The Medicines and Poisons Regulations 2016 (r 108) stipulates conditions that must be met in order for a NSP to be approved:

1) A person may apply to the Chief Executive Officer (CEO) of the Department of Health for approval of a needle and syringe programme.

2) An application must —

   (a) be in an approved form; and
   (b) nominate a person to be the coordinator of the programme.

3) The CEO may by written notice require an applicant to provide further information in relation to an application.

4) An approval of a needle and syringe programme must —

   (a) be given by written notice signed by the CEO; and
   (b) clearly identify the programme that is being approved by reference to the activity or activities, and the persons or class of persons engaging in the activity or activities, that constitute the programme; and
   (c) specify the period during which the programme is approved; and
   (d) specify any conditions that apply to the approval.

5) The CEO must not approve a needle and syringe programme unless the CEO is satisfied that the coordinator of the programme —

   (a) is at least 18 years of age; and
   (b) is a person of good character and repute; and
   (c) is a fit and proper person to coordinate the programme; and
   (d) understands their duties as the coordinator of the programme.

[1] See *Guidelines for the Operation and Maintenance of Needle and Syringe Vending Machines (NSVMs) and Needle and Syringe Dispensing Machines (NSDMs)*

4.1 Application and approval process

As stipulated above, to operate an NSP, government and non-government organisations require an NSP approval under the Medicines and Poisons Regulations 2016.

Both government and non-government organisations can operate an NSP. Any organisation that operates an NSP must meet specific requirements as stated in the Medicines and Poisons Regulations 2016 and be approved by the CEO of the Department of Health.

4.1.1 Obtaining an NSP approval

1) Nominate an NSP coordinator. See 4.1.2 below.
2) Complete an Application Form for approval of a Needle and Syringe Program (Word 698KB)
3) Develop local guidelines to establish and operate a needle and syringe program (NSP) - contact the Sexual Health and Blood-borne Virus Program for assistance with this
4) Submit these documents to the Sexual Health and Blood-borne Virus Program.

After assessing the approval application, the CEO Department of Health will provide a copy of the notice of approval to the coordinator of the approved needle and syringe programme (Medicines and Poisons Regulations 2016 (r 109)).

4.1.2 Condition of approval: NSP Coordinator's duties

The CEO Department of Health will not approve a needle and syringe program unless the Chief Executive Officer is satisfied that the coordinator of the program:

- is at least 18 years of age
- is a person of good character and repute
- is a fit and proper person to coordinate the program
- understands their duties as the coordinator of the program.

The Medicines and Poisons Regulations 2016 (r 110) require that all NSPs in WA nominate a suitable coordinator for the NSP, and that the coordinator of an approved NSP must:

- maintain a register of all persons who participate in the conduct of the program (staff operating the program)

- ensure that persons who participate in the conduct of the program understand the requirements of these regulations and are appropriately instructed and trained
- submit to the CEO Department of Health an annual report on the needle and syringe program by a date specified
- report to the CEO Department of Health any irregularities or changes that occur in the conduct of the program.

See needle and syringe program (NSP) coordinator and the duties of the position for more information.

See Appendix 1 – Medicines and Poisons Regulations 2016 compliance monitoring for detail on compliance monitoring against the relevant regulations within the Medicines and Poisons Regulations 2016.

4.1.3 Condition of approval: used needles and syringes

The Medicines and Poisons Regulations 2016 (r 111) stipulates the following in regard to used needles and syringes:

1) The approval of a needle and syringe programme is subject to the following conditions:

    (a) a used hypodermic needle or a used hypodermic syringe must not be accepted in the course of the conduct of the programme unless the needle or syringe has been exhausted;

    (b) a used hypodermic needle or a used hypodermic syringe received in the course of the conduct of the programme must be placed immediately in a receptacle of a type approved by the CEO.

2) For the purposes of subregulation (1)(a), a hypodermic needle or a hypodermic syringe is taken to have been exhausted if it contains no more than the residue of any Schedule 8 or 9 poison.

Please note, the Department of Health requires all NSPs to provide a safe disposal container or device with all needles and syringes distributed.

4.1.4 Condition of approval: conduct of programme

The Medicines and Poisons Regulations 2016 (r 112) stipulates the following conditions on the conduct of the programme:

1) The CEO may approve a needle and syringe programme subject to the condition that the programme only be conducted —

   (a) at a specified place or specified places; or

   (b) between specified times.

2) If the CEO is of the opinion that a person is not a suitable person to be engaged in the conduct of an approved needle and syringe programme, the CEO may, by written notice given to that person and to the coordinator of the programme, direct the person not to participate in the conduct of the programme.

3) The approval of a needle and syringe programme is subject to the condition that a person who has been given a direction under subregulation (2) must not participate in the conduct of the programme.

4.1.5 Breach of condition of approval

The Medicines and Poisons Regulations 2016 (r 113) states the following in regard to breaching the conditions of approval:

1) The CEO may, by written notice given to the coordinator of an approved needle and syringe programme, revoke an approval given under regulation 108 in respect of the programme if the CEO is satisfied that a condition of the approval has been breached.

2) A person does not have possession of a used hypodermic needle, used hypodermic syringe or another used thing for the purpose of disposing of it in accordance with an approved needle and syringe programme if the possession by the person of the syringe, needle or other thing is in breach of a condition of the approval.

5. Relevant Legislation

- Medicines and Poisons Act 2014
- Medicines and Poisons Regulations 2016

6. Additional resources / supporting documents

WACHS Policy: Needle and syringe program provision from WACHS Facilities

Guidelines for the Operation and Maintenance of Needle and Syringe Vending Machines (NSVMs) and Needle and Syringe Dispensing Machines (NSDMs)

Guidelines Template for the Establishment and Operation of a Needle and Syringe Program

7. Guideline Contact

Enquiries relating to this Guideline may be directed to:

Title: Sexual Health and Blood-borne Virus Program (SHBBVP)

Directorate: Communicable Disease Control Directorate

Email: NSP@health.wa.gov.au

8. Document Control

Guideline number	Version	Published	Review Date	Amendments
0001	V.1.	08/11/2021	08/11/2026	Original version
0001	V.2.	01/02/2022	08/11/2026	Minor amendment including hyperlinks to Additional resources/supporting documents

9. Approval

Approved by	Dr Paul Armstrong, Director, Communicable Disease Control Directorate, Department of Health
Approval date	23 September 2021

10. Appendix 1 – Medicines and Poisons Regulations 2016 compliance monitoring

The Sexual Health and Blood-borne Virus Program (SHBBVP) monitors compliance against the Medicines and Poisons Regulations 2016 in regard to the approval and delivery of NSPs across WA.

Application for NSP approval

Application for an NSP approval requires the submission of a prescribed form (as per the Medicines and Poisons Regulations 2016). This form includes the:

- name of facility that will be operating the NSP
- activities that constitute the NSP
- persons and class of persons conducting the NSP
- operating hours of the NSP
- name and contact details of the NSP Coordinator.

Submission of this NSP approval application, along with a copy of the facilities' local NSP guidelines to operate the NSP, ensures compliance with approval requirements under the Medicines and Poisons Regulations 2016.

NSP approval renewal

The NSP approval renewal process is prompted by the Sexual Health and Blood-borne Virus Program. All NSPs that correspondingly submit renewal documentation to receive an updated NSP approval will be deemed as compliant with the renewal requirements under the Medicines and Poisons Regulations 2016.

Annual reporting

NSPs will report to the Sexual Health and Blood-borne Virus Program annually (as per the Medicines and Poisons Regulations 2016). An annual reporting template will be provided to facilitate this.

Staff training

The NSP Coordinator must ensure that persons who participate in the conduct of the program understand the requirements of the Medicines and Poisons Regulations 2016 and are appropriately instructed and trained.

The SHBBVP provides an NSP online orientation and training package. Completion of the training package will be monitored by the Sexual Health and Blood-borne Virus Program.

This document can be made available in alternative formats on request for a person with disability.