NORTHERN TERRITORY OF AUSTRALIA

POISONS AND DANGEROUS DRUGS ACT

As in force at 2 May 2007

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NORTHERN TERRITORY OF AUSTRALIA

This reprint shows the Act as in force at 2 May 2007. Any amendments that commence after that date are not included.

POISONS AND DANGEROUS DRUGS ACT

An Act to regulate the sale, supply, storage, possession and use of poisons and dangerous drugs, and for related purposes

Part I Preliminary

1 Short title

This Act may be cited as the *Poisons and Dangerous Drugs Act*.

2 Commencement

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3 Repeal

The Acts and Ordinances specified in Schedule I are repealed.

4 Savings

(1) Notwithstanding the repeals effected by section 3, the Acts and Ordinances repealed by that section continue to apply to and in relation to an offence committed against an Act or Ordinance so repealed as if this Act had not commenced.

(2) Notwithstanding the repeals effected by section 3, the *Methylated Spirits Regulations* made under the *Methylated Spirits Act* as in force immediately before the commencement of this Act shall continue to apply to and in relation to methylated spirits manufactured in, or brought or imported into, the Territory as if those Regulations were a notice under section 60 made by the Chief Health Officer on that commencement, and they may be repealed or amended accordingly.

(3) Where, immediately before the commencement of this Act, there was in force a warrant issued under an Act or Ordinance repealed by section 3, or an application had been made to a Justice for the issue of such a warrant which had not, at that commencement, been fully dealt with:

(a) that warrant shall continue in force according to its tenor, and all actions may be duly taken or continued under or in relation to it, as if it were a warrant issued under this Act; and

(b) the application shall be dealt with, and all actions taken in relation to it shall be as valid and effective, as if it were an application for a similar warrant made under this Act,

as the case may be.

5 Crown to be bound

This Act binds the Crown.

6 Interpretation

(1) In this Act, unless the contrary intention appears:

addiction means a state of physiological or psychological dependence on or increased tolerance to the habitual and excessive use of a substance and includes pain and other symptomatic indications arising specifically from withdrawal of that substance.

approved form means a form approved under section 90B.

British Pharmacopoeia has the same meaning as it has in the *Therapeutic Goods Act 1989* of the Commonwealth.

Chairperson means the chairperson of the Committee and includes an acting Chairperson and an alternate Chairperson selected under section 31S(7).

Chief Health Officer means the person appointed as the Chief Health Officer under section 5 of the *Public Health Act*.

Chief Poisons Inspector means the person appointed as the Chief Poisons Inspector under section 9A.

Committee means the Schedule 8 and Restricted Schedule 4 Substances Clinical Advisory Committee established by section 31Q.

dentist means a dentist or dental specialist who has a right of practice under the *Health Practitioners Act*.

Guidelines means Schedule 8 and Restricted Schedule 4 Substances Policy and Clinical Practice Guidelines published under section 31W.

hazardous substance means a substance specified in Schedule 5.

hospital means a hospital within the meaning of the *Medical Services Act* or a private hospital or nursing home within the meaning of the *Private Hospitals and Nursing Homes Act*.

inspector means an inspector appointed under section 8, and includes the Chief Health Officer and a member of the Police Force of the rank of Sergeant or above.

licensed retailer means a retailer licensed under Part IV to supply poisons.

medical practitioner means a person who is registered under the *Health Practitioners Act* in the category of registration of medical practitioner and practises medicine in the Territory.

member means a member of the Committee.

methylated spirit means:

(a) a spirit that has been methylated, within the meaning of the *Spirits Act 1906* of the Commonwealth, or denatured;

(b) methyl alcohol or wood spirit;

(c) a spirit to which a methylated substance has been added; or

(d) a drinkable liquid with which a methylated spirit is mixed.

non-restricted Schedule 4 substance means a Schedule 4 substance that is not a restricted Schedule 4 substance.

non-restricted Schedule 8 substance means a Schedule 8 substance that is not a restricted Schedule 8 substance.

nurse means a registered or enrolled nurse who has a right of practice under the *Health Practitioners Act*.

optometrist means a person registered, and entitled to practise, as an optometrist under the *Health Practitioners Act*.

pesticide means a substance or organism manufactured or supplied for:

(a) killing, destroying, attracting, repelling, stupefying, inhibiting the feeding of, directly or indirectly controlling the activity or preventing the infestation or attacks of, insects, pests, vermin or other troublesome or destructive forms of animal life;

(b) killing, destroying or deleteriously affecting the growth or development of any form of plant life or seeds, fruit, foliage or other part of any form of plant life; or

(c) killing, destroying or preventing the attacks of fungi and other parasitic plants, nematodes, bacteria and viruses that affect or which may affect any form of plant life.

pharmacist means a pharmacist who has a right of practice under the *Health Practitioners Act*.

pharmacy means the premises on which a pharmacist principally conducts business as such.

poison means a substance specified in Schedule 1, 2, 3, 4, 6, 7, 8 or 9 or in Appendix C.

Regulations means the Regulations made under this Act.

restricted Schedule 4 substance means a Schedule 4 substance declared under section 90A to be a restricted Schedule 4 substance.

restricted Schedule 8 substance means a Schedule 8 substance in respect of which a declaration under section 31B is in force.

Scheduled substance treatment protocol means a protocol approved under section 90.

supply includes sell and exchange.

SUSDP means the latest edition of the document entitled "Standard for the Uniform Scheduling of Drugs and Poisons" published by the Commonwealth.

therapeutic use means a use in or in connection with:

(a) the prevention, diagnosing, curing or alleviation of a disease, ailment or defect in, or injury to, a person or an animal;

(b) the influencing or modifying of a physiological process in a person or an animal;

(c) the testing of the susceptibility of a person or an animal to a disease or ailment; or

(d) the testing of a substance for its efficacy on a person or an animal.

this Act includes the Regulations.

veterinarian means a registered veterinarian within the meaning of the *Veterinarians Act*.

(4) Where, in this Act or the Regulations, a reference is made to a poison, substance or thing for which there is a description by that name in the British Pharmacopoeia, the reference is to the poison, substance or thing so described.

6A Application of SUSDP

(1) A reference in or under this Act:

(a) to a Schedule by number is a reference to the Schedule of that number in Part 4 of the SUSDP; and

(b) to an Appendix by a letter of the alphabet is a reference to the Appendix of that number in Part 5 of the SUSDP.

(2) A Schedule in Part 4 of the SUSDP is to be read together with the following provisions of the SUSDP:

(a) the Introduction;

(b) Part 1;

(c) any provision in Part 4 relevant to the interpretation of that Schedule;

(d) any other Schedule in Part 4 or any Appendix in Part 5 that is referred to in that Schedule.

(3) Each of the following Appendices in Part 5 of the SUSDP applies in relation to poisons or hazardous substances in the manner specified in the Appendix:

(a) Appendix A;

(b) Appendix C;

(c) Appendix D (excluding item 1);

(d) Appendix G;

(e) Appendix J;

(f) any other Appendix specified by the Minister by notice in the *Gazette*.

(4) The Minister may, by notice in the *Gazette*, declare that a poison or hazardous substance is taken to be included in, or excluded from, a Schedule in Part 4 of the SUSDP.

(5) A declaration under subsection (4) may impose restrictions in relation to the possession, use, supply, prescription or administration of a poison or hazardous substance taken to be included in a Schedule.

(6) If there is an inconsistency between:

(a) a provision of this Act or a restriction imposed under subsection (5); and

(b) a provision of an Appendix referred to in subsection (2)(d) or (3),

the provision or restriction referred to in paragraph (a) prevails to the extent of the inconsistency.

7 Delegation

(1) The Chief Health Officer may, by instrument in writing, delegate to a person any of the Chief Health Officer's powers and functions under this Act, other than this power of delegation.

(2) A power or function delegated under this section, when exercised or performed by the delegate, shall, for the purposes of this Act, be deemed to have been exercised or performed by the Chief Health Officer.

(3) A delegation under this section does not prevent the exercise of a power or the performance of a function by the Chief Health Officer.

8 Inspectors

The Chief Health Officer may appoint a person to be an inspector for the purposes of this Act.

9 Powers of inspectors

An inspector may:

(a) enter, at any reasonable time:

(i) premises registered under this Act;

(ii) the business premises of a person licensed or otherwise authorised under this Act to supply poisons; or

(iii) the premises of a person authorised under this Act to possess and use a Schedule 4, 7 or 8 substance for a purpose, other than therapeutic use on the prescription of a medical practitioner, dentist or veterinarian;

(b) enter, at any time, premises in or on which the inspector believes, on reasonable grounds, a poison or hazardous substance is being produced, prepared, manufactured, used, supplied, administered or kept in contravention of this Act;

(c) inspect stocks of poisons or hazardous substances in or on premises referred to in paragraph (a) or (b);

(d) inspect and take copies of, or extracts from, records required to be kept under this Act;

(e) question the occupier, owner of, or person employed in, premises referred to in paragraph (a), or a person in or on premises referred to in paragraph (b), concerning the receipt into or onto, storage or use in or on or disposal from those premises of poisons or hazardous substances, and related matters;

(f) seize a substance which the inspector believes, on reasonable grounds, to be a poison or hazardous substance, where the inspector has reasonable grounds for believing that the substance has been unlawfully obtained or is being, or is intended to be, used for an unlawful purpose or in contravention of this Act; or

(g) order the withdrawal from supply of a poison or hazardous substance which is not packed or labelled in accordance with the requirements of this Act or the Regulations.

9A Chief Poisons Inspector

(1) The Chief Health Officer may appoint an inspector appointed under section 8 to be the Chief Poisons Inspector.

(2) The Chief Health Officer may appoint an inspector appointed under section 8 to act in the office of Chief Poisons Inspector:

(a) during a vacancy in that office; or

(b) during a period or all periods when the Chief Poisons Inspector is absent from duty or is expected to be absent from duty, is unable to exercise his or her powers or perform his or her functions, or is performing other duties.

(3) The Chief Poisons Inspector has the functions conferred on him or her under this or any other Act.

(4) The Chief Poisons Inspector has the powers necessary or convenient for performing his or her functions.

Part II Manufacture of poisons

10 Definition

In this Part, ***poison*** does not include a preparation made up:

(a) by a medical practitioner, dentist or veterinarian for the treatment of an individual patient or animal;

(b) by a pharmacist on the prescription of a medical practitioner, dentist or veterinarian; or

(c) for subsequent use by the person making up the preparation, provided that the preparation is not supplied to any other person.

11 Manufacturer to be registered

Subject to this Act, a person shall not produce or manufacture a poison unless the premises on or in which the poison is produced or manufactured are registered under this Part and the poison is a poison, or a poison of a class of poisons, entered in the register in respect of those premises.

Penalty: If the offender is a natural person – 200 penalty units or imprisonment for 12 months

If the offender is a body corporate – 1 000 penalty units.

12 Registration of manufacturer's premises

(1) The owner or occupier of premises on which poisons are or are intended to be produced or manufactured may apply to the Chief Health Officer to have those premises registered for the production or manufacture of poisons.

(2) An application under subsection (1) shall include:

(a) the name, address and occupation of the applicant;

(b) the nature of the operations to be carried out on the premises and the poison or class of poisons to be included in those operations;

(c) the name, address and occupation of the person who is to be responsible for the operations to be carried out on the premises;

(d) details of the proposed arrangements to be made for the security against theft or unlawful removal of poisons manufactured, produced, stored or used on the premises;

(e) a plan of the premises showing the nature of the operations to be carried out in each section of the premises and the nature and location of security devices; and

(f) such other details as the Chief Health Officer thinks fit,

and shall be accompanied by the prescribed fee.

(3) The Chief Health Officer may register premises that are the subject of an application under subsection (1) if the Chief Health Officer is satisfied that, having regard to the nature of the operations to be carried out and the poisons involved:

(a) the person nominated in the application to be responsible for the operation to be carried out on the premises is a fit and proper person to have control of those operations;

(b) the premises are suitable for the purposes of the production or manufacture of poisons; and

(c) the proposed security arrangements for the premises are adequate to safeguard from theft or unlawful removal poisons produced or manufactured on the premises.

(4) Registration under subsection (3) shall be effected by the Chief Health Officer causing to be entered in a register kept for that purpose:

(a) the name, address and occupation of the owner or occupier of the premises;

(b) the address of the premises;

(c) the name, address and occupation of the person referred to in subsection (3)(a);

(d) the nature of the operations to be carried out on the premises; and

(e) the poison or class of poisons that may be produced, manufactured or used on the premises.

(5) As soon as practicable after the registration of premises under this section, the Chief Health Officer shall provide the owner or occupier, as the case may be, of the premises with a certificate of registration bearing the details appearing in the register in relation to the premises.

(6) Registration under this Part shall, unless sooner cancelled, remain in force for 12 months and may be renewed for further periods of 12 months:

(a) on application for renewal, in the approved form, being made to the Chief Health Officer by the registered owner or occupier of the premises; and

(b) on the payment of the prescribed fee.

13 Transfer of registration

(1) The Chief Health Officer may, in his or her discretion, on the application of the registered owner or occupier of premises registered under this Part, transfer the registration of those premises from the name of the person appearing on the register as the owner or occupier to the name of the new owner or occupier of the premises and amend the certificate of registration accordingly.

(2) The Chief Health Officer may remove the name, address and occupation of a person shown in the register as the person responsible for the operations carried out on premises registered under this Part and may substitute the name, address and occupation of another person:

(a) on application being made in the approved form by the registered owner or occupier of the premises; and

(b) if the Chief Health Officer is satisfied that that other person is a fit and proper person to have control of the operations being or to be carried out on the premises,

and amend the certificate of registration accordingly.

14 Display of certificate of registration

The owner or occupier of premises registered under this Part shall:

(a) subject to section 12(5) and to paragraph (b), display and keep displayed the certificate of registration in or on the premises while they remain so registered; and

(b) forward the certificate of registration to the Chief Health Officer when so required by the Chief Health Officer.

Penalty: If the offender is a natural person – 20 penalty units.

If the offender is a body corporate – 100 penalty units.

15 Cancellation of registration

The Chief Health Officer may cancel the registration of premises under this Part if:

(a) structural alterations are made to the registered premises; or

(b) there is any change in the operations being carried out on, or in the security arrangements in respect of, the premises,

without the Chief Health Officer's prior written approval.

16 Powers of nominated person

A person responsible for the operations being carried out on premises registered under this Part, or a person acting on his or her behalf, may:

(a) on the premises, be in possession of a poison referred to in the certificate of registration issued under this Part and carry out such operations in relation to it as are specified in that certificate; and

(b) supply a poison specified in the certificate of registration to a person who is authorised under this Act to supply or administer that poison to another person or an animal.

Part III Control of wholesalers

17 Wholesaler to be registered

(1) A person shall not store a poison for supply by wholesale unless the premises on which the poison is stored are registered under this Part and the poison is a poison, or a poison of a class of poisons, entered in the register in respect of those premises.

Penalty: If the offender is a natural person – 200 penalty units or imprisonment for 12 months.

If the offender is a body corporate – 1 000 penalty units.

(2) For the purposes of subsection (1), premises registered under Part II shall be deemed to be registered under this Part in respect of a poison, or a poison of a class of poisons, in relation to those premises, entered in the register kept under that Part.

18 Application for registration

(1) The owner or occupier of premises on which poisons are or are intended to be stored for supply by wholesale may apply to the Chief Health Officer to have those premises registered for the storage of poisons.

(2) An application under this section shall include:

(a) the name, address and occupation of the applicant;

(b) the poisons to be stored on the premises;

(c) the name, address and occupation of the person who is to be responsible for the storage of poisons on the premises;

(d) details of the proposed arrangements to be made for the security against theft or unlawful removal of poisons stored on the premises;

(e) a plan of the premises showing the nature and location of security devices; and

(f) such other details as the Chief Health Officer thinks fit,

and shall be accompanied by the prescribed fee.

(3) The Chief Health Officer may register premises that are the subject of an application under subsection (1) if the Chief Health Officer is satisfied that, having regard to the poisons proposed to be stored on the premises:

(a) the person nominated in the application to be responsible for the storage of those poisons is a fit and proper person to be so responsible;

(b) the premises are suitable for the storage of poisons; and

(c) the proposed security arrangements for the premises are adequate to safeguard from theft or unlawful removal poisons stored on the premises.

(4) Registration under subsection (1) shall be effected by the Chief Health Officer causing to be entered in a register kept for that purpose:

(a) the name, address and occupation of the owner or occupier of the premises;

(b) the address of the premises;

(c) the name, address and occupation of the person referred to in subsection (3)(a); and

(d) the poison or class of poisons to be stored on and supplied from the premises.

(5) As soon as practicable after the registration of premises under this section, the Chief Health Officer shall provide the owner or occupier, as the case may be, of the premises with a certificate of registration bearing the details appearing in the register in relation to the premises.

(6) Registration under this Part shall, unless sooner cancelled, remain in force for 12 months and may be renewed for further periods of 12 months:

(a) on application for renewal, in the approved form, being made to the Chief Health Officer by the registered owner or occupier of the premises; and

(b) on the payment of the prescribed fee.

19 Transfer of registration

(1) The Chief Health Officer may, in his or her discretion, on the application of the registered owner or occupier of premises registered under this Part and the payment of the prescribed fee, transfer the registration of those premises from the name of the person appearing in the register as the owner or occupier to the name of the new owner or occupier of the premises and amend the certificate of registration accordingly.

(2) The Chief Health Officer may remove the name, address and occupation of a person shown in the register as the person responsible for the storage of poisons on premises registered under this Part and may substitute the name, address and occupation of another person:

(a) on application being made in the approved form by the registered owner or occupier of the premises; and

(b) if the Chief Health Officer is satisfied that that other person is a fit and proper person to have control of the storage of poisons on the premises,

and amend the certificate of registration accordingly.

20 Display of certificate

The owner or occupier of premises registered under this Part shall:

(a) subject to section 18(5) and to paragraph (b), display and keep displayed the certificate of registration in or on the premises while they remain so registered; and

(b) forward the certificate of registration to the Chief Health Officer when so required by the Chief Health Officer.

Penalty: If the offender is a natural person – 20 penalty units or imprisonment for 2 years.

If the offender is a body corporate – 100 penalty units.

21 Cancellation of registration

The Chief Health Officer may cancel the registration of premises under this Part if:

(a) the premises are used for the storage of a poison other than a poison in respect of which the premises were registered; or

(b) there is any change in the security arrangements in respect of the premises,

without the Chief Health Officer's prior written approval.

22 Powers of nominated person

A person responsible for the storage of poisons on premises registered under this Part, or a person acting on his or her behalf, may:

(a) on the premises, be in possession of a poison specified in the certificate of registration issued under this Part in relation to the premises; and

(b) supply a poison specified in the certificate of registration to a person who is authorised under this Act to supply or administer that poison to another person or an animal.

Part IV Control of retailers

23 Retailers to be licensed

(1) A person shall not supply a poison by retail unless he or she is licensed under this Part to supply that poison by retail or is employed by a person who is so licensed.

Penalty: If the offender is a natural person – 500 penalty units or imprisonment for 12 months.

If the offender is a body corporate – 2 500 penalty units.

(2) For the purposes of subsection (1), a pharmacist, medical practitioner, dentist or veterinarian is taken to be licensed under this Part in respect of the poisons he or she is permitted by or under this Act to supply, prescribe or administer.

24 Application for licence

(1) A person may apply to the Chief Health Officer for a licence to supply a poison by retail.

(2) An application under subsection (1) shall include:

(a) the name, address and occupation of the applicant;

(b) the nature and location of the premises intended to be used by the applicant for the storage and supply of the poison;

(c) the poison or class of poisons that is intended to be supplied; and

(d) such other details as the Chief Health Officer thinks fit,

and shall be accompanied by the prescribed fee.

(3) Subject to subsection (4), the Chief Health Officer may grant to an applicant a licence to supply by retail a poison if satisfied that:

(a) the applicant is a fit and proper person to be granted such a licence and is not otherwise licensed under this Part; and

(b) the premises proposed to be used for the storage and supply of the poison are adequate for that purpose and constitute one retail outlet only.

(4) A licence granted under this section does not authorise the person to whom it is granted to supply:

(a) a Schedule 3, 4 or 8 substance; or

(b) a Schedule 2 substance, where the premises in respect of which the licence is granted are located within 40 kilometres, by road, of a pharmacy.

(5) A licence granted under this Part shall specify in the licence document:

(a) the poison or class of poisons that the licensee is authorised to supply; and

(b) the premises that may be used for the storage and supply of that poison or a poison included in that class of poisons.

(6) A licence granted under this Part shall, unless sooner cancelled, remain in force for 12 months and may be renewed for further periods of 12 months:

(a) on application for renewal, in the approved form, being made by the licensee during the 28 days immediately preceding the expiration of the licence; and

(b) upon the payment of the prescribed fee.

25 Display of licence

A person licensed under this Part shall:

(a) subject to paragraph (b), display and keep displayed the licence document in or on the premises specified in the licence; and

(b) forward the licence document to the Chief Health Officer when so required by the Chief Health Officer.

Penalty: If the offender is a natural person – 20 penalty units or imprisonment for 2 years.

If the offender is a body corporate – 100 penalty units.

26 Terms and conditions of licence

(1) A licence granted under this Part may be subject to such terms and conditions as the Chief Health Officer thinks fit and specifies in the licence document.

(2) The Chief Health Officer may cancel a licence granted under this Part if:

(a) the licensee is found guilty of an offence against this Act;

(b) the licensee does not comply with the conditions specified in the licence document; or

(c) the Chief Health Officer considers it to be in the public interest so to do.

27 Limitation on right of supply

A person licensed under this Part, or an employee of that licensee may, on the premises specified in the licence document, be in possession of the poison or a poison of a class of poisons specified in the licence document and supply that poison:

(a) in the case of a Schedule 1 substance – to a person who has attained the age of 18 years who is, or is accompanied by an adult who is, personally known to the licensee or employee (as the case may be);

(b) subject to section 24(4), in the case of a Schedule 2 or 6 substance – to any person; and

(c) in the case of a Schedule 7 substance – to a person to whom, under section 54, the licensee or employee may supply that poison.

Part V Supply of poisons by pharmacists, dentists and veterinarians

28 Supply by pharmacists

(1) Subject to this section and section 35, a pharmacist or an employee of the pharmacist may produce, manufacture or supply:

(a) a Schedule 1 substance:

(i) where the substance is included in a proprietary prescription intended for therapeutic use;

(ii) in accordance with a written prescription of a medical practitioner, dentist or veterinarian; or

(iii) to a person who has attained the age of 18 years who is, or is accompanied by an adult person who is, personally known to the pharmacist or employee (as the case may be);

(b) a Schedule 2, 3 or 6 substance to any person subject to the recording, in an approved form, of details required by the Chief Health Officer to be recorded;

(c) a non-restricted Schedule 4 substance:

(i) to, or in accordance with the written prescription of, a medical practitioner (including an interstate medical practitioner), dentist, optometrist or veterinarian; or

(ii) to a person authorised in writing by the Chief Health Officer to possess and use the substance; or

(iii) to the master of a ship who is required or permitted, under the Navigation (Orders) Regulations of the Commonwealth, to possess and use that substance;

(ca) a restricted Schedule 4 substance or a Schedule 8 substance:

(i) to, or in accordance with a written prescription of, a medical practitioner, dentist or veterinarian;

(ii) to a person authorised in writing by the Chief Health Officer to possess and use the substance; or

(iii) to the master of a ship who is required or permitted, under the Navigation (Orders) Regulations of the Commonwealth, to possess and use the substance; or

(d) a Schedule 7 substance:

(i) to a person authorised in writing by the Chief Health Officer to possess and use the substance; or

(ii) to, or in accordance with a written prescription of, a medical practitioner, dentist or veterinarian authorised in writing by the Chief Health Officer to possess, use or prescribe that substance.

Penalty: 500 penalty units or imprisonment for 2 years.

(2) Subject to this Act, a Schedule 3 substance may be supplied only by a pharmacist or a person under the direct supervision of a pharmacist.

Penalty: 500 penalty units or imprisonment for 2 years.

(3) A poison supplied in accordance with a written prescription of a medical practitioner (including an interstate medical practitioner), dentist or veterinarian is to be made up for supply by a pharmacist or a person under the direct supervision of a pharmacist.

Penalty: 500 penalty units or imprisonment for 2 years.

(5) This section does not entitle a pharmacist or an employee of the pharmacist to administer a substance referred to in this section except to the extent that the person to whom the substance is supplied may lawfully administer it:

(a) to himself or herself; or

(b) to a person in respect of whom it is supplied.

(6) The Chief Health Officer may, by instrument in writing, authorise a person to obtain from a pharmacist, possess and use a Schedule 4 or 8 substance for a purpose and in accordance with the conditions, if any, specified in the instrument and the person may obtain, possess and use that substance accordingly.

(7) In this section:

interstate medical practitioner means a person who is entitled to practise as a medical practitioner under a law in force in a State or another Territory of the Commonwealth.

29 Supply of substances for therapeutic use

(1) Subject to this Act and any other law in force in the Territory, a dentist or veterinarian may supply a Schedule 1, 2, 3, 4, 5, 6, 7 or 8 substance for the therapeutic use of a particular person or animal respectively.

Penalty: 500 penalty units or imprisonment for 2 years.

(2) Subject to this Act, a dentist may sell or supply a Schedule 1, 2, 3, 4, 5, 6, 7 or 8 substance only for or in relation to the treatment of a dental condition.

Penalty: 500 penalty units or imprisonment for 2 years.

(3) Subject to this Act, and the conditions and restrictions imposed by the Optometrists Board, an optometrist may sell or supply a Schedule 2, 3, or 4 substance for the treatment of a condition of the eye.

Note

The Optometrists Board could impose conditions and restrictions on the sale or supply of such substances by adopting an appropriate code under section 12 of the Health Practitioners Act. The code could (for example) incorporate a formulary by reference to which the sale and supply is regulated. This is not, however, intended as an exhaustive statement of the means by which the Board could impose conditions and restrictions on the sale or supply of such substances.

(4) A dentist or veterinarian may sell or supply a Schedule 7 substance only if he or she is authorised in writing by the Chief Health Officer to possess, sell and supply that substance.

Penalty: 500 penalty units or imprisonment for 2 years.

(4A) A registered nurse who has a right of practice under the *Health Practitioners Act* who is approved, or is a member of a class of registered nurses approved, by the Chief Health Officer by notice in the *Gazette* may possess and supply a Schedule 1, 2, 3, 4 or 8 substance:

(a) in the course of his or her duties; and

(b) in accordance with any Scheduled substance treatment protocol specified in the notice, as in force at a particular time or as in force from time to time.

Penalty: 500 penalty units or imprisonment for 2 years.

(4B) A dental therapist who has a right of practice under the *Health Practitioners Act* may possess and supply a Schedule 2, 3 or 4 substance, where the possession or supply is in accordance with a determination made, by notice in the *Gazette*, by the Chief Health Officer.

Penalty: 500 penalty units or imprisonment for 2 years.

(4C) An Aboriginal health worker who has a right of practice under the *Health Practitioners Act* and is approved, or is a member of a class of Aboriginal health workers approved, by the Chief Health Officer by notice in the *Gazette* may possess and supply a Schedule 1, 2, 3 or 4 substance:

(a) in the course of his or her duties; and

(b) in accordance with any Scheduled substance treatment protocol specified in the notice, as in force at a particular time or as in force from time to time.

Penalty: 500 penalty units or imprisonment for 2 years.

(4D) Where, under subsection (4A), (4B) or (4C), a person supplies a substance, he or she shall record, in a form approved by the Chief Health Officer, details of the supply.

Penalty: 20 penalty units or imprisonment for 2 years.

(5) In this section:

sell includes issue a prescription for.

supply includes administer and having in possession for the purpose of supply or administration.

30 Pharmacist not to hold certain substances

The Chief Health Officer may, by notice in writing to a pharmacist, direct the pharmacist not to hold on premises in which the pharmacist conducts business a Schedule 8 substance or a Schedule 8 substance specified in the notice except to the extent that is reasonably necessary to enable the pharmacist to fulfil a prescription after obtaining the substance from a place nominated by the Chief Health Officer, and the pharmacist shall, accordingly, comply with and not contravene the direction.

Penalty: If the offender is a natural person – 500 penalty units or imprisonment for 12 months.

If the offender is a body corporate – 2 500 penalty units.

31 Prohibition of possession, supply etc. of Schedule 8 substances

(1) If the Chief Health Officer considers that a dentist or veterinarian should be prohibited from possessing, supplying, administering or prescribing a Schedule 8 substance, the Chief Health Officer may give the dentist or veterinarian a notice stating:

(a) the particulars of the proposed prohibition;

(b) the reasons for the proposed prohibition; and

(c) that the dentist or veterinarian is entitled, within a specified period, to make written submissions to the Chief Health Officer objecting to the proposed prohibition.

(2) If the Chief Health Officer:

(a) receives no submissions within the specified period; or

(b) has considered and rejected the submissions made by the dentist or veterinarian,

the Chief Health Officer may give the dentist or veterinarian a notice prohibiting him or her from possessing, supplying, administering or prescribing a Schedule 8 substance and stating the reasons for the prohibition.

(3) A dentist or veterinarian must comply with and not contravene a prohibition under subsection (2).

Penalty: 500 penalty units or imprisonment for 2 years.

Part VA Supply of poisons by medical practitioners

Division 1 Preliminary

31A Definitions

In this Part, unless the contrary intention appears:

authorisation means an authorisation under Division 3.

prescribed means prescribed by the Guidelines.

supply includes prescribe, administer and having in possession for the purpose of supply, prescription or administration.

31B Declaration of restricted Schedule 8 substances

(1) The Chief Health Officer may, by notice in the *Gazette*, declare a Schedule 8 substance to be a restricted Schedule 8 substance.

(2) A declaration of a restricted Schedule 8 substance takes effect on the date of publication of the notice or, if a later date is specified in the notice, the later date.

Division 2 Supply of poisons generally by medical practitioners

31C Supply of certain poisons for therapeutic use

Subject to this Act and any other law in force in the Territory, a medical practitioner may supply a Schedule 1, 2, 3, 4, 5, 6 or 8 substance for the therapeutic use of a particular person.

31D Supply of restricted Schedule 4 substances

(1) A medical practitioner may supply a restricted Schedule 4 substance only in accordance with the restrictions imposed in relation to that substance by a declaration under section 90A.

Penalty: 500 penalty units.

(2) A medical practitioner who supplies a restricted Schedule 4 substance must notify the Chief Health Officer of the supply in accordance with the Guidelines.

Penalty: 20 penalty units.

(3) If, in notifying the Chief Health Officer of the supply, a medical practitioner discloses in good faith private or confidential information about a patient:

(a) the medical practitioner is not civilly or criminally liable for the disclosure; and

(b) is taken not to have breached professional ethics or codes of conduct in making the disclosure.

31E Restriction on supply of amphetamines

(1) Despite anything to the contrary in this Part, a medical practitioner must not supply an amphetamine except for a person suffering from narcolepsy or from hyperkinetic brain damage (including attention deficit disorder).

Penalty: 500 penalty units or imprisonment for 2 years.

(2) In subsection (1):

amphetamine includes beta-aminoisopropylbenzene and substances structurally derived from amphetamine or beta-aminoisopropylbenzene by substitution in the side chain or by ring closure therein (or both) except when included in Schedule 2, 3 or 4.

Division 3 Supply of Schedule 8 substances by medical practitioners

31F Supply of non-restricted Schedule 8 substances

(1) Subject to this Act and any other law in force in the Territory, a medical practitioner may, without an authorisation, supply non-restricted Schedule 8 substances for the therapeutic use of not more than the prescribed number of persons.

Penalty: 100 penalty units.

(2) Unless exempted under section 31P, a medical practitioner may supply non-restricted Schedule 8 substances for the following uses only if the medical practitioner holds an authorisation under this section:

(a) the therapeutic use of more than the prescribed number of persons;

(b) the use of a particular person for the treatment of an addiction.

Penalty: 100 penalty units.

(3) The Chief Health Officer may grant a medical practitioner an authorisation to supply a non-restricted Schedule 8 substance for a use referred to in subsection (2) only after the Chief Health Officer has considered the Committee's advice on the matter.

(4) For this section, the prescribed number of persons does not include any of the following:

(a) a person receiving palliative care exclusively or partially from a recognised specialist provider of palliative care (whether an individual or a body);

(b) a person admitted to a hospital for treatment as an in-patient;

(c) a person receiving emergency medical treatment that requires the administration of a non-restricted Schedule 8 substance;

(d) a person excluded by the Chief Health Officer by notice in writing;

(e) a person who belongs to a class of persons excluded by the Chief Health Officer by notice in the *Gazette*.

(5) In this section:

therapeutic use does not include use for the treatment of an addiction.

31G Supply of restricted Schedule 8 substances

(1) Unless exempted under section 31P, a medical practitioner may supply a restricted Schedule 8 substance for the therapeutic use of a particular person only if the medical practitioner holds an authorisation under this section.

Penalty: 500 penalty units.

(2) If the prescribed conditions apply, the Chief Health Officer may, without first considering the Committee's advice on the matter, grant a medical practitioner an authorisation to supply a restricted Schedule 8 substance.

(3) If the prescribed conditions do not apply, the Chief Health Officer may grant a medical practitioner an authorisation to supply a restricted Schedule 8 substance only after the Chief Health Officer has considered the Committee's advice on the matter.

(4) The Chief Health Officer may grant a medical practitioner an authorisation to supply restricted Schedule 8 substances to more than the prescribed number of persons only after the Chief Health Officer has considered the Committee's advice on the matter.

(5) In this section:

therapeutic use includes use for the treatment of an addiction.

31H Applications for and granting of authorisations

(1) An application for an authorisation is to be:

(a) in writing in the form approved by the Chief Health Officer; and

(b) accompanied by the information in support of the application that is required by the Chief Health Officer.

(2) The Chief Health Officer must forward each application, and all information in support of the application, to the Committee for its consideration.

(2A) If the Chief Health Officer has already granted an authorisation under section 31G(2), the Chief Health Officer may vary or revoke the authorisation after he or she has considered the Committee's advice.

(3) An authorisation is to be in writing signed by the Chief Health Officer and may impose the conditions the Chief Health Officer considers appropriate in the circumstances.

(4) If a condition imposed by an authorisation is inconsistent with a provision in Appendix D, the condition prevails to the extent of the inconsistency.

31J Variation, suspension and revocation of authorisations

(1) If the Chief Health Officer considers that an authorisation held by a medical practitioner should be varied, suspended or revoked, the Chief Health Officer may give the medical practitioner a notice stating:

(a) the particulars of the proposed action;

(b) the reasons for the proposed action; and

(c) that the medical practitioner is entitled within a specified period to make written submissions to the Chief Health Officer objecting to the proposed action.

(2) If the Chief Health Officer receives no submissions within the specified period, or has considered and rejected the submissions made by the medical practitioner, the Chief Health Officer may give the medical practitioner a notice varying, suspending or revoking the medical practitioner's authorisation and stating the reasons for the action.

(3) The reasons for varying, suspending or revoking an authorisation may include any of the following:

(a) the medical practitioner has contravened or failed to comply with a provision of this Act or the Regulations;

(b) the medical practitioner has supplied a Schedule 8 substance other than in accordance with his or her authorisation or the Guidelines;

(c) any other reason that warrants the variation, suspension or revocation.

(4) After taking action under subsections (1) and (2), the Chief Health Officer must provide the Committee with all information relevant to the variation, suspension or revocation, including any submissions made by the medical practitioner.

(5) The Committee may give the Chief Health Officer advice in relation to the action taken and the Chief Health Officer may, after considering any advice given, vary or revoke the action.

(6) The Chief Health Officer may, if it is practicable to do so, obtain the advice of the Committee before taking any action under subsection (1) or (2).

(7) The Chief Health Officer may, if he or she thinks fit, notify the Medical Board of the Northern Territory of a variation, suspension or revocation of an authorisation.

31K Supply to be in accordance with authorisation

A medical practitioner who holds an authorisation is permitted to supply a Schedule 8 substance only in accordance with the authorisation.

Penalty: 500 penalty units.

31L Notification of supply of Schedule 8 substances

A medical practitioner who supplies a Schedule 8 substance must notify the Chief Health Officer of the supply in accordance with the Guidelines.

Penalty: 20 penalty units.

31M Medical practitioner's immunity against liability

If, in applying for an authorisation or notifying prescribed particulars under section 31L, a medical practitioner discloses in good faith private or confidential information about a patient, the medical practitioner:

(a) is not civilly or criminally liable for the disclosure; and

(b) is taken not to have breached professional ethics or codes of conduct in making the disclosure.

31N Prohibition of possession, supply etc. of Schedule 8 substances

(1) If the Chief Health Officer considers that a medical practitioner should be prohibited from possessing, supplying, administering or prescribing a Schedule 8 substance, the Chief Health Officer may give the medical practitioner a notice stating:

(a) the particulars of the proposed prohibition;

(b) the reasons for the proposed prohibition; and

(c) that the medical practitioner is entitled, within the specified period, to make written submissions to the Chief Health Officer objecting to the proposed prohibition.

(2) If the Chief Health Officer:

(a) receives no submissions within the specified period; or

(b) has considered and rejected the submissions made by the medical practitioner,

the Chief Health Officer may give the medical practitioner a notice prohibiting him or her from possessing, supplying, administering or prescribing a Schedule 8 substance and stating the reasons for the prohibition.

(3) A medical practitioner must comply with and not contravene a prohibition under subsection (2).

Penalty: 500 penalty units or imprisonment for 2 years.

31P Exemptions from requirement to hold authorisation

(1) After considering the advice of the Committee on the matter, the Chief Health Officer may exempt a medical practitioner or class of medical practitioners from a requirement to hold an authorisation.

(2) An exemption must be:

(a) by notice in writing directed to the medical practitioner; or

(b) by notice in the *Gazette* if the exemption relates to a class of medical practitioners.

(3) The notice of exemption may include conditions.

Part VAA Committee and Guidelines

31Q Committee

(1) The Schedule 8 and Restricted Schedule 4 Substances Clinical Advisory Committee is established.

(2) The Committee is constituted by the following members:

(a) the Chief Poisons Inspector;

(b) not less than 6 other members, as prescribed by the Regulations, appointed in writing by the Chief Health Officer for a period (not exceeding 2 years) specified in the instrument of appointment.

(3) A member appointed under subsection (2)(b) may be re-appointed.

(4) The Regulations may specify bodies who may nominate persons to be appointed as members and may provide for particular qualifications to be held by members.

(5) The Chief Health Officer may appoint one of the members appointed under subsection (2)(b) to be the Chairperson of the Committee during the member's period of appointment.

(6) If the Chief Health Officer does not appoint the Chairperson, the Chief Poisons Inspector is the Chairperson.

(7) If the Chief Health Officer appoints the Chairperson, the Chief Poisons Inspector must act in that office during any period when the Chairperson is absent from the Territory or is unable for any reason to carry out the duties of the office.

(8) The role of the Committee is to provide expert advice and make recommendations on a range of issues relating to the supply of Schedule 8 substances and restricted Schedule 4 substances.

31R Functions and powers of Committee

(1) The Committee has the following functions:

(a) to advise the Chief Health Officer about the competency required by medical practitioners to supply Schedule 8 substances or restricted Schedule 4 substances;

(b) to recommend to the Chief Health Officer appropriate accredited training programs for medical practitioners who are to supply Schedule 8 substances or restricted Schedule 4 substances;

(c) to provide expert advice to the Chief Health Officer about the treatment of persons (whether generally or in relation to a particular person) with Schedule 8 substances or restricted Schedule 4 substances;

(d) to advise the Chief Health Officer in relation to the granting, variation, suspension or revocation of authorisations under Part VA, Division 3;

(e) to make recommendations to the Minister about matters to be included in the Guidelines;

(f) to provide advice to the Chief Health Officer about whether matters relating to the supply of a Schedule 8 substance should be referred to the Medical Board of the Northern Territory;

(g) to advise the Chief Health Officer about policy issues in relation to the supply and use of Schedule 8 substances and restricted Schedule 4 substances;

(h) any other advisory functions in relation to Schedule 8 substances or restricted Schedule 4 substances conferred on the Committee by or under this or any other Act;

(i) any other advisory functions in relation to Schedule 8 substances or restricted Schedule 4 substances conferred on the Committee in writing by the Chief Health Officer.

(2) The Committee has the powers necessary or convenient for the performance of its functions.

31S Meetings of Committee

(1) The Committee must meet as often as required (but not less than once every 6 months) in order to perform its functions.

(2) The quorum at a meeting of the Committee is the Chairperson and not less than one third of the other members then in office.

(3) There is to be a written record of the Committee's meetings and the Chairperson must ensure that a copy of the record is distributed to each member, whether or not the member was present at the meeting.

(4) Questions arising at a meeting must be decided by majority vote of the members present and voting (including the Chairperson) and the Chairperson has the casting vote if the votes are divided equally.

(5) If a member has a direct or indirect interest in a matter that is the subject of consideration at a meeting of the Committee:

(a) the member must disclose that interest to the Committee; and

(b) the other members at the meeting must decide whether or not it is appropriate for that member to take part in the Committee's deliberations about the matter.

(6) A member excluded under subsection (5)(b) from taking part in the Committee's deliberations is to be disregarded for the purpose of constituting the quorum required by subsection (2).

(7) If the Chairperson at a meeting is the Chief Poisons Inspector, the members at the meeting may select another member to be the alternate Chairperson if the majority of those members agree it is desirable in order to ensure the independence of the Committee's advice or recommendation on a matter to be decided at the meeting.

(8) The Regulations may provide for the procedure to be followed at meetings of the Committee but otherwise, subject to this Part, the procedures of the Committee are within its discretion.

31T Delegation by Committee

(1) The Committee may delegate any of its administrative functions to the Chairperson.

(2) A delegation is to be in writing signed by a majority of members then in office.

(3) The Committee must not delegate the functions referred to in section 31R(1)(c) and (d) or this power of delegation.

31U Non-disclosure of information by Committee member

A member must not disclose information obtained in exercising his or her powers or performing his or her functions under this Act unless disclosure is required in the course of exercising a power or performing a function under this Act.

31V Protection of members from liability

(1) A member is not civilly or criminally liable for an act done or omitted to be done by the member in good faith in the exercise or purported exercise of a power, or the performance or purported performance of a function, under this Act.

(2) In addition, the member is not civilly or criminally liable for an act done or omitted to be done by the Committee in the exercise or purported exercise of a power, or the performance or purported performance of a function, under this Act.

(3) Subsections (1) and (2) do not affect any liability the Territory would, apart from those subsections, have for the act or omission.

31W Guidelines

(1) After consultation with the Chief Health Officer and the Committee, the Minister may issue Schedule 8 and Restricted Schedule 4 Substances Policy and Clinical Practice Guidelines.

(2) The Guidelines may provide for matters in connection with the supply and use of the following substances:

(a) restricted Schedule 4 substances;

(b) restricted Schedule 8 substances;

(c) non-restricted Schedule 8 substances.

(3) The Guidelines may confer powers and functions on any of the following persons:

(a) the Chief Health Officer;

(b) the Chief Poisons Inspector;

(c) persons from time to time occupying specified positions in the Agency administering this Act.

(4) The Guidelines may refer to or incorporate (with or without modification) a document published by a body referred to in the Guidelines as in force at the time the Guidelines are issued or as in force from time to time.

(5) The Minister must give notice in the *Gazette* of the issuing of Guidelines, and of each subsequent amendment, and must publish with the notice a copy of the Guidelines as issued or any amendments made.

(6) The Guidelines and any amendments of the Guidelines are of no effect until they are published in the *Gazette*.

31X Offence to contravene Guidelines

A person who supplies a restricted Schedule 4 substance or a Schedule 8 substance must comply with and not contravene the Guidelines.

Penalty: 500 penalty units.

Part VI Prescriptions

32 Application

Unless the contrary intention appears, this Part applies to all prescriptions issued by a medical practitioner (including a person who is entitled to practise as a medical practitioner under a law of a State or another Territory of the Commonwealth), dentist, optometrist or veterinarian for the supply of a Schedule 1, 4, 7 or 8 substance.

33 Contents of prescriptions

(1) Every prescription to which this Part applies shall:

(a) include the name, professional qualifications, address and telephone number of the person issuing it; and

(b) include the date of its issue; and

(c) include the name and address of the person to whom the prescription was issued; and

(d) be signed, in accordance with subsection (2), by the person who issued it; and

(e) include a statement of the quantity of the substance to be supplied and, where the substance is to be supplied on more than one occasion, include a statement of the quantity to be supplied on each other occasion, and the period that is to elapse before resupply; and

(ea) where it is issued by a medical practitioner under section 34(2A) – bear on its face the endorsement required by that section; and

(f) where it is issued by a dentist – bear on its face the words "FOR DENTAL PURPOSES ONLY"; and

(fa) where it is issued by an optometrist – bear on its face the words "FOR THE TREATMENT OF CONDITIONS OF THE EYE ONLY"; and

(g) where it is issued by a veterinarian – bear on its face the words "FOR ANIMAL TREATMENT ONLY"; and

(h) include directions for the taking, application or administration of the substance; and

(i) be in accordance with any further requirements prescribed by the Guidelines.

Penalty: If the offender is a natural person – 20 penalty units or imprisonment for 2 years.

If the offender is a body corporate – 100 penalty units.

(2) A person who issues a prescription to which this Part applies must sign the prescription with his or her usual signature:

(a) by his or her own hand; or

(b) with the approval of the Chief Health Officer – by an electronic or other representation of that signature.

Penalty: If the offender is a natural person – 20 penalty units or imprisonment for 2 years.

If the offender is a body corporate – 100 penalty units.

34 Period of effect of prescription and permissible supply

(1) A prescription issued in accordance with this Act remains in effect for the following period from the date it is issued:

(a) if the prescription is for the supply of a Schedule 8 Substance – 2 months or, if the Guidelines prescribe a different period, the prescribed period;

(b) if the prescription is for the supply of any other substance – 12 months.

(2) Subject to subsection (2A), a prescription for the supply of a Schedule 8 substance must not provide for more than 2 months supply of the substance or, if the Guidelines prescribe a different period for the supply, the prescribed period.

Penalty: 500 penalty units or imprisonment for 6 months.

(2A) A medical practitioner may issue a prescription for the supply of a Schedule 8 substance that exceeds the permissible period under subsection (2) only if the medical practitioner has obtained the approval of the Chief Health Officer to do so and has endorsed on the prescription the date and details of that approval.

Penalty: 500 penalty units or imprisonment for 6 months.

(3) A person shall not supply to another person a substance that is required under this Act to be supplied only on prescription unless there is a prescription in effect in respect of that supply.

Penalty: If the offender is a natural person – 500 penalty units or imprisonment for 6 months.

If the offender is a body corporate – 2 500 penalty units.

35 Endorsement on prescriptions

(1) A pharmacist who supplies a substance in accordance with a prescription to which this Part applies shall, subject to subsection (2), endorse on the face of the prescription:

(a) the date of supply; and

(b) the word "CANCELLED".

Penalty: If the offender is a natural person – 20 penalty units or imprisonment for 2 years.

If the offender is a body corporate – 100 penalty units.

(2) Where a prescription is such that it may be used more than once, the pharmacist who supplies a substance in accordance with the prescription shall endorse on the face of the prescription the date of supply and, where the supply is the last authorised by the prescription, the word "CANCELLED".

Penalty: If the offender is a natural person – 20 penalty units or imprisonment for 2 years.

If the offender is a body corporate – 100 penalty units.

36 Record of prescriptions

(1) Subject to this section, a pharmacist shall, as soon as practicable after it is filled, record in a book kept for that purpose, or in some other form approved by the Chief Health Officer, such details of each prescription filled by the pharmacist or his or her employees as the Chief Health Officer, in writing, directs.

Penalty: If the offender is a natural person – 20 penalty units.

If the offender is a body corporate – 100 penalty units.

(2) Records kept under this section, and copies of the prescription form endorsed in accordance with section 35 and recorded under subsection (1), shall be retained by the pharmacist for 2 years after the date of the last entry in the record book or other form.

Penalty: If the offender is a natural person – 20 penalty units.

If the offender is a body corporate – 100 penalty units.

(3) A pharmacist or other person who supplies a Schedule 8 substance in accordance with this Act shall, within 7 days after that supply, forward to the Chief Health Officer:

(a) the cancelled prescription or a copy of the authority on which he or she supplied the substance; or

(b) where a prescription authorises supply on a later occasion – a copy of the prescription.

Penalty: If the offender is a natural person – 20 penalty units.

If the offender is a body corporate – 100 penalty units.

37 Supply in an emergency

(1) Subject to this section, a pharmacist may supply a Schedule 1, unrestricted Schedule 4 or Schedule 7 substance to a person without a prescription where the pharmacist:

(a) believes on reasonable grounds that the situation requires urgent supply; and

(b) has been requested by telephone by a medical practitioner (including a person who is entitled to practise as a medical practitioner under a law in force in a State or another Territory of the Commonwealth), dentist or veterinarian to supply that substance to that person.

(1A) Subject to this section, a pharmacist may supply a restricted Schedule 4 or a Schedule 8 substance to a person without a prescription where the pharmacist:

(a) believes on reasonable grounds that the situation requires urgent supply;

(b) has been requested by telephone by a medical practitioner, dentist or veterinarian to supply that substance to that person; and

(c) if the request is by a medical practitioner – is satisfied on reasonable grounds that:

(i) the medical practitioner is permitted by this Act to prescribe the substance;

(ii) the supply is permitted by this Act; and

(iii) if the request is for the supply of a restricted Schedule 4 substance – the supply will be in accordance with any restriction imposed by Appendix D or the relevant declaration under section 90A.

(2) Where a pharmacist supplies a substance in pursuance of subsection (1) or (1A), he or she must, as soon as practicable after that supply, obtain a prescription from the medical practitioner, dentist or veterinarian who requested the supply of that substance

or, if no such prescription is provided to the pharmacist within a reasonable time but not later than 3 days after the date of the supply, report in writing to the Chief Health Officer the details of that supply.

38 Possession, &c., of Schedule 8 substance

A person may have in his or her possession, attempt to obtain and use in accordance with the conditions for its use subject to which it was prescribed, a Schedule 8 substance prescribed for use by the person, or an animal under his or her control, by a medical practitioner, dentist or veterinarian.

Part VII Hospitals, health centres etc.

38A Definitions for Part VII

In this Part:

health centre means a health centre, clinic or other place declared by the Chief Health Officer by notice in the *Gazette* to be a health centre for the purposes of this Part.

nurse includes a midwife who has a right of practice under the *Health Practitioners Act*.

39 Storage, supply and administration in hospitals

(1) A pharmacist in charge of a pharmacy at a hospital shall be responsible for the safe storage of all poisons received at the hospital and the supply of those poisons in accordance with this Act.

(2) A pharmacist employed at a hospital shall not supply a poison to a person other than:

(aa) a person authorised or otherwise permitted by or under this Act to possess the poison;

(a) a nurse employed at the hospital and in accordance with a written requisition of the nurse in charge of a ward or department of the hospital;

(b) a medical practitioner or dentist employed at the hospital and in accordance with a written requisition of that medical practitioner or dentist; or

(c) subject to this Act, in accordance with a prescription issued in accordance with this Act by a medical practitioner or dentist.

Penalty: 100 penalty units.

(3) A Schedule 1, 3, 4, 7 or 8 substance supplied to or on the written requisition of a nurse in charge of a ward or department of a hospital shall be held by him or her for the purpose of administration, and shall not be administered except:

(a) to a person who is a patient in that ward or department; and

(b) in accordance with:

(i) the directions of a medical practitioner; or

(ii) the Scheduled substance treatment protocol relevant to that ward or department.

Penalty: 100 penalty units.

(4) As soon as practicable after a medical practitioner gives a direction for administering a Schedule 1, 3, 4, 7 or 8 substance to a patient in a ward or department of a hospital, subject to subsection (5), the medical practitioner must sign an entry in that patient's medical record to the effect that the medical practitioner authorised the administration of that substance.

Penalty: 20 penalty units.

(5) If a medical practitioner gives a direction under subsection (4) relating to the administration of a Schedule 8 substance, he or she must sign the entry in the patient's medical record before the substance is administered unless the medical practitioner has the approval referred to in subsection (6).

Penalty: 20 penalty units.

(6) The Chief Health Officer may give written approval to a medical practitioner or class of medical practitioners to sign the entry referred to in subsection (5) after the Schedule 8 substance is administered to the patient.

40 Register of Schedule 8 substances in wards and health centres

(1) The nurse in charge of a ward or department of a hospital, or of a health centre, shall enter in a register kept for that purpose full details of:

(a) all Schedule 8 substances supplied to or for use in that ward or department or in or by that centre; and

(b) each occasion on which a Schedule 8 substance is administered to a patient in that ward or department or is administered or supplied to a patient of that centre.

Penalty: 20 penalty units.

(2) Details recorded for the purposes of subsection (1)(b) shall include:

(a) the time and date the substance is administered or supplied;

(b) the amount administered or supplied;

(c) the name of the patient;

(d) the name of the person authorising the treatment;

(e) the name and signature of the person administering or supplying the substance; and

(f) the name and signature of a person referred to in section 41(1) who witnessed the administration or supply of the substance.

(3) The nurse in charge of a health centre must, within the prescribed time, notify the Chief Health Officer of full details of the administration or supply of a Schedule 8 substance to a patient of the health centre, including all the details referred to in subsection (2) and any further details required by the Regulations.

Penalty: 20 penalty units.

41 When administration etc. of Schedule 8 substance to be witnessed

(1) A person must not administer a Schedule 8 substance to a patient in a ward or department of a hospital, or administer or supply a Schedule 8 substance to a patient of a health centre, unless a third person capable of reading English is present to witness that administration or supply.

Penalty: 20 penalty units or imprisonment for 2 years.

(2) A pharmacist may administer or supply a restricted Schedule 8 substance to a patient taking part in a pharmacotherapy program in a place used for the purposes of that program without the presence of a third person to witness the administration or supply.

Part VIII Medical kits

42 Authorisation of poisons in medical kits

The Chief Health Officer may, in writing, authorise a person to possess a specified quantity of a specified poison where that poison is included in a medical kit and that person may possess that poison accordingly.

43 Administration from medical kits

(1) A person authorised under section 42 to possess a Schedule 4 or 8 substance shall administer that substance only:

(a) to a person whose medical condition, in the opinion of the person administering it, requires its administration; and

(b) where the advice or personal attendance of a medical practitioner is not reasonably available.

(2) Where a Schedule 4 or 8 substance is administered in circumstances described in subsection (1), the person administering it shall, as soon as practicable after administering it, report in writing to the Chief Health Officer the details of its administration, including details of the kind referred to in section 40(2)(a) to (e) inclusive.

Penalty: 20 penalty units.

Part IX Records

44 Manufacturers to keep records

A person responsible under this Act for the operations carried out on premises registered under Part II shall keep a record, in a form approved by the Chief Health Officer, of:

(a) the date of receipt and the quantity and the name and address of the supplier, of each shipment of a poison received into the premises;

(b) the quantities of poisons manufactured, produced or compounded with other substances on the premises, together with the quantities of preparations containing a poison that are produced on the premises;

(c) the date and quantity of each supply of a poison from the premises, together with the name and address of the person to whom the supply was made; and

(d) such other matters as the Chief Health Officer requires to be recorded.

Penalty: If the offender is a natural person – 100 penalty units.

If the offender is a body corporate – 500 penalty units.

45 Wholesalers to keep records

A person responsible for the storage of poisons on premises registered, or deemed to be registered, under Part III shall keep a record, in a form approved by the Chief Health Officer, of:

(a) the date of receipt and the quantity, and the name and address of the supplier, of each shipment of a poison received into the premises;

(b) the date and quantity of each supply of a poison from the premises, together with the name and address of the person to whom the supply was made; and

(c) such other matters as the Chief Health Officer requires to be recorded.

Penalty: If the offender is a natural person – 100 penalty units.

If the offender is a body corporate – 500 penalty units.

46 Retailers to keep records

(1) A licensed retailer shall:

(a) retain all delivery dockets and invoices relating to the receipt by the retailer of a poison;

(b) enter in a register kept for that purpose, in a form approved by the Chief Health Officer, details of each receipt and supply by the retailer of a Schedule 1 or 7 substance; and

(c) where the retailer supplies a Schedule 1 or 7 substance to fill a written order, retain the written order.

Penalty: If the offender is a natural person – 100 penalty units.

If the offender is a body corporate – 500 penalty units.

(2) Where the supply of a Schedule 1 or 7 substance is conducted in the presence of a licensed retailer or a person acting on the retailer's behalf, the purchaser shall sign the register referred to in subsection (1) next to the entry made in relation to that supply.

Penalty: 20 penalty units.

47 Pharmacists to keep records

(1) Subject to subsection (2), in addition to the records required to be kept by a pharmacist under Parts VI and VII, the pharmacist shall:

(a) retain all delivery dockets or invoices relating to the receipt by the pharmacist of a Schedule 1, 7 or 8 substance; and

(b) enter in a register kept for that purpose, in a form approved by the Chief Health Officer, details of each supply by the pharmacist of Schedule 1, 4, 7 or 8 substances.

Penalty: If the offender is a natural person – 20 penalty units.

If the offender is a body corporate – 100 penalty units.

(2) The receipt or supply of a substance referred to in subsection (1)(b) recorded in a prescription book or other form of record approved by the Chief Health Officer is sufficient compliance with that subsection.

48 Medical practitioners etc. to keep records

A medical practitioner, dentist or veterinary surgeon shall:

(a) retain all delivery dockets or invoices relating to the receipt by him or her of a poison; and

(b) enter in a register kept for that purpose or in a form approved by the Chief Health Officer, details of the supply or administration by him or her of a Schedule 4, 7 or 8 substance, including the reason for the supply or administration.

Penalty: If the offender is a natural person – 20 penalty units.

If the offender is a body corporate – 100 penalty units.

49 Authorised persons to keep records

A person authorised by or under this Act to possess and use a Schedule 4, 7 or 8 substance, other than a person obtaining that substance on the prescription of a medical practitioner, dentist or veterinarian, must:

(a) retain all delivery dockets or invoices relating to the receipt by him or her of that substance;

(b) enter in a register kept for that purpose, in a form approved by the Chief Health Officer, details of the supply or administration by him or her of that substance; and

(c) where that substance is supplied or administered by him or her to fill a written prescription, retain the prescription.

Penalty: If the offender is a natural person – 20 penalty units.

If the offender is a body corporate – 100 penalty units.

50 Retention of records

A record, invoice, delivery docket, written order or prescription required by this Part to be kept or retained shall be retained for 2 years after the date of the last entry in the record in which it is recorded.

Penalty: If the offender is a natural person – 20 penalty units.

If the offender is a body corporate – 100 penalty units.

Part X Storage of poisons

51 Storage to prevent public access

The person in charge of premises in which a Schedule 1, 3, 4 or 7 substance is stored shall:

(a) ensure that the substance is stored in an area and in such a manner as to prevent unauthorised access to it; and

(b) take such measures as are reasonably necessary to prevent unauthorised access to that substance, whether or not the premises are open for business.

Penalty: If the offender is a natural person – 100 penalty units.

If the offender is a body corporate – 500 penalty units.

52 Storage of Schedule 8 substances

(1) A person who lawfully has in his or her possession a Schedule 8 substance that is supplied other than on the prescription of a medical practitioner, dentist or veterinarian must store the substance in accordance with the Regulations except when it is in actual use.

(2) A pharmacist who has in his or her possession a Schedule 8 substance must store the substance in accordance with the Regulations.

Part XI Schedule 7 substances and pesticides

53 Possession and use of Schedule 7 substances

(1) A person may apply to, and in a form approved by, the Chief Health Officer or his or her delegate for authorisation to possess and use a Schedule 7 substance.

(2) Subject to section 59, the Chief Health Officer may authorise a person to possess and use a Schedule 7 substance intended for use for a purpose approved by the Chief Health Officer, only if the Chief Health Officer is satisfied that the person:

(a) has sufficient reason to possess and use that substance; and

(b) has the necessary competency in the safe use and handling of that substance.

(3) The Chief Health Officer may impose on an authorisation to possess and use a Schedule 7 substance the conditions he or she thinks fit.

(4) In this section:

Schedule 7 substance does not include a Schedule 7 substance that is a chemical product within the meaning of the *Agricultural and Veterinary Chemicals (Control of Use) Act*.

54 Supply of Schedule 7 substances

(1) Subject to Parts II to VII inclusive, a person shall not supply to another person a Schedule 7 substance:

(a) without sighting a prescribed licence or authorisation that authorises the other person to have possession of or use the product;

(b) unless satisfied, by a statutory declaration made by the other person, that the other person is authorised under a law in force in the Territory to have possession of or use the product; or

(c) unless satisfied, by a statutory declaration made by the other person, that the other person intends to use the product only in a place outside the Territory and is authorised under the law of that place to have possession of or use the product.

Penalty: If the offender is a natural person – 100 penalty units or imprisonment for 12 months.

If the offender is a body corporate – 500 penalty units.

(2) A statutory declaration referred to in subsection (1) shall be kept by the supplier with the records to which it relates required under Part IX to be kept by the supplier and shall be retained for the period during which those records are required to be retained.

Penalty: 20 penalty units.

(3) In subsection (1):

prescribed licence or authorisation means:

(a) a licence or authorization under this Act;

(b) a licence under Part 5, Division 2 of the *Agricultural and Veterinary Chemicals (Control of Use) Act*; or

(c) an S7 authorisation under the Agricultural and Veterinary Chemicals (Control of Use) Regulations.

55 Application for licence

(1) A person who uses or applies a pesticide for a fee or reward shall, and other persons may, apply to the Chief Health Officer for a licence to be a pest control operator.

(2) An application under subsection (1) shall include:

(a) the full name and address of the applicant;

(b) the name and address of the applicant's employer, if any;

(c) full details of any Schedule 7 substance proposed to be used by the applicant and the purposes for which it is proposed to be used; and

(d) details of the applicant's experience and training in pest control procedures and the handling of poisons.

56 Grant of licence

(1) Subject to this section, the Chief Health Officer may grant to an applicant under section 55 a licence to be a pest control operator if satisfied, whether by examination or by such other means as he or she thinks fit, that the applicant has adequate knowledge of:

(a) the properties of the substances proposed to be used;

(b) the proper procedures for the safe storage, handling, application and disposal of the substances proposed to be used;

(c) the symptoms of poisoning by the substances proposed to be used and the correct first aid procedures to be applied in the case of such poisoning; and

(d) the provisions of this Act and the Regulations relating to substances used as or in pesticides.

(2) A licence under this section shall not be granted until the applicant has paid the prescribed fee.

57 Renewal of licence

A licence granted under section 56 shall remain in force for 12 months from the date on which it was granted and may be renewed from time to time for further periods of 12 months on application to the Chief Health Officer, in a form approved by the Chief Health Officer, and on payment of the prescribed fee.

58 Authority of licence

A licence under this Part authorises the licensee, and any person acting under the licensee's direct supervision, to have possession of and use a pesticide in accordance with the licence for the purpose of domestic and commercial pest control.

59 Medical examination

(1) The Chief Health Officer may require:

(a) an applicant under section 53 or 55;

(b) the holder of an authorisation granted under this Part or a licence granted or renewed under this Part; or

(c) a person who is employed by a person referred to in paragraph (b),

to undergo a medical examination and may, if the results of that medical examination indicate to the satisfaction of the Chief Health Officer that the use or continued use of the substance used or proposed to be used constitutes a threat to the health of that person:

(d) refuse to grant an authorisation or to grant or renew a licence granted under this Part;

(e) suspend for a specified period an authorisation or a licence granted under this Part, or

(f) order in writing the employer of a person referred to in paragraph (c) to cease to employ that person in any capacity involving the handling of or exposure to such pesticides as are specified in the order.

(2) A person to whom an order under subsection (1) is directed shall comply with and not contravene the order.

Penalty: 20 penalty units.

Part XII Methylated spirits

60 Additives to methylated spirits

The Chief Health Officer may, by notice in the *Gazette*, require that methylated spirits manufactured in or brought into the Territory after a date specified in the notice, which is not designated by label to be for industrial purposes or for use by medical practitioners, dentists, veterinarians or pharmacists in compounding medical preparations for external use, shall contain such additional substances, in such proportions, as is specified in the notice.

61 Drinking of methylated spirits

A person who drinks methylated spirits is guilty of an offence.

Penalty: 20 penalty units or imprisonment for 3 months.

62 Supply of methylated spirits for drinking

A person who, having reasonable cause to believe that it is intended to be used for drinking purposes by the person to whom it is supplied or by another person, supplies methylated spirits to a person, is guilty of an offence.

Penalty: If the offender is a natural person – 100 penalty units or imprisonment for 6 months.

If the offender is a body corporate – 500 penalty units.

63 Possession etc. of methylated spirits required to contain additives

(1) A person who supplies or has in his or her possession or under his or her control methylated spirits required under section 60 to contain an additional substance which does not contain that additional substance or contains that additional substance in a proportion less than that required under that section, is guilty of an offence.

Penalty: If the offender is a natural person – 100 penalty units or imprisonment for 6 months.

If the offender is a body corporate – 500 penalty units.

(2) It is a defence to a charge for an offence against subsection (1) (other than the offence of supplying) if the person charged satisfies the court that the methylated spirits in respect of which he or she is charged was brought or imported by him or her into the Territory from a place where the additional substance is not required by the law in force in that place to be added to methylated spirits or to be added in the proportion required under section 60, as the case may be, and that it was in the Territory for so short a time before the alleged offence was committed that the addition to it of the prescribed substance was not practicable in that time.

Part XIII Offences, penalties, investigations, &c.

65 Possession, use etc. prohibited or subject to conditions

(1) Where the possession, use, production or manufacture in, or importation into, the Territory of a poison or hazardous substance is prohibited under this Act, a person who possesses, uses, produces, manufactures or imports that poison or hazardous substance in contravention of that prohibition is guilty of an offence.

Penalty: If the offender is a natural person – 500 penalty units or imprisonment for 5 years.

If the offender is a body corporate – 2 500 penalty units.

(2) Where the possession, use, production, manufacture, importation, supply or administration of a poison or hazardous substance is permitted by or under this Act subject to conditions, a person shall not possess, use produce, manufacture, import, supply or administer it except in accordance with those conditions.

Penalty: If the offender is a natural person – 200 penalty units or imprisonment for 2 years.

If the offender is a body corporate – 1 000 penalty units.

70A Food in poison containers

(1) A person shall not use a container as a container for food or drink where words indicating that the container is not to be used as a food container or the contents of the container are not to be taken are clearly and prominently embossed or clearly, prominently and indelibly written on it.

Penalty: 100 penalty units.

(2) An offence of contravening subsection (1) is a regulatory offence.

71 Exemption

(1) Notwithstanding anything contained in this Act, a person who:

(a) is in possession of a poison which has been supplied to that person by or on the prescription of a medical practitioner, dentist or veterinarian; or

(b) administers a poison to another person in accordance with the directions of a medical practitioner or a dentist,

is not guilty of an offence under this Act.

(2) In this section ***medical practitioner*** includes a person who is entitled to practise as a medical practitioner under a law in force in a State or another Territory of the Commonwealth.

72 No self-prescription of Schedule 8 or restricted Schedule 4 substances

A medical practitioner, dentist or veterinarian must not issue to himself or herself a prescription for the supply of a Schedule 8 substance or restricted Schedule 4 substance.

Penalty: 500 penalty units.

73 No self-administration of Schedule 8 or restricted Schedule 4 substances

(1) A person permitted by this Act to possess or supply a Schedule 8 substance or restricted Schedule 4 substance must not administer the substance to himself or herself unless the substance has been lawfully supplied to the person by another person.

Penalty: 500 penalty units or imprisonment for 2 years.

(2) A person permitted by this Act to possess or supply a Schedule 8 substance or restricted Schedule 4 substance may supply and administer that substance to himself or herself:

(a) for a genuine therapeutic use in an emergency when the person has no access to any other person who may lawfully supply or administer the substance to him or her; or

(b) under any other circumstance specified by the Regulations.

78 Use of diamorphine hydrochloride

(1) The Chief Health Officer may, subject to subsection (2), authorise:

(a) the possession;

(b) the production, preparation or manufacture;

(c) the supply to another person;

(d) the administering to another person; or

(e) the use,

of diamorphine hydrochloride and, notwithstanding anything contained elsewhere in this Act, a person so authorised may possess, produce, prepare, manufacture, supply, administer or use, as the case may be, that drug in accordance with that authorisation.

(2) The Chief Health Officer shall not authorise:

(a) the possession, production, preparation or manufacture of diamorphine hydrochloride unless for the purpose of treating a terminally ill person; or

(b) the supply to another person, the administering to another person or the use by a person of diamorphine hydrochloride unless satisfied that the person who is to use or to be treated with the drug is:

(i) terminally ill; and

(ii) suffering such pain that the use or administration of the drug is warranted in the circumstances.

(3) An authorisation referred to in subsection (1) shall:

(a) be in writing;

(b) be signed by the Chief Health Officer;

(c) name the person to whom the authorisation is given; and

(d) where the authorisation relates to the use or administration of diamorphine hydrochloride, name the person who is to use the drug or to whom it is to be administered.

81A Regulatory offences

An offence of contravening or failing to comply with section 11, 14, 17, 20, 25, 31(3), 31D(1), 31F(1), 31N(3), 34(3), 36, 39(4), 40, 43(2), 44, 45, 46, 47, 48, 49, 50, 54(2) or 59 is a regulatory offence.

86 Compliance with order to withdraw poison or hazardous substance

A person ordered by an inspector to withdraw from supply a poison or hazardous substance which is not packed or labelled in accordance with the requirements of this Act, or the Regulations must shall comply with that order.

Penalty: If the offender is a natural person – 100 penalty units or imprisonment for 3 months.

If the offender is a body corporate – 500 penalty units.

87 Obstruction of police or inspector

A person shall not obstruct or hinder a member of the Police Force or an inspector in the performance of his or her duties under, or the execution of the powers vested in him or her by, this Act.

Penalty: If the offender is a natural person – 100 penalty units or imprisonment for 6 months.

If the offender is a body corporate – 500 penalty units.

Part XIV Miscellaneous

89 Control of certain substances

The Minister may, by notice in the *Gazette*, prohibit:

(a) the possession or use in;

(b) the production or manufacture in; or

(c) the importation into,

the Territory of a poison or hazardous substance, or permit that possession, use, production, manufacture or importation subject to such conditions as to its transportation, storage, packaging, labelling, use or otherwise as the Minister thinks fit.

90 Scheduled substance treatment protocols

(1) The Chief Health Officer may approve a Scheduled substance treatment protocol for use in any of the following places:

(a) a hospital;

(b) a ward or department of a hospital;

(c) a health centre;

(d) a medical practitioner's surgery or consulting room;

(e) a pharmacy;

(f) any other place approved in writing by the Chief Health Officer.

(2) The Regulations may prescribe the matters that may be included in a Scheduled substance treatment protocol.

90A Chief Health Officer may declare restricted Schedule 4 substances

(1) The Chief Health Officer may, by notice in the *Gazette*, declare a Schedule 4 substance or class of Schedule 4 substances to be a restricted Schedule 4 substance or restricted Schedule 4 substances.

(2) The declaration takes effect on the date of publication of the notice in the *Gazette* or, if a later date is specified in the notice, the later date.

(2A) The Chief Health Officer must not make the declaration until he or she has considered the advice of the Committee on the matters proposed to be specified in the declaration.

(3) The declaration is to specify the restriction that is imposed in relation to the possession, use, supply, prescription or administration of the restricted Schedule 4 substance and may apply the Guidelines as in force at a particular time or as in force from time to time.

(4) Subject to subsection (5), the restriction specified in the declaration is imposed in relation to that substance in addition to any control in relation to that substance specified in Appendix D.

(5) If there is an inconsistency between:

(a) a restriction specified in the declaration; and

(b) a provision of this Act, the Guidelines or a control specified in Appendix D,

the restriction in the declaration prevails to the extent of the inconsistency.

(6) A person must not breach a restriction imposed by the declaration.

Penalty: 500 penalty units.

(7) In this section:

restriction includes condition.

90B Chief Health Officer may approve forms

The Chief Health Officer may approve forms to be used under this Act.

91 Minister may prescribe fees

The Minister may, by notice in the *Gazette*, prescribe the fees payable in respect of a registration, licence, authorization and other forms of authority granted or issued under this Act.

91A Information relating to supply and use of substances

(1) The Chief Health Officer may authorise an employee within the meaning of the *Public Sector Employment and Management Act* to receive and give substance information and maintain records relating to substance information.

(2) An employee authorised under subsection (1) is authorised to:

(a) maintain records relating to substance information as directed by the Chief Health Officer;

(b) receive substance information from or give substance information to any other authorised employee or any other person authorised by the Chief Health Officer to give or receive that information; and

(c) give substance information to the medical practitioners and pharmacists to whom it is necessary or desirable to give that information.

(3) A medical practitioner or pharmacist who is given substance information must not directly or indirectly disclose that information except to the following persons:

(a) a medical practitioner or pharmacist in the course of and for the purpose of practising medicine or pharmacy;

(b) an authorised employee or any other person authorised by the Chief Health Officer to receive that information.

(4) A person (not including a medical practitioner, pharmacist or authorised employee) who is given substance information must not directly or indirectly disclose that information except to an authorised employee or any other person authorised by the Chief Health Officer to receive that information.

(5) A person is not entitled to commence civil or criminal proceedings against the Chief Health Officer or authorised employee in relation to an act done or omitted in good faith in the exercise or purported exercise of a power under this section.

(6) Subsection (5) does not affect any liability that the Territory may have for an act or omission referred to in that subsection.

(7) In this section:

authorised employee means any of the following:

(a) an employee authorised under subsection (1);

(b) an employee of the Commonwealth, or of a State or another Territory of the Commonwealth, who has authority to receive and give substance information;

(c) the Chief Poisons Inspector.

substance information means lawfully obtained information relating to the supply, therapeutic use or other use of a substance to which this Act applies, including:

(a) information about supply to or use by a specified person; and

(b) information maintained under subsection (2)(a).

92 Regulations

(1) The Administrator may make regulations, not inconsistent with this Act, prescribing all matters required or permitted by this Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Without limiting the generality of subsection (1), the Regulations may prescribe:

(a) the standards relating to, the precautions to be taken in, and the manner of, handling, transporting, packaging, labelling and disposal of poisons and hazardous substances; and

(b) penalties for offences against the Regulations not exceeding 100 penalty units for a natural person and 500 penalty units for a body corporate.

93 Regulations may incorporate other instruments

(1) The Regulations may apply, adopt or incorporate (either wholly or in part or with or without modification) an instrument, as in force at a particular time or as in force from time to time, prescribed or published by any authority or body.

(2) An instrument applied, adopted or incorporated under this section may require anything referred to in that instrument to be in accordance with another instrument to which that instrument refers.

(3) In this section:

instrument means a standard, code, specification, protocol, method or other document.

94 Regulations may be limited or provide for exemptions

(1) The Regulations may:

(a) be of general application or limited in application according to the persons, areas, times or circumstances to which they are expressed to apply; and

(b) provide that a matter in respect of which regulations may be made is to be determined, regulated or prohibited according to the discretion of the Minister or Chief Health Officer.

(2) The Regulations may contain provisions for or in relation to exemptions (whether or not subject to conditions) from compliance with all or any specified regulations, including provisions authorising the Minister or the Chief Health Officer to grant an exemption.

ENDNOTES

1 KEY

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz* = *Gazette
hdg = heading
ins = inserted
lt = long title
nc = not commenced
od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

2 LIST OF LEGISLATION

***Poisons and Dangerous Drugs Act 1983* (Act No. 4, 1983)**

Assent date	27 April 1983
Commenced	1 October 1983 (*Gaz* G38, 23 September 1983, p 3)

***Statute Law Revision Act 1983* (Act No. 58, 1983)**

Assent date	28 November 1983
Commenced	28 November 1983

***Poisons and Dangerous Drugs (Criminal Code) Amendment Act 1983* (Act No. 67, 1983)**

Assent date	28 November 1983
Commenced	1 January 1984 (s 2, s 2 *Criminal Code Act 1983* (Act No. 47, 1983), *Gaz* G46, 18 November 1983, p 11 and *Gaz* G8, 26 February 1986, p 5)

***Criminal Law (Regulatory Offences) Act 1983* (Act No. 68, 1983)**

Assent date	28 November 1983
Commenced	1 January 1984 (s 2, s 2 *Criminal Code Act 1983* (Act No. 47, 1983), *Gaz* G46, 18 November 1983, p 11 and *Gaz* G8, 26 February 1986, p 5)

***Poisons and Dangerous Drugs Amendment Act 1985* (Act No. 75, 1985)**

Assent date	24 December 1985
Commenced	ss 4, 5, 15 and 19: 4 June 1986; s 16: 1 January 1988; rem: 2 April 1986 (s 2, *Gaz* G22, 4 June 1986, p 4, *Gaz* G41, 14 October 1988, p 4 and *Gaz* G13, 2 April 1986, p 4)

***Statute Law Revision Act 1987* (Act No. 9, 1987)**

Assent date	27 May 1987
Commenced	27 May 1987

***Poisons and Dangerous Drugs Amendment Act 1987* (Act No. 29, 1987)**

Assent date	21 July 1987
Commenced	21 July 1987

Poisons and Dangerous Drugs Amendment Act 1989 **(Act No. 28, 1989)**

Assent date	21 June 1989
Commenced	21 June 1989

Poisons and Dangerous Drugs Amendment Act 1990 **(Act No. 18, 1990)**

Assent date	12 April 1990
Commenced	1 November 1990 (s 2, s 2 *Misuse of Drugs Act 1990* (Act No. 15, 1990) and *Gaz* G40, 10 October 1990, p 3)

Dental (Consequential Amendments) Act 1991 **(Act No. 75, 1991)**

Assent date	10 December 1991
Commenced	31 January 1992 (*Gaz* S7, dated 31 January 1992)

Public Sector Employment and Management (Consequential Amendments) Act 1993 **(Act No. 28, 1993)**

Assent date	30 June 1993
Commenced	1 July 1993 (s 2, s 2 *Public Sector Employment and Management Act 1993* (Act No. 11, 1993) and *Gaz* S53, 29 June 1993)

Medical (Consequential Amendments) Act 1995 **(Act No. 8, 1995)**

Assent date	10 April 1995
Commenced	1 June 1995 (s 2, s 2 *Medical Act 1995* (Act No. 7, 1995) and *Gaz* S21, 1 June 1995)

Poisons and Dangerous Drugs Amendment Act 1995 **(Act No. 33, 1995)**

Assent date	7 September 1995
Commenced	7 September 1995

Poisons and Dangerous Drugs Amendment Act (No. 2) 1995 **(Act No. 58, 1995)**

Assent date	28 December 1995
Commenced	28 December 1995

Sentencing (Consequential Amendments) Act 1996 **(Act No. 17, 1996)**

Assent date	19 April 1996
Commenced	1 July 1996 (s 2, s 2 *Sentencing Act 1995* (Act No. 39, 1995) and *Gaz* S15, 13 June 1996)

Statute Law Revision Act 1997 **(Act No. 17, 1997)**

Assent date	11 April 1997
Commenced	1 May 1997 (*Gaz* G17, 30 April 1997, p 2)

Statute Law Revision Act 1999 **(Act No. 27, 1999)**

Assent date	18 June 1999
Commenced	18 June 1999

Statute Law Revision Act 2001 **(Act No. 3, 2001)**

Assent date	22 March 2001
Commenced	22 March 2001

Poisons and Dangerous Drugs Amendment Act 2003 **(Act No. 52, 2003)**

Assent date	18 September 2003
Commenced	1 February 2005 (*Gaz* S3, 31 January 2005, p 1)

Agricultural Veterinary Chemicals (Control of Use) Act 2004 **(Act No. 35, 2004)**

Assent date	4 June 2004
Commenced	16 May 2005 (*Gaz* S16, 16 May 2005)

***Poisons and Dangerous Drugs Amendment Act 2004* (Act No. 61, 2004)**

Assent date	4 November 2004
Commenced	1 February 2005 (s 2, s 2 *Poisons and Dangerous Drugs Amendment Act 2003* (Act No. 52, 2003) and *Gaz* S3, 31 January 2005, p 1)

***Statute Law Revision Act 2005* (Act No. 44, 2005)**

Assent date	14 December 2005
Commenced	14 December 2005

***Poisons and Dangerous Drugs Amendment Act 2006* (Act No. 37, 2006)**

Assent date	18 December 2006
Commenced	2 May 2007 (*Gaz* G18, 2 May 2007, p 7)

***Statute Law Revision Act 2007* (Act No. 4, 2007)**

Assent date	8 March 2007
Commenced	8 March 2007

3 SAVINGS AND TRANSITIONAL PROVISIONS

s 45 *Poisons and Dangerous Drugs Amendment Act 2003* (Act No. 52, 2003)
pt 13 *Agricultural and Veterinary Chemicals (Control of Use) Act 2004* (Act No. 35, 2004)

4 *GAZETTE* NOTICES

Gaz S54, 22 October 1984
Gaz S76, 4 November 1986
Gaz G4, 1 February 1989, p 4
Gaz G32, 16 August 1989, p 6
Gaz G14, 11 April 1990, p 6
Gaz G45, 14 November 1990, p 3
Gaz S11, 1 March 1991
Gaz G44, 4 November 1992, p 2
Gaz G38, 22 September 1993, p 2
Gaz S33, 1 November 1996

5 LIST OF AMENDMENTS

s 4	amd No. 58, 1983, s 4; No. 17, 1997, s 17
s 6	amd No. 75, 1985, s 4; No. 29, 1987, s 2; No. 75, 1991, s 3; No. 58, 1995, s 3; No. 17, 1997, s 17; No. 52, 2003, s 4; No. 35, 2004, s 134; No. 61, 2004, s 4; No. 44, 2005, s 14; No. 37, 2006, s 4
s 6A	ins No. 52, 2003, s 5
s 7	amd No. 17, 1997, s 17; No. 52, 2003, s 44
s 8	amd No. 17, 1997, s 17
s 9	amd No. 75, 1985, s 5; No. 52, 2003, s 44
s 9A	ins No. 61, 2004, s 5
s 10	amd No. 52, 2003, s 44
s 11	amd No. 52, 2003, s 6; No. 61, 2004, s 33
s 12	amd No. 17, 1997, s 17; No. 52, 2003, s 44; No. 61, 2004, s 33
s 13	amd No. 17, 1997, s 17; No. 52, 2003, s 44; No. 61, 2004, s 33
s 14	amd No. 17, 1997, s 17; No. 52, 2003, s 7
s 15	amd No. 17, 1997, s 17; No. 52, 2003, s 44
s 16	amd No. 52, 2003, s 44; No. 44, 2005, s 15
s 17	amd No. 52, 2003, s 8; No. 61, 2004, s 33

s 18	amd No. 17, 1997, s 17; No. 52, 2003, s 44; No. 61, 2004, s 33
s 19	amd No. 17, 1997, s 17; No. 52, 2003, s 44; No. 61, 2004, s 33
s 20	amd No. 17, 1997, s 17; No. 52, 2003, s 44; No. 61, 2004, s 6
s 21	amd No. 17, 1997, s 17; No. 52, 2003, s 44
s 22	amd No. 52, 2003, s 44; No. 44, 2005, s 16
s 23	amd No. 52, 2003, s 9; No. 61, 2004, s 33
s 24	amd No. 75, 1985, s 6; No. 17, 1997, s 17; No. 52, 2003, s 44; No. 61, 2004, s 33
s 25	amd No. 17, 1997, s 17; No. 52, 2003, s 44; No. 61, 2004, s 7
s 26	amd No. 17, 1996, s 6; No. 17, 1997, s 17; No. 52, 2003, s 44
s 27	amd No. 52, 2003, s 44
pt V hdg	amd No. 52, 2003, s 44
s 28	amd No. 75, 1985, s 7; No. 8, 1995, s 4; No. 17, 1997, s 17; No. 52, 2003, s 10; No. 61, 2004, s 8; No. 37, 2006, s 5
s 29	amd No. 75, 1985, s 8; No. 58, 1995, s 4; No. 17, 1997, s 17; No. 27, 1999, s 10; No. 52, 2003, s 11; No. 61, 2004, s 9; No. 44, 2005, s 17; No. 37, 2006, s 6
s 29A	ins No. 75, 1985, s 9 amd No. 33, 1995, s 2 rep No. 52, 2003, s 12
s 30	amd No. 17, 1997, s 17; No. 52, 2003, s 13; No. 61, 2004, s 33
s 31	amd No. 17, 1997, s 17 sub No. 52, 2003, s 14 amd No. 61, 2004, s 33
pt VA hdg	ins No. 52, 2003, s 14
pt VA div 1 hdg	ins No. 52, 2003, s 14
s 31A	ins No. 58, 1995, s 5 amd No. 17, 1997, s 17 sub No. 52, 2003, s 14; No. 61, 2004, s 10
s 31B	ins No. 52, 2003, s 14
pt VA div 2 hdg	ins No. 52, 2003, s 14
s 31C	ins No. 52, 2003, s 14
s 31D	ins No. 52, 2003, s 14 amd No. 61, 2004, s 11
s 31E	ins No. 52, 2003, s 14 amd No. 61, 2004, s 33
pt VA div 3 hdg	ins No. 52, 2003, s 14
s 31F	ins No. 52, 2003, s 14 sub No. 61, 2004, s 12
s 31G	ins No. 52, 2003, s 14 sub No. 61, 2004, s 12
s 31H	ins No. 52, 2003, s 14 amd No. 61, 2004, s 13
s 31J	ins No. 52, 2003, s 14 amd No. 61, 2004, s 14
s 31K	ins No. 52, 2003, s 14 amd No. 61, 2004, s 15
s 31L	ins No. 52, 2003, s 14 sub No. 61, 2004, s 16
s 31M	ins No. 52, 2003, s 14
s 31N	ins No. 52, 2003, s 14 amd No. 61, 2004, s 33
pt VA div 4 hdg	ins No. 52, 2003, s 14 om No. 61, 2004, s 17

s 31P	ins No. 52, 2003, s 14 sub No. 61, 2004, s 18
pt VAA hdg	ins No. 61, 2004, s 18
s 31Q	ins No. 52, 2003, s 14 amd No. 61, 2004, s 19
s 31R	ins No. 52, 2003, s 14 amd No. 61, 2004, s 20
s 31S	ins No. 52, 2003, s 14 amd No. 61, 2004, s 21
ss 31T – 31V	ins No. 52, 2003, s 14
s 31W	ins No. 52, 2003, s 14 sub No. 61, 2004, s 22 amd No. 4, 2007, s 7
s 31X	ins No. 52, 2003, s 14 sub No. 61, 2004, s 22
s 32	amd No. 58, 1995, s 6; No. 52, 2003, s 44; No. 37, 2006, s 7
s 33	amd No. 75, 1985, s 10; No. 58, 1995, s 7; No. 17, 1997, s 17; No. 52, 2003, s 15; No. 61, 2004, s 23; No. 37, 2006, s 8
s 34	amd No. 75, 1985, s 11; No. 17, 1997, s 17; No. 52, 2003, s 16; No. 61, 2004, s 24
s 35	amd No. 52, 2003, s 44; No. 61, 2004, s 25
s 36	amd No. 75, 1985, s 12; No. 17, 1997, s 17; No. 52, 2003, s 17
s 37	amd No. 17, 1997, s 17; No. 52, 2003, s 44; No. 61, 2004, s 26
s 38	amd No. 52, 2003, s 44
pt VII hdg	amd No. 52, 2003, s 44
s 38A	ins No. 52, 2003, s 18 amd No. 61, 2004, s 27; No. 44, 2005, s 18
s 39	amd No. 75, 1985, s 13; No. 52, 2003, s 19
s 40	amd No. 52, 2003, s 20
s 41	sub No. 52, 2003, s 21 amd No. 61, 2004, s 33
s 42	amd No. 17, 1997, s 17; No. 52, 2003, s 44
s 43	amd No. 17, 1997, s 17; No. 52, 2003, s 44
s 44	amd No. 17, 1997, s 17; No. 52, 2003, s 22
s 45	amd No. 17, 1997, s 17; No. 52, 2003, s 23
s 46	amd No. 17, 1997, s 17; No. 52, 2003, s 24
s 47	amd No. 17, 1997, s 17; No. 52, 2003, s 25
s 48	amd No. 17, 1997, s 17; No. 52, 2003, s 26
s 49	amd No. 17, 1997, s 17; No. 52, 2003, s 27
s 50	amd No. 52, 2003, s 28
s 51	amd No. 52, 2003, s 29
s 52	amd No. 17, 1997, s 17; No. 52, 2003, s 30 sub No. 61, 2004, s 28
pt XI hdg	sub No. 75, 1985, s 14
s 52A	ins No. 75, 1985, s 14 amd No. 9, 1987, s 2; No. 28, 1993, s 3; No. 17, 1997, s 17; No. 3, 2001, s 5; No. 52, 2003, s 44 rep No. 35, 2004, s 135
s 53	amd No. 17, 1997, s 17; No. 52, 2003, s 31; No. 35, 2004, s 136; No. 44, 2005, s 19
s 54	amd No. 52, 2003, s 32; No. 35, 2004, s 137; No. 61, 2004, s 33
s 55	amd No. 75, 1985, s 15; No. 17, 1997, s 17; No. 35, 2004, s 138
s 56	amd No. 17, 1997, s 17; No. 52, 2003, s 44
s 57	amd No. 17, 1997, s 17; No. 52, 2003, s 44
s 58	amd No. 52, 2003, s 44 sub No. 35, 2005, s 139
s 59	amd No. 17, 1997, s 17; No. 27, 1999, s 10; No. 52, 2003, s 44

s 59A	ins No. 75, 1985, s 16 amd No. 52, 2003, s 33 rep No. 35, 2004, s 140
s 60	amd No. 17, 1997, s 17; No. 52, 2003, s 44
s 61	amd No. 52, 2003, s 44; No. 61, 2004, s 33
s 62	amd No. 52, 2003, s 34
s 63	amd No. 52, 2003, s 35
s 64	rep No. 18, 1990, s 3
s 64A	ins No. 28, 1989, s 2 rep No. 18, 1990, s 3
s 64B	ins No. 28, 1989, s 2 rep No. 18, 1990, s 3
s 65	amd No. 52, 2003, s 36; No. 61, 2004, s 33; No. 44, 2005, s 20
ss 66 – 70	rep by No. 18, 1990, s 3
s 70A	ins No. 75, 1985, s 17 amd No. 52, 2003, s 44
s 71	amd No. 52, 2003, s 44
s 72	rep No. 18, 1990, s 3 ins No. 61, 2004, s 29
s 73	rep No. 18, 1990, s 3 ins No. 61, 2004, s 29
ss 74 – 77	rep No. 18, 1990, s 3
s 78	amd No. 17, 1997, s 17; No. 52, 2003, s 44
ss 79 – 81	rep No. 18, 1990, s 3
s 81A	ins No. 68, 1983, s 26 amd No. 52, 2003, s 44; No. 61, 2004, s 33
s 81B	ins No. 58, 1995, s 8 rep No. 52, 2003, s 44
ss 82 – 83	rep No. 18, 1990, s 3
s 84	amd No. 67, 1983, s 4 rep No. 18, 1990, s 3
s 85	amd No. 67, 1983, s 5 rep No. 18, 1990, s 3
s 86	amd No. 27, 1999, s 10; No. 52, 2003, s 37; No. 61, 2004, s 33; No. 44, 2005, s 21
s 87	amd No. 52, 2003, s 38; No. 61, 2004, s 33
s 88	rep No. 18, 1990, s 3
s 89	amd No. 52, 2003, s 44
s 90	amd No. 75, 1985, s 18 sub No. 52, 2003, s 39
s 90A	ins No. 52, 2003, s 39 amd No. 61, 2004, s 30
s 90B	ins No. 61, 2004, s 31
s 91A	ins No. 58, 1995, s 9 amd No. 17, 1997, s 17 sub No. 52, 2003, s 40
s 92	amd No. 52, 2003, s 41
s 93	ins No. 52, 2002, s 42
s 94	ins No. 61, 2004, s 32
pt A sch 1	rep No. 18, 1990, s 3
pt A sch 2	amd *Gaz* S76; *Gaz* G32 sub *Gaz* S11 amd *Gaz* S33 rep No. 52, 2003, s 43
pt A sch 3	amd No. 58, 1983, s 3 rep No. 18, 1990, s 3

pt A sch 4	amd *Gaz* S76
	sub *Gaz* S11
	rep No. 52, 2003, s 43
pt A	
schs 5 – 6	rep No. 18, 1990, s 3
pt B sch 1	amd *Gaz* S54; *Gaz* S76
	sub *Gaz* S11
	rep No. 52, 2003, s 43
pt B sch 2	amd *Gaz* S54; *Gaz* S76; *Gaz* G14; *Gaz* G45
	sub *Gaz* S11
	rep No. 52, 2003, s 43
pt B sch 3	amd *Gaz* S54; *Gaz* S76; *Gaz* G32; *Gaz* G14; *Gaz* G45
	sub *Gaz* S11
	amd *Gaz* G44
	rep No. 52, 2003, s 43
pt B sch 4	amd *Gaz* S54; *Gaz* S76; *Gaz* G4; *Gaz* G32; *Gaz* G14; *Gaz* G45
	sub *Gaz* S11
	amd *Gaz* G44; *Gaz* G38
	rep No. 52, 2003, s 43
pt B sch 5	amd *Gaz* S54; *Gaz* S76; *Gaz* G32
	sub *Gaz* S11
	rep No. 52, 2003, s 43
pt B sch 6	amd *Gaz* S54; *Gaz* S76; *Gaz* G32
	sub *Gaz* S11
	rep No. 52, 2003, s 43
pt B sch 7	amd *Gaz* S54; *Gaz* S76; *Gaz* G32
	sub *Gaz* S11
	rep No. 52, 2003, s 43
pt B sch 8	amd *Gaz* G32
	sub *Gaz* S11
	rep No. 52, 2003, s 43