

NORTHERN TERRITORY OF AUSTRALIA

POISONS AND DANGEROUS DRUGS REGULATIONS

As in force at 27 January 2012

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NORTHERN TERRITORY OF AUSTRALIA

This reprint shows the Regulations as in force at 27 January 2012. Any amendments that commence after that date are not included.

POISONS AND DANGEROUS DRUGS REGULATIONS

Regulations under the *Poisons and Dangerous Drugs Act*

Part 1 Preliminary

1 Citation

These Regulations may be cited as the *Poisons and Dangerous Drugs Regulations*.

2 Commencement

These Regulations come into operation on the commencement of the *Poisons and Dangerous Drugs Amendment Act 2004*.

3 Definitions

In these Regulations:

Agency means the Agency administering the Act.

contravene includes fail to comply with.

Scheduled substance means a substance referred to in Part 4 of the SUSMP.

4 Exemptions

- (1) The Chief Health Officer may exempt a person or class of persons from the application of a provision of these Regulations.
- (2) The exemption must be:
 - (a) by notice in writing directed to the person; or
 - (b) by notice in the *Gazette* if the exemption relates to a class of persons.

Part 2 Supply of Scheduled substances

5 Section 40(3): time for notification by nurse in charge

For section 40(3) of the Act, the nurse in charge of a health centre must notify the Chief Health Officer of the details of the administration or supply of a Schedule 8 substance within 6 months after the date of the administration or supply.

6 Section 90(2): Scheduled substance treatment protocols

For section 90(2) of the Act, a Scheduled substance treatment protocol may include any of the following matters:

- (a) the classification and name of the Scheduled substance to which the protocol relates;
- (b) the dose, route and frequency of administration of the Scheduled substance;
- (c) the categories of persons to whom the protocol relates and any restrictions, qualifications or accreditation applicable to those persons;
- (d) descriptions of the clinical situations in which the protocol applies;
- (e) indications for use of the Scheduled substance;
- (f) contraindications for use of the Scheduled substance;
- (g) the procedure for documenting the administration of the Scheduled substance in the medical records of the person being treated;
- (h) the date on which the Chief Health Officer approved the protocol.

Part 3 Labels and containers

7 Part 2 of SUSMP: labels and containers

- (1) Part 2 of the SUSMP applies in relation to labels and containers for Scheduled substances.
- (2) A person must not contravene Part 2 of the SUSMP.

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

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

- (3) If a paragraph of Part 2 of the SUSMP is amended, the amended paragraph does not apply in relation to any Scheduled substance that, immediately before the amendment takes effect, is labelled or packaged (as applicable) in accordance with the paragraph as in force immediately before the amendment takes effect.
- (4) A reference in subregulation (3) to an amended paragraph includes a reference to a paragraph that is substituted for a repealed paragraph.

8 Appendix E: first aid instructions

- (1) Appendix E applies in relation to the labelling of Scheduled substances with first aid instructions.
- (2) A manufacturer, wholesaler or retailer of a Scheduled substance must ensure the substance is labelled with appropriate first aid instructions.

Penalty: If the offender is a natural person – 100 penalty units.
If the offender is a body corporate – 500 penalty units.

9 Appendix F: warning statements and safety directions

- (1) Appendix F applies in relation to the labelling of Scheduled substances with warning statements and safety directions.
- (2) A manufacturer, wholesaler or retailer of a Scheduled substance must ensure the substance is labelled with appropriate and sufficient warning statements and safety directions.

Penalty: If the offender is a natural person – 100 penalty units.
If the offender is a body corporate – 500 penalty units.

Part 4 Storage, transport and disposal

10 Standards for storage and transport of Schedule 8 substances

- (1) The relevant Code, as in force from time to time, applies in relation to the storage and transport of Schedule 8 substances.
- (2) A person must not contravene the relevant Code.

Penalty: If the offender is a natural person – 100 penalty units.
If the offender is a body corporate – 500 penalty units.

- (3) In this regulation:

relevant Code means the document entitled "Code of Practice for the Storage and Transport of Schedule 8 Substances" published by the Agency.

11 Disposal of Schedule 8 substances

- (1) A person permitted by the Act to supply a Schedule 8 substance must not dispose of the substance unless the disposal is witnessed by one of the following persons:

- (a) an inspector;
- (b) a dentist, medical practitioner, optometrist or pharmacist;
- (c) a person registered under the Health Practitioner Regulation National Law to practise in the nursing and midwifery profession as a nurse or midwife (other than as a student);
- (d) a health practitioner who has a right of practice under the *Health Practitioners Act* in the category of health care practice of Aboriginal health work;
- (e) a veterinarian.

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

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

- (2) A person who disposes of a Schedule 8 substance must record the disposal in an approved form, sign the record and ensure the witness also signs the record.

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

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

Part 5 Miscellaneous

12 Part 3 of SUSMP: miscellaneous regulations

- (1) The miscellaneous regulations in Part 3 of the SUSMP apply together with any Appendix to the SUSMP referred to in those regulations.

- (2) A person must not contravene the miscellaneous regulations in Part 3 of the SUSMP.

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

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

- (3) In this regulation:

miscellaneous regulations means paragraphs 32, 33, 35(1) and (3), 37(1) and (3), 39, 40, 41, 42 and 44 of Part 3 of the SUSMP.

13 Appendix I: paint standards

- (1) Appendix I applies in relation to the manufacture, supply and use of paint.

- (2) A person must not contravene Appendix I.

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

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

14 Section 31Q: Committee members

For section 31Q of the Act, the members of the Committee to be appointed by the Chief Health Officer are as follows:

- (a) at least one medical practitioner with expertise in pain management;
- (b) at least one medical practitioner nominated by each of the NT Divisions of General Practice;
- (c) at least one medical practitioner nominated by the Australian Medical Association;
- (d) a medical practitioner employed by the Agency, working in the community drugs program managed by the Agency;
- (e) a person who is not a medical practitioner, working in the community drugs program managed by the Agency;
- (f) a pharmacist nominated by the Pharmacy Guild of Australia (NT Branch);
- (g) any other persons with appropriate qualifications for membership considered by the Chief Health Officer to be suitable for appointment.

Part 6 Repeal

15 Repeal

The *Poisons and Dangerous Drugs Regulations* (Regulations 1985, No. 9) are repealed.

ENDNOTES
1 KEY

Key to abbreviations

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

2 LIST OF LEGISLATION***Poisons and Dangerous Drugs Regulations (SL No. 43, 2004)***

Notified	5 January 2005
Commenced	1 February 2005 (r 2, s 2 <i>Poisons and Dangerous Drugs Amendment Act 2004</i> (Act No. 61, 2004), s 2 <i>Poisons and Dangerous Drugs Amendment Act 2003</i> (Act No. 52, 2003) and <i>Gaz S3</i> , 31 January 2005, p 1)

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

Notified	14 December 2005
Commenced	14 December 2005

Health Practitioner (National Uniform Legislation) Implementation Act 2010 (Act No. 18, 2010)

Notified	20 May 2010
Commenced	1 July 2010 (s 2)

Statute Law (Miscellaneous Provisions) Act 2011 (Act No. 44, 2011)

Assent date	21 December 2011
Commenced	27 January 2012 ((other than amdts to <i>Darwin Port Corporation Act</i> and <i>Marine Act</i> listed in the Sch to Act) <i>Gaz S3</i> , 27 January 2012))

3 LIST OF AMENDMENTS

r 3	amd Act No. 44, 2011, s 27
r 7	amd Act No. 44, 2011, s 27
r 11	amd Act No. 44, 2005, s 22; Act No. 18, 2010, s 62
r 12	amd Act No. 44, 2011, s 27