

NORTHERN TERRITORY OF AUSTRALIA
POISONS AND DANGEROUS DRUGS AMENDMENT ACT 2003

Act No. 52 of 2003

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NORTHERN TERRITORY OF AUSTRALIA

Act No. 52 of 2003

AN ACT

to amend the *Poisons and Dangerous Drugs Act*

[Assented to 18 September 2003]

[Second reading 29 May 2003]

The Legislative Assembly of the Northern Territory enacts as follows:

1. Short title

This Act may be cited as the *Poisons and Dangerous Drugs Amendment Act 2003*.

2. Commencement

The provisions of this Act come into operation on the date, or respective dates, fixed by the Administrator by notice in the *Gazette*.

3. Principal Act

The *Poisons and Dangerous Drugs Act* is in this Act referred to as the Principal Act.

4. Interpretation

Section 6 of the Principal Act is amended –

- (a) by omitting from subsection (1) the definition of "addiction";
- (b) by omitting from the definition of "British Pharmacopoeia" in subsection (1) "1966" and substituting "1989";

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- (c) by omitting from subsection (1) the definition of "cannabis";
- (d) by inserting after the definition of "Chief Health Officer" in subsection (1) the following:

" 'Chief Poisons Inspector' means the person appointed as the Chief Poisons Inspector under section 31P;"
- (e) by omitting from subsection (1) the definitions of "coca leaf", "cocaine" and "ecgonine";
- (f) by omitting from the definition of "inspector" in subsection (1) "Sergeant, Third Class," and substituting "Sergeant";
- (g) by omitting from subsection (1) the definitions of "morphine" and "opium";
- (h) by omitting from the definition of "pharmacy" in subsection (1) "his";
- (i) by omitting from the definition of "poison" in subsection (1) "7 or 8" and substituting "7, 8 or 9 or in Appendix C";
- (j) by omitting from subsection (1) the definitions of "prohibited drug" and "register";
- (k) by omitting from the definition of "registered pesticide" in subsection (1) "register" and substituting "register of pesticides referred to in section 52A(2)";
- (l) by inserting after the definition of "Regulations" in subsection (1) the following:

" 'restricted Schedule 4 substance' means a Schedule 4 substance declared under section 90A to be a restricted Schedule 4 substance;

'Scheduled substance treatment protocol' means a protocol approved under section 90;"
- (m) by inserting after the definition of "supply" in subsection (1) the following:

" 'SUSDP' means the latest edition of the document entitled 'Standard for the Uniform Scheduling of Drugs and Poisons' published by the Commonwealth;"
- (n) by omitting from subsection (1) the definition of "veterinary surgeon" and substituting the following:

" 'this Act' includes the Regulations;

'veterinarian' means a registered veterinarian within the meaning of the *Veterinarians Act.*"; and

- (o) by omitting subsections (2) and (3).

5. New section

The Principal Act is amended by inserting after section 6 the following:

"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*.

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"(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."

6. Manufacturer to be registered

Section 11 of the Principal Act is amended by omitting "Penalty: \$2,000 or imprisonment for 12 months." and substituting the following:

"Penalty: If the offender is a natural person – 200 penalty units.

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

7. Display of certificate of registration

Section 14 of the Principal Act is amended –

- (a) by omitting from paragraphs (a) and (b) "his" and substituting "the"; and
- (b) by omitting "Penalty: \$200." and substituting the following:

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

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

8. Wholesaler to be registered

Section 17 of the Principal Act is amended by omitting from subsection (1) "Penalty: \$2,000 or imprisonment for 12 months." and substituting the following:

"Penalty: If the offender is a natural person – 200 penalty units.

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

9. Retailers to be licensed

Section 23 of the Principal Act is amended –

- (a) by omitting from subsection (1) "he" and substituting "he or she";
- (b) by omitting from subsection (1) "Penalty: \$1,000 or imprisonment for 12 months." and substituting the following:

"Penalty: If the offender is a natural person – 500 penalty units.

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

- (c) by omitting from subsection (2) "veterinary surgeon shall be deemed" and "he" and substituting "veterinarian is taken" and "he or she" respectively.

10. Supply by pharmacists

Section 28 of the Principal Act is amended –

- (a) by omitting from subsection (1) "pharmacist, or a person employed by him, may" and substituting "pharmacist or an employee of the pharmacist may";
- (b) by omitting from subsection (1)(a)(ii) "veterinary surgeon" and substituting "veterinarian";
- (c) by omitting subsection (1)(a)(iii) and substituting the following:
 - "(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);";
- (d) by omitting from subsection (1)(c)(i) "veterinary surgeon" and substituting "veterinarian";
- (e) by omitting from subsection (1)(c)(ii) and (d)(i) "authorized" and substituting "authorised";
- (f) by omitting from subsection (1)(d)(ii) "veterinary surgeon authorized" and substituting "veterinarian authorised";
- (g) by omitting from subsection (3) "veterinary surgeon shall" and substituting "veterinarian is to";
- (h) by omitting from subsection (4) "pharmacist, or a person employed by him, shall" and "he" and substituting "pharmacist or an employee of the pharmacist must" and "the pharmacist or employee (as the case may be)" respectively;

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- (i) by omitting from subsection (4)(a) all the words from and including "person" to and including "Schedule" and substituting "employee (as the case may be) is satisfied that a restriction specified in Appendix D or in a declaration under section 90A";
- (j) by omitting from subsection (4)(b) "person employed by him, as the case may be," and substituting "employee (as the case may be)";
- (k) by omitting subsection (5) and substituting the following:

"(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."; and
- (l) by omitting from subsection (6) "authorize" and substituting "authorise".

11. Supply of substances for therapeutic use

Section 29 of the Principal Act is amended –

- (a) by omitting from subsection (1) "medical practitioner, dentist or veterinary surgeon may supply a Schedule 1, 2, 3, 4, 7 or 8" and substituting "dentist or veterinarian may supply a Schedule 1, 2, 3, 4, 5, 6, 7 or 8";
- (b) by omitting subsection (3);
- (c) by omitting from subsection (4) "medical practitioner or veterinary surgeon may sell or supply a Schedule 7 substance only if he has been authorized" and substituting "dentist or veterinarian may sell or supply a Schedule 7 substance only if he or she is authorised";
- (d) by omitting subsection (4A)(b) and substituting the following:
 - "(b) in accordance with any Scheduled substance treatment protocol specified in the notice.";
- (e) by omitting from subsection (4D) "he" and substituting "he or she"; and
- (f) by omitting from subsection (5) the definition of "medical practitioner".

12. Repeal

Section 29A of the Principal Act is repealed.

13. Pharmacist not to hold certain substances

Section 30 of the Principal Act is amended –

- (a) by omitting "he conducts his" and substituting "the pharmacist conducts";
- (b) by omitting "him" and substituting "the pharmacist"; and
- (c) by omitting "Penalty: \$2,000 or imprisonment for one year." and substituting the following:

"Penalty: If the offender is a natural person – 500 penalty units.

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

14. Repeal and substitution

Sections 31 and 31A of the Principal Act are repealed and the following substituted:

"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.

"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;

'Chairperson' means the chairperson of the Committee;

'Committee' means the Schedule 8 Clinical Advisory Committee established by section 31Q;

'Guidelines' means Restricted Schedule 8 Policy and Clinical Practice Guidelines issued under section 31W;

'medical practitioner' means a person who is a permanent or temporary resident of, and entitled to practise medicine in, the Territory;

'member' means a member of the Committee;

'non-restricted Schedule 8 substance' means a Schedule 8 substance that is not a restricted Schedule 8 substance;

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

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

'the approved number of persons' means the number of persons approved by the Chief Health Officer by notice in the *Gazette*.

"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, within the prescribed time, notify the Chief Health Officer of the prescribed particulars in respect of the supply.

Penalty: 20 penalty units.

"(3) If, in notifying prescribed particulars, 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.

"(4) In this section –

'prescribed particulars' means –

- (a) the name, address and date of birth of the person to whom the restricted Schedule 4 substance is supplied; and
- (b) any other particulars prescribed by the Regulations.

"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.

"(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 approved number of persons.

Penalty: 100 penalty units.

"(2) Unless exempted under subsection (4), a medical practitioner may supply non-restricted Schedule 8 substances for the therapeutic use of more than the approved number of persons only if the medical practitioner holds an authorisation under this section.

Penalty: 100 penalty units.

"(3) The Chief Health Officer may grant a medical practitioner an authorisation to supply non-restricted Schedule 8 substances for the therapeutic use of more than the approved number of persons only if the Chairperson has advised the Chief Health Officer in writing that the Committee considers the granting of the authorisation is appropriate in the particular circumstances.

"(4) A medical practitioner is not required to hold an authorisation to supply non-restricted Schedule 8 substances for the therapeutic use of more than the approved number of persons if –

- (a) he or she is exempted from that requirement by the Chief Health Officer by notice in writing; or
- (b) he or she belongs to a class of medical practitioners that is exempted from that requirement by the Chief Health Officer by notice in the *Gazette*.

"(5) A reference in this section to 'the approved number of persons' does not include a reference to any of the following persons:

- (a) a person receiving palliative care;
- (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*.

"31G. Supply of restricted Schedule 8 substances

"(1) 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) The Chief Health Officer may grant a medical practitioner an authorisation to supply a restricted Schedule 8 substance to a particular person only if –

- (a) prescribed circumstances apply in relation to the supply of the substance to that person; and
- (b) the Chairperson has advised the Chief Health Officer in writing –
 - (i) that the medical practitioner possesses the competency required to safely supply the substance to that person; and
 - (ii) that the Committee considers the granting of the authorisation is appropriate in the particular circumstances.

"(3) The Chief Health Officer may grant a medical practitioner an authorisation to supply restricted Schedule 8 substances to more than the approved number of persons only if the Chairperson has advised the Chief Health Officer in writing that the Committee considers the granting of the authorisation is appropriate in the particular circumstances, having regard to the number of persons to be supplied.

"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.

"(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 –

- (a) receives no submissions within the specified period or has considered and rejected the submissions made by the medical practitioner; and
- (b) is advised in writing by the Chairperson that the Committee considers the proposed action is warranted,

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) The Chief Health Officer must provide the Committee with all information relevant to a proposed variation, suspension or revocation of an authorisation, including any submissions made by the medical practitioner.

"(5) 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 and the Guidelines.

Penalty: 500 penalty units.

"31L. Notification of supply of Schedule 8 substances

"(1) A medical practitioner who supplies a Schedule 8 substance must, within the prescribed time, notify the Chief Health Officer of the prescribed particulars in respect of the supply.

Penalty: 20 penalty units.

"(2) In this section –

'prescribed particulars' means –

- (a) the name, address and date of birth of the person to whom the Schedule 8 substance is supplied; and
- (b) any other particulars prescribed by the Regulations.

"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.

"Division 4 – Administration relating to Schedule 8 substances

"31P. Chief Poisons Inspector

"(1) The Chief Health Officer must 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.

"31Q. Schedule 8 Clinical Advisory Committee

"(1) The Schedule 8 Clinical Advisory Committee is established.

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

- (a) the Chief Poisons Inspector, who is the chairperson of the Committee;
- (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.

"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;
- (b) to recommend to the Chief Health Officer appropriate accredited training programs for medical practitioners who are to supply Schedule 8 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;
- (d) to advise the Chief Health Officer in relation to the granting, variation, suspension or revocation of authorisations;
- (e) to make recommendations to the Chief Health Officer about the issuing of 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;
- (h) any other functions conferred on the Committee by or under this or any other Act;
- (i) any other functions 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 2 other members.

"(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) If the Committee is unable to agree on a matter, the Chairperson must forward all relevant documents to the Chief Health Officer for his or her decision.

"(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) 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

"The Chief Health Officer may, on the recommendation of the Committee, issue Restricted Schedule 8 Policy and Clinical Practice Guidelines.

"31X. Chief Health Officer's discretion if no decision by Committee

"If the exercise of a power or performance of a function by the Chief Health Officer is conditional on the advice or recommendation of the Committee and the Committee is unable to reach a decision, the Chief Health Officer may exercise the power or perform the function in his or her discretion."

15. Contents of prescriptions

Section 33 of the Principal Act is amended –

- (a) by omitting from subsection (1)(d) "signed by" and substituting "signed, in accordance with subsection (2), by";
- (b) by omitting subsection (1)(da);
- (c) by omitting subsection (1)(ea) and substituting the following:
 - "(ea) where the substance to be supplied is a Schedule 8 substance, bear on its face the following:

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- (i) for supply in accordance with an authorisation under Part VA, Division 3 – the words 'AUTHORISED FOR SUPPLY FOR TREATMENT OF A MEDICAL CONDITION';
 - (ii) for supply except as referred to in subparagraph (i) – the words 'FOR TREATMENT OF A MEDICAL CONDITION';
 - (iii) for supply in accordance with a prescription issued under section 34(2A) – the endorsement required by that section;";
- (d) by omitting from subsection (1)(g) "veterinary surgeon" and "ONLY; and" and substituting "veterinarian" and "ONLY;" respectively;
- (e) by omitting from subsection (1)(h) "substance." and substituting "substance; and";
- (f) by adding at the end of subsection (1) the following:
- (i) be in accordance with any further requirements prescribed by the Regulations."; and
- (g) by omitting subsection (2) and substituting the following:
- "(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."

16. Period of effect of prescription and permissible supply

Section 34 of the Principal Act is amended –

- (a) by omitting subsections (1), (2) and (2A) and substituting the following:
- "(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 – 6 months;
 - (b) if the prescription is for the supply of any other substance – 12 months.

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"(2) Subject to subsection (2A), a prescription for the supply of a Schedule 8 substance is not to provide for the supply –

- (a) in total, of a quantity that exceeds 6 months supply; or
- (b) on one occasion, of a quantity that exceeds 2 months supply.

"(2A) A medical practitioner may issue a prescription in respect of a Schedule 8 substance for the supply –

- (a) in total, of a quantity that exceeds 6 months supply;
- (b) on one occasion, of a quantity that exceeds 2 months supply; or
- (c) in combination, of the quantities referred to in paragraphs (a) and (b),

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."; and

- (b) by omitting from subsection (3) "Penalty: \$1,000 or imprisonment for 6 months." and substituting the following:

"Penalty: If the offender is a natural person – 500 penalty units.

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

17. Record of prescriptions

Section 36 of the Principal Act is amended –

- (a) by omitting from subsection (1) "him or his" and substituting "the pharmacist or his or her";
- (b) by omitting from subsections (1) and (2) "Penalty: \$200." and substituting the following:

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

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

- (c) by omitting from subsection (3)(a) "he" and substituting "he or she";
- (d) by omitting from subsection (3)(b) "authorizes" and substituting "authorises"; and

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- (e) by omitting from subsection (3) "Penalty: \$200." and substituting the following:

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

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

18. New section

The Principal Act is amended by inserting in Part VII before section 39 the following:

"38A. Definition

"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."

19. Storage, supply and administration in hospitals

Section 39 of the Principal Act is amended –

- (a) by omitting from subsection (2)(aa) "authorized for the purposes of section 29 or under section 42, to" and substituting "authorised or otherwise permitted by or under this Act to";

- (b) by adding at the end of subsection (2) the following:

"Penalty: 100 penalty units.";

- (c) by omitting from subsection (3) "her" and substituting "him or her";

- (d) by omitting subsection (3)(b) and substituting the following:

"(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.";

- (e) by omitting from subsection (4) all the words after "department" and substituting the following:

"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."; and

- (f) by adding at the end the following:

"(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."

20. Register of Schedule 8 substances in wards and health centres

Section 40 of the Principal Act is amended –

- (a) by omitting from subsection (1)(b) "in or of" and substituting "is administered or supplied to a patient of";
- (b) by omitting from subsection (1) "\$200" and substituting "20 penalty units";
- (c) by inserting in subsection (2)(a) and (b) "or supplied" after "administered";
- (d) by omitting from subsection (2)(d) "authorizing" and substituting "authorising";
- (e) by inserting in subsection (2)(e) "or supplying" after "administering";
- (f) by omitting from subsection (2)(f) "41 who witnessed the administration" and substituting "41(1) who witnessed the administration or supply"; and
- (g) by adding at the end the following:

"(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."

21. Repeal and substitution

Section 41 of the Principal Act is repealed and the following substituted:

"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.

"(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."

22. Manufacturers to keep records

Section 44 of the Principal Act is amended by omitting "Penalty: \$200." and substituting the following:

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

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

23. Wholesalers to keep records

Section 45 of the Principal Act is amended by omitting "Penalty: \$200." and substituting the following:

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

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

24. Retailers to keep records

Section 46 of the Principal Act is amended –

- (a) by omitting from subsection (1)(a) and (b) "him" and substituting "the retailer";
- (b) by omitting from subsection (1)(c) "he" and substituting "the retailer";

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- (c) by omitting from subsection (1) "Penalty: \$200." and substituting the following:

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

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

- (d) by omitting from subsection (2) "his" and substituting "the retailer's"; and
- (e) by omitting from subsection (2) "\$200" and substituting "20 penalty units".

25. Pharmacists to keep records

Section 47 of the Principal Act is amended –

- (a) by omitting from subsection (1) "him under Parts VI and VII, a" and substituting "a pharmacist under Parts VI and VII, the";
- (b) by omitting from subsection (1)(a) and (b) "him" and substituting "the pharmacist"; and
- (c) by omitting from subsection (1) "Penalty: \$200." and substituting the following:

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

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

26. Medical practitioners etc. to keep records

Section 48 of the Principal Act is amended –

- (a) by omitting from paragraphs (a) and (b) "him" and substituting "him or her"; and
- (b) by omitting "Penalty: \$200." and substituting the following:

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

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

27. Authorised persons to keep records

Section 49 of the Principal Act is amended –

- (a) by omitting "authorized" and "veterinary surgeon, shall" and substituting "authorised" and "veterinarian, must" respectively;

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(b) by omitting from paragraphs (a), (b) and (c) "him" and substituting "him or her"; and

(c) by omitting "Penalty: \$200." and substituting the following:

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

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

28. Retention of records

Section 50 of the Principal Act is amended by omitting "Penalty: \$200." and substituting the following:

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

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

29. Storage to prevent public access

Section 51 of the Principal Act is amended –

(a) by omitting from paragraphs (a) and (b) "unauthorized" substituting "unauthorised"; and

(b) by omitting "Penalty: \$200." and substituting the following:

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

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

30. Storage of Schedule 8 substances

Section 52 of the Principal Act is amended –

(a) by omitting from subsection (1) "his" and substituting "his or her";

(b) by omitting from subsection (1) "veterinary surgeon" and substituting "veterinarian";

(c) by omitting from subsection (1) "Penalty: \$200." and substituting the following:

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

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

(d) by omitting from subsection (2) "his" and substituting "his or her";

- (e) by omitting from subsection (2) "Penalty: \$200." and substituting the following:

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

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

- (f) by omitting from subsection (3) "veterinary surgeon" and substituting "veterinarian".

31. Possession and use of Schedule 7 substances

Section 53 of the Principal Act is amended –

- (a) by omitting from subsection (1) "his delegate for authorization" and substituting "his or her delegate for authorisation"; and
- (b) by omitting subsection (2) and substituting the following:

"(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 an agricultural, horticultural or pastoral purpose, or for any other 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."

32. Supply of pesticides etc.

Section 54 of the Principal Act is amended –

- (a) by omitting from subsection (1) "he is satisfied by sighting the authorization" and substituting "he or she is satisfied by sighting the authorisation";
- (b) by omitting from subsection (1)(b) "authorized" and substituting "authorised";
- (c) by omitting from subsection (1)(c) "his" and substituting "his or her";

- (d) by omitting from subsection (1) "Penalty: \$1,000 or imprisonment for one year." and substituting the following:

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

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

- (e) by omitting from subsection (2) "him" and "\$200" and substituting "the supplier" and "20 penalty units" respectively.

33. Offence to deal with unregistered pesticides

Section 59A of the Principal Act is amended by omitting from subsection (2) "Penalty: \$500." and substituting the following:

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

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

34. Supply of methylated spirits for drinking

Section 62 of the Principal Act is amended by omitting "Penalty: Imprisonment for 3 months." and substituting the following:

"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.".

35. Possession etc. of methylated spirits required to contain additive

Section 63 of the Principal Act is amended –

- (a) by omitting from subsection (1) "his possession or under his" and substituting "his or her possession or under his or her";

- (b) by omitting from subsection (1) "Penalty: Imprisonment for 3 months." and substituting the following:

"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."; and

- (c) by omitting from subsection (2) "he" and "him" and substituting "he or she" and "him or her" respectively.

36. Possession, use etc. prohibited or subject to conditions

Section 65 of the Principal Act is amended –

- (a) by omitting from subsection (1) "Penalty: \$10,000 or imprisonment for 5 years." and substituting the following:

"Penalty: If the offender is a natural person – 500 penalty units.

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

- (b) by omitting from subsection (2) "Penalty: \$2,000 or imprisonment for 2 years." and substituting the following:

"Penalty: If the offender is a natural person – 200 penalty units.

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

37. Compliance with order to withdraw hazardous substance

Section 86 of the Principal Act is amended by omitting "Penalty: \$200 or imprisonment for 3 months." and substituting the following:

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

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

38. Obstruction of police or inspector

Section 87 of the Principal Act is amended –

- (a) by omitting "his" and "him" and substituting "his or her" and "him or her" respectively; and

- (b) by omitting "Penalty: \$500 or imprisonment for 6 months." and substituting the following:

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

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

39. Repeal and substitution

Section 90 of the Principal Act is repealed and the following substituted:

"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.

"(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.

"(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 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."

40. Repeal and substitution

Section 91A of the Principal Act is repealed and the following substituted:

"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)."

41. Regulations

Section 92 of the Principal Act is amended by omitting subsection (2)(b) and substituting the following:

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

42. New section

The Principal Act is amended by inserting after section 92 the following:

"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."

43. Repeal

The Schedules to the Principal Act are repealed.

44. Further amendments

The Principal Act is amended as set out in the Schedule.

45. Savings and transitional

(1) If, immediately before the commencement of section 11, a registered nurse was approved by a notice under section 29(4A) of the Principal Act to possess and use a Schedule 1, 2, 3, 4, or 8 substance in accordance with a protocol specified in the notice, that approval continues in force as if it were an approval under section 29(4A) of the Principal Act as amended by this Act –

- (a) for the period (if any) specified in the notice; or
- (b) until the notice is varied or revoked by the Chief Health Officer.

(2) If, immediately before the commencement of section 14, a person was authorised under section 31A of the Principal Act to sell or supply a Schedule 8 substance, that authorisation continues in force as if it were an authorisation granted under Part VA of the Principal Act as amended by this Act –

- (a) for the period (if any) specified in the authorisation; or
- (b) until varied, suspended or revoked by the Chief Health Officer.

(3) If, immediately before the commencement of section 31, a person was authorised under section 53 of the Principal Act to possess and use a Schedule 7 substance, that authorisation continues in force as if it were an authorisation under section 53 of the Principal Act as amended by this Act –

- (a) for the period (if any) specified in the authorisation; or
- (b) until varied or revoked by the Chief Health Officer.

SCHEDULE

Section 44

Provision	Amendment	
	omit	substitute
Section 7(1)	his	the Chief Health Officer's
Section 9(a)(ii)	authorized	authorised
Section 9(a)(iii)	authorized	authorised
	veterinary surgeon	veterinarian
Section 9(b)	he	the inspector
Section 9(f)	he (all references)	the inspector
Section 10(a) and (b)	veterinary surgeon	veterinarian
Section 12(3)	he	the Chief Health Officer
Section 13(1)	his	his or her
Section 15	his	the Chief Health Officer's
Section 16	his	his or her
Section 16(b)	authorized	authorised
Section 18(3)	he	the Chief Health Officer
Section 19(1)	his	his or her
Section 20(a) and (b)	his	the
Section 21	his	the Chief Health Officer's
Section 22	his	his or her
Section 22(b)	authorized	authorised
Section 24(2)(b)	him	the applicant

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Section 24(3)	he is (first reference)	
Section 24(3)(a)	he	
Section 24(4)	authorize	authorise
Section 24(5)(a)	authorized	authorised
Sections 24(6)(a) and 25(a) and (b)	his	the
Section 26(2)(c)	he	the Chief Health Officer
Section 27	a person employed by him	an employee of that licensee
Section 27(a)	is personally known to him or is known to an adult person, known personally by the licensee or person employed by him, as the case may be, who is accompanying that first- mentioned person	is, or is accompanied by an adult who is, personally known to the licensee or employee (as the case may be)
Section 27(c)	he	the licensee or employee
Heading to Part V	MEDICAL PRACTITIONERS, DENTISTS AND VETERINARY SURGEONS	DENTISTS AND VETERINARIANS
Section 32	veterinary surgeon	veterinarian
Section 35(2)	such supply by him of the substance	supply
	authorized	authorised
Section 37(1)(b)	veterinary surgeon	veterinarian

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Section 37(2)	he shall veterinary surgeon him to supply him within	he or she must veterinarian the supply of the pharmacist within
Section 38	his possession him under his veterinary surgeon	his or her possession the person under his or her veterinarian
Heading to Part VII	HOSPITALS	HOSPITALS, HEALTH CENTRES ETC.
Section 42	authorize	authorise
Section 43(1)	authorized	authorised
Section 43(2)	\$200	20 penalty units
Section 52A(2)	he	he or she
Section 52A(2)(b)	his	his or her
Section 52A(3)	he	he or she
Section 52A(3)(a)	Register	register of pesticides
Section 56(1)	he is as he	as he or she
Section 57	him	the Chief Health Officer
Section 58	section 55	section 56
Section 59(2)	\$200	20 penalty units
Section 60	veterinary surgeons	veterinarians
Section 61	Imprisonment for 3 months	20 penalty units
Section 70A(1)	\$500	100 penalty units
Section 71(1)(a)	veterinary surgeon	veterinarian

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Section 78(1)	authorize authorized authorization	authorise authorised authorisation
Section 78(2)	authorize	authorise
Section 78(2)(b)	he is	
Section 78(3)	authorization (all references)	authorisation
Section 81A	31,	31(3), 31D(1), 31F(1), 31N(3),
Section 81B	the whole section	
Section 89	he	the Minister

ALTERATION TO SECTION HEADING

On the day on which the *Poisons and Dangerous Drugs Act* is amended by this Act, in addition to any alteration to section headings indicated in the text of this Act, the heading to section 42 of the *Poisons and Dangerous Drugs Act* is altered by omitting "**Authorization**" and substituting "**Authorisation**".