



NORTHERN TERRITORY OF AUSTRALIA

No. 75 of 1985

AN ACT

To amend the *Poisons and Dangerous Drugs Act*

[Assented to 24 December 1985]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Poisons and Dangerous Drugs Amendment Act 1985*.

2. COMMENCEMENT

The several sections of this Act shall come into operation on such dates as are respectively 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 the definition of "cocaine" in subsection (1) "(D^{20°} = - 16°4 in 20% chloroform)";
- (b) by inserting after the definition of "opium" in subsection (1) the following:
"pesticide" means a substance or organism manufactured or supplied for -

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- (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;"
- (c) by inserting after the definition of "prohibited drug" in subsection (1) the following:
- "'register' means the register kept and maintained under section 52A(2);
- 'registered pesticide' means a pesticide registered in the register;
- 'Registrar' means the person appointed under section 52A(1) as the Registrar of Pesticides;" and
- (d) by inserting in subsection (3) after "Schedule II" the words "or Schedules 1 to 8 (inclusive)".

5. POWERS OF INSPECTORS

Section 9(g) of the Principal Act is amended by omitting "or the *Containers for Hazardous Substances Act*".

6. APPLICATION FOR LICENCE

Section 24(3) of the Principal Act is amended by inserting -

- (a) in paragraph (a) after "licence" the words "and he is not otherwise licensed under this Part"; and
- (b) in paragraph (b) after "purpose" the words "and constitute one retail outlet only".

7. SUPPLY BY PHARMACISTS

Section 28 of the Principal Act is amended -

- (a) by inserting in subsection (1)(b) after "person" the words "subject to the recording, in an approved form, of details required by the Chief Medical Officer to be recorded";

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(b) by omitting from subsection (1)(c)(i) "or" (last occurring);

(c) by inserting after subsection (1)(c)(ii) the following:

"(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; or";

(d) by omitting from subsection (4) -

(i) "A pharmacist" and substituting "Subject to subsection (1)(c), a pharmacist"; and

(ii) "was written." and substituting the following:

"was written and -

(a) in the case of a Schedule 4 substance, the pharmacist or person employed by him, as the case may be, is satisfied that a restriction specified in the Schedule in relation to the substance has not been, or will not be, breached; and

(b) in the case of a Schedule 8 substance, the pharmacist or person employed by him, as the case may be, verifies the details of the prescription by speaking or by telephone to, or face to face with, the medical practitioner who issued the prescription."; and

(e) by adding at the end the following:

"(6) The Chief Medical Officer may, by instrument in writing, authorize 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."

8. SUPPLY OF SUBSTANCES FOR THERAPEUTIC USE

Section 29 of the Principal Act is amended -

(a) by omitting from subsection (3) "prescribed medical condition" and substituting "medical condition other than addiction"; and

(b) by inserting after subsection (4) the following:

"(4A) A registered nurse within the meaning of the *Nursing Act* registered in a category of nursing approved, by notice in the *Gazette*, by the Chief Medical Officer may possess and supply a Schedule 1, 2, 3, 4 or 8 substance in the course of her duties.

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"(4B) A registered dental therapist within the meaning of the *Dental Act* may possess and supply a Schedule 4 substance, where the possession or supply is in accordance with a determination made, by notice in the *Gazette*, by the Chief Medical Officer.

"(4C) A person who is registered under the *Health Practitioners and Allied Professionals Registration Act* in the category of health practice of Aboriginal health work may possess and supply a Schedule 2, 3 or 4 substance, where the possession or supply is approved, in writing, by the Chief Medical Officer.

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

9. NEW SECTION

The Principal Act is amended by inserting after section 29 the following:

"29A. RESTRICTION ON PRESCRIPTION OF AMPHETAMINES

"(1) Notwithstanding section 29, a medical practitioner shall not prescribe an amphetamine except for a person suffering from narcolepsy or for a person who has not attained the age of 21 years and is suffering from hyperkinetic brain damage.

"(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."

10. CONTENTS OF PRESCRIPTIONS

Section 33 of the Principal Act is amended -

(a) by omitting paragraph (d) and substituting the following:

"(d) be signed by the person who issued it;

(da) where the Chief Medical Officer has, under subsection (2), directed medical practitioners to comply with requirements when issuing prescriptions, comply with those requirements;"
and

(b) by adding at the end the following:

"(2) Subject to subsection (1), the Chief Medical Officer may direct medical practitioners to comply with requirements specified in the direction when issuing prescriptions."

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11. PERIOD OF EFFECT OF PRESCRIPTIONS

Section 34 of the Principal Act is amended -

- (a) by omitting from subsection (1) "6 months" and substituting "12 months"; and
- (b) by omitting subsection (2) and substituting the following:

"(2) A prescription for the supply of a Schedule 8 substance -

- (a) shall remain in effect only for 2 months from the date of its issue; and
- (b) subject to subsection (2A), shall not provide for more than 2 months supply of the substance.

"(2A) A medical practitioner may issue a prescription for more than 2 months supply of a Schedule 8 substance where he has obtained the approval of the Chief Medical Officer to do so."

12. RECORD OF PRESCRIPTIONS

Section 36(3) of the Principal Act is amended by omitting subsection (3) and substituting the following:

"(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 Medical Officer -

- (a) the cancelled prescription or a copy of the authority on which he supplied the substance; or
- (b) where a prescription authorizes supply on a later occasion - a copy of the prescription.

Penalty: \$200."

13. LIABILITY FOR SAFE STORAGE IN HOSPITALS

Section 39(2) of the Principal Act is amended by inserting before paragraph (a) the following:

"(aa) a person authorized for the purposes of section 29 or under section 42, to possess the poison;"

14. NEW PART HEADING AND SECTION

The Principal Act is amended by omitting the heading for Part XI and substituting the following:

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"PART XI - SCHEDULE 7 SUBSTANCES
AND PESTICIDES

"52A. REGISTRAR OF PESTICIDES AND REGISTER

"(1) The Chief Medical Officer shall appoint an employee, within the meaning of the *Public Service Act*, who is employed in the Department of Primary Production to be the Registrar of Pesticides.

"(2) The Registrar shall keep and maintain a register of pesticides in which he may register -

- (a) pesticides which are registered in a State or another Territory of the Commonwealth; and
- (b) other pesticides which, in his opinion, are suitable for use in the Territory as pesticides.

"(3) Where, under subsection (2), the Registrar registers a pesticide, he may -

- (a) impose, by notation in the Register, conditions in relation to the use of the pesticide so registered; or
- (b) specify other purposes for which the pesticide may be used."

15. APPLICATION FOR LICENCE

Section 55(1) of the Principal Act is amended by omitting "A person may" and substituting after "person" the words "A person who uses or applies a registered pesticide for a fee or reward shall, and other persons may,".

16. NEW SECTION

The Principal Act is amended by inserting in Part XI after section 59 the following:

"59A. OFFENCE TO DEAL WITH UNREGISTERED PESTICIDES

"(1) A person shall not possess or sell a pesticide other than a registered pesticide.

"(2) A person shall not use a registered pesticide except -

- (a) where conditions have been imposed under section 52A(3)(a) in relation to the use of the pesticide, in accordance with those conditions;
- (b) for a purpose specified under section 52A(3)(b);

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- (c) for a purpose and in accordance with a schedule in which it is listed; or
- (d) for a therapeutic purpose.

Penalty: \$500."

17. NEW SECTION

The Principal Act is amended by inserting after section 70 the following:

"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: \$500.

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

18. MINISTER MAY AMEND SCHEDULES

Section 90(1) of the Principal Act is amended by inserting after "amend" the words "Schedule II, III or IV or".

19. REPEAL

The *Insecticides Act, 1910*, (No. 1013 of 1910) of the State of South Australia, in its application to the Territory as a law of the Territory, and the *Containers for Hazardous Substances Act* (No. 50 of 1974) are repealed.

