

THE NORTHERN TERRITORY OF AUSTRALIA

No. 18 of 1981

AN ACT

To amend the Prohibited Drugs Act

[Assented to 9 January 1981]

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 Prohibited Drugs Amendment Act (No. 2) 1980.

2. COMMENCEMENT

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

3. PRINCIPAL ACT

The Prohibited Drugs Act is in this Act referred to as the Principal Act.

4. DEFINITIONS

Section 4 of the Principal Act is amended by inserting after the definition of "cannabis" the following definition:

"'Chief Medical Officer' means the Chief Medical Officer appointed under the Public Health Act";

5. USE, POSSESSION, &c., OF PROHIBITED DRUG

Section 5 of the Principal Act is amended by omitting "A person who" and substituting "Subject to section 15A, a person who".

6. PRESUMPTION WITH REGARD TO POSSESSION OF CERTAIN QUANTITIES OF PROHIBITED DRUG OR CANNABIS

Section 7(1) of the Principal Act is amended by omitting "A person" and substituting "Except where authorized under section 15A, a person".

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7. NEW SECTION

The Principal Act is amended by inserting after section 15 the following new section:

"15A. USE OF DIAMORPHINE HYDROCHLORIDE

"(1) The Chief Medical Officer may, subject to sub-section (2), authorize -

- (a) the possession;
- (b) the sale;
- (c) the production, preparation or manufacture;
- (d) the supply to another person;
- (e) the administering to another person; or
- (f) the use,

of diamorphine hydrochloride, and a person so authorized may possess, sell, produce, prepare, manufacture, supply, administer or use, as the case may be, that drug in accordance with that authorization.

"(2) The Chief Medical Officer shall not authorize -

- (a) the possession, sale, 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 he is 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 authorization referred to in sub-section (1) shall -

- (a) be in writing;
- (b) be signed by the Chief Medical Officer;
- (c) name the person to whom the authorization is given; and

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(d) where the authorization relates to the use or administration of diamorphine hydrochloride, the name of the person who is to use or to be treated with the drug."

8. FURTHER AMENDMENTS

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

SCHEDULE

Section 8

Provision of the Principal Act	Amendment	
	Omit	Substitute
Sections 3(2) and 4	"this Ordinance" (wherever occurring)	"this Act"
Section 4(3)	" <u>Seas and Submerged Lands Act 1973</u> "	" <u>Seas and Submerged Lands Act 1973 of the Commonwealth</u> "
Section 6(3)	" <u>Justices Ordinance</u> "	" <u>Justices Act</u> "
	"this Ordinance"	"this Act"
Section 14(1)	"this Ordinance"	"this Act"
	" <u>Medical Practitioners Registration Ordinance</u> "	" <u>Medical Practitioners Registration Act</u> "
Section 17(3)	"500 dollars"	"\$500"
Section 18(3)	" <u>Justices Ordinance</u> "	" <u>Justices Act</u> "
Section 19(a)	"section 5(a)"	"section 5(a) or"
Section 19(a)(i)	"5,000 dollars"	"\$5,000"
Section 19(c)(i)	"500 dollars"	"\$500"
Section 19(c)(ii)	"1,000 dollars"	"\$1,000"
Section 19(c)(iii)	"2,000 dollars"	"\$2,000"
Section 21(1), (2)	" <u>Justices Ordinance</u> "	" <u>Justices Act</u> "

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Provision of the Principal Act	Amendment	
	Omit	Substitute
Section 24	"this Ordinance" (wherever occurring)	"this Act"
	"500 dollars"	"\$500"
Schedules 1 and 2	"Diacetylmorphine (Heroin)"	"Diacetylmorphine"
Schedule 3	"PROHIBITED DRUGS ORDINANCE"	"PROHIBITED DRUGS ACT"
	<u>"Prohibited Drugs Ordinance"</u>	<u>"Prohibited Drugs Act"</u>
	"that Ordinance" (wherever occurring)	"that Act"
Schedule 4	"PROHIBITED DRUGS ORDINANCE"	"PROHIBITED DRUGS ACT"
	<u>"Prohibited Drugs Ordinance"</u>	<u>"Prohibited Drugs Act"</u>
	"that Ordinance"	"that Act"
Long title, sections 1, 2, 15(1), (2), 16(1)(c), (2), 18(1), 25, and Schedule 1	"Ordinance" (wherever occurring)	"Act"