

Serial 117
Poisons and
Dangerous
Drugs
Amendment
(No. 2)
Mr Finch

NORTHERN TERRITORY OF AUSTRALIA
POISONS AND DANGEROUS DRUGS AMENDMENT ACT (No. 2) 1995

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NORTHERN TERRITORY OF AUSTRALIA

A BILL for AN ACT

to amend the *Poisons and Dangerous Drugs Act*

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 (No. 2) 1995*.

2. PRINCIPAL ACT

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

3. INTERPRETATION

Section 6(1) of the Principal Act is amended by inserting before the definition of "British Pharmacopoeia" the following:

"'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;"

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4. SUPPLY OF SUBSTANCE FOR THERAPEUTIC USE

Section 29 of the Principal Act is amended -

(a) by omitting from subsection (3) "section 31" and substituting "sections 31 and 31A"; and

(b) by inserting in subsection (5) before the definition of "sell" the following:

"'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;"

5. NEW SECTION

The Principal Act is amended by inserting after section 31 the following:

"31A. SALE OR SUPPLY OF CERTAIN SUBSTANCES FOR TREATMENT OF ADDICTION

"(1) Subject to this section, the Chief Medical Officer may, in his discretion, by notice in writing to 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), authorise the medical practitioner to sell or supply a Schedule 8 substance for the treatment of addiction.

"(2) The Chief Medical Officer shall only exercise his powers under this section in accordance with the guidelines, from time to time, approved by the Minister.

"(3) Where the Chief Medical Officer exercises his discretion under subsection (1), whether it is to authorise or to refuse to authorise the sale or supply of a Schedule 8 substance for the treatment of addiction, he shall provide a report in writing to the Minister containing such information as the Minister may, from time to time, require relating to the operation of this section.

"(4) An authorisation under this section may be subject to such conditions, if any, as the Chief Medical Officer thinks fit."

6. APPLICATION

Section 32 of the Principal Act is amended by omitting "medical practitioner" and substituting "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)".

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7. CONTENTS OF PRESCRIPTIONS

Section 33(1) of the Principal Act is amended by inserting after paragraph (e) the following:

"(ea) where the substance to be supplied is a Schedule 8 substance -

(i) bear on its face the words 'FOR TREATMENT OF A MEDICAL CONDITION OTHER THAN ADDICTION'; or

(ii) where the supply is in accordance with an authorisation under section 31A, bear on its face the words 'AUTHORISED FOR SUPPLY FOR TREATMENT OF ADDICTION'".

8. NEW SECTION

The Principal Act is amended by inserting after section 81A the following:

"81B. GENERAL PENALTY

"A person who contravenes or fails to comply with a provision of this Act in respect of which no penalty, other than by this section, is provided, is guilty of an offence.

Penalty: \$2,000 or imprisonment for 2 years."

9. NEW SECTION

The Principal Act is amended by inserting after section 91 the following:

"91A. DISCLOSURE OF INFORMATION TO MEDICAL PRACTITIONERS

"(1) The Chief Medical Officer may, as he thinks fit -

(a) maintain, and distribute from time to time to medical practitioners, a list of persons whom the Chief Medical Officer suspects, as a result of information obtained under this Act, of having an addiction to a substance to which this Act applies; or

(b) in response to a request by a medical practitioner in respect of a particular person, confirm whether the Chief Medical Officer suspects, as a result of information obtained under this Act, that the person has an addiction to a substance to which this Act applies.

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"(2) A medical practitioner shall not, except to another medical practitioner in the course of and for the purpose of the practise of medicine or with the approval of the Chief Medical Officer, disclose, directly or indirectly, to a person any information provided to the medical practitioner under this section.

"(3) No action or proceedings, civil or criminal, shall be commenced or be continued against the Chief Medical Officer for or in relation to any thing done in good faith by the Chief Medical Officer in the exercise of his powers under this section."
