

Serial 66
Medicines, Poisons and Therapeutic Goods Amendment Bill 2014
Ms Lambley

A Bill for an Act to amend the *Medicines, Poisons and Therapeutic Goods Act*

NORTHERN TERRITORY OF AUSTRALIA

MEDICINES, POISONS AND THERAPEUTIC GOODS AMENDMENT
ACT 2014

Act No. [] of 2014

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NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2014

An Act to amend the *Medicines, Poisons and Therapeutic Goods Act*

[Assented to [] 2014]
[Second reading [] 2014]

The Legislative Assembly of the Northern Territory enacts as follows:

1 Short title

This Act may be cited as the *Medicines, Poisons and Therapeutic Goods Amendment Act 2014*.

2 Act amended

This Act amends the *Medicines, Poisons and Therapeutic Goods Act*.

3 Section 5 amended

- (1) Section 5, definitions *Aboriginal health worker*, *approved Aboriginal health worker*, *record*, *sign* and *written*

omit

- (2) Section 5

insert (in alphabetical order)

Aboriginal and Torres Strait Islander health practitioner, see section 28(1).

approved ATSI health practitioner, see section 28(2).

dental hygienist, see section 26(3).

oral health therapist, see section 26(4).

- (3) Section 5, definition *approved ambulance officer*

omit

28(3)

insert

28A

- (4) Section 5, definition *pharmacy*

omit

8

insert

7

- (5) Section 5, definition *prohibited circumstance*, paragraph (a) (*second reference*)

renumber as paragraph (b)

4 Section 19 amended

Section 19, note 1

omit

, see the definition *written* in section 5.

insert

in accordance with the Electronic Transactions (Northern Territory) Act.

5 Section 26 amended

After section 26(2)

insert

- (3) A *dental hygienist* is a person registered under the Health Practitioner Regulation National Law:
- (a) to practise in the dental profession as a dental hygienist (other than as a student); and
 - (b) in the dental hygienists division of that profession.

-
- (4) An ***oral health therapist*** is a person registered under the Health Practitioner Regulation National Law:
- (a) to practise in the dental profession as an oral health therapist (other than as a student); and
 - (b) in the oral health therapists division of that profession.

6 Section 28 replaced

Section 28

repeal, insert

28 Meaning of ***Aboriginal and Torres Strait Islander health practitioner*** and ***approved ATSI health practitioner***

- (1) An ***Aboriginal and Torres Strait Islander health practitioner*** is a person registered under the Health Practitioner Regulation National Law to practise in the Aboriginal and Torres Strait Islander health practice profession (other than as a student).
- (2) An ***approved ATSI health practitioner*** is an Aboriginal and Torres Strait Islander health practitioner declared under section 250(1)(b) to be an approved ATSI health practitioner.

28A Meaning of ***approved ambulance officer***

An ***approved ambulance officer*** is an ambulance officer declared under section 250(1)(c) to be an approved ambulance officer.

7 Section 34 amended

- (1) Section 34, heading, after "of"

insert

certain

- (2) Section 34(1)(a), after "substance"

insert

, other than a Schedule 5 or 6 substance,

8 Section 35 amended

- (1) Section 35, heading, after "of"

insert

certain

- (2) Section 35(1)(a), after "substance"

insert

, other than a Schedule 5 or 6 substance,

9 Section 59A inserted

After section 59

insert

59A Supplying unrestricted Schedule 4 substance – continued dispensing

A pharmacist may, in the course of practising in the pharmacy profession, supply an unrestricted Schedule 4 substance to a person if:

- (a) the substance is a pharmaceutical benefit that is covered by an instrument made under section 89A(3) of the *National Health Act 1953* (Cth); and
- (b) the supply is made in accordance with the conditions that are specified in that instrument as if the pharmacist were an approved pharmacist.

10 Section 62 replaced

Section 62

repeal, insert

62 Qualified pharmacist may supply and administer Schedule 4 vaccine

A pharmacist who has the qualifications prescribed by the CHO by *Gazette* notice may, in the course of practising in the pharmacy profession, supply or administer a Schedule 4 substance that is a vaccine to a person.

11 Section 63 replaced

Section 63

repeal, insert

63 Aboriginal and Torres Strait Islander health practitioners

- (1) An Aboriginal and Torres Strait Islander health practitioner may, in the course of practising in the Aboriginal and Torres Strait Islander health practice profession:
 - (a) supply or administer a Schedule 4 or 8 substance, other than a vaccine, to another person; and
 - (b) possess the substance for those purposes.
- (2) An ATSI health practitioner who has the qualifications prescribed by the CHO by *Gazette* notice may, in the course of practising in the Aboriginal and Torres Strait Islander health practice profession:
 - (a) supply or administer a Schedule 4 substance that is a vaccine to another person; and
 - (b) possess the substance for those purposes.
- (3) However, an approved ATSI health practitioner must deal with a Schedule 4 or 8 substance in accordance with the Scheduled substance treatment protocol applying to the health practitioner.
- (4) In addition, if an authorised prescriber, by administration order, authorises an Aboriginal and Torres Strait Islander health practitioner to administer a Schedule 4 or 8 substance, the health practitioner must administer the substance in accordance with the order.

12 Section 65 amended

- (1) Section 65(1)(a), after "substance"

insert

, other than a vaccine,

(2) After section 65(1)

insert

(1A) A nurse or midwife who has the qualifications prescribed by the CHO by *Gazette* notice may, in the course of practising in the nursing and midwifery profession as a nurse or midwife:

(a) supply or administer a Schedule 4 substance that is a vaccine to another person; and

(b) possess the substance for those purposes.

13 Section 67 amended

(1) Section 67, heading, after "**therapists**"

insert

, dental hygienists and oral health therapists

(2) Section 67, after "therapist" (*all references*)

insert

, dental hygienist or oral health therapist

14 Chapter 2, Part 2.3, Division 1, Subdivision 4 heading amended

Chapter 2, Part 2.3, Division 1, Subdivision 4, heading

omit

professionals

insert

practitioners

15 Section 70 repealed

Section 70

repeal

16 Section 71 amended

Section 71(1) to (4)

omit

professional

insert

practitioner

17 Section 72 amended

(1) Section 72

omit

professional

insert

practitioner

(2) Section 72, note

omit

professional

insert

practitioner

18 Section 92 amended

(1) Section 92(1)(a)

omit

Aboriginal health worker

insert

ATSI health practitioner

(2) Section 92(1)(b)

omit

or verbal

(3) Section 92, note 1

omit

, see the definition **written** in section 5.

insert

in accordance with the Electronic Transactions (Northern Territory) Act.

19 Section 99 amended

(1) Section 99(1)(a), (2) and (3)

omit (all references)

professional

insert

practitioner

(2) Section 99(1)(a)

omit

professional's

insert

practitioner's

(3) Section 99(1)(b)

omit, insert

(b) in the course of practising the health profession, the health practitioner:

(i) is supplied a Schedule 3 substance; or

(ii) is supplied a Schedule 4 or 8 substance on a prescription or supply order of an authorised prescriber for the substance; and

(c) the substance is supplied for administering to a patient of the hospital, resident at the residential facility or person receiving medical treatment at the declared place (the **relevant patient**).

(4) Section 99(4)

omit

20 Section 100 amended

(1) Section 100(1)

omit, insert

(1) This section applies if a health practitioner supplies or administers a Schedule 8 substance to one of the following persons (the ***patient***):

- (a) a patient of a hospital;
- (b) a resident of a residential facility;
- (c) a person receiving medical treatment at a declared place.

(1A) The health practitioner commits an offence if:

- (a) a person who is neither the practitioner nor the patient (the ***third party***) does not witness the supply or administration; or
- (b) the third party does not sign the record prescribed by regulation for this purpose.

Maximum penalty: 20 penalty units.

(2) Section 100(2)

omit

Subsection (1)

insert

However, subsection (1A)

(3) Section 100(2)(a)

omit

health worker (the ***health professional***)

insert

and Torres Strait Islander health practitioner (the ***health practitioner***)

(4) Section 100(2)(a)(i) and (iii)

omit (all references)

professional

insert

practitioner

21 Section 109 repealed

Section 109

repeal

22 Section 110 amended

Section 110(3)

omit

as prescribed by regulation

23 Section 129 amended

Section 129(b), after "4"

insert

, 7

24 Section 144 amended

Section 144(a)(i)

omit

authorised or veterinarian

insert

or veterinarian authorised

25 Section 249 amended

(1) Section 249, heading, after "**therapist**"

insert

, **dental hygienist or oral health therapist**

-
- (2) Section 249, after "therapist"

insert

, dental hygienist or oral health therapist

26 Section 250 amended

- (1) Section 250, heading

omit

Aboriginal health workers

insert

ATSI health practitioners

- (2) Section 250(1)(b)

omit

Aboriginal health worker to be an approved Aboriginal health worker

insert

Aboriginal and Torres Strait Islander health practitioner to be an approved ATSI health practitioner

- (3) Section 250, note

omit

Aboriginal health worker

insert

ATSI health practitioner

27 Section 254 amended

Section 254, note

omit

Aboriginal health worker

insert

ATSI health practitioner

28 Section 261 amended

Section 261(2)(f)

omit

Schedule 8

insert

Scheduled

29 Section 281 amended

(1) Section 281(2)(a)

omit

including authorising others dealing

insert

including authorising others to deal

(2) After section 281(2)(a)

insert

(ab) storage, transport and destruction of regulated substances;

(3) Section 281(2)(g)

omit

but not with a penalty exceeding 100 penalty units

30 Section 283 amended

Section 283, definition *old authority*, paragraph (f)

omit

31H

insert

31G

31 Schedule 1 amended

Schedule 1

omit

38(2),

32 Expiry of Act

This Act expires on the day after it commences.