

NORTHERN TERRITORY OF AUSTRALIA  
POISONS AND DANGEROUS DRUGS REGULATIONS

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Regulations 2004, No. 43

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# NORTHERN TERRITORY OF AUSTRALIA

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Regulations 2004, No. 43\*

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## **Regulations under the *Poisons and Dangerous Drugs Act***

I, EDWARD JOSEPH EGAN, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Poisons and Dangerous Drugs Act*.

Dated 20 December 2004.

E. J. EGAN  
Administrator

By His Honour's Command

P. R. HENDERSON  
Minister for Business and Industry  
acting for and on behalf of the  
Minister for Health

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\* Notified in the *Northern Territory Government Gazette* on 5 January 2005.

## **POISONS AND DANGEROUS DRUGS REGULATIONS**

### **PART 1 – PRELIMINARY**

#### **1. Citation**

These Regulations may be cited as the Poisons and Dangerous Drugs Regulations.

#### **2. Commencement**

These Regulations come into operation on the commencement of the *Poisons and Dangerous Drugs Amendment Act 2004*.

#### **3. Definitions**

In these Regulations –

"Agency" means the Agency administering the Act;

"contravene" includes fail to comply with;

"Scheduled substance" means a substance referred to in Part 4 of the SUSDP.

#### **4. Exemptions**

(1) The Chief Health Officer may exempt a person or class of persons from the application of a provision of these Regulations.

(2) The exemption must be –

(a) by notice in writing directed to the person; or

(b) by notice in the *Gazette* if the exemption relates to a class of persons.

### **PART 2 – SUPPLY OF SCHEDULED SUBSTANCES**

#### **5. Section 40(3): time for notification by nurse in charge**

For section 40(3) of the Act, the nurse in charge of a health centre must notify the Chief Health Officer of the details of the administration or supply of a Schedule 8 substance within 6 months after the date of the administration or supply.

**6. Section 90(2): Scheduled substance treatment protocols**

For section 90(2) of the Act, a Scheduled substance treatment protocol may include any of the following matters:

- (a) the classification and name of the Scheduled substance to which the protocol relates;
- (b) the dose, route and frequency of administration of the Scheduled substance;
- (c) the categories of persons to whom the protocol relates and any restrictions, qualifications or accreditation applicable to those persons;
- (d) descriptions of the clinical situations in which the protocol applies;
- (e) indications for use of the Scheduled substance;
- (f) contraindications for use of the Scheduled substance;
- (g) the procedure for documenting the administration of the Scheduled substance in the medical records of the person being treated;
- (h) the date on which the Chief Health Officer approved the protocol.

**PART 3 – LABELS AND CONTAINERS**

**7. Part 2 of SUSDP: labels and containers**

(1) Part 2 of the SUSDP applies in relation to labels and containers for Scheduled substances.

(2) A person must not contravene Part 2 of the SUSDP.

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

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

(3) If a paragraph of Part 2 of the SUSDP is amended, the amended paragraph does not apply in relation to any Scheduled substance that, immediately before the amendment takes effect, is labelled or packaged (as applicable) in accordance with the paragraph as in force immediately before the amendment takes effect.

(4) A reference in subregulation (3) to an amended paragraph includes a reference to a paragraph that is substituted for a repealed paragraph.

**8. Appendix E: first aid instructions**

(1) Appendix E applies in relation to the labelling of Scheduled substances with first aid instructions.

(2) A manufacturer, wholesaler or retailer of a Scheduled substance must ensure the substance is labelled with appropriate first aid instructions.

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

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

**9. Appendix F: warning statements and safety directions**

(1) Appendix F applies in relation to the labelling of Scheduled substances with warning statements and safety directions.

(2) A manufacturer, wholesaler or retailer of a Scheduled substance must ensure the substance is labelled with appropriate and sufficient warning statements and safety directions.

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

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

**PART 4 – STORAGE, TRANSPORT AND DISPOSAL**

**10. Standards for storage and transport of Schedule 8 substances**

(1) The relevant Code, as in force from time to time, applies in relation to the storage and transport of Schedule 8 substances.

(2) A person must not contravene the relevant Code.

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

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

(3) In this regulation –

"relevant Code" means the document entitled "Code of Practice for the Storage and Transport of Schedule 8 Substances" published by the Agency.

**11. Disposal of Schedule 8 substances**

(1) A person permitted by the Act to supply a Schedule 8 substance must not dispose of the substance unless the disposal is witnessed by one of the following persons:

- (a) an inspector;
- (b) a veterinarian;
- (c) a person registered under the *Health Practitioners Act* in any of the following categories of health care practice:
  - (i) Aboriginal health work;
  - (ii) dentistry;
  - (iii) medicine;
  - (iv) midwifery;
  - (v) nursing;
  - (vi) optometry;
  - (vii) pharmacy.

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

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

(2) A person who disposes of a Schedule 8 substance must record the disposal in an approved form, sign the record and ensure the witness also signs the record.

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

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

**PART 5 – MISCELLANEOUS**

**12. Part 3 of SUSDP: miscellaneous regulations**

(1) The miscellaneous regulations in Part 3 of the SUSDP apply together with any Appendix to the SUSDP referred to in those regulations.

(2) A person must not contravene the miscellaneous regulations in Part 3 of the SUSDP.

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

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

(3) In this regulation –

"miscellaneous regulations" means paragraphs 32, 33, 35(1) and (3), 37(1) and (3), 39, 40, 41, 42 and 44 of Part 3 of the SUSDP.

### **13. Appendix I: paint standards**

(1) Appendix I applies in relation to the manufacture, supply and use of paint.

(2) A person must not contravene Appendix I.

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

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

### **14. Section 31Q: Committee members**

For section 31Q of the Act, the members of the Committee to be appointed by the Chief Health Officer are as follows:

- (a) at least one medical practitioner with expertise in pain management;
- (b) at least one medical practitioner nominated by each of the NT Divisions of General Practice;
- (c) at least one medical practitioner nominated by the Australian Medical Association;
- (d) a medical practitioner employed by the Agency, working in the community drugs program managed by the Agency;
- (e) a person who is not a medical practitioner, working in the community drugs program managed by the Agency;
- (f) a pharmacist nominated by the Pharmacy Guild of Australia (NT Branch);
- (g) any other persons with appropriate qualifications for membership considered by the Chief Health Officer to be suitable for appointment.

**PART 6 – REPEAL**

**15. Repeal**

The Poisons and Dangerous Drugs Regulations (Regulations 1985, No. 9) are repealed.

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