1992

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Health)

Poisons and Drugs (Amendment) Bill 1992

TABLE OF PROVISIONS

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(As presented)

(Minister for Health)

Poisons and Drugs (Amendment) Bill 1992

A BILL

FOR

An Act to amend the *Poisons and Drugs Act 1978*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Short title

1. This Act may be cited as the *Poisons and Drugs (Amendment) Act 1992*.

Commencement

2. (1) Sections 1, 2 and 3 commence on the day on which this Act is notified in the *Gazette*.

(2) The remaining provisions commence on a day, or respective days, fixed by the Minister by notice in the *Gazette*.

(3) If a provision referred to in subsection (2) has not commenced before the end of the period of 6 months commencing on the day on which

this Act is notified in the *Gazette*, that provision, by force of this subsection, commences on the first day after the end of that period.

Principal Act

3. In this Act, "Principal Act" means the *Poisons and Drugs Act 1978*.[1]

Interpretation

4. Section 3 of the Principal Act is amended—

(a) by omitting from subsection (1) the definition of "scheduled substance";

(b) by inserting in subsection (1) the following definitions:

" 'approving officer' means a person who is authorised by a recognised institution to—

(a) approve a program;

(b) request the cancellation of an authorisation; or

(c) support an application for renewal;

on its behalf;

'authorisation' means an authorisation granted under section 47P;

'authorised person' means the holder of an authorisation;

'Board' means the Board of Health;

'determined fee' means the fee determined by the Minister under section 54 for the purposes of the provision in which the expression occurs;

'Drugs and Poisons Standard' means the latest Standard for the Uniform Scheduling of Drugs and Poisons recommended by the National Health and Medical Research Council, as amended from time to time, and as modified by the Board by instrument for the purposes of this Act;

'licence' means a manufacturer's or vendor's licence granted under section 47B;

'licensee' means a person who has been granted a licence that has not been cancelled;

'manufacture', in relation to a scheduled substance, means—

(a) carry out any process by which it is obtained;

(b) refine it;

(c) transform it into another scheduled substance;

(d) mix or compound it; or

(e) pack or repack it for the purpose of sale or for use in connection with a profession, trade, business or industry;

'poison' means a Schedule 7 substance;

'Poisons Register' means a Poisons Register kept under section 47K;

'program' means a program of research or education conducted under the supervision of a recognised institution;

'recognised institution' means—

(a) the Board;

(b) the Commonwealth Scientific and Industrial Research Organisation; or

(c) a prescribed institution;

'relevant offence' means—

(a) an offence against this Act; or

(b) an offence, whether within or without Australia—

(i) relating to a scheduled substance; or

(ii) punishable on conviction by a fine of not less than $10,000 (or, if without Australia, a fine equivalent to that amount at the time of conviction) or by imprisonment for a period of not less than 1 year;

'sell' includes offer or expose for sale;

'specified poison' means—

(a) in relation to an authorised person—a poison specified in his or her authorisation under paragraph 47P (4) (b); or

(b) in relation to a licensee—a poison specified in his or her licence under paragraph 47B (3) (b);

'specified premises', in relation to a licence, means any premises the address of which is specified in the licence pursuant to paragraph 47B (3) (c);

'trial protocol', in relation to a program of research, means a written statement describing—

(a) its aims;

(b) the proposed means of conducting it; and

(c) the proposed method of analysis of its results;"; and

(c) by omitting subsections (2) and (3) and substituting the following subsections:

"(2) A reference in this Act to a scheduled substance shall be read as a reference to a substance specified in a schedule to the Drugs and Poisons Standard and includes a reference to the substance as interpreted by subclause 1.1 of the 'Interpretation of Schedule Entries' in Part 4 of the Standard.

"(3) A reference in this Act that consists of a reference to a schedule followed immediately by the word 'substance' shall be read as a reference to a substance specified in that schedule to the Drugs and Poisons Standard.

"(4) An instrument made by the Board for the purposes of the definition of 'Drugs and Poisons Standard' is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*.".

Insertion

5. After section 3 of the Principal Act, the following section is inserted in Part I:

Act binds Crown

"4. (1) This Act binds the Crown.

"(2) Nothing in this Act renders the Crown liable to be prosecuted for an offence.".

Labelling of immediate container and primary pack

6. Section 37 of the Principal Act is amended—

(a) by omitting subsection (1A);

(b) by omitting from Column 1 of the table in subsection (2) "Drug of dependence" and substituting "Schedule 8 substance";

(c) by omitting from paragraph (3) (c) "drug of dependence" and substituting "Schedule 8 substance";

(d) by omitting paragraph (8) (c) (last occurring) and substituting the following paragraph:

"(ca) the word or expression specified in Column 2 of the following table opposite to the description in Column 1 of that table applicable to that substance written in capital letters;";

(e) by omitting the headings of the First and Second Columns of the table in subsection (8) and substituting "Column 1" and "Column 2" (respectively); and

(f) by omitting from the First Column of the table in subsection (8) "Drug of dependence" and substituting "Schedule 8 substance".

Statements of quantity or proportion of scheduled substances in preparations

7. Section 38 of the Principal Act is amended by omitting subsection (3).

Insertion

8. After Part III of the Principal Act, the following Part is inserted:

"PART IIIA—POISONS

"Division 1—Licensing for manufacture and sale

Application for licence

"47A. (1) A person may apply to the Board for a licence to manufacture or sell a poison.

"(2) An application for a licence—

(a) shall be in writing signed by the applicant;

(b) shall specify—

(i) the full name and business address of the applicant;

(ii) if the applicant is a corporation—the full name and residential address of each director and secretary of the corporation;

(iii) whether the applicant wishes to apply for a manufacturer's or vendor's licence;

(iv) if the applicant proposes to manufacture or sell a poison under a business name—that name;

(v) the poison in relation to which the licence is sought;

(vi) the address of each premises at which that poison is proposed to be manufactured or sold;

(vii) the security arrangements that would be implemented at each premises;

(viii) the name and address of each person under whose supervision the poison specified in subparagraph (v) would be manufactured or sold; and

(ix) where the applicant proposes to manufacture the poison—the qualifications of each person under whose supervision that poison would be manufactured; and

(c) shall be accompanied by—

(i) a plan of the premises—

(A) identifying where the poison specified in subparagraph (b) (v) would be stored and the location and nature of security devices; and

(B) in respect of an application for a manufacturer's licence—identifying each part where a process of manufacture would be carried out and the nature of that process; and

(ii) the determined fee.

Grant of licence

"47B. (1) The Board shall grant a manufacturer's or vendor's licence (as the case requires) on receipt of an application in accordance with section 47A if—

(a) where the applicant is a natural person—it is satisfied that the applicant is not suffering from any mental or physical disability that would render him or her incapable of complying with this Act;

(b) the premises specified in the application are fit for storing the poison and for manufacturing or selling it (as the case requires);

(c) it is satisfied that the manufacture or sale of the poison will at all times be carried out under the supervision of a person possessing

qualifications in chemistry, pharmacy, pharmacology or possessing other appropriate qualifications, or who is otherwise experienced and competent in the handling of poisons; and

(d) the applicant, each supervisor and, if the applicant is a corporation, each director and secretary of the applicant, has not, within 5 years prior to the date of the application, been convicted of a relevant offence.

"(2) Notwithstanding that an applicant, supervisor or, if the applicant is a corporation, a director or secretary of the applicant, has been convicted of an offence referred to in paragraph (1) (d), the Board may grant the licence applied for if satisfied that—

(a) the applicant will or, where the applicant is a corporation, the director or secretary will ensure that the applicant will, only store and manufacture or supply the poison in accordance with the terms of the licence; or

(b) where a supervisor has been convicted—that the supervisor will supervise in accordance with this Act.

"(3) A licence shall specify—

(a) the full name of the licensee;

(b) the poison in relation to which the licence is granted;

(c) the address of each premises at which the specified poison is to be manufactured or sold;

(d) the name of each person who is to supervise the manufacture or sale of the specified poison;

(e) the conditions (if any) to which the licence is subject;

(f) the period for which, under section 47H, the licence is in force; and

(g) any prescribed particular.

Conditions of licence

"47C. The conditions that may be specified in a licence are—

(a) conditions relevant to the licence that are specified in Appendix J to the Drugs and Poisons Standard; and

(b) such other conditions as are necessary and reasonable for ensuring—

(i) the proper manufacture and safe-keeping of the specified poison; or

(ii) the proper supervision of that manufacture or of the sale of the specified poison.

Variation of conditions of licence

"47D. (1) The Board may vary the conditions specified in a licence.

"(2) A notice given under paragraph 49 (1A) (c) shall specify the date on which the variation takes effect, being not less than 28 days after the date of the notice, and the variation takes effect on the date specified.

"(3) On receipt of a licence, a condition of which has been varied, the Board shall—

(a) endorse the licence with the variation of conditions specified in the notice referred to in subsection (2); and

(b) return the licence to the licensee.

Amendment of licence

"47E. (1) The Board may, upon receipt of a licence and of written notification of a change of address of the licensee, amend the address of the licensee specified in the licence.

"(2) The Board may amend the address of premises specified in a licence under paragraph 47B (3) (c).

"(3) The Board shall not amend a licence under subsection (2) unless the licensee has lodged with the Board the licence and written notification of his or her intention to store the specified poison and to manufacture or sell it (as the case requires) at or from premises other than the specified premises at least 28 days before he or she intends to take that action, where that written notification—

(a) specifies—

(i) the address of the new premises;

(ii) the date on which the licensee proposes to commence the manufacture or sale of the poison at the new premises; and

(iii) the security arrangements proposed to be implemented at the new premises; and

(b) is accompanied by a plan of the premises—

(i) identifying where it is proposed the specified poison be stored and the location and nature of security devices; and

(ii) in respect of a manufacturer's licence—identifying each part where a process of manufacture would be carried out and the nature of that process.

"(4) An amendment under subsection (2) takes effect—

(a) on the amendment of the licence by the Board; or

(b) on such later date as is specified in the licence.

"(5) Where the Board has amended a licence under subsection (1) or (2), it shall return it to the licensee.

"(6) Where a licensee proposes that a specified poison be manufactured or sold under the supervision of a person other than a person whose name is specified in the licence under paragraph 47B (3) (d), the licensee shall lodge the licence with the Board together with written notification of the proposed change specifying—

(a) the name;

(b) the address; and

(c) the qualifications or particulars of relevant experience and competence;

of the person under whose supervision the poison would be manufactured or sold.

"(7) On receipt of a notification under subsection (6), the Board shall amend the licence accordingly if satisfied that the person specified in the notice possesses qualifications in chemistry, pharmacy, pharmacology or other appropriate qualifications or is otherwise experienced and competent in the handling of poisons, and the Board shall, whether the licence is amended or not, return the licence to the licensee.

Cancellation of licence

"47F. (1) The Board may cancel a licence—

(a) if the licensee has requested in writing that the licence be cancelled;

(b) if the licensee has not, within 7 days of receipt of a notice of variation of a condition of the licence, submitted the licence to the Board;

(c) if the licensee has not, within 7 days of a change of the licensee's address, submitted the licence and written notification of the change of address to the Board;

(d) if—

(i) the licensee, a person whose name is specified in the licence under paragraph 47B (3) (d) or, if the licensee is a corporation, any of its directors or secretaries, has been convicted of a relevant offence;

(ii) the Board has not already considered the conviction under subsection 47B (2); and

(iii) the power to cancel a licence under this paragraph is exercised within 12 months after the expiration of the period in which an appeal may be lodged against the conviction;

(e) if the licensee has ceased to manufacture or sell the specified poison; or

(f) if the licensee is a natural person—the licensee is, by reason of mental or physical incapacity, no longer competent to hold a licence.

"(2) The cancellation of a licence takes effect on the date on which the notice of cancellation is given pursuant to subsection 49 (1A).

"(3) Where a person whose licence has been cancelled has not been given directions under section 47Z as to the disposal of any poison held at the time of cancellation, he or she shall, as soon as practicable after the cancellation of the licence takes effect, dispose of any poison held.

"(4) A person who, without reasonable excuse, contravenes subsection (3) is guilty of an offence punishable, on conviction, by a fine not exceeding $5,000 or imprisonment for 6 months, or both.

Return of licence etc. to Board

"47G. A person whose licence is cancelled shall not, without reasonable excuse, fail to return his or her licence and any Poisons Register held to the Board as soon as practicable after the cancellation takes effect.

Penalty: $1,000.

Duration of licence

"47H. A licence remains in force, unless sooner cancelled, until the expiration of 31 March next following the date on which it was granted or renewed.

Renewal of licence

"47J. (1) A licensee may, before the expiration of the term of a licence, apply in writing to the Board for its renewal.

"(2) On receipt of an application under subsection (1) and the determined fee, the Board shall renew the licence.

"(3) A renewal under this section takes effect on the day immediately following the day on which, but for its renewal, the licence would have expired.

Poisons Register

"47K. (1) A licensee shall keep at the specified premises, in accordance with this section, a register to be called the 'Poisons Register'.

"(2) The Register shall be kept in written or printed form in the English language or so as to enable the entries to be readily accessible and readily convertible into written or printed form in the English language.

"(3) Where a licensee sells a poison, he or she shall enter particulars of the sale into the Poisons Register not later than 24 hours after the sale.

"(4) It is a defence to a prosecution under subsection (3) that—

(a) it was not reasonably practicable to comply with subsection (3); and

(b) the licensee made such record as was reasonable in the circumstances and entered the appropriate particulars in the Poisons Register as soon as practicable.

"(5) The particulars of the sale to be entered in the Poisons Register are—

(a) the purchaser's name and address;

(b) if—

(i) the purchaser is purchasing on behalf of another person; and

(ii) the name and address of that other person do not appear on a signed order form relating to the sale;

the name and address of that other person;

(c) the date of the purchase;

(d) the quantity and type of poison purchased;

(e) the purpose for which the purchaser states the poison is required; and

(f) where the licensee does not hold an order signed by the purchaser, the purchaser's signature.

"(6) In subsection (5)—

'purchaser' means a person physically present making a purchase, whether or not he or she is an agent for another person.

"(7) A licensee shall not fail, without reasonable excuse, to keep the Poisons Register, and any signed order, until the expiration of the period of

5 years commencing on the date of the last entry made under subsection (3) in that Poisons Register.

Penalty:

(a) if the offender is a natural person—$2,000;

(b) if the offender is a body corporate—$10,000.

Offences by licensee

"47L. A licensee shall not—

(a) manufacture, possess or sell a specified poison at a place other than the specified premises;

(b) sell a specified poison from a place other than the specified premises;

(c) manufacture a specified poison other than under the supervision of a person whose name is specified in the licence for that purpose; or

(d) store, manufacture or sell a specified poison except in accordance with any conditions of the licence.

Penalty: $10,000 or imprisonment for 1 year, or both.

Conditions for sale of poisons

"47M. (1) A licensee shall not sell a poison unless—

(a) he or she has obtained the signature of the purchaser either in the Poisons Register or on an order; and

(b) the purchaser and, if the person taking delivery of the poison is not the purchaser, the person taking delivery is, or is reasonably believed to be, of or over the age of 18 years.

"(2) A licensee shall not sell a poison to a person who—

(a) does not supply his or her name and address;

(b) is an agent for another person and does not supply—

(i) a signed order relating to the sale on which appears that other person's name and address; or

(ii) the name and address of that other person;

(c) does not state the purpose for which the poison is required; or

(d) does not sign the Poisons Register or provide a signed order to the licensee.

Penalty:

(a) if the offender is a natural person—$10,000 or imprisonment for 1 year, or both;

(b) if the offender is a body corporate—$50,000.

"*Division 2—Authorisations*

Application for authorisation

"47N. (1) A person who proposes to conduct a program that requires the possession or use by that person of a poison may apply to the Board for an authorisation in relation to that poison.

"(2) An application for an authorisation shall—

(a) be in writing signed by the applicant;

(b) specify—

(i) the full name, address and academic, professional or other relevant qualifications of the applicant;

(ii) the poison in relation to which the authorisation is sought;

(iii) the strength and form in which that poison is to be possessed and used;

(iv) the period for which the authorisation is sought;

(v) the maximum quantity of that poison to be possessed at any one time and the total quantity to be possessed during the period of the program;

(vi) details of the manner in which that poison would be used in the program;

(vii) the recognised institution where, or under the supervision of which, the program is to be conducted;

(viii) the name and academic, professional or other relevant qualifications of any person other than the applicant under whose supervision the program would be conducted; and

(ix) the arrangements proposed for the safe custody of the poison; and

(c) be accompanied by—

(i) a written description of the program, including its estimated duration;

(ii) in the case of a program of research—a trial protocol;

(iii) a written statement approving the program signed by the approving officer; and

(iv) the determined fee.

Grant of authorisation

"47P. (1) The Board shall grant an authorisation to a person who has applied in accordance with section 47N if—

(a) the relevant program cannot be carried out satisfactorily without the use of the poison specified in the application;

(b) in the case of a program of research—the research is scientifically viable;

(c) it is satisfied that the program will be adequately supervised;

(d) it is satisfied that the applicant is not suffering from any mental or physical disability that would render him or her incapable of complying with this Act; and

(e) the applicant has not, within 5 years prior to the date of the application, been convicted of a relevant offence.

"(2) In deciding whether research is scientifically viable under paragraph (1) (b), the Board shall consider the trial protocol.

"(3) Notwithstanding that an applicant has been convicted of an offence referred to in paragraph (1) (e), the Board may grant him or her an authorisation if satisfied that the applicant will possess or use the poison in accordance with the terms of the authorisation.

"(4) An authorisation shall specify—

(a) the name and address of the person to whom the authorisation is granted;

(b) the poison to which the authorisation relates;

(c) the strength and form in which the specified poison may be possessed and used;

(d) the maximum quantity of the specified poison that may be possessed at any one time, and the total quantity that may be possessed during the period of the program;

(e) the purpose for which the authorisation is granted;

(f) the recognised institution in relation to which the authorisation is granted;

(g) the conditions (if any) to which the authorisation is subject;

(h) the period for which the authorisation is granted; and

(j) any prescribed particulars.

Conditions of authorisation

"47Q. The Board may specify in an authorisation such conditions as are necessary and reasonable for ensuring—

(a) the proper use and safe-keeping of the specified poison; and

(b) that proper records concerning the receipt, use and disposal of the specified poison are kept.

Variation of conditions of authorisation

"47R. (1) The Board may vary the conditions specified in an authorisation.

"(2) A notice given under paragraph 49 (1A) (k) shall specify the date that the variation takes effect, being not less than 28 days after the date of the notice, and the variation takes effect on the date specified.

"(3) On receipt of an authorisation, the Board shall—

(a) endorse the authorisation with the variation of conditions specified in the notice referred to in subsection (2); and

(b) return it to the authorised person.

Cancellation of authorisation

"47S. (1) The Board may cancel an authorisation—

(a) if the authorised person requests in writing that the authorisation be cancelled;

(b) if—

(i) the authorised person has been convicted of a relevant offence;

(ii) the Board has not already considered the conviction under subsection 47P (3); and

(iii) the power to cancel an authorisation under this paragraph is exercised within 12 months after the expiration of the period in which an appeal may be lodged against the conviction;

(c) if the program is not being adequately supervised;

(d) if the authorised person has not, within 28 days of service of a notice under paragraph 49 (1A) (k), submitted the authorisation to the Board;

(e) if the authorised person is, by reason of physical or mental incapacity, no longer competent to hold an authorisation; or

(f) if the Board believes on reasonable grounds that the authorised person has ceased to conduct the relevant program or no longer requires the specified poison for the purposes of the relevant program.

"(2) A cancellation takes effect from the date the notice of cancellation is given pursuant to subsection 49 (1A).

"(3) Where a person whose authorisation has been cancelled under this section has not been given directions under section 47Z as to the disposal of any poisons held at the time of cancellation, he or she shall, as soon as practicable after the cancellation of the authorisation takes effect, dispose of any poison held.

"(4) A person who, without reasonable excuse, contravenes subsection (3) is guilty of an offence punishable, on conviction, by a fine not exceeding $5,000 or imprisonment for 6 months, or both.

Duration of authorisation

"47T. An authorisation remains in force, unless sooner cancelled, until the expiration of the period specified in the authorisation, and may be renewed.

Renewal of authorisation

"47U. (1) An authorised person may, before the expiration of the term of an authorisation, apply to the Board for its renewal.

"(2) An application for the renewal of an authorisation shall—

(a) be in writing signed by the applicant;

(b) include a statement setting out the reason why the program has not been completed in the time allowed in the authorisation;

(c) specify the period of renewal sought; and

(d) be accompanied by—

(i) a written statement supporting the application signed by the approving officer; and

(ii) the determined fee.

"(3) On receipt of an application in accordance with subsection (2), the Board shall renew an authorisation if satisfied that—

(a) the research is still scientifically viable; and

(b) there has not been an unreasonable delay in the completion of the program.

"(4) A renewal under this section takes effect on the day immediately following the day on which, but for its renewal, the authorisation would have expired.

"(5) A renewed authorisation has effect—

(a) for the period specified in the application for renewal; or

(b) for such shorter period as the Board considers reasonable.

Return of authorisation to Board

"47V. Upon ceasing to be an authorised person, a person shall not, without reasonable excuse, fail to return the authorisation to the Board as soon as practicable.

Penalty: $1,000.".

Insertion

9. Before section 48 of the Principal Act the following sections are inserted in Part IV:

Possession of poison

"47W. (1) A person shall not, without reasonable excuse, possess a poison.

Penalty:

(a) if the offender is a natural person—$5,000 or imprisonment for 6 months, or both;

(b) if the offender is a body corporate—$25,000.

"(2) Subsection (1) does not apply to a person who—

(a) is licensed or authorised to possess that poison;

(b) is a member of a prescribed class of persons and possesses the poison for a purpose prescribed in relation to that class;

(c) possesses a poison that an authorised person is authorised to possess—

(i) with the authority of the authorised person; and

(ii) for the purpose of conducting the program to which the authorisation relates; or

(d) is otherwise legally in possession of the poison.

Manufacture of poison

"47X. (1) A person shall not, without reasonable excuse, manufacture a poison.

Penalty:

(a) if the offender is a natural person—$10,000 or imprisonment for 1 year, or both;

(b) if the offender is a body corporate—$50,000.

"(2) Subsection (1) does not apply to a person who—

(a) is licensed to manufacture the poison;

(b) is authorised under section 47P and manufactures the specified poison for the purpose of conducting the program to which the authorisation relates; or

(c) manufactures a poison that an authorised person is authorised to possess or use—

(i) with the authority of the authorised person; and

(ii) solely for the purpose of conducting the program to which the authorisation relates.

Sale of poison

"47Y. (1) A person shall not, without reasonable excuse, supply a poison.

Penalty:

(a) if the offender is a natural person—$10,000 or imprisonment for 1 year, or both;

(b) if the offender is a body corporate—$50,000.

"(2) Subsection (1) does not apply to a person who is licensed to manufacture or sell the poison if the poison is supplied by way of sale.

Directions

"47Z. (1) Where a licensee or an authorised person proposes to dispose of poison, or a person has had his or her licence or authorisation cancelled, the Board may give him or her such written directions with

respect to the disposal of the poison or of any poison held as are necessary and reasonable for the protection of human health and the environment.

"(2) A person to whom a direction is given shall not, without reasonable excuse, fail to comply with that direction as soon as practicable.

Penalty: $5,000 or imprisonment for 6 months, or both.".

Notice of decision

10. Section 49 of the Principal Act is amended—

(a) by omitting subsection (2) and substituting the following subsections:

"(1A) Where the Board makes a decision—

(a) refusing to grant a licence under section 47B;

(b) granting a licence under section 47B subject to conditions;

(c) varying a condition specified in a licence under subsection 47D (1);

(d) refusing to amend a licence under section 47E;

(e) specifying in a licence the date on which an amendment under section 47E takes effect;

(f) cancelling a licence under subsection 47F (1);

(g) refusing to grant an authorisation under section 47P;

(h) specifying a condition in an authorisation under section 47Q;

(j) granting an authorisation under section 47P for a period other than the period applied for;

(k) varying a condition specified in an authorisation under subsection 47R (1);

(l) cancelling an authorisation under subsection 47S (1);

(m) refusing to renew an authorisation under section 47U;

(n) renewing an authorisation under section 47U for a period other than that applied for; or

(o) giving directions with respect to the disposal of a poison under section 47Z;

the Board shall, within 28 days of the date of the decision, give notice in writing of the decision—

(p) in the case of a decision referred to in paragraph (c), (d), (e) or (f)—to the licensee;

(q) in the case of a decision referred to in paragraph (k), (l), (m) or (n)—to the authorised person;

(r) in the case of a decision referred to in paragraph (o)—to the person; or

(s) in any other case—to the applicant.

"(2) A notice under subsection (1) or (1A) shall—

(a) include a statement to the effect that, subject to the *Administrative Appeals Tribunal Act 1989*, an application may be made to the Tribunal for a review of the decision to which the notice relates; and

(b) except where subsection 26 (11) of that Act applies—include a statement to the effect that a person whose interests are affected by the decision may request a statement pursuant to section 26 of that Act."; and

(b) by inserting in subsection (3) "or (1A)" after "(1)".

Substitution

11. Section 49A of the Principal Act is repealed and the following section substituted:

Review by Tribunal

"50. Application may be made to the Tribunal for a review of a decision referred to in subsection 49 (1) or (1A).".

Insertion

12. After section 52 of the Principal Act the following sections are inserted:

Evidentiary certificate

"53. (1) In proceedings for an offence against this Act, a certificate signed by a drug inspector appointed under the *Drugs of Dependence Act 1989* stating that at a specified time a specified substance was included in a specified schedule of the Drugs and Poisons Standard is evidence of the matters stated.

"(2) For the purposes of subsection (1), a certificate that purports to be signed by a drug inspector shall, unless the contrary is proved, be taken to have been so signed.

Fees

"54. The Minister may, by notice in writing published in the *Gazette*, determine fees for the purposes of this Act.

Delegation

"54A. (1) The Board may, by instrument under its common seal, delegate any of its powers under this Act to a member of the Board.

"(2) The Medical Officer of Health may, in writing, delegate any of his or her powers under this Act to a public servant.".

Repeal

13. Schedules 1 to 7 (inclusive) to the Principal Act are repealed.

NOTE

1. Ordinance No. 38, 1978 as amended by Nos. 19 and 56, 1981; No. 47, 1982; No. 67, 1985; Nos. 32 and 76, 1986; Nos. 29 and 96, 1988; Nos. 13, 21 and 38, 1989; Act No. 63, 1990; No. 4, 1991.

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