Australian Capital Territory

Poisons and Drugs Act 1978 No 38

Republication No 4

Republication date: 13 February 2002

Last amendment made by Act 2001 No 44

Amendments incorporated to 12 September 2001

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Poisons and Drugs Act 1978* as in force on 13 February 2002. It includes any amendment, repeal or expiry affecting the republished law to 12 September 2001 and any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes).

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date—

(a) if the person charged is an individual—$100; or

(b) if the person charged is a corporation—$500.

Amendments incorporated to
12 September 2001

Australian Capital Territory

Poisons and Drugs Act 1978

Contents

Amendments incorporated to
12 September 2001

Australian Capital Territory

Poisons and Drugs Act 1978

An Act relating to poisons and drugs

Part 1 Preliminary

1 Name of Act

This Act is the *Poisons and Drugs Act 1978*.

2 Definitions for Act

In this Act:

Note A definition applies except so far as the contrary intention appears (see *Legislation Act 2001*, s155).

analyst means a person holding office by virtue of an appointment under section 43.

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

(a) approve a program; or

(b) request the cancellation of an authorisation; or

(c) support an application for renewal;

on its behalf.

authorisation means an authorisation granted under section 26.

authorised person means the holder of an authorisation.

current poisons standard means the document last prepared under the *Therapeutic Goods Act 1989* (Cwlth), section 52D (2) (b) that has come into effect, and includes any amendment of that document under section 52D (2) (a) of that Act that has come into effect.

drugs and poisons standard means the current poisons standard, and includes any modification by the Minister under section 46.

licence means a manufacturer's or vendor's licence granted under section 14.

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; or

(b) refine it; or

(c) transform it into another scheduled substance; or

(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 22.

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

recognised institution means—

(a) the Commonwealth Scientific and Industrial Research Organization; or

(b) 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 100 penalty units or $10,000 (or, if outside 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.

scheduled substance—see section 3 (1).

specified poison means—

(a) in relation to an authorised person—a poison specified in his or her authorisation under section 26 (4) (b); or

(b) in relation to a licensee—a poison specified in his or her licence under section 14 (3) (b).

specified premises, in relation to a licence, means any premises the address of which is specified in the licence under section 14 (3) (c).

supply includes sell and sale.

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

(a) its aims; and

(b) the proposed means of conducting it; and

(c) the proposed method of analysis of its results.

3 Scheduled substances

(1) A ***scheduled substance*** is a substance mentioned in a schedule to the drugs and poisons standard.

(2) For this Act, a scheduled substance that is defined in part 1 of the drugs and poisons standard has the meaning given in that part.

(3) In this Act, a reference that consists of a reference to a schedule followed immediately by the word 'substance' is a reference to a substance mentioned in that schedule to the drugs and poisons standard.

Part 2 Restricted substances

4 Meaning of *specialist* in pt 2

In this part:

specialist means a doctor who is recognised as a consultant physician or specialist in accordance with the *Health Insurance Act 1973* (Cwlth), section 61.

5 Substances to which pt 2 applies

This part applies to prescribed restricted substances.

6 Unauthorised prescribing or supplying

A doctor shall not supply to, or prescribe for, a person a substance to which this part applies unless the doctor is authorised by the chief health officer, under section 8, to supply or prescribe that substance.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

7 Application for authorisation

(1) A specialist may apply to the chief health officer for authorisation to supply or prescribe a substance to which this part applies.

(2) An application under subsection (1) shall—

(a) be in writing signed by the specialist making the application; and

(b) state—

(i) the name of the applicant and the address, or an address, at which the applicant carries on the practice of his or her profession; and

(ii) the name of the substance or substances to which the application relates; and

(iii) the field in which the applicant is recognised as a specialist; and

(c) be lodged with the chief health officer.

8 Grant of authorisation

(1) The chief health officer shall grant the authorisation sought in an application under section 7 (1) if the person is in a class of persons prescribed in relation to the substance for which authorisation is sought.

(2) Where the chief health officer grants an authorisation under this section, he or she shall—

(a) notify the applicant in writing of the authorisation; and

(b) specify, in that notification, an identifying number in respect of that authorisation.

9 Dispensing

A pharmacist shall not supply to another person a substance to which this part applies except on a prescription on which a specialist has endorsed ‘section 8’ and the identifying number in respect of the relevant authorisation under that section.

Maximum penalty: 10 penalty units.

Part 3 Labelling and packaging

10 Words and expressions used in drugs and poisons standard

A word or expression used in this part (other than a word or expression defined by this Act), and in the drugs and poisons standard, has in this part the same meaning as in the drugs and poisons standard.

11 Labels and containers

A person must not supply a substance to which the drugs and poisons standard, part 2 applies except in accordance with the requirements of that part.

Maximum penalty: 50 penalty units.

12 Standard and warning statements etc

(1) If a person supplies a substance mentioned in the drugs and poisons standard, appendix E at a concentration above the level specified in the appendix for the substance, the label on the container or device containing the substance must include the standard statement (if any) applying to the substance under the appendix.

Maximum penalty: 50 penalty units.

(2) A person must not supply a substance mentioned in the drugs and poisons standard, appendix F unless the label on the container or device containing the substance includes the warning statement or safety direction (if any) applying to the substance under the appendix.

Maximum penalty: 50 penalty units.

(3) A person must not supply a substance mentioned in the drugs and poisons standard, appendix K or part 3, paragraph 45, unless the label on the container or device containing the substance includes

the warning statement (if any) applying to the substance under the appendix.

Maximum penalty: 50 penalty units.

(4) This section does not apply to a substance if—

(a) the substance is mentioned in the drugs and poisons standard, appendix G; and

(b) the substance is at a concentration not more than the concentration specified in the appendix for the substance.

Part 4 Poisons

Division 4.1 Licensing for manufacture and sale

13 Application for licence

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

(2) An application for a licence—

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

(b) shall specify—

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

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

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

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

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

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

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

(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 paragraph (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 the process.

Note A fee may be determined under s 47 (Determination of fees) for this section.

14 Grant of licence

(1) The Minister shall grant a manufacturer's or vendor's licence (as the case requires) on receipt of an application in accordance with section 13 if—

(a) where the applicant is a natural person—the Minister 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

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

(c) the Minister 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 subsection (1) (d), the Minister 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; and

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

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

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

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

(f) the period for which, under section 20, the licence is in force; and

(g) any prescribed particular.

15 Conditions of licence

The conditions that may be specified in a licence are—

(a) conditions relevant to the licence that are specified in the drugs and poisons standard, appendix J; and

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

(i) the proper manufacture and safekeeping of the specified poison; or

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

16 Variation of conditions of licence

(1) The Minister may vary the conditions specified in a licence.

(2) A notice given under paragraph 41 (2) (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 Minister 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.

17 Amendment of licence

(1) The Minister 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 Minister may amend the address of premises specified in a licence under section 14 (3) (c).

(3) The Minister shall not amend a licence under subsection (2) unless the licensee has lodged with the Minister 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; and

(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 Minister; or

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

(5) Where the Minister has amended a licence under subsection (1) or (2), he or she 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 section 14 (3) (d), the licensee shall lodge the licence with the Minister together with written notification of the proposed change specifying—

(a) the name; and

(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 Minister 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 Minister shall, whether the licence is amended or not, return the licence to the licensee.

18 Cancellation of licence

(1) The Minister may cancel a licence—

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

(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 Minister; or

(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 Minister; or

(d) if—

(i) the licensee, a person whose name is specified in the licence under section 14 (3) (d) or, if the licensee is a corporation, any of its directors or secretaries, has been convicted of a relevant offence; and

(ii) the Minister has not already considered the conviction under section 14 (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; or

(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 under section 41 (2).

(3) Where a person whose licence has been cancelled has not been given directions under section 36 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 must not, without reasonable excuse, contravene subsection (3).

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

19 Return of licence etc to Minister

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 Minister as soon as practicable after the cancellation takes effect.

Maximum penalty: 5 penalty units.

20 Duration of licence

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.

21 Renewal of licence

(1) A licensee may apply in writing to the Minister for the renewal of the licence before the licence expires.

Note 1 A fee may be determined under s 47 (Determination of fees) for this section.

Note 2 If a form is approved under s 47A (Approved forms) for an application, the form must be used.

(2) If the licensee applies for the renewal of the licence in accordance with this Act, the Minister must renew the licence.

22 Poisons register

(1) A licensee shall keep at the specified premises, in accordance with this section, a register (the ***poisons register***).

Maximum penalty: 20 penalty units.

(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.

Maximum penalty: 20 penalty units.

(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; and

(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; and

(c) the date of the purchase; and

(d) the quantity and type of poison purchased; and

(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.

Maximum penalty: 20 penalty units.

23 Offences by licensee

A licensee shall not—

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

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

(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.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

24 Conditions for sale of poisons

(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.

Maximum penalty: 100 penalty units.

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

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

(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; or

(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.

Maximum penalty: 100 penalty units.

Division 4.2 Authorisations

25 Application for authorisation

(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 Minister for an authorisation in relation to that poison.

(2) An application for an authorisation shall—

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

(b) specify—

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

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

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

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

(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; and

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

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

(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; and

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

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

Note A fee may be determined under s 47 (Determination of fees) for this section.

26 Grant of authorisation

(1) The Minister shall grant an authorisation to a person who has applied in accordance with section 25 if—

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

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

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

(d) the Minister is satisfied that the applicant is not suffering from any mental or physical disability that would render the applicant 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 subsection (1) (b), the Minister shall consider the trial protocol.

(3) Notwithstanding that an applicant has been convicted of an offence referred to in subsection (1) (e), the Minister may grant the applicant 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; and

(b) the poison to which the authorisation relates; and

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

(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; and

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

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

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

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

(j) any prescribed particulars.

27 Conditions of authorisation

The Minister may specify in an authorisation such conditions as are necessary and reasonable for ensuring—

(a) the proper use and safekeeping of the specified poison; and

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

28 Variation of conditions of authorisation

(1) The Minister may vary the conditions specified in an authorisation.

(2) A notice given under section 41 (2) (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 Minister 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.

29 Cancellation of authorisation

(1) The Minister may cancel an authorisation—

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

(b) if—

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

(ii) the Minister has not already considered the conviction under section 26 (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; or

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

(d) if the authorised person has not, within 28 days of service of a notice under section 41 (2) (k), submitted the authorisation to the Minister; or

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

(f) if the Minister 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 under section 41 (2).

(3) Where a person whose authorisation has been cancelled under this section has not been given directions under section 36 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 must not, without reasonable excuse, contravene subsection (3).

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

30 Duration of authorisation

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

31 Renewal of authorisation

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

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

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

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

(c) specify the period of renewal sought; and

(d) be accompanied by a written statement supporting the application signed by the approving officer.

Note A fee may be determined under s 47 (Determination of fees) for this section.

(3) On receipt of an application in accordance with subsection (2), the Minister 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 Minister considers reasonable.

32 Return of authorisation to Minister

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

Maximum penalty: 5 penalty units.

Part 5 Miscellaneous

33 Possession of poison

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

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

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

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

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

(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.

34 Manufacture of poison

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

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

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

(a) is licensed to manufacture the poison; or

(b) is authorised under section 26 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.

35 Sale of poison

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

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

(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.

36 Directions

(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 Minister 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.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

37 Possession of anabolic steroids

(1) A person shall not, without reasonable excuse, possess an anabolic steroid.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

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

(a) is licensed or authorised, under this Act or another Act, to manufacture, possess or supply an anabolic steroid; or

(b) is a doctor, dentist or veterinary surgeon, and possesses the anabolic steroid for the purposes of his or her practice; or

(c) is a pharmacist and possesses the anabolic steroid for the purposes of dispensing it; or

(d) obtained the anabolic steroid on presentation of a prescription signed by a doctor, dentist or veterinary surgeon authorising the sale or supply to, or dispensing for, that person of the anabolic steroid.

38 Prescription, dispensing or sale of anabolic steroids

(1) A person shall not, without reasonable excuse—

(a) administer to himself, herself or another person; or

(b) prescribe, dispense or sell to another person for human use;

an anabolic steroid.

Maximum penalty:

(a) for paragraph (a)—50 penalty units, imprisonment for 6 months or both; or

(b) for paragraph (b)—500 penalty units, imprisonment for 5 years or both.

(2) Subsection (1) does not apply to administering, prescribing, dispensing or selling an anabolic steroid—

(a) that is registered under the *Therapeutic Goods Act 1989* (Cwlth); or

(b) for the purposes of a clinical trial conducted under that Act.

(3) In this section:

anabolic steroid includes—

(a) a substance specified in schedule 1 and any—

(i) salt, active principle or derivative of such a substance; or

(ii) stereoisomer of such a substance; or

(iii) preparation or admixture containing any proportion of such a substance; and

(b) a salt of an active principle or derivative referred to in paragraph (a) (i); and

(c) a salt of a stereoisomer referred to in paragraph (a) (ii).

39 Exemption of building materials, hardware etc

Nothing in this Act applies to, or in relation to, the possession, supply or use of any of the goods specified in schedule 2, notwithstanding that the goods contain a scheduled substance.

40 Advertising scheduled substances

(1) A person shall not publish or display, or cause or permit to be published or displayed, an advertisement that—

(a) promotes or encourages the use of a schedule 1, 3 or 4 substance; or

(b) indicates that the person, or any other person, is willing or authorised to supply a schedule 1, 3 or 4 substance.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

(2) For subsection (1), the reference to an ***advertisement*** includes a reference to every form of advertisement whether in a newspaper or other publication, by television or radio, by display of notices, signs, labels, showcards or goods, by distribution of samples, circulars, catalogues, price lists or other material, by exhibition of pictures,

models or films, or in any other way, but does not include an advertisement in a magazine, journal, circular or publication circulating primarily to doctors, dentists, veterinary surgeons or pharmacists, and the reference in subsection (1) to the publishing or display of an advertisement shall be read accordingly.

(3) Nothing in this section applies in relation to an advertisement in a magazine, journal, circular or publication declared, in writing, by the Minister to be an exempt publication for this section.

(4) In subsection (1), a reference to a schedule 3 substance includes a reference to a schedule 3 substance that is listed in the drugs and poisons standard, appendix H.

(5) A declaration under subsection (3) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

41 Notice of decision

(1) Where the chief health officer makes a decision refusing to grant an authorisation under section 8, he or she shall cause notice in writing of the decision to be given to the person whose interests are affected by the decision.

(2) Where the Minister makes a decision—

(a) refusing to grant a licence under section 14; or

(b) granting a licence under section 14 subject to conditions; or

(c) varying a condition specified in a licence under section 16 (1); or

(d) refusing to amend a licence under section 17; or

(e) specifying in a licence the date on which an amendment under section 17 takes effect; or

(f) cancelling a licence under section 18 (1); or

(g) refusing to grant an authorisation under section 26; or

(h) specifying a condition in an authorisation under section 27; or

(i) granting an authorisation under section 26 for a period other than the period applied for; or

(j) varying a condition specified in an authorisation under section 28 (1); or

(k) cancelling an authorisation under section 29 (1); or

(l) refusing to renew an authorisation under section 31; or

(m) renewing an authorisation under section 31 for a period other than that applied for; or

(n) giving directions with respect to the disposal of a poison under section 36;

the Minister shall give notice in writing of the decision—

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

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

(q) in the case of a decision referred to in paragraph (n)—to the person; or

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

(3) A notice under subsection (1) or (2) shall be in accordance with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).

42 Review by administrative appeals tribunal

Application may be made to the administrative appeals tribunal for a review of a decision referred to in section 41 (1) or (2).

43 Appointment of analysts

The Minister may, by instrument in writing, appoint a person to be an analyst for this Act.

44 Certificate by analyst to be evidence

(1) In proceedings in the Magistrates Court for an offence against this Act, a certificate signed by an analyst and stating the result of an analysis of a substance carried out at the request of a police officer is evidence of the matters stated in the certificate.

(2) For subsection (1), a document that purports to be signed by an analyst shall, unless the contrary is proved, be taken to have been so signed.

45 Evidentiary certificate

(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 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.

46 Modification of drugs and poisons standard

(1) For this Act, the Minister may modify the drugs and poisons standard.

(2) A modification under subsection (1) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

47 Determination of fees

(1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

(2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

47A Approved forms

(1) The Minister may, in writing, approve forms for this Act.

(2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.

(3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

48 Delegation

The chief health officer may, in writing, delegate any of his or her powers under this Act to a public servant.

49 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Schedule 1 Anabolic steroids

(see s 38)

column 1 item	column 2 substance
1	Androisoxazole
2	Androsterone
3	Atamestane
4	Bolandiol
5	Bolasterone
6	Bolazine
7	Boldenone
8	Bolenol
9	Bolmantalate
10	Calusterone
11	Chlorandrostenolone
12	4-Chloromethandienone
13	Chloroxydienone
14	Chloroxymesterone (dehydrochloromethyltestosterone)
15	Clostebol
16	Danazol
17	Dihydrolone
18	Dimethandrostanolone
19	Dimethazine
20	Drostanolone
21	Enestebol
22	Epitiostanol
23	Ethisterone
24	Ethyldienolone

column 1 item	column 2 substance
25	Ethyloestrenol
26	Fluoxymesterone
27	Formebolone
28	Furazabol
29	Gestrinone
30	Hydroxystenozol
31	Mebolazine
32	Mepitiostane
33	Mesabolone
34	Mestanolone (androstanolone)
35	Mesterolone
36	Methandienone
37	Methandriol
38	Methandrostenolone
39	Methenolone
40	Methylclostebol
41	Methyltestosterone
42	Methyltrienolone
43	Metribolone
44	Mibolerone
45	Nandrolone
46	Norandrostenolone
47	Norbolethone
48	Norclostebol
49	Norethandrolone
50	Normethandrone
51	Ovandrotone
52	Oxabolone
53	Oxandrolone

column 1 item	column 2 substance
54	Oxymesterone
55	Oxymetholone
56	Prasterone
57	Propetandrol
58	Quinbolone
59	Roxibolone
60	Silandrone
61	Stanolone
62	Stanozolol
63	Stenbolone
64	Testolactone
65	Testosterone
66	Thiomesterone
67	Trenbolone
68	Trestolone
69	Anabolic and androgenic steroidal agents not mentioned elsewhere in this schedule

Schedule 2 Exempt goods

(see s 39)

column 1 item	column 2 goods
1	blankets moth-proofed with dieldrin during manufacture in accordance with the directions of the Commonwealth Scientific and Industrial Research Organization
2	ceramics
3	electrical accumulators and batteries
4	electrical components, including electric lamps
5	electronic components
6	explosives
7	food
8	glazed pottery
9	inorganic pigments not specified in schedule 6
10	lubricants, unless specified in any other schedule
11	matches
12	motor fuels, other than those containing methyl alcohol, unless specified in any other schedule
13	paints
14	paper
15	photographic paper and film
16	printing inks and ink additives except when containing a pesticide
17	single-use tubes for the estimation of alcohol content of breath
18	timber
19	vitreous enamels
20	wallboard

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnotes.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

2 Abbreviation key

am = amended
amdt = amendment
ch = chapter
cl = clause
def = definition
dict = dictionary
disallowed = disallowed by the Legislative Assembly
div = division
exp = expires/expired
Gaz = Gazette
hdg = heading
ins = inserted/added
LA = Legislation Act 2001
LR = legislation register
LRA = Legislation (Republication) Act 1996
mod = modified / modification
No = number
o = order
om = omitted/repealed
ord = ordinance
orig = original
p = page
par = paragraph
pres = present
prev = previous
(prev...) = previously
prov = provision
pt = part
r = rule/subrule
reg = regulation/subregulation
renum = renumbered
reloc = relocated
R[X] = Republication No
s = section/subsection
sch = schedule
sdiv = subdivision
sub = substituted
SL = Subordinate Law
underlining = whole or part not commenced

3 Legislation history

The *Poisons and Drugs Act 1978* was originally the *Poisons and Narcotic Drugs Ordinance 1978*. It was renamed as the *Poisons and Drugs Ordinance 1978* by the *Poisons and Drugs (Amendment) Ordinance 1989* (see s 5) and became an ACT Act on self-government (11 May 1989).

Before 11 May 1989, ordinances commenced on their notification day unless otherwise stated (see *Seat of Government (Administration) Act 1910* (Cwlth), s 12).

After 11 May 1989 and before 10 November 1999, Acts commenced on their notification day unless otherwise stated (see *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), s 25).

Legislation before self-government

Poisons and Drugs Act 1978 No 38
notified 19 December 1978
commenced 29 December 1978 (s 2 and Cwlth Gaz 1978 No S290)

as amended by

Poisons and Narcotic Drugs (Amendment) Ordinance 1981 No 19
notified 28 August 1981
commenced 28 August 1981

Poisons and Narcotic Drugs (Amendment) Ordinance (No 2) 1981 No 56
notified 31 December 1981
commenced 31 December 1981

Poisons and Narcotic Drugs (Amendment) Ordinance 1982 No 47
notified 30 June 1982
commenced 30 June 1982

Magistrates Court Ordinance 1985 No 67 sch
notified 19 December 1985
sch commenced 1 February 1986 (s 2 and Cwlth Gaz 1986 No G3)

Poisons and Narcotic Drugs (Amendment) Ordinance 1986 No 32
notified 31 July 1986
commenced 31 July 1986

Poisons and Narcotic Drugs (Amendment) Ordinance (No 2) 1986 No 76

notified 21 November 1986
commenced 21 November 1986

Community and Health Service (Consequential Provisions) Ordinance 1988 No 29 sch

notified 30 June 1988
sch commenced 2 July 1988 (s 2)

Poisons and Narcotic Drugs (Amendment) Ordinance 1988 No 96

notified 20 December 1988
repealed before commencement by Statute Law Revision (Miscellaneous Provisions) Act 1992 No 23 sch 2

Poisons and Drugs (Amendment) Ordinance 1989 No 13

notified 15 March 1989
commenced 1 April 1989 (s 2 and Cwlth Gaz 1989 No S109)

Self-Government (Consequential Amendments) Ordinance 1989 No 38 sch 1

notified 10 May 1989 (Cwlth Gaz 1989 No S164)
s 1, s 2 commenced 10 May 1989 (s 2 (1))
sch 1 commenced 11 May (s 2 (2) and see Cwlth Gaz 1989 No S164)

Legislation after self-government

Health Services (Consequential Provisions) Act 1990 No 63 sch 1

notified 28 December 1990 (Gaz 1990 No S102)
s 1, s 2 commenced 28 December 1990 (s 2 (1))
sch 1 commenced 1 January 1991 (s 2 (2) and see Gaz 1991 No S4)

Poisons and Drugs (Amendment) Act 1991 No 4

notified 1 March 1991 (Gaz 1991 No S7)
ss 1-3 commenced 1 March 1991 (s 2 (1))
remainder (s 4) commenced 15 March 1991 (s 2 (2) and Gaz 1991 No S16)

Statute Law Revision (Miscellaneous Provisions) Act 1993 No 1 sch 1

notified 1 March 1993 (Gaz 1993 No S23)
sch 1 commenced 1 March 1993

Poisons and Drugs (Amendment) Act 1993 No 8 (as am by Health (Consequential Provisions) Act 1993 No 14 sch 1)

notified 1 March 1993 (Gaz 1993 No S23)
ss 1-3 commenced 1 March 1993 (s 2 (1))
remainder (ss 4-13) commenced 31 March 1993 (s 2 (2) and Gaz 1993 No S53)

Acts Revision (Position of Crown) Act 1993 No 44 sch 2

notified 27 August 1993 (Gaz 1993 No S165)
sch 2 commenced 27 August 1993 (s 2)

Poisons and Drugs (Amendment) Act 1994 No 40

notified 7 September 1994 (Gaz 1993 No S177)
ss 1-3 commenced 7 September 1994 (s 2 (1))
s 4 commenced 15 Sept 1994 (s 2 (2) and Gaz 1994 No S193)
s 5, s 6 commenced 7 September 1994

Poisons and Drugs (Amendment) Act (No 2) 1994 No 57

notified 5 October 1994 (Gaz 1994 No S196)
commenced 5 October (s 2)

Administrative Appeals (Consequential Amendments) Act 1994 No 60 sch 1

notified 11 October (Gaz 1994 No S197)
s 1, s 2 commenced 11 October 1994 (s 2 (1))
sch 1 commenced 14 November 1994 (s 2 (2) and see Gaz 1994 No S250)

Poisons and Drugs (Amendment) Act (No 3) 1994 No 94

notified 15 December 1994 (Gaz 1994 No S280)
commenced 18 December 1994 (s 2)

Public Health (Miscellaneous Provisions) Act 1997 No 70 sch 1

notified 9 October 1997 (Gaz 1997 No S300)
ss 1-3 commenced 9 October 1997 (s 2 (1))
amdt commenced 13 August 1998 (s 2 (2) and Gaz 1998 No S 185)

Poisons and Drugs (Amendment) Act 1997 No 126

notified 24 December 1997 (Gaz 1997 No S420)
commenced 24 December 1997 (s 2)

Statute Law Revision (Penalties) Act 1998 No 54 sch
notified 27 November 1988 (Gaz 1998 No S207)
s 1, s 2 commenced 17 November (s 2 (1))
sch commenced 9 December 1999 (s 2 (2) and Gaz 1998 No 49)

Poisons and Drugs (Amendment) Act 1999 No 27
notified 6 May 1999 (Gaz 1999 No S22)
commenced 6 May 1999 (s 2)

Health and Community Care Legislation Amendment Act 2000 No 28 pt 3, sch 2
notified 30 June 2000 (Gaz 2000 No S30)
s 1, s 2 commenced 30 June 2000 (IA s 10B)
pt 3, sch 2 commenced 1 July 2000 (s 2)

Poisons and Drugs Amendment Act 2000 No 43
notified 8 September 2000 (Gaz 2000 No S50)
commenced 8 September 2000 (s 2)

Legislation (Consequential Amendments) Act 2001 No 44 pt 289
notified 26 July 2001 (Gaz 2001 No 30)
s 1, s 2 commenced 26 July 2001 (IA s 10B)
pt 289 commenced 12 September 2001 (s 2 and Gaz 2001 No S65)

4 Amendment history

Title

title	am 1989 No 13 s 4

Name of Act

s 1	am 1989 No 13 s 5
	sub 2000 No 28 sch 2

Definitions for Act

s 2 hdg	sub 2000 No 28 sch 2
s 2	orig s 2 om 2000 No 28 sch 2
	(prev s 3) am 1986 No 76 s 3; 1989 No 13 s 6; 1993 No 8 s 4 (as am by 1993 No 14 sch 1); 1997 No 126 s 4; 2000 No 28 s 7; 2000 No 28 sch 2
	renum R3 LRA (see 2000 No 28 sch 2)
	def ***approving officer*** ins 1993 No 8 s 4
	def ***authorisation*** ins 1993 No 8 s 4
	def ***authorised person*** ins 1993 No 8 s 4
	def ***authority*** ins 1986 No 76 s 3
	om 1988 No 29 sch

def ***board*** ins 1993 No 8 s 4
om 1993 No 8 s 4 (as am 1993 No 14 sch 1)
def ***cannabis*** om 1989 No 13 s 6
def ***cannabis fibre*** om 1989 No 13 s 6
def ***cannabis plant*** om 1989 No 13 s 6
def ***cannabis resin*** om 1989 No 13 s 6
def ***chairman*** om 1986 No 76 s 3
def ***chairperson*** ins 1986 No 76 s 3
om 1989 No 13 s 6
def ***chief health officer*** ins 1997 No 70 sch 1
om 2000 No 28 sch 2
def ***committee*** om 1989 No 13 s 6
def ***current poisons standard*** ins 2000 No 28 s 7
def ***dentist*** om 2000 No 28 sch 2
def ***determined fee*** ins 1993 No 8 s 4
om 2001 No 44 amdt 1.3232
def ***drugs and poisons standard*** ins 1993 No 8 s 4 (as am 1993 No 14 sch 1)
am 1994 No 94 s 4
sub 2000 No 28 s 7
def ***general manager*** ins 1986 No 76 s 3
sub 1988 No 29 sch
om 1990 No 63 sch 1
def ***licence*** ins 1993 No 8 s 4
def ***licensee*** ins 1993 No 8 s 4
def ***manufacture*** ins 1993 No 8 s 4
def ***medical officer of health*** om 1997 No 70 sch 1
def ***medical practitioner*** om 2000 No 27 sch 2
def ***pharmacist*** om 2000 No 28 sch 2
def ***poison*** ins 1993 No 8 s 4
def ***poisons register*** ins 1993 No 8 s 4
def ***program*** ins 1993 No 8 s 4
def ***recognised institution*** ins 1993 No 8 s 4 (as am 1993 No 14 sch 1)
def ***relevant offence*** ins 1993 No 8 s 4
am 1998 No 54 sch
def ***scheduled substance*** am 1989 No 3 s 6
om 1993 No 8 s 4
ins 2000 No 28 s 7
def ***sell*** ins 1993 No 8 s 4
def ***service*** ins 1988 No 29 sch
om 1990 No 63 sch 1
def ***specified poison*** ins 1993 No 8 s 4
def ***specified premises*** ins 1993 No 8 s 4
def ***trial protocol*** ins 1993 No 8 s 4

def ***tribunal*** ins 1986 No 76 s 3
am 1989 No 38 sch 1
om 1994 No 60 sch 1
def ***veterinary surgeon*** om 2000 No 28 sch 2

Scheduled substances
s 3 ins 2000 No 28 s 8

Restricted substances
pt 2 hdg sub 1986 No 76 s 4
am 1989 No 13 s 7

Unauthorized use, possession and supply
pt 2 div 1 hdg om 1989 No 13 s 8

Authority to possess addictive substances
pt 2 div 2 hdg om 1989 No 13 s 8

Supply and obtaining of addictive substances
pt 2 div 3 hdg om 1989 No 13 s 8

Restrictions on the prescribing of addictive substances
pt 2 div 4 hdg om 1989 No 13 s 8

Approvals
pt 2 div 5 hdg om 1989 No 13 s 8

Cancellation and surrender of authority to possess or supply schedule substances
pt 2 div 6 hdg om 1989 No 13 s 8

Restricted substances to be prescribed or supplied only by authorised specialists
pt 2 div 6A hdg ins 1986 No 76 s 12
om 1994 No 57

Miscellaneous
pt 2 div 7 hdg om 1989 No 13 s 8

Psychotropic substances
pt 2A hdg ins 1981 No 19 s 3
om 1989 No 13 s 8

Preliminary
pt 3 div 1 hdg om 1997 No 126 s 5

Labelling
pt 3 div 2 hdg om 1997 No 126 s 5

Containers for scheduled substances
pt 3 div 3 hdg om 1997 No 126 s 5

Miscellaneous
pt 3 div 4 hdg om 1997 No 126 s 6

Meaning of *specialist* in pt 2

s 4 hdg (prev s 27A hdg) sub 2000 No 28 sch 2
s 4 orig s 4 am 1985 No 67 sch
om 1989 No 13 s 8
ins 1993 No 8 s 5
om 1993 No 44 sch 2
(prev s 27A) ins 1986 No 76 s 12
am 1994 No 57 s 5; 2000 No 28 sch 2
renum R3 LRA (see 2000 No 28 sch 2)

Substances to which pt 2 applies

s 5 orig s 5 om 1989 No 13 s 8
(prev s 27B) ins 1986 No 76 s 12
sub 1994 No 57 s 6
renum R 3 LRA (see 2000 No 28 sch 2)

Unauthorised prescribing or supplying

s 6 orig s 6 om 1989 No 13 s 8
(prev s 27C) ins 1986 No 76 s 12
am 1994 No 57 s 7; 1997 No 70 sch 1; 1998 No 54 sch; 2000 No 28 sch 2
renum R3 LRA (see 2000 No 28 sch 2)

Application for authorisation

s 7 orig s 7 om 1989 No 13 s 8
(prev s 27D) ins 1986 No 76 s 12
am 1994 No 57 s 8; 1997 No 70 sch 1; 2000 No 28 sch 2
renum R3 LRA (see 2000 No 28 sch 2)

Grant of authorisation

s 8 orig s 8 om 1989 No 13 s 8
(prev s 27 E) ins 1986 No 76 s 12
am 1993 No 1 sch 1; 1994 No 57 s 9; 1997 No 70 sch 1
renum R3 LRA (see 2000 No 28 sch 2)

Dispensing

s 9 orig s 9 am 1986 No 76 s 5; 1988 No 29 sch
om 1989 No 13 s 8
(prev s 27F) ins 1986 No 76 s 12
am 1994 No 57 s 10; 1998 No 54 sch
renum R3 LRA (see 2000 No 28 sch 2)

Words and expressions used in drugs and poisons standard

s 10 orig s 10 am 1986 No 76 s 6; 1988 No 29 sch
om 1989 No 13 s 8
(prev s 28) ins 1997 No 126 s 5
sub 2000 No 28 sch 2
renum R3 LRA (see 2000 No 28 sch 2)

Labels and containers

s 11 orig s 11 om 1989 No 13 s 8
(prev s 29) om 1989 No 13 s 8
ins 1997 No 126 s 5
sub 2000 No 28 s 9
renum R3 LRA (see 2000 No 28 sch 2)

Standard and warning statements etc

s 12 orig s 12 om 1989 No 13 s 8
(prev s 30) am 1993 No 1 sch 1
sub 1997 No 126 s 5; 2000 No 28 s 9
renum R3 LRA (see 2000 No 28 sch 2)

Poisons

pt 4 hdg (prev pt 3A hdg) ins 1993 No 8 s 8
renum R3 LRA (see 2000 No 28 sch 2)

Licensing for manufacture and sale

div 4.1 hdg (prev pt 3A div 1 hdg) ins 1993 No 8 s 8
renum R3 LRA (see 2000 No 28 sch 2)

Application for licence

s 13 orig s 13 om 1989 No 13 s 8
(prev s 47A) ins 1993 No 8 s 8 (as am by 1993 No 14 sch 1)
renum R3 LRA (see 2000 No 28 sch 2)
am 2001 No 44 amdts 1.3233-1.3235

Grant of licence

s 14 orig s 14 om 1989 No 13 s 8
(prev s 47B) ins 1993 No 8 s 8 (as am by 1993 No 14 sch 1)
renum R3 LRA (see 2000 No 28 sch 2)

Conditions of licence

s 15 orig s 15 om 1989 No 13 s 8
(prev s 47C) ins 1993 No 8 s 8
renum R3 LRA (see 2000 No 28 sch 2)

Variation of conditions of licence

s 16 orig s 16 om 1989 No 13 s 8
(prev s 47D) ins 1993 No 8 s 8 (as am by 1993 No 14 sch 1)
renum R3 LRA (see 2000 No 28 sch 2)

Amendment of licence

s 17 orig s 17 om 1989 No 13 s 8
(prev s 47E) ins 1993 No 8 s 8 (as am by 1993 No 14 sch 1)
renum R3 LRA (see 2000 No 28 sch 2)

Cancellation of licence

s 18 orig s 18 am 1986 No 76 s 7
om 1989 No 13 s 8
(prev s 47F) ins 1993 No 8 s 8 (as am by 1993 No 14 sch 1)
am 1998 No 54 sch; 2000 No 28 sch 2
renum R3 LRA (see 2000 No 28 sch 2)

Return of licence etc to Minister

s 19 orig s 19 am 1986 No 76 s 8
om 1989 No 13 s 8
(prev s 47G) ins 1993 No 8 s 8 (as am by 1993 No 14 sch 1)
am 1998 No 54 sch; 2000 No 28 sch 2
renum R3 LRA (see 2000 No 28 sch 2)

Duration of licence

s 20 orig s 20 am 1986 No 76 s 9
om 1989 No 13 s 8
(prev s 47H) ins 1993 No 8 s 8
renum R3 LRA (see 2000 No 28 sch 2)

Renewal of licence

s 21 orig s 21 am 1986 No 76 s 10
om 1989 No 13 s 8
(prev s 47J) ins 1993 No 8 s 8 (as am by 1993 No 14 sch 1)
renum R3 LRA (see 2000 No 28 sch 2)
sub 2001 No 44 amdt 1.3236

Poisons register

s 22 orig s 22 om 1989 No 13 s 8
(prev s 47K) ins 1993 No 8 s 8
am 1998 No 54 sch; 2000 No 28 sch 2
renum R3 LRA (see 2000 No 28 sch 2)

Offences by licensee

s 23 orig s 23 om 1989 No 13 s 8
(prev s 47L) ins 1993 No 8 s 8
am 1998 No 54 sch; 2000 No 28 sch 2
renum R3 LRA (see 2000 No 28 sch 2)

Conditions for sale of poisons

s 24 orig s 24 om 1989 No 13 s 8
(prev s 47M) ins 1993 No 8 s 8
am 1998 No 54 sch; 2000 No 28 sch 2
renum R3 LRA (see 2000 No 28 sch 2)

Authorisations

div 4.2 hdg (prev pt 3A div 2 hdg) ins 1993 No 8 s 8
renum R3 LRA (see 2000 No 28 sch 2)

Application for authorisation

s 25 orig s 25 om 1989 No 13 s 8
(prev s 47N) ins 1993 No 8 s 8 (as am by 1993 No 14 sch 1)
renum R3 LRA (see 2000 No 28 sch 2)
am 2001 No 44 amdts 1.3237-1.3239

Grant of authorisation

s 26 orig s 26 am 1985 No 67 sch
om 1989 No 13 s 8
(prev s 47P) ins 1993 No 8 s 8 (as am by 1993 No 14 sch 1)
renum R3 LRA (see 2000 No 28 sch 2)

Conditions of authorisation

s 27 orig s 27 am 1986 No 76 s 11
om 1989 No 13 s 8
(prev s 47Q) ins 1993 No 8 s 8 (as am by 1993 No 14 sch 1)
renum R3 LRA (see 2000 No 28 sch 2)

Variation of conditions of authorisation

s 28 orig s 28 om 1989 No 13 s 8
(prev s 47R) ins 1993 No 7 s 8 (as am by 1993 No 14 sch 1)
renum R3 LRA (see 2000 No 28 sch 2)

Cancellation of authorisation

s 29 orig s 29 om 1989 No 13 s 8
(prev s 47S) ins 1993 No 8 s 8 (as am by 1993 No 14 sch 1)
am 1998 No 54 sch; 2000 No 28 sch 2
renum R3 LRA (see 2000 No 28 sch 2)

Interpretation

s 29A ins 1981 No 19 s 3
om 1989 No 13 s 8

Manufacture of psychotropic substances prohibited

s 29B ins 1981 No 19 s 3
om 1989 No 13 s 8

Application for licence

s 29C ins 1981 No 19 s 3
am 1986 No 76 s 13
om 1989 No 13 s 8

Grant of licence

s 29D ins 1981 No 19 s 3
am 1982 No 47 s 2; 1986 No 76 s 14; 1988 No 29 sch
om 1989 No 13 s 8

Contents of licences

s 29E ins 1981 No 19 s 3
om 1989 No 13 s 8

Duration of licence

s 29F ins 1981 No 19 s 3
am 1986 No 76 s 15
om 1989 No 13 s 8

Cancellation of licence

s 29G ins 1981 No 19 s 3
am 1986 No 76 s 16; 1988 No 29 sch
om 1989 No 13 s 8

Notice of cancellation of licence

s 29H ins 1981 No 19 s 3
om 1986 No 76 s 17

Appeals

s 29J ins 1981 No 19 s 3
om 1986 No 76 s 17

Duration of authorisation

s 30 orig s 30 renum as s 12 R3 LRA (see 2000 No 28 sch 2)
(prev s 47T) ins 1993 No 8 s 8
renum R3 LRA (see 2000 No 28 sch 2)

Renewal of authorisation

s 31 orig s 31 om 1997 No 126 s 5
(prev s 47U) ins 1993 No 8 s 8 (as am by 1993 No 14 sch 1)
renum R3 LRA (see 2000 No 28 sch 2)
am 2001 No 44 amdt 1.3240, amdt 1.3241

Return of authorisation to Minister

s 32 orig s 32 om 1997 No 126 s 5
(prev s 47V) ins 1993 No 8 s 8 (as am by 1993 No 14 sch 1)
am 1998 No 54 sch
renum R3 LRA (see 2000 No 28 sch 2)

Miscellaneous

pt 5 hdg (prev pt 4 hdg) renum R3 LRA (see 2000 No 28 sch 2)

Possession of poison

s 33 orig s 33 om 1997 No 126 s 5
(prev s 47W) ins 1993 No 8 s 9
am 1998 No 54 sch; 2000 No 28 sch 2
renum R3 LRA (see 2000 No 28 sch 2)

Manufacture of poison

s 34 orig s 34 om 1997 No 126 s 5
(prev s 47X) ins 1993 No 8 s 9
am 1998 No 54 sch; 2000 No 28 sch 2
renum R3 LRA (see 2000 No 28 sch 2)

Sale of poison

s 35 orig s 35 om 1997 No 126 s 5
(prev s 47Y) ins 1993 No 8 s 9
am 1998 No 54 sch; 2000 No 28 sch 2
renum R3 LRA (see 2000 No 28 sch 2)

Directions

s 36 orig s 36 om 1997 No 126 s 5
(prev s 47Z) ins 1993 No 8 s 9 (as am by 1993 No 14 sch 1)
am 1998 No 54 sch; 2000 No 28 sch 2
renum R3 LRA (see 2000 No 28 sch 2)

Possession of anabolic steriods

s 37 orig s 37 am 1989 No 13 s 10; 1993 No 8 s 6
om 1997 No 126 s 5
(prev s 47ZA) ins 1994 No 40 s 4
am 1998 No 54 sch; 2000 No 28 sch 2
renum R3 LRA (see 2000 No 28 sch 2)

Prescription, dispensing or sale of anabolic steroids

s 38 orig s 38 am 1993 No 8 s 7
om 1997 No 126 s 5
(prev s 47ZB) ins 1994 No 40 s 5
am 1998 No 54 sch; 2000 No 28 sch 2; 2000 No 43 s 4
renum R3 LRA (see 2000 No 28 sch 2)

Exemption of building materials, hardware etc

s 39 orig s 39 om 1997 No 126 s 5
(prev s 48) renum R3 LRA (see 2000 No 28 sch 2)

Advertising scheduled substances

s 40 orig s 40 om 1997 No 126 s 5
(prev s 48A) ins 1981 No 56 s 2
am 1986 No 76 s 18
sub 1989 No 13 s 11
am 1998 No 54 sch; 1999 No 27 s 4; 2000 No 28 sch 2
renum R3 LRA (see 2000 No 28 sch 2)
am 2001 No 44 amdt 1.3242, amdt 1.3243

Notice of decision

s 41 orig s 41 om 1997 No 126 s 5
(prev s 49) sub 1986 No 76 s 19
am 1988 No 29 sch; 1989 No 13 s 12; 1989 No 38 sch 1; 1993 No 8 s 10 (as am by 1993 No 14 sch 1); 1994 No 60 sch 1; 1997 No 70 sch 1
renum R3 LRA (see 2000 No 28 sch 2)
ss renum R4 LA

Review by administrative appeals tribunal

s 42 hdg	(prev s 50 hdg) am 1994 No 60 notes
s 42	orig s 42 om 1997 No 126 s 5 (prev s 50) am 1986 No 76 s 20; 1988 No 29 sch om 1989 No 13 s 14 ins 1993 No 8 s 11 am 1994 No 60 sch 1 renum R3 LRA (see 2000 No 28 sch 2)

Appointment of analysts

s 43	orig s 43 om 1997 No 126 s 5 (prev s 51) renum R3 LRA (see 2000 No 28 sch 2)

Certificate by analyst to be evidence

s 44	orig s 44 om 1997 No 126 s 5 (prev s 52) am 1985 No 67 sch; 2000 No 28 sch 2 renum R3 LRA (see 2000 No 28 sch 2)

Evidentiary certificate

s 45	orig s 45 am 1993 No 1 sch om 1997 No 126 s 5 (prev s 53) am 1986 No 76 s 21; 1988 No 29 sch om 1989 No 13 s 14 ins 1993 No 8 s 12 renum R3 LRA (see 2000 No 28 sch 2)

Modification of drugs and poisons standard

s 46	orig s 46 om 1997 No 126 s 7 (prev s 53A) ins 2000 No 28 s 10 renum R3 LRA (see 2000 No 28 sch 2) am 2001 No 44 amdt 1.3244

Determination of fees

s 47	orig s 47 1998 No 54 sch om 2000 No 28 s 9 (prev s 54) om 1989 No 13 s 14 ins 1993 No 8 s 12 am 2000 No 28 sch 2 renum R3 LRA (see 2000 No 28 sch 2) sub 2001 No 44 amdt 1.3245

Approved forms

s 47A	ins 2001 No 44 amdt 1.3245

Delegation

s 48	orig s 48 am 1998 No 54 sch om 2000 No 28 s 9 (prev s 54A) ins 1993 No 8 s12 (as am by 1993 No 14 sch 1) am 1997 No 70 sch 1 renum R3 LRA (see 2000 No 28 sch 2)

Regulation-making power

s 49	(prev s 55) am 1989 No 38 sch 1 sub 2000 No 28 sch 2 renum R3 LRA (see 2000 No 28 sch 2) am 2001 No 44 amdt 1.3246

Review of decisions

49A	ins 1986 No 76 s 19 am 1988 No 29 sch; 1989 No 13 s 13 om 1993 No 8 s 11

Anabolic steriods

sch 1	sub 1986 No 32 s 3; 1991 No 4 s 4 om 1993 No 8 s 13 ins 1994 No 40 s 6 sub 2000 No 43 s 5

Exempt goods

sch 2	(orig sch 2) sub 1986 No 32 s 3; 1991 No 4 s 4 om 1993 No 8 s 13 (prev sch 13) am 1986 No 32 s 5 renum R3 LRA (see 2000 No 28 sch 2)

Schedule 3

sch 3	sub 1986 No 32 s 3; 1991 No 4 s 4 om 1993 No 8 s 13

Schedule 4

sch 4	am 1981 No 19 s 4 sub 1986 No 32 s 3; 1991 No 4 s 4 om 1993 No 8 s 13

Schedule 5

sch 5	sub 1986 No 32 s 3; 1991 No 4 s 4 om 1993 No 8 s 13

Schedule 6

sch 6	sub 1986 No 32 s 3; 1991 No 4 s 4 om 1993 No 8 s 13

Schedule 7

sch 7	sub 1986 No 32 s 3; 1991 No 4 s 4 om 1993 No 8 s 13

Schedule 8

sch 8	sub 1986 No 32 s 3 om 1989 No 13 s 15

Traffickable quantities

sch 9	om 1989 No 13 s 15

Warning statements to be included in labels on schedules substances

sch 10	om 1997 No 126 s 8

First aid directions

sch 11	om 1997 No 126 s 8

Schedule 12

sch 12	am 1981 No 19 s 4; 1986 No 32 s 4 om 1989 No 13 s 15

Schedule 13

sch 13	renum as sch 2 R3 LA (see 2000 No 28 sch 2)

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	Act 1993 No 14	31 July 1993
2	Act 1994 No 94	28 February 1995
3	Act 2000 No 43	8 September 2000

6 Renumbered provisions

as made by the *Legislation (Republication) Act 1996* (as required by Act 2000 No 27 sch 2)

previous number	provision heading	renumbered or inserted as
3	Definitions for Act	2
27A	Meaning of *specialist* in pt 2	4
27B	Substances to which pt 2 applies	5
27C	Unauthorised prescribing or supplying	6
27D	Application for authorisation	7
27E	Grant of authorisation	8
27F	Dispensing	9

previous number	provision heading	renumbered or inserted as
28	Words and expressions used in drugs and poisons standard	10
29	Labels and containers	11
30	Standard and warning statements etc	12
pt 3A	**Poisons**	pt 4
pt 3A div 1	**Licensing for manufacture and sale**	div 4.1
47A	Application for licence	13
47B	Grant of licence	14
47C	Conditions of licence	15
47D	Variation of conditions of licence	16
47E	Amendment of licence	17
47F	Cancellation of licence	18
47G	Return of licence etc to Minister	19
47H	Duration of licence	20
47J	Renewal of licence	21
47K	Poisons register	22
47L	Offences by licensee	23
47M	Conditions for sale of poisons	24
pt 3A div 2	**Authorisations**	div 4.2
47N	Application for authorisation	25
47P	Grant of authorisation	26
47Q	Conditions of authorisation	27
47R	Variation of conditions of authorisation	28
47S	Cancellation of authorisation	29
47T	Duration of authorisation	30
47U	Renewal of authorisation	31
47V	Return of authorisation to Minister	32
pt 4	**Miscellaneous**	pt 5
47W	Possession of poison	33
47X	Manufacture of poison	34
47Y	Sale of poison	35
47Z	Directions	36

previous number	provision heading	renumbered or inserted as
47ZA	Possession of anabolic steroids	37
47ZB	Prescription, dispensing or sale of anabolic steroids	38
48	Exemption of building materials, hardware etc	39
48A	Advertising scheduled substances	40
49	Notice of decision	41
49 (1A)		41 (2)
49 (2)		41 (3)
50	Review by administrative appeals tribunal	42
51	Appointment of analysts	43
52	Certificate by analyst to be evidence	44
53	Evidentiary certificate	45
53A	Modification of drugs and poisons standard	46
54	Fees	47
54A	Delegation	48
55	Regulation-making power	49
sch 13	**Anabolic steroids**	sch 2