



AUSTRALIAN CAPITAL TERRITORY

## Drugs of Dependence (Amendment) Act 1997

No. 75 of 1997

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### **An Act to amend the *Drugs of Dependence Act 1989***

*[Notified in ACT Gazette S360: 25 November 1997]*

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

#### **Short title**

1. This Act may be cited as the *Drugs of Dependence (Amendment) Act 1997*.

#### **Commencement**

2. This Act commences on the day on which it is notified in the *Gazette*.

#### **Principal Act**

3. In this Act, “Principal Act” means the *Drugs of Dependence Act 1989*.<sup>1</sup>

#### **Requisitions generally**

4. Section 62 of the Principal Act is amended by adding at the end of paragraph (1) (c) “or for the time being authorised, in writing or orally in the presence of a witness, by the person in charge”.

### **Supply on requisition**

5. Section 79 of the Principal Act is amended by inserting in subparagraph (2) (a) (ii) “or for the time being authorised, in writing or orally in the presence of a witness, by the person in charge” after “institution”.

### **Entries in ward drugs of dependence registers**

6. Section 102 of the Principal Act is amended—

- (a) by omitting from subsection (1) “, within 24 hours after the drug is supplied” and substituting “or returned to a dispensary, within 24 hours after the drug is supplied or returned”;
- (b) by adding at the end of paragraph (1) (a) “or returned”;
- (c) by inserting in paragraph (1) (c) “supply at” after “case of”;
- (d) by omitting from subsection (2) “administers” and substituting “is to administer”;
- (e) by omitting from subsection (2) “enter in the relevant ward drugs of dependence register within 24 hours after the drug is administered” and substituting “, when the drug is removed from a drug cabinet or safe for that purpose, enter in the relevant ward drugs of dependence register”;
- (f) by inserting in paragraph (2) (a) “anticipated” before “date”;
- (g) by omitting from paragraph (2) (e) “was” and substituting “is to be”;
- (h) by inserting in subsection (3) “pursuant to subsection (1)” after “register”;
- (i) by inserting after subsection (3) the following subsection:

“(3A) A person who makes an entry in a ward drugs of dependence register pursuant to subsection (2) shall, within 24 hours after the entry was made—

  - (a) if necessary, correct the particulars relating to the date and time of the administration; and
  - (b) sign the entry.”; and
- (j) by inserting in paragraph (4) (a) “or returns such a drug to a dispensary” after “ward”.

**Registers—general provisions**

7. Section 106 of the Principal Act is amended by inserting in subsection (1) “and subsection 102 (3A)” after “(2)”.

**Access to combinations and keys of drug receptacles**

8. Section 117 of the Principal Act is amended by adding at the end of paragraph (1) (f) “or a person for the time being authorised, in writing or orally in the presence of a witness, by the person in charge”.

**Safekeeping—general**

9. Section 118 of the Principal Act is amended by inserting in paragraph (b) “or other drugs or prohibited substances” after “dependence”.

**Procedure for disposal**

10. Section 120 of the Principal Act is amended—

(a) by inserting in paragraph (4) (b) “or a pharmacist for the time being authorised, in writing or orally in the presence of a witness, by the Chief Pharmacist” after “institution”; and

(b) by inserting after subsection (5) the following subsection:

“(5A) Notwithstanding subsection (4), the residue left after a drug of dependence has been administered may be disposed of by a person referred to in subparagraph (4) (a) (i) or (ii) in the presence of another such person.”.

**Possession and administration of drugs—exemptions**

11. Section 170 of the Principal Act is amended by inserting after paragraph (1) (a) the following paragraph:

“(aa) a medical practitioner, pharmacist or nurse employed within a Class I institution or a Class II institution acting in the course of his or her employment;”.

**Prohibited substances—possession, administration, disposal**

12. Section 171 of the Principal Act is amended—

(a) by inserting after paragraph (4) (c) the following paragraph:

“(ca) a medical practitioner, pharmacist or nurse employed within a Class I institution or a Class II institution acting in the course of his or her employment;” and

- (b) by adding at the end the following subsection:

“(5) Where a person referred to in paragraph (4) (ca) is in possession of a quantity of a prohibited substance, section 120 applies as if a reference in that section to a drug of dependence were a reference to a prohibited substance.”.

#### **Schedule 4**

13. Schedule 4 to the Principal Act is amended—

- (a) by inserting in Form 2, between the headings “Time of administration” and “Remarks”, the heading “Disposal<sup>7A</sup>”;
- (b) by inserting in Form 2, after note 7, the following note:  
“7A. Quantity, if any, disposed of.”; and
- (c) by omitting from Form 2 the third paragraph of note 8 and substituting the following paragraph:  
“• If the drug is disposed of—countersignature of the person who authorised or witnessed the disposal.”.

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#### **NOTE**

#### **Principal Act**

1. Reprinted as at 30 November 1996.

*[Presentation speech made in Assembly on 25 September 1997]*

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