

AUSTRALIAN CAPITAL TERRITORY

Poisons (Amendment) Ordinance 1989

No. 12 of 1989

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated 1 March 1989.

BILL HAYDEN
Governor-General

By His Excellency's Command,

CLYDE HOLDING
Minister of State for the Arts
and Territories

An Ordinance to amend the *Poisons and Dangerous Drugs Ordinance 1933*

Short title

1. This Ordinance may be cited as the *Poisons (Amendment) Ordinance 1989*.¹

Commencement

2. This Ordinance commences on such date as is fixed by the Minister by notice in the *Gazette*.

(Ord. 27/88)—Cat. No.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Principal Ordinance

3. In this Ordinance, “Principal Ordinance” means the *Poisons and Dangerous Drugs Ordinance 1933*.²

Long title

4. The title of the Principal Ordinance is amended by omitting “, Narcotic Drugs”.

Short title of Principal Ordinance

5. Section 1 of the Principal Ordinance is amended by omitting “*and Dangerous Drugs*”.

Interpretation

6. Section 5 of the Principal Ordinance is amended—

- (a) by omitting all the words after “substance” (last occurring) from the definition of “restricted substance” in subsection (1) and substituting “declared under section 12 to be a restricted substance;”;
- (b) by omitting from subsection (1) the definitions of “Manufacture” and “Narcotic Drug”; and
- (c) by inserting in subsection (1) the following definitions:
 - “ ‘biological preparation’ means a substance declared under section 12 to be a biological preparation;”;
 - “ ‘determined fee’ means the fee determined under section 53A for the purpose of the provision in which the expression occurs;”.

Licences to sell poisons and other substances

7. Section 8 of the Principal Ordinance is amended by omitting subsection (1) and substituting the following subsection:

“8. (1) The Service may, on payment of the determined fee to the Service, grant to a person who the Service believes on reasonable grounds to be a fit and proper person a licence to sell poisons, poisonous substances, biological preparations or restricted substances.”.

Powers of inspection

8. Section 10 of the Principal Ordinance is amended—

- (a) by omitting “narcotic drugs”; and

- (b) by omitting all the words after “restricted substances” and substituting “and any Schedule 4 substances within the meaning of the *Poisons and Drugs Ordinance 1978*.”.

Declaration of substances by Minister

9. Section 12 of the Principal Ordinance is amended—

- (a) by omitting “drugs, chemicals, compounds or biological preparations” and substituting “substances”;
- (b) by omitting paragraph (c) and substituting the following paragraph:
 - “(c) restricted substances;”; and
- (c) by omitting from paragraph (d) “or”.

Amendment of heading

10. The heading to Part III of the Principal Ordinance is amended by omitting “, NARCOTIC DRUGS,” and substituting “AND”.

Storage of poisons

11. Section 17 of the Principal Ordinance is amended by omitting “and narcotic drugs”.

Repeal

12. Part V of the Principal Ordinance is repealed.

Substitution

13. Sections 40, 40A, 40B and 40C of the Principal Ordinance are repealed and the following section substituted:

Sale and supply of biological preparations and restricted substances

“40. (1) A person shall not sell or supply to, or dispense for, another person a biological preparation or restricted substance unless that other person is—

- (a) a registered medical practitioner;
- (b) a registered dentist;
- (c) a registered pharmacist;
- (d) a registered veterinary surgeon;

- (e) the holder of a licence to sell that preparation or that substance, as the case may be;
- (f) an officer or employee of the Service authorised in writing by the Service for the purpose; or
- (g) a person who presents a prescription signed by a registered medical practitioner, a registered dentist or a registered veterinary surgeon authorising the sale or supply to, or dispensing for, that person or another person for whom that person is acting of that preparation or that substance, as the case may be.

“(2) A person shall not offer for sale a biological preparation or restricted substance unless he or she is—

- (a) a registered medical practitioner;
- (b) a registered pharmacist;
- (c) a registered veterinary surgeon;
- (d) the holder of a licence to sell that preparation or that substance, as the case may be; or
- (e) an officer or employee of the Service authorised in writing by the Service for the purpose.”.

Insertion of section

14. After section 53 of the Principal Ordinance the following section is inserted:

Power of Minister to determine fees

“53A. The Minister may, by notice in writing published in the *Gazette*, determine fees for the purposes of this Ordinance.”.

Regulations

15. Section 54 of the Principal Ordinance is amended—

- (a) by omitting from paragraph (a) “, poisonous substances and narcotic drugs” and substituting “and poisonous substances”;
- (b) by omitting “, narcotic drug” (wherever occurring);
- (c) by omitting from paragraph (c) “, narcotic drugs”;
- (d) by omitting from paragraph (f) “and the payment of fees therefor”; and

(e) by omitting paragraphs (k) and (m).

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 15 March 1989.
2. No. 37, 1933 as amended by No. 24, 1936; No. 35, 1938; No. 13, 1954; No. 1, 1963; No. 19, 1966; No. 32, 1967; No. 17, 1975; No. 36, 1976; Nos. 9, 39 and 46, 1978; No. 20, 1981; No. 46, 1982; No. 67, 1985; No. 29, 1988.