



Australian Capital Territory

Medicines, Poisons and Therapeutic Goods Amendment Regulation 2023 (No 1)

Subordinate Law SL2023-5

The Australian Capital Territory Executive makes the following regulation under the *Medicines, Poisons and Therapeutic Goods Act 2008*.

Dated 25 March 2023.

ANDREW BARR
Chief Minister

RACHEL STEPHEN-SMITH
Minister



Australian Capital Territory

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[Medicines, Poisons and Therapeutic Goods Act 2008](#)

1 Name of regulation

This regulation is the *Medicines, Poisons and Therapeutic Goods Amendment Regulation 2023 (No 1)*.

2 Commencement

This regulation commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

3 Legislation amended

This regulation amends the *Medicines, Poisons and Therapeutic Goods Regulation 2008*.

4 Section 860 heading

substitute

860 Supply etc of certain declared substances by public employee exercising functions under Act—Act, s 26 (1) (b) etc

5 Section 861 heading

substitute

861 Dealings with regulated substances and regulated therapeutic goods by public employees under chief health officer permit—Act, s 20 (1) (a) etc

6 New section 861A

insert

861A Dealings with regulated substances and regulated therapeutic goods by public employees under director-general authorisation—Act, s 20 (1) (d) and s 22 (1) (d)

- (1) Dealing with a regulated substance or regulated therapeutic good is authorised if the person who deals with the substance or good is—
 - (a) a public employee or a member of a class of public employees (however described); and

- (b) authorised by the director-general to deal with the substance or good within the scope of the person's employment.

Note Power to make an authorisation includes power to make different provision in relation to different matters or different classes of matters (see [Legislation Act](#), s 48).

- (2) The authorisation must be in writing and include the following information:

- (a) the dealings with regulated substances or regulated therapeutic goods authorised;
- (b) the regulated substances or regulated therapeutic goods to which the authorisation relates;
- (c) the public employee or the class of employees authorised;
- (d) any condition to which the authorisation is subject;
- (e) a unique identifying number for the authorisation;
- (f) the date the authorisation begins and the date when the authorisation ends.

- (3) For subsection (2) (c), the authorisation may identify a public employee by—

- (a) naming the employee; or
- (b) nominating the occupant of a position (however described), at a particular time or from time to time.

Note 1 The director-general may delegate the director-general's function under this section to a public employee or another person (see [Public Sector Management Act 1994](#), s 20).

Note 2 The instrument making or evidencing a delegation may provide that the delegation has effect only in stated circumstances or subject to stated conditions, limitations or directions (see [Legislation Act](#), s 234).

- (4) An authorisation is a notifiable instrument.

(5) In this section:

public employee includes—

(a) an employee—

(i) employed by Calvary Health Care ACT Limited ACN 105 304 989 (*Calvary*) to provide public health services to the Territory; and

(ii) to whom the *Public Sector Management Act 1994* applies because of an agreement in force between the Territory and Calvary; and

(b) a police officer.

**7 Schedule 1, part 1.3, item 2, column 3,
new paragraph (da)**

insert

(da) prescribe medicines for patient on patient's discharge from institution;

Endnotes

1 Notification

Notified under the [Legislation Act](#) on 6 April 2023.

2 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.
