

TASMANIA

POISONS AMENDMENT BILL (No. 2) 2009

CONTENTS

1. Short title
2. Commencement
3. Principal Act
4. Section 26 amended (Sale and supply of potent substances and hazardous and medicinal poisons)
5. Section 47 amended (Sale and supply of narcotic substances, prohibited plants, and prohibited substances)
6. Section 47A inserted
 - 47A. Administration of medicinal poisons and potent, restricted and narcotic substances
7. Part 5A renumbered
8. Sections 59A to 59G renumbered
9. Section 59G amended (Interpretation)
10. Schedule 1 amended (Membership of Poppy Advisory and Control Board)
11. Schedule 2 amended (Meetings of Board)
12. Repeal of legislation

POISONS AMENDMENT BILL (No. 2) 2009

*(Brought in by the Minister for Health, the Honourable
Larissa Tahireh Giddings)*

A BILL FOR

An Act to amend the *Poisons Act 1971*

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the *Poisons Amendment Act (No. 2) 2009*.

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

3. Principal Act

In this Act, the *Poisons Act 1971** is referred to as the Principal Act.

*No. 81 of 1971

Poisons Amendment Bill (No. 2) 2009
Act No. of

s. 4

4. Section 26 amended (Sale and supply of potent substances and hazardous and medicinal poisons)

Section 26 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “A” and substituting “Subject to section 47A, a”;
- (b) by omitting from subsection (1B) “A” and substituting “Subject to section 47A, a”.

5. Section 47 amended (Sale and supply of narcotic substances, prohibited plants, and prohibited substances)

Section 47(1) of the Principal Act is amended by omitting “A” and substituting “Subject to section 47A, a”.

6. Section 47A inserted

After section 47 of the Principal Act, the following section is inserted in Division 2:

47A. Administration of medicinal poisons and potent, restricted and narcotic substances

- (1) This section applies to the following:
 - (a) medicinal poisons;
 - (b) potent substances;

Poisons Amendment Bill (No. 2) 2009
Act No. of

s. 7

- (c) restricted substances;
 - (d) narcotic substances.
- (2) Notwithstanding section 26(1) and (1B) and section 47, the regulations may –
- (a) allow for any poisons or substances to which this section applies to be administered by such persons in such circumstances as the regulations prescribe; and
 - (b) prescribe conditions and restrictions in respect of such administration.
- (3) In this section “administer” includes making available for self-administration.

7. Part 5A renumbered

Part 5A of the Principal Act, as inserted by the *Poisons Amendment (Poppy Advisory and Control Board) Act 2008*, is renumbered as Part VB.

8. Sections 59A to 59G renumbered

Sections 59A, 59B, 59C, 59D, 59E, 59F and 59G of the Principal Act, as inserted by the *Poisons Amendment (Poppy Advisory and Control Board) Act 2008*, are renumbered as

Poisons Amendment Bill (No. 2) 2009
Act No. of

s. 9

sections 59G, 59H, 59I, 59J, 59K, 59L and 59M respectively.

9. Section 59G amended (Interpretation)

Section 59G of the Principal Act is amended by omitting “section 59B(1)” from the definition of “Board” and substituting “section 59H(1)”.

10. Schedule 1 amended (Membership of Poppy Advisory and Control Board)

Schedule 1 to the Principal Act is amended as follows:

- (a) by omitting “section 59B” from the definition of “Board” in clause 1 and substituting “section 59H”;
- (b) by omitting “Part 5A” from the definition of “Minister” in clause 1 and substituting “Part VB”;
- (c) by omitting from clause 2 “section 59B(2)(a)” and substituting “section 59H(2)(a)”;
- (d) by omitting from clause 6(1) “section 59B(2)(a)” and substituting “section 59H(2)(a)”;
- (e) by omitting from clause 6(2) “section 59B(2)(a)” and substituting “section 59H(2)(a)”;

Poisons Amendment Bill (No. 2) 2009
Act No. of

s. 11

- (f) by omitting from clause 7(1) “section 59B(2)(a)” and substituting “section 59H(2)(a)”;
- (g) by omitting from clause 7(2) “section 59B(2)(a)” and substituting “section 59H(2)(a)”.

11. Schedule 2 amended (Meetings of Board)

Clause 1 of Schedule 2 to the Principal Act is amended as follows:

- (a) by omitting “section 59B” from the definition of “Board” and substituting “section 59H”;
- (b) by omitting “Part 5A” from the definition of “Minister” and substituting “Part VB”.

12. Repeal of legislation

This Act is repealed on the ninetieth day from the day on which it commences.