

**CLAUSE NOTES**

- Clause 1**            **Short Title**
- Clause 2**            **Commencement**
- Provides for the Act to commence on a day to be proclaimed.
- Clause 3**            **Effect of certain consequential amendments**
- This clause provides that the regulations amended by this Act can be amended or rescinded at a later stage by subsequent regulations.
- Clause 4**            **Principal Act**
- This clause provides that the principal Act amended by this Part is the *Poisons Act 1971*.
- Clause 5**            **Section 3 amended (Interpretation)**
- This clause provides for key definitions within the Act.
- Significant terms include:
- "drug" – means a substance principally used therapeutically or designed to be used therapeutically.
  - "drug-dependant person".
  - "drug of dependence" means a class of drugs identified in Schedules 8 and 9 of the Poisons List or any other drug declared by the Minister to be a drug of dependence.
- Clause 6**            **Section 4 inserted**
- This clause provides that a person exhibits “drug-seeking behaviour” –
- if they seek to obtain a drug of dependence for use for a non-medical purpose or to sell or supply the drugs to another person; or
  - as a result of the drug use, the person exhibits an

impaired ability to manage the use of the drug; or

- failure to obtain the drugs is likely cause mental or physical distress or disorder.

**Clause 7                    Section 39 amended (Interpretation)**

This clause removes a former definition of “drug” from section 39 of the Principal Act.

**Clause 8                    Part VA inserted**

This clause provides for the insertion of a new Part (comprising new sections 59A to 59E) into the Principal Act.

**Section 59A** provides for key definitions within Part VA.

Significant terms include:

- "notifiable restricted substance" means a substance declared by the Minister to be a notifiable restricted substance.
- "prescribed period" means a period declared by the Minister to be the maximum period that a narcotic or specified substance may be made available for continuous use by a person without an authority from the Secretary.
- "specified substance" means a substance declared by the Minister to be a specified substance.

**Section 59B** provides that a medical practitioner, dentist or authorised nurse practitioner must notify the Secretary if a person exhibiting drug-seeking behaviour seeks a notifiable restricted substance from them. The notification requirement applies if the person is prescribed a substance or has previously been prescribed a substance. The notification is not required if the person is not (or has not previously been) prescribed the substance.

The clause also provides a number of exemptions to this requirement.

**Section 59C** makes it an offence for a medical practitioner, dentist or authorised nurse practitioner to make available, without the authority of the Secretary, a narcotic or

specified substance to:

- a drug-dependent person;
- a person exhibiting drug-seeking behaviour;
- a person with a history of obtaining those substances for a non-medical purpose;
- a person who the medical practitioner, dentist or authorised nurse practitioner knows or ought to know has an authority to receive the medication under section 59E (unless the drug is being administered under that authority); or
- for a period longer than the specified period.

**Section 59D** provides an exemption from the prohibition in section 59C for initial emergency treatment or for treatment given in a hospital or Alcohol and Drug treatment centre.

**Section 59E** provides that the Secretary may authorise a medical practitioner, dentist or authorised nurse practitioner to make available a narcotic or specified substance to a specific patient in certain circumstances.

The clause also extends the authority to a medical practitioner or dentist working in the same practice as the person authorised if they are treating that patient.

The clause sets out the mechanism for making an application for an authority.

**Clause 9**

**Part VI, Division 2A (section 89A) inserted**

This clause provides transitional arrangements for the Act. Basically, it provides that a notification or authority that was in place under the *Alcohol and Drug Dependency Act 1968* continues to have effect as if it were made under the Principal Act.

An application for an authority made under the *Alcohol and Drug Dependency Act* but not finalised before the commencement of the *Poisons Amendment Act 2009* is taken to have been made under section 59E of this Act.

*POISONS AMENDMENT BILL 2009*

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- Clause 10**      **Principal Act**
- This clause provides that the Principal Act amended by this Part is the *Alcohol and Drug Dependency Act 1968*.
- Clause 11**      **Part III repealed**
- This clause provides that Part III of the *Alcohol and Drug Dependency Act 1968* is repealed.
- Clause 12**      **Principal Regulations**
- This clause provides that the Principal Regulations amended by this Part are the *Alcohol and Drug Dependency Regulations 1999*.
- Clause 13**      **Part 2 rescinded**
- This clause provides that Part 2 of the *Alcohol and Drug Dependency Regulations 1999* is rescinded.
- Clause 14**      **Schedule 1 amended (Forms)**
- This clause provides that Forms 1 and 2 of Schedule 1 to the *Alcohol and Drug Dependency Regulations 1999* are omitted.
- Clause 15**      **Principal Regulations**
- This clause provides that the Principal Regulations amended by this Part are the *Poisons Regulations 2008*.
- Clause 16**      **Regulation 19 amended (Prescription for certain narcotic substances to be issued only on authority of Secretary)**
- This clause provides that Regulations 19(2), (3), (4), (5), (6) and (7) of the *Poisons Regulations 2008* are omitted.