Authorised Version No. 016

Drugs, Poisons and Controlled Substances Regulations 2017

S.R. No. 29/2017

Authorised Version incorporating amendments as at 1 July 2023

TABLE OF PROVISIONS

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Chapter 1—Preliminary

1 Objectives

The objectives of these Regulations are—

(a) to facilitate and enhance the safe and secure storage, sale, supply, prescribing, administration and use of drugs, poisons and controlled substances by registered practitioners, authorised persons, licensed or permitted persons and the public; and

(b) to prescribe fees and other matters relating to the provision of licences and permits issued under the **Drugs, Poisons and Controlled Substances Act 1981**; and

Reg. 1(b) amended by S.R. No. 96/2022 reg. 5.

(c) to prescribe forms and other matters necessary to be prescribed for the purposes of the **Drugs, Poisons and Controlled Substances Act 1981**.

2 Authorising provisions

These Regulations are made under sections 129, 131, 132, 132A and 132B of the **Drugs, Poisons and Controlled Substances Act 1981**.

3 Commencement

These Regulations come into operation on 23 May 2017.

4 Revocations

The Regulations set out in Schedule 1 are **revoked**.

5 Definitions

(1) In these Regulations—

Reg. 5(1) def. of *advanced first aid service* inserted by S.R. No. 174/2021 reg. 5(1).

advanced first aid service has the same meaning as in the Non-Emergency Patient Transport and First Aid Services (First Aid Services) Regulations 2021;

animal includes bird, fish or insect;

Reg. 5(1) def. of *approved naloxone provider* inserted by S.R. No. 113/2022 reg. 5.

approved naloxone provider means a person approved, or belonging to a class approved, by the Secretary in accordance with regulation 161D;

Reg. 5(1) def. of *approved naloxone worker* inserted by S.R. No. 113/2022 reg. 5.

approved naloxone worker means a person belonging to a class approved by the Secretary in accordance with regulation 161E;

Reg. 5(1) def. of *approved registered midwife* inserted by S.R. No. 13/2021 reg. 5(a).

approved registered midwife means a registered midwife belonging to a class approved by the Secretary in accordance with regulation 159B;

approved registered nurse means a registered nurse belonging to a class approved by the Secretary in accordance with regulation 159C;

Reg. 5(1) def. of *approved registered nurse* inserted by S.R. No. 13/2021 reg. 5(a).

Australian Sailing Limited means Australian Sailing Limited ACN 602 997 562;

authorised midwife means a registered midwife who is authorised by section 13(1)(bc) of the Act to obtain, possess, use, sell or supply a Schedule 2, 3, 4 or 8 poison in accordance with that provision;

authorised optometrist means a registered optometrist who is authorised by section 13(1)(c) of the Act to obtain, possess, use, sell or supply a Schedule 2, 3 or 4 poison in accordance with that provision;

authorised podiatrist means a registered podiatrist who is authorised by section 13(1)(ca) of the Act to obtain, possess, use, sell or supply a Schedule 2, 3 or 4 poison in accordance with that provision;

authorised psychedelic psychiatrist means a registered medical practitioner—

Reg. 5(1) def. of *authorised psychedelic psychiatrist* inserted by S.R. No. 61/2023 reg. 5.

(a) who is registered as a specialist psychiatrist under the Health Practitioner Regulation National Law; and

(b) for whom an authority under section 19(5) of the Therapeutic Goods Act 1989 of the Commonwealth that covers MDMA or psilocybine is in force;

authorised registered nurse means a registered nurse who is authorised by section 13(1)(bb) of the Act to obtain, possess, use, sell or supply a Schedule 2, 3, 4 or 8 poison in accordance with that provision;

chart instruction has the meaning given in regulation 6;

Commonwealth Regulations means the National Health (Pharmaceutical Benefits) Regulations 2017 of the Commonwealth;

Reg. 5(1) def. of *Commonwealth Secretary* inserted by S.R. No. 61/2023 reg. 5.

Commonwealth Secretary means the Secretary within the meaning of the Therapeutic Goods Act 1989 of the Commonwealth;

Reg. 5(1) def. of *dental assistant* inserted by S.R. No. 31/2018 reg. 5.

dental assistant means a person who—

(a) holds a qualification approved by the Secretary under regulation 159A; and

(b) has completed a course approved by the Secretary under regulation 159A;

Reg. 5(1) def. of *electronic medication chart* inserted by S.R. No. 73/2020 reg. 5.

electronic medication chart means a medication chart in an electronic form in accordance with the requirements of the Commonwealth Regulations;

enrolled nurse means a person registered under the Health Practitioner Regulation National Law—

(a) to practise in the nursing and midwifery profession as a nurse (other than as a student); and

(b) in the enrolled nurses division of the Register of Nurses;

first aid has the same meaning as in the **Non-Emergency Patient Transport and First Aid Services Act 2003**;

Reg. 5(1) def. of *first aid* inserted by S.R. No. 174/2021 reg. 5(1).

first aid service has the same meaning as in the **Non-Emergency Patient Transport and First Aid Services Act 2003**;

Reg. 5(1) def. of *first aid service* inserted by S.R. No. 174/2021 reg. 5(1).

first aid service licence has the same meaning as in the **Non-Emergency Patient Transport and First Aid Services Act 2003**;

Reg. 5(1) def. of *first aid service licence* inserted by S.R. No. 174/2021 reg. 5(1).

general Schedule 9 permit means a permit issued under regulation 14(1);

hospital medication chart means a medication chart within the meaning of the Commonwealth Regulations that is kept in respect of a patient being treated in or at a hospital or day procedure centre;

human research ethics committee means a committee—

Reg. 5(1) def. of *human research ethics committee* inserted by S.R. No. 96/2022 reg. 6.

(a) that has notified its existence to the Australian Health Ethics Committee established under the National Health and Medical Research Council Act 1992 of the Commonwealth; and

(b) to which the NHMRC (within the meaning of that Act) has allocated a code to denote the NHMRC's registration of the committee as a human research ethics committee; and

(c) whose registration referred to in paragraph (b) is in force;

Reg. 5(1) def. of *intermediate first aid service* inserted by S.R. No. 174/2021 reg. 5(1).

intermediate first aid service has the same meaning as in the Non-Emergency Patient Transport and First Aid Services (First Aid Services) Regulations 2021;

listed regulated poison means a Schedule 7 poison that is included in Part 2 of Chapter 1 of the Poisons Code in the list of substances that are not for general sale by retail;

Reg. 5(1) def. of *National Health (Continued Dispensing) Determination 2012* substituted as *National Health (Continued Dispensing) Determination 2022* by S.R. No. 112/2022 reg. 5.

National Health (Continued Dispensing) Determination 2022 means the legislative instrument made under section 89A(3) of the National Health Act 1953 of the Commonwealth as formulated or published;

Reg. 5(1) def. of *non-emergency patient transport service* inserted by S.R. No. 178/2018 reg. 5, amended by S.R. No. 174/2021 reg. 5(2).

non-emergency patient transport service has the same meaning as it has in the **Non-Emergency Patient Transport and First Aid Services Act 2003**;

non-emergency patient transport service licence has the same meaning as it has in the **Non-Emergency Patient Transport and First Aid Services Act 2003**;

Reg. 5(1) def. of *non-emergency patient transport service licence* inserted by S.R. No. 178/2018 reg. 5, amended by S.R. No. 174/2021 reg. 5(3).

nurse means—

(a) a registered nurse; or

(b) an enrolled nurse other than an enrolled nurse who has a notation on the nurse's registration indicating that the nurse is not qualified to administer medication;

orthoptist means a person who is registered as an orthoptist with the Australian Orthoptic Board, being a committee constituted by the directors of the Australian Orthoptists Registration Body Pty Ltd ACN 095 117 678;

ovulatory stimulant means a substance listed as an ovulatory stimulant in Part 2 of Chapter 1 of the Poisons Code;

palliative care service means a service which provides medical and nursing care to persons who are terminally ill;

pharmacy has the same meaning as it has in the **Pharmacy Regulation Act 2010**;

pharmacy business has the same meaning as it has in the **Pharmacy Regulation Act 2010**;

pharmacy department has the same meaning as it has in the **Pharmacy Regulation Act 2010**;

prescription does not include—

(a) a chart instruction; or

(b) an authorisation under Part 8 of Chapter 2;

Reg. 5(1) def. of *prescription exchange service* inserted by S.R. No. 72/2018 reg. 5.

prescription exchange service means a system that provides for the electronic transfer of prescription information between a person who issues a prescription and a pharmacist;

prostaglandin means a substance listed as a prostaglandin in Part 2 of Chapter 1 of the Poisons Code;

Reg. 5(1) def. of *registered Aboriginal and Torres Strait Islander health practitioner* inserted by S.R. No. 16/2022 reg. 4.

registered Aboriginal and Torres Strait Islander health practitioner means a person registered under the Health Practitioner Regulation National Law to practise in the Aboriginal and Torres Strait Islander health practice profession (other than as a student);

registered dental hygienist means a person registered under the Health Practitioner Regulation National Law—

(a) to practise in the dental profession as a dental hygienist (other than as a student); and

(b) in the dental hygienists division of the Register of Dental Practitioners;

Reg. 5(1) def. of *registered dental practitioner* inserted by S.R. No. 31/2018 reg. 5.

registered dental practitioner means—

(a) a dentist; or

(b) a registered dental hygienist; or

(c) a registered dental therapist; or

(d) a registered oral health therapist;

registered dental therapist means a person registered under the Health Practitioner Regulation National Law—

(a) to practise in the dental profession as a dental therapist (other than as a student); and

(b) in the dental therapists division of the Register of Dental Practitioners;

registered oral health therapist means a person registered under the Health Practitioner Regulation National Law—

(a) to practice in the dental profession as an oral health therapist (other than as a student); and

(b) in the oral health therapists division of the Register of Dental Practitioners;

resident means a person who receives residential care in a residential facility;

residential care service has the meaning given by Schedule 1 to the Aged Care Act 1997 of the Commonwealth;

residential medication chart means a medication chart within the meaning of the Commonwealth Regulations that is kept in respect of a person who is receiving treatment as a resident;

retinoid means a substance listed as a retinoid in Part 2 of Chapter 1 of the Poisons Code;

Schedule 3 naloxone means naloxone when prepared to be used for the treatment of opioid overdoses;

Reg. 5(1) def. of *Schedule 3 naloxone* inserted by S.R. No. 113/2022 reg. 5.

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Reg. 5(1) def. of *Schedule 8 cannabis* revoked by S.R. No. 13/2022 reg. 5(a).

Reg. 5(1) def. of *Schedule 8 MDMA* inserted by S.R. No. 61/2023 reg. 5.

Schedule 8 MDMA means N, α -DIMETHYL-3, 4-(METHYLENEDIOXY)PHENYLETHY LAMINE in Schedule 8 of the Poisons Standard;

Note

MDMA is included in Schedule 8 of the Poisons Standard only for the treatment of post-traumatic stress disorder.

Reg. 5(1) def. of *Schedule 8 psilocybine* inserted by S.R. No. 61/2023 reg. 5.

Schedule 8 psilocybine means psilocybine in Schedule 8 of the Poisons Standard;

Note

Psilocybine is included in Schedule 8 of the Poisons Standard only for the treatment of treatment-resistant depression.

Reg. 5(1) def. of *Schedule 8 tetrahydro-cannabinol* revoked by S.R. No. 13/2022 reg. 5(b).

* * * * *

special Schedule 7 substance means a substance listed as a special Schedule 7 substance in Part 2 of Chapter 1 of the Poisons Code;

special Schedule 8 permit means a permit issued under regulation 12(1);

special Schedule 8 poison means—

Reg. 5(1) def. of *special Schedule 8 poison* amended by S.R. No. 13/2022 reg. 5(c).

(a) methadone;

(b) nabiximols;

* * * * *

(e) amphetamine;

(f) dexamphetamine;

(g) lisdexamfetamine;

(h) methylamphetamine;

(i) methylphenidate;

(j) sodium oxybate;

St John Ambulance means St. John Ambulance Australia (Victoria) Inc. ABN 69 061 844 380;

storage facility includes cabinet, receptacle, cupboard, refrigerator or room;

supplementary labelling requirements means the requirements set out in regulation 72;

thalidomide means—

(a) thalidomide for human use; or

(b) a substance listed as a thalidomide-like substance in Part 2 of Chapter 1 of the Poisons Code;

the Act means the **Drugs, Poisons and Controlled Substances Act 1981**;

Reg. 5(1) def. of *the Act* amended by S.R. No. 13/2021 reg. 5(b).

Reg. 5(1) def. of *the Primary Clinical Care Manual* inserted by S.R. No. 13/2021 reg. 5(a).

the Primary Clinical Care Manual means the document with that title, as published from time to time by the State of Queensland (Queensland Health) and the Royal Flying Doctor Service (Queensland Section).

(2) A reference in these Regulations to a ***drug of dependence*** includes a reference to a drug of dependence that is also a Schedule 4 poison, Schedule 8 poison or Schedule 9 poison.

Note

Drug of dependence is defined in the Act.

6 Meaning of *chart instruction*

(1) A ***chart instruction*** is an order—

(a) that provides for a person to be supplied with a Schedule 3 poison, Schedule 4 poison or Schedule 8 poison; and

(b) that is given by complying with the procedure set out in the Commonwealth Regulations for writing a medication chart prescription within the meaning of those Regulations.

(2) An order may be a ***chart instruction***—

(a) whether or not the Schedule 3 poison, Schedule 4 poison or Schedule 8 poison in respect of which the order is given is a pharmaceutical benefit within the meaning of the Commonwealth Regulations; and

(b) whether or not the person who writes the instruction is a PBS prescriber within the meaning of the Commonwealth Regulations.

Notes

1 Under the Commonwealth Regulations, a medication chart prescription must be for a pharmaceutical benefit and must be given by a PBS prescriber. Under subregulation (2), ***chart instruction*** includes medication chart prescriptions and also includes other orders that do not meet those requirements.

2 See regulations 28(3) and 29(2) in relation to the writing of other information on a hospital medication chart or residential medication chart.

Chapter 2—Schedule 4, 8 and 9 poisons

Part 1—Possession

7 Persons authorised to possess Schedule 4, 8 and 9 poisons

(1) A person or class of persons shown in an item in Column 1 of the following Table is authorised to obtain or possess a Schedule 4 poison, Schedule 8 poison or Schedule 9 poison to the extent and for the purpose shown in Column 2.

Reg. 7(1) (Table) amended by S.R. Nos 31/2018 reg. 6, 178/2018 reg. 6(1), 13/2021 reg. 6, 174/2021 reg. 6, 16/2022 reg. 5.

Table

	Column 1	*Column 2*
	Part 1	
1.	A person who holds or who is the agent of a person who holds a licence, permit or warrant issued under the Act or these Regulations.	Those Schedule 4 poisons, Schedule 8 poisons or Schedule 9 poisons named on the licence, permit or warrant to the extent and for the purpose specified in the licence, permit or warrant.
2.	A person who is engaged, or employed by a person who is engaged, to transport a Schedule 4 poison at the request of a person holding a licence or permit issued under the Act or these Regulations, or a registered medical practitioner, veterinary practitioner, dentist, nurse practitioner,	The Schedule 4 poison for the purposes of delivery to the person to whom the consignment is addressed.

	Column 1	*Column 2*
	authorised midwife, authorised optometrist, authorised podiatrist or pharmacist.	
3.	A person who is engaged, or employed by a person who is engaged, to transport a Schedule 8 poison at the request of a person holding a licence or permit issued under the Act or these Regulations, or a registered medical practitioner, veterinary practitioner, dentist, nurse practitioner, authorised midwife or pharmacist.	The Schedule 8 poison for the purposes of delivery to the person to whom the consignment is addressed.
4.	A person who is engaged, or employed by a person who is engaged, to transport a Schedule 9 poison at the request of a person holding a licence or permit issued under the Act or these Regulations.	The Schedule 9 poison for the purposes of delivery to the person to whom the consignment is addressed.
5.	A person for whom a Schedule 4 poison is supplied by a registered medical practitioner, dentist, nurse practitioner, authorised registered nurse, approved registered nurse, authorised midwife, approved registered midwife, authorised optometrist, authorised	That Schedule 4 poison to the extent and for the purpose for which it is supplied.

	Column 1	*Column 2*
	podiatrist or pharmacist in accordance with the Act and these Regulations.	
6.	A person for whom a Schedule 8 poison is supplied by a registered medical practitioner, dentist, nurse practitioner, authorised registered nurse, approved registered nurse, authorised midwife, approved registered midwife or pharmacist in accordance with the Act and these Regulations.	That Schedule 8 poison to the extent and for the purpose for which it is supplied.
7.	A person for whom a Schedule 9 poison is supplied by a registered medical practitioner, dentist or pharmacist in accordance with the Act and these Regulations.	That Schedule 9 poison to the extent and for the purpose for which it is supplied.
8.	The agent of, or a person who has the care of, or who is assisting in the care of, a person referred to in item 5, 6 or 7.	That Schedule 4 poison, Schedule 8 poison or Schedule 9 poison to the extent and for the purpose for which it is supplied.
9.	An owner of, or a person having custody or care of, an animal for which a Schedule 4 poison, Schedule 8 poison or Schedule 9 poison is supplied by a veterinary practitioner or pharmacist in accordance with the Act and these Regulations.	That Schedule 4 poison, Schedule 8 poison or Schedule 9 poison to the extent and for the purpose for which it is supplied.

	Column 1	*Column 2*
10.	An owner of, or person having custody or care of, animals for which a Schedule 4 poison is supplied by wholesale in a stock food on the order of a veterinary practitioner for the treatment of those animals in accordance with the Act or these Regulations.	That Schedule 4 poison to the extent and for the purpose for which it is supplied.
	Part 2	
11.	An operational staff member within the meaning of the **Ambulance Services Act 1986**.	Those Schedule 4 poisons or Schedule 8 poisons listed in the health services permit held by that ambulance service within the meaning of the **Ambulance Services Act 1986** to the extent and for the purpose specified in the permit.
	* * * * *	
13.	A master or chief officer of a ship in port in Victoria.	Those Schedule 4 poisons or Schedule 8 poisons that are required by State, Commonwealth or international law for the purposes of completing the equipment of that ship.
14.	A yacht owner or crew member who is a member of Australian Sailing Limited and whose yacht is entered in a race conducted under the rules of Australian Sailing Limited.	Those Schedule 4 poisons or Schedule 8 poisons contained in the medical kit for the purposes of the Australian Sailing Limited race category in which the yacht is entered.

	Column 1	*Column 2*
15.	A registered optometrist carrying on the lawful practice of the registered optometrist's profession who is not an authorised optometrist.	Those Schedule 4 poisons approved by the Secretary under regulation 160(1) that are required in the practice of the registered optometrist's profession for the purpose of the practice of optometry.
16.	A registered podiatrist carrying on the lawful practice of the registered podiatrist's profession who is not an authorised podiatrist.	Those Schedule 4 poisons approved by the Secretary under regulation 160(1) that are required in the practice of the registered podiatrist's profession for the purpose of the treatment of podiatric conditions.
17.	A person who holds a permit to use etorphine in accordance with the Act and these Regulations or a person assisting that permit holder.	Those morphine antagonists that are necessary for the purpose of administration as an antidote to etorphine.
18.	An Australian Ski Patrol Association Inc. ABN 26 369 760 601 qualified ski patroller.	Those Schedule 4 poisons approved by the Secretary under regulation 160(1) that are required in the performance of a ski patroller's duties for the purpose of treatment in emergencies.
19.	A Director within the meaning of the **Victoria State Emergency Service Act 2005**.	Those Schedule 4 poisons or Schedule 8 poisons that are required for the purpose of the performance of the state emergency services' duties in an emergency coming within the jurisdiction of a Director

	Column 1	*Column 2*
		under the **Victoria State Emergency Service Act 2005**.
20.	A municipal council, an environmental health officer or a nurse or registered midwife employed or appointed by a municipal council.	Those Schedule 4 poisons that are necessary for the purpose of immunisation programs coordinated by a municipal council in accordance with its functions under the **Public Health and Wellbeing Act 2008**.
21	A registered dental hygienist, registered dental therapist or registered oral health therapist.	Those Schedule 4 poisons approved by the Secretary under regulation 160(1) that are required for the purpose of the provision of dental care by the registered dental hygienist, registered dental therapist or registered oral health therapist.
21A.	A dental assistant employed or engaged by an entity declared to be a public dental service by the Secretary under regulation 160A.	Those Schedule 4 poisons approved by the Secretary under regulation 160(1) that are required for the treatment of a person whose name is specified in an instruction written by a registered dental practitioner and given to the dental assistant.
22.	An orthoptist practising under the direction of a registered medical practitioner or an authorised optometrist.	Those Schedule 4 poisons approved by the Secretary under regulation 160(1) in topical ophthalmic preparations for the purpose of use in the eyes of patients.

	Column 1	*Column 2*
23.	On-site emergency response workers trained in Advanced First Aid at mine sites and power stations.	Those Schedule 4 poisons approved by the Secretary under regulation 160(1) that are required in the performance of an emergency response worker's duties for the purpose of treatment in emergencies.
24.	A person who holds a non-emergency patient transport service licence.	Those Schedule 4 poisons approved by the Secretary under regulation 160(1) that are required in the performance of the person's duties for the purpose of providing medical care to patients of the non-emergency patient transport service operated by the licence holder.
24A.	A person (including a nurse) employed or engaged by the holder of a non-emergency patient transport service licence to provide medical care to patients of the non-emergency patient transport service operated by the licence holder.	Those Schedule 4 poisons approved by the Secretary under regulation 160(1) that are required in the performance of the person's duties for the purpose of providing medical care to patients of the non-emergency patient transport service operated by the licence holder.
24B.	A person who holds a first aid service licence to operate an intermediate first aid service or an advanced first aid service.	Those Schedule 4 poisons approved by the Secretary under regulation 160(1) that are required in the performance of the person's duties for the

	Column 1	*Column 2*
		purpose of providing first aid to patients of the intermediate first aid service or advanced first aid service operated by the licence holder.
24C.	A person (including a nurse) employed or engaged by a licence holder referred to in item 24B to provide first aid to patients of the intermediate first aid service or advanced first aid service operated by the licence holder.	Those Schedule 4 poisons approved by the Secretary under regulation 160(1) that are required in the performance of the person's duties for the purpose of providing first aid to patients of the intermediate first aid service or advanced first aid service operated by the licence holder.
25.	A person employed or engaged as a lifeguard (on a paid or unpaid basis) by Life Saving Victoria Limited ABN 21 102 927 364.	Those Schedule 4 poisons approved by the Secretary under regulation 160(1) that are required in the performance of the lifeguard's duties for the purpose of treatment in emergencies.
26.	A registered Aboriginal and Torres Strait Islander health practitioner.	Those Schedule 4 poisons approved by the Secretary under regulation 160(1) that are required in the practice of the registered Aboriginal and Torres Strait Islander health practitioner's profession.

(2) Nothing in this regulation limits any other authorisation of a person referred to in Column 1 of the preceding Table to obtain or possess a poison or controlled substance, whether in the capacity referred to in Column 1 or otherwise.

Reg. 7(2) amended by S.R. No. 178/2018 reg. 6(2).

8 Possession of Schedule 4, 8 and 9 poisons by nurse or registered midwife

(1) A nurse or registered midwife is authorised to possess those Schedule 4 poisons that are necessary for administration to a patient under the care of that nurse or registered midwife in accordance with—

(a) the instructions of and on the authorisation for that patient by—

(i) a registered medical practitioner; or

(ii) a dentist; or

(iii) a nurse practitioner; or

(iv) an authorised midwife; or

(v) an authorised optometrist; or

(vi) an authorised podiatrist; or

(b) the conditions of a permit to purchase or obtain and use a poison for the provision of health services; or

(c) the approval of the Secretary under regulation 161(1).

(2) A nurse or registered midwife is authorised to possess those Schedule 8 poisons that are necessary for administration to a patient under the care of that nurse or registered midwife in accordance with—

(a) the instructions of and on the authorisation for that patient by—

(i) a registered medical practitioner; or

(ii) a dentist; or

(iii) a nurse practitioner; or

(iv) an authorised midwife; or

(b) the conditions of a permit to purchase or obtain and use a poison for the provision of health services; or

(c) the approval of the Secretary under regulation 161(1).

(3) A nurse or registered midwife is authorised to possess those Schedule 9 poisons that are necessary for administration to a patient under the care of that nurse or registered midwife in accordance with—

(a) the instructions of and on the authorisation for that patient by—

(i) a registered medical practitioner; or

(ii) a dentist; or

(b) the conditions of a permit to purchase or obtain and use a poison for the provision of health services; or

(c) the approval of the Secretary under regulation 161(1).

(4) Nothing in this regulation limits any other authorisation of a nurse or registered midwife to possess a poison or controlled substance, whether in the lawful practice of the nurse or midwife's profession or otherwise.

8A Possession of Schedule 4 and 8 poisons by an approved registered nurse or approved registered midwife

Reg. 8A inserted by S.R. No. 13/2021 reg. 7.

An approved registered nurse or approved registered midwife is authorised to obtain and possess a Schedule 4 poison or a Schedule 8 poison in accordance with an approval under regulation 161A for sale, supply or administration in accordance with that approval.

9 Dentist must not possess methadone

A dentist must not possess methadone.

Penalty: 100 penalty units.

Reg. 9A inserted by S.R. No. 61/2023 reg. 6.

9A Person must not possess Schedule 8 MDMA or Schedule 8 psilocybine

A person must not possess Schedule 8 MDMA or Schedule 8 psilocybine unless—

(a) the person is an authorised psychedelic psychiatrist; or

(b) the person is a registered medical practitioner, nurse or nurse practitioner who is instructed by an authorised psychedelic psychiatrist to administer the Schedule 8 MDMA or Schedule 8 psilocybine to a person in the authorised psychedelic psychiatrist's care; or

(c) the person is a pharmacist carrying on the lawful practice of the pharmacist's profession; or

(d) the person holds or is the agent of a person who holds a licence or permit under the Act or Regulations that allows that person to possess Schedule 8 MDMA or Schedule 8 psilocybine; or

(e) the person is engaged, or employed by a person who is engaged, to transport Schedule 8 MDMA or Schedule 8 psilocybine at the request of a person referred to in paragraph (d); or

(f) the person is a registered medical practitioner and the Schedule 8 MDMA or Schedule 8 psilocybine is for another person who is a participant in a clinical trial that is—

(i) approved by or notified to the Commonwealth Secretary under the Therapeutic Goods Act 1989 of the Commonwealth; and

(ii) approved by a human research ethics committee; or

(g) the person is a nurse or nurse practitioner who is instructed by a registered medical practitioner to administer the Schedule 8 MDMA or Schedule 8 psilocybine to another person who is a participant in a clinical trial that is—

(A) approved by or notified to the Commonwealth Secretary under the Therapeutic Goods Act 1989 of the Commonwealth; and

(B) approved by a human research ethics committee.

Penalty: 100 penalty units.

Part 2—Permits and forms

Division 1—Special Schedule 8 permits

10 When special Schedule 8 permit required

(1) For the purposes of these Regulations, a special Schedule 8 permit is required if—

(a) a registered medical practitioner or a nurse practitioner considers it necessary to issue a prescription for, supply, authorise the administration of or administer a Schedule 8 poison to a patient of the practitioner; and

(b) the Schedule 8 poison is a special Schedule 8 poison; and

(c) the patient is not a drug-dependent person; and

(d) section 34 of the Act does not require the practitioner to apply to the Secretary for a Schedule 8 permit; and

(e) the prescription, supply, authorisation or administration is not authorised by section 34D, 34E or 34F of the Act.

Note

Section 34 of the Act does not require a registered medical practitioner or nurse practitioner to apply to the Secretary for a Schedule 8 permit in respect of a person who is not a drug-dependent person unless the administration, supply or prescription is for a continuous period greater than 8 weeks, and the other circumstances set out in section 34(3)(a) apply.

(2) A special Schedule 8 permit is not required for a paediatrician or psychiatrist to issue a prescription, supply, authorise the administration of or administer any of the following poisons for the treatment of a person for attention deficit disorder—

(a) amphetamine;

(b) dexamphetamine;

(c) lisdexamfetamine;

(d) methylamphetamine;

(e) methylphenidate.

(3) A special Schedule 8 permit is not required for a registered medical practitioner or nurse practitioner to issue a prescription for, supply, authorise the administration of or administer methadone to a patient if—

(a) the practitioner is treating the patient at an oncology clinic in a hospital at which the patient is not an in-patient; or

(b) the practitioner is treating the patient at a pain clinic in a hospital at which the patient is not an in-patient; or

(c) the patient is under the care of a palliative care service.

11 Application for special Schedule 8 permit

(1) A registered medical practitioner or nurse practitioner may apply to the Secretary for a special Schedule 8 permit.

Note

Regulations 17, 36, 78 and 88 make it an offence for a registered medical practitioner to issue a prescription for, sell, supply, authorise the administration of or administer a special Schedule 8 poison without a special Schedule 8 permit in certain circumstances. Regulations 20, 39, 80 and 91(3) impose the same prohibitions for nurse practitioners.

(2) An application under subregulation (1) must be in Form 3 in Schedule 2.

12 Special Schedule 8 permit

(1) On receiving an application under regulation 11, the Secretary may issue a permit to the applicant that authorises the applicant to do any of the following as specified in the permit—

(a) issue a prescription for a specified special Schedule 8 poison for a specified patient who is not a drug-dependent person;

(b) supply a specified special Schedule 8 poison to a specified patient who is not a drug-dependent person;

(c) authorise the administration of a specified special Schedule 8 poison to a specified patient who is not a drug-dependent person;

(d) administer a specified special Schedule 8 poison to a specified patient who is not a drug-dependent person.

Note

Section 34C(1) and (2) of the Act are offences that apply to the prescribing, supplying or administering of a Schedule 8 poison to a person who is not a drug-dependent person. Those offences do not apply if the person who issues a prescription for, supplies or administers the poison is authorised by or under the Act to do so. Subregulation (2) provides that a special Schedule 8 permit may authorise those activities.

(2) A special Schedule 8 permit must be in Form 4 in Schedule 2.

(3) The Secretary, at any time, may amend, suspend or revoke a special Schedule 8 permit.

(4) A special Schedule 8 permit which is suspended or revoked under subregulation (3) ceases to have effect.

12A Permits relating to Schedule 8 cannabis and Schedule 8 tetrahydrocannabinol

Reg. 12A inserted by S.R. No. 13/2022 reg. 6.

Without limiting regulation 12(3), on the commencement of the Drugs, Poisons and Controlled Substances Amendment (Schedule 8 Cannabis and Schedule 8 Tetrahydrocannabinol) Regulations 2022, any special Schedule 8 permit issued for Schedule 8 cannabis or Schedule 8 tetrahydrocannabinol that is in force immediately before that commencement is revoked.

Division 2—General Schedule 9 permits

13 Application for general Schedule 9 permit

Reg. 13 substituted by S.R. No. 96/2022 reg. 7.

A veterinary practitioner or dentist may apply to the Secretary for a general Schedule 9 permit.

14 General Schedule 9 permit

(1) On receiving an application under regulation 13, the Secretary, subject to subregulation (2), may issue a permit to the applicant that authorises the applicant to do any of the following as specified in the permit—

(a) issue a prescription for a specified Schedule 9 poison;

(b) sell or supply a specified Schedule 9 poison;

(c) authorise the administration of a specified Schedule 9 poison;

(d) administer a specified Schedule 9 poison;

(e) manufacture a specified Schedule 9 poison;

(f) purchase or otherwise obtain a specified Schedule 9 poison;

(g) possess a specified Schedule 9 poison;

(h) use a specified Schedule 9 poison.

Reg. 14(2) substituted by S.R. No. 96/2022 reg. 8(1).

(2) The Secretary must not issue a general Schedule 9 permit to a dentist unless the Secretary is satisfied that—

(a) a human clinical trial has been approved by a human research ethics committee; and

(b) the activity to be authorised by the permit is to be undertaken for the purposes of that trial.

(3) A general Schedule 9 permit may be subject to any conditions specified in the permit.

Reg. 14(3A) inserted by S.R. No. 96/2022 reg. 8(2).

(3A) Without limiting subregulation (3), when issuing a general Schedule 9 permit to a dentist, the Secretary must include a condition that the activity is only authorised to be undertaken for the purposes of the human clinical trial specified in the condition.

(4) The Secretary, at any time, may amend, suspend or revoke a general Schedule 9 permit.

(5) A general Schedule 9 permit which is suspended or revoked under subregulation (4) ceases to have effect.

Reg. 15 substituted by S.R. No. 96/2022 reg. 9.

15 General Schedule 9 permit is not limited to specific animals

A general Schedule 9 permit granted to a veterinary practitioner is not restricted to the administration of a Schedule 9 poison to a specific animal.

Division 3—Schedule 9 permit

Pt 2 Div. 3 (Heading and regs 15A, 15B) inserted by S.R. No. 96/2022 reg. 10.

15A Documents to accompany application for Schedule 9 permit

Reg. 15A inserted by S.R. No. 96/2022 reg. 10.

(1) Subject to subregulation (2), an application under section 33A of the Act must be accompanied by the following—

(a) a copy of a document issued by a human research ethics committee approving the human clinical trial in relation to which the application is made; and

(b) a copy of the protocol for that trial; and

(c) for each patient in respect of whom the application is made, a copy of a consent form relating to that trial that is signed by the patient.

(2) An application under section 33A of the Act need not be accompanied by a document that has previously accompanied a different application made under that section.

15B Schedule 9 permits issued for clinical trials only

Reg. 15B inserted by S.R. No. 96/2022 reg. 10.

(1) The Secretary must not issue a Schedule 9 permit under section 33B of the Act authorising a medical practitioner to administer, supply or prescribe a Schedule 9 poison to a person unless the Secretary is satisfied that—

(a) a human clinical trial has been approved by a human research ethics committee; and

(b) the activity to be authorised by the permit is to be undertaken for the purposes of that trial.

(2) When issuing a Schedule 9 permit under section 33B of the Act, the Secretary must impose a condition under section 33B(2)(b) of the Act that the administration, supply or prescription of the Schedule 9 poison is only authorised to be undertaken for the purposes of the human clinical trial specified in the condition.

Part 3—Prescriptions

16 Persons authorised to issue prescriptions

(1) A person other than a registered medical practitioner, veterinary practitioner, dentist, nurse practitioner, authorised midwife, authorised optometrist or authorised podiatrist must not issue a prescription for a Schedule 4 poison.

Penalty: 100 penalty units.

(2) A person other than a registered medical practitioner, veterinary practitioner, dentist, nurse practitioner or authorised midwife must not issue a prescription for a Schedule 8 poison.

Penalty: 100 penalty units.

(3) A person other than a registered medical practitioner, veterinary practitioner or dentist must not issue a prescription for a Schedule 9 poison.

Penalty: 100 penalty units.

Reg. 16(4) inserted by S.R. No. 61/2023 reg. 7.

(4) A person must not issue a prescription for Schedule 8 MDMA or Schedule 8 psilocybine unless—

(a) the person is an authorised psychedelic psychiatrist; or

(b) the person is a registered medical practitioner and the prescription is for another person who is a participant in a clinical trial that is—

(i) approved by or notified to the Commonwealth Secretary under the Therapeutic Goods Act 1989 of the Commonwealth; and

(ii) approved by a human research ethics committee.

Penalty: 100 penalty units.

17 Issuing prescription for Schedule 4, 8 or 9 poison—registered medical practitioner

A registered medical practitioner must not issue a prescription for a Schedule 4 poison, Schedule 8 poison or Schedule 9 poison unless—

(a) the prescription is for the medical treatment of a person other than the practitioner; and

(b) that person is—

(i) under the practitioner's care; and

(ii) named in the prescription; and

(c) the practitioner has taken all reasonable steps to ensure a therapeutic need exists for that poison; and

(d) the prescription is issued not merely for the purpose of supporting the drug dependence of a person; and

Reg. 17(da) inserted by S.R. No. 61/2023 reg. 8.

(da) if the poison is Schedule 8 MDMA or Schedule 8 psilocybine, the registered medical practitioner is—

(i) an authorised psychedelic psychiatrist; or

(ii) a registered medical practitioner and the prescription is for another person who is a participant in a clinical trial that is—

(A) approved by or notified to the Commonwealth Secretary under the Therapeutic Goods Act 1989 of the Commonwealth; and

(B) approved by a human research ethics committee; and

(e) if the poison is a drug of dependence, a Schedule 8 poison or a Schedule 9 poison, the practitioner has taken all reasonable steps to ascertain the identity of the person for whose treatment the prescription is issued; and

(f) in the case of a Schedule 8 poison, if, under regulation 10, a special Schedule 8 permit is required, the practitioner holds a special Schedule 8 permit that authorises the issuing of the prescription; and

(g) in the case of a Schedule 9 poison, the practitioner holds a Schedule 9 permit, that authorises the issuing of the prescription.

Reg. 17(g) amended by S.R. No. 96/2022 reg. 11.

Penalty: 100 penalty units.

Notes

1 In certain circumstances, sections 34B and 34C of the Act will also prohibit the registered medical practitioner from prescribing the Schedule 8 poison without a Schedule 8 permit.

2 If a registered medical practitioner holds a Schedule 9 permit, section 33C of the Act will also prohibit the practitioner from prescribing the Schedule 9 poison other than for the period specified in the permit and within the quantity specified in the permit.

Reg. 17A inserted by S.R. No. 61/2023 reg. 9.

17A Notice to Secretary of intention to prescribe, authorise administration, or administer Schedule 8 MDMA or Schedule 8 psilocybine

(1) An authorised psychedelic psychiatrist who intends to prescribe, authorise the administration of, or administer, Schedule 8 MDMA or Schedule 8 psilocybine to another person must notify the Secretary in the prescribed form of the psychiatrist's intention to do so not less than 7 days before prescribing, authorising the

administration of, or administering, the Schedule 8 MDMA or Schedule 8 psilocybine.

Penalty: 100 penalty units.

(2) A registered medical practitioner who intends to prescribe, authorise the administration of, or administer, Schedule 8 MDMA or Schedule 8 psilocybine for or to another person who is a participant in a clinical trial must notify the Secretary in the prescribed form of the medical practitioner's intention to do so not less than 7 days before prescribing, authorising the administration of, or administering the Schedule 8 MDMA or Schedule 8 psilocybine.

Penalty: 100 penalty units.

(3) For the purposes of subregulations (1) and (2), the prescribed form is Form 7 in Schedule 2.

18 Issuing prescription for Schedule 4, 8 or 9 poison—dentist

(1) A dentist must not issue a prescription for methadone.

Penalty: 100 penalty units.

(2) A dentist must not issue a prescription for a Schedule 4 poison, Schedule 8 poison or Schedule 9 poison unless—

(a) the prescription is for the dental treatment of a person other than the dentist; and

(b) that person is—

(i) under the dentist's care; and

(ii) named in the prescription; and

(c) the dentist has taken all reasonable steps to ensure a therapeutic need exists for that poison; and

(d) the prescription is issued not merely for the purpose of supporting the drug dependence of a person; and

(e) the prescription provides only for a single supply of the poison; and

(f) if the poison is a drug of dependence, a Schedule 8 poison or a Schedule 9 poison, the dentist has taken all reasonable steps to ascertain the identity of the person for whose treatment the prescription is issued; and

(g) in the case of a Schedule 9 poison, the dentist holds a general Schedule 9 permit that authorises the issuing of the prescription.

Penalty: 100 penalty units.

19 Issuing prescription for Schedule 4, 8 or 9 poison—veterinary practitioner

A veterinary practitioner must not issue a prescription for a Schedule 4 poison, Schedule 8 poison or Schedule 9 poison unless—

(a) that prescription is for the treatment of an animal—

(i) under the veterinary practitioner's care; and

(ii) described in the prescription; and

(b) the veterinary practitioner has taken all reasonable steps to ensure a therapeutic need exists for that poison; and

(c) if the poison is a drug of dependence, a Schedule 8 poison or a Schedule 9 poison, the veterinary practitioner has taken all reasonable steps to ascertain the identity of the person who owns or has custody or care of the animal for whose treatment the prescription is issued; and

(d) in the case of a Schedule 9 poison, the veterinary practitioner holds a general Schedule 9 permit that authorises the issuing of the prescription.

Penalty: 100 penalty units.

Note

Regulation 27 separately provides for a veterinary practitioner who issues an order to a stock food manufacturer to supply a stock food containing a Schedule 4 poison.

20 Issuing prescription for Schedule 4 or 8 poison—nurse practitioner

A nurse practitioner must not issue a prescription for a Schedule 4 poison or Schedule 8 poison unless—

(a) the prescription is for the treatment of a person other than the nurse practitioner; and

(b) that person is—

(i) under the nurse practitioner's care; and

(ii) named in the prescription; and

(c) the nurse practitioner has taken all reasonable steps to ensure a therapeutic need exists for that poison; and

(d) the prescription is issued not merely for the purpose of supporting the drug dependence of a person; and

(e) if the poison is a drug of dependence or a Schedule 8 poison, the nurse practitioner has taken all reasonable steps to ascertain the identity of the person for whose treatment the prescription is issued; and

(f) in the case of a Schedule 8 poison, if, under regulation 10, a special Schedule 8 permit is required, the nurse practitioner holds a

special Schedule 8 permit that authorises the issuing of the prescription.

Penalty: 100 penalty units.

Note

In certain circumstances, sections 34B and 34C of the Act will also prohibit the nurse practitioner from prescribing the Schedule 8 poison without a Schedule 8 permit.

21 Issuing prescription for Schedule 4 or 8 poison—authorised midwife

An authorised midwife must not issue a prescription for a Schedule 4 poison or Schedule 8 poison unless—

(a) the prescription is for the midwifery treatment of a person other than the midwife; and

(b) that person is—

(i) under the midwife's care; and

(ii) named in the prescription; and

(c) the midwife has taken all reasonable steps to ensure a therapeutic need exists for that poison; and

(d) the prescription is issued not merely for the purpose of supporting the drug dependence of a person; and

(e) if the poison is a drug of dependence or a Schedule 8 poison, the midwife has taken all reasonable steps to ascertain the identity of the person for whose treatment the prescription is issued.

Penalty: 100 penalty units.

22 Issuing prescription for Schedule 4 poison—authorised optometrist

An authorised optometrist must not issue a prescription for a Schedule 4 poison unless—

(a) the prescription is for the ocular treatment of a person other than the optometrist; and

(b) that person is—

(i) under the optometrist's care; and

(ii) named in the prescription; and

(c) the optometrist has taken all reasonable steps to ensure a therapeutic need exists for that poison; and

(d) the prescription is issued not merely for the purpose of supporting the drug dependence of a person; and

(e) if the poison is a drug of dependence, the optometrist has taken all reasonable steps to ascertain the identity of the person for whose treatment the prescription is issued.

Penalty: 100 penalty units.

23 Issuing prescription for Schedule 4 poison—authorised podiatrist

An authorised podiatrist must not issue a prescription for a Schedule 4 poison unless—

(a) the prescription is for the podiatric treatment of a person other than the podiatrist; and

(b) that person is—

(i) under the podiatrist's care; and

(ii) named in the prescription; and

(c) the podiatrist has taken all reasonable steps to ensure a therapeutic need exists for that poison; and

(d) the prescription is issued not merely for the purpose of supporting the drug dependence of a person; and

(e) if the poison is a drug of dependence, the podiatrist has taken all reasonable steps to ascertain the identity of the person for whose treatment the prescription is issued.

Penalty: 100 penalty units.

24 Required form for issuing prescriptions

(1) A person who issues a prescription for a Schedule 4 poison, Schedule 8 poison or Schedule 9 poison must write the prescription either—

(a) in the person's own handwriting; or

(b) in a manner of writing approved by the Secretary under regulation 162(1).

Penalty: 50 penalty units.

Note

Under regulation 16, only certain persons are permitted to issue a prescription for a Schedule 4 poison, Schedule 8 poison or Schedule 9 poison. Any other person who issues a prescription for one of those poisons commits an offence.

Reg. 24(1A) inserted by S.R. No. 31/2018 reg. 7.

(1A) A person who writes a prescription for a Schedule 4 poison, Schedule 8 poison or Schedule 9 poison must ensure that the prescription is written in a legible and durable form.

Penalty: 50 penalty units.

(2) A person who writes a prescription for a Schedule 4 poison, Schedule 8 poison or Schedule 9 poison must sign the prescription.

Penalty: 50 penalty units.

(3) A person who writes a prescription for a Schedule 4 poison, Schedule 8 poison or Schedule 9 poison must include in the prescription the following information—

(a) the name and address of, and a telephone number for, the person who wrote the prescription;

(b) the following information for the person or animal for whom the prescription is issued—

(i) in the case of a person, the person's name and address;

(ii) in the case of an animal, the species, age, breed and sex of the animal, and the name and address of a person who owns or has custody or care of the animal;

(c) the date on which the prescription was written;

(d) full particulars of the poison to be supplied;

(e) a statement of the quantity to be supplied;

(f) directions for the precise dose or use and frequency of administration except in cases where—

(i) because of the complexity of the dosage regimen or use it is impracticable to do so and the prescriber has separately supplied the patient with written instruction; or

(ii) a variable dosage regimen is directed and a statement specifying a maximum frequency of administration is included; or

(iii) the administration of the poison is to be carried out by a registered medical

practitioner, veterinary practitioner, pharmacist, dentist, authorised optometrist, authorised podiatrist, nurse or registered midwife;

Reg. 24(3)(g) substituted by S.R. No. 72/2018 reg. 6.

(g) in the case of a Schedule 8 poison, a monitored poison or a Schedule 9 poison if the prescription is for a person and not an animal, that person's date of birth;

Reg. 24(3)(ga) inserted by S.R. No. 72/2018 reg. 6.

(ga) in the case of a Schedule 8 poison or a Schedule 9 poison—

(i) if the poison may be supplied only once, a statement, using words and not just figures, that there is to be no repeat supply; and

(ii) a statement of quantity to be supplied, written in both words and figures;

(h) subject to subregulations (4) and (5), the maximum number of times the poison may be supplied.

Penalty: 50 penalty units.

(4) If the prescription is for a Schedule 8 poison or a Schedule 9 poison, the maximum number of times that the poison may be supplied must be stated in both words and figures.

(5) If the prescription is for a Schedule 4 poison, the maximum number of times that the poison may be supplied need only be included if it is more than once.

(6) A person who writes a prescription for a Schedule 4 poison, Schedule 8 poison or Schedule 9 poison must not include any information that the person knows is false or misleading.

Penalty: 50 penalty units.

(7) A person who writes a prescription for a Schedule 4 poison, Schedule 8 poison or Schedule 9 poison must not write the prescription in a secret code or cipher.

Penalty: 50 penalty units.

Note

Regulation 125 imposes special requirements in relation to a prescription for an ovulatory stimulant, a prostaglandin, a retinoid or thalidomide.

Reg. 25 (Heading) amended by S.R. No. 20/2023 reg. 5(1).

25 Emergency verbal instructions to pharmacists regarding supply

(1) A registered medical practitioner, veterinary practitioner or dentist may issue verbal instructions to a pharmacist to supply a Schedule 4 poison, Schedule 8 poison or Schedule 9 poison if, in the opinion of the registered medical practitioner, veterinary practitioner or dentist, an emergency exists.

(2) A nurse practitioner or an authorised midwife may issue verbal instructions to a pharmacist to supply a Schedule 4 poison or Schedule 8 poison if, in the opinion of the nurse practitioner or authorised midwife, an emergency exists.

(3) An authorised optometrist or an authorised podiatrist may issue verbal instructions to a pharmacist to supply a Schedule 4 poison if, in the opinion of the authorised optometrist or the authorised podiatrist, an emergency exists.

Reg. 25(4) amended by S.R. No. 20/2023 reg. 5(2).

(4) A registered medical practitioner, veterinary practitioner, dentist, nurse practitioner, an authorised midwife, an authorised optometrist or an authorised podiatrist who issues verbal instructions pursuant to subregulation (1), (2) or (3), as the case requires, must within 72 hours of issuing the verbal instruction—

(a) write an instruction that indicates that it is in confirmation of the verbal instructions previously given; and

(b) ensure that the instruction is sent to the pharmacist.

Reg. 25(4)(b) amended by S.R. No. 20/2023 reg. 5(3).

Penalty: 50 penalty units.

(5) For the purposes of subregulation (4), the written instruction may be a prescription, a chart instruction, or a written instruction of another kind.

25A Emergency transmission of digital image to pharmacists regarding supply

Reg. 25A inserted by S.R. No. 20/2023 reg. 6.

(1) A registered medical practitioner, veterinary practitioner or dentist may transmit a digital image of an original prescription to a pharmacist to supply a Schedule 4 poison, Schedule 8 poison or Schedule 9 poison if, in the opinion of the registered medical practitioner, veterinary practitioner or dentist, an emergency exists.

(2) A nurse practitioner or an authorised midwife may transmit a digital image of an original prescription to a pharmacist to supply a Schedule 4 poison or a Schedule 8 poison if, in the opinion of the nurse practitioner or authorised midwife, an emergency exists.

(3) An authorised optometrist or an authorised podiatrist may transmit a digital image of an original prescription to a pharmacist to supply a Schedule 4 poison if, in the opinion of the authorised optometrist or the authorised podiatrist, an emergency exists.

(4) A registered medical practitioner, a veterinary practitioner, a dentist, a nurse practitioner, an authorised midwife, an authorised optometrist or

an authorised podiatrist who transmits a digital image of an original prescription pursuant to subregulation (1), (2) or (3) must—

(a) ensure that the original prescription complies with regulation 24; and

(b) ensure that the digital image of the original prescription is transmitted directly to the pharmacist or pharmacy of the patient's choice by electronic means; and

(c) not send the digital image of the original prescription to more than one pharmacy or to a person other than a pharmacist; and

(d) ensure that the original prescription is sent to the pharmacist or pharmacy within 72 hours of transmitting the digital image of the prescription.

Penalty: 50 penalty units.

26 Notification of fraudulent obtaining of order or prescription

(1) A registered medical practitioner, pharmacist, veterinary practitioner or dentist who suspects or has reason to believe that a person has obtained from the practitioner by means of a false pretence an order or prescription for a Schedule 9 poison, Schedule 8 poison or Schedule 4 poison must immediately inform the Secretary and a police officer of that suspicion or belief.

Penalty: 50 penalty units.

(2) A nurse practitioner or an authorised midwife who suspects or has reason to believe that a person has obtained from the practitioner or midwife by means of a false pretence an order or prescription for a Schedule 8 poison or Schedule 4 poison must immediately inform the Secretary and a police officer of that suspicion or belief.

Penalty: 50 penalty units.

(3) An authorised optometrist or authorised podiatrist who suspects or has reason to believe that a person has obtained from the optometrist or podiatrist by means of a false pretence an order or prescription for a Schedule 4 poison must immediately inform the Secretary and a police officer of that suspicion or belief.

Penalty: 50 penalty units.

Part 4—Stock food orders and chart instructions

Division 1—Stock food orders

27 Veterinary practitioner order to supply stock food containing a Schedule 4 poison

(1) A veterinary practitioner who issues an order to a stock food manufacturer to supply a stock food containing a Schedule 4 poison must ensure that the order is in writing and is legible and durable and includes the following—

(a) the name, address and telephone number of the veterinary practitioner issuing the order;

(b) the name and address of the person who owns or has custody or care of the animals and, if different, the consignment address;

(c) the species, age, breed and sex of the animals;

(d) the date on which the order was written and a date not more than 3 months later, when the order expires;

(e) the signature (electronic or otherwise) of the veterinary practitioner issuing the order;

(f) the name and address of the stock food manufacturer;

(g) the name of the Schedule 4 poison that is to be used in the manufactured stock food;

(h) the final concentration of the Schedule 4 poison that is to be in the manufactured stock food;

(i) the quantity of the manufactured stock food required, to a maximum quantity for supply for 3 months;

(j) directions for use;

(k) the time at which the stock food manufacturer is to supply the manufactured stock food containing the Schedule 4 poison.

Penalty: 100 penalty units.

(2) A veterinary practitioner who issues a written order under subregulation (1) must keep a record of the order for a period of 3 years.

Penalty: 50 penalty units.

(3) A veterinary practitioner who issues a written order under subregulation (1) must produce it to an authorized officer on a demand made by that officer no more than 3 years after the order was issued.

Penalty: 50 penalty units.

Division 2—Chart instructions

28 Persons authorised to write chart instruction on hospital medication chart

(1) A person other than a registered medical practitioner, dentist, nurse practitioner, authorised midwife, authorised optometrist or authorised podiatrist must not write a chart instruction on a hospital medication chart for a Schedule 4 poison.

Penalty: 100 penalty units.

(2) A person other than a registered medical practitioner, dentist, nurse practitioner or authorised midwife must not write a chart instruction on a hospital medication chart for a Schedule 8 poison.

Penalty: 100 penalty units.

(3) Nothing in this regulation prohibits a person from writing on a hospital medication chart anything that is not a chart instruction.

29 Persons authorised to write chart instruction on residential medication chart

(1) A person other than a registered medical practitioner, dentist, nurse practitioner, an authorised optometrist or an authorised podiatrist must not write a chart instruction on a residential medication chart for a Schedule 4 poison.

Penalty: 100 penalty units.

Reg. 29(1A) inserted by S.R. No. 73/2020 reg. 6.

(1A) A person other than a registered medical practitioner, dentist or nurse practitioner must not write a chart instruction on a residential medication chart for a Schedule 8 poison.

Penalty: 100 penalty units.

(2) Nothing in this regulation prohibits a person from writing on a residential medication chart anything that is not a chart instruction.

Reg. 30 (Heading) amended by S.R. No. 73/2020 reg. 7(1).

30 When registered medical practitioner may write chart instruction on hospital medication chart

Reg. 30 amended by S.R. No. 73/2020 reg. 7(2).

A registered medical practitioner must not write a chart instruction for a Schedule 4 poison or Schedule 8 poison on a hospital medication chart unless—

(a) the instruction is for the medical treatment of a person other than the practitioner; and

(b) that person is—

(i) under the practitioner's care; and

(ii) named in the instruction; and

(c) the practitioner has taken all reasonable steps to ensure a therapeutic need exists for that poison; and

(d) the instruction is given not merely for the purpose of supporting the drug dependence of a person; and

(e) if the poison is a drug of dependence or a Schedule 8 poison, the practitioner has taken all reasonable steps to ascertain the identity of the person for whose treatment the instruction is given.

Penalty: 100 penalty units.

30A When registered medical practitioner may write chart instruction on residential medication chart

Reg. 30A inserted by S.R. No. 73/2020 reg. 8.

A registered medical practitioner must not write a chart instruction on a residential medication chart unless—

(a) in the case of a Schedule 4 poison or a Schedule 8 poison—

(i) the instruction is for the medical treatment of a person other than the practitioner; and

(ii) that person is—

(A) under the practitioner's care; and

(B) named in the instruction; and

(iii) the practitioner has taken all reasonable steps to ensure a therapeutic need exists for that poison; and

(iv) the instruction is given not merely for the purpose of supporting the drug dependence of a person; and

(b) in the case of a Schedule 4 poison that is a drug of dependence, or a Schedule 8 poison, the practitioner has taken all reasonable steps to ascertain the identity of the person for whose treatment the instruction is given; and

(c) in the case of a Schedule 8 poison, the residential medication chart is an electronic medication chart.

Penalty: 100 penalty units.

Note

This regulation prohibits a medical practitioner from writing a chart instruction on a residential medication chart for a Schedule 8 poison if the residential medication chart is in paper form.

Reg. 31 (Heading) amended by S.R. No. 73/2020 reg. 9(1).

31 When dentist may write chart instruction on hospital medication chart

Reg. 31(1) amended by S.R. No. 73/2020 reg. 9(2).

(1) A dentist must not write a chart instruction for methadone on a hospital medication chart.

Penalty: 100 penalty units.

Reg. 31(2) amended by S.R. No. 73/2020 reg. 9(3)(a).

(2) A dentist must not write a chart instruction for a Schedule 4 poison or Schedule 8 poison on a hospital medication chart unless—

(a) the instruction is for the dental treatment of a person other than the dentist; and

(b) that person is—

(i) under the dentist's care; and

(ii) named in the instruction; and

(c) the dentist has taken all reasonable steps to ensure a therapeutic need exists for that poison; and

(d) the instruction is given not merely for the purpose of supporting the drug dependence of a person; and

Reg. 31(2)(d) amended by S.R. No. 73/2020 reg. 9(3)(b).

(e) if the poison is a drug of dependence or a Schedule 8 poison, the dentist has taken all reasonable steps to ascertain the identity of the person for whose treatment the instruction is given.

Penalty: 100 penalty units.

31A When dentist may write chart instruction on residential medication chart

Reg. 31A inserted by S.R. No. 73/2020 reg. 10.

(1) A dentist must not write a chart instruction for methadone on a residential medication chart.

Penalty: 100 penalty units.

(2) A dentist must not write a chart instruction on a residential medication chart unless—

(a) in the case of a Schedule 4 poison or a Schedule 8 poison—

(i) the instruction is for the dental treatment of a person other than the dentist; and

(ii) that person is—

(A) under the dentist's care; and

(B) named in the instruction; and

(iii) the dentist has taken all reasonable steps to ensure a therapeutic need exists for that poison; and

(iv) the instruction is given not merely for the purpose of supporting the drug dependence of a person; and

(b) in the case of a Schedule 4 poison that is a drug of dependence, or a Schedule 8 poison, the dentist has taken all reasonable steps to ascertain the identity of the person for whose treatment the instruction is given; and

(c) in the case of a Schedule 8 poison, the residential medication chart is an electronic medication chart.

Penalty: 100 penalty units.

Note

This regulation prohibits a dentist from writing a chart instruction on a residential medication chart for a Schedule 8 poison if the residential medication chart is in paper form.

Reg. 32 (Heading) amended by S.R. No. 73/2020 reg. 11(1).

32 When nurse practitioner may write chart instruction on hospital medication chart

Reg. 32 amended by S.R. No. 73/2020 reg. 11(2).

A nurse practitioner must not write a chart instruction for a Schedule 4 poison or Schedule 8 poison on a hospital medication chart unless—

(a) the instruction is for the treatment of a person other than the nurse practitioner; and

(b) that person is—

(i) under the nurse practitioner's care; and

(ii) named in the instruction; and

(c) the nurse practitioner has taken all reasonable steps to ensure a therapeutic need exists for that poison; and

(d) the instruction is given not merely for the purpose of supporting the drug dependence of a person; and

(e) if the poison is a drug of dependence or a Schedule 8 poison, the nurse practitioner has taken all reasonable steps to ascertain the identity of the person for whose treatment the instruction is given.

Penalty: 100 penalty units.

32A When nurse practitioner may write chart instruction on residential medication chart

Reg. 32A inserted by S.R. No. 73/2020 reg. 12.

A nurse practitioner must not write a chart instruction on a residential medication chart unless—

(a) in the case of a Schedule 4 poison or a Schedule 8 poison—

(i) the instruction is for the treatment of a person other than the nurse practitioner; and

(ii) that person is—

(A) under the nurse practitioner's care; and

(B) named in the instruction; and

(iii) the nurse practitioner has taken all reasonable steps to ensure a therapeutic need exists for that poison; and

(iv) the instruction is given not merely for the purpose of supporting the drug dependence of a person; and

(b) in the case of a Schedule 4 poison that is a drug of dependence, or a Schedule 8 poison, the nurse practitioner has taken all reasonable steps to ascertain the identity of the person for whose treatment the instruction is given; and

(c) in the case of a Schedule 8 poison, the residential medication chart is an electronic medication chart.

Penalty: 100 penalty units.

Note

This regulation prohibits a nurse practitioner from writing a chart instruction on a residential medication chart for a Schedule 8 poison if the residential medication chart is in paper form.

33 When authorised midwife may write chart instruction

An authorised midwife must not write a chart instruction for a Schedule 4 poison or Schedule 8 poison on a hospital medication chart unless—

(a) the instruction is for the midwifery treatment of a person other than the midwife; and

(b) that person is—

(i) under the midwife's care; and

(ii) named in the instruction; and

(c) the midwife has taken all reasonable steps to ensure a therapeutic need exists for that poison; and

(d) the instruction is given not merely for the purpose of supporting the drug dependence of a person; and

(e) if the poison is a drug of dependence or a Schedule 8 poison, the midwife has taken all reasonable steps to ascertain the identity of the person for whose treatment the instruction is given.

Penalty: 100 penalty units.

34 When authorised optometrist may write chart instruction

An authorised optometrist must not write a chart instruction for a Schedule 4 poison on a hospital medication chart or residential medication chart unless—

(a) the instruction is for the ocular treatment of a person other than the optometrist; and

(b) that person is—

(i) under the optometrist's care; and

(ii) named in the instruction; and

(c) the optometrist has taken all reasonable steps to ensure a therapeutic need exists for that poison; and

(d) the instruction is given not merely for the purpose of supporting the drug dependence of a person; and

(e) if the poison is a drug of dependence, the optometrist has taken all reasonable steps to ascertain the identity of the person for whose treatment the instruction is given.

Penalty: 100 penalty units.

35 When authorised podiatrist may write chart instruction

An authorised podiatrist must not write a chart instruction for a Schedule 4 poison on a hospital medication chart or residential medication chart unless—

(a) the instruction is for the podiatric treatment of a person other than the podiatrist; and

(b) that person is—

(i) under the podiatrist's care; and

(ii) named in the instruction; and

(c) the podiatrist has taken all reasonable steps to ensure a therapeutic need exists for that poison; and

(d) the instruction is given not merely for the purpose of supporting the drug dependence of a person; and

(e) if the poison is a drug of dependence, the podiatrist has taken all reasonable steps to ascertain the identity of the person for whose treatment the instruction is given.

Penalty: 100 penalty units.

Part 5—Sale and supply by practitioners other than pharmacists

36 Sale or supply of Schedule 4, 8 or 9 poison—registered medical practitioner

Reg. 36 amended by S.R. No. 31/2018 reg. 8.

A registered medical practitioner must not sell or supply a Schedule 4 poison, Schedule 8 poison or Schedule 9 poison unless—

(a) that sale or supply is for medical treatment of a person—

(i) under the practitioner's care; and

(ii) to whom the poison is sold or supplied; and

(b) the practitioner has taken all reasonable steps to ensure a therapeutic need exists for that poison; and

(c) the poison is sold or supplied not merely for the purpose of supporting the drug dependence of a person; and

(d) if the poison is a drug of dependence or a Schedule 8 poison or a Schedule 9 poison, the practitioner has taken all reasonable steps to ascertain the identity of the person for whose treatment the poison is sold or supplied; and

(e) in the case of a Schedule 8 poison, if, under regulation 10, a special Schedule 8 permit is required, the practitioner holds a special Schedule 8 permit that authorises that sale or supply; and

Reg. 36(f) amended by S.R. No. 96/2022 reg. 12.

(f) in the case of a Schedule 9 poison, the practitioner holds a Schedule 9 permit, that authorises that sale or supply.

Penalty: 100 penalty units.

Notes

1 In certain circumstances, sections 34B and 34C of the Act will also prohibit the registered medical practitioner from supplying the Schedule 8 poison without a Schedule 8 permit.

2 If a registered medical practitioner holds a Schedule 9 permit, section 33C of the Act will also prohibit the practitioner from supplying the Schedule 9 poison other than for the period specified in the permit and within the quantity specified in the permit.

Reg. 36A inserted by S.R. No. 61/2023 reg. 10.

36A Supply of Schedule 8 MDMA or Schedule 8 psilocybine—authorised psychedelic psychiatrist and certain registered medical practitioners

(1) An authorised psychedelic psychiatrist must not supply Schedule 8 MDMA or Schedule 8 psilocybine unless the supply is to—

(a) a nurse or nurse practitioner for the purpose of administering the Schedule 8 MDMA or Schedule 8 psilocybine under regulation 98B; or

(b) another registered medical practitioner for the purpose of administering Schedule 8 MDMA or Schedule 8 psilocybine to a person under regulation 98A.

Penalty: 100 penalty units.

(2) A registered medical practitioner must not supply Schedule 8 MDMA or Schedule 8 psilocybine for another person who is a participant in a clinical trial that is approved by or notified to the Commonwealth Secretary under the Therapeutic Goods Act 1989 of the Commonwealth and is

approved by a human research ethics committee unless the supply is to—

(a) a nurse or nurse practitioner for the purpose of administering the Schedule 8 MDMA or Schedule 8 psilocybine under regulation 98B; or

(b) another registered medical practitioner for the purpose of authorising administration or administering Schedule 8 MDMA or Schedule 8 psilocybine to a person under regulation 78A or 98A.

Penalty: 100 penalty units.

37 Sale or supply of Schedule 4, 8 or 9 poison—dentist

(1) A dentist must not sell or supply—

(a) an ovulatory stimulant; or

(b) a prostaglandin; or

(c) a retinoid; or

(d) thalidomide; or

(e) methadone.

Penalty: 100 penalty units.

(2) A dentist must not sell or supply a Schedule 4 poison, Schedule 8 poison or Schedule 9 poison unless—

(a) that sale or supply is for dental treatment of a person—

(i) under the dentist's care; and

(ii) to whom the poison is sold or supplied; and

(b) the dentist has taken all reasonable steps to ensure a therapeutic need exists for that poison; and

(c) the poison is sold or supplied not merely for the purpose of supporting the drug dependence of a person; and

(d) if the poison is a drug of dependence, a Schedule 8 poison or a Schedule 9 poison the dentist has taken all reasonable steps to ascertain the identity of the person for whose treatment the poison is sold or supplied; and

(e) in the case of a Schedule 9 poison, the dentist holds a general Schedule 9 permit that authorises that sale or supply.

Penalty: 100 penalty units.

38 Sale or supply of Schedule 4, 8 or 9 poison—veterinary practitioner

A veterinary practitioner must not sell or supply a Schedule 4 poison, Schedule 8 poison or Schedule 9 poison unless—

(a) that sale or supply is for treatment of an animal under the veterinary practitioner's care; and

(b) the animal is owned by, or is in the custody or care of, the person to whom the poison is sold or supplied; and

(c) the veterinary practitioner has taken all reasonable steps to ensure a therapeutic need exists for that poison; and

(d) if the poison is a drug of dependence, Schedule 8 poison or Schedule 9 poison, the veterinary practitioner has taken all reasonable steps to ascertain the identity of the person who owns or has custody or care of the animal for whose treatment the poison is sold or supplied; and

(e) in the case of a Schedule 9 poison, the veterinary practitioner holds a general Schedule 9 permit that authorises that sale or supply.

Penalty: 100 penalty units.

39 Sale or supply of Schedule 4 or 8 poison—nurse practitioner or authorised registered nurse

A nurse practitioner or authorised registered nurse must not sell or supply a Schedule 4 poison or Schedule 8 poison unless—

(a) that sale or supply is for treatment that is—

(i) treatment of a person under the practitioner or nurse's care; and

(ii) treatment of the person to whom the poison is sold or supplied; and

(b) the practitioner or nurse has taken all reasonable steps to ensure a therapeutic need exists for that poison; and

(c) the poison is sold or supplied not merely for the purpose of supporting the drug dependence of a person; and

(d) if the poison is a drug of dependence or a Schedule 8 poison, the practitioner or nurse has taken all reasonable steps to ascertain the identity of the person for whose treatment the poison is sold or supplied; and

(e) in the case of a Schedule 8 poison, if, under regulation 10, a special Schedule 8 permit is required, the nurse practitioner holds a special Schedule 8 permit that authorises the sale or supply.

Penalty: 100 penalty units.

Note

In certain circumstances, sections 34B and 34C of the Act will also prohibit the nurse practitioner from supplying the Schedule 8 poison without a Schedule 8 permit.

Reg. 39A inserted by S.R. No. 13/2021 reg. 8.

39A Sale or supply of Schedule 4 or 8 poison—approved registered nurse

(1) An approved registered nurse is authorised to sell or supply a Schedule 4 poison or Schedule 8 poison if—

(a) that sale or supply is for treatment that is—

(i) treatment of a person under the nurse's care; and

(ii) treatment of the person to whom the poison is sold or supplied; and

(b) the nurse has taken all reasonable steps to ensure a therapeutic need exists for that poison; and

(c) the poison is sold or supplied not merely for the purpose of supporting the drug dependence of a person; and

(d) if the poison is a drug of dependence or a Schedule 8 poison, the nurse has taken all reasonable steps to ascertain the identity of the person for whose treatment the poison is sold or supplied; and

(e) the sale or supply is in accordance with an approval under regulation 161A.

(2) An approved registered nurse must not sell or supply a Schedule 4 poison or Schedule 8 poison other than in accordance with subregulation (1).

Penalty: 100 penalty units.

40 Sale or supply of Schedule 4 or 8 poison—authorised midwife

An authorised midwife must not sell or supply a Schedule 4 poison or Schedule 8 poison unless—

(a) that sale or supply is for the midwifery treatment of a person under the midwife's care; and

(b) that sale or supply is for the treatment of the person to whom the poison is sold or supplied; and

(c) the midwife has taken all reasonable steps to ensure a therapeutic need exists for that poison; and

(d) the poison is sold or supplied not merely for the purpose of supporting the drug dependence of a person; and

(e) if the poison is a drug of dependence or a Schedule 8 poison, the midwife has taken all reasonable steps to ascertain the identity of the person for whose treatment the poison is sold or supplied.

Penalty: 100 penalty units.

40A Sale or supply of Schedule 4 or 8 poison—approved registered midwife

Reg. 40A inserted by S.R. No. 13/2021 reg. 9.

(1) An approved registered midwife is authorised to sell or supply a Schedule 4 poison or Schedule 8 poison if—

(a) that sale or supply is for the midwifery treatment of a person under the midwife's care; and

(b) that sale or supply is for the treatment of the person to whom the poison is sold or supplied; and

(c) the midwife has taken all reasonable steps to ensure a therapeutic need exists for that poison; and

(d) the poison is sold or supplied not merely for the purpose of supporting the drug dependence of a person; and

(e) if the poison is a drug of dependence or a Schedule 8 poison, the midwife has taken all reasonable steps to ascertain the identity of the person for whose treatment the poison is sold or supplied; and

(f) the sale or supply is in accordance with an approval under regulation 161A.

(2) An approved registered midwife must not sell or supply a Schedule 4 poison or Schedule 8 poison other than in accordance with subregulation (1).

Penalty: 100 penalty units.

41 Sale or supply of Schedule 4 poison—authorised optometrist

An authorised optometrist must not sell or supply a Schedule 4 poison unless—

(a) that sale or supply is for the ocular treatment of a person under the optometrist's care; and

(b) that sale or supply is for the treatment of the person to whom the poison is sold or supplied; and

(c) the optometrist has taken all reasonable steps to ensure a therapeutic need exists for that poison; and

(d) the poison is sold or supplied not merely for the purpose of supporting the drug dependence of a person; and

(e) if the poison is a drug of dependence, the optometrist has taken all reasonable steps to ascertain the identity of the person for whose treatment the poison is sold or supplied.

Penalty: 100 penalty units.

42 Sale or supply of Schedule 4 poison—authorised podiatrist

An authorised podiatrist must not sell or supply a Schedule 4 poison unless—

(a) that sale or supply is for the podiatric treatment of a person under the podiatrist's care; and

(b) that sale or supply is for the treatment of the person to whom the poison is sold or supplied; and

(c) the podiatrist has taken all reasonable steps to ensure a therapeutic need exists for that poison; and

(d) the poison is sold or supplied not merely for the purpose of supporting the drug dependence of a person; and

(e) if the poison is a drug of dependence, the podiatrist has taken all reasonable steps to ascertain the identity of the person for whose treatment the poison is sold or supplied.

Penalty: 100 penalty units.

43 Poison not to be sold or supplied unless supplementary labelling requirements complied with

(1) A person must not sell or supply a Schedule 4 poison, Schedule 8 poison or Schedule 9 poison in accordance with this Part unless the container in which the poison is packed complies with the supplementary labelling requirements.

Penalty: 20 penalty units.

Note

See also section 27A of the Act.

(2) Subregulation (1) does not apply to a veterinary practitioner selling or supplying a Schedule 4 poison in bulk transport for treatment of animals if the veterinary practitioner provides written instructions containing the information specified in the supplementary labelling requirements to the owner of, or the person having care or custody of, the animals.

44 Notification of fraudulent obtaining of poison

(1) A registered medical practitioner, veterinary practitioner or dentist who suspects or has reason to believe that a person has obtained from the practitioner by means of a false pretence a Schedule 9 poison, Schedule 8 poison or Schedule 4 poison must immediately inform the Secretary and a police officer of that suspicion or belief.

Penalty: 50 penalty units.

(2) A nurse practitioner or an authorised midwife who suspects or has reason to believe that a person has obtained from the practitioner or midwife by means of a false pretence a Schedule 8 poison or Schedule 4 poison must immediately inform the

Secretary and a police officer of that suspicion or belief.

Penalty: 50 penalty units.

(3) An authorised optometrist or authorised podiatrist who suspects or has reason to believe that a person has obtained from the optometrist or podiatrist by means of a false pretence a Schedule 4 poison must immediately inform the Secretary and a police officer of that suspicion or belief.

Penalty: 50 penalty units.

(4) An authorised registered nurse who suspects or has reason to believe that a person has obtained from the nurse by means of a false pretence a Schedule 8 poison or Schedule 4 poison must immediately inform the Secretary and a police officer of that suspicion or belief.

Penalty: 50 penalty units.

Reg. 44(5) inserted by S.R. No. 13/2021 reg. 10.

(5) An approved registered nurse or approved registered midwife who suspects or has reason to believe that a person has obtained from the nurse or midwife by means of a false pretence a Schedule 8 poison or Schedule 4 poison must immediately inform the Secretary and a police officer of that suspicion or belief.

Penalty: 50 penalty units.

Part 6—Sale and supply by pharmacists

Division 1—Circumstances of sale or supply

45 Sale or supply of drug of dependence by pharmacist other than by wholesale or on prescription or chart instruction

(1) A pharmacist must not supply a drug of dependence (other than by wholesale or on a prescription or a chart instruction) unless—

(a) the pharmacist has taken all reasonable steps to—

(i) ascertain the identity of the person to or for whom it is proposed to supply the drug of dependence; and

(ii) ensure a therapeutic need for the drug of dependence exists; and

(b) the supply is only for the therapeutic use of the drug of dependence by the person to or for whom it is proposed to supply the drug of dependence.

Penalty: 100 penalty units.

(2) A pharmacist must not supply a drug of dependence for an animal (other than by wholesale or on a prescription) unless—

(a) the pharmacist has taken all reasonable steps to ensure a therapeutic need for the drug of dependence exists; and

(b) the supply is only for the therapeutic use of the drug of dependence for that animal.

Penalty: 100 penalty units.

46 Wholesale supply of Schedule 9 poison by pharmacist to another pharmacist

Reg. 46 substituted by S.R. No. 96/2022 reg. 13.

A pharmacist must not sell or supply a Schedule 9 poison to another pharmacist for use by the other pharmacist in the lawful practice of that pharmacist's profession unless the sale or supply is—

(a) sale or supply in accordance with an instruction from a registered medical practitioner who holds a Schedule 9 permit in which the Schedule 9 poison is specified; or

(b) sale or supply in accordance with an instruction from a dentist or veterinary practitioner who holds a general Schedule 9 permit in which the Schedule 9 poison is specified.

47 Sale or supply of Schedule 4 poison by pharmacist

(1) A pharmacist must not sell or supply a Schedule 4 poison unless that sale or supply is—

(a) subject to regulation 50, sale or supply—

(i) on an original prescription of a registered medical practitioner, veterinary practitioner, dentist, nurse practitioner, authorised midwife, authorised optometrist or authorised podiatrist; or

(ii) if the original prescription is required to be submitted to a public authority by any Act of a State or Territory or the Commonwealth, on a copy of a prescription referred to in subparagraph (i) certified by, or accompanied by a certification from, a pharmacist who has previously received the prescription; or

Reg. 47(1)(b) amended by S.R. No. 20/2023 reg. 7.

(b) sale or supply in accordance with a verbal instruction given under regulation 25(1), (2) or (3) or a digital image of an original prescription transmitted under regulation 25A(1), (2) or (3).; or

(c) subject to regulation 54, sale or supply to a patient in or at a hospital or day procedure centre in accordance with a chart instruction given on a hospital medication chart; or

(d) subject to regulation 55, sale or supply to a resident in accordance with a chart instruction given on a residential medication chart; or

(e) subject to regulation 56, sale or supply in an emergency in which the pharmacist considers it necessary to ensure continuity of treatment; or

(f) subject to regulation 57, sale or supply in circumstances where the pharmacist considers it necessary to ensure continuity of treatment; or

Reg. 47(1)(g) substituted by S.R. No. 13/2021 reg. 11.

(g) sale or supply in accordance with an order of—

(i) a registered medical practitioner; or

(ii) a veterinary practitioner; or

(iii) a dentist; or

(iv) a nurse practitioner; or

(v) an authorised registered nurse; or

(vi) an approved registered nurse; or

(vii) an authorised midwife; or

(viii) an approved registered midwife; or

(ix) an authorised optometrist; or

(x) an authorised podiatrist; or

(h) sale or supply on the order of a person holding a permit for the poison; or

(i) sale or supply to a person referred to in Column 1 of Part 2 of the Table in regulation 7 to the extent and for the purpose referred to in Column 2 of that Part of that Table.

Penalty: 100 penalty units.

(2) This regulation does not apply to the sale or supply of a Schedule 4 poison to another pharmacist for use by the other pharmacist in the lawful practice of that pharmacist's profession.

Note

See section 13(3) of the Act.

48 Sale or supply of Schedule 8 poison by pharmacist

(1) A pharmacist must not sell or supply a Schedule 8 poison unless that sale or supply is—

(a) subject to regulation 51, sale or supply—

(i) on an original prescription of a registered medical practitioner, veterinary practitioner, dentist, nurse practitioner or authorised midwife; or

(ii) if the original prescription is required to be submitted to a public authority by any Act of a State or Territory or the Commonwealth, on a copy of a prescription referred to in subparagraph (i) certified by, or accompanied by a certification from, a pharmacist who has previously received the prescription; or

Reg. 48(1)(b) amended by S.R. No. 20/2023 reg. 8.

(b) sale or supply in accordance with a verbal instruction given under regulation 25(1) or (2) or a digital image of an original prescription transmitted under regulation 25A(1) or (2).; or

(c) subject to regulation 54, sale or supply to a patient in or at a hospital or day procedure centre in accordance with a chart instruction given on a hospital medication chart; or

Reg. 48(1)(ca) inserted by S.R. No. 73/2020 reg. 13.

(ca) subject to regulation 55A, sale or supply to a resident in accordance with a chart instruction given on a residential medication chart that is an electronic medication chart; or

Reg. 48(1)(d) substituted by S.R. No. 13/2021 reg. 12.

(d) sale or supply in accordance with an order of—

(i) a registered medical practitioner; or

(ii) a veterinary practitioner; or

(iii) a dentist; or

(iv) a nurse practitioner; or

(v) an authorised registered nurse; or

(vi) an approved registered nurse; or

(vii) an authorised midwife; or

(viii) an approved registered midwife; or

(e) sale or supply on the order of a person holding a permit for the poison; or

Reg. 48(1)(ea) inserted by S.R. No. 61/2023 reg. 11.

(ea) if the poison is Schedule 8 MDMA or Schedule 8 psilocybine, the sale or supply is to—

(i) an authorised psychedelic psychiatrist who has—

(A) issued a prescription for the Schedule 8 MDMA or Schedule 8 psilocybine and the sale or supply is on that original prescription; or

(B) issued a written instruction or given a verbal instruction in respect of the Schedule 8 MDMA or Schedule 8 psilocybine; or

(ii) a registered medical practitioner, nurse practitioner or nurse authorised by an authorised psychedelic psychiatrist referred to in subparagraph (i) to act on the psychiatrist's behalf; or

(iii) a registered medical practitioner who has—

(A) issued a prescription for the Schedule 8 MDMA or the Schedule 8 psilocybine for another person who is a participant in a clinical trial and the clinical trial is approved by or notified to the Commonwealth Secretary under the Therapeutic Goods Act 1989 of the Commonwealth and approved by a human research ethics committee and the sale or supply is on that original prescription; or

(B) issued a written instruction or given a verbal instruction in respect of the Schedule 8 MDMA or Schedule 8 psilocybine for another person who is a participant in a clinical trial that is approved by or notified to the Commonwealth Secretary under the Therapeutic Goods Act 1989

of the Commonwealth and approved by a human research ethics committee; or

(iv) a registered medical practitioner, nurse practitioner or nurse authorised by a registered medical practitioner referred to in subparagraph (iii) to act on the medical practitioner's behalf; or

(f) sale or supply to a person referred to in Column 1 of Part 2 of the Table in regulation 7 to the extent referred to in Column 2 of that Part of that Table.

Penalty: 100 penalty units.

(2) This regulation does not apply to the sale or supply of a Schedule 8 poison to another pharmacist for use by the other pharmacist in the lawful practice of that pharmacist's profession.

Note

See section 13(3) of the Act.

49 Sale or supply of Schedule 9 poison by pharmacist

Reg. 49(1) substituted by S.R. No. 96/2022 reg. 14.

(1) A pharmacist must not sell or supply a Schedule 9 poison unless—

(a) the sale or supply is in accordance with an instruction from a registered medical practitioner who holds a Schedule 9 permit in which the Schedule 9 poison is specified; or

(b) the sale or supply is in accordance with an instruction from a dentist or veterinary practitioner who holds a general Schedule 9 permit in which the Schedule 9 poison is specified; or

(c) subject to regulation 52, the sale or supply is in accordance with an original prescription or a digital image of an original prescription transmitted under regulation 25A(1) of—

Reg. 49(1)(c) amended by S.R. No. 20/2023 reg. 9.

(i) a registered medical practitioner who holds a Schedule 9 permit in which the Schedule 9 poison is specified; or

(ii) a veterinary practitioner or dentist who holds a general Schedule 9 permit in which the Schedule 9 poison is specified.

Penalty: 100 penalty units.

(2) This regulation does not apply to the sale or supply of a Schedule 9 poison to another pharmacist for use by the other pharmacist in the lawful practice of that pharmacist's profession.

Note

See section 13(3) of the Act.

50 Restrictions on pharmacist selling or supplying Schedule 4 poison on prescription

(1) This regulation applies in relation to a pharmacist selling or supplying a Schedule 4 poison on a prescription that is—

(a) an original prescription; or

(b) a copy of an original prescription, including a digital image of an original prescription.

Reg. 50(1)(b) amended by S.R. No. 20/2023 reg. 10(1).

(2) A pharmacist must not sell or supply a Schedule 4 poison on a prescription if it is more than 12 months since the date stated on the prescription as the day on which the prescription was written.

Reg. 50(2) amended by S.R. No. 20/2023 reg. 10(2).

Penalty: 50 penalty units.

Reg. 50(3) amended by S.R. No. 20/2023 reg. 10(3).

(3) A pharmacist must not sell or supply a Schedule 4 poison on a prescription if—

(a) the pharmacist has reason to believe that the prescription—

(i) has been forged or is fraudulent in any way; or

(ii) has been altered in any way other than by, or on the instruction of, the prescriber; or

(b) the prescription is illegible or defaced; or

Reg. 50(3)(ba) inserted by S.R. No. 31/2018 reg. 9.

(ba) the prescription is not written in a durable form; or

(c) the Schedule 4 poison has already been sold or supplied on that prescription in the quantity that is permitted by the instructions written on the prescription.

Penalty: 100 penalty units.

Reg. 50(4) amended by S.R. No. 20/2023 reg. 10(4).

(4) Other than in the exceptional circumstances set out in regulation 53, a pharmacist must not sell or supply a Schedule 4 poison on a prescription contrary to the instructions written on the prescription, including by—

(a) supplying a quantity that exceeds the quantity authorised for supply on the first occasion; or

(b) supplying the poison before an interval specified in the prescription has elapsed; or

(c) if the prescription specifies that only a specific brand of the poison is to be supplied, supplying a different brand.

Penalty: 100 penalty units.

51 Restrictions on pharmacist selling or supplying Schedule 8 poison on prescription

(1) This regulation applies in relation to a pharmacist selling or supplying a Schedule 8 poison on a prescription that is—

(a) an original prescription; or

(b) a copy of an original prescription, including a digital image of an original prescription.

Reg. 51(1)(b) amended by S.R. No. 20/2023 reg. 11(1).

(2) A pharmacist must not sell or supply a Schedule 8 poison in a quantity that allows for more than 2 days' treatment unless—

Reg. 51(2) amended by S.R. No. 20/2023 reg. 11(2).

(a) the prescription is handwritten and—

(i) the pharmacist is familiar with the purported prescriber's handwriting; and

(ii) the writing on the prescription is comparable to the usual writing of the purported prescriber; or

(b) the pharmacist has taken all reasonable steps to verify that the prescription was written by the purported prescriber.

Penalty: 100 penalty units.

Note

Regulation 63 requires a pharmacist to retain a prescription for a Schedule 8 poison if the pharmacist cannot verify that the prescription was written by the purported prescriber and supplies a lesser quantity.

(3) A pharmacist must not sell or supply a Schedule 8 poison on a prescription if it is more than 6 months since the date stated on the prescription as the day on which the prescription was written.

Reg. 51(3) amended by S.R. No. 20/2023 reg. 11(3).

Penalty: 50 penalty units.

Reg. 51(4) amended by S.R. No. 20/2023 reg. 11(4).

(4) A pharmacist must not sell or supply a Schedule 8 poison on a prescription if—

(a) the pharmacist has reason to believe that the prescription—

(i) has been forged or is fraudulent in any way; or

(ii) has been altered in any way other than by, or on the instruction of, the prescriber; or

(b) the prescription is illegible or defaced; or

Reg. 51(4)(ba) inserted by S.R. No. 31/2018 reg. 10.

(ba) the prescription is not written in a durable form; or

(c) the Schedule 8 poison has already been sold or supplied on that prescription in the quantity that is permitted by the instructions written on the prescription.

Penalty: 100 penalty units.

Reg. 51(5) amended by S.R. No. 20/2023 reg. 11(5).

(5) Other than in the exceptional circumstances set out in regulation 53, a pharmacist must not sell or supply a Schedule 8 poison on a prescription contrary to the instructions written on the prescription, including by—

(a) supplying a quantity that exceeds the quantity authorised for supply on the first occasion; or

(b) supplying the poison before an interval specified in the prescription has elapsed; or

(c) if the prescription specifies that only a specific brand of the poison is to be supplied, supplying a different brand.

Penalty: 100 penalty units.

52 Restrictions on pharmacist selling or supplying Schedule 9 poison on prescription

(1) This regulation applies in relation to a pharmacist selling or supplying a Schedule 9 poison on a prescription that is— **Reg. 52(1) substituted by S.R. No. 20/2023 reg. 12(1).**

(a) an original prescription; or

(b) a copy of an original prescription, including a digital image of an original prescription.

(2) A pharmacist must not sell or supply a Schedule 9 poison unless— **Reg. 52(2) amended by S.R. No. 20/2023 reg. 12(2).**

(a) the prescription is handwritten and—

(i) the pharmacist is familiar with the purported prescriber's handwriting; and

(ii) the writing on the prescription is comparable to the usual writing of the purported prescriber; or

(b) the pharmacist has taken all reasonable steps to verify that the prescription was written by the purported prescriber.

Penalty: 100 penalty units.

(3) A pharmacist must not sell or supply a Schedule 9 poison on a prescription if it is more than 6 months since the date stated on the prescription as the day on which the prescription was written. **Reg. 52(3) amended by S.R. No. 20/2023 reg. 12(3).**

Penalty: 50 penalty units.

(4) A pharmacist must not sell or supply a Schedule 9 poison on a prescription if— **Reg. 52(4) amended by S.R. No. 20/2023 reg. 12(4).**

(a) the pharmacist has reason to believe that the prescription—

(i) has been forged or is fraudulent in any way; or

(ii) has been altered in any way other than by, or on the instruction of, the prescriber; or

(b) the prescription is illegible or defaced; or

Reg. 52(4)(ba) inserted by S.R. No. 31/2018 reg. 11.

(ba) the prescription is not written in a durable form; or

(c) the Schedule 9 poison has already been sold or supplied on that prescription in the quantity that is permitted by the instructions written on the prescription.

Penalty: 100 penalty units.

Reg. 52(5) amended by S.R. No. 20/2023 reg. 12(5).

(5) A pharmacist must not sell or supply a Schedule 9 poison on a prescription contrary to the instructions written on the prescription, including by—

(a) supplying a quantity that exceeds the quantity authorised for supply on the first occasion; or

(b) supplying the poison before an interval specified in the prescription has elapsed; or

(c) if the prescription specifies that only a specific brand of the poison is to be supplied, supplying a different brand.

Penalty: 100 penalty units.

53 Exceptional circumstances in which pharmacist may sell or supply Schedule 4 poison or Schedule 8 poison contrary to instructions on prescription

For the purposes of regulations 50(4) and 51(5), the exceptional circumstances in which a pharmacist may sell or supply a Schedule 4 poison or Schedule 8 poison on a prescription or a copy of a prescription but contrary to the instructions written on the prescription are the following—

(a) the supply is consistent with a further verbal or written instruction given by the prescriber;

(b) a departure from those instructions is requested by or on behalf of the person named on the prescription and—

(i) the pharmacist has taken reasonable steps to contact the prescriber but has been unable to do so; and

(ii) the pharmacist is satisfied that not to depart from the prescription as requested would impose an unreasonable difficulty or inconvenience on the patient; and

(iii) the pharmacist has taken all reasonable steps to ensure that supplying the poison as requested would not represent an unacceptable risk to the health and safety of the patient; and

(iv) the supply does not result in the poison being provided in a quantity that is greater than the quantity requested (if any) by or on behalf of the person named in the prescription;

(c) at the time that the prescription is presented, it is not reasonably practicable for the pharmacist to comply with the instructions written on the prescription and—

(i) the pharmacist has taken reasonable steps to contact the prescriber but has been unable to do so; and

(ii) the patient consents to the departure from the instructions; and

(iii) the pharmacist has taken all reasonable steps to ensure that supplying the poison in that manner would not represent an unacceptable risk to the health and safety of the patient.

Notes

1 Regulations 50(4) and 51(5) prohibit a pharmacist from selling or supplying a Schedule 4 poison or Schedule 8 poison on a prescription contrary to the instructions written on the prescription other than in the exceptional circumstances set out in this provision.

2 Regulation 68 requires that the pharmacist notify the prescriber and make a record of sale or supply in the circumstances set out in paragraphs (b) and (c).

54 Sale or supply of Schedule 4 poison or Schedule 8 poison in accordance with hospital medication chart

For the purposes of regulations 47(1)(c) and 48(1)(c), a pharmacist may supply a Schedule 4 poison or Schedule 8 poison to a patient in or at a hospital or day procedure centre in accordance with a chart instruction given on a hospital medication chart if—

(a) the pharmacist has seen the material that, under regulation 45(2) of the Commonwealth Regulations, an approved supplier must see before supplying a pharmaceutical benefit on the basis of a medication chart prescription; and

(b) the supply is to be undertaken by the pharmacist in the course of the pharmacist's practice at a pharmacy or pharmacy department connected to the hospital or day procedure centre.

Note

Regulation 61 requires the pharmacist to mark the hospital medication chart on supplying the poison.

55 Sale or supply of Schedule 4 poison in accordance with residential medication chart

For the purposes of regulation 47(1)(d), a pharmacist may supply a Schedule 4 poison to a resident in accordance with a chart instruction given on a residential medication chart if the pharmacist has seen the material that, under regulation 45(2) of the Commonwealth Regulations, an approved supplier must see before supplying a pharmaceutical benefit on a medication chart prescription.

Note

Regulation 62 requires the pharmacist to mark the residential medication chart on supplying the poison.

55A Sale or supply of Schedule 8 poison in accordance with residential medication chart that is an electronic medication chart

Reg. 55A inserted by S.R. No. 73/2020 reg. 14.

For the purposes of regulation 48(1)(ca), a pharmacist may supply a Schedule 8 poison to a resident in accordance with a chart instruction given on a residential medication chart that is an electronic medication chart, if the pharmacist has seen the material that, under regulation 45(2) of the Commonwealth Regulations, an approved supplier must see before supplying a pharmaceutical benefit on a medication chart prescription.

56 Sale or supply of Schedule 4 poison by pharmacist in emergency

For the purposes of regulation 47(1)(e), a pharmacist may sell or supply a Schedule 4 poison without a prescription in an emergency if—

(a) the pharmacist considers that the sale or supply is necessary to ensure continuity of treatment; and

(b) the pharmacist is satisfied that—

(i) there is an immediate need for the poison and it is impracticable for the patient to obtain a prescription in time to meet that need; and

Reg. 56(b)(ii) amended by S.R. No. 31/2018 reg. 12.

(ii) treatment with the poison has previously been provided for by a prescription issued, or a chart instruction written for the patient by a registered medical practitioner, dentist, nurse practitioner, authorised midwife, authorised optometrist or authorised podiatrist; and

(iii) the patient, or an agent of the patient, or a person who has the care of the patient, or a person who is assisting in the care of the patient, is aware of the appropriate dose of that poison for that patient; and

(c) the quantity supplied does not exceed—

(i) 3 days' supply; or

(ii) if it is not practical to supply a quantity required for 3 days, the smallest commercially available pack; and

(d) the sale or supply would not continue treatment that has already been continued by the pharmacist selling or supplying the poison to the patient under this regulation.

57 Sale or supply of Schedule 4 poison by pharmacist for continuity of treatment

For the purposes of regulation 47(1)(f), a pharmacist may sell or supply a Schedule 4 poison to a person without a prescription if—

(a) the pharmacist considers that the sale or supply is necessary to ensure continuity of treatment; and

(b) the Schedule 4 poison is listed in the National Health (Continued Dispensing) Determination 2022; and

Reg. 57(b) amended by S.R. No. 112/2022 reg. 6.

(c) the sale or supply complies with the conditions in the National Health (Continued Dispensing) Determination 2022; and

Reg. 57(c) amended by S.R. No. 112/2022 reg. 6.

(d) the Minister has approved under regulation 159 the sale or supply of that poison without a prescription; and

(e) the pharmacist has not previously sold or supplied the Schedule 4 poison to the patient in accordance with this regulation in the previous 12 months.

58 Poison not to be sold or supplied unless supplementary labelling requirements complied with

(1) A pharmacist must not sell or supply a Schedule 4 poison, Schedule 8 poison or Schedule 9 poison in accordance with this Part unless the container in which the poison is packed complies with the supplementary labelling requirements.

Penalty: 20 penalty units.

Note

See also section 27A of the Act.

(2) Subregulation (1) does not apply to sale or supply by wholesale.

(3) Subregulation (1) does not apply to sale or supply of a Schedule 4 poison—

(a) in accordance with an order of a registered medical practitioner, veterinary practitioner, dentist, nurse practitioner, authorised midwife, authorised optometrist or authorised podiatrist; or

(b) on the order of a person holding a permit for the poison; or

(c) to a person referred to in Column 1 of Part 2 of the Table in regulation 7 to the extent and for the purpose referred to in Column 2 of that Part of that Table.

(4) Subregulation (1) does not apply to sale or supply of a Schedule 8 poison—

(a) in accordance with an order of a registered medical practitioner, veterinary practitioner, dentist, nurse practitioner or authorised midwife; or

(b) on the order of a person holding a permit for the poison; or

(c) to a person referred to in Column 1 of Part 2 of the Table in regulation 7 to the extent referred to in Column 2 of that Part of that Table.

Division 2—Duties of pharmacist relating to sale or supply

59 Division does not authorise supply on copy of prescription

Nothing in this Division authorises a pharmacist to supply a Schedule 4 poison or Schedule 8 poison on a copy of a prescription.

Note

Provisions in Division 1 of this Part authorise pharmacists to sell or supply Schedule 4 poisons and Schedule 8 poisons on copies of prescriptions in certain circumstances. See regulations 47(1)(a)(ii) and 48(1)(a)(ii).

60 Pharmacist must mark prescription

(1) A pharmacist who supplies a Schedule 4 poison or Schedule 8 poison on a prescription or a copy of a prescription must ensure that the prescription or copy is marked in a durable form in a way that indicates—

(a) that the poison has been supplied; and

(b) the date of the making of a record of the supply as required by Part 13; and

(c) the premises from which the poison was supplied.

Penalty: 50 penalty units.

(2) A pharmacist who supplies a Schedule 9 poison on a prescription must ensure that the prescription is marked in a durable form in a way that indicates—

(a) that the poison has been supplied; and

(b) the date of the making of a record of the supply as required by Part 13; and

(c) the premises from which the poison was supplied.

Penalty: 50 penalty units.

61 Pharmacist must mark hospital medication chart after supplying Schedule 4 or 8 poison on chart instruction

A pharmacist who supplies a Schedule 4 poison or Schedule 8 poison on a chart instruction given on a hospital medication chart must ensure that the chart is marked durably in a way that indicates—

(a) that the poison has been supplied; and

(b) the date of the making of a record of the supply as required by Part 13; and

(c) the premises from which the poison was supplied.

Penalty: 50 penalty units.

Reg. 62 (Heading) amended by S.R. No. 73/2020 reg. 15(1).

62 Pharmacist must mark residential medication chart after supplying Schedule 4 or 8 poison on chart instruction

Reg. 62 amended by S.R. No. 73/2020 reg. 15(2).

A pharmacist who supplies a Schedule 4 poison or Schedule 8 poison on a chart instruction given on a residential medication chart must ensure that the chart is marked durably in a way that indicates—

(a) that the poison has been supplied; and

(b) the date of the making of a record of the supply as required by Part 13; and

(c) the premises from which the poison was supplied.

Penalty: 50 penalty units.

63 Pharmacist must retain prescription for Schedule 8 poison when supplying without verifying the prescriber

A pharmacist who supplies a Schedule 8 poison in a quantity that allows for not more than 2 days' treatment must retain the prescription if the pharmacist—

(a) does not recognise the handwriting in which the prescription is written as being the purported prescriber's handwriting; and

(b) after taking reasonable steps, cannot verify that the prescription was written by the purported prescriber.

Penalty: 100 penalty units.

64 Pharmacist must retain or further mark prescriptions for Schedule 8 poisons

(1) This regulation applies if a pharmacist supplies a Schedule 8 poison in accordance with any of the following—

(a) a prescription;

(b) a copy of a prescription;

(c) an order of a registered medical practitioner, veterinary practitioner, dentist, nurse practitioner or an authorised midwife.

(2) If the prescription, copy or order does not authorise any further quantity of the Schedule 8 poison, the pharmacist must—

(a) retain, in a manner that maintains its integrity—

(i) the prescription, copy or order; or

(ii) if the pharmacist is required, by an Act of a State, a Territory or the Commonwealth, to submit the

prescription, copy or order to a public authority, a legible copy of it; or

(b) if there are other poisons or controlled substances that may still be legally supplied on the prescription, copy or order, ensure that it is durably marked in such a way that it can be clearly seen that further supplies of the Schedule 8 poison are not allowed.

Penalty: 50 penalty units.

65 Pharmacist must retain or further mark prescriptions for Schedule 9 poisons

If a pharmacist supplies a Schedule 9 poison on a prescription or order of a registered medical practitioner, veterinary practitioner or dentist and the prescription or order does not authorise any further quantity of the Schedule 9 poison, the pharmacist must—

(a) retain the prescription or order in a manner that maintains its integrity; or

(b) if there are other poisons or controlled substances that may still be legally supplied on the prescription or order, ensure that it is durably marked in such a way that it can be clearly seen that further supplies of the Schedule 9 poison are not allowed.

Penalty: 50 penalty units.

66 Manner of retention of prescriptions retained after last supply is made

(1) A pharmacist who retains a prescription, a copy of a prescription, or an order under regulation 64(2)(a) or 65 must retain it—

(a) on a file kept solely for the purpose of retaining prescriptions, copies or orders; and

(b) for a period of 3 years from the date of the supply in respect of which it is required to be retained.

Penalty: 50 penalty units.

(2) A pharmacist must produce a prescription, a copy of a prescription, or an order referred to in subregulation (1) on demand to an authorized officer.

Penalty: 50 penalty units.

67 Pharmacist must produce prescriptions kept under Commonwealth Regulations

A pharmacist who is required by the Commonwealth Regulations to retain a prescription for a Schedule 4 poison must produce the prescription on demand to an authorized officer.

Penalty: 50 penalty units.

68 Pharmacist must notify prescriber if prescription departed from

A pharmacist who sells or supplies a Schedule 4 poison or Schedule 8 poison on a prescription or a copy of a prescription but contrary to the instructions written on the prescription in the exceptional circumstances set out in regulation 53(b) or (c) must—

(a) inform the prescriber about the sale or supply as soon as practicable after the poison is sold or supplied; and

(b) make a record to confirm that the exceptional circumstances in regulation 53(b) or (c) existed in relation to that supply.

Penalty: 100 penalty units.

69 Notification of fraudulent obtaining of poison

A pharmacist who suspects or has reason to believe that a person has obtained or attempted to obtain from the pharmacist by means of a false pretence a Schedule 9 poison, Schedule 8 poison or Schedule 4 poison must immediately inform the Secretary and a police officer of that suspicion or belief.

Penalty: 50 penalty units.

70 Pharmacist must notify different authorised prescribers of similar supply of certain Schedule 4 or 8 poisons

(1) This regulation applies in relation to a prescription, or a copy of a prescription, for the treatment of a person (the ***patient***) with a poison (the ***specified poison***) that is—

(a) a Schedule 4 poison that is also a drug of dependence; or

(b) a Schedule 8 poison.

(2) If a pharmacist who is presented with the prescription or copy has reason to believe that the patient was supplied in the last 8 weeks with the same specified poison, or a similar poison or controlled substance, on a prescription or copy written by a different prescriber, the pharmacist must, as soon as practicable after being presented with the prescription or copy, take all reasonable steps to inform the person who wrote the current prescription of that previous supply unless the pharmacist has reason to believe that person is already aware.

Penalty: 50 penalty units.

(3) If a pharmacist who is presented with the prescription or copy is at that time also presented with another prescription or copy for the treatment

of the patient with the same specified poison, or a similar poison or controlled substance, and that other prescription or copy is written by a different prescriber, the pharmacist must, as soon as practicable after being presented with the prescription, take all reasonable steps to inform the persons who wrote each prescription of the presentation of both prescriptions unless the pharmacist has reason to believe each of those persons is already aware.

Penalty: 50 penalty units.

71 Pharmacist must notify different authorised prescribers of similar supply—Schedule 9 poisons

(1) This regulation applies in relation to a prescription for the treatment of a person (the ***patient***) with a Schedule 9 poison (the ***specified poison***).

(2) If a pharmacist who is presented with the prescription has reason to believe that the patient was supplied in the last 8 weeks with the same specified poison, or a similar poison or controlled substance, on a prescription written by a different prescriber, the pharmacist must, as soon as practicable after being presented with the prescription, take all reasonable steps to inform the person who wrote the current prescription of that previous supply unless the pharmacist has reason to believe that person is already aware.

Penalty: 50 penalty units.

(3) If a pharmacist who is presented with the prescription is at that time also presented with another prescription for the treatment of the patient with the same specified poison, or a similar poison or controlled substance, and that other prescription is written by a different prescriber, the pharmacist must, as soon as practicable after being presented with the

prescription, take all reasonable steps to inform the persons who wrote each prescription of the presentation of both prescriptions unless the pharmacist has reason to believe each of those persons is already aware.

Penalty: 50 penalty units.

Part 7—Labelling and storage

Division 1—Labelling

72 Supplementary labelling requirements

The supplementary labelling requirements for the sale or supply of a Schedule 4 poison, Schedule 8 poison or Schedule 9 poison are that the container in which the poison is packed must be labelled—

(a) if the poison is for the treatment of an animal—

(i) with the species, age, breed and sex of the animal; and

(ii) with the name of the person who owns or has custody or care of the animal; and

(b) with the date of the making of a record of the sale or supply as required by Part 13; and

(c) with the directions for use unless—

(i) the poison is being sold or supplied by a pharmacist on a prescription and directions for use have not been included on the prescription; or

(ii) the dosage regimen or directions for use are so complex that the person supplying the poison has also supplied the patient with separate written instructions; or

(iii) the poison is being supplied for the purpose of it being administered by

a registered medical practitioner, dentist, veterinary practitioner, nurse practitioner, authorised midwife, authorised optometrist, authorised podiatrist, nurse or registered midwife.

Division 2—Storage

73 General security requirement—Schedule 4 poisons

(1) This regulation applies to—

(a) a registered medical practitioner, pharmacist, veterinary practitioner, dentist, nurse practitioner, authorised midwife, authorised optometrist or authorised podiatrist; and

(b) a person holding a licence, permit or warrant to manufacture, sell, supply, purchase or otherwise obtain, possess, administer or use a Schedule 4 poison; and

Reg. 73(1)(c) amended by S.R. No. 13/2021 reg. 13(1).

(c) a nurse or registered midwife authorised under regulation 8 to be in possession of a Schedule 4 poison; and

Reg. 73(1)(d) inserted by S.R. No. 13/2021 reg. 13(2).

(d) an approved registered nurse or approved registered midwife authorised under regulation 8A to be in possession of a Schedule 4 poison.

Reg. 73(2) substituted by S.R. No. 13/2021 reg. 13(3).

(2) A person to whom this regulation applies must store in a lockable storage facility any Schedule 4 poisons that the person possesses (other than in accordance with items 5, 8, 9 or 10 in Part 1 of the Table in regulation 7).

Penalty: 100 penalty units.

(3) A person to whom this regulation applies must take all reasonable steps to ensure that the storage

facility referred to in subregulation (2) remains locked and secured to prevent access by a person not authorised by the Act or these Regulations at all times, except—

(a) when it is necessary to open it to carry out an essential operation in connection with the poisons stored in it; or

(b) in the case of poisons stored in accordance with subregulation (4)(a) or (b), when any of the following is present—

Reg. 73(3)(b) substituted by S.R. No. 13/2021 reg. 13(4).

(i) a registered medical practitioner;

(ii) a veterinary practitioner;

(iii) a dentist;

(iv) a nurse practitioner;

(v) a nurse who is authorised under regulation 8(1)(a);

(vi) an authorised registered nurse;

(vii) an approved registered nurse;

(viii) a midwife who is authorised under regulation 8(1)(a);

(ix) an authorised midwife;

(x) an approved registered midwife;

(xi) an authorised optometrist;

(xii) an authorised podiatrist;

(xiii) a pharmacist.

Penalty: 100 penalty units.

(4) Despite subregulations (2) and (3), a person to whom this regulation applies may store Schedule 4 poisons at the premises in which the person carries out the lawful practice of the person's profession in—

(a) the dispensing area or pharmacy department of the premises; or

(b) the treatment room of the premises; or

Reg. 73(4)(c) substituted by S.R. No. 13/2021 reg. 13(5).

(c) in an area separated from the remainder of the premises to which only the following persons have access—

(i) a registered medical practitioner;

(ii) a pharmacist;

(iii) a veterinary practitioner;

(iv) a dentist;

(v) a nurse practitioner;

(vi) an authorised registered nurse;

(vii) an approved registered nurse;

(viii) an authorised midwife;

(ix) an approved registered midwife;

(x) an authorised optometrist;

(xi) an authorised podiatrist.

74 Storage of Schedule 8 and 9 poisons and drugs of dependence

(1) This regulation applies to—

(a) a registered medical practitioner, pharmacist, veterinary practitioner, dentist, nurse practitioner or authorised midwife; and

(b) a person holding a licence, permit or warrant to manufacture, sell, supply, purchase or otherwise obtain, possess, administer or use a Schedule 8 poison or a Schedule 9 poison; and

Reg. 74(1)(c) amended by S.R. No. 13/2021 reg. 14(1).

(c) a nurse or registered midwife authorised under regulation 8 to be in possession of a

Schedule 8 poison or a Schedule 9 poison; and

(d) an approved registered nurse or approved registered midwife authorised under regulation 8A to be in possession of a Schedule 8 poison.

Reg. 74(1)(d) inserted by S.R. No. 13/2021 reg. 14(2).

(2) Subject to subregulation (3), a person to whom this regulation applies must store any Schedule 8 poisons or Schedule 9 poisons that the person possesses (other than in accordance with items 6, 7, 8 or 9 in Part 1 of the Table in regulation 7) in a lockable storage facility that provides security at least equivalent to a storage facility that is—

Reg. 74(2) amended by S.R. No. 13/2021 reg. 14(3).

(a) constructed of mild steel plate of 10 mm thickness; and

(b) constructed with continuous welding of all edges; and

(c) fitted with a door constructed of mild steel plate of 10 mm thickness, swung on hinges welded to the door and body of the cabinet, the door being flush fitting with a clearance around the door of not more than 1·5 mm; and

(d) fitted with a fixed locking bar, welded to the inside face of the door near the hinge edge, which engages in a rebate when the door is closed; and

(e) fitted with a 6 lever lock securely affixed to the rear face of the door; and

(f) securely attached to a wall or floor in such a manner that it will resist attack by hand tools for 30 minutes or power tools for 5 minutes.

(3) Electronic storage and recording equipment may be used as a storage facility for Schedule 8 poisons if—

(a) the person providing the storage facility—

(i) holds a permit for the provision of health services under the Act and treats patients on-site; or

(ii) is a pharmacist practising in a pharmacy co-located with a health services permit holder providing health services under the Act and treating patients on-site; and

(b) the person has determined that use of the electronic storage and recording equipment provides at least equivalent security as that provided for under subregulation (2); and

(c) the person provides electronic storage and recording equipment where—

(i) access to the equipment is restricted to persons who are given access rights for Schedule 8 poisons by the system administrator; and

(ii) access is restricted to the Schedule 8 poisons specified by the person given access rights; and

(iii) in-built features of the equipment that record and report access, attempted access and discrepancies are turned on; and

(iv) the equipment gives visual, electronic or audible alerts if it is left open, damaged or disconnected from the power supply; and

(v) the equipment automatically locks if the power is disconnected; and

(vi) the equipment generates reports or notices for the system administrator to track discrepancies and security

breaches such as unauthorised movement or forced entry.

(4) For the purpose of preventing unauthorised access to Schedule 8 poisons and Schedule 9 poisons, a person to whom this regulation applies must take all reasonable steps to ensure that the storage facility remains locked and secured at all times, except when it is necessary to open it to carry out an essential operation in connection with the poisons stored in it.

Penalty: 100 penalty units.

(5) A person to whom this regulation applies must take all reasonable steps to ensure that the storage facility referred to in subregulation (2) is used only for the storage of Schedule 8 poisons, Schedule 9 poisons and drugs of dependence.

Penalty: 100 penalty units.

Reg. 74(6) substituted by S.R. No. 13/2021 reg. 14(4).

(6) A person to whom this regulation applies must keep each Schedule 8 poison or Schedule 9 poison that—

(a) the person possesses (other than in accordance with items 6, 7, 8 or 9 in Part 1 of the Table in regulation 7); and

(b) is being transported for use in another place—

in a locked storage facility which is secured to prevent unauthorised access to those poisons.

Penalty: 100 penalty units.

(7) Despite subregulation (2), a person to whom this regulation applies may keep a Schedule 8 poison in divided doses in a lockable storage facility that does not meet the requirements of subregulation

(2) for use in an emergency if the total number of divided doses of Schedule 8 poisons in that facility does not exceed 6.

Reg. 75 (Heading) substituted by S.R. No. 13/2021 reg. 15(1).

75 Storage requirements for aged care providers and other authorised persons

Reg. 75(1) substituted by S.R. No. 13/2021 reg. 15(2).

(1) This regulation applies to—

(a) a person who—

(i) is referred to in Column 1 of Part 2 of the Table in regulation 7; and

(ii) possesses a Schedule 4 poison or Schedule 8 poison in accordance with that Part of that Table; and

(b) an approved provider of an aged care service who possesses a Schedule 4 poison or Schedule 8 poison that has been supplied to a resident in that service on a prescription or a chart instruction.

Reg. 75(2) amended by S.R. No. 13/2021 reg. 15(3).

(2) A person to whom this regulation applies must store each Schedule 4 poison that the person possesses as described in subregulation (1) in a lockable storage facility.

Penalty: 100 penalty units.

Reg. 75(3) amended by S.R. No. 13/2021 reg. 15(4).

(3) A person to whom this regulation applies must store each Schedule 8 poison that the person possesses as described in subregulation (1) in a lockable room or in a lockable storage facility which is firmly fixed to a floor or wall.

Penalty: 100 penalty units.

(4) For the purpose of preventing unauthorised access to Schedule 4 poisons and Schedule 8 poisons, a person to whom this regulation applies must take

all reasonable steps to ensure that the storage facilities for Schedule 4 poisons and Schedule 8 poisons remain locked and secured at all times, except when it is necessary to open them to carry out an essential operation in connection with the poisons stored in them.

Penalty: 100 penalty units.

76 Additional security provisions required in certain circumstances

(1) Subject to subregulation (2), the Secretary may—

(a) direct in writing a person to whom regulation 73, 74 or 75 applies to provide more secure storage for Schedule 4 poisons, Schedule 8 poisons or Schedule 9 poisons than that described in regulations 73, 74 and 75; or

(b) grant an approval in writing for a person to store substances other than Schedule 8 poisons or Schedule 9 poisons in the same storage facility as Schedule 8 poisons or Schedule 9 poisons.

(2) Before giving a direction or granting approval under subregulation (1) the Secretary—

(a) must have regard to—

(i) the nature and quantity of the poisons or controlled substances being stored; and

(ii) the location, layout and construction of the storage facility and the premises; and

(iii) the warning devices and detectors with which the storage facility and premises are equipped; and

(iv) the number and frequency of transactions; and

(v) the number of persons requiring access; and

(b) may have regard to any other factors the Secretary considers relevant in the circumstances.

(3) A person who is directed by the Secretary to provide more secure storage under subregulation (1)(a) must provide that secure storage.

Penalty: 100 penalty units.

Part 8—Authorising administration

77 Persons who may authorise administration

(1) A person other than a registered medical practitioner, veterinary practitioner, dentist, nurse practitioner, authorised midwife, authorised optometrist or authorised podiatrist must not authorise the administration of a Schedule 4 poison.

Penalty: 100 penalty units.

(2) A person other than a registered medical practitioner, veterinary practitioner, dentist, nurse practitioner or authorised midwife must not authorise the administration of a Schedule 8 poison.

Penalty: 100 penalty units.

(3) A person other than a registered medical practitioner, veterinary practitioner or dentist must not authorise the administration of a Schedule 9 poison.

Penalty: 100 penalty units.

78 Authorising administration of Schedule 4, 8 or 9 poison—registered medical practitioner

A registered medical practitioner must not authorise the administration of a Schedule 4 poison, Schedule 8 poison or Schedule 9 poison unless—

(a) the administration is for the medical treatment of a person other than the practitioner; and

(b) that person is under the practitioner's care; and

(c) the practitioner has taken all reasonable steps to ensure a therapeutic need exists for that poison; and

(d) the administration is authorised not merely for the purpose of supporting the drug dependence of a person; and

(e) if the poison is a drug of dependence, a Schedule 8 poison or a Schedule 9 poison, the practitioner has taken all reasonable steps to ascertain the identity of the person to whom the poison is to be administered; and

(f) in the case of a Schedule 8 poison, if, under regulation 10, a special Schedule 8 permit is required, the practitioner holds a special Schedule 8 permit that authorises the giving of the authorisation; and

Reg. 78(g) substituted by S.R. No. 96/2022 reg. 15.

(g) in the case of a Schedule 9 poison, the practitioner holds a Schedule 9 permit that authorises the practitioner to supply or administer the poison.

Penalty: 100 penalty units.

Reg. 78A inserted by S.R. No. 61/2023 reg. 12.

78A Authorising administration of Schedule 8 MDMA or Schedule 8 psilocybine—authorised psychedelic psychiatrist and certain registered medical practitioners

(1) An authorised psychedelic psychiatrist must not authorise the administration of Schedule 8 MDMA or Schedule 8 psilocybine unless—

(a) the administration is for the medical treatment of a person other than the psychiatrist; and

(b) that person is under the psychiatrist's care; and

(c) the psychiatrist has taken all reasonable steps to ensure a therapeutic need exists for that poison; and

(d) the administration is authorised not merely for the purpose of supporting the drug dependence of a person; and

(e) the psychiatrist has taken all reasonable steps to ascertain the identity of the person to whom the poison is to be administered; and

(f) the psychiatrist has complied with regulation 17A.

Penalty: 100 penalty units.

(2) A registered medical practitioner must not authorise the administration of Schedule 8 MDMA or Schedule 8 psilocybine to a participant in a clinical trial that is approved by or notified to the Commonwealth Secretary under the Therapeutic Goods Act 1989 of the Commonwealth and approved by a human research ethics committee unless—

(a) the medical practitioner is not the participant in the clinical trial; and

(b) the administration is for the purpose of the clinical trial; and

(c) the participant is under the medical practitioner's care; and

(d) the administration is authorised not merely for the purpose of supporting the drug dependence of the participant; and

(e) the medical practitioner has taken all reasonable steps to ascertain the identity of the participant to whom the poison is to be administered; and

(f) the medical practitioner has complied with regulation 17A.

Penalty: 100 penalty units.

79 Authorising administration of Schedule 4, 8 or 9 poison—dentist

(1) A dentist must not authorise the administration of methadone.

Penalty: 100 penalty units.

(2) A dentist must not authorise the administration of a Schedule 4 poison, Schedule 8 poison or Schedule 9 poison unless—

(a) the administration is for the dental treatment of a person other than the dentist; and

(b) that person is under the dentist's care; and

(c) the dentist has taken all reasonable steps to ensure a therapeutic need exists for that poison; and

(d) the administration is authorised not merely for the purpose of supporting the drug dependence of a person; and

(e) if the poison is a drug of dependence, a Schedule 8 poison or a Schedule 9 poison, the dentist has taken all reasonable steps to ascertain the identity of the person to whom the poison is to be administered; and

(f) in the case of a Schedule 9 poison, the dentist holds a general Schedule 9 permit that authorises the giving of the authorisation.

Penalty: 100 penalty units.

80 Authorising administration of Schedule 4 or 8 poison—nurse practitioner

A nurse practitioner must not authorise the administration of a Schedule 4 poison or Schedule 8 poison unless—

(a) the administration is for the treatment of a person other than the nurse practitioner; and

(b) that person is under the nurse practitioner's care; and

(c) the nurse practitioner has taken all reasonable steps to ensure a therapeutic need exists for that poison; and

(d) the administration is authorised not merely for the purpose of supporting the drug dependence of a person; and

(e) if the poison is a drug of dependence or a Schedule 8 poison, the nurse practitioner has taken all reasonable steps to ascertain the identity of the person to whom the poison is to be administered; and

(f) in the case of a Schedule 8 poison, if, under regulation 10, a special Schedule 8 permit is required, the nurse practitioner holds a special Schedule 8 permit that authorises the giving of the authorisation.

Penalty: 100 penalty units.

81 Authorising administration of Schedule 4 or 8 poison—authorised midwife

An authorised midwife must not authorise the administration of a Schedule 4 poison or Schedule 8 poison unless—

(a) the administration is for the midwifery treatment of a person other than the midwife; and

(b) that person is under the midwife's care; and

(c) the midwife has taken all reasonable steps to ensure a therapeutic need exists for that poison; and

(d) the administration is authorised not merely for the purpose of supporting the drug dependence of a person; and

(e) if the poison is a drug of dependence or a Schedule 8 poison, the midwife has taken all reasonable steps to ascertain the identity of the person to whom the poison is to be administered.

Penalty: 100 penalty units.

82 Authorising administration of Schedule 4 poison—authorised optometrist

An authorised optometrist must not authorise the administration of a Schedule 4 poison unless—

(a) the administration is for the ocular treatment of a person other than the optometrist; and

(b) that person is under the optometrist's care; and

(c) the optometrist has taken all reasonable steps to ensure a therapeutic need exists for that poison; and

(d) the administration is authorised not merely for the purpose of supporting the drug dependence of a person; and

(e) if the poison is a drug of dependence, the optometrist has taken all reasonable steps to ascertain the identity of the person to whom the poison is to be administered.

Penalty: 100 penalty units.

83 Authorising administration of Schedule 4 poison—authorised podiatrist

An authorised podiatrist must not authorise the administration of a Schedule 4 poison unless—

(a) the administration is for the podiatric treatment of a person other than the podiatrist; and

(b) that person is under the podiatrist's care; and

(c) the podiatrist has taken all reasonable steps to ensure a therapeutic need exists for that poison; and

(d) the administration is authorised not merely for the purpose of supporting the drug dependence of a person; and

(e) if the poison is a drug of dependence, the podiatrist has taken all reasonable steps to ascertain the identity of the person to whom the poison is to be administered.

Penalty: 100 penalty units.

84 How registered medical practitioner or dentist must authorise administration of Schedule 4, 8 or 9 poison

(1) A registered medical practitioner or dentist who authorises the administration of a Schedule 4 poison, Schedule 8 poison or Schedule 9 poison to a person—

(a) may, if the registered medical practitioner or dentist is of the opinion that an emergency exists, give that authorisation verbally to a nurse, registered midwife or pharmacist; and

(b) otherwise, must—

(i) provide that authorisation in writing in a legible and durable form that names

the person to whom the poison is to be administered; and

(ii) date and confirm that authorisation with the practitioner or dentist's signature.

Penalty: 100 penalty units.

(2) A registered medical practitioner or dentist who gives an authorisation verbally as described in subregulation (1)(a), must as soon as practicable—

(a) confirm that verbal authorisation in writing; and

(b) include the written confirmation of the verbal authorisation, or provide it for inclusion, in the treatment records of the person concerned.

Penalty: 100 penalty units.

85 How nurse practitioner or authorised midwife must authorise administration of Schedule 4 or 8 poison

(1) A nurse practitioner or an authorised midwife who authorises the administration of a Schedule 4 poison or Schedule 8 poison to a person—

(a) may, if the nurse practitioner or authorised midwife is of the opinion that an emergency exists, give that authorisation verbally to a nurse, registered midwife or pharmacist; and

(b) otherwise, must—

(i) provide that authorisation in writing in a legible and durable form that names the person to whom the poison is to be administered; and

(ii) date and confirm that authorisation with nurse practitioner or authorised midwife's signature.

Penalty: 100 penalty units.

(2) A nurse practitioner or authorised midwife who gives an authorisation verbally as described in subregulation (1)(a), must as soon as practicable—

(a) confirm that verbal authorisation in writing; and

(b) include the written confirmation of the verbal authorisation, or provide it for inclusion, in the treatment records of the person concerned.

Penalty: 100 penalty units.

86 How authorised optometrist or authorised podiatrist must authorise administration of Schedule 4 poison

(1) An authorised optometrist or authorised podiatrist who authorises the administration of a Schedule 4 poison to a person—

(a) may, if the authorised optometrist or an authorised podiatrist is of the opinion that an emergency exists, give that authorisation verbally to a nurse, registered midwife or pharmacist; and

(b) otherwise, must—

(i) provide that authorisation in writing in a legible and durable form that names the person to whom the poison is to be administered; and

(ii) date and confirm that authorisation with the authorised optometrist or authorised podiatrist's signature.

Penalty: 100 penalty units.

(2) An authorised optometrist or an authorised podiatrist who gives an authorisation verbally as described in subregulation (1)(a), must as soon as practicable—

(a) confirm that verbal authorisation in writing; and

(b) include the written confirmation of the verbal authorisation, or provide it for inclusion, in the treatment records of the person concerned.

Penalty: 100 penalty units.

Part 9—Administration by practitioners other than pharmacists

87 Part not to apply to self-administration

Nothing in this Part applies in relation to self-administration.

88 Administration of Schedule 4, 8 or 9 poison—registered medical practitioner

A registered medical practitioner must not administer a Schedule 4 poison, Schedule 8 poison or Schedule 9 poison unless—

(a) the poison is administered for the treatment of a person other than the practitioner; and

(b) the poison is for the medical treatment of a person under the practitioner's care; and

(c) the practitioner has taken all reasonable steps to ensure a therapeutic need exists for the poison; and

(d) if the poison was supplied for the treatment of a specific person, the administration is for the treatment of that person; and

(e) the poison is administered not merely for the purpose of supporting the drug dependence of a person; and

(f) if the poison is a drug of dependence, a Schedule 8 poison or a Schedule 9 poison, the practitioner has taken all reasonable steps to ascertain the identity of the person to whom the poison is to be administered; and

(g) in the case of a Schedule 8 poison, if, under regulation 10, a special Schedule 8 permit is required, the practitioner holds a special Schedule 8 permit that authorises the administration; and

Reg. 88(h) amended by S.R. No. 96/2022 reg. 16.

(h) in the case of a Schedule 9 poison, the practitioner holds a Schedule 9 permit, that authorises the administration.

Penalty: 100 penalty units.

Note

If a registered medical practitioner holds a Schedule 9 permit, section 33C of the Act will also prohibit the practitioner from administering the Schedule 9 poison other than for the period specified in the permit and within the quantity specified in the permit.

89 Administration of Schedule 4, 8 or 9 poison—dentist

(1) A dentist must not administer methadone.

Penalty: 100 penalty units.

(2) A dentist must not administer a Schedule 4 poison, Schedule 8 poison or Schedule 9 poison unless—

(a) the poison is administered for the treatment of a person other than the dentist; and

(b) the poison is for the dental treatment of a person under the dentist's care; and

(c) the dentist has taken all reasonable steps to ensure a therapeutic need exists for the poison; and

(d) if the poison was supplied for the treatment of a specific person, the administration is for the treatment of that person; and

(e) the poison is administered not merely for the purpose of supporting the drug dependence of a person; and

(f) if the poison is a drug of dependence, a Schedule 8 poison or a Schedule 9 poison, the dentist has taken all reasonable steps to ascertain the identity of the person to whom the poison is to be administered; and

(g) in the case of a Schedule 9 poison, the dentist holds a general Schedule 9 permit that authorises the administration.

Penalty: 100 penalty units.

90 Administration of Schedule 4, 8 or 9 poison—veterinary practitioner

A veterinary practitioner must not administer a Schedule 4 poison, Schedule 8 poison or Schedule 9 poison unless—

(a) the poison is for the treatment of an animal under the veterinary practitioner's care; and

(b) the veterinary practitioner has taken all reasonable steps to ensure a therapeutic need exists for the poison; and

(c) if the poison was supplied for the treatment of a specific animal, the administration is for the treatment of that animal; and

(d) if the poison is a drug of dependence, a Schedule 8 poison or a Schedule 9 poison, the veterinary practitioner has taken all reasonable steps to ascertain the identity of the person who owns or has custody or care of the animal for whose treatment the poison is administered; and

(e) in the case of a Schedule 9 poison, the veterinary practitioner holds a general Schedule 9 permit that authorises the administration.

Penalty: 100 penalty units.

91 Administration of Schedule 4, 8 or 9 poison—nurse practitioner

(1) A nurse practitioner must not administer a Schedule 4 poison other than in accordance with subregulation (3) or regulation 96(3).

Penalty: 100 penalty units.

Note

Regulation 96(3) authorises a nurse to administer a Schedule 4 poison in certain circumstances. If a nurse is a nurse practitioner, the nurse practitioner may administer a Schedule 4 poison in those circumstances as a nurse.

(2) A nurse practitioner must not administer a Schedule 8 poison other than in accordance with subregulation (3) or regulation 97(3).

Penalty: 100 penalty units.

Note

Regulation 97(3) authorises a nurse to administer a Schedule 8 poison in certain circumstances. If a nurse is a nurse practitioner, the nurse practitioner may administer a Schedule 8 poison in those circumstances as a nurse.

(3) A nurse practitioner may administer a Schedule 4 poison or Schedule 8 poison if—

(a) the poison is administered for the treatment of a person other than the nurse practitioner; and

(b) the poison is for the treatment of a person under the nurse practitioner's care; and

(c) the nurse practitioner has taken all reasonable steps to ensure a therapeutic need exists for the poison; and

(d) if the poison was supplied for the treatment of a specific person, the administration is for the treatment of that person; and

(e) the poison is administered not merely for the purpose of supporting the drug dependence of a person; and

(f) if the poison is a drug of dependence or a Schedule 8 poison, the nurse practitioner has taken all reasonable steps to ascertain the identity of the person to whom the poison is to be administered; and

(g) in the case of a Schedule 8 poison, if, under regulation 10, a special Schedule 8 permit is required, the nurse practitioner holds a special Schedule 8 permit that authorises the administration.

Note

In certain circumstances, sections 34B and 34C of the Act will also prohibit the nurse practitioner from administering the Schedule 8 poison without a Schedule 8 permit.

(4) A nurse practitioner must not administer a Schedule 9 poison other than in accordance with regulation 98(3).

Penalty: 100 penalty units.

Note

Regulation 98(3) authorises a nurse to administer a Schedule 9 poison in certain circumstances. If a nurse is a nurse practitioner, the nurse practitioner may administer a Schedule 9 poison in those circumstances as a nurse.

92 Administration of Schedule 4, 8 or 9 poison—authorised registered nurse

(1) An authorised registered nurse must not administer a Schedule 4 poison other than in accordance with subregulation (3) or regulation 96(3).

Penalty: 100 penalty units.

Note

Regulation 96(3) authorises a nurse to administer a Schedule 4 poison in certain circumstances. An authorised registered nurse may administer a Schedule 4 poison in those circumstances as a nurse.

(2) An authorised registered nurse must not administer a Schedule 8 poison other than in accordance with subregulation (3) or regulation 97(3).

Penalty: 100 penalty units.

Note

Regulation 97(3) authorises a nurse to administer a Schedule 8 poison in certain circumstances. An authorised registered nurse may administer a Schedule 8 poison in those circumstances as a nurse.

Reg. 92(3) amended by S.R. No. 31/2018 reg. 13.

(3) An authorised registered nurse may administer a Schedule 4 poison or Schedule 8 poison if—

(a) the poison is administered for the treatment of a person other than the nurse; and

(b) the poison is for the treatment of a person under the nurse's care; and

(c) the nurse has taken all reasonable steps to ensure a therapeutic need exists for the poison; and

(d) if the poison was supplied for the treatment of a specific person, the administration is for the treatment of that person; and

(e) the poison is administered not merely for the purpose of supporting the drug dependence of a person; and

(f) if the poison is a drug of dependence or a Schedule 8 poison, the nurse has taken all reasonable steps to ascertain the identity of the person to whom the poison is to be administered.

(4) An authorised registered nurse must not administer a Schedule 9 poison other than in accordance with regulation 98(3).

Penalty: 100 penalty units.

Note

Regulation 98(3) authorises a nurse to administer a Schedule 9 poison in certain circumstances. An authorised registered nurse may administer a Schedule 9 poison in those circumstances as a nurse.

92A Administration of Schedule 4, 8 or 9 poison—approved registered nurse

Reg. 92A inserted by S.R. No. 13/2021 reg. 16.

(1) An approved registered nurse must not administer a Schedule 4 poison other than in accordance with subregulation (3) or regulation 96(3).

Penalty: 100 penalty units.

Note

Regulation 96(3) authorises a nurse to administer a Schedule 4 poison in certain circumstances. An approved registered nurse may administer a Schedule 4 poison in those circumstances as a nurse.

(2) An approved registered nurse must not administer a Schedule 8 poison other than in accordance with subregulation (3) or regulation 97(3).

Penalty: 100 penalty units.

Note

Regulation 97(3) authorises a nurse to administer a Schedule 8 poison in certain circumstances. An approved registered nurse may administer a Schedule 8 poison in those circumstances as a nurse.

(3) An approved registered nurse is authorised to administer a Schedule 4 poison or Schedule 8 poison if—

(a) the poison is administered for the treatment of a person other than the nurse; and

(b) the poison is for the treatment of a person under the nurse's care; and

(c) the nurse has taken all reasonable steps to ensure a therapeutic need exists for the poison; and

(d) if the poison was supplied for the treatment of a specific person, the administration is for the treatment of that person; and

(e) the poison is administered not merely for the purpose of supporting the drug dependence of a person; and

(f) if the poison is a drug of dependence or a Schedule 8 poison, the nurse has taken all reasonable steps to ascertain the identity of the person to whom the poison is to be administered; and

(g) the administration is in accordance with an approval under regulation 161A.

(4) An approved registered nurse must not administer a Schedule 9 poison other than in accordance with regulation 98(3).

Penalty: 100 penalty units.

Note

Regulation 98(3) authorises a nurse to administer a Schedule 9 poison in certain circumstances. An approved registered nurse may administer a Schedule 9 poison in those circumstances as a nurse.

93 Administration of Schedule 4, 8 or 9 poison—authorised midwife

(1) An authorised midwife must not administer a Schedule 4 poison other than in accordance with subregulation (3) or regulation 96(3).

Penalty: 100 penalty units.

Note

Regulation 96(3) authorises a registered midwife to administer a Schedule 4 poison in certain circumstances. An authorised midwife may administer a Schedule 4 poison in those circumstances as a registered midwife.

(2) An authorised midwife must not administer a Schedule 8 poison other than in accordance with subregulation (3) or regulation 97(3).

Penalty: 100 penalty units.

Note

Regulation 97(3) authorises a registered midwife to administer a Schedule 8 poison in certain circumstances. An authorised midwife may administer a Schedule 8 poison in those circumstances as a registered midwife.

(3) An authorised midwife may administer a Schedule 4 poison or Schedule 8 poison if—

(a) the poison is administered for the treatment of a person other than the midwife; and

(b) the poison is for the midwifery treatment of a person under the midwife's care; and

(c) the midwife has taken all reasonable steps to ensure a therapeutic need exists for the poison; and

(d) if the poison was supplied for the treatment of a specific person, the administration is for the treatment of that person; and

(e) the poison is administered not merely for the purpose of supporting the drug dependence of a person; and

(f) if the poison is a drug of dependence or a Schedule 8 poison, the midwife has taken all reasonable steps to ascertain the identity of the person to whom the poison is to be administered.

(4) An authorised midwife must not administer a Schedule 9 poison other than in accordance with regulation 98(3).

Penalty: 100 penalty units.

Note

Regulation 98(3) authorises a registered midwife to administer a Schedule 9 poison in certain circumstances. An authorised midwife may administer a Schedule 9 poison in those circumstances as a registered midwife.

Reg. 93A inserted by S.R. No. 13/2021 reg. 17.

93A Administration of Schedule 4, 8 or 9 poison—approved registered midwife

(1) An approved registered midwife must not administer a Schedule 4 poison other than in accordance with subregulation (3) or regulation 96(3).

Penalty: 100 penalty units.

Note

Regulation 96(3) authorises a registered midwife to administer a Schedule 4 poison in certain circumstances. An approved registered midwife may administer a Schedule 4 poison in those circumstances as a registered midwife.

(2) An approved registered midwife must not administer a Schedule 8 poison other than in accordance with subregulation (3) or regulation 97(3).

Penalty: 100 penalty units.

Note

Regulation 97(3) authorises a registered midwife to administer a Schedule 8 poison in certain circumstances. An approved registered midwife may administer a Schedule 8 poison in those circumstances as a registered midwife.

(3) An approved registered midwife is authorised to administer a Schedule 4 poison or Schedule 8 poison if—

(a) the poison is administered for the treatment of a person other than the midwife; and

(b) the poison is for the midwifery treatment of a person under the midwife's care; and

(c) the midwife has taken all reasonable steps to ensure a therapeutic need exists for the poison; and

(d) if the poison was supplied for the treatment of a specific person, the administration is for the treatment of that person; and

(e) the poison is administered not merely for the purpose of supporting the drug dependence of a person; and

(f) if the poison is a drug of dependence or a Schedule 8 poison, the midwife has taken all reasonable steps to ascertain the identity of the person to whom the poison is to be administered; and

(g) the administration is in accordance with an approval under regulation 161A.

(4) An approved registered midwife must not administer a Schedule 9 poison other than in accordance with regulation 98(3).

Penalty: 100 penalty units.

Note

Regulation 98(3) authorises a registered midwife to administer a Schedule 9 poison in certain circumstances. An approved registered midwife may administer a Schedule 9 poison in those circumstances as a registered midwife.

94 Administration of Schedule 4 poison—authorised optometrist

An authorised optometrist must not administer a Schedule 4 poison unless—

(a) the poison is administered for the treatment of a person other than the optometrist; and

(b) the poison is for the ocular treatment of a person under the optometrist's care; and

(c) the optometrist has taken all reasonable steps to ensure a therapeutic need exists for the poison; and

(d) if the poison was supplied for the treatment of a specific person, the administration is for the treatment of that person; and

(e) the poison is administered not merely for the purpose of supporting the drug dependence of a person; and

(f) if the poison is a drug of dependence, the optometrist has taken all reasonable steps to ascertain the identity of the person to whom the poison is to be administered.

Penalty: 100 penalty units.

95 Administration of Schedule 4 poison—authorised podiatrist

An authorised podiatrist must not administer a Schedule 4 poison unless—

(a) the poison is administered for the treatment of a person other than the podiatrist; and

(b) the poison is for the podiatric treatment of a person under the podiatrist's care; and

(c) the podiatrist has taken all reasonable steps to ensure a therapeutic need exists for the poison; and

(d) if the poison was supplied for the treatment of a specific person, the administration is for the treatment of that person; and

(e) the poison is administered not merely for the purpose of supporting the drug dependence of a person; and

(f) if the poison is a drug of dependence, the podiatrist has taken all reasonable steps to ascertain the identity of the person to whom the poison is to be administered.

Penalty: 100 penalty units.

96 Administration of Schedule 4 poison—nurse or registered midwife

(1) A nurse (other than a nurse practitioner, authorised registered nurse or approved registered nurse) must not administer a Schedule 4 poison other than in accordance with subregulation (3).

Reg. 96(1) amended by S.R. No. 13/2021 reg. 18(1).

Penalty: 100 penalty units.

Reg. 96(2) amended by S.R. No. 13/2021 reg. 18(2).

(2) A registered midwife (other than an authorised midwife or approved registered midwife) must not administer a Schedule 4 poison other than in accordance with subregulation (3).

Penalty: 100 penalty units.

(3) A nurse or registered midwife may administer a Schedule 4 poison—

Reg. 96(3)(a) amended by S.R. No. 13/2021 reg. 18(3).

(a) in accordance with the directions for use on the container of the poison supplied by a registered medical practitioner, pharmacist, dentist, nurse practitioner, an authorised registered nurse, an approved registered nurse, an authorised midwife, an approved registered midwife, an authorised optometrist or an authorised podiatrist; or

(b) on a verbal authorisation under regulation 84(1)(a), 85(1)(a) or 86(1)(a); or

(c) on a written authorisation under regulation 84(1)(b), 85(1)(b) or 86(1)(b) within 12 months of the authorisation being given; or

(d) on a written transcript of a verbal authorisation referred to in paragraph (b) that is given to another nurse or registered midwife; or

Reg. 96(3)(e) substituted by S.R. No. 178/2018 reg. 7.

(e) if—

(i) regulation 8(1) authorises the nurse or registered midwife to possess the poison; and

(ii) the administration is for the treatment of a patient under the nurse or registered midwife's care; or

(f) if the nurse is a person referred to in Column 1 of item 24A or 24C of the Table in regulation 7, for the purpose set out in Column 2 of that item.

Reg. 96(3)(f) inserted by S.R. No. 178/2018 reg. 7, amended by S.R. No. 174/2021 reg. 7(1).

Note

Item 24A refers to persons employed or engaged by the holder of a non-emergency patient transport service licence to provide medical care to patients of that service. Item 24C refers to persons employed or engaged by the holder of certain first aid service licences to provide first aid to patients of that service.

Note to reg. 96(3)(f) substituted by S.R. No. 174/2021 reg. 7(2).

97 Administration of Schedule 8 poison—nurse or registered midwife

(1) A nurse (other than a nurse practitioner, authorised registered nurse or approved registered nurse) must not administer a Schedule 8 poison other than in accordance with subregulation (3).

Penalty: 100 penalty units.

Reg. 97(1) amended by S.R. Nos 178/2018 reg. 8(1), 13/2021 reg. 19(1).

(2) A registered midwife (other than an authorised midwife or approved registered midwife) must not administer a Schedule 8 poison other than in accordance with subregulation (3).

Penalty: 100 penalty units.

Reg. 97(2) amended by S.R. No. 13/2021 reg. 19(2).

(3) A nurse or registered midwife may administer a Schedule 8 poison—

(a) in accordance with the directions for use on the container of the poison supplied by a registered medical practitioner, pharmacist, dentist, nurse practitioner, an authorised registered nurse, an approved registered nurse, an authorised midwife, or an approved registered midwife; or

Reg. 97(3)(a) amended by S.R. No. 13/2021 reg. 19(3).

(b) on a verbal authorisation under regulation 84(1)(a) or 85(1)(a); or

(c) on a written authorisation under regulation 84(1)(b) or 85(1)(b) within 6 months of the authorisation being given; or

(d) on a written transcript of a verbal authorisation referred to in paragraph (b) that is given to another nurse or registered midwife; or

Reg. 97(3)(e) substituted by S.R. No. 178/2018 reg. 8(2).

(e) if—

(i) regulation 8(2) authorises the nurse or registered midwife to possess the poison; and

(ii) the administration is for the treatment of a patient under the nurse or registered midwife's care.

98 Administration of Schedule 9 poison—nurse or registered midwife

Reg. 98(1) amended by S.R. Nos 178/2018 reg. 9(1), 13/2021 reg. 20(1).

(1) A nurse (other than a nurse practitioner, authorised registered nurse or approved registered nurse) must not administer a Schedule 9 poison other than in accordance with subregulation (3).

Penalty: 100 penalty units.

Reg. 98(2) amended by S.R. No. 13/2021 reg. 20(2).

(2) A registered midwife (other than an authorised midwife or approved registered midwife) must not administer a Schedule 9 poison other than in accordance with subregulation (3).

Penalty: 100 penalty units.

(3) A nurse or registered midwife may administer a Schedule 9 poison—

(a) in accordance with the directions for use on the container of the poison supplied by a registered medical practitioner, dentist or pharmacist; or

(b) on a verbal authorisation under regulation 84(1)(a); or

(c) on a written authorisation under regulation 84(1)(b) within 6 months of the authorisation being given; or

(d) on a written transcript of a verbal authorisation referred to in paragraph (b) that is given to another nurse or registered midwife; or

(e) if— **Reg. 98(3)(e) substituted by S.R. No. 178/2018 reg. 9(2).**

(i) regulation 8(3) authorises the nurse or registered midwife to possess the poison; and

(ii) the administration is for the treatment of a patient under the nurse or registered midwife's care.

98A Administration of Schedule 8 MDMA or Schedule 8 psilocybine—authorised psychedelic psychiatrists and certain registered medical practitioners **Reg. 98A inserted by S.R. No. 61/2023 reg. 13.**

(1) An authorised psychedelic psychiatrist must not administer Schedule 8 MDMA or Schedule 8 psilocybine unless—

(a) the administration is for the medical treatment of a person other than the psychiatrist; and

(b) that person is under the psychiatrist's care; and

(c) the psychiatrist has taken all reasonable steps to ensure a therapeutic need exists for the Schedule 8 MDMA or Schedule 8 psilocybine; and

(d) the administration is not merely for the purpose of supporting the drug dependence of a person; and

(e) the psychiatrist has taken all reasonable steps to ascertain the identity of the person to whom the poison is to be administered; and

(f) the psychiatrist has complied with regulation 17A.

Penalty: 100 penalty units.

(2) A registered medical practitioner must not administer Schedule 8 MDMA or Schedule 8 psilocybine—

(a) unless—

(i) the administration is to a participant in a clinical trial that is approved by or notified to the Commonwealth Secretary under the Therapeutic Goods Act 1989 of the Commonwealth and approved by a human research ethics committee; and

(ii) the medical practitioner is not the participant in the clinical trial; and

(iii) the administration is for the purpose of the clinical trial; and

(iv) the participant is under the medical practitioner's care; and

(v) the administration is not merely for the purpose of supporting the drug dependence of the participant; and

(vi) the medical practitioner has taken all reasonable steps to ascertain the identity of the participant to whom the Schedule 8 MDMA or Schedule 8 psilocybine is to be administered; and

(vii) the medical practitioner has complied with regulation 17A; or

(b) unless—

(i) the medical practitioner is authorised to do so under regulation 78A(1); and

(ii) the Schedule 8 MDMA or Schedule 8 psilocybine is administered for the treatment of another person; and

(iii) the Schedule 8 MDMA or Schedule 8 psilocybine is administered not merely for the purpose of supporting the drug dependence of that person; and

(iv) the medical practitioner has taken all reasonable steps to ascertain the identity of the person to whom the Schedule 8 MDMA or Schedule 8 psilocybine is to be administered.

Penalty: 100 penalty units.

98B Administration of Schedule 8 MDMA or Schedule 8 psilocybine—nurse or nurse practitioner

Reg. 98B inserted by S.R. No. 61/2023 reg. 13.

A nurse or nurse practitioner must not administer Schedule 8 MDMA or Schedule 8 psilocybine—

(a) unless—

(i) the nurse or nurse practitioner is authorised to do so under regulation 78A(1); and

(ii) the Schedule 8 MDMA or Schedule 8 psilocybine is administered for the treatment of another person; and

(iii) the Schedule 8 MDMA or Schedule 8 psilocybine is administered not merely for the purpose of supporting the drug dependence of that person; and

(iv) the nurse or nurse practitioner has taken all reasonable steps to ascertain the identity of the person to whom the

Schedule 8 MDMA or Schedule 8 psilocybine is to be administered; or

(b) unless—

(i) the administration is to a participant in a clinical trial that is approved by or notified to the Commonwealth Secretary under the Therapeutic Goods Act 1989 of the Commonwealth and approved by a human research ethics committee; and

(ii) the nurse or nurse practitioner is authorised to do so under regulation 78A(2); and

(iii) the nurse or nurse practitioner is not the participant in the clinical trial; and

(iv) the administration is for the purpose of the clinical trial; and

(v) the administration is not merely for the purpose of supporting the drug dependence of the participant; and

(vi) the nurse or nurse practitioner has taken all reasonable steps to ascertain the identity of the participant to whom the Schedule 8 MDMA or Schedule 8 psilocybine is to be administered.

Penalty: 100 penalty units.

Part 10—Administration by pharmacists

99 Administration of Schedule 4 poison by pharmacist

A pharmacist must not administer a Schedule 4 poison—

(a) except in accordance with the original prescription of a registered medical practitioner, veterinary practitioner, dentist, nurse practitioner, authorised midwife, authorised optometrist or authorised podiatrist; or

(b) except, if the original prescription is required to be submitted to a public authority by any Act of a State or Territory or the Commonwealth, on a copy of a prescription referred to in paragraph (a) certified by, or accompanied by a certification from, a pharmacist who has previously received the prescription; or

(c) without an instruction from a registered medical practitioner, dentist, nurse practitioner or an authorised midwife unless—

(i) the pharmacist has taken all reasonable steps to ensure a therapeutic need exists for the poison; and

(ii) the Secretary has approved the poison under regulation 163(1); and

(iii) the administration complies with the conditions specified in the approval (if any); or

(d) except on a verbal authorisation under regulation 84(1)(a), 85(1)(a) or 86(1)(a); or

(e) except on a written authorisation under regulation 84(1)(b), 85(1)(b) or 86(1)(b)

within 12 months of the authorisation being given.

Penalty: 100 penalty units.

Reg. 100 amended by S.R. No. 61/2023 reg. 14(1)(2) (ILA s. 39B(2)).

100 Administration of Schedule 8 poison by pharmacist

(1) A pharmacist must not administer a Schedule 8 poison (other than Schedule 8 MDMA or Schedule 8 psilocybine) except—

(a) in accordance with the original prescription of a registered medical practitioner, veterinary practitioner, dentist, nurse practitioner or authorised midwife; or

(b) if the original prescription is required to be submitted to a public authority by any Act of a State or Territory or the Commonwealth, on a copy of a prescription referred to in paragraph (a) certified by, or accompanied by a certification from, a pharmacist who has previously received the prescription; or

(c) on a verbal authorisation under regulation 84(1)(a) or 85(1)(a); or

(d) on a written authorisation under regulation 84(1)(b) or 85(1)(b) within 6 months of the authorisation being given.

Penalty: 100 penalty units.

Reg. 100(2) inserted by S.R. No. 61/2023 reg. 14(2).

(2) A pharmacist must not administer Schedule 8 MDMA or Schedule 8 psilocybine.

Penalty: 100 penalty units.

Reg. 101 substituted by S.R. No. 96/2022 reg. 17.

101 Administration of Schedule 9 poison by pharmacist

A pharmacist must not administer a Schedule 9 poison except—

(a) in accordance with an authorisation that a registered medical practitioner or a dentist gave verbally under regulation 84(1)(a); or

(b) in accordance with an authorisation that a registered medical practitioner or a dentist gave—

(i) in writing under regulation 84(1)(b); and

(ii) not more than 6 months ago; or

(c) in accordance with the original prescription of a registered medical practitioner or dentist.

Penalty: 100 penalty units.

Part 11—Administration by persons other than pharmacists and other practitioners

102 Part not to apply to pharmacists and other practitioners

In this Part—

Reg. 102 def. of *person* substituted by S.R. No. 13/2021 reg. 21.

person does not include a person acting in the lawful practice of the person's profession as—

(a) a registered medical practitioner; or

(b) a dentist; or

(c) a veterinary practitioner; or

(d) a nurse practitioner; or

(e) a nurse; or

(f) an authorised registered nurse; or

(g) an approved registered nurse; or

(h) a registered midwife; or

(i) an authorised midwife; or

(j) an approved registered midwife; or

(k) an authorised optometrist; or

(l) an authorised podiatrist; or

(m) a pharmacist.

103 Person must not administer Schedule 4, 8 or 9 poison to another person except as specified

(1) A person must not administer a Schedule 4 poison to another person unless—

(a) the poison was supplied—

(i) by a registered medical practitioner, a dentist, a nurse practitioner, an authorised registered nurse, an approved registered nurse, an authorised midwife, an approved registered midwife, an authorised optometrist, an authorised podiatrist or a pharmacist; and

Reg. 103(1)(a)(i) substituted by S.R. No. 13/2021 reg. 22(1).

(ii) for the treatment of the other person; or

(b) the person administering the poison—

(i) is listed in Column 1 of Part 2 of the Table in regulation 7; and

(ii) administers the poison in that capacity; and

(iii) the administration is to the extent and for the purpose specified in Column 2 of Part 2 of the Table.

Penalty: 100 penalty units.

(2) A person must not administer a Schedule 8 poison to another person unless—

(a) the poison was supplied—

(i) by a registered medical practitioner, a dentist, a nurse practitioner, an authorised registered nurse, an approved registered nurse, an authorised midwife, an approved registered midwife or a pharmacist; and

Reg. 103(2)(a)(i) substituted by S.R. No. 13/2021 reg. 22(2).

(ii) for the treatment of the other person; or

(b) the person administering the poison—

(i) is listed in Column 1 of Part 2 of the Table in regulation 7; and

(ii) administers the poison in that capacity; and

(iii) the administration is to the extent and for the purpose specified in Column 2 of Part 2 of the Table.

Penalty: 100 penalty units.

(3) A person must not administer a Schedule 9 poison to another person unless—

(a) the poison was supplied—

(i) by a registered medical practitioner, a dentist or a pharmacist; and

(ii) for the treatment of the other person; or

(b) the person administering the poison—

(i) is listed in Column 1 of Part 2 of the Table in regulation 7; and

(ii) administers the poison in that capacity; and

(iii) the administration is to the extent and for the purpose specified in Column 2 of Part 2 of the Table.

Penalty: 100 penalty units.

104 Person must not administer Schedule 4, 8 or 9 poison to an animal except as specified

A person must not administer a Schedule 4 poison, Schedule 8 poison or Schedule 9 poison to an animal unless the poison was supplied for the treatment of the animal by, or on the prescription or stock food order of, a veterinary practitioner.

Penalty: 100 penalty units.

Part 12—Self-administration

105 Person must not self-administer Schedule 4, 8 or 9 poison except as specified

Reg. 105(1) substituted by S.R. No. 13/2021 reg. 23(1), amended by S.R. No. 20/2023 reg. 13(1).

(1) A person must not self-administer a Schedule 4 poison unless—

(a) the poison was lawfully supplied for the treatment of that person by—

(i) a registered medical practitioner; or

(ii) a dentist; or

(iii) a nurse practitioner; or

(iv) an authorised registered nurse; or

(v) an approved registered nurse; or

(vi) an authorised midwife; or

(vii) an approved registered midwife; or

(viii) an authorised optometrist; or

(ix) an authorised podiatrist; or

(b) the poison was lawfully supplied for the treatment of that person by a pharmacist on the prescription, chart instruction or verbal authorisation of—

(i) a registered medical practitioner; or

(ii) a dentist;

(iii) a nurse practitioner; or

(iv) an authorised midwife; or

(v) an authorised optometrist; or

(vi) an authorised podiatrist; or

(c) the poison was lawfully supplied for the treatment of that person by a pharmacist in accordance with regulation 47(1)(e) or (f); or

(d) the person is listed in Column 1 of Part 2 of the Table in regulation 7 and the administration is to the extent and for the purpose specified in Column 2 of Part 2 of that Table.

Penalty: 100 penalty units.

Reg. 105(2) substituted by S.R. No. 13/2021 reg. 23(2).

(2) A person must not self-administer a Schedule 8 poison unless—

(a) the poison was lawfully supplied for the treatment of that person by—

(i) a registered medical practitioner; or

(ii) a dentist; or

(iii) a nurse practitioner; or

(iv) an authorised registered nurse; or

(v) an approved registered nurse; or

(vi) an authorised midwife; or

(vii) an approved registered midwife; or

(b) the poison was lawfully supplied for the treatment of that person by a pharmacist on the prescription, chart instruction or verbal authorisation of—

(i) a registered medical practitioner; or

(ii) a dentist; or

(iii) a nurse practitioner; or

(iv) an authorised midwife.

Penalty: 100 penalty units.

(3) A person must not self-administer a Schedule 9 poison unless—

(a) the poison was lawfully supplied for the treatment of that person by a registered medical practitioner or dentist; or

Reg. 105(3)(a) amended by S.R. No. 13/2021 reg. 23(3).

(b) the poison was lawfully supplied for the treatment of that person by a pharmacist on the prescription or verbal authorisation of a registered medical practitioner or dentist.

Reg. 105(3)(b) amended by S.R. No. 13/2021 reg. 23(3).

Penalty: 100 penalty units.

(4) A person must not self-administer a Schedule 4 poison, a Schedule 8 poison or a Schedule 9 poison that was obtained by means of a false pretence.

Reg. 105(4) inserted by S.R. No. 20/2023 reg. 13(2).

Penalty: 100 penalty units.

Part 13—Records

106 Definition of transaction

In this Part—

transaction means the manufacture, preparation, use, transfer within and between premises, administration, sale, supply, disposal or destruction of a Schedule 4 poison, Schedule 8 poison or Schedule 9 poison.

107 Persons required to keep records

The following persons are required to keep records under this Part—

Reg. 107(a) substituted by S.R. No. 13/2021 reg. 24.

(a) each of the following—

(i) a registered medical practitioner;

(ii) a veterinary practitioner;

(iii) a dentist;

(iv) a nurse practitioner;

(v) an authorised registered nurse;

(vi) an approved registered nurse;

(vii) an authorised midwife;

(viii) an approved registered midwife;

(ix) an authorised optometrist;

(x) an authorised podiatrist;

(xi) a pharmacist;

(b) a person holding a licence, permit or warrant to manufacture, sell, supply, purchase or otherwise obtain, possess, administer or use a Schedule 4 poison, Schedule 8 poison or Schedule 9 poison;

(c) a nurse or registered midwife authorised under regulation 8 to be in possession of a Schedule 4 poison, Schedule 8 poison or Schedule 9 poison;

(d) an approved provider of an aged care service if in that service there is a resident who is receiving residential care and that resident has been—

(i) supplied with a Schedule 4 poison, Schedule 8 poison or Schedule 9 poison on a prescription; or

(ii) supplied with a Schedule 4 poison or Schedule 8 poison on a chart instruction;

(e) a person referred to in Column 1 of Part 2 of the Table in regulation 7 as authorised to have in the person's possession a Schedule 4 poison or Schedule 8 poison.

108 Details to be contained in records

(1) A person required to keep records under this Part must, as soon as practicable after completing a transaction, record—

(a) the date of each transaction; and

(b) the name, form, strength and quantity of the poison or controlled substance; and

(c) in the case of a transaction involving supply on a prescription—

(i) the name of the person who wrote the prescription; and

(ii) the directions for use as set out on the prescription; and

(d) in the case of a transaction involving supply on a chart instruction—

(i) the name of the person who gave the instruction; and

(ii) the directions for use as set out in the instruction; and

(e) the name and address or location of persons to whom the Schedule 4 poison, Schedule 8 poison or Schedule 9 poison is transferred, supplied, administered or otherwise disposed of; and

Reg. 108(1)(ea) inserted by S.R. No. 31/2018 reg. 14.

(ea) in the case of a transaction involving administration of a Schedule 4 poison, Schedule 8 poison or Schedule 9 poison to an animal—

(i) the name and address of the person who owns or has custody or care of the animal; and

(ii) the name or other unique identifier of the animal; and

(f) in the case of a Schedule 8 poison or Schedule 9 poison purchased or obtained, the name and address of the person from whom the poison was purchased or obtained; and

(g) in the case of a Schedule 8 poison which has been destroyed by a nurse practitioner or authorised midwife in accordance with regulation 115(2)(a), the details set out in regulation 115(2)(b); and

(h) in the case of a Schedule 8 poison or Schedule 9 poison which has been destroyed by a registered medical practitioner, veterinary practitioner, dentist or pharmacist in accordance with regulation 115(3)(a), the details set out in regulation 115(3)(b); and

(i) in the case of a Schedule 8 poison listed in the health services permit held by an ambulance service within the meaning of the **Ambulance Services Act 1986** which has been destroyed by an operational staff member within the meaning of that Act in accordance with regulation 115(5)(a), the matters set out in regulation 115(5)(b); and

(j) in the case of the unused contents of a previously sterile container containing a Schedule 8 poison or a Schedule 9 poison that are not required for administration to a patient which has been destroyed by a registered medical practitioner, pharmacist, veterinary practitioner, dentist, nurse or registered midwife in accordance with regulation 115(4)(a), the details set out in regulation 115(4)(b); and

(k) in the case of the unused portion of a tablet or lozenge containing a Schedule 8 poison or a Schedule 9 poison that is not required for administration to a patient which has been destroyed by a registered medical practitioner, veterinary practitioner, dentist, pharmacist, nurse or registered midwife in accordance with regulation 115(6)(a), the details set out in regulation 115(6)(b); and

(l) in the case of a transaction involving supply or administration to a specific person, the name of the person carrying out the transaction; and

(m) in the case of a transaction that is administration authorised verbally under regulation 84(1)(a), 85(1)(a) or 86(1)(a), the name of the person who gave the authorisation; and

Reg. 108(1)(m) amended by S.R. No. 72/2018 reg. 7(1).

Reg. 108(1)(n) inserted by S.R. No. 72/2018 reg. 7(2).

(n) in the case of a transaction involving the supply of a monitored poison by a pharmacist to or for a person in circumstances specified in regulation 47(1)(a), (b), (c), (d) or (e) or regulation 48(1)(a), (b) or (c), the date of birth of that person.

Penalty: 50 penalty units.

(2) Despite subregulation (1), a registered medical practitioner, veterinary practitioner, dentist, nurse practitioner, authorised midwife, authorised optometrist, authorised podiatrist or pharmacist is not required to keep a record of the destruction of Schedule 4 poisons.

109 Methods by which records are to be retained and retrieved

(1) Subject to regulation 110, a person required to keep records under this Part must ensure that the records of all transactions in Schedule 8 poisons or Schedule 9 poisons kept by the person—

(a) are able to be readily sorted by poison; and

(b) show the true and accurate balance of each Schedule 8 poison and Schedule 9 poison remaining in the person's possession after each transaction; and

(c) show the name of the person carrying out the transaction.

Penalty: 50 penalty units.

(2) Despite subregulation (1)(b), a person must ensure that the records of all transactions in respect of methadone or buprenorphine are made at least daily if the transaction is for the purposes of opioid replacement therapy.

Penalty: 50 penalty units.

(3) A person required to keep records under this Part must keep records made by the person readily retrievable in English.

Penalty: 50 penalty units.

(4) A person required to keep records under this Part must retain a record of each transaction in a Schedule 4 poison, Schedule 8 poison or Schedule 9 poison in a readily retrievable form for 3 years from the date of the transaction.

Penalty: 50 penalty units.

(5) A person required to keep records under this Part must produce on demand to an authorized officer all records required to be kept under this Part.

Penalty: 50 penalty units.

(6) A person required to keep records under this Part must maintain the records made by the person of transactions in Schedule 8 poisons or Schedule 9 poisons in a manner that ensures that the records cannot be altered, obliterated, deleted or removed without detection.

Penalty: 50 penalty units.

(7) A person required to keep electronic transaction records under this Part must take all reasonable steps to ensure the person's personal access code for making an electronic transaction record for Schedule 8 poisons or Schedule 9 poisons is not known or used by another person.

Penalty: 50 penalty units.

110 Exception for aged care services

An approved provider of an aged care service is not required to comply with regulation 109(1) in relation to a Schedule 8 poison or Schedule 9 poison that is—

(a) supplied to a resident on a prescription or chart instruction for a specific person; and

(b) supplied in tamper-evident compartments of dose administration containers; and

(c) labelled by a registered medical practitioner, dentist, nurse practitioner or pharmacist for administration at times specified on the label.

111 Accurate records to be kept

A person required to keep records under this Part must not knowingly make or cause to be made an entry which is false or misleading in any records in respect of a Schedule 4 poison, Schedule 8 poison or Schedule 9 poison.

Penalty: 50 penalty units.

112 Discrepancies in records to be investigated

A person required to keep records under this Part must—

(a) investigate without delay any discrepancies found in the transaction records kept by that person; and

(b) after that investigation, notify the Secretary without delay of any discrepancy which remains.

Penalty: 50 penalty units.

113 Lost or stolen records to be reported

A person required to keep records under this Part must notify the Secretary without delay of the circumstances of any loss, destruction or theft of records kept by the person relating to Schedule 4 poisons, Schedule 8 poisons or Schedule 9 poisons.

Penalty: 50 penalty units.

Part 14—Destruction of Schedule 8 poisons and Schedule 9 poisons

114 Wilful destruction prohibited

Subject to this Part, a person must not wilfully destroy a Schedule 8 poison or Schedule 9 poison.

Penalty: 100 penalty units.

115 Exceptions

(1) Regulation 114 does not apply to—

(a) a Schedule 8 poison or Schedule 9 poison destroyed by or under the supervision of an authorized officer; or

(b) a Schedule 8 poison or Schedule 9 poison for which a court order has been granted for its destruction; or

(c) a Schedule 8 poison or Schedule 9 poison which has been taken into possession by a police officer and for which an order for destruction has been issued by an officer of rank not below that of Inspector of the Victoria Police; or

(d) a narcotic plant or seed of any narcotic plant as defined in section 70 of the Act.

(2) Subject to subregulation (7), regulation 114 does not apply to a Schedule 8 poison if—

(a) it is destroyed by a nurse practitioner or an authorised midwife in the presence of another person who is a registered medical practitioner, pharmacist, veterinary practitioner, dentist, nurse or registered midwife; and

(b) the details of the destruction are recorded in the records required to be kept under regulation 108, including—

(i) the name, strength and quantity of the poisons destroyed; and

(ii) the method and place of destruction; and

(iii) the names of the persons carrying out the destruction; and

(iv) the names of the witnesses.

(3) Subject to subregulation (7), regulation 114 does not apply to a Schedule 8 poison or Schedule 9 poison if—

(a) it is destroyed by a registered medical practitioner, veterinary practitioner, dentist or pharmacist in the presence of another person who is a registered medical practitioner, pharmacist, veterinary practitioner, dentist, nurse or registered midwife; and

(b) the details of the destruction are recorded in the records required to be kept under regulation 108, including—

(i) the name, strength and quantity of the poisons destroyed; and

(ii) the method and place of destruction; and

(iii) the names of the persons carrying out the destruction; and

(iv) the names of the witnesses.

(4) Subject to subregulation (7), regulation 114 does not apply to the unused contents of a previously sterile container containing a Schedule 8 poison

or a Schedule 9 poison that are not required for administration to a patient if—

(a) those contents are destroyed by a registered medical practitioner, pharmacist, veterinary practitioner, dentist, nurse or registered midwife; and

(b) the details of the destruction are recorded in the records required to be kept under regulation 108, including—

(i) the name, strength and quantity of the poisons destroyed; and

(ii) the method and place of destruction; and

(iii) the name of the person carrying out the destruction.

(5) Subject to subregulation (7), regulation 114 does not apply to the unused contents of a previously sterile container containing a Schedule 8 poison listed in the health services permit held by an ambulance service within the meaning of the **Ambulance Services Act 1986** that are not required for administration to a patient if—

(a) those contents are destroyed by an operational staff member (within the meaning of that Act) of that ambulance service; and

(b) the details of the destruction are recorded in the records required to be kept under regulation 108, including—

(i) the name, strength and quantity of the poison destroyed; and

(ii) the method and place of destruction; and

(iii) the name of the person carrying out the destruction.

(6) Subject to subregulation (7), regulation 114 does not apply to the unused portion of a tablet or lozenge containing a Schedule 8 poison or a Schedule 9 poison that is not required for administration to a patient if—

(a) the unused portion of a tablet or lozenge is destroyed by a registered medical practitioner, veterinary practitioner, dentist, pharmacist, nurse or registered midwife; and

(b) the details of the destruction are recorded in the records required to be kept under regulation 108, including—

(i) the name, strength and quantity of the tablets or lozenges destroyed; and

(ii) the method and place of destruction; and

(iii) the name of the person carrying out the destruction.

(7) The Secretary may direct a person referred to in subregulation (2), (3), (4), (5) or (6) to comply with any requirements relating to the destruction of a Schedule 8 poison or Schedule 9 poison (as the case requires) specified in writing by the Secretary.

Part 15—Cultivation of narcotic plants

116 Authority to cultivate narcotic plants for non-therapeutic uses

(1) For the purposes of section 72 of the Act, the Secretary may, in the Secretary's discretion, authorise in writing a fit and proper person to cultivate a narcotic plant as defined in section 70 of the Act for a use other than a therapeutic use.

(2) The holder of an authority under subregulation (1) is, for the purpose of that authority, authorised to possess the narcotic plant to which that authority relates for the purposes of sections 72, 72A, 72B, 72D and 73 of the Act.

117 Authority to possess narcotic plant

(1) A person listed in Column 1 of the following Table who is an employee of, or engaged by, the holder of an authority under regulation 116 to cultivate the narcotic plant Papaver somniferum L., is authorised to possess that narcotic plant in the circumstances and to the extent specified in Column 2 of the Table in respect of that person.

(2) A person listed in Column 1 of the following Table who is an employee of, or engaged by, the holder of an authority under regulation 116 to cultivate the narcotic plant Cannabis L., is authorised to possess that narcotic plant in the circumstances and to the extent specified in Column 2 of the Table in respect of that person.

Item No.	*Column 1* *Authorised person*	*Column 2* *Circumstances and extent*
1.	A person who transports a narcotic plant cultivated under an authority under regulation 116 after it has been harvested	For the purposes of transport and delivery to the person to whom the consignment of the narcotic plant is addressed
2.	A person who stores a narcotic plant cultivated under an authority under regulation 116 after it has been harvested	For the purposes of storing the narcotic plant after it has been harvested
3.	A person who processes a narcotic plant cultivated under an authority under regulation 116 after it has been harvested	For the purposes of processing the narcotic plant after it has been harvested

(3) In this regulation—

process means treat by mechanical, chemical or other artificial means.

Part 16—Warrants for ovulatory stimulants, prostaglandins, retinoids and thalidomide

118 Application of Part

(1) This Part applies in relation to—

(a) an ovulatory stimulant;

(b) a prostaglandin;

(c) a retinoid;

(d) thalidomide.

(1A) A reference in this Part to a person purchasing, obtaining or administering a substance to which this Part applies does not refer to that person doing so in a capacity other than in the lawful practice of their profession.

Reg. 118(1A) inserted by S.R. No. 13/2021 reg. 25.

Note

Other provisions of these Regulations regulate persons dealing with these substances in a personal capacity. See, for example—

- items 5 to 10 in Part 1 of the Table in regulation 7, which authorises certain persons to obtain and possess (among other things) substances to which this Part applies;
- regulation 105, which governs the self-administration of (among other things) substances to which this Part applies.

(2) This Part applies despite anything to the contrary in any other Part of this Chapter.

119 Certain practitioners not to deal with substance

(1) A dentist, authorised optometrist or authorised podiatrist must not purchase, obtain, issue a prescription for, write a chart instruction for, give a verbal instruction or order for, sell, supply, administer or authorise the administration of a substance to which this Part applies.

Penalty: 100 penalty units.

(2) This regulation applies despite anything to the contrary in any other regulation.

120 Dealing with substance—registered medical practitioner

(1) A registered medical practitioner who does not hold a warrant must not purchase, obtain, issue a prescription for, write a chart instruction for, give a verbal instruction or order for, sell, supply, administer or authorise the administration of a substance to which this Part applies except in accordance with regulation 123.

Penalty: 100 penalty units.

Note

Regulation 123 authorises a registered medical practitioner who does not hold a warrant to do certain things as directed by a registered medical practitioner who does hold a warrant.

(2) A registered medical practitioner who holds a warrant for a substance to which this Part applies may—

(a) issue a prescription for that substance in accordance with regulation 17; and

Reg. 120(2)(b) amended by S.R. No. 20/2023 reg. 14.

(b) issue a verbal instruction or a digital image of an original prescription to a pharmacist to supply that substance in accordance with regulation 25 or 25A.; and

(c) write a chart instruction for that substance in accordance with regulation 30; and

(d) give an order for the sale or supply of that substance; and

(e) sell or supply that substance in accordance with regulation 36; and

(f) authorise the administration of that substance in accordance with regulation 84; and

(g) administer that substance in accordance with regulation 88; and

(h) give a direction to another registered medical practitioner to deal with that substance in accordance with regulation 123 in relation to a specified patient; and

(i) give a direction to a nurse practitioner to deal with that substance in accordance with regulation 124 in relation to a specified patient.

121 Dealing with substance—nurse practitioner

(1) A nurse practitioner must not purchase, obtain, issue a prescription for, write a chart instruction for, give a verbal instruction or order for, sell, supply or authorise the administration of a substance to which this Part applies except in accordance with regulation 124.

Penalty: 100 penalty units.

Note

Regulation 124 authorises a nurse practitioner to do certain things as directed by a registered medical practitioner who holds a warrant.

(2) A nurse practitioner must not administer a substance to which this Part applies except—

(a) in accordance with regulation 96(3); or

(b) in accordance with regulation 124.

Penalty: 100 penalty units.

Note

Regulation 96(3) authorises a nurse to administer a Schedule 4 poison in certain circumstances. If a nurse is a nurse practitioner, the nurse practitioner may administer a Schedule 4 poison in those circumstances as a nurse.

Reg. 121A inserted by S.R. No. 13/2021 reg. 26.

121A Dealing with substance—authorised registered nurse

(1) An authorised registered nurse must not purchase, obtain, sell or supply a substance to which this Part applies.

Penalty: 100 penalty units.

(2) An authorised registered nurse must not administer a substance to which this Part applies except in accordance with regulation 96(3).

Penalty: 100 penalty units.

Note

Regulation 96(3) authorises a nurse to administer a Schedule 4 poison in certain circumstances. An authorised registered nurse may administer a Schedule 4 poison in those circumstances as a nurse.

Reg. 121B inserted by S.R. No. 13/2021 reg. 26.

121B Dealing with substance—approved registered nurse

(1) An approved registered nurse must not purchase, obtain, sell or supply a substance to which this Part applies.

Penalty: 100 penalty units.

(2) An approved registered nurse must not administer a substance to which this Part applies except in accordance with regulation 96(3).

Penalty: 100 penalty units.

Note

Regulation 96(3) authorises a nurse to administer a Schedule 4 poison in certain circumstances. An approved registered nurse may administer a Schedule 4 poison in those circumstances as a nurse.

122 Dealing with substance—authorised midwife

(1) An authorised midwife must not purchase, obtain, issue a prescription for, write a chart instruction for, give a verbal instruction or order for, sell, supply or authorise the administration of a substance to which this Part applies.

Penalty: 100 penalty units.

(2) An authorised midwife must not administer a substance to which this Part applies except in accordance with regulation 96(3).

Penalty: 100 penalty units.

Note

Regulation 96(3) authorises a registered midwife to administer a Schedule 4 poison in certain circumstances. An authorised midwife may administer a Schedule 4 poison in those circumstances as a registered midwife.

122A Dealing with substance—approved registered midwife

Reg. 122A inserted by S.R. No. 13/2021 reg. 27.

(1) An approved registered midwife must not purchase, obtain, sell or supply a substance to which this Part applies.

Penalty: 100 penalty units.

(2) An approved registered midwife must not administer a substance to which this Part applies except in accordance with regulation 96(3).

Penalty: 100 penalty units.

Note

Regulation 96(3) authorises a registered midwife to administer a Schedule 4 poison in certain circumstances. An approved registered midwife may administer a Schedule 4 poison in those circumstances as a registered midwife.

123 Effect of direction given to registered medical practitioner

(1) A registered medical practitioner who is given a direction under regulation 120(2)(h) in relation to a substance and a specified patient may—

(a) purchase or otherwise obtain the substance; and

(b) do any of the things set out in regulation 120(2) with that substance and in respect of that patient other than giving a direction under regulation 120(2)(h) or (i).

(2) This regulation applies whether or not the practitioner holds a warrant.

124 Effect of direction given to nurse practitioner

A nurse practitioner who is given a direction under regulation 120(2)(i) in relation to a substance and a specified patient may do any of the following things as directed—

(a) purchase or otherwise obtain the substance;

(b) issue a prescription to the patient for the substance in accordance with regulation 20;

(c) issue a verbal instruction to a pharmacist to supply the substance to the patient in accordance with regulation 25;

Reg. 124(ca) inserted by S.R. No. 20/2023 reg. 15.

(ca) transmit a digital image of an original prescription to a pharmacist to supply the substance to the patient in accordance with regulation 25A;

(d) write a chart instruction in respect of the substance and the patient in accordance with regulation 32;

(e) give an order for the sale or supply of the substance in respect of the patient;

(f) sell or supply the substance to the patient in accordance with regulation 39;

(g) authorise the administration of the substance to the patient in accordance with regulation 85;

(h) administer the substance to the patient in accordance with regulation 91.

125 Warrant number to be included in any prescription

(1) A registered medical practitioner who issues a prescription for a substance to which this Part applies (other than at the direction of another registered medical practitioner under regulation 120(2)(h)) must include the warrant number on the prescription.

Penalty: 10 penalty units.

(2) A registered medical practitioner or nurse practitioner who, at the direction of a registered medical practitioner under regulation 120(2)(h) or (i), issues a prescription for a substance to which this Part applies must include on the prescription—

(a) the name of the registered medical practitioner who gave the direction; and

(b) the number of the warrant held by that practitioner in relation to the substance.

Penalty: 10 penalty units.

Part 17—Use of premises—drugs of dependence

126 Authority to permit use of premises—owners and occupiers

(1) For the purposes of section 72D(1) of the Act, an owner or occupier of land or premises is authorised to permit a person to use that land or premises to carry out an activity that falls within the definition of ***traffick*** in section 70 of the Act in relation to a drug of dependence if—

(a) the drug of dependence is a poison or controlled substance; and

(b) the person is—

(i) a registered medical practitioner, pharmacist, veterinary practitioner, dentist, nurse practitioner, authorised midwife, authorised optometrist or authorised podiatrist carrying on the lawful practice of that person's profession; or

(ii) the holder of a licence, permit, warrant or other authority under the Act or these Regulations to manufacture, sell or supply that poison or controlled substance; and

(c) the activity is—

(i) carried out to the extent and for the purposes authorised by or licensed or permitted under the Act or these Regulations; and

(ii) in the case of paragraph (b)(ii), in accordance with that licence, permit, warrant or other authority.

* * * * *

Reg. 126(2) revoked by S.R. No. 13/2022 reg. 7.

(3) For the purposes of section 72D(2) of the Act, an owner or occupier of land or premises is authorised to permit a person to use that land or premises to cultivate a drug of dependence if—

(a) the drug of dependence is a poison or controlled substance; and

(b) the person holds a licence, permit, warrant or other authority under the Act or these Regulations to cultivate that drug of dependence; and

(c) that cultivation is—

(i) carried out to the extent and for the purposes authorised by or licensed or permitted under the Act or these Regulations; and

(ii) in accordance with that licence, permit, warrant or other authority.

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Reg. 126(4) revoked by S.R. No. 13/2022 reg. 7.

Part 18—Forms

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Reg. 127 revoked by S.R. No. 72/2018 reg. 8.

128 Form of application for Schedule 9 permit

For the purposes of section 33A(2) of the Act, the prescribed form of application for a Schedule 9 permit is Form 2 in Schedule 2.

129 Form of application for Schedule 8 permit

For the purposes of section 34(4) of the Act, the prescribed form of application for a Schedule 8 permit is Form 3 in Schedule 2.

130 Form of Schedule 9 permit

For the purposes of section 33B(2)(a) of the Act, the prescribed form of a Schedule 9 permit is Form 4 in Schedule 2.

131 Form of Schedule 8 permit

For the purposes of section 34A(2) of the Act, the prescribed form of a Schedule 8 permit is Form 4 in Schedule 2.

Part 19—Miscellaneous

132 Disclosure of drug use within previous 8 weeks required

(1) A person who in the previous 8 weeks has been treated with a drug of dependence must not, without disclosing that fact at the time, procure or attempt to procure from a practitioner specified in subregulation (1A)—

Reg. 132(1) amended by S.R. No. 13/2021 reg. 28(1).

(a) the same or a similar drug of dependence; or

(b) a drug of dependence for the same or a similar purpose.

Penalty: 100 penalty units.

(1A) The following practitioners are specified for the purposes of subregulation (1)—

Reg. 132(1A) inserted by S.R. No. 13/2021 reg. 28(2).

(a) a registered medical practitioner;

(b) a veterinary practitioner;

(c) a dentist;

(d) a nurse practitioner;

(e) an authorised registered nurse;

(f) an approved registered nurse;

(g) an authorised midwife;

(h) an approved registered midwife;

(i) an authorised optometrist;

(j) an authorised podiatrist.

(2) A person who in the previous 8 weeks has been treated with a drug of dependence must not, without disclosing that fact at the time, procure or attempt to procure from a pharmacist, other than on a prescription or order of a person authorised in relation to that drug of dependence under section 13(1) of the Act—

(a) the same or a similar drug of dependence; or

(b) a drug of dependence for the same or a similar purpose.

Penalty: 100 penalty units.

Part 20—Monitored poisons database

Pt 20 (Heading and regs 132A–132H) inserted by S.R. No. 72/2018 reg. 9.

132A Data source entity

Reg. 132A inserted by S.R. No. 72/2018 reg. 9.

For the purposes of the definition of ***data source entity*** in section 4(1) of the Act, an entity specified in Schedule 4 is prescribed to be a data source entity.

132B Monitored poison

Reg. 132B inserted by S.R. No. 72/2018 reg. 9.

For the purposes of paragraphs (c) and (d) of the definition of ***monitored poison*** in section 4(1) of the Act, a poison or class of poison specified in Schedule 5 is prescribed to be a monitored poison.

132C Monitored supply poison

Reg. 132C inserted by S.R. No. 72/2018 reg. 9.

On and after 1 April 2020, for the purposes of paragraphs (a) and (b) of the definition of ***monitored supply poison*** in section 4(1) of the Act, a poison or class of poison specified in Schedule 6 is prescribed to be a monitored supply poison.

132D Pharmacist to provide certain supply information to prescription exchange service

Reg. 132D inserted by S.R. No. 72/2018 reg. 9.

A pharmacist who has created a record of supply of a monitored poison using an electronic system that is compatible with a prescription exchange service—

(a) must register with the prescription exchange service; and

(b) must provide the record of supply to the prescription exchange service at the time the record of supply is created.

Note

For the purposes of management of information by a prescription exchange service, the **Health Records Act 2001** contains provisions relating to the collection, use, disclosure, retention and security of health information, in particular see Schedule 1 Health Privacy Principles 1.1, 1.2, 2, 3 and 4.

Reg. 132E inserted by S.R. No. 72/2018 reg. 9.

132E Records and information to be provided to the monitored poisons database

(1) For the purposes of section 30B(2)(b) of the Act, a data source entity must provide information, including records, in accordance with subregulation (2) to the monitored poisons database at the time the records are collected by the data source entity, if available.

(2) For the purposes of section 30B(2)(c) of the Act, the prescribed records are—

(a) records of the prescription of a monitored poison, including where the prescription has been issued—

(i) to a person in Victoria; or

(ii) to a person ordinarily resident in Victoria, where the supply has occurred in another State or a Territory; or

(iii) in another State or a Territory but the monitored poison has been supplied in Victoria; and

(b) records of the supply of a monitored poison, including where the supply has occurred—

(i) to a person in Victoria; or

(ii) in another State or a Territory to a person ordinarily resident in Victoria; or

(iii) to a person in another State or a Territory on the basis of a prescription or instruction written in Victoria.

(3) For the purposes of section 30B(2)(c) of the Act, the prescribed information is—

(a) in relation to a record referred to in subregulation (2)(a)—

(i) the date of prescribing; and

(ii) the name and address of the person; and

(iii) the date of birth of the person; and

(iv) the name, form, strength and quantity of the monitored poison; and

(v) the number of repeats; and

(vi) the directions for use; and

(vii) the name, address and phone number of the person who issues the prescription; and

Reg. 132E(3)(a)(vii) amended by S.R. No. 13/2022 reg. 8.

(b) in relation to a record referred to in subregulation (2)(b)—

(i) the date of supply; and

(ii) the name and address of the person; and

(iii) the date of birth of the person; and

(iv) the name, form, strength and quantity of the monitored poison; and

(v) the directions for use; and

(vi) the name, address and phone number of the person authorising the supply; and

(vii) the name, address and phone number of the pharmacy or pharmacy department.

Reg. 132F inserted by S.R. No. 72/2018 reg. 9.

132F Circumstances where it is not mandatory for pharmacist to check monitored poisons database—certain classes of person

(1) For the purposes of section 30E of the Act, a pharmacist is not required to comply with that section in relation to a person for whom a monitored supply poison may be supplied before supplying the monitored supply poison for that person if the person is—

(a) an in-patient being treated in hospital; or

(b) a patient being treated in an emergency department of a hospital; or

(c) a prisoner being treated in a prison; or

(d) a person being treated in a police gaol; or

(e) a resident being treated in an aged care service.

(2) Subregulation (1) does not apply if a patient referred to in subregulation (1)(a) or (b) is supplied a monitored supply poison on discharge.

Reg. 132G inserted by S.R. No. 72/2018 reg. 9.

132G Circumstances where it is not mandatory to check monitored poisons database—certain classes of person

(1) For the purposes of sections 30F, 30G and 30H of the Act, a registered medical practitioner, a nurse practitioner or an authorised supplier (as the case requires) is not required to comply with the relevant section in relation to a person for whom a monitored supply poison may be prescribed or supplied before prescribing or supplying the monitored supply poison for that person if the person is—

(a) an in-patient being treated in, or discharged from, hospital; or

Reg. 132G(1)(a) amended by S.R. No. 15/2020 reg. 3(1)(a).

(b) a patient being treated in, or discharged from, an emergency department of a hospital; or

Reg. 132G(1)(b) amended by S.R. No. 15/2020 reg. 3(1)(b).

(ba) an out-patient being treated in, or discharged from, a hospital; or

Reg. 132G(1)(ba) inserted by S.R. No. 15/2020 reg. 3(1)(c).

(c) a prisoner being treated in a prison; or

(d) a person being treated in a police gaol; or

(e) a resident being treated in an aged care service.

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Reg. 132G(2) revoked by S.R. No. 15/2020 reg. 3(2).

132H Circumstances where it is not mandatory to check monitored poisons database—incurable medical condition

Reg. 132H inserted by S.R. No. 72/2018 reg. 9.

(1) For the purposes of section 30E of the Act, a pharmacist is not required to comply with that section in relation to a person for whom a monitored supply poison may be supplied before supplying the monitored supply poison for that person if—

(a) the person is suffering an incurable, progressive, far-advanced disease or medical condition; and

(b) the prognosis is of a limited life expectancy due to the disease or medical condition; and

(c) the supply of the monitored supply poison is intended to provide palliative treatment.

(2) For the purposes of sections 30F, 30G and 30H of the Act, a registered medical practitioner, a nurse practitioner or an authorised supplier (as the case requires) is not required to comply with the relevant section in relation to a person for whom a monitored supply poison may be prescribed or supplied before prescribing or supplying the monitored supply poison for that person if—

(a) the person is suffering an incurable, progressive, far-advanced disease or medical condition; and

(b) the prognosis is of limited life expectancy due to the disease or medical condition; and

(c) the prescribing or supply of the monitored supply poison is intended to provide palliative treatment.

Chapter 3—Schedule 2, 3 and 7 poisons

Part 1—Schedule 2 poisons

133 Boat captain authorised to obtain or possess Schedule 2 poison

A person who captains a boat that is required to have a life-raft is authorised to obtain through wholesale supply, and to possess, a Schedule 2 poison for the purpose of completing the medical equipment of the life-raft as required by State law.

133AA Holder of non-emergency patient transport service licence or first aid service licence authorised to obtain and possess Schedule 2 poison

Reg. 133AA inserted by S.R. No. 174/2021 reg. 8.

(1) A person who holds a non-emergency patient transport service licence is authorised to obtain through wholesale supply, and to possess, a Schedule 2 poison for the purpose of providing non-emergency patient transport services under the licence.

(2) A person who holds a first aid service licence is authorised to obtain through wholesale supply, and to possess, a Schedule 2 poison for the purpose of providing first aid services under the licence.

133A Possession of a Schedule 2 poison by an approved registered nurse or approved registered midwife

Reg. 133A inserted by S.R. No. 13/2021 reg. 29.

An approved registered nurse or approved registered midwife is authorised to obtain and possess a Schedule 2 poison in accordance with an approval under regulation 161B for sale, supply or administration in accordance with that approval.

Reg. 133B inserted by S.R. No. 13/2021 reg. 29.

133B Restrictions on dealing with Schedule 2 poison—approved registered nurse

(1) Subject to this regulation, an approved registered nurse is authorised to sell, supply and administer a Schedule 2 poison.

(2) An approved registered nurse must not sell, supply or administer a Schedule 2 poison unless—

(a) that poison is for the treatment of a person under the nurse's care; and

(b) if the poison is a drug of dependence, the nurse has taken all reasonable steps to ascertain the identity of the person who is to be treated; and

(c) the sale, supply or administration is in accordance with an approval under regulation 161B.

Penalty: 100 penalty units.

(3) An approved registered nurse must not sell, supply or administer a Schedule 2 poison unless the nurse has taken all reasonable steps to ensure a therapeutic need exists for that poison.

Penalty: 50 penalty units.

Reg. 133C inserted by S.R. No. 13/2021 reg. 29.

133C Restrictions on dealing with Schedule 2 poison—approved registered midwife

(1) Subject to this regulation, an approved registered midwife is authorised to sell, supply and administer a Schedule 2 poison.

(2) An approved registered midwife must not sell, supply or administer a Schedule 2 poison unless—

(a) that poison is for the treatment of a person under the midwife's care; and

(b) if the poison is a drug of dependence, the midwife has taken all reasonable steps to ascertain the identity of the person who is to be treated; and

(c) the sale, supply or administration is in accordance with an approval under regulation 161B.

Penalty: 100 penalty units.

(3) An approved registered midwife must not sell, supply or administer a Schedule 2 poison unless the midwife has taken all reasonable steps to ensure a therapeutic need exists for that poison.

Penalty: 50 penalty units.

Part 2—Schedule 3 poisons

Reg. 133D inserted by S.R. No. 13/2021 reg. 30.

133D Possession of a Schedule 3 poison by an approved registered nurse or approved registered midwife

An approved registered nurse or approved registered midwife is authorised to obtain and possess a Schedule 3 poison in accordance with an approval under regulation 161C for sale, supply or administration in accordance with that approval.

Reg. 133E inserted by S.R. No. 174/2021 reg. 9.

133E Holder of non-emergency patient transport service licence or first aid service licence authorised to obtain and possess Schedule 3 poison

(1) A person who holds a non-emergency patient transport service licence is authorised to obtain through wholesale supply, and to possess, a Schedule 3 poison for the purpose of providing non-emergency patient transport services under the licence.

(2) A person who holds a first aid service licence is authorised to obtain through wholesale supply, and to possess, a Schedule 3 poison for the purpose of providing first aid services under the licence.

Reg. 133F inserted by S.R. No. 113/2022 reg. 6.

133F Possession and supply of Schedule 3 naloxone by approved naloxone provider

(1) An approved naloxone provider is authorised to obtain and to possess Schedule 3 naloxone—

(a) for the purpose of facilitating the supply of the naloxone, for the treatment of opioid overdoses, by approved naloxone workers who are engaged by the provider; and

(b) in accordance with the conditions (if any) specified in the provider's approval under regulation 161D.

(2) Subject to subregulations (3) and (4), an approved naloxone provider is authorised to supply Schedule 3 naloxone to an approved naloxone worker who is engaged by the provider if that supply is—

(a) for the purpose of facilitating the supply of the naloxone, for the treatment of opioid overdoses, by the worker; and

(b) in accordance with the conditions (if any) specified in the provider's approval under regulation 161D.

(3) An approved naloxone provider that supplies Schedule 3 naloxone to an approved naloxone worker who is engaged by the provider must place a label on the container which uniquely identifies the provider.

Penalty: 50 penalty units.

(4) An agent of an approved naloxone provider is authorised to obtain, possess and supply Schedule 3 naloxone as an agent of that provider and to the extent and for the purpose permitted by this regulation.

133G Possession and supply of Schedule 3 naloxone by approved naloxone worker

Reg. 133G inserted by S.R. No. 113/2022 reg. 6.

(1) An approved naloxone worker is authorised to do the things specified in subregulation (2)—

(a) in the course of the worker's engagement by an approved naloxone provider; and

(b) in accordance with the conditions (if any) specified in the worker's approval under regulation 161E.

(2) The specified things are—

(a) possess Schedule 3 naloxone supplied to the worker by the approved naloxone provider that engages them; and

(b) supply the naloxone to any person for the treatment of opioid overdoses.

Reg. 133H inserted by S.R. No. 113/2022 reg. 6.

133H Possession and supply of Schedule 3 naloxone by person to whom it is supplied by approved naloxone worker

If Schedule 3 naloxone is supplied to any person by an approved naloxone worker, that naloxone may be supplied to any other person for the treatment of opioid overdoses—

(a) by the person to whom the naloxone was supplied by the worker; and

(b) by any other person to whom the naloxone is subsequently supplied.

134 Restrictions on dealing with Schedule 3 poison—registered medical practitioner

(1) A registered medical practitioner must not issue a prescription for, write a chart instruction for, sell, supply, authorise the administration of or administer a Schedule 3 poison unless—

(a) that poison is for the medical treatment of a person under the practitioner's care; and

(b) if the poison is a drug of dependence, the practitioner has taken all reasonable steps to ascertain the identity of the person who is to be treated.

Penalty: 100 penalty units.

(2) A registered medical practitioner must not issue a prescription for, write a chart instruction for, sell, supply, authorise the administration of or administer a Schedule 3 poison unless the practitioner has taken all reasonable steps to ensure a therapeutic need exists for that poison.

Penalty: 50 penalty units.

135 Restrictions on dealing with Schedule 3 poison—veterinary practitioner

(1) A veterinary practitioner must not issue a prescription for, sell, supply or administer a Schedule 3 poison unless—

(a) that poison is for the treatment of an animal under the practitioner's care; and

(b) if the poison is a drug of dependence, the practitioner has taken all reasonable steps to ascertain the identity of the person who owns or has custody or care of the animal that is to be treated.

Penalty: 100 penalty units.

(2) A veterinary practitioner must not issue a prescription for, sell, supply or administer a Schedule 3 poison unless the practitioner has taken all reasonable steps to ensure a therapeutic need exists for that poison.

Penalty: 50 penalty units.

136 Restrictions on dealing with Schedule 3 poison—dentist

(1) A dentist must not issue a prescription for, write a chart instruction for, sell, supply, authorise the administration of or administer a Schedule 3 poison unless—

(a) that poison is for the dental treatment of a person under the dentist's care; and

(b) if the poison is a drug of dependence, the dentist has taken all reasonable steps to ascertain the identity of the person who is to be treated.

Penalty: 100 penalty units.

(2) A dentist must not issue a prescription for, write a chart instruction for, sell, supply, authorise the administration of or administer a Schedule 3 poison unless the dentist has taken all reasonable steps to ensure a therapeutic need exists for that poison.

Penalty: 50 penalty units.

137 Restrictions on dealing with Schedule 3 poison—nurse practitioner

(1) A nurse practitioner must not issue a prescription for, write a chart instruction for, sell, supply, authorise the administration of or administer a Schedule 3 poison unless—

(a) that poison is for the treatment of a person under the nurse practitioner's care; and

(b) if the poison is a drug of dependence, the nurse practitioner has taken all reasonable steps to ascertain the identity of the person who is to be treated.

Penalty: 100 penalty units.

(2) A nurse practitioner must not issue a prescription for, write a chart instruction for, sell, supply, authorise the administration of or administer a Schedule 3 poison unless the nurse practitioner has taken all reasonable steps to ensure a therapeutic need exists for that poison.

Penalty: 50 penalty units.

137A Sale, supply or administration of Schedule 3 poison—authorised registered nurse

Reg. 137A inserted by S.R. No. 13/2021 reg. 31.

(1) An authorised registered nurse must not sell, supply or administer a Schedule 3 poison unless—

(a) that poison is for the treatment of a person under the nurse's care; and

(b) if the poison is a drug of dependence, the nurse has taken all reasonable steps to ascertain the identity of the person who is to be treated.

Penalty: 100 penalty units.

(2) An authorised registered nurse must not sell, supply or administer a Schedule 3 poison unless the authorised registered nurse has taken all reasonable steps to ensure a therapeutic need exists for that poison.

Penalty: 50 penalty units.

137B Sale, supply or administration of Schedule 3 poison—approved registered nurse

Reg. 137B inserted by S.R. No. 13/2021 reg. 31.

(1) Subject to this regulation, an approved registered nurse is authorised to sell, supply and administer a Schedule 3 poison.

(2) An approved registered nurse must not sell, supply or administer a Schedule 3 poison unless—

(a) the poison is for the treatment of a person under the nurse's care; and

(b) if the poison is a drug of dependence, the nurse has taken all reasonable steps to ascertain the identity of the person who is to be treated; and

(c) the sale, supply or administration is in accordance with an approval under regulation 161C.

Penalty: 100 penalty units.

(3) An approved registered nurse must not sell, supply or administer a Schedule 3 poison unless the nurse has taken all reasonable steps to ensure a therapeutic need exists for that poison.

Penalty: 50 penalty units.

138 Restrictions on dealing with Schedule 3 poison—authorised midwife

(1) An authorised midwife must not issue a prescription for, write a chart instruction for, sell, supply, authorise the administration of or administer a Schedule 3 poison unless—

(a) that poison is for the midwifery treatment of a person under the midwife's care; and

(b) if the poison is a drug of dependence, the midwife has taken all reasonable steps to ascertain the identity of the person who is to be treated.

Penalty: 100 penalty units.

(2) An authorised midwife must not issue a prescription for, write a chart instruction for, sell, supply, authorise the administration of or administer a Schedule 3 poison unless the midwife has taken all reasonable steps to ensure a therapeutic need exists for that poison.

Penalty: 50 penalty units.

Reg. 138A inserted by S.R. No. 13/2021 reg. 32.

138A Sale, supply or administration of Schedule 3 poison—approved registered midwife

(1) Subject to this regulation, an approved registered midwife is authorised to sell, supply and administer a Schedule 3 poison.

(2) An approved registered midwife must not sell, supply or administer a Schedule 3 poison unless—

(a) the poison is for the treatment of a person under the midwife's care; and

(b) if the poison is a drug of dependence, the midwife has taken all reasonable steps to ascertain the identity of the person who is to be treated; and

(c) the sale, supply or administration is in accordance with an approval under regulation 161C.

Penalty: 100 penalty units.

(3) An approved registered midwife must not sell, supply or administer a Schedule 3 poison unless the midwife has taken all reasonable steps to ensure a therapeutic need exists for that poison.

Penalty: 50 penalty units.

139 Restrictions on dealing with Schedule 3 poison—authorised optometrist

(1) An authorised optometrist must not issue a prescription for, write a chart instruction for, sell, supply, authorise the administration of or administer a Schedule 3 poison unless—

(a) that poison is for the ocular treatment of a person under the optometrist's care; and

(b) if the poison is a drug of dependence, the optometrist has taken all reasonable steps to ascertain the identity of the person who is to be treated.

Penalty: 100 penalty units.

(2) An authorised optometrist must not issue a prescription for, write a chart instruction for, sell, supply, authorise the administration of or administer a Schedule 3 poison unless the optometrist has taken all reasonable steps to ensure a therapeutic need exists for that poison.

Penalty: 50 penalty units.

140 Restrictions on dealing with Schedule 3 poison—authorised podiatrist

(1) An authorised podiatrist must not issue a prescription for, write a chart instruction for, sell, supply, authorise the administration of or administer a Schedule 3 poison unless—

(a) that poison is for the podiatric treatment of a person under the podiatrist's care; and

(b) if the poison is a drug of dependence, the podiatrist has taken all reasonable steps to ascertain the identity of the person who is to be treated.

Penalty: 100 penalty units.

(2) An authorised podiatrist must not issue a prescription for, write a chart instruction for, sell, supply, authorise the administration of or administer a Schedule 3 poison unless the podiatrist has taken all reasonable steps to ensure a therapeutic need exists for that poison.

Penalty: 50 penalty units.

141 Restrictions on dealing with Schedule 3 poison—pharmacist

Reg. 141(1) substituted by S.R. No. 174/2021 reg. 10.

(1) A pharmacist must not sell, supply or administer a Schedule 3 poison—

(a) unless—

(i) that poison is for the treatment of a person under the pharmacist's care; and

(ii) if the poison is a drug of dependence, the pharmacist has taken all reasonable steps to ascertain the identity of the person who is to be treated; or

(b) unless that poison is not a drug of dependence and it is sold or supplied (other than by wholesale) for the purposes of first aid treatment of any person in a life-threatening emergency.

Example

Sale or supply for inclusion in a first aid kit.

Penalty: 100 penalty units.

(2) Subject to subregulation (3), a pharmacist must not sell, supply or administer a Schedule 3 poison unless the pharmacist has taken all reasonable steps to ensure a therapeutic need exists for that poison.

Penalty: 50 penalty units.

(3) A pharmacist is not required to take all reasonable steps to ensure a therapeutic need exists if the pharmacist is supplying a Schedule 3 poison—

(a) by wholesale to a person to whom such supply is specifically authorised by the Act or these Regulations; or

(b) in accordance with a prescription; or

(c) in accordance with a chart instruction.

* * * * *

Reg. 142 revoked by S.R. No. 13/2021 reg. 33.

143 Restrictions on storage and display

A person who is authorised or licensed under the Act to sell or supply Schedule 3 poisons must not keep, store or display any Schedule 3 poison—

(a) in a manner which readily allows self-selection by the public; or

(b) in a manner which promotes the sale of that Schedule 3 poison or draws undue attention to it.

Penalty: 50 penalty units.

144 Requirements to supply—delivery, supervision and directions for use

Reg. 144(1) amended by S.R. No. 13/2021 reg. 34(1).

(1) A practitioner specified in subregulation (1A) who sells or supplies a Schedule 3 poison to a person must—

(a) personally deliver or personally supervise its delivery to the person; and

(b) provide directions for the use of the Schedule 3 poison.

Penalty: 50 penalty units.

Reg. 144(1A) inserted by S.R. No. 13/2021 reg. 34(2).

(1A) The following practitioners are specified for the purposes of subregulation (1)—

(a) a registered medical practitioner;

(b) a veterinary practitioner;

(c) a dentist;

(d) a nurse practitioner;

(e) an authorised registered nurse;

(f) an approved registered nurse;

(g) an authorised midwife;

(h) an approved registered midwife;

(i) an authorised optometrist;

(j) an authorised podiatrist;

(k) a pharmacist.

(2) Subregulation (1) does not apply to a pharmacist who sells or supplies a Schedule 3 poison—

(a) by wholesale to a person to whom that sale or supply by wholesale is specifically authorised by the Act or these Regulations; or

(b) in accordance with—

(i) a prescription; or

(ii) a chart instruction given on a residential medication chart or hospital medication chart by a registered medical practitioner, dentist, nurse practitioner, authorised midwife, authorised optometrist or authorised podiatrist.

145 Requirements to supply—label identifying supplier

(1) A practitioner specified in subregulation (1A) who sells or supplies a Schedule 3 poison to a person must place a label on the container which uniquely identifies the supplier.

Reg. 145(1) amended by S.R. No. 13/2021 reg. 35(1)(2).

Penalty: 50 penalty units.

(1A) The following practitioners are specified for the purposes of subregulation (1)—

Reg. 145(1A) inserted by S.R. No. 13/2021 reg. 35(3).

(a) a registered medical practitioner;

(b) a veterinary practitioner;

(c) a dentist;

(d) a nurse practitioner;

(e) an authorised registered nurse;

(f) an approved registered nurse;

(g) an authorised midwife;

(h) an approved registered midwife;

(i) an authorised optometrist;

(j) an authorised podiatrist;

(k) a pharmacist.

(2) Subregulation (1) does not apply to a pharmacist who sells or supplies a Schedule 3 poison by wholesale to a person to whom that sale or supply by wholesale is specifically authorised by the Act or these Regulations.

146 Administration, prescription, sale or supply prohibited if to support drug dependency

A person must not issue a prescription for, write a chart instruction for, sell, supply, authorise the administration of or administer a Schedule 3 poison to a person merely for the purpose of supporting the drug dependence of that person.

Penalty: 50 penalty units.

147 Notification of fraudulent obtaining of order or prescription

(1) This regulation applies to—

(a) a registered medical practitioner; and

(b) a dentist; and

(c) a veterinary practitioner; and

(d) a nurse practitioner; and

Reg. 147(1)(da) inserted by S.R. No. 13/2021 reg. 36(1).

(da) an authorised registered nurse; and

Reg. 147(1)(db) inserted by S.R. No. 13/2021 reg. 36(1).

(db) an approved registered nurse; and

(e) an authorised midwife; and

(ea) an approved registered midwife; and

Reg. 147(1)(ea) inserted by S.R. No. 13/2021 reg. 36(2).

(f) an authorised optometrist; and

(g) an authorised podiatrist; and

* * * * *

Reg. 147(1)(h) revoked by S.R. No. 13/2021 reg. 36(3).

(i) a pharmacist.

(2) A practitioner to whom this regulation applies and who suspects or has reason to believe that a person has obtained from the practitioner by means of a false pretence an order or prescription for a Schedule 3 poison that is a drug of dependence must immediately inform the Secretary and a police officer of that suspicion or belief.

Penalty: 50 penalty units.

(3) A practitioner to whom this regulation applies and who suspects or has reason to believe that a person has obtained from the practitioner by means of a false pretence a Schedule 3 poison that is a drug of dependence must immediately inform the Secretary and a police officer of that suspicion or belief.

Penalty: 50 penalty units.

Part 3—Schedule 7 poisons

148 Controls concerning listed regulated poisons

A person must not purchase or otherwise obtain, possess or use a listed regulated poison unless the person is authorised, licensed or permitted under the Act or these Regulations to do so.

Penalty: 100 penalty units.

149 Licences, permits or warrants required for special Schedule 7 substances

A person must not possess or use a special Schedule 7 substance unless the person holds a licence, permit or warrant issued under the Act.

Penalty: 100 penalty units.

Chapter 3A—Medically supervised injecting centre

Ch. 3A (Heading and regs 149A–149C inserted by S.R. No. 45/2018 reg. 4.

149A Prescribed injecting centre drugs

Reg. 149A inserted by S.R. No. 45/2018 reg. 4.

For the purposes of the definition of ***injecting centre drug*** in section 4(1) of the Act, any drug of dependence is prescribed as an injecting centre drug.

149B Permitted quantity of injecting centre drugs

Reg. 149B inserted by S.R. No. 45/2018 reg. 4.

For the purposes of the definition of ***permitted quantity of injecting centre drug*** in section 4(1) of the Act, the prescribed amount of an injecting centre drug is an amount of a drug of dependence that is less than a traffickable quantity within the meaning of section 70 of the Act in relation to that drug of dependence.

149C Internal management protocols

Reg. 149C inserted by S.R. No. 45/2018 reg. 4.

For the purposes of section 55E of the Act, the content of the internal management protocols must include operational procedures with regard to the following—

(a) responding to clients who are at risk of causing harm to themselves or others;

(b) ensuring minimum staffing levels are maintained at the licensed medically supervised injecting centre;

(c) ensuring minimum security levels are maintained at the licensed medically supervised injecting centre;

(d) excluding the employment of potential and existing staff members deemed unsuitable for employment at the licensed medically supervised injecting centre on the basis of their criminal history;

(e) setting eligibility criteria for accessing any part of the licensed medically supervised injecting centre that is used for the purpose of administration of any injecting centre drug;

(f) preventing access to the licensed medically supervised injecting centre by clients known to be on parole, on bail or subject to any other order of a court or tribunal that prohibits the use of injecting drugs;

(g) preventing and responding to any potential or suspected trafficking in a drug of dependence in the licensed medically supervised injecting centre.

Chapter 4—Miscellaneous matters

Part 1—General requirements

150 Poisons to be sold by wholesale and retail in original unopened packs

(1) Subject to subregulation (2), a person who sells or supplies a poison or controlled substance by wholesale or retail must sell or supply that poison or controlled substance only in the original unopened pack as received from the person who supplied that wholesaler or retailer.

Penalty: 50 penalty units.

(2) Subregulation (1) does not apply to the sale or supply of a poison or controlled substance in the course of a person's lawful practice of the person's profession by a person authorised under section 13(1) of the Act with respect to that poison or controlled substance.

151 Transfer of poisons to inappropriate containers prohibited

Except in the course of actual use of a poison or controlled substance, a person must not remove that poison or controlled substance from the container in which it was dispensed, sold or supplied to put that poison or controlled substance—

(a) into an unlabelled receptacle or container; or

(b) into a receptacle or container which does not accurately identify that poison or controlled substance.

Penalty: 50 penalty units.

152 Lost or stolen poisons to be notified—practitioners

(1) This regulation applies to—

(a) person who is—

(i) a registered medical practitioner; or

(ii) a veterinary practitioner; or

(iii) a dentist; or

(iv) a nurse practitioner; or

Reg. 152(1)(a)(iva) inserted by S.R. No. 13/2021 reg. 37(1).

(iva) an authorised registered nurse; or

Reg. 152(1)(a)(ivb) inserted by S.R. No. 13/2021 reg. 37(1).

(ivb) an approved registered nurse; or

(v) an authorised midwife; or

Reg. 152(1)(a)(va) inserted by S.R. No. 13/2021 reg. 37(2).

(va) an approved registered midwife; or

(vi) an authorised optometrist; or

(vii) an authorised podiatrist; or

(viii) a pharmacist; or

(b) a person who holds a licence, permit or warrant issued under the Act or these Regulations.

(2) If a poison or controlled substance is lost by or stolen from a person to whom this regulation applies, the person must notify the Secretary and a police officer of the loss or theft immediately after becoming aware of it.

Penalty: 20 penalty units.

153 Lost or stolen poisons to be notified—other persons

(1) This regulation applies to—

(a) a person referred to in Column 1 of Part 2 of the Table in regulation 7; or

(b) a person who sells or supplies any Schedule 7 poison by retail; or

(c) a person who is an approved provider of an aged care service where there is a resident in that service who has been supplied—

(i) with a Schedule 4 poison or Schedule 8 poison on a prescription or a chart instruction; or

(ii) with a Schedule 9 poison on a prescription.

(2) If a poison or controlled substance is lost by or stolen from a person to whom this regulation applies, the person must notify either the Secretary or a police officer of the loss or theft immediately after becoming aware of it.

Penalty: 20 penalty units.

154 Access to certain poisons restricted to a needs basis

A person who is authorised by, or licensed or permitted under, the Act or these Regulations, to be in possession of a Schedule 4 poison, listed regulated poison, Schedule 8 poison or Schedule 9 poison must take all reasonable steps to restrict access to that poison or controlled substance to persons—

(a) authorised by, or licensed or permitted under the Act or these Regulations, to be in possession of that poison or controlled substance; and

(b) to whom access is required for carrying out essential operations in relation to that poison or controlled substance.

Penalty: 100 penalty units.

155 Form of seizure notice under section 43(1) of the Act

For the purposes of section 43(1)(a) of the Act, the prescribed form is Form 5 in Schedule 2.

156 Form of complaint notice against a seizure under section 43(2) of the Act

For the purposes of section 43(2) of the Act the prescribed form is Form 6 in Schedule 2.

Part 2—Licences and permits issued under the Act

157 Licence to sell or supply Schedule 2 poisons by retail

The Secretary must not grant a person a licence under the Act to sell or supply by retail a Schedule 2 poison unless the business premises of that person are situated at least 25 kilometres distance away by the shortest practicable road from the nearest pharmacy business.

158 Fees

(1) For the purposes of section 19(2) of the Act, the prescribed fee for a licence or permit specified in an item in Column 1 of the Table in Schedule 3 is the amount specified in Column 2 of that Table for that licence or permit.

(2) For the purposes of section 22(1)(b) of the Act, the prescribed fee for the renewal of a licence or permit specified in Column 1 of the Table is the amount specified in Column 4 of that Table for that licence or permit.

(3) For the purposes of section 22A(1) of the Act, the prescribed fee for an amendment of a licence or permit specified in Column 1 of the Table is—

(a) if the amendment is of a purely clerical nature, nil; or

(b) if the amendment requires inspection of the premises by an authorized officer, the amount specified in Column 3 of that Table for that licence or permit; or

(c) in any other case, 13·6 fee units.

Part 3—Other matters

Division 1—Approval of matters by Minister

159 Minister may approve Schedule 4 poison for supply by pharmacist without prescription

(1) The Minister, by notice published in the Government Gazette, may approve a Schedule 4 poison, or a class of Schedule 4 poison, for supply by pharmacists without a prescription.

(2) An approval under subregulation (1) takes effect—

(a) on the date of publication in the Government Gazette; or

(b) on a later date specified in the approval.

Division 2—Approval of matters by Secretary

Reg. 159A inserted by S.R. No. 31/2018 reg. 15.

159A Secretary may approve dental assisting qualifications and courses in the administration of Schedule 4 poisons

For the purposes of the definition of ***dental assistant*** in regulation 5(1), the Secretary, by notice published in the Government Gazette, may approve—

(a) a qualification in providing assistance to registered dental practitioners; and

(b) a course in the administration of Schedule 4 poisons for dental treatment.

Reg. 159B inserted by S.R. No. 13/2021 reg. 38.

159B Approved registered midwives

(1) The Secretary by notice published in the Government Gazette may approve a class of registered midwife for the purposes of the definition of ***approved registered midwife*** in regulation 5(1).

(2) Without limiting subregulation (1), the class may be defined using criteria relating to—

(a) the completion of a training course or other education; or

(b) the acquisition of a qualification; or

(c) the length of time for which the registered midwife has practised; or

(d) the location in which the registered midwife practises.

159C Approved registered nurses

Reg. 159C inserted by S.R. No. 13/2021 reg. 38.

(1) The Secretary by notice published in the Government Gazette may approve a class of registered nurse for the purposes of the definition of ***approved registered nurse*** in regulation 5(1).

(2) Without limiting subregulation (1), the class may be defined using criteria relating to—

(a) the completion of a training course or other education; or

(b) the acquisition of a qualification; or

(c) the length of time for which the registered nurse has practised; or

(d) the location in which the registered nurse practises.

160 Secretary may approve Schedule 4 poisons for possession by certain persons

(1) For the purposes of regulation 7, the Secretary, by notice published in the Government Gazette, may approve a Schedule 4 poison that a person belonging to any of the following classes is authorised to possess—

(a) a registered optometrist who is not an authorised optometrist;

(b) a registered podiatrist who is not an authorised podiatrist;

(c) a qualified ski patroller;

(d) a registered dental hygienist;

(e) a registered dental therapist;

(f) a registered oral health therapist;

Reg. 160(1)(fa) inserted by S.R. No. 31/2018 reg. 16(1).

(fa) a dental assistant;

(g) an orthoptist;

Reg. 160(1)(h) amended by S.R. No. 178/2018 reg. 10(1).

(h) an on-site emergency response worker trained in Advanced First Aid at mine sites and power stations;

Reg. 160(1)(ha) inserted by S.R. No. 174/2021 reg. 11.

(ha) a person who holds a non-emergency patient transport service licence;

Reg. 160(1)(hb) inserted by S.R. No. 174/2021 reg. 11.

(hb) a person (including a nurse) employed or engaged by the holder of a non-emergency patient transport service licence;

Reg. 160(1)(hc) inserted by S.R. No. 174/2021 reg. 11.

(hc) a person who holds a first aid service licence to operate an intermediate first aid service or an advanced first aid service;

Reg. 160(1)(hd) inserted by S.R. No. 174/2021 reg. 11.

(hd) a person (including a nurse) employed or engaged by a person who holds a first aid service licence to operate an intermediate first aid service or an advanced first aid service;

(i) a lifeguard employed or engaged (on a paid or unpaid basis) by Life Saving Victoria Limited ABN 21 102 927 364;

Reg. 160(1)(i) inserted by S.R. No. 178/2018 reg. 10(2), amended by S.R. No. 16/2022 reg. 6(1).

(j) a registered Aboriginal and Torres Strait Islander health practitioner.

Reg. 160(1)(j) inserted by S.R. No. 16/2022 reg. 6(2).

(1A) The Secretary may specify in an approval under subregulation (1) that the approval is subject to a condition the Secretary considers necessary for the proper possession of a Schedule 4 poison.

Reg. 160(1A) inserted by S.R. No. 31/2018 reg. 16(2).

(2) An approval under subregulation (1) may be made in respect of—

(a) a Schedule 4 poison or a class of Schedule 4 poison; and

(b) a class of person referred to in subregulation (1) or a subset of any of those classes.

(3) An approval under subregulation (1) takes effect—

(a) on the date of publication in the Government Gazette; or

(b) on a later date specified in the approval.

160A Secretary may approve an entity to be a public dental service

Reg. 160A inserted by S.R. No. 31/2018 reg. 17.

For the purposes of item 21A in the Table in regulation 7, the Secretary, by notice published in the Government Gazette, may declare an entity to be a public dental service if the entity is wholly or partly funded by the State (whether directly or indirectly) to provide dental services.

161 Secretary may approve Schedule 4, 8 or 9 poisons for possession by nurses or registered midwives

(1) For the purposes of regulation 8, the Secretary, by notice published in the Government Gazette, may approve a Schedule 4 poison, Schedule 8 poison or Schedule 9 poison that a nurse or registered midwife is authorised to possess where that possession is not authorised under section 13 or 14A of the Act.

(2) The Secretary must not approve a Schedule 4 poison, Schedule 8 poison or Schedule 9 poison under subregulation (1) unless the Secretary considers that—

(a) the approval is necessary for the provision of health services and section 14A of the Act does not apply; and

(b) it is within competence for the nurse or registered midwife to administer the poison without the supervision or instruction of—

(i) in the case of a Schedule 4 poison, a registered medical practitioner, dentist, nurse practitioner, authorised midwife, authorised optometrist or authorised podiatrist; or

(ii) in the case of a Schedule 8 poison, a registered medical practitioner, dentist, nurse practitioner or authorised midwife; or

(iii) in the case of a Schedule 9 poison, a registered medical practitioner or dentist.

(2A) The Secretary may specify in an approval under subregulation (1) that the approval is subject to—

Reg. 161(2A) inserted by S.R. No. 31/2018 reg. 18.

(a) a condition that the nurse or registered midwife may possess a Schedule 4 poison, Schedule 8 poison or Schedule 9 poison specified in the approval only if the nurse or registered midwife—

(i) has completed training specified in the approval; or

(ii) holds qualifications specified in the approval; or

(b) any other condition the Secretary considers is necessary for the proper possession of a Schedule 4 poison, Schedule 8 poison or Schedule 9 poison.

(3) An approval under subregulation (1) may be made in respect of—

(a) a poison or a class of poison; and

(b) all nurses or registered midwives or a class of nurse or registered midwives.

(4) An approval under subregulation (1) takes effect—

(a) on the date of publication in the Government Gazette; or

(b) on a later date specified in the approval.

161A Secretary may approve Schedule 4 or Schedule 8 poisons for obtaining, possession, sale, supply or administration by approved registered nurses or approved registered midwives

Reg. 161A inserted by S.R. No. 13/2021 reg. 39.

(1) The Secretary by notice published in the Government Gazette, may approve a Schedule 4 poison or Schedule 8 poison that an approved registered nurse or approved registered midwife is to be authorised to obtain, possess, sell, supply

and administer where that obtaining, possession, sale, supply or administration is not authorised under section 13 or 14A of the Act.

(2) The Secretary must not approve a Schedule 4 or Schedule 8 poison under subregulation (1) unless the Secretary considers that—

(a) the approval is necessary for the provision of health services and neither section 13 nor 14A of the Act applies; and

(b) it is within the competence of an approved registered nurse or approved registered midwife to obtain, possess, sell, supply and administer the poison without the supervision or instruction of—

(i) in the case of a Schedule 4 poison, a registered medical practitioner, dentist, nurse practitioner, authorised midwife, authorised optometrist or authorised podiatrist; or

(ii) in the case of a Schedule 8 poison, a registered medical practitioner, dentist, nurse practitioner or authorised midwife.

(3) An approval under subregulation (1) is subject to the condition that supply pursuant to the approval must comply with the parts of the Primary Clinical Care Manual that are—

(a) specified in the approval for the purposes of this subregulation; and

(b) read in accordance with the material set out in the approval under subregulation (5).

(4) An approval under subregulation (1) is subject to the condition that administration pursuant to the approval must comply with the parts of the Primary Clinical Care Manual that are—

(a) specified in the approval for the purposes of this subregulation; and

(b) read in accordance with the material set out in the approval under subregulation (5).

(5) The Secretary may set out in an approval under subregulation (1) any material in accordance with which a part of the Primary Clinical Care Manual is to be read for the purposes of that approval.

(6) The Secretary may specify in an approval under subregulation (1) that the approval is subject to any other condition the Secretary considers is necessary for the proper obtaining, possession, sale, supply or administration of a Schedule 4 poison or a Schedule 8 poison.

(7) An approval under subregulation (1) may be made in respect of—

(a) a poison or class of poison; and

(b) all approved registered nurses or approved registered midwives, or a class of approved registered nurses or approved registered midwives.

(8) An approval under subregulation (1) takes effect—

(a) on the date of publication in the Government Gazette; or

(b) on a later date specified in the approval.

161B Secretary may approve Schedule 2 poisons for obtaining, possession, sale, supply or administration by approved registered nurses or approved registered midwives

Reg. 161B inserted by S.R. No. 13/2021 reg. 39.

(1) The Secretary by notice published in the Government Gazette, may approve a Schedule 2 poison that an approved registered nurse or approved registered midwife is to be authorised to

obtain, possess, sell, supply and administer where that obtaining, possession, sale, supply or administration is not authorised under section 13 or 14A of the Act.

(2) The Secretary must not approve a Schedule 2 poison under subregulation (1) unless the Secretary considers that—

(a) the approval is necessary for the provision of health services and neither section 13 nor section 14A of the Act applies; and

(b) it is within the competence of an approved registered nurse or approved registered midwife to obtain, possess, sell, supply and administer the poison without the supervision of a registered medical practitioner, dentist, nurse practitioner, authorised midwife, authorised optometrist or authorised podiatrist.

(3) An approval under subregulation (1) is subject to the condition that supply pursuant to the approval must comply with the parts of the Primary Clinical Care Manual that are—

(a) specified in the approval for the purposes of this subregulation; and

(b) read in accordance with the material set out in the approval under subregulation (5).

(4) An approval under subregulation (1) is subject to the condition that administration pursuant to the approval must comply with the parts of the Primary Clinical Care Manual that are—

(a) specified in the approval for the purposes of this subregulation; and

(b) read in accordance with the material set out in the approval under subregulation (5).

(5) The Secretary may set out in an approval under subregulation (1) any material in accordance with which a part of the Primary Clinical Care Manual is to be read for the purposes of that approval.

(6) The Secretary may specify in an approval under subregulation (1) that the approval is subject to any other condition the Secretary considers is necessary for the proper obtaining, possession, sale, supply or administration of a Schedule 2 poison.

(7) An approval under subregulation (1) may be made in respect of—

(a) a poison or class of poison; and

(b) all approved registered nurses or approved registered midwives, or a class of approved registered nurses or approved registered midwives.

(8) An approval under subregulation (1) takes effect—

(a) on the date of publication in the Government Gazette; or

(b) on a later date specified in the approval.

161C Secretary may approve Schedule 3 poisons for obtaining, possession, sale, supply or administration by approved registered nurses or approved registered midwives

Reg. 161C inserted by S.R. No. 13/2021 reg. 39.

(1) The Secretary by notice published in the Government Gazette, may approve a Schedule 3 poison that an approved registered nurse or approved registered midwife is to be authorised to obtain, possess, sell, supply and administer the poison where that obtaining, possession, sale, supply or administration is not authorised under section 13 or 14A of the Act.

(2) The Secretary must not approve a Schedule 3 poison under subregulation (1) unless the Secretary considers that—

(a) the approval is necessary for the provision of health services and section 13 or 14A of the Act does not apply; and

(b) it is within the competence of an approved registered nurse or approved registered midwife to obtain, possess, sell, supply and administer the poison without the supervision of a registered medical practitioner, dentist, nurse practitioner, authorised midwife, authorised optometrist or authorised podiatrist.

(3) An approval under subregulation (1) is subject to the condition that supply pursuant to the approval must comply with the parts of the Primary Clinical Care Manual that are—

(a) specified in the approval for the purposes of this subregulation; and

(b) read in accordance with the material set out in the approval under subregulation (5).

(4) An approval under subregulation (1) is subject to the condition that administration pursuant to the approval must comply with the parts of the Primary Clinical Care Manual that are—

(a) specified in the approval for the purposes of this subregulation; and

(b) read in accordance with the material set out in the approval under subregulation (5).

(5) The Secretary may specify in an approval under subregulation (1) any material in accordance with which a part of the Primary Clinical Care Manual is to be read for the purposes of that approval.

(6) The Secretary may specify in an approval under subregulation (1) that the approval is subject to any other condition the Secretary considers is necessary for the proper obtaining, possession, sale, supply or administration of a Schedule 3 poison.

(7) An approval under subregulation (1) may be made in respect of—

(a) a poison or class of poison; and

(b) all approved registered nurses or approved registered midwives, or a class of approved registered nurses or approved registered midwives.

(8) An approval under subregulation (1) takes effect—

(a) on the date of publication in the Government Gazette; or

(b) on a later date specified in the approval.

161D Approved naloxone providers

Reg. 161D inserted by S.R. No. 113/2022 reg. 7.

(1) The Secretary, by notice published in the Government Gazette, may approve a specified person, or a specified class of person, for the purposes of the definition of ***approved naloxone provider*** in regulation 5(1).

(2) The Secretary may specify in an approval under subregulation (1) that the approval is subject to—

(a) a condition that the approved naloxone provider must not—

(i) supply Schedule 3 naloxone to an approved naloxone worker; or

(ii) permit Schedule 3 naloxone to be supplied to an approved naloxone worker—

if the approved naloxone worker has not completed specified training and been certified by the provider as competent to possess and supply Schedule 3 naloxone; and

(b) any other condition the Secretary considers is necessary for the proper obtaining, possession or supply of naloxone for the treatment of opioid overdoses.

(3) An approval under subregulation (1) takes effect—

(a) on the date of publication in the Government Gazette; or

(b) on a later date specified in the approval.

Reg. 161E inserted by S.R. No. 113/2022 reg. 7.

161E Approved naloxone workers

(1) The Secretary, by notice published in the Government Gazette, may approve a specified class of persons who are engaged by approved naloxone providers (whether under a contract of employment, or as a volunteer or otherwise) for the purposes of the definition of ***approved naloxone worker*** in regulation 5(1).

(2) Without limiting subregulation (1), the Secretary may approve a specified class of person by reference to—

(a) a specified approved naloxone provider; or

(b) a specified class of approved naloxone providers.

(3) The Secretary may specify in an approval under subregulation (1) that the approval is subject to—

(a) a condition that the approved naloxone worker must not possess or supply Schedule 3 naloxone until the worker has been—

(i) provided with specified training; and

(ii) certified, by the approved naxolone provider that engages the worker, as competent to possess and supply Schedule 3 naloxone; and

(b) any other condition that the Secretary considers is necessary for the proper possession or supply of naloxone for the treatment of opioid overdoses.

(4) An approval under subregulation (1) takes effect—

(a) on the date of publication in the Government Gazette; or

(b) on a later date specified in the approval.

162 Secretary may approve manner in which person may write a prescription

(1) For the purposes of regulation 24(1), the Secretary may approve a manner in which a person may write a prescription.

(2) In approving a manner of writing a prescription under subregulation (1), the Secretary—

(a) must have regard to security; and

(b) must have regard to legibility; and

(c) may have regard to any other factors the Secretary considers relevant in the circumstances.

(3) An approval under subregulation (1) may be made in respect of—

(a) a specified person; or

(b) a class of person.

(4) On making an approval under subregulation (1) in respect of a specified person, the Secretary must give a copy of the approval to the person in respect of whom it is made.

(5) An approval under subregulation (1) made in respect of a specified person takes effect when it is made.

(6) On making an approval under subregulation (1) in respect of a class of person, the Secretary must publish the approval in the Government Gazette.

(7) An approval under subregulation (1) made in respect of a class of person takes effect—

(a) on the date of publication in the Government Gazette; or

(b) on a later date specified in the approval.

163 Secretary may approve Schedule 4 poison that pharmacist may administer without instruction

(1) For the purposes of regulation 99(c), the Secretary, by notice published in the Government Gazette, may approve a Schedule 4 poison that a pharmacist is to be authorised to administer without instruction.

(2) The Secretary must not approve a Schedule 4 poison under subregulation (1) unless the Secretary considers that the approval is necessary for the provision of health services and section 14A of the Act does not apply.

(3) The Secretary may specify in an approval under subregulation (1) that the approval is subject to—

(a) a condition that a pharmacist may administer the Schedule 4 poison specified in the approval only in premises that satisfy criteria specified in the approval; or

(b) a condition that a pharmacist may administer the Schedule 4 poison specified in the approval only if the pharmacist—

(i) has completed training specified in the approval; or

(ii) holds qualifications specified in the approval; or

(c) a condition that a pharmacist may administer the Schedule 4 poison specified in the approval only to persons belonging to a class specified in the approval; or

(d) any other condition the Secretary considers is necessary for the proper administration of the Schedule 4 poison.

(4) An approval under subregulation (1) may be made in respect of—

(a) a Schedule 4 poison or a class of Schedule 4 poison; and

(b) all pharmacists or a class of pharmacists.

(5) An approval under subregulation (1) takes effect—

(a) on the date of publication in the Government Gazette; or

(b) on a later date specified in the approval.

Part 4—Transitional provisions

164 Definitions

In this Part—

old Regulations means the Drugs, Poisons and Controlled Substances Regulations 2006 as in force immediately before their revocation.

165 Approval of poisons for possession by nurses and registered midwives

An approval made under regulation 5(3) of the old Regulations and in effect immediately before 23 May 2017 is, on and after that date, taken to be an approval under regulation 161(1) of these Regulations.

166 Approval of poisons for persons specified in table

An approval made under regulation 6 of the old Regulations and in effect immediately before 23 May 2017 is, on and after that date, taken to be an approval under regulation 160(1) of these Regulations.

167 Permit to deal with Schedule 9 poison

A permit issued under the old Regulations for the purposes of regulation 7 of those Regulations and in effect immediately before 23 May 2017 is, on and after that date, taken to be a general Schedule 9 permit.

168 Approval of Schedule 4 poison as suitable for supply without prescription

An approval notice made under regulation 15A(1) of the old Regulations and in effect immediately before 23 May 2017 is, on and after that date, taken to be an approval under regulation 159(1) of these Regulations.

169 Permits relating to special Schedule 8 poisons

A permit issued on an application under regulation 21, 21A, 21B, 21C, 21D or 22 of the old Regulations and in effect immediately before 23 May 2017 is, on and after that date, taken to be a special Schedule 8 permit.

170 Approval of manner of writing for prescription

An approval made under regulation 26(1)(b) of the old Regulations and in effect immediately before 23 May 2017 is, on and after that date, taken to be an approval under regulation 162(1) of these Regulations.

171 Security directions and approvals

(1) A direction given under regulation 37(1) of the old Regulations and in effect immediately before 23 May 2017 is, on and after that date, taken to be a direction given under regulation 76(1) of these Regulations.

(2) An approval granted under regulation 37(1) of the old Regulations and in effect immediately before 23 May 2017 is, on and after that date, taken to be an approval granted under regulation 76(1) of these Regulations.

172 Approval of Schedule 4 poison for administration by pharmacist without instruction

An approval notice made under regulation 49B(1) of the old Regulations and in effect immediately before 23 May 2017 is, on and after that date, taken to be an approval under regulation 163(1) of these Regulations.

173 Direction to comply with destruction requirements

A direction given under regulation 51(5) of the old Regulations and in effect immediately before 23 May 2017 is, on and after that date, taken to be a direction under regulation 115(7) of these Regulations.

174 Authority to cultivate narcotic plants for non-therapeutic uses

An authority issued under regulation 52(1) of the old Regulations and in effect immediately before 23 May 2017 is, on and after that date, taken to be an authority under regulation 116(1) of these Regulations.

Schedule 1—Revoked regulations

1 Drugs, Poisons and Controlled Substances Regulations 2006[1]

2 Drugs, Poisons and Controlled Substances (Health Professions Amendment) Regulations 2007[2]

3 Drugs, Poisons and Controlled Substances Amendment Regulations 2009[3]

4 Drugs, Poisons and Controlled Substances Amendment Regulations 2010[4]

5 Drugs, Poisons and Controlled Substances Amendment Regulations 2012[5]

6 Drugs, Poisons and Controlled Substances Amendment (Continued Dispensing) Regulations 2013[6]

7 Drugs, Poisons and Controlled Substances Amendment (Cultivation of a Narcotic Plant) Regulations 2013[7]

8 Drugs, Poisons and Controlled Substances Amendment (Schedule 8 Permit) Regulations 2013[8]

9 Drugs, Poisons and Controlled Substances Amendment (Residential Medication Chart) Regulations 2014[9]

10 Drugs, Poisons and Controlled Substances Amendment (Sodium Oxybate) Regulations 2015[10]

11 Drugs, Poisons and Controlled Substances Amendment (Administration of Schedule 3 and 4 Poisons by Pharmacists) Regulations 2016[11]

12 Drugs, Poisons and Controlled Substances Amendment (Cannabis and Tetrahydrocannabinols) Regulations 2016[12]

13 Drugs, Poisons and Controlled Substances Amendment Regulations 2016[13]

14 Drugs, Poisons and Controlled Substances Amendment Regulations 2017[14]

Schedule 2—Forms

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Sch. 2 Form 1 revoked by S.R. No. 72/2018 reg. 10.

Sch. 2 Form 2 substituted by S.R. No. 96/2022 reg. 18.

FORM 2

Regulation 128

Drugs, Poisons and Controlled Substances Regulations 2017

APPLICATION FOR PERMIT TO ADMINISTER, SUPPLY OR PRESCRIBE SCHEDULE 9 POISONS BY A REGISTERED MEDICAL PRACTITIONER FOR A CLINICAL TRIAL

Section 1:

Full name of patient participating in trial Date of birth Sex

Private address of patient Postcode

Full name and qualifications of applying registered medical practitioner

Address of applying registered medical practitioner Postcode

Telephone and fax no. of applying registered medical practitioner

Name and address of site where patient is participating in the clinical trial

Section 2:

Schedule 9 poison(s) for which permit is requested:

POISON NAME	PROPRIETARY NAME (if available)	DOSE FORM	DOSE PER UNIT	EXPECTED MAXIMUM DAILY DOSE

Name and address of supplier

Is this product registered for therapeutic use? If Yes, in which countries?

Details of other treatment (if applicable)

Section 3: Details of clinical trial and human research ethics committee

Name and registration number of the clinical trial

Purpose of the clinical trial

Name of principal investigators of the clinical trial

Registry that the clinical trial is registered on

Date that clinical trial was registered on the registry

Sites for which the clinical trial approval has been granted in Victoria

Has the clinical trial received approval from a human research ethics committee?

Ethics approval number

Date ethics approval was granted

Date ethics approval expires

Name and registration number of the human research ethics committee that granted the ethics approval

Institution responsible for the human research ethics committee, if applicable

Signature of applying registered medical practitioner

Date

FORM 3

Regulations 11(2), 129

Drugs, Poisons and Controlled Substances Regulations 2017

TREATMENT WITH SCHEDULE 8 POISONS BY A REGISTERED MEDICAL PRACTITIONER OR A NURSE PRACTITIONER

(Application for permit to administer, prescribe or supply)

This is an application for a permit under [*regulation 11(1) of the Drugs, Poisons and Controlled Substances Regulations 2017/section 34A of the Drugs, Poisons and Controlled Substances Act 1981*].

PART A: FOR TREATMENT WITH SCHEDULE 8 POISONS OTHER THAN TREATMENT OF AN OPIOID DEPENDENT PERSON WITH METHADONE OR BUPRENORPHINE

Section 1: (To be completed in all cases)

Full name of patient Date of birth Sex

Private address of patient Postcode

Full name and qualifications of registered medical practitioner/nurse practitioner

Address of registered medical practitioner/nurse practitioner

Postcode

Telephone and fax no. of registered medical practitioner/nurse practitioner

Name and address of hospital where patient is undergoing treatment (if applicable)

Clinical diagnosis

Section 2:

Schedule 8 poison(s) for which permit is requested:

NAME OF POISON(S)	EXPECTED MAXIMUM DAILY DOSE

Details of other treatment (if applicable)

I have/have not previously applied for a permit to administer, prescribe or supply a Schedule 8 poison to this patient.

Please note that evidence-based practice guidelines recommend that specialist advice should be sought for patients requiring opioid doses exceeding oral morphine [*quantity*] mg daily, oxycodone [*quantity*] mg daily or equivalent, for the treatment of chronic non-cancer pain, or when prescribing opioids to a patient with a history of drug dependency or aberrant drug-related behaviours. Opioids should only be prescribed as part of a comprehensive pain management plan. **When applying for a permit to treat a patient with an opioid, applicants may be requested by the Secretary to provide the Secretary with evidence of a pain management plan or specialist review.**

The morbidity and mortality risks associated with long-term opioid therapy should be discussed with the patient, in particular the increased mortality risks correlated with the prolonged use of opioids at doses exceeding [*quantity*] mg daily in morphine equivalents.

Signature of registered medical practitioner/nurse practitioner

Date

PART B: FOR TREATMENT OF AN OPIOID DEPENDENT PERSON WITH METHADONE OR BUPRENORPHINE

I, [*full name of registered medical practitioner/nurse practitioner*] of [*address of registered medical practitioner/nurse practitioner, including postcode, phone and fax numbers*] certify that this patient shows evidence of dependence on an opioid drug and that, in my opinion, methadone/buprenorphine is required in support of treatment.

Personal Details:

Full name of patient

Address of patient

Date of birth

DPU client number (if known)

Sex

Aliases (if any)

Mother's full maiden name

Aboriginal or Torres Strait Islander origin

Yes, Aboriginal

Yes, Torres Strait Islander

Yes, Aboriginal and Torres Strait Islander

No

Not stated

Medical Details of Patient:

Starting drug

Starting methadone/buprenorphine dose

Anticipated date of first dose

Period for which permit sought (if short-term)

Has the patient been treated previously with methadone or buprenorphine for opioid dependency? Yes/No

Is the patient transferring from another prescriber? Yes/No

If yes, what was the last drug prescribed?

When was the last dose administered?

Has the previous prescriber been advised of the transfer? Yes/No

Name of previous prescriber

Name, address and telephone number of person dispensing methadone/buprenorphine

Signature of registered medical practitioner/nurse practitioner

Date

FORM 4

Regulations 12(2), 130 and 131

Drugs, Poisons and Controlled Substances Regulations 2017

SCHEDULE 8 PERMIT/SCHEDULE 9 PERMIT

This permit is granted to [*full name and address of registered medical practitioner/nurse practitioner*]

and authorises that registered medical practitioner/nurse practitioner to administer, prescribe or supply the following poison(s) in accordance with the following details and conditions. The poison(s) must not be administered, prescribed or supplied in excess of the quantities specified, or for a period greater than that specified in this permit.

Name of patient

Address of patient

NAME OF POISON	MAXIMUM DOSE

Special conditions (if any):

This permit is valid from [*date*] to [*date*] (if applicable) unless sooner revoked or suspended.

Date Secretary

FORM 5

Regulation 155

Drugs, Poisons and Controlled Substances Regulations 2017

NOTICE OF SEIZURE

To of

I, an authorized officer under the **Drugs, Poisons and Controlled Substances Act 1981** give notice that I have at a.m./p.m. on [*date*] seized on the following grounds:

at [*address*]

the poisons or controlled substances, other substances or documents described below:

of which you are

Unless you, or a person claiming the poisons or controlled substances, other substances or documents complain to a registrar of the Magistrates' Court within 96 hours of seizure by giving notice of complaint in Form 6 to the Drugs, Poisons and Controlled Substances Regulations 2017, and a copy of that notice to the authorized officer who made the seizure, the poisons or controlled substances, other substances or documents will be destroyed or disposed of in accordance with section 43(4) of the **Drugs, Poisons and Controlled Substances Act 1981**.

Dated [*insert date*]

at [*place*]

at [*time*]

Authorized Officer

The authorized officer's address for service of any notice of complaint verified by an accompanying statutory declaration is [*address*].

FORM 6

Regulation 156

Drugs, Poisons and Controlled Substances Regulations 2017

NOTICE OF COMPLAINT IN RESPECT OF A SEIZURE

To the registrar of the Magistrates' Court at [*venue*]

I, [*Full name*] of [*Address*]

claiming the poisons or controlled substances, other substances or documents described below—

which were seized by

on [*date*] at [*time*], in accordance with section 43(2) of the **Drugs, Poisons and Controlled Substances Act 1981**, complain about that seizure.

[*Signature of complainant*]
[*Date*]

Note:

Section 43(2) of the **Drugs, Poisons and Controlled Substances Act 1981** requires that in lodging a notice of complaint to the registrar of the Magistrates' Court—

(a) the notice must be verified by an accompanying statutory declaration; and

(b) a copy of the notice and statutory declaration must be given to the authorized officer who made the seizure.

Sch. 2 Form 7 inserted by S.R. No. 61/2023 reg. 15.

FORM 7

Regulation 17A

Drugs, Poisons and Controlled Substances Regulations 2017

NOTICE OF INTENTION TO PRESCRIBE, AUTHORISE TO ADMINISTER, OR ADMINISTER SCHEDULE 8 MDMA OR SCHEDULE 8 PSILOCYBINE

Section 1: Psychiatrist or medical practitioner's details

First name and surname

Practice address

Qualifications

Health Practitioner Regulation National Law registration number

TGA Authorised Prescriber approval number (if applicable)

Phone number

Email address

Section 2: Person's details

First name and surname

Address

Date of birth

Sex

Name and address of site where the person is receiving treatment

Substance details

Name of substance

Proprietary name (if available)

Dose form and strength

Maximum dose and frequency

Anticipated date(s) of administration

Local Australian supplier details

Name and address of local Australian supplier (e.g. pharmacy or wholesaler)

Details of other treatment (if applicable)

Name of Clinical Trial (if applicable)

Clinical Trial Notification ID/Clinical Trial Approval ID (if applicable)

Ethics approval number (if applicable)

Name of Human Research Ethics Committee that granted the ethics approval (if applicable)

Schedule 3—Fees

Column 1		*Column 2*	*Column 3*	*Column 4*
	Description of licence or permit	*Application fee for licence or permit*	*Fee for amendment of licence or permit if amendment requires inspection of premises by an authorized officer*	*Fee for renewal of licence or permit*
1	A licence to manufacture and sell or supply by wholesale any Schedule 8 poison or Schedule 9 poison other than heroin.	94·5 fee units	94·5 fee units	20·3 fee units
2	A licence to manufacture and sell or supply by wholesale any Schedule 2 poison, Schedule 3 poison, Schedule 4 poison or Schedule 7 poison or any combination of those poisons.	83·6 fee units	83·6 fee units	18·4 fee units
3	A licence to manufacture and sell or supply by retail a Schedule 7 poison (other than a listed regulated poison).	83·6 fee units	83·6 fee units	18·4 fee units

Column 1	*Column 2*	*Column 3*	*Column 4*

	Description of licence or permit	*Application fee for licence or permit*	*Fee for amendment of licence or permit if amendment requires inspection of premises by an authorized officer*	*Fee for renewal of licence or permit*
4	Subject to item 5, a licence to sell or supply by wholesale any Schedule 8 poison or Schedule 9 poison other than heroin.	94·5 fee units	94·5 fee units	20·3 fee units
5	A licence to sell or supply by wholesale by Indent any Schedule 8 poison or Schedule 9 poison other than heroin.	72·8 fee units	72·8 fee units	16·6 fee units
6	Subject to item 7, a licence to sell or supply by wholesale any Schedule 4 poison (alone or together with any Schedule 2 poison, Schedule 3 poison or Schedule 7 poison or any combination of those poisons).	83·6 fee units	83·6 fee units	18·4 fee units

Column 1	*Column 2*	*Column 3*	*Column 4*

Description of licence or permit		*Application fee for licence or permit*	*Fee for amendment of licence or permit if amendment requires inspection of premises by an authorized officer*	*Fee for renewal of licence or permit*
7	A licence to sell or supply by wholesale by Indent any Schedule 4 poison (alone or together with any Schedule 2 poison, Schedule 3 poison or Schedule 7 poison or any combination of those poisons).	72·8 fee units	72·8 fee units	16·6 fee units
8	Subject to item 9, a licence to sell or supply by wholesale any Schedule 2 poison, Schedule 3 poison or Schedule 7 poison or any combination of those poisons.	83·6 fee units	83·6 fee units	18·4 fee units
9	A licence to sell or supply by wholesale by Indent any Schedule 2 poison, Schedule 3 poison or Schedule 7 poison or any combination of those poisons.	72·8 fee units	72·8 fee units	16·6 fee units
Column 1		*Column 2*	*Column 3*	*Column 4*

Description of licence or permit	*Application fee for licence or permit*	*Fee for amendment of licence or permit if amendment requires inspection of premises by an authorized officer*	*Fee for renewal of licence or permit*
10 A licence to sell or supply by retail any Schedule 2 poison.	72·8 fee units	72·8 fee units	16·6 fee units
11 A permit to purchase or obtain and use for industrial, educational, advisory or research purposes any Schedule 8 poison or Schedule 9 poison (alone or together with any Schedule 2 poison, Schedule 3 poison, Schedule 4 poison or Schedule 7 poison or any combination of those poisons).	94·5 fee units	94·5 fee units	20·3 fee units
12 A permit to purchase or obtain and use for industrial, educational, advisory or research purposes any Schedule 2	83·6 fee units	83·6 fee units	18·4 fee units
Column 1	*Column 2*	*Column 3*	*Column 4*

Description of licence or permit	*Application fee for licence or permit*	*Fee for amendment of licence or permit if amendment requires inspection of premises by an authorized officer*	*Fee for renewal of licence or permit*
poison, Schedule 3 poison, Schedule 4 poison or Schedule 7 poison or any combination of those poisons.			
13 A permit to purchase or obtain and use any poison or controlled substance for the provision of health services by the following types of health service provider—			
Type A (single site with no beds);	72·8 fee units	72·8 fee units	16·6 fee units
Type B (residential aged care with single storage facility (no bed limit) or single site with 1 to 30 beds);	72·8 fee units	72·8 fee units	16·6 fee units

Column 1	*Column 2*	*Column 3*	*Column 4*

Description of licence or permit	*Application fee for licence or permit*	*Fee for amendment of licence or permit if amendment requires inspection of premises by an authorized officer*	*Fee for renewal of licence or permit*
Type C (multiple sites with no beds or single site with 31 to 100 beds);	94·5 fee units	94·5 fee units	20·3 fee units
Type D (multiple sites or single site with more than 100 beds).	94·5 fee units	94·5 fee units	20·3 fee units

Sch. 4 inserted by S.R. No. 72/2018 reg. 11.

Schedule 4—Data source entities

Regulation 132A

1 eRx Script Exchange Pty Ltd

2 MediSecure Pty Ltd

3 Any prescription exchange service operating in the Commonwealth, another State or a Territory

4 Medication Knowledge Pty Ltd

Schedule 5—Monitored poisons

Sch. 5 inserted by S.R. No. 72/2018 reg. 11.

Regulation 132B

1 All benzodiazepines that are Schedule 4 poisons

2 Codeine when it is a Schedule 4 poison

3 Quetiapine

4 Zolpidem

5 Zopiclone

Sch. 6 inserted by S.R. No. 72/2018 reg. 11.

Schedule 6—Monitored supply poisons on and after 1 April 2020

Regulation 132C

1 All Schedule 8 poisons

2 All benzodiazepines that are Schedule 4 poisons

3 Codeine when it is a Schedule 4 poison

4 Quetiapine

5 Zolpidem

6 Zopiclone

Endnotes

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

The Drugs, Poisons and Controlled Substances Regulations 2017, S.R. No. 29/2017 were made on 16 May 2017 by the Governor in Council under sections 129, 131, 132, 132A and 132B of the **Drugs, Poisons and Controlled Substances Act 1981**, No. 9719/1981 and came into operation on 23 May 2017: regulation 3.

The Drugs, Poisons and Controlled Substances Regulations 2017 will sunset 10 years after the day of making on 16 May 2027 (see section 5 of the **Subordinate Legislation Act 1994**).

INTERPRETATION OF LEGISLATION ACT 1984 (ILA)

Style changes

Section 54A of the ILA authorises the making of the style changes set out in Schedule 1 to that Act.

References to ILA s. 39B

Sidenotes which cite ILA s. 39B refer to section 39B of the ILA which provides that where an undivided regulation, rule or clause of a Schedule is amended by the insertion of one or more subregulations, subrules or subclauses the original regulation, rule or clause becomes subregulation, subrule or subclause (1) and is amended by the insertion of the expression "(1)" at the beginning of the original regulation, rule or clause.

Interpretation

As from 1 January 2001, amendments to section 36 of the ILA have the following effects:

- **Headings**

All headings included in a Statutory Rule which is made on or after 1 January 2001 form part of that Statutory Rule. Any heading inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule. This includes headings to Parts, Divisions or Subdivisions in a Schedule; Orders; Parts into which an Order is divided; clauses; regulations; rules; items; tables; columns; examples; diagrams; notes or forms.
See section 36(1A)(2A)(2B).

- **Examples, diagrams or notes**

All examples, diagrams or notes included in a Statutory Rule which is made on or after 1 January 2001 form part of that Statutory Rule. Any examples, diagrams or notes inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, form part of that Statutory Rule. See section 36(3A).

- **Punctuation**

All punctuation included in a Statutory Rule which is made on or after 1 January 2001 forms part of that Statutory Rule. Any punctuation inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule. See section 36(3B).

- **Provision numbers**

All provision numbers included in a Statutory Rule form part of that Statutory Rule, whether inserted in the Statutory Rule before, on or after 1 January 2001. Provision numbers include regulation numbers, rule numbers, subregulation numbers, subrule numbers, paragraphs and subparagraphs. See section 36(3C).

- **Location of "legislative items"**

A "legislative item" is a penalty, an example or a note. As from 13 October 2004, a legislative item relating to a provision of a Statutory Rule is taken to be at the foot of that provision even if it is preceded or followed by another legislative item that relates to that provision. For example, if a penalty at the foot of a provision is followed by a note, both of these legislative items will be regarded as being at the foot of that provision. See section 36B.

- **Other material**

Any explanatory memorandum, table of provisions, endnotes, index and other material printed after the Endnotes does not form part of a Statutory Rule. See section 36(3)(3D)(3E).

2 Table of Amendments

This publication incorporates amendments made to the Drugs, Poisons and Controlled Substances Regulations 2017 by statutory rules, subordinate instruments and Acts.

Drugs, Poisons and Controlled Substances Amendment (Dental Assistants) Regulations 2018, S.R. No. 31/2018
Date of Making: 20.3.18
Date of Commencement: 26.3.18: reg. 3

Drugs, Poisons and Controlled Substances Amendment (Medically Supervised Injecting Centre) Regulations 2018, S.R. No. 45/2018
Date of Making: 10.4.18
Date of Commencement: 10.4.18

Drugs, Poisons and Controlled Substances Amendment (Real-time Prescription Monitoring) Regulations 2018, S.R. No. 72/2018
Date of Making: 5.6.18
Date of Commencement: 2.7.18: reg. 3

Drugs, Poisons and Controlled Substances Further Amendment Regulations 2018, S.R. No. 178/2018
Date of Making: 23.10.18
Date of Commencement: 24.10.18: reg. 3

Drugs, Poisons and Controlled Substances Amendment (Monitored Poisons Database) Regulations 2020, S.R. No. 15/2020
Date of Making: 3.3.20
Date of Commencement: 3.3.20

Drugs, Poisons and Controlled Substances Amendment (Residential Medication Chart) Regulations 2020, S.R. No. 73/2020
Date of Making: 21.7.20
Date of Commencement: 23.7.20: reg. 3

Drugs, Poisons and Controlled Substances Amendment (Nurses and Midwives) Regulations 2021, S.R. No. 13/2021
Date of Making: 10.3.21
Date of Commencement: 1.7.21: reg. 3

Drugs, Poisons and Controlled Substances Amendment (Non-Emergency Patient Transport and First Aid Services) Regulations 2021, S.R. No. 174/2021
Date of Making: 21.12.21
Date of Commencement: 21.12.21: reg. 3

Drugs, Poisons and Controlled Substances Amendment (Schedule 8 Cannabis and Schedule 8 Tetrahydrocannabinol) Regulations 2022, S.R. No. 13/2022
Date of Making: 15.2.22
Date of Commencement: 28.2.22: reg. 3

Drugs, Poisons and Controlled Substances Amendment (Registered Aboriginal and Torres Strait Islander Health Practitioners) Regulations 2022, S.R. No. 16/2022
Date of Making: 22.2.22
Date of Commencement: 22.2.22

Drugs, Poisons and Controlled Substances Amendment (Schedule 9 Poisons) Regulations 2022, S.R. No. 96/2022
Date of Making: 27.9.22
Date of Commencement: 27.9.22: reg. 3

Drugs, Poisons and Controlled Substances Amendment (Continued Dispensing) Regulations 2022, S.R. No. 112/2022
Date of Making: 11.10.22
Date of Commencement: 18.10.22: reg. 3

Drugs, Poisons and Controlled Substances Amendment (Naloxone) Regulations 2022, S.R. No. 113/2022
Date of Making: 11.10.22
Date of Commencement: 12.10.22: reg. 3

Drugs, Poisons and Controlled Substances Amendment (Image-Based Prescribing) Regulations 2023, S.R. No. 20/2023
Date of Making: 28.3.23
Date of Commencement: 31.3.23: reg. 3

Drugs, Poisons and Controlled Substances Amendment (MDMA and Psilocybine) Regulations 2023, S.R. No. 61/2023
Date of Making: 27.6.23
Date of Commencement: 1.7.23: reg. 3

3 Explanatory details

[1] Sch. 1 item 1: S.R. No. 57/2006. Reprint No. 2 as at 21 October 2016. Reprinted to S.R. No. 132/2016. Extended in operation by S.R. No. 42/2016 and subsequently amended by S.R. Nos 134/2016 and 13/2017.

[2] Sch. 1 item 2: S.R. No. 63/2007.

[3] Sch. 1 item 3: S.R. No. 16/2009.

[4] Sch. 1 item 4: S.R. No. 131/2010.

[5] Sch. 1 item 5: S.R. No. 136/2012.

[6] Sch. 1 item 6: S.R. No. 107/2013.

[7] Sch. 1 item 7: S.R. No. 50/2013.

[8] Sch. 1 item 8: S.R. No. 108/2013.

[9] Sch. 1 item 9: S.R. No. 194/2014.

[10] Sch. 1 item 10: S.R. No. 14/2015.

[11] Sch. 1 item 11: S.R. No. 20/2016.

[12] Sch. 1 item 12: S.R. No. 134/2016.

[13] Sch. 1 item 13: S.R. No. 132/2016.

[14] Sch. 1 item 14: S.R. No. 13/2017.

Fee Units

These Regulations provide for fees by reference to fee units within the meaning of the **Monetary Units Act 2004**.

The amount of the fee is to be calculated, in accordance with section 7 of that Act, by multiplying the number of fee units applicable by the value of a fee unit.

The value of a fee unit for the financial year commencing 1 July 2023 is $15.90. The amount of the calculated fee may be rounded to the nearest 10 cents.

The value of a fee unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a fee unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.

Penalty Units

These Regulations provide for penalties by reference to penalty units within the meaning of section 110 of the **Sentencing Act 1991**. The amount of the penalty is to be calculated, in accordance with section 7 of the **Monetary Units Act 2004**, by multiplying the number of penalty units applicable by the value of a penalty unit.

The value of a penalty unit for the financial year commencing 1 July 2023 is $192.31. The amount of the calculated penalty may be rounded to the nearest dollar.

The value of a penalty unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a penalty unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.

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Table of Applied, Adopted or Incorporated Matter

The following table of applied, adopted or incorporated matter was included in S.R. No. 29/2017 in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2014.

Statutory Rule Provision	**Title of applied, adopted or incorporated document**	**Matter in applied, adopted or incorporated document**
Regulation 5(1) (definition of ***National Health (Continued Dispensing) Determination 2012***	National Health (Continued Dispensing) Determination 2012, made under the National Health Act 1953 of the Commonwealth	The whole
Regulation 5(1) (definition of ***Schedule 8 cannabis***)	Poisons Standard	Schedule 8
Regulation 5(1) (definition of ***Schedule 8 tetrahydrocannabinol***)	Poisons Standard	Schedule 8

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Table of Applied, Adopted or Incorporated Matter

The following table of applied, adopted or incorporated matter was included in S.R. No. 13/2021 in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2014.

In this table, Principal Regulations means the Drugs, Poisons and Controlled Substances Regulations 2017.

Statutory rule provision	**Title of applied, adopted or incorporated document**	**Matter in applied, adopted or incorporated document**
Regulation 5 which inserts the definition of ***the Primary Clinical Care Manual*** in regulation 5(1) of the Principal Regulations	The Primary Clinical Care Manual as published from time to time by the State of Queensland (Queensland Health) and the Royal Flying Doctor Service (Queensland Section).	The whole

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Table of Applied, Adopted or Incorporated Matter

The following table of applied, adopted or incorporated matter was included in S.R. No. 112/2022 in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2014.

Statutory rule provision	**Title of applied, adopted or incorporated document**	**Matter in applied, adopted or incorporated document**
Regulation 5 which substitutes the definition of ***National Health (Continued Dispensing) Determination 2012*** with the definition of ***National Health (Continued Dispensing) Determination 2022*** in regulation 5 of the Drugs, Poisons and Controlled Substances Regulations 2017	National Health (Continued Dispensing) Determination 2022 made under the National Health Act 1953 of the Commonwealth	The whole
Regulation 6 which amends regulation 57(b) and (c) of the Drugs, Poisons and Controlled Substances Regulations 2017	National Health (Continued Dispensing) Determination 2022 made under the National Health Act 1953 of the Commonwealth	The whole