Authorised Version No. 010

Drugs, Poisons and Controlled Substances Regulations 2006

S.R. No. 57/2006

Authorised Version incorporating amendments as at 16 June 2011

TABLE OF PROVISIONS

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PART 1—PRELIMINARY

1 Objectives

The objectives of these Regulations are to—

(a) facilitate and enhance the orderly sale, supply, prescribing, administration and use of drugs, poisons and controlled substances by health professionals, authorised persons, licensed or permitted persons and the general public; and

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

(c) 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 Revocation

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

4 Definitions

In these Regulations—

aged care service has the same meaning as it has in the Aged Care Act 1997 of the Commonwealth;

animal includes any bird, fish or insect;

approved means approved in writing by the Secretary;

approved provider has the same meaning as it has in the Aged Care Act 1997 of the Commonwealth;

Australian Orthoptic Board means a committee constituted of the directors of the Australian Orthoptists Registration Body Pty Ltd;

Reg. 4 def. of *authorised optometrist* amended by S.R. No. 63/2007 reg. 5(1)(a), substituted by S.R. No. 131/2010 reg. 4(a).

authorised optometrist means a registered optometrist whose registration is endorsed under section 94 of the Health Practitioner Regulation National Law;

Reg. 4 def. of *authorised podiatrist* inserted by S.R. No. 63/2007 reg. 5(2), substituted by S.R. No. 131/2010 reg. 4(b).

authorised podiatrist means a registered podiatrist whose registration is endorsed under section 94 of the Health Practitioner Regulation National Law;

authorised registered nurse means a registered nurse (Division 1) whose registration is endorsed under section 94 of the Health Practitioner Regulation National Law;

Reg. 4 def. of *authorised registered nurse* inserted by S.R. No. 131/2010 reg. 5.

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

Reg. 4 def. of *enrolled nurse* inserted by S.R. No. 131/2010 reg. 5.

(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;

high level of residential care has the same meaning as it has in the Aged Care Act 1997 of the Commonwealth;

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;

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

Reg. 4 def. of *midwife* inserted by S.R. No. 131/2010 reg. 5.

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

(b) in the Register of Midwives kept for that profession;

Reg. 4 def. of *nurse* amended by S.R. No. 63/2007 reg. 5(1)(b), substituted by S.R. No. 131/2010 reg. 4(c).

nurse means—

(a) a registered nurse;

(b) an enrolled nurse other than an enrolled nurse who has a notation on his or her registration indicating that he or she is not qualified to administer medication;

orthoptist means a person who is registered as an orthoptist with the Australian Orthoptic Board;

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;

Reg. 4 def. of *pharmacy* amended by S.R. No. 63/2007 reg. 5(1)(c), substituted by S.R. No. 131/2010 reg. 4(d).

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

Reg. 4 def. of *pharmacy business* amended by S.R. No. 63/2007 reg. 5(1)(d), substituted by S.R. No. 131/2010 reg. 4(e).

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**;

Reg. 4 def. of *pharmacy department* amended by S.R. No. 63/2007 reg. 5(1)(e), substituted by S.R. No. 131/2010 reg. 4(f).

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Reg. 4 def. of *podiatrist* revoked by S.R. No. 63/2007 reg. 5(1)(f).

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

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. 4 def. of *registered dental auxiliary* substituted as *registered dental hygienist* by S.R. No. 63/2007 reg. 5(1)(g), substituted by S.R. No. 131/2010 reg. 4(g).

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;

Reg. 4 def. of *registered dental therapist* inserted by S.R. No. 63/2007 reg. 5(1)(g), substituted by S.R. No. 131/2010 reg. 4(h).

Reg. 4 def. of *registered oral health therapist* inserted by S.R. No. 131/2010 reg. 5.

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;

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

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

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

Reg. 4 def. of *thalidomide* inserted by S.R. No. 16/2009 reg. 5.

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**.

PART 2—DRUGS OF DEPENDENCE, SCHEDULE 4 POISONS, SCHEDULE 8 POISONS AND SCHEDULE 9 POISONS

Division 1—Possession

5 Possession of Schedule 4 poisons, Schedule 8 poisons and Schedule 9 poisons

(1) A person or class of persons shown in an item in Column 1 of the following table is authorised to have in his or her possession a Schedule 4 poison, Schedule 8 poison or Schedule 9 poison to the extent shown in Column 2.

TABLE

Reg. 5(1) (Table) amended by S.R. Nos 63/2007 reg. 6(1)-(5), 131/2010 reg. 6(1)–(5).

	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 a carrier, a carrier's employee or a messenger.	For the purposes of delivery to the person to whom the consignment is addressed, those Schedule 4 poisons, Schedule 8 poisons or Schedule 9 poisons consigned by— (a) a person holding a licence or permit under the Act or these Regulations; or

Column 1	*Column 2*
	(b) in the case of a Schedule 9 poison, a registered medical practitioner, pharmacist, veterinary practitioner or dentist; or
	(c) in the case of a Schedule 8 poison, a registered medical practitioner, pharmacist, veterinary practitioner, dentist or nurse practitioner; or
	(d) in the case of a Schedule 4 poison, a registered medical practitioner, pharmacist, veterinary practitioner, dentist or nurse practitioner; or
	(e) in the case of a Schedule 4 poison specified in his or her endorsement of registration, an authorised optometrist; or
	(f) in the case of a Schedule 4 poison specified in his or her endorsement of registration, an authorised podiatrist.

	Column 1	*Column 2*
3.	A person for whom a Schedule 9 poison has been supplied by a registered medical practitioner, pharmacist or dentist in accordance with the Act and these Regulations.	That Schedule 9 poison to the extent and for the purpose for which it is supplied.
4.	A person for whom a Schedule 8 poison has been supplied by a registered medical practitioner, pharmacist, dentist, nurse practitioner or authorised registered nurse in accordance with the Act and these Regulations.	That Schedule 8 poison to the extent and for the purpose for which it is supplied.
5.	A person for whom a Schedule 4 poison has been supplied by a registered medical practitioner, pharmacist, dentist, nurse practitioner or authorised registered nurse in accordance with the Act and these Regulations.	That Schedule 4 poison to the extent and for the purpose for which it was supplied.
6.	A person for whom a Schedule 4 poison has been supplied in accordance with the Act and these Regulations by an authorised optometrist whose endorsement of registration specifies that Schedule 4 poison.	That Schedule 4 poison to the extent and for the purpose for which it is supplied.

	Column 1	*Column 2*
6A	A person for whom a Schedule 4 poison has been supplied in accordance with the Act and these Regulations by an authorised podiatrist whose endorsement of registration specifies that Schedule 4 poison.	That Schedule 4 poison to the extent and for the purpose for which it is supplied.
7.	The agent or a person who has the care of, or who is assisting in the care of, a person referred to in item 3, 4, 5 or 6.	That Schedule 4 poison, Schedule 8 poison, or Schedule 9 poison to the extent and for the purpose for which it is supplied.
8.	An owner of, or a person having custody or care of, an animal for which a Schedule 4 poison or Schedule 8 poison has been supplied by a veterinary practitioner or pharmacist in accordance with the Act and these Regulations.	That Schedule 4 poison or Schedule 8 poison to the extent and for the purpose for which it is supplied.
9.	An owner or person having custody or care of a flock or herd of animals for which a Schedule 4 poison has been supplied by wholesale in a stockfeed on the order of a veterinary practitioner for the treatment of that flock or herd of 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.

	Column 1	*Column 2*
	PART 2	
10.	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**.
11.	A member of St John Ambulance Australia (Vic.) recognised by that organisation as qualified to Advanced First Aid level.	Those Schedule 4 poisons listed in the health services permit held by St John Ambulance Australia (Vic.).
12.	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 to complete the equipment of that ship.
13.	A yacht owner or crew member who is a member of Yachting Australia and whose yacht is entered in a race conducted under the rules of Yachting Australia.	Those Schedule 4 poisons or Schedule 8 poisons contained in the Medical Kit for the Yachting Australia Race Category in which the yacht is entered.
14.	A registered optometrist carrying on the lawful practice of his or her profession.	Those Schedule 4 poisons approved by the Secretary that are required in the practice of his or her profession for use in the eyes of patients.

	Column 1	*Column 2*
15.	A registered podiatrist carrying on the lawful practice of his or her profession.	Those Schedule 4 poisons approved by the Secretary that are required in the practice of his or her profession for the treatment of conditions of the human foot.
16.	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 administration as an antidote to etorphine.
17.	An Australian Ski Patrol Association Inc. qualified ski patroller.	Those Schedule 4 poisons approved by the Secretary that are required in the performance of a ski patroller's duties for the treatment of emergencies.
18.	A Director of State Emergency Services.	Those Schedule 4 poisons or Schedule 8 poisons that are required in the performance of his or her duties in an emergency coming within his or her jurisdiction.
19.	A municipal council, an environmental health officer or a nurse or midwife employed or appointed by a municipal council.	Those Schedule 4 poisons that are necessary for immunisation programs coordinated by a municipal council in accordance with its functions under the **Health Act 1958**.

	Column 1	*Column 2*
20	A registered dental hygienist, registered dental therapist or registered oral health therapist.	Those Schedule 4 poisons approved by the Secretary that are required for the provision of dental care by the registered dental hygienist, registered dental therapist or registered oral health therapist.
21.	An orthoptist practising under the direction of a registered medical practitioner or an authorised optometrist.	Those Schedule 4 poisons that are local anaesthetics and cycloplegics in topical ophthalmic preparations for the use in the eyes of patients.

(2) A nurse or midwife is authorised to possess those Schedule 4 poisons, Schedule 8 poisons or Schedule 9 poisons that are necessary for administration to a patient under the care of that nurse or midwife in accordance with—

Reg. 5(2) amended by S.R. No. 131/2010 reg. 6(6).

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

(i) in the case of a Schedule 4 poison, Schedule 8 poison or Schedule 9 poison, a registered medical practitioner or dentist; or

(ii) in the case of a Schedule 4 poison or Schedule 8 poison, a nurse practitioner; or

(iii) in the case of a Schedule 4 poison specified in his or her endorsement of registration, an authorised optometrist or an authorised podiatrist; or

Reg. 5(2)(a)(iii) amended by S.R. No. 63/2007 reg. 6(6)(a).

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

(c) the approval of the Secretary under subregulation (3).

Reg. 5(3) amended by S.R. No. 131/2010 reg. 6(7).

(3) Subject to subregulation (4), the Secretary may approve the possession of a Schedule 4 poison, Schedule 8 poison or Schedule 9 poison by a nurse, class of nurses, midwife or class of midwife without the direct supervision of—

(a) in the case of a Schedule 4 poison, Schedule 8 poison or Schedule 9 poison, a registered medical practitioner or dentist; or

(b) in the case of a Schedule 4 poison or Schedule 8 poison, a nurse practitioner; or

Reg. 5(3)(c) amended by S.R. No. 63/2007 reg. 6(6)(b).

(c) in the case of a Schedule 4 poison specified in his or her endorsement of registration, an authorised optometrist or an authorised podiatrist.

(4) The Secretary must not grant an approval referred to in subregulation (3) unless the Secretary considers that the approval—

(a) is necessary for the provision of health services; and

Reg. 5(4)(b) amended by S.R. Nos 63/2007 reg. 6(6)(c), 131/2010 reg. 6(8).

(b) is within the competence of a nurse or midwife without the direct supervision of a registered medical practitioner, dentist, nurse practitioner, an authorised optometrist or an authorised podiatrist (as the case requires).

6 Approval of Schedule 4 poisons and Schedule 8 poisons

Reg. 6 substituted by S.R. No. 63/2007 reg. 7.

The Secretary may approve Schedule 4 poisons or Schedule 8 poisons or classes of Schedule 4 poisons or Schedule 8 poisons for possession and use by a person or class of persons specified in an item in Column 1 of Part 2 of the table in regulation 5 to the extent specified in column 2 of the item applicable to that person or class of person.

7 Permit required for Schedule 9 poisons

A registered medical practitioner, pharmacist, veterinary practitioner or dentist must not manufacture, sell, supply, purchase or otherwise obtain, possess, administer, use or prescribe a Schedule 9 poison unless he or she holds a permit issued under the Act or these Regulations to do so.

Penalty: 100 penalty units.

Division 2—Treatment

8 Patient identity and therapeutic need to be determined—registered medical practitioners

(1) A registered medical practitioner must not administer, prescribe, sell or supply a drug of dependence or Schedule 8 poison unless—

(a) that drug or poison is for the medical treatment of a person under his or her care; and

(b) he or she has taken all reasonable steps to ascertain the identity of that person; and

(c) he or she has taken all reasonable steps to ensure a therapeutic need exists for that drug or poison.

Penalty: 100 penalty units.

(2) A registered medical practitioner must not administer, prescribe, sell or supply a Schedule 4 poison unless—

(a) that poison is for the medical treatment of a person under his or her care; and

(b) he or she has taken all reasonable steps to ensure a therapeutic need exists for that poison.

Penalty: 100 penalty units.

9 Patient identity and therapeutic need to be determined—nurse practitioners

(1) A nurse practitioner must not administer, prescribe, sell or supply a Schedule 8 poison unless—

(a) that poison is for the treatment of a person under his or her care; and

(b) he or she has taken all reasonable steps to ascertain the identity of that person; and

(c) he or she has taken all reasonable steps to ensure a therapeutic need exists for that poison.

Penalty: 100 penalty units.

(2) A nurse practitioner must not administer, prescribe, sell or supply a Schedule 4 poison unless—

(a) that poison is for the treatment of a person under his or her care; and

(b) he or she has taken all reasonable steps to ensure a therapeutic need exists for that poison.

Penalty: 100 penalty units.

9A Patient identity and therapeutic need to be determined—authorised registered nurse

Reg. 9A inserted by S.R. No. 131/2010 reg. 7.

(1) An authorised registered nurse must not administer or supply a Schedule 8 poison unless—

(a) that poison is for the treatment of a person under his or her care; and

(b) he or she has taken all reasonable steps to ascertain the identity of that person; and

(c) he or she has taken all reasonable steps to ensure a therapeutic need exists for that poison.

Penalty: 100 penalty units.

(2) An authorised registered nurse must not administer or supply a Schedule 4 poison unless—

(a) that poison is for the treatment of a person under his or her care; and

(b) he or she has taken all reasonable steps to ensure a therapeutic need exists for that poison.

Penalty: 100 penalty units.

10 Patient identity and therapeutic need to be determined—dentists

(1) A dentist must not administer, prescribe, sell or supply a drug of dependence or Schedule 8 poison unless—

(a) that drug or poison is for the dental treatment of a person under his or her care; and

(b) he or she has taken all reasonable steps to ascertain the identity of that person; and

(c) he or she has taken all reasonable steps to ensure a therapeutic need exists for that drug or poison.

Penalty: 100 penalty units.

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

(a) that poison is for the dental treatment of a person under his or her care; and

(b) he or she has taken all reasonable steps to ensure a therapeutic need exists for that poison.

Penalty: 100 penalty units.

11 Therapeutic need to be determined—authorised optometrists

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

(a) that poison is for the ocular treatment of a person under his or her care; and

(b) the optometrist has taken all reasonable steps to ensure a therapeutic need exists for that poison.

Penalty: 100 penalty units.

Reg. 11A inserted by S.R. No. 63/2007 reg. 8.

11A Therapeutic need to be determined—authorised podiatrists

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

(a) that poison is for the podiatric treatment of a person under his or her care; and

(b) the podiatrist has taken all reasonable steps to ensure a therapeutic need exists for that poison.

Penalty: 100 penalty units.

12 Patient identity and therapeutic need to be determined for drugs of dependence—pharmacists

(1) A pharmacist who supplies a drug of dependence to or for a person other than by wholesale or on the prescription of a registered medical practitioner, dentist or nurse practitioner must—

(a) take all reasonable steps to ascertain the identity of the person to or for whom it is proposed to supply the drug of dependence; and

(b) do so only for the therapeutic use of the person after having taken all reasonable steps to ensure a therapeutic need for the drug of dependence exists.

Penalty: 100 penalty units.

(2) A pharmacist who supplies a drug of dependence to a person for an animal other than by wholesale or on the prescription of a veterinary practitioner must do so only for the therapeutic use of the animal after having taken all reasonable steps to ensure a therapeutic need for the drug of dependence exists.

Penalty: 100 penalty units.

13 Therapeutic need to be determined—veterinary practitioners

A veterinary practitioner must not administer, prescribe, sell or supply a drug of dependence, Schedule 8 poison or Schedule 4 poison unless—

(a) that drug or poison is for the treatment of an animal under his or her care; and

(b) he or she has taken all reasonable steps to ensure a therapeutic need exists for that drug or poison.

Penalty: 100 penalty units.

14 Notification of fraudulent obtaining of drugs or poisons

(1) A registered medical practitioner, pharmacist, veterinary practitioner or dentist who suspects or has reason to believe that a person has obtained from him or her by means of a false pretence—

(a) a drug of dependence, Schedule 9 poison, Schedule 8 poison or Schedule 4 poison; or

(b) an order or prescription for a drug of dependence, Schedule 9 poison, Schedule 8 poison or Schedule 4 poison—

must immediately inform the Secretary and a member of the Victoria Police of that suspicion or belief.

Penalty: 50 penalty units.

(2) A nurse practitioner who suspects or has reason to believe that a person has obtained from him or her by means of a false pretence—

(a) a Schedule 8 poison or Schedule 4 poison; or

(b) an order or prescription for a Schedule 8 poison or Schedule 4 poison—

must immediately inform the Secretary and a member of the Victoria Police of that suspicion or belief.

Penalty: 50 penalty units.

(3) An authorised optometrist who suspects or has reason to believe that a person has obtained from him or her by means of a false pretence, a Schedule 4 poison or an order or prescription for a

Schedule 4 poison, must immediately inform the Secretary and a member of the Victoria Police of that suspicion or belief.

Penalty: 50 penalty units.

Reg. 14(4) inserted by S.R. No. 63/2007 reg. 9.

(4) An authorised podiatrist who suspects or has reason to believe that a person has obtained from him or her by means of a false pretence, a Schedule 4 poison or an order or prescription for a Schedule 4 poison, must immediately inform the Secretary and a member of the Victoria Police of that suspicion or belief.

Penalty: 50 penalty units.

Reg. 14(5) inserted by S.R. No. 131/2010 reg. 8.

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

Penalty: 50 penalty units.

15 Pharmacist administration, sale or supply authorised from within Victoria

(1) A pharmacist must not administer, sell or supply a Schedule 4 poison or Schedule 8 poison except—

(a) in accordance with section 13(3) of the Act; or

(b) subject to regulation 16, on the original prescription of—

(i) in the case of a Schedule 8 poison, a registered medical practitioner, veterinary practitioner, dentist or nurse practitioner;

(ii) in the case of a Schedule 4 poison, a registered medical practitioner, veterinary practitioner, dentist or nurse practitioner;

Reg. 15(1)(b)(iii) amended by S.R. No. 63/2007 reg. 10(1).

(iii) in the case of a Schedule 4 poison specified in his or her endorsement of registration, an authorised optometrist or an authorised podiatrist; or

(c) in accordance with regulation 27; or

(d) in the case of a Schedule 8 poison, on the order of a registered medical practitioner, veterinary practitioner, dentist or nurse practitioner; or

(e) in the case of a Schedule 4 poison, on the order of—

(i) a registered medical practitioner, veterinary practitioner, dentist or nurse practitioner; or

Reg. 15(1)(e)(ii) amended by S.R. No. 63/2007 reg. 10(2).

(ii) an authorised optometrist or an authorised podiatrist, in accordance with his or her endorsement of registration; or

(f) on the order of a person holding a permit for that Schedule 4 poison or Schedule 8 poison; or

(g) to a person referred to in Column 1 of Part 2 of the table in regulation 5 to the extent referred to in Column 2 of that Part of that Table.

Penalty: 100 penalty units.

(2) Despite subregulation (1), in an emergency, a pharmacist may, if he or she considers it necessary to ensure continuity of treatment, supply once only a Schedule 4 poison without the prescription

of a registered medical practitioner or nurse practitioner if—

(a) the pharmacist is satisfied that—

(i) there is an immediate need for the Schedule 4 poison and it is impracticable for the patient to obtain a prescription in time to meet that need; and

(ii) treatment with that Schedule 4 poison has been previously prescribed for the patient by a registered medical practitioner or nurse practitioner; and

(iii) the patient, or the agent of the patient, or a person who has the care of, or is assisting in the care of, the patient, is aware of the appropriate dose of that Schedule 4 poison for that patient; and

(b) 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.

16 Supply on copy of prescription permitted in certain circumstances

(1) Subject to subregulation (2), a pharmacist may supply a Schedule 4 poison or a Schedule 8 poison on the copy of an original prescription if the original prescription is required to be submitted to a public authority by any Act of a State or Territory or the Commonwealth.

(2) A pharmacist must not supply a Schedule 4 poison or a Schedule 8 poison on the copy of an original prescription unless the copy of the original prescription is certified by or accompanied by a certification from—

(a) the pharmacist who received the original prescription but did not supply all of the items on that prescription; or

(b) a pharmacist who has previously supplied the Schedule 4 poison or Schedule 8 poison on that original prescription.

Penalty: 100 penalty units.

17 Pharmacist administration, sale or supply authorised from outside Victoria

Despite regulation 15, a pharmacist may supply a Schedule 4 poison on the prescription of a person who is registered in another State or Territory as a person who is—

Reg. 17(a) amended by S.R. Nos 63/2007 reg. 11, 131/2010 reg. 9.

(a) permitted to practice veterinary science; and

(b) permitted by a law of that State or Territory to prescribe Schedule 4 poisons.

Reg. 18 substituted by S.R. No. 16/2009 reg. 6.

18 Form of notification of a drug-dependent person

For the purposes of section 33(5) of the Act, the prescribed form is the form of DP1 in Schedule 2.

Reg. 19 substituted by S.R. No. 16/2009 reg. 6.

19 Form of application for Schedule 9 permit or Schedule 8 permit

(1) For the purposes of section 33A(2) of the Act, the prescribed form of application for a Schedule 9 permit is the form of DP2 in Schedule 2.

(2) For the purposes of sections 34(4) of the Act, the prescribed form of application for a Schedule 8 permit is the form of DP2A in Schedule 2.

20 Form of Schedule 9 permit and Schedule 8 permit

Reg. 20 substituted by S.R. No. 16/2009 reg. 6.

(1) For the purposes of section 33B(2) of the Act, the prescribed form of a Schedule 9 permit is the form of DP3 in Schedule 2.

(2) For the purposes of section 34A(2) of the Act, the prescribed form of a Schedule 8 permit is the form of DP3 in Schedule 2.

21 Permit required in particular circumstances for supply of methadone

Reg. 21 substituted by S.R. No. 16/2009 reg. 6.

(1) For the purposes of preventing the improper use of methadone, a registered medical practitioner or nurse practitioner must not administer, supply or prescribe methadone in circumstances where the registered medical practitioner or nurse practitioner is not required to hold a Schedule 8 permit unless he or she—

(a) has a permit from the Secretary authorising that registered medical practitioner or nurse practitioner to administer, supply or prescribe methadone; or

(b) is authorised by section 34D, 34E or 34F of the Act to administer, supply or prescribe methadone.

Penalty: 100 penalty units.

(2) Despite subregulation (1), a registered medical practitioner or nurse practitioner is not required to have a permit under this regulation if—

(a) he or she is treating a patient at an oncology clinic or a pain clinic at a hospital; or

(b) he or she is treating a patient who is under the care of a palliative care service.

Reg. 22 substituted by S.R. No. 16/2009 reg. 6.

22 Permit required in particular circumstances for supply of amphetamine, dexamphetamine, methylamphetamine and methylphenidate

(1) For the purposes of preventing the improper use of amphetamine, dexamphetamine, methylamphetamine or methylphenidate, a registered medical practitioner or nurse practitioner must not administer, supply or prescribe any one or more of those substances in circumstances where the registered medical practitioner or nurse practitioner is not required to hold a Schedule 8 permit unless he or she—

(a) has a permit from the Secretary authorising that registered medical practitioner or nurse practitioner to administer, supply or prescribe one or more of those substances; or

(b) is authorised by section 34D, 34E or 34F of the Act to administer, supply or prescribe any one or more of those substances.

Penalty: 100 penalty units.

(2) Despite subregulation (1), a registered medical practitioner is not required to have a permit under this regulation if he or she is—

(a) a paediatrician who is treating a person for attention deficit disorder; or

(b) a psychiatrist who is treating a person for attention deficit disorder.

Reg. 22A inserted by S.R. No. 16/2009 reg. 6.

22A Applications for permits under regulations 21 or 22

(1) The prescribed form of an application for a permit required under regulation 21 authorising the administration, supply or prescription of methadone is the form of DP2A in Schedule 2.

(2) The prescribed form of an application for a permit required under regulation 22 authorising the administration, supply or prescription of

amphetamine, dexamphetamine, methylamphetamine or methylphenidate is the form of DP2A in Schedule 2.

22B Secretary may issue a Schedule 8 permit

Reg. 22B inserted by S.R. No. 16/2009 reg. 6.

(1) On receiving an application for a permit under regulation 21, the Secretary may issue a Schedule 8 permit to a registered medical practitioner or a nurse practitioner authorising the practitioner to administer, supply or prescribe methadone to or for a person who is not a drug-dependent person.

(2) On receiving an application for a permit under regulation 22, the Secretary may issue a Schedule 8 permit to a registered medical practitioner or a nurse practitioner authorising the practitioner to administer, supply or prescribe amphetamine, dexamphetamine, methylamphetamine or methylphenidate to or for a person who is not a drug-dependent person.

(3) A Schedule 8 permit issued under subregulation (1) or (2) must be in the form of DP3 in Schedule 2.

(4) The Secretary may at any time amend, suspend or revoke a Schedule 8 permit issued under subregulation (1) or (2) and any permit which is suspended or revoked ceases to have effect.

Reg. 22B(4) amended by S.R. No. 131/2010 reg. 25(1).

23 Dentists not able to obtain permit for specialised supply

A dentist must not possess, administer, supply or prescribe methadone.

Penalty: 100 penalty units.

24 Disclosure of drug use within previous 8 weeks required

Reg. 24(1) amended by S.R. No. 131/2010 reg. 10.

(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 registered medical practitioner, veterinary practitioner, dentist, nurse practitioner or authorised registered nurse—

(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.

(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.

Division 3—Supply

25 Persons authorised to write prescriptions

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

Penalty: 100 penalty units.

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

Penalty: 100 penalty units.

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

Reg. 25(3) amended by S.R. No. 63/2007 reg. 12(1).

Penalty: 100 penalty units.

(4) A registered medical practitioner or dentist must not write a prescription for a Schedule 4 poison, Schedule 8 poison or Schedule 9 poison other than for the treatment of a person named on the prescription.

Penalty: 100 penalty units.

(5) A nurse practitioner must not write a prescription for a Schedule 4 poison or Schedule 8 poison other than for the treatment of a person named on the prescription.

Penalty: 100 penalty units.

(6) An authorised optometrist or an authorised podiatrist must not write a prescription for a Schedule 4 poison other than for the treatment of a person named on the prescription.

Reg. 25(6) amended by S.R. No. 63/2007 reg. 12(2).

Penalty: 100 penalty units.

(7) A veterinary practitioner must not write a prescription for a Schedule 4 poison, Schedule 8 poison or Schedule 9 poison other than for the treatment of an animal named or described on the prescription.

Penalty: 100 penalty units.

26 Style and required particulars for prescriptions

(1) A person authorised to write a prescription under regulation 25 must write a prescription for a Schedule 4 poison, Schedule 8 poison or Schedule 9 poison (as the case requires)—

(a) in his or her own handwriting; or

(b) in a manner of writing approved by the Secretary.

Penalty: 50 penalty units.

(2) In approving another manner of writing a prescription under subregulation (1)(b), 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) A person authorised to write a prescription under regulation 25 must ensure that any prescription written by the person for a Schedule 4 poison, Schedule 8 poison or Schedule 9 poison (as the case requires) is legible and durable and includes—

(a) the name, address and telephone number of the prescriber; and

(b) the name and address of the patient for whom the prescription is intended, or if a prescription is written by a veterinary practitioner, the name or species of animal and the name and address of the owner or the person having the custody of the animal; and

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

(d) the signature of the prescriber; and

(e) full particulars of the poison or controlled substance to be supplied including a statement of the quantity to be supplied; and

(f) in the case of a Schedule 8 poison or Schedule 9 poison, the statement of the quantity to be supplied written in words and figures; and

(g) 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) the administration of the poison or controlled substance is to be carried out by a registered medical practitioner, veterinary practitioner, pharmacist, dentist, authorised optometrist, authorised podiatrist, nurse or midwife as the case requires; and

Reg. 26(3)(g)(ii) amended by S.R. Nos 63/2007 reg. 13, 131/2010 reg. 11.

(h) the maximum number of times the prescription may be supplied if more than once; and

(i) in the case of a Schedule 8 poison or Schedule 9 poison, the maximum number of times the prescription may be supplied written in words and figures.

Penalty: 50 penalty units.

(4) A prescription for a Schedule 4 poison, Schedule 8 poison or Schedule 9 poison must not be written in a secret code or cipher.

Penalty: 50 penalty units.

(5) A prescriber must not knowingly include on a prescription for a Schedule 4 poison, Schedule 8 poison or Schedule 9 poison any particular which is false or misleading.

Penalty: 100 penalty units.

(6) A dentist must not direct that a prescription for a Schedule 4 poison, Schedule 8 poison or Schedule 9 poison be supplied more than once.

Penalty: 50 penalty units.

27 Emergency directions to pharmacists regarding supply

(1) Despite anything in this Division to the contrary, a registered medical practitioner, veterinary practitioner or dentist may issue oral 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) Despite anything in this Division to the contrary, a nurse practitioner may issue oral instructions to a pharmacist to supply a Schedule 4 poison or Schedule 8 poison if, in the opinion of the nurse practitioner, an emergency exists.

Reg. 27(3) amended by S.R. No. 63/2007 reg. 14(1).

(3) Despite anything in this Division to the contrary, an authorised optometrist or an authorised podiatrist may issue oral 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. 27(4) amended by S.R. No. 63/2007 reg. 14(2).

(4) A registered medical practitioner, veterinary practitioner, dentist, nurse practitioner, an authorised optometrist or an authorised podiatrist who issues oral instructions pursuant to subregulation (1), (2) or (3), as the case requires, must as soon as practicable write a prescription—

(a) indicating that it is in confirmation of the oral instructions; and

(b) deliver or forward that prescription to the pharmacist.

Penalty: 50 penalty units.

28 Particular prescription details to be verified prior to supply

(1) A pharmacist must not supply a Schedule 8 poison or Schedule 9 poison on a prescription unless he or she—

(a) if the prescription is handwritten, is familiar with the purported prescriber's handwriting and the writing is comparable with the usual writing of the purported prescriber; or

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

Penalty: 100 penalty units.

(2) Despite subregulation (1), a pharmacist may supply a quantity of a Schedule 8 poison sufficient for no more than 2 days' treatment.

(3) A pharmacist who supplies a Schedule 8 poison in accordance with subregulation (2) must retain the prescription despite the full quantity ordered not having been supplied.

Penalty: 100 penalty units.

29 Containers of drugs to be labelled with certain details

(1) A registered medical practitioner, pharmacist, veterinary practitioner or dentist who supplies a Schedule 4 poison, Schedule 8 poison or Schedule 9 poison for the treatment of a specific person, or the veterinary treatment of a specific animal, must ensure that the container in which it

is packed is labelled with the following information—

(a) the name of the patient or name or species of animal and the name of the owner or person having custody of the animal; and

(b) the date of recording as required by Division 5; and

(c) the name, address and telephone number of the place of supply; and

(d) the name of the poison or controlled substance or a trade name which unambiguously identifies the poison or controlled substance and its strength, form and quantity; and

(e) subject to subregulation (2), the directions for use.

Penalty: 50 penalty units.

(2) A registered medical practitioner, pharmacist, veterinary practitioner or dentist who supplies a Schedule 4 poison, Schedule 8 poison or Schedule 9 poison in accordance with subregulation (1) is not required to include directions for use of the poison on a label on the container if—

(a) in the case of a pharmacist—

(i) directions for use have not been included by the prescriber on the prescription for that poison; or

(ii) the dosage regimen or use is so complex that the prescriber has supplied the patient with separate written instruction; or

(b) the dosage regimen or use is so complex that the registered medical practitioner, veterinary practitioner or dentist has supplied the patient with separate written instruction; or

(c) the administration of the poison is to be carried out by a registered medical practitioner, pharmacist, veterinary practitioner, dentist, authorised optometrist, authorised podiatrist, nurse or midwife.

Reg. 29(2)(c) amended by S.R. Nos 63/2007 reg. 15(1), 131/2010 reg. 12(1).

(3) A nurse practitioner or authorised registered nurse who supplies a Schedule 4 poison or Schedule 8 poison for the treatment of a specific person must ensure that the container in which it is packed is labelled with the following information—

Reg. 29(3) amended by S.R. No. 131/2010 reg. 12(2).

(a) the name of the patient; and

(b) the date of recording as required by Division 5; and

(c) the name, address and telephone number of the place of supply; and

(d) the name of the poison or controlled substance or a trade name which unambiguously identifies the poison or controlled substance and its strength, form and quantity; and

(e) subject to subregulation (4), the directions for use.

Penalty: 50 penalty units.

(4) A nurse practitioner or authorised registered nurse who supplies a Schedule 4 poison or Schedule 8 poison in accordance with subregulation (3) is not required to include directions for use of the poison on a label on the container if—

Reg. 29(4) amended by S.R. No. 131/2010 reg. 12(3).

(a) the dosage regimen or use is so complex that the nurse practitioner or authorised registered nurse has supplied the patient with separate written instruction; or

Reg. 29(4)(a) amended by S.R. No. 131/2010 reg. 12(3).

(b) the administration of the poison is to be carried out by a registered medical practitioner, pharmacist, dentist, authorised optometrist, authorised podiatrist, nurse or midwife.

Reg. 29(4)(b) amended by S.R. Nos 63/2007 reg. 15(2), 131/2010 reg. 12(4).

(5) An authorised optometrist or an authorised podiatrist who supplies a Schedule 4 poison for the treatment of a specific person must ensure that the container in which it is packed is labelled with the following information—

Reg. 29(5) amended by S.R. No. 63/2007 reg. 15(3).

(a) the name of the patient; and

(b) the date of recording as required by Division 5; and

(c) the name, address and telephone number of the place of supply; and

(d) the name of the poison or controlled substance or a trade name which unambiguously identifies the poison or controlled substance and its strength, form and quantity; and

(e) subject to subregulation (6), the directions for use.

Penalty: 50 penalty units.

(6) An authorised optometrist or an authorised podiatrist who supplies a Schedule 4 poison in accordance with subregulation (5) is not required to include directions for use of the poison on a label on the container if—

Reg. 29(6) amended by S.R. No. 63/2007 reg. 15(4)(a).

(a) the dosage regimen or use is so complex that the authorised optometrist or authorised podiatrist has supplied the patient with separate written instruction; or

Reg. 29(6)(a) amended by S.R. No. 63/2007 reg. 15(4)(b).

(b) the administration of the poison is to be carried out by a registered medical practitioner, pharmacist, dentist, an authorised optometrist, an authorised podiatrist, nurse or midwife.

Reg. 29(6)(b) amended by S.R. Nos 63/2007 reg. 15(4)(c), 131/2010 reg. 12(5).

(7) A veterinary practitioner is not required to comply with subregulation (1) if a Schedule 4 poison is supplied in bulk for treatment of flocks or herds of animals provided that—

(a) each container of the poison retains the manufacturer's original label; and

(b) the veterinary practitioner provides written instructions containing the information specified in subregulation (1) to the owner of, or the person having custody of, the animals.

30 Duration of prescriptions

(1) A pharmacist who supplies a Schedule 4 poison, Schedule 8 poison or Schedule 9 poison on a prescription must ensure that the prescription is marked in a way that indicates durably—

(a) that the poison or controlled substance has been supplied; and

(b) the date of recording as required by Division 5; and

(c) the premises from which the poison or controlled substance was supplied.

Penalty: 50 penalty units.

(2) A pharmacist must not supply a Schedule 4 poison, Schedule 8 poison or Schedule 9 poison on a prescription if it is more than—

(a) 12 months after the date written on the prescription in the case of a prescription for a Schedule 4 poison; or

(b) 6 months after the date written on the prescription in the case of a prescription for a Schedule 8 poison or Schedule 9 poison.

Penalty: 50 penalty units.

31 Circumstances where prescriptions are not to be filled

(1) A pharmacist must not supply a Schedule 4 poison, Schedule 8 poison or Schedule 9 poison on a prescription—

(a) in excess of the quantities authorised; or

(b) which he or she has reason to believe has been forged or is fraudulent in any way; or

(c) which he or she has reason to believe has been altered in any way other than by or on the instruction of the prescriber; or

(d) which is illegible or defaced; or

(e) when the quantity authorised has already been supplied.

Penalty: 100 penalty units.

(2) A pharmacist to whom a prescription referred to in subregulation (1)(b) or (c) is presented must without delay notify a member of the Victoria Police and the Secretary of the circumstances concerning the presentation of the prescription.

Penalty: 50 penalty units.

32 Duty of pharmacist to notify different prescribers of similar supply

A pharmacist who is presented with a prescription for a drug of dependence or a Schedule 8 poison or Schedule 9 poison for a person whom the pharmacist has reason to believe was supplied in the previous 8 weeks with the same or a similar drug of dependence, Schedule 8 poison or Schedule 9 poison on a prescription written by a different prescriber must take all reasonable steps prior to supply or, if unable to do so, as soon as practicable after the supply has occurred, to inform the prescriber that the previous supply has occurred unless the pharmacist has reason to believe the prescriber is already aware of the previous supply or prescription.

Penalty: 50 penalty units.

33 Retention of original prescriptions or orders once supply completed

(1) A pharmacist who supplies a Schedule 8 poison or Schedule 9 poison on a prescription or order of a registered medical practitioner, veterinary practitioner or dentist or a Schedule 8 poison on the prescription or order of a nurse practitioner must on the last occasion the supply is made—

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

(b) in the case of a prescription or order on which other poisons or controlled substances may still be legally supplied, ensure that the prescription or order is durably marked in such a way that it can be seen clearly that further supplies of that Schedule 8 poison or Schedule 9 poison are not allowed.

Penalty: 50 penalty units.

(2) A pharmacist who retains a prescription or order pursuant to subregulation (1)(a) must retain that prescription or order on a file kept solely for the purpose of retaining such prescriptions or orders for a period of 3 years from the date the Schedule 8 poison or Schedule 9 poison (as the case requires) was last supplied.

(3) A pharmacist must produce a prescription or order referred to in subregulation (2) on demand to an authorised officer.

(4) It is sufficient compliance with subregulation (1) if a pharmacist retains a legible copy of the prescription or order if he or she is required to submit the original to a public authority by any Act of a State, a Territory or the Commonwealth.

Division 4—Storage

34 General security requirement—Schedule 4 poisons

(1) A person to whom this regulation applies must store any Schedule 4 poisons in the person's possession in a lockable storage facility.

Penalty: 100 penalty units.

(2) A person to whom this regulation applies must take all reasonable steps to ensure that the storage facility referred to in subregulation (1) remains locked and secured to prevent access by an unauthorised person 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

Reg. 34(2)(b) amended by S.R. Nos 63/2007 reg. 16(1), 131/2010 reg. 13(1).

(b) in the case of poisons stored in accordance with subregulation (3)(a) or (b), when a registered medical practitioner, pharmacist, veterinary practitioner, dentist, nurse practitioner, an authorised optometrist, an authorised podiatrist, nurse or midwife

authorised under regulation 5(2)(a) is present.

Penalty: 100 penalty units.

(3) Despite subregulations (1) and (2), a registered medical practitioner, pharmacist, veterinary practitioner, dentist, nurse practitioner, an authorised optometrist or an authorised podiatrist may store Schedule 4 poisons at the premises in which he or she carries out the lawful practice of his or her profession in—

Reg. 34(3) amended by S.R. No. 63/2007 reg. 16(2).

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

(b) the treatment room of the premises; or

(c) in an area separated from the remainder of the premises and to which only a registered medical practitioner, pharmacist, veterinary practitioner, dentist, nurse practitioner, an authorised optometrist or an authorised podiatrist has access.

Reg. 34(3)(c) amended by S.R. No. 63/2007 reg. 16(2).

(4) This regulation applies to—

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

Reg. 34(4)(a) amended by S.R. No. 63/2007 reg. 16(3).

(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

(c) a nurse or midwife approved under regulation 5(3) to be in possession of a Schedule 4 poison.

Reg. 34(4)(c) amended by S.R. No. 131/2010 reg. 13(2).

35 Storage of Schedule 8 and Schedule 9 poisons

(1) A person to whom this regulation applies must store any Schedule 8 poisons or Schedule 9 poisons in that person's possession in a lockable storage facility that provides not less security than a storage facility that is—

(a) constructed of mild steel plate of 10 millimetres thickness; and

(b) constructed with continuous welding of all edges; and

(c) fitted with a door constructed of mild steel plate of 10 millimetres 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 millimetres; 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.

Penalty: 100 penalty units.

(2) A person to whom this regulation applies must take all reasonable steps to ensure that the storage facility remains locked and secured to prevent access by an unauthorised person 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.

(3) A person to whom this regulation applies must take all reasonable steps to ensure that the storage facility referred to in subregulation (1) is used only for the storage of Schedule 8 poisons, Schedule 9 poisons and drugs of dependence.

Penalty: 100 penalty units.

(4) A person to whom this regulation applies must keep any Schedule 8 poisons or Schedule 9 poisons in the person's possession which are 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.

Reg. 35(5) substituted by S.R. No. 16/2009 reg. 7.

(5) Despite subregulations (1) and (3), a person to whom this regulation applies may keep up to 6 divided doses of a Schedule 8 poison in a lockable storage facility for use in an emergency.

(6) This regulation applies to—

(a) a registered medical practitioner, pharmacist, veterinary practitioner, dentist and nurse practitioner; 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. 35(6)(c) amended by S.R. No. 131/2010 reg. 14.

(c) a nurse or midwife approved under regulation 5(3) to be in possession of a Schedule 8 poison or a Schedule 9 poison.

36 Storage requirements

(1) A person to whom this regulation applies must—

(a) store any Schedule 4 poison in the person's possession in a lockable storage facility; and

(b) store any Schedule 8 poison or Schedule 9 poison in the person's possession in a lockable room or in a lockable storage facility which is firmly fixed to a floor or wall; and

(c) take all reasonable steps to ensure that the storage facilities for Schedule 4 poisons, Schedule 8 poisons and Schedule 9 poisons remain locked and secured to prevent access by an unauthorised person 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.

(2) This regulation applies to—

(a) a person referred to in Column 1 of Part 2 of the table in regulation 5 as authorised to have in his or her possession a Schedule 4 poison or Schedule 8 poison; and

(b) an approved provider of an aged care service if—

(i) in that service there is a resident who is receiving a high level of residential care; and

(ii) that resident has been supplied, on prescription, with a Schedule 4 poison, a Schedule 8 poison, or a Schedule 9 poison.

37 Additional security provisions required in certain circumstances

(1) Subject to subregulation (2), the Secretary may—

(a) direct a person to whom regulation 34, 35 or 36 applies to provide more secure storage for Schedule 4 poisons, Schedule 8 poisons or Schedule 9 poisons than that described in regulations 34, 35 and 36; or

(b) grant approval 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.

Division 5—Records

38 Definition of transaction

In this Division ***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.

39 Persons required to keep records

The following persons are required to keep records under this Division—

Reg. 39(a) amended by S.R. No. 63/2007 reg. 17.

(a) a registered medical practitioner, pharmacist, veterinary practitioner, dentist, nurse practitioner, an authorised optometrist and an 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, Schedule 8 poison or Schedule 9 poison; and

Reg. 39(c) amended by S.R. No. 131/2010 reg. 15.

(c) a nurse or midwife authorised under regulation 5(2) to be in possession of a Schedule 4 poison, Schedule 8 poison or Schedule 9 poison; and

(d) an approved provider of an aged care service if—

(i) in that service there is a resident who is receiving a high level of residential care; and

(ii) that resident has been supplied, on prescription, with a Schedule 4 poison, a Schedule 8 poison, or a Schedule 9 poison; and

(e) a person referred to in Column 1 of Part 2 of the table in regulation 5 as authorised to have in his or her possession a Schedule 4 poison or Schedule 8 poison.

40 Details to be contained in records

(1) A person required to keep records under this Division 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 prescriber; and

(ii) the directions for use as set out on the prescription; and

(d) the name and address or location of persons to whom the poison or controlled substance is transferred, supplied, administered or otherwise disposed of; and

(e) 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

(f) in the case of a Schedule 8 poison or Schedule 9 poison which has been destroyed by a registered medical practitioner, pharmacist, veterinary practitioner or dentist in accordance with regulation 51(3)(a), the details set out in regulation 51(3)(b); and

(g) in the case of a Schedule 8 poison which has been destroyed by a nurse practitioner in accordance with regulation 51(2)(a), the details set out in regulation 51(2)(b); and

Reg. 40(1)(ga) inserted by S.R. No. 63/2007 reg. 18(1).

(ga) 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 51(4A)(a), the matters set out in regulation 51(4A)(b); and

Reg. 40(1)(h) amended by S.R. No. 131/2010 reg. 16.

(h) 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 midwife in accordance with regulation 51(4)(a), the details set out in regulation 51(4)(b); and

(i) in the case of a transaction involving supply or administration to a specific person, the name of the person carrying out the transaction.

Penalty: 50 penalty units.

Reg. 40(2) amended by S.R. No. 63/2007 reg. 18(2).

(2) Despite subregulation (1), a registered medical practitioner, pharmacist, veterinary practitioner, dentist, nurse practitioner, an authorised optometrist or an authorised podiatrist is not required to keep a record of the destruction of Schedule 4 poisons.

41 Methods by which records are to be retained and retrieved

(1) A person required to keep records under this Division 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 or controlled substance; 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) A person required to keep records under this Division must keep records made by the person readily retrievable in English.

Penalty: 50 penalty units.

(3) A person required to keep records under this Division 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.

(4) A person required to keep records under this Division must produce on demand to an authorised officer all records required to be kept under this Division.

Penalty: 50 penalty units.

(5) A person required to keep records under this Division must maintain the records made by him or her 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.

(6) An approved provider of an aged care service where there is a resident who is receiving a high level of residential care who has been supplied, on prescription, with a Schedule 4 poison, Schedule 8 poison or Schedule 9 poison need not comply with subregulation (1) in relation to Schedule 8 poisons or Schedule 9 poisons that are—

(a) supplied on prescription for a specific person; and

(b) supplied in tamper-evident compartments of dose administration containers; and

(c) labelled by a registered medical practitioner, pharmacist, dentist or nurse practitioner for administration at times specified on the label.

42 Accurate records to be kept

A person required to keep records under this Division 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.

43 Discrepancies in records to be investigated

A person required to keep records under this Division 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.

44 Lost or stolen records to be reported

A person required to keep records under this Division 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.

Division 6—Administration

45 Use of drugs and poisons restricted to person or animal for whom they were supplied

(1) A person must not administer or use a Schedule 4 poison, Schedule 8 poison or Schedule 9 poison supplied by a registered medical practitioner, pharmacist, veterinary practitioner or dentist for the treatment of a specific person or animal other than for the treatment of that person or animal.

Penalty: 100 penalty units.

Reg. 45(2) amended by S.R. No. 131/2010 reg. 17.

(2) A person must not administer or use a Schedule 4 poison or Schedule 8 poison supplied by a nurse practitioner or authorised registered nurse for the treatment of a specific person other than for the treatment of that person.

Penalty: 100 penalty units.

Reg. 45(3) amended by S.R. No. 63/2007 reg. 19.

(3) A person must not administer or use a Schedule 4 poison supplied by an authorised optometrist or an authorised podiatrist for the treatment of a specific person other than for the treatment of that person.

Penalty: 100 penalty units.

46 Administration of drugs and poisons to be authorised

(1) A registered medical practitioner or dentist who orders the administration of a Schedule 4 poison, Schedule 8 poison or Schedule 9 poison to a person—

(a) must provide that instruction in writing in a legible and durable form; and

(b) must date and confirm that order with his or her signature.

Penalty: 100 penalty units.

(2) A nurse practitioner who orders the administration of a Schedule 4 poison or Schedule 8 poison to a person—

(a) must provide that instruction in writing in a legible and durable form; and

(b) must date and confirm that order with his or her signature.

Penalty: 100 penalty units.

Reg. 46(3) amended by S.R. No. 63/2007 reg. 20(1).

(3) An authorised optometrist or an authorised podiatrist who orders the administration of a Schedule 4 poison to a person—

(a) must provide that instruction in writing in a legible and durable form; and

(b) must date and confirm that order with his or her signature.

Penalty: 100 penalty units.

(4) A person must not administer a Schedule 4 poison, Schedule 8 poison or Schedule 9 poison to another person on the instruction of a registered medical practitioner or dentist if—

(a) in the case of a Schedule 4 poison, it is more than 12 months after the date on which the instruction was given; or

(b) in the case of a Schedule 8 poison or Schedule 9 poison, it is more than 6 months after the date on which the instruction was given.

Penalty: 100 penalty units.

(5) A person must not administer a Schedule 4 poison or Schedule 8 poison to another person on the instruction of a nurse practitioner if—

(a) in the case of a Schedule 4 poison, it is more than 12 months after the date on which the instruction was given; or

(b) in the case of Schedule 8 poison, it is more than 6 months after the date on which the instruction was given.

Penalty: 100 penalty units.

(6) A person must not administer a Schedule 4 poison to another person on the instruction of an authorised optometrist or an authorised podiatrist if it is more than 12 months after the date on which the instruction was given.

Reg. 46(6) amended by S.R. Nos 63/2007 reg. 20(2).

Penalty: 100 penalty units.

(7) A person referred to in Column 1 of Part 2 of the table in regulation 5 must not administer a Schedule 4 poison or Schedule 8 poison other than to the extent authorised by Column 2 of Part 2 of the Table.

Penalty: 100 penalty units.

Reg. 47 (Heading) amended by S.R. No. 131/2010 reg. 18(1).

47 Administration of drugs and poisons by a nurse or midwife

Reg. 47(1) amended by S.R. No. 131/2010 reg. 18(2).

(1) A nurse or midwife must not administer a Schedule 9 poison to a person other than—

(a) in accordance with the directions for use on the container of the Schedule 9 poison supplied by a registered medical practitioner, pharmacist or dentist; or

(b) on the written instruction of a registered medical practitioner or dentist; or

Reg. 47(1)(c) amended by S.R. No. 131/2010 reg. 18(2).

(c) on the oral instructions of a registered medical practitioner or dentist to the nurse or midwife if, in the opinion of the registered medical practitioner or dentist, an emergency exists; or

Reg. 47(1)(d) amended by S.R. No. 131/2010 reg. 18(2).

(d) on the written transcription of the oral instructions referred to in paragraph (c) by another nurse or midwife who received those instructions; or

(e) in accordance with regulation 5(2) or an approval of the Secretary under regulation 5(3).

Reg. 47(2) amended by S.R. No. 131/2010 reg. 18(3).

(2) A nurse or midwife must not administer a Schedule 8 poison other than—

(a) in accordance with the directions for use on the container of the Schedule 8 poison supplied by a registered medical practitioner, pharmacist, dentist or nurse practitioner; or

(b) on the written instruction of a registered medical practitioner, dentist or nurse practitioner; or

(c) on the oral instructions of a registered medical practitioner, dentist or nurse practitioner to the nurse or midwife if, in the opinion of the registered medical practitioner, dentist or nurse practitioner, an emergency exists; or

Reg. 47(2)(c) amended by S.R. No. 131/2010 reg. 18(4).

(d) on the written transcription of the oral instructions referred to in paragraph (c) by another nurse or midwife who received those instructions; or

Reg. 47(2)(d) amended by S.R. No. 131/2010 reg. 18(5).

(e) in accordance with regulation 5(2) or an approval of the Secretary under regulation 5(3).

(3) A nurse or midwife must not administer a Schedule 4 poison other than—

Reg. 47(3) amended by S.R. No. 131/2010 reg. 18(6).

(a) in accordance with the directions for use on the container of the Schedule 4 poison supplied by a registered medical practitioner, pharmacist, dentist, nurse practitioner, an authorised optometrist or an authorised podiatrist; or

Reg. 47(3)(a) amended by S.R. No. 63/2007 reg. 21(1).

(b) on the written instruction of a registered medical practitioner, dentist, nurse practitioner, an authorised optometrist or an authorised podiatrist; or

Reg. 47(3)(b) amended by S.R. No. 63/2007 reg. 21(1).

(c) on the oral instruction of a registered medical practitioner, dentist, nurse practitioner, an authorised optometrist or an authorised podiatrist to the nurse or midwife, if in the opinion of the registered medical practitioner, dentist, nurse practitioner, authorised optometrist or authorised podiatrist, an emergency exists; or

Reg. 47(3)(c) substituted by S.R. No. 63/2007 reg. 21(2), amended by S.R. No. 131/2010 reg. 18(7).

Reg. 47(3)(d) amended by S.R. No. 131/2010 reg. 18(8).

(d) on the written transcription of the oral instructions referred to in paragraph (c) by another nurse or midwife who received those instructions; or

(e) in accordance with regulation 5(2) or an approval of the Secretary under regulation 5(3).

Penalty: 100 penalty units.

Reg. 47(4) amended by S.R. No. 63/2007 reg. 21(3).

(4) A registered medical practitioner, dentist, nurse practitioner, an authorised optometrist or an authorised podiatrist who issues oral instructions in accordance with subregulation (1)(c), (2)(c) or (3)(c) (as the case requires) must as soon as practicable—

(a) confirm those oral instructions in writing; and

(b) include them or provide them for inclusion in the treatment records of the person concerned.

Penalty: 100 penalty units.

48 Self-administration of drugs and poisons restricted

A person must not use, prescribe, sell or supply a Schedule 4 poison, a Schedule 8 poison or a Schedule 9 poison (as the case requires) for the purpose of self-administration unless the person—

(a) in the case of a Schedule 9 poison—

(i) is a patient for whom a registered medical practitioner or dentist has prescribed that poison; and

(ii) is not the registered medical practitioner or dentist who prescribed that poison; and

(b) in the case of a Schedule 8 poison—

(i) is a patient for whom a registered medical practitioner, dentist or nurse practitioner has prescribed that poison; and

(ii) is not the registered medical practitioner, dentist or nurse practitioner who prescribed that poison; and

Reg. 48(c) substituted by S.R. No. 63/2007 reg. 22.

(c) in the case of a Schedule 4 poison—

(i) is a patient for whom—

(A) a registered medical practitioner, dentist or nurse practitioner; or

(B) an authorised optometrist or an authorised podiatrist (in accordance with the endorsement of his or her registration)—

has prescribed that poison; and

(ii) is not the registered medical practitioner, dentist, nurse practitioner, authorised optometrist or authorised podiatrist who prescribed that poison; and

(d) in any case, uses that poison to the extent and for the purpose for which it was prescribed, sold or supplied.

Penalty: 100 penalty units.

49 Administration or supply of drugs and poisons prohibited if to support drug dependency

A person must not administer, prescribe, sell or supply a drug of dependence or a Schedule 4 poison, Schedule 8 poison or Schedule 9 poison to any person merely for the purpose of supporting the drug dependence of that person.

Penalty: 100 penalty units.

Division 7—Destruction of Schedule 8 poisons and Schedule 9 poisons

50 Wilful destruction prohibited

Subject to this Division, a person must not wilfully destroy a Schedule 8 poison or Schedule 9 poison.

Penalty: 100 penalty units.

51 Exceptions

(1) Regulation 50 does not apply to—

(a) a Schedule 8 poison or Schedule 9 poison destroyed by or under the supervision of an authorised 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 member of the police force 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 (5), regulation 50 does not apply to a Schedule 8 poison if—

Reg. 51(2)(a) amended by S.R. No. 131/2010 reg. 19(1).

(a) it is destroyed by a nurse practitioner in the presence of another person who is a registered medical practitioner, pharmacist, veterinary practitioner, dentist, nurse or midwife; and

(b) the details of the destruction are recorded in the records required to be kept under regulation 40, including—

(i) the name, strength and quantity of the poisons or controlled substances 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 (5), regulation 50 does not apply to a Schedule 8 poison or Schedule 9 poison if—

Reg. 51(3)(a) amended by S.R. No. 131/2010 reg. 19(2).

(a) it is destroyed by a registered medical practitioner, pharmacist, veterinary practitioner or dentist in the presence of another person who is a registered medical practitioner, pharmacist, veterinary practitioner, dentist, nurse or midwife; and

(b) the details of the destruction are recorded in the records required to be kept under regulation 40, including—

(i) the name, strength and quantity of the poisons or controlled substances 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 (5), regulation 50 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—

Reg. 51(4)(a) amended by S.R. No. 131/2010 reg. 19(3).

(a) those contents are destroyed by a registered medical practitioner, pharmacist, veterinary practitioner, dentist, nurse or midwife; and

(b) the details of the destruction are recorded in the records required to be kept under regulation 40, including—

(i) the name, strength and quantity of the poisons or controlled substances destroyed; and

(ii) the method and place of destruction; and

(iii) the name of the person carrying out the destruction.

Reg. 51(4A) inserted by S.R. No. 63/2007 reg. 23(1).

(4A) Subject to subregulation (5), regulation 50 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 40, including—

(i) the name, strength and quantity of the poison or controlled substances destroyed; and

(ii) the method and place of destruction; and

(iii) the name of the person carrying out the destruction.

(5) The Secretary may direct a person referred to in subregulation (2), (3), (4) or (4A) 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.

Reg. 51(5) amended by S.R. No. 63/2007 reg. 23(2).

Division 8—Cultivation of narcotic plants

52 Authority to cultivate narcotic plants for non-therapeutic uses

For the purposes of section 72 of the Act, the Secretary may, in his or her 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.

Division 9—Warrants for ovulatory stimulants, prostaglandins, retinoids and thalidomide

53 Requirement for warrants

(1) A registered medical practitioner must not purchase, obtain, use, supply or prescribe an ovulatory stimulant, a prostaglandin, a retinoid or thalidomide unless he or she holds a warrant under the Act to do so.

Penalty: 100 penalty units.

(2) Despite subregulation (1), a registered medical practitioner acting in accordance with the instruction of a registered medical practitioner who holds a warrant may use, supply or prescribe an ovulatory stimulant, a prostaglandin, a retinoid or thalidomide with respect to a specific patient in accordance with the authorisation given by the warrant.

Reg. 53(3) inserted by S.R. No. 131/2010 reg. 20.

(3) A nurse practitioner acting in accordance with the instruction of a registered medical practitioner who holds a warrant may use, supply or prescribe an ovulatory stimulant, a prostaglandin, a retinoid or thalidomide with respect to a specific patient in accordance with the authorisation given by the warrant.

54 Warrant number to be included in any prescription

(1) A registered medical practitioner who prescribes an ovulatory stimulant, a prostaglandin, a retinoid or thalidomide must include the warrant number on the prescription.

Penalty: 10 penalty units.

Reg. 54(2) substituted by S.R. No. 131/2010 reg. 21.

(2) A registered medical practitioner or nurse practitioner who prescribes an ovulatory stimulant, a prostaglandin, a retinoid or thalidomide on the direction of the warrant holder must include on the prescription—

(a) the name of the registered medical practitioner who holds the warrant; and

(b) the warrant number.

Penalty: 10 penalty units.

55 Prohibition on dentists

A dentist must not purchase, obtain, use, supply or prescribe an ovulatory stimulant, a prostaglandin, a retinoid or thalidomide.

Penalty: 100 penalty units.

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Pt 3 (Heading and reg. 56) revoked by S.R. No. 63/2007 reg. 24.

PART 4—SCHEDULE 3 POISONS

57 Therapeutic need to be determined—registered medical practitioners

A registered medical practitioner must not administer, prescribe, sell or supply a Schedule 3 poison unless—

(a) that poison is for the medical treatment of a person under his or her care; and

(b) he or she has taken all reasonable steps to ensure a therapeutic need exists for that poison.

Penalty: 50 penalty units.

58 Therapeutic need to be determined—nurse practitioners

A nurse practitioner must not administer, prescribe, sell or supply a Schedule 3 poison unless—

(a) that poison is for the treatment of a person under his or her care; and

(b) he or she has taken all reasonable steps to ensure a therapeutic need exists for that poison.

Penalty: 50 penalty units.

Reg. 58A inserted by S.R. No. 131/2010 reg. 22.

58A Therapeutic need to be determined—authorised registered nurses

An authorised registered nurse must not administer or supply a Schedule 3 poison unless—

(a) that poison is for the treatment of a person under his or her care; and

(b) he or she has taken all reasonable steps to ensure a therapeutic need exists for that poison.

Penalty: 50 penalty units.

59 Therapeutic need to be determined—veterinary practitioners

A veterinary practitioner must not administer, prescribe, sell or supply a Schedule 3 poison unless—

(a) that poison is for the treatment of an animal under his or her care; and

(b) he or she has taken all reasonable steps to ensure a therapeutic need exists for that poison.

Penalty: 50 penalty units.

60 Therapeutic need to be determined—dentists

A dentist must not administer, prescribe, sell or supply a Schedule 3 poison unless—

(a) that poison is for the dental treatment of a person under his or her care; and

(b) he or she has taken all reasonable steps to ensure a therapeutic need exists for that poison.

Penalty: 50 penalty units.

60A Therapeutic need to be determined—authorised optometrists

Reg. 60A inserted by S.R. No. 63/2007 reg. 25.

An authorised optometrist must not administer, prescribe, sell or supply a Schedule 3 poison unless—

(a) that poison is for the ocular treatment of a person under his or her care; and

(b) he or she has taken all reasonable steps to ensure a therapeutic need exists for that poison.

Penalty: 50 penalty units.

Reg. 60B inserted by S.R. No. 63/2007 reg. 25.

60B Therapeutic need to be determined—authorised podiatrists

An authorised podiatrist must not administer, prescribe, sell or supply a Schedule 3 poison unless—

(a) that poison is for the podiatric treatment of a person under his or her care; and

(b) he or she has taken all reasonable steps to ensure a therapeutic need exists for that poison.

Penalty: 50 penalty units.

61 Therapeutic need to be determined—pharmacists

A pharmacist who supplies a Schedule 3 poison other than—

(a) by wholesale; or

Reg. 61(b) amended by S.R. No. 63/2007 reg. 26.

(b) on the prescription of a registered medical practitioner, nurse practitioner, dentist, an authorised optometrist, an authorised podiatrist or veterinary practitioner—

must do so only for the therapeutic use of a person or animal, after having taken all reasonable steps to ensure a therapeutic need exists for that poison.

Penalty: 50 penalty units.

62 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 will promote the sale of that Schedule 3 poison or draw undue attention to it.

Penalty: 50 penalty units.

63 Requirements to supply

(1) A registered medical practitioner, pharmacist, veterinary practitioner, dentist, nurse practitioner, an authorised registered nurse, an authorised optometrist or an authorised podiatrist who sells or supplies a Schedule 3 poison to a person must—

Reg. 63(1) amended by S.R. Nos 63/2007 reg. 27(1), 131/2010 reg. 23.

(a) personally deliver or personally supervise its delivery to the person; and

(b) provide directions for the use of the Schedule 3 poison; and

(c) place a label on the container which uniquely identifies the supplier.

Penalty: 50 penalty units.

(2) Subregulation (1) does not apply to a pharmacist who sells or supplies a Schedule 3 poison by wholesale.

(3) Subregulations (1)(a) and (b) do not apply to a pharmacist who sells or supplies a Schedule 3 poison on the prescription of a registered medical practitioner, veterinary practitioner, dentist, nurse practitioner, an authorised optometrist or an authorised podiatrist.

Reg. 63(3) amended by S.R. No. 63/2007 reg. 27(2).

64 Administration or supply prohibited if to support drug dependency

A person must not administer, prescribe, sell or supply a Schedule 3 poison to a person merely for the purpose of supporting the drug dependence of that person.

Penalty: 50 penalty units.

PART 5—SCHEDULE 7 POISONS

65 Controls concerning listed regulated poisons

A person must not manufacture, sell, supply, 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.

66 Storage requirements

A person who sells or supplies any Schedule 7 poison by retail in accordance with the Act (whether or not by authority under section 13 of the Act) must store all Schedule 7 poisons in that person's possession in a storage facility which is not accessible to the public, unless access to that area or facility is under the personal supervision of that person or a person acting under his or her direction.

Penalty: 50 penalty units.

67 Licences, permits or warrants required for special Schedule 7 substances

A person must not possess or use a special Schedule 7 substance unless he or she holds a licence, permit or warrant issued under the Act.

Penalty: 100 penalty units.

PART 6—GENERAL REQUIREMENTS

68 Poisons to be sold by wholesale and retail in original unopened packs

(1) 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 his or her professional practice by a person authorised under section 13(1) of the Act with respect to that poison or controlled substance.

69 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.

70 Lost or stolen poisons to be notified

(1) A person to whom this regulation applies who loses a poison or controlled substance or from whom a poison or controlled substance is stolen must immediately upon becoming aware of that

loss or theft notify the Secretary or a member of the Victoria Police of the loss or theft.

Penalty: 20 penalty units.

(2) This regulation applies to—

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

Reg. 70(2)(a) amended by S.R. No. 63/2007 reg. 28.

(b) a person who holds a licence, permit or warrant issued under the Act or these Regulations; or

(c) a person who is referred to in Column 1 of Part 2 of the table in regulation 5; or

(d) a person who sells or supplies any Schedule 7 poison by retail; or

(e) a person who is an approved provider of an aged care service if—

(i) in that service, there is a resident who is receiving a high level of residential care; and

(ii) that resident has been supplied, on prescription, with a Schedule 4 poison, Schedule 8 poison or Schedule 9 poison.

71 Access to certain poisons restricted to a needs basis

A person who is authorised by, or licensed or permitted under, the Act or the 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—

(a) persons who are authorised by, or licensed or permitted under the Act or the regulations, to be in possession of that poison or controlled substance; and

(b) persons to whom access is required for carrying out essential operations in relation to that poison or controlled substance.

Penalty: 100 penalty units.

72 Form of seizure notice under section 43(1) of the Act

For the purposes of section 43(1) of the Act, the prescribed form is the form of DP4 in Schedule 2.

73 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 the form of DP5 in Schedule 2.

PART 7—LICENCES AND PERMITS ISSUED UNDER THE ACT

74 Licence to sell or supply Schedule 2 poisons by retail

The Secretary must not grant to 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.

75 Fees

(1) The prescribed fee for the issue of a licence or permit specified in an item in Column 1 of the following table is the amount specified in Column 2 of that table in respect of that licence or permit.

(2) The prescribed fee for an amendment of a licence or permit specified in an item in Column 1 of the table, where the amendment requires inspection of the premises by an authorised officer, is the amount specified in Column 3 of that table in respect of that licence or permit.

(3) The prescribed fee for the renewal of a licence or permit specified in an item in Column 1 of the table is the amount specified in Column 4 of that table in respect of that licence or permit.

(4) The prescribed fee for an amendment of a licence or permit which does not require the inspection of premises by an authorised officer is 5·3 fee units.

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TABLE

Column 1	*Column 2*	*Column 3*	*Column 4*
Description of licence or permit	*Issue of licence or permit*	*Amendment of licence or permit where amendment requires inspection of premises by an authorised officer*	*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.	107·6 fee units	107·6 fee units	73·8 fee units
2. Subject to item 3, a licence to manufacture and 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).	78·8 fee units	78·8 fee units	38·6 fee units

Column 1	*Column 2*	*Column 3*	*Column 4*
Description of licence or permit	*Issue of licence or permit*	*Amendment of licence or permit where amendment requires inspection of premises by an authorised officer*	*Renewal of licence or permit*
3. A licence to manufacture and sell or supply by wholesale any Schedule 2 poison, Schedule 3 poison or Schedule 7 poison or any combination of those poisons.	56·9 fee units	56·9 fee units	20·1 fee units
4. A licence to manufacture and sell or supply by retail a Schedule 7 poison (other than a listed regulated poison).	49·3 fee units	49·3 fee units	18·6 fee units
5. Subject to item 6, a licence to sell or supply by wholesale any Schedule 8 poison or Schedule 9 poison other than heroin.	107·6 fee units	107·6 fee units	73·8 fee units

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Column 1	*Column 2*	*Column 3*	*Column 4*
Description of licence or permit	*Issue of licence or permit*	*Amendment of licence or permit where amendment requires inspection of premises by an authorised officer*	*Renewal of licence or permit*
6. A licence to sell or supply by wholesale by Indent any Schedule 8 poison or Schedule 9 poison other than heroin.	49·3 fee units	49·3 fee units	33·4 fee units
7. Subject to item 8, 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).	78·8 fee units	78·8 fee units	38·6 fee units

Column 1	*Column 2*	*Column 3*	*Column 4*
Description of licence or permit	*Issue of licence or permit*	*Amendment of licence or permit where amendment requires inspection of premises by an authorised officer*	*Renewal of licence or permit*
8. 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).	49·3 fee units	49·3 fee units	22·7 fee units
9. Subject to item 10, 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.	56·9 fee units	56·9 fee units	20·1 fee units

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Column 1	*Column 2*	*Column 3*	*Column 4*
Description of licence or permit	*Issue of licence or permit*	*Amendment of licence or permit where amendment requires inspection of premises by an authorised officer*	*Renewal of licence or permit*
10. 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.	49·3 fee units	49·3 fee units	18·6 fee units
11. A licence to sell or supply by retail any Schedule 2 poison.	33·7 fee units	33·7 fee units	14·1 fee units
12. 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).	47·8 fee units	47·8 fee units	18·3 fee units

Column 1	*Column 2*	*Column 3*	*Column 4*
Description of licence or permit	*Issue of licence or permit*	*Amendment of licence or permit where amendment requires inspection of premises by an authorised officer*	*Renewal of licence or permit*
13. A permit to purchase or obtain and use for industrial, educational, advisory or research purposes any Schedule 2 poison, Schedule 3 poison, Schedule 4 poison or Schedule 7 poison or any combination of those poisons.	43·8 fee units	43·8 fee units	15·5 fee units
14. 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);	36·2 fee units	36·2 fee units	14·4 fee units

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Column 1	*Column 2*	*Column 3*	*Column 4*
Description of licence or permit	*Issue of licence or permit*	*Amendment of licence or permit where amendment requires inspection of premises by an authorised officer*	*Renewal of licence or permit*
Type B (residential aged care with single storage facility (no bed limit) or single site with 1 to 30 beds);	55·5 fee units	55·5 fee units	20·5 fee units
Type C (multiple sites with no beds or single site with 31 to 100 beds);	76·3 fee units	76·3 fee units	34·2 fee units
Type D (multiple sites or single site with more than 100 beds).	108·2 fee units	108·2 fee units	48·3 fee units

PART 8—TRANSITIONALS

76 Continuity of approvals, authorisations and directions

(1) An approval given by the Secretary under regulations 5(2)(a) and 5(2)(b) of the Drugs, Poisons and Controlled Substances Regulations 1995 and in force immediately before the commencement of these Regulations continues in force as if that approval had been given under regulation 6 of these Regulations.

(2) An approval given by the Secretary under regulation 5(4) of the Drugs, Poisons and Controlled Substances Regulations 1995 and in force immediately before the commencement of these Regulations continues in force as if that approval had been given under regulation 5(3) of these Regulations.

(3) An approval given by the Secretary under regulation 23(1) of the Drugs, Poisons and Controlled Substances Regulations 1995 and in force immediately before the commencement of these Regulations continues in force as if that approval had been given under regulation 26(1) of these Regulations.

(4) A direction given by the Secretary under regulation 36(1) of the Drugs, Poisons and Controlled Substances Regulations 1995 and in force immediately before the commencement of these Regulations continues in force as if that direction had been given under regulation 37(1)(a) of these Regulations.

(5) A direction given by the Secretary under regulation 50(2) of the Drugs, Poisons and Controlled Substances Regulations 1995 and in force immediately before the commencement of these Regulations continues in force as if that

direction had been given under regulation 51(5) of these Regulations.

(6) An authorisation given by the Secretary under regulation 51 of the Drugs, Poisons and Controlled Substances Regulations 1995 and in force immediately before the commencement of these Regulations continues in force as if that authorisation had been given under regulation 52 of these Regulations.

SCHEDULES

SCHEDULE 1

REVOKED STATUTORY RULES

S.R. No.	*Title*
20/1996	Drugs, Poisons and Controlled Substances (Amendment) Regulations 1996
47/1996	Drugs, Poisons and Controlled Substances (Further Amendment) Regulations 1996
81/1996	Drugs, Poisons and Controlled Substances (Labelling and Container) (Amendment) Regulations 1996
26/1997	Drugs, Poisons and Controlled Substances (Fees) Regulations 1997
75/1997	Drugs, Poisons and Controlled Substances (Amendment) Regulations 1997
132/1998	Drugs, Poisons and Controlled Substances (Optometrists) Regulations 1998
159/1998	Drugs, Poisons and Controlled Substances (Amendment) Regulations 1998
86/2002	Drugs, Poisons and Controlled Substances (Fees) Regulations 2002
67/2003	Drugs, Poisons and Controlled Substances (Fees) Regulations 2003
43/2004	Drugs, Poisons and Controlled Substances (Amendment) Regulations 2004
44/2004	Drugs, Poisons and Controlled Substances (Division 2 Nurses Amendment) Regulations 2004
150/2004	Drugs, Poisons and Controlled Substances (Nurse Practitioner and Miscellaneous Amendments) Regulations 2004
39/2005	Drugs, Poisons and Controlled Substances (Amendment) Regulations 2005

Sch. 1

S.R. No.	*Title*
117/2005	Drugs, Poisons and Controlled Substances (Fees) Regulations 2005
16/2006	Drugs, Poisons and Controlled Substances (Amendment) (Nurse Practitioners - Palliative Care) Regulations 2006

SCHEDULE 2

FORMS

FORM DP1

Sch. 2 Form DP1 substituted by S.R. No. 16/2009 reg. 8(1), amended by S.R. No. 131/2010 reg. 24(1).

Regulation 18

Drugs, Poisons and Controlled Substances Regulations 2006

NOTIFICATION OF DRUG-DEPENDENT PERSON

I, [*full name of registered medical practitioner/nurse practitioner*] of [*address, telephone and fax numbers of registered medical practitioner/nurse practitioner*]

have reason to believe that [*full name of patient*] of [*address of patient*] is dependent on [*name of drug(s)*] and my belief is based on the following grounds:

PATIENT DETAILS

Aliases (if any)

Sex

Date of birth

Approximate period of drug dependency

Other drugs used by patient

DPU number (if known)

Source of drugs

Was a Schedule 8 poison or poison Schedule 4 poison that is a drug of dependence requested?

If so, which Schedule poison(s)

Is it your intention to prescribe a Schedule 8 poison or Schedule 9 poison or a Schedule 4 poison that is a drug of dependence?

If so, which Schedule poison(s)

Signature of registered medical practitioner/nurse practitioner

Date

Sch. 2 Form DP2 substituted by S.R. No. 16/2009 reg. 8(1), amended by S.R. No. 131/2010 reg. 25(2).

FORM DP2

Regulation 19(1)

Drugs, Poisons and Controlled Substances Regulations 2006

TREATMENT WITH SCHEDULE 9 POISONS BY A REGISTERED MEDICAL PRACTITIONER

(Application for permit to administer, prescribe or supply)

FOR TREATMENT WITH SCHEDULE 9 POISONS

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

Address of registered medical practitioner Postcode

Telephone and fax no. of registered medical practitioner

Name and address of hospital where patient is undergoing treatment (if applicable)

Clinical diagnosis

Attach research literature which supports the efficacy of the Schedule 9 poison for that clinical diagnosis

Pharmaceutical product which contains the Schedule 9 poison

Country in which the Schedule 9 poison is registered for therapeutic use

Section 2:

Schedule 9 poison(s) for which permit is requested:

NAME OF POISON(S)	EXPECTED MAXIMUM DAILY DOSE

Details of other treatment (if applicable)

Signature of registered medical practitioner

Date

FORM DP2A

Sch. 2 Form DP2A inserted by S.R. No. 16/2009 reg. 8(1), amended by S.R. No. 131/2010 reg. 24(2).

Regulations 19(2), 22A

Drugs, Poisons and Controlled Substances Regulations 2006

TREATMENT WITH SCHEDULE 8 POISONS BY A REGISTERED MEDICAL PRACTITIONER OR A NURSE PRACTITIONER

(Application for permit to administer, prescribe or supply)

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

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)

Signature of registered medical practitioner/nurse practitioner

Date

Sch. 2

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

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 DP3

Sch. 2 Form DP3 substituted by S.R. No. 16/2009 reg. 8(2), amended by S.R. No. 131/2010 reg. 25(3).

Regulations 20, 22B(3)

Drugs, Poisons and Controlled Substances Regulations 2006

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

Sch. 2

FORM DP4

Regulation 72

Drugs, Poisons and Controlled Substances Regulations 2006

NOTICE OF SEIZURE

To of

I, an authorised officer under the **Drugs, Poisons and Controlled Substances Act 1981** give notice that I have at a.m./p.m. this day seized on the following grounds:

at

in the municipal district of 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 the form of Form DP5 to the Drugs, Poisons and Controlled Substances Regulations 2006, and a copy of that notice to the authorised officer who made the seizure, the poisons or controlled substances, other substances or documents will be destroyed or disposed of.

Dated at this day of 20 ,

at a.m./p.m.

Authorised Officer

Whose address for service of any notice of complaint verified by an accompanying statutory declaration is

FORM DP5

Regulation 73

Drugs, Poisons and Controlled Substances Regulations 2006

NOTICE OF COMPLAINT IN RESPECT OF A SEIZURE

To the registrar of the Magistrates' Court at

I, [*Full name*] of [*Address*]

being claimant of the poisons or controlled substances, other substances or documents described below—

which were seized by

on the day of at a.m./p.m., 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 authorised officer who made the seizure.

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Sch. 3 revoked by S.R. No. 63/2007 reg. 29.

ENDNOTES

1. General Information

The Drugs, Poisons and Controlled Substances Regulations 2006, S.R. No. 57/2006 were made on 25 May 2006 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 25 May 2006.

The Drugs, Poisons and Controlled Substances Regulations 2006 will sunset 10 years after the day of making on 25 May 2016 (see section 5 of the **Subordinate Legislation Act 1994**).

2. Table of Amendments

This Version incorporates amendments made to the Drugs, Poisons and Controlled Substances Regulations 2006 by statutory rules, subordinate instruments and Acts.

Drugs, Poisons and Controlled Substances (Health Professions Amendment) Regulations 2007, S.R. No. 63/2007

Date of Making:	26.6.07
Date of Commencement:	1.7.07: reg. 3

Drugs, Poisons and Controlled Substances Amendment Regulations 2009, S.R. No. 16/2009

Date of Making:	24.2.09
Date of Commencement:	Reg. 5 on 24.2.09: reg. 3(1); regs 6–8 on 1.3.09: reg. 3(2)

Drugs, Poisons and Controlled Substances Amendment Regulations 2010, S.R. No. 131/2010

Date of Making:	26.10.10
Date of Commencement:	26.10.10

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3. Explanatory Details

Fee Units

These Regulations provide for fees by reference to fee units established under 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 2010 is $11.95. 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.

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Table of Applied, Adopted or Incorporated Matter Required by the Subordinate Legislation Regulations 2004

Note that the following table of applied, adopted or incorporated matter is included in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2004.

Statutory Rule Provision	**Title of applied, adopted or incorporated document**	**Matter in applied, adopted or incorporated document**
Regulation 4 (definition of ***listed regulated poison***)	Poisons Code	Part 2 of Chapter 1
Regulation 4 (definition of ***ovulatory stimulant***)	Poisons Code	Part 2 of Chapter 1
Regulation 4 (definition of ***prostaglandin***)	Poisons Code	Part 2 of Chapter 1
Regulation 4 (definition of ***retinoid***)	Poisons Code	Part 2 of Chapter 1

Statutory Rule Provision	**Title of applied, adopted or incorporated document**	**Matter in applied, adopted or incorporated document**
Regulation 4 (definition of ***special Schedule 7 substance***)	Poisons Code which incorporates: Appendix C of Part 5 of the Standard for the Uniform Scheduling of Drugs and Poisons as in force from time to time	Part 2 of Chapter 1