

Authorised Version No. 015
Drugs, Poisons and Controlled Substances
Regulations 2006

S.R. No. 57/2006

Authorised Version incorporating amendments as at
10 March 2015

TABLE OF PROVISIONS

<i>Regulation</i>	<i>Page</i>
Part 1—Preliminary	1
1 Objectives	1
2 Authorising provisions	1
3 Revocation	1
4 Definitions	2
Part 2—Drugs of dependence, Schedule 4 poisons, Schedule 8 poisons and Schedule 9 poisons	8
Division 1—Possession	8
5 Possession of Schedule 4 poisons, Schedule 8 poisons and Schedule 9 poisons	8
6 Approval of Schedule 4 poisons and Schedule 8 poisons	16
7 Permit required for Schedule 9 poisons	16
Division 2—Treatment	16
8 Patient identity and therapeutic need to be determined—registered medical practitioners	16
9 Patient identity and therapeutic need to be determined—nurse practitioners	17
9A Patient identity and therapeutic need to be determined—authorised registered nurse	18
9B Patient identity and therapeutic need to be determined—authorised registered midwife	19
10 Patient identity and therapeutic need to be determined—dentists	21
11 Therapeutic need to be determined—authorised optometrists	21
11A Therapeutic need to be determined—authorised podiatrists	22
12 Patient identity and therapeutic need to be determined for drugs of dependence—pharmacists	22
13 Therapeutic need to be determined—veterinary practitioners	23
14 Notification of fraudulent obtaining of drugs or poisons	23

<i>Regulation</i>	<i>Page</i>
15 Pharmacist administration, sale or supply authorised from within Victoria	25
15A Minister may approve supply without prescription	28
16 Supply on copy of prescription permitted in certain circumstances	28
17 Pharmacist administration, sale or supply authorised from outside Victoria	29
18 Form of notification of a drug-dependent person	29
19 Form of application for Schedule 9 permit or Schedule 8 permit	29
20 Form of Schedule 9 permit and Schedule 8 permit	29
21 Permit required in particular circumstances for supply of methadone	30
21A Permit required in particular circumstances for supply of nabiximols	30
21B Permit required in particular circumstances for supply of sodium oxybate	31
22 Permit required in particular circumstances for supply of amphetamine, dexamphetamine, lisdexamfetamine, methylamphetamine and methylphenidate	32
22A Applications for permits under regulations 21, 21A, 21B or 22	33
22B Secretary may issue a Schedule 8 permit	33
23 Dentists not able to obtain permit for specialised supply	34
24 Disclosure of drug use within previous 8 weeks required	35
Division 3—Supply	35
25 Persons authorised to write prescriptions	35
26 Style and required particulars for prescriptions	37
27 Emergency directions to pharmacists regarding supply	39
28 Particular prescription details to be verified prior to supply	40
29 Containers of drugs to be labelled with certain details	41
30 Duration of prescriptions	45
30A Requirements when supply of Schedule 4 poison is made on a residential medication chart	45
31 Circumstances where prescriptions are not to be filled	46
32 Duty of pharmacist to notify different prescribers of similar supply	46
33 Retention of original prescriptions or orders once supply completed	47
Division 4—Storage	48
34 General security requirement—Schedule 4 poisons	48
35 Storage of Schedule 8 and Schedule 9 poisons	50
36 Storage requirements	52
37 Additional security provisions required in certain circumstances	53

<i>Regulation</i>	<i>Page</i>
Division 5—Records	54
38 Definition of transaction	54
39 Persons required to keep records	54
40 Details to be contained in records	55
41 Methods by which records are to be retained and retrieved	57
42 Accurate records to be kept	59
43 Discrepancies in records to be investigated	59
44 Lost or stolen records to be reported	59
Division 6—Administration	59
45 Use of drugs and poisons restricted to person or animal for whom they were supplied	59
46 Administration of drugs and poisons to be authorised	60
47 Administration of drugs and poisons by a nurse or registered midwife	62
48 Self-administration of drugs and poisons restricted	66
49 Administration or supply of drugs and poisons prohibited if to support drug dependency	67
Division 7—Destruction of Schedule 8 poisons and Schedule 9 poisons	68
50 Wilful destruction prohibited	68
51 Exceptions	68
Division 8—Cultivation of narcotic plants	71
52 Authority to cultivate narcotic plants for non-therapeutic uses	71
52A Authority to possess narcotic plant	71
Division 9—Warrants for ovulatory stimulants, prostaglandins, retinoids and thalidomide	72
53 Requirement for warrants	72
54 Warrant number to be included in any prescription	73
55 Prohibition on dentists	74
Part 4—Schedule 3 poisons	75
57 Therapeutic need to be determined—registered medical practitioners	75
58 Therapeutic need to be determined—nurse practitioners	75
58A Therapeutic need to be determined—authorised registered nurses	75
58B Therapeutic need to be determined—authorised registered midwives	76
59 Therapeutic need to be determined—veterinary practitioners	76
60 Therapeutic need to be determined—dentists	76
60A Therapeutic need to be determined—authorised optometrists	77
60B Therapeutic need to be determined—authorised podiatrists	77

<i>Regulation</i>	<i>Page</i>
61 Therapeutic need to be determined—pharmacists	77
62 Restrictions on storage and display	78
63 Requirements to supply	78
64 Administration or supply prohibited if to support drug dependency	79
Part 5—Schedule 7 poisons	80
65 Controls concerning listed regulated poisons	80
66 Storage requirements	80
67 Licences, permits or warrants required for special Schedule 7 substances	80
Part 6—General requirements	81
68 Poisons to be sold by wholesale and retail in original unopened packs	81
69 Transfer of poisons to inappropriate containers prohibited	81
70 Lost or stolen poisons to be notified	82
71 Access to certain poisons restricted to a needs basis	83
72 Form of seizure notice under section 43(1) of the Act	83
73 Form of complaint notice against a seizure under section 43(2) of the Act	83
Part 7—Licences and permits issued under the Act	84
74 Licence to sell or supply Schedule 2 poisons by retail	84
75 Fees	84
Part 8—Transitionals	92
76 Continuity of approvals, authorisations and directions	92
<hr/>	
Schedules	94
Schedule 1—Revoked Statutory Rules	94
Schedule 2—Forms	96
Form DP1—Notification of Drug-Dependent Person	96
Form DP2—Treatment with Schedule 9 Poisons by a Registered Medical Practitioner	97
Form DP2A—Treatment with Schedule 8 Poisons by a Registered Medical Practitioner or a Nurse Practitioner	98
Form DP3—Schedule 8 Permit/Schedule 9 Permit	101
Form DP4—Notice of Seizure	102
Form DP5—Notice of Complaint in Respect of a Seizure	103

<i>Regulation</i>	<i>Page</i>
Endnotes	104
1 General information	104
2 Table of Amendments	105
3 Amendments Not in Operation	106
4 Explanatory details	107

Authorised Version No. 015
Drugs, Poisons and Controlled Substances
Regulations 2006

S.R. No. 57/2006

Authorised Version incorporating amendments as at
10 March 2015

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;

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

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

Reg. 4 def. of *authorised registered midwife* inserted by S.R. No. 136/2012 reg. 5(1).

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;

* * * * *

Reg. 4 def. of *midwife* inserted by S.R. No. 131/2010 reg. 5, revoked by S.R. No. 136/2012 reg. 5(2).

Reg. 4 def. of
*National
Health
(Continued
Dispensing)
Determination
2012*
inserted by
S.R. No.
107/2013
reg. 4.

***National Health (Continued Dispensing)
Determination 2012*** means the legislative instrument made under section 89A(3) of the National Health Act 1953 of the Commonwealth as formulated or published from time to time;

Reg. 4 def. of
*National
Health
(Residential
Medication
Chart)
Determination
2012*
inserted by
S.R. No.
194/2014
reg. 5.

***National Health (Residential Medication Chart)
Determination 2012*** means the legislative instrument made under section 93A(2) of the National Health Act 1953 of the Commonwealth as formulated or published from time to time;

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;

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

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 business 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 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).

* * * * *

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;

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),
amended by
S.R. No.
136/2012
reg. 5(3).

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 therapist
inserted by
S.R. No.
63/2007
reg. 5(1)(g),
substituted by
S.R. No.
131/2010
reg. 4(h).

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 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;

Reg. 4 def. of
resident
inserted by
S.R. No.
194/2014
reg. 5.

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

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

Reg. 4 def. of *residential care service* inserted by S.R. No. 194/2014 reg. 5.

residential medication chart means an instruction, other than a prescription, given by a registered medical practitioner to a pharmacist to supply a Schedule 4 poison to the resident named on the residential medication chart, in accordance with the National Health (Residential Medication Chart) Determination 2012;

Reg. 4 def. of *residential medication chart* inserted by S.R. No. 194/2014 reg. 5.

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;

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;

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

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.

Reg. 5(1)
(Table)
amended by
S.R. Nos
63/2007
reg. 6(1)-(5),
131/2010
reg. 6(1)-(5),
136/2012
reg. 6(1)-(4).

TABLE

<i>Column 1</i>	<i>Column 2</i>
-----------------	-----------------

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 |

Drugs, Poisons and Controlled Substances Regulations 2006
S.R. No. 57/2006
Part 2—Drugs of dependence, Schedule 4 poisons, Schedule 8 poisons and
Schedule 9 poisons

<i>Column 1</i>	<i>Column 2</i>
	(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, nurse practitioner or authorised registered midwife; or
	(d) in the case of a Schedule 4 poison, a registered medical practitioner, pharmacist, veterinary practitioner, dentist, nurse practitioner or authorised registered midwife; 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.

Drugs, Poisons and Controlled Substances Regulations 2006
S.R. No. 57/2006
Part 2—Drugs of dependence, Schedule 4 poisons, Schedule 8 poisons and
Schedule 9 poisons

<i>Column 1</i>	<i>Column 2</i>
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, authorised registered nurse or authorised registered midwife 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, authorised registered nurse or authorised registered midwife 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.

Drugs, Poisons and Controlled Substances Regulations 2006
 S.R. No. 57/2006
 Part 2—Drugs of dependence, Schedule 4 poisons, Schedule 8 poisons and
 Schedule 9 poisons

	<i>Column 1</i>	<i>Column 2</i>
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.

Drugs, Poisons and Controlled Substances Regulations 2006
S.R. No. 57/2006
Part 2—Drugs of dependence, Schedule 4 poisons, Schedule 8 poisons and
Schedule 9 poisons

<i>Column 1</i>	<i>Column 2</i>
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.

Drugs, Poisons and Controlled Substances Regulations 2006
 S.R. No. 57/2006
 Part 2—Drugs of dependence, Schedule 4 poisons, Schedule 8 poisons and
 Schedule 9 poisons

<i>Column 1</i>	<i>Column 2</i>
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 .

Drugs, Poisons and Controlled Substances Regulations 2006
S.R. No. 57/2006
Part 2—Drugs of dependence, Schedule 4 poisons, Schedule 8 poisons and
Schedule 9 poisons

	<i>Column 1</i>	<i>Column 2</i>
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.

Reg. 5(2)
amended by
S.R. Nos
131/2010
reg. 6(6),
136/2012
reg. 6(5).

- (2) A nurse or registered 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 registered midwife in accordance with—
- (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 an authorised registered midwife; 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)(ii)
amended by
S.R. No.
136/2012
reg. 6(6).

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

Reg. 5(3)
amended by
S.R. Nos
131/2010
reg. 6(7),
136/2012
reg. 6(7).

Reg. 5(3)(b)
amended by
S.R. No.
136/2012
reg. 6(8).

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

Reg. 5(4)(b)
amended by
S.R. Nos
63/2007
reg. 6(6)(c),
131/2010
reg. 6(8),
136/2012
reg. 6(9)(10).

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

6 Approval of Schedule 4 poisons and Schedule 8 poisons

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.

- (1A) Nothing in subregulation (1) prohibits a nurse practitioner from administering a Schedule 8 poison in accordance with regulation 47(2).

Reg. 9(1A)
inserted by
S.R. No.
136/2012
reg. 7(1).

Note

Regulation 47(2) describes circumstances in which a nurse may administer a Schedule 8 poison. For example, regulation 47(2)(b) allows a nurse to administer a Schedule 8 poison on the written instruction of a registered medical practitioner.

- (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.

- (3) Nothing in subregulation (2) prohibits a nurse practitioner from administering a Schedule 4 poison in accordance with regulation 47(3).

Note

Regulation 47(3) describes circumstances in which a nurse may administer a Schedule 4 poison. For example, regulation 47(3)(b) allows a nurse to administer a Schedule 4 poison on the written instruction of a registered medical practitioner.

Reg. 9(3)
inserted by
S.R. No.
136/2012
reg. 7(2).

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

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

- (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.

- (1A) Nothing in subregulation (1) prohibits an authorised registered nurse from administering a Schedule 8 poison in accordance with regulation 47(2).

Reg. 9A(1A)
inserted by
S.R. No.
136/2012
reg. 8(1).

Note

Regulation 47(2) describes circumstances in which a nurse may administer a Schedule 8 poison. For example, regulation 47(2)(b) allows a nurse to administer a Schedule 8 poison on the written instruction of a registered medical practitioner.

- (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.

- (3) Nothing in subregulation (2) prohibits an authorised registered nurse from administering a Schedule 4 poison in accordance with regulation 47(3).

Reg. 9A(3)
inserted by
S.R. No.
136/2012
reg. 8(2).

Note

Regulation 47(3) describes circumstances in which a nurse may administer a Schedule 4 poison. For example, regulation 47(3)(b) allows a nurse to administer a Schedule 4 poison on the written instruction of a registered medical practitioner.

9B Patient identity and therapeutic need to be determined—authorised registered midwife

- (1) An authorised registered midwife must not administer, prescribe, sell or supply a Schedule 8 poison unless—
- (a) that poison is for the midwifery 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

Reg. 9B
inserted by
S.R. No.
136/2012
reg. 9.

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

Penalty: 100 penalty units.

(2) Nothing in subregulation (1) prohibits an authorised registered midwife from administering a Schedule 8 poison in accordance with regulation 47(2).

Note

Regulation 47(2) describes circumstances in which a registered midwife may administer a Schedule 8 poison. For example, regulation 47(2)(b) allows a registered midwife to administer a Schedule 8 poison on the written instruction of a registered medical practitioner.

(3) An authorised registered midwife must not administer, prescribe, sell or supply a Schedule 4 poison unless—

(a) that poison is for the midwifery 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.

(4) Nothing in subregulation (3) prohibits an authorised registered midwife from administering a Schedule 4 poison in accordance with regulation 47(3).

Note

Regulation 47(3) describes circumstances in which a registered midwife may administer a Schedule 4 poison. For example, regulation 47(3)(b) allows a registered midwife to administer a Schedule 4 poison on the written instruction of a registered medical practitioner.

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

Reg. 12(1)
amended by
S.R. Nos
136/2012
reg. 10,
194/2014
reg. 6.

(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, nurse practitioner or an authorised registered midwife or on a residential medication chart completed by a registered medical practitioner for a drug of dependence 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.

Drugs, Poisons and Controlled Substances Regulations 2006
S.R. No. 57/2006
Part 2—Drugs of dependence, Schedule 4 poisons, Schedule 8 poisons and
Schedule 9 poisons

Reg. 14(2)
amended by
S.R. No.
136/2012
reg. 11.

- (2) A nurse practitioner or an authorised registered midwife 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, nurse practitioner or an authorised registered midwife; Reg. 15(1)(b)(i)
amended by
S.R. No.
136/2012
reg. 12(1).
 - (ii) in the case of a Schedule 4 poison, a registered medical practitioner, veterinary practitioner, dentist, nurse practitioner or an authorised registered midwife; Reg. 15(1)
(b)(ii)
amended by
S.R. No.
136/2012
reg. 12(2).
 - (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. 15(1)
(b)(iii)
amended by
S.R. No.
63/2007
reg. 10(1).
 - (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, nurse practitioner or an authorised registered midwife; or Reg. 15(1)(d)
amended by
S.R. No.
136/2012
reg. 12(3).
 - (e) in the case of a Schedule 4 poison, on the order of—
 - (i) a registered medical practitioner, veterinary practitioner, dentist, nurse practitioner or an authorised registered midwife; or Reg. 15(1)(e)(i)
amended by
S.R. No.
136/2012
reg. 12(4).

Drugs, Poisons and Controlled Substances Regulations 2006
S.R. No. 57/2006
Part 2—Drugs of dependence, Schedule 4 poisons, Schedule 8 poisons and
Schedule 9 poisons

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

Reg. 15(1)(ea)
inserted by
S.R. No.
194/2014
reg. 7.

- (ea) in the case of a Schedule 4 poison for a resident, on a residential medication chart completed by a registered medical practitioner which—
- (i) is signed by the registered medical practitioner; and
 - (ii) includes a copy of the page of the residential medication chart identifying the resident and the registered medical practitioner, the name of the pharmacy and the complete contact details of the pharmacy; 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.

Reg. 15(2)
amended by
S.R. No.
136/2012
reg. 12(5).

- (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, nurse practitioner or an authorised registered midwife 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, nurse practitioner or an authorised registered midwife; 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.
- (3) Despite subregulation (1), if a pharmacist considers it necessary to ensure continuity of treatment of a person, he or she may supply a Schedule 4 poison to a person without a prescription once within a 12 month period if the pharmacist is satisfied that—
- (a) the Schedule 4 poison is listed in the National Health (Continued Dispensing) Determination 2012; and
 - (b) the conditions in Part 2 of the National Health (Continued Dispensing) Determination 2012 are met; and

Reg. 15(2)
(a)(ii)
amended by
S.R. No.
136/2012
reg. 12(6).

Reg. 15(3)
inserted by
S.R. No.
107/2013
reg. 5.

- (c) the Minister has approved the Schedule 4 poison as suitable for supply under regulation 15A.

Reg. 15A
inserted by
S.R. No.
107/2013
reg. 6.

15A Minister may approve supply without prescription

- (1) For the purposes of regulation 15(3) the Minister may, by notice published in the Government Gazette, approve a Schedule 4 poison as suitable for supply.
- (2) An approval notice under subregulation (1) takes effect—
- (a) on the date of publication of the approval notice in the Government Gazette; or
- (b) on a later date specified in the notice.

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—

(a) permitted to practice veterinary science; and

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

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

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. 18
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.

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

20 Form of Schedule 9 permit and Schedule 8 permit

(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.

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

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

21 Permit required in particular circumstances for supply of methadone

- (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. 21A
inserted by
S.R. No.
108/2013
reg. 4.

21A Permit required in particular circumstances for supply of nabiximols

For the purposes of preventing the improper use of nabiximols, a registered medical practitioner or nurse practitioner must not administer, supply or prescribe nabiximols 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 nabiximols; or
- (b) is authorised by section 34D, 34E or 34F of the Act to administer, supply or prescribe nabiximols.

Penalty: 100 penalty units.

21B Permit required in particular circumstances for supply of sodium oxybate

Reg. 21B
inserted by
S.R. No.
14/2015 reg. 4.

For the purposes of preventing the improper use of sodium oxybate, a registered medical practitioner or nurse practitioner must not administer, supply or prescribe sodium oxybate in circumstances where the registered medical practitioner or nurse practitioner is not required to hold a Schedule 8 permit unless the registered medical practitioner or nurse practitioner—

- (a) has a permit from the Secretary authorising that registered medical practitioner or nurse practitioner to administer, supply or prescribe sodium oxybate; or
- (b) is authorised by section 34D, 34E or 34F of the Act to administer, supply or prescribe sodium oxybate.

Penalty: 100 penalty units.

Reg. 22
(Heading)
substituted by
S.R. No.
108/2013
reg. 5(1).

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

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

Reg. 22(1)
amended by
S.R. No.
108/2013
reg. 5(2).

- (1) For the purposes of preventing the improper use of amphetamine, dexamphetamine, lisdexamfetamine, 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.

22A Applications for permits under regulations 21, 21A, 21B 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 21A authorising the administration, supply or prescription of nabiximols is the form of DP2A in Schedule 2.
- (2A) The prescribed form of an application for a permit required under regulation 21B authorising the administration, supply or prescription of sodium oxybate is the form of DP2A in Schedule 2.
- (3) The prescribed form of an application for a permit required under regulation 22 authorising the administration, supply or prescription of amphetamine, dexamphetamine, lisdexamfetamine, methylamphetamine or methylphenidate is the form of DP2A in Schedule 2.

Reg. 22A
(Heading)
amended by
S.R. No.
14/2015
reg. 5(1).

Reg. 22A
inserted by
S.R. No.
16/2009 reg. 6,
substituted by
S.R. No.
108/2013
reg. 6.

Reg. 22A(2A)
inserted by
S.R. No.
14/2015
reg. 5(2).

22B Secretary may issue a Schedule 8 permit

- (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 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 21A, the Secretary may issue a Schedule 8 permit to a registered medical practitioner or nurse practitioner authorising the practitioner to administer, supply or prescribe nabiximols to or for a person who is not a drug-dependent person.

Reg. 22B
inserted by
S.R. No.
16/2009 reg. 6,
amended by
S.R. No.
131/2010
reg. 25(1),
substituted by
S.R. No.
108/2013
reg. 7.

Reg. 22B(2A)
inserted by
S.R. No.
14/2015
reg. 6(1).

- (2A) On receiving an application for a permit under regulation 21B, the Secretary may issue a Schedule 8 permit to a registered medical practitioner or nurse practitioner authorising the practitioner to administer, supply or prescribe sodium oxybate to or for a person who is not a drug-dependent person.
- (3) 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, lisdexamfetamine, methylamphetamine or methylphenidate to or for a person who is not a drug-dependent person.

Reg. 22B(4)
amended by
S.R. No.
14/2015
reg. 6(2).

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

Reg. 22B(5)
amended by
S.R. No.
14/2015
reg. 6(2).

- (5) The Secretary may at any time amend, suspend or revoke a Schedule 8 permit issued under subregulation (1), (2), (2A) or (3) and any permit which is suspended or revoked ceases to have effect.

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

- (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, an authorised registered nurse or an authorised registered midwife—
- (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.

Reg. 24(1)
amended by
S.R. Nos
131/2010
reg. 10,
136/2012
reg. 13.

Drugs, Poisons and Controlled Substances Regulations 2006
S.R. No. 57/2006
Part 2—Drugs of dependence, Schedule 4 poisons, Schedule 8 poisons and
Schedule 9 poisons

Reg. 25(2)
amended by
S.R. No.
136/2012
reg. 14(1).

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

Penalty: 100 penalty units.

Reg. 25(3)
amended by
S.R. Nos
63/2007
reg. 12(1),
136/2012
reg. 14(2).

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

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.

Reg. 25(5)
amended by
S.R. No.
136/2012
reg. 14(3).

- (5) A nurse practitioner or an authorised registered midwife 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.

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

- (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.

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 registered midwife as the case requires; and
- (h) the maximum number of times the prescription may be supplied if more than once; and

Reg. 26(3)
(g)(ii)
amended by
S.R. Nos
63/2007
reg. 13,
131/2010
reg. 11,
136/2012
reg. 15.

- (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 or an authorised registered midwife 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 or authorised registered midwife, an emergency exists.

Reg. 27(2)
amended by
S.R. No.
136/2012
reg. 16(1).

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. Nos
63/2007
reg. 14(2),
136/2012
reg. 16(2).

(4) A registered medical practitioner, veterinary practitioner, dentist, nurse practitioner, an authorised registered midwife, 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 registered midwife.

Reg. 29(2)(c)
amended by
S.R. Nos
63/2007
reg. 15(1),
131/2010
reg. 12(1),
136/2012
reg. 17(1).

- (3) A nurse practitioner, an authorised registered nurse or authorised registered midwife 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—

- (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

Reg. 29(3)
amended by
S.R. Nos
131/2010
reg. 12(2),
136/2012
reg. 17(2).

- (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, an authorised registered nurse or an authorised registered midwife 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—
 - (a) the dosage regimen or use is so complex that the nurse practitioner, authorised registered nurse or authorised registered midwife has supplied the patient with separate written instruction; or Reg. 29(4) amended by S.R. Nos 131/2010 reg. 12(3), 136/2012 reg. 17(3)(a).
 - (b) the administration of the poison is to be carried out by a registered medical practitioner, pharmacist, dentist, authorised optometrist, authorised podiatrist, nurse or registered midwife. Reg. 29(4)(b) amended by S.R. Nos 63/2007 reg. 15(2), 131/2010 reg. 12(4), 136/2012 reg. 17(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—
 - (a) the name of the patient; and
 - (b) the date of recording as required by Division 5; and Reg. 29(5) amended by S.R. No. 63/2007 reg. 15(3).

- (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.

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

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

- (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)(b)
amended by
S.R. Nos
63/2007
reg. 15(4)(c),
131/2010
reg. 12(5),
136/2012
reg. 17(5).

- (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 registered midwife.

- (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.

30A Requirements when supply of Schedule 4 poison is made on a residential medication chart

A pharmacist who supplies a Schedule 4 poison on a residential medication chart for a resident must ensure that the residential medication chart is marked in a durable form in a way that indicates—

- (a) that the Schedule 4 poison has been supplied; and

Reg. 30A
inserted by
S.R. No.
194/2014
reg. 8.

- (b) the date of recording as required by Division 5 of this Part; and
- (c) the premises from which the Schedule 4 poison was supplied.

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 or an authorised registered midwife 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

Reg. 33(1)
amended by
S.R. No.
136/2012
reg. 18.

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
- (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 registered midwife, an authorised optometrist, an authorised podiatrist, nurse or registered midwife authorised under regulation 5(2)(a) is present.

Penalty: 100 penalty units.

Reg. 34(2)(b)
amended by
S.R. Nos
63/2007
reg. 16(1),
131/2010
reg. 13(1),
136/2012
reg. 19(1).

(3) Despite subregulations (1) and (2), a registered medical practitioner, pharmacist, veterinary practitioner, dentist, nurse practitioner, an authorised registered midwife, 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. Nos
63/2007
reg. 16(2),
136/2012
reg. 19(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 registered midwife, an authorised optometrist or an authorised podiatrist has access.

Reg. 34(3)(c)
amended by
S.R. Nos
63/2007
reg. 16(2),
136/2012
reg. 19(2).

(4) This regulation applies to—

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

Reg. 34(4)(a)
amended by
S.R. Nos
63/2007
reg. 16(3),
136/2012
reg. 19(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 registered midwife approved under regulation 5(3) to be in possession of a Schedule 4 poison.

Reg. 34(4)(c)
amended by
S.R. Nos
131/2010
reg. 13(2),
136/2012
reg. 19(4).

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.

- (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.

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

- (6) This regulation applies to—

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

Reg. 35(6)(a)
amended by
S.R. No.
136/2012
reg. 20(1).

(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

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

Reg. 35(6)(c)
amended by
S.R. Nos
131/2010
reg. 14,
136/2012
reg. 20(2).

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—
 - (A) on a prescription or on a residential medication chart with a Schedule 4 poison; or

Reg. 36
(2)(b)(ii)
substituted by
S.R. No.
194/2014
reg. 9.

(B) on a prescription with 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. Nos
63/2007
reg. 17,
136/2012
reg. 21(1).

(a) a registered medical practitioner, pharmacist, veterinary practitioner, dentist, nurse practitioner, an authorised registered midwife, 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. Nos
131/2010
reg. 15,
136/2012
reg. 21(2).

(c) a nurse or registered 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—
 - (A) on a prescription or on a residential medication chart with a Schedule 4 poison; or
 - (B) on a prescription with 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.

Reg. 39(d)(ii)
substituted by
S.R. No.
194/2014
reg. 10.

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
 - (ca) in the case of a transaction involving supply on a residential medication chart—
 - (i) the name of the registered medical practitioner; and

Reg. 40(1)(ca)
inserted by
S.R. No.
194/2014
reg. 11.

- (ii) the directions for use as set out in the residential medication chart; 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 or an authorised registered midwife in accordance with regulation 51(2)(a), the details set out in regulation 51(2)(b); and
- (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
- (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

Reg. 40(1)(g)
amended by
S.R. No.
136/2012
reg. 22(1).

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

Reg. 40(1)(h)
amended by
S.R. Nos
131/2010
reg. 16,
136/2012
reg. 22(2).

registered 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.

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

Reg. 40(2)
amended by
S.R. Nos
63/2007
reg. 18(2),
136/2012
reg. 22(3).

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 with a Schedule 4 poison on prescription or a residential medication chart or supplied on prescription with a 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.

Reg. 41(6)
amended by
S.R. No.
194/2014
reg. 12.

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. Nos
131/2010
reg. 17,
136/2012
reg. 23.

- (2) A person must not administer or use a Schedule 4 poison or Schedule 8 poison supplied by a nurse practitioner, an authorised registered midwife 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.

Reg. 46(2)
amended by
S.R. No.
136/2012
reg. 24(1).

- (2) A nurse practitioner or an authorised registered midwife 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.

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

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

- (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 or an authorised registered midwife if—

Reg. 46(5)
amended by
S.R. No.
136/2012
reg. 24(2).

- (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.

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

(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.

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.

47 Administration of drugs and poisons by a nurse or registered midwife

Reg. 47
(Heading)
amended by
S.R. Nos
131/2010
reg. 18(1),
136/2012
reg. 25(1).

(1) A nurse or registered 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

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

Reg. 47(1)
amended by
S.R. Nos
131/2010
reg. 18(2),
136/2012
reg. 25(2).

Reg. 47(1)(c)
amended by
S.R. Nos
131/2010
reg. 18(2),
136/2012
reg. 25(2).

Drugs, Poisons and Controlled Substances Regulations 2006
S.R. No. 57/2006
Part 2—Drugs of dependence, Schedule 4 poisons, Schedule 8 poisons and
Schedule 9 poisons

- | | |
|--|--|
| (d) on the written transcription of the oral instructions referred to in paragraph (c) by another nurse or registered midwife who received those instructions; or | Reg. 47(1)(d) amended by S.R. Nos 131/2010 reg. 18(2), 136/2012 reg. 25(2). |
| (e) in accordance with regulation 5(2) or an approval of the Secretary under regulation 5(3). | |
| (2) A nurse or registered midwife must not administer a Schedule 8 poison other than— | Reg. 47(2) amended by S.R. Nos 131/2010 reg. 18(3), 136/2012 reg. 25(3). |
| (a) in accordance with the directions for use on the container of the Schedule 8 poison supplied by a registered medical practitioner, pharmacist, dentist, nurse practitioner or an authorised registered midwife; or | Reg. 47(2)(a) amended by S.R. No. 136/2012 reg. 25(4). |
| (b) on the written instruction of a registered medical practitioner, dentist, nurse practitioner or an authorised registered midwife; or | Reg. 47(2)(b) amended by S.R. No. 136/2012 reg. 25(5). |
| (c) on the oral instructions of a registered medical practitioner, dentist, nurse practitioner or an authorised registered midwife to the nurse or registered midwife if, in the opinion of the registered medical practitioner, dentist, nurse practitioner or authorised registered midwife, an emergency exists; or | Reg. 47(2)(c) amended by S.R. Nos 131/2010 reg. 18(4), 136/2012 reg. 25(3)(6). |
| (d) on the written transcription of the oral instructions referred to in paragraph (c) by another nurse or registered midwife who received those instructions; or | Reg. 47(2)(d) amended by S.R. Nos 131/2010 reg. 18(5), 136/2012 reg. 25(3). |

Drugs, Poisons and Controlled Substances Regulations 2006
S.R. No. 57/2006
Part 2—Drugs of dependence, Schedule 4 poisons, Schedule 8 poisons and
Schedule 9 poisons

- | | |
|--|---|
| Reg. 47(2)(da)
inserted by
S.R. No.
136/2012
reg. 25(7). | (da) in the case of a nurse who is a nurse practitioner, in accordance with regulation 9(1); or |
| Reg. 47(2)(db)
inserted by
S.R. No.
136/2012
reg. 25(7). | (db) in the case of a nurse who is an authorised registered nurse, in accordance with regulation 9A(1); or |
| Reg. 47(2)(dc)
inserted by
S.R. No.
136/2012
reg. 25(7). | (dc) in the case of a registered midwife who is an authorised registered midwife, in accordance with regulation 9B(1); or |
| | (e) in accordance with regulation 5(2) or an approval of the Secretary under regulation 5(3). |
| Reg. 47(3)
amended by
S.R. Nos
131/2010
reg. 18(6),
136/2012
reg. 25(8). | (3) A nurse or registered midwife must not administer a Schedule 4 poison other than— |
| Reg. 47(3)(a)
amended by
S.R. Nos
63/2007
reg. 21(1),
136/2012
reg. 25(9). | (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 registered midwife, an authorised optometrist or an authorised podiatrist; or |
| Reg. 47(3)(b)
amended by
S.R. Nos
63/2007
reg. 21(1),
136/2012
reg. 25(10). | (b) on the written instruction of a registered medical practitioner, dentist, nurse practitioner, an authorised registered midwife, an authorised optometrist or an authorised podiatrist; or |

Drugs, Poisons and Controlled Substances Regulations 2006
S.R. No. 57/2006
Part 2—Drugs of dependence, Schedule 4 poisons, Schedule 8 poisons and
Schedule 9 poisons

- | | |
|---|---|
| (c) on the oral instruction of a registered medical practitioner, dentist, nurse practitioner, an authorised registered midwife, an authorised optometrist or an authorised podiatrist to the nurse or registered midwife, if in the opinion of the registered medical practitioner, dentist, nurse practitioner, authorised registered midwife, 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. Nos 131/2010 reg. 18(7), 136/2012 reg. 25(8)(11). |
| (d) on the written transcription of the oral instructions referred to in paragraph (c) by another nurse or registered midwife who received those instructions; or | Reg. 47(3)(d) amended by S.R. Nos 131/2010 reg. 18(8), 136/2012 reg. 25(8). |
| (da) in the case of a nurse who is a nurse practitioner, in accordance with regulation 9(2); or | Reg. 47(3)(da) inserted by S.R. No. 136/2012 reg. 25(12). |
| (db) in the case of a nurse who is an authorised registered nurse, in accordance with regulation 9A(2); or | Reg. 47(3)(db) inserted by S.R. No. 136/2012 reg. 25(12). |
| (dc) in the case of a registered midwife who is an authorised registered midwife, in accordance with regulation 9B(3); or | Reg. 47(3)(dc) inserted by S.R. No. 136/2012 reg. 25(12). |
| (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. Nos
63/2007
reg. 21(3),
136/2012
reg. 25(13).

- (4) A registered medical practitioner, dentist, nurse practitioner, an authorised registered midwife, 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, nurse practitioner or an authorised registered midwife has prescribed that poison; and
 - (ii) is not the registered medical practitioner, dentist, nurse practitioner or authorised registered midwife who prescribed that poison; and

Reg. 48(b)(i)
amended by
S.R. No.
136/2012
reg. 26(1).

Reg. 48(b)(ii)
amended by
S.R. No.
136/2012
reg. 26(2).

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

(i) is a patient for whom—

(A) a registered medical practitioner,
dentist, nurse practitioner or an
authorised registered midwife; 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 registered midwife,
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.

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

Reg. 48
(c)(i)(A)
amended by
S.R. No.
136/2012
reg. 26(3).

Reg. 48(c)(ii)
amended by
S.R. No.
136/2012
reg. 26(4).

**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—
 - (a) it is destroyed by a nurse practitioner or an authorised registered midwife in the presence of another person who is a registered medical practitioner, pharmacist, veterinary practitioner, dentist, nurse or registered midwife; and
 - (b) the details of the destruction are recorded in the records required to be kept under regulation 40, including—

Reg. 51(2)(a)
amended by
S.R. Nos
131/2010
reg. 19(1),
136/2012
reg. 27(1)(2).

- (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—
- (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 registered 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(3)(a)
amended by
S.R. Nos
131/2010
reg. 19(2),
136/2012
reg. 27(3).

Drugs, Poisons and Controlled Substances Regulations 2006
S.R. No. 57/2006
Part 2—Drugs of dependence, Schedule 4 poisons, Schedule 8 poisons and
Schedule 9 poisons

Reg. 51(4)(a)
amended by
S.R. Nos
131/2010
reg. 19(3),
136/2012
reg. 27(4).

- (a) those contents are destroyed by a registered medical practitioner, pharmacist, veterinary practitioner, dentist, nurse or registered midwife; and
- (b) the details of the destruction are recorded in the records required to be kept under regulation 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

Reg. 52
amended by
S.R. No.
50/2013 reg. 3
(ILA s. 39B(2)).

- (1) 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.
- (2) The holder of an authority under subregulation (1) is, for the purpose of that authority, authorized to possess the narcotic plant to which that authority relates for the purposes of sections 72, 72A, 72B and 73 of the Act.

Reg. 52(2)
inserted by
S.R. No.
50/2013 reg. 3.

52A Authority to possess narcotic plant

- (1) A person listed in column 1 of the following Table who is an employee of, or engaged by, the holder of an authority under regulation 52 to cultivate the narcotic plant *Papaver somniferum L.*, is authorised to possess that narcotic plant in the circumstances and to the extent specified in column 2 of the Table in respect of that person.

Reg. 52A
inserted by
S.R. No.
50/2013 reg. 4.

Drugs, Poisons and Controlled Substances Regulations 2006
S.R. No. 57/2006
Part 2—Drugs of dependence, Schedule 4 poisons, Schedule 8 poisons and
Schedule 9 poisons

<i>Item No.</i>	<i>Column 1 Authorised person</i>	<i>Column 2 Circumstances and extent</i>
1.	A person who transports a narcotic plant cultivated under an authority under regulation 52 after it has been harvested	For the purposes of transport and delivery to the person to whom the consignment of the narcotic plant is addressed
2.	A person who stores a narcotic plant cultivated under an authority under regulation 52 after it has been harvested	For the purposes of storing the narcotic plant after it has been harvested
3.	A person who processes a narcotic plant cultivated under an authority under regulation 52 after it has been harvested	For the purposes of processing the narcotic plant after it has been harvested

(2) In this regulation—

process means treat by mechanical, chemical or other artificial means.

**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.
- (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.

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

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.

- (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—

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

- (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.

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.

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

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

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

Penalty: 50 penalty units.

Reg. 58B
inserted by
S.R. No.
136/2012
reg. 28.

58B Therapeutic need to be determined—authorised registered midwives

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

- (a) that poison is for the midwifery 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.

60B Therapeutic need to be determined—authorised podiatrists

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

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(ab)
inserted by
S.R. No.
194/2014
reg. 13.

- (ab) on the residential medication chart of a registered medical practitioner; or

Reg. 61(b)
amended by
S.R. Nos
63/2007
reg. 26,
136/2012
reg. 29.

- (b) on the prescription of a registered medical practitioner, nurse practitioner, dentist, an authorised registered midwife, 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

Reg. 63(1)
amended by
S.R. Nos
63/2007
reg. 27(1),
131/2010
reg. 23,
136/2012
reg. 30(1).

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

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

- (b) provide directions for the use of the Schedule 3 poison; 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) Subregulation (1)(a) and (b) do not apply to a pharmacist who sells or supplies a Schedule 3 poison—
 - (a) on the prescription or residential medication chart of a registered medical practitioner; or
 - (b) on the prescription of a veterinary practitioner, dentist, nurse practitioner, an authorised registered midwife, an authorised optometrist or an authorised podiatrist.

Reg. 63(3)
amended by
S.R. Nos
63/2007
reg. 27(2),
136/2012
reg. 30(2),
substituted by
S.R. No.
194/2014
reg. 14.

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 registered midwife, an authorised optometrist and an authorised podiatrist; or
- (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—
 - (A) on a prescription or on a residential medication chart with a Schedule 4 poison; or
 - (B) on a prescription with a Schedule 8 poison or a Schedule 9 poison.

Reg. 70(2)(a)
amended by
S.R. Nos
63/2007
reg. 28,
136/2012
reg. 31.

Reg. 70
(2)(e)(ii)
substituted by
S.R. No.
194/2014
reg. 15.

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.

Drugs, Poisons and Controlled Substances Regulations 2006

S.R. No. 57/2006

Part 7—Licences and permits issued under the Act

TABLE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Description of licence or permit</i>	<i>Issue of licence or permit</i>	<i>Amendment of licence or permit where amendment requires inspection of premises by an authorised officer</i>	<i>Renewal of licence or permit</i>
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

Drugs, Poisons and Controlled Substances Regulations 2006

S.R. No. 57/2006

Part 7—Licences and permits issued under the Act

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Description of licence or permit</i>	<i>Issue of licence or permit</i>	<i>Amendment of licence or permit where amendment requires inspection of premises by an authorised officer</i>	<i>Renewal of licence or permit</i>
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

Drugs, Poisons and Controlled Substances Regulations 2006

S.R. No. 57/2006

Part 7—Licences and permits issued under the Act

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Description of licence or permit</i>	<i>Issue of licence or permit</i>	<i>Amendment of licence or permit where amendment requires inspection of premises by an authorised officer</i>	<i>Renewal of licence or permit</i>
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

Drugs, Poisons and Controlled Substances Regulations 2006

S.R. No. 57/2006

Part 7—Licences and permits issued under the Act

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Description of licence or permit</i>	<i>Issue of licence or permit</i>	<i>Amendment of licence or permit where amendment requires inspection of premises by an authorised officer</i>	<i>Renewal of licence or permit</i>
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

Drugs, Poisons and Controlled Substances Regulations 2006

S.R. No. 57/2006

Part 7—Licences and permits issued under the Act

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Description of licence or permit</i>	<i>Issue of licence or permit</i>	<i>Amendment of licence or permit where amendment requires inspection of premises by an authorised officer</i>	<i>Renewal of licence or permit</i>
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

Drugs, Poisons and Controlled Substances Regulations 2006

S.R. No. 57/2006

Part 7—Licences and permits issued under the Act

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Description of licence or permit</i>	<i>Issue of licence or permit</i>	<i>Amendment of licence or permit where amendment requires inspection of premises by an authorised officer</i>	<i>Renewal of licence or permit</i>
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

Drugs, Poisons and Controlled Substances Regulations 2006

S.R. No. 57/2006

Part 7—Licences and permits issued under the Act

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Description of licence or permit</i>	<i>Issue of licence or permit</i>	<i>Amendment of licence or permit where amendment requires inspection of premises by an authorised officer</i>	<i>Renewal of licence or permit</i>
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.
-

Drugs, Poisons and Controlled Substances Regulations 2006
S.R. No. 57/2006
Schedules

SCHEDULES

SCHEDULE 1

REVOKED STATUTORY RULES

<i>S.R. No.</i>	<i>Title</i>
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

Drugs, Poisons and Controlled Substances Regulations 2006
S.R. No. 57/2006
Schedules

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

Drugs, Poisons and Controlled Substances Regulations 2006
S.R. No. 57/2006
Schedules

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

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)

If so, which Schedule poison(s)

Signature of registered medical
practitioner/nurse practitioner

Date

Drugs, Poisons and Controlled Substances Regulations 2006
S.R. No. 57/2006
Schedules

Sch. 2
Form DP2A
inserted by
S.R. No.
16/2009
reg. 8(1),
amended by
S.R. No.
131/2010
reg. 24(2),
substituted by
S.R. No.
108/2013
reg. 8.

FORM DP2A

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

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

Clinical diagnosis

Section 2:

Schedule 8 poison(s) for which permit is requested:

NAME OF POISON(S)	EXPECTED MAXIMUM DAILY DOSE
-------------------	-----------------------------

Details of other treatment (if applicable)

I have/have not previously applied for a permit to administer, prescribe or
supply a Schedule 8 poison to this patient.

Please note that evidence-based practice guidelines
recommend that specialist advice should be sought
for patients requiring opioid doses exceeding oral
morphine [*quantity*] mg daily, oxycodone [*quantity*]
mg daily or equivalent, for the treatment of chronic

Drugs, Poisons and Controlled Substances Regulations 2006
S.R. No. 57/2006
Schedules

non-cancer pain, or when prescribing opioids to a patient with a history of drug dependency or aberrant drug-related behaviours. Opioids should only be prescribed as part of a comprehensive pain management plan. **When applying for a permit to treat a patient with an opioid, applicants may be requested by the Secretary to provide the Secretary with evidence of a pain management plan or specialist review.**

The morbidity and mortality risks associated with long term opioid therapy should be discussed with the patient; in particular the increased mortality risks correlated with the prolonged use of opioids at doses exceeding [*quantity*] mg daily in morphine equivalents.

Signature of registered medical practitioner/nurse practitioner

Date

PART B: FOR TREATMENT OF AN OPIOID DEPENDENT PERSON WITH METHADONE OR BUPRENORPHINE

I, [*full name of registered medical practitioner / nurse practitioner*] of [*address of registered medical practitioner / nurse practitioner, including postcode, phone and fax numbers*] certify that this patient shows evidence of dependence on an opioid drug and that, in my opinion, methadone/buprenorphine is required in support of treatment.

Personal Details:

Full name of patient

Address of patient

Date of birth

DPU client number (if known)

Sex

Aliases (if any)

Mother's full maiden name

Drugs, Poisons and Controlled Substances Regulations 2006
S.R. No. 57/2006
Schedules

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

Drugs, Poisons and Controlled Substances Regulations 2006
S.R. No. 57/2006
Schedules

FORM DP3

Regulations 20(1), 20(2), 22B(4)

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

Sch. 2
Form DP3
substituted by
S.R. No.
16/2009
reg. 8(2),
amended by
S.R. Nos
131/2010
reg. 25(3),
108/2013
reg. 9.

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

Drugs, Poisons and Controlled Substances Regulations 2006
S.R. No. 57/2006
Schedules

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, _____ of _____
[Full name] [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.

* * * * *

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

Endnotes

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

The Drugs, Poisons and Controlled Substances Regulations 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**).

Drugs, Poisons and Controlled Substances Regulations 2006
S.R. No. 57/2006
Endnotes

2 Table of Amendments

This publication 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

Drugs, Poisons and Controlled Substances Amendment Regulations 2012, S.R. No. 136/2012

Date of Making: 27.11.12
Date of Commencement: 30.11.12: reg. 3

Drugs, Poisons and Controlled Substances Amendment (Cultivation of a Narcotic Plant) Regulations 2013, S.R. No. 50/2013

Date of Making: 30.4.13
Date of Commencement: 30.4.13

Drugs, Poisons and Controlled Substances Amendment (Continued Dispensing) Regulations 2013, S.R. No. 107/2013

Date of Making: 27.8.13
Date of Commencement: 27.8.13

Drugs, Poisons and Controlled Substances Amendment (Schedule 8 Permit) Regulations 2013, S.R. No. 108/2013

Date of Making: 27.8.13
Date of Commencement: 27.8.13

Drugs, Poisons and Controlled Substances Amendment (Residential Medication Chart) Regulations 2014, S.R. No. 194/2014

Date of Making: 29.10.14
Date of Commencement: 30.10.14: reg. 3

Drugs, Poisons and Controlled Substances Amendment (Sodium Oxybate) Regulations 2015, S.R. No. 14/2015

Date of Making: 10.3.15
Date of Commencement: 10.3.15

3 Amendments Not in Operation

There are no amendments which were Not in Operation at the date of this publication.

4 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 2014 is \$13.24. The amount of the calculated fee may be rounded to the nearest 10 cents.

The value of a fee unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a fee unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.

Penalty Units

These Regulations provide for penalties by reference to penalty units within the meaning of section 110 of the **Sentencing Act 1991**. The amount of the penalty is to be calculated, in accordance with section 7 of the **Monetary Units Act 2004**, by multiplying the number of penalty units applicable by the value of a penalty unit.

The value of a penalty unit for the financial year commencing 1 July 2014 is \$147.61.

The amount of the calculated penalty may be rounded to the nearest dollar.

The value of a penalty unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a penalty unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.

Drugs, Poisons and Controlled Substances Regulations 2006

S.R. No. 57/2006

Endnotes

Table of Applied, Adopted or Incorporated Matter

The following table of applied, adopted or incorporated matter was included in S.R. No. 57/2006 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 <i>listed regulated poison</i>)	Poisons Code	Part 2 of Chapter 1
Regulation 4 (definition of <i>ovulatory stimulant</i>)	Poisons Code	Part 2 of Chapter 1
Regulation 4 (definition of <i>prostaglandin</i>)	Poisons Code	Part 2 of Chapter 1
Regulation 4 (definition of <i>retinoid</i>)	Poisons Code	Part 2 of Chapter 1
Regulation 4 (definition of <i>special Schedule 7 substance</i>)	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

Drugs, Poisons and Controlled Substances Regulations 2006

S.R. No. 57/2006

Endnotes

Table of Applied, Adopted or Incorporated Matter

The following table of applied, adopted or incorporated matter was included in S.R. No. 107/2013 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 5	National Health (Continued Dispensing) Determination 2012, made under the National Health Act 1953 of the Commonwealth	The whole

Table of Applied, Adopted or Incorporated Matter

The following table of applied, adopted or incorporated matter was included in S.R. No. 194/2014 in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2014.

Statutory rule provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Regulation 5, which inserts the definition of <i>National Health (Residential Medication Chart) Determination 2012</i> in regulation 4 of the Principal Regulations	National Health (Residential Medication Chart) Determination 2012, made under section 93A(2) of the National Health Act 1953 of the Commonwealth	The whole