

## TABLE OF POTENTIALLY IMPACTED PROVISIONS

### Medicines and Poisons Act 2014 – affected provisions

SECTION	HEADING	NOTES
3	Terms used (specifically: poison, Schedule 2 poison, Schedule 3 poison, Schedule 4 poison, Schedule 5 poison, Schedule 6 poison, Schedule 7 poison, Schedule 8 poison, Schedule 9 poison, authorised health professional, compliance notice, drugs of addiction record, licence, licensee, manufacture, medicine, needle and syringe programme, permit, permit holder, prescribe, prescriber, prescription, professional authority, Schedule 7 notice, strictly controlled substance, supply)	"Voluntary assisted dying substance" defn. not applicable pre-19 Nov 2019
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7	Terms used: prescription and related terms	
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17	Offences relating to manufacture, supply, use and possession of Schedule 9 poisons	
18	Offences relating to supply and use of strictly controlled substances	See MP Regs
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22	Storage, handling, transport and disposal of poisons	
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**Medicines and Poisons Regulations 2016 – affected provisions**

SECTION	HEADING	NOTES
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8	Authorisation to supply or use strictly controlled substance	
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11	Form of prescription	
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17	Direction by prescriber to supply medicine that is Schedule 4 or 8 poison in emergency	
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**Misuse of Drugs Act 1981 – affected provisions**

SECTION	HEADING	NOTES
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4	Drugs and plants to which Act applies	
5B	Authorisation under <i>Medicines and Poisons Act 2014</i>	
5	Offences concerned with prohibited drugs and prohibited plants in relation to premises and utensils	
6	Offences concerned with prohibited drugs generally	
7	Offences concerned with prohibited plants generally	
7B	Drug paraphernalia, offences as to	
8O	Application of this Part to particular substances	
9	Summary trial of some indictable offences	
10	Alternative verdicts	
11	Presumption of intent to sell or supply	
20A	Terms used	
20B	Authorisation to exercise powers to search a vehicle or a person	
20E	Assistance when exercising powers under this Part	
20F	Use of force	
20G	Powers of police officers in relation to searching vehicle in drug detection area	
20H	Powers of police officers in relation to searching persons in a drug detection area	
20I	Powers of police officers in relation to premises	
22	Powers of police officers and approved persons in relation to manufacturers, sellers and suppliers of prohibited drugs and cultivators, sellers and suppliers of prohibited plants	
26	Powers of police officers and others when things suspected of being used in commission of offences found, received or acquired	
27	Disposal of prohibited drugs and prohibited plants	

27B	Confidentiality	
28	Compensation for destroyed seized property	
29	Hindering police officers and approved persons in exercise of powers conferred by or under this Part	
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32A	Drug trafficking	
33	Attempts, conspiracies, incitements and accessories after the fact	
34	Penalties	
35	Criminal liability of company officers	

**Misuse of Drugs Regulations 1981 – affected provisions**

SECTION	HEADING	NOTES
4AA	Specified drugs (s. 3B)	
4A	Persons authorised to possess prohibited drugs, plants etc.	
7	Destruction of prohibited drugs, plants etc., manner of (Act s. 27(1) or (4))	
7B	Analysis or examination at request of accused (Act s. 27A)	

**Other legislative provisions contingent on Medicines and Poisons Act 2014 definitions**

OTHER AFFECTED LEGISLATION	SECTION (AND DEFINITION)	HEADING	NOTES
<i>Emergency Management Act 2005</i>	76A (poison)	76A. Manufacture, supply and prescription of poisons	
<i>Health Professionals (Special Events Exemption) Act 2000</i>	3 (medicine) 8 (medicine) 9 (medicine) 11 (medicine)	3. Terms used 8. Conditions on practice by visiting health professionals 9. Supply of medicines 11. Exemptions	
<i>Pharmacy Act 2010</i>	3 (dispense, practice of pharmacy) 42-47 (practice of pharmacy)	3. Terms used 42-47. Registration of premises for practice of pharmacy	
<i>Police (Medical and Other Expenses for Former Officers) Act 2008</i>	4 (drug of addiction)	4. Police Commissioner liable	
<i>Fire Brigades Regulations 1943</i>	96 (drug, Schedule 2, 3 and 4 poison)	96. Terms used	Commenced 16 August 2019

	134 (targeted drug)	134. Breach of discipline	
<i>Health (Pesticides) Regulations 2011</i>	3 (restricted-use pesticide) <sup>1</sup> 34 (restricted-use pesticide) 35 (restricted-use pesticide) 38 (restricted-use pesticide) 39 (restricted-use pesticide) 41 (restricted-use pesticide) 51 (restricted-use pesticide)	3. Terms used 34. Technician's licence 35. Provisional licence 38. Grant of technician's licence 39. Grant of provisional licence 41. Restricted-use pesticides <sup>2</sup> 51. Chief Health Officer may amend, suspend or cancel licence	
<i>Pharmacy Regulations 2010</i>	3 (health service permit, Government permit) 11 (prescription) 16 (prescription) 13 (practice of pharmacy)  Schedule 1 (practice of pharmacy)	3. Pharmacy business  11. Terms used 16. Record keeping 13. Minimum standards of fitness for the competent and safe practice of pharmacy – Schedule 1 Schedule 1 – Minimum standards of fitness for the competent and safe practice of pharmacy	
<i>Police Force (Member Testing) Regulations 2011</i>	3 (targeted drug) <sup>3</sup> 8 (targeted drug) 35 (Schedule 8 poison or Schedule 9 poison) 12 (targeted drug)	3. Terms used 8. When testing may be carried out – targeted 35. Consequences of an adverse testing outcome – drugs  12. Commissioner may approve collection procedures for alcohol and drug testing 30. Involuntary or accidental drug ingestion	
<i>Prisons (Prison Officers Drug and Alcohol Testing) Regulations 2016</i>	30 (targeted drug) 3 (targeted drug) <sup>4</sup> 14 (targeted drug)  33 (targeted drug) 38 (Schedule 8 poison, Schedule 9 poison)	3. Terms used 14. Chief executive officer may approve collection procedures for alcohol and drug testing 33. Involuntary or accidental drug ingestion 38. Consequences of an adverse testing outcome: drugs	

<sup>1</sup> Schedule 7 poison; Schedule 6 poison

<sup>2</sup> When granting a licence, the Chief Health Officer must specify in it the restricted-use pesticides (if any) that the licensee is authorised to use.

<sup>3</sup> Schedule 2 poison; Schedule 3 poison; Schedule 4 poison; drug to which *Misuse of Drugs Act 1981* applies

<sup>4</sup> Drug to which the *Misuse of Drugs Act 1981* applies; Schedule 2 poison; Schedule 3 poison; Schedule 4 poison



<i>School Education Regulations 2000</i>	148A (Schedule 3 poison)	148A. Anaphylactic reaction in child, treatment of by staff member	
<i>Security and Related Activities (Control) Act 1996</i>	80 (prescribed drug) <sup>5</sup> 81	80. Licensee may be directed to provide blood or urine for analysis 81. Licence may be revoked	
<i>Veterinary Chemical Control Regulations 2006</i>	2 (prescribe) 3-10 (prescribe)	2. Terms used 3-10. Use by veterinarian of veterinary chemical product	
<i>Veterinary Surgeons Regulations 1979</i>	2 (scheduled drug, <sup>6</sup> prescription, prescribe a scheduled drug) 29 (scheduled drug) 29A (prescription, scheduled drug) 29B (scheduled drug) 29C (scheduled drug) 30 (prescription, scheduled drug) 46 (scheduled drug) 65 (scheduled drug)	2. Terms used  29. Prescribing scheduled drugs 29A. Prescription of scheduled drugs for animals on certain properties in pastoral region 29B. Supply of scheduled drugs prescribed under r. 29A 29C. Directions to administer scheduled drugs prescribed under r. 29A 30. Clinical records of supply or prescription of scheduled drug 46. Veterinary services that may be performed by veterinary students 65. Duties and veterinary services that may be performed by veterinary nurses	Repealed 31 March 2022
<i>Young Offenders (Custodial Officers Drug and Alcohol Testing) Regulations 2016</i>	4 (targeted drug) <sup>7</sup> 14 (targeted drug) 38 (specified drug, Schedule 8 poison, Schedule 9 poison)	4. Terms used 14. Chief executive officer may approve collection procedures for alcohol and drug testing 38. Consequences of an adverse testing outcome: drugs	

**Other legislative provisions contingent on affected *Misuse of Drugs Act 1981* definitions**

<sup>5</sup> As defined in *Security and Related Activities (Control) Regulations 1997*

<sup>6</sup> Schedule 4 poison or Schedule 8 poison

<sup>7</sup> A drug to which the *Misuse of Drugs Act 1981* applies; Schedule 2 poison; Schedule 3 poison; Schedule 4 poison

	18 (suspect) <sup>14</sup> 19 (suspect)	18. Variations on authorising officer's own initiative 19. Applications for variation of authority	
<i>Criminal Property Confiscation Act 2000</i>	4 (drug trafficker) <sup>15</sup> 8 (drug trafficker) 33 (drug trafficker) 34 (drug trafficker) 38 (drug trafficker) 39 (drug trafficker) 43 (drug trafficker) 48 (drug trafficker) 49 (drug trafficker) 105 (prohibited drugs) 142 (declared drug trafficker) 159 (declared drug trafficker) <sup>16</sup>	4. What is confiscable property 8. Declared drug trafficker, certain property of confiscated 33. Property, powers to seize etc. 34. Freezing notice, application for an issue of 38. Freezing notices for registrable real property, duration of and notices about 39. Freezing notices for other property, duration of and notices about 43. Freezing orders, making 48. Freezing orders for registrable real property, duration of and notices about 49. Freezing orders for other property, duration of and notices about 105. Opinion evidence of some people admissible 142. Term used: confiscable 159. Term used: declared drug trafficker	
<i>Evidence Act 2005</i>	9 (Second Schedule) <sup>17</sup> Second Schedule, Part 2 (dangerous driving) <sup>18</sup> Second Schedule, Part 5 (prohibited drugs)	9. Spouses and ex-spouses of accused persons in criminal cases The Second Schedule Part 2 – Offences under the <i>Road Traffic Act 1974</i> The Second Schedule Part 5 – Offences under the <i>Misuse of Drugs Act 1981</i>	
<i>Firearms Act 1973</i>	19 (prohibited drug)	19. Licensing offences	
<i>Industrial Hemp Act 2004</i>	3 (serious drug offence) 8 (serious drug offence) 10 (serious drug offence)	3. Terms used 8. Grant of licence to an individual 10. Grant of licence to a partnership	

<sup>14</sup> A person reasonably suspected to having committed or being likely to have committed or of committing or being likely to commit a "relevant offence"

<sup>15</sup> Relates to prohibited drug under the *Misuse of Drugs Act 1981*

<sup>16</sup> Serious drug offence or relevant drug offence, as defined in the *Misuse of Drugs Act 1981*

<sup>17</sup> Includes prohibited drug offences and dangerous driving offences

<sup>18</sup> Includes driving under the influence of prohibited drugs

	12 (serious drug offence) 37 (offence under the <i>Misuse of Drugs Act 1981</i> )	12. Grant of licence to a body corporate 37. Suspension or cancellation of licence	
<i>Prostitution Act 2010</i>	3 (prohibited drug) 7 (prohibited drug) 14 (drug trafficker)	3. Terms used 7. Seeking to induce a person to act as prostitute 14. Section 14 offence	
<i>Sentencing Act 1995</i>	9D (relevant indictable offence) <sup>19</sup> Schedule 1A (prohibited drug, dangerous driving)	9D. Mandatory minimum sentences where declared criminal organisation involved Schedule 1A – Relevant indictable and simple offences for the purposes of Part 2 Division 2A	
<i>Surveillance Devices Act 1998</i>	3 (indictable drug offence) 9 (indictable drug offence)	3. Terms used 9. Prohibition of publication or communication of private conversations or activities 21. Emergency authorisations	
<i>Workers' Compensation and Injury Management Act 1981</i>	21 (indictable drug offence) 5 (drug of addiction) 31F (prohibited drug) 93Q (prohibited drug)	5. Terms used 31F. AIDS, compensation for 93Q. HIV and AIDS, special provisions about	
<i>Working with Children (Criminal Record Checking) Act 2004</i>	4 (class 2 offence) <sup>20</sup> 7 (class 2 offence) Schedule 2 ( <i>Misuse of Drugs Act 1981</i> )	4. Terms used 7. Terms used: Class 1 offence, Class 2 offence Schedule 2 – Class 2 offences	
<i>Young Offenders Act 1994</i>	3 (schedule 1 offence) <sup>21</sup> 22 (schedule 1 offence) 25 (schedule 1 offence) 55 (schedule 1 offence) Schedule 1 ( <i>Misuse of Drugs Act 1981</i> )	3. Terms used 22. Cautions may be given except for Sch. 1 or 2 offences 25. Only certain matters may be referred to juvenile justice team 55. Conviction, when to be recorded Schedule 1 – Schedule 1 offences	
<i>Health Services (Conduct and Traffic) Regulations 2016</i>	7 (prohibited drug)	7. Prohibited items	
<i>Prohibited Behaviours Order Regulations 2011</i>	4 (prohibited drug) Schedule 1 (prohibited drug)	4. Offences to be taken to involve anti-social behaviour	

<sup>19</sup> Schedule 1A offence, includes prohibited drugs and dangerous driving

<sup>20</sup> Includes offences under Misuse of Drugs Act 1981

<sup>21</sup> Includes offences under Misuse of Drugs Act 1981

		Schedule 1 – Offences to be taken to involve anti-social behaviour	
<i>Queen Elizabeth II Medical Centre (Delegated Site) By-laws 1986</i>	7 (prohibited drug)	7. Prohibited items	
<i>Security and Related Activities (Control) Regulations 1997</i>	24 (disqualifying offence) <sup>22</sup> 25 (disqualifying offence) Schedule 2 ( <i>Misuse of Drugs Act 1981</i> ) Schedule 3 (specified drug, Schedule 8 poison, Schedule 9 poison)	24. Disqualifying offences prescribed 25. Disqualifying periods prescribed Schedule 2 – Disqualifying offences  Schedule 3 – prescribed drugs	
<i>Sentence Administration Regulations 2003</i>	21 (prohibited drug)	21. Exception to offences under <i>Firearms Act 1973</i> and <i>Misuse of Drugs Act 1981</i>	
<i>Sentencing Regulations 1996</i>	4A (prohibited drug)	4A. Specialty court	
<i>Young Offenders Regulations 1995</i>	11 (prohibited drug) 18 (prohibited drug) 19 (prohibited drug) 81 (substance) <sup>23</sup> 94 (substance)	11. Terms used in this Division 18. Certain substances prohibited 19. Offender under the influence of alcohol 81. Terms used in this Part and application 94. Dogs can be used to search for drugs	

<sup>22</sup> Includes offences under the *Misuse of Drugs Act 1981*

<sup>23</sup> Includes any narcotic drug to which the *Misuse of Drugs Act 1981* applies