



AUSTRALIAN CAPITAL TERRITORY

## **Drugs of Dependence (Amendment) Act (No. 3) 1993**

**No. 45 of 1993**

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### **An Act to amend the *Drugs of Dependence Act 1989***

*[Notified in ACT Gazette S165: 27 August 1993]*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

#### **Short title**

**1.** This Act may be cited as the *Drugs of Dependence (Amendment) Act (No. 3) 1993*.

#### **Commencement**

**2. (1)** Section 1 and this section commence on the day on which this Act is notified in the *Gazette*.

**(2)** The remaining provisions commence on a day, or respective days, fixed by the Minister by notice in the *Gazette*.

**(3)** If a provision referred to in subsection (2) has not commenced before the end of the period of 6 months commencing on the day on which this Act is notified in the *Gazette*, that provision, by force of this subsection, commences on the first day after the end of that period.

**Principal Act**

3. In this Act, “Principal Act” means the *Drugs of Dependence Act 1989*.<sup>1</sup>

**Interpretation**

4. Section 3 of the Principal Act is amended by omitting the definition of “methadone program treatment centre” in subsection (1) and substituting the following definition:

“ ‘methadone program treatment centre’ means a treatment centre or other facility where treatment, including the supply and administration of methadone, is provided to drug dependent persons for their drug dependency—

(a) conducted by the Territory; or

(b) approved under Division 4 of Part IX for that purpose;

whether or not the primary purpose of the centre or facility is to provide treatment for persons who are drug dependent;”.

**Supply on prescription**

5. Section 80 of the Principal Act is amended—

(a) by omitting from paragraph (1) (c) “or”; and

(b) by adding at the end of subsection (1) the following word and paragraph:

“; or (e) where the drug is methadone—a nurse employed at a methadone program treatment centre conducted by the Territory”.

**Administration—witnesses**

6. Section 84 of the Principal Act is amended by omitting from subsection (1) the definition of “institution” and substituting the following definition:

“ ‘institution’ includes a methadone program treatment centre conducted by the Territory but does not include a methadone program treatment centre approved under subsection 150 (1), irrespective of whether the centre is a ward;”.

### **Substitution**

7. Section 101 of the Principal Act is repealed and the following section substituted:

#### **Ward registers**

“101. (1) A person who, for the time being, is in charge of a ward, shall keep, or cause to be kept, in the ward—

- (a) in respect of methadone administered at a methadone program treatment centre for the purpose of treating drug dependency—a ward methadone register in accordance with Form 2A; or
- (b) in any other case—a ward drugs of dependence register in accordance with Form 2.

Penalty: \$5,000 or imprisonment for 6 months, or both.

“(2) Subsection (1) does not apply to a methadone program treatment centre approved under subsection 150 (1).”.

#### **Entries in ward drugs of dependence registers**

8. Section 102 of the Principal Act is amended—

- (a) by inserting in subsection (1) “drugs of dependence” after “ward” (first occurring);
- (b) by inserting in subsection (1) “to which paragraph 101 (1) (b) relates that is” after “dependence”;
- (c) by inserting in subsection (2) “to which paragraph 101 (1) (b) relates” after “dependence”;
- (d) by inserting in subsection (2) “drugs of dependence” after “ward” (second occurring);
- (e) by inserting in subsection (3) “drugs of dependence” after “ward”;
- (f) by inserting in paragraph (4) (a) “to which paragraph 101 (1) (b) relates” after “dependence”;
- (g) by inserting in paragraph (4) (b) “to which paragraph 101 (1) (b) relates” after “dependence”; and
- (h) by inserting in subsection (4) “drugs of dependence” after “ward” (last occurring).

**Insertion**

9. After section 102 of the Principal Act the following section is inserted:

**Entries in ward methadone registers**

“102A. (1) A person who administers methadone during a shift at a centre referred to in paragraph 101 (1) (a) for the purpose referred to in that paragraph shall enter in the ward methadone register—

- (a) at the beginning of the shift—
  - (i) the name of the centre and its location;
  - (ii) the strength and form in which the methadone is to be administered; and
  - (iii) the amount of methadone removed from the dispensary or other place where the methadone is stored;
- (b) immediately after each dose of methadone is administered—
  - (i) the date and time of administration;
  - (ii) the name of the patient to whom the methadone was administered;
  - (iii) the quantity of methadone administered;
  - (iv) the name of the person who administered the methadone;
  - (v) the name of the person who witnessed under section 84 the administration; and
  - (vi) the name of the medical practitioner who prescribed the methadone; and
- (c) at the end of the shift—
  - (i) the quantity of methadone allowed for wastage in preparing each dose (in Form 2A called ‘the reconciliation amount’); and
  - (ii) the quantity of methadone returned to the dispensary or other place where the methadone is stored.

“(2) The person who administered the methadone during the shift shall, at the end of the shift, sign the ward methadone register.

“(3) The person who witnessed that administration shall, at the end of the shift, countersign the ward methadone register.”.

**Possession and administration of drugs—exemptions**

**10.** Section 170 of the Principal Act is amended—

- (a) by omitting from paragraph (3) (d) “or”; and
- (b) by adding at the end of subsection (3) the following word and paragraph:

“; or (f) a pharmacist who administers methadone, in accordance with the prescription of a medical practitioner, to a drug dependent person for the treatment of the person’s drug dependency at a pharmacy which is a methadone program treatment centre approved under subsection 150 (1)”.

**Schedule 4**

**11.** Schedule 4 to the Principal Act is amended by inserting after Form 2 the following Form:



**Form 2A**

**METHADONE REGISTER**

Institution and location<sup>1</sup> .....

Strength<sup>2</sup>.....Form<sup>2</sup>..... Reconciliation amount<sup>3</sup> .....

Quantity of methadone removed from dispensary<sup>1</sup>..... Quantity of methadone returned to dispensary<sup>3</sup> .....

Signature of administrator<sup>3</sup> ..... Signature of witness<sup>3</sup> .....

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Date <sup>4</sup>	Patient's name	Time of administration	Name of prescriber	Dose	Balance <sup>5</sup>	Name of administrator	Name of witness

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1. Complete at beginning of shift.
2. One strength, one form only per page of register.
3. Complete at end of shift.
4. Date of administration.
5. Quantity of the drug still held.





**NOTE**

1. Ordinance No. 11 of 1989 as amended to date. For previous amendments see Note 1 to Act No. 7, 1993 and see also Acts Nos. 1, 7, 10 and 14, 1993.

*[Presentation speech made in Assembly on 13 May 1993]*