

Legislative Council—No 69A

As reported with amendments, recommitted and reported with a further amendment,
reports adopted, Standing Orders suspended and passed remaining stages,
22 February 2011

South Australia

**Controlled Substances (Therapeutic Goods and
Other Matters) Amendment Bill 2010**

A BILL FOR

An Act to amend the *Controlled Substances Act 1984*.

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Schedule 1—Statute law revision amendments of *Controlled Substances Act 1984*

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Controlled Substances (Therapeutic Goods and Other Matters) Amendment Act 2010*.

5 **2—Commencement**

This Act will come into operation on a day to be fixed by proclamation.

3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

10 **Part 2—Amendment of *Controlled Substances Act 1984***

4—Amendment of long title

Long title—delete "therapeutic and other substances, and of certain therapeutic devices;" and substitute:

15 medicines and other substances, and of certain medical devices; to apply certain laws of the Commonwealth relating to therapeutic goods as laws of South Australia;

5—Amendment of section 4—Interpretation

(1) Section 4(1)—after the definition of *analyst* insert:

20 *applied provisions* means the Commonwealth therapeutic goods laws that apply as a law of South Australia by virtue of section 11A;

(2) Section 4(1)—after the definition of *commercial quantity* insert:

Commonwealth Act means the *Therapeutic Goods Act 1989* of the Commonwealth;

Commonwealth Minister means the Minister of the Commonwealth responsible for the administration of the Commonwealth therapeutic goods laws;

Commonwealth Secretary means the Secretary of the Department of the Commonwealth that is, under the Commonwealth Minister, responsible for the administration of the Commonwealth therapeutic goods laws;

Commonwealth therapeutic goods laws means the Commonwealth Act and the regulations, orders and manufacturing principles under that Act;

(3) Section 4(1)—after the definition of *manufacture* insert:

medical device has the same meaning as in the applied provisions;

(4) Section 4(1)—after the definition of *medical practitioner* insert:

medicine has the same meaning as in the applied provisions;

midwife means a person registered under the *Health Practitioner Regulation National Law* to practise in the nursing and midwifery profession as a midwife (other than as a student);

(5) Section 4(1)—after the definition of *nurse* insert:

nurse practitioner means a nurse whose registration under the *Health Practitioner Regulation National Law* is endorsed as being qualified to practise as a nurse practitioner;

(6) Section 4(1)—after the definition of *product* insert:

registered health practitioner has the same meaning as in the *Health Practitioner Regulation National Law*;

(7) Section 4(1), definitions of *therapeutic device* and *therapeutic substance*—delete the definitions

6—Insertion of Part 2A

After Part 2 insert:

Part 2A—Application in South Australia of Commonwealth therapeutic goods laws

Division 1—Applied provisions

11A—Application of Commonwealth therapeutic goods laws

- (1) The Commonwealth therapeutic goods laws, as in force for the time being and as modified by or under this Part, apply as a law of South Australia.
- (2) Those Commonwealth therapeutic goods laws so apply as if they extended to—
 - (a) things done or omitted to be done by persons who are not corporations; and
 - (b) things done or omitted to be done in the course of trade and commerce within the limits of South Australia.

(3) For the purposes of this section, the Commonwealth therapeutic goods laws are modified as follows:

- 5
- (a) a reference to the Federal Court or the Federal Court of Australia is to be read as a reference to the District Court of South Australia;
- (b) a reference to the Administrative Appeals Tribunal is to be read as a reference to the Administrative and Disciplinary Division of the District Court of South Australia;
- 10 (c) a reference to a prescribed court is to be read as a reference to a prescribed court excluding the Federal Court;
- (d) any other modifications specified by the regulations.

11B—Interpretation of Commonwealth therapeutic goods laws

(1) The *Acts Interpretation Act 1901* of the Commonwealth, as in force for the time being—

- 15 (a) applies to the interpretation of the applied provisions; and
- (b) so applies as if the applied provisions were an Act of the Commonwealth or regulations or orders under a Commonwealth Act, as the case requires.

20 (2) The *Acts Interpretation Act 1915* does not apply to the applied provisions.

Division 2—Functions and powers under applied provisions

11C—Functions and powers of Commonwealth Minister

25 The Commonwealth Minister has the same functions and powers under the applied provisions as that Minister has under the Commonwealth therapeutic goods laws as those laws apply to the Commonwealth.

11D—Functions and powers of Commonwealth Secretary

30 (1) The Commonwealth Secretary has the same functions and powers under the applied provisions as that Secretary has under the Commonwealth therapeutic goods laws as those laws apply to the Commonwealth.

35 (2) Without limiting subsection (1), the Commonwealth Secretary has the function of including goods in the Australian Register of Therapeutic Goods kept under the applied provisions and is authorised to cancel the inclusion of goods in that Register in accordance with those provisions.

11E—Commonwealth may retain fees paid to Commonwealth Secretary

5 The Commonwealth may retain fees paid to, or recovered by, the Commonwealth Secretary in respect of the performance or exercise of functions or powers conferred on the Commonwealth Secretary by the applied provisions.

11F—Functions and powers of other persons

10 An authorised person, authorised officer or official analyst appointed under the Commonwealth therapeutic goods laws has the same functions and powers under the applied provisions as that person, officer or analyst has under the Commonwealth therapeutic goods laws as those laws apply to the Commonwealth.

11G—Delegation by Commonwealth Minister or Commonwealth Secretary

15 Any delegation by the Commonwealth Minister or the Commonwealth Secretary under section 57 of the Commonwealth Act is taken to extend to, and have effect for the purposes of, the corresponding provision of the applied provisions.

11H—Appointments under Commonwealth therapeutic goods laws

20 The appointment of a person to an office or position under a provision of the Commonwealth therapeutic goods laws is taken to extend to, and have effect for the purposes of, the applied provisions.

Division 3—Offences against applied provisions

11I—Application of Commonwealth criminal laws to offences against applied provisions

- 25
- 30
- 35
- (1) The relevant Commonwealth laws apply as laws of South Australia in relation to any offence committed against the applied provisions as if the applied provisions were a law of the Commonwealth and not a law of South Australia.
 - (2) For the purposes of a law of South Australia, an offence against the applied provisions—
 - (a) is taken to be an offence against the laws of the Commonwealth in the same way as if the applied provisions were a law of the Commonwealth; and
 - (b) is taken not to be an offence against the laws of South Australia.
 - (3) Subsection (2) has effect for the purposes of a law of South Australia except as prescribed by the regulations.

**11J—Functions and powers conferred on certain
Commonwealth officers and authorities relating to offences**

- 5 (1) A provision of the applied provisions applying because of section 11I
that confers on a Commonwealth officer or authority a function or
power in relation to an offence against the Commonwealth
therapeutic goods laws also confers on the officer or authority the
same function or power in relation to an offence against the
corresponding provision of the applied provisions.
- 10 (2) In performing a function, or exercising a power, conferred by
subsection (1), the Commonwealth officer or authority must act as
nearly as is practicable as the officer or authority would act in
performing or exercising the same function or power in relation to an
offence against the corresponding provision of the Commonwealth
therapeutic goods laws.

15 **11K—No double jeopardy for offences against applied
provisions**

If—

- 20 (a) an act or omission is both an offence against the applied
provisions and an offence against the Commonwealth
therapeutic goods laws; and
- (b) the offender has been punished for that offence under the
Commonwealth therapeutic goods laws,

the offender is not liable to be punished for that offence under the
applied provisions.

25 **Division 4—Reviews and appeals**

11L—District Court may sit with assessors

- 30 (1) In proceedings for review by or on an appeal to the Administrative
and Disciplinary Division of the District Court under the applied
provisions, the Court will, if a Judge of the Court so determines, sit
with assessors.
- (2) For the purposes of this section, if a Judge of the Court determines
that the Court is to sit with assessors—
- 35 (a) the Minister must establish a panel of persons who may sit
as assessors; and
- (b) a member of the panel will hold office on terms and
conditions specified by the Minister in the instrument of
appointment (and a member of the panel whose term of
office expires is eligible for reappointment); and
- 40 (c) subject to paragraph (d), if assessors are to sit with the
District Court, the Judge of the Court on the appeal will
select 2 members of the panel to sit with the Court in the
proceedings; and

(d) a member of the panel who has a personal or direct or indirect pecuniary interest in a matter before the District Court is disqualified from participating in proceedings relating to the matter; and

5 (e) if an assessor dies or is for any reason unable to continue with any proceedings, the District Court constituted of the judicial officer who is presiding at the proceedings and the other assessor may, if the judicial officer so determines, continue and complete the proceedings.

10 **7—Amendment of section 12—Declaration of poisons, prescription drugs, drugs of dependence, controlled drugs etc**

(1) Section 12(5) and (6)—delete subsections (5) and (6)

(2) Section 12(8)—delete ", drug of dependence, therapeutic substance or therapeutic device" and substitute:

15 or drug of dependence

8—Amendment of section 13—Manufacture and packing

(1) Section 13(1)—delete "therapeutic substance or therapeutic device" and substitute:
medicine or medical device

20 (2) Section 13(1)(a)—delete "medical practitioner, pharmacist, dentist" and substitute:
registered health practitioner

(3) Section 13(2)—delete "drugs of dependence), therapeutic substances or therapeutic devices" and substitute:
prescription drugs), medicines or medical devices

9—Amendment of section 14—Sale by wholesale

25 (1) Section 14(1)—delete "therapeutic substance or therapeutic device" and substitute:
medicine or medical device

(2) Section 14(2)—delete "drugs of dependence), therapeutic substances or therapeutic devices" and substitute:
prescription drugs), medicines or medical devices

30 **10—Amendment of section 15—Sale or supply to end user**

(1) Section 15(1)—delete "therapeutic substance or therapeutic device" and substitute:
medicine or medical device

(2) Section 15(1)(a)—delete "pharmacist, medical practitioner, dentist" and substitute:
registered health practitioner

35 (3) Section 15(2)—delete "drugs of dependence), therapeutic substances or therapeutic devices" and substitute:
prescription drugs), medicines or medical devices

11—Amendment of section 17B—Storage and sale of certain precursors

5 Section 17B(5)(b)—delete "medical practitioner, dentist, veterinary surgeon, pharmacist or nurse acting in the ordinary course of his or her profession or a member of any other prescribed profession acting in the ordinary course of that profession" and substitute:

registered health practitioner or veterinary surgeon acting in the ordinary course of his or her profession

12—Amendment of section 17C—Regulation of sale of certain precursors

10 Section 17C(3)(b)—delete "medical practitioner, dentist, veterinary surgeon, pharmacist or nurse acting in the ordinary course of his or her profession or a member of any other prescribed profession acting in the ordinary course of that profession" and substitute:

registered health practitioner or veterinary surgeon acting in the ordinary course of his or her profession

13—Amendment of section 18—Regulation of prescription drugs

15 (1) Section 18(1) and (2)—delete subsections (1) and (2) and substitute:

(1) A person must not prescribe a prescription drug (not being a drug of dependence) except as follows:

20 (a) a registered health practitioner may prescribe a prescription drug (not being a drug of dependence) for a person if he or she is acting in the ordinary course of the practitioner's profession and—

(i) the practitioner is a dentist, medical practitioner or nurse practitioner; or

25 (ii) the practitioner's registration is endorsed under section 94 of the *Health Practitioner Regulation National Law* as being qualified to prescribe a scheduled medicine or class of scheduled medicines and the drug is a scheduled medicine or of a class of scheduled medicines specified in the endorsement; or

30 (iii) the practitioner is authorised to prescribe the drug by the regulations;

35 (b) a veterinary surgeon may prescribe a prescription drug (not being a drug of dependence) for an animal if the veterinary surgeon is acting in the ordinary course of the veterinary surgeon's profession;

40 (c) a person may prescribe a prescription drug (not being a drug of dependence) for a person or an animal if licensed to do so by the Minister.

Maximum penalty: \$10 000 or imprisonment for 2 years.

(1a) A person must not sell a prescription drug (not being a drug of dependence) by wholesale except as follows:

- (a) a pharmacist may sell a prescription drug (not being a drug of dependence) by wholesale if the pharmacist is acting in the ordinary course of the pharmacist's profession;
- (b) a person may sell a prescription drug (not being a drug of dependence) by wholesale if licensed to do so by the Minister.

Maximum penalty: \$10 000 or imprisonment for 2 years.

(1b) A person must not sell a prescription drug (not being a drug of dependence) by retail except as follows:

- (a) a pharmacist may sell a prescription drug (not being a drug of dependence) by retail if the pharmacist—
 - (i) is dispensing the drug on the prescription of a person of a class authorised to prescribe the drug; and
 - (ii) is acting in the ordinary course of the pharmacist's profession;
- (b) a registered health practitioner may sell a prescription drug (not being a drug of dependence) by retail if the practitioner is acting in the ordinary course of the practitioner's profession and—
 - (i) the practitioner is a dentist, medical practitioner or nurse practitioner; or
 - (ii) the practitioner's registration is endorsed under section 94 of the *Health Practitioner Regulation National Law* as being qualified to sell a scheduled medicine or class of scheduled medicines and the drug is a scheduled medicine or of a class of scheduled medicines specified in the endorsement; or
 - (iii) the practitioner is authorised to sell the drug by the regulations;
- (c) a veterinary surgeon may sell a prescription drug (not being a drug of dependence) by retail if the veterinary surgeon is acting in the ordinary course of the veterinary surgeon's profession;
- (d) a person may sell a prescription drug (not being a drug of dependence) by retail if the person is licensed to do so by the Minister.

Maximum penalty: \$10 000 or imprisonment for 2 years.

(1c) A person must not supply a prescription drug (not being a drug of dependence) to another person except as follows:

(a) a pharmacist may supply a prescription drug (not being a drug of dependence) to a person if the pharmacist—

- 5
- (i) is dispensing the drug on the prescription of a person of a class authorised to prescribe the drug; and
 - (ii) is acting in the ordinary course of the pharmacist's profession;

10 (b) a registered health practitioner may supply a prescription drug (not being a drug of dependence) to a person if the practitioner is acting in the ordinary course of the practitioner's profession and—

- 15
- (i) the practitioner is a dentist, medical practitioner, nurse or midwife; or
 - (ii) the practitioner's registration is endorsed under section 94 of the *Health Practitioner Regulation National Law* as being qualified to supply a scheduled medicine or class of scheduled medicines and the drug is a scheduled medicine or of a class of scheduled medicines specified in the endorsement; or
 - (iii) the practitioner is authorised to supply the drug by the regulations;

25 (c) a veterinary surgeon may supply a prescription drug (not being a drug of dependence) to a person for an animal if the veterinary surgeon is acting in the ordinary course of the veterinary surgeon's profession;

30 (d) a person may supply a prescription drug (not being a drug of dependence) to another person if licensed to do so by the Minister.

Maximum penalty: \$10 000 or imprisonment for 2 years.

(1d) A person must not administer a prescription drug (not being a drug of dependence) to another person or an animal except as follows:

35 (a) a registered health practitioner may administer a prescription drug (not being a drug of dependence) to a person if the practitioner is acting in the ordinary course of the practitioner's profession and—

- 40
- (i) the practitioner is a dentist, medical practitioner, nurse or midwife; or

(ii) the practitioner's registration is endorsed under section 94 of the *Health Practitioner Regulation National Law* as being qualified to administer a scheduled medicine or class of scheduled medicines and the drug is a scheduled medicine or of a class of scheduled medicines specified in the endorsement; or

(iii) the practitioner is authorised to administer the drug by the regulations;

(b) a veterinary surgeon may administer a prescription drug (other than a drug of dependence) to an animal if the veterinary surgeon is acting in the ordinary course of the veterinary surgeon's profession;

(c) a person may administer to another person or an animal a prescription drug (not being a drug of dependence) if the drug has been lawfully prescribed for, or supplied to, that other person or that animal;

(d) a person may administer a prescription drug (not being a drug of dependence) to another person if licensed to do so by the Minister.

Maximum penalty: \$10 000 or imprisonment for 2 years.

(1e) A person must not manufacture or pack a prescription drug (not being a drug of dependence) except as follows:

(a) a pharmacist may manufacture or pack a prescription drug (not being a drug of dependence) if the pharmacist is acting in the ordinary course of the pharmacist's profession;

(b) a registered health practitioner may manufacture or pack a prescription drug (not being a drug of dependence) if the practitioner is acting in the ordinary course of the practitioner's profession and—

(i) the practitioner is a dentist, medical practitioner or nurse practitioner; or

(ii) the practitioner's registration is endorsed under section 94 of the *Health Practitioner Regulation National Law* as being qualified to sell, supply or administer a scheduled medicine or class of scheduled medicines, the drug is a scheduled medicine or of a class of scheduled medicines specified in the endorsement and the manufacture or packing is incidental to the sale, supply or administration of the drug; or

(iii) the practitioner is authorised to manufacture or pack the drug by the regulations;

(c) a veterinary surgeon may manufacture or pack a prescription drug (not being a drug of dependence) if the veterinary surgeon is acting in the ordinary course of the veterinary surgeon's profession;

5 (d) a person may manufacture or pack a prescription drug (not being a drug of dependence) if licensed to do so by the Minister;

(e) a person may manufacture or pack a prescription drug (not being a drug of dependence) if—

10 (i) the drug has been lawfully prescribed for the person, another person or an animal; and

(ii) the manufacture or packing is incidental to the administration of the drug as so prescribed.

Maximum penalty: \$10 000 or imprisonment for 2 years.

15 (2) A person must not prescribe a prescribed prescription drug unless the person has the qualifications or meets the requirements specified in the regulations for the purposes of this subsection.

Maximum penalty: \$10 000 or imprisonment for 2 years.

(2) Section 18—after subsection (4) insert:

20 (5) In this section—

manufacture, in relation to a substance, means undertake any process by which the substance is extracted, produced, refined, separated into discrete units or otherwise prepared.

25 **14—Amendment of section 18A—Restriction of prescription or supply of drug of dependence in certain circumstances**

(1) Section 18A—before subsection (1) insert:

(a1) A person must not prescribe for a person or an animal a drug of dependence except as follows:

30 (a) a registered health practitioner may prescribe a drug of dependence for a person if the practitioner is acting in the ordinary course of the practitioner's profession and—

(i) the practitioner is a dentist, medical practitioner or nurse practitioner; or

35 (ii) the practitioner is a registered health practitioner whose registration is endorsed under section 94 of the *Health Practitioner Regulation National Law* as being qualified to prescribe a scheduled medicine or class of scheduled medicines and the drug is a scheduled medicine or of a class of scheduled medicines specified in the endorsement; or

40 (iii) the practitioner is authorised to prescribe the drug by the regulations;

- (b) a veterinary surgeon may prescribe a drug of dependence for an animal if the veterinary surgeon is acting in the ordinary course of the veterinary surgeon's profession.

Maximum penalty: \$10 000 or imprisonment for 2 years.

- 5 (2) Section 18A(1)—delete "medical practitioner or dentist" wherever occurring and substitute in each case:
registered health practitioner
- (3) Section 18A(1)—delete "or dentist's"
- 10 (4) Section 18A(1)—delete "practitioner or dentist" wherever occurring and substitute in each case:
practitioner
- (5) Section 18A(2)(b)(i)—delete "medical practitioner's or dentist's" and substitute:
practitioner's
- (6) Section 18A(3)(a)—delete "medical practitioner or dentist" and substitute:
15 registered health practitioner
- (7) Section 18A(4)—delete "medical practitioner or dentist" and substitute:
registered health practitioner
- (8) Section 18A(5)(a)—delete "medical practitioner or dentist" and substitute:
practitioner
- 20 (9) Section 18A(6)—delete "temporary authority to a person" and substitute:
registered health practitioner authorised to prescribe a drug of dependence a temporary authority

15—Amendment of section 20—Prohibition of automatic vending machines

- 25 (1) Section 20—delete "therapeutic substance or therapeutic device" wherever occurring and substitute in each case:
medicine or medical device
- (2) Section 20(2)—after "regulation" insert:
or in circumstances prescribed by regulation

16—Amendment of section 23—Quality

- 30 Section 23(1)—delete "therapeutic substance or therapeutic device" and substitute:
medicine or medical device

17—Amendment of section 24—Packaging and labelling

- Section 24—delete "therapeutic substance or therapeutic device" and substitute:
medicine or medical device

18—Amendment of section 25—Storage

Section 25—delete "therapeutic substance or therapeutic device" and substitute:
medicine or medical device

19—Amendment of section 26—Transport

5 Section 26—delete "therapeutic substance or therapeutic device" and substitute:
medicine or medical device

20—Amendment of section 27—Use

Section 27—delete "therapeutic substance or therapeutic device" wherever occurring
and substitute in each case:
10 medicine or medical device

21—Amendment of section 28—Prohibition of advertisement

- (1) Section 28(1)—delete "therapeutic substance or therapeutic device" and substitute:
controlled drug, medicine or medical device
- (2) Section 28(2)—delete "therapeutic substances and therapeutic devices" and substitute:
15 controlled drugs, medicines and medical devices

22—Amendment of section 29—Regulation of advertisement

Section 29—delete "therapeutic substance or therapeutic device" and substitute:
medicine or medical device

23—Amendment of section 31—Application of Part

- 20 Section 31(1)(a)—delete paragraph (a) and substitute:
- (a) the manufacture, sale or supply of a poison, or the sale or supply of
equipment for use in connection with the consumption or
administration of a poison, by a pharmacist if the pharmacist is
acting in the ordinary course of the pharmacist's profession; or
 - 25 (ab) the sale by retail of a poison, or of equipment for use in connection
with the consumption or administration of a poison, by a registered
health practitioner if the practitioner is acting in the ordinary course
of the practitioner's profession and—
 - 30 (i) the practitioner is a dentist, medical practitioner or nurse
practitioner; or
 - (ii) the practitioner's registration is endorsed under section 94 of
the *Health Practitioner Regulation National Law* as being
qualified to sell a scheduled medicine or class of scheduled
35 medicines and the poison is a scheduled medicine or of a
class of scheduled medicines specified in the endorsement;
or
 - (iii) the practitioner is authorised to sell the poison by the
regulations; or

(ac) the supply of a poison, or of equipment for use in connection with the consumption or administration of a poison, by a registered health practitioner if the practitioner is acting in the ordinary course of the practitioner's profession and—

- 5 (i) the practitioner is a dentist, medical practitioner, nurse or midwife; or
- 10 (ii) the practitioner's registration is endorsed under section 94 of the *Health Practitioner Regulation National Law* as being qualified to supply a scheduled medicine or class of scheduled medicines and the poison is a scheduled medicine or of a class of scheduled medicines specified in the endorsement; or
- 15 (iii) the practitioner is authorised to supply the poison by the regulations; or

15 (ad) the administration of a poison by a registered health practitioner if the practitioner is acting in the ordinary course of the practitioner's profession and—

- 20 (i) the practitioner is a dentist, medical practitioner, nurse or midwife; or
- 25 (ii) the practitioner's registration is endorsed under section 94 of the *Health Practitioner Regulation National Law* as being qualified to administer a scheduled medicine or class of scheduled medicines and the poison is a scheduled medicine or of a class of scheduled medicines specified in the endorsement; or
- 30 (iii) the practitioner is authorised to administer the poison by the regulations; or

30 (ae) the manufacture, sale, supply or administration of a poison, or the sale or supply of equipment for use in connection with the consumption or administration of a poison, by a veterinary surgeon if the veterinary surgeon is acting in the ordinary course of the veterinary surgeon's profession; or

(af) the possession of a poison or equipment if that possession is incidental to an activity described in a preceding paragraph; or

35 (ag) the manufacture, sale, supply, administration or possession of a substance, or the sale, supply or possession of equipment, by a person who is acting in accordance with a licence or permit issued by the Minister under this Act; or

24—Amendment of section 50—Authorised officers

40 Section 50(2)—delete "in the prescribed form"

25—Amendment of section 52—Power to search, seize, etc

- (1) Section 52(4)—delete "an officer of police, a special magistrate or a" and substitute:
a senior police officer, magistrate or

(2) Section 52(4)(a)—delete "medical practitioner, pharmacist, dentist" and substitute:
registered health practitioner

(3) Section 52(4)(c)—delete "therapeutic substances, therapeutic devices" and substitute:
medicines, medical devices

5 (4) Section 52(5)—delete "An officer of police, special magistrate" and substitute:
A senior police officer, magistrate

26—Amendment of section 53—Analysis

Section 53(2)—delete "therapeutic substance" and substitute:
medicine

10 26A—Amendment of section 55—Licences, authorities and permits

(1) Section 55—after subsection (2a) insert:

(2b) The Minister may fix fees payable in respect of a licence, authority or permit (including application fees, fees for grant and renewal and periodic fees) and may waive or reduce a fee payable if the Minister considers it appropriate to do so.

15

(2) Section 55(3)—delete "prescribed" and substitute:
appropriate

27—Amendment of section 56—Permits for research etc

Section 56(1)—delete "therapeutic substance or therapeutic device" and substitute:
medicine or medical device

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28—Amendment of section 57A—Warnings

(1) Section 57A(2)(a)—delete "therapeutic substance" wherever occurring and substitute in each case:

medicine

25

(2) Section 57A(2)(b)—delete paragraph (b) and substitute:

(b) in relation to a device, if the device is a medical device or is a device that the Minister is satisfied is or may be used, or is designed to be used, as a medical device.

29—Amendment of section 58—Publication of information

30 (1) Section 58(1)—delete "therapeutic substances" and substitute:
medicines

(2) Section 58(1)—delete "therapeutic substance or therapeutic device" and substitute:
medicine or medical device

(3) Section 58(1)(b) to (e)—delete paragraphs (b) to (e) inclusive and substitute:

35

(b) registered health practitioners; and
(c) veterinary surgeons; and

30—Amendment of section 60—Minister may require certain information to be given

- (1) Section 60(2)—delete "medical practitioner, dentist, veterinary surgeon, pharmacist, nurse" and substitute:

5 registered health practitioner, veterinary surgeon

- (2) Section 60(2)(a)—delete "medical practitioner, dentist, veterinary surgeon or nurse" and substitute:

registered health practitioner (other than a pharmacist) or veterinary surgeon

31—Amendment of section 63—Regulations

- 10 (1) Section 63—delete "therapeutic substance , therapeutic device" wherever occurring and substitute in each case:

medicine, medical device

- (2) Section 63—delete "therapeutic substance or therapeutic device" wherever occurring and substitute in each case:

15 medicine or medical device

- (3) Section 63(4)(a)—after "prescribing," insert:

administration,

- (4) Section 63(4)—after paragraph (b) insert:

20 (ba) regulate the installation, sale, supply or operation of an automatic vending machine for the sale or supply of a poison, medicine or medical device (in circumstances in which that is not prohibited);

- (5) Section 63(4)(e)—delete "application for, grant," and substitute:

classes, application for, grant, term,

- (6) Section 63(4)(h)—after "this Act" insert:

25 or the applied provisions

- (7) Section 63—after subsection (6) insert:

(7) The regulations may provide that a matter or thing in respect of which regulations may be made is to be determined according to the discretion of the Minister.

30 **Schedule 1—Statute law revision amendments of *Controlled Substances Act 1984***

<u>Provision amended</u>	<u>How amended</u>
Act	Delete "member of the police force" and substitute: police officer
section 4(1), definition of <i>the Advisory Council</i>	Delete "the" from the defined term
section 4(1), definition of <i>the Department</i>	Delete "the" from the defined term
section 4(1), definition of <i>veterinary surgeon</i>	Delete " <i>Veterinary Surgeons Act 1985</i> " and

Controlled Substances (Therapeutic Goods and Other Matters) Amendment Bill 2010
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Provision amended	How amended
	substitute: <i>Veterinary Practice Act 2003</i>
section 6(2)	Delete "upon" and substitute: on
section 6(2)(a)	Delete " <i>South Australian Health Commission Act 1976</i> " and substitute: <i>Health Care Act 2008</i>
section 6(4)	Delete "Where" and substitute: If
section 7(1)	Delete "upon" and substitute: on
section 7(4)	Delete "Upon" and substitute: On
section 11(3)	Delete "upon" and substitute: on
section 16(3)	Delete "Where" and substitute: If
section 21(4)	Delete "Upon" and substitute: On
section 33O(2)	Delete "Where" and substitute: If
section 36(1)	Delete "Where" and substitute: If
section 44(1)	Delete "upon" and substitute: on
section 45	Delete "Where" and substitute: If
section 50(3)	Delete "upon" and substitute: on
section 52(1)(b)	Delete "where" and substitute: if
section 52(2)(i)	Delete "where" and substitute: if
section 52(4) and (5)	Delete "upon" wherever occurring and substitute in each case: on
section 52(9)	Delete "Where" and substitute: If

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Provision amended	How amended
section 52B	Delete "km" and substitute: kilometres
section 52B(5)	Delete "Where" and substitute: If
section 52B(7) and (9)	Delete "members of the police force" wherever occurring and substitute in each case: police officers
section 52E(6a)	Delete "Where" and substitute: If
Section 52E(13), definition of <i>the prescribed period</i>	Delete "the" from the defined term
section 53(3)	Delete "upon" and substitute: on
section 55(2a)	Delete "Where" and substitute: If
section 55(3)	Delete "Upon" and substitute: On
section 57(1)	Delete "Where" and substitute: If
section 57(3)	Delete "upon" and substitute: on
section 60(2)	Delete "Where" and substitute: If
section 62	Delete the section
section 63(3)	Delete "upon" and substitute: on