

South Australia

## **Controlled Substances (Exemptions) Regulations 2004**

under the *Controlled Substances Act 1984*

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#### **1—Short title**

These regulations may be cited as the *Controlled Substances (Exemptions) Regulations 2004*.

#### **2—Commencement**

These regulations will come into operation on 1 September 2004.

#### **3—Interpretation**

In these regulations—

*Act* means the *Controlled Substances Act 1984*.

#### **4—Exemption from prohibition of possession of injecting equipment**

Section 31(1)(c) of the Act does not apply to a person having in his or her possession a syringe or needle for use in connection with the administration of a drug of dependence or a prohibited substance.

#### **5—Exemption from aiding and abetting etc**

- (1) Section 41 of the Act does not prevent the sale or supply of syringes or needles or the giving of advice or instruction on the safe use of syringes or needles by—
  - (a) a medical practitioner; or
  - (b) a pharmacist; or
  - (c) a nurse acting in the course of a health risk minimisation program; or
  - (d) a person licensed to be in possession of syringes and needles under section 31(3)(d) of the Act acting in the course of a health risk minimisation program and in accordance with the conditions of the licence.

(2) In this regulation—

***health risk minimisation program*** means a program—

- (a) designed to facilitate—
    - (i) the supply to intravenous drug users of sterile syringes and sterile needles, and any associated equipment, to prevent the spread of infectious diseases and minimise health risks associated with intravenous drug use; and
    - (ii) the giving out of information concerning safe practices in the use of syringes and needles to prevent the spread of infectious diseases; and
  - (b) declared by the Minister, by notice in writing given personally or by post to the person responsible for conducting the program, to be a health risk minimisation program for the purposes of this regulation.
- (3) The Minister may, by subsequent notice in writing given personally or by post to the person responsible for conducting the program, vary or revoke the declaration.

## **Schedule 1—Revocation of *Controlled Substances (Exemptions) Regulations 1989***

The *Controlled Substances (Exemptions) Regulations 1989* are revoked.

**Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

### **Made by the Governor**

after consultation by the Minister with the Controlled Substances Advisory Council and with the advice and consent of the Executive Council  
on 19 August 2004

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