

South Australia

Controlled Substances (Poisons) Variation Regulations 2009

under the *Controlled Substances Act 1984*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Controlled Substances (Poisons) Regulations 1996*

- 4 Variation of regulation 4—Interpretation
 - 5 Insertion of regulation 15AA
15AA Prescribed professions (section 18)
 - 6 Variation of regulation 28—Prescribed professions and limitations (section 18(1))
 - 7 Variation of regulation 31G—Supply or administration of drugs of dependence by medical practitioner, dentist, nurse or midwife
 - 8 Variation of regulation 31I—Additional requirements for administration of drugs of dependence in health service
 - 9 Variation of regulation 31J—Destruction of drugs of dependence
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Controlled Substances (Poisons) Variation Regulations 2009*.

2—Commencement

These regulations will come into operation on 4 August 2009.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Controlled Substances (Poisons) Regulations 1996*

4—Variation of regulation 4—Interpretation

Regulation 4(1)—after the definition of *health service* insert:

midwife has the same meaning as in the *Nursing and Midwifery Practice Act 2008*;

5—Insertion of regulation 15AA

After regulation 15 insert:

15AA—Prescribed professions (section 18)

- (1) Subject to this regulation, the profession of midwifery is prescribed for the purposes of section 18(1)(b) of the Act.
- (2) Subregulation (1) only applies in respect of the supply or administration of a prescription drug (not being a drug of dependence) by members of the profession of midwifery that are midwives acting in accordance with the *Nursing and Midwifery Practice Act 2008* (and, to avoid doubt, does not apply in relation to the sale by retail or prescribing of such drugs by members of the profession of midwifery).
- (3) For the purposes of section 18(1)(c) of the Act, the profession of nursing is prescribed.

6—Variation of regulation 28—Prescribed professions and limitations (section 18(1))

Regulation 28(2)—delete subregulation (2)

7—Variation of regulation 31G—Supply or administration of drugs of dependence by medical practitioner, dentist, nurse or midwife

Regulation 31G(1)—delete "or nurse" wherever occurring and substitute in each case:
, nurse or midwife

8—Variation of regulation 31I—Additional requirements for administration of drugs of dependence in health service

- (1) Regulation 31I(1)(a)—delete "or a registered nurse" and substitute:
, or a registered nurse or midwife
- (2) Regulation 31I(1)(c)—after "nurse" wherever occurring insert:
or midwife
- (3) Regulation 31I(1)(d)—delete "or nurse" and substitute:
, nurse or midwife

- (4) Regulation 31I(1)(e)(i)—delete "to a nurse and one other responsible person employed by the health service; and" and substitute:
- to—
- (A) a nurse or midwife; and
- (B) 1 other responsible person employed by the health service; and
- (5) Regulation 31I(1)(e)(ii)—after "nurse" insert:
- or midwife
- (6) Regulation 31I(2)—after "designated nurse" wherever occurring insert:
- or designated midwife
- (7) Regulation 31I(2)(b)—after "nurse's" wherever occurring insert:
- or midwife's
- (8) Regulation 31I(2)(c)(ii)(A)—delete subparagraph (A) and substitute:
- (A) be witnessed by a nurse or midwife working on the same shift as the nurse or midwife who made the entry and be endorsed with the name and signature of the witnessing nurse or midwife; and
- (9) Regulation 31I(2a)—after "nurse" insert:
- or midwife
- (10) Regulation 31I(2b)—after "nurse" first and second occurring insert:
- or midwife
- (11) Regulation 31I(2b)—after "registered nurse" insert:
- or midwife
- (12) Regulation 31I(3)(a)—delete "or nurse" wherever occurring and substitute in each case:
- , nurse or midwife
- (13) Regulation 31I(4), definition of *designated nurse*—delete the definition and substitute:
- designated midwife* for a ward of a health service for a shift means a midwife designated under subregulation (2a) as having responsibility for record keeping under subregulation (2) for the ward for the shift;
- designated nurse* for a ward of a health service for a shift means a nurse designated under subregulation (2a) as having responsibility for record keeping under subregulation (2) for the ward for the shift;

9—Variation of regulation 31J—Destruction of drugs of dependence

- Regulation 31J(1)(a)—delete "or nurse" and substitute:
- , nurse or midwife

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's Deputy

after consultation with the Controlled Substances Advisory Council and with the advice and consent of the Executive Council

on 30 July 2009

No 212 of 2009