



New South Wales

Poisons and Therapeutic Goods Amendment (Suspension and Cancellation of Licences and Authorities) Regulation 2001

under the

Poisons and Therapeutic Goods Act 1966

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Poisons and Therapeutic Goods Act 1966*.

CRAIG KNOWLES, M.P.,
Minister for Health

Explanatory note

Clause 149 of the *Poisons and Therapeutic Goods Regulation 1994* currently provides that the Director-General of the Department of Health may suspend or cancel a licence or authority issued under that Regulation if one or more specified grounds set out in paragraphs (a) to (f) of that clause exist.

The object of this Regulation is to amend the *Poisons and Therapeutic Goods Regulation 1994* to provide that the Director-General must suspend or cancel a licence or authority if any of the more serious grounds exists. However, the Director-General will also have a discretion as to whether to suspend or cancel a licence or authority, or whether to take no action at all, on other, less serious, grounds.

This Regulation is made under the *Poisons and Therapeutic Goods Act 1966*, including sections 24 and 45C (the general regulation-making power).

2001 No 548

Clause 1 Poisons and Therapeutic Goods Amendment (Suspension and Cancellation of Licences and Authorities) Regulation 2001

Poisons and Therapeutic Goods Amendment (Suspension and Cancellation of Licences and Authorities) Regulation 2001

1 Name of Regulation

This Regulation is the *Poisons and Therapeutic Goods Amendment (Suspension and Cancellation of Licences and Authorities) Regulation 2001*.

2 Amendment of Poisons and Therapeutic Goods Regulation 1994

The *Poisons and Therapeutic Goods Regulation 1994* is amended as set out in Schedule 1.

3 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 2)

[1] Clause 149

Omit the clause. Insert instead:

149 Grounds for suspension or cancellation

- (1) The Director-General must suspend or cancel a licence or authority in the event of one or more of the following:
 - (a) the holder of the licence or authority requests or agrees in writing to the suspension or cancellation of the licence or authority,
 - (b) the holder of the licence or authority is convicted of a serious offence against the Act or this Regulation, or of a serious offence against the *Drug Misuse and Trafficking Act 1985* or any regulation in force under that Act,
 - (c) the Director-General forms the opinion that the holder of the licence or authority is no longer a fit and proper person to hold the licence or authority,
 - (d) in the case of a licence or authority to supply methadone, the Director-General forms the opinion that the supply of methadone has a significant adverse effect on the amenity of the area in which the premises from which it is being supplied are situated.
- (2) The Director-General may, at the Director-General's discretion, suspend or cancel a licence or authority on any one or more of the following grounds:
 - (a) the holder of the licence or authority contravenes any condition of the licence or authority,

- (b) the holder of the licence or authority is convicted of an offence (not being a serious offence) against the Act or this Regulation, or of an offence (not being a serious offence) against the *Drug Misuse and Trafficking Act 1985* or any regulation in force under that Act,
- (c) an order is made under section 10 (1) of the *Crimes (Sentencing Procedure) Act 1999* relating to the holder of the licence or authority in respect of an offence against the Act or this Regulation, or an offence against the *Drug Misuse and Trafficking Act 1985* or any regulation in force under that Act,
- (d) the annual fee for the licence is not duly paid.

(3) In this clause, *serious offence* means an offence that is punishable by imprisonment for life or for a term of 5 years or more.

[2] Clause 162

Insert after clause 161:

162 Transitional provision relation to suspension or cancellation of licences or authorities

Clause 149, as substituted by the *Poisons and Therapeutic Goods Amendment (Suspension and Cancellation of Licences and Authorities) Regulation 2001*, extends to any cause of suspension or cancellation that was done or took place before the commencement of that Regulation unless the Director-General has, before that commencement, caused written notice to be served on a holder of a licence or authority in accordance with clause 150 in respect of that cause of suspension or cancellation.