

1994—No. 567

**DRUG MISUSE AND TRAFFICKING ACT  
1985—REGULATION**

(Drug Misuse and Trafficking Regulation 1994)

NEW SOUTH WALES



*[Published in Gazette No. 145 of 28 October 1994]*

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Drug Misuse and Trafficking Act 1985, has been pleased to make the Regulation set forth hereunder.

J. P. HANNAFORD, M.L.C.,  
Minister for Justice.

---

**Citation**

1. This Regulation may be cited as the Drug Misuse and Trafficking Regulation 1994.

**Commencement**

2. This Regulation commences on 1 November 1994.

**Definitions**

3. In this Regulation:

“**approved needle exchange program**” means a program approved by the Director-General of the Department of Health, as referred to in clause 4;

“**authorised person**” means a person who is authorised by the Director-General of the Department of Health to participate in an approved needle exchange program, as referred to in clause 4;

“**the Act**” means the Drug Misuse and Trafficking Act 1985.

**Approval by Director-General of Health of needle exchange programs**

4. (1) The Director-General of the Department of Health may authorise a specified person or specified class of persons to participate in a program approved by the Director-General to facilitate:

- (a) the supply to intravenous drug users of sterile hypodermic syringes and sterile hypodermic needles to prevent the spread of contagious disease; and
- (b) the giving out of information concerning hygienic practices in the use of hypodermic syringes and hypodermic needles to prevent the spread of contagious disease.

(2) An authorisation under this clause is to be granted, and may be revoked, in the same manner as an authorisation under the Act.

**Exemption for pharmacists with respect to the possession of items of equipment for drug administration**

5. (1) A pharmacist is exempt from the provisions of sections 11, 19 and 20 of the Act, but only to the extent necessary to authorise the pharmacist to have in his or her possession items of equipment for use in the administration of a prohibited drug capable of being so administered.

(2) The exemption applies only for the purpose of enabling the pharmacist to participate in an approved needle exchange program.

**Exemption for authorised persons with respect to the possession of syringes and needles and the giving out of information**

6. (1) An authorised person is exempt from the provisions of sections 11, 19 and 20 of the Act, but only to the extent necessary to authorise the person:

- (a) to have in his or her possession hypodermic syringes and hypodermic needles for use in the administration of a prohibited drug capable of being so administered; and
- (b) to give out information concerning the administration of any such prohibited drug.

(2) The exemption applies only for the purpose of enabling the authorised person to participate in an approved needle exchange program.

---

**NOTES****TABLE OF PROVISIONS**

1. Citation
  2. Commencement
  3. Definitions
  4. Approval by Director-General of Health of needle exchange programs
  5. Exemption for pharmacists with respect to the possession of items of equipment for drug administration
  6. Exemption for authorised persons with respect to the possession of syringes and needles and the giving out of information
- 

**EXPLANATORY NOTE**

The object of this Regulation is to remake, with minor changes, the provisions of the Drug Misuse and Trafficking Regulation 1986. That Regulation has been repealed by section 10 of the Subordinate Legislation Act 1989. The new Regulation deals with the following matters:

- (a) empowering the Director-General of the Department of Health to approve needle exchange programs and to authorise persons to participate in such programs (clause 4);
- (b) exempting pharmacists from certain provisions of the Act that would otherwise prohibit them from supplying equipment for use in the administration of prohibited drugs in accordance with an approved program (clause 5);
- (c) exempting authorised persons from certain provisions of the Act that would otherwise prohibit them from supplying syringes and needles, and giving out information, in accordance with an approved program (clause 6);
- (d) citation, commencement and definitions (clauses 1, 2 and 3).

This Regulation is made under the Drug Misuse and Trafficking Act 1985, including section 45 (the general regulation making power).

This Regulation is made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.

---