



Queensland

Health (Drugs and Poisons) Amendment Regulation (No. 2) 2005

Subordinate Legislation 2005 No. 160

made under the

Health Act 1937

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1 Short title

This regulation may be cited as the *Health (Drugs and Poisons) Amendment Regulation (No. 2) 2005*.

2 Regulation amended

This regulation amends the *Health (Drugs and Poisons) Regulation 1996*.

3 Insertion of new ch 5, pt 1A

Before chapter 5, part 2—

insert—

‘Part 1A Optometrists Drug Authority Committee

‘Division 1 Establishment and function

‘308A Establishment

‘The Optometrists Drug Authority Committee is established.

‘308B Function

- ‘(1) The function of the drug authority committee is to approve, publish and review the ocular therapeutics protocol.
- ‘(2) In performing its function, the drug authority committee may consult with, or obtain advice from, the entities it considers appropriate.

‘Division 2 Membership

‘308C Membership

- ‘(1) The drug authority committee consists of—

- (a) the chief health officer; and
 - (b) the following persons appointed by the Minister—
 - (i) 1 optometrist nominated by the Optometrists Board of Queensland;
 - (ii) 1 ophthalmologist nominated by the Royal Australian and New Zealand College of Ophthalmologists;
 - (iii) 1 medical practitioner nominated by the Royal Australian College of General Practitioners;
 - (iv) 1 clinical pharmacologist.
- ‘(2) However, the drug authority committee consists of the persons mentioned in subsection (1)(a) and (b)(i) to (iii) if the Minister reasonably considers a clinical pharmacologist is not available for appointment under subsection (1)(b)(iv).
- ‘(3) Subsection (1)(b)(i) to (iii) applies subject to section 308D.
- ‘(4) In this section—
- ophthalmologist*** means a person registered under the *Medical Practitioners Registration Act 2001* as a specialist registrant in the specialty of ophthalmology.

‘308D Nomination and appointment of particular members

- ‘(1) This section applies to the nomination of a person for membership of the drug authority committee by an entity under section 308C(1)(b).
- ‘(2) The Minister must give the entity a written notice stating a reasonable period, of at least 21 days, within which it may nominate a person for membership.
- ‘(3) If the entity does not nominate a person for membership of the drug authority committee within the period stated in the notice, the Minister may appoint a person who may be nominated by the entity under section 308C(1)(b) as a member of the committee in place of a nominee of the entity.
- ‘(4) Before the Minister acts under subsection (3), the Minister must give the entity a written notice stating the Minister

intends to appoint a person in place of a nominee of the entity unless it nominates a person for membership within a stated reasonable period, of at least 7 days, after receiving the notice.

- ‘(5) A person appointed under subsection (3) is taken to have been nominated for membership by the entity under section 308C(1)(b).

‘308E Term of appointment

‘An appointed member must be appointed for a term of not more than 3 years.

‘308F Chairperson

‘The chief health officer is the chairperson of the drug authority committee.

‘308G Disqualification from membership

- ‘(1) A person can not become, or continue as, an appointed member if the person—
- (a) has a conviction, other than a spent conviction, for an indictable offence; or
 - (b) is an insolvent under administration within the meaning of the Corporations Act, section 9.
- ‘(2) Also, a person can not continue as an appointed member if—
- (a) for a member nominated by an entity under section 308C(1)(b)—the member stops being a person who may be nominated by the entity under that paragraph; and
 - (b) for a member mentioned in section 308C(1)(b)(iv)—the member stops being a clinical pharmacologist.
- ‘(3) In this section—

indictable offence includes an indictable offence dealt with summarily, whether or not the Criminal Code, section 659¹ applies to the indictable offence.

spent conviction means a conviction—

- (a) for which the rehabilitation period under the *Criminal Law (Rehabilitation of Offenders) Act 1986* has expired under that Act; and
- (b) that is not revived as prescribed by section 11² of that Act.

‘308H Vacation of office

‘(1) The office of an appointed member becomes vacant if the member—

- (a) resigns his or her office by signed notice of resignation given to the Minister; or
- (b) can not continue as a member under section 308G; or
- (c) is absent, without the permission of the drug authority committee, from 3 consecutive meetings of the committee of which proper notice has been given.

‘(2) In this section—

meeting means—

- (a) if the member does not attend—a meeting with a quorum present; or
- (b) if the member attends—a meeting with or without a quorum present.

‘308I When notice of resignation takes effect

‘A notice of resignation mentioned in section 308H(1)(a) takes effect when the notice is given to the Minister or, if a later time is stated in the notice, the later time.

1 Criminal Code, section 659 (Effect of summary conviction for indictable offences)

2 *Criminal Law (Rehabilitation of Offenders) Act 1986*, section 11 (Revival of convictions)

‘308J Remuneration of member

‘A member is entitled to be paid the fees and allowances decided by the Governor in Council.

‘Division 3 Drug authority committee business

‘308K Conduct of business

‘Subject to this division, the drug authority committee must conduct its business, including its meetings, in the way it considers appropriate.

‘308L Quorum

‘A quorum for the drug authority committee is 3 members.

‘308M Conduct of meetings

- ‘(1) A question at a meeting of the drug authority committee is decided by a majority of the votes of the members present.
- ‘(2) Each member present at a meeting of the drug authority committee has a vote on each question to be decided and, if the votes are equal, the chairperson has a casting vote.
- ‘(3) A member present at a meeting of the drug authority committee who abstains from voting is taken to have voted for the negative.
- ‘(4) The drug authority committee may hold meetings, or allow members to take part in its meetings, by using any technology that reasonably allows members to hear and take part in discussions as they happen.

Example of use of technology—

teleconferencing

- ‘(5) A member who takes part in a meeting of the drug authority committee under subsection (4) is taken to be present at the meeting.

- ‘(6) A resolution is validly made by the drug authority committee, even if it is not passed at a meeting of the committee, if—
- (a) notice of the resolution is given under procedures approved by the committee; and
 - (b) a majority of the members gives written agreement to the resolution.

‘308N Minutes

‘The drug authority committee must keep minutes of its meetings.’.

4 Insertion of new ch 5, pt 2, div 3

After section 312—

insert—

‘Division 3 Transitional provision for Health (Drugs and Poisons) Amendment Regulation (No. 2) 2005

‘313 Continuation of former ocular therapeutics protocol

- ‘(1) This section applies to a former ocular therapeutics protocol.
- ‘(2) The former ocular therapeutics protocol is taken to be an ocular therapeutics protocol approved and published by the drug authority committee.
- ‘(3) In this section—
- former ocular therapeutics protocol* means an ocular therapeutics protocol in force under this regulation immediately before the commencement of this section.’.

5 Amendment of appendix 9 (Dictionary)

- (1) Appendix 9—

insert—

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‘appointed member means a person appointed as a member of the drug authority committee under section 308C(1)(b) or 308D(3).

clinical pharmacologist means a person registered under the *Medical Practitioners Registration Act 2001* as a specialist registrant in the specialty of clinical pharmacology.

drug authority committee means the Optometrists Drug Authority Committee established under section 308A.’.

- (2) Appendix 9, definition *ocular therapeutics protocol*, ‘Optometrists Board of Queensland’—

omit, insert—

‘drug authority committee’.

ENDNOTES

- 1 Made by the Governor in Council on 14 July 2005.
- 2 Notified in the gazette on 15 July 2005.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Health.