

## Changes to drugs and poisons schedules

Hydrofluoric acid is an aggressive substance used in the stainless steel industry, usually to assist in removal of scale and the chrome depleted layer associated with welds.

Changes in the National Drugs and Poisons Schedules have recently brought hydrofluoric acid (HF) into focus.

Products containing HF in concentrations greater than one percent (1%) now attract a National Drugs and Poisons Schedule 7 listing. In many states this has implications for licence and permit requirements. Further information on the background to rescheduling of HF from a Schedule 6 to a Schedule 7 poison, can be found at [www.health.gov.au/tga/docs/html/ndpsc/ndpsc.htm](http://www.health.gov.au/tga/docs/html/ndpsc/ndpsc.htm) (and follow the links to gazette notices for the May 2001 meeting).

The implications of this change for people purchasing and using "pickling pastes" (usually incorporating HF at concentrations between 3% and 5%) and other pickling materials containing HF, and for persons selling these materials, are briefly described below on a state by state basis. The descriptions are based on verbal and in some cases written discussion with the departmental office in each state or territory and are not provided as definitive statements on your responsibilities. Also included are contact details for Public Health Authorities in each state. If you use or trade HF-containing products, ASSDA strongly suggests you contact state authorities for further information, licence applications etc.

ASSDA has made representation to the National Drugs and Poisons Scheduling Committee which has ultimately led to a change in the regulatory requirements in New South Wales. This change is reflected below.

It is likely however that there are conditions which must be met *right now* to buy or sell HF products in most states. Although in some cases licences and permits are inexpensive, there is still paperwork to be completed and additional checks to be implemented in organisations handling these products.

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*Failure to comply may trigger various legal alternatives open to state authorities. Failure to obtain a licence or permit may have implications for an organisation's insurance cover.*

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Failure to comply with these laws may trigger various legal alternatives open to state authorities. Failure to obtain the relevant licence or permit may also have implications for an organisation's insurance cover or other risk management arrangements.

ASSDA urges you to examine your responsibilities and maintain compliance with appropriate laws.

### IMPORTANT QUALIFICATION

These are general observations by ASSDA following general discussions with regulatory authorities and are not intended to be definitive advice.

In most instances there are specific requirements under the terms of the licences which need to be met or demonstrated. Terms such as "wholesale", "retail" and "user" appear to have slightly different meaning from state to state and you should seek clarity over the type of licence your company requires.

ASSDA accepts no responsibility for any opinion expressed, for any error or omission occurring herein.

### NEW SOUTH WALES

Contact: Mr Grahame Cox  
Pharmaceutical Adviser  
Pharmaceutical Services Branch  
New South Wales Health  
Phone: (02) 9879 3214

Purchaser is required to obtain and/or use an "Authority" to buy a Schedule 7 poison unless the substance is intended for non-domestic use (ie. for industrial, commercial or trade purpose). There is no cost for obtaining the authority.

### VICTORIA

Contact: Mr Richard Bell  
Senior Drugs and Poisons Officer  
Drugs and Poisons Unit  
Victorian Dept of Human Services  
Phone: (03) 9637 4055

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In Victoria manufacturers and wholesalers require a licence to trade Schedule 7 poisons. Such licences are also required for Schedule 6 poisons so there is not a radical change.

Costs are as follows:

A licence to manufacture a Schedule 7 poison costs \$777 for the first year and \$463 for subsequent years. Manufacturing the product is defined to include activities such as preparing for sale, repackaging, relabelling etc.

If you are involved as a wholesaler of the product then a licence will cost \$717 in the first year and \$433 in subsequent years. Industrial users do not require a licence or permit.

## QUEENSLAND

Contact: Mrs Simone Healy  
Environmental Health Unit  
Public Health Services  
Queensland Health  
Phone: (07) 3234 0964

A Schedule 7 poison may only be sold by a person who has been licensed by the Chief Executive Officer to do so.

A licensee must ensure all Schedule 7 poisons are stored in a locked receptacle or storeroom, and keep personal possession of the key or ensure the key is in the personal possession of another responsible adult authorised by the licensee.

A licensee must make accurate records of all sales of Schedule 7 poisons. These records may be made in the form of an entry in a poisons sales book, or by giving the purchaser an invoice that has a unique number. The following details must be recorded:

- > Date of the sale
- > Name and quantity or volume of the poison sold
- > Purpose for which the poison is required
- > Purchaser's name and address
- > If the purchaser buys the poison in person – the purchaser's signature
- > If the order was a telephone or written order – a note about the way the order was placed.

Usually, a licensed wholesaler may not sell by retail. However, a licensed wholesaler may sell

a Schedule 7 poison by retail to a person who uses the poison in a technical process connected with the person's business, industry or trade. The wholesaler must give the purchaser an invoice that has a unique number and states:

- > Date of the sale
- > Purchaser's name and address
- > Name and quantity of the poison sold
- > All records must be kept for two (2) years.

The fee for the licence is \$125.

## AUSTRALIAN CAPITAL TERRITORY

Contact: Mr George Stefanoff  
Chief Pharmacist  
ACT Department of Health and  
Community Care  
Phone: (02) 6207 3974

Sellers or manufacturers of Schedule 7 poisons require a licence, issued by the Minister (of Health), to possess a Schedule 7 substance. The current licence fee is \$30 per year and is valid from April 1 to March 31 each year. Schedule 7 substances must be securely stored at all times and any sales must be recorded in a poisons register. For further details and for licence applications contact George Stefanoff.

## NORTHERN TERRITORY

Contact: Ms Helgi Stone  
Poisons and Pharmacy Branch  
Territory Health Services  
Phone: (08) 8922 7341

Manufacturers and wholesalers require a licence (\$50 per year) and must comply with requirements of the licence (which includes rules for storage, sale and record keeping).

A retailer also requires a licence (\$20 per year) with similar requirements.

A user requires a legal authority for which there is no fee, but for which there are requirements.

## WESTERN AUSTRALIA

Contact: Ms Kelly Rinaldi  
Health Department of WA  
Phone: (08) 9388 4991

Licences to sell and permits to use are required for Schedule 7 poisons.

Costs are as follows:

Application for a wholesaler's licence costs \$600. Subsequent financial year renewals are \$175 for one (1) year or \$425 for three (3) years.

To apply for a permit to use the product, the cost is \$200. Subsequent financial year renewals are \$75 for one (1) year or \$175 for three (3) years.

In both cases, separate application forms are required for both the general application for a Schedule 7 poison and a specific hydrofluoric acid application.

In addition, depending on whether the application is for wholesale or use, various requirements must be met and experience must be demonstrated in those applications.

## TASMANIA

Contact: Mr James Galloway  
Senior Pharmacist  
Pharmacy Services Unit  
Tasmanian Department of Health  
and Human Services  
Phone: (03) 6233 6471

Licences are required by sellers of a Schedule 7 poison and by all purchasers. There is no cost for the licence to either party. Contact James Galloway for details.

## SOUTH AUSTRALIA

Contact: Ms Elena Anear  
Drugs and Poisons Section  
Pharmaceutical Services Branch  
SA Department of Human Services  
Phone: (08) 8226 7116

Wholesalers of Schedule 7 poisons are required to be licensed (this is also the case for Schedule 6). The licence fee is \$105 for Schedule 7 (and \$52 for Schedule 6) per annum, renewed on May 1 each year. There are requirements for record-keeping associated with the licence. Contact Joe Artunez on (08) 8226 7116 for further details and applications.

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ASSDA

AUSTRALIAN STAINLESS STEEL  
DEVELOPMENT ASSOCIATION

Level 15, 215 Adelaide Street  
Brisbane Queensland 4000 Australia  
Telephone (07) 3220 0722  
Facsimile (07) 3220 0733  
Email [assda@assda.asn.au](mailto:assda@assda.asn.au)  
Website [www.assda.asn.au](http://www.assda.asn.au)