
PUBLIC HEALTH DELEGATIONS MANUAL

Secretary delegations

Amendment 168 (06/03/24)

Chapter 6 – Poisons and Therapeutic Goods Act

New delegations (PH665) and (PH666) delegating the Secretary's power under section 45A and 45B of the *Poisons and Therapeutic Goods Act*.

New pages
Pages 6.112 and 6.113

Manuals are available on the Internet at

<http://www.health.nsw.gov.au/policies/manuals/Pages/default.aspx>

If you require details of a past amendment, please email MOH-CGRM@health.nsw.gov.au

FORFEITURE OF REGULATED GOODS

Power to make, in writing, a *forfeiture order* under section 45A declaring goods to be forfeited to the State.

Note:

1. A forfeiture order may only be made:
 - a) if the delegate is satisfied:
 - i. a person has been convicted of an offence in connection with the seized goods, or
 - ii. the owner of the seized goods cannot be found despite inquiries being made that are reasonable in the circumstances, or
 - iii. the seized goods cannot be returned to the owner for other reasons despite efforts being made that are reasonable in the circumstances, or
 - iv. the return of the seized goods would pose an unacceptable risk to the health or safety of a human or animal, whether or not the human or animal is identifiable, or
 - v. the seized goods cannot be lawfully used or supplied by the owner of the goods, or
 - b) in circumstances prescribed by the regulations under Act.
 2. Before making a forfeiture order, the delegate must make reasonable efforts to give the apparent owner of seized goods written notice of the following—
 - a) the intention to make a forfeiture order,
 - b) the period, not less than 21 days, during which the apparent owner may make a submission about why the proposed forfeiture order should not be made,
 - c) the way in which a submission may be made.
 3. The delegate must consider a submission made in accordance with subsection 45A(3)(b) and decide to make, or not make, the forfeiture order.
-

Refer section 45A Poisons and Therapeutic Goods Act 1966

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

*CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DEPUTY CHIEF PHARMACIST (TRANSITIONAL) EXECUTIVE
DIRECTOR PUBLIC HEALTH UNIT*

DISPOSE REGULATED GOODS FORFEITED

Power to direct the way regulated goods forfeited under section 45A of the Act are disposed.

Refer section 45B Poisons and Therapeutic Goods Act 1966

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER

DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE

EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL

CHIEF PHARMACIST

DIRECTOR PHARMACEUTICAL OPERATIONS

DEPUTY CHIEF PHARMACIST (TRANSITIONAL) EXECUTIVE

DIRECTOR PUBLIC HEALTH UNIT