

1999

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

POISONS AND DRUGS (AMENDMENT) BILL 1999

EXPLANATORY MEMORANDUM

**Circulated by authority of the Minister for Health and Community Care
Michael Moore MLA**

POISONS AND DRUGS (AMENDMENT) BILL 1999**EXPLANATORY MEMORANDUM****OUTLINE**

This Bill amends the *Poisons and Drugs Act 1978* (the Principal Act).

The Principal Act adopts by reference schedules 1 to 8 of the Standard for the Uniform Scheduling of Drugs and Poisons (the Standard). The Standard, which is prepared and published under the auspices of the Australian Health Ministers' Advisory Council, is the recommendation of the National Drugs and Poisons Schedule Committee (NDPSC) regarding the classification of drugs and poisons into schedules for inclusion in the relevant state and territory poisons legislation. This facilitates uniform scheduling of drugs and poisons throughout Australia.

The Principal Act contains labelling and packaging provisions for scheduled substances which are adopted by reference from the Standard. Schedule 3 substances are labelled "Pharmacist Only Medicine" and are available without prescription.

Section 48A of the Principal Act prohibits any form of advertising of Schedule 3 substances except in publications circulating primarily to medical practitioners, dentists, veterinary surgeons or pharmacists. These provisions are based on the previous Standard's recommendations regarding advertising of scheduled substances.

Following the agreement of state and territory Health Ministers, the NDPSC has created a new Appendix H to the Standard which lists those Schedule 3 substances for which brand-name advertising is permitted, with effect from 19 September 1998.

The purpose of the Bill is to amend the Principal Act to allow all forms of advertising to the general public of those Schedule 3 substances which are listed in Appendix H of the Standard. Advertising of those Schedule 3 substances not listed in Appendix H of the Standard remains restricted to publications circulating primarily to medical practitioners, dentists, veterinary surgeons or pharmacists.

These amendments ensure that drugs and poisons legislation in the ACT remains up to date and assist in fulfilling the Territory's continuing commitment to harmonisation of such legislation between states and territories made at the Australian Health Ministers' Conference in June 1990.

FINANCIAL CONSIDERATIONS

This Bill has no revenue or cost implications.

CLAUSE NOTES

Formal Clauses

Clauses 1, 2 and 3 are formal requirements. They refer to the short title and commencement of the Act, and the definition of the Principal Act. The amending Act will commence on the day the Bill is notified in the Gazette.

Clause 4 - Advertising scheduled substances

This clause inserts a new subsection, 48A(4), into the Principal Act. The purpose of subsection 48A(4) is to allow all forms of advertising to the general public of those Schedule 3 substances which are listed in Appendix H of the Standard.