

THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

EXPLANATORY MEMORANDUM

DRUGS of DEPENDENCE AMENDMENT BILL 2001
A BILL TO AMEND THE DRUGS of DEPENDENCE ACT 1989

Distributed by Authority of the Minister for Health

Jon Stanhope MLA

December 2001

Drugs of Dependence Amendment Bill 2001

Outline

This is an amending Bill. It amends the *Drugs of Dependence Act 1989*, referred to in the amending Act as the Act amended. The *Drugs of Dependence Act 1989* outlines the procedures medical practitioners and the Chief Health Officer must take when prescribing a drug of dependence.

The amending Bill introduces new more flexible procedures for the prescription of drugs of dependence. Principally it aims to reduce the amount of time it takes to obtain an approval from the Chief Health Officer to prescribe a drug of dependence in circumstances that require urgent administration of a drug of dependence to alleviate pain and suffering.

Revenue/Cost Implications

This Bill has no revenue or cost implications.

Formal Clauses

Clauses 1, 2 and 3 are formal requirements. They refer to the name of the Bill, commencement and definition of the Principal Act. The Bill commences on the day it is notified.

Drugs of Dependence

Clause 4, in amending subsection 58(2) of the *Drugs of Dependence Act 1989*, removes the requirement that a medical practitioner obtain written approval from the Chief Health Officer before prescribing a drug of dependence to a person who is drug dependent or has used a drug of dependence continuously in the past 2 months. The medical practitioner must still obtain approval from the Chief Health Officer in order to prescribe a drug of dependence in such as case, but the approval is not required to be in writing.

Clause 5, in amending subsection 58(3) of the *Drugs of Dependence Act 1989*, removes the requirement that the approval a medical practitioner needs to obtain before prescribing amphetamines, be in writing.

Clause 6, in amending subsection 59 of the *Drugs of Dependence Act 1989*, removes the requirement that a medical practitioner obtain written approval from the Chief Health Officer before prescribing methadone or buprenorphine to a person who is drug dependent. The medical practitioner must still obtain approval from the Chief Health Officer in order to prescribe a drug of dependence but the approval is not required to be in writing.

Written prescriptions

Clause 7, in amending subsection 60(1)(j)(i) of the *Drugs of Dependence Act 1989*, removes the requirement for a copy of the Chief Health Officer's approval to be attached to a prescription for an amphetamine. The prescription must now be endorsed with the prescription approval number issued by the Chief Health Officer.

Application for approval.

Clause 8, in amending subsection 68 of the *Drugs of Dependence Act 1989*, inserts a subsection identifier.

Clause 9, in amending subsection 68(a) removes the requirement that an application to prescribe a drug of dependence be in writing. This amendment will allow the Chief Health Officer to accept applications in any form, including via telephone, electronic mail or facsimile.

Clause 10, amends subsection 68(b) (vii) for syntax purposes

Clause 11, in amending subsection 68(c) and (d) of the *Drugs of Dependence Act 1989*, removes the requirement that written application be enclosed in a confidential envelope and be physically given to the Chief Health Officer.

Powers of the Chief Health Officer.

Clause 12, in amending subsection 68, inserts an additional paragraph (1) of the *Drugs of Dependence Act 1989*, requiring that if telephone approval is received, it must be followed up with a request in writing no longer than seven days after making the application. This subsection also adds a penalty of 20 penalty units or 12 months imprisonment, or both.

Form of approvals

Clause 13, amends subsection 69(1) for syntax purposes.

Clause 14, in amending subsection 73(1) of the *Drugs of Dependence Act 1989*, removes the requirement that the Chief Health Officer give signed written approval for the prescription of a drug of dependence. The amendment allows the Chief Health Officer to give notice of an approval, variation or revocation to prescribe a drug of dependence in any form.

Date of effect of approvals

Clause 15, in amending subsection 74(1) of the *Drugs of Dependence Act 1989*, changes the date of effect of an approval to prescribe a drug of dependence from the time the approval is signed by the Chief Health Officer to the time the applicant receives notice of the approval. This amendment allows the Chief Health Officer to provide immediate approval to prescribe a drug of dependence without signing a written approval document.