

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

POISONS AND DRUGS AMENDMENT BILL 2000

EXPLANATORY MEMORANDUM

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

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OUTLINE

This Bill amends the *Poisons and Drugs Act 1978* (the Act) to increase the penalty for the unauthorised supply of anabolic steroids for human use, and to update the list of anabolic steroids in Schedule 1 to the Act.

The Act provides for a term of imprisonment or a monetary fine, or both, for a person who, without reasonable excuse, prescribes, dispenses or sells an anabolic steroid, including sub-standard and veterinary preparations, for human use.

The approach of the Sydney 2000 Olympics has led to calls for stronger restrictions on anabolic steroids. In November 1999 the Commonwealth Minister for Justice and Customs indicated that the Commonwealth favoured a maximum penalty of at least five years imprisonment for an offence of trafficking in anabolic steroids.

The Commonwealth has since enacted an amendment to the *Customs Act 1901* implementing that approach; the illegal importation of anabolic steroids carries a penalty of up to five years imprisonment. The five year penalty applies to traffickers, with a fine applying to those carrying anabolic steroids for personal use only.

The Bill, which provides for an increase in penalty from imprisonment for six months to imprisonment for five years for the unauthorised supply of anabolic steroids for human use, is the Territory's response to calls for increased penalties for traffickers of anabolic steroids.

Schedule 1 to the Act lists those anabolic steroids to which the provisions of the Act apply. Schedule 1 is updated by adding those anabolic steroids listed in the current Standard for the Uniform Scheduling of Drugs and Poisons (the Standard), which is effective from 1 July 2000.

The Standard is prepared by the statutory National Drugs and Poisons Schedule Committee under provisions in the Commonwealth *Therapeutic Goods Act 1989*. The Standard classifies drugs and poisons into schedules for inclusion in the relevant legislation of the states and territories.

FINANCIAL CONSIDERATIONS

This Bill has no revenue or cost implications.

CLAUSE NOTES

Formal Clauses

Clauses 1 and 2 are formal requirements. They refer to the title and commencement of the *Poisons and Drugs Amendment Act 2000*. The amending Act commences on the day it is notified in the Gazette.

Clause 3 – Act amended

This clause provides for the *Poisons and Drugs Act 1978* (the Principal Act) to be amended by the amending Act.

Clause 4 – Prescription, dispensing or sale of anabolic steroids

This clause provides for the maximum penalty for paragraph 47ZB(1)(b) of the Principal Act to be increased.

The previous penalty was imprisonment for six months or 50 penalty units (\$5,000 for an individual and \$25,000 for a corporation), or both, for a person who, without reasonable excuse, prescribes, dispenses or sells an anabolic steroid for human use to another person.

Clause 4 provides for a maximum penalty of imprisonment for five years or a fine of 500 penalty units (\$50,000 for an individual or \$250,000 for a corporation), or both, for a person who, without reasonable excuse, prescribes, dispenses or sells an anabolic steroid for human use to another person.

Clause 5 – Substitution

Schedule 1 to the Principal Act lists those anabolic steroids to which the provisions of the Principal Act apply. Clause 5 repeals Schedule 1 and substitutes a new Schedule 1. The new Schedule 1 amalgamates those anabolic steroids listed in the current Standard for the Uniform Scheduling of Drugs and Poisons and those listed in the repealed Schedule 1.