

AUSTRALIAN CAPITAL TERRITORY

Poisons and Drugs (Amendment) Ordinance 1989

No. 13 of 1989

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated 1 March 1989.

BILL HAYDEN
Governor-General

By His Excellency's Command,

CLYDE HOLDING
Minister of State for the Arts
and Territories

An Ordinance to amend the *Poisons and Narcotic Drugs Ordinance 1978*

Short title

1. This Ordinance may be cited as the *Poisons and Drugs (Amendment) Ordinance 1989*.¹

(Ord. 28/88)—Cat. No.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Commencement

2. This Ordinance commences on such date as is fixed by the Minister by notice in the *Gazette*.

Principal Ordinance

3. In this Ordinance, “Principal Ordinance” means the *Poisons and Narcotic Drugs Ordinance 1978*.²

Long title

4. The title of the Principal Ordinance is amended by omitting “Narcotic”.

Short title of Principal Ordinance

5. Section 1 of the Principal Ordinance is amended by omitting “*Narcotic*”.

Interpretation

6. Section 3 of the Principal Ordinance is amended—

- (a) by omitting from subsection (1) the definitions of “cannabis”, “cannabis fibre”, “cannabis plant”, “cannabis resin”, “Chairperson” and “Committee”;
- (b) by adding at the end of the definition of “scheduled substance” in subsection (1) “, or in Schedule 1 or 2 to the *Drugs of Dependence Ordinance 1989*”;
- (c) by omitting subsection (1A);
- (d) by omitting subsection (3) and substituting the following subsection:

“(3) A reference in this Ordinance to a scheduled substance shall, in relation to a substance specified in a Schedule to this Ordinance, unless the contrary intention appears, be read as including a reference to—

 - (a) an active principal or chemical derivative of that substance;
 - (b) a preparation or admixture of that substance;
 - (c) except in the case of levomethorpan or levorphanol—a stereoisomer of that substance;
 - (d) a salt of that substance; and

- (e) a salt of an active principal, derivative, preparation, admixture or stereoisomer referred to in paragraph (a), (b) or (c).”; and

- (e) by omitting subsections (4), (5) and (6).

Part II—heading

7. The heading to Part II is amended by omitting “ADDICTIVE SUBSTANCES AND”.

Repeal

8. Divisions 1 to 6 (inclusive), and Division 7, of Part II of the Principal Ordinance are repealed.

Repeal

9. Part IIA of the Principal Ordinance is repealed.

Labelling of immediate container and primary pack

10. Section 37 of the Principal Ordinance is amended—

- (a) by inserting before subsection (1) the following subsection:

“(1A) In this section, ‘drug of dependence’ means a substance specified in Schedule 1 to the *Drugs of Dependence Ordinance 1989*.”;

- (b) by omitting from Column 1 of the table in subsection (2) “Schedule 8 substance” and substituting “Drug of dependence”;
- (c) by omitting from paragraph (3) (c) “Schedule 8 substance” and substituting “drug of dependence”; and
- (d) by omitting from Column 1 of the table at the foot of subsection (8) “Schedule 8 substance” and substituting “Drug of dependence”.

Substitution

11. Section 48A of the Principal Ordinance is repealed and the following section substituted:

Advertising scheduled substances

“48A. (1) A person shall not publish or display, or cause or permit to be published or displayed, an advertisement that—

- (a) promotes or encourages the use of a Schedule 1, 3 or 4 substance; or

- (b) indicates that the person, or any other person, is willing or authorised to supply a Schedule 1, 3 or 4 substance.

Penalty: \$1,000 or imprisonment for 1 year, or both.

“(2) For the purposes of subsection (1), the reference to an advertisement shall be read as including a reference to every form of advertisement whether in a newspaper or other publication, by television or radio, by display of notices, signs, labels, showcards or goods, by distribution of samples, circulars, catalogues, price lists or other material, by exhibition of pictures, models or films, or in any other way, but does not include an advertisement in a magazine, journal, circular or publication circulating primarily to medical practitioners, dentists, veterinary surgeons or pharmacists, and the reference in subsection (1) to the publishing or display of an advertisement shall be read accordingly.

“(3) Nothing in this section applies in relation to an advertisement in a magazine, journal, circular or publication declared by the Minister, by notice in the *Gazette*, to be an exempt publication for the purposes of this section.”.

Notification of decision

12. Section 49 of the Principal Ordinance is amended by omitting subsection (1) and substituting the following subsection:

“(1) Where the Medical Officer of Health makes a decision refusing to grant an authorisation under section 27E, he or she shall, within 28 days of the date of the decision, cause notice in writing of the decision to be given to the person whose interests are affected by the decision.”.

Review of decisions

13. Section 49A of the Principal Ordinance is amended by omitting subsection (1).

Repeal

14. Sections 50, 53 and 54 of the Principal Ordinance are repealed.

Repeal

15. Schedules 8, 9 and 12 to the Principal Ordinance are repealed.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 15 March 1989.

2. No. 38, 1978 as amended by Nos. 19 and 56, 1981; No. 47, 1982; No. 67, 1985; Nos. 32 and 76, 1986; No. 29, 1988.