1993

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

DRUGS OF DEPENDENCE ACT 1989

DRUGS OF DEPENDENCE REGULATIONS

EXPLANATORY MEMORANDUM

Circulated by authority of the Minister for Health

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OUTLINE

The Drugs of Dependence Regulations facilitate the adoption of the recommendations of the National Health and Medical Research Council in regard to drugs of dependence.

The Drugs of Dependence Act 1989 controls the manufacture and sale of drugs of dependence and prohibited substances.

The purpose of the Drugs of Dependence (Amendment) Act (No. 2) 1993 is to enable the transfer of Schedule 1 (drugs of dependence), Schedule 2 (prohibited substances) and Schedule 3 (drugs of dependence whose manufacture is controlled by provisions in the Principal Act) to regulations.

Schedules 1 and 2 specify for each drug a traffickable quantity and a commercial quantity. It is administratively easier for changes to be made to these quantities in line with national standards if these quantities can be altered by regulation rather than by legislative amendment.

FINANCIAL CONSIDERATIONS

The Regulations have no revenue or cost implications.

NOTES ON REGULATIONS

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Formal Regulations

Regulations 1, 2 and 3 are formal requirements. They refer to the title and commencement of the Regulations, and define the Act to be the Drugs of Dependence Act 1989. Regulations 1, 2 and 3 will commence on the day the Regulations are notified in the Gazette. The remaining regulations commence on the day on which section 4 of the Drugs of Dependence (Amendment) Act (No. 2) 1993 commences.

Regulation 4

Regulation 4 defines a drug of dependence for the purposes of Part II - Manufacture - of the Drugs of Dependence Act 1989 as being a substance specified in Schedule 3 to the Regulations.

Schedule 3 includes drugs from Schedule 1, but does not include all Schedule 1 drugs because the manufacture of many of them is regulated by the Narcotic Drugs Act 1967.

Regulations 5 and 6

Regulations 5 and 6 define "commercial quantity" and "traffickable quantity" in relation to a drug of dependence listed in Schedule 1 or 2 to the Regulations.

The traffickable quantity is an amount greater than would be expected for personal use only. Traffickable quantities reflect those levels in the Customs Act 1901 and existing Poisons Legislation in other States.

The commercial quantity in most cases is 100 times the size of the traffickable quantity for a substance.

These Schedules have been transferred from the Drugs of Dependence Act 1989, with the addition of buprenorphine and carfentanyl to Schedule 1 and 4-methylaminorex to Schedule 2, together with appropriate traffickable and commercial quantities for each.

Buprenorphine was listed as a drug of dependence in the National Health and Medical Research Council's Standard for the Uniform Scheduling of Drugs and Poisons on 12 September 1992.

The new listings in the Standard for carfentanyl as a drug of dependence and 4-methylaminorex as a prohibited drug were effective from 8 August 1991.