

POISONS AND DRUGS ACT 1978

POISONS AND DRUGS REGULATIONS

EXPLANATORY MEMORANDUM

OUTLINE

The purpose of the Poisons and Drugs Regulations is to ensure that the most dangerous poisons are adequately controlled whilst remaining accessible to appropriate industries without any new restrictions on their use, and that those poisons which are laboratory chemicals will be available without authorisation to qualified persons for laboratory use.

The Poisons and Drugs Act 1978 lists poisons and drugs in eight schedules, and sets out labelling and packaging requirements for all scheduled substances.

The purposes of the Poisons and Drugs (Amendment) Act 1993 are to adopt by reference Schedules 1 to 8 of the National Health and Medical Research Council's Standard for the Uniform Scheduling of Drugs and Poisons. The amending Act introduces controls over the most dangerous poisons which are listed in Schedule 7, and requires manufacturers and sellers of Schedule 7 poisons to be licensed, a Poisons Register to be kept by licensees, and researchers using Schedule 7 poisons to be authorised.

The amending Act also provides for regulations to control the availability of Schedule 7 poisons. These controls are listed in Appendix J to the Standard and similar controls are in place in other States.

The Regulations also prescribe institutions at which a program of research or education, which requires the possession or use of a Schedule 7 poison, may be conducted.

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 Poisons and Drugs Act 1978. The Regulations commence on the day on which section 4 of the Poisons and Drugs (Amendment) Act 1993 commences.

Regulation 4 - Prescribed institutions

Regulation 4 prescribes institutions at which a program of research or education which requires the possession or use of a Schedule 7 poison may be conducted.

Regulation 5 - Prescribed class and purpose

Pursuant to paragraph 47W(2)(b) of the Act, subregulation 5(1) defines the classes of persons who may possess a specified Schedule 7 poisons for a purpose prescribed in relation to that class, as detailed in Schedule 1 to the Regulations. This is to ensure that the most dangerous poisons listed in Schedule 7 are adequately controlled whilst remaining accessible to appropriate industries without any new restrictions on their use.

Subregulation 5(2) defines which Schedule 7 poisons are laboratory chemicals to be available without authorisation to persons in control of analytical laboratories for the purpose of analysis. These Schedule 7 poisons for laboratory use are listed in Schedule 2 to the Regulations.