

1997

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

Poisons and Drugs (Amendment) Bill 1997

EXPLANATORY MEMORANDUM

**Circulated by authority of
Kate Carnell MLA
Minister for Health and Community Care**

POISONS AND DRUGS (AMENDMENT) BILL 1997

EXPLANATORY MEMORANDUM

OUTLINE

This Bill amends the *Poisons and Drugs Act 1978* (the Principal Act)

The Principal Act adopts by reference schedules 1 to 8 of the Standard for the Uniform Scheduling of Drugs and Poisons (the Standard) which is prepared and published under the auspices of the Australian Health Ministers' Advisory Council (AHMAC). The National Drugs and Poisons Schedule Committee revises and maintains the Standard to facilitate uniform scheduling under state and territory legislation. The Principal Act also contains labelling and packaging provisions for scheduled substances.

The purpose of the Bill is to-

- 1 adopt by reference those parts of the latest Standard for the Uniform Scheduling of Drugs and Poisons that refer to labelling and packaging of drugs and poisons, and
- 2 reflect the clause and numbering system in the latest Standard for the Uniform Scheduling of Drugs and Poisons with reference to a scheduled substance

These amendments ensure that drugs and poisons legislation in the ACT remains up to date and assist in fulfilling the Territory's continuing commitment to harmonisation of such legislation between states and territories made at the Australian Health Ministers' Conference in June 1990.

FINANCIAL CONSIDERATIONS

This Bill has no revenue or cost implications.

DETAIL OF THE BILL

Formal Clauses

Clauses 1, 2 and 3 are formal requirements. They refer to the short title and commencement of the Act, and the definition of the Principal Act. The amending Act will commence on the day the Bill is notified in the Gazette.

Clause 4 - Interpretation

This clause reflects the change in the clause numbering system used in the Standard for the Uniform Scheduling of Drugs and Poisons.

When the Principal Act was amended in 1993 to enable adoption by reference of schedules 1 to 8 of the Standard, reference to a scheduled substance in subsection 3(2) referred to subclause 1.1 of the "Interpretation of Schedule Entries" in the Standard.

Review of the Standard in 1995 led to the employment of a new clause numbering system which necessitated an amendment to the Principal Act.

Clause 5 - Substitution

This clause repeals divisions 1, 2 and 3 of Part III of the Principal Act which specify the labelling and packaging requirements for scheduled drugs and poisons, and substitutes Sections 28, 29 and 30. The following notes relate to these sections.

Section 28 - Interpretation

This section provides that any expression in Part III - Labelling and Packaging - which is not defined in the Principal Act has the same meaning as in the Standard.

Section 29 - Labels and containers

This section provides that-

- up to and including 30 June 2000, labelling of drugs and poisons must comply with the requirements specified in Division 1 or 2 of Part 2 of the Standard
- after 30 June 2000, labelling of drugs and poisons must comply with the requirements specified in Part 2 of the Standard
- packaging of drugs and poisons in containers must comply with the requirements specified in Division 1 of Part 2 of the Standard

Section 30 - Warning statements etc.

Section 30 in effect adopts by reference Appendices E, F, G and K of the Standard.

Paragraph 30(1)(a) provides that a substance listed in Part 2 of Appendix E must bear any relevant first aid statement specified in Part 1 of Appendix E.

Paragraph 30(1)(b) provides that a substance listed in Part 3 of Appendix F must bear any relevant warning statement or safety direction specified in Part 1 or Part 2 of Appendix F

Paragraph 30(1)(c) provides that a substance listed in Appendix K or in paragraph 75 of Part 3 of the Standard which is supplied as a dispensed medicine must bear any warning statement specified in paragraph 75 of Part 3 of the Standard

Subsection 30(2) provides that the requirements of the Standard do not apply to a substance listed in Appendix E or G if the concentration of that substance is less than that specified in Appendix E or G for that substance. For example, a homoeopathic preparation may contain a scheduled poison, i.e. a poison listed in a schedule in the Standard, subsection 30(2) provides that if a preparation contains a substance in a concentration equal to or less than that specified in Appendix G, it is excluded from the requirements of the Standard

Clause 6 - Heading to Division 4, Part III

This clause deletes the heading *Division 4 - Miscellaneous* from Part III of the Principal Act

Clause 7 - Repeal

This section repeals section 46 of the Principal Act.

Clause 8 - Repeal

This clause repeals schedules 10 and 11 to the Principal Act. Schedule 10 specifies the warning statements to be included in labels on scheduled substances. Schedule 11 specifies first aid directions to be included in labels on scheduled substances. Warning statements and first aid directions to be included in labels on scheduled poisons are now specified in Appendices F and E respectively in the Standard.