

2005

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

DRUGS OF DEPENDENCE REGULATION 2005

SUBORDINATE LAW NO SL 2005-3

EXPLANATORY STATEMENT

Circulated by the authority
Simon Corbell MLA
Minister for Health

Overview

This Regulation will replace the Drugs of Dependence Regulation 1993 ('the 1993 Regulation'). With the commencement of the *Criminal Code (Serious Drug Offences) Amendment Act 2004* on 6 March 2005, the *Drugs of Dependence Act 1989* (DDA) will no longer deal with serious drug offences but will retain some lower order offences and the Simple Cannabis Offence Notice Scheme and will be the primary legislative tool for regulating the legitimate manufacture, supply, and use of pharmaceuticals in the ACT. To ensure consistency in the regulation of illicit drugs and the legal use of pharmaceutical drugs and other dangerous substances used in medicine, industry, etc, the schedules in the 1993 Regulation relating to 'drugs of dependence' and 'prohibited drugs' will now appear in schedule 1 of the Criminal Code Regulation 2005. This Regulation gives legal effect to the application of schedule 1 of the Criminal Code Regulation, to the DDA. This Regulation also includes another schedule that is needed for the licensing scheme for the manufacture of drugs in part 2 of the DDA.

Clauses

Section 1 – Name of regulation

This section sets out the name of the Regulation as the *Drugs of Dependence Regulation 2005*.

Section 2 – Commencement

The commencement of the Regulation is tied to commencement of the *Criminal Code (Serious Drug Offences) Amendment Act 2004*. When the Act commences amendments to the DDA also come into force.

Section 3 - Notes

This section provides that notes are explanatory and not part of the regulation.

Section 4 – Drugs of dependence – Act, s 3(1), def *drug of dependence*

Section 5 – Prohibited substances – Act, s 3(1), def *prohibited substance*

Sections 4 and 5 provide that parts 1.1 and 1.2 of schedule 1 of the Criminal Code Regulation 2005 are also substances for the *Drugs of Dependence Act 1989*. The Drugs of Dependence Act use these terms to regulate drugs of dependence (that is, the substances that may be prescribed under special authority but are regulated because of risks of abuse or misuse) and prohibited substances (that is, the substances that have a high risk of abuse or misuse and to which their manufacture, possession, sale or use should be prohibited).

Section 6 – Drugs of dependence – Act, s 4, def *drug of dependence*

This section explains that a substance in schedule 1 of the Regulation is a drug of dependence for part 2, manufacture, of the Act. This schedule lists substances that manufacturers may manufacture under the authority of the DDA. Schedule 1 was previously schedule 3 in the 1993 Regulation.

Section 7 – Repeal of Drugs of Dependence Regulation 1993

This section repeals the 1993 Regulation.