

EXPLANATORY STATEMENT

AUSTRALIAN CAPITAL TERRITORY

POISONS (AMENDMENT) ORDINANCE 1989

No. 120 of 1989

The Poisons (Amendment) Ordinance 1989 (the Ordinance) amends the Poisons and Dangerous Drugs Ordinance 1933 (the Principal Ordinance) by removing references to dangerous drugs. These drugs will be dealt with in the Drugs of Dependence Ordinance 1989 which will regulate both their legal and illicit use.

Section 1 cites the name of the short title for the proposed Ordinance.

Section 2 provides that the Minister can bring the Ordinance into effect by notice in the Gazette.

Section 3 provides that 'Principal Ordinance' means the Poisons and Dangerous Drugs Ordinance 1933.

Sections 4 and 5 alter the long title and short title of the Principal Ordinance by changing it to the 'Poisons Ordinance 1933'. It will no longer refer to 'dangerous drugs' as they will be regulated by the Drugs of Dependence Ordinance 1989.

Section 6 amends section 5 of the Principal Ordinance by omitting references to 'narcotic drugs' and 'manufacture' as these are matters which will instead be dealt with in the Drugs of Dependence Ordinance 1989. A definition of determined fee will also be inserted. Previously fees were set by Regulations. It has been the practice in recent times to set fees by determination as it is more efficient.

Section 7 amends section 8 of the Principal Ordinance to enable applications for licenses to sell certain substances to be dealt with on the payment of a determined fee. As mentioned above, previously the fee was set by Regulations.

Section 8 amends section 10 of the Principal Ordinance by omitting references to 'narcotic drugs' and updating a cross-reference to the Poisons and Drugs Ordinance 1978.

Section 9 amends section 12 of the Principal Ordinance by deleting a reference to 'narcotic drugs'. It includes some drafting improvements.

Section 10 updates the heading to Part III of the Principal Ordinance by omitting the reference to 'NARCOTIC DRUGS'.

Section 11 omits a reference to 'narcotic drugs' in section 17 of the Principal Ordinance.

Section 12 repeals Part V of the Principal Ordinance. It dealt with 'narcotic drugs', including a declaration of a list of narcotic drugs, licensing in relation to the sale of those drugs and their manufacture. All these matters are now dealt with in the Drugs of Dependence Ordinance 1989.

Section 13 re-drafts sections 40, 40A, 40B and 40C of the Principal Ordinance into a single provision. It simplifies the provision without changing the substance.

Section 14 inserts a new section 53A into the Principal Ordinance. Section 53A gives the Minister power to determine fees for the purposes of the Principal Ordinance.

Section 15 amends section 54 of the Principal Ordinance which contains the Regulation making power. The changes delete powers relating to 'narcotic drugs' and fees. As mentioned above, these will be dealt with elsewhere.