

## EXPLANATORY STATEMENT

### AUSTRALIAN CAPITAL TERRITORY

#### POISONS AND DRUGS (AMENDMENT) ORDINANCE 1989

*No. 13 of 1989*

The Poisons and Drugs (Amendment) Ordinance 1989 (the Ordinance) amends the Poisons and Narcotic Drugs Ordinance 1978 (the Principal Ordinance) by removing references to narcotic drugs and prohibited substances. These drugs and substances are dealt with in the Drugs of Dependence Ordinance 1989 which regulates both their legal and illicit use. The only aspect of the Principal Ordinance which continues to relate to those drugs and substances are the labelling requirements. These remain unchanged and as they are best kept with the labelling requirements for all drugs.

Details of the proposed Ordinance are set out in the Attachment.

Section 1 provides the short title of the proposed Ordinance.

Section 2 provides that the Ordinance comes into effect on a date notified in the Gazette by the Minister.

Section 3 refers to the term Principal Ordinance.

Sections 4 and 5 change the long title and short title of the Principal Ordinance from the Poisons and Narcotic Drugs Ordinance 1978 to the Poisons and Drugs Ordinance 1978 because it no longer relates to narcotic drugs.

Section 6 amends section 3 of the Principal Ordinance by deleting definitions of and interpretation provisions relating to words which are no longer used in that Ordinance. It amends the definition of "scheduled substance" to refer to schedules 1 and 2 of the Drugs of Dependence Ordinance 1989 because that term is used with respect to the labelling requirements. For the same reason subsection 3(3) of the Principal Ordinance is amended to cover mixtures and derivatives of substances which are covered by the Drugs of Dependence Ordinance 1989.

Section 7 amends the heading to Part II of the Principal Ordinance to reflect the position that "addictive substances" are no longer be covered by that Ordinance.

Section 8 repeals all provisions in the Principal Ordinance which regulate the use of narcotic drugs and prohibited substances. The repealed provisions contain regulatory requirements relating to the use, possession, supply and prescription of those substances. The Drugs of Dependence Ordinance 1989 replaces the repealed provisions and will provide more comprehensive and effective requirements.

Section 9 repeals Part IIA of the Principal Ordinance. That Part was concerned with the regulation of the manufacture of psychotropic substances. All the substances covered by that Part will be regulated in either the Drugs of Dependence Ordinance 1989 or the Narcotic Drugs Act 1967.

Section 10 amends section 37 of the Principal Ordinance by substituting references to schedule 8 substances with references to substances contained in schedule 1 of the Drugs of Dependence Ordinance 1989. The schedules involved cover the same drugs ("narcotic drugs") and the change is necessary to ensure that labelling requirements remain unchanged.

Section 11 re-drafts section 48A of the Principal Ordinance which no longer contain references to schedule 8 and 12 substances. Those substances are to be covered by a similar provision in the Drugs of Dependence Ordinance 1989.

Section 12 substitutes a new provision for section 49 of the Principal Ordinance. The change retains the procedure for the review of decisions by the General Manager and Medical Officer of Health under the Principal Ordinance but updates it in line with contemporary legislation.

Section 13 makes similar changes to section 49A of the Principal Ordinance.

Section 14 repeals sections 50, 53 and 54 of the Principal ordinance. Those provisions dealt with the search of premises for illicit drugs, the forfeiture of those drugs and authority for the police and analysts to possess those drugs. Those matters are dealt with in the Drugs of Dependence Ordinance 1989.

Section 15 repeals schedules 8, 9 and 12 of the Principal Ordinance. Those schedules list drugs which are controlled by the Principal Ordinance. All the drugs contained in the schedules are controlled in the Drugs of Dependence Ordinance 1989.