EXPLANATORY STATEMENT

SEAT OF GOVERNMENT (ADMINISTRATION) ACT 1910

AUSTRALIAN CAPITAL TERRITORY

POISONS AND NARCOTIC DRUGS (AMENDMENT) ORDINANCE (NO. 2) 1986

Ordinance No. 76 **of 1986**

The Poisons and Narcotic Drugs (Amendment) Ordinance (No. 2) 1986 introduces controls on a list of substances which should only be supplied or prescribed by medical practitioners with appropriate specialist qualifications. This restriction is in accordance with the National Health and Medical Research Council, Standard for Uniform Scheduling of Drugs and Poisons and the legislation is similar to controls contained in the Poisons Regulations of New South Wales.

The amending Ordinance also implements the Council's recommendation that the advertising of schedule 3 substances be prohibited.

Sections 1 and 2 provide for the short title and a reference to the principal Ordinance as the Poisons and Narcotic Drugs Ordinance 1978 for interpretation purposes.

Section 3 substitutes definitions appropriate to the ACT Health Authority structure which has replaced the Capital Territory Health Commission. Similar changes are implemented by sections 5, 6, 11, 13, 14, 15, 16, 20 and 21. The definition of Chairman has been deleted. A definition of Chairperson has been inserted. It means Chairperson of the Drugs Advisory Committee established by section 17 of the principal Ordinance. The change has required the substitution of Chairperson where Chairman of the Committee is mentioned at sections 18, 19, 20 and 21 of the Principal Ordinance by sections 7,8, 9 and 10 of the amending Ordinance.

Section 12 provides for new Division 6A to Part II of the principal Ordinance including new sections 27A to 27F.

New section 27A defines specialists to mean medical practitioners recognised as consultant physicians or specialists in accordance with section 61 of the Health Insurance Act 1973. There is a register of specialists kept for the purposes of that provision which is the only official list of specialists applicable to the ACT.

Section 27B outlines the substances to be affected by the amending Ordinance. These are clomiphene, cyclofenil, etretinate, isotretinoin and dinoprost. Used incorrectly they can cause a range of problems, clomiphene and cyclofenil may increase the incidence of multiple pregnancy; etretinate and isotretinoin which are used to treat skin disorders, including severe cystic acne, may cause birth deformities; and dinoprost can bring about unwanted termination of pregnancy. For the protection of patients the controls endeavour to ensure only medical practitioners who are specialists in the appropriate discipline can supply or prescribe these substances.

Section 27C provides for an offence which contains a penalty of $2000 or imprisonment for 2 years or both for medical practitioners who use the drugs without authorisation.

Section 27D provides a procedure whereby medical practitioners can apply for authority from the Medical Officer of Health to supply or prescribe specified substances.

Section 27E outlines the basis upon which the Medical Officer of Health can authorise an application to supply or prescribe the substances. Where the application is in relation to clomiphene or cyclofenil, it will only be granted to specialist gynaecologists, obstetricians or endocrinologists as they have sufficient experience to minimise incidences of multiple pregnancy. If the application relates to etretinate or isotretinoin it will only be granted to specialist physicians or dermatologists as they have sufficient experience to guard against the substances causing birth deformities. If the application relates to dinoprost it will only be granted to gynaecologists and endocrinologists because of their expertise in handling this drug safely.

Section 27F prohibits pharmacists from supplying the drugs if the prescription is not correctly endorsed. The penalty is a $1000 fine for pharmacists who fail to comply with the requirements. The provision provides a mechanism to verify the authorisations.

Section 17 of the amending Ordinance repeals sections 29H and 29J of the principal Ordinance. They refer to the mechanism enabling the Administrative Appeals Tribunal to review decisions to refuse, grant or impose conditions on the grant of a license to manufacture psychotropic substances. The review

mechanism for these decisions and others under the principal Ordinance has been consolidated and is contained at new sections 49 and 49A.

Section 18 of the amending Ordinance, alters section 48A of the principal Ordinance to include schedule 3 substances in its prohibition on publishing advertisements. Schedule 3 substances are potent substances such as antihistamines and ephedrine (which is abused as a stimulant by some truck drivers). They are substances which should only be taken on the advice of a pharmacist or medical practitioner. Section 48A contains the same prohibition on poisons (Schedule 1); restricted substances (Schedule 4); addictive substances (Schedule 8); and prohibited substances (Schedule 12). The extension of the prohibition has been recommended by the National Health and Medical Research Council.

Section 19 of the amending Ordinance repeals section 49 of the principal Ordinance and substitutes new sections 49 and 49A. Existing section 49 provides a mechanism for review of decisions pursuant to section 10 of the principal Ordinance by the Administrative Appeals Tribunal. The new provisions provide for a general notification of rights of appeal and appeal mechanism to the Administrative Appeals Tribunal for the review of decisions made pursuant to section 29D (licenses to manufacture psychotropic substances), section 10 (authorisations to possess addictive substances for research purposes) and new section 27E (authorisations for specialist medical practitioners to use certain restricted substances).