

# Director of Public Prosecutions Direction 2011

**Notifiable instrument NI2011–366**

made under the

**Director of Public Prosecutions Act 1990, section 20 (Directions and guidelines by Attorney General)**

## EXPLANATORY STATEMENT

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### Background

The reason for issuing this direction is that a delegate for the Commonwealth Department of Health and Ageing has given notice of a final decision for amending the Poisons Standard (commonly referred to as the *Standard for the Uniform Scheduling of Medicines and Poisons*) under subsections 42ZCZX of the *Therapeutic Goods Regulations 1990*.

The delegate decided to include in Schedule 9 a number of synthetic cannabinoids together with reference to their common names, noting that many analogues of these substances would also be captured as derivatives.

From 8 July 2011, the prohibition of synthetic cannabinoids and many of their analogues listed in schedule 9 will automatically apply in the ACT. It will be a criminal offence under the *Medicines Poisons and Therapeutic Goods Act 2008* (ACT) to manufacture, supply, sell, possess or administer these synthetic cannabinoids.

### The New Direction

The effect of such a direction would be that the ACT Director of Public Prosecutions would not be able to prosecute a person for offences under the *Medicines Poisons and Therapeutic Goods Act* relating to a synthetic cannabinoid listed in schedule 9 of the SUSMP.

It is in the public interest to provide for a transitional amnesty period to give certainty to the ACT community about the application of the *Medicines Poisons and Therapeutic Goods Act 2008* to substances in a person's possession.

### Expiry

The direction instrument expires on 1 August 2011. Following the expiry of the Direction, the ACT DPP will prosecute criminal offences under the *Medicines Poisons and Therapeutic Goods Act* to manufacture, supply, sell, possess and/ or use a

synthetic cannabinoid listed in the *Standard for the Uniform Scheduling of Medicines and Poisons*.