

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)

1 Name of instrument

This instrument is the *Director of Public Prosecutions Direction 2011*.

2 Commencement

This instrument commences on the day after it is notified.

3 Preamble

A delegate of the Secretary to the Commonwealth Department of Health and Ageing has given notice of a delegate's 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 the following synthetic cannabinoids together with reference to their common names, noting that many analogues of these substances would also be captured as derivatives:

- (1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole) (common name AM-694);
- 2-(2-methoxyphenyl)-1-(1-pentylindol-3-yl)ethanone (common name JWH – 250);
- (1-(2-morpholin-4-ylethyl)indol-3-yl)-naphthalen-1-ylmethanone (common name JWH – 200);
- Naphthalen-1-yl-(1-butyldiol-3-yl)methanone (common name JWH – 073);
- 1-Pentyl-3-(4-methyl-1-naphthoyl)indole (common name JWH – 122);
- 1-Pentyl-3-(1-naphthoyl)indole (common name JWH- 018);
- 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methylnonan-2-yl)phenol (common name Cannabicyclohexanol or CP 47,497 C8 homologue); and

*Name amended under Legislation Act, s 60

- 2-[(1R,3S)-3-hydroxycyclohexyl]- 5-(2-methyloctan-2-yl)phenol (common name CP 47,497).

Substances listed in Schedule 9 are defined as prohibited substances under the *Medicines Poisons and Therapeutic Goods Act 2008* (ACT).

From 8 July 2011, the Schedule 9 listing for the synthetic cannabinoids included in the delegate's decision will be automatically given effect in the ACT under the *Medicines Poisons and Therapeutic Goods Act 2008*. It will be a criminal offence under the Medicines Poisons and Therapeutic Goods Act to manufacture, supply, discard, obtain, possess and/or administer these synthetic cannabinoids.

It is considered in the public interest to provide for a transitional amnesty period due to the immediate application of the Schedule 9 listing, when previous dealings with these substances may not have attracted the application of the Medicines Poisons and Therapeutic Goods Act.

4 Direction

I, ANDREW BARR, Acting Attorney General, after consulting with and having regard to the advice of, the Acting Director of Public Prosecutions (who agrees that the giving of a direction is appropriate in these circumstances), direct that the Director of Public Prosecutions shall not proceed with a prosecution of a person for offences under the Medicines Poisons and Therapeutic Goods Act in relation to a synthetic cannabinoid included in the SUSMP No.1 Amendment 3.

5 Expiry

This instrument expires on 1 August 2011.

Andrew Barr MLA
Acting Attorney General
7 July 2011