

1998

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

DRUGS OF DEPENDENCE ACT 1989

DRUGS OF DEPENDENCE REGULATIONS (AMENDMENT)

Subordinate Law No. 20 of 1998

EXPLANATORY MEMORANDUM

Circulated by authority of the Minister for Health and Community Care

Michael Moore MLA

DRUGS OF DEPENDENCE ACT 1989

DRUGS OF DEPENDENCE REGULATIONS (AMENDMENT)

EXPLANATORY MEMORANDUM

OUTLINE

The *Drugs of Dependence Act 1989* (the Act) controls the manufacture and sale of drugs of dependence and prohibited substances.

The Drugs of Dependence Regulations list drugs of dependence in Schedule 1, prohibited substances in Schedule 2, and drugs of dependence whose manufacture is controlled by provisions in the Act in Schedule 3.

Schedules 1 and 2 specify for each drug a traffickable quantity and a commercial quantity.

The traffickable quantity is an amount greater than would be expected for personal use only. Traffickable quantities reflect those levels in the *Customs Act 1901* and existing poisons legislations in other States. The commercial quantity in most cases is 1000 times the size of the traffickable quantity for a substance.

The purpose of the Drugs of Dependence Regulations (Amendment) is to-

- amend the Schedule 1 entries for acetyldihydrocodeine and norcodeine;
- transfer a number of substances which do not have a genuine medical use from Schedule 1 to Schedule 2;
- add flunitrazepam and remifentanyl to Schedule 1 with effect from 19 June 1998, and specify the traffickable and commercial quantities for each; and
- add flunitrazepam and remifentanyl to, and update, the list of drugs of dependence in Schedule 3. Flunitrazepam and remifentanyl are added to Schedule 3 with effect from 19 June 1998.

The amendments to Schedules 1 and 2 are in accordance with the recommendations contained in the Standard for the Uniform Scheduling of Drugs and Poisons. The Standard is prepared and published under the auspices of the Australian Health Ministers' Advisory Council for inclusion in the relevant legislation of all states and territories in Australia.

The amendments to Schedule 1 necessitate the amendments to Schedule 3.

FINANCIAL CONSIDERATIONS

The Regulations have no revenue or cost implications.

NOTES ON REGULATIONS

DRUGS OF DEPENDENCE ACT 1989

DRUGS OF DEPENDENCE REGULATIONS (AMENDMENT)

Regulations 1 and 2 are formal requirements.

Regulation 1 - Commencement

Subregulation 1(1) ensures that the Regulations commence on the day they are notified in the Gazette.

Subregulation 1(2) ensures that flunitrazepam and remifentanyl are drugs of dependence from 19 June 1998, and that the provisions in the Act which control their manufacture are effective from 19 June 1998.

Regulation 2 - Principal Regulations

Regulation 2 defines the "Principal Regulations" as the Drugs of Dependence Regulations.

Regulation 3 - Substitution

Regulation 3 repeals Schedules 1, 2 and 3 to the Principal Regulations and substitutes them with Schedules 1, 2 and 3 to the Drugs of Dependence Regulations (Amendment). These new schedules reflect the amendments necessitated by the update of the schedules of drugs of dependence and prohibited substances in the latest Standard for the Uniform Scheduling of Drugs and Poisons.