

1998

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

DRUGS OF DEPENDENCE (AMENDMENT) BILL **1998**

EXPLANATORY MEMORANDUM

**Circulated by authority of the Minister for Health and Community Care
Michael Moore MLA**

EXPLANATORY MEMORANDUM**OUTLINE**

This Bill amends the *Drugs of Dependence Act 1989* (the Principal Act)

The Principal Act controls the manufacture and sale of drugs of dependence and prohibited substances

Part VI of the Principal Act establishes a procedure to regulate the prescription, requisition, supply and administration of drugs of dependence. The aim is to lessen the chances of diversion of drugs of dependence for illegal purposes by making health professionals accountable and setting out their responsibilities

Since the introduction of the Principal Act in 1989, it has become evident that the procedures in regard to the prescription of drugs of dependence can be improved for two groups of people, drug dependent persons in hospital and persons with a terminal illness who require pain relief

The purpose of the Bill is to enable-

- 1 a medical practitioner to prescribe for up to 14 days, without obtaining the prior approval of the Chief Health Officer, a drug of dependence for the treatment of a drug dependent person who is an in-patient in a hospital, and
- 2 the Chief Health Officer to approve an application from a medical practitioner to prescribe morphine in various forms and dosages for the relief of pain for a person with a terminal illness which has been diagnosed by a specialist medical practitioner who estimates the person to have a life expectancy of less than one year

These amendments make the management of illness easier for both the patient and the treating medical practitioner. The amendments ensure the enhanced accessibility of drugs of dependence to two groups of persons with distinct needs without diminishing the control mechanisms built into the Principal Act over the supply of drugs of dependence

FINANCIAL CONSIDERATIONS

This Bill has no revenue or cost implications

CLAUSE NOTES

Formal Clauses

Clauses 1, 2 and 3 are formal requirements. They refer to the short title and commencement of the Act, and the definition of the Principal Act. The amending Act will commence on the day the Bill is notified in the Gazette.

Clause 4 - Drugs of dependence

This clause enables a medical practitioner or an intern to prescribe for up to 14 days, without obtaining the prior approval of the Chief Health Officer, a drug of dependence for the treatment of a drug dependent person who is an in-patient in a hospital. The medical practitioner or intern must be of the opinion that the person requires the use of the drug of dependence in the course of treatment while an in-patient in a hospital.

The medical practitioner or intern must obtain the approval of the Chief Health Officer to prescribe a drug of dependence for treatment of a drug dependent person if-

- treatment is continued in hospital beyond the 14 day period; or
- treatment is continued after the patient has left hospital

Clause 5 - Insertion

This clause inserts a new section into the Principal Act and provides that an application from a medical practitioner to prescribe morphine in various forms and dosages for a person will be approved by the Chief Health Officer if the following conditions are met:

- (a) the person has a terminal illness which has been diagnosed by a specialist medical practitioner who estimates the person to have a life expectancy of less than one year; and
- (b) morphine is prescribed for therapeutic purposes for the relief of pain