

1993

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

DRUGS OF DEPENDENCE (AMENDMENT) BILL (NO.3) 1993

EXPLANATORY MEMORANDUM

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Explanatory Memorandum

The Drugs of Dependence (Amendment) Bill (No.3) 1993 ("the Bill") amends the *Drugs of Dependence Act 1989* ("the Act") to facilitate the operation of the Act and to modify the application of certain provisions of the Act relating to the administration and supply of methadone for the purpose of treating drug dependent persons.

The Act

The Act regulates the possession and use of particular drugs of dependence including methadone. The Act authorises methadone to be supplied and administered to persons for the treatment of drug dependency where the methadone is supplied or administered at a methadone program treatment centre. Amendments to the Act effected by the *Drugs of Dependence (Amendment) Act (No.2) 1992* and the *Drugs of Dependence (Amendment) Act (No.3) 1992* expand the range of places which can serve as methadone program treatment centres. In particular, the amendments enable a community pharmacy to be approved as a methadone program treatment centre and enable a wider range of Territory facilities to function as methadone program treatment centres than was previously the case.

The Bill

The Bill amends the Act in recognition of the fact that the administration and supply of methadone from a methadone program treatment centre such as a community pharmacy or a Territory health centre demands a change to the controls that exist in relation to all methadone program treatment centres while, at the same time, ensuring that those controls are adequate to meet community expectations. In particular the Bill amends the Act to -

- enable nurses employed in Territory facilities to supply methadone;
- exempt methadone program treatment centres approved under subsection 150(1) of the Act from requirements relating to the witnessing of the administration of methadone;

It is intended that requirements relating to the administration of methadone at treatment centres approved under subsection 150(1) will be set as conditions of such approvals pursuant to paragraph 150(2)(d) of the Act.

Clauses 7, 8 and 9 - Ward registers

Section 95 of the Act defines the term "ward" to include a methadone program treatment centre. Section 101 requires a register of drugs of dependence to be kept by a person in charge of a ward and section 102 of the Act sets out the particulars which are required to be entered in the ward register. *Clauses 7, 8 and 9* amend the Act to provide for a separate ward register, called a "ward methadone register" to be kept in respect of methadone administered for the treatment of drug dependency at a methadone program treatment centre.

Clause 7 repeals section 101 of the Act and inserts a new section 101 which identifies the circumstances in which a ward methadone register is required to be kept and the circumstances in which a "ward drugs of dependence register" is required to be kept.

Proposed paragraph 101(1)(a) requires that a person, for the time being, in charge of a ward must cause a ward methadone register to be kept, in respect of methadone administered at a methadone program treatment centre for the purpose of treating drug dependency. The register must be kept in accordance with new Form 2A.

Proposed new paragraph 101(1)(b) requires that a person, for the time being, in charge of a ward must cause a ward drugs of dependence register to be kept in respect of the administration of drugs of dependence other than methadone administered at a methadone program treatment centre for the treatment of drug dependence. This register is to continue to be kept in accordance with Form 2.

A penalty of \$5,000 or imprisonment for six months, or both, is provided for failure to keep a ward register.

New subsection 101(2) stipulates that the requirements relating to the keeping of ward registers do not apply to a methadone program treatment centre approved under subsection 150(1).

Clause 8 amends section 102 of the Act which details the entries to be made in a ward register in accordance with Form 2 so that these requirements only apply in respect of a drug of dependence other than methadone administered at a methadone program treatment centre for the treatment of drug dependence.

Clause 9 inserts **new section 102A** which sets out the details required to be entered in a ward methadone register and requires that the ward methadone register be signed by the persons who administer and witness the administration of methadone.

Clause 10 - Possession and administration of drugs - exemptions

Clause 10 amends subsection 170(3) of the Act which exempts specified persons from the commission of the offence under subsection 169(4) of the Act of administering methadone to another person. By the insertion of **new paragraph 170(3)(f)** a pharmacist who, at a pharmacy approved as a methadone program treatment centre under subsection 150(1), administers methadone, in accordance with a prescription, to a drug dependent person for the treatment of the person's drug dependency is exempt from the commission of an offence against subsection 169(4).

Clause 11 - Schedule 4

Clause 11 amends Schedule 4 to the Act by inserting a **new Form 2A** - the ward methadone register.

FORMAL PROVISIONS

Clauses 1, 2 and 3 - Formal provisions

Clauses 1, 2 and 3 are formal provisions which, respectively, provide for the citation of the Bill, the commencement of the Bill and the meaning of a reference in the Bill to the term "Principal Act".

- require Territory facilities where methadone is administered to treat drug dependency to keep a register relating to the administration of methadone for the treatment of drug dependency separate from a register relating to the administration of drugs of dependence, generally; and
- enable a pharmacist at a pharmacy approved as a methadone program treatment centre under subsection 150(1) to administer methadone.

Financial implications

There are no financial implications arising from the Bill.

Details of the Bill are included in the Attachment.

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MAIN AMENDMENTS

Clause 4 - Interpretation

Clause 4 is an interpretation provision which amends subsection 3(1) of the Act by replacing the definition of the term "methadone program treatment centre" with a new definition of that term which recognises that whilst methadone is supplied and administered at such centres there may be other activities relating to the treatment of drug dependent persons which take place at those centres, for example, assessment of drug dependency and counselling.

Clause 5 - Supply of methadone on prescription

Clause 5 amends section 80 of the Act which makes it an offence for a person to supply a drug of dependence upon prescription, unless the person is a person of a type authorised by section 80 to supply such a drug. By the insertion of new paragraph 80(1)(e) section 80 is amended to exempt a nurse employed at a methadone program treatment centre conducted by the Territory from the commission of an offence where the nurse supplies methadone.

Clause 6 - Witnessing of the administration of methadone

Clause 6 omits the definition of the term "institution" in subsection 84(1) of the Act and inserts a new definition of the term to make it clear that it does not include a methadone program treatment centre approved under subsection 150(1) of the Act. The amendment is intended to exempt such treatment centres from the application of subsection 84(2) which requires that where a drug of dependence is administered to a patient at an institution the administration of the drug must be witnessed by either a medical practitioner, intern, dentist, pharmacist, registered nurse or qualified enrolled nurse.