

**1992**

**AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY**

**DRUGS OF DEPENDENCE (AMENDMENT) BILL (No. 3) 1992**

**EXPLANATORY MEMORANDUM**

**Circulated by Authority of Deputy Chief Minister**

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**DRUGS OF DEPENDENCE (AMENDMENT) BILL (No. 3) 1992****EXPLANATORY MEMORANDUM****OUTLINE**

The Drugs of Dependence (Amendment) Bill (No.3) 1992 will amend the *Drugs of Dependence Act 1989* to increase the range of locations at which methadone may be administered to persons for the treatment of drug dependence.

***The Drugs of Dependence Act 1989***

The Act restricts the places where methadone may be administered for the treatment of drug dependence to methadone program treatment centres. The locations at which methadone may be administered are, effectively, limited to public hospitals and approved private hospitals or hostel facilities.

***The Drugs of Dependence (Amendment) Bill (No.3) 1992***

This Bill amends the Act to broaden the definition of "methadone program treatment centre" so that it includes Territory operated health centres, the Belconnen Remand Centre and police stations.

The purpose of the amendment is to facilitate higher rates of participation in, and access to, the ACT Methadone Program operated by the ACT Board of Health by increasing the number and location of places at which methadone may be administered. The amendments will also enable the administration of methadone to participants in the methadone program who may be detained in police custody or on remand.

**Financial considerations**

Whilst the Bill will allow for the expansion of the methadone program, the introduction of a fee for the supply and administration of methadone will mean that the changes will be budget neutral.

## CLAUSE NOTES

### **Clause 1 and 2: Short Title**

Clauses 1 and 2 are formal clauses which, respectively, deal with the citation of the Bill and define the term "Principal Act".

### **Clause 3: Interpretation**

Clause 3 amends the definition of the term "methadone treatment centre" referred to in section 3 of the Act. The purpose of the amendment is to broaden the range of locations at which methadone may be administered to drug dependent persons. The effect of the references in the amended definition of a methadone program treatment centre to "a treatment centre or other facility" conducted by "the Territory", "whether or not the primary purpose of the centre or facility is to provide treatment for persons who are drug dependent", is that it allows methadone to be administered at a wider range of Territory operated locations including places such Territory health care centres, the Belconnen Remand Centre and police stations.

### **Clause 4: Interpretation**

Clause 4 amends the definition of the terms "prescribed person" and "ward" in section 95 of the Act.

This amendment expands the definition of a "prescribed person" to include a person in charge of any methadone program treatment centre. The definition relates to section 99 of the Act which requires a register to be maintained by a "prescribed person" at any place where drugs of dependence are kept. By expanding the definition of "prescribed person" the amendment ensures that specific officers at a "methadone program treatment centre" as newly defined by this Bill are required to maintain a register.

The definition of "ward" has been amended for the purpose of clarifying the application of section 108 of the Act which is amended by clause 5 of the Bill.

### **Clause 5: Patients' records**

Clause 5 amends section 108 which requires a person who administers drugs of dependence in an institution or methadone program treatment centre, which is not part of a ward, to maintain particular patient records relating to the administration of such drugs to patients.

The amendments to section 108 along with the amendments to the definition of the term "ward" in section 95 clarifies that section 108 applies to a person who administers a drug of dependence in an institution as defined in the Act, whether or not the drug is administered in a part of an institution that is a methadone program treatment centre, and to a person who administers a drug in a methadone program treatment centre that is not an institution.