

POISONS ACT 1933**DECLARATION OF RESTRICTED SUBSTANCES****EXPLANATORY STATEMENT**

The *Poisons Act 1933* (the Act) controls the sale of poisons, poisonous substances, restricted substances and biological preparations in the ACT.

Section 40 of the Act is the key provision underpinning the regulation of the sale, supply and dispensing of medicines and drugs. Section 40 provides that restricted substances can only be sold or supplied to, or dispensed for, a medical practitioner, pharmacist, dentist, veterinary surgeon, a person who holds a licence to sell that substance or preparation, a public employee who is authorised by the Minister for Health and Community Care, or a person who presents a prescription.

At present section 40 is rendered ineffective by virtue of the inadvertant repeal of the subordinate instrument which determines which medicines and drugs are to be covered.

Section 12 of the Act enables the Minister to declare, by notice in the Gazette, what substances are restricted substances for the purposes of the Act.

The instrument declares that restricted substances are the substances specified in Schedule 4 of the Drugs and Poisons Standard. The Drugs and Poisons Standard is defined in subsection 3(1) of the *Poisons and Drugs Act 1978* as the latest Standard for the Uniform Scheduling of Drugs and Poisons (the Standard).

This instrument declares, in effect, that the substances specified in Schedule 4 of the latest Standard for the Uniform Scheduling of Drugs and Poisons are restricted substances for the purposes of the Act.

The Standard, which is prepared and published under the auspices of the Australian Health Ministers' Advisory Council, is the recommendation of the National Drugs and Poisons Schedule Committee regarding classification of drugs and poisons into schedules for inclusion in the relevant legislation of the states and territories. The Standard defines substances listed in Schedule 4 as poisons that should, in the public interest, be restricted to medical, dental or veterinary prescription.

The declaration commences on the date it is notified in the Gazette.