

Drugs of Dependence - Drug Advisory Committee Appointments 2003 (No. 1)

DISALLOWABLE INSTRUMENT DI2003- 41

EXPLANATORY STATEMENT

The Drugs Advisory Committee (the Committee) is a statutory Committee, members of which are appointed by the Minister for Health under section 66 of the Drugs of Dependence Act 1989 (the Act). In accordance with the Act, the Committee consists of three medical practitioners, one of whom must be a psychiatrist and another a nominee of the ACT Branch of the Australian Medical Association (AMA). The Minister also appoints one of the members of the committee to be the chairperson of the committee.

The Committee's function is to direct the Chief Health Officer, whose powers are provided under section 69 of the Act, in the resolution of complex clinical matters and to settle appeals lodged against decisions of the Chief Health Officer involving the prescription of drugs of dependence. Decisions of the Chief Health Officer are not reviewable by the Administrative Appeals Tribunal because the issues are medical in nature and can be best dealt with by the Committee which has the appropriate expertise.

The appointments are made on an honorary basis for a period of three years, commencing the date of notification in the ACT Legislation Register.

Doctors Pembrey and Lubbe are not ACT public servants. Dr Pembrey, is an emeritus consultant to The Canberra Hospital. Dr Lubbe is a specialist psychiatrist in private practice who has been nominated by the ACT Branch of the AMA.

The third member of the Committee, Dr Margherita Nicoletti, is a staff specialist in palliative medicine at Clare Holland House and therefore classified as an ACT public servant whose name does not need to be cited on the instrument .

The Standing Committee on Health approved the appointments on 17 January 2003.