

EXPLANATORY STATEMENT

ISSUED BY THE AUTHORITY OF THE MINISTER OF STATE FOR HEALTH

AUSTRALIAN CAPITAL TERRITORY LEGISLATION

ORDINANCE No.38 of 1978

POISONS AND NARCOTIC DRUGS ORDINANCE 1978

The Poisons and Narcotic Drugs Ordinance 1978 replaces and improves the provisions relating to narcotic drugs presently contained in the Poisons and Dangerous Drugs Ordinance 1933 and the Public Health (Prohibited Drugs) Ordinance 1957. These Ordinances are generally outdated and inadequate to deal with the current problems of drug abuse in the Australian Capital Territory.

The Ordinance introduces strict control over persons supplying, possessing, prescribing or self administering narcotic drugs. Only persons authorised under the Ordinance will be permitted to engage in these activities.

The prescribing of addictive substances for drug addicts will require approval from a Drugs Advisory Committee comprised of three medical practitioners appointed by the Minister under the Ordinance.

The Ordinance provides for imprisonment for up to 25 years or a fine of up to \$100,000, or both, for the unlawful supply of hard drugs such as heroin. In respect of the unlawful supply of cannabis a lower penalty of 10 years or \$4,000, or both, will apply. A maximum penalty of two years imprisonment or a fine of \$2,000, or both, will apply to possession of hard drugs and a quantity of cannabis of more than 25 grams. A

\$100 fine is provided for possession of less than 25 grams of cannabis.

Also as a result of this Ordinance Courts will be able to revoke the authority of a person convicted under this Ordinance to possess, supply or prescribe narcotic drugs. It will also be possible for a person, at any time, to voluntarily surrender such authority.

The other major part of this Ordinance introduces labelling and packaging provisions, including first aid instructions and warning statements, adapted from the National Health and Medical Research Council's Uniform Poisons Standard, which will bring the Australian Capital Territory into line with the legislation in New South Wales and other States.

The Ordinance has been referred to the Australian Capital Territory Legislative Assembly and agreed to by the Assembly subject to certain minor amendments which have been included in the Ordinance.