

ADMINISTRATION ACT 1989

DELEGATION

INSTRUMENT NO. 82 OF 2001

EXPLANATORY STATEMENT

The *Administration Act 1989* (the Act) provides for the exercise and delegation of certain powers consequentially upon the establishment of the Territory as a body politic under the Crown.

Under subsection 5(1) of the Act, a Minister may, by instrument, delegate to any person all or any of his or her powers under an act or subordinate law.

This instrument delegates certain administrative powers of the Minister under the *Drugs of Dependence Act 1989* to the Chief Health Officer, Department of Health, Housing and Community Care.

The *Drugs of Dependence Act 1989* controls the manufacture and sale of drugs of dependence and prohibited drugs.

Drugs of dependence have a legitimate medical purpose, but are illegal for recreational use and have a high potential for addiction, abuse and misuse.

Prohibited substances are substances for which there is no genuine therapeutic use and which have a high potential for abuse. They require special authority for their procurement, possession or use, for example, in a research program.

The administrative powers delegated to the Chief Health Officer in this instrument relate to-

- licences to manufacture drugs of dependence;
- licences to sell drugs of dependence by wholesale;
- authorisations to possess drugs of dependence and prohibited substances in order to conduct a program of research or education; and
- appointment of treatment centre inspectors.

A delegation under section 5 of the Act is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*.