

## ***POISONS ACT 1933***

### **DECLARATION OF RESTRICTED SUBSTANCES**

#### **INSTRUMENT NO. 276 OF 2000**

#### **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 doctor, 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.

The *Therapeutic Goods Act 1989* of the Commonwealth and the Therapeutic Goods Regulations establish the National Drugs and Poisons Schedule Committee as a statutory committee. The Standard for the Uniform Scheduling of Drugs and Poisons (drugs and poisons standard) 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 drugs and poisons standard defines substances listed in Schedule 4 as poisons that should, in the public interest, be restricted to medical, dental or veterinary prescription. The first drugs and poisons standard made by the statutory committee became effective on 1 July 2000.

Subsection 5(1) of the Act adopts the definition of “drugs and poisons standard” that is in the *Poisons and Drugs Act 1978*. Although the definition takes the form of a “signpost” to the *Poisons and Drugs Act 1978*, it applies to the entire *Poisons Act 1933* as if the definition of “drugs and poisons standard” in subsection 3(1) of the *Poisons and Drugs Act 1978* had been set out in full in the *Poisons Act 1933*. (See example 2 to subsection 11F(2) of the *Interpretation Act 1967*.)

Section 12 of the Act enables the Minister to declare, by disallowable instrument, 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.

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

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