

POISONS (AMENDMENT) BILL 1987

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to amend the Poisons Act 1966—

- (a) to reconstitute the Poisons Advisory Committee;
- (b) to facilitate amendment of the Poisons List;
- (c) to enable the licensing system for all substances to be dealt with by the regulations under that Act instead of some substances being dealt with by the Act and others by the regulations;
- (d) to exercise further control over the prescription and supply of drugs of addiction; and
- (e) to make other provisions of an ancillary or consequential nature.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the provisions of the proposed Act.

Clause 3 is a formal provision that gives effect to the Schedules of amendments.

Clause 4 is a formal provision that gives effect to the savings and transitional provisions in Schedule 6.

Schedule 1 (1) reconstitutes the Poisons Advisory Committee with 6 nominated members and 10 other members appointed by the Governor, and enables the Committee to appoint subcommittees to exercise delegated functions.

Schedule 1 (2) makes consequential amendments.

Schedule 1 (3) brings up-to-date the provisions relating to members of the Poisons Advisory Committee and the procedure at meetings of the Committee.

Schedule 2 replaces existing provisions originally enacted in anticipation of the preparation of a Poisons List, adopts the Poisons List now in force and simplifies the procedure for amending it.

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Schedule 3 (1) enables all licences to be dealt with by the regulations instead of those relating to substances in Schedule One, Two or Three of the Poisons List being dealt with by the Act and those relating to substances in Schedule Eight of the Poisons List being dealt with by the regulations.

Schedule 3 (2) makes a consequential amendment.

Schedule 3 (3) makes a consequential amendment.

Schedule 3 (4) removes an anomaly that required persons authorised to be in possession of drugs of addiction to have the authority of the Secretary of the Department of Health in order to be in possession of less harmful substances.

Schedule 3 (5) makes a consequential amendment.

Schedule 3 (6) makes consequential amendments.

Schedule 4 (1) defines expressions used in sections 28–30 of the Poisons Act 1966 as proposed to be amended.

Schedule 4 (2) proposes amendments to clarify the operation of section 28 of the Poisons Act 1966.

Schedule 4 (3) inserts a new section 28A providing for the approval of a medical practitioner as a prescriber of drugs of addiction for addicts, the approval being given by the Secretary of the Department of Health on the recommendation of the Medical Committee constituted by the Poisons Act 1966.

Schedule 4 (4) deals with the issue to a medical practitioner of an authority to prescribe or supply a drug of addiction to a particular person. An authority is issued by the Secretary of the Department of Health and, unless the medical practitioner is an approved prescriber under the proposed section 28A, an application for an authority must be referred for a report by the Medical Committee.

Schedule 4 (5) makes consequential amendments.

Schedule 4 (6) enables the Medical Committee constituted by the Act to establish subcommittees to exercise delegated functions.

Schedule 5 (1), (2), (4) and (7) operate to discard some spent provisions.

Schedule 5 (3) inserts consequential definitions and expands the definition of “Supply” to include dispensing.

Schedule 5 (5) enables the Secretary of the Department of Health (instead of the Poisons Advisory Committee) to require information to be provided in relation to any substance that is included, or might warrant inclusion, in the Poisons List.

Schedule 5 (6) modernises the power to require production of books and documents by including production of copies of computerised records and translations of those not written in English.

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Schedule 6 includes transitional provisions necessitated by the reconstitution of the Poisons Advisory Committee, changes to the licensing system and the processing of applications by medical practitioners to be approved prescribers of drugs of addiction.
