

# SECOND READING SPEECH

## *Poisons Amendment Bill 2013*

Mr Speaker

The purpose of this Bill is to clarify the definition of 'prohibited substance', which was amended last year by the *Poisons Amendment Act 2012*. The Bill addresses any doubt that might otherwise arise in future for the interpretation of provisions in respect of the commercial licensing of opium poppy and Indian hemp.

Last year's amendments made a number of minor amendments to the Poisons Act, including a new method to adopt the Commonwealth Poisons Standard in Tasmania. The purpose of the Commonwealth Standard is to promote uniform scheduling of poisons throughout Australia.

Prior to last year's amendments, Tasmania followed the Standard through Poisons List Orders made under the Act. Every time the Commonwealth Standard was updated, there was a time delay as Poisons List Orders were often a laborious, time consuming process.

Last year's amendments provided for the adoption of the Standard into the Act by reference. This means that the list of scheduled substances is always current in Tasmania and in line with the other states and territories, removing the need for regular updates and amendments to the Poisons List and Poisons (Prohibited Substances) Order.

The amendments avoid potential delays and issues for patients and licensed manufacturers and wholesale chemists alike. The amendments also retain my discretion to amend the Standard as it applies in Tasmania as needed.

The Bill clarifies a definitional issue for 'prohibited substances'. The interaction of section 55 and the licensing provisions in the Act is intended to operate so that 'prohibited plants' which are not 'prohibited substances' can be licensed for appropriate commercial activity.

'Prohibited substances' are intended to be Schedule 9 substances in the Commonwealth Standard as adopted in Tasmania. Schedule 9 specifies coca leaf and cannabis (subject to the exceptions in the Standard). Schedule 9 does not specify opium poppy at all, or Indian hemp in the terms it is defined in the Act.

The Act is designed to allow for licensed commercial activity in respect of Indian hemp and opium poppy, but only non-commercial activity in respect of illicit cannabis and coca leaf. To continue that intention, while adopting Schedule 9 substances by reference, last year's amendments included changing the definition of 'prohibited substance' to:

prohibited substance means a substance that is, for the time being, specified in Schedule 9 to the Poisons List and includes a prohibited plant;

However, this drafting may not put beyond doubt that only prohibited plants in Schedule 9 are included in the definition, and not opium poppy and Indian hemp.

That is, an unintended consequence of the definition is that it might be interpreted that all prohibited plants including the opium poppy and Indian hemp are prohibited substances. If that was the case, the Act would have conflicting provisions in respect of licensing prohibited plants and prohibited substances.

The Bill therefore clarifies the definition with effect from 1 July 2012, so that there is no doubt as to the intended meaning of 'prohibited substances'. Opium poppy and Indian hemp remain prohibited plants and will continue to be licensed appropriately.

This is a routine legislative clarification, as part of the Government's ongoing support of the commercial poppy and hemp industries in Tasmania.

I commend the Bill to the House.