

Department of Health

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Mr Stuart Wright
Secretary
Parliamentary Standing Committee on Subordinate Legislation
Parliament House
HOBART TAS 7000

Dear Mr Wright

Subject: Notice under section 16 of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020* to extend certain authorisations made under section 59E of the *Poisons Act 1971*

In accordance with the provisions of section 7 of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020* (COVID Act), please find enclosed a copy of a notice issued by the Premier under section 16 of the COVID Act on 17 May 2020, a copy of the Deputy Chief Parliamentary Counsel's advice regarding the notice, and a Notice Statement.

Yours sincerely



Ross Smith
Deputy Secretary
Policy, Purchasing, Performance and Reform
On behalf of the Secretary

19 May 2020

Enc: Notice issued under section 16 of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*
Deputy Chief Parliamentary Counsel's advice regarding the notice
Notice Statement

TASMANIA

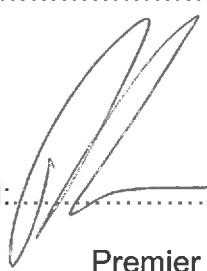
COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020

NOTICE UNDER SECTION 16

I, PETER CARL GUTWEIN, the Premier, in pursuance of section 16(1)(b) of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*, being of the opinion that the relevant emergency circumstances exist in relation to this notice and with the approval of the emergency manager, declare that, despite section 59E of the *Poisons Act 1971*, the period that an authority under that section is to remain in force, as specified in that authority, is extended by a further period of 6 months if the authority –

- (a) was in force immediately before the day on which notice of the making of this notice is published in the *Gazette*; and
- (b) specifies that the period during which the authority is to be in force is 6 months or more; and
- (c) is due to expire within the 6 month period immediately after the day on which notice of the making of this notice is published in the *Gazette*.

Dated:.....17.5.20.....

Signed:..........
Premier

ADVICE OF DEPUTY CHIEF PARLIAMENTARY COUNSEL***Notice under section 16 of the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020***

I advise that this statutory rule –

- (a) appears to be within the powers conferred by the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*; and
- (b) does not appear, without clear and express authority being provided by any Act, to –
 - (i) have any retrospective effect; or
 - (ii) impose any tax, fee, fine, imprisonment or other penalty; or
 - (iii) sub-delegate powers delegated by the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*; and
- (c) appears to be within the general objectives of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*; and
- (d) is expressed in as clear and unambiguous language as is reasonably possible.

Dated 29 April, 2020.



Katherine Woodward
Deputy Chief Parliamentary Counsel

**Standing Committee on Subordinate Legislation
Notice Statement**

Notice under section 16 of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020* to extend certain authorisations made under section 59E of the *Poisons Act 1971*

The Premier's notice under section 16 of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020* extends certain authorities issued under section 59E of the *Poisons Act 1971*.

Under section 59E of the *Poisons Act*, the Secretary, Department of Health may authorise a medical practitioner, dentist or other health professional to make narcotic substances available to patients with a history of drug seeking behaviour.

The notice extends the period for which an authority issued under section 59E of the *Poisons Act* that is for a period of six months or more and that is due to expire in the six month period immediately after the day on which the notice is made may remain in place for a further period of six months.

Section 59E of the *Poisons Act* provides for the Secretary to authorise the supply of narcotic substances or other specified addictive substances to patients with a history of drug seeking behaviour.

Approximately 13 500 section 59E authorities were issued in the last calendar year and approximately half of these will expire in the next six months.

The notice is needed to remove a considerable workload burden on the Pharmaceutical Services Branch within the Department of Health and on medical practitioners (predominantly General Practitioners) associated with renewing authorities which are due to expire in the coming months.

For pharmacists acting as delegates of the Secretary, removing the burden associated with renewing low-risk authorities is estimated to reduce workload by 15 to 20 per cent. The reduction in workload for General Practitioners is harder to quantify but nevertheless significant. Removing the administrative burden associated with renewing authorities will enable pharmacists to focus on other issues of concern to pharmacists in their response to COVID-19 and for General Practitioners will enable them to focus on patient treatment.

The notice extends the expiry of existing low risk authorities for a period of six months, unless prescribed medications are varied, objective high-risk events impacting on patient safety occur, treatment is ceased, or an authority is revoked. Current authorities in force that are for a duration of six months or more are viewed as low risk authorities and suitable for automatic extension.