**FOOD AND DRUGS ACT AMENDMENT BILL 1954**

**Legislative Council, 17 August 1954, pages 378-9**

Second reading

**The Hon. Sir LYELL McEWIN (Minister of Health),** having obtained leave, introduced a Bill for an Act to amend the Food and Drugs Act, 1908-1953. Read a first time.

The Hon. Sir LYELL McEWIN—I move that this Bill be now read a second time. This Bill deals with therapeutic substances and poisons. The term “therapeutic substances” used now-a-days in a somewhat wider sense, the old word “drug”. In the Food and Drugs Act “drug” includes (among other things) substances used in the composition or preparation of medicine. It does not, however, extend to all the various preparations now used by medical men for the prevention, diagnosis, or alleviation of disease, and the expression “therapeutic substance” has come into use to express this wider range of substances. The great increase in the number of these substances and their increasing use under the Commonwealth pharmaceutical benefits scheme are reasons why this Bill is required. Though introduced mainly to regulate the manufacture and sale of therapeutic substances, the Bill also provides for regulating the manufacture and sale poisons which in the public interest need to be controlled in much the same way, and by the same authorities, as therapeutic substances. The events which have led to the preparation of the Bill are as follow. In December 1951, the Commonwealth asked that an inter-State conference be held to promote uniform legislation for the control of therapeutic- substances. The Prime Minister pointed out that as a result of the free medicine scheme the Commonwealth was the largest purchaser of these products in Australia, and wishedto ensure that they should be of a uniform high quality. The conference recommended that State legislation be passed to provide for the control of the manufacture of therapeutic substances in each State and that Commonwealth should pass an Act to ensure, as Commonwealth powers permitted,standards of the purity for therapeutic substances. Last year the Commonwealth passed the Therapeutic Substances Act, 1953, providing that therapeutic substances imported, or supplied as pharmaceutical benefits, shall be of prescribed standards and shall be properly labelled or marked. Since the passing of that Act the Central Board of Health has considered what legislation by the State is necessary to assure uniformity of standards for therapeutic substances and this Bill is based upon the board’s recommendations.

Clause 3 and 4 contain provisions for the purpose of extending the application of the Food and Drugs Act to therapeutic substances. The existing definition of " drug ’ ’ in the principal Act is struck out and a new and wider definition is inserted which will cover all the new products devised for the prevention, diagnosis, alleviation and cure of disease or for inhibiting or modifying any physiological process in men or animals. Clause 4 provides that any drug may be declared by proclamation to be a controlled therapeutic substance and provides that any such proclamation may be varied or revoked. The effect of declaring a therapeutic substance is set out in clauses 5 and 6. Clause 5 provides that the regulations relating to controlled therapeutic substances and poisons shall be administered by the Central Board of Health alone. At present such regulations can be administered by both the Central Board and local health authorities, although in practice the poisons regulations are administered by the Central Board alone. The proposed therapeutic substances regulation will be highly technical and will require uniformity of administration throughout the State. A qualified medical and scientific staff will be required and it will not be possible for the local authorities to provide such a staff. For this reason the administration will have to be entrusted to the Central Board alone. Clause 6 enables the Governor on the advice of the advisory committee appointed under the Food and Drugs Act to make regulations with respect to the regulation, restriction and conditions of the manufacture, sale, disposal, purchase, transport, storage, ownership and possession of poisons and therapeutic substances. There is in the principal Act a limited power to regulate the sale, ownership and possession of poisons; but this power does not give sufficient control over the manufacture of poisons and gives no control at all over the manufacture of therapeutic substances. These deficiencies will be remedied by clause 6, which will enable the State to play its part in introducing the proposed uniform code of standards for the whole of Australia.

The Hon. K. E. J. BARDOLPH secured the adjournment of the debate.