



Assistant Secretary  
Criminal Law and Law Enforcement Branch  
Attorney-General's Department  
3-5 National Circuit  
BARTON ACT 2600

Dear Assistant Secretary

**CHC Submission: Implementation of model schedules for Commonwealth serious drug offences**

Thank you for providing an opportunity for the complementary healthcare industry to comment on the discussion paper titled '*Implementation of model scheduled for Commonwealth serious drug offences*'.

The Complementary Healthcare Council of Australia (CHC) is the peak industry body solely representing the entire chain within the complementary healthcare industry. The CHC is unique in that it represents all stakeholder groups within the complementary healthcare industry; members include importers/exporters, manufacturers, raw material suppliers, wholesalers/distributors, retailers, practitioners, consultants, direct/multi-level marketers and consumers.

The CHC recognises and supports the Working Party's objectives in developing model schedules for drugs, plants and precursors in an effort to provide comprehensive coverage of drugs, plants and precursors for which illicit drug markets exist, or have the potential to develop, within Australia.

As noted in the discussion paper, the CHC considers that whilst the objectives of the Working Group are supported, there would be a significant impact to the complementary healthcare industry if this framework was to be implemented.

**General Comments**

The CHC considers that any framework implemented must ensure there is appropriate control over drugs, plants and precursors which may be used in illicit drug manufacture. However, these drug offences should not apply to herbal extracts, or components of these extracts, which are used for therapeutic purposes in complementary medicines listed on the Australian Register of Therapeutic Goods (ARTG). This would result in hindering the supply of such medicines to the Australian market.

**Specific Comments**

***Legitimate use defence – plants***

The CHC strongly supports the opportunity to allow legitimate use defence in relation to plant material used in complementary healthcare products. However, the CHC notes that some of the listed controlled plants do not have limits. It would, therefore, appear that it would be very difficult to mount an appropriate legitimate use defence in such circumstances i.e. the absence of trafficable limits being imposed implies that any possession of some of the plants would be seen as an offence.

***Legitimate defence – precursors***

The CHC seeks further clarification as to whether this provision applies only to the sale of these substances or if it also applies to possession of these substances. Many laboratories hold many of the listed controlled precursors above the specified limits, and many of these precursors are sold/distributed within the complementary healthcare industry. Therefore, this clarification is critical.

The CHC considers that the expanded list could create issues with inadvertent criminalisation, particularly with smaller companies who may not be across this new piece of legislation. Furthermore, although the industry may be partially protected by requiring prosecution prove intent or belief that a controlled substance is to be used for the manufacture of a controlled drug, there is still some concern over the fact that action could be taken against companies who are genuinely manufacturing appropriately.

The CHC agrees that an exemption may be an appropriate mechanism for protection against legitimate users of controlled precursors; however, the practicality of this may be difficult given the number of suppliers within Australia and products with these ingredients. The resources required to approve exemptions would also be significant.

If you have any questions in relation to any matters raised within this submission, please do not hesitate in contacting me on (02) 6260 4022.

Yours sincerely



Kristy Tomas

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Complementary Healthcare Council of Australia