



Therapeutic
Goods
Administration

PO Box 100, Woden, ACT 2606, Australia

Woden Telephone: (06) 289 1555. Fax: (06) 289 8709

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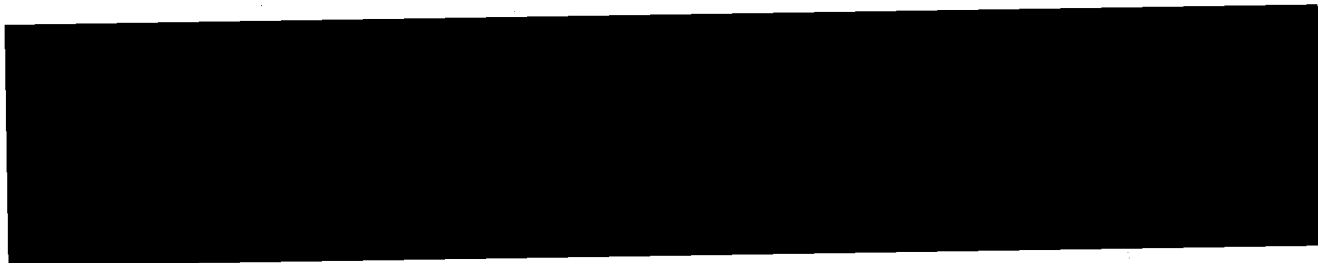


DEPARTMENT OF
COMMUNITY SERVICES
AND HEALTH

Office of Legislative Drafting
Attorney-General's Department
Robert Garran Offices
BARTON ACT 2600


Attention: Roger Mackay

THERAPEUTIC GOODS ACT 1989 - INSTRUMENTS UNDER SECTIONS 3, 7



2. Subsection 7(1) of the Act enables the Secretary, in the circumstances set out under that provision, to declare particular goods or classes of goods not to be therapeutic goods as such or else when those goods are used or labelled in a particular way. A draft "Order" has been prepared that lists goods not intended to be treated as "therapeutic goods".

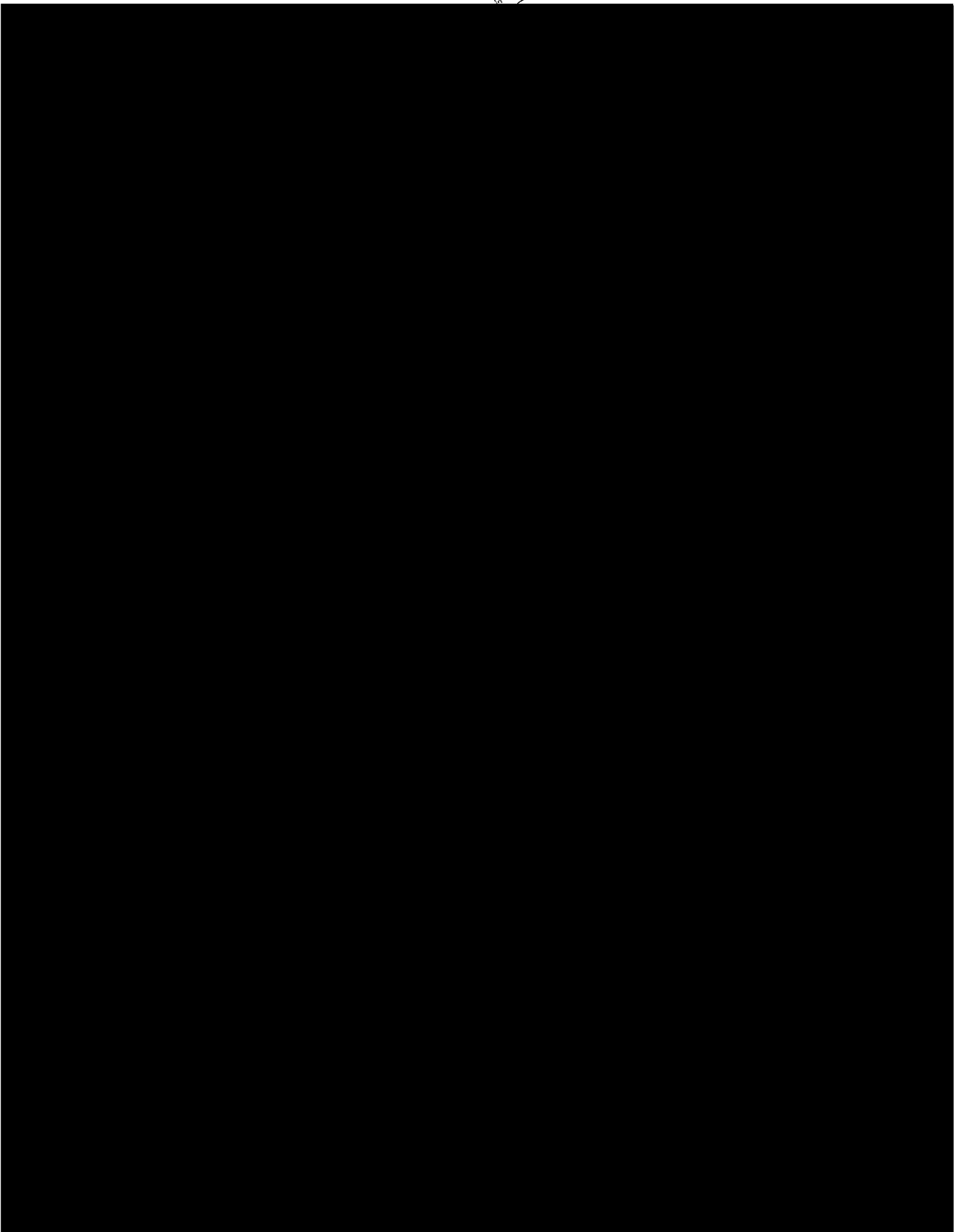
3. As discussed with you, I am enclosing with this Memorandum the 2 draft "Orders" referred to above for your consideration and attention. I would be grateful if you could make any necessary amendments to the 2 drafts that would adequately give effect to the Secretary's powers under

 7(1)
of the Act.

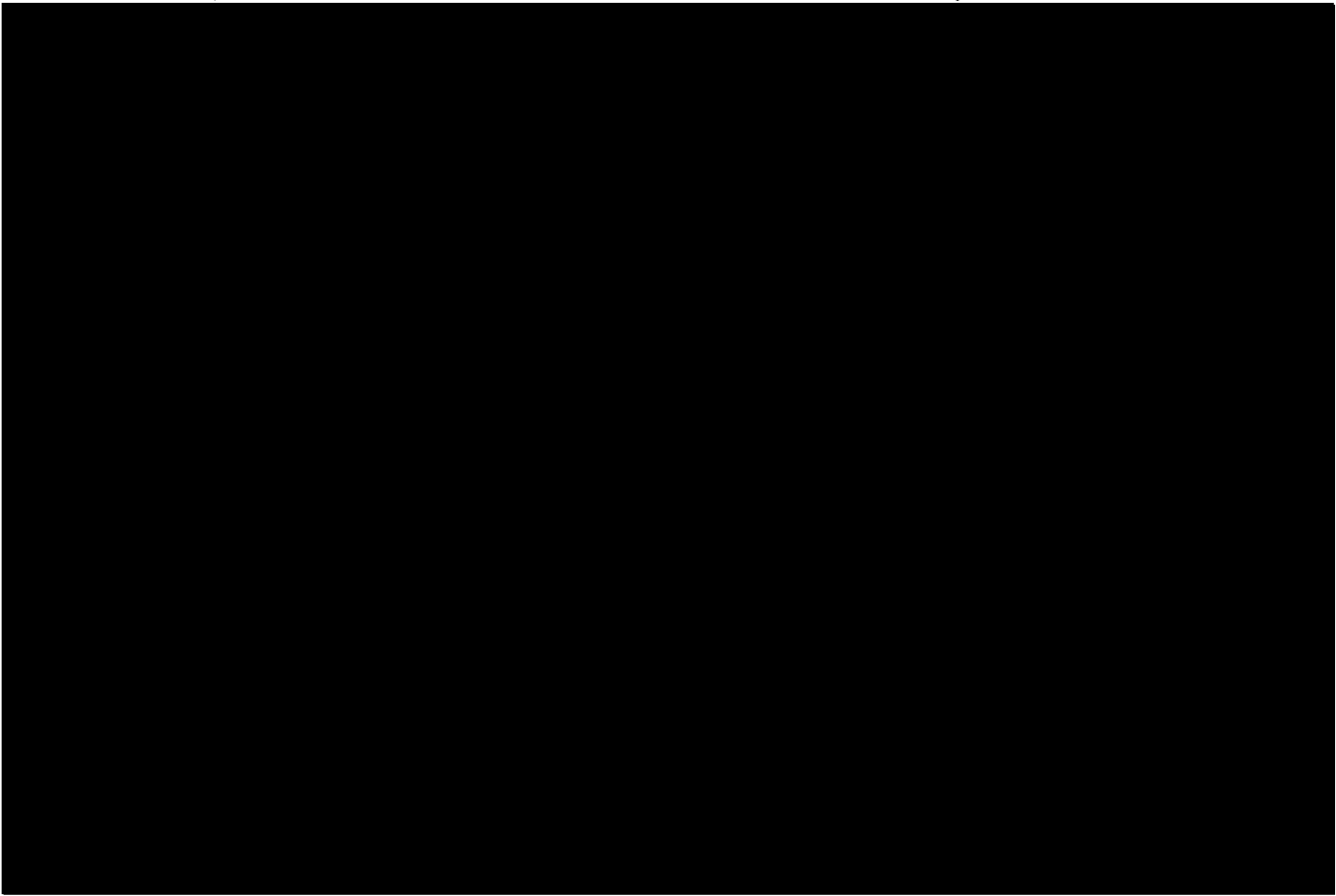
4. Would you also please confirm that Office of Legislative Drafting will arrange for the gazettal of all instruments drafted by it. If this is not the case, please let me know so that the Therapeutic Goods Administration can made immediate arrangements to gazette these notices (including the s.16 and s.36 instruments your Office is preparing for us) in time, before the commencement of the Act.

5. Should you have any queries concerning the 2 draft documents please contact me telephone 286-0153, facsimile 286-1386.

Terry Lee
Therapeutic Goods Administration
8 February 1991



(s. 3 Order)


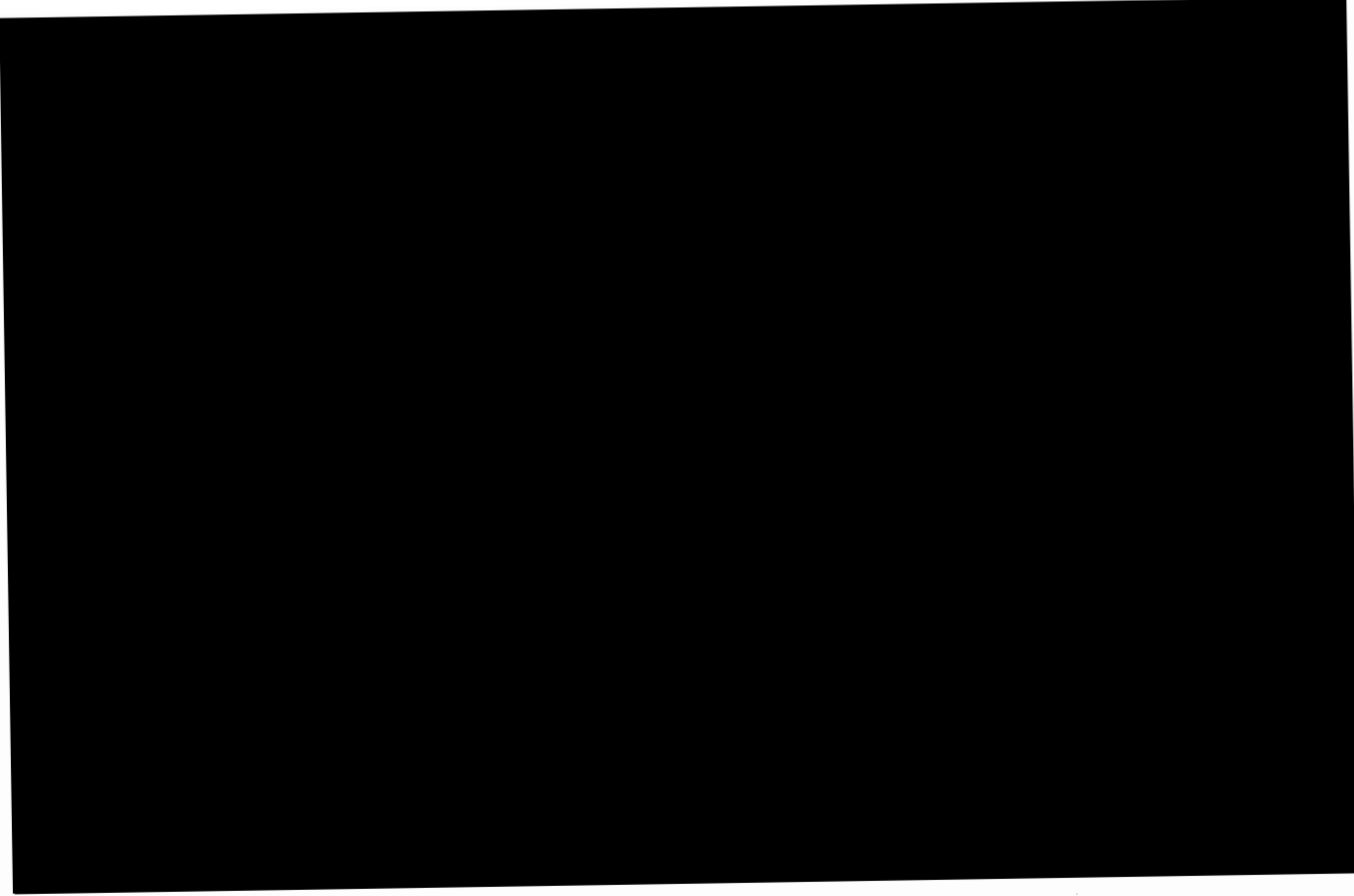


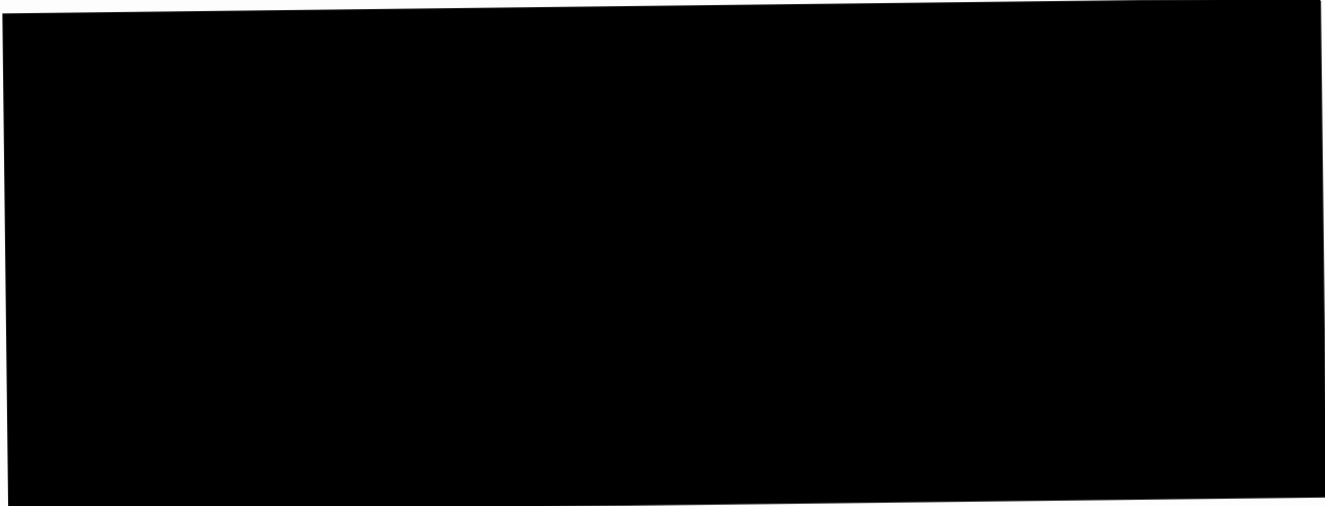
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THERAPEUTIC GOODS ACT 1989

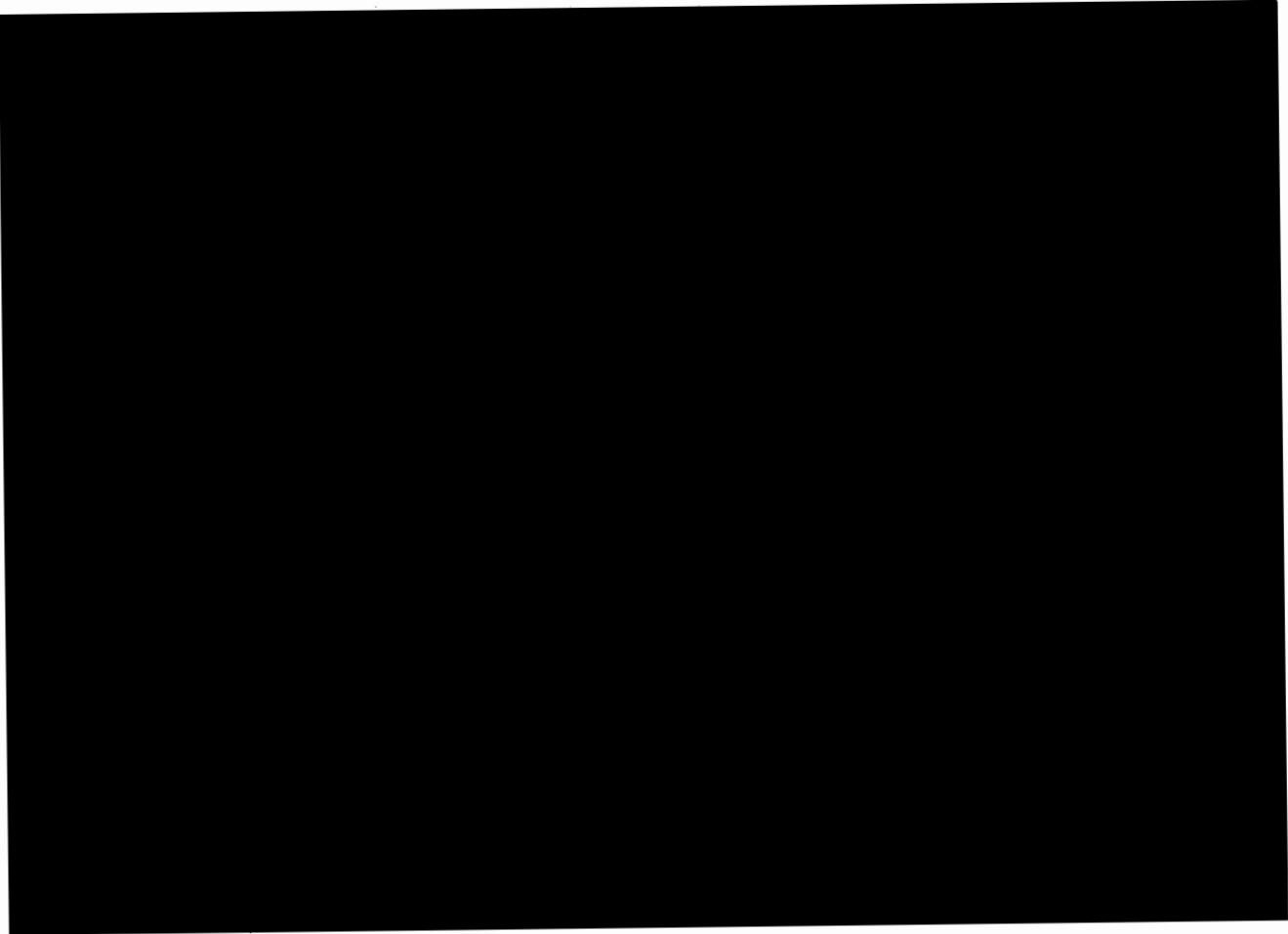
SECTION 7 ORDER

I, **STUART HAMILTON**, Secretary of the Department of Community Services and Health, being satisfied, pursuant to section 7 of the **Therapeutic Goods Act 1989**, that the particular goods or classes of goods listed below are not therapeutic goods, or that they are not therapeutic goods when used or labelled in the way described below, **HEREBY DECLARE** for the purposes of the said Act that the following goods for human use are not therapeutic goods or are not therapeutic goods when used or labelled in the way described below:

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2. Oral hygiene preparations and devices including dentifrices, mouth washes, breath fresheners, brushes and flosses where:
 - (i) such goods are not subject to a schedule of the Poisons Standard; and
 - (ii) benefits claimed to result from the use of the goods are restricted to those consequential on improvements to oral hygiene and the use of fluorides for the prevention of tooth decay;
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15. Drinking water purification and fluoridation equipment;



This Order shall come into effect on the date of commencement of the Therapeutic Goods Act 1989 or on the date of notification of this Order in the Commonwealth of Australia Gazette, whichever is the later date.

Dated this day of February 1991

07-02-91

Secretary
Department of Community Services and Health