

Queensland



ANNO TRICESIMO SEXTO

ELIZABETHAE SECUNDAE REGINAE

No. 53 of 1987

An Act to amend the Drugs Misuse Act 1986 in certain
particulars

[ASSENTED TO 1ST OCTOBER, 1987]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. Short title. This Act may be cited as the *Drugs Misuse Act Amendment Act 1987*.

2. Commencement. (1) This section and section 1 shall commence on the day on which this Act is assented to for and on behalf of Her Majesty.

(2) Except as provided by subsection (1), the provisions of this Act or such of them as are specified in the Proclamation shall commence on a day or days to be appointed by Proclamation for the commencement of those provisions.

3. Citation. (1) In this Act the *Drugs Misuse Act 1986* is referred to as the Principal Act.

(2) The Principal Act as amended by this Act may be cited as the *Drugs Misuse Act 1986-1987*.

4. Amendment of s. 4. Interpretation. Section 4 of the Principal Act is amended by, in subsection (1), inserting after the definition "drug dependent person" the following definition:—

““medical practitioner” means a legally qualified medical practitioner;”.

5. Amendment of s. 10. Section 10 of the Principal Act is amended by—

(a) in subsection (2), adding after the words “against this Act” the words “unless he is a person to whom the thing, being a hypodermic syringe or needle, has been lawfully supplied as prescribed by subsections (3) and (4)”;

(b) adding at the end of the section the following subsections:—

“(3) If a medical practitioner is satisfied that any person is a drug dependent person, it is lawful for him to issue to that person a writing that satisfies the requirements of this subsection and that authorizes any pharmacist to supply to that person, in accordance with the writing, during the period for which the writing is expressed therein to be valid, the number of hypodermic syringes and needles specified in the writing.

The writing—

(a) shall be written legibly in ink in the handwriting of the medical practitioner who issues it;

(b) shall specify—

(i) the name, professional qualifications and professional address of the medical practitioner who issues it;

(ii) the name and place of residence of the drug dependent person to whom it is issued; and

(iii) the date of its issue and the period of time for which it is valid, not exceeding a period of six months from the date of its issue;

and

(c) shall bear the usual signature of the medical practitioner who issues it.

(4) It is lawful for a pharmacist or his employee to supply to a person named in a writing issued by a medical practitioner under subsection (3) as the person to whom the writing is issued, in accordance with the writing, during the period for which the writing is expressed therein to be valid, the number of hypodermic syringes and needles specified in the writing.

6. Amendment of s. 13. Certain offences may be dealt with summarily.

Section 13 of the Principal Act is amended by—

(a) numbering the existing provisions as subsection (1), omitting therefrom the words “for the commission” and substituting the words “in respect of a charge”;

(b) inserting after subsection (1) as so renumbered the following subsection:—

“(2) Where a person is charged with the commission of a crime defined in section 7 in respect of property obtained from the commission of—

(a) an offence defined in section 6;

or

(b) an act referred to in section 7 (1) (b) which if it had been done in Queensland would have constituted an offence defined in section 6,

which offence or act is of such a nature, or is committed under such circumstances, that the person who committed the offence or act—

(c) upon conviction is liable, pursuant to section 6, to imprisonment with hard labour for 15 years;

or

(d) might be summarily convicted under the laws in force in the place where it was committed,

proceedings in respect of a charge of the crime may be taken summarily, in which case the firstmentioned person, upon conviction, is liable to imprisonment with hard labour for 2 years.”.

7. Amendment of s. 18. Power to search. Section 18 of the Principal Act is amended by—

(a) omitting subsection (1) and substituting the following subsection:—

“(1) Upon complaint on oath before a justice by a police officer that such officer reasonably suspects that a search of a place may reveal evidence of the commission of an offence defined in Part II, the justice may issue a warrant in the form prescribed by regulation directed to a police officer.”;

(b) in subsection (2), omitting the word “believes” and substituting the words “reasonably suspects”;

(c) in subsection (3), inserting after paragraph (b) the following paragraph:—

“(ba) detain all or any of the persons found in the place so entered or re-entered and exercise in respect of any person so detained the powers specified in section 15 as if that person had been detained under section 15 (1);”;

(d) in subsection (4), inserting after paragraph (b) the following paragraph:—

“(ba) detain all or any of the persons found in the place so entered or re-entered and exercise in respect of any person so detained the powers specified in section 15 as if that person had been detained under section 15 (1);”;

(e) in subsection (9), omitting the words “authorizing him to search a person, or as the case may be, enter and search a place”.

8. Amendment of s. 21. Persons arrested may be taken to places for investigation. Section 21 of the Principal Act is amended by omitting the expression “contary” and substituting the word “contrary”.

9. Amendment of s. 22. Power to require name, address. Section 22 of the Principal Act is amended by—

(a) omitting subsections (1) and (2) and substituting the following subsections:—

“(1) A police officer who reasonably suspects that an offence defined in Part II has been committed and reasonably requires to know information about a person in order to assist him to investigate the offence, may require of that person—

(a) his name and address;

and

(b) his date and place of birth,

and if he reasonably suspects that any of the required particulars given is false, may require evidence as to the correctness thereof and such other particulars as the officer reasonably believes will enable that person to be readily located and identified.

(2) A person who, when required under subsection (1) to give any particulars or evidence of the correctness thereof—

(a) refuses or fails to give such particulars;

(b) states false particulars;

(c) without reasonable excuse refuses or fails to produce that evidence; or

(d) produces false evidence with respect to such particulars,

commits an offence against this Act.

Penalty: Imprisonment for one month.”.

(b) in subsection (3), omitting the words “giving his name and address or producing evidence to prove that the name or address given is correct” and substituting the words “complying with the requisition directed to him under subsection (1)”.

10. Amendment of s. 45. Proceedings for offences. Section 45 of the Principal Act is amended by—

(a) in subsection (1),

(i) omitting the word “for” and substituting the words “upon a charge of”

(ii) inserting after the word “or” the word “for”;

(iii) adding after the words “stipendiary magistrate” the words “: Provided that any justice may adjourn such proceedings and may grant or refuse bail”;

(b) omitting subsection (3) and substituting the following subsection:—

“(3) Where proceedings have been commenced against a person upon a charge of a crime defined in Part II a stipendiary magistrate has jurisdiction to hear and determine the proceedings with a view to the summary conviction of the person upon the charge, notwithstanding that the proceedings have commenced more than one year after the matter to which the charge relates arose.”;

(c) inserting after subsection (3) the following subsection:—

“(3A) Proceedings with a view to the summary conviction of a person upon a charge of an offence defined in this Act may be heard and determined at a place appointed for the holding of Magistrates Courts in any district appointed for the purpose of Magistrates Courts under the *Justices Act 1886-1987* or in any division deemed to be such a district, regardless of where the offence was committed.”;

(d) in subsection (4), omitting the word “offence” and substituting the word “charge”;

(e) omitting subsection (5) and substituting the following subsection:—

“(5) Where, pursuant to subsection (4), the stipendiary magistrate abstains from determining summarily proceedings in respect of a charge—

(a) the plea of the defendant taken at the outset of the hearing shall be disregarded;

(b) the evidence adduced in the proceedings before the magistrate’s decision to abstain shall be deemed to be evidence in the proceedings with a view to the committal of the defendant for trial or sentence;

and

(c) before committing the defendant for trial or sentence the magistrate shall address the defendant in accordance with section 104 of the *Justices Act 1886-1987*.”.

11. Amendment of Second Schedule. The Second Schedule to the Principal Act is amended by—

(a) in the reference “Dihydrocodeine”, omitting from paragraph (a) the expression “dossage” and substituting the word “dosage”;

(b) after a reference specified in the first column of the following Table inserting the reference or references specified in the second column of the Table opposite to that reference:—

TABLE

2,5-Dimethoxyamphetamine	2,5-Dimethoxy-4-Ethylamphetamine (DOET)
Methaqualone	5-Methoxy-3,4-Methylenedioxyamphetamine (MMDA) 3,4-Methylenedioxymethamphetamine (MDMA)
Parahexyl	Paramethoxyamphetamine (PMA)
Trimeperidine	3,4,5-Trimethoxyamphetamine (TMA)

12. Amendment of the Third Schedule. The Third Schedule of the Principal Act is amended by—

(a) in the reference “Barbituric Acid” omitting the word “derivative” and substituting the word “derivatives”;

(b) omitting the reference “4 Bromo 2,5 Dimethoxyamphetamine” and substituting the reference “4-Bromo-2,5-dimethoxyamphetamine”;

(c) omitting the reference “N,N Diethyltryptamine” and substituting the reference “N,N-Diethyltryptamine”;

(d) omitting the reference “2,5 Dimethoxy-4 Methyl Amphetamine” and substituting the reference “2,5-Dimethoxy-4-Methylamphetamine”;

(e) omitting the reference “N,N Dimethyltryptamine” and substituting the reference “N,N-Dimethyltryptamine”;

(f) omitting the reference “Tetrahydrocannabinols” and substituting the following words:—

“Tetrahydrocannabinols including their alkyl homologues except where separately specified; and their corresponding carboxylic acids”;

(g) inserting,

(i) in the first column of the Schedule, after the reference specified in the first column of the following Table the reference specified in the second column of the Table opposite to that reference; and

(ii) inserting in the second column of the Schedule opposite the reference inserted pursuant to paragraph (a) the expression specified in the third column of the following Table opposite to that reference:—

TABLE

N,N-Diethyltryptamine	2,5-Dimethoxy-4-Ethylamphetamine (DOET)	2.0 grams
Methadone	5-Methoxy-3,4-Methylenedioxyamphetamine (MMDA)	2.0 grams
Methylamphetamine	3,4-Methylenedioxymethamphetamine (MDMA)	2.0 grams
Opium	Paramethoxyamphetamine (PMA)	2.0 grams
Tetrahydrocannabinols	3,4,5-Trimethoxyamphetamine (TMA)	2.0 grams

13. Amendment of the Fifth Schedule. The Fifth Schedule of the Principal Act is amended by—

(a) in the reference “Difenoxin” omitting the words “dose of Difenoxin” and substituting the words “dose of difenoxin”;

(b) in the reference “Norcodeine” omitting the word “compounded” where secondly occurring and substituting the word “extracted”;

(c) in the reference “Pholcodine” omitting the word “compounded” where secondly occurring and substituting the word “extracted”.