

Queensland



DRUGS MISUSE AMENDMENT ACT 1996

Act No. 49 of 1996

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Queensland



Drugs Misuse Amendment Act 1996

Act No. 49 of 1996

An Act to amend the *Drugs Misuse Act 1986*, and for other purposes

[Assented to 15 November 1996]

The Parliament of Queensland enacts—**Short title**

1. This Act may be cited as the *Drugs Misuse Amendment Act 1996*.

Act amended

2. This Act amends the *Drugs Misuse Act 1986*.

Amendment of s 4 (Interpretation)

3.(1) Section 4(1), definition “**dangerous drug**”, paragraph (a), after ‘specified in’—

insert—

‘the *Drugs Misuse Regulation 1987*,’.

(2) Section 4(2), after ‘specified in’—

insert—

‘the *Drugs Misuse Regulation 1987*,’.

Amendment of s 5 (Trafficking in dangerous drugs)

4. Section 5(1), penalty, after ‘specified in’—

insert—

‘the *Drugs Misuse Regulation 1987*,’.

Amendment of s 6 (Supplying dangerous drugs)

5. Section 6(1), penalty, after ‘specified in’—

insert—

‘the *Drugs Misuse Regulation 1987*,’.

Amendment of s 8 (Producing dangerous drugs)

6. Section 8, penalty, after ‘specified in’—

insert—

‘the *Drugs Misuse Regulation 1987*,’.

Insertion of new s 8A

7. After section 8—

insert—

‘Publishing or possessing instructions for producing dangerous drugs

‘8A.(1) A person who unlawfully publishes instructions, or unlawfully has possession of a document containing instructions, about the way to produce a dangerous drug commits a crime.

Maximum penalty—

- (a) if the dangerous drug to which the instructions relate is a thing specified in the *Drugs Misuse Regulation 1987*, schedule 1—25 years imprisonment; or
- (b) if the dangerous drug to which the instructions relate is a thing specified in the *Drugs Misuse Regulation 1987*, schedule 2—20 years imprisonment.

‘(2) In this section—

“document” containing instructions about the way to produce a dangerous drug includes anything designed to enable electronic access specifically to the instructions.

Example of a thing designed to enable electronic access to instructions—

A document containing a computer password specifically designed to give access through a computer to the instructions.

“publish” includes publish to any person and supply, exhibit and display to any person, whether the publication is made orally or in written, electronic or another form.’.

Amendment of s 9 (Possessing dangerous drugs)

8. Section 9, penalty, after ‘specified in’—

insert—

‘the *Drugs Misuse Regulation 1987*,’.

Amendment of s 13 (Certain offences may be dealt with summarily)

9.(1) Section 13(1) and (2)(c), before ‘15 years imprisonment’—

insert—

‘a maximum of’.

(2) Section 13(1), ‘, in which case the person, upon conviction, is liable to 2 years imprisonment’—

omit.

(3) Section 13(2), ‘, in which case the firstmentioned person, upon conviction, is liable to 2 years imprisonment’—

omit.

(4) Section 13—

insert—

‘(3) If a person is charged with the commission of a crime, or an attempt to commit a crime, defined in section 8A, proceedings in relation to the charge may be taken summarily.

‘(4) A person against whom proceedings are taken summarily under this section is liable, on conviction, to a maximum of 2 years imprisonment.’.

Amendment of s 43A (Definitions)

10. Section 43A, definition “**controlled substance**”, after ‘specified in’—

insert—

‘the *Drugs Misuse Regulation 1987*,’.

Amendment of s 51 (Defence of supply of lawfully prescribed drug in a small quantity)

11. Section 51, after ‘specified in’—

insert—

‘the *Drugs Misuse Regulation 1987*,’.

Amendment of s 52A (Prescribed persons permitted to receive and dispose of dangerous drugs)

12. Section 52A(a), after ‘specified in’, first mention—

insert—

‘the *Drugs Misuse Regulation 1987*,’.

Amendment of s 59 (Regulations)

13.(1) Section 59, heading—

omit, insert—

‘Regulation-making power’.

(2) After section 59(2)(c)—

insert—

‘(d) prescribing in the *Drugs Misuse Regulation 1987*, schedules 1 to 5 a thing as a dangerous drug for this Act;

(e) prescribing in the *Drugs Misuse Regulation 1987*, schedules 1 to 5 quantities of a dangerous drug for this Act;

(f) prescribing in the *Drugs Misuse Regulation 1987*, schedule 6 a substance as a controlled substance for this Act;’.

(3) Section 59(2)(d)—

renumber as section 59(2)(g).

Insertion of new ss 60–62

14. After section 59—

insert—

‘Non-application of Statutory Instruments Act, pt 7

‘60. The *Statutory Instruments Act 1992*, part 7 does not apply to the *Drugs Misuse Regulation 1987*.

‘Transitional declaration for Drugs Misuse Amendment Act 1996

‘61.(1) To avoid any doubt, it is declared that the schedules of this Act relocated to the *Drugs Misuse Regulation 1987* under the *Drugs Misuse Amendment Act 1996*, section 21, on relocation, stop being provisions of an Act and become provisions of a regulation in accordance with the relocation.

‘(2) This section expires the day after it commences.

‘Transitional—offences committed before the enactment of Drugs Misuse Amendment Act 1996

‘62.(1) To prevent doubt, it is declared that the *Drugs Misuse Amendment Act 1996* (the “**amending Act**”) does not affect proceedings for an offence against this Act committed before the commencement of the amending Act.

‘(2) The proceedings may be continued or started as if the amending Act had not been passed.’.

Amendment of sch 1

15. Schedule 1, ‘sections 4, 5, 6, 8 and 9’—

omit, insert—

‘sections 4, 5, 6, 8 and 9 of the Act’.

Amendment of sch 2

16.(1) Schedule 2, ‘sections 4, 5, 6, 8 and 9’—

omit, insert—

‘sections 4, 5, 6, 8 and 9 of the Act’.

(2) Schedule 2—

insert—

‘4-Bromo-2,5-dimethoxyphenethylamine

Gamma hydroxybutyric acid

Ketamine’.

Amendment of sch 3

17.(1) Schedule 3, ‘sections 8 and 9’—

omit, insert—

‘sections 8 and 9 of the Act’.

(2) Schedule 3—

insert—

‘4-Bromo-2,5-dimethoxyphenethylamine 2.0g

Gamma hydroxybutyric acid 2.0g’.

Amendment of sch 4

18. Schedule 4, ‘sections 8 and 9’—

omit, insert—

‘sections 8 and 9 of the Act’.

Amendment of sch 5

19.(1) Schedule 5, ‘section 51’—

omit, insert—

‘section 51 of the Act’.

(2) Schedule 5—

insert—

‘Ketamine’.

Amendment of sch 6

20.(1) Schedule 6, ‘section 43A’—

omit, insert—

‘section 43A of the Act’.

(2) Schedule 6—

insert—

‘Hypophosphorous acid’.

Relocation of schs 1–6

21. Schedules 1 to 6, as amended by this Act—

relocate to the *Drugs Misuse Regulation 1987* as schedules 1 to 6.