

Queensland



# **DRUGS MISUSE AMENDMENT BILL 1996**



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1996**

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**1996**

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**A BILL**

**FOR**

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

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<b>The Parliament of Queensland enacts—</b>	1
<b>Short title</b>	2
Clause 1. This Act may be cited as the <i>Drugs Misuse Amendment Act 1996</i> .	3
<b>Act amended</b>	4
Clause 2. This Act amends the <i>Drugs Misuse Act 1986</i> .	5
<b>Amendment of s 4 (Interpretation)</b>	6
Clause 3.(1) Section 4(1), definition “ <b>dangerous drug</b> ”, paragraph (a), after ‘specified in’—	7
<i>insert—</i>	8
‘the <i>Drugs Misuse Regulation 1987</i> ,’.	9
(2) Section 4(2), after ‘specified in’—	10
<i>insert—</i>	11
‘the <i>Drugs Misuse Regulation 1987</i> ,’.	12
<b>Amendment of s 5 (Trafficking in dangerous drugs)</b>	13
Clause 4. Section 5(1), penalty, after ‘specified in’—	14
<i>insert—</i>	15
‘the <i>Drugs Misuse Regulation 1987</i> ,’.	16
<b>Amendment of s 6 (Supplying dangerous drugs)</b>	17
Clause 5. Section 6(1), penalty, after ‘specified in’—	18
<i>insert—</i>	19
‘the <i>Drugs Misuse Regulation 1987</i> ,’.	20
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**Amendment of s 8 (Producing dangerous drugs)**

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

*insert—*

‘the *Drugs Misuse Regulation 1987*,’.

**Insertion of new s 8A**

Clause 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.’.

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	<b>Amendment of s 9 (Possessing dangerous drugs)</b>	1
Clause	<b>8.</b> Section 9, penalty, after ‘specified in’—	2
	<i>insert—</i>	3
	‘the <i>Drugs Misuse Regulation 1987</i> ,’.	4
	<b>Amendment of s 13 (Certain offences may be dealt with summarily)</b>	5
Clause	<b>9.(1)</b> Section 13(1) and (2)(c), before ‘15 years imprisonment’—	6
	<i>insert—</i>	7
	‘a maximum of’.	8
	<b>(2)</b> Section 13(1), ‘, in which case the person, upon conviction, is liable to 2 years imprisonment’—	9
	<i>omit.</i>	10
	<b>(3)</b> Section 13(2), ‘, in which case the firstmentioned person, upon conviction, is liable to 2 years imprisonment’—	11
	<i>omit.</i>	12
	<b>(4)</b> Section 13—	13
	<i>insert—</i>	14
	‘ <b>(3)</b> 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.’	15
	‘ <b>(4)</b> A person against whom proceedings are taken summarily under this section is liable, on conviction, to a maximum of 2 years imprisonment.’.	16
	<b>Amendment of s 43A (Definitions)</b>	17
Clause	<b>10.</b> Section 43A, definition “ <b>controlled substance</b> ”, after ‘specified in’—	18
	<i>insert—</i>	19
	‘the <i>Drugs Misuse Regulation 1987</i> ,’.	20
		21
		22
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	<b>Amendment of s 51 (Defence of supply of lawfully prescribed drug in a small quantity)</b>	1 2
Clause	<b>11.</b> Section 51, after ‘specified in’—	3
	<i>insert—</i>	4
	‘the <i>Drugs Misuse Regulation 1987</i> ,’.	5
	<b>Amendment of s 52A (Prescribed persons permitted to receive and dispose of dangerous drugs)</b>	6 7
Clause	<b>12.</b> Section 52A(a), after ‘specified in’, first mention—	8
	<i>insert—</i>	9
	‘the <i>Drugs Misuse Regulation 1987</i> ,’.	10
	<b>Amendment of s 59 (Regulations)</b>	11
Clause	<b>13.(1)</b> Section 59, heading—	12
	<i>omit, insert—</i>	13
	<b>‘Regulation-making power’.</b>	14
	<b>(2)</b> After section 59(2)(c)—	15
	<i>insert—</i>	16
	‘(d) prescribing in the <i>Drugs Misuse Regulation 1987</i> , schedules 1 to 5 a thing as a dangerous drug for this Act;	17 18
	(e) prescribing in the <i>Drugs Misuse Regulation 1987</i> , schedules 1 to 5 quantities of a dangerous drug for this Act;	19 20
	(f) prescribing in the <i>Drugs Misuse Regulation 1987</i> , schedule 6 a substance as a controlled substance for this Act;’.	21 22
	<b>(3)</b> Section 59(2)(d)—	23
	<i>renumber</i> as section 59(2)(g).	24

	<b>Insertion of new ss 60–62</b>	1
Clause	<b>14.</b> After section 59—	2
	<i>insert—</i>	3
	<b>‘Non-application of Statutory Instruments Act, pt 7</b>	4
	<b>‘60.</b> The <i>Statutory Instruments Act 1992</i> , part 7 does not apply to the <i>Drugs Misuse Regulation 1987</i> .	5
		6
	<b>‘Transitional declaration for Drugs Misuse Amendment Act 1996</b>	7
	<b>‘61.(1)</b> To avoid any doubt, it is declared that the schedules of this Act relocated to the <i>Drugs Misuse Regulation 1987</i> under the <i>Drugs Misuse Amendment Act 1996</i> , section 21, on relocation, stop being provisions of an Act and become provisions of a regulation in accordance with the relocation.	8
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	<b>‘(2)</b> This section expires the day after it commences.	13
	<b>‘Transitional—offences committed before the enactment of Drugs Misuse Amendment Act 1996</b>	14
		15
	<b>‘62.(1)</b> To prevent doubt, it is declared that the <i>Drugs Misuse Amendment Act 1996</i> (the “ <b>amending Act</b> ”) does not affect proceedings for an offence against this Act committed before the commencement of the amending Act.	16
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	<b>‘(2)</b> The proceedings may be continued or started as if the amending Act had not been passed.’.	20
		21
	<b>Amendment of sch 1</b>	22
Clause	<b>15.</b> Schedule 1, ‘sections 4, 5, 6, 8 and 9’—	23
	<i>omit, insert—</i>	24
	‘sections 4, 5, 6, 8 and 9 of the Act’.	25

	<b>Amendment of sch 2</b>		1
Clause	<b>16.(1)</b> Schedule 2, ‘sections 4, 5, 6, 8 and 9’—		2
	<i>omit, insert—</i>		3
	‘sections 4, 5, 6, 8 and 9 of the Act’.		4
	<b>(2)</b> Schedule 2—		5
	<i>insert—</i>		6
	‘4-Bromo-2,5-dimethoxyphenethylamine		7
	Gamma hydroxybutyric acid		8
	Ketamine’.		9
	<b>Amendment of sch 3</b>		10
Clause	<b>17.(1)</b> Schedule 3, ‘sections 8 and 9’—		11
	<i>omit, insert—</i>		12
	‘sections 8 and 9 of the Act’.		13
	<b>(2)</b> Schedule 3—		14
	<i>insert—</i>		15
	‘4-Bromo-2,5-dimethoxyphenethylamine	2.0g	
	Gamma hydroxybutyric acid	2.0g’.	
	<b>Amendment of sch 4</b>		16
Clause	<b>18.</b> Schedule 4, ‘sections 8 and 9’—		17
	<i>omit, insert—</i>		18
	‘sections 8 and 9 of the Act’.		19
	<b>Amendment of sch 5</b>		20
Clause	<b>19.(1)</b> Schedule 5, ‘section 51’—		21
	<i>omit, insert—</i>		22
	‘section 51 of the Act’.		23

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	(2) Schedule 5—	1
	<i>insert</i> —	2
	‘Ketamine’.	3
	<b>Amendment of sch 6</b>	4
Clause	<b>20.(1)</b> Schedule 6, ‘section 43A’—	5
	<i>omit, insert</i> —	6
	‘section 43A of the Act’.	7
	(2) Schedule 6—	8
	<i>insert</i> —	9
	‘Hypophosphorous acid’.	10
	<b>Relocation of schs 1–6</b>	11
Clause	<b>21.</b> Schedules 1 to 6, as amended by this Act—	12
	<i>relocate</i> to the <i>Drugs Misuse Regulation 1987</i> as schedules 1 to 6.	13