

# **Drugs Misuse Amendment Bill 2007**

## **Explanatory Notes for Amendments to be moved during consideration in detail by The Honourable Kerry Shine MP**

### **Title of the Bill**

Drugs Misuse Amendment Bill 2007

### **Objectives of the Amendments**

The amendments are to be moved during consideration in detail of the Drugs Misuse Amendment Bill 2007 introduced into the Legislative Assembly on 13 November 2007.

The amendment to clause 28 of the Drugs Misuse Amendment Bill 2007 will clarify the circumstances in which the defence in section 124 of the Drugs Misuse Act 1986 (DMA) will apply to persons charged with an offence of possessing a dangerous drug under section 9 of the DMA.

The insertion of new part 4 to amend the *Judges (Pensions and Long Leave) Act 1957* will ensure equity in terms of pension and long leave entitlements between current serving judicial officers and future appointees.

### **Estimated Cost for Government Implementation**

The estimated cost of the amendment to clause 28 of the Drugs Misuse Amendment Bill 2007 is nil. The estimated cost of the new part 4 is negligible.

### **Consistency with Fundamental Legislative Principles**

The amendments are consistent with fundamental legislative principles.

## Consultation

The Department of the Premier and Cabinet, The Queensland Police Service and Queensland Health have been consulted on the drafting of the amendment to clause 28 of the Drugs Misuse Amendment Bill 2007. The Department of the Premier and Cabinet and Queensland Treasury have been consulted on the amendment to the *Judges (Pensions and Long Leave) Act 1957*.

## Notes On Provisions

*Amendment 1* amends the Bill to provide that parts 2 and 3 will commence on proclamation. The new part 4 will commence on assent.

*Amendment 2* amends Clause 28 (2) of the Bill which inserts new sub section (2A) into section 124 of the DMA. With respect to new sub section (2A)(a) and (b), there is erroneous reference in those provisions to sub section (1) of section 124. This provision is therefore amended to correct that defect by deleting reference to sub section (1) and instead replacing it with the correct reference to sub section (2). This ensures that the policy intent of the Bill is realised, that is, that people charged with possessing a dangerous drug will only be able to access the defence in section 124 in limited circumstance.

*Amendment 3* inserts new part 4 into the Bill. New clause 48 of the Bill provides that part 4 amends the *Judges (Pensions and Long Leave) Act 1957*. New clause 49 of the Bill amends section 2AA(1) of the *Judges (Pensions and Long Leave) Act 1957* to extend the benefit of that provision to all judicial officers serving after commencement of the section as well as new judicial officers appointed after its commencement. Section 2AA was inserted into the *Judges (Pensions and Long Leave) Act 1957* by the *Judicial Remuneration Act 2007* to ensure that any prior judicial service in another State or the Commonwealth is recognised for the purpose of determining a judicial officer's length of service and consequently the judicial officer's entitlement to a pension or long leave. The section only applies to judicial officers appointed after commencement of the section. This amendment will ensure equity between current and future members of the Queensland bench.

*Amendment 4* amends the long title of the Bill to include the amendment to the *Judges (Pensions and Long Leave) Act 1957*.

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