



AUSTRALIAN CAPITAL TERRITORY

## **Drugs of Dependence (Amendment) Act (No. 2) 1993**

**No. 10 of 1993**

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### **An Act to amend the *Drugs of Dependence Act 1989***

*[Notified in ACT Gazette S23: 1 March 1993]*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

#### **Short title**

**1.** This Act may be cited as the *Drugs of Dependence (Amendment) Act (No. 2) 1993*.

#### **Commencement**

**2. (1)** Sections 1, 2 and 3 commence on the day on which this Act is notified in the *Gazette*.

**(2)** The remaining provisions commence on a day, or respective days, fixed by the Minister by notice in the *Gazette*.

**(3)** If a provision referred to in subsection (2) has not commenced before the end of the period of 6 months commencing on the day on which this Act is notified in the *Gazette*, that provision, by force of this subsection, commences on the first day after the end of that period.

**Principal Act**

3. In this Act, “Principal Act” means the *Drugs of Dependence Act 1989*.<sup>1</sup>

**Interpretation**

4. Section 3 of the Principal Act is amended—

(a) by omitting from subsection (1) the definitions of “drug of dependence” and “prohibited substance” and substituting the following definitions respectively:

“ ‘drug of dependence’ means a substance specified in Column 1 of Schedule 1 to the *Drugs of Dependence Regulations*;

‘prohibited substance’ means a substance specified in Column 1 of Schedule 2 to the *Drugs of Dependence Regulations*, or a drug analogue;”;

(b) by omitting from subsection (3) “, except in Schedule 1, 2 or 3,”.

**Interpretation**

5. Section 4 of the Principal Act is amended by omitting the definition of “drug of dependence” and substituting the following definition:

“ ‘drug of dependence’ means a prescribed substance;”.

**Interpretation**

6. Section 160 of the Principal Act is amended by omitting from subsection (1) the definitions of “commercial quantity” and “traffickable quantity” and substituting the following definitions respectively:

“ ‘commercial quantity’, in relation to a drug of dependence or a prohibited substance, means a quantity not less than the prescribed quantity;

‘traffickable quantity’, in relation to a drug of dependence or a prohibited substance, means a quantity not less than the prescribed quantity.”.

**Insertion**

7. After section 173 of the Principal Act the following section is inserted in Part X:

**Evidentiary certificate**

“173A. (1) In proceedings for an offence against this Part, a certificate signed by a drug inspector stating that at a specified time a specified substance was included in Schedule 1 to the regulations is evidence of the matters stated.

“(2) For the purposes of subsection (1), a certificate that purports to be signed by a drug inspector shall, unless the contrary is proved, be taken to have been so signed.”.

**Schedules 1, 2 and 3**

8. Schedules 1, 2 and 3 to the Principal Act are repealed.

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**NOTE**

1. Ordinance No. 11, 1989, as amended to date. For previous amendments see Note 1 to Act No. 7, 1993 and see also Act No. 7, 1993.

*[Presentation speech made in Assembly on 17 December 1992]*