



Australian Capital Territory

# **Drugs of Dependence Act 1989**

**A1989-11**

**Republication No 29**

**Effective: 10 December 2013 – 22 October 2018**

Republication date: 10 December 2013

Last amendment made by [A2013-50](#)

## About this republication

### The republished law

This is a republication of the *Drugs of Dependence Act 1989* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 10 December 2013. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 10 December 2013.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register ([www.legislation.act.gov.au](http://www.legislation.act.gov.au)). For more information, see the home page for this law on the register.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the *Legislation Act 2001*, section 95.

### Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$140 for an individual and \$700 for a corporation (see *Legislation Act 2001*, s 133).



Australian Capital Territory

# Drugs of Dependence Act 1989

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Australian Capital Territory

## Drugs of Dependence Act 1989

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An Act to prohibit the sale, supply and possession of drugs of dependence and prohibited substances, and for related purposes

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## Part 1 Preliminary

### 1 Name of Act

This Act is the *Drugs of Dependence Act 1989*.

### 2 Dictionary

The dictionary at the end of this Act is part of this Act.

*Note 1* The dictionary at the end of this Act defines certain terms used in this Act, and includes references (*signpost definitions*) to other terms defined elsewhere in this Act.

For example, the signpost definition ‘*offence*, for part 11 (Enforcement)—see section 174.’ means that the term ‘offence’ is defined in that section for part 11.

*Note 2* A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see [Legislation Act](#), s 155 and s 156 (1)).

### 3 Notes

A note included in this Act is explanatory and is not part of this Act.

*Note* See the [Legislation Act](#), s 127 (1), (4) and (5) for the legal status of notes.



#### 4 Offences against Act—application of Criminal Code etc

Other legislation applies in relation to offences against this Act.

*Note 1 Criminal Code*

The [Criminal Code](#), ch 2 applies to the following offence against this Act (see Code, pt 2.1):

- s 162 (Cultivation of 1 or 2 cannabis plants).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg *conduct*, *intention*, *recklessness* and *strict liability*).

*Note 2 Penalty units*

The [Legislation Act](#), s 133 deals with the meaning of offence penalties that are expressed in penalty units.

#### 5 References to buprenorphine, cannabis or methadone

In this Act, a reference to buprenorphine, cannabis or methadone, includes a reference to—

- (a) an active principal of the substance; or
- (b) a preparation or admixture of the substance; or
- (c) a salt of the substance or active principal.

## Part 10 Offences

### 162 Cultivation of 1 or 2 cannabis plants

- (1) A person commits an offence if the person cultivates 1 or 2 cannabis plants.

Maximum penalty: 1 penalty unit.

- (2) In this section:

*artificially cultivate* means—

- (a) hydroponically cultivate; or
- (b) cultivate with the application of an artificial source of light or heat.

*cultivates* has the meaning given in the [Criminal Code](#), section 615 but does not include artificially cultivate.

### 164 Sale or supply

- (1) In this section:

*prohibited substance* does not include cannabis.

- (2) A person shall not—

- (a) sell or supply a drug of dependence to any person; or
- (b) participate in the sale or supply of a drug of dependence to any person; or
- (c) possess a drug of dependence for the purpose of sale or supply to any person.

Maximum penalty: 500 penalty units, imprisonment for 5 years or both.

- (3) A person shall not—

- (a) sell or supply a prohibited substance to any person; or

- (b) participate in the sale or supply of a prohibited substance to any person; or
- (c) possess a prohibited substance for the purpose of sale or supply to any person.

Maximum penalty: 500 penalty units, imprisonment for 5 years or both.

- (4) Subsection (2) does not apply if the person is authorised under the *Medicines, Poisons and Therapeutic Goods Act 2008*, or another territory law, to sell or supply the drug of dependence.
- (5) Subsection (3) does not apply if the person is authorised under the *Medicines, Poisons and Therapeutic Goods Act 2008*, or another territory law, to sell or supply the prohibited substance.

## **169 Possessing drugs of dependence**

- (1) A person shall not possess a drug of dependence.

Maximum penalty: 50 penalty units, imprisonment for 2 years or both.

- (2) Subsection (1) does not apply if the person is authorised under the *Medicines, Poisons and Therapeutic Goods Act 2008*, or another territory law, to possess the drug of dependence.

**171 Possessing prohibited substances**

- (1) A person shall not possess a prohibited substance.

Maximum penalty:

- (a) if the offence relates to a quantity of cannabis not exceeding 50g in mass—1 penalty unit; or
- (b) in any other case—50 penalty units, imprisonment for 2 years or both.
- (2) Subsection (1) does not apply if the person is authorised under the *Medicines, Poisons and Therapeutic Goods Act 2008*, or another territory law, to possess the prohibited substance.

**171A Offence notices**

- (1) If a police officer reasonably believes that a person has committed a simple cannabis offence, he or she may serve an offence notice on that person.
- (2) If an offence notice is served on a child and the police officer serving the notice reasonably believes that the child is residing with a person who stands in loco parentis to that child, the police officer shall serve a copy of the notice on that person.
- (3) An offence notice shall—
- (a) specify the nature of the alleged simple cannabis offence; and
- (b) specify the date and time when and place where the simple cannabis offence is alleged to have been committed; and
- (c) contain a statement to the effect that, if the alleged offender pays the prescribed penalty for the alleged offence within 60 days after the date of service of the notice, no further action will be taken in relation to that offence; and
- (d) specify the amount of the prescribed penalty; and

- (e) specify the place where and how the prescribed penalty may be paid; and
  - (f) state that—
    - (i) unless a court orders otherwise, the government analyst may, under section 193C (Destruction of cannabis without court order), destroy seized cannabis without a court order; and
    - (ii) the alleged offender may apply to the Magistrates Court, under section 193D (Order for preservation of cannabis), for an order for the preservation of cannabis to which the offence relates; and
  - (g) contain any other particulars prescribed under the regulations.
- (4) If the prescribed penalty is paid in accordance with the offence notice—
- (a) any liability of the person in relation to the alleged simple cannabis offence shall be deemed to be discharged; and
  - (b) no further proceedings shall be taken in relation to the alleged simple cannabis offence; and
  - (c) the person shall not be regarded as having been convicted of the alleged simple cannabis offence.
- (5) Any substance, equipment or object seized under any Act in connection with the alleged simple cannabis offence that would have been liable to forfeiture in the event of a conviction shall, on payment of the prescribed penalty in accordance with the offence notice, be forfeited to the Territory.
- (6) Subject to subsection (4), nothing in this section shall be construed as affecting the institution or prosecution of proceedings for a simple cannabis offence.

(7) In this section:

*child* means a person who is under 18 years old on the date of the alleged offence.

*simple cannabis offence* means—

(a) an offence against section 162 (Cultivation of 1 or 2 cannabis plants); or

*Note* Section 162 does not cover artificial cultivation of cannabis plants.

(b) an offence against section 171 (1) of possessing not more than 50g of cannabis; or

(c) an offence against the *Medicines, Poisons and Therapeutic Goods Act 2008*, section 37 (2) (Administering certain declared substances) of administering, or causing or permitting to be administered, to oneself cannabis.

(8) In relation to a simple cannabis offence, the prescribed penalty is \$100.

**171B Cannabis offences—notification of right to apply for preservation order**

(1) This section applies if a police officer seizes cannabis under this Act or another Territory law.

- (2) As soon as practicable after seizing the cannabis, the police officer must give to each relevant person a written statement to the following effect:

‘You have been arrested for/charged with/may be charged with\* an offence/offences\* against the *Drugs of Dependence Act 1989*/Criminal Code, chapter 6 (Serious drug offences)\* relating to seized cannabis. Unless a court orders otherwise, the government analyst may destroy seized cannabis without a court order. You have the right, under the *Drugs of Dependence Act 1989*, section 193D, to apply to the Magistrates Court for an order for the preservation of the seized cannabis. If you do not make an application within 24 hours, the cannabis may be destroyed and only a sample preserved.’

\* *Omit any alternative that is not relevant*

- (3) In this section:

***relevant person*** means—

- (a) a person arrested for, or charged with, an offence against this Act or the [Criminal Code](#), chapter 6 (Serious drug offences) in relation to the seized cannabis; or
- (b) a person who, to the knowledge or in the belief of the police officer, is likely to be charged with an offence against this Act or the [Criminal Code](#), chapter 6 (Serious drug offences) in relation to the seized cannabis.

## Part 11 Enforcement

### Division 11.1 Preliminary

#### 174 Interpretation for pt 11

- (1) In this part:

**offence** means an offence against this Act or the [Criminal Code](#), chapter 6 (Serious drug offences).

*Note* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see [Legislation Act 2001](#), s 104).

- (2) For this part, a thing is **connected** with a particular offence if—
- (a) the offence has been committed in relation to it; or
  - (b) it will afford evidence of the commission of the offence; or
  - (c) it was used, or it is intended to be used, for the purpose of committing the offence; or
  - (d) after the commission of the offence, it was used for the purpose of taking steps to avoid the detection of the offence or the apprehension of the offender; or
  - (e) it was in the possession or under the control of the offender at the time of his or her apprehension in circumstances that make it likely that it was—
    - (i) used for the purpose of committing the offence; or
    - (ii) after the commission of the offence, used or intended to be used for the purpose of taking steps to avoid the detection of the offence or the apprehension of the offender.
- (3) A reference in this part to an **offence** includes a reference to an offence that there are reasonable grounds for believing has been, or will be, committed.



- (4) If a person is authorised under this part to enter premises or a place, and enters those premises or that place, a reference to the occupier of such premises or such a place includes a reference to a person reasonably believed by the authorised person to be the occupier, or to be in charge, of those premises or that place.

## **Division 11.3 Search, seizure and analysis**

### **182 Definitions for div 11.3**

In this division:

*chapter 6 substance* means any of the following within the meaning of the [Criminal Code](#), chapter 6:

- (a) a controlled drug;
- (b) a controlled plant;
- (c) a controlled precursor.

*place* includes vacant land, premises, a vehicle, a vessel or an aircraft.

### **184 Search and seizure**

- (1) A police officer may search a person or the clothing that is being worn by, or property in the immediate control of, a person and may seize any thing that he or she suspects on reasonable grounds to be connected with an offence that is found in the course of the search, if, and only if, the search and seizure is made by the police officer—
- (a) after obtaining the consent of the person to the search in accordance with section 185; or
  - (b) in accordance with section 186 on taking the person into lawful custody in relation to an offence; or
  - (c) under a warrant issued under section 187; or
  - (d) in circumstances of seriousness and urgency, in accordance with section 188; or

- (e) under an order made by a court; or
  - (f) otherwise under a provision of a law in force in the ACT.
- (2) A police officer may enter any place, and may search for and seize any thing that he or she suspects on reasonable grounds to be connected with an offence that is found on or in the place if, and only if, the search and seizure is made by the police officer—
- (a) after obtaining the consent of the occupier of the place to the entry in accordance with section 185; or
  - (b) under a warrant issued under section 187; or
  - (c) in circumstances of seriousness and urgency, in accordance with section 188; or
  - (d) under an order made by a court; or
  - (e) otherwise under a provision of a law in force in the ACT.

**185 Consent to search**

- (1) Before obtaining the consent of a person for section 184 a police officer shall inform the person that he or she may refuse to give his or her consent.
- (2) A police officer who obtains the consent of a person for section 184 shall ask the person to sign an acknowledgment—
  - (a) that the person has been informed that he or she may refuse to give his or her consent; and
  - (b) that the person has given his or her consent; and
  - (c) of the date and time when the person gave his or her consent.
- (3) If it is material, in any proceedings, for a court to be satisfied of the consent of a person for section 184 and an acknowledgment in accordance with subsection (2) has not been produced in evidence, the court shall presume, unless the contrary is proved, that the person did not give the consent, but that presumption is rebuttable.

**186 Searches of arrested persons**

- (1) A police officer may, on lawfully taking a person into custody in relation to an offence, search the person or the clothing that he or she is wearing and any property under his or her immediate control, if the police officer suspects on reasonable grounds that it is necessary to do so—
  - (a) for the purpose of ascertaining whether there is on the person or in his or her clothing or in that property a thing connected with the offence; or
  - (b) for the purpose of preventing the concealment, loss or destruction of evidence of, or relating to, the offence.
- (2) A police officer may seize any thing that he or she suspects on reasonable grounds is a thing connected with an offence found as a result of a search in accordance with subsection (1).

**187 Search warrants**

- (1) In this section:  
*issuing officer* means—
  - (a) a judge, the registrar or a deputy registrar of the Supreme Court; or
  - (b) a magistrate; or
  - (c) the registrar, or a deputy registrar, of the Magistrates Court authorised, in writing, by the Chief Magistrate to be an issuing officer for this section.  
*private place* does not include a place ordinarily private that is for the time being—
  - (a) used for a public purpose; or
  - (b) a place of common resort; or
  - (c) open to the public, on the payment of money or otherwise.

- (2) If an information on oath is laid before an issuing officer alleging that there are reasonable grounds for suspecting that, on the day when, or a day within 28 days after the date when, the information is laid, there is or will be a thing or things of a particular kind connected with a particular offence on, or in the clothing that is being worn by, or in any property in the apparent control of, a particular person and the information sets out those grounds, the issuing officer may issue a search warrant authorising each police officer named in the warrant, with the assistance, and by the force, that is necessary and reasonable—
- (a) to enter any place the police officer believes on reasonable grounds to be occupied by the person; and
  - (b) to search the person, or the clothing that is being worn by, or property in the apparent control of, the person; and
  - (c) to seize any such clothing or property that the police officer believes on reasonable grounds to be connected with the offence.
- (3) If an information on oath is laid before an issuing officer alleging that there are reasonable grounds for suspecting that, on the day when, or a day within 28 days after the date when, the information is laid, there is or will be at or in any place a thing or things of a particular kind connected with a particular offence, and the information sets out those grounds, the issuing officer may issue a search warrant authorising each police officer named in the warrant, with the assistance, and by the force, that is necessary and reasonable to—
- (a) enter any place named or described in the warrant; and
  - (b) search the place for things of that kind; and
  - (c) if the place is a private place—to search any person found at or in the place, or any person whom he or she reasonably believes to be about to enter or to have recently left the place, and the clothing that the person is wearing, or property in the apparent control of the person, if the police officer believes there are

reasonable grounds for suspecting that things of that kind may be on the person or in the clothing that the person is wearing or in property in the apparent control of the person; and

- (d) to seize any thing of that kind found as a result of any entry or search referred to in paragraph (a), (b) or (c) that he or she believes on reasonable grounds to be connected with that offence.
- (4) An issuing officer shall not issue a warrant under this section unless—
- (a) the informant or some other person has given to the issuing officer, either orally or by affidavit, the further information (if any) the issuing officer requires about the grounds on which the issue of the warrant is being sought; and
  - (b) the issuing officer is satisfied that there are reasonable grounds for issuing the warrant.
- (5) An issuing officer may issue a warrant under subsection (2) or (3) subject to conditions limiting the powers set out in the relevant subsection.
- (6) A warrant issued under this section shall state or set out—
- (a) the purpose for which the warrant is issued, including a reference to the nature of the offence in relation to which the entry and search are authorised; and
  - (b) whether the entry or search is authorised to be made at any time of the day or night or during specified hours of the day or night; and
  - (c) a description of the kind of things authorised to be seized; and
  - (d) any conditions to which the warrant is subject; and
  - (e) if the warrant is issued under subsection (2)—a way of identifying each person specified in the warrant by—
    - (i) name; or

- (ii) description; or
  - (iii) a photograph of the person attached to the warrant; and
  - (f) a date, not later than 28 days after the date of issue of the warrant, when the warrant will cease to have effect.
- (7) If, in the course of searching in accordance with a warrant issued under this section for things connected with a particular offence, being things of a kind specified in the warrant, a police officer finds any thing that he or she believes on reasonable grounds to be connected with the offence although not of a kind specified in the warrant, or to be connected with any other offence, and he or she believes on reasonable grounds that it is necessary to seize that thing to prevent its concealment, loss, destruction or use in committing, continuing or repeating either offence the warrant shall be deemed to authorise him or her to seize that thing.

## **188 Searches in emergencies**

- (1) A police officer may only exercise a power under this section if the police officer believes, on reasonable grounds—
- (a) that it is necessary to do so to prevent the concealment, loss or destruction of any thing connected with an offence; and
  - (b) that the circumstances are of such seriousness and urgency as to require the immediate exercise of the power without the authority of a warrant issued under section 187 or of an order of a court.
- (2) A police officer may—
- (a) search a person or the clothing that is being worn by, and property in the apparent control of, a person suspected by the police officer to be carrying any thing connected with an offence; or

- (b) enter any place at or in which the police officer believes on reasonable grounds that any thing connected with an offence is situated; and
  - (c) seize any such thing that he or she finds in the course of that search, or at or in the place.
- (3) A police officer who believes on reasonable grounds that a person is, without lawful authority or reasonable excuse, carrying any thing connected with an offence may, for this section, detain that person.
- (4) A police officer who believes on reasonable grounds that any thing connected with an offence is on or in a vehicle, vessel or aircraft may, for this section, stop that vehicle, vessel or aircraft.

## **189 Clothing and body searches**

- (1) If a police officer is authorised under this division to search the clothing that a person is wearing, the police officer may remove, or require the person to remove, any clothing that the person is wearing.
- (2) A person shall not be searched under this division except by a police officer of the same sex.
- (3) However, if a transgender or intersex person is searched, the person may require that the search be conducted by either a male or a female.
- Note 1* For the meaning of *transgender person* see [Legislation Act](#), s 169A.
- Note 2* For the meaning of *intersex person*, see [Legislation Act](#), s 169B.
- (4) If the transgender or intersex person requires that the search be conducted by a male, the person is taken, for this section, to be male.
- (5) If the transgender or intersex person requires that the search be conducted by a female, the person is taken, for this section, to be female.
- (6) Nothing in this division authorises a police officer to conduct an internal body search.

## **190 Forfeiture of drugs and substances**

- (1) If a police officer believes, on reasonable grounds, that a substance seized under this division is, or contains, a drug of dependence, prohibited substance or chapter 6 substance in relation to which an offence has been committed, the substance seized is forfeited to the Territory.
- (2) If a police officer believes, on reasonable grounds, that a substance seized under this division, other than a substance referred to in subsection (1), is, or contains, a drug of dependence, prohibited substance or chapter 6 substance, that substance is forfeited to the Territory at the end of 30 days from the date of its seizure.
- (3) Subsection (2) does not apply if—
  - (a) within 30 days after the date of the seizure the chief police officer has received written notice from a person that the person claims the relevant substance; and
  - (b) the chief police officer is satisfied that the claimant is entitled to the lawful possession of that substance.
- (4) If subsection (2) applies, the chief health officer shall dispose of the substance referred to in that subsection as soon as possible after the end of 30 days from the date of its seizure.

## **191 Analysis**

If a substance is forfeited to the Territory under section 190 (1), the person who seized the substance shall cause it to be given to an analyst.

## **193 Notification by defendants—analyst’s evidence**

After service of a copy of an analyst’s certificate on a defendant in proceedings for an offence, the defendant may, within 5 days, notify the director of public prosecutions in writing whether the defendant



intends to call the analyst who issued the certificate to give evidence in the proceeding.

## **Division 11.4            Disposal of seized substances,    compensation and recovery**

### **193A        Definitions for div 11.4**

In this division:

*chapter 6 substance* means any of the following within the meaning of the [Criminal Code](#), chapter 6:

- (a) a controlled drug;
- (b) a controlled plant;
- (c) a controlled precursor.

*protocol* means the seized cannabis plants protocol or the seized cannabis product protocol.

*seized cannabis plant* means a cannabis plant that is a seized substance.

*seized cannabis plants protocol* means the protocol determined under section 193B (1) (a) (Protocols for destruction etc of cannabis).

*seized cannabis product* means cannabis, other than in the form of a cannabis plant, that is a seized substance.

*seized cannabis product protocol* means the protocol determined under section 193B (1) (b) (Protocols for destruction etc of cannabis).

*seized substance* means a substance seized under division 11.3 or another Territory law.

**193B Protocols for destruction etc of cannabis**

- (1) The government analyst may, in writing, determine the following protocols:
  - (a) a protocol that sets out methods and procedures for—
    - (i) the handling and destruction of seized cannabis plants; and
    - (ii) the preservation of samples of seized cannabis plants;
  - (b) a protocol that sets out methods and procedures for—
    - (i) the handling and destruction of seized cannabis product; and
    - (ii) the preservation of samples of seized cannabis product.
- (2) The government analyst may determine a protocol only if the protocol has been approved, in writing, by the chief health officer and the director of public prosecutions.
- (3) A determination is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act 2001](#).

**193C Destruction of cannabis without court order**

- (1) The government analyst may, without a court order, destroy seized cannabis plants in accordance with the seized cannabis plants protocol.
- (2) Before destroying seized cannabis plants under subsection (1), the government analyst must preserve samples of the plants in accordance with seized cannabis plants protocol.
- (3) The government analyst may, without a court order, destroy seized cannabis product in accordance with the seized cannabis product protocol.

- (4) Before destroying seized cannabis product under subsection (3), the government analyst must preserve a sample of the product in accordance with the seized cannabis product protocol.
- (5) The government analyst must not destroy seized cannabis plants or seized cannabis product within 24 hours after the plants or product are given to the analyst under section 191 (Analysis).
- (6) The government analyst must not destroy seized cannabis plants or seized cannabis product—
  - (a) contrary to a protocol; or
  - (b) contrary to a court order of which the analyst has notice; or
  - (c) if the analyst has notice of an application under section 193D in relation to the plants or product—until the application is finally decided.
- (7) The government analyst must not destroy a sample preserved under subsection (2) or (4)—
  - (a) without the written consent of the director of public prosecutions; or
  - (b) contrary to a court order of which the analyst has notice.

### **193D Order for preservation of cannabis**

- (1) A person may apply to the Magistrates Court for an order for the preservation of seized cannabis plants or seized cannabis product (the *seized cannabis*) if the person—
  - (a) has been charged with an offence in relation to the seized cannabis; or
  - (b) believes, on reasonable grounds, that he or she is likely to be charged with an offence in relation to the seized cannabis.
- (2) The applicant must give notice of the application to the director of public prosecutions and the government analyst.

- (3) Without limiting how notice of the application may be given, the applicant may give notice by telephone or fax.
- (4) If the Magistrates Court considers that a temporary order should be made to prevent the imminent destruction of the seized cannabis, the court may make an order for the preservation of the seized cannabis for a stated period.
- (5) The Magistrates Court may make an order under subsection (4) even if notice of the application has not been given to the director of public prosecutions or the government analyst.
- (6) The Magistrates Court may make an order for the preservation of the seized cannabis, or a part or quantity of the seized cannabis.

### **193E Amendment and revocation of cannabis preservation**

- (1) This section applies if the Magistrates Court has made an order under section 193D for the preservation of seized cannabis plants or seized cannabis product (the *seized cannabis*) or a part or quantity of the seized cannabis.
- (2) The director of public prosecutions or the government analyst may apply to the Magistrates Court for the amendment or revocation of the order.
- (3) The applicant must, if practicable, give written notice of the application to—
  - (a) each person who has been charged with an offence relating to the seized cannabis; and
  - (b) each person who, to the knowledge or in the belief of the applicant, is likely to be charged with an offence relating to the seized cannabis.
- (4) For subsection (3), a notice may be given to a person by giving it to a solicitor acting for the person in a proceeding, or expected proceeding, relating to the seized cannabis.

- (5) The Magistrates Court may amend the order on application under subsection (2) if satisfied that the amendment—
  - (a) is in the public interest; and
  - (b) would not prejudice the proper interests of anyone mentioned in subsection (3) (a) or (b).
- (6) The Magistrates Court must revoke the order on application under subsection (2) if satisfied that—
  - (a) all proceedings begun for offences in relation to the seized cannabis have been finalised; and
  - (b) no other proceedings for offences in relation to the seized cannabis are likely to be brought.
- (7) However, the Magistrates Court must not revoke the order under subsection (6) if it appears to the court that the public interest requires the order to remain in effect.
- (8) The director of public prosecutions or the government analyst may make more than 1 application under this section in relation to an order under section 193D.

### **193F Making of orders about preservation of cannabis**

- (1) This section applies to the making of an order under section 193D (Order for preservation of cannabis), or an order under that section as amended under section 193E (Amendment and revocation of cannabis preservation), for the preservation of seized cannabis plants or seized cannabis product (the *seized cannabis*) or a part or quantity of the seized cannabis.
- (2) The order must not affect a requirement for the preservation of—
  - (a) if the order relates to seized cannabis plants—a sample of the plants required under the seized cannabis plants protocol; or
  - (b) if the order relates to seized cannabis product—a sample of the product required under the seized cannabis product protocol.

- (3) In deciding whether the order should require, or continue to require, the preservation of the seized cannabis to a greater extent than required by the relevant protocol, the Magistrates Court must take account of the following matters:
- (a) the matters mentioned in any analyst's certificate in relation to the seized cannabis;
  - (b) how long the seized cannabis is likely to be kept;
  - (c) the extent (if any) to which facilities are available for the secure keeping of the seized cannabis during that period;
  - (d) the health and safety of people working in or near the place where the seized cannabis is, or will be, kept;
  - (e) the number of people (if any) charged with offences in relation to the seized cannabis;
  - (f) the likelihood that anyone else will be charged with offences in relation to the seized cannabis;
  - (g) when the hearing of any charge for an offence in relation to the seized cannabis is likely to take place;
  - (h) any other relevant matter (including, in particular, the interests of justice).

**194 Disposal of seized substances other than cannabis on order of magistrate**

- (1) This section does not apply to cannabis.
- (2) On receiving a notification from an analyst about a seized substance that the analyst has identified as being or containing a drug of dependence, prohibited substance or chapter 6 substance, the director of public prosecutions may apply to a magistrate in accordance with section 194A for an order that a specified quantity of the substance be disposed of.

- (3) The director of public prosecutions shall only specify a quantity under subsection (2) that would leave a quantity of the seized substance remaining at least sufficient to enable the substance to be analysed twice.
- (4) The director of public prosecutions shall give a copy of an application to—
  - (a) the person from whom the substance was seized, if that person is identifiable; and
  - (b) any person who the director of public prosecutions believes on reasonable grounds to have had an interest in the substance immediately before its seizure; and
  - (c) each defendant in proceedings for an offence in relation to the substance, or the defendant's lawyer on the record in the proceedings.
- (5) On an application in accordance with this section, if a magistrate is satisfied—
  - (a) that each person referred to in subsection (4) has been given a reasonable opportunity to be heard; and
  - (b) that no person notified of the application disputes the total weight of the seized substance as stated in the application; and
  - (c) that no person who has not been notified of the application is likely to be charged with an offence in relation to that substance;the magistrate shall order the government analyst to dispose of the quantity of the seized substance specified in the application.
- (6) The government analyst shall comply with an order of the magistrate under subsection (5).
- (7) If a magistrate has refused to make an order, the director of public prosecutions may make a further application in accordance with this section.

## 194A Applications under s 194

An application under section 194 (2) in relation to a seized substance shall—

- (a) state the circumstances in which the substance was seized; and
- (b) specify the quantity of the substance to be kept or disposed of, as the case requires; and
- (c) for an application under section 194 (2)—specify the quantity of the substance sufficient to enable it to be analysed twice; and
- (d) include any further information relevant to the application, including information about facilities for the secure retention of the substance; and
- (e) be accompanied by an analyst's certificate in relation to the substance.

## 195 Final disposal of seized substances

- (1) If an analyst has identified a seized substance as being or containing a drug of dependence, prohibited substance or chapter 6 substance, the government analyst shall dispose of any remaining quantity of the substance—
  - (a) if, within 3 months of the seizure, proceedings are instituted for an offence in relation to the substance—after those proceedings are completed; or
  - (b) in any other case—at the end of 3 months after the date of the seizure.
- (2) However, the government analyst need not dispose of a substance when required to under subsection (1) if the analyst—
  - (a) tells the chief health officer in writing that the analyst intends to use the substance as a reference under the *Public Health Act 1997*, section 15AA (Analysts and assistants—authority to handle drugs etc); and



- (b) removes from the substance any information that links the substance to an offence or prosecution or to a person from whom it was seized.

### **196 Compensation for seizure**

If, after the relevant period referred to in section 195—

- (a) a seized substance referred to in that section has been completely disposed of; and
  - (b) no offence in relation to the substance has been found proved;
- the Territory shall pay to the person who was entitled to the immediate, lawful possession of the substance immediately before its seizure an amount equal to the value of the substance at the time of payment.

### **197 Seized property**

- (1) If property has been seized under division 11.3, the person who possessed that property immediately before its seizure may recover the property—
  - (a) if, within 3 months of the seizure, proceedings are instituted for an offence in relation to which the property could, in the opinion of the chief police officer or the director of public prosecutions, provide evidence—after those proceedings are completed; or
  - (b) in any other case—at the end of 3 months after the date of seizure.
- (2) This section does not apply in relation to a substance that an analyst has identified as being, or containing, a drug of dependence, prohibited substance or chapter 6 substance.

## **Part 13**

## **Miscellaneous**

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**201 Secrecy**

- (1) This section applies to an analyst or any other person who is, or has been, engaged in exercising powers or duties under this Act.
- (2) A person to whom this section applies shall not, either directly or indirectly, except in the exercise of a power or a duty under this Act—
  - (a) make a record of, or divulge or communicate to any person, any information acquired by the firstmentioned person about a manufacturing or trade process or the affairs of another person; or
  - (b) produce to a person a document produced to, or otherwise acquired by, the firstmentioned person;

because of the exercise of those powers or duties.

Maximum penalty: 50 penalty units, imprisonment for 2 years or both.

- (3) Nothing in this section applies in relation to the giving of information—
  - (a) about a person if the giving of the information is necessary to remove a threat to the life or health of the person; or
  - (b) to a police officer in answer to a lawful request by the police officer while acting in the course of his or her duty; or
  - (c) to a court, by way of the production of a document or otherwise, in accordance with a subpoena; or
  - (d) to a person, relating to the personal affairs of the person requesting the information.

**204 Determination of fees**

- (1) The Minister may, in writing, determine fees for this Act.

*Note* The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act 2001](#).

## **205 Approved forms**

- (1) The Minister may, in writing, approve forms for this Act.
- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

*Note* A notifiable instrument must be notified under the [Legislation Act 2001](#).

- (4) For subsection (2), if a note in an approved form suggests or requires the insertion of information in a blank space, the form is properly completed only if the information is inserted as suggested or required.

## **206 Regulation-making power**

The Executive may make regulations for this Act.

*Note* Regulations must be notified, and presented to the Legislative Assembly, under the [Legislation Act 2001](#).

## Dictionary

(see s 2)

*Note 1* The [Legislation Act](#) contains definitions and other provisions relevant to this Act.

*Note 2* For example, the [Legislation Act](#), dict, pt 1, defines the following terms:

- ACAT
- chief police officer
- intersex person (see s 169B)
- police officer.

***analyst*** means an analyst under the [Public Health Act 1997](#), section 15 who is authorised under that Act to exercise a function under this Act.

*Note* ***Analyst*** includes the government analyst (see [Public Health Act 1997](#), dict).

***analyst's certificate*** means a certificate under the [Public Health Act 1997](#), section 135A.

***cannabis***—

- (a) means a cannabis plant, whether living or dead, and includes any flowering or fruiting top, leaf, seed, stalk or any other part of a cannabis plant and any mixture of parts of a cannabis plant or cannabis plants; but
- (b) does not include cannabis resin or cannabis fibre.

*Note* See also section 5.

***cannabis fibre*** means a substance consisting wholly or substantially of fibre from a cannabis plant but not containing any other material from a cannabis plant.

***cannabis plant*** means a plant of the Genus Cannabis.

***cannabis resin*** means a substance consisting wholly or substantially of resin, whether crude, purified or in any other form, from a cannabis plant.

**chapter 6 substance—**

- (a) for division 11.3 (Search, seizure and analysis)—see section 182; and
- (b) for division 11.4 (Disposal of seized substances, compensation and recovery)—see section 193A.

**connected**, for part 11 (Enforcement)—see section 174.

**drug dependence** means the condition because of which a person is a drug-dependent person.

**drug-dependent person**, in relation to a drug of dependence or prohibited substance, means a person with a condition—

- (a) who, as a result of the administration of the drug or substance, demonstrates, in relation to the person's use of the drug or substance—
  - (i) impaired control; or
  - (ii) drug-seeking behaviour that suggests impaired control; and
- (b) who, as a result of the cessation of the administration of the drug or substance, is likely to experience symptoms of mental or physical distress or disorder.

**drug of dependence** means a substance prescribed by regulation as a drug of dependence.

**government analyst** means the government analyst under the *Public Health Act 1997*, section 15 (b).

**hospital**—see the *Medicines, Poisons and Therapeutic Goods Act 2008*, dictionary.

**mental condition** does not include drug dependence.

**occupier**, for part 11 (Enforcement)—see section 174 (4).

**offence**, for part 11 (Enforcement)—see section 174.

***physical condition***—

- (a) means—
- (i) a physical disease, illness, ailment, defect or injury; or
  - (ii) pregnancy; or
  - (iii) a physical state that may be changed by surgery in the course of professional medical practice; but
- (b) does not include drug dependence.

***place***, for division 11.3 (Search, seizure and analysis)—see section 182.

***prohibited substance*** means a substance prescribed by regulation as a prohibited substance.

***protocol***, for division 11.4 (Disposal of seized substances, compensation and recovery)—see section 193A.

***seized cannabis plant***, for division 11.4 (Disposal of seized substances, compensation and recovery)—see section 193A.

***seized cannabis plants protocol***, for division 11.4 (Disposal of seized substances, compensation and recovery)—see section 193A.

***seized cannabis product***, for division 11.4 (Disposal of seized substances, compensation and recovery)—see section 193A.

***seized cannabis product protocol***, for division 11.4 (Disposal of seized substances, compensation and recovery)—see section 193A.

***seized substance***, for division 11.4 (Disposal of seized substances, compensation and recovery)—see section 193A.

***sell*** includes offer or expose for sale.

***supply*** includes offer to supply but does not include administer.

## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired

## Endnotes

3 Legislation history

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### 3 Legislation history

This Act was originally a Commonwealth ordinance—the *Drugs of Dependence Ordinance 1989* No 11 (Cwlth).

The *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), s 34 (4) converted most former Commonwealth ordinances in force in the ACT into ACT enactments. This allowed the ACT Legislative Assembly to amend and repeal the laws. This Act was converted into an ACT enactment on 11 May 1989 (self-government day).

As with most ordinances in force in the ACT, the name was changed from *Ordinance* to *Act* by the *Self-Government (Citation of Laws) Act 1989* A1989-21, s 5 on 11 May 1989 (self-government day).

After 11 May 1989 and before 10 November 1999, Acts commenced on their notification day unless otherwise stated (see *Australian Capital Territory (Self-Government) Act 1988* (Cwlth) s 25).

#### Legislation before becoming Territory enactment

##### **Drugs of Dependence Act 1989 A1989-11**

notified 15 March 1989

commenced 1 April 1989 (s 2 and Cwlth Gaz 1989 No S109)

as amended by

##### **Self-Government (Consequential Amendments) Ordinance 1989 Ord1989-38 sch 1**

notified 10 May 1989 (Cwlth Gaz 1989 No S160)

s 1, s 2 commenced 10 May 1989 (s 2 (1))

sch 1 commenced 11 May 1989 (s 2 (2) and see Cwlth Gaz 1989 No S164)

#### Legislation after becoming Territory enactment

##### **Health Services (Consequential Provisions) Act 1990 A1990-63 sch 1**

notified 28 December 1990 ([Gaz 1990 No S102](#))

s 1, s 2 commenced 28 December 1990 (s 2 (1))

sch 1 commenced 31 January 1991 (s 2 (2) and [Gaz 1991 No S4](#))



**Drugs of Dependence (Amendment) Act 1991 A1991-5**

notified 1 March 1991 ([Gaz 1991 No S7](#))  
ss 1-3 commenced 1 March 1991 (s 2 (1))  
remainder commenced 15 March 1991 (s 2 (2) and [Gaz 1991 No S16](#))

**Magistrates and Coroner's Courts (Registrar) Act 1991 A1991-44  
s 7 (2) and sch 1**

notified 20 September 1991 ([Gaz 1991 No S95](#))  
s 1, s 2 commenced 20 September 1991 (s 2 (1))  
s 7 (2) and sch 1 commenced 25 September 1991 (s 2 (2) and  
[Gaz 1991 No S103](#))

**Drugs of Dependence (Amendment) Act 1992 A1992-52**

notified 18 September 1992 ([Gaz 1992 No S158](#))  
commenced 18 September 1992

**Drugs of Dependence (Amendment) Act (No 2) 1992 A1992-61**

notified 30 October 1992 ([Gaz 1992 No S183](#))  
commenced 30 October 1992

**Drugs of Dependence (Amendment) Act (No 3) 1992 A1992-62**

notified 30 October 1992 ([Gaz 1992 No S183](#))  
commenced 30 October 1992

**Statute Law Revision (Miscellaneous Provisions) Act 1993 A1993-1  
sch 1**

notified 1 March 1993 ([Gaz 1993 No S23](#))  
commenced 1 March 1993

**Drugs of Dependence (Amendment) Act 1993 A1993-7**

notified 25 February 1993 ([Gaz 1993 No S22](#))  
ss 1-3 commenced 25 February 1993 (s 2 (1))  
remainder commenced 3 March 1993 (s 2 (2) and [Gaz 1993 No S33](#))

**Drugs of Dependence (Amendment) Act (No 2) 1993 A1993-10**

notified 1 March 1993 ([Gaz 1993 No S23](#))  
ss 1-3 commenced 1 March 1993 (s 2 (1))  
remainder commenced 31 March 1993 (s 2 (2) and [Gaz 1993 No S53](#))

**Health (Consequential Provisions) Act 1993 A1993-14 sch 1**

notified 1 March 1993 ([Gaz 1993 No S23](#))  
commenced 1 March 1993 (s 2)

## Endnotes

3 Legislation history

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**Drugs of Dependence (Amendment) Act (No 3) 1993 A1993-45**

notified 27 August 1993 ([Gaz 1993 No S165](#))  
s 1, s 2 commenced 27 August 1993 (s 2 (1))  
remainder commenced 20 September 1993 (s 2 (2) and [Gaz 1993 No S190](#))

**Public Sector Management (Consequential and Transitional Provisions) Act 1994 A1994-38 sch 1 pt 29**

notified 30 June 1994 ([Gaz 1994 No S121](#))  
s 1, s 2 commenced 30 June 1994 (s 2 (1))  
sch 1 pt 29 commenced 1 July 1994 (s 2 (2) and [Gaz 1994 S142](#))

**Administrative Appeals (Consequential Amendments) Act 1994 A1994-60 sch 1**

notified 11 October 1994 ([Gaz 1994 No S197](#))  
s 1, s 2 commenced 11 October 1994 (s 2 (1))  
sch 1 commenced 14 November 1994 (s 2 (2) and [Gaz 1994 No S250](#))

**Drugs of Dependence (Amendment) Act 1994 A1994-74**

notified 1 November 1994 ([Gaz 1994 No S229](#))  
commenced 1 November 1994 (s 2)

**Drugs of Dependence (Amendment) Act (No 2) 1994 A1994-90**

notified 15 December 1994 ([Gaz 1994 No S280](#))  
commenced 15 December 1994 (s 2)

**Statutory Offices (Miscellaneous Provisions) Act 1994 A1994-97 sch**

notified 15 December 1994 ([Gaz 1994 No S280](#))  
s 1, s 2 commenced 15 December 1994 (s 2 (1))  
sch commenced 15 December 1994 (s 2 (2) and [Gaz 1994 No S293](#))

**Drugs of Dependence (Amendment) Act 1995 A1995-31**

notified 3 October 1995 ([Gaz 1995 No S243](#))  
commenced 3 October 1995 (s 2)

**Statute Law Revision Act 1995 A1995-46 sch**

notified 18 December 1995 ([Gaz 1995 No S306](#))  
amnds commenced 18 December 1995 (s 2)

**Health and Community Care Services (Consequential Provisions) Act 1996 A1996-35 sch**

notified 1 July 1996 ([Gaz 1996 No S130](#))  
commenced 1 July 1996 (s 2)

**Remuneration Tribunal (Consequential Amendments) Act 1997 A1997-41 sch 1 (as am by A2002-49 amdt 3.222)**

notified 19 September 1997 ([Gaz 1997 No S264](#))  
commenced 24 September 1997 (s 2 as am by [A2002-49 amdt 3.222](#))

**Public Health (Miscellaneous Provisions) Act 1997 A1997-70 sch 1**

notified 9 October 1997 ([Gaz 1997 No S300](#))  
ss 1-3 commenced 9 October 1997 (s 2 (1))  
sch 1 commenced 13 August 1998 (s 2 (2) and [Gaz 1998 No S185](#))

**Drugs of Dependence (Amendment) Act 1997 A1997-75**

notified 25 November 1997 ([Gaz 1997 No S360](#))  
commenced 25 November 1997 (s 2)

**Legal Practitioners (Consequential Amendments) Act 1997 A1997-96 sch 1**

notified 1 December 1997 ([Gaz 1997 No S380](#))  
s 1, s 2 commenced 1 December 1997 (s 2 (1))  
sch 1 commenced 1 June 1998 (s 2 (2))

**Drugs of Dependence (Amendment) Act (No 2) 1997 A1997-127**

notified 24 December 1997 ([Gaz 1997 No S420](#))  
commenced 24 December 1997 (s 2)

**Drugs of Dependence (Amendment) Act 1999 A1999-23**

notified 14 April 1999 ([Gaz 1999 No S16](#))  
commenced 14 April 1999 (s 2)

**Statute Law Amendment Act 2001 A2001-11 sch 1**

notified 29 March 2001 ([Gaz 2001 No 13](#))  
commenced 29 March 2001 (s 2)

**Legislation (Consequential Amendments) Act 2001 A2001-44 pt 113**

notified 26 July 2001 ([Gaz 2001 No 30](#))  
s 1, s 2 commenced 26 July 2001 (IA s 10B)  
pt 113 commenced 12 September 2001 (s 2 and see [Gaz 2001 No S65](#))

## Endnotes

3 Legislation history

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### **Drugs of Dependence Amendment Act 2001 A2001-48**

notified 12 July 2001 ([Gaz 2001 No 28](#))  
s 1, s 2 commenced 12 July 2001 (IA s 10B)  
remainder (ss 3-21) commenced 23 October 2001 (s 2 and [CN2001-5](#))

### **Statute Law Amendment Act 2001 (No 2) 2001 No 56 pt 3.17**

notified 5 September 2001 ([Gaz 2001 No S65](#))  
commenced 5 September 2001 (s 2 (1))

### **Drugs of Dependence Amendment Act 2001 (No 2) A2001-98**

notified LR 20 December 2001  
commenced 20 December 2001 (s 2)

### **Drugs of Dependence Amendment Act 2002 A2002-12**

notified LR 23 May 2002  
s 1, s 2 commenced 23 May 2002 (LA s 75)  
remainder commenced 24 May 2002 (s 2)

### **Health and Community Care Services (Repeal and Consequential Amendments) Act 2002 A2002-47 pt 1.1**

notified LR 20 December 2002  
s 1, s 2 commenced 20 December 2002 (LA s 75 (1))  
pt 1.1 commenced 31 December 2002 (s 2)

### **Statute Law Amendment Act 2002 (No 2) A2002-49 amdt 3.222**

notified LR 20 December 2002  
s 1, s 2 taken to have commenced 7 October 1994 (LA s 75 (2))  
amdt 3.222 commenced 24 September 1997 (s 2 (3))

*Note* This Act only amends the [Remuneration Tribunal \(Consequential Amendments\) Act 1997 A1997-41](#) .

### **Legislation (Gay, Lesbian and Transgender) Amendment Act 2003 A2003-14 sch pt 1.14**

notified LR 27 March 2003  
s 1, s 2 commenced 27 March 2003 (LA s 75 (1))  
sch pt 1.14 commenced 28 March 2003 (s 2)

### **Criminal Code (Theft, Fraud, Bribery and Related Offences) Amendment Act 2004 A2004-15 sch 1 pt 1.10, sch 2 pt 2.28**

notified LR 26 March 2004  
s 1, s 2 commenced 26 March 2004 (LA s 75 (1))  
sch 1 pt 1.10, sch 2 pt 2.28 commenced 9 April 2004 (s 2 (1))

**Health Professionals Legislation Amendment Act 2004 A2004-39  
sch 4 pt 4.2, sch 5 pt 5.7, sch 6 pt 6.4, sch 8 pt 8.1, sch 11A pt 11A.2  
(as am by A2005-28 amdt 1.61)**

notified LR 8 July 2004

s 1, s 2 commenced 8 July 2004 (LA s 75 (1))

sch 5 pt 5.7 commenced 7 July 2005 (s 2 and see [Health Professionals Act 2004 A2004-38](#), s 2 and [CN2005-11](#))

sch 6 pt 6.4 commenced 17 January 2006 (s 2 and see [Health Professionals Act 2004 A2004-38](#), s 2 (as am by [A2005-28](#) amdt 1.1; [A2006-27](#) s 12) and [CN2006-2](#))

sch 4 pt 4.2, sch 8 pt 8.1, sch 11A pt 11A.2 commenced 9 January 2007 (s 2 and see [Health Professionals Act 2004 A2004-38](#), s 2 (as am by [A2005-28](#) amdt 1.1; [A2006-27](#) s 12))

**Statute Law Amendment Act 2004 A2004-42 sch 1 pt 1.1, sch 3 pt 3.8**

notified LR 11 August 2004

s 1, s 2 commenced 11 August 2004 (LA s 75 (1))

sch 1 pt 1.1, sch 3 pt 3.8 commenced 25 August 2004 (s 2 (1))

**Hemp Fibre Industry Facilitation Act 2004 A2004-48 pt 6**

notified LR 16 August 2004

s 1, s 2 commenced 16 August 2004 (LA s 75 (1))

pt 6 commenced 16 February 2005 (s 2 and LA s 79)

**Drugs of Dependence (Syringe Vending Machines) Amendment Act 2004 A2004-55**

notified LR 11 August 2004

s 1, s 2 commenced 11 August 2004 (LA s 75 (1))

remainder commenced 12 August 2004 (s 2)

**Criminal Code (Serious Drug Offences) Amendment Act 2004  
A2004-56 sch 1 pt 1.3**

notified LR 6 September 2004

s 1, s 2 commenced 6 September 2004 (LA s 75 (1))

sch 1 pt 1.3 commenced 6 March 2005 (s 2 and LA s 79)

## Endnotes

3 Legislation history

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### **Justice and Community Safety Legislation Amendment Act 2005 A2005-5 pt 6**

notified LR 23 February 2005  
s 1, s 2 commenced 23 February 2005 (LA s 75 (1))  
pt 6 commenced 6 March 2005 (s 2 (1) and see [Criminal Code \(Serious Drug Offences\) Amendment Act 2004](#) A2004-56 s 2 and LA s 79)

### **Health Legislation Amendment Act 2005 A2005-28 amdt 1.61**

notified LR 6 July 2005  
s 1, s 2 commenced 6 July 2005 (LA s 75 (1))  
amdt 1.61 commenced 9 January 2007 (LA s 79A and [A2004-39](#))  
*Note* This Act only amends the Health Professionals Legislation Amendment Act [A2004-39](#).

### **Sentencing Legislation Amendment Act 2006 A2006-23 sch 1 pt 1.15**

notified LR 18 May 2006  
s 1, s 2 commenced 18 May 2006 (LA s 75 (1))  
sch 1 pt 1.15 commenced 2 June 2006 (s 2 (1) and see [Crimes \(Sentence Administration\) Act 2005](#) A2005-59 s 2, [Crimes \(Sentencing\) Act 2005](#) A2005-58, s 2 and LA s 79)

### **Health Legislation Amendment Act 2006 (No 2) A2006-46 sch 2 pt 2.4**

notified LR 17 November 2006  
s 1, s 2 commenced 17 November 2006 (LA s 75 (1))  
sch 2 pt 2.4 commenced 18 November 2006 (s 2 (1))

### **Children and Young People (Consequential Amendments) Act 2008 A2008-20 sch 4 pt 4.13**

notified LR 17 July 2008  
s 1, s 2 commenced 17 July 2008 (LA s 75 (1))  
sch 4 pt 4.13 commenced 27 February 2009 (s 2 (5) and see [Children and Young People Act 2008](#) A2008-19, s 2 and [CN2008-17](#) (and see [CN2008-13](#)))

### **Medicines, Poisons and Therapeutic Goods Act 2008 A2008-26 sch 2 pt 2.9**

notified LR 14 August 2008  
s 1, s 2 commenced 14 August 2008 (LA s 75 (1))  
sch 2 pt 2.9 commenced 14 February 2009 (s 2 and LA s 79)

**ACT Civil and Administrative Tribunal Legislation Amendment Act 2008 A2008-36 sch 1 pt 1.21**

notified LR 4 September 2008

s 1, s 2 commenced 4 September 2008 (LA s 75 (1))

sch 1 pt 1.21 commenced 14 February 2009 (s 2 (5) and see

[Medicines, Poisons and Therapeutic Goods Act 2008](#) A2008-26, s 2 and LA s 79)

**Health Legislation Amendment Act 2010 A2010-2 pt 2**

notified LR 16 February 2010

s 1, s 2 commenced 16 February 2010 (LA s 75 (1))

pt 2 commenced 16 August 2010 (s 2 and LA s 79)

**Crimes Legislation Amendment Act 2013 (No 2) A2013-50 pt 9**

notified LR 9 December 2013

s 1, s 2 commenced 9 December 2013 (LA s 75)

pt 9 commenced 10 December 2013 (s 2 (2))

## Endnotes

4 Amendment history

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### 4 Amendment history

#### Long title

long title sub [A2008-26](#) amdt 2.20

#### Dictionary

s 2 om [A2001-44](#) amdt 1.1187  
ins [A2008-26](#) amdt 2.21

#### Notes

s 3 am [A1993-1](#) sch 1; [A1993-10](#) s 4; [A2001-44](#) amdt 1.1190;  
[A2001-48](#) amdt 1.3; [A2006-46](#) amdt 2.6  
sub [A2008-26](#) amdt 2.21  
def **analyst** om [A2008-26](#) amdt 2.21  
def **board** ins [A1990-63](#) sch 1  
om [A1993-14](#) sch 1  
def **cannabis** om [A2008-26](#) amdt 2.21  
def **cannabis fibre** om [A2008-26](#) amdt 2.21  
def **cannabis oil** om [A2008-26](#) amdt 2.21  
def **cannabis plant** om [A2008-26](#) amdt 2.21  
def **cannabis resin** om [A2008-26](#) amdt 2.21  
def **central store** om [A2008-26](#) amdt 2.21  
def **chief executive** ins [A1993-63](#) sch 1  
om [A1993-14](#) sch 1  
def **chief health officer** ins [A1997-70](#) sch 1  
om R6 LA  
def **chief pharmacist** om [A2008-26](#) amdt 2.21  
def **class 1 institution** om [A2008-26](#) amdt 2.21  
def **class 2 institution** om [A2008-26](#) amdt 2.21  
def **community pharmacy** om [A2008-26](#) amdt 2.21  
def **dentist** om [A2004-39](#) amdt 4.2  
def **determined fee** om [A2001-44](#) amdt 1.1188  
def **director** ins [A1994-74](#) s 4  
am [A1996-35](#) sch  
sub [A2002-47](#) amdt 1.1  
om [A2008-26](#) amdt 2.21  
def **dispensary** om [A2008-26](#) amdt 2.21  
def **drug dependence** om [A2008-26](#) amdt 2.21  
def **drug-dependent person** om [A2008-26](#) amdt 2.21  
def **drug inspector** om [A2008-26](#) amdt 2.21  
def **drug of dependence** sub [A1993-10](#) s 4; [A2005-5](#) s 21  
om [A2008-26](#) amdt 2.21  
def **enrolled nurse** sub [A2004-39](#) amdt 6.4  
om [A2006-46](#) amdt 2.7  
def **general manager** om [A1993-63](#) sch 1  
def **government analyst** ins [A1993-7](#) s 4  
sub [A1994-97](#) sch  
om [A2008-26](#) amdt 2.21



def **hospital** om [A2008-26](#) amdt 2.21  
 def **institution** om [A2008-26](#) amdt 2.21  
 def **intern** sub [A2001-11](#) amdt 1.1  
     am [A2004-42](#) amdt 3.44  
     sub [A2004-39](#) amdt 5.10  
     om [A2008-26](#) amdt 2.21  
 def **manufacture** om [A2008-26](#) amdt 2.21  
 def **manufacturer's licence** om [A2008-26](#) amdt 2.21  
 def **medical officer of health** om [A1997-70](#) sch 1  
 def **medical practitioner** om [A2004-39](#) amdt 5.11  
 def **mental condition** om [A2008-26](#) amdt 2.21  
 def **methadone program treatment centre** am [A1990-63](#) sch 1  
     sub [A1992-61](#) s 3  
     am [A1993-14](#) sch 1  
     sub [A1993-45](#) s 4  
     om [A2001-48](#) amdt 1.1  
 def **nurse** sub [A2004-39](#) amdt 6.5  
     om [A2006-46](#) amdt 2.7  
 def **opioid dependency treatment centre** ins [A2001-48](#) s 4  
     om [A2008-26](#) amdt 2.21  
 def **pharmacist** om [A2004-39](#) amdt 8.1  
 def **physical condition** om [A2008-26](#) amdt 2.21  
 def **prescription** sub [A1993-10](#) s 4; [A2005-5](#) s 22  
     om [A2008-26](#) amdt 2.21  
 def **prohibited substance** om [A2008-26](#) amdt 2.21  
 def **reconciliation amount** ins [A2001-44](#) amdt 1.1189  
     om [Ord1989-11](#) s 209  
     ins [A2001-48](#) s 4  
     om [A2008-26](#) amdt 2.21  
 def **register** om [A2008-26](#) amdt 2.21  
 def **requisition** om [A2008-26](#) amdt 2.21  
 def **sell** om [A2008-26](#) amdt 2.21  
 def **sell by wholesale** om [A2008-26](#) amdt 2.21  
 def **service** om [A1993-63](#) sch 1  
 def **supply** om [A2008-26](#) amdt 2.21  
 def **syringe** om [A2008-26](#) amdt 2.21  
 def **treatment** ins [A1995-31](#) s 5  
     am [A2001-48](#) s 5  
     om [A2008-26](#) amdt 2.21  
 def **treatment centre** ins [A1992-62](#) s 3  
     am [A1993-14](#) sch 1; [A1996-35](#) sch; [A2002-47](#) amdt 1.2;  
     [A2004-42](#) amdt 3.44  
     om [A2008-26](#) amdt 2.21  
 def **treatment centre inspector** om [A2008-26](#) amdt 2.21  
 def **tribunal** am [Ord1989-38](#) sch 1  
     om [A1994-60](#) sch 1

## Endnotes

### 4 Amendment history

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def **veterinary surgeon** om [A2004-39](#) amdt 11A.2 (as am by [A2005-28](#) amdt 1.61)  
def **ward** am [A2001-48](#) amdt 1.2  
om [A2008-26](#) amdt 2.21  
def **wholesaler's licence** om [A2008-26](#) amdt 2.21

#### **Offences against Act—application of Criminal Code etc**

s 3AA ins [A2004-56](#) amdt 1.9  
om [A2008-26](#) amdt 2.21

#### **Director**

s 3A reloc and renum as s 121A

#### **Manufacture**

pt 2 hdg om [A2008-26](#) amdt 2.24

#### **Offences against Act—application of Criminal Code etc**

s 4 om [A2008-26](#) amdt 2.24  
ins [A2008-26](#) amdt 2.23  
def **drug of dependence** sub [A1993-10](#) s 5; [A2005-5](#) s 23  
om [A2008-26](#) amdt 2.24  
def **licensed premises** om [A2008-26](#) amdt 2.24  
def **licensee** om [A2008-26](#) amdt 2.24

#### **References to buprenorphine, cannabis or methadone**

s 5 am [A1990-63](#) sch 1; [A1993-14](#) sch 1; [A2001-44](#) amdt 1.1191  
om [A2008-26](#) amdt 2.24  
ins [A2008-26](#) amdt 2.23

#### **Manufacturer's licence—grant**

s 6 am [A1990-63](#) sch 1; [A1993-14](#) sch 1; [A2004-42](#) amdt 3.31  
om [A2008-26](#) amdt 2.24

#### **Manufacturer's licence—conditions**

s 7 om [A2008-26](#) amdt 2.24

#### **Manufacturer's licence—variation of conditions**

s 8 am [A1990-63](#) sch 1; [A1993-14](#) sch 1; [A1997-70](#) sch 1;  
[A2002-12](#) sch 1  
om [A2008-26](#) amdt 2.24

#### **Manufacturer's licence—amendment**

s 9 am [A1990-63](#) sch 1; [A1993-14](#) sch 1; [A1997-70](#) sch 1;  
[A2002-12](#) sch 1  
om [A2008-26](#) amdt 2.24

#### **Manufacturer's licence—surrender**

s 10 am [A1990-63](#) sch 1; [A1997-70](#) sch 1  
om [A2008-26](#) amdt 2.24

**Manufacturer's licence—cancellation**

s 11 am [A1990-63](#) sch 1; [A1993-14](#) sch 1; [A2004-42](#) amdt 3.32  
om [A2008-26](#) amdt 2.24

**Reports of dealings—manufacturers**

s 12 am [A1990-63](#) sch 1; [A1997-70](#) sch 1; [A2002-12](#) sch 1  
om [A2008-26](#) amdt 2.24

**Manufacturer's licence—duration**

s 13 om [A2008-26](#) amdt 2.24

**Manufacturer's licence—renewal**

s 14 am [A1990-63](#) sch 1; [A1993-14](#) sch 1; [A2001-44](#) amdt 1.1192  
om [A2008-26](#) amdt 2.24

**Offences—manufacturers**

s 15 am [A2002-12](#) sch 1  
om [A2008-26](#) amdt 2.24

**Disposal of by-products**

s 16 am [A1990-63](#) sch 1; [A1997-70](#) sch 1; [A2002-12](#) sch 1  
om [A2008-26](#) amdt 2.24

**Return of licence to chief health officer**

s 17 am [A1990-63](#) sch 1; [A1997-70](#) sch 1; [A2002-12](#) sch 1  
om [A2008-26](#) amdt 2.24

**Wholesale**

pt 3 hdg om [A2008-26](#) amdt 2.24

**Definitions for pt 3**

s 18 om [A2008-26](#) amdt 2.24  
def *licensed premises* om [A2008-26](#) amdt 2.24  
def *licensee* om [A2008-26](#) amdt 2.24

**Wholesaler's licence—application**

s 19 am [A1990-63](#) sch 1; [A1993-14](#) sch 1; [A2001-44](#) amdt 1.1193  
om [A2008-26](#) amdt 2.24

**Wholesaler's licence—grant**

s 20 am [A1990-63](#) sch 1; [A1993-14](#) sch 1; [A2004-42](#) amdt 3.33  
om [A2008-26](#) amdt 2.24

**Wholesaler's licence—conditions**

s 21 om [A2008-26](#) amdt 2.24

**Wholesaler's licence—variation of conditions**

s 22 am [A1990-63](#) sch 1; [A1993-14](#) sch 1; [A1997-70](#) sch 1;  
[A2002-12](#) sch 1  
om [A2008-26](#) amdt 2.24

## Endnotes

### 4 Amendment history

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#### **Wholesaler's licence—change of address**

s 23 am [A1990-63](#) sch 1; [A1997-70](#) sch 1; [A2002-12](#) sch 1  
om [A2008-26](#) amdt 2.24

#### **Wholesaler's licence—surrender**

s 24 am [A1990-63](#) sch 1; [A1997-70](#) sch 1  
om [A2008-26](#) amdt 2.24

#### **Wholesaler's licence—cancellation**

s 25 am [A1990-63](#) sch 1; [A1993-1](#) sch 1; [A1993-14](#) sch 1;  
[A2004-42](#) amdt 3.34  
om [A2008-26](#) amdt 2.24

#### **Reports of dealings—wholesalers**

s 26 am [A1990-63](#) sch 1; [A1997-70](#) sch 1; [A2002-12](#) sch 1  
om [A2008-26](#) amdt 2.24

#### **Wholesaler's licence—duration**

s 27 om [A2008-26](#) amdt 2.24

#### **Wholesaler's licence—renewal**

s 28 am [A1990-63](#) sch 1; [A1993-14](#) sch 1; [A2001-44](#) amdt 1.1194  
om [A2008-26](#) amdt 2.24

#### **Offences—wholesalers**

s 29 am [A2002-12](#) sch 1  
om [A2008-26](#) amdt 2.24

#### **Return of licence to chief health officer**

s 30 am [A1990-63](#) sch 1; [A1997-70](#) sch 1; [A2002-12](#) sch 1  
om [A2008-26](#) amdt 2.24

#### **Research, education and first aid**

pt 4 hdg om [A2008-26](#) amdt 2.24

#### **Authorisation for research or education**

div 4.1 hdg (prev pt 4 div 1 hdg) renum R6 LA  
om [A2008-26](#) amdt 2.24

#### **Definitions for div 4.1**

s 31 am [A1990-63](#) sch 1; [A1993-14](#) sch 1  
om [A2008-26](#) amdt 2.24  
def **authorisation** om [A2008-26](#) amdt 2.24  
def **authorised person** om [A2008-26](#) amdt 2.24  
def **clinical trial protocol** om [A2008-26](#) amdt 2.24  
def **institution** om [A2008-26](#) amdt 2.24  
def **program** om [A2008-26](#) amdt 2.24  
def **recognised educational institution** om [A2008-26](#)  
amdt 2.24  
def **recognised research institution** om [A2008-26](#) amdt 2.24  
def **use** om [A2008-26](#) amdt 2.24

**Authorisation (research or education)—application**

s 32 am [A1990-63](#) sch 1; [A1997-70](#) sch 1; [A2001-44](#) amdts 1.1195-1.1197  
om [A2008-26](#) amdt 2.24

**Authorisation (research or education)—grant**

s 33 am [A1990-63](#) sch 1; [A1997-70](#) sch 1  
om [A2008-26](#) amdt 2.24

**Authorisation (research or education)—conditions**

s 34 om [A2008-26](#) amdt 2.24

**Authorisation (research or education)—variation of conditions**

s 35 am [A1990-63](#) sch 1; [A1993-14](#) sch 1; [A1997-70](#) sch 1;  
[A2002-12](#) sch 1  
om [A2008-26](#) amdt 2.24

**Authorisation (research or education)—surrender**

s 36 am [A1990-63](#) sch 1; [A1997-70](#) sch 1  
om [A2008-26](#) amdt 2.24

**Authorisation (research or education)—cancellation**

s 37 am [A1990-63](#) sch 1; [A1993-14](#) sch 1; [A1997-70](#) sch 1  
om [A2008-26](#) amdt 2.24

**Authorisation (research or education)—duration**

s 38 om [A2008-26](#) amdt 2.24

**Authorisation (research or education)—renewal**

s 39 am [A1990-63](#) sch 1; [A1993-14](#) sch 1; [A2001-44](#) amdt 1.1198  
om [A2008-26](#) amdt 2.24

**Return of authorisation to chief health officer**

s 40 am [A1990-63](#) sch 1; [A1997-70](#) sch 1; [A2002-12](#) sch 1  
om [A2008-26](#) amdt 2.24

**First-aid kits**

div 4.2 hdg (prev pt 4 div 2 hdg) renum R6 LA  
om [A2008-26](#) amdt 2.24

**Definitions for div 4.2**

s 41 om [A2008-26](#) amdt 2.24  
def *authorisation* om [A2008-26](#) amdt 2.24  
def *authorised person* om [A2008-26](#) amdt 2.24

**Authorisation (first-aid)—application**

s 42 am [A1990-63](#) sch 1; [A1997-70](#) sch 1; [A2001-44](#) amdts 1.1199-1.1201  
om [A2008-26](#) amdt 2.24

**Authorisation (first-aid)—grant**

s 43 am [A1990-63](#) sch 1; [A1997-70](#) sch 1; [A2006-46](#) amdt 2.8

## Endnotes

### 4 Amendment history

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om [A2008-26](#) amdt 2.24

#### **Authorisation (first-aid)—conditions**

s 44 om [A2008-26](#) amdt 2.24

#### **Authorisation (first-aid)—variation of conditions**

s 45 am [A1990-63](#) sch 1; [A1997-70](#) sch 1; [A2002-12](#) sch 1  
om [A2008-26](#) amdt 2.24

#### **Authorisation (first-aid)—change of address**

s 46 am [A1990-63](#) sch 1; [A1997-70](#) sch 1; [A2002-12](#) sch 1  
om [A2008-26](#) amdt 2.24

#### **Authorisation (first-aid)—surrender**

s 47 am [A1990-63](#) sch 1; [A1997-70](#) sch 1  
om [A2008-26](#) amdt 2.24

#### **Authorisation (first-aid)—cancellation**

s 48 am [A1990-63](#) sch 1; [A1997-70](#) sch 1  
om [A2008-26](#) amdt 2.24

#### **Authorisation (first-aid)—duration**

s 49 om [A2008-26](#) amdt 2.24

#### **Authorisation (first-aid)—renewal**

s 50 am [A1990-63](#) sch 1; [A1997-70](#) sch 1; [A2001-44](#) amdts 1.1202-  
1.1204  
om [A2008-26](#) amdt 2.24

#### **Return of authorisation to chief health officer**

s 51 am [A1990-63](#) sch 1; [A1997-70](#) sch 1; [A2002-12](#) sch 1  
om [A2008-26](#) amdt 2.24

#### **Orders and delivery**

pt 5 hdg om [A2008-26](#) amdt 2.24

#### **Application of pt 5**

s 52 hdg sub [A2004-42](#) amdt 3.35  
s 52 om [A2008-26](#) amdt 2.24

#### **Written orders**

s 53 am [A1990-63](#) sch 1; [A1997-70](#) sch 1; [A2002-12](#) sch 1  
om [A2008-26](#) amdt 2.24

#### **Delivery**

s 54 am [A1990-63](#) sch 1; [A1997-70](#) sch 1; [A2002-12](#) sch 1  
om [A2008-26](#) amdt 2.24

#### **Notification of drug inspector**

s 55 am [A2002-12](#) sch 1  
om [A2008-26](#) amdt 2.24

**Supply and administration**

pt 6 hdg om [A2008-26](#) amdt 2.24

**Interpretation for part 6**

div 6.1 hdg (prev pt 6 div 1 hdg) renum R6 LA  
om [A2008-26](#) amdt 2.24

**Definitions for pt 6**

s 56 hdg sub [A2004-42](#) amdt 3.36  
s 56 om [A2008-26](#) amdt 2.24  
def **amphetamine** om [A2008-26](#) amdt 2.24  
def **doctor** am [A2004-42](#) amdt 3.44  
om [A2008-26](#) amdt 2.24

**Prescriptions**

div 6.2 hdg (prev pt 6 div 2 hdg) renum R6 LA  
om [A2008-26](#) amdt 2.24

**Issue of prescriptions**

s 57 am [A1993-1](#) sch 1; [A2002-12](#) sch 1; [A2004-42](#) amdt 3.44  
om [A2008-26](#) amdt 2.24

**Prescribing drugs of dependence**

s 58 am [A1997-70](#) sch 1; [A1999-23](#) s 4; [A2001-48](#) amdt 1.4;  
[A2001-98](#) s 4, s 5; R7 LA (see [A2001-98](#) s 16)  
sub [A2002-12](#) s 4  
om [A2008-26](#) amdt 2.24

**Methadone or buprenorphine**

s 59 hdg sub [A2001-48](#) amdt 1.5  
s 59 am [A1997-70](#) sch 1; [A2001-48](#) amdts 1.6-1.8; [A2001-98](#) s 6;  
[A2004-42](#) amdt 3.44  
om [A2008-26](#) amdt 2.24

**Morphine**

s 59A ins [A1999-23](#) s 5  
am [A2004-42](#) amdt 3.44  
om [A2008-26](#) amdt 2.24

**Written prescriptions**

s 60 am [A1997-70](#) sch 1; [A2001-98](#) s 7; R7 LA (see [A2001-98](#) s  
16); [A2002-12](#) sch 1; [A2004-42](#) amdt 3.44  
om [A2008-26](#) amdt 2.24

**Prescriptions issued orally**

s 61 am [A2002-12](#) sch 1; [A2004-42](#) amdt 3.44; [A2006-46](#) amdt 2.9,  
amdt 2.10  
om [A2008-26](#) amdt 2.24

**Requisitions**

div 6.3 hdg (prev pt 6 div 3 hdg) renum R6 LA  
om [A2008-26](#) amdt 2.24

## Endnotes

### 4 Amendment history

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#### Requisitions generally

s 62 am [A1997-75](#) s 4; [A2002-12](#) sch 1; [A2004-42](#) amdt 3.44  
om [A2008-26](#) amdt 2.24

#### Written requisitions

s 63 am [A2002-12](#) sch 1; [A2004-42](#) amdt 3.44  
om [A2008-26](#) amdt 2.24

#### Requisitions issued orally

s 64 am [A1990-63](#) sch 1; [A1997-70](#) sch 1; [A2002-12](#) sch 1;  
[A2004-42](#) amdt 3.44  
om [A2008-26](#) amdt 2.24

#### Approval of prescriptions

div 6.4 hdg (prev pt 6 div 4 hdg) renum R6 LA  
om [A2008-26](#) amdt 2.24

#### Definitions for div 6.4

s 65 om [A2008-26](#) amdt 2.24  
def **chairperson** om [A2008-26](#) amdt 2.24  
def **committee** om [A2008-26](#) amdt 2.24  
def **doctor** am [A2004-42](#) amdt 3.44  
om [A2008-26](#) amdt 2.24

#### Drugs advisory committee—establishment

s 66 am [A2004-42](#) amdt 3.37, amdt 3.44  
om [A2008-26](#) amdt 2.24

#### Termination of appointment

s 67 am [A1990-63](#) sch 1; [A1993-14](#) sch 1; [A2004-42](#) amdt 3.44  
om [A2008-26](#) amdt 2.24

#### Application for approval

s 68 am [A1997-70](#) sch 1; [A2001-98](#) ss 8-12, [A2002-12](#) s 5  
om [A2008-26](#) amdt 2.24

#### Powers of chief health officer

s 69 am [A1997-70](#) sch 1; [A2001-98](#) s 13; [A2002-12](#) s 6  
om [A2008-26](#) amdt 2.24

#### Powers of committee

s 70 am [A1997-70](#) sch 1  
om [A2008-26](#) amdt 2.24

#### Variation and revocation of approvals

s 71 am [A1997-70](#) sch 1  
om [A2008-26](#) amdt 2.24

#### Review of decisions of chief health officer

s 72 am [A1997-70](#) sch 1  
om [A2008-26](#) amdt 2.24



**Form of approvals**

s 73 am [A1997-70](#) sch 1; [A2001-98](#) s 14  
om [A2008-26](#) amdt 2.24

**Date of effect of approvals**

s 74 am [A1997-70](#) sch 1; [A2001-98](#) s 15  
om [A2008-26](#) amdt 2.24

**Transitional**

s 75 am [A1997-70](#) sch 1  
om [A2004-42](#) amdt 3.38

**Validation of chief health officer's approvals**

s 75A ins [A2002-12](#) s 7  
exp 24 May 2002 (s 75A (2))

**Supply**

div 6.5 hdg (prev pt 6 div 5 hdg) renum R6 LA  
om [A2008-26](#) amdt 2.24

**Definitions for div 6.5**

s 76 om [A2008-26](#) amdt 2.24  
def *licensee* om [A2008-26](#) amdt 2.24  
def *order* om [A2008-26](#) amdt 2.24

**Method of supply**

s 77 am [A2002-12](#) sch 1  
om [A2008-26](#) amdt 2.24

**Supply on order**

s 78 am [A2001-48](#) amdt 1.9; [A2002-12](#) sch 1; [A2004-42](#) amdt 1.1,  
amdt 3.44  
om [A2008-26](#) amdt 2.24

**Supply on requisition**

s 79 am [A1997-75](#) s 5; [A2002-12](#) sch 1; [A2004-42](#) amdt 3.44  
om [A2008-26](#) amdt 2.24

**Supply on prescription**

s 80 am [A1993-45](#) s 5; [A1996-35](#) sch; [A2001-48](#) amdt 1.10;  
[A2002-12](#) sch 1; [A2002-47](#) amdt 1.4; [A2004-42](#) amdt 3.44  
om [A2008-26](#) amdt 2.24

**Restrictions on supply**

s 81 am [A2002-12](#) sch 1  
om [A2008-26](#) amdt 2.24

**Forged prescriptions, requisitions and orders**

s 82 am [A1990-63](#) sch 1; [A1997-70](#) sch 1; [A2002-12](#) sch 1  
om [A2008-26](#) amdt 2.24

## Endnotes

### 4 Amendment history

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#### **Supplying dextromoramide and hydromorphone**

s 83 am [A2002-12](#) sch 1  
om [A2008-26](#) amdt 2.24

#### **Administration**

div 6.6 hdg (prev pt 6 div 6 hdg) renum R6 LA  
om [A2008-26](#) amdt 2.24

#### **Administration—witnesses**

s 84 am [A1990-63](#) sch 1; [A1993-14](#) sch 1; [A1993-45](#) s 6; [A1996-35](#)  
sch; [A2001-48](#) amdt 1.11; [A2002-12](#) sch 1; [A2002-47](#)  
amdt 1.5; [A2004-42](#) amdt 3.44; [A2006-46](#) amdt 2.10  
om [A2008-26](#) amdt 2.24

#### **Supply of syringes**

pt 7 hdg om [A2008-26](#) amdt 2.38

#### **Supply of syringes by approved people**

div 7.1 hdg ins [A2004-55](#) s 4  
om [A2008-26](#) amdt 2.38

#### **Definitions for div 7.1**

s 85 hdg sub [A2004-55](#) s 5  
s 85 am [A1990-63](#) sch 1; [A1993-14](#) sch 1; [A2004-55](#) s 5  
om [A2008-26](#) amdt 2.38  
def **approval** om [A2008-26](#) amdt 2.38  
def **approved person** om [A2008-26](#) amdt 2.38  
def **health worker** om [A2008-26](#) amdt 2.38  
def **course of instruction** om [A2008-26](#) amdt 2.38

#### **Distribution of syringes—approval**

s 86 am [A1990-63](#) sch 1; [A1997-70](#) sch 1; [A2004-42](#) amdt 3.44;  
[A2006-46](#) amdt 2.11  
reloc to [Public Health Act 1997](#) s 66C by [A2008-26](#) amdt 2.25

#### **Approval—surrender**

s 87 am [A1990-63](#) sch 1; [A1997-70](#) sch 1  
reloc to [Public Health Act 1997](#) s 66D by [A2008-26](#) amdt 2.25

#### **Approval—cancellation**

s 88 am [A1990-63](#) sch 1; [A1997-70](#) sch 1; [A2008-26](#) amdt 2.26,  
amdt 2.27  
reloc to [Public Health Act 1997](#) s 66E by [A2008-26](#) amdt 2.29

#### **Approval—duration**

s 89 am [A2008-26](#) amdt 2.28  
reloc to [Public Health Act 1997](#) s 66F by [A2008-26](#) amdt 2.29

#### **Approval—renewal**

s 90 am [A1990-63](#) sch 1; [A1997-70](#) sch 1  
reloc to [Public Health Act 1997](#) s 66G by [A2008-26](#) amdt 2.30

**Approval—production to police**

s 91 am [A2002-12](#) sch 1  
reloc to [Public Health Act 1997](#) s 66H by [A2008-26](#) amdt 2.30

**Approval—lending to another person**

s 92 am [A2002-12](#) sch 1  
reloc to [Public Health Act 1997](#) s 66I by [A2008-26](#) amdt 2.30

**Approval—no liability for ancillary offences**

s 93 hdg sub [A2004-55](#) s 6  
s 93 am [A1993-1](#) sch 1; [A2004-55](#) s 7; [A2008-26](#) amdt 2.31  
reloc to [Public Health Act 1997](#) s 66J by [A2008-26](#) amdt 2.32

**Return of approval to chief health officer**

s 94 am [A1990-63](#) sch 1; [A1997-70](#) sch 1; [A2002-12](#) sch 1  
reloc to [Public Health Act 1997](#) s 66K by [A2008-26](#) amdt 2.33

**Supply of syringes by vending machine**

div 7.2 hdg ins [A2004-55](#) s 8  
om [A2008-26](#) amdt 2.38

**Definitions for div 7.2**

s 94A ins [A2004-55](#) s 8  
om [A2008-26](#) amdt 2.38  
def **approved person** ins [A2004-55](#) s 8  
om [A2008-26](#) amdt 2.38  
def **vending machine** ins [A2004-55](#) s 8  
om [A2008-26](#) amdt 2.38  
def **vending machine approval** ins [A2004-55](#) s 8  
om [A2008-26](#) amdt 2.38

**Application for vending machine approval**

s 94B ins [A2004-55](#) s 8  
reloc to [Public Health Act 1997](#) s 66M by [A2008-26](#) amdt 2.34

**Further information for vending machine approval application**

s 94C ins [A2004-55](#) s 8  
reloc to [Public Health Act 1997](#) s 66N by [A2008-26](#) amdt 2.34

**Decision about vending machine approval application**

s 94D ins [A2004-55](#) s 8  
reloc to [Public Health Act 1997](#) s 66O by [A2008-26](#) amdt 2.34

**Vending machine approval—conditions**

s 94E ins [A2004-55](#) s 8  
reloc to [Public Health Act 1997](#) s 66P by [A2008-26](#) amdt 2.34

**Vending machine approval—surrender**

s 94F ins [A2004-55](#) s 8  
reloc to [Public Health Act 1997](#) s 66Q by [A2008-26](#) amdt 2.34

## Endnotes

### 4 Amendment history

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#### **Vending machine approval—cancellation**

s 94G ins [A2004-55](#) s 8  
am [A2008-26](#) amdt 2.35  
reloc to [Public Health Act 1997](#) s 66R by [A2008-26](#) amdt 2.36

#### **Vending machine approval—return on surrender or cancellation**

s 94H ins [A2004-55](#) s 8  
reloc to [Public Health Act 1997](#) s 66S by [A2008-26](#) amdt 2.37

#### **Vending machine approval—no liability for ancillary offences**

s 94I ins [A2004-55](#) s 8  
reloc to [Public Health Act 1997](#) s 66T by [A2008-26](#) amdt 2.37

#### **Records, safekeeping and disposal**

pt 8 hdg om [A2008-26](#) amdt 2.39

#### **Records of drugs of dependence**

div 8.1 hdg (prev pt 8 div 1 hdg) renum R6 LA  
om [A2008-26](#) amdt 2.39

#### **Definitions for div 8.1**

s 95 om [A2008-26](#) amdt 2.39  
def **drug register** om [A2008-26](#) amdt 2.39  
def **first-aid register** om [A2008-26](#) amdt 2.39  
def **licensee** om [A2008-26](#) amdt 2.39  
def **order** om [A2008-26](#) amdt 2.39  
def **prescribed person** sub [A1992-61](#) s 4  
am [A2001-48](#) amdt 1.12; [A2004-42](#) amdt 3.44  
om [A2008-26](#) amdt 2.39  
def **ward** sub [A1992-61](#) s 4  
am [A2001-48](#) amdt 1.12  
om [A2008-26](#) amdt 2.39  
def **ward register** om [A2008-26](#) amdt 2.39

#### **Orders**

s 96 am [A2002-12](#) sch 1; [A2004-42](#) amdt 3.39  
om [A2008-26](#) amdt 2.39

#### **Prescriptions and requisitions**

s 97 am [A2002-12](#) sch 1; [A2004-42](#) amdt 3.39  
om [A2008-26](#) amdt 2.39

#### **Supply of information to chief health officer**

s 98 am [A1990-63](#) sch 1; [A1997-70](#) sch 1; [A2002-12](#) sch 1  
om [A2008-26](#) amdt 2.39

#### **Drug registers**

s 99 am [A2001-44](#) amdt 1.1205; [A2002-12](#) sch 1  
om [A2008-26](#) amdt 2.39

**Entries in drug registers**

s 100 am [A2002-12](#) sch 1; [A2004-42](#) amdt 3.44  
om [A2008-26](#) amdt 2.39

**Ward registers**

s 101 sub [A1993-45](#) s 7; [A2001-44](#) amdt 1.1206, amdt 1.1207;  
[A2001-48](#) amdt 1.13, amdt 1.14; [A2001-48](#) s 6; R6 LA (see  
[A2001-48](#) s 7); [A2002-12](#) sch 1  
om [A2008-26](#) amdt 2.39

**Entries in ward drugs of dependence registers**

s 102 am [A1993-45](#) s 8; [A1997-75](#) s 6; R7 LA (see [A2001-98](#) s 16);  
[A2002-12](#) sch 1; [A2004-42](#) amdt 3.44  
om [A2008-26](#) amdt 2.39

**Entries in ward methadone registers**

s 102A ins [A1993-45](#) s 9; [A2001-44](#) amdt 1.1208  
am [A2004-42](#) amdt 3.44  
om [A2008-26](#) amdt 2.39

**Entries in ward buprenorphine registers**

s 102B ins [A2001-48](#) s 8  
am [A2004-42](#) amdt 3.44  
om [A2008-26](#) amdt 2.39

**First-aid registers**

s 103 am [A1993-1](#) sch 1; [A2001-44](#) amdt 1.1209; [A2002-12](#) sch 1  
om [A2008-26](#) amdt 2.39

**Entries in first-aid registers**

s 104 am [A2002-12](#) sch 1  
om [A2008-26](#) amdt 2.39

**Record of disposal**

s 105 am [A2002-12](#) sch 1  
om [A2008-26](#) amdt 2.39

**Registers—general provisions**

s 106 am [A1990-63](#) sch 1; [A1993-14](#) sch 1; [A1997-70](#) sch 1;  
[A1997-75](#) s 7; [A2001-44](#) amdt 1.1210; [A2002-12](#) sch 1  
om [A2008-26](#) amdt 2.39

**False entries in registers**

s 107 am [A2002-12](#) sch 1  
om [A2008-26](#) amdt 2.39

**Patients records**

s 108 am [A1992-61](#) s 5; [A2001-48](#) amdt 1.15; [A2002-12](#) sch 1  
om [A2008-26](#) amdt 2.39

**Transfer of control of pharmacies**

s 109 am [A2001-44](#) amdt 1.1211; [A2002-12](#) sch 1

## Endnotes

### 4 Amendment history

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om [A2008-26](#) amdt 2.39

#### **Safekeeping of drugs of dependence**

div 8.2 hdg (prev pt 8 div 2 hdg) renum R6 LA  
om [A2008-26](#) amdt 2.39

#### **Definitions for div 8.2**

s 110 om [A2008-26](#) amdt 2.39  
def **drug cabinet** om [A2008-26](#) amdt 2.39  
def **key safe** om [A2008-26](#) amdt 2.39  
def **licensee** om [A2008-26](#) amdt 2.39  
def **safe** om [A2008-26](#) amdt 2.39  
def **strong room** om [A2008-26](#) amdt 2.39  
def **vault** om [A2008-26](#) amdt 2.39

#### **Safekeeping by manufacturers and wholesalers**

s 111 am [A1990-63](#) sch 1; [A1997-70](#) sch 1; [A2002-12](#) sch 1  
om [A2008-26](#) amdt 2.39

#### **Safekeeping by chief pharmacists**

s 112 am [A1990-63](#) sch 1; [A1997-70](#) sch 1; [A2002-12](#) sch 1  
om [A2008-26](#) amdt 2.39

#### **Safekeeping by doctors, dentists and veterinary surgeons**

s 113 am [A1993-1](#) sch 1; [A2002-12](#) sch 1; [A2004-42](#) amdt 3.44  
om [A2008-26](#) amdt 2.39

#### **Safekeeping by other persons**

s 114 am [A1990-63](#) sch 1; [A1997-70](#) sch 1; [A2001-48](#) amdt 1.16;  
[A2002-12](#) sch 1  
om [A2008-26](#) amdt 2.39

#### **Safekeeping at institutions**

s 115 am [A2002-12](#) sch 1; [A2004-42](#) amdt 3.44  
om [A2008-26](#) amdt 2.39

#### **Loss or theft of a drug of dependence**

s 116 am [A2002-12](#) sch 1  
om [A2008-26](#) amdt 2.39

#### **Access to combinations and keys of drug receptacles**

s 117 am [A1997-75](#) s 8; [A2001-48](#) amdt 1.17; [A2002-12](#) sch 1;  
[A2004-42](#) amdt 3.44  
om [A2008-26](#) amdt 2.39

#### **Safekeeping—general**

s 118 am [A1997-75](#) s 9; [A2002-12](#) sch 1; [A2004-42](#) amdt 3.44  
om [A2008-26](#) amdt 2.39

#### **Inspection—class 1 institutions**

div 8.3 hdg (prev pt 8 div 3 hdg) renum R6 LA  
om [A2008-26](#) amdt 2.39

**Inspection of records and storage facilities**

s 119 am [A2002-12](#) sch 1  
om [A2008-26](#) amdt 2.39

**Disposal of drugs of dependence**

div 8.4 hdg (prev pt 8 div 4 hdg) renum R6 LA  
om [A2008-26](#) amdt 2.39

**Procedure for disposal**

s 120 am [A1990-63](#) sch 1; [A1993-1](#) sch 1; [A1993-14](#) sch 1;  
[A1997-70](#) sch 1; [A1997-75](#) s 10; R7 LA (see [A2001-98](#) s 16);  
[A2002-12](#) sch 1; [A2004-42](#) amdt 3.40, amdt 3.44; [A2006-46](#)  
amdt 2.12  
om [A2008-26](#) amdt 2.39

**Treatment**

pt 9 hdg om [A2010-2](#) s 4

**Preliminary**

div 9.1 hdg (prev pt 9 div 1 hdg) renum R6 LA  
om [A2010-2](#) s 4

**Definitions for pt 9**

s 121 om [A2010-2](#) s 4  
def **approved treatment centre** am [A1990-63](#) sch 1;  
[A1993-14](#) sch 1; [A1996-35](#) sch; [A2002-47](#) amdt 1.6  
om [A2010-2](#) s 4  
def **assessment order** om [A2010-2](#) s 4  
def **director** ins [A2008-26](#) amdt 2.40  
om [A2010-2](#) s 4  
def **member** om [A2010-2](#) s 4  
def **offender** om [A2010-2](#) s 4  
def **panel** om [A2010-2](#) s 4  
def **proper officer** am [A1991-44](#) sch 1  
om [A2010-2](#) s 4  
def **responsible officer** am [A1994-97](#) sch 1; [A1999-64](#) sch 2  
sub [A2006-23](#) amdt 1.176  
am [A2008-20](#) amdt 4.36  
om [A2010-2](#) s 4  
def **treatment** om [A1995-31](#) s 6  
def **treatment centre** am [A1990-63](#) sch 1  
om [A1992-62](#) s 4  
def **treatment order** om [A2010-2](#) s 4

**Director**

s 121A (prev s 3A) ins [A1994-74](#) s 5  
am [A1996-35](#) sch  
sub [A2002-47](#) amdt 1.3  
reloc and renum as s 121A [A2008-26](#) amdt 2.22  
om [A2010-2](#) s 4

## Endnotes

### 4 Amendment history

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#### **Assessment orders and treatment orders**

div 9.2 hdg (prev pt 9 div 2 hdg) renum R6 LA  
om [A2010-2](#) s 4

#### **Assessment orders**

s 122 am [A1990-63](#) sch 1; [A1994-74](#) s 6; [A2001-44](#) amdt 1.1212  
om [A2010-2](#) s 4

#### **Treatment orders**

s 123 am [A1990-63](#) sch 1; [A1993-1](#) sch 1; [A1993-14](#) sch 1;  
[A1994-74](#) s 9; [A2001-44](#) amdt 1.1213; [A2004-42](#) amdt 3.41;  
[A2006-23](#) amdt 1.177; ss renum R21 LA (see [A2006-23](#) amdt  
1.178)  
om [A2010-2](#) s 4

#### **Offences—treatment orders**

s 124 am [A1990-63](#) sch 1; [A1993-14](#) sch 1; [A1994-74](#) s 9; [A2006-23](#)  
amdt 1.179  
om [A2010-2](#) s 4

#### **Further offences**

s 125 am [A2006-23](#) amdt 1.180  
om [A2010-2](#) s 4

#### **Apprehension of offender about to leave ACT**

s 126 om [A2010-2](#) s 4

#### **Power of court if offender about to leave ACT**

s 127 am [A2004-42](#) amdt 3.42  
om [A2010-2](#) s 4

#### **Power of court if offender apprehended under div 9.2**

s 128 om [A2006-23](#) amdt 1.181

#### **Revocation and variation of periods of orders**

s 129 am [A1990-63](#) sch 1; [A1993-14](#) sch 1; [A1994-74](#) s 9  
om [A2010-2](#) s 4

#### **Treatment assessment panels**

div 9.3 hdg (prev pt 9 div 3 hdg) renum R6 LA  
om [A2010-2](#) s 4

#### **Establishment**

s 130 am [A1990-63](#) sch 1; [A1993-1](#) sch 1; [A1993-14](#) sch 1;  
[A1995-46](#) sch; [A1997-96](#) sch 1  
om [A2010-2](#) s 4

#### **Appointment of members**

s 131 am [A1990-63](#) sch 1; [A1993-14](#) sch 1  
om [A2010-2](#) s 4



**Tenure of office**s 132 om [A2010-2](#) s 4**Presiding member**s 133 am [A1990-63](#) sch 1; [A1993-14](#) sch 1  
om [A2010-2](#) s 4**Acting appointments**s 134 am [A1990-63](#) sch 1; [A1993-14](#) sch 1  
om [A2010-2](#) s 4**Remuneration and allowances**s 135 om [A1997-41](#) sch 1**Resignation**s 136 am [A1990-63](#) sch 1; [A1993-14](#) sch 1  
om [A2010-2](#) s 4**Suspension**s 137 am [A1990-63](#) sch 1; [A1993-14](#) sch 1  
om [A2010-2](#) s 4**Termination of appointment**s 138 am [A1990-63](#) sch 1; [A1993-14](#) sch 1  
om [A2010-2](#) s 4**Meetings of panels**s 139 om [A2010-2](#) s 4**General powers of panels**s 140 om [A2010-2](#) s 4**Referral for initial assessment**s 141 am [A1990-63](#) sch 1; [A1993-14](#) sch 1; [A1994-74](#) s 9; [A2001-44](#)  
amdt 1.1214, amdt 1.1215  
om [A2010-2](#) s 4**Referral for variation of treatment**s 142 am [A1990-63](#) sch 1; [A1993-14](#) sch 1; [A1994-74](#) s 9  
om [A2010-2](#) s 4**Referral for periodic review of treatment**s 143 am [A1990-63](#) sch 1; [A1993-14](#) sch 1; [A1994-74](#) s 9  
om [A2010-2](#) s 4**Referral for other purposes**s 144 am [A1990-63](#) sch 1; [A1993-14](#) sch 1; [A1994-74](#) s 9  
om [A2010-2](#) s 4**Assessment by treatment centres**s 145 am [A1990-63](#) sch 1; [A1993-14](#) sch 1; [A1994-74](#) s 9; [A2001-44](#)  
amdt 1.1216  
om [A2010-2](#) s 4

## Endnotes

### 4 Amendment history

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#### **Attendance for assessment before panels and at treatment centres**

s 146 am [A1994-74](#) s 9  
om [A2010-2](#) s 4

#### **Treatment centre reports**

s 147 am [A1993-1](#) sch 1  
om [A2010-2](#) s 4

#### **Approval of treatment centre**

div 9.4 hdg (prev pt 9 div 4 hdg) renum R6 LA  
om [A2010-2](#) s 4

#### **Definitions for div 9.4**

s 148 om [A2010-2](#) s 4  
def **approval** om [A2010-2](#) s 4  
def **approval holder** om [A2010-2](#) s 4

#### **Approval—application**

s 149 am [A1990-63](#) sch 1; [A1992-62](#) s 5; [A1993-14](#) sch 1; [A1995-31](#)  
s 7; [A2001-44](#) amdts 1.1217-1.1219; [A2001-48](#) amdt 1.18  
om [A2010-2](#) s 4

#### **Approval—grant**

s 150 am [A1990-63](#) sch 1; [A1992-61](#) s 6; [A1993-14](#) sch 1; [A1995-31](#)  
s 8; [A1996-35](#) sch; [A2002-47](#) amdt 1.7, amdt 1.8  
om [A2010-2](#) s 4

#### **Approval—conditions**

s 151 am [A1990-63](#) sch 1; [A1993-14](#) sch 1; [A1995-31](#) s 9; [A2001-48](#)  
amdt 1.19  
om [A2010-2](#) s 4

#### **Approval—variation and revocation of conditions**

s 152 am [A1990-63](#) sch 1; [A1993-14](#) sch 1; [A2004-42](#) amdt 3.43  
om [A2010-2](#) s 4

#### **Approval—surrender**

s 153 am [A1990-63](#) sch 1; [A1993-14](#) sch 1  
om [A2010-2](#) s 4

#### **Approval—cancellation**

s 154 am [A1990-63](#) sch 1; [A1993-14](#) sch 1  
om [A2010-2](#) s 4

#### **Approval—emergency cancellation**

s 155 am [A1990-63](#) sch 1; [A1993-14](#) sch 1  
om [A2010-2](#) s 4

#### **Alternative arrangements on cancellation**

s 156 am [A1990-63](#) sch 1; [A1993-14](#) sch 1; [A1994-74](#) s 7  
om [A2010-2](#) s 4

**Approval—duration**

s 157 om [A2010-2](#) s 4

**Approval—renewal**

s 158 am [A1990-63](#) sch 1; [A1993-14](#) sch 1  
om [A2010-2](#) s 4

**Return of approval to Minister**

s 159 am [A1990-63](#) sch 1; [A1993-14](#) sch 1; [A2002-12](#) sch 1  
om [A2010-2](#) s 4

**Interpretation for pt 10**

s 160 am R7 LA (see [A2001-98](#) s 16)  
om [A2008-26](#) amdt 2.41  
def **commercial quantity** sub [A1993-10](#) s 6  
om [A2004-56](#) amdt 1.10  
def **exempt person** am [A1990-63](#) sch 1; [A1993-1](#) sch 1;  
[A1993-14](#) sch 1; [A2004-42](#) amdt 1.2, amdt 3.44; [A2006-46](#)  
amdt 2.13  
om [A2008-26](#) amdt 2.41  
def **manufacturer's licence** om [A2008-26](#) amdt 2.41  
def **premises** om [A2008-26](#) amdt 2.41  
def **student midwife** ins [A2006-46](#) amdt 2.14  
om [A2008-26](#) amdt 2.41  
def **student nurse** ins [A2006-46](#) amdt 2.14  
om [A2008-26](#) amdt 2.41  
def **trafficable quantity** sub [A1993-10](#) s 6  
om [A2004-56](#) amdt 1.10

**Manufacture**

s 161 am [A2002-12](#) sch 1; [A2004-56](#) amdt 1.11, amdt 1.12  
om [A2008-26](#) amdt 2.41

**Cultivation of 1 or 2 cannabis plants**

s 162 am [A2002-12](#) sch 1; [A2004-48](#) s 63  
sub [A2004-56](#) amdt 1.13

**Wholesale**

s 163 am [A2002-12](#) sch 1  
om [A2004-56](#) amdt 1.14

**Sale or supply**

s 164 am [A1995-31](#) s 10; [A1996-35](#) sch; [A2001-48](#) s 9; [A2001-48](#)  
amdt 1.20; R6 LA (see [A2001-48](#) s 10, amdt 1.21); [A2002-12](#)  
sch 1; [A2002-47](#) amdt 1.9; [A2004-42](#) amdt 1.3, amdt 3.44;  
[A2004-56](#) amdt 1.15, amdt 1.16; [A2008-26](#) amdt 2.42

**Sale or supply—cannabis**

s 165 am [A2002-12](#) sch 1; [A2004-48](#) s 64; ss renum R17 LA (see  
[A2004-48](#) s 65)  
om [A2004-56](#) amdt 1.17

## Endnotes

### 4 Amendment history

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#### **Advertising drugs or prohibited substances**

s 166 am [A2002-12](#) sch 1; [A2004-42](#) amdt 3.44  
om [A2008-26](#) amdt 2.43

#### **False representation to obtain prescription**

s 167 hdg sub [A2004-56](#) amdt 1.18  
s 167 am [A2002-12](#) sch 1; [A2004-42](#) amdt 3.44; am [A2004-56](#)  
amdt 1.19; ss renum R18 LA (see [A2004-56](#) amdt 1.20)  
om [A2008-26](#) amdt 2.43

#### **False representation as to drug or substance**

s 168 am [A2002-12](#) sch 1  
om [A2008-26](#) amdt 2.43

#### **Possessing drugs of dependence**

s 169 hdg sub [A2008-26](#) amdt 2.44  
s 169 am [A2002-12](#) sch 1; [A2004-42](#) amdt 3.44; [A2008-26](#)  
amdt 2.45

#### **Possession and administration of drugs—exemptions**

s 170 am [A1993-45](#) s 10; [A1997-75](#) s 11; [A2001-48](#) amdt 1.22; R7  
LA (see [A2001-98](#) s 16); [A2004-42](#) amdt 1.4, amdt 3.44;  
[A2006-46](#) amdt 2.15, amdt 2.16  
om [A2008-26](#) amdt 2.46

#### **Possessing prohibited substances**

s 171 hdg sub [A2008-26](#) amdt 2.47  
s 171 am [A1997-75](#) s 12; R7 LA (see [A2001-98](#) s 16); [A2002-12](#)  
sch 1; [A2004-42](#) amdt 3.44; [A2004-48](#) s 66; pars renum R17  
LA (see [A2004-48](#) s 67); [A2006-46](#) amdt 2.17; [A2008-26](#)  
amdt 2.48; [A2013-50](#) s 22

#### **Offence notices**

s 171A ins [A1992-52](#) s 3  
am [A1994-90](#) s 4; [A2001-48](#) s 11; [A2004-56](#) amdt 1.21;  
[A2008-26](#) amdt 2.49; [A2013-50](#) s 23

#### **Cannabis offences—notification of right to apply for preservation order**

s 171B ins [A2001-48](#) s 12  
am [A2004-56](#) amdts 1.22-1.25

#### **Liability of corporations**

s 172 am [A2001-44](#) amdt 1.1220; [A2001-56](#) amdt 3.251  
om [A2004-15](#) amdt 1.11

#### **Surrender and revocation of exemptions**

s 173 am [A1990-63](#) sch 1; [A1993-14](#) sch 1; [A2004-42](#) amdt 3.44;  
[A2006-46](#) amdt 2.18  
om [A2008-26](#) amdt 2.50

**Evidentiary certificate**

s 173A ins [A1993-10](#) s 7  
om [A2008-26](#) amdt 2.50

**Preliminary**

div 11.1 hdg (prev pt 11 div 1 hdg) renum R6 LA

**Interpretation for pt 11**

s 174 am [A2001-44](#) amdt 1.1221; [A2004-56](#) amdt 1.26

**Inspection**

div 11.2 hdg (prev pt 11 div 2 hdg) renum R6 LA  
om [A2010-2](#) s 5

**Drug inspectors—appointment**

s 175 am [A1990-63](#) sch 1; [A1997-70](#) sch 1; [A2002-12](#) sch 1  
om [A2008-26](#) amdt 2.51

**Treatment centre inspectors—appointment**

s 176 am [A1990-63](#) sch 1; [A1993-14](#) sch 1; [A2002-12](#) sch 1  
om [A2010-2](#) s 5

**Inspection—manufacturers and wholesalers**

s 177 am [A2002-12](#) sch 1  
om [A2008-26](#) amdt 2.52

**Inspection—prescribed premises**

s 178 am [A2004-42](#) amdt 3.44  
om [A2008-26](#) amdt 2.52

**Inspection—premises of approved treatment centres**

s 179 am [A1995-31](#) s 11  
om [A2010-2](#) s 5

**Production of identity card**

s 180 sub [A2008-26](#) amdt 2.53  
om [A2010-2](#) s 5

**Failing to comply with requirement of inspector**

s 181 hdg sub [A2004-15](#) amdt 2.60  
s 181 am [A2002-12](#) sch 1; [A2004-15](#) amdt 2.61; [A2008-26](#)  
amdt 2.54  
om [A2010-2](#) s 5

**Search, seizure and analysis**

div 11.3 hdg (prev pt 11 div 3 hdg) renum R6 LA

**Definitions for div 11.3**

s 182 def *chapter 6 substance* ins [A2004-56](#) amdt 1.27

**Analysts**

s 183 am [A1990-63](#) sch 1; [A1997-70](#) sch 1; [A2004-56](#) amdt 1.28  
om [A2008-26](#) amdt 2.55

## Endnotes

### 4 Amendment history

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#### Government analyst

s 183A ins [A1993-7](#) s 5  
sub [A1994-97](#) sch  
am [A1997-127](#) s 4; R7 LA (see [A2001-98](#) s 16)  
om [A2008-26](#) amdt 2.55

#### Analysts

s 183B ins [A1993-7](#) s 5  
om [A1994-97](#) sch

#### Search and seizure

s 184 am [A2004-56](#) amdt 1.29

#### Searches of arrested persons

s 186 am [A2004-56](#) amdt 1.30

#### Search warrants

s 187 am [A2004-56](#) amdts 1.31-1.38

#### Clothing and body searches

s 189 am [A2003-14](#) amdt 1.55; ss renum R12 LA (see [A2003-14](#)  
amdt 1.56)

#### Forfeiture of drugs and substances

s 190 am [Ord1989-38](#) sch 1; [A1990-63](#) sch 1; [A1997-70](#) sch 1;  
[A2004-56](#) amdt 1.39; [A2008-26](#) amdt 2.56, amdt 2.57

#### Analysis

s 191 am [Ord1989-38](#) sch 1

#### Analysts' certificates

s 192 am [A1997-96](#) sch 1  
om [A2008-26](#) amdt 2.58

#### Notification by defendants—analyst's evidence

s 193 am [A2008-26](#) amdt 2.59

#### Disposal of seized substances, compensation and recovery

div 11.4 hdg (prev pt 11 div 4 hdg) ins [A1993-7](#) s 6  
renum R6 LA

#### Definitions for div 11.4

s 193A ins [A1993-7](#) s 6  
def **chapter 6 substance** ins [A2004-56](#) amdt 1.40  
def **protocol** ins [A2001-48](#) s 13  
def **seized cannabis** om [A2001-48](#) s 14  
def **seized cannabis plant** ins [A2001-48](#) s 13  
def **seized cannabis plants protocol** ins [A2001-48](#) s 13  
def **seized cannabis product** ins [A2001-48](#) s 13  
def **seized cannabis product protocol** ins [A2001-48](#) s 13  
def **seized substance** sub [A2004-56](#) amdt 1.41  
def **trafficable quantity** om [A2001-48](#) s 14

**Protocols for destruction etc of cannabis**

s 193B ins [A1993-7](#) s 6  
sub [A2001-48](#) s 15

**Destruction of cannabis without court order**

s 193C ins [A1993-7](#) s 6  
sub [A2001-48](#) s 15

**Order for preservation of cannabis**

s 193D ins [A1993-7](#) s 6  
sub [A2001-48](#) s 15  
am [A2004-56](#) amdt 1.42

**Amendment and revocation of cannabis preservation**

s 193E ins [A1993-7](#) s 6  
sub [A2001-48](#) s 15  
am [A2004-56](#) amdt 1.43

**Making of orders about preservation of cannabis**

s 193F ins [A2001-48](#) s 15  
am [A2004-56](#) amdt 1.44; [A2008-26](#) amdt 2.60

**Disposal of seized substances other than cannabis on order of magistrate**

s 194 am [A1990-63](#) sch 1; [A1993-7](#) s 7; [A1997-96](#) sch 1; [A2001-48](#)  
s 16, s 17; R6 LA (see [A2001-48](#) s 18); [A2004-56](#) amdt 1.45

**Applications under s 194**

s 194A hdg sub [A2001-48](#) s 19  
s 194A ins [A1993-7](#) s 8  
am [A2001-48](#) s 20; [A2008-26](#) amdt 2.61

**Final disposal of seized substances**

s 195 am [A1990-63](#) sch 1; [A1993-7](#) s 9; [A2004-56](#) amdt 1.46;  
[A2008-26](#) amdt 2.62

**Compensation for seizure**

s 196 am [Ord1989-38](#) sch; [A1993-7](#) s 10

**Seized property**

s 197 am [A1993-7](#) s 11; [A2004-56](#) amdt 1.47; [A2008-26](#) amdt 2.63

**Notification and review of decisions**

pt 12 hdg sub [A2004-55](#) s 9; [A2008-36](#) amdt 1.258  
om [A2010-2](#) s 6

**Meaning of reviewable decision—pt 12**

s 198 am [Ord1989-38](#) sch 1; [A1990-63](#) sch 1; [A1993-14](#) sch 1;  
[A1994-60](#) sch 1; R7 LA (see [A2001-98](#) s 16)  
sub [A2004-55](#) s 9; [A2008-36](#) amdt 1.258  
om [A2010-2](#) s 6

## Endnotes

### 4 Amendment history

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#### **Reviewable decision notices**

s 198A ins [A2004-55](#) s 9  
sub [A2008-36](#) amdt 1.258  
om [A2010-2](#) s 6

#### **Applications for review**

s 199 am [A1994-60](#) sch 1  
sub [A2004-55](#) s 9; [A2008-36](#) amdt 1.258  
om [A2010-2](#) s 6

#### **Possession by officials**

s 200 am [Ord1989-38](#) sch 1; [A1990-63](#) sch 1;  
sub [A1993-14](#) sch 1  
am [A1994-38](#) sch 1 pt 29  
om [A2008-26](#) amdt 2.64

#### **Secrecy**

s 201 am [A2002-12](#) sch 1; [A2008-26](#) amdt 2.65; [A2010-2](#) s 7, s 8;  
pars renum R27 LA

#### **Annual report**

s 202 am [Ord1989-38](#) sch 1; [A1990-63](#) sch 1  
om [A1993-14](#) sch 1

#### **Delegation of powers**

s 203 am [A1990-63](#) sch 1; [A1993-14](#) sch 1; [A1997-70](#) sch 1  
om [A2008-26](#) amdt 2.66

#### **Determination of fees**

s 204 sub [A2001-44](#) amdt 1.222

#### **Approved forms**

s 205 ins [A2001-44](#) amdt 1.1222  
ss (5)-(8) exp 12 September 2002 (s 205 (8))

#### **Regulation-making power**

s 206 am [Ord1989-38](#) sch 1  
sub [A2001-44](#) amdt 1.1222

#### **Transitional provisions**

pt 14 hdg ins [A2001-48](#) s 21  
om R16 LA

#### **Provisions for Drugs of Dependence Amendment Act 2001**

s 207 ins [A2001-48](#) s 21  
exp 23 October 2004 (s 207 (4))

#### **Transitional provisions about approved forms**

s 208 ins [A2001-48](#) s 21  
exp 23 October 2001 (s 208 (5))



**Transitional provisions about reconciliation amount**

s 209 ins [A2001-48](#) s 21  
exp 24 October 2001 (s 209 (3))

**Transitional—treatment orders**

pt 20 hdg ins [A2010-2](#) s 11  
exp 16 August 2012 (s 302 (1) (LA s 88 declaration applies))

**Definitions—pt 20**

s 300 ins [A2010-2](#) s 11  
exp 16 August 2012 (s 302 (1) (LA s 88 declaration applies))  
def **commencement day** ins [A2010-2](#) s 11  
exp 16 August 2012 (s 302 (1) (LA s 88 declaration applies))  
def **old provisions** ins [A2010-2](#) s 11  
exp 16 August 2012 (s 302 (1) (LA s 88 declaration applies))

**Transitional**

s 301 ins [A2010-2](#) s 11  
exp 16 August 2012 (s 302 (1) (LA s 88 declaration applies))

**Expiry—pt 20**

s 302 ins [A2010-2](#) s 11  
exp 16 August 2012 (s 302 (1) (LA s 88 declaration applies))

**Reviewable decisions**

sch 1 am [A1991-5](#) s 4  
om [A1993-10](#) s 8  
(prev sch 5) renum R14 LA (see [A2004-55](#) s 11)  
om [A2004-56](#) amdt 1.48  
ins [A2008-36](#) amdt 1.259  
om [A2010-2](#) s 9

**Reviewable decisions**

sch 2 am [A1991-5](#) s 5  
om [A1993-10](#) s 8  
(prev sch 6) ins [A2004-55](#) s 10  
renum R14 LA (see [A2004-55](#) s 11)  
am [A2008-26](#) amdt 2.67  
om [A2008-36](#) amdt 1.259

**Drugs of dependence—manufacturing**

sch 3 om [A1993-10](#) s 8

**Forms**

sch 4 am [A1990-63](#) sch 1; [A1993-1](#) sch 1; [A1993-14](#) sch 1;  
[A1993-45](#) s 11; [A1994-74](#) s 8; [A1997-70](#) sch 1; [A1997-75](#)  
s 13  
om [A2001-44](#) amdt 1.1223

## Endnotes

4 Amendment history

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### Prohibited plants

sch 5 renum as sch 1

### Reviewable decisions

sch 6 renum as sch 2

### Dictionary

dict ins [A2008-26](#) amdt 2.68  
am [A2008-36](#) amdt 1.260  
def **analyst** ins [A2008-26](#) amdt 2.68  
def **analyst's certificate** ins [A2008-26](#) amdt 2.68  
def **approval** ins [A2008-26](#) amdt 2.68  
om [A2010-2](#) s 10  
def **approval holder** ins [A2008-26](#) amdt 2.68  
om [A2010-2](#) s 10  
def **approved treatment centre** ins [A2008-26](#) amdt 2.68  
om [A2010-2](#) s 10  
def **assessment order** ins [A2008-26](#) amdt 2.68  
om [A2010-2](#) s 10  
def **cannabis** ins [A2008-26](#) amdt 2.68  
def **cannabis fibre** ins [A2008-26](#) amdt 2.68  
def **cannabis plant** ins [A2008-26](#) amdt 2.68  
def **cannabis resin** ins [A2008-26](#) amdt 2.68  
def **chapter 6 substance** ins [A2008-26](#) amdt 2.68  
def **connected** ins [A2008-26](#) amdt 2.68  
def **director** ins [A2008-26](#) amdt 2.68  
om [A2010-2](#) s 10  
def **drug dependence** ins [A2008-26](#) amdt 2.68  
def **drug-dependent person** ins [A2008-26](#) amdt 2.68  
def **drug of dependence** ins [A2008-26](#) amdt 2.68  
def **government analyst** ins [A2008-26](#) amdt 2.68  
def **hospital** ins [A2008-26](#) amdt 2.68  
def **member** ins [A2008-26](#) amdt 2.68  
om [A2010-2](#) s 10  
def **mental condition** ins [A2008-26](#) amdt 2.68  
def **occupier** ins [A2008-26](#) amdt 2.68  
def **offence** ins [A2008-26](#) amdt 2.68  
def **offender** ins [A2008-26](#) amdt 2.68  
om [A2010-2](#) s 10  
def **opioid dependency treatment centre** ins [A2008-26](#)  
amdt 2.68  
om [A2010-2](#) s 10  
def **panel** ins [A2008-26](#) amdt 2.68  
om [A2010-2](#) s 10  
def **physical condition** ins [A2008-26](#) amdt 2.68  
def **place** ins [A2008-26](#) amdt 2.68  
def **prohibited substance** ins [A2008-26](#) amdt 2.68

- def **proper officer** ins [A2008-26](#) amdt 2.68  
om [A2010-2](#) s 10
- def **protocol** ins [A2008-26](#) amdt 2.68
- def **responsible officer** ins [A2008-26](#) amdt 2.68  
om [A2010-2](#) s 10
- def **reviewable decision** ins [A2008-36](#) amdt 1.261  
om [A2010-2](#) s 10
- def **seized cannabis plant** ins [A2008-26](#) amdt 2.68
- def **seized cannabis plants protocol** ins [A2008-26](#) amdt 2.68
- def **seized cannabis product** ins [A2008-26](#) amdt 2.68
- def **seized cannabis product protocol** ins [A2008-26](#)  
amdt 2.68
- def **seized substance** ins [A2008-26](#) amdt 2.68
- def **sell** ins [A2008-26](#) amdt 2.68
- def **supply** ins [A2008-26](#) amdt 2.68
- def **treatment** ins [A2008-26](#) amdt 2.68  
om [A2010-2](#) s 10
- def **treatment centre** ins [A2008-26](#) amdt 2.68  
om [A2010-2](#) s 10
- def **treatment centre inspector** ins [A2008-26](#) amdt 2.68  
om [A2010-2](#) s 10
- def **treatment order** ins [A2008-26](#) amdt 2.68  
om [A2010-2](#) s 10

## 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	<a href="#">A1993-14</a>	31 July 1993
2	<a href="#">A1994-97</a>	31 January 1995
3	<a href="#">A1994-97</a>	30 June 1995
4	<a href="#">A1996-35</a>	30 November 1996
5	<a href="#">A1997-127</a>	31 January 1999
6	<a href="#">A2001-56</a>	23 October 2001

## Endnotes

### 5 Earlier republications

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<b>Republication No</b>	<b>Amendments to</b>	<b>Republication date</b>
7*	<a href="#">A2001-98</a>	21 December 2001
8	<a href="#">A2002-12</a>	24 May 2002
9	<a href="#">A2002-12</a>	25 May 2002
10	<a href="#">A2002-12</a>	13 September 2002
11	<a href="#">A2002-47</a>	31 December 2002
11 (RI)	<a href="#">A2002-49</a> ‡	10 February 2003
12	<a href="#">A2003-14</a>	28 March 2003
13	<a href="#">A2004-15</a>	9 April 2004
14	<a href="#">A2004-55</a>	12 August 2004
15	<a href="#">A2004-55</a>	25 August 2004
16	<a href="#">A2004-56</a>	24 October 2004
17	<a href="#">A2004-56</a>	16 February 2005
18*	<a href="#">A2005-5</a>	6 March 2005
19	<a href="#">A2005-5</a>	7 July 2005
20	<a href="#">A2005-28</a>	17 January 2006
21	<a href="#">A2006-23</a>	2 June 2006
22	<a href="#">A2006-23</a>	16 June 2006
23	<a href="#">A2006-46</a>	18 November 2006
24	<a href="#">A2006-46</a>	9 January 2007
25	<a href="#">A2008-36</a>	14 February 2009
26	<a href="#">A2008-36</a>	27 February 2009
27	<a href="#">A2010-2</a>	16 August 2010
28	<a href="#">A2010-2</a>	17 August 2012

‡ includes retrospective amendments by [A2002-49](#)

**6 Expired transitional or validating provisions**

This Act may be affected by transitional or validating provisions that have expired. The expiry does not affect any continuing operation of the provisions (see [Legislation Act 2001](#), s 88 (1)).

Expired provisions are removed from the republished law when the expiry takes effect and are listed in the amendment history using the abbreviation ‘exp’ followed by the date of the expiry.

To find the expired provisions see the version of this Act before the expiry took effect. The ACT legislation register has point-in-time versions of this Act.

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