

2002

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Minister for Health)

# Drugs of Dependence Amendment Bill 2002

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(Minister for Health)

## **Drugs of Dependence Amendment Bill 2002**

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### **A Bill for**

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

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

1 **1 Name of Act**

2 This Act is the *Drugs of Dependence Amendment Act 2002*.

3 **2 Commencement**

4 This Act commences on the day after its notification day.

5 **3 Act amended**

6 This Act amends the *Drugs of Dependence Act 1989*.

7 **4 Section 58**

8 *substitute*

9 **58 Prescribing drugs of dependence**

- 10 (1) A doctor must not prescribe a drug of dependence unless it is for the  
11 treatment of a person's mental or physical condition.

12 Maximum penalty: 20 penalty units, imprisonment for 1 year or  
13 both.

- 14 (2) Subsection (1) does not apply to the prescription of methadone or  
15 buprenorphine in accordance with section 59.

- 16 (3) A doctor must not, without the chief health officer's approval,  
17 prescribe a drug of dependence for the treatment of a person if the  
18 doctor believes, on reasonable grounds, the person is—

19 (a) a drug dependent person in relation to any drug of dependence  
20 or prohibited substance; or

21 (b) a person who has used a drug of dependence continuously for  
22 longer than 2 months, or for periods that, taken together, are  
23 longer than 2 months.

24 Maximum penalty: 20 penalty units, imprisonment for 1 year or  
25 both.

- 1 (4) Despite subsection (3) (a), a doctor may prescribe a drug of  
2 dependence for a drug dependent person without the chief health  
3 officer's approval if—
- 4 (a) the doctor is satisfied that the person needs the drug in a course  
5 of treatment as an in-patient in a hospital; and
- 6 (b) the prescription is to be for the use of the drug for a period of  
7 not longer than 14 days after the day of the person's admission  
8 as an in-patient.
- 9 (5) A doctor must not prescribe an amphetamine without the chief  
10 health officer's approval.
- 11 Maximum penalty: 20 penalty units, imprisonment for 1 year or  
12 both.
- 13 (6) However, a doctor may, without the chief health officer's approval,  
14 prescribe an amphetamine to a person if—
- 15 (a) the doctor believes on reasonable grounds that the person is not  
16 a person mentioned in subsection (3) (a) or (b); and
- 17 (b) the doctor believes on reasonable grounds that the person is  
18 suffering from narcolepsy or attention deficit hyperactivity  
19 disorder; and
- 20 (c) the prescription is for the use of the amphetamine for a period  
21 no longer than 2 months.

22 **5 Application for approval**  
23 **Section 68 (1)**

24 *omit*

25 under this division shall

26 *substitute*

27 to prescribe a drug of dependence under division 6.2 (Prescriptions)  
28 must—

1 **6 Powers of chief health officer**  
2 **Section 69 (2)**

3 *omit everything before paragraph (a)*

4 *substitute*

5 (2) If an application is made to the chief health officer for an approval  
6 for section 58 (3)—

7 **7 New section 75A**

8 *insert*

9 **75A Validation of chief health officer's approvals**

10 (1) An approval by the chief health officer for a doctor to prescribe a  
11 drug of dependence given before the commencement of this section  
12 is not invalid only because of a failure to comply with this division.

13 (2) This section expires on the day it commences.

14 *Note* The repeal or expiry of a law does not end any validating effect that it  
15 may have. See *Legislation Act 2001*, s 82 (def of *repeal*) and s 88.

16 **8 Conversion of fines to penalty units**

17 The Act is further amended as set out in schedule 1.

1 **Schedule 1 Conversion of fines to**  
 2 **penalty units**

3 (see s 8)

column 1 item	column 2 section	column 3 penalty (\$)	column 4 penalty (penalty units)
		omit	substitute
1	8 (2)	\$2 000	20 penalty units
2	9 (2)	\$2 000	20 penalty units
3	12	\$2 000	20 penalty units
4	15	\$10 000	100 penalty units
5	16 (2)	\$10 000	100 penalty units
6	17	\$2 000	20 penalty units
7	22 (2)	\$2 000	20 penalty units
8	23 (1)	\$2 000	20 penalty units
9	23 (2)	\$2 000	20 penalty units
10	26	\$2 000	20 penalty units
11	29	\$10 000	100 penalty units
12	30	\$2 000	20 penalty units
13	35 (2)	\$2 000	20 penalty units
14	40	\$2 000	20 penalty units
15	45 (2)	\$1 000	10 penalty units
16	46 (1)	\$2 000	20 penalty units
17	51	\$1 000	10 penalty units
18	53	\$10 000	100 penalty units
19	54	\$5 000	50 penalty units
20	55 (1)	\$5 000	50 penalty units

**Schedule 1**      Conversion of fines to penalty units

<b>column 1 item</b>	<b>column 2 section</b>	<b>column 3 penalty (\$)</b>	<b>column 4 penalty (penalty units)</b>
		omit	substitute
<b>21</b>	55 (2)	\$5 000	50 penalty units
<b>22</b>	57	\$2 000	20 penalty units
<b>23</b>	60 (2)	\$2 000	20 penalty units
<b>24</b>	61	\$2 000	20 penalty units
<b>25</b>	62	\$2 000	20 penalty units
<b>26</b>	63 (2)	\$2 000	20 penalty units
<b>27</b>	64	\$2 000	20 penalty units
<b>28</b>	77	\$2 000	20 penalty units
<b>29</b>	78	\$2 000	20 penalty units
<b>30</b>	79	\$2 000	20 penalty units
<b>31</b>	80	\$2 000	20 penalty units
<b>32</b>	81	\$2 000	20 penalty units
<b>33</b>	82	\$2 000	20 penalty units
<b>34</b>	83	\$5 000	50 penalty units
<b>35</b>	84 (2)	\$2 000	20 penalty units
<b>36</b>	91	\$1 000	10 penalty units
<b>37</b>	92	\$1 000	10 penalty units
<b>38</b>	94	\$1 000	10 penalty units
<b>39</b>	96	\$2 000	20 penalty units
<b>40</b>	97	\$2 000	20 penalty units
<b>41</b>	98	\$2 000	20 penalty units
<b>42</b>	99	\$2 000	20 penalty units
<b>43</b>	100	\$2 000	20 penalty units
<b>44</b>	101 (1)	\$5 000	50 penalty units



column 1 item	column 2 section	column 3 penalty (\$)	column 4 penalty (penalty units)
		omit	substitute
45	102	\$1 000	10 penalty units
46	103	\$2 000	20 penalty units
47	104	\$1 000	10 penalty units
48	105	\$1 000	10 penalty units
49	106	\$2 000	20 penalty units
50	107	\$2 000	20 penalty units
51	108	\$1 000	10 penalty units
52	109 (1)	\$2 000	20 penalty units
53	109 (2)	\$2 000	20 penalty units
54	109 (3)	\$2 000	20 penalty units
55	111 (1)	\$10 000	100 penalty units
56	111 (2)	\$10 000	100 penalty units
57	111 (4)	\$10 000	100 penalty units
58	112 (1)	\$5 000	50 penalty units
59	112 (3)	\$5 000	50 penalty units
60	113	\$5 000	50 penalty units
61	114 (1)	\$5 000	50 penalty units
62	114 (2)	\$5 000	50 penalty units
63	115	\$5 000	50 penalty units
64	116 (1)	\$2 000	20 penalty units
65	116 (2)	\$2 000	20 penalty units
66	117	\$2 000	20 penalty units
67	118	\$2 000	20 penalty units

**Schedule 1**      Conversion of fines to penalty units

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<b>column 1 item</b>	<b>column 2 section</b>	<b>column 3 penalty (\$)</b>	<b>column 4 penalty (penalty units)</b>
		omit	substitute
<b>68</b>	119	\$2 000	20 penalty units
<b>69</b>	120 (1)	\$2 000	20 penalty units
<b>70</b>	159	\$2 000	20 penalty units
<b>71</b>	161 (1)	\$20 000	200 penalty units
<b>72</b>	161 (2)	\$20 000	200 penalty units
<b>73</b>	162 (2)	\$100	1 penalty unit
<b>74</b>	162 (2)	\$5 000	50 penalty units
<b>75</b>	162 (3)	\$20 000	200 penalty units
<b>76</b>	162 (3)	\$100 000	1 000 penalty units
<b>77</b>	162 (3)	\$10 000	100 penalty units
<b>78</b>	162 (3)	\$5 000	50 penalty units
<b>79</b>	163 (1)	\$20 000	200 penalty units
<b>80</b>	163 (2)	\$20 000	200 penalty units
<b>81</b>	164 (2)	\$100 000	1 000 penalty units
<b>82</b>	164 (2)	\$10 000	100 penalty units
<b>83</b>	164 (3)	\$100 000	1 000 penalty units
<b>84</b>	164 (3)	\$10 000	100 penalty units
<b>85</b>	165 (1)	\$200 000	2 000 penalty units
<b>86</b>	165 (1)	\$10 000	100 penalty units
<b>87</b>	165 (1)	\$5 000	50 penalty units
<b>88</b>	166 (1)	\$5 000	50 penalty units

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column 1 item	column 2 section	column 3 penalty (\$)	column 4 penalty (penalty units)
		omit	substitute
89	167	\$5 000	50 penalty units
90	168	\$5 000	50 penalty units
91	169	\$5 000	50 penalty units
92	171 (1)	\$100	1 penalty unit
93	171 (1)	\$5 000	50 penalty units
94	171 (2)	\$5 000	50 penalty units
95	171 (3)	\$5 000	50 penalty units
96	175 (4)	\$100	1 penalty unit
97	176 (4)	\$100	1 penalty unit
98	177	\$10 000	100 penalty units
99	181	\$1 000	10 penalty units
100	201 (2)	\$5 000	50 penalty units

## Endnotes

### Republications of amended laws

- 1 For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

### Penalty units

- 2 The *Legislation Act 2001*, s 133 (Penalty units) deals with the meaning of offence penalties that are expressed in penalty units.