

1992

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Health)

**Drugs of Dependence (Amendment) Bill
(No. 5) 1992**

**A BILL
FOR**

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

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

Short title

- 5 1. This Act may be cited as the *Drugs of Dependence (Amendment) Act (No. 5) 1992*.

Commencement

- 10 2. (1) Sections 1, 2 and 3 commence on the day on which this Act is notified in the *Gazette*.
(2) The remaining provisions commence on a day, or respective days, fixed by the Minister by notice in the *Gazette*.

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

5 **Principal Act**

3. In this Act, "Principal Act" means the *Drugs of Dependence Act 1989*.

Interpretation

4. Section 3 of the Principal Act is amended—

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

15 " 'drug of dependence' means a substance specified in Column 1 of Schedule 1 to the Drugs of Dependence Regulations;

'prohibited substance' means a substance specified in Column 1 of Schedule 2 to the Drugs of Dependence Regulations, or a drug analogue;"; and

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

20 **Interpretation**

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

" 'drug of dependence' means a prescribed substance;".

Interpretation

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

30 " 'commercial quantity', in relation to a drug of dependence or a prohibited substance, means a quantity not less than the prescribed quantity;

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

Insertion

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

Evidentiary certificate

5 “173A. (1) In proceedings for an offence against this Part, a certificate signed by a drug inspector stating that at a specified time a specified substance was included in Schedule 1 to the regulations is evidence of the matters stated.

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

Schedules 1, 2 and 3

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

NOTE

1. Ordinance No. 11, 1989 as amended by No. 38, 1989; Act No. 63, 1990; Nos. 5 and 44, 1991; Nos. 52, 61, 62 and , 1992.