

2021

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Michael Pettersson)

# Drugs of Dependence (Personal Use) Amendment Bill 2021

## Contents

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	Page
1 Name of Act	2
2 Commencement	2
3 Legislation amended	2
4 Sections 169 and 171	2
5 Possessing cannabis Section 171AA (1) and (2)	5
6 Section 171AA (5)	5
7 Offence notices Section 171A (1)	5
8 Section 171A (3) (a) and (b)	5

## Contents

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		Page
9	Section 171A (3) (f)	6
10	Section 171A (4) to (6)	6
11	Section 171A (7), new definition of <i>simple drug offence</i>	6
12	Section 171A (8)	6
13	Dictionary, new definition of <i>personal possession limit</i>	7

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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 (Personal Use) Amendment Act*  
3 *2021*.

4 **2 Commencement**

5 This Act commences on 1 February 2022.

6 *Note* The naming and commencement provisions automatically commence on  
7 the notification day (see [Legislation Act](#), s 75 (1)).

8 **3 Legislation amended**

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

10 **4 Sections 169 and 171**

11 *substitute*

12 **169 Possessing drugs of dependence**

13 (1) A person commits an offence if—

- 14 (a) the person possesses a drug of dependence; and  
15 (b) the amount of the drug the person possesses is less than the  
16 personal possession limit.

17 Maximum penalty: 1 penalty unit.

18 (2) A person commits an offence if the person possesses a drug of  
19 dependence and—

- 20 (a) there is no personal possession limit for the drug; or  
21 (b) if there is a personal possession limit for the drug—the person  
22 possesses the personal possession limit or more of the drug.

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

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

4 **170 Personal possession limit**

- 5 (1) For this part, an amount mentioned in table 170, column 3 for a  
 6 substance mentioned in column 2 is a *personal possession limit*.

7 **Table 170**

column 1 item	column 2 substance	column 3 personal possession limit
1	3,4- Methylenedioxyethyl amphetamine (MDMA)	0.5g
2	amphetamine	2g
3	cannabis (dried cannabis)	50g
4	cannabis (harvested cannabis)	150g
5	cocaine	2g
6	heroin	2g
7	lysergic acid	0.002g
8	lysergide (LSD, LSD- 25)	0.002g
9	methadone	2g
10	methylamphetamine	2g
11	psilocybine	2g

- 1           (2) In this section:
- 2                 *dried cannabis* means cannabis that has been subjected to a drying  
3                 process.
- 4                 *harvested cannabis* means cannabis that has been harvested and—
- 5                     (a) is not dried cannabis; or
- 6                     (b) is a mixture of dried cannabis and cannabis that is not dried  
7                     cannabis.

8   **171       Possessing prohibited substances**

- 9           (1) A person commits an offence if—
- 10                 (a) the person possesses a prohibited substance; and
- 11                 (b) the amount of the substance the person possesses is less than the  
12                 personal possession limit.
- 13                 Maximum penalty: 1 penalty unit.
- 14           (2) A person commits an offence if the person possesses a prohibited  
15                 substance and—
- 16                     (a) there is no personal possession limit for the substance; or
- 17                     (b) if there is a personal possession limit for the substance—the  
18                     person possesses the personal possession limit or more of the  
19                     substance.
- 20                 Maximum penalty: 50 penalty units, imprisonment for 2 years or  
21                 both.
- 22           (3) This section does not apply if the person is authorised under the  
23                 *Medicines, Poisons and Therapeutic Goods Act 2008*, or another  
24                 territory law, to possess the prohibited substance.
- 25           (4) In this section:
- 26                 *prohibited substance* does not include cannabis.

- 1 **5 Possessing cannabis**  
2 **Section 171AA (1) and (2)**
- 3 *substitute*
- 4 (1) A person commits an offence if the person possesses not more than  
5 the personal possession limit of cannabis.  
6 Maximum penalty: 1 penalty unit.
- 7 (2) A person commits an offence if the person possesses more than the  
8 personal possession limit of cannabis.  
9 Maximum penalty: 50 penalty units, imprisonment for 2 years or  
10 both.
- 11 **6 Section 171AA (5)**
- 12 *omit*
- 13 **7 Offence notices**  
14 **Section 171A (1)**
- 15 *omit*
- 16 simple cannabis offence
- 17 *substitute*
- 18 simple drug offence
- 19 **8 Section 171A (3) (a) and (b)**
- 20 *omit*
- 21 simple cannabis offence
- 22 *substitute*
- 23 simple drug offence

- 1 **9 Section 171A (3) (f)**
- 2 *omit everything before subparagraph (i), substitute*
- 3 (f) for a simple cannabis offence—state that—
- 4 **10 Section 171A (4) to (6)**
- 5 *omit*
- 6 simple cannabis offence
- 7 *substitute*
- 8 simple drug offence
- 9 **11 Section 171A (7), new definition of *simple drug offence***
- 10 *insert*
- 11 *simple drug offence*—
- 12 (a) means an offence against either of the following:
- 13 (i) section 169 (1);
- 14 (ii) section 171 (1); and
- 15 (b) includes a simple cannabis offence.
- 16 **12 Section 171A (8)**
- 17 *omit*
- 18 simple cannabis offence
- 19 *substitute*
- 20 simple drug offence

- 1 **13 Dictionary, new definition of *personal possession limit***
- 2 *insert*
- 3 *personal possession limit*, for a substance, for part 10 (Offences)—
- 4 see section 170.

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 11 February 2021.

**2 Notification**

Notified under the [Legislation Act](#) on 2021.

**3 Republications of amended laws**

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

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