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# CONSULTATION DRAFT

(Prepared by Parliamentary Counsel's Office)

## Drugs of Dependence (Personal Use) Amendment Bill 2021

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## Drugs of Dependence (Personal Use) Amendment Bill 2021

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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:

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**1 Name of Act**

This Act is the *Drugs of Dependence (Personal Use) Amendment Act 2021*.

**2 Commencement**

This Act commences on 1 February 2022.

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

**3 Legislation amended**

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

**4 Sections 169 and 171**

*substitute*

**169 Possessing drugs of dependence**

- (1) A person commits an offence if—
- (a) the person possesses a drug of dependence; and
  - (b) the amount of the drug the person possesses is less than the personal possession limit.

Maximum penalty: 1 penalty unit.

- (2) A person commits an offence if the person possesses a drug of dependence and—
- (a) there is no personal possession limit for the drug; or
  - (b) if there is a personal possession limit for the drug—the person possesses the personal possession limit or more of the drug.

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

- (3) This section 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.

**170 Personal possession limit**

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

**Table 170**

<b>column 1 item</b>	<b>column 2 substance</b>	<b>column 3 personal possession limit</b>
1	3,4-Methylenedioxymethyl 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

- (2) In this section:

*dried cannabis* means cannabis that has been subjected to a drying process.

*harvested cannabis* means cannabis that has been harvested and—

- (a) is not dried cannabis; or
- (b) is a mixture of dried cannabis and cannabis that is not dried cannabis.

**171 Possessing prohibited substances**

- (1) A person commits an offence if—

- (a) the person possesses a prohibited substance; and
- (b) the amount of the substance the person possesses is less than the personal possession limit.

Maximum penalty: 1 penalty unit.

- (2) A person commits an offence if the person possesses a prohibited substance and—

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

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

- (3) This section 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.

- (4) In this section:  
*prohibited substance* does not include cannabis.

**5 Possessing cannabis  
Section 171AA (1) and (2)**

*substitute*

- (1) A person commits an offence if the person possesses not more than the personal possession limit of cannabis.  
Maximum penalty: 1 penalty unit.
- (2) A person commits an offence if the person possesses more than the personal possession limit of cannabis.  
Maximum penalty: 50 penalty units, imprisonment for 2 years or both.

**6 Section 171AA (5)**

*omit*

**7 Offence notices  
Section 171A (1)**

*omit*

simple cannabis offence

*substitute*

simple drug offence

**8 Section 171A (3) (a) and (b)**

*omit*

simple cannabis offence

*substitute*

simple drug offence

**9 Section 171A (3) (f)**

*omit everything before subparagraph (i), substitute*

(f) for a simple cannabis offence—state that—

**10 Section 171A (4) to (6)**

*omit*

simple cannabis offence

*substitute*

simple drug offence

**11 Section 171A (7), new definition of *simple drug offence***

*insert*

*simple drug offence*—

(a) means an offence against either of the following:

(i) section 169 (1);

(ii) section 171 (1); and

(b) includes a simple cannabis offence.



**12 Section 171A (8)**

*omit*

simple cannabis offence

*substitute*

simple drug offence

**13 Dictionary, new definition of *personal possession limit***

*insert*

***personal possession limit***, for a substance, for part 10 (Offences)—  
see section 170.

## **Endnotes**

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 2020.

**2 Notification**

Notified under the Legislation Act on 2020.

**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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