

1998
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Health and Community Care)

**Drugs of Dependence (Amendment) Bill
(No. 2) 1998**

A BILL

FOR

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

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

1. Short title

5 This Act may be cited as the *Drugs of Dependence (Amendment) Act*
(No. 2) 1998.

2. Commencement

This Act commences on the day on which it is notified in the *Gazette*.

3. Principal Act

10 In this Act, "Principal Act" means the *Drugs of Dependence Act*
1989.¹

4. Insertion

After Part X of the Principal Act the following Part is inserted:

88082 (1998/233) (T82/1998)

“PART XA—SAFE INJECTING PLACES

“173B. Declaration of places

“(1) The Minister may, by notice in the *Gazette*, declare a place to be a safe injecting place for the purposes of this Act.

5 “(2) A declaration shall not be made under subsection (1) in respect of a place unless the Minister is satisfied that the place is a hygienic environment suitable for use to facilitate—

(a) access to clean equipment to enable a person to administer a drug of dependence to himself or herself at that place; and

10 (b) the safe disposal of that equipment.

“173C. Legal immunity

“(1) No action or proceeding lies against a person who is or has been a manager or operator of, or a member of the staff at, a safe injecting place in relation to any act done or omitted to be done in good faith by that person in
15 that capacity.

“(2) Nothing in subsection (1) shall be taken to affect any liability that the Territory would, but for that subsection, have in respect of an act or omission mentioned in that subsection.

“(3) Notwithstanding subsection (2), no action or proceeding lies against
20 the Territory in relation to the death of, or an injury sustained by, any person arising out of the person having administered a drug of dependence to himself or herself at a safe injecting place.

“(4) In this section—

25 ‘safe injecting place’ means a place declared under subsection 173B (1) to be a safe injecting place.”.

NOTE

Principal Act

1. Reprinted as at 30 November 1996. See also Acts Nos. 41, 70, 75, 96 and 127, 1997; No. #, 1998.

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