



Australian Capital Territory

Drugs of Dependence Amendment Act 2002

2002 No 12

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Australian Capital Territory

Drugs of Dependence Amendment Act 2002

2002 No 12

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

*Notified under the Legislation Act 2001 on 23 May 2002
(see www.legislation.act.gov.au)*

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

1 Name of Act

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

2 Commencement

This Act commences on the day after its notification day.

3 Act amended

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

4 Section 58

substitute

58 Prescribing drugs of dependence

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

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

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

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

- (a) a drug dependent person in relation to any drug of dependence or prohibited substance; or
- (b) a person who has used a drug of dependence continuously for longer than 2 months, or for periods that, taken together, are longer than 2 months.

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

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

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

omit

under this division shall

substitute

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

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

omit everything before paragraph (a)

substitute

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

7 New section 75A

insert

75A Validation of chief health officer's approvals

- (1) An approval by the chief health officer for a doctor to prescribe a drug of dependence given before the commencement of this section is not invalid only because of a failure to comply with this division.
- (2) This section expires on the day it commences.

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

8 Conversion of fines to penalty units

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

Schedule 1 Conversion of fines to penalty units

(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

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

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

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.

Penalty units

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

[Presentation speech made in Assembly on 7 March 2002]

I certify that the above is a true copy of the Drugs of Dependence Amendment Bill 2002 which was passed by the Legislative Assembly on 14 May 2002.

Clerk of the Legislative Assembly

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