2021

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Michael Pettersson)

Drugs of Dependence (Personal Use) Amendment Bill 2021

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Drugs of Dependence (Personal Use) Amendment Bill 2021

A Bill for

An Act to amend the [Drugs of Dependence Act 1989](http://www.legislation.act.gov.au/a/alt_a1989-11co%22%20%5Co%20%22A1989-11)

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

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](http://www.legislation.act.gov.au/a/2001-14), s 75 (1)).

3 Legislation amended

This Act amends the [Drugs of Dependence Act 1989](http://www.legislation.act.gov.au/a/alt_a1989-11co).

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](http://www.legislation.act.gov.au/a/2008-26), 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

| column 1item | column 2substance | column 3personal possession limit |
| --- | --- | --- |
| 1  | 3,4-Methylenedioxymethylamphetamine (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](http://www.legislation.act.gov.au/a/2008-26), 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 11 February 2021.

2 Notification

 Notified under the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14) 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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