

CLAUSE NOTES

Misuse of Drugs Amendment (Drug Analysis) Bill 2018

Clause 1: Short Title

The Short title will be the *Misuse of Drugs Amendment (Drug Analysis) Act 2018*.

Clause 2: Commencement

The Amendment Act will commence on the day on which it receives Royal Assent.

Clause 3: Principal Act

The Principal Act to which the amendments in this Act apply is the *Misuse of Drugs Act 2001*.

Clause 4: Part 4A Inserted

Inserts a new Part 4A into the Principal Act to establish a legal framework for lawful drug analysis (pill testing) containing the following sections:

38J. Objects of Part

Establishes the objects of the new Part 4A as

- to reduce injury, fatality and harm associated with the use of a controlled drug;
- to provide a framework for the lawful administration and use of drug analysis services; and
- to provide for robust, evidence-based standards ensuring the delivery of safe, high quality drug analysis services.

38K. Interpretation

Establishes definitions for the purposes of the new Part 4A.

38L. Drug Analysis Advisory Committee established

This section establishes a Drug Analysis Advisory Committee and provides for the committee's functions and powers. This section is modelled closely on similar legislative provisions establishing advisory committees.

This section also provides for the Advisory Committee to approve and revoke approval for analysis technologies for the purposes of drug analysis.

38M. Advisory Committee membership and meetings

This section sets out provisions in relation to the membership and meetings of the Advisory Committee. This section is modelled closely on similar legislative provisions in relation to advisory committee membership and meetings.

38N. Offences non-applicable for drug analysis

This section sets out the circumstances in which a person is not liable for offences under the Principal Act.

This section provides that a person has not committed an offence under the act if their conduct was necessary or reasonable for the purposes of procuring or delivering a drug analysis service. In the case of a person procuring services, they are still liable for offences if they possess a trafficable quantity of a controlled substance.

38O. Permit for drug analysis operation

This section sets out the process for applying for a permit to conduct a fixed-term drug analysis operation (for example, the delivery of a drug analysis service at an event or festival). Eligibility and permit conditions will be set in regulations.

This section also provides for penalties for breaching a permit condition, the revocation of a permit, and disqualification from delivering drug analysis services.

38P. Licencing a drug analysis service

This section sets out the process for applying for a licence to conduct an ongoing drug analysis service. Eligibility and licence conditions will be set in regulations.

This section also provides for penalties for breaching a permit condition, the revocation of a permit, and disqualification from delivering drug analysis services.

Clause 5: Repeal of Act

The Amendment Act will be repealed 365 days from the day on which all provisions commence.