

Serial 55
Misuse of Drugs Amendment Bill 2013
Mr Elferink

A Bill for an Act to amend the *Misuse of Drugs Act*

NORTHERN TERRITORY OF AUSTRALIA
MISUSE OF DRUGS AMENDMENT ACT 2013

Act No. [] of 2013

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NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2013

An Act to amend the *Misuse of Drugs Act*

[Assented to [] 2013]
[Second reading [] 2013]

The Legislative Assembly of the Northern Territory enacts as follows:

1 Short title

This Act may be cited as the *Misuse of Drugs Amendment Act 2013*.

2 Commencement

This Act commences on the day fixed by the Administrator by *Gazette* notice.

3 Act amended

This Act amends the *Misuse of Drugs Act*.

4 Section 5 amended

(1) Section 5(2)(a)(iv)

omit

to a person

(2) Section 5(3)

omit, insert

(3) In a prosecution for an offence against subsection (2), a statement in the complaint or information that the place at which the alleged supply occurred, or was to occur, was at the relevant time an indigenous community, is evidence of the matters stated.

5 Section 37 amended

(1) Section 37(1), definition **aggravating circumstance**, paragraph (c)

omit

pool.

insert

pool; or

(2) Section 37(1), definition **aggravating circumstance**, after paragraph (c)

insert

(d) an offence against section 5 that was committed in an indigenous community.

(3) Section 37(1), definition **aggravating circumstance**, paragraphs (a) and (aa), at the end

insert

or

6 Section 43 amended

After section 43(2)(a)

insert

(aa) amend Schedules 1 and 2 to this Act by omitting a substance or plant (including part of a plant) from Schedule 2 and inserting that substance or plant in Schedule 1 and specifying the relevant traffickable quantity and commercial quantity in respect of that substance or plant;

7 Section 46 inserted

Before Schedule 1

insert

46 Transitional provision for Misuse of Drugs Amendment Act 2013

- (1) This Act, as amended by the *Misuse of Drugs Amendment Act 2013*, applies only in relation to offences committed after the commencement of this section (**commencement**).
- (2) This Act, as in force before commencement, continues to apply in relation to offences committed before commencement.
- (3) For this section:
 - (a) an offence is taken to have been committed after commencement only if all of the conduct constituting the offence occurred after commencement; and
 - (b) any other offence is taken to have been committed before commencement.

8 Schedule 2 replaced

Schedule 2

repeal, insert

Schedule 2 Dangerous drugs

section 3

COLUMN 1	COLUMN 2	COLUMN 3
Dangerous drug or prohibited plant	Traffickable quantity	Commercial quantity
Acetorphine	2.00 g	100.00 g
Acetyl-a-methylfentanyl	0.005 g	0.25 g

Acetyldihydrocodeine, except when compounded with one or more other medicaments:	2.00 g	100.00 g
(a) in divided preparations containing not more than 100 mg of acetyldihydrocodeine per dosage unit; or		
(b) in undivided preparations with a concentration of not more than 2.5% of acetyldihydrocodeine		
Acetylmethadol	2.00 g	100.00 g
Acetylmorphines	2.00 g	100.00 g
Adamantoylindoles	50.0 g	500.00 g
Adamantylamidindazoles	50.0 g	500.00 g
Adamantylamidindoles	50.0 g	500.00 g
Alfentanil	0.005 g	0.25 g
Alkoxyamphetamines and bromo-substituted alkoxyamphetamines, except where separately specified in this Schedule	0.50 g	25.00 g
Alkoxyphenethylamines and alkyl-substituted alkoxyphenethylamines, except where separately specified in this Schedule	0.50 g	25.00 g
Alkythioamphetamines	0.50 g	25.00 g
Allylprodine	2.00 g	100.00 g
Alphacetylmethadol	10.00 g	500.00 g
Alphameprodine	0.20 g	10.00 g
Alphamethadol	0.20 g	10.00 g
Alphaprodine	25.00 g	1.25 kg
2-Amino-1-(2,5-dimethoxy-4-methyl)phenylpropane (STP, DOM)	0.50 g	10.00 g
Amphetamine	2.00 g	100.00 g
Amylobarbitone	20.00 g	1.00 kg
Anileridine	25.00 g	1.25 kg
Benzethidine	10.00 g	500.00 g
Benzoylindoles	50.0 g	500.00 g

Benzylmorphine	5.00 g	250.00 g
Benzylpiperazine	2.00 g	100.00 g
Betacetylmethadol	5.00 g	250.00 g
Betameprodine	5.00 g	250.00 g
Betamethadol	5.00 g	250.00 g
Betaprodine	5.00 g	250.00 g
Bezitramide	5.00 g	250.00 g
Bromo-dimethoxyamphetamine	0.05 g	2.50 g
Bromo-dimethoxyphenethylamine	0.50 g	25.00 g
2-(4-bromo-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine (25B-NBOMe)	0.50 g	25.00 g
Bromo-methoxyamphetamine	0.50 g	25.00 g
Bufotenine	2.00 g	100.00 g
Butobarbitone	20.00 g	1.00 kg
Butorphanol	2.00 g	100.00 g
Cannabis oil	1.00 g	25.00 g
Cannabis plant	not less than 5 nor more than 19 plants	not less than 20 plants
Cannabis plant material (being any part of the Cannabis plant, including the flowering or fruiting tops, leaves, stalks and seeds)	50.00 g	500.00 g
Cannabis resin	10.00 g	100.00 g
Cannabis seed	10.00 g	100.00 g
Cathinone	2.00 g	100.00 g
2-(4-chloro-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine (25C-NBOMe)	0.50 g	25.00 g
Clonitazene	5.00 g	250.00 g
Coca Leaf	250.00 g	5.00 kg

Codeine except when compounded with one or more other medicaments:	10.00 g	500.00 g
(a) in divided preparations containing 30 mg or less of codeine per dosage unit; or		
(b) in undivided preparations containing 1% or less of codeine		
Codeine-N-oxide	10.00 g	500.00 g
Codoxime	10.00 g	500.00 g
Concentrate of Poppy Straw (the material arising when poppy straw has entered into a process for concentration of its alkaloids)	250.00 g	5.00 kg
4-Cyano-2-dimethylamino-4,4-diphenylbutane (Methadone intermediate)	2.00 g	100.00 g
4-Cyano-1-methyl-4-phenylpiperidine (Pethidine intermediate A)	10.00 g	500.00 g
Cyclobarbitone	20.00 g	1.00 kg
1-Cyclohexylethyl-3-(2-methoxyphenylacetyl)indole *(RCS-8)	50.00 g	500.00 g
Cyclohexylphenols	50.0 g	500.00 g
Cyclopropanoylindoles	50.0 g	500.00 g
Desomorphine	2.00 g	100.00 g
Dextromoramide	2.00 g	100.00 g
Dextropropoxyphene, except when:	27.00 g	1.35 kg
(a) in divided preparations containing 135 mg or less of dextropropoxyphene per dosage unit; or		
(b) in liquid preparations containing 2.5% or less of dextropropoxyphene		
Diampromide	5.00 g	250.00 g
Diethylthiambutene	5.00 g	250.00 g
N,N-Diethyltryptamine (DET)	2.00 g	100.00 g

Difenoxin, except in preparations containing, per dosage unit. 0.5 mg or less of difenoxin and a quantity of atropine sulphate equivalent to at least 5% of the dose of difenoxin	2.00 g	100.00 g
Dihydrocodeine, except when compounded with one or more other medicaments:	10.00 g	500.00 g
(a) in divided preparations containing not more than 100 mg of dihydrocodeine per dosage unit; or		
(b) in undivided preparations with a concentration of not more than 2.5% of dihydrocodeine		
Dihydromorphine	10.00 g	500.00 g
Dimenoxadol	10.00 g	500.00 g
Dimepheptanol	10.00 g	500.00 g
Dimethoxyamphetamine	0.50 g	25.00 g
Dimethoxyethoxyamphetamine	0.50 g	25.00 g
Dimethoxyethylamphetamine	0.50 g	25.00 g
Dimethoxymethamphetamine	0.50 g	25.00 g
Dimethoxymethylenedioxyamphetamine	0.50 g	25.00 g
Dimethoxyphenethylamine	0.50 g	25.00 g
3-(2-Dimethylaminoethyl)-4-hydroxyindole (Psilocine, Psilocin)	0.10 g	5.00 g
3-(1,2-Dimethylheptyl)-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo (b,d)pyran (DMHP)	2.00 g	100.00 g
Dimethylthiambutene	20.00 g	1.00 kg
N,N,-Dimethyltryptamine (DMT)	2.00 g	100.00 g
Dioxaphetyl Butyrate	2.00 g	100.00 g
Diphenoxylate, except in preparations containing, per dosage unit, 2.5 mg or less of diphenoxylate and a quantity of atropine sulphate equivalent to at least 1% of the dose of diphenoxylate	2.00 g	100.00 g
Dipipanone	10.00 g	500.00 g
Drotebanol	2.00 g	100.00 g

Ecgonine	10.00 g	1.00 kg
Ethylamphetamine	2.00 g	100.00 g
4,5-Ethylenedioxy-3-methoxyamphetamine	0.50 g	25.00 g
Ethylmethylthiambutene	10.00 g	500.00 g
Ethylmorphine, except when compounded with one or more other medicaments:	2.00 g	100.00 g
(a) in divided preparations containing not more than 100 mg of ethylmorphine per dosage unit; or		
(b) in undivided preparations with a concentration of not more than 2.5% of ethylmorphine		
Eticyclidine (PCE)	2.00 g	100.00 g
Etonitazene	5.00 g	250.00 g
Etorphine	5.00 g	250.00 g
Etoxeridine	5.00 g	250.00 g
Fenetylline	2.00 g	100.00 g
Fentanyl	0.005 g	0.25 g
Fluorofentanyl	0.005 g	0.25 g
(1-(5-fluoropentyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl) methanone *(XLR11)	50.0 g	500.00 g
1-(5-Fluoropentyl)-3-(2-iodobenzoyl)indole *(AM-694)	50.00 g	500.00 g
1-(5-Fluoropentyl)-3-(1-naphthoyl)indole *(AM-2201)	50.00 g	500.00 g
Furethidine	1.00 g	50.00 g
Harmaline	2.00 g	100.00 g
Harmine	2.00 g	100.00 g
3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo(b,d)pyran (Parahexyl)	2.00 g	100.00 g
1-Hexyl-3-(1-naphthoyl)indole *(JWH-019)	50.00 g	500.00 g

Hydrocodone	2.00 g	100.00 g
Hydromorphinol	2.00 g	100.00 g
Hydromorphone	2.00 g	100.00 g
2-[(1R,3S)-3-Hydroxycyclohexyl]-5-(2-methylnonan-2-yl)phenol *(Cannabicyclohexanol or CP 47,497 C8 homologue)	50.00 g	500.00 g
2-[(1R,3S)-3-Hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol *(CP 47,497)	50.00 g	500.00 g
Hydroxyfentanyl	0.005 g	0.25 g
9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6A,7,10,10A-tetrahydrobenzo[c]chromen-1-ol *(HU-210)	50.00 g	500.00 g
Hydroxymethylfentanyl	0.005 g	0.25 g
Hydroxypethidine	5.00 g	250.00 g
4-Hydroxybutanoic acid	2.00 g	100.00 g
2-(4-iodo-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine (25I-NBOMe)	0.50 g	25.00 g
Isomethadone	2.00 g	100.00 g
Ketobemidone	2.00 g	100.00 g
Ketamine	0.002 g	0.10 g
Khat leaf	250.00 g	5.00 kg
Levomethorphan	2.00 g	100.00 g
Levomoramide	2.00 g	100.00 g
Levophenacylmorphan	2.00 g	100.00 g
Levorphanol	1.00 g	50.00 g
Mecloqualone	60.00 g	3.00 kg
Metazocine	7.00 g	350.00 g
Methadone	2.00 g	100.00 g
Methaqualone	50.00 g	2.50 kg
Methcathinone	2.00 g	100.00 g

Methoxyethylenedioxyamphetamine	0.50 g	25.00 g
Methoxyethylenedioxyphenylethylamine	0.50 g	25.00 g
Methoxyamphetamine	0.50 g	25.00 g
Methoxymethylenedioxyamphetamine (MMDA)	0.50 g	25.00 g
Methoxymethylenedioxyphenethylamine	0.50 g	25.00 g
4-Methoxyphenyl(1butyl-1h-indol-3-yl)-methanone *(RCS-4 (C4))	50.00 g	500.00 g
2-(4-Methoxyphenyl)-1-(1-pentyl-1h-indol-3-yl)-ethanone *(JWH-201)	50.0 g	500.00 g
2-(2-Methoxyphenyl)-1-(1-pentylindol-3-yl)ethanone *(JWH-250)	50.00 g	500.00 g
2-(3-Methoxyphenyl)-1-(1-pentylindol-3-yl)ethanone *(JWH-302)	50.0 g	500.00 g
Methoxyphenylethylamine	0.50 g	25.00 g
Methylenedioxyamphetamine (MDA);	0.50 g	25.00 g
Methylenedioxyethylamphetamine (MDEA)	0.50 g	25.00 g
2-Methyl-3-morpholino-1,1-diphenylpropane Carboxylic Acid (Moramide intermediate)	8.00 g	400.00 g
1-Methyl-4-phenylpiperidine-4-carboxylic acid (Pethidine intermediate C)	10.00 g	500.00 g
1-Methyl-4-phenyl-4-propionoxypiperidine (MPPP)	2.00 g	100.00 g
Methyl-desorphine	2.00 g	100.00 g
Methyldihydromorphine	2.00 g	100.00 g
Methylenedioxymethamphetamine (MDMA)	0.50 g	25.00 g
Methylfentanyl	0.005 g	0.25 g
Methylphenidate	2.00 g	100.00 g
Methylthiofentanyl	0.005 g	0.25 g
Metopon	2.00 g	100.00 g
Morpheridine	2.00 g	100.00 g
Morphine	2.00 g	100.00 g
Morphine Methobromide	2.00 g	100.00 g
Morphine-N-oxide	2.00 g	100.00 g

(1-(2-Morpholin-4-ylethyl)indol-3-yl)-naphthalen-1-ylmethanone *(JWH-200)	50.00 g	500.00 g
Muscimol	2.00 g	100.00 g
Myrophine	20.00 g	1.00 kg
N-adamantyl-1-fluoropentylindole-3-Carboxamide *(STS-135)	50.0 g	500.00 g
N-(1-adamantyl)-1-pentyl-1H-indazole-3-carboxamide *(AKB48)	50.0 g	500.00 g
1-[(N-methylpiperidin-2-yl)methyl]-3-(adamant-1-oyl) indole *(AM-1248)	50.0 g	500.00 g
Nabilone	0.40 g	20.00 g
Naphthalen-1-yl-(1-butylyndol-3-yl)methanone *(JWH-073)	50.00 g	500.00 g
Naphthoylindoles	50.0 g	500.00 g
Naphthoylpyrroles	50.0 g	500.00 g
Naphthylmethylindenes	50.0 g	500.00 g
Naphthylmethylindoles	50.0 g	500.00 g
Nicocodine, except when compounded with one or more other medicaments: in divided preparations containing not more than 100 mg of nicocodine per dosage unit; or in undivided preparations with a concentration of not more than 2.5% of nicocodine	2.00 g	100.00 g
Nicodicodine, except when compounded with one or more other medicaments:	2.00 g	100.00 g
(a) in divided preparations containing not more than 100 mg of nicodicodine per dosage unit; or		
(b) in undivided preparations with a concentration of not more than 2.5% of nicodicodine		
Nicomorphine	2.00 g	100.00 g
Noracylmethadol	2.00 g	100.00 g

Norcodeine, except when compounded with one or more other medicaments:	2.00 g	100.00 g
(a) in divided preparations containing not more than 100 mg of norcodeine per dosage unit; or		
(b) in undivided preparations with a concentration of not more than 2.5% of norcodeine		
Norlevorphanol	2.00 g	100.00 g
Normethadone	5.00 g	250.00 g
Normorphine	20.00 g	1.00 kg
Norpipanone	10.00 g	500.00 g
Opium in any form, except the alkaloids noscapine and papaverine	20.00 g	100.00 g
Oxycodone	5.00 g	250.00 g
Oxymorphone	2.00 g	100.00 g
Parahexyl	—	—
Pentazocine	20.00 g	1.00 kg
Pentobarbitone	20.00 g	1.00 kg
1-Pentyl-3-(4-chloro-1-naphthoyl)indole *(JWH-398)	50.00 g	500.00 g
1-Pentyl-3-(2-chlorophenylacetyl)indole *(JWH-203)	50.0 g	500.00 g
1-Pentyl-3-(4-ethyl-1-naphthoyl)indole *(JWH-210)	50.0 g	500.00 g
1-Pentyl-1h-indol-3-yl-(1-naphthoyl)menthane *(JWH-175)	50.00 g	500.00 g
1-Pentyl-3-[(4-methoxy)-benzoyl]indole *(RCS-4)	50.00 g	500.00 g
1-Pentyl-3-(4-methoxynaphthoyl)indole *(JWH-081)	50.00 g	500.00 g
1-Pentyl-3-(4-methyl-1-naphthoyl)indole *(JWH-122)	50.00 g	500.00 g
1-Pentyl-3-(1-naphthoyl)indole *(JWH-018)	50.00 g	500.00 g

(1-pentylindol-3-yl)-(2,2,3,3-tetramethylcyclopropyl)methanone *(UR144)	50.0 g	500.00 g
Pethidine	10.00 g	500.00 g
Phenadoxone	10.00 g	500.00 g
Phenampramide	10.00 g	500.00 g
Phenazocine	1.00 g	50.00 g
Phendimetrazine	5.00 g	250.00 g
Phenmetrazine	5.00 g	250.00 g
Phenomorphane	5.00 g	250.00 g
Phenoperidine	1.00 g	50.00 g
Phenylacetylindoles	50.0 g	500.00 g
1-Phenylethyl-4-phenyl-4-acetoxypiperidine (PEPAP)	2.00 g	100.00 g
4-Phenylpiperidine-4-carboxylic Acid Ethyl Ester (Pethidine intermediate B)	10.00 g	500.00 g
Pholcodine, except when compounded with one or more other medicaments:	5.00 g	250.00 g
(a) in divided preparations containing not more than 100 mg of pholcodine per dosage unit; or		
(b) in undivided preparations with a concentration of not more than 2.5% of pholcodine		
Piminodine	10.00 g	500.00 g
Piritramide	1.00 g	50.00 g
Pravadoline *(WIN 48098)	50.00 g	500.00 g
Proheptazine	1.00 g	50.00 g
Prohibited plant, other than elsewhere described in this Schedule	not less than 5 nor more than 19 plants	not less than 20 plants
Properidine	25.00 g	1.25 kg
Propiram	10.00 g	500.00 g
1-Propyl-2-methyl-3-(1-naphthoyl)indole *(JWH-015)	50.0 g	500.00 g
Psilocybin and its derivatives	0.10 g	5.00 g
Quinalbarbitone	20.00 g	1.00 kg

Racemethorphan	2.00 g	100.00 g
Racemoramide	2.00 g	100.00 g
Racemorphan	2.00 g	100.00 g
Rolicyclidine (PHP, PCPY)	2.00 g	100.00 g
Salvia Divinorum, including extracts and other substances structurally derived from Salvia Divinorum	7.50 g	375.00 g
Secbutobarbitone	20.00 g	1.00 kg
Sufentanil	0.005 g	0.25 g
Tenocyclidine (TCP)	2.00 g	100.00 g
Tetrahydrocannabinols and their alkyl homologues except:		
(a) when separately specified in this Schedule;		
(b) in hemp seed oil, containing 50 mg/kg or less of tetrahydrocannabinols, when labelled "Not for internal use" or "Not to be taken"; or		
(c) in products for purposes other than internal human use containing 50 mg/kg or less of tetrahydrocannabinols.		
Tetramethoxyamphetamine	0.50 g	25.00 g
Thebacon	2.00 g	100.00 g
Thebaine	2.00 g	100.00 g
Thiofentanyl	0.005 g	0.25 g
Tilidine	20.00 g	1.00 kg
Trifluoromethylphenylpiperazine and other piperazine derivatives	2.00 g	100.00 g
Trimeperidine	10.00 g	500.00 g
Trimethoxyamphetamine	0.50 g	25.00 g

Trimethoxyphenethylamine (mescaline) and other substances structurally derived from methoxy-phenylethylamine, except:	7.50 g	375.00 g
(a) methoxyphenamine; or		
(b) where separately specified in this Schedule		
Trimethoxyphenyl-aminobutane	0.50 g	25.00 g
Anabolic Steroids:		
Danazol	10.00 g	500.00 g
Dromostanolone propionate	12.00 g	600.00 g
Ethylestrenol	10.00 g	500.00 g
Fluoxymesterone	12.00 g	600.00 g
Methandriol	32.00 g	1.60 kg
Methyltestosterone	48.00 g	2.40 kg
Nandrolone decanoate	6.00 g	300.00 g
Nandrolone phenpropionate	8.00 g	400.00 g
Oxandrolone	12.00 g	600.00 g
Oxymetholone	300.00 g	15.00 kg
Stanozolol	7.20 g	360.00 g
Testolactone	1.20 kg	6.00 kg
Testosterone	2.40 g	120.00 g
Testosterone cypionate	32.00 g	1.60 kg
Testosterone enanthate	32.00 g	1.60 kg
Testosterone propionate except anabolic steroids in products packaged for ovulation control or in quantities which can lawfully be prescribed in accordance with Schedule 4 of the <i>Poisons and Dangerous Drugs Act</i>	12.00 g	600.00 g

9 Expiry of Act

This Act expires on the day after it commences.