

# Drugs Misuse Amendment Regulation 2018

Explanatory notes for SL 2018 No. 50

Made under the

*Drugs Misuse Act 1986*

## General Outline

### Short Title

*Drugs Misuse Amendment Regulation 2018*

### Authorising law

Section 134 of the *Drugs Misuse Act 1986*

## Policy objectives and the reasons for them

### Recognising new dangerous drugs

In recent years there has been an emergence of new designer drugs and chemicals that have pharmacological effects akin to established illicit drugs, such as cannabis, cocaine and ecstasy. These can collectively be called New Psychoactive Substances (NPS). NPS have been linked to a number of recent significant health issues and deaths. In recognition of this evolving illicit drug market the *Drugs Misuse Amendment Regulation 2018* (the Regulation) identifies a further 104 new substances as dangerous drugs to ensure that the unlawful possession, supply, production and trafficking in these substances is prohibited.

### Prescribing an amount of 3,4-Methylenedioxyamphetamine (MDA)

The offences of possessing dangerous drugs and producing dangerous drugs in Part 2 of the *Drugs Misuse Act 1986* have a tiered regime of maximum penalties which depend upon the amount (pure weight) of drug that is possessed or produced.

Schedules 3 and 4 of the *Drugs Misuse Regulation 1987* provide specific amounts for some dangerous drugs. A number of dangerous drugs, including 3,4-Methylenedioxyamphetamine (MDA), have no pure amounts prescribed for them.

MDA is closely related to other dangerous drugs 3,4-Methylenedioxymethamphetamine (MDMA); Paramethoxyamphetamine (PMA); Paramethoxymethamphetamine (PMMA) and 3,4-Methylenedioxyethylamphetamine (MDEA). These drugs are all phenethylamines which have a chemical structure similar to that of amphetamine. With the exception of

MDA, all other scheduled phenethylamines have an amount of 2.0g prescribed in schedule 3.

Consistent with the treatment of other phenethylamines, the Regulation prescribes an amount of 2.0g for MDA in Schedule 3 of the *Drugs Misuse Regulation 1987*. This ensures that offenders convicted of possessing or producing MDA in amounts over 2.0g will be subject to increased maximum penalties.

## **Achievement of policy objectives**

The policy objectives are achieved by amending the *Drugs Misuse Regulation 1987* to insert:

- 104 new drugs in schedule 2; and
- an amount of 2.0g of the drug: 3,4-Methylenedioxyamphetamine (MDA) in schedule 3.

## **Consistency with policy objectives of authorising law**

The purpose of the *Drugs Misuse Act 1986* is to consolidate the law relating to the misuse of drugs and to make further provision for the prevention of the misuse of drugs.

The Regulation is therefore consistent with the objectives of the *Drugs Misuse Act 1986*.

## **Inconsistency with policy objectives of other legislation**

The Regulation is not inconsistent with the policy objectives of other legislation.

## **Benefits and costs of implementation**

There are no implementation costs expected for the Regulation.

## **Consistency with fundamental legislative principles**

The Regulation is consistent with fundamental legislative principles.

## **Consultation**

No consultation external to Government has been undertaken.

The Department of Justice and Attorney-General has self-assessed the *Drugs Misuse Amendment Regulation 2018* and considers that it falls within the Queensland Government Guide to Better Regulation exclusion category (j) in that the legislative proposal relates to general criminal laws. Therefore further regulatory impact assessment is not required.