

Drugs Misuse Amendment Regulation (No. 2) 2018

Explanatory notes for SL 2018 No. 169

Made under the

Drugs Misuse Act 1986

General Outline

Short Title

Drugs Misuse Amendment Regulation (No.2) 2018

Authorising law

Section 134 of the *Drugs Misuse Act 1986*

Policy objectives and the reasons for them

Clandestine laboratories utilise certain precursor chemicals and equipment in the production of illicit amphetamine-type stimulants. The *Drugs Misuse Act 1986* and the *Drugs Misuse Regulation 1987* make provision for the control of certain precursor chemicals and equipment items with a view to preventing such illicit diversion.

Schedule 6 of the *Drugs Misuse Regulation 1987* currently lists 77 precursor chemicals as controlled substances. Additionally, schedule 8B of the *Drugs Misuse Regulation 1987* lists seven items of equipment, for example glassware, capable of being used to produce illicit drugs.

Informed by new developments and trends in illicit drug-making, the objective of the *Drugs Misuse Amendment Regulation (No. 2) 2018* (the Regulation) is to ensure that a further 27 precursor substances and four equipment items are subject to regulation under the end user declaration system in Part 5A of the *Drugs Misuse Act 1986*.

The end user declaration system requires that the supply of controlled substances or controlled things to another person in the ordinary course of a person's business are recorded in a register maintained by the business and that copies of identification documentation are obtained from the person purchasing the controlled substances/things. This information is supplied to the Queensland Police Service for monitoring purposes.

Transactions involving these substances or items is also unlawful in certain circumstances and will expose a person to criminal offence provisions in sections 9A-9D in Part 2 of the *Drugs Misuse Act 1986*.

Achievement of policy objectives

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

- 27 new chemicals to schedules 6 and 8A; and
- four new equipment items to schedule 8B.

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 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

Implementation of the Regulation will assist law enforcement officers in monitoring the supply of the listed substances and things to persons involved in illicit drug production.

It is expected that there will be minimal cost to government for implementation of the Regulation. Any costs will be met from existing resources.

The cost of implementation to industry is addressed below in the discussion on consultation.

Consistency with fundamental legislative principles

The Regulation is consistent with fundamental legislative principles.

Consultation

Consultation was undertaken with 21 industry stakeholders via the electronic circulation of a questionnaire about the possible impacts of the proposed amendments. A total of eight industry stakeholders and two industry peak bodies responded to the questionnaires. The majority of responses did not identify issues with the proposed amendments. One stakeholder identified that compliance with the Regulation would encompass significant cost to update their systems to ensure that they are compliant with the requirements of the end user declaration system.

The Queensland Productivity Commission was consulted, and after consideration of the results of stakeholder consultation and a Preliminary Impact Assessment, considered that the material compliance costs (and benefits) have been considered in detail and the proposed amendments would not benefit from further regulatory impact analysis under the *Queensland Government Guide to Better Regulation*.