

Introduced by Mr A A Tink, MP

First print



New South Wales

Drug Misuse and Trafficking Amendment (Regular Drug Dealings) Bill 1997

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The Final Report of the Police Royal Commission mentions (at paragraphs 2.31 to 2.33) that regular drug dealers who are obviously engaging in commercial supply minimise their criminality by supplying drugs in amounts less than the indictable or commercial quantity.

In light of that Report, this Bill proposes to introduce higher penalties for drug dealers who are caught 3 or more times for dealing in quantities smaller than the indictable quantity (eg the indictable quantity in the case of heroin is 5 grams). The new section to be inserted in the *Drug Misuse and Trafficking Act 1985* will provide that if a person is convicted on a third or any subsequent occasion for supplying drugs in quantities less than the indictable quantity, the maximum penalty on that occasion will be 15 years imprisonment or a fine of 2,000 penalty units (currently \$220,000), or both, if the total amount of the drugs supplied by the person in committing those offences is equal to or more than the indictable quantity.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides that the proposed Act will commence 3 months after the date of assent, unless commenced sooner by proclamation.

Clause 3 amends the *Drug Misuse and Trafficking Act 1985* as described in the above overview.

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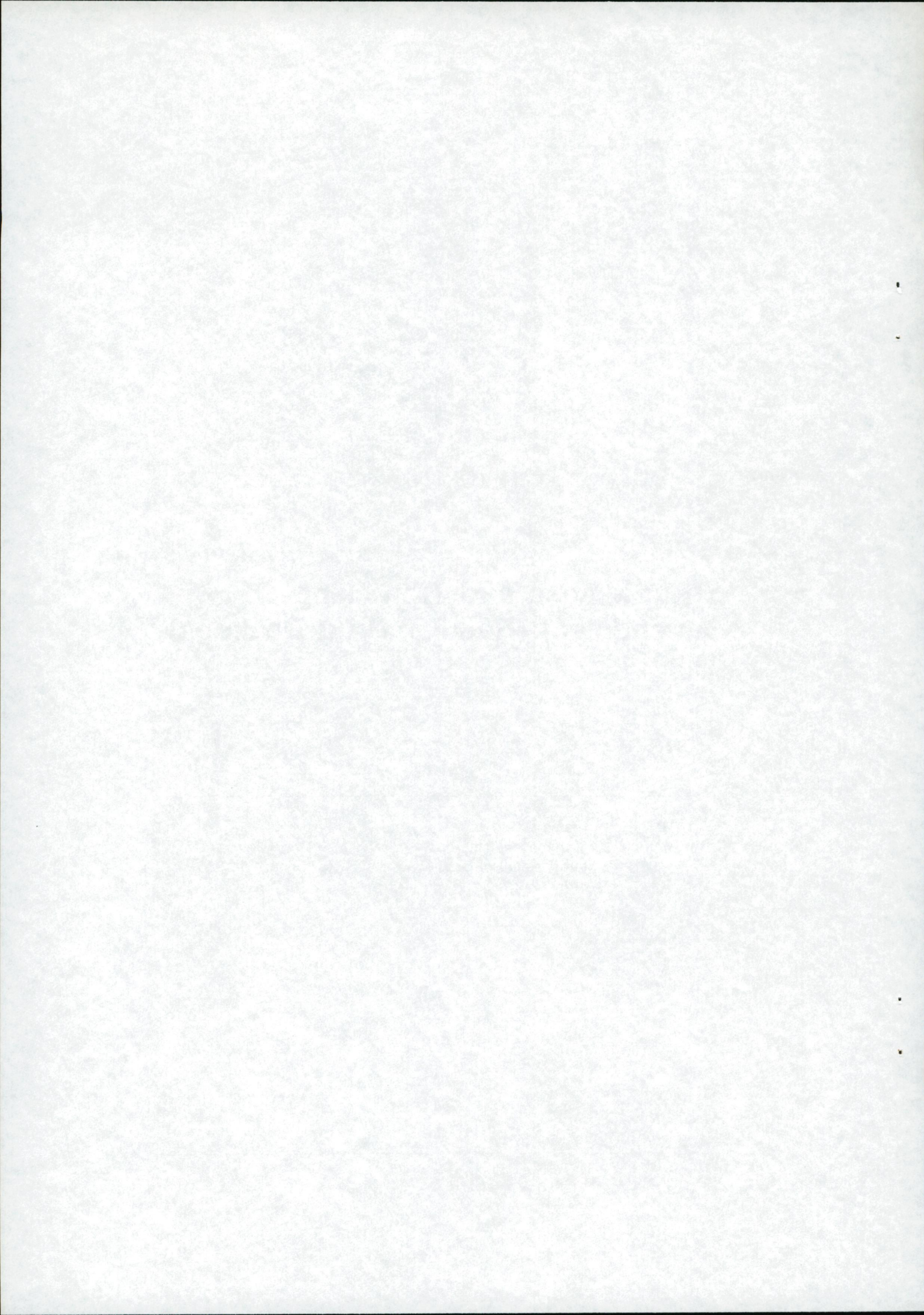


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New South Wales

Drug Misuse and Trafficking Amendment (Regular Drug Dealings) Bill 1997

No. , 1997

A Bill for

An Act to amend the *Drug Misuse and Trafficking Act 1985* with respect to the regular supplying of drugs.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Drug Misuse and Trafficking Amendment (Regular Drug Dealings) Act 1997*.

2 Commencement

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This Act commences 3 months after the date of assent, unless commenced sooner by proclamation.

3 Amendment of Drug Misuse and Trafficking Act 1985 No 226

The *Drug Misuse and Trafficking Act 1985* is amended by inserting after section 33AA the following section:

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33AB Penalty for multiple offences involving supply of drugs

(1) If:

- (a) a person is, on a third or any subsequent occasion, convicted of an offence under this Act which involves supplying any prohibited drug or prohibited plant at an amount less than the indictable quantity applicable to the prohibited drug or prohibited plant concerned, and 15
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- (b) the total amount supplied by the person in the course of committing all those offences is equal to or more than the indictable quantity applicable to the prohibited drug or prohibited plant concerned (but is less than the applicable commercial quantity or large commercial quantity), 25

the penalty for that third offence, and for any such subsequent offence, is a fine of 2,000 penalty units or imprisonment for a term of 15 years, or both. 30

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- (2) This section extends to convictions recorded before the commencement of this section so long as the act which constitutes the offence resulting in the third or subsequent conviction occurs after that commencement.
- (3) This section has effect despite any other provision of this Act.

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