

Introduced by Mr A A Tink, MP

First print



New South Wales

# Young Offenders Amendment Bill 2000

## Explanatory note

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

### Overview of Bill

The object of this Bill is to amend the *Young Offenders Act 1997* so as to restrict the offences relating to drugs for which young persons may be dealt with under that Act.

## Outline of provisions

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

**Clause 2** provides for the commencement of the proposed Act on the date of assent.

**Clause 3** is a formal provision giving effect to the amendments to the *Young Offenders Act 1997* set out in Schedule 1.

### Schedule 1 Amendments

Currently, the *Young Offenders Act 1997* contains a diversionary scheme for dealing with young offenders consisting of warnings, cautions and conferencing. Offences to which this scheme applies include summary offences, and certain indictable offences, relating to drugs under the *Drug Misuse and Trafficking Act 1985*, if the quantity of drugs involved is a small quantity within the meaning of that Act. The proposed Act excludes such drug offences from the scheme established under the Principal Act except where the quantity of prohibited drugs or prohibited plants involved is not more than the relevant quantity (which is to be 20% of the quantity that is a small quantity within the meaning of the *Drug Misuse and Trafficking Act 1985*).

**Schedule 1 [1]** prevents the Principal Act from applying to summary drug offences under the *Drug Misuse and Trafficking Act 1985*, if the quantity of the drug involved is more than the relevant quantity.

**Schedule 1 [2]** prevents the Principal Act from applying to certain indictable drug offences under the *Drug Misuse and Trafficking Act 1985*, if the quantity of the drug involved is more than the relevant quantity.

**Schedule 1 [3]** defines a relevant quantity of prohibited drugs or prohibited plants and also defines prohibited drugs and prohibited plants. The relevant quantity is to be a quantity that is not more than 20% of the number of prohibited plants or the amount of a prohibited drug that constitutes a small quantity for the purposes of the *Drug Misuse and Trafficking Act 1985*.

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New South Wales

# Young Offenders Amendment Bill

No. , 2000

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## **A Bill for**

An Act to amend the *Young Offenders Act 1997* so as to restrict the offences relating to drugs for which young persons may be dealt with under that Act.

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<b>The Legislature of New South Wales enacts:</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>Young Offenders Amendment Act 2000</i> .	3
<b>2 Commencement</b>	4
This Act commences on the date of assent.	5
<b>3 Amendment of Young Offenders Act 1997 No 54</b>	6
The <i>Young Offenders Act 1997</i> is amended as set out in Schedule 1.	7

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## Schedule 1 Amendments

1

(Section 3)

2

### [1] Section 8 Offences covered by Act

3

Omit “small quantity of a prohibited drug within the meaning of that Act”  
from section 8 (2) (e1).

4

5

Insert instead “relevant quantity of a prohibited drug”.

6

### [2] Section 8 (2) (f)

7

Omit “small quantity applicable to the prohibited plant within the meaning  
of that Act”.

8

9

Insert instead “relevant quantity applicable to the prohibited plant”.

10

### [3] Section 8 (3)

11

Insert after section (2):

12

(3) In this section:

13

*prohibited drug* has the same meaning as it has in the *Drug  
Misuse and Trafficking Act 1985*.

14

15

*prohibited plant* has the same meaning as it has in the *Drug  
Misuse and Trafficking Act 1985*.

16

17

*relevant quantity*, in relation to a prohibited plant or a  
prohibited drug, means a number or amount that is not more  
than 20% of the number or amount specified opposite the  
prohibited plant or prohibited drug in Column 2 of Schedule 1  
to the *Drug Misuse and Trafficking Act 1985*.

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