



New South Wales

Police Powers (Drug Premises) Bill 2001

Explanatory note

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

The *Police Powers (Internally Concealed Drugs) Bill 2001* is cognate with this Bill.

Overview of Bill

The object of this Bill is to confer on police officers wider powers with respect to persons using premises for the unlawful supply or manufacture of prohibited drugs (other than cannabis leaf, oil and resin) so as to enable more effective enforcement of drug misuse and trafficking laws.

The Bill also:

- (a) amends the *Bail Act 1978*:
 - (i) to exclude a person who is charged with an offence of unauthorised possession or use of a pistol or prohibited firearm from the presumption in favour of bail that would otherwise apply to the person, and

- (ii) to require a court making a determination as to the grant of bail to an accused person to have regard to whether the offence involves the possession or use of an offensive weapon or instrument in determining whether the offence is a serious offence or whether the person will commit one or more serious offences while at liberty and to require any prior criminal record of the person involving such offences to be taken into account, and
- (b) amends the *Criminal Assets Recovery Act 1990* to make second or subsequent offences under section 13 of the proposed Act a serious criminal offence for the purposes of the definition of ***serious crime related activity*** in that Act so that the criminal asset confiscation provisions of that Act will operate in relation to the criminal offence relating to drug premises, and
- (c) amends the *Drug Misuse and Trafficking Act 1985* to make it explicit that deemed possession as referred to in section 7 of that Act extends to joint possession, and
- (d) amends the *Summary Offences Act 1988* to enable a police officer to give reasonable directions to a person in a public place if the police officer has reasonable grounds to believe the person is in the public place for the purpose of unlawfully supplying, or soliciting others to supply, prohibited drugs or to obtain, procure or purchase prohibited drugs that the person could not lawfully possess.

The Bill also contains consequential amendments to the *Criminal Procedure Act 1986* and the *Search Warrants Act 1985*.

Outline of provisions

Part 1 Preliminary

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 a day or days to be appointed by proclamation.

Clause 3 defines certain words and expressions used in the proposed Act. ***Drug premises*** are defined as premises that are being used for the unlawful supply or manufacture of prohibited drugs. A ***prohibited drug*** is defined as a substance that is a prohibited drug within the meaning of the *Drug Misuse and Trafficking Act 1985* but so as not to include cannabis leaf, cannabis oil or cannabis resin.

Clause 4 provides that notes included in the Act do not form part of the Act.

Part 2 Search of suspected drug premises

Clause 5 provides for the issue by an authorised justice of a search warrant authorising the entry into and search of premises on the application of a police officer of or above the rank of sergeant who has reasonable grounds for believing that the premises are being used for the unlawful supply or manufacture of prohibited drugs.

Clause 6 authorises a police officer executing a search warrant issued under the proposed Part to do various acts that may be necessary to enter and search the premises.

Clause 7 authorises a police officer to search persons and do certain other things in executing a search warrant issued under the proposed Part.

Clause 8 applies Part 3 of the *Search Warrants Act 1985* to search warrants issued under the proposed Part. Part 3 contains provisions relating to matters such as the way in which applications are to be made for search warrants, the execution of search warrants and the expiry of warrants.

Clause 9 creates various offences relating to the obstruction of a police officer's entry to premises pursuant to a search warrant issued under the proposed Part. It also makes it an offence for a person on the premises to fail, without reasonable excuse, to comply with a police officer's requirement to state his or her full name or address.

Part 3 Offences involving drug premises

Clause 10 makes it clear that in proceedings for offences involving drug premises created by the proposed Part it is not necessary to prove that any person had a prohibited drug in his or her possession on the premises or that any prohibited drug was found on the premises.

Clause 11 requires the prosecution to establish beyond a reasonable doubt that premises involved in an offence against the proposed Act were drug premises at the time the offence was committed. Clause 11 (2) sets out examples of matters to which the court may have regard in determining whether premises were drug premises when an offence was committed.

Clause 12 makes it an offence for a person to be found on, or to be found entering or leaving, drug premises. A person will not be guilty of an offence if the person proves that he or she was on, or was entering or leaving the premises for a lawful purpose or with a lawful excuse.

Clause 13 makes it an offence for the owner or occupier of premises to knowingly allow the premises to be used as drug premises.

Clause 14 makes it an offence to organise or conduct, or assist in organising or conducting, drug premises. The clause makes it clear that a person who acts as a lookout, door attendant or guard is assisting in the organising or conduct of premises unless he or she proves that he or she did not know, and could not reasonably be expected to have known, that the premises concerned were drug premises.

Part 4 Miscellaneous

Clause 15 provides for offences generally under the proposed Act to be dealt with summarily by Local Courts, although some second or subsequent offences which attract a high penalty are to be dealt with on indictment.

Clause 16 deals with offences under the proposed Act that are committed by corporations.

Clause 17 provides for certain money, equipment and other things seized in relation to offences to be forfeited to the Crown.

Clause 18 makes it clear that the Act is not intended to limit the operation of the *Disorderly Houses Act 1943* and certain other laws.

Clause 19 is a general regulation-making power.

Clause 20 gives effect to the Schedules containing amendments to other Acts.

Clause 21 provides for the Ombudsman to keep under scrutiny the exercise of functions conferred on police officers under the proposed Act for a period of 2 years after the commencement of the proposed section.

Clause 22 provides for review of the proposed Act after 2 years.

Schedule 1 Amendment of Bail Act 1978 No 161

Schedule 1 contains the amendments to the *Bail Act 1978* described in paragraph (a) of the Overview of the Bill.

Schedule 2 Amendment of Criminal Assets Recovery Act 1990 No 23

Schedule 2 contains the amendments to the *Criminal Assets Recovery Act 1990* described in paragraph (b) of the Overview of the Bill.

Schedule 3 Amendment of Drug Misuse and Trafficking Act 1985 No 226

Schedule 3 contains the amendment to the *Drug Misuse and Trafficking Act 1985* described in paragraph (c) of the Overview of the Bill.

Schedule 4 Amendment of Summary Offences Act 1988 No 25

Schedule 4 contains the amendments to the *Summary Offences Act 1988* described in paragraph (d) of the Overview of the Bill.

Schedule 5 Consequential amendment of other Acts

Schedule 5 amends the *Criminal Procedure Act 1986* so that second or subsequent offences under section 12, 13 or 14 of the proposed Act will be dealt with summarily unless the prosecuting authority or person charged elects otherwise. It also amends the *Search Warrants Act 1985* as a consequence of the application of Part 3 of that Act to search warrants issued under the proposed Act.



New South Wales

Police Powers (Drug Premises) Bill 2001

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New South Wales

Police Powers (Drug Premises) Bill 2001

No , 2001

A Bill for

An Act with respect to the unlawful use of premises for the supply or manufacture of certain prohibited drugs; to amend the *Bail Act 1978* to make further provision with respect to the grant of bail in relation to offences involving firearms and prohibited weapons; to amend the *Criminal Assets Recovery Act 1990* to make provision with respect to criminal activity in respect of such unlawful use of premises; to amend the *Drug Misuse and Trafficking Act 1985* with respect to joint possession; to amend the *Summary Offences Act 1988* to make further provision with respect to police powers to give directions to persons in public places; and for other purposes.

See also *Police Powers (Internally Concealed Drugs) Bill 2001*.

Clause 1 Police Powers (Drug Premises) Bill 2001

Part 1 Preliminary

The Legislature of New South Wales enacts: 1

Part 1 Preliminary 2

1 Name of Act 3

This Act is the *Police Powers (Drug Premises) Act 2001*. 4

2 Commencement 5

This Act commences on a day or days to be appointed by proclamation. 6
7

3 Definitions 8

(1) In this Act: 9

authorised justice has the same meaning as it has in the *Search Warrants Act 1985*. 10
11

drug premises means any premises that are used for the unlawful supply or manufacture of prohibited drugs. 12
13

exercise a function includes perform a duty. 14

firearm has the same meaning as it has in the *Firearms Act 1996*. 15

function includes a duty. 16

manufacture has the same meaning as it has in the *Drug Misuse and Trafficking Act 1985*. 17
18

money includes any valuable thing or security for money. 19

occupier of premises includes the lessee or sublessee who is not the owner of the premises. 20
21

owner of premises includes any person: 22

(a) who is entitled to freehold possession of the premises, or 23

(b) who is in actual receipt of, or entitled to receive, or if the premises were let to a tenant, would be entitled to receive, the rents and profits of the premises. 24
25
26

premises includes any structure, building, aircraft, vehicle, vessel or place (whether built upon or not), and any part of any such structure, building, aircraft, vehicle, vessel or place. 27
28
29

<i>prohibited drug</i> means a substance that is a prohibited drug within the meaning of the <i>Drug Misuse and Trafficking Act 1985</i> , but does not include cannabis leaf, cannabis oil or cannabis resin.	1 2 3
Note. Prohibited drugs are substances (other than prohibited plants) specified in Schedule 1 to the <i>Drug Misuse and Trafficking Act 1985</i> . The substances include, for example, cocaine and heroin but do not include prohibited plants such as cannabis.	4 5 6 7
<i>prohibited weapon</i> has the same meaning as it has in the <i>Weapons Prohibition Act 1998</i> .	8 9
<i>supply</i> has the same meaning as it has in the <i>Drug Misuse and Trafficking Act 1985</i> .	10 11
(2) For the purposes of this Act, a thing is connected with a particular offence if it is:	12 13
(a) a thing with respect to which the offence has been committed, or	14 15
(b) a thing that will afford evidence of the commission of the offence, or	16 17
(c) a thing that was used, or is intended to be used, for the purpose of committing the offence.	18 19
(3) A reference in this Act to an offence includes a reference to an offence that there are reasonable grounds for believing has been, or is to be, committed.	20 21 22
4 Notes	23
Notes included in this Act do not form part of this Act.	24

Part 2 Search of suspected drug premises	1
	2
5 Issue of search warrant—suspected drug premises	3
(1) A police officer of or above the rank of sergeant who has reasonable grounds for believing that any premises are being used for the unlawful supply or manufacture of any prohibited drug may apply to an authorised justice for a search warrant.	4 5 6 7
(2) An authorised justice to whom such an application is made may, if satisfied that there are reasonable grounds for doing so, issue a search warrant authorising any police officer to enter and search the premises.	8 9 10
6 Execution of search warrant	11
For the purposes of executing a search warrant issued under this Part in respect of premises, a police officer may:	12 13
(a) pass through, from, over or along any other land or building for the purpose of entering the premises, and	14 15
(b) break open doors, windows or partitions, and	16
(c) do such other acts as may be necessary.	17
7 Search and arrest of persons pursuant to search warrant	18
(1) A police officer executing a search warrant issued under this Part may:	19
(a) search any person on the premises, and	20
(b) arrest or otherwise proceed against any person on the premises, and	21 22
(c) seize any firearm or other thing found on the premises that the police officer has reasonable grounds for believing is connected with an offence, and	23 24 25
(d) without limiting paragraph (c), seize any prohibited drug and money found on the premises and any syringe or other thing that is kept or used in connection with, or that relates to, any activity prohibited by or under the <i>Drug Misuse and Trafficking Act 1985</i> , and	26 27 28 29 30
(e) require any person on the premises to state his or her full name and residential address.	31 32

(2) The power conferred by subsection (1) to seize a thing includes:	1
(a) power to remove the thing from the premises where it is found,	2
and	3
(b) power to guard the thing in or on those premises.	4
8 Provisions relating to issue of search warrants under this Part	5
Part 3 of the <i>Search Warrants Act 1985</i> applies to a search warrant issued under this Part.	6 7
Note. Part 3 of the <i>Search Warrants Act 1985</i> contains provisions relating to, for example, the way in which an application is to be made for a search warrant, the execution of the warrant and the expiry of the warrant.	8 9 10
9 Obstructing police officer executing search warrant	11
(1) If a police officer is authorised under this Part to enter any premises, a person must not:	12 13
(a) wilfully prevent the officer from entering or re-entering those premises or any part of those premises, or	14 15
(b) wilfully obstruct or delay the officer from entering or re-entering those premises or any part of those premises, or	16 17
(c) give an alarm or cause an alarm to be given for the purpose of:	18
(i) notifying another person of the presence of the officer,	19
or	20
(ii) obstructing or delaying the officer from entering or re-entering those premises or any part of those premises.	21 22
Maximum penalty: 50 penalty units or imprisonment for 12 months (or both).	23 24
(2) A person on premises who, without reasonable excuse, fails to comply with a requirement to state his or her full name and residential address made by a police officer authorised under this Part to enter the premises is guilty of an offence.	25 26 27 28
Maximum penalty: 50 penalty units.	29

Part 3 Offences involving drug premises

10 Possession of prohibited drugs, or presence of prohibited drugs, on premises

In proceedings for an offence against this Part, it is not necessary to prove that the person had a prohibited drug in his or her possession or that a prohibited drug was found on any premises involved in the offence.

11 Evidence that premises are drug premises

- (1) A court must not find a person guilty of an offence against this Part unless the prosecution satisfies the court beyond a reasonable doubt that at the time the offence is alleged to have been committed any premises involved in the offence were being used for the unlawful supply or manufacture of any prohibited drug.
- (2) Without limiting matters to which regard may be had in determining whether premises involved in the offence were being used for the unlawful supply or manufacture of any prohibited drug, regard may be had to any or all of the following:
 - (a) evidence that a police officer authorised by law to enter the premises was wilfully prevented from, or obstructed or delayed in, entering or re-entering those premises or any part of those premises,
 - (b) evidence of the external or internal construction of the premises, including any external or internal door of, or means of access to, those premises that is found to be likely to have been fitted with a bolt, bar, chain, or any means or device for the purpose of preventing, delaying or obstructing the entry or re-entry into those premises of such a police officer or any other person, or for giving an alarm in case of such entry or re-entry,
 - (c) evidence of a person acting as a lookout to warn persons on the premises of the approach of police officers or other persons,
 - (d) evidence that there was found on those premises, or in the possession of a person on those premises, any syringe or other means or device used in the supply, manufacture or use of a prohibited drug,

(e)	evidence that there was found on the premises, or in the possession of a person on the premises, a firearm or prohibited weapon the possession of which is unlawful,	1 2 3
(f)	evidence that there was found on those premises any documents or other records, including any computer records, that appear to have been kept or used in connection with the unlawful supply or manufacture of a prohibited drug,	4 5 6 7
(g)	evidence that there was found on the premises any large amount of money that is not accounted for by the owner or occupier of the premises,	8 9 10
(h)	evidence that there were found on those premises persons who appeared to be affected by a prohibited drug.	11 12
12	Offence of entering, or being on, drug premises	13
(1)	A person who is found on, or who is found entering or leaving, drug premises is guilty of an offence.	14 15
	Maximum penalty:	16
(a)	for a first offence—50 penalty units or imprisonment for 12 months (or both), and	17 18
(b)	for a second or subsequent offence—500 penalty units or imprisonment for 5 years (or both).	19 20
(2)	A person is not guilty of an offence under this section if the person satisfies the court that he or she was on, or was entering or leaving, the drug premises for a lawful purpose or with a lawful excuse.	21 22 23
13	Allowing use of premises as drug premises—offence by owner or occupier	24 25
	A person who is the owner or occupier of any premises must not knowingly allow the premises to be used as drug premises.	26 27
	Maximum penalty:	28
(a)	for a first offence—50 penalty units or imprisonment for 12 months (or both), and	29 30
(b)	for a second or subsequent offence—500 penalty units or imprisonment for 5 years (or both).	31 32

14	Offence of organising drug premises	1
(1)	A person must not organise or conduct, or assist in organising or conducting, any drug premises.	2 3
	Maximum penalty:	4
(a)	for a first offence—50 penalty units or imprisonment for 12 months (or both), and	5 6
(b)	for a second or subsequent offence—500 penalty units or imprisonment for 5 years (or both).	7 8
(2)	For the purposes of this section, a person assists in organising or conducting drug premises if, for example, the person acts as a lookout, door attendant or guard in respect of any premises that are organised or conducted as drug premises.	9 10 11 12
(3)	A person is not guilty of an offence under this section of assisting in organising or conducting drug premises if the person satisfies the court that he or she did not know, and could not reasonably be expected to have known, that the premises were being organised or conducted as drug premises.	13 14 15 16 17

Part 4 Miscellaneous

	1
	2
15 Proceedings for offences	3
(1) Except as provided by subsection (2), proceedings for an offence under this Act or the regulations are to be dealt with summarily before a Local Court constituted by a Magistrate sitting alone.	4 5 6
(2) A second or subsequent offence under section 12, 13 or 14 is to be prosecuted on indictment.	7 8
Note. However, Division 3 of Part 2 of the <i>Criminal Procedure Act 1986</i> (which relates to the summary disposal of certain indictable offences unless an election is made to proceed on indictment) applies to and in respect of any such second or subsequent offence.	9 10 11 12
(3) If proceedings for an offence under this Act are dealt with summarily before a Local Court, the maximum penalty that may be imposed is 100 penalty units or imprisonment for 2 years (or both), or the maximum penalty provided for the offence, whichever is the lesser.	13 14 15 16
16 Offences by corporations	17
(1) If a corporation contravenes (whether by act or omission) any provision of this Act or the regulations, each person who is a director of the corporation or who is concerned in the management of the corporation is taken to have contravened the same provision, unless the person satisfies the court that:	18 19 20 21 22
(a) the corporation contravened the provision without the actual, imputed or constructive knowledge of the person, or	23 24
(b) the person was not in a position to influence the conduct of the corporation in relation to its contravention of the provision, or	25 26
(c) the person, if in such a position, used all due diligence to prevent the contravention by the corporation.	27 28
(2) A person may be proceeded against and convicted under a provision pursuant to this section whether or not the corporation has been proceeded against or been convicted under that provision.	29 30 31
(3) Nothing in this section affects any liability imposed on a corporation for an offence committed by the corporation under this Act or the regulations.	32 33 34

(4) Without limiting any other law or practice regarding the admissibility of evidence, evidence that an officer, employee or agent of a corporation (while acting in his or her capacity as such) had, at any particular time, a particular intention, is evidence that the corporation had that intention.	1 2 3 4 5
17 Forfeiture to Crown	6
(1) If a person is convicted of an offence under this Act:	7
(a) any money or thing that is kept or used in connection with, or that relates to, any activity prohibited by or under the <i>Drug Misuse and Trafficking Act 1985</i> , that is seized in relation to the offence, and	8 9 10 11
(b) any documents or other records, including any computer records, devices or programs, that are kept or used in connection with, or that relate to, any activity prohibited under that Act and that are seized in relation to the offence, and	12 13 14 15
(c) any firearm or prohibited weapon that is seized on the premises connected with an offence under any other Act,	16 17
is or are forfeited to the Crown.	18
(2) If a person is convicted of an offence under this Act, the court may order the forfeiture to the Crown of any money or thing, and any such documents or other records in the person's possession at the time of the offence if the court is satisfied that the prohibited drug, or such thing, were used by the person for or in connection with the commission of the offence.	19 20 21 22 23 24
(3) A police officer may seize and carry away any thing that may reasonably be suspected to be liable to forfeiture under this section.	25 26
18 Application of other laws	27
This Act is not intended to limit the operation of the <i>Disorderly Houses Act 1943</i> or any other law of the State relating to the entry into, and carrying out of searches on, premises.	28 29 30
19 Regulations	31
(1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for the purpose of carrying out or giving effect to this Act.	32 33 34 35

(2) A regulation may create an offence punishable by a penalty not exceeding 50 penalty units.	1 2
20 Amendment of Acts	3
Each Act specified in Schedule 1, 2, 3, 4 or 5 is amended as set out in that Schedule.	4 5
21 Monitoring of Act by Ombudsman	6
(1) For the period of 2 years after the commencement of this section the Ombudsman is to keep under scrutiny the exercise of the functions conferred on police officers under this Act.	7 8 9
(2) For that purpose, the Ombudsman may require the Commissioner of Police to provide information about the exercise of those functions.	10 11
(3) The Ombudsman must, as soon as practicable after the expiration of that 2-year period, prepare a report of the Ombudsman's work and activities under this section and furnish a copy of the report to the Minister, the Minister for Police and the Commissioner of Police.	12 13 14 15
(4) The Ombudsman may identify, and include recommendations in the report to be considered by the Minister about, amendments that might appropriately be made to this Act with respect to the exercise of functions conferred on police officers under this Act.	16 17 18 19
(5) The Ombudsman may at any time make a special report on any matter arising out of the operation of this Act to the Minister.	20 21
(6) The Minister is to lay (or cause to be laid) a copy of any report made or furnished to the Minister under this section before both Houses of Parliament as soon as practicable after the Minister receives the report.	22 23 24
(7) If a House of Parliament is not sitting when the Minister seeks to furnish a report to it, the Minister may present copies of the report to the Clerk of the House concerned.	25 26 27
(8) The report:	28
(a) on presentation and for all purposes is taken to have been laid before the House, and	29 30
(b) may be printed by authority of the Clerk of the House, and	31
(c) if printed by authority of the Clerk, is for all purposes taken to be a document published by or under the authority of the House, and	32 33 34

Clause 21 Police Powers (Drug Premises) Bill 2001

Part 4 Miscellaneous

- (d) is to be recorded: 1
- (i) in the case of the Legislative Council in the Minutes of 2
 the Proceedings of the Legislative Council, and 3
- (ii) in the case of the Legislative Assembly in the Votes and 4
 Proceedings of the Legislative Assembly, 5
- on the first sitting day of the House after receipt of the report by 6
 the Clerk. 7

22 Review of Act 8

- (1) The Minister is to review this Act to determine whether the policy 9
 objectives of the Act remain valid and whether the terms of the Act 10
 remain appropriate for securing those objectives. 11
- (2) The review is to be undertaken as soon as possible after the period of 12
 2 years from the date of assent to this Act. 13
- (3) In reviewing the Act, the Minister is to have regard to any report 14
 furnished to the Minister under section 21. 15
- (4) A report on the outcome of the review is to be tabled in each House of 16
 Parliament within 12 months after the Ombudsman furnishes a report 17
 to the Minister under section 21. 18

Schedule 1 Amendment of Bail Act 1978 No 161

(Section 20)

[1] Section 9 Presumption in favour of bail for certain offences—exceptions

Insert after section 9 (1) (e):

- (e1) an offence under section 7 of the *Firearms Act 1996* relating to the unauthorised possession or use of a firearm that is a prohibited firearm, or a pistol, within the meaning of that Act,

[2] Section 32 Criteria to be considered in bail applications

Insert “or involves the possession or use of an offensive weapon or instrument within the meaning of the *Crimes Act 1900*” after “violent nature” in section 32 (1) (c) (i).

[3] Section 32 (1) (c) (vi)

Insert at the end of section 32 (1) (c):

- , and
- (vi) if the offence for which bail is being considered is an offence that involves the possession or use of an offensive weapon or instrument within the meaning of the *Crimes Act 1900*, any prior criminal record (if known) of the person in respect of such an offence.

[4] Section 32 (2A) (a)

Insert “or involves the possession or use of an offensive weapon or instrument within the meaning of the *Crimes Act 1900*” after “violent nature”.

Schedule 2	Amendment of Criminal Assets Recovery Act 1990 No 23	1
		2
		3
	(Section 20)	4
		5
[1]	Section 6 Meaning of “serious crime related activity”	6
	Insert before section 6 (2) (f):	7
	(e1) a drug premises offence, or	8
		9
[2]	Section 6 (2) (f)	10
	Omit “or (d)”. Insert instead “or any other paragraph of this subsection”.	11
		12
[3]	Section 6 (4)	13
	Insert after section 6 (3):	14
	(4) In subsection (2) (e1):	15
	<i>drug premises offence</i> means a second or subsequent offence	16
	under section 13 (Allowing use of premises as drug	17
	premises—offence by owner or occupier) of the <i>Police Powers</i>	18
	(<i>Drug Premises</i>) Act 2001.	19
		20

**Schedule 3 Amendment of Drug Misuse and
 Trafficking Act 1985 No 226**

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2
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(Section 20)

Section 7 Deemed possession of prohibited drug etc

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7
8
9
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Insert “, or that is in the order or possession of the person jointly with another person by agreement between the persons,” after “disposition of a person”.

Schedule 4	Amendment of Summary Offences Act 1988 No 25	1
		2
		3
	(Section 20)	4
		5
[1] Section 3 Definitions		6
Insert in alphabetical order in section 3 (1):		7
		8
	<i>prohibited drug</i> has the same meaning as it has in the <i>Drug Misuse and Trafficking Act 1985</i> .	9
		10
[2] Section 28F Power to give reasonable directions in public places		11
Insert at the end of section 28F (1):		12
		13
	, or	14
	(d) is for the purpose of unlawfully supplying, or intending to unlawfully supply, or soliciting another person or persons to unlawfully supply, any prohibited drug, or	15
		16
		17
	(e) is for the purpose of obtaining, procuring or purchasing any prohibited drug that it would be unlawful for the person to possess.	18
		19
		20
[3] Section 28F (3)		21
Omit the subsection. Insert instead:		22
		23
		24
	(3) Such a direction must be reasonable in the circumstances for the purpose of:	25
		26
	(a) reducing or eliminating the obstruction, harassment, intimidation or fear, or	27
		28
	(b) stopping the supply, or soliciting to supply, of the prohibited drug, or	29
		30
	(c) stopping the obtaining, procuring or purchasing of the prohibited drug.	31
		32

[4] Section 28F (9)	1
Insert after section 28F (8):	2
(9) In this section:	3
<i>supply</i> has the same meaning as it has in the <i>Drug Misuse and Trafficking Act 1985</i> .	4
	5
	6

Schedule 5	Consequential amendment of other Acts	1
	(Section 20)	2
		3
		4
5.1	Criminal Procedure Act 1986 No 209	5
		6
	Schedule 1 Indictable offences triable summarily	7
	Insert after item 23 in Part 4 of Table 1:	8
		9
23A	Police Powers (Drug Premises) Act 2001	10
	A second or subsequent offence under section 12, 13 or 14 of the <i>Police Powers (Drug Premises) Act 2001</i> .	11
		12
5.2	Search Warrants Act 1985 No 37	13
		14
	Section 10 Definitions	15
	Insert in alphabetical order in the definition of <i>search warrant</i> :	16
		17
	section 5 of the <i>Police Powers (Drug Premises) Act 2001</i> ,	18