

**Misuse of Drugs Amendment
(Methylamphetamine Offences) Bill 2017**

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Western Australia

LEGISLATIVE ASSEMBLY

**Misuse of Drugs Amendment
(Methylamphetamine Offences) Bill 2017**

A Bill for

An Act to amend the *Misuse of Drugs Act 1981* and the *District Court of Western Australia Act 1969*.

The Parliament of Western Australia enacts as follows:

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Part 1 — Preliminary

1. Short title

This is the *Misuse of Drugs Amendment (Methylamphetamine Offences) Act 2017*.

2. Commencement

This Act comes into operation as follows —

- (a) Part 1 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on the 28th day after the day on which this Act receives the Royal Assent.

1 **Part 2 — Misuse of Drugs Act 1981 amended**

2 **3. Act amended**

3 This Part amends the *Misuse of Drugs Act 1981*.

4 **4. Section 3 amended**

5 In section 3(1) insert in alphabetical order:

6

7 *methylamphetamine* means the prohibited drug
8 referred to in Schedule VII item 8;

9

10 **5. Section 32A amended**

11 (1) In section 32A(3) in the definition of *external serious drug*
12 *offence* delete “7(1), 33(1)(a) or 33(2)(a); or” and insert:

13

14 7(1) or 33(1)(a) or, under section 33(2), conspiring to commit a
15 crime under section 6(1) or 7(1); or

16

17 (2) In section 32A(3) in the definition of *serious drug offence*
18 delete “7(1), 33(1)(a) or 33(2)(a).” and insert:

19

20 7(1) or 33(1)(a) or, under section 33(2), conspiring to commit a
21 crime under section 6(1) or 7(1).

22

23 **6. Section 33 amended**

24 (1) In section 33(1) after “an offence” insert:

25

26 under this Act

27

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- 1 (2) Delete section 33(2) and insert:
2
- 3 (2) A person who conspires with another to commit an
4 offence under this Act (the *principal offence*)
5 commits —
- 6 (a) if the principal offence is a crime under
7 section 6(1) that does not involve
8 methylamphetamine, the crime, but is liable on
9 conviction to the penalty referred to in
10 section 34(1)(b); or
- 11 (b) if the principal offence is a crime under
12 section 7(1), the crime, but is liable on
13 conviction to the penalty referred to in
14 section 34(1)(ba); or
- 15 (c) if the principal offence is a simple offence or a
16 crime other than a crime referred to in
17 paragraph (a) or (b), the simple offence or the
18 crime, as the case requires, and is liable on
19 conviction to the same penalty to which a
20 person who commits the principal offence is
21 liable.
22
- 23 (3) In section 33(3):
- 24 (a) after “an offence” insert:
25
26 under this Act
27
- 28 (b) in paragraph (c) delete “fine; and” and insert:
29
30 fine to which a person who commits the
31 principal offence is liable; and
32

- 1 (c) delete paragraph (d) and the passage that begins “to
2 which” and continues to the end of the subsection and
3 insert:
4
- 5 (d) to imprisonment for a term not exceeding —
6 (i) 14 years, in a case where the person
7 who commits the principal offence is
8 liable to imprisonment for life; and
9 (ii) half of the term to which a person who
10 commits the principal offence is liable,
11 in any other case.
12

13 **7. Section 34 amended**

- 14 (1) Before section 34(1) insert:
15
- 16 (1A) In this section —
17 *trafficable quantity of methylamphetamine* means a
18 quantity of methylamphetamine not less than that
19 specified in Schedule VII item 8.
20
- 21 (2) Delete section 34(1)(a) and (b) and insert:
22
- 23 (a) a crime under section 6(1) that involves a
24 trafficable quantity of methylamphetamine is
25 liable to imprisonment for life; or
26 (aa) any other crime under section 6(1) is liable to a
27 fine not exceeding \$100 000 or to
28 imprisonment for a term not exceeding 25 years
29 or both; or
30 (ab) a crime under section 7(1) is liable to a fine not
31 exceeding \$100 000 or to imprisonment for a
32 term not exceeding 25 years or both; or

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- 1 (b) conspiring with another to commit a crime
2 under section 6(1) that does not involve
3 methylamphetamine is liable to a fine not
4 exceeding \$75 000 or to imprisonment for a
5 term not exceeding 20 years or both; or
6 (ba) conspiring with another to commit a crime
7 under section 7(1) is liable to a fine not
8 exceeding \$75 000 or to imprisonment for a
9 term not exceeding 20 years or both; or
10 (3) In section 34(2) and (3) delete “referred to in subsection (1)(a)”
11 and insert:
12
13 under section 6(1) or 7(1)
14

1 **Part 3 — *District Court of Western Australia Act 1969***
2 **amended**

3 **8. Act amended**

4 This Part amends the *District Court of Western Australia*
5 *Act 1969*.

6 **9. Section 42 amended**

7 In section 42(2) delete “life.” and insert:
8

9 life, unless the offence is —

- 10 (a) a crime under the *Misuse of Drugs Act 1981*
11 section 6(1) that involves a trafficable quantity
12 of methylamphetamine as defined in
13 section 34(1A) of that Act (a ***serious***
14 ***methylamphetamine crime***); or
15 (b) an attempt to commit a serious
16 methylamphetamine crime under the *Misuse of*
17 *Drugs Act 1981* section 33(1)(a); or
18 (c) conspiring to commit a serious
19 methylamphetamine crime under the *Misuse of*
20 *Drugs Act 1981* section 33(2)(c).
21

22
