

LEGISLATIVE COUNCIL

JUSTICE LEGISLATION AMENDMENT (DRUG COURT AND OTHER
MATTERS) BILL 2020

(Amendments to be proposed in Committee by Mr O'DONOHUE)

1. Clause 12, page 8, line 14, omit 'applies.'" and insert "applies."
2. Clause 12, page 8, after line 14 insert—
 - '(2C) The Drug Court Division of the County Court must not make a drug and alcohol treatment order in respect of an offender who is convicted of an offence against—
 - (a) any of the following provisions of Part V of the **Drugs, Poisons and Controlled Substances Act 1981**—
 - (i) section 71(1) (trafficking in a drug or drugs of dependence—large commercial quantity);
 - (ii) section 71AA(1) or (2) (trafficking in a drug or drugs of dependence—commercial quantity);
 - (iii) section 71AB(1) or (2) (trafficking in a drug of dependence to a child);
 - (iv) section 71AC(1) or (2) (trafficking in a drug of dependence);
 - (v) section 71AD(1) (use of violence or threats to cause trafficking in drug of dependence);
 - (vi) section 71A(1) (possession of substance, material, documents or equipment for trafficking in a drug of dependence);
 - (vii) section 71B(1) or (2) (supply of drug of dependence to a child);
 - (viii) section 71C (possession of a tablet press);
 - (ix) section 71D (possession of precursor chemicals);
 - (x) section 71E (possession of document containing information about trafficking or cultivating a drug of dependence);
 - (xi) section 71F (publication of document containing instructions);
 - (xii) section 72 (cultivation of narcotic plants—large commercial quantity);
 - (xiii) section 72A (cultivation of narcotic plants—commercial quantity);
 - (xiv) section 72B (cultivation of narcotic plants);
 - (xv) section 72D(1) or (2) (permitting use of premises for trafficking or cultivation of drug of dependence); or

- (b) an offence against section 79(1) of that Act (conspiring) in respect of an offence against a provision referred to in paragraph (a); or
- (c) an offence against section 80(1), (2), (3) or (4) of that Act (inciting etc.) in respect of an offence against a provision referred to in paragraph (a).".!