

LEGISLATIVE COUNCIL

**DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (DRUGS
OF DEPENDENCE) BILL 2011**

(New Clauses to be proposed in Committee by Ms HARTLAND)

NEW CLAUSES

After Clause 4 insert the following new clauses—

'A Possession of a drug of dependence

(1) After section 73(1)(a) of the Principal Act **insert**—

"(ab) to a penalty of not more than 5 penalty units where the court is satisfied on the balance of probabilities that—

(i) the offence was committed in relation to a quantity of a drug of dependence prescribed in accordance with section 132AA that is not more than the small quantity applicable to that drug of dependence;

(ii) the offence was not committed for any purpose related to trafficking in the drug of dependence prescribed in accordance with section 132AA;"

(2) In section 73(1)(b) of the Principal Act after "paragraph (a)" **insert** "and paragraph (ab)".

B Use of drug of dependence

After section 75(a) of the Principal Act **insert**—

"(ab) where the court is satisfied on the balance of probabilities that the offence was committed in relation to a drug of dependence prescribed in accordance with section 132AA—to a penalty of not more than 5 penalty units; and".

C Adjourned bonds to be given in certain cases

In section 76(1)(ab) of the Principal Act after "Schedule Eleven" **insert** "or a drug of dependence prescribed in accordance with section 132AA".'.