

House of Assembly—No 91

As received from the Legislative Council and read a first time, 7 December 2006

South Australia

**Controlled Substances (Cannabis Offences)
Amendment Bill 2006**

A BILL FOR

An Act to amend the *Controlled Substances Act 1984*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Controlled Substances (Cannabis Offences) Amendment Act 2006*.

5 2—Commencement

- (1) Subject to subsection (2), this Act will come into operation on assent.
- (2) If this Act is assented to before section 17 of the *Controlled Substances (Serious Drug Offences) Amendment Act 2005* comes into operation, this Act will come into operation immediately after that section comes into operation.

10 3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Controlled Substances Act 1984*

4—Substitution of section 33K

- 15 Section 33K—delete section 33K and substitute:

33K—Cultivation of controlled plants

A person who cultivates a controlled plant is guilty of an offence.
Maximum penalty: \$5 000 or imprisonment for 2 years, or both.

5—Amendment of section 44—Matters to be considered when court fixes penalty

Section 44—after its present contents (now to be designated as subsection (1)) insert:

- 5 (2) A court must not, in determining the penalty to be imposed on a person convicted of an offence involving cultivation of cannabis plants, treat cannabis plants, or the products of cannabis plants, as being less serious or less harmful than other controlled plants or controlled drugs.

6—Amendment of section 45A—Expiation of simple cannabis offences

- 10 (1) Section 45A(8), definition of *artificially enhanced cultivation*—delete the definition
- (2) Section 45A(8), definition of *simple cannabis offence*, paragraph (a)—delete paragraph (a)

Part 3—Transitional provision

7—Transitional provision

- 15 The amendments to the *Controlled Substances Act 1984* made by this Act do not apply in relation to an offence committed before the commencement of this Act.