

House of Assembly—No 31

As laid on the table and read a first time, 14 May 2015

South Australia

**Controlled Substances (Commercial Offences)
Amendment Bill 2015**

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

- 5 This Act may be cited as the *Controlled Substances (Commercial Offences) Amendment Act 2015*.

2—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*

10 3—Amendment of section 32—Trafficking

- (1) Section 32—before subsection (1) insert:

- (a1) A person who carries on a business that involves trafficking in controlled drugs is guilty of an offence.

- Maximum penalty: \$500 000 or imprisonment for life, or both.

- 15 (2) Section 32(5)—delete "subsection (1)" and substitute:

- subsection (a1), (1)

4—Amendment of section 33—Manufacture of controlled drugs for sale

- (1) Section 33—before subsection (1) insert:

- 20 (a1) A person who carries on a business that involves manufacturing controlled drugs intending to sell any of the drugs or believing that another person intends to sell any of the drugs is guilty of an offence.

- Maximum penalty: \$500 000 or imprisonment for life, or both.

- (2) Section 33(4)(a) and (b)—delete "subsection (1)" wherever occurring and substitute in each case:

subsection (a1), (1)

5—Amendment of section 33A—Sale, manufacture etc of controlled precursor

- 5 (1) Section 33A—before subsection (1) insert:

(a1) A person who carries on a business that involves selling controlled precursors believing that the person to whom they are, or are to be, sold or another person intends to use any of them to unlawfully manufacture a controlled drug is guilty of an offence.

10 Maximum penalty: \$500 000 or imprisonment for life, or both.

- (2) Section 33A—after subsection (3) insert:

(3a) A person who carries on a business that involves manufacturing controlled precursors—

(a) intending to unlawfully manufacture controlled drugs; and

15 (b) intending to sell any of the drugs so manufactured or believing that another person intends to sell any of them, is guilty of an offence.

Maximum penalty: \$75 000 or imprisonment for 15 years, or both.

- (3) Section 33A—after subsection (4) insert:

20 (4a) A person who carries on a business that involves manufacturing controlled precursors—

(a) intending to sell any of the controlled precursors to another person; and

25 (b) believing that that person, or another person, intends to use the controlled precursor to unlawfully manufacture a controlled drug,

is guilty of an offence.

Maximum penalty: \$75 000 or imprisonment for 15 years, or both.

6—Amendment of section 33B—Cultivation of controlled plants for sale

- 30 (1) Section 33B—before subsection (1) insert:

(a1) A person who carries on a business that involves cultivating controlled plants intending to sell any of them or their products or believing that another person intends to sell any of them or their products is guilty of an offence.

35 Maximum penalty: \$500 000 or imprisonment for life, or both.

- (2) Section 33B(5)—delete "subsection (1)" and substitute:

subsection (a1), (1)

7—Amendment of section 33C—Sale of controlled plants

(1) Section 33C—before subsection (1) insert:

(a1) A person who carries on a business that involves selling controlled plants is guilty of an offence.

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Maximum penalty: \$500 000 or imprisonment for life, or both.

(2) Section 33C(5)—delete "subsection (1)" and substitute:

subsection (a1), (1)