

South Australia

Controlled Substances (Miscellaneous) Amendment Act 2010

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 (Miscellaneous) Amendment Act 2010*.

2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

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—Amendment of section 4—Interpretation

Section 4(1), definition of *discrete dosage unit*—delete the definition and substitute:

discrete dosage unit, in relation to a controlled drug contained in a mixture or a controlled precursor contained in a mixture, means an amount of the mixture which is prepared or apparently prepared for the purpose of being administered as a single dose;

5—Amendment of section 32—Trafficking

(1) Section 32—after subsection (2) insert:

(2a) A person who, in a prescribed area, traffics in a controlled drug is guilty of an offence.

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

(2) Section 32(5)—after "subsection (1), (2)" insert:

, (2a)

(3) Section 32—after subsection (5) insert:

(6) In this section—

prescribed area means—

- (a) prescribed licensed premises or an area being used in connection with prescribed licensed premises; or
- (b) premises at which members of the public are gathered for a public entertainment or an area being used in connection with such premises;

Example—

Areas *being used in connection with* premises would include—

- (a) a car parking area specifically provided for the use of patrons of the premises;
- (b) an area in which people are queuing to enter the premises.

prescribed licensed premises means—

- (a) premises in respect of which 1 of the following classes of licence is in force under the *Liquor Licensing Act 1997*:
 - (i) a hotel licence;
 - (ii) a restaurant licence that includes an extended trading authorisation;
 - (iii) an entertainment venue licence;
 - (iv) a club licence that includes an extended trading authorisation;

- (v) a special circumstances licence that includes an extended trading authorisation;
- (vi) a licence of a class prescribed by regulation;
- (b) the premises defined in the casino licence, within the meaning of the *Casino Act 1997*, as the premises to which the licence relates;
- (c) premises subject to a licence prescribed by regulation;

public entertainment means a dance, performance, exhibition or event that is calculated to attract and entertain members of the public, whether admission is open, procured by the payment of money or restricted to members of a club or a class of persons with some other qualification or characteristic.

6—Amendment of section 53—Analysis

- (1) Section 53—after subsection (1) insert:
 - (1a) An analysis under this section may include a determination as to the weight, amount or quantity of any substance (and such determination must comply with any requirements prescribed by regulation).
- (2) Section 53(4)—delete "or a botanist"

7—Amendment of section 61—Evidentiary provisions

- (1) Section 61(2)(a)—after "analysed" insert:
 - or tending to identify the substance analysed as an analogue of another substance for the purposes of this Act
- (2) Section 61(2)—after paragraph (a) insert:
 - (ab) as to the weight, amount or quantity of the substance analysed; and
- (3) Section 61(2a)(a)—after "analysed" insert:
 - or tending to identify the substance analysed as an analogue of another substance for the purposes of this Act
- (4) Section 61(2a)—after paragraph (a) insert:
 - (ab) as to the weight, amount or quantity of the substance analysed; and