

### 32A. Drug trafficking

- (1) If a person is convicted of —
- (a) a serious drug offence and has, during the period of 10 years ending on the day, or the first of the days, as the case requires, on which the serious drug offence was committed, been convicted of 2 or more —
    - (i) serious drug offences;
    - (ii) external serious drug offences; or
    - (iii) offences, one or more of which are serious drug offences and one or more of which are external serious drug offences;
- or
- (b) a serious drug offence in respect of —
    - (i) a prohibited drug in a quantity which is not less than the quantity specified in Schedule VII in relation to the prohibited drug; or
    - (ii) prohibited plants in a number which is not less than the number specified in Schedule VIII in relation to the particular species or genus to which those prohibited plants belong,

the court convicting the person of the serious drug offence first referred to in paragraph (a), or the serious drug offence referred to in paragraph (b), as the case requires, shall on the application of the Director of Public Prosecutions or a police prosecutor declare the person to be a drug trafficker.

- (2) An application for a declaration under subsection (1) may be made at the time of the conviction giving rise to that application or at any time within 6 months from the day of that conviction, and more than one such application may be made in respect of that conviction.

- (3) In this section —

**“external serious drug offence”** means —

- (a) offence against a law of another State, or of a Territory, which offence is prescribed to correspond to a crime under section 6(1), 7(1), 33(1)(a) or 33(2)(a); or
- (b) offence against section 233B of the *Customs Act 1901* of the Commonwealth;

**“serious drug offence”** means a crime under section 6(1), 7(1), 33(1)(a) or 33(2)(a).

*[Section 32A inserted by No. 50 of 1990 s. 4; amended by No. 69 of 2000 s. 5(2) and (3); No. 4 of 2004 s. 58; No. 62 of 2004 s. 7.]*