



Western Australia

Misuse of Drugs Amendment (Methylamphetamine Offences) Act 2017

As at 21 Aug 2017

No. 3 of 2017

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Misuse of Drugs Amendment (Methylamphetamine Offences) Act 2017

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Misuse of Drugs Amendment (Methylamphetamine Offences) Act 2017

No. 3 of 2017

An Act to amend the *Misuse of Drugs Act 1981* and the *District Court of Western Australia Act 1969*.

[Assented to 21 August 2017]

The Parliament of Western Australia enacts as follows:

Part 1 — Preliminary

1. Short title

This is the *Misuse of Drugs Amendment (Methylamphetamine Offences) Act 2017*.

2. Commencement

This Act comes into operation as follows —

- (a) Part 1 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on the 28th day after the day on which this Act receives the Royal Assent.

Part 2 — *Misuse of Drugs Act 1981* amended

3. Act amended

This Part amends the *Misuse of Drugs Act 1981*.

4. Section 3 amended

In section 3(1) insert in alphabetical order:

methylamphetamine means the prohibited drug
referred to in Schedule VII item 8;

5. Section 32A amended

- (1) In section 32A(3) in the definition of *external serious drug offence* delete “7(1), 33(1)(a) or 33(2)(a); or” and insert:

7(1) or 33(1)(a) or, under section 33(2), conspiring to commit a
crime under section 6(1) or 7(1); or

- (2) In section 32A(3) in the definition of *serious drug offence*
delete “7(1), 33(1)(a) or 33(2)(a).” and insert:

7(1) or 33(1)(a) or, under section 33(2), conspiring to commit a
crime under section 6(1) or 7(1).

6. Section 33 amended

- (1) In section 33(1) after “an offence” insert:

under this Act

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(2) Delete section 33(2) and insert:

- (2) A person who conspires with another to commit an offence under this Act (the *principal offence*) commits —
- (a) if the principal offence is a crime under section 6(1) that does not involve methylamphetamine, the crime, but is liable on conviction to the penalty referred to in section 34(1)(b); or
 - (b) if the principal offence is a crime under section 7(1), the crime, but is liable on conviction to the penalty referred to in section 34(1)(ba); or
 - (c) if the principal offence is a simple offence or a crime other than a crime referred to in paragraph (a) or (b), the simple offence or the crime, as the case requires, and is liable on conviction to the same penalty to which a person who commits the principal offence is liable.

(3) In section 33(3):

(a) after “an offence” insert:

under this Act

(b) in paragraph (c) delete “fine; and” and insert:

fine to which a person who commits the principal offence is liable; and

- (c) delete paragraph (d) and the passage that begins “to which” and continues to the end of the subsection and insert:
 - (d) to imprisonment for a term not exceeding —
 - (i) 14 years, in a case where the person who commits the principal offence is liable to imprisonment for life; and
 - (ii) half of the term to which a person who commits the principal offence is liable, in any other case.

7. Section 34 amended

- (1) Before section 34(1) insert:

- (1A) In this section —
trafficable quantity of methylamphetamine means a quantity of methylamphetamine not less than that specified in Schedule VII item 8.

- (2) Delete section 34(1)(a) and (b) and insert:

- (a) a crime under section 6(1) that involves a trafficable quantity of methylamphetamine is liable to imprisonment for life; or
- (aa) any other crime under section 6(1) is liable to a fine not exceeding \$100 000 or to imprisonment for a term not exceeding 25 years or both; or
- (ab) a crime under section 7(1) is liable to a fine not exceeding \$100 000 or to imprisonment for a term not exceeding 25 years or both; or

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- (b) conspiring with another to commit a crime under section 6(1) that does not involve methylamphetamine is liable to a fine not exceeding \$75 000 or to imprisonment for a term not exceeding 20 years or both; or
 - (ba) conspiring with another to commit a crime under section 7(1) is liable to a fine not exceeding \$75 000 or to imprisonment for a term not exceeding 20 years or both; or
- (3) In section 34(2) and (3) delete “referred to in subsection (1)(a)” and insert:

under section 6(1) or 7(1)

**Part 3 — *District Court of Western Australia Act 1969*
amended**

8. Act amended

This Part amends the *District Court of Western Australia Act 1969*.

9. Section 42 amended

In section 42(2) delete “life.” and insert:

life, unless the offence is —

- (a) a crime under the *Misuse of Drugs Act 1981* section 6(1) that involves a trafficable quantity of methylamphetamine as defined in section 34(1A) of that Act (a ***serious methylamphetamine crime***); or
- (b) an attempt to commit a serious methylamphetamine crime under the *Misuse of Drugs Act 1981* section 33(1)(a); or
- (c) conspiring to commit a serious methylamphetamine crime under the *Misuse of Drugs Act 1981* section 33(2)(c).

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