

Western Australia

Misuse of Drugs Amendment Bill 2021

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Western Australia

LEGISLATIVE COUNCIL

(Introduced by Hon. Dr Brian Walker, MLC)

Misuse of Drugs Amendment Bill 2021

A Bill for

An Act to amend the *Misuse of Drugs Act 1981*.

The Parliament of Western Australia enacts as follows:

s. 1

1 **1. Short title**

2 This is the *Misuse of Drugs Amendment Act 2021*.

3 **2. Commencement**

4 This Act comes into operation as follows —

5 (a) sections 1 and 2 — on the day on which this Act
6 receives the Royal Assent;

7 (b) the rest of the Act — on the day after that day.

8 **3. Act amended**

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

10 **4. Section 32A amended**

11 After section 32A(1) insert:

12

13 (1A) Despite subsection (1), the court is not required to
14 declare the person to be a drug trafficker if the court is
15 satisfied that it would be clearly unjust to do so, having
16 regard to the circumstances of the commission of the
17 offence and any other matter the court considers
18 relevant.

19 (1B) A court that, because of subsection (1A), does not
20 declare a person to be a drug trafficker must give
21 reasons for its decision not to do so.
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