



New South Wales

# **Drug Misuse and Trafficking Amendment (Short Descriptions of Offences) Regulation 1998**

under the

Drug Misuse and Trafficking Act 1985

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Drug Misuse and Trafficking Act 1985*.

J W Shaw

Attorney General

## **Explanatory note**

The object of this Regulation is to specify short descriptions for certain offences under the *Drug Misuse and Trafficking Act 1985* to facilitate the issue of summonses, warrants and other legal processes.

This Regulation is made under the *Drug Misuse and Trafficking Act 1985*, including section 45 (the general regulation-making power) and in accordance with section 145B of the *Justices Act 1902*.

**1998 No 524**

Clause 1                      Drug Misuse and Trafficking Amendment (Short Descriptions of Offences) Regulation 1998

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**Drug Misuse and Trafficking Amendment (Short Descriptions of Offences) Regulation 1998**

**1   Name of Regulation**

This Regulation is the *Drug Misuse and Trafficking Amendment (Short Descriptions of Offences) Regulation 1998*.

**2   Amendment of Drug Misuse and Trafficking Regulation 1994**

The *Drug Misuse and Trafficking Regulation 1994* is amended as set out in Schedule 1.

**3   Notes**

The explanatory note does not form part of this Regulation.

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**Schedule 1 Amendments**

(Clause 2)

**[1] Clause 6A**

Insert after clause 6:

**6A Short descriptions of offences**

- (1) For the purposes of section 145B of the *Justices Act 1902*, the prescribed expression for an offence created by a provision of the Act specified in Column 1 of Schedule 1 is:
  - (a) the expression specified in Column 2 of that Schedule, or
  - (b) if a choice of words is indicated in that expression, the words remaining after the omission of the words irrelevant to the offence.
- (2) For the purposes of any proceedings for an offence created by a provision of the Act specified in Column 1 of Schedule 1, the prescribed expression for the offence is taken to relate to the offence created by the provision, as the provision was in force when the offence is alleged to have been committed.
- (3) The amendment or repeal of a prescribed expression does not affect the validity of any information, complaint, summons, warrant, notice, order or other document in which the expression is used, and any such document continues to have effect as if that expression had not been amended or repealed.
- (4) Subclause (3) applies to any information, complaint, summons, warrant, notice, order or other document (whether issued, given or made before or after the amendment or repeal) that relates to an offence alleged to have been committed before the amendment or repeal.

## 1998 No 524

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Schedule 1 Amendments

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### [2] Schedule 1

Insert at the end of the Regulation:

#### **Schedule 1 Short descriptions of certain offences**

(Clause 6A)

<b>Column 1</b>	<b>Column 2</b>
<b>Offence</b>	<b>Prescribed expression</b>
Section 10 (1)	possess prohibited drug
Section 11 (1)	possess equipment to administer prohibited drug
Section 11A (2) (a)	sell waterpipe
Section 11A (2) (b)	supply waterpipe (commercial transaction)
Section 11A (3) (a)	display waterpipe in shop
Section 11A (3) (b)	display waterpipe in connection with shop
Section 12 (1)	self administer/attempt to self administer prohibited drug
Section 13 (1)	administer/attempt to administer prohibited drug to another
Section 14 (1)	permit another person to administer/attempt to administer to him/her prohibited drug
Section 15	knowingly forge/fraudulently alter/utter a prescription of a medical practitioner/veterinary surgeon including a prohibited drug
Section 16 (a)	knowingly obtain from a medical practitioner/veterinary surgeon a prohibited drug by false representation/induce pharmacist to dispense forged/fraudulently altered prescription

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<b>Column 1</b>	<b>Column 2</b>
<b>Offence</b>	<b>Prescribed expression</b>
Section 16 (b)	possession of forged/fraudulently altered prescription including a prohibited drug/prescription obtained by false representation
Section 17	obtain/attempt to obtain prohibited drug by false representation
Section 18	obtain/attempt to obtain prohibited drug/prescription that includes prohibited drug without informing medical practitioner of details of other prohibited drugs prescribed during previous 2 months where failure/refusal to inform is made with intent to deceive