

**DRUG MISUSE AND TRAFFICKING (FURTHER
AMENDMENT) ACT 1987 No. 156**

NEW SOUTH WALES



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**DRUG MISUSE AND TRAFFICKING (FURTHER AMENDMENT)
ACT 1987 No. 156**

NEW SOUTH WALES



Act No. 156, 1987

An Act to amend the Drug Misuse and Trafficking Act 1985 with respect to the sale, supply and display of certain devices. [Assented to 18 November 1987]

Drug Misuse and Trafficking (Further Amendment) 1987

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:

Short title

1. This Act may be cited as the "Drug Misuse and Trafficking (Further Amendment) Act 1987".

Commencement

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence on such day as may be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment of Act No. 226, 1985

3. The Drug Misuse and Trafficking Act 1985 is amended by inserting after section 11 the following section:

Sale, supply and display of waterpipes

11A. (1) In this section—

"shop" includes—

- (a) so much of a building or place as is used for the sale, or supply in the course of commercial transactions, of goods; and
- (b) a stall or other structure used for such sale or supply of goods at a market or elsewhere,

but does not include anything prescribed by the regulations as not being a shop for the purposes of this section;

"waterpipe" means—

- (a) a device capable of being used for the administration of a prohibited drug, by means of the drawing of smoke or fumes (resulting from the heating or burning of the drug) through water or another liquid; or

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(b) a device that is apparently intended to be such a device but that is not capable of being so used because it needs an adjustment, modification or addition,

and includes a device known as a bong, but does not include a device of a class or description prescribed by the regulations as not being a waterpipe for the purposes of this section.

(2) A person who—

(a) sells a waterpipe; or

(b) supplies a waterpipe in the course of or in connection with a commercial transaction,

is guilty of an offence.

(3) A person who displays a waterpipe—

(a) in a shop; or

(b) near but in connection with a shop,

is guilty of an offence, unless the person satisfies the court that the display was not for a commercial purpose.

(4) For the purposes of this section, it is immaterial that the waterpipe was used or intended to be used for a purpose other than the administration of a prohibited drug.