



New South Wales

Drug Summit Legislative Response Amendment (Trial Period Extension) Act 2007 No 17

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Amendment of Drug Misuse and Trafficking Act 1985 No 226	2
4 Amendment of Drug Misuse and Trafficking Regulation 2006	2
5 Repeal of Act	2
Schedule 1 Amendment of Drug Misuse and Trafficking Act 1985	3
Schedule 2 Amendment of Drug Misuse and Trafficking Regulation 2006	4



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Drug Summit Legislative Response Amendment (Trial Period Extension) Act 2007 No 17

Act No 17, 2007

An Act to amend the *Drug Misuse and Trafficking Act 1985* so as to extend the trial period established under Part 2A of that Act for the operation and use of the injecting centre licensed under that Part; and for other purposes. [Assented to 4 July 2007]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Drug Summit Legislative Response Amendment (Trial Period Extension) Act 2007*.

2 Commencement

This Act commences on the date of assent to this Act.

3 Amendment of Drug Misuse and Trafficking Act 1985 No 226

The *Drug Misuse and Trafficking Act 1985* is amended as set out in Schedule 1.

4 Amendment of Drug Misuse and Trafficking Regulation 2006

The *Drug Misuse and Trafficking Regulation 2006* is amended as set out in Schedule 2.

5 Repeal of Act

- (1) This Act is repealed on the day following the day on which this Act commences.
- (2) The repeal of this Act does not, because of operation of section 30 of the *Interpretation Act 1987*, affect any amendment made by this Act.

Schedule 1 Amendment of Drug Misuse and Trafficking Act 1985

(Section 3)

[1] Section 36A Limited operation of Part 2A

Omit “31 October 2007” from section 36A (1).

Insert instead “31 October 2011”.

[2] Section 36B Review during trial period

Omit section 36B (2). Insert instead:

- (2) The review is to commence as soon as practicable after the date of assent to the *Drug Summit Legislative Response Amendment (Trial Period Extension) Act 2007* and is to be completed by 1 May 2011.

[3] Section 36K

Omit the section. Insert instead:

36K Reviews of licence

- (1) The responsible authorities may arrange for the ongoing or periodical review of any licensed injecting centre.
- (2) The responsible authorities must arrange for the review of the economic viability of a licensed injecting centre if they are satisfied that the service activity level of the centre has dropped below 75 per cent of the service activity level prescribed by the regulations.
- (3) Regulations referred to in subsection (2) may express the level of service activity as a specified number of client visits in any period or may express that level in any other manner.
- (4) The responsible authorities may revoke a licence if, after considering the results of a review under subsection (2), they are of the opinion that the licensed injecting centre has ceased to be economically viable.

[4] Section 36T Effect of extension of trial period

Omit “*Drug Summit Legislative Response Amendment (Trial Period Extension) Act 2003*” from section 36T (1).

Insert instead “*Drug Summit Legislative Response Amendment (Trial Period Extension) Act 2007*”.

Schedule 2 Amendment of Drug Misuse and Trafficking Regulation 2006

(Section 4)

Clause 19A

Insert before clause 20:

19A Prescribed service activity level for licensed injecting centre

- (1) For the purposes of section 36K (2) of the Act, the prescribed service activity level for the licensed injecting centre is an average of at least 208 client visits per day in each month.
- (2) Subclause (1) applies only in relation to a month beginning after the commencement of this clause.

[Agreement in principle speech made in Legislative Assembly on 7 June 2007
Second reading speech made in Legislative Council on 26 June 2007]

BY AUTHORITY