



New South Wales

# Drug Misuse and Trafficking Amendment (Appointed Persons) Act 2023 No 19

## Contents

---

|                   |   | Page     |
|-------------------|---|----------|
|                   | 1 Name of Act   | 2        |
|                   | 2 Commencement  | 2        |
| <b>Schedule 1</b> | <b>Amendment of Drug Misuse and Trafficking Act 1985 No 226</b> | <b>3</b> |

---



New South Wales

# Drug Misuse and Trafficking Amendment (Appointed Persons) Act 2023 No 19

Act No 19, 2023

---

An Act to amend the *Drug Misuse and Trafficking Act 1985* to provide for matters in relation to certificate evidence. [Assented to 4 September 2023]

---

**The Legislature of New South Wales enacts—**

**1 Name of Act**

This Act is the *Drug Misuse and Trafficking Amendment (Appointed Persons) Act 2023*.

**2 Commencement**

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

## **Schedule 1 Amendment of Drug Misuse and Trafficking Act 1985 No 226**

### **[1] Section 43 Certificate evidence**

Omit section 43(5). Insert instead—

- (5) The following persons (each an *appointer*) may appoint a person to give certificates for this section if the appointer considers the person to be suitably qualified—
- (a) the Executive Director under the *Royal Botanic Gardens and Domain Trust Act 1980*,
  - (b) a person prescribed by the regulations.

### **[2] Schedule 3 Savings, transitional and other provisions**

Insert before clause 1—

#### **Part 1 Transitional and saving regulations**

### **[3] Schedule 3**

Insert after clause 1—

#### **Part 2 Provision for Drug Misuse and Trafficking Amendment (Drug Exhibits) Act 2016**

### **[4] Schedule 3**

Insert after clause 2—

#### **Part 3 Validation of amendments to Schedule 1**

### **[5] Schedule 3**

Insert after clause 3—

#### **Part 4 Provision for Justice Legislation Amendment Act (No 2) 2018**

### **[6] Schedule 3**

Insert after clause 4—

#### **Part 5 Provision for Drug Misuse and Trafficking Amendment (Appointed Persons) Act 2023**

##### **5 Validation of appointments under section 43(5)**

- (1) An appointment purported to have been made under section 43(5) before the commencement of the *Drug Misuse and Trafficking Amendment (Appointed Persons) Act 2023* is taken to be, and always to have been, a valid appointment.
- (2) Without limiting subclause (1), a relevant certificate is taken to be, and always to have been, a validly given certificate for the purposes of section 43.

- (3) In this clause—  
*relevant certificate* means a certificate given under section 43 by a person whose appointment is, because of subclause (1), taken to be, and always to have been, a valid appointment.

[Second reading speech made in—  
Legislative Assembly on 2 August 2023  
Legislative Council on 24 August 2023]