



New South Wales

Drug Misuse and Trafficking Amendment (Drug Exhibits) Regulation 2017

under the

Drug Misuse and Trafficking Act 1985

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

MARK SPEAKMAN, MP
Attorney General

Explanatory note

The object of this Regulation is to amend the *Drug Misuse and Trafficking Regulation 2011*:

- (a) to ensure that the new provisions of the *Drug Misuse and Trafficking Act 1985* relating to the destruction of substances to substances already in police custody apply despite any previous order for their retention, and
- (b) to correct a wrong cross-reference to a provision.

This Regulation is made under the *Drug Misuse and Trafficking Act 1985*, including sections 39D and 45 and clause 1 of Schedule 3.

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1 Name of Regulation

This Regulation is the *Drug Misuse and Trafficking Amendment (Drug Exhibits) Regulation 2017*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

3 Amendment of Drug Misuse and Trafficking Regulation 2011

(1) Clause 16M Evidentiary provision—continuity evidence

Omit “paragraph (b) (iii)” from clause 16M (3) (c). Insert instead “paragraph (b)”.

(2) Clause 25A

Insert after clause 25:

25A Transitional provision—Drug Misuse and Trafficking Amendment (Drug Exhibits) Act 2016

(1) This clause applies to any substance in the custody of a member of the NSW Police Force on the commencement of Part 3A of the Act (as substituted by the *Drug Misuse and Trafficking Amendment (Drug Exhibits) Act 2016*) to which that Part (as so substituted) has been applied by clause 2 (1) of Schedule 3 to the Act.

(2) That Part (as so substituted) applies despite any order for the retention of the substance made under section 39E of the Act before the substitution of that Part.