



New South Wales

# Drug Summit Legislative Response Amendment (Trial Period Extension) Bill 2003

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

Part 2A of the *Drug Misuse and Trafficking Act 1985* currently permits the operation and use, under licence, of a single medically supervised injecting centre, but restricts the period during which such a licence can have effect to a trial period that started on 1 May 2001 and finishes on 31 October 2003.

The object of this Bill is to amend the *Drug Misuse and Trafficking Act 1985* to extend the trial period so that it will finish on 31 October 2007.

## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on 31 October 2003.

**Clause 3** is a formal provision that gives effect to the amendments to the *Drug Misuse and Trafficking Act 1985* set out in Schedule 1.

## **Schedule 1 Amendments**

**Schedule 1 [1] and [2]** amend section 36A (1) so as to extend the trial period for which that section allows a licence to be issued under Part 2A. The trial period will now end on 31 October 2007 rather than on 31 October 2003. **Schedule 1 [5]** makes a consequential amendment.

**Schedule 1 [3]** amends section 36B (1) (a) so as to remove the requirement that the review into the operation and use of the licensed injecting centre relate only to the first 18 months of the trial period. **Schedule 1 [4]** requires that review and a statutory review of Part 2A to be completed by 1 May 2007.

**Schedule 1 [6]** amends section 36T to provide that the licence currently in force under Part 2A is extended for the whole of the extended trial period, and may not be challenged or called into question before any court or tribunal as a consequence of its term having been so extended.



New South Wales

# Drug Summit Legislative Response Amendment (Trial Period Extension) Bill 2003

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New South Wales

# Drug Summit Legislative Response Amendment (Trial Period Extension) Bill 2003

No. , 2003

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## A Bill for

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.

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<b>The Legislature of New South Wales enacts:</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>Drug Summit Legislative Response Amendment (Trial Period Extension) Act 2003</i> .	3 4
<b>2 Commencement</b>	5
This Act commences on 31 October 2003.	6
<b>3 Amendment of Drug Misuse and Trafficking Act 1985 No 226</b>	7
The <i>Drug Misuse and Trafficking Act 1985</i> is amended as set out in Schedule 1.	8 9

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**Schedule 1 Amendments**

(Section 3)

- |   |    |
|---|----|
|   | 1  |
|   | 2  |
| <b>[1] Section 36A Limited operation of Part 2A</b>   | 3  |
| Omit “of 30 months” from section 36A (1).   | 4  |
| <b>[2] Section 36A (1)</b>  | 5  |
| Insert “and ending on 31 October 2007” after “start of the trial period”.   | 6  |
| <b>[3] Section 36B Review during trial period</b>   | 7  |
| Omit “the first 18 months of” from section 36B (1) (a).   | 8  |
| <b>[4] Section 36B (2)</b>  | 9  |
| Omit “, but may be completed during or after the trial period”.   | 10 |
| Insert instead “and is to be completed by 1 May 2007”.  | 11 |
| <b>[5] Section 36D Definitions</b>  | 12 |
| Omit “of 30 months” from the definition of <i>trial period</i> .  | 13 |
| <b>[6] Section 36T Effect of extension of trial period</b>  | 14 |
| Omit “date of assent to the <i>Drug Summit Legislative Response Amendment (Trial Period Extension) Act 2002</i> ” from section 36T (1). | 15 |
| Insert instead “commencement of the <i>Drug Summit Legislative Response Amendment (Trial Period Extension) Act 2003</i> ”.              | 17 |
|   | 18 |