

Passed by both Houses



New South Wales

# Drug Misuse and Trafficking Amendment (Appointed Persons) Bill 2023

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*I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.*

*Clerk of the Legislative Assembly.  
Legislative Assembly,  
Sydney,*

*, 2023*



New South Wales

## **Drug Misuse and Trafficking Amendment (Appointed Persons) Bill 2023**

Act No \_\_\_\_\_, 2023

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An Act to amend the *Drug Misuse and Trafficking Act 1985* to provide for matters in relation to certificate evidence.

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*I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.*

*Assistant Speaker of the Legislative Assembly.*

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**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.