

[Act 1998 No 160]



New South Wales

# Drug Misuse and Trafficking Amendment (Controlled Operations and Integrity Testing Programs) Bill 1998

## Explanatory note

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

### Overview of Bill

The object of this Bill is to amend the *Drug Misuse and Trafficking Act 1985* so as to facilitate the use of prohibited plants and prohibited drugs in connection with:

- (a) controlled operations under the *Law Enforcement (Controlled Operations) Act 1997*, and
- (b) integrity testing programs under Part 10A of the *Police Service Act 1990*.

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\* Amended in committee—see table at end of volume.

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## 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 a day or days to be appointed by proclamation.

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

**Schedule 1 [1]** amends section 10 so as to legalise the possession of a prohibited drug by a person acting in accordance with a direction by the Commissioner of Police under proposed section 39RA.

**Schedule 1 [2]** amends section 23 so as to legalise the supply and possession of a prohibited plant by a person acting in accordance with a direction by the Commissioner of Police under proposed section 39RA.

**Schedule 1 [3] and [4]** amend section 25 so as to legalise the supply of a prohibited drug by a person acting in accordance with a direction by the Commissioner of Police under proposed section 39RA.

**Schedule 1 [5], [6] and [7]** make consequential amendments to sections 39I and 39N.

**Schedule 1 [8]** inserts proposed section 39RA. The proposed section authorises the Commissioner of Police to direct that any prohibited plant or prohibited drug that has been seized by a police officer be retained for use in connection with a controlled operation under the *Law Enforcement (Controlled Operations) Act 1997* or an integrity testing program under Part 10A of the *Police Service Act 1990*. The functions of the Commissioner of Police under the proposed section will not be delegable except to a Deputy Commissioner of Police.