

[Act 2002 No 21]



New South Wales

# **Drug Summit Legislative Response Amendment (Trial Period Extension) Bill 2002**

## **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 of 18 months.

The object of this Bill is to amend the *Drug Misuse and Trafficking Act 1985* so as to extend the trial period from 18 months to 30 months.

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Explanatory note

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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 assent.

**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 Amendments

**Schedule 1 [1]** amends section 36A (1) so as to extend, from 18 months to 30 months, the trial period for which that section allows a licence to be issued under Part 2A. **Schedule 1 [3]** makes an identical amendment to the definition of *trial period* in section 36D.

**Schedule 1 [2]** amends section 36B (1) so as to ensure that the period in respect of which a review must be conducted into the operation and use of the licensed injecting centre remains the current trial period of 18 months, and not the extended trial period of 30 months.

**Schedule 1 [4]** amends section 36G so as to extend the period for which a licence is in force under Part 2A to the new trial period of 30 months.

**Schedule 1 [5]** inserts a new section 36T that provides that the licence currently in force under Part 2A is extended for the whole of the new trial period of 30 months, and may not be challenged or called into question before any court or tribunal as a consequence of its term having been so extended. The new section also provides that section 36Q (which relates to the application of the *Environmental Planning and Assessment Act 1979*) applies with respect to the whole of the new trial period.