

[Act 2002 No 128]



New South Wales

# Drug Misuse and Trafficking Amendment (Dangerous Exhibits) Bill 2002

## 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* to provide for the destruction or other disposal of exhibits that have been seized in connection with proceedings for drug-related offences if the exhibits are a threat to health or safety.

## Outline of provisions

The *Drug Misuse and Trafficking Act 1985* allows orders to be obtained from Magistrates for the disposal of exhibits retained for the purpose of proceedings for drug-related offences, both before and after trial of the offence.

The proposed Act will provide for police officers of or above the rank of Superintendent to make orders for the destruction or other disposal of exhibits if analysts certify that is required to be done in the interest of health or safety.

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

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**Clause 2** provides for the commencement of the proposed Act on a day to be appointed by proclamation.

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

### **Schedule 1 Amendment**

Schedule 1 makes provision for orders allowing the destruction or other disposal of exhibits as described above.

Before that is done, any person charged with an offence to which the exhibit relates will need to be given at least 35 days' notice of the proposal and samples of any substance concerned will be set aside, if practicable.

A court that may make an order for the restitution or disposal of the exhibit concerned may delay the carrying out of, or revoke, an order made under the proposed provisions.