

## DRUG MISUSE AND TRAFFICKING (FURTHER AMENDMENT) BILL 1988

NEW SOUTH WALES



### EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to amend the Drug Misuse and Trafficking Act 1985 so as—

- (a) to prevent any variation in the traffickable, small, indictable, commercial and large commercial quantities of prohibited plants and prohibited drugs (which are fixed by Schedule 1 to that Act) from being made by regulations under that Act; and
- (b) to remove the power to make regulations that omit prohibited plants or prohibited drugs from that Schedule or that replace that Schedule with a different Schedule; and
- (c) to complete the review of those quantities commenced by the Drug Misuse and Trafficking (Amendment) Act 1988.

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Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act by proclamation.

Clause 3 is a formal provision giving effect to the Schedule of amendments.

### SCHEDULE 1—AMENDMENTS

Schedule 1 (1) repeals and replaces section 44 of the Principal Act so as to remove the power to vary quantities of prohibited plants or drugs by regulations made under that Act and the power to omit any such plant or drug or to substitute Schedule 1 to that Act by such a regulation.

The consequences are—

- (a) that any variation in the number of prohibited plants or the amount of a prohibited drug required to establish a traffickable, small, indictable, commercial or large commercial quantity must (after commencement of the proposed section) be made by an amending Act; and

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- (b) that substances will still be able to be added by regulations to that Schedule (which will consequently become prohibited drugs); and
- (c) that the traffickable, small, indictable, commercial and large commercial quantities for prohibited plants and prohibited drugs which are so added will be able to be fixed (but not be capable of alteration) by regulations.

**Schedule 1 (2)** amends Schedule 1 to that Act so as to make a small number of adjustments consistent with certain amendments already made by the Drug Misuse and Trafficking (Amendment) Act 1988. Those amendments provided graded penalties for offences involving commercial quantities of prohibited plants and drugs and varied quantities in different categories (mainly for the purpose of increasing the indictable and reducing the commercial quantity of any such plant or drug).

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