



New South Wales

Drug Misuse and Trafficking Amendment (Medically Supervised Injecting Centre) Bill 2010

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 enable the medically supervised injecting centre in Kings Cross to operate on an ongoing basis. At present, the centre is operating for a trial period that began on 1 May 2001 and is due to expire on 31 October 2011.

The Bill also repeals the *Drug Summit Legislative Response Act 1999*, which only contains spent provisions relating to the Drug Offensive Council, Foundation and Fund.

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 the date of assent to the proposed Act.

Clause 3 repeals the *Drug Summit Legislative Response Act 1999*.

Schedule 1 Amendment of Drug Misuse and Trafficking Act 1985 No 226

Schedule 1 [1]–[3], [5], [6] and [8] remove references in various provisions to the trial period due to end on 31 October 2011, which has the effect of enabling the licensed injecting centre to operate on an ongoing basis.

Schedule 1 [4] sets out the objects of Part 2A (Medically supervised injecting centres) of the *Drug Misuse and Trafficking Act 1985* and requires the Minister to review the operation of that Part after 5 years from the commencement of the proposed Act. A report of the outcome of the review is to be tabled in Parliament.

Schedule 1 [7] authorises the responsible authorities (the Commissioner of Police and the Director-General of the Department of Health) to revoke a licence in certain circumstances.

Schedule 1 [9] inserts a savings provision to ensure that the existing licence continues without the need to be re-issued at the end of the trial period.



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Drug Misuse and Trafficking Amendment (Medically Supervised Injecting Centre) Bill 2010

No. , 2010

A Bill for

An Act to amend the *Drug Misuse and Trafficking Act 1985* to make further provision with respect to the operation of the medically supervised injecting centre and to repeal the *Drug Summit Legislative Response Act 1999*.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Drug Misuse and Trafficking Amendment (Medically Supervised Injecting Centre) Act 2010</i> .	3 4
2 Commencement	5
This Act commences on the date of assent to this Act.	6
3 Repeal of Drug Summit Legislative Response Act 1999 No 67	7
The <i>Drug Summit Legislative Response Act 1999</i> is repealed.	8

Schedule 1	Amendment of Drug Misuse and Trafficking Act 1985 No 226	1
		2
[1] Section 36A Limited operation of Part		3
	Omit section 36A (1). Insert instead:	4
	(1) Despite any other provision of this Part, this Part operates to allow the responsible authorities to issue only one licence in respect of only one premises.	5 6 7
[2] Section 36A (2)		8
	Omit “has been revoked or has otherwise ceased to have effect”.	9
	Insert instead “is surrendered or revoked before the further licence takes effect”.	10 11
[3] Section 36A (3)		12
	Omit the subsection.	13
[4] Sections 36B and 36C		14
	Omit the sections. Insert instead:	15
36B Objects of Part		16
	The objects of this Part are as follows:	17
	(a) to reduce the number of deaths from drug overdoses,	18
	(b) to provide a gateway to treatment and counselling for clients of the licensed injecting centre,	19 20
	(c) to reduce the number of discarded needles and syringes and the incidence of drug injecting in public places,	21 22
	(d) to assist in reducing the spread of blood-borne diseases, such as HIV infection or Hepatitis C.	23 24
36C Review of Part		25
	(1) The Minister is to review this Part to determine whether the policy objectives of this Part remain valid and whether the terms of this Part remain appropriate for securing those objectives.	26 27 28
	(2) The review is to be undertaken as soon as possible after the period of 5 years from the commencement of the <i>Drug Misuse and Trafficking Amendment (Medically Supervised Injecting Centre) Act 2010</i> .	29 30 31 32

Drug Misuse and Trafficking Amendment (Medically Supervised Injecting Centre) Bill 2010

Schedule 1 Amendment of Drug Misuse and Trafficking Act 1985 No 226

(3)	A report of the outcome of the review is to be tabled in each House of Parliament within 12 months after the end of the period of 5 years.	1 2 3
[5]	Section 36D Definitions	4
	Omit the definition of <i>trial period</i> .	5
[6]	Section 36G Duration of licence	6
	Omit section 36G (1). Insert instead:	7
(1)	Except during any period of suspension, a licence remains in force until it is surrendered or revoked.	8 9
[7]	Section 36KA	10
	Insert after section 36K:	11
36KA	Revocation of licence	12
(1)	The responsible authorities may revoke a licence for any of the following reasons:	13 14
(a)	the responsible authorities are satisfied that it is more appropriate for a licence to be issued in respect of different premises,	15 16 17
(b)	the responsible authorities are satisfied that the licence holder is not a fit and proper person to hold the licence or, if the licence holder is a corporation, a director or person concerned in the management of the corporation is not a fit and proper person to hold a licence,	18 19 20 21 22
(c)	such other reasons as may be prescribed by the regulations.	23
(2)	A licence may also be revoked under section 36J or 36K.	24
[8]	Section 36Q Application of Environmental Planning and Assessment Act 1979	25 26
	Omit “during the trial period” wherever occurring in section 36Q (1) and (2).	27

[9] Section 36T	1
Omit the section. Insert instead:	2
36T Application of Drug Misuse and Trafficking Amendment (Medically Supervised Injecting Centre) Act 2010	3
	4
The amendments made to this Part by the <i>Drug Misuse and Trafficking Amendment (Medically Supervised Injecting Centre) Act 2010</i> extend to a licence in force under this Part immediately before the commencement of that Act.	5
	6
	7
	8