

Criminal Legislation Amendment Act 2007 No 57

[2007-57]



New South Wales

Status Information

Currency of version

Repealed version for 1 July 2008 to 12 December 2008 (accessed 6 October 2024 at 19:19)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Repeal**

The Act was repealed by sec 5 (1) of this Act with effect from 13.12.2008.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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Criminal Legislation Amendment Act 2007 No 57



New South Wales

An Act to make miscellaneous amendments to legislation relating to crimes, criminal procedure, and other matters.

1 Name of Act

This Act is the *Criminal Legislation Amendment Act 2007*.

2 Commencement

- (1) Sections 1-3, 5, Schedule 1 [1], [11], [12] and [15] and Schedule 3 [1] and [3]-[6] commence on the date of assent to this Act.
- (2) This Act commences on a day or days to be appointed by proclamation, except as provided by subsection (1).

3 Amendment of Acts

The Acts specified in Schedules 1-4 are amended as set out in those Schedules.

4 (Repealed)

5 Repeal of Act

- (1) This Act is repealed on the day following the day on which all of the provisions of this Act have commenced.
- (2) The repeal of this Act does not, because of the operation of section 30 of the *Interpretation Act 1987*, affect any amendment made by this Act.

Schedules 1-3 (Repealed)

Schedule 4 Amendment of **Drug Misuse and Trafficking Act 1985 No 226**

(Section 3)

[1] (Repealed)

[2] Section 24A Possession of precursors and certain apparatus for manufacture or

production of prohibited drugs

Omit section 24A (1). Insert instead:

(1) A person who has possession of:

- (a) a precursor, or
- (b) a drug manufacture apparatus,

intended by the person for use in the manufacture or production, by that person or another person, of a prohibited drug is guilty of an offence.

[3] Section 24A (3)

Omit the subsection. Insert instead:

(3) In this section:

drug manufacture apparatus means an apparatus specified or described in the regulations as a drug manufacture apparatus for the purposes of this section.

precursor means a substance specified or described in the regulations as a precursor for the purposes of this section.

[4] Section 24B

Insert after section 24A:

24B Possession of prohibited drug precursors

- (1) A person who has in his or her possession a precursor of a quantity not less than the quantity prescribed by the regulations in relation to that precursor is guilty of an offence.
- (2) It is a defence to a prosecution for an offence under subsection (1) if the defendant establishes:
 - (a) that the defendant is in possession of the precursor for the purposes of an activity that is not unlawful, or
 - (b) that the defendant otherwise has a reasonable excuse for possessing the precursor.
- (3) In this section, **precursor** means a substance:
 - (a) that is capable of being used to manufacture or produce a prohibited drug, and

(b) that is specified or described in the regulations as a precursor for the purposes of this section.

[5] Section 31 Indictable offences—summary disposal of unless prosecution or accused elects otherwise

Insert “or 24B” after “section 24A” in section 31 (1A).

[6] Section 33AB Penalties for offences involving possession of prohibited drug precursors

Insert at the end of the section:

(2) The penalty for an offence under section 24B is a fine of 1,000 penalty units or imprisonment for a term of 5 years, or both, except as provided by section 31.

[7]-[12] (Repealed)