

# Drug Misuse and Trafficking Amendment Act 2006 No 39

[2006-39]



New South Wales

## Status Information

### Currency of version

Repealed version for 4 December 2006 to 6 December 2007 (accessed 27 December 2024 at 14:21)

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

### Provisions in force

Some, but not all, of the provisions displayed in this version of the legislation have commenced.

### Notes—

- **Repeal**

The Act was repealed by sec 4 of the [Criminal Legislation Amendment Act 2007 No 57](#) with effect from 7.12.2007.

### 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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# Drug Misuse and Trafficking Amendment Act 2006 No 39



New South Wales

An Act to amend the *Drug Misuse and Trafficking Act 1985* to make further provision in relation to the prohibition of the manufacture, supply, possession and use of certain drugs; and for other purposes.

## 1 Name of Act

This Act is the *Drug Misuse and Trafficking Amendment Act 2006*.

## 2 Commencement

This Act commences on a day or days to be appointed by proclamation.

## 3 Amendment of *Drug Misuse and Trafficking Act 1985 No 226*

The *Drug Misuse and Trafficking Act 1985* is amended as set out in Schedule 1.

## 4 (Repealed)

## Schedule 1 Amendment of *Drug Misuse and Trafficking Act 1985*

(Section 3)

### [1]-[15] (Repealed)

### [16] Section 35A

Insert after section 35:

#### **35A Defence in relation to certain substances used in industry**

- (1) Despite any other provision in this Act, it is not an offence against this Act for:
  - (a) a person to manufacture, produce, possess or supply an industrial product for the purpose of the manufacture or distribution of an industrial product or final stage industrial product, or
  - (b) a person to manufacture, produce, possess or supply a final stage industrial

product, or

- (c) a person to possess or supply a Schedule 2 substance for the purpose of its disposal as waste or its destruction.

(2) In this section:

**distribution** means any process or operation necessary for distributing a substance or product to a manufacturer or other distributor.

**final stage industrial product** means:

- (a) an article or substance that does not contain any Schedule 2 substance or any other prohibited drug, or
- (b) an industrial product:
  - (i) from which a Schedule 2 substance cannot be readily extracted or readily synthesized, or
  - (ii) contains less than the concentration of Schedule 2 substance prescribed by the regulations,

and that does not contain any other prohibited drug.

**industrial product** means an article or substance:

- (a) that is not for human consumption, and
- (b) that is or contains a Schedule 2 substance.

**manufacture** means any process or operation necessary for manufacturing a substance or product.

**Schedule 2 substance** means any substance listed in Schedule 2.

- (3) In this section, a reference to the manufacture, production, possession or supply of a substance or product includes taking part in the manufacture, production, possession or supply of the substance or product.

**[17]-[19] (Repealed)**

**[20] Section 40A Proof of certain matters**

Omit "24 (4) or 25 (4)" from section 40A (2).

Insert instead "24 (4), 25 (4) or 35A".

**[21] (Repealed)**

**[22] Section 44A**

Insert after section 44:

**44A Amendment of Schedule 2**

The Governor may, from time to time, by regulation amend Schedule 2:

- (a) by adding the name or description of or relating to a substance, or
- (b) by amending a name or description of or relating to a substance for the purpose of more accurately describing the substance.

**[23] (Repealed)**

**[24] Schedule 1**

Insert in appropriate order:

1,4-Butanediol	30.0g	10.0g	50.0g	1.0kg	4.0kg	—
Gamma butyrolactone	30.0g	10.0g	50.0g	1.0kg	4.0kg	—
Methadone in oral liquid form	600ml	200ml	1L	100L	400L	—

**[25] Schedule 1**

Omit “, except 4-Hydroxy-butanoic acid lactone (also known as gamma butyrolactone as referred to in Schedule 2 to the *Drug Misuse and Trafficking Regulation 2000*)” from the matter relating to 4-Hydroxybutanoic acid.

**[26] (Repealed)**

**[27] Schedule 2**

Insert after Schedule 1:

**Schedule 2 Legitimate purpose defence substances**

(Sections 35A and 44A)

1,4-Butanediol (also known as hydroxybutanol or 1,4 BD)

Gamma butyrolactone (also known as 4-hydroxybutanoic acid lactone or GBL)

**Schedule 2 (Repealed)**