



New South Wales

Drug Misuse and Trafficking Amendment (Appointed Persons) Bill 2023

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—

- (a) provide that certain persons may appoint a person to give certificate evidence relating to the result of a plant or substance analysis, and
- (b) provide that appointments made before the commencement of the proposed Act are taken to be, and always to have been, validly made.

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.

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

Schedule 1[1] allows the Executive Director under the *Royal Botanic Gardens and Domain Trust Act 1980*, and other persons prescribed by the regulations, to appoint a person to give certificates relating to the result of a plant or substance analysis if the Executive Director or prescribed person considers the person to be suitably qualified.

Schedule 1[6] inserts a validation provision to provide that an appointment purported to have been made before the commencement of the proposed Act is taken to be, and always to have been, a valid appointment and that an evidentiary certificate given by a person whose appointment is

validated by the provision is taken to be, and always to have been, validly given. **Schedule 1[2]–[5]** make consequential amendments to insert part headings into Schedule 3.



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New South Wales

Drug Misuse and Trafficking Amendment (Appointed Persons) Bill 2023

No. , 2023

A Bill for

An Act to amend the *Drug Misuse and Trafficking Act 1985* to provide for matters in relation to certificate evidence.

The Legislature of New South Wales enacts—

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1 Name of Act

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This Act is the *Drug Misuse and Trafficking Amendment (Appointed Persons) Act 2023*.

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2 Commencement

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This Act commences on the date of assent to this Act.

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Schedule 1	Amendment of Drug Misuse and Trafficking Act 1985 No 226	1
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[1]	Section 43 Certificate evidence	3
	Omit section 43(5). Insert instead—	4
	(5) The following persons (each an <i>appointer</i>) may appoint a person to give certificates for this section if the appointer considers the person to be suitably qualified—	5
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	(a) the Executive Director under the <i>Royal Botanic Gardens and Domain Trust Act 1980</i> ,	8
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	(b) a person prescribed by the regulations.	10
[2]	Schedule 3 Savings, transitional and other provisions	11
	Insert before clause 1—	12
	Part 1 Transitional and saving regulations	13
[3]	Schedule 3	14
	Insert after clause 1—	15
	Part 2 Provision for Drug Misuse and Trafficking Amendment (Drug Exhibits) Act 2016	16
		17
[4]	Schedule 3	18
	Insert after clause 2—	19
	Part 3 Validation of amendments to Schedule 1	20
[5]	Schedule 3	21
	Insert after clause 3—	22
	Part 4 Provision for Justice Legislation Amendment Act (No 2) 2018	23
		24
[6]	Schedule 3	25
	Insert after clause 4—	26
	Part 5 Provision for Drug Misuse and Trafficking Amendment (Appointed Persons) Act 2023	27
		28
	5 Validation of appointments under section 43(5)	29
	(1) An appointment purported to have been made under section 43(5) before the commencement of the <i>Drug Misuse and Trafficking Amendment (Appointed Persons) Act 2023</i> is taken to be, and always to have been, a valid appointment.	30
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	(2) Without limiting subclause (1), a relevant certificate is taken to be, and always to have been, a validly given certificate for the purposes of section 43.	34
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(3) In this clause—

relevant certificate means a certificate given under section 43 by a person whose appointment is, because of subclause (1), taken to be, and always to have been, a valid appointment.

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