



New South Wales

Drug Summit Legislative Response Amendment (Trial Period Extension) Bill 2002

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

Part 2A of the *Drug Misuse and Trafficking Act 1985* currently permits the operation and use, under licence, of a single medically supervised injecting centre, but restricts the period during which such a licence can have effect to a trial period of 18 months.

The object of this Bill is to amend the *Drug Misuse and Trafficking Act 1985* so as to extend the trial period from 18 months to 30 months.

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 assent.

Clause 3 is a formal provision giving effect to the amendments to the *Drug Misuse and Trafficking Act 1985* set out in Schedule 1.

Schedule 1 Amendments

Schedule 1 [1] amends section 36A (1) so as to extend, from 18 months to 30 months, the trial period for which that section allows a licence to be issued under Part 2A. **Schedule 1 [3]** makes an identical amendment to the definition of *trial period* in section 36D.

Schedule 1 [2] amends section 36B (1) so as to ensure that the period in respect of which a review must be conducted into the operation and use of the licensed injecting centre remains the current trial period of 18 months, and not the extended trial period of 30 months.

Schedule 1 [4] amends section 36G so as to extend the period for which a licence is in force under Part 2A to the new trial period of 30 months.

Schedule 1 [5] inserts a new section 36T that provides that the licence currently in force under Part 2A is extended for the whole of the new trial period of 30 months, and may not be challenged or called into question before any court or tribunal as a consequence of its term having been so extended. The new section also provides that section 36Q (which relates to the application of the *Environmental Planning and Assessment Act 1979*) applies with respect to the whole of the new trial period.

First print



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Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Amendment of Drug Misuse and Trafficking Act 1985 No 226	2
Schedule 1 Amendments	3



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Drug Summit Legislative Response Amendment (Trial Period Extension) Bill 2002

No. , 2002

A Bill for

An Act to amend the *Drug Misuse and Trafficking Act 1985* so as to extend the trial period established under Part 2A of that Act for the operation and use of the injecting centre licensed under that Part; and for other purposes.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Drug Summit Legislative Response Amendment (Trial Period Extension) Act 2002</i> .	3 4
2 Commencement	5
This Act commences on the date of assent.	6
3 Amendment of Drug Misuse and Trafficking Act 1985 No 226	7
The <i>Drug Misuse and Trafficking Act 1985</i> is amended as set out in Schedule 1.	8 9

Schedule 1	Amendments	1
	(Section 3)	2
[1]	Section 36A Limited operation of Part 2A	3
	Omit “18 months” from section 36A (1). Insert instead “30 months”.	4
[2]	Section 36B Review during trial period	5
	Insert “the first 18 months of” after “during” in section 36B (1) (a).	6
[3]	Section 36D Definitions	7
	Omit “18 months” from the definition of <i>trial period</i> .	8
	Insert instead “30 months”.	9
[4]	Section 36G Duration of licence	10
	Omit “the period specified in it” from section 36G (1).	11
	Insert instead “the whole of the trial period”.	12
[5]	Section 36T	13
	Insert after section 36S:	14
	36T Effect of extension of trial period	15
	(1) The licence in force immediately before the date of assent to the <i>Drug Summit Legislative Response Amendment (Trial Period Extension) Act 2002</i> :	16
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	(a) is, by operation of this section, extended for the whole of the trial period despite any of its provisions to the contrary, and	19
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	(b) may not be challenged or called into question in proceedings before any court or tribunal as a consequence of its having been so extended.	22
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Schedule 1 Amendments

- (2) For avoidance of doubt, it is declared that section 36Q applies 1
with respect to the whole of the trial period. 2