

FIRST PRINT

METHADONE CLINICS (RESIDENTIAL AREAS) BILL 1991

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to enable the Minister to close down a methadone clinic situated in or in the vicinity of a residential area.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act is to commence on a day or days appointed by the Governor-in-Council.

Clause 3 contains definitions for the purposes of the proposed Act. In particular, it defines a methadone clinic as premises used for the treatment or rehabilitation of persons with drug related problems, other than premises conducted by the State, public hospitals, licensed private hospitals or day procedure centres, licensed nursing homes or other premises prescribed by the regulations.

Clause 4 empowers the Minister to order the closure of any methadone clinic that is situated in or in the vicinity of a residential area if the Minister is satisfied that it is not appropriate for the clinic to be situated in or in the vicinity of that area.

Clause 5 describes the effect of an order to close a methadone clinic. The person conducting the clinic must cease to supply methadone at the premises concerned but is not prevented from using the premises for other purposes.

Clause 6 requires the Minister to conduct periodic reviews of methadone clinics in residential areas. The Minister is required to seek and have regard to submissions about any proposed closure from the occupier of the premises, the council of the area and the general public.

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Clause 7 makes it clear that a closure order may be made even if the premises are a doctor's surgery, are licensed to supply methadone or are permitted to be used as a clinic under planning laws.

Clause 8 declares that no compensation is payable because of a closure order.

Clause 9 makes it an offence to conduct or permit the conduct of a methadone clinic in contravention of a closure order (Maximum penalty 100 penalty units—currently \$10,000).

Clause 10 enables the Minister to obtain an injunction to restrain the conduct of a methadone clinic in contravention of a closure order.

Clause 11 authorises the making of regulations for the purposes of the proposed Act.

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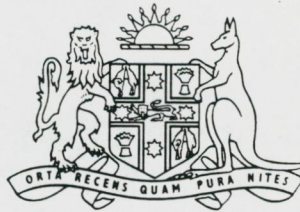


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METHADONE CLINICS (RESIDENTIAL AREAS) BILL 1991

NEW SOUTH WALES



No. , 1991

A BILL FOR

An Act to restrict the operation of methadone clinics in residential areas.

Methadone Clinics (Residential Areas) 1991

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Methadone Clinics (Residential Areas) Act 1991.

Commencement

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

Definitions

3. (1) In this Act:

“**closure order**” means an order given by the Minister and in force directing the closure of a methadone clinic;

“**exempt premises**” means:

- (a) any premises conducted by the State; or
- (b) an incorporated hospital or separate institution within the meaning of, or a hospital specified in the Fifth Schedule to, the Public Hospitals Act 1929; or
- (c) a hospital or other health service under the control of an area health service; or
- (d) a private hospital or day procedure centre licensed under the Private Hospitals and Day Procedure Centres Act 1988; or
- (e) a nursing home licensed under the Nursing Homes Act 1988; or
- (f) any premises or class of premises declared by the regulations to be exempt from this Act;

“**methadone clinic**” means any premises at which persons suffering from drug related problems are provided with treatment or rehabilitation involving the use of methadone, but does not include exempt premises;

“**residential area**” means any area containing premises predominantly used for residential purposes.

(2) In this Act, a reference to a methadone clinic in a residential area includes a reference to a methadone clinic in the vicinity of a residential area.

Methadone Clinics (Residential Areas) 1991

Minister may close down methadone clinics in residential areas

4. (1) The Minister may, in accordance with this Act, direct the closure of any methadone clinic in a residential area if the Minister is satisfied that it is not appropriate for the clinic to be situated in that residential area.

(2) Any such direction is to be given by order in writing served on the occupier of the clinic. A copy of the order is to be published in the Gazette as soon as practicable after it is made.

(3) A closure order takes effect at such time as is specified in the order.

(4) The Minister may revoke a closure order at any time.

Nature of closure order

5. A direction to close a methadone clinic is a direction to a person who conducts the methadone clinic to cease supplying methadone at the clinic. It does not require the premises to cease to be used for any other purpose.

Minister to conduct review before making closure order

6. (1) The Minister is to carry out periodic reviews of the activities of methadone clinics in residential areas throughout the State.

(2) Before making a closure order, the Minister is to carry out a review of the activities of the methadone clinic concerned.

(3) During any such review the Minister is required to give the occupier of the clinic, the council of the local government area concerned and members of the public an opportunity to make submissions on whether the methadone clinic should be closed. The Minister is to have regard to any such submissions made within the time directed by the Minister.

Premises that may be subject to closure order

7. A methadone clinic may be subject to a closure order even if it:

- (a) is a surgery or other premises at which a medical practitioner carries on the practice of medicine; or
- (b) is licensed under the Poisons Act 1966 or the regulations thereunder to supply methadone; or
- (c) is a permissible use of the land concerned under the Environmental Planning and Assessment Act 1979.

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No compensation because of closure order

8. A person is not entitled to any compensation for any loss suffered because of the making of a closure order under this Act.

Offence to conduct clinic after closure

9. (1) A person who conducts a methadone clinic in contravention of a closure order is guilty of an offence.

Maximum penalty: 100 penalty units.

(2) A person who permits a methadone clinic to be conducted in contravention of a closure order is guilty of an offence.

Maximum penalty: 100 penalty units.

(3) Proceedings for offences against this section are to be disposed of summarily before a Local Court constituted by a Magistrate sitting alone.

Injunction to prevent conduct of clinic after closure

10. (1) If a person is conducting a methadone clinic in contravention of a closure order, the Supreme Court may, on the application of the Minister, grant an injunction restraining the person from conducting the clinic.

(2) The Supreme Court may grant an interim injunction under this section, but is not to require the Minister or any other person, as a condition of granting the interim injunction, to give any undertaking as to damages.

Regulations

11. The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.
