

TASMANIA

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**MISUSE OF DRUGS AMENDMENT BILL 2016**

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# MISUSE OF DRUGS AMENDMENT BILL 2016

*(Brought in by the Minister for Police and Emergency Management, the Honourable Marinus Theodoor Hidding)*

## A BILL FOR

### An Act to amend the *Misuse of Drugs Act 2001*

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

#### 1. Short title

This Act may be cited as the *Misuse of Drugs Amendment Act 2016*.

#### 2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

#### 3. Principal Act

In this Act, the *Misuse of Drugs Act 2001*\* is referred to as the Principal Act.

#### 4. Section 38A inserted

Before section 39 of the Principal Act, the following section is inserted in Part 5:

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\*No. 94 of 2001

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**38A. Exemption from Act**

- (1) The Commissioner of Police, by instrument in writing, may exempt a specified person from any provision of this Act.
- (2) The exemption may be granted on the Commissioner's own initiative or consequent on an application made by or on behalf of the person.
- (3) The Commissioner may grant the exemption –
  - (a) for such period not exceeding 3 years as he or she thinks fit; and
  - (b) on such conditions, if any, as he or she thinks fit.
- (4) The Commissioner, by instrument in writing, may at any time –
  - (a) vary the conditions, if any, of the exemption; or
  - (b) revoke the exemption.
- (5) The Commissioner is to ensure that each person who has the benefit of the exemption is given adequate advance notice of the variation of its conditions or of its revocation.
- (6) The exemption remains in force until the first of the following occurs:

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- (a) the period for which the exemption has been granted expires;
- (b) the exemption is revoked.

**5. Expiry of Act**

This Act expires on the three hundred and sixty fifth day from the day on which it commences.