

DRUGS ACT 2005

EXPLANATORY NOTES

THE ACT

Commentary on Sections

Part 3: Assessment of Misuse of Drugs

Section 17: Relationship with the Bail Act 1976 etc.

39. This section in *subsection* (1) provides that a requirement to attend either an initial assessment or a follow-up assessment ceases to have effect if, before he has complied with the requirement in question, the person is charged with an offence which satisfied the arrest or charge condition in relation to the drug test (the related offence) and is granted bail in respect of that offence by a court on the condition that he undergo a relevant assessment and/or participate in follow-up under the Bail Act 1976. *Subsection* (2) provides that a relevant assessment for the purposes of the Bail Act 1976 is to be treated as having been carried out where a person attends for the duration of an initial assessment and the initial assessor is satisfied that the assessment fulfilled the purposes of the relevant assessment. *Subsection* (3) further provides that a person will be considered to have undergone such a relevant assessment in those circumstances. *Subsection* (4) provides that an initial assessor may disclose information regarding the initial assessment to enable a court to determine whether those circumstances arise.