NORTHERN TERRITORY OF AUSTRALIA

MISUSE OF DRUGS ACT 1990

As in force at 1 July 2026

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 1 July 2026

MISUSE OF DRUGS ACT 1990

An Act to consolidate and amend the law relating to the misuse of drugs, to make further provision for the prevention of the misuse of drugs, and for other purposes

Part I Preliminary matters

1 Short title

This Act may be cited as the *Misuse of Drugs Act 1990*.

2 Commencement

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3 Interpretation

(1) In this Act:

analyst means a person who is:

(a) appointed to be an analyst under subsection (8); or

(b) authorised under a law of the Commonwealth, a State or another Territory to issue a certificate or other document relating to a dangerous drug or other substance that is prima facie evidence of the facts alleged in the document.

authorisation, for Part IIAB, see section 19U.

authorised prescriber, see section 5 of the *Medicines, Poisons and Therapeutic Goods Act 2012*.

child means a person who has not attained the age of 18 years.

commercial quantity, in relation to a dangerous drug, means a quantity or amount equal to or exceeding the quantity or amount of that dangerous drug specified in column 3 of Schedule 1 or 2 opposite to the name of that dangerous drug specified in column 1 of that Schedule.

cultivate, in relation to a plant, includes the following:

(a) plant a seed, seedling or cutting of the plant or transplant the plant;

(b) nurture, tend or grow the plant;

(c) guard or conceal the plant, including against interference or discovery by humans or natural predators;

(d) harvest the plant, including picking any part of the plant or separating any resin or other substance from the plant.

dangerous drug means a Schedule 1 drug or Schedule 2 drug.

Note for definition ***dangerous drug***

See also subsection (2).

dentist means a person registered under the Health Practitioner Regulation National Law:

(a) to practise in the dental profession as a dentist (other than as a student); and

(b) in the dentists division of that profession.

detection dog, see section 19U.

drug analogue, see section 4B.

drug detection area, see section 19U.

electronic drug detection system, see section 19U.

firearm, see section 3(1) of the *Firearms Act 1997*.

general drug detection, see section 19U.

hulled, in relation to a seed, means a seed from which the outer coat or hull has been removed.

indigenous community means an area prescribed by regulation.

infringement notice, see section 20A(1).

infringement notice offence, see section 20(1).

low THC Cannabis sativa is a *Cannabis sativa* plant with a concentration of no more than 1% of delta 9-tetrahydrocanabinol in the plant's leaves and flowering heads.

manufacture, in relation to a substance or thing, means any process by which the substance or thing is:

(a) produced, other than by the cultivation of a plant; or

(b) extracted or refined; or

(c) transformed into a different substance.

non-viable, in relation to a seed, means a seed that is not able to germinate.

nurse practitioner means a person:

(a) registered under the Health Practitioner Regulation National Law to practise in the nursing profession (other than as a student); and

(b) whose registration is endorsed as being qualified to practice as a nurse practitioner.

optometrist means a person registered under the Health Practitioner Regulation National Law to practise in the optometry profession (other than as a student).

permissible Cannabis seeds are seeds of low THC Cannabis sativa that:

(a) contain not more than 0.0005% of tetrahydocannabinol; and

(b) are non-viable and hulled; and

(c) contain only naturally present cannabinoids.

pharmacist means a person registered under the Health Practitioner Regulation National Law to practise in the pharmacy profession (other than as a student).

place includes a vehicle.

police dog, see section 19U.

possession, in relation to a person, includes being subject to the person's control notwithstanding that the thing possessed is in the custody of another person.

precursor means a substance prescribed by the Regulations as a precursor.

premises includes a structure, building or place (whether built on or not) and any part of a structure, building or place.

prescribed amount, see section 20(2).

produce means:

(a) prepare, package or produce;

(b) offering to prepare, package or produce; or

(c) doing or offering to do an act preparatory to, in furtherance of, or for the purpose of, preparing, packaging or producing.

prohibited plant means:

(a) a plant that is specified in Schedule 1 or 2; or

(b) a plant that is not specified in Schedule 1 or 2 if a part of the plant, or an extract from the plant, is specified in Schedule 1 or 2.

public place includes any highway, premises or place (including water) to which at the material time the public have or are permitted to have access, whether on payment or otherwise, and any vehicle on or in a public place.

reasonably believes means believes on reasonable grounds.

reasonably suspects means suspects on reasonable grounds.

road, see section 19U.

Schedule 1 drug means:

(a) a substance or thing that is specified in Schedule 1; or

(b) a plant that is not specified in Schedule 1 if a part of the plant, or an extract from the plant, is specified in Schedule 1.

Schedule 2 drug means:

(a) a substance or thing that is specified in Schedule 2; or

(b) a plant that is not specified in Schedule 2 if a part of the plant, or an extract from the plant, is specified in Schedule 2.

senior police officer, see section 19U.

supply means:

(a) give, distribute, sell, administer, transport or supply, whether or not for fee, reward or consideration or in expectation of fee, reward or consideration; or

(b) offer to do an act mentioned in paragraph (a); or

(c) do, or offer to do, an act preparatory to, in furtherance of, or for the purpose of, an act mentioned in paragraph (a);

and includes barter and exchange.

traffickable quantity, in relation to a dangerous drug, means a quantity or amount equal to or exceeding the quantity or amount of that dangerous drug specified in column 2 of Schedule 1 or 2 opposite to the name of the dangerous drug specified in column 1 of that Schedule.

vehicle includes any means of transport whatsoever by land, water or through the air.

veterinarian means a registered veterinarian as defined in section 3(1) of the *Veterinarians Act 1994*.

Note for subsection (1)

The Interpretation Act 1978 contains definitions and other provisions that may be relevant to this Act.

(2) In this Act, a reference to a dangerous drug includes a reference to:

(a) a substance which is, in relation to a dangerous drug:

(i) an active principal of that dangerous drug;

(ii) a preparation or mixture of that dangerous drug (which may include a substance that is not a dangerous drug) that contains any proportion of that dangerous drug; or

(iii) a salt of that dangerous drug or active principal,

except where the substance is separately specified in Schedule 1 or 2; and

(b) a substance that is a drug analogue in relation to the dangerous drug, unless the substance is:

(i) a dangerous drug; or

(ii) a Scheduled substance as defined in section 7 of the *Medicines, Poisons and Therapeutic Goods Act 2012*.

(3) Subject to subsection (3A), for the purposes of determining under this Act whether an amount of a preparation or mixture of substances that contains a dangerous drug is equal to or more than the traffickable quantity or commercial quantity of the dangerous drug, the amount is to be determined as if all of the preparation or

mixture were comprised of the dangerous drug.

(3A) If the preparation or mixture contains more than one dangerous drug, subsection (3B) applies.

(3B) If:

(a) all dangerous drugs found in the preparation or mixture are specified in Schedule 1:

(i) the amount for a traffickable quantity is to be determined as if all of the preparation or mixture were comprised of the dangerous drug that, of all the dangerous drugs found, has the least quantity specified opposite it in column 2 of Schedule 1; and

(ii) the amount for a commercial quantity is to be determined as if all of the preparation or mixture were comprised of the dangerous drug that, of all the dangerous drugs found, has the least quantity specified opposite it in column 3 of Schedule 1;

(b) all dangerous drugs found in the preparation or mixture are specified in Schedule 2:

(i) the amount for a traffickable quantity is to be determined as if all of the preparation or mixture were comprised of the dangerous drug that, of all the dangerous drugs found, has the least quantity specified opposite it in column 2 of Schedule 2; and

(ii) the amount for a commercial quantity is to be determined as if all of the preparation or mixture were comprised of the dangerous drug that, of all the dangerous drugs found, has the least quantity specified opposite it, in column 3 of Schedule 2; or

(c) one or more of the dangerous drugs found in the preparation or mixture is specified in Schedule 1 and one or more of the other dangerous drugs found in the preparation or mixture are specified in Schedule 2:

(i) the amount for a traffickable quantity is to be determined as if all of the preparation or mixture were comprised of the dangerous drug that, of all the dangerous drugs found, has the least quantity specified opposite it in column 2 of Schedule 1; and

(ii) the amount for a commercial quantity is to be determined as if all of the preparation or mixture were

comprised of the dangerous drug that, of all the dangerous drugs found, has the least quantity specified opposite it in column 3 of Schedule 1.

(4) For this Act, the traffickable quantity or commercial quantity, respectively, of a substance that is a drug analogue is the traffickable quantity or commercial quantity of the dangerous drug in respect of which the drug analogue is a drug analogue.

(5) In this Act, a reference to the use or administration of a dangerous drug includes a reference to the ingestion, injection, inhalation and smoking of a dangerous drug, the inhalation of fumes caused by the heating or burning of a dangerous drug and any other means of introducing a dangerous drug into any part of the body of a person.

(6) For this Act and the Regulations, a person takes part in the supply, cultivation, manufacture or production of a dangerous drug if the person:

(a) takes, or participates in, a step, or causes a step to be taken, in the process of that supply, cultivation, manufacture or production; or

(b) provides or arranges finance for such a step in that process; or

(c) provides the premises in or on which such a step in that process is taken, or suffers or permits such a step in that process to be taken in or on premises of which the person is the owner, lessee or occupier or in the management of which the person participates; or

(d) exercises control or direction over a step in that process.

(7) In this Act a reference to an offence against this Act or a particular provision of this Act shall be read and construed as including an attempt or a conspiracy to commit such an offence.

(7A) In this Act, unless the contrary intention appears, a thing is taken to be connected with, or relate to, an offence if the thing is taken to be a thing connected with, or relating to, an offence under section 116(1) of the *Police Administration Act 1978*.

(8) The Minister may, by notice in the *Gazette*, appoint a person to be an analyst for the purposes of this Act.

4 Act to bind Crown and application

(1) This Act binds the Crown not only in right of the Territory but, so far as the legislative power of the Legislative Assembly permits, the Crown in all its other capacities.

(2) The provisions of this Act are in addition to, and, except to the extent so provided by this Act, do not derogate from, the provisions of any other Act.

4A Relationship with *Hemp Industry Act 2019*

(1) This Act does not affect the operation of the *Hemp Industry Act 2019* or make unlawful anything done in accordance with that Act.

(2) Without limiting subsection (1), this Act does not apply to processed low THC hemp.

(3) In this section:

low THC hemp, see section 3 of the *Hemp Industry Act 2019.*

processed low THC hemp means low THC hemp that is:

(a) treated by mechanical, chemical or other artificial means and substantially free of leaves and flowering heads; or

(b) non-viable if it is seed.

4B Meaning of *drug analogue*

A ***drug analogue*** is a substance, however obtained, that in relation to a dangerous drug is:

(a) a stereo-isomer; or

(b) a structural isomer having the same constituent groups; or

(c) a homologue; or

(d) a chemical derivative formed by a chemical process (for example, conversion of a carboxylic acid to an ester or an amine to an amide); or

(e) a structural modification obtained by the replacement of one or more of the following groups with another such group or groups, where the group is attached to oxygen, nitrogen, sulphur, phosphorus or carbon:

(i) alkoxy, cyclic diether, carbonyl, acyl, carboxylic acid, acyloxy, mono-alkylamino or di-alkylamino groups with up to 6 carbon atoms in any alkyl residue;

(ii) alkyl, alkenyl or alkynyl groups with up to 6 carbon atoms in the group;

(iii) hydrogen atom, halogen, hydroxy, nitro or amino groups; or

(f) a structural modification obtained in one or more of the following ways:

(i) by the replacement of up to 2 carbocyclic or heterocyclic ring structures with up to 2 different carbocyclic or heterocyclic ring structures;

(ii) by the addition of hydrogen atoms to one or more unsaturated bonds.

4C Application of Criminal Code

Part IIAA of the Criminal Code applies to an offence against this Act.

Note for section 4C

Part IIAA of the Criminal Code states the general principles of criminal responsibility, establishes general defences, and deals with burden of proof. It also defines, or elaborates on, certain concepts commonly used in the creation of offences.

Part II Offences

Division 1 Supply, cultivation, manufacture and possession

Subdivision 1 Supply of dangerous drug

5 Supply of dangerous drug – commercial quantity

(1) A person commits an offence if:

(a) the person intentionally supplies, or takes part in the supply of, a substance or thing to another person; and

(b) the substance or thing is a dangerous drug and the person is reckless in relation to that circumstance; and

(c) a commercial quantity of the dangerous drug is supplied.

Maximum penalty:

(a) for the supply of a Schedule 1 drug – imprisonment for 25 years; or

(b) for the supply of a Schedule 2 drug – imprisonment for 14 years.

(2) Absolute liability applies to subsection (1)(c).

5A Supply of dangerous drug – less than commercial quantity

(1) A person commits an offence if:

(a) the person intentionally supplies, or takes part in the supply of, a substance or thing to another person; and

(b) the substance or thing is a dangerous drug and the person is reckless in relation to that circumstance; and

(c) less than a commercial quantity of the dangerous drug is supplied.

Maximum penalty:

(a) for the supply of a Schedule 1 drug – imprisonment for 14 years; or

(b) for the supply of a Schedule 2 drug – 500 penalty units or imprisonment for 5 years.

(2) Absolute liability applies to subsection (1)(c).

5B Supply of dangerous drug to child – commercial quantity

(1) A person who is an adult (the ***adult***) commits an offence if:

(a) the adult intentionally supplies, or takes part in the supply of, a substance or thing to another person; and

(b) the substance or thing is a dangerous drug and the adult is reckless in relation to that circumstance; and

(c) a commercial quantity of the dangerous drug is supplied; and

(d) the other person is a child.

Maximum penalty:

(a) for the supply of a Schedule 1 drug – imprisonment for life; or

(b) for the supply of a Schedule 2 drug – imprisonment for 25 years.

(2) Absolute liability applies to subsection (1)(c) and (d).

5C Supply of dangerous drug to child – less than commercial quantity

(1) A person who is an adult (the ***adult***) commits an offence if:

(a) the adult intentionally supplies, or takes part in the supply of, a substance or thing to another person; and

(b) the substance or thing is a dangerous drug and the adult is reckless in relation to that circumstance; and

(c) less than a commercial quantity of the dangerous drug is supplied; and

(d) the other person is a child.

Maximum penalty:

(a) for the supply of a Schedule 1 drug – imprisonment for life; or

(b) for the supply of a Schedule 2 drug – imprisonment for 14 years.

(2) Absolute liability applies to subsection (1)(c) and (d).

5D Supply of dangerous drug in indigenous community – less than commercial quantity

(1) A person commits an offence if:

(a) the person intentionally supplies, or takes part in the supply of, a substance or thing to another person; and

(b) the substance or thing is a dangerous drug and the person is reckless in relation to that circumstance; and

(c) less than a commercial quantity of the dangerous drug is supplied; and

(d) the dangerous drug is a Schedule 2 drug; and

(e) the dangerous drug is supplied in an indigenous community.

Maximum penalty: Imprisonment for 9 years.

(2) Absolute liability applies to subsection (1)(c), (d) and (e).

5E Application of offences

Sections 5 to 5D apply in relation to the supply of a dangerous drug:

(a) regardless of whether the drug is supplied to a person in the Territory; or

(b) if the drug is supplied to a person at a place outside the Territory – regardless of whether the supply of the drug to the person constitutes an offence in that place.

Subdivision 2 Cultivation of prohibited plant and manufacture of dangerous drug

6 Cultivation of prohibited plant – commercial quantity

(1) A person commits an offence if:

(a) the person intentionally cultivates, or takes part in the cultivation of, a plant; and

(b) the plant is a prohibited plant and the person is reckless in relation to that circumstance; and

(c) a commercial quantity of the prohibited plant is cultivated.

Maximum penalty: Imprisonment for 25 years.

(2) Absolute liability applies to subsection (1)(c).

6A Cultivation of prohibited plant – traffickable quantity

(1) A person commits an offence if:

(a) the person intentionally cultivates, or takes part in the cultivation of, a plant; and

(b) the plant is a prohibited plant and the person is reckless in relation to that circumstance; and

(c) a traffickable quantity of the prohibited plant is cultivated.

Maximum penalty: Imprisonment for 7 years.

(2) Absolute liability applies to subsection (1)(c).

6B Cultivation of prohibited plant – less than traffickable quantity

(1) A person commits an offence if:

(a) the person intentionally cultivates, or takes part in the cultivation of, a plant; and

(b) the plant is a prohibited plant and the person is reckless in relation to that circumstance; and

(c) less than a traffickable quantity of the prohibited plant is cultivated.

Maximum penalty: 200 penalty units or imprisonment for 2 years.

(2) Absolute liability applies to subsection (1)(c).

6C Cultivation of prohibited plant in presence of child – commercial quantity

(1) A person who is an adult commits an offence if:

(a) the person intentionally cultivates, or takes part in the cultivation of, a plant; and

(b) the plant is a prohibited plant and the person is reckless in relation to that circumstance; and

(c) the cultivation occurs in the presence of a child and the person is reckless in relation to that circumstance; and

(d) a commercial quantity of the prohibited plant is cultivated.

Maximum penalty: Imprisonment for life.

(2) Absolute liability applies to subsection (1)(d).

6D Cultivation of prohibited plant in presence of child – traffickable quantity

(1) A person who is an adult commits an offence if:

(a) the person intentionally cultivates, or takes part in the cultivation of, a plant; and

(b) the plant is a prohibited plant and the person is reckless in relation to that circumstance; and

(c) the cultivation occurs in the presence of a child and the person is reckless in relation to that circumstance; and

(d) a traffickable quantity of the prohibited plant is cultivated.

Maximum penalty: Imprisonment for 10 years.

(2) Absolute liability applies to subsection (1)(d).

6E Manufacture of dangerous drug – commercial quantity

(1) A person commits an offence if:

(a) the person intentionally manufactures, or takes part in the manufacture of, a substance or thing; and

(b) the substance or thing is a dangerous drug and the person is reckless in relation to that circumstance; and

(c) a commercial quantity of the dangerous drug is manufactured.

Maximum penalty:

(a) for the manufacture of a Schedule 1 drug – imprisonment for life; or

(b) for the manufacture of a Schedule 2 drug – imprisonment for 25 years.

(2) Absolute liability applies to subsection (1)(c).

6F Manufacture of dangerous drug – less than commercial quantity

(1) A person commits an offence if:

(a) the person intentionally manufactures, or takes part in the manufacture of, a substance or thing; and

(b) the substance or thing is a dangerous drug and the person is reckless in relation to that circumstance; and

(c) less than a commercial quantity of the dangerous drug is manufactured.

Maximum penalty:

(a) for the manufacture of a Schedule 1 drug – imprisonment for 25 years; or

(b) for the manufacture of a Schedule 2 drug – imprisonment for 14 years.

(2) Absolute liability applies to subsection (1)(c).

6G Manufacture of dangerous drug in presence of child

(1) A person who is an adult commits an offence if:

(a) the person intentionally manufactures, or takes part in the manufacture of, a substance or thing; and

(b) the substance or thing is a dangerous drug and the person is reckless in relation to that circumstance; and

(c) the manufacture occurs in the presence of a child and the person is reckless in relation to that circumstance; and

(d) a commercial or traffickable quantity of the dangerous drug is manufactured.

Maximum penalty:

(a) for the manufacture of a Schedule 1 drug – imprisonment for life; or

(b) for the manufacture of a Schedule 2 drug – imprisonment for 25 years.

(2) Absolute liability applies to subsection (1)(d).

Subdivision 3 Possession of dangerous drug

7 Possession of dangerous drug – commercial quantity

(1) A person commits an offence if:

(a) the person intentionally possesses a substance or thing; and

(b) the substance or thing is a dangerous drug and the person is reckless in relation to that circumstance; and

(c) the quantity possessed is a commercial quantity.

Maximum penalty:

(a) for possession of a Schedule 1 drug – imprisonment for 25 years; or

(b) for possession of a Schedule 2 drug – imprisonment for 14 years.

(2) Absolute liability applies to subsection (1)(c).

7A Possession of dangerous drug – traffickable quantity

(1) A person commits an offence if:

(a) the person intentionally possesses a substance or thing; and

(b) the substance or thing is a dangerous drug and the person is reckless in relation to that circumstance; and

(c) the quantity possessed is a traffickable quantity.

Maximum penalty:

(a) for possession of a Schedule 1 drug – imprisonment for 7 years; or

(b) for possession of a Schedule 2 drug – 500 penalty units or imprisonment for 5 years.

(2) Absolute liability applies to subsection (1)(c).

7B Possession of dangerous drug – less than traffickable quantity

(1) A person commits an offence if:

(a) the person intentionally possesses a substance or thing; and

(b) the substance or thing is a dangerous drug and the person is reckless in relation to that circumstance; and

(c) the quantity possessed is less than a traffickable quantity.

Maximum penalty:

(a) for possession of a Schedule 1 drug – 200 penalty units or imprisonment for 2 years; or

(b) for possession of a Schedule 2 drug – 50 penalty units.

(2) Absolute liability applies to subsection (1)(c).

7C Possession of dangerous drug in public place – traffickable quantity

(1) A person commits an offence if:

(a) the person intentionally possesses a substance or thing; and

(b) the substance or thing is a dangerous drug and the person is reckless in relation to that circumstance; and

(c) the person possesses the dangerous drug in a public place; and

(d) the quantity possessed is a traffickable quantity.

Maximum penalty:

(a) for possession of a Schedule 1 drug – imprisonment for 14 years; or

(b) for possession of a Schedule 2 drug – imprisonment for 7 years.

(2) Absolute liability applies to subsection (1)(c) and (d).

7D Possession of dangerous drug in public place – less than traffickable quantity

(1) A person commits an offence if:

(a) the person intentionally possesses a substance or thing; and

(b) the substance or thing is a dangerous drug and the person is reckless in relation to that circumstance; and

(c) the person possesses the dangerous drug in a public place; and

(d) the quantity possessed is less than a traffickable quantity.

Maximum penalty:

(a) for possession of a Schedule 1 drug – 500 penalty units or imprisonment for 5 years; or

(b) for possession of a Schedule 2 drug – 200 penalty units or imprisonment for 2 years.

(2) Absolute liability applies to subsection (1)(c) and (d).

Subdivision 4 Other possession offences

8 Receiving or possessing tainted property

(1) A person commits an offence if:

(a) the person intentionally receives or possesses property other than a dangerous drug; and

(b) the property was obtained directly or indirectly from the commission of:

(i) an offence against Subdivision 1; or

(ii) an act done at a place outside the Territory that:

(A) if it had been done in the Territory, would have constituted an offence against Subdivision 1; and

(B) is an offence under the law in force in the place where it was done; and

(c) the person has knowledge of the circumstance mentioned in paragraph (b).

Maximum penalty: Imprisonment for 25 years.

(2) A person commits an offence if:

(a) the person intentionally receives or possesses property (***secondary property***); and

(b) the secondary property is, wholly or in part:

(i) property for which other property has been mortgaged, pledged or exchanged; or

(ii) property into which other property has been converted; and

(c) the other property was obtained directly or indirectly from the commission of:

(i) an offence against Subdivision 1; or

(ii) an act done at a place outside the Territory that:

(A) if it had been done in the Territory, would have constituted an offence against Subdivision 1; and

(B) is an offence under the law in force in the place where it was done; and

(d) the person has knowledge of the circumstances mentioned in paragraphs (b) and (c).

Maximum penalty: Imprisonment for 25 years.

(3) For the purpose of proving the receiving of property, it is sufficient to show that the accused person has, either alone or jointly with another person, aided in concealing the property or disposing of it.

8A Possession of precursors of dangerous drugs

(1) A person commits an offence if:

(a) the person possesses a substance or thing with the intention that it be used, by the person or another person, in the manufacture of a dangerous drug; and

(b) the substance or thing is a precursor and the person is reckless in relation to that circumstance.

Maximum penalty: Imprisonment for 7 years.

(2) It is a defence to a prosecution for an offence against subsection (1) if the defendant:

(a) is authorised under this Act to possess the precursor and possesses and uses the precursor in accordance with the conditions, if any, of the authorisation; or

(b) is registered, licensed or otherwise authorised under another Act, or an Act of the Commonwealth, a State or another Territory, to possess the precursor and possesses and uses the precursor in accordance with the conditions, if any, of the registration, licence or authorisation.

(3) The defendant has a legal burden of proof in relation to a matter mentioned in subsection (2).

(4) The Chief Health Officer may in writing authorise a person to possess a precursor for the purposes of research.

(5) An authorisation under subsection (4) is subject to the conditions, if any, specified in the authorisation.

(6) The Regulations may provide for the prohibition or regulation of the cash sale of precursors.

8B Possession of document containing instructions for manufacture of dangerous drug or precursor

(1) A person commits an offence if:

(a) the person intentionally possesses a document; and

(b) the document sets out, or purports to set out, how to manufacture a dangerous drug and the person is reckless in relation to that circumstance; and

(c) the person intentionally possesses equipment, or an implement or other article; and

(d) the equipment, implement or other article has been, or may be, used in the manufacture of a dangerous drug and the person is reckless in relation to that circumstance.

Maximum penalty: Imprisonment for 7 years.

(2) It is a defence to a prosecution for an offence against subsection (1) if the defendant:

(a) is authorised under this Act to possess the dangerous drug to which the document relates; or

(b) is registered, licensed or otherwise authorised under another Act, or an Act of the Commonwealth, a State or another Territory, to manufacture the dangerous drug to which the document relates; or

(c) had possession of the documents, or the equipment, implement or other article, for a purpose other than assisting in the manufacture of a dangerous drug.

(3) A person commits an offence if:

(a) the person intentionally possesses a document; and

(b) the document sets out, or purports to set out, how to manufacture a precursor and the person is reckless in relation to that circumstance; and

(c) the person intentionally possesses equipment, or an implement or other article; and

(d) the equipment, implement or other article has been, or may be, used in the manufacture of a dangerous drug or precursor and the person is reckless in relation to that circumstance.

Maximum penalty: Imprisonment for 7 years.

(4) It is a defence to a prosecution for an offence against subsection (3) if the defendant:

(a) is authorised under this Act to manufacture the precursor to which the document relates; or

(b) is registered, licensed or otherwise authorised under another Act, or an Act of the Commonwealth, a State or another Territory, to possess the precursor to which the document relates; or

(c) had possession of the documents, or the equipment, implement or other article, for a purpose other than assisting in the manufacture of a dangerous drug or precursor.

(5) The defendant has a legal burden of proof in relation to a matter mentioned in subsection (2) or (4).

(6) In this section, a reference to a document in the possession of a person includes a reference to:

(a) a document that is stored electronically in a computer, or other electronic device, that is in the possession of the person; and

(b) a document that is stored electronically on a computer or other electronic device that is not in the possession of the person if the document is located on an electronic site:

(i) in accordance with the instructions of the person; or

(ii) the electronic address of which is stored on a computer in the possession of the person or on a document in the possession of the person.

8C Possession of articles for use in manufacture of dangerous drug or precursor

(1) A person commits an offence if:

(a) the person intentionally has possession of equipment, or an implement or other article (other than a document); and

(b) the equipment, implement or other article has been, or may be, used in the manufacture of a dangerous drug or precursor, and the person is reckless in relation to that circumstance.

Maximum penalty: Imprisonment for 7 years.

(2) It is a defence to a prosecution for an offence against subsection (1) if the defendant:

(a) is authorised under this Act to possess a precursor or a dangerous drug and the equipment, implement or article is used or intended to be used for the purpose for which the authorisation was given; or

(b) is registered, licensed or otherwise authorised under another Act, or an Act of the Commonwealth, a State or another Territory, to possess a precursor or a dangerous drug and the equipment, implement or article is used or intended to be used for the purpose for which the registration, licence or authorisation was given; or

(c) had possession of the equipment, implement or article for a purpose other than assisting in the manufacture of a dangerous drug or precursor.

(3) The defendant has a legal burden of proof in relation to a matter mentioned in subsection (2).

Subdivision 5 Alternative verdicts

9 Alternative verdicts

(1) This section applies if, in a proceeding against a person charged with an offence against a provision mentioned in the following Table (the ***prosecuted offence***), the trier of fact:

(a) is not satisfied beyond reasonable doubt that the person committed the prosecuted offence; but

(b) is satisfied beyond reasonable doubt that the person committed the offence specified in the Table as the alternative offence for the prosecuted offence.

(2) The trier of fact may find the person not guilty of the prosecuted offence but guilty of the alternative offence.

Table Alternative offences

Prosecuted offence	Alternative offence
section 5(1)	section 5A(1)
section 5B(1)	section 5C(1)
section 6(1)	section 6A(1) or 6B(1)
section 6A(1)	section 6B(1)
section 6C(1)	section 6D(1)
section 6E(1)	section 6F(1)
section 7(1)	section 7A(1) or 7B(1)

Prosecuted offence	Alternative offence
section 7A(1)	section 7B(1)
section 7C(1)	section 7A(1), 7B(1) or 7D(1)
section 7D(1)	section 7B(1)

Division 1A Drug premises orders

Subdivision 1 Preliminary

11A Definitions

In this Division:

commercial premises means any land (other than Crown land) on which are situated premises that are not residential premises or liquor licence premises, but does not include premises that are:

(a) used for the purposes of a statutory corporation or a hospital, school or educational facility; or

(b) excluded from this definition by the Regulations.

court means the Local Court.

drug premises means premises in relation to which a drug premises order is in force.

drug premises order means an order made under section 11K or 11L.

landlord:

(a) in relation to residential premises to which the *Residential Tenancies Act 1999* applies – has the same meaning as in the *Residential Tenancies Act 1999*; and

(b) in relation to commercial premises or liquor license premises – has the same meaning as in Part 13 of the *Business Tenancies (Fair Dealings) Act 2003*,

and includes a person who is a landlord under section 88A(2) of the *Residential Tenancies Act 1999*.

licensee, see section 4(1) of the *Liquor Act 2019*.

liquor licence premises means:

(a) premises that are licensed under the *Liquor Act 2019* and operating under an authority prescribed by regulation; and

(b) any carpark adjoining those premises that is owned or leased by an owner, landlord or tenant of the premises.

resident, in relation to residential premises, means:

(a) a person who is a tenant in respect of the premises; or

(b) a person who resides on the premises, whether or not intermittently, under a licence or with the permission of a tenant of the premises or another resident of the premises.

residential premises means premises intended or used for occupation as a place of residence and includes the following:

(a) a house, a unit within the meaning of the *Unit Titles Acts 1975*, a flat or apartment, or a number of units, flats or apartments, on the one lot, that is used or each of which is used for residence and any garden areas to which a resident of any such house, unit, flat or apartment has access;

(b) a caravan or mobile home intended for occupation as a place of residence;

(c) a houseboat or vessel intended for occupation as a place of residence;

(d) residential premises that are owned or leased under the *Housing Act 1982*;

(e) premises intended or used for occupation as a place of residence that form part of premises that are not used or intended to be used as residential premises;

(f) residential premises specified in section 6 of the *Residential Tenancies Act 1999* as premises to which that Act does not apply and residential premises exempted from the application of that Act by regulations made under that Act;

(g) a carpark adjoining residential premises that is owned or leased by an owner, landlord or tenant of the premises.

tenant:

(a) in relation to residential premises – has the same meaning as in the *Residential Tenancies Act 1999*; and

(ab) in relation to an occupancy under a caravan park agreement as defined in the *Caravan Parks Act 2012* – means a resident as defined in that Act; and

(b) in relation to commercial premises or liquor licence premises – has the same meaning as in Part 13 of the *Business Tenancies (Fair Dealings) Act 2003*,

and includes a person who is a tenant under section 88A(2) of the *Residential Tenancies Act 1999*.

11B Service of notices under this Division

(1) A notice under this Division may be served on a person by:

(a) handing it to the person;

(b) posting it to the person at the person's last known postal address or place of residence or business; or

(c) leaving it for the person at the person's last known place of residence or business with some other person apparently resident or employed there and apparently over the age of 16 years.

(2) A notice under this Division is taken to be served on a person although it is not addressed to a named person if:

(a) it is addressed "to the owner", "to the landlord", "to the tenant" or "to the resident";

(b) it is posted to or left at a place of residence or business; and

(c) the person is an owner, landlord, tenant or resident at that place of residence or business.

11C Indications that premises used to supply dangerous drugs

(1) For the purposes of this Division, the indications that a dangerous drug has been supplied at or from residential premises include the following:

(a) that a police officer was prevented, obstructed or delayed from entering or re-entering the premises;

(b) the presence on the premises or in sight of the premises of a person acting as a lookout;

(c) the presence on the premises of things used in the supply, manufacture or use of a dangerous drug;

(d) the presence on the premises, or in the possession of a person on the premises, of a firearm;

(e) the presence on the premises of documents or records used in connection with the supply or manufacture of a dangerous drug;

(f) amounts of money on the premises that cannot be satisfactorily accounted for by a resident of, or an owner or landlord of, the premises;

(g) the presence at the premises of a person or persons who are, or who appear to be, under the influence of a dangerous drug;

(h) excessive, frequent or suspicious vehicular or pedestrian traffic to or from the premises;

(i) the presence on the premises, or in the vicinity of the premises, of persons known to be involved in the sale or distribution of a dangerous drug;

(j) the presence on the premises of property reasonably suspected of being stolen or of being exchanged in return for a dangerous drug;

(k) that a dangerous drug has been found on the premises on one or more occasions;

(l) if there are other indications – the construction of the premises, or an internal or external door on the premises, involved a device for preventing, delaying or obstructing entry or for giving alarm.

(2) For the purposes of this Division, the indications that a dangerous drug has been supplied at or from commercial or liquor licence premises include the following:

(a) that a police officer was prevented, obstructed or delayed from entering or re-entering the premises by an owner, landlord or tenant of the premises or a person employed by or acting for and on behalf of an owner, landlord or tenant of the premises;

(b) the presence of a thing that is used in the supply, manufacture or use of a dangerous drug and that is:

(i) in the possession of an owner, landlord or tenant of the premises, or a person employed by or acting for and on behalf of an owner, landlord or tenant of the premises; or

(ii) in a room in the premises to which only an owner, landlord or tenant of the premises, or a person employed by or acting for and on behalf of an owner, landlord or tenant of the premises, has access;

(c) the presence of a firearm:

(i) in the possession of an owner, landlord or tenant of the premises, or a person employed by or acting for and on behalf of an owner, landlord or tenant of the premises; or

(ii) in a room in the premises to which only an owner, landlord or tenant of the premises, or a person employed by or acting for and on behalf of an owner, landlord or tenant of the premises, has access;

(d) the presence on the premises of documents or records used in connection with the supply or manufacture of a dangerous drug;

(e) amounts of money:

(i) in the possession of an owner, landlord or tenant of the premises, or a person employed by or acting for and on behalf of an owner, landlord or tenant of the premises, that cannot be satisfactorily accounted for by the person; or

(ii) found in a room in the premises to which only an owner, landlord or tenant of the premises, or a person employed by or acting for and on behalf of an owner, landlord or tenant of the premises, has access, that cannot be satisfactorily accounted for by such a person;

(f) property reasonably suspected of being stolen, or of being exchanged in return for a dangerous drug, being property found:

(i) in the possession of an owner, landlord or tenant of the premises, or a person employed by or acting for and on behalf of an owner, landlord or tenant of the premises; or

(ii) in a room in the premises to which only an owner, landlord or tenant of the premises, or a person employed by or acting for and on behalf of an owner, landlord or tenant of the premises, has access;

(g) that a dangerous drug has been found on the premises on one or more occasions:

(i) in the possession of an owner, landlord or tenant of the premises, or a person employed by or acting for and on behalf of an owner, landlord or tenant of the premises; or

(ii) in a room in the premises to which only an owner, landlord or tenant of the premises, or a person employed by or acting for and on behalf of an owner, landlord or tenant of the premises, has access;

(h) if there are other indications – the construction of the premises, or an internal or external door on the premises, involved a device for preventing, delaying or obstructing entry or for giving alarm.

(3) For the purposes of Subdivision 3, in determining whether a dangerous drug has been supplied at or from residential, commercial or liquor licence premises, the court may take into account indications that do not occur on the premises but that relate to the premises.

11D Commissioner may apply for order if premises used to supply dangerous drugs

(1) The Commissioner of Police may apply to the court for a drug premises order in relation to residential premises if he or she has a reasonable belief that within the 12 month period immediately before the application there have been indications that a dangerous drug has been supplied at or from the premises.

(2) The Commissioner of Police may apply to the court for a drug premises order in relation to commercial premises or liquor licence premises if he or she has a reasonable belief that within the 12 month period immediately before the application there have been indications that a dangerous drug has been supplied at or from the premises by:

(a) an owner, landlord or resident of the premises; or

(b) a person employed by or acting for and on behalf of an owner, landlord or resident of the premises.

(3) The Commissioner of Police may apply to the court for a drug premises order if:

(a) a dangerous drug is found at residential premises on 2 or more separate occasions within 12 months after a record is made under section 11E(1) in relation to the premises; and

(b) he or she is satisfied that dangerous drugs have been supplied at or from the premises to which the application relates.

(4) The Commissioner of Police may apply to the court for a drug premises order if:

(a) a dangerous drug is found at commercial or liquor licence premises:

(i) apparently in the possession of an owner, landlord or tenant of commercial or liquor licence premises or a person employed by or acting for and on behalf of an owner, landlord or tenant of the premises; or

(ii) in a room in the premises to which only an owner, landlord or tenant of the premises or a person employed by or acting for and on behalf of an owner, landlord or tenant of the premises has access,

on 2 or more separate occasions within 12 months after a record is made under section 11E(3) in relation to the premises; and

(b) he or she is satisfied that dangerous drugs have been supplied at or from the premises to which the application relates.

Subdivision 2 Record of finding of drugs and warning that order may be made

11E Record and warning of first finding of dangerous drugs on premises

(1) A police officer may make a record in the prescribed form of a dangerous drug being found by the officer at residential premises.

(2) A police officer may serve notice in the prescribed form on each owner, landlord and tenant of residential premises in relation to which a record has been made under subsection (1) if the officer has a reasonable belief that a dangerous drug has been supplied at or from the premises.

(3) A police officer may make a record in the prescribed form of a dangerous drug being found by the officer at commercial or liquor licence premises:

(a) apparently in the possession of an owner, landlord or tenant of the commercial or liquor licence premises or a person employed by or acting for and on behalf of an owner, landlord or tenant of the premises; or

(b) in a room in the premises to which only an owner, landlord or tenant of the premises, or a person employed by or acting for and on behalf of an owner, landlord or tenant of the premises, has access.

(4) A police officer may serve notice in the prescribed form on:

(a) the licensee of liquor licence premises in relation to which a record has been made under subsection (3) or a person who is taken under the *Liquor Act 2019* to be a licensee of the premises for the purpose of that Act; and

(b) each owner, landlord and tenant of premises in relation to which a record has been made under subsection (3),

if the officer has a reasonable belief that a dangerous drug has been supplied at or from the premises.

11F Record and warning of second finding of dangerous drugs on premises

(1) A police officer may make a record in the prescribed form of a dangerous drug being found by the officer at residential premises on a separate occasion within 12 months after a record is made under section 11E(1) in relation to the premises (the second finding of a dangerous drug).

(2) A police officer may serve notice in the prescribed form on each owner, landlord or tenant of residential premises in relation to which a record has been made under subsection (1) if the officer has a reasonable belief that a dangerous drug has been supplied at or from the premises.

(3) A police officer may make a record in the prescribed form of a dangerous drug being found by the officer at commercial or liquor licence premises on a separate occasion within 12 months after a record is made under section 11E(3) in relation to the premises (the second finding of a dangerous drug).

(4) A police officer may serve notice in the prescribed form on:

(a) the licensee of liquor licence premises in relation to which a record has been made under subsection (3) or a person who is taken under the *Liquor Act 2019* to be a licensee of the premises for the purpose of that Act; and

(b) each owner, landlord and tenant of commercial premises or liquor licence premises in relation to which a record has been made under subsection (3),

if the officer has a reasonable belief that a dangerous drug has been supplied at or from the premises.

(5) The form prescribed for the purposes of subsection (2) or (4) is to contain a warning of the second finding of a dangerous drug on the premises to which the form relates and that if a dangerous drug is found:

(a) in those residential premises; or

(b) at those commercial or liquor licence premises:

(i) apparently in the possession of an owner, landlord or tenant of commercial or liquor licence premises or a person employed by or acting for and on behalf of an owner, landlord or tenant of the premises; or

(ii) in a room in the premises to which only the owner, landlord or tenant of the premises, or a person employed by or acting for and on behalf of an owner, landlord or tenant of the premises, has access,

for a second or subsequent time within 12 months after a record is made under section 11E(1) in relation to the premises, a drug premises order may be made under this Division in relation to the premises.

11G Record and warning of third finding of dangerous drug on premises

(1) A police officer may make a record in the prescribed form of a dangerous drug being found by the officer at residential premises on the second or any subsequent separate occasion within 12 months after a record is made under section 11E(1) in relation to the premises (the third or subsequent finding of a dangerous drug).

(2) A police officer may serve notice in the prescribed form on each owner, landlord or tenant of residential premises in relation to which a record has been made under subsection (1) if the officer has a

reasonable belief that a dangerous drug has been supplied at or from the premises.

(3) A police officer may make a record in the prescribed form of a dangerous drug being found by the officer at commercial or liquor licence premises on the second or any subsequent separate occasion within 12 months after a record is made under section 11E(3) in relation to the premises (the third or subsequent finding of a dangerous drug).

(4) A police officer may serve notice in the prescribed form on:

(a) the licensee of liquor licence premises in relation to which a record has been made under subsection (3) or a person who is taken under the *Liquor Act 2019* to be a licensee of the premises for the purpose of that Act; and

(b) each owner, landlord and tenant of commercial premises, or liquor licence premises, in relation to which a record has been made under subsection (3),

if the officer has a reasonable belief that a dangerous drug has been supplied at or from the premises.

(5) The form prescribed for the purposes of subsections (2) and (4) is to contain a warning of the third or subsequent finding of a dangerous drug on the premises to which the form relates and that a drug premises order may be made under this Division in relation to the premises.

Subdivision 3 Making and revocation of drug premises orders

11H No notice to be given of application for drug premises order

(1) No notice is to be given of an application under section 11D to an owner, landlord, tenant, licensee or resident of the premises in respect of which the application is made.

(2) A court is to determine an application under section 11D in the absence of the owner, landlord, tenants or licensee of the premises to which the application relates.

11J Hearing of applications for orders and revocation of orders

(1) For the purposes of this Division, the Local Court is to be constituted by a Local Court Judge.

(2) Evidence in proceedings relating to an application under this Division may be given by way of affidavit.

(3) The hearing of an application under section 11D is to be in camera.

(4) The Commissioner of Police must, at the hearing of an application under section 11D, disclose to the court all matters that are within his or her knowledge that he or she, on reasonable grounds, believes would support an argument against the granting of the application.

(5) A deponent of an affidavit is to be available for cross-examination at a hearing of the making or revocation of a drug premises order.

(6) Section 16 of the *Local Court (Civil Procedure) Act 1989* does not apply in relation to an application under section 11D or 11P of this Act.

(7) For the purposes of this Subdivision, the court may make a finding that a dangerous drug has been supplied at or from premises although there has not been a finding of guilt made by the court in relation to the possession or supply of drugs that are found on the premises.

(8) The court may dispense with compliance with a rule of the court if it is of the opinion that it is desirable to do so to expedite the hearing of an application under this Subdivision.

11K Drug premises order if indications of supply at or from premises

(1) On receiving an application under section 11D(1) in relation to residential premises, the court may make a drug premises order declaring the premises to be drug premises if the court is satisfied that the evidence of the indications of supply is sufficient to establish on the balance of probabilities that a dangerous drug has been supplied at or from the premises.

(2) On receiving an application under section 11D(2) in relation to commercial or liquor licence premises, the court may make a drug premises order declaring the premises to be drug premises if the court is satisfied that the evidence of the indications of supply is sufficient to establish on the balance of probabilities that a dangerous drug has been supplied at or from the premises by an owner, landlord or tenant of the premises or a person employed by or acting for and on behalf of an owner, landlord or tenant of the premises.

(3) The court must specify in a drug premises order the area of the premises, specified in the application for the order, to which the order relates.

11L Order if indications of supply and 3 findings of dangerous drugs

(1) The court must make a drug premises order declaring residential premises to which an application under section 11D(3) relates to be drug premises if the court is satisfied that:

(a) a dangerous drug has been found at the premises on 2 or more separate occasions within 12 months after a record is made under section 11E(1) in relation to the premises; and

(b) a dangerous drug has been supplied at or from the premises.

(2) On receiving an application under section 11D(4) in relation to commercial premises or liquor licence premises, the court must make a drug premises order declaring the premises to be drug premises if the court is satisfied that:

(a) a dangerous drug has been found:

(i) apparently in the possession of an owner, landlord or tenant of commercial or liquor licence premises or a person employed by or acting for and on behalf of an owner, landlord or tenant of the premises; or

(ii) in a room in the premises to which only an owner, landlord or tenant of the premises, or a person employed by or acting for and on behalf of an owner, landlord or tenant of the premises, has access,

on not less than 2 separate occasions within 12 months after a record is made under section 11E(3) in relation to the premises; and

(b) a dangerous drug has been supplied from the premises.

(3) An order may only be made under subsection (1) or (2) if the court is satisfied that:

(a) records have been made under sections 11E, 11F and 11G of the finding of a dangerous drug on the premises on not less than 3 separate occasions; and

(b) the notices required under those sections to be served on each owner, landlord and tenant of the premises were served on those persons.

(4) The court must specify in an order the area of the premises, specified in the application for the order, to which the order relates.

11M Duration of drug premises order

A drug premises order remains in force for 12 months from the date on which the order is made, unless it is sooner revoked under section 11P.

11N Notice of drug premises order to be given within 7 days

(1) A police officer must make all reasonable attempts to ensure that a copy of the drug premises order is served on each owner, landlord and tenant of the premises to which the order relates within 7 days after the making of an order.

(2) A drug premises order is of no effect until a police officer has served:

(a) a copy of the order; and

(b) a notice in accordance with the prescribed form,

on:

(c) each owner, landlord and tenant of the premises to which the order relates; and

(d) if the premises are liquor licence premises – the licensee of the premises.

(3) A notice under subsection (2)(b) is to specify that a drug premises notice under section 11Q will be affixed to the premises within 7 days after the date on which the notice under subsection (2)(b) is served, unless notice of an application is served under section 11P(2) on the Commissioner by an owner, landlord or tenant of the premises.

(4) Sections 11V and 11W, sections 88A of the *Residential Tenancies Act 1999* and section 126 of the *Business Tenancies (Fair Dealings) Act 2003* do not apply in relation to drug premises until this section and section 11Q(1) have been complied with.

11P Owner etc. may apply for order to be revoked

(1) An owner, landlord or tenant of drug premises may apply to the court for the order to be revoked.

(2) A person who applies to the court under subsection (1) must serve notice of the application on the Commissioner of Police.

(3) The Commissioner of Police may be heard in relation to an application under subsection (1).

(4) The court may revoke a drug premises order if it is satisfied:

(a) on the balance of probabilities that the premises are no longer premises at or from which dangerous drugs are being, or are likely to be, supplied; or

(b) that in the circumstances of the case, including circumstances arising after the making of the order, it would be unjust to keep the order in force.

(5) In determining whether to revoke an order under subsection (4), the court is to have regard to (but is not limited to having regard to) whether or not the residents of the premises have been served with notice to quit under section 88A of the *Residential Tenancies Act 1999* or section 126 of the *Business Tenancies (Fair Dealings) Act 2003*.

(6) An appeal under section 19 of the *Local Court (Civil Procedure) Act 1989* to the Supreme Court against the making of a drug premises order may not be lodged unless an application under this section in relation to the premises has been made and has been refused.

11Q Notice to be affixed to drug premises

(1) A police officer must affix a notice in the prescribed form and size to the exterior of the premises as close to each entrance to the premises as is practicable.

(2) The notice may only be affixed under subsection (1):

(a) after 7 days after a drug premises order is served under section 11N(2) in relation to the premises; or

(b) if, within 7 days after a drug premises order is served under section 11N(2) in relation to the premises, notice of an application is served under section 11P(2) on the Commissioner by an owner, landlord or tenant of the premises – after the application is determined by the court.

(3) A person commits an offence if:

(a) the person intentionally tampers with, defaces, removes, damages or alters a notice; and

(b) the notice has been affixed to drug premises under subsection (1).

Maximum penalty: 200 penalty units or imprisonment for 2 years.

(4) Absolute liability applies to subsection (3)(b).

Subdivision 4 Effect of drug premises order

11R Search of drug premises without warrant

(1) A police officer may, without a warrant:

(a) enter into or upon and search drug premises on or in which the officer believes, on reasonable grounds, that any object connected with an offence against this Act is situated; and

(b) search the person of, the clothing that is being worn by, and property in the immediate control of, a person on drug premises who is reasonably suspected by the officer to be carrying anything connected with an offence against this Act.

(2) A police officer may seize any object found by the officer on the premises or a person in the course of a search under subsection (1) if the officer believes on reasonable grounds that the object is connected with an offence against this Act and it is necessary to do so in order to prevent the loss or destruction of the object.

(3) The power to search conferred under subsection (1) authorises a police officer:

(a) to use the reasonable force necessary to break into, enter and search the drug premises; and

(b) to use the reasonable force necessary to open any cupboard, drawer, chest, trunk, box, package or other receptacle, whether a fixture or not, found on or in the drug premises; and

(c) to use the reasonable force necessary to carry out a search of a person under subsection (1)(b).

(4) A search of a female person under subsection (1)(b) must be carried out only:

(a) by a female police officer; or

(b) by a medical practitioner authorised by a police officer to carry out the search; or

(c) if there is neither a female police officer nor a medical practitioner available – by a female person authorised by a police officer to carry out the search.

(5) If a medical practitioner or a female person is authorised under subsection (4) to carry out a search of a female person, the medical

practitioner or female person carrying out the search has, for the purposes of that search, the same powers, and is subject to the same protection, as a police officer.

11S Offences relating to entry and search of drug premises

(1) A person commits an offence if:

(a) the person intentionally obstructs another person from entering or attempting to enter premises; and

(b) the premises are drug premises and the person is reckless in relation to that circumstance; and

(c) the other person is a police officer.

Maximum penalty: 200 penalty units or imprisonment for 2 years.

(2) A person commits an offence if:

(a) a police officer is about to begin, or has begun, a search of drug premises; and

(b) the person intentionally warns, advises or gives an alarm to, or causes a warning, advice or alarm to be given to, another person about the search.

Maximum penalty: 200 penalty units or imprisonment for 2 years.

(3) Strict liability applies to subsections (1)(c) and (2)(a).

(4) In this section:

obstruct includes hinder and resist.

11SA Offence not to give name and address when near drug premises

(1) A police officer may request a person to inform the officer of the person's name and address if:

(a) the person is on, or within 200 m of, drug premises; and

(b) the officer reasonably believes the person is associated with the drug premises.

(2) A person to whom a request is made under subsection (1) commits an offence if:

(a) the person intentionally engages in conduct; and

(b) the conduct results in the person contravening the request and the person is reckless in relation to the result.

Maximum penalty: 200 penalty units or imprisonment for 2 years.

11T Restraining orders if breach of the peace

(1) A person commits an offence if:

(a) the person intentionally engages in conduct; and

(b) the conduct breaches the peace and the person is reckless in relation to that circumstance; and

(c) the conduct occurs on drug premises.

Maximum penalty: 50 penalty units or imprisonment for 6 months.

(1A) Strict liability applies to subsection (1)(c).

(2) A police officer may apply to the Local Court for a restraining order in relation to a person found by a police officer on drug premises if the the officer reasonably believes the person has committed a breach of the peace on the premises.

(3) A copy of an application under subsection (2) is to be served on the person to whom the application relates.

(4) The Local Court may issue a restraining order in relation to a person if it is satisfied on the balance of probabilities that:

(a) the person was on drug premises; and

(b) the person has breached the peace, or caused a breach of the peace, on the premises.

(5) The Local Court may order the person in relation to whom a restraining order is made to enter into a recognizance, with or without sureties, to keep the peace, or be of good behaviour, for the period (of not more than 6 months) that is specified in the order.

(6) The Local Court may order that, if the person in relation to whom the order is made contravenes or fails to comply with an order under this section, the person is to be imprisoned for the period (of not more than 6 months) that is specified in the order.

(7) A person committed into the custody of the Commissioner of Correctional Services because he or she has failed to find a surety under subsection (6) may, in person, or by a person acting on his or her behalf, apply for an order varying the order under which he or she was committed.

(8) The Local Court may, if it appears just, upon new evidence produced or upon proof of a change of circumstances having regard to all the circumstances of the case, make an order:

(a) reducing the amount for which it is proposed the sureties should be bound; or

(b) dispensing with the sureties or surety or otherwise dealing with the case as the court thinks just.

(9) The jurisdiction conferred on the Local Court under this section is part of the Court's criminal jurisdiction.

11U Tenants and residents may be evicted

(1) Section 88A of the *Residential Tenancies Act 1999* applies to a tenancy agreement within the meaning of that Act in respect of residential premises that are drug premises.

(2) Section 88A of the *Residential Tenancies Act 1999* applies to an agreement to permit a person to reside on residential premises that are drug premises as if the agreement were a tenancy agreement within the meaning of that Act.

(3) Section 126 of the *Business Tenancies (Fair Dealings) Act 2003* applies in relation to an owner or landlord of commercial or liquor licence premises.

11V All residents on premises taken to have possession of drug

Evidence that a dangerous drug was found in a room (not primarily used as a bedroom) in residential premises that are drug premises is evidence, in respect of a charge against a resident of the premises who was on the premises at the time the drug was found of having committed an offence against Part II, Division 1, Subdivision 1 or section 6E(1), 6F(1) or 6G(1), that the drug was then in the resident's control.

11W Commissioner of Police may apply for suspension of liquor licence

The Commissioner of Police may apply under section 261 of the *Liquor Act 2019* for the suspension of a licence in respect of drug premises.

Division 2 Other offences

11X Supplying precursor for use in manufacture of dangerous drug

(1) A person commits an offence if:

(a) the person intentionally supplies a substance or thing to another person (the ***recipient***); and

(b) the substance or thing is a precursor and the person is reckless in relation to that circumstance; and

(c) the recipient intends to use the precursor in the manufacture of a dangerous drug and the person has knowledge of that circumstance.

Maximum penalty: Imprisonment for 10 years.

(2) It is a defence to a prosecution for an offence against subsection (1) if the recipient:

(a) is authorised under this Act to possess a precursor or a dangerous drug that may be manufactured from the precursor; or

(b) is registered, licensed or otherwise authorised under another Act, or an Act of the Commonwealth, a State or another Territory, to possess the precursor.

(3) The defendant has a legal burden of proof in relation to a matter mentioned in subsection (2).

11Y Theft of dangerous drug

(1) A person commits an offence if:

(a) the person appropriates a substance or thing with the intention of depriving its owner of the substance or thing; and

(b) the substance or thing is a dangerous drug and the person is reckless in relation to that circumstance.

Maximum penalty:

(a) for appropriation of a Schedule 1 drug – imprisonment for 14 years; or

(b) for appropriation of a Schedule 2 drug – imprisonment for 7 years.

(2) Subsection (1) does not apply in relation to the appropriation of a substance or thing by a person with the reasonable belief that the substance or thing has been lost and its owner cannot be discovered.

(3) In this section:

appropriates, see section 209(1) of the Criminal Code.

deprive, see section 209(1) of the Criminal Code.

12 Possession of things for administering dangerous drugs

(1) A person commits an offence if:

(a) the person intentionally possesses a thing, other than a hypodermic syringe or needle; and

(b) the thing is a thing used in the administration of a dangerous drug and the person is reckless in relation to that circumstance.

Maximum penalty: 50 penalty units or imprisonment for 6 months.

(2) A person, other than a medical practitioner, nurse practitioner, pharmacist or member of a class of persons that is authorised by the Minister for this section, commits an offence if:

(a) the person intentionally supplies a hypodermic syringe or needle to another person, whether or not the other person is in the Territory; and

(b) the syringe or needle is to be used in the administration of a dangerous drug to that or another person and the person is reckless in relation to that circumstance.

Maximum penalty: 50 penalty units or imprisonment for 6 months.

(3) It is a defence to a prosecution for an offence against subsection (2) if the defendant obtained the hypodermic syringe or needle from a medical practitioner, nurse practitioner, pharmacist or authorised person mentioned in that subsection for the use of another person in the administration of a dangerous drug to that other person and the defendant supplied it to the other person, in its unused state, as soon as practicable after so obtaining it.

(3A) The defendant has a legal burden of proof in relation to a matter mentioned in subsection (3).

(4) A person in possession of a hypodermic syringe or needle must take all reasonable care and precautions with it so as to avoid danger to the life, safety or health of another person.

(4A) A person commits an offence if:

(a) the person intentionally engages in conduct; and

(b) the conduct results in a contravention of subsection (4) and the person is reckless in relation to the result.

Maximum penalty: 50 penalty units or imprisonment for 6 months.

(5) A person commits an offence if:

(a) a hypodermic syringe or needle has been used in the administration of a dangerous drug and the person has knowledge of that circumstance; and

(b) the person intentionally disposes of the syringe or needle; and

(c) the disposal is not carried out in the manner prescribed and the person is reckless in relation to that circumstance.

Maximum penalty: 50 penalty units or imprisonment for 6 months.

13 Self-administering dangerous drug

A person commits an offence if:

(a) the person intentionally self-administers a substance or thing; and

(b) the substance or thing is a dangerous drug and the person is reckless in relation to that circumstance.

Maximum penalty: 50 penalty units or imprisonment for 6 months.

14 Allowing another person to administer dangerous drug

A person (the ***first person***) commits an offence if:

(a) the first person intentionally allows another person to administer a substance or thing to the first person; and

(b) the substance or thing is a dangerous drug and the first person is reckless in relation to that circumstance.

Maximum penalty: 50 penalty units or imprisonment for 6 months.

15 Display or supply of cocaine kit, water pipe or ice pipe

(1) A person commits an offence if:

(a) the person intentionally displays a thing in a shop or stall; and

(b) the thing is a cocaine kit, water pipe or ice pipe and the person is reckless in relation to that circumstance.

Maximum penalty:

(a) for the display of a cocaine kit or water pipe – 100 penalty units or imprisonment for 12 months; or

(b) for the display of an ice pipe – 200 penalty units or imprisonment for 2 years.

(2) A person (the ***supplier***) commits an offence if:

(a) the supplier intentionally supplies a thing to another person; and

(b) the thing is a cocaine kit, water pipe or ice pipe and the supplier is reckless in relation to that circumstance.

Maximum penalty:

(a) for the supply of a cocaine kit or water pipe – 100 penalty units or imprisonment for 12 months; or

(b) for the supply of an ice pipe – 200 penalty units or imprisonment for 2 years.

(3) In this section:

cocaine kit means 2 or more of the following items packaged for use as a unit to prepare cocaine for introduction, or to introduce cocaine, into the body of a person:

(a) a razor blade;

(b) a tube;

(c) a mirror;

(d) a scoop;

(e) a glass bottle;

(f) any other item for use, together with an item mentioned in paragraphs (a) to (e), to prepare cocaine for introduction, or to introduce cocaine, into the body of a person.

device includes components that together make a device.

exempt pipe means a device of a class or description prescribed by regulation as not being an ice pipe.

exempt water pipe means a device of a class or description prescribed by regulation as not being a water pipe.

ice pipe means a device, other than an exempt pipe, that, whether in its original form or with an adjustment or modification, is intended for use for the administration of a dangerous drug:

(a) by means of the smoking or inhaling of the smoke or fumes resulting from the heating or burning of the drug in a crystal or powder form; or

(b) by other means prescribed by regulation.

*Example for definition **ice pipe***

A crack pipe.

intended for use includes made, modified or designed for use.

shop or stall:

(a) includes:

(i) so much of a building or place as is used for the sale, or supply in the course of commercial transactions, of goods; and

(ii) a stall or other structure or vehicle used for the sale or supply of goods at a market or elsewhere; and

(ii) any other place or thing prescribed by regulation; but

(b) does not include anything prescribed by regulation as not being a shop or stall.

*Example for definition **shop or stall***

1 A pop-up shop.

2 Part of premises used for a lawn sale.

water pipe means a device, other than an exempt water pipe, that, whether in its original form or with an adjustment or modification, is intended for use for the administration of a dangerous drug:

(a) by means of the drawing of smoke or fumes (resulting from the heating or burning of the drug) through water or another liquid; or

(b) by other means prescribed by regulation.

*Example for definition **water pipe***

A bong.

19 Parties to offences committed outside Territory

A person who, in the Territory, is a party to an act done at a place not in the Territory which if it had been done in the Territory would have constituted an offence against this Act and which is an offence under the law in force in the place where it was done, is guilty of an offence and is liable on being found guilty to the same penalty and forfeiture as if the act had been done in the Territory.

Part IIA Destruction of exhibits

Division 1 Pre-trial orders

19A Definition

In this Division:

minimum amount means:

(a) in relation to a dangerous drug other than heroin, the traffickable quantity by weight of the dangerous drug;

(b) in relation to heroin, 1 g.; or

(c) in relation to cannabis, 5 plants.

19B Suspected drug or precursor may be destroyed

(1) Subject to this Part, a police officer who is of or above the rank of Commander may order the destruction by a police officer of:

(a) a dangerous drug, or a precursor, seized by a police officer; or

(b) a substance seized by a police officer that the officer who orders the destruction believes on reasonable grounds to be a dangerous drug or precursor.

(2) Subsection (1) applies whether or not a person has been or is to be charged with an offence in relation to the dangerous drug, precursor or substance.

(3) Property that is a dangerous drug, precursor or substance may only be destroyed under subsection (1) if:

(a) a sample, or samples, that provide a true representation of the nature of the property have been taken by or on behalf of a police officer; and

(b) a sample, or samples, that provide a true representation of the nature of the property are kept for the purpose of enabling at least one person who is, or is to be, charged with an offence in relation to the property to have the samples analysed or examined under section 19C; and

(c) a sample is kept by the Commissioner of Police or a police officer who is of or above the rank of Commander and is nominated by the Commissioner of Police.

(4) A police officer must make all reasonable attempts to serve on each person who is, or is to be, charged with an offence in relation to the property written notice of his or her entitlement under section 19C to have a sample or samples of the property analysed or examined.

(5) Section 19C and subsections (3) and (4) do not apply if an analyst has issued a certificate in relation to a dangerous drug, precursor or substance specifying that it may be too dangerous to the health or safety of persons to take or keep samples of it.

(6) Section 19C and subsections (3) and (4) do not apply in relation to a dangerous drug, precursor or substance if a police officer of or above the rank of Commander is satisfied on reasonable grounds that:

(a) there is no lawful owner of the dangerous drug, precursor or substance; and

(b) it is not intended to charge any person with an offence in respect of the dangerous drug, precursor or substance.

(7) A dangerous drug, precursor or substance may be destroyed under subsection (1) at the place at which it was seized or at any other place that a police officer who is of or above the rank of Commander thinks fit.

(8) The Commissioner of Police must ensure that a police officer retains control of the possession of the sample or samples of the property taken under subsection (3).

(9) This Part does not apply to the destruction of part or all of property if the destruction occurs as part of the process of analysing or examining the property.

19C Person from whom drug or precursor seized entitled to have sample analysed or examined

(1) A person who has been or is to be charged with an offence in relation to property that is, or may be, a dangerous drug or a precursor is entitled to have a sample or samples that provide a true representation of the nature of the property analysed or examined by a person if there is sufficient quantity of the property at the time an application is made by the person under subsection (2) to enable the sample or samples to be analysed or examined.

(2) A person may apply in the prescribed form to the Commissioner of Police for the release, into the custody of a person specified in the application, of a sample or samples of property that is or may be a dangerous drug or a precursor.

(3) The Commissioner of Police may authorise the release of a sample or samples of the property that is or may be a dangerous drug or a precursor into the custody of a person specified in an application under subsection (2) if:

(a) the property is sought for the purpose of conducting an analysis or examination to determine the nature of the property; and

(b) the Commissioner is satisfied the person is authorised under this Act, another Act of the Territory or an Act of the Commonwealth, a State or another Territory to have possession of the dangerous drug or precursor.

19E Determination of Local Court with respect to destruction on first mention of charge

(1) Where a person is charged with an offence with respect to a dangerous drug involving an amount which is not less than the minimum amount of the dangerous drug, the Local Court shall, on the first occasion on which the charge is mentioned before the Local Court, ascertain whether the dangerous drug has been destroyed.

(2) The Local Court shall, where the dangerous drug has not been destroyed, make a determination whether the dangerous drug should be retained.

(3) Where the accused is legally represented and no party objects to the destruction of the dangerous drug, the Local Court shall order that the dangerous drug, if it is not otherwise required to be forfeited to the Crown, be so forfeited and destroyed.

(4) Where the accused is not present before the Local Court, or is present but is not legally represented, or if any party objects to the destruction of the dangerous drug, the Local Court may order:

(a) the dangerous drug, if it is not otherwise required to be forfeited to the Crown, be so forfeited and destroyed; or

(b) where the Local Court is satisfied that it is in the interests of justice to do so or that there is other sufficient reason, that the dangerous drug be retained.

19F Matters for consideration on determination for retention of dangerous drug

In determining whether to order that a dangerous drug be retained, the Local Court shall consider:

(a) the amount of the dangerous drug;

(b) whether the dangerous drug can reasonably be securely retained;

(c) the period of retention;

(d) the purpose of retention;

(e) the amount of the dangerous drug required for the purpose of sampling and analysis;

(f) a report, if any, of an analyst relating to the dangerous drug;

(g) whether the arrest of any person in relation to the dangerous drug is imminent;

(h) the number of persons charged with offences in relation to the dangerous drug;

(j) when the hearing of the charge relating to the dangerous drug is likely to be concluded;

(k) whether there is any other order under this Part relating to the dangerous drug;

(m) any claim of a person to be lawfully entitled to the dangerous drug; and

(n) any other matter which the Local Court considers is relevant.

19G Adjournment

(1) The Local Court shall adjourn the making of a determination under section 19E whether a dangerous drug should be retained:

(a) where no order under this Division with respect to the dangerous drug has previously been made and a party to the proceedings requests the adjournment; or

(b) where the Local Court considers that the making of the determination should be adjourned.

(2) An adjournment under this section shall be for a reasonable period not exceeding 14 days.

19H Review of determination for retention of dangerous drug

Where the Local Court determines that a dangerous drug be retained, the Local Court shall fix a date, not more than 2 months after the date of the determination, in order to make a further determination whether the dangerous drug should be retained.

19J Destruction of dangerous drugs

(1) A dangerous drug shall, except as provided by subsection (2) and section 19K, be destroyed as soon as practicable after the expiration of 7 days, or such longer period as the Local Court specifies, after the date on which it was ordered to be destroyed.

(2) The Local Court may rescind or vary an order for the destruction of a dangerous drug.

19K Use of dangerous drugs for research etc.

(1) If, after the Local Court has ordered that a dangerous drug or precursor be destroyed and before the drug or precursor is destroyed, the Chief Executive Officer of the Agency, within the meaning of the *Public Sector Employment and Management Act 1993* responsible under the Minister for the administration of the *Public and Environmental Health Act 2011*, requests the Commissioner of Police, in writing, to give the dangerous drug or precursor to a person or body specified in the request for the purpose of scientific research, instruction, analysis or study, the dangerous drug or precursor shall be dealt with in accordance with the request.

(2) The Commissioner of Police may comply with a request made in accordance with subsection (1) by giving the dangerous drug or precursor to a person or body specified in the request if the Commissioner is satisfied:

(a) samples of the drug or precursor are retained in accordance with section 19B(3); and

(b) if notice is required to be given in accordance with section 19B(4) in relation to the drug or precursor – the notice has been given.

19M Order on committal for trial

(1) On the committal for trial of a person for an offence with respect to a dangerous drug involving an amount which is not less than the minimum amount of the dangerous drug and which has not been destroyed under section 19B or ordered to be destroyed, the Local Court shall make a determination whether the dangerous drug should be retained.

(2) Where the Local Court determines that the dangerous drug be retained, the Local Court shall give the reasons for the determination.

19N Order on initial hearing of trial

Where a person is committed for trial for an offence with respect to a dangerous drug involving an amount which is not less than the minimum amount of the dangerous drug and which has not been destroyed under section 19B or ordered to be destroyed, the court hearing the trial shall, on the first occasion on which the matter is mentioned before it, make a determination whether the dangerous

drug should be retained.

19P Seized substances may be destroyed or disposed of

(1) If a police officer of or above the rank of Commander thinks that a substance seized under this Act, other than a dangerous drug or a precursor, is:

(a) dangerous to the health or safety of humans or property; or

(b) toxic, flammable or corrosive,

the officer may order the destruction or disposal of the substance by a police officer.

(2) This section applies to and in relation to a substance whether or not a person has been or is to be charged with an offence in relation to the substance or a dangerous drug or precursor seized under this Act.

(3) A substance may only be destroyed under subsection (1) if:

(a) a sample, or samples, that provide a true representation of the nature of the property have been taken by or on behalf of a police officer; and

(b) a sample, or samples, that provide a true representation of the nature of the property are kept for the purpose of enabling at least one person who is, or is to be, charged with an offence in relation to the property to have the samples analysed or examined under section 19PA; and

(c) a sample is kept by the Commissioner of Police or a police officer who is of or above the rank of Commander and is nominated by the Commissioner of Police.

(4) A police officer must make all reasonable attempts to serve on each person who is, or is to be, charged with an offence in relation to the property written notice of his or her entitlement under section 19PA to have a sample or samples of the substance analysed or examined.

(5) Subsections (3) and (4) do not apply if an analyst has issued a certificate in relation to the substance specifying that the substance may be too dangerous to the health or safety of persons to take or keep samples of it.

(6) Section 19PA and subsections (3) and (4) do not apply in relation to a substance or thing if a police officer of or above the rank of Commander is satisfied on reasonable grounds that:

(a) there is no lawful owner of the substance or thing; and

(b) if the substance was seized in circumstances that relate to a dangerous drug or a precursor – it is not intended to charge any person with an offence in relation to the dangerous drug or precursor.

(7) A substance may be destroyed or disposed of under this section at the place at which it was seized or another place that a police officer who is of or above the rank of Commander thinks fit.

(8) This Part does not apply to the destruction of part or all of a substance if the destruction occurs as part of the process of analysing or examining the substance.

19PA Entitlement to have substance analysed or examined

(1) A person who is the owner of a seized substance that:

(a) is to be destroyed under section 19P; and

(b) has been analysed or examined by an analyst under this Act,

is entitled to have a sample or samples that provide a true representation of the nature of the substance analysed or examined by a person if, after the analysis or examination referred to in paragraph (b), there is a sufficient quantity of the substance remaining to enable a sample or samples of the substance to be further analysed or examined.

(2) A person to whom subsection (1) applies who is the owner of a seized substance may apply in the prescribed form to the Commissioner of Police for the release, into the custody of a person specified in the application, of a sample or samples of the substance.

(3) A police officer of or above the rank of Commander may, on the application of a person under subsection (2), authorise the release, into the custody of a person specified in the application, of a sample or samples of the substance to which the application relates for the purpose of conducting an analysis or examination to determine the nature of the substance.

19PB Contaminated objects may be cleaned or disposed of

(1) An instrument, device, equipment or other thing that is seized under this Act may be destroyed, disposed of, or dealt with in a way intended to make it harmless by a police officer if an analyst issues a certificate under subsection (2).

(2) An analyst may issue a certificate specifying that the destruction, disposal or dealing referred to in subsection (1) is required because the instrument, device equipment or thing contains or is contaminated with a substance (which may include a dangerous drug or a precursor) that is:

(a) dangerous to the health or safety of a person or property; or

(b) toxic, flammable or corrosive.

(3) A substance or thing may be destroyed, disposed of or dealt with under this section at the place at which it was seized or another place.

(4) This section applies to and in relation to a substance or thing whether or not a person has been or is to be charged with an offence in relation to the substance or thing or a dangerous drug or precursor seized under this Act.

(5) This Part does not apply to the destruction of part or all of a substance or thing if the destruction occurs as part of the process of analysing or examining the substance or thing.

Division 2 Post-trial orders

19Q Order on appeal

Where an appeal is made to the Supreme Court, the Court of Criminal Appeal or the Court of Appeal in respect of an offence involving a prohibited plant, dangerous drug or precursor which has not been destroyed, the Court shall, on the first occasion on which the appeal is mentioned before it, make a determination whether the prohibited plant, dangerous drug or precursor should be retained.

Division 3 Supplementary

19R Presumption on appeal

Where:

(a) a person who was legally represented before the Local Court on the trial of an offence with respect to a prohibited plant, dangerous drug or precursor pleaded guilty to the charge;

(b) an appeal is made against any determination of the Local Court with respect to the offence; and

(c) before the appeal is heard:

(i) the prohibited plant, dangerous drug or precursor is destroyed under section 19B or 19P or under an order under this Part; or

(ii) a substance or thing seized in relation to the offence is destroyed, disposed of or dealt with under section 19PB,

any particular in the information as to the nature or quantity of the prohibited plant, dangerous drug, precursor, substance or thing is, for the purposes of the appeal, presumed to be true.

19S Return of dangerous drug or precursor to lawful owner

(1) Nothing in this Part prevents a person lawfully entitled to a dangerous drug or precursor seized by police officer from applying to a Local Court Judge for an order that the dangerous drug or precursor be returned to the person, and the Local Court Judge may order the return of so much of the dangerous drug or precursor as has not been destroyed.

(2) Nothing in this Part prevents a Local Court Judge or court from ordering the return of a dangerous drug or precursor to a person lawfully entitled to the dangerous drug or precursor whether or not an application for the return of the dangerous drug or precursor has been made by the person.

19T Regulations

The Regulations may make provisions, whether for the purpose of this Part or otherwise, for or with respect to the handling, storage and destruction of prohibited plants, dangerous drugs or precursors seized by police officers, the sampling and analysis of those prohibited plants, dangerous drugs or precursors and the return of such prohibited plants, dangerous drugs or precursors to a person lawfully entitled to them.

19TA Service of notices

A notice under this Part may be served on a person by:

(a) handing it to the person;

(b) posting it to the person at the person's last known postal address or place of residence or business; or

(c) leaving it for the person at the person's last known place of residence or business with some other person apparently resident or employed there and apparently over the age of 16 years.

Part IIAB Drug detection areas

19U Definitions

In this Part:

authorisation means an authorisation under section 19V(1).

detection dog means a police dog trained to detect dangerous drugs or precursors.

drug detection area means the area that is subject to an authorisation.

electronic drug detection system means:

(a) an electronic device of a kind approved by the Commissioner of Police for the purpose of detecting the presence of a dangerous drug or precursor; or

(b) a system, of a kind approved by the Commissioner of Police, that involves the use of an electronic device for the purpose of detecting the presence of a dangerous drug or precursor.

general drug detection means:

(a) deploying a detection dog in a vehicle or near a person or other property; or

(b) using an electronic drug detection system in relation to a person or property in a manner prescribed by regulation;

for the purpose of determining whether the dog or system (as the case may be) detects the presence of a dangerous drug or precursor.

police dog, see section 4(1) of the *Police Administration Act 1978*.

road, see section 5(1) of the *Control of Roads Act 1953*.

senior police officer means a police officer of or above the rank of Commander.

19V Senior police officer may authorise special powers in drug detection areas

(1) If a senior police officer reasonably suspects that an area is being, or is likely to be, used for the transport of dangerous drugs or precursors in contravention of this Act, the senior police officer may give an authorisation in relation to the area.

(2) An authorisation must comply with any guidelines issued by the Commissioner of Police for this Part.

(3) An authorisation must specify the area that is subject to the authorisation.

(4) An authorisation is subject to any conditions specified in the authorisation.

(5) An authorisation has effect for the period, not exceeding 14 days, specified in the authorisation.

(6) An authorisation may be given in respect of the area that was subject to an authorisation that has expired.

(7) An authorisation may be varied or revoked at any time by a senior police officer.

(8) An authorisation or the variation or revocation of an authorisation must be in writing.

19W Restrictions relating to drug detection areas

An area may be subject to an authorisation only if:

(a) all of the area is more than 30 kilometres from the General Post Office at Darwin; and

(b) the area is not greater than 3 square kilometres; and

(c) for an area that consists of or includes one or more roads, any such road is no longer than 3 kilometres.

19X Effect of authorisations

(1) An authorisation authorises a police officer to exercise, for the detection of an offence against this Act that has been, is being or is likely to be committed, the powers conferred by this Part in the drug detection area to which the authorisation relates:

(a) without a warrant; and

(b) without reasonable suspicion that an offence against this Act has been committed.

(2) The Commissioner of Police must establish written procedures:

(a) to be followed by police officers when exercising the powers conferred by this Part to ensure, as far as is reasonably practicable, that any undue delay or inconvenience to a person who is subject to those powers is avoided; and

(b) to ensure that no more than 3 authorisations are in force at the same time.

(3) An authorisation given when 3 authorisations are already in force has no effect.

19Y Special powers to stop, detain, search and seize in relation to vehicles and people

(1) A police officer may:

(a) direct the driver of a vehicle in a drug detection area to stop the vehicle, whether at a drug detection point established under section 19Z or some other place; and

(b) detain the vehicle and carry out general drug detection in relation to the vehicle and any person or property in or on the vehicle; and

(c) inspect or search the vehicle, and do the following:

(i) direct the driver or another person to open any part of the vehicle or any cupboard, drawer, chest, trunk, box, package or other receptacle found in the vehicle;

(ii) use the reasonable force necessary to open any part of the vehicle or any cupboard, drawer, chest, trunk, box, package or other receptacle found in the vehicle; and

(d) enter the vehicle, using the reasonable force necessary; and

(e) detain or search a person:

(i) who was in the vehicle when it was detained; or

(ii) who the police officer reasonably believes has recently left the vehicle; and

(f) seize any item or thing that the officer reasonably believes is connected with any offence against this Act; and

(g) give any other directions that are reasonably necessary for, or incidental to, the effective exercise of powers under this section.

(2) Section 11R(4) and (5) apply in relation to a search carried out under this section.

(3) If a police officer, under subsection (1)(e), detains a person who is or was in a vehicle, the person may be detained only for as long as is reasonably necessary for the police officer to carry out general drug detection in relation to, and searches of, the vehicle and any person or property in or on the vehicle.

(4) A person to whom a direction is given under subsection (1)(a) commits an offence if:

(a) the person intentionally engages in conduct; and

(b) the conduct results in a contravention of the direction and the person is reckless in relation to the result.

Maximum penalty: 100 penalty units or imprisonment for 12 months.

(5) A person who is detained by a police officer under subsection (1)(e) and directed by the officer to inform the officer of the person's name, address and date of birth commits an offence if:

(a) the person intentionally engages in conduct; and

(b) the conduct results in a contravention of the direction and the person is reckless in relation to the result.

Maximum penalty: 200 penalty units or imprisonment for 2 years.

(6) In this section:

driver, see section 3(1) of the *Traffic Act 1987*.

Note for section 19Y

Additional powers are conferred under Part VII, Division 2A of the Police Administration Act 1978 on a police officer in relation to stopping, detaining, searching and seizing if the police officer has reasonable grounds to suspect the presence of a dangerous drug or precursor.

19Z Drug detection points

(1) A drug detection point may be established by police officers at any time on or near a road in a drug detection area for the purpose of exercising the powers conferred by this Part in relation to persons driving vehicles on the road and those vehicles.

(2) A drug detection point must be established in the way, and consist of the facilities and warning and other devices, that the Commissioner of Police considers necessary to enable vehicles to be stopped in a safe and orderly manner.

19ZA Annual report to Minister

(1) The Commissioner of Police must give a report to the Minister that provides the following information for each financial year:

(a) the number of authorisations given by senior police officers during the financial year;

(b) the areas that were subject to those authorisations;

(c) the periods during which those authorisations had effect;

(d) the number of occasions when, in the course of the exercise of the powers conferred by this Part, a dangerous drug or precursor was seized.

(2) The report for a financial year must be given to the Minister within 3 months after the end of the financial year.

(3) The Minister must table a copy of the report in the Legislative Assembly within 7 sitting days after the Minister receives the report.

Part IIB Infringement notice offences

20 Infringement notice offence and prescribed amount payable

(1) An ***infringement notice offence*** is:

(a) an offence against section 6B(1) if:

(i) the prohibited plant is a cannabis plant; and

(ii) the number of plants cultivated does not exceed 2; or

(b) an offence against section 7B(1) or 7D(1) if:

(i) the dangerous drug is specified in Schedule 3; and

(ii) the quantity of the drug possessed does not exceed the quantity specified opposite the drug.

(2) The ***prescribed amount*** for an infringement notice offence is the amount equal to the monetary value of 2 penalty units.

20A When infringement notice may be given

(1) If a police officer reasonably believes a person has committed an infringement notice offence, the officer may give a notice (an ***infringement notice***) to the person.

(2) However, a police officer must not give an infringement notice to a person unless the officer reasonably believes the person is an adult.

20B Contents of infringement notice

(1) The infringement notice must specify the following:

(a) the name and address of the person, if known;

(b) the date the infringement notice is given to the person;

(c) the date, time and place of the infringement notice offence;

(d) a description of the offence;

(e) the prescribed amount payable for the offence;

(f) the enforcement agency, as defined in the *Fines and Penalties (Recovery) Act 2001*, to which the prescribed amount is payable.

(2) The infringement notice must include a statement to the effect of the following:

(a) the person may expiate the infringement notice offence and avoid any further action in relation to the offence by paying the prescribed amount to the specified enforcement agency within 28 days after the notice is given;

(b) the person may elect under section 21 of the *Fines and Penalties (Recovery) Act 2001* to have the matter dealt with by a court instead of under that Act by completing a statement of election and giving it to the specified enforcement agency;

(c) if the person does nothing in response to the notice, enforcement action may be taken under the *Fines and Penalties (Recovery) Act 2001*, including (but not limited to) action for the following:

(i) suspending the person's licence to drive;

(ii) seizing personal property of the person;

(iii) deducting an amount from the person's wages or salary;

(iv) registering a statutory charge on land owned by the person;

(v) making a community work order for the person and imprisonment of the person if the person breaches the order.

(3) Also, the infringement notice must include an appropriate form for making the statement of election mentioned in subsection (2)(b).

20C Payment by cheque

If the person tenders a cheque in payment of the prescribed amount, the amount is not taken to have been paid unless the cheque is cleared on first presentation.

20D Withdrawal of infringement notice

(1) A police officer may withdraw the infringement notice by written notice given to the person.

(2) The notice must be given:

(a) within 28 days after the infringement notice is given to the person; and

(b) before payment of the prescribed amount.

20E Application of Part

(1) This Part does not prejudice or affect the start or continuation of proceedings for an infringement notice offence for which an infringement notice has been given unless the offence is expiated.

(2) Also, this Part does not:

(a) require an infringement notice to be given; or

(b) affect the liability of a person to be prosecuted in a court for an offence for which an infringement notice has not been given; or

(c) prevent more than one infringement notice for the same offence being given to a person.

(3) If more than one infringement notice for the same offence has been given to a person, the person may expiate the offence by paying the prescribed amount in accordance with any of the notices.

Part III Miscellaneous

21 Act to be construed with Criminal Code

The Criminal Code, with the necessary changes, shall be read and construed with this Act.

22 Certain offences may be dealt with summarily

(1) Subject to subsection (2) and section 23, the following indictable offences against this Act may be heard and determined summarily by the Local Court:

(a) an offence against a provision of Part II, Division 1, Subdivision 1, 2 or 3 or section 11Y(1) that is punishable by not more than 14 years imprisonment;

(b) an offence against section 8.

(2) Despite subsection (1), a person who is charged with an offence referred to in section 36A(6) and who could, if found guilty of the offence, be declared under section 36A to be a drug trafficker is not to be tried summarily for the offence.

23 Proceedings for offences

(2) Despite section 121A of the *Local Court (Criminal Procedure) Act 1928*, a charge mentioned in section 22 may be heard and determined summarily only if the prosecution elects for it to be so heard.

(2A) In addition to subsection (2), a charge for an offence mentioned in section 22(1)(b) may be heard and determined summarily only if the defendant also consents to it being disposed of summarily.

(3) Summary proceedings for an indictable offence against this Act may proceed:

(a) if the offence is one that may be heard and determined summarily; and

(b) even if 6 months have elapsed from the time when the offence was allegedly committed.

(4) If it appears to the Local Court that a charge of an offence against this Act that is being heard summarily ought to be tried by the Supreme Court, the Local Court must discontinue the summary proceedings and continue the proceedings as a preliminary examination under the *Local Court (Criminal Procedure) Act 1928*.

(5) If the Court discontinues the summary proceedings under subsection (4):

(a) the plea of the defendant taken at the outset of the summary proceedings must be disregarded; and

(b) the evidence already adduced in the proceedings is taken to be evidence in the preliminary examination; and

(c) before committing the defendant for trial or sentence, the Local Court Judge must address the defendant in accordance with section 110 of the *Local Court (Criminal Procedure) Act 1928*.

(6) An accused person may be charged (whether on indictment or not) and proceeded against for supplying a dangerous drug notwithstanding that the supply is alleged to be constituted by a number of instances of supply and notwithstanding that different persons are alleged to have been supplied if the different instances of supply are, or form part of, a series of offences of the same or a similar character.

24 Protection of informers

(1) Where an informer supplies information to a police officer in respect of the commission of an offence against Part II, then, subject to section 25(3), the informer's identity at all times must be kept confidential.

(2) Subject to section 25(3), a person commits an offence if:

(a) the person intentionally discloses information; and

(b) the disclosure of the information results in the disclosure of the name of an informer, or a matter that may lead to the identification of an informer, and the person is reckless in relation to the result.

Maximum penalty: 200 penalty units or imprisonment for 2 years.

(3) It is a defence to a prosecution for an offence against subsection (2) if the defendant made the disclosure in good faith for the protection of the interests of the informer or for the public good.

(4) The defendant has a legal burden of proof in relation to a matter mentioned in subsection (3).

25 Source of information not to be disclosed

(1) In proceedings for an offence against Part II:

(a) the prosecutor; or

(b) a person who appears as a witness for the prosecution; or

(c) if a police officer appears as a witness for the defence, the officer;

must not be asked, and if asked must not be compelled to disclose, the name of an informer or other particular that may be likely to lead to the informer's identification, or the fact that in respect of the offence the prosecutor, informer or police officer mentioned in paragraph (b) received information from an informer or furnished information to an informer, or the nature of the information.

(2) In proceedings for an offence against Part II, a police officer appearing as a prosecutor or witness must not be compelled to produce a report or document made or received in the officer's official capacity or containing confidential information in relation to such offence, or to make a statement in relation to such a report, document or information.

(3) Subsection (1) or (2) does not apply to the extent that the defendant satisfies the court that it is in the interest of justice in the particular case that the information be given, the report or document produced or the statement made, as the case may be.

26 Power to prohibit publication of proceedings

(1) In proceedings for an offence against Part II, the following may make an order prohibiting the publication of the whole or any part of the proceedings, or the name and address of any witness, that remains in force for the period specified in the order:

(a) the Local Court;

(b) if the defendant has been committed for trial or sentence – the Supreme Court.

(2) The application is to be heard in the presence of only such persons as the court thinks fit.

(3) On the hearing of the application under subsection (2) the court may receive and act on such information as the court thinks fit.

(4) When considering an application under subsection (2) regard shall be had to:

(a) the safety of any person;

(b) the extent to which the detection of offences of a like nature may be affected; and

(c) the need to guarantee the confidentiality of information given by an informer.

(5) A person commits an offence if:

(a) the person intentionally engages in conduct; and

(b) the conduct results in the contravention of an order made under subsection (1) and the person is reckless in relation to the result.

Maximum penalty: 200 penalty units or imprisonment for 2 years.

27 Certain proceedings relating to sentence

(1) A court before which a person is found guilty of an offence against this Act may, with the consent of the prosecution and the defendant, determine the question of sentence otherwise than in open court.

(3) In determining the question of sentence pursuant to this section:

(a) the proceedings shall be as prescribed by the rules of the court or, if no procedure is so prescribed, as the court directs;

(b) the proceedings shall be heard in the presence of only such persons as the court thinks fit;

(c) the court may receive and act on such information as it thinks fit;

(d) no transcript shall be made of the proceedings unless directed by the court; and

(e) no notice or report relating to the proceedings shall be published and no record of the proceedings (other than the order as to the sentence to be imposed) shall be available for search by a person except by direction of the court.

28 Fines

A person found guilty of an offence against Part II, in addition to any other penalty, may be ordered to pay a fine the amount of which is not limited by section 16 of the *Sentencing Act 1995* and in default of payment of that fine the person may be ordered to be imprisoned for not longer than 3 years notwithstanding that it may extend the term of imprisonment beyond the longest term to which the person might be sentenced to imprisonment without fine.

29 Analyst's certificate

In proceedings for an offence against this Act, the production of a certificate purporting to be signed by an analyst in relation to an analysis or examination made by the analyst is, without proof of the analyst's signature, or that he or she is an analyst, evidence of:

(a) the identity and quantity of the thing analysed or examined; and

(b) the result of the analysis or examination and of the matters relevant to the proceedings stated in the certificate;

and, in the absence of evidence to the contrary, is conclusive evidence.

31 Possession by police officer etc.

(1) Notwithstanding anything contained in this Act, the possession of a dangerous drug or precursor by a police officer, or by a person authorised by a police officer to have that dangerous drug or precursor in the person's possession, is not an offence if that dangerous drug or precursor:

(a) was seized or obtained in:

(i) the execution of the duties; or

(ii) the exercise of the powers,

of that officer or other person under this Act or any other law in force in the Territory; or

(b) is in the officer's or person's possession pending the institution and hearing of proceedings for an offence against this Act or any other law in force in the Territory; or

(c) is in the officer's or person's possession for a purpose associated with the administration of this Act.

(2) A dangerous drug or precursor is taken to be in the possession of a police officer or person for a purpose associated with the administration of this Act if it is held by the officer or person for analysis for the purpose of proceedings for an offence against this Act or of any other law in force in the Territory or of qualifying the officer or person to give evidence in those proceedings.

(3) If proceedings for an offence against this Act have commenced, a the officer who has obtained a dangerous drug or precursor or a person who has obtained a dangerous drug or precursor under an authority given under section 32 must not, by reason only of that circumstance, be taken to be a party to an offence against this Act or be guilty of an offence against this Act, nor may the evidence of the officer or person be taken in the proceedings to be the evidence of an accomplice.

32 Undercover operations

(1) A police officer of or above the rank of Commander may in writing, subject to such conditions as he or she thinks fit, authorise a police officer below that rank, or a person who is not a police officer, to acquire or supply for the purpose of detecting the commission of an offence against this Act, or have in the person's possession for that

purpose, a dangerous drug or precursor.

(2) Without limiting section 31, a police officer or person authorised under subsection (1) may (in the case of a person authorised under subsection (1), while acting in pursuance of that authority) acquire or supply and possess a dangerous drug or precursor for the purpose of detecting the commission of an offence against this Act.

(3) A person who is authorised under subsection (1) to acquire a dangerous drug or precursor must, as soon as practicable after receiving the dangerous drug or precursor, deliver it to a police officer.

(4) A person commits an offence if:

(a) the person intentionally engages in conduct; and

(b) the conduct results in a contravention of subsection (3) and the person is reckless in relation to the result.

Maximum penalty: 200 penalty units or imprisonment for 2 years.

33 Authorisation to possess, cultivate or manufacture dangerous drug or precursor

(1) The Chief Health Officer may, in writing, authorise a person to possess or manufacture a dangerous drug or precursor, or cultivate a prohibited plant, for the purpose of research, instruction, analysis or study.

(1A) However, the Chief Health Officer must not give an authorisation under subsection (1) for a dangerous drug or precursor for which a research authorisation under the *Medicines, Poisons and Therapeutic Goods Act 2012* can be granted.

(2) An authorisation under subsection (1) is subject to the conditions, if any, specified in the authorisation.

(3) A person may lawfully possess or manufacture a dangerous drug or precursor, or cultivate a prohibited plant, in accordance with an authorisation under subsection (1).

(4) If an authorisation is given under subsection (1) to a body corporate, a person who is directly involved in the research, instruction, analysis or study to which the authorisation relates may lawfully possess or manufacture the dangerous drug or precursor, or cultivate the prohibited plant, in accordance with the authorisation.

34 Forfeiture of drugs, precursors etc.

(1) On the finding of guilt of a person for an offence against this Act, any dangerous drug or precursor in respect of which the finding of guilt is made is forfeited to the Crown.

(2) Where a person charged with an offence against this Act is tried but not found guilty of any offence on the charge, the court before which the person was charged may order that a dangerous drug or precursor, or thing alleged to be a dangerous drug or precursor, in respect of which the offence was alleged to have been committed be forfeited to the Crown and on the order being so made it is forfeited accordingly.

(3) Where a person is found guilty of an offence against this Act, the court by which the person is found guilty may, on application to it made on behalf of the Crown, order that any vehicle, vessel, aircraft, other conveyance, money, money's worth, valuable security, acknowledgement, note or other thing that relates to that offence be forfeited to the Crown.

(4) Where an application referred to in subsection (3) is made, a person who has an interest in the vehicle, vessel, aircraft, other conveyance, money, money's worth, valuable security, acknowledgement, note or other thing to which the application relates is entitled to:

(a) such notice of the application as the court thinks fit; and

(b) to appear and be heard on the application.

(5) Where any vehicle, vessel, aircraft, other conveyance, money, money's worth, valuable security, acknowledgement, note or other thing that is liable to forfeiture under subsection (2) or (3) is received or acquired by a person who was not a party to the commission of the offence by virtue of which it is liable to forfeiture, an order for its forfeiture may be made unless that person proves that he or she:

(a) gave valuable consideration for it; and

(b) at the time of receiving or acquiring it had no reason to suspect the circumstances by virtue of which it is liable to forfeiture.

(6) A court empowered under this section to order the forfeiture of any vehicle, vessel, aircraft, other conveyance, money, money's worth, valuable security, acknowledgement, note or other thing may order that it be released or returned to a person referred to in subsection (5) or any other person.

(7) Where an order is made under subsection (3), a person referred to in subsection (5) may appeal against the order of the court as if the person were a defendant.

(8) A person who is in possession of money or any other thing that is ordered to be forfeited under subsection (3) must, immediately on production to the person of a copy of the order made under subsection (3), pay the money or deliver the thing to the Crown.

(8A) A person commits an offence if:

(a) the person intentionally engages in conduct; and

(b) the conduct results in a contravention of subsection (8) and the person is reckless in relation to the result.

Maximum penalty: 200 penalty units or imprisonment for 2 years.

(9) On payment or delivery being made in accordance with subsection (8), the liability to the person found guilty, or to any other person, of the person making the payment or delivery is, to the extent of that payment or delivery, discharged.

(10) A thing forfeited to the Crown under this section shall be dealt with in such manner as the Minister directs.

(11) Where a court makes an order under subsection (3), the Supreme Court Judge or Local Court Judge constituting the court shall make and sign a minute or memorandum of the order.

(12) A minute or memorandum of an order made under subsection (11) has the force and effect of a judgment of the court and the like proceedings (including proceedings in bankruptcy) may be taken on the minute or memorandum as if the order had been a judgment of the court:

(a) in favour of the Crown (as plaintiff and the owner of the forfeited vehicle, vessel, aircraft, other conveyance, money, money's worth, valuable security, acknowledgement, note or other thing); and

(b) against the person found guilty as defendant.

(13) For the purposes of this section, any vehicle, vessel, aircraft, other conveyance, money, money's worth, valuable security, acknowledgement, note or other thing shall be taken to relate to an offence if it:

(a) is an article referred to in section 120BA of the *Police Administration Act 1978*;

(b) was used in the commission of an offence against this Act;

(c) was received or acquired directly or indirectly as or from the proceeds or part of the proceeds of the sale of a dangerous drug, precursor; or

(d) entitles a person, or is evidence that a person is entitled, to receive money or money's worth as the proceeds or part of the proceeds of the sale of a dangerous drug or precursor,

whether or not the money, money's worth, valuable security, acknowledgement, note or other thing is or was at any time owned by or in the possession of the person found guilty.

35 Return of seized items

(1) Where a thing is seized under this Act, is not destroyed under section 19B, 19P or 19PB and no proceedings are instituted for an offence relating to it, the Commissioner of Police:

(a) shall return it to the person whom the Commissioner believes, on reasonable grounds, is its owner and is entitled by law to have it in the person's possession; or

(b) shall, by notice in writing, where the Commissioner is not satisfied as to whom it should be returned, require the person from whom it was seized, or a person appearing to the Commissioner to be its likely owner, to claim delivery of it.

(2) The Commissioner of Police shall not return a thing seized under this Act unless satisfied that it is not a dangerous drug, precursor or other thing the possession of which by the person to whom the Commissioner would otherwise return it would constitute an offence.

(3) If no claim is made within 21 days after the date of service of a notice under subsection (1)(b), or after reasonable inquiry the person to whom the notice is addressed cannot be found, the thing seized is forfeited to the Crown and shall be disposed of in the manner directed by the Minister.

(4) Where a person served with a notice under subsection (1)(b) makes a claim for the delivery to the person of a thing seized or, in the opinion of the Commissioner of Police, the owner is not entitled by law to have the thing seized in the owner's possession, the Commissioner shall refer the claim or question to the Local Court and the court may deal with the matter as if, in either case, it were a claim under section 130B of the *Local Court (Criminal Procedure) Act 1928* by a claimant of property.

35A Detention for purpose of performing search of body cavities etc.

(1) If a police officer has a reasonable suspicion that a person has swallowed a dangerous drug, or may be concealing a dangerous drug on or in his or her person, the officer may apply to a Supreme Court Judge for an order under subsection (2).

(2) A Supreme Court Judge may order that a person be detained for the purpose of enabling an intimate procedure specified in paragraph (a), (b), (c) or (k) of the definition of ***intimate procedure*** under the *Police Administration Act 1978* to be performed under section 145 of that Act for the purpose of locating the presence of the drug, if the judge is satisfied that the police officer has reasonable grounds for the suspicion referred in subsection (1).

(3) An application may be made under subsection (1) in relation to a person although the person has not been charged with an offence against this Act or any other Act.

(4) An order made under subsection (2) in relation to a person is taken to be an approval under section 145(4) of the *Police Administration Act 1978* in relation to the person and subsections (7) to (14) (inclusive) of that section apply accordingly.

(5) For the purposes of this section and section 145 of the *Police Administration Act 1978* in relation to an order under this section, a reference in paragraph (k) of the definition of ***intimate procedure*** in that Act to the taking of an X-ray is taken to include a reference to taking an ultrasound, or an electromagnetic radiation or radiography recording, scan or test.

36 Power of police

The provisions of this Act relating to the power of a police officer (including the Commissioner of Police) are in addition to, and not in derogation of, any other power the police officer may have under any other law in force in the Territory.

36A Declared drug trafficker

(1) The Director of Public Prosecutions may apply to the Supreme Court for a declaration that a person is a drug trafficker.

(2) An application under subsection (1) may be made at the time of a hearing for an offence or at any other time.

(3) On hearing an application by the Director of Public Prosecutions under subsection (1), the court must declare a person to be a drug trafficker if:

(a) the person has been found guilty by the court of an offence referred to in subsection (6) that was committed after the commencement of this section; and

(b) subject to subsection (5), in the 10 years prior to the day on which the offence was committed (or the first day on which the offence was committed, as the case requires), the person has been found guilty:

(i) on 2 or more occasions of an offence corresponding to an offence referred to in subsection (6); or

(ii) on one occasion of 2 (or more) separate charges relating to separate offences of which 2 or more correspond to an offence or offences referred to in subsection (6).

(4) An offence referred to in subsection (3)(b):

(a) may have been committed either before or after the commencement of this section; and

(b) may have been tried either summarily or on indictment.

(5) If, during the period of 10 years referred to in subsection (3), the person served a term (or more than one term) of imprisonment for an offence corresponding to an offence referred to in subsection (6), the 10 year period is extended by the total length of time the person served in imprisonment.

(6) The following are offences relevant for the purposes of subsection (3):

(a) an offence against Part II, Division 1, Subdivision 1;

(b) an offence against section 6(1), 6A(1), 6E(1), 6F(1), 6G(1), 7(1), 7A(1) or 7C(1);

(e) conspiring with another person to commit an offence mentioned in paragraph (a) or (b);

(f) an offence against a law of a State or another Territory corresponding to an offence mentioned in paragraphs (a) to (e);

(h) an offence against Division 307 of the *Criminal Code* (Cth).

37 Penalty guidelines

(1) In this section:

commercial gain, in relation to supplying dangerous drugs, means to supply the dangerous drugs for fee, reward or consideration or in expectation of a fee, reward or consideration.

(4) Notwithstanding any other law of the Territory, where a person already serving a period of actual imprisonment is sentenced by a court to serve a period of actual imprisonment for an offence against this Act committed by the person while serving the first-mentioned period, the further period of actual imprisonment shall be served consecutively to the period of imprisonment currently being served by the person.

(6) In sentencing a person for an offence against Part II, Division 1, Subdivision 2 or 3, the court is to presume that:

(a) if the amount of the dangerous drugs to which the offence relates is a traffickable quantity – the person intended to supply the dangerous drugs; and

(b) if the amount of the dangerous drugs to which the offence relates is a commercial quantity – the person intended to supply the dangerous drugs for commercial gain.

(7) Subsection (6) applies unless the contrary is proved.

38 Penalty for offence involving procurement of young child

(1) This section applies in relation to an offence against this Act that, under section 43BG or 43BH of the Criminal Code, a person is taken to have committed because the person procured a young child to:

(a) commit the offence; or

(b) engage in conduct as mentioned in section 43BH(1)(a) of the Criminal Code.

(2) Despite section 43BG or 43BH of the Criminal Code, the person is liable to a maximum penalty of life imprisonment for the offence.

(3) In this section:

young child means a person who has not attained the age of 14 years.

39 Criminal liability of executive officer of body corporate – evidential burden of proof on defence

(1) An executive officer of a body corporate commits an offence if the body corporate commits an offence by contravening a declared provision (a ***relevant offence***).

Maximum penalty: The maximum penalty that may be imposed on an individual for the relevant offence.

(2) An offence against subsection (1) is an offence of absolute liability.

(3) It is a defence to a prosecution for an offence against subsection (1) if the defendant:

(a) was not in a position to influence the conduct of the body corporate in relation to the contravention; or

(b) took reasonable steps to prevent the contravention; or

(c) did not know, and could not reasonably have been expected to know, that the contravention would happen.

(4) In deciding whether the defendant took (or failed to take) reasonable steps to prevent the contravention, a court must consider the following:

(a) any action the defendant took directed towards ensuring the following (to the extent the action is relevant to the contravention):

(i) the body corporate arranged regular professional assessments of the body corporate's compliance with the declared provision;

(ii) the body corporate implemented any appropriate recommendation arising from an assessment under subparagraph (i);

(iii) the body corporate's employees, agents and contractors had a reasonable knowledge and understanding of the requirement to comply with the declared provision;

(b) any action the defendant took when the defendant became aware that the contravention was, or could be, about to happen.

(5) Subsection (4) does not limit the matters the court may consider.

(6) This section does not affect the liability of the body corporate.

(7) This section applies whether or not the body corporate is prosecuted for, or found guilty of, the relevant offence.

(8) This section does not apply if the body corporate would have a defence to a prosecution for the relevant offence.

(9) In this section:

declared provision means:

(a) Part II, Division 1, Subdivision 1 or 2 or section 8(1) or (2) or 8A(1); or

(b) a provision of the Regulations prescribed by regulation.

executive officer, of a body corporate, means a director or other person who is concerned with, or takes part in, the management of the body corporate.

40 Evidentiary

(1) In respect of a charge against a person of having committed an offence against this Act:

(a) it is not necessary to particularise the dangerous drug or precursor in respect of which the offence is alleged to have been committed; and

(b) that person is liable to be found guilty as charged notwithstanding that the identity of the dangerous drug or precursor to which the charge relates is not proved to the satisfaction of the court that hears the charge if the court is satisfied that the thing to which the charge relates was at the material time a dangerous drug or precursor; and

(c) proof that a dangerous drug or precursor was at the material time in or on a place of which the person was:

(i) the occupier; or

(ii) concerned in the management or control;

is taken to be proof that the drug or precursor was then in the person's possession unless the person proves that the person then neither knew nor had reason to suspect that the drug or precursor was in or on that place.

(2) In proceedings for an offence against this Act, a certificate purporting to be signed by the Commissioner of Police and stating any of the following matters is prima facie evidence of the matter:

(a) on a specified day, a police officer was a senior police officer;

(b) on a specified day, an area was an authorised drug detection area.

(3) In a prosecution for an offence against section 5D(1), a statement in the complaint or indictment that the place at which the alleged supply occurred, or was to occur, was at the relevant time an indigenous community, is evidence of the matters stated.

41 Receiving or possessing some only of property alleged

If, in relation to a charge of having committed an offence against section 8, the trier of fact finds specially that the person committed the offence in respect of some, but not all, of the property alleged by the prosecution, the person is not by reason only of the finding entitled to be acquitted or have the charge dismissed but rather must be found guilty of the offence in respect of the property so found.

42 Exemptions

Despite anything contained in this Act, a person who:

(a) is in possession of a dangerous drug which has been supplied to that person by or on the lawful prescription of an authorised prescriber; or

(b) administers a dangerous drug to another person in accordance with the lawful directions of a medical practitioner, dentist or optometrist,

is not guilty of an offence against this Act.

42A Acquisition

If, but for this section, property is acquired under this Act otherwise than on just terms:

(a) the person from whom the property is acquired is entitled to receive just compensation for the acquisition; and

(b) a court of competent jurisdiction may determine the amount of the compensation or make the orders necessary to ensure that the compensation is on just terms.

43 Regulations

(1) The Administrator may make regulations under this Act.

(2) The Regulations may provide for the following:

(a) the amendment of a Schedule to this Act to insert a substance or thing into the Schedule and specify, for the substance or thing, the relevant traffickable quantity and commercial quantity;

(ab) the amendment of Schedules 1 and 2 to this Act to:

(i) omit a substance or thing from Schedule 2; and

(ii) insert the substance or thing into Schedule 1 and specify, for the substance or thing, the relevant traffickable quantity and commercial quantity;

(b) notices and the form of such notices to be posted on liquor licensed premises or particular parts of liquor licensed premises for the purposes of this Act;

(c) the safe disposal of hypodermic syringes and needles;

(d) for an offence against the Regulations – a maximum penalty of 17 penalty units.

Part IV Transitional matters

Division 1 Acts commencing before 2015

44 Transitional provision for increased penalty for supplying dangerous drug in indigenous community

To avoid doubt, the amendment of section 5 by the *Misuse of Drugs Amendment Act 2008* applies only to an offence committed after the commencement of that Act.

45 Transitional provision for *Misuse of Drugs Amendment (Methamphetamine) Act 2013*

(1) Schedules 1 and 2, as amended by the *Misuse of Drugs Amendment (Methamphetamine) Act 2013*, apply only in relation to offences committed after the commencement of this section (***commencement***).

(2) Schedules 1 and 2, as in force before commencement, continue to apply in relation to offences committed before commencement.

(3) For this section:

(a) an offence is taken to have been committed after commencement only if all of the conduct constituting the offence occurred after commencement; and

(b) any other offence is taken to have been committed before commencement.

46 Transitional provision for *Misuse of Drugs Amendment Act 2014*

(1) This Act, as amended by the *Misuse of Drugs Amendment Act 2014*, applies only in relation to offences committed after the commencement of this section (***commencement***).

(2) This Act, as in force before commencement, continues to apply in relation to offences committed before commencement.

(3) For this section:

(a) an offence is taken to have been committed after commencement only if all of the conduct constituting the offence occurred after commencement; and

(b) any other offence is taken to have been committed before commencement.

Division 2 Statute Law Amendment (Directors' Liability) Act 2015

47 Offences – before and after commencement

(1) Section 39, as inserted by the *Statute Law Amendment (Directors' Liability) Act 2015*, (the ***new section***) applies in relation to a relevant offence committed by a body corporate after the commencement of Part 2, Division 25 of that Act (the ***commencement***) only if:

(a) all the conduct constituting the relevant offence occurred after the commencement; and

(b) all the conduct of the executive officer constituting the offence against the new section occurred after the commencement.

(2) Section 39, as in force before the commencement:

(a) continues to apply in relation to offences committed by a corporation before the commencement; and

(b) applies in relation to relevant offences committed by a body corporate after the commencement to which, as a result of subsection (1), the new section does not apply.

Division 3 Misuse of Drugs Amendment Act 2015

48 Application of amendment

(1) Section 40(c), as amended by the *Misuse of Drugs Amendment Act 2015*, applies only in relation to offences committed after the commencement of section 8 of that Act (the ***commencement***).

(2) Section 40(c), as in force before the commencement, continues to apply in relation to offences committed before the commencement.

(3) For this section, if any of the conduct constituting an offence occurred before the commencement, the offence is taken to have been committed before the commencement.

Division 4 Justice Legislation Amendment (Drug Offences) Act 2016

49 Offence provisions – before and after commencement

(1) The offence provisions, as amended by the *Justice Legislation Amendment (Drug Offences) Act 2016*, apply only in relation to offences committed after the commencement of that Act (the ***commencement***).

(2) The offence provisions, as in force before the commencement, continue to apply in relation to offences committed before the commencement.

(3) For this section, if any of the conduct constituting an offence occurred before the commencement, the offence is taken to have been committed before the commencement.

(4) In this section:

offence provisions means the provisions of this Act that create or relate to offences (including in relation to criminal responsibility, defences and penalties).

Division 5 Sentencing and Other Legislation Amendment Act 2022

50 Application of section 37 after commencement

(1) Section 37, as amended by the *Sentencing and Other Legislation Amendment Act 2022*, applies in relation to:

(a) an offence committed before the commencement if the court had not sentenced the person for the offence before the commencement; and

(b) an offence committed after the commencement.

(2) For this section, if any of the conduct constituting an offence occurred before the commencement, the offence is taken to have been committed before the commencement.

(3) In this section:

commencement means the commencement of Part 4 of the *Sentencing and Other Legislation Amendment Act 2022*.

Schedule 1 Dangerous drugs

section 3

Column 1 Substance or thing	Column 2 Traffickable quantity	Column 3 Commercial quantity
Acetyl-a-methylfentanyl	0.005 g	0.25 g
Alfentanil	0.005 g	0.25 g
Amphetamine	2.00 g	40.00 g
Butonitazene	0.005 g	0.25 g
Clonitazene	0.005 g	0.25 g
Cocaine	2.00 g	40.00 g
Etodesnitazene	0.005 g	0.25 g
Etonitazene	0.005 g	0.25 g
Etonitazepipne	0.005 g	0.25 g
Etonitazepyne	0.005 g	0.25 g
Fentanyl	0.005 g	0.25 g
Flunitazene	0.005 g	0.25 g
Heroin	2.00 g	40.00 g
Isotonitazene	0.005 g	0.25 g
Ketamine	0.002 g	0.10 g
Lysergic acid	0.002 g	0.10 g
Lysergide	0.002 g	0.10 g
Methamphetamine	2.00 g	40.00 g
Methiopropamine	2.00 g	40.00 g
Methoxetamine	0.002 g	0.10 g
Methoxyamphetamine	0.50 g	25.00 g

Methoxyethylenedioxyamphetamine	0.50 g	25.00 g
Methoxymethamphetamine	2.00 g	40.00 g
Methoxymethylenedioxyamphetamine (MMDA)	0.50 g	25.00 g
Methylenedioxyamphetamine (MDA)	0.50 g	25.00 g
Methylenedioxyethylamphetamine (MDEA)	0.50 g	25.00 g
Methylenedioxymethamphetamine (MDMA)	0.50 g	25.00 g
Metodesnitazene	0.005 g	0.25 g
Metonitazene	0.005 g	0.25 g
Phencyclidine	2.00 g	40.00 g
Protonitazene	0.005 g	0.25 g
Sufentanil	0.005 g	0.25 g

Schedule 2 Other dangerous drugs

section 3

COLUMN 1 Substance or thing	COLUMN 2 Traffickable quantity	COLUMN 3 Commercial quantity
Acetorphine	2.00 g	100.00 g
Acetyldihydrocodeine, except when compounded with one or more other medicaments:	2.00 g	100.00 g
(a) in divided preparations containing not more than 100 mg of acetyldihyd-rocodeine per dosage unit; or		
(b) in undivided preparations with a concentration of not more than 2.5% of acetyldihydrocodeine		
Acetylmethadol	2.00 g	100.00 g
Acetylmorphines	2.00 g	100.00 g
Adamantoylindoles	50.0 g	500.00 g
Adamantylamidoindazoles	50.0 g	500.00 g
Adamantylamidoindoles	50.0 g	500.00 g
Alkoxyamphetamines and substituted alkoxyamphetamines except if separately specified in this Schedule	0.50 g	25.00 g
Alkoxyphenethylamines and substituted alkoxyphenylethylamines except if separately specified in this Schedule	0.50 g	25.00 g
Alkythioamphetamines	0.50 g	25.00 g
Allylprodine	2.00 g	100.00 g
Alphacetylmethadol	10.00 g	500.00 g
Alphameprodine	0.20 g	10.00 g
Alphamethadol	0.20 g	10.00 g
Alpha-methyltryptamine	2.00 g	100.00 g
Alphaprodine	25.00 g	1.25 kg

2-Amino-1-(2,5-dimethoxy-4-methyl) phenylpropane (STP, DOM)	0.50 g	10.00 g
N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (ADB-FUBINACA)	50.00 g	500.00 g
N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide (5-FLUORO-ADB-PINACA)	50.00 g	50.00 g
N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide (ADB-PINACA)	50.00 g	500.00 g
(S)-N-(1-amino-3-methyl-1-oxobutan-2-yl)-1- (5-fluoropentyl)-1H-indazole-3-carboxamide (5-FLUORO-AB-PINACA)	50.00 g	500.00 g
(S)-N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide (AB-PINACA)	50.00 g	500.00 g
N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-[(4-fluorophenyl)methyl]-1H-indazole-3-carboxamide (AB-FUBINACA)	50.00 g	500.00 g
5-(2-Aminopropyl)Benzofuran (5-APB)	2.00 g	100.00 g
6-(2-Aminopropyl)Benzofuran (6-APB)	2.00 g	100.00 g
5-(2-Aminopropyl)-2,3-dihydrobenzofuran (5-ADPB)	2.00 g	100.00 g
6-(2-Aminopropyl)-2,3-dihydrobenzofuran (6-ADPB)	2.00 g	100.00 g
Amylobarbitone	20.00 g	1.00 kg
Anileridine	25.00 g	1.25 kg
Benzethidine	10.00 g	500.00 g
Benzoylindoles	50.0 g	500.00 g
Benzylmorphine	5.00 g	250.00 g
Benzylpiperazine	2.00 g	100.00 g
Betacetylmethadol	5.00 g	250.00 g
Betameprodine	5.00 g	250.00 g
Betamethadol	5.00 g	250.00 g
Betaprodine	5.00 g	250.00 g
Bezitramide	5.00 g	250.00 g

Bromo-dimethoxyamphetamine	0.05 g	2.50 g
Bromo-dimethoxyphenethylamine	0.50 g	25.00 g
2-(4-bromo-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine (25B-NBOMe)	0.50 g	25.00 g
Bromo-methoxyamphetamine	0.50 g	25.00 g
Bufotenine	2.00 g	100.00 g
Butobarbitone	20.00 g	1.00 kg
Butorphanol	2.00 g	100.00 g
Cannabis oil	1.00 g	25.00 g
Cannabis plant	not less than 5 nor more than 19 plants	not less than 20 plants
Cannabis plant material (being any part of the Cannabis plant, including the flowering or fruiting tops, leaves, stalks and seeds) other than permissible Cannabis seeds	50.00 g	500.00 g
Cannabis resin	10.00 g	100.00 g
Cannabis seed, other than permissible Cannabis seeds	10.00 g	100.00 g
Cathinone	2.00 g	100.00 g
2-(4-chloro-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine (25C-NBOMe)	0.50 g	25.00 g
Coca Leaf	250.00 g	5.00 kg
Codeine except when compounded with one or more other medicaments: (a) in divided preparations containing 30 mg or less of codeine per dosage unit; or (b) in undivided preparations containing 1% or less of codeine	10.00 g	500.00 g
Codeine-N-oxide	10.00 g	500.00 g
Codoxime	10.00 g	500.00 g

Concentrate of Poppy Straw (the material arising when poppy straw has entered into a process for concentration of its alkaloids)	250.00 g	5.00 kg
CUMYL-PeGACLONE (SGT-151)	50.00 g	500.00 g
4-Cyano-2-dimethylamino-4, 4-diphenylbutane (Methadone intermediate)	2.00 g	100.00 g
4-Cyano-1-methyl-4-phenylpiperidine (Pethidine intermediate A)	10.00 g	500.00 g
Cyclobarbitone	20.00 g	1.00 kg
1-Cyclohexylethyl-3-(2-methoxyphenylacetyl)indole (RCS-8)	50.00 g	500.00 g
Cyclohexylphenols	50.0 g	500.00 g
Cyclopropanoylindoles	50.0 g	500.00 g
Desomorphine	2.00 g	100.00 g
Dextromoramide	2.00 g	100.00 g
Dextropropoxyphene, except when: (a) in divided preparations containing 135 mg or less of dextropropoxyphene per dosage unit; or (b) in liquid preparations containing 2.5% or less of dextropropoxyphene	27.00 g	1.35 kg
Diampromide	5.00 g	250.00 g
3,4-dichloro-N-[[1-(dimethylamino)cyclohexyl]methyl] benzamide (AH-7921)	2.00 g	100.00 g
Diethylthiambutene	5.00 g	250.00 g
N,N-Diethyltryptamine (DET)	2.00 g	100.00 g
Difenoxin, except in preparations containing, per dosage unit. 0.5 mg or less of difenoxin and a quantity of atropine sulphate equivalent to at least 5% of the dose of difenoxin	2.00 g	100.00 g

Dihydrocodeine, except when compounded with one or more other medicaments: (a) in divided preparations containing not more than 100 mg of dihydrocodeine per dosage unit; or (b) in undivided preparations with a concentration of not more than 2.5% of dihydrocodeine	10.00 g	500.00 g
Dihydromorphine	10.00 g	500.00 g
Dimenoxadol	10.00 g	500.00 g
Dimepheptanol	10.00 g	500.00 g
Dimethoxyamphetamine	0.50 g	25.00 g
Dimethoxyethoxyamphetamine	0.50 g	25.00 g
Dimethoxyethylamphetamine	0.50 g	25.00 g
Dimethoxymethamphetamine	0.50 g	25.00 g
Dimethoxymethylenedioxyamphetamine	0.50 g	25.00 g
Dimethoxyphenethylamine	0.50 g	25.00 g
2-(2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25H–NBOMe)	0.50 g	25.00 g
Dimethyamylamine (DMAA)	2.00 g	100.00 g
3-(2-Dimethylaminoethyl)-4-hydroxyindole (Psilocine, Psilotsin)	0.10 g	5.00 g
3-(1,2-Dimethylheptyl)-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo (b,d)pyran (DMHP)	2.00 g	100.00 g
Dimethylthiambutene	20.00 g	1.00 kg
N,N,-Dimethyltryptamine (DMT)	2.00 g	100.00 g
Dioxaphetyl Butyrate	2.00 g	100.00 g
Diphenoxylate, except in preparations containing, per dosage unit, 2.5 mg or less of diphenoxylate and a quantity of atropine sulphate equivalent to at least 1% of the dose of diphenoxylate	2.00 g	100.00 g
Dipipanone	10.00 g	500.00 g
Drotebanol	2.00 g	100.00 g

Ecgonine	10.00 g	1.00 kg
Ethylamphetamine	2.00 g	100.00 g
4,5-Ethylenedioxy-3-methoxyamphetamine	0.50 g	25.00 g
Ethylmethylthiambutene	10.00 g	500.00 g
Ethylmorphine, except when compounded with one or more other medicaments: (a) in divided preparations containing not more than 100 mg of ethylmorphine per dosage unit; or (b) in undivided preparations with a concentration of not more than 2.5% of ethylmorphine	2.00 g	100.00 g
Eticyclidine (PCE)	2.00 g	100.00 g
Etorphine	5.00 g	250.00 g
Etoxeridine	5.00 g	250.00 g
Fenetylline	2.00 g	100.00 g
5-fluoro-AB-P7AICA	50.00 g	500.00 g
5-fluoro CUMYL-P7AICA	50.00 g	500.00 g
Fluorofentanyl	0.005 g	0.25 g
Fluoromethcathinone	2.00 g	100.00 g
(1-(5-fluoropentyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl) methanone (XLR11)	50.0 g	500.00 g
1-(5-fluoropentyl)-N-(1-methyl-1-phenylethyl)-1H-indazole-3-carboxamide (5-FLUORO-CUMYL-PINACA)	50.00 g	500.00 g
1-(5-Fluoropentyl)-3-(2-iodobenzoyl)indole (AM-694)	50.00 g	500.00 g
1-(5-Fluoropentyl)-3-(1-naphthoyl)indole (AM-2201)	50.00 g	500.00 g
Furethidine	1.00 g	50.00 g
Harmaline	2.00 g	100.00 g
Harmine	2.00 g	100.00 g

3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo(b,d)pyran (Parahexyl)	2.00 g	100.00 g
1-Hexyl-3-(1-naphthoyl)indole (JWH-019)	50.00 g	500.00 g
Hydrocodone	2.00 g	100.00 g
Hydromorphinol	2.00 g	100.00 g
Hydromorphone	2.00 g	100.00 g
2-[(1R,3S)-3-Hydroxycyclohexyl]-5-(2-methylnonan-2-yl)phenol (Cannabicyclohexanol or CP 47,497 C8 homologue)	50.00 g	500.00 g
2-[(1R,3S)-3-Hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol (CP 47,497)	50.00 g	500.00 g
Hydroxyfentanyl	0.005 g	0.25 g
9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6A,7,10,10A-tetrahydrobenzo[c]chromen-1-ol (HU-210)	50.00 g	500.00 g
Hydroxymethylfentanyl	0.005 g	0.25 g
Hydroxypethidine	5.00 g	250.00 g
4-Hydroxybutanoic acid	2.00 g	100.00 g
2-(4-iodo-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine (25I-NBOMe)	0.50 g	25.00 g
Isomethadone	2.00 g	100.00 g
Ketobemidone	2.00 g	100.00 g
Khat leaf	250.00 g	5.00 kg
Levomethorphan	2.00 g	100.00 g
Levomoramide	2.00 g	100.00 g
Levophenacylmorphan	2.00 g	100.00 g
Levorphanol	1.00 g	50.00 g

Mecloqualone	60.00 g	3.00 kg
Metazocine	7.00 g	350.00 g
Methadone	2.00 g	100.00 g
Methanandamide	50.00 g	500.00 g
Methaqualone	50.00 g	2.50 kg
Methcathinone	2.00 g	100.00 g
5-methoxy-N,N-diallyltryptamine	2.00 g	100.00 g
5-methoxy- α -methyltryptamine (5-MeO-AMT)	2.00 g	100.00 g
Methoxyethylenedioxyphenylethylamine	0.50 g	25.00 g
Methoxymethylenedioxyphenethylamine	0.50 g	25.00 g
4-Methoxyphenyl(1butyl-1h-indol-3-yl)-methanone (RCS-4 (C4))	50.00 g	500.00 g
2-(4-Methoxyphenyl)-1-(1-pentyl-1h-indol-3-yl)-ethanone (JWH-201)	50.0 g	500.00 g
2-(2-Methoxyphenyl)-1-(1-pentylindol-3-yl)ethanone (JWH-250)	50.00 g	500.00 g
2-(3-Methoxyphenyl)-1-(1-pentylindol-3-yl)ethanone (JWH-302)	50.0 g	500.00 g
Methoxyphenylethylamine	0.50 g	25.00 g
α-methylamino-valerophenone (pentedrone)	2.00 g	100.00 g
Methylenedioxymethcathinone (methylone)	2.00 g	100.00 g
Methylenedioxypyrovalerone (MDPV)	2.00 g	100.00 g
2-Methyl-3-morpholino-1,1-diphenylpropane Carboxylic Acid (Moramide intermediate)	8.00 g	400.00 g
1-Methyl-4-phenylpiperidine-4-carboxylic acid (Pethidine intermediate C)	10.00 g	500.00 g
1-Methyl-4-phenyl-4-propionoxypiperidine (MPPP)	2.00 g	100.00 g
Methyldesorphine	2.00 g	100.00 g
Methyldihydromorphine	2.00 g	100.00 g
Methylfentanyl	0.005 g	0.25 g
Methylmethcathinone	2.00 g	100.00 g
Methylphenidate	2.00 g	100.00 g

Methylthiofentanyl	0.005 g	0.25 g
Metopon	2.00 g	100.00 g
Morpheridine	2.00 g	100.00 g
Morphine	2.00 g	100.00 g
Morphine Methobromide	2.00 g	100.00 g
Morphine-N-oxide	2.00 g	100.00 g
(1-(2-Morpholin-4-ylethyl)indol-3-yl)-naphthalen-1-ylmethanone (JWH-200)	50.00 g	500.00 g
Muscimol	2.00 g	100.00 g
Myrophine	20.00 g	1.00 kg
N-adamantyl-1-fluoropentylindole-3-Carboxamide (STS-135)	50.0 g	500.00 g
N-(1-adamantyl)-1-pentyl-1H-indazole-3-carboxamide (AKB48)	50.0 g	500.00 g
1-[(N-methylpiperidin-2-yl)methyl]-3-(adamant-1-oyl) indole (AM-1248)	50.0 g	500.00 g
Nabilone	0.40 g	20.00 g
Naphthalen-1-yl-(1-butylindol-3-yl)methanone (JWH-073)	50.00 g	500.00 g
Naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate (NM2201)	50.00 g	500.00 g
N-1-naphthalenyl-1-pentyl-1H-indole-3-carboxamide (NNEI)	50.00 g	500.00 g
Naphthoylindoles	50.0 g	500.00 g
Naphthoylpyrroles	50.0 g	500.00 g
Naphthylmethylindenes	50.0 g	500.00 g
Naphthylmethylindoles	50.0 g	500.00 g
Nicocodine, except when compounded with one or more other medicaments:	2.00 g	100.00 g
in divided preparations containing not more than 100 mg of nicocodine per dosage unit; or		
in undivided preparations with a concentration of not more than 2.5% of nicocodine		

Nicodicodine, except when compounded with one or more other medicaments: (a) in divided preparations containing not more than 100 mg of nicodicodine per dosage unit; or (b) in undivided preparations with a concentration of not more than 2.5% of nicodicodine	2.00 g	100.00 g
Nicomorphine	2.00 g	100.00 g
Noracylmethadol	2.00 g	100.00 g
Norcodeine, except when compounded with one or more other medicaments: (a) in divided preparations containing not more than 100 mg of norcodeine per dosage unit; or (b) in undivided preparations with a concentration of not more than 2.5% of norcodeine	2.00 g	100.00 g
Norlevorphanol	2.00 g	100.00 g
Normethadone	5.00 g	250.00 g
Normorphine	20.00 g	1.00 kg
Norpipanone	10.00 g	500.00 g
Opium in any form, except the alkaloids noscapine and papaverine	20.00 g	100.00 g
Oxycodone	5.00 g	250.00 g
Oxymorphone	2.00 g	100.00 g
Parahexyl	–	–
Pentazocine	20.00 g	1.00 kg
Pentobarbitone	20.00 g	1.00 kg
1-Pentyl-3-(4-chloro-1-naphthoyl)indole (JWH-398)	50.00 g	500.00 g
1-Pentyl-3-(2-chlorophenylacetyl)indole (JWH-203)	50.0 g	500.00 g
1-Pentyl-3-(4-ethyl-1-naphthoyl)indole (JWH-210)	50.0 g	500.00 g

1-Pentyl-1h-indol-3-yl-(1-naphthoyl)menthane (JWH-175)	50.00 g	500.00 g
1-Pentyl-3-[(4-methoxy)-benzoyl]indole (RCS-4)	50.00 g	500.00 g
1-Pentyl-3-(4-methoxynaphthoyl)indole (JWH-081)	50.00 g	500.00 g
1-Pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122)	50.00 g	500.00 g
1-Pentyl-3-(1-naphthoyl)indole (JWH-018)	50.00 g	500.00 g
(1-pentylindol-3-yl)-(2,2,3,3-tetramethylcyclopropyl)methanone (UR144)	50.0 g	500.00 g
Pethidine	10.00 g	500.00 g
Phenadoxone	10.00 g	500.00 g
Phenampromide	10.00 g	500.00 g
Phenazocine	1.00 g	50.00 g
Phendimetrazine	5.00 g	250.00 g
Phenmetrazine	5.00 g	250.00 g
Phenomorphan	5.00 g	250.00 g
Phenoperidine	1.00 g	50.00 g
Phenylacetylindoles	50.0 g	500.00 g
1-Phenylethyl-4-phenyl-4-acetoxypiperidine (PEPAP)	2.00 g	100.00 g
4-Phenylpiperidine-4-carboxylic Acid Ethyl Ester (Pethidine intermediate B)	10.00 g	500.00 g
Pholcodine, except when compounded with one or more other medicaments:	5.00 g	250.00 g
(a) in divided preparations containing not more than 100 mg of pholcodine per dosage unit; or		
(b) in undivided preparations with a concentration of not more than 2.5% of pholcodine		
Piminodine	10.00 g	500.00 g
Piritramide	1.00 g	50.00 g
Pravadoline (WIN 48098)	50.00 g	500.00 g

Proheptazine	1.00 g	50.00 g
Prohibited plant, other than elsewhere described in this Schedule	not less than 5 nor more than 19 plants	not less than 20 plants
Properidine	25.00 g	1.25 kg
Propiram	10.00 g	500.00 g
1-Propyl-2-methyl-3-(1-naphthoyl)indole (JWH-015)	50.0 g	500.00 g
Psilocybin and its derivatives	0.10 g	5.00 g
Pyrrolidinobutiophenone	2.00 g	100.00 g
Pyrrolidinopentiophenone	2.00 g	100.00 g
Pyrrolidinopropiophenone	2.00 g	100.00 g
Quinalbarbitone	20.00 g	1.00 kg
Racemethorphan	2.00 g	100.00 g
Racemoramide	2.00 g	100.00 g
Racemorphan	2.00 g	100.00 g
Rolicyclidine (PHP, PCPY)	2.00 g	100.00 g
Salvia Divinorum, including extracts and other substances structurally derived from Salvia Divinorum	7.50 g	375.00 g
Secbutobarbitone	20.00 g	1.00 kg
Tenocyclidine (TCP)	2.00 g	100.00 g
Tetrahydrocannabinols and their alkyl homologues except: (a) if separately specified in this Schedule; or (b) in hemp seed oil: (i) containing more than 10 and not more than 50 mg/kg or less of tetrahydrocannabinols, when labelled "Not for internal use" or "Not to be taken"; or		

(ii) containing not more than 10 mg/kg of tetrahydrocannabinols; or		
(c) in products for purposes other than internal human use containing 50 mg/kg or less of tetrahydrocannabinols; or		
(d) in products made from permissible Cannabis seeds and intended for human consumption as a food that contain not more than 5 mg/kg of tetrahydrocannabinols; or		
(e) in products made from permissible Cannabis seeds and intended for human consumption as a beverage that contain not more than 2 mg/kg of tetrahydrocannabinols.		
Tetramethoxyamphetamine	0.50 g	25.00 g
Thebacon	2.00 g	100.00 g
Thebaine	2.00 g	100.00 g
Thiofentanyl	0.005 g	0.25 g
Tilidine	20.00 g	1.00 kg
Trifluoromethylphenylpiperazine and other piperazine derivatives	2.00 g	100.00 g
Trimeperidine	10.00 g	500.00 g
Trimethoxyamphetamine	0.50 g	25.00 g
Trimethoxyphenethylamine (mescaline) and other substances structurally derived from methoxy-phenylethylamine, except:	7.50 g	375.00 g
(a) methoxyphenamine; or		
(b) where separately specified in this Schedule		
Trimethoxyphenyl-aminobutane	0.50 g	25.00 g

Anabolic Steroids:		
Danazol	10.00 g	500.00 g
Dromostanolone propionate	12.00 g	600.00 g
Ethylestrenol	10.00 g	500.00 g
Fluoxymesterone	12.00 g	600.00 g
Methandriol	32.00 g	1.60 kg
Methyltestosterone	48.00 g	2.40 kg
Nandrolone decanoate	6.00 g	300.00 g
Nandrolone phenpropionate	8.00 g	400.00 g
Oxandrolone	12.00 g	600.00 g
Oxymetholone	300.00 g	15.00 kg
Stanozolol	7.20 g	360.00 g
Testolactone	1.20 kg	6.00 kg
Testosterone	2.40 g	120.00 g
Testosterone cypionate	32.00 g	1.60 kg
Testosterone enanthate	32.00 g	1.60 kg
Testosterone propionate except anabolic steroids in products packaged for ovulation control or in quantities which can lawfully be prescribed as a Schedule 4 substance under the *Medicines, Poisons and Therapeutic Goods Act 2012*	12.00 g	600.00 g

Schedule 3 Infringement notice offences

section 20(1), definition ***infringement notice offence***, paragraph (b)

Dangerous Drug	Quantity
Cannabis oil	1.00g
Cannabis plant material (being any part of the Cannabis plant, including the flowering or fruiting tops, leaves, stalks and seeds) other than permissible Cannabis seeds	50.00g
Cannabis resin	10.00g
Cannabis seed, other than permissible Cannabis seeds	10.00g

ENDNOTES

1 KEY

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz* = *Gazette
hdg = heading
ins = inserted
lt = long title
nc = not commenced
od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

2 LIST OF LEGISLATION

***Misuse of Drugs Act 1990* (Act No. 15, 1990)**
Assent date 12 April 1990
Commenced 1 November 1990 (*Gaz* G40, 10 October 1990, p 3)

***Statute Law Revision Act 1990* (Act No. 33, 1990)**
Assent date 11 June 1990
Commenced 11 June 1990

***Misuse of Drugs Amendment Act 1992* (Act No. 11, 1992)**
Assent date 21 April 1992
Commenced 10 June 1992 (*Gaz* G23, 10 June 1992, p 3)

***Misuse of Drugs Amendment Act 1992* (Act No. 44, 1992)**
Assent date 7 September 1992
Commenced 20 May 1992 (s 2)

***Statute Law Revision Act 1993* (Act No. 6, 1993)**
Assent date 18 March 1993
Commenced 18 March 1993

***Misuse of Drugs Amendment Act 1994* (Act No. 56, 1994)**
Assent date 22 September 1994
Commenced 7 November 1994 (*Gaz* G44, 2 November 1994, p 3)

***Amendment of Misuse of Drugs Regulations* (SL No. 15, 1995)**
Notified 10 May 1995
Commenced 10 May 1995

***Statute Law Revision Act 1995* (Act No. 14, 1995)**
Assent date 23 June 1995
Commenced 23 June 1995

Misuse of Drugs Amendment Act 1996 **(Act No. 4, 1996)**

Assent date	20 March 1996
Commenced	1 July 1996 (*Gaz* S15, 13 June 1996)

Sentencing (Consequential Amendments) Act 1996 **(Act No. 17, 1996)**

Assent date	19 April 1996
Commenced	s 7: 19 April 1996; rem: 1 July 1996 (s 2, s 2 *Sentencing Act 1995* (Act No. 39, 1995) and *Gaz* S15, 13 June 1996)

Statute Law Revision Act 1996 **(Act No. 42, 1996)**

Assent date	17 September 1996
Commenced	17 September 1996

Statute Law Revision Act 1997 **(Act No. 17, 1997)**

Assent date	11 April 1997
Commenced	1 May 1997 (*Gaz* G17, 30 April 1997, p 2)

Misuse of Drugs Amendment Act 1999 **(Act No. 21, 1999)**

Assent date	5 May 1999
Commenced	5 May 1999

Sentencing of Juveniles (Miscellaneous Provisions) Act 2000 **(Act No. 17, 2000)**

Assent date	30 May 2000
Commenced	1 June 2000 (s 2)

Misuse of Drugs Amendment Act 2000 **(Act No. 74, 2000)**

Assent date	14 December 2000
Commenced	14 December 2000

Misuse of Drugs Amendment Act 2002 **(Act No. 32, 2002)**

Assent date	16 July 2002
Commenced	1 August 2002 (*Gaz* G30, 31 July 2002, p 4)

Criminal Property Forfeiture (Consequential Amendments) Act 2002 **(Act No. 35, 2002)**

Assent date	16 July 2002
Commenced	1 June 2003 (s 2, s 2 *Criminal Property Forfeiture Act 2002* (Act No. 34, 2002) and *Gaz* G21, 28 May 2003, p 2)

Statute Law Revision Act (No. 2) 2002 **(Act No. 59, 2002)**

Assent date	7 November 2002
Commenced	7 November 2002

Statute Law Revision Act 2004 **(Act No. 18, 2004)**

Assent date	15 March 2004
Commenced	1 July 2004 (s 2(2), s 2 *Business Tenancies (Fair Dealings) Act 2003* (Act No. 55, 2003) and *Gaz* G9, 3 March 2004, p 5)

Misuse of Drugs Amendment Regulations **(SL No. 35, 2004)**

Notified	24 November 2004
Commenced	24 November 2004

Misuse of Drugs Amendment Act 2005 **(Act No. 24, 2005)**

Assent date	6 May 2005
Commenced	9 February 2006 (*Gaz* S2, 9 February 2006)

Statute Law Revision Act 2005 **(Act No. 44, 2005)**
Assent date 14 December 2005
Commenced 14 December 2005

Misuse of Drugs Amendment Act 2008 **(Act No. 20, 2008)**
Assent date 24 June 2008
Commenced 23 July 2008 (*Gaz* G29, 23 July 2008, p 6)

Justice Legislation Amendment (Penalties) Act 2010 **(Act No. 12, 2010)**
Assent date 20 May 2010
Commenced 1 July 2010 (*Gaz* G24, 16 June 2010, p 2)

Health Practitioner (National Uniform Legislation) Implementation Act 2010 **(Act No. 18, 2010)**
Assent date 20 May 2010
Commenced 1 July 2010 (s 2)

Statute Law Revision Act 2010 **(Act No. 29, 2010)**
Assent date 9 September 2010
Commenced 13 October 2010 (*Gaz* G41, 13 October 2010, p 2)

Public and Environmental Health Act 2011 **(Act No. 7, 2011)**
Assent date 16 March 2011
Commenced 1 July 2011 (*Gaz* S28, 8 June 2011)

Misuse of Drugs Amendment (Synthetic Cannabinoids) Regulations 2011 **(SL No. 33, 2011)**
Notified 12 August 2011
Commenced 12 August 2011

Misuse of Drugs Amendment (Synthetic Cannabinoids) Regulations (No. 2) 2011 **(SL No. 42, 2011)**
Notified 31 August 2011
Commenced 31 August 2011

Caravan Parks Act 2012 **(Act No. 1, 2012)**
Assent date 21 March 2012
Commenced ss 21 and 22: 21 March 2012; rem: 1 May 2012 (s 2)

Medicines, Poisons and Therapeutic Goods Act 2012 **(Act No. 13, 2012)**
Assent date 27 April 2012
Commenced 1 May 2014 (*Gaz* S22, 2014, p 12)

Misuse of Drugs (Act Amendment) Regulations 2013 **(SL No. 29, 2013)**
Notified 1 August 2013
Commenced 1 August 2013

Misuse of Drugs Amendment (Methamphetamine) Act 2013 **(Act No. 25, 2013)**
Assent date 29 October 2013
Commenced 11 November 2013 (*Gaz* S55, 11 November 2013)

Misuse of Drugs Amendment Act 2014 **(Act No. 7, 2014)**
Assent date 20 March 2014
Commenced 9 April 2014 (*Gaz* G14, 9 April 2014, p 2)

Correctional Services (Related and Consequential Amendments) Act 2014 **(Act No. 27, 2014)**

Assent date	4 September 2014
Commenced	9 September 2014 (*Gaz* S80, 9 September 2014, p 2)

Statute Law Revision Act 2014 **(Act No. 38, 2014)**

Assent date	13 November 2014
Commenced	13 November 2014

Statute Law Amendment (Directors' Liability) Act 2015 **(Act No. 26, 2015)**

Assent date	18 September 2015
Commenced	14 October 2015 (*Gaz* G41, 14 October 2015, p 3)

Misuse of Drugs Amendment Act 2015 **(Act No. 31, 2015)**

Assent date	8 December 2015
Commenced	17 December 2015 (*Gaz* S115, 17 December 2015)

Local Court (Repeals and Related Amendments) Act 2016 **(Act No. 9, 2016)**

Assent date	6 April 2016
Commenced	1 May 2016 (*Gaz* S34, 29 April 2016)

Misuse of Drugs (Act Amendment) Regulations 2016 **(SL No. 23, 2016)**

Notified	20 May 2016
Commenced	20 May 2016

Justice Legislation Amendment (Drug Offences) Act 2016 **(Act No. 17, 2016)**

Assent date	8 June 2016
Commenced	s 17 (to ext ins new s 15): 10 October 2016; rem: 18 July 2016 (*Gaz* S67, 18 July 2016)

Statute Law Revision Act 2017 **(Act No. 4, 2017)**

Assent date	10 March 2017
Commenced	12 April 2017 (*Gaz* G15, 12 April 2017, p 3)

Misuse of Drugs Amendment Act 2017 **(Act No. 22, 2017)**

Assent date	30 November 2017
Commenced	1 December 2017 (s 2)

Health Practitioner Regulation (National Uniform Legislation) and Other Legislation Amendment Act 2018 **(Act No. 28, 2018)**

Assent date	30 November 2018
Commenced	1 December 2018 (s 2)

Liquor Act 2019 **(Act No. 29, 2019)**

Assent date	3 September 2019
Commenced	1 October 2019 (*Gaz* G39, 25 September 2019, p 2)

Hemp Act 2019 **(Act No. 25, 2019)**

Assent date	2 September 2019
Commenced	6 May 2020 (*Gaz* G18, 6 May 2020, p 2)

Misuse of Drugs (Act Amendment) Regulations 2020 **(SL No. 9, 2020)**

Notified	13 May 2020
Commenced	13 May 2020

Statute Law Revision Act 2020 **(Act No. 26, 2020)**

Assent date	19 November 2020
Commenced	20 November 2020

Sentencing and Other Legislation Amendment Act 2022 **(Act No. 28, 2022)**

Assent date	9 December 2022
Commenced	25 March 2024 (*Gaz* S19, 22 March 2024)

Amending Legislation

Justice Legislation Amendment (Domestic and Family Violence) Act 2023 **(Act No. 33, 2023)**

Assent date	6 December 2023
Commenced	25 March 2024 (*Gaz* S18, 22 March 2024)

Attorney-General Legislation Amendment Act 2025 **(Act No. 14, 2025)**

Assent date	6 June 2025
Commenced	1 August 2025 (*Gaz* G14, 10 July 2025, p 1)

Criminal Procedure Legislation Amendment Act 2026 **(Act No. 11, 2026)**

Assent date	28 May 2026
Commenced	1 July 2026 (*Gaz* S47, 22 June 2026)

3 SAVINGS AND TRANSITIONAL PROVISIONS

s 28 *Misuse of Drugs Amendment Act 2002* (Act No. 32, 2002)

4 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: ss 1, 3, 11A, 11E, 11F, 11G, 11J, 11N, 11P, 11U, 11W, 19K, 19U, 19Y, 20B, 23, 28, 33, 34, 35, 35A and 37 and sch 2.

5 LIST OF AMENDMENTS

pt I hdg	amd No. 17, 2016, s 38
s 3	amd No. 11, 1992, s 4; No. 17, 1997, s 17; No. 17, 2000, s 6; No. 32, 2002, s 4; No. 44, 2005, ss 22 and 23; No. 24, 2005, s 3; No. 20, 2008, s 4; No. 18, 2010, s 89; No. 7, 2011, s 140; No. 13, 2012, s 296; No. 31, 2015, s 4; No. 9, 2016, s 120; No. 17, 2016, s 4; No. 22, 2017, s 4; No. 28, 2018, s 25
s 4A	ins No. 21, 1999, s 3 amd No. 22, 2017, s 5 sub No. 25, 2019, s 48
s 4B	ins No. 20, 2008, s 5 sub No. 17, 2016, s 5
s 4C	sub No. 17, 2016, s 5
pt II div 1 hdg	amd No. 17, 2016, s 38
pt II div 1 sdiv 1 hdg	ins No. 17, 2016, s 6

s 5	amd No. 11, 1992, s 5; No. 44, 1992, s 3; No. 17, 1996, s 6; No. 20, 2008, s 6; No. 12, 2010, s 3; No. 7, 2014, s 4; No. 9, 2016, s 121
	sub No. 17, 2016, s 6
ss 5A – 5E	ins No. 17, 2016, s 6
pt II	
div 1	
sdiv 2 hdg	ins No. 17, 2016, s 6
s 6	amd No. 12, 2010, s 3; No. 9, 2016, s 122
	sub No. 17, 2016, s 6
ss 6A – 6G	ins No. 17, 2016, s 6
pt II	
div 1	
sdiv 3 hdg	ins No. 17, 2016, s 6
s 7	sub No. 11, 1992, s 6
	amd No. 17, 1996, s 6; No. 12, 2010, s 3; No. 9, 2016, s 123
	sub No. 17, 2016, s 6
ss 7A – 7C	ins No. 17, 2016, s 6
pt II	
div 1	
sdiv 4 hdg	ins No. 17, 2016, s 6
s 8	sub No. 11, 1992, s 6
	amd No. 17, 1996, s 6; No. 12, 2010, s 3; No. 9, 2016, s 124
	sub No. 17, 2016, s 6
s 8A	ins No. 32, 2002, s 5
	amd No. 12, 2010, s 3; No. 17, 2016, s 7
s 8B	ins No. 32, 2002, s 5
	amd No. 12, 2010, s 3; No. 17, 2016, s 8
s 8C	ins No. 32, 2002, s 5
	amd No. 59, 2002, s 4; No. 12, 2010, s 3; No. 17, 2016, s 9
s 8D	ins No. 32, 2002, s 5
	amd No. 12, 2010, s 3
	rep No. 17, 2016, s 10
pt II	
div 1	
sdiv 5 hdg	ins No. 17, 2016, s 10
s 9	sub No. 11, 1992, s 6
	amd No. 17, 1996, s 6; No. 12, 2010, s 3; No. 9, 2016, s 125
	sub No. 17, 2016, s 10
s 10	amd No. 17, 1996, s 6; No. 9, 2016, s 132
	rep No. 17, 2016, s 10
s 11	sub No. 11, 1992, s 7
	amd No. 17, 1996, s 6; No. 12, 2010, s 3; No. 9, 2016, s 126
	rep No. 17, 2016, s 10
pt II	
div 1A hdg	ins No. 32, 2002, s 6
pt II	
div 1A	
sdiv 1 hdg	ins No. 32, 2002, s 6
s 11A	ins No. 32, 2002, s 6
	amd No. 18, 2004, s 3; No. 1, 2012, s 194; No. 29, 2019, s 386
s 11B	ins No. 32, 2002, s 6
s 11C	ins No. 32, 2002, s 6
	amd No. 17, 2016, s 38
s 11D	ins No. 32, 2002, s 6
pt II	
div 1A	
sdiv 2 hdg	ins No. 32, 2002, s 6

s 11E	ins No. 32, 2002, s 6
	amd No. 17, 2016, s 38; No. 29, 2019, s 387
s 11F	ins No. 32, 2002, s 6
	amd No. 17, 2016, s 38; No. 29, 2019, s 388
s 11G	ins No. 32, 2002, s 6
	amd No. 17, 2016, s 38; No. 29, 2019, s 389
pt II	
div 1A	
sdiv 3 hdg	ins No. 32, 2002, s 6
s 11H	ins No. 32, 2002, s 6
s 11J	ins No. 32, 2002, s 6
	amd No. 9, 2016, s 132
ss 11K – 11M	ins No. 32, 2002, s 6
s 11N	ins No. 32, 2002, s 6
	amd No. 18, 2004, s 3; No. 17, 2016, s 38
s 11P	ins No. 32, 2002, s 6
	amd No. 9, 2016, s 132
s 11Q	ins No. 32, 2002, s 6
	amd No. 12, 2010, s 3; No. 17, 2016, s 11
pt II	
div 1A	
sdiv 4 hdg	ins No. 32, 2002, s 6
s 11R	ins No. 32, 2002, s 6
	amd No. 31, 2015, s 5; No. 17, 2016, s 38
s 11S	ins No. 32, 2002, s 6
	amd No. 12, 2010, s 3
	sub No. 17, 2016, s 12
s 11SA	ins No. 17, 2016, s 12
s 11T	ins No. 32, 2002, s 6
	amd No. 12, 2010, s 3; No. 27, 2014, s 57; No. 9, 2016, s 132; No. 17, 2016, s 13
s 11U	ins No. 32, 2002, s 6
	amd No. 18, 2004, s 3
s 11V	ins No. 32, 2002, s 6
	amd No. 17, 2016, s 14
s 11W	ins No. 32, 2002, s 6
	amd No. 29, 2019, s 390
ss 11X – 11Y	ins No. 17, 2016, s 15
s 12	amd No. 12, 2010, s 3; No. 13, 2012, s 297; No. 17, 2016, s 16
ss 13 – 14	amd No. 12, 2010, s 3
	sub No. 17, 2016, s 17
s 15	amd No. 44, 2005, s 23; No. 12, 2010, s 3; No. 13, 2012, s 298
	sub No. 17, 2016, s 17
s 16	amd No. 44, 2005, s 23; No. 12, 2010, s 3; No. 13, 2012, s 299
	rep No. 17, 2016, s 17
s 17	amd No. 32, 2002, s 7; No. 44, 2005, s 23; No. 12, 2010, s 3; No. 13, 2012, s 300
	rep No. 17, 2016, s 17
s 18	rep No. 24, 2005, s 5
s 19	amd No. 17, 1996, s 6
pt IIA hdg	ins No. 56, 1994, s 5
pt IIA	
div 1 hdg	ins No. 56, 1994, s 5
s 19A	ins No. 56, 1994, s 5
	amd No. 42, 1996, s 5; No. 9, 2016, s 127
s 19B	ins No. 56, 1994, s 5
	sub No. 32, 2002, s 8
	amd No. 17, 2016, s 38

s 19C	ins No. 56, 1994, s 5 sub No. 32, 2002, s 8
s 19D	ins No. 56, 1994, s 5 rep No. 32, 2002, s 8
ss 19E – 19F	ins No. 56, 1994, s 5 amd No. 9, 2016, s 132
s 19G	ins No. 56, 1994, s 5 amd No. 32, 2002, s 9; No. 9, 2016, s 132
ss 19H – 19J	ins No. 56, 1994, s 5 amd No. 9, 2016, s 132
s 19K	ins No. 56, 1994, s 5 amd No. 32, 2002, s 10; No. 38, 2014, s 2; No. 9, 2016, s 132
s 19M	ins No. 56, 1994, s 5 amd No. 32, 2002, s 11; No. 9, 2016, s 132
s 19N	ins No. 56, 1994, s 5 amd No. 32, 2002, s 12
s 19P	ins No. 56, 1994, s 5 sub No. 32, 2002, s 13 amd No. 17, 2016, s 38
ss 19PA – 19PB	ins No. 32, 2002, s 13 amd No. 17, 2016, s 38
pt IIA div 2 hdg	ins No. 56, 1994, s 5
s 19Q	ins No. 56, 1994, s 5 amd No. 32, 2002, s 14
pt IIA div 3 hdg	ins No. 56, 1994, s 5
s 19R	ins No. 56, 1994, s 5 amd No. 32, 2002, s 15; No. 9, 2016, s 132
s 19S	ins No. 56, 1994, s 5 amd No. 32, 2002, s 16; No. 9, 2016, s 132; No. 17, 2016, s 38
s 19T	ins No. 56, 1994, s 5 amd No. 32, 2002, s 17; No. 17, 2016, s 38
s 19TA	ins No. 32, 2002, s 18
pt IIAB hdg	ins No. 31, 2015, s 6
ss 19U – 19X	ins No. 31, 2015, s 6
s 19Y	ins No. 31, 2015, s 6 amd No. 17, 2016, s 18
ss 19Z – 19ZA	ins No. 31, 2015, s 6
pt IIB hdg	ins No. 4, 1996, s 3 sub No. 17, 2016, s 19
ss 20A – 20C	ins No. 4, 1996, s 3 sub No. 17, 2016, s 19
s 20D	ins No. 4, 1996, s 3 amd No. 12, 2010, s 3 sub No. 17, 2016, s 19
s 20E	ins No. 4, 1996, s 3 sub No. 17, 2016, s 19
ss 20F – 20G	ins No. 4, 1996, s 3 rep No. 17, 2016, s 19
s 20	amd No. 17, 2016, s 20
s 21	amd No. 17, 2000, s 6 rep No. 17, 2016, s 21
s 22	amd No. 17, 1996, s 6; No. 35, 2002, s 4; No. 12, 2010, s 3; No. 17, 2016, s 22; No. 11, 2026, s 45
s 23	amd No. 9, 2016, s 128; No. 11, 2026, s 46

s 24	amd No. 11, 1992, s 8; No. 12, 2010, s 3; No. 9, 2016, s 129; No. 17, 2016, s 23
s 25	amd No. 11, 1992, s 9; No. 17, 2016, s 24
s 26	amd No. 12, 2010, s 3; No. 9, 2016, s 130; No. 17, 2016, s 25; No. 4, 2017, s 34
s 27	amd No. 17, 1996, s 6; No. 9, 2016, s 131
s 28	amd No. 17, 1996, s 6; No. 21, 1999, s 4; No. 17, 2016, s 26
s 29	amd No. 17, 2016, s 38
s 30	rep No. 11, 1992, s 10
s 31	amd No. 32, 2002, s 19; No. 17, 2016, s 38
s 32	amd No. 11, 1992, s 11; No. 32, 2002, s 20; No. 12, 2010, s 3; No. 17, 2016, s 27
s 33	amd No. 17, 1997, s 17 sub No. 32, 2002, s 21 amd No. 13, 2012, s 301
s 34	amd No. 56, 1994, s 4; No. 14, 1995, s 12; No. 17, 1996, s 6; No. 32, 2002, s 22; No. 59, 2002, s 4; No. 12, 2010, s 3; No. 9, 2016, s 132; No. 17, 2016, s 28
s 35	amd No. 32, 2002, s 23
s 35A	ins No. 32, 2002, s 24 amd No. 9, 2016, s 132; No. 17, 2016, s 38
s 36	amd No. 31, 2015, s 7
s 36A	ins No. 35, 2002, s 4 amd No. 44, 2005, s 28; No. 9, 2016, s 132; No. 17, 2016, s 29
s 37	amd No. 33, 1990, s 6; No. 6, 1993, s 8; No. 74, 2000, s 2; No. 32, 2002, s 25; No. 7, 2014, s 5; No. 27, 2014, s 57; No. 17, 2016, s 30; No. 29, 2019, s 391; No. 28, 2022, s 41
s 38	sub No. 17, 2016, s 31
s 39	amd No. 17, 1996, s 6 sub No. 26, 2015, s 80 amd No. 17, 2016, s 32
s 40	amd No. 17, 1996, s 6; No. 32, 2002, s 26; No. 31, 2015, s 8; No. 17, 2016, s 33
s 41	amd No. 17, 1996, s 6; No. 9, 2016, s 132; No. 17, 2016, s 34
s 42	amd No. 44, 2005, s 23; No. 13, 2012, s 302
s 42A	ins No. 32, 2002, s 27
s 43	amd No. 20, 2008, s 7; No. 12, 2010, s 3; No. 7, 2014, s 6; No. 17, 2016, s 35; No. 29, 2019, s 392
pt IV hdg	ins No. 26, 2015, s 81
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s 44	ins No. 20, 2008, s 8
s 45	ins No. 25, 2013, s 4
s 46	ins No. 7, 2014, s 7
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s 47	ins No. 26, 2015, s 82
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s 48	ins No. 31, 2015, s 9
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s 50	ins No. 28, 2022, s 42

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sch 2	amd No. 11, 1992, s 12; SL No. 15, 1995; No. 21, 1999, s 5; No. 74, 2000, s 3; SL No. 35, 2004; No. 29, 2010, s 7; SL No. 33, 2011, r 3; SL No. 42, 2011, r 3; SL No. 29, 2013, r 3; No. 25, 2013, s 6 sub No. 7, 2014, s 8 amd No. 13, 2012, s 303; SL No. 23, 2016, r 4; No. 17, 2016, s 37; No. 22, 2017, s 6; SL No. 9, 2020, r 4; No. 26, 2020, s 3; No. 14, 2025, s 14
sch 3	ins No. 4, 1996, s 4 amd No. 17, 2016, s 38; No. 22, 2017, s 7