

NORTHERN TERRITORY OF AUSTRALIA

MISUSE OF DRUGS REGULATIONS

As in force at 17 December 2015

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 17 December 2015

MISUSE OF DRUGS REGULATIONS

Regulations under the *Misuse of Drugs Act*

1 Citation

These Regulations may be cited as the *Misuse of Drugs Regulations*.

2 Commencement

These Regulations shall come into operation on the commencement of the *Misuse of Drugs Act 1990*.

3 Disposal of syringes or needles

For the purposes of section 12(5) of the Act, a hypodermic syringe or needle that has been used in the unlawful administration of a dangerous drug shall be disposed of:

- (a) by depositing it in a rigid walled and puncture resistant container that is sealed or securely closed in such a manner that the contents are incapable of causing injury to any person; and
- (b) by either:
 - (i) placing the container with its contents in a household or other refuse bin; or
 - (ii) handing it or causing it to be handed to a person referred to in section 12(2) of the Act.

4 Notices to be posted in certain licensed premises

- (1) The holder of a licence issued under the *Liquor Act* for the sale and consumption of liquor on or at premises specified in the licence shall cause to be posted and maintained on those premises, in a manner provided for in subregulation (2), a notice in the form described in Schedule 1.

Maximum penalty: 8 penalty units.

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- (2) A notice referred to in subregulation (1) shall:
- (a) be affixed to flat, rigid material;
 - (b) be encased or enclosed behind glass or some other durable transparent material;
 - (c) be not less than 200 mm wide and 300 mm long;
 - (d) bear the words in the Schedule in legible typewritten or printed form;
 - (e) bear no other words; and
 - (f) be so displayed in a public area of the premises as to be capable of being easily read by a person on the premises to whose attention the notice is drawn.

6 Prescribed precursors

For the purposes of the definition of ***precursor*** in section 3 of the Act, the substances specified in Schedule 2 are prescribed.

6A Indigenous communities

For paragraph (b) of the definition ***indigenous community*** in section 4B(1) of the Act, the areas that were prescribed areas under section 4 of the *Northern Territory National Emergency Response Act 2007* (Cth) immediately before its repeal are prescribed.

7 Forms in relation to drug premises – section 11E

- (1) For the purposes of section 11E(1) of the Act, Form 1 in Schedule 3 is prescribed.
- (2) For the purposes of section 11E(2) of the Act, Form 2 in Schedule 3 is prescribed.
- (3) For the purposes of section 11E(3) of the Act, Form 3 in Schedule 3 is prescribed.
- (4) For the purposes of section 11E(4) of the Act, Form 4 in Schedule 3 is prescribed.

8 Forms in relation to drug premises – section 11F

- (1) For the purposes of section 11F(1) of the Act, Form 5 in Schedule 3 is prescribed.

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- (2) For the purposes of section 11F(2) of the Act, Form 6 in Schedule 3 is prescribed.
 - (3) For the purposes of section 11F(3) of the Act, Form 7 in Schedule 3 is prescribed.
 - (4) For the purposes of section 11F(4) of the Act, Form 8 in Schedule 3 is prescribed.

9 Forms in relation to drug premises – section 11G

- (1) For the purposes of section 11G(1) of the Act, Form 9 in Schedule 3 is prescribed.
- (2) For the purposes of section 11G(2) of the Act, Form 10 in Schedule 3 is prescribed.
- (3) For the purposes of section 11G(3) of the Act, Form 11 in Schedule 3 is prescribed.
- (4) For the purposes of section 11G(4) of the Act, Form 12 in Schedule 3 is prescribed.

10 Form of notice of drug premises order – section 11N

For the purposes of section 11N(2)(b) of the Act, Form 13 in Schedule 3 is prescribed.

11 Notice to be affixed to drug premises – section 11Q

- (1) For the purposes of section 11Q(1) of the Act, Form 14 in Schedule 3 is prescribed.
- (2) The notice for the purposes of section 11Q(1) of the Act is to consist of black lettering on a fluorescent green sign that is not less than 1 metre in height and 500 cms in width.

12 Offence to affix notice without authority

A person other than a member of the Police Force must not affix to a building, structure or other object a notice purporting to be a notice for the purposes of section 11Q(1) of the Act.

Maximum penalty: 17 penalty units.

13 Forms for release of property for testing – sections 19C and 19PA

- (1) For the purposes of section 19C(2) of the Act, Form 15 in Schedule 3 is prescribed.

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- (2) For the purposes of section 19PA(2) of the Act, Form 16 in Schedule 3 is prescribed.

14 Electronic drug detection – people

- (1) For section 19U of the Act, definition **general drug detection**, paragraph (b), an electronic drug detection system may be used in relation to a person only in the manner prescribed by this regulation.
- (2) Samples of particulate matter may be taken for analysis to detect the presence of a dangerous drug or precursor from:
- (a) the outside of the person's clothing; and
 - (b) the person's hands.
- (3) When samples are taken from the person's clothing:
- (a) the person cannot be required to remove, undo or rearrange any clothing; and
 - (b) care must be taken to avoid disturbing the person's clothing.
- (4) Samples of particulate matter may be taken by swabbing, wiping or otherwise touching a surface to obtain a sample of particles from that surface.

15 Electronic drug detection – property

- (1) For section 19U of the Act, definition **general drug detection**, paragraph (b), an electronic drug detection system may be used in relation to property only in the manner prescribed by this regulation.
- (2) Samples of particulate matter may be taken for analysis to detect the presence of a dangerous drug or precursor from:
- (a) both the exterior and interior of:
 - (i) a vehicle; and
 - (ii) any cupboard, drawer, chest, trunk, box, package or other receptacle found in the vehicle; and
 - (b) the outside of any other property.
- (3) Samples of particulate matter may be taken by swabbing, wiping or otherwise touching a surface to obtain a sample of particles from that surface.

(4) In this regulation:

vehicle includes a caravan, trailer or anything else being towed by the vehicle.

Schedule 1

regulation 4(1)

Northern Territory of Australia

Misuse of Drugs Act

It is an offence to unlawfully supply, or take part in the supply of, a dangerous drug to another person or to unlawfully possess a dangerous drug.

The commission of such an offence on or in LICENSED PREMISES constitutes an AGGRAVATING CIRCUMSTANCE for which special provision is made under section 37(2) of the *Misuse of Drugs Act*.

LICENSED PREMISES includes all buildings and land (including car parks) used in connection with those premises.

Section 37(2) of the *Misuse of Drugs Act* provides that:

"In sentencing a person for an offence against this Act the court shall, in the case of an offence for which the maximum penalty provided by this Act (with or without a fine) is:

- (a) 7 years imprisonment or more; or
- (b) less than 7 years imprisonment but the offence is accompanied by an aggravating circumstance,

impose a sentence requiring the person to serve a term of actual imprisonment unless, having regard to the particular circumstances of the offence or the offender (including the age of the offender where the offender has not attained the age of 21 years), it is of the opinion that such a penalty should not be imposed."

Schedule 2 Precursors

regulation 6

1-Chloro-phenyl-2-aminopropane
1-Phenyl-2-chloropropane
1-Phenyl-2-methylaminopropane
1-Phenyl-2-nitro-propene
1-Phenyl-2-propanol
1-Phenyl-2-propanone
1-Phenyl-2-propanone oxime
1,4-butanediol
3,4-Methylenedioxyphenylpropan-2-one
Acetic anhydride
Allylbenzene
Ammonium Formate
Anisaldehyde
Anthranilic acid
Benzaldehyde
Benzyl chloride
Benzyl cyanide
Boron tribromide
Bromobenzene
Bromosafrole
Calcium
Chromium trioxide
Ephedrine (and salts)
Ergotamine
Ethyl phenyl acetate
Ethylamine
Formamide
Gamma-butyrolactone
Hydriodic acid
Hydrogen sulfide
Hypophosphorous acid
Iodide salts
Iodine
Isosafrole
L-Ephedrine (and salts)
Lithium
Magnesium
Methyl phenyl acetate
Methylamine
Methylammonium (and salts)
N-Acetylanthranilic acid
N-Ethyl/pseudoephedrine
N-Methyl ephedrine

N-Methyl pseudoephedrine
N-Methylformamide
Norpseudoephedrine
Palladium (and salts)
Phenylacetamide
Phenylacetic acid (and salts and esters)
Phenylacetonitrile
Phenylacetyl chloride
Phenylalanine
Phenylpropanolamine
Phosphorous red/white
Piperazine
Piperidine
Piperonal
Potassium
Propionic anhydride
Pseudoephedrine (and salts)
Pyridine
Raney nickel
Safrole
Sassafras oil
Sodium Hypophosphite
Sodium metal
Thionyl chloride
Thorium (and salts)

Schedule 3 Forms in relation to drug premises

regulations 7, 8, 9, 10, 11 and 13

FORM 1

NORTHERN TERRITORY OF AUSTRALIA

Misuse of Drugs Act

section 11E(1)

RECORD OF FINDING OF DANGEROUS DRUG AT RESIDENTIAL
PREMISES

1. Address of residential premises at which dangerous drug was found.
2. Type and quantity of dangerous drug found at premises.
3. Date and time of finding of dangerous drug.
4. Place in premises at which dangerous drug found.
5. Names of known residents of premises.
6. Names of residents and other persons found on premises when dangerous drug was found.
7. Reasons for suspicion that dangerous drug has been supplied at or from premises.
8. Name of member of Police Force who found dangerous drug at premises.

Dated.....
Signed.....
[*member of Police Force*]

FORM 2

NORTHERN TERRITORY OF AUSTRALIA

Misuse of Drugs Act

section 11E(2)

NOTICE OF FINDING OF DANGEROUS DRUG AT RESIDENTIAL
PREMISES

TO: The owner* landlord* tenant* of [*address of residential premises to which notice relates*].

In accordance with section 11E(2) of the *Misuse of Drugs Act*, I, [*name of member of Police Force issuing notice*] give notice that:

1. A record was made under section 11E(1) of the *Misuse of Drugs Act* on [*date*] of the finding of a dangerous drug at the premises.
2. The following dangerous drug was found at the above premises on [*date of finding*] at [*approximate time of finding*]:

[*describe type and quantity of dangerous drug found at premises*]
3. The following residents of the premises* persons* were on the premises at the time the dangerous drug was found:
4. I believe that a dangerous drug has been supplied at or from the premises.

WARNING

If:

- (a) you are notified on another 2 occasions that a dangerous drug has been found at the premises within 12 months after the date specified in item 1 above; and
- (b) the Commissioner of Police is satisfied that dangerous drugs have been supplied at or from the premises, the Commissioner of Police may apply under section 11D(3) of the *Misuse of Drugs Act* for an order declaring these premises to be drug premises.

Dated.....
Signed.....
[*member of Police Force*]

* *delete if inapplicable*

FORM 3

NORTHERN TERRITORY OF AUSTRALIA

Misuse of Drugs Act

section 11E(3)

RECORD OF FINDING OF DANGEROUS DRUG AT COMMERCIAL OR
LIQUOR LICENCE PREMISES

1. Address of commercial or liquor licence premises at which dangerous drug was found.
2. Names of:
 - owner of premises*
 - landlord of premises*
 - tenant of premises*
 - for liquor licence premises – the licensee within the meaning of the *Liquor Act**.
3. Type and quantity of dangerous drug found at premises.
4. Date and time of finding of dangerous drug.
5. Place in premises at which the dangerous drug was found.
6. Names of persons in whose apparent possession dangerous drug was found:
 - owner of premises*
 - landlord of premises*
 - tenant of premises*
 - person employed by or acting on for and on behalf of owner, landlord or tenant*
7. Names of persons at premises when dangerous drug was found:
 - owner*
 - landlord*
 - tenant*
 - person employed by or acting on for and on behalf of owner, landlord or tenant*
8. Reasons for suspicion that dangerous drug has been supplied at or from premises.

9. Name of member of Police Force who found dangerous drug at premises.

Dated.....

Signed.....

[*member of Police Force*]

* *delete if inapplicable*

FORM 4

NORTHERN TERRITORY OF AUSTRALIA

Misuse of Drugs Act

section 11E(4)

NOTICE OF FINDING OF DANGEROUS DRUG AT COMMERCIAL OR
LIQUOR LICENCE PREMISES

TO: The licensee within the meaning of the *Liquor Act** owner* landlord* tenant* of [address of commercial premises or liquor licence premises to which notice relates].

In accordance with section 11E(4) of the *Misuse of Drugs Act*, I, [name of member of Police Force issuing notice] give notice that:

1. A record was made under section 11E(3) of the *Misuse of Drugs Act* on [date] of the finding of a dangerous drug at the premises.
2. The following dangerous drug was found at the above premises on [date of finding] at [approximate time of finding]:

[describe type and quantity of dangerous drug found at premises]
3. The dangerous drug was apparently:
 - in the possession of [name of person]*, who is an owner* landlord* tenant* a person employed by or acting for and on behalf of an owner, landlord or tenant of the premises*
 - 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) had access*.
4. The following persons were at the premises at the time the dangerous drug was found:
 - owner of the premises*
 - landlord of the premises*
 - tenant of the premises*
 - person employed by or acting for and on behalf of an owner, landlord or tenant of the premises*
5. I believe that a dangerous drug has been supplied at or from the premises.

WARNING

If:

- (a) you are notified on another 2 occasions that a dangerous drug has been found at the premises within 12 months after the date on which the record of finding was made under section 11E(3) of the *Misuse of Drugs Act* in circumstances in which a notice of finding of a dangerous drug may be given in relation to the premises under Part II, Division 1A of the *Misuse of Drugs Act*, and
- (b) the Commissioner of Police is satisfied that dangerous drugs have been supplied at or from the premises,

the Commissioner of Police may apply under section 11D(4) of the *Misuse of Drugs Act* for an order declaring these premises to be drug premises.

Dated.....
Signed.....
[member of Police Force]

* *delete if inapplicable*

FORM 5

NORTHERN TERRITORY OF AUSTRALIA

MISUSE OF DRUGS ACT

section 11F(1)

RECORD OF SECOND FINDING OF DANGEROUS DRUG AT
RESIDENTIAL PREMISES

1. Address of residential premises at which dangerous drug was found.
2. Type and quantity of dangerous drug found at premises.
3. Date and time of finding of dangerous drug.
4. Place in premises at which dangerous drug found.
5. Names of known residents of premises.
6. Names of residents and other persons at premises when dangerous drug was found.
7. Reasons for suspicion that dangerous drug has been supplied at or from premises.
8. Name of member of Police Force who found dangerous drug at premises.
9. Date on which first record of finding of dangerous drug at premises made under section 11E(1) of *Misuse of Drugs Act*.

Dated.....

Signed.....

[*member of Police Force*]

FORM 6

NORTHERN TERRITORY OF AUSTRALIA

Misuse of Drugs Act

section 11F(2)

NOTICE OF SECOND FINDING OF DANGEROUS DRUG AT RESIDENTIAL
PREMISES

TO: The owner* landlord* tenant* of [*address of residential premises to which notice relates*].

In accordance with section 11F(2) of the *Misuse of Drugs Act*, I, [*name of member of Police Force issuing notice*] give notice of the following:

1. The following dangerous drug was found at the above premises on [*date of second finding*] at [*approximate time of second finding*]:

[*describe type and quantity of dangerous drug found on premises*]
2. The following residents of the premises* other persons* were at the premises at the time the dangerous drug was found:
3. I believe that a dangerous drug has been supplied at or from the premises.
4. A record under section 11E(1) of the *Misuse of Drugs Act* in relation to the finding of dangerous drug at the premises was made on [*date of record*].

A notice under section 11E(2) of the *Misuse of Drugs Act* of the finding of a dangerous drug at the premises was issued on [*date of issue of first notice of finding*].

A record under section 11F(1) of the *Misuse of Drugs Act* in relation to the finding (referred to in item 1) of a dangerous drug at the premises was made on [*date of record*].

WARNING

This is the first separate occasion on which a dangerous drug has been found at the premises within 12 months after a record was made under section 11E(1) of the *Misuse of Drugs Act* in relation to the premises.

If:

- (a) a dangerous drug is found at the premises on another separate occasion within 12 months after the date on which the record of finding was made under section 11E(1) of the *Misuse of Drugs Act* in

circumstances in which a notice of finding of a dangerous drug may be given in relation to the premises under Part II, Division 1A of the *Misuse of Drugs Act*, and

- (b) the Commissioner of Police is satisfied that dangerous drugs have been supplied at or from the premises,

the Commissioner of Police may apply under section 11D(3) of the *Misuse of Drugs Act* for an order declaring these premises to be drug premises.

Dated.....
Signed.....
[member of Police Force]

* *delete if inapplicable*

FORM 7

NORTHERN TERRITORY OF AUSTRALIA

Misuse of Drugs Act

section 11F(3)

RECORD OF SECOND FINDING OF DANGEROUS DRUG AT
COMMERCIAL OR LIQUOR LICENCE PREMISES

1. Address of commercial or liquor licence premises at which dangerous drug was found.
2. Names of:
 - owner of premises*
 - landlord of premises*
 - tenants of premises*
 - for liquor licence premises – the licensee within the meaning of the *Liquor Act**.
3. Type and quantity of dangerous drug found at premises.
4. Date and time of finding of dangerous drug.
5. Place in premises at which the dangerous drug was found.
6. Names of persons in whose apparent possession the dangerous drug was found:
 - owner of premises*
 - landlord of premises*
 - tenant of premises*
 - person employed by or acting on for and on behalf of owner, landlord or tenant*.
7. Names of persons at premises when dangerous drug was found:
 - owner of premises*
 - landlord of premises*
 - tenant of premises*
 - person employed by or acting on for and on behalf of owner, landlord or tenant*.
8. Reasons for suspicion that dangerous drug has been supplied at or from premises.
9. Name of member of Police Force who found dangerous drug at premises.

10. Date on which first record of finding of dangerous drug at premises made under section 11E(3) of *Misuse of Drugs Act*.

Dated.....
Signed.....
[member of Police Force]

* delete if inapplicable

FORM 8

NORTHERN TERRITORY OF AUSTRALIA

Misuse of Drugs Act

section 11F(4)

NOTICE OF SECOND FINDING OF DANGEROUS DRUG AT COMMERCIAL
OR LIQUOR LICENCE PREMISES

TO: The licensee within the meaning of the *Liquor Act** owner* landlord*
tenant* of [address of commercial premises or liquor licence premises
to which notice relates].

In accordance with section 11F(4) of the *Misuse of Drugs Act*, I, [name of
member of Police Force issuing notice] give notice that:

1. The following dangerous drug was found at the above premises on
[date of second finding] at [approximate time of second finding]:

[describe type and quantity of dangerous drug found at premises]

2. The dangerous drug was:
 - apparently in the possession of [name of person], who is an owner*
landlord* tenant* person employed by or acting for and on behalf of
an owner, landlord or tenant of the premises*
 - 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) had access*.
3. The following persons were at the premises at the time the dangerous
drug was found:
 - owner of premises*
 - landlord of premises*
 - tenant of premises*
 - person employed by or acting for and on behalf of an owner, landlord
or tenant of the premises*.

4. I believe that a dangerous drug has been supplied at or from the
premises.

5. A record under section 11E(3) of the *Misuse of Drugs Act* of the finding
of a dangerous drug at the premises was made on [date of record].

A notice under section 11E(4) of the *Misuse of Drugs Act* of the finding
of a dangerous drug at the premises was issued on [date of issue of
first notice of finding].

A record under section 11F(3) of the *Misuse of Drugs Act* of the finding (referred to in item 1) of a dangerous drug at the premises was made on [date of record].

WARNING

This is the first separate occasion on which a dangerous drug has been found at the premises within 12 months after a record was made under section 11E(3) of the *Misuse of Drugs Act* in relation to the premises.

If:

- (a) a dangerous drug is found at the premises on another separate occasion within 12 months after the record was made under section 11E(3) of the *Misuse of Drugs Act* in relation to the premises in circumstances in which a notice of finding of a dangerous drug may be given in relation to the premises under Part II, Division 1A of the *Misuse of Drugs Act*, and
- (b) the Commissioner of Police is satisfied that dangerous drugs have been supplied at or from the premises,

the Commissioner of Police may apply under section 11D(4) of the *Misuse of Drugs Act* for an order declaring these premises to be drug premises.

Dated.....
Signed.....
[member of Police Force]

* delete if inapplicable

FORM 9

NORTHERN TERRITORY OF AUSTRALIA

Misuse of Drugs Act

section 11G(1)

RECORD OF THIRD OR SUBSEQUENT FINDING OF DANGEROUS DRUG
AT RESIDENTIAL PREMISES

1. Address of residential premises at which dangerous drug was found.
2. Type and quantity of dangerous drug found at premises.
3. Date and time of finding of dangerous drug.
4. Place in premises at which dangerous drug found.
5. Names of known residents of premises.
6. Names of residents and other persons at premises when dangerous drug was found.
7. Reasons for suspicion that dangerous drug has been supplied at or from premises.
8. Name of member of Police Force who found dangerous drug at premises.
9. Date on which first record of finding of dangerous drug at premises made under section 11E(1) of *Misuse of Drugs Act*.
10. Date on which second record of finding of dangerous drug at premises made under section 11F(1) of *Misuse of Drugs Act*.

Dated.....
Signed.....
[member of Police Force]

FORM 10

NORTHERN TERRITORY OF AUSTRALIA

Misuse of Drugs Act

section 11G(2)

NOTICE OF THIRD OR SUBSEQUENT FINDING OF DANGEROUS DRUG
AT RESIDENTIAL PREMISES

TO: The owner* landlord* tenant* of [*address of residential premises to which notice relates*].

In accordance with section 11G(2) of the *Misuse of Drugs Act*, I, [*name of member of Police Force issuing notice*] give notice of the following:

1. The following dangerous drug was found at the above premises on [*date of third or subsequent finding*] at [*approximate time of third or subsequent finding*]:

[*describe type and quantity of dangerous drug found at premises*]

2. The following residents of the premises* other persons* were at the premises at the time the dangerous drug was found:
3. I believe that a dangerous drug has been supplied at or from the premises.
4. A record under section 11E(1) of the *Misuse of Drugs Act* of the finding of a dangerous drug at the premises was made on [*date of record*].

A notice under section 11E(2) of the *Misuse of Drugs Act* of the finding of a dangerous drug at the premises was issued on [*date of issue of first notice of finding*].

A record under section 11F(1) of the *Misuse of Drugs Act* of the finding of a dangerous drug at the premises was made on [*date of record*].

A notice under section 11F(2) of the *Misuse of Drugs Act* of the finding of a dangerous drug at the premises was issued on [*date of issue of second notice of finding*].

A record under section 11G(1) of the *Misuse of Drugs Act* of the finding (referred to in item 1) of a dangerous drug at the premises was made on [*date of record*].

WARNING

This is the second or subsequent separate occasion on which a dangerous drug has been found at the premises within 12 months after a record was made under section 11E(1) of the *Misuse of Drugs Act* in relation to the premises.

If the Commissioner of Police is satisfied that dangerous drugs have been supplied at or from the premises, he or she may apply under section 11D(3) of the *Misuse of Drugs Act* for an order declaring these premises to be drug premises.

Dated.....
Signed.....
[member of Police Force]

* *delete if inapplicable*

FORM 11

NORTHERN TERRITORY OF AUSTRALIA

Misuse of Drugs Act

section 11G(3)

RECORD OF THIRD OR SUBSEQUENT FINDING OF DANGEROUS DRUG
AT COMMERCIAL OR LIQUOR LICENCE PREMISES

1. Address of commercial or liquor licence premises at which dangerous drug was found.
2. Names of:
 - owner of premises*
 - landlord of premises*
 - tenants of premises*
 - for liquor licence premises – the licensee within the meaning of the *Liquor Act**.
3. Type and quantity of dangerous drug found at premises.
4. Date and time of finding of dangerous drug.
5. Place in premises at which the dangerous drug was found.
6. Names of person in whose apparent possession dangerous drug was found:
 - owner of premises*
 - landlord of premises*
 - tenant of premises*
 - person employed by or acting on for and on behalf of owner, landlord or tenant*.
7. Names of persons at premises when dangerous drug was found:
 - owner of premises*
 - landlord of premises*
 - tenant of premises*
 - person employed by or acting on for and on behalf of owner, landlord or tenant*.
8. Reasons for suspicion that dangerous drug has been supplied at or from premises.
9. Name of member of Police Force who found dangerous drug at premises.
10. Date on which first record of finding of dangerous drug at premises made under section 11E(3) of *Misuse of Drugs Act*.

11. Date on which second record of finding of dangerous drug at premises made under section 11F(3) of *Misuse of Drugs Act*.

Dated.....

Signed.....

[*member of Police Force*]

FORM 12

NORTHERN TERRITORY OF AUSTRALIA

Misuse of Drugs Act

section 11G(4)

NOTICE OF THIRD OR SUBSEQUENT FINDING OF DANGEROUS DRUG
AT COMMERCIAL OR LIQUOR LICENCE PREMISES

TO: The licensee within the meaning of the *Liquor Act** owner* landlord* tenant* of [address of commercial premises or liquor licence premises to which notice relates].

In accordance with section 11G(4) of the *Misuse of Drugs Act*, I, [name of member of Police Force issuing notice] give notice that:

1. The following dangerous drug was found at the above premises on [date of finding] at [approximate time of finding]:

[describe type and quantity of dangerous drug found at premises]
2. The dangerous drug was apparently:
 - in the possession of [name of person], who is an owner* landlord* tenant* person employed by or acting for and on behalf of an owner, landlord or tenant of the premises*
 - 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 had access*.
3. The following persons were at the premises at the time the dangerous drug was found:
 - owner of premises*
 - landlord of premises*
 - tenant of premises*
 - person employed by or acting for and on behalf of an owner, landlord or tenant of the premises*.
4. I believe that a dangerous drug has been supplied at or from the premises.
5. A record under section 11E(3) of the *Misuse of Drugs Act* of the finding of a dangerous drug at the premises was made on [date of record].

A notice under section 11E(4) of the *Misuse of Drugs Act* of the finding of a dangerous drug at the premises was issued on [date of issue of first notice of finding].

A record under section 11F(3) of the *Misuse of Drugs Act* of the finding of a dangerous drug at the premises was made on [date of record].

A notice under section 11F(4) of the *Misuse of Drugs Act* of the finding of a dangerous drug at the premises was issued on [date of issue of second notice of finding].

A record under section 11G(3) of the *Misuse of Drugs Act* of the finding (referred to in item 1) of a dangerous drug at the premises was made on [date of record].

WARNING

This is the second or subsequent separate occasion on which a dangerous drug has been found at the premises within 12 months after a record was made under section 11E(3) of the *Misuse of Drugs Act* in relation to the premises in circumstances in which a notice of finding of a dangerous drug may be given in relation to the premises under Part II, Division 1A of the *Misuse of Drugs Act*.

If the Commissioner of Police is satisfied that dangerous drugs have been supplied at or from the premises, he or she may apply under section 11D(4) of the *Misuse of Drugs Act* for an order declaring these premises to be drug premises.

Dated.....
Signed.....
[member of Police Force]

* delete if inapplicable

FORM 13

NORTHERN TERRITORY OF AUSTRALIA

Misuse of Drugs Act

section 11N(2)(b)

NOTICE OF MAKING OF DRUG PREMISES ORDER

You have been served with a copy of a drug premises order made under section 11D of the *Misuse of Drugs Act* in relation to the premises at [address].

A drug premises order has the following effect:

The premises may be searched by a member of the Police Force at any time without a warrant.

A person on the premises may be searched and an order may be sought authorising the performance of an internal search of the body of the person.

A person on the premises at the time a dangerous drug is found on the premises may be charged with possession of the drug.

An object on the premises that relates to an offence that may have been committed on the premises may be seized.

A restraining order may be issued to a person who breaches the peace on these premises.

If you are on the premises or within 200 metres of the premises and a member of the Police Force believes you are associated with the premises, you may be required to tell him or her your name and address.

WARNING

A notice under section 11Q of the *Misuse of Drugs Act* will be affixed to the premises within 7 days after the date on which this notice is served, unless an owner, landlord or tenant serves on the Commissioner of Police notice of an application under section 11P of the *Misuse of Drugs Act* for the revocation of the drug premises order. An appeal under section 19 of the *Local Court Act* to the Supreme Court may not be lodged until such an application has been made and has been refused.

FORM 14

NORTHERN TERRITORY OF AUSTRALIA

Misuse of Drugs Act

section 11Q(1)

NOTICE

**WARNING: THESE PREMISES ARE DRUG PREMISES UNDER THE
*MISUSE OF DRUGS ACT***

The premises may be searched by a member of the Police Force at any time without a warrant.

A person on the premises may be searched and an order may be sought authorising the performance of an internal search of the body of the person.

A person on the premises at the time a dangerous drug is found on the premises may be charged with possession of the drug.

An object on the premises that relates to an offence against the *Misuse of Drugs Act* that may have been committed on the premises may be seized.

A restraining order may be issued to a person who breaches the peace on these premises.

If you are on the premises or within 200 metres of the premises and a member of the Police Force believes you are associated with the premises, you may be required to tell him or her your name and address.

It is an offence to tamper with, deface, remove, damage or alter this notice while it remains in force.

Commissioner of Police

FORM 15

NORTHERN TERRITORY OF AUSTRALIA

Misuse of Drugs Act

section 19C(2)

REQUEST FOR RELEASE OF SEIZED PROPERTY FOR ANALYSIS OR EXAMINATION

To: Commissioner of Police

On the of20.....
[day] [month] [year]

Police seized property [*brief description of property seized – e.g. leaf matter, powder in bag*] that is, or may be, a dangerous drug or precursor at:

.....
[address]

I of,
[name] [address]

being a person who has been or is to be charged with an offence in relation to the property, apply for the release of a sample or samples of the property for the purpose of conducting an analysis or examination.

I specify
[name of person proposed]

as the person to have custody of this property for the purpose of conducting the analysis or examination.

Note: The specified person must be 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.

Signed

FORM 16

NORTHERN TERRITORY OF AUSTRALIA

Misuse of Drugs Act

section 19PA(2)

REQUEST FOR RELEASE OF SUBSTANCE FOR ANALYSIS OR
EXAMINATION

To: Commissioner of Police

On the of20.....
[day] [month] [year]

Police seized a substance (that is or may be a substance other than a dangerous drug or precursor) at:

.....
[address]

The substance is to be destroyed under section 19P of the *Misuse of Drugs Act*.

I understand that the substance has now been analysed/examined by an analyst.

I of,
[name] [address]

being the owner of the substance, apply for the release of a sample or samples of the substance for the purpose of conducting an analysis or examination.

I specify
[name of person]

as the person to have custody of the substance for the purpose of conducting the analysis or examination.

Signed

ENDNOTES
1**KEY**

Key to abbreviations

amd = amended	od = order
app = appendix	om = omitted
bl = by-law	pt = Part
ch = Chapter	r = regulation/rule
cl = clause	rem = remainder
div = Division	renum = renumbered
exp = expires/expired	rep = repealed
f = forms	s = section
Gaz = Gazette	sch = Schedule
hdg = heading	sdiv = Subdivision
ins = inserted	SL = Subordinate Legislation
lt = long title	sub = substituted
nc = not commenced	

2**LIST OF LEGISLATION*****Misuse of Drugs Regulations (SL No. 43, 1990)***

Notified	10 October 1990
Commenced	1 November 1990 (r 1, s 2 <i>Misuse of Drugs Act 1990</i> (Act No. 15, 1990) and <i>Gaz G40</i> , 10 October 1990, p 3)

Amendment of Misuse of Drugs Regulations (SL No. 15, 1995)

Notified	10 May 1995
Commenced	10 May 1995

Amendments of Misuse of Drugs Regulations (SL No. 25, 2002)

Notified	1 August 2002
Commenced	1 August 2002

Misuse of Drugs Amendment Regulations (SL No. 35, 2004)

Notified	24 November 2004
Commenced	24 November 2004

Statute Law Revision Act 2005 (Act No. 44, 2005)

Assent date	14 December 2005
Commenced	14 December 2005

Justice Legislation Amendment (Penalties) Act 2010 (Act No. 12, 2010)

Assent date	20 May 2010
Commenced	1 July 2010 (<i>Gaz G24</i> , 16 June 2010, p 2)

Misuse of Drugs Amendment Regulations 2012 (SL No. 32, 2012)

Notified	3 August 2012
Commenced	3 August 2012

Misuse of Drugs Amendment Act 2015 (Act No. 31, 2015)

Assent date	8 December 2015
Commenced	17 December 2015 (<i>Gaz S115</i> , 17 December 2015)

3 LIST OF AMENDMENTS

r 4	amd No. 25, 2002, r 2; Act No. 12, 2010, s 3
r 5	ins No. 15, 1995 rep No. 35, 2004, r 3
r 6	ins No. 25, 2002, r 3
r 6A	ins No. 32, 2012, r 3
rr 7 – 11	ins No. 25, 2002, r 3r 12ins No. 25, 2002, r 3 amd Act No. 12, 2010, s 3
r 13	ins No. 25, 2002, r 3
rr 14 – 15	ins Act No. 31, 2015, s 11
sch 1	amd No. 25, 2002, r 4
sch 2	ins No. 25, 2002, r 5 amd No. 35, 2004, r 4
sch 3	ins No. 25, 2002, r 5 amd No. 35, 2004, r 5; Act No. 44, 2005, s 35