

NORTHERN TERRITORY OF AUSTRALIA
MISUSE OF DRUGS (CONSEQUENTIAL AMENDMENTS) ACT 2002

Act No. 33 of 2002

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NORTHERN TERRITORY OF AUSTRALIA

Act No. 33 of 2002

AN ACT

to amend various acts consequential on the enactment of the *Misuse of Drugs Amendment Act 2002*

[Assented to 16 July 2002]
[Second reading 15 May 2002]

The Legislative Assembly of the Northern Territory enacts as follows:

1. Short title

This Act may be cited as the *Misuse of Drugs (Consequential Amendments) Act 2002*.

2. Commencement

This Act comes into operation on the date on which section 6 of the *Misuse of Drugs Amendment Act 2002* comes into operation.

3. Amendment of *Residential Tenancies Act*

The *Residential Tenancies Act* is amended by inserting after section 88 the following:

"88A. Where drug premises order made

"(1) A landlord of drug premises within the meaning of the *Misuse of Drugs Act* may terminate a tenancy in respect of the premises by 14 days notice to the tenant in accordance with section 101 of this Act.

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"(2) Subsection (1) applies to an agreement to permit a person to reside on residential premises in relation to which a drug premises order is in force, although the agreement is not a tenancy agreement within the meaning of this Act, as if –

- (a) each resident of the premises is a tenant within the meaning of this Act;
- (b) the landlord is a landlord within the meaning of this Act; and
- (c) the agreement under which the person is resident in the premises is a tenancy agreement under this Act.

"(3) Divisions 5, 6 and 7 of Part 11 and sections 154 and 155 apply in relation to a notice issued under subsection (1) in respect of premises to which an agreement referred to in subsection (2) relates."

4. Amendment of *Commercial Tenancies Act*

The *Commercial Tenancies Act* is amended by inserting after section 42A the following:

"42AA. Lessor may evict tenants if drug premises order made

"A lessor of premises that are drug premises within the meaning of the *Misuse of Drugs Act* may issue a notice to quit in accordance with section 42A requiring the lessee to give up vacant possession of the premises within 14 days."

5. Amendment of *Liquor Act*

The *Liquor Act* is amended by inserting after section 49 in Part IV the following:

"49A. Licence may be suspended if drug premises order made

"(1) The Commissioner of Police may apply to the Commission in the approved form for the suspension of a licence in respect of licensed premises that are drug premises within the meaning of the *Misuse of Drugs Act*.

"(2) The Commission must conduct a hearing in relation to an application under subsection (1) within 28 days after the application is made.

"(3) At a hearing in relation to an application under subsection (1), the Commission is to have regard to the matters it thinks fit, including –

- (a) the material before the Local Court when the drug premises order in relation to the premises was made; and

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- (b) evidence of the steps, if any, taken by the licensee, before or after the making of the order, to ensure that dangerous drugs are not supplied on the premises by an employee or agent of the licensee.

"(4) At the conclusion of a hearing in relation to an application under subsection (1), the Commission may suspend the licence if it is of the opinion that –

- (a) suspension of the licence is necessary for the protection of the public; or
- (b) the circumstances of the case are of sufficient gravity to justify the suspension of the licence.

"(5) A suspension may be imposed under subsection (4) for a period of not more than 14 days specified by the Commission.

"(6) The Commission must serve notice of a decision under this section on the Commissioner of Police and the licensee.

"(7) The suspension of a licence under subsection (4) has effect on and from –

- (a) the date on which the licensee receives the notice referred to in subsection (6); or
- (b) another later date that the Commission specifies in the notice.

"(8) This section does not prevent the Commission taking any other action that it is permitted to take under this Act in relation to premises to which a drug premises order relates."