

NORTHERN TERRITORY OF AUSTRALIA

JUSTICE LEGISLATION AMENDMENT (DRUG OFFENCES) ACT 2016

---

Act No. 17 of 2016

---

Table of provisions

<b>Part 1</b>	<b>Preliminary matters</b>	
1	Short title .....	1
2	Commencement .....	1
<b>Part 2</b>	<b>Amendment of Misuse of Drugs Act</b>	
3	Act amended .....	1
4	Section 3 amended.....	2
5	Section 4B replaced .....	5
	4B Meaning of <i>drug analogue</i>	
	4C Application of Criminal Code	
6	Sections 5 to 8 replaced .....	6
	Subdivision 1 Supply of dangerous drug	
	5 Supply of dangerous drug – commercial quantity	
	5A Supply of dangerous drug – less than commercial quantity	
	5B Supply of dangerous drug to child – commercial quantity	
	5C Supply of dangerous drug to child – less than commercial quantity	
	5D Supply of dangerous drug in indigenous community – less than commercial quantity	
	5E Application of offences	
	Subdivision 2 Cultivation of prohibited plant and manufacture of dangerous drug	
	6 Cultivation of prohibited plant – commercial quantity	
	6A Cultivation of prohibited plant – traffickable quantity	
	6B Cultivation of prohibited plant – less than traffickable quantity	
	6C Cultivation of prohibited plant in presence of child – commercial quantity	
	6D Cultivation of prohibited plant in presence of child – traffickable quantity	
	6E Manufacture of dangerous drug – commercial quantity	
	6F Manufacture of dangerous drug – less than commercial quantity	
	6G Manufacture of dangerous drug in presence of child	
	Subdivision 3 Possession of dangerous drug	
	7 Possession of dangerous drug – commercial quantity	
	7A Possession of dangerous drug – traffickable quantity	
	7B Possession of dangerous drug – less than traffickable quantity	

	7C	Possession of dangerous drug in public place – traffickable quantity	
	7D	Possession of dangerous drug in public place – less than traffickable quantity	
	Subdivision 4 Other possession offences		
	8	Receiving or possessing tainted property	
7		Section 8A amended .....	16
8		Section 8B amended .....	17
9		Section 8C amended .....	19
10		Sections 8D to 11 replaced.....	20
	Subdivision 5 Alternative verdicts		
	9	Alternative verdicts	
11		Section 11Q amended.....	21
12		Section 11S replaced .....	22
	11S	Offences relating to entry and search of drug premises	
	11SA	Offence not to give name and address when near drug premises	
13		Section 11T amended .....	23
14		Section 11V amended .....	24
15		Sections 11X and 11Y inserted .....	24
	11X	Supplying precursor for use in manufacture of dangerous drug	
	11Y	Theft of dangerous drug	
16		Section 12 amended.....	26
17		Sections 13 to 17 replaced .....	27
	13	Self-administering dangerous drug	
	14	Allowing another person to administer dangerous drug	
	15	Display or supply of cocaine kit, water pipe or ice pipe	
18		Section 19Y amended .....	30
19		Part IIB replaced.....	31
	Part IIB Infringement notice offences		
	20	Infringement notice offence and prescribed amount payable	
	20A	When infringement notice may be given	
	20B	Contents of infringement notice	
	20C	Payment by cheque	
	20D	Withdrawal of infringement notice	
	20E	Application of Part	
20		Section 20 amended.....	33
21		Section 21 repealed.....	33
22		Section 22 amended.....	34
23		Section 24 amended.....	34
24		Section 25 amended.....	35
25		Section 26 amended.....	36
26		Section 28 amended.....	36
27		Section 32 amended.....	37
28		Section 34 amended.....	38
29		Section 36A amended .....	38
30		Section 37 amended.....	39
31		Section 38 replaced.....	40
	38	Penalty for offence involving procurement of young child	







# NORTHERN TERRITORY OF AUSTRALIA

Act No. 17 of 2016

An Act to amend legislation administered by the Attorney-General and  
Minister for Justice in relation to drug offences

[Assented to 8 June 2016]  
[Second reading 21 April 2016]

The Legislative Assembly of the Northern Territory enacts as follows:

## Part 1 Preliminary matters

### 1 Short title

This Act may be cited as the *Justice Legislation Amendment (Drug Offences) Act 2016*.

### 2 Commencement

This Act commences on the day fixed by the Administrator by *Gazette* notice.

## Part 2 Amendment of Misuse of Drugs Act

### 3 Act amended

This Part amends the *Misuse of Drugs Act*.

---

**4 Section 3 amended**

- (1) Section 3(1), definitions **adult**, **analyst**, **cultivate**, **dangerous drug**, **Indigenous community**, **manufacture**, **prohibited plant**, **steals** and **unlawful**

*omit*

- (2) Section 3(1)

*insert (in alphabetical order)*

**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.

**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).*

**drug analogue**, see section 4B.

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

**indigenous community** means an area prescribed by regulation.

**infringement notice**, see section 20A(1).

**infringement notice offence**, see section 20(1).

**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.

**prescribed amount**, see section 20(2).

**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.

**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.

- (3) Section 3(1), definition **supply**, paragraph (a), at the end

*insert*

or

- (4) Section 3(1), definition **supply**, paragraphs (b) and (c)

*omit, insert*

- (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);

- (5) Section 3(1), definition ***veterinarian***  
*omit*  
within the meaning  
*insert*  
as defined in section 3(1)
- (6) Section 3(2)(b)  
*omit, insert*  
(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*.
- (7) Section 3(4)  
*omit*  
all words from "the purposes" to "quantity and"  
*insert*  
this Act, the traffickable quantity or commercial quantity, respectively, of a substance that is a drug analogue is the traffickable quantity or
- (8) Section 3(6)  
*omit*  
the purposes of
- (9) Section 3(6)(a), at the end  
*insert*  
or



(10) Section 3(6)(c)

*omit*

participates.

*insert*

participates; or

(11) After section 3(6)(c)

*insert*

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

## **5 Section 4B replaced**

Section 4B

*repeal, insert*

### **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.*

### **6 Sections 5 to 8 replaced**

Sections 5 to 8

*repeal, insert*

#### **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.

## **7 Section 8A amended**

- (1) Section 8A(1)

*omit, insert*

- (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) Section 8A(2)

*omit*

charge of an offence against subsection (1) if the person

*insert*

prosecution for an offence against subsection (1) if the defendant

- (3) Section 8A(2)(b)

*omit*

all words from "of the Territory" to "of the Commonwealth"

*insert*

, or an Act of the Commonwealth, a State or another Territory

- (4) Section 8A(3)

*omit, insert*

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

---

**8 Section 8B amended**

- (1) Section 8B, heading

*omit*

**or production**

- (2) Section 8B(1)

*omit, insert*

- (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.

- (3) Section 8B(2)

*omit*

charge of an offence against subsection (1) if the person

*insert*

prosecution for an offence against subsection (1) if the defendant

- (4) Section 8B(2)(a), at the end

*insert*

or

## (5) Section 8B(2)(b) and (c)

*omit, insert*

- (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.

## (6) Section 8B(3)

*omit, insert*

## (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.

## (7) Section 8B(4)

*omit*

charge of an offence against subsection (1) if the person

*insert*

prosecution for an offence against subsection (3) if the defendant

## (8) Section 8B(4)(a), (b) and (c)

*omit, insert*

- (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.
- (9) Section 8B(5)  
*omit, insert*
- (5) The defendant has a legal burden of proof in relation to a matter mentioned in subsection (2) or (4).

## **9 Section 8C amended**

- (1) Section 8C, heading  
*omit*  
**or production of dangerous drugs**  
*insert*  
**of dangerous drug**
- (2) Section 8C(1)  
*omit, insert*
- (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.
- (3) Section 8C(2)  
*omit*  
charge of an offence against subsection (1) if the person

*insert*

prosecution for an offence against subsection (1) if the defendant

- (4) Section 8C(2)(a), at the end

*insert*

or

- (5) Section 8C(2)(b)

*omit*

all words from "of the Territory" to "of the Commonwealth"

*insert*

, or an Act of the Commonwealth, a State or another Territory

- (6) Section 8C(2)(c)

*omit, insert*

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

- (7) After section 8C(2)

*insert*

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

## **10 Sections 8D to 11 replaced**

Sections 8D to 11

*repeal, insert*

### **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**

<b>Prosecuted offence</b>	<b>Alternative offence</b>
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)
section 7A(1)	section 7B(1)
section 7C(1)	section 7A(1), 7B(1) or 7D(1)
section 7D(1)	section 7B(1)

**11 Section 11Q amended**

- (1) Section 11Q(1)

*omit*

member of the Police Force

*insert*

police officer

(2) Section 11Q(3)

*omit, insert*

(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).

**12 Section 11S replaced**

Section 11S

*repeal, insert*

**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.

**13 Section 11T amended**

(1) Section 11T(1)

*omit, insert*

(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) Section 11T(2)

*omit (all references)*

member of the Police Force

*insert*

police officer

(3) Section 11T(2)

*omit*

the member

*insert*

the officer

#### **14 Section 11V amended**

Section 11V

*omit*

section 5 or 8 of this Act

*insert*

Part II, Division 1, Subdivision 1 or section 6E(1), 6F(1) or 6G(1)

#### **15 Sections 11X and 11Y inserted**

Before section 12, in Part II, Division 2

*insert*

#### **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.

---

**16 Section 12 amended**

## (1) Section 12(1) and (2)

*omit, insert*

## (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.

## (2) Section 12(3)

*omit*

proves that he or she

## (3) Section 12(3)

*omit*

authorized person referred to

*insert*

authorised person mentioned

(4) Section 12(4) and (5)

*omit, insert*

(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.

**17 Sections 13 to 17 replaced**

Sections 13 to 17

*repeal, insert*

**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.

## **18 Section 19Y amended**

Section 19Y(4) and (5)

*omit, insert*

- (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.

## **19 Part IIB replaced**

Part IIB

*repeal, insert*

## **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*, 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* 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*, 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.

**20 Section 20 amended**

Section 20

*renumber as section 21*

**21 Section 21 repealed**

Section 21

*repeal*

---

**22 Section 22 amended**

- (1) Section 22(1)  
*omit*  
section 5, 7, 8, 9 or 11  
*insert*  
Part II, Division 1, Subdivision 1, 2 or 3 or section 11Y
- (2) Section 22(1)  
*omit*  
all words after "taken"  
*insert*  
summarily.

**23 Section 24 amended**

- (1) Section 24(1)  
*omit*  
all words from "member" to "Division 1 of"  
*insert*  
police officer in respect of the commission of an offence against
- (2) Section 24(1)  
*omit*  
shall  
*insert*  
must
- (3) Section 24(2) and (3)  
*omit, insert*
- (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).

#### **24 Section 25 amended**

- (1) Section 25(1)

*omit*

Division 1 of

- (2) Section 25(1)(a), at the end

*insert*

or

- (3) Section 25(1)(c)

*omit, insert*

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

- (4) Section 25(1)

*omit (all references)*

shall

*insert*

must

- (5) Section 25(1)

*omit*

member of the Police Force referred to

*insert*

police officer mentioned

(6) Section 25(2)

*omit*

all words from "Division" to "her"

*insert*

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

**25 Section 26 amended**

(1) Section 26(1)

*omit*

Division 1 of

(2) Section 26(5)

*omit, insert*

(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.

**26 Section 28 amended**

Section 28

*omit*

Division 1 of



---

**27 Section 32 amended**

- (1) Section 32(1) and (2)  
*omit (all references)*  
member of the Police Force  
*insert*  
police officer
- (2) Section 32(1)  
*omit*  
authorize  
*insert*  
authorise
- (3) Section 32(2)  
*omit*  
the generality of
- (4) Section 32(2)  
*omit (all references)*  
authorized  
*insert*  
authorised
- (5) Section 32(3)  
*omit, insert*
- (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.

## **28 Section 34 amended**

Section 34(8)

*omit, insert*

- (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.

## **29 Section 36A amended**

- (1) Section 36A(6)(a) to (d)

*omit, insert*

- (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);

- (2) Section 36A(6)(e)

*omit*

paragraphs (a) to (d) inclusive

*insert*

paragraph (a) or (b)

(3) Section 36A(6)(f)

*omit*

inclusive

(4) Section 36A(6)(g)

*omit*

**30 Section 37 amended**

(1) Section 37(1), definition **aggravating circumstance**, paragraph (a)(ii)(B)

*omit (second reference)*

of the Commonwealth

(2) Section 37(1), definition **aggravating circumstance**, paragraph (c)

*omit*

section 5 or 9

*insert*

Part II, Division 1, Subdivision 1 or 3

(3) Section 37(1), definition **aggravating circumstance**, paragraph (d)

*omit, insert*

(d) an offence against Part II, Division 1, Subdivision 1 that was committed in an indigenous community; or

(e) an offence against Part II committed while the person was in actual possession of:

(i) a firearm or ammunition, as defined in section 3(1) of the *Firearms Act*, that the person was not lawfully authorised to possess; or

(ii) an offensive weapon or prohibited weapon, each as defined in section 3 of the *Weapons Control Act*; or

(iii) a controlled weapon, as defined in section 3 of the *Weapons Control Act*, in a public place.

- (4) Section 37(5)  
*omit*  
all words from "Where" to "9(2)(f)(ii)"  
*insert*  
If, in proceedings for an offence against Part II, Division 1, Subdivision 3, other than an excluded offence,
- (5) Section 37(5)  
*omit*  
shall  
*insert*  
must
- (6) Section 37(6)  
*omit*  
section 7, 8 or 9  
*insert*  
Part II, Division 1, Subdivision 2 or 3
- (7) After section 37(7)  
*insert*
- (8) In this section:  
**excluded offence** means an offence against:  
(a) section 7(1); or  
(b) section 7B(1) in relation to a Schedule 2 drug.

**31 Section 38 replaced**

Section 38

---

*repeal, insert*

**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.

**32 Section 39 amended**

- (1) Section 39, heading, at the end

*insert*

**– evidential burden of proof on defence**

- (2) Section 39(2)

*omit*

a regulatory offence

*insert*

an offence of absolute liability

- (3) Section 39(9), definition ***declared provision***, paragraph (a)

*omit, insert*

- (a) Part II, Division 1, Subdivision 1 or 2 or section 8(1) or (2) or 8A(1); or

---

**33 Section 40 amended**

- (1) Section 40(1)(a)  
*omit*  
particularize  
*insert*  
particularise
- (2) Section 40(1)(c)(ii)  
*omit*  
control,  
*insert*  
control;
- (3) Section 40(1)(c)  
*omit*  
place;  
*insert*  
place.
- (4) Section 40(1)(d) and (e)  
*omit*
- (5) Section 40(1)(a) and (b), at the end  
*insert*  
and
- (6) After section 40(2)  
*insert*
- (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.

---

**34 Section 41 amended**

(1) Section 41

*omit*

Where

*insert*

If

(2) Section 41

*omit*

section 6

*insert*

section 8

(3) Section 41

*omit*

shall

*insert*

must

**35 Section 43 amended**

(1) Section 43(2)(a) and (aa)

*omit, insert*

(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;

- 
- (2) Section 43(2)(b)

*omit*

provide for

- (3) Section 43(2)(c)

*omit*

make provision for

### **36 Part IV, Division 4 inserted**

After section 48

*insert*

## **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).

### **37 Schedule 2 amended**

- (1) Schedule 2, heading

*omit*

**Dangerous**



*insert*

**Other dangerous**

- (2) Schedule 2, table, column 1, heading

*omit*

Dangerous drug or prohibited plant

*insert*

Substance or thing

- (3) Schedule 2, table, column 1

*omit*

Alkoxyamphetamines and bromo-substituted alkoxyamphetamines, except where

*insert*

Alkoxyamphetamines and substituted alkoxyamphetamines except if

- (4) Schedule 2, table, column 1

*omit*

Alkoxyphenethylamines and alkyl-substituted alkoxyphenethylamines, except where

*insert*

Alkoxyphenethylamines and substituted alkoxyphenylethylamines except if

**38 Act further amended**

Schedule 1 has effect.

**Part 3 Amendment of Misuse of Drugs Regulations**

**39 Regulations amended**

This Part amends the *Misuse of Drugs Regulations*.

---

**40 Regulations 2A and 2B inserted**

After regulation 2

*insert*

**2A Indigenous communities**

For section 3(1) of the Act, definition ***indigenous community***, 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.

**2B Precursors**

For section 3(1) of the Act, definition ***precursor***, the substances specified in Schedule 2 are prescribed.

**41 Regulations 6 and 6A repealed**

Regulations 6 and 6A

*repeal*

**42 Regulation 12 replaced**

Regulation 12

*repeal, insert*

**12 Offence to affix notice without authority**

- (1) A person who is not a police officer commits an offence if the person affixes to a building, structure or other object a notice purporting to be a notice under section 11Q(1) of the Act.

Maximum penalty: 17 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

**43 Schedule 2 heading amended**

Schedule 2, heading

*omit*

regulation 6

*insert*

regulation 2B

---

## Part 4 Amendment of Sentencing Act

### 44 Act amended

This Part amends the *Sentencing Act*.

### 45 Section 55 replaced

Section 55

*repeal, insert*

### 55 Minimum non-parole period for certain sexual offences and drug offences

(1) If a court sentences an offender to be imprisoned for a specified offence for 12 months or longer, that is not suspended in whole or in part, the court must, under section 53(1), fix a period of not less than 70% of the period of imprisonment that the offender is to serve under the sentence.

(2) However, subsection (1) does not apply if, under section 53(1), the court considers that the fixing of a non-parole period is inappropriate.

(3) In this section:

***specified offence*** means:

- (a) an offence against section 192(3) of the Criminal Code; or
- (b) an offence against section 5(1), 5B(1), 5C(1), 6(1), 6C(1), 6D(1), 6E(1), 6G(1), 7(1), 7C(1) or 7D(1) of the *Misuse of Drugs Act*; or
- (c) an offence against any other provision of the *Misuse of Drugs Act* if it is an offence in relation to which section 38 of that Act applies.

## Part 5 Consequential amendments

### 46 Other laws amended

Schedule 2 amends the laws mentioned in it.

**Part 6 Expiry of Act**

**47 Expiry of Act**

This Act expires on the day after it commences.

---

**Schedule 1 Misuse of Drugs Act further amended**

section 38

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
Part I heading, after " <b>Preliminary</b> "		<b>matters</b>
Part II, Division 1 heading	<b>possession, &amp;c.</b>	<b>manufacture and possession</b>
section 11C(1)(a) and (2)(a)	member of the Police Force	police officer
section 11C(1)(d) and (2)(c)	within the meaning of the <i>Firearms Act</i>	
section 11E(1) and (3)	member of the Police Force	police officer
	him or her	the officer
section 11E(2) and (4)	member of the Police Force	police officer
	the member	the officer
section 11F(1) and (3)	member of the Police Force	police officer
	him or her	the officer
section 11F(2) and (4)	member of the Police Force	police officer
	the member	the officer
section 11G(1) and (3)	member of the Police Force	police officer
	him or her	the officer
section 11G(2)	member of the Police Force	police officer
	he or she	the officer

---

section 11G(4)	member of the Police Force	police officer
	the member	the officer
section 11N(1)	member of the Police	police officer
sections 11N(2) and 11R(1)	member of the Police Force	police officer
section 11R(1)(a) and (b)	member	officer
section 11R(2)	member of the Police Force	police officer
	the member	the officer
	he or she	the officer
section 11R(3)	member	police officer
section 11R(3)(a), at the end		and
section 11R(4)(a)	member of the Police Force;	police officer; or
section 11R(4)(b) and (c)	member <i>(all references)</i>	police officer
sections 11R(5) and 19B(1), (3)(c), (4), (6), (7) and (8)	member of the Police Force <i>(all references)</i>	police officer
section 19B(1)(b)	the member	the officer
section 19B(3)(a)	member of the Police Force;	police officer; and
section 19P(1)	member of the Police Force <i>(all references)</i>	police officer
	he or she	the officer
section 19P(3)(a)	member of the Police Force;	police officer; and
sections 19P(3)(c), (4), (6) and (7), 19PA(3), 19PB(1) and 19S(1)	member of the Police Force	police officer

---

section 19T	members of the Police Force	police officers
section 29(a)	analyzed	analysed
section 29(b)	certificate,	certificate;
section 31, heading	<b>member of Police Force</b>	<b>police officer</b>
section 31(1)	member of the Police Force, or by a person authorized by a member of the Police Force	police officer, or by a person authorised by a police officer
section 31(1)(a)	member	officer
section 31(1)(a), at the end		or
section 31(1)(b) and (c)	member's	officer's
section 31(2)	shall be deemed to be in the possession of a member of the Police Force	is taken to be in the possession of a police officer
	the member ( <i>all references</i> )	the officer
section 31(3)	Where member of the Police Force precursor and in pursuance of shall not shall the evidence of that member	If police officer precursor or under must not may the evidence of the officer
section 35A(1)	member of the police force the member	police officer the officer
section 35A(2)	he or she is satisfied that the member	the judge is satisfied that the police officer

---

Part IV, Division 3 heading	<b>Transitional matters for</b>	
Schedule 1, heading, after "1"		<b>Dangerous drugs</b>
Schedule 1, table, column 1, heading	Dangerous drug	Substance or thing
Schedule 3, heading, after "3"		<b>Infringement notice offences</b>
Schedule 3, heading	20A	20(1), definition <b><i>infringement notice offence</i></b> , paragraph (b)
Schedule 3, table	Column 1 Column 2	

---



---

**Schedule 2 Other laws amended**

section 46

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
<b><i>Care and Protection of Children (Screening) Regulations</i></b>		
Schedule 3, item 2, entry for section 5(1)	whole entry	
Schedule 3, item 2, column 1		Section 5B(1)
<b><i>Education Regulations</i></b>		
Schedule 1, item 2, entry for section 5(1)	whole entry	
Schedule 1, item 2, column 1		Section 5B(1)
<b><i>Firearms Regulations</i></b>		
regulation 1A(2)(a), (b) and (c)	whole paragraph	(a) Part II, Division 1, other than sections 6B(1), 7B(1) and 7D(1); (b) section 7B(1) or 7D(1) if a sentence of imprisonment is imposed.
<b><i>Housing Regulations</i></b>		
Schedule 1, Part A, item 3	whole item	
Schedule 1, Part A, item 5	or an offence mentioned in item 3	

**Medicines, Poisons and Therapeutic Goods Act**

section 121, note                      sections 5, 8 and 9                      Part II, Division 1

sections 127, note 1,  
128, note 1 and 129,  
note 1                      section 5, 8 or 9                      Part II, Division 1

**Police Administration Regulations**

regulation 19A(c)                      offence as defined in  
section 20A                      infringement notice  
offence as defined in  
section 20(1)

**Private Security (Crowd Controllers) Regulations**

regulation 3(a)                      or 243(1)                      , 243(1) or 260

regulation 3(e)                      section 5, 6, 7, 8, 9(1),  
16 or 17                      Part II, Division 1

**Private Security (Security Firms) Regulations**

regulation 2(a)                      or 243(1)                      , 243(1) or 260

regulation 2(e)                      section 5, 6, 7, 8, 9(1),  
16 or 17                      Part II, Division 1

**Private Security (Security Officers) Regulations**

regulation 2(a)                      or 243(1)                      , 243(1) or 260

regulation 2(e)                      section 5, 6, 7, 8, 9(1),  
16 or 17                      Part II, Division 1

**Prostitution Regulation Act**

sections 9(11),  
definition **relevant drug  
offence**, paragraph (a),  
24(4)(a) and 31(2)(c)                      section 5, 6(1) or (2), 7,  
8, 9 or 11                      Part II, Division 1 or  
section 11Y(1)

**Public Transport (Passenger Safety) Regulations**

Schedule, Part A,  
item 3                      whole item

Schedule, Part A,  
item 5                      or an offence  
mentioned in item 3

**Summary Offences Regulations**

regulation 9, entry for <i>Misuse of Drugs Act</i>	sections 5, 6, 7, 8, 9 and 11	Part II, Division 1 and section 11Y(1)
---	----------------------------------	---

**Youth Justice Regulations**

regulation 3(d), (e), (f) and (g)	whole paragraph	(d) section 5(1), 5B(1), 5C(1), 6(1), 6C(1), 6E(1), 6F(1), 6G(1), 7(1) or 8(1) or (2) of the <i>Misuse of Drugs Act</i> ,  (e) section 5A(1), 7A(1) or 7C(1) of the <i>Misuse of Drugs Act</i> in relation to a Schedule 1 drug.
--------------------------------------	-----------------	---

---