

Serial 145
Misuse of Drugs Amendment Bill 2008
Dr Burns

A Bill for an Act to amend the *Misuse of Drugs Act*

NORTHERN TERRITORY OF AUSTRALIA
MISUSE OF DRUGS AMENDMENT ACT 2008

Act No. [] of 2008

TABLE OF PROVISIONS

1	Short title	1
2	Commencement	1
3	Act amended	1
4	Amendment of section 3 (Interpretation)	1
5	New section 4B	2
	4B Indigenous community	
6	Amendment of section 5 (Supplying dangerous drug)	2
7	Amendment of section 43 (Regulations)	3
8	New section 44	3
	44 Transitional provision for increased penalty for supplying dangerous drug in indigenous community	



NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2008

An Act to amend the *Misuse of Drugs Act*

[Assented to [] 2008]
[Second reading [] 2008]

The Legislative Assembly of the Northern Territory enacts as follows:

1 Short title

This Act may be cited as the *Misuse of Drugs Amendment Act 2008*.

2 Commencement

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

3 Act amended

This Act amends the *Misuse of Drugs Act*.

4 Amendment of section 3 (Interpretation)

(1) Section 3(1)

omit

In this Act, unless the contrary intention appears –

substitute

In this Act:

(2) Section 3(1)

insert (in alphabetical order)

indigenous community, see section 4B.

5 New section 4B

After section 4A

insert

4B Indigenous community

(1) An ***indigenous community*** is:

(a) a prescribed area; or

(b) an area prescribed by regulation.

(2) However, a regulation may declare a prescribed area is not an indigenous community.

(3) In this section:

prescribed area, see section 4 of the *Northern Territory National Emergency Response Act 2007* (Cth).

6 Amendment of section 5 (Supplying dangerous drug)

(1) Section 5(2)(a)(iv), after "5 years"

insert

, or if the drug is supplied to a person in an indigenous community,
9 years

(2) After section 5(2)

insert

(3) In a prosecution for an offence against subsection (2), a statement in the complaint or information that a person was in an indigenous community when the alleged offence was committed is evidence of the matters stated.

7 Amendment of section 43 (Regulations)

(1) Section 43(1)

omit, substitute

(1) The Administrator may make regulations under this Act.

(2) Section 43(2)

omit

Without limiting the generality of subsection (1), the Regulations may –

substitute

The Regulations may provide for the following:

(3) Section 43(2)(c)

omit

needles; and

substitute

needles;

8 New section 44

After section 43

insert

44 Transitional provision for increased penalty for supplying dangerous drug in indigenous community

To avoid doubt, the amendment of section 5 by the *Misuse of Drugs Amendment Act 2008* applies only to an offence committed after the commencement of that Act.