



# NORTHERN TERRITORY GOVERNMENT FACT SHEET

## Misuse of Drugs Act DRUG HOUSE LAWS

The Government has committed to addressing the illicit drug trade and its links to crime. The Government's drug laws package is targeted at drug dealers, traffickers and manufacturers.

The new Drug House laws will assist police to deal with the difficult operational issues in drug enforcement through two major parts:

1. A new provision for Drug Premises Orders; and
2. Improvements in the operation of the Act, at the level of Police operations, and in prosecutions before the Court.

### Drug Premises Orders

**The aim of Drug Premises Orders is to improve drug enforcement by reducing or eliminating the ability of dealers to do business through residential, commercial or licensed premises.**

Available intelligence indicates that drug dealers have flouted the laws by only possessing a small amount of prohibited drug at any one time, thereby avoiding being caught with trafficable amounts and escaping prosecution for the supply of drugs.

This new provision will allow police to apply to the courts for a Drug Premises Order where there is evidence that drugs are being supplied from the premises.

There are **two grounds** police can rely on for application for a Drug Premises Order

- **indicators that premises are being used for supply.**  
Police will be able to apply for a Drugs Premises Order where there are certain indications of supply such as Police being obstructed in carrying out their duties on the premises, persons acting as a lookout or alerting those on the premises that Police are about to enter or search, things found on premises that indicate manufacture, supply or use of a drug, the presence of persons under the influence of drugs and the presence of drugs on the premises, **or**
- **if police reasonably suspect that the supply of drugs is taking place at the premises AND police find dangerous drugs on the premises on three separate occasions within a twelve month period.** Police must make a record of each seizure and give each affected person (such as the owner, landlord and tenant) a warning at each seizure.



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## **Commercial or Licensed premises**

In the case of commercial or licensed premises, seizures of drugs must be from employees or agents of the management or the landlord or owner themselves.

When a Drug Premises Order is issued

- Police are required to serve a copy of the order on the owner, landlord or tenant within seven days.
- If the owner, landlord or tenant object to the order, they have seven days in which to apply for revocation of the order.
- If the order is not revoked, a notice is affixed at the entry of the premises stating it to be a Declared Drug Premises and any attempt to alter or tamper with the notice will be treated as an offence.
- Police have the power to enter, search, search persons and seize objects without warrant.
- Police have the power to obtain a restraining order against a person who has committed a breach of the peace, such as fights and noise associated with drug premises, on Declared Drug Premises, to ease the burden on neighbouring residences.
- Anyone convicted of possession in Declared Drug Premises will face an aggravated penalty under the *Misuse of Drugs Act*.
- Police may apply to the NT Licensing Commission in relation to Licensed Premises to suspend the liquor licence for a period of up to fourteen days.
- Landlords will have accelerated eviction procedures under consequential amendments to the *Residential Tenancies Act* and the *Commercial Tenancies Act*.

Any person affected by the order (owner, landlord, licensee or tenant) may apply to the court for the order to be revoked.

The court can revoke the order if it is satisfied that the premises are no longer being used as drug premises.

The *Public Order and Anti-Social Conduct Act*, which did not provide Police with powers to act against Drug Houses, will be repealed.

## **Other aspects of the Drug House laws**

Other amendments to the legislation include:

- A new offence for the possession of equipment or articles used to manufacture a dangerous drug
- A new offence for the possession of instructions for the manufacture of a dangerous drug along with equipment, implements or an article used for the manufacture or production of drugs
- A new offence for the possession of precursors – those substances which are used in the manufacture or production of dangerous drugs
- Provision for the pre-trial destruction of dangerous drugs, precursors and dangerous chemicals where storage of these drugs pose health and security risks
- New police powers to detain individuals for the purpose of a medical examination, where they are suspected of internally concealing or swallowing drugs
- For the purposes of a trafficking offence, the total weight of a mixture of substances which contains an illicit drug will be taken to be the weight of the drug contained in the substance. For example 0.5gm of heroin mixed with 0.5gm of glucose = 1gm heroin.