

Misuse of Drugs Act **Q&As**

The Northern Territory Government has amended the *Misuse of Drugs Act*, effective from **30 July 2008**. The main amendment is a higher penalty for people who bring drugs into Indigenous communities.

Q1. What is the new penalty?

A. The maximum penalty is nine years imprisonment. The penalty has increased. Previously it was a maximum of five years imprisonment.

Q2. Is this increased penalty for all drugs?

A. No. The penalty applies to Schedule 2 drugs, such as cannabis, methamphetamines and amphetamines. It does not apply to other drugs, such as heroin or cocaine, which already have a high penalty.

Q3. Is this penalty for all quantities of drugs?

A. No. This penalty is for supplying non-commercial quantities of Schedule 2 drugs to Indigenous communities. For example, for cannabis it is less than 500g, and for amphetamines and methamphetamines it is less than 100g. Much higher penalties apply for people who supply commercial quantities of drugs.

Q4. Does this penalty apply to everyone?

A. Yes. The penalty applies to any person who supplies less than a commercial quantity of Schedule 2 drugs to Indigenous communities. This includes visitors, workers and residents.

Q5. Does this law apply to the supply of drugs everywhere in the NT?

A. No. This law is for Schedule 2 drugs supplied to NT Indigenous communities only, including remote communities and town camps. Refer to question seven for the definition of an Indigenous community.

Q6. Why is this law for Indigenous communities only?

A. There has been an increase in drug use, especially cannabis, in Indigenous communities. This is causing a lot of problems in communities. Supplying drugs in Indigenous communities is a serious offence and the new law reflects this with a higher penalty for such an offence. The problem of cannabis use in communities was highlighted in the *Little Children are Sacred* Report.

Q7. What is an Indigenous community?

A. An Indigenous community has the same meaning as a “prescribed community” under the *Northern Territory Emergency Response Act*.

Prescribed areas are defined as:

- freehold land held by a Land Trust under the *Aboriginal Land Rights (Northern Territory) Act 1976*
- other Aboriginal communities described as Northern Territory Community Living Areas
- Aboriginal living areas described as ‘town camps’.

Regulations can be made under the *Misuse of Drugs Act* to include more communities or exclude communities.

A full list of prescribed areas is available at www.facsia.gov.au/nter/legis_areas.htm