

TABLE OF PROVISIONS

PART I—PRELIMINARY

1. Short title
2. Commencement
3. Repeal and saving
4. Definitions

PART II—DANGEROUS DRUGS AND OPIUM

5. Smoking, &c., of opium an offence
6. Possession, &c., of dangerous drugs an offence
7. Exception to possession, &c., of dangerous drug, &c.

PART III—PSYCHOTROPIC SUBSTANCES

8. Offences to prepare, &c., psychotropic substance
9. Registration of premises for preparation, &c., of psychotropic substance
10. Records to be kept by nominated person
11. Offence to use or have or attempt to have psychotropic substance in possession
12. Offence to administer to another or to have possession of psychotropic substance for sale or supply
13. Authorized use of psychotropic substance
14. Registered medical practitioner may sell, &c., psychotropic substance subject to conditions
15. Registered pharmacist may sell, &c., psychotropic substance subject to conditions
16. Registered dentist may administer certain psychotropic substance
17. Registered veterinary surgeon may use certain psychotropic substance
18. Conditions under which person may purchase, possess or use psychotropic substance
19. Restrictions on advertising of psychotropic substance
20. Chief Medical Officer may require containers, packages or leaflets to include certain information
21. Psychotropic substance to be kept locked in safe, &c.
22. Exemption of certain preparations containing psychotropic substance

PART IV—MISCELLANEOUS

23. Search warrant
24. Power of police to stop, search and detain
25. Meaning of power to search
26. Search of female
27. Members of the Police Force and certain other persons may in certain circumstances be in possession of a dangerous drug, &c.
28. Seizure of drugs, &c.
29. Forfeiture
30. Notice to claim things seized
31. Types of offences and application
32. Evidence of analysis by certificate
33. Court may award costs to include expenses
34. Obstruction of police
35. Regulations

- SCHEDULE 1
- SCHEDULE 2
- SCHEDULE 3
- SCHEDULE 4
- SCHEDULE 5



# DANGEROUS DRUGS ORDINANCE 1977

1349

No. 59 of 1977

An Ordinance relating to dangerous drugs, opium and psychotropic substances

[Assented to 20 December, 1977]

**B**E it ordained by the Legislative Assembly for the Northern Territory of Australia as follows:

## PART I—PRELIMINARY

1. This Ordinance may be cited as the *Dangerous Drugs Ordinance* 1977. Short title

2. This Ordinance shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.\* Commencement

3.(1) The Ordinances specified in Schedule 1 are repealed.

Repeal and saving

(2) Notwithstanding the repeal effected by sub-section (1), the notice, published in the *Gazette* on 18 December, 1968 pursuant to a power granted to the Administrator in Council under the repealed Ordinances, declaring certain narcotic drugs specified in that notice to be dangerous drugs within the meaning of those Ordinances, shall continue in force as though that notice had, immediately upon the commencement of this Ordinance, been published pursuant to the power granted to the Administrator in Council under this Ordinance to declare a narcotic drug to be a dangerous drug.

(3) The declaration to which sub-section (2) refers may be amended or revoked by the Administrator in Council, by notice published in the *Gazette*.

(4) Notwithstanding the repeal effected by sub-section (1), the provisions of the repealed Ordinances continue to apply to any offence committed against those repealed Ordinances before the commencement of this Ordinance, as if this Ordinance had not come into operation.

4.(1) In this Ordinance unless the contrary intention appears—

Definitions

“Coca leaf” means the leaf of the *Erythroxylon Coca Lamarck* and the *Erythroxylon novo-granatense* (Morris) *Hieronymus* and their varieties, belonging to the family of Erythroxylaceae and

---

\* The date fixed was 1 January 1978 (see *Northern Territory Government Gazette* No. 51B of 22 December 1977, page 1).

the leaf of other species of this genus from which it may be found possible to extract cocaine either directly or by chemical transformation;

“cocaine” means methyl-benzoyl laevo-ecgonine ( $[\alpha]D^{20} = -16^{\circ}4$  in 20 per cent solution of chloroform), of which the formula is  $C_{17}H_{21}NO_4$ ;

“crude cocaine” means any extract of the coca leaf which can be used directly or indirectly for the manufacture of cocaine;

“dangerous drugs” includes—

- (a) medicinal opium, crude cocaine, ecgonine, morphine, cocaine and their respective salts;
- (b) all preparations officinal and non-official (including the so-called anti-opium remedies) containing more than 0.2 per cent of morphine or more than 0.1 per cent of cocaine; and
- (c) any other narcotic drug which the Administrator in Council by notice in the *Gazette* declares to be a dangerous drug;

“ecgonine” means laevo-ecgonine ( $[\alpha]D^{20} = -45^{\circ}6$  in 5 per cent solution of water), of which the formula is  $C_9H_{15}NO_3H_2O$ , and all the derivatives of laevo-ecgonine which might serve industrially for its recovery;

“medicinal opium” means raw opium which has undergone the processes necessary to adapt it for medicinal use in accordance with the requirements of the British Pharmacopoeia whether in powder form or granulated or otherwise or mixed with neutral materials;

“morphine” means the principal alkaloid of opium having the chemical formula  $C_{17}H_{19}NO_3$ ;

“nominated person” means a person nominated under and for the purposes of section 9(2)(c) of a person substituted for that person pursuant to section 9(9);

“offence” means an offence against this Ordinance;

“opium” includes raw opium and prepared opium, and also includes any substance or fluid containing morphine, however small the quantity of morphine may be;

“premises” includes a part of premises;

“prepared opium” means the product of raw opium obtained by a series of special operations, especially by dissolving, boiling, roasting and fermentation, designed to transform it into an extract suitable for consumption, and includes opium ash, opium charcoal and dross and other residues of opium;

“psychotropic substance” means a substance of a kind specified in Schedule 2 and includes—

- (a) a preparation containing such a substance; and
- (b) such other substances as are structurally derived from such a substance and have psychotropic properties,

but does not include a preparation exempted under section 22;

“raw opium” means the spontaneously coagulated juice obtained from the capsules of the *Papaver somniferum L.*, which has been submitted to only the necessary manipulations for packing and transport, whatever its content of morphine;

“registered dentist” means a dentist registered under the *Dentists Registration Ordinance*;

“registered medical practitioner” means a medical practitioner registered under the *Medical Practitioners Registration Ordinance*;

“registered pharmacist” means a pharmacist registered under the *Pharmacy Ordinance*;

“registered premises” means premises registered in accordance with section 9;

“registered veterinary surgeon” means a veterinary surgeon registered under the *Veterinary Surgeons Ordinance*;

“repealed Ordinances” means the Ordinances repealed by section 3; and

“use” includes to smoke, consume, take or administer to oneself.

(2) A reference in this Ordinance to a vessel shall, when the context so admits, include a reference to an aircraft but shall not include a reference to a vessel then employed in Her Majesty’s defence forces or in the defence forces of any Commonwealth or foreign Government.

(3) Without limiting the effect of any other law in force in the Territory, the powers in this Ordinance with respect to a vessel may be exercised whenever the vessel is within the territorial limits of the Territory or within the territorial sea of Australia (as defined in the *Seas and Submerged Lands Act 1973*) adjoining those territorial limits.

## PART II—DANGEROUS DRUGS AND OPIUM

5. Subject to section 7, a person shall not—

- (a) use, be in possession or attempt to obtain possession of opium;
- (b) produce, prepare, manufacture, sell, deal in or traffic in opium or supply opium to another person; or
- (c) administer opium to another person.

Smoking, &c.  
of opium an  
offence

Penalty: In the case of an offence against paragraph (a)—  
 For a first offence—5,000 dollars;  
 For a second offence—imprisonment for 5 years;  
 For any subsequent offence—imprisonment for 10 years;  
 In the case of an offence against paragraph (b) or (c)—  
 For a first offence—imprisonment for 7 years;  
 For a second offence—imprisonment for 15 years;  
 For any subsequent offence—imprisonment for 25 years.

Possession, &c.,  
 of dangerous  
 drugs an offence

6. Subject to section 7, a person shall not—

- (a) use, be in possession or attempt to obtain possession of a dangerous drug;
- (b) produce, prepare, manufacture, sell, deal in or traffic in a dangerous drug or supply a dangerous drug to another person;  
or
- (c) administer a dangerous drug to another person.

Penalty: In the case of an offence against paragraph (a)—  
 For a first offence—5,000 dollars;  
 For a second offence—imprisonment for 5 years;  
 For any subsequent offence—imprisonment for 10 years;  
 In the case of an offence against paragraph (b) or (c)—  
 For a first offence—imprisonment for 7 years;  
 For a second offence—imprisonment for 15 years;  
 For any subsequent offence—imprisonment for 25 years.

Exception to  
 possession, &c.,  
 of dangerous  
 drug, &c.

7.(1) It is not an offence—

- (a) for a registered medical practitioner, in the ordinary conduct of his profession—
  - (i) to purchase or be in possession of a dangerous drug or opium;
  - (ii) to sell or supply a dangerous drug or opium to a person for use by that person for a therapeutic purpose;
  - (iii) to administer, for a therapeutic purpose, a dangerous drug or opium to a person; or
  - (iv) to prepare a dangerous drug or opium;
- (b) for a registered pharmacist, in the normal conduct of his profession—
  - (i) to purchase or be in possession of a dangerous drug or opium;
  - (ii) to sell or supply a dangerous drug or opium to a registered medical practitioner, a registered dentist, a registered veterinary surgeon, a registered pharmacist, a person licensed to sell poison under the *Poisons Ordinance* or a person presenting a written prescription

- signed by a registered medical practitioner or a registered veterinary surgeon for that dangerous drug or opium and being a person who that registered pharmacist has no reason to suspect is unlawfully in possession of that prescription; or
- (iii) to produce, prepare or manufacture a dangerous drug or opium;
- (c) for a registered dentist in the normal conduct of his profession—
- (i) to purchase or be in possession of a dangerous drug for use in that profession; or
  - (ii) to administer a dangerous drug to a person;
- (d) for a registered veterinary surgeon in the normal conduct of his profession—
- (i) to purchase or be in possession of a dangerous drug for use in that profession; or
  - (ii) to sell or supply a dangerous drug;
- (e) for a person licensed to sell poison under the *Poisons Ordinance*—
- (i) to purchase or be in possession of a dangerous drug or opium; or
  - (ii) to sell or supply a dangerous drug or opium to a person authorized under this section to be in possession of that drug or opium;
- (f) for a person to purchase or be in possession of a dangerous drug or opium if that person has been lawfully sold or supplied with that drug or opium—
- (i) by a registered medical practitioner;
  - (ii) by a registered veterinary surgeon for the purpose of administering that drug or opium to an animal;
  - (iii) by a registered pharmacist in accordance with a written prescription of a registered medical practitioner, as or on behalf of the person for whom the dangerous drug or opium has been prescribed; or
  - (iv) by a registered pharmacist in accordance with a written prescription of a registered veterinary surgeon, as or on behalf of the owner or keeper of an animal; or
- (g) for a person who is lawfully sold or supplied with a dangerous drug or opium to use that drug or opium for the purpose for which it was supplied.

(2) A registered medical practitioner or registered veterinary surgeon who gives a person a prescription for a dangerous drug or opium shall be deemed to have supplied that dangerous drug or opium to that person.

### PART III—PSYCHOTROPIC SUBSTANCES

Offences to  
prepare, &c.,  
psychotropic  
substance

8. Subject to this Ordinance, a person shall not produce, prepare, manufacture, sell, deal, traffic in or supply to another person a psychotropic substance.

Penalty: For a first offence—imprisonment for 7 years;  
For a second offence—imprisonment for 15 years;  
For any subsequent offence—imprisonment for 25 years.

Registration of  
premises for  
preparation,  
&c., of psycho-  
tropic substance

9.(1) A person may apply to the Chief Medical Officer to register premises under this section for the lawful possession, production, preparation, manufacture, sale or supply of a psychotropic substance.

(2) An application under sub-section (1) shall be in writing and shall—

- (a) state the name, address and description of the person making the application;
- (b) state the nature of the operations or activities intended to be carried out in or on the premises;
- (c) nominate a person to be responsible for the carrying out of those operations and state his name, address and description;
- (d) set out details of the arrangements intended to be made for security against the theft or unlawful removal of the psychotropic substances to be kept on those premises; and
- (e) contain such other information as may be prescribed.

(3) An application under sub-section (1) shall be accompanied by a plan of the premises showing clearly—

- (a) the nature of the operations or activities to be carried out in each section of those premises; and
- (b) the security arrangements against the theft or unlawful removal of the psychotropic substances to be kept on those premises.

(4) If the Chief Medical Officer is satisfied—

- (a) that the nominated person is a fit and proper person to have the control of a psychotropic substance;
- (b) that the proposed premises are suitable for the purpose; and
- (c) that the proposed security arrangements are adequate,

he may register the premises under this section.



(5) The Chief Medical Officer shall register premises under this section by entering, or causing to be entered, in a register book kept by him such details in relation to those premises as are supplied in and with the application for registration.

(6) Registration of premises under this Ordinance shall be effected in the name of the nominated person.

(7) Upon registration, the Chief Medical Officer shall issue to the nominated person a certificate of registration.

(8) Certificates issued under this section shall—

(a) be chronologically numbered;

(b) be in such form as the Chief Medical Officer approves;

(c) be signed by the Chief Medical Officer; and

(d) show—

(i) the name, address and description of the nominated person; and

(ii) the address of the registered premises to which they relate.

(9) The nominated person may be changed from time to time—

(a) upon written application, signed by the nominated person and the person to be substituted for him, being made to the Chief Medical Officer, and

(b) upon the Chief Medical Officer being satisfied that the person to be substituted is a fit and proper person to have the control of a psychotropic substance.

(10) A change effected under sub-section (9) shall be recorded by the Chief Medical Officer in the register book.

(11) Where a change is registered under sub-section (9), the certificate issued under this section shall be amended by the Chief Medical Officer or a new certificate issued in the name of the person substituted in relation to the registered premises as a nominated person.

(12) An amendment under sub-section (11) shall bear the signature or initials of the Chief Medical Officer.

(13) A certificate of registration issued under this section shall be prominently displayed by the nominated person in the premises to which that certificate relates.

Penalty: 200 dollars.

(14) The Chief Medical Officer may cancel a registration effected under this section by noting the register book accordingly, whereupon the premises to which that registration relates shall cease to be registered premises and the nominated person concerned shall cease to be a nominated person in respect of those premises.

*Dangerous Drugs*

(15) Where the Chief Medical Officer requests a nominated person to deliver to him a certificate issued under this section, that person shall not fail, neglect or refuse to do so.

Penalty: 500 dollars or imprisonment for 6 months or both.

(16) Where premises have been registered under this section, the nominated person and his servants and agents acting with his authority, may—

- (a) on or in the registered premises, be in possession of, produce, prepare or manufacture a psychotropic substance; and
- (b) subject to sub-section (17), on, in or from those premises sell or supply to another person a psychotropic substance.

(17) Nothing in this section permits the sale or supply of a psychotropic substance—

- (a) to a person for whom a registered medical practitioner or veterinary surgeon has prescribed, for any purpose, a psychotropic substance; or
- (b) to any other person unless he is a person authorized or permitted under or by virtue of this Ordinance to be in possession of, produce, prepare, manufacture, sell, deal in, traffic in or use that psychotropic substance or to supply or administer that psychotropic substance to another person.

(18) In this section, “register book” means the register book kept in accordance with sub-section (5).

Records to be kept by nominated person

10.(1) A nominated person shall keep in the registered premises a permanent record showing details—

- (a) of the names and addresses of the persons from whom he received any psychotropic substances;
- (b) of the nature and quantities of psychotropic substances which he has received, prepared, manufactured or used or sold or supplied to another person; and
- (c) the names and addresses of the persons to whom he has sold or supplied any psychotropic substances.

Penalty: 500 dollars or imprisonment for 6 months or both.

(2) On the request of a member of the Police Force, an inspector appointed under the *Poisons Ordinance* or a person authorized in writing under the hand of the Chief Medical Officer, a nominated person—

- (a) shall produce for inspection by that member of the Police Force, inspector or authorized person the record required to be kept under sub-section (1); and

(b) shall permit that member of the Police Force, inspector or authorized person—

(i) to take a copy of that record; and

(ii) to inspect the psychotropic substance kept by him in or on the registered premises.

Penalty: 500 dollars or imprisonment for 6 months or both.

**11.** Subject to this Ordinance, a person shall not use, have in his possession or attempt to obtain possession of a psychotropic substance.

Offence to use or have or attempt to have psychotropic substance in possession

Penalty: For a first offence—5,000 dollars;

For a second offence—imprisonment for 5 years;

For any subsequent offence—imprisonment for 10 years.

**12.**(1) Subject to this Ordinance a person shall not—

(a) administer a psychotropic substance to another person; or

(b) have in his opinion a psychotropic substance for the purpose of sale or supply to another person.

Offence to administer to another or to have possession of psychotropic substance for sale or supply

Penalty: For a first offence—imprisonment for 7 years;

For a second offence—imprisonment for 15 years;

For any subsequent offence—imprisonment for 25 years.

(2) A person who has in his possession a psychotropic substance specified in the first column of Schedule 3 in a quantity in excess of the quantity specified in the second column of that Schedule opposite that psychotropic substance in the first column shall be deemed to have that psychotropic substance in his possession for the purpose of sale or supply to another person unless the contrary is proved.

**13.**(1) The Chief Medical Officer may, in writing authorize a person, subject to the restrictions and conditions stated in that authorization, to be in possession of and use a psychotropic substance.

Authorized use of psychotropic substance

(2) An authority granted under this section may be revoked by the Chief Medical Officer.

(3) An authority granted under sub-section (1)—

(a) may specify the maximum quantity of the psychotropic substance which may be held at any one time for use; and

(b) may specify the purposes for which such a substance may be used.

(4) A person shall not fail, neglect or refuse to comply with a restriction or condition contained in an authority granted to him under this section.

Penalty: 1,000 dollars or imprisonment for one year or both.

(5) It is not an offence for a person to whom an authority under this section has been granted and not revoked to be possession of and use a psychotropic substance in accordance with the restrictions or conditions applicable to that authority.

Registered  
medical  
practitioner  
may sell, &c.,  
psychotropic  
substance  
subject to  
conditions

14.(1) Subject to sub-sections (2) and (3), it is not an offence for a registered medical practitioner in the normal conduct of his profession—

- (a) to purchase or be in possession of a psychotropic substance;
- (b) to sell or supply a psychotropic substance to a person for use by that person for a therapeutic purpose;
- (c) to administer, for a therapeutic purpose, a psychotropic substance to a person; or
- (d) to prepare a psychotropic substance.

(2) Notwithstanding sub-section (1), a registered medical practitioner shall not—

- (a) sell or supply to a person; or
- (b) administer to a person,  
a psychotropic substance of a kind specified in Part I of Schedule 2 except—

- (c) for or in connexion with the treatment of—
  - (i) narcolepsy; or
  - (ii) a hyperkinetic brain damaged child; or
- (d) in any other case—in accordance with the written authority of the Chief Medical Officer.

Penalty: Imprisonment for 10 years.

(3) Notwithstanding sub-section (1), a registered medical practitioner shall not—

- (a) sell or supply to a person; or
- (b) administer to a person,  
a psychotropic substance of a kind specified in Parts II and III of Schedule 2 for the reason only that that person is an addict.

Penalty: Imprisonment for 25 years.

(4) For the purposes of this Ordinance, a registered medical practitioner who prescribes for a person a psychotropic substance shall be deemed to have supplied that psychotropic substance to that person.

15.(1) It is not an offence for a registered pharmacist to purchase or be in possession of a psychotropic substance in the normal exercise of his profession.

Registered pharmacist may sell, &c., psychotropic substance subject to conditions

(2) Subject to sub-section (3), it is not an offence for a registered pharmacist to sell or supply psychotropic substance to—

- (a) a registered medical practitioner;
- (b) a registered dentist;
- (c) a registered veterinary surgeon;
- (d) a registered pharmacist;
- (e) a person presenting a written prescription signed by a registered medical practitioner or a registered veterinary surgeon for that psychotropic substance and being a person who that registered pharmacist has no reason to suspect is unlawfully in possession of that prescription; or
- (f) a person entitled under this Ordinance to be in possession of that substance.

(3) Sub-section (2) does not authorize—

- (a) the sale or supply to a registered dentist or a registered veterinary surgeon of a psychotropic substance of a kind specified in Part I of Schedule 2; or
- (b) the sale or supply of a psychotropic substance of which a registered veterinary surgeon may not be in possession to a person presenting a written prescription signed by a veterinary surgeon.

(4) Where a registered pharmacist has sold or supplied a psychotropic substance in accordance with sub-section (2) (e), he shall retain the written prescription for a period of 2 years from the date of sale or supply.

Penalty: 500 dollars or imprisonment for 6 months or both.

16. It is not an offence for a registered dentist in the normal exercise of his profession—

Registered dentist may administer certain psychotropic substance

- (a) to purchase or be in possession of a psychotropic substance; or
- (b) to administer to a person a psychotropic substance, of a kind specified in Parts II and III of Schedule 2.

17.(1) It is not an offence for a registered veterinary surgeon—

Registered veterinary surgeon may use certain psychotropic substance

- (a) to purchase or be in possession of a psychotropic substance of a kind specified in Parts II and III of Schedule 2 for use in the normal exercise of his profession; or
- (b) to sell or supply such a substance to a person for administration to an animal.

(2) For the purpose of this Ordinance, a registered veterinary surgeon who prescribes for a person for any purpose a psychotropic substance shall be deemed to have supplied that psychotropic substance to that person.

Conditions under which person may purchase, possess or use psychotropic substance

**18.**(1) It is not an offence for a person to purchase, or be in possession of a psychotropic substance if that person has been lawfully sold, or supplied with, that substance—

- (a) by a registered medical practitioner;
- (b) by a registered veterinary surgeon for the purpose of administering that psychotropic substance to an animal;
- (c) by a registered pharmacist in accordance with a written prescription of a registered medical practitioner, as or on behalf of the person for whom that psychotropic substance has been prescribed; or
- (d) by a registered pharmacist in accordance with a written prescription of a registered veterinary surgeon, as or on behalf of the owner or keeper of an animal.

(2) It is not an offence for a person for whom a psychotropic substance has been prescribed to use that substance for the purpose for which it was prescribed.

Restrictions on advertising of psychotropic substance

**19.**(1) Subject to sub-section (2), a person shall not publish an advertisement in any form—

- (a) to the effect that he or any other person is willing or entitled to sell or supply a psychotropic substance; or
  - (b) promoting or encouraging the use of a psychotropic substance.
- Penalty: 2,000 dollars or imprisonment for 2 years or both.

(2) This section does not apply to an advertisement in a magazine, journal, circular or paper—

- (a) circulated only amongst medical practitioners, dentists, veterinary surgeons or pharmacists; or
- (b) exempted by the Administrator from the provisions of this section by notice published in the *Gazette*.

Chief Medical Officer may require containers, packages or leaflets to include certain information

**20.**(1) The Chief Medical Officer may, by notice published in the *Gazette*, direct—

- (a) that the label attached to a container containing a specified psychotropic substance; or
- (b) an outer package containing a specified psychotropic substance or a leaflet included with such a package, shall include directions for the use of that substance and a warning, as specified in the notice, regarding the effects which that substance may have on the health or safety of a person using that substance.

(2) A person selling or supplying a psychotropic substance to another person shall not fail, refuse or neglect to comply with the requirements of a notice published in accordance with sub-section (1).

Penalty: 2,000 dollars or imprisonment for 2 years or both.

21.(1) Subject to section (2), a person authorized or permitted under this Ordinance to be in possession of a psychotropic substance shall, except when a psychotropic substance is being removed for use in accordance with this Ordinance, keep that substance locked in a safe, cupboard or container of a type approved in writing by the Chief Medical Officer.

Psychotropic substance to be kept locked in safe, &c.

Penalty: 1,000 dollars or imprisonment for one year or both.

(2) Sub-section (1) does not apply to a person authorized under section 18 to purchase or be in possession of a psychotropic substance.

22.(1) Subject to sub-section (2), the Chief Medical Officer may, by notice published in the *Gazette*, exempt a preparation containing a psychotropic substance from the provisions of this Ordinance or from such of the provisions of this Ordinance as are specified in that notice.

Exemption of certain preparations containing psychotropic substance

(2) Sub-section (1) applies only where the Chief Medical Officer is satisfied that the psychotropic substance cannot be separated from the preparation or that the preparation cannot be treated or used in such a manner as will allow abuse of the psychotropic substance contained in it.

#### PART IV—MISCELLANEOUS

23.(1) Where it is made to appear to a Justice, by application on oath, that there are reasonable grounds for believing—

Search warrant

- (a) that there is in or on certain premises or a vehicle or vessel a dangerous drug, opium or a psychotropic substance; or
- (b) that a dangerous drug, opium or a psychotropic substance may be concealed on a person or on or in any property in the immediate control of a person,

that Justice may issue a warrant authorizing a member of the Police Force named in the warrant, with such assistance as he thinks necessary, to search—

- (c) in the case of paragraph (a)—the premises, vehicle or vessel;  
or
- (d) in the case of paragraph (b)—
  - (i) the body of that person;
  - (ii) the clothing worn by that person; or
  - (iii) the property in the immediate control of that person.

- (2) Under this section—
- (a) an application for a warrant and any submissions concerning that application may be made;
  - (b) any information concerning an application may be furnished; and
  - (c) any oath may be administered,
- in whole or in part, by telephone, telex, radio or other similar facilities.
- (3) A warrant—
- (a) shall—
    - (i) if it is issued under sub-section (1)(a)—be substantially in accordance with the form prescribed in Schedule 4; and
    - (ii) if it is issued under sub-section (1)(b)—be substantially in accordance with the form prescribed in Schedule 5; and
  - (b) shall remain in force for such period as the Justice issuing it stipulates in the warrant.
- (4) Where a warrant is issued by a Justice as the result of an action taken under or in pursuance of sub-section (2), that Justice shall send that warrant or a copy thereof as soon as practicable after its issue to the Commissioner of Police.
- (5) Where it is necessary for a member of the Police Force to satisfy any person that a warrant under this section was issued authorizing that member to conduct a search and, for reasonable cause, that member cannot at the time produce the warrant, he may produce a copy of the warrant completed and endorsed in accordance with sub-section (6) and that production shall be deemed to be a production of the warrant.
- (6) To comply with sub-section (5), a member of the Police Force—
- (a) shall complete a form of warrant substantially in the terms of the warrant issued by the Justice; and
  - (b) shall write on that form of warrant a statement that a warrant in those terms was issued giving—
    - (i) the name of the Justice who issued that warrant; and
    - (ii) the date on which and time and place at which it was issued.
- (7) Where it is necessary for a court, in any proceeding, to be satisfied that a search was authorized by a warrant issued by a Justice in accordance with this section, and the warrant issued by the Justice under



this section is not produced in evidence, the court shall assume, unless the contrary is proved, that the search was not authorized by that warrant.

24. A member of the Police Force may stop, search and detain— Power of police to stop, search and detain

- (a) a vessel, vehicle, caravan, trailer or other conveyance in which he has reason to suspect—
  - (i) that any dangerous drug;
  - (ii) that opium; or
  - (iii) that a psychotropic substance, may be found; and
- (b) a person in a public place who that member has reason to suspect has in his possession, or is in any way conveying a dangerous drug, opium or psychotropic substance.

25. The power to search conferred by section 24 or under a warrant issued under section 23 authorizes a member of the Police Force— Meaning of power to search

- (a) to use such reasonable force as is necessary to break into, enter and search the premises or conveyance to be searched;
- (b) to use such reasonable force as is necessary to open any cupboard, drawer, chest, trunk, box, package or other receptacle, whether a fixture or not, found on or in those premises or in that conveyance; and
- (c) to search a person found on or in the premises being searched.

26.(1) A search under this Ordinance of a female shall be carried out only— Search of female

- (a) by a female member of the Police Force;
- (b) by a medical practitioner registered under the *Medical Practitioners Registration Ordinance* and authorized by a member of the Police Force to carry out that search; or
- (c) where there is neither a female member of the Police Force nor a medical practitioner available—by a female person authorized by a member of the Police Force to carry out that search.

(2) Where a medical practitioner or a female person is authorized in pursuance of sub-section (1) to carry out a search of a female, the medical practitioner or female person carrying out that search has, for the purposes of that search, the same powers, and is subject to the same protection, as a member of the Police Force.

Members of the Police Force and certain other persons may in certain circumstances be in possession of a dangerous drug, &c.

27.(1) Notwithstanding anything contained in this Ordinance, the possession of a dangerous drug, opium or a psychotropic substance by a member of the Police Force or any other person authorized by a member of the Police Force is not an offence if that dangerous drug, opium or psychotropic substance—

- (a) was seized or obtained in—
  - (i) the execution of the duties; or
  - (ii) the exercise of the powers, of that member or other person, under this Ordinance;
- (b) is in his possession pending the institution and hearing of proceedings under this Ordinance; or
- (c) is in his possession for a purpose associated with the administration of this Ordinance.

(2) A dangerous drug, opium or a psychotropic substance shall be deemed to be in the possession of a person for a purpose associated with the administration of this Ordinance if it is held by him for analysis for the purpose of proceedings for an offence or of qualifying him to give evidence at the hearing of those proceedings.

(3) Where proceedings for an offence have commenced, no member of the Police Force who has purchased a dangerous drug, opium or a psychotropic substance and no person who has purchased a dangerous drug, opium or a psychotropic substance at the request in writing of a member of the Police Force shall, by reason of that circumstance, be deemed an accomplice in that offence or guilty of an offence, nor shall the evidence of the member of the Police Force or of that person be deemed, on the hearing of the proceedings, to be the evidence of an accomplice.

Seizure of drugs, &c.

28.(1) A member of the Police Force may seize—

- (a) a substance that is in the possession of a person or found as the result of a search and being a substance that that member has reason to suspect is a dangerous drug, opium or a psychotropic substance;
- (b) any money or valuable security found—
  - (i) in the possession of a person; or
  - (ii) as the result of a search, being money or security that that member has reason to suspect is the proceeds of the sale of a dangerous drug, opium or a psychotropic substance; or

(c) where a person is apprehended for a breach of this Ordinance, an article—

(i) found in that person's possession; or

(ii) found as the result of a search,

being an article that is used in the production, smoking, consumption or administration of opium or the preparation of opium for smoking or the preparation, manufacture, consumption or administration of a dangerous drug or a psychotropic substance.

(2) In this section, "search" means a search under a power conferred under or by virtue of this Ordinance.

**29.**(1) Upon the conviction of a person for an offence against this Ordinance any dangerous drug, opium or psychotropic substance in respect of which the conviction is made or any article seized under section 28(1)(c) is forfeited to the Crown. Forfeiture

(2) Where it is proved to the satisfaction of the court, that a sum of money or valuable security, seized under section 28(1)(b) has been obtained from the sale of a dangerous drug, opium or a psychotropic substance, then, unless the court otherwise directs, that money or valuable security is forfeited to the Crown.

**30.**(1) When a thing is seized under this Ordinance and no proceedings are instituted for an offence relating to the thing seized, the Commissioner of Police—

Notice to claim things seized

(a) shall return the thing seized to the person who he reasonably believes is its owner; or

(b) shall, by notice in writing, where he is not satisfied as to whom that thing should be returned, require the person from whom the thing was seized, or any person appearing to the Commissioner of Police to be the likely owner of that thing, to claim delivery to him of that thing.

(2) If no claim is made within 21 days of the date of service of the notice in writing, or the person to whom the notice is addressed cannot be found, the thing seized is forfeited to the Crown and shall be disposed of in the manner directed by the Administrator.

(3) Where a person served with a notice under sub-section (1) makes a claim for the delivery to him of a thing seized, the Commissioner of Police shall refer the claim to a court of summary jurisdiction and the court may deal with the matter as if the claim were made by a claimant of property under section 130B of the *Justices Ordinance*.

**31.**(1) All offences against this Ordinance, except those against sections 9(13) and (15), 10, 15(4) and 30, are indictable offences.

Types of offences and application

(2) Section 120 of the *Justices Ordinance* does not apply to an offence against section 5(a), 6(a) or 11.

(3) Division 2 of Part V of the *Justices Ordinance* does not apply to an offence against section 5(b) or (c), 6(b) or (c), 8 or 12.

(4) Section 75(7) of the *Justices Ordinance* does not apply to or in respect of an offence.

Evidence of  
analysis by  
certificate

**32.**(1) Subject to sub-section (2), in proceedings for an offence a certificate purporting to be signed by a person who claims in the certificate that he carried out a scientific analysis or examination—

- (a) setting out particulars of his qualifications to carry out that analysis or examination;
  - (b) identifying the thing analysed or examined by him; and
  - (c) giving particulars concerning the analysis or examination that he carried out and stating the conclusions at which he arrived,
- is evidence of the matter stated in that certificate.

(2) A certificate may not be tendered in pursuance of sub-section (1), without the consent of the person charged—

- (a) unless, at least 7 days before the certificate is tendered, the person intending to tender the certificate serves upon the person charged with the offence—
  - (i) a copy of the certificate; and
  - (ii) a notice in writing drawing the attention of the person charged to this section, informing him that it is proposed to tender the certificate in evidence in the proceedings and furnishing the name of a person (herein called “the prosecutor”) who will accept service of notices and an address for service; or
- (b) if, within 4 days of being served with a certificate and notice under paragraph (a), the person charged serves upon the prosecutor a notice in writing that the person charged objects to the certificate being given in evidence.

Court may  
award costs to  
include expenses

**33.** Where a scientific analysis or examination has been carried out for the purpose of proceedings for an offence, the court may, in addition to any other order as to costs, make such order as it thinks proper—

- (a) as to the payment of the expenses of and incidental to the analysis or examination; and
- (b) where the person charged has served a notice of objection under section 32(2)(b)—as to the payment of the expenses of and incidental to the attendance at court of the person who carried out the analysis or examination.

34. A person shall not obstruct or hinder a member of the Police Force in the performance of his duties under this Ordinance, or in the execution of the powers by this Ordinance vested in him. Obstruction of police

Penalty: 500 dollars or imprisonment for 6 months or both.

35. The Administrator in Council may make regulations, not inconsistent with this Ordinance, prescribing all matters required or permitted to be prescribed or necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance. Regulations

SCHEDULE 1

Section 3

Repealed Ordinances

<i>Dangerous Drugs Ordinance</i>	1928
<i>Dangerous Drugs Ordinance (No. 2)</i>	1928
<i>Dangerous Drugs Ordinance</i>	1933
<i>Dangerous Drugs Ordinance</i>	1934
<i>Dangerous Drugs Ordinance</i>	1939
<i>Dangerous Drugs Ordinance</i>	1941
<i>Dangerous Drugs Ordinance</i>	1956
<i>Dangerous Drugs Ordinance</i>	1964
<i>Dangerous Drugs Ordinance</i>	1967
<i>Dangerous Drugs Ordinance</i>	1969
<i>Dangerous Drugs Ordinance</i>	1973

SCHEDULE 2

Sections 4, 14, 16 and 17

Psychotropic Substances

PART I

Item	International non-proprietary names	Chemical name
1.	AMPHETAMINE . . . . .	(+)-2-amino-1-phenylpropane
2.	DEXAMPHETAMINE . . . . .	(+)-2-amino-1-phenylpropane
3.	METHAMPHETAMINE . . . . .	(+)-2-methylamino-1-phenylpropane
4.	METHYLPHENIDATE . . . . .	2-phenyl-2-(2-piperidyl) acetic acid, methyl ester
5.	PHENCYCLIDINE . . . . .	1-(1-phenylcyclohexyl) piperidine
6.	PHENMETRAZINE . . . . .	3-methyl-2-phenylmorpholine

PART II

Item	International non-proprietary names	Chemical name
1.	AMOBARBITAL . . . . .	5-ethyl-5-(3-methylbutyl) barbituric acid
2.	CYCLOBARBITAL . . . . .	5-(1-cyclohexen-1-yl)-5-ethylbarbituric acid
3.	GLUTETHIMIDE . . . . .	2-ethyl-2-phenylglutarimide
4.	PENTOBARBITAL . . . . .	5-ethyl-5-(1-methylbutyl) barbituric acid
5.	SECOBARBITAL . . . . .	5-allyl-5-(1-methylbutyl) barbituric acid

*Dangerous Drugs*

PART III

Item	International International non-proprietary names	Other Other non-proprietary names	Chemical name
1.	AMFEPRAMONE . . . . .		2-(diethylamino) propiophenone
2.	BARBITAL . . . . .		5, 5-diethylbarbituric acid
3.	. . . . . ethchlorvynol		ethyl-2-chlorovinylethynyl carbinol
4.	ETHINAMATE . . . . .		1-ethynylcyclohexanolcarbamate
5.	MEPROBAMATE . . . . .		2-methyl-2-propyl-1, 3-propanediol dicarbamate
6.	METHAQUALONE . . . . .		2-methyl-3-o-totyl-4 (3H)-quinazolinone
7.	METHYLPHENO-BARBITOL . . . . .		5-ethyl-1-methyl-5-phenyl-barbituric acid
8.	METHYPRYLON . . . . .		3, 3-diethyl-5-methyl-2, 4- piperidine dione
9.	PHENOBARBITAL . . . . .		5-ethyl-5-phenylbarbituric acid
10.	PIPRADROL . . . . .		1, 1-diphenyl-1-(2-piperidyl) methanol
11.	. . . . . SPA . . . . .		(-)-1-dimethylamino-1, 2 diphenylethane

SCHEDULE 3

Section 12

Minimum Quantities of Dangerous Drugs

Item	Psychotropic Substance	Quantity
1.	Amphetamine . . . . .	0.5 grams
2.	Dexamphetamine . . . . .	0.5 grams
3.	Methamphetamine . . . . .	0.5 grams
4.	Methylphenidate . . . . .	0.5 grams
5.	Phencyclidine . . . . .	0.5 grams
6.	Phenmetrazine . . . . .	1.25 grams

SCHEDULE 4

Section 23

DANGEROUS DRUGS ORDINANCE

SEARCH WARRANT

To: (full name) , a member of the Police Force of the Northern Territory.

WHEREAS, on an application on oath under the *Dangerous Drugs Ordinance*, in relation to premises at (give address or otherwise identify premises) [or a vehicle (identify vehicle) or a vessel (identify vessel)]

I, (full name) , a Justice within the meaning of that expression in that Ordinance, am satisfied—

- (a) that there is reasonable ground for believing that there is on or in those premises (or that vehicle or that vessel) a dangerous drug, opium or a psychotropic substance; and
- (b) that the issue of a warrant is reasonably required for the purposes of that Ordinance;

YOU ARE HEREBY AUTHORIZED, with such assistance as you think necessary, to enter those premises (or that vehicle or that vessel), during the hours of (or at any time), if necessary by force, for the purpose of exercising the powers of a member of the Police Force under that Ordinance, namely to search those premises (or that vehicle or that vessel) and—

- (a) to use such reasonable force as is necessary to open any cupboard, drawer, chest, trunk, box, package or other receptacle, whether a fixture or not, found on or in those premises (or that vehicle or that vessel);

SCHEDULE 4—continued

- (b) to seize—
  - (i) any substance found in the possession of a person or as the result of the search which you have reason to suspect is a dangerous drug, opium or a psychotropic substance;
  - (ii) any money or valuable security found as a result of the search and suspected of being the proceeds of sale of a dangerous drug, opium or a psychotropic substance; or
  - (iii) any article found as a result of the search, being an article of a type used in the production, preparation, manufacture, consumption, smoking or administration of a dangerous drug, opium or a psychotropic substance;
- (c) to search any person found on or in those premises (or that vehicle or that vessel); and
- (d) to do or perform such other acts as that Ordinance permits.

AND for so doing, this shall be your sufficient warrant.

The authority granted by this warrant expires on (insert date)

Issued at o'clock in the noon this day of 19 .

Justice.

SCHEDULE 5

Section 23

DANGEROUS DRUGS ORDINANCE

SEARCH WARRANT

TO: (full name), a member of the Police Force of the Northern Territory.

WHEREAS, on an application on oath under the Dangerous Drugs Ordinance, in relation to (full name) of (address) (in this warrant called "the person named") I, (full name), a Justice within the meaning of that expression in that Ordinance, am satisfied, by information—

- (a) that there is reasonable ground for believing that a dangerous drug, opium or a psychotropic substance—
  - (i) is concealed on the person named; or
  - (ii) is concealed on or in property in the immediate control of the person named; and
- (b) that the issue of a warrant is reasonably required for the purposes of that Ordinance;

YOU ARE HEREBY AUTHORIZED, with such assistance as you think necessary—

- (a) to use such reasonable force as is necessary to search—
  - (i) the body of the person named;
  - (ii) the clothing worn by the person named; and
  - (iii) property in the immediate possession of the person named, namely (describe the property to be searched);

- (b) to seize—
  - (i) any substance found as the result of the search which you have reason to suspect is a dangerous drug, opium or a psychotropic substance reasonably suspected of being a thing connected with an offence;
  - (ii) any money or valuable security found as a result of the search and suspected of being the proceeds of sale of a dangerous drug, opium or a psychotropic substance; or
  - (iii) any article found as a result of the search and being an article of a type used in the production, preparation, manufacture, consumption, smoking or administration of a dangerous drug, opium or psychotropic substance; and
- (c) to do or perform such other acts as that Ordinance permits.

AND for so doing, this shall be your sufficient warrant.

The authority granted by this warrant expires on (insert date).

Issued at o'clock in the noon this day of , 19 .

Justice.

