

BETWEEN:

**ATTORNEY-GENERAL FOR THE
NORTHERN TERRITORY**
First Appellant

and

**THE NORTHERN TERRITORY
OF AUSTRALIA**
Second Appellant

and

REGINALD WILLIAM EMMERSON
First Respondent

and

**THE DIRECTOR OF PUBLIC
PROSECUTIONS**
Second Respondent



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APPELLANTS' CHRONOLOGY

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Part I:

I certify that this chronology is in a form suitable for publication on the internet.

Part II:

1. On 17 August 2007, the first respondent was convicted of the following offences which he committed on 28 February 2007:

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- (a) unlawful possession of 5.9 grams of MDMA (commonly known as ecstasy) which is a trafficable quantity of the dangerous drug, contrary to ss 9(1) and (2)(e) of the MDA;
 - (b) unlawful possession of methyl amphetamine (commonly known as ice or crystal meth) contrary to s 9(1) of the MDA;
 - (c) unlawful possession of lysergic acid (commonly known as LSD) contrary to s 9(1) and s (2)(c)(i) of the MDA;

- (d) unlawful possession of cannabis plant material contrary to ss 9(1) and (2)(f)(ii) of the MDA; and
- (e) administering MDMA, methyl amphetamine and cannabis to himself contrary to s 13 of the MDA.

2. On 12 March 2010, the first respondent was convicted of the following offences which he committed on 17 October 2008:

- 10 (a) unlawful possession of 20.8 grams of cannabis oil which is a trafficable quantity of the dangerous drug, contrary to ss 9(1) and (2)(e) of the MDA; and
- (b) unlawful possession of 64.1 grams of cannabis plant material which is a trafficable quantity of the dangerous drug, contrary to ss 9(1) and (2)(e) of the MDA.

3. On 21 February 2011, the first respondent was charged with drug offences allegedly committed on 18 February 2011.

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4. On 28 February 2011, the second respondent (**DPP**) filed an application for a restraining order under ss 41(2), 44(1)(a) and 44(2) of the CPFA. The basis of the application was that if the first respondent was convicted of the supply on 17 February 2011 of 18.6640 kilograms of cannabis it could lead to him being declared to be a drug trafficker under s 36A(3) of the MDA.

5. On 11 April 2011, the Supreme Court made a restraining order until further order in relation to the following real and personal property owned and/or effectively controlled by the first respondent:

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- (a) a 10 acre freehold estate being Section 4188 Hundred of Strangways;
- (b) 12 motor vehicles, comprising a ute, a van, a boat and trailer, and 9 motorcycles;
- (c) approximately \$27,000 in a savings account;
- (d) approximately \$90,000 in a term deposit;
- 40 (e) cash in the sum of \$70,050;
- (f) approximately \$11,000 in a cheque account; and
- (g) all other property owned or effectively controlled by the first respondent at the time of the order, or acquired by him after the time of the order with the exception of lawfully derived income or benefits payable under statute.

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6. On 22 September 2011, the first respondent was convicted of the following offences which he committed on 18 February 2011:

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- (a) unlawfully supplying 18.6646 kilograms of cannabis which is a commercial quantity of the dangerous drug, contrary to ss 5(1) and (2)(b)(iii) of the MDA; and
 - (b) possessing \$70,050 which the respondent obtained directly from the commission of offences against s 5 of the MDA, contrary to s 6(1)(a) of the MDA.
- 10 7. On 13 February 2012, the DPP filed an application in the Supreme Court seeking that the first respondent be declared a drug trafficker under s 36A(3) of the MDA.
8. On 15 August 2012, as part of the decision at first instance, the Supreme Court:
- (a) found that the first respondent had been convicted of the offences referred to in pars 1, 2 and 6 above;
- 20 (b) found that the first respondent's convictions for the first offence referred to in par 1 above, the two offences referred to in par 2 above, and the first offence referred to in par 6 above made him liable to a declaration under s 36A of the MDA; and
- (c) declared the first respondent a drug trafficker in accordance with s 36A(3) of the MDA.

Dated: 15 November 2013

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