

22.3/83

SUPREME COURT OF THE NORTHERN TERRITORY

R v MACKIE

O'Leary J

10 November 1982 — (1982) 18 NTR 42

DRUGS – DEFENDANT FOUND IN POSSESSION OF DRUGS IN HIS MOTOR VEHICLE – VEHICLE HAD BEEN USED TO TRANSPORT THE DRUGS – OPEN TO THE COURT TO MAKE AN ORDER THAT THE VEHICLE BE FORFEITED TO THE CROWN.

O'LEARY J: had occasion to decide whether certain goods should be forfeited relating to the commission of an offence of producing and possessing for sale a certain quantity of cannabis contrary to the *Prohibited Drugs Act* 1978 (NT). The cannabis had been found in the defendant's motor vehicle which had been used to transport the drug, and the Crown sought an order for the forfeiture of the vehicle. Section 17 of the Act requires that the court may order forfeiture of "any money, money's worth, security, acknowledgment, note or other thing that relates to that offence" provided that "it was used in the commission of the offence". In expressing the view that the provisions of the Act embraced "a wide range of things used or acquired in illegal dealings in drugs", His Honour was of the opinion that a motor vehicle was a thing that, in a proper case, was liable to forfeiture under s17(2) of the Act. On the facts of the case, His Honour thought that the defendant's motor vehicle was something that could "fairly be said to relate to the offence of which he was convicted" and accordingly, he ordered that the defendant's Toyota four-wheel-drive motor vehicle be forfeited to the Crown.
