



AUSTRALIAN CAPITAL TERRITORY

Drugs of Dependence (Amendment) Act 1992

No. 52 of 1992

An Act to amend the *Drugs of Dependence Act 1989*

[Notified in ACT Gazette S158: 18 September 1992]

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Short title

1. This Act may be cited as the *Drugs of Dependence (Amendment) Act 1992*.

Principal Act

2. In this Act, “Principal Act” means the *Drugs of Dependence Act 1989*.¹

Insertion

3. After section 171 of the Principal Act the following section is inserted:

Offence notices

“171A. (1) Where a police officer reasonably believes that a person has committed a simple cannabis offence, he or she may serve an offence notice on that person.

“(2) Where an offence notice is served on a child and the police officer serving the notice reasonably believes that the child is residing with a person who stands in *loco parentis* to that child, the police officer shall serve, or cause to be served, a copy of the notice on that person.

“(3) An offence notice shall—

- (a) specify the nature of the alleged simple cannabis offence;
- (b) specify the date on which and the time and place at which the simple cannabis offence is alleged to have been committed;
- (c) contain a statement to the effect that, if the alleged offender pays the prescribed penalty for the alleged offence within 60 days after the date of service of the notice, no further action will be taken in respect of that offence;
- (d) specify the amount of the prescribed penalty;
- (e) specify the place at which, and the manner in which, the prescribed penalty may be paid; and
- (f) contain such other particulars (if any) as are prescribed.

“(4) If the prescribed penalty is paid in accordance with the offence notice—

- (a) any liability of the person in respect of the alleged simple cannabis offence shall be deemed to be discharged;
- (b) no further proceedings shall be taken in respect of the alleged simple cannabis offence; and
- (c) the person shall not be regarded as having been convicted of the alleged simple cannabis offence.

“(5) Any substance, equipment or object seized under any Act in connection with the alleged simple cannabis offence that would have been liable to forfeiture in the event of a conviction shall, on payment of the prescribed penalty in accordance with the offence notice, be forfeited to the Territory.

“(6) Subject to subsection (4), nothing in this section shall be construed as affecting the institution or prosecution of proceedings for a simple cannabis offence.

“(7) In this section—

‘child’ means a person who is under the age of 18 years on the date of the alleged offence;

‘simple cannabis offence’ means—

- (a) an offence under subsection 162 (2) of cultivating, or participating in the cultivation of, not more than 5 cannabis plants; or
- (b) an offence under subsection 171 (1) of possessing not more than 25 grams of cannabis.

“(8) In relation to a simple cannabis offence, the prescribed penalty is \$100.”.

NOTE

1. Ordinance No. 11, 1989 as amended by Nos. 21 and 38, 1989; Act No. 63, 1990; Nos. 5 and 44, 1991.

[Presentation speech made in Assembly on 19 August 1992]

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