

1992  
THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

---

(As presented)

(Mr Moore)

**Drugs of Dependence (Amendment) Bill  
(No. 2) 1992**

---

**A BILL  
FOR**

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

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

**Short title**

- 5     1. This Act may be cited as the *Drugs of Dependence (Amendment) Act (No. 2) 1992*.

**Principal Act**

2. In this Act, "Principal Act" means the *Drugs of Dependence Act 1989*.<sup>1</sup>

**Insertion**

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

---

Job No.: 1992/88

30/7/92—11:39 AM

**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.

5 “(2) Where an offence notice is served on a child, a copy of that notice shall be served—

- (a) on the person with whom the child normally resides; and
- (b) where the child has a parent or guardian with whom the child does not normally reside—on that parent or guardian.

10 “(3) An offence notice shall—

- (a) specify the nature of the alleged simple cannabis offence;
- (b) specify the day on which and the time and place at which the simple cannabis offence is alleged to have been committed;
- 15 (c) contain a statement to the effect that, if the alleged offender pays the scheduled 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 scheduled penalty;
- (e) specify the place at which, and the manner in which, the scheduled  
20 penalty may be paid; and
- (f) contain such other particulars (if any) as are prescribed.

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

- 25 (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.

30 “(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 scheduled 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—

- 5 ‘child’ means a person who is under the age of 18 years on the date of the alleged offence;
- ‘scheduled penalty’, in relation to a simple cannabis offence, means the penalty specified in Column 2 of Schedule 6 opposite that offence;
- 10 ‘simple cannabis offence’ means an offence specified in Column 1 of Schedule 6.”.

#### Addition

4. The Principal Act is amended by adding at the end the following Schedule:

#### SCHEDULE 6

Section 171A

#### SIMPLE CANNABIS OFFENCES AND PENALTIES

Column 1 Offence	Column 2 Penalty
An offence arising out of the possession of less than 25 grams of cannabis	\$40
An offence arising out of the possession of less than 5 grams of cannabis resin	\$40
An offence arising out of the possession of an amount of cannabis of not less than 25 grams but not exceeding 100 grams	\$100
An offence arising out of the possession of an amount of cannabis resin of not less than 5 grams but not exceeding 20 grams	\$100
An offence arising out of the smoking or consumption of cannabis or cannabis resin other than in a public place or prescribed place	\$40
An offence arising out of the cultivation of less than 3 cannabis plants by the offender for his or her personal use	\$100

**NOTE**

1. Ordinance No. 11, 1989 as amended by Nos. 21 and 38, 1989; Act No. 63, 1990; Nos. 5 and 44, 1991; Nos. and , 1992.