

House of Assembly—No 97

As received from the Legislative Council and read a first time, 24 March 2011

South Australia

**Controlled Substances (Simple Cannabis Offences)
Amendment Bill 2010**

A BILL FOR

An Act to amend the *Controlled Substances Act 1984*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Controlled Substances (Simple Cannabis Offences) Amendment Act 2010*.

5 2—Commencement

This Act will come into operation 1 month after the date of assent.

3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

10 Part 2—Amendment of *Controlled Substances Act 1984*

4—Amendment of section 45A—Expiation of simple cannabis offences

- (1) Section 45A(2)—delete "an expiation notice must be given to the alleged offender under the *Expiation of Offences Act 1996*" and substitute:

15 the alleged offender must be given an expiation notice under the *Expiation of Offences Act 1996* and (if it is reasonably available to the police officer giving the expiation notice) a notice containing the prescribed information

- (2) Section 45A(3)—delete subsection (3) and substitute:

(3) The expiation fee for a simple cannabis offence is—

- 20 (a) if no regulation of a kind referred to in paragraph (b) is made in relation to the offence—the expiation fee set out in Schedule 1 in relation to the offence (the *Schedule fee*); or
- (b) if a regulation is made prescribing an expiation fee in relation to the offence of an amount greater than the Schedule fee—the expiation fee prescribed by regulation.

(3) Section 45A(8)—before the definition of *simple cannabis offence* insert:

prescribed information means information, in a form approved by the Minister, about the health risks and criminal penalties relating to cannabis consumption;

5 (4) Section 45A(8), definition of *simple cannabis offence*, (a) and (b)—delete paragraphs (a) and (b) and substitute:

(a) an offence against section 33K(2) involving the cultivation (not being artificially enhanced cultivation) of not more than 1 cannabis plant; or

10 (b) an offence against section 33L(2)(a) other than an offence involving the possession of—

(i) 25 grams or more of cannabis; or

(ii) 5 grams or more of cannabis resin; or

(iii) any quantity of cannabis oil; or

15 **5—Insertion of Schedule 1**

After section 63 insert:

Schedule 1—Expiation fees for simple cannabis offences

	Description of offence	Expiation fee
1	Offence involving cultivation of 1 cannabis plant	\$300
2	Offence arising out of the possession of less than 25 grams of cannabis	\$300
3	Offence arising out of the possession of less than 5 grams of cannabis resin	\$300
4	Offence arising out of the smoking or consumption of cannabis or cannabis resin (not being an offence committed in a public place or other prescribed place)	\$150
5	Offence arising out of the possession of equipment (1 or more pieces) for use in connection with the smoking or consumption of cannabis or cannabis resin (not being an offence involving the possession of such equipment for commercial purposes)	\$150
6	Offence referred to in item 4 accompanied by another simple cannabis offence relating to the possession, smoking or consumption of cannabis or cannabis resin	\$30

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