

(Reprint No. 2)

South Australia

**CONTROLLED SUBSTANCES (EXPIATION OF SIMPLE CANNABIS
OFFENCES) REGULATIONS 1987**

These regulations are reprinted pursuant to the Subordinate Legislation Act 1978 and incorporate all amendments in force as at 27 July 2000.

REGULATIONS UNDER THE CONTROLLED SUBSTANCES ACT 1984

CONTROLLED SUBSTANCES (EXPIATION OF SIMPLE CANNABIS OFFENCES) REGULATIONS 1987

being

No. 74 of 1987: *Gaz.* 30 April 1987, p. 1190¹

as varied by

No. 174 of 1987: *Gaz.* 30 July 1987, p. 300²

No. 99 of 1988: *Gaz.* 2 June 1988, p. 1837³

No. 188 of 1992: *Gaz.* 17 September 1992, p. 1116⁴

No. 7 of 1993: *Gaz.* 28 January 1993, p. 465⁵

No. 259 of 1996: *Gaz.* 23 December 1996, p. 2262⁶

¹ Came into operation 30 April 1987: reg. 2.

² Came into operation 1 August 1987: reg. 2.

³ Came into operation 1 August 1988: reg. 2.

⁴ Came into operation 17 September 1992: reg. 2.

⁵ Came into operation 1 February 1993: reg. 2.

⁶ Came into operation 3 February 1997: reg. 2.

N.B. The following regulations were disallowed on 12 July 2000:

No. 111 of 1999: *Gaz.* 3 June 1999, p. 3008 see *Gaz.* 27 July 2000, p. 308.

NOTE:

- Asterisks indicate repeal or deletion of text.
- Entries appearing in bold type indicate the amendments incorporated since the last reprint.
- For the legislative history of the regulations see Appendix.

Controlled Substances (Expiation of Simple Cannabis Offences) Regulations 1987 3

1. These regulations may be cited as the *Controlled Substances (Expiation of Simple Cannabis Offences) Regulations 1987*.

2. These regulations will come into operation on 30 April, 1987.

3. In these regulations:

the "Act" means the *Controlled Substances Act 1984*.

4. (1) For the purposes of paragraph (a) of the definition of "simple cannabis offence" in section 45A(8) of the Act, the following limits are fixed in respect of the possession of cannabis and cannabis resin:

(a) cannabis—possession of 100 grams or more is not expiable;

(b) cannabis resin—possession of 20 grams or more is not expiable.

(2) A motor vehicle, horse-drawn vehicle, train, tram or any other vehicle is, while in a public place, a prescribed place for the purposes of paragraph (b)(ii) of the definition of "simple cannabis offence" in section 45A(8) of the Act.

(3) For the purposes of paragraph (d) of the definition of "simple cannabis offence" in section 45A(8) of the Act, an offence involving cultivation of more than ten cannabis plants is not expiable.

5. For the purposes of section 45A(2) of the Act, the following fees are prescribed as the fees for the expiation of simple cannabis offences—

- (a) for an offence arising out of the possession of cannabis— \$
 - (i) where the amount is less than 25 grams 50;
 - (ii) where the amount is 25 grams or more but less than 100 grams 150;
 - (b) for an offence arising out of the possession of cannabis resin—
 - (i) where the amount is less than 5 grams 50;
 - (ii) where the amount is 5 grams or more but less than 20 grams 150;
 - (c) for an 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) 50;
 - (d) (i) for an offence arising out of the possession of equipment (one 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) 50;
- but
- (ii) if an offence referred to in subparagraph (i) is accompanied by another simple cannabis offence relating to the possession, smoking or consumption of cannabis or cannabis resin 10;
- (e) for cultivation of ten or less cannabis plants 150.

4 Controlled Substances (Expiation of Simple Cannabis Offences) Regulations 1987

8. (1) If a person wishes to dispute the weight of the cannabis or cannabis resin alleged to have been found in his or her possession, written notice may be given to the Commissioner of Police not later than 14 days after receipt of the expiation notice.

(2) A notice given under subregulation (1) must contain the information specified in respect of disputed weights on the back of the expiation notice.

* * * * *

APPENDIX

LEGISLATIVE HISTORY

Transitional Provisions

(Transitional provision from Regulation No. 259 of 1996, reg. 4)

4. A regulation varied or revoked by these regulations will continue to apply (as in force immediately prior to the variation or revocation coming into operation) to an expiation notice issued under the varied or revoked regulations.

Legislative History

Regulation 4(3):	inserted by 188, 1992, reg. 3
Regulation 5:	varied by 188, 1992, reg. 4
Regulations 6 and 7:	revoked by 259, 1996, reg. 3 (Sched. cl. 7)
Regulation 9:	revoked by 259, 1996, reg. 3 (Sched. cl. 7)
Schedule:	substituted by 174, 1987, reg. 3; 99, 1988, reg. 3; 7, 1993, reg. 3; revoked by 259, 1996, reg. 3 (Sched. cl. 7)