

South Australia

Controlled Substances (Expiation of Simple Cannabis Offences) Regulations 2002

under the *Controlled Substances Act 1984*

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Legislative history

1—Short title

These regulations may be cited as the *Controlled Substances (Expiation of Simple Cannabis Offences) Regulations 2002*.

2—Commencement

These regulations will come into operation on 1 September 2002.

3—Revocation

The *Controlled Substances (Expiation of Simple Cannabis Offences) Regulations 1987* (see *Gazette 30.4.1987 p1190*), as varied, are revoked.

4—Interpretation

In these regulations—

Act means the *Controlled Substances Act 1984*.

5—Definition of simple cannabis offence (section 45A(8))

- (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 1 cannabis plant is not expiable.

6—Expiation fees (section 45A(2))

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:

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|-----|---|-------|
| (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); but | \$50 |
| | (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 1 cannabis plant | \$150 |

7—Written notice of dispute to be given to Commissioner

- (1) If a person wishes to dispute the weight of the cannabis or cannabis resin alleged to have been found in the person's 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.

Legislative history

Notes

- Variations of this version that are uncommenced are not incorporated into the text.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2002	170	<i>Gazette 29.8.2002 p3261</i>	1.9.2002: r 2
2006	231	<i>Gazette 5.10.2006 p3663</i>	3.12.2006: r 2