

Serial 124
Misuse of Drugs
Amendment
Mr Hatton

NORTHERN TERRITORY OF AUSTRALIA
MISUSE OF DRUGS AMENDMENT BILL 1995

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NORTHERN TERRITORY OF AUSTRALIA

A BILL for AN ACT

to amend the *Misuse of Drugs Act*

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Misuse of Drugs Amendment Act 1995*.

2. COMMENCEMENT

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3. NEW PART

The *Misuse of Drugs Act* is amended by inserting after Part IIA the following:

"PART IIB - INFRINGEMENT NOTICES

"20A. DEFINITIONS

"In this Part, unless the contrary intention appears -

'offence' means an offence against -

- (a) section 7 where the prohibited plant is a cannabis plant and the number of plants being cultivated is not more than 2; or

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- (b) section 9 where the dangerous drug is one specified in column 1 of Schedule 3 and the amount of the drug in the possession of the person is less than the amount specified opposite the drug in column 2.

'offender' means a person who a member of the Police Force reasonably believes has committed an offence;

'infringement notice' means an infringement notice issued under this Part.

"20B. ISSUING OF INFRINGEMENT NOTICES

"(1) Subject to this section, where a member has reason to believe that an offence has been committed, the member may serve on the person who appears to have committed the offence an infringement notice.

"(2) A member of the Police Force shall not serve an infringement notice on a person under subsection (1) unless the person is, or the member reasonably believes that the person is, an adult.

"20C. PARTICULARS TO BE SHOWN ON INFRINGEMENT NOTICE

"An infringement notice shall have clearly shown on it -

- (a) the date, time and place of the offence;
- (b) the nature of the offence and the penalty payable;
- (c) the place or places at which a penalty may be paid;
- (d) the date of the infringement notice and a statement that the penalty may be paid within 28 days after that date; and
- (e) a statement to the effect that, if the amount specified in the infringement notice as the penalty for the offence is paid at a place referred to in the notice within the time specified in the notice, no further action will be taken.

"20D. PENALTY FOR OFFENCE

"The penalty payable for the purposes of this Part for an offence is \$200.

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"20E. PAYMENT BEFORE EXPIRY DATE OF INFRINGEMENT NOTICE

"(1) Subject to section 20G, where, before the expiration of the period specified in a infringement notice for the payment of a penalty, the amount of the penalty shown on the notice is paid at a place specified in the notice the offender shall be deemed to have expiated the offence by payment of the penalty.

"(2) Where the amount of a penalty under this Part is paid by cheque, payment shall be deemed not to be made unless the cheque is cleared on presentation.

"20F. GENERAL

"(1) Nothing in this Part -

- (a) prevents the service of more than one infringement notice in relation to the same offence but it is sufficient for the application of section 20E to a person on whom more than one such notice has been served for that person to pay the amount of the penalty in accordance with any one notice so served on that person;
- (b) prejudices or affects (except as provided by section 20E) the institution or prosecution of proceedings, or limits the penalty that may be imposed by a court, in relation to an offence; or
- (c) shall be construed as requiring the serving of an infringement notice or as affecting the liability of a person to be prosecuted in a court in relation to an offence in respect of which an infringement notice has not been served.

"20G. SERVICE OF NOTICES

"A notice under this Part may be served by -

- (a) handing it to the offender;
- (b) posting it to the offender at the offender's last known postal address or place of residence or business; or
- (c) leaving it for the offender at the offender's last known place of residence or business with some other person apparently resident or employed there and apparently over the age of 16 years."

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4. NEW SCHEDULE

The *Misuse of Drugs Act* is amended by inserting after Schedule 2 the following:

"SCHEDULE 3

Section 20A

Column 1	Column 2
Dangerous Drug	Quantity
Cannabis oil	1.00g
Cannabis plant material (being any part of the Cannabis plant, including the flowering or fruiting tops, leaves, stalks and seeds)	50.00g
Cannabis resin	10.00g
Cannabis seed	10.00g
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