

14. Possession of certain substances or things

- (1) A person who, without lawful excuse, has in the person's possession a substance that contains, or substances that together contain, a quantity of a category 1 item or a category 2 item that exceeds the quantity prescribed in relation to the item concerned commits a crime.
Penalty: \$20 000 or imprisonment for 5 years or both.
Summary conviction penalty: \$12 000 or imprisonment for 3 years or both.
- (2) A person who, without lawful excuse, has in the person's possession a category 1 item or a category 2 item commits a simple offence.
Penalty: \$12 000 or imprisonment for 3 years or both.
- (3) A person does not commit an offence under subsection (1) or (2) if the person is authorised by or under this Act or by or under the *Poisons Act 1964* to possess the item or substance concerned and does so in accordance with that authority.
- (4) A person does not commit an offence under subsection (1) or (2) by reason only of the person having in the person's possession a category 1 item, a category 2 item or a particular substance if the person proves that the person had possession of the item or substance only for the purpose of —
 - (a) delivering it to a person authorised (the “**authorised person**”) —
 - (i) to have possession of the item or substance by or under this Act, by or under the *Poisons Act 1964* or on and in accordance with an authorised prescription; or
 - (ii) by or under this Act or by or under the *Poisons Act 1964* to manufacture, prepare, sell or supply the item or substance, and had possession of the item or substance (except in the case of intended delivery to a person authorised to have possession of the item or substance on and in accordance with an authorised prescription) in accordance with the authority in writing of the authorised person, and that, after taking possession of the item or substance, the person took all such steps as were reasonably open to the person to deliver the item or substance into the possession of the authorised person; or
 - (b) analysing, examining or otherwise dealing with it for the purposes of this Act in the person's capacity as an analyst, botanist or other expert.

[Section 14 inserted by No. 62 of 2004 s. 5.]