



Western Australia

## **Cannabis Control Regulations 2004**

Compare between:

[28 Oct 2010, 00-b0-01] and [01 Aug 2011, 00-c0-05]



Western Australia

Cannabis Control Act 2003

## **Cannabis Control Regulations 2004**

### **Part 1 — Preliminary**

**1. Citation**

These regulations may be cited as the *Cannabis Control Regulations 2004* <sup>1</sup>.

**2. Commencement**

These regulations come into operation on the day on which the *Cannabis Control Act 2003* comes into operation.

## **Part 2 — Cannabis infringement notices**

### **3. Modified penalties**

The modified penalty set out in Schedule 1 column 2 opposite the offence referred to in Schedule 1 column 1 is the prescribed modified penalty for that offence for the purposes of section 10 of the Act.

### **4. Form of CIN**

Schedule 2 Form 1 is prescribed for the purposes of section 8(1) of the Act.

### **5. Form of notice of withdrawal of CIN**

Schedule 2 Form 2 is prescribed for the purposes of section 12(1) of the Act.

### **6. Form of certificate of completion of CES**

Schedule 2 Form 3 is prescribed for the purposes of section 18(2) of the Act.

### **Part 3 — Cannabis smoking paraphernalia**

**7. Warning notice**

- (1) The warning notice in Schedule 3 is prescribed for the purposes of section 22 of the Act.
- (2) The warning notice must be written in Helvetica font with —
  - (a) the words “Health Warning” in 60 point font size; and
  - (b) the other text in 36 point font size.

**8. Cannabis education materials**

The cannabis education materials set out in Schedule 4 are prescribed for the purposes of section 23 of the Act.

**Schedule 1 — Modified penalties**

[r. 3]

<b>Offence</b>	<b>Modified Penalty</b>
Offence under section 5(1)(d)(i) of the <i>Misuse of Drugs Act 1981</i> involving cannabis	\$100
Offence under section 6(2) of the <i>Misuse of Drugs Act 1981</i> involving not more than 15 grams of cannabis	\$100
Offence under section 6(2) of the <i>Misuse of Drugs Act 1981</i> involving more than 15 grams of cannabis but not more than 30 grams of cannabis	\$150
Offence under section 7(2) of the <i>Misuse of Drugs Act 1981</i> involving not more than 2 cannabis plants under cultivation	\$200

## Schedule 2 — Forms

[r. 4, 5 and 6]

### Form 1

#### CANNABIS INFRINGEMENT NOTICE

*Cannabis Control Act 2003*

Issue date  /  /  Notice No.  /

##### **Alleged Offender**

Multiple CINs Issued: Y / N

Surname   
Given name/s   
Residential address  Postcode   
Date of Birth  /  /  M.D.L. No.

##### **Alleged Offence**

Place of occurrence  Postcode

Misuse of Drugs Act 1981 section	Description of offence	Modified penalty
		\$ <input type="checkbox"/> CES ONLY

##### **Details of officer issuing this notice**

Issuing officer  Reg   
Station  Signature

**What you must do**

***Cannabis Control Regulations 2004***  
**Schedule 2      Forms**

IF THE "CES ONLY" BOX IS NOT TICKED the following options apply:

1. You may elect to have this matter heard and determined by a court. To do this, complete the details in **"Electing action by a court"** on the reverse of this notice and return this notice to *[name and address]* within 28 days after the service of this notice.
2. You may, within 28 days after the service of this notice, pay the modified penalty (see **"Paying the modified penalty"** on the reverse of this notice) OR complete a cannabis education session (see **"Completing a CES"** on the reverse of this notice).

Should you not pursue any of the above options within 28 days, additional administrative charges may be incurred and action may be taken to suspend your driver's or vehicle licence until you have paid in full the modified penalty and any additional charges OR you have elected to have this matter dealt with before a court.

IF THE "CES ONLY" BOX IS TICKED this means Police Service records show that, within 3 years before the date of the offence alleged in this notice, you were given a CIN for each of 2 or more offences alleged to have been committed on separate days. In this case, the following options apply:

1. You may elect to have this matter heard and determined by a court. To do this, complete the details in **"Electing action by a court"** on the reverse of this notice and return this notice to *[name and address]* within 28 days after the service of this notice.
2. You may, within 28 days after the service of this notice, complete a cannabis education session (see **"Completing a CES"** on the reverse of this notice) however you cannot dispose of this matter by paying the modified penalty.

## Reverse of Form 1

### Electing action by a court

I elect to have the offence alleged in this notice dealt with by a court. I understand that I may receive a summons for the alleged offence.

Signature \_\_\_\_\_ Date 


 / 


 / 


[illegible]

### Paying the modified penalty

You may pay the modified penalty —

1. BY POSTING a cheque or money order made payable to [name and address];  
OR
2. IN PERSON at any Australia Post Office/Agency during office hours.

**NOTE:** Part payment cannot be accepted.

## Completing a CES

**"HEALTH INFO" BOOKING LINE — 1300 793 633**

The CES will be booked with an authorised provider and you will be provided with —

- the time, date and venue of the CES; and
- the name and contact telephone number of that authorised provider.

Any inquiries after the initial booking should be made directly to the authorised provider on the contact telephone number provided.

You must take a copy of this notice to the CES.

You must complete the entire CES.

If you arrive at the CES under the influence of alcohol or other drugs you will not be permitted to undertake the session.

## WITHDRAWAL OF CANNABIS INFRINGEMENT NOTICE

*Cannabis Control Act 2003*

[illegible]

**Alleged Offender**

[illegible]

**A CANNABIS INFRINGEMENT NOTICE SERVED ON YOU HAS BEEN WITHDRAWN. ANY PAYMENT THAT HAS BEEN MADE WILL BE REFUNDED AND —**

- NO FURTHER ACTION WILL BE TAKEN\*
- A SUMMONS WILL BE ISSUED\*

[\* delete whichever is not applicable]

### Details of withdrawn notice

Issue date:    /    /    Notice No.    /   

### Details of officer issuing this withdrawal notice

[illegible]

**Cannabis Control Regulations 2004**  
**Schedule 2**      Forms

Station



Signature

## Form 3

## CERTIFICATE OF COMPLETION OF CANNABIS EDUCATION SESSION

*Cannabis Control Act 2003*

Date of completion 

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 / 

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 / 

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## Person who completed

[illegible]

## CIN(s) in respect of which the CES was completed

CIN No.								/	CIN No.								/
CIN No.								/	CIN No.								/

**Person who conducted the CES**

Signature \_\_\_\_\_ Date 


 / 


 / 


**Schedule 3 — Warning notice (cannabis smoking paraphernalia)**

[r. 7]

**Health Warning**

Cannabis may cause serious health and psychological problems.  
It is particularly dangerous to drive or operate machinery whilst under the influence of cannabis.

## **Schedule 4 — Cannabis education materials (cannabis smoking paraphernalia)**

[r. 8]

### **CANNABIS**

Cannabis, hashish and hashish oil come from the Cannabis sativa plant. This plant contains the chemical THC, which affects mood.

#### **Appearance**

Cannabis — dried greenish-brown leaves or flowers of the plant.

Hashish — brown to black resin.

Hashish oil — reddish brown oil.

#### **How is it used?**

Cannabis is most commonly smoked as a joint or through a bong, but is occasionally cooked and eaten in foods.

### **EFFECTS**

The immediate effects of **low** doses of cannabis may include:

- |                         |                        |
|-------------------------|------------------------|
| ▼ Loss of concentration | ▼ Increased heart rate |
| ▼ Impaired balance      | ▼ Feeling of wellbeing |
| ▼ Slower reflexes       | ▼ Loss of inhibitions  |
| ▼ Increased appetite    |                        |

The immediate effects of **high** doses of cannabis may include:

- |                           |                  |
|---------------------------|------------------|
| ▼ Confusion and anxiety   | ▼ Hallucinations |
| ▼ Restlessness            | ▼ Paranoia       |
| ▼ Detachment from reality | ▼ Panic attacks  |

The effects of **frequent** cannabis users can include:

- ▼ **Dependence**, which means:
  - the drug is central to a person's life
  - the user has trouble cutting down his or her use
  - the user experiences symptoms of withdrawal when he/she tries to cut down.
- ▼ **Psychological problems** — anxiety, depression, paranoia and psychosis in those people with a predisposition to mental health problems.
- ▼ **Learning difficulties** — decreased concentration, memory and learning abilities.
- ▼ **Respiratory problems** — increased risk of cancer and respiratory disorders such as asthma, bronchitis and emphysema.

### ***TAKING CARE***

It is safer not to use cannabis at all. However, if someone does, remember:

- ▼ Some people have panic attacks when they get "stoned". If this happens, call for help immediately and reassure them it will pass. Because of this, users should not be left alone as they can often find themselves in dangerous situations.
- ▼ Cannabis, like alcohol, slows reflexes, affecting reaction time and ability to carry out normal functions such as driving, swimming and operating machinery.

It is illegal to possess, use, supply or manufacture Cannabis. Serious penalties can apply.

### ***WANT MORE INFORMATION***

- ▼ [www.drugaware.com.au](http://www.drugaware.com.au)
- ▼ Alcohol and Drug Information Service  
Confidential 24 hour information, counselling and referral.  
Telephone (08) 9442 5000  
Toll free 1800 198 024 (country callers)
- ▼ For additional copies of this resource call (08) 9222 2045.

Notes

<sup>1</sup> This is a compilation of the *Cannabis Control Regulations 2004*. The following table contains information about those regulations<sup>1A</sup>.

Compilation table

Citation	Gazettal	Commencement
<i>Cannabis Control Regulations 2004</i>	9 Mar 2004 p. 717-30	22 Mar 2004 (see r. 2 and <i>Gazette</i> 9 Mar 2004 p. 733)

<sup>1A</sup> ~~On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.~~

Provisions that have not come into operation

Short title	Number and year	Assent	Commencement
<del>These regulations were repealed by the <i>Cannabis Control Reform Act 2010</i> Pt.s. 3(b) (No. 45 of 2010) as at 1 Aug 2011 (see s. 2<sup>2</sup>(b) and <i>Gazette</i> 29 Jul 2011 p 3127)</del>	45 of 2	Deleted Cells	Deleted Cells
<del>On the date as at which this compilation was prepared, the <i>Cannabis Control Reform Act 2010</i> Pt. 2 had not come into operation. It reads as follows:</del>		Deleted Cells	Deleted Cells

Part 2 Cannabis Control legislation repealed

3. Repeals
- The following are repealed
- (a) .....
  - (b) the *Cannabis Control Regulations 2004*.