



New South Wales

Criminal Procedure Amendment (Penalty Notices for Drug Possession) Regulation 2019

under the

Criminal Procedure Act 1986

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Criminal Procedure Act 1986*.

MARK SPEAKMAN, MP
Attorney General

Explanatory note

The object of this Regulation is to prescribe, as a penalty notice offence under the *Criminal Procedure Regulation 2017*, the offence of possession of a prohibited drug under the *Drug Misuse and Trafficking Act 1985* (excluding possession of cannabis leaf) if not more than a small quantity of the prohibited drug is involved or, in the case of 3,4-Methylenedioxymethylamphetamine in any form other than capsule form, if less than a traffickable quantity is involved (within the meaning of that Act).

This Regulation is made under the *Criminal Procedure Act 1986*, including sections 4 (1) (the general regulation-making power), 336 and 337.

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1 Name of Regulation

This Regulation is the *Criminal Procedure Amendment (Penalty Notices for Drug Possession) Regulation 2019*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

3 Amendment of Criminal Procedure Regulation 2017

Schedule 4 Penalty notice offences

Insert after the matter relating to the *Crimes Act 1900*:

Offences under *Drug Misuse and Trafficking Act 1985*

Section 10, if prohibited drug is other than cannabis leaf and: \$400

- (a) in the case of 3,4-Methylenedioxymethylamphetamine:
 - (i) in capsule form—does not exceed a small quantity, and
 - (ii) in any other form—is less than a traffickable quantity, or
- (b) in any other case—does not exceed a small quantity,
within the meaning of the *Drug Misuse and Trafficking Act 1985*