

Misuse of Drugs Amendment Regulations (No. 4) 2011

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Misuse of Drugs Amendment Regulations (No. 4) 2011*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — when the *Cannabis Law Reform Act 2010* Part 3 comes into operation.

3. Regulations amended

These regulations amend the *Misuse of Drugs Regulations 1982*.

4. Regulation 5AA inserted

After regulation 4A insert:

5AA. Minor cannabis related offences — forms

- (1) If a term is given a meaning in section 8B of the Act, it has the same meaning in this regulation.
- (2) For the purposes of section 8F of the Act, a cannabis intervention requirement is to be in the form of Form 16.
- (3) For the purposes of section 8I of the Act, a notice withdrawing a cannabis intervention requirement is to be in the form of Form 17.
- (4) For the purposes of section 8M of the Act, a certificate of completion of a cannabis intervention session is to be in the form of Form 18.

After regulation 5E insert:

For the purposes of section 19A of the Act the following things are prescribed as classes of things excluded from the definition of *cannabis smoking paraphernalia* —

- (a) shishas;
(b) hookahs.

After Schedule 1 Form 15 insert:

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CANNABIS INTERVENTION REQUIREMENT

CIR No.							
Date of Issue		/		/			

Alleged offender											
Surname											
Given name/s											
Number & street											
Suburb / town				Postcode							
Telephone (H)											
Telephone (M)											
Date of birth			/			/					
MDL Number											
Gender											

Alleged Offence	
It is alleged that at the following place and time	
Place (Address)	
	Postcode
Date/...../20.....	
Time a.m./p.m.	
You committed the following minor cannabis related offence/s.	

Misuse of Drugs Act 1981	Description of offence
<input type="checkbox"/> s. 5(1)(d)(i)	Possession of a smoking utensil that has detectable traces of cannabis
<input type="checkbox"/> s. 6(2)	Possession or use of not more than 10 grams of cannabis* <i>* not including any cannabis plant under cultivation, cannabis resin or any other cannabis derivative</i>

Issuing Officer			
Station			
Signature			
Date		/	/

WHAT YOU MUST DO

You have a period of 28 days after this notice was given to you to complete a CANNABIS INTERVENTION SESSION (CIS) OR elect to be prosecuted for the alleged offence. If you do not complete the CIS, then you will be prosecuted for the alleged offence.

YOUR FAILURE TO COMPLETE THE CIS OR ELECT TO BE PROSECUTED WILL RESULT IN FURTHER ACTION AGAINST YOU.

CANNABIS INTERVENTION SESSION

The Cannabis Intervention Session (CIS) is a mandatory one-to-one therapeutic intervention with a trained alcohol and drug counsellor.

As part of the CIS you will be provided with information on —

- the adverse health and social consequences of cannabis use; and
- the laws relating to the use, possession and cultivation of cannabis; and
- effective strategies to address cannabis using behaviour.

The CIS takes approximately 60-90 minutes to complete.

You are required to complete the CIS within 28 days after this Cannabis Intervention Requirement (CIR) was given to you.

What you need to do/know

- Contact the **Cannabis Intervention Session Booking Service** on 1800 722 362 between 7.00 a.m. — 7.00 p.m., Monday to Sunday, to book a CIS with an approved treatment provider. The personal information provided during the booking process will be recorded and passed on to the approved treatment provider and stored on a health database.

- When making your booking ensure you have a pen available to write down the time, date and address of the CIS in the space provided below on this form.

You are strongly advised to phone the CIS Booking Service within 3 days from the date this CIR was given to you to ensure a booking can be made for you within the 28 day permitted period.

No reminders will be issued.

You need to bring to the CIS —

- Photographic identification
- This CIR.

You must arrive on time and complete the entire CIS.

CIS appointment details

Appointment Date _____
Address _____
Appointment Time _____

Electing to be prosecuted in a court

I elect to have the offence alleged in this CIR dealt with by a court.

Signature										
Date		/		/						

Address for service

Postcode

Post to: Drug Diversion Coordinator, Licensing Enforcement Division, WA Police, Level 2, Cambridge House, 297 Hay Street, Perth WA 6000

Form M.D. 17

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**WITHDRAWAL OF CANNABIS
INTERVENTION REQUIREMENT**

The Cannabis Intervention Requirement (CIR) identified in this notice is withdrawn.

Details of Alleged Offender

Surname													
Given Name/s													
Address													

Postcode

Cannabis Intervention Requirement

CIR No.									
Date of Issue			/			/			

The Cannabis Intervention Requirement (CIR) referred to above and given to you under the *Misuse of Drugs Act 1981* section 8E has been withdrawn. The following action will now be taken in respect of the alleged offence —

- ☐ a prosecution will be commenced
☐ a juvenile caution will be given
☐ a referral will be made to a juvenile justice team
☐ no further action will be taken
☐ the following action will be taken

.....

Authorised Person issuing this withdrawal notice

Surname						Reg.						
Section						Signature						

Form M.D. 18

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**CERTIFICATE OF COMPLETION OF CANNABIS
INTERVENTION SESSION**

Person who has attended and completed the CIS

Surname												
Given Name/s												
Address												
						Postcode						

 Signature of person who has completed the CIS

Date

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Cannabis Intervention Requirement

Details of CIR that required the completion of the CIS

CIR No.									
Date of Issue			/			/			

About the Cannabis Intervention Session

Date of completion			/			/				
CIS treatment provider										
Name										

Agency
Signature
Date

		/			/						

By Command of the Governor,

N. HAGLEY, Clerk of the Executive Council.
