

# **MISUSE OF DRUGS ACT** **PENALTIES**

As at 2 APRIL 2014

**NOTE: If the offence is not listed then you do not have jurisdiction to “determine” the charge (s3 Criminal Procedure Act)**

SECTION	OFFENCE	FINE (\$)	IMPRISONMENT	REMARKS
<b>3</b>	Defn. – “Prohibited drug or plant as provided in s4”			
<b>4</b>	Act applies to- drugs of addiction <ul style="list-style-type: none"> <li>- specified drugs</li> <li>- drugs specified in Sch 1</li> <li>- plants defined in s5 Poisons Act</li> <li>- plants specified in Sch 2</li> </ul>			
<b>5(1)(a)(i)</b>	Occupier permits premises to be used for manufacture or preparation of prohibited drug or plant	3 000	3 years or both	
<b>5(1)(a)(ii)</b>	Occupier permits premises to be used for manufacture, preparation, sale, supply or use of prohibited drug or plant	3 000	3 years or both	
<b>5(1)(b)</b>	Owner or lessee permits the premises to be used for using	3 000	3 years or both	
<b>5(1)(c)</b>	Knowingly concerned in offences under ss(1)(a) and (1)(b)	3 000	3 years or both	
<b>5(1)(d)(i)</b>	Possession of pipes or utensils for use with smoking	3 000	3 years or both	
<b>5(1)(d)(ii)</b>	Possession of utensil used in manufacture or preparation of drug or plant in or on which traces are found	3 000	3 years or both	
<b>5(1)(e)</b>	Found in a place used for smoking	2 000	2 years or both	
<b>6(2)</b>	Possession or use of prohibited drug	2 000	2 years or both	See s34(1)(e) See s 11 – presumed to be within s6(1)(a) if not less than amounts in sch 5
<b>7(2)</b>	Possession or cultivation of a prohibited plant	2 000	2 years or both	See s34(1)(e) See s11 – presumed to be within s7(1)(a) if not less than amounts in sch 6
<b>7A(2)&amp;(3)</b>	Failure to comply with prohibition order made pursuant to s7A(2)	2 000	2 years or both	See s34(1)(e)
<b>7B(2)</b>	Displaying drug paraphernalia for sale in retail outlet	10 000		
<b>7B(3)</b>	Selling drug paraphernalia to adult	10 000		
<b>7B(4)</b>	Selling drug paraphernalia to child	24 000		
<b>7B(6)</b>	Possession of drug paraphernalia in or in which is prohibited drug or plant	36 000	3 years or both	

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<b>8(1)</b>	Forge, alter or utter prescription	3 000	3 years or both	See s34(1)(d)
<b>8(2)</b>	Fraudulently cause or induce supply or administration of prohibited drug	3 000	3 years or both	See s34(1)(d)
<b>11</b>	Presumption to sell or supply – see annexure			
<b>14(2)</b>	Possession without lawful excuse of category 1 or 2 item	12 000	3 years or both	See MDA Regs
<b>15(1)</b>	A supplier who sells or supplies a category 1 item unless certain exceptions	1 <sup>st</sup> offence 5 000 Subs 15 000		See s34(1)(f) See MDA Regs
<b>15(2)</b>	Supplier of category 1 item if supply made within 24hrs of receipt of written order	1 <sup>st</sup> offence 5 000 Subs 15 000		See s34(1)(f) See MDA Regs
<b>15(3)</b>	Supplier of category 1 item fails to give copy of declaration to Commr of Police within 24 hrs after written order given	1 <sup>st</sup> offence 5 000 Subs 15 000		See s34(1)(f) See MDA Regs
<b>16(1)</b>	Supplier of category 1 item if item stored in such manner that fails to prevent access by person not authorized in writing	1 <sup>st</sup> offence 5 000 Subs 15 000		See s34(1)(f) See MDA Regs
<b>16(2)</b>	Supplier of category 1 item if fail to retain copy of authorization in s16(1) while it has effect and for a further 5 yrs	1 <sup>st</sup> offence 5 000 Subs 15 000		See s34(1)(f) See MDA Regs
<b>17(1)</b>	Supplier who sells category 2 item unless certain exceptions	1 <sup>st</sup> offence 5 000 Subs 15 000		See s34(1)(f) See MDA Regs
<b>17(2)</b>	Supplier of category 2 item fails to give copy of declaration to Commr of Police as soon as is practicable after sale or supply	1 <sup>st</sup> offence 5 000 Subs 15 000		See s34(1)(f) See MDA Regs
<b>25(2)</b>	Failure to comply with requirement to give info or false info	3 000	3 years or both	See s34(1)(d)
<b>29</b>	Hindering, delaying, obstructing police & concealment of docs	3 000	3 years or both	See s34(1)(d)
<b>31(4)</b>	Failure to deliver drugs to police	2 000	2 years or both	See s 34(1)(e)
<b>34(1)(d)</b>	Offences under s5(1)(a), (b), (c), (d); 8, 25(2), 29	3 000	3 years or both	
<b>34(1)(e)</b>	Offences under s5(1)(e), 6(2), 7(2), 7A(3) or 31(4)	2 000	2 years or both	