



AFP Practical Guide on Simple Cannabis Offence Notices (ACT Policing)

| | |
|----------------------------------|--|
| Metadata | |
| Caption | Simple Cannabis Offence Notices (ACT Policing) |
| Document Identifier | PRA10078 |
| Description | This guideline outlines the policy and procedures for issuing Simple Cannabis Offence Notices. |
| Governance Function | Community Policing |
| Owned by | Chief Police Officer ACT Policing |
| Date First Approved | 20/07/2010 12:00 AM |
| Contact Person | ACT Policing Policy Performance and Planning |
| Date Published | 20/10/2010 8:50 AM |
| Date Modified | 26/9/2011 |
| Date Last Reviewed | 20/07/2010 12:00 AM |
| Authorised by | Chief Police Officer ACT Policing |
| Date of Next Review | 20/07/2012 12:00 AM |
| Review Notification | 'ACT-Policing-Governance@afp.gov.au' |
| Instrument Type | Practical Guide |
| Replaces | AG00014 |
| Stakeholders | ACT Policing |
| Instrument Classification | UNCLASSIFIED |

1. Disclosure and compliance

This document is classified **UNCLASSIFIED** and is intended for internal AFP use.

Disclosing any content must comply with Commonwealth law and the [AFP National Guideline on disclosure of information](#).

Compliance

This instrument is part of the AFP's professional standards framework. The [AFP Commissioner's Order on Professional Standards \(CO2\)](#) outlines the expectations for appointees to adhere to the requirements of the framework. Inappropriate departures from the provisions of this instrument may constitute a breach of AFP professional standards and be dealt with under Part V of the [Australian Federal Police Act 1979](#) (Cth).

2. Acronyms

| | |
|-------------|--------------------------------|
| ACT | Australian Capital Territory |
| AFP | Australian Federal Police |
| IDDO | Illicit Drug Diversion Officer |
| SCON | Simple Cannabis Offence Notice |

3. Definitions

Adult offender - means an offender who was an adult (at least 18 years of age) when the offence was committed.

Case officer - means the arresting member, the member in charge of an incident, the informant or the member responsible for compiling the brief of evidence.

Caution - means a caution issued by a member to:

- an adult for any criminal offence or
- a young person for any criminal or traffic offence with due regard to s. 94 of the [Children and Young People Act 2008](#) (ACT).

Young offender - means an offender who was at least 12 but less than 18 years old when the offence was committed.

Parent of a young offender - means a person with parental responsibilities for the child/young person within the meaning of the *Children and Young People Act 2008* (ACT).

4. Authority

This Practical Guide was issued by the Chief Police Officer for the ACT using power under s. 37(1) of the [Australian Federal Police Act 1979](#) (Cth) as delegated by the Commissioner under s. 69C of the Act.

5. Introduction

This guideline outlines the policy and procedures for issuing Simple Cannabis Offence Notices under the [Drugs of Dependence Act 1989](#) (ACT).

6. Simple Cannabis Offence Notices

The *Drugs of Dependence Act 1989* (ACT) provides for the issue of a Simple Cannabis Offence Notice (SCON) for:

- possession of not more than 25 grams of cannabis or
- cultivation of not more than 2 cannabis plants, excluding all artificially (hydroponically grown) cultivated plants.

Before a SCON may be issued, the case officer must first determine if the offender qualifies for the Drug Diversion Program. If the Drug Diversion Program can be utilised it will take preference over the issue of a SCON.

Cultivating over 100 grams

Members must not issue a SCON for 'cultivate' when the weight of the plants exceeds 100 grams regardless of the number of plants involved. A prosecution should be initiated in these circumstances.

Sale, supply or personal use

A SCON may only be issued if the cannabis is believed to be for personal use. If the cannabis is suspected of being for the purpose of sale or supply, a SCON should not be issued and consideration should be given to initiating a prosecution.

Sufficient evidence to prosecute

A SCON may only be issued where there is sufficient admissible evidence to prosecute. A SCON should not be used if an offender disputes any facts. In such cases the matter should be dealt with by the court.

Drugs in custodial facility

In accordance with the [Memorandum of Understanding between AFP \(ACT Policing\) and ACT Corrective Services working relationships](#) visitors to the Alexander Maconochie Centre and Bimberi Youth Justice Centre found in possession of prohibited substances or a drug of dependence must not be issued with a Simple Cannabis Offence Notice, and proceeded against by way of arrest or summons. A prosecution in these circumstances should be commenced in relation to offences against the:

- [Corrections Management Act 2007](#) (ACT)
- [Drugs of Dependence Act 1989](#) (ACT)
- [Medicines, Poisons and Therapeutic Goods Act 2008](#) (ACT).

7. Procedures for issuing a SCON

When a Simple Cannabis Offence Notice (SCON) is issued the case officer must:

- explain to the offender and/or young offender's parent that the incident will be officially recorded on AFP systems, however **will not** appear on national police checks

- explain the terms and conditions of the infringement to the offender and/or young offender's parent
- ensure the person, and in the case of a young offender, the parent or guardian agrees to these conditions and agrees to pay the penalty within 60 days at an ACT Government Shopfront office
- have the offender/and or guardian sign the SCON
- distribute copies of the SCON as follows:
 - blue copy to the offender or young offender
 - pink copy to the offender of young offender's parent for payment
 - yellow copy to the case officer or parent of young offender
 - green copy to the Illicit Drug Diversion Officer (submitted as soon as possible after issue)
 - white copy retained in the book.
- enter the incident details into the 'apprehensions' screen of the relevant PROMIS job on the day of issue, recording the SCON number and clear the offence by 'SCON'
- record in PROMIS the reasons why a Drug Diversion was not issued - directly addressing the eligibility criteria in either 'result text' or 'statement of facts 3', whichever is more appropriate
- lodge the drug seizure in accordance with normal exhibit and drug handling protocols in the [AFP National Guideline on property and exhibits](#)
- issue a 'Preservation Order Notice' in accordance with s. 12.8 of the [AFP National Guideline on property and exhibits](#)
- when issued to a young person a copy of the SCON must be served on the parent or guardian of that young person.

8. Payment/non-payment of a SCON

If a Simple Cannabis Offence Notice (SCON) is paid in full within 60 days, the ACT Illicit Drug Diversion Officer (IDDO) will advise the case officer:

- that the matter is finalised
- to contact the ACT Drug Registry to authorise the destruction of the drugs.

Unpaid after 30 days

The IDDO will post reminder notices to SCON recipients if the fine has not been paid 30 days after issuing it. A copy of the reminder notice must be uploaded on to the relevant PROMIS job.

Unpaid with 7 days to go

If a SCON has not been paid and only 7 days of the 60 day payment term remain, the IDDO must:

- telephone the offender to remind them of their obligation to pay the fine
- make a case note on the relevant PROMIS job detailing the outcome of the conversation or call.

Unpaid after 60 days

If a SCON is not paid in full within 60 days, the case officer must pursue alternative action such

as initiating a drug diversion (if appropriate) or prosecution. In this instance the case officer must update the PROMIS apprehension record accordingly by:

- withdrawing the original offence cleared by SCON
- creating a new apprehension record using the original statement of facts
- clearing the offence by the new course of action.

9. Further advice

Any queries relevant to the content of this Practical Guide should be referred to the Drug and Alcohol Coordinator.

10. References

Legislation

- [*Australian Federal Police Act 1979*](#) (Cth)
- [*Children and Young People Act 2008*](#) (ACT)
- [*Corrections Management Act 2007*](#) (ACT)
- [*Criminal Code 2002*](#) (ACT)
- [*Drugs of Dependence Act 1989*](#) (ACT)
- [*Medicines, Poisons and Therapeutic Goods Act 2008*](#) (ACT).

AFP governance instruments

- [AFP National Guideline on property and exhibits](#)
- [Memorandum of Understanding between AFP \(ACT Policing\) and ACT Corrective Services working relationships.](#)