



New South Wales

Justice Legislation Amendment (Penalty Notices) Regulation 2024

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following regulation under the *Criminal Procedure Act 1986* and the *Fines Act 1996*.

MICHAEL DALEY, MP
Attorney General

Explanatory note

The objects of this regulation are to—

- (a) amend the *Criminal Procedure Regulation 2017* to prescribe certain offences under the *Drug Misuse and Trafficking Act 1985* as penalty notice offences, and
- (b) amend the *Fines Regulation 2020* to provide that certain penalty notices issued under the *Drug Misuse and Trafficking Act 1985* are taken to be paid if the person to whom the notice is issued completes the drug health intervention under the Early Drug Diversion Initiative provided by, or on behalf of, NSW Health.

This regulation is made under the following provisions—

- (a) the *Criminal Procedure Act 1986*, sections 336 and 337,
- (b) the *Fines Act 1996*, section 23B(1)(b).

Justice Legislation Amendment (Penalty Notices) Regulation 2024

1 Name of regulation

This regulation is the *Justice Legislation Amendment (Penalty Notices) Regulation 2024*.

2 Commencement

This regulation commences on 29 February 2024.

Schedule 1 Amendment of Criminal Procedure Regulation 2017

[1] **Schedule 4 Penalty notice offences**

Omit clause 1, heading. Insert instead—

1 Definitions

[2] **Schedule 4, clause 1**

Insert in alphabetical order—

small quantity has the same meaning as in the *Drug Misuse and Trafficking Act 1985*.

traffickable quantity has the same meaning as in the *Drug Misuse and Trafficking Act 1985*.

[3] **Schedule 4, clause 2**

Omit the matter relating to **Offences under *Drug Misuse and Trafficking Act 1985*** in the table to the clause.

Insert instead—

Offences under *Drug Misuse and Trafficking Act 1985*

Section 10— \$400

(a) for
3,4-Methylenedioxyamphetamine

(i) in tablet form—is less than a
traffickable quantity, or

(ii) in another form—does not exceed
a small quantity, or

(b) for another drug other than cannabis
leaf—does not exceed a small quantity.

Section 11(1) \$400

Section 12(1) \$400

Schedule 2 Amendment of Fines Regulation 2020

[1] Clause 7B

Insert after clause 7A—

7B Activities that may be treated as payment

For the Act, section 23B(1)(c)—

- (a) each class of penalty notice specified in the table to Schedule 1 is a class of penalty notice for which an activity may be completed instead of payment for the amount specified in the penalty notice, and
- (b) the activity that may be completed instead of payment for the amount specified in the penalty notice is the activity prescribed opposite the class of penalty notice.

[2] Schedule 1

Insert after Part 3—

Schedule 1 Activities that may be treated as payment

clause 7B

Class of penalty notice	Prescribed activity
<i>Drug Misuse and Trafficking Act 1985</i>	
Penalty notices issued for an offence under section 10	Drug health intervention under the Early Drug Diversion Initiative provided by, or on behalf of, NSW Health
Penalty notices issued for an offence under section 11	Drug health intervention under the Early Drug Diversion Initiative provided by, or on behalf of, NSW Health
Penalty notices issued for an offence under section 12	Drug health intervention under the Early Drug Diversion Initiative provided by, or on behalf of, NSW Health