

Youth Law: Drugs

This factsheet is designed to help young people learn their rights and obligations surrounding drugs in the ACT. If you are a young person with a matter concerning drug use, please call the **Youth Law Centre ACT** on **6173 5410** or **1300 654 314**.

Note: The Youth Law Centre (YLC) is Legal Aid ACT's dedicated service for young people under the age of 25. It is a free and confidential legal service.

The Youth Law Centre can help you if you have questions about drug laws in the ACT or if you have been fined or charged for an offence relating to drugs. We can help you by:

- Giving you information and legal advice about drug or driving laws in the ACT.
- Representing you in Court for criminal charges in relation to drug offences.
- Referrals to non-legal support services such as counselling or government services.

Drugs

Types of Drugs

The law separates drugs into different categories, the main ones being:

- Drugs of dependence, which include cocaine, fentanyl, and methamphetamine (meth); and
- Prohibited substances, which include cannabis, LSD, and MDMA.

It is illegal to possess a drug of dependence in any amount, although the penalty differs depending on the type and quantity of drug.

There are different types of drug offences, including:

1. Using/Possessing the drugs
2. Cultivation and manufacture of drugs
3. Trafficking (ie **Sale and Supply**).
4. Drug driving

Use

It is an offence to take illegal drugs yourself.

It is also a serious offence to administer to other people in a non-medical (for example, spiking someone else's drink).

Possession

It is an offence to possess illegal drugs. Possession means having drugs on your premises (such as in the home, car, school, or at work) or on your body (such as in your pocket or bag). Penalties for possession depend upon the type of drug involved and the quantity involved.

There is nothing wrong with possessing prescription drugs if they have been prescribed to you by a doctor. It is illegal if you possess a prescription drug without a doctor's prescription.

Possession of a small quantity

In 2023, the ACT 'decriminalised' possession of a small quantity of some illegal drugs for personal use. 'Decriminalised' does not mean that possessing these drugs is legal. Instead, it means that the penalties for possessing these drugs have been significantly reduced.

If police find you with small quantities of certain drugs, they can choose to divert you to a health education and information session, or pay a \$100 fine. If you possess anything more than the amount that is legally defined as a 'small quantity', then you will likely be charged and the maximum penalty is 6 months imprisonment.

Cultivation and manufacture

It is legal in the ACT to grow up to 4 cannabis plants at your home. However, the plants must be grown at your home, must not be accessible to the general public, and must not be artificially cultivated (i.e., not grown hydroponically or with an artificial source of heat or light).

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Cultivation or manufacture of any other type of drug is a serious criminal offence.

Trafficking

The police can charge you with 'sale or supply' of small quantities of drugs if you:

- Sell or supply a drug of dependence to any person; or
- Participate in the sale or supply of a drug to any person; or
- Possess a drug for the purpose of sale or supply.

Trafficking is a serious offence. Trafficking can include:

- Selling drugs;
- Possessing drugs with the intention of selling them;
- Preparing drugs to be sold;
- Transporting drugs; or
- Guarding or concealing drugs to be sold.

It is important to note that if you have a 'trafficable quantity' of a controlled drug in your possession, the law will presume that you are trafficking the controlled drug unless you prove otherwise. This means you will be charged with trafficking even if you intend to use the drug for personal use only.

For this reason, you should ensure that you never acquire drugs or hold drugs on behalf of friends.

If you obtain drugs on behalf of others as well, this may cause you to have a higher quantity of drugs in your possession and you may face heavier charges for trafficking. Penalties for trafficking include heavy fines and imprisonment.

Drug Driving

The ACT has a zero-tolerance approach to drug driving. It is an offence to have any drug (illicit or

not) in your system if it influences your ability to have proper control of a vehicle. This includes some prescription medications.

Changes to personal drug use laws, such as the introduction of the ACT's personal use of cannabis laws, do not change the ACT Government's zero-tolerance approach to drug driving. If you are caught with any drug in your system, you could face heavy fines, licence disqualification and even imprisonment.

Some controlled drugs remain in your system for longer periods of time than others (sometimes multiple weeks). If you do consume illicit drugs, you should not drive a vehicle for a substantial period of time.

Useful Contacts

Legal Aid ACT

Monday to Thursday: 8:30am to 7:00pm

Friday: 8:30am to 5:00pm

www.legalaidact.org.au

Phone: **1300 654 314**

Youth Law Centre

Monday to Friday: 8:30am to 5:00pm

ylc@legalaidact.org.au

Phone: **(02) 6173 5410**

Kids Helpline

www.kidshelpline.com.au

Phone: **1800 55 1800**