

# CANNABIS LAWS

## YOUTH LAW CENTRE ACT



### Legal help for young people

Legal Aid ACT's Youth Law Centre can help you if you have questions about cannabis laws in the ACT or if you have been fined or charged for a crime relating to cannabis. We can help you by:

- giving you information and legal advice about cannabis laws in the ACT.
- representing you in court if you have been charged with a cannabis related crime.
- referrals to non-legal support services such as counselling or government services.

Our Youth Law Centre is a free and confidential legal service for young people aged 12 to 25 years in the ACT. See the back of the factsheet for our contact details.

### Cannabis Possession - Over 18yrs old

You may be in possession of cannabis if you have physical custody or control of the cannabis. For example, you may be in possession of cannabis if it is being kept on your person, in your school bag, locker or desk, in your bedroom or in your car.

If you are over 18 years old in the ACT, you can legally possess up to **50g of dried cannabis** or **150g of fresh cannabis**. If you are over 18 and you possess dried cannabis weighing more than 50g or fresh cannabis weighing more than 150g, this is a crime. Maximum penalties for this crime include an \$8,000 fine, imprisonment for 2 years or both.

If you are 18 years of age or older, it is still a crime to use cannabis in a public place or in the presence of a person who is under 18 years of age. It is also a crime to sell, give, supply, share or gift any cannabis to another person, even if that person is at least 18 years of age.

### Is Cannabis legal?

On 20 January 2020 the ACT 'decriminalised' cannabis for people aged **18 years and above only**. It remains a crime for anyone under 18 years of age to possess or use cannabis in any amount.

It is a crime for someone aged 18 years or above to use cannabis in public or in the presence of someone under 18 years of age.

It is important to remember that cannabis can stay in your system for a long time, sometimes weeks. It is a serious crime to drive with any amount of cannabis in your system, even if you think effect of the drug has worn off.

### Cannabis Possession - Under 18

If you are under the age of 18, it is a crime to possess **any** amount of cannabis. If you are under 18 and in possession of 50g or less of dried cannabis or 150g or less of fresh cannabis, you are committing a crime. Police may issue you with an on the spot fine. This is called a 'Simple Cannabis Offence Notice.' The fine will amount to \$100. The Police can instead **choose to charge you** and you will have to go to Court. The maximum penalties that the court can impose is a fine of \$160.

If you are found with **more** than 50g of dried cannabis or 150g of fresh cannabis, Police will have no choice but to charge you for this crime. The maximum penalty may be both a fine of up to \$8,000 **and** 2 years imprisonment.

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### **Cultivation of Cannabis**

'Cultivation' means growing, nurturing, guarding or harvesting cannabis plants or paying someone else to do these things. If you are under 18 years of age, it is a crime to cultivate any amount of cannabis.

If you are aged 18 years or older, you can legally cultivate up to 2 cannabis plants at a place where you live. The plants must be grown naturally. It is a crime to use hydroponics or artificial light or heat to grow the cannabis. It is a crime to cultivate more than 2 plants per person.

It is also a crime to have more than 4 cannabis plants growing at the one household, or to grow cannabis at a place other than where you live. Penalties for these crimes may be a fine of up to \$8,000, imprisonment for 2 years or both.

This means that although there is a 2 plant limit per adult person, if there are already four plants being cultivated at your home by your housemates, you are not permitted to cultivate any amount of cannabis because you are already at the household limit.

If you are aged 18 and over and you choose to cultivate cannabis pursuant to these laws, there are other rules that apply. You must ensure that cannabis cannot be seen by or accessed by the public, you cannot share, supply, sell or gift the cannabis to another person, and it must not be accessible to any child or the general public.

### **Trafficking Cannabis**

'Trafficking' is where a person sells, possesses, prepares, transports or conceals drugs with the intention of selling them or with the belief that someone else intends to sell them. It is a crime to sell or share any cannabis, including plants and seeds. Trafficking of less than 300g of cannabis carries a maximum penalty of \$48,000 in fines, 3 years imprisonment or both. Trafficking of 300g or more of cannabis carries a maximum penalty of 10 years imprisonment, or \$160,000 in fines or both.

If you possess larger quantities of cannabis, you will be charged with trafficking and face heavier penalties, even if it was for personal use only.

As outlined earlier in this factsheet, possessing cannabis for yourself when you are under 18 years of age is a crime. If you obtain cannabis on behalf of others as well as yourself and you have a higher quantity of cannabis in your possession, you may face more serious charges for trafficking.

### **Where to get legal information and help!**

For free and confidential Legal help you can contact Legal Aid ACT's Youth Law Centre:

Phone: (02) 6173 5410

Email: [contact@youthlawact.org.au](mailto:contact@youthlawact.org.au).

If your school has a Legal Liaison Officer, you can also request an appointment with them at their school office or email them at [college@legallaidact.org.au](mailto:college@legallaidact.org.au).

For non legal support, contact Kids Helpline:

Phone: 1800 551 800

Email: [counsellor@kidshelpline.com.au](mailto:counsellor@kidshelpline.com.au)