



### Factsheet 25: Drug Law

#### 1. What is the difference between illegal, decriminalised and legalised?

If a drug is illegal, it is subject to criminal penalties such as a fine, jail time and a criminal conviction. Ecstasy, cocaine and methamphetamines are examples of illegal drugs.

**Decriminalised** drugs have some legal penalties removed. However, this does not mean that they are legal. Cannabis is currently a decriminalised drug which means that for possession of a small amount, you may receive a fine without being charged.

If something is **legal**, no criminal penalties apply, although it may be subject to some conditions. For example, people over 18 years old can legally buy and drink alcohol.

#### 2. How much cannabis can I possess?

Since 31 January 2020, cannabis has been decriminalised in the ACT to allow people over 18 years old to possess up to 50g or 2 plants. Each household is allowed to grow a maximum of 4 plants. It remains illegal to smoke cannabis in public. You also cannot expose children to cannabis or put it where they can reach it.

Possession of any larger amount can result in a maximum penalty of \$8,000, and/or 2 years imprisonment.

Any hydroponic or artificial cultivation remains illegal, as will growing on commercial or community property, including nature strips.

Possessing an amount over 50g, selling or sharing cannabis is still illegal.

Additionally, it will remain illegal to possess any amount under federal law and the police may still charge you with an offence under these laws.

This means that in the ACT there is still a risk you may be charged for cultivation and possession under the federal law.

Note that the new laws only apply in the ACT and do not apply in the surrounding NSW region or the rest of Australia.

#### 3. What is a Simple Cannabis Offence Notice (SCON)?

Currently, if you are under 18 and you are found in possession of a small amount of cannabis for personal use, police may issue you with a Simple Cannabis Offence Notice (**SCON**). The notice comes with a fine of \$100 and if you pay within 60 days, it will not be recorded on your criminal history. If you do not pay, it is possible that court proceedings will be brought against you.

#### 4. How long after taking drugs can I drive safely?

Driving with any trace of illicit drugs in your system is illegal.

Drugs can stay in your system for several days depending on the size and potency of the dose and your body's metabolism. It is possible for drugs to be detected in your system after the effects have worn off.

#### 5. Can I be caught drug driving on prescribed medication?

Yes, some legally prescribed medicines can impair your ability to drive and may result in you being charged with driving under the influence of an intoxicating liquor or drug.

#### 6. Can I lose my licence for drug driving?

Yes, if you are found guilty of drug driving, your licence can be disqualified for up to 3 years as a first-time offender and 5 years as a repeat offender.

#### 7. What are my rights if I'm stopped by police?

For information on Police Powers see our Factsheet 19: "What are my rights if I'm stopped by Police?"