

cannabis and the law

is cannabis illegal in Australia?

- it is illegal to use, possess, grow or sell cannabis in Australia
- penalties are different in each state and territory
- definitions of a 'small amount' of cannabis differ
- some states have decriminalised minor cannabis offences, like having a small amount of cannabis for personal use
- decriminalised means being given a civil penalty, like a fine, not a criminal charge
- there are different penalties for growing or cultivating bush and hydroponic cannabis

ACT and cannabis

- minor cannabis offences are decriminalised
- if caught with two bush plants, or 25 grams of cannabis, people can be given a \$100 fine
- can attend treatment instead of paying the fine
- either action must be done in 60 days

Northern Territory and cannabis

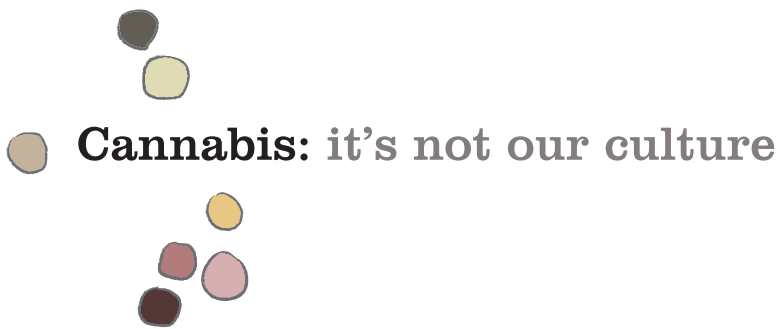
- minor cannabis offences are decriminalised
- if caught with up to 50 grams of marijuana, one gram of hash oil, 10 grams of hash or cannabis seed, or two non-hydroponic plants people can be fined \$200

South Australia and cannabis

- minor cannabis offences are decriminalised
- if caught with 100 grams of cannabis, 20 grams of hash, one bush plant or cannabis equipment, people can be fined \$50-\$150
- people can attend treatment instead of paying the fine
- either action must be done in 60 days

Western Australia and cannabis

- minor cannabis offences are decriminalised
- if caught with cannabis equipment, two bush plants or 30 grams of cannabis people can be fined \$100-\$200
- people can attend cannabis education instead of paying the fine or going to court
- any action must be done in 28 days



NSW and cannabis

- any cannabis offence is a criminal offence
- it is usually up to the police whether to charge someone
- if caught with up to 15 grams people may receive a caution and referral to drug treatment
- only two cautions will be given

Victoria and cannabis

- any cannabis offence is a criminal offence
- it is usually up to the police whether to charge someone
- if caught with up to 50 grams people may receive a caution and referral to drug treatment
- only two cautions will be given

Tasmania and cannabis

- any cannabis offence is a criminal offence
- it is usually up to the police whether to charge someone
- if caught with up to 50 grams people may receive a caution and referral
- people can receive three cautions in ten years

Queensland and cannabis

- any cannabis offence is a criminal offence
- it is usually up to the police whether to charge someone
- Queensland is the only state where diversion must be offered to a minor cannabis offender
- if caught with up to 50 grams, people may receive a caution and referral
- only one caution will be given

Take home message:

Although some states have decriminalised minor cannabis offences, cannabis is still illegal in every state and territory of Australia

*Please note this information is not to be taken as legal advice.
Also note that laws and charges described here may change.*