



Cannabis Laws

In Western Australia, the *Misuse of Drugs Act 1981* legislates to control the use of prohibited drugs and plants.

Cannabis (also known as marijuana, weed, gunja, dope, pot, grass, hashish, etc.) is a prohibited drug in Western Australia.

Whether the cannabis is in the form of a plant, leaf, cigarette or resin, it is illegal to:

- Possess or use cannabis.
- Sell or offer to sell cannabis.
- Supply (give) someone cannabis.
- Manufacture or prepare cannabis for use.
- Cultivate (grow) cannabis.
- Cultivate cannabis with intent to sell or supply.
- For an owner or occupier of a place to allow that place to be used for cultivation, manufacture, sell or supply or use of cannabis.
- Sell or supply a thing knowing it will be used in the hydroponic cultivation of cannabis.

A person does not commit a crime if they are in possession of medicinal cannabis obtained from a pharmacy with a prescription from their doctor.

Drug Paraphernalia

Drug paraphernalia is anything that is used in connection with manufacturing, preparing or smoking a prohibited drug or plant, e.g. bongs or pipes.

It is an offence to:

- Be in possession of any drug paraphernalia in or on which there are traces of cannabis.
- Display any drug paraphernalia for sale in a shop.
- Sell any drug paraphernalia. The penalty is more serious if it is sold to a child (under 18) than an adult.

Herbal Smoking Blends (Synthetic Cannabis)

It is illegal to manufacture, sell or supply or promote a psychoactive substance. A 'psychoactive substance' is any substance that when taken has the effect of causing hallucinations or change to thinking, behaviour, perception, awareness or mood or motor function or the effect of causing dependency. This means that manufacturing, selling or supplying 'synthetic cannabis' is now an offence.



What Are The Penalties?

If you are over the age of 14 and found with 10 grams or less of cannabis or a smoking implement with traces of cannabis and you have no previous drug convictions, the Police may issue you with a Cannabis Intervention Requirement (CIR). A CIR requires you to complete drug counselling sessions. If you complete all that is required of you under this Requirement, then you will not have to attend court and ultimately get a drug conviction.

If you do not get a CIR, you will be charged and must attend court.

If you are an adult (over 18) and sell or supply cannabis to a child (under 18), it is considered to be far more serious than sell or supplying cannabis to an adult.

The penalties for drug offences vary depending on the seriousness and whether you are under the age of 18 or an adult. You will need to get legal advice about your particular situation.

More Information

For legal advice about your own situation, contact Youth Legal Service 1800 199 006 or 9202 1688.

WA Police: www.police.wa.gov.au/Your-Safety/Alcohol-and-drugs/Illicit-drugs-and-the-law

Drug Aware: www.drugaware.com.au

Government of Western Australia, Mental Health Commission: <https://www.mhc.wa.gov.au/reports-and-resources/resources/drug-related-resources/>

Drug & Alcohol Youth Service: <https://www.missionaustralia.com.au/servicedirectory/185-alcohol-other-drugs/drug-and-alcohol-youth-service-days-youth-withdrawal-and-respite-service>

DrugRehab.com (this is an American website but may be helpful): <https://www.drugrehab.com/addiction/drugs/>

TeensHealth (this is an American website but may be helpful): www.teenshealth.org/teen/drug_alcohol

Government of Western Australia, Department of Health: https://healthywa.wa.gov.au/Articles/A_E/Cannabis

Please note: Laws are subject to change. Last updated July 2020.

Important: The information provided in this infosheet is for information only.

It should not be relied on as legal advice.

Please seek legal advice about your particular circumstances.