



Recreational Drug Laws

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

What Are Prohibited Drugs And Plants?

There are very long lists in the *Misuse of Drugs Act* and *Poisons Act 1964* which tell us what is a prohibited drug or plant.

Commonly known prohibited drugs include:

- Amphetamine (speed, goey, wizz)
- Cannabis (marijuana, weed, gunja, dope, pot, grass, hashish)
- Cocaine (coke, crack, rock, Charlie)
- Heroin ('H', smack, horse, stuff, hammer)
- LSD (acid)
- MDMA (ecstasy, Es, eccies, pills)
- Methylamphetamine (ice, crystal, glass, meth)
- Psilocybin (magic mushrooms, mushies, happies)

Commonly known prohibited plants include:

- Cannabis
- Opium poppy

In What Ways Are Prohibited Drugs And Plants Illegal?

It is illegal to:

- Possess or use a prohibited drug or plant.
- Sell or offer to sell a prohibited drug or plant.
- Supply (give) someone a prohibited drug or plant.
- Manufacture or prepare a prohibited drug or plant for use.
- Cultivate (grow) a prohibited plant.
- Cultivate with intent to sell or supply a prohibited plant.
- For an owner or occupier of a place to allow that place to be used for cultivation, manufacture, sell or supply or use of a prohibited drug or plant.
- Be found in a place where there is smoking of a prohibited drug or plant other than cannabis.
- Forge or alter a prescription from your medical practitioner for a prohibited drug.
- Sell or supply to another, a prohibited drug you take on prescription from your medical practitioner to treat a medical condition, e.g. dexamphetamine, oxycodone, etc.



Psychoactive Substances

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 any drug that is designed to mimic a prohibited drug (e.g. synthetic cocaine, bath salts, party pills, synthetic cannabis) is an offence.

Drug Paraphernalia

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

It is an offence to:

- Be in possession of any drug paraphernalia in or on which there are traces of a prohibited drug or plant.
- 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.

Category 1 And 2 Items

There are legislative controls on the possession, sale and supply of chemicals and apparatus that are required to produce amphetamines and other drugs. These chemicals and apparatus are listed in the Misuse of Drugs regulations.

It is an offence to be in possession of any Category 1 or Category 2 item without a lawful excuse.

What Are The Penalties?

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

Anyone who is convicted of possessing, selling or supplying more than 28 grams of methamphetamine can face a sentence of life imprisonment.

The penalties for drug charges vary depending on the quantity of the prohibited drug found, whether it was for personal use or sale or supply to others. There will be differences in penalties if 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/your-health-and-wellbeing/drugs/>

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>

Government of Western Australia, Department of Health, Prescription Drugs of Dependence: https://healthywa.wa.gov.au/Articles/A_E/Drugs-of-dependence

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

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.