

AUSTRALIAN DRUG LAWS: OFFENCES AND PENALTIES

**A Summary of State and Federal Legislation
Concerning Illegal Drugs**

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FOREWORD

Because of the multiplicity and complexity of legislation concerning illegal drug matters in Australia, it is often difficult to obtain precise comparative information about legal provisions governing drug offences. The Institute is often asked to provide up-to-date tables on matters such as maximum penalties for various offences or quantities of drugs which result in different legal categorisations.

As an aid to answering such questions, Anita Scandia has compiled a comprehensive listing of the major provisions of Australian federal, state and territory legislation dealing with illegal drugs. Researchers, politicians, media groups, and others will find this a valuable source in which to identify the particular provisions of interest to them.

Grant Wardlaw
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May 1988

NEW SOUTH WALES
DRUG MISUSE AND TRAFFICKING ACT 1985 NO. 226

PART II - OFFENCES
DIVISION 1 - SUMMARY OFFENCES

Offence		Maximum Penalty	
Section	Description	Section	Description
10(1)	Possession	21	A fine of \$2,000 or imprisonment for a term of 2 years or both such fine and imprisonment
12(1)	Use/Self Administer		

DIVISION 2 - INDICTABLE OFFENCES

Prohibited Drug/Plant	Traffickable Quantity	Small Quantity	Indictable Quantity	Commercial Quantity
Cannabis Plant	-	5	20	1000
Cannabis Leaf	200 grams	25 grams	750 grams	100 kilograms
Cannabis Resin	20 grams	2 grams	40 grams	10 kilograms
Cannabis Oil	2 grams	0.2 grams	4 grams	2 kilograms

Offence		Maximum Penalty	
Section	Description	Section	Description
23(1)(b)	Supplies or takes part in the supply of a plant	30(1)(a)	< small quantity
25(1)	Supplies or takes part in the supply of a drug	30(1)(c)	< small quantity
		30(3)	A fine of \$2,000 or imprisonment of 2 years or both such fine and imprisonment

Offence		Maximum Penalty	
Section	Description	Section	Description
29	Possession > traffickable quantity is deemed to be for the purpose of supply	31(1)(a) < indictable quantity 31(1)(c) < indictable quantity	
		31(3)	A fine of \$5,000 or imprisonment of 2 years or both such fine and imprisonment
		32(a) elsewhere < commercial quantity	
		32(c) elsewhere < commercial quantity	
		32(g) except as provided by (h)	A fine of \$200,000 or 15 years imprisonment or both such fine and imprisonment
		32(h) relating to Cannabis plant/leaf	A fine of \$200,000 or 10 years imprisonment or both such fine and imprisonment
23(2)(b)	Supplies or takes part in the supply of plants > commercial quantity	33(a) > commercial quantity	
25(2)	Supplies or takes part in the supply of drugs > commercial quantity	33(c) > commercial quantity	

Offence Section	Description	Maximum Section	Penalty Description
		33(g) except as provided by (h)	A fine of \$500,000 or imprisonment for life or both such fine and imprisonment
		33(h) relating to Cannabis plant/leaf	A fine of \$500,000 or imprisonment for 20 years or both such fine and imprisonment
23(1)(c)	Possession of a plant	30(1)(a) < small quantity	
		30(3)	A fine of \$2,000 or imprisonment of 2 years or both
		31(1)(a) < indictable quantity	
		31(3)	A fine of \$5,000 or imprisonment of 2 years or both
		32(a) else- where < commercial quantity	
		32(h)	A fine of \$200,000 or 15 years imprison- ment or both
23(2)(c)	Possession of plants > commercial quantity	33(a) 33(h)	A fine of \$500,000 or 20 years imprison- ment or both

VICTORIA
DRUGS, POISONS AND CONTROLLED SUBSTANCES (AMENDMENT) ACT 1983
NO. 10002

PART V - DRUGS OF DEPENDENCE

Prohibited Drug	Commercial Quantity	Traffickable Quantity	Small Quantity
Cannabis Leaf	100 kilograms	250 grams	50 grams

Section	Offence Description	Section	Maximum Penalty Description
71(1)	Trafficks or attempts to traffick	71(1)(a) > commercial quantity 71(1)(a)(i) 71(1)(a)(ii)	Imprisonment up to 25 years and in addition, a penalty up to 2,500 penalty units
73(2)	Possession > traffickable quantity is deemed to be for the purpose of supply	71(1)(b) any other case	1,000 penalty units and/or 15 years imprisonment
73(1)	Possession	73(1)(i) < small quantity and 73(1)(a)(ii) not related to traffick.	A penalty of not more than 5 penalty units
		73(1)(b) < traffick- able quantity not related to traffick	30 penalty units and/ or 1 year imprison- ment
		73(1)(c) any other case (ie. < traffick- able quantity but related to traffick)	400 penalty units and/or 5 years imprisonment
75	Use	75(a)	5 penalty units

QUEENSLAND
DRUGS MISUSE ACT 1986 NO. 36

PART II - DRUG TRAFFICKING
PART VI - MISCELLANEOUS

Dangerous Drug	Quantity of Dangerous Drug
Cannabis Sativa	500 grams, or if the dangerous drug consists of plants the aggregate height of which is less than 500 grams, 100 plants.

Section	Offence Description	Section	Maximum Penalty Description
6	Supply	6(c)	Imprisonment with hard labour for to a minor life
		54(1)(a) 54(2)(a)	Pay a fine in addition to imprisonment, 5,000 penalty units
		6(d)	Imprisonment with hard labour for 15 years
		54(1)(b)	Pay a fine in addition to or instead of the imprisonment
		54(2)(b) 13 summary proceedings	3,000 penalty units imprisonment with hard labour for 2 years
		54(1)(b)	Pay a fine in addition to or instead of the imprisonment
		54(2)(c)	100 penalty units
9	Possession	9(c) < quantity	Imprisonment with hard labour for life
		54(1)(a) 54(2)(a)	Pay a fine in addition to imprisonment 5,000 penalty units

Offence Section	Description	Maximum Penalty Section	Description
		9(d) < quantity	Imprisonment with hard labour for 15 years
		54(1)(b)	Pay a fine in addi- tion to or instead of the imprisonment
		54(2)(b) 13 summary proceedings	3,000 penalty units. Imprisonment with hard labour for 2 years
		54(1)(b)	Pay a fine in addi- tion to or instead of the imprisonment
		54(2)(c)	100 penalty units

WESTERN AUSTRALIA
MISUSE OF DRUGS ACT 1981 NO. 66

PART II - OFFENCES RELATING TO PROHIBITED DRUGS AND
PROHIBITED PLANTS

PART III - PROCEDURE

PART VI - GENERAL

Prohibited Drug/Plant	Court of Trial [*]	Minimum Quantities
Cannabis	500 grams	100 grams
Cannabis Resin	40 grams	20 grams
Cannabis (Cigarette Form)	400 cigarettes	80 cigarettes
Cannabis Plants	100	25

Offence		Maximum Penalty		
Section	Description	Court of Trial [*]	Section	Description
6(1)(a)	Possession of drugs for the purpose of supply	9(2)(a) drugs < amount specified shall be tried by	34(1)(a)	A fine not exceeding \$100,000 and/or imprisonment not exceeding 25 years
6(1)(c) 11(a)	Supply drugs Possession of drugs > minimum amount is deemed to be for the purpose of supply	a Summary Court 9(2)(b) Plants < amount specified shall be tried by	34(2)(a)(i)	A fine not exceeding \$20,000 and/or imprisonment not exceeding 10 years
7(1)(a)	Possession of plants for the purpose of supply	a Summary Court	34(2)(b)	A fine not exceeding \$5,000 and/or imprisonment not exceeding 4 years
7(1)(b) 11(b)	Supply plants Possession of plants > minimum amount is deemed to be for the purpose of supply	9(1) tried by a Court of Petty Sessions	34(1)(b)	Imprisonment not exceeding 20 years without the option of a 6(1) or 7(1) fine
6(2)	Possession/Use of a drug		34(1)(e)	A fine not exceeding \$2,000 and/or imprisonment not exceeding 2 years
7(2)	Possession of a plant			

* The amounts of prohibited drugs which determine a Court of Trial

SOUTH AUSTRALIA
 CONTROLLED SUBSTANCES ACT 1984 NO. 52
 CONTROLLED SUBSTANCES (AMENDMENT) ACT 1986 NO. 64

PART V - SPECIAL PROVISIONS RELATING TO DRUGS OF DEPENDENCE
 AND PROHIBITED SUBSTANCES
 DIVISION 1 - OFFENCES

<u>Drug of Dependence</u>		<u>Prescribed Amount</u>	
Cannabis Plants		1,000 growing plants	
Other than growing Cannabis Plants		100 kilograms	
Cannabis Resin		25 kilograms	

<u>Offence</u>		<u>Maximum Penalty</u>	
<u>Section</u>	<u>Description</u>	<u>Section</u>	<u>Description</u>
32(1)(c)	Supply	32(5)(a)	
32(1)(d)	Take part in the supply	32(5)(a)(i)	A penalty of both a fine not exceeding \$500,000 and imprisonment for a term not exceeding 25 years
32(4)(a)	participates in any step	> prescribed amount	
(b)	provides/arranges finance		
(c)	provides premises		
32(1)(e)	Possession for the purpose of supply	32(5)(a)(ii)	A penalty not exceeding \$50,000 or imprisonment for 10 years or both
32(3)	Possession > prescribed amount is deemed to be for the purpose of supply	any other case	
31(1)(a)	Possession	31(2)(a)	A penalty not exceeding \$500
(b)	Smoke/Consume		

TASMANIA
POISONS AMENDMENT ACT NO. 27 OF 1984

PART V - SPECIAL PROVISIONS RELATING TO NARCOTICS, PROHIBITED
PLANTS AND PROHIBITED SUBSTANCES
DIVISION 2 - RESTRICTIONS ON THE IMPORTATION, MAKING, REFINING,
PREPARATION, SALE, SUPPLY, POSSESSION, CULTIVATION
AND USE OF NARCOTICS AND PROHIBITED PLANTS.

Prohibited Plant	Prescribed Quantity
Indian Hemp (otherwise than separate resin or individual plants of an individual preparations)	25 grams
Indian Hemp (individual plants)	5
Indian Hemp (individual preparations)	40
Indian Hemp Resin or any preparation containing such resin	5 grams

Offence		Maximum Penalty	
Section	Description	Section	Description
47(3)(a)	Supply	47(6)	Is liable to a fine of \$4,000, or imprisonment for 10 years or both
47(3)(b)	Traffick		
47(7)	Possession > prescribed quantity is deemed to be for the purpose of supply or trafficking	47(9)	
49(1)(a)	Possession of a plant		\$3,000 fine or imprisonment for 2 years or both
49(1)(b)	Possession of any part of a plant		

NORTHERN TERRITORY
POISONS AND DANGEROUS DRUGS ACT 1978

PART XIII - OFFENCES, PENALTIES, INVESTIGATIONS

Prohibited Drug	Minimum Quantities
Cannabis in terms of plant or part	50 grams
Cannabis-extract, resin or tincture	10 grams

Section	Offence Description	Section	Maximum Penalty Description
66(2)(b)	Supply	81(b)(i)	1st offence - up to 7 years imprisonment
66(2)(c)	Possession for the purpose of supply		
67(2)(a)	Possession Cannabis in forms of plant or part > minimum quantity is deemed to be for the purpose of supply	81(b)(ii)	2nd offence - up to 15 yrs imprisonment
		81(b)(iii)	3rd and subsequent offence - up to 25 years imprisonment
67(2)(b)	Possession Cannabis extract, resin or tincture > minimum quantity is deemed to be for the purpose of supply		
68(2)	Possession Cannabis in plant form is deemed to be for the purpose of supply		
66(1)	Uses/possession	81(c)(i)	1st offence - up to \$500 fine
		81(c)(ii)	
		81(c)(iii)	2nd offence - up to \$1,000 fine 3rd and subsequent offence up to \$2,000 fine

AUSTRALIAN CAPITAL TERRITORY
POISONS AND NARCOTIC DRUGS ORDINANCE 1978

PART II - ADDICTIVE SUBSTANCES
DIVISION 1 - UNAUTHORISED USE, POSSESSION AND SUPPLY

Prohibited Drug	Traffickable Quantity
Cannabis	100 grams
Cannabis Resin	20 grams

Section	Offence Description	Section	Maximum Penalty Description
4(2)	Supply	4(6)(b)	Imprisonment for a term not exceeding 10 years or a fine not exceeding \$4,000 or both such imprisonment and fine
4(3)	Possession for the purpose of supply		
4(4)	Possession > prescribed traffickable amount is deemed to be for the purpose of supply		
5(1)	Possession	5(2)(a)(ii) Cannabis > 25g	Imprisonment for a term not exceeding 2 years or a fine not exceeding \$2,000 or both such imprisonment and fine
		5(2)(b) Cannabis > 25g	Fine not exceeding \$100
6(3)	Use/Self Administration	8(1)	Fine not exceeding \$100

NEW SOUTH WALES
DRUG MISUSE AND TRAFFICKING ACT 1985 NO. 226

PART II - OFFENCES
DIVISION 1 - SUMMARY OFFENCES

Offence		Maximum Penalty	
Section	Description	Section	Description
10(1)	Possession	21	A fine of \$2,000 or imprisonment for a term of 2 years or both such fine and imprisonment
12(1)	Use/Self Administer		

DIVISION 2 - INDICTABLE OFFENCES

Prohibited Drug	Traffickable Quantity	Small Quantity	Indictable Quantity	Commercial Quantity
Amphetamines	2.0 grams	0.2 grams	4.0 grams	2 kilograms
Cocaine	2.0 grams	0.2 grams	4.0 grams	2 kilograms
Heroin	2.0 grams	0.2 grams	4.0 grams	1 kilogram
Opium	20.0 grams	2.0 grams	40.0 grams	20 kilograms

Offence		Maximum Penalty	
Section	Description	Section	Description
25(1)	Supplies or takes part in the supply of a drug	30(1)(c) < small quantity 30(3)	A fine of \$2,000 or imprisonment of 2 years or both such fine and imprisonment
29	Possession > traffickable quantity is deemed to be for the purpose of supply	31(1)(b) < indictable quantity 31(1)(c) < indictable quantity	

Section	Offence Description	Section	Maximum Penalty Description
		31(3)	A fine of \$5,000 or imprisonment for a term of 2 years, or both
		32(b) elsewhere < commercial quantity	
		32(c) elsewhere < commercial quantity	
		32(g)	A fine of \$200,000 or 15 years imprisonment or both such fine and imprisonment
25(2)	Supplies or takes part in the supply of drugs > commercial quantity	33(c) > commercial quantity	
		33(g)	A fine of \$500,000 or imprisonment for life or both such fine and imprisonment

VICTORIA
 DRUGS, POISONS AND CONTROLLED SUBSTANCES (AMENDMENT) ACT 1983
 NO. 10002

PART V - DRUGS OF DEPENDENCE

Prohibited Drug	Commercial Quantity	Traffickable Quantity
Heroin	1.5 kilograms	2.0 grams
Cocaine	2.0 kilograms	2.0 grams
Amphetamine	2.0 kilograms	2.0 grams

Section	Offence Description	Section	Maximum Penalty Description
71(1)	Trafficks or attempts to traffick	71(1)(a)	> commercial quantity
		71(1)(a)(i)	Imprisonment for a term of not more than 25 years
		71(1)(a)(ii)	In addition, a penalty of not more than 2,500 penalty units
		71(1)(b) any other case	1,000 penalty units and/or 15 years imprisonment
73(2)	Possession > traffickable quantity is deemed to be for the purpose of supply	71(1)(b) any other case	1,000 penalty units and/or 15 years imprisonment
73(1)	Possession	73(1)(i) < small	A penalty of not more than 5 penalty units
		73(1)(a)(ii) not related to traffick.	
		73(1)(b) < traffick- able quantity not related to traffick	30 penalty units and/or 1 year imprisonment

Section	Offence Description	Section	Maximum Penalty Description
		73(1)(c) any other case (ie. < traffick- able quantity but related to traffick)	400 penalty units and/or 5 years imprisonment
75	Use	75(b)	not more than 30 penalty units or to imprisonment not more than one year or to both

QUEENSLAND
DRUGS MISUSE ACT 1986 NO. 36

PART II - DRUG TRAFFICKING
PART VI - MISCELLANEOUS

Schedules Three and Four

<u>Dangerous Drug</u>		<u>Quantity of Dangerous Drug</u>	
Amphetamine	2.0 grams)	Schedule Three	
Cocaine	2.0 grams)		
Heroin	2.0 grams)		
Opium	20.0 grams)		
Heroin	200.0 grams)	Schedule Four	
Cocaine	20.0 grams)		

Section	Offence	Section	Maximum Penalty
	Description		Description
9	Possessing dangerous drugs		
9(a)	If drug is specified in the 1st Schedule and the quantity of is of or exceeds the quantity specified in the 4th Schedule	9(a)	Imprisonment with hard labour for life - mandatory
9(b)	If dangerous drug is specified in the 1st Schedule, is of the quantity or < quantity specified in 3rd Schedule but > quantity specified in 4th Schedule	9(b)(i)	Imprisonment with hard labour for life
		9(b)(ii)	Imprisonment with hard labour for life - mandatory
		54(1)(a)	Pay a fine in addition to imprisonment
		54(2)(a)	5,000 penalty units
9(c)	If dangerous drug specified in the 2nd Schedule is of the quantity or exceeds quantity specified in 3rd Schedule	9(c)	Imprisonment with hard labour for life

Schedule One

Dangerous Drug

Heroin
Cocaine

Section	Offence Description	Section	Maximum Penalty Description
5	Trafficking	5(a)	Imprisonment with hard labour for life - mandatory
6	Supply	6(a) supplied to a minor	Imprisonment with hard labour for life - mandatory
		6(b) if (a) does not apply	Imprisonment with hard labour for life
		54(1)(a)	Pay a fine in addition to imprisonment
		54(2)(a)	5,000 penalty units
		54(1)(b)	Pay a fine in addition to or instead of the imprisonment
		54(2)(b)	3,000 penalty units
		13 Summary Proceedings	Imprisonment with hard labour for 2 years
		54(2)(c)	100 penalty units
9	Possessing dangerous drugs		
9(a)	If drug is specified in the 1st Schedule and the quantity of is of or exceeds the quantity specified in the 4th Schedule	9(a)	Imprisonment with hard labour for life - mandatory

Offence		Maximum Penalty	
Section	Description	Section	Description
9(b)	If dangerous drug is specified in the 1st Schedule, is of the quantity or < quantity specified in 3rd Schedule but > quantity specified in 4th Schedule	9(b)(i)	Drug dependent person - imprisonment with hard labour for life
		9(b)(ii)	Imprisonment with hard labour for life - mandatory
		54(1)(a)	Pay a fine in addition to imprisonment
		54(2)(a)	5,000 penalty units
9(c)		9(c)	Imprisonment with hard labour for life
		< quantity specified in 3rd Schedule	
		9(d)	Imprisonment with hard labour for 15 years
		> quantity specified in 3rd Schedule	
		54(1)(a)	Pay a fine in addition to imprisonment
		54(2)(a)	5,000 penalty units
		54(1)(b)	Pay a fine in addition to or instead of imprisonment
		54(2)(b)	3,000 penalty units
		54(1)(b)	Pay a fine in addition to or instead of imprisonment
		54(2)(c)	100 penalty units

Schedule Two

Dangerous DrugsOpium
Amphetamines

Section	Offence Description	Section	Maximum Penalty Description
5	Trafficking	5(b)	Imprisonment with hard labour for life
6	Supply	6(c)	Imprisonment with hard labour for life - mandatory
		6(d)	Imprisonment with hard labour for 15 years
		54(1)(a)	Pay a fine in addition to imprisonment
		54(2)(a)	5,000 penalty units
		54(1)(b)	Pay a fine in addition to or instead of imprisonment
		54(2)(b)	3,000 penalty units
		54(2)(c)	100 penalty units if convicted in Summary Proceedings
9	Possession	9(c)	Imprisonment with hard labour for life
		< quantity specified in 3rd Schedule	
		9(d)	Imprisonment with hard labour for 15 years
		> quantity specified in 3rd Schedule	
		54(1)(b)	Pay a fine in addition to or instead of imprisonment
		54(2)(b)	3,000 penalty units
		13 Summary Proceedings	Imprisonment with hard labour for 2 years
		54(2)(c)	100 penalty units

WESTERN AUSTRALIA
MISUSE OF DRUGS ACT 1981 NO. 66

PART II - OFFENCES RELATING TO PROHIBITED DRUGS AND
PROHIBITED PLANTS
PART III - PROCEDURE
PART VI - GENERAL

Prohibited Drug	Court of Trial [*]	Minimum Quantities
Heroin	-	2.0 grams
Opium	40.0 grams	20.0 grams
Amphetamines	4.0 grams	2.0 grams
Cocaine	4.0 grams	2.0 grams

Offence		Maximum Penalty		
Section	Description	Court of Trial [*]	Section	Description
6(1)(a)	Possession of drugs for the purpose of supply	9(2)(a)	34(1)(a)	A fine not exceeding \$100,000 and/or imprisonment not exceeding 25 years
6(1)(b)	Manufacture/prepare		34(2)(b)	A fine not exceeding \$5,000 and/or imprisonment not exceeding 4 years
6(1)(c)	Supply drugs		As 34(2)(b)	
11(a)	Possession of drugs > minimum amount is deemed to be for the purpose of supply		As 34(2)(b)	

* The amounts of prohibited drugs which determine a Court of Trial

Offence		Court of Trial*	Maximum Penalty	
Section	Description		Section	Description
7(1)(a)	Possession of prohibited drug for the purpose of supply		34(1)(b)	Imprisonment nor exceeding 20 years without the option of a fine
6(2)	Possession/Use of a drug (simple offence)	9(1) tried by a Court of Petty Sessions	34(1)(e)	A fine not exceeding \$2,000 and/or imprisonment not exceeding 2 years

* The amounts of prohibited drugs which determine a Court of Trial

SOUTH AUSTRALIA
 CONTROLLED SUBSTANCES ACT 1984 NO. 52
 CONTROLLED SUBSTANCES (AMENDMENT) ACT 1986 NO. 64

PART V - SPECIAL PROVISIONS RELATING TO DRUGS OF DEPENDENCE
 AND PROHIBITED SUBSTANCES
 DIVISION 1 - OFFENCES

Prohibited Substances	Prescribed Amount
Cocaine	2.0 grams
Amphetamine	2.0 grams
Opium	20.0 grams
Heroin	-

Offence		Maximum Penalty	
Section	Description	Section	Description
31(a)	Possession	32(b)	A penalty not exceeding \$2,000 or imprisonment for 2 years
31(b)	Administer		
32(1)(a)	Manufacture	32(5)(a)(ii)	A penalty not exceeding \$4,000 or imprisonment for 10 years or both
(b)	Take part in the manufacture		
(c)	Sell, supply or administer		
(d)	Take part in the sale	32(5)(b)(i)	If quantity equals or exceeds the amount prescribed a penalty of both a fine not exceeding \$250,000 and imprisonment for a term not exceeding 25 years
(e)	Possession for the purpose of supply		
32(3)	Possession of more than prescribed amount is deemed to be for the purpose of supply	32(5)(b)(ii)	A penalty not exceeding \$100,000 or imprisonment for 25 years or both
32(4)(a)	Participate in any step	any other case	
(b)	Provides/arranges finance		
(c)	Provides premises		

TASMANIA
POISONS ACT 1971 NO. 81

PART V - SPECIAL PROVISIONS RELATING TO NARCOTICS, PROHIBITED
PLANTS AND PROHIBITED SUBSTANCES
DIVISION 2 - RESTRICTIONS ON THE IMPORTATION, MAKING, REFINING,
PREPARATION, SALE, SUPPLY, POSSESSION, CULTIVATION
AND USE OF NARCOTICS AND PROHIBITED PLANTS.

Prohibited Substance	Prescribed Quantity
Cocaine	0.5 of a gram
Amphetamine	0.5 of a gram
Heroin	0.5 of a gram
Opium	5.0 grams

Offence		Maximum Penalty	
Section	Description	Section	Description
47(3)(a)	Supply	47(6)	Is liable to a fine of \$4,000, or to imprisonment for 10 years, or both
47(3)(b)	Traffick		
47(7)	Possession > pre-scribed quantity is deemed to be for the purpose of supply or trafficking	47(9)	On an indictment under subsection (3), the accused person may be convicted of an offence under Section 48 and punished as provided in that section
		48	\$3,000 fine or imprisonment for 2 years or both

NORTHERN TERRITORY
POISONS AND DANGEROUS DRUGS ACT 1978

PART XIII - OFFENCES, PENALTIES, INVESTIGATIONS

<u>Prohibited Drug</u>		<u>Minimum Quantities</u>	
	Amphetamine	Schedule 8) No minimum
	Cocaine	Schedule 8) Quantity
	Opium	Schedule 8) Specified
	Heroin	Schedule III	0.5 of a gram

<u>Offence</u>		<u>Maximum Penalty</u>	
<u>Section</u>	<u>Description</u>	<u>Section</u>	<u>Description</u>
64(a)	Possession	81(a)(i)	1st offence - up to a fine of \$5,000
		(ii)	2nd offence - up to 5 years imprisonment
		(iii)	3rd or subsequent offence - up to 10 years imprisonment
64(b)	Manufacture	81(b)(i)	1st offence - up to 7 years imprisonment
(c)	Supply	(ii)	2nd offence - up to 15 years imprisonment
(d)	Possession for purpose of supply	(iii)	3rd or subsequent offence - up to 25 years imprisonment
67(1)	Possession > minimum quantity is deemed to be for the purpose of supply	81(b)(i)	1st offence - up to 7 years imprisonment
		(ii)	2nd offence - up to 15 years imprisonment
		(iii)	3rd or subsequent offence - up to 25 years imprisonment

AUSTRALIAN CAPITAL TERRITORY
POISONS AND NARCOTIC DRUGS ORDINANCE 1978

PART II - ADDICTIVE SUBSTANCES
DIVISION 1 - UNAUTHORISED USE, POSSESSION AND SUPPLY

Prohibited Drug	Traffickable Quantity
Heroin	2.0 grams

Section	Offence Description	Section	Maximum Penalty Description
4(2)	Supply	4(6)(a)	Imprisonment for a term not exceeding 25 years or a fine not exceeding \$100,000 or both such imprisonment and fine
4(3)	Possession for the purpose of supply		
4(4)	Possession > prescribed trafficable amount is deemed to be for the purpose of supply		
5(1)	Possession	5(2)(a)(i)	Imprisonment for a term not exceeding 2 years or a fine not exceeding \$2,000 or both such imprisonment and fine
6(2)	Use/Self Administration	8(3)	Imprisonment for a term not exceeding 2 years or a fine not exceeding \$2,000 or both such imprisonment or fine

Prohibited Drug	Traffickable Quantity
Amphetamine	2.0 grams
Cocaine	2.0 grams
Opium	20.0 grams

Offence		Maximum Penalty	
Section	Description	Section	Description
4(2)	Supply	4(6)(a)	Imprisonment for a term not exceeding 25 years or a fine not exceeding \$100,000 or both such imprisonment and fine
4(3)	Possession for the purpose of supply		
4(4)	Possession > prescribed traffickable amount is deemed to be for the purpose of supply		
5(1)	Possession	5(2)(a)(i)	Imprisonment for a term not exceeding 2 years or a fine not exceeding \$2,000 or both such imprisonment and fine
6(1)	Use/Self Administration	8(3)	Imprisonment for a term not exceeding 2 years or a fine not exceeding \$2,000 or both such imprisonment or fine

COMMONWEALTH DRUG LEGISLATION
CUSTOMS ACT 1901 (AS AMENDED AUGUST 1987)

DIVISION 2 - PENALTIES FOR OFFENCES IN RELATION TO NARCOTIC GOODS

Name of Substance	Traffickable Quantity	Commercial Quantity
Cannabis	100.0 grams	100.0 kilograms
Cannabis Resin	25.0 grams	50.0 kilograms
Cocaine	2.0 grams	2.0 kilograms
Heroin	2.0 grams	1.5 kilograms
Opium	20.0 grams	20.0 kilograms
Amphetamine	2.0 grams	n/a

Offence		Maximum Penalty	
Section	Description	Section	Description
233(B)(a)	Possession	235(2)(c)(i)	Imprisonment for
(aa)	Brings, attempts to bring	Less than commercial quantity	life or for such period as the Court thinks appropriate
(b)	Imports/attempt to import	235(2)(c)(ii)	
(c)	Obtain possession	Not less than traffickable quantity	
(ca)	Possession of suspected import	235(2)(c)(ii)(A) Court convicted person	
(cb)	Conspires with another to import	previously on narcotic goods, quantity not less than the traffickable quantity	
(d)	Aids, abets, counsels, or procures	235(2)(c)(ii)(B) Without recording a conviction, person had committed another such offence	
(e)	Fail to disclose	235(2)(d) Not less than traffickable quantity	Fine not exceeding \$100,000 or imprisonment for a period not exceeding 25 years or both
		235(2)(d)(i) Other than cannabis	

Offence		Maximum Penalty	
Section	Description	Section	Description
		235(2)(d)(ii) Cannabis	A fine not exceeding \$4,000 or imprisonment for a period not exceeding 10 years or both
		235(2)(d)(e) In any other case	A fine not exceeding \$2,000 or imprisonment for a period not exceeding 2 years or both
		235(4)	May be prosecuted summarily
		235(6) Court of Summary Jurisdiction	Court may commit the offender for trial
		235(7) Proceedings summarily	Shall not impose a fine exceeding \$2,000 or imprisonment exceeding 2 years, may impose both



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