

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

New laws now make it 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 an illegal drug (e.g. synthetic cocaine, bath salts, party pills, synthetic cannabis) is now an offence.

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.



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- 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.

Drug paraphernalia

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

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?

The penalties for drug charges vary depending on the seriousness of the offence 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

Drug and Alcohol Office: Visit www.dao.health.wa.gov.au/Drugsandalcohol/Aboutdrugs.aspx.

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

Drug Aware: Visit www.drugaware.com.au.

TeensHealth: Visit www.teenshealth.org/teen/drug_alcohol. Please note, this is an American website but may be helpful.



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