

DRUGS AND THE LAW

If you have been charged with a drug offence, make sure you get legal advice as soon as possible. Call the Legal Help Line on 1300 366 424.

Drugs and The Law

The drugs we talk about in this factsheet are common *illegal* drugs like marijuana, ice, meth, amphetamines, ecstasy, LSD, cocaine, heroin etc. Some of the laws mentioned here apply to all drugs, and some to particular drugs.

There are two main types of drug offences which police could charge you with:

1. Drug Possession and Use, and
2. Drug Manufacture and Sale, Trafficking, or Supply.

There are many other laws, such as those about having equipment to use or make drugs, getting a child to take drugs, having ingredients that make up drugs, and others.

There are also laws against making, selling, and supplying drugs that are sold as “legal” drug alternatives (even though they’re not), such as synthetic cannabis, and other drugs designed to have similar effects to illegal drugs. It’s also illegal to possess, use or sell drugs that you don’t have a prescription for.

Drug Possession and Use

What’s the law about using drugs?

Whatever way you do it, whether it’s smoking, inhaling, injecting, or swallowing:

using an illegal drug is an offence. It’s an offence to help someone else use drugs. It’s also an offence to let someone help you use drugs.



What if I’ve got drugs on me or have equipment for using drugs?

It’s illegal to possess drugs that you’re not legally allowed to have (in your pockets, bag or in place in your car or house where you can get them).

If the police find you with bongs, pipes, scales, weights, and other items for taking or selling drugs you might also get charged with an offence.

Generally, the more drugs the police find you with, the more trouble you will be in. If you have more than a certain amount of drugs, the law can presume that you were planning to sell the drugs. Much heavier penalties will then apply.

The penalties for drug possession can be very serious. If you are under 18, and depending on the type and amount of drugs you have, there may be an option of a ‘drug diversion’ process which can be an alternative to going to court.

Drug Manufacture, Sale, Traffic, or Supply

If you are caught manufacturing or helping to manufacture drugs you are likely to be in serious trouble. The consequences will depend on the amount of drugs and the type of drugs the police find you with.

Can you get in trouble for helping out your friends who are selling or making drugs?



Disclaimer: The material in this factsheet is a general guide only. It is not legal advice. The legal information was correct at the time of publishing, however may change without notice.



**Legal Services
Commission**
OF SOUTH AUSTRALIA

We help people understand the law and how it can affect them.

For free legal help,
call the Legal Help Line:

1300 366 424

DRUGS AND THE LAW

It's illegal to knowingly 'take part' in the sale, supply, cultivation or manufacture of illegal drugs. This means that you can be charged with drug offences for doing things like letting your friends use your house or car to sell drugs, helping pack drugs into bags, arranging a meeting between dealers and buyers, helping transport drugs, hiding drugs or equipment, or taking or causing any step to be taken in the process of making, growing or selling drugs.

What counts as 'supply'?

Supply has a wide meaning. You can be caught for supplying if you provide or distribute drugs or offer to provide or distribute drugs. This could be, for example, giving drugs to a friend or handing out a stash around school. It's also illegal to offer to sell drugs to someone (even if you don't go through with it) or help your friends sell drugs. Giving drugs to other people is also illegal. So if you pass a joint around you can still be charged with supplying.

What about supplying young people?

The penalties for supplying or attempting to supply drugs to people under 18 can be even more serious. These can apply to young people selling or attempting to sell drugs to other young people. There are also increased penalties for supplying or selling drugs in a school zone. A school zone counts as the grounds of the school as well as any area within 500 metres from the school boundary.

Drink Spiking with drugs or alcohol

It's a serious offence to 'spike' food or drink with any substance capable of causing impairment to the mind or body of another person. It's still an offence even if there was no intention to cause harm but the person simply did not give any thought to the consequences.

Getting Searched

The police can search you or your car without arresting you if they *reasonably suspect* that you might have drugs on you. If you don't want to be searched, make sure you clearly say that and ask for that to be written down by the police officer. The police can also search you if you have been arrested. If you think that you've been searched in a way you shouldn't have, call the Legal Help Line 1300 366 424. If you are arrested for a serious offence you can ask police to call a Legal Aid lawyer 24/7.

Driving under the influence of drugs

It is an offence to drive while under the influence of an illegal drug. Police have the power to randomly stop drivers and take a saliva swab to test for drugs. There are serious penalties for drug driving, including loss of licence.

Contact us!

Got a legal problem?
Call our free Legal Help Line:
[1300 366 424](tel:1300366424)

Would you like more information,
resources, or a free visit?
Email: cle@lsc.sa.gov.au

To apply for legal aid online,
visit: www.lsc.sa.gov.au



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