Positive Choices
Drug and Alcohol Information
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Factsheet

Drug and alcohol use and the law

Evidence ratings:

This resource has undergone expert review. See our Help/Q&A section for more details.

Year: Year 7–8, Year 9–10, Year 11–12

Targeted Drugs: Alcohol, Drugs (General), Emerging Drugs (“Legal Highs”)

Tags: supply, possession, criminal record

Origin: Australian

Cost:
Free

Drugs and the Law

In Australia, the legal drinking age is 18 years old. It is illegal for someone under the age of 18 (minors) to purchase or to drink alcohol in licensed premises (e.g. a bar, club, restaurant). In many jurisdictions it is also illegal for someone under the age of 18 to consume alcohol in public places.

In a private residence, **it is illegal to supply alcohol to minors unless you have the parent or guardian's permission and can provide responsible adult supervision.**

It is against the law to possess, use, make, import or sell illegal drugs. Possession of drug-using equipment (e.g. a cannabis bong or pipe) that has been used to consume drugs is also against the law in most states and territories. Likewise, if illegal drugs are found in a person's locker, home, car, etc. they will be charged, unless they can prove the drugs do not belong to them.

The penalties for drug offences vary depending on the age of the offender (adult or minor), type of drug, quantities involved, previous offences, and the state or territory in which the offence happened.

A criminal record can lead to difficulties getting a job, credit card or even a visa for overseas travel.

Minor Drug Offence

Most states and territories will allow police to divert someone from going to court if charged for a minor drug offence. An example could be possession of very small amounts of some illegal drugs.

This can result in:

A caution	A youth justice conference	Assessment and education session
A formal warning recorded on a database for police records.	A meeting where issues surrounding the offence are discussed with the parent/guardian, police, and health professionals.	This involves being assessed for drug use and undergoing an education and counselling session.

Major Drug Offence

If someone is caught with a larger quantity of illegal drugs or is a repeat offender, they may not qualify for a diversion or caution and could face other penalties such as:

A fine	A criminal penalty
This can be over $100,000.	This can include a heavy fine and/or imprisonment which may be up to 25 years.

What about “Legal Highs”?

In recent years, many 'new' drugs have arrived on the market. These are often advertised as **'legal highs'**, despite the fact that in many cases they are not legal. These substances are also marketed as **'synthetic drugs', 'party pills', 'research chemicals'**, or **'plant food'**, and are often used as substitutes for other illegal drugs. They are sold as 'legal' and 'safe', however, many contain ingredients that are illegal and potentially very dangerous.

Most of these new drugs are illegal, or are quickly made illegal, because of health risks.

For more information, see Emerging Drugs and Synthetic Cannabinoids.

Evidence Base

This section outlines the law for drug-related offences in Australia. This information is a general summary and should not be taken as comprehensive legal advice. If you have been charged with a drug offence you should contact a criminal lawyer for assistance.

This factsheet was developed following expert review by researchers at the Matilda Centre for Research in Mental Health and Substance Use at the University of Sydney, the National Drug & Alcohol Research Centre at the University of New South Wales, and the National Drug Research Institute at Curtin University.

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