

Misuse of Drugs Act 1981

Penalties & Thresholds Related to Cannabis Offences

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Table 1: Minor cannabis offences and penalties

Description of offence	Offence		Penalty framework	
	Section	Section	Range	
Being in a place where cannabis is smoked	5(1)(e)	34(1)(e)	\$2,000, 2 years or both	
Occupier of premises permitting premises to be used for the manufacture, preparation, sale, supply or use of cannabis	5(1)(a)	34(1)(d)	\$3,000, 3 years or both	
Owner or lessee of premises permitting premises to be used for the use of cannabis	5(1)(b)	34(1)(d)	\$3,000, 3 years or both	
Person concerned in the management of premises for the manufacture, preparation, sale, supply or use of cannabis	5(1)(c)	34(1)(d)	\$3,000, 3 years or both	
Possession of pipes or utensils for smoking cannabis on which there are detectable traces of cannabis	5(1)(d)(i)	34(1)(d)	\$3,000, 3 years or both	
Possession of cannabis	6(2)	34(1)(e)	\$2,000, 2 years or both	
Cultivation of cannabis	7(2)	34(1)(e)	\$2,000, 2 years or both	
Possession of utensils for manufacture or preparation of cannabis for smoking on which there are detectable traces of cannabis	5(1)(d)(ii)	34(1)(d)	\$3,000, 3 years or both	
Contravention of order prohibiting a person from selling or supplying any thing used to hydroponically cultivate cannabis	7A(3)	34(1)(c)(ii)	\$2,000, 2 years or both	
Selling or offering to sell cannabis smoking paraphernalia to child	19A(2)	-	\$24,000, 2 years or both	
Selling or offering to sell cannabis smoking paraphernalia to child	19A(3)(a)	-	\$10,000	
Displaying or allowing cannabis smoking paraphernalia to be displayed for sale in a shop or other retail outlet	19A(3)(b)	-	\$10,000	

Table 2: Thresholds for serious cannabis offences

Type of cannabis	Threshold	Section
Leaf	100 g	Schedule 5
Plants	10 plants	Schedule 6
Cigarettes	80 cigarettes	Schedule 5
Resin ¹	20 g	Schedule 5
Tetrahydrocannabinols	2 g	Schedule 5

Note: The penalties for committing a serious offence are contained in Table 4.

Table 3: Serious cannabis offences and penalties

Description of offence	Offence	Penalty framework	
	Section	Section	Range
Possession of cannabis with intent to sell or supply	6 (1) (a)	34 (1) (a)	\$100,000, 25 years or both
Cultivation or possession of cannabis plants with intent to sell or supply	7 (1) (a)	34 (1) (a)	\$100,000, 25 years or both
Sell, supply or offer to sell or supply cannabis plants	7 (1) (b)	34 (1) (a)	\$100,000, 25 years or both
Sell, supply or offer to sell or supply any thing that is known will be used to hydroponically cultivate cannabis	7A(1)	34 (1) (c) (i)	\$20,000, 5 years or both

Table 4: Cannabis offences - place of trial

Type of cannabis	Threshold	Section	Optional summary trial	Trial in higher court
Leaf	500 g	Schedule 3	\$5,000, 4 years or both	\$20,000, 10 years or both
Plants	100 plants	Schedule 4	\$5,000, 4 years or both	\$20,000, 10 years or both
Cigarettes (containing any portion of cannabis)	400 cigarettes	Schedule 3	\$5,000, 4 years or both	\$20,000, 10 years or both

Table 5: Cannabis offences - thresholds for declaration as a drug trafficker

Type of cannabis	Threshold	Section
Leaf	3 kg	Schedule 7
Plants	250 plants	Schedule 8
Resin	100 g	Schedule 7

¹ Hashish oil is not covered in the legislation.