

# Penalties & Thresholds Related to Cannabis Offences in Misuse of Drugs Act 1981 & Cannabis Control Act 2003

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**Table 1: Minor cannabis offences and penalties  
(Misuse of Drugs Act 1981 and Cannabis Control Act 2003)**

Description	Misuse of Drugs Act 1981		Cannabis Control Act 2003	
	Offence	Penalty	Offence	Penalty
	Section	Section	Section	Regulations
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	5(1)	\$100
Possession of cannabis	6(2)	34(1)(e) \$2,000, 2 years or both	6(1)	\$100: <15 gms \$150: 15-30 gms
Cultivation of cannabis	7(2)	34(1)(e) \$2,000, 2 years or both	7(1)	\$200: up to 2 non hydroponic plants

**Table 2: Minor cannabis offences and penalties  
(Misuse of Drugs Act 1981 and Cannabis Control Act 2003)**

Description	Misuse of Drugs Act 1981			Cannabis Control Act 2003	
	Section	Penalty	Section	Section	Penalty
Being in a place where cannabis is smoked	5(1)(e)	\$2,000, 2 years or both	34(1)(e)		
Occupier of premises permitting premises to be used for the manufacture, preparation, sale, supply or use of cannabis	5(1)(a)	\$3,000, 3 years or both	34(1)(d)		
Owner or lessee of premises permitting premises to be used for the use of cannabis	5(1)(b)	\$3,000, 3 years or both	34(1)(d)		
Person concerned in the management of premises for the manufacture, preparation, sale, supply or use of cannabis	5(1)(c)	\$3,000, 3 years or both	34(1)(d)		
Possession of utensils <sup>1</sup> for manufacture or preparation of cannabis for smoking	5(1)(d)(ii)	\$3,000, 3 years or both	34(1)(d)		
Contravention of order prohibiting a person from selling or supplying any thing used to hydroponically cultivate cannabis	7A(3)	\$2,000, 2 years or both	34(1)(c)(ii)		
Failure to display prescribed warning notice by retailer of smoking paraphernalia				22	\$1,000 (person) \$5,000 (body corporate)
Failure by retailer of smoking paraphernalia to make available prescribed education materials				23	\$1,000 (person) \$5,000 (body corporate)
Selling by retailer of smoking paraphernalia to persons under 18 years				24	\$5,000 (person) \$25,000 (body corporate)

<sup>1</sup> On which there are detectable traces of cannabis.

**Table 3: Thresholds for serious cannabis offences (Misuse of Drugs Act 1981)**

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

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

**Table 4: Serious cannabis offences and penalties (Misuse of Drugs Act 1981)**

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

**Table 5: Cannabis offences - place of trial (Misuse of Drugs Act 1981)**

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 <sup>3</sup>	400 cigarettes	Schedule 3	\$5,000, 4 years or both	\$20,000, 10 years or both

**Table 6: Cannabis offences - thresholds for declaration as a drug trafficker (Misuse of Drugs Act 1981)**

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

<sup>2</sup> Hashish oil is not covered in the legislation.

<sup>3</sup> Containing any portion of cannabis.