

There are New Laws on Cannabis  
in Western Australia.



[www.drugaware.com.au](http://www.drugaware.com.au)



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# CANNABIS CONTROL ACT 2003

It is **against the law** to cultivate, possess, use, sell or supply cannabis. It is also against the law to possess pipes and other implements on which there are detectable traces of cannabis.

While the possession of small amounts of cannabis is still an offence it can now be dealt with by issuing a **Cannabis Infringement Notice (CIN)**. If a person receives a CIN and pays the financial penalty or attends a **Cannabis Education Session (CES)**, the person will not be required to appear in court and will not incur a criminal record.

## WHAT IS THE CANNABIS INFRINGEMENT NOTICE (CIN) SCHEME?

The Cannabis Infringement Notice (CIN) Scheme enables police, at their discretion, to issue an infringement notice for possession of small amounts of cannabis. People who receive a CIN will be required to pay a financial penalty within 28 days, complete a Cannabis Education Session within 28 days or can choose to have the matter heard in court. There is a limit to the number of times within a three-year period that a person who is issued with a CIN may choose to pay a financial penalty rather than complete a CES or go to court. A person who is issued with one or more CINs on each of three separate days within a three-year period will be required on the third and any subsequent occasion to attend a Cannabis Education Session or go to court, and will not be eligible to pay a financial penalty.

If police have relevant evidence, a person found in possession of a small amount of cannabis could still be charged with the more serious offence of possession of cannabis with intent to sell or supply.

The CIN Scheme does not apply to possession by an adult of any quantities of cannabis resin (hash), hash oil, or other cannabis derivatives. The possession of any quantity of these substances will continue to be prosecuted through the courts.

# CAN A YOUNG PERSON BE ISSUED WITH A CANNABIS INFRINGEMENT NOTICE?

No. Under the *Young Offenders Act 1994*, young people (aged 10 to 17 years inclusively) who are found growing, in possession of, or using cannabis within the limits set by the CIN scheme may be cautioned or referred to a Juvenile Justice Team.

# WHEN CAN A CANNABIS INFRINGEMENT NOTICE BE ISSUED?

A CIN can be issued in the following instances:

- possession by an adult of no more than 15 grams of cannabis - (penalty \$100);
- possession by an adult of more than 15 grams and no more than 30 grams of cannabis - (penalty \$150);
- possession by an adult of no more than two cannabis plants under cultivation at that person's principal place of residence provided that the plants are not hydroponically grown and that no other person is growing other cannabis plants on the same premises - (penalty \$200); and
- possession by an adult of pipes and other implements for use in smoking cannabis on which there are detectable traces of cannabis - (penalty \$100).

Under the *Misuse of Drugs Act 1981* police have the power to seize and destroy cannabis, cannabis plants and/or pipes or other implements (with detectable traces of cannabis) when a CIN is issued.

# WHAT CAN I DO IF I RECEIVE A CANNABIS INFRINGEMENT NOTICE?

Then options are:

- pay the Cannabis Infringement Notice financial penalty within 28 days of the CIN being issued; or
- complete a Cannabis Education Session (CES) within 28 days of the CIN being issued; or
- apply in writing to have the matter heard and determined in court.

Note: A person has 28-days to complete a CES or pay the financial penalty unless an extension is provided by an authorised person.



# IGNORING A CANNABIS INFRINGEMENT NOTICE

If the 28-day period has expired and you have not paid the financial penalty or completed a CES or elected to have the matter heard and determined in court, then a final demand for payment may be served on you. Once a final demand has been issued you will no longer be eligible to attend a CES for the CIN and you will be required to pay the financial penalty as well as additional administration costs.

If you have not paid the amount specified in the final demand by the due date then the matter may be registered with the Fines Enforcement Registry for enforcement. This may result in the payment of additional costs.

The Fines Enforcement Registry may issue an order for you to choose to pay the financial penalty or elect to have the matter heard in court. Under this order you will have 28 days to pay the financial penalty and additional costs or to refer the matter to be heard in court.

If after 28 days you still do not pay the financial penalty and additional costs, or make an election to refer the matter to court, the Fines Enforcement Registry may take steps to suspend your driver's licence or vehicle licence. Until the financial penalty and additional costs are paid, or you elect to have the matter heard in court, or the licence suspension order is cancelled, you will not be able to regain your driver's licence or vehicle licence or obtain a new licence.

At any time after a matter is registered with the Fines Enforcement Registry and before any part of the financial penalty and additional costs are paid or the enforcement process suspended, the police may elect to refer the matter to a court.

# FOR MORE INFORMATION AND HELP

If you would like more information about cannabis or how to access support services in Western Australia, contact:

## **The Alcohol and Drug Information Service (ADIS)**

Information, counselling and advice for people concerned about their own or another's drug use are available from the Alcohol and Drug Information Service (ADIS). This is a 24-hour, Statewide, confidential telephone service.

ADIS: (08) 9442 5000

Toll free (country callers only): 1800 198 024

E-mail: [adis@health.wa.gov.au](mailto:adis@health.wa.gov.au)

## **The Parent Drug Information Service (PDIS)**

Confidential telephone support, counselling, information and referral service for parents.

Telephone: (08) 9442 5050 Toll free: 1800 653 203

## **Drug Aware Youth Website - [www.drugaware.com.au](http://www.drugaware.com.au)**

- Access detailed information about drugs including cannabis and links to services in Western Australia.
- Post questions anonymously and have them answered by professionals.
- Find links to other useful sites.

## **Drug and Alcohol Office Website - [www.dao.health.wa.gov.au](http://www.dao.health.wa.gov.au)**

- For information about the Drug and Alcohol Office and its five directorates (Prevention, Practice Development, Client Services, Resourcing and Development, Next Step Drug and Alcohol Services, and Corporate Services).
- Access various publications on-line including reports, documents and general information about drugs and alcohol.
- Access the Alcohol and Other Drug Services directory for Western Australia.

