



Drugs & the Law
in the Sunshine State



CONTENTS

Introduction	2
Why Do We Have Drug Laws?.....	3
What Are The Laws?	5
Deciding About Drugs.....	10
What Drugs Do You Use?	11
Some Legal Consequences of Drug Use	12
Driving.....	14
Standard Drinks.....	16
Dealing with Drug Problems	17
Getting Help for Drug & Alcohol Problems	19
Internet Resources.....	20

INTRODUCTION

A drug is any chemical substance which affects the normal way that a person's mind or body works.

Since the very earliest civilisations, people have used many different kinds of drugs, and for many different reasons.

Most people don't think of themselves as drug takers, however, almost all of us are. We all use drugs in one form or another. Drug taking is part of ordinary human behaviour. Drugs can include a variety of substances including alcohol, tobacco, pain relieving tablets such as paracetamol and aspirin, cough and cold remedies, caffeine, minor tranquillisers, cannabis, amphetamines, heroin and steroids.

Using alcohol or any other drug is a matter of personal choice. If you choose to use a drug, you are responsible for the effects it has - on your health, on your behaviour, in fact on all aspects of your life.

For example:

- if you go to a pub or other licensed premises and have a few drinks, you are responsible for how you behave afterwards;
- even if a doctor prescribes a drug for you, you are responsible for taking it as advised and for not letting anyone else use it;
- if you use illegal drugs, you have to get them from an illegal source and you are responsible for possessing and using illegal substances.



Only a few drugs are absolutely illegal to use. Most are legal as well as socially acceptable and their use is often encouraged.

Whatever drugs you use, it is important that you know how they affect you and what the consequences of your drug use can be. Drugs can affect your health, your relationships with family and friends, your job, even your status in the community.

Sometimes drug use can get you into trouble with the law. **USE OF BOTH LEGAL AND ILLEGAL DRUGS CAN CAUSE LEGAL PROBLEMS.**

Most drugs are regulated by laws and regulations. This information is only concerned with psychoactive drugs - drugs which change the way you think, feel and behave. If you use any of these drugs, you need to know about the laws controlling them, the consequences of breaking those laws, and the people who can help with a legal or drug problem.

WHY DO WE HAVE DRUG LAWS?

Different countries have different attitudes and laws about drugs and at times people as well as their governments change their opinions about drugs.

For example:

- **ALCOHOL** was illegal in the USA in the 1920's; it is illegal now in Saudi Arabia; in Australia it is widely available.



- HEROIN was legal and widely used in the USA and Australia in the last century. Now it is illegal almost everywhere, though it can be used legally in Britain for pain relief in terminal cancer patients.

In Australia, some groups have strong feelings about particular drugs. For example:

- The anti-smoking movement is trying to get people to stop smoking, and to get stronger laws to control the advertising and promotion of tobacco, and its use in public places.
- Some groups are working to change public opinion on cannabis and lobbying for reduced legal controls on the drug.

If you are arrested, the police and the courts are not interested in your beliefs about drugs. Police don't make the laws they simply enforce them. Courts don't make the laws either. They deal with people who are charged with breaking the law.

Only the various levels of government can make or change laws. Government policies about drugs usually take account of:

- likelihood or evidence of drug use, including prevalence
- specific effects of the drug
- risks to public health and safety; and
- therapeutic value of the drug
- potential for use of the drug to cause death
- ability of the drug to create physical or psychological dependence
- international classification and experience of the drug in other jurisdictions
- any other matters that Parliament considers relevant.

WHAT ARE THE LAWS?

Both Federal and State governments have laws which regulate drugs.

The *Customs Act* (federal) covers international trafficking and the importation and exportation of drugs. Although there are differences between States, every State also has specific laws and penalties in relation to drugs. These laws deal with:

- manufacture
- possession
- distribution
- consumption or use
- related behaviour (like driving)
- advertising and labelling



In Queensland, the main laws are the *Drugs Misuse Act 1986*, the *Liquor Act 1992*, the *Transport Operations (Road Use Management) Act 1995*, the *Criminal Code Act 1899*, the *Police Powers and Responsibilities Act 2000* and the *Health (Drugs & Poisons) Regulation 1996*. These laws cover both legal and illegal drugs.

Drug laws in Australia also distinguish between those who use drugs and those who make a business of supplying, producing or trafficking in drugs.

Drugs can be divided into three groups, each with its own set of laws and regulations.

LEGAL DRUGS which people can legally use in any amount include:



- caffeine
- nicotine
- alcohol
- aspirin, paracetamol

Queensland has laws about who can manufacture, buy and sell some legal drugs like alcohol and tobacco. For instance, the sale of alcohol and tobacco to minors is illegal and the use of these two drugs in some public places is restricted.



Queensland also has laws about the advertising and promotion of legal drugs which, for example, control when and where alcohol and tobacco can be advertised.

PENALTIES usually include fines, and can also involve the suspension of a trading licence like a liquor licence. Anyone who wants to take action about the sale of legal drugs to minors can report an offence to the police or licensing commission.

LEGAL MEDICINAL DRUGS which people can use legally but in accordance with a doctor's prescription include:

- minor and major tranquillisers like Serepax, Valium, Librium
- sleeping pills like Mogadon, Noctec
- sedative-hypnotic barbiturates like Amytal, Nembutal
- sedative-hypnotic non-barbiturates like Doriden, Dormel



Companies which manufacture medicinal drugs like antibiotics and sleeping pills have to be licensed. They can only sell to licensed pharmacists who in turn can only sell these drugs to people who have a legal prescription.

The law also regulates who can write a prescription for legal medicinal drugs. Stealing, altering, forging or presenting a false prescription are also offences. It is also an offence to supply, or offer to supply a medicinal drug to anyone for whom it was not prescribed.

PENALTIES can include a heavy fine and/or prison sentence and if the offence has been committed by a doctor, dentist or pharmacist, their licence to practise and/or prescribe dangerous drugs may be suspended or revoked.

ILLEGAL DRUGS which are illegal for people to possess include:

- narcotic analgesics like opium and heroin
- stimulants like amphetamines (speed) and cocaine
- Euphorics such as 3,4- Methylenedioxymethamphetamine (MDMA) or ecstasy
- hallucinogens like LSD, psilocybin and mescaline
- cannabis products like marijuana and hashish

A wide range of other drugs are also covered by the *Drugs Misuse Act 1986* including performance and image enhancing drugs, pseudoephedrine and flunitrazepam (commonly known by its old brand name Rohypnol).

Some of these drugs can be prescribed for the treatment of medical problems or used in medical research, but a doctor must first get the appropriate approval.

PENALTIES

The *Customs Act* provides severe penalties for anyone who is convicted of importing or exporting illegal drugs. State laws also provide severe penalties for anyone manufacturing, supplying or possessing any illegal drugs.

It is worth knowing that if you have quantities of an illegal drug over a certain amount (sometimes call the "trafficable quantity") then you can be convicted not only of possessing but also of trafficking in that drug (by reason of the amount in your possession).

The *Customs Act*, which covers the import and export of goods in Australia, defines the trafficable quantities of illegal drugs as:

- cannabis: 100g or more
- cannabis resin: 20g or more
- opioids: 2g or more
- LSD: 0.002g or more

In Queensland, penalties for possessing and producing illegal drugs are harsher if the amounts exceed:

- cannabis: 500g or more, or if plants - weight is less than 500g and 100 plants
- heroin: 2g pure or more
- cocaine: 2g pure or more
- LSD: 0.004g pure or more

If you have less than these amounts, you can still be charged with possessing that drug. Penalties for this offence usually include fines and/or a term of imprisonment, a suspended sentence, probation or community service.

In an attempt to reduce drug dependency in the community, the level of drug related criminal activity, health risks associated with drug dependency and pressure on resources in the court and prison systems, another option for police and magistrates to deal with drug offenders is diversionary programs. There are currently four different drug diversion programs operating in Queensland

- The state wide Police Diversion Program, which commenced in 2001, is offered to eligible juveniles and adults charged with possession of 50 grams or less of cannabis. Eligibility is reliant on meeting legislated criteria including an agreement to attend a drug assessment/brief intervention.
- Under the state wide Illicit Drugs Court Division Program, introduced in 2003, the court is able to offer eligible adults and juveniles an opportunity to attend a drug assessment/brief intervention.
- The Queensland Magistrates Early Referral Into Treatment (QMERIT) Program is also being trialled in two areas of Queensland for eligible offenders whose criminal behaviours are linked to their drug use. An evaluation of this trial is currently being undertaken.
- There are also five Drug Courts operating in Queensland that focus on identifying drug dependent adults and utilising sentencing options and rehabilitation programs to address their dependency and reduce associated risks.

It is also an offence to publish or have possession of a recipe for the production of a dangerous drug.

If you are convicted of supplying illegal drugs, the law can be very severe. Penalties include very heavy fines, and long prison sentences. Dealing in illegal drugs is viewed harshly in all parts of Australia.

Courts can distinguish between different drugs when dealing with drug offences. For example, selling heroin is likely to be dealt with much more severely than selling cannabis. In Queensland, the *Drugs Misuse Act 1986* has maximum penalties for defined quantities of supply for each illegal drug.

DECIDING ABOUT DRUGS

It is worth making a mental checklist of all the drugs you use. Think about these different aspects of the drugs you may use:

- the effect they have on you
- their actual or possible physical harm to you
- do you know exactly what's in them and how strong it is
- the context or social setting in which you use them
- why you use them
- the consequences of your use - personally, socially, legally and in your work

Having thought about how, when, where and why you use them, you may decide that your use of drugs is okay - moderate, under control and harmless.

The fact is that some drugs are illegal, and that can affect you. If you are caught using them you could be charged and convicted. This could involve serving a prison sentence or paying a fine, but your future life may be affected even more seriously, because you will have a **CRIMINAL RECORD** for the rest of your life.



WHAT DRUGS DO YOU USE?

DRUGS	NEVER	EVERYDAY	WEEKLY	MONTHLY	RARELY
COUGH & COLD REMEDIES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
NICOTINE in tobacco	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ALCOHOL wine, beer, spirits	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CAFFEINE tea, coffee, cola, chocolate	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MINOR TRANQUILLISERS eg. Serepax, Valium	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SLEEPING PILLS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BARBITURATES eg. Tuinal, Seconal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
AMPHETAMINES eg. Ecstasy, Speed	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CANNABIS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COCAINE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PAIN RELIEVING TABLETS eg aspirin, paracetamol, codeine	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DIET PILLS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
OPIOIDS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
STEROIDS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HALLUCINOGENS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SOLVENTS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SOME LEGAL CONSEQUENCES OF DRUG USE

HAVING A CRIMINAL RECORD

Criminal convictions are recorded for some offences and they may exist forever. This can affect your life in many ways:

- **CAREER.** Certain areas of work can be closed to someone with a criminal record. For example, suppose you want to be a dentist, doctor, engineer, architect, lawyer, or teacher. You have to register with a professional association when your academic training is finished, and that association can refuse to accept you because of your criminal record.
- **EMPLOYMENT.** Some employers will check if you have a criminal record. You may not be able to get a job in the armed or police services, in security or public services, or in business or industry, if you have a conviction. If you are convicted while you are employed, you could be sacked.
- **LICENCES.** Having a criminal record can prevent you getting many sorts of licences; for example, licences for driving a taxi, running a liquor store or pub, or owning a gun.
- **TRAVEL.** Any person is entitled to have a passport, but many countries (like the USA) require that people travelling there get a visa. These countries can refuse to give you a visa if you have a criminal record.
- **SOCIAL STATUS.** Many individuals and groups of people in Australia discriminate against someone with a criminal record. A criminal record can affect your standing in the community, the attitudes of your workmates and your relationships with your family and friends.



RELATED BEHAVIOUR

Most psychoactive drugs change a person's mood or behaviour. Sometimes these changes are negative or harmful, both to you and to other people. Behaviour caused by drug use can also get you into trouble with the law.

INTOXICATION

While in some States, such as NSW, it is no longer an offence to be drunk in a public place, it is still an offence in QLD.

VIOLENCE

Long term or excessive use of alcohol or other drugs can affect your relationships with other people. Domestic violence can follow alcohol and drug use and damages relationships between partners, and parents and children. Injuring other people is a criminal offence. You can't excuse it or defend it just because it happens inside a family.

Alcohol or drug use can make you feel aggressive and cause fights with others. If you fight in a public place, this is also an offence.

CRIME

There seems to be a relationship between using some drugs and committing crimes; for example:

- alcohol is associated with serious assaults, drinking driving, street disturbances, domestic violence and a range of other offences;
- someone who regularly uses a drug like heroin needs a lot of money to pay for it. Sometimes people turn to committing crimes like supplying illicit drugs to others, theft, burglary or armed robbery, or by turning to prostitution to obtain money for drugs.

DRIVING

If you drive under the influence of alcohol or any other drug, you are committing an offence which carries a heavy penalty. This applies in all States and Territories in Australia.

In QLD, the police can stop your vehicle at any time to conduct a random breath test. You will be charged by the police in QLD if:

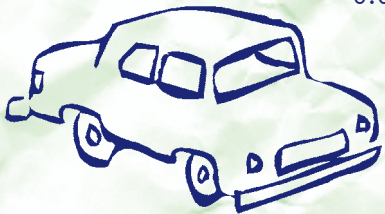
- your alcohol concentration* is 0.05% or over (for open licences)
- your alcohol concentration is above zero (for people under 25 years with a provisional or learners licence, or if unlicensed)
- your alcohol concentration is above zero (for people driving a truck, tow truck, taxi, bus, driving school vehicle and various other vehicles)
- you fail to supply a specimen of breath.



*The term 'alcohol concentration' is generic and covers both blood and breath alcohol concentrations as per Section 79A of the *Transport Operation (Road Use Management) Act 1995*.

All Australian States and Territories now conform to the under 0.05% legal alcohol concentration level.

However, you should be aware that various States have different legal alcohol concentration levels depending on the category of your licence. So you should check on the legal limits which apply if you are going to travel interstate.



In any case, it is an offence throughout Australia to drive if your driving skills are impaired by alcohol or any other drug.

If you are taking any kind of medicinal drug, it may also affect your driving ability, especially if you also drink alcohol. Even if you are taking a drug strictly in accordance with the prescription, and your driving skills are impaired by the drug's action, you are still committing a driving offence. Ignorance of the effects of the drug is not a defence. You should always check with your doctor about driving when you are taking prescribed medicines.







REMEMBER:

- many traffic crashes and fatalities are related to alcohol
- after a crash, the police can require a driver to have a breath test for alcohol or a blood test for any other drug - legal, illegal or medicinal.
- if you kill or seriously injure another person while driving under the influence of alcohol or any other drug you could be charged with "dangerous driving". Penalties can be very heavy for this offence, including prison sentences. Ignorance about the effects of a drug is not a defence or an excuse.

STANDARD DRINKS

A standard drink contains 10 grams of alcohol. Standard drinks are a simple and effective way to keep track of how much alcohol you are drinking. The numbers of standard drinks for different types of alcohol are shown below.

ONE STANDARD DRINK		Alcohol content 10 grams	
	LIGHT BEER Strength 2.9% Vol 425ml (1½ pots)		TABLE WINE Strength 12% Vol 100ml
	MID-STRENGTH BEER Strength 3.4% Vol 375ml (1⅓ pots)		FORTIFIED WINE Strength 20% Vol 60ml
	HEAVY BEER Strength 4.9% Vol 285ml (1 pot)		SPIRITS Strength 40% Vol 30ml

To minimise short term risks:

MEN - should drink no more than 4 standard drinks a day on average. And no more than 6 standard drinks on *any one day*.

WOMEN - should drink no more than 2 standard drinks a day on average. And no more than 4 standard drinks on *any one day*.

Everyone should have at least 2 alcohol free days per week!

Most people are unaware of how much alcohol it could take before they reach the alcohol concentration limit of 0.05. The following can be used as a GUIDE for most people. However, everyone is different and other factors such as weight, age, medication and whether you have eaten can also affect your alcohol concentration.

MEN - 2 standard drinks in the first hour & only one standard drink every hour thereafter.

WOMEN - 1 standard drink in the first hour & only one standard drink every hour thereafter.

The only way to ensure you will not go over the .05 limit when you are driving is NOT TO DRINK AT ALL.

DEALING WITH DRUG PROBLEMS

Thinking about why a person got into trouble with the law is often the first step in dealing with personal problems. Many personal problems are linked with drug use. Sometimes getting into trouble with the law is a sign of an underlying personal problem.

Anyone who is dependent on a drug will sometime or another develop problems with friends, partners, relatives, workmates, employers, their health or the law because of their drug use. These problems can include:

- violence or aggression
- inability to perform properly at work
- bankruptcy or other financial problems
- divorce or separation
- loss of custody over children
- impotence or other sexual difficulties

- unwanted pregnancy
- lack of sympathy from friends and relatives
- loneliness and isolation
- traffic incidents
- illness or surgery

If you think that you or someone you care about may have a drug problem, there are many people and organisations prepared to help. Some are listed on the next page.

Whilst the police can offer advice which may be based on many years of experience, they also have the responsibility to uphold the law and cannot be expected to ignore that responsibility. The primary concern of police responding to a request by a parent in relation to a child's alleged drug taking would be for the welfare of the child. If the police determined that it was appropriate to take action in accordance with the *Drugs Misuse Act 1986* then there is a range of options which the officer may take. Amongst the options available is cautioning, diversion or arrest.

GETTING HELP FOR DRUG & ALCOHOL PROBLEMS

Is alcohol or other drugs causing problems in your life, or in the life of someone you care about? There are many people and organisations in the community who can help.

ADIS

The Alcohol and Drug Information Service operates 24 hours a day, 7 days a week. Telephone: Brisbane (07) 3837 5989. Country areas (toll-free) 1800 177 833

AA - ALCOHOLICS ANONYMOUS

is a self help organisation for people with alcohol problems. Groups meet in most areas of the State. Brisbane area help line (10am – 10pm) (07) 3255 9162.

DRUG ARM AUSTRALASIA

Specialist alcohol and other drugs agency. Information line: Queensland (07) 3620 8800 or Australia wide toll free on 1300 656 800.

COMMUNITY HEALTH CENTRES

In many areas, these centres employ specialist drug and alcohol workers. They can help with information, advice and referral. Look in your phone book under Queensland Health.

IN EMERGENCIES, call Triple Zero (000), ring your doctor, local hospital, or call for an ambulance.

If someone overdoses - call Triple Zero (000) for an ambulance immediately, shake them & try to keep them awake, if they're unconscious and breathing turn them on their side, if they're not breathing - start mouth to mouth. Police are not normally called to overdoses.

INTERNET RESOURCES

Alphabetical list of some Australian drug and alcohol sites for further information.

Alcohol and other Drugs Council of Australia

<http://www.adca.org.au>

Australian Drug Foundation

<http://www.adf.org.au>

Australian Drug Information Network (ADIN)

<http://www.adin.com.au>

**Liquor Licensing Division, Department of Tourism,
Fair Trading and Wine Industry Development**

<http://www.liquor.qld.gov.au>

Queensland Health Alcohol, Tobacco and Other Drug Services

<http://www.health.qld.gov.au/atods/default.asp>

Queensland Police Service

<http://www.police.qld.gov.au>



U, drugs & the law

Disclaimer:

This brochure reflects the laws in Queensland as at 16 October 2000. Laws are subject to change from time to time and the responsibility rests with the reader to ensure the provisions of the relevant Acts are still current. Laws may also vary from State to State.

Produced by Queensland Police Service, Drug and Alcohol Coordination, (07) 3364 4601.
May 2005

FUNDING PROVIDED BY THE NATIONAL DRUG STRATEGY LAW ENFORCEMENT FUNDING COMMITTEE