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Drug laws in Australia

Drug laws in Australia are complex – some laws are federal, while others are state or territory based. Learn about common drug offences, medicinal use of illicit drugs, drugs and driving, and workplace drug testing.

What drugs are illegal?

Legal drugs include:

- [alcohol](#)
- caffeine
- [nicotine](#)
- over-the-counter and [prescribed drugs](#).

Some of these have restrictions related to:

- age – for example, you [can't legally drink under the age of 18](#)
- where you can use them – for example, you can't drink [alcohol](#) or [smoke](#) in certain places
- driving – for example, there are [limits on blood alcohol concentration when driving](#)
- their sale – for example:
 - tobacco products must display [specific health warnings](#)
 - you must have a doctor's prescription to purchase prescribed drugs.

Illegal drugs include:

- amphetamines
- cannabis (marijuana)

- ecstasy (MDMA)
- heroin.

They are banned because using them can endanger your health, your life, or the life of others. Because they are not regulated in the way legal drugs are you can never be sure what's in them or how strong they are.

Illicit drug use includes:

- illegal drugs
- misuse or non-prescribed use of prescription drugs (also called pharmaceuticals)
- inappropriate use of other substances – for example, sniffing glue.

Drug laws are complex

The legislative document that determines how a substance is restricted is called the Poisons Standard. The Therapeutic Goods Administration (TGA) manage and update it regularly through public consultation. Drugs are listed in Schedules which affect how and where they are available. For example:

- Substances listed in Schedule 3 don't require a prescription, but can only be bought from a pharmacy
- Schedule 8 lists controlled drugs. Possession of these without authority is an offence.
- Schedule 9 lists prohibited substances.

Other federal laws which apply include:

- import and export regulations
- the Narcotic Drugs Act 1967 — regulates medicinal use of cannabis (marijuana)
- the Criminal Code Act 1995 — Part 9.1 covers serious drug offences.

The Office of Drug Control has a list of laws and regulations that apply to drugs.

Find out about international conventions on drugs.

State and territory drug laws

Some drug laws are different depending on the state or territory you're in.

Find out more about drug laws in your state or territory:

- [Australian Capital Territory](#)
- [New South Wales](#)
- [Northern Territory](#)
- [Queensland](#)
- [South Australia](#)
- [Tasmania](#)
- [Victoria](#)
- [Western Australia](#)

Common drug offences

For illegal drugs, common offences include:

- possession (this can include equipment for growing, making or using drugs)
- use
- making (this includes growing)
- importing
- selling or supplying (known as trafficking).

For more information on the penalties that apply in your state, refer to the state and territory laws above.

Medicinal use of cannabis (marijuana)

Some types of medicinal cannabis are currently available under a TGA Special Access Scheme. It only applies to patients in need, under certain conditions and must be prescribed by a doctor.

Learn more about [medicinal cannabis products](#) on the TGA's website.

Drugs and driving

Random roadside drug testing is now common across Australian states and territories. The difference is that unlike alcohol, where you're breaking the law if your blood alcohol concentration is equal to or more than 0.05, you cannot have **any** trace of illicit drugs in your system.

Breaking this law carries penalties that include:

- disqualification from driving
- fines
- imprisonment.

For more information on the penalties that apply in your state, refer to the state and territory laws above.

Read more about [how drugs affect your driving](#).

Drug tests at work

In some workplaces you can be tested for drugs, including alcohol, as part of your working conditions. Your workplace must have a comprehensive drug and alcohol policy and provide training so you understand:

- the types of tests done
- when drug testing can be done.

Some industries have compulsory drug testing. These include:

- aviation
- construction
- transport.

Read more about [drug tests](#).

Date last updated: 4 March 2024

Tags:

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