

# Possession of Controlled Substances



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Do you know the consequences of contact with controlled drugs such as cannabis?

- In general, users will face lesser penalties than producers and suppliers of controlled substances.
- The penalties for drug related offences depend on the quantity and type of drug you *possess*.
- 'Simple possession' relates to personal use, whereas the more serious charges of trafficking, manufacturing, cultivation, sale or supply involve a larger quantity of drugs.

## The elements of the offence of 'simple possession'

- Having possession of a controlled drug.
- Smoking, consuming or administering the drug, or allowing another person to do it for you.
- Possession of any piece of equipment that is used in connection with smoking, consumption or administration.

**Maximum Penalty:** \$500 for cannabis and \$2000 (or up to 2 years imprisonment) for other controlled drugs.

## What is 'drug possession'?

Possession has two elements and BOTH must be present for a person to be found guilty:

1. **Being in physical control of the drug AND**
2. **Knowledge (or intention) of having the drug.**
  - This means that a person must KNOW the drug was in their possession.
  - They must also KNOW that the drug is illegal.
  - HOWEVER they do not have to know exactly what the drug is.

## Examples of drug possession

- An illicit drug being found in any place where you alone have access to it.
- For example: in your hand, clothing, car or bedroom.
- It also includes drugs you have thrown away, because you previously had control over them.
- If there are drugs in a premise you share, you risk being charged with 'joint possession'.

*If you made an honest and reasonable mistake about possessing an illicit substance this may be a defence.*

If you are charged with a simple possession offence you may be eligible for a **police drug diversion programme**. This is an opportunity to avoid criminal prosecution by accessing drug treatment and education.

**For further information about your rights and responsibilities, contact the Adelaide Legal Outreach Service on (08) 8118 5200 or email us at [alos@adelaide.edu.au](mailto:alos@adelaide.edu.au) to arrange an interview.**

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