

**YOUNG PEOPLE**



**ALCOHOL,  
DRUGS &  
THE LAW.**



# WHAT'S THE DIFFERENCE BETWEEN LEGAL AND ILLEGAL DRUGS?

Most people use legal drugs of some kind; tobacco, alcohol, medicines and caffeine are part of everyday life for some people.

Legal drugs are controlled by government laws so we know what's in them, how much to take, who can sell them and where to buy them.

Illegal drugs aren't controlled, no one really knows what's in them.

They might look the same or be the same colour, you might get them from someone you know or the same dealer but there is no guarantee that they are the same quality, have the same ingredients or were made by the same person.



# WHY SHOULDN'T I USE ILLEGAL DRUGS?

We all know illegal drugs can be harmful to your health, but there are all sorts of other problems they can cause.

Using drugs may harm your relationships with your family and friends. It may affect your ability to perform well at school and you may not be able to get a job, or keep the one you have.

If you're caught by police with drugs, you may end up with a criminal record. A drug conviction may also stop you getting a job, and you may not be able to travel to some overseas countries like the USA.



## DID YOU KNOW?

Police do not routinely attend overdose emergencies. If you think someone has overdosed call 000 and ask for an ambulance.

# AM I BREAKING THE LAW?

Basically, the police can charge you with five types of drugs offences:

- Use
- Possession
- Cultivation
- Trafficking
- Conspiracy

## Drug Use

This means doing drugs. Whatever way you do it, whether it's smoking, inhaling, injecting or swallowing, using an illegal drug is an offence in Victoria.

## DID YOU KNOW?

It is also illegal to inject drugs into someone else, make them swallow a pill or take any substance.

## Drug Possession

This means having drugs, whether you plan to use them or not - in your hand, pocket, bag, bedroom, garden etc.

If drugs are found in your motel room, or your car, or your garden it's up to you to prove that you didn't know the drug was there or that you did not intend to possess it.

## Drug Cultivation

Cultivation is where you do the gardening involved in growing the plants used for drugs.

## Drug Trafficking

Trafficking means selling or dealing drugs. You can also be charged with trafficking if you:

- make tablets or mix drugs (including drying the cannabis, packaging the pills or otherwise getting the drugs ready for sale)
- offer to sell drugs to someone (even if you don't go through with the sale)
- give away drugs (including holding drugs for someone)

Trafficking also refers to the amount of a drug (or drugs) you have. If you have a large amount that doesn't appear to be for personal use you can be charged with trafficking, even if you don't plan on selling the drugs.

## DID YOU KNOW?

You can still be found guilty of trafficking even if it turns out that the drugs you were selling were fakes or rip-offs.

You can also be found guilty of trafficking if your friend gives you money to buy drugs for them from a dealer (even if you don't use the drugs or make any money from the sale yourself.)

You could get a higher fine and/or spend longer in jail if you deal drugs to someone under 18.



## Conspiracy

If you go along with any of your mates or someone you know and plan to commit any of the crimes above, you will get the same punishments as your mates, including possible fines and jail time, even if they went through with it and you didn't.

# WHAT HAPPENS IF I GET CAUGHT?

There are a number of serious things that can happen if you get caught. The circumstances, your previous history or contact with police, and courts can all influence what will happen to you and what the consequences are. You might be offered a caution or you could end up in court



**CAUTION**

## Cautions & Diversions

If you're caught with a small amount of cannabis, and admit to the police that it is yours, they may issue you with a caution, or a Cannabis Caution. This is a formal warning and should be taken seriously; you could end up in court if you don't. The police officer may also refer you to attend an education session so you can learn more about how cannabis affects you and get tips on how to cut down and stop.

If you're caught with a small amount of another drug, the police may give you a Drug Diversion, if you admit to having the drugs. A Drug Diversion requires you to attend two appointments at a drug treatment agency. If you attend these sessions, you will avoid a criminal record. If you do not attend both sessions, the police will charge you and take you to court where you could end up with a conviction.

## You will not be able to receive a Cannabis Caution or Drug Diversion if:

- You are trafficking.
- You are cultivating.
- You are involved in any other offences at the time.
- You have a prescription drug without a prescription.
- You do not admit to the offence.



## **CREDIT/Bail**

**If you have a drug problem, but are not eligible for a caution or Diversion (e.g. if you are also being charged with another offence) you might qualify for the CREDIT (Court Referral & Evaluation for Drug Intervention & Treatment) Bail program. If you are eligible to be released on bail and are not on any other drug treatment orders, CREDIT will give you a chance to access drug treatment before you are sentenced. If you do well in your treatment, you could end up having your punishment reduced.**

## **Drug Court**

**If you have committed an offence related to drug use (e.g. stealing to get money for drugs) and are facing a jail sentence, you may go to the Drug Court and have your sentence suspended while you undertake a Drug Treatment Order for two years. This requires you to undergo regular drug testing, drug and alcohol counselling, see a case manager and clinical advisor, and regular attendances before the Drug Court Magistrate. If you don't comply with these conditions, your order may be cancelled and you could be required to serve the rest of your sentence in prison.**

**All of these are specifically related to drug offences; however you may also find yourself receiving:**

- **Fines**
- **Good Behaviour Bond**
- **Probation Order**
- **Youth Attendance Order**
- **Youth Supervision Order**
- **Youth Residential Centre Order**
- **Youth Justice Centre Order**

# SYRINGES

It is legal in Victoria to possess new and used syringes. The safest option is to dispose of your used needles and syringes in a syringe disposal container as soon as possible after using. Proper disposal protects you and there is less of a chance that you will infect someone else through a needle stick injury.



## DRUG DRIVING



Drug driving is a major contributor to road fatalities in Victoria. Police conduct random roadside testing and there are strong penalties for those caught driving while affected by drugs.

### What's the law?

- It is illegal to drive while affected by an illicit drug, such as cannabis, ecstasy, ice or speed.
- It is also illegal to drive while impaired by any drug whether that drug is legal or illegal.
- Drug driving offences are not limited to public roads. They can be committed on private property.

It's also an offence to:

- Refuse to provide a saliva sample, or stop at a Random Drug Test station
- Be affected by illicit drugs while accompanying a learner driver
- Refuse to undergo an assessment for drug impairment

People who lose their licence as a result of drug driving offence must undertake a drug education and assessment course before being eligible to get their licence back.

### What is saliva testing?

Roadside testing for illicit drugs is conducted using a saliva sample. A driver provides a sample by placing an absorbent collector in their mouth or touching it with their tongue.

- The test takes around five minutes
- Drivers who return a positive test will require further tests and
- Before any charge can be laid, the saliva sample must be confirmed by laboratory testing



# LEGAL DRUGS

It's also important to remember that not all legal drugs are legal all the time, you can't:

- Purchase alcohol or cigarettes if you are under 18.
- Give anyone your, or someone else's, prescription drugs (unless you are a doctor or chemist) – even if they tell you they need it.
- Use prescription drugs if you don't have a prescription for them from your doctor.



Alcohol, cigarettes, caffeine and medicines are part of everyday life for some people, but that doesn't always mean they're safe - particularly for young people.

It is recommended by health experts at the National Health and Medical Research Council that the safest option for young people under 18 years of age, is not drinking and that those under 15 years of age are at greatest risk of harm.

Even though alcohol is a legal drug, you could still be breaking the law if you purchase it, drink it, or supply it to other people under 18.

## DID YOU KNOW?

It is illegal to add alcohol to someone's drink, or get a bartender or somebody else to do this. It doesn't matter whether the drink was already alcoholic or not, nor does it matter how old they are. This is considered drink spiking.



# AM I ALLOWED TO DRINK ALCOHOL?

**Over 18:** Yes. The law says that once you turn 18 you are legally allowed to consume alcohol, but there are still some restrictions.

Many local councils have laws against drinking in a public place. Some of them have exemptions such as when food is present, or the area has a special licence e.g. a music festival. Check with the council before heading out, if you disobey these laws you could receive an on-the-spot penalty notice.

If you are drunk in a public place, you are committing an offence. You may be taken into police custody until you sober up, after which you could find yourself with a fine, banned from the area or having to face court.

If you are drunk in a licensed premises, it is illegal for them to continue to serve you alcohol.

**Under 18:** Although it is not recommended, you are allowed to drink alcohol in some circumstances, including:

- at a licensed premises, if you are having a meal with your parents, legal guardian, or spouse who is over 18 years old.
- in your home or a private residence.

## DID YOU KNOW?

It is a criminal offence to refuse to give your name and address, or to give false details to the police.

If you are in a hotel or licensed premises, police and hotel staff can demand your name and address without giving a reason.



# CAN I BUY ALCOHOL?

**Over 18:** Yes, but as with drinking alcohol there are restrictions.

You cannot buy alcohol for someone under 18, nor can you send someone under 18 to buy alcohol for you.

When buying alcohol for yourself or someone over 18, you must be able to produce valid ID. Even if you are over 18 you may still be refused service if you cannot prove it.

**Under 18:** No. It is illegal for you to purchase alcohol until you turn 18 and you shouldn't make other people get it for you because they can get into trouble.

It is also an offence to use a fake ID to enter licensed premises, or buy alcohol.

# DRINK DRIVING

If you have a learner's permit or your probationary licence, it is illegal for you to drive or ride a motorcycle with any alcohol in your system, which means a Blood Alcohol Concentration (BAC) of 0.00 per cent. If you are caught above this limit you could lose your licence.

Once you receive your full driver's licence, it is illegal for you to drive or ride a motorcycle with a BAC over 0.05 per cent.

It is never a good idea to drive after you've been drinking. There may even still be alcohol in your system the day after a night out if you've had a lot to drink. If you think you might be over the limit consider getting a taxi or public transport, calling someone to pick you up or walking home – but never walk home alone.



# DirectLine 1800 888 236

Telephone Drug and Alcohol Information and Counselling 24/7  
[www.counsellingonline.org.au](http://www.counsellingonline.org.au)  
Professional drug and alcohol counselling on-line

## **Australian Drug Foundation**

1300 85 85 84  
[www.druginfo.adf.org.au](http://www.druginfo.adf.org.au)

## **Victorian Legal Aid**

9269 0120  
1800 677 402 (Country callers)  
[www.legalaid.vic.gov.au](http://www.legalaid.vic.gov.au)

## **Kids Helpline**

1800 55 1800  
[www.kidshelp.com.au](http://www.kidshelp.com.au)



VICTORIA POLICE

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