

Current legislative frameworks around drug use and possession in NSW



Overview of drug legislation in New South Wales

This fact sheet aims to provide an overview of the legislation governing prohibited drugs in NSW.

Prohibited drugs and plants in New South Wales

The cultivation, manufacture, supply, possession and use of certain drugs and plants is prohibited in New South Wales. The offences and the penalties for each offence are set out in the *Drug Misuse and Trafficking Act 1985 (DMTA)*.

The drugs and plants that are illegal to cultivate, manufacture, supply, possess and use in New South Wales are known as “prohibited drugs” and “prohibited plants”.

- A **prohibited drug** is a substance which is specified in Schedule 1 to the DMTA. This is a wide range of drugs including heroin, cocaine, methamphetamine and amphetamines.
- A **prohibited plant** is a plant specified in section 3 of the DMTA, and includes cannabis plants.

Schedule 1 prescribes threshold quantities (or amounts) for each prohibited drug. These are categorised as ‘small’, ‘traffickable’, ‘indictable’, ‘commercial’ and ‘large commercial’. These quantities have a bearing on the type of offence charged and the maximum penalty available. A person in possession of the traffickable quantity or more of a prohibited drug is taken to be in the possession of that drug for the purposes of supply (and could therefore be charged with a supply offence) unless the person proves otherwise.

Main offences and maximum penalties in the DMTA

While the DMTA has both summary and indictable (more serious) offences, the majority are dealt with summarily in the Local Court¹. When an indictable offence is dealt with summarily in the Local Court, the maximum penalty available to the court is lower than the maximum penalty available if the matter were dealt with on indictment in a higher court. The table below sets out the main

¹ Offences involving the supply of less than the commercial quantity; manufacture of the indictable quantity or less (non-cannabis) or less than commercial quantity (cannabis); cultivation of the indictable quantity or less (non-cannabis) or less than the commercial quantity (cannabis); and supply on an ongoing basis (any drug) are all indictable offences that must be dealt with summarily unless the prosecution or defence (in some circumstances) elects to have the matter tried on indictment.

offences and maximum penalties for adults under this Act:

Offence	Main offences and maximum penalties in the DMTA	
	If dealt with <i>summarily</i> ²	If dealt with on <i>indictment</i> ³
Section 10(1) Possession of prohibited drugs	20 penalty units ⁴ or imprisonment for 2 years, or both.	N/A
Sections 23(1), (1A), and (2) Cultivation, supply or possession of a prohibited plant ⁵	<p>Small quantity or less: 50 penalty units or imprisonment for 2 years, or both.</p> <p>Indictable quantity or less: 100 penalty units or imprisonment for 2 years, or both.</p> <p>Less than commercial quantity (cannabis only): 100 penalty units or imprisonment for 2 years, or both.⁶</p>	<p>Less than commercial quantity: 2,000 penalty units or imprisonment for 15 years, or both (or 2,000 penalty units, 10 years, or both for cannabis).</p> <p>Commercial quantity or more: 3,500 penalty units or imprisonment for 20 years, or both (or 3,500 penalty units, 15 years or both for cannabis).</p> <p>Large commercial quantity or more: 5,000 penalty units or imprisonment for life, or both (or 5,000 penalty units, 20 years, or both for cannabis).</p>
Section 24(1) and (2) Manufacture or production of prohibited drugs ⁷	<p>Small quantity or less: 50 penalty units or imprisonment for 2 years, or both.</p> <p>Indictable quantity or less: 100 penalty units or imprisonment for 2 years, or both.</p> <p>Less than commercial quantity (cannabis only): 100 penalty units or imprisonment for 2 years, or both.⁸</p>	<p>Less than commercial quantity: 2,000 penalty units or imprisonment for 15 years, or both (or 2,000 penalty units, 10 years, or both for cannabis).</p> <p>Commercial quantity or more: 3,500 penalty units or imprisonment for 20 years, or both (or 3,500 penalty units, 15 years or both for cannabis).</p> <p>Large commercial quantity or more: 5,000 penalty units or imprisonment for life, or both (or 5,000 penalty units, 20 years, or both for cannabis).</p>

² See sections 30 and 31 of the DMTA

³ See sections 32 and 33 of the DMTA

⁴ A penalty unit is \$110.

⁵ This does not include penalties for indoor cultivation of prohibited plants in the presence of children.

⁶ See Part 6 of Table 1 in Schedule 1 to the *Criminal Procedure Act 1986*

⁷ This does not include penalties for manufacturing or producing a prohibited drug in the presence of children.

⁸ See Part 6 of Table 1 in Schedule 1 to the *Criminal Procedure Act 1986*

Offence	Main offences and maximum penalties in the DMTA	
	If dealt with summarily ²	If dealt with on indictment ³
Sections 25(1) and (2) Supply of prohibited drugs ⁹	Small quantity or less: 50 penalty units or imprisonment for 2 years, or both. Less than commercial quantity: 100 penalty units or imprisonment for 2 years, or both. ¹⁰	Less than commercial quantity: 2,000 penalty units or imprisonment for 15 years, or both (or 2,000 penalty units, 10 years, or both for cannabis). Commercial quantity or more: 3,500 penalty units or imprisonment for 20 years, or both (or 3,500 penalty units, 15 years, or both for cannabis). Large commercial quantity or more: 5,000 penalty units or imprisonment for life, or both (or 5,000 penalty units, 20 years, or both for cannabis).
Section 25A(1) Supply of prohibited drugs on an ongoing basis ¹¹	100 penalty units or imprisonment for 2 years, or both	3,500 penalty units or imprisonment for 20 years, or both

Relationship with the *Poisons and Therapeutic Goods Act 1966*

The *Poisons and Therapeutic Goods Act 1966 (PTGA)* regulates, controls, and prohibits the possession, supply and use of poisons, restricted substances, drugs of addiction, certain dangerous drugs, and certain therapeutic goods. Where a substance that is a prohibited drug is possessed, supplied or manufactured/produced in accordance with the PTGA, an offence under the DMTA will not be committed.

Similarly, an offence under the DMTA will not be committed in relation to a prohibited drug where a person acts in accordance with a licence under the *Poppy Industry Act 2016* or an authority granted by the Secretary of the NSW Ministry of Health.

Diversion as an alternative pathway

Diversion is a response that redirects people away from the criminal justice system. This can include diversion into education, treatment and social services. It is used in response to drug use, as

⁹ This does not include penalties for supplying a prohibited drug to a person under 16 years or procuring a child to supply a prohibited drug.

¹⁰ See Part 6 of Table 1 in Schedule 1 to the *Criminal Procedure Act 1986*

¹¹ See Part 6 of Table 1 in Schedule 1 to the *Criminal Procedure Act 1986*

well as other social issues such as traffic offending, harmful alcohol use, mental ill health and cognitive impairment.

In the case of drug use, the goal of diversion is to intervene early, build knowledge and skills, and to reduce recidivism and drug-related harm, and reduce the burden on the criminal justice system.

Diversion can occur at different points of engagement with the criminal justice system, including at the point of interaction with police, in court or a specialised drug court setting. Figure 1 outlines drug diversion initiatives along a spectrum of interactions with the criminal justice system.

Pre-court, Police diversion	Pre-plea, court diversion	Specialised courts
<p>Instead of an arrest or charge, Police can provide:</p> <ul style="list-style-type: none"> • Cautions • Fines • Case conferencing • Information and referral to education or programs • Warnings, cautions and referrals to youth justice conferences under the <i>Young Offenders Act 1997</i> <p>Examples include:</p> <ul style="list-style-type: none"> • Early Drug Diversion Initiative • Cannabis Cautioning Scheme • Criminal Infringement Notices • Youth On Track 	<p>Referral by Children’s or local courts:</p> <ul style="list-style-type: none"> • Drug assessment, case planning, referral to services, supervised treatment • May result in avoiding incarceration or a reduced sentence <p>Examples include:</p> <ul style="list-style-type: none"> • Magistrates Early Referral into Treatment • For young offenders: youth justice conferences under the <i>Young Offenders Act 1997</i>. 	<p>Specialised courts to address underlying health and social needs. They include multidisciplinary teams and take a collaborative approach with participants.</p> <p>Examples include:</p> <ul style="list-style-type: none"> • Drug Court • Circle Sentencing • Youth Koori Court • Walama Court

Figure 1: Diversion initiatives along the spectrum of interaction with the criminal justice system.

NSW provides a range of diversion services for drug use that operate in collaboration between NSW Health, NSW Police Force and the Department of Communities and Justice.

As part of the response to the Special Commission of Inquiry into the Drug ‘Ice’ (Ice Inquiry), the NSW Government committed to expanding diversion programs and additional sentencing processes including MERIT, Drug Court, Circle Sentencing, Justice Reinvestment and Youth Koori Court, and established the Early Drug Diversion Initiative.

Diversion programs in NSW

Early Drug Diversion Initiative (EDDI)

In response to the Ice Inquiry and the commitment to enhance diversion services, the NSW Government established the Early Drug Diversion Initiative (EDDI). The initiative commenced on 29 February 2024, and is an evidence-based diversion program that aims to improve outcomes for individuals and communities while easing the burden on local courts.

Under EDDI, NSW Police can issue on the spot \$400 fines on two occasions for low-level drug offences, instead of a court attendance notice. The fine will be resolved if penalty recipients

complete a telephone-based health intervention with the EDDI Counselling Service provided by St Vincent's Health Network. If the health intervention is not completed and the fine is not paid, the penalty is enforced by Revenue NSW. Persons under the age of 18 are not eligible for EDDI.

EDDI replaces the Music Festival Criminal Infringement Notice (CIN) Scheme, which was introduced in 2019 and restricted to music festivals only. EDDI includes the addition of access to a health intervention; and runs alongside the Cannabis Cautioning Scheme. Implementation of EDDI is being led by the Department of Communities and Justice in partnership with NSW Police, Revenue NSW and NSW Health.

Between 1 March 2024 to 30 June 2024,¹² there were 3,678 incidents of drug possession and/or use (excluding cannabis), 629 of which related to Aboriginal people (approximately 17% of incidents). Of all incidents, 331 people received a Criminal Infringement Notice and were diverted from attending court, 21 of whom were Aboriginal (approximately 6% of individuals).¹³ As of 21 August 2024, 43 people have completed a health intervention.

The Bureau of Crime Statistics and Research (BOCSAR) will conduct an evaluation of the EDDI program, focusing on whether it is meeting its intended objectives. The evaluation will consider outcomes for all minor drug offences proceeded against by police in the first 12 months after EDDI commences and consider a further 12-month period to measure reoffending. The outcome and economic evaluation will commence in mid-2026 and be completed mid to late 2027 and will be published on the BOCSAR website. BOCSAR will also be monitoring program reach for Aboriginal and non-Aboriginal people as well as for people residing in low socio-economic areas of NSW.

Magistrates Early Referral Into Treatment (MERIT)

Magistrates Early Referral into Treatment (MERIT) The MERIT program is a court-based diversion program that allows arrested defendants with substance use problems to be assessed for suitability to undertake treatment and rehabilitation under bail conditions. As a result of that assessment, magistrates can bail defendants to attend alcohol and other drug treatment services available through specific MERIT program funding. Persons under the age of 18 are not eligible for MERIT.

MERIT was introduced following the 1999 Drug Summit. To date over 28 700 adults have entered the program since 2000, and almost 18 200 have successfully completed the program.

In the year to June 2023, MERIT acceptance rates were similar for Aboriginal and non-Aboriginal people. Non-Aboriginal people were more likely to complete the program than Aboriginal people. On average, 67% of Aboriginal defendants complete MERIT. Completion rates of Aboriginal defendants are higher in larger courts, including Dubbo, Orange and Wyong.

As a result of the Ice Inquiry, MERIT is being expanded to be available in up to 29 additional courts, and 12 existing MERIT courts are being enhanced from drug referrals only, to accepting alcohol referrals. This expansion will mean the program will be available at 89 NSW Local Courts by 2025/26.

BOCSAR evaluation findings confirmed the results from earlier evaluations which found defendants who complete MERIT are less likely to reoffend, take longer to reoffend, and receive less severe

¹² As EDDI commenced on 29 February 2024, data collection begins from 1 March 2024.

¹³ The data available has limitations. EDDI participants have 56 days to finalise the CIN, either through payment or participation in the health intervention. The data reflects CINs issued at a point in time, including CINs where the time to pay has not expired, that is the health intervention or payment of the CIN has not yet occurred.

sentences. An evaluation that looked at both health and justice outcomes was conducted in 2007. The evaluation demonstrated reduction in participant's drug use and frequency, decrease in psychological distress, and improvements in physical and psychological wellbeing. A health and justice outcomes evaluation is currently underway.

BOCSAR has released a report on the costs and benefits of MERIT, which found that MERIT's criminal justice benefits exceed the costs of the program.¹⁴

Drug Court

The Drug Court is a specialised court, operating under the *Drug Court Act 1998* with the aim of breaking the cycle of drug dependency, criminal activity and imprisonment. The court offers the option of drug treatment for drug-dependent adult offenders who have entered a plea of guilty and are facing a custodial sentence. Persons under the age of 18 are not eligible for the Drug Court program.

The program is a collaboration between the Department of Communities and Justice, NSW Health and a range of non-government organisations, which assist in providing drug treatment including residential rehabilitation.

The Drug Court is available in Parramatta, Sydney and Toronto, and was expanded with a new court established in Dubbo in 2023. Expanded operations at Sydney Drug Court commenced in early 2024.

Nearly all Aboriginal people referred to the Drug Court are accepted. In the January to September 2023 period, 86 Aboriginal people were referred to the Drug Court and 83 were accepted. Data indicates that Aboriginal completion rates are considerably lower than non-Aboriginal rates in all locations – on average, 15% compared to 39%. There are potential reasons why this occurs, including limited Aboriginal staff and logistical issues like living more remotely, entrenched disadvantage and fewer supports.

BOCSAR and the National Drug and Alcohol Research Centre (NDARC) completed an evaluation of diversion outcomes for the NSW Drug Court in 2020, which confirmed the results of earlier evaluations which found that the Drug Court is effective in reducing reconviction rates.¹⁵

NDARC is currently conducting an additional evaluation on health and diversion outcomes.

Cannabis Cautioning Scheme

The Cannabis Cautioning Scheme diverts people with low-level cannabis offences from the criminal justice system and gives them the opportunity to receive health support. Persons under the age of 18 are not eligible for the Scheme. The Cannabis Cautioning Scheme was introduced in 2000, following the 1999 Drug Summit. In February 2024, the NSW Government updated the Scheme to align with the commencement of the Early Drug Diversion Initiative.

The Scheme gives police the discretion to issue a caution for minor offences. A person can only be cautioned twice, but cannot be cautioned if they have prior convictions for serious drug offences.

¹⁴ <https://bocsar.nsw.gov.au/research-evaluations/2024/CJB266-Summary-merit-costs-benefits.html>
¹⁵ D Weatherburn et al (2020), The long-term effect of the NSW Drug Court on recidivism (Crime and Justice Bulletin No. 232) Sydney: NSW Bureau of Crime Statistics and Research and the National Drug and Alcohol Research Centre.

A 2023 study conducted by BOCSAR found significant disparities in the rates of Aboriginal and non-Aboriginal adults who were issued a caution (11% compared to 44%). The primary reason for this disparity was due to the Scheme's eligibility requirements.¹⁶

Enhancements to the Scheme in February 2024 included adjustments to the eligibility requirements and improvements to the health intervention to minimise barriers for Aboriginal people accessing diversion, including:

- removing some eligibility requirements for a caution to be provided, including admission of the offence by the individual, them having no prior convictions for sexual, violent and low-level drug offences (unless these convictions have been spent, in such a case the conviction is no longer part of a criminal record)
- increasing the maximum cannabis threshold for a caution from half-small quantities (15g) to small (30g)
- removing the requirement to obtain a consent before a caution can be given.

Recipients of a Cannabis Caution now have access to the same health interventions as recipients of a Criminal Infringement Notice under EDDI.

Aboriginal diversion programs

Circle Sentencing (Department of Communities and Justice led)

Circle Sentencing complements existing diversionary schemes and provides an additional sentencing format for local court magistrates. Rather than being sentenced by a magistrate alone, representatives from the local Aboriginal community help decide appropriate sentences and devise suitable outcome plans for Aboriginal defendants. The defendant sits in a circle with respected Aboriginal community members, support people and the local magistrate to discuss the offending behaviours. The victim may also choose to participate. Persons under the age of 18 are not eligible for Circle Sentencing.

Circle Sentencing has proven to be effective. In an April 2020 study, BOCSAR compared 656 Aboriginal offenders who completed the program with similar Aboriginal offenders who were sentenced in the usual way by the local court, BOCSAR found that offenders participating in Circle Sentencing are:

- less likely to receive a prison sentence (9% compared with 18%)
- less likely to reoffend within 12 months (37% compared with 41%)
- if they did reoffend, they took longer to do so (533 compared with 478 days)¹⁷

Circle Sentencing operates in 20 locations and is being expanded to two additional locations.

Walama List (Department of Communities and Justice led)

The Walama List pilot commenced in February 2022 as an alternative sentencing procedure for Aboriginal and Torres Strait Islander people who have matters currently before the NSW District

¹⁶A Teperski and S Rahman (2023), Why are Aboriginal adults less likely to receive cannabis cautions (Crime and Justice Bulletin No. 258) Sydney: Sydney: NSW Bureau of Crime Statistics and Research.

¹⁷S Yeong and E Moore (2020), Circle Sentencing, incarceration and recidivism (Crime and Justice Bulletin No. 226) Sydney: NSW Bureau of Crime Statistics and Research.

Criminal Court at Sydney Downing Centre. The Walama List provides a therapeutic and holistic approach to sentencing for Aboriginal and Torres Strait Islander people.

The list aims to reduce reoffending, keep communities safe, address overrepresentation and increase Aboriginal and Torres Strait Islander people's engagement and confidence in the NSW criminal justice system. Persons under the age of 18 are not eligible for the Walama List program.

The model is currently being evaluated by BOCSAR to measure impacts on sentencing and reoffending. There is potential to increase Health's role in the provision of culturally appropriate programs and wrap-around supports to address needs and risk factors that may lead to reoffending.

Youth diversion programs

Youth Koori Court (Department of Communities and Justice led)

The Youth Koori Court is an alternative sentencing process for Aboriginal young people. It provides a diversionary and holistic option to Aboriginal children and young people who have committed a criminal offence. It operates within the Children's Court but involves the Aboriginal community in the court process. The Youth Koori Court pilot was established in Parramatta in 2015 and expanded to Surry Hills Children's Court in 2019 and Dubbo in 2023.

An evaluation of the expanded Youth Koori Court was undertaken by BOCSAR in 2022. It found that participants of the Court were 40% less likely to be sentenced to a juvenile control order, and 84% less likely to be sentenced to a juvenile control order at reconviction within 12 months. This evaluation built on the 2018 review of the pilot in Parramatta which found that participants were 50% less likely to enter custody, and if they did, spent 11% less time in custody during their Youth Koori Court period compared with an equivalent period beforehand.¹⁸

Youth on Track (Department of Communities and Justice led)

Youth on Track was introduced shortly after cessation of the Youth Drug Court, as an early intervention service that provides a range of flexible and culturally appropriate supports to young people aged 10-17 involved in, or at risk of involvement in, the justice system. The program aims to empower young people and their families to achieve change in the young person's behaviour and safety, through the provision of case management, cultural and practical supports that build on the young person's strengths, addresses areas of concern, and increases prosocial behaviours.

Youth Justice NSW partners with community organisations to co-design the Youth on Track program to better meet the needs of Aboriginal young people and ensure services being provided are culturally appropriate, strength based and holistic.

A key focus for the program is embedding a focus on culture and adhering to the Closing the Gap Strategic priorities by investing in Aboriginal community-controlled organisations (ACCOs) and ensuring self-determination for Aboriginal young people, families and communities.

In the recent Youth on Track recommissioning process, six of the nine service providers that were successful are ACCOs. Youth on Track is a location-specific program and is currently only available to young people in certain areas.

¹⁸ M Williams et al. (2018), Youth Koori Court: Review of Parramatta Pilot Project. Western Sydney University and Aboriginal and Torres Strait Islander Employment and Engagement Advisory Board. Available from: https://childrenscourt.nsw.gov.au/documents/reports/YKC_review_Oct_24_v2.pdf

Rural Residential Rehabilitation Adolescent Alcohol and Other Drug Service (Youth Justice led)

Youth Justice NSW provides funding for the Rural Residential Adolescent Alcohol and Other Drug Rehabilitation Services. These services are delivered by Lives Lived Well in Coffs Harbour and Mac River Centre Residential Rehabilitation Program in Dubbo and offer 24-hour staffed, residential treatment and therapeutic programs for young people aged 13-18 years old. These services support young people through a three-month program, to make positive changes in their attitude towards alcohol and other drugs. Graduates receive a further six months community-based support.

Diversion under the Young Offenders Act 1997

The following diversionary options exist under the *Young Offenders Act 1997* for offences within scope of the Act:

- **Warnings:** generally given to a child by a police officer at the time and place where the offence is committed and intended to be an efficient, immediate, and direct response to low level offending. Warnings are only available for summary offences and cannot be issued for offences involving violence.
- **Cautions:** usually given to a child by a police officer at a police station. The child must consent to the caution and admit the offence. Cautions may also be given by a court. A child may be cautioned on three occasions under the Act.
- **Youth Justice Conference:** operates within a restorative justice framework. The young person, victim, police, and relevant stakeholders meet with a trained Youth Justice conference convenor. An outcome plan with a list of tasks is agreed upon by the group. These tasks are for the young person to complete, to repair the harm caused by the offence and restore relationships within the family and broader community. This can include an apology, amends for the victim, and steps to link the young person into the community, such as community programs or counselling. If the young person completes this plan, no criminal conviction is recorded.

Youth Justice Conferencing maintains flexibility and allows for cultural practices to be included in the conference, such as holding conferences on Country and modifying the conference structure to include culturally relevant elements. A range of conference participants and support people can attend depending on the young person's and/or victim's needs. Youth Justice can provide additional support to the young person to assist them to complete their outcome plan.

Referrals can be made by police or the court. The child must admit the offence and consent to the conference.

Youth Drug Court (discontinued)

The Youth Drug and Alcohol Court (YDAC) was established as a pilot program following the 1999 Drug Summit. The interagency program provided young offenders with alcohol and other drug problems with case management and drug treatment services while under judicial supervision. Sentencing was deferred while the young person participated in the program, which lasted up to 18 months.

To be eligible, young people must have pleaded guilty, or stated an intention to plead guilty, and their offence must have been such that it could be finalised by the Children's Court. The program was only available to residents of defined areas of Sydney, with regular court sittings at Bidura, Cobham and Campbelltown Children's Court.

In 2012, YDAC was discontinued, following a review that determined there was insufficient evidence of the program's effectiveness in reducing reoffending. Youth on Track was subsequently identified as an alternative to support the needs of this cohort of young people.

Glossary of key legal concepts

<p>Diversion</p>	<p>Diversion is a response that redirects people away from the criminal justice system. Under a diversion program, a person can pay a fine, undertake education, treatment and access social services, as an alternative to prosecution. If they choose not to take this alternative, then the prosecution can be continued.</p> <p>Diversion is used in response to drug use, as well as other social issues such as domestic violence and traffic offending. The goal of drug diversion is to intervene early, build knowledge and skills, and to reduce recidivism and drug-related harm.</p> <p>Diversion can occur at different points of engagement with the criminal justice system, including police, courts, or specialised drug courts that address underlying health and social needs.</p> <p>Diversion schemes can be mandatory or discretionary. Under mandatory schemes, all candidates that meet the scheme criteria must be offered diversion. In discretionary schemes, decision makers can choose to offer diversion to eligible candidates.</p> <p>All Australian States and Territories have drug diversion schemes in place. In South Australia, it is mandatory for police to offer diversion to those eligible.</p>
<p>Decriminalisation</p>	<p>Decriminalisation is the removal of criminal penalties for an offence. Criminal penalties require a criminal prosecution through the courts and can include imprisonment and a criminal record.</p> <p>An example of decriminalisation is removing criminal penalties for simple drug possession offences for personal use. Civil penalties may still be applied, such as a fine or confiscation and destruction of a substance. People are not prosecuted nor do they face imprisonment for simple possession offences. Criminal prosecution remains for trafficking and other offences. Prohibited substances remain illegal. Decriminalisation is achieved through removing criminal offences from legislation.</p> <p>This can be applied to specific settings, for example criminal penalties for the possession of small quantities of drugs have been removed in the Medically Supervised Injecting Centre as outlined in the <i>Drug Misuse and Trafficking Amendment (Medically Supervised Injecting Centre) Act 2010</i>.</p> <p>In South Australia personal possession or use of cannabis has been decriminalised since 1987 but may still result in a fine.</p> <p>In the Northern Territory, possession of small amounts of cannabis in the home has been decriminalised. Civil penalties may still be applied. Possession in a public place remains a criminal offence.</p>
<p>Depenalisation</p>	<p>Depenalisation is the reducing or relaxing of a criminal penalty, or its enforcement. The criminal offence remains in legislation, but the penalty is changed. This may be done to ensure a penalty is proportional to an</p>

	<p>offence, or to address an unintended harm, for example in relation to simple drug possession offences for personal use.</p> <p>In the ACT, penalties have been removed for adults who possess or use small amount of cannabis. Adults may also grow up two cannabis plants for personal use without penalisation.</p>
<p>Legalisation</p>	<p>Legalisation is the creation of a legal, regulated market, such as exists for tobacco, alcohol and pharmaceuticals. It allows the lawful manufacture, production, trade, use and possession of drugs in a legitimate market, subject to any regulatory control of the governing state.</p> <p>The United Nations reports that, as of December 2019, legal provisions had been approved in Canada, Uruguay and in 11 jurisdictions in the United States, to allow the production and sale of cannabis products for non-medical use.</p>