



NEW CANNABIS LAWS AND COMMUNITY CORRECTIONS ORDERS

NEW CANNABIS LAWS IN THE AUSTRALIAN CAPITAL TERRITORY

Changes to cannabis laws in the Australian Capital Territory (ACT) were approved in late 2019 and started on 31 January 2020. These changes legalise limited personal possession of cannabis, but do **not** legalise the sale, supply, dispensation or transfer of cannabis from one person to another.

This means that person over the age of 18 in the ACT who are **not** on an Intensive Correction Order, a Parole Order or another type of Community Corrections Order with a condition about drug use on it are allowed to:

- grow up to 2 cannabis plants per person at their own home (with a maximum of 4 plants per household);
- possess up to 50g of dried cannabis;
- possess up to 150g of fresh cannabis.

Importantly, it is an offence for any person in the ACT to:

- possess more than 50g of dried cannabis or 150g of fresh cannabis;
- grow more than 2 plants per person (or more than 4 plants per household);
- grow plants where they can be accessed by the public;
- use cannabis in a public place;
- expose a child or young person to cannabis smoke;
- store cannabis where children can reach it;
- sell, share or give cannabis to another person; and
- drive with any amount of cannabis in your system.

USING CANNABIS WHILE ON AN INTENSIVE CORRECTION ORDER

The changes to the laws around cannabis in the ACT have caused some confusion about whether cannabis can be used while on an Intensive Correction Order (ICO). The short answer to this is **no, you should not use cannabis while on an ICO as testing positive for cannabis is still a breach.**

The reason for this is that the changes to allow limited possession of cannabis were made to the *Drugs of Dependence Act 1989*, while core conditions of ICOs are legislated under the *Crimes (Sentence Administration) Act 2005*. The core conditions for ICOs have **not** changed and still state that “any test sample given by the offender ... must not be positive”. This means that the use of cannabis while on an ICO is still considered a breach of ICO conditions. Use of cannabis while on an ICO may therefore result in cancellation of the ICO and return to custody.



USING CANNABIS WHILE ON A PAROLE ORDER

As above, the changes to cannabis laws in the ACT have caused some confusion around whether cannabis can be used while on a parole order. The short answer to this is also **no, you should not use cannabis while on parole as testing positive for cannabis is still a breach.**

As also described above, changes to allow limited possession of cannabis were made to the *Drugs of Dependence Act 1989*, while core conditions of parole orders are legislated under the *Crimes (Sentence Administration) Act 2005* and the *Crimes (Sentence Administration) Regulation 2006*. The core conditions for parole orders have **not** changed and still state that an “offender must not use a prohibited substance, or abuse a medicine that is lawfully obtained”. The *Medicines, Poisons and Therapeutic Goods Act 2008* defines the term ‘prohibited substance’, which includes cannabis. This means that the use of cannabis while on parole is still considered a breach of parole conditions. Use of cannabis while on parole may therefore result in cancellation of the parole order and return to custody.

USING CANNABIS WHILE ON OTHER COMMUNITY CORRECTIONS ORDERS

If you are on any other type of Community Corrections Order, you should also think carefully before using cannabis. Any Community Corrections Order may have a condition on it about substance use. It may, for example, state that “any test sample ... must not be positive”. Or it may use different wording to say that you must not use drugs or alcohol. If you have a condition on your Community Corrections Order about **not** using drugs, this means that **you should not use cannabis as testing positive is still a breach of your Community Corrections Order.**

Types of Community Corrections Orders that may have conditions about drug use on it are:

- Good Behaviour Orders;
- Drug and Alcohol Treatment Orders;
- Deferred Sentence Orders; and
- Bail Orders.

If you are unsure about what the conditions on your Community Corrections Order mean, please speak to your community corrections officer. They can explain exactly what you can and cannot do and support you in keeping the conditions of your order.