



DRUGS & ALCOHOL

This sheet is intended to provide **general legal information** about the law in Queensland. **This information is not legal advice.** If you have a particular legal problem you should contact a solicitor for legal advice. At the end is a list of agencies that might be able to assist you, including legal agencies.

When can I start smoking cigarettes?

There is no law that says when you can or can't smoke cigarettes BUT it is against the law for an adult other than your parent or guardian to sell or give you cigarettes if you are under 18. Shopkeepers can ask to see ID to prove you are 18. If someone like a police officer sees you being sold or given cigarettes and they ask for your name, age and address, you must tell them or you will be breaking the law. They can take the cigarettes away for evidence against the person who sold/gave them to you and they do not have to give them back to you.

Electronic Cigarettes are subject to the same laws as cigarettes. Electronic Cigarettes that contain nicotine are illegal in Queensland.

When can I drink or buy alcohol?

It is against the law for a person under 18 to buy alcohol. You can be asked to show ID to prove you are 18 before someone sells you alcohol. It is an offence to:

- pretend to be 18 to try to get alcohol
- fake an ID
- change an ID to make you look 18
- give someone your ID to use.

Can I drink alcohol when I am at home?

If you are under 18 then a responsible adult can only supply you alcohol if you are on private premises **AND** the adult is responsibly supervising you. To decide if you are being responsibly supervised the factors that can be considered are:

- whether the adult or you are drinking or drunk
- how old you are
- whether the adult or you have eaten
- whether the adult is with you and checking on how much you are drinking and what effect it is having on you
- how much alcohol you are drinking over what period of time.

A responsible adult means your parent, step-parent, guardian or an adult who has parental rights and responsibility for you.

The adult can be fined if they are not supervising you responsibly and the police can also confiscate (take and dispose of) the alcohol.

Can I drink in a public place?

If you are under 18 you are not allowed to drink alcohol in a public place. Generally no-one can drink in a public place unless there is a sign which says they can (for example, certain places at South Bank in Brisbane). However, people under 18 are not allowed to drink alcohol even in those areas unless they are with a responsible adult who is supervising the drinking. A public place includes cinemas, shopping centres, malls, buses, parks or the street. If you are under 18 you cannot carry alcohol in public. This includes carrying it for your friends or parents. It does not matter whether the alcohol is sealed or open.

Can I be picked up for being drunk?

Yes. It is an offence to be drunk in a public place (no matter what your age). Using obscene or insulting language or behaving violently, disorderly or indecently is also an offence. These offences are called public nuisance offences. It is also an offence to be drunk or disorderly in a licensed place (such as a bar or a club). If you are acting drunk, creating a disturbance or enter without being allowed then the club may ask you to leave. They can use force that is reasonable and necessary if you fail to leave when asked.

When can I be charged with a drug offence?

You can be charged with a drug offence if you:

- have possession of a dangerous drug (including marijuana, heroin, cocaine, LSD, ecstasy or speed);

- have possession of property (other than a syringe or needle, if stored/disposed of properly - see below for how to store or dispose of syringes and needles) which police believe is to be used to commit a drug offence. This can include having a bong or a pipe on you, as well as scales or scissors;
- supply a dangerous drug (give, sell, deliver a drug to someone else or offer to do any of these);
- produce a dangerous drug (grow, prepare or package a dangerous drug or offer to do any of these);
- are the occupier of a place and you allow it to be used for drug offences. This is important for people in share accommodation who know housemates or friends of housemates are using drugs on the property. Instead of the police having to prove you knew that drugs were on your property, you will have to prove that you didn't know there were drugs on your property;
- are trafficking a dangerous drug (dealing, carrying on a business even if you do not make a profit).

The sentence for these offences will depend on the drug and how much there is of it.

Can I be sent to the drug diversion assessment program instead of going to court?

Yes. You can be sent to a drug diversion assessment program if:

- you have been charged with possession of marijuana and the amount is less than 50g; OR
- you have been charged with possession of a thing that is to be or was used in connection with the smoking of marijuana; AND
- you have not been charged with any other offence to do with the above charge; AND
- you have told the police in a record of interview which is recorded electronically that you did have the marijuana or the thing; AND
- you have not been to the drug diversion assessment program before or the police have not offered to send you there in the past.

What happens at the drug diversion assessment program?

See the topic 'Court orders'.

What does "possession" mean?

You can be charged with "possession" if:

- you have the drugs on you, in your pocket or room (even for a very short time)
- in a school locker where you have the only key
- in a bag that you give to a friend
- you try and hide drugs to protect a friend when the police are about to search a room.

More than one person can be "in possession" of drugs at the same time. For example if a number of people in a room are smoking marijuana, they may all be "in possession" of the drug being smoked or the thing being used to smoke it. It is not just the person who is actually using it when the police arrive that could be charged.

Is it illegal to carry needles or syringes on me?

No. It is not an offence to carry needles or syringes on you either:

- clean (but they must be carried safely); or
- used (they must be in a "puncture proof, hard, resealable container" and if the police "trace test" them you can be charged with "possession" of the drug that may be left in them).

Remember you do not have to answer any questions, except you must give your correct name, age and address. If you admit to using and have a used fit on you, the police can use this in gathering evidence against you.

What about a sharps container?

It is not against the law to have a sharps container (disposal unit issued by the Health Department) - only the drug in the used fits or dirty syringe is illegal. You must dispose of your fits in a "puncture proof, hard, resealable container" (the disposal unit from the Health Department or another unit like a Milo tin) and then in a garbage bag in the rubbish or return them back to the needle exchange. Any other way of disposal is illegal and you could be charged.

Can the police search me if they suspect I have drugs on me?

Yes. See topic on 'Searches'.

Can a police officer take away things I am using to inhale?

Yes. If a police officer believes that you are using an inhalant or about to use an inhalant (chroming) then the police can take away whatever you are using to do this. It does not matter if it is not something illegal, for example if you have some glue. It is not an offence to have the glue but the police have the power to take it away from you and you cannot get it back. The police officer can ask you if you have a reason for having the substance. If you do have a good reason (for example you have some glue because your parents asked you to buy it) then the police can allow you to keep it. The police

will decide whether you can keep it. You should also remember not to mislead or lie to the police because you could be charged with obstructing police.

Can police take me to a safe place if I am drunk or have been inhaling or ingesting (chroming) volatile substances?

Yes, the police can take you to a safe place.

A safe place is a place where you can receive treatment or care to allow you to recover. For example: your home, a hospital or a place which is set up to help you recover from chroming. A police station is **NOT** a safe place under this law.

Who can help?

Remember that drug use can be harmful to your general health. A conviction for a drug offence may cause you problems in the future, for example when applying for a job or if you are going overseas. If you want more information call:

Youth Advocacy Centre (YAC) www.yac.net.au	3356 1002
Legal Aid Queensland www.legalaid.qld.gov.au	1300 651 188
Youth Legal Advice Hotline	1800 527 527
Logan Youth & Family Legal Service www.yfs.org.au	3826 1500
Brisbane Youth Service www.brisyouth.org	3620 2400
Adolescent Drug and Alcohol Withdrawal Service (ADAWS) www.kidsinmind.org.au	3163 8400
Hothouse (Drug and Alcohol Counselling Youth Program)	38375633
Aboriginal & Torres Strait Islander Legal Service www.atsils.org.au	3025 3888 or (free call) 1800 012 255 (24hrs 7 days a week)
H.A.D.S. (Queensland Health).....	3646 8704
Alcohol & Drug Information Service (24hrs).....	3837 5989 (Outside Brisbane) 1800 177 833
QLD Injectors Health Network (QIHN) www.quihn.org	1800 172 076
QLD Intravenous AIDS Association (QuIVVA).....	3620 8111
Indigenous Youth Health Service	3240 8971
Translating & Interpreting Service (24hrs).....	13 14 50
Child Safety After Hours Service (24hrs) (DOC).....	3235 9999 or (free call) 1800 177 135
Community Legal Centres (CLCs) see www.naclc.org.au for your nearest CLC	

This sheet was last reviewed and updated in January 2020. The Youth Advocacy Centre does not accept responsibility for any action or outcome as a result of anyone relying on the information provided.