

**A Study of Convictions for  
Drug Offences in  
Western Australia:  
2002 - 2006**

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# A Study of Convictions For Drug Offences in Western Australia: 2002 - 2006

## 1. Introduction

### 1.1 Legal framework

The *Misuse of Drugs Act 1981* (MDA) sets out a framework of offences to prosecute a person in Western Australia (WA) who uses or possesses or otherwise is involved with prohibited drugs or prohibited plants. There are three broad types of offences created by the MDA related to ‘illicit drugs’:

- Section 5 offences, which are concerned with the use of premises and utensils related to prohibited drugs or prohibited plants;
- Section 6 offences, which are concerned with prohibited drugs; and
- Section 7 offences, which are concerned with prohibited plants.

The MDA also includes in Section 33 offences concerned with attempts and conspiracies involving prohibited drugs or prohibited plants.

A principle of the MDA is that it is based on the concept of seriousness, offences range from simple possession (a minor offence), to possession or cultivation with intent to sell or supply and drug trafficking (serious offences) for the each of the three above types of offences.

### 1.2 Evaluation of DLE activity

There has been a history of frequent changes in the availability and acceptability of the use of different drugs, which provides a particular challenge to drug law enforcement (DLE) agencies. As well as operating in an environment of ongoing change because of new forms

of drugs and changes in availability, DLE agencies also routinely review and develop their strategies when new laws are enacted or when existing ones are amended.

This context suggests a high value should be placed on developing and maintaining data systems that provide comprehensive indicators to inform DLE activity and meet the requirements for accountability and performance that apply across all public sector agencies.

A number of major reviews in the mid 1990s that examined the effectiveness of DLE agencies in Australia underscore the importance of being able to evaluate the relative impact of DLE strategies on different drug markets, given some drugs are associated with high levels of harm. <sup>1</sup> These reviews also highlight that in all jurisdictions in Australia there was a limited availability of detailed information about DLE activity.

### 1.3 Drug law reforms in 2003

In WA there was a major law reform in October 2003 concerned with minor cannabis offences after the passing of the *Cannabis Control Act 2003* (CCA) by the Parliament.

These reforms, which commenced in March 2004, established an alternative approach for police to obviate the need to charge offenders, by providing an option to issue a cannabis infringement notice (CIN) to someone who had committed a ‘minor cannabis offence’.

These reforms built upon the expanded use of infringement notices that has occurred in other areas involving both minor and potentially serious offences, for example, unauthorised lighting of fires in summer, traffic

**Table 1: Annual all drug charges by offence & court of appearance, 2002 - 2006**

	Section 5 Offences concerned with premises, implements & utensils			Section 6 Offences concerned with prohibited drugs			Section 7 Offences concerned with prohibited plants			Total		
	Ch Crt	Mag	Total	Ch Crt	Mag	Total	Ch Crt	Mag	Total	Ch Crt	Mag	Total
2002	231	2,564	2,795	420	6,684	7,104	36	877	913	687	10,125	10,812
2003	265	2,448	2,713	412	6,230	6,642	50	806	856	727	9,484	10,211
2004	168	1,846	2,014	404	5,644	6,048	33	760	793	605	8,250	8,855
2005	183	2,226	2,409	430	5,878	6,308	22	719	741	635	8,823	9,458
2006	210	2,578	2,788	468	7,084	7,552	28	695	723	706	10,357	11,063
<b>Total</b>	<b>1,057</b>	<b>11,662</b>	<b>12,719</b>	<b>2,134</b>	<b>31,520</b>	<b>33,654</b>	<b>169</b>	<b>3,857</b>	<b>4,026</b>	<b>3,360</b>	<b>47,039</b>	<b>50,399</b>

**Note:** Ch Crt = Case heard in Children’s Court, Mag = Magistrates Courts (formerly known as Courts of Petty Sessions).

offences such as speeding and failure to wear a seat belt and parking offences.<sup>2</sup>

When enacting this reform, the Gallop Labor government indicated it expected the CCA would facilitate change in DLE priorities. This would occur, it was argued, as that by dealing with ‘minor cannabis offenders’ through an infringement instead prosecution, police resources could be freed up to enable them to focus on offences related to more harmful drugs such as heroin and amphetamines and target those engaged in more serious cultivation, supply and selling offences.<sup>3</sup>

## 1.4 Data issues

A requirement of the CCA reform was to formally evaluate the effectiveness of the legislation after it had operated for three years. This required the availability of indicators, such as time series offence data before and after the introduction of the CCA reforms, to determine trends and changes in offending related to cannabis, as well as other types of drugs.

However, as the police charges data system was not at that time able to provide accurate data about offences related to the specific drug the subject of a charge, access to more detailed sources of law enforcement offence data was required to support an evaluation of the CCA reforms.<sup>4</sup>

It was found the court data system, which recorded post conviction outcomes, could overcome a limitation of the police offence information and seizures data systems, as

it included additional coding that identified the drug that was the subject of an offence under the MDA.<sup>5</sup>

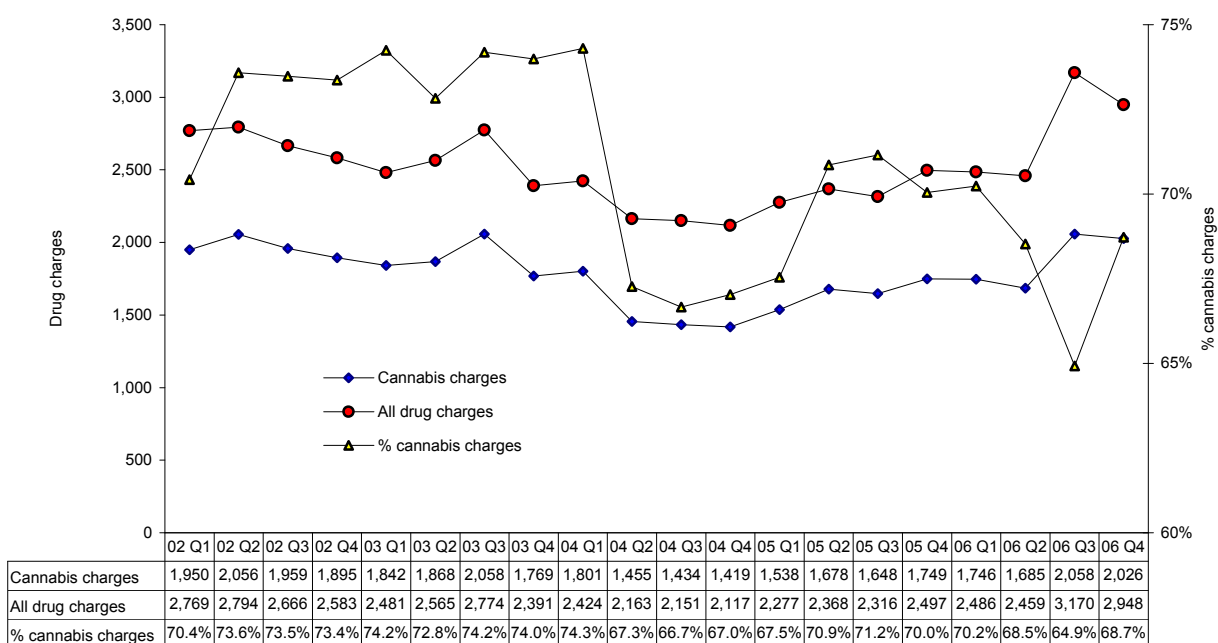
As it was necessary to examine all outcome codes to specifically identify cannabis as well as other types of drugs related to an offence, this paper includes the breakdown of all drug related offence data, over the five year period from 2002 to 2006, to identify trends and changes in court outcomes related to other drug charges, as well as for cannabis.

There are few offences in the MDA which can readily identify the relevant prohibited drug or plant involved. An example is Section 5(1)(d)(i) offences, the possession of a pipe for smoking cannabis on which there are detectable traces of cannabis.

Conviction outcome codes must be used in relation to charges involving sections 6(1) and 6(2) to identify whether the charge was concerned with cannabis, one its derivatives or any another particular drug. As there is little, if any cultivation of prohibited plants other than cannabis in WA, charges involving sections 7(1) and 7(2) were regarded as being for cannabis cultivation.

The MDA provides that the possession of more than a specified amount of a drug or the possession of or cultivation of more than a specified number of plants (regardless of size or method of cultivation) is prima facie a serious offence. Accordingly, serious offences are treated are dealt with under either Section 6(1), possession of a prohibited drug with intent to sell or supply or to manufacture, sell or supply a prohibited drug, or

**Figure 1: Quarterly all drug charges, cannabis charges & proportion (%) of cannabis charges heard in all courts, WA, 2002 - 2006**



Section 7(1), the possession or cultivation of prohibited plants with intent to sell or supply.

However, it was found although the court data system identified the specific drug, it did not record the quantity of cannabis, the number of plants involved or method of cultivation related to either Section 7(1) or 7(2) offences. With respect to Section 7(2) charges, cultivation of cannabis, under the CCA the cultivation of not more than two non hydroponically cultivated plants was an expiable offence, whereas under the MDA possession or cultivation of less than 10 plants (regardless of method of cultivation) is a minor charge.

Another difficulty in interpreting the outcomes of charges laid under the MDA, is that the originating court in which a matter will be tried depends on the age of the offender at the time of the offence (ie if aged less than 18 the matter will be dealt with by a Children’s Court).

**Table 2: Annual drug charges by type of drug & court of appearance, 2002 - 2006**

	Childrens Courts	Magistrates Courts	Total	%
Cannabis				
2002	541	7,319	7,860	72.7
2003	596	6,941	7,537	73.8
2004	490	5,619	6,109	69.0
2005	527	6,086	6,613	69.9
2006	593	6,922	7,515	67.9
<b>Total</b>	<b>2,747</b>	<b>32,887</b>	<b>35,634</b>	<b>70.7</b>
Non-Cannabis				
2002	60	1,841	1,901	17.6
2003	56	1,718	1,774	17.4
2004	60	2,075	2,135	24.1
2005	89	2,551	2,640	27.9
2006	104	3,287	3,391	30.7
<b>Total</b>	<b>369</b>	<b>11,472</b>	<b>11,841</b>	<b>23.5</b>
Unknown drug				
2002	86	965	1,051	9.7
2003	75	825	900	8.8
2004	55	556	611	6.9
2005	19	186	205	2.2
2006	9	148	157	1.4
<b>Total</b>	<b>244</b>	<b>2,680</b>	<b>2,924</b>	<b>5.8</b>
All drugs				
2002	687	10,125	10,812	100.0
2003	727	9,484	10,211	100.0
2004	605	8,250	8,855	100.0
2005	635	8,823	9,458	100.0
2006	706	10,357	11,063	100.0
<b>Total</b>	<b>3,360</b>	<b>47,039</b>	<b>50,399</b>	<b>100.0</b>

However, there is also a further requirement that serious drug offences must be dealt with by a higher court.<sup>6</sup> It should be noted, that in addition to the statutory provisions available to the courts when sentencing, they also have an inherent jurisdiction with respect to first offenders or juveniles, who may deal with without a penalty being recorded.

It should also be understood that data based on court outcomes does not necessarily accurately count offending as recorded by police data systems. For instance, in relation to an ‘arrest event’, this can refer to a person being either arrested or summonsed to appear in a court, involving one or more separate offences, with any number charges, which are separately counted, for each offence.

Sometimes court data systems may be unable to obtain insufficient information to accurately identify the specific drug the subject of a particular charge. Also, as court data systems need to reflect revisions made to sentencing legislation, this means it can be difficult to compare court outcomes over time.

See Table B-1 for a list of codes used to identify the outcome when an offender appears before a court on any type of charge.

## 1.5 Overview of CIN scheme

Whilst the CCA involved a number of legislative reforms, including amendment of the MDA, enactment of a new piece of legislation (the CCA) and regulation of the activities of retailers of cannabis smoking paraphernalia, its major outcome was the establishment of the CIN scheme.

The CCA created a hybrid group of expiable drug offences, involving a small number of existing offences already contained in the MDA, concerned with the possession and/or use of cannabis leaf material and the cultivation of cannabis plants.

The CIN scheme commenced on 22 March 2004 and provided for infringement notices to be issued for four expiable offences:

- possession of smoking implements on which there are detectable traces of cannabis (modified penalty \$100);
- use of or possession of not more than 15 grams of cannabis (modified penalty \$100);
- use of or possession of more than 15 grams and not more than 30 grams of cannabis (modified penalty \$150); and
- cultivation of not more than two non-hydroponically grown cannabis plants (modified penalty \$200).

These four expiable offences are linked by provisions of the CCA to Section 5(1)(d)(i) [possession of smoking implements], Section 6(2) [possession of cannabis] and Section 7(2) [cultivation of cannabis] of the MDA.

## 1.6 Expiation process

The CIN scheme provided for a CIN to be expiated by either payment of the specified modified penalty or attendance at a cannabis education session (CES) within 28 days of it being issued. If a person failed to attend a CES within the first 28 days, he/she could *only* expiate by payment of the modified penalty as provided in the *Cannabis Control Regulations 2004*.

A final demand was issued by the police if a CIN is not expiated within 28 days of it being issued. A final demand can only be expiated by payment of the relevant modified penalty. If after 56 days from when a CIN had been issued and a person had failed to respond to the final demand, enforcement is transferred to the Fines Enforcement Registry (FER), where the provisions of Part 3 of the *Fines, Penalties and Infringement Notices Enforcement Act 1994* (FPINEA) apply.<sup>7</sup>

When enforcement of an unpaid CIN passed to the FER a person would continue to receive further demands for payment, plus incur administrative fees. If a person failed to respond to these demands they are required under the FPINEA to enter into an arrangement with FER to satisfy the outstanding debt, such as a time to pay arrangement or otherwise their motor driver's licence can be suspended if full payment is not made.

Section 9 of the CCA provided that if a person has been issued with three or more CINs on separate occasions within the past three years, they could not expiate any further CINs by payment of the relevant modified penalty but *only* by attending a CES.

Furthermore, if a person issued with a CIN under these circumstances failed to complete the CES they could not avail themselves of the procedures in the FPINEA, but instead were to be charged with the original offence(s) under the MDA for which had originally been issued a CIN.

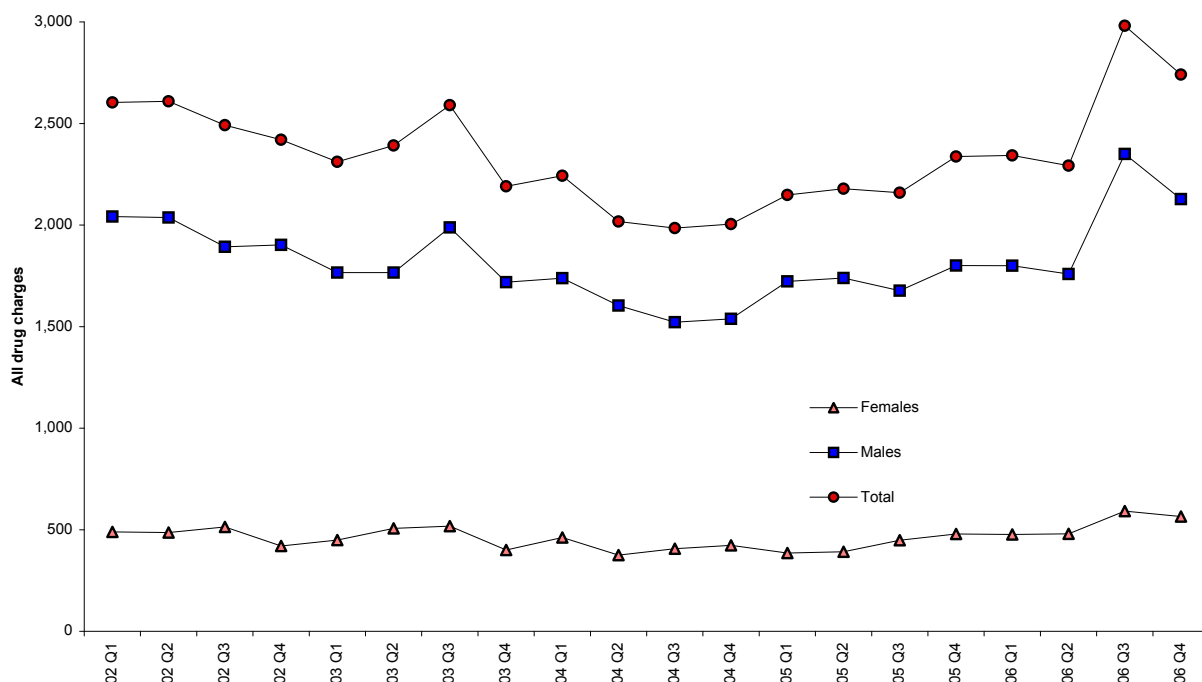
## 2. All Courts

This paper will provide a brief descriptive analysis of a subset of information from court data system, which particular reference to cannabis offences, that was used in conjunction the statutory review of the CCA which was published in November 2007.<sup>8</sup> This analysis does not include data from the higher courts, as information from this jurisdiction was available in the court data system.

### 2.1 All charges

Table 1 (page 1) shows there was a total of 50,399 convictions for drug charges dealt with by Children's and Magistrates Courts in WA between 2002 and 2006. Out of these 50,399 convictions, 12,719 (25.2%) involved Section 5 offences, 33,654 (66.8%) involved Section 6 offences and 4,026 (8.0%) involved Section 7 offences.

Figure 2: Quarterly all drug charges heard in Magistrates Courts by sex, 2002 - 2006





Overall, few drug offences were dealt with by Children's Courts, as 3,360 (6.7%) charges were dealt with in this jurisdiction and the remaining 47,039 (93.3%) were dealt with by Magistrates Courts.

Table A-20 (page A-17) shows that about one in 10, 385 (11.5%) of drug charges in Children's Courts involve adults who were aged less than 18 years of age at the time they were charged.

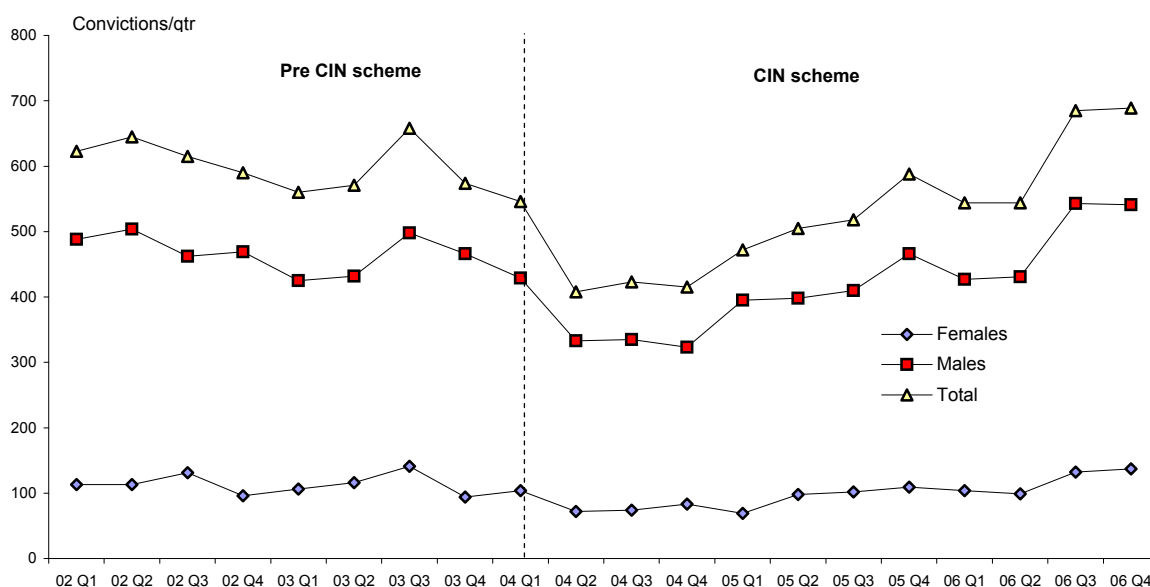
Table A-1 (page A-1) shows that over the five year period the proportion of quarterly drug charges dealt with by Children's Courts remained constant, with about

6 to 7 per cent of all drug charges being dealt with in this jurisdiction.

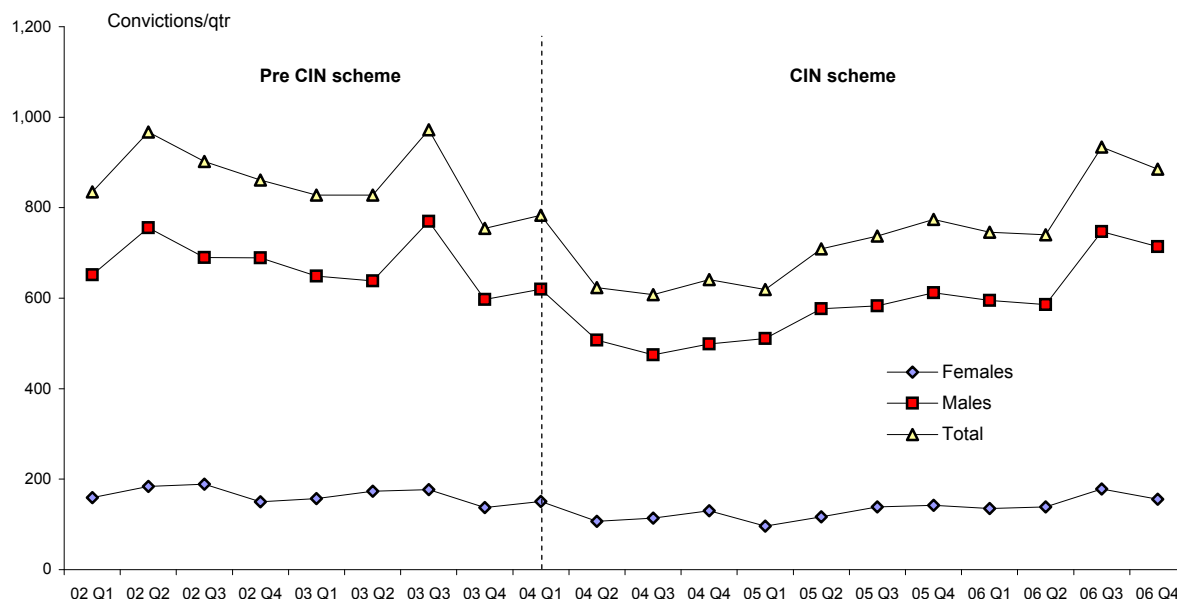
The greatest proportion of drug charges involved cannabis, accounting for 35,634 (70.7%) of all drug convictions in the five year period (Table 2, page 3). It can be seen that in 2002 and 2003 cannabis charges made up 72.7% and 73.8% of all drug convictions, whereas between 2004 and 2006 seven out of 10 charges involved cannabis.

Figure 1 (page 2) sets out quarterly trends in both all drug and cannabis convictions dealt with by all courts

**Figure 3: Quarterly convictions in Magistrates Courts for possession of cannabis smoking implements by sex, 2002 - 2006**



**Figure 4: Quarterly convictions in Magistrates Courts for possession of cannabis by sex, 2002 - 2006**



over the five year period. It shows that the proportion of cannabis charges declined from the March quarter 2004 to the June quarter 2004 and subsequently remained relatively constant, at about two thirds of all drug charges up to the December quarter 2006.

It can be seen whereas quarterly cannabis charges declined after the September quarter 2003, by the end of 2006 they had returned to a similar number per quarter as had existed prior to this quarter.

There was a sharp drop in the proportion of cannabis charges from the March quarter 2004 (74.3%) to the September quarter 2004 (66.7%), which increased up to the September quarter 2005 (71.2%) and then dropped somewhat to 68.7% by the December quarter 2006. The decline in the proportion of cannabis charges after the September quarter 2005 is largely due to the growth in total drug charges throughout 2005 and 2006, especially involving amphetamine type stimulant (ATS) drugs. See Table A-7 (page A-7) and Table A-10 (page A-10).

**Table 3: Annual convictions for all drug offences heard in Magistrates Courts which resulted in fines, 2002 - 2006**

	2002	2003	2004	2005	2006	Total
Number of charges						
Cannabis related charges	5,728	5,489	4,331	4,916	7,100	27,564
ATS related charges	692	678	880	1,389	2,600	6,239
Other drug related charges	955	828	1,102	496	933	4,314
<b>All charges</b>	<b>7,375</b>	<b>6,995</b>	<b>6,313</b>	<b>6,801</b>	<b>10,633</b>	<b>38,117</b>
Total fines						
Cannabis related charges	\$1,350,134	\$1,382,345	\$1,194,495	\$1,536,612	\$1,798,975	\$7,262,561
ATS related charges	\$225,578	\$232,788	\$320,164	\$527,641	\$666,248	\$1,972,419
Other drug related charges	\$278,001	\$256,902	\$192,795	\$192,885	\$226,429	\$1,147,012
<b>All charges</b>	<b>\$1,853,713</b>	<b>\$1,872,035</b>	<b>\$1,707,454</b>	<b>\$2,257,138</b>	<b>\$2,691,652</b>	<b>\$10,381,992</b>
Average fine						
Cannabis related charges	\$236	\$252	\$276	\$313	\$253	\$263
ATS related charges	\$326	\$343	\$364	\$380	\$256	\$316
Other drug related charges	\$291	\$310	\$175	\$389	\$243	\$266
<b>All charges</b>	<b>\$251</b>	<b>\$268</b>	<b>\$270</b>	<b>\$332</b>	<b>\$253</b>	<b>\$272</b>

**Note:** Base = charges which were disposed of by a fine; includes both simple and serious offences.

**Table 4: Annual convictions for simple cannabis charges heard in Magistrates Courts by outcome, 2002 - 2006**

	2002		2003		2004		2005		2006	
	n	%	n	%	n	%	n	%	n	%
Adult conditional release order	177	2.6	188	2.9	135	2.7	121	2.2	129	2.0
Community based order	348	5.1	387	6.0	374	7.4	354	6.4	312	4.9
Dismissed	81	1.2	64	1.0	66	1.3	43	0.8	52	0.8
Fine	5,510	81.2	5,251	81.7	4,090	80.5	4,585	83.2	5,403	85.2
Imprisonment	141	3.6	155	2.4	124	2.4	101	1.8	149	2.3
Intensive supervision order	103	1.5	133	2.1	126	2.5	150	2.7	140	2.2
No further order	30	0.4	14	0.2	11	0.2	10	0.2	19	0.3
No punishment	27	0.4	14	0.2	2	<0.1	10	0.2	11	0.2
Remanded	37	0.5	17	0.3	14	0.3	3	0.1	-	
Suspended imprisonment order	48	0.7	44	0.7	31	0.6	21	0.4	23	0.4
Struck out	39	0.6	47	0.7	31	0.6	36	0.7	43	0.7
Withdrawn	41	0.6	38	0.6	10	0.2	18	0.3	9	0.1
Work development order	49	0.7	26	0.4	25	0.5	15	0.3	10	0.2
Other	51	0.8	48	0.7	40	0.8	42	0.8	42	0.7
<b>Total</b>	<b>6,782</b>	<b>100.0</b>	<b>6,426</b>	<b>100.0</b>	<b>5,079</b>	<b>100.0</b>	<b>5,509</b>	<b>100.0</b>	<b>6,342</b>	<b>100.0</b>

Over the five year period a higher proportion of drug charges dealt with by Children's Courts were cannabis related, as 2,747 (81.8%) out of the total of 3,360 drug charges involved this drug. This compares with the Magistrates Courts, where 32,887 (69.9%) out of a total of 47,039 drug charges involved cannabis (Table 2, page 3).

Table 2 also shows there was an increase in the proportion of annual charges for drugs other than cannabis. Whereas in 2002 and 2003 non cannabis charges made up 17.6% and 17.4% of all drug charges respectively, in the following years this increased, from 24.1% in 2004 to 30.7% in 2006.

## 2.2 Cannabis charges

Given the importance of cannabis related offences in relation to all types of drug offences, further analysis of cannabis related charges is presented. This requires an appreciation of the distinction between 'simple' (as minor offences are referred to in the MDA) and 'serious' offences.

Simple offences refer to charges involving three sections of the MDA: Section 5(1)(d)(i) - possession of a smoking implement on which there are detectable traces of cannabis, Section 6(2) - possession of cannabis and Section 7(2) - cultivation of cannabis. Serious offences refer to charges involving sections 6(1) and 7(1) of the MDA.

The separation of cannabis charges into simple and serious offences is relevant to the impact of the CIN scheme, as it is restricted to offences involving Sections 5(1)(d)(i), 6(2) - if the amount of cannabis is 30 grams or less and 7(2) - if the number of non hydroponically cultivated plants is two or less.

Figure A-1 (page A-2) provides an overview of quarterly age related trends from 2002 to 2006 in simple cannabis charges. This indicates that whereas the number of charges involving the less than 18 and the 45 years and older age groups were relatively constant, there has been more marked variations in charges for the 18 to 24, 25 to 34 and 35 to 44 years age groups over the period.

Table A-3 (page A-3) shows that from 2002 until mid 2003 there was about 1,700 to 1,800 simple cannabis charges per quarter. However, about six months prior to the introduction of the CIN scheme, the number of charges started to decline up until the end of 2004.

Since the March quarter 2005 the number of simple cannabis charges gradually increased, such that by the September quarter 2006, the number of charges was similar to those in 2002 and 2003.

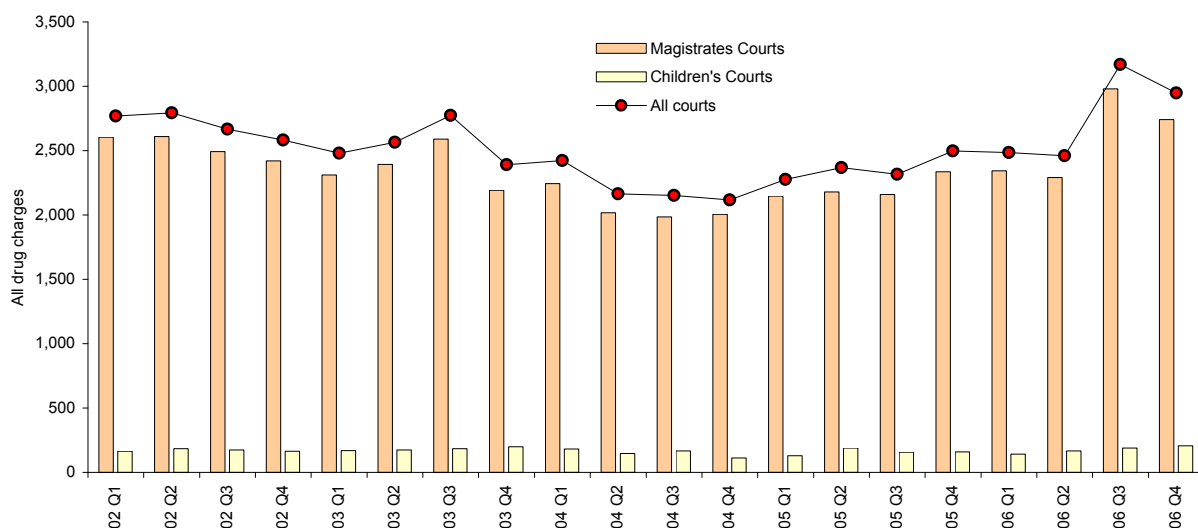
Since 2005 there has been an apparent shift in the age structure of the population of those charged with simple offences, as much of the increase has involved those aged between 18 and 44 years. Separate breakdowns by age group for the three simple offences is presented in Table A-4 (implements), Table A-5 (possession) and Table A-6 (cultivation), pages A-4 to A-6, respectively.

## 3. Magistrates courts

### 3.1 All charges

Table A-7 (page A-7) contains a breakdown according to whether the charge involved cannabis or drugs other than cannabis. This type of analysis also assists in identifying whether the introduction of the CIN scheme resulted in a shift in police activity to drugs other than cannabis.

Figure 5: Quarterly all drug charges by type of court, 2002 - 2006



For instance, in both 2002 and 2003, just under one in five (18%) of drugs charges involved drugs other than cannabis, whereas in the three following years the proportion of non-cannabis charges increased, from 25.2% in 2004 to 31.7% in 2006.

An age related feature of offences between 2002 and 2006 was that the Section 7 offenders tended to be older than the Section 5 and Section 6 offenders (Table A-8, page A-8).

Table A-10 (page A-10) shows that for most the period from 2002 to 2005 charges involving serious cannabis offences typically made up between 40 to 50 per cent of all serious drug offences. This also indicates the decline in the proportion of serious cannabis offences which occurred in 2006, was associated with a marked increase in serious charges involving the ATS group of drugs.

Overall, the majority of all drug charges involved males, as out of the total of 47,039 charges, 9,268 (19.7%) were females and 36,492 (77.6%) were males. There were a further 1,279 (2.7%) charges where gender was unknown (Table A-9, page A-9).

Figure 2 (page 4) shows that the number of quarterly charges for females remained relatively constant between 2002 and 2006, with an average of 463 charges per quarter.

However, quarterly charges of males steadily declined, from the March quarter 2002 (2,042) to the September quarter 2004 (1,522) and then remained relatively constant up to the June quarter 2006, with about 1,800 per quarter. However, it can be seen charges involved males increased over the last two quarters in 2006.

The annual breakdown of outcomes of all drug charges heard in the Magistrates courts in Table A-11 (page A-11) shows that nearly three quarters of all charges resulted in a fine. The next most frequent outcomes were being placed on a community based order (about one in 20 charges) and imprisonment, which occurred in about three per cent of charges.

Table 3 (page 6) contains a breakdown of all drug charges where conviction resulted in a fine and shows the average annual fine for cannabis charges increased from \$236 in 2002 to \$253 in 2006.

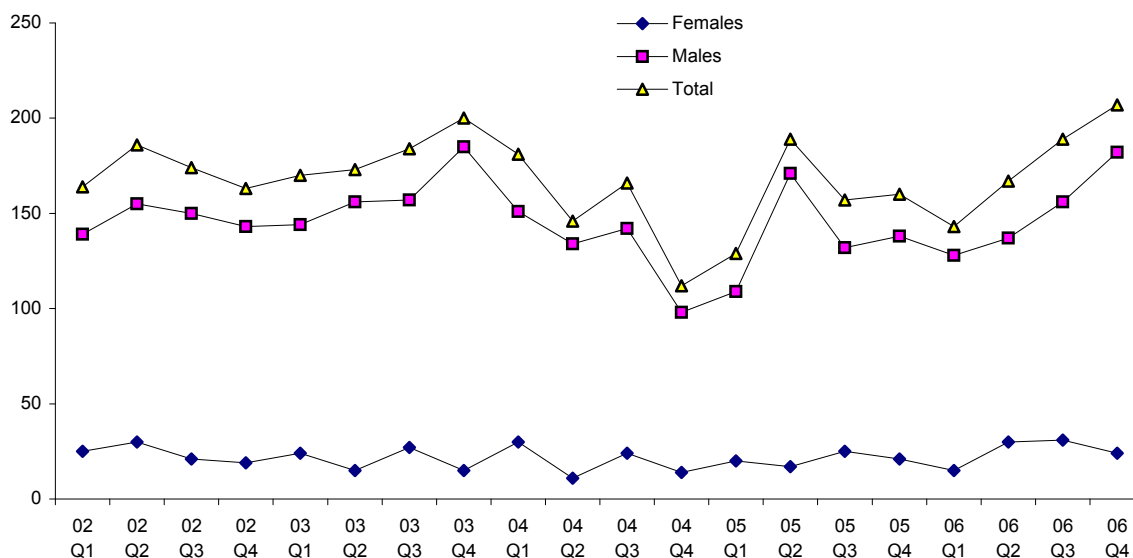
The annual average fine for conviction for charges involving ATS drugs was more than \$300, except for 2006. The lower mean fine of \$256 in 2006 may be related to the marked increase in the number of charges dealt with in 2006 by fine (2,600 up from 1,389 in 2005) and that a higher proportion of these offenders could have been first time offenders compared to other years.

### 3.2 Cannabis charges

In the period 2002 to 2006 there was a total of 32,887 cannabis charges dealt with by Magistrates Courts (Table 2, page 3). Of these, 30,138 (91.6%) involved simple cannabis offences laid under Sections 5(1)(d)(i), 6(2) and 7(2) of the MDA (Table A-2, page A-2). The remaining 2,749 (8.4%) charges involved serious cannabis offences (Table A-15, page A-14).

Except for an increase in the proportion of serious cannabis charges, to just over 10 per cent between the June quarter 2004 and the March quarter 2005, there was a relatively constant proportion of serious cannabis charges between 2002 and 2006 (Table A-15, page A-14).

**Figure 6: Quarterly all drug charges heard in Children's Courts by sex, 2002 - 2006**



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The quarterly breakdown of simple cannabis charges in Table A-12 (page A-12) shows the proportion of charges remained relatively constant through the period from 2002 to 2006. However, the exception to this trend was a consistent increase in the proportion of charges involving section 7(2) offences in the first quarter of each year. This is most likely due to a seasonal pattern of offending related to the optimal growing season for the outdoors cultivation of cannabis from spring through to summer.

There was a preponderance of simple cannabis charges involving males, who made up about eight out of 10 of all charges each quarter (Table A-13, page A-13).

As it is possible that variations in delays in the hearing of charges could distort trends in offences, an analysis is included of the elapse in time between when a charge was laid and when the matter was dealt with by a Magistrates Court. There was a decrease in the proportion of simple cannabis charges being dealt with within 30 days of a charge being laid - from 77.1% in 2002 to 71.6% in 2006. The majority of simple cannabis charges were dealt with within two months of a charge being laid, as eight out of 10 charges were dealt with within 60 days (Table A-14, page A-13).

The breakdown in Table 4 (page 6) of outcomes of all simple cannabis charges dealt with by Magistrates Courts shows that a monetary penalty was by far the most frequent outcome, with just over eight out of 10 charges dealt with by a fine. It can be seen there was a small increase in the proportion of offenders who were fined, from 81.2% in 2002 to 85.2% in 2006. The second most frequent outcome was a community based order, with one in 20 charges dealt with in this manner.

Separate breakdowns of outcomes for cannabis charges involving offences against Sections 5(1)(d)(i), 6(2) and 7(2) of the MDA are presented in Tables A-16 to A-18 (pages A-14 to A-15), respectively. This indicates there was a consistent pattern across all three types of offences for offenders to be dealt with by way of a fine, as between 80 to 85 per cent of charges resulted in a fine.

## 4. Children's Courts

### 4.1 All charges

The data in Figure 5 (page 7), which contains a breakdown of quarterly totals of all drug charges dealt with by each jurisdiction, shows over the period charges in the Children's Courts remained relatively constant, whereas charges in the Magistrates Courts fluctuated between about 2,000 to 2,500 per quarter, up to mid 2006.

A notable feature of drug charges dealt with by Children's Courts between 2002 and 2006 is that about eight out of 10 of drug charges in this jurisdiction were cannabis related (Table A-19, page A-16).

Out of the total of 3,360 drug charges dealt with by the Children's Courts, 2,114 (62.9%) involved those aged 16 to 17 years and 743 (22.1%) involved those aged 14 to 15 years. The remaining charges involved 385 (11.5%) charges of persons aged 18 years and older and 118 (3.5%) charges of those aged less than 14 years. See Table A-20, page A-17.

There was a consistent trend over the five year period for the majority of charges in this jurisdiction to involve those aged between 16 and less than 18 years. However, there was a modest increase in the proportion of charges involving the 14 to 15 age group, which grew from 19.9% of drug charges in 2002 to 25.1% in 2006.

The quarterly trends in Figure 6 (page 8) indicates that whereas the number of charges involving females remained relatively constant, there was a notable variation in the number of charges involving males, which declined over the four quarters in 2004, then increased over 2005 and 2006.

### 4.2 Cannabis charges

In the five year period the greatest proportion of cannabis charges involved the offence of possession, accounting for nearly two thirds (63.5%) of all charges and nearly one third (31.5%) of charges were concerned with possession of a cannabis smoking implement. There were very few charges concerned with cultivation, with only 169 (5.0%) of the total of 3,360 charges involving this offence. See Table A-21 (page A-18).

With respect to seriousness of cannabis charges, typically about one in 20 charges involved a serious drug offence. It can be seen in Table A-22 (page A-19), there was a modest increase in the proportion of serious cannabis offences, increasing from a mean of 4.4% in 2002 to 7.3% in 2006. (See Table A-22, page A-19.)

The analysis of delay in cannabis charges being dealt with by Children's Courts indicates a greater elapse of time as compared to Magistrates Courts (Table A-23, page A-20). However, this outcome is consistent with the greater emphasis in this jurisdiction on rehabilitative approaches, such as referral to a Juvenile Justice Team and community based orders, as can be seen in outcomes concerning Section 5(1)(d)(i) charges (Table A-24, page A-21) and Section 6(2) charges (Table A-25, page A-21).

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## 5. References

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1. Green P & Purnell I. *Measuring the success of law enforcement agencies in Australia in targeting major drug offenders relative to minor drug offenders*. Payneham, South Australia, National Police Research Unit, 1996; Sutton A & James S. *Evaluation of Australian drug anti-trafficking law enforcement*. Payneham, South Australia, National Police Research Unit, 1996.

2. Fox R. Infringement notices: Time for reform? (1995) *Trends and Issues in Criminal Justice*, Bulletin No. 50; Ferrante A. *The disqualified driver study: A study of factors relevant to the use of licence disqualification as an effective legal sanction in Western Australia*. Nedlands, Crime Research Centre, University of WA, 2003.

3. Minister for Health (Hon. Bob Kucera). *Second Reading Speech, Cannabis Control Bill 2003*. Western Australian Parliament, Legislative Assembly. Hansard. 20 March 2003, 5697.

4. "There are some difficulties in relation to interpretation of data from the seizure database, which is separate from the Offender Information System. The data files for seizures are unstructured, lack uniform definitions and are unreliable as in some instances the type of drug seized cannot be readily identified. This also means that the type of drug cannot be readily determined in relation to each offence." Methodology section in *Drug offences and seizures, 1998 - 2006*, Statistical Bulletin No. 35, April 2007. Drug and Alcohol Office & Western Australia Police.

5. The *Misuse of Drugs Act 1981* does not permit a person to be charged with a generic offence, such as use, possession sale or supply, as Sections 5, 6 and 7 refer to an offence as involving "a prohibited drug" or "a prohibited plant". A consequence of this approach is that each offence needs to refer to a drug or plant defined in one of the Schedules to the MDA or in the *Poisons Act 1964*.

However, since November 1995, the Schedules to the *Poisons Act 1964* have been cross referenced to include all those substances listed in the Current Poisons Standard issued under Section 52A of the *Therapeutic Goods Act 1989*. As well as the incorporation of the national standard, known as the Standard for the Uniform Scheduling of Drugs and Poisons (SUSDP) under Commonwealth legislation, additional substances may be added to the *Poisons Act 1964* through gazettal.

6. Section 9 of the *Misuse of Drugs Act 1981* creates an optional trial in a Magistrates Court rather than a higher court, with attendant lower penalties, if defendants plead guilty to serious cannabis offences involving cannabis leaf or plants, but not cannabis derivatives.

An example of lower penalties is that if the amount of cannabis leaf is less than 500 grams or the number of plants are less than 100, under the optional summary trial provision, the penalty is a fine of up to \$5,000 or imprisonment of up to 4 years or both. However, if the same charge was dealt with by a higher court, there is a penalty of a fine of up to \$20,000 or imprisonment of up to 10 years, or both.

7. Part 3 of the *Fines, Penalties and Infringement Notices Enforcement Act 1994* provides a different enforcement process related only to unpaid infringement notices which bars imprisonment for failure to expiate, whereas under Part 4, which applies to enforcement of unpaid fines imposed by courts, imprisonment for non payment is an available sanction. The Fines Enforcement Registry (FER) is responsible for the enforcement of a wide range of infringement notices, such as traffic infringements and infringements issued by state and local government authorities, who refer enforcement to FER.

8. *Statutory review of the Cannabis Control Act 2003: Technical report*. Report to the Minister for Health. Perth, Drug and Alcohol Office, 2007.

# Appendix Tables

## All Courts: All Drug Charges

**Table A-1: Quarterly drug charges by court of appearance, 2002 - 2006**

	Children's Courts		Magistrates Courts		All courts
	n	%	n	%	
<b>2002</b>					
Mar qtr	165	6.0	2,604	94.0	2,769
Jun qtr	185	6.6	2,609	93.4	2,794
Sep qtr	174	6.5	2,492	93.5	2,666
Dec qtr	163	6.3	2,420	93.7	2,583
<b>Total</b>	<b>687</b>	<b>6.4</b>	<b>10,125</b>	<b>93.6</b>	<b>10,812</b>
<b>2003</b>					
Mar qtr	170	6.8	2,311	93.2	2,481
Jun qtr	173	6.7	2,392	93.3	2,565
Sep qtr	184	6.6	2,590	93.4	2,774
Dec qtr	200	8.4	2,191	91.6	2,391
<b>Total</b>	<b>727</b>	<b>7.1</b>	<b>9,484</b>	<b>92.9</b>	<b>10,211</b>
<b>2004</b>					
Mar qtr	181	7.5	2,243	92.5	2,424
Jun qtr	146	6.7	2,017	93.3	2,163
Sep qtr	166	7.7	1,985	92.3	2,151
Dec qtr	112	5.3	2,005	94.7	2,117
<b>Total</b>	<b>605</b>	<b>6.8</b>	<b>8,250</b>	<b>93.2</b>	<b>8,855</b>
<b>2005</b>					
Mar qtr	129	5.7	2,148	94.3	2,277
Jun qtr	189	8.0	2,179	92.0	2,368
Sep qtr	157	6.8	2,159	93.2	2,316
Dec qtr	160	6.4	2,337	93.6	2,497
<b>Total</b>	<b>635</b>	<b>6.7</b>	<b>8,823</b>	<b>93.3</b>	<b>9,458</b>
<b>2006</b>					
Mar qtr	143	5.8	2,343	94.2	2,486
Jun qtr	167	6.8	2,292	93.2	2,459
Sep qtr	189	6.0	2,981	94.0	3,170
Dec qtr	207	7.0	2,741	93.0	2,948
<b>Total</b>	<b>706</b>	<b>6.4</b>	<b>10,357</b>	<b>93.6</b>	<b>11,063</b>

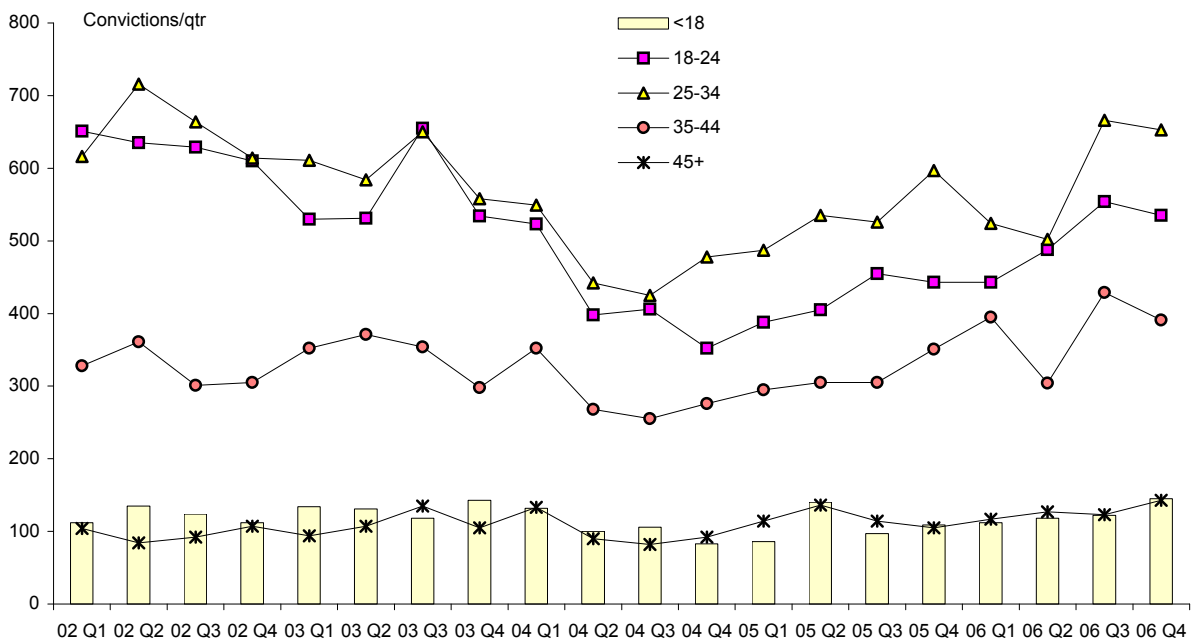
# All Courts: Cannabis Charges

**Table A-2: Simple cannabis charges by offence & court of appearance, 2002 - 2006**

	s.5(1)(d)(i) (Possession of smoking implements)			s.6(2) (Possession of cannabis)			s.7(2) (Cultivation of cannabis)			Total		
	Ch Crt	Mag	Total	Ch Crt	Mag	Total	Ch Crt	Mag	Total	Ch Crt	Mag	Total
2002	223	2,473	2,696	260	3,565	3,825	34	745	779	517	6,783	7,300
2003	255	2,363	2,618	266	3,382	3,648	48	681	729	569	6,426	6,995
2004	164	1,792	1,956	268	2,655	2,923	31	632	663	463	5,079	5,542
2005	182	2,083	2,265	280	2,839	3,119	22	587	609	484	5,509	5,993
2006	204	2,462	2,666	318	3,305	3,623	28	574	602	550	6,341	6,891
<b>Total</b>	<b>1,028</b>	<b>11,173</b>	<b>12,201</b>	<b>1,392</b>	<b>15,746</b>	<b>17,138</b>	<b>163</b>	<b>3,219</b>	<b>3,382</b>	<b>2,583</b>	<b>30,138</b>	<b>32,721</b>

**Note:** Ch Crt = Case heard in Children's Court, Mag = Magistrates Courts (formerly known as Courts of Petty Sessions).

**Figure A-1: Quarterly simple cannabis charges heard in all courts by age group, 2002 - 2006**





**Table A-3: Quarterly simple cannabis charges heard in all courts by age group, 2002 - 2006**

	<18		18-24		25-34		35-44		45+		Unknown	Total
	n	%	n	%	n	%	n	%	n	%		
<b>2002</b>												
Mar qtr	108	6.0	651	35.9	616	34.0	328	18.1	104	5.7	4	1,811
Jun qtr	128	6.6	635	32.9	716	37.1	361	18.7	84	4.4	7	1,931
Sep qtr	117	6.5	629	34.8	664	36.7	301	16.6	92	5.1	7	1,810
Dec qtr	107	6.1	610	34.9	614	35.1	305	17.4	107	6.1	5	1,747
<b>Total</b>	<b>460</b>	<b>6.3</b>	<b>2,525</b>	<b>34.6</b>	<b>2,610</b>	<b>35.8</b>	<b>1,295</b>	<b>17.7</b>	<b>387</b>	<b>5.3</b>	<b>23</b>	<b>7,300</b>
<b>2003</b>												
Mar qtr	120	7.0	530	30.8	611	35.5	352	20.5	94	5.5	14	1,721
Jun qtr	120	7.0	531	30.8	584	33.9	371	21.5	107	6.2	11	1,724
Sep qtr	118	6.2	655	34.3	650	34.0	354	18.5	135	7.1	-	1,912
Dec qtr	143	8.7	534	32.6	558	34.1	298	18.2	105	6.4	-	1,638
<b>Total</b>	<b>501</b>	<b>7.2</b>	<b>2,250</b>	<b>32.2</b>	<b>2,403</b>	<b>34.4</b>	<b>1,375</b>	<b>19.7</b>	<b>441</b>	<b>6.3</b>	<b>25</b>	<b>6,995</b>
<b>2004</b>												
Mar qtr	131	7.8	523	31.0	549	32.5	352	20.8	133	7.9	1	1,689
Jun qtr	100	7.7	398	30.7	442	34.1	268	20.6	90	6.9	-	1,298
Sep qtr	105	8.2	406	31.9	425	33.4	255	20.0	82	6.4	1	1,274
Dec qtr	80	6.5	352	27.5	478	37.3	276	21.5	92	7.2	3	1,281
<b>Total</b>	<b>416</b>	<b>7.5</b>	<b>1,679</b>	<b>30.3</b>	<b>1,894</b>	<b>34.2</b>	<b>1,151</b>	<b>20.8</b>	<b>397</b>	<b>7.2</b>	<b>5</b>	<b>5,542</b>
<b>2005</b>												
Mar qtr	86	6.3	388	28.3	487	35.5	295	21.5	114	8.3	-	1,370
Jun qtr	140	9.2	405	26.6	535	35.2	305	20.1	136	8.9	-	1,521
Sep qtr	97	6.5	455	30.4	526	35.1	305	20.4	114	7.6	-	1,497
Dec qtr	109	6.8	443	27.6	597	37.2	351	21.9	103	6.5	2	1,605
<b>Total</b>	<b>432</b>	<b>7.2</b>	<b>1,691</b>	<b>28.2</b>	<b>2,145</b>	<b>35.8</b>	<b>1,256</b>	<b>21.0</b>	<b>465</b>	<b>7.8</b>	<b>2</b>	<b>5,991</b>
<b>2006</b>												
Mar qtr	110	6.9	443	27.8	524	32.9	395	24.8	117	7.4	2	1,591
Jun qtr	118	7.7	488	31.7	502	32.6	304	19.8	127	8.3	-	1,539
Sep qtr	122	6.4	554	29.3	666	35.2	429	22.7	123	6.5	-	1,894
Dec qtr	143	7.7	535	28.7	653	35.0	391	20.9	143	7.7	2	1,867
<b>Total</b>	<b>493</b>	<b>7.2</b>	<b>2,020</b>	<b>29.3</b>	<b>2,345</b>	<b>34.0</b>	<b>1,519</b>	<b>22.0</b>	<b>510</b>	<b>7.4</b>	<b>4</b>	<b>6,891</b>

**Note:** Age is calculated at the time of conviction.

**Table A-4: Quarterly possession of cannabis smoking implements charges heard in all courts by age group, 2002 - 2006**

	<18		18-24		25-34		35-44		45+		Unknown	Total
	n	%	n	%	n	%	n	%	n	%		
<b>2002</b>												
Mar qtr	48	7.1	251	37.1	226	33.4	118	17.4	32	4.7	2	677
Jun qtr	53	7.5	238	33.9	257	36.6	129	18.3	24	3.4	2	703
Sep qtr	51	7.6	229	34.2	254	37.9	106	15.8	27	4.0	3	670
Dec qtr	48	7.4	239	37.0	233	36.1	98	15.2	27	4.2	1	646
<b>Total</b>	<b>200</b>	<b>7.4</b>	<b>957</b>	<b>35.5</b>	<b>970</b>	<b>36.0</b>	<b>451</b>	<b>16.7</b>	<b>110</b>	<b>4.1</b>	<b>8</b>	<b>2,696</b>
<b>2003</b>												
Mar qtr	64	10.2	198	31.5	222	35.3	118	18.8	21	3.3	6	629
Jun qtr	54	8.5	203	32.1	208	32.9	130	20.6	34	5.4	3	632
Sep qtr	57	7.9	255	35.4	239	33.1	132	18.3	38	5.3	-	721
Dec qtr	56	8.8	212	33.3	215	33.8	113	17.8	40	6.3	-	636
<b>Total</b>	<b>231</b>	<b>8.8</b>	<b>868</b>	<b>33.2</b>	<b>884</b>	<b>33.8</b>	<b>493</b>	<b>18.8</b>	<b>133</b>	<b>5.1</b>	<b>9</b>	<b>2,618</b>
<b>2004</b>												
Mar qtr	44	7.4	205	34.4	190	31.9	121	20.3	36	6.0	-	596
Jun qtr	32	7.2	150	33.8	139	31.3	97	21.8	26	5.9	-	444
Sep qtr	40	8.5	160	34.0	161	34.3	88	18.7	21	4.5	-	470
Dec qtr	31	7.0	131	29.4	160	35.9	98	22.0	26	5.8	-	446
<b>Total</b>	<b>147</b>	<b>7.5</b>	<b>646</b>	<b>33.0</b>	<b>650</b>	<b>33.2</b>	<b>404</b>	<b>20.7</b>	<b>109</b>	<b>5.6</b>	<b>-</b>	<b>1,956</b>
<b>2005</b>												
Mar qtr	33	6.4	160	31.3	182	35.5	105	20.5	32	6.3	-	512
Jun qtr	59	10.4	158	27.8	204	35.9	111	19.5	36	6.3	-	568
Sep qtr	32	5.8	186	33.5	196	35.3	116	20.9	26	4.7	-	556
Dec qtr	40	6.4	176	28.0	251	39.9	134	21.3	28	4.5	-	629
<b>Total</b>	<b>164</b>	<b>7.2</b>	<b>680</b>	<b>30.0</b>	<b>833</b>	<b>36.8</b>	<b>466</b>	<b>20.6</b>	<b>122</b>	<b>5.4</b>	<b>-</b>	<b>2,265</b>
<b>2006</b>												
Mar qtr	38	6.5	168	28.6	197	33.6	146	24.9	38	6.5	-	587
Jun qtr	45	7.6	204	34.3	196	33.0	110	18.5	39	6.6	-	594
Sep qtr	44	6.0	226	30.7	260	35.4	166	22.6	39	5.3	-	735
Dec qtr	54	7.2	237	31.6	263	35.1	153	20.4	42	5.6	1	750
<b>Total</b>	<b>181</b>	<b>6.8</b>	<b>835</b>	<b>31.3</b>	<b>916</b>	<b>34.4</b>	<b>575</b>	<b>21.6</b>	<b>158</b>	<b>5.9</b>	<b>1</b>	<b>2,666</b>

**Note:** Age is calculated at the time of conviction.

**Table A-5: Quarterly possession of cannabis charges heard in all courts by age group, 2002 - 2006**

	<18		18-24		25-34		35-44		45+		Unknown	Total
	n	%	n	%	n	%	n	%	n	%		
<b>2002</b>												
Mar qtr	57	6.4	336	37.4	308	34.3	156	17.4	40	4.5	1	898
Jun qtr	66	6.4	351	33.8	391	37.6	184	17.7	43	4.1	4	1,039
Sep qtr	59	6.1	356	36.8	345	35.6	165	17.0	40	4.1	3	968
Dec qtr	53	5.8	309	33.6	322	35.0	172	18.7	62	6.7	2	920
<b>Total</b>	<b>235</b>	<b>6.1</b>	<b>1,352</b>	<b>35.3</b>	<b>1,366</b>	<b>35.7</b>	<b>677</b>	<b>17.7</b>	<b>185</b>	<b>4.8</b>	<b>10</b>	<b>3,825</b>
<b>2003</b>												
Mar qtr	45	5.1	291	33.1	320	36.4	174	19.8	45	5.1	5	880
Jun qtr	59	6.6	287	32.0	305	34.0	189	21.1	50	5.6	6	896
Sep qtr	50	4.8	362	35.0	355	34.4	192	18.6	74	7.2	-	1,033
Dec qtr	77	9.2	280	33.4	290	34.6	141	16.8	51	6.1	-	839
<b>Total</b>	<b>231</b>	<b>6.3</b>	<b>1,220</b>	<b>33.4</b>	<b>1,270</b>	<b>34.8</b>	<b>696</b>	<b>19.1</b>	<b>220</b>	<b>6.0</b>	<b>11</b>	<b>3,648</b>
<b>2004</b>												
Mar qtr	78	9.0	266	30.7	285	32.9	177	20.4	60	6.9	-	866
Jun qtr	60	8.7	216	31.4	235	34.2	131	19.0	46	6.7	-	688
Sep qtr	61	9.0	219	32.3	220	32.4	138	20.3	40	5.9	1	679
Dec qtr	43	6.2	202	29.3	262	38.0	139	20.1	43	6.2	1	690
<b>Total</b>	<b>242</b>	<b>8.3</b>	<b>903</b>	<b>30.9</b>	<b>1,002</b>	<b>34.3</b>	<b>585</b>	<b>20.0</b>	<b>189</b>	<b>6.5</b>	<b>2</b>	<b>2,923</b>
<b>2005</b>												
Mar qtr	48	7.1	182	27.0	244	36.2	153	22.7	47	7.0	-	674
Jun qtr	74	9.4	216	27.3	275	34.8	155	19.6	70	8.9	-	790
Sep qtr	63	7.8	242	30.0	278	34.4	161	19.9	64	7.9	-	808
Dec qtr	64	7.6	237	28.0	299	35.3	189	22.3	58	6.8	-	847
<b>Total</b>	<b>249</b>	<b>8.0</b>	<b>877</b>	<b>28.1</b>	<b>1,096</b>	<b>35.1</b>	<b>658</b>	<b>21.1</b>	<b>239</b>	<b>7.7</b>	<b>-</b>	<b>3,119</b>
<b>2006</b>												
Mar qtr	64	7.9	235	28.8	272	33.4	189	23.2	53	6.5	2	815
Jun qtr	70	8.6	252	30.9	264	32.4	170	20.8	60	7.4	-	816
Sep qtr	66	6.5	309	30.5	353	34.9	221	21.8	63	6.2	-	1,012
Dec qtr	85	8.7	272	27.8	342	34.9	199	20.3	81	8.3	1	980
<b>Total</b>	<b>285</b>	<b>7.9</b>	<b>1,068</b>	<b>29.5</b>	<b>1,231</b>	<b>34.0</b>	<b>779</b>	<b>21.5</b>	<b>257</b>	<b>7.1</b>	<b>3</b>	<b>3,623</b>

**Note:** Age is calculated at the time of conviction.  
Excludes non expiable charges eg offences involving cannabis derivatives.

**Table A-6: Quarterly cannabis cultivation charges heard in all courts by age group, 2002 - 2006**

	<18		18-24		25-34		35-44		45+		Un-known	Total
	n	%	n	%	n	%	n	%	n	%		
<b>2002</b>												
Mar qtr	3	1.7	64	27.1	82	34.7	54	22.9	32	13.6	1	236
Jun qtr	9	4.8	46	24.3	68	36.0	48	25.4	17	9.0	1	189
Sep qtr	7	4.1	44	25.6	65	37.8	30	17.4	25	14.5	1	172
Dec qtr	6	3.3	62	34.1	59	32.4	35	19.2	18	9.9	2	182
<b>Total</b>	<b>25</b>	<b>3.2</b>	<b>216</b>	<b>27.7</b>	<b>274</b>	<b>35.2</b>	<b>167</b>	<b>21.4</b>	<b>92</b>	<b>11.8</b>	<b>5</b>	<b>779</b>
<b>2003</b>												
Mar qtr	11	5.2	41	19.3	69	32.5	60	28.3	28	13.2	3	212
Jun qtr	7	3.6	41	20.9	71	36.2	52	26.5	23	11.7	2	196
Sep qtr	11	7.0	38	24.1	56	35.4	30	19.0	23	14.6	-	158
Dec qtr	10	6.1	42	25.8	53	32.5	44	27.0	14	8.6	-	163
<b>Total</b>	<b>39</b>	<b>5.4</b>	<b>162</b>	<b>22.2</b>	<b>249</b>	<b>34.2</b>	<b>186</b>	<b>25.5</b>	<b>88</b>	<b>12.1</b>	<b>5</b>	<b>729</b>
<b>2004</b>												
Mar qtr	9	4.0	52	22.9	74	32.6	54	23.8	37	16.3	1	227
Jun qtr	8	4.8	32	19.3	68	41.0	40	24.1	18	10.8	-	166
Sep qtr	4	3.2	27	21.6	44	35.2	29	23.2	21	16.8	-	125
Dec qtr	6	4.1	19	13.1	56	38.6	39	26.9	23	15.9	2	145
<b>Total</b>	<b>27</b>	<b>4.1</b>	<b>130</b>	<b>19.6</b>	<b>242</b>	<b>36.5</b>	<b>162</b>	<b>24.4</b>	<b>99</b>	<b>14.9</b>	<b>3</b>	<b>663</b>
<b>2005</b>												
Mar qtr	5	2.7	46	25.0	61	33.2	37	20.1	35	19.0	-	184
Jun qtr	7	4.3	31	19.0	56	34.4	39	23.9	30	18.4	-	163
Sep qtr	2	1.5	27	20.3	52	39.1	28	21.1	24	18.0	-	133
Dec qtr	5	3.9	30	23.3	47	36.4	28	21.7	19	14.7	-	129
<b>Total</b>	<b>19</b>	<b>3.1</b>	<b>134</b>	<b>22.1</b>	<b>216</b>	<b>35.6</b>	<b>132</b>	<b>21.7</b>	<b>106</b>	<b>17.5</b>	<b>-</b>	<b>607</b>
<b>2006</b>												
Mar qtr	8	4.2	40	21.2	55	29.1	60	31.7	26	13.8	-	189
Jun qtr	3	2.3	32	24.8	42	32.6	24	18.6	28	21.7	-	129
Sep qtr	12	8.2	19	12.9	53	36.1	42	28.6	21	14.3	-	147
Dec qtr	4	2.9	26	19.0	48	35.0	39	28.5	20	14.6	-	137
<b>Total</b>	<b>27</b>	<b>4.5</b>	<b>117</b>	<b>19.4</b>	<b>198</b>	<b>32.9</b>	<b>165</b>	<b>27.4</b>	<b>95</b>	<b>15.8</b>	<b>-</b>	<b>602</b>

**Note:** Age is calculated at the time of conviction.

## Magistrates Courts: All Drug Charges

Table A-7: Quarterly drug charges heard in Magistrates Courts by type of drug, 2002 - 2006

	Cannabis		Non cannabis		Unknown drug		Total
	n	%	n	%	n	%	
<b>2002</b>							
Mar qtr	1,824	70.0	494	19.0	286	11.0	2,604
Jun qtr	1,909	73.2	468	17.9	232	8.9	2,609
Sep qtr	1,820	73.0	456	18.3	216	8.7	2,492
Dec qtr	1,766	73.0	417	17.2	237	9.8	2,420
<b>Total</b>	<b>7,319</b>	<b>72.3</b>	<b>1,841</b>	<b>18.2</b>	<b>965</b>	<b>9.5</b>	<b>10,125</b>
<b>2003</b>							
Mar qtr	1,704	73.7	419	18.1	188	8.1	2,311
Jun qtr	1,723	72.0	438	18.3	231	9.7	2,392
Sep qtr	1,911	73.8	448	17.3	231	8.9	2,590
Dec qtr	1,603	73.2	413	18.8	175	8.0	2,191
<b>Total</b>	<b>6,941</b>	<b>73.2</b>	<b>1,718</b>	<b>18.1</b>	<b>825</b>	<b>8.7</b>	<b>9,484</b>
<b>2004</b>							
Mar qtr	1,647	73.4	444	19.8	152	6.8	2,243
Jun qtr	1,336	66.2	535	26.5	146	7.2	2,017
Sep qtr	1,305	65.7	505	25.4	175	8.8	1,985
Dec qtr	1,331	66.4	591	29.5	83	4.1	2,005
<b>Total</b>	<b>5,619</b>	<b>68.1</b>	<b>2,075</b>	<b>25.2</b>	<b>556</b>	<b>6.7</b>	<b>8,250</b>
<b>2005</b>							
Mar qtr	1,427	66.4	645	30.0	76	3.5	2,148
Jun qtr	1,515	69.5	617	28.3	47	2.2	2,179
Sep qtr	1,524	70.6	604	28.0	31	1.4	2,159
Dec qtr	1,620	69.3	685	29.3	32	1.4	2,337
<b>Total</b>	<b>6,086</b>	<b>69.0</b>	<b>2,551</b>	<b>28.9</b>	<b>186</b>	<b>2.1</b>	<b>8,823</b>
<b>2006</b>							
Mar qtr	1,620	69.1	683	29.2	40	1.7	2,343
Jun qtr	1,546	67.5	711	31.0	35	1.5	2,292
Sep qtr	1,904	63.9	1,040	34.9	37	1.2	2,981
Dec qtr	1,852	67.6	853	31.1	36	1.3	2,741
<b>Total</b>	<b>6,922</b>	<b>66.8</b>	<b>3,287</b>	<b>31.7</b>	<b>148</b>	<b>1.4</b>	<b>10,357</b>

**Note:** Unknown drug refers to charges involving section 6(1) and 6(2) offences.

**Table A-8: Drug charges heard in Magistrates Courts by Misuse of Drugs Act section & age group, 2002 - 2006**

	Section 5 Offences concerned with premises, implements & utensils		Section 6 Offences concerned with prohibited drugs		Section 7 Offences concerned with prohibited plants		Total	
	n	%	n	%	n	%	n	%
<b>2002</b>								
Unknown	8	0.2	22	0.3	6	0.7	36	0.4
18-24	967	37.7	2,408	36.0	224	25.5	3,599	35.5
25-34	1,004	39.2	2,573	38.5	319	36.4	3,896	38.5
35-44	463	18.1	1,276	19.1	213	24.3	1,952	19.3
45+	122	4.8	405	6.1	115	13.1	642	6.3
<b>Total</b>	<b>2,564</b>	<b>100.0</b>	<b>6,684</b>	<b>100.0</b>	<b>877</b>	<b>100.0</b>	<b>10,125</b>	<b>100.0</b>
<b>2003</b>								
Unknown	9	0.4	21	0.3	6	0.8	36	0.3
18-24	875	35.7	2,023	32.5	171	21.2	3,069	32.4
25-34	913	37.3	2,429	39.0	288	35.7	3,630	38.3
35-44	510	20.8	1,296	20.8	226	28.0	2,032	21.4
45+	141	5.8	461	7.4	115	14.3	717	7.6
<b>Total</b>	<b>2,448</b>	<b>100.0</b>	<b>6,230</b>	<b>100.0</b>	<b>806</b>	<b>100.0</b>	<b>9,484</b>	<b>100.0</b>
<b>2004</b>								
Unknown	-		4	0.1	3	0.4	7	0.1
18-24	644	34.9	1,807	32.0	140	18.4	2,591	31.4
25-34	669	36.2	2,127	37.7	285	37.5	3,081	37.3
35-44	420	22.8	1,264	22.4	202	26.6	1,886	22.9
45+	113	6.1	442	7.8	130	17.1	685	8.3
<b>Total</b>	<b>1,846</b>	<b>100.0</b>	<b>5,644</b>	<b>100.0</b>	<b>760</b>	<b>100.0</b>	<b>8,250</b>	<b>100.0</b>
<b>2005</b>								
Unknown	-		1	0.1	-		1	<0.1
18-24	717	32.2	1,730	29.4	142	19.7	2,589	29.3
25-34	876	39.4	2,328	39.6	272	37.8	3,476	39.4
35-44	496	22.3	1,329	22.6	168	23.4	1,993	22.6
45+	137	6.2	490	8.3	137	19.1	764	8.7
<b>Total</b>	<b>2,226</b>	<b>100.0</b>	<b>5,878</b>	<b>100.0</b>	<b>719</b>	<b>100.0</b>	<b>8,823</b>	<b>100.0</b>
<b>2006</b>								
Unknown	1	<0.1	5	0.1	-		6	0.1
18-24	854	33.1	2,120	29.9	130	18.7	3,104	30.0
25-34	956	37.1	2,734	38.6	240	34.5	3,930	37.9
35-44	600	23.3	1,603	22.6	199	28.6	2,402	23.2
45+	167	6.5	622	8.8	126	18.1	915	8.8
<b>Total</b>	<b>2,578</b>	<b>100.0</b>	<b>7,084</b>	<b>100.0</b>	<b>695</b>	<b>100.0</b>	<b>10,357</b>	<b>100.0</b>
<b>Total</b>								
Unknown	18	0.2	53	0.1	15	0.4	86	0.2
18-24	4,047	34.8	10,088	32.0	807	20.9	14,952	31.8
25-34	4,418	37.9	12,191	38.7	1,404	36.4	18,013	38.3
35-44	2,489	21.3	6,768	21.5	1,008	26.1	10,265	21.8
45+	680	5.8	2,420	7.7	623	16.2	3,723	7.9
<b>Total</b>	<b>11,662</b>	<b>100.0</b>	<b>31,520</b>	<b>100.0</b>	<b>3,857</b>	<b>100.0</b>	<b>47,039</b>	<b>100.0</b>

**Table A-9: Drug charges heard in Magistrates Courts by Misuse of Drugs Act section & sex, 2002 - 2006**

	Section 5 Offences concerned with premises, implements & utensils		Section 6 Offences concerned with prohibited drugs		Section 7 Offences concerned with prohibited plants		Total
	n	%	n	%	n	%	
	<b>2002</b>						
Females	469	24.6	1,304	68.3	136	7.1	1,909
Males	1,996	25.3	5,161	65.5	717	9.1	7,874
Unknown	99	28.9	219	64.0	24	7.0	342
<b>Total</b>	<b>2,564</b>	<b>25.3</b>	<b>6,684</b>	<b>66.0</b>	<b>877</b>	<b>8.7</b>	<b>10,125</b>
<b>2003</b>							
Females	479	25.6	1,263	67.4	132	7.0	1,874
Males	1,881	26.0	4,721	65.2	637	8.8	7,239
Unknown	88	23.7	246	66.3	37	10.0	371
<b>Total</b>	<b>2,448</b>	<b>25.8</b>	<b>6,230</b>	<b>65.7</b>	<b>806</b>	<b>8.5</b>	<b>9,484</b>
<b>2004</b>							
Females	351	21.1	1,196	71.7	120	7.2	1,667
Males	1,454	22.7	4,317	67.4	631	9.9	6,402
Unknown	41	22.7	131	72.4	9	5.0	181
<b>Total</b>	<b>1,846</b>	<b>22.4</b>	<b>5,644</b>	<b>68.4</b>	<b>760</b>	<b>9.2</b>	<b>8,250</b>
<b>2005</b>							
Females	414	24.3	1,159	68.0	131	7.7	1,704
Males	1,773	25.5	4,586	66.1	581	8.4	6,940
Unknown	39	21.8	133	74.3	7	3.9	179
<b>Total</b>	<b>2,226</b>	<b>25.2</b>	<b>5,878</b>	<b>66.6</b>	<b>719</b>	<b>8.1</b>	<b>8,823</b>
<b>2006</b>							
Females	505	23.9	1,488	70.4	121	5.7	2,114
Males	2,023	25.2	5,454	67.9	560	7.0	8,037
Unknown	50	24.3	142	68.9	12	5.8	206
<b>Total</b>	<b>2,578</b>	<b>24.9</b>	<b>7,084</b>	<b>68.4</b>	<b>695</b>	<b>6.7</b>	<b>10,357</b>
<b>Total</b>							
Females	2,218	23.9	6,410	69.2	640	6.9	9,268
Males	9,127	25.0	24,239	66.4	3,126	8.6	36,492
Unknown	317	24.8	871	68.1	91	7.1	1,279
<b>Total</b>	<b>11,662</b>	<b>24.8</b>	<b>31,520</b>	<b>67.0</b>	<b>3,857</b>	<b>8.2</b>	<b>47,039</b>

**Table A-10: Quarterly serious drug charges heard in Magistrates Courts by type of drug, 2002 - 2006**

	Cannabis		Amphetamines		Other drugs		Total
	n	%	n	%	n	%	n
<b>2002</b>							
Mar qtr	135	38.6	113	32.3	102	29.1	350
Jun qtr	120	37.4	118	36.8	83	25.9	321
Sep qtr	141	48.1	83	28.3	69	23.5	293
Dec qtr	140	43.9	86	27.0	93	29.2	319
<b>Total</b>	<b>536</b>	<b>41.8</b>	<b>400</b>	<b>31.2</b>	<b>347</b>	<b>27.0</b>	<b>1,283</b>
<b>2003</b>							
Mar qtr	113	39.8	68	23.9	103	36.3	284
Jun qtr	136	45.0	64	21.2	102	33.8	302
Sep qtr	137	44.1	65	20.9	109	35.0	311
Dec qtr	125	42.1	88	29.6	84	28.3	297
<b>Total</b>	<b>511</b>	<b>42.8</b>	<b>285</b>	<b>23.9</b>	<b>398</b>	<b>33.3</b>	<b>1,194</b>
<b>2004</b>							
Mar qtr	102	38.5	89	33.6	74	27.9	265
Jun qtr	149	41.3	127	35.2	85	23.5	361
Sep qtr	154	43.4	98	27.6	103	29.0	355
Dec qtr	136	43.3	90	28.7	88	28.0	314
<b>Total</b>	<b>541</b>	<b>41.8</b>	<b>404</b>	<b>31.2</b>	<b>350</b>	<b>27.0</b>	<b>1,295</b>
<b>2005</b>							
Mar qtr	159	41.4	106	27.6	119	31.0	384
Jun qtr	146	53.9	78	28.8	47	17.3	271
Sep qtr	138	58.2	57	24.1	42	17.7	237
Dec qtr	133	55.0	69	28.5	40	16.5	242
<b>Total</b>	<b>576</b>	<b>50.8</b>	<b>310</b>	<b>27.3</b>	<b>248</b>	<b>21.9</b>	<b>1,134</b>
<b>2006</b>							
Mar qtr	149	40.1	130	34.9	93	25.0	372
Jun qtr	137	39.9	107	31.2	99	28.9	343
Sep qtr	150	30.7	208	42.5	131	26.8	489
Dec qtr	144	35.0	162	39.3	106	25.7	412
<b>Total</b>	<b>580</b>	<b>35.9</b>	<b>607</b>	<b>37.6</b>	<b>429</b>	<b>26.5</b>	<b>1,616</b>



**Table A-11: Drug charges (simple & serious offences) heard in Magistrates Courts by outcome, 2002 - 2006**

	2002		2003		2004		2005		2006	
	n	%	n	%	n	%	n	%	n	%
Adult conditional release order	223	2.2	248	2.6	191	2.3	177	2.0	180	1.7
Community based order	572	5.6	602	6.3	647	7.8	617	6.9	584	5.5
Dismissed	216	2.1	157	1.6	177	2.1	146	1.6	177	1.7
Fine	7,405	72.7	6,995	73.5	5,809	70.2	6,801	75.6	7,902	74.3
Imprisonment	474	4.7	323	3.4	298	3.6	269	3.0	369	3.5
Intensive supervision order	201	2.0	261	2.7	269	3.2	308	3.4	270	2.5
No further order	49	0.5	26	0.3	17	0.2	32	0.4	28	0.3
No punishment	32	0.3	16	0.2	4	<0.1	14	0.2	14	0.1
Remanded	577	5.7	490	5.1	534	6.5	189	2.1	-	
Suspended imprisonment order	129	1.3	117	1.2	110	1.3	102	1.1	91	0.9
Struck out	69	0.7	89	0.9	63	0.8	71	0.8	98	0.9
Withdrawn	73	0.7	69	0.7	27	0.3	43	0.5	24	0.2
Work development order	69	0.7	32	0.3	36	0.4	17	0.2	18	0.2
Other	103	1.0	93	1.0	96	1.2	208	2.3	878	8.3
<b>Total</b>	<b>10,192</b>	<b>100.0</b>	<b>9,518</b>	<b>100.0</b>	<b>8,278</b>	<b>100.0</b>	<b>8,994</b>	<b>100.0</b>	<b>10,633</b>	<b>100.0</b>

## Magistrates Courts: Cannabis Charges

**Table A-12: Quarterly simple cannabis charges heard in Magistrates Courts by type of offence, 2002 - 2006**

	s. 5(1)(d)(i)		s. 6(2)		s. 7(2)		Total
	n	%	n	%	n	%	
<b>2002</b>							
Mar qtr	623	36.9	835	49.4	231	13.7	1,689
Jun qtr	645	36.1	967	54.1	177	9.9	1,789
Sep qtr	615	36.6	902	53.7	162	9.6	1,679
Dec qtr	590	36.3	860	52.9	175	10.8	1,625
<b>Total</b>	<b>2,473</b>	<b>36.5</b>	<b>3,564</b>	<b>52.6</b>	<b>745</b>	<b>11.0</b>	<b>6,782</b>
<b>2003</b>							
Mar qtr	560	35.3	828	52.2	199	12.5	1,587
Jun qtr	571	36.0	828	52.2	188	11.8	1,587
Sep qtr	658	37.1	972	54.8	144	8.1	1,774
Dec qtr	574	38.8	754	51.0	150	10.1	1,478
<b>Total</b>	<b>2,363</b>	<b>36.8</b>	<b>3,382</b>	<b>52.6</b>	<b>681</b>	<b>10.6</b>	<b>6,426</b>
<b>2004</b>							
Mar qtr	546	35.3	783	50.6	217	14.0	1,546
Jun qtr	408	34.4	623	52.5	156	13.1	1,187
Sep qtr	423	36.8	608	52.8	120	10.4	1,151
Dec qtr	415	34.7	641	53.6	139	11.6	1,195
<b>Total</b>	<b>1,792</b>	<b>35.3</b>	<b>2,655</b>	<b>52.3</b>	<b>632</b>	<b>12.4</b>	<b>5,079</b>
<b>2005</b>							
Mar qtr	472	37.2	619	48.8	177	14.0	1,268
Jun qtr	505	36.9	709	51.8	155	11.3	1,369
Sep qtr	518	37.4	737	53.2	131	9.5	1,386
Dec qtr	588	39.6	774	52.1	124	8.3	1,486
<b>Total</b>	<b>2,083</b>	<b>37.8</b>	<b>2,839</b>	<b>51.5</b>	<b>587</b>	<b>10.7</b>	<b>5,509</b>
<b>2006</b>							
Mar qtr	544	37.0	746	50.7	181	12.3	1,471
Jun qtr	544	38.6	740	52.5	125	8.9	1,409
Sep qtr	685	39.1	934	53.2	135	7.7	1,754
Dec qtr	689	40.4	885	51.8	134	7.9	1,707
<b>Total</b>	<b>2,462</b>	<b>38.8</b>	<b>3,305</b>	<b>52.1</b>	<b>575</b>	<b>9.1</b>	<b>6,342</b>

**Note:** s. 5(1)(d)(i) = possession of cannabis smoking implement  
s. 6(2) = possession or use of cannabis  
s. 7(2) = cultivation of cannabis

**Table A-13: Quarterly simple cannabis charges heard in Magistrates Courts by sex, 2002 - 2006**

	Females	Males		Un-known	Total
		n	%		
<b>2002</b>					
Mar qtr	309	1,330	78.7	50	1,689
Jun qtr	322	1,408	78.7	59	1,789
Sep qtr	350	1,279	76.2	50	1,679
Dec qtr	278	1,295	79.7	52	1,625
<b>Total</b>	<b>1,259</b>	<b>5,312</b>	<b>78.3</b>	<b>211</b>	<b>6,782</b>
<b>2003</b>					
Mar qtr	293	1,233	77.7	61	1,587
Jun qtr	319	1,219	76.8	49	1,587
Sep qtr	349	1,378	77.7	47	1,774
Dec qtr	252	1,188	80.4	38	1,478
<b>Total</b>	<b>1,213</b>	<b>5,018</b>	<b>78.1</b>	<b>195</b>	<b>6,426</b>
<b>2004</b>					
Mar qtr	291	1,227	79.4	28	1,546
Jun qtr	200	973	82.0	14	1,187
Sep qtr	209	908	78.9	34	1,151
Dec qtr	238	934	78.2	23	1,195
<b>Total</b>	<b>938</b>	<b>4,042</b>	<b>79.6</b>	<b>99</b>	<b>5,079</b>
<b>2005</b>					
Mar qtr	194	1,053	83.0	21	1,268
Jun qtr	240	1,104	80.6	25	1,369
Sep qtr	268	1,096	79.1	22	1,386
Dec qtr	274	1,177	79.2	35	1,486
<b>Total</b>	<b>976</b>	<b>4,430</b>	<b>80.4</b>	<b>103</b>	<b>5,509</b>
<b>2006</b>					
Mar qtr	274	1,160	78.9	37	1,471
Jun qtr	259	1,118	79.3	32	1,409
Sep qtr	332	1,403	80.0	19	1,754
Dec qtr	323	1,358	79.5	27	1,708
<b>Total</b>	<b>1,188</b>	<b>5,039</b>	<b>79.5</b>	<b>115</b>	<b>6,342</b>

**Table A-14: Simple cannabis charges heard in Magistrates Courts by frequency of delay (days) of finalisation, 2002 - 2006**

	n	%
<b>2002</b>		
0 - 29	5,226	77.1
30 - 59	467	6.9
60 - 179	745	11.0
180+	344	5.1
<b>Total</b>	<b>6,782</b>	<b>100.0</b>
<b>2003</b>		
0 - 29	4,860	75.6
30 - 59	439	6.8
60 - 179	714	11.1
180+	413	6.4
<b>Total</b>	<b>6,426</b>	<b>100.0</b>
<b>2004</b>		
0 - 29	3,602	70.9
30 - 59	452	8.9
60 - 179	652	12.8
180+	373	7.3
<b>Total</b>	<b>5,079</b>	<b>100.0</b>
<b>2005</b>		
0 - 29	3,971	72.1
30 - 59	482	8.7
60 - 179	636	11.5
180+	420	7.6
<b>Total</b>	<b>5,509</b>	<b>100.0</b>
<b>2006</b>		
0 - 29	4,540	71.6
30 - 59	495	7.8
60 - 179	780	12.3
180+	<b>527</b>	<b>8.3</b>
<b>Total</b>	<b>6,342</b>	<b>100.0</b>

**Table A-15: Quarterly cannabis charges heard in Magistrates Courts by offence seriousness, 2002 - 2006**

	Simple offences		Serious offences		Total		Simple offences		Serious offences		Total
	n	%	n	%			n	%	n	%	
<b>2002</b>						<b>2005</b>					
Mar qtr	1,689	92.6	135	7.4	1,824	Mar qtr	1,268	88.9	159	11.1	1,427
Jun qtr	1,789	93.7	120	6.3	1,909	Jun qtr	1,369	90.4	146	9.6	1,515
Sep qtr	1,679	92.3	141	7.7	1,820	Sep qtr	1,386	90.9	138	9.1	1,524
Dec qtr	1,626	92.1	140	7.9	1,766	Dec qtr	1,487	91.8	133	8.2	1,620
<b>Total</b>	<b>6,783</b>	<b>92.7</b>	<b>536</b>	<b>7.3</b>	<b>7,319</b>	<b>Total</b>	<b>5,510</b>	<b>90.5</b>	<b>576</b>	<b>9.5</b>	<b>6,086</b>
<b>2003</b>						<b>2006</b>					
Mar qtr	1,591	93.4	113	6.6	1,704	Mar qtr	1,471	90.8	149	9.2	1,620
Jun qtr	1,587	92.1	136	7.9	1,723	Jun qtr	1,409	91.1	137	8.9	1,546
Sep qtr	1,774	92.8	137	7.2	1,911	Sep qtr	1,754	92.1	150	7.9	1,904
Dec qtr	1,478	92.2	125	7.8	1,603	Dec qtr	1,707	92.2	144	7.8	1,852
<b>Total</b>	<b>6,430</b>	<b>92.6</b>	<b>511</b>	<b>7.4</b>	<b>6,941</b>	<b>Total</b>	<b>6,342</b>	<b>91.6</b>	<b>580</b>	<b>8.4</b>	<b>6,922</b>
<b>2004</b>						<b>2002 - 2006</b>					
Mar qtr	1,545	93.8	102	6.2	1,647	Total	30,143	91.7	2,744	8.3	32,887
Jun qtr	1,187	88.8	149	11.2	1,336						
Sep qtr	1,151	88.2	154	11.8	1,305						
Dec qtr	1,195	89.8	136	10.2	1,331						
<b>Total</b>	<b>5,078</b>	<b>90.4</b>	<b>541</b>	<b>9.6</b>	<b>5,619</b>						

**Table A-16: Possession of cannabis smoking implements charges heard in Magistrates Courts by outcome, 2002 - 2006**

	2002		2003		2004		2005		2006	
	n	%	n	%	n	%	n	%	n	%
Adult conditional release order	60	2.4	65	2.8	53	3.0	48	2.3	41	1.7
Community based order	124	5.0	146	6.2	141	7.9	149	7.2	129	5.2
Dismissed	25	1.0	12	0.5	14	0.8	13	0.6	15	0.6
Fine	2,031	82.1	1,955	82.7	1,428	79.7	1,727	82.9	2,116	85.9
Imprisonment	85	3.4	48	2.0	45	2.5	33	1.6	42	1.7
Intensive supervision order	41	1.7	51	2.2	51	2.8	54	2.6	57	2.3
No further order	10	0.4	8	0.3	3	0.2	3	0.1	9	0.4
No punishment	7	0.3	6	0.3	-	-	4	0.2	5	0.2
Remanded	9	0.4	2	0.1	5	0.3	-	-	-	-
Suspended imprisonment order	17	0.7	14	0.6	12	0.7	5	0.2	9	0.4
Struck out	16	0.6	14	0.6	12	0.7	16	0.8	16	0.6
Withdrawn	15	0.6	13	0.6	4	0.2	6	0.3	5	0.2
Work development order	20	0.8	13	0.6	9	0.5	8	0.4	4	0.2
Other	13	0.5	16	0.7	15	0.8	17	0.8	14	0.6
<b>Total</b>	<b>2,473</b>	<b>100.0</b>	<b>2,363</b>	<b>100.0</b>	<b>1,792</b>	<b>100.0</b>	<b>2,083</b>	<b>100.0</b>	<b>2,462</b>	<b>100.0</b>

**Table A-17: Cannabis possession charges heard in Magistrates Courts by outcome, 2002 - 2006**

	2002		2003		2004		2005		2006	
	n	%	n	%	n	%	n	%	n	%
Adult conditional release order	96	2.7	95	2.8	67	2.5	56	2.0	70	2.1
Community based order	173	4.9	201	5.9	186	7.0	160	5.6	154	4.7
Dismissed	43	1.2	44	1.3	41	1.5	25	0.9	29	0.9
Fine	2,859	80.2	2,727	80.6	2,135	80.4	2,371	83.5	2,799	84.7
Imprisonment	144	4.0	100	3.0	74	2.8	61	2.1	103	3.1
Intensive supervision order	61	1.7	75	2.2	68	2.6	88	3.1	75	2.3
No further order	18	0.5	5	0.1	6	0.2	6	0.2	6	0.2
No punishment	20	0.6	8	0.2	2	0.1	5	0.2	6	0.2
Remanded	25	0.7	11	0.3	8	0.3	3	0.1	-	-
Suspended imprisonment order	27	0.8	26	0.8	12	0.5	10	0.4	12	0.4
Struck out	19	0.5	31	0.9	15	0.6	18	0.6	21	0.6
Withdrawn	20	0.6	19	0.6	6	0.2	8	0.3	2	0.1
Work development order	23	0.6	12	0.4	13	0.5	6	0.2	5	0.2
Other	36	1.0	28	0.8	22	0.8	22	0.8	23	0.7
<b>Total</b>	<b>3,564</b>	<b>100.0</b>	<b>3,382</b>	<b>100.0</b>	<b>2,655</b>	<b>100.0</b>	<b>2,839</b>	<b>100.0</b>	<b>3,305</b>	<b>100.0</b>

**Note:** Excludes non expiable charges eg offences involving cannabis derivatives.

**Table A-18: Cannabis cultivation charges heard in Magistrates Courts by outcome, 2002 - 2006**

	2002		2003		2004		2005		2006	
	n	%	n	%	n	%	n	%	n	%
Adult conditional release order	21	2.8	28	4.1	15	2.4	17	2.9	18	3.1
Community based order	51	6.8	40	5.9	47	7.4	45	7.7	29	5.1
Dismissed	11	1.5	7	1.0	11	1.7	5	0.9	8	1.4
Fine	620	83.2	569	83.6	527	83.4	487	83.0	488	84.8
Imprisonment	12	1.6	7	1.0	5	0.8	7	1.2	4	0.7
Intensive supervision order	1	0.1	7	1.0	7	1.1	8	1.4	8	1.4
No further order	2	0.3	1	0.1	2	0.3	1	0.2	4	0.7
No punishment	-	-	-	-	-	-	1	0.2	-	-
Remanded	3	0.4	4	0.6	1	0.2	-	-	-	-
Suspended imprisonment order	4	0.5	4	0.6	7	1.1	6	1.0	2	0.3
Struck out	4	0.5	2	0.3	4	0.6	2	0.3	6	1.0
Withdrawn	6	0.8	6	0.9	-	-	4	0.7	2	0.3
Work development order	6	0.8	1	0.1	3	0.5	1	0.2	1	0.2
Other	4	0.5	5	0.7	3	0.5	3	0.5	5	0.9
<b>Total</b>	<b>745</b>	<b>100.0</b>	<b>681</b>	<b>100.0</b>	<b>632</b>	<b>100.0</b>	<b>587</b>	<b>100.0</b>	<b>575</b>	<b>100.0</b>

## Children's Courts: All Drug Charges

Table A-19: Quarterly drug charges heard in Children's Courts by type of drug, 2002 - 2006

	Cannabis		Non cannabis		Unknown drug		Total
	n	%	n	%			
<b>2002</b>							
Mar qtr	126	76.4	15	9.1	24	14.5	165
Jun qtr	147	79.5	16	8.6	22	11.9	185
Sep qtr	139	79.9	13	7.5	22	12.6	174
Dec qtr	129	79.1	16	9.8	18	11.0	163
<b>Total</b>	<b>541</b>	<b>78.7</b>	<b>60</b>	<b>8.7</b>	<b>86</b>	<b>12.5</b>	<b>687</b>
<b>2003</b>							
Mar qtr	138	81.2	16	9.4	16	9.4	170
Jun qtr	145	83.8	14	8.1	14	8.1	173
Sep qtr	147	79.9	13	7.1	24	13.0	184
Dec qtr	166	83.0	13	6.5	21	10.5	200
<b>Total</b>	<b>596</b>	<b>82.0</b>	<b>56</b>	<b>7.7</b>	<b>75</b>	<b>10.3</b>	<b>727</b>
<b>2004</b>							
Mar qtr	154	85.1	9	5.0	18	9.9	181
Jun qtr	119	81.5	9	6.2	18	12.3	146
Sep qtr	129	77.7	24	14.5	13	7.8	166
Dec qtr	88	78.6	18	16.1	6	5.4	112
<b>Total</b>	<b>490</b>	<b>81.0</b>	<b>60</b>	<b>9.9</b>	<b>55</b>	<b>9.1</b>	<b>605</b>
<b>2005</b>							
Mar qtr	111	86.0	15	11.6	3	2.3	129
Jun qtr	163	86.2	24	12.7	2	1.1	189
Sep qtr	124	79.0	24	15.3	9	5.7	157
Dec qtr	129	80.6	26	16.3	5	3.1	160
<b>Total</b>	<b>527</b>	<b>83.0</b>	<b>89</b>	<b>14.0</b>	<b>19</b>	<b>3.0</b>	<b>635</b>
<b>2006</b>							
Mar qtr	126	88.1	13	9.1	4	2.8	143
Jun qtr	139	83.2	26	15.6	2	1.2	167
Sep qtr	154	81.5	33	17.5	2	1.1	189
Dec qtr	174	84.1	32	15.5	1	0.5	207
<b>Total</b>	<b>593</b>	<b>84.0</b>	<b>104</b>	<b>14.7</b>	<b>9</b>	<b>1.3</b>	<b>706</b>

**Note:** Unknown drug refers to charges involving section 6(1) and 6(2) offences.

**Table A-20: Drug charges heard in Children's Courts by Misuse of Drugs Act section & age group, 2002 - 2006**

	Section 5 Offences concerned with premises, implements & utensils		Section 6 Offences concerned with prohibited drugs		Section 7 Offences concerned with prohibited plants		Total	
	n	%	n	%	n	%	n	%
<b>2002</b>								
10-13	4	1.7	15	3.6	-		19	2.8
14-15	41	17.7	92	21.9	4	11.1	137	19.9
16-17	161	69.7	270	64.3	23	63.9	454	66.1
18+	25	10.8	43	10.2	9	25.0	77	11.2
<b>Total</b>	<b>231</b>	<b>100.0</b>	<b>420</b>	<b>100.0</b>	<b>36</b>	<b>100.0</b>	<b>687</b>	<b>100.0</b>
<b>2003</b>								
10-13	6	2.3	13	3.2	3	6.0	22	3.0
14-15	64	24.2	96	23.3	8	16.0	168	23.1
16-17	168	63.4	243	59.0	30	60.0	441	60.7
18+	27	10.2	60	14.6	9	18.0	96	13.2
<b>Total</b>	<b>265</b>	<b>100.0</b>	<b>412</b>	<b>100.0</b>	<b>50</b>	<b>100.0</b>	<b>727</b>	<b>100.0</b>
<b>2004</b>								
10-13	5	3.0	24	5.9	4	12.1	33	5.5
14-15	39	23.2	63	15.6	5	15.2	107	17.7
16-17	107	63.7	275	68.1	20	60.6	402	66.4
18+	17	10.1	42	10.4	4	12.1	63	10.4
<b>Total</b>	<b>168</b>	<b>100.0</b>	<b>404</b>	<b>100.0</b>	<b>33</b>	<b>100.0</b>	<b>605</b>	<b>100.0</b>
<b>2005</b>								
10-13	7	3.8	15	3.5	2	9.1	24	3.8
14-15	43	23.5	108	25.1	3	13.6	154	24.3
16-17	115	62.8	252	58.6	14	63.6	381	60.0
18+	18	9.8	55	12.8	3	13.6	76	12.0
<b>Total</b>	<b>183</b>	<b>100.0</b>	<b>430</b>	<b>100.0</b>	<b>22</b>	<b>100.0</b>	<b>635</b>	<b>100.0</b>
<b>2006</b>								
10-13	3	1.4	17	3.6	-		20	2.8
14-15	41	19.5	129	27.6	7	25.0	177	25.1
16-17	142	67.6	274	58.5	20	71.4	436	61.8
18+	24	11.4	48	10.3	1	3.6	73	10.3
<b>Total</b>	<b>210</b>	<b>100.0</b>	<b>468</b>	<b>100.0</b>	<b>28</b>	<b>100.0</b>	<b>706</b>	<b>100.0</b>
<b>Total</b>								
10-13	25	2.4	84	3.9	9	5.3	118	3.5
14-15	228	21.6	488	22.9	27	16.0	743	22.1
16-17	693	65.6	1,314	61.6	107	63.3	2,114	62.9
18+	111	10.5	248	11.6	26	15.4	385	11.5
<b>Total</b>	<b>1,057</b>	<b>100.0</b>	<b>2,134</b>	<b>100.0</b>	<b>169</b>	<b>100.0</b>	<b>3,360</b>	<b>100.0</b>

**Note:** Based on cases heard in Children's Courts (ie persons <18 years when charged).

## Children's Courts: Cannabis Charges

**Table A-21: Simple cannabis charges heard in Children's Courts by Misuse of Drugs Act section & sex, 2002 - 2006**

	Section 5(1)(d)(i)		Section 6(2)		Section 7(2)		Total
	n	%	n	%	n	%	
<b>2002</b>							
Females	26	27.4	64	67.4	5	5.3	95
Males	203	34.6	354	60.3	30	5.1	587
Unknown	2	40.0	2	40.0	1	20.0	5
<b>Total</b>	<b>231</b>	<b>33.6</b>	<b>420</b>	<b>61.1</b>	<b>36</b>	<b>5.2</b>	<b>687</b>
<b>2003</b>							
Females	22	27.2	58	71.6	1	1.2	81
Males	239	37.2	354	55.1	49	7.6	642
Unknown	4	100.0	-	-	-	-	4
<b>Total</b>	<b>265</b>	<b>36.5</b>	<b>412</b>	<b>56.7</b>	<b>50</b>	<b>6.9</b>	<b>727</b>
<b>2004</b>							
Females	21	26.6	56	70.9	2	2.5	79
Males	146	27.8	348	66.3	31	5.9	525
Unknown	1	100.0	-	-	-	-	1
<b>Total</b>	<b>168</b>	<b>27.8</b>	<b>404</b>	<b>66.8</b>	<b>33</b>	<b>5.5</b>	<b>605</b>
<b>2005</b>							
Females	21	25.3	59	71.1	3	3.6	83
Males	161	29.3	370	67.3	19	3.5	550
Unknown	1	50.0	1	50.0	-	-	2
<b>Total</b>	<b>183</b>	<b>28.8</b>	<b>430</b>	<b>67.7</b>	<b>22</b>	<b>3.5</b>	<b>635</b>
<b>2006</b>							
Females	22	22.0	77	77.0	1	1.0	100
Males	188	31.2	388	64.3	27	4.5	603
Unknown	-	-	3	100.0	-	-	3
<b>Total</b>	<b>210</b>	<b>29.7</b>	<b>468</b>	<b>66.3</b>	<b>28</b>	<b>4.0</b>	<b>706</b>
<b>Total</b>							
Females	112	25.6	314	71.7	12	2.7	438
Males	937	32.2	1,814	62.4	156	5.4	2,907
Unknown	8	53.3	6	40.0	1	6.7	15
<b>Total</b>	<b>1,057</b>	<b>31.5</b>	<b>2,134</b>	<b>63.5</b>	<b>169</b>	<b>5.0</b>	<b>3,360</b>

**Note:** Based on cases heard in Children's Courts (ie persons <18 years when charged).



**Table A-22: Quarterly cannabis charges heard in Children's Courts by offence seriousness, 2002 - 2006**

	Simple offences		Serious offences		Total		Simple offences		Serious offences		Total
	n	%	n	%			n	%	n	%	
<b>2002</b>						<b>2005</b>					
Mar qtr	122	96.8	4	3.2	126	Mar qtr	102	91.9	9	8.1	111
Jun qtr	142	96.6	5	3.4	147	Jun qtr	152	93.3	11	6.7	163
Sep qtr	131	94.2	8	5.8	139	Sep qtr	111	89.5	13	10.5	124
Dec qtr	122	94.6	7	5.4	129	Dec qtr	120	93.0	9	7.0	129
<b>Total</b>	<b>517</b>	<b>95.6</b>	<b>24</b>	<b>4.4</b>	<b>541</b>	<b>Total</b>	<b>485</b>	<b>92.0</b>	<b>42</b>	<b>8.0</b>	<b>527</b>
<b>2003</b>						<b>2006</b>					
Mar qtr	134	97.1	4	2.9	138	Mar qtr	120	95.2	6	4.8	126
Jun qtr	137	94.5	8	5.5	145	Jun qtr	130	93.5	9	6.5	139
Sep qtr	138	93.9	9	6.1	147	Sep qtr	140	90.9	14	9.1	154
Dec qtr	160	96.4	6	3.6	166	Dec qtr	160	92.0	14	8.0	174
<b>Total</b>	<b>569</b>	<b>95.5</b>	<b>27</b>	<b>4.5</b>	<b>596</b>	<b>Total</b>	<b>550</b>	<b>92.7</b>	<b>43</b>	<b>7.3</b>	<b>593</b>
<b>2004</b>											
Mar qtr	143	92.9	11	7.1	154						
Jun qtr	111	93.3	8	6.7	119						
Sep qtr	123	95.3	6	4.7	129						
Dec qtr	86	97.7	2	2.3	88						
<b>Total</b>	<b>463</b>	<b>94.5</b>	<b>27</b>	<b>5.5</b>	<b>490</b>						

**Table A-23: Simple cannabis charges heard in Children's Courts by offence & frequency of delay (days) of finalisation - all offences, 2002 - 2006**

	s. 5(1)(d)(i)		s. 6(2)		s. 7(2)		Total	
	n	%	n	%	n	%	n	%
<b>2002</b>								
0 - 29	154	69.1	179	68.8	27	79.4	360	69.6
30 - 59	33	14.8	32	12.3	4	11.8	69	13.3
60 - 179	29	13.0	40	15.4	3	8.8	72	13.9
180+	7	3.1	9	3.5	-		16	3.1
<b>Total</b>	<b>223</b>	<b>100.0</b>	<b>260</b>	<b>100.0</b>	<b>34</b>	<b>100.0</b>	<b>517</b>	<b>100.0</b>
<b>2003</b>								
0 - 29	172	67.5	165	62.0	31	64.6	368	64.7
30 - 59	39	15.3	51	19.2	10	20.8	100	17.6
60 - 179	40	15.7	42	15.8	7	14.6	89	15.6
180+	4	1.6	8	3.0	-		12	2.1
<b>Total</b>	<b>255</b>	<b>100.0</b>	<b>266</b>	<b>100.0</b>	<b>48</b>	<b>100.0</b>	<b>569</b>	<b>100.0</b>
<b>2004</b>								
0 - 29	104	63.4	170	63.4	20	64.5	294	63.5
30 - 59	23	14.0	45	16.8	3	5.7	71	15.3
60 - 179	30	18.3	43	16.0	6	19.4	79	17.1
180+	7	4.3	10	3.7	2	6.5	19	4.1
<b>Total</b>	<b>164</b>	<b>100.0</b>	<b>268</b>	<b>100.0</b>	<b>31</b>	<b>100.0</b>	<b>463</b>	<b>100.0</b>
<b>2005</b>								
0 - 29	113	62.1	190	67.9	16	72.7	319	65.9
30 - 59	35	19.2	41	14.6	2	9.1	78	16.1
60 - 179	27	14.8	34	12.1	3	13.6	64	13.2
180+	7	3.8	15	5.4	1	4.5	23	4.8
<b>Total</b>	<b>182</b>	<b>100.0</b>	<b>280</b>	<b>100.0</b>	<b>22</b>	<b>100.0</b>	<b>484</b>	<b>100.0</b>
<b>2006</b>								
0 - 29	132	64.7	210	66.0	22	78.6	364	66.2
30 - 59	23	11.3	55	17.3	2	7.1	80	14.5
60 - 179	44	21.6	45	14.2	4	14.3	93	16.9
180+	5	2.5	8	2.5	-		13	2.4
<b>Total</b>	<b>204</b>	<b>100.0</b>	<b>318</b>	<b>100.0</b>	<b>28</b>	<b>100.0</b>	<b>550</b>	<b>100.0</b>
<b>Total</b>								
0 - 29	675	65.7	914	65.7	116	71.2	1,705	66.0
30 - 59	153	14.9	224	16.1	21	12.9	398	15.4
60 - 179	170	16.5	204	14.7	23	14.1	397	15.4
180+	30	2.9	50	3.6	3	1.8	83	3.2
<b>Total</b>	<b>1,028</b>	<b>100.0</b>	<b>1,392</b>	<b>100.0</b>	<b>163</b>	<b>100.0</b>	<b>2,583</b>	<b>100.0</b>

**Table A-24: Possession of cannabis smoking implements charges heard in Children's Courts by outcome, 2002 - 2006**

	2002		2003		2004		2005		2006	
	n	%	n	%	n	%	n	%	n	%
Dismissed	4	1.8	3	1.2	5	3.0	2	1.1	9	4.4
Fine	25	11.2	46	18.0	25	15.2	26	14.3	28	13.7
Good behaviour bond	14	6.3	14	5.5	9	5.5	15	8.2	12	5.9
Intensive youth supervision order	14	6.3	13	5.1	20	12.2	15	8.2	18	8.8
Juvenile conditional release order	17	7.6	9	3.5	12	7.3	5	2.7	15	7.4
Juvenile justice team referral	48	21.5	51	20.0	26	15.9	26	14.3	41	20.1
No further order	3	1.3	5	2.0	7	4.3	10	5.5	5	2.5
No punishment	33	14.7	37	14.5	18	11.0	29	15.9	27	13.2
Youth community based order	42	18.8	35	13.7	23	14.0	35	19.2	30	14.7
Other	27	12.1	42	16.5	20	12.2	19	10.4	19	9.3
<b>Total</b>	<b>223</b>	<b>100.0</b>	<b>255</b>	<b>100.0</b>	<b>164</b>	<b>100.0</b>	<b>182</b>	<b>100.0</b>	<b>204</b>	<b>100.0</b>

**Note:** Based on cases heard in Children's Courts (ie persons <18 years when charged).

**Table A-25: Possession of cannabis charges heard in Children's Courts by outcome, 2002 - 2006**

	2002		2003		2004		2005		2006	
	n	%	n	%	n	%	n	%	n	%
Dismissed	10	3.9	10	3.8	7	2.6	5	1.8	12	3.8
Fine	33	12.7	40	15.0	28	10.4	42	14.9	53	16.7
Good behaviour bond	16	6.2	21	7.9	29	10.8	19	6.8	19	6.0
Intensive youth supervision order	16	6.2	17	6.4	22	8.2	15	5.3	27	8.5
Juvenile conditional release order	9	3.5	11	4.1	19	7.1	5	1.8	2	0.6
Juvenile justice team referral	59	22.7	53	19.9	36	13.4	53	18.9	68	21.4
No further order	9	3.5	11	4.1	12	4.5	14	5.0	11	3.5
No punishment	41	15.8	35	13.2	37	13.8	45	16.0	50	15.8
Youth community based order	47	18.1	38	14.3	43	16.0	55	19.6	54	17.0
Other	20	7.7	30	11.3	35	13.1	38	13.5	22	6.9
<b>Total</b>	<b>260</b>	<b>100.0</b>	<b>266</b>	<b>100.0</b>	<b>268</b>	<b>100.0</b>	<b>281</b>	<b>100.0</b>	<b>318</b>	<b>100.0</b>

**Note:** Based on cases heard in Children's Courts (ie persons <18 years when charged).

**Table B-1: Conviction outcomes - Court data system outcome codes**

Code	Description	Code	Description
ACRO	Adult conditional release order ( <i>Sentencing Act 1995 - s. 48</i> )	JCRO	Juvenile conditional release order ( <i>Young Offenders Act 1994 - Division 7</i> )
ADJ	Matter adjourned	JJT	Juvenile justice team referral ( <i>Young Offenders Act 1994 - Part 5, Division 2</i> )
APNOG	Application not granted	NFO	No further order
ASD	Adjourned sine die	NOG	Application not granted
CBO	Community based order ( <i>Sentencing Act 1995 - s. 62</i> )	NOM	No order made
CBOCAN	Community based order cancelled	NOTC	Not called
COMMITT	Committed to a higher court	NP46	No punishment ( <i>Sentencing Act 1995 - s. 46</i> )
CUST	Custody order	NP66	No punishment ( <i>Young Offenders Act 1994 - s. 66</i> )
CWIL	Community work in lieu ( <i>Young Offenders Act 1994 - s. 65B</i> )	NP67	No punishment ( <i>Young Offenders Act 1994 - s. 67</i> )
DEFDEC	Defendant deceased	ORM	Order for return of money
DEST	Destruction of drugs or weapon	ORP	Order for return of property
DET	Detention	PGBB	Parental good behaviour bond ( <i>Young Offenders Act 1994 - s. 70</i> )
DIMPC	Default imprisonment of compensation payment	QUASH	Conviction quashed- no re-trial
DIS33	Dismissed ( <i>Young Offenders Act 1994 - s. 33(2)</i> )	R	Remanded
DIS65A	Dismissed ( <i>Young Offenders Act 1994 - s. 65A</i> )	RF	Refused
DISM	Dismissed	SIO	Suspended imprisonment order ( <i>Sentencing Act 1995 - s. 76</i> )
DOC	Disposal of on other complaint	SIOCON	Suspended imprisonment order to continue ( <i>Sentencing Act 1995 - s. 80</i> )
DSCH	Discharged	SPENT	Spent conviction order ( <i>Sentencing Act 1995 - s. 45</i> )
FINAL	Finalised in higher jurisdiction	STO	Struck out
FINE	Fine	STO32	Struck out s.32 ( <i>Young Offenders Act 1994 - s. 32</i> )
FORF	Order for forfeiture	SURDCH	Surety discharge
GBB	Good behaviour bond ( <i>Young Offenders Act 1994 - s. 69</i> )	VRO	Violence restraining order
GR	Granted	W	Withdrawn
IMP	Imprisonment	WCCOM	Commonwealth warrant of commitment issued unpaid fine
ISO	Intensive supervision order ( <i>Sentencing Act 1995 - s. 69</i> )	WDO	Work development order ( <i>Sentencing Act 1995 - s. 57A</i> )
ISOCAN	Intensive supervision order cancelled	YCBO	Youth community based order ( <i>Young Offenders Act 1994 - s. 73</i> )
IYSO	Intensive youth supervision order ( <i>Young Offenders Act 1994 - s. 98</i> )		

**Source:** Magistrates Courts & Tribunals Directorate, Department of Attorney General