

Question on Notice**No. 1968****Asked on Wednesday, 6 October 2010**

Mr Crandon asked the Attorney-General and Minister for Industrial Relations (Mr C R Dick) –

QUESTION:

With reference to drug offences in 2007-08, 2008-09 and 2009-10 (reported by offence, schedule of drug and year)-

- (1) How many offenders were sentenced for an offence of supplying a dangerous drug, trafficking in a dangerous drug and possession of a dangerous drug, under Schedules 1, 2 and 2A?
- (2) How many offenders sentenced in (1) received an actual term of imprisonment of four years or more?
- (3) How many offenders in (1) received the maximum penalty?

ANSWER:

I thank the honourable Member for the question, and for his interest in how Queensland courts continue to crack down on serious illicit drug offences.

The offences requested by the Honourable Member traverse a wide range of criminal behaviour involving illicit drugs, from, for example, the possession of small amounts of cannabis through to the commercial trafficking in large volumes of heroin. Further, the volume and type of illicit drug involved may differ substantially from case to case, with the legislation specifically drawing distinctions between Schedule 1 substances (for example, cocaine or heroin) and Schedule 2 substances (for example, cannabis or temazepam, a prescription sleeping aid). The range of penalties appropriate in one case, therefore, may differ significantly from the penalty in another case, even where those cases involve the same offence section.

Across the time periods in question, more than 92% of possession cases and 60% of supply cases were sentenced in the Magistrates Court. As magistrates only hear cases where the appropriate sentence is three years or less, the majority of these drug offences received terms of imprisonment under four years. Taking this into account, the arbitrary use by the Honourable Member of an imprisonment term in excess of four years in his question is unrepresentative for the offences selected, and could easily be used to distort any answer given to the question. I am sure that this was not the intention of the Honourable member.

With respect to drug trafficking matters, in excess of 90% of offenders are sentenced to a term of imprisonment. Similarly, the imprisonment rate for supply offences has risen by 25% from 2007-08 to 2009-10. These results demonstrate that Queensland Courts continue to send serious drug offenders to prison.

The figures used below are extracted from the Queensland Wide Inter-Linked Courts (QWIC) Database.

As there are no unique identifiers enabling the identification and subsequent reporting of unique persons/offenders, offenders/defendants have been identified based on the national Report On Government Services counting methodology i.e. same surname, first name, date of birth and date the offence was registered within QWIC.

In 2007-08, 915 persons were sentenced for supplying a dangerous drug, 209 for trafficking in a dangerous drug, and 13,257 for possession of a dangerous drug. In 2008-09, 823 persons were sentenced for supplying a dangerous drug, 231 for trafficking in a dangerous drug, and 12,884 for possession of a dangerous drug. In 2009-10, 710 persons sentenced for supplying a dangerous drug, 172 for trafficking in a dangerous drug, and 12,691 for possession of a dangerous drug. As is indicated by the statistics, the number of offenders sentenced for drug offences has steadily decreased over this period as a result of the Bligh Government's law enforcement activities.

The Government's commitment to fighting illicit drugs in our communities is founded on more than imprisonment alone. For minor drug offenders, court diversion programs offer a better chance of rehabilitation and a more effective use of public resources than lengthy terms of imprisonment. Further, cracking down on the organisations distributing illicit drugs through the Criminal Organisation Act has been a focus for the Government, with significant evidence pointing to organised criminal gangs including outlaw motorcycle gangs having significant involvement in the drug trade. These laws have bolstered the Queensland Police Service investigation capacity of organised criminal activities, but were not supported by the Honourable Member nor his LNP colleagues. Similarly, the provision of telephone interception powers to the Crime and Misconduct Commission and Queensland Police Service, which were delayed by the Howard Coalition Government, will greatly assist the CMC in investigating and prosecuting serious criminal activity involving illicit drugs.

The Crime and Misconduct Commission's crime bulletin into illicit drug markets in Queensland was released in February 2010. This analysis of Queensland's illicit drug trade found that the methyl-amphetamine market, the market assessed as having the highest risk, is contracting as a result of a range of legislative and regulatory changes implemented by the Bligh Government.

The 2008-09 Queensland Police Service *Annual Statistical Review* also indicates a decrease of 11% in drug offences in Queensland.

The numbers of prisoners that received an actual term of imprisonment of four years or more for supplying a dangerous drug in 2007-08 was six, in 2008-09, it was seven and in 2009-10 it was six. For trafficking in a dangerous drug, the numbers that received an actual term of imprisonment of four years or more were 58 in 2007-08, 63 in 2008-09 and 63 in 2009-10. For possessing a dangerous drug, the numbers of prisoners that received an actual term of imprisonment of four years or more were 10 in 2007-08, 9 in 2008-09 and 6 in 2009-10.

It is not possible to identify the schedule of drug from the current court's criminal information system. Without knowledge of the schedule of drug, it is not possible to ascertain whether a maximum penalty prescribed under the legislation was handed down by the Court.