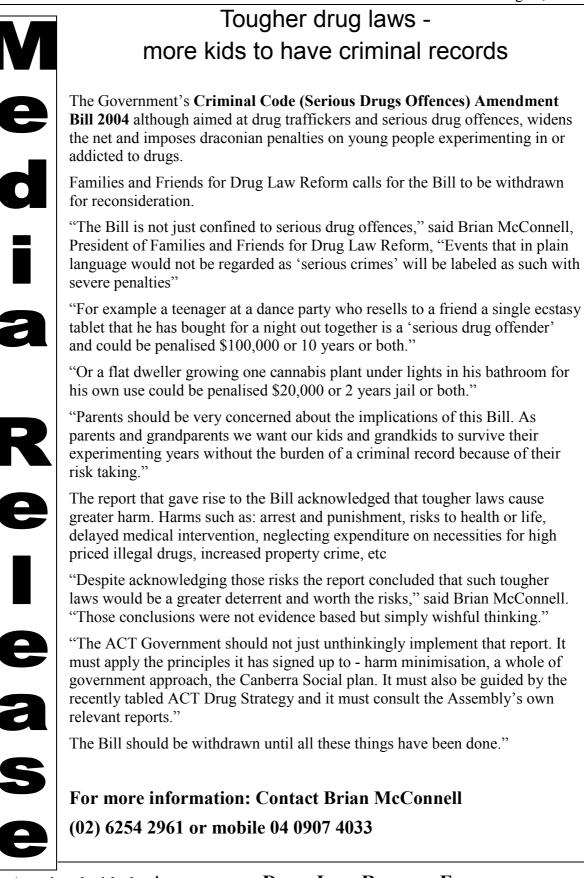
## Families and Friends for Drug Law Reform

committed to preventing tragedy that arises from illicit drug use

PO Box 36 HIGGINS ACT 2615 Telephone (06) 254 2961 16 August, 2004



## Some examples of the harshness of the Bill

The sale of any amount of drugs is defined as "trafficking" and would include:

- someone who "for a favour", sells some of his home grown cannabis to the friend of a friend. Penalty \$30,000, 3 years or both.
- a teenager at a dance party who resells to a friend one of two ecstasy tablets that he has bought for a night out is a "serious drug offender". Penalty \$100,000, 10 years or both.
- users who, rather than ripping off family, prostitute themselves or steal, deal to finance their incessant but moderate addiction to heroin requiring the \$100 a day for a couple of 200mg deals. Penalty \$100,000, 10 years or both.
- a person who grows naturally more than two cannabis plants, some of which may be seedlings with no commercial value, can attract a penalty of \$20,000 or 2 years jail or both.
- a person who grows artificially one or more cannabis plants can attract a penalty of \$20,000 or 2 years jail or both.

The Bill transforms minor players in the drug trade and users into serious criminals.

- A couple of cannabis plants grown by a user would not normally amount to a serious drug offence but when harvested could well expose the user to such a charge. The report of the Model Criminal Code Officer Committee (MCCOC) which this Bill is implementing notes that "an average cannabis plant 1.6m tall with a 1m girth will yield an average of 250g of dry useable cannabis". It adds that: "There is an obvious and clear discrepancy between the potential liability of the cultivator before and after harvesting. The small number of plants, once harvested, will almost always exceed the traffickable quantity and may exceed the commercial quantity of 2.5 kilograms."
- Under clause 629 the prosecution can aggregate quantities of drugs sold over any length of time by an habitual user, the only limitation being that "each occasion was not longer than 7 days apart from another of the occasions". The penalty is \$250,000, 25 years in gaol or both. This possibility is presented as a virtue. It is included to cover "undercover police operations directed against dealers at the lower end of the illicit market. The report adds that: "The aggregation provision will allow police to target particular individuals for intensive buy and bust investigations. In plain language it leaves the door open for police to engage in entrapment of young people by provoking a long string of offences.