TRENDS, CONSEQUENCES AND PATTERNS OF ILLICIT DRUG CASES HEARD IN COURTS IN WESTERN AUSTRALIA : 1977 - 1985

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1.0 INTRODUCTION

Within Australia statements concerning the lack of illicit drug related research have been made. Wardlaw (1986) stated that our knowledge of the relationship between illegal drug use and crime is relatively poor. Subsequently the same researcher drew attention to how little detailed information is actually available on illegal drugs in Australia (Wardlaw, 1986). An important project to help overcome this problem is the study of the relationship between heroin and property crime by Dobinson and Ward (1985,1986). The sentencing of drug offenders (Potas, 1983), the process of diversion (New South Wales Bureau of Crime Statistics and Research,1981)(Williams, 1982)(Bush and Scagliotti, 1983)(Luger, 1986), and the estimation of the number of heroin users (Mant and Thomas, 1979)(Sandland, 1984) have also been the subject of research, but overall there have been very few scientific studies conducted of illicit drug-related problems in Australia, especially from the viewpoint of prevention.

Against the background of statements drawing attention to the need for illicit drug-related research in Australia a number of projects have been initiated due to the National Campaign Against Drug Abuse. The A.C.T. Drug Indicators Project and the establishment of the National Drug Abuse Data System are examples of such research. The data presented within this paper will complement these and other indices of illicit drug use which are being compiled nationally as a result of the National Campaign Against Drug Abuse (1987).

The value of collecting data from various sources within a single jurisdiction to determine the degree of illicit drug use within a community has been discussed by Harris (1988) who demonstrated that data collected from adolescent surveys were similar to police arrest data, at least, in ranking of use of illicit drug types. By contrast data obtained from treatment agencies differed from police arrest data in the ranking of use of illicit drug types. Police arrest data is inconsistent over time due to variability in law enforcement practices (Wardlaw 1986). Changes in police arrest data may also be influenced by government policy changes.

A major statute change to illicit drug laws in Western Australia in September 1982 saw the

introduction of the Misuse of Drugs Act which combined the sections of the Police and Poisons Acts pertaining to prohibited drugs. Magistrates in the Court of Petty Sessions were given greater jurisdiction in the trial of "commercial" offenders and some jurisdiction in their sentencing. Previously the "commercial" offender could only be sentenced in superior courts (Supreme Court) and only tried summarily where cannabis was involved. As a consequence the sentences available to Magistrates were significantly increased.

The new Act also removed the previous emphasis on opium smoking in the Police Act by substituting opium with all prohibited drugs. This Act also allowed police to more easily interpret illicit drug laws and at about the same time the Western Australian Police Department introduced better drug education into its cadet training (WA Police Dept pers comm), thus increasing police officers' awareness and understanding of illicit drug laws in Western Australia.

Finally it should be noted that economic forces may also cause a change in illicit drug use within a community which may be reflected in a change in the number and type of illicit drug offences committed.

This paper will discuss the trends in the number of offenders and offences heard in the courts of Western Australia from 1 January 1977 to 31 December 1985. These trends will be discussed in terms of the introduction of the Misuse of Drugs Act and the unemployment rate in Western Australia. It will be argued that such trends have relevance to government policy and law enforcement expenditure.

Recidivism among these offenders will also be examined together with the effect of penalty type and severity upon this recidivism. Such data will reflect upon the sentencing and treatment practices of illicit drug offenders heard in the courts of Western Australia.

2.0 METHODS

Court records were made available by the Crown Law Department of Western Australia, the Western Australia Police Department and the Department for Community Services. These records werre only provided on the written guarantee that the data would be treated as highly confidential, and only used for research purposes. Registration of this project under the Epidemiological Studies (Confidentiality) Act of the Commonwealth further enhances this confidentiality.

For each Court appearence the database contains biographical information, details of the activity and type of drug involved in each offence, plea, outcome, details of penalty if applicable,dates of offence and court hearing and details of the Court the charges were heard in including an identifier of the Magistrate or Judge hearing the charge. A more detailed account of the data collection phase of the project is given in Smith et al. (1988).

The database contains 28,242 cases involving 18,342 offenders heard in the three courts from 1 January 1977 to 31 December 1985, as shown in Table 1.

Table 1: Number of illicit drug charges and offenders appearing in the courts of Western Australia during 1977 - 1985.

Court	Number of Charges	Number of Offenders
Supreme	1263	1183
Petty Sessions	24056	15046
Children's	2923	2113
Total	28242	18342

2.1 CHARGES/OFFENDERS

All frequencies were standardised to per 100,000 of the population of Western Australia for each year of the study. The standardisation of frequencies in the Children's Court was based on calculations using the population figures for persons under the age of 18 in Western Australia.

2.2 ACTIVITIES

A breakdown of the various activities involved in charges contained in the database can be seen in Appendix I.

2.3 DRUG TYPE

The categorisation of the specific drugs in the W.H.O. classification of drug types are listed in Appendix II.

2.4 UNEMPLOYMENT

Unemployment was measured by the total unemployment rate in Western Australia for each quarter from March 1978 to December 1985. These data were obtained from the Australian Bureau of Statistics.

Standardised frequencies of charges for all three courts were converted to charges per quarter to enable Pearson correlations to be calculated. Similarly the frequencies of the types of offences in each court were converted in this way.

Not all offence types were studied in each court as different proportions of these offences are heard in the three courts.

In the Supreme Court the frequencies of trafficking and stealing offences were correlated with

unemployment as they represented the major offence types heard in that court. In the Court of Petty Sessions the offences of possession, trafficking and use were correlated with the unemployment rate. Possession, possession of implements and use were correlated with unemployment in the Children's Court.

2.5 MISUSE OF DRUGS ACT

To describe the effect of the introduction of the Misuse of Drugs Act on the level of sentencing imposed by Magistrates and Judges it must be understood that different Judges sentence offenders according to different criteria. The plea, criminal record, race, mental state and pre-trial status of the defendant all contribute to the level of sentence, as well as the identity and attributes of the sentencer. Also the type of charge committed by the defendant will effect sentencing level. In this study it was possible to control for the identity of the Magistrate or Judge and the type of charge committed.

The justification to control for each Magistrate or Judge is highlighted by the difference in penalty levels between city and country Magistrates of the Court of Petty Sessions and Children's Court.

Table 2 shows that in the Children's Court, country Magistrates impose more severe fines than do those in the city courts. Magistrates in country Courts of Petty Session not only hand out more severe fines but also impose longer probationary periods than do those in the city.

Further justification for controlling by Magistrate or Judge is provided by considering sentence practices of Magistrates who hear large numbers of cases involving the same offence. Magistrates may become lenient in terms of penalties imposed upon offenders due to exposure to a large number of similar cases. A Pearson correlation between the mean fine for possession of cannabis and the number of cases involving possession of cannabis heard by 38 Magistrates showed a negative correlation ($n=-0.309$, $p<0.06$).

Table 2: .The mean penalties given by Magistrates of the Children's Court and Court of Petty

Sessions for possession of cannabis in city and country courts as tested by Student's 't' test.

	Court				
	City		Country		
Penalty	N	Mean	N	Mean	Significance
Children's					
Jail	16	0.6	1	3.0	-
Fine	541	67.1	130	112.9	0.001
Probation	113	9.5	27	10.6	0.34
Bond	302	8.6	46	8.2	0.43
C.S.O	35	37.5	17	45.6	0.14
Petty Sessions					
Jail	178	2.6	56	2.7	0.93
Fine	10,389	147.7	3,344	216.3	0.0001
Probation	425	15.0	73	17.7	0.015
Bond	299	9.2	143	9.8	0.06
C.S.O	153	123.2	55	100.8	0.0001

The need to control for Magistrate or Judge restricted the analysis to 12 Magistrates out of a total of 75 in the Court of Petty Sessions and 4 Judges out of a possible 23 in the Supeme Court.

Controlling by type of offence restricted the analysis to those offences which had sufficient occurrences to make analysis meaningful. As the majority of the cases in the Court of Petty Sessions involved the possession of cannabis [Table 9] this offence was used for analysis. A fine was imposed on 86% of offenders in the Court of Petty Sessions therefore this penalty was used for comparison of penalty levels imposed by different Magistrates.

To analyse the effects of the Misuse of Drugs Act upon sentencing levels in the Supreme Court the analysis was confined to the level of fine and length of maximum jail sentence for

trafficking cannabis. Due to the smaller number of cases heard in the Supreme Court the number of Judges and cases used were greatly reduced.

An analysis of this kind was not possible for the Children's Court data as Magistrates were not identified in this data set.

2.6 RECIDIVISM

As previously stated the type and size of penalties is dependent upon factors such as the type of offence committed, the Magistrate hearing the case and the offender's previous criminal record.

The analysis on the effect of penalty type and severity on recidivism controlled for the offence committed and the offender's number of previous illicit drug offences.

For a particular offence within each of the courts, the percentage of offenders that never offended again or re-offended one or more times, for each penalty were calculated. The re-offend groupings were separated into those offenders that had none or one or more prior illicit drug offences.

Within the Children's Court and the Court of Petty Sessions possession of cannabis was studied. Possession of opioids was also studied in the Court of Petty Sessions. In the Supreme Court the analysis was restricted to trafficking of cannabinols and opioids.

The effect of penalty severity on recidivism was then analysed by comparing those offenders with a relatively high or low level of each penalty.

Table 3 shows the levels of penalty used to determine high or low penalty severity in each court. For each penalty type the low penalty level was chosen below that of the mean for the penalty type over the entire study period and the high penalty level was chosen above this

mean. For all types of penalties these arbitrary levels were chosen to enable sufficient numbers of cases to be represented in each level.

Table 3: The arbitrary levels of penalties used to compare the effect of penalty severity on recidivism. The levels for low penalties are the upper bounds and levels for high penalties are the lower bounds used.

	Children's		Petty		Supreme	
	Low	High	Low	High	Low	High
Jail months	-	2	4		-	-
Fine $	40	100	100	500	24(36)	36(60)
Probation months	6	12	6	18	1000	2000
Bond months	6	12	6	12		-
C.S.O hours	40	50	100	150		-

( ) levels for trafficking opioids

2.7 TREATMENT

A number of offenders with long histories of illicit drug charges were diverted into a treatment program. The database allowed selection of a control group of offenders with similar histories but who were not diverted to a treatment program which controlled for client characteristics that may have effected recidivism.

Therefore those individuals diverted into the treatment program were matched to others within the database on the basis of prior record, age, sex, type and date of offence. Matching on the time spent in jail after the offence was necessary to ensure that both groups were exposed to the same risk of further convictions [Table 4]. The control group could then be compared to the group of individuals diverted into treatment on the basis of subsequent illicit drug charges.

Table 4: The characteristics upon which the treatment and non-treatment groups were matched.

		Treatment	Non-Treatment
Sex	Male	26	26
	Female	9	9
Age	Mean	24.5	25.4
Prior Offences	0	15	15
	1	5	7
	2	7	6
	3	4	4
	4	1	-
	5	-	1
	7	1	1
	10	1	-
	11	-	1
	13	1	-
Jailed		15	17

Offence	Sold/Supply Heroin	13
	Break Enter Steal	6
	Possession Heroin	4
	False Prescript	4
	Possession Cannabis	3
	Steal/Violence	2
	Self Administer Heroin	1
	False Pretences	1
	Conspiracy	1

This resulted in 35 individuals who were diverted to a treatment agency being matched with an additional 35 individuals from the database.

Analysis of these two groups then proceeded using the same method as for the analysis of the effect of type and severity of penalty.

3.0 **RESULTS**

3.1 CHARGES/OFFENDERS

The number of charges (per 100,000 of population in Western Australia) in the Supreme Court increased from 1977 to 1982 [Figure 1(a)]. A decrease in 1983 resulted in a levelling off of the

number of charges after 1983.

It can also be seen from Figure 1(a) that there were very few multiple offenders in the Supreme Court. Only 6% of offenders appearing in the Supreme Court appeared more than once in that court and only 0.5% appeared more than twice.

Within the Court of Petty Sessions there was an increase in charges from 1978 to 1985, with a dramatic increase after 1982 [Figure 1(b)]. At the same time the number of multiple offenders increased.

The number of offenders committing more than one offence increased to 37% in the Court of Petty Sessions over the period of the study.

There was an almost exponential increase in the number of illicit drug offences in the Children's Court over this time period [Figure 1(c)]. This increase was accompanied by an increase in the number of multiple offenders.

Within the Children's Court 28% of offenders appearing for illicit drug-related charges committed more than one offence.

3.2 OFFENDER CHARACTERISTICS

3.2.1. Age

The distribution of ages are similar for the Supreme Court and the Court of Petty Sessions with the 21-30 age group containing the largest proportion of offenders, in both courts [Table 5].

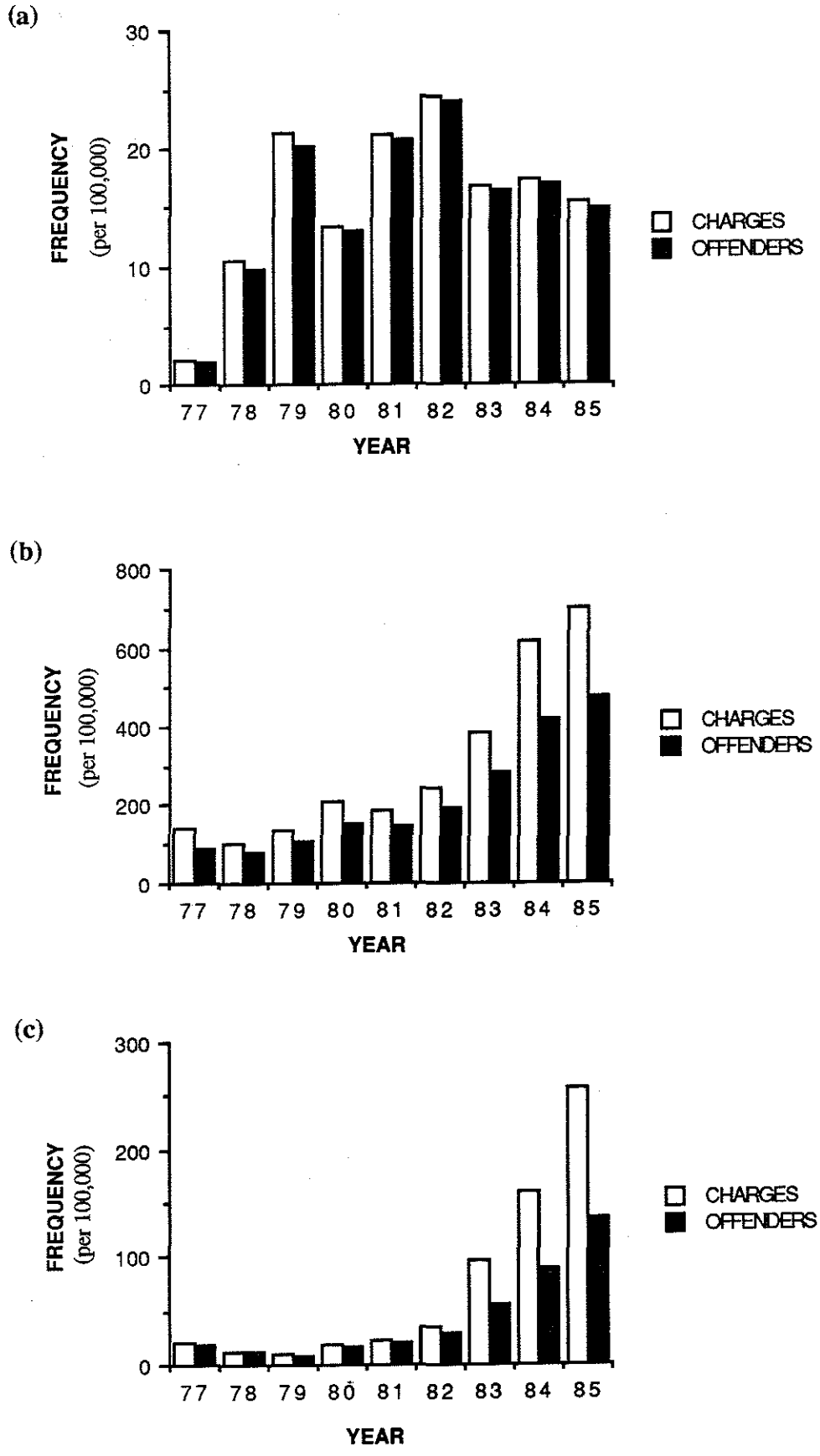

Figure 1: The standardised frequencies of charges and offenders for each year of the study in (a) Supreme Court, (b) Court of Petty Sessions and (c) Children's Court.

Table 5: The percentage of offenders with the shown characteristics in each court of Western Australia.

		Supreme	Petty	Children's
Age	< 11			0.5
	11-12			0.2
	13-14			3.3
	15-16-			24.9
	17-18			70.9
	< 21	16	23.5	
	21-30	66	64.4	
	31-45	17	11.5	
	> 45	1	0.6	
Sex	Male	90	86	75
	Female	10	14	25
Previous Record	Drug	20.6	0.3	0.1
	Other	56.7	6.1	4.9
	None	22.7	93.6	95.0

The majority of offenders in the Children's Court were aged between 15 and 18.

The age distributions for the Court of Petty Sessions and the Children's Court remained constant in each year of the study, whereas the 31-45 age group in the Supreme Court increased in proportion after 1981, with a corresponding decrease in the proportion of two age groups under 30 [Figure 2].

3.2.2 Sex

Significantly more females committed offences heard in the Chidren's Court than in the other courts [Table 5].

Males committed a greater proportion of offences in the Supreme Court than in the other Courts [Table 5].

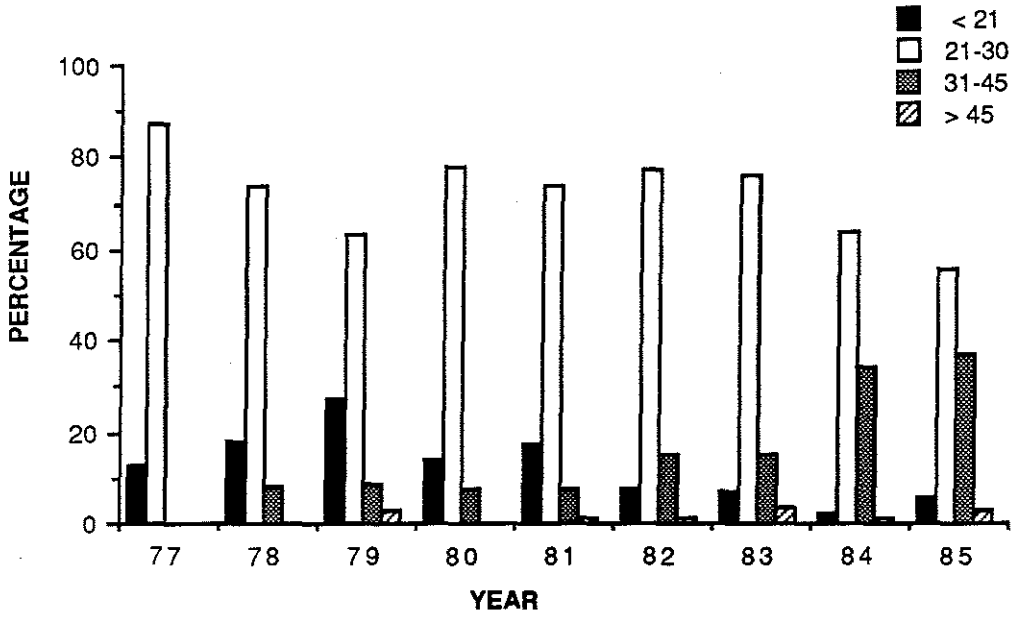

Figure 2: The age distribution of offenders appearing in the Supreme Court for each year of the study.

3.2.3. Previous Record

There was a lower proportion of offenders appearing in the Supreme Court with no previous record than in the other courts. Of those with a previous record, 20.6% were recorded as having a previous drug record. In the other courts the proportion of offenders recorded as having a previous drug record was very small [Table 5].

It should be noted that the description of the previous records may not have been complete in the Court of Petty Sessions and was certainly not complete for the Children's Court.

When the increasing number of multiple offenders is considered, the validity of this data must be questioned. The system for recording previous records for offenders in the Children's Court appears to be inadequate for the purposes of this study.

3.3 ACTIVITY

3.3.1 Supreme Court

The majority of charges heard in the Supreme Court relate to trafficking of illicit drugs (72.1%) [Table 6]. Stealing offences relating to illicit drugs represented another 22% of these cases. Only one case in the study period involved importation.

Table 6: The number of offences heard in the Supreme Court relating to activity involved calculated per 100,000 of population over 18 years of age. The percentage of all charges for each type of activity is also shown.

	Activity					
Year	Possession	Trafficking	Stealing	Violence	Importation	Other
1977	-	1.1	0.1	-	-	-
1978	0.4	6.7	1.9	0.1	0.1	0.1
1979	1.2	14.5	5.6	0.1	-	-
1980	0.1	10.0	2.8	0.3	-	-
1981	0.1	16.6	3.0	1.1	-	0.2
1982	0.2	18.8	4.8	0.5	-	-
1983	0.6	10.7	5.1	0.2	-	-
1984	1.4	11.5	4.1	0.1	-	-
1985	1.3	11.4	2.8	-	-	-
Total %	4.1	72.1	22.3	1.2	0.1	0.2

Trafficking offences peaked in 1982 with a large decrease in 1983, whereas stealing offences had a bimodal distribution peaking in 1979 and 1983.

3.3.2 Court of Petty Sessions

Table 7 shows the majority of offences recorded in the Court of Petty Sessions were for possession of illicit drugs (72.7%). The possession of implements and utensils used for smoking illicit drugs was the next most common activity (10.9%).

The predominance of offences relating to the possession of illicit drugs remains consistent over the study period, with the number of this type of offence increasing each year of the study. Offences involving the possession of implements and utensils increased markedly after 1981 with very few, if any, cases being recorded before this time. A similar pattern of increase in the number of offences is evident for offences relating to trafficking and use of illicit drugs.

3.3.3 Children's Court

Within the Children's Court, the possession of illicit drugs accounted for 62.9% of the cases heard [Table 8], with an increase in the number of cases from 1979 until 1985.

Offences relating to the possession of implements and utensils contributed 24.6% of charges heard in the Children's Court. Only a few cases of this nature were heard prior to 1982 and the number of cases heard after 1982 increased markedly[Table 8].

Table 8 also shows this was the case for offences relating to use of illicit drugs.

3.4 DRUG TYPE

Of the illicit drug-related offences heard in the Supreme Court 48.2% involved cannabis. In the Court of Petty Sessions and the Children's Court respectively 91.5% and 96.0% involved cannabinols [Table 9]. A greater proportion of cases involving opioids was heard in the Supreme Court than in the other courts [Table 9].

TABLE 7: The number of offences relating to activity involved calculated per 100,000 of population over 18 years of age for offences heard in the Court of Petty Sessions. The percentage of all charges for each type of activity is also shown.

	Activity					
Year	Possession	Possession Implements	Trafficking	False Prescription	Stealing	Use
1977	82.6	-	5.7	29.4	2.6	3.3
1978	76.0	-	3.9	2.6	4.1	4.4
1979	113.1	-	3.1	3.4	1.9	7.9
1980	161.5	0.5	3.9	6.2	5.2	6.9
1981	156.6	0.1	2.8	5.7	1.3	6.6
1982	197.7	9.8	11.0	2.0	-	11.8
1983	185.6	30.1	13.9	5.7	-	19.2
1984	264.6	48.6	20.0	3.8	-	40.3
1985	270.8	38.5	25.5	4.0	0.1	59.5
Total %	72.7	10.9	6.0	3.2	0.7	2.2

TABLE 8: The number of offences calculated per 100,000 of population under the age of 18 years of age the Chidren's Court for each activity over the study period. The percentage of the total offenc activity is also shown.

	Activity						
Year	Possession	Possession Implements	Trafficking	Use	Stealing	Receiving	Ot
1977	17.7	0.2	0.4	1.6	-	0.4	
1978	9.4	0	0.9	0.9	1.6	0.4	
1979	8.0	-	0.2	0.4	0.2	0.4	
1980	14.0	-	0.2	1.3	0.9	-	
1981	19.0	-	0.4	2.6	-	-	
1982	23.5	4.3	0.4	3.7	-	-	
1983	41.0	15.3	0.4	10.3	0.6	-	
1984	72.9	36.2	2.4	10.0	-	-	1.3
1985	104.9	64.3	3.4	10.7	0.2	-	3.6
Total %	62.9	24.6	1.8	8.4	0.7	0.3	1.1

Every drug type is represented in the data of the Court of Petty Sessions unlike the Supreme and Children's Court. In the Supreme Court no offences involving solvents - inhalents were heard, whilst 20% of cases were associated with armed hold-ups with no mention of specific drug types. No cases involving cocaine were heard in the Children's Court [Table 9].

TABLE 9: The percentage of illicit drug offences heard in the courts of Western Australia for each drug type.

	Court		
Drug Type	Children's	Petty	Supreme
Cannabinols	96.0	91.5	48.2
Opioids	0.6	6.4	22.7
Other	0.3	0.9	23.8
Amphetamines	0.1	0.3	3.6
Hallucinogens	0.2	0.2	0.5
Barbiturates	0.1	0.2	0.1
Tranquillisers	0.5	0.2	0.1
Cocaine		0.1	1.0
Solvent-Inhalents	2.1	0.1	

Cocaine related offences comprised 1.5% of charges heard in the Supreme Court and 0.2% in the Court of Petty Sessions. Charges involving this drug type were evident for each year of the study.

Table 10 shows that the number of charges involving cannabinols in the Children's Court increased from 1979 to 1985.

Table 10: The number of charges calculated per 100,000 of population 18 years of age or younger heard in the Children's Court involving cannabinols for each year.

Year	Offences
1977	19.7
1978	10.3
1979	7.5
1980	15.5
1981	18.5
1982	24.3
1983	62.8
1984	116.0
1985	176.1

The number of cannabinol related charges in the Supreme Court peaked in 1982 after which there was a marked decrease in their number [Figure 3(a)]. During the same period there was an increase in the number of cannabinol related offences in the Court of Petty Sessions [Figure 3(b)].

Opioid related offences showed a bimodal distribution peaking in 1978 and 1984 and reaching a low in 1980 in the Supreme Court [Figure 3(a)]. There was a similar decrease in opioid offences from 1977 to 1980 in the Court of Petty Sessions, but no substantial increase after 1980 is exhibited by Figure 3(b).

3.5 PENALTIES

The majority of offenders found guilty in the Supreme Court were given a jail sentence (62.1%). In the Court of Petty Sessions, 86% of offenders found guilty had a fine imposed as a penalty. A fine was also the penalty imposed on the greatest proportion of offenders in the Children's Court [Table 11].

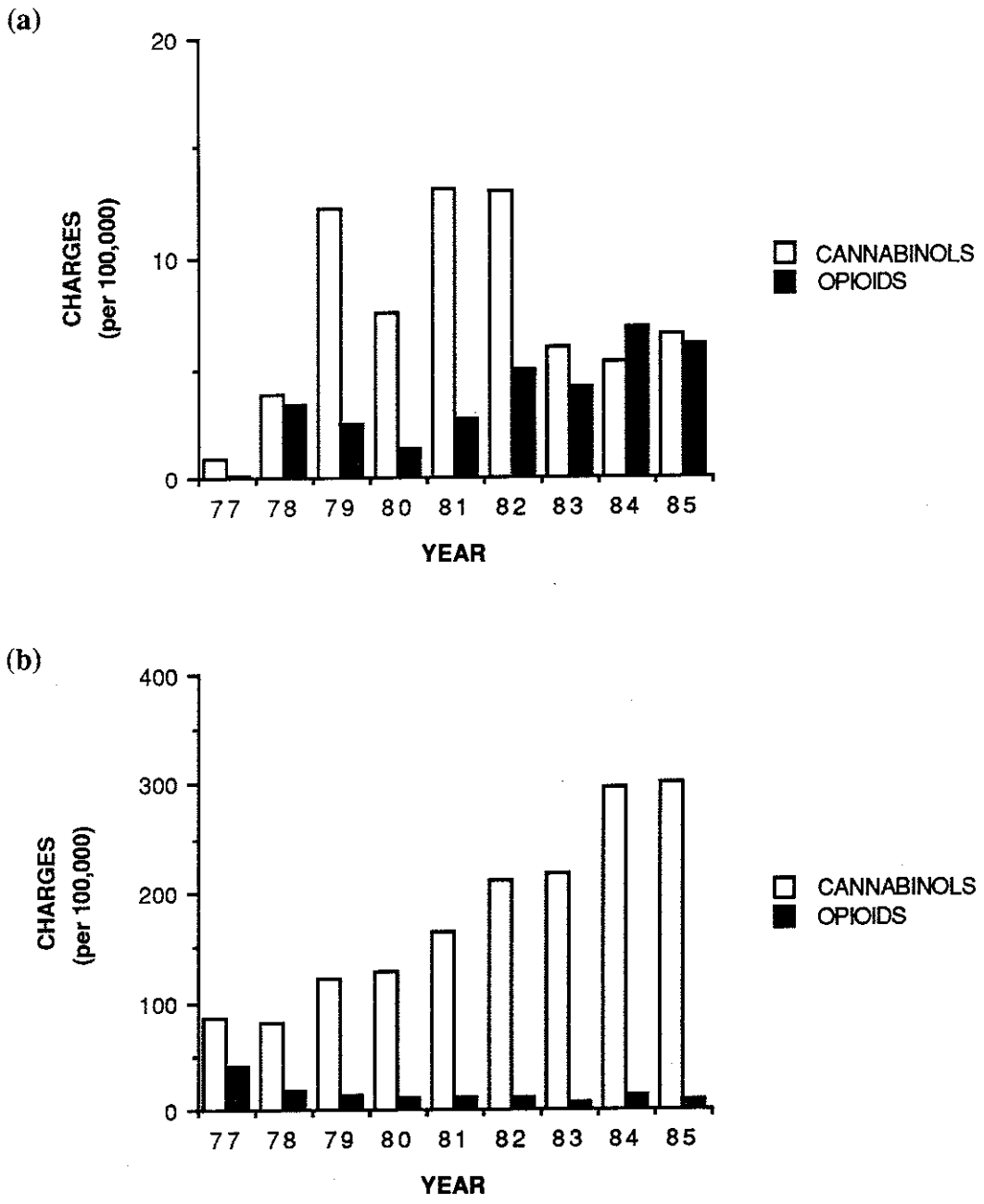

Figure 3: The standardised number of charges for offences relating to Cannabinols and Opioids in (a) Supreme Court and (b) Court of Petty Sessions

3.5.1 Supreme Court

Maximum jail sentences ranged between 1 and 180 months with an average of 35.8 months in the Supreme Court. These sentences decreased to a low of 26.7 months in 1981. The maximum jail sentence in 1979 to 1982 were significantly lower than in other years [Figure 4(a)].

The mean fine for the Supreme Court was $2546. Figure 4(b) shows that fines increased for offenders appearing in the Supreme Court from 1978 to 1984. The large variation in fines after 1982 may reflect the variability of the nature of offences for which a fine is imposed. However, Figure 5 shows that this large variation still exists in the years 1982 to 1985 when only the fines for trafficking cannabinols are considered.

3.5.2 Court of Petty Sessions

Fines imposed on offenders in the Court of Petty Sessions ranged from $1 to $5000 with a mean of $170. The mean fine increased from 1978 to 1981 and then decreased as shown in Figure 6.

3.5.3 Children's Court

Fines ranged between $5 and $1000 in the Children's Court with a mean of $69.

These fines were more variable in the earlier years of the study with the means after 1982 having less variability. The level of fine appears to be more consistent over the last three years of the study [Figure 7(a)].

The period of probation imposed on offenders in the Children's Court ranged from 2 to 36 months with a mean of 10.4 months. Figure 7(b) shows that the mean probationay period has decreased since 1978 with a significant decrease in later years as compared to the earlier years

of the study.

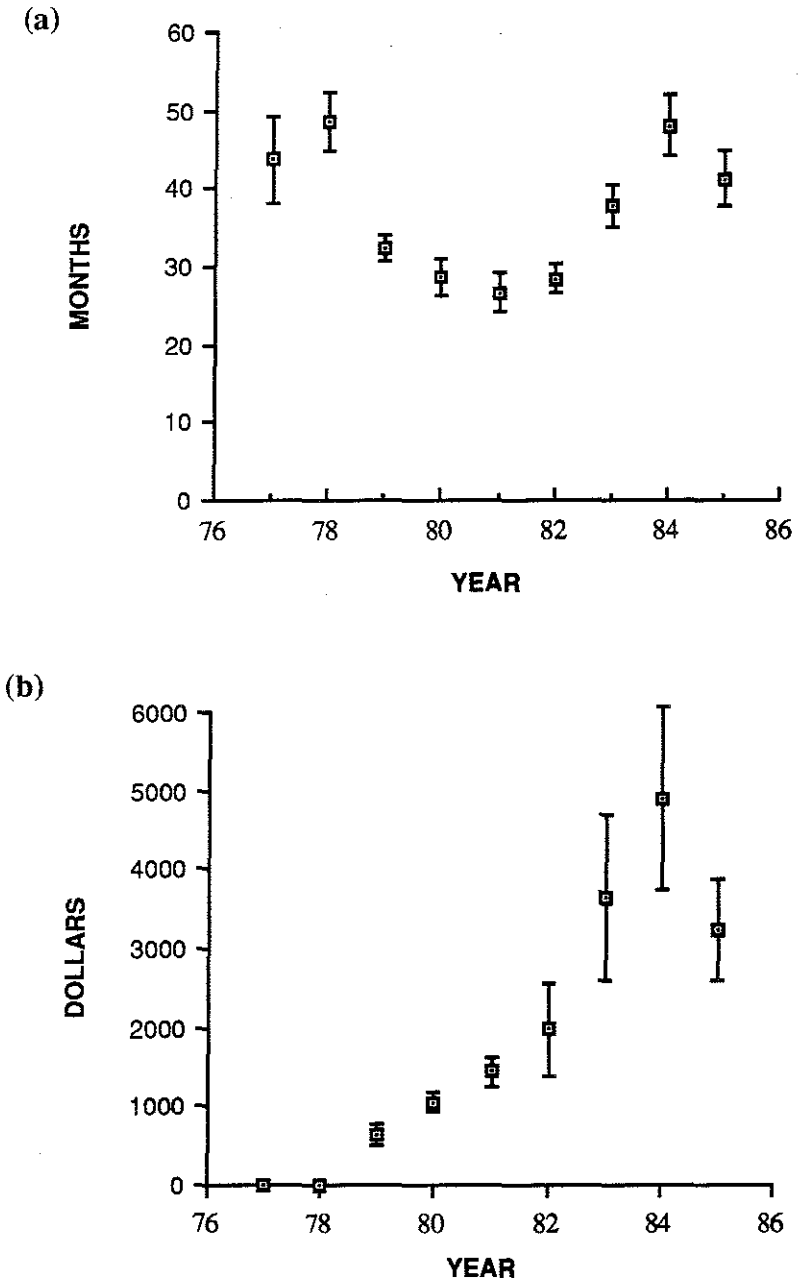

Figure 4: Mean jail sentence (a) and mean fine (b) imposed on offenders in the Supreme Court for each year of the study.

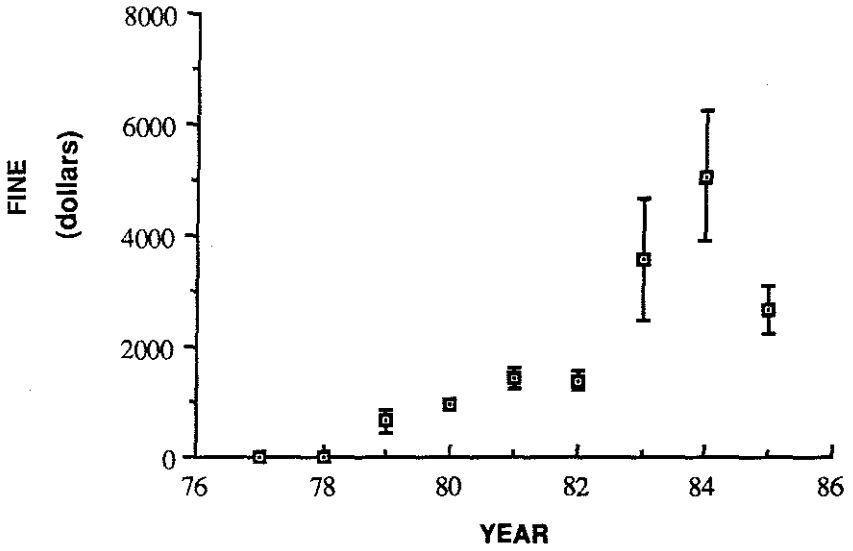

Figure 5: Mean fine imposed by the Supreme Court each year for trafficking in cannabinols.

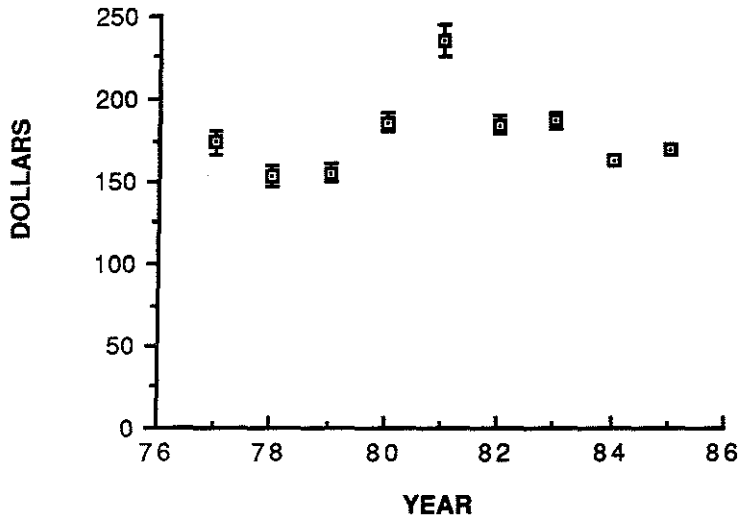

Figure 6: Mean fine imposed by the Court of Petty Sessions for each year of the study.

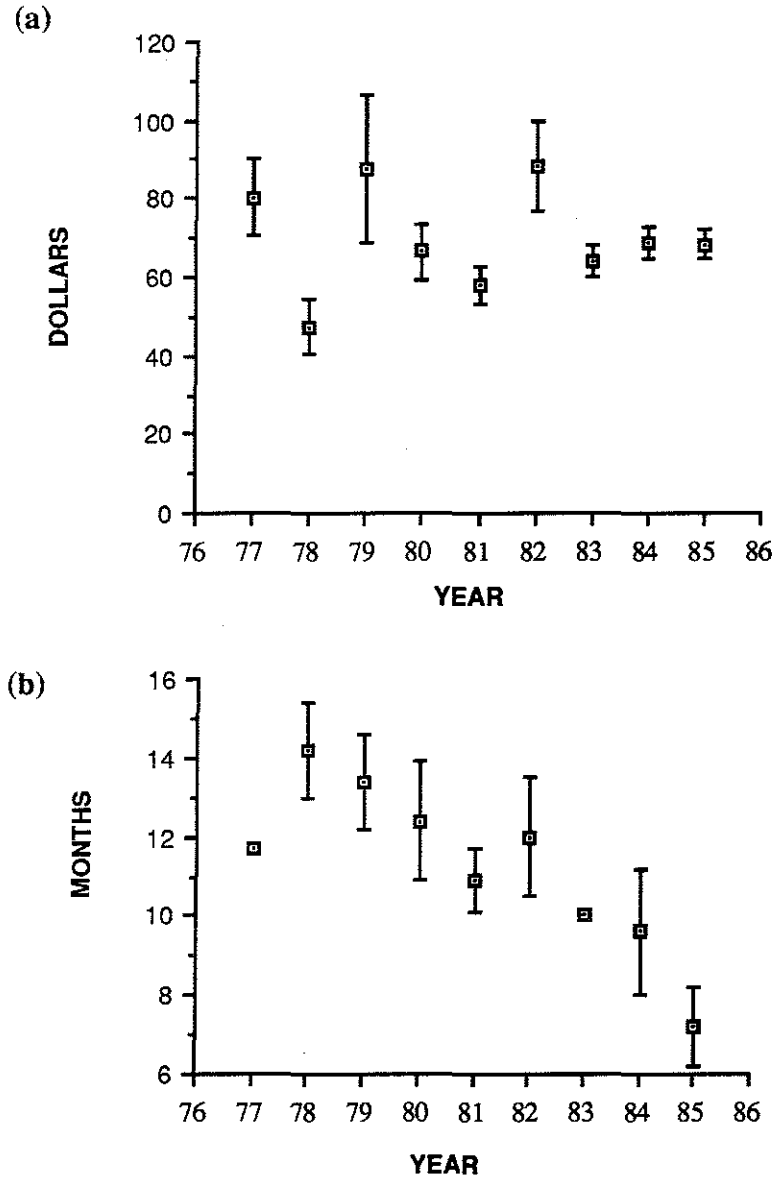

Figure 7: Mean fine (a) and probationary period (b) imposed on offenders in the Children's Court

3.6 UNEMPLOYMENT

The relationship between total unemployment rate and the number of charges heard in the Court of Petty Sessions appears to exhibit a lag effect with the changing unemployment rate followed by a delayed change in the number of charges heard for a particular quarter [Figure 8]. However analysis indicates the total unemployment rate has little effect on the number of charges in any of the Courts.

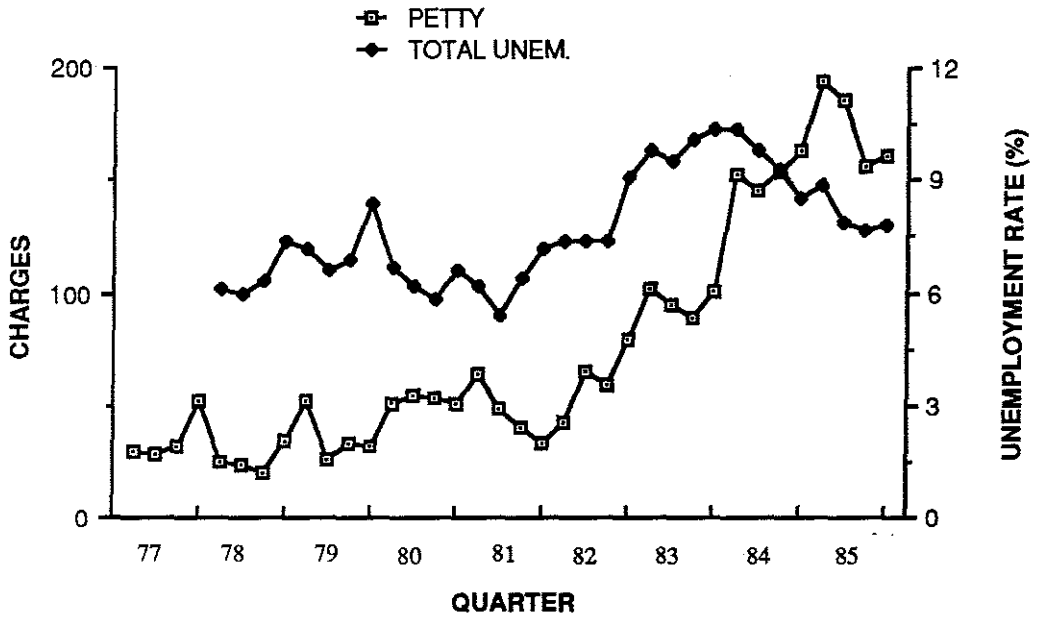

Figure 8: The total unemployment rate for Western Australia plotted against the number of standardised charges (per 100,000) heard in the Court of Petty Sessions for each quarter of the study.

Only the number of offences involving stealing that were heard in the Supreme Court show a relationship with the unemployment rate.($r=0.406, p<0.021$) The bimodal distribution of stealing offences in the Supreme Court [Table 6] coincides with the bimodal distribution of the total unemployment rate [Figure 9].

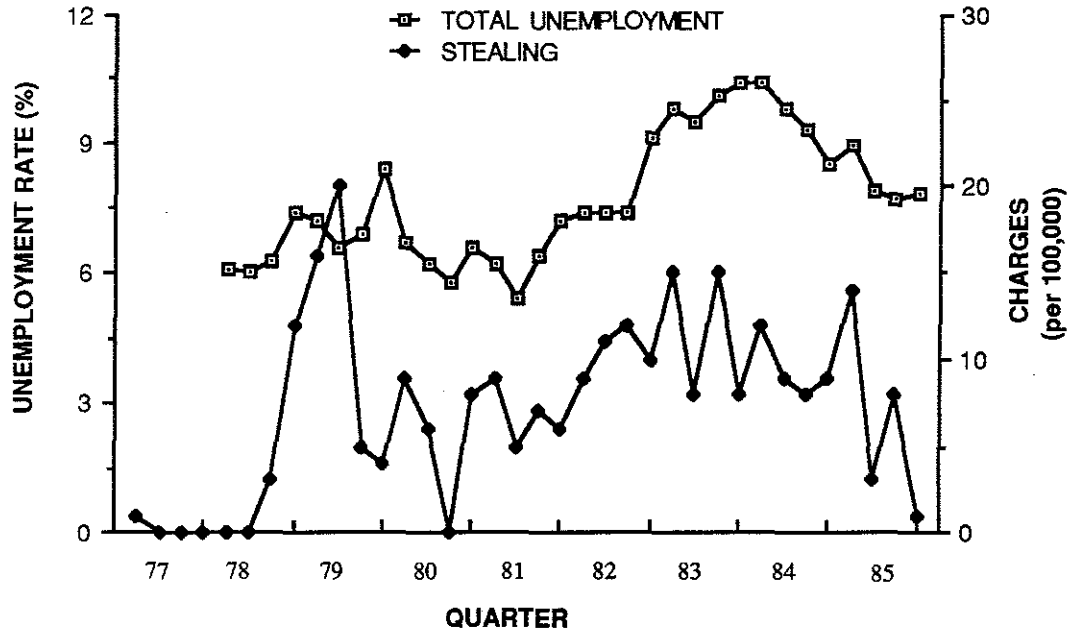

Figure 9: The standardised number of stealing offences related to illicit drugs heard in the Supreme Court plotted against the total unemployment rate of Western Australia.

3.7 MISUSE OF DRUGS ACT

It has been shown that since 1982 the number of charges that have been heard in the Court of Petty Sessions and the Children's Court have increased greatly [Figures 1(b),(c)] and there has been no such increase observed in the Supreme Court. These increases could be explained in terms of changes in unemployment rate, increased police activity or changes in government policy. A multiple regression analysis inidicates that the greater proportion of this increase can be attributed to the introduction of the Misuse of Drugs Act as a large proportion of the variation in the number of charges heard in the Courts of Western Australia can be explained by comparing the period prior to and after he introduction of the Misuse of Drugs Act. This suggests that the cause of this rapid increase is related to the type of offences heard in these courts.

The majority of offences heard in the lower courts involve cannabinols [Table 9] and are related to possession of illicit drugs and possession of implements or utensils used to smoke illicit drugs [Tables 7,8]. It follows, therefore, that the rapid increase in offences in these two courts

is due to an increase in charges relating to the possession of cannabinols and possession of implements or utensils used to smoke cannabis.

On studying the Act it becomes clear that it is only an offence to possess an implement or utensil for smoking an illicit drug if a trace of that drug is evident within this implement. Therefore two charges would arise out of such an instance; one for possession or use of cannabis, and another for possession of implements or utensils used for smoking cannabis.

The type of penalty imposed by the Court of Petty Sessions upon such offenders is usually a fine (82%). The mean fine is $142 with a large standard deviation of 125.2. This variability can be explained by the fact that at least a trace of prohibited drug or plant must be in evidence, therefore the fine is likely to be related to the amount of the drug possessed. Table 12 shows the frequency distribution over the study period of these fines and it can be seen that 86.6% of offenders have been fined less than $200.

Table 12:Frequency distribution of fines over the study period for possession of implements used to smoke cannabis.

Fine ($)	Percentage
< 100	58.5
101-200	28.1
201-300	7.4
> 300	6.0

The numbers of offenders appearing in the Court of Petty Sessions may also have been increased by other provisions of the Act. Prior to the introduction of the Act, 2.2% of offenders appearing in the Court of Petty Sessions were given sentences for trafficking in cannabinols. After the introduction of the Act this percentage was significantly increased to 4.6% of offenders appearing in the Court of Petty Sessions [Table 7].

The increase in trafficking charges heard in the Court of Petty Sessions will cause an increase in the total number of charges in that court, but due to the small percentage of total charges the greater fine that these offences might attract will not be reflected in the mean fine for all offences heard in that court.

In the period after the introduction of the Act there was a decrease in the number of charges heard in the Supreme Court [Figure 1(a)] and in particular charges relating to the activity of trafficking [Table 6]. In fact the percentage of charges heard in the Supreme Court involving trafficking cannabinols decreased significantly from 55% before the Act was introduced to 30% after the introduction of the Act.

An increase in the length of jail sentences and the size of fines also accompanied this decrease in the number of charges [Figure 4] in the Supreme Court. The size of fines displayed large variations in this period of time.

Table 13 The number of cases heard by each Magistrate and the mean fine imposed for possession of cannabis by that Magistrate for the period prior to and after the introduction of the Misuse of Drugs Act. Significance levels are given between the two periods and between the Magistrates for the two periods.

	Prior		After		Significance
Magistrate	N	Mean	N	Mean	
45	92	184.7	241	172.5	0.33
47	74	90.8	72	78.3	0.36
48	70	109.2	254	138.1	0.1
52	10	212.0	15	140.0	0.01
59	12	254.2	212	87.5	0.0001
68	29	333.6	4	262.5	0.52
69	15	250.0	3	183.3	0.04
70	25	294.8	32	209.1	0.01
80	52	170.6	113	195.7	0.36
81	198	127.3	468	176.4	0.001
83	154	130.0	123	167.2	0.05
92	4	62.5	316	116.4	0.63
Significance		0.0001		0.0001	

Evidence is shown in Table 13 to suggest that Magistrates differ significantly in their levels of sentencing. This table shows that the level of fines for the possession of cannabis imposed by 12 Magistrates differed significantly before and after the introduction of the Act.

There is no unified change in sentencing levels of these Magistrates from before the introduction of the Act to after the Act's introduction. Four of the Magistrates significantly increased the level of fines, two others significantly decreased the level of fines, whilst the oveall size of fines shows no significant change.

Although the four Judges studied from the Supreme Court all increased the length of jail sentence after the introduction of the Act. Interestingly there was a significant difference in the sentence imposed on offenders only one had significantly increased the length of maximum jail

Table 14: The mean fine and maximum jail sentences given by several Magistrates of the Supreme Court before and after the introduction of the Misuse of Drugs Act.

	Before		After		
Magistrate	Mean	N	Mean	N	Significance
Fine					
16	1000.0	3	4978.6	7	0.22
17	1614.4	7	5475.0	7	0.15
20	1342.9	7	5000.0	5	0.07
25	989.5		1612.5	12	0.12
26	1511.0	21	1500.0	3	0.98
Significance	0.45		0.22		
Maximum Jail					
13	20.8	24	37.3	7	0.04
17	15.5	18	24.0	5	0.24
20	28.8	12	31.6	7	0.77
26	22.0	20	24.9	9.4	0.53
Significance	0.02		0.55		

length of maximum jail sentence imposed between the four Judges prior to the introduction of the Act. This was not the case after the introduction of the Act [Table 14].

Even though mean fines for trafficking cannabis increased after the introduction of the Act there is no significant difference between the two periods [Table 14]. This is due to the large variation in fines imposed in the period after the introduction of the Act [Figure 4].

3.8 RECIDIVISM

The extent of repeated offences within each court has already been described [Section 3.1] but Table 15 provides an indication of the extent of recidivism for this time period.

Even though only 6% of offenders appearing in the Supreme Court were repeat offenders within the Supreme Court, 58% of offenders appearing in the Supreme Court had also appeared in the Court of Petty Sessions either before or after appearing in the Supreme Court. Only 1% of offenders in the Supreme Court had previously appeared in the Children's Court.

Table 15: Percentage of offenders appearing in one court that also appear in another court

	Court of Repeat		
	Supreme	Petty Sessions	Children's
Supreme	6	58	1
Petty Sessions	3	37	2
Children's	1	20	28

Although 37% of offenders appearing in the Court of Petty Sessions re-appeared in that court only 3% also had either previously appeared in the Supreme Court or later appeared in the Supreme Court. Offenders previously tried in the Children's Court only constituted 2% of the

total offenders appearing in the Court of Petty Sessions.

Of those offenders who appeared in the Children's Court, 20% were subsequently charged with committing illicit drug offences heard in the Court of Petty Sessions, whereas only 1% re-appeared in the Supreme Court.

The effect of penalty type on rates of recidivism in the Children's Court is summarised in Table 16. More offenders who were given a jail sentence for possession of cannabinols re-offended in comparison to those given other penalties. However, there was only a significant difference between the number of offenders that re-offended after receiving a jail sentence and those offenders receiving a Community Service order.

Table 16 : Percentage of offenders charged with possession of cannabis and heard in the Children's Court, by prior charges, for each penalty shown that either never offended again or reoffended once or two or more times.

Offences		Penalty				
Repeat	Prior	Jail	Fine	Probation	Bond	C.S.O.
0	0	52.9	69.6	64.5	73.3	79.3
	1	11.8	7.2	9.2	5.3	5.2
	2		2.8	4.0	0.6	1.7
1	0	23.5	9.4	7.2	12.1	3.4
	1	5.9	1.0	2.0	0.8	1.7
	2		0.6	0.7		3.4
2	0	5.9	7.4	11.9	7.3	5.1
	1		0.9	0.7	0.3	
	2		0.6		0.3	
Total		17	694	152	356	58

It would be expected that these two groups should differ in their criminal histories because of the difference in severity of penalty. It is likely that those offenders jailed were given this

sentence because of a previous criminal record, whereas those in the group receiving a Community Service Order had few previous convictions. Within this database, of those jailed 82.3% had no previous illicit drug convictions compared to 87.8% of those receiving a Community Service Order. However, this difference was not signicant which suggests that those offenders receiving a jail sentence may have had previous convictions for charges other than illicit drug-related charges.

The level of penalties within the Children's Court made little difference to the rate of recidivism. Although in Table 17 there are shown fewer offenders who re-offend after receiving a high fine as compared to those receiving a relatively low fine, there is no significant difference between these levels. This is also the case for the levels of each of the other penalties shown in Table 3 within the Children's Court.

Table 17: Percentage of offenders fined by the Children's Court for possession of cannabis that either never offended again or reoffended once or two or more times.

Offence		Fine	
Repeat	Prior	<= $40	>= $100
0	0	68.8	69.8
	1	6.2	8.8
	2	1.7	2.5
1	0	11.4	8.8
	1	0.6	1.5
	2	0.6	1.0
2	0	9.1	7.0
	1	1.7	
	2		1.0
N		176	205

Within the Court of Petty Sessions the type of penalty imposed upon an offender for

possession of cannabinols appears to have no effect upon the rate of recidivism. Table 18 shows that jail sentences are given more frequently to offenders with previous convictions (48.7%) than good behaviour bonds (91.3%), with both types of penalties having a similar rate of recidivism.

A major factor influencing a Magistrate in determining the level of penalty an offender may receive is that offender's prior record. The group of offenders receiving high levels of penalties [Table 3] in the Court of Petty Sessions had a significantly ($p<0.05$) lower percentage of offenders with no previous illicit drug record than those receiving a less severe sentence within this database.

Table 18: Percentage of offenders, by prior charges, for each penalty shown that either never offended again or reoffended once or two or more times after being charged for possession of cannabinols and heard in the Court of Petty Sessions.

Offences		Penalty				
Repeat	Prior	Jail	Fine	Probation	Bond	C.S.O.
0	0	41.3	68.4	55.4	76.9	56.7
	1	17.4	9.0	12.2	6.1	14.9
	2	23.4	2.0	13.7	1.7	15.3
1	0	4.6	7.2	5.8	10.4	2.9
	1	2.3	1.4	2.9	0.7	2.4
	2	5.6	0.9	1.4	0.4	1.5
2	0	2.8	5.2	3.7	4.0	3.8
	1		1.3	2.4	0.4	1.0
	2	3.0	1.0	2.8		1.4
N		218	13835	518	441	208

Only the length of probationary period displayed a significant difference ($p<0.05$) in rate of recidivism. Those offenders receiving relatively long probationary periods (>=18) re-offended

more frequently than those receiving relatively short periods (< = 6 months) [Table 19].

Table 19: Percentage of offenders given a probationary period for possession of cannabis in the Court of Petty Sessions that either never offended again or reoffended once or two or more times.

		Probation			
Offences		<= 6 Months		>= 18 Months	
Repeat	Prior	Within	Total %	Within	Total %
0	0	77.5	88.7	44.6	76.0
	1	7.0		15.7	
	2	4.2		15.7	
1	0	5.6	8.4	5.4	12.8
	1	1.4		4.9	
	2	1.4		2.5	
2	0		1.4	2.9	11.4
	1	1.4		3.5	
	2	1.4		5.0	
N			71		204

The rate of recidivism increased among the group of offenders convicted for possession of opioids. This group re-offended significantly more frequently after receiving a jail sentence, fine or probationary period than did the group convicted for the possession of cannabinols [Table 20].

The range of penalties imposed for trafficking of cannabinols within the Supreme Court generally showed no impact on the rate of recidivism. However the group of offenders who received a probationary period were significantly likely to re-offend than were the offenders who were fined ($p<0.1$).Both groups had similar proportions of prior offences [Table 21].

Table 20: Percentage of offenders who were not charged more than once during the study period after receiving the shown penalty for trafficking in either of the two drug types in the Court of Petty Sessions.

	Penalty		
Drug Type	Jail	Fine	Probation
Cannabinol	82	83	81
Opioid	58	63	71

Table 21: Percentage of offenders charged with trafficking cannabinols and given the shown penalties in the Supreme Court that were either charged only once or two or more times, by prior number of prior offences during the period of the study.

Offences		Penalty			
Repeat	Prior	Jail	Fine	Probation	C.S.O.
0	0	53.8	65.7	55.0	62.2
	1	10.9	9.8	11.0	11.1
	2	8.4	3.5	2.2	
1	0	10.6	9.1	14.3	13.3
	1	1.8	2.1	2.2	2.2
	2	2.2	1.4	1.1	
2	0	6.8	7.7	11.0	8.8
	1	3.4		3.3	
	2	2.3	0.7		
N		275	143	91	45

The length of jail sentence or the size of fine imposed on offenders convicted for trafficking cannabinols in the Supreme Court did not have any apparent effect on the rate of recidivism for this group of offenders.

The rate of recidivism for those offenders charged and jailed for trafficking opioids was significantly greater ($p<0.001$) than for those jailed for trafficking cannabinols [Table 22]. The increased recidivism within this group was not altered by the length of jail sentence imposed.

Table 22: Percentage of offenders charged with trafficking opioids in the Supreme Court, by prior charges, for each penalty shown that were either only charged once or two or more times during the period of the study.

Offence		Jail	
Repeat	Prior	%	Total
0	0	27.1	46.1
	1	9.0	
	2	10.0	
1	0	13.6	28.2
	1	4.0	
	2	11.6	
2	0	12.5	14.5
	1	5.5	
	2	7.5	
N			199

3.9 TREATMENT

The group of offenders convicted for offences involving opioids have an increased rate of recidivism as compared to offenders convicted for offences previously discussed [Table 20, Table 22]. As the majority of offenders within the treatment group were convicted for these types of offences [Table 4] it is of interest to determine what effect diversion has upon this

recidivism.

To achieve this the group of offenders diverted to treatment programs were matched with other offenders in the database [Table 4 and Section 2.7].

There was no significant difference in the rates of recidivism for each group. Recidivism rates were similar to those for offenders convicted for opioid offences who received penalties other than diversion [Table 23].

Table 23: Percentage of offenders diverted to a treatment agency by a Judge or Magistrate that were either charged only once or two or more times.during the period of the study. A matched group is shown in the Non-Treatment column.

Offences		Treatment		Non-Treatment	
Repeat	Prior	Within	Total %	Within	Total %
0	0	22.9	48.7	31.4	48.6
	1	11.4		5.7	
	2	14.4		11.5	
1	0	11.4	28.6	8.6	31.6
	1	8.6		8.6	
	2	8.6		14.4	
2	0	11.5	23.1	11.4	20.0
	1	2.9		2.9	
	2	8.7		5.7	
N		35		35	

More offenders who had previous records but who never re-offended were found in the treatment group than the non-treatment group. In fact three offenders who never re-offended had 7, 10 and 13 previous offences respectively.

Of the offenders in the treatment group who were convicted for offences after treatment 44% were charged with offences involving opioids, whereas 17% of the repeated offences for the non-treatment group involved opioids.

Both groups re-offended in the same proportion (69%) when cannabinol offences were considered.

4.0 DISCUSSION

The concentration of illicit drug offenders aged 20-30 years is similar to that described for uses of illicit drugs nationally (McAllister and Moore 1988). This age group is also the most highly represented age group for illicit drug related hospital stays in Western Australia between 1981 and 1987 (Hayward 1988).

The pattern of illicit drug offences for youths aged between 14 and 19 years matches those found in surveys of illicit drug use nationally. The high percentage of charges relating to cannabinols matches the description for illicit drug use of this age group (McAllister and Moore 1988). Negligible opioid use as found by national surveys, also is consistent with the data on illicit drug charges for this age group (McAllister and Moore 1988). The only difference reported to date nationally is the lack of any cocaine related charges in the Children's Court, as compared to criminal use nationally (McAllister and Moore 1988).

Females in the age group 14-19 years are shown to have similar patterns of use of illicit drugs as males in the same age group in the general population, whilst the percentage of females reported to be using illicit drugs in the general population decreases markedly after this age (McAllister and Moore 1988). This fact may account for the greater number of females charged with illicit drug offences in the Children's Court than in the higher courts.

The rate of increase in charges within the Children's Court is not matched by the rate of increase in use of cannabis nationally as measured by the percentage of those who have tried cannabis (McAllister and Moore 1988). A survey of New South Wales year 10 students' weekly drug use showed an increase in 1977 to 1983 but a decline in 1983 to 1986 (DEET 1988). Data obtained from illicit drug related stays in hospitals in Western Australia show a consistent level of morbidity from 1981 to 1985. As this increase has been largely due to an increase in charges for possession of cannabis and possession of utensils used to smoke cannabis the morbidity rate for illicit drug related cases may not have been affected greatly. It appears that this increase can be attributed in part to an increase in use of illicit drugs, namely cannabis, and to the introduction of the Misuse of Drugs Act.

It would appear that the emphasis given to smoking of cannabis and utensils contained within the new Act, and the increased sensitivity of police to illicit drug charges, caused a substantial increase in illicit drug charges in the Children's Court.

A similar account can be offered for the illicit drug charges within the Court of Petty Sessions. McAllister and Moore (1988) show an increase from 1973 to 1985 in the percentage of persons between 20 and 29 who have ever used cannabis. An increase in the morbidity related to cannabis use was also observed from 1981 to 1987 (Hayward 1988). However, these two factors alone could not account for the substantial increase in charges in the Court of Petty Sessions. The percentage of persons who have ever used cannabis increased linearly whereas the increase in charges in the Court of Petty Sessions increased in an almost exponential fashion.

It appears the major reason for this increase, particularly from 1982, was the introduction of the new Act leading the way for more charges of possession of cannabis and possession of utensils and implements used for smoking cannabis. An increase in the number of charges for trafficking in cannabinols would have also resulted from this change. Increased jurisdiction of Magistrates within the Court of Petty Sessions has meant that more cases of this kind are heard in that court as opposed to the Supreme Court . For the same reason the number of charges

heard in the Supreme Court has decreased. This decrease can entirely be apportioned to the decrease in cannabinol trafficking charges heard in the Supreme court.

It is unclear as to what degree the unemployment rate has effected the total number of charges heard in each court over the period of the study. The association of the number of stealing offences heard in the Supreme Court and unemployment rate is clearly demonstrated. This suggests that with an increase in unemployment rate, offences such as breaking, entering and stealing [see Appendix 1] related to illicit drugs also increase. As property or stealing offences committed by illicit drug users are generally related to generating income to purchase drugs (Dobinson and Ward.1986) or to directly obtain drugs such offences are more likely to be associated with economic indicators, such as unemployment rate, as opposed to possession and trafficking type offences. This may explain the lack of association between the unemployment rate and the number of possession and trafficking offences.

At the same time as the charges heard in the Supreme Court decreased, those offences relating to opioids increased. The increase after 1980 is consistent with the opioid related morbidity data, which shows an increase from 1981 up until a peak in 1984. Mortality data for opioid related deaths showed a similar increase with a large increase in opioid related deaths in 1985 (Hayward 1988).

The bimodal distribution of opioid related illicit drug charges reflects the distribution of opioid drug deaths in Western Australia from 1977 to 1985. Both sets of data show a bimodal distribution peaking around 1977 or 1978 with a low at 1980 or 1981 and peaking again in 1984 (Swensen 1988). Heroin offences figures from New South Wales in 1974 to 1985 show a similar bimodal distribution (NSW Attorney-General's Department), however the standardised rate is approximately 10 times higher in New South Wales as compared to Western Australia. As opioid related mortality in New South Wales from 1982 to 1985 (Muir 1988) is 3 to 5 times higher than in Western Australia the relative prevalence of opioid offences in N.S.W.may be higher than in Western Australia. The fact that both indicators of opiod use in N.S.W. show higher levels than in Western Australia suggests that there may have been

relatively fewer opioid users in Western Australia than in N.S.W. during the period of the study.

The number of charges relating to the other types of illicit drugs were less than for charges relating to either Cannabinols or Opioids. Considering cocaine was thought to have re-emerged as a popular drug in Australia during the mid-1970's (Byrski 1986), it is therefore not surprising to find offences relating to this drug dating back to 1977. The number of offences relating to barbiturates differ greatly to those shown in morbidity data for Western Australia(Hayward 1988). This indicates that for some drug types, police arrest data may greatly underestimate the extent of illicit drug use within the communty. This is the conclusion that Harris (1988) reached when comparing police arrest data to other sources of data and highlightis the need to collect data from several sources to describe a true picture of illicit drug use in the community.

Cannabinol related offences represent the majority of offences heard in the courts of Western Australia. A large proportion of these cases involve possession of cannabis or utensils used for smoking cannabis. The data compiled on recidivism for such offences suggests that the majority of offenders have only appeared in the courts once.

Illicit drug charges comprised 5.8%, 4.0% and 3.9% of all charges heard in the Supreme Court, Court of Petty Sessions and the Children's Court respectively in 1984-85 (A.B.S. 1986). Based on the percentages of charges relating to possession of cannabis and possession of implements used to smoke cannabis an estimation of the number of charges heard involving such offences can be calculated. In 1984-85 alone approximately 3,400 charges would have been heard in the Courts of Western Australia involving these offences. Introducing decriminalisation of possession of small amounts of cannabiswould serve to reduce this load on the judicial system. However, clearly such action should not be taken until issues relating to decriminalisation of cannabis are addressed.

Decriminalisation was introduced in South Australia in 1987 when cannabis expiation notices

were introduced. The initial belief that this would reduce the total number of cases appearing before the courts was shown to be not as significant as expected. Only 44.3% of 'on the spot' fines for possession or use of small amounts of cannabis were paid in the first 10 months of the system (Faulkner et al. 1988). This meant that over half of the persons issued with notices subsequently appeared in the courts.

The question of whether decriminalisation will lead to increased use should also be addressed. The South Australian experience may provide an opportunity to study trends in morbidity and mortality data before and after the introduction of expiation notices. Other indicators of use such as surveys and police arrest data may also be helpful in assessing the degree of use of cannabis.

Given this information it should be possible to answer the question as to whether the reduced savings achieved by freeing the judicial system of such cases are likely to be outweighted by the costs of increased use of cannabis.

Change in rates of recidivism is another factor that must be considered in any change to law enforcement policy and sentencing practices. Recidivism rates may have been under-estimated in this study due to the use of aliases by offenders, change of name on marriage and errors in names of offenders from one charge to another that could not be traced.

As shown earlier, the increase in crimes of similar type in the Children's Court could be largely attributed to the introduction of the Misuse of Drugs Act. This had the effect of reducing the variability of penalties in this court and decreasing the length of probationary periods imposed on offenders. This may reflect the feeling of Magistrates of the Children's Court that long probationary periods are not effective in reducing recidivism of offenders in that court.

Within the Court of Petty Sessions the analysis on rates of recidivism showed that long term probationary periods proved to be less effective than did shorter periods. Longer probationary periods appeared to be imposed upon offenders who had more extensive previous records.

Analysis of recidivism between penalty types in any of the courts showed few differences. A significantly lower rate of recidivism was only found in the group of offenders receiving a Community Service Order from the Children's Court as compared to those jailed in that Court and offenders fined in the Supreme Court as compared to those receiving a probationary period from that Court. However the extremely low numbers of offenders jailed in the Children's Court limits the scope of analysis.

It can be concluded that there is little difference in recidivism of offenders, given different penalties, when offenders committing similar offences with similar prior convictions are considered. This would suggest that fining offenders convicted of illicit drug offences would be a more viable proposition, especially when a choice exists between fining or imposing a long probationary period on an offender with a lengthy previous illicit drug offence record.

Such a measure should prove to be more cost effective. Reduced costs would be achieved through decreasing the number of offenders handled by the probationary system. At the same time increasing the number of fines imposed would generate more revenue. For such a system to operate effectively the number persons who are convicted and renege on paying fines would have to be minimised. From the evidence provided from the introduction of 'on the spot' fines in South Australia this may present a problem.

The relatively higher rates of recidivism among offenders convicted of opioid related offences suggest that these offenders should be dealt with differently to other offenders. With an increase in the number of opioid related offences, especially more severe offences (Supreme Court), this matter is one of concern. Diversion of this type of offender into treatment programs from the courts may be one way of addressing this problem. However, the data presented in this paper suggests that this process may not be as successful as may have been anticipated.

The small sample size used in the analysis of rates of recidivism between offenders diverted to

treatment agencies and those not undergoing any form of treatment was caused by a combination of factors. The restriction imposed by both matching individuals and the restricted time frame, due to the small overlap of time between the database and treatment agency records, has limited the conclusions which can be drawn from this comparison. However, this anlaysis does indicate the need for a more thorough evaluation of diversion of illicit drug offenders into treatment agencies.

In the light of the current debate as to whether heroin should be made more available in Australia the relatively high rates of (illicit drug offence) recidivism among offenders convicted for opiod related offences and the implication that treatment may do little to remedy this problem suggests that there is no reason to suspect that making heroin more available will ameliorate such circumstances.

REFERENCES

Department of Employment, Education and Training. *Young Australians and Drugs : Part 1* Australian Government Publishing Service, 1988.

Bush , R. and Scagliotti, l. Programmes for Opiate Users at the Criminal Justice and Health Care Interface: A Systems Analysis of the New South Wales Experience. In: Santameria, J. (ed.) *Proceedings, 1983 Autumn School of Studies on Alcohol and Drugs*. Melbourne: St. Vincent's Hospital, 1983.

Dobinson, I. and Ward, P. *Drugs and Crime: A Survey of NSW Prison Property Offenders*. Sydney: Bureau of Crime Statistics and Research, 1985.

Dobinson, I. and Ward, P. Heroin and Property Crime: An Australian Perspective. *Journal of Drug Issues,* 1986;(16):249-262.

Faulkner, M.A., Burns, T & Bungey, J. *Indicators of Illegal Drug Use : South Australia* paper prepared for the First National Drug Indicators Conference held at the Australian Institute of Criminology, Canberra, 10-12 May 1988.

Harris, A.H. Assessing Patterns of Drug Use in Local Jurisdictions *Int J Addict* 1988;23(10):1071-1081.

Hayward, L. *Indicators of Illegal Drug Abuse in Western Australia 1981-1987* Health Department of Western Australia, 1988.

Luger, M. Coercion and Treatment. *Journal of Drug Issues*, 1986;(16):307-311

Mant, A. and Thomas, B. Estimating prevalence of opiate use in South Australia. In: Sackville, R. (Chairman). *Royal Commission Into the Non-Medical Use of Drugs, South Australia. Three Studies in Drug Use.* Adelaude: Gillingham Printers, 1979.

McAlister, I & Moore, R. *Drugs and Public Opinion Sociology of Illicit Drug Use in Australia* Commonwealth Department of Community Services & Health, 1988.

Muir C. *Indicators of Illicit Drug Abuse in New South Wales* paper prepared for the First National Drug Indicators Conference held at the Australian Institute of Criminology, Canberra, 10-12 May 1988.

National Campaign Against Drug Abuse. *Research Into Drug Abuse Program : Report of Activities 1985-87* Australian Government Publishing Services, 1986.

New South Wales Attorney-General's Department. Heroin Use and Crime *Crime & Justice Bulletin* Contemporary Issues in Crime & Justice;1987:3.

New South Wales Bureau of Crime Statistics and Research. *The Sydney Drug Diversion Program: The First Two Years*. Sydney: Government Printer of NSW, 1981.

Potas, I. Sentencing Drug Offenders in New South Wales. Canberra: Australian Institute of Criminology, 1983.

Sandland, R.L. Methods of Estimating the Number of Heroin Users In New South Wales. New South Wales Drug and Alcohol Authority report No. A 84/3, 1984.

Smith, D.I., Somerford, P. & Harrison-Stewart ,A. *The Western Australian Illicit Drug Charges Statistical Collection* paper prepared for the First National Drug Indicators Conference held at the Australian Institute of Criminology, Canberra, 10-12 May 1988.

Swensen G. Opioid Drug Deaths in Western Australia : 1974-1984 *Aust Drug Alcohol Rev* 1988;7:181-185.

Wardlaw , G. Drug Control, Policy and the Drugs-Crime Connection. In: Bush, R.A. (ed.) *Exploring the Alcohol and Drug crime Link: Society's Response*. Canberra: Australian Institute of Criminology, 1986.

Wardlaw, G. *Uses and Abuses of Drug Law Enforcement Statistics : Trends and Issues : No. 1* Australian Institute of Criminology, Canberra, 1986.

Williams, R.J. The Clinical-correctional Interface in the Teatment of Drug Offenders: The Evidence from NSW, Australia. *Drug and Alcohol Dependence,* 1982;(10):211-222.

APPENDIX I

The categories of activities involved in illicit drug charges during 1977 to 1985 are listed below -:

GROUPING	ACTIVITY
1.POSSESSION	Cultivation Possession of a drug Detectable traces of drugs Unlawful possession (no mention of drugs)
2.POSSESSION OF IMPLEMENTS	Possession of implements
3.TRAFFICKING	Intent Supply Sell or sold Conspiracy Intent sell/supply Incite another to sell drugs Attempt to sell or supply Manufacture of drugs Attempt to obtain Offered to sell or supply Conveyed Attempt to export Trafficking drugs
4.USE	Used a drug Found in a place used for smoking cannabis Unlawful use of a drug Under the influence of drugs Smoked drugs Injected Self administer Occupier of premises/permitted premises to be used to smoke prohibited drug
5.FALSE PRETENCES	False pretences False representation to obtain drugs
6.STEALING	Armed hold-up Breaking and entering Stealing with violence Stealing Stealing doctors medical equipment/syringes Stole prescription pad Unlawfully obtained Received stolen medical equipment Attempted breaking and entering pharmacy Breaking and entering pharmacy

	Breaking and entering hospital
7.VIOLENCE	Offensive weapon Assault Deprived of libery Unlawfully wounded
8.FALSE PRESCRIPTION	Forging prescriptions Fraud and uttered prescriptions Medical practioner prescribing drug Altered prescription Doctor under suspension prescribed drugs for injection Unlawful prescribing of drugs
9.RECEIVING	Commission of sales Received, knowing it was stolen
10.OTHER	Motor vehicle accident causing bodily harm Unlawful use of a vehicle Broke good behaviour bond Driving under the influence of drugs Broke parole Broke probation Prepared drugs Obstructing police offficer in connection Broke bail Procure drug addiction Misuse of drugs
11.IMPORTATION	Imported drugs Knowingly concerned with importation of prohibited drug

APPENDIX II

W.H.O. CATEGORY	DRUG
1.CANNABINOLS	Cannabis Cannabis Resin Cannabis Seeds Cannabis Oil Cannabis - Buddha sticks Cannabis Leaf Tetrahydrocannibinol (THC) Hashish Oil Indian Hemp
2.HALLUCINOGENS	LSD Hallucinogenic Psilocybin (Magic Mushroom)
3.BARBITURATES	Pentobarbitone (Pentone) Tuinal Quinalabarbitone (Seconal)
4.TRANQUILLIZERS	Oxazepan (Serepax) Flunitrazepan (Rohypnol) Diazepan (Valium) Chlordiazepoxide (Librium) Prochlorperazine (Stemetil) Nitrazepan (Mogadon)
5.OPIOIDS	Pethidine (Pethoid) Morphine Heroin Opium and Opium tincture Pentazocine Dinydrocodeine Codeine Methadone (Physeptone) Dextromoramide (Palfium) Hydromorphine (Dilaudid) Metylmorphine Normethodone Oxycodone (Percoda) Omnopan Dextroproxyphene Hydrochloride
6.COCAINE	Cocaine
7.AMPHETAMINES	Methylamphetamine Amphetamine Dimethoxy,bromoamphetamine Methylpenidate (Ritalin) Dextroamphetamine (Duromine) Bromo-methylphenylethylamine
8.SOLVENTS - INHALENTS	Methyl Chloroform Hydrocarbon Skefron

	Toluene
	Kiwi Grip Glue/Bestik Glue
	Wattyl Wood Stain
	Petrol
	Benzene
	Spray Fresh
	Metholated spirits and water
	Contact cement
9.OTHER (including Analgesics and Antidepressants)	Bromide
	Drugs
	Methoqualone/Mandrax
	Atropine
	Xylocaine Chloera triple antigen and ADT Vaccines
	Sinaquine
	Deleterious drug
	Trimipramine
	Biocitrin
	Disprin
	Brompton's Mixture
	Bex Powder
	Poison