

statistical report **8**

drug offences 1972

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Background Note

This report on 1972 drug offences is more comprehensive than earlier drug reports issued by the Department of the Attorney General and of Justice. The basic data continues to be derived from Courts of Petty Sessions throughout New South Wales. A statistical return is filed in each case where a person is convicted under Parts III and IV of the Poisons Act. These reports have been prepared since January 1970 and useful comparisons can be made between the results for 1972 and the findings reported in earlier years (see Part I of the present report).

But a complete picture of drug convictions in New South Wales demands that attention be paid to a number of other sources of information. First, there is a comparatively small number of 'serious' cases heard by Higher Criminal Courts rather than Courts of Petty Sessions. An overall assessment of the penalties imposed on drug offenders needs to take account of the cases dealt with on indictment (see Part II of this report).

A somewhat larger number of cases occur in the category 'drug offences involving Commonwealth legislation'. With the cooperation of the Commonwealth Bureau of Narcotics it has been possible to prepare a separate analysis of drug offences under Commonwealth legislation, dealt with by Courts based in New South Wales. The focus in this section of the report (Part III) is upon the importation of prohibited substances.

Not all drug cases involving juveniles are prosecuted in accordance with the provisions of the Poisons Act. A comparatively small number of young people are treated as 'neglect' cases under Section 72 (h) of the Child Welfare Act. A brief note on these cases is presented in Part IV of the report.

Finally, an attempt is made in the concluding section of the report (Part V) to present an overview of the total range of drug convictions which occurred in New South Wales during 1972 together with the ages of offenders, the prohibited substances involved in their offences and the penalties imposed by the Courts.

Any agency which compiles crime statistics is under an obligation to alert the general reader to a number of factors which may need to be taken into account in arriving at a balanced interpretation of apparent trends. For example, in its annual publication UNIFORM CRIME REPORTS, the American F.B.I. indicates the need to consider such factors as density, composition and size of the population, when interpreting crime statistics.

Moreover, in a society where policy is strongly directed towards preventing the young from becoming users of proscribed drugs, there is the possibility that official statistics will understate drug usage among older age groups.



Part I Offences under Parts III & IV of the Poisons Act, NSW



The Overall Picture (1972)

A total of 1058 persons were convicted under Parts III and IV of the Poisons Act during 1972. This represents an increase of 20.4 per cent over the total number convicted during the previous year.

A balanced interpretation of the significance of this increase must include consideration of the factors discussed in the background note.

Those convicted ranged in age from one girl of fourteen and four girls and two boys of fifteen, to 18 offenders who were over 40 years of age. However 94.7 per cent were under 30 years of age. In this respect, the age distribution was virtually identical with the 1971 results.

Males accounted for 87 per cent of the total convictions and females 13 per cent.

Age of Offenders	Age in years	Number	Percentage
	14	1	0.1
	15	6	0.6
	16	32	3.0
	17	52	4.9
	18	114	10.7
	19	138	13.0
	20	152	14.4
	21	142	13.4
	22	122	11.5
	23	69	6.5
	24	64	6.1
	25	46	4.4
	26	25	2.4
	27	19	1.8
	28	12	1.1
	29	7	0.7
	30 - 34	31	2.9
	35 - 39	7	0.7
	40+	18	1.7
	Not Known	1	0.1

Sex of Offenders	Sex	Number	Percentage
	Male	920	87.0
	Female	138	13.0
		<u>1058</u>	<u>100.0</u>

Circumstances of offence

The majority of offences were committed in company. Approximately 58 per cent occurred in these circumstances compared with 65 per cent in the previous year.

A motor vehicle was reported as being the setting in which 132 (12.5 per cent) of the offences took place. However, three-quarters of the offences were said to have taken place in private dwellings (53 per cent) and public places (19.6 per cent).

Drug offenders tend to be young and the vast majority (81.5 per cent) of those convicted in 1972 were single. One in ten was married or living in a de facto relationship.

Circumstances of Offence

	Number	Percentage of individuals
In company	612	57.8
alone	445	42.1
not stated	1	0.1

Marital Status

	Number	Percentage of individuals
single	862	81.5
married	89	8.4
widowed	2	0.2
divorced	4	0.4
permanently separated	9	0.9
de facto	21	2.0
not stated	71	6.6

Occupation

The results of many sociological studies have shown that occupational prestige - the relative social standing which the Australian public accords different occupations - is an effective indicator of variation in life style and opportunities associated with the concept of 'class'. The categories of occupation range from A(high) to D(low). Estimates are available of the proportions of the Sydney metropolitan population occurring in each of the four occupational strata (see the figure on the next page).

In 7.6 per cent of cases, the occupation of the offender was not stated. In an equal number of cases the convicted person was a student or school child.

There were also 23 housewives and three pensioners. This meant that 871 offenders could be classified according to the prestige of their respective occupations. As can be seen in the accompanying figure, the offender group contained very few A and B status people but unskilled workers (D category), were grossly over-represented. Again the social structure of the group was almost identical with that reported in 1971:

Occupational Prestige

	1972		1971	
	Occupational category	Number	Percentage of drug offenders	Percentage
Professional/Managerial	A	3	0.3	0.7
Semi-professional/middle management	B	37	4.2	4.8
Sales, small business, clerical, trades, skilled	C	386	44.3	44.3
Unskilled	D	445	51.2	50.1

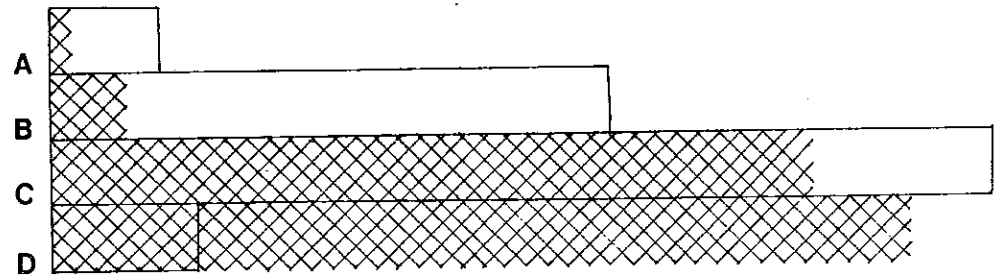


Figure 1 Proportion of drug offenders (1972) by occupation shown shaded against proportion (est.) of general population in occupational categories.

Distribution of Drug Offences by Geographical Area

As in the 1971 report, drug offenders have been classified by geographical area in two ways: by area of residence, and by the area in which the offence occurred. The table overleaf lists the number of drug convictions of people resident in various local government areas.

It is clearly unwise to compare these figures without first taking into account a number of factors, especially the total population of each of the areas. Consequently the figures have been expressed as rates per 1000 of population. As can be seen by comparing the rates, the pattern is rather altered from 1971. Whereas in 1971, 33% of offenders lived either in the Municipality of Sydney or the Municipality of Waverley, in 1972 only 19% were resident in these areas. However, there has been a corresponding rise in the conviction rates for almost all other municipalities and shires in the metropolitan area, as well as Wollongong and the country areas of New South Wales.

It should be noted that there is still a wide variation in conviction rates, ranging from 1.92 for Sydney (City) and 0.00 for the Blue Mountains. Since the number of convictions is related to the age structure of the population in an area (95% of convictions were of people under the age of 29), it would be desirable to express the figures as rates per 1000 of population between the ages of 15 and 29. However, the 1971 Census figures are not yet available to be able to do this. The rank order of municipalities is unlikely to be greatly affected by such an adjustment (see 1971 report).

Appendix B contains a tabulation of offences according to the area where they were committed.

Area of residence, ranked according to the Rate of Drug Convictions per 1000 of Population *

	Municipality or Shire	Number of convictions	Rate per 1000 in 1972	Rate per 1000 in 1971		Municipality or Shire	Number of convictions	Rate per 1000 in 1972	Rate per 1000 in 1971
Sydney (City)	120	1.92	2.74		Strathfield	4	0.15	0.22	
Waverley	82	1.25	1.79		Fairfield	16	0.14	0.11	
Manly	40	1.02	0.87		Drummoyne	4	0.13	0.06	
Woollahra	49	0.82	0.30		Newcastle Statistical District	42	0.12	0.15	
Mosman	15	0.51	0.17		Ku-ring-gai	12	0.12	0.10	
North Sydney	22	0.41	0.28		Baulkham Hills	7	0.12	0.00	
Botany	14	0.37	0.58		Concord	3	0.11	0.08	
Willoughby	20	0.37	0.02		Other specified places N.S.W.	119	0.10	0.04	
Lane Cove	10	0.35	0.10		Camden	1	0.09	0.00	
Sutherland	48	0.32	0.13		Ryde	6	0.07	0.10	
Windsor	5	0.32	0.06		Hunters Hill	1	0.07	0.14	
Leichhardt	21	0.30	0.25		Rockdale	5	0.06	0.08	
Wollongong Statistical District	60	0.30	0.14		Marrickville	6	0.06	0.11	
Randwick	36	0.29	0.27		Holroyd	4	0.05	0.05	
Hurstville	18	0.27	0.07		Canterbury	7	0.05	0.05	
Liverpool	20	0.24	0.07		Auburn	2	0.04	0.04	
Bankstown	38	0.23	0.21		Blue Mountains (City)	0	0.00	0.05	
Warringah	36	0.23	0.17						
Hornsby	22	0.23	0.15						
Penrith (City)	14	0.23	0.03						
Burwood	7	0.22	0.00						
South Sydney	8	0.21	0.51						
Parramatta (City)	21	0.19	0.06						
Blacktown	29	0.18	0.18						
Kogarah	8	0.17	0.28						
Ashfield	7	0.16	0.16						
Campbelltown (City)	5	0.15	0.18						

*Population as at 30th June, 1971. (Rates in the 1971 Drug Report were based on Field Counts from the 1971 Census. Some of these rates decrease very slightly when recalculated on the basis of the final figures).

Birthplace of Drug Offenders

The country of birth of drug offenders is tabulated opposite. Eighty-five per cent of offenders were born in Australia, and only seven per cent were born outside Australia, New Zealand or the U.K.

By looking at the number of people who were born overseas and who were resident in N.S.W. at the time of the 1971 census it is possible to put the conviction figures on a more equal footing. A comparison of the conviction rates per 1000 of population reveals a very high rate for New Zealanders, (1.17) and a comparatively high rate for Americans (0.70) and people from the residual category (all other countries).**

In terms of penalties, there was no significant difference between the Australian born and non-Australian born groups.

Country of birth	Number of convictions	Number resident in N S W at 1971 census	Rate per 1000
Australia	896	3,708,165	0.24
New Zealand	43	36,634	1.17
U K and Ireland	44	349,443	0.13
Malta	2	22,420	0.09
Germany	6	36,709	0.16
Greece	3	53,646	0.06
Italy	2	80,416	0.02
Netherlands	8	27,033	0.30
Yugoslavia	6	52,618	0.11
Other Europe	15	102,684	0.15
Africa	5	24,873	0.20
United States	8	11,448	0.70
Asia	2	67,525	0.03
Turkey	1	5,266	0.19
All other countries*	17	22,300	0.76

**In all these cases, the rates may have been inflated by the presence of recent arrivals or visitors.

*Mainly Canada and South American countries.

Previous Offences

In each case, it was possible to establish whether the offender had a record of previous drug offences and/or offences of other kinds.

As noted in earlier reports, a substantial number of those convicted had a history of previous drug offences. The figure was approximately 17 per cent in 1972 compared with 19 per cent the previous year. However, an even larger percentage (35 per cent in 1972: 28 per cent in 1971) had a history of non-drug offences. More than 1 in 10 had a history of four or more non-drug convictions.

Number of previous Convictions

	Number	% of individuals	Number	% of individuals
Nil	687	64.9	876	82.8
One	145	13.7	80	7.6
Two	64	6.1	45	4.3
Three	40	3.8	25	2.4
Four	35	3.3	13	1.2
Five or more	87	8.2	19	1.7

Substances Used

A number of offences involved more than one type of restricted substance (see the accompanying table). The main combinations will be discussed later in this report. At this preliminary stage, discussion will be confined to an examination of the number of instances in which each distinct category of drug was associated with an offence.

Compared with 1971, the proportion of total offences involving opiates dropped from 30.2 per cent to 19.7 per cent. The major increase was in the number of cases involving cannabis: from 56.2% in 1971 to 69.3% in 1972. There were very slight reductions in the number of cases involving hallucinogens, stimulants, sedatives and cocaine.

Number of prohibited Substances used

	Number of substances	Number of offenders	% total offenders
one	999	94.4	
two	55	5.2	
three	4	0.4	
	<u>1058</u>	<u>100.0</u>	

Distinct Categories of Prohibited Substances used

Category of substance	Number offenders	% total offenders*
Opiates	208	19.7
Cannabis	733	69.3
Hallucinogens	114	10.8
Stimulants	24	2.3
Sedatives	29	2.7
Cocaine	13	1.2

*Because multiple drugs used, adds to more than 100 per cent.

Types of Offences

Many individuals were involved in multiple offences. As part of a uniform method of handling such cases, court officers were required to base their reports on the 'principal offence' (essentially, the offence which incurred the most severe penalty).

This section of the report is not directly comparable with the findings for previous years. However, small increases can be detected in certain of the principal offence categories. For example, in 1971 one person (0.1 per cent) was convicted for manufacturing prohibited substances compared with 10 (1.0 per cent) such convictions during 1972. There were 69 convictions (6.5 per cent) for 'selling' drugs in 1972 compared with 40 (4.6 per cent) the previous year. Nevertheless, the vast majority of drug offences dealt with under the Poisons Act in Courts of Petty Sessions concerned either the 'possession' or 'use' of drugs:

Types of Offences

Principal Offence	Number	Percentage
Possess	407	38.5
Use (i.e take orally)	398	37.6
Administer (i.e intravenously)	101	9.5
Distribute	25	2.4
Sell	69	6.5
Forge and/or utter prescriptions	48	4.5
Manufacture	10	1.0
	<hr/> 1058	<hr/> 100.0

Court Action

Three out of four offenders were either fined or placed on some form of recognizance including probation (which occurred in approximately 26 per cent of all cases).

When a term of imprisonment was imposed, it tended to be for a period of three months or more. Of the 119 people sent to prison, 102 (86 per cent) received a sentence of at least three months. In this respect the table of penalties resembled that for 1971. But there were two ways in which the results for 1971 and 1972 were noticeably different:

(i) there were many more cases during 1972 where the offence was proved but the defendant was discharged under the provisions of Section 556A of the Crimes Act or Section 83 (3) of the Child Welfare Act (approximately 11 per cent in 1972: one per cent in 1971);

(ii) fewer people (approximately 11 per cent) were sent to prison during 1972 compared with the previous year (17 per cent).

Sex

There were no significant differences in the penalties imposed on male and female offenders. Approximately nine per cent of the men and ten per cent of the women were awarded 556A dismissals; 11.5 per cent of the men and 9.4 per cent of the women were sentenced to a term of imprisonment.

Court Action

	Number of Offenders	Percentage of Offenders
Offences proved, discharged (556A; 83(3) C W Act)	115	10.9
Fine	398	37.7
Recognizance	112	10.6
Recognizance and fine	47	4.4
Probation	87	8.2
Recognizance and probation	138	13.0
Recognizance, probation, fine	32	3.0
Committed to an institution	9	0.9
14 days or less	5	0.5
Over 14 days less than 1 month	1	0.1
1 month, less than 2 months	3	0.3
2 months, less than 3 months	8	0.8
3 months, less than 6 months	29	2.7
6 months, less than 9 months	28	2.6
9 months, less than 1 year	15	1.4
1 year, less than 2 years	30	2.8
Not specified	1	0.1
	<u>1058</u>	<u>100.0</u>

Combinations of Drugs

The major individual and combined categories of drugs involved in 1972 offences are presented in the accompanying table. These categories form the basis of a number of tables which follow.

There was a higher proportion of single drug offences in 1972 than there was in 1971. Furthermore, offences involving cannabis alone formed a much higher percentage of the total than they did in 1972. This corresponds to a drop in the incidence of offences involving all other types of drugs.

The types of drugs used have been cross classified with the principal offences. The relevant table appears in Appendix C.

Combinations of Drugs

	Number	% of individuals 1972	% of individuals 1971
Cannabis	682	64.5	48.6
Opiates	190	18.0	24.6
Hallucinogens	75	7.1	7.6
Hallucinogens + Cannabis	36	3.4	3.9
Sedatives	25	2.4	3.5
Stimulants	21	2.0	3.9
Opiates + Cannabis	7	0.7	2.0
Cocaine	6	0.6	0.7
Cocaine + Opiates	5	0.5	0.5
Other	11	1.0	4.7

Drugs X Age

For the purpose of further analysis, the range of individual and combined drugs was reduced to the seven categories which occurred most frequently, together with a residual or 'other' category.

When this information was cross tabulated with data concerning the age of offenders, certain broad trends were discernible. Young people under 21 years of age were twice as likely as older offenders to be associated with offences involving the use of hallucinogens:

Offences involving hallucinogens -

Under 21 years	21 years +
71/496...14.3%	40/562...7.1%

A higher proportion of offenders over 24 years of age were convicted for offences involving sedatives. Approximately 1.5 per cent of the younger age group were in this category compared with 7.3 per cent of the over 24 year olds.

The most common offence in every age group was the use of cannabis. Expressed as a proportion of offences in each age category, cannabis (alone or in combination with opiates or hallucinogens) reached its peak in the 25 - 29 years interval.

Drugs X Age in Years

	Under 17		17-20		21-24		25-29		30+	
	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
Opiates	6	15.0	81	17.8	74	18.6	14	12.8	15	26.8
Cannabis	20	50.0	295	64.7	264	66.5	78	71.6	25	44.6
Opiates + Cannabis	-	-	2	0.4	4	1.0	1	0.9	-	-
Hallucinogens	8	20.0	40	8.8	21	5.3	3	2.8	3	5.4
Hallucinogens + Cannabis	-	-	23	5.0	10	2.5	2	1.8	1	1.8
Stimulants	2	5.0	3	0.7	8	2.0	3	2.8	5	8.9
Sedatives	4	10.0	4	0.9	5	1.3	6	5.5	6	10.7
Other	-	-	8	1.7	11	2.8	2	1.8	1	1.8
	40	100.0	456	100.0	397	100.0	109	100.0	56	100.0

Sex

Men (70.7 per cent) were more likely than women (54.4 per cent) to be convicted for offences involving cannabis. On the other hand, more women (25.3 per cent) than men (17.6 per cent) were convicted for opiate type offences. The same comment applies to offences involving hallucinogens: 16 per cent of the women and approximately 10 per cent of the men were in this category.

Types of offences (distribute, administer etc.) have also been analysed in terms of the sex of the offender. In view of the above comments regarding the types of substances used, it was not surprising that the one category in which there was a decided sex difference was in the (intravenous) administering of drugs: 16 per cent of the female group compared with 8.6 per cent of the males, were involved in this type of offence. The relevant table appears in appendix A.

	Male		Female	
	Number of offenders	Percentage	Number of offenders	Percentage
Opiates	156	16.4	34	24.6
Cannabis	614	66.7	68	49.3
Opiates + Cannabis	6	0.7	1	0.7
Hallucinogens	59	6.4	16	11.6
Hallucinogens + Cannabis	30	3.3	6	4.4
Stimulants	18	1.9	3	2.2
Sedatives	20	2.2	5	3.6
Other	17	1.9	5	3.6
	920	100.0	138	100.0

Social Setting

Offences involving cannabis and hallucinogens were more likely to have been committed in company than offences involving opiates, stimulants and sedatives. Approximately three out of five of the cannabis and hallucinogens users committed their offences in company. Less than half of the offences involving opiates, and two out of five of the sedative cases, were committed in company.

	<i>Opiates</i>		<i>Cannabis</i>		<i>Cannabis + Opiates</i>		<i>Hallucinogens</i>		<i>Hallucinogens + Cannabis</i>		<i>Stimulants</i>		<i>Sedatives</i>		<i>Other</i>	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Offence committed in company	92	48.4	415	60.9	3	42.9	44	58.7	26	72.2	10	47.6	10	40.0	12	54.6
Offence not committed in company	98	51.6	267	39.1	4	57.1	31	41.3	10	27.8	11	52.4	15	60.0	10	45.4
	190	100.0	682	100.0	7	100.0	75	100.0	36	100.0	21	100.0	25	100.0	22	100.0

Previous Convictions

(1) Drug Offences

There was considerable variation in the records of people convicted for using different types of prohibited substances. Those whose offences involved the use of opiates were far more likely to have a history of drug offences than was the case with cannabis users. The difference was especially pronounced when the percentages of multiple offenders in both groups were compared:

Percentage Convictions

	None %	One %	Multiple %
cannabis- alone or in combination	88.6	6.2	5.2
opiates - alone or in combination	55.3	13.7	31.0

The number of people convicted for using sedatives was quite small (N=25) but no one in this group had a history of drug offences. A similar pattern applied in the case of those convicted for using hallucinogens.

Number of Previous Convictions (Drug)

	None		One		More than One	
	Number	Percentage	Number	Percentage	Number	Percentage
Opiates	106	55.8	27	14.2	57	30.0
Cannabis	607	89.0	41	6.0	34	5.0
Opiates + Cannabis	3	42.9	0	-	4	57.1
Hallucinogens	70	93.3	3	4.0	2	2.7
Hallucinogens + Cannabis	32	88.9	4	11.1	0	-
Stimulants	17	81.0	2	9.5	2	9.5
Sedatives	25	100.0	0	-	0	-
Other	16	72.8	3	13.6	3	13.6

(ii) Non-Drug Offences

The difference between the cannabis and opiate groups was even more pronounced when they were compared in terms of previous non-drug offences. Seven out of ten of the cannabis group had no previous convictions, but fewer than half (four out of ten) of the opiate group had a similar record:

Percentage Convictions

	None	One	Multiple
cannabis - alone or in combination	70.9	12.8	16.3
opiates - alone or in combination	40.1	19.8	40.1

Number of Previous Convictions (Non-Drug)

	None		One		More than One	
	Number	Percentage	Number	Percentage	Number	Percentage
Opiates	75	39.5	38	20.0	77	40.5
Cannabis	483	70.8	90	13.2	109	16.0
Opiates + Cannabis	4	57.1	1	14.3	2	28.6
Hallucinogens	53	70.7	8	10.7	14	18.6
Hallucinogens + Cannabis	27	75.0	2	5.5	7	19.5
Stimulants	15	71.4	3	14.3	3	14.3
Sedatives	16	64.0	2	8.0	7	28.0
Other	14	63.7	1	4.5	7	31.8

Action taken by the Courts

The accompanying table suggest that the Courts differentiate between different categories of drugs when imposing penalties. People convicted of using cannabis or hallucinogens were almost three times more likely than opiate users to receive a dismissal under section 556A of the Crimes Act. On the other hand, opiate users were approximately four times more likely than the users of cannabis and hallucinogens, to be sent to prison. The combined use of hallucinogens and cannabis also met with relatively severe penalties.

Of course, it should be remembered that opiate users were more likely to have a history of previous drug and non-drug convictions.

	Opiates (N=190)	Cannabis (N=682)	Opiates+Cannabis (N=7)	Hallucinogens (N=75)	Hallucinogens+Cannabis (N=36)	Stimulants (N=21)	Sedatives (N=25)	Other (N=22)
	%	%	%	%	%	%	%	%
556A dismissal	3.7	10.9	-	10.7	2.8	14.3	16.0	13.6
Recognizance, with or without probation/ fine	55.8	34.0	57.1	61.3	44.5	52.4	40.0	27.3
Fine	15.3	48.1	14.3	21.4	19.4	23.8	32.0	18.2
Institution	-	0.4	-	1.3	8.3	-	-	9.1
Imprisonment	25.2	6.5	28.6	5.3	25.0	9.5	12.0	31.8
Other	-	0.1	-	-	-	-	-	-

Drug used in relation to Occupational Status

It is clear from the accompanying tables that for offences involving every type of drug except cannabis, people of occupational status D figured most frequently followed by people of occupational status C, then B, then A. The most frequent users of cannabis were people of occupational status C. People of every occupational group preferred cannabis, opiates and hallucinogens, in that order, although the gap between cannabis and opiates usage narrows as the occupational status ladder is descended.

Occupational Status (Number of Cases)

	Opiates	Cannabis	Cannabis + Opiates	Hallucinogens	Hallucinogens + Cannabis	Stimulants	Sedatives	Other	Total
A - B	4	26	0	4	2	2	2	0	40
C	65	266	2	20	11	6	8	8	386
D	88	277	5	33	14	8	11	9	445
Other	33	113	0	18	9	5	4	5	187
Total	190	682	7	75	36	21	25	22	1058

Occupational Status (Column Percentages)

	Opiates	Cannabis	Cannabis + Opiates	Hallucinogens	Hallucinogens + Cannabis	Stimulants	Sedatives	Other	Total
A - B	2.1	3.8	0.0	5.3	5.6	9.5	8.0	0.0	3.8
C	34.2	39.0	28.6	26.7	30.6	28.6	32.0	36.4	36.5
D	46.3	40.6	71.4	44.0	38.9	38.1	44.0	40.9	42.1
Other	17.4	16.6	0.0	24.0	24.9	23.8	16.0	22.7	17.6
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0



Part II Drug Convictions in New South Wales — Higher Criminal Courts



The Overall Picture

In addition to the sections of the Poisons Act which provide for the prosecution of drug offenders at Courts of Petty Sessions, section 45A of the same Act provides for the prosecution on indictment before Higher Criminal Courts of individuals involved in supplying or selling prohibited substances. Under the terms of section 45 A (3), an offender is liable to imprisonment for a period not exceeding ten years.

Fourteen of the seventeen drug offenders dealt with by Higher Criminal Courts were under 30 years of age. None were less than twenty or older than thirty six. All but two were males.

Age of Offenders

Age in years	Number
20	3
21	1
22	2
23	2
24	1
25	2
26	1
27	1
28	1
29	-
30-34	2
35-39	<u>1</u>
	17

Types of Offences—Substances Involved

Sixteen of the seventeen convictions were for 'selling'. In one case a person had in his possession a substantial quantity of a prohibited substance and was deemed, under section 45 A (4), to have that substance in his possession for sale.

The seventeen cases involved just three categories of prohibited substances. Cannabis accounted for two-thirds of the cases and opiates and hallucinogens the remainder.

Type of substance	Number
Cannabis	11
hallucinogens	4
opiates	2
	<u>17</u>

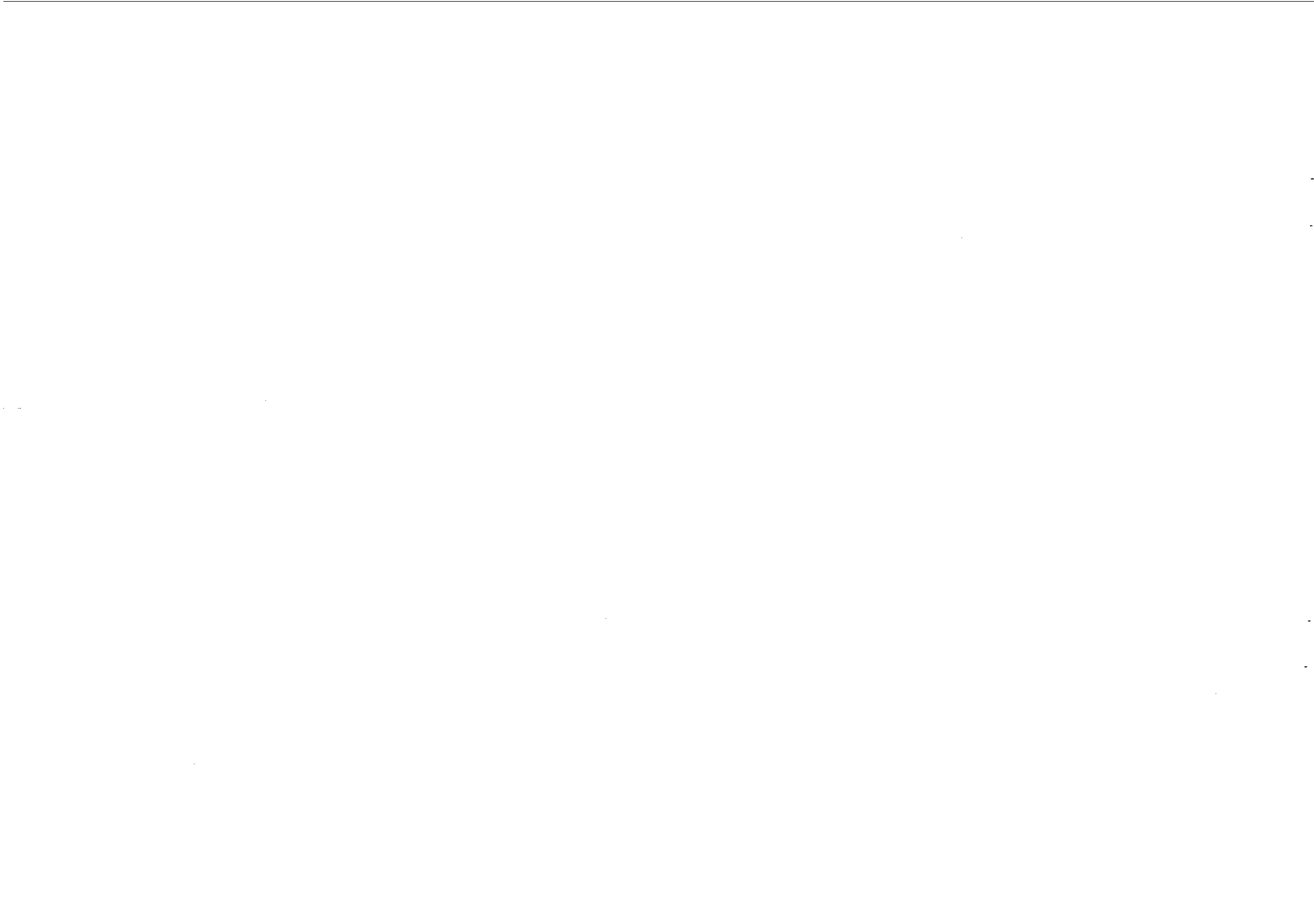
Court Action

All but two of the seventeen cases resulted in the defendant being given a prison sentence of at least eighteen months. In four cases sentences of four years were imposed.

Court Decision

	Number
Recognizance	2
Imprisonment	
18 months less than 2 years	4
2 years less than 3 years	4
3 years less than 4 years	3
4 years less than 5 years	4
	<u>17</u>

Part III Drug Convictions in New South Wales — Commonwealth Legislation



Background

Section 233 B (i) of the Customs Act 1901 - 1968 provides for the following drug offences:

- (a) possess on board ships, aircraft
- (b) import/export
- (c) possess prohibited import
- (c)(i) possess prohibited import - reasonably suspected of being imported
- (d) aid/abet etc. import/export
- (e) fail to disclose information

In New South Wales during 1972, seventy six offenders were convicted for one or a combination of the above Commonwealth offences. Compared with the convictions under the N.S.W. Poisons Act, reported in Part I, a higher proportion of the Commonwealth offenders were 30 years of age or older:

	N.S.W. Poisons Act	Customs Act
Under 30 years	94.7	71.0
30 years+	5.3	29.0

There were also fewer females among the Commonwealth offenders (10.5 per cent compared with 19.3 per cent in the case of people convicted under the N.S.W. Poisons Act).

Age of Offenders	Age in years	Number	Percentage
	18	2	2.6
	19	2	2.6
	20	8	10.5
	21	9	11.9
	22	5	6.6
	23	4	5.2
	24	6	7.9
	25	9	11.9
	26	8	10.5
	27	-	-
	28	-	-
	29	1	1.3
	30-34	13	17.1
	35-39	6	7.9
	40+	3	4.0
		<hr/>	<hr/>
		76	100.0

Sex of Offenders	Sex	Number	Percentage
	Male	68	89.5
	Female	8	10.5



Types of Offences

Seventy per cent of all convictions were for direct involvement in importing or exporting prohibited substances or aiding or abetting such activities. The remaining offences involved the possession of imported drugs or drugs suspected of having been imported.

Type of offence	Number of convictions	Percentage of total convictions
possess on board ships, aircraft import/export	6	7.5
possess prohibited import	36	45.0
possess prohibited import - reasonably suspected of being imported	14	17.5
aid/abet, import/export	4	5.0
	20	25.0
	<u>80</u>	<u>100.0</u>

Cannabis accounted for 70 per cent of the drugs involved in the above offences. Of the remaining substances, opiates was the most prominent accounting for one in five of the total drugs involved.

	Number of instances	Percentage of total drugs involved
Cannabis	57	70.4
opiates	18	22.2
hallucinogens	3	3.7
stimulants	2	2.5
cocaine	1	1.2
	<u>81*</u>	<u>100.0</u>

*Multiple drugs in 5 cases.

Court Action

In contrast to the penalties imposed under the N.S.W. Poisons Act (see section I), Commonwealth offences generally resulted in the imposition of one of two basic penalties, namely, a fine or term of imprisonment.

Almost half the cases (48.7 per cent) resulted in a fine (with or without recognizance). A further 40.8 per cent of the offenders were given prison sentences. More than half of those who were imprisoned received sentences of two years or more. Indeed, one in ten of all those convicted under the Commonwealth legislation, received a prison sentence of five years or more.*

*It should be noted that apart from cases involving a non-parole period, four defendants were ordered to be released under the terms of section 20 of the Crimes Act (1914-66) after serving a portion of the sentence imposed.

Court Action

	Number	Percentage
fine	36	47.4
fine + recognizance	1	1.3
recognizance	7	9.2
recognizance + probation	1	1.3

Imprisonment

less than 6 months	2	2.6
6 months less than 9 months	2	2.6
9 months less than 12 months	-	-
1 year less than 18 months	2	2.6
18 months less than 2 years	8	10.6
2 years less than 3 years	6	7.9
3 years less than 4 years	2	2.6
4 years less than 5 years	1	1.3
5 years less than 6 years	8	10.6
	<hr/> 76	<hr/> 100.0

Part IV Drug Offences in New South Wales – Neglect Cases, Section 72 (h)
Child Welfare Act



Neglect Cases ('Drugs') Child Welfare Act

AGE/SEX

Six young drug offenders, three boys and three girls, were dealt with under the provisions of the Child Welfare Act. Their ages ranged from 10 to 12 years:

Age in years	Number
10	2
11	-
12	-
13	1
14	-
15	-
16	1
17	<u>2</u>
	6

In four cases the prohibited substance was cannabis. In one case it was cocaine and in another heroin.

Probation was imposed in two cases, one young person was admonished and discharged and three others were released to the care of their parents.



Part V Overview



Part V The Overall Picture (1972)

The cases described in Parts I - IV of this report may be combined to provide a total picture of drug convictions in New South Wales during 1972. In all, 1,157 people were convicted. Of this number, 87 per cent were males and approximately 93 per cent were under 30 years of age. Cannabis accounted for two-thirds of the drugs specified in the 1972 convictions. Opiates accounted for slightly fewer than one in five and hallucinogens one in ten.

Sex of Offenders

Sex	Number	Percentage
Male	1,006	87.0
Female	151	13.0
	<u>1,157</u>	<u>100.0</u>

Age of offenders	Age in years	Number	Percentage
	10	2	0.2
	11	-	-
	12	-	-
	13	1	0.1
	14	1	0.1
	15	6	0.5
	16	33	2.9
	17	54	4.7
	18	116	10.0
	19	140	12.1
	20	163	14.1
	21	152	13.1
	22	129	11.2
	23	75	6.5
	24	71	6.1
	25	57	4.9
	26	34	2.9
	27	20	1.7
	28	13	1.1
	29	8	0.7
	30 - 34	46	4.0
	35 - 39	14	1.2
	40+	21	1.8
	not known	1	0.1
		<u>1,157</u>	<u>100.0</u>

Court Outcome

	Number	Percentage
Admonished and discharged	1	0.1
Released to care of parents	3	0.3
Offence proved, discharged (556A; s 83(3) C W Act)	115	9.9
Fine	434	37.4
Recognizance	121	10.5
Probation	89	7.7
Recognizance and fine	48	4.2
Recognizance and probation	139	12.0
Recognizance, probation, fine	32	2.8
Committed to an Institution	9	0.8
14 days or less	5	0.4
Over 14 days less than 1 month	1	0.1
1 month, less than 2 months	3	0.3
2 months, less than 3 months	8	0.7
3 months, less than 6 months	31	2.7
6 months, less than 9 months	30	2.6
9 months, less than 1 year	15	1.3
1 year, less than 2 years	44	3.8
2 years, less than 3 years	10	0.8
3 years, less than 4 years	5	0.4
4 years, less than 5 years	5	0.4
5 years, less than 6 years	8	0.7
Not known	1	0.1
	<u>1,157</u>	<u>100.0</u>

One in three cases resulted in a form of recognizance being imposed. The offence was proved but the defendant discharged in one case in ten and one in seven offenders were sent to prison.

Prohibited Substances

	Number*	Percentage
Opiates	229	18.7
cannabis	805	65.7
hallucinogens	121	9.9
stimulants	26	2.1
sedatives	29	2.4
cocaine	15	1.2
	<u>1,225</u>	<u>100.0</u>

*Adds to more than 1,157 because more than one drug involved in some cases.

Appendix A

Types of Offences X Sex

	Men		Women	
	Number	% total individuals	Number	% total individuals
Possess	373	40.5	34	24.6
Use (i.e take orally)	335	36.4	63	45.7
Administer (i.e intravenously)	79	8.7	22	15.9
Distribute	23	2.5	2	1.5
Sell	62	6.7	7	5.1
Forge, and/or utter prescriptions	39	4.2	9	6.5
Manufacture	9	1.0	1	0.7
	<u>920</u>	<u>100.0</u>	<u>138</u>	<u>100.0</u>

Appendix B

Drug Convictions Classified According to the Municipality in which the Offence Occurred

Sydney (City)	225	Strathfield	1
Waverley	69	Fairfield	10
Manly	39	Drummoyne	2
Woollahra	50	Newcastle Statistical District*	50
Mosman	13	Ku-ring-gai	12
North Sydney	17	Baulkham Hills	4
Botany	14	Concord	1
Willoughby	16	Other specified places in N.S.W.	193
Lane Cove	10	Camden	0
Sutherland	39	Ryde	3
Windsor	6	Hunters Hill	1
Leichhardt	13	Rockdale	6
Wollongong Statistical District*	54	Marrickville	5
Randwick	34	Holroyd	2
Hurstville	11	Canterbury	3
Liverpool	24	Auburn	5
Bankstown	26	Blue Mountains (City)*	2
Warringah	23		
Hornsby	19		
Penrith (City)	12		
Burwood	8		
South Sydney	5		
Blacktown	11		
Parramatta (City)	15		
Kogarah	3		
Ashfield	0		
Campbelltown (City)	2		

*Newcastle Statistical District comprises the Cities of Newcastle and Maitland, part of the City of Greater Cessnock, and the Shires of Lake Macquarie and Port Stephens; Wollongong Statistical District comprises the City of Wollongong and the Municipalities of Kiama and Shellharbour. Blue Mountains (City) includes that part lying East of the township of Linden.

Appendix C

Type of Drug X Principal Offence

	Manufacture	Sell	Distribute	Administer	Use	Possess	Forge/False Pretences
Opiates	1	12	4	82	11	40	40
Cannabis	9	40	6	3	316	307	1
Cannabis + Opiates	-	-	-	-	4	3	-
Hallucinogens	-	10	3	1	46	15	-
Hallucinogens + Cannabis	-	6	5	-	15	10	-
Stimulants	-	-	1	4	3	10	3
Sedatives	-	-	3	3	2	15	2
Other	-	1	3	8	1	7	2

