

## **DRUGS, PENALTIES**

**8 April 2008**

**The Hon. D.G.E. HOOD:** Yesterday Travis Patrick McKay came before the District Court charged with a major indictable offence: the possession of 3.5 kilograms of cannabis, with a further charge of cultivating four cannabis plants.

An amount of 3.5 kilograms of cannabis puts the offence squarely in the realm of offences deemed to be commercial in nature and would have the defendant facing a maximum penalty of a \$200,000 fine and/or 25 years imprisonment. Despite that fact, the defendant received a penalty of \$250 for both offences and the hydroponic equipment was also confiscated.

My questions are:

1. In light of the estimated street value of the plants involved of some \$10,000 to \$20,000 at the lower end, does the minister agree that a \$250 penalty serves as no disincentive whatsoever to produce commercial quantities of cannabis?
2. Will the minister pass on these concerns to the Attorney-General and ask him to seek a DPP appeal of this sentence?
3. Does the minister agree that mandatory minimum sentencing provisions are now urgently required in light of such sentencing being so far out of step with community expectations?

**The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning)**

**(14:46):** I will refer the honourable member's question to the Attorney-General for comment. It is really up to the Attorney and, through him, the DPP to consider, in the first instance, whether or not any sentence handed down by the courts ought be appealed. Obviously, the DPP will need to take into consideration all relevant factors of the case. I do note that the Attorney is moving legislation in another place to again make it even more difficult for those involved in the crimes of

trafficking and the sale of drugs. I trust that this legislation, if it passes through this parliament, will be effective in addressing the problems raised by the sale of drugs. I will refer the question to the Attorney in another place for his response.