

LEGAL AFFAIRS — CANNABIS OFFENCE CHARGES

1130. Hon Dr Brian Walker to the parliamentary secretary representing the Attorney General:

I refer the Attorney General to the recent high profile pardoning of those with simple cannabis possession convictions in the United States, and I ask, on how many occasions have minor cannabis offence charges as defined in section 8(B), of the *Misuse of Drugs Act 1981*, have been laid before Western Australian courts in the past year and how many of those charges led to a conviction?

Hon Matthew Swinbourn replied:

- (1) The number of charges lodged in 2022 under section 6(2) of the *Misuse of Drugs Act 1981* for possession of cannabis was 5,009.

For charges lodged under section 6(2) of the *Misuse of Drugs Act 1981* for possession of cannabis that were finalised in the 2022 calendar year, the number of convictions were recorded as 4,851.

It is important to note the following limitations with the above data:

- (a) Conviction data and lodgment data cannot be compared as charges may be laid in one year, but not completed until the following year.
- (b) The court does not receive data on the quantity of cannabis the accused had in their possession in a way that is possible to extract from the case management system. This information is disclosed to the court in verbal or written submissions that are not recorded as data that can be interrogated.
- (c) The Department of Justice is unable to provide data on possession of implements used for smoking cannabis as the offence type information received by the court does not specify whether the implement had been used for smoking cannabis, or just ‘used for smoking a prohibited drug’. Once again, this information is disclosed to the court in verbal or written submissions that are not recorded as data that can be interrogated.