

FOOTNOTES AND BIBLIOGRAPHIES IN ORDER OF APPEARANCE OF ARTICLES THROUGHOUT THE TWO ISSUES OF DRUGS AND THE LAW—A NATIONAL PERSPECTIVE FOR AUSTRALIA



Drugs and The Law

By John F. Walsh of Brannagh

FOOTNOTES:

1. "The Age", 22nd October, 1980.
2. *Poisons Act 1962* (Victoria) S.32(2)(b)
3. *Ibid.* S.27(1).
4. *Ibid.* S.32(1), S.32(2)(a).
5. *Ibid.* S.27(1).
6. Refer to interdepartmental working party report, the "Drug Problem in Victoria", tabled in the Victorian Parliament, 21st October, 1980.
7. *Ibid.*
8. Senate Select Committee, *Drug Trafficking and Drug Abuse, Report*, A.G.P.S., Canberra, 1971 (the Marriott Committee).
9. Senate Standing Committee on Social Welfare, *Drug Problems in Australia — An Intoxicated Society?* A.G.P.S., Canberra, 1977 (the Baume Committee)
10. New South Wales Joint Parliamentary Committee of Inquiry *Report into Drug Abuses* Govt. Printer, Sydney, 1978.
11. *Royal Commission Into the Non-Medical Use of Drugs, South Australia, Final Report* Adelaide 1979 (the Sackville Commission).
12. Report of the New South Wales *Royal Commission Into Drug Trafficking* Sydney, 1979 (the Woodward Commission).
13. Statement in the House of Representatives, 5th October, 1978.
14. *The Australian Royal Commission of Inquiry Into Drugs Report* Govt. Printer, Canberra, 1980 (the Williams Commission)
15. Williams Commission, Book A, page A3.
16. Williams Commission.
17. Woodward Commission.
18. Sackville Commission.
19. Baume Committee.
20. Sackville Commission, p.229.
21. Williams Commission, p.A357-359.
22. *Commonwealth of Australia Constitution* S.51.
23. *Ibid.* Ss.xxix.
24. See *R. v. Burgess: ex parte Goya* (1936) 55 CLR 608; *R. v. Poole: ex parte Henry* (1939) 61 CLR 634.
25. See note 22, S.51(xxxvii).
26. *Poisons Act* S.36.
27. *The Use and Abuse of Drugs*. Division of Health Education Health Commission of New South Wales, A.G.P.S., 1973.
28. *Ibid.* p.1.
29. *Ibid.*
30. *Drugs and Their Effects*. National Drug Information Service, Canberra, p.1.
31. *Treatment of Drug Offenders*. Patterson and Santamaria. On Trial Series, Heinemann Educational Australia, 1974.
32. *Poisons Act* Ss.3,4,26.
33. McCoy A.W. *Drug Traffic: Narcotics and Organized Crime in Australia*. Harper and Row, Sydney, 1980.
34. Goode, M.R. *Drugs and the Law* Research Paper 7 Adelaide, 1979. Sackville Commission p.15.
35. The constitutional validity of this section was upheld in *Milicevic v. Campbell* (1975) 132 CLR 307.
36. S.235(2).
37. S.235(3) — but not for a second offence involving a traffickable quantity (*Customs Amendment Act 1979*) Ss.229,230,239.
38. (1895) 1 QB 918; (1895-9) All ER Rep. 1167.
39. *Ibid.* at 921; at 1169.
40. (1946) 62 TLR 462; (1946) 175 Lt 306.
41. *Ibid.* at 463; at 307.
42. (1970) AC 132; (1969) 1 All ER 347.
43. *Ibid.*
44. *Ibid.*
45. Wootton Barbara *Crime and the Criminal Law* Stevens & Sons, London, 1963, p.48.
46. (1969) 2 AC 256.
47. *Ibid.* at 303.
48. (1937) 59 CLR 179; (1938) ALR 37.
49. (1941) 67 CLR 536; (1944) ALR 64.
50. *Ibid.* at 540; at 65.
51. (1875) LR 2CCR 154.
52. (1889) 23 QBD 168; (1886-90) All ER Rep.26.
53. *Ibid.* at 181; at 34.
54. *Mayer v. Marchant* (1973) SASR 567.
55. *Bush* note 76; *Rawcliffe* note 81.
56. S.233B.
57. (1951) SASR 59.
58. (1966) SASR 250.
59. (1980) 54 ALJR 202.
60. *Ibid.* at 203.
61. Sackville Commission pp.241-2.
62. (1978) Crim. LR 228.
63. (1968) 2 ALL ER 49.
64. See note 62.
65. (1979) Crim. LR 789.
66. *Model Penal Code* S.2.01(4), American Law Institute.
67. Williams G. *The Criminal Law: The General Part* 2nd ed. 1961, p.8. Smith & Hogan *Criminal Law* 3rd ed. 1973 p.40. (1810) Russ. & Ry. 184.
68. *Ibid.*
69. *Ibid.*
70. (1853) 1 El. & Bl. 435; 118 E.R. 499.
71. *Ibid.* at 438; at 500.
72. Sackville Commission p.261.
73. *Ibid.* p.238.
74. *Ibid.* p.240.
75. (1961) 2 All ER 343; (1961) 45 Cr. App. Rep. 108 on the interpretation of S.1(1) of the *Prevention of Crime Act 1953* (1975) 1 NSWLR 294; (1975) 24 FLR 346; (1975) 5 ALR 387. (1975) 5 ALR at 419.
76. See note 48.
77. (1975) VR 61.
78. (1949) 78 CLR 521 — but see *Moors v. Burke* (1919) 26CLR 265 where the conviction was squashed because the goods were in a locker to which another had access; see also *Button v. Cooper* (1947) SASR 286.
79. (1977) 1 NSWLR 219.
80. (1977) 15 ALR 365.
81. (1978) 21 ALR 225.
82. (1979) 37 FLR 356.
83. (1979) 2 NSWLR 117.
84. (1979) 27 ALR 140.
85. (1978) 33 FLR 223.
86. (1979) 25 ACTR 21.
87. Unreported June 1980, Full Court, Supreme Court.
88. (1978) 22 ALR 195.
89. *Ibid.* at 209-212.
90. See note 81; at 226.
91. (1977) VR 479.
92. *Ibid.* at 488.
93. See note 83; at 230.
94. (1974) VR 84.
95. On duress see *R. v. Harley and Murray* (1967) VR 526 *Palmer v. R.* (1971) AC 814.
96. See note 96; at 88.
97. Court of Criminal Appeal N.S.W. 6 July 1979; 249/51 of 197. (1979) 21 SASR 591.
98. *Narcotic and Psychotropic Drugs Act 1934-1978*, S.5.
99. (1979) 21 SASR.
100. (1980) 23 SASR. S.5(4) "A person who knowingly has in his possession more than a prescribed quantity of a drug to which this Act applies shall be deemed to have that drug in his possession for the purpose of trading in the drug unless the contrary is proved".
101. (1980) 24 SASR Sup.Ct. Cox J.
102. (1977) 15 SASR 40.
103. (1979) Crim. LR 183; (1978) 69 Cr.App.R. 203.
104. (1978) 1 All ER 173; (1978) 1 WLR 37.
105. (1978) 2 Crim. LJ 174; (1978) Tas.SR 39.
106. (1968) 2 ALL ER 943.

110. *Ibid* at 945.
111. (1975) 18 CCC (2d) 419 (BCSC)
112. (1954) 109 CCC 57.
113. (1959) 124 CCC 238 (BCCA)
114. *Ibid.* at 239. See also *R. v. McBurney* (1974) 3 WWR 546, 15 CCC (2d) 361.
115. (1976) 62 Cr. App. R. 169.
116. See note 105.
117. *Ibid* at 43.
118. (1973) Crim. LR 516.
119. (1971) 2 SASR 49.
120. *Ibid.* at 54.
121. (1973) 14 CCC (2d) 433 (SCC)
122. (1956) SASR 203.
123. *Ibid.* at 209.
124. (1966) SASR 310. See also *Borillo v. Bartlett* (1966) SASR 286.
125. *R. v. Rodriguez* (1975) 22 CCC (2d) 302 (BCCA)
126. See note 79; at 69-70
127. Goode, *op.cit.*, p.28.
128. QLR 24 November 1979, Court of Criminal Appeal, Qld.
129. Court of Criminal Appeal, South Australia, 21 January, 1980. CDCC No. 130/10/79.
130. (1978) 24 ACTR 3.
131. Willis J. "The Meaning of Possession in Drug Offences under the Customs Act" (1979) 3 Crim. L.J. 271.
132. *Dias Jurisprudence* Butterworths 3rd ed. ch.12, p.337.
133. (1973) 3 All ER 962.
134. (1974) Crim. LR 243.
135. (1955) 111 CCC 137.
136. (1969) 2 All ER 1181.
137. (1967) 117a (2d) 395.
138. (1976) 2 NZLR 286.
139. Unreported; CA 7/76; 14 June 1976.
140. (1978) 2WLR 872.
141. (1979) Crim. LR 462.
142. (1978) ACLD 391; (1978) Tas.SR.39; (1978) 2 Crim. LJ 174.
143. (1979) 53 ALJR 101; (1978-9) 22 ALR 195.
144. Unreported; Tas. S.C., 28 April 1980.
145. (1974) CR 184.
146. *Ibid.* at 188.
147. (1973) 3 NSWDCR 127; (1973) 22 FLR 456.
148. (1974) unreported; noted in (1974) Tas.SR 112 (NC3).
149. (1976) Crim. LR 125.
150. (1963) 2 CCC 279 (BCCA)
151. (1973) 16 CCC (2d) 396 (Qu.C.A.)
152. (1979) Cr.App.R. 371 (CA); (1979) C rim. LR 664.
153. (1976) Crim. LT 125 (QBD)
154. (1975) Crim. LR 224.
155. (1976) 1 All ER 337.
156. (1977) 5 WWR 283.
157. (1971) 463 SW (2d) 312.
158. (1978) 2 NZLR 174 (CA, NZ)
159. (1976) Crim. LR 518.
160. Unreported; 9 November 1978; No. 164 of 1978.
161. 20 September 1979; No. 52 of 1979.
162. 5 May 1980; No. 24 of 1980; Supreme Court of Tasmania, Everett J.
163. (1980) 24 SASR
164. 17 August 1979; CCA, WA; No.78 of 1979.
165. (1980) Q. Case Note (26 July)
166. (1973) Crim LR 708.
167. (1979) 3 Crim. LJ 155
168. (1979) 3 Crim. LJ 109.
169. (1980) 4 Crim. LJ 47.
170. (1980) 4 Crim. LJ 238.
171. (1979) 3 Crim. LJ 363.
172. (1979) 3 Crim LJ 152.
173. (1928) 41 CLR 128 at 139-140. See also *R. v. Strapps* (1979) 22 SASR.
174. (1979) 25 ALR 174 (S.C., W.A.)
175. (1979) 27 ALR 140.
176. (1979) 21 SASR 272.



Alcohol, Drugs and Criminal Responsibility

By Ian D. Elliott

FOOTNOTES:

1. (1980) ALR 449.
2. See, for example, the report of an interview with Mr. T.W. Smith Q.C. in "The Age", 23rd July, 1980. As might be expected, this is an unusually clear exposition of the High Court decision. See also the report of a speech given by Stephen J. at the University of Tasmania, calling for judicial press releases which would explain decisions in "layman's language", "The Age". 3rd October, 1980.
3. (1976) 2 W.L.R. 623.
4. See in particular the speech of Lord Russell in *Majewski*, *ibid.*, 656; *Leary* (1977) 74 DLR (3d) 103. There is an excellent discussion of the issue in the judgement of Gray J. in the Victorian Court of Criminal Appeal decision in *O'Connor*, 5 (Unreported, 30th April, 1979). *Of the dissenters in the High Court, who would have upheld the distinction between crimes of specific intent and crimes of basic intent, Mason J. regarded rape as a crime of basic intent, whilst Gibbs J. preferred to leave the issue open: See O'Connor* (1980) 29 ALR 449, 469, 480. In the light of the majority decision the question of the correct classification of the offence has probably ceased to matter in Australia. Of the majority in that case, Stephen J., *ibid.*, 475 remarked that rape appeared not to be a crime of specific intent.
5. *Ibid.*, 634, per Lord Elwyn-Jones L.C.
6. See Gold, *An Untrimmed "Beard": The Law of Intoxication as a Defence to a Criminal Charge* (1976) 19 Criminal Law Quarterly 34; Glanville Williams, *Textbook of Criminal Law* (1978), 428-430. For an example of ad hoc classification see *Orpin* (1980) 1 W.L.R. 1050.
7. (1976) 2 W.L.R. 623, 651.
8. Williams, *Intoxication and Specific Intent* (1976) New Law Journal 658; and comments by Professor J.C. Smith in (1975) Criminal Law Review 570 and (1976) Criminal Law Review 374.
9. Dashwood, *Logic and the Lords in Majewski* (1977) Criminal Law Review 532, 591; Sellers, *Mens Rea and the Judicial Approach to "Bad Excuses" in the Criminal Law* (1978) 41 Modern Law Review 245, 264; "Convicting a defendant of an offence of 'basic intent' where the prohibited harm was not caused deliberately can only be criticised a 'illogical', . . . if 'logic' dictates that liability must invariably be based on subjective fault. But this is a value judgement and not something which can be logically posited." See Bugg (1978) V.R. 251; *Viro* (1976-1978) 141 CLR 88; *Roulston* (1976) 2 NZLR 644.
10. (1978) 19 SASR 577.
11. *O'Connor*, unreported decision of the Victorian Court of Criminal Appeal, 30th April, 1979. See the concluding paragraph of the judgement of Young C.J.
12. Report of the Committee on Mentally Abnormal Offenders (1975). Cmnd. 6244; para 18.54. But see now, Fourteenth Report, Criminal Law Revision Committee, 7844, which rejects the proposal. Discussed Ashworth, *Intoxication & General Defences* (1980) Criminal Law Review 556.
13. (1980) 29 ALR 449, 466 (per Barwick C.J.) 477 (per Stephen J.) 484 (per Murphy J.)
14. This is to characterise the issue in the way that the majority in *O'Connor* saw it. For the dissenters, on the other hand, the decision in *Majewski* was in accordance with the preceding authorities. See, for example, Gibbs J. *ibid.*, 470: "*DPP v Majewski* involved no departure from the settled rules of the common law — the effect of the decision was that the relaxation of the original common law principles should proceed no further."
15. *Ibid.*, 452.
16. Williams, *Intoxication and Specific Intent* (1976) New Law Journal 658. See too the remark in Sellers, *Mens Rea and the Judicial Approach to "Bad Excuses" in the Criminal Law* (1978) 41 Modern Law Review 245, 253 (fn.48): "One difficulty with the subject is the suspended disbelief that is necessary to give such a defence a fair hearing. The House of Lords . . . was disposed to think that there was in fact ample evidence to support a finding that the appellant knew what he was doing."
17. (1980) 29 ALR 449, 454.
18. See O.W. Holmes, *The Common Law* (Little Brown, 1963) 7: "even a dog distinguishes between being stumbled over and being kicked."
19. *Kake* (1960) NSLR 595. For an American variation on a similar theme, see *United States v. Short* (1954) 4 USCMA 437, where the dissenting judgement of Brosman J. expresses the approach which would be followed in Australia.
20. See per Lord Denning in *Attorney General for Northern Ireland v. Gallagher* (1963) AC 349, 381.
21. For an early and excellent discussion see Mercier, *Criminal Responsibility* (1905) 111ff. See also Crowcroft, *The Psychotic: Understanding Madness* (1967) 41ff.

24. Discussed in Text Accompanying Note (hereafter TAN) (112)-(114).
25. An Inquiry Into Criminal Guilt (1963) 196. Professor Brett's discussion of excuses founded on intoxication is fundamental and invaluable.
26. P.Q. Roche, *The Criminal Mind* (John Wiley, 1967) 27.
27. Noyes & Kobb, *Modern Clinical Psychiatry* (5th ed., 1958), 62.
28. S. Halleck, *Psychiatry and the Dilemmas of Crime* (1967) 159.
29. The distinction between "actions" and mere "movements" is philosophically complex. See the discussions in H.L.A. Hart, *Punishment and Responsibility* (O.U.P., 1968) 90ff, 25-256; I. Thalberg, *Enigmas of Agency* (1972) 48-72, 171-185.
30. Glanville Williams, *Criminal Law: The General Part* (2nd ed. 1961) 11-13; Glanville Williams, *Textbook of Criminal Law* (1978) 33-34, 609.
31. *Ibid.* 577-578, referring to *DPP for Northern Ireland v. Lynch* (1975) AC 653.
32. H. Fingerette & A. Hasse, *Mental Disabilities and Criminal Responsibility* (1980) 50.
33. But see the recommendations made in Report No.9, Law Reform Commissioner Victoria, *Duress, Necessity and Coercion* (1980).
34. *Op.cit.*, 210-211. Halleck continues: "Actually, the person whose criminal behaviour is primarily engendered by poverty or persecution may be motivated by forces which are just as powerful and unrelenting as those which motivate the emotionally disturbed offender. Crime may be necessary for survival in either case. If the psychiatrist can be persuaded to argue that an offender should not be held responsible for behaviour which is largely determined by unconscious factors, then perhaps the sociologist should be required to argue that poverty, discrimination and delinquent associations would also make the offender nonresponsible." See also N. Morris & G. Hawkins, *The Honest Politician's Guide to Crime Control* (Sun Books, 1971) chapter 7. For a consideration of these issues in relation to the insanity defence see *U.S. v. Brawner* (1972) 471 F2d. 969, particularly the judgement of Bazelon C.J.
35. One source of confusion in examples such as this one arises from yet another usage of the word "voluntary". In the Aristotelian sense of the word behaviour done in ignorance of the facts, or as a result of mistake, was not voluntary. See *Nicomachean Ethics*, Bk. V.8., 1135a, 20-25 (Ross translation, 1925). See also, 1 Hale, *Pleas of the Crown* 42 (1736). In this sense what the actor did may be voluntary under one description of his conduct (removing branches) and not voluntary under another description (trimming the pear tree).
36. See, for example, *Egan* (1897) 23 VLR 159.
37. Compare *Cogdon*, (1950) Unreported, see Morris, *Somnambulistic Homicide — Ghosts, Spiders, and North Koreans* (1951) 5 Res Judicatae 29.
38. Thalberg, *Enigmas of Agency* (1972) 178, commenting on *Cogdon*, *ibid.* Nor is this merely philosophic esoterica. See N. Morris & C. Howard, *Studies in Criminal Law* (1964) 62-64 in their comment on the case, and the discussion by the South Australian Supreme Court in *Joyce* (1970) SASR 184.
39. See O'Connell, *Amnesia and Homicide* (1960) 10 British Journal of Criminology 262. Of 50 English murders examined by O'Connell, 20 had either no memory, or very impaired memory, of the actions which had led to their arrest.
40. *Essays on Mental Incapacity and Criminal Conduct* (1967) 166.
41. *Ibid.*, "It seems unjust to punish a man who has no present insight into the conduct for which he is being punished or into the full meaning of such conduct. There is at stake the total doctrine of "guilt" as present imputability of a past event". The notion of "response-ability" is borrowed from Fingerette & Hasse, *op.cit.* 206ff.
42. See, for example, *O'Connor* (1980) 29 ALR 449, 455, 467. The moral issue was discussed in *United States v. Olivera* (1954) 4 USCMA 134 where the Court pointed out that the amnesic defendant "is certainly able to analyse rationally the probabilities of his having committed the offence in the light of his own knowledge of his character and propensities. Moreover, he will presumably be able to remember whatever punishment he may receive — with the result that its deterrent effect will be present as to future danger of criminal promptings."
43. See, for example, *Commonwealth ex rel. Cummins v. Price* 218 A.2d 758, cert. denied, 385 U.S. 869 (1966).
44. The logical fallacy was remarked in *Tsigos* (1964-5) NSW 1607, 1630. See also *O'Connor* (1980) 29 ALR 449, 455, 467. There is authority, however, for a protective direction to the jury in cases where the defendant cannot remember and so cannot testify. See *Broadhurst* (1962) AC 441, 449. Cf *Sharmal Singh* (1962) AC 188, 198.
45. *Op.cit.* 196. See also, Glanville Williams, *Textbook of Criminal Law* (1978) 33.
46. (1980) 29 ALR 449, 470.
47. *Ibid.* 469, 482, 503.
48. Except, perhaps, the offence of manslaughter. See TAN.
49. As did Stephen J. See (1980) 29 ALR 449, 471.
50. *Ibid.* 454-455.
51. *Ibid.* 455.
52. *Ibid.* 483.
53. *Ibid.* 485.
54. *Ibid.* 456, 475, 484, 492-493. See also the discussion by Crockett J., of the Victorian Supreme Court, in *Criminal Responsibility of the Drug Addict — Mainline for Immunity?* (1974) 12 Medico Legal Society of Victoria 322, 334-335.
55. *Ibid.* 493. The meaning of these qualifications is obscure. So far as "offences concerning negligence" are concerned, see the difficulties expressed by Crockett J., *ibid.* On "statutory offences", compare Barwick C.J., *ibid.* 460-461.
56. *Ibid.* 465, 483. Barwick C.J. refers to manslaughter as "anomalous". This is probably a reference back to *DPP v. Beard* (1920) AC 749, where Lord Birkenhead L.C. said: "the law is plain beyond all question that in cases falling short of insanity a condition of drunkenness at the time of committing an offence causing death can only, when it is available at all, have the effect of reducing the crime from murder to manslaughter". See also *Howell* (1974) 2 Al E.R. 806. Compare *Haywood* (1971) VR 755 and see Crockett J., *Criminal Responsibility for the Drug Addict — Mainline for Immunity?* (1974) 12 Medico Legal Society of Victoria 322. The tendency of *Haywood* and contemporary Victorian authorities is to suggest that manslaughter is neither exceptional nor anomalous and that a defence founded on evidence of intoxication might on occasion result in a complete acquittal. Quaere whether this possibility has survived the Victorian decision in *Nydam* (1977) V.R. 430.
57. See *Lovett* (1975) V.R. 488, 493. But see the concluding note, *ibid.* 495 which appears to leave the question of the mens rea required for the offence of unlawful and malicious infliction of grievous bodily harm and, by implication, of the companion offence of unlawful and malicious wounding, unsettled.
58. (1980) 29 ALR 449, 458-459. Barwick C.J. distinguishes between "an intent to use the knife and an intent to wound". He leaves open the question whether evidence which merely led one to doubt whether there was an intent to wound would allow the defendant to escape conviction. Notice, however, that the medical evidence in *O'Connor* was not framed in accordance with this distinction. See the text accompanying the next footnote.
59. *Ibid.* 467.
60. *Ibid.* 487.
61. (1980) VR 353.
62. Those States which have adopted Criminal Codes are governed by a formalised set of rules for the intoxicated offender. For discussion see R. O'Regan, *Essays on the Australian Criminal Code* (1979) Ch.V.
63. (1920) AC 479.
64. *Ibid.* 501-502.
65. But see *O'Connor* (1980) ALR 449, 485-487, for an attempt by Murphy J. to breathe new life into the presumption.
66. See *Broadhurst* (1964) A.C. 401, 461. It is clear enough what Lord Birkenhead L.C. was getting at however. In a jurisdiction which recognised both the presumption of sanity and the presumption that a man intended the natural consequences of his acts, no evidence short of incapacity of mind would displace the effect of the second presumption.
67. (1980) ALR 449, 452.
68. *Ibid.* 462-463.
69. See, for example, *A.G. for Northern Ireland v. Gallagher* (1963) A.C. 349, 381, per Lord Denning. Cf. *Sheehan* (1975) 1 WLR 739.
70. (1975) 2 NZLR 610, 612.
71. *Ibid.* 616. The Australian courts reached the same conclusion considerably earlier. The course of development may be traced through *Stones* (1955) 56 SRNSW 25; *Thomas* (1960) 102 CLR 584; *Gordon* (1963) SRNSW 631; *Menniss* (1973) 2 NSWLR 113; *Olasjuk* (1973) 6 SASR 255. See also the Queensland cases of *Herlihy* (1956) St.R.Qd. 18; *Nicholson*, *ibid.*, 520. *O'Connor* (1980) 29 ALR 449, 464, 491 approves *Kampeli* in this respect.
72. (1974) VR 400, 401.
73. See fn. (56.)
74. See *Quick & Paddison* (1973) 3 WLR 26, on the limits of transmutation. See also the discussion in Crockett J's paper, *Criminal Responsibility of the Drug Addict — Mainline for Immunity.* (1974) 12 Proceedings of the Medico-Legal Society of Victoria 322, 333-334. For some indication of the underlying issues, see the paper by Dixon C.J., *A Legacy of Hadfield, McNaughton and MacLean* in *Jesting Pilate* (1965) 214, 222-225.
75. On expert evidence and intoxication, see *Darrington & McGauley* (1980) VR 353. *Jeffrey* (1967) VR 467, is an instructive example

- of a defendant who suppressed evidence of her mental disabilities in the vain hope of achieving a complete acquittal on the ground of automatism, or at least a reduction of guilt by reason of provocation.
76. See for example, *Bratty v. A.G. for Northern Ireland* (1963) AC 386, 401.
 77. (1969) NZLR 736.
 78. *Ibid.* 747.
 79. See, for example, *Cooper v. McKenna, Ex parte Cooper* (1960) Qd.R. 406.
 80. (1969) NZLR 736, 745, 747, 748.
 81. *Ibid.* 745.
 82. See the extract from the medical evidence, *ibid.* 749.
 83. *Ibid.*, 747.
 84. (1967) 121 CLR 205.
 85. *Ibid.* 213.
 86. Discussed, Elliott, *Responsibility for Involuntary Acts: Ryan v. The Queen* (1968) 41 Australian Law Journal 497. Cf. J.C. Smith and B. Hogan, *Criminal Law* (4th ed., 1978) 40-41.
 87. See the discussion in *Burr* (1969) NZLR 736.
 88. See the following cases in which states of dissociation triggered by intoxication, or stress, have been held to provide a basis for a voluntariness defence: *Haywood* (1971) VR 755; *Tait* (1973) VR 151; *Allwood* (1975) Unreported Judgement of the Victorian Court of Criminal Appeal, 7, per Crockett J. (Cf. *Tsigos* (1964-65) NSWLR 1607); *Ratahi* (1976) Unreported Judgement of the Victorian Court of Criminal Appeal; *O'Connor* (1979) Unreported Judgement of the Victorian Court of Criminal Appeal; *King* (1979) Unreported Judgement of the Victorian Court of Criminal Appeal.
 89. (1971) VR 755.
 90. (1970) SASR 184.
 91. *Ibid.* 192.
 92. *Ibid.* 193.
 93. *Ibid.* 192-193. See also *Burr*, (1969) NZLR 736.
 94. See the subsequent South Australian cases of *Dodd* (1974) 7 SASR 151; *Harm* (1975) 13 SASR 84; which amplify this point. (1971) VR 755.
 95. See the cases to which reference is made in fn. (88) above. As a matter of grammar the phrase implies that the defendant will escape liability if he can raise a doubt as to whether his acts were conscious or voluntary. The most startling case in the Victorian series is *Ratahi* (1976) where the Court of Criminal Appeal rejected *Joyce* without discussion. The evidence in *Rahiti* indicated dissociation. It does not appear that he suffered amnesia. There is no apparent ground for assuming that he was unconscious in any sense of the word.
 97. The fact of his conviction is not recorded in the report of the case. See Crockett J., *Criminal Responsibility of the Drug Addict — Mainline for Immunity* (1974) 12 Proceedings of the Medico-Legal Society of Victoria 322, 328.
 98. Crockett J., *Criminal Responsibility of the Drug Addict — Mainline for Immunity* (1974) 12 Proceedings of the Medico-Legal Society of Victoria 322, 329. It may be significant that Crockett J. thought that Haywood's defence would have amounted to a negation of "general intent" if the intoxication had induced an hallucination so that "he thought, for example, that the rifle was a snake and the trigger its tongue that had to be plucked out in order to avoid some ophidian attack. . ." Compare the remarks of Jenkinson J. in *Darrington & McGauley* (1980) VR 353, 378 and TAN (112)-(114).
 100. See, for example, *Allwood* (1975) Unreported Judgement of the Victorian Court of Criminal Appeal 7, per Crockett J.
 101. Crockett J., *Criminal Responsibility of the Drug Addict — Mainline for Immunity* (1974) 12 Proceedings of the Medico-Legal Society of Victoria 322, 328.
 102. (1980) 29 ALR 449, 460. See also Stephen J., *ibid.*, 475, 478.
 103. TAN (34).
 104. (1963) AKR 524, 551-552, "The law is concerned with an irresistible impulse as ordinarily understood only when it is a manifestation of the insanity of an insane man. It is concerned with an act done under provocation only when it is the act of a sane man. What is insisted upon, if provocation is to avail, as a defence, is that the action of the accused should be a moral reaction of an ordinary man. It may be that, on psychological analysis, the impulsive act of a sane man and an insane impulse are similar, in that in each case there is an act done, without deliberation or volition, in immediate reaction on the presentation of a situation. But law looks at them differently, whether or not is psychologically proper to do so . . . to rely upon provocation it was necessary to show that the provocative conduct of the deceased aroused in the prisoner an intent, in the legal sense, to do the act he did, not that it robbed him of the capacity to form an intent." See also, Dixon C.J., *A Legacy of Hadfield, McNaghten and Maclean* in *Jesting Pilate* (1965) 214, 224-225. On the general issue of defences which depend on proof of impairment of the will, see *United States v. Moore* (1973) 486 F.2d. 1139, and particularly 1178-1181 per Leventhal J.
 105. (1980) 29 ALR 449, 466-467.
 106. *Ibid.* 454-455.
 107. *Ibid.* 455.
 108. *Ibid.* 456-457; 475-476. See also Jerome Hall, *General Principles of Criminal Law* (2nd ed., 1960) 538ff.
 109. (1970) 1 QB 152.
 110. (1971) VR 755, 757.
 111. (1970) SASR 184.
 112. See the discussion in Crockett J., *Criminal Responsibility of the Drug Addict — Mainline for Immunity* (1974) 12 Proceedings of the Medico-Legal Society of Victoria 322, 334-335. Cf. the premises underlying the discussion of manslaughter and *Nydam* (1977) VR 430.
 113. (1970) SASR 184, 193.
 114. *Ibid.*
 115. (1973) VR 151.
 116. There are current moves in Victoria to introduce a graded system of homicides. For a discussion of earlier proposals to that effect, see Victorian Law Reform Commissioner, *Law of Murder*, Report No.1. (1974)
 117. See Victorian Law Reform Commissioner, *Provocation as a Defence to Murder*, Working Paper No.6, (1979).
 118. (1980) VR 353.
 119. *Ibid.* 378.
 120. *Ibid.* 363.
 121. *Ibid.* 381. *Darrington & McGauley* also contains an inconclusive discussion of the possible rule that an expert witness may not be asked the very question which the tribunal of fact is ultimately to answer by its verdict or finding. For a recent discussion of the alleged rule, see Cato, *Psychiatric Testimony: The Ultimate Issue Rule and the Rule in Rowton's Case* 1980 New Zealand Law Journal.
 122. *Ibid.* 379.
 123. *Ibid.* 378.
 124. *Ibid.* 378-379.
 125. (1975) 13 SASR 84.
 126. *Ibid.* 90.
 127. See fn. (104) above.
 128. The point is made explicitly by Lord Simon of Glaisdale in *Majewski* (1976) 2 WLR 623, 635-636. See also Criminal Law Revision Committee, Fourteenth Report, Cmnd. 7844, para. 261. The Committee rejected the Butler expedient.



Drug Offence Law in Australia: If it looks silly and vicious, if it sounds silly and vicious and if it has silly and vicious results then . . .

By M.R. Goode

FOOTNOTE

1. *R.v. Manos, ex parte Normandale* (1977), 16 S.A.S.R. 78 at 80. See also *R. v. Medianik* (1977) 76 L.S.J.S. 148.
2. *Tunis v. Fingleton* (1980), 85 L.S.J.S. 166-7. *Tunis* is itself an excellent example of the unintelligibility of the legislation. See also *R.v. Strapps* (1979), 82 L.S.J.S. 478.
3. *Mandassa Anjuman Islamia of Kholwad v. Municipal Council of Johannesburg* (1922) 1 A.C. 500 at 504, (P.C.). See also Goode, *Drugs and The Law*, Research Paper 7 of the South Australian Royal Commission Into The Non Medical Use of Drugs, (1979) at 181 and *Fox v Wardle*, (1978) V.R. 362.
4. See Goode, *op.cit.* at 161-165, *Fischer* (1973), 2 A.L.R. 74 at 77; *Customs Amendment Act*, No.92 of 1979.
5. Brown, "Supplying Drugs in England and Australia" (1980), 4 Crim. L.J. 131.
6. *R.v. Heath* (1810), Russ & Ry. 184, 168 E.R. 750; *R. v. Dugdale* (1853). 1EL. & BL. 118 E.R. 499.
7. *Palumbo v. O'Sullivan*, (1955) S.A.S.R. 315 at 319; *Twining v. Samuels* (1971), 2 S.A.S.R. 49 at 54; *R. v. Van Swol*, (1975) V.R. 61 at 64; *R.v. Bush*, (1975) 1 N.S.W.L.R. 298 at 311; *R.v. Frangos* (1979) 21 S.A.S.R. 331 at 339; See *v. Milner* (1979), 26 A.C.T.R. 21 at 25; *R. v. Kennedy* (1979), 37 F.L.R. 356 at 362-3.
8. *U.S. v. Holland* (1971), 445 F. 2d. 701 at 703-4, (D.C. Circuit).

9. (1978) Qd. R. 371.
10. Unrep., N.S.W.S.C., No. 7869 of 1977.
11. Brown, *op.cit.* at 139-141. Compare also *Frangos*, *supra* note 8 (D purchaser inspecting goods guilty of possession) with *Willoughby*, (1980) 1 N.Z.L.R. 66 (D purchaser inspecting goods "clearly" not in possession). The inconsistency probably turns on a *mens rea* point — the intention to have exclusive control.
12. (1975), 22 C.C.C. (2d.) 302, (B.C.C.A.)
13. (1977), 15 S.A.S.R. 40.
14. *Supra* note 7.
15. *Id.*, at 69-70.
16. See Brown, *op.cit.* at 136-7.
17. See, for example, the dissent of Lucas J. in *Wallace*, (1978) Qd. R. 323.
18. *Supra* note 7.
19. Credibility played a determinative role also in *Van Swol*, *supra* note 7 and *Bourne v. Samuels* (1979), 21 S.A.S.R. 591.
20. There is a deal of law on the point that mere spectators of a crime cannot be found guilty of complicity in that crime. The classic example is *Coney* (1882), 8 Q.B.D. 534.
21. *Criminal Code*. R.S.C. 1970, c. C-34, S.3 (4)(b).
22. The principal authority for the proposition that proof of control is not required is *Caldwell* (1972), 7 C.C.C. (2d.) 285, (Alta. C.A.) (1973), 14 C.C.C. (2d.) 433, (S.C.C.).
24. (1979), 50 C.C.C. (2d.) 524, (Ont. C.A.)
25. (1979), 9 C.R. (3d.) 370, (Man. Q.B.)
26. See Willis, "The Meaning of Possession In Drug Offences Under The Customs Act" (1979), 3 Crim. L.J. 271 at 277.
27. *Supra* note 7 at 25.
28. *Supra* note 17.
29. (1956) S.A.S.R. 203.
30. King, "Dangerous Drugs in Indiana" (1975), 8 Ind. L.R. 690 at 697.
31. *Sherras v. De Rutzen*, (1895) 1 Q.B. 918 at 921.
32. *Supra* note 7 at 68-9.
33. *Supra* note 7.
34. (1977) 1 N.S.W.L.R. 219. See also *Router* (1977), 14 A.L.R. 365.
35. (1978), 21 A.L.R. 225.
36. (1979), 37 F.L.R. 356.
37. (1979) 2 N.S.W.L.R. 117.
38. (1979), 27 A.L.R. 140.
38. (1979), 27 A.L.R. 140.
39. (1978), 33 F.L.R. 223.
40. (1979), 25 A.C.T.R. 21.
41. Many cases are riddled with this nonsense. The highwater mark is *Peel* (1971) 1 N.S.W.L.R. 247, but *Bush and Rawcliffe* reek of it also. In the English context, an example is the (thankfully) dissenting speech of Lord Guest in *Warner*, (1969) 2 A.C. 256.
42. The latest example of this nonsense is to be found in *Gardiner*, *supra* note 38 at 151: "... virtual impossibility of proving..." See also Lord Guest in *Warner*, *id.*, at 301, and Taylor C.J. in *Rawcliffe*, *supra* note 34 at 226.
44. Hall, *Principles of Criminal Law* (1947) at 307-8.
45. See *Rawcliffe*, *supra* note 34 at 227; *McGrath* (1971) 2 N.S.W.L.R. 181 at 187-8.
46. *Willis*, *op.cit.* at 283.
47. *Customs Amendment Act*, No.92 of 1979, S.235 (2)(c)
48. *Id.*, Division 3 of Part XIII, SS. 243A — 2435
49. See, however, the interesting decision in *Christie* (1978), 41 C.C.C. (2d) 282, (N.B.S.C., A.D.)
50. See, for example, *Rawcliffe v. The Queen*, No 57 of 1977, 2/11/77, p. 90 of Transcript.
51. *Kennedy*, *supra* note 36 at 362.
52. (1978), 53 A.L.J.R. 101.
53. See also similar analyses in *Kayal*, *supra* note 37, and See v. *Milner*, *supra* note 40.
54. *Supra* note 52 at 104. See also Roden J., dissenting in *Kennedy*, *supra* note 36 at 377.
55. This crucial factor did not dissuade the Queensland court in *Gardiner*, *supra* note 38, from applying *Bush* to S.233 B (1)(b) which does not contain the phrase but which does contain such a *men rea* word as "attempt". The decision on S.233 B (1)(b) is fatuous. See *Tawill*, (1974) V.R. 84.
57. *Willis*, *op.cit.*, at 288. The same point is made by Roden J. (dissenting) in *Kennedy*, *supra* note 36 at 377.
58. *R. v. Ashton-Rickhardt*, (1978) 1 W.L.R. 37.
59. *Kennedy*, *supra* note 36 at 376.
60. Fletcher, "The Theory of Criminal Negligence: A Comparative Analysis" (1971), 119 U.Pa.L.R. 401 at 414.
61. *Supra* note 39 at 231. See also the same judge in *See v. Milner*, *supra* note 40 at 29 who was reassured in convicting by the fact that the accused gave no evidence, from which he inferred that the inferences drawn from the prosecution case were correct!
62. This is evident from a number of cases; examples are *Bush*, *supra* note 7 and *Rawcliffe*, *supra* note 34.
63. *Kennedy*, *supra* note 36 at 370.
54. *Mayer v. Marchant* (1973), 5 S.A.S.R. 567.
65. *R. v. Wallace*, *supra* note 17 at 335; *R. v. Keskie*, (1979) Qd. 348 at 355.
66. See, most recently, *Cameron v. Holt* (1980) 54 A.L.J.R. 202.
67. See Goode, *op.cit.* at 23-24.
68. As to which, see Goode, *op.cit.* at 143-165.
69. S.A. Hansard, November 12, 1970, at 2631.
70. Royal Commission Into The Non Medical Use of Drugs, *Final Report* (1979) at 238.
71. See Note, "Quantum Of Evidence Necessary To Support Inference Of Intent To Deliver Heroin" (1977), 81 Dick. L.R. 669.
72. See, for example, Bonnie, "Decriminalizing The Marijuana User: A Drafter's Guide" (1977), 11 U. Mich. J. Law Reform 3 at 6-7.
73. Goode, *op.cit.*, at 145-149.
74. Incredibly S.235 (2)(c)(B) equivalates prior conviction with a finding of guilt without recording a conviction. So much for conditional or absolute discharge.
75. See *Kays* (1979), 25 A.L.R. 174 at 177.
76. *Customs Act*, 1901-1979, s.235 (3)(b), (emphasis added).
77. (1973), 2 A.L.R. 74 at 78. But c.f. *Kays supra* note 75 which appears, on the facts, to be *contra*. It is, however, submitted that *Kays* depends rather upon the time at which the purpose is formed.
78. *Kennedy*, *supra* note 36. 385.
79. For example of such cases, see *Kayal*, *supra* note at 124 and *Elem*, unrep., Victorian Court of Criminal Appeal, 27/7/79.
80. (1979) V.R. 399. The point is made by Willis in his commentary, (1979), 3 Crim. L.J. 153 at 154-5.
81. Unrep., Victorian Court of Criminal Appeal, 8/9/76.
82. See *Kays*, *supra* note 75 at 177. The excessive quantity in that case would supply a heroin addict for five or six days.
83. A better, but longer, example is *Collins* (1976), 12 S.A.S.R. 501. See Goode, *op.cit.* at 167-173.
84. *Kennedy*, *supra* note 36 at 380.
85. It may be recalled that Kennedy faced a credibility onus. See *supra* note 63.
86. *Kennedy*, *supra* note 36 at 374. See also Roden J. dissenting at 383.
87. (1977), 13 A.L.R. 247 at 263.
88. *Supra* note 7 at 71.
89. See, for example *Boyd v. Torney*, (1977) V.R. 479 at 488; *Kays*, *supra* note 75 at 176.
90. See, for example, the authority cited in *Santa* (1978), 42 C.C.C. (2d.) 471, (Ont. P.C.)
91. Royal Commission, *Final Report*, *op.cit.* at 19-20, 310-311.
92. (1979) 83 L.S.J.S. 367.
93. (1980), 85 L.S.J.S. 116.
94. *Narcotic and Psychotropic Drugs Act*, 1934-1979, (S.A.), S3.
95. *Id.*, S 5 (2a)
96. *Supra* note 92 at 370.
97. *Id.*, at 371.
98. (1979), 85 L.S.J.S. 356.
99. *Supra* note 94, S 6, 6a. See also S4(3).
100. *Id.*, S 7.
101. *Tunis v. Fingleton*, *supra* note 93 at 118.
102. *Supra* note 92 at 369.
103. *Id.*, at 372.
104. So, too, the Full Court in *Vivian*, *supra* note 98 at 360.
105. See *Vivian*, *ibid.*
106. *Supra* note 93 at 121.
107. *Id.*, at 122.
108. Royal Commission, *Final Report*, *op.cit.* at 28-29.
109. See, generally, Bonnie and Whitbread, "The Forbidden Fruit and the Tree of Knowledge: An Inquiry into the Legal History of American Marijuana Prohibition." (1970), 56 Va. L.R. 971 at 1145-1147.
110. *R. v. McLeod et al.* (1970), I.C.C.C. (2d) 5, (B.C.C.A.); *R. v. David* (1979), 50 C.C.C. (2d) 557, (Que. C.A.)
111. *Supra* note 94, S 14a.
112. Royal Commission, *Final Report*, *op.cit.* at 332-334.
113. See, for example, Note, "Constitutional Law: Having High Times in Moore Oklahoma" (1978), 31 Okla. L.R. 959.
114. *Customs Act*, 1901-1979, S 233 B(1)(e).
115. (1978) V.R. 399.
116. *Kayal*, *supra* note 124; *Gardiner*, *supra* note 38.
117. Willis, "To What Extent is S 235 of the *Customs Act* 1901-1975 (Cth.) Invalid as Contravening S 80 of the Constitution?" (1978), 52 A.L.J. 502.
118. *R. v. Kayal*, *supra* note 124 at 125, Cross J. concurring.
119. Szasz, *Ceremonial Chemistry: The Ritual Persecution of Drugs, Addicts and Pushers* (1974) at 45.
120. *Williams*, *supra* note 52 at 104.
121. Fletcher, "The Individualization of Excusing Conditions" (1974), 47 So. Cal. L.R. 1269 at 1309.
122. See Bonnie, *op.cit.* at 19 — and generally.
123. Bayer, "Heroin Decriminalization and the Ideology of Tolerance: A Critical View" (1978), 12 Law and Soc. 301 at 315.



The Approach to Drug Problems in Australia — Paranoia or Policy?

By J. Willis

FOOTNOTES:

1. Royal Commission into the Non-Medical Use of Drugs (South Australia) *Education — a discussion paper* 1978, p.14-5.
2. Lonie J. A Social History of Drug Control in Australia. (Research Paper 8 for Royal Commission into the Non-Medical Use of Drugs (South Australia) 1979, ch. 1.
3. *Ibid.* ch.5; McCoy A.W. *Drug Traffic — Narcotics and Organised Crime in Australia* 1980, p.104-112; 116-142.
4. McCoy A.W., *op.cit.* p.257ff.
5. Cf. Senate Standing Committee on Social Welfare. *Drug Problems in Australia — an intoxicated society?* 1977, p 157: "Policies should be based on the harm, actual or potential, which may arise from cannabis use rather than on judgments about the politics, sexual mores, dress and vague hedonism of the youth culture."
6. New South Wales Police Department Drug Statistics would indicate that the large increase in offences involving cannabis started in 1966-7, and the large increase in offences involving opiates started in 1969-70. These statistics are cited in Torrington K.F.E., "The Sentencing of Drugs Offenders" (1977) 7 *Journal of Drug Issues* 339, at 343.
7. McCoy A.W., *op.cit.* p.260.
8. *Ibid.* p.344-9.
9. *Single Convention on Narcotic Drugs* 1961. art.4.
10. *Ibid.* art.2 par.5(a).
12. For an explanation of these classifications, see Solomon D. (ed) *The Marijuana Papers* 1969 p.90.
13. Senate Select Committee on Drug Trafficking and Drug Abuse, *Drug Trafficking and Drug Abuse* 1979 p.58.
14. *Ibid.* p.58.
15. Senate Standing Committee on Social Welfare *Drug Problems in Australia — an intoxicated society?* 1977 p.148.
16. *Customs Act* 1967.
17. *Customs Act (No.2)* 1971
18. "A single transaction involving cannabis (commonly described as a "deal") traditionally contains one ounce or 28 grams, although precise quantities vary". Royal Commission into the Non-Medical Use of Drugs (South Australia) *Final Report* 1979 p.233.
19. *Customs Amendment Act* 1977
20. In an answer to a Question on Notice about the criteria used in fixing trafficable quantities, Mr. Borthwick, the Victorian Minister of Health stated: "It was agreed that the revised schedule (sc. of trafficable quantities) was more realistic." *Hansard* (Vic) 12th Sept., 1979, p.2416.
21. See *Hansard* (Vic) 30th Nov., 1976, p.4992; *R v Kays* (1979) 26 A.L.R. 174.
22. Good M., *Drugs and the Law* Research Paper 7 for Royal Commission into the Non-Medical Use of Drugs (S.A.) 1979, p.166; Willis J., "The Trafficable Quantity Presumption in Australian Drug Legislation" (1980) 12 M.U.L.R. 467ff.
23. *Customs Amendment Act* 1979.
24. *Customs Amendment Act* 1979 s.13.
25. Now Article 36 par 1(b) of the Single Convention on Narcotic Drugs 1961.
26. See *R. v. Mirkovic* (1966) V.R. 371. S.20C of the Commonwealth *Crimes Act* enables sentencing alternatives available under State legislation to be used when sentencing "children or young persons" for Commonwealth offences.
27. *Poisons Act* 1961 (Vic.) s.31.
28. *Poisons Act* 1961 (Vic.) s.23, 24(2).
29. *R. v. Manos; ex parte Normandale* (1977) 16 S.A.S.R. 78, at 80.
30. Senate Standing Committee on Social Welfare, *op.cit.* p.18.
31. Wilkins L. "Some Sociological Factors in Drug Addiction Control" in Wilner D. and Kassebaum (ed.) *Narcotics* 1965, quoted in Young J. *The Drugtakers* 1971 p.114.
32. *R. v. Bush* (1975) 5 A.L.R. 387 *R.v. Rawcliffe* (1977) 1 N.S.W.L.R. 219.
33. See esp. *R. v. Tawill* (1974) V.R. 84.
34. e.g. *Horman v. Bingham* (1972) V.R. 29; *Boyd v. Torney* (1977) V.R. 479; *Yager v. R.* (1977) 13 A.L.R. 247.
35. *R. v. Peel* (1971) N.S.W.L.R. 247.
36. *Ibid.* p.261.
37. *Ibid.* p.257.
38. Torrington K.F.E. "The Sentencing of Drug Offenders" (1977) 7 *Journal of Drug Issues* 339, at 356.
39. Australian Royal Commission of Inquiry into Drugs, *Report*, 1980. A 157-A 162.
40. Young J. *The Drugtakers* 1971 p.179.
41. "There is no doubt that most drug users traffic in drugs. Persons dependent on heroin and other narcotics are especially likely to deal in drugs owing to the high cost of supporting the habit." Australian Royal Commission of Inquiry into Drugs, *Report* A159.
42. "The number of heroin users in South Australia is not known. Recent overseas attitudes . . . indicate, however, that whatever the number most users of the drug will not currently be dependent on it." Royal Commission into the Non-Medical Use of Drugs (S.A.) *Education — A Discussion Paper* 1978 p.19.
43. Senate Standing Committee on Social Welfare, *op.cit.* p.13.
44. *Ibid.* p.142.
45. *Ibid.* p.142.
46. Victoria, *Report of the Interdepartmental Working Party on the Drug Problem in Victoria*, 1980, Volume 1, p.158-9.
47. Australian Royal Commission of Inquiry into Drugs, *op.cit.* p A.163-A.171.
48. *Ibid.* p A.167.
49. McCoy A. *op.cit.* p.43.
50. Senate Standing Committee on Social Welfare, *op.cit.* p.21.
51. *Ibid.* p.24.
52. Young J. *Op.cit.* p.215.
53. Oster A.G. "The Medical Complications of Narcotic Addiction." Pt. 1 (1977) *Med J. Aust.* 1, 410-5; Pt II, (1977) *Med. J. Aust.* 1 448-451; Helmer J. "The Connection Between Narcotics and Crime" (1977) 7 *Journal of Drug Issues* 405, at 410.



The Politics of Implementing Drug Law Reform in Australia

By Roman Tomasic

BIBLIOGRAPHY

- Bardach E., 1977, *The Implementation Game: What Happens After a Bill Becomes a Law*, Cambridge, The MIT Press.
- Baume Committee 1977, *Drug Problems in Australia — An Intoxicated Society?* (Report from the Senate Standing Committee on Social Welfare), Canberra, Australian Government Publishing Service.
- Becker, H. 1966, *Outsiders: Studies in the Sociology of Deviance*, New York, The Free Press.
- Durick Committee 1978, *Report into Drug Abuses*, NSW Joint Parliamentary Committee on Drugs, Sydney, NSW Government Printer.
- Duster, T., 1970, *The Legislation of Morality: Law, Drugs and Moral Judgement*, New York, The Free Press.
- Edelman, M., 1964 *The Symbolic Uses of Politics*, Urbana, University of Illinois Press.

- Edelman, M., 1971 *Politics as Symbolic Action — Mass Arousal and Quiescence*, New York, Academic Press.
- Edelman, M., 1977 *Political Language: Words That Succeed and Policies That Fail*, New York, Academic Press.
- Gusfield, J.R., 1963, *Symbolic Crusade: Status Politics and the American Temperance Movement*, Urbana, University of Illinois Press.
- Marriott Committee 1971, *Drug Trafficking and Drug Abuse — Report from the Senate Select Committee*, Canberra, Australian Government Publishing Service.
- McCoy, A.W., 1980 *Drug Traffic: Narcotics and Organised Crime in Australia*, Sydney, Harper & Row.
- Sackville Commission, 1979, *Royal Commission into the Non-Medical Use of Drugs, South Australia: Final Report*, Adelaide, South Australian Government.
- Tomasic, R., 1977a, *Drugs, Alcohol and Community Control*, Sydney, The Law Foundation of NSW.
- Tomasic, R., 1977b, *Deterrence and the Drinking Driver*, Sydney, The Law Foundation of NSW.
- Tomasic, R., 1977c, "Court-based programs for alcoholic and drug-dependent persons", *Journal of Drug Issues*, 7:377-384.
- Viney Committee, 1976, *Progress Report from the Joint Committee of the Legislative Council and Legislative Assembly upon Drugs*, Sydney, NSW Government Printer.
- Williams Commission 1980, *Australian Royal Commission of Inquiry into Drugs — Report* (Books A,B,C,D,E and F), Canberra, Australian Government Publishing Service.



Unravelling the Drugs— Crime Connection By Grant Wardlaw

FOOTNOTES:

1. The Australian Royal Commission of Inquiry Into Drugs, the South Australian Royal Commission into the Non-Medical Use of Drugs, and the New South Wales Royal Commission of Inquiry into Drug Trafficking.
2. Anslinger, H.J., and W.F. Tompkins. *The Traffic in Narcotics*. New York: Funk and Wagnalls, 1953, pp.189-190.
3. Pomeroy, W.A. *Police chiefs discuss drug abuse*, Washington, D.C.: The Drug Abuse Council, 1974.
4. Shellow, R. Drug abuse and crime: Fact or fancy? *Contemporary Drug Problem*, 1976, 5, p.131.
5. McCoy, A.W. *Drug traffic: Narcotics and organised crime in Australia*. Sydney: Harper and Row, 1980.
6. For comprehensive discussion of drug-use definitional problems see J. Elinson and D. Nurco (Eds), *Operational definitions in socio-behavioral drug use research 1975* (Research Monograph Series 2), Rockville, Maryland: National Institute on Drug Abuse, 1975.
7. For a thorough and balanced discussion of the research and policy issues surrounding cannabis see *Cannabis: A Discussion Paper* which was published by the South Australian Royal Commission into the Non-Medical Use of Drugs.
8. Tappen, P.W. *Crime, justice and correction*. New York: McGraw-Hill, 1960, pp.165-166.
9. Blum, R.H. Mind-altering drugs and dangerous behaviour: Narcotics. In President's Commission on Law Enforcement and Administration of Justice. *Task Force Report: Narcotics and Drug Abuse*. Washington, D.C.: U.S. Government Printing Office, February 1967, p.57.
10. Dai, B. *Opium addiction in Chicago*. Shanghai: Commercial Press, 1937, (Reprint ed., Montclair, N.Y.: Patterson Smith, 1970).
11. Where the terms "addict" or "addiction" as used in this paper they reflect the language of the original studies. No attempt is made to define these terms, as their meanings are generally apparent from the contexts in which they appear. Generally, however, the phrase "medium to heavy drugs" may be substituted for "addiction". Where the present author refers to "medium use", 25mg/day of heroin may be taken as being the average, with 85mg/day being the average for "heavy use". It is acknowledged that not all heroin users in these categories necessarily use the drug every day.
12. Prescor, M.J. A statistical analysis of the clinical records of hospitalised drug addicts. *Public Health Reports*, 1938, Supplement No. 143, pp.1-30.
13. Chein, I., and E. Rosenfeld. Juvenile narcotics use. *Journal of Law and Contemporary Problems*, 1957, 22, 52-68.
14. Chein, I., D.L. Gerard, R.S. Lee and E. Rosenfeld. *The Road to H. Narcotics, delinquency, and social policy*. New York: Basic Books, 1964.
15. O'Donnell, J.A. Narcotic addiction and crime. *Social Problems*, 1966, 13, 374-385.
16. Morgan, J.P. Drug addiction: Criminal or medical problems. *Police*, 1965, 9, 6-9.
17. Ball, J.C., C.D. Chambers and M.J. Ball. The Association of marijuana smoking with opiate addiction in the United States. *Journal of Criminal Law, Criminology, and Police Science*, 1968, 59, 171-182.
18. Nash, G. Unpublished material from the Columbia University Bureau of Applied Social Research Study supported by the New York State Narcotic Addiction Control Commission. Cited by Chambers (1974).
19. Lukoff, I.F. *Issues in the evaluation of heroin treatment*. Paper presented at the Epidemiology of Drug Abuse Conference, San Juan, Puerto Rico, February 12-14, 1973.
20. Gordon, A.M. Patterns of delinquency in drug addiction. *British Journal of Psychiatry*, 1973, 122, 205-210.
21. Inciardi, J.A., and C.D. Chambers. Unreported criminal involvement of narcotic addicts. *Journal of Drug Issues*, 1972, 2, p.63.
22. Wardlaw, G.R. *Drug use and crime*. An examination of drug users and associated persons and their influence on crime patterns in Australia. Canberra: Australian Institute of Criminology, 1978.
23. Inciardi, J.A. Heroin use and street crime. *Crime and Delinquency*, 1979, 25(3), 335-346.

24. *ibid*, pp.345-346.
25. Eckerman, W.C., J.D. Bates, J.V. Rachel and W.K. Poole. *Drug usage and arrest charges. A study of drug usage and arrest charges among arrestees in six metropolitan areas of the United States*. Final Report, BNDD Contract No. J-70-35. Washington, D.C., December, 1971.
26. This agency has since been reconstituted as the Drug Enforcement Administration.
27. Ellinwood, E.H. Assault and homicide associated with amphetamine abuse. *American Journal of Psychiatry*, 1971, 127, 1170-1175.
28. Smith, R.C. Speed and violence: Compulsive methamphetamine use and criminality in the Haight-Ashbury district. In C.J.D. Zarafonitis (Ed.), *Drug Abuse: Proceedings of the International Conference*. Philadelphia: Lea and Febiger, 1972. pp.435-448.
29. Blum, op.cit.
30. Gordon, op.cit.
31. Eg., Plair, W., and L. Jackson. *Narcotic use and crime*. District of Columbia Department of Corrections, Research No.33 Washington, D.C.: November 1970.
- Winick, C. Drug addiction and crime. *Current History*, 1967, 52, 349-365.
32. Fitzpatrick, J.P. Drugs, alcohol, and violent crime. *Addictive Disease*, 1974, 1, 353-367.
33. Zahn, M.A., and M. Bencivengo. Violent death: A Comparison between drug users and non-drug users. *Addictive Diseases*, 1974, 1, 283-296.
34. Hughes, P., G. Crawford, N. Barker, S. Schumann and J. Jaffe. The social structure of a heroin coping community. *American Journal of Psychiatry*, 1971, 128, 43-50.
35. Gould, L.C. Crime and the addict: Beyond common sense. In J.A. Inciardi and C.D. Chambers (Eds.), *Drugs and the criminal justice system*. Beverley Hills; Sale, 1974, p.61.
36. Schut, J., T.W. Wohlmut and K. File. *Low dosage methadone maintenance: A Re-examination Paper* presented to the Canadian Society of Chemotherapy, Quebec, 6-7 July, 1972.
37. Newmeyer, J. *The Junkie Thief* San Francisco: Haight-Ashbury Free Medical Clinic, mimeographed paper, 1972.
38. Gould, op.cit., p.62.
39. McGlothlin, W.H., Anglin, M.D., and Wilson, B.D. Narcotic addiction and crime *Criminology*, 1978, 16(3), 293-315.
40. Johnson, B.D., P. Goldstein, and E. Preble. *Preliminary studies on the economic behaviour of street addicts* Paper presented at the Annual Meeting of the American Academy for the Advancement of Science, Houston, January 1979.
41. Ball, J.C., Rosen L., Friedman, E.G., and Nurco, D.N. *The impact of heroin addiction upon criminality*. Paper presented at the Forty-first Annual Scientific Meeting of the Committee on Problems of Drug Dependence, Philadelphia. June 1979.
42. Nurco, D.N. An ecological analysis of narcotic addicts in Baltimore. *International Journal of the Addictions*, 1972, 7(2), 341-353.
43. Alexander, Michale. The Heroin market, crime and treatment of heroin in Atlanta. In *Proceedings of the Fifth National Conference on Methadone Treatment*. Washington, D.C.; March 17-19, 1973. Vol.1, New York: The National Association for the Prevention of Addiction to Narcotics, 1973. pp.733-751.
44. Brown, G.F., and L.P. Silverman. The Retail price of heroin: Estimation and applications. *Journal of the American Statistical Association*, 1974, 69, 595-606.
- Chambers, C.D., and A.D. Moffett. *Drug addiction in the Commonwealth of Kentucky*. Unpublished manuscript, 1969.
45. This may involve accepting the hypothesis that demand for heroin is inelastic. That is, "if addicts must consume a fixed quantity of heroin each period, then, to the extent that addicts support their habit through criminal behaviour, a rise in the price of heroin may be expected to lead to an increase in criminal activity. If this hypothesis is true, there is a positive relationship between the price of heroin and the level of crime" (Brown and Silverman, 1974, p.603).
46. We can also reject the hypothesis of an inelastic demand for heroin and suggest that demand is price-elastic. In this case, not only will high prices discourage new users, but will discourage some current ones. "... if criminal activity goes on independently of the price of heroin (even though criminals may spend some of their money on heroin), an increase in price presumably causes criminals to consume less heroin, possibly substituting other drugs or alcohol, or moving out of the illicit drug market altogether. When prices are low, they presumably choose to buy more heroin" (Brown and Silverman, 1974, p.603).
47. Moore, M.H. *Economics of heroin distribution*. Teaching and Research Paper No.4, Public Policy Program, John F. Kennedy School of Government, Harvard University, March 1971.
48. Which is discussed in detail in Chapters four and five of Wardlaw (1978).

49. This is the weakest part of the argument since there is little convincing evidence that the "cure" rate of treatment programs is a significant factor in decreasing the number of drug-dependent persons.
50. Gould, op.cit.
51. Ibid. p.65.
52. Wardlaw, op.cit.
53. Narcotic user will be used here as a convenient label to refer to consumers of addictive/expensive drugs, primarily heroin, cocaine, and methadone.

54. Wardlaw, op.cit.
55. It might also be noted that the impression gained from reading the criminal histories is that many cannabis offenders were arrested on other charges and then additionally charged with drug offences when cannabis was found in their possession. In such cases a cannabis charge was really incidental. This did not seem to be true of narcotics offenders, who were almost exclusively charged only with drug or drug-related offences. This difference could fruitfully be researched further to establish the validity of the impressions.
56. Wardlaw, op.cit.



DRUGS AND DRUG ABUSE NEW APPROACHES TO THE PUNISHMENT OF FEDERAL OFFENDERS

By M.D. Kirby

FOOTNOTES

- * This note is a modified version of an address delivered to the Second Biennial Convention of the Australian Stipendiary Magistrates' Association, Melbourne, 15 June 1980. It will be published in an expanded form in the *Australian Law Journal*, December 1980.
1. Australian Royal Commission of Inquiry into Drugs, *Report*, A.G.P.S., Canberra, 1980 (5 vols.).
 2. Ibid, book D,29.
 3. Ibid, book D,23.
 4. Australian Law Reform Commission, *Sentencing of Federal Offenders*, ALRC 15 (Interim Report) A.G.P.S., Canberra, 1980, Figure 3.
 5. ALRC 15, 309. See for example, Single Convention on Narcotic Drugs of 1951 and the Convention for the Suppression of

- Dangerous Drugs of 1963. Australia is not a party to the latter Convention.
6. ALRC 15, 318.
 7. Australian Law Reform Commission, *Alcohol, Drugs and Driving*, ALRC 4, A.G.P.S., Canberra, 1976.
 8. Ibid, Chapter 13.
 9. J. Hogarth, 'Sentencing as a Human Process', Uni. Toronto Press, 1971, 29-30.
 10. *Australian Constitution*, s.120. In the case of Territories prisoners an Executive Agreement, supported by legislation, is relied on.
 11. ALRC 15, 67.
 12. Ibid, 58. See also Tables 7 and 8.
 13. ALRC 15, Summary.
 14. N. Morris, 'Sentencing Convicted Criminals' (1953) 27 ALJ 186, 198 and N. Morris, 'Sentencing and Parole' (1977) 51 ALJ 523, 527.
 15. ALRC 15, 113 (Figure 6).
 16. See ALRC DP 10, para. 25f. Where preliminary views are stated in favour of a range of such institutions. At present such persons are sent to N.S.W. prisons.
 17. The Law Reform Commission, *Child Welfare: Children in Trouble*, Discussion Paper No.9 (ALRC DP 9), 1979; *Child Welfare: Child Abuse and Day Care*, Discussion Paper No.12 (ALRC DP 12), 1980. The Law Reform Commission has a comprehensive reference on the reform of child welfare laws in the Australian Capital Territory, including as they affect child offenders.
 18. Lord Kilbrandon, 'Children in Trouble' (1966) *Brit.J.Crim.* 122. See generally B. McKenna, 'A Plea for Shorter Prison Sentences' in Glazebrook (ed) *Reshaping the Criminal Law*, 1978, 434, 441-4, 429.



SENTENCING FOR MAJOR MARIJUANA OFFENCES

By Fiori Rinaldi

FOOTNOTES:

1. Other interchangeable expressions for this compendious term are to be found in this paper and in the literature of drug peddling. See *Falconer v. Pedersen* (1974) VR 185 for a discussion of the word "trafficking".
2. Adopted in Victoria in 1973.
3. "Cannabis". "marihuana" and "indian hemp" are used interchangeably.
4. The chief derivatives are cannabis resin (hashish) and cannabis oil. The active ingredient of cannabis is tetrahydrocannabinol (THC).
5. "Age" 23rd October, 1980. See also n.50.
6. Their combination is not new in Australian legislation. See, for example, the 1970 amendment to s.20 of the Poisons Act (NSW) which defined cannabis to include "its resin and any preparation containing such resin". It is of interest to note that when cannabis and hard drugs were "tied" together Wickham J. of the Western Australia Supreme Court believed that this increased cannabis sentences and held down hard drug sentences — see *Stephenson* (Court of Criminal Appeal, Perth, 18 September 1978).
7. *Peel* [1971] NSWLT 247. at p.261.
8. *Saw and Ching* (20th December, 1974, unreported).
9. *Anderson*. (29th November, 1974, unreported).
10. *Smith & Ors* [1977] 1 Crim L.J. 40.
11. Sentencing discrepancies do not appear to have been as pronounced some three or four years ago. See F. Rinaldi "Sentencing the Marihuana Pedlar" [1978] 2 Crim L.J. 326.

12. A private aircraft was used to smuggle some 250kg of cannabis in the form of Buddha sticks in *Tait and Bartley* (1979) 24 ALR 473.
13. *Douglas & Ors* (4th June, 1976).
14. (1974) 3 ALR 171; (1975) 7 ALR 524.
15. For general comments on sentencing drug couriers *Rahme* (1979) 3 Crim L.J. 115.
16. *Brown* (Court of Criminal Appeal, Melbourne 10th August, 1978). A retailer of some of the Buddha sticks involved in this case was sentenced to imprisonment for 15 months — *Andrews* (Supreme Court, Adelaide, March 1976)
17. Uniformity in the sentencing of Federal offenders is one of the issues recently examined by the Australian Law Reform Commission whose interim report "Sentencing Federal Offenders" was tabled in Parliament during May 1980.
19. The charge in this case was laid under s.94(2)(b) the State Poisons Act — possession of cannabis for sale — indicating that the prosecuting authorities were satisfied that the applicant had not been involved in any scheme to import the drug. For another example involving this procedure in what had the appearances of a case of importation of cannabis see *Upton* (Court of Criminal Appeal, Perth, 29th October, 1974).
20. The trial judge's attitude was re-affirmed by the Court Criminal Appeal which reproduced at length an extract on the extraordinary wickedness of drug dealing from its unreported decision in *Smith & Carrngam* (1977) 16 ALR 1, at p.10.
21. Health Act (Qd) s.130(1)(b).
22. *Stafford* (1979) 3 Crim L.J. 109.
23. *Boehner* (Court of Criminal Appeal, Sydney 17th August, 1978, unreported).
24. *Oliver* (1980) 4 Crim L.J. 238.
25. *O'Keefe* (1979) 3 Crim L.J. 246; *Fletcher* (1980) 4 Crim L.J. 244.
26. *Piscitelli & Ors* (7th August, 1979).
- 26A. For representative cases dealing with sentencing the medium to small cultivator of cannabis see *Kew* (Court of Criminal Appeal, Sydney, 2nd March, 1973) and the following recent decisions of the Court of Criminal Appeal, Brisbane: *Smith* (15th October 1979); *Crouch* (15th May 1980); *Leslie and Smith* (16th October 1979); *MacAuley* (9th May 1980); *Drummond* (8th May, 1980).
27. For other analogous cases of "backyard cultivation" of cannabis see *Priebe v. Williams* (Supreme Court, Hobart 30th March,

- 1972); *McNamara* (1978) 2 Crim L.J. 1970; *Broughton v. Lowe* (1980) 4 Crim L.J. 119; *Morrison* (Court of Criminal Appeal, Brisbane 27th March, 1979); *Ebner* (Court of Criminal Appeal, Brisbane 31st March, 1978).
28. (1972) Qd.R. 394, at pp. 399-400.
 29. (1972) 2 SASR 446.
 30. *Tideman* (1976) 14 SASR 130, p.134.
 31. *Bobrige v. Sweatman* (Supreme Court, Adelaide 15th May, 1979 per Williams J.); see also *Lindsay v. Giersch* (1978) 2 Crim L.J.101.
 32. (1971) 1 NSWLR 247.
 33. (1977) 1 Crim L.J. 40.
 34. Cited from *Speech* (unreported decision, 11th December, 1974), where a sentence of four years with parole eligibility after two years was confirmed in respect of what was described as a "cold-blooded" dealing transaction which involved 1,200 Buddha sticks.
 36. *Blundell* (3rd February, 1978) — Imprisonment for two years with parole eligibility after six months for 23 year old who had completed half of a law degree and who had about half a kilo of cannabis at the time of arrest. In *Whitehouse* (21st July, 1978) a 29 year old university student who managed to convince the Court that he had "changed his lifestyle" after repeated lawlessness as a teenager had his sentence reduced to two years with parole eligibility after six months — he possessed some 200 grammes of cannabis (and other drugs) at the time of arrest. See also *Drake-Brockman* (13th August, 1976); *Demos* (1st December, 1978); *Rix* (12th October, 1979).
 37. Court of Criminal Appeal, Sydney, 6th November, 1975; reported in (1977) *Petty Sessions Chronicle* 1555. An analogous approach was adopted in *Sloan* (unreported decision, 9th June, 1972).
 38. *Woods*, Court of Criminal Appeal, Brisbane, 20th July, 1976 (unreported).
 40. 22nd November 1974 (unreported).
 41. Court of Criminal Appeal, Brisbane, 28th April, 1976 (unreported).
 42. Court of Criminal Appeal, Brisbane, 19th August, 1977 (unreported).
 43. Court of Criminal Appeal, Brisbane, 23rd May, 1978 (unreported).
 44. (1979) Qd.R. 47.
 45. *Hill* (2nd August, 1978).
 46. *Whyte* (20th April, 1970). See also *Gaskin* (2nd September, 1977).
 47. *Jones v. Griffiths* (2nd November, 1979). The cannabis in this case was in the form of Buddha sticks.
 48. *Stevenson* (18th September, 1978). For a trafficking offence whilst on bail in respect of a similar offence imprisonment for six years was imposed in *Agostinelli* (22nd December, 1978). Compare *Speech* (Court of Criminal Appeal, Sydney 4th June, 1976).
 49. *Barber* (1976) 14 SASR 388; *Madica & Ors* (17th June, 1980).
 50. Undercover agents were used also in *Sawers* (19th February, 1976), a case involving a significant quantity of hashish. The Court of Criminal Appeal, Melbourne has not been anxious to confirm whether Victoria's judges treat cannabis and hashish in the same way for sentencing purposes — *James* (1st May, 1979). Hashish does not necessarily contain a greater concentration of THC than cannabis lead — *Tunis v. Fingleton* (1979) 23 SASR 92.
 51. *Carey & Adey* (1975) 11 SASR 575.
 52. A typical example of the essentially parochial State approach which prevails in Australia is provided by Torrington "The Sentencing of Drug Offenders" (1977) 7 J. *Drug. Issues* 399.
 53. Lack of access to decisions of the Courts of other States was probably one of the main factors to blame for the essentially one-State view of sentencing drug offenders which occurs in Cole and Heine "Drug Prosecutions in South Australia", (1978), a working paper prepared for the Royal Commission into the Non-Medical Use of Drugs, South Australia.



The Drug Debate Revisited

By Denis Lander

REFERENCES

1. Australian Royal Commission of Inquiry into Drugs. *Report*. Canberra: Australian Government Publishing Service, 1980.
2. Commission of Inquiry into the Non-Medical Use of Drugs: *Final Report*. Ottawa: Information Canada, 1973.
3. Second Report of the National Commission on Marijuana and Drug Abuse. *Drug Use in America: Problem in Perspective*. Washington D.C.: Government Printing Office, 1978.
4. Report from the Senate Standing Committee on Social Welfare. *Drug Problems in Australia — An Intoxicated Society?* Canberra: Australian Government Publishing Service, 1977.
5. Royal Commission into the Non-Medical Use of Drugs, South Australia. *Final Report*. Adelaide: State Information Centre, 1979.
6. *The Age*, 24 October, 1980.
7. Grinspoon, L., *Marihuana Reconsidered*. 2nd Edition. Cambridge, Mass.: Harvard University Press, 1979.
8. *The Age*, 22 October, 1980.
9. Batholomew, A.A. *Violent Crime — alcohol and drugs*. Proceedings of V.A.C.R.O. Conference on Drugs, Alcohol and the Law. Melbourne. 1978.
10. Final Report of the Joint Committee on New York Drug Law Evaluation. *The Nation's Toughest Drug Law: Evaluating the New York Experience*. New York: National Institute of Law Enforcement and Criminal Justice, 1978.

NUNN & TRIVETT'S

COMMERCIAL COLLEGE LIMITED
 Shorthand, Typing, Business Principles, Dictaphone,
 Switchboard, Mag. Card II.
 Individual Training in all Subjects
 1st Floor, Civic Arcade, Adelaide Street
 Brisbane, Queensland. Telephone (07) 221 8114



Sub-Zero Storage
 Blast Freezing
 Contact Freezing

347 Lytton Road,
 Morningside, Qld.

Office
 Phones: (07) 399 3411, 399 5826
 Telex Watcol AA41026

BANKSTOWN HOTEL

(Mine Host — Don Cowan)

Where the ale is cool and a warm welcome is assured

Public Bar, Saloon, Lounge and Den Club Bar
 Well stocked bottle shop with over 80 discount lines

North Terrace, Bankstown, (02) 70 1142
 7.30 a.m.-8.30 p.m. 6 days a week

Proud to be associated with the A.C.P.C.