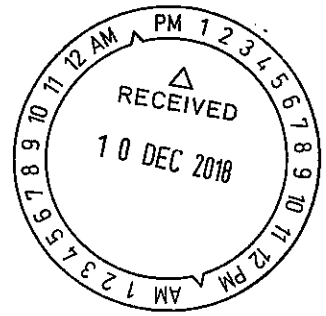


Hon. Aaron Stonehouse, MLC
Level 1, Sterling House
8 Parliament Place
WEST PERTH WA 6005



26 November 2018

Dear Mr. Stonehouse

RE: Impact of current legislation

Possess a Prohibited Drug (Cannabis) - Section 6 (2) Misuse of Drugs Act 1981

Thank you for your invitation to submit a statement regarding interactions with the justice system as per your email, 12 November 2018. This statement is on behalf of a family member who has suffered significant negative impacts due to the status of the law regarding drug use as it currently stands.

Charged with possessing cannabis in 2017, the family member had the matter heard before a Magistrate on [REDACTED]; however, the legal requirement to serve the family member to appear did not occur. As the family member's residential address did not have a letterbox, and his postal address was not used, the consequence of failing to serve was compounded by the failure to deliver notice at all - a Prosecution Notice discovered in the property's front garden, three days before the court date [REDACTED] the only indication. Furthermore, this communication did not include a Statement of Facts letter. With little time to seek legal representation, and unaware of the impact to follow, the hearing proceeded as scheduled.

The Magistrate convicted him of the 'simple offence' described as 'Possess of Prohibited Drug (Cannabis)' and applied a fine of \$200.

This as a single incident is not of significant consequence; however, the family member had security licences. Unbeknown to the family member, as a similar offence had occurred twenty (20) years prior, this second incident gave cause for his licences to be revoked - for five (5) years.

Despite the requirement that notification of the intent to revoke security licences be provided, the family member did not receive such. Instead, the mail with the notice of intention to suspend the family member's licence was returned to the Police Licensing Services (Security) on [REDACTED] seven days after the hearing. It seems that although the postal address was on record, and all other previous communication had been sent/received to/from the postal address successfully, on this single occasion the communication was sent to the residence and therefore was not delivered.

The family member had no indication that there was any intention to revoke his security licences. He had no indication that the prior offence, from [REDACTED] would impact his employment or cause suspension of his licences. In fact, despite disclosure, the prior offence had not hindered the original application for, or obtainment of, his Security II and III licences.

Given the offence was 20 years earlier it had, essentially, been forgotten. Engagement of legal representation, so that consideration could be respectfully requested of the Court, would have occurred had the family member been notified (as he should have been).

Consequently, the impact of these processes together with the law as it stands, have had a devastating impact on the family member.

After being unemployed for eighteen (18) months prior, the family member was elated to have studied and finally obtained regular employment in an industry he was fully committed to. Additionally, after suffering financial hardship during that period, it was an opportunity to save some money in order to reunite with his family. Married in [REDACTED] his wife (who lives in Thailand with their daughter) had been unable to return to Western Australia for twelve (12) months due to their lack of funds. After a depressing period of instability and lack of income, the family member was finally working towards a sustainable future. But, coping with pain, a 'simple offence' together with one, similar, occurrence 20 years ago, had taken all that away - for FIVE years.

To add insult to injury, the family member's employer was prepared to overlook the 'simple offence' and was happy to continue his employment. Though demand and support was there, unemployment was inevitable due to the suspended licences. Furthermore, with extended family living in Queensland, work in security leading up to, and at, the 2018 Commonwealth Games was also now unobtainable. This valuable opportunity to extend training and experience, as well as the financial benefits, was another considerable negative impact.

The question faced, given the significant negative impacts suffered by the family member due to his interactions with the justice system and the laws as they stand, is - does the severity of these consequences seem proportional to the crime - especially considering the contrast to the sentencing by the court resulting in a \$200 fine?

We wish you well in your endeavours, as we hope for a change to the laws and common sense application of them.

Regards