

Information Bulletin

**Office of
Crime Statistics**

No 27

November 2001

Cannabis Expiation Notices (CENs) in South Australia, 1997 to 2000

Nichole Hunter

Data extracted by
Carol Castle

Attorney-General's Department

This Information Bulletin presents the preliminary results from Part 1 of a longer term study examining Cannabis Expiation Notices (CENs). Included are data for the period 1 January 1997 to 31 December 2000 on the number of CENs issued, the characteristics of CEN recipients, the types of offences contained on notices and expiation levels. Also included are data on the outcomes of expiation matters forwarded to court.

Introduction

This Information Bulletin details the preliminary results from Part 1 of a longer term study examining Cannabis Expiation Notices. The data included in this Bulletin were provided by the Expiation Branch of South Australia Police (SAPOL) and cover the period 1 January 1997 to 31 December 2000.¹ This Bulletin presents data on the number of CENs issued, the characteristics of CEN recipients, the types of offences contained on notices and expiation rates. Also included are data on the outcomes of expiation matters forwarded to court.

Background

The Cannabis Expiation Notice scheme was introduced in South Australia in April 1987 (under the *Controlled Substances Amendment Act 1986*). The scheme allows adults detected by police for 'simple cannabis offences' to be issued with an expiation notice. By paying the prescribed expiation fee within a certain time period the alleged offender is able to avoid court proceedings and a criminal conviction for that offence.

The expiable cannabis offences and the fees applicable for each offence are as follows:

- Possession of cannabis
 - less than 25grams \$50
 - 25g or more but less than 100g \$150
- Possession of cannabis resin
 - Less than 5g \$50
 - 5g or more but less than 20g \$150
- Smoking/consumption of cannabis or cannabis resin in a private place \$50
- Possession of equipment for smoking or consumption of cannabis
 - If in connection with one of the above offences \$10
 - Otherwise \$50
- Cultivation of up to 3 cannabis plants (for the grower's own use)² \$150

When CENs were introduced the intention was to distinguish between private users and persons trafficking in cannabis. Hence, the penalties associated with non-expiable cannabis offences were increased. Cannabis offences that are non-expiable include offences involving larger amounts of cannabis than specified above, smoking/consumption in a public place, offences relating to cannabis oil and offences relating to the selling, supplying or commercial production of cannabis. Offences committed by juveniles (individuals under 18 years) are also not expiable.³

Although recent research found general support for the scheme by law enforcement and criminal justice personal (see Sutton and McMillan, 1999), the introduction of CENs was not without controversy. (For a summary of arguments for and against the scheme see Sarre, Sutton and Pulsford, 1989.) One concern was that the introduction of CENs would lead to an increase in cannabis use, particularly experimentation by young people. This has not been substantiated; although increased usage has been reported in South Australia, similar trends have been found in jurisdictions without expiation notices (see Donnelly, Hall and Christie, 1998 and Miller and Draper, 2001).

¹ For this study notices with an offence date between 1 January 1997 and 31 December 2000 were extracted. This time period was chosen on the basis of the data that were available. Comparable data prior to 1997 were unavailable due to the culling of CEN records by SAPOL.

² The number of plants deemed to be cultivated for personal use and therefore expiable was not specified in the original legislation (which stated a "small number for non-commercial purposes"). However, under the *Controlled Substances Act Amendment Act (No.2) 1990* an expiable offence was defined as the cultivation of up to ten plants. In 1999, in response to concerns that hydroponics had increased plant yields and that syndicates were exploiting these provisions, the limit was reduced to three plants. At present the three plant limit remains, although the number of plants considered sufficient for personal use is still much debated, with some supporting a return to the 10 plant limit and others proposing reducing the number of plants which can be cultivated without conviction even further (possibly to one).

³ While juveniles cannot receive CENs the Police Illicit Drug Diversion Initiative, allows young people detected for possessing/using illicit drugs and/or equipment to be diverted to appropriate assessment and intervention at the pre-apprehension stage. The Diversion Initiative will also target adults detected for simple offences relating to the possession and use of drugs other than cannabis.

Nonetheless, the introduction of CENs seems to have had unintended consequences, including a 'net-widening' effect. The scheme has been criticised because the number of people receiving CENs has consistently been much higher than the number prosecuted for cannabis offences prior to the introduction of the scheme. Further, the number of cannabis offences for which notices are issued has increased markedly since the scheme first commenced, from 6,231 in 1987/88 to over 17,000 by the mid 1990s (Christie, 1999 and Ali, Christie, Lenton, Hawks, Sutton, Hall and Allsop, 1999).

After only a few months of operation another problem with the scheme emerged, namely that many CENs were not expiated, resulting in the alleged offenders being prosecuted in court for the non-payment of fees (Sarre et. al., 1989). At the beginning of the CEN scheme the expiation rate was approximately 55% (Sarre. et. al. 1989), and by 1995/96 the proportion had decreased even further to be closer to 45% (Christie, 1999). It was suggested that this relatively low level of expiation was the result of a lack of awareness of the consequences of the failure to pay fees or an inability to pay due to financial difficulty. Whatever the reason, the low expiation rate was contrary to the initial aim of the scheme, which was to reduce the number of defendants appearing in court for minor cannabis offences, thus saving court resources and avoiding the stigma of a criminal conviction for these individuals.

In an attempt to improve the expiation rate the *Expiation of Offences Act (SA) 1996*, which came into operation in February 1997, introduced a range of options for the payment of fees (including instalments and community service). At the same time, CEN forms were altered to include more detailed information on the consequences of the failure to pay fees. The new forms also allow alleged offenders to choose to dispute the allegations. Prior to 1997, if an alleged offender chose to contest an expiation matter they had to not pay the expiation fee within the 60 day period allowed, wait to receive a summons for the failure to expiate and appear in court to contest the matter. While this has been altered under the new Act, there remains the potential for an offender who decides to contest the allegations to be found guilty and receive a criminal conviction.

Previously, unpaid CENs were forwarded for prosecution, but under the new legislation expiation fee defaulters are dealt with differently. If they do not pay within the given time period and they have not applied to the Registrar of the Magistrates Court to make use of the alternative payment options, they are sent a reminder notice (incurring an additional fee). Rather than being issued with a summons to appear in court, under the new Act failure to pay the expiation fee results in an automatic conviction.

This study investigates whether the changes introduced in 1997 have impacted upon the expiation rate. It also considers whether the number of CENs issued, the characteristics of recipients and the types of offences included on notices have altered in the last few years. Unfortunately, the culling of police records limits the data available to four years (1997-2000), which is insufficient time to examine longitudinal trends. However, comparisons can be drawn with the results of other studies, which have monitored the scheme since its introduction.⁴ Where possible, the findings of this study are assessed in light of such research.

While the focus of this Bulletin is expiation notices, the first section considers trends in cannabis use and in the number of non-expiable cannabis offences recorded by police. This information provides a broader context for the CEN statistics that follow.

Trends in cannabis use and detected non-expiable cannabis offences

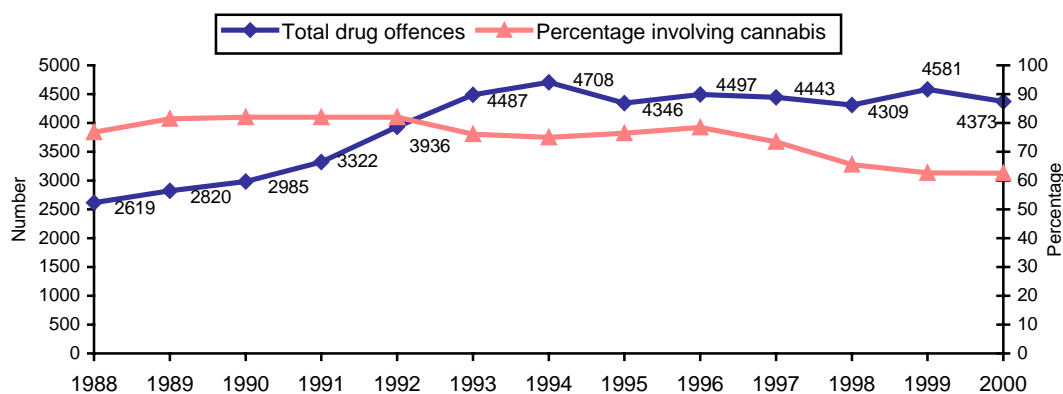
According to the 1998 National Drug Strategy Household Survey, 39% of South Australians aged 14 years and over had used cannabis at some time in their lives, while 18% had used it in the previous 12 months (AIHW, 2000). Comparing the results of this survey with previous surveys indicates that the prevalence of lifetime cannabis use in South Australia, as in other states and territories, has increased over the last decade (see Miller and Draper, 2001; Donnelly, Hall and Christie, 1999). Donnelly, Hall and Christie (1999) found that lifetime cannabis use increased in South Australia from 26% in 1985 to 36% in 1995.

⁴ This includes the research commissioned by the National Drug Strategy Committee and co-ordinated by the Drug and Alcohol Services Council and by the Australian Institute of Criminology as well as the initial 1989 evaluation conducted by the Office of Crime Statistics.

While there is some evidence that cannabis use has increased, it cannot be assumed there would be a corresponding increase in detected cannabis offending, as the number of offences recorded is more likely to be a reflection of police practices than levels of use. Before exploring trends in the number of CENs issued, the next section considers whether there has been any change in the total number of non-expiable drug offences recorded between 1988 and 2000.

Figure 1 details trends in all drug offences recorded in South Australia between 1988 and 2000. As Figure 1 indicates, while the total number of drug offences (excluding expiable cannabis offences) recorded by police increased between 1988 and 1994, after this time numbers stabilised at approximately 4,400 to 4,500 per year. The total number of drug offences recorded remained relatively constant over the period covered by this Bulletin (1997 to 2000), with 4,443 offences recorded in 1997 compared with 4,373 in 2000.

Figure 1 Offences recorded by police: total drug offences and proportion involving cannabis, 1988-2000*

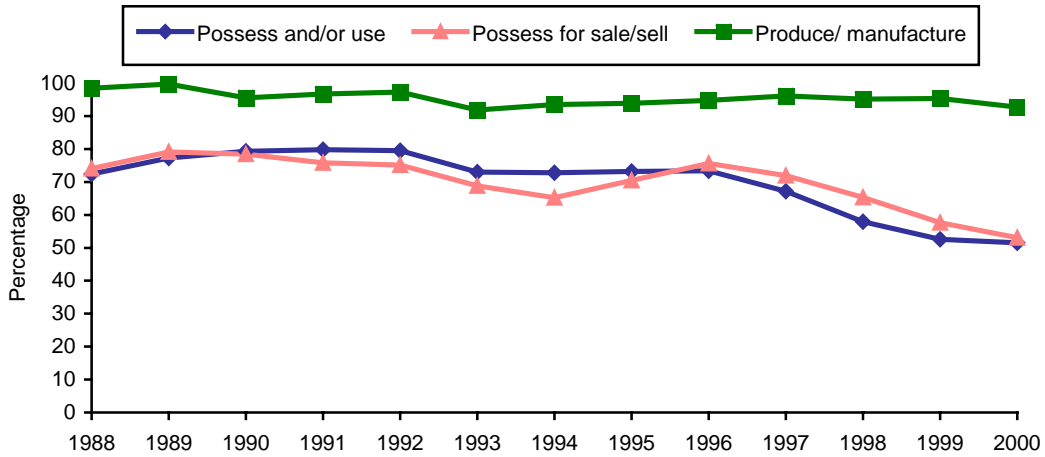


* Total drug offences includes possess and/or use drug offences, possess implements for drug use offences, fraudulent prescription offences, possess for sale/sell drugs, produce or manufacture drugs and other drug offences. It excludes expiation offences.

Although as Figure 1 indicates, the total number of drug offences (excluding expiation offences) recorded by police remained relatively stable between 1997 and 2000, as illustrated, the proportion involving cannabis, rather than some other type of illicit drug, declined over the same period. As Figure 1 indicates, in 1997, of the 3,007 drug offences where the type of drug involved was recorded, 73.5% involved cannabis. In comparison, in 2000, of the 3,416 offences where information on the type of drug involved was available, cannabis accounted for 62.6%. This is consistent with the findings reported in the Australian Bureau of Criminal Intelligence (2001) *Australian illicit Drug Report 1999-2000*, which found an overall decline in recorded cannabis offences across Australia in recent years. According to this report, while in 1995/96 cannabis offences comprised 80% of all drug-related offences recorded in Australia, by 1999/2000 the proportion was 67%. In contrast, the proportion of drug offences involving heroin and amphetamines has increased in recent years.

In line with the finding that cannabis is now involved in a smaller proportion of all illicit drug offences, as Figure 2 indicates, the proportion of *possess and/or use drug offences* recorded in South Australia which involved cannabis has also steadily declined over the last decade. While cannabis was the drug involved in approximately 80% of *possess and/or use drug offences* in the early 1990s, by 1997 the proportion was 67% and by 2000 it had dropped to just over 50%. A similar trend was apparent for *possess for sale/sell drugs*, with cannabis increasingly comprising a smaller proportion of these offences. However, contrary to these findings, in each of the years 1988 to 2000 cannabis was involved in over 90% of all *produce/manufacture drug offences*.

Figure 2 Proportion of possess and/or use drug, possess for sale/sell drugs, and produce/manufacture drug offences recorded by police where the substances involved was cannabis*, 1988-2000



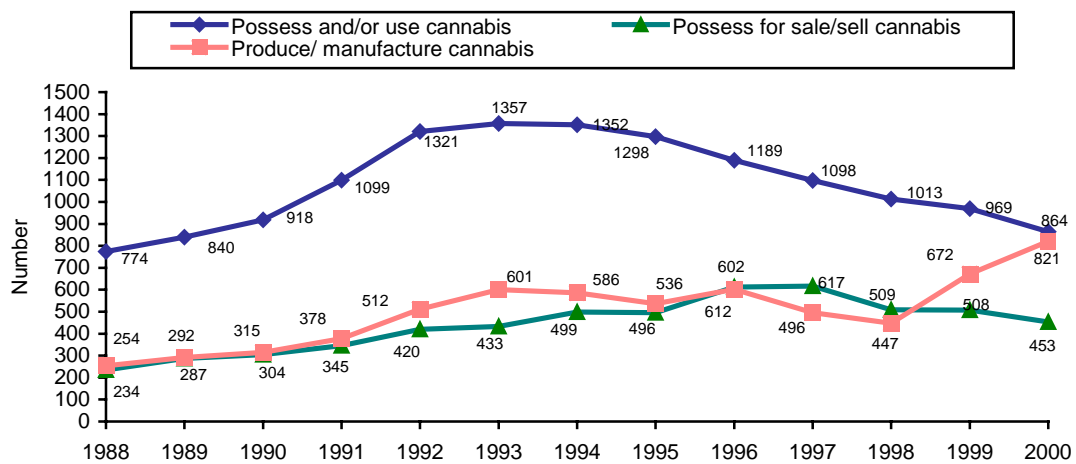
* Includes all forms of cannabis.

Figure 3 details the actual number of *possess and/or use drugs*, *possess for sale/sell drugs* and *produce/manufacture drugs* offences recorded by police between 1988 and 2000 which involved cannabis. As shown, the number of recorded *possess and/or use drug* offences which involved cannabis increased from 1988 until the mid 1990s and then decreased after this time. The last four years of available data reveal that the 864 offences recorded in 2000 was 21.3% lower than the 1,098 offences recorded in 1997.

The number of cannabis-related *possess for sale/sell drugs* offences recorded increased from 1988 until 1997 before decreasing after this time. Between 1997 and 2000 the number of such offences recorded by police decreased by 26.6%.

A different trend was exhibited by cannabis-related *produce/manufacture drugs* offences, which increased from 1988 to 1993 then fluctuated until 1998, before increasingly markedly in 1999 and 2000. The number of *produce/manufacture cannabis* offences recorded in 2000 (n=821) was 65.5% higher than the number recorded in 1997, and, for the first time in the 13 years depicted, approached the level of *use/possess cannabis* offences recorded by SAPOL.

Figure 3 Cannabis-related drug offences recorded by police, 1988 – 2000 by type of offence



In summary, while the total number of drug offences (excluding expiation matters) has remained relatively constant between 1997 and 2000, there has been a change in the type of drug involved, with cannabis offences increasingly comprising a smaller proportion of all recorded drug offences and heroin and amphetamines a higher proportion. There has also been a shift in the types of non-expiable cannabis-related drug offences recorded by police, with the number of *possess and/or use cannabis* and *possess for sale/sell cannabis* offences declining, while the number of *produce/manufacture cannabis* offences has increased.

As the detection of cannabis offences is heavily influenced by police practices these data may reflect changing policies to target drug offences involving substances other than cannabis and the more serious cannabis offences (such as produce/manufacture).⁵ The drop may also be indicative of cannabis offences (particularly cultivation) becoming more difficult to detect. The ABCI (2001) report suggests the trend towards indoor hydroponics has improved concealment opportunities, as the range of locations able to be utilised for cannabis production has increased.

These data provide a context for the following analysis of trends in the number of CENs issued per calendar year over the period 1997 to 2000.

Number of cannabis expiation notices issued per year

Table 1 details the number of Cannabis Expiation Notices (CENs) issued for each of the calendar years 1997 to 2000. These data should be viewed in the context of earlier studies, which found a substantial increase in the number of CENs issued from the commencement of the scheme in 1987 until the mid 1990s. Christie (1999) found that the number of CENs issued increased from 4,599 in 1987/88 to over 17,000 by the 1993/94 after which time numbers stabilised. The most recent data indicate that this upward trend has been reversed, with the number of notices issued each year steadily declining. In 2000, there were 8,356 CENs issued, which was 7.0% lower than the number recorded in the previous year and 36.9% lower than the 1997 figure.

Table 1 Number of CENs issued per year, 1997-2000

Year	No.
1997	13,238
1998	10,635
1999	8,988
2000	8,356

Christie (1999) attributed the increase in the number of CENs issued between 1987/88 and the mid 1990s to changes in police practices and in particular the allocation of resources to deal with these offences. Similarly, the explanation for the downswing is also likely to be the result of police work practices as the detection of cannabis offences is heavily dependent on police enforcement and in particular on whether special operations are launched targeting these offences. This is illustrated by the media reports of a recent special operation, where in a two week period, the police raided 558 properties. As a result of this operation, as well as seizing cannabis plants and equipment and making a number of arrests and reports, the police issued 240 cannabis expiation notices (“Seized cannabis valued at \$30m”, *The Advertiser*, 26 May 2001, p.27). Operations such as these have a considerable impact on the number of CENs issued each year.

Number of notices by sex

The following table details the sex of CEN recipients for those notices where this information was recorded. As one person can receive more than one notice in any given year the information presented does not relate to discrete individuals.

As Table 2 indicates, in each of the years 1997-2000, males received the majority of CENs issued (approximately 86%). This is consistent with the findings of Christie (1999) who found that between 1991/92 and 1995/95 about 87% of CENs were issued to males.

⁵ Some support for this hypothesis was provided via informal discussions with SAPOL representatives.

Table 2 Number of CENs issued by sex of recipient, 1997-2000

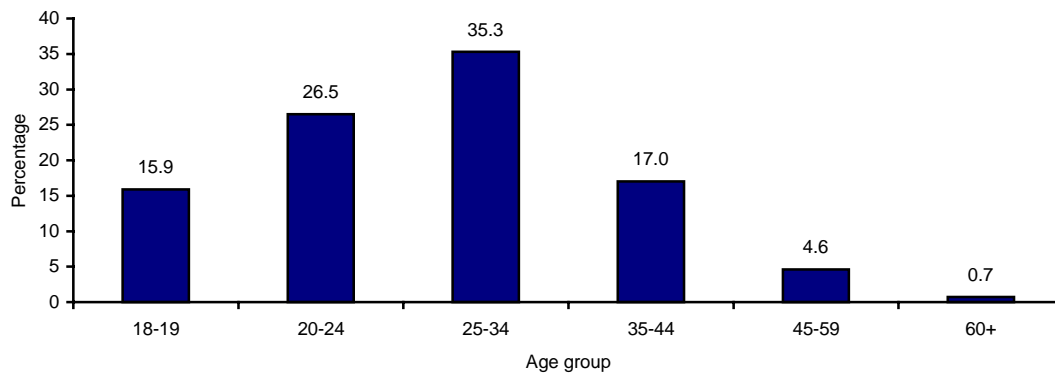
Year	Males	Females
1997	11,404	1,833
	86.2%	13.8%
1998	9,202	1,431
	86.5%	13.5%
1999	7,664	1,324
	85.3%	14.7%
2000	7,181	1,174
	85.9%	14.1%

* Excluded from this Table are CENs where the sex of the recipient was unknown (one CEN in 1997, two in 1998 and one in 2000).

Number of notices by age

Previous studies have documented that the majority of CEN recipients are young people below the age of 24, most typically aged 18 and 19 years (Chrisite, 1999). That finding sparked concern that the expiation scheme may in fact have increased contact between police and some young adults (Sutton, 2000). In this present study persons aged 18-24 also constituted the largest proportion of CEN recipients in each year (42.3% in 2000). More specifically, in 2000, 15.9% were aged 18-19 years of age and 26.5% were aged 20-24 years. Persons aged 25-34 years comprised the second biggest group (35.3% in 2000). In each of the years 1997 to 2000, only a small proportion of persons issued with a CEN were aged 45 years or older. As Figure 4 indicates, in 2000, only 4.6% of notice recipients were aged 45-59 years, while less than 1% were aged 60 or more years.

Figure 4 Age of CEN recipients, 2000



While persons aged 18-24 received the largest proportion of CENs issued each year, the proportion of CENs issued to people within this age group declined slightly between 1997 and 2000 (from 46.8% to 42.3% respectively). More specifically, over the period 1997 to 2000 the proportion of CEN recipients aged 18-19 years declined from 17.5% in 1997 to 15.9% in 2000. Likewise, the proportion aged 20-24 years decreased from 28.4% in 1997 to 26.5% in 2000. While four years is not a sufficient timeframe to monitor trends, coupled with the findings of Christie (1999) that between 1991/92 and 1995/96, 51% of CENs were issued to offenders aged 18-24 years, there is some indication that young people now make up a smaller proportion of CEN recipients.

Table 3 Number of CENs issued by age of recipient, 1997-2000

	1997		1998		1999		2000	
	No.	%	No.	%	No.	%	No	%
18-19	2,240	17.5	1,758	16.8	1,399	15.8	1,303	15.9
20-24	3,754	29.3	2,902	27.7	2,393	27.0	2,178	26.5
25-34	4,518	35.3	3,814	36.4	3,242	36.6	2,903	35.3
35-44	1,819	14.2	1,570	15.0	1,419	16.0	1,398	17.0
45-59	401	3.1	379	3.6	354	4.0	381	4.6
60 & over	73	0.6	54	0.5	41	0.5	57	0.7
Total	12,805	100.0	10,477	100.0	8,848	100.0	8,220	100.0

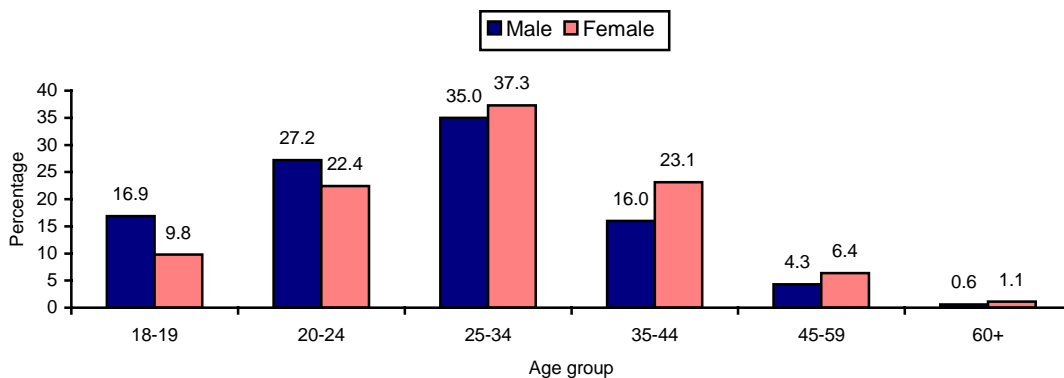
Excluded from this table are notices where the age of the recipient is unknown (433 notices in 1997, 158 in 1998, 140 in 1999 and 136 in 2000).

Over the four years for which data were available there was a slight increase in the average age of CEN recipients. In 1997 the average age of CEN recipients was 27.2 years, while by 2000 the average age had increased to 28.3 years.

Number of notices by sex and age

The different age profiles of male and female CEN recipients are highlighted in Figure 5 and Table 4. As indicated, in each year proportionately more males than females were aged 18-24 years. As Figure 5 illustrates, in 2000, 16.9% of males were aged 18-19 years compared with 9.8% of females, while 27.2% of males were aged 20-24 years compared with 22.4% of females. Conversely, in this same year, 16.0% of male and 23.1% of female CEN recipients were aged 35-44 years.

Figure 5 CEN recipients: age by sex, 2000



The gender differences observed in 2000 were also evident in the years 1997 to 1999. As Table 4 indicates, in each year a higher proportion of males than females were from the younger age groups, while proportionally more women fell within the older age groups. Stated differently, females consistently comprised a greater proportion of older CEN recipients than males. In each year women accounted for approximately 20% of those aged 45-59 years compared with 10% of those aged 18-19 years. Again this supports the findings of Christie (1999) who noted that between 1991/92 and 1995/96, 90% of persons issued with a CEN aged 18-24 years were male.

While not included in Table 4, the average age of females was consistently higher than that of males over the period 1997 to 2000. For example, in 2000, the average age of female notice recipients was 30.5 years as compared with 27.9 years for males. For both sexes there was an increase in average age over the period 1997 to 2000, from 26.9 to 27.9 years for males and from 29.0 to 30.5 for females.

Table 4 CEN recipients: sex by age, 1997-2000

Year	Age group (years)					
	18-19	20-24	25-34	35-44	45-59	60 & over
1997						
Male	1,993 18.1%	3,366 30.5%	3,820 34.6%	1,461 13.3%	321 2.9%	64 0.6%
Female	247 13.9%	388 21.8%	698 39.2%	358 20.1%	80 4.5%	9 0.5%
1998						
Male	1,588 17.5%	2,575 28.4%	3,257 36.0%	1,299 14.3%	299 3.3%	41 0.5%
Female	170 12.0%	327 23.1%	557 39.3%	270 19.1%	80 5.6%	13 0.9%
1999						
Male	1,259 16.7%	2,095 27.8%	2,727 36.2%	1,133 15.0%	288 3.8%	36 0.5%
Female	140 10.7%	298 22.7%	515 39.3%	286 21.8%	66 5.0%	5 0.4%
2000						
Male	1,190 16.9%	1,919 27.2%	2,471 35.0%	1,131 16.0%	307 4.3%	44 0.6%
Female	113 9.8%	259 22.4%	432 37.3%	267 23.1%	74 6.4%	13 1.1%

CENs for which age was missing have been excluded from this table.

In summary, while there has been a decline in the number of notices issued in the last few years, overall the gender breakdown of notice recipients has remained largely unchanged. Similarly, although the average age of CEN recipients has increased slightly, the majority of persons still fall within the 18-24 year old age group. Unfortunately, only data on the sex and age of CEN recipients were accessible for this study. No information on racial identity or other characteristics (such as income or employment status) were available. However, research examining the first nine months of operation of the CEN scheme (Sarre et. al., 1989) concluded that the characteristics of CEN recipients were very similar to the characteristics of those detected for cannabis offences prior to the introduction of the CEN scheme. This early study also concluded that the characteristics of both groups were unlikely to match those of cannabis users. In comparison with self-reported cannabis use, males, Aboriginal persons, unemployed persons and those with criminal records were over-represented among detected persons. Based on these findings, the authors posited that future trends in detected cannabis offending in South Australia would be unlikely to mirror cannabis usage in the general community (see also Sutton and Sarre, 1992). Consequently, the information presented in this Bulletin, detailing the characteristics of CEN recipients, cannot be assumed to reflect the characteristics of all cannabis users.

Number of cannabis expiation offences per year

As previously indicated, there has been a steady decline in the number of CENs issued between 1997 and 2000. While this may be due to a decline in the actual number of offences detected, it could also be attributed to a change in police recording practices following the modification to CEN forms introduced in February 1997. Prior to this time individuals who had allegedly committed more than one expiable offence within the one 'incident' were, in most instances, issued with multiple CENs, with one offence listed on each CEN. This was because, while the original legislation allowed for up to three offences to be included on the same notice, as Sarre et. al. (1989) noted, an unintended consequence of the legislation was that an expiation fee could only be accepted if the offender was willing to expiate all matters included on the notice. In other words, notice recipients were not able to dispute one offence and pay the fees associated with another offence included on the same notice. When this problem was identified, a directive was issued in August 1988 that each notice was to contain only one expiable offence. However, the 1996 legislative amendments (*Expiation of Offences Act*) rectified this problem by introducing new CEN forms, which allowed some offences to be expiated and others on the same CEN to be disputed. To ascertain whether the change in notice forms accounts for the reduction in the number of CENs issued this section considers the number of discrete cannabis offences included on expiation notices issued between 1997 and 2000.

Christie (1999) noted that in 1987/88 the number of cannabis offences for which CENs were issued was 6,231. By the mid 1990s the number of offences had increased to over 17,000. However, their research also provided some indication that the number of offences recorded each financial year had peaked and was beginning to decrease. The 1997 to 2000 data extracted for the present study indicate that this downswing has continued. As Table 5 indicates, the 11,777 offences recorded in 2000 was 8.4% lower than the 1999 figure and 34.1% lower than the 1997 number.

Table 5 Number of cannabis expiation offences, 1997-2000

Year	No.
1997	17,878
1998	15,217
1999	12,861
2000	11,777

Given that the number of expiation offences recorded has declined, it seems unlikely that the reduction in the number of notices issued over the period 1997-2000 can be attributed to the change in the CEN forms. The next section considers the number of offences per notice and the breakdown of offences included on notices to ascertain whether these have changed over the period 1997 to 2000.

Number of offences per CEN

According to Christie (1999), the overwhelming majority of CENs issued between 1991/92 and 1995/96 involved single offences, while relatively few notices contained two or three offences. This is not unexpected because as previously noted, although a CEN can contain up to three offences, from August 1988 until February 1997 police were instructed to issue separate CENs for each cannabis offence detected. However, with the changes introduced by the *Expiation of Offences Act 1996* multiple offences were able to be included on one notice, with each offence able to be dealt with separately (in other words, some matters could be expiated and others contested). It would be expected that this change would lead to an increase in the number of offences recorded on each notice after this time.

As Table 6 indicates, in each of the years 1997 to 2000 the majority of notices contained only one offence. However, a higher proportion of notices issued in 1997 contained only one offence than did notices issued in the other three years. Given 1997 was a transitional year (with the new legislation introduced in February), it is perhaps not surprising that a substantial proportion of notices issued in that year contained only one offence (almost three quarters of notices). In comparison, in 1998, 1999 and 2000 the proportion of notices containing one offence decreased to approximately 65%. Nevertheless, in each of the years 1997 to 2000 the average number of offences per notice remained consistent at 1.4.

Table 6 Number of offences per CEN, 1997-2000

Year	Number of offences							
	One		Two		Three		Total	
	No.	%	No.	%	No.	%	No.	%
1997	9,832	74.3	3,389	25.6	17	0.1	13,238	100.0
1998	7,150	67.2	3,471	32.6	14	0.1	10,635	100.0
1999	5,880	65.4	3,093	34.4	15	0.2	8,988	100.0
2000	5,556	66.5	2,777	33.2	23	0.3	8,356	100.0

Table 7 details the number of offences per CEN according to the sex of the recipient. As can be seen from this table, for both males and females most notices involved one offence only. However, in each of the years 1997 to 2000, a higher proportion of notices issued to females involved only one offence,

while notices received by males more often contained multiple offences. In 2000, 65.6% of CENs issued to males contained one offence compared with 71.7% of notices received by females.

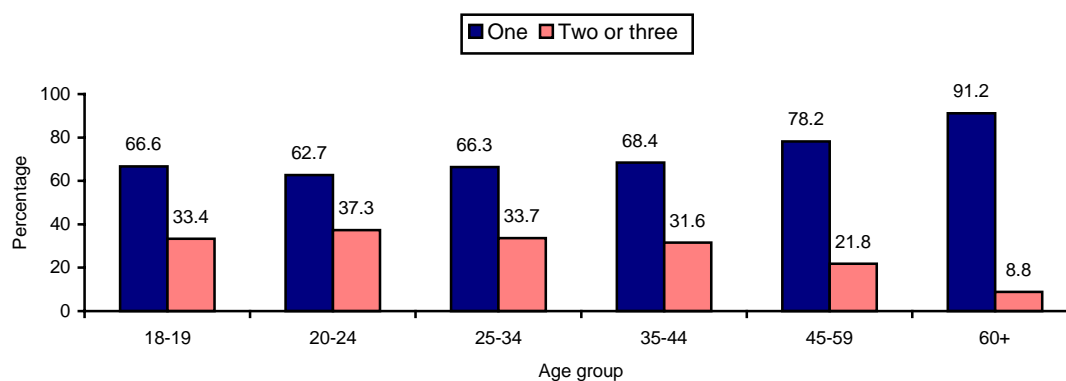
Table 7 Number of offences per CEN by sex, 1997-2000

Year	Number of offences							
	One		Two		Three		Total	
	No.	%	No.	%	No.	%	No.	%
1997								
Male	8,397	73.6	2,990	26.2	17	0.1	11,404	100.0
Female	1,434	78.2	399	21.8	-	-	1,833	100.0
1998								
Male	6,118	66.5	3,072	33.4	12	0.1	9,202	100.0
Female	1,030	72.0	399	27.9	2	0.1	1,431	100.0
1999								
Male	4,980	65.5	2,671	34.9	13	0.2	7,664	100.0
Female	900	68.0	422	31.9	2	0.2	1,324	100.0
2000								
Male	4,713	65.6	2,448	34.1	20	0.3	7,181	100.0
Female	842	71.7	329	28.0	3	0.3	1,174	100.0

Excluded from the above table are four notices where the sex of the recipient was unknown.

As Figure 6 illustrates, CENs issued to older persons more often involved only one offence than did notices issued to younger persons. In 2000, 80% of notices issued to persons aged 45 years and over contained only one offence (78.2% issued to person aged 45-59 and 91.2% issued to persons aged 60 years or more). In comparison, 64% of notices issued to 18-24 year old young people involved one offence (66.6% of notices issued to 18-19 year olds and 62.7% issued to 20-24 year olds).

Figure 6 Number of offences per CEN by age, 2000



Appendix A details longitudinal trends in the number of offences per CEN broken down according to the age of the notice recipient. Consistent with the 2000 findings, in each year those from the older age groups (45 years and older) were more likely to be issued with notices containing one offence only.

The following section provides further information on the types and combinations of offences included on notices.

Types of offences included on CENs

In each of the years 1997 to 2000, the majority of offences listed on CENs involved *possession of cannabis* or *possession of equipment*. For example, in 2000, they accounted for 44.2% and 40.9% of offences respectively. This is consistent with the findings of Christie (1999) who also found that these were the two offences most commonly included on CENs. Over the period 1991/92 to 1995/96

possession of cannabis constituted 40.9% of CEN offences, while *possession of equipment* constituted 38.5% (Christie, 1999).

In each of the years 1997 to 2000 *possession of cannabis resin* and *smoking/consumption* each accounted for less than 1% of offences. *Cultivation offences* consistently accounted for less than 20% of all offences with the proportion of *cultivation offences* decreasing over the time period, from 18.3% of CEN offences in 1997 to 14.3% in 2000. In comparison, Christie (1999) found that over the period 1991/92 to 1995/96 *cultivation offences* accounted for 19.9% of CEN offences.

As indicated at the start of this Bulletin, the expiation fees associated with the offences of *possession of cannabis* and *possession of cannabis resin* vary depending upon the amount of cannabis involved. For *possession of cannabis* a distinction is drawn between possession of less than 25 grams and possession of 25 to 100 grams. For *possession of cannabis resin* the breakdown is less than 5 grams as compared with 5 to 20 grams. For both offence types, the majority of offences included on CENs between 1997 and 2000 involved possession of the smaller amount. In each of the years 1997 to 2000, approximately nine in ten *possession of cannabis offences* involved less than 25 grams. Similarly, over 80% of *possession of cannabis resin offences* involved less than 5 grams.

As previously indicated, over the four year period 1997 to 2000 there was a decline in the total number of expiation offences recorded. For *possession of cannabis*, *possession of equipment* and *cultivation* there has also been a decrease in the number of offences included on CENs in each year. As Table 8 indicates, the number of *possession of cannabis* offences included on CENs issued in 2000 was 30% lower than the number recorded in 1997 (5,208 compared with 7,416). Similarly, the number of *possession of equipment* offences recorded in 2000 was 32% lower than the 1997 figure. While the number of *cultivation offences* recorded each year is relatively small, the 2000 number was 49% lower than the 1997 figure. For *possession of cannabis resin* and *smoking/consumption* offences, the numbers are small and fluctuated over the four year period.

Table 8 Types of offences included on CENs, 1997-2000

Year	Offence type									
	Possession of cannabis		Possession of cannabis resin		Possession of equipment		Smoking/ consumption		Cultivation	
	No.	%	No.	%	No.	%	No.	%	No.	%
1997	7,416	41.5	55	0.3	7,105	39.7	22	0.1	3,280	18.3
1998	6,373	41.9	44	0.3	6,180	40.6	19	0.1	2,601	17.1
1999	5,695	44.3	34	0.3	5,224	40.6	20	0.2	1,888	14.7
2000	5,208	44.2	58	0.5	4,820	40.9	11	0.1	1,680	14.3

The reduction in the number of *cultivation offences* might in part be attributed to the decrease in the number of plants expiable. As previously indicated, in response to suggestions that the cultivation of ten plants was inappropriate to be dealt with via an expiation notice, on 3 June 1999 new regulations came into operation that reduced the number of expiable cannabis plants from ten to three. The impetus for the change was the concern that these provisions were being exploited by syndicates and that the increased use of hydroponics meant that fewer plants were required to meet the consumption needs of one user. This regulation was later disallowed by Parliament, resulting in a return to the ten-plant limit on 13 July 2000. While the number of plants expiable was subsequently again reduced to three (on 24th August 2000), there has been ongoing debate about the number of plants which should be considered to be grown for personal use (see ‘Libs want cannabis plant limit dropped to zero’, *The Advertiser*, 16/6/2001, p.5). Recently, further legislative changes have been proposed which would reduce the number of expiable cannabis plants able to be grown outdoors from three to one⁶ (“Tough laws signal war on marijuana”, *The Advertiser*, 26/7/2001, p.4).

The reduction in the number of plants expiable meant that persons cultivating 4-10 plants, who would previously have received a CEN would now be prosecuted for this same behaviour. Consequently, it could be expected that there would be a decrease in the number of CEN-based *cultivation offences* in those months when the limit was three plants. To determine whether the decline in the number of

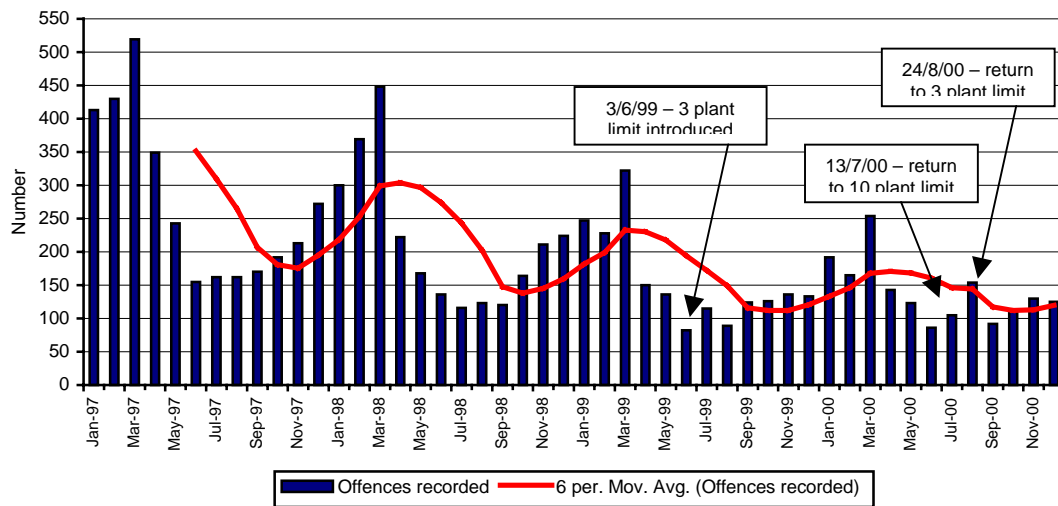
⁶ Other proposed changes include increasing expiation fees from \$150 to \$250 and requiring hydroponics shops to be licensed.

cultivation offences recorded can, in part, be attributed to the reduction in the number of plants expiable, Figure 7 graphs the number of *cultivation offences* recorded per month.

As Figure 7 illustrates, there is obvious seasonal variation in the number of cultivation offences recorded each month. In each year peaks were recorded in March and troughs in the middle months of the year. This pattern is more clearly shown by the 6 month moving average, which smoothes out the fluctuations in the monthly data.

The dates when the changes to the plant limit were introduced are flagged on Figure 7. While June 1999, when the limit was reduced to three plants, is the month when the lowest number of offences were recorded (n=82), this is consistent with the seasonal pattern. In July 2000 the limit returned to 10 plants for a brief period, but this was not sufficient time to judge whether the change had any impact on the number of *cultivation offences*. Given the number of *cultivation offences* recorded has steadily declined over the period depicted, beginning prior to 1999, it is difficult to interpret what impact the change in the plant limit has had. While the drop in the number of *cultivation offences* recorded prior to June 1999 would likely have continued regardless of the reduction in the number of plants expiable, it is unclear whether this change influenced the magnitude of the downward swing.

Figure 7 Cultivation offences by month, January 1997 – December 2000



Types of offences included on CENs by sex

Table 9 details the offence types included on CENs by the sex of the notice recipient. As this table indicates, in each of the years 1997 to 2000 a higher proportion of males than females were issued with notices containing *possession of equipment* offences (in 2000, 41.8% of males compared with 35.5% of females). Conversely, a higher proportion of females than males were issued with notices involving *cultivation* offences (in 2000, 22.0% of females compared with 13.0% of males).

Table 9 Expiation offence type by sex, 1997-2000

Year	Possession of cannabis		Possession of cannabis resin		Possession of equipment		Smoking/ consumption		Cultivation	
	No.	%	No.	%	No.	%	No.	%	No.	%
1997										
Male	6,459	41.8	50	0.3	6,260	40.5	21	0.1	2,652	17.2
Female	956	39.3	5	0.2	845	34.7	1	0.0	628	25.8
1998										
Male	5,566	42.2	35	0.3	5,474	41.5	17	0.1	2,091	15.9
Female	807	39.7	9	0.4	704	34.6	2	0.1	510	25.1
1999										
Male	4,882	44.5	31	0.3	4,548	41.4	19	0.2	1,500	13.7
Female	813	43.2	3	0.2	676	35.9	1	0.1	388	20.6
2000										
Male	4,526	44.6	50	0.5	4,245	41.8	10	0.1	1,323	13.0
Female	681	42.0	8	0.5	575	35.5	1	0.1	357	22.0

Excluded from the above table are CENs where the sex of recipient was unknown (one notice in 1997, two in 1998 and one in 2000).

Breaking down *possession of cannabis offences* according to the amount of cannabis found indicates that a higher proportion of offences where the amount was between 25 and 100 grams involved females than did offences involving less than 25 grams. Although the majority of offences still involved males, this finding was consistent across all four years. For the entire period 1997 to 2000, 12.7% of persons issued with a CEN for possessing less than 25 grams of cannabis were female, while females were involved in 16.9% of possession offences where the amount involved was 25 to 100 grams.

Type of offences included on CENs by age

Christie (1999) found that *cultivation offences* accounted for a larger proportion of CENs issued amongst older persons, with only 12% of CENs issued to 18-24 year olds involving *cultivation offences* compared with 56% of CENs issued to persons aged 45 years and older. This was consistent with the findings of this study.

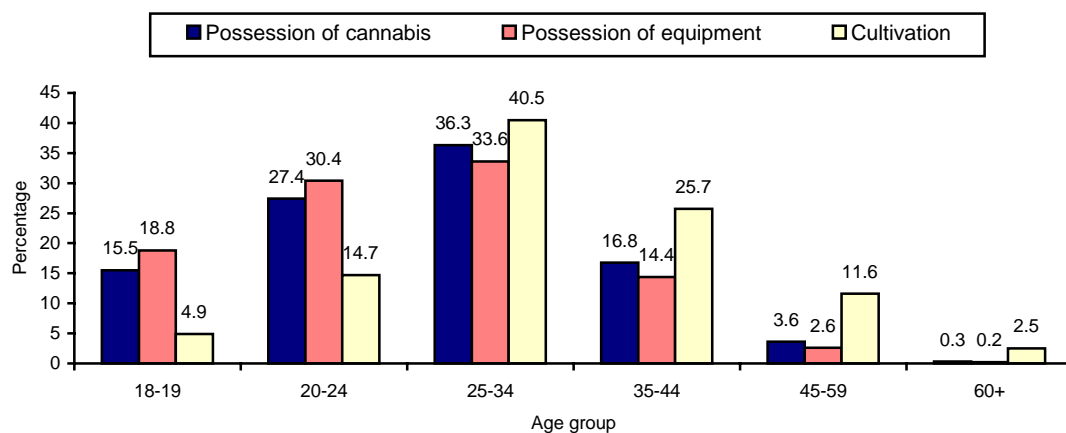
For the offences of *possession of cannabis* and *possession of equipment* the proportion of persons issued with notices for these offences declined as age increased. As Table 10 indicates, in 2000, 44.9% of 18-19 year olds received a CEN for a *possession of cannabis offence*, while 20.3% of those aged 60 years and older received a notice containing this offence. Similarly, in 2000, 50.0% of 18-19 year olds received a notice for *possession of equipment*, compared with 14.1% of persons aged 60 years and over. In contrast, older persons were more likely to receive a CEN for a *cultivation offence*. In 2000, although the numbers of persons in this age group are small, 67.7% of persons aged 60 years and over received a CEN for a *cultivation offence*, compared with 4.6% of persons aged 18-19 years. While only the most recent figures have been discussed, similar findings applied in each of the years 1997 to 1999 (see Appendix B).

Table 10 Age by expiation offence type, 2000

	Age group in years (%)					
	18-19	20-24	25-34	35-44	45-59	60 & over
Possession of cannabis	44.9	45.4	44.9	43.4	36.9	20.3
Possession of cannabis resin	0.4	0.3	0.5	0.8	0.2	0
Possession of equipment	50.0	46.2	38.2	34.1	24.7	14.1
Smoking/consumption	0.2	0.1	0.0	0.2	0	0
Cultivation	4.6	7.9	16.3	21.5	38.3	67.7
Total	100.0	100.0	100.0	100.0	100.0	100.0
	(n=1,777)	(n=3,103)	(n=4,153)	(n=1,992)	(n=507)	(n=64)

Figure 8 presents the 2000 data in an alternative way for the three offence types with the highest number of recorded expiation offences. From this figure it can be seen that in 2000, over one third of all *possession of cannabis*, *possession of equipment* and *cultivation offences* included on CENs involved persons aged 25-34 years. Conversely, less than 5% of persons receiving notices for these three offences were aged 60 years and over. While there were broad similarities in the age profiles of persons receiving notices for the three cannabis offences depicted in Figure 8, there were also differences. For example, persons receiving notices for *cultivation offences* tended to be older than those issued with notices for *possession of cannabis* or *possession of equipment offences*. Persons receiving notices for *cultivation offences* were more than three times more likely to be aged 45 years of age or older than were persons receiving notices for *possession offences*. The opposite was true for notice recipients aged 18-19 years.

Figure 8 Expiation offence type by age, 2000



Where age was known, a greater proportion of young people received CENs for possessing less than 25 grams of cannabis than for possessing 25 to 100 grams. Over the entire period 1997 to 2000, 47.2% of those issued with a CEN for possessing less than 25 grams of cannabis were aged 18-24 years, while only 2.7% were aged 45 years or older. In comparison, 26.4% of possession offences where the amount was 25-100 grams involved young people aged 18-24 years, while 7.0% involved persons aged 45 years or older. Two thirds of those persons issued with a CEN for possessing 25 to 100 grams of cannabis were aged 25-44 years compared with half of those receiving a CEN for possessing less than 25 grams.

Expiation offence combinations

Table 11 details the combinations of offences contained on CENs issued in 2000. While only 2000 data have been included, similar groupings were found in the years 1997-1999. As this table indicates, where notices included only one offence, in the majority of cases the offence listed was *possession of cannabis* (26.1% of all notices), followed by *possession of equipment* (22.6%) and *cultivation of cannabis plants* (13.0%).

Where CENs included two offences, the offences most commonly involved were *possession of cannabis* and *possession of equipment*. This was the offence combination involved in 30.1% of all CENs issued in 2000. This supports the findings of Christie (1999) who found that CENs involving equipment offences were commonly issued in conjunction with another type of expiable cannabis offence.

Of the 246 CENs issued in 2000 involving three offences, the offence combination most commonly involved was *possession of cannabis*, *possession of equipment* and *cultivation* (n=218 or 2.6% of all notices).

In interpreting the information presented in this table it should be noted that there might still be instances where one person is issued with multiple CENs in relation to the one incident rather than

having a number of offences included on one notice. It is unclear to what extent this continues to occur, despite the changes to the notice forms introduced in 1997.

Table 11 Offence combinations on CENs issued in 2000

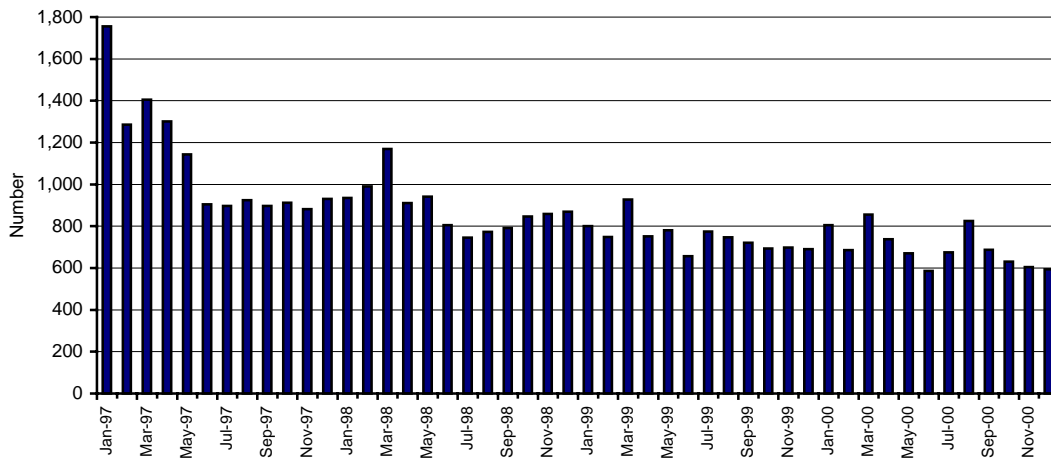
Offence combinations			No.	%		
One offence						
Possession of cannabis			2,181	26.1		
Possession of cannabis resin			19	0.2		
Smoking or consumption of cannabis			5	0.1		
Cultivation of cannabis plants			1,088	13.0		
Possession of equipment			1,888	22.6		
<i>Sub-total</i>			<i>5,181</i>	<i>62.0</i>		
Two offences						
Possession of cannabis	+ Possession of cannabis		1	0.0		
	+ Possession of cannabis resin		6	0.1		
	+ Possession of equipment		2,516	30.1		
	+ Cultivation		260	3.1		
Possession of cannabis resin	+ Possession of equipment		17	0.2		
	+ Cultivation		2	0.0		
Smoking or consumption	+ Possession of equipment		3	0.0		
Possession of equipment	+ Possession of equipment		14	0.2		
	+ Cultivation		110	1.3		
<i>Sub-total</i>			<i>2,929</i>	<i>35.0</i>		
Three offences						
Possession of cannabis	+ Possession of cannabis		+ Possession of equipment		1	0.0
	+ Possession of cannabis resin		+ Possession of equipment		14	0.2
	+ Smoking or consumption		+ Possession of equipment		3	0.0
	+ Possession of equipment		+ Possession of equipment		6	0.1
			+ Cultivation		218	2.6
Possession of equipment	+ Possession of equipment		+ Cultivation		2	0.0
			+ Possession of equipment		2	0.0
<i>Sub-total</i>			<i>246</i>	<i>2.9</i>		
Total			8,356	100.0		

When CENs are issued

Christie (1999) found weekly and monthly variability in the number of CENs issued between 1991/92 and 1995/96. The current study found similar results.

Data on the number of CENs issued per month between 1997 and 2000 are presented in Figure 9. As Christie (1999) found, the highest number of CENs were issued in March of each year (with the exception of 1997, when a highest number were issued in January) and the lowest number around June/July. While the increased use of hydroponics allows for year round yields that are not influenced by weather conditions, these peaks appear to coincide with the period when cannabis is cultivated. (These peaks were more clearly evident in Figure 7 included earlier in this Bulletin, which graphed the number of cultivation offences by month).

Figure 9 Number of CENs issued by month, January 1997-December 2000

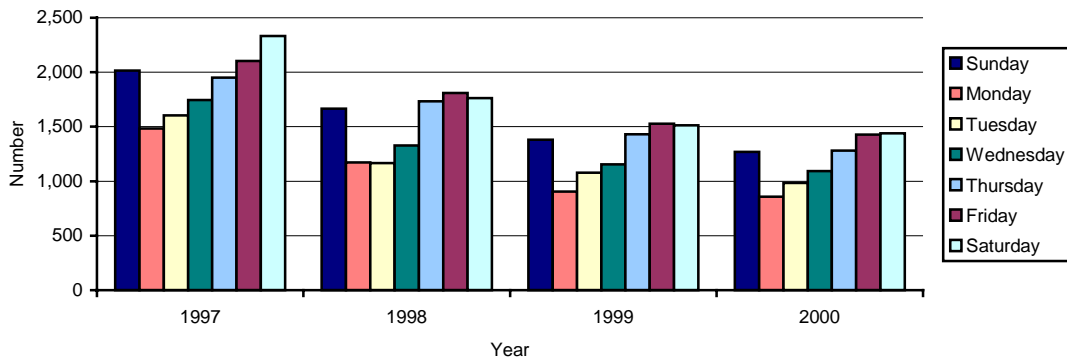


In keeping with the decline in the total number of expiation offences recorded, there was also a decline in the number *possession of cannabis offences* over this four year period. However, there was no obvious seasonal variation in the number of *possession of cannabis offences* recorded over the period January 1997 to December 2000, with the highest number of offences (n=800) recorded in April 1997 and the lowest number in November 2000 (n=352). There was also no seasonal pattern apparent in the number of *possession of equipment offences* recorded over the period January 1997 to December 2000, with the number of offences recorded each month fluctuating over the four years. The highest number of *possession of equipment* offences was recorded in January 1997 (n=705) and the lowest number in December 2000 (n=333).

Consistent with the findings of Christie (1999), in each of the years 1997 to 2000 most CENs were issued on Fridays and Saturdays. Over the period 1991/92 to 1995/96 Christie (1999) found that 17.2% of CENs were issued on a Friday and 17.1% on a Saturday. In this study, for the total period 1997 to 2000, 16.7% of notices were issued on a Friday and 17.1% on a Saturday. Conversely, both studies found that fewer notices were issued on Mondays and Tuesdays. Christie (1999) found 10.4% of notices issued between 1991/92 and 1995/96 were issued on Mondays and 11.5% on Tuesdays. In comparison, this study found that between 1997 and 2000, 10.7% of notices were issued on a Monday and 11.7% a Tuesday.

While information on the time of day when notices were issued was not available for this study, the high number of notices issued on Fridays and weekends could reflect increased numbers of people congregating in public spaces during leisure periods. A greater number of people in such venues would increase the likelihood of the opportunistic detection of possession offences by police.

Figure 10 Number of CENs issued by day of week, 1997 to 2000



Notice status

Table 12 details the status of each of the CENs issued between 1998 and 2000. Only data from these three years have been included in this table because, as indicated at the beginning of this Bulletin, legislation introduced in February 1997 (*Expiation of Offences Act (SA) 1996*) altered the way in which CENs were finalised. Prior to February 1997 unpaid notices were forwarded for prosecution. The offender would receive a summons for the failure to pay and face court proceedings and the possibility of a conviction. From 3 February 1997, CENs were electronically enforced and a special expiation unit was set up within SAPOL to handle these matters. Under the new system once the Registrar makes an order against a fine defaulter for ‘enforcement’ of an expiation notice a conviction is automatically recorded and the offender has a fine imposed equivalent to the unpaid expiation fee. The costs of making an order are included in the amount payable.

The *Expiation of Offences Act (SA) 1996* also introduced the option for an alleged offender to apply to the Registrar of the Magistrates Court for ‘relief’. If the Registrar is satisfied that the applicant or his or her dependants would suffer hardship if the expiation fee were to be paid in full, an order can be made permitting the applicant to pay the fee in instalments or do community service (depending upon the amount owed). The period of time for payment may also be extended. As a result of these changes, data prior to February 1997 are not comparable with more recent data. As it was a transition year 1997 data have not included in the following tables.

As indicated at the beginning of this Bulletin, when the CEN scheme was first introduced the rate of expiation was around 55% and in the years leading up to the 1996 amendments approximately 45% of CENs were expiated (Christie, 1999). A number of explanations were offered to explain the low expiation rate, including a lack of understanding of the consequences or the inability to pay due to financial hardship (see Christie and Ali, 1995). Interviews with CEN recipients offered support for this conclusion (Lenton, et. al. 1999). Non-expiators indicated they had not paid the fees due to financial constraints (although the costs associated with fines and court costs would be greater than paying the CEN) and because of a lack of awareness of the potential to receive a criminal record as a consequence of failing to expiate.

Table 12 Status of CENs, 1998-2000

	1998		1999		2000	
	No.	%	No.	%	No.	%
Expiated	3,609	33.9	3,138	34.9	3,175	38.0
Forwarded to court – enforcement	5,393	50.7	4,740	52.7	3,876	46.4
Forwarded to court – relief	1,384	13.0	934	10.4	874	10.5
Other	15	0.1	13	0.1	308	3.7
Withdrawn	234	2.2	163	1.8	123	1.5
Total	10,635	100.0	8,988	100.0	8,356	100.0

‘Other’ includes notices issued and suspended for enquiry.

The data presented in Table 12 indicate that, despite the legislative changes introduced in 1997, only around one third of CENs were expiated in the last three years (33.9% in 1998, 34.9% in 1999, and 38.0% in 2000). A further one in ten CENs were forwarded to court for relief (13.0% in 1998, 10.4% in 1999, and 10.5% in 2000). Potentially these could be paid and if so, would increase the proportion expiated. Nevertheless, around half of all CENs issued between 1998 and 2000 were forwarded to court for enforcement (50.7% in 1998, 52.7% in 1999, and 46.4% in 2000).

In each year, approximately 2% of CENs were withdrawn (2.2% in 1998, 1.8% in 1999, and 1.5% in 2000). Notices can be withdrawn if the police are of the opinion that the notice should not have been given or if it is decided that the alleged offender is to instead be prosecuted in court for an offence to which the notice relates. In 2000, 3.3% of CENs were listed as 'issued' and 0.3% as 'suspended for enquiry'. These proportions were higher than found in the two previous years, which may reflect the lack of sufficient time to finalise these notices at the time data were extracted for this study in 2001.

Overall, these findings suggest that changes introduced in 1997 have done relatively little to improve the expiation rate, with less than half of all notices issued between 1998 and 2000 expiated. While the alterations to the system may have reduced the costs associated with prosecuting defaulters, the impact on the individual of a conviction, fine and court costs remain. For the individuals involved, the new legislation may result in a more severe result than would have occurred pre 1997. While Christie (1999) found that more than 90% of offenders who failed to pay expiation fees during the years 1991/92 to 1995/96 received convictions, under the new system once the matter is forwarded to court for enforcement a conviction is automatic. While it is beyond the scope of this paper, further research is needed to determine why, despite the changes to provide more flexible payment options and clearer explanations of the outcome of the failure to pay fees, up to half of all notice recipients are still not expiating cannabis offences.

While the above discussion focuses on the status of notices issued between 1998 and 2000, the following section considers status on an offence basis, as the outcomes may vary for different offences contained on the one notice.

Offence status

Christie (1999) found that the expiation rates varied for different offence types. For example, over the period 1991/92 to 1995/96 the expiation rate was 33% for the offence of *possession of equipment* compared to nearly 53% for *cultivation offences*. He posited that the higher expiation rate for *cultivation offences* might be because these offences were taken more seriously by offenders or because those detected for this offence might be less likely to be experiencing financial hardship.

Despite the changes introduced in 1997, the variations in expiation rates according to offence types have remained. As found by Christie (1999), *cultivation offences* continue to have the highest expiation rate, with approximately half of these offences expiated each year (53.6% in 2000). While there was some variation in expiation rates over the period 1998 to 2000, the lowest expiation rates were typically for *possession of cannabis resin* and *smoking/consumption offences*, although it should be noted that the number of offences in both categories were very small. In 2000, 37.7% of *possession of cannabis* and 35.2% of *possession of equipment offences* were expiated.

Over the three year period, for each of the offences, there was a slight increase in the proportion expiated. For *possession of cannabis* the proportion expiated increased from 34.4% in 1998 to 37.7% in 2000. For *possession of equipment* the increase was from 31.8% in 1998 to 35.2% in 2000, while for *cultivation* the increase was from 46.6% in 1998 to 53.6% in 2000.

Table 13 Offence status by offence type, 1998-2000

	Possession of cannabis		Possession of cannabis resin		Offence type Possession of equipment		Smoking/ consumption		Cultivation	
	No.	%	No.	%	No.	%	No.	%	No.	%
1998										
Expiated	2,189	34.4	12	*	1,967	31.8	4	*	1,212	46.6
Enforcement	3,241	50.9	26	*	3,366	54.5	6	*	744	28.6
Relief	807	12.7	6	*	689	11.2	5	*	602	23.2
Withdrawn	132	2.1	0	-	151	2.4	4	*	42	1.6
Issued	1	0.0	0	-	3	0.0	0	-	0	-
Total	6,370	100.0	44	*	6,176	100.0	19	*	2,600	100.0
1999										
Expiated	2,014	35.4	10	*	1,719	32.9	4	*	923	48.9
Enforcement	3,008	52.8	19	*	2,901	55.6	14	*	570	30.2
Relief	571	10.0	4	*	499	9.6	1	*	373	19.8
Withdrawn	102	1.8	1	*	102	2.0	1	*	22	1.2
Issued	0	-	0	-	0	-	0	-	0	-
Total	5,695	100.0	34	*	5,221	100.0	20	*	1,888	100.0
2000										
Expiated	1,966	37.7	17	*	1,699	35.2	4	*	900	53.6
Enforcement	2,523	48.4	32	*	2,455	50.9	5	*	411	24.5
Relief	518	9.9	5	*	461	9.6	1	*	325	19.4
Withdrawn	68	1.3	2	*	87	1.8	1	*	21	1.3
Issued	133	2.6	2	*	128	2.7	0	-	22	1.3
Total	5,208	100.0	58	*	4,820	100.0	11	*	1,679	100.0

* Numbers too small to calculate percentages.

In this table 'enforcement' refers to offences forwarded to court for enforcement. 'Relief' refers to offences forwarded to court for relief.

Excluded from the above table are offences where the status was unknown (eight offences in 1998, three in 1999 and one in 2000).

Table 14 details offence status according to the sex of the recipient for the years 1998 to 2000. As this table indicates, each year the proportion expiated was slightly lower for females than males. However, the differences were relatively small. Hence the results were consistent with those of Christie (1999) who found that between 1991/92 and 1995/96 the expiation rates for males and females were comparable (44.0% compared with 45.8% respectively).

There was also some variation in the outcomes for both males and females over the three year period. While a higher proportion of female than male offences were forwarded to court for relief in 1998, by 2000 the proportions were similar. In 1998, a lower proportion of female than male offences were forwarded to court for enforcement, while in 1999 and 2000 this result was reversed.

Table 14 Offence status by sex, 1998-2000

	Male		Female	
	No.	%	No.	%
1998				
Expiated	4,714	35.8	699	34.4
Forwarded to court for enforcement	6,457	49.0	925	45.5
Forwarded to court for relief	1,711	13.0	398	19.6
Withdrawn	290	2.2	39	1.9
Issued	4	0.0	0	-
Total	13,176	100.0	2031	100.0
1999				
Expiated	4,093	37.3	577	30.7
Forwarded to court for enforcement	5,495	50.1	1017	54.1
Forwarded to court for relief	1,190	10.8	258	13.7
Withdrawn	199	1.8	29	1.5
Issued	0	-	0	-
Total	10,977	100.0	1881	100.0
2000				
Expiated	4,049	39.9	537	33.1
Forwarded to court for enforcement	4,584	45.1	842	51.9
Forwarded to court for relief	1,128	11.1	182	11.2
Withdrawn	152	1.5	27	1.7
Issued	240	2.4	34	2.1
Total	10,153	100.0	1622	100.0

Excluded from the above table are offences where the status was unknown and those where the sex of the offender was unknown (10 in 1998, 3 in 1999 and 2 in 2000).

Christie (1999) found that expiation rates increased with age, from approximately 43% for 18-24 year olds to 65% for offenders aged 45 years and older. It has been suggested that the low expiation rate amongst young people may be because they lack the means to pay CENs (Sutton, 2000).

The most recent data reveal some differences to the findings of Christie (1999). While offenders aged 45 years and older continue to have high expiation levels, according to Table 15, older (particularly those aged 45 years or more) and younger (18-19 year old) notice recipients were most likely to expiate offences. However, this could reflect the offence profile of the older age group, with proportionally more older persons issued with notices for *cultivation offences*, which tend to have high expiation levels. In each of the years 1998-2000, the age group with the lowest expiation rate was the 25-34 year olds.

The proportion of offences expiated increased for all age groups, except the 25-34 year olds over the period 1998 to 2000. This increase was most pronounced for the 18-19 year olds (from 36.8% in 1998 to 47.4% in 2000) and those aged 60 years and over (71.0% to 81.2%).

Table 15 indicates that not only are young people increasingly expiating CENs, they are also less frequently having expiable cannabis offences forwarded to court for enforcement. While almost 50% of offences involving young people aged 18-19 years were forwarded to court for enforcement in 1998, by 2000 the proportion was around 40%. Of interest, those in the older age groups had proportionately more offences forwarded to court for relief than did their younger counterparts in each of the years depicted, although as with younger persons, the proportion has decreased (from 22.6% to 14.1%).

Table 15 Offence status by age, 1998-2000

Offence status	Age group (years)					
	18-19 %	20-24 %	25-34 %	35-44 %	45-59 %	60+ %
1998						
Expiated	36.8	34.5	33.9	36.4	49.7	71.0
Forward to court - enforcement	49.3	52.9	50.6	42.8	27.5	6.5
Forward to court - relief	12.1	11.0	14.0	19.0	21.9	22.6
Withdrawn	1.8	1.6	1.4	1.8	0.9	-
Issued	0.0	0.0	0.0	-	-	-
Total	100.0 (n=2,445)	100.0 (n=4,136)	100.0 (n=5,533)	100.0 (n=2,272)	100.0 (n=539)	100.0 (n=62)
1999						
Expiated	43.5	34.1	33.1	37.7	50.8	66.0
Forward to court – enforcement	45.1	55.9	54.6	45.7	31.5	12.8
Forward to court - relief	10.5	9.2	10.9	15.3	16.5	21.3
Withdrawn	0.9	0.8	1.4	1.4	1.2	-
Issued	-	-	-	-	-	-
Total	100.0 (n=1,991)	100.0 (n=3,382)	100.0 (n=4,714)	100.0 (n=2,058)	100.0 (n=480)	100.0 (n=47)
2000						
Expiated	47.4	38.8	33.9	39.3	52.5	81.2
Forward to court – enforcement	39.9	48.3	53.0	41.4	27.0	3.1
Forward to court - relief	9.8	9.5	10.2	15.0	18.5	14.1
Withdrawn	0.6	1.0	0.8	1.4	1.0	1.6
Issued	2.3	2.5	2.2	2.9	1.0	-
Total	100.0 (n=1,777)	100.0 (n=3,103)	100.0 (n=4,153)	100.0 (n=1,992)	100.0 (n=507)	100.0 (n=64)

Excluded from the above table are offences where the age of the recipient is unknown and those were the status of the offence is unknown (in total 230 offences in 1998, 191 in 1999, and 182 in 2000).

Court outcomes for CEN Enforcement and Hardship Applications

As previously indicated, in each of the years 1998-2000 approximately half of all CENs were forwarded to court for enforcement and approximately one in ten were forwarded to court for relief. In light of these findings Table 16 details the number of cases involving CENs that were handled by the courts in each of the years 1998 to 2000 and the number of expiation-related charges per case. For the purposes of this table, a case is defined as a group of matters involving the same defendant dealt with together. (A case would usually also have the same court file number).

As Table 16 indicates, consistent with the decrease in the number of CENs issued each year, over the period 1998 to 2000 the number of cases dealt with by the courts declined (from 6,610 in 1998 to 5,215 in 2000). Also, in keeping with the earlier findings, in each of the years 1998 to 2000, the majority of court cases involving CENs (approximately 63% in each year) involved one expiation-related charge. In each year, approximately one third of cases involved two expiation matters, while less than 5% of cases involved three expiation-related charges. In all three years, there was an average of 1.4 expiation-related offences per case.

Table 16 Number of CEN related cases dealt with in court by number of expiation offences per case, 1998-2000

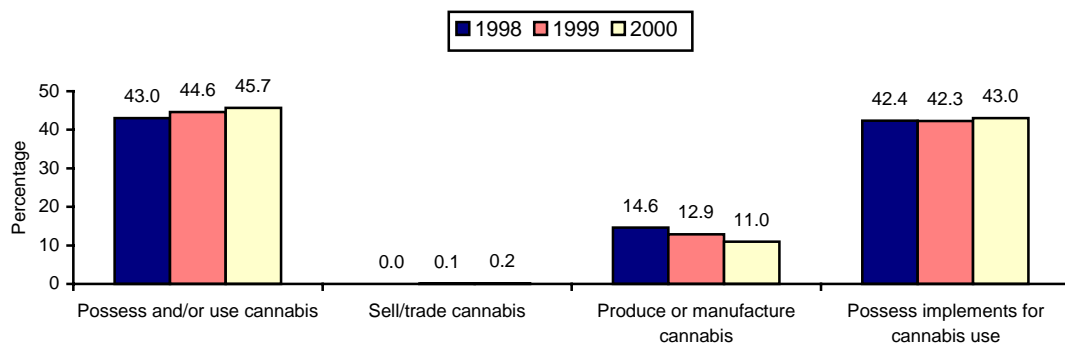
Number of offences	1998		1999		2000	
	No.	%	No.	%	No.	%
One	4,173	63.1	3,515	63.5	3,273	62.8
Two	2,146	32.5	1,843	33.2	1,793	34.4
Three	291	4.4	183	3.3	149	2.9
Total	6,610	100.0	5,544	100.0	5,215	100.0

Outcomes for expiable offences forwarded to court

While the preceding section considered cases dealt with in court, the following section considers offences (charges) dealt with in those cases. In other words, while the counting unit in the previous section was ‘cases’, in the following section the counting unit is ‘offences’, as each case could involve a number of offences and each offence could have a different outcome.

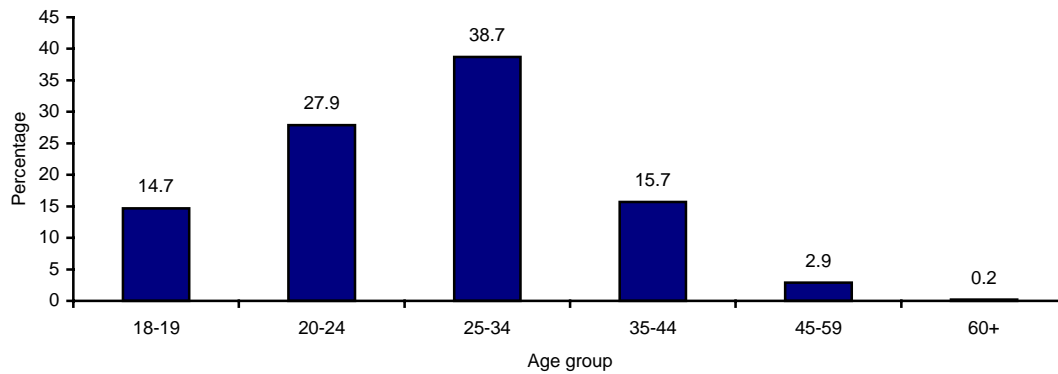
Consistent with the earlier findings, in each of the years 1998-2000, the majority of expiation-related offences finalised by the courts involved *possess and/or use cannabis* (any form of cannabis) and *possess implements for cannabis use*. *Produce or manufacture cannabis* offences constituted between 10% and 15% of offences, while *sell/trade cannabis* made up less than 1%.

Figure 11 Offences finalised in the courts, 1998-2000 by type of offence



Where the sex of the alleged offender was known, over the entire period 1998 to 2000, of the cannabis-related expiation offences finalised by the courts, approximately one in eight involved females. In keeping with the earlier findings, as Figure 12 indicates, over the entire period 1998 to 2000, where age was known, the majority of offences involved persons aged 25-34 years. In contrast, persons aged 45 years and over constituted a relatively small proportion of offenders.

Figure 12 Expiation offences finalised in the courts in 1998-2000 by age of offender



The outcomes for the expiation offences referred to court in 1998 to 2000 are outlined in Table 17. As shown, in each year approximately three-quarters of offences finalised in the courts were enforced. Where hardship applications were made, in almost all instances the application was granted. In fact, over the three-year period only three applications were not granted.

Table 17 Outcomes for CEN offences finalised in the courts, 1998-2000

Outcome	Year		
	1998	1999	2000
Enforcement	7,034	6,239	5,804
Hardship application granted	2,303	1,512	1,502
Hardship application refused	1	2	-
Total	9,338	7,753	7,306

Conclusion

Examination of CEN data indicates that the number of notices issued per calendar year has steadily declined over the period 1997 to 2000. Although new forms were introduced in 1997, which more readily enable the inclusion of more than one offence per notice, the decline in the number of notices issued cannot be attributed solely to this change. Instead, the reduction in the number of notices appears to reflect changes in the policing of cannabis offences. This hypothesis is supported by analysis of trends in non-expiable cannabis offences recorded by police over the same period. That there has been a similar decline in the number and proportion of recorded drug offences involving cannabis suggests that broader changes in policing practices are resulting in a reduction in the number of CENs issued. Further support for this conclusion is provided by self-report surveys, which indicate no reduction in cannabis use over this period.

This study also found that, while the number of CENs issued during the years 1997 to 2000 has decreased, the characteristics of recipients have remained largely unchanged during this time period. Further the characteristics of persons receiving notices over this four year period are comparable with those of notice recipients during the period 1991/92 to 1995/96 (see Christie, 1999). The majority of notices continue to be issued to males and to persons aged 18-24 years. However, there is some evidence that this age group increasingly comprises a smaller proportion of CEN recipients.

Although the total number of expiable cannabis offences has decreased each year, the types of offences most commonly included on CENs remain unchanged, with *possession of cannabis* and *possession of equipment* continuing to comprise the majority of offences.

The low expiation rate observed throughout the operation of the CEN scheme has continued despite the changes introduced in 1997 to increase payment options and provide greater explanation of the consequences of the failure to pay fines. This suggests the legislative changes have not achieved the desired outcome. Given the fees have remained unchanged since the scheme was first introduced it is

somewhat surprising that the expiation rate has not improved. This is an issue that requires further consideration in light of suggestions that expiation fees should be increased.

This Bulletin outlined the findings from Part 1 of an ongoing study of Cannabis Expiation Notices. Further research to be undertaken by the Office of Crime Statistics includes considering the number of discrete persons who received CENs over the period 1997-2000 and the characteristics of these individuals. Part 2 of this study will also investigate whether CEN recipients have been apprehended for other offences, and if so, the types of offences involved.

BIBLIOGRAPHY

Ali, R., Christie, P., Lenton, S., Hawks, D., Sutton, A. Hall, W., and Allsop, S. (1999) *The Social Impacts of the Cannabis Expiation Notice Scheme in South Australia*. (National Drug Strategy, Monograph Series No.34) Canberra: Commonwealth Department of Health and Aged Care.

Atkinson, L. and McDonald, D. (1995) "Cannabis, the law and social impacts in Australia", *Trends and Issues in Crime and Criminal Justice* (no.48). Canberra: Australian Institute of Criminology.

Australian Bureau of Criminal Intelligence (2001) *Australian Illicit Drug Report 1999-2000*. Canberra: ABCI.

Australian Institute of Health and Welfare (2000) *Statistics on Drug Use in Australia, 1998*. Canberra: AIHW.

Christie, P. (1999) *Cannabis Offences Under the Cannabis Expiation Notice Scheme in South Australia*. (National Drug Strategy Monograph Series No. 36) Canberra: Commonwealth Department of Health and Aged Care.

Christie, P. and Ali, R. (1995) "The operation and effects of the cannabis laws in South Australia", in D. McDonald and L. Atkinson (Eds). *Social Impacts of the Legislative Options for Cannabis in Australia (Phase I Research): A report to the National Drug Strategy Committee*. Canberra: Australian Institute of Criminology.

Donnelly, N., Hall, W. and Christie, P. (1999) *Effects of the Cannabis Expiation Notice Scheme on Levels and Patterns of Cannabis Use in South Australia: Evidence from the National Drug Strategy Household Surveys 1985-1995*. (National Drug Strategy Monograph Series No. 37) Canberra: Commonwealth Department of Health and Aged Care.

Lenton, S., Christie, P., Humeriuk, R., Brooks, A., Bennett, M. and Heale, P. (1999) *Infringement Versus Conviction: The Social Impact of Minor Cannabis Offence Under a Civil Penalties System and Strict Prohibition in Two Australian States*. (National Drug Strategy Monograph) Canberra: Commonwealth Department of Health and Aged Care.

Miller, M. and Draper, G. (2001) *Statistics on drug use in Australia 2000*. (Drug Statistics Series no.8). Canberra: Australian Institute of Health and Welfare.

Sarre, R., Sutton, A. and Pulsford, T. (1989) *Cannabis: The expiation notice approach*. Adelaide: Office of Crime Statistics, Attorney-General's Department.

Sutton, A. and McMillan, E. (1999) *A Review of Law Enforcement and Other Criminal Justice Attitudes, Policies and Practices Regarding Cannabis and Cannabis Laws in South Australia*. (National Drug Strategy Monograph Series No. 38) Canberra: Commonwealth Department of Health and Aged Care.

Sutton, A. and Sarre, R. (1992) "Monitoring the South Australian expiation notice initiative", *Journal of Drug Issues*. 22(3): 579-590.

Sutton, A. (2000) "Cannabis law and the young adult user: reflections on South Australia's Cannabis Expiation Notice System", *International Journal of the Sociology of Law* 28: 147-162.

ACKNOWLEDGEMENTS

This project would not have been possible without the assistance of Justice Technology Services (in particular, Robert Gadd) and SAPOL (in particular, the Expiation Branch).

Thanks are also extended to Joy Wundersitz and Jayne Marshall, from OCS, for their feedback on an earlier draft of this Bulletin.

Appendix A

Number of offences per CEN by age, 1997-2000

Year	Number of offences							
	One		Two		Three		Total	
	No.	%	No.	%	No.	%	No.	%
1997								
18-19	1,637	73.1	600	26.8	3	0.1	2,240	100.0
20-24	2,688	71.6	1,057	28.2	9	0.4	3,754	100.0
25-34	3,326	73.6	1,188	26.3	4	0.1	4,518	100.0
35-44	1,451	79.8	367	20.2	1	0.1	1,819	100.0
45-59	337	84.0	64	16.0	0	-	401	100.0
60+	72	98.6	1	1.4	0	-	73	100.0
1998								
18-19	1,123	63.9	631	35.9	4	0.2	1,758	100.0
20-24	1,857	64.0	1,042	35.9	3	0.1	2,902	100.0
25-34	2,586	67.8	1,223	32.1	5	0.1	3,814	100.0
35-44	1,127	71.8	441	28.1	2	0.1	1,570	100.0
45-59	298	78.6	81	21.4	0	-	379	100.0
60+	49	90.7	5	9.3	0	-	54	100.0
1999								
18-19	846	60.5	549	39.2	4	0.3	1,399	100.0
20-24	1,522	63.6	864	36.1	7	0.3	2,393	100.0
25-34	2,116	65.3	1,123	34.6	3	0.1	3,242	100.0
35-44	978	68.9	440	31.0	1	0.1	1,419	100.0
45-59	282	79.7	72	20.3	0	-	354	100.0
60+	39	95.1	2	4.9	0	-	41	100.0
2000								
18-19	868	66.6	432	33.2	3	0.2	1,303	100.0
20-24	1,365	62.7	808	37.1	5	0.3	2,178	100.0
25-34	1,924	66.3	969	33.4	10	0.3	2,903	100.0
35-44	956	68.4	437	31.3	5	0.4	1,398	100.0
45-59	298	78.2	83	21.8	0	-	381	100.0
60+	52	91.2	5	8.8	0	-	57	100.0

Excluded from this table are offences where the age of the alleged offender is unknown.

Appendix B

Expiation offence type by age, 1997-2000

Age	Possession of cannabis		Possession of cannabis resin		Possession of equipment		Smoking/ consumption		Cultivation	
	No.	%	No.	%	No.	%	No.	%	No.	%
1997										
18-19	1,265	43.4	7	0.2	1,470	50.4	5	0.2	171	5.9
20-24	2,136	42.2	23	0.5	2,308	45.6	7	0.1	592	11.7
25-34	2,620	41.9	16	0.3	2,254	36.1	6	0.1	1,352	21.6
35-44	974	39.6	8	0.3	709	28.8	1	0.0	770	31.3
45-59	165	31.8	0	-	108	20.8	0	-	246	47.4
60 & over	18	21.4	0	-	4	4.8	0	-	62	73.8
1998										
18-19	1,054	43.1	7	0.3	1,268	51.8	3	0.1	115	4.7
20-24	1,796	43.4	11	0.3	1,918	46.4	3	0.1	409	9.9
25-34	2,318	41.9	19	0.3	2,063	37.3	8	0.1	1,130	20.4
35-44	934	41.1	5	0.2	691	30.4	4	0.2	638	28.1
45-59	182	33.8	2	0.4	119	22.1	1	0.2	235	43.6
60 & over	10	16.1	0	-	9	14.5	0	-	43	69.4
1999										
18-19	894	44.9	5	0.3	1,006	50.5	7	0.4	79	4.0
20-24	1,516	44.8	10	0.3	1,573	46.5	5	0.1	278	8.2
25-34	2,101	44.6	12	0.3	1,793	38.0	5	0.1	803	17.0
35-44	907	44.1	4	0.2	654	31.8	2	0.1	491	23.9
45-59	187	39.0	2	0.4	104	21.7	0	-	187	39.0
60 & over	8	17.0	0	-	6	12.8	0	-	33	70.2
2000										
18-19	798	44.9	7	0.4	888	50.0	3	0.2	81	4.6
20-24	1,410	45.4	10	0.3	1,435	46.2	2	0.1	246	7.9
25-34	1,865	44.9	22	0.5	1,588	38.2	2	0.0	676	16.3
35-44	864	43.4	16	0.8	680	34.1	3	0.2	429	21.5
45-59	187	36.9	1	0.2	125	24.7	0	-	194	38.3
60 & over	13	20.3	0	-	9	14.1	0	-	42	67.7

Excluded from above are expiation offences where the age of the offender was unknown.