

79B/1980

SUPREME COURT OF QUEENSLAND — COURT OF APPEAL

R v THURLOW**The Chief Justice, Andrews and Dunn JJ****28 June 1979 — [1979] Qd R 109****SENTENCING - POSSESSION OF HEROIN - SMALL QUANTITY OF PURE HEROIN IN A PACKAGE THE CONTENTS OF WHICH WEIGHED 26.9 GRAMS - NEED FOR DETERRENT SENTENCES.**

The applicant appealed against a sentence of eight years' imprisonment imposed for a breach of section 233B of the *Customs Act* 1901 – possession of prohibited imports – narcotic goods – 5 grams of pure heroin in a package the contents of which weighed 26.9 grams. Sentence reduced to five years' imprisonment. The sentencing Judge in expressing his reasons for sentence said:

"The quantity with which you were actually caught on 10 October is small. It is incumbent upon judges to do what they can within the bounds of the law with which they are provided to make such offences as yours so expensive as to the consequences that those who have to do with illicit drugs will find that the road to easy money is too rocky for them. Yet drug offences have become so prevalent, and notoriously so at the Gold Coast with the increasingly disastrous consequences for society, that it seems clear that such penalties as have been imposed, even for lesser drugs such as cannabis, are not having the desired effect. So far as I am concerned I must give you and society justice, for such an offence as the heroin possession in this case calls for judicial severity."

ANDREWS J: I entirely agree with the import of what His Honour has said.

THE CHIEF JUSTICE: I desire to add that I adopt and endorse the opinion expressed by the learned Senior Puisne Judge when sentencing the appellant that the penalties previously imposed on drug offenders are not having the desired deterrent effect. Consequently I agree that the time has come for the courts to increase sentences for drug offences.

DUNN J: I agree with both my brothers. I would only like to add that the spectrum of three to five years by way of sentences for possession of heroin should be understood to relate to possession of small quantities of heroin.
