



Meskovski v DPP [2017] VCC 228

ASSET CONFISCATION UPDATE – EDITION 2 / 2017

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Cannabis to be weighed wet

On 17 March 2017, his Honour Judge Misso dismissed an application for exclusion made under the *Confiscation Act 1997* in *Meskovski v DPP* [2017] VCC 228.

The principal issue was whether, for the purpose of determining whether a Schedule 2 offence had been committed under the *Confiscation Act 1997*, cannabis (which had a wet weight of 37 kg and a dry weight of 5 kg) ought to be weighed wet or dry.

In short, consistent with earlier approaches, his Honour ruled that the application for exclusion ought to be dismissed because the weight of the cannabis exceeded 25 kg, which constitutes a commercial quantity and brings the offending within Schedule 2 (automatic forfeiture) under the *Confiscation Act 1997*.

In so far as there was any doubt about it, there is now ample authority for the proposition that cannabis weight is to be assessed by reference to the “wet” weight; not the dry weight.

About the author

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He was admitted to practice in 1996 and, prior to coming to the Bar in 2004, was a partner with Deacons (now Norton Rose Fulbright).

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