

**CANNABIS CONTROL BILL 2003**

*Second Reading*

Resumed from 12 August.

**HON DERRICK TOMLINSON** (East Metropolitan) [11.08 am]: Before we broke for our evening wassail last night, I had completed my introductory remarks and was moving into some consideration of the content of the Bill. I drew attention to the discretionary authority and to the fact that the Bill allows police officers to decide whether to issue a cannabis infringement notice. Perhaps it would be appropriate at this stage to invite the parliamentary secretary in her response to this second reading to explain whether that discretionary authority is to charge or not to charge; to charge as a simple offence under the Misuse of Drugs Act 1981; to issue a cannabis infringement notice under the Cannabis Control Bill 2003; or to issue a CIN or not issue a CIN - meaning not to charge at all. I am sure the minister's policy advisers are listening and are probably already scribbling down the answer to that. I would like the answer put on record because it will make a considerable difference to the impact of the Bill. If a police officer is simply given the discretionary authority to issue or not issue a cannabis infringement notice, the signal to the community, as we discussed last night, is that it is okay to possess smoking equipment for cannabis, it is okay to possess up to 30 grams of cannabis at any one time, and it is okay to have one or two cannabis plants on a premises. The discretionary authority then allows police officers to decide whether they will proceed. I think members understand the impact of that.

As I said last night, it is important that police officers have the discretion for the just application of the law. It is, however, a discretion that is subject to abuse. Hon Jim Scott made the point as we were leaving the Chamber last night - I am sure he will not mind me sharing something that was said virtually behind the Chair - that police officers have the discretion whether or not to charge a person for speeding. I said yes, and he said that it was probably likely that a rather attractive blonde would not be charged, whereas he and I would be charged with speeding. I agree with him. I think a 36D cup inside a boob tube has less chance of being charged than someone who smells of stale beer and body odour.

Hon Peter Foss: I don't think they have to have blonde hair though.

Hon DERRICK TOMLINSON: I see. That digression aside, the discretionary authority of police officers is important in the just application of the law. However, that discretionary authority is available to the police in their jurisdiction. It is not specific in the law. Here we have a proposed law that says that they may or may not issue an infringement notice. What does that mean? When the law defines the limit of acceptable behaviour in a community and then says that a police officer may or may not issue an infringement notice, what signal does that give? What signal does it give to the enforcement officer? What signal does it give to the community? Why not say that we will decriminalise it totally? Why hide behind the obscure, ambiguous language of the Bill? I would like the parliamentary secretary to respond to that in her peroration.

One other matter that I will deal with in the short time available to me is the question of hydroponics versus plants grown in some other medium. The Bill says that it is okay to have two or fewer cannabis plants on the premises, depending on regulations. What does that mean? Does that mean that, for example, Currie Hall, which has 100 or more residents each with a premises, can have 200 pot plants?

Hon Peter Foss: Or maybe even in the garden areas.

Hon DERRICK TOMLINSON: Of course, there would be pot plants in the pots or pot plants in the garden. They would not do this in St George's College because St George's boys do not have these sorts of things.

Hon Kate Doust: They would not have the brains to grow anything like that!

Hon DERRICK TOMLINSON: I was not going to be so crude as to make that distinction, but I thank the member; she has said it for me. What does premises mean?

The next question is, why will it be unlawful under proposed new section 7A of the Misuse of Drugs Act to sell or supply a thing knowing that it will be used for the hydroponic cultivation of a prohibited plant? Why is it that a person may have two pot plants, but he may not have two pot plants grown hydroponically? That means that a person is permitted to have his pot plant in a pot plant that has a medium of soil, vermiculite or sphagnum moss and feed it with a liquid nutrient. However, the person may not grow the plant directly in the liquid nutrient. I presume that the only reason for that is that if the person grows it directly in the liquid nutrient, he will produce a higher quality product. I do not know how the Minister for Agriculture feels about encouraging people to grow inferior products, but how will this be enforced? The plant is hydroponic if it is grown in the liquid nutrient. Is it hydroponic if it is grown in vermiculite and fed with a liquid nutrient? If the plant is in soil, there are no problems because the pot plant is in a pot plant with a soil medium and it can be fed liquids or solids. However, it is not okay if it is in vermiculite or sphagnum moss and is fed regularly with a liquid nutrient; in other words,

it must be constantly wet. God bless the regulators, and God bless the regulators when they try to enforce proposed new section 7A, which states -

- (1) A person who sells or supplies, or offers to sell or supply, to another, any thing that the person knows, or reasonably ought to know, will be used to cultivate a prohibited plant contrary to section 7 . . . commits an indictable offence.

Oh, Waldecks nursery! I go to Waldecks regularly. I am constantly buying plants because when I put a plant in the ground it is a death sentence, so every week I replace those poor plants. Every time I go to Waldecks, there, available to me, is a hydroponic outfit. Will Waldecks say to me, "Before we sell this to you, Mr Tomlinson, will you swear on a stack of Bibles that you will not grow a prohibited substance in it?" I will say, "Good grief. Trust me. I am from the Parliament." Once Waldecks has established that, it will be off the hook. Come on, this is a nonsense! I put it to members that this whole piece of legislation is a smoke and mirrors trick. I have listened to the Leader of the House say that the Government is not changing the situation at all and that it will still be illegal.

Hon Sue Ellery: Does he sound like that?

Hon DERRICK TOMLINSON: Yes, he sounds like that, with his big pompous gut. He has said that it will still be illegal.

Hon Sue Ellery: That is unkind.

Hon DERRICK TOMLINSON: Yes, it is. He has said that the Government has not changed the situation at all and that it will still be illegal. However, it will not really enforce the law. This is not transparent government; this is government trying to be translucent. However, we can see through it. It is law not intended to be enforced; it is law that is intentionally unenforceable, because the Government does not have the courage of its convictions to stand before the electorate and say that this is what it is doing. It is changing some of the moral values of our society, and it is doing it by subterfuge. If the Government wants to change the moral values of society, and if it wants to change the social mores, it should be honest about it. However, because the Government is not honest about it, I do not support the Bill.

**HON PETER FOSS** (East Metropolitan) [11.20 am]: I congratulate Hon Derrick Tomlinson for giving one of the best speeches I have heard on any subject in this House.

Hon Dee Margetts: Including the sexist remarks?

Hon PETER FOSS: I do not know whether Hon Dee Margetts heard Hon Derrick Tomlinson last night. If possible, she should get hold of a video recording of his speech because it was superb. It was not only a good piece of oratory, but also a heartfelt and sincere message that every person who is dealing with this legislation should think about.

The message I want to get across is similar to that of Hon Derrick Tomlinson. I am assuming that everyone in this Chamber wishes to do the right thing for our society. To a large extent, I also agreed with some of the principles enunciated by Hon Jim Scott. I agreed with much of what he had to say about what we wish to achieve in our society. However, I totally disagree with the conclusions that he drew. Hon Derrick Tomlinson was helpful because he drew us back to the central issues; that is, why are we doing this and what do we hope to achieve? We would all agree that we do not want our citizens harmed by drugs that have a capacity to cause harm. We would all agree that we do not want young people to have a record that will stay with them for the rest of their lives, due to a youthful indiscretion - an indiscretion that most youth commit. Nearly all youths go through some form of rebellion; they rebel against whatever it is that happens to be the norm in society. If we were to make something against which youths currently rebel totally acceptable in society, they would rebel against something else.

The point that Hon Derrick Tomlinson made is that many things in our society are harmful and society's attitude to those things has greatly changed over the years. For example, I refer to alcohol. I can remember when drinking alcohol was not only considered hugely manly, but also people would boast about it. People would boast about the degree to which they got blind drunk. They would also boast about their ability to continue driving while drunk. When I was at university, I drank far too much alcohol and I got blind drunk. We all thought it was terribly jolly. I must confess that I also drank and drove. I am pleased to say that I never drank and drove when I was blind drunk; however, most of my colleagues did.

I can remember one year driving home from the Blackstone Society Ball. I was following a car that I recognised as that of one of my colleagues from St George's College. The ball was held in the South Perth Civic Centre. As we came over the Narrows and went around the cloverleaf, he bounced off either side of the cloverleaf because he was so drunk that he could not negotiate the cloverleaf.

Hon Barry House: A Currie Hall boy would never do that!

Hon PETER FOSS: I do not know about that.

When I got back to the college after dropping off the person I had taken to the ball, I noticed that his car was parked at the college and that the interior lights were on. I decided to turn the lights off. When I opened the door he fell out with a sodden thump. My colleague had managed to get back to the college but had gone to sleep leaning against the door of his car. I managed to summon a tutor and together we picked him up and hauled him off to bed. The only bad thing to come out of that night was that the tutor could not tell the difference between me and my colleague, and the next day he spread the word that he and my colleague had carried me to bed! There was no stigma attached to that incident; in fact, there was a degree of bravado.

When I started practising law, as a junior lawyer, I worked on a lot of Motor Vehicle Insurance Trust cases involving injuries that had occurred on the roads. It became patently obvious to me that every one of the significant cases of serious injury or death involved large consumption of alcohol. Not just some, but all cases. When I saw the misery caused by people drinking and driving the impact was so overwhelming that I decided that I would not drink and drive. To this day, I do not drink and drive. If I drink, I do not drive. If I drive, I do not have one glass, half a glass or a sip. The scientific evidence states that a person's driving is not affected by alcohol until they reach .08 blood alcohol level. I have formed that view for a couple of reasons. First, in those days it was impossible to detect how much alcohol people had in their body unless they died and a blood sample was taken. It was done by observation. The police learned how to do it in the police academy. They would say "I observed the defendant. He was unsteady on his feet, his breath smelt of alcohol and when I spoke to him his speech was slurred. When he was asked to walk along a straight line, he was unable to do so. From that I assumed that the defendant was incapable of driving of a car." That is what we heard all the time; it was rattled out. I also did quite a few cases of guilty pleas for people who had been charged with drink-driving. Guess what? Every one of them told me that they had consumed only two beers. The consequences of drinking only two beers are amazing.

Hon Dee Margetts: They were fibbing.

Hon PETER FOSS: They were. The first consequence of consuming alcohol is that a person's judgment is affected, and that happens well before the motor skills are affected. People say that they can drink and drive because often at the first .02 blood alcohol content, their motor skills are slightly improved. However, their judgment is almost instantly totally interfered with. The consequence is that many people say that they will have only two beers and that is as many as they remember drinking. The other thing about alcohol is that it rather dulls a person's consciousness of the passage of time and recollection of what took place.

Hon Dee Margetts interjected.

Hon PETER FOSS: I do not know. All I know is that in those days there was no point in having only two beers, being involved in a fatal accident and saying that only two beers had been consumed because people would say "Oh yeah", which is what Hon Dee Margetts just did. I have kept to that rule for the rest my life.

The other rule I had was that I did not drink while I was working. Becoming a minister practically meant the end of any alcohol. I have reached the stage at which, although I like alcohol, I often will not drink it because I have come to resent the dulling of the senses that comes with alcohol, as a result of lack of familiarity with it. I do not have a moral objection to alcohol, although I certainly am aware of the consequences of excessive consumption, but I resent the effect of it. Having reached the resolution that I would not drink and drive, I was in a quandary because in those days it was a regular thing to entertain clients with a few beers after work. It was considered manly and sociable. What was I to do? Having a soda water or water was considered a bit funny for a young lawyer who wished to get on in his profession; it was not done. So I would drink ginger ale with soda. It looked like beer, but it was not. I hate ginger ale, but ginger ale with soda water is slightly more palatable and looks more like beer. I drank this vile stuff in order to appear sociable and not like some funny wimp who could not be trusted with his clients' legal affairs. I am pleased to say that that societal attitude, which members may find extraordinary now, no longer exists. A big change came when everybody started asking for soda water, because of breathalysers. People feared that if they drank and drove they would be apprehended by the police and, even for an amount of alcohol that did not cause them to be unsteady on their feet or to slur their speech, charged with a serious offence. The penalty for drink-driving was massively increased, with mandatory licence suspension and significant fines that increased for subsequent offences. That societal change took place due to a change in the law and the enforcement of that law. Today there are still people who drink and drive, but they have a serious alcohol dependency, especially those who have several alcohol-related convictions.

We now spurn drinking and driving. It is regarded as socially wrong, not because we were all educated, but because the law was strengthened and enforced. We did not say, back in those days, that it may be harmful, but everybody was doing it and therefore we should stop people getting these terrible offences on their record. However, is that same argument not being used here? It is either right that people be encouraged to do this, or it is wrong, and people are not encouraged to give up the smoking of cannabis by a reduction in penalties. If we,

today, change the penalty for drink-driving to a \$100 infringement notice, and allow a person to incur as many infringements as he or she likes without a licence suspension, do members really think that society would not go back to its old ideas? Many people have permanently changed their views about drinking and driving - they have got the message - but a significant part of the population has not. Drinking and driving is dangerous to the population and should be discouraged.

The second area I will touch is that raised by Hon Derrick Tomlinson - smoking. As he said, smoking was considered manly. It was not only accepted; it was encouraged. A man did not look like a man unless he smoked. The novels of that time show how people regarded smoking. Have members noticed the recent *Modesty Blaise* cartoons in *The West Australian*? It is starting from the beginning again - the 1960s.

Hon Derrick Tomlinson: She is smoking and using a gun.

Hon PETER FOSS: She is smoking all the time, but everybody is smoking all the time in *Modesty Blaise*. Attitudes to smoking were totally different. I did not smoke either. At this stage I am probably creating the impression that I am a total wowser, because I did not drink and I did not smoke. I apologise if I am giving that impression. I did not smoke because, as a young child, I found smoking had a very adverse effect on me. I found smoking by anybody anywhere near me highly unpleasant. It was not due to any strength of character on my part, but to the fact that it made me very ill. I have grown out of that to a large extent, but I still find smoking offensive; I have always found it offensive. I tended to get around with people who did not smoke, so none of my friends smoked. We would hang out together.

I did not smoke, but I lived through that time in which the tobacco companies were denying that smoking had any evil effects. Those members who are not on the leading edge of the baby boom might find that extraordinary. How could anybody possibly say that smoking was harmless? Smoking was a manly, sportswomanly, rich and successful person's thing to do. This image was being promoted to us every day through the television. I remember the United States Surgeon General saying that smoking caused cancer. "No," said the cigarette companies, "that is nonsense. There is no evidence. Prove it!" Of course all the evidence at that time was epidemiological, because the effect was long term. However, the epidemiological evidence became clearer and clearer. No matter how many factors were ruled out, there was a clear and distinct relationship between smoking tobacco and cancer. Eventually, the message got through, and as time went on, further things became obvious. Further studies made clear how many other diseases were attributable to smoking, and under which circumstances. I remember people saying fairly early on that women should not smoke during pregnancy because of the impact on the unborn child. That may even have been before the link with cancer was shown. People also began to learn about the impact of passive smoking; that people who took up smoking were most likely to have been exposed to passive smoking. We also learned about the effects on the heart, and about peripheral vascular disease. People began to examine what was in cigarettes, and found hundreds of carcinogens. It is no wonder smoking was causing all these problems. However, for many years the tobacco companies were still denying the ill effects.

The tobacco companies were also saying that tobacco advertising had absolutely no impact on whether people smoked. It is curious then, that they were so keen on maintaining tobacco advertising. What kept smoking going was attitude. People living in Australia probably have no idea of the attitude to smoking in the rest of the world. In China and Indonesia - in fact, anywhere in Asia, apart from Singapore - and in Europe people will be overpowered by smoke. If, like me, they find it offensive, it is rather hard to take. Members will recall the dreadful cold and weather we had recently. I saw a girl who worked in a coffee shop sitting outside the shop in the pouring rain with a cup of coffee and a fag.

Hon Derrick Tomlinson: Did she not even have an umbrella over her fag?

Hon PETER FOSS: No, because she could not handle that, the coffee and the cigarette. The funny thing is that the addiction is so strong -

Hon Frank Hough: She might not have known it was raining.

Hon PETER FOSS: I do not think she could have missed it. It was because her addiction was so heavy. She is a pariah in the modern Australian world. She would not be a pariah in most of the rest of the world, but she is a pariah here. Smoking amongst adults - I say adults - has been stamped out by a change in attitude that is the result of a combination of persuasion, the carrot, and penalties, the stick. There is no doubt that a combination of both those tools must be used if we wish to stop something in our society. There are places in the world in which the consumption of alcohol is successfully prohibited. Sure, some people drink, but there always will be people who drink, just as there will always be people who commit murder. The majority do not. The prohibition of alcohol works in those places. It works in many Muslim countries, but in some it does not. It depends on the societal attitude. We know that to prevent people doing something we need both the carrot and the stick. Neither in itself is sufficient; nor will an approach work without the stick.

The attitude to tobacco is strange. It is fascinating that the Tobacco Control Act and the Cannabis Control Bill have a somewhat similar format. That may be pure coincidence. It may be that parliamentary counsel looked to one as a model for the other. Apart from one aspect I mentioned, the penalties under the Misuse of Drugs Act for the particular offences we are dealing with are less than the penalties for similar offences under the Tobacco Control Act. Those offences are not for smoking but for advertising. The Misuse of Drugs Act provides for a penalty of \$2 000 or two years imprisonment. The imprisonment penalty is a nonsense as I have never known anybody to receive a jail sentence for that offence. The Tobacco Control Act provides a \$5 000 fine for an individual - not a company - for a first offence, and a fine of \$10 000 for a subsequent offence.

Hon Derrick Tomlinson: Is that for advertising?

Hon PETER FOSS: Yes. When the Tobacco Control Bill was introduced into this Parliament, it contained two interesting elements. First, it contained a lesser penalty for the offence of supplying a minor than for the offence of advertising. I was the one who said we should penalise people at least the same amount for supplying tobacco to a minor. I cannot remember the exact amount, but the penalty for supplying a minor was considerably less than the penalty for advertising. The second element was that the Bill proposed to ban Fags, which are pieces of white candy sticks with a little bit of red colour on the end. The Bill did not ban tobacco or cigarettes but it banned Fags. If ever there was a bold gendarme measure, that was it. We were not prepared to take on the smokers because they would revolt if we tried to ban tobacco, so we would ban Fags.

Hon Ed Dermer: They just changed the name.

Hon PETER FOSS: The manufacturers took the little red dot off the end of the candy and changed the name. We did not ban Fags. They have been banned in other parts of Australia, but not here. They are now called Fads, and the candy sticks do not have the red dot on the end.

We must occasionally ask about our legislation and whether we have our priorities and relativities right. The reality of the matter is that we now have a body of people who are ferociously against smoking, and a body of people who are ferociously against alcohol and drink-driving. I ask members who led the charge against these things. There was a major difference in both the penalties and the societal attitudes. The real fans for the charge against alcohol and drink-driving were the police and the doctors. They led that charge for the same reason I stopped drink-driving. They had to deal with the mangled pieces of often innocent human beings that resulted from that combination of drinking and driving. The doctors and the airline pilots led the fight against smoking. Why did Australian airline pilots insist that smoking be banned in planes? Why was Australia the first nation in the world to ban smoking in planes? The reason they gave was this: they saw the air filters when they were removed from the planes, and they dripped tar. The pilots realised that that tar was going through their lungs every day. I understand that through some of the antismoking ads we have all had an opportunity to see what the doctors see. They saw what smoking could do to people.

The attitude towards cannabis has progressed over the years. In the 1960s it was a trendy antisocietal thing to do. I must confess that it was not around me. Somehow Hon Derrick Tomlinson came across a fair bit of cannabis in the 1960s. I did not know about it. It was not done among my group. I never heard of the stuff. I remember that in the 1970s my wife and I went to Europe and stopped in Genoa. We were walking down the back lanes of Genoa and people kept shushing us. We did not know why. Everywhere we went, people would say, "sh", "sh", "sh". We asked each other why they did that. We did not think there was any reason to "sh". They were trying to sell us hashish! We were so innocent that we had never come across the stuff. I remember going to a party with some American and Canadian friends of mine. The Americans smoked cannabis, and I was ready to shoot out the door because I was so horrified at that unlawful behaviour. I must confess that during my seven years as an arts minister, I had to modify my attitude slightly.

The perception of cannabis has changed over the years. Each decade has led to a greater involvement of our society with cannabis. It is becoming more socially acceptable.

Hon Robyn McSweeney interjected.

Hon PETER FOSS: I am pleased to hear that. I also am not. However, the reality of the matter is that the use of cannabis is becoming more socially acceptable. In the 1960s we did not think that smoking cigarettes was unhealthy. That realisation occurred over some decades. Only now is smoking cannabis seen as deleterious. I suppose when one thinks about it, it should be. Without even looking at the evidence at this stage - the evidence is now coming through quite clearly - one would think that it would be at least as carcinogenic as tobacco. At a fair guess, it is probably six times as carcinogenic. The mere fact that we do not have the evidence does not mean that is not the case. I am sure that time, as it is doing daily, will bring more evidence of the deleterious effects of cannabis. As we find almost by the day more studies showing some of the deleterious effects, I am sure that when we have epidemiological studies, especially over people's lifetimes, with sufficient samples and sufficient control of the multiple factors, in due course we will find more facts about it.

Of course, many people smoke cannabis with tobacco. Here we are trying to stop people smoking tobacco when we are almost encouraging people to smoke it as long as they shandy it with a bit of cannabis. I can remember as Minister for Health when we issued a warning about the psychological and psychiatric effects of cannabis. That was in 1993. We have come a long way since then in our knowledge of its effect. At that stage we thought that it only related to schizophrenia and that it appeared to precipitate schizophrenia in those people who had a predisposition to it. Of course, many people have a genetic predisposition to schizophrenia, but that does not result in schizophrenia. However, there is an epidemic of schizophrenia at the moment; it involves not just a small number of people, but it is at the stage where it is an epidemic. It is a terrible disease. People who suffer from schizophrenia are virtually out of the workforce. Some of its worst effects can be controlled with drugs, but it cannot be got rid of. Most people with schizophrenia are unfit for employment.

I suppose when one thinks about it, the effect of cannabis upon depression is logical. As the days go by, I believe that it will show itself as having all the adverse effects of tobacco and all the adverse effects of alcohol plus others. The Minister for Racing and Gaming made a very good speech some years ago about what taking cannabis and alcohol together does to people. It is a lethal combination. People have often said - I have said it as Minister for Health - that more harm is caused in our society by legal drugs than illicit drugs. Does that not make members wonder why there is more harm from legal drugs than from illicit drugs? The reason is that if society makes something socially acceptable, it will be done even if people know that it is stupid. People still smoke, partly because they are hooked on it; they still drink to excess, partly because they are hooked on it. However, a number of people do not get started because of some legal measure that will stop them. If we can prevent kids smoking before they are 18 years of age, there is a much better chance they can give up as adults. The statistics on people who start smoking at the age of 13 years are horrifying. It is almost impossible to give up smoking if someone started smoking at the age of 13 years. Doctors say that alcohol in small amounts is actually good for us. A doctor will tell us to have a glass of wine a day for our cholesterol, but how much misery is caused by excessive consumption of alcohol? Is it caused in those places with prohibition where there is also a social objection to it? No, it is not. Funny that. Is it not obvious that as soon as we make something legal, we are affecting two things; we are affecting those people who are too weak to avoid doing something unless it is against the law -

Hon Christine Sharp: This is not a legalisation Bill.

Hon PETER FOSS: I will deal with that later.

The second thing we do is to send a message to people that it is okay. I want to stop people smoking cannabis. Anybody who does not want to stop people smoking cannabis has rocks in his head. The medical evidence is clear; it is worse than tobacco and alcohol and it is worse than the two combined. Whatever people might have thought about it in the 1960s and 1970s as a soft drug, it is not. Just go over some of the aspects. It has all the harmful effects of tobacco and is often taken with tobacco. It has no safe level of use. It has six times the carcinogenic chemicals of tobacco. Small quantities have a serious impact on driving ability. The problem there is that it cannot be proved. We had that problem with drink driving. We could not prove it until we got breathalysers. A small quantity has serious impacts on work-related accidents. A small quantity has psychological and psychiatric effects. Even a small quantity can precipitate depression and schizophrenia. Large quantities are totally debilitating. I know that because one of my daughter's friends is a pothead. He exhibits all the signs that go with other forms of addiction. He steals from his parents, his neighbours and his grandparents; he is a total waste of time. He does not take drink, just that.

Regular cannabis use is addictive in the same way as that of tobacco. Try giving it up after regular use. I know it is addictive because I have spoken to some people who were alarmed by the impact it was having on them and who found that giving it up was very difficult. To encourage people to smoke is silly. Two things are necessary to stop people - the carrot of education and the stick of penalty. The reason that alcohol and tobacco cause the majority of harm in our community is that there is no penalty for consuming them. Who is opposing this legislation? The one group that has really come out publicly and said that it does not agree with it is the Australian Medical Association, and that is not a coincidence.

I want to deal with the question of whether this legislation is or is not about legalisation. The legislation provides for a cannabis infringement notice for a number of significant offences. There would be no record. We all agree that we do not want to give children records. That is not dealt with in this legislation because it is dealt with under the Young Offenders Act, but when will people start taking responsibility for their actions? We can argue about whether 18 or 21 years is the right age. Hon Jim Scott suggested the age of 25 or 30 years. I thought that dropping the legal age of responsibility to 18 years was stupid, but the reality of the matter is that we have done it. Many of the people in jail are there because they cannot see that if they do something, consequences follow. People in jail are those with an impaired sense of the consequences of their action. Somewhere along the line people must realise that they should not be smoking cannabis. They cannot go

through the whole of their life incurring one offence after another with no penalty. A cannabis infringement notice is not a real record and is of no real consequence. The police will not prosecute offenders under this Bill.

Recently, the police tried to bring an indictable offence against a madam. The Director of Public Prosecutions dropped the charges, not because he did not think there was a case but because he did not think it was in the public interest to prosecute as an indictable offence, what was actually a summary offence. The DPP considered that it was a waste of time prosecuting a summary offence because there was no real penalty for it. It costs the State a huge amount of money and police time to bring that action before the courts. At the end of the trial, a judge could impose only a \$100 fine.

This Bill will lead to exactly the same thing for cannabis offenders. The amount of cannabis that people will be allowed to carry with them is the perfect amount for a pusher. Why would we want to allow pushers to escape prosecution again and again? The Leader of the House said that if the police think a person is a pusher, he could be prosecuted. The fact that the police think someone is a pusher will not wear with the magistrate. The police know that if they get that pusher in front of the magistrate, the magistrate will rule that the police are trying to prosecute a person for having 30 grams of cannabis in little packets, but that is subject to a CIN under the controlled penalty. The magistrate will fine the pusher \$100. Big deal.

Why did people get away with drink-driving? It was because there was no significant penalty. People stopped getting away with it when they were punished and the law was enforced. The laws had to be enforced and people had to be punished. I am not suggesting that we go mad over people and give everybody massive records. I thought the cannabis cautioning system was good. When a person finally got prosecuted, he got prosecuted. There was no way in which the court would know whether he had been cautioned or not. He appeared before the court on an offence, which the court dealt with. Quite rightly, children were dealt with. It is important that children learn the consequences of their actions so that, hopefully, when they become adults, it will not become a problem. If appropriate penalties are not applied to a number of offences, the police will not do anything about them. They will cease to be a police priority.

Members have said that the Bill will not legalise marijuana. However, it will legalise pushing. It will mean that pushing will be turned into a minor offence. I have amendments on the Notice Paper to address that. I want this legislation to at least deal with the issue of pushers. As it stands, it will make it virtually impossible for the police to pick up pushers. I will not repeat what every other member has said. However, pushers are a serious problem in our society. Some people who are addicted to cannabis supply that addiction by pushing it to other people, including children. It is very hard to detect and prosecute. This Bill will make it impossible to prosecute pushers. The police will not bother prosecuting people for those types of offences. At worst, a pusher will come before a magistrate and the magistrate will give the pusher the same penalty that can be applied under the Cannabis Control Act, simply because that is the way the law works.

A child of a friend of mine said the Government has made it okay to grow cannabis in the back garden. The Government can send all the messages it likes, but the message it has clearly sent to the public is that it is okay to grow and smoke cannabis. Kids do not miss the message. If the Government really wants to get a message to the kids and get them to change their attitudes, it must do something to signify that we do not approve of growing or smoking cannabis. We must start doing for cannabis now what was done for smoking, or it will do to the population what smoking has done to the population. That is what will happen. The Government is not only taking away the stick by not imposing criminal convictions or providing a significant penalty, but also it is taking away the carrot. How can anybody now say to people that there is emerging evidence that cannabis is a deleterious substance that is worse than alcohol and smoking, and worse than the two combined, when the Government is wanting to pass legislation that kids have already said means that smoking cannabis is okay?

[Leave granted for the member's time to be extended.]

Hon PETER FOSS: We must get to the nub of this matter. Much of the motivation for this legislation comes from views that were formed in the 1960s. I say this with the utmost respect to the many people involved. I am not unique in having formed many of my views in the 1960s. They were very important times in our lives.

Hon Louise Pratt I did not form any views in the 1960s.

Hon PETER FOSS: I am talking about many members in the Chamber. I am looking at the baby boomers who not only boomed as babies, but many of whom are booming personally these days. We all are suffering the effect of that. I can see a number of baby boomers around the Chamber.

Hon Kim Chance: It has been said that if you can remember the 1960s, you probably did not enjoy yourself enough.

Hon PETER FOSS: I remember the 1960s. I enjoyed myself and I can remember that I enjoyed myself. I did have views that were different from other people's views at that time. I remember how frustrated some people

were. Timothy Leary, the LSD man, advocated LSD and drug freedom altogether. Many people thought he was a hero. Young people often think counter-culture people are heroes. Many people who were smoking pot at that time - the laws were fairly unsympathetic in those days - thought that the law was stupid. Some of those people are probably in this Parliament now. It is very hard for people to get away from the views that they formed in the 1960s at a formative time in their lives. Most of the movers and shakers in our society grew up in the 1960s. However, we should be prepared to understand that, in the words of Bob Dylan, the times are a-changing. It is no longer right to say, as Hon Chrissy Sharp said the last time we debated this Bill, that cannabis is harmless or that it is no worse than tobacco. I know she was unwell yesterday and I regret that she missed some very good speeches, in particular Hon Derrick Tomlinson's. I urge the member to watch the video of it because it was probably the best speech I have heard in this Parliament.

Hon Christine Sharp: Yesterday's?

Hon PETER FOSS: Yes. It was a brilliant speech. Society has changed its views on many things, including smoking, alcohol and cannabis. Society had to change its views on cannabis because evidence has emerged that its effects are worse than was previously thought. Perhaps I could appeal to the member's green principles. If we have a substance with six times the carcinogenic content of tobacco, should we at least on a precautionary principle assume that in time it will lead to at least six times the amount of cancer?

Hon Derrick Tomlinson: To the power of six, not six times.

Hon PETER FOSS: Yes. I am not a great believer in the precautionary principle because it stops far too many things from happening. However, I urge the cautionary principle to be applied to this law. Members opposite are playing with fire. It has been firmly established that cannabis is far more dangerous than people thought even two or three years ago, when we last debated this issue. If the Government has not kept up with that, it is irresponsible. I hope it has and I hope it is aware of the scientific evidence that is emerging, which is just the same as what happened with tobacco in the 1960s. There are denials but grinding epidemiological evidence that the denials are false. It is a dangerous substance and it may turn out to be more dangerous than some of the hard drugs. The fact that we do not have all the evidence is not necessarily proof that it does not exist - the precautionary principle. I was the Minister for Health in 1993 when warnings were first issued - just like those from the Surgeon General in the United States - that cannabis was related to schizophrenia. The trend of medical evidence is inevitable and going in one direction only; that is, that cannabis appears to have all the major problems associated with tobacco but multiplied. Its impact on people is similar to that of alcohol and worse. Yet in one fell swoop, we will remove the indication of public disagreement and any real possibility of penalty. We are not removing it only from young people but also from adults - foolish old people who smoke it. We are removing it for a quantity of cannabis that can be seen only as being suited to pushers.

I urge Hon Chrissy Sharp to look at my amendments on the Notice Paper. If members opposite are determined to go ahead with what I see as a foolish step with a lack of knowledge of the future, they should tighten up the inadequacies in this legislation so that it does not cause only unintended consequences, but also obvious negative consequences. Members opposite should struggle out of their 1960s attitude towards cannabis and look at the evidence that is emerging day by day. Where will it stop? Some people are dissuaded from using cannabis because it is illegal. However, some people use it because it is illegal. There are always different attitudes in response to any law. What will people who want to rebel do? Will they keep using cannabis? They probably will but they will also defy society by doing something else. As I said, I agree with a lot of what Hon Jim Scott said. Young people will do death-defying things. A frightening thing is that, despite all the impact on us middle-aged fatties - I use the term collegiately - the reality is that the percentage of people who smoke has not dropped. Young people and women are being recruited to smoke to make up for older people who have given up or never smoked. It is frightening. I know that the amount of drink-driving has decreased immensely. That did not happen because we gave up and said that was part of society. Some people do not respect alcohol as a dangerous drug. I am part of society. I remember colleagues who boasted of how drunk they were when they drove home successfully. They said they could drive home no matter how pissed they were; they said it did not affect their driving. What self-deception! I remember all the lawyers in my firm drinking all Friday night. It was the same with every firm in Perth; it was the standard thing to do. Everyone drank far in excess of what should be consumed before driving a motor vehicle. Those people then drove home!

Hon Frank Hough: Shame!

Hon PETER FOSS: I am sure the member remembers those days. The reality is that none of them does it now. The first step was to show society's disapproval, the second step was to enforce that disapproval, and the third step was to get the message through that it was totally and utterly irresponsible and socially unacceptable. A minister had to give up part of her portfolio because she was speeding. Speeding used to be socially acceptable. She also had convictions for drink-driving. I remember a former minister who was always drunk.

Hon Robyn McSweeney: From the other side!



Hon PETER FOSS: No. Unfortunately, he was from our side. It happened over a long time.

Hon Nick Griffiths: Only one?

Hon PETER FOSS: I am sure there were others. I remember this one particularly well!

I urge members opposite to look at my amendments, which I hope will make the legislation more acceptable. It is still not acceptable to me but I ask members to do it as a bare minimum. Secondly, I ask members to think seriously about the message we have already sent, the message we are going to send, and whether it is regarded as a serious offence at the moment. I am afraid it is not. It is a summary offence with a small penalty. People say that offenders cannot travel overseas. The country that punishes it more is the United States. Are we going to change our law in this State and risk the possibility of making cannabis even more socially acceptable and make smoking even more likely to occur because of the United States; because people might want to travel to the United States? I do not know how many Western Australians travel to the United States. It is probably not a lot. Will the rest of us be encouraged to smoke cannabis so that a few people can travel to the United States? Since when have we passed laws because the United States has a particular view? I hope we do not do that. As it stands at the moment, in the scheme of statutory arrangements cannabis use is a less serious offence than advertising tobacco. It is less serious than many other offences, such as selling tobacco to a minor. We have managed to make it virtually not worth the bother of enforcement by the police. I know the police attitude towards this sort of offence: it is not worth enforcing and so it will not be. We have sent the worst of all messages to young people in this State.

I oppose this legislation on what I hope is a rational basis. I hope that members can see the role of law in society as well as the roles of Government and Parliament in setting, to some degree, what is approved and disapproved of in our society. I cannot approve of cannabis. Future generations will wonder how we did it. I remember visiting the United States Senate and seeing the spittoons around the floor and thought, "What primitive people!" We laugh at former generations; we laugh at the smoking in *Modesty Blaise*. We laugh at the way people behaved. We will be laughed at too. We will be regarded as idiots. If tobacco had been banned when it was first brought back to England by Sir Walter Raleigh, what a difference it would have made to the world. However, it was not because its effects were not known and the opportunity passed. We now have that opportunity. What will we do with Sir Walter Raleigh? By the sounds of it we will say, "Bring it in Wally; it's fine."

**HON CHRISTINE SHARP** (South West) [12.19 pm]: It is with pleasure that I support the Government in the passage of the Cannabis Control Bill. It is a pleasure to see a Government meeting its commitments. In particular, it was a pleasure to see the way in which the Government put serious work into the issue of drug law reform through the process of the Community Drug Summit, which took place in this Parliament in August 2001. Seventy-two per cent of the participants of the Drug Summit voted for the recommendation that the Government introduce into this Parliament legislation to decriminalise cannabis. What we are discussing today and have been discussing for some time will not only meet a commitment made by the Government but also deliver one of the major outcomes of the well-supported Drug Summit. In many senses this Bill builds on what the Liberal coalition did when it was in government through the cannabis cautioning scheme. This Bill will add to that scheme by more fully and properly addressing the matter at law by amending the Misuse of Drugs Act.

There were two limitations on the Drug Summit and the way in which it was held, although I must award the whole process a nine out of 10. The Government got two things wrong. First, it excluded discussion of the legal drugs of alcohol and tobacco - I will come back to those later - and, second, it excluded other political parties from being active participants in the summit. Therefore, the summit was politically controlled by the Government, rather than there being a multipartisan approach to the problem. Members such as Hon Simon O'Brien and I, who are the representatives of our respective parties on drug matters, were not participants of the summit. I am offering a lifeline to the Opposition. The exclusion from the Drug Summit of representatives of the Opposition provides some explanation of why the Opposition has chosen to take such an excessively political view of the Cannabis Control Bill.

This afternoon I will attempt to put the Cannabis Control Bill into a broader perspective. To get the decriminalisation of marijuana into perspective, we must be aware of what is happening elsewhere in Australia and the world. A cautioning scheme is in place in Victoria and has been in place at law for some time. Infringement systems are in place in South Australia, the Australian Capital Territory and the Northern Territory. Those systems are slightly different from the Western Australian model, which has explicitly examined those systems in detail and attempted to improve on them. New South Wales also followed the course of holding a drug summit. The New South Wales Government has made an amazing contribution to the resourcing of drug education programs and so on, to the tune of \$178 million over the past four years. Cannabis decriminalisation legislation is currently before the Houses of Parliament in Westminster, which seeks to introduce a warning for a first offence. In Denmark, legislation is already in place for warnings to be given for first offences involving

cannabis. In Belgium, warnings are given for the possession of small quantities of cannabis for first and other offences. In Austria, cannabis is permitted for medical use. Eight States of the United States permit, by law, the use of cannabis for medical purposes. It is well known that cannabis has been decriminalised in Holland and that supply is regulated through cannabis cafes. Two years ago the personal use of small quantities of cannabis was legalised, as opposed to decriminalised, in Spain. In Portugal, small quantities of any drug have now been made legal for personal use. The Canadian Senate last year brought down a milestone report recommending the legalisation of cannabis. I understand that the decriminalisation of cannabis is also being progressed in Canada.

Throughout Australia and the western world it is recognised that traditional policy methods for dealing with drugs have been unsuccessful and that the war on drugs has failed. Policymakers throughout the world are seeking better methods to get across the message of harm minimisation in order to help people accept personal responsibility for their drug intake and to introduce moderation into their activities by understanding the real cost to their health and the other genuine risks from drug use, rather than the inflated risks that have been suggested in political polemic. What we are doing here is not strange and does not go out on a limb. This Bill is in line with policy trends everywhere.

I do not suggest for a moment that the concerns of some members about the potential effects of the decriminalisation of marijuana are not genuine. However, I must point out that a statewide cautioning system was introduced by the current Opposition when it was in government. In many ways there is little difference between that system and this legislation, except that the law will be brought up-to-date. Those who are really concerned about the effects of the decriminalisation of marijuana must get into their heads the fact that cannabis is extraordinarily prevalent. This legislation will not open any floodgates. The floodgates are already open. We know from the figures - a lot of figures were provided in the working group papers from the Drug Summit - that 45 per cent of Western Australians have smoked cannabis at some time in their lives. That is nearly half the population. Seventy-two per cent or nearly three-quarters of Western Australians aged in their 20s have smoked marijuana. More than one-quarter of males in their 20s have smoked cannabis in the past week. Forty per cent of juveniles in Western Australia have tried cannabis. Last year, 320 000 Western Australians smoked marijuana.

Hon Bruce Donaldson: Where are those figures from?

Hon CHRISTINE SHARP: They are from the Government's working party document that accompanies the Bill. The first point I am trying to make is that a lot of people smoke cannabis. Therefore, the issue we have to address is whether the Bill will make more people smoke cannabis. Clearly the law as it stands has not stopped people from smoking cannabis. I would like to challenge those who are concerned about this Bill. We have had an enormous number of figures on this subject - enough to cause any non-expert to become really confused and to grapple with what really are the facts. Can anyone in this place table any proof that decriminalisation will increase the use of marijuana? I have done my best to look at the information that is available worldwide, and I can find absolutely no proof from anywhere in the world that the decriminalisation of marijuana will increase the smoking of cannabis. To take an Australian example, South Australia introduced its infringement system 10 years ago, so it is 10 years ahead of us in the decriminalisation of marijuana. However, the rate of cannabis smoking in South Australia is 37 per cent compared with 45 per cent in Western Australia. Although we have not yet decriminalised the smoking of cannabis in Western Australia, 45 per cent of Western Australians smoke cannabis, yet in South Australia, which has had decriminalisation in place for a decade, 37 per cent of people smoke cannabis. Those figures from the Australian example seem to suggest that decriminalisation, by helping to get some reality and honesty into the debate, may help to reduce the number of people who smoke cannabis.

Hon Paddy Embry: You said earlier that 45 per cent of people had tried cannabis perhaps once. Now you are saying that 45 per cent of people are currently using it.

Hon CHRISTINE SHARP: No. I gave a lot of figures about how many people have smoked cannabis and the different ages and so on. I said that 45 per cent of Western Australians have tried cannabis at some stage in their lives. The comparable figure in South Australia is 37 per cent. That is my point: the figure in South Australia is lower than the figure in Western Australia. Despite the fact that Holland has a notorious libertarian position on cannabis, the number of people who smoke marijuana in the United States of America is higher than in Holland. I am not aware of any evidence anywhere in the world that shows that the decriminalisation of marijuana will increase its use. I say to those members on the other side who disagree with me that we would be very pleased if they would bring into this place figures that suggest that this Bill will lead to an increase in the smoking of marijuana, because the figures that I have been able to ascertain show either that it will have no effect or it will have the opposite effect. That is my point. I do not think the member heard my point. Cannabis is prevalent, and cannabis will be smoked no matter what we may do at law.

Another very important point is the double standard that exists in our society between illegal and legal drugs. For some reason people continually - I do the same thing - differentiate in their language by saying we have

alcohol and tobacco, and then we have drugs. Alcohol and tobacco clearly are drugs, yet for some reason we seem to draw an arbitrary line that sets those two very dangerous drugs to one side and puts all the other mind-altering substances into a different category. The basic irrationality and double standard of that stance is one of the most serious factors in undermining harm minimisation messages and methods for young people and other people who take illicit drugs. Sure, cannabis has its harms; no-one is saying that cannabis is harmless. However, cannabis is less harmful than alcohol and tobacco.

I refer to an article that appeared in *The West Australian* a couple of days after the then Minister for Health, Bob Kucera, was replaced, in which he made a final statement about one of the alcohol education and rehabilitation programs. He said that the cost of alcohol addiction to the community was enormous. He then went on to say - this is why I am reading this out today, because it astounded me - that three out of five people who use hospital emergency departments do so because of some link with alcohol. Those are the same emergency departments that are mentioned on every talkback radio program and in the paper every week because they are overloaded and cannot cope with the number of patients, yet three out of five of those patients are there apparently because of some link with alcohol.

Several members interjected.

The DEPUTY PRESIDENT (Hon Simon O'Brien): Order! Hon Chrissy Sharp has the floor.

Hon CHRISTINE SHARP: Thank you, Mr Deputy President. *The West Australian* also published some interesting figures in an article on 18 June this year. The first three paragraphs of the article state -

WA's love affair with alcohol and tobacco is running up hospital bills almost 10 times higher than those caused by other drugs.

Tobacco is the most expensive drain on the health system, costing hospitals an average of \$48.9 million a year from 1995 to 2001.

Alcohol is not far behind with an average annual cost of \$28.9 million.

In contrast, the cost of treating patients with health problems associated with illicit and prescription drugs is \$7.9 million per year.

Hon Robyn McSweeney: What is the combination of drugs they get in there and the treatment for that? It would be about 60 or 70 per cent.

Hon CHRISTINE SHARP: I repeat: no-one is saying that cannabis is harmless. I am just suggesting that people need to get this debate into some perspective. We as a society regularly condone the use of two drugs that cause most of the drug-related deaths and are responsible for 10 times more expense in our health system than illicit drugs; yet for some reason, people get almost hysterical about the idea that we need an evidence-based approach and should consider changing our laws to accommodate the facts.

Of every 100 deaths caused by drugs, 82 are from tobacco, 14 are from alcohol and four are from illicit drugs, but none are from cannabis. In fact, I am led to understand that a person would have to consume 50 kilograms of cannabis for a fatal overdose, which clearly is physically impossible. Therefore, it is physically impossible for a person to kill himself with cannabis. I am being so forceful with these figures because the shocking reality is that Western Australia is the only State in Australia with an increase in alcohol intake.

Hon Bruce Donaldson: How do you account for the fact that it is the burglary capital of Australia? It is drug-related crime.

Hon CHRISTINE SHARP: It has nothing to do with cannabis. The alcohol consumption of our teenagers - that is, members' children and my children - is really scary. At the moment in Western Australia, 71 per cent of teenagers between 14 and 17 years of age drink alcohol in a manner that causes acute short-term harm. That is to say, we live in a society that regularly condones binge drinking and is raising children to think that binge drinking is acceptable.

Hon Norman Moore: In what way does it condone it?

Hon CHRISTINE SHARP: Because of our double standards and because we like to pick on other people's drugs but we do not like to look at some of our drug consumption, which comes a little closer home to roost. Not only do the double standards for the common legal drugs and the illicit drugs somewhat skew the information, but also that misinformation has a very significant impact on young people. Young people, from direct experience, know that this is misinformation and that the dangers of cannabis have been blown out of perspective. As a result, they lose respect for all the information and the laws that go with it. The first thing we do is lose the ear of our young people. They are no longer listening. They do not listen to the drug education message when it comes with the moral judgment that it is okay for all of us to have our legal drugs, but that if they smoke cannabis with their friends, they are doing something really dangerous that is undermining all

civilised values. That kind of double standard - it is obvious to teenagers that it is a double standard - means that they do not respect all the rest of the valid information they may be hearing from drug education programs and they do not respect the drug laws. They think we are hypocrites. When teenagers think that people are hypocrites, they do not respect their message. In fact, perhaps the real problem is not alcohol and tobacco.

I want to get stuck into alcohol and tobacco only because of the double standards. As the Australia Institute said in its latest issue, Australians are, as the headline reads, "Comfortable, relaxed and drugged to the eye-balls". The subtitle states -

The ABS's National Health Survey released late last year included an astonishing but unremarked fact. Nearly one in five Australian adults reported that in the two weeks prior to the survey they had used medication to improve their mental well-being.

That is, in the past two weeks one in five Australians has used some form of drug to change his or her mental state.

Hon Paddy Embry: You mean intentionally?

Hon CHRISTINE SHARP: Yes. Of the illicit drugs, cannabis is definitely treated the most unfairly. Perhaps the most important thing is the degree of addiction that different drugs bring about. I am looking at the 4 November 2002 issue of *Time* magazine. This is what I mean about the prevalence of marijuana in the United States. The front cover contains the headline, "Is America going to pot?" In the magazine it is pointed out that the latest figures show that nine per cent of cannabis users become dependent - that is nearly one in 10 - and 15 per cent of drinkers become alcohol dependent.

The DEPUTY PRESIDENT (Hon Simon O'Brien): Members can see the publication, but as the member has just mentioned some parts of the magazine, can she identify the issue of *Time* magazine?

Hon CHRISTINE SHARP: I have already, but it is *Time* magazine of 4 November 2002. Fifteen per cent of drinkers, 23 per cent of heroin users and 33 per cent of tobacco smokers become addicted. Of all the common drugs, cannabis is the least addictive. It is also the least toxic and it does not lead to aggression or criminal behaviour.

Hon Ray Halligan interjected.

Hon CHRISTINE SHARP: If they do, obviously they will severely increase their risk.

Hon Ray Halligan: You have no figures on that. You said that 33 per cent of people who smoke cigarettes become addicted, but you have no figures on those people who smoke both tobacco and cannabis.

Hon CHRISTINE SHARP: Presumably they would already be addicted to tobacco and that is why they would smoke tobacco with the cannabis.

Hon Ray Halligan interjected.

Hon CHRISTINE SHARP: I know of a person who swears that he does not smoke in that he does not smoke tobacco. However, he needs to get real about his behaviour because, instead of that, he must have two or three joints of marijuana every day. I do not think he is addicted to the cannabis; he is really addicted to the nicotine, yet he likes to fool himself that he does not smoke cigarettes. That is a trap he is not alone in falling into. There are a lot of people like that.

I will now discuss a little more what cannabis actually does to people. I will dip liberally into a delightful book entitled *The Botany of Desire* by Michael Pollan. This book looks at four different plants that have been very influential in the history of humankind - the apple, the tulip, the potato and cannabis. It has some very interesting history about the psychoactive effects of cannabis. Members such as Hon Simon O'Brien have also given us a lot of information on this subject. The book states -

In the mid-1960s, an Israeli neuroscientist named Raphael Mechoulam identified the chemical compound responsible for the psychoactive effects of marijuana: delta-9-tetrahydrocannabinol, or THC, a molecule with a structure unlike any found in nature before or since.

...

In 1988, Allyn Howlett, a researcher at St. Louis University Medical School, discovered a specific receptor for THC in the brain - a type of nerve cell that THC binds to like a molecular key in a lock, causing it to activate. Receptor cells form part of a neuronal network; the brain systems involving dopamine, serotonin, and the endorphins are three such networks . . .

The cannabinoid receptors Howlett found showed up in vast numbers all over the brain (as well as in the immune and reproductive systems), though they were clustered in regions responsible for the mental processes that marijuana is known to alter: the cerebral cortex (the locus of higher-order thought), the

hippocampus (memory), the basal ganglia (movement), and the amygdala (emotions). Curiously, the one neurological address where cannabinoid receptors *didn't* show up was in the brain stem, which regulates involuntary functions such as circulation and respiration. This might explain the remarkably low toxicity of cannabis and the fact that no one is known to have ever died from an overdose.

So now we know what the magic ingredient is and the fact that there are receptors for THC throughout the body, particularly in the higher functions of the brain and in the reproductive system and immune system. The book further states -

In 1992, some thirty years after his discovery of THC, Raphael Mechoulam (working with a collaborator, William Devane) found it: the brain's own endogenous cannabinoid -

That is to say, a natural brain chemical very similar to THC -

He named it anandamide, from the Sanskrit word for 'inner bliss.'

A bit further on, the book states -

When I asked Howlett what the purpose of such a network might be, she began her answer by listing some of the various direct and indirect effects of cannabinoids: pain relief, loss of short-term memory, sedation, and mild cognitive impairment.

We now start to know how THC actually affects our functioning. This would be very familiar to people who have tried marijuana, or who are aware of the evidence - that it brings pain relief, loss of short-term memory, sedation and mild cognitive impairment. The book continues -

The THC in marijuana and the brain's endogenous cannabinoids work in much the same way, but THC is far stronger and more persistent than anandamide, which, like most neurotransmitters, is designed to break down very soon after its release. (Chocolate, of all things, seems to slow this process, which might account for its own subtle mood-altering properties.) What this suggests is that smoking marijuana may overstimulate the brain's built-in forgetting faculty, exaggerating its normal operations.

This is no small thing. Indeed, I would venture that, more than any other single quality, it is the relentless moment-by-moment forgetting, this draining of the pool of sense impressions almost as quickly as it fills, that gives the experience of consciousness under marijuana its peculiar texture. It helps account for the sharpening of sensory perceptions, for the aura of profundity in which cannabis bathes the most ordinary insights, and, perhaps most important of all, for the sense that time has slowed and even stopped.

On the previous page, the book states -

'If we could hear the squirrel's heartbeat, the sound of the grass growing, we should die of that roar,' George Eliot once wrote. Our mental health depends on a mechanism for editing the moment-by-moment ocean of sensory data flowing into our consciousness down to a manageable trickle of the noticed and remembered. The cannabinoid network appears to be part of that mechanism, vigilantly sifting the vast chaff of sense impressions from the kernels of perception we need to remember if we're to get through the day and get done what needs to be done. Much depends on forgetting.

In other words, simulating the brain's natural ability to forget - the short-term memory loss that goes with cannabis smoking is a joke amongst cannabis smokers - is also one of the reasons for the change in perceptions that cannabis brings about. Our consciousness is absolutely bathed and flooded with all of the sense perceptions we are receiving in this room at this moment - the lighting, the sound of my voice and other voices in the background, things we may be reading and many other things our senses are taking on board. At the same time, our minds are operating on remembering what we did before we came into the room, what we did yesterday, who we are, or what we will do tomorrow. The ability of cannabis to help us let go of all of that additional sensory and mental material also gives it the power that has been used in association with spiritual practice in some cultures, because it brings the consciousness into the now.

To move on, there are well-known medicinal benefits, as well as the psychoactive effects of smoking marijuana. They are dealt with in the most recent issue of the *Lancet*, the journal of the British Medical Association. Medical benefits from smoking marijuana include effective treatment of the effects of multiple sclerosis, pain relief and the prevention of epilepsy.

Debate interrupted, pursuant to sessional orders.

*Sitting suspended from 1.00 to 2.00 pm*