

CANNABIS CONTROL BILL 2003

602. Mr M.J. BIRNEY to the Minister for Health:

I refer the minister to his comments on Radio 6PR this morning and in this House yesterday that anyone who dealt in cannabis within the proposed 30-gram limit would be arrested and thrown into jail.

- (1) Will the minister admit that there is no clause in the Cannabis Control Bill to ensure this?
- (2) Will the minister also admit that this decision will be entirely at the discretion of police?
- (3) Will the minister now concede that his legislation is fatally flawed and wide open to abuse by drug dealers?
- (4) Will the minister now admit that the only dope in this place is sitting on the government side of the House?

Mr R.C. KUCERA replied:

- (1)-(4) In relation to the fourth part of the question, there is no prize for second. That has always been the rule in Australia. As opposition spokesperson for police matters, the member for Kalgoorlie needs to talk to the police themselves.

Mr C.J. Barnett: We do. They don't like this legislation.

Mr R.C. KUCERA: The Commissioner of Police supports it.

I will read out what Assistant Commissioner of Police Tim Atherton said during the Drug Summit debate. I also remind the Leader of the Opposition that it is silly to send the kinds of messages he is sending to people from the Christian college in Murdoch. I will make sure that the young people in this House clearly know that nobody will be allowed to use or grow cannabis, as stated in the misinformation being put out by the other side of the House. Cannabis will remain illegal under this Government and under the legislation that will be dealt with by this House.

The resolution that came from the hundred people -

Mr M.J. Birney: What about answering the question?

Mr R.C. KUCERA: I am answering the question, if the member for Kalgoorlie wants to listen. The police will have a discretion to charge anybody with dealing. If a person has one single gram of cannabis on him, which is prepared by him to give, supply or sell to anybody else, that person will be deemed a dealer. It does not matter what the amount is - whether it is below 30 grams, above 30 grams or up to three kilograms. I have enough faith in the police officers in this State to know that they are able to use their discretion properly. It is as simple as that.

Mr C.J. Barnett: This is all about the Labor Party delivering to the drug lobby.

The SPEAKER: Order, Leader of the Opposition!

Mr R.C. KUCERA: Unlike the Leader of the Opposition, I have faith in the 100 people who came together in the people's house. I will quote what Assistant Commissioner Atherton said at the Community Drug Summit when it was debating the resolution that has led to this legislation. He said - I agree with him totally -

... cannabis use is still regarded as harmful -

It is as simple as that. I have never said, either in this House or anywhere else - and no-one says - that cannabis is not harmful, in the same way as no-one says alcohol is not harmful.

Several members interjected.

Mr R.C. KUCERA: I have just realised the comment that was just made. As Minister for Health, I treat drug use as a health issue. However, I treat drug traffickers in the way they should be treated: as people who traffic in drugs, and as people who carry on the kind of stunt that we saw in this place yesterday. People who want to purport to be dealers should be treated like dealers. Commissioner Atherton continued -

and as an offence. It recognises the undesirability of labelling cannabis users, the majority of whom are young and disadvantaged people, with a criminal record.

Ms K. Hodson-Thomas interjected.

Mr R.C. KUCERA: We know the member for Carine was not young and disadvantaged. He continued -

It expands the options for diversion and treatment and builds on the clearly successful state cannabis cautioning system, -

Incidentally, we did not impose that system; the other side did. He continued -

while still imposing sanctions on users, when appropriate. It enables the police to divert resources to volume crime - that is, house breaking and burglary, which is an issue that is close to the heart of us all - and also to top end supply. I emphasise that it has the support of the Western Australia Police Service at executive level.

That has been repeated by the Commissioner of Police himself.

Ms S.E. Walker interjected.

The SPEAKER: I call the member for Nedlands to order for the second time.