

## CANNABIS DECRIMINALISATION

### *Matter of Public Interest*

**THE DEPUTY SPEAKER** (Mrs D.J. Guise): Today I received within the prescribed time a letter from the Leader of the Opposition in the following terms -

That this House condemns the Government for introducing legislation to decriminalise the possession and cultivation of cannabis, and thereby encouraging criminal behaviour, including drug dealing, home invasion and exportation of drugs.

If sufficient members agree to this motion, I will allow it.

[At least five members rose in their places.]

**MR C.J. BARNETT** (Cottesloe - Leader of the Opposition) [3.14 pm]: I move the motion. Before I commence my speech on this motion, I am conscious that the so-called Cannabis Control Bill is yet to be debated by Parliament. I inadvertently heard a comment in the corridors of this place a couple of hours ago that it should be called the “cannabis out of control Bill”. That is a very apt description of what this Government is doing and the risk it is putting young people under in this State. The Premier is currently sitting on the back benches. It is shameful for Western Australia that he advocates the decriminalisation of cannabis, and puts out a message to young people that a little cannabis is okay. According to the Premier and this Minister for Health, up to 30 grams is not much. They say to young people that it will be okay to grow a couple of plants - it will no longer be a criminal act. The Premier of Western Australia should at least be supporting parents, who have few greater fears than that of their children becoming involved in drugs and a drug culture. The Premier provides no leadership for young people in this State, and fails to support parents in their best endeavours to raise their children to be decent young people free from drugs.

We all recognise the scourge of drugs on our society. Why would any Government add to alcohol and nicotine a third - presumably only a third - accepted and tolerated drug in our community? Why advertise programs to discourage people from smoking nicotine cigarettes when, at the same time, with hypocrisy, the Labor Government seeks to decriminalise cannabis and send entirely the wrong message to young people and the wider community? What an incredible irony that the Minister for Health is handling the legislation. The Minister for Health, whoever she or he might be, has a responsibility to promote preventive health care and public health programs and to run our health care system to the best of his or her ability. We know that the health system is in crisis and disarray with ambulance bypasses and delays, and with disharmony and discontinuity in the system. In no area is the system more in crisis than in mental health, and one-quarter to one-third of those in that sector have issues relating to drugs, particularly cannabis use. This Minister for Health, who should promote public health, promotes legislation that will inevitably add to an explosion in the production and availability of cannabis and a reduction in its price. This measure represents an irresponsible and unconscionable act by both the Premier and the Minister for Health. It is an irony that the Minister for Health was formerly a senior police officer.

Many aspects of the legislation will be raised during formal debate on the Cannabis Control Bill. The MPI emphasises only the aspects of lawlessness, criminality, organised crime and some areas of policing. Many other issues are involved, such as health, public safety and road trauma issues - the list goes on.

This is an appalling policy position. The Labor Party will tell members of Parliament and the wider community that it is only doing what the previous Government did. That is not true. It would be an absolute lie if that were said to Parliament. Labor members will also say to the wider community that it is not about making criminals of people who may have a very small amount of cannabis, maybe a joint in the glove box of their car or whatever it might be. If not making people criminals were the objective, legislation would be directed to that aspect. The action might be about extending the cautioning system or expunging criminal records after a period has elapsed without further convictions. The Government's measure is not about removing criminal offences from people, which would have been relatively easy to do if that had been the genuine objective.

This measure is about the Labor Party's pandering to a minority group in our community who want to grow and smoke their own cannabis. We are catering to dope users in the community. There is a group of people in the Labor Party and probably also in the Greens (WA) who have managed to get the Labor Party to adopt a policy position of looking after people who want to grow their own cannabis. Drug users all over this State will cheer when that Bill passes through Parliament. They are waiting for an effective entitlement to grow cannabis in their backyard. That is the reality; it is a shameful piece of legislation.

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I will now refer to some of the aspects relating to criminality and policing. The proposed cannabis infringement notice will apply for the possession of less than 30 grams of cannabis or for the cultivation of two plants. What is alarming most people is the cultivation of two plants. People will now grow their own cannabis. Cultivation will occur right throughout the suburbs. Far more cannabis will be available. Young kids will be copying their older siblings and adults; they will be pinching plants. Throughout our community there will be a proliferation and production of cannabis by various means. I have never seen such an irresponsible act by a Parliament - I hope not - or by a Government towards young people.

If someone is caught with less than 30 grams of cannabis - under the proposed legislation it is doubtful whether the police will even bother to catch anyone - or if someone is caught with one or two plants, that person will receive a cannabis infringement notice. They could receive a fine of between \$100 and \$200 depending on the quantity and the nature of the so-called offence. Someone could get several of those notices a day; he could get an unlimited number. It does not matter; it just goes on and on. Such people will receive no greater penalty than a parking ticket. This Labor Party is equating drug use and all the problems that come with it to a parking violation. The Government tells us that it is about trying to make sure people do not get criminal records. Rubbish! The Labor Party is pandering to members of a group in our community who are cannabis growers and cannabis users. The Government is helping out a group of people in our community who are dope users. That is exactly what the Government is doing. This Government thinks it will fool this community. People are waking up. Parents are realising the risk. Teachers in my own electorate are telling me that the 13 and 14-year-old kids in the schools are saying, "Dr Gallop - the Labor Government - says it is now okay." The kids are confronting their teachers and parents and saying that it is okay. The parents do not know what to say. This Government is taking away the moral authority of parents to bring up their kids to be drug free. This is a disgraceful, shameful act by the Premier of this State, aided and abetted by the Minister for Health, who should be looking after our health system and not adding to the health problems of our community, particularly mental health problems.

Under Labor people are to be allowed to have 30 grams of cannabis. If people are caught - they will not be caught; we all know that - they will receive a penalty of \$100. Thirty grams may not sound much. A chronic, heavy user of cannabis will use about 10 grams a week. The small amount for personal use - 30 grams - is three weeks supply for a heavy user of cannabis. It is not a trivial amount. It is not the one puff or the one joint that might be in the glove box or hidden under the bed. It is three weeks supply for a heavy cannabis user. A person might pay from \$200 to \$500 to buy 30 grams of cannabis, depending on the quality and the market. But it is not always traded in that amount. It is often traded in far smaller amounts - in the form of a foil of cannabis of just over one gram. That gram will trade for about \$25. Who will be paying \$25? Who will pool their pocket money together to buy a gram of cannabis?

Mr R.C. Kucera: Are you claiming that is cannabis? The Leader of the Opposition is putting on record that he is in possession of cannabis.

Mr C.J. BARNETT: I will tell members who will be paying the \$25 - schoolchildren. Schoolchildren will be handing over \$25 for a foil of cannabis. How many foils will they get? People will produce between 15 and 30 foils of cannabis from their 30-gram limit. This is how many one-gram foils of cannabis they will get for their 30 grams. I apologise to the staff for those foils that fell on the floor.

Mr J.C. Kobelke interjected.

*Point of Order*

Mr J.C. KOBELKE: I am not an expert on criminal law, but the Leader of the Opposition appears to be breaking the law of this State within the Chamber. I asked him by way of interjection whether that was an illegal substance. I know he cannot be arrested in the Chamber, but it puts the Chamber in a difficult position if the Leader of the Opposition is in breach of the law of this State and brings this Chamber into disrepute. There may not be a specific standing order to cover this, but there is an obligation on members of this House and the Chair to not bring the House into disrepute. That happens when a member supposedly or in fact breaches a very serious law of this State in this Chamber.

Mr M.J. Birney: What is the standing order?

Mr C.J. Barnett: It is a fair bit when it is in foils, isn't it?

Mr J.C. KOBELKE: Is that cannabis?

Mr R.C. Kucera: Are you putting on record that you are in possession of cannabis? It is another stunt, like the Cheech and Chong stunt.

Mr C.J. Barnett: I will complete my remarks soon.

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The DEPUTY SPEAKER (Mrs D.J. Guise): It is not my place to make a judgment call on whether someone's activity is illegal or otherwise. It is for others to make that call. The Leader of the Opposition is responsible for his actions. My job is to keep order in this place. Therefore, there is no point of order.

*Debate Resumed*

Mr C.J. BARNETT: What I demonstrate is that this small amount for personal use, this 30 grams of cannabis, does not sound much. A person can buy 30 grams of cannabis on the street for anywhere between \$200 and \$500, but cannabis is often sold in smaller satchels called foils, which sell for \$25 each. They are the 15 to 20-odd satchels or foils a person will get from 30 grams of cannabis. Do members want to know what that number is worth on the street? The Premier should listen. It is worth anywhere between \$400 and \$700. This is not a small amount. If members do not think that will light up people's eyes when they see an opportunity for home production, for trading in cannabis, or for distributing to children, they are living in cloud cuckoo land. That is a substantial, marketable amount of cannabis.

Mr J.C. Kobelke: Are you really a dealer or are you just pretending to be one?

The DEPUTY SPEAKER: Order! I call the Leader of the House to order for the first time, and also the member for Bunbury.

Mr C.J. BARNETT: The small amount of 30 grams is worth up to \$700 and is marketable to schoolchildren and young adults on the streets. That is what this Premier and this Minister for Health are saying is acceptable. It is not acceptable to me, it is not acceptable to members on this side of the House and it is not acceptable to the parents in this State. That is a small amount of cannabis: \$25 foils or \$700 worth of cannabis. The Government is saying that is a small amount for personal use. There is nothing personal about \$700-worth of cannabis, but that is what people are to be allowed to have. They are also to be allowed to grow up to two plants. And they may get fined \$150 or \$200. The Government thinks it has covered that by saying the cannabis cannot be grown hydroponically. Cannabis plants, bushes, trees or whatever will grow if they are cultivated, manured and watered and put in a shade house or wherever. Quite large plants or shrubs can be produced and people can harvest many, many times that 30 grams, and they will still not have more than their two plants. In fact, without hydroponics people can produce up to 2.7 kilograms of cannabis a year in a backyard. So hang on; here we go. People will now have two plants producing up to 2.7 kilograms of cannabis a year. Without any doubt there will be an explosion in availability, supply and dealing in cannabis.

The DEPUTY SPEAKER: Members on my right, the level of your own discussions is getting quite loud. I ask members to desist so we can hear the Leader of the Opposition.

Mr C.J. BARNETT: What does this Premier seriously think will to happen to the surplus? As I said, a heavy cannabis user uses about 10 grams a week or 520 grams per year. Two plants can comfortably produce five times that amount. What will happen to the surplus? The user would not smoke it all day. The surplus would be traded in 30 gram lots or less because if he were caught on the street with 30 grams of cannabis, he would be okay. No-one will worry about that under this law. The surplus cannabis will be traded in one to two gram sachets or foils to young kids in this State. That will be this Premier's legacy to the young people and the young families of Western Australia. The sachets on the table of the House are just small amounts for personal use - 30 grams of cannabis or 30 foils or sachets selling for \$25 each on the streets. Is the Premier proud of that? That is what he is doing to the children of this State. He is repeating what the foolish Labor Party did in South Australia. There is absolutely no doubt about the effects this legislation will have on organised crime and street dealing in cannabis around schools and playgrounds after hours and on weekends.

Why is the Labor Party doing this? It is beholden to a group of its associates who want to grow and smoke the stuff. For that reason this Government is willing to compromise anything. What is the point of the Minister for Health making comments about heart disease - with which he has an association - stopping smoking or any other health issue when, at the same time, he is promoting small personal use of cannabis? What absolute hypocrisy. He is presiding over a health system in chaos and a mental health system that is absolutely falling apart while bringing in laws that will see a proliferation of cannabis use in the community. I am sure the Minister for Health will ring all his former police mates to see whether the sachets I have thrown on the Table of the House contain real cannabis. It is not cannabis; it is parsley. However, the reaction of members opposite when substitute cannabis of exactly the same volume and amount is thrown onto the table is one of panic - just as any parent would react. Some members opposite had no idea about what was in those sachets. Some of them have probably used cannabis but many of them would not have. They had no idea that 30 grams is about 30 lots at \$25 each. I hope that it is not sold to their children. I hope that their children do not grow it in their backyards or in the back lane because the effects of cannabis on their health could be absolutely devastating.

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**MR M.J. BIRNEY** (Kalgoorlie) [3.33 pm]: Premiers come and Premiers go as do health ministers. However, what a way to be remembered; that is, as the Minister for Health or the Premier who decriminalised the use of drugs in Western Australia. That is not the legacy I would want my name to be associated with when I eventually leave this place. However, sadly that tag will be attached to Premier Geoff Gallop and Minister for Health Bob Kucera at the end of their parliamentary service.

Where did this problem come from? It originated in the Community Drug Summit. There is a point of view that the Drug Summit was not as independent or impartial as the Labor Party would have people believe. In fact, the Drug Summit was perhaps guided in one particular direction -

*Points of Order*

Mr C.J. BARNETT: I laid those foils on the table for the balance of today's sitting. I request that the Leader of the House does not interfere with them and puts them back as required. I require that they be returned to the table.

Mr J.C. KOBELKE: I do not believe there is a point of order. These items were simply thrown on the Table of the Chamber. I have reason to believe that the Leader of the Opposition may have committed an offence and I am taking the items as evidence. It may not contain cannabis but it is an offence when someone falsely represents something that could be an offence. Therefore, I will seek legal advice on whether the matter should be referred to the police.

Mr R.F. JOHNSON: This is a serious situation. The Leader of the House has made no point of order. The concern of members on this side of the House is that by taking those items off the Table of the House, they may be substituted for something that is real by a member on that side of House and then given to the police. Many things have been laid onto the Table of the House - charts, cuddly toys and all sorts of things -

Mr J.C. Kobelke: They were not laid on the table -

Mr R.F. JOHNSON: They were laid on the Table of the House. Do not try to get out of it. Do not tell lies.

Mr J.C. Kobelke: I am not telling a lie. They were thrown -

Mr R.F. JOHNSON: The items were laid on the Table of the House. We have a serious concern that somebody on that side of House will give them to a police colleague who might substitute them for something else.

Mr J.C. Kobelke: I am taking them to the police -

Mr R.F. JOHNSON: The minister has no right to do that. Anything laid on the Table of the House for the balance of this day's sitting is the property of the person who lays it on the table, not of the Leader of the House nor the Minister for Health nor any of his colleagues. Madam Deputy Speaker, I ask that the items be returned to the Table of the House.

The DEPUTY SPEAKER: There has been no formal tabling of the substance in question. The matter is between the Leader of the Opposition and the Leader of the House.

Mr C.J. BARNETT: I do not canvass your ruling but I will make an observation. I ask you, Madam Deputy Speaker, to rule on the separate matter that the Leader of the House took some of my property from the Chamber without my approval. That is a substantive point.

The DEPUTY SPEAKER: There is no point of order. As I said, the issue is between the Leader of the Opposition and the Leader of the House and it has nothing to do with the Chair.

Mr B.K. MASTERS: Further to what has been going on before -

The DEPUTY SPEAKER: No, if anyone wishes to dissent from the ruling of the Chair there is an appropriate process. Otherwise, this matter is finished.

Mr B.K. MASTERS: I raise a further point of order. Considering what has been said, is it appropriate for the Leader of the Opposition to request the return of those items from the Leader of the House?

The DEPUTY SPEAKER: That is the last time we will deal with this matter. There will be no more points of order. I issued a statement. I told members that it was a matter between the Leader of the Opposition and the Leader of the House and they can take it up wherever they wish, but not through this Chair. There is no point of order.

*Debate Resumed*

Mr M.J. BIRNEY: It is sad that this debate has degenerated to this extent. We must consider the actions of the Leader of the House. He squirreled his way over here and stole -

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Several members interjected.

Mr C.J. Barnett: Does anyone want the mace?

The DEPUTY SPEAKER: I formally call to order the Leader of the Opposition.

Mr M.J. BIRNEY: The Leader of the House squirreled or slithered his way around here and stole what was clearly the Leader of the Opposition's property, and he has now taken off with it. I am no expert at law but it looks like theft. In fact, I submit to you, Madam Deputy Speaker, that it is theft. If the Leader of the House does not think there is anything wrong with that, when I finish speaking I will go over to his seat and take his notebook. If that is allowed to happen, Madam Deputy Speaker, it appears that anything and everything in this Chamber is fair game. I will get all of his notes, his ministerial files and anything that is on his desk, and I will take them -

The DEPUTY SPEAKER: Member for Kalgoorlie, I ask that you address the motion before us.

Mr M.J. BIRNEY: I am happy to move on. We were dealing with the Drug Summit. Those who attended the Labor Party's Drug Summit and were picked out at random from the community - apparently under an independent guise - had the wool pulled over their eyes to a certain extent. The people at the Drug Summit were told conclusively that no deaths were attributable to marijuana in this State. I have the document that was given to the people who attended the Drug Summit. Table 4 of the document from the Australian Bureau of Statistics reports drug-related deaths other than by alcohol or tobacco between 1995 and 2000. The document to which I referred was circulated to the participants at the Community Drug Summit. It lists the number of deaths in Western Australia that are attributable to certain types of drugs, such as cocaine, hallucinogens, anti-depressants, cannabis, heroin and all sorts of other drugs. One glaring column in that document records the number of deaths attributable to cannabis since 1985. From 1985 until 1999 it states that it was zero. The participants at the Labor Party's Drug Summit could well have been forgiven for thinking that since 1985 marijuana has had no impact on drug-related deaths in Western Australia. However, the ABS document records 43 cannabis-related deaths in Australia in 1997, 10 of which occurred in Western Australia. The document given to the participants at the Drug Summit stated that there were no cannabis-related deaths in 1997. The ABS reported that there were 25 cannabis-related deaths in Australia in 1998, six of which occurred in Western Australia. The document given to the participants at the Drug Summit stated that there were zero. The ABS document goes on to state that 39 deaths were attributable to cannabis in 1999, 19 of which occurred in Western Australia; 49 in 2000, of which 15 took place in Western Australia; and 28 in 2001, 10 of which, sadly and tragically, occurred in Western Australia.

Why did the Labor Party distribute to the participants at the Drug Summit a document that indicated clearly that no cannabis-related deaths have occurred in Western Australia since 1985? One recommendation of the Drug Summit was the need to decriminalise marijuana. The participants at the Drug Summit might well have adopted that recommendation after reading the document handed out by the Government at the summit, which was clearly a load of rubbish. The technical point taken by the Government was that for the drug-related deaths cited in the ABS figures, cannabis was not the sole cause of death of those individuals. Each individual had cannabis in his or her system, yet the Labor Party would have us believe that since 1985 cannabis has not been a factor in any drug-related death in Western Australia. That is mischievous at least and disgraceful at best. It is important that we discredit that document that was handed to participants at the Labor Party's Drug Summit.

I move to the Bill that the House will deal with either this week or next week; that is the Government's "Cannabis Out-of-Control Bill". One part of the Bill that concerns me greatly is the assertion by the Minister for Health that police will be given a wide-ranging discretion to charge certain individuals as dealers and to issue the equivalent of a parking fine to other individuals who possess 30 grams or less of cannabis. Recent events at the Royal Commission Into Whether There Has Been Any Corrupt or Criminal Conduct by Western Australian Police Officers have brought to light some of the most stunning revelations of police corruption associated with drug dealers that have involved the stealing of drugs and money from drug dealers. The very same Government, which beats its chest about the police royal commission, seeks to place the Police Service in an unenviable position with this rubbish discretion. No guidelines will be given to police officers about the choice between charging somebody as a dealer or issuing the equivalent of a parking fine to those individuals. It is a terrible position in which to put the Police Service and, sadly, it will lend itself to corruption. That issue will be on the heads of members of the Labor Party at some stage in the future.

I will relate quickly a story about a taxi ride that I took to the airport the other day. I got into the taxi and the driver - a rough, gruff type of chap - greeted me and said, "Where are you going, mate?" I said, "I'm heading to the airport. I'm going to Kalgoorlie." He said, "What do you do down there?" I said, "I'm actually the member for Kalgoorlie." He said, "What are you, Labor or Liberal?" I said, "What do you think?" He said, "Let's put it this way: if you're Liberal, you can get out at the next corner, and if you're Labor, I will take you all the way

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there.” I said, “Oh, you’re a Labor supporter, are you, mate?” He said, “Yeah, absolutely, I’m a Labor supporter.” I said, “What do you think about this business, mate, of Labor’s idea of native title? You know that the Labor Party’s promoting this native title at the expense of the mining industry?” He said, “Oh, it’s a terrible thing. Blokes should be able to mine and drill and all this sort of stuff.” I said to him, “What do you think, mate, about this business of two gay men being able to adopt a child?” He said, “Oh, terrible, absolutely terrible.” That was the worst thing he had heard of in a long time. I then said to him, “What do you think about this idea of decriminalising cannabis?” He said, “Oh, it’s all for the drug addicts. I’m not interested in that rubbish.” I said, “Well, mate, are you sure you’re a Labor supporter?” He said, “Well, I’ve voted Labor all my life.” I said, “Yes, but this is the new Labor Party. This isn’t the old Labor Party that purported to represent the working class man, the blue-collar worker. This is McGinty’s new Labor.” He said, “Yeah, you’re right.” He sat back in his seat and had a good, long, hard look at the three cases I had cited to him. At the end of that conversation, I am pleased to say, he took me all the way to the airport; I did not have to get out at the next corner. At the end of that conversation, he agreed with me that he would reconsider his vote at the next election.

Madam Deputy Speaker, that bloke purported to have voted Labor all his life and in five minutes I was able to demonstrate to him that this Labor Party is not the Labor Party of the past; it is a new, quasi-chardonnay, St George’s Terrace Labor. Madam Deputy Speaker, new Labor appeals to only four or five groups known as minority interest groups. That is why this legislation, designed to decriminalise marijuana and encourage people to take up that drug, will be met with harsh resistance in the next two years, particularly at the next election.

The net result of this legislation that the Labor Party is trotting around is that law-abiding citizens will become drug smokers, drug smokers will become drug growers and drug growers will become drug dealers. There will be a quantum shift from the current position to the position post-Labor’s decriminalisation of marijuana. People who have been curious about and shown a bit of interest in marijuana for a long time, but are otherwise law-abiding citizens who would be devastated to have a criminal record or to see their name appear in the newspaper because of a court appearance, might think again about having a smoke of marijuana. They may have been curious about it for many years but were hesitant to become involved with it because of its criminal nature. The people who are drug smokers and who would normally go somewhere else to buy their drugs will start to cultivate this drug in their backyard and will become drug growers. Why should they not? The Labor Party says that it is okay.

Mr C.J. Barnett: And they will grow more than they can smoke.

Mr M.J. BIRNEY: The Leader of the Opposition has made a major point. People who are seriously heavy smokers of drugs every day of their life will smoke about 10 grams a week and subsequently 520 grams a year. Two fully-grown marijuana plants, which, for the benefit of members who have not seen a fully-grown plant, can grow taller than me, can yield 450 grams each, three times a year. That amounts to six times more than can be smoked every day of the week in a year. It begs the question: what can be done with this valuable commodity that has a yield six times greater than anyone can smoke? It can be sold and, therefore, people will continue to grow it. That will encourage all sorts of bad elements to work their way into the neighbourhood. This will be a defining issue and it will contribute to the fall of the Labor Party at the next state election. The Labor Party is promoting a society of zombies. It is seeking to rob people of their energy, enthusiasm and vibrancy. It is sending the entirely wrong message to the people of Western Australia and it will stand accountable for that.

**MR R.C. KUCERA** (Yokine - Minister for Health) [3.50 pm]: When I introduced the Bill the other day I referred to a saying by Sir William Osler recorded in the *Montreal Medical Journal* 1902. Even in those days, Sir William recognised the truth in the words, the greater the ignorance, the greater the dogmatism. We saw a fine example of that today when a person who purports to be the Leader of the Opposition performed a political stunt. Quite frankly, only one person is encouraging the use of cannabis in this State; namely, the Leader of the Opposition. I hope he does not do that in front of his own or anyone else’s children. It was dangerous nonsense. As a leader of a political party, he carried on like Cheech and Chong in a place where, almost 18 months ago, people came to have a debate about one of the most serious issues before our community. He was an absolute disgrace to this House when he carried on like a cartoon character, and he should be censored for his actions.

This issue has been approached in a sensible and balanced way by this Government. Prior to the election the Labor Party gave a clear indication of its platform on cannabis. In fact, it has toughened its stance considerably since the election. A very broad mandate was accepted by 100 people, who were picked at random from some of the finest people in this State. They involved people from both sides of the spectrum; in other words, they included people who did not agree that cannabis should be used in any format. Sensible and responsible people at the Drug Summit met in the middle and agreed on a balanced way forward for the community in this State. From day one, I contended that this was a balanced, sensible way to approach the use of cannabis. First and foremost, cannabis use in this State will remain illegal. Faced with the kind of stunt we saw in this place today any self-respecting police officer would have ensured that this bloke’s - my apologies, Madam Acting Speaker -

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the Leader of the Opposition's, feet would not have touched the ground. He would have been taken straight down to Central Police Station and charged with dealing, not with possession of cannabis or parsley. Does he expect people to turn to oregano after eating parsley? Members opposite have talked nonsense about the quantities of cannabis that will incur a penalty. That is exactly why the Bill provides the police with discretion to issue an infringement notice.

In my role as a police officer I worked under a regime introduced by the previous Government. I remind the Leader of the Opposition that his party introduced the cannabis cautioning and mandatory education system. Much of what is in this legislation builds on that. Hon Kevin Prince, the then Minister for Police, said in a media statement on 8 December 1999 -

The pilot scheme provided first time cannabis offenders found in possession of less than 50 grams of cannabis . . .

That is a slightly different amount from that proposed in this legislation. I remind the people of Western Australia that the Leader of the Opposition's party presided over a regime that talked about 25 plants being grown, not two plants.

Mr M.J. Birney: When did we bring in that legislation?

Mr R.C. KUCERA: The member should read his party's laws. That illustrates the absolute ignorance of the member for Kalgoorlie. As opposition police spokesperson he should be ashamed that he is not even aware of the present law. All of the horrors referred to today by the Opposition -

Mr B.K. Masters interjected.

Mr R.C. KUCERA: His Government referred to 25 plants. The member for Vasse should read the law passed by the previous Government. It refers to 25 plants. Under the proposed legislation the possession of 10 plants will automatically qualify people as dealers. They will lose not only the cannabis but also every cent they have earned from it, their houses and everything else that goes with it. This motion illustrates the Opposition's hypocrisy. Under the Western Australian scheme -

Ms S.E. Walker interjected.

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

Mr R.C. KUCERA: Thank you, Madam Deputy Speaker. Under the present Western Australian legislation, which is unique in Australia, the use of cannabis is an offence for which, on the first occasion, offenders can choose from an alternative penalty such as a mandatory education session. I have not read anything in the legislation about anyone being penalised. It represents a slap on the wrist. I do not have the figures with me, but I am aware from previous experience that more than 6 000 cautions were issued and the sky did not fall in. Young people did not ruin their lives; nor will they do so under this legislation. However, it will contain a very clear monetary penalty with the message that this Government does not condone the use of cannabis or the growing of plants, despite the misleading information from the member for Kalgoorlie.

Mr M.J. Birney: You gave the misleading information at the Drug Summit.

Mr R.C. KUCERA: If we want to talk about misinformation, the Cheech and Chong stunt pulled by the Leader of the Opposition created a suspicion that reasonably called for police action. It is a charge in itself; namely, creating a belief or suspicion.

Mr M.J. Birney: Why didn't you arrest him?

Mr R.C. KUCERA: The member for Kalgoorlie is showing his ignorance. People do not take that sort of action on the floor of the House. He should learn that, as he should learn about the law on this matter if he wants to represent the police of this State as opposition spokesperson rather than speaking in this House and blowing out the same type of hot air as that which comes from AlintaGas. He has shown absolute ignorance.

What upset me most about the comments of the member for Kalgoorlie was the way he was very happy and quick to denigrate more than 100 people who met in the people's House of Parliament in true democratic fashion - something he does not understand.

The defining issue in relation to votes to which the member referred may well be something that he is forced to think about if he listens to what is being said by people in the media now. A certain commentator on 94.5, one of the most popular radio stations in this State, said -

Good on you Bob Kucera for that law. Barnett would rather have you wreck your life because you got caught smoking . . . And that guy . . . he leads a political party, remember that next time you're voting.

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The member for Kalgoorlie should think about that because I can assure him that people in this State have long memories. The member for Kalgoorlie spoke of police discretion. A former Minister for Police in the previous Government, Hon Kevin Prince, said in a media statement of 8 December 1999 -

“The main reason for not issuing a caution to some was based on specific circumstances, with offenders being investigated for other offences or because of their aggressive behaviour.

“In these circumstances, police use their discretionary powers not to issue a caution and that is entirely appropriate.”

That is precisely why police discretion has been left in the Cannabis Control Bill.

During that debate members were reminded that the then Commissioner of Police, Mr Bob Falconer, supported the program of cautioning for the very reason that so much police time was being wasted chasing small-time users of cannabis who could be adequately dealt with by a caution or infringement notice. At that time he recommended to the Government that it institute the Victorian system of cannabis infringement notices, which is almost exactly what we are putting in place under the Cannabis Control Bill. He did not recommend a cautioning system or tap on the wrist, according to what was said in the House on 13 August 1998.

The current Commissioner of Police supports this program of legislation. Two of his most senior police officers were on the committee that sat after the Community Drug Summit to implement its recommendations. I referred to mandates earlier on. One mandate was the election, because a clear platform was adopted by the Labor Party during the election campaign. The second mandate was from almost 80 per cent of people who attended the Community Drug Summit who supported this recommendation.

Mr R.F. Johnson: You picked them.

Mr R.C. KUCERA: We picked them. We also picked the members of the Young Liberals who attended the Drug Summit, and people like John Barich, for whom I have enormous respect and who has very firm views on these sorts of subjects. We picked a whole raft of other people who stated quite categorically their opposition to the use of cannabis. I remind members that all of the horrors we are supposed to be debating today occurred and are still occurring under the current regime of cannabis control that was put into place by the previous Government. Some 25 plants were needed before someone was declared to be a dealer. In the House the other day I heard the member for Kalgoorlie expounding his incredible knowledge of the use of cannabis, the experimentation with its use and the number of joints, or foils I think he called them, that one could make. One would have to wonder about that. The second mandate was from the Community Drug Summit.

For the third mandate, I pay tribute to the committee that still sits to develop that recommendation. The chairperson of that committee, Mrs Rae Kean, is well known for her community activities and has very firm views, which do not always conform to my party's views. John Prior is one of the most eminent criminal lawyers in this State. There is also a whole raft of people from across the whole spectrum of drug control and community support.

We will be given a fourth mandate when people start to realise the absolute practicality of what is being done. Young people will experiment. That view was based on the rhetoric put forward in this place by Hon Rhonda Parker, Hon Kevin Prince and other members who supported it absolutely. I did not see anybody talk about it or vote against it. In fact, I do not think that the previous Government had the courage to bring a raft of legislation into this House to deal with this issue and give people a sensible and practical platform with which to move forward. I saw none of that.

However, as we move forward and people see the practicality of this, they will realise the Labor Party is proposing a sensible and practical way of dealing with an issue that goes right across our community. The legislation does not propose that a 17, 18 or 19-year-old person, who is stupid enough to make a mistake and get caught, should stand in a dock alongside people who have broken into houses or stolen cars, and who should be treated as criminals. Neither does it propose that such a young person should stand alongside people who pull the kind of stunt that occurred today and pack 30 or 40 pieces of whatever in plastic bags and represent themselves as dealers or traffickers. That stunt today proved to me more than ever that there is no sense or sensibility on the other side of the House. It was a political stunt and such stunts allow people to think that they can use cannabis. Only one party in this State condones and supports the use of cannabis; that is the Liberal Party on the other side of this House. Members of that party continue supporting the use of cannabis and they have their heads in the sand.

Mr P.B. Watson: Will you take an interjection?

Mr R.C. KUCERA: I will take the interjection of the member for Albany because I know it will be sensible.



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Several members interjected.

The DEPUTY SPEAKER: Order!

Mr P.B. Watson: Will this enable parents, who would not previously have dobbed in their kids for smoking joints, to dob in their kids because they know that they will not end up with a criminal conviction?

Mr R.C. KUCERA: The member for Albany raises a very good point. Sensible parents who care about their kids and realise they are using drugs will seek out help. It clearly emerged from the Community Drug Summit that 72 per cent of young men and a slightly lower percentage of young women have experimented with cannabis during their early lifetime. If we could hear from under the sand the point of view that is being put by members on the other side of the House, essentially they would be saying that those young people should stand alongside every thief and other type of crook in this State and receive a criminal conviction.

Mr C.J. Barnett: Are you calling the Leader of the House a thief?

Mr R.C. KUCERA: I do not call the Leader of the House anything. The Leader of the Opposition by implication called himself a drug dealer. He demonstrated that he was quite prepared to mislead this House. He demonstrated that he has the knowledge to pack substances that he purports to be cannabis into quantities for dealing. I hope he does not do that for his children.

I know that other people want to speak on this matter before the debate finishes.

Mr R.F. Johnson: Where is the Premier?

Mr C.J. Barnett: You will not see the Premier during this debate. He has not got the guts to be here.

The DEPUTY SPEAKER: I call the Leader of the Opposition to order for the second time.

Mr R.C. KUCERA: I started my speech by referring to dogmatism and sheer ignorance. We have seen some of the greatest demonstrations of that today. No doubt as this debate proceeds in this House during the next few days we will see even more examples of it. I spent 30-odd years of my life locking up people who trafficked in drugs; I did it properly. I was proud of doing it and to serve successive Governments in this State. I saw successive Governments take good action on drug issues in this State. I also saw them make some silly mistakes. The silliest mistake I ever saw was people sticking their heads in the sand and thinking that problems would go away, because they will not. Over 70 per cent of young people in this State have experimented with cannabis.

I am pleased the member for Murdoch is not in the Chamber, because he and I had a lot of discussions about this issue when he was the Minister for Youth Affairs. I am not attacking the member for Murdoch; that is not my role. The member for Murdoch had some very sensible views when we used to discuss this issue and when the former Government introduced the cannabis-cautioning program. This Government and the Community Drug Summit largely built on that cannabis-cautioning program when we went through the processes. However, by sticking their heads in the sand, members opposite are denying the good things that they did in government. I would be the first to say that they did good things in government. However, I would also be the first to say that if members opposite try to ignore this issue, they will be doing an absolute disservice to their kids. They will be doing an even worse disservice if they put in the Press a whole diatribe of misinformation, as they have done particularly in the local community newspapers that kids get out of their letterboxes every week -

Several members interjected.

Mr R.C. KUCERA: Members opposite then turn around and pull a stunt like this motion. Let us hope that kind of stunt is not pulled in the community in front of kids so that they get the message from members opposite that the Government is condoning cannabis use. That would be an absolute disgrace.

At the end of the day this is a sensible and balanced piece of legislation. I am very proud that the Premier has chosen me to lead the drug strategy in this State. I am very proud that the Premier recognises the things that I have done on this matter. I am also very proud that I have a clear mandate from the community of this State and from the community groups who came to this House and used it as a true democracy - something that members opposite should remember some time. I reject this motion absolutely. If members opposite continue to take this head-in-the-sand attitude, it will be a sad day for their supporters, if they have any.

**MR N.R. MARLBOROUGH** (Peel - Parliamentary Secretary) [4.11 pm]: When this debate was brought before the House under the previous Government, I thought it was an opportunity to forward the debate on this level of drug abuse. The previous Government started down that line in 1998 when the then Minister for Police, Kevin Prince, moved that the use of up to 50 grams of cannabis be decriminalised. Let us contrast that with what is happening today. This Government has held a public debate that involved a summit of parties interested in this issue. In 1998 there was no public debate. There was a view and an understanding in a progressive Liberal

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Party in 1998 that the problem with drugs at whatever level is that drugs do not select people on the basis of the community in which they live, the colour of their skin, or how wealthy or how poor they are. In the 1990s the sons and daughters of judges and of all sorts of senior bureaucrats and business people were being charged for using drugs, and that was starting to affect the constituency of the Liberal Party. Therefore, out of left field, the then Minister for Police, Kevin Prince, moved that the use of up to 50 grams of cannabis would not incur a criminal penalty. He went further and decided in his genius mind that this policy would apply to only one constituency in the metropolitan area; namely, Bunbury. The former Government got so carried away with the success of the trial in Bunbury that after a couple of months it extended it to Mirrabooka; so a person who lived in Mirrabooka or Bunbury who rolled a cannabis joint and smoked it would be free of any criminal charges. The key element of the trial, and the reason we supported it, was the clear understanding in a progressive Liberal Party in those days that we were sick of having the lives of teenagers ruined by a minor court conviction that was held against their name when they applied to become a public servant, a politician or a business person.

Mr C.J. Barnett: It has nothing to do with that. If that was your objective, you would address that issue.

Mr N.R. MARLBOROUGH: Would we? Let us look at that. The most powerful man in the world today, the President of the United States of America, when asked whether he had ever used drugs, said, "I was young once. I was foolish." If the Opposition's view prevailed, the question to be asked is whether he would be the President of the United States of America today. Of course he would not. That is the real world that we are living in.

The former Government did not need a public summit on drugs, because it had within its ranks a public expert on cannabis use - the member for Murdoch. The member for Murdoch used to run a store in the Fremantle markets called Joynt Venture, which sold paraphernalia that people could use to bypass the drug laws and to cultivate drugs using hydroponics. I purchased at his store in the mid 1980s a postcard that shows a person lying in a life raft in a swimming pool and has the words, "Life. Be out of it". I seek leave to lay that postcard on the Table of the House for the remainder of this day's sitting.

[Leave granted.]

Mr B.K. Masters: May I borrow that for a couple of weeks?

Mr N.R. MARLBOROUGH: I am aware of the record of the member for Vasse in borrowing things! We are all worried about it! They come back soiled!

The former Government did not need a drug summit. It had within its ranks the most progressive person on cannabis use - the member for Murdoch. At that time the member for Murdoch was involved with a store that supplied the implements by which people could bypass the drug laws and keep themselves out of court by growing cannabis in the ceiling of their home. I am happy with the record of the member for Murdoch before he entered the Parliament. He is a very good member of Parliament. I am glad that progressive thinker is on that side of the Parliament, because God only knows where we would be today but for him. Where is the member for Murdoch today? The Leader of the Opposition led the debate for the Opposition. The jumped-up kid from Kalgoorlie seconded the debate. Where is the key speaker - the person who has all the knowledge? The member for Murdoch is coming into the Chamber now. We know what will happen; he will be gagged. For the past four or five years the most progressive thinker on the Liberal side of politics on the use of cannabis and keeping youngsters out of court has been constantly gagged. I say this to the Liberal Party: just as it thinks we will be judged on this Bill that we are passing, so too will the Liberal Party be judged on its history - and it is not a very good history, it is a sordid history that is driven purely by base politics.

Mr M.J. Birney interjected.

Mr N.R. MARLBOROUGH: Is the member for Kalgoorlie 40 yet? It is a tragedy. When I was a youngster I always thought one of the weaknesses of being a youngster is that young people think they are invincible. However, one of the strengths of being a youngster is that no-one can defeat young people, because they hold the world in the palm of their hand and are positive about the way forward. Unfortunately the member for Kalgoorlie at a very early age is holding the world in a very negative light. By the time the member for Kalgoorlie is 40 or 50, he will be walking backwards when the rest of the State is walking forwards.

What we have seen is typical of the history of the Labor Party, not just in this State but across the nation. Given the opportunity to score base political points, members of the Liberal Party forget all the standards that are necessary for a better society. They forget them even to the degree of not supporting their position on this issue and building on it.

Mr B.K. Masters interjected.

Mr N.R. MARLBOROUGH: The member for Vasse should just count his shares. He has his hands full counting his shares. We will come back to the member for Vasse and look at his share portfolio later.

**Extract from *Hansard***  
[ASSEMBLY - Tuesday, 8 April 2003]  
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Instead of building on the position that the Liberal Party took in 1999, we are seeing today, once again, that the Liberal Party is going backwards. It is worth noting that in 1998, when the then Liberal Minister for Police, Hon Kevin Prince, moved for the decriminalisation of certain uses of cannabis, he stated, as recorded in *Hansard* - he had the expert in the field, and did not need a drug summit - that 72 per cent of the Western Australia Police Force supported his position. According to the Minister for Health, we are now at 78 per cent support. At least the Police Force has gone forward on this matter. The truth is that the Police Force represents the thinking people of the community. Nobody in our age group who is likely to have a teenage child or a child coming up to those years wants their child's entire life and career opportunities thrown out the window for a silly, youthful misdemeanour. That is the level members opposite want to bring cannabis control down to. No sensible, progressive-thinking person, whether or not a parent, wants children to be penalised in that way. I am absolutely confident that our Bill builds on the Drug Summit and on the support of the Western Australian public, and will, once again, see the Opposition floundering and grasping for straws and votes. Members opposite will not get those votes and will stay in opposition for a long time to come.

Question put and a division taken with the following result -

Ayes (21)

Mr R.A. Ainsworth	Mr J.H.D. Day	Mr W.J. McNee	Ms S.E. Walker
Mr C.J. Barnett	Mrs C.L. Edwardes	Mr A.D. Marshall	Dr J.M. Woollard
Mr D.F. Barron-Sullivan	Mr J.P.D. Edwards	Mr B.K. Masters	Mr J.L. Bradshaw ( <i>Teller</i> )
Mr M.J. Birney	Mr B.J. Grylls	Mr P.G. Pandal	
Mr M.F. Board	Ms K. Hodson-Thomas	Mr R.N. Sweetman	
Dr E. Constable	Mr R.F. Johnson	Mr T.K. Waldron	

Noes (29)

Mr P.W. Andrews	Mr J.N. Hyde	Mr A.D. McRae	Mrs M.H. Roberts
Mr J.J.M. Bowler	Mr J.C. Kobelke	Mr N.R. Marlborough	Mr D.A. Templeman
Mr C.M. Brown	Mr R.C. Kucera	Mrs C.A. Martin	Mr P.B. Watson
Mr A.J. Carpenter	Mr F.M. Logan	Mr M.P. Murray	Mr M.P. Whitely
Mr A.J. Dean	Ms A.J. MacTiernan	Mr A.P. O'Gorman	Ms M.M. Quirk ( <i>Teller</i> )
Mr J.B. D'Orazio	Mr J.A. McGinty	Mr J.R. Quigley	
Dr J.M. Edwards	Mr M. McGowan	Ms J.A. Radisich	
Dr G.I. Gallop	Ms S.M. McHale	Mr E.S. Ripper	

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Pair

Mr M.G. House

Mr S.R. Hill

Question thus negatived.