

Mr Phillip Pendal; Mr Matt Birney; Acting Speaker; Mr Rob Johnson; Mr John Bradshaw; Mr Rod Sweetman; Mr Mark McGowan; Dr Janet Woollard; Mr John Quigley; Mr Terry Waldron; Mr Jeremy Edwards; Dr Elizabeth Constable; Mrs Cheryl Edwardes; Mr John Day; Mr Dan Barron-Sullivan; Mr Martin Whitely; Mr Ross Ainsworth; Mr John Hyde; Mr Max Trenorden; Deputy Speaker; Mr Bob Kucera; Mr John Kobelke; The Deputy; Mr Colin Barnett; ; Mr Paul Omodei; Ms Sue Walker; Ms Katie Hodson-Thomas; The Acting Speaker (mr A.D. Mcrae); Speaker; Ms Dianne Guise

CANNABIS CONTROL BILL 2003

Second Reading

Resumed from 10 April.

MR P.G. PENDAL (South Perth) [3.13 pm]: I will make some remarks on what is arguably one of the most important Bills to come before the present session of Parliament. It is a good example of the curate's egg - it is good in parts. To the extent that the Bill aims to deal with the regulation of smoking implements and associated paraphernalia and artificial hydroponic cultivation, I think the Government has got it right, and I commend it for that. The central ingredient is nothing to do with the drug itself, but it becomes one of the principal reasons for my opposing most of the relevant clauses of this Bill. I refer to the system of discretion that police officers will have when dealing with cannabis offenders into the future. The Government cannot have this question of discretion for police officers both ways. From my point of view there is considerable irony in the fact that we will soon be dealing with a Bill to reform the prostitution laws in Western Australia, when for the first time in decades we will be repealing those provisions giving police discretion to apply prostitution laws. We are doing that, at least in part, because the Government believes police officers should not have discretion in implementing the laws relating to prostitution because it opens up all sorts of temptations and potential corruption issues for the police. Yet a cannabis reform Bill is introduced into the Parliament and its pivotal point turns on the issue of discretion; that is, that police officers will have the discretion, as a formal instrument, to deal with what is a very ugly social problem. On that basis alone the Government's argument fails, because it cannot have two views on the question of discretion.

Like other members, I received a briefing through the office of the Minister for Health, and I thank him for that. If my memory serves me correctly, at least five people - including a representative from his office - attended the briefing. In a strange sort of way my mind was further made up about 45 minutes into the briefing when I listened to the comments from an official, who seemed a well-read individual, from the Alcohol and Drug Authority. I found it a bit puzzling, because for that first 45 minutes the tone of the briefing was in defence of the Bill; or, more fairly, it was an explanation of the Bill stating why members should support it. I then heard a couple of remarks that sent me the same mixed messages that the Bill is now capable of sending to those in the wider community, especially the young. At the 45-minute mark of this meeting the officer concerned - I repeat, I thought he was a well-read and erudite individual - said, "Cannabis is harmful, period; if I had my way no-one would ever smoke it." The same officer, who was there from the Government to brief me in support of the Bill, then told me that approximately 10 per cent of those who smoked cannabis ended up becoming dependent on it. He further stated - I presume with some clinical experience - that smoking anything carries the risk of a respiratory disease. I will stop at that point, because, up until now, one would have thought that one was listening to a briefing on the reasons that the Bill should be opposed. However, in reality, the information was coming from a senior officer from the Western Australian Alcohol and Drug Authority who was trying to encourage the opposite. I repeat: there is a real dilemma for the public, not least for members of Parliament, who are being asked to deal with this issue and to support the Bill, even though they are receiving mixed messages. If I and my colleagues in this Chamber - whether they are government or non-government members - find the messages to be mixed, how much more difficult is it for impressionable children to understand the central thrust of what the Government is trying to do? Mixed messages are being sent to me and the Western Australian public by not only government officers, but also the Government as a whole.

An area about which I am concerned - I will quote from two people in the field - is the impact that the Bill will have on indigenous populations in Western Australia. I say with great care that in light of some of the data that has come before me, the passing of this Bill will sound a death knell among indigenous Australians because of the links between smoking cannabis, family violence and suicide. I refer to what I call the Clough report, which I came across in the Medical Journal of Australia. Alan Clough was one of the report's four authors. The report looked at the increasing incidence of cannabis smoking among indigenous people in the Miwatj region in Arnhem Land and outlined a chilling set of observations on the impact of increased cannabis use in indigenous communities. If this information is accurate, we are playing with the health and future of the most vulnerable of the vulnerable in our society, the indigenous population.

In summary, some of the figures found in the Clough report are indeed chilling. It states that -

Between five and six years ago, 31 per cent of males and 8 per cent of females . . . in the region's communities -

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That is, the Miwatj region -
used cannabis.

I will concentrate on the rates for the males, because the problem seems more critical among that gender. The report continues that by 1999, about five or six years later, the figure of 31 per cent for males had increased to 55 per cent. One of the things that the inquirers, including Mr Clough, were able to ascertain was that the enormous increase in cannabis use has apparently largely grown out of the fact that supplies of this drug are now coming from within the communities, whereas until the early 1990s, as I understand it, those supplies were in the main coming from outside those communities.

The inquirers make a few links in a letter that was published in the *Medical Journal of Australia*, volume No 177 of 7 October 2002. It is therefore a very recent edition. Alan Clough, Sheree Cairney, Paul Maruff and Robert Parker are the co-authors. They wanted to draw to the attention of the editors and readers of and the subscribers to the journal the rising cannabis use in indigenous communities and, in particular, its impact on such things as family and domestic violence and suicides. In some cases they do not use the term "suicide". I shall shortly refer to a letter from Bishop Christopher Saunders on this point. I understand there has been a caution on the part of those working among Aborigines to entice Aborigines away from the notion of suicides arising out of drug use, I guess because of its copycat effect. They substitute euphemisms like self-harm, but in the final analysis this drug still has the same disastrous and permanent effect. I ask members to remember that this is coming from on-the-ground, hands-on research that is being carried out in the Miwatj region of Arnhem Land. At page 395 the co-authors had this to say in the letter they wrote to the editor of the *Medical Journal of Australia* when drawing attention to their researches -

We write to alert policy makers -

That is us -

and clinicians to the challenge presented by rising cannabis use in north-east Arnhem Land, in the Northern Territory, given that many current cannabis users were previously petrol sniffers.

What a tragedy it would be if we were to help those people make the transition from one diabolical substance to another; namely, from petrol sniffing, which is wreaking havoc in Aboriginal communities, to cannabis use. The letter continues -

In the past five years, there has been a rise in cannabis use and evidence of expansion of supply links in the Miwatj region. There are concerns that rising cannabis use is associated with social effects: increased family violence, drug-alcohol psychosis, self-harm and suicide, and community disruption.

A little further on in the letter at page 396 they write -

From this sample, -

In the previous paragraph they mention the sample of particular age groups -

current cannabis users (at least weekly) and past petrol sniffers have been identified by using health worker consensus classification, supported by data from review of the health clinic chart and self-report, if available.

It goes on to explain the data for males and females. I do not have time to read it into the record, but in an adjunct report Alan Clough, Terrence Guyula, Maymuna Yunupingu and Christopher Burns, all of whom I think are associated with the Menzies School of Health Research in the Northern Territory, write under the heading on cannabis and petrol sniffing amongst indigenous people - these are small pickings -

Cannabis use was rarely reported in remote communities before 1991 although its use by Aboriginal people in urban areas and rural towns was well known.

That assertion is supported with reference to a source. It continues -

Health workers (including authors TG and MY) in all clinics visited in the Miwatj Region reported that in the last three to five years, cannabis became available for sale in their communities and that this had seldom been the case previously.

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

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Mr P.G. PENDAL: Health professionals are not only referring to a problem among indigenous communities about the effects of cannabis smoking but also they are bringing to our attention the fact that the sources of supply are no longer external to their communities - from southern parts of Australia - they are being trafficked at rapid and major rates within the indigenous and remote communities. I ask in rhetorical terms why Governments are not doing something about those two issues rather than adding insult to injury with something like this Bill.

The work of the four health professionals across the border in Arnhem Land is paralleled in a remarkable way in a letter sent to a number of people in this House by Bishop Christopher Saunders, the Roman Catholic Bishop of the Kimberley. He does not speak from a health professional's point of view but as someone who has had 28 years pastoral experience in a diocese comprising principally Aboriginal people. He is incredulous that the Government is introducing a Bill of this kind. I will tie in Bishop Saunders' remarks insofar as they are relevant to the Alan Clough study undertaken in Arnhem Land. Bishop Saunders' letter reads in part -

As the use of marijuana has spread throughout communities in recent years it has become a more common pastime in some places and among some people. The accompanying crime rate has soared - burglaries, break-ins, violence and self-harming - in particular, self-harming among youth.

He then says something that is equally as chilling from a pastoral point of view as Mr Clough's remarks from a scientific point of view. His letter continues -

It is no coincidence that almost every such fatal act of self-harming in the West Kimberley, -

He is not claiming it for the entire Kimberley but he suspects that is the case. It continues -

And, I suspect elsewhere in the Kimberley, was by a person who had used this drug extensively.

I will read it again -

It is no coincidence that almost every such fatal act of self-harming in the west Kimberley, and I suspect elsewhere in the Kimberley, was by a person who had used this drug extensively.

He says further -

The proposed legislation offers no solace for these grieving families. It only promises more of the same - along with more anti-social behaviour and the prospect of more drug-induced mental illnesses in the community.

That is real evidence from a Catholic Bishop with 28 years pastoral experience, alongside the detailed, analytical, clinical work of the four researchers in the Miwatj region of Arnhem Land. If those two things are put together, ultimately there is the potential for the death of Aboriginal communities in northern Australia. If, as Bishop Saunders says, these things apply to those communities in the west Kimberley, and if they apply to the Aboriginal people in the Miwatj region of Arnhem Land, one can bet one's bottom dollar that they will apply equally across Australia. Who knows, they may also apply to Aboriginal communities in southern parts of Australia.

I will give a final and compelling reason for throwing out this Bill or at least those parts of it that are considered to send mixed messages. Two or three weeks ago, what is now touted as arguably the most successful state Labor Government in the past generation was re-elected in New South Wales. Hon Bob Carr, who heads that Government, will not have a bar of what is being done by the Labor Government in this State. I will go further and quote the attitude of the New South Wales Department of Health and the line it draws. Its online publication "Cannabis: What Is The Issue?" states -

There is a growing misconception that cannabis is harmless. However, new growing techniques and stronger seed varieties have resulted in a more potent form of cannabis with higher addictive qualities.

The ballpark is changing. That is why that Government has drawn a line in the sand to say that it is a nonsense. The New South Wales Department of Health remarked that -

There is a growing misconception that cannabis is harmless.

It then put forward what it regards as the real facts -

... new growing techniques and stronger seed varieties have resulted in a more potent form of cannabis with higher addictive qualities.

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The department then spoke about why some people use cannabis. I know that this is nothing new, but as it comes from a source such as the New South Wales Department of Health, it is important that we hear it. It states -

... regular use of cannabis can lead to serious problems in a young person's life. Relationships with family members and friends often change. Some find their ability to concentrate decreases markedly.

This quote comes not from some right-wing lunatic think tank but from arguably the most successful Labor Government in Australia in the past decade or two. The report also states on the issue of cannabis and mental health problems -

Young people with a psychotic illness such as schizophrenia are believed to be more likely to experience a psychosis.

I add that evidence from the New South Wales Labor Government to the evidence of the Clough inquiries in the Northern Territory and the remarks of Bishop Saunders, based on his 28 years of pastoral experience.

Premier Carr has drawn a line at the possible medical use of cannabis; that is, the way in which drugs such as morphine are used in a medical sense. I do not have any difficulty with drugs being used in those circumstances when that use is medically supervised. That allows us to draw the distinction that if I am in hospital with a life-threatening illness or in a very high level of pain, those drugs are and should be available to mitigate that pain. However, because those drugs are given to a patient with a terminal illness or intolerable pain, we should not then say that they should be made widely available to anyone else in the community. I use that as a reverse sort of argument, because I think Premier Carr is probably on the right track when he talks about cannabis being used for supervised medical purposes for intolerable pain and for terminal patients; and he cites cancer and HIV-AIDS sufferers. With that one exception, Mr Carr says, in effect, "No, thank you; we do not want it. We have got enough scourges as it is, and there does not seem to be a lot of sense in our adding to them." I will finish on that note. Other people have covered other areas. It seems to me that on the question of indigenous people -

Mr C.J. Barnett: Where is the member for Kimberley? In fact, where is the Labor Party? This is about health in the Kimberley. Where is the member for Kimberley? She is out having a cup of coffee. She does not go near her electorate.

Mr P.G. PENDAL: It is a dreadful prospect to think that we can impose today for use recreationally, because it is supposed to be part of the pop culture, something that could wipe out a large proportion of one of the most vulnerable sections of the Australian society. Of course there is no secret to that logic. Aboriginal people suffer in their mental and physical health and have death rates that defy and challenge all others in Australia, yet this Government is willing to make decisions casually, and I would even say callously, that would say to these people that it does not really care. We will not see the results of what I am talking about, what Mr Clough is talking about at Miwatj and what Bishop Saunders is talking about in the Kimberley in respect of cannabis use among indigenous people next week or even by the time we go to the next election. Does any member of this place want it on his or her conscience that we were part of a process that will allow indigenous communities in the north of this State, from which we have some evidence on which to draw, to be given virtually a death sentence? My comments are not based on my fears as a person from a white middle-class background in Perth. They are based on the clinical work that has been done by people in the Miwatj region and the pastoral work that has been done in the Kimberley by people like Bishop Saunders and many others of his kind. Today is a very sad day. I know that in this place nothing will change the mind of the Government, but we can still hope that in the other place some good sense will prevail and this Bill will die a quiet, natural death in some committee. That may be the way out of it from the Government's point of view. I think the Government has among its members people who are developing a profound concern about what the effect of this legislation will be. Other people have chosen to cover broader issues. I have been happy to pinpoint the effect of this Bill on indigenous people. There is no question that all the evidence suggests that this legislation will create a mammoth problem with deaths among Aboriginal people. For those reasons I intend to oppose the second reading and a number of the clauses, and to support certain clauses of the Bill that I think make good sense.

MR M.J. BIRNEY (Kalgoorlie) [3.43 pm]: I rise to make my contribution to the Government's Cannabis Control Bill. This Bill might more aptly be named the Government's cannabis out of control Bill, because that will be the net result of this legislation. Everything that members have said to date in this debate about the side effects of cannabis and the direct negative effect that cannabis can have on a person's health is warranted and worth taking note of. All the points made by all members in this debate to date would be negated if the

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Government's Bill were not to lead to an increased usage of cannabis. The Minister for Health and the Premier understand the health concerns and risks associated with cannabis use. Do they not understand that when marijuana and cannabis are decriminalised, there will undoubtedly be an increased number of people who will use those drugs? There is no doubt about that. There is plenty of academic evidence to suggest that will be the case. To cite one example, the Drug Advisory Council of Australia's fact sheet No 24 discusses the Queensland Criminal Justice Commission's 1994 report, which states that when South Australia decriminalised marijuana there was a 50 per cent increase in the number of 14 to 19-year-olds using the drug. For 20 to 39-year-olds, there was a 32 per cent increase in the number of people using the drug. It is important that the Minister for Health and the Labor Party take note of all the health concerns raised by speakers on this side of the House in this debate because there is plenty of evidence to suggest that when cannabis is decriminalised the number of people using it is affected - the number goes north.

The best description of the Labor Party's Cannabis Control Bill is that the net result will be that law-abiding citizens will become drug smokers, drug smokers will become drug growers and drug growers will become drug dealers. People who are curious about marijuana or cannabis and its use but are law-abiding citizens might be tempted to try cannabis. Law-abiding citizens will become smokers. People who were previously just marijuana smokers who might have gone to friends or others to purchase the drug will become drug growers. Why will they not when the slap on the wrist they will receive is equivalent to a parking fine, if indeed they are caught? People who were small-time drug growers prior to the passage of this legislation and grew it for personal use or sale to their friends will now become drug dealers. That will be the net result of this legislation if people are allowed to grow two full plants in their backyards. We are talking about plants that may be seven, eight or even 10 feet tall. Why on earth would a person not become a drug dealer now that the penalty for being caught and the risk of being caught will be substantially lower, if indeed a person will be caught?

There are two types of dealers: one is a commercial dealer who seeks to make a commercial living from selling cannabis, and this Bill will make his job easier; the other dealer is the person who grows a small amount of marijuana for sale to friends or family, and the number of this second type of dealer will increase. The new regime will allow people to grow two plants in their backyards. Why would a normally law-abiding citizen not give it a go if he is only to receive a \$200 fine or made to attend an education session - which is a bit of a joke, as a person can attend them time after time - if he gets caught?

Coming from Kalgoorlie as I do, and having lived there all my life, I have had a fairly robust upbringing. That is the case with many people who have resided in Kalgoorlie for most of their lives. In Kalgoorlie, a person has the opportunity to mix with people from all walks of life. Sadly, during my teenage years I had the opportunity to closely observe people who were considered at the time to be addicted to marijuana. Those people would wake up in the morning, reach over to their dressing room table, pick up a bong and proceed to smoke a cone of marijuana. That was the extent to which the addiction had got hold of those people. They would engage in frequent sessions of marijuana smoking throughout every day of the year. I can tell the Minister for Health and members of the Labor Party that cannabis robbed those people of their vibrancy. It robbed them of their energy and their enthusiasm. Those people went through a significant period of their lives with no ambition and conviction and, sadly, very little future indeed.

Mr C.J. Barnett: Maybe it explains the Labor benches. Those members have no vibrancy or enthusiasm.

Mr M.J. BIRNEY: The Premier, the champion of this legislation, is not here with us today.

Members need only to listen to talkback radio in recent times to understand what I am saying. I listened to Paul Murray the other day when a number of parents rang and relayed stories about their children and the effect that cannabis had had on their lives. Those children were robbing their parents to purchase marijuana. The stories kept coming for an hour or an hour and a half. One parent spoke of her child who sadly was driven to commit suicide. We cannot be sure that the smoking of cannabis was directly related to that particular suicide; however, we can be sure that cannabis had played a part. It affected the way that that young fellow thought. It affected his energy, vibrancy and enthusiasm for life, of which he had very little. Sadly, he was moved to take his life.

This is a regime that the Labor Party is promoting in Western Australia. In future years when the Minister for Health is happily retired and looking after his grandchildren, he will be thought of as the Minister for Health who decriminalised drugs in Western Australia. Sadly, that will be the legacy that this Minister for Health will leave behind.

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I look at the genesis of this legislation. The Government would have us believe that this legislation was a direct result of the Drug Summit; that the Drug Summit somehow independently arrived at the position that marijuana, or cannabis, should be decriminalised. That is what the Labor Party would have us believe. What it will not tell us very often is that the 1999 Labor Party state conference passed a motion that marijuana should be decriminalised. It is no surprise that the Labor Party Drug Summit made this so-called independent recommendation to decriminalise marijuana as it has been Labor Party policy for the best part of three or four years. I do not know the extent of the information that was given to the delegates to the Drug Summit to help them make an informed decision about the decriminalisation or otherwise of cannabis, but I know that the Government gave the delegates a chart listing the number of deaths in Western Australia that could be attributed to certain types of drugs. That chart includes statistics for the harder drugs such as cocaine, heroin and antidepressants. The statistics for cannabis are identified in the lead column. The information given to those people at the Drug Summit was that there were zero deaths attributable to cannabis from 1985 through to 2000. Those people charged with making a recommendation about the decriminalisation or otherwise of cannabis were of the view, courtesy of the Labor Party's information, that no cannabis-related deaths had occurred in Western Australia. Sadly, that is not entirely correct. I am sure members will not be surprised by that. The Australian Bureau of Statistics reports the following figures for cannabis-related deaths: in 1997 there were 10 cannabis-related Western Australian deaths; in 1998 there were six; in 1999 there were 19; in 2000 there were 15; and in 2001 there were 10. Therefore, far from there being zero cannabis-related deaths in Western Australia since 1985, there have been a considerable number since 1985.

I understand that the technical point on which the Government is hanging its hat is the fact that although there may have been some cannabis-related deaths, the deaths themselves were not directly attributable to cannabis; but cannabis was found in the system of those people who had tragically died. Therefore, the Government would have us believe that because cannabis was not the drug that was solely responsible for the death, there were zero cannabis-related deaths in Western Australia in that time. Do members not think that those people who participated in the Drug Summit had a right to know that about 60 or 70 people who died in Western Australia between 1997 and 2001 had cannabis in their system; the post mortem found that they had cannabis in their system? Do members not think that the people at the Drug Summit had a right to know that; or was it the case that the Labor Party was intent on pulling the wool over their eyes? I suspect it was the latter.

Another reason stated for the Labor Party's policy of decriminalising marijuana - I believe the Minister for Health is on record as saying this from time to time - was that the apprehension of those people involved in that industry was tying up police resources and that it wanted those police resources for something else. What about the police resources that are tied up catching people involved in flogging amphetamines or cocaine to the kids of Western Australia? If this motley mob manages to find its way back into Government, in five or 10 years will it make the very same case that police resources are being tied up catching people caught up with amphetamines, speed, cocaine and the like, and therefore it will decriminalise those as well? That is the precedent being set here today.

I will examine the Bill. It provides that anybody caught with 30 grams or less of cannabis, or, for that matter, two cannabis plants or fewer, will receive a fine or have to attend a bit of schooling. I will deal with the cultivation of the two cannabis plants, because that is the biting part of this legislation. A fully grown cannabis plant can be harvested every 120 days - roughly three times a year. Various studies show that varying amounts can be harvested from each plant; however, a conservative figure is that 450 grams or thereabouts can be harvested from each plant. Therefore, if a person has two fully grown plants and harvests both of them three times a year, he will end up with about 2.6 or 2.7 kilograms of cannabis a year. If a person is a heavy cannabis smoker who smokes every day of the week - in fact, every day of the year - he will smoke about 10 grams of cannabis a week, or about 520 grams a year. Given that the two plants that the Government says it is okay to have would harvest about 2.7 kilos of marijuana a year, what do members think -

Mr R.C. Kucera: How do you know that? You seem to have a very intimate knowledge of the use of cannabis.

Mr M.J. BIRNEY: I will ask the Minister for Health. What does the minister think people will do with that massive surplus of a couple of kilograms that they will have after smoking every day of the year?

Mr R.C. Kucera: I'll tell you.

Mr M.J. BIRNEY: Please tell us.

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Mr R.C. Kucera: If they pulled the stupid stunt that the Leader of the Opposition did, they would go to jail. It is as simple as that.

Mr M.J. BIRNEY: That is presuming the person gets caught with all of that cannabis harvested from the plant.

In response to the Minister for Health, I will now raise the point that I wanted to raise a bit further on in my contribution. The minister would have us believe that if a person has all this marijuana in one place, he will get caught as a drug dealer. If that person were even half smart, why would he not leave it on the plant until he found someone to sell it to and then, when the buyer came round, why would the person not just cut off a bit and flog it for \$30 or \$40, and then when the next druggie came around, why would he not then cut off a bit and sell it to him? The Minister for Health knows that that is exactly what will happen.

Mr R.C. Kucera: Member for Kalgoorlie, you know you can't smoke green cannabis.

Mr M.J. BIRNEY: However, a person can still take it away, dry it out and then smoke it. It still has exactly the same worth. The minister is perpetuating this rubbish that a person will get done as a dealer if he has all of that marijuana. Clearly that person will not have it sitting on the kitchen table or under the bed; he will leave it on the plant until he is ready to cut it off and flog it.

Following the passage of this Bill, we will be faced with the astounding situation that could quite easily develop in which a person has two marijuana plants in his backyard.

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

Mr M.J. BIRNEY: That is quite acceptable according to the Labor Party. If a person has two fully grown, thriving plants in his backyard, he will not be charged as a drug dealer; he will simply get the equivalent of a \$200 parking fine or he will have to attend school a few times. What happens if one of those plants dies? What happens if it does not like the nutrients in the ground and falls over, and there is a 10-foot plant lying in the backyard? Would that person be classed as a dealer if the plant dies and the police find it in his backyard? It is no longer a plant; it is cannabis, and there it is in the backyard. What happens if a person goes away on holiday for a month or two and comes home to find that not only has one or perhaps both of his plants died but also somebody has dobbed him in and that is why the police are there waiting to put the handcuffs on him? What a stupid piece of legislation! If the cannabis remains on the plant, it is okay. If it is taken off the plant, the person will get charged as a drug dealer. Who thought of this rubbish? Did the Minister for Health think of it, or has some boffin in his department sent him this Bill and he has simply ticked off on it? What a ridiculous piece of legislation!

The Labor Party is taking the current situation from here all the way down to here. I apologise; I should have taken more notice. Under the current system, a person who is caught with a reasonable amount of cannabis goes through the court system and more than likely receives a significant fine or possibly ends up in jail. From that regime we will end up with a situation in which a person who is caught with a significant amount of cannabis will attend an education session. It does not matter how many times that person gets caught. If he gets caught 99 times, nine times or one time, he will just attend an education session. I can see it now. A group of druggies will get together, perhaps have a smoke prior to the education session and go in for a laugh - and they will do it every time they get caught. Why on earth would the Government allow people to continue to get caught with a substance that has very clear and definitive health effects on individuals?

This is a quantum shift backwards. The Minister for Health keeps talking about the fact that it was the Liberal Party that first introduced the cautioning system. That is correct. We have recognised that there is some sympathy in the community for those people who get caught with a very small amount of marijuana once. Under our system, if a person gets caught with 25 grams of marijuana or less, he attends one education session. However, if that person does it again, he then becomes the subject of the courts and may well receive a criminal record. To any rational, sane, thinking person that is a fairly reasonable position.

[Interruption from the gallery.]

The ACTING SPEAKER (Mr A.P. O'Gorman): I remind members in the public gallery that they are welcome to listen to the debate in silence, but if they participate by clapping, shouting or similar such actions, they will be asked to leave.

Mr M.J. BIRNEY: Even though that was disorderly conduct, I can understand the sentiments of people in the public gallery and I echo those sentiments on the floor of the House.

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There are a number of anomalies associated with this Bill. For instance, if a person is caught with less than 15 grams of cannabis, he will get a \$100 fine and no criminal record; the equivalent of a parking fine. If a person is caught with 30 grams of cannabis, he will get a \$150 fine. If he is caught with two massive plants, he will get a \$200 fine. If a person is in the business of selling cannabis-smoking implements and does not have up a sign up saying, "Cannabis can affect your health", he will incur a \$1 000 fine. However, if a person is actually caught with this stuff that apparently affects one's health, he receives only a \$100 fine! Who thought of this rubbish? The legislation provides for those who are in the business of selling smoking implements if they do not have up a nice, neat sign saying, "Cannabis can affect your health." An individual will get a \$1 000 fine and a corporation will get a \$5 000 fine. However, if a person is caught with two 10-foot tall plants in the backyard, he will get a \$200 fine! One does not have to be Einstein to work out that this Bill is poorly drafted.

I will move on to the issue of crime. As the shadow Minister for Police, this is an issue that is close to my heart. Definite crime links can be drawn between the use of cannabis and crime in the community. The South Australian experience is a wonderful case study that I suggest the Minister for Health should avail himself of. South Australian police are now on record warning other States against decriminalising marijuana. How would they know? They have been down that path and know that organised crime creeps into the suburbs the minute marijuana is decriminalised. An outlaw bikie gang member could engage in criminal activity by going into the suburbs and getting somebody to grow him two plants. He could get the people living next door, up the road, and a couple of streets away to do the same thing and tell them that if they get caught, he will pay the \$200 fine, and then class it as a licensing fee or perhaps a business expense. Suddenly, massive crops of marijuana are growing in the suburbs. That has clearly been the experience in South Australia. The South Australia Police estimate that 10 per cent of the home invasions that took place in South Australia after the decriminalisation of marijuana were cannabis-related rip-offs. Druggies, criminals and thugs were jumping over people's back fences and stealing the two or three cannabis plants that were growing in the backyard. What will people living in the suburbs think when they are told that their next-door neighbour is growing two 10-foot tall cannabis plants and that the potential exists for bad elements to work their way into the suburbs where they have never been before? What will the mums and dads think about that and about the Labor Party for introducing this rubbish legislation? They will not think much of it at all. However, members should not take my word for it. I will tell members a couple of other interesting facts.

I previously advised this House on 12 June 2002 that -

Detective Superintendent Fred Gear said that . . . South Australian police had noticed an increased involvement by organised crime figures in marijuana dealing since growing plants at home for personal use had been decriminalised.

He is one of many South Australian police officers to go on the public record warning against decriminalising the use of cannabis. In fact, the Australian Institute of Criminology's 2001-02 annual report of drug use among police detainees indicates that of the males detained in East Perth lockup, 65.4 per cent arrested for violent crimes and 73.7 per cent arrested for property crimes tested positive for cannabis use. If that does not indicate a direct link between the use of cannabis and crime, I have no idea what does.

The South Australian Premier, Mike Rann, has stated that cannabis syndicates are operating under the three-plant limit in his State. Why would such syndicates not operate in this State under the two-plant limit? The Australian Illicit Drug Report 2001-02 states -

The growing involvement of organised crime in the trading of cannabis for other illicit drugs holds the greatest resource implications for law enforcement agencies.

The Labor Party is talking about an impost on police resources to deal with people engaged in the cannabis industry, while the Australian Illicit Drug Report states that the resource implications for police will be absolutely huge when marijuana is decriminalised. Sadly, what I am saying is falling on deaf ears. The list goes on and on.

This rubbish about police having a discretion to charge somebody with dealing in drugs will put the police in an unenviable position. We have all heard the most startling allegations and revelations made at the Royal Commission Into Whether There Has Been Any Corrupt or Criminal Conduct by Western Australian Police Officers about police officers stealing drugs and drug money from drug dealers. Those are the most startling revelations to have come from the royal commission, yet the Minister for Health is on record as saying that the

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police can use their discretion to charge offenders; they can charge offenders if they want to, but if they do not want to charge them, they do not have to. What guidelines will this House of Parliament give to our Police Service? If we are to believe the Minister for Police, they will be absolutely zero.

Mr R.C. Kucera: Have you ever heard of the separation of powers?

Mr M.J. BIRNEY: Legislation overrides that; I am sure the Minister for Health is aware of that. As the Minister for Health has just woken up, I will tell him a few things. There is a health crisis in Western Australia. Ambulances have been forced to bypass hospitals because they cannot get their patients into the emergency sections of those hospitals. There is a chronic shortage of beds in Western Australia. There is a shortage of nurses. In answer to those issues, the Minister for Health is decriminalising cannabis. Decriminalising cannabis is his sole contribution to the health crisis in Western Australia. The Minister for Health is an embarrassment to this State and this Chamber. Our health system is about to fall down around his ears and his answer is to decriminalise cannabis.

Mr P.D. Omodei interjected.

Mr M.J. BIRNEY: The Labor Party will be judged in this Chamber by what it has done in the past couple of years and by what it does in the next couple of years. It has proved to be unlike any Labor Party of the past. It has proved that it is about supporting the interests of noisy minority groups. It has proved that all it is interested in is radical greenies, at the expense of people who have worked hard all their lives, such as those in the south west electorate of my friend the member for Warren-Blackwood. It has proved that all it is interested in is Aboriginal interests, at the expense of mining interests. It has proved that it is captive to the elite homosexual lobby by allowing two gay men to adopt a child. It has proved that it is captive to petty criminals in this State by abolishing jail terms of six months or less. It has proved that it is captive to the union hierarchy rather than the blue-collar working man. It has proved that all it is interested in is prostitution and drugs, by introducing its industrial relations legislation.

This latest legislation caps off what might be considered the platform of new Labor - the chardonnay-set Labor Party which could not give a stuff about the blue-collar working man but which is beholden to noisy minority groups. Druggies are the latest noisy minority group to have the ear of the Australian Labor Party. Some former Labor members of this Chamber who have now moved on to the great Chamber in the sky would turn in their graves if they read this legislation.

MR R.F. JOHNSON (Hillarys) [4.15 pm]: Doctors must take the Hippocratic oath when they begin practising. Part of that oath requires them do their best to make sick people well, and another part requires them to do no harm by way of medical intervention. The minister in this House does not have to take a Hippocratic oath; perhaps he should have. However, he did take an oath as a minister of the Crown to represent the best interests of all the people of Western Australia. He has that charge in the health portfolio. I cannot understand why the Minister for Health, who has an absolute outright duty to ensure the best health of the people of Western Australia, brings in a Bill that can have only a deleterious effect on people's health, particularly that of young people. Young people will suffer more than anybody because of the Bill brought in by the Minister for Health. I suggest that if the minister had to take an oath, it would be a hypocritical oath. There is nothing but hypocrisy in a Minister for Health introducing a Bill that can have nothing but a deleterious effect on the health of people in this State.

I also find it quite astounding that the Minister for Health was a police officer for many years. I do not know whether he was a good copper - others can judge that - but he spent most of his working life catching people for smoking, pushing, trafficking and growing cannabis and other illicit drugs. What a flip-flop we have seen, from one position as a police officer carrying out his duty to uphold the law of the land, to coming into this Parliament as the Minister for Health with a Bill that contradicts the work he was doing for 20 or 30 years, or however long he was in the Police Service. That tells us a lot about the character of the Minister for Health. Why would the Minister for Health bring in this Bill that is totally adverse to people's health? If we are to change the law of this land, why did the Attorney General not have charge of this Bill? Why was it not introduced by the Minister for Police? The police will now have unfettered powers to use their discretion to caution or charge somebody. I will deal with that matter later, because it is an area that is fraught with danger. My colleague the member for Kalgoorlie has already brought that to the attention of the House. I suppose it has been a question of sharing the bad news between different ministers over the past two years, rather than one minister bringing in all the bad news. The real bad news has been shared between four ministers so far. I want to go over those four areas.

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The member for Kalgoorlie hit the nail right on the head. This Government, as always, is pandering to those small minority groups in our society who have an interest in a particular area. Instead of governing for the majority of Western Australians, this Government governs for the minorities interested in these different areas. So far the Minister for Consumer and Employment Protection has introduced the new industrial relations legislation, which panders to a small minority in the community. A small group of union members has a tremendous amount of influence, particularly the Construction, Forestry, Mining and Energy Union, which can send thugs onto building sites to intimidate good, honest, upright citizens who want to work on those sites. They are forced to join the CFMEU, even if they are already members of other unions; it is no ticket, no start. That is absolute rubbish, it is just pandering to that small number of people. Under this Labor Government, those thugs are now going onto sites unfettered,. Once again, a small minority benefits.

What was the next issue? The Attorney General brought in the gay and lesbian law reform Bill. A tiny percentage of our population is gay and lesbian. What did that Bill do? It left the gate open for older homosexual men to prey on boys of 16 years and younger. Again, it relates to a small minority. That is the way this Government works through the Attorney General, who brought in that Bill.

We have before the House today the cannabis Bill - the drugs Bill. Let us not mince word: cannabis is a drug, and has been for many years. For many years, people in almost every country have said that cannabis is bad for people: it alters the mind and often people who use it end up mentally ill or become schizophrenics and do all sorts of dreadful things. People become thieves and liars and develop a number of other dreadful traits found in society. That happens when people are allowed to use drugs - in this case, cannabis.

The next Bill to come before the House - although I doubt it will appeal to anyone - is designed to appeal to a small minority of people; that is, the Prostitution Control Bill. Why does Parliament waste time on issues that are of interest to only very small groups of people? What sort of negotiations has the Government had with people involved in prostitution? The number of people involved in that industry is a very small minority of the total population.

This Government, by supporting these tiny minority groups, is condoning thuggery, buggery, “druggery” and drudgery. Government members should be ashamed of themselves. The Minister for Health should hang his head in shame for being the minister who introduces a Bill of this nature into this House.

I, like every other member of Parliament, I believe, was recently surveyed by *The West Australian* on the Bill before the House. That survey asked three or four questions, including whether we support the Cannabis Control Bill. Secondly, we were asked whether we have ever smoked cannabis and, thirdly, whether we smoke cannabis now. I answered the questionnaire, and I am happy to repeat those answers in this House. No, I do not support the Cannabis Control Bill; no, I have never smoked cannabis; and the third answer is self-explanatory - if I have never smoked cannabis, I do not smoke it now.

Mr C.J. Barnett: Do you reckon any members in Parliament smoke cannabis?

Mr R.F. JOHNSON: I will come to that, because *The West Australian* conducted a very good survey, but it has not published its results yet. I urge it to do so. I believe that every member of Parliament should undertake a voluntary drug test to see whether he or she has a vested interest in the Bill. I suggest that some members may well smoke cannabis. If the figures we are given about the number of people who smoke cannabis are anywhere near true - we are told it could be 30 per cent of the population, but I believe that is rubbish as the truth is nowhere near that number - the statistical odds indicate that 30 per cent of members of Parliament smoke, or have smoked, cannabis.

It does not matter whether people tried cannabis when they were young. Many young people do silly things. We forgive them when they make errors in their young lives, particularly before they turn 18 years. They are still children until they reach 18 years of age. If they make a mistake and try cannabis, we forgive them. I am sure many young people have shared the odd joint with friends; they probably thought they were acting really big at the time. That is why many kids used to take up smoking. However, cannabis is different; it can kill, it can alter the mind and it can kill brain cells. I have no doubt that many young people have a puff of cannabis to see what it is like. Until this Bill is assented to, cannabis will be like the forbidden fruit. Children will try it, and that is the problem.

I ask every member of Parliament to volunteer to take a drug test to determine whether any have a vested interest in this Bill. If they have, they should be honest and say so. If any members smoke cannabis now, they should admit it. Cannabis hangs around in the bloodstream for a long time and it would show up in a drug test. It

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would be interesting to see which members volunteered. Members can draw their own conclusions from that. That is important. I had hoped that *The West Australian* would produce the results of its survey. I will be the first member to volunteer for a drug test.

Mr M.J. Birney: Do you think all the government members would volunteer?

Mr R.F. JOHNSON: I hope that they would; it would be very interesting if they did not. I say here and now that I will undergo a voluntary drug test. If any member can find traces of cannabis in my blood, he is a better man than I, Gunga Din. I know that no traces of cannabis would be found in my bloodstream. About 20 years ago I thought I was missing out on something by not smoking cannabis. I had heard of people who smoked it, but I had never done so. However, today I am pleased that I never succumbed to it. Possible reasons that I never succumbed are that I was not offered any cannabis at the parties I went to, and that none of my friends smoked cannabis. I do not know. I had not seen a joint until fairly recently. I guessed what it was. I wonder whether members opposite and in the other place will undergo voluntary drug tests. Do any members in this House want to put up their hands to undergo a voluntary drug test? Only one government member has put up his hand - the member for Ballajura. I hope he does, and I hope that he can convince his colleagues to do the same. I have a sneaking suspicion that some members in this Parliament have the odd marijuana cigarette. If they do and they have any decency, they should declare their interest and abstain from speaking and voting on this Bill.

Mr J.B. D'Orazio: Can members be tested for paracetamol as well?

Mr R.F. JOHNSON: If the member likes. I do not have paracetamol in my system.

Mr J.B. D'Orazio interjected.

Mr R.F. JOHNSON: It is cannabis that counts here today. It is no good trying to change the focus, member for Ballajura. We are talking about cannabis, which is an illegal drug - at least it has been until the Government introduced this Bill.

Mr C.J. Barnett: The member for Ballajura is a health professional; therefore, he will surely speak on this Bill.

Mr R.F. JOHNSON: Exactly.

Many of these issues go back to the Community Drug Summit. When that was being conducted, the Minister for Health had lots of pictures taken of him, he was seen on the television and reported in the newspapers. He had plenty of lovely photo opportunities because of the wonderful summit. I ask the Minister for Health - I know that he will not answer me - to provide me with a list of benefits that Western Australians will receive, other than being able to smoke and grow their own marijuana, as a result of the Drug Summit. Western Australians received absolutely no benefits whatsoever from the summit. In my view it was a foregone conclusion. The Government hand-picked its members. The Minister for Health will say that some Young Liberals attended it. Of course they were there; they had to be there. If they had not been there, the membership of the summit would have been considered a well-stacked deck of cards. Of course a few Young Liberals were chosen, but who chose all the other delegates? Who chose the people who chose the delegates? I knew exactly what the outcome of the summit would be even before it finished. We were told some \$600 000 was spent on the summit. When the Minister for Health responds to this debate, I want him to give this House an indication of the benefits that Western Australians derived from the Drug Summit other than people being allowed to smoke cannabis and grow two cannabis plants of their own. It is a very simple question. The Minister for Health might have some difficulty answering because there are no pictures to go along with it! I wonder whether the minister will answer my question this time. What are the benefits?

Another crappy thing that came out of the Drug Summit was some talk about establishing heroin injecting rooms. Of course the Government had more sense than to go down that road. It will save that for its second term in office if it is lucky enough to get a second term, which it will not. This type of legislation will kill the Government at the next election. The mums, dads and families do not like what the Government is dishing up. They did not like the legislation dealing labour relations, homosexuals or drugs and they will not like the prostitution legislation. Fancy a Government having those four grubby social issues as a priority! What sort of Government is this? This Government is the dregs. It is a joke in this country and internationally. People in the United Kingdom cannot believe the sort of rubbish that this Government has prioritised.

The previous Government trialled a system whereby young people caught with a small amount of cannabis for their own use could be cautioned - not if it was for resale or for drug pushing. As I said earlier, many young people make mistakes and we must ensure they are not convicted willy-nilly for these sorts of offences. This

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Government should have extended the cautioning laws - instead of one caution, it could allow for three cautions for young people under the age of 18 before they are charged. It is a bit like the Speaker in this House formally directing a member to come to order three times, but if the member transgresses after those warnings he or she has to walk out of the Chamber. It should be the same for young people. The Government could introduce an amendment to allow for three cautions, provided it applied only to young people under the age of 18. Once they reach 18 years of age they are considered to be adults.

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

Mr R.F. JOHNSON: A person who reaches the age of 18 must abide by the laws as an adult, not as a child, and he will not be tried as a juvenile. I could probably live with that. I do not want young people to have criminal convictions for stupid things, such as being caught with a tiny sachet of cannabis or a joint. However, when somebody has been warned three times, I do not have a problem with that person being charged. By the age of 18 people should have learnt what is right and what is wrong, what is lawful and what is unlawful.

This Bill almost encourages young people to try marijuana, because the Government does not think it is serious enough for young people to get a criminal conviction or to be charged. I have already covered the caution issue. I have spoken to a few police officers, and some who have recently retired, and every single one of those police officers and ex-police officers has said that this is the worst possible thing this Government could do. They said that police officers will not even bother cautioning or charging these young people. If somebody is found with a small amount of this stuff, it will mean too much paperwork to give them a formal caution. They would have to visit the young people's parents; they would not bother. Young people will basically be committing crimes and not even be given formal warnings. The police I have spoken to have said this will just go by the wayside. When somebody is given discretion to do something they will take the easy way out, and the police will not even bother giving these young people a caution. For ages, the Government has done that in relation to the children in Northbridge. An Act of Parliament states that officers from the Department for Community Development should go to Northbridge - and to other areas, as the member for Pilbara stated - to ensure the safety of children. That is not done because of lack of staff and monetary constraints. Indeed, there are all types of reasons that that is not done. The police do not want to know about it. Last year I brought to the attention of this House a case that involved children. The police did not want to know about it even though the children were in absolute danger and were being neglected. A little girl of seven or eight years of age was having to cross a level crossing and a main road to beg for money a few streets away. The police did not want to know about that case. They wanted the person who brought the child to the police station for safety to contact Crisis Care. However, it too was not keen on dealing with the situation. This is an extremely dangerous Bill, particularly for young people. I will tell the minister something quite straight: if, at the end of the day, a young person under the age of 18 becomes seriously ill and has to be admitted to a mental hospital with schizophrenia - or, worse still, dies - as a result of this legislation, I will hold the minister, the Premier, the Executive Government and the government backbenchers - because they wear it as well - personally responsible. I will charge the minister responsible for introducing this Bill with child abuse if anything deleterious happens to a person under the age of 18 as a result of the provisions in the Bill. That is the simple fact of the matter. That is what this Bill will do to a lot of children. I do not know how the minister - who is a father and I believe he will soon be a grandfather - was able to introduce such a disgraceful Bill into this House.

I turn to the issue of cultivation, because that also worries me. We know for a fact that once the Bill has been passed by both Houses and receives royal assent, any individual will be able to grow two plants. The Bill does not make any reference to whether a family of two can grow four plants, because two plants may belong to one person and the other two may belong to someone else. Will a family that comprises a mum, dad and four adult children be able to grow 12 plants? If that is the case, they will have a little cottage industry. They would not be able to smoke those 12 plants in a million years, but they would be able to grow 12 plants, which is over the 10-plant limit stated in the Bill as a dealable quantity. Let us go back to the two plants. How on earth will that be policed? Let us say for argument's sake that I had a brainstorm, went doolally tap, lost all my marbles and decided to grow two cannabis plants. If the police were to come to my house and ask who the two plants belonged to, I might say they were not mine; they belonged to somebody else. If they were to ask my wife - who lives with me and loves me dearly - the same question she might say they were not hers and they must be somebody else's. How on earth will the police prove to whom the two plants belong? It is an absolute joke. All the Government is doing is giving a licence to people to grow their own cannabis plants so that they can smoke more.

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A little earlier, I spoke about the effects of cannabis on young people. When I was a boy I used to go scrumping. Do members know what that means? Scrumping involved collecting apples from my neighbours' gardens when they were better than the apples growing in my garden. I used to nip over to my neighbours' gardens with my brother and some of my mates and scrump some of their apples -

Ms M.M. Quirk: You mean steal?

Mr R.F. JOHNSON: Yes. However, I was young boy, and, as I said, young children make mistakes. Plums were the best fruit to go for, because not many people had plums during and after the Second World War. What will young people be doing now? They will be scrumping in a different way; they will be scrumping cannabis from cannabis plants.

Ms S.E. Walker: That is why the Government is bringing in the mantrap legislation for when young people jump over walls.

Mr R.F. JOHNSON: Good point. I thought the Minister for Health had more sense.

Mr C.J. Barnett: I never thought so.

Mr R.F. JOHNSON: One assumes that he would have more sense because he obtained the rank of assistant commissioner of police. I can remember that when he gave evidence to the Select Committee into the Misuse of Drugs Act 1981, he said that harm minimisation was bullshit, or words to that effect. I have the quote and I am happy to quote it. I have that in my papers, so members can see that it is an accurate quote.

What does he think that kids will do? If they know that one of their neighbours is growing cannabis, does he think that they will not jump over a few fences, nick some cannabis - stolen fruits - take it away and do whatever they have to do to it? I am told that all the necessary information is available on the Internet. I do not have a clue because I have never looked at it. I gather from what earlier speakers said that it is a bit like treating tea, I suppose, because it must be dried, and once it is dried, I presume people can smoke it, crush it up and put it in cakes, rub it over their bodies or whatever they do with it. I do not have a clue, but I suggest that they would probably smoke rather than eat cannabis. That is what those kids will do.

What will the minister do with those kids who jump the fence and scrump some cannabis plants? He will do stuff all because he does not give a hoot about the young people in our society. I hope that he used to when he was a copper, but he does not now because he is the fall guy for this Government. He must carry the can for bringing this rubbish legislation into this House. The minister will wear this. He may think that he has thought it through, but I can assure him that he will wear this forever and a day. He will wear the fact that he is the one who has brought this in as Minister for Health - I emphasise "health". This legislation will not do some harm; it will do nothing but enormous harm. People will end up having to attend mental institutions because of their use of cannabis, as some of my constituents have done.

My time is running out. I would love to get another extension but I know I will not be allowed it.

Mr J.N. Hyde: What did you do in your eight years to prevent people from scrumping cannabis?

Mr R.F. JOHNSON: The member for Perth will get his chance to speak, and I hope he does. I hope that the Premier will speak on this Bill. He has been missing for every single second of this debate. I want to hear what he has to say. He is leading this Government. I want to hear what the Minister for Youth has to say. She is also missing. I want to know what she thinks that this legislation will do for youth - the people for whom she is responsible. I want to know what the Minister for Police thinks about this legislation. I cannot think that the Minister for Police agrees with this legislation, not if my feelings about the Minister for Police are correct. I believe that she is a person of religious conviction who would not wish to see this measure. I want to know what the Minister for the Environment and Heritage thinks about this legislation. She is a decent person -

Mr C.J. Barnett: And a doctor.

Mr R.F. JOHNSON: Yes, and she has a young child. This legislation affects each and every one of those ministers and members of Parliament.

I know for a fact that not every member of Parliament on the other side of the House agrees with this legislation, but unfortunately, because their caucus rules say that they cannot cross the floor or speak against the legislation and that the majority in Caucus must have its way, they cannot be honest and open about this very serious subject in this House. I do not believe for one moment that a doctor, like my good friend the Minister for the Environment and Heritage, can support such legislation. That minister took the Hippocratic oath when she

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became a doctor. I guarantee that the Minister for the Environment and Heritage will not speak on this legislation, because I think she would find it very difficult to speak. More than anybody, I want to hear the Premier speak. It is very important that he be in this place more often. He has not been in this Chamber for one minute of this debate. It is pretty disgraceful when the Premier of this State is not taking an active part in the debate on this legislation, yet he is the head of this Government.

The Community Drug Summit was given the wrong information. An article in the *Sunday Times* reads -

Health Minister Bob Kucera said the papers for the drug summit were based on the best available evidence at the time.

What an excuse! It is an absolute cop-out to say that it was all the information available for the Drug Summit at the time. I oppose this Bill. It represents nothing but a serious dereliction of responsibility by the minister and the Government.

MR J.L. BRADSHAW (Murray-Wellington) [4.45 pm]: I oppose this legislation because I care about the youth of Australia and about the future of Western Australia. I am very perturbed about this Bill, which, amazingly enough, was introduced by the Minister for Health, who has responsibility for it. The introduction of this Bill is astounding, given that the Department of Health introduced the anti-smoking Quit campaign, for which the Labor Government can take credit, albeit that the campaign has dropped off the pace a bit. When the Labor Government introduced the Quit campaign in the 1980s, it was one of the best campaigns in Australia - probably in the world. It has been very effective in reducing the amount of smoking in Western Australia. In European countries, particularly England, where the rates of smoking are high, Quit campaigns like those here in Australia, particularly Western Australia, have not been run. The Minister for Health, who is responsible for the Quit campaign, has introduced legislation into the Parliament of Western Australia that will make marijuana much more accessible to the youth of our society. I have a problem with that. Smoking marijuana can lead to a range of problems. I have heard most about the problem of cannabis-induced psychosis. Unfortunately, I do not have the statistics to illustrate the number of people who are affected in that way; nonetheless, the number of people affected is quite dramatic.

I can remember seeing an interview with that very highly thought of, famous Australian actor Garry McDonald, better known as Norman Gunston. He said that a couple of days after smoking marijuana for the first time, he developed psychiatric problems, which he has suffered ever since. It is very sad when people who experiment and smoke cannabis for the first time suffer the unfortunate effects of psychosis. For some people, the psychosis-induced effects from smoking marijuana have a significant impact on their lives; it is a lifetime sentence. That is very sad.

As we all know, over the past 10 to 20 years, the rate of youth suicide has increased. It appears from the statistics that many young people who have committed suicide have taken cannabis in some form or another. It is therefore not wrong to conclude that suicide among youths is one of the problems that arises from smoking cannabis. It can cause anxiety and depression. People who previously may not have suffered from anxiety or depression may begin to suffer from such problems once they start down the path of ingesting cannabis in one form or another. It is sad that this Government will change the law so that someone who is caught with a certain amount of marijuana or number of cannabis plants will receive something similar to a parking fine.

Ms S.E. Walker: They don't have to get a parking fine; it's just a lecture.

Mr J.L. BRADSHAW: Or a lecture. It is interesting that a former police officer, the Minister for Health, thinks that this is the way to go. I have spoken to police officers. One police officer rang me following a recent newspaper article, and he was not even from my electorate. He rang to congratulate me on what I had said because his greatest fear, and the fear of another reasonably senior police officer whom I have come across, is that once this legislation is passed, it will lead to more problems in our society and for the police in dealing with people who are involved either with the production or smoking of marijuana. It is interesting that the police hierarchy supposedly supports this legislation. I wonder whether they have gone to the grassroots and asked the police on the ground, the ones who must deal with these situations, whether they think it is a smart thing to do. The police officers to whom I have spoken do not believe that it is the smart way to go, but that it will lead to more unfortunate crime and antisocial behaviour. Antisocial behaviour will probably be the biggest problem, because people go a bit silly when they get this whoopee weed into them; they become less accountable for their actions. It is also interesting that the patron of the Coalition Against Drugs (WA) is Mr Brian Bull, AO, APM, a former police commissioner of Western Australia. One would think that if he felt this legislation was the way to

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go, he would not be the patron of the Coalition Against Drugs. I find it interesting that on the one hand the Government has said that the police think that this legislation is the way to go, yet on the other hand the police officers to whom I have spoken and former police commissioner Brian Bull have indicated that they do not support this legislation.

It is sad that we are going down this route. As has been pointed out to the Government on many occasions, two cannabis plants, or even one plant, can produce a couple of kilograms of cannabis more than the average cannabis smoker smokes in a year. Why has the Government chosen two plants? Why has it chosen any plants? The Government has said that it is not making the possession of cannabis legal, but that it is making the situation easier for the people who might be caught with cannabis. I can understand that we should not put a dampener on the people who are convicted. It has consequences for those people. For example, those convicted of marijuana possession are unable to go to the United States because people with drug convictions of any description are not allowed into America. Other countries are probably in the same boat. A conviction for cannabis offences could possibly also have a detrimental effect on a person's job prospects. The fact is that people must be responsible for themselves. They should think about these things before they go down the path of taking marijuana. I find it annoying in this day and age - it has probably been a problem forever - that people do not want to be responsible for themselves. If they are caught doing something wrong, in the main they say that it is somebody else's fault. People must be responsible for themselves. If the possession of cannabis is illegal and someone is caught with it, he should suffer the consequences. The Government wants to change the system to provide a cautioning system at the discretion of police officers.

The other day I visited a school. One of the problems at that school is that there is a high level of antisocial behaviour. When I say "antisocial", I mean that a lot of the students are disruptive. I was not even thinking about the cannabis laws at the time, but the principal gave me the impression that he believes in that area there is a high consumption of drugs of some description. Cannabis is probably the drug of choice in this case. As a result of the high number of students with learning difficulties, the school needs to bring in special help for those students.

I refer to some information that I came across on the Internet site for BBC News, UK edition, in an article about some research done in Italy on pregnant rats. It states under the headline "Cannabis 'affects babies in womb'" that researchers suggest that exposure to cannabis in the womb may cause children to experience learning difficulties and hyperactivity. The researchers did a double-blind test, in which some pregnant rats were injected with cannabis and others were not. They found that the rats that had been injected with cannabis gave birth to rats that had hyperactivity and learning difficulties. It is hard to believe that rats can be tested for learning difficulties, but they found that the rats born to mothers injected with cannabis had learning difficulties.

It is a problem for me that with this legislation we will be making it much easier for people to smoke marijuana. A lot of children in our community have learning difficulties. As members know, the number of children in our society today with attention deficit disorder or attention deficit hyperactive disorder seems to be at record levels. For some reason Western Australia seems to have the highest number of people who are being treated for these conditions. I wonder whether it comes back to a situation in which their mothers smoked marijuana either before and after or during their pregnancy. Hyperactivity seems to be one of the problems that children with ADD and ADHD have. We are going in the wrong direction. Unfortunately this Government will probably not be around to see the consequences of this problem because it will be a long-term situation. There will also be more antisocial behaviour and perhaps more children with learning difficulties. It seems a sad way to go. When children who have learning difficulties leave school, they find that because they have not learnt all the things they need to learn in order to be proper citizens, they go down the path of crime because that is the only way they can support themselves in our society. That then leads to more law and order problems, and it causes a greater cost to the community in trying to protect property, it creates more fear in the community, and it causes more people to suffer. As I have said, we are going in the wrong direction.

I certainly do not support this legislation. It is one thing to say that people will do it anyway; that is quite right, people do a lot of things that they should not. If penalties for cannabis use are reduced to that of a parking ticket or caution, it will mean that more people will be enticed to use it. People will be subject to peer pressure. They will be told not to worry because they will not get a criminal conviction recorded against them; it will be just like a parking ticket. It may cost people \$100, but they will be told not to worry if they get caught because it will not affect them in the future. More people will be attracted to the lifestyle of smoking marijuana.

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Young people who become addicted to cannabis lose their drive and motivation. They become a complete worry to their families, especially if they are still living at home. In the end, they become more than a worry because they end up stealing from their parents to get money to buy marijuana. In many cases, it will lead to the next stage of becoming addicted to more expensive drugs, such as heroin and opiates. The Minister for Health is supposed to protect the health of citizens yet he is saying that cannabis use is not that bad and people should go for it. As a former police officer who has seen the effects of muggings, breaking and enterings, and the antisocial effects of people high on marijuana, one would think that he would have the best interests of people at heart and protect them from marijuana. As I said, it is very important that we do not encourage people to use it. On the contrary, we are loosening our laws. It will be bad news for our society.

The other issue of concern is driving behaviour. Many people do not worry today about drinking and driving because if they attend a party they use marijuana. They know that if they are picked up and breathalysed, they will not register. It is a big problem. We must find a way of testing people on the spot so that they will not beat a breathalyser. They should not be able to get off without any consequences.

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

Mr J.L. BRADSHAW: It is a fact not that people drive off and get home safely, but that they drive off and do not get home safely. The number of road deaths appears to be on the increase again. One wonders why. I am sure that blood tests are conducted on people who died in road accidents. If he knows, I would like the minister to state how many people had alcohol, drugs, a combination of both, or nothing, in their blood. I would be very surprised if, in a number of cases, there was no trace of cannabis.

Cannabis also causes hyperactivity and antisocial behaviour. Pregnant women who use cannabis pass the effects on to their babies. It often has a dramatic effect on their offspring and can create problems in the family unit. An uncontrollable antisocial child with learning difficulties puts tremendous stress on a family. Some families can handle that sort of stress, but others cannot. It often leads to a family breaking up. Family members go off in different directions but society is still burdened with the problem child who has learning difficulties and exhibits antisocial behaviour. Learning difficulties will lead to a person becoming involved in crime and other antisocial behaviour later in life. That causes pain to all citizens because someone has to pick up the tab for the cost of crime and antisocial behaviour; someone has to pick up the pieces after the person who is not doing the right thing.

As I have said, it is very poor that the Government has decided to go down this path. It is very important that it has a hard look at its decisions. Not too many government members are in the Chamber. They do not seem to have a lot of interest in this legislation. It is about time some of those members got off their tails and said whether they support or oppose the Bill. I do not think the Premier, who should be playing a leading role in the passage of this legislation, has been here for a minute of the debate.

Mr R.F. Johnson: No, he has not. He has not been here for one minute. His head is down somewhere.

Mr J.L. BRADSHAW: He has been missing in action. It is very sad that the Premier is not here during the debate to back up this very important legislation.

Mr R.F. Johnson: How will it affect the young people in your electorate? I am sure it will affect many.

Mr J.L. BRADSHAW: I have already said that the principal of one school believes a certain amount of marijuana is being used by the community. A very high number of children have learning disabilities and are hyperactive. What has happened at that school is very sad. Some parents have taken their children away from the school because of that activity. It could be the beginning of the end for that school. The principal feels that so many parents will remove their children because of these circumstances that it will be the end of that school. It is only a small school.

Mr A.D. Marshall: Do you believe what the health authorities say that it starts as use and then becomes abuse and finally addiction?

Mr J.L. BRADSHAW: Of course. The use, abuse and addiction pattern does not occur in every case. However, it occurs in a number of cases. People have used drugs only once or twice. Some people can use marijuana once and probably never smoke it again. That is the odd thing about drugs: different people react differently to the use of drugs. That is the case even with legal drugs. A particular drug that is prescribed for a certain condition can be good for most people, but have a different effect on other people. That is the same with marijuana or heroin. Some people will have one joint - or whatever is used - of marijuana and never touch it again because

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they do not feel good or they do not feel anything, yet others will find that it is fantastic and cannot wait for the next time they have it. Eventually, marijuana runs people down. They lose their motivation. They become antisocial and addicted to marijuana. That can lead to the use of greater drugs.

Mr A.D. Marshall: It is said that this policy sends the wrong message that a little bit is okay. Is that rubbish?

Mr J.L. BRADSHAW: It is rubbish that a little bit is okay. That might be true in some cases, but in many cases it is not. The use of drugs is bad for people and our society. A few years ago there was a student at another primary school in my electorate who had been expelled from two other schools. According to the principal, the parents had admitted that they smoked marijuana but would not believe that their young son was using marijuana. The principal said that that student would sometimes come to school and be completely uncontrollable. It may be that he had some psychotic problem; however, the principal felt that the kid had been pinching his parents' marijuana and smoking it. That is only anecdotal evidence. There is no medical evidence to back up what the principal was saying or what I am saying. It is strange that this child would go from being a reasonable child one day to a quite uncontrollable child the next. As I have said, he had been expelled from two other schools and was on the verge of being expelled from that school. I never heard what happened to him in the end. However, it was pretty sad that this young person was affected. As I have pointed out, the mother may have been a marijuana smoker when she was pregnant with this child. Experiments undertaken in Italy show that pregnant women who are on marijuana give birth to children who have learning difficulties and are hyperactive.

Mr R.F. Johnson: We know that happens with pregnant women who are heroin users. I had a case recently in which a baby was born addicted to heroin, and methadone had to be used to try to wean that baby off the heroin. It must be a similar situation with cannabis, surely.

Mr J.L. BRADSHAW: Apparently the number of women who are addicts and go to King Edward Memorial Hospital for Women to have children is a major problem for the hospital because it must wean the babies off the habit that they have developed while in the womb. I am sure the minister knows better than I that that is horrific. The number of women who are addicts and who present for childbirth at King Edward Memorial Hospital is amazing, and it creates the problem of children being born as addicts and having to go through the trauma of being weaned off the drug. It is a major problem. I condemn the Government for going down this path. It is trying to wreck our society.

Mr A.D. Marshall: This sort of policy wrecked South Australia.

Mr J.L. BRADSHAW: Yes. A lot of people say that there is no difference between the Liberals and Labor. I can assure the House that on social issues there are major differences. This is just one of them. Some of the other rubbish legislation that has gone through this Parliament in the past couple of years has also been social legislation - or antisocial legislation, I believe. In this case the situation is similar. It is time that the Premier and some of the backbenchers who have shown no interest in this Bill had a hard think about it before allowing this legislation to proceed. I will certainly not support it. I will oppose it as much as I can. I have already stated in the community where I stand on it. It is a disgrace. I understand that these things will never be stopped, but they should certainly not be encouraged. We want to try to keep as many people as possible on the straight and narrow, with social consciences and the right social attitudes to life, so that they participate in our community as good citizens and are not a drain and an impost on our society and the other taxpayers in it.

I conclude by saying that I will strongly oppose this legislation. It is a disgrace, and this Government should be condemned for it.

MR R.N. SWEETMAN (Ningaloo) [5.12 pm]: It is disappointing that the Opposition has borne all the responsibility in this debate. I appreciate that the member for South Perth was on his feet earlier. However, apart from the second reading speech of the minister, I do not think we have heard yet from any members opposite on this Bill. That is a sad indictment of the Government of the day. We must ask ourselves why that is the case. Do any members on the other side intend to speak on this Bill, or are they a little anxious that there may be an opportunity in the future for their views and things that they say about this Bill to be published in their electorate? Are they taking on board the political sensitivities and some of the community resentment of and concern about this Bill or things to which this Bill will give sanction?

Mr R.F. Johnson: The member for Rockingham speaks on Bills on behalf of the Government very often. I wonder whether he will speak on this Bill.

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Mr M. McGowan: Yes, I will.

The ACTING SPEAKER (Ms K. Hodson-Thomas): I remind the member for Rockingham that he should be in his seat when he wishes to interject on a member who is on his feet.

Mr M. McGowan: I am now.

Mr R.N. SWEETMAN: Thank you, Madam Acting Speaker. Get stuck into him!

Some points about this legislation need to be reinforced. Apart from some local circumstances in my electorate, my speech will be pretty much along the lines of everything that my colleagues have already said about this legislation. Much of what is bad about this legislation has already been mentioned by members. I, like my colleagues, am deeply concerned about what this Bill will make legal. I, like other members in this House, have lived my life within certain rules and guidelines. That is always helpful to people. There are protocols and disciplines to which members in this Chamber are subjected. Members cannot make certain comments without being called to order or named by the Speaker. There is a rule in this Parliament whereby members must acknowledge the Chair each time they enter the Chamber. There are other protocols which we are less likely to follow but which are equally important to us as members of this Chamber, such as members should be present for the commencement of Parliament and to listen to prayers. As our Whip told us this morning in the party room, we need to understand that there are conventions of the Parliament that we are expected to honour and we are expected to be disciplined within ourselves.

Mr R.C. Kucera: You need to listen to that, member for Ningaloo.

Mr R.N. SWEETMAN: I listened very intently to that, because I have been less than disciplined in the past year or so in that I will complete a phone call or a meeting that may be in progress rather than come into the Chamber each day to acknowledge the Speaker taking the Chair and to listen to prayers. They are disciplines by which members of Parliament must abide. However, that can be applied to the guidance given to us by our parents, peers, teachers and the people with whom we work. We have all been brought up enjoying certain standards. This Bill, more than anything else, represents to me a tearing down of some disciplines and standards. It relaxes rules which perhaps until now have been a major deterrent to kids and adults trying these drugs. I know the Bill will apply only to 18-year-olds and over, so it will still be an offence for kids to carry 30 grams or less of the substance or to cultivate plants in their backyards. That is a tragedy because, as my colleagues have said, it sends the wrong message that a little bit is okay.

I understand that about 72 per cent of the Police Service think that these changes are appropriate and approve of them. The Police Service has a very difficult job now. I am certainly not an advocate of the legislation, but this is one of those situations that to some extent has been honoured in the breach rather than in the observance. I have made the point to the officer in charge and to the senior detective in Carnarvon. I constantly ask how they are going with the Mr Bigs. Every time I talk to one of my senior officers, I find that they are being frustrated in nailing some of the very significant drug dealers within the region and the local community. In the end in sheer frustration I said, "Can we for a moment forget about the Mr Bigs and concentrate on some of the Mr Littles?" The community knows that those people are participating in drugs beyond their own personal use and are peddling drugs to other people for personal gain. I want to see the names of some of those people appear in the court report in the local newspaper week in, week out to send a message to those people. People's names appear in the court report if they are caught for drink-driving, assault, disorderly conduct or whatever. Their names are listed in the court report if they are dragged before the local bench. However, very rarely does someone get caught for using drugs in our local community. It is for that reason that I say that this is one of those situations that to some extent has been honoured in the breach rather than in the observance.

I know the police have a lot of difficulties now with certain powers. I know that Hon Peter Foss, as the Attorney General in the previous Government, introduced the cautioning system, which gives judges an opportunity to impose a counselling session on people rather than a custodial sentence. I was very supportive of that system and I am very supportive of its being extended to cover other situations. For example, if someone commits a misdemeanour, an assault or a break and enter offence while intoxicated, the magistrate should have the option of ordering the offender into a rehabilitation or detoxification program for a set period as an alternative to imposing a custodial sentence. That in itself will help many people to get off alcohol. Alcohol has not been underestimated as a drug that already exists within the community.

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The Gascoyne Population Health Unit, which used to be called the Gascoyne Public Health Unit, has taken on the heavy responsibility of educating people of the downside and the problems that drug abuse can cause, including the abuse of alcohol, tobacco and all other types of drugs. Championing that work for a long period has been Chris Hall, a strong community citizen. He has done a lot of the work with people in the community, particularly the youth, to educate them on the problems associated with all varieties of substance abuse. Over the last two to four years he has seen how insidiously drug abuse of marijuana, pills, and ecstasy has crept into the local community, and particularly the way it has affected Aboriginal kids in Carnarvon.

Mr R.F. Johnson: I wonder what comments the Minister for Indigenous Affairs will make on that aspect of this Bill. I assume from what I have heard that many Aboriginal children have been using cannabis. It will be interesting to hear what he has to say.

Mr R.N. SWEETMAN: Certainly marijuana is more readily available to the Aboriginal community and, as a consequence, to Aboriginal kids in Carnarvon. My electorate would be an interesting case study if someone wanted to examine the way that various drugs are affecting the Aboriginal community across Western Australia. The problems associated with the effects of substance abuse in my electorate differ from town to town. Its effects in Carnarvon are different from that in Onslow, as they are different from those in Newman, Meekatharra, Cue, Mt Magnet and Yalgoo, which all have their own unique problems.

The Aboriginal community already suffers extensively from foetal alcohol syndrome. I had never heard of the disease until about 12 or 18 months ago when I saw a television program about it. Some western desert or Alice Springs Aboriginal women were assisting one of the public health-type organisations based in either the Northern Territory, South Australia or perhaps a community in the Western Australian western desert region adjacent to a place like Newman. They were trying to educate expectant Aboriginal mums about the potential risks to their baby's health as a consequence of excessive alcohol consumption. However, it is not just alcohol but a variety of drugs, particularly marijuana, cocaine and heroin, that can cause the same foetal damage. I was absolutely staggered to see the scientific evidence of the injury and effects that excessive alcohol abuse has on an unborn baby's brain and the problems that that child is then born with and is never likely to shrug off in its lifetime. It put a lot of things into perspective for me. We try to intervene and address many of the social problems, such as petty offending, that seem to accompany large numbers of Aboriginal kids in the many towns of my electorate, but we can see the patterns of behaviour that match up so neatly with what is defined as foetal alcohol syndrome. I cannot imagine that the Minister for Health - previously an assistant commissioner of police - has not clearly understood the wider ramifications of opening up further opportunities for these kids to do self-harm.

During question time we heard the Premier's thoughts on a curfew for Northbridge. I was almost run up the flagpole in Carnarvon about five years ago when I suggested something along the lines of a curfew. It is interesting to note how things change. Some people reckon that if we stay in one place long enough, the whole world will eventually parade before us.

Mr R.C. Kucera: You are rewriting history a bit. You might recall that I went to Carnarvon at that time when you were talking about a lot more than a curfew. Your plan would have moved Aboriginal people back to 1957 before they were granted rights. It was a 10-point plan, if you recall. You should not rewrite history.

Mr R.N. SWEETMAN: It was an eight-point plan. One part of the plan was to amend the Young Offenders Act so that some of these kids -

Mr R.C. Kucera: You were talking about ration cards and all sorts of other issues. You were talking about taking away their rights.

Mr R.N. SWEETMAN: I was talking about anything that would prevent people buying alcohol, which would have been conditional on the court's sanction. It was intended that the magistrate be given the option of declaring a person a chronic offender. I have said in this place before that I do not believe it is beyond the wit of people - whether they be magistrates, police, teachers or people in the Department for Community Development, justice and juvenile justice systems - to identify families that are dysfunctional as a consequence of the impacts and ravages of alcohol abuse. The option need not be restricted to alcohol abuse; a variety of other drugs can create those problems.

I raised that issue in the context that money should not be put in the hands of people who waste it on alcohol; instead, people should be given vouchers to redeem for specific foods, along the lines of the American model.

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The American system is so draconian that it lists products for which the vouchers cannot be redeemed so that people must spend their welfare vouchers, or whatever benefits they get instead of a voucher, on food and essential items that will do them and their families some good.

Mr R.C. Kucera: Nelson Mandela spent a lot of time in jail for opposing that kind of program; it was called apartheid.

Mr R.N. SWEETMAN: I am not talking about apartheid. I am talking about problems in regional communities and I am simply making a comparison. It is interesting that the Government intends to introduce a curfew in a place like Northbridge, yet the member for Pilbara is unable to solve a similar problem in south Hedland. I am sure he has fielded many concerns and comments from constituents there. The Government must look far wider than Northbridge and must be far more creative and innovative in tackling this serious problem. Legalising up to 30 grams of cannabis is a pretty crazy start. We have a problem now with drugs in this State.

Mr R.C. Kucera: You said "legalising".

Mr R.N. SWEETMAN: Decriminalising. It sounds the same to someone who nails wood to wood, bolts steel to concrete and adds water to sand and cement. Perhaps I need a higher education to understand the subtle difference between the two.

Mr M.J. Birney: Or half a brain.

Mr R.N. SWEETMAN: I would not have said that.

I make specific reference to Hugh Highman of the Liquor Licensing Court, who is a tremendous person to have in that position. I have had several very productive discussions with Hugh Highman, who appears to understand the problems in regional Western Australia a whole lot better than most members of Parliament do and certainly better than the Government does. I would say his knowledge is infinitely greater than that of any member of the Executive on the other side of the House. I referred to him and the problems regional Western Australia has with alcohol because sooner or later we will have to deal with a similar problem of marijuana consumption and abuse. Various liquor accords exist in areas around the State where Aboriginal people have difficulty with alcohol because it is easily available and they consume too much. All kinds of antisocial consequences flow from that, particularly to their immediate family - their spouse and kids - and to other people in the Aboriginal community. Hugh Highman has been very creative and proactive in his work with many community groups in regional towns in an effort to develop a solution to these very serious problems.

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

Mr R.N. SWEETMAN: There are accords all over my electorate. In Mt Magnet, if there is a funeral, or a large influx of Aboriginal people from an adjoining district or town, the local sergeant has the power to go to the liquor outlets in the town and say that no takeaway liquor is to be sold over the bar. No-one is then able to purchase any liquor to take home. He also has the power to tell the pubs to close in, say, half an hour because there are likely to be problems. No problems have to actually exist; there just has to be the threat. The officer's judgment is impeccable, because when he sees that there may be problems, he is usually proven right. Most of the community of Onslow got up in arms and pretty cranky with me when I supported some suggestions Hugh Highman made for one of the two liquor outlets in the town. As the Beadon Hotel was closed for two and a half years - I believe it has now reopened - the only liquor outlets in Onslow were the Onslow Sports Club, where only members could purchase alcohol, so that was a special licence, and the supermarket, which was licensed for takeaway liquor. I hope I am not dropping Hugh in it by mentioning what happened in Onslow. An arrangement was put in place whereby people in that community could only buy full-strength beer, wines or spirits if they were included on a register, which gave them what was called an account. Buyers of full-strength alcohol had to be accredited, and hold an account at the supermarket. This annoyed the daylighters out of the local people in Onslow. They considered it an infringement of their civil liberties. They went to town on it, and it even got a tremendous run on Liam Bartlett's program on ABC radio. However, the townspeople failed to mention the other side of the consequences of that restriction, which was simply to deny access to full-strength alcohol to people in that community who were harming themselves or, going one worse than that, inflicting abuse on their families and other members of the community. I thought it was a good idea. I concur with the argument that it is an infringement of civil liberties, but it is a very small price to pay to help solve the problem. Most people with whom I am able to discuss the issue walk away saying that it is an impost, a nuisance and an infringement, but they will go along with it because it may help solve the problem. All those positive results are

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due to the diligence and thoughtfulness of Hugh Highman, and the effort he has made throughout Western Australia.

I will return to the Cannabis Control Bill, and the talk about curfews. In Carnarvon and other communities in my electorate, many Aboriginal children roam the streets at all hours of the night. I heard the Premier say earlier that kids as young as six years old are on the streets of Northbridge late at night. In places like Carnarvon and Meekatharra, it is unusual for kids not to be on the streets at all hours of the night. I am sure the Police Service will bear me out in saying that it is not unusual to find children as young as six to eight years of age in groups wandering at midnight or two o'clock in the morning. They will be down at the skate park, or in parks, screaming like banshees at all hours of the night. In those cases, I have asked the police officers why they cannot get the Department for Community Development to help them on these issues, or if there is a safe house or a group house to which these children can be taken. The police have said to me that it is very little use taking the children home, because as the police officers are closing the front door to walk back to their car, the children are out the back door heading back to the street, because that is a far better place to be than home. That is a constructive comment by police.

They often also say that it is a free country, which really riles me - they tend not to say that as much any more. I do not believe it is a free country, for all the reasons the Premier spelt out in question time today. The 1947 Child Welfare Act states something along the lines that if an officer believes a child is in physical or moral danger as a consequence of his or her being out at some unearthly hour of the night in an inappropriate place, like the main street of town at two or three o'clock in the morning, that officer is entitled to take that child to an appropriate place. That could be anywhere. It is refreshing to see that the Premier is perhaps coming around and acknowledging that this issue must be confronted. Kids cannot be left to roam the streets at all hours of the night.

Linking those comments to the drug Bill, my feedback is that marijuana is the most available drug in Carnarvon, which is fortunate not to have had its kids, particularly Aboriginal kids, ravaged by the abuse of petrol and substances of that nature. Such abuse has almost been a non-event in Carnarvon. However, solvent abuse is a significant problem in Meekatharra, Newman and places to the east of those towns. By the grace of God, Carnarvon has been spared that problem. As marijuana will become readily available as a result of this Bill, I can see a significant problem arising. Many problems in Carnarvon result from kids hanging around the main street in places like garden beds waiting for an adult to bring across beer, wine or something similar for them to consume. Alcohol is readily available, but police watch closely for that interaction between hotel patrons and kids on the street. If marijuana is to be made more readily available as a consequence of this Bill - as it must be, as people will have the right to grow their own, leading to a surplus of supply - Carnarvon is likely to be awash with large quantities of marijuana. I can easily see kids who roam the streets, those who see the street more as home than home itself, being the victims of the easy access to marijuana to be ushered in by this legislation.

Consider the consequences. We have talked about foetal alcohol syndrome and the fact that cannabis has a similar effect on an unborn infant's brain. Consider kids who manage to escape being born with that syndrome; I refer to normal, healthy kids who could make something of their lives given half a chance. They would be nurtured, because of opportunities presented to them, in the direction of consuming marijuana at an early age because, under the legislation, marijuana will be freed up, legitimised and made more available. I have concerns on behalf of all kids who already have many problems and many hurdles that they must clear in their lives. This legislation and this Parliament will place some additional hurdles before those kids. The reality is, as you know, Madam Acting Speaker, as I know and as I suspect all members in this House know, many of these kids will not clear all those hurdles. If these kids fall at the last couple of hurdles placed before them by this legislation, the Gallop Government will be responsible, whether members opposite acknowledge it or not.

As members of Parliament, we all know someone, and probably have had someone in our families or extended families, who has had to overcome difficulties caused by substance abuse. I refer to alcohol or a variety of drugs. I am no exception. I gained a greater understanding of this when we had a young lad in our extended family with serious problems; he is still not over them. He did a stint in Cyrenian House, during which time I gained an understanding of the inadequacy of the facilities available to help kids who become captive to drugs, particularly marijuana, to get off those drugs. There are not enough counselling centres in the metropolitan area let alone in country Western Australia. In a lot of cases, I am sure that many of our country kids would be rehabilitated much quicker if we had those facilities in regional Western Australia. However, more often than not they must go to a regional or metropolitan area to get into a detoxification centre. That creates problems.

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Twelve or 18 months ago I spoke to someone associated with Cyrenian House who told me that it could not accommodate everyone who wanted to go there. I do not know whether the circumstances have changed and the Government has spent more money to establish similar centres to Cyrenian House. Once kids acknowledge they have problems, it is difficult to find appropriate treatment for them so that they can be rehabilitated.

My wife's sister married a German lad who regularly travels between Australia and Europe. I talked to him recently about drug issues and about what was going on in Europe compared with Australia. He said that it was interesting to look at the cycles that occur. He said that some things are well liked by one generation but not the next. Something that is cool for one generation is not cool for a subsequent generation. It seems that a lot of illicit drugs have gone through those phases. My brother-in-law said that when a drug - LSD, for example - is uncool and no-one is into it, sadly an alternative drug always takes its place; one that some in society consider it cool to use. It is interesting to look at this issue in a world context.

I have made many of the points I wished to make in speaking on this Bill. I think that most members of the Police Service favour this type of legislation because it will make things cut and dry for them. It will remove a grey area of whether to caution or charge a person in possession of marijuana. The punitive measures are very reasonable. Almost no penalties will apply. The legislation will remove a grey area for police and perhaps make their job slightly easier.

I wonder about our educators and health services. About 80 per cent of people in regional hospitals are there as consequence of the effects of either tobacco, alcohol or drug use. That is an interesting figure. Our health system is likely to suffer as a consequence of this legislation and, if not immediately, certainly over time, it will be a contributing factor to further pressure on our health system.

Most teachers I know are absolute heroes. Teachers, particularly those in small towns or country areas, face great difficulties. They must deal with a range of students, from the gifted to those who are almost not amenable to teaching. The Government provides schools with education support centres, of which there can never be enough. I have a feeling that this legislation will make teachers' jobs even harder. Further requests will be made for ed support assistance and smaller class sizes to give children a proper education.

MR M. MCGOWAN (Rockingham - Parliamentary Secretary) [5.43 pm]: I congratulate the Minister for Health on the Bill that he has presented. He has done an extremely good job on an extremely difficult subject; one that is difficult for any Parliament to address. He has come up with an arrangement that meets the community's needs. I will refer to those needs shortly. I support the Bill, which is a very good one. It will pass through the Parliament. I expect the National Party to support it also, considering that the legislation coincides with the National Party's policy on the use of cannabis. That policy was passed at the 1998 National Party conference in Hyden. I expect that we will receive National Party support for this Bill. The National Party members live in the real world and show more commonsense than do Liberal Party members, so I think we will have their support on this legislation. To date none of them has spoken on this Bill, so I will wait with interest to hear their views.

I do not want people to use drugs; I do not like people using drugs; I think drugs are bad, as do all members of this House. A number of members drink alcohol, a number smoke cigarettes - drugs that are lawful - but I do not like the use of illicit drugs. I do not like the use of cannabis.

Ms S.E. Walker interjected.

The ACTING SPEAKER (Ms K. Hodson-Thomas): Order, members!

Mr M. McGOWAN: That is why I am pleased that this Government has decided against decriminalising this drug. I support this Bill on that basis, because we are not decriminalising this drug.

The central reason for this Government's introducing this Bill is because it does not want those people in our community who may be small-time users - once or twice or even 10 times - to have a criminal record. That is the point behind this legislation. It is a commonsense Bill. We do not want it to have an impact on young people's employment prospects or their capacity to travel.

Ms S.E. Walker interjected.

Mr M. McGOWAN: I did not interject on the member for Nedlands. I would appreciate the same courtesy.

No parents want their children, who may have used cannabis on a couple of occasions, to receive a criminal record as a consequence of that use. That is the point behind this legislation. This Government is about solving

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a community problem. We will put in place a set of rules dealing with this community problem in a sensible and commonsense way.

The other day I heard your speech on this issue, Madam Acting Speaker. I know you do not want people who have used cannabis on a couple of occasions to have a criminal record. We on this side of the House agree with that; those on the other side of the House want people to have a criminal record.

I have been concerned about the intemperate language, particularly that used by the Leader of the Opposition, who I note is not present in the Chamber during this part of the debate.

Several members interjected.

The ACTING SPEAKER: Order, members!

Mr M. McGOWAN: The Leader of the Opposition used words like, "Labor does not care about young people" and "lies"; he used words to the effect that the Premier is a drug tsar, that the Premier would just "slide away like a snake", and that we are encouraging drug use. That sort of intemperate language does not do this debate any good. This is a serious issue and it requires serious measures by serious people - not that sort of intemperate, frenzied, political activity encouraged by the Leader of the Opposition. We know what it is all about. The Opposition's debate on this issue is about creating fear among parents and people in the general community to win votes. It is creating in our community a fear of reasonable measures.

Several members interjected.

The ACTING SPEAKER (Ms K. Hodson-Thomas): Order! I remind members that it is highly disorderly to interject. The speaker on his feet is clearly not inviting interjections.

Mr M. McGOWAN: It is all about politics and winning votes in the lead-up to the next election. The Leader of the Opposition said the other day in this place that this is the issue that will take us to the next election. He thinks that this issue will win him the next election. He uses it by creating fear and using inappropriate language with regard to the proposal.

Let us look at the system that existed under the Court Government. I will go into a little more detail in a moment. During the last couple of years of the Court Government, 82 people a year died from heroin overdoses. That happened under the stewardship of the Court Government and Hon Rhonda Parker, the then member for Ballajura. Police were sitting in courts -

Ms S.E. Walker: That is heroin. Tell the truth.

Mr M. McGOWAN: I did say heroin, you stupid woman.

Withdrawal of Remark

Dr J.M. WOOLLARD: I do not think it is appropriate that Labor backbenchers should continually use sexist language. The member for Rockingham should withdraw the remark.

The ACTING SPEAKER (Ms K. Hodson-Thomas): Although I agree with the member for Alfred Cove, the term has been used in this place before and members have not found it offensive. I remind the member on his feet that he might perhaps use different terminology.

Debate Resumed

Mr M. McGOWAN: I will. The Liberal Party argument is built entirely on cant and hypocrisy. I turn to the Select Committee into the Misuse of Drugs Act 1981. The select committee, in finding the right balance, had as its chairperson the then member for Joondalup, Chris Baker, who lost his seat at the last election. The committee included Dan Sullivan, the member for Mitchell, and the member for Carine, your good self, Madam Acting Speaker. The committee was set up by the previous Government. All the members I have just named signed off on the report. They included the members for Carine and Mitchell, who are now both frontbenchers in the Opposition. When examining the use of cannabis, the report stated -

there is no evidence to suggest that the use of cannabis leads to the use of heroin or other 'hard' drugs.

It further stated -

It must be recognised that the majority of cannabis users do not progress to other illicit drugs such as heroin.

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Those two statements were made in a report that was signed off by members of the now Opposition. On occasions during this debate last week, members who signed off on this report were saying the opposite. That is cant and hypocrisy. The committee presented a report to the Parliament in which it said that it did not believe there was any link between those two drugs. Its members then presented to this Parliament arguments to the contrary. It shows that the Opposition is not dealing with the merits of the issue but the politics of it; it is about frightening the public and not listening to the merits of the various arguments.

When the Leader of the Opposition commenced his remarks on this Bill, he said that the Opposition would vote against this Bill in totality. Let me inform the Opposition of what it is voting against and what it is proposing. The Opposition will vote against a provision in the Bill that will reduce from 25 to 10 the number of cannabis plants that an individual or syndicate may grow before they are presumed to be dealers under the Misuse of Drugs Act.

Ms S.E. Walker interjected.

Point of Order

Mr J.R. QUIGLEY: Madam Acting Speaker (Ms K. Hodson-Thomas), you ruled some five minutes ago that the member for Nedlands' interjections were highly disorderly. You exercised your discretion and chose not to name her. At the time that you identified her conduct as highly disorderly, Madam Acting Speaker, she was laughing at you, giving the impression to the Chamber that because she sits on the same benches as you, she would be protected. She has continued with the same conduct. You have already ruled on a point of order that is being flagrantly disobeyed by the member for Nedlands.

The ACTING SPEAKER: There is no point of order. I called to order a number of members. I remind all members that when a member has the call, interjections are disorderly. I will not hesitate to name people or to formally call them to order if I need to.

Debate Resumed

Mr M. McGOWAN: The Government is proposing that if people grow 10 or more plants, it will be presumed that they are dealing in cannabis. The Opposition is committed to voting against that reform that will hit people who deal in drugs.

Clause 28 of the Bill creates a new offence with significant penalties for people who sell or supply "a thing knowing that it will be used in the hydroponic cultivation of a prohibited plant". As anyone who is familiar with this issue will know - as members should - the potency of cannabis plants is greatly enhanced by the use of hydroponics. That cultivation method can be fairly easily proved by people who have knowledge of other people who are involved in that form of cannabis cultivation. The Leader of the Opposition has said that the Opposition will vote against that clause, which will toughen the law on this issue.

Mr C.J. Barnett: Can you quote in *Hansard* where I said that?

Mr M. McGOWAN: The Leader of the Opposition said that he would vote against this Bill. The Opposition is also on record as saying that it will vote against all of the provisions in the Bill that limit the sale of paraphernalia. He said on Paul Murray's radio program that the Opposition would vote against the Bill holus-bolus. The Opposition will also vote against the clause that requires shops that sell cannabis paraphernalia to display warning notices, to make education materials available and to prohibit the sale of cannabis paraphernalia to people under 18 years of age. What does the Opposition propose? The Leader of the Opposition has proposed an extension of the cautioning system across the State. Do members know how much cannabis people can possess under that proposed cautioning system? People can possess 50 grams of cannabis. It is almost double the amount of mock cannabis the Leader of the Opposition threw onto the Table of this Parliament the other day. He wants to extend the rules to allow people to have in their possession almost double the amount that he described as outrageous.

Sitting suspended from 6.00 to 7.00 pm

Mr M. McGOWAN: Shortly before the dinner break I outlined to the House the types of provisions contained in this Bill and against which the Opposition will vote. I will reiterate them briefly for members. First, the Government will make it much easier to convict drug dealers, by reducing from 25 cannabis plants to 10 the number of plants a person must have to be presumed a dealer. That is one provision that the Opposition will vote against. Secondly, the Government is putting in place a range of offences relating to the sale of hydroponic

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equipment. Thirdly, the Government is putting in place a range of offences that relate to the retailing of drug paraphernalia, as well as putting in place a cautioning system, as required by law, subject to penalty for those who retail drug paraphernalia. Those laws have never before been in place in this State. Finally, the Government is putting in place a system that involves a penalty for first time users of cannabis.

The Leader of the Opposition has said on the record that the Opposition proposed to put in place across the State a cautioning system similar to the one in place in Bunbury and Mirrabooka; a system that would impose no penalty. The Government's system is harsher than the system proposed by the Opposition. The Opposition's cautioning system involved 50 grams of cannabis. Under the Government's system, a person in possession of that quantity of cannabis would not get an infringement notice but would be charged. Under the Opposition's system, such a person would get away scot-free; no penalty would be imposed whatsoever. The Leader of the Opposition is on the record as having said that on a 6PR radio program the other day. The Liberal Party when in government introduced the system in Mirrabooka and Bunbury. That is the difference between this Government and the Opposition. The Government is putting in place a range of measures that are tougher than those proposed by the Opposition. The Opposition has come up with a range of arguments to try to convince people otherwise. It is not true. The Government's system will be tougher than the system proposed by the Opposition. Fifty grams is a substantial amount of cannabis.

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

Mr M. McGOWAN: I will deal with one other aspect of the hypocrisy of the Liberal Party on this matter. I am glad that the member for Murdoch is present, because this issue relates to him and also directly to the Bill. I refer to some of the things the member for Murdoch has said in this place. He gave a personal explanation earlier today. I believe he has more explaining to do on this issue. I would not raise this issue except for the fact that the member for Murdoch has come into this place and berated the Government about its laws. He has held himself out on this issue as someone whose credibility is at risk. That is why I will raise this issue; I would not raise it otherwise. I will talk about the member for Murdoch's conduct in this matter, and the explanations that he must give about some of the things he has said in this House. On 26 June 1997 the member for Murdoch said in this place, in answer to a question from the member for Fremantle -

I was a director of the Agung Trading Company which I bought into in 1981. I sold out of the company six years before I entered Parliament.

According to my calculations, the member for Murdoch entered Parliament in 1993. Therefore, according to what he has said in this House, he left that company in 1987, six years previously. However, a company search conducted by *The West Australian* dated 11 December 1996 shows that he was a director of that company until 1994.

Mr M.F. Board: I have explained that that is false.

Mr M. McGOWAN: What is false?

Mr M.F. Board: That statement.

Mr M. McGOWAN: *The West Australian* is incorrect?

Mr M.F. Board: I was not a director of that company up until 1994.

Mr M. McGOWAN: I will take the member's word for it.

Mr P.D. Omodei: Why not tell us whether you have ever smoked dope instead of being a smart alec? Have you ever smoked dope?

Mr M. McGOWAN: I have answered that question in this place before.

Mr P.D. Omodei: I would like to hear the answer again.

Mr M. McGOWAN: I have answered that question.

Mr P.D. Omodei: Have you ever smoked dope?

Mr M. McGOWAN: No, I have not.

Mr P.D. Omodei: God bless you!

The ACTING SPEAKER (Mr A.P. O'Gorman): Order, member for Warren-Blackwood!

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Mr M. McGOWAN: If the member for Warren-Blackwood wants to ask the question, I ask him has he ever smoked dope?

Mr P.D. Omodei: No, I have not; definitely not.

Mr M. McGOWAN: Oh well.

Several members interjected.

Mr M. McGOWAN: Furthermore, on 10 April this year, the member for Murdoch said that he had used cannabis before. He said that in this place again the other day, and it has been reported in the Press. However, according to *The West Australian*, two days before the state election in 1996 the member for Murdoch emphatically denied that he had used cannabis.

Mr M.F. Board: That is not true.

Mr M. McGOWAN: That is what was reported. It is reported in *The West Australian* of 12 December 1996 that the member for Murdoch emphatically denied that he had ever smoked marijuana.

Mr M.F. Board: No.

Mr M. McGOWAN: So it was incorrect - two days before the state election? Did the member issue any sort of retraction?

Mr M.F. Board: I said, if I recall, that I was not a smoker of marijuana. I had previously been on the record, even when I was a minister, as saying that. I think I was in Melbourne once when a phone call came through asking me whether I had ever tried marijuana, and I said the same thing at the time. I said that I had had a puff, and that has been in *The West Australian* since.

Mr R.F. Johnson: One puff is hardly a smoke.

Mr M. McGOWAN: It certainly appears to me that in *The West Australian* of 12 December 1996, the member for Murdoch contradicted what he had said in this Parliament.

Mr M.F. Board: Unfortunately what gets printed is not always exactly what we say, as you know.

Mr M. McGOWAN: I only raise these issues because the member for Murdoch has come into this place and held himself out on the health issues to do with this substance, yet on a range of issues we do not have satisfactory answers. Two days before a state election, the member for Murdoch is reported as having emphatically denied it, without any retraction as far as I can determine, yet at the time he had admitted it in this Parliament very recently.

I return to my central point. On the part of the Opposition this is all about politics. The Opposition has come into this place and is merely running a political argument. All we are trying to do is ensure that some people who might make a mistake are not burdened with a criminal record for the rest of their lives.

I note that the Leader of the Opposition is not here for this very important debate but that he constantly berates the Premier for not being here.

The Leader of the Opposition is a father. As we have seen with this issue, over fifty per cent of young people admit to having used cannabis or will use it. We need to be very careful about how we label our young people. I am shortly to become a father. I do not particularly want my son or daughter to be labelled for the rest of his or her life as a criminal because of one or two mistakes he or she might make. The Opposition wants a cautioning system for people in possession of more than 50 grams - that is nearly twice as much as the Government is proposing. The Opposition gives people one chance. The circumstance may arise in which a person may have a puff of a marijuana cigarette at a party. He may leave with his friends, return, and have another joint. That represents two offences. That rules a person out of the cautioning system. The Opposition would say that person is a criminal. What if a person uses marijuana when he is 18? He may travel upstate when he is 50 and have another puff when he is staying with a friend. Under the Opposition's system, although the events are 30 years apart, the person would be a criminal. That is what the Opposition is proposing.

Mr R.F. Johnson: Absolutely not.

Mr M. McGOWAN: It is exactly what the Opposition is proposing.

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The great irony of this debate is that the Minister for Health has more experience of this issue than any other member. He knows it is a difficult and complex issue.

Several members interjected.

The ACTING SPEAKER (Mr P.W. Andrews): Order! I call the member for Warren-Blackwood to order for the second time.

Mr M. McGOWAN: The minister knows we have all sorts of police resources tied up in the courts every day waiting for what are very often minor matters to come to trial. Officers sometimes wait in the courts for an entire day for minor matters to come to trial. Such matters could be dealt with through infringement notices; that is, a system similar to that of speeding fines, albeit with heavier penalties. They could be dealt with in a way that frees up resources to pursue the Mr Bigs. The minister knows all that yet we have members who want to run only a political argument - a vote-catching argument. They are frightening people in order to secure a few votes. The minister has to battle with that sort of attitude to this issue. He is a serious politician; we are a serious Government dealing with a serious issue in a commonsense way. I congratulate the Premier and the Minister for Health on the way they are doing this.

DR J.M. WOOLLARD (Alfred Cove) [7.13 pm]: I will not support the Cannabis Control Bill 2003. In speaking against the Bill I do so as a mother, nurse and Independent member of Parliament. As a mother, I have been approached by many friends who know of other friends whose children have become involved in drugs through the initial use of marijuana. People ask me why this Government is putting harm in the way of our children. In our homes, we, as parents, put drugs and chemicals into cabinets away from the reach of our children. We fence off our swimming pools so that children do not drown in them. Yet, we are saying to teenagers - this Bill is about teenagers - that a little bit of marijuana is okay. No mother would agree with that, especially those mothers who have lost their children through youth suicide and road traffic accidents. People accept that in the past it was unfair for a youth who, in response to peer pressure, had a joint at a party and received a criminal conviction. People say that for the first, or even the second, offence, people should not have a criminal conviction recorded against them. However, no-one in the community who has spoken to me agrees with the Gallop Government's stamp of approval for a household to grow two plants. This is the Gallop Government's stamp of approval for teenage suicide, road traffic accidents and all sorts of problems in the community.

I speak now as a nurse. I have spoken with Professor Dick Joske. I have looked after patients who have been admitted to hospital because of problems associated with their drug use. Professor Joske talked about the main complications from marijuana use. In the past people thought that if someone had a mental imbalance, he or she might turn to marijuana and other drugs. However, research has proven that marijuana is addictive, causes acute psychosis, impairs driving ability and causes a substantial number of road deaths and has contributed to the epidemic of youth suicide. One member spoke about research conducted 20 years ago. We know now that fat absorbs cannabis, and that five or 10 years after use, people still have cannabis in their brains. One cannabis joint does as much damage as five or six normal cigarettes. I wonder whether that is the reason that the amendments to the Tobacco Control Act, which are meant to be tabled this year, have not yet been put on the Table. Is it because the Government is pushing through this marijuana Bill that it has not put the amendments to the Tobacco Control Act on the Table? That Act says that smoking is bad for people. It would be difficult for the Government if it were to introduce those amendments and a month later say that people can grow two cannabis plants. The Government is saying that it is not decriminalising marijuana. However, if it will no longer be a criminal offence to grow marijuana, it is being decriminalised. We must accept that if this Government through this Bill is saying that it is no longer a criminal offence to grow marijuana, it is decriminalising marijuana.

What else is the Government doing with this Bill? Previously, maybe 100 people in Western Australia grew marijuana. Now many more are being given almost the tick of approval to grow marijuana. In fact, the Government is supporting small-time drug dealers, because people will be able to grow up to two plants, go off to a lecture on the harm associated with that, grow another two plants, and then go to another lecture. The Government is encouraging crime. With that encouragement of crime, unlike driving offences whereby people build up 12 points and then lose their licence, what is at the end? It seems that it will be a repetitive slap on the hand, and people will be told to go along to a lecture. What message will that give to our teenagers? People in this House have said recently that they are hearing the same thing; that is, that this is giving a mixed message to teenagers.

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Some of the experts' comments about marijuana state -

Smoking marijuana can injure or destroy lung tissue. In fact, marijuana smoke contains 50 to 70 percent more of some cancer causing chemicals than does tobacco smoke.

When will we see the new Tobacco Control Act? I doubt that we will see it. The experts further state -

Teens who have used marijuana are four times more likely to have been pregnant or gotten someone pregnant than teens who haven't.

They also state -

Recent research has indicated that for some people there is a correlation between frequent marijuana use and aggressive or violent behaviour.

That is what this Bill will do. It will cause problems in our youth. It will be very hard for future Governments to rein in all the damage that will be done by this Bill - not only the mental and physical damage but also the social damage. If anyone asked a police officer what is the number one problem causing crime in our society, he would say that it is drug use. What is this Bill doing? This Bill is the Gallop Government's stamp of approval for drug use.

I do not believe that the Government has looked at this issue very closely, because we do not have thousands of people marching up to the front steps of Parliament House saying that they want marijuana. It is not like the old-growth forest issue or the Ningaloo Reef issue. They are issues about which the community cares and has been lobbying this Government. Probably a small lobby group is pushing for this legislation, and the community as a whole will have to suffer. However, the community will remember that the Gallop Government introduced this Bill. Many people in the community whose children are affected by drug use will know who introduced this legislation. Lots of people will remind them. Maybe the Gallop Government does not care; maybe it does not want another term in office. It is certainly going about it the right way at the moment, because the community does not want to see more youth suicide, more road traffic accidents or more drug dealers on the streets.

The member for South Perth quoted a little earlier from some correspondence from the Bishop of Broome. A key sentence in his letter states -

The proposed laws treat the problem of marijuana abuse as something trivial, on a par with breaching traffic laws.

That is the way the majority of members of the community are looking at this Government now. They are asking the Government how it can treat something so important, and which will do so much damage to society, in such a trivial manner.

I mentioned some of the mental health problems associated with marijuana use. It is not just youth suicide and road traffic accidents; it is the psychoses, depression and schizophrenia - all of those mental health problems. What is this Government doing about mental health? It is paying lip-service to it. Western Australia has neither an adequately functioning mental health service at the moment in its hospitals nor within the community. Many people who have a mental illness or a mental disorder either are not receiving treatment, care and counselling or are receiving it when it is too late. When we go into consideration in detail, I will question the Minister for Health about the state statistics. I would like to know whether he has the figures for any medical or mental health problems that are related to marijuana use. I know from reports that I have read and from studies in the United Kingdom that the mental health services cannot cope with the number of people who are going to them because of marijuana use. The figures that I have indicate that although mental health problems constitute 20 per cent of health service need, they receive only 6.8 per cent of the Australian health budget.

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

Dr J.M. WOOLLARD: We know that there are serious mental health problems within our community at the moment associated with the use of marijuana and that we do not have the services, staff and resources to care for those people. Through this Bill the Government is saying that drugs are okay and that it is okay to grow two plants of cannabis. I will relate that to the family situation. What happens when there are young children in a house? Will the Government say that it cannot be grown when children are present, or will the Government say that if it is grown, it must be grown in a confined area? No; the Government will intervene when it finds the cannabis plants and say to someone that he or she needs an educational lecture.

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In anticipation of this debate I held a community drug forum in my electorate. It was an interesting forum because some of the people who spoke at it had been hardened drug users and they said that the use of marijuana was their first step towards the use of hard drugs. They were happy to join in at the forum because they did not want to see other people in the community go down that same path. That is why they are running clinics and rehabilitation centres to help and counsel people who become drug users and start on that downhill trend of using marijuana and progressing to harder drugs.

I have referred to drug use and some of its associated medical problems. It is important to point out that mental health problems resulting from the use of drugs are not experienced in just other countries. Studies in the eastern States by Australian researchers have reported on medical problems associated with the use of cannabis. Stanley Zammit and colleagues carried out a study in 2002 titled "Self reported cannabis use as a risk factor for schizophrenia in Swedish conscripts of 1969: historical cohort study" and concluded that -

Cannabis use is associated with an increased risk of developing schizophrenia, consistent with a causal relation.

The study noted a 30 per cent increase in the risk of developing schizophrenia from the use of cannabis. Another study by Louise Arseneault and colleagues titled "Cannabis use in adolescence and risk for adult psychosis: longitudinal prospective study" said that cannabis use in adolescence caused adult psychosis. It investigated students aged 14 to 15 who were using cannabis and found that they had a higher predisposition to depression and anxiety in young adulthood.

Earlier I referred to smoking general cigarettes and the associated harm compared with that of smoking cannabis. In 2002 the British Lung Foundation published an article titled "A Smoking Gun?" and concluded that habitual cannabis smokers had a significantly higher prevalence of chronic and acute respiratory symptoms. The article said that smoking one cannabis cigarette equated to something like smoking five general tobacco cigarettes.

When the minister introduced this Bill he stated that it was put together as a result of the Community Drug Summit. I have spoken to many people who attended the Drug Summit who have told me that the summit was biased towards harm minimisation drug policies and against rehabilitating addicts and encouraging abstinence-based drug education policies. The choice of summit delegates favoured drug users, academics, bureaucrats and service providers at the expense of representatives of schools, families, the church and abstinence-based community groups. Interestingly, the delegates at the Community Drug Summit were shown a document containing statistics from 1985 to 1999. I am happy to table that document. Table 4 headed "Drug related deaths for drugs other than alcohol or tobacco, all causes" indicates that no cannabis-related deaths occurred between 1985 and 1999. Although that information was given to delegates at the summit, the Australian Bureau of Statistics reported that 10 deaths occurred in 1997 related not solely to cannabis or cannabis derivatives but also to other drugs in the form of a cocktail. It went on to report six deaths in 1998, 19 in 1999, 15 in 2000 and 10 in 2001.

The Bill on the Table, which the minister said came from the Community Drug Summit, came from a Drug Summit at which attendees were given misleading information. They were not given the true facts. Some people believe the Drug Summit was biased towards people - I will not say the health community - supporting a harm-minimisation strategy.

Mr R.C. Kucera: Like John Barich?

Dr J.M. WOOLLARD: What will the minister say when his children start growing cannabis? Will they grow cannabis at his house or at his grandchildren's house? Will his grandchildren visit houses where cannabis is grown?

Mr R.C. Kucera: I'd bust them the same as I'd bust yours.

Dr J.M. WOOLLARD: It will be very difficult, minister.

The ACTING SPEAKER (Mr P.W. Andrews): The member for Alfred Cove should direct her comments through the Chair.

Dr J.M. WOOLLARD: I am sorry, Mr Acting Speaker; the minister did interject. I am happy to take any interjections the minister wants to fire at me.

Another matter that has not been debated is the drug law and the Drug Court. A pilot study of a Drug Court has been conducted in the past few years. It is interesting to note that the people working in the Drug Court who

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have counselled offenders believe it has been a very positive device. However, their comments indicate that it is no good giving an offender one lecture; they must be involved in a serious counselling program to assist them to kick their drug habit. They say that offenders on the program may be subjected to urine tests for drugs and may be prevented for some time from visiting some clubs, almost as though they are on bail or on home detention. The Drug Court, established a couple of years ago, is located only in central Perth and appears to be working very well. However, it will now be thrown out the window with this stamp of approval from the Gallop Government for growing two cannabis plants. This Bill endorses premeditated drug dealing.

In the past I have heard this Government support various international treaties and conventions. In 1961 Australia became party to the Single Convention on Narcotic Drugs. The list of drugs scheduled in the convention include cannabis and tincture of cannabis. Drugs listed in schedule 1 are subject to certain restrictive measures. The production, manufacture, import and trade, use and possession of cannabis is prohibited except for medical and scientific purposes. Penal provisions are made requiring punishment of offenders. As an alternative to conviction, an offender could undergo education, treatment, after care, rehabilitation and social reintegration. The Bill before the House is contrary to the Single Convention on Narcotic Drugs. Later in the debate I will move a motion that the Bill be referred to a joint select committee for consideration and report, particularly on whether the Bill complies with the United Nations Single Convention on Narcotic Drugs of 1961, as amended by the 1972 protocol, and is likely to result in damage to the health of Western Australians and an increase in criminal activity in Western Australia. The motion will require the committee to report by 26 June 2003, which is at the end of the present session.

Mr R.F. Johnson: That is not long enough. The motion you have foreshadowed is very good. There are aspects of this Bill that go against the provisions of international conventions.

Dr J.M. WOOLLARD: I thank the member for Hillarys. I would be happy to take an amendment to extend the time for that committee to report. I suggested a joint select committee because the issue is pertinent to both Houses, and both would want to join in. If the Government appoints this committee and listens to what the community has to say about the Bill, the revised Bill may provide that the first time a person takes drugs is not a criminal offence. This Bill may reduce the number of plants that may be grown, but it gives the Gallop Government's stamp of approval for premeditated drug dealing. The Bill as it stands provides for a court hearing, a fine or a lecture for growing two cannabis plants.

MR T.K. WALDRON (Wagin) [7.45 pm]: The issues in this Bill are very contentious. I made a conscious effort to talk with many groups and individuals across my electorate and from outside my electorate about this Bill. I have adopted a very open mind to the subject and listened to the thoughts of many. Undoubtedly, a strong majority message has been conveyed to me. Consequently, I will not support this Bill. It is true to say that not everyone from my electorate agrees with me on this issue. However, most people have a real concern that the Bill sends the wrong message to our community, particularly to our young; that is, that the growing and smoking of cannabis is okay. The majority of people do not want that message sent. I will refer to that aspect later in my contribution.

Undoubtedly, smoking marijuana is detrimental to health, as is acknowledged by experts of the Health Department. I am concerned about the long-term mental effects. That was the number one concern expressed to me as I travelled around my region, and many factors and personal experiences were involved in forming that view.

Over last week and today, I have listened closely to many of the excellent speeches made in this place. A lot of information has been put forward. I have found many quotes and examples from professional groups in this area to be interesting. Undoubtedly, there are arguments for and against the Bill in the details provided. Nevertheless, the strong message once again in this place and from the public is that sufficiently strong and growing evidence suggests that decriminalisation of cannabis will increase its availability and use. That cannot be good. Clear scientific evidence mounts that cannabis use can cause significant harm to the user's mental and physical health and wellbeing. Also, a multitude of associated health, crime and social issues flow from that use to the general community.

In my research, I have spoken at length with health professionals, particularly from my region, both male and female - I wanted a balanced view. I refer to people who deal directly with these problems that emanate from drug use day in, day out. They see the direct effects of cannabis use. Having spoken to them over time, their opposition to the legislation is in no doubt. One could say they confirmed many of the comments quoted from

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other experts in the area; that is, that cannabis use is dangerous and leads to increased mental illness - such as schizophrenia and psychosis - suicide, cancers, abnormalities, accidents and reduced immunities. This list was provided by my daughter, who is studying at university. I will refer to my discussions with her later. The list is too long to go through at this stage.

The point was made strongly to me by the mental health people that cannabis use can lead to irreversible schizophrenia. One lady who has dealt with this matter a great deal pointed out that irreversible schizophrenia means for life - there is no going back. She and her colleagues had no doubt that cannabis use is a direct contributor to that condition. I have not had a lot to do with schizophrenia, but I know a family with a member with this condition. Knowing what this condition means to the life of that person, and to the lives of all family members, this House cannot do anything to contribute to increasing such events. We should not act in any way that contributes to the incidence of that condition. Mental health professionals are adamant that there is mounting evidence that cannabis use contributed directly to that person's mental health problems.

The hands-on work of mental health professionals in country Western Australia - it must be remembered that boredom can also contribute to mental health problems in some country areas - has provided evidence that causes them to be concerned about the likely increase in mental health problems that would occur as a result of the passage of this legislation. I am talking about the message this Bill sends. The people I have talked to have told me that that is the message being sent. That is the reality whether or not members agree.

The incidence of youth suicide in Western Australia is increasing, particularly in rural Western Australia. I acknowledge that many different factors contribute to youth suicide. However, there is no doubt - I have no doubt - that in a lot of cases cannabis is a contributing factor. In some cases it is the main contributing factor. We must not send the wrong message and further contribute to these tragic situations. I am sure that members who have known good families that have had things go wrong for a family member would agree that it is a tragic situation.

I made a point of speaking with young people on this issue because, as we get older, a generation gap occurs. We must discuss these issues with everyone. I discussed with young people the Government's proposal to allow the cultivation of up to two cannabis plants per home and the possession of up to 30 grams of cannabis for personal use. There is no doubt that there are differing views among young people. Some of them support the changes. However, I honestly have no doubt that the majority of young people do not support the changes. They have said to me that relaxing the laws will send the message that the growing and smoking of marijuana is becoming acceptable. They think that it will increase its use and will lead to greater problems for some.

It is interesting to talk with people who have had a greater involvement in this issue than I. Some people have experienced at close hand real-life situations of people who have had bad experiences with marijuana, especially with ongoing problems. The people who have seen this happen first-hand are in no doubt that we should not make it easier for people to obtain and smoke cannabis.

I have four daughters, the eldest of whom are 23 and 24 years old. They have had a normal teenage upbringing. They spent primary school and the first few years of high school in the country and they spent the last three years of high school in the city at Willetton Senior High School, which is one of the bigger high schools. They have seen drugs and cannabis use first-hand. They like a party and they like to go out, just like everyone else. I was interested to hear their comments and the comments of their friends on this issue. I asked them to tell me honestly what they thought about it because I wanted to hear honest answers from my daughters and their friends. They said that they do not consider the current rules need changing. They have friends who have been adversely impacted upon by marijuana use and they are concerned for them.

I noticed a change in my 23-year-old daughter, who had a friend who had some problems with marijuana use. She holds strong opinions on the matter because she is very concerned about the issue. She is going to university and has learnt more about it. She has helped me by providing me with some information. My daughter understands why people use drugs and why people might agree with the Government's arguments; however, she does not agree with them. She also made the point, which an old fuddy-duddy like me probably did not understand, that it is the substances that are sometimes mixed with cannabis that can cause real problems. She said that from personal experiences and asked me to make that point in Parliament. I was not really aware of that.

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She gave me a list of questions she has seen called “cannabis curlies”, which she came across during her studies. I will read some of the questions and some of the answers to the “true or false” questions on the list. Cannabis is a natural product, therefore it is harmless - false; a person can become dependent on cannabis use - true; marijuana is the most commonly used form of cannabis in Australia - true; most young people use marijuana - false. The list goes on.

My daughter understands the issue very well, which is why I have asked her and her friends about it. We talked a lot about recreational use. Some kids said to me, “Tuck, it’s okay to use marijuana for recreational use.” Although some of them thought that recreational use was okay, when I asked them what they meant by recreational use, they could not define it. They could not say when so-called recreational use became regular and reliant use. Some of the people who said that it might be okay to smoke marijuana for recreational use could also see some of the problems associated with it. I could see that they were edgy on the subject. They agreed that there was no doubt that a risk was involved. These young adults have convinced me that we should not send the wrong message.

I will now refer to the use of cannabis leading to the use of other drugs. I was talking to some people from the mental health system the other day and the comment was made - this comment was also made by one of the young people I spoke to the other night - that sometimes after smoking cannabis they feel bored and they may try other, heavier, more destructive drugs, which can cause real life problems and a complete malaise.

Over the past 25 years I have had a heavy involvement in sports coaching of young people - probably more males due to my involvement with football and cricket, but I have also been involved with my daughters in coaching netball and other sports. It has been a great involvement and I have enjoyed it very much. I gain great pride and satisfaction from seeing young people develop in their sport and also develop as fine young people and excellent citizens. Most sports coaches will say that at the end of the day that is just as rewarding as any premiership or whatever.

Mr C.J. Barnett: Did you ever coach handball?

Mr T.K. WALDRON: Once, in my latter years. I struggled with that earlier, as the member for Cottesloe might recall. I have witnessed many young people who have had much to offer their families and the community but have been caught in this drug spiral. I am sure everyone here knows that it is tragic and heartbreaking, but it does occur. In some cases it has led to people wrecking their lives and sometimes their family’s lives. In some cases I hold real fears for these people.

I now wish to comment on the ongoing effects of cannabis use in our Aboriginal communities. I have been involved with Aboriginal communities for most of my life because of where I have lived and my involvement in sport. It is having a tragic effect on some Aboriginal communities. In my region there are many talented young Nyoongah people. Drug-associated problems affect a percentage of these people, and that is very sad. Mental health professionals have confirmed the effect drugs are having on Aboriginal communities. These proposed changes to the legislation will send the wrong message to Aboriginal people and will cause further problems that they could well do without. It is tragic. Two or three Aboriginal sportspeople I have known have been outstanding. They had an opportunity to make something of their lives after having had a pretty tough start, but their lives have gone down the drain and cannabis use was a major factor. Some have moved on to other drugs, and they cause a great malaise. It is a waste. It causes family and community problems, and we should not add to that in any way.

Clause 16 of the Bill, cannabis education sessions, is a positive initiative. This clause is about educating cannabis users on the adverse health and social consequences of cannabis use. This is a positive initiative and one that should be pursued whatever the outcome of this Bill. I have no doubt that education is the key to this issue. During our briefing on the Bill, the use of community drug service teams was raised. The idea and role of these teams are great. I acknowledge and support their use. However, there was no understanding about how these teams could operate effectively in rural Western Australia. Most country communities would not have ready access to these teams, unless they lived in a major regional centre. For instance, I have checked the availability of these teams in my region, and I understand they are located at Northam, Albany and Bunbury. They probably do a great job and they should continue, but what about the huge areas in between? Is it realistic for a person who lives at Lake Grace and needs that education to drive for two or three hours to get to one of these centres? It is just not realistic. We need to do something about that whatever happens as a result of this Bill.

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Mr R.C. Kucera: Perhaps you might refer to it during the consideration in detail stage. It is a very good point.

Mr T.K. WALDRON: I think everyone here would probably agree with that. I mentioned Lake Grace, but if people live at Lake King it is worse; it is not practicable. That point was raised during the briefing, which was excellent. Whatever happens, we need to improve access to education and to be realistic and positive about it. I put a couple of thoughts in my notes. Maybe education centres could be set up by professionals in high schools, the police and mental health professionals. The only problem with mental health professionals is that, as I am sure the minister will know, they have so much work that I do not know how far we can push them. I am concerned about the health of some of the health professionals because of the hours they are working. However, I believe the point is worth looking at.

The member for Carine spoke last week of her concerns about the effects of cannabis use on road safety. I found it very informative because I also share her concern that cannabis use is a real factor in road crashes in this State that result in death and serious injury. When I was involved in football sponsorship and working with road safety, that message came through loud and clear. The member for Carine quoted figures from the Western Australian Task Force on Drug Abuse. They show that cannabis was detected in 48 per cent of road fatalities between 1992 and 1995, just one per cent fewer than the number of deaths in which alcohol was detected.

Cannabis impairs drivers' skills. It also impairs skills in the workplace. On Saturday night I talked to a friend involved in an industry in which heavy machines are operated. He said that the very reason drug testing is carried out is to ensure safety in the workplace. That is obviously commonsense. I urge the Government to realise that we need more education on the effects of cannabis use on drivers.

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

Mr T.K. WALDRON: There are campaigns on road safety, but I believe we need a really strong campaign on cannabis and road safety as well as other road safety campaigns. The detection of cannabis in 48 per cent of road fatalities is a huge amount. Road deaths, road injuries and the trauma that results from road accidents continue to grow. We need to do everything we can to address that. We need to pursue it in a relevant and professional way to find an ideal way in which to test for cannabis in drivers' systems.

Another point that has been strongly made to me on the issue of sending the wrong message on cannabis use is the very real concern of people in my electorate about the increase in crime and the related issues for country towns as the result of increased drug use. The Premier spoke today of problems in Northbridge. The member for Pilbara spoke about problems in South Hedland and other rural centres. Country towns have some real problems, many of which no doubt arise from the effects of drug use, and the use particularly of cannabis in many country towns. That fact is well known. I believe that we would all agree that there is a direct linkage and correlation between drug use and crime. When I have spoken about this to police in rural communities, they have readily acknowledged it. It is therefore not something I have dreamt up but something that is known by everyone in country areas.

The changes outlined in this Bill will cause the proliferation of drug use and the supply of drugs, which will have the effect of further increasing crime in our country communities. With that crime goes the social issues and economic effects on rural communities. Everybody knows that rural communities are having to cope with more and more new and different pressures. They do not need the added pressure of crime as a result of drug use. People do not wish to support any measures that contribute to an increase in crime, such as these changes will do. People in my region feel very strongly about that.

I have a great sympathy for people and their families who get caught up with drugs. I strongly urge that more education and support be provided for these people wherever possible. I have consulted people and researched this issue widely within and outside my electorate. I acknowledge that there are some valid reasons for looking at some of the changes that people have put forward. I also acknowledge that some people support the changes. However, I stress that the majority of people in my electorate do not agree because of the huge risks involved in adopting these changes and the outcomes that will result from them. From consultations I have had, I am convinced of the real health problems involved, particularly the growing mental health problems, which are disturbing. I am also convinced that cannabis use leads to the use of more harmful and dangerous drugs with dire consequences. It is a reality. I mean these last words: we owe it to our current and future generations not to support these changes.

I will vote against this Bill and I believe that is what the majority of the community want.

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MR J.P.D. EDWARDS (Greenough) [8.06 pm]: I also oppose the Bill. I take some exception to the comments of the member for Rockingham, who seems to think that the Opposition is trying to make political mileage out of this Bill. I would like to think that all members on this side of the House have the best of intentions concerning the young people of our State and people who use drugs. His comments will not be well thought of in the public arena. As Her Majesty's Opposition, we are here to serve a purpose. We have a right to oppose legislation. It is absolute nonsense to say that the Opposition is trying to make a political issue out of it.

I might be starting my speech somewhat differently from others when I say that cannabis is defined as a medicinal substance, a hallucinogen, a stimulant and a narcotic that causes stupefaction and addiction. The most used and well-known drugs of the past 20 years are tobacco and alcohol. However, cannabis now rides right alongside tobacco and alcohol. It is well known and is used extensively.

Although I have never used cannabis, I know many who have used it. I am aware that the leaf is dried and rolled before use. Apparently the flowering tops are the most sought after. I think I have seen a cannabis plant only once in my life, but I do not recall whether it had a flowering top. I am also aware that it is smoked in joints and when smoked at full strength it is painful to the back of the throat. That apparently leads to people mixing ordinary tobacco with it. I suppose that is another issue because it means that those people will become addicted to nicotine as well as cannabis.

I understand it can be grown as a horticultural crop in the same way that tomatoes are grown. In the past 10 or 15 years that has been a fairly common exercise in my electorate of Greenough. However, I suggest that the police are on top of the problem in that area. Although I am sure it is still being grown in small quantities, I am not aware of it. Many people have been caught growing cannabis - not just users but also people who want to make a profit out of it and who are, therefore, dealers.

Hydroponics is a favoured means for growing a quantity fairly quickly and for ease of supply. Hydroponic cultivation means to grow the plants under lights and feed them artificially. These actions, quite rightly, are illegal and carry a criminal conviction. However, this Bill will decriminalise possession of 30 grams of cannabis and the growing of two plants. I understand the amount will attract a caution and a \$150 fine to be paid within 28 days, or the option of attending a cannabis education session. However, both penalties will be at the police's discretion - I will stand corrected if I am wrong about this. With the workload that our police have today, this will perhaps become a nuisance. I do not mean to denigrate the Police Service, but sometimes it is far easier to let something slide than to go through the bother of charging somebody or applying these penalties. These penalties are open ended. They leave the door open for a person to continue to smoke or use cannabis without further penalties being imposed; it goes on and on. I understand that the cannabis education sessions will be voluntary, so that a person could choose not to attend a CES. The member for Nedlands made the point that under clause 10, extensions may be granted in which to complete a CES whether or not the 28-day period has elapsed. It seems to be open ended. The penalty is being watered down and weakened.

This legislation will put temptation in front of our young people and encourage the criminal element in our community to further the evil of drug dealing. I do not think that term should be lost on us; it is the evil of drug dealing. The minister is giving our young people a message that cannabis is okay. I am not the only person to have said that in this place today or last week. It is ironic that, on the one hand, we are encouraging people to stop smoking cigarettes, but, on the other hand, through this legislation, we are basically encouraging people to smoke cannabis. The minister is creating a monster that will impact on our society and particularly our young people. It will drag our community into the depths of despair. That is already the case for many families. I pity the people who will have to pick up the pieces, which will inevitably result from this weak and stupid legislation. Of course, that will be our police and community services, those who are involved in youth and community education, hospitals, doctors and nurses; the list goes on and on.

I will give two or three case studies of young people who have been involved with cannabis and how this led them on to other drugs. I know of a young man who was a happy-go-lucky, normal kid. He had a loving and good home. He was well educated and went to university. He was persuaded to try cannabis by his peers. I suppose, like many young kids, he experimented. The effect on him was devastating. He became morose and depressed, he lacked confidence and he was argumentative. He blamed his family and close friends for everything; he basically laid all his problems at others' doors. He constantly borrowed money to feed his habit and, to make things worse, he moved on to speed and suffered consequences to his health and mind from the evils of that drug. I knew that man quite well. Fortunately, in his case, he has moved on and has managed to put his drug problem behind him. He is now in his early thirties and is making a life for himself, but it took him 10

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years to do that. His problems started by smoking cannabis. I know of another young lady who also got into cannabis in her university days and went on to harder drugs such as heroin. I am not sure whether she also used cocaine. That young lady has become a schizophrenic and now has problems that will pursue her for the rest of her life. She now relies on pills to keep her life on track. The member for Geraldton may know the couple I will refer to in my third example. This couple have a daughter who started down the drugs' slide by using cannabis and then became caught in the grip of heroin. The daughter had her own child and, of course, because of her addiction, was incapable of looking after that child. Therefore her already suffering parents, who were already trying to support her, then had the added responsibility of having to care for their grandchild. For what it is worth, these people attended the minister's Drug Summit, and I think they were bitterly disappointed with the outcome. Their comment to me was that the decision had already been made by those who set the agenda. That does not say much for the Drug Summit. Their story does not have a happy ending, because they are still supporting both these children.

I may be generalising, but the use of cannabis also leads to youth suicide. Geraldton has one of the highest rates of youth suicide in Australia, let alone Western Australia. I have been made aware that a great percentage of youth suicides are drug related. It does not say much for our society when we let our young people do away with themselves by using drugs. I do not think this legislation will help our young people. The Government should be encouraging positive roles for young people, not giving them an avenue of temptation. By decriminalising cannabis we will be giving young people an avenue of temptation. Young people are very susceptible to temptation. Someone has mentioned that we drink alcohol and some of us smoke cigarettes; I do not, but some of us do. Alcohol and cigarettes are no different; they can become addictive. However, cannabis is far more dangerous, as I understand it, than either of those two evils - alcohol and cigarettes. The Government is failing the people of WA with this Bill. It is failing our young people. It is failing the people who will have to deal with the day-to-day problems that will arise, and the agencies that will have to pick up the pieces.

I will go back a step and talk about how this Bill came into being. I probably do not need to remind the members of the Australian Labor Party, because they will know, that at the ALP state conference in 1999, the ALP voted unanimously to make the decriminalisation of the possession of up to 100 grams of cannabis and the cultivation of five plants part of the ALP platform. However, there was a backflip on the state conference motion, and agriculture minister Kim Chance later criticised the decision, saying that the more we learn about the high and uncontrolled content levels, the more we realise its harmful effects. Both Dr Gallop and the then opposition drug strategy spokesperson, Alan Carpenter, later backed down from the decision, with Mr Carpenter saying that the Caucus had decided that the policy has been misinterpreted and in fact goes too far. I rest my case.

The ALP went to the state election in February 2001 with a policy to support the holding of a Drug Summit. It said that a Labor Government would take forward a number of proposals for consideration during the Drug Summit, including changes to the State's cannabis laws. This is what we are seeing now. Health minister Bob Kucera's written direction to delegates at the opening of the summit made it clear that the Government had already made up its mind on the decriminalisation of cannabis. The direction asked delegates to consider changes to the State's cannabis laws involving decriminalisation of the cultivation of up to two plants and the possession of up to 50 grams. The minister admitted in his second reading speech on 20 March that -

There is clear scientific evidence that cannabis use is associated with the risk of significant harm to a user's mental and physical health and wellbeing.

I know the minister understands that well.

Mr R.C. Kucera: Absolutely.

Mr J.P.D. EDWARDS: However, I do not think the minister is approaching it in the right way. In 1995, Hon Alannah MacTiernan said in the Parliament that we need to let kids know that smoking marijuana is probably eight times as carcinogenic as smoking tobacco. The fact remains that most people understand, certainly those on the Government's side of the Parliament, as do those on this side, that smoking cannabis is very detrimental to a person's health. The British Lung Foundation report "A Smoking Gun?" found that joints contain many of the same known carcinogens as cigarettes, but that the concentrations of these are up to 50 per cent higher in the smoke of a cannabis cigarette. Recent cases of young people who have been heavy cannabis users with cancer of the aerodigestive tract give great reason for concern, as these cancers are not usually seen in people under 60. What about respiratory problems? It is a health issue. The South Australia Police and the Drug and Alcohol Services Council state that -

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Regular use of cannabis may contribute to the following health problems . . . a greater risk of chronic bronchitis and other respiratory problems such as wheezing, coughing, shortness of breath and emphysema.

In addition, the British Lung Foundation report found that -

3-4 cannabis cigarettes a day are associated with the same evidence of acute and chronic bronchitis and the same degree of damage to the bronchial mucous membrane as 20 or more tobacco cigarettes a day.

Cannabis also creates reproductive problems. The National Drug Strategy found that pregnant women who smoked cannabis are at risk of giving birth to low-weight babies and babies with birth defects.

Cannabis is the most commonly used illegal drug in Australia. Of the population aged 14 years and over, 39 per cent have tried cannabis in their lifetime. Of people aged 14 to 19 years, 44 per cent have tried cannabis in their lifetime. As I mentioned earlier, advanced cultivation techniques and hydroponics, combined with genetic crossbreeding, means that cannabis produced today has high volumes of flowering heads. It is far more potent than that used by previous generations. The potency of cannabis 10 years ago was nothing like it is today. There is an added danger in the potency of cannabis produced today.

I will touch on some of the crime issues associated with cannabis use. Other members have mentioned road safety. There is documented evidence of the number of accidents caused by cannabis use and other drugs. There has also been documented evidence on work safety. It amazes me that, in this day and age, we still have some work forces that are not prepared to have drug testing. The safety of their fellow men and women obviously does not mean much to some people.

Cannabis syndicates exist within organised crime. This legislation will encourage the formation of cannabis syndicates. People can grow two plants and they are not likely to use all of them for personal use. Other people will be prepared to buy them.

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

Mr J.P.D. EDWARDS: In South Australia, decriminalisation of the cultivation of cannabis has seen the advent of cannabis syndicates. Organised crime groups provide hydroponic equipment and, very often, the capital to set them up. Crime syndicates organise a number of individuals to grow the permissible number of plants in separate residences. The plants are harvested and sold by the crime groups. Individual growers receive a cut from the deal. South Australian police have noted an increase in organised crime. South Australia has been down the path of decriminalising cannabis. It does not work. It is now backing away from the decriminalisation of cannabis. South Australian police have noted an increase in organised crime involvement in marijuana dealing since the cultivation of cannabis was decriminalised. Outlaw motorcycle gangs are often involved in the process. The National Crime Authority's Operation Panzer task force, established to investigate the activities of bikie gangs, states -

Outlaw motorcycle gangs are heavily involved in the cultivation of cannabis, particularly hydroponic cultivation, often on a commercial basis.

South Australian Labor Party leader Mike Rann supports that view by stating -

. . . the proliferation of hydroponic cannabis cultivation is a . . . crime industry. Outlaw motorcycle gangs are up to their ears in this process.

I touch on crime and young indigenous people. The member for Geraldton is not in the Chamber. I am conscious that in the city of Geraldton and surrounding districts there is the very real problem of young Aboriginal people purchasing, stealing or finding ways of getting their hands on cannabis and other drugs. The use of those drugs is often mixed with alcohol. Constantly there is unlawful behaviour that very often gets out of control. I have applauded the efforts of the police and the agencies that try to control it. It is worth noting that the mixture of alcohol and cannabis or any drug is a recipe for disaster. I am aware that it is an issue in Geraldton. The members for South Perth and Warren-Blackwood mentioned that our indigenous people probably suffer more from cannabis abuse than anybody else. The Catholic Bishop of Broome summed up the issue in his letter and, although these comments have already been referred to, they need to be highlighted again

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The Legislation promises negative outcomes none of us wish to see. The proposed laws treat the problem of marijuana abuse as something trivial, on a par with breaching traffic laws.

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This has been said before, but it needs to be said again. The bishop further writes -

Multiple infringements on the same day will effectively be treated as one offence.

I have said that before -

Not only does this law trivialize the illicit use of the drug but also it effectively normalizes the offence - like parking on the footpath in the town of Broome

That is quite right. This legislation will trivialise the offence. Cannabis use will become as common as smoking cigarettes and drinking alcohol. That will be to our detriment. The letter continues -

A sure outcome of this legislation regarding marijuana is that we will get more of it. That is, the amount of marijuana presently available to users and would-be users will increase at an alarming and dangerous rate. The drug will be cheaper. It will be easier to get when grown so freely without considerable threat. It will raise more difficulties for the police to control drug and drug-influenced anti-social behaviour.

I have already mentioned that . That behaviour does not occur only in Geraldton. The member for Ningaloo has spoken of Carnarvon. There are also problems in Port Hedland, and probably a couple of other towns. The letter continues -

It will increase the number of dealers - there will be more buyers and more sellers. It will increase poverty among users notwithstanding it will be cheaper. Users will simply use more of the drug and more people will enter the market place. It will increase the number of adult users and the number of children who use it. Presently, there are children as young as ten who smoke the drug.

That is horrifying -

What parent who now cannot prevent their children from pinching cigarettes will be able to protect a leaf or more on a shrub grown on the back verandah? This legislation will act as a subsidy to forthcoming social disaster.

Those are very true words, and I suspect they will come back to haunt this Government. The letter further states -

As the use of marijuana has spread throughout communities in recent years, it has become a more common pastime in some places and among some people. The accompanying crime rate has soared - burglaries, break-ins, violence, and self-harming - in particular.

We see self-harm among youth in the more remote areas of the Kimberley and the north west. Self-harm is induced by not only cannabis use but also petrol sniffing and alcohol consumption. The suicides and violent crime that emanate from those actions are tied up with cannabis. The letter continues -

It is no coincidence that almost every such fatal act of self-harming in the West Kimberley, and I suspect elsewhere in the Kimberley, was by a person who had used this drug extensively. The self-harm contagion causes on-going pain for parents and families.

I suspect you, Mr Acting Speaker (Mr A.D. McRae), know something about this, because you have probably had some involvement in these areas. The bishop continues -

The proposed legislation offers no solace for these grieving families. It only promises more of the same - along with more anti-social behaviour and the prospect of more drug-induced mental illnesses in the community.

Shall we be responsible for wiping out, I suppose one could call it, some communities, because I believe that is the road that will be taken? I believe these young people will wipe themselves off the face of the earth. He continues -

I know many young people, and others not so young, who decry their addictions and the parlous state in which they are living. Their honesty becomes apparent when they are away from their corrupting environment - one defined by crime and a lack of purpose. They would like not to have a marijuana habit that renders them listless and devoid of ambition. They would like to live a life beyond the on-going spiral of poverty but what they interpret as normal in their home environment ensnares them and prevents them rising above it.

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If you decriminalize marijuana you will give the habit a respectability -

I believe the Government is doing that. It is giving it respectability, and it will become a substance similar to alcohol and cigarettes. He continues -

and a sanction which will further ensnare the young who will confuse this lenient legislation as an attitude of approval. The social dividend will be starkly negative and we can expect to see a further deterioration in the quality of life experienced by users and victims alike.

I could go on with that, but I believe I have made my point.

The other matter I raise again is some of the health issues and effects - certainly the psychological effects. I will quote some of the issues raised by professional people who have studied this issue. The document I have states -

A recent study by the Royal Children's Hospital in Melbourne has revealed that cannabis use is linked with both depression and anxiety in youths. . . . *"This is the best evidence yet that...cannabis is bad for your mental health and does cause higher rates of depression and anxiety problems,"* . . .

I have seen that. I know what that means. It does cause such problems. It is destroying those young people and others who meddle with cannabis. It continues -

"There was a very strong association between cannabis use ...and mental health problems..."

. . .

The British Journal of Psychiatry also found, *"...a strong relationship between adolescent drug use and the experience of emotional distress, depression and lack of a sense of purpose in life."*

I understand and confirm that it has also been proved that cannabis has more toxins and tar than tobacco. It has been linked with a probable increase in the risk of throat, lung, mouth and tongue cancer. It has been linked to emphysema, chronic bronchitis and shortness of breath.

I am aware that South Australia, Sweden, Holland and the United Kingdom - I have probably missed a couple - have been down this road of decriminalising cannabis. I think all those countries have realised that it was the wrong road to take. I do not have time to read it all, but I have with me an article from *The Daily Telegraph* in Britain, which states that the British Government is decriminalising cannabis. Apparently that Government is going further than any Government in the world towards decriminalising cannabis in that country. The article states that there are strains of cannabis that are extremely powerful, hallucinogenic and very dangerous. That statement was by the so-called drug tsar, Mr Hellawell, who was appointed by the Blair Government to oversee the decriminalisation of cannabis in the United Kingdom. The people's advocate, Kate Hoey, who is a Labour MP and who has been mentioned in this place before, has been a vociferous opponent of the experiment with cannabis in Brixton. She has appealed to her Prime Minister to stand up for decent, law-abiding citizens who are suffering the consequences of what she calls the drug pilot. She asked why nobody would listen. Maybe it was because it is an easy way out; maybe it is easier to allow it to happen than try to combat it. Is that the reason we are doing it? I will end on Kate Hoey's observation on decriminalisation and the experiment that was tried in Brixton -

"This entire scheme was ill-conceived and badly executed. What is the point of having a pilot scheme if you are not prepared to heed the results?"

There is plenty of evidence to show that cannabis is not good for people and causes health problems and crime problems. I believe this Bill will decriminalise it to such a degree that it will become just another accepted use of a non-acceptable drug.

DR E. CONSTABLE (Churchlands) [8.35 pm]: Much has been made of the Drug Summit that was held in this State, and in fact in this Chamber in which we sit tonight. Indeed, this legislation could be seen as the first major debate in this House that has emerged from the Drug Summit, and what we have is legislation to decriminalise the personal use of cannabis. I find it quite strange that this is the first major debate we have had that has come out of the concerns that were aired at the summit, because the people to whom I speak in my electorate - parents, grandparents and others - have enormous fears about the personal use of illicit drugs, particularly cannabis. They fear that their children will be introduced to these drugs, and cannabis as a first step, and they have expressed those fears to me in fairly large numbers. These parents, grandparents and others have deep concerns about the multitude of harmful effects of the illicit use of drugs, and the first thing they always talk about is

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cannabis. It is worthwhile to contrast, as have other speakers in this debate, the response of the Carr Government in New South Wales with the response so far to the Drug Summit in Western Australia. I will quote a little from the New South Wales Labor Party policy statement that was put together before the recent election in New South Wales. It is titled "Securing a better future: Labor's plan for action on drugs" and begins this way -

The 1999 Drug Summit established a new direction for drug policy in NSW that recognises the complexity of drug abuse and the need for a comprehensive approach.

The Carr Labor Government allocated \$176 million in additional funding to implement the Drug Summit's recommendations over four years.

It was a comprehensive response from the Government when it put forward that response. It continues -

That's meant more rehabilitation beds and thousands of treatment places to turn lives around, rebuild families and give communities the skills and resources to tackle the problem locally.

That is a very clear statement about tackling the problem in a comprehensive way. It continues -

The Government, in partnership with the community, is responding to the drug problem through prevention, education, treatment and law enforcement.

There is nothing about decriminalisation. It goes on -

In the past two years drug overdose deaths have fallen dramatically - from 401 deaths in 1999 to 138 in 2001.

I am sure we all agree that that is an incredible result in a pretty short space of time. It goes on -

But experience shows drug use and drug-related deaths fluctuate over time.

Even so, it is a significant drop in drug-related deaths in New South Wales. I will pick out a couple of other items from the several pages of drug policy.

\$2.7 million for a cannabis intervention and treatment strategy, including four cannabis treatment clinics for the Central Coast, Southern Sydney, Western Sydney and the Central West, and a new initiative focusing on cannabis use and mental illness.

It goes straight to the heart of the matter. On page 4, the policy states -

Prevention is a key plank of the Carr Labor Government's approach to the drug problem.

On page 7 it states -

In our next term, -

That is the term it has just started in New South Wales -

the hard work will continue. We will introduce tough new law enforcement measures and expand programs to direct more drug offenders into treatment.

Those quotes indicate the direction being taken by the Carr Government. A couple of days before the New South Wales election when I was driving my car, it was music to my ears to hear Bob Carr say on radio that he would not go down the path of decriminalising the personal use of cannabis. It is a comprehensive approach that has cost a lot of money but one that is now saving lives and is directed at prevention and education. We have not yet got that comprehensive approach from this current Government. It seems that we are going down the path of doing a little bit here and there. As I said before, I find it very strange that the first major approach taken by this Government to address the issue is the legislation now before the House.

Government sources, ministers and others have told us repeatedly in the course of the debate and in questions that have been asked in recent weeks in this House that cannabis is a harmful drug that should not be legalised. I am sure that we all agree with that. However, the Government is softening up the whole area of cannabis use in Western Australia. It is softening it up in ways that concern me and many others. It was certainly the view of the Community Drug Summit in 2001 and the report of the Working Party on Drug Law Reform in May 2002 that cannabis is a harmful drug that should not be legalised. What I learnt through my research and also through the good briefing that I had from the ministerial staff and people organised through the minister's office - I thank

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them for that - was that we all understand the harmful effects of cannabis use. Many of these have been discussed during this debate but I will re-emphasise them because they should not be forgotten. We now know that 10 per cent of users become dependent on cannabis. We now know that people who use cannabis are vulnerable to mental health problems and that there are clearly established links between cannabis use and mental health problems. We know that for some, these can be short-term mental health problems of anxiety attacks and panic attacks. We now know that there are risks associated with the inhaling of any particle matter, of which cannabis is one, and respiratory disease and cancers can be a consequence for some people. We now know that cannabis use impacts on cognitive functioning and increases the risk of accidents. We now know that regular users of cannabis can suffer impaired memory. We now know of the harmful effects of cannabis use during pregnancy and how it can affect the size and weight of babies. We know that there are many very harmful effects associated with the use of cannabis.

I understand that under this legislation, all cannabis use will remain unlawful, despite the move to decriminalise the possession for personal use. As I said before, however, this Government is taking a softening-up approach through this legislation. Since my briefing I have been trying to examine the reasons for the Government wanting to decriminalise possession. Two things came out of the briefing that I will touch on. The first was that the decriminalisation of possession was seen as a benefit. One of the claimed benefits was that by decriminalising the use of marijuana and having a system of fines and an education program, money would be saved. In fact, it was predicted that \$1.1 million of court resources would be saved by this legislation. At first, \$1.1 million sounds like quite a lot of money - to most of us it would be a great deal of money. However, this saving represents one-fifth of one per cent of the total justice budget. It is just a drop in the bucket. It is not even worth thinking about when one considers the consequences of softening up laws to do with the use of cannabis. I must conclude that this Government cannot possibly be serious about this being a benefit of this legislation. When one considers the saving of \$1.1 million from the justice budget, it is a very weak argument indeed. However, it is a tinier drop in the bucket when one considers the impact of cannabis and other drug use on the health and police budgets. I believe we can safely reject the so-called benefit.

The second benefit is interesting and complex and is said by the Government to relate to the social consequences of cannabis use under the current law. I think I heard the minister in his response to members' questions and in the second reading speech say that currently a criminal record for the personal use of marijuana can affect a person's employment prospects and might affect that person's ability to travel, for instance, to the United States. He said that for those reasons it is a good idea to soften up this law and to decriminalise the personal use of marijuana. He is saying, therefore, that it is a good idea to decriminalise it so that people will have a choice about the way in which the matter is dealt with; that is, by a court, by a fine or by attending a cannabis education session. The minister said that these options would help people overcome the social consequences that can occur under the current laws. The Bill goes further because it depends on police discretion. A police officer who arrests a person in possession of a small amount of cannabis can use his or her discretion to caution or fine that person. I will return later to the question of police discretion.

To me the word "benefit" is inappropriate and I use it loosely with regard to the social consequences of the law. It is a mystery to me why this Government is concerned that a group of people currently found in possession of small amounts of cannabis would get a criminal record. People who use cannabis know that it is not legal to do so and know the consequences of doing so. Why, therefore, are we changing those consequences? These people have suddenly become victims of the law. It appears to me that if a person understands the law and breaks the law, that person should be prepared to take the consequences of the law. The softening up of the law in this way is a strange, circular argument that I do not buy and I do not regard as a benefit of the legislation.

I acknowledge that many people are regular users of cannabis. I have heard varying figures, but most recently I heard that between 13 and 15 per cent of people in the community use cannabis regularly. Many other activities that are illegal are also prevalent in the community. Domestic violence is very prevalent, but we do not change the laws on domestic violence just because it is prevalent. The argument of prevalence of use as a reason to soften up the legislation is bizarre. The Government must come up with a better argument than that to change the law. People who use cannabis and are caught under the current laws get a criminal record. They knew it was illegal when they used it, they knew they risked getting caught and charged and they knew that they risked getting a criminal conviction. Again, I do not believe that the case for a change to the law has been argued clearly enough, well enough or strongly enough by the Government for it to be accepted. People in the community know what the consequences are and choose to risk those consequences. When I say that, I am not referring to kids who experiment with cannabis. The Government must be commended for its education

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programs; we need more of them. I would be the first member to support even more money being put into education programs for school kids and others. It is a very important aspect of what the Government is talking about, and I commend the Government for it.

I have talked at some length about the serious harm resulting from cannabis use, and I have more notes on that topic. It is important to record over and over again that the myth of the harmlessness of cannabis that surrounded the debate in the 1980s has now been dispelled. We now know that people can become dependent on this drug, and we should be doing everything in our power as legislators to make sure that people do not become dependent on this drug, by making access to the drug as difficult as possible. I asked a question of the minister some time ago about cannabis use and the number of hospital bed-days used by people suffering the consequences of cannabis use. The figures are interesting. Between 1995-96 and 1999-2000, there were 79 discharges from hospitals of patients who had been treated for cannabis dependence. This is part of what is happening in the health system. Those admissions amounted to 526 bed-days in hospital. It is a growing expense in the health budget, as I am sure the minister is more aware than the rest of us. Over the same period, there were 233 discharges from hospital of people who were non-dependent cannabis abusers. They were in hospital because of their cannabis abuse. This accounted for 1 560 bed-days. This is a huge and growing problem in our community. We should not understate the harm by moving from prohibition to decriminalisation. We should be looking very seriously at the model set by the Carr Labor Government in New South Wales.

This Bill will confuse the current unequivocal message that we do not condone cannabis use. This message will be particularly confusing to young people, many of whom already think that the Government is now saying that it is okay to use cannabis. I know that is not what the Government is saying, but that is how some people are interpreting it. The message will be muddled, and the education programs will be much more difficult to get across to young people with this softening up of the law and the decriminalisation of cannabis use.

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

Dr E. CONSTABLE: I want to spend a moment on the matter of police discretion. I underline the point made by the member for South Perth when he said that there are two pieces of legislation before this House - one on prostitution and one on cannabis control. In the prostitution Bill, discretion is being taken away from police, and in the cannabis Bill we are granting discretion to the police. These are both areas in which we know that, not only in this country but also overseas, there is always the opportunity for improper and corrupt behaviour in police forces. I am not saying that it happens a great deal, but we know that temptation put in the way of a small number of police officers does lead to corruption in those areas. By giving police discretion we are providing a new opportunity. Given the revelations of the police royal commission, we should not be going down the path of giving police more discretion in an area related to drug use. It is a silly direction. Again, this will be an area of much debate when we reach consideration in detail.

I have one final comment, although I would like to have said other things, but I will save those for consideration in detail. I hope the minister will answer a question in his summing up of the second reading debate. I cannot for the life of me understand why the legislation has been introduced by the Minister for Health. It has nothing to do with health, and an awful lot to do with policing. Which minister will this legislation come under once it is passed? Will it be the Minister for Health - and if so, explain why, minister - or the Minister for Police? Officers of the Department of Health will not administer the Bill. It seems to sit more comfortably under the Minister for Police as it will fall on police to put the provisions of the Cannabis Control Bill into action.

Mr R.C. Kucera: The simple answer I can give by way of interjection, if you like. It is as simple as this: the use of cannabis is being treated as a health issue.

Dr E. CONSTABLE: This Bill is about policing.

Mr R.C. Kucera: You wanted me to answer by way of interjection. If you read the provisions that deal with this aspect in the Cannabis Control Bill, it is about use - it is as simple as that. It refers to it being dealt with as a health issue.

Dr E. CONSTABLE: It is not a health issue at all, in my view. We need a better explanation than that given.

Mr R.C. Kucera: If you don't think treatment and education are health issues -

Dr E. CONSTABLE: It is about policing, not treatment. It refers to use, but that can still come under policing.

Mr R.C. Kucera: Treatment, education and drug strategies all now fall under the health system.

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Dr E. CONSTABLE: This legislation is not about that area.

Mr R.C. Kucera: You are talking about dealing, and dealing still remains under the Misuse of Drugs Act.

Dr E. CONSTABLE: It is an issue we should take up in consideration in detail, as it should not be dealt with under health.

Mr R.C. Kucera: I would be delighted if you would.

MRS C.L. EDWARDES (Kingsley) [8.58 pm]: I also rise to oppose the legislation. I propose to focus on two specific approaches to the debate: first, the growing concerns of mothers, and, secondly, cannabis and other drugs in the workplace.

Mothers, fathers and families everywhere are already battling in a world bombarded seemingly endlessly with an array of drugs. We are provided with information and education to talk to our children about drugs. The latest level of campaign is "Say No to Drugs". We are concerned for our children, for our children's future and for our children's children's future. Mothers and fathers are not experiencing a Government that is prepared to support them and provide some leadership; in fact, they are getting exactly the opposite. The Government is sending a clear message, as I stated before in this House, that cannabis use is not really serious. It is a soft drug, it is not harmful and people can grow two plants in their backyard. When the measure was first announced by the Minister for Health, my son rang me in Parliament House and said, "Is it true? When can I grow my two plants?" That is the message delivered, as was alluded to by the member for Churchlands. That is the message this Government is sending out to the community.

I have several questions for the Minister for Health. Can he guarantee that cannabis will not have a serious effect on or harm a single individual? Can he guarantee that the legislation will not result in wider use of cannabis? Can the minister guarantee that the legislation will not result in more cannabis being grown at home? Can the minister guarantee that more cannabis will not be grown at home for sale to third parties? Can the minister guarantee that the criminal element will not involve itself in the growing of cannabis at home? If the reply to any of those questions is no, the legislation fails some basic tests. Also, if the reply is no, the minister is failing in his duty of care to the people of Western Australia, particularly mothers already concerned about the welfare of their children.

If this Government makes it easier for children and others to use marijuana, the logical conclusion is that the use of marijuana is okay; it is not. On one hand, the Government is saying that it is not okay, yet, on the other hand, it is saying that it is okay. What message does that send to young people? How do parents combat that? If children perceive that the Government is easing cannabis laws, every parent faces an even tougher uphill battle to convince their children that cannabis is not a soft drug. The Government is aware of ample evidence of cannabis leading to social dysfunction, alienation and mental and health disorders, as well as the obvious links to crime. There has been no scientific evidence - we challenge the minister to present scientific evidence - to support the legislation. He says that it is a health, rather than a policing, issue. Therefore, he should present the scientific evidence to support the Government's argument. He cannot do that because there is no evidence to support the Government's argument.

The minister would have us believe that the Police Service supports the legislation. I refer to a letter I received from the Coalition Against Drugs (WA) earlier this year. It included attachments of recent studies in four specific areas. All the studies reported substantial harmful effects of cannabis use in the development of schizophrenia, depression - especially in young girls - progression to drug abuse and dependence, and respiratory diseases, including lung cancer. The patron of the Coalition Against Drugs is Mr Brian Bull, a former Commissioner of Police.

I received a number of letters from people urging me to vote for the vast majority as against the vocal minority who want change. I will briefly summarise those letters. They consider that the decriminalisation experiment in the Netherlands failed so dismally yet the Government is now trying to reverse those types of policies. Cannabis is more dangerous than cigarettes. Some 200 studies in peer-reviewed medical journals indicate the dangers to the user's immune system and mental health as well as the unborn and society in general.

I suggest that the community is saying that young people will interpret the softening of cannabis laws as a green light to use cannabis. That will make parents' job of raising their children even harder. Our children are the State's greatest assets. The minister is playing with their lives.

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I refer to an article titled “My High Life”, written by Rebecca Cripps, who is a self-confessed pothead since the 1970s. She traces her history and what drove her to Marijuana Anonymous. A critical line in that article, which was reported on the Guardian Unlimited web site, is that in the wrong hands, it can be a nightmare. That is one of the issues that we are not facing in this debate - in the wrong hands it can be a nightmare. That is the crux of the entire problem. There are no guarantees that some people, including young people, will not be adversely affected whether it is by a deterioration in their motor skills, paranoia, anxiety, emotional numbness, irregular sleep patterns or hyperactivity. The loss of motor skills is particularly dangerous because that can impact on a person’s ability to drive any type of motor vehicle or equipment. Only last week on 30 March *The West Australian* reported the dramatic increase of motorists affected by drugs other than alcohol. Is the minister prepared to allow even one more drug-impaired motorist on our roads? There have been six more deaths on our roads this year than at the same time last year. The community is spending an awful lot of money to reduce the amount of road trauma it suffers, yet what does the Government do? It sends the message that it is okay to smoke cannabis and that it is a soft drug. A further report on measures to combat drug-impaired driving in Western Australia will be presented by the Western Australian Road Safety Council in July. It will canvass the adequacy of existing measures and possible legislative changes to address drug-impaired driving. That is amazing. On the one hand, the Road Safety Council comes up with legislative strategies to reduce drug-impaired driving, and, on the other hand, the Government is relaxing the cannabis laws with its policy.

The next issue I refer to is the workplace. Alcohol and other drug use are potential occupational, safety and health problems. I could refer to Narconon, an Australian drug treatment for the effects of marijuana use, but I do not need to do that. I need only go to the Government’s own web site - the Department of Consumer and Employment Protection web site - which provides guidance notes and other material dealing with alcohol and drugs in the workplace. It states -

The use of alcohol and other drugs becomes an occupational safety and health issue if a person’s ability to exercise judgment, coordination, motor control, concentration and alertness is affected at the workplace, leading to an increased risk of injury or illness.

Employees affected by alcohol or other drugs may present a hazard in the workplace, causing injury to themselves and others. Co-workers may also be placed in difficult situations, expected to cover for unsafe work practices or faced with reporting a fellow employee.

It continues -

... employees should present themselves for work and remain, while at work, capable of performing their work duties safely.

Is the minister prepared to guarantee that not a single worker anywhere in Western Australia affected by the use of cannabis will not be involved in risk to himself or to others? Of course not; he cannot guarantee that. Yet the minister is prepared to send the message that the use of cannabis is okay. For some time unions have resisted pre-work testing. What do employers do about the duty of care that is required by the respective pieces of legislation, and who would be the first to squeal about unsafe work practices if there were a drug-related accident on a work site? I could go through all the strategies for dealing with alcohol and other drugs, but they are spelt out on the Government’s own Department of Consumer and Employment Protection web site. I encourage everybody to read it.

Drugs in the workplace is a major issue. When we talk about the use of drugs, alcohol is first, tobacco is second - they are both licit drugs - and at the top of the list of illicit drugs is cannabis. A duty of care is provided for both employers and employees. Many laws are relevant to the use of alcohol and other drugs in the workplace - the Misuse of Drugs Act, the Road Traffic Act, the Workers’ Compensation and Rehabilitation Act, the Fire Brigades Act, the Rail Safety Act and the mines safety and inspection regulations. The Government’s web site specifically refers to cannabis under the heading of “Other Drugs”. It states -

Cannabis consumption may lead to difficulty in concentration, fatigue, psychological dependence and paranoia. A person affected by cannabis will exhibit signs of tiredness or lack of interest; poor coordination, confusion, clumsiness, glazed eyes and vision problems, decreased mental alertness, impaired judgement and slowed reaction times.

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Would someone want to work or travel with a person who was driving a piece of machinery or equipment or one of the heavy vehicles? Of course they would not. Drugs and cannabis use have a clear impact in the workplace. The Chamber of Minerals and Energy and the Western Australian Alcohol and Drug Authority released a report in 1996 titled "Alcohol and Other Drugs in the Workplace: Issues, Trends and Practices", which states that a body of evidence indicates that alcohol and other drug-related harms do manifest themselves in the workplace. It reads -

Many employers recognise that drug related harm can and does impact on the workplace, affecting health, safety and productivity.

The National Taskforce on Cannabis in 1994 stated that the use of drugs such as marijuana and cannabis produces dose-related impairments in a range of cognitive and behavioural functions in skill tasks, such as driving and operating machinery. Today the Minister for Consumer and Employment Protection made a ministerial statement on the ThinkSafe 2003 campaign. In that ministerial statement he concentrated on almost every problem area, yet he ignored drugs and cannabis. There is an absolute duty of care under the Occupational Safety and Health Act. Employers cannot afford to wait for a problem to emerge. They must take all responsible steps to prevent a problem from occurring. They must be proactive when dealing with risks, including drug use.

Their responsibility for protecting workers from the use of drugs in the workplace is unclear. What do they do? I will go through some of the problems. The minister in his ThinkSafe 2003 campaign does not mention drugs. As a member of the Government, he is quite happy to come to this House to support the relaxation of the laws on the use of cannabis despite the impact it will have on workplace safety. We can now take with a pinch of salt whatever this Government says about workplace safety, because the Government will concentrate on areas about which it cannot do very much; it will certainly not concentrate on areas about which it can do something; for example, the removal of this piece of legislation.

Australia pursues policies and programs to reduce the social and economic costs of substance abuse. Many programs and policies are available in the workplace to manage and prevent risk. They have all extended to alcohol and other drugs, including cannabis because it has the highest usage of any illicit drug. The information sheet from the Chamber of Commerce and Industry of Western Australia on alcohol and other drug use in the workplace states -

Employees may present a greater risk of injury or harm to themselves or others if they are in control of plant, operating heavy machinery, driving a vehicle, performing complex decision-making tasks or using hazardous substances.

The Chamber of Commerce and Industry of Western Australia has already identified that it has a major problem.

In the United States a national household survey was conducted on drug and substance abuse and mental health. Another report breaks down the figures of current illicit drug use for particular occupations. If I may deal with the industrial category and current illicit drug use, in the construction industry it was 11.6 per cent; in manufacturing of non-durable goods, 8.7 per cent; in the retail trade, 11.7 per cent; in the finance, insurance and real estate industry, 5.3 per cent; in professional related services, 3.6 per cent; and in public administration, 2.1 per cent.

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

Mrs C.L. EDWARDES: The highest level of current illicit drug use is in the areas in which there is the greatest level of risk. The occupations with the highest rates of current illicit drug use are other construction employees, 17.3 per cent; construction supervisors, 17.2 per cent; food preparation workers, 16.3 per cent; waiters and waitresses, 15.4 per cent; helpers and labourers, 13.1 per cent; writers, designers, artists and athletes, 13.1 per cent. It is a major issue and problem that is yet to be identified by this Government in a serious way. I will concentrate on one industry. The mining industry is a major employer in Western Australia. If this Government does not squander its opportunity, the mining industry will probably help it through its disastrous labour relations laws, because jobs will be lost in the hospitality and tourism sectors. The only sector that will save this Government, if it does not squander its opportunity, is the resource sector. This legislation will impact on that sector. The mining industry is heavily reliant on the efficient and safe operation of mobile equipment and operational plant and equipment. No level of tetrahydrocannabinol is acceptable in a mining industry employee's system. Employees who are shown to have THC in their blood are deemed not fit to work safely. However, there is a problem, because the tests do not identify when consumption of cannabis took place or the

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level of impairment. It identifies only that consumption has taken place. THC can stay in the body for some time. There is some evidence that it is present for 28 to 30 days after ingestion. Whether the THC would impair the ability of an individual to work, and the level of that impairment, will depend on the individual. An article that I read stated that a 3 000-year-old mummy that had been recovered still contained traces of THC.

The mining workplace needs to be free from hazards. It is a particularly hazardous industry and the industry works hard to address safety issues. There has been great debate on the level of drug testing, particularly on the level of THC that is present in a person's system. An acceptable measure of THC is yet to be determined. There is a defined level for alcohol - 0.05 is considered acceptable - but there is no clear level for prohibited drugs other than that contained within the Australian standard. By changing the law to make cannabis use acceptable, the Government is sending the wrong message. Unless a clear level of THC that is deemed acceptable for society is prescribed in legislation, there will be no acceptable measure for determining impairment. The Government is creating a major problem for employers in terms of their duty of care.

One of the biggest issues is the means of testing. There has been great debate over testing methods. There is no Australian standard for testing. A multitude of studies has been conducted on the equipment and methods available for testing. There is a margin for error, particularly for on-site testing. There is a concern that on-site testing results should be confirmed by laboratory tests. A better testing method is required. This Government, in changing the legislation, needs to identify the level of THC that relates to impairment. This would relate to not only workplace safety, but also road safety. A huge amount of money is spent on advertising campaigns to combat driver fatigue. Cannabis use has been a major occupational health and safety issue for some time, yet what do we see with this legislation? The legislation before us seeks to relax cannabis laws, but provides no corresponding support to improve testing methods or determine at what level a person is considered to be impaired by cannabis. The impact of this legislation on workplace health and safety needs to be debated in far more time than 30 minutes will allow us to do. A paper on alcohol and drugs in the workplace, put out by the Department of Productivity and Labour Relations and available on the Government's web site, states -

Alcohol and drug abuse presents a significant risk factor to safety, health and productivity in the workplace. If employees are working under the influence of alcohol or drugs, their work performance and behaviour can be affected and they can pose a safety risk to themselves and other employees.

Studies that have been done in the United States indicate that more than 70 per cent of substance abusers hold jobs, one worker in four aged between 18 and 34 has used drugs in the past year, and one worker in three knows of drug sales in the workplace. Americans consume 60 per cent of the world's production of illegal drugs, with 23 million people using marijuana at least four times a week. We can start to understand from that some of the problems that substance abuse can cause in the workplace. It increases the risk of accident; it lowers productivity; it raises insurance costs; it reduces profits; and it can cost a person his job and, worse than that, his life. Substance abusers do not need to indulge on the job in order to have a negative impact on the workplace. Substance abusers are 10 times more likely to miss work, 3.6 times more likely to be involved in on-the-job accidents, five times more likely to injure themselves or another person in the process, five times more likely to file a workers compensation claim, 33 per cent less productive, and are responsible for health care costs that are three times as high. The impact is huge, not just in terms of the risk to themselves and other employees but also in terms of the cost to the business. Substance abusers lack productivity, and they cause insurance and health costs to increase.

In 1992 Collins and Lapsley did a study on workplace safety and productivity. They estimated that the production loss in Australia caused by all drugs - keeping in mind that cannabis use represents the highest level of use of illicit drugs by employees - was \$9.2 billion. The International Labour Organization has estimated that 20 to 25 per cent of all occupational injuries are a result of drug and alcohol use, and three to 15 per cent of all fatal injuries are related to drug and alcohol use. There will be an enormous cost impact, let alone the testing that will be required. I have identified some of the problems with the current testing equipment and the level of impairment. It is estimated that in the United States, 20 million workers are drug tested annually, at a cost of more than \$1 billion. Employers will need to start going down this path. That will be another huge cost to business. That is one of the major issues. Other problems associated with drug testing are confidentiality, interpretation of results, privacy concerns and the like. The Privacy Committee of New South Wales looked at the reasons given to justify drug and alcohol testing and recognised that the circumstances in which testing may be justified are, for example, when a person's impairment by drugs would pose a substantial and demonstrable safety risk to that person or to other people; there is reasonable cause to believe that the person to be tested may

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be impaired by drugs; and the form of drug testing to be used is capable of identifying the presence of a drug at concentrations that may be capable of causing impairment. There are major issues in dealing with drugs in the workplace. We need to treat the issue of drugs in the workplace and the education of employers and employees very seriously. Everyone, particularly young people, needs clear information about drugs. I have identified some of the industries and occupations that have the highest levels of illicit drug use. What I did not identify, which comes through the studies and surveys, is that not only is it more prevalent in some occupations, but also it is more prevalent in some locations. That takes us back to the mining industry, in which workers are often in isolated locations and removed from their families.

The Government has a vital role to play. There are likely to be tragic consequences in the workplace because of employees who are impaired by drugs. There has been an abdication of ministerial responsibility in this regard, not only by the Minister for Health but also by the Minister for Consumer and Employment Protection. Employers and employees are being sent a completely confused message about the use of cannabis. It is quite clear that the message is that Labor has gone soft on drugs. Is the minister willing to take the risk that even one employee will perceive the legislation as an easing of the law and fall victim to the use of cannabis and cause some of the problems I have identified? The answer has to be no. The only way to ensure that people's perception of the law does not change is to keep the law as it is. We cannot afford the risk that young people will fall into the trap of believing that the Government is condoning cannabis use. We cannot afford the risk that any worker will fall into the same trap.

MR J.H.D. DAY (Darling Range) [9.27 pm]: As has been outlined by other members of the Opposition, we oppose this Bill. It is not because we do not support a compassionate approach being taken to young people in the community who may find themselves users of cannabis; we support a compassionate approach being taken to them. It is entirely appropriate that they be provided with suitable education and adequate health services for the treatment of an addiction to drugs if that is the problem they have. The Opposition opposes this Bill because it sends the wrong message to all people in the community that a small amount of cannabis is possibly okay. The Bill, if it is passed by Parliament, will, at best, act as a much less effective deterrent to people using cannabis in the community. At worst, it will encourage people in the community to use cannabis. That is very much the wrong move for a Parliament to take; it is an irresponsible approach.

The Bill provides for anyone with up to 30 grams of cannabis in his possession or someone growing two plants of cannabis to be given an infringement notice. As the Leader of the Opposition said earlier in the debate, the penalty will be seen as akin to receiving a parking fine. In our view, this approach trivialises the problem of cannabis use in our community and is the wrong approach. It is important to realise that the approach taken by the Government is very different from that taken by the previous Government. For good reason, the previous Government put in place a cautioning system for first-time offenders for possession of small quantities of cannabis. That was entirely appropriate. It was a cautioning system imposed on the condition that the offenders attended an education session. Importantly, it did not provide for a caution to be given when the cultivation of cannabis was involved.

Stronger sanctions were available if it was appropriate. It was mentioned in our briefing that the cautioning system does not contain any guarantee that offenders will attend an education session. If that is the problem, it should be fixed. It can be fixed through legislation, but it is not the approach being taken by this Government. That is very much an error.

It is the view of some in the community that cannabis is not a very harmful drug. Unfortunately, that attitude has been adopted by some - but not all - members of the Labor Party. Cannabis is a harmful drug for many people in the community who use it, particularly young people. It is not harmful in all cases. Similarly, heroin and many other drugs are not necessarily harmful to a user, but in many cases they are. There is no doubt that cannabis has a very harmful effect on our community, and particularly on young people. The Government released a publication that was put together by the public health division of the Department of Health. It is a very good publication. It is dated 2001, but it is very much a reprint of what was published when we were in government. I do not take any issue with what is contained in this publication. It is an information brochure about the nature and effects of cannabis. It outlines some of the harmful health effects of cannabis, and states that larger doses of cannabis can result in confusion; restlessness; detachment from reality; feelings of excitement, which I guess is one reason people might use it; hallucinations; and anxiety or panic. The publication further states that cannabis can also affect short-term memory, logical thinking, motor skills and the ability to perform complex tasks. That

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is not the sort of outcome this Parliament should be encouraging through legislation. Unfortunately, that will be the result of this Bill if it is ultimately successful. The information brochure also states -

Some of the long-term health effects for frequent and heavy cannabis users can include:

- Increased risk of bronchitis, lung cancer and respiratory diseases . . . In addition, marijuana cigarettes have a higher tar content than tobacco.
- A change in motivation - some frequent and heavy users of cannabis, especially young users, find that they lose energy and drive.
- Decreased concentration, memory and learning abilities - long-term cannabis use may decrease a person's concentration and memory, which are essential to learning.

I will return to the educational aspects. The publication continues -

- Interference with sexual drive and hormone production - some heavy users of cannabis experience a lowered sex drive, and they may have a lowered sperm count, or irregular menstrual cycles.
- Precipitating schizophrenia in those who have a predisposition to the condition.

That is a summary of the negative health impacts of cannabis use as outlined by a Government of Western Australia publication. Some of these health issues are reported in greater detail in other publications.

Volume 124 of *Forensic Science International*, published in 2002, reported on six cases of possible acute cardiovascular deaths in young adults. I was very surprised to read that. Not even I would have thought that the use of cannabis could result in such deaths. However, at least one study has reported a number of deaths in young adults as a result of cardiovascular failure following recent cannabis ingestion. That is very concerning. It has not affected large numbers of people; nevertheless, it is something that should be appreciated in the context of this debate.

Volume 325 of the *British Medical Journal* was published on 23 November 2002, less than six months ago. A paper in that journal is entitled "Self reported cannabis use as a risk factor for schizophrenia in Swedish conscripts of 1969: historical cohort study". It is a retrospective analysis. The study followed a large number of subjects over a long period of time, and was concluded recently. In that paper it was concluded in the results that -

Cannabis was associated with an increased risk of developing schizophrenia in a dose dependent fashion both for subjects who had ever used cannabis . . . and for subjects who had used only cannabis and no other drugs . . .

There were a large number of subjects in this Swedish study - in total, about 50 087 subjects. The study found that a clear link between the use of cannabis and schizophrenia had been reported in a significant number of subjects. The conclusion in the report was -

Cannabis use is associated with an increased risk of developing schizophrenia, consistent with a causal relation. This association is not explained by use of other psychoactive drugs or personality traits relating to social integration.

I have just quoted from the abstract, but in the body of the report it states -

. . . these results indicate a potentially serious risk to the mental health of people who use cannabis, particularly in the presence of other risk factors for schizophrenia. Such risks need to be considered in the current move to liberalise and possibly legalise the use of cannabis in the United Kingdom and other countries.

That is a considered comment in a very respected journal from a study that was conducted on the outcomes of health effects on a large number of people in Sweden. That study issued a very strong warning to legislators and other people about the risks of going down a liberalisation path for cannabis use.

In the same edition of the *British Medical Journal* was another report entitled "Cannabis use in adolescence and risk for adult psychosis: longitudinal, prospective study". This report was prepared by other researchers based mainly in New Zealand. The comment is made that -

Using cannabis in adolescence increases the likelihood of experiencing symptoms of schizophrenia in adulthood.

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It goes on to say -

A tenth of the cannabis users by age 15 . . .

In this sample, it was three out of 29 -

developed schizophreniform disorder by age 26 compared with 3% of the remaining cohort . . .

That was 22 out of 730. It went on to state that -

Our findings suggest that cannabis use among psychologically vulnerable adolescents should be strongly discouraged by parents, teachers, and health practitioners. Policy makers and law makers should concentrate on delaying onset of cannabis use.

What does this Bill do? It certainly does not have the effect of delaying the onset of cannabis use. If anything, it has the effect of encouraging cannabis use, or, as I said at the beginning, at least acts as a far lesser disincentive to the use of cannabis in young people in our community. I have quoted from two papers that strongly advise legislators to not go down the path of liberalising the use of cannabis in our community and express strong concerns about the impact on mental health outcomes for young people in particular in our community.

It is not only mental health aspects but also physical health aspects that are of concern to us. A recent report - I am not sure of the precise date, but it was certainly in the past 15 months or so - was released by the British Lung Foundation. As is stated in the report -

This report sets out to identify existing scientific and medical research on cannabis smoking and respiratory health.

In the summary of findings and recommendations it is reported that -

Research investigating whether the inhalation of cannabis smoke causes damage to the lungs and airways focuses on whether this effect is independent of the effects of tobacco smoke or not. In general, the studies indicate that there is an increased negative health impact on those who smoke cannabis compared to those who do not smoke at all. When cannabis is smoked together with tobacco then the effects are additive.

In other words, the use of cannabis has a negative impact on respiratory health, lung health, bronchial health and so on, and it is made worse when it is used in conjunction with tobacco, which would frequently be the case. The report goes on to list some of the key findings emerging from the research. The first finding is that the cannabis smoked today is much more potent than that which was smoked in the 1960s. The observation is made that maybe many of the studies that have been conducted in the past that have reported not very serious health outcomes as a result of cannabis use were based on studies of the much less potent cannabis that was used 20 or 30 years ago.

Mr C.J. Barnett: That would explain a lot of recent research that has shown the damaging effects. That is a good observation that you make.

Mr J.H.D. DAY: As the Leader of the Opposition has rightly concluded, it may well be the case that the cannabis which is used these days is much more potent and therefore is having more negative health effects than the cannabis that was used 20 years ago and on which a lot of people are basing their relatively benign conclusions about the effects of cannabis. That is an important point to take into account, and it was the observation made by no less an organisation than the British Lung Foundation.

The second key finding in the report indicates that studies comparing the clinical effects of cannabis smoking on habitual cannabis smokers with those of non-smokers demonstrate a significantly higher prevalence of chronic and acute respiratory symptoms such as chronic cough and sputum production, wheezing and acute bronchitis episodes. They may not be life threatening in themselves but are nevertheless negative health impacts that can have a serious effect later in life.

The third finding is that three to four cannabis cigarettes a day are associated with the same evidence of acute and chronic bronchitis and the same degree of damage to the bronchial mucosa as 20 or more tobacco cigarettes a day; in other words, cannabis smoking is much more damaging per joint or cigarette than is tobacco use, and we know how harmful tobacco use is in our community. It is certainly very harmful and is the subject of another debate. However, it is an issue that needs to be taken up much more strongly by the current Government. We need to see a lot more action from the Government on tobacco control in our community. As an aside, we have

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not seen any action on point-of-sale advertising of tobacco in our community by this Government, despite the fact that there was a commitment from both major parties in the election campaign to take much more effective action on point-of-sale advertising of tobacco. Unfortunately, the Liberal Party is not in government. If I had had anything to do with it, we would have taken action in that respect by now. The Labor Party made the commitment that it would take action, but we are now almost two and a half years into the term of the current Government and we have not seen any such action. I very much urge the Minister for Health to get on with that matter. Unfortunately, I think he is excessively consumed with putting in place this sort of regressive legislation when he should be dealing with some of these other important health issues. However, I digress.

Mr R.C. Kucera: Unlike you, I can do more than one thing at once.

Mr J.H.D. DAY: I am sure the minister can do more than one thing at once. However, I know what it is like to be a minister. When a minister is consumed by one major issue or a number of major issues, he obviously has less time to deal with some of the other less high-profile issues.

Mr R.C. Kucera: You are the only ones who are consumed with this issue. I do not see anybody clambering at the door.

Mr J.H.D. DAY: A lot of people are concerned about cannabis use, but, as I was just saying, a lot of people also are concerned about the impact of tobacco in our community. I urge the minister - I am giving him support for it - to take greater action on tobacco control in our community. I thought that was something the minister would support.

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

Mr J.H.D. DAY: The report goes on to list the fourth key finding emerging from research; that is, there is a greater respiratory burden of carbon monoxide and smoke particulates such as tar in cannabis smoke than is produced from a similar quantity of tobacco. In other words, cannabis is more harmful than tobacco in that respect. The fifth point is that cannabis smoking is likely to weaken the immune system. The report found that infections of the lung are due to a combination of smoking-related damage to the cells lining the bronchial passage, and impairment of the principal immune cells in the small air sacs caused by cannabis. Therefore, it can have a negative effect on the immune system. A comment was also made about the possible - not certain - link that needs to be further investigated between the development of respiratory cancer and cannabis use, which is also of concern. The reports concludes with the recommendation that there be put into effect -

... a public health education campaign aimed at young people to ensure that they are fully aware of the increased risk of pulmonary infections and respiratory cancers associated with cannabis smoking.

The second recommendation was -

... that further research is undertaken to take into account the increased potency of today's cannabis and to establish what link (if any) there is between COPD -

That is, chronic obstructive pulmonary disease -

and cannabis smoking.

Clearly, from the comments made in the report and review of the research by the British Lung Foundation, we should not be going down this path of providing easier access to cannabis in the community.

In the time that remains I will comment on the educational impact of this legislation and the educational aspects of cannabis use. I have opposition responsibility for the education portfolio and there is no doubt that there is concern about the educational outcomes for young people who are involved in cannabis use. I would like to know the views of the Minister for Education and Training in this regard. He should make some comment in this debate to outline whether he has concerns about the impact of cannabis use in the community and whether he therefore wholeheartedly supports this regressive legislation that is being put into effect by the Government.

All members would have had anecdotal comments relayed to them about the impact of cannabis use on school students; they are disengaged from their learning, they do not fully participate in their classes, and their educational achievement in schools - exam grades and other assessment grades - are not as high as they would be if they were not using cannabis. Just about any schoolteacher in the State could make that observation. Certainly that sort of observation has been made to me on many occasions. School principals and teachers have a great concern about students who are using cannabis and the harmful effects it can have on their education. They can see that some students are not doing as well as they otherwise could be and their lives have been, in

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some cases, irreversibly affected by the lost opportunities that have been presented as a result of getting involved in drug usage - cannabis in particular.

More than just anecdotal evidence is available. I refer to a literature review that was published in a 2000 edition of the journal *Addiction*, volume 95. Michael Lynskey and Wayne Hall conducted the review entitled "The effects of adolescent cannabis use on educational attainment: a review." This review was carried out in the light of increasing concerns having been expressed about the potentially adverse effects of cannabis usage on educational performance. The paper summarises research on the possible effects of cannabis use on educational attainment with two specific aims: first, to summarise the research on the relations between cannabis use and school performance; and second, to outline research on the most plausible explanations of the relationships between cannabis use and school performance. I will draw on some of the comments that are made in the conclusions in the paper. It states -

Cross-sectional and longitudinal research indicates that young people who use cannabis are at increased risk of poor school performance and reduced educational attainment.

That conclusion was based on an assessment of a range of studies that have been conducted. As I said, I will not outline all the studies; they are referred to in the references at the end of the report. The conclusion goes on to state -

In particular, there is evidence that early cannabis use independently increases the risks of early school leaving.

A plausible mechanism that may explain these associations has been suggested by Fergusson & Horwood, who argue that early cannabis use increases the chances of adopting an unconventional lifestyle characterized by affiliations with delinquent and substance-using peers and disengagement from conventional social roles including completing education and obtaining employment.

The authors of the report have put rather more eloquently my comments but they mean the same things that I said a short time ago; that is, students who are involved in cannabis use are less likely to achieve the grades in their assessments and exams or the educational outcomes that they could achieve if they were not involved in cannabis use. That may be commonsense to all members; however, it is outlined in the report in a much more scientific fashion, based on a range of studies that have been undertaken. The conclusion also states -

It also means that cannabis users are likely to be over-represented among adolescents who perform poorly in high school.

Further on the conclusion states -

This suggests that efforts to prevent cannabis use should be part of broadly targeted strategies rather than the sole focus of a specific intervention. Recent findings indicate that interventions aimed at preventing multiple difficulties are efficacious if they are both comprehensive and delivered on an ongoing, long-term basis.

Therefore, the authors of the report are calling for a comprehensive approach to be taken to cannabis control in the community. The Opposition entirely supports that and calls for a comprehensive approach to be taken, which was very much the approach it took when it was in government. We were very strong on law enforcement against illicit drugs - including cannabis - in the community. We were also keen to ensure that appropriate health services were in place for people addicted to illicit drugs; and, for that matter, for people addicted to licit drugs such as tobacco and alcohol. We implemented an effective drug education program in schools titled "The School Drug Education Project". I believe that the program is still in place but has not received the same degree of attention or focus that it should have received from this Government. That project was very much developed when we were in government. Also, drug action groups were established throughout the community. A very comprehensive approach to drug education was taken when we were in government, and we had a minister dedicated to the drug abuse strategy. Initially that was Hon Rhonda Parker and then Hon Kevin Prince when Rhonda Parker stood down as a minister. The important point is that we took a very comprehensive approach to the problem from a broad range of perspectives. Unfortunately, this Government is taking a somewhat narrow approach.

Mr R.C. Kucera: Did you agree with the approach that Rhonda Parker took to the programs she established?

Mr J.H.D. DAY: The school drug education project and the local drug action groups?

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Mr R.C. Kucera: All of her programs.

Mr J.H.D. DAY: I do not know whether the minister has one specific aspect in mind in asking that question. Yes, in general terms, it was a program that was established as a result of much cabinet discussion.

Mr R.C. Kucera: Did you all agree with the introduction by her and Kevin Prince of the cautioning program?

Mr J.H.D. DAY: I was Minister for Police when the cautioning program was first discussed.

Mr R.C. Kucera: Were you supportive of that program and of the views that Rhonda Parker brought back from South Australia?

Mr J.H.D. DAY: Earlier in my comments I referred to the cautioning program that was established. I indicated when it was established that I supported it, and I support it now. The Opposition supports a compassionate and reasonable approach towards first-time users of cannabis in the community. However, we do not support an approach that sends a message that a little bit of cannabis is okay. That is the crux of the Opposition's problem with this legislation. We do not support all first-time users necessarily being hauled through the courts. We have never said that, and we did not support it when in government. When I was Minister for Police I supported a cautioning system. I was minister when it was put forward by the Commissioner of Police at the time, Bob Falconer. It was a reasonable, compassionate and commonsense approach, but we never entertained the idea of sending out a message that a little bit of cannabis is okay. As I said earlier, it was essential in that cautioning program that offenders attended the education program. Some concern was expressed in the briefing we had. I acknowledge the contribution of the officers, who are in the gallery at the moment, and the assistance they provided in that briefing. I express some sympathy with them for their having to sit through all this debate, but I guess that is the lot of the public servant in dealing with legislation. Our concern is that this legislation has the effect of saying to people in our community that maybe a little bit of cannabis is okay; that up to two plants can be grown without a very severe penalty, which would be something like a parking fine and would not matter very much. We do not support that approach. It has been clearly shown in South Australia that going down that path is harmful, and will potentially lead to the involvement of organised crime and bkie groups and people growing large plants and exceeding the quantity intended by the legislation.

In the context of this debate, I place on record my appreciation of the contribution of Andy Ronalds in my electorate and in the shire of Kalamunda in particular. He has been working very hard on a volunteer basis through the local drug action group to ensure that the effects of drug abuse in the community are minimised, and that young people are kept away from the harmful effects of drug abuse, including cannabis abuse. He is one of a large number of volunteers who are working very hard in the community. Many of the volunteers will be very concerned about this legislation. I place on record my thanks for his contribution.

MR D.F. BARRON-SULLIVAN (Mitchell - Deputy Leader of the Opposition) [9.57 pm]: There are many ways in which we could assess the legislation currently before this Parliament. I will indulge myself a little by allowing myself some subjectivity. Like many members, I have a young child. After giving this legislation some thought and considering the issue raised by the member for Kingsley of drug use in the work force, and those raised by the member for Darling Range, a former Minister for Health, about the health effects on drug users and a range of other considerations, I sat back and asked myself one very simple question: what do I want for my little six-year-old boy as he grows up? Will this legislation be a good thing or a bad thing for him? That is interesting, because 20 years ago I would have had a different point of view from that which I hold today. When I thought more about it I saw that that is one of the difficulties of this legislation. It is only as a person gains a few years and a degree of experience that he or she can assess something like this in its entirety. I thought again about my son, and married that train of thought with some of the more technical assessments of this legislation. I took myself back a few years, to when I had the fortunate opportunity of being involved in the Select Committee into the Misuse of Drugs Act 1981, which carried out its activities in 1997 and 1998. The information is still fairly topical, although the situation of heroin has changed a bit since then.

I refer now to some figures the committee produced. There is more than a one-third chance that by the time my six-year-old boy is in year 8 and 12 years old, he will have used marijuana. A further four years from that - by the time he is 16 years and in the final two years of high school - there is almost a 60 per cent chance he will have used marijuana. I was more concerned to discover that a study of Perth teenagers and Perth adults found that 71 per cent of people who use hard drugs - that is, speed, cocaine, heroin, LSD and the like - had used marijuana.

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I married this information with the experiences I enjoyed as a member of a committee looking into crime prevention. Between the two committees, we came across a number of people who were users of hard drugs, whether that be heroin, cocaine or amphetamines, and the same theme kept arising; namely, they started their drug taking by using marijuana. I sat back and thought that 20 years ago I had a different outlook on marijuana. As pointed out earlier in debate, at that time people thought it was a harmless substance. The more one looks into matters and talks to people, the more it changes one's point of view in life. We have all known people who have suffered at the hands of some hard drugs, particularly heroin. People's lives have been completely ruined. For me personally, and subjectively, my main concern with the legislation is that my six-year-old son and other children growing up at the moment are more likely to end up on hard drugs as a result of the Government's attempted changes with this legislation concerning the use of cannabis.

Let us talk through a few of the issues involved. First, let us consider the prevalence of drug use in the Western Australian schools to which I referred earlier. I use the information gleaned by the Select Committee into the Misuse of Drugs Act 1981. There is more recent information, but the figures do not change a great deal. Some of the figures are startling. I mentioned earlier, for example, that in the 12 to 15 years age bracket, 33.5 per cent of boys had used marijuana in the preceding 12 months. In the 16 to 17 years age bracket, the figure increased to 59.5 per cent. A slight decline occurs if one considers the average of the two, which produces a figure of 38.9 per cent. In other words, almost 40 per cent of boys in high school had used marijuana in the preceding 12 months. The figure for girls, interestingly, is slightly lower - the average was 36.2 per cent. The research indicated that the incidence of use among boys appears to be slightly higher than that among girls. One salient fact came through in our research relating to the vulnerability of young people. The select committee report states -

Age and gender are both strongly related to cannabis use. Australian research has found that prevalence of both cannabis initiation and heavy cannabis use increase during the teenage years.

As I stated earlier -

Another consistent finding in Australian studies is that cannabis prevalence rates are higher among males than females.

Looking at the science, members can start to understand my concern about the future of my little boy. Members can find a lot of anecdotal evidence about drug use in schools. I refer to not only cannabis but also speed and amphetamines. Heroin and cocaine are not so prevalent, thank goodness, at the primary and high school level.

Last year, a year 10 student from one of the local high schools in my electorate saw me because she wanted to know about my party's view on illicit drugs. I gave her our point of view and we had a general discussion. I told her that we keep hearing about drugs in schools and see reports of various figures and so on. I asked her to tell me in her own words how easy it is to get drugs at school. She said that it was very simple and that she could demonstrate it to me. She said that if I hid at the school, she could virtually guarantee that I would see people using marijuana on the school grounds during the school breaks. She also made it clear that the students were buying the drugs on the way to school. Needless to say, this information was passed on to the police, who subsequently took action with, I believe, a degree of success. The parents and citizens association president of that school later indicated to me that significant drug use was occurring at that school. I have not mentioned the name of that school and I will not single it out. We all know that that type of situation arises at a number of schools throughout the State.

Members must look very closely at the situation in our schools and ask how they ended up that way. I come back to one of the key points that I made at the beginning of my comments; that is, to a large extent, this problem at the schools revolves around the question of attitude. It revolves around the attitude of young people towards drugs, peer pressure and a growing drug culture in the community. Later I shall refer to comments made some years ago by a very eminent member of this Chamber that very much back up that claim. Extensive drug use is occurring in our schools. The students believe that that is occurring because of an attitudinal shift among the young people. When young people believe that a drug is not harmful to them and they do not understand its consequences in terms of the criminal and justice processes, they are more likely to use that drug.

Earlier, I mentioned my concern that many of the people I have spoken to who ended up on hard drugs have told me that they started by using cannabis, and the statistics confirm that. A lot of debate has been conducted globally about the so-called gateway theory. Some studies show that cannabis use leads to the use of hard drugs

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and some studies show that it does not. However, the fact remains that the vast majority of people who use hard drugs such as heroin, LSD and the range of amphetamines started by using cannabis. Blind Freddy can see that there is either a direct or indirect relationship through the contact of individual drug users with particular drug subcultures. Even a group based at Nimbin, which campaigns for so-called drug law reform and undoubtedly would support the type of legislation the Government is putting up here today, has indicated that one in 25 people who use cannabis will end up using heroin. Numerous studies have been done. A study done in India showed that 20 per cent of people who use cannabis end up using hard drugs, particularly heroin. A Perth study showed that 71 per cent of people using cannabis ended up using one of the drugs I referred to earlier. When I start thinking subjectively and indulge in an assessment of this issue from a personal viewpoint, members can see why I am starting to get more concerned than I might have been 20 or so years ago.

My next point is the impact on individual users of cannabis. A lot of these points about the health aspects have been raised, but this week in Bunbury a forum was held in connection with the incidence of suicide in the south west. I was advised that some people who attended that forum concluded that there was a link between cannabis and suicide, especially among young people. These people had been looking at the situation first-hand, and another member of Parliament might have been at that forum while that aspect was discussed. People involved in the situation are saying anecdotally that cannabis has a direct link with suicide and depression.

A range of technical and scientific information has been presented indicating the adverse health consequences that cannabis has on users. The member for Kingsley and others have referred to the problems of cannabis use amongst motorists. I cite another figure that has not as yet been raised in this debate. A study conducted in the Netherlands concluded -

"the combined effects on drivers' performance could well be greater than the sum of either drug acting separately".

That referred to cannabis and alcohol being found in the blood of people involved in accidents. As has been pointed out by previous speakers, not only is cannabis contributing to our road fatalities and accidents, but also cannabis and alcohol combined could have an exponential effect on that situation.

I now refer to the use of cannabis in our prisons. I have said on numerous occasions that if we cannot keep drugs out of our prisons we will never keep them off our streets. Numerous statistics have been provided of random urine analysis tests in prisons, and it has not been uncommon for upwards of 25 per cent of prisoners to be found with either THC or an opiate in their bloodstream. In other words, around a quarter of our prisoners at any one stage exhibit evidence of one illicit drug or another in their bloodstream. We have heard about the lack of adequate rehabilitation in our prisons. We have heard of prisoners who, after completing their sentences, have a drug dependency or who may have developed one while they were in prison. It defies any logic that I can come up with to suppose that allowing better access to marijuana will improve that situation.

A number of members have pointed to the difficulties arising from the use of cannabis in the workplace. It is beyond my comprehension how loosening the access to cannabis and providing it more freely on the streets will assist that situation. Clearly, the reverse will occur. I have been given numerous anecdotal examples of people having used cannabis at work and suffering very little by way of any criminal or punitive response.

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

Mr D.F. BARRON-SULLIVAN: Looking through all these different issues, many of which have been touched on by previous speakers, I am struggling to find one solid argument for saying that this legislation will improve the situation for my six-year-old as he grows up, let alone the many thousands of children throughout the State. I thought I would go back in time to when the Select Committee into the Misuse of Drugs Act 1981 was in operation. I will quote a few words from the now Minister for Health, who was then an assistant commissioner in the Western Australia Police Service. I am not doing this as a personal attack on the minister. I will explain in each case why I raise the matter. As I went through the report, I genuinely thought that a number of key considerations relating to this legislation came through in some of the then assistant commissioner's evidence.

It should be borne in mind that most of his comments related to the heroin situation in the State at the time. He made some general observations about the drug scene and some specifically about cannabis. One of the things that came through is that Western Australia has probably never attempted a total prohibition policy or a zero-tolerance approach towards illicit drugs, let alone cannabis in particular. A number of times the now minister,

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and I must say other witnesses before the committee, indicated that that certainly was the case. Some of the minister's comments were very interesting. For example, he said -

People have always looked upon users as being losers if they are involved in the heroin scene. It has always been the final end of the spectrum that people get into.

That observation came through from a number of people who have been on the drug scene. They all said that it is the end of the tunnel, that people who end up with a needle in their arm all started back there using cannabis and so on. Those comments made a very salient point. The then assistant commissioner's evidence, given in 1997, reads -

The current number of heroin-related deaths for this year up to yesterday was 65.

Therefore, at the time it was a very serious problem. It continues -

These are not all straight heroin deaths as most are poly-drug users. It is a mixture of heroin, alcohol, prescribed drugs, cannabis, etc.

One sees cannabis creeping into the equation again, linked indirectly with heroin deaths. We are now debating legislation that will undoubtedly make heroin more accessible on the streets. One very interesting comment was this -

Suffice to say Perth is a sophisticated city and has the same organised crime problems as any other major city . . .

One of the things that members on this side of the Chamber have been saying is that organised crime groups will take advantage of this legislation, as they did in South Australia, to have people grow marijuana and to wholesale and retail it in the community. In other words, Western Australia has the same organised crime structures that exist in other States and overseas, although I hope not to the same extent as some other places. Another interesting quote reads -

It is an unfortunate fact of life that the great majority of drug users will deal in drugs to support their habit.

This is a point that needs to be made: it also applies to marijuana users. It will apply more so under this legislation. Users will be tempted to grow cannabis to sell it and thereby to support their cannabis habit or some other drug habit.

To demonstrate how integrated and interwoven cannabis is with the overall drug scene, we can consider the fact that a police antidrug operation called Operation Final Dose was carried out, under which 701 people were charged. In the end 33 charges were laid for selling and supplying cannabis and 42 for selling and supplying heroin. When the police conducted a dedicated operation in the city, almost as many people were charged with trafficking cannabis as were caught for trafficking heroin. I do not think that anyone would dispute the fact that cannabis is an integral part of the overall drug culture. Other evidence given by the then assistant Commissioner of Police reads -

One of the problems that I see after many years of working in the drug scene is that it is very difficult for young people to make informed choices when the education that they receive about drug use is usually from their peers or from people who are using drugs.

This takes me back to the first point I made about the attitudes at our schools. Schoolchildren are being given the message that cannabis is okay because the Government is passing legislation to make it easier to get cannabis and is going soft on cannabis laws. That is hardly the sort of education that will enable them to make informed choices and encourage them to say no to this drug. The current minister, in his role as assistant Commissioner of Police, stated -

We put up some posters in high schools a few years ago, depicting all the different types of drugs as part of an education campaign, and when we came out after a little lecture at a southern high school, we found that someone had written all the prices on the poster. They knew a bit more than we did!

How will the legislation that is currently before us alter that situation? How will it alter the resistance of students and young people to the notion that cannabis use is bad for their health and against the law? The minister acknowledged the link when he said -

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... I grew up in an era when many of my friends used cannabis, and I saw friends of mine die from heroin use,

He referred to the drug scene - a collective drug subculture - in which people use cannabis and heroin and sometimes go from one to the other. I think of my little six-year-old and that if I can keep him off cannabis, perhaps I will also keep him off heroin, because I agree with the minister that there is a drug scene and that the use of heroin and cannabis is interwoven. These words came from the minister's mouth -

On most days of the week most police stations receive calls from parents asking for advice about what to do with their children.

What sort of advice will we be giving by publicising the fact that it is okay to grow cannabis as the Government is going soft on the penalties for cannabis offences? Is that the sort of message that we are giving parents? By God! I dread to think of the message that their children will get at school. This was an interesting point made by the minister, as assistant Commissioner of Police -

... I went to a very large, private college because the headmaster had asked me to talk to him about some issues that concerned him, and when he opened the safe, it contained about 10 kilos of cannabis and a range of other stuff. He said, "What should I do with this?", and I said, "I think I should lock you up for dealing!"

I am sure he had his tongue in his cheek at the time. He continued -

He had no idea that he was breaking the law simply by having it. One of the good things that has happened is that through our drug education unit, all schools are now encouraged to develop their own drug policy.

He went on to say -

... overseas experience has shown, education must be constant -

I argue that the messages parliamentarians give must also be constant, otherwise we will interfere with any effort being made at the school level to try to indicate to children that drug use is both illegal and bad for their health. The minister considered the situation in Dublin, which he said was a city similar in size to Perth and in which -

... it is estimated that 40 per cent of all crime is attributed directly to drug use. It probably would not be much different here.

Here we have a link between the use of cannabis and the use of heroin and other drugs, and the then assistant commissioner and now Minister for Health is saying that 40 per cent of crime is directly attributable to drug use - addicts who desperately need a fix, prostitutes who are hooked on heroin, and people who are stealing to feed other drug habits.

Mr R.F. Johnson: People can be hooked on cannabis too. Many people are addicted to cannabis.

Mr D.F. BARRON-SULLIVAN: Exactly. Hon Simon O'Brien recently publicised a salient point made by the then assistant commissioner in that select committee when he was talking about cannabis laws and said -

I do not think we are in a position to be able to do anything about the cannabis laws. We are not informed or involved enough. It is a very difficult drug to control.

I repeat -

It is a very difficult drug to control.

He said also -

People cannot grow tobacco in their backyards but they can grow cannabis.

I read from that that an assistant commissioner with many years experience in the drug squad is saying that it is very hard to control cannabis use in the community, and he is clearly inferring that it is a particularly bad thing to allow people to grow cannabis in their backyards. I ask myself: how on earth will this legislation improve that situation? We know it will not. He went on to say -

Drug law enforcement is a difficult area; it is prone to corruption ... I make no bones about that. That has been the key problem for administrators in all policing jurisdictions in the past 10 years.

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I ask myself: how will this legislation preclude or prevent any form of corruption? It will do the opposite. It will open up a huge Pandora's box on discretionary police powers, and it will provide for networking and drug growth around the State. The minister said also -

There is a great deal of confusion about drug use generally. As I said, the term harm minimisation has become synonymous with drugs being good - "Let's use them but do it safely." That is absolute bullshit. They destroy people.

Those could have been my words when I was thinking about the future of my six-year-old and the reasons that I cannot support this legislation and why I am so pleased the Liberal Party is opposing it.

MR M.P. WHITELEY (Roleystone) [10.27 pm]: I will be brief, because last year I spoke briefly about decriminalisation, under certain circumstances, of small quantities of cannabis for personal use. When we look at this issue we need to look at what should be a criminal act. I believe that a criminal act is one that impinges on the rights of others or causes harm to others. I think last year I characterised the personal use of small quantities of cannabis as perhaps an act that can be characterised as stupid but that is not criminal in nature. Last week the member for Murdoch admitted that in his twenties he had tried cannabis. It was a criminal act because it was defined as such in our laws, but I do not think it was criminal in nature. I do not think it impinged on the rights of others or caused harm to others. Technically the member for Murdoch should have a criminal record because he has committed a criminal offence, but in my opinion he does not deserve to have a criminal record. Hence I support this legislation. The member for Murdoch has got himself into a bit of trouble, not so much because of his admission that he has used cannabis but perhaps because he has been a bit all over the shop on this issue. Other politicians have made similar admissions. Bill Clinton claimed that he had not inhaled but had used cannabis. I believe there are some question marks about George W. Bush's use of not only cannabis but also other drugs. The reason the member for Murdoch has got himself into trouble is not because of that but is because of some of the inconsistencies in his version of events. That was highlighted in an article in the *Sunday Times* of Sunday, 13 April, which raised the fact that the member for Murdoch said last week in the Parliament that one reason he had bought into the business known as Agung Trading Company was that he believed the smoking of cannabis would be made legal in Australia, as it had been in the United States and Europe. That conflicted with what he told Parliament in 1997 when he said that he was not aware of what the smoking implements, known as bongs, were used for. The member for Murdoch said he became aware only after he bought into the company. That comment got him into a degree of trouble, not his admission that he used cannabis once in his 20s. As politicians, it is quite right that we get into trouble when we are inconsistent in our statements. However, I do not think he committed an offence that was criminal in nature and I do not think he should have a criminal record.

I have conducted some research into the involvement of the member for Murdoch with this issue. In an article published on 12 December 1996 in *The West Australian*, two days before the election, he stated that he thought Joynt Venture - one of the shops supplied by his company - was selling water pipes. The article states, in part -

According to the Liberal MLA for Jandakot Mike Board, this is a place which sells water pipes - a product sold to shops around Australia by a company he was once associated with.

The term "water pipe", repeated by the Hay Street store manager, obviously refers to the smoking paraphernalia promised on the sign outside the shop.

On Tuesday Mr Board said he knew the wholesale company, Agung Trading Company, was selling water pipes, but he did not know what they were used for.

The article goes on to quote Joynt Venture's store manager, who would not give his name but said -

... Agung was "just a wholesaler".

The article continues -

The shop was a legitimate business, selling water pipes and T-shirts, the majority with rock groups on them rather than drug slogans.

One of the staff members was quoted in the article as saying -

"We don't advertise, we don't need advertising," ...

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There was obviously a change in policy, because in 1985 I published a free entertainment magazine called *RIP*. It ran to six editions. The magazine covered entertainment opportunities in Perth at the time, concentrating mainly on the rock industry, from which most of its advertising came. It also had articles about theatre, video and other forms of nightlife. One of our advertisers was Joynt Venture. That company was supplied by the company in which the member for Murdoch had an interest. It was common knowledge that Joynt Venture was involved in the sale of drug paraphernalia. The advertisement for the company shows a picture of two girls in punk dress. They appear to be sitting at a bus stop. One says, "Who's got the best paraphernalia in town?" and the other replies, "Joynt Venture of course!" Underneath the picture are the words "Joynt Venture Smoking Paraphernalia". The advertisement appeared in 1985. I believe the member for Murdoch's interest in Agung Trading Company lasted until 1987, or at least 1986, after this advertisement appeared. Joynt Venture used its drug connection as its major marketing tool. Most of its business turnover may have been clothing but its marketing aim was its connection with the drug industry. Its slogan was "Joynt Venture Smoking Paraphernalia". That was clearly its marketing aim. A person would have to be naive in the extreme to not know that Joynt Venture was in the business of supplying drug paraphernalia.

I read another article published in *The West Australian* on 12 December 1996 and written by Rebecca Rose and Torrance Mendez. It is titled "MP in drug row backed", and states -

Premier Richard Court has hinted that beleaguered backbencher Mike Board could make Cabinet despite recent revelations that he was a director of a company which sold drug paraphernalia around the country.

...

Mr Board went to ground yesterday after *The West Australian* revealed his involvement in Agung - which sells a big range of drug-related products such as smoking implements, how-to drug manuals and T-shirts.

But he emphatically denied ever smoking marijuana.

That is in conflict with the statement he made a couple of days ago.

Ms K. Hodson-Thomas interjected.

Mr M.P. WHITELEY: The article further states -

Although he claimed to have left the company as soon as he discovered the possible link with drugs . . .

I do not condemn the member for Murdoch for what he did or did not do, but I wish he would come clean and tell us what was his involvement.

Mr P.D. Omodei interjected.

Mr M.P. WHITELEY: Did he smoke it once or never? Did he know about the paraphernalia; and if he did not, why not, when it was common knowledge throughout Perth? In fact, the company advertised in august publications like *RIP*.

Mr P.D. Omodei interjected.

Mr M.P. WHITELEY: I return to the legislation -

Ms K. Hodson-Thomas: You are not prepared to put it on the record. You are not prepared to come clean.

Mr M.P. WHITELEY: I put on the record why I am not a user of marijuana.

The SPEAKER: Members!

Ms K. Hodson-Thomas interjected

The SPEAKER: I call to order the member for Carine for the first time, and the member for Warren-Blackwood for the third time.

Mr M.P. WHITELEY: The member for Murdoch and the member for Carine, who made a reference to her family, are the only two who have put anything on the record. Each of us needs to determine whether we want to answer the question whether we have used cannabis. I do not think it adds anything to the debate.

Mr C.J. Barnett: You have raised it. Tell us.

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Mr M.P. WHITELEY: I choose not to put that on the record. That is my choice.

Mr C.J. Barnett: Why not?

Mr M.P. WHITELEY: It is my choice.

Mr C.J. Barnett: You questioned the member for Murdoch.

Mr M.P. WHITELEY: I am questioning the inconsistency in his statements. If he chooses to put something on the record, he should be accurate about it. I choose not to put it on the record.

Several members interjected.

Mr M.P. WHITELEY: I do not claim to be a saint. The reality is that a vast number of residents of Western Australia have used marijuana in one form or another at some stage in their lives. They do not deserve to have criminal records because, although their actions may be characterised as stupid, they do not affect others. That is why I do not think the member for Murdoch should have a criminal record. I also do not think that other occasional users of cannabis should have a criminal record. One of the reasons I choose not to use cannabis is that I do not like smoking. I have never been a smoker, and that turns me off. The other concern I have about it as a drug is that unlike alcohol, which contains labels that clearly show alcoholic content, there is no guarantee about strength. They are reasons I choose not to use that drug.

People make sensible decisions regardless of what goes on in this place. We in this place need to make decisions about what constitutes criminal behaviour. I applaud the move to remove the effects that criminal sanctions can have, particularly on the lives of young people. Those sanctions have implications for their employment and travel prospects. I also applaud the fact that this legislation differentiates between cannabis that is hydroponically grown and cannabis that is, for want of a better term, planted in the ground. The difference in potency of those two sources is recognised.

I commend the Minister for Health. He has not taken a head-in-the-sand approach to this issue. He is a courageous minister who is prepared to tackle these issues front on. He is also the minister who had the guts to stand up and tackle the issue of amphetamine abuse associated with attention deficit hyperactivity disorder. The drugs for ADHD are prescription drugs; nonetheless, there is a black trade in those drugs. I congratulate the Minister for Health for having the courage to tackle these difficult issues and to take the lead on this issue in such a commonsense way. I applaud him for his approach.

MR R.A. AINSWORTH (Roe) [10.40 pm]: Previous speakers in this place have read from various medical publications and survey results from around the world about the adverse effects of the use of cannabis. I believe that is appropriate when we are dealing with this matter as a Parliament, in which the laws of this State should be formulated. We should be taking notice of those types of statistics. However, I do not believe there is any value in promoting those sorts of statistics to the general public in the belief that that will somehow minimise or reduce the amount of cannabis used in the community, particularly by the young age group. As I am sure you would readily agree, Mr Speaker, the dire health warnings on packets of cigarettes have not stopped young people from taking up the habit of cigarette smoking. Likewise, I am sure that the same sorts of dire health warnings about the use of cannabis will have as little effect as have the warnings on cigarette packets.

I certainly have not done any research into those sorts of statistics and medical records to suggest what may be the outcome of the use of cannabis. I have confined my research to speaking with the people it affects most; that is, young people themselves, their parents and the people around them who see what the effect is because they witness it. I have spoken to young people who have admitted to me that they have tried cannabis. In one case a young girl said that she had tried it about 10 years ago. She was at a party and was given some cannabis; she did not like to say no because it was the in thing and everyone was doing it. She said that after she had smoked it, she was overcome with an attack of paranoia, as she described it, and she got such a fright that she has not touched it since. That is a good story. It says to me that there was a young person who at one time was quite ambivalent about the drug; however, she found it acceptable enough to try it at a party, and the effect on her was such that she was really scared about what happened and realised, fortunately, that this drug should not be used and had serious effects.

One family member of other people with whom I spoke is a cannabis user and also a schizophrenic. Unfortunately, every time this young person has a bad attack of schizophrenia and does not take the medication, quite often it is because this person has also been taking cannabis, and that is the trigger for going off the

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medication and for having an episode of schizophrenia. It has led to a problem with this person keeping a job and keeping any money. In fact, although this young person is quite a capable worker when not affected by drugs and the associated mental illness, the two combined are wrecking this young person's life.

Recently I have also talked to Aboriginal elders in my community and other parents of young people who are heavily into marijuana use. I did not seek them out; they came to me because they were at their wit's end about what to do to rehabilitate these people whose lives were being detrimentally affected by this so-called soft drug. The people who came to see me had tried all sorts of ways to break the cycle. They said that even if these kids are taken away from their peer group, the minute they come back to the community, they get back into the same scene again and downhill they go. The people who came to see me were just ordinary people in the community; they were not necessarily community leaders. In one case, it was an ordinary person who, to my knowledge, is not involved in any local organisation, so he did not come to see me as a representative of any particular group. He was just one of a group of concerned fathers who got together to talk about their personal problems with their sons in particular and their family members who were using cannabis. They could see that these young people had problems keeping down a job and all the other social problems associated with young people who use cannabis. The Aboriginal elder who came to see me was likewise extremely concerned about the effect it is having on his community and its young people. He told me that it is tragic for him to watch these young people in a downward spiral. They were already at a disadvantage in comparison with many other people in our community, even before they started using cannabis, and it just added to the problem. It created all sorts of difficulties with antisocial behaviour and fighting among family members. When there is a breakdown in the family, it reflects on even the very young children in that family.

I presented a petition in this place a few weeks ago from residents of the Esperance community who were concerned about young people under the age of 10 who were committing offences. The Esperance people believed there was not scope within the law to adequately deal with these young people. There were more than 2 000 signatories to the petition asking the Parliament to address that issue and find some more meaningful ways to adequately deal with young people. A lot of those young people are being forced out of their homes because of the behaviour of their parents and some of their older brothers and sisters. A lot of that is a result of drug-related fighting and even a lack of food in some houses. Being on the street is a lot safer than being at home, and a lot of that has to do with drugs, particularly cannabis. These are real stories on the ground, not ones that we hear about anecdotally. I talk to these people on a daily basis and they are telling me what is happening in their lives. Any of these people would be aghast at the prospect of reducing rather than increasing the severity with which communities should treat the use of this drug to make it less of an offence. It is a backward step to give the impression that somehow this drug is less harmful than it really is. It only encourages greater use of the drug, particularly by impressionable young people. It in no way reduces the opportunity for criminal activity associated with the drug.

Cannabis has been decriminalised or made legal in other States and overseas jurisdictions, but that has not resulted in criminal elements being removed from activities associated with the drug. In fact, it is quite the contrary in many respects because the market has increased rather than decreased. There is still plenty of scope for criminal activity associated with cannabis. Once people become heavy users of cannabis, it is a great encouragement for those people to progress to other types of drugs, about which other members have spoken tonight. It is certainly not a stand-alone drug but rather, a gateway drug.

I am very much opposed to this legislation because it sends out all the wrong messages. This State is fortunate enough to have the experience of other jurisdictions to go by and to see what happens when these sorts of measures are taken. It surprises me greatly to think that any Government, regardless of political persuasion, would take little heed of what has happened elsewhere and go down this path.

MR J.N. HYDE (Perth) [10.51 pm]: I fully support this legislation. It is very important that we concentrate on what has been said here tonight and on previous days. Speaker after speaker has given reason for the current legislation not working and why eight years of coalition policy on drug use has failed abysmally. Speaker after speaker has detailed the harmful effects of cannabis and the detriment that has occurred to lives in Western Australia because of cannabis use, which was done under the eight years of the coalition Government. Clearly, there was a need for the Community Drug Summit. Clearly, there is a need for change in attitude and a change in legislation, and this Government will deliver.

It is important that we consider why the current situation is not working. It is interesting to sidestep and ensure that we are aware that this debate cannot be trivialised. It is not about whether the member for Murdoch has

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misled the House over whether he had a puff of marijuana, whether he used a smoking implement produced by a company in which he had a financial interest, or whether he created a smoking implement from a 400 millimetre orange juice bottle. Let us not trivialise the debate to those matters. Let us not talk about the Leader of the Opposition's children and whether they are or are not using cannabis, and what he will or will not do if they are or are not using cannabis. Let us not talk about the member for Carine and whether her children are or are not using cannabis. Let us talk about the real issue; that is, organised crime, big business and the people who profit out of drugs. Let us talk about the people who have profited out of eight years of coalition policy that was soft on drugs. Rather than the member for Hillarys - who always enhances his reputation as a serial "gluncher" - concentrating on his passage of urine into a bottle in this place, he should look at the financial interests of people in companies like BGC (Australia) Pty Ltd and other Liberal Party supporters and what they stand to benefit from the Liberal coalition's softness on the provision of hydroponics and hydroponics equipment. Let us look at why the coalition Government did not introduce hard measures on the provision of those instruments and why it did not bring in policies to dissuade people from getting involved in hydroponics. Why did the coalition not bring in policies on education so that people did not run these clandestine hydroponic operations?

Let us look at the eight-year record of the coalition. Let us look at the coalition's legislation and the message being sent to children, parents and members of the community in Western Australia under its policies on drugs. Let us look at the most recently published figures from the Anti-Corruption Commission. Then we are not only considering drug use but the officially corrupt public servants who have used drugs under the "tough" legislation of the coalition. Let us look at what happens if a person used drugs in a corrupt way under the coalition. On the ACC's web site under criminal charges laid, case 55, a public servant pleaded guilty to supplying drugs. What happened to this person? He was given a \$450 fine. That is how tough the coalition was on drugs. In a recent case another public servant was found to be officially corrupt and was charged with the trafficking and supply of drugs. Under this legislation, a person trafficking and supplying drugs will receive a \$20 000 fine or 10 years in jail. Under the coalition's legislation, a public servant convicted of the possession of prohibited drugs and implements with intent to sell and supply was sentenced to 12 months imprisonment with no fine.

Let us look at a third example - cultivating drugs. The coalition did not change its legislation on cultivating drugs for eight years. The message that the coalition sent to schoolchildren, parents and community members in Western Australia was that under the provisions on cultivating and possessing cannabis they qualified only when they grew 25 plants. Under this Labor Government's legislation a person trafficking one tiny joint will be gone. Under the policy of the mob on the other side the bar was set at 25 plants. Under its policy a public servant who was found guilty of cultivating and possessing cannabis was ordered to pay fees and costs of \$128. That is how tough the coalition's legislation was. That is how tough the message was that the coalition sent to the community, students and youth in this State.

Under this Government the message that will go out to the community is very clear: cannabis use is harmful but people dealing in drugs, getting kids onto drugs, selling, supplying, cultivating and using hydroponic drugs will be dealt with harshly. We are dealing in the real world and we will get to the core of the problem; the legislation backs up that statement. We have educational programs in place to ensure that the police will be able to tackle the real issues of drug abuse. The Australian Crime Commission will send a strong message to the community by facilitating proper investigations and by helping the police and other bodies in the proper sentencing of users and abusers of drugs. More importantly, big business and big drug suppliers in this State do not use drugs. Their aim is to get an economic advantage by introducing other people to drugs and to supply and pass on drugs to them. They do not use drugs themselves because they know how harmful they are.

By not tackling the issue, the mob opposite sent a message to the community for more than eight years that it is all right to deal in drugs. They concentrated on targeting kids who had a joint and ignored big business and the drug lords. They did not bother about them; instead they went after people at the end of the chain. This Government will go right to the cancer. It will go right to the cause of the real problem of drug use and abuse in society. This Government will make a difference.

Very clearly the clamjamfry opposite have made snide remarks about this Government. They were up in arms about the gay and lesbian legislation, which 80 per cent of Western Australians now support. This Government's prostitution legislation is now supported by 83 per cent of Western Australians. On 10 February 2001 the Labor Government was voted in on a clear policy of drug law reform. The real people of Western Australia know that the coalition's policies failed Western Australians. The coalition's policies got more kids and more parents onto drugs and put more people into debt because of its lax excuse for legislation on drugs and

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because of its tolerance of the involvement of big business and drug lords. This Government will have a real input and a real influence in sending the correct, proper and firm message on drugs.

MR M.W. TRENORDEN (Avon - Leader of the National Party) [11.04 pm]: I originally intended to be a bit more measured than I will be now. However, I have just listened to a couple of speeches on the other side, and it is late at night, so I am feeling in a fighting mood. The core of this issue was revealed by the member for Roleystone, who said just a few moments ago that the point of this legislation is to make a decision on what constitutes criminal behaviour. It is interesting that the member for Roleystone would say that in his speech, because that is basically what this is about. Back in 1998, I argued a case within the National Party to decriminalise the use of marijuana, but I am now totally opposed to that view, after five years of looking at it. I have been a serious observer of the use of cannabis and the results of its use in the community. In 1998, I listened to the youth of my electorate saying that cannabis was of no detriment to people at all, and in fact it was heavily argued at the time that it was on the same level of detriment as alcohol. There is now ample evidence that that is not true, even though alcohol is a serious drug in its own right. Members need only read the newspapers and see what people are writing about their own families. They are putting their names at the bottom of letters to the editor pouring out their grief about their families, who are involved in the use of marijuana. I have changed my view, and I will be voting against this Bill.

I will go through a number of the issues involved in the decriminalisation the use of cannabis. One of the key arguments is that the threat of prosecution has not deterred young people from using cannabis. The other side of the ledger is the argument of the member for Roleystone to decriminalise it. If that happens, without question, it will encourage greater use of the drug. All members in this House must put their hands out and weigh the question. Even though it is clear that criminal prosecution does not deter a lot of people from using the drug, saying that it is all right is not a good message either. Conviction for a drug-related offence, even a minor one, can have disproportionate economic impacts resulting from a criminal charge. On the other hand, the lives of students going to school - we have heard it here tonight and I have seen it myself - will be ruined by the use of marijuana. The same people I talked about earlier are making it as clear as they can to everyone in this House that their children have experienced serious mental defects from using marijuana. The most compelling argument is the rising statistic of suicide and marijuana. That is what has tipped the scale for me. The suicide rate where I and many other National Party members come from is two or three times the average, and marijuana is playing a part in that process. I will not say to the youth of my district that it is okay to use marijuana.

The commission of minor cannabis offences increases the likelihood of offenders having further contact with the law. We have seen evidence in recent times from the police themselves that it goes the other way too. Heavy users of marijuana are, by the nature of the use of that drug, coming into conflict with the law.

Mr C.J. Barnett: We have already heard the statistic earlier in the debate about half the prisoners in the East Perth lock-up for violent crimes having cannabis in their system. It is a telling figure.

Mr R.C. Kucera: Under your regime.

Mr C.J. Barnett: I do not care which regime, minister. They have cannabis in their systems, and they have committed violent crimes. You should not be decriminalising this drug and allowing young kids to grow it in the suburbs. It is an evil, evil thing you are doing to young people in this State, and you sit there and smirk. It is morally wrong, it is intellectually bankrupt and it will damage the health of young kids in this State.

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

Mr M.W. TRENORDEN: Madam Deputy Speaker, what the Leader of the Opposition said is true. Clear evidence not only in our constituency, but throughout the western world, indicates that a high percentage of young people who interface with the law use marijuana and other drugs. That argument applies both ways.

Also, the argument is made that the prosecution of minor cannabis offences is costly in police and court time. That is a fact; it cannot be debated. However, what about the social cost on the other side of the ledger with domestic violence, suicide and young people losing mental capacity and focus at school? Are the other factors not costs as well? Of course they are. They are of equal concern as, if not greater concern than, the loss of court and officers' time. Frankly, I do not see many officers prosecuting people for cannabis offences.

The argument is mounted that evidence exists that the decriminalisation of cannabis for personal use will not contribute to increased cannabis use. The professionals who judge drug use say, as the member for Roe outlined, that cannabis is a gateway to other drugs. Having got a hit, people need to move on to other drugs to sustain that

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level of hit. The greater the use, the lower the effects. Therefore, people move on to other drugs. Of even more concern is that rather than moving on to other drugs, a reasonable percentage of people who mix alcohol and marijuana become violent; this is seen in my community. Evidence supports that view. I will talk about that aspect in a moment.

If one goes to the other side of the ledger and considers the arguments against decriminalisation, sufficient evidence suggests that decriminalisation of cannabis will result in increased activity and use. The member for Roleystone made that point. I believe the evidence supports that view. The second reading speech reads -

There is clear scientific evidence that cannabis use is associated with the risk of significant harm to a user's mental and physical health and wellbeing.

I received, as I presume did every other member of the Chamber, a fax from the Drug Advisory Council dealing with these issues. No doubt other members will quote the material, but I do so in the context of my speech and my electorate. It reads -

1. Smoking cannabis more than 50 times a year -

Obviously, that is almost once a week -

... could double the chances of youths committing suicide according to Prof. Silburn a member of the Youth Suicide Advisory Committee of W.A.

2. Because cannabis is easily available and existing legislation offers little deterrence the present policies are NOT working.

That argument was made by the member for Perth. I now refer to the statistics I do not like -

3. Of the 572 suicides of 15 to 24 year olds in W.A. illicit drugs were present in one third of males and one quarter of females.

That is of huge consequence to me because, unfortunately, I know a lot of people in my area whose families have been disrupted by suicide. It is a very worrying statistic. The fax continues -

4. Prof. Silburn recommended prevention and early intervention to stop young people using cannabis and committing suicide.

I will not support the Bill for another reason: where are the resources? Historically, this Government provides resources to the metropolitan area, but not the country areas. At the briefing on the Bill, we sought information on the provision of resources to country areas and were clearly told that no extra resources would be provided to rural and regional Western Australia. In fact, the resources will be provided only in the metropolitan area. Again, I will refer to some statistics from my electorate. The question I asked the minister a few days ago about the drug team in Northam was for a purpose. Staff at the schools in Northam told me that the drug teams were told that they would not interact with the schools. It is a fact; the minister should not screw up his face. The schools have told me that the drug team will not be allowed to interact with the schools.

Mr R.C. Kucera: I never treat anything you tell me as a fact. I always check it.

Mr M.W. TRENORDEN: That is a mutual situation.

I refer to recent statistics about my own town and electoral district that shows that over 60 per cent of secondary school students had used illicit drugs and over 40 per cent had used licit drugs, including alcohol and tobacco, in the past week. In the past week, 40 per cent of students had used drugs. Is the drug team in Northam allowed to go to the schools? No. Is it going to be allowed to go to the schools in the future? No. In 2002, drug offences in the police district of Northam were 1.4 times higher than the State average. Has the drug team, which is outstanding, been given the resources to deal with the issue? It has been resourced to a certain degree; however, it will not be allowed to visit the schools.

Research in 2002 by Professor Silburn highlighted a connection between students who face difficulties at school and later misuse of drugs. The drug team in Northam offered programs that were primarily aimed at engaging students. The students examined the conflicts they faced and discussed how they could constructively solve those conflicts without resorting to drugs or violence. Will this legislation provide resources for that program in my electorate? The answer is no, not at all. Anger management programs have been developed in conjunction with the Avon Youth Services, which is an outstanding group in my electorate that I cannot praise enough. Over

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the years it has done a major amount of work for the community. The Coastal and Wheatbelt Mental Health Service is aimed at small groups of students who are already exhibiting antisocial and aggressive behaviour. The service tries to turn those kids around. What has it been told? It has been told to keep away from the schools in my electorate. A program called "Girls just want to have fun" is specifically designed for young women. That is a good tune and not a bad title for a program. That program focuses on harm reduction. Among other topics, participants of the program examine personal boundaries, self-responsibility and looking after friends. The drug team was taking that program to schools but has now been told not to. Why then would I support this legislation?

Who will provide the education to offenders who are picked up for possession outside my electorate in my old home town of Wyalkatchem if they opt to undergo the education process provided for in this legislation? The answer is that nobody will because the Government will not provide the necessary resources. If offenders decide to undertake the program, they will be further penalised by having to travel elsewhere to receive the education. Again, this Government has taken the view that the city counts and that the country does not. I am very annoyed by that. I will not support this legislation in part because of that.

The programs I have outlined, and some that I have not outlined, have been operating in the wheatbelt schools for two years. They have operated in the Northam and Merredin Senior High Schools and the York, Beverley, Toodyay, Brookton, Bruce Rock and Cunderdin District High Schools. I know about these programs because the students and staff have provided highly positive feedback about them. I did not learn about the cessation of these programs from public servants telling me that the system will no longer allow the programs to go to those schools; I know this because people at the schools have told me that this valuable resource has been removed. It has been removed at a time when we are debating the decriminalisation of cannabis and it has removed the view in the community that cannabis can cause harm. Where is the education program?

Mr C.J. Barnett: The program set up in this State has been recognised as the best program in Australia and the leading program in the world and it is followed by a number of other States. It is completely negated by what this Minister for Health is now doing.

Mr M.W. TRENORDEN: The Drug Advisory Council of Australia is of the view that cannabis must never be legalised or normalised. The member for Roleystone is saying that tonight's debate is about what constitutes criminal behaviour. This Government is sending a major message to youth that using cannabis is okay. All the evidence indicates that it is not.

Tonight's debate could be deemed an ancient debate. Religion contains two interesting examples - pork and alcohol.

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

Mr M.W. TRENORDEN: Why was pork banned in the Jewish community? Two thousand years ago if a person ate pork there was a good chance that he or she would die from eating diseased pork. In order to protect the community, the major teaching in the Jewish religion was not to eat pork. The same applies with the Muslims and alcohol. Alcohol was made out of wood and many other strange things long ago. The alcohol that was produced a couple of thousand years ago could cause blindness. It still might - some people have been declared blind on the odd occasion after drinking alcohol. That message is still in the Koran today, because it was an education message put together more than a thousand years ago about the processes of hygiene. These types of decisions have been around for centuries.

Another issue that affects my view is the increasing use of drugs in my electorate. These are frightening statistics, and I will repeat them: 60 per cent of secondary students have used illicit drugs, and 40 per cent have used drugs or alcohol within the last week. That was not the case five, 10 or 15 years ago. This is a very concerning situation, but this Government is refusing to provide resources, in which case there is no point having this debate about decriminalising cannabis or authorising the use of drugs. More importantly, there is a serious increase in the use of hard drugs in my electorate. In the town of Northam we have one drug team. It comprises outstanding people and I have nothing but praise for them, but they are battling against the odds. I think the minister said, in answer to a question the other day, that the budget for the wheatbelt region was \$70 000. Those very professional and dedicated people are swimming in an ocean of very serious concern.

The sad thing is that the people who have taken to drugs in recent times, who were not previously involved, are members of the Aboriginal community. Cannabis has been around for a long time, but now, frighteningly, many

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of the pushers of hard drugs in my electorate are Aboriginal people. Drug pushing is seen by some Aboriginal people as a source of tax-free income. Some Aboriginal people were heavily involved in alcohol abuse for many years. When the elders talk to me now they are at a total loss as to how they can act against the newly embedded phenomenon of drugs in the communities of Northam, Moora and other districts. I have a letter from Moora Shire Council in which the council refers to social problems in the community, a proportion of which is driven by drugs.

The West Australian of yesterday contained an article on my home town of Northam and a fellow called Rodney Yarran. When I first started arranging meetings with elders to try to get the warring families of Northam together, I could not have been more impressed with Rodney Yarran. He is an outstanding young man. He has very little education and did not go through the education system, but he has more ability than I could poke a stick at. He has now moved to Queensland because of the turmoil in the Northam community. Principals of high schools are not people who tend to want to stick their necks out, but the Principal of Northam Senior High School gave Rodney Yarran the highest marks she possibly could for the work he did in that school. However, Rodney Yarran has gone because of a dispute in the Aboriginal community. He is a young Aboriginal person who had the right intention of making a difference when he attended Northam Senior High School. Where is he today? He is in Queensland. I wish him well, I hope he has a fantastic life there and I hope all goes well for him, but I would like him to be back in the Northam community and in the high school. The reason he cannot be is the continued disruption within the Aboriginal families of Northam. Some of that disruption - nowhere near all of it - is driven by the serious pressure of drugs.

Another matter I want to refer to for a short period of time is policing. The police in my electorate have an enormously difficult task. At a recent meeting with hoteliers, the police admitted that if they charged someone with a minor criminal offence, such as drinking and driving, there would be no police officer in the town for two and a half hours. The two officers on the street are the only officers in the town. In recent times five houses were severely damaged as a result of the problems I referred to a few moments ago. Two serious assaults occurred in the main street. Some of those problems were driven by the mixing of marijuana and alcohol. Where are the resources in my community to deal with that? They do not exist; they certainly do not exist at a level at which they should exist.

I have changed my views between 1998 and 2003, but I put it to members that I have every reason for changing my views. I will not turn to the youth of Northam and the Avon electorate and tell them that it is okay to use cannabis, because it is not. I have some sympathy for people who receive a criminal record for using cannabis.

Mr P.G. Pendal interjected.

Mr M.W. TRENORDEN: That is right. On the other hand, I have immense sympathy for the families whose children have been destroyed. They are present in large numbers. One does not need to ask where they are; apart from those that you and I know, Madam Deputy Speaker, one need only pick up *The West Australian* and read the letters to the editor to find them.

We confuse the argument in this Chamber a lot. It is against the law for people to drive a car if their blood alcohol content is .05 or above. I could point out many people in my electorate who can drive a lot better with a blood alcohol reading of .05 than can most people in the community without any alcohol in their system. However, the .05 limit was pinpointed because the people who cannot handle the process are bad drivers at .05. It was not chosen because every person with a blood alcohol level of .05 is incapable of driving; the level needed to be pitched at those who are most affected by alcohol at .05. Why is that same argument not used with cannabis? I suggest that it is. One need be around youth for only a little while to realise that they know that they can smoke cannabis and drive and not be prosecuted for it. From my experience of people in my electorate, when young people are working, particularly in small goldmining towns, and are tested for cannabis use, they hop on the plane that night. They do not debate it. They know that, as with the .05 limit with alcohol, once a reading of cannabis is there, it is there. There is plenty of evidence to suggest that people are effected by cannabis for some time. I will not argue about what that period is. That is an important matter on work sites or when driving. It is also an important matter in society.

This is one of those issues with which we tussle. It is one of those issues on which each of us must make up his or her own mind. It is also an issue on which people in my electorate have every right to say to me that I had a different opinion in 1998. I did, but I have watched society closely and read a considerable amount since then

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and I have changed my mind. I will leave the debate at what I think is the most critical point; that according to the Drug Advisory Council of Australia e-mail -

Of the 572 suicides of 15 to 24 year olds in W.A. illicit drugs were present in one third of males and one quarter of females.

MR R.C. KUCERA (Yokine - Minister for Health) [11.28 pm]: I thank all speakers for their contributions to this debate, regardless of whether I agree with them. The wonderful part about this Chamber is that everybody is entitled to his or her point of view. That is a wonderful way to be. It was a great experience to be in this Chamber in 2001 when the Drug Summit was held, which was the genesis of this legislation.

Mr C.J. Barnett: No it wasn't. It has been ALP policy since 1999.

Mr R.C. KUCERA: I say that whether or not there is a contrary view. It makes no difference. I was pleased to be in the Chamber during that debate and the debates that followed. Much of the bigotry and issues that have been raised today were also raised during that debate. The great part about it was that the people on both sides of the argument learnt that bigotry was not the way in which to settle major social issues such as this. It needed clear debate; people realised that they had to sit down and sensibly debate these matters. At the end of the day even those at the most extreme sides of the argument agreed on many of the issues of cannabis use and, in fact, on drug use generally. That was the great thing that came out of the Community Drug Summit. There was a sense of balance and a sense of wanting to go forward and do things.

Mr R.F. Johnson: Give us a good news story about drugs.

Mr R.C. KUCERA: I will deal with the benefits. We are dealing today with only one specific issue that came out of the Drug Summit. Since that time there has been the establishment of the Drug and Alcohol Office, which integrated the functions of the four previous drug and alcohol related government organisations; the establishment of the Senior Officers Group; the establishment of the Community Advisory Council; the development and launch of the Western Australian drug and alcohol strategy; and the establishment of prevention and early intervention programs. I could go on, but rather than talk about this document I will lay it on the Table for the remainder of the day's sitting, because there seems to be a great deal of confusion by the member for Hillarys about whether anything good came out of the Drug Summit. A great deal of good came out of it. If the member for Hillarys has any interest, he can read the document.

I will go back to the genesis of what we are talking about and will deal quickly with the issues that arose from the Drug Summit. I put on the record exactly what the message is, and I remind members of what I said in my second reading speech -

The message we will convey is that cannabis use is harmful and unlawful. Using cannabis will result in severe penalties, and cannabis supply will result in severe criminal sanctions.

That is the one single message that I have given as minister and that the Labor Party has given since the day we set out in this debate and since the day this legislation was first drafted. We have not moved away from that message. I was very pleased today to listen to the member for Mitchell read out some quotes from a 1997 select committee on drug use that I attended. Although I was taken out of context on a number of issues, basically I agree with what he said. The issues that I raised then have not changed. My position on cannabis has not shifted one bit. Cannabis is a harmful drug. It is a dangerous drug. It is difficult to control. That is why there is a simple need for a change in the legislation. At the end of the day, after all the brouhaha that has gone on - and I am happy to debate this in consideration in detail - the explanatory notes for the Bill state that the core reform proposed by the Cannabis Control Bill is to require police officers to issue a cannabis infringement notice - a CIN - to persons who are found cultivating or in possession of cannabis within defined limits. Those defined limits are very specific. This proposal arose from recommendation 39 of the Community Drug Summit, which states -

For adults who possess and cultivate small amounts of cannabis the government should adopt legislation that is consistent with *prohibition with civil penalties*, and with the option for cautioning and diversion. For those under 18 years old, the government needs to take the best possible steps to avoid young people commencing cannabis use (eg prevention and other effective strategies).

Much has been said about children. A nonsense argument was put by the member for Hillarys earlier today about how he would hold me responsible - I think that is what he said; I go back to my notes - for anything that

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happened to anyone under the age of 18. I wonder whether the member for Hillarys has actually read the legislation. I doubt that the member for Hillarys attended the briefing.

Mr R.F. Johnson: No, I did not; I had something else I had to do that day. I have read the legislation very carefully.

Mr R.C. KUCERA: The member for Hillarys did not have enough interest to attend the briefing on that matter. If he had something else to do, that is fine.

Mr R.F. Johnson: Do not be rude.

Mr R.C. KUCERA: I think the wording he used was that he would hold me responsible.

Mr R.F. Johnson: I will charge you with child abuse should any child under 18 suffer from the legislation.

Mr R.C. KUCERA: He will charge me! If it relates to anyone under the age of 18, he will be charging me with the legislation that his own Government brought in and that he voted for when he was a cabinet member. It is as simple as that. Nothing at all has changed regarding juveniles. The legislation is as it was enacted in this Parliament under the previous Government. The member for Hillarys voted for it. He is changing the issue and trying to blame the Government for legislation the previous Government brought in.

Several members interjected.

The DEPUTY SPEAKER: Order, members!

Mr R.C. KUCERA: The juvenile legislation has not changed one iota.

Of the three issues I will talk about the first is decriminalisation. I will refer to the previous Government's view on that. As I do, I will establish two themes. The first is the absolute hypocrisy that has started to emerge in this Chamber since this Bill was introduced. The second is the message given to the community. Only one party has been sending out clear messages about the legality of cannabis - the Labor Party. Cannabis will remain illegal. When we start talking about mixed and confused messages, it is quite clear that the Opposition -

Mr C.J. Barnett interjected.

The DEPUTY SPEAKER: Order! I call the Leader of the Opposition to order for the third time.

Mr R.C. KUCERA: The Opposition has very clearly gone out of its way to put a confusing message to young people and children. It should be ashamed of itself.

I will talk about some things that occurred in 1997. In that year, a question was asked of the then drug strategy minister, Hon Rhonda Parker. It stated -

A State Government survey has found that 60 per cent of 16 and 17 year old schoolchildren have admitted using cannabis at least once in the past 12 months, and the Commissioner of Police, Bob Falconer, has expressed concerns about wasting scarce police resources and court time on low level cannabis prosecutions. Given those facts, I ask whether the Minister agrees with the assessment by the Commissioner of Police that a three strikes cautioning system, along the lines of the Victorian model, would give Western Australian police an effective and proper way of dealing with the issue?

Hon Rhonda Parker replied, in part -

I will update the House on what is happening in South Australia. It must be understood that the possession of cannabis has not been decriminalised, but rather small amounts will invite a fine and not a criminal prosecution.

How the worm turns! She further said -

It is important to note that the Government in South Australia is considering reducing the number of plants a person may own from 10 to three. When I have had time to look at the report and the recommendations, that will be considered.

At that time, the legislation put forward by the previous Government allowed a person to grow - if we use its terminology - up to 25 plants before that person was deemed to be a dealer. That is not growing plants in one's backyard - that is growing a plantation! Twenty-five plants - not two or 10 plants, as she was considering, but

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25. That is still on the books today; it has not changed one little bit. What did the then minister say the following year? She stated -

A fresh and concerted effort is required to prevent and reduce cannabis use in Western Australia. Therefore, the Government will be trialling a new cannabis law enforcement approach which includes a new public education campaign on the dangers of cannabis use and a formal cautioning system for first-time offenders.

Points of Order

Mr R.F. JOHNSON: The point of a minister's response in a second reading debate is conventionally to answer comments and queries raised by members of this House. The minister is going off at a complete tangent on other items. He is not responding to members' speeches made in this House. I ask that the minister address the comments and queries brought up by members.

Mr J.C. KOBELKE: This is a frivolous point of order. The minister is addressing the issues that have been raised by the large number of members who have spoken. If the member who took the point of order had been listening to the minister, he would clearly understand that. In responding to the second reading debate, the minister does not need to identify the member's name and the particular points he or she raised. The minister is taking a more general approach and directly addressing the matters raised during the debate.

The DEPUTY SPEAKER: There is no point of order. The minister is addressing points that were raised in the second reading debate. He is doing that in a succinct way and I ask him to continue.

Debate Resumed

Mr R.C. KUCERA: My point is that virtually every speaker on the opposition side talked about decriminalisation. One member even talked about us legalising the drug. That was the terminology used. I am simply referring to the previous Government's view of decriminalisation. It did not want to use the Victorian or South Australian models, under which penalties would apply. It wanted to go further. The previous Government said that it would trial a new cannabis law enforcement approach that included education programs. That is fantastic. Everyone should have access to education programs, and that is precisely why this Bill puts a great emphasis on them. However, the previous Government's new approach to cannabis law enforcement also included a formal cautioning system. I worked with the formal cautioning system, but I did not see any relevant legislation come from this place. Did the Leader of the House see any legislation dealing with that issue go through this House?

Mr J.C. Kobelke: No, there was none.

Mr R.C. KUCERA: I wonder how the previous Government implemented its scheme. Perhaps the Opposition will ask me about it during consideration in detail. The Liberal Party did it through the use of police discretion. For its entire term of government it relied on police discretion to deal with issues such as homosexuality and prostitution. For almost its entire term of government it relied on police discretion to deal with issues like abortion. It relied on police discretion to deal with cannabis use. There is absolutely nothing wrong with police discretion. Since the establishment of the office of constable, the police have had discretion. It is as simple as that. I made a comment and got a laugh from the other side when we started talking about the separation of powers. The Leader of the Opposition wanted to talk about the constitutional issues. It was quite obvious he was not aware of them.

Under the model of the previous Government, an offender got a slap on the wrist. The police had to use discretion. There was no formal system. Nothing was legislated. The police had to pick that up.

Mr R.F. Johnson: Was it a trial?

Mr R.C. KUCERA: It was a trial. However, it involved 50 grams, not 30 grams, of cannabis, and there was no mention of plants. One had to grow 25 plants before one was considered a dealer. It was a trial that was later extended statewide by the previous Minister for Police, Hon Kevin Prince.

Dr J.M. Woollard interjected.

The DEPUTY SPEAKER: Member for Alfred Cove!

Mr R.C. KUCERA: The pilot scheme provided first-time cannabis offenders found in possession of less than 50 grams with mandatory education and a caution. It is interesting to note that -

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Police Minister Kevin Prince said he was pleased the evaluation found that police training and procedures were sound and that most police officers (72 per cent) supported the scheme.

We have heard a great deal of hypocrisy about so-called decriminalisation and legalisation. We have moved away from that position totally. I quickly go through what is contained in this legislation. We will go into it in detail in the next stage. I make a comparison of penalties. Under the Misuse of Drugs Act, the occupier of any premises who knowingly permits those premises to be used for the manufacture or preparation of a prohibited drug or prohibited plant commits an offence. The new scheme does not apply to that provision. Offenders will still face a \$3 000 fine and/or three years in prison. That is a strong penalty. I compliment the previous Government for being sensible about that.

Ms S.E. Walker interjected.

Mr R.C. KUCERA: I will get to the member and some of her messages in a moment. The Misuse of Drugs Act further refers to the owner or lessee of any premises who knowingly permits those premises to be used for the purpose of using a prohibited drug or plant as committing an offence. The cannabis infringement notice scheme does not apply to those people. The penalty for that offence of a \$3 000 fine and/or three years in prison will remain. I do not see any softening of the legislation. For a person who is knowingly concerned in the management of premises used for the manufacture or preparation of a prohibited drug, the penalty is \$3 000 and/or three years imprisonment, and so on.

Dr J.M. Woollard interjected.

The DEPUTY SPEAKER: I call the member for Alfred Cove to order for the first time.

Mr R.C. KUCERA: Under the previous Government, the penalty for a person who had in his possession any pipes or other utensils for use in connection with the smoking of a prohibited drug or prohibited plant was a slap on the wrist - a caution. Under this Government, the situation is very different. For 15 grams, the penalty is \$100; for over 15 grams, the penalty is \$150, and so on. In addition, the police have the discretion to charge somebody, and the charge carries a penalty of \$3 000 and/or three years imprisonment. I will come to those penalties later in consideration in detail.

I will talk about some of the lies in the Press and some of the messages that have been put out.

Mr R.F. Johnson: Some of the what?

Mr R.C. KUCERA: Some of the downright lies, quite frankly. Nowhere in this legislation is there any provision for cautioning.

Mr R.F. Johnson: Who is telling lies?

Mr R.C. KUCERA: I will get to that in a second.

There is the normal caution that a police officer can give as part of his role as a police officer. However, we all agree that there is no cautioning in this program.

Ms S.E. Walker: Children are cautioned.

Mr R.C. KUCERA: I inform the member for Nedlands that children do not come under this legislation. For the benefit of the member for Nedlands, I put on record that people under the age of 18 years - children - are not subject to this legislation. There has been no change. There are no cautions at all in this legislation. Yet a message was put out by the Leader of the Opposition in some sort of rag called "Points of Order" of 11 April. It is the first time I have looked at it; it is quite amazing. It states -

Not only does this dangerous legislation send the message to our children that cannabis use is ok, it also opens the door to exploitation by drug dealers . . .

I will be very pleased to have the Leader of the Opposition tell me in consideration in detail how that happens.

Mr R.F. Johnson: He will.

Mr R.C. KUCERA: No doubt he will, and no doubt he will put out the same message to the public that he puts out in a following paragraph, in which he states -

There is not a single section in the Cannabis Control Bill to ensure that drug dealers are treated as such.

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What an absolute joke! In fact, the Government has reduced the deeming provisions by almost 120 per cent in comparison with what the previous Government did. That is the first thing. The Leader of the Opposition went on to say in this so-called "Points of Order" -

Under Labor's plan to decriminalise cannabis, -

That is the first thing that is wrong; this is certainly not decriminalisation. Even the former Government said that -

offenders will receive an unlimited number of cautions for possession and cultivation of cannabis.

Again, in consideration in detail I will ask the Leader of the Opposition to show me where in this legislation it says that. The reason I will do that is that if it is not in the legislation, that can be classified only as an untruth.

I will talk a little about the messages that are being put out. One message is titled "Barnett proves a point with parsley". What a wonderful photograph appears in a community newspaper.

Mrs C.L. Edwardes: It struck a point with the community.

Mr R.C. KUCERA: Yes, it did strike a point, because what message is the Leader of the Opposition sending out? It is that it is okay to deal drugs. That is what he is saying. The article states that -

His dramatic gesture startled MPs, particularly the government . . .

He talked about parsley - yes, it is parsley. He staged a stunt. The Opposition said that it was a stunt - another Cheech and Chong stunt. He talked about South Australia etc. That is the other mistake he made. The legislation in South Australia is very different. The Government took the time and trouble to send the people from the Drug Summit to South Australia to make sure that the kinds of messages that came out of South Australia were listened to and that this legislation reflected that. The only message that that is sending out is that the Liberal Party says that if a person can do this, he can be a dealer. That is the simple message that it is sending out. I will go on a little further about the messages the Liberal Party is sending out, because only one group of people in this State is sending out the message that it is okay to use drugs and it is okay to grow plants. I will start talking about who those people are. This week I read the most amazing letter I have read for years and I will read some of it to members. It is the most irresponsible piece of dangerous mistruth I have ever read and if the person who wrote it has children or intends to have children, she should be totally ashamed. It states -

His cunningly worded letter leaves out the most disturbing aspect of this Bill - allowing our children and teenagers to grow their own cannabis directly outside their bedroom windows with impunity.

I hope that the person points out to me exactly what is meant by that when we go through the detail of the Bill. It continues -

... this aspect ... has been marketed ... as allowing only "two plants per household". This is deceptive.

It goes on to say -

The Bill ... talks in terms of an individual person being issued an infringement notice provided they are growing no more than two plants on the same premises.

This is fantastic. The Minister for Education and Training would love this. The prose in the letter is magnificent. It also says -

With cannabis at our children's fingertips they will no longer have to climb out of their pyjamas or find the money to purchase the drug in the outside world.

Have members ever heard such irresponsible claptrap in all their lives? If that is the kind of message that the member for Nedlands wants to send to the children in our community, she will be damned by her own hand.

Ms S.E. Walker interjected.

The DEPUTY SPEAKER: Order, member for Nedlands!

Mr R.C. KUCERA: It is an absolute disgrace. I am quite happy for that to go into *Hansard*, because people will look back in many years and realise the depth of depravity to which this bunch can sink to try to do something like this.

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The other message that has been sent out is that the Government and the Premier are saying that a little bit is okay. Again, I remind members of what I said in my second reading speech. The message the Government is conveying is that cannabis use is harmful; it is as simple as that. Cannabis use is unlawful and will remain unlawful. Using cannabis will result in severe penalties and severe criminal sanctions. I will keep repeating that throughout the debate and every time this issue is raised. Every time members talk about allowing people to do things, I will remind them that there is a \$100, \$150 or \$200 penalty. The children's legislation has not changed and we have more than halved the amount of drugs that a person must have before it can be proved that he is a dealer.

Several members interjected.

Mr R.C. KUCERA: Today members talked about the decriminalisation of these issues. I will not listen to members' interjections; I will get on with the debate. This is indicative of the Liberal Party. The Leader of the Opposition said that Liberal Party members will totally oppose this Bill. They will oppose it in this Chamber, they will oppose it in the next Chamber and they will oppose it in every electorate in the State. I thought the member for Rockingham made some very good points. Frankly, I will be disappointed if this is the Liberal Party's total case. I am disappointed that the Liberal Party will oppose the Government's attempt to make illegal the sale of bongs to children. We could almost name that clause. I am disappointed that the Liberal Party will oppose the Government's attempt to regulate the hydroponics industry. The one key issue in South Australia that caused problems was the hydroponic industry, and members opposite will oppose that measure. They will vote against the one measure that will stop the association of organised crime with this issue. They also will oppose the Government's attempt to reduce from 25 to 10 the number of plants a person must have before he is absolutely deemed to be a dealer. Again, the member for Rockingham made a very good point, which I will keep hammering.

Some members have spoken about protecting children. I listened to what the member for Murdoch said. Is it not amazing how people change? Is it not amazing what politics does for a person? The member for Willagee and I have discussed on many occasions how sitting on this side of the House and watching members on the other side makes us realise how proud we are to be members of the Labor Party. It was wonderful to hear the member for Dawesville waxing and waning and quoting one of Abraham Lincoln's famous nine points of wisdom that states -

You cannot build character and courage by taking away a man's initiative and independence.

It just so happens that Lincoln is a guru of mine. I happen to read a lot about him because he was a magnificent statesman, which is something that none of the crowd on the other side will ever learn about. He also said that -

Prohibition will work great injury to the cause of temperance. It is a species of intemperance within itself, for it goes beyond the bounds of reason in that it attempts to control a man's appetite by legislation and makes a crime out of things that are not crimes. A Prohibition law strikes a blow at the very principles upon which our government was founded.

Abraham Lincoln made that statement in 1840, and what sort of a prophet was he? What was the one key thing that turned America to organised crime? It was prohibition, because it was not dealt with in a sensible balanced way. The people who came to the Community Drug Summit took a sensible and balanced approach to finding a way through this maze. The Americans did not sit down and listen to the community but went forward with a position that turned their country into an absolute mess. Nobody has a good thing to say about that period in history.

Despite all the doom and gloom about which we talk and the twists and turns that the member for Murdoch took, under the current legislation the member for Murdoch would still be able to stand in this Chamber and take his place as a community leader. He would be able to make a mistake but he would not be allowed to grow and to use cannabis. He would be fined for it; there would be a penalty. He would not get a slap on the wrist as would happen in the system the member for Hillarys set up under the previous Government.

I have an enormous amount of respect for the member for Carine who spoke in the first part of the debate. It is difficult to bring one's children into a debate in this House. It is even more difficult - I will not dwell on the matter - when other people bring one's children into a debate in this House. I know how much courage it took for the member to stand and say what she said. However, she was truthful enough to say that she would not want her son to have a criminal record, and for that I applaud her. That is exactly what part of this legislation is

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about. It is about dealing sensibly with people - like the member for Carine's son - and allowing them to make mistakes and then move on in life. I have seen so many parents allow their sons and daughters to sink into a morass of drug use because they were too frightened to bring them before the police. They were too frightened to seek the help that they needed because of the punitive regimes in this State.

A great deal has been said about South Australia and other legislation across this country. The statistics came out clearly and, unlike members on the other side of the House, I like to use statistics to enlighten people - as the Leader of the House says - rather than like a lamppost that a drunken man uses to hold him up. The one key issue is that despite all the so-called punitive measures that the previous Government introduced and its attempts to push this problem onto the Police Service, this State now has the highest level of cannabis use of any State in Australia. South Australia currently comes well down the list in cannabis use.

There are a raft of other issues I could raise but no doubt they will come up during the consideration in detail stage. I will quickly refer to a couple of quotes made by the honourable member for Vasse, Mr B.K. Masters.

Several members interjected.

Mr R.C. KUCERA: Except for the messages that the member for Vasse issues in his local press and his share dealings, he is usually a bit more honourable than most members of the opposition frontbench. He quoted Rosalynn Carter, the wife of former United States President Jimmy Carter. According to the member for Vasse, she said -

A leader takes the people where they want to go. A great leader takes people where they don't necessarily want to go, but ought to be.

Mrs C.L. Edwardes: What does that say about you?

Mr R.C. KUCERA: Perhaps it puts me very much in the second category.

Mrs C.L. Edwardes: Self-praise is no praise at all.

Mr R.C. KUCERA: The member for Kingsley asked the question. According to my notes, Jimmy Carter himself said -

Penalties against a drug should not be more dangerous to an individual than the drug itself; and where they are they should be changed. Nowhere is this more clear -

The member for Kingsley should listen to this instead of yawning; she might learn something -
than in the laws against possession of marijuana.

Mr B.K. Masters: If you were saying something worth listening to -

Mr R.C. KUCERA: I am glad the member for Vasse has come into the Chamber, because he quoted this. According to my note, the quote continues -

Therefore I support legislation amending federal law to eliminate all federal penalties for the possession of up to one ounce of marijuana.

Incidentally, one ounce is 28 grams, which is the usual deal bought on the street, and relates to the 30 grams that we have talked about.

There is no doubt that this is an emotive debate, but, unfortunately, the Opposition has gone about it in such a way that it has turned it into a political bunfight, which is giving the most dreadful message to young people in this State. I have not seen in the Press any of the kind of nonsense referred to by the member for Nedlands from any member on this side of the House, from any National Party member or from any of the Independents. It is not nonsense; it is dangerous. It was totally dangerous of the member for Nedlands to stand in this place and give a message to the community that the legislation purports to be something that it is not. In my book, it is a lie for the member to say that this legislation purports to be something that it is not. That is what she has said about this legislation in the newspapers for the past two weeks; that is as plain as the nose on your face, Mr Acting Speaker.

I am going through the last of my notes because I would like to get to the consideration in detail stage. The seventh speaker, the member for Nedlands, said -

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The wonderful thing about being in Opposition is that I can get up and have a say.

She asked me to read her speech. It is not called a maiden speech any more.

The ACTING SPEAKER (Mr A.P. O’Gorman): An inaugural speech.

Mr R.C. KUCERA: Thank you, Mr Acting Speaker. I will point out a few more things from her inaugural speech. She referred to some interesting names, but I will not allude to them. The member for Alfred Cove might like to hear that in her inaugural speech the member for Nedlands said -

I reaffirm my commitment to support the ban on logging in old-growth forests . . .

I thought I would throw in that comment. Her comments regarding the Drug Summit were interesting. I heard nothing but denigration from members opposite about the people who participated in the Drug Summit. In fact, some comments that the Leader of the Opposition made about those people were quite disgusting. Quite frankly, I can tell members about who chose some of those people. A number of my advisers assisted in that process and I would be more than happy to pass on their views to members.

Several members interjected.

Mr R.C. KUCERA: The other side of the House was shown courtesy during this debate, but courtesy is not being shown in return at the moment. I will read from the inaugural speech - although it says “maiden speech” on her web site - of the member for Nedlands. It states -

The issues and problems facing our community in relation to vulnerable young people and their exposure to the drug world are still with us. We need to try to find a way through the complex problems of drug use in our community. I have been aware that, for several years, there has been a rising tide of feeling . . .

She goes on to talk about distressing loss of life etc through that whole section of the speech. The speech continues -

Regarding the drug forum, the editorial in *The West Australian* of Thursday, 27 May 1999, reminded us as a community, and more especially as politicians, to keep an open mind.

That is beautiful. The speech continues -

It is vital that we retain an open mind to any new idea that may assist us in saving the lives of our children, who can too easily descend into the drug-related world . . . It is an issue that cannot be saved by simple political rhetoric. It is an issue that needs to be brought out into the open, and all solutions that may help our children overcome substances that control, damage or destroy their lives, and the lives of many other people in the community, should be examined.

In my view it is dangerous to our children’s lives to adopt a position on matters without listening to new and relevant views.

. . .

I do not have the answer to the terrible question that faces parents, but it is the responsibility of all members of Parliament to apply our collective minds and use the knowledge of experts in addressing this great problem.

Then, last week, on 12 April this wonderful letter appeared in the *Subiaco Post*, headed “Drugs will be at our kids’ fingertips”. What a great load of hypocritical codswallop. The maiden speech of the member for Nedlands was a good one, but I lost any vestige of respect I may have had for her after reading this letter.

Ms S.E. Walker interjected.

The ACTING SPEAKER (Mr A.P. O’Gorman): I call the member for Nedlands to order for the second time.

Mr R.C. KUCERA: This is a sensible, balanced piece of legislation that comes from the concerted efforts and opinions of 100 people who came to this House. It came from a committee that worked through all those recommendations, and went to South Australia and examined the mistakes that were made there to make sure that they did not happen here. It comes from groups of drafters who have realised what a sensible, balanced piece of legislation it is. I commend the Bill to the House.

Extract from *Hansard*
[ASSEMBLY - Tuesday, 15 April 2003]
p6688b-6775a

Mr Phillip Pendal; Mr Matt Birney; Acting Speaker; Mr Rob Johnson; Mr John Bradshaw; Mr Rod Sweetman; Mr Mark McGowan; Dr Janet Woollard; Mr John Quigley; Mr Terry Waldron; Mr Jeremy Edwards; Dr Elizabeth Constable; Mrs Cheryl Edwardes; Mr John Day; Mr Dan Barron-Sullivan; Mr Martin Whitely; Mr Ross Ainsworth; Mr John Hyde; Mr Max Trenorden; Deputy Speaker; Mr Bob Kucera; Mr John Kobelke; The Deputy; Mr Colin Barnett; ; Mr Paul Omodei; Ms Sue Walker; Ms Katie Hodson-Thomas; The Acting Speaker (mr A.D. Mcrae); Speaker; Ms Dianne Guise

Question put and a division called for.

Bells rung and the House divided.

Several members interjected.

The ACTING SPEAKER (Mr A.P. O’Gorman): Order, members! I call the Minister for Tourism to order for the first time.

Several members interjected.

The ACTING SPEAKER: I call the Minister for Education and Training to order for the first time.

Mr A.J. Carpenter interjected.

The ACTING SPEAKER: Minister for Education and Training, I realise that this is a pretty contentious matter, but we must get through the division count. I would appreciate it if members would stop the interchange across the Chamber at this time.

Several members interjected.

The ACTING SPEAKER: Order, member for Hillarys!

The division resulted as follows -

Ayes (28)

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

Noes (20)

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

Question thus passed.

Bill read a second time.

Consideration in Detail

Clause 1: Short title -

Mr J.N. Hyde interjected.

The ACTING SPEAKER: The member for Perth will come to order.

Mr C.J. BARNETT: The first clause relates to the short title of the Cannabis Control Bill 2003, but this title does not describe the legislation at all. Before we move to the detail, I note on the public record that for the first time we have a reasonable representation of Labor members in the Chamber. The Premier has not shown his face in this Parliament for one minute during this debate. He has run like a scalded cat from this debate. We have had no Premier and no leadership in this Parliament.

Several members interjected.

ACTING SPEAKER (Mr A.P. O’Gorman): Members, we are just starting consideration in detail. If we get into this sort of exchange across the Chamber at this early stage, we will be here for many hours. I ask members to please let the Leader of the Opposition have his say so that we can get through this as quickly as possible.

Mr Phillip Pendal; Mr Matt Birney; Acting Speaker; Mr Rob Johnson; Mr John Bradshaw; Mr Rod Sweetman; Mr Mark McGowan; Dr Janet Woollard; Mr John Quigley; Mr Terry Waldron; Mr Jeremy Edwards; Dr Elizabeth Constable; Mrs Cheryl Edwardes; Mr John Day; Mr Dan Barron-Sullivan; Mr Martin Whitely; Mr Ross Ainsworth; Mr John Hyde; Mr Max Trenorden; Deputy Speaker; Mr Bob Kucera; Mr John Kobelke; The Deputy; Mr Colin Barnett; ; Mr Paul Omodei; Ms Sue Walker; Ms Katie Hodson-Thomas; The Acting Speaker (mr A.D. Mcrae); Speaker; Ms Dianne Guise

Mr C.J. BARNETT: The Premier has failed to have the courage to show his face in this Chamber to debate the Cannabis Control Bill, which legislation will have a profound effect on the lives of hundreds, if not thousands, of people in this State. I have never seen such a spineless effort by a Premier of Western Australia on such an important issue.

A host of issues have been raised during the debate. One of the major themes in the second reading debate has been the effect of cannabis on Aboriginal people, particularly in the Kimberley. Where is the member for Kimberley? The next time I am in Broome I will send her a postcard. She does not go to her electorate. She is not here now and she has not been in here to discuss any issues or answer any questions relating to Aboriginal health. For the first time during this debate, the Minister for Indigenous Affairs is here. He has not been here to listen to the issues about the effects of cannabis on Aboriginal Australians. It is absolutely appalling. For the first time at least, most of the Labor Party members are here. However, the Premier is not here because he is under riding orders not to show his face on this Bill. He is not here because the legislation is like a lemon for him.

Several members interjected.

The ACTING SPEAKER: A lot of interchange occurred across the Chamber. I was not sure where it was coming from all the time. A number of members shouted across the Chamber. I ask members to keep it to a minimum. Next time I will warn those members.

Mr C.J. BARNETT: The short title of this Bill is the Cannabis Control Bill. Does it control or limit the use of cannabis? No, not at all. Does it reduce the potency of cannabis? No, not at all. Does it limit or in any way reduce criminal involvement in cannabis? No, not at all. Does it reduce the access of young people in this State to cannabis? No, not at all. Does it help alleviate the mental health problems associated with the use of cannabis? No, not at all. Does it help alleviate the physical health problems associated with cannabis use? No, not at all. Indeed, I challenge members opposite to give me one good news story about cannabis use - just one. I challenge members opposite to tell me about just one happy experience of someone in their family who has used cannabis. Can the member for Eyre give me an example of a good result from a person using cannabis in his electorate? Can the member for Kimberley tell me about the abuse of cannabis by Aboriginal people in the Kimberley? She should have been in the Chamber to listen to the debate.

Points of Order

Mr J.C. KOBELKE: The matter before the House is the debate on the short title, which the Leader of the Opposition is not addressing. He is seeking to provoke members by raising a range of other matters that have nothing to do with the short title. The Leader of the Opposition must address the short title and not seek to create disputation in the House by raising issues that are not related, particularly by making pointed references to other members.

Mr R.F. JOHNSON: Some leeway is usually given to members in the debate on the short title of the Bill. The Leader of the Opposition has been indicating the inappropriateness of the title. He said that one reason the title is not appropriate is that this legislation will cause devastation in Aboriginal communities and in all other electorates. I suggest that there is no point of order.

The ACTING SPEAKER: There is no point of order. However, I ask the Leader of the Opposition to address the short title of the Bill. The Speaker has already mentioned that he is not prepared to allow members any leeway. I ask members to refer strictly to the short title of the Bill.

Debate Resumed

Mr C.J. BARNETT: I was talking about the title of the Cannabis Control Bill and pointing out every aspect raised in the second reading debate, whether it be the control of mental health problems associated with cannabis use, the control of the physical health effects of cannabis use, the control of the production of cannabis, the control of the criminal elements of cannabis or the control and restriction of young people's access to cannabis. The word "control" is in the title of the Bill; it is called the Cannabis Control Bill 2003. The word C-O-N-T-R-O-L is in the title. I challenge members to tell me how this Bill will control the damaging effects of cannabis use. The Bill does not control any of the damaging, evil consequences of cannabis use, yet it is called the Cannabis Control Bill. It will control nothing. It should be called the cannabis let loose Bill, the cannabis laissez-faire Bill or the cannabis open slather Bill. The Bill that the Minister for Health is introducing into society will allow people to grow their own, smoke their own and trade their own cannabis. Where is the

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Premier? Can anyone find the Premier? Can we send out a search party? Can we send out the beagles from the airport? Can they track him down? Where is the Premier? Where is the Deputy Premier? They are both hiding. Are they under the bench on the government side? Are they hiding in the gallery? Where are they? We have not seen them for two days.

Point of Order

Ms S.E. WALKER: Several members have been named for interjecting, but there has been a barrage of interjections over here and I cannot hear what the Leader of the Opposition is saying.

The ACTING SPEAKER (Mr A.P. O’Gorman): There is no point of order. I remind members that all interjections are disorderly and I will be warning those members if they interject in future.

Debate Resumed

Mr C.J. BARNETT: The title of this legislation, once enacted, will be the Cannabis Control Act. There are no controls at all. There is no sense of responsibility. The Minister for Education and Training came in and tried to throw his weight around. If any person in this Government should be opposing the decriminalisation of cannabis, it should be that minister. He is responsible for some 1 100 schools in this State. He should stand up to protect those children. Like the Premier, he is missing. What will happen to the school drug education program? It is a waste of time, because the Minister for Health is saying to the kids in this State that the possession of a little cannabis and the growing of a couple of plants is okay. This is an absolute disgrace.

Mrs C.L. EDWARDES: The Leader of the Opposition has stated why we disagree with the short title of the Cannabis Control Bill. It does not control anything. He used the word “use” - it certainly does not control use. It does not control growth, and it does not control the trade in cannabis. If that is to be the title of this legislation, we have a right to know from the minister why it will be called the Cannabis Control Act 2003. The member for Churchlands asked who would be in control of this legislation. Why is the Minister for Health dealing with this legislation?

Mr P.D. Omodei interjected.

Mrs C.L. EDWARDES: The member for Warren-Blackwood also raised that issue. Does this short title give any indication that this will be dealt with as a health issue? The minister, by way of interjection, attempted to say that he would deal with education. Where is that referred to in the Bill? It is not referred to in the short title, let alone throughout other parts of the Bill. It is referred to in the second reading speech, but the second reading speech does not make the legislation; it can amplify it and interpret it, but it does not make the legislation. I think this minister gets confused about what he is saying. He cannot remember whether he has read it in the second reading speech or in the legislation.

Mr C.J. Barnett: He wakes up confused.

Mrs C.L. EDWARDES: Yes. What will the Cannabis Control Act 2003 control? We have a right to know exactly why the Minister for Health is dealing with this legislation, and what it is about this title that will help us understand that it is a piece of legislation that deals with a health issue and is not a piece of legislation that the police should deal with.

Mr P.D. OMODEI: As my colleagues have said, the legislation is to be cited as the Cannabis Control Act 2003. For the life of me, I cannot see anywhere in the clauses of the Bill where it refers to control. The clauses refer to many other things, such as smoking paraphernalia.

I go back to the comment made by the member for Kingsley about who should be in control of this legislation. During the second reading debate I made the point, and I think some other members did also, that it appeared to me that this was not a health issue but a police issue. In the end this legislation gives some discretion to police officers as to whether people are carrying drugs for their own use or are dealing in drugs. I would have thought that was a police issue. It seems to me as if there has been a drawing of lots between the Minister for Health and the Minister for Police. I believe that the Minister for Police should have been dealing with the Cannabis Control Act, as it will be cited, because it deals with the policing of how people are to be allowed to carry drugs, whether infringement notices should be issued, how infringement notices are to be carried out and so on. If one looks at the prostitution legislation, for example, and balances it up, it seems to be more of a health issue, so the Minister for Health should be dealing with it rather than the Minister for Police. That is why I say that it seems to me there has been a drawing of lots.

Mr Phillip Pendal; Mr Matt Birney; Acting Speaker; Mr Rob Johnson; Mr John Bradshaw; Mr Rod Sweetman; Mr Mark McGowan; Dr Janet Woollard; Mr John Quigley; Mr Terry Waldron; Mr Jeremy Edwards; Dr Elizabeth Constable; Mrs Cheryl Edwardes; Mr John Day; Mr Dan Barron-Sullivan; Mr Martin Whitely; Mr Ross Ainsworth; Mr John Hyde; Mr Max Trenorden; Deputy Speaker; Mr Bob Kucera; Mr John Kobelke; The Deputy; Mr Colin Barnett; ; Mr Paul Omodei; Ms Sue Walker; Ms Katie Hodson-Thomas; The Acting Speaker (Mr A.D. Mcrae); Speaker; Ms Dianne Guise

The ACTING SPEAKER (Mr A.P. O’Gorman): Can the member bring his comments back to the short title of the Bill?

Mr P.D. OMODEI: I was just talking about cannabis control and how the Cannabis Control Act, as it will be cited, will be policed, hence my comments on the drawing of lots and my making the point that maybe this matter should have been dealt with by the Minister for Police. I was about to pose the question to the Minister for Police on the short title of the Bill: was the Minister for Police interested at all in handling this Bill? Maybe the minister could respond to that request.

Mr R.C. Kucera: I can by way of interjection, if you wish.

Mr P.D. OMODEI: Let the record show that the Minister for Police has declined to respond to a request as to whether she thought she should be handling this Bill rather than the Minister for Health.

Mrs M.H. Roberts: I am not the minister responsible for the drug strategy. It is as simple as that. At one point your Government had the then Minister for Community Services handling the drug strategy, then the Minister for Police. When you were in government you had a variety of ministers handling the drug strategy. We have the Minister for Health handling it. It is as simple as that. I am handling road safety, which could be handled by another person.

Mr P.D. OMODEI: The question of road safety and transport seems to have involved another drawing of lots and to have caused embarrassment to the Labor Party, but we are talking about the Cannabis Control Act, as it is to be cited under the short title of the Bill. This whole legislation is about policing how cannabis is to be grown, how people are to be treated and whether there should be discretion for police and so on. If that is not a police matter, I will eat my hat. We have the incompetent Minister for Health dealing with the legislation.

Mr C.J. Barnett: We can agree on that.

Mr P.D. OMODEI: We can certainly agree on that, that is for sure. As we go through this legislation I want to know from the Minister for Health where it controls dealing in cannabis. One has only to look at paraphernalia, which I will get to as we get down the track. We have received letters from people who run hydroponics operations about what the Government is doing to them and their businesses because of what they must do when somebody comes into their shop. They must be reasonably satisfied that the person is not a drug dealer. It is bizarre. When we talk about cannabis control under the short title, the Bill is not providing that at all but is encouraging people to get into the cannabis industry.

Mr R.F. JOHNSON: I was hoping that the minister would respond to some of our comments, but he obviously will not. I want to draw your attention, Mr Acting Speaker (Mr A.P. O’Gorman), to Standing Order No 163 because I think it is very relevant to this clause on the short title of the Bill. The short title of the Bill states -

This Act may be cited as the *Cannabis Control Act 2003*.

Standing Order No 163 states -

No clause will be included in any bill that does not come within its title. If any clause is altered after the bill is introduced the title will be altered accordingly.

No clause in this Bill deals with control. I suggest that the word “control” should be deleted from the title of the Bill.

The ACTING SPEAKER (Mr A.P. O’Gorman): Standing Order No 163 relates to the long title of the Bill and not the short title. You should address your comments to the short title.

Mr R.F. JOHNSON: With respect, Mr Acting Speaker, Standing Order No 163 does not say that. It states -

No clause will be included in any bill that does not come within its title.

We are talking about the short title. It may not be the long title, but it is still the title of the Bill. If that is your ruling, Mr Acting Speaker, I will accept it. This debate can take place on the long title, but I believe that it should take place under clause 1 on the short title, which states -

This Act may be cited as the *Cannabis Control Act 2003*.

I suggest that no clause in this Bill actually deals with control. I cannot find one clause that deals with control. I suggest that we should change the title of the Bill from Cannabis Control Bill 2003.

Mr Phillip Pendal; Mr Matt Birney; Acting Speaker; Mr Rob Johnson; Mr John Bradshaw; Mr Rod Sweetman; Mr Mark McGowan; Dr Janet Woollard; Mr John Quigley; Mr Terry Waldron; Mr Jeremy Edwards; Dr Elizabeth Constable; Mrs Cheryl Edwardes; Mr John Day; Mr Dan Barron-Sullivan; Mr Martin Whitely; Mr Ross Ainsworth; Mr John Hyde; Mr Max Trenorden; Deputy Speaker; Mr Bob Kucera; Mr John Kobelke; The Deputy; Mr Colin Barnett; ; Mr Paul Omodei; Ms Sue Walker; Ms Katie Hodson-Thomas; The Acting Speaker (mr A.D. Mcrae); Speaker; Ms Dianne Guise

Mrs C.L. Edwardes: What would you call it?

Mr R.F. JOHNSON: I would call it the out of control loony left Labor Party of Western Australia cannabis legislation that will do damage to schoolchildren, young people and anybody who dabbles in cannabis, and will enable you to grow your own Bill 2003. That is probably not a short title.

Mr C.J. Barnett: The short title could be something like suck up to the Greens Bill 2003.

Mr R.F. JOHNSON: There are so many different options for the short title. The title I have suggested would be more appropriate than the title that is before us today. This is definitely not a control Bill. This is a cannabis Bill. The Opposition has no argument with that. This Bill is about cannabis. Quite rightly, that should be cited in the title of the Bill in one way or another. My question to the minister, which he will probably have a helluva job answering -

Mr M.P. Murray: Does it control how many plants you are allowed?

Mr R.F. JOHNSON: No, it does not provide any control at all. It says what the penalty will be, which is to be similar to a parking ticket, but it does not control anything. Not one clause in the Bill controls cannabis. This is the wrong title. We should not use this as the title of the Bill, because it is not a cannabis control Bill. It could be called the cannabis uncontrolled Bill or the cannabis out of control Bill, because those titles would more appropriately reflect the clauses in this Bill. Many of the clauses clearly state that the cannabis situation will be out of control once this legislation is passed. The Bill stipulates how many plants an adult can grow, but it does not stipulate or control how many plants a child can grow. What will the penalty be for children who grow cannabis plants? That is not in the Bill, but it perhaps should be. This title is incorrect. Some suggestions have been made for the title. Perhaps the title I suggested was too long. I could cut it down a bit and make it a shorter title. There is no question in my mind that this title is a contradiction in terms. It is an absolutely wrong description of this Bill; the Bill provides no control whatsoever. I will wait with baited breath to hear what the Minister for Health will say about my suggestion for the title of the Bill. I have put forward one suggestion. One or two of my colleagues have made other suggestions. I am sure that there will be many other suggestions from my colleagues on what should be the title to really describe this Bill.

Mr R.C. KUCERA: The main control that is included in the Bill is that cannabis will remain illegal - it is as simple as that - and if it is illegal it means it is being controlled. The Bill will control drug paraphernalia, dealing, hydroponics and a raft of other issues. As I stated in the second reading debate, the core reform proposed by the Cannabis Control Bill is to require police officers to issue a cannabis infringement notice for persons who are found cultivating or in possession of cannabis within defined limits. In other words, it sets out an alternative method of control for the use and cultivation of cannabis under certain limited circumstances.

With regard to why I am handling the Bill, I am the drug strategy minister. As was pointed out, quite rightly, a number of ministers in the previous Government held this position, including the former Minister for Community Services. Every speaker in this debate has talked about health issues. Finally, it was put clearly as a major outcome of the Drug Summit that those people who deal with the use of drugs believe it should be a health issue.

Ms S.E. WALKER: I also have something to say about the short title of this Bill. I have looked carefully at the legislation. It seems to me that the short title of the Bill should be the drug dealers manual Bill 2003. I am not saying that lightly. I said during the second reading debate that I have analysed the Bill and that in the minister's press release of 19 March 2003 he misled the public when he said that under the new system there could be only two cannabis plants per household and a \$200 fine by means of an infringement notice. That is not correct. However, if that is the intention of the legislation, we need to change the Bill, because it does not control cannabis. This Bill actually unleashes cannabis. It releases the grip of the Misuse of Drugs Act on cannabis cultivation. I will explain how that works and why I say that we should change the short title of the Bill to the drug dealers manual Bill. Clause 7 of the Bill talks about two plants per person on the same premises. It does not say that it can be only two plants per household. It does not say that if a police officer rocks up to a house - the superintendent may be able to enlighten us on this, through the minister - in which there are eight people and in which there are eight cannabis plants, a CIN will be issued. It says that an individual can grow only two plants on the same premises. It does not say that it can be only two plants per household. That is why I say the minister is being misleading. It does not say that if four young people, or four adults, are living in a house, those

Mr Phillip Pandal; Mr Matt Birney; Acting Speaker; Mr Rob Johnson; Mr John Bradshaw; Mr Rod Sweetman; Mr Mark McGowan; Dr Janet Woollard; Mr John Quigley; Mr Terry Waldron; Mr Jeremy Edwards; Dr Elizabeth Constable; Mrs Cheryl Edwardes; Mr John Day; Mr Dan Barron-Sullivan; Mr Martin Whitely; Mr Ross Ainsworth; Mr John Hyde; Mr Max Trenorden; Deputy Speaker; Mr Bob Kucera; Mr John Kobelke; The Deputy; Mr Colin Barnett; ; Mr Paul Omodei; Ms Sue Walker; Ms Katie Hodson-Thomas; The Acting Speaker (mr A.D. Mcrae); Speaker; Ms Dianne Guise

four people can grow only two cannabis plants. That is not what it says, and the minister will find that defence lawyers will be going to the courts to argue that point.

Point of Order

Mr R.C. KUCERA: The member is referring to clause 7. I do not think we have reached that clause yet.

The ACTING SPEAKER (Mr A.P. O’Gorman): There is no point of order, but I ask the member to bring her comments back to the short title of the Bill.

Debate Resumed

Ms S.E. WALKER: The short title of the Bill should be the drug dealers manual Bill. It is very simple, because if there are half a dozen people in a house, they will be able to have 12 cannabis plants and they will be able to have a staggered harvesting regime. Anyone can work that out from the Bill. Not only that, they will be able to do that with impunity. I refer again to why this Bill should be called the drug dealers manual Bill. We have seen ad nauseam in press releases that there will be a \$200 on-the-spot fine. That is not correct. Under this legislation, police officers will have discretion to issue a CIN, and the person will have a choice of three ways in which he can go. He will have the choice to write a letter to the court requesting a conviction, have a fine, or choose to attend a lecture. The lecture does not have to be within 28 days.

Point of Order

Mr J.C. KOBELKE: The member is debating provisions in other clauses of the Bill. They do not relate to the short title.

The ACTING SPEAKER (Mr A.P. O’Gorman): The standing orders state that members must keep their comments fairly and squarely on the short title of the Bill. The Speaker has already made a statement to that effect. I expect the member to bring her comments back to the short title. There is no point of order.

Debate Resumed

Ms S.E. WALKER: Because people will be able to grow drugs with impunity, this Bill should be called the drug dealers manual Bill, not the Cannabis Control Bill. I pick up the point of the member for Warren-Blackwood that this Bill comes under the portfolio of the Minister for Police and Emergency Services. Anyone can read the *Government Gazette* and see which Acts ministers are responsible for. The Misuse of Drugs Act clearly comes under the police minister’s portfolio.

Mrs C.L. Edwardes: The Bill has to be read in conjunction with the Misuse of Drugs Act.

Ms S.E. WALKER: That is absolutely right. This Bill should be called the drug dealers manual Bill because it decriminalises the cultivation of cannabis as a simple offence. It could also be renamed the child drug dealers manual Bill. I will tell the House why. It has been said many times that this Bill does not apply to children. Under the Young Offenders Act it does not have to. I will read out the basic provisions of that Act. The Minister for Health knows about them. Section 22A of the Act states -

The purpose of this Division is to set up a way of diverting a child who commits an offence from the courts’ criminal justice system by allowing a police officer to administer a caution to the young person instead of starting a proceeding for the offence.

Mrs C.L. EDWARDES: I would like the member for Nedlands to continue her argument.

Points of Order

Mr J.C. KOBELKE: This Bill does not in any way amend the Young Offenders Act. The member is simply abusing standing orders and not speaking to the short title.

Mr J.L. BRADSHAW: The last speaker was actually the member for Kingsley. She did not mention the Young Offenders Act at all!

The ACTING SPEAKER: I remind the member for Nedlands that we are addressing the short title of the Cannabis Control Bill 2003. She must confine her comments to the short title.

Debate Resumed

Mr Phillip Pendal; Mr Matt Birney; Acting Speaker; Mr Rob Johnson; Mr John Bradshaw; Mr Rod Sweetman; Mr Mark McGowan; Dr Janet Woollard; Mr John Quigley; Mr Terry Waldron; Mr Jeremy Edwards; Dr Elizabeth Constable; Mrs Cheryl Edwardes; Mr John Day; Mr Dan Barron-Sullivan; Mr Martin Whitely; Mr Ross Ainsworth; Mr John Hyde; Mr Max Trenorden; Deputy Speaker; Mr Bob Kucera; Mr John Kobelke; The Deputy; Mr Colin Barnett; ; Mr Paul Omodei; Ms Sue Walker; Ms Katie Hodson-Thomas; The Acting Speaker (mr A.D. Mcrae); Speaker; Ms Dianne Guise

Ms S.E. WALKER: I said that the Bill should be renamed the child drug dealers manual Bill. I am trying to explain to the House why. Section 22A of the Young Offenders Act gives a police officer the power to consider alternatives to court proceedings.

The ACTING SPEAKER: The Bill in front of us does not amend the Young Offenders Act. I ask the member to not take the debate to that Act. The member must address the short title of the Bill.

Mr P.B. Watson interjected.

The ACTING SPEAKER: Order! The member for Albany has managed to get away with a few interjections across the Chamber. I call him to order for the first time.

Ms S.E. WALKER: This Bill does not amend the Young Offenders Act but it does impact on children. I have tried to explain why the Cannabis Control Bill is misleading. The Bill impacts on children and it allows children to deal in drugs. I am explaining why the short title of the Bill should be changed to the child drug dealers manual Bill. To do so, I must refer to the Young Offenders Act. Section 22B of that Act states -

A police officer, before starting a proceeding against a young person for an offence, must first consider whether in all the circumstances it would be more appropriate -

- (a) to take no action; or
- (b) administer a caution to the young person.

The ACTING SPEAKER: Member for Nedlands, we have already ruled that this Bill does not amend the Young Offenders Act. Once again, I ask you to come back to the short title of the Cannabis Control Bill 2003.

Ms S.E. WALKER: I agree that this Bill does not amend the Young Offenders Act, but I would like to refer to it because I believe that this Bill should be renamed the child drug dealers manual Bill. Under schedule 1 of the Young Offenders Act, a caution can be given for the cultivation of cannabis. This Bill does not have to apply to children because they are already subject to such provisions. That is why I concur with the Leader of the Opposition and the members for Kingsley, Hillarys and Warren-Blackwood in saying that the title Cannabis Control Bill is misleading.

Dr J.M. WOOLLARD: I agree that this title is inappropriate for this Bill. Anyone who picked up this Bill or looked in *Hansard* to see what the Parliament had been doing for the past year would think that this Bill had something to do with cannabis control. The minister stated that he was not making cannabis legal. However, the dictionary defines criminal as "person guilty of a crime . . . of, involving, or concerning crime . . . guilty of crime . . . criminal offences". I believe that an outcome of this Bill will be that a lot more cannabis will be grown and on the streets. It is totally inappropriate to call this the Cannabis Control Bill. It should be called the cannabis out of control Bill. However, I think it would be better to call it the Gallop Government cannabis decriminalisation Bill. If that were the case, when people saw the short title of this Bill they would associate the smell of it with the Gallop Government and not with the whole of this Parliament. It should certainly not be associated with me, an Independent member of Parliament.

Mrs C.L. Edwardes: Or us.

Dr J.M. WOOLLARD: Nor should it be associated with the Opposition. I do not want to be associated with the smell that will be left by this Bill. The community will not be happy with it. It is not a control Bill. It will allow people who in the past have not grown cannabis to grow cannabis. Instead of protecting youth, who in the past were possibly subjected to peer pressure and had a joint, the Bill will be an endorsement for drug dealers. Many more people will grow one or two plants and sell the product, not to older people but to our youth in our schools. Documentation shows that it is when children are in the first years of secondary school that they are first offered cannabis joints. This is not cannabis control; it is cannabis out of control. I believe that it is totally inappropriate and misleading to the community -

Mr D.F. Barron-Sullivan: You are quite correct. Research shows that 33.5 per cent of year 8 students use cannabis.

Dr J.M. WOOLLARD: Where does that 33 per cent come from? They are street kids and children who do not have high self-esteem. They are problem children. What is this Government doing? It will not help those children.

Ms J.A. Radisich interjected.

Extract from Hansard
[ASSEMBLY - Tuesday, 15 April 2003]
p6688b-6775a

Mr Phillip Pendal; Mr Matt Birney; Acting Speaker; Mr Rob Johnson; Mr John Bradshaw; Mr Rod Sweetman; Mr Mark McGowan; Dr Janet Woollard; Mr John Quigley; Mr Terry Waldron; Mr Jeremy Edwards; Dr Elizabeth Constable; Mrs Cheryl Edwardes; Mr John Day; Mr Dan Barron-Sullivan; Mr Martin Whitely; Mr Ross Ainsworth; Mr John Hyde; Mr Max Trenorden; Deputy Speaker; Mr Bob Kucera; Mr John Kobelke; The Deputy; Mr Colin Barnett; ; Mr Paul Omodei; Ms Sue Walker; Ms Katie Hodson-Thomas; The Acting Speaker (mr A.D. Mcrae); Speaker; Ms Dianne Guise

The ACTING SPEAKER: Member for Swan Hills!

Dr J.M. WOOLLARD: It will not help those children who might be susceptible to trying drugs. It will make it easy for those people, because a lot more cannabis will be grown on the streets and in the schoolyards. There is already a problem with cannabis on the school playing fields. By allowing people to grow two plants, this Bill is basically giving the go-ahead to drug dealers. It is giving the wrong message. If this message is given, it should be given clearly by stating that it is the Gallop government cannabis decriminalisation Bill - not a Bill of the Western Australian Parliament but of the Gallop Government, because this is certainly not coming from the whole of this Parliament.

Question to be Put

Mr J.C. KOBELKE: I move -

That the question be now put.

Question put and a division taken with the following result -

Ayes (27)

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

Noes (20)

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

Question thus passed.

Clause put and a division taken with the following result -

Ayes (27)

Mr P.W. Andrews	Mrs D.J. Guise	Mr M. McGowan	Ms J.A. Radisich
Mr J.J.M. Bowler	Mr S.R. Hill	Ms S.M. McHale	Mrs M.H. Roberts
Mr C.M. Brown	Mr J.N. Hyde	Mr A.D. McRae	Mr D.A. Templeman
Mr A.J. Carpenter	Mr J.C. Kobelke	Mr N.R. Marlborough	Mr P.B. Watson
Mr A.J. Dean	Mr R.C. Kucera	Mrs C.A. Martin	Mr M.P. Whitely
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Noes (20)

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

Clause thus passed.

Clause 2: Commencement -

Mrs C.L. EDWARDES: Can the minister tell members the date that the Bill is expected to be proclaimed after it passes through both Houses of Parliament and how long it is likely to be before the regulations are drafted?

Extract from Hansard
[ASSEMBLY - Tuesday, 15 April 2003]
p6688b-6775a

Mr Phillip Pendal; Mr Matt Birney; Acting Speaker; Mr Rob Johnson; Mr John Bradshaw; Mr Rod Sweetman; Mr Mark McGowan; Dr Janet Woollard; Mr John Quigley; Mr Terry Waldron; Mr Jeremy Edwards; Dr Elizabeth Constable; Mrs Cheryl Edwardes; Mr John Day; Mr Dan Barron-Sullivan; Mr Martin Whitely; Mr Ross Ainsworth; Mr John Hyde; Mr Max Trenorden; Deputy Speaker; Mr Bob Kucera; Mr John Kobelke; The Deputy; Mr Colin Barnett; ; Mr Paul Omodei; Ms Sue Walker; Ms Katie Hodson-Thomas; The Acting Speaker (mr A.D. Mcrae); Speaker; Ms Dianne Guise

Mr R.C. KUCERA: I cannot give a specific date, but we expect it to take three to six months. It will be necessary for the police to put in place standard operating procedures and for education programs etc to be put in place once the new legislation is passed. A range of other issues will need to be dealt with after the Bill is proclaimed, including policy issues for both education and police operations, so it will take between three and six months.

Point of Order

Ms K. HODSON-THOMAS: When the minister speaks towards you, Mr Acting Speaker, perhaps Hansard can hear him. I am not hard of hearing, but I did not hear a thing the minister said in his last sentence and I ask whether the minister can repeat it.

Debate Resumed

Mr R.C. KUCERA: I am quite happy to repeat it for the member for Carine. Perhaps if the member for Nedlands will be quiet, the member might be able to hear me a little better. I have already said that we expect the proclamation to take between three and six months, depending on the standard operating procedures that the police must put in place and the education programs that will need to be put in place. Commencement by proclamation is proposed to enable the preparation of regulations relating to the Bill, and administrative procedures must be completed before the Bill is brought into operation. I cannot give a specific date.

Adjournment of Debate

Mr P.D. OMODEI: I move -

That the debate be adjourned.

Question put and a division taken with the following result -

Ayes (20)

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

Noes (26)

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

Question thus negatived.

Consideration in Detail Resumed

Mr P.D. OMODEI: In response to the member for Kingsley, the minister said that the reason for the Act coming into operation on a day fixed by proclamation is due partly to a delay in the drafting of the regulations. Will the minister indicate to what clauses in the legislation the regulations will relate? In a Bill of this importance, which is being watched closely by the broader community, it is preferable to know the contents of regulations when the legislation is enacted. Will the minister give me a basic outline of the clauses to which the regulations will apply and their contents?

Mr R.C. KUCERA: The cannabis infringement notices referred to in clause 8, the modified penalties referred to in clause 9, which relate to the nature of the warning in clause 21, and the contents of the cannabis education materials in clause 22 are the kinds of regulations I am talking about.

Mrs C.L. EDWARDES: In answer to my first question, the minister referred to the standing operating procedures. Will these procedures apply to officers of the Department of Health or the Police Service? Will the

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administrative procedures referred to by the minister apply to the Department of Health or the Police Service? In a range of other issues, including education, was the minister referring to matters that come under the Department of Health or the Police Service?

Mr R.C. KUCERA: The standard operating procedures are the province of the Police Service and are included in the Commissioner of Police's manual known as the COP's manual. The Department of Health will deal with some issues, mainly authorisations that must be issued under other Acts; however, the standard operating procedures will be the province of the Police Service.

Mrs C.L. EDWARDES: Are the standard operating procedures, therefore, the administrative procedures referred to by the minister relating to education?

The ACTING SPEAKER (Mr A.D. McRae): While the member for Kingsley is on her feet, can she explain to me how this debate relates to clause 2?

Mrs C.L. EDWARDES: It relates to the answer given by the minister in response to my question about how long it would take before the Act was proclaimed. He said that it would take three to six months to be drafted, which would include the standard operating procedures and a range of other issues, including education, regulations and administrative procedures.

The ACTING SPEAKER: Okay.

Mr R.C. Kucera: By way of interjection -

Mrs C.L. EDWARDES: No, Mr Acting Speaker, you would not allow that before. Will the minister tell me whether the Police Service or the Department of Health will conduct the education programs? The minister mentioned a number of authorisations to be issued by the Department of Health. What exactly are they? More importantly, the issue is that it will take three to six months for all those matters to be put in place. I find it surprising that the minister does not know more definitively how long they will take to be drafted and be put in place. Is it the case that without a more finite time these matters will present more problems than were anticipated? Three to six months is almost double the normal time for a Bill to be enacted and is quite surprising.

Mr R.C. KUCERA: I cannot comment on the member's surprise. The cannabis education sessions referred to in clause 16 will be produced by the Department of Health. The contents of those sessions are laid out in that clause. Perhaps the member will talk further on that when we reach it.

Mrs C.L. EDWARDES: The minister mentioned that he did not want to comment on my surprise at the three to six months. Perhaps he would like to comment on the reason it will take anywhere from three to six months for the administrative procedures and other regulations to be drafted. It would appear to be quite an imprecise period for such an important piece of legislation to be finalised, with the knowledge that it has been put together to bring this to fruition. I imagine that a lot of people have been working on this and as such there should be a more precise period for this legislation to be proclaimed.

Mr R.C. KUCERA: That is an estimation given to me by the Police Service. There are a large number of issues about the standard operating procedures. Training will also be necessary, as well as the modification of computers and a number of other things. I am guided only by the police estimate.

Mr C.J. BARNETT: This really is not good enough. We have a vague estimation that the proclamation of this Bill will take place some time in the next three to six months. Much of the operation of this Bill will depend on the administrative procedures or the drafting of regulations, and yet we receive no guidance, and no indication from this minister. It is not unknown in this House for details on foreshadowed regulations and administrative procedures to be available. We are talking about discretion and protocols for the police. This minister can give us no indication at all how those things are progressing. To say three to six months is simply not good enough. Clause 2 is about proclamation. It is about when this Bill, if it succeeds in passing both Houses of Parliament, will become law. The proclamation is the end of the process of developing, drafting, introducing and debating through both Houses of Parliament, so it is the end of a process. In looking at that end of the process, and therefore the start of the operation of the legislation, I will go back and draw the history leading up to proclamation, so that the House will understand exactly what proclamation is doing. The history goes back to 1999, when the Australian Labor Party unanimously voted at its state conference to support the decriminalisation of up to 100 grams of cannabis and the cultivation of five plants. That is the first step that led to proclamation.

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Points of Order

Mr J.C. KOBELKE: The member is not speaking to clause 2. He is going off onto a whole range of other matters. I ask the Acting Speaker (Mr A.D. McRae) to consider how long he can speak on other matters before he transgresses the standing orders.

Mr M.J. BIRNEY: I was listening rather intently to what the Leader of the Opposition was saying. It is unfortunate that the Leader of the House was not, because the very last word the Leader of the Opposition said prior to sitting down was "proclamation", which is clause 2 of the Bill, which talks about proclamation. There is no point of order.

The ACTING SPEAKER (Mr A.D. McRae): The reality is that there is some straying into clauses that we will deal with in due course. In my checking of the clauses of the Bill when I first raised the matter with the member for Kingsley a few moments ago, I could see that the specifics of what she was asking about were dealt with in detail later on in the Bill. I allowed that inquiry to go on. I ask the Leader of the Opposition to bring his comments back to clause 2 and leave out those matters that go beyond the commencement, particularly matters raised in the second reading debate, and those that might be raised in the third reading debate.

Debate Resumed

Mr C.J. BARNETT: It is not a matter of third reading. We are considering the proclamation date. The debate has moved into the consideration in detail stage in this House. The proclamation might be three to six months away. It is proper that this Parliament, and therefore the public, has a gauge of the efficacy with which this Bill has been handled. Let us take the longest scenario, in which the proclamation date is six months away.

Mrs C.L. Edwardes: That is after passing through both Houses of Parliament.

Mr C.J. BARNETT: Yes - through both Houses. We can assume this Bill will come into law perhaps in the fourth quarter of this year; maybe around Christmas. That would be a nice Christmas present for parents. Kids can be given cannabis for Christmas - a couple of plants. We have missed out on the Easter bunny, but the proclamation will probably come around Christmas time. The substantive point I want to make is about the time spent in developing this legislation. I will be quite quick, Mr Acting Speaker. The first step to proclamation was in 1999 when the state ALP conference voted unanimously to decriminalise cannabis. The second step towards this Bill, and, therefore, to proclamation, was the ALP election statement.

The ACTING SPEAKER (Mr A.D. McRae): Leader of the Opposition, I have made my intent clear. I have asked you a couple of times, and I ask you again, not to stray to matters relating to the second reading debate that have nothing to do with commencement.

Mr C.J. Barnett: I'm not.

The ACTING SPEAKER: I call the Leader of the Opposition to order for the fourth time. If the member wishes to dissent from my ruling, he should please go ahead, but he will not canvass my advice when I am acting in a cooperative way. I have asked the Leader of the Opposition three times to stick to standing orders and to the clause in question. The Labor Party policy on whatever matter has nothing to do with the commencement of the Bill.

Mr C.J. BARNETT: I am discussing the time period up to proclamation.

The ACTING SPEAKER: For the information of the Leader of the Opposition, he has been called to order for the fourth time.

Mr C.J. BARNETT: I am discussing the time period leading up to proclamation. In the passage of the Bill to the final stage of proclamation, a number of steps are involved. The early steps of drafting, which lead to proclamation, come from a policy position. My point will take 20 seconds. The process started with the ALP conference and the decriminalisation resolution. The ALP election statement talked about decriminalisation as policy.

The ACTING SPEAKER: The Leader of the Opposition will resume his seat.

Mr P.D. OMODEI: In the minister's response to the member for Kingsley, he referred to the changes to be made after proclamation with computer modelling, training, and educational programs. He might have mentioned others, but I picked up only those matters. Can the minister give an idea of the cost of the new computer

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modelling and the education programs? Has the minister estimated numbers of officers who may go through the education and training programs?

Mr C.J. BARNETT: Mr Acting Speaker, the final stage leading to proclamation related to the Community Drug Summit, which the minister claimed was the origin of the Bill. In instructions to the Drug Summit, the minister talked about decriminalisation. Had the Leader of the House not guillotined debate, I and others would have had the opportunity to say that the member for Alfred Cove hit the nail on the head; namely, this Bill is about decriminalisation. We should talk about the decriminalisation of cannabis in the process leading up to proclamation. Therefore, the origin of the legislation leading to proclamation was in 1999. It went through a series of steps culminating in the drafting and introduction of this Bill. Assuming proclamation is just before Christmas 2003, an effective four-year development will lead to proclamation. Despite those four years of development of the legislation from policy, through the Drug Summit, through resolutions, through drafting instructions and through cabinet meetings, we find in the House that the minister can give us no details on protocols, regulations or administrative procedures. I do not think the minister has a chance in hell of proclaiming the Bill before Christmas. It is way off. The minister has not got his act together. The legislation has so many loose ends and unanswered questions that proclamation is unlikely in the next three to six months. We will find that out in the process of this debate. The minister should be able to produce the protocols and regulations in draft form to this Parliament.

Mr J.C. Kobelke: You never did it when a minister.

Mr C.J. BARNETT: Can the Minister for Health do it? The minister said he would proclaim the Bill in three months, but the protocols are not in place. He cannot tell us when answering questions what the regulations are about, let alone provide draft regulations. I do not think the minister has any clue about the matter. He claims proclamation might be three months away. Decriminalisation has been Labor Party policy since 1999. When the member for Alfred Cove drew attention to what this Bill was about - decriminalisation - the Leader of the House gagged the debate. The member for Alfred Cove hit the nail on the head. This Bill should have been called the decriminalisation of cannabis bill 2003. That would have led to its proclamation. That is what the Bill should have been about. As soon as the member for Alfred Cove made that point, the guillotine was used.

The Government's chances of getting the legislation to proclamation are limited. If the Leader of the House must gag the Bill, it says to me that the Minister for Health does not understand the Bill. It also says to me that as we go through the consideration in detail stage, the minister will show his lack of understanding of the Bill. On the first substantive clause, which is the easiest clause, when the minister was asked to outline the regulations, protocols and procedures, what did we get? The minister said, "Look at page 23 of the COP's manual." It is absolutely pathetic. The minister has fallen back into his old police jargon. He cannot provide any policy direction to this Parliament at all - none at all - yet he says he will proclaim the Bill in three to six months. I do not think so.

Mr R.C. KUCERA: Although I have been in this House for only two years, I am fully aware that protocols and regulations depend on the finished piece of legislation. The police advise me that they are confident that the protocols and regulations can be up and running in three to six months. Under the previous lack of legislation, the police were left floundering to run a pilot scheme for 12 months without any protocols, regulations or guidance at all other than their own discretion. This Bill provides very prescriptive controls and its standard operating procedures and regulations will also be prescriptive.

In answer to the question raised by the member for Warren-Blackwood, the Police Service advises me that the estimated cost for the introduction of new computer modelling in the education programs is a total of \$133 250.

Ms S.E. WALKER: I refer to the minister's comments about the training of police. I wonder what they must be trained for. Must they be trained how not to charge people? Must they be trained to count the number of cannabis plants, whether it be 10 or 25 plants?

The ACTING SPEAKER (Mr A.D. McRae): Member for Nedlands, resume your seat. I have now come to the end of my tether. I ask members to speak to the clause at question. I will not allow any further straying from the question and I will seat members if they continue to insist on doing that. Members have been repeatedly asked to speak to the clause at question, and they are not doing that.

Adjournment of Debate

Extract from Hansard
[ASSEMBLY - Tuesday, 15 April 2003]
p6688b-6775a

Mr Phillip Pendal; Mr Matt Birney; Acting Speaker; Mr Rob Johnson; Mr John Bradshaw; Mr Rod Sweetman; Mr Mark McGowan; Dr Janet Woollard; Mr John Quigley; Mr Terry Waldron; Mr Jeremy Edwards; Dr Elizabeth Constable; Mrs Cheryl Edwardes; Mr John Day; Mr Dan Barron-Sullivan; Mr Martin Whitely; Mr Ross Ainsworth; Mr John Hyde; Mr Max Trenorden; Deputy Speaker; Mr Bob Kucera; Mr John Kobelke; The Deputy; Mr Colin Barnett; ; Mr Paul Omodei; Ms Sue Walker; Ms Katie Hodson-Thomas; The Acting Speaker (mr A.D. Mcrae); Speaker; Ms Dianne Guise

Mr P.D. OMODEI: I move -

That the debate be adjourned.

Question put and a division taken with the following result -

Ayes (20)

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

Noes (26)

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

Question thus negated.

Consideration in Detail Resumed

Mr R.F. JOHNSON: Clause 2 states -

This Act comes into operation on a day fixed by proclamation.

The minister is giving us an airy-fairy time of three to six months. I suggest, by way of an amendment, that we should fix a definite date so people know when this Bill will become law.

Mrs C.L. Edwardes: Do you think they will do it after the next election?

Mr R.F. JOHNSON: The member for Kingsley referred to a date after the next election. People in this State could then judge whether they really want this legislation or not; I believe the majority of people do not. I foreshadow a probable amendment to this clause. It should be a definite date. This clause could be changed so that the Act will come into operation after proclamation, but not before 25 December 2005. That way the people of Western Australia would know what will happen with this Bill and the freeing up of cannabis use.

We know that the Bill must be proclaimed before it becomes law, but a date must be fixed somewhere. I do not believe that with such an abhorrent Bill as this we can leave it to the whim of the minister or the Cabinet, because neither can be trusted. I ask the minister to comment on the possibility of having, not three to six months, but a fixed date. What would be the minister's response to having that fixed date after the date of proclamation but not less than two years hence? If there were a fixed date of 25 December 2005, because we know it will be proclaimed by then, it would take away the ambiguity of three to six months and we would have a definite date when the people of this State will know that this Bill will be in operation. People must get used to bad news. Having 25 December 2005 will give people at least a couple of years to get used to what they can expect. It would be after the next election, which could serve a twofold purpose. People could decide whether they liked this drugs Bill that this Government has brought in, but the date of proclamation is not so important as the date that this Bill comes into operation. I want to hear the minister's comments on the suggestion I am putting forward. I have not moved an amendment but I am considering one. I would like to know whether the minister believes that the proclamation date is the important one or whether the date that this Bill comes into operation should be a fixed date. I would also like his comments on my suggestion of 25 December 2005.

Mr R.C. KUCERA: The police are concerned about the uncertainty that exists because of the existing legislation, which was cobbled and patched together by the previous Government without any prescription or control in many areas; it was simply left to the discretion of the police. They have given me the undertaking that within three to six months of this Bill passing through Parliament we should be able to proclaim it. I would be very concerned if the situation continued in which people could grow up to 25 plants before they were

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considered to be dealers and were not subject to the penalties included in this Bill. I would also be concerned if the control that is provided for in this Bill were held up in any way.

Mrs C.L. EDWARDES: Is it proposed to proclaim all sections at the same time or in stages; and, if so, what are the stages?

Mr R.C. Kucera: It is proposed to proclaim the entire Bill.

Mrs C.L. EDWARDES: The minister mentioned the reason for three to six months and said that there were no draft regulations and the like and said that he had been minister for a couple of years now and understood the protocols of legislation. I bring to his attention that it is not unknown for draft regulations to be brought into this House and distributed prior to legislation passing through either House of Parliament. A case in point is the Dangerous Goods Safety Bill, which is currently before the House in the carriage of the Minister for Planning and Infrastructure. I wonder why that was not possible in this instance given the minister's long lead-in time.

Mr R.C. KUCERA: The substantive matter is the penalties, which we have already announced. There is no provision to proclaim anything other than the entire Bill.

Mr C.J. BARNETT: This is a sloppy Bill and a sloppy procedure. We have had a vague indication from the minister that proclamation could be three to six months. When he has been challenged about the detail of regulation and administrative procedures, he has been unable to add further useful information. As the member for Kingsley said, it is not uncommon to have regulations, at least in draft form, before the Parliament. Much of the application of this legislation will relate to those regulations, yet there is no indication of the proclamation date, other than three to six months.

I will give another perspective about the proclamation date. It will affect families in this State - parents and their children. There is a strong case for the proclamation -

Mr R.C. Kucera: It will protect them from the people you left.

Mr C.J. BARNETT: It will not protect them. This legislation will put young people at risk. The minister should be quiet, listen to what we are saying, and then respond. Given the severe danger that this legislation represents to children in this State, and the legitimate concern of parents -

Mr J.N. Hyde: Drug lords love you! Drug lords will be happy with you.

The ACTING SPEAKER (Mr A.D. McRae): Order, member for Perth!

Mr C.J. BARNETT: That is very strange. If this Bill is to pass through the Parliament, parents legitimately deserve an extended period between its passage through the upper House and its proclamation. That would mean that even if the Government failed to provide the information, which it will, the wider community would at least have an opportunity to be informed about the change in law. If the Government is to bring in this appalling legislation, which will place kids at risk, it should at least give other people in the community, whether it be the Opposition, churches, health professionals or whomever else, the opportunity to inform parents of the changes, so that parents have the chance to prepare their children and make sure that they will not be as adversely affected by this legislation as they could be. There are two scenarios. If the Government had wanted the proclamation date to be within three months of the passage of this legislation through the Parliament, it would at least have had the regulations in place, but it does not. If it had a sensible policy approach that involved educating and informing parents so that they can prepare their children for the explosion in backyard cannabis production that will result from the passage of this legislation, it would allow six or 12-months before the legislation is proclaimed. That would allow the regulations to be put in place and the police to develop their procedures. Most importantly for proclamation, it would mean that the community would be aware of the change. Parents deserve advance warning of such a fundamental change in the law on drugs and the danger that it represents to their sons and daughters. They need and deserve an advanced proclamation date yet we have none.

Plenty of the legislation that comes before this House specifies a proclamation date or gives an indicative proclamation date. Why does the minister not take a stab or punt at one? Three months is ridiculous. The minister has not drafted any regulations. He has no procedures and no way of dealing with the discretionary aspects of the legislation. The three-month time frame for proclamation is not realistic. I am not sure about six months. In fairness to parents, if this Bill passes through both Houses of Parliament, they deserve at least a year in which to prepare their families and to try to prevent any damaging effects on the community that will result from Labor's decriminalisation policy.

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Mr J.N. Hyde: Your mob would get two crops in with the delays.

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

Mr M.J. Birney: Leader of the Opposition, spring might be a good time for this legislation to be proclaimed because the soil is at its zenith and things grow well at that time.

Mr C.J. BARNETT: It is a serious point. I suggest that there should be a 12-month period before the legislation is proclaimed. Given the way in which the Labor Party will try to guillotine this legislation through the Parliament, because it cannot win the argument, I presume that it will try to have it proclaimed by 30 June this year. A sensible proclamation date would be that given by the leader of opposition business and be after the election. The Government will probably not accept that. However, a sensible proclamation date could be 1 July 2004, which would give the community a full 12 months in which to be informed about the change and give the minister time to start to draft his regulations and go to his Commissioner's Orders and Procedures Manual. That delay might also give the Minister for Police time to finally become interested in this Bill, and the Minister for Education and Training time to finally realise that this legislation will have a massive impact on schools. As a former Minister for Education, I can tell the House that schools need time in which to prepare for this change and to incorporate it in their school-based drug education programs. The school curriculum works on a 12-month period. It cannot be changed halfway through that period. The minimum time between the passage of this Bill through the Parliament and the proclamation date should be a full 12 months.

Mr R.C. KUCERA: I do not know how many times I need to repeat this, but clause 19 states clearly that the Bill does not deal with children. It is a piece of adult legislation. The only danger for children is the disgusting messages that are being given out by the Leader of the Opposition and the member for Nedlands, as I clearly pointed out during the second reading debate.

Immediately upon the passage of the Bill, there will be a concerted campaign to explain clearly the illegality of cannabis and the operations of this Bill, and to explain clearly to the entire community the real issues in this Bill - not the misinformation that is being peddled.

Mr C.J. BARNETT: The minister seems to be warming to the task. He will have a campaign to explain the illegality of the Bill! He will have to explain criminalise and decriminalise, lawful and unlawful and legal and illegal!

Point of Order

Mr R.C. KUCERA: That is not what I said. I said to explain the illegality of cannabis.

The ACTING SPEAKER (Mr A.D. McRae): There is no point of order.

Debate Resumed

Mr C.J. BARNETT: We have three concepts - three positive and three negative - or six terms. The minister will have to explain six terms. I would like the minister to explain how he will have an education program on this Bill. The place in which this education program will matter the most is the schools. It is the young kids in primary school and the early years of high school who will gain access to cannabis by nicking it from backyards or by it being dealt to them in \$25, \$10 or \$5 parcels. The critical part about the proclamation date is how the minister will get that education program - if he is going to do it - into the schools. As a former education minister I have a bit of an idea about how schools work. If the proclamation date is to be tied to the education program, I ask the minister to explain to me how he will develop an education program and put it into our schools in a three or six-month period. If the minister cannot do that, the proclamation date has to be 12 to 18 months out.

Mr R.C. KUCERA: I have already answered that question. Mr Acting Speaker, the Leader of the Opposition seems to be ignoring your ruling from earlier on and ignoring the fact -

Several members interjected.

The ACTING SPEAKER (Mr A.D. McRae): The minister does not need to tell me how my job is going, nor does the Leader of the Opposition, who I am calling to order now for the fifth time for making observations about my behaviour -

Mr C.J. Barnett interjected.

Mr Phillip Pendal; Mr Matt Birney; Acting Speaker; Mr Rob Johnson; Mr John Bradshaw; Mr Rod Sweetman; Mr Mark McGowan; Dr Janet Woollard; Mr John Quigley; Mr Terry Waldron; Mr Jeremy Edwards; Dr Elizabeth Constable; Mrs Cheryl Edwardes; Mr John Day; Mr Dan Barron-Sullivan; Mr Martin Whitely; Mr Ross Ainsworth; Mr John Hyde; Mr Max Trenorden; Deputy Speaker; Mr Bob Kucera; Mr John Kobelke; The Deputy; Mr Colin Barnett; ; Mr Paul Omodei; Ms Sue Walker; Ms Katie Hodson-Thomas; The Acting Speaker (mr A.D. Mcrae); Speaker; Ms Dianne Guise

The ACTING SPEAKER: I am calling the Leader of the Opposition to order for the fifth time. He is lucky he is not going out. If he keeps pushing the role of the Acting Speaker - it might not be me; it might be any one of the Acting Speakers who occupies this Chair - he will find that it is not tolerated. The Speaker has made that clear, and I intend to enforce it.

Mr R.C. KUCERA: My apologies, Mr Acting Speaker. I did not intend to canvass your ruling. I wanted to point out -

Mr M.J. Birney: You are a very good Acting Speaker.

The ACTING SPEAKER: I hope the member for Kalgoorlie is not reflecting on the Chair. The member should not stand while I am standing.

Mr M.J. Birney: I was in fact reflecting on the Chair, but positively.

The ACTING SPEAKER: The member is not to do that in any form. Read the standing orders.

Mr M.J. Birney: Then I take that back.

Mr R.C. KUCERA: It is clear from clause 19 that the Bill does not deal with children. It is a piece of adult legislation that commences at age 18.

Mr R.F. JOHNSON: I want to come back to one of the suggestions that I made earlier. Perhaps I was a bit unreasonable about the date that I have suggested for the commencement of the Bill. I would like the commencement date of the Bill to be after the next election. The reason is that recent polls have shown that the majority of Western Australians do not support the Bill. The commencement date of the Bill would come after the proclamation, obviously, but the commencement could be set down for, say, 1 July 2005. If the election was held in February 2005, or it might be earlier, in late 2004, at least that would give the Government time to see whether its reading of the minds of Western Australians is correct. The Government believes it has support for this Bill. The polls I have seen do not show support for this Bill. If the commencement date were 1 July 2005, people going to the polls could vote on this issue. If the Government got back in, the commencement of this legislation would be 1 July 2005.

Mr J.N. Hyde interjected.

The ACTING SPEAKER (Mr A.D. McRae): Order, member for Perth!

Mr R.F. JOHNSON: If the Government were not re-elected, it would give the Opposition the chance to completely revamp this legislation. Alternatively, it could be repealed and new legislation introduced. Something has to be done; we accept that. If we had been returned to government at the last election we would have brought in a Bill, but not along these lines. The commencement date is very important. I do not see the proclamation date as a problem. Proclamation could be six months from the date the Bill passes through both Houses of Parliament. That would give the Government the three to six months leeway the minister was talking about. I am talking about the commencement of the Bill; that is, when it comes into operation. It should be 1 July 2005. I would like the minister's comments on that.

Mr R.C. KUCERA: I have already answered that question.

Mrs C.L. EDWARDES: The Leader of the Opposition made a very good point about the commencement of the school year. If the proclamation date is to be three to six months hence, taking it towards the end of this year as the date for introduction - I could be flippant and talk about a happy new year - what proposals are there to change the curriculum? Is anything proposed?

Mr R.C. Kucera: No.

Mrs C.L. EDWARDES: There is no indication whatsoever? Schools do not have to do anything in preparation for the legislation? Is that what the minister is saying about when this legislation will be enacted? The Leader of the Opposition made the point that all schools, teachers and counsellors need to be fully informed about what is in this legislation in order to help children.

Mr R.C. Kucera: All they need to know is that it remains illegal.

Mr C.J. BARNETT: I am horrified by the interjection from the minister. He said that all children need to know about cannabis is that it remains illegal. I am sorry, but a drug education program is a lot more than that. It needs to look at health effects, social impacts, the pathway to crime, the effect on a child's ability to participate

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in and complete education, and the ability to leave school and hold down a job. All those things are important. Young people need to be alerted to the dangers. They need to be alerted to what types of low-life will be selling drugs in the community. They need to be given the warning signals.

Mr R.C. Kucera: Some of them advertise.

Mr C.J. BARNETT: I agree with the minister; he is right on the button. People do advertise and promote drugs in all sorts of ways. Drugs are often dispensed through takeaway pizza deliveries and video stores.

Points of Order

Mr J.C. KOBELKE: The debate is going well beyond the clause before the House. The issue is the commencement date of the Bill, not the debate the Leader of the Opposition is entering into.

Mr C.J. BARNETT: The Leader of the House is exactly right; this is about the commencement date. In the minister's own words, there is to be an education program. We are testing in the Parliament the timing of the education program into schools if the commencement date, on the minister's indication, is sometime during term 3. It is a very important point. If there is to be education, particularly for schoolchildren, the commencement date is the critical factor.

The ACTING SPEAKER (Mr A.D. McRae): There is a point of order. In spite of repeated advice to this House, there is continual introduction of extraneous information into the debate on the question that I have put.

I also advise the House that I believe that members are also in breach of Standing Order No 97, which relates to repetitious or irrelevant debate. I had not specifically drawn members' attention to it, but I now take this opportunity to do that.

Debate Resumed

Dr J.M. WOOLLARD: I am also very concerned that the Government is not willing to give any indication of when the Act will come into operation. I agree with the Leader of the Opposition about the effect that this decriminalisation Bill will have on our youth and our schools. Most people in the community are aware that the Government is quickly trying to put the not-so-pleasant Bills through before it starts pork-barrelling for the next election.

Referral to Joint Select Committee

Dr J.M. WOOLLARD: I move -

- (1) That the Cannabis Control Bill 2003 be referred to a joint select committee of the Legislative Assembly and the Legislative Council for consideration and report, and in particular to report whether the Bill -
 - (a) complies with the United Nations Single Convention on Narcotic Drugs, 1961, as amended by the 1972 Protocol Amending the Single Convention on Narcotic Drugs, 1961;
 - (b) is likely to result in damage to the health of Western Australians; and
 - (c) is likely to result in an increase in criminal activity in Western Australia.
- (2) That the committee report by 26 June 2003.

The ACTING SPEAKER: This motion is in order. The question now is that the motion moved by member for Alfred Cove be agreed to. In case members are wondering, at the moving of that motion and the putting of the question we moved into general debate on the motion. The mover of the motion has 60 minutes and others have the times stipulated by standing orders.

Dr J.M. WOOLLARD: This is the first time that I have moved that a Bill be referred to a joint select committee. The reason I have done so is that I have been told that a joint select committee is probably the most powerful committee in Parliament. I believe that it should be a joint select committee because this issue is pertinent to both this House and the upper House. If we were to establish a committee of this House, the legislation would then go to the upper House and some of the issues may need to be rehashed.

In calling for the appointment of a joint select committee, I have noted that, under Standing Order No 248, a committee usually consists of five members. Once members are appointed, they remain members until they are

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discharged or resign from the committee. There can be a ballot for the election of committee members. I believe that ballot would be fiercely fought over, because I know that many members in this House, and I am sure in the other House, would like to discuss this Bill because of its ramifications for the family, the school system, increasing drug dealing, mental health, an increase in crime, youth suicide, traffic accidents, and the many other implications and costs that will arise as a result of this Bill. Therefore, I believe that there will be a rush of nominations to serve on this committee.

It is interesting that Standing Order No 254, which is headed "Pecuniary interest", states that a member must not participate in a committee if he or she has a pecuniary interest in the matters being investigated. It would be interesting to consider that issue. I have looked at the role of standing and select committees, which is to take evidence, to deliberate and to pass resolutions.

As I mentioned earlier when we discussed the title of the Bill, many people believe that the information given to the people who attended the Community Drug Summit was misleading, and that the membership was not a balanced membership from all areas of the community but was loaded with people who had been drug addicts, and possibly still are drug addicts or users, or people who were very keen on harm minimisation strategies. Many people who attended that summit were very unhappy that its terms of reference were fixed before the summit met, and that the summit was to determine how to decriminalise marijuana and what was the best way to do it.

Point of Order

Mr J.C. KOBELKE: The member is talking about the Drug Summit. That is not a matter that is picked up in any way in the motion before the House. As she is going on at some length, I have doubts about its relevance to the motion currently before the Chair.

The ACTING SPEAKER (Mr A.D. McRae): I find there is a point of order. The member will return to the question.

Debate Resumed

Dr J.M. WOOLLARD: I believe there are many issues that this committee would like to consider if it is established. I believe it would call witnesses from the Community Drug Summit, from community groups that deal with drug addicts, and from family, church and educational groups. If the select committee requests someone to provide it with information, that person is obliged to attend and to report to the committee on any aspect that it feels is relevant. One of the key matters about which the committee would ask people is the health implications, because a lot of debate in this House has been about the fact that cannabis causes depression, psychosis and schizophrenia and that one cannabis cigarette does the same amount of damage as five or six normal cigarettes. I believe that the select committee would want to speak to various experts to determine whether the people who have been making these comments - mainly Opposition and Independent members - have been given the correct information.

Mr J.N. Hyde interjected.

Point of Order

Ms S.E. WALKER: The member for Perth referred to the member for Alfred Cove as "she" and he should refer to her as the member for Alfred Cove.

The SPEAKER: Further to that point of order, the member for Perth should not speak to the member for Alfred Cove at all, and if he does refer to another member in this place, he should refer to the member's electorate.

Debate Resumed

Dr J.M. WOOLLARD: Several members have stood in the House and referred to studies that have been undertaken in the Netherlands, Sweden and England and to reports of our medical researchers in the eastern States. None of those reports gave any good news on cannabis. The only news they gave on cannabis was doom and gloom. By decriminalising cannabis, we are likely to see more mental health problems and, in the long run, more general health problems.

I believe that many families who have lost a child or children because of drug abuse would like to take the opportunity to appear before the select committee. The role of that committee might be to examine the United Nations convention and to decide whether the decriminalisation of cannabis will result in an increase in criminal activity and also in damage to the health of Western Australians. If this committee then advertised for

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submissions, those who have lost their children and other loved ones due to drug abuse would be standing on the steps of Parliament.

People at the forums that I have attended have said that marijuana is the first step down the path to hard drug use. That is why the few who have managed to survive are now working in rehabilitation centres and with community groups and doing their best to stop teenagers and school children from using drugs. Research shows that children are first introduced to cannabis in the first two years of high school. I accept where the Government is coming from in not wanting someone to get a criminal record. A young person might go along to a party and, possibly because of peer pressure, accept a joint from someone and then get caught with that joint. No-one wants those people to have a criminal record. However, this Bill is not just protecting those people but it is giving the okay for people to become drug dealers.

Probably fewer than 100 people grow cannabis in Western Australia at the moment. However, as a result of this Bill, one does not know when one might see cannabis growing in someone's garden or house. If this select committee were to call up some members of the Gypsy Jokers and ask what they thought of this Government's Bill, they would all have smiles on their faces, as would anyone who has been involved in drug trafficking in the past. Their eyes would light up at the thought of this Bill.

When this Bill comes into operation, organised crime is likely to get much worse. If each person in a community grows two plants in their backyard, it will be very easy for the drug dealer to pick up two plants here and two plants there and take them to the factory, wherever that might be.

Earlier today someone related this Bill to speeding fines. I mentioned earlier that people lose their licence when they accrue 12 points for speeding. The police have an incentive for using Multanovas to fine people for speeding because money comes back into the Government's coffers; however, no money will come back into the Government's coffers from people growing cannabis. The Government says that the Bill is very strong on people who grow cannabis. The Government will ask them to attend an education centre and will tell them what is wrong with cannabis. Those people could walk back outside the door, go home and grow another two plants. The people who can afford drugs will scoff at the penalties proposed in this Bill.

From studies conducted in South Australia, we know that organised crime has increased since that State changed its drug control laws. It is now finding it difficult to get people to reduce the number of hydroponic cannabis plants they grow. I know from my local police that crime rates in my electorate have increased. Believe it or not, Mr Speaker, although some members of this Government tend to regard my electorate as very safe, crime is occurring there at a very high rate. When people call the police to attend a crime scene, they find that police numbers in metropolitan stations have decreased. Whenever the Government introduces a new squad to Perth -

Point of Order

Mr J.C. KOBELKE: I am finding it very difficult to connect the member's comments in the past two to three minutes with the motion before the House. I ask you, Mr Speaker, to consider whether they are relevant under the relevant standing order.

The SPEAKER: It is difficult to relate the member's comments to the motion. However, every now and then the member makes reference to the motion and I believe she is making a sufficiently relevant contribution to be not contravening that rule at this stage.

Debate Resumed

Dr J.M. WOOLLARD: I raised the subject of police numbers because when I have asked the police what is the most common problem they deal with, they have said that most incidents involve drug use. It appears to be true, whether it is my electorate, the Leader of the House's electorate or any other electorate, that drugs are the major cause of criminal activities. This Bill will decriminalise the use of cannabis. We know from experts that people move from cannabis to slightly harder drugs and then to even harder drugs. The Government is sending us down a very dark path with this Bill. This standing and select committee would be very interested to hear from anyone currently involved in counselling people to help them kick the habit, and from some of the police out there in the community. These would not necessarily be police from the higher ranks in the Police Service, because it would be very difficult for them to speak against this Bill while the Government is putting it through Parliament. I understand that it would be within standing orders for some of these meetings with people to be in camera. If they were in camera, some very interesting stories could be told by these people and by the police.

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I return to our children and teenagers, because they will be affected by this Bill. The committee would want to know whether the figures put to the House about youth suicide and the increase in road traffic accidents were true. I very much doubt whether the minister would have the figures when we come to this part of the Bill, and he is questioned on it. Some research may be needed on behalf of the committee to gather the statistics on youth suicide. Many people in the community would be happy to come and tell the committee about their loved ones who had committed suicide, and about the evils of this Bill in decriminalising cannabis. Apart from those people, the community at large has a right to know what the statistics are. How many of our children and our youth have committed suicide because they have started with maybe the odd joint at school, which then became a habit? This is why I said this committee would want to look at the research from other countries that have done these studies already. That research clearly shows that children and teenagers who start on cannabis end up with mental health problems such as schizophrenia or depression. This depression will lead to youth suicide. This committee would be very interested in looking at the youth suicide rate and the increase in traffic accidents. I am not saying that the youth suicide and the traffic accident figures that this committee -

The SPEAKER: Member, in regard to your references to youth suicide, accidents and a number of other things, you have made those points numerous times in this debate, and it is getting towards offending the standing orders for being repetitious. If you have something new to say, say it, but do not keep repeating the same things over and over again.

Dr J.M. WOOLLARD: Mr Speaker, I accept your advice and I will move on from discussing youth suicide. Did you also say that I could not discuss traffic accidents? I could not hear you very well.

The SPEAKER: I referred to the things you have repeated several times. You should not repeat them again.

Dr J.M. WOOLLARD: I have not included the combination of drugs.

The SPEAKER: It includes traffic accidents.

Dr J.M. WOOLLARD: In that case, I will consider our schools. As you know, Mr Speaker, I have six children. My eldest is aged 22 years, and my youngest is 11. I know from my children and from several of their friends attending different schools that a serious problem exists with drugs at schools. Children can purchase drugs very easily. Schoolchildren know the exact part on the school grounds where a dealer may be found. As a result, this joint select committee may suggest to the Government that prior to considering such a Bill, the committee should investigate what has happened in other jurisdictions when drug control legislation has been relaxed. This Bill has received a lot of publicity. Either children themselves or in some instances their family members have become drug dealers when laws are relaxed. Therefore, the problems associated with cannabis use again increase.

Mr P.G. Pendal: Exactly.

Dr J.M. WOOLLARD: I heard only a short part of the comments of the member for South Perth on this Bill earlier today, but the member spoke about an area dear to your own heart, Mr Speaker; namely, the problems associated with cannabis use in rural areas and among Aboriginal communities.

Point of Order

Mr P.D. OMODEI: I apologise to the member for Alfred Cove for interrupting her speech. Standing Order No 75 refers to questions that may be asked of minsters and other members. Subsection (3) states that questions may be asked of -

Members regarding any matter connected with the business of the Assembly for which the member has charge;

I may be well out of order, but I ask the Leader of the House the time at which he intends to adjourn the debate. This is an important motion. It refers to United Nations and other protocols. I would like to access those documents to make a contribution to the debate. What does the Leader of the House intend to do? It is now 2.25 am.

The SPEAKER: The member is not in order. The standing order cited does not relate to the member's capacity to ask that question at this time. It relates to formal questions.

Debate Resumed

Mr Phillip Pendal; Mr Matt Birney; Acting Speaker; Mr Rob Johnson; Mr John Bradshaw; Mr Rod Sweetman; Mr Mark McGowan; Dr Janet Woollard; Mr John Quigley; Mr Terry Waldron; Mr Jeremy Edwards; Dr Elizabeth Constable; Mrs Cheryl Edwardes; Mr John Day; Mr Dan Barron-Sullivan; Mr Martin Whitely; Mr Ross Ainsworth; Mr John Hyde; Mr Max Trenorden; Deputy Speaker; Mr Bob Kucera; Mr John Kobelke; The Deputy; Mr Colin Barnett; ; Mr Paul Omodei; Ms Sue Walker; Ms Katie Hodson-Thomas; The Acting Speaker (mr A.D. Mcrae); Speaker; Ms Dianne Guise

Dr J.M. WOOLLARD: When the member for South Perth talked today about the Aboriginal and other communities in rural areas, he introduced some very grave concerns, about which I am sure he is very worried with regard to the relaxation of cannabis control, or the decriminalisation of cannabis. One wonders whether some elders from the Aboriginal communities would like to address the joint standing committee. I have not worked or been in close communication with any of the elders from the outer metropolitan area, but I have consulted with elders from the metropolitan area. They are very caring and considerate. They have worked very hard towards reconciliation and the protection of our environment and heritage. Currently they can tell their children, as can we, that it is illegal to grow or smoke cannabis. They will have the same problems that we will have as parents when their children say to them that the Gallop Government condones the growing or smoking of marijuana. They will tell their parents to look at the Bill that has gone through Parliament. They will say that they will be allowed to smoke cannabis. What will that do to those communities? I believe that the Aboriginal elders from the metropolitan, outer and rural communities should be given the opportunity to address the joint select committee. They should be given the opportunity to have the ramifications of this Bill explained to them. Some of the elders in the metropolitan area might have read about all the health implications -

The SPEAKER: I do not wish to keep interrupting the member. However, once again, we have got to the point at which references to what elders might or might not say to their children and the impacts this legislation will have on them have become repetitive. I direct the member to refer to her next point. I had to draw a long bow to connect most of what the member just said to her motion. I presume the member's comments referred to the damage done to people's health, which is why I let her continue. However, we have come to a point in that part of the debate at which the member should move on.

Dr J.M. WOOLLARD: I will move on from Aboriginal health issues related to the increased use of cannabis. This committee would also be very interested in the monetary costs of the increase in mental health illness as a result of this legislation. The Government cries poor all the time with regard to the health system. As you know, Mr Speaker, it has been a bit of a sore point. The Government is selling Duncraig House in my electorate because it said that it needed to top up the health budget.

The SPEAKER: Member for Alfred Cove, before launching into costs, you should look at your motion. Once again, you are drawing a long bow when you refer to part (b) of your motion. I ask you to restrict your comments to the motion and to what damage you wish to refer to, if that is the line you wish to take. Costs are not mentioned in your motion and I suggest that you direct your comments to the part of the motion dealing with damages, if that is what you intend to do.

Dr J.M. WOOLLARD: Thank you, Mr Speaker. I was referring to costs because damage to health will increase the costs, but if you would rather I did not address the increase in costs, I will not. Earlier today I presented some studies from the United Kingdom which indicated that costs had gone up.

I will move on to part (a) of the motion referring to the United Nations Single Convention on Narcotic Drugs. This convention was first established in 1961 and amended in 1972. My full copy of the convention went upstairs earlier today with my speech, but I can refer to some of the steps. I have included part (a) of the motion because the Labor Party has traditionally supported United Nations conventions. This convention lists the drugs that are scheduled under that convention, and one of those drugs is cannabis or cannabis derivatives. That convention states that the drugs listed in schedule 1 - and there are probably 15 of them, but I do not have the document in front of me - are subject to certain restrictive measures. The restrictive measures state that drugs such as cannabis can be used only for medical and scientific purposes. It also states that any production, manufacture, import or trade - we are likely to see an increase in trade - and use and possession of cannabis is prohibited. The convention also refers to the penal punishment for offenders. It suggests education as an alternative, but not just going off to a lecture. It refers to an offender undergoing education treatment, and this is where I come back to the costs, because it would be very costly to run some of these education programs. It requires not only education but also treatment to help these people who have started on cannabis to kick the habit. There should be education, treatment and follow-up care to make sure that if people have taken up drugs because they are in a community in which drug use is the norm, there is provision to move them. For children in schools, for example, it may mean moving them to another class or to another school if it is known that there is a big problem at their school. As the member for South Perth points out, parents have a right to know and a right to give evidence to the joint committee.

Mr M.P. Whitely interjected.

Mr Phillip Pendal; Mr Matt Birney; Acting Speaker; Mr Rob Johnson; Mr John Bradshaw; Mr Rod Sweetman; Mr Mark McGowan; Dr Janet Woollard; Mr John Quigley; Mr Terry Waldron; Mr Jeremy Edwards; Dr Elizabeth Constable; Mrs Cheryl Edwardes; Mr John Day; Mr Dan Barron-Sullivan; Mr Martin Whitely; Mr Ross Ainsworth; Mr John Hyde; Mr Max Trenorden; Deputy Speaker; Mr Bob Kucera; Mr John Kobelke; The Deputy; Mr Colin Barnett; ; Mr Paul Omodei; Ms Sue Walker; Ms Katie Hodson-Thomas; The Acting Speaker (mr A.D. Mcrae); Speaker; Ms Dianne Guise

The SPEAKER: Member for Roleystone!

Dr J.M. WOOLLARD: The convention refers to education, treatment, after care and rehabilitation. Under the provisions of this Bill if the police come across someone who is smoking a joint, it will no longer be a criminal offence, and the offender can attend the lecture. However, this convention to which we are a party does not say that education is enough. I do not know whether government members believe that going to an educational lecture will be enough. I would like to have heard from some of the female members opposite, because I believe that many women, mothers in particular, will want to address the joint committee to tell it about the problems they have suffered relating to drugs and the family disruption that has occurred.

As members will know, as a nurse I have worked in hospital and community settings. One time I was in a general practice room training a general practice nurse in counselling techniques, a woman came in with a really heavy bag. I asked her if she had just been shopping. The nurse who was with me shushed me and changed the topic very quickly. Afterwards she said to me that the woman's daughter had a drug problem. Mothers, whose children were addicts, who came in for a health check had to bring with them their jewellery, money, radio or any valuable possessions they could carry, because they knew that if they did not bring them with them, when they got home their possessions may have been sold to buy a quick joint for their family member. It is not a laughing matter; it is a very serious matter.

Mr C.J. Barnett: It is very common for children to steal from the family when they are on drugs. The member for Innaloo must not laugh at it.

Mr R.C. Kucera: It is the same for alcoholics.

Mr C.J. Barnett: Yes.

Dr J.M. WOOLLARD: It is not a laughing matter; the Leader of the Opposition is quite right. I was introduced to the problem of people having to carry their valuables around with them, for fear that when they went home they would find that their valuables had been sold to the nearest person so that a family member could buy a joint. The Leader of the Opposition said that many people have told him of similar problems. What will this Bill do, when we know that people use cannabis first and then move on to harder drugs? This Bill will cause serious problems in our community, such as family breakdown. The convention states that education is not enough. That is why I believe that, particularly with Labor in government, this committee should consider the convention and decide whether it agrees with the aspects of it that we are a party to. Some 30 countries are party to this convention, which was established in 1961 and amended in 1972. I believe that drug use and abuse in the community is much worse now. Even 20 or 30 years ago people appreciated the fact that education was insufficient to deter someone who had become a regular drug user or was a drug trafficker or dealer, and that these people needed a great deal of support. This Government owes it to the community to give it the opportunity to consider the ramifications and failings of this Bill. Some members of the Government might argue that it is not a failing; that education is enough. They have said today that education is enough. When the committee calls in experts from the medical profession, mental health profession, family organisations, community groups, drug rehabilitation programs and drug courts, I believe all those people will tell the Government and this committee the same story. That is why it is so important that the Government not just push through this Bill.

Mr M.P. Whitely interjected.

Dr J.M. WOOLLARD: I will take that interjection. The member for Roleystone said that we should have a drug summit.

Mr M.P. Whitely interjected.

The SPEAKER: Member for Roleystone!

Dr J.M. WOOLLARD: I say to the member for Roleystone that we should have a legitimate drug summit. We should have a drug summit in which the terms of reference are not fixed before people are invited into the Chamber and to which the participants -

The SPEAKER: Even though the member for Alfred Cove was responding to an interjection, which should not have happened, I am sure that her motion does not refer to a drug summit. I ask the member to get back to her motion.

Mr Phillip Pendal; Mr Matt Birney; Acting Speaker; Mr Rob Johnson; Mr John Bradshaw; Mr Rod Sweetman; Mr Mark McGowan; Dr Janet Woollard; Mr John Quigley; Mr Terry Waldron; Mr Jeremy Edwards; Dr Elizabeth Constable; Mrs Cheryl Edwardes; Mr John Day; Mr Dan Barron-Sullivan; Mr Martin Whitely; Mr Ross Ainsworth; Mr John Hyde; Mr Max Trenorden; Deputy Speaker; Mr Bob Kucera; Mr John Kobelke; The Deputy; Mr Colin Barnett; ; Mr Paul Omodei; Ms Sue Walker; Ms Katie Hodson-Thomas; The Acting Speaker (mr A.D. Mcrae); Speaker; Ms Dianne Guise

Dr J.M. WOOLLARD: Because of the concerns that have come from the community about the bias with the previous Drug Summit, it would be interesting if the joint select committee were to invite members from the Drug Summit and do its own analysis. It would be interesting if it were to ask people who attended the Drug Summit what they thought of the terms of reference that they were given before the summit started, what they thought of the other people who attended the summit, and what they thought of the recommendations that came from the summit. I am sure the members of the committee would be very keen to invite those participants and to listen to them and analyse where they come from, because I do not believe a bipartisan approach was taken to the people who were invited. I hope the joint select committee will be a bipartisan committee. I hope there will also be an Independent on that committee. We often get missed on things.

Mr P.G. Pendal: Or two or three!

Dr J.M. WOOLLARD: I agree. I would like to have two or three Independents on it.

Mrs C.L. Edwardes: At least three!

Dr J.M. WOOLLARD: I believe the committee will be very interested to listen to what the members of the Drug Summit had to say, and then to see whether all of the articles that followed from that summit and that said it was biased are true. The standing orders state that the committee shall take minutes. I hope those minutes will be full minutes, unlike the cabinet minutes. Standing Order No 264 states that a committee has power to send for persons, papers and records. I do not believe the committee would want to invite persons or access papers and records just from Western Australia. It would probably want to invite people from South Australia, and even England, where this has been a serious problem.

Several members interjected.

The SPEAKER: Order, members!

Ms S.E. Walker: Do not trivialise it. We are talking about kids.

The SPEAKER: Order!

Dr J.M. WOOLLARD: I thank the member for Nedlands, because, as she said, these people will be called in because of the problems with our children and teenagers. The invited speakers would discuss the issues and the approaches that they have used.

Several members interjected.

The SPEAKER: Order! I know it was very interesting for the Leader of the Opposition, the member for Kingsley and the minister to have that conversation, but it has absolutely nothing to do with the member for Alfred Cove's contribution. I ask all three of you to desist. Instructions that are given by members to ministers mean absolutely nothing.

Dr J.M. WOOLLARD: This Bill will have such ramifications on our children that the committee would want to call in people from other States and other countries to see how they have dealt with the increasing -

Point of Order

Ms S.E. WALKER: Four conversations are being conducted on the other side of the House. I am interested in what the member for Alfred Cove is saying even though some members are treating her with contempt.

Mr J.N. Hyde interjected.

The SPEAKER: I call the member for Perth to order! If members do not want to hear what the member for Alfred Cove has to say and they feel they must hold a conversation they should go outside.

Debate Resumed

Dr J.M. WOOLLARD: The community would want to call in people from other States and countries who have seen the relaxation -

Point of Order

Mrs D.J. GUISE: I refer to Standing Order No 97. With all due respect, the member's arguments are becoming very repetitive. She has made this argument over and over.

Mr Phillip Pandal; Mr Matt Birney; Acting Speaker; Mr Rob Johnson; Mr John Bradshaw; Mr Rod Sweetman; Mr Mark McGowan; Dr Janet Woollard; Mr John Quigley; Mr Terry Waldron; Mr Jeremy Edwards; Dr Elizabeth Constable; Mrs Cheryl Edwardes; Mr John Day; Mr Dan Barron-Sullivan; Mr Martin Whitely; Mr Ross Ainsworth; Mr John Hyde; Mr Max Trenorden; Deputy Speaker; Mr Bob Kucera; Mr John Kobelke; The Deputy; Mr Colin Barnett; ; Mr Paul Omodei; Ms Sue Walker; Ms Katie Hodson-Thomas; The Acting Speaker (mr A.D. Mcrae); Speaker; Ms Dianne Guise

The SPEAKER: The member has been brought to order three times in relation to Standing Order No 97. The member's contribution is fast becoming repetitive. I ask her to finish the first part of her argument quickly and move on to the balance of her contribution.

Debate Resumed

Dr J.M. WOOLLARD: I was about to start summarising the motion.

The SPEAKER: In summarising, the member must not repeat what she has said.

Dr J.M. WOOLLARD: In a summary, one makes reference to the key points that one has addressed. Would Mr Speaker not agree?

The SPEAKER: I would agree except that I have directed the member not to refer to those points again. The member must make her summary on broader points rather than repeating what she has said.

Dr J.M. WOOLLARD: Is Mr Speaker telling me that I cannot address the key issues?

The SPEAKER: The member will have to summarise her contribution to the motion other than by repeating what she has said.

Dr J.M. WOOLLARD: I ask that the committee report by 26 June. When preparing my argument for the motion I was advised by the member for Hillarys that that date would not give enough time. I said I would be happy to extend it; I would be happy to take an amendment. I knew that if I chose what most people would regard as a reasonable date - three months - the Government would not give this motion a guernsey. I am very serious about this motion. I believe that decriminalising -

Point of Order

Ms S.E. WALKER: Once again, conversations are being conducted on the other side of the House. I would like to hear the member for Alfred Cove.

The SPEAKER: I do not believe the conversations have got to the level of being a nuisance; I could not hear them.

Debate Resumed

Several members interjected.

The SPEAKER: Member for Perth, you are on three calls to order. One more and you are out of here.

Dr J.M. WOOLLARD: I appreciate that some people feel that the reporting time should be longer. My main objective with this motion is to get both Houses of Parliament to sit down together and fully consider the three issues I have addressed today. Those issues are that the Bill does not adhere to the Single Convention on Narcotic Drugs and that it will seriously damage the health of our children. One could almost say that it will damage the health of our children and our children's children. One wonders what will be the long-term implications of a Bill such as this. There will be damage to people's health. There will be mental health problems such as depression and suicidal behaviour, and there will be physical problems. The third issue I addressed is the increase in criminal activity. As I mentioned, the police tell us that most crime is related to drug use. This Bill will increase the incidence of drug use and abuse. I hope that this Government considers this motion seriously. I hope that it does not gag the debate on this motion. This is a genuine motion on behalf of -

Several members interjected.

The SPEAKER: Members!

Dr J.M. WOOLLARD: This is not a laughing matter. Children will die because of this Bill. They will die from overdoses, mental illnesses and road traffic accidents. This is not a laughing matter. It is a very serious matter.

Mr N.R. Marlborough interjected.

The SPEAKER: Member for Peel!

Dr J.M. WOOLLARD: It is a serious matter in the metropolitan community, in rural areas and, as the member for South Perth said, in Aboriginal communities. This is a very serious motion and -

Several members interjected.

The SPEAKER: I call the member for Peel to order for the first time.

Extract from Hansard
[ASSEMBLY - Tuesday, 15 April 2003]
p6688b-6775a

Mr Phillip Pendal; Mr Matt Birney; Acting Speaker; Mr Rob Johnson; Mr John Bradshaw; Mr Rod Sweetman; Mr Mark McGowan; Dr Janet Woollard; Mr John Quigley; Mr Terry Waldron; Mr Jeremy Edwards; Dr Elizabeth Constable; Mrs Cheryl Edwardes; Mr John Day; Mr Dan Barron-Sullivan; Mr Martin Whitely; Mr Ross Ainsworth; Mr John Hyde; Mr Max Trenorden; Deputy Speaker; Mr Bob Kucera; Mr John Kobelke; The Deputy; Mr Colin Barnett; ; Mr Paul Omodei; Ms Sue Walker; Ms Katie Hodson-Thomas; The Acting Speaker (mr A.D. Mcrae); Speaker; Ms Dianne Guise

Dr J.M. WOOLLARD: As deaths may result from this Bill, I hope that the Government gives the Opposition, the National Party and the Independents an opportunity to discuss these issues and make a decision based on the facts rather than the opinions of the minority group to which the Labor Party listened before it introduced this Bill into the Parliament.

Question to be Put

Mr J.C. KOBELKE: I move -

That the question be now put.

Question put and a division taken with the following result -

Ayes (27)

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

Noes (19)

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

Question thus passed.

Motion (referral to joint select committee) Resumed

The SPEAKER: The question now is that the motion be agreed to.

Question put and a division taken with the following result -

Ayes (20)

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

Noes (27)

Mr P.W. Andrews	Mrs D.J. Guise	Mr M. McGowan	Mr J.R. Quigley
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Mr A.J. Dean	Mr R.C. Kucera	Mrs C.A. Martin	Mr M.P. Whitely
Mr J.B. D'Orazio	Mr F.M. Logan	Mr M.P. Murray	Ms M.M. Quirk (<i>Teller</i>)
Dr J.M. Edwards	Mr J.A. McGinty	Mr A.P. O'Gorman	

Question thus negated.

Consideration in Detail Resumed

[Consideration of clause 2: Commencement resumed.]

Extract from Hansard
[ASSEMBLY - Tuesday, 15 April 2003]
p6688b-6775a

Mr Phillip Pendal; Mr Matt Birney; Acting Speaker; Mr Rob Johnson; Mr John Bradshaw; Mr Rod Sweetman; Mr Mark McGowan; Dr Janet Woollard; Mr John Quigley; Mr Terry Waldron; Mr Jeremy Edwards; Dr Elizabeth Constable; Mrs Cheryl Edwardes; Mr John Day; Mr Dan Barron-Sullivan; Mr Martin Whitely; Mr Ross Ainsworth; Mr John Hyde; Mr Max Trenorden; Deputy Speaker; Mr Bob Kucera; Mr John Kobelke; The Deputy; Mr Colin Barnett; ; Mr Paul Omodei; Ms Sue Walker; Ms Katie Hodson-Thomas; The Acting Speaker (mr A.D. Mcrae); Speaker; Ms Dianne Guise

Question to be Put

Mr J.C. KOBELKE: I move -

That the question be now put.

Question put and a division taken with the following result -

Ayes (27)

Mr P.W. Andrews	Mrs D.J. Guise	Mr M. McGowan	Mr J.R. Quigley
Mr J.J.M. Bowler	Mr S.R. Hill	Ms S.M. McHale	Mrs M.H. Roberts
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Dr J.M. Edwards	Mr J.A. McGinty	Mr A.P. O'Gorman	

Noes (20)

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

Question thus passed.

Clause put and a division taken with the following result -

Ayes (27)

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

Noes (20)

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

Clause thus passed.

Clause 3: Act to be read with the *Misuse of Drugs Act 1981* -

Ms S.E. WALKER: Why is this Act to be read as one with the Misuse of Drugs Act 1981? Why was this legislation not made part of the Misuse of Drugs Act 1981?

Mr R.C. KUCERA: Quite simply because the offences to which it refers are found in the Misuse of Drugs Act.

Ms S.E. WALKER: My question was why were these provisions not made a part of the Misuse of Drugs Act? What was the rationale behind creating this Act and not incorporating it into the Misuse of Drugs Act?

Mr R.C. KUCERA: To give it a focus on cannabis control.

Mr Phillip Pendal; Mr Matt Birney; Acting Speaker; Mr Rob Johnson; Mr John Bradshaw; Mr Rod Sweetman; Mr Mark McGowan; Dr Janet Woollard; Mr John Quigley; Mr Terry Waldron; Mr Jeremy Edwards; Dr Elizabeth Constable; Mrs Cheryl Edwardes; Mr John Day; Mr Dan Barron-Sullivan; Mr Martin Whitely; Mr Ross Ainsworth; Mr John Hyde; Mr Max Trenorden; Deputy Speaker; Mr Bob Kucera; Mr John Kobelke; The Deputy; Mr Colin Barnett; ; Mr Paul Omodei; Ms Sue Walker; Ms Katie Hodson-Thomas; The Acting Speaker (mr A.D. Mcrae); Speaker; Ms Dianne Guise

Ms S.E. WALKER: Is the real reason that it was not included in the Misuse of Drugs Act because it could then be seen as clearly diminishing the provisions and the decriminalisation of cannabis cultivation? Therefore, the minister has come up with this Bill that refers to cannabis control, which is window-dressing and packaging for the public. These provisions could quite easily have been put into the Misuse of Drugs Act because they all refer to that Act, even clause 19 that relates to children and the operation of the Young Offenders Act 1994 is unaffected. Of course it is related because one can get a caution for these offences.

I suggest to the minister that this Bill is a spin that was put on this legislation because it could have easily been put into the Misuse of Drugs Act.

Mr R.C. KUCERA: I have answered that question. The answer is no. I repeat that clauses 5, 6 and 7 clarify, and clause 19 reinforces, that the Bill deals with adults and not with children.

Mrs C.L. EDWARDES: Unless the Minister for Health tells me differently, the Misuse of Drugs Act comes under the responsibility of the Minister for Police. Subclause (2) of the Cannabis Control Bill takes even further the connection with the Misuse of Drugs Act; it incorporates all the definitions in section 3 of the Misuse of Drugs Act, which is the interpretation section. The member for Nedlands raised a pertinent question. The minister's stated intention is to focus deliberately on cannabis in separate legislation. I am not sure why he would do that.

Mr R.C. Kucera: Cannabis control, not cannabis.

The ACTING SPEAKER (Mr P.W. Andrews): If the minister wishes to answer, he may do so other than by interjection.

Mrs C.L. EDWARDES: It would have been reasonable to amend the Misuse of Drugs Act instead of creating new legislation on cannabis. Like the member for Churchlands, who raised the matter earlier, I want to know why the Minister for Health is dealing with this legislation instead of the Minister for Police. An amendment to the Misuse of Drugs Act clearly comes under the portfolio of the Minister for Police. The Minister for Health has produced separate legislation on cannabis and has tried to draw broad parameters concerning health around the legislation by inserting a clause on cannabis education. The Bill has only one penalty that relates to the Department of Health; the rest of the legislation relates to the Minister for Police. Another conclusion that the Opposition has drawn easily from that fact is that the Minister for Police does not agree with the legislation. It is reasonable to assume that the Minister for Police does not agree with the legislation, because it has nothing to do with the Minister for Health. Nothing in the legislation, except for an nth - that is, cannabis education - comes within the purview of health.

Mr P.D. Omodei: I think I was wrong when I said that the ministers drew lots. I think you are right to say that the Minister for Police is opposed to the legislation. The fact that she is not interjecting to the contrary probably proves that is the case.

The ACTING SPEAKER: Members, the question is that clause 3 stand as printed. I direct members to address the clause.

Mrs C.L. EDWARDES: The clause states that the Bill is to be read with the Misuse of Drugs Act, which clearly comes under the purview of the Minister for Police. The whole of this legislation, as the Minister for Health said, deals with offences that come within the Misuse of Drugs Act, and a few more offences that he has included in this cannabis legislation. It is clear to members on this side of the House - and I suggest this is a reasonable assumption - that the Bill has come within the purview of the Minister for Health only because the Minister for Police does not agree with the legislation, and that a long bow has been drawn to include it in the Minister for Health's portfolio. The Minister for Health, with this Bill, will be in charge of a drugs strategy whereas the legislation deals with the misuse of drugs, which clearly is the concern of the Minister for Police and not the Minister for Health.

Mr R.C. KUCERA: The member for Kingsley is quite right. The matter could have been dealt with by putting it into the Misuse of Drugs Act, but the Government chose not to do it that way. We chose to put a focus on cannabis control, and that is why we put the legislation in that way. I am the minister responsible for drug strategy, as the member for Kingsley quite clearly said. It is not inappropriate for the administration of an Act to be split between two ministers. I recall that the previous coalition Government split the administration of the Prostitution Act 2000 between the Attorney General and the Minister for Police, and that was entirely appropriate. The administration of the Act is entirely appropriate for this to be done.

Mr Phillip Pendal; Mr Matt Birney; Acting Speaker; Mr Rob Johnson; Mr John Bradshaw; Mr Rod Sweetman; Mr Mark McGowan; Dr Janet Woollard; Mr John Quigley; Mr Terry Waldron; Mr Jeremy Edwards; Dr Elizabeth Constable; Mrs Cheryl Edwardes; Mr John Day; Mr Dan Barron-Sullivan; Mr Martin Whitely; Mr Ross Ainsworth; Mr John Hyde; Mr Max Trenorden; Deputy Speaker; Mr Bob Kucera; Mr John Kobelke; The Deputy; Mr Colin Barnett; ; Mr Paul Omodei; Ms Sue Walker; Ms Katie Hodson-Thomas; The Acting Speaker (Mr A.D. Mcrae); Speaker; Ms Dianne Guise

Ms S.E. WALKER: It is entirely inappropriate for this to be done. It has been done for political reasons. The Misuse of Drugs Act is meant to prevent the misuse of certain drugs and plants and to provide for matters incidental to or connected therewith.

Points of Order

Mr J.C. KOBELKE: This is the third speaker on this clause, or the third attempt at speaking - one member may have spoken twice - whose contribution does not bear any relationship to the clause before the House. Who has administrative control of the Act referenced here might be of passing interest, but it is in no way central to the clause we are now dealing with.

Mr C.J. BARNETT: This clause is about whether this should have been a separate Bill, or should have been included in the Misuse of Drugs Act. The point being made by members here is that it should have been. That is what this clause is about. We are talking about nothing other than whether there should have been a separate Act, or the provisions included in the Misuse of Drugs Act. There has been no conversation or debate on any matter other than this clause. There have been only two speakers; I have not yet spoken on it.

The ACTING SPEAKER (Mr P.W. Andrews): There is no point of order, because when the member for Nedlands began to speak, at that one particular point she was speaking about the Misuse of Drugs Act 1981. She had not ventured beyond that point at that stage, and I know she will address that clause in relation to that point.

Debate Resumed

Ms S.E. WALKER: I do not intend to address the administration of the Act. I am talking about the fact that the Misuse of Drugs Act, with which this Bill is supposed to be read, is the Act that controls drugs in this State. The schedule to the Act lists the many types of drugs affected by the Act. Cannabis is clearly one of them, all the way through. I will give an example, referring to clause 5 in the Bill. Section 5 of the Misuse of Drugs Act talks about paraphernalia - drug utensils. Clause 5 in the Bill could easily have been put in that section. Clause 6 could easily have been put in section 6 of the Misuse of Drugs Act which deals with possession and use. That is where it belongs.

Mr A.D. McRae: So do you.

Ms S.E. WALKER: I thank the member for Riverton for that. He makes riveting debate in this House. He contributes nothing, and that was a prime example.

Clause 7, dealing with the cultivation of cannabis is the key provision. In the Misuse of Drugs Act, section 7 deals with the cultivation of cannabis. Everything is dealt with in the Misuse of Drugs Act. My question to the minister is why were not all the provisions relating to the Misuse of Drugs Act put in that Act? I will tell him why. He says this Bill is about the control of cannabis. No; the Misuse of Drugs Act is about control of cannabis. This is about unleashing cannabis, and about the minister packaging it to sell to the community along with his pathetic press releases, which misled the community.

Mr R.C. KUCERA: The only misleading in the community has been undertaken in the past couple of weeks by the member for Nedlands and by the Leader of the Opposition in newspapers.

Ms S.E. Walker: Tell me how I misled the public.

The ACTING SPEAKER (Mr P.W. Andrews): Order, member for Nedlands; the minister has the call.

Mr R.C. KUCERA: Clause 3 is the interpretive clause. It is prepared as a separate enactment to clearly identify the subject matter; namely, cannabis control. Clause 3 provides that the Bill is to be read as one with the Misuse of Drugs Act 1981, recognising the interrelationship between the two enactments. This will enable relevant defined terms in the Misuse of Drugs Act 1981 - for example, "cannabis", "commissioner", "cultivate", "possess" and "supply" - to apply to this Bill. It is not unusual. A number of Acts apply to drugs in this State, all of which refer to the Misuse of Drugs Act.

Mr C.J. BARNETT: I listened carefully to the members for Nedlands and Kingsley, and they made a strong point. The Bill before us relates to the regulation or decriminalisation of cannabis. Cannabis laws as they exist are ensconced in the Misuse of Drugs Act. Any change should have been to that legislation. The Cannabis Control Bill is bad legislation for not only its content, but also the bad legislative process used to create it as another Act. Whatever the minister's policy intent, the change should have been placed into the Misuse of Drugs Act to ensure coherence in the legislative framework of the State. The process is flawed. The members

Mr Phillip Pendal; Mr Matt Birney; Acting Speaker; Mr Rob Johnson; Mr John Bradshaw; Mr Rod Sweetman; Mr Mark McGowan; Dr Janet Woollard; Mr John Quigley; Mr Terry Waldron; Mr Jeremy Edwards; Dr Elizabeth Constable; Mrs Cheryl Edwardes; Mr John Day; Mr Dan Barron-Sullivan; Mr Martin Whitely; Mr Ross Ainsworth; Mr John Hyde; Mr Max Trenorden; Deputy Speaker; Mr Bob Kucera; Mr John Kobelke; The Deputy; Mr Colin Barnett; ; Mr Paul Omodei; Ms Sue Walker; Ms Katie Hodson-Thomas; The Acting Speaker (mr A.D. Mcrae); Speaker; Ms Dianne Guise

for Nedlands and Kingsley are right: this is about trying to create a soft image. It is harm minimisation stuff. The minister does not want to put the provisions before us into the Misuse of Drugs Act. This Bill represents the soft on drugs approach of Labor.

Mr J.C. KOBELKE: Mr Acting Speaker -

The ACTING SPEAKER: The Leader of the Opposition was on the point, but now he is drifting well away from it. He should return to the point.

Mr C.J. BARNETT: I have been speaking for a minute and the point has been well made. This is flawed legislation because it is poorly structured. The Misuse of Drugs Act deals with some aspects under one minister

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Points of Order

Mr J.C. KOBELKE: I tried to draw your attention to my point earlier, Mr Acting Speaker. Clause 3 is an interpretive clause. Members are using a rough linkage with it to refer to the structure of the entire Bill and alternative structures. That is not covered by clause 3, which involves a direct relationship between this measure and another Act regarding interpretation. I put it to you to consider, Mr Acting Speaker, that it is not appropriate to use a vague connection with the Act to suggest that the Bill should be structured in another way and be the responsibility of another minister. We have had four or five attempts by members opposite to enter an area of debate that is not relevant to clause 3, which is a straight interpretive clause.

Ms S.E. WALKER: The Leader of the House has things back to front - that is similar to this Bill. We are discussing why the Bill must be read with the Misuse of Drugs Act, rather than be part of the Misuse of Drugs Act, which is the most complex drugs legislation in this State. I suggest that the Leader of the House get his head out of whatever he is reading and look at the Act and work out what I am saying.

Mrs C.L. EDWARDES: Clause 3(2) refers to words and expressions as defined in section 3 of the Misuse of Drugs Act to be incorporated into the Cannabis Control Bill. I bring the House's attention to the terms involved: "analyst", "approved analyst", "approved botanist", "authorised prescription", "botanist", "cannabis", "cannabis resin", "commissioner", "dangerous substance", "dentist", "drug of addiction", "heroin", "indictable offence", "medical practitioner", "offence", "opium", "police officer", "prohibited drug", "prohibited plant", "sample", "simple offence", "specified drugs", "summary court", "Poisons Act 1964", "the regulations", "to cultivate", "to possess", "to supply", and "veterinary surgeon". All those terms, not including matters in subsection (2), are to be read with the Cannabis Control Bill 2003. The Opposition refers to the level of confusion that will reign, not only concerning whether to refer to the Misuse of Drugs Act or the cannabis control measure, but also whether to pick up the fines and penalties legislation, the Criminal Code, and not forgetting the Young Offenders Act. Which piece of legislation are we talking about? Which minister will be in control of it? That is exactly what we are talking about.

The ACTING SPEAKER (Mr P.W. Andrews): I am at a disadvantage in not knowing the full extent of the Misuse of Drugs Act. However, from reading the Act and looking at the notes in front of me, I suggest that members have ventured well away from the point. Much of the discussion that has taken place fits into part 2 of the Bill rather than clause 3. Once again, I ask members to address clause 3 only.

Debate Resumed

Mr C.J. BARNETT: I conclude my remarks. As has been said, clause 3 states that this Act is to be read as one with the Misuse of Drugs Act. That is a flawed aspect of this Bill. It creates two pieces of legislation relating to cannabis and it creates two ministers with an administrative responsibility. I will go jump if anyone can tell me that is good drafting, good parliamentary practice or good legislative structure. It is not.

I will not delay the House on this clause. It gets back to the fundamental point that the Minister for Police did not want to handle this Bill because she does not believe in it. I place on the record that not one female Labor member has had the courage to speak on this Bill - not one. This is about the female members of the Labor Party ducking for cover.

The ACTING SPEAKER: The Leader of the Opposition is well away from the point. He is not addressing the clause.

Extract from Hansard
[ASSEMBLY - Tuesday, 15 April 2003]
p6688b-6775a

Mr Phillip Pandal; Mr Matt Birney; Acting Speaker; Mr Rob Johnson; Mr John Bradshaw; Mr Rod Sweetman; Mr Mark McGowan; Dr Janet Woollard; Mr John Quigley; Mr Terry Waldron; Mr Jeremy Edwards; Dr Elizabeth Constable; Mrs Cheryl Edwardes; Mr John Day; Mr Dan Barron-Sullivan; Mr Martin Whitely; Mr Ross Ainsworth; Mr John Hyde; Mr Max Trenorden; Deputy Speaker; Mr Bob Kucera; Mr John Kobelke; The Deputy; Mr Colin Barnett; ; Mr Paul Omodei; Ms Sue Walker; Ms Katie Hodson-Thomas; The Acting Speaker (mr A.D. Mcrae); Speaker; Ms Dianne Guise

Dr E. CONSTABLE: During the second reading debate I drew attention to a matter at the end of my speech. I asked the minister for clarification then and I seek it now. I refer to this very important clause in the Bill. I will read the words so the minister can hear and perhaps understand them. Clause 3(1) states -

This Act is to be read as one with the *Misuse of Drugs Act 1981*.

I must agree with the comments of the member for Kingsley. For the life of me I cannot understand why the Minister for Health is sitting at the Table of the House instead of the Minister for Police. Is it because the Minister for Police does not agree with this legislation? This is a policing matter; it has nothing to do with the Department of Health or the people within it who do not have the skills to administer the provisions of the legislation. The responsibility for this legislation fits fairly and squarely with the Commissioner of Police and the Minister for Police. Will the Minister for Health please explain to us why he is sitting at the Table rather than the Minister for Police?

Mr R.C. KUCERA: I have answered this question on a number of occasions. As was the same position with the previous Government, I am the minister for drugs strategy. It was also said at the Drug Summit that the issues regarding the use of drugs would be considered health issues. The position I have taken is not inappropriate.

Ms S.E. WALKER: One of the key clauses in this legislation relates to the key section in the Misuse of Drugs Act. I wonder why a Bill must be read in conjunction with the Misuse of Drugs Act when section 34 of that Act provides penalties for people who are to be sentenced. This Bill will amend that key section that provides for penalties.

I can tell members why the Minister for Health and not the Minister for Police is dealing with this legislation: it is a marketing tool. If the Minister for Police introduced this Bill and showed people how growing and smoking marijuana was decriminalised under the relevant sections of the Misuse of Drugs Act, the message would be sheeted home to the public much more quickly than it currently is. That is why I keep getting gagged by the member for Nollamara when I hit key areas such as what is really happening with this Bill. It is simply a lecture.

Question put and a division taken with the following result -

Ayes (25)

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

Noes (20)

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

Clause thus passed.

Debate adjourned, on motion by Mr R.C. Kucera (Minister for Health).

House adjourned at 3.38 am (Wednesday)