

Mr Colin Barnett; Mr Kucera; Mr Rob Johnson; Speaker; Mr Norm Marlborough; Dr Janet Woollard; Acting Speaker; Mr Matt Birney; Mr Kucera; Mr John Bradshaw; Mr Mark McGowan; Mrs Cheryl Edwardes; Mr Martin Whitely

DECRIMINALISATION OF CANNABIS

Matter of Public Interest

THE SPEAKER (Mr Riebeling): Today I received a letter from the Leader of the Opposition seeking to debate as a matter of public interest the following motion -

That this House condemns the Government for pushing ahead with its proposal to decriminalise the cultivation of cannabis, despite overwhelming evidence from South Australia that this will lead to increased organised crime activity, higher home invasion rates, the importation of hard drugs, lower prices and an increase in the availability of cannabis.

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

[At least five members rose in their places.]

The SPEAKER: The matter shall proceed on the usual basis.

MR BARNETT (Cottesloe - Leader of the Opposition) [2.44 pm]: I move the motion.

This could be the most important issue that this Parliament will consider this year. I note that the Premier is again leaving this Chamber. He is the Premier who, on every indication to this point, will allow the cultivation of cannabis and therefore put at risk the health and welfare of countless thousands of young Western Australians. This is a critical issue, yet this Premier will not even discuss it. He will not even stay in this Chamber to defend his stance, which is pro-decriminalisation of possession and, more importantly for this debate, of the cultivation of cannabis. I will outline the history behind this matter.

The Labor Party went into the last state election without a drugs policy. The coalition had a detailed drugs policy and the Labor Party had none, save for one reference that it would hold a Community Drug Summit. However, it sought to hide an ALP policy decision from the public of Western Australia. In May 1999 at the ALP state conference, there was unanimous agreement by delegates to a motion to decriminalise the possession of up to 100 grams of cannabis and a cultivation of five plants. Members at the back of the Chamber do not appear to have much interest in cannabis or the welfare of young people. Opposition members will go into the electorates of members opposite and talk to their communities about the effects of cannabis on young people because members opposite have no interest in this issue. In August 2001, the Drug Summit was held and in the Minister for Health's written comments to delegates at the beginning of the summit, he said -

consider changes to the State's cannabis laws including the decriminalisation of the cultivation of up to two plants, possession of up to 50 grams . . .

In 1999, the policy of the ALP state conference was to allow possession and cultivation of cannabis. Last August in this Chamber, the Minister for Health gave a written instruction to delegates of the Drug Summit to investigate and consider the decriminalisation, possession and cultivation of cannabis.

Mr Kucera: Of course I did.

Mr BARNETT: So there we have it. The health minister has clearly stated that Labor Party policy is to allow the cultivation of marijuana.

Mr Kucera: I did not say that at all.

Mr BARNETT: The minister just did by way of interjection. I ask him to tell me: is it Labor policy, as the minister outlined at the Drug Summit and the state conference of the Labor Party in 1999, to allow possession and cultivation of cannabis? I will have to rely on the written word - the motion passed in 1999 and the words put in writing by this minister.

Since the summit there has been a ministerial working group that has presumably reported to the minister, who will, hopefully, make that information public in due course. However, the concept of decriminalisation of possession and, in particular, the cultivation of marijuana, or cannabis, did not arise from the Drug Summit. That is the first and most important point to make. It was Labor Party policy and it was part of the written directions given by this Minister for Health to the Drug Summit, which was held in this Chamber.

I do not have much personal experience with cannabis, but I will talk a bit about it. Cannabis is the most widely used illicit drug in Australia and elsewhere. It is estimated that 39 per cent of people over the age of 14 have tried cannabis and that 44 per cent of those aged 14 to 19 years have tried it. This drug is widely used; there is no dispute about that. The potency of cannabis has changed, as has the level of the key chemical element, tetrahydrocannabinol, or THC. In the 1970s and the flower power days - when I was a university student - the average THC content was estimated to be 0.4 per cent.

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Members opposite are laughing. When we go into their communities and talk about cannabis and its effects, I will be interested to see whether they will be laughing at their communities and constituents then.

Hydroponic cultivation can produce larger plants as well as affect the potency of THC. It is estimated today that the potency is somewhere between six to eight per cent, at least 15 times more potent than the cannabis that was smoked in the 1960s and 1970s. We are dealing with the same plant variety but a much more potent cannabis or marijuana plant today.

The use of cannabis has widespread health effects. There are also health effects from alcohol and nicotine; no-one is disputing that. However, the effects of cannabis are more severe. There is no doubt that it is a mind-altering drug. Anecdotal evidence suggests that probably 25 per cent or more of the patients in the mental health system in this State today are there for reasons related to cannabis use. This a major health issue and one on which the health minister should be providing appropriate health leadership instead of promoting the cultivation of cannabis, which he seems to be doing.

I will refer to a couple of statements. A recent study by the Royal Children's Hospital in Melbourne has revealed that cannabis use is linked to both depression and anxiety. Professor George Patton, Director of the Centre for Adolescent Health at the hospital, has said, "This is the best evidence yet that . . . cannabis is bad for your mental health and does cause higher rates of depression and anxiety problems" and "There was a very strong association between cannabis use . . . and mental health problems . . .". That is no longer in doubt. Cannabis is directly and strongly related to mental health problems and can accentuate schizophrenia. The British Journal of Psychiatry also found that there was a strong relationship between adolescent drug use and the experience of emotional distress, depression and lack of a sense of purpose in life. Cannabis dependence has also been established in those who regularly use the drug. Cannabis withdrawal symptoms include anxiety, dysphoria, anorexia, changes in heart rate and blood pressure and diarrhoea. Dr Jan Copeland, a senior lecturer at the National Drug and Alcohol Research Centre at the University of New South Wales, confirmed that cannabis contains more toxins and tar than tobacco. Anti-smoking campaigns are heavily advertised and promoted through health budgets. This Government is saying that cannabis is okay, yet it is far more potent and contains far greater levels of toxins and tar than tobacco. Where is the consistency in government policy?

Mr Kucera: You are misleading the House.

Mr BARNETT: The Minister for Health can speak later and explain why he is putting the health of young people at risk. He will be accountable for that.

Cannabis use has been linked with the probable increase in the risk of throat, lung, mouth and tongue cancer. It has also been linked to emphysema, chronic bronchitis, shortness of breath and a range of other effects. The mental and physical effects - the overall health effects of cannabis - are becoming far better understood. The effects of cannabis use are alarming.

The Liberal Party has issued detailed policies on drug usage, something which the Labor Party has never produced for the people of this State. Liberal members have not closed their minds on this issue. I record in *Hansard* my respect and admiration for Hon Simon O'Brien, who represents the Opposition on drug issues. He took the time to go to South Australia to look at what has been the experience in that State. He has produced a report, which I will lay on the Table at the end of my comments. South Australia has been down this path. This Parliament would be foolish to not listen to what has been the experience in South Australia, which has a similar community and population size to Western Australia.

The Liberal Party has opposed and will always oppose the decriminalisation of cannabis. In particular, it will oppose any move to make the cultivation of that drug more permissible in our community. In 1987, a Labor Government in South Australia decriminalised the possession of 25 grams of cannabis and the cultivation of up to 10 plants. In 1999, a Liberal Government in that State reduced the number of plants that could be cultivated to three. In November 2001, a Liberal Government sought to reduce that further to one plant. A Labor Government is back in power in South Australia. I suggest that the status quo for the cultivation of cannabis in South Australia - three plants - will continue.

I return to the issue of hydroponic cultivation of cannabis. Not only is the potency of cannabis produced by this method higher, but also the level of production has increased. One hydroponically grown plant can produce four harvests a year. Each harvest can produce up to one kilogram of cannabis. Therefore, two plants grown hydroponically could produce eight kilograms of cannabis a year. It is estimated that an average daily user of cannabis - I am not talking about the occasional user - uses 10 grams a week or about 520 grams a year. In other words, the Government's proposal to allow the cultivation of two cannabis plants would produce something like 15 times the amount of cannabis that a reasonably moderate to heavy user of cannabis would consume. The Government is trying to say to the people of this State that the cannabis would be grown only for personal

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consumption. The cultivation of two plants would allow an individual to grow up to 15 times the amount that a fairly typical user would consume. One of the statistics brought back by Hon Simon O'Brien is that three stores sold hydroponic equipment in South Australia in 1990. By 2001, there were 96 stores. The hydroponic cultivation of marijuana is a boom industry. It is estimated that 75 per cent of those stores have some link to organised crime. The Government should not be naive. It should not for a minute think that organised crime is not involved in the production, supply, technology and marketing of the cannabis that is produced for so-called personal consumption. My colleague will say more about the criminal aspects of this issue.

One notable South Australian, the current Premier, Mike Rann, recently stated that the proliferation of hydroponic cannabis cultivation was a crime industry and that outlaw motorcycle gangs were up to their ears in that process. Those comments were made when he was in opposition. He said that decriminalisation had had a dramatic and damaging effect on the community. There is also clear evidence that the production of the permitted level of cannabis in South Australia could produce cannabis worth about \$140 000 on the streets of Melbourne and Sydney. If a person could produce up to \$140 000 worth of cannabis in his backyard, why should the Government be surprised if organised crime were involved? The Government should not be surprised that the cannabis produced in South Australia is used not only to supply cannabis to the larger markets of Sydney and Melbourne, but also to fund the importation of hard drugs into South Australia. That is the evidence.

This Government is putting people's health at risk. It is essentially saying to the community that a little bit of cannabis is okay, in spite of the evidence that the intrusion of crime and harder drugs in South Australia is directly related to the increased production of cannabis in that State. There has also been an increase in home invasions in South Australia. People are stealing hydroponic equipment and the harvest of this essentially legalised production of cannabis.

This motion is important. Government members might see it as a political issue. There is a clear point of difference between the Liberal Party and the Labor Party. The Labor Premier of this State is absent from this debate. I can think of few issues that are more important to the welfare of the people of Western Australia than this. It has taken some time for us to bring this evidence before the Parliament, yet the Premier is not here to answer our questions or comment on the points we raise. Dr Geoff Gallop, the Premier of Western Australia, has promoted the decriminalisation of both the possession and cultivation of cannabis in Western Australia. He, and government members, will be held personally responsible for that throughout the community and in their electorates.

Changes were made under the Liberal Government. A cautioning system was introduced. A trial was conducted in 1998 in Mirrabooka and Bunbury. That cautioning system was extended. The cautioning system applied only to a first offence. The Liberal Government did not decriminalise the possession of marijuana nor did it extend any cautioning system to the cultivation of marijuana. The Labor Party has extended cautioning to second, third, fourth, fifth and sixth offences. It has presumably extended cautioning to an infinite number of offences. It also intends to extend a cautioning system to the cultivation of cannabis. It intends to decriminalise both possession and cultivation of cannabis.

Mr Kucera: You are misleading the House.

Mr BARNETT: The minister will have an opportunity to explain the Government's policy.

Mr McGowan interjected.

Mr BARNETT: All government members are ducking from this issue. They know that people in the community, particularly the parents of young children, will not be happy. I am not talking about the parents of teenagers but of children who are yet to go to school or are in the early years of primary school. That is the target group. Those parents do not want the Government to say to them and the community that a little bit of cannabis is okay. It is not okay. It is damaging and threatening to the health and welfare of this community. It has important implications for organised crime and it is wrong. If one thing distinguishes the Liberal Party from the Labor Party in this State, it is that the Liberal Party understands the problem of drugs. It has drug policies to do things that the Labor Party would not touch. The Liberal Party will never send a message to the children of this State that cannabis is okay. It will never compromise their health in that way. It will never decriminalise either the possession or cultivation of cannabis. I will humbly and genuinely conclude my remarks.

The minister sniggers. I will look him right in the eye -

Mr Kucera: I did not sneer at all.

Mr BARNETT: The minister sniggered.

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Points of Order

Mr KUCERA: Those kinds of comments should not be written into *Hansard*. That is not the issue in this House. Let us debate this properly.

Mr JOHNSON: That is not a point of order.

The SPEAKER: It is an indication that at times people say things to each other that are not accurate reflections of what is going on. However, I do not think it is a point of order. I call on the Leader of the Opposition to continue.

Debate Resumed

Mr BARNETT: Thank you, Mr Speaker, because the minister did snigger. He sneered and sniggered. I would like to be able to stand in this Chamber right now, look the Premier of Western Australia in the eye and make a plea to him -

Several members interjected.

Mr BARNETT: Okay; they laugh and make fun. I cannot do that, so I will look you right in the eye, Mr Speaker and make a plea to you, as the highest office holder in this Chamber and a member of the Labor Government, to reconsider this matter and to not stand by and allow this Government to put at risk the health and welfare of young Western Australians. I say that not in a political sense but as a parent who has been fortunate that my children have not become involved in drugs. However, I, like everyone else, know people whose children have become involved in drugs. Nothing worries parents in this community, particularly parents of young children, more than the threat and danger of drug abuse. When people say to children that a bit of cannabis is okay, they are giving them the wrong message. Not only is cannabis bad enough, but they will also progress to harder drugs. This Government should not do this. I say that in a non-political sense, and I hope that this Parliament will make a plea to this Government to reverse its policy so that it will not, in particular, decriminalise the cultivation of cannabis in our community.

The SPEAKER: The Leader of the Opposition indicated that he wanted to lay on the Table a report.

Mr BARNETT: Yes, I do.

[The paper was tabled for the information of members.]

MR MARLBOROUGH (Peel - Parliamentary Secretary) [3.02 pm]: During the Opposition's debate on this matter, it has been interesting for me to observe from where the lead has come. This matter is being put very seriously by the Opposition. It is an attack on the Government's position that is led by no less a person than the Leader of the Opposition. It is interesting to note that when the Opposition believes it can make a point on any other question concerning health, it uses its shadow Minister for Health. On this matter of drugs and marijuana, and the Government's policy on it, one wonders why the Opposition has not used the shadow Minister for Health. Of course, it may be worth reminding the Parliament of the credibility of the Opposition on this issue so that it can understand why it has not used the shadow Minister for Health.

Mr Marshall: Don't you think it is an important issue?

Mr MARLBOROUGH: I do think it is an important issue.

Mr Marshall: Why wouldn't you lead with your number one trump card?

Mr MARLBOROUGH: It is equally surprising to both me and the community that in such a heavy and important health matter, the shadow Minister for Health is not leading the debate. Of course, as we all know, the reason that he is not leading the debate has already been recorded in *Hansard*. He, along with his business partner, was part of an industry that encouraged the use of such drugs. In fact, he had his own stall that supplied equipment that could certainly be used as an ornament on a person's fridge or next to his bed. However, in the main, if people were interested in having a good time, they would use it for the purpose for which it was designed.

Of course, the shadow Minister for Health was in business. Is it not interesting that the Leader of the Opposition pontificates about all his figures associated with drug taking, the weight of the leaf and how much a single person takes in a year? I know that the member for Murdoch has always been not only, on the one hand, a very good politician for his area, but also, on the other hand, an astute businessman. Were those figures that were used by the Leader of the Opposition today to demonstrate what he sees as the community problem on the member for Murdoch's agenda when he went into business on the matter? I am sure that the astute businessman whom I know the member for Murdoch to have been would have had all that evidence before him before he

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invested a dollar in that industry. He would have known, by some measure or other, how much marijuana was used in the community, at what age group he should aim his business, where his business should be located and how much money should be put into the business to attract the people he wanted to attract. He would also have known what percentage of those people would be visitors from overseas, what percentage would want to put the pipe on their fridge, on their mantelpiece or next to their bed, or what percentage would use it for the purpose for which it was designed. Before the member for Murdoch entered Parliament, he would have had before him all the figures that the Leader of the Opposition has used to denigrate the Government's policy.

I will now talk about the plus side of the member for Murdoch and his willingness to put money into a business that provided the implements, at least, for those people who enjoyed the smoking of marijuana.

Mr Day: Where have all your ministers gone? Where is the Premier?

Mr MARLBOROUGH: We do not need him on this occasion. I can handle members opposite. They are the third XI. We bring out the skipper only for the first XI.

We know that on the progressive side of the member for Murdoch's thinking, at least in the days when he was a businessman, was a recognition, at least in his mind at the time, that putting money into a venture that supported the taking of this sort of drug was not necessarily something that should be measured simply by lines in a legal document. He obviously determined that society was moving forward in this area, and whether or not he liked it, and regardless of the law, people were participating. In their participation, they had to go under the blankets - that is what the Leader of the Opposition is recommending - and deal with people who were at the pointy end of the illegal market. When they started to deal with people at the pointy end of the criminal market, they had a greater potential, at a young age, to get into trouble.

It is a tragedy that the member for Murdoch, having moved from that mentally progressive position on marijuana in the community, is muted now that he is sitting in the Opposition's front row in the Parliament.

Point of Order

Dr WOOLLARD: As a member of this Parliament and a parent, I believe that the issue we are discussing today is very serious. I hope that the Government will make some points about why it wants to decriminalise the cultivation of cannabis, because the majority of the community is against it. The member is not addressing the reason that the Government is pushing full steam ahead on this.

The ACTING SPEAKER (Mr Dean): I gather that relates to Standing Order No 94, but it is not a point of order.

Debate Resumed

Mr MARLBOROUGH: My remarks were addressing the issue. At least the member for Murdoch recognises, from the days when he was a progressive business person supplying implements for people who used this drug, that young people were being criminalised by the process. They were made to go behind the back door and deal with the pointy end of the criminal element. By that action, they got themselves into trouble, and at young ages were being given prison sentences that, in their late 20s and early 30s, they wish they did not have. That is the problem the Government's policy is attempting to fix. The Government is not legalising; it is addressing community concerns. If the Leader of the Opposition - the captain of the third XI - wants to carry any credibility on his side of the fence in this argument, he should sit down and let the opposition spokesman on health have a go.

MR BIRNEY (Kalgoorlie) [3.11 pm]: It is only a matter of time before the Minister for Health leaps out at the people of Western Australia from some dark shadow and tells them, under the pretext of this modern, progressive Labor Party, that they can now grow their own dope! In addition, being caught with marijuana will no longer be a criminal offence! The Leader of the Opposition has already referred to the 1999 Australian Labor Party state conference, which resolved to allow Western Australians to possess 100 grams of cannabis and five marijuana plants. I have here a direction statement, entitled "Drugs and Crime", with the nice little ALP ribbon logo at the bottom. It reads, in part -

We proposed a decriminalised regime which would apply to possession of 50 grams of cannabis or less and cultivation of no more than two plants per household.

In the absence of any information to the contrary from the Minister for Health, that is the policy of the Australian Labor Party. The ministerial working party, which I believe has now reported to the minister, was given a very similar brief. It was told to go away and look into decriminalising two marijuana plants per household.

It does not take Einstein to work out that decriminalising marijuana will increase the number of people who use it. Surprisingly enough, there may be a number of law-abiding citizens who would like to use marijuana but

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recognise that it is a criminal offence, which would attract criminal penalties, and so they do not use it. The passage of any legislation the minister might propose to this House will result in a dramatic increase in the number of people using marijuana. Why would the Labor Party toy with such a ridiculous policy? I am told the Government wants to try to break the nexus between organised crime and small-time marijuana users. Drawing on the experience of South Australia brings us quickly to the realisation that, far from breaking that nexus between small-time marijuana users and organised crime, organised crime infiltrates the industry even more. If the Minister for Health and the Labor Party allow Western Australians to cultivate two marijuana plants, what will stop an organised crime outfit engaging a large number of households to each grow two marijuana plants? All of a sudden, organised crime will arrive in the suburbs. Though organised crime does exist today in Western Australia, it certainly does not exist to the extent that it would if the ALP were to have its way.

I have read a bit of the Australian Labor Party's directional statement on drugs and crime. It makes specific reference to the fact that the apprehension of those apparent small-time users by the police takes up a considerable amount of police resources and effort. That is one of the arguments for decriminalising this drug. What if, 10 or 20 years down the track, it were found that the arrest of people taking heroin, amphetamines or cocaine was taking up a considerable amount of time and resources from the Police Service? Would a policy allowing the possession of those drugs be brought in to spare the Police Service extra work? That is what this direction statement says, albeit in reference only to marijuana. I am concerned that at some stage that provision might be extended to harder drugs.

The South Australian experience is interesting. Once marijuana was decriminalised in South Australia and people were permitted to grow their own plants - I might add that they started off at 10 plants - the figures show that 10 per cent of home invasions in South Australia were attributed to people looking for drugs. It does not stop there. Between 1990 and 2000 in South Australia the number of armed home invasions doubled. There is a very direct correlation between the fact that these people were growing two marijuana plants in their backyards and a significant increase in home invasions. The Leader of the Opposition made reference to the fact that, in South Australia before the introduction of this legislation, there were three or four hydroponic stores, and now that number has increased to 96. The major catalyst in providing this boost to the industry in South Australia was the Australian Labor Party policy of decriminalising marijuana.

Mr Marlborough: What happened to hydroponics in Perth over the same period?

Mr BIRNEY: The question is what will happen to hydroponics in Perth.

I refer to a question without notice asked in the Legislative Council, directed to the Minister for Racing and Gaming representing the Minister for Police. It reads, in part -

How many Western Australians - including drivers, passengers, cyclists and pedestrians - suffer death, maiming or injury in traffic accidents caused in whole or in part by the effects of cannabis?

It is a very good question, considering that the Labor Party is considering introducing these very liberal laws - and I use that word advisedly - for cannabis. The response given by the Minister for Police through the Minister for Racing and Gaming was as follows -

It is impossible to determine how many Western Australians have been killed or injured on the State's roads as a result of the effects of cannabis. Road deaths and injuries are caused by many factors. The level of cannabis in a person's system that may influence his driving differs for all persons.

This is the real killer. The answer continues -

The detection of cannabis in a person's system after an accident does not imply that it was a causal factor.

Is the minister saying that it does not matter if people drive while stoned? Will this not affect their driving capabilities? *The West Australian* on 13 March 2002 stated that figures released by the Government showed that drugs, both illicit and prescribed, are a factor in 6.5 per cent of road fatalities in Western Australia. Here is the minister saying that it makes no difference if people drive stoned, while the facts are that 6.5 per cent of road fatalities in Western Australia were attributed to drugs.

I could go on all day, but a number of my colleagues have things to say on this issue. I would like to hear what the shadow Minister for Health has to say.

MR KUCERA (Yokine - Minister for Health) [3.20 pm]: I could probably finish this debate with one sentence: let me say at the outset that we will not be making the cultivation or possession of small amounts of cannabis legal, full stop. I need to work through a couple of issues sensibly and logically. The real tragedy of this debate is that it is a desperate attempt to override the excellent work that was done by approximately 2 500 people

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leading up to the drug summit and the 100 people who were here during that week looking calmly, sensibly and logically at one of the greatest conundrums in this country today; that is, the use of any kind of drug, whether cannabis, heroin or anything else. That is the unfortunate part about it.

Mr McRae: And they were representing the hopes and aspirations of people right across the State.

Mr KUCERA: They represented the entire community. Much has been made about the situation in South Australia, but, sensibly, we did not send a group of politicians to look at what was happening there. We sent a group of some of the most eminent people who have worked in this field for the past 20-odd years, or since cannabis has been around. We sent those people to South Australia to take a dispassionate and apolitical look at what was occurring in that State.

Mr Watson: What qualifications did the member have who was sent to South Australia?

Mr KUCERA: He is a politician. I understand he was in the Australian Customs Service at some stage. The member referred to, Hon Simon O'Brien, was in this House during the week of the summit, and, along with me, took a bipartisan view. I was very deliberate, as a politician, during the lead-up to the summit and since the summit, while the committee we are talking about was involved in its deliberations, to ensure that we did not impose policy. We spoke about policy. The Leader of the Opposition made much of a statement I made in the House. Of course I asked members of the committee to examine policy. I also asked them to examine a whole range of drug issues and the legislation dealing with drugs. What would have been the point in putting together a group of eminent people, including scientists, legal people, medical people and members of the community, to look at issues dealing with cannabis if they were not asked to look at Labor Party policy, as well as the situation in South Australia and right across the country? What a stupid assertion to make. Of course I asked them to look at those issues.

The other assertion made by the Leader of the Opposition related to the level of interest displayed by the Premier in this State. The Premier has absolute interest in this issue, but he has enough trust in me as his spokesperson on drugs, as the minister for drug strategy and as the Minister for Health, to let me say exactly what we, as a Government, are doing on this issue. As I have said, we will not be making the cultivation or possession of cannabis legal. It is as simple as that.

I do not set out, as do members of the Opposition or others in this House, to denigrate people for being involved in the drug trade. That is entirely up to them. However, I will certainly not condone dealers. I hold up a stupid article that appeared in the Press recently. Members should have a look at Cheech and Chong in this newspaper article. Any self-respecting copper worth his weight who walked into a room and saw these two blokes in this picture would have put them in the East Perth lockup so fast their feet would not have touched the ground.

Point of Order

Mr BARNETT: Mr Acting Speaker (Mr Dean), I do not mind being called Cheech or Chong, but I take exception to the implication that I would be in the East Perth lockup. I ask the minister to withdraw that comment.

Mr KUCERA: The implication was not about the Leader of the Opposition; it was about anybody who tried to represent the fact that he had so many deal bags sitting on a table -

Mr BARNETT: We have not heard the ruling yet. Would the minister sit down? He is very full of himself.

The ACTING SPEAKER: Does the minister wish to respond to the point of order?

Mr KUCERA: I was responding to it. There was no implication that the Leader of the Opposition was anything other than what he is depicted as being in that newspaper article; that is, standing in front of a pile of bags of grass.

Mr BRADSHAW: Standing Order No 93, "No member to be referred to by name", states -

A member will refer to other members by their title of office or by the name of their electorate.

The ACTING SPEAKER: I am in a quandary, because the Leader of the Opposition said -

Mr KUCERA: Mr Acting Speaker, I withdraw.

The ACTING SPEAKER: I will rule on the point of order. The minister has already withdrawn his comments. The Leader of the Opposition said he did not mind being called Cheech or Chong, but I do not believe that was the issue. There is a crossover of issues. The problem is resolved now that the minister has withdrawn his remark.

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Debate Resumed

Mr KUCERA: This article refers to lawn clippings, grass or something of that nature, but I am wondering where the Leader of the Opposition got his information on how to bag up the grass. Did one of his Liberal Party branch officials show him how to do it? There was no suggestion by the people from the summit, by the police, by this Government or anybody else that we have changed the deeming provisions in the Misuse of Drugs Act or any other legislation. Anybody with such an amount of cannabis that was plucked from a plant would immediately be considered a dealer. This is nothing but a cheap political stunt in what is a very emotive and serious business.

I will move on to the situation in South Australia, because much has been made about the position in that State. It is interesting that this Opposition did virtually nothing about the problem in this State for eight years, and opposition members are now hanging their hats on one small portion of what 100 excellent community members decided was a way of doing something about one of our greatest problems. It was estimated by the people who prepared the statements for the drug summit that 741 565 Western Australian adults and young people had used an illicit drug in their lifetime. The member for Kalgoorlie seems to know a lot about the issue. Does he want to comment on whether or not he was one of those people?

Several members interjected.

The ACTING SPEAKER: Order!

Mr KUCERA: The policies of the previous Government were so successful that last year's survey showed - I am happy to table this paper - that the estimated number of persons aged 14 years and over who had used cannabis in their lifetime was 643 020, and 319 115 people used cannabis last year. That is a clear indication of the situation.

This debate is perhaps a pre-emptive strike by the Opposition to try to denigrate the excellent work that is being done by the experts whom we have brought together as a result of that summit to see how we can enunciate clear policy in this State. There is no need for this kind of nonsense and political stunt. This issue needs to be properly, sensibly and unemotionally discussed in this Parliament. At the end of the day, I firmly believe that police discretion to decide whether to charge for these kinds of offences should always exist in this State. I put that on the table now. Police discretion should always override other considerations in any issue to do with drugs in this State; it always has, and I suggest it always will. It is as simple as that. In the same way, I state that this party will not make the use and cultivation of cannabis in this State legal. I state that categorically. It is as simple as that.

Mr Barnett: Are you going to decriminalise it? Yes or no? It is as simple as that. You will not answer that, because you will not admit that you are going to decriminalise cannabis cultivation and use.

Mr KUCERA: The Leader of the Opposition, instead of trying to pull political stunts, should await the outcome from a group of eminent people who have very sensibly and logically examined this problem both here and in other States of Australia, and who will learn from the mistakes that have been made in South Australia. That is the issue that came out of the drug summit. Frankly, this debate today is an absolute nonsense on the part of the Opposition. It is pre-empting what a very eminent group of people is putting together. I am quite amazed. I am new to this Parliament and to the processes of this Parliament, but I believe in genuine debate.

Mr Johnson: You have a lot to learn, my friend!

Mr KUCERA: I have a lot to learn about the processes of this Parliament, but the one thing the member for Hillarys cannot teach me about is this issue. I have spent more time on this issue than anybody else. I have a lot to learn as a politician, but I have learnt a lot as a father, and I have learnt even more as a copper who has spent his whole life locking up these so-and-sos for dealing. I know what the impact of this issue is. I know what we will do as a Government. I know how we will support people as a Government. The 48 recommendations and the many facts that have come out of the drug summit will give all of us - not just the Labor Party but also the Opposition and the community of this great State - a way forward on the issue of drug use in this State. The Opposition should not pussyfoot around and play political stunts that are designed to frighten people. When I read this newspaper article, I asked one of my colleagues in the Police Department whether it could be construed as creating a belief or suspicion that an offence exists that the police can investigate, because that is the kind of thing I start to think about when I put on my police hat. However, when I put on my political hat, I see it as just a political stunt. I will await the outcome of the report from the group of people we sent to South Australia to look at this issue, one of whom is an eminent criminal lawyer, two of whom are two of the most senior police officers in this State, and two of whom are recognised as being the best scientists in this State. I want to listen to

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what they have to say. I do not want to listen to the words of a politician who goes to another State and says he knows more than people who have spent a lifetime fighting this problem. It is as simple as that.

Ms Sue Walker: Who is the lawyer?

Mr KUCERA: The member for Nedlands knows very well that John Prior heads this committee.

Ms Sue Walker: He is a nice guy.

Mr KUCERA: Yes, and a very good criminal lawyer who has worked at this level. Do not denigrate him. He is an excellent lawyer and an excellent chairperson.

I will sum it up again so that the people of Western Australia will not have to put up with this kind of cheap political stunt. We will not make the cultivation of cannabis legal. More importantly, we will support and work towards all of the recommendations that came out of the drug summit, which was put together by the community of this great State, to ensure that our children are protected and do not have to put up with this kind of rubbish.

MR McGOWAN (Rockingham - Parliamentary Secretary) [3.35 pm]: It is a privilege to follow the Minister for Health in this debate. The Minister for Health spent over 30 years in the Police Force of this State, and in his head he carries more corporate knowledge on this issue than any other member of this Parliament, and probably also any member of any Parliament in this nation. For the Leader of the Opposition to make these cheap allegations about the Minister for Health being soft on drugs or promoting the smoking of drugs is beneath him, because of all the people in this Parliament, and probably also in any Parliament in this nation, the Minister for Health would have done the most to prevent the smoking of cannabis and the taking of harder drugs. It is unworthy of the Leader of the Opposition to make these sorts of allegations.

Mr Barnett: A lot of kids in our area deal with drugs.

Mr McGOWAN: I will deal with that. The most important statistic that the minister read out is that according to surveys over 300 000 people have used cannabis.

Mr Johnson: Have you?

Mr McGOWAN: No, I have not.

Mr Johnson: Ever?

Mr McGOWAN: Never. I became a military officer at a very young age. However, since the member has asked, a number of members on that side of the House are throwing allegations around and being holier-than-thou about this issue.

Mr Barnett: No, no, no.

Mr McGOWAN: The Leader of the Opposition was around in the flower power days. How about him?

Mr Barnett: I had green bell-bottoms and a Beatles T-shirt.

Mr McGOWAN: Did the Leader of the Opposition use cannabis?

Mr Barnett: I will tell you something about that. I will respond to that. Members on this side did not make allegations. It was the minister who started to make allegations.

Mr McGOWAN: I asked the Leader of the Opposition a question.

Mr Barnett: If you want me to answer that question -

Mr McGOWAN: I have been asked a question, and I have answered it.

Mr Barnett: If you want me to answer that question, I will do so, but I will add one proviso; namely, that all members of the frontbench declare their position.

Mr McGOWAN: In other words, yes. The Leader of the Opposition is saying yes. The Leader of the Opposition is on the record as saying yes, he used cannabis in the 1960s and 1970s. That is what he is saying, because he is refusing to answer this question.

Withdrawal of Remark

Mr JOHNSON: The member for Rockingham is totally misleading this House. He is making the imputation that the Leader of the Opposition has used cannabis. That is not what the Leader of the Opposition said. He is

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100 miles from saying that. I ask the member for Rockingham to withdraw, because to make that adverse reflection on a member of this Chamber is totally against the standing orders.

Mr McGOWAN: It is entirely within the capacity of the Leader of the Opposition to clarify this matter. Members consistently make all sorts of statements and allegations in this House, and we are never required to prove or disprove those allegations. I have made statements that I feel are quite warranted in the circumstances.

Mr BARNETT: The member for Rockingham accused me of being a cannabis user; indeed, he said that should be read into *Hansard*. Whether I wish to declare to this Parliament or anyone else that I have used cannabis is a decision that I alone will make. I do not accept any member of this Parliament coming into this place without any substantiation and accusing me of being a cannabis user, either past or present, and requiring that to be recorded in *Hansard*. I insist that he withdraw that accusation.

The ACTING SPEAKER (Mr Dean): Under Standing Order No 92 relating to imputations and personal reflections, it appears that the member for Rockingham has made a personal reflection on the Leader of the Opposition and I ask him to withdraw his comments.

Mr McGOWAN: I withdraw.

Debate Resumed

Mr Birney: Why don't you withdraw from the Chamber as well?

Mr McGOWAN: I ask the member for Kalgoorlie the same question. He throws a lot of allegations around this place. Has he used cannabis?

Mr Birney: Why don't you sit down in the gutter and make those accusations?

Mr McGOWAN: Has the member for Kalgoorlie used cannabis?

Mr Birney: Go and sit in a back lane in Northbridge and make those accusations.

Several members interjected.

The ACTING SPEAKER: The members for South Perth and Albany shall come to order.

Mr McGOWAN: It is entirely relevant in these circumstances for members of this House who ask -

Mr Watson interjected.

The ACTING SPEAKER: Member for Albany! I will not have conversations across the Chamber, as we have just heard, otherwise I will call both the member for Albany and the member for Kalgoorlie to order.

Mr McGOWAN: Opposition members have said in this place that young people who have had one puff of a joint of marijuana are criminals. The consequence of that view is that young people between 16 and 19 years of age would have a criminal record and the consequences of that record would extend to the rest of their lives. For example, it is very difficult for people with a criminal record to enter the United States of America. Something that people did when they were 17 can apply to them when they are a 45-year-old company director, a 50-year-old member of Parliament or, indeed, a 32-year-old member of Parliament.

It is entirely relevant to ask the members of the Opposition who throw the most stones to answer a simple question about whether they are in the same position as the young people who they think should be branded as criminals. It is enlightening to see the members who refuse to answer that question. The members for Kalgoorlie and Cottesloe refuse to answer the question; that is extremely enlightening for us all in this debate, because their credibility is strained on this issue, no matter how long they pursue this debate.

Mr Birney: You are the sort of speaker who, before you get up to speak, has no idea what you are going to say; when you are on your feet speaking you have no idea what you are saying; and when you sit down you have no idea what it was you said.

Mr McGOWAN: I asked the member for Kalgoorlie a simple question, which he declined to answer; that is the most enlightening aspect of this debate.

Another government member wishes to speak on this motion and I will therefore conclude with one brief comment. I once appeared as duty counsel in the Rockingham court before a now quite famous magistrate when a man in his forties came into the court. He was hunched, his fingers on both hands were bent, he walked with a stoop, his backbone was twisted and he was obviously in a lot of pain. He suffered from an extreme form of

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arthritis and was before the court for using cannabis. This event occurred prior to the cautioning system put in place by the previous Government. He appeared before that quite famous magistrate who fined him \$1 000 and awarded him with a criminal record for using cannabis to relieve the constant pain he was in. That is wrong.

MRS EDWARDES (Kingsley) [3.44 pm]: It is disappointing that the Labor Party has not treated this debate with the seriousness that it deserves, particularly for the mums and dads in the community in Western Australia. Essentially, the Government has not addressed the question of the cultivation of cannabis; which is what this debate is about. We in this Parliament should be dealing with the protection of young people. That is the reason for the former Government's slogan "Say no to drugs". The new slogan from the Labor Government is "Maybe say no to drugs" or "Maybe it is okay if they are home-grown drugs". The Government has failed to recognise that the move to go soft on drugs is not gaining credibility. A recent report from the United Nations' International Narcotics Control Board condemned those Governments that have gone "softly, softly" on drugs. The report states -

There is no evidence from western European countries that have adopted a more relaxed legal stance towards cannabis that such a policy cuts the demand for illicit drugs . . .

Our goal should be to reduce drug abuse. It was very sad to read the stories of the families, friends and siblings of drug users in the annual writing competition of 5 December last year. No research indicates categorically that the use of cannabis does not lead to an increased use of harder drugs; often that is the case. Those with experience on the government side know that to be true. We on this side of the House want to protect young people.

MR WHITELY (Roleystone) [3.47 pm]: Mr Acting Speaker -

Mr Birney interjected.

Mr WHITELY: I was going to applaud the actions of the previous Government when it removed some of the criminal sanctions for the personal use of marijuana, which was an appropriate step towards removing the criminal consequences of a foolish action.

I believe people who use cannabis are fools, not criminals, and should be treated appropriately. I also agree with some of the comments made by the Leader of the Opposition. The personal use of cannabis is a health problem, not a criminal problem, and our laws should reflect that. My definition of a criminal act is an act that impinges on the rights of and causes harm to others. On the other hand, a foolish act causes harm to oneself. The use of cannabis is largely an act that causes harm to a user generally with fewer consequences to other parties than the consequences of alcohol.

Mr Barnett: The motion is on cultivation, not use.

Mr WHITELY: I am trying to progress this argument in the spirit of bipartisanship. I started by applauding the actions of the former Government of which the Leader of the Opposition was a senior member. I thought he had some responsibility for those sensible moves but, on reflection, I realise that is a false belief.

Mr Barnett: What you have said is constructive. I am reminding you that the motion is about cultivation, not use, of marijuana.

Mr WHITELY: There are no concrete plans afoot on this issue and no legislation has been introduced into the Parliament. I am talking about the general thrust of legislation that I would support if and when it is introduced to the Parliament.

Ms Sue Walker: Would you support cultivation?

Mr WHITELY: I will refer to the issues in the order in which I intend to refer to them; I will not be driven by the member for Nedlands.

If people are foolish enough to cultivate cannabis for their own use, they are fools and not criminals. As I said, I support the previous Government's introduction of the cautioning system. It removed the criminal consequences of using cannabis. Prior to its introduction, a person could have a criminal record simply for engaging in foolish behaviour. These days, a person caught with a very small amount of cannabis for personal use is most likely to be informally cautioned or, at worst, to be fined. Such an offender is unlikely to be sent to jail. Nonetheless, a fine is imposed for a criminal offence. The offender then has a criminal record and must suffer all the consequences that flow from that. The legislation imposes a criminal record for what is simply a foolish act. I agree with some of the comments made by the Leader of the Opposition.

Extract from Hansard
[ASSEMBLY - Thursday, 11 April 2002]
p9478c-9489a

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DR WOOLLARD (Alfred Cove) [3.54 pm]: I support the motion. As a society, we are encouraging young people and adults to stop smoking tobacco. Therefore, it amazes me that some members support the introduction of legislation that will encourage people to grow cannabis. I was horrified when I heard the figures the Leader of the Opposition presented to the House today. Potential cannabis production will be 15 to 20 times more than that required to keep up with average daily use.

During the debate today members referred to the social costs of the use of cannabis, including the mental and physical costs. That is why I am surprised about the Minister for Health's reaction. Our health system is already in crisis. What will happen to the health budget in 10 or 20 years, when more people suffering various chest ailments and other cannabis-related complaints need treatment? The psychological costs must also be considered. Members referred to the number of people currently in mental health facilities as a result of using cannabis.

I appreciate that the Government does not want to see our young people burdened with long-term criminal records. However, I am unhappy that the Minister for Health asked the Drug Summit delegates to consider the decriminalisation of cannabis use and provisions to allow the cultivation of two cannabis plants. It would have been far more appropriate had the delegates been provided with legal advice so that they could consider spent convictions for people under the age of 21 convicted of cannabis use. For example, we could have had legislation providing that, if an offender had a clean record for a number of years, his conviction could be wiped. The community would find that much more acceptable than introducing legislation that encourages the cultivation of cannabis.

Question put and a division taken with the following result -

Ayes (18)

Mr Barnett	Mrs Edwardes	Mr Masters	Ms Sue Walker
Mr Birney	Mr Edwards	Mr Pental	Dr Woollard
Mr Board	Ms Hodson-Thomas	Mr Barron-Sullivan	Mr Bradshaw (<i>Teller</i>)
Dr Constable	Mr Johnson	Mr Sweetman	
Mr Day	Mr Marshall	Mr Trenorden	

Noes (26)

Mr Andrews	Mr Hyde	Mr McRae	Mrs Roberts
Mr Bowler	Mr Kobelke	Mrs Martin	Mr Templeman
Mr D'Orazio	Mr Kucera	Mr Murray	Mr Watson
Dr Edwards	Mr Logan	Mr O'Gorman	Mr Whitely
Dr Gallop	Ms MacTiernan	Mr Quigley	Ms Quirk (<i>Teller</i>)
Ms Guise	Mr McGinty	Ms Radisich	
Mr Hill	Mr McGowan	Mr Ripper	

Pairs

Mr House	Mr Brown
Mr Grylls	Mr Marlborough
Mr Waldron	Ms McHale
Mr Ainsworth	Mr Carpenter

Question thus negatived.