

Mr Matt Birney; Deputy Speaker; Mr Max Trenorden; Dr Geoff Gallop; Mrs Cheryl Edwardes; Mr Kucera; Mr Bernie Masters; Mr Mark McGowan; Mr Rob Johnson; Acting Speaker; Mr John Hyde; Mr Arthur Marshall

DECRIMINALISATION OF CANNABIS

Motion

MR BIRNEY (Kalgoorlie) [4.13 pm]: I move -

That this House condemns the Premier and the Minister for Health for their recent announcement of their intention to decriminalise the possession of up to 25 grams and the cultivation of two cannabis plants.

Unfortunately, the Leader of the Opposition has been unavoidably detained, which is why I have moved the motion.

It is a foregone conclusion that this Labor Government, unlike Labor Governments of the past, is encouraging Western Australians to grow their own dope. Madam Deputy Speaker, you will forgive me for putting it in such blunt terms, but I do not know of any other sufficient way of describing the latest announcement of the Labor Party; that is, that individuals in a decriminalised system will be able to grow two plants of marijuana in their backyard without attracting a criminal conviction. This drug has contributed significantly to the ill health of Western Australians, particularly in the sad cases of youth suicide, youth depression and depression in the wider community. It has been proven that marijuana has an effect in all those cases, yet today the Western Australian Labor Party is telling the people of Western Australia that they can grow their own dope and not attract a criminal conviction.

This lot opposite are in moral decay. They are a blight on Western Australian society and a blight on Australian society generally. Let us look at all the rubbish they have trotted out since they came to power. They are allowing people to grow their own dope; allowing two homosexual men - or, dare I say it, three homosexual men - to adopt a child through an adoption agency; and allowing unions to run all over work sites in Western Australia. The mob opposite are in moral decay. They are unlike any other Labor Party or any other Labor Government of the past. Former Labor leaders and former Labor members of this House of perhaps 15 or 20 years ago would be disgusted at what they would see here today - a Labor Party that is caught up in all these morally decaying issues that would not have been contemplated by Labor Governments of the past.

As I understand it, in 1999 the Labor state conference recommended that a decriminalised regime apply to the carrying or possessing of 100 grams of marijuana and the growing of five plants. I am drawn to the conclusion that it was a little bit of a set-up. I think that somebody went to that state conference and said that if the party moved such a radical motion and put to the public that the Labor Party would allow people to carry 100 grams of marijuana and grow five plants, when the time came they could say that the idea was far too radical and that the conservative Labor Party would allow people to grow only three plants and possess only 30 grams of marijuana. It seems that at its state conference of 1999, the Labor Party took a very deliberate course of action to soften the blow.

The blow has not been softened; the message has not been lost; the people of Western Australia are well and truly aware of the poor stewardship that we are witnessing in the Government's handling of these moral and social issues. Sadly, the Western Australian Government is promoting those very issues that would lead to a deterioration in the social fabric of our society. If people are to be allowed to grow two plants in their backyard, it will inevitably lead -

Mr Dean: Who is allowing it?

Mr BIRNEY: The Labor Party, of which the member is a member.

Several members interjected.

Mr BIRNEY: Let me address the point. The member asked who was allowing it and then said that the Labor Party was not allowing it because people would still cop a fine. What the members of the Labor Party do not tell the people of Western Australia is that it will no longer be a criminal offence for people to grow their own dope in their backyard.

As I was driving to Parliament one morning listening to the radio, I heard the Minister for Health trotting around the issue, saying that people should not worry and that it would still be illegal and that people could not grow their own dope. What he did not say was that the requirement for a criminal conviction for those people caught with two plants of marijuana in their backyard would be removed. He simply trotted around, under and over the issue. He certainly did not come clean with the people of Western Australia. The member for Bunbury, by way of interjection, has certainly not come clean with the people of Western Australia by trying somehow to imply that the Labor Party will not allow people to grow two plants in their backyard.

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It follows that when a Government decriminalises the growing of marijuana, more people will smoke it. That seems to make a lot of sense to me. If it is no longer to be a criminal offence, those people who were previously relatively law-abiding citizens, who might have been somewhat curious about and interested in having the odd smoke of marijuana, might be inclined to grow a couple of plants. Why would they not do so when this morally decayed Government is sending a message that says it is okay to do it? More people will be smoking marijuana. What will happen to the rate of youth suicide, youth depression and the whole raft of social issues that attach themselves to the smoking of marijuana? I will tell members what will happen. We will be back here 12 months after the passage of the legislation, armed with facts and figures to show that the incidence of marijuana use has increased and all those social negatives that attach themselves to the smoking of marijuana have also increased. Sadly, it will be our duty as an Opposition to advise members of this House that youth suicide, youth depression and all the other associated social ills have increased as a result of the policies that the duly elected Government of the day imposed on the people of Western Australia. I am embarrassed to be a member of this Parliament, albeit a new member, and to share this Parliament with a Government that is hell-bent on these ridiculous issues that will bring on the moral decay of our society.

We have only to consider the Government's legislative program to understand where this lot is coming from. In the old days people thought that a vote for the Labor Party would be a vote for the interests of the blue-collar worker. That was ingrained in people's thinking when they cast their vote at the ballot box. Those people can be rightly forgiven for feeling tricked if they voted for this Labor Party under its veiled guise of supporting the working man.

Mr McRae interjected.

Mr BIRNEY: I am glad that the member for Riverton is listening.

Sadly, members of the Labor Government could not care less about the progress of this State. All they are interested in is listening to noisy minority groups who have the ear of the Labor Party. It is terribly unfortunate.

The Labor Government talks about trying to break the nexus between organised crime and the marijuana industry. I do not think members opposite have done a lot of homework. In South Australia the clear evidence is that after a regime to decriminalise marijuana was introduced, the involvement of organised crime in that industry increased. On the one hand, the WA Labor Government talks about rooting out organised crime with the different pieces of legislation it has introduced. On the other hand, it wants to introduce legislation that will ultimately lead to an increase in organised crime in connection with the marijuana industry.

Mr Dean: Tell us the basis for your reality. Where is the empirical evidence?

Mr BIRNEY: I am pleased that the member for Bunbury asked me that. Detective Superintendent Fred Gear said that marijuana plants would be selected to be more powerful and would be grown for a quick harvest. He 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. Does the member for Bunbury want me to read that again?

Mrs Edwardes: He might need you to draw pictures.

Mr BIRNEY: Members opposite probably do need pictures. From my information, some of them have difficulty reading and they need things spelt out.

Why would the involvement of organised crime figures in the marijuana industry increase once growing marijuana in people's backyards is decriminalised? Even some of the more simple members of the Labor Party could grasp this point. In South Australia, organised crime syndicates - bkie groups and the like - would go up and down certain streets asking people to grow the two plants allowed. They would then go to those people's neighbours and the people across the road asking them to grow two plants. All of a sudden, this mass of normally law-abiding citizens would be growing two marijuana plants each. The organised crime syndicate would then harvest the plants once every three or four months and say, "Thanks very much! Here's a little bit of money for you. If you get caught, we'll pay the fine for you and call it a business expense." The fine is \$100 or \$150, which is the equivalent of a parking fine. I would be surprised if the organised crime industry in South Australia had not applied for some kind of tax exemption for paying those fines on behalf of the normally law-abiding citizens of South Australia. I make that point in all seriousness. It makes a lot of sense, when we consider the South Australian experience, that organised crime will slowly and insidiously creep its way into the Western Australian drug trade as a result of the Labor Government decriminalising the growing of two marijuana plants.

In the South Australian experience the increase in the crime figures did not stop at the cultivation of marijuana. As soon as the Labor Party in South Australia decriminalised the growing of marijuana, there was a 10 per cent

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increase in home invasions. Those home invasions were drug related. As soon as a regime allowed people to start growing a couple of marijuana plants in their backyards, there was temptation for criminals - be they organised criminals or petty thieves - to undertake home invasions with a view to stealing the drugs. It happened in South Australia, and it will happen in Western Australia. The Labor Party will have to wear that.

Mr Omodei: No wonder they want to stop barking dogs.

Mr BIRNEY: Perhaps that is a smokescreen. I cannot wait to see what the issue of the day will be when the Labor Government presents the marijuana legislation to Parliament and it wants to take the heat off the fact that the statistics on organised crime and the incidence of youth depression and drug-related home invasions will increase. What big issue will the Government pull out of the cupboard to try to screen the fact that this legislation will have dramatic consequences?

Mr Omodei: What will happen with workers compensation and all those companies that do random drug tests on their employees when it is legal for people to have so many marijuana plants and joints?

Mr BIRNEY: The member for Warren-Blackwood has made a good point. For those members who did not hear him because he has such a mild voice, I repeat that he asked what would happen on work sites that have mandatory drug testing of employees when they show up at work in the morning and have been involved in drug-related activities the night before. Let us consider the effects of growing marijuana under a decriminalised regime.

Mr Whitely: Are they allowed to operate with alcohol in their system? What is the difference?

Mr BIRNEY: Is the member for Roleystone trying to put drugs on the same level as alcohol? That is what the Labor Party is saying because it has just decriminalised the growing of marijuana. People can grow a couple of marijuana plants without copping a criminal conviction. The member for Warren-Blackwood was trying to say, quite rightly, that we will see a rise in the number of employees on work sites across Western Australia who should not be working or who are ineligible for work.

Several members interjected.

Mr BIRNEY: Statistically, the introduction of legislation that leads to an increase in marijuana use will lead to an increase in the number of people who are found with drugs in their system when they are tested at the work-site gate.

Several members interjected.

Mr BIRNEY: If more people are smoking marijuana -

The DEPUTY SPEAKER: Order! Member for Kalgoorlie, you need to have some consideration, if not for the person in the Chair and your fellow colleagues, at least for the Hansard staff. You are making it very difficult for Hansard. I remind the member that discussion and interjections across the Chamber are considered unparliamentary. Please address your comments through the Chair. If you seek an interjection, do so in the appropriate manner and you might get a response.

Mr BIRNEY: It just became evident that you were chastising me. I thought you were chastising my friend, the member for Roleystone.

The DEPUTY SPEAKER: A little bit of both.

Mr BIRNEY: I dare not look at him.

The point I was trying to make was that decriminalising the growing of marijuana ultimately will lead to an increase in marijuana use. If that is applied statistically to those people who are caught at the work-site gate for drug-related activities the night before, the number of people who are ineligible to work will increase. One does not need to be very bright to comprehend that basic point that was made by my good friend the member for Warren-Blackwood.

I refer again to the South Australian experience. Prior to the introduction of the decriminalised regime, there were three hydroponic stores in South Australia. I am sure members would agree that that is not a large number of stores. About a year after the introduction of the decriminalised regime, there were 96 hydroponic stores. I see in my peripheral vision that the member for Roleystone is about to leave the Chamber. The point I was trying to make to him was that marijuana use will increase, and what better evidence is there than that in South Australia? Prior to the decriminalised regime there were three hydroponic stores, and post the decriminalised regime there were 96.

Mr Masters: They were growing tomatoes, member for Kalgoorlie.

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Mr BIRNEY: That is what this lot probably believes. Anything could be sold to this lot.

That is a stark point, and it shines like a beacon in the context of this debate. What happened to that industry? What was the major injection into the hydroponic store industry? What made that industry balloon? It was the South Australian Labor Party's rubbishy, morally decayed piece of legislation. I predict something similar for the morally decayed Labor Party in Western Australia.

In the context of this debate I was drawn to a question asked by Hon Simon O'Brien. He, of course, is the opposition spokesman for drugs, and I have not come across a more learned gentleman in the context of this debate. He asked a question without notice of the minister representing the Minister for Police and Emergency Services. I will share the question and the answer with members present. He asked -

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?

The answer from the Minister for Police was -

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 key bit -

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

I will explore this because it is very important. The Western Australian Minister for Police said that the detection of drugs in a person's system after a road accident does not indicate that that was a causal factor in that road accident. Therefore, the Minister for Police was saying that if a person drives when he is stoned, that will not have an effect on his driving ability. That is effectively what she said in that answer. She said that it does not make any difference whether a person had drugs in his system; that is not the reason he crashed his car.

The minister obviously had not read the article in *The West Australian* on 13 March 2002, which stated that in 6.5 per cent of all road fatalities, drugs were a factor. On the one hand, the Western Australian Minister for Police has said that if a person drives when he is stoned, that is not a factor in a road accident, but, on the other hand, the figures show otherwise. In fact, they show that 6.5 per cent of all road fatalities are drug related. That figure does not include injuries; that is only fatalities. Therefore, I would hate to think how many people were not included in that figure of 6.5 per cent. When more people use the drug marijuana, what will happen to that figure of 6.5 per cent? As the opposition spokesman for police, I will look at that figure 12 months after the introduction of the legislation. If it has not increased in Western Australia, I will be very surprised indeed.

Every study that has ever been done about marijuana indicates that the smoking of marijuana affects a person's motor skills, driving, reflexes and general demeanour. When a substance has that kind of effect on all those required motor skills, it follows that a person will not be as capable of driving a motor vehicle as he would be if he were not affected by drugs; yet the Australian Labor Party is saying that it is all right to grow a couple of plants in the backyard, which ultimately will lead to an increase in marijuana use and in that 6.5 per cent figure of all road fatalities that are drug related. In 12 months, the Australian Labor Party in Western Australia will stand accountable for that figure.

What of the other recommendations made at the Drug Summit? I recall that many multiples of recommendations were made. Certainly, my information to date is that a number of them have not been and are not being progressed, and that the Labor Party was only ever concerned about the introduction of a decriminalised regime for marijuana. My further information is that the Drug Summit was only a smokescreen. It was one of those warm and fuzzy summits that had a preconceived outcome, which was that the Labor Party in Western Australia would decriminalise the growing of marijuana. It got all those people - about 100 of them - into this very Chamber, and they made all those motherhood statements. The majority of the recommendations were to the effect that the Drug Summit supported wholeheartedly a decrease in drug-related fatalities - all that sort of stuff - but buried at the bottom was the fact that the Labor Party had a preconceived notion about what it wanted to come out of the Drug Summit; that is, the decriminalisation of the growing of two marijuana plants. It even peppered the stakes with this heroin injection trial business. Of course, that was likely to stampede the cattle. On the one hand, the people of Western Australia had read that the Australian Labor Party's state conference in 1999 had decided that people could grow five plants and have 100 grams of marijuana, and, on the other hand, the Drug Summit stated that heroin prescription trials should be looked at. Therefore, the Labor Party scared everybody, but then it said, "No, it is okay. We will not do any of that radical stuff. All we will do is decriminalise the growing of two marijuana plants." It was a fairly slick operation.

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Mr Omodei: It was a con job.

Mr BIRNEY: That is exactly what it was, because all it ever wanted to achieve from the Drug Summit was the decriminalisation of marijuana. Therefore, it scared the hell out of everybody with all those radical proposals, and then it came back to a position that could be considered not so radical in the context of those other proposals. The reality is that this is a fairly radical proposal on its own.

Growing up in Kalgoorlie, one gets a fairly robust view of life. One has an opportunity to mix with people from all walks of life. During my younger years in Kalgoorlie, I knew a number of people who were prolific drug smokers. I am happy to say that I was not one of them. Nonetheless, some of them were fairly well known to me at the time. Over a period, I saw a marked decrease in the vibrancy of those people and a marked deterioration in the energy and enthusiasm they had for life, particularly those who were smoking marijuana on a regular basis as though they were smoking cigarettes. Every single day, those people woke up and reached for their pile of drugs. As a result, the quality of their existence significantly diminished. That existence is being promoted by the Australian Labor Party. I say in all sincerity that to promote that lifestyle is a blight on Western Australian society. I witnessed it growing up in Kalgoorlie. I knew several people who were involved in this kind of activity. It was pretty damn sad to see those people lose their enthusiasm and zest for life. They had no ambition or drive. That was the result of their reaching for the bong the minute they woke up every morning. That will be the net result of the Government's legislation.

The Labor Party talks frequently about the Liberal Party wanting to penalise people who are in possession of a small amount of marijuana. I am pleased to remind the Labor Party that the Liberal Party introduced the cannabis cautioning system, which meant that if a person made one mistake and was caught with 25 grams or less of marijuana, he would not attract a criminal conviction but would simply receive a caution and consider himself lucky. He would not do it again because if he did, the full weight of the law would be thrown at him. The Liberal Party understands that people, particularly young people, are prone to making mistakes. The Liberal Party understands that those people need to be given a chance in life without blotting their copybook. However, we do not and cannot accept that a person can continue to blot his copybook on a regular basis and simply cop the equivalent of a parking fine. There is a helluva big difference.

I refer to the issue of being able to grow two plants in our backyards. I am sure that when we talk about marijuana plants, many people conjure up an image of a six-inch tall plant, similar to a bonsai tree. Two of those would not be a big deal. It might come as a surprise to some members of the House that a marijuana plant can grow to six or seven-feet tall. That is taller than me, and I am a pretty big bloke. Members can imagine me standing here with all these branches and leaves coming off me. A person would have to be a prolific smoker to smoke one of me, let alone two plants the size of me, in the space of two or three months. He could not do it. A person could not smoke two seven-foot tall plants in that time. It would take a person the best part of one or two years to smoke that quantity of drugs. What would such a person do with the valuable asset he has grown in his backyard? He would market it - flog a bit of it off. A person could not smoke that much. The average smoker who uses the drug daily would consume about 10 grams of marijuana a week. I know my friend from Roleystone cannot add up, but that amounts to 500 grams of marijuana a year for a person who smokes every single day. What a sad existence that is. I am told that one plant can produce one kilogram each harvest, and can be harvested about four times a year. If a person has two of these big plants, he could produce two kilograms four times a year. That is about 15 times more drugs than a person could smoke if he smoked every single day of his life. The Labor Party wants to decriminalise that offence. It certainly has not done its homework. There is a big difference between saying that if someone gets caught once with a small amount of drugs, he should receive a caution, and saying that someone should be able to grow two plants that will ultimately produce 15 times more drugs than a person could smoke in an entire year, even if he whacked every day of his life.

With those few words, I support the motion of the Leader of the Opposition. This will be a significant issue at the next state election. I know that the Opposition will take every opportunity to tell the people of Western Australia exactly what the Labor Party is about. It promotes drug use, especially the smoking of marijuana, which ultimately leads to myriad side effects.

MR TRENORDEN (Avon - Leader of the National Party) [4.45 pm]: It is important to say that what I am putting is my view. The National Party has not yet formulated a view on this issue as no proposition is before the House. As is our practice, we will not formulate a position until we see the legislation. Obviously, it is a common debate and we all have some view on the issue. I will place my view here today. Only a few days ago I convened a meeting in the town of Northam. I had received a lot of anecdotal evidence that drug use in the town of Northam was on the rise, so I called together the people involved in health, justice and so forth who deal with individuals who use drugs. They were not the people of my community who have a particular view about drugs, but the people who deal in a professional or semi-professional way with people using drugs. I was concerned

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about the activity. The clear view of the people at that meeting was that drug use in my community is, unfortunately, increasing. Anecdotally, it seems there has long been a strong culture of drug use in the community of Northam. Sadly, the prevalence of drug use in the Aboriginal community is quickly catching up with that in the white community. That is a sad fact. However, that still did not change the argument of the approximately 30 people at the meeting that alcohol accounts for 60 per cent of the problem. We need to keep that in perspective. I agree that alcohol accounts for 60 per cent of the problem. However, in the view of the people at the meeting, the use of marijuana and bottom-end drugs accounts for 20 to 30 per cent of the problem, which is not insignificant. We must take a strong stand in this area.

The mental health issues relating to the use of marijuana are significant. Although there is considerable debate about the effects of marijuana on the mental health of individuals, I do not think there is any doubt that marijuana use has an effect in that area. People of a particular make-up or who choose to smoke heavily often experience a severe mental health reaction. That is a big worry. There is no question that over the past three decades mental health-related issues have accounted for a very fast-growing proportion of the health problems experienced by the community. We do not need people to add themselves to that list through the use of alcohol, marijuana or heavier drugs.

The issue of people driving while under the influence of cannabis is substantial. There must be a sign on the top of the roof of my car, because the police regularly pull me over for a random breath test when I drive to Northam. I have been breath tested in excess of 50 times.

Mr Hyde: It is probably the tinnies you keep throwing out the window!

Mr TRENORDEN: That is right. For some reason I keep getting pulled over. It just dawned on me that at least I have never been prosecuted for drink driving; therefore, I must have pretty good habits. Nevertheless, we have a mechanism about which we all know. If people drink and drive, they will get caught, but the same does not apply with marijuana. There is no doubt that tetrahydrocannabinol stays in the blood stream for some time and affects people's reactions.

An even greater risk concerns work safety. I do not think there is a valid argument for not blood testing employees for drug use. If the community wishes to go down this route and to have a situation whereby the use of marijuana is kept underground but is acceptable to people, the users have a moral responsibility not to put their colleagues at risk. I agree with the argument that blood testing is required. As intrusive as it might be, it will have to be part of the process.

Domestic violence is related to drug issues, particularly alcohol and marijuana. There is no doubt that some people who mix marijuana and alcohol tend to become violent. Therefore, we must take that issue extremely seriously. There are ongoing arguments on both sides - it was argued here 100 years ago - that the use of marijuana could lead people to use other drugs. Based on my experience, I believe there is a valid argument that people who use marijuana progress to harder drugs. Although the percentage is small, some people who use marijuana will graduate to harder drugs.

The European drug scene is curious, particularly the nightclub scene. A number of major nightclubs sell water, as they do in Perth. People in Europe go to nightclubs, take drugs and drink water for their own safety. The nightclubs make sure that plenty of water is available for purchase. I have been told by some young Australians who are part of the drug scene and have returned from Europe that it is cheaper to take designer drugs and drink water all night, and that is more appealing to some of them than drinking alcohol. They prefer to take the designer drugs, stay high all night and drink water. Interestingly, the death rate from designer drugs is very low in Europe. However, that is not the issue. We will not know for another five, 10 or 15 years what the consequences of these young people's actions will be on their health. The history of medicine suggests that in the future we will find an increasing number of mental health problems related to drug use. That is a serious matter. That can be said with a great deal of certainty because it is true of alcohol. Of the people who are heavily involved in alcohol, there are a corresponding number of people who have mental health problems.

There is an argument for introducing on-the-spot fines for cannabis users. Curiously, people who are fined for cannabis use often do not pay the fine. In jurisdictions in Australia that have introduced on-the-spot fines, a significant number of people fined do not bother to pay the fine and end up in the courts anyway. That issue must also be considered. I notice that the Minister for Health has taken some interest in this issue. At the moment, he is in a bit of strife when he wears his police hat. I wonder why people who are issued with on-the-spot notices do not pay them. Surely they would be better off being served with an infringement notice that will not cause them to have a criminal record. When they do not pay the fine, the offenders end up in court and get a criminal record.

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From what I have been told, from what I read and from anecdotes I hear on radio - I consume a lot of radio programs during the 80 hours a month I drive; unfortunately I listen to a lot of stuff, even Tony Delroy, which is a worry - and I listen to a lot of these types of debates, particularly on the ABC -

Dr Gallop: Try NewsRadio; it is pretty good.

Mr TRENORDEN: That is a very good station. I like it a lot. Unfortunately I am not always able to receive it. Often Tony Delroy is the only option.

Mr Hyde: The member should raise that matter with the Deputy Prime Minister. Doesn't the federal Government fund the ABC adequately in rural Western Australia?

Mr TRENORDEN: That is a good point, and I will do that. However, the Western Australia Government does not provide enough funds either.

Mr Ripper: You could always listen to Phillip Adams.

Mr TRENORDEN: I could not think of anything worse. He is probably in my top 10 list of the most disliked Australians. I know nothing of the man. To me he is the epitome of Sydney. He has Sydney stamped all over him. I occasionally read his column in the *Weekend Australian* when I am bored and it is raining, but I always wonder why I bother because it is so Sydney-centric

Mr McGowan: You could always listen to Triple J.

Mr TRENORDEN: I cannot always listen to it where I drive. I have no objection to Triple J. I am a heretic who thinks that music is as good now as it has ever been. I wonder how I got away from the subject of drugs onto this subject. Nevertheless, where people go wrong with music is that they tend to forget all of the bad music of the 60s, which has now vanished, and we are left with all the music that we like.

Mr McRae Interjected.

Mr TRENORDEN: I will get back to the subject of drugs and rock and roll.

At the drug meeting in Northam I attended the other day - not to pick on the one officer - the officer said that, in his view, one out of two people in my region smoke cannabis. I think he is wrong, although I would not be surprised if it were one in three or four. When such a large number of people choose to break these laws, it raises issues such as the use of the Police Force and whether we should constantly penalise citizens. I do not approve of smoking marijuana. Unlike President Clinton, who did not inhale, I have never smoked a joint. I do not say that with any pride; it has just never occurred to me to do so. However, I have consumed a lot of alcohol. I am not trying to be pure; it has just never occurred to me to smoke a joint. I cannot even say that I smoked but did not inhale. Nevertheless, I do consume alcohol and at times I consume too much.

We are trying to impose our will upon a large group of people. The question is, are those people committing a criminal act or not? Anecdotally, members of the Police Force are less inclined to charge people when they are caught with small amounts of marijuana on their person. I do not believe members of the Police Force are any less inclined to charge people who are involved with plantations or who have amounts greater than 25 grams on their person. A lot of police officers turn a blind eye when people have small amounts on their person. I have been at public functions at which the marijuana can be smelt. Police officers were there, but nothing happens. It is becoming part of our infrastructure. I will not speak forever on this issue because I know a lot of other members want to become involved.

I say to the Minister for Health that there is no logical argument for people being able to possess two plants; there is no logical argument for possession of any plants. I have not seen the Bill; I am speaking about my own circumstances. Ten years ago at my house there would have been every reason in the world for growing eight plants in my back yard - two for me and two for each of my children. We lived in a riotous neighbourhood. My next door neighbour had four kids, so I could have had another 16 plants for him. My other neighbour across the road had two kids, so I could have had another eight plants for that family. I could have had a plot capable of growing 60 or 70 plants in my back yard and allocated them within 50 metres of my house. Surely that is not the intent of this legislation. There is no logical argument about this matter. I have looked at it long and hard, I have debated it within our own political party, and some members on the Government's side of the House know my position on drugs. Nevertheless, there is no scope for people to grow their own plants. It is an illogical argument, particularly for parents who want to keep their teenage and older children out of the scene. It is pretty difficult when they have an 18-year-old son living at home. Members should not turn up their noses, because a lot of 20-year-olds are living at home. In fact, I know of a 31-year-old living at home. How does the parent say to that person that he cannot have two plants in the back yard? The conflict within the family would be significant. If the parents do not want their family getting involved in smoking marijuana or cannabis, and the kids are saying, "But the law allows me to do it, mum and dad", where do they stand? Whatever flows from this

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legislation, the Premier will never have the support of the member for Avon on that issue. This is a vexed question. The Government will not come out of this too well; it is a no-win situation. A lot of people will not appreciate this extra lack of control within the family. That issue has not been raised as part of the argument, but I believe it is a clear part of this process. Parents are losing control within their own households and they are losing control over their children. If this legislation gives those children an extra argument within their own home, that will be a very bad scene.

DR GALLOP (Victoria Park - Premier) [5.04 pm]: A lot of members wish to speak on this legislation, but I want to say a couple of things about the Government's position. I begin my speech by referring to a comment made by the Leader of the National Party when he said that this is a very contentious issue and a difficult one on which to get a consensus within the community. For that reason we set up the Community Drug Summit. I know members opposite say that we set up that summit to get one answer to the question. The truth is that we set up the summit to get a valid community-based view on this question, free of the normal politics. That is why the summit was so successful. It recommended that we needed to move on in respect of the way cannabis was dealt with in Western Australia. It maintained that cannabis should remain illegal, but users should be penalised according to a system of civil penalties. We sent that recommendation off to a committee chaired by the Law Society of WA representative, John Prior, including representatives from the Western Australia Police Service, a justice official, a medical practitioner, a drug researcher, and experts from the new Drug and Alcohol Office. We have tried to base our position, firstly, on the general aspirations of the Community Drug Summit - and we all agree that was a very good forum - and, secondly, the details of its implementation based upon an expert committee. That expert committee visited other jurisdictions and took on board all of the evidence that was available. I emphasise the point: we believe this policy is based upon a consensus view in our community, when people sit down free of the normal political to-ing and fro-ing and try to come up with a solution. On occasions that simply has to be done for some issues because the divisions in the community are so strong that we could not otherwise achieve a proper solution to a social problem.

I now move to the essence of the argument. Two aspects of our policy need to be considered: firstly, the aspect dealing with the civil penalties; and, secondly, that dealing with the precise details of the policy. When members look at the precise details they will see that we have taken on board some of the matters raised, for instance, by the Opposition when it reflected upon the South Australian experience, and also by others in the community. Let us look at the philosophy. Drugs are a problem in our community. The Government does not start out with the assumption that this is not a problem; it starts out with the assumption that this is a problem. We have a problem with drugs, alcohol and tobacco smoking in our community, and these are issues we must address. The Minister for Health is dealing with each of those issues in a different way.

So we start off recognising this is a problem. We also note - and this is advice that is given to us by many of those who have studied this question, including the Community Drug Summit - that people who have convictions for minor cannabis offences, and there are many of them, can have employment problems, difficulty in obtaining accommodation, travel problems and, importantly, they have increased risk of future contact with the criminal justice system. They can get caught up in the drug culture through that contact with the criminal justice system. The question that must be asked is this: are the costs involved with that aspect of the current system worth it, given the benefits we get from having a strong legislative restriction on the use of drugs? The conclusion reached by the Community Drug Summit was that we can pursue a better way forward, and the better way forward is to preserve the illegality of cannabis, but to have a system of civil penalties for minor users. Members should notice what we have done: we have introduced a system of penalties and we are linking them to an education program. This is very important. The previous Government had a system whereby if someone young was caught with small amounts of cannabis, he or she would receive a caution and that would be it. We are trying to build an education system into program. Civil penalties will be linked with education. This is not about legalising drugs, this is not about legalising cannabis; this is a better method of dealing with what is an existing social problem. We avoid the difficulties associated with the costs for those caught up in the system, and at the same time we include education in the system.

Mr Birney: How does the Premier reconcile the fact that two fully grown plants will provide 15 times more marijuana than someone can smoke in a year if he or she smoked every day of the week?

Dr GALLOP: The member for Kalgoorlie raised a good point. That was an issue that was addressed by the Cabinet and by the Prior committee.

The ACTING CHAIRMAN: The level of chatter in the Chamber is making it difficult to hear the speakers. If members wish to have conversations, will they do so outside the House.

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Dr GALLOP: We took on board advice on that subject and noted the potential problem of people having the capacity to market drugs. The marketing of drugs is out; it is illegal and remains so under the system. We are giving to police the discretion to determine whether these plants are for personal use or for marketing.

Mr Birney: How will that be decided?

Dr GALLOP: We are leaving that to the discretion of the system.

Mr Birney: How will that be determined?

Dr GALLOP: It will be determined by court cases and by the many ways the system works. We have taken on board the member's point on that issue.

Mr Birney: It's ridiculous.

Dr GALLOP: It is not ridiculous.

Mr Birney interjected.

Dr GALLOP: That is a matter for consideration and we have an experienced former police officer on board who is in a good position to answer that question.

This Government has come up with a better solution to a longstanding problem. We are linking it to education, preserving its illegality, removing the costs associated with the current system of criminal penalty for small-time users, and we are allowing for the discretion of the police. This is a creative way to deal with a longstanding social problem.

The other issue addressed was that of hydroponics. This question arose because of the South Australian experience. We knew that hydroponics would pose a problem. The way that the hydroponics industry can be used in this instance to produce a large amount of drugs is an issue. If someone is caught with marijuana that has been grown hydroponically, the criminal penalties will remain. We are introducing regulations to cover the hydroponics industry. That is an excellent move forward in the way that we are dealing with this issue.

I will summarise the Government's position: first, it is based upon the findings of the Community Drug Summit and the expert advice of the committee chaired by John Prior. Secondly, it is based upon what has happened in South Australia and it builds on that State's mistakes. This Government is putting in place a better regime that will deal with the problem of hydroponics when people use the law that exists as an umbrella or a protection for marketing. We will not allow that to happen in Western Australia and we will allow for police discretion on that matter. Thirdly, we will have a better balance of results in the community. I am sure the member for Kingsley would agree with me - having worked in this area - that in every justice system proportionality is crucial. There must be proportionality between the punishment and the crime. We will preserve the illegality of marijuana use, but we will have a better proportion between the actual offence and the punishment. This is a remarkable way forward and it will allow us to get the educational programs working. The Opposition's view is based upon the myth that the current system is producing results. Research shows that applying civil rather than criminal penalties for the personal use of cannabis does not lead to an increased proportion of the population using the drug. However, it avoids the problems associated with criminal penalties and it provides a lever to get the educational aspect working.

Mr Johnson: How can you say that?

Dr GALLOP: University academics and others have produced evidence that shows there has been no increase in drug usage.

Mr Birney: How did South Australia go from having three hydroponic shops to 96?

Dr GALLOP: We have answered that question. This Government will deal with the hydroponics industry.

Mr Birney: How did that happen if they were not smoking more marijuana?

Dr GALLOP: The evidence is clear that overall drug use does not go up, and that is based upon real evidence.

Mr Johnson: Where is that evidence?

Dr GALLOP: It was produced by the Prior committee.

I conclude with this point: we are interested in making sure that people who commit crime in Western Australia are apprehended and punished. The estimate that we have been given is that the proposed scheme could save up to \$1.1 million per year in court and law enforcement costs -

Mr Birney: It's about money, is it?

Dr GALLOP: I am not saying that it is about money. One of the consequences of the policy is that resources will be created for us to target serious drug offenders and traffickers. That is an added benefit to the proposal we

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are putting forward. The Opposition has made it clear that it will make this a political issue; that is its choice. However, we are trying to come up with some solutions to longstanding social problems. At last there is a Government that is willing to do that. How have we done it? We set up the Drug Summit and we got advice. We are a serious Government trying to solve problems. I was encouraged by the comments of the Leader of the National Party. I do not know if he will support us at the end of the day, but he was showing an understanding of the problem, as the National Party has over the years. I hope that the National Party will join with us in supporting this matter when the crunch comes, because we are serious about improving this problem in Western Australia. Let us get rid of this old battleground -

Mr Johnson: Why don't you accept that you are making cannabis far more available?

Dr GALLOP: We are not making it more available. Members opposite are preserving their myths and living in their little cubbyholes and not dealing with reality. We want to change our society by reducing the amount of drug and alcohol use and the associated disease and social problems in the community. That is our objective.

However, we must have a means to an end; this is a means to an end. I urge the Opposition to free itself from these ideological prejudices. In his speech the member for Kalgoorlie showed every sign that he had some understanding of the reality of this situation. If we come up with a better approach then, at the end of the day, Western Australians will congratulate our Government for being creative on this issue, taking the advice of the community and coming up with a solution.

MRS EDWARDES (Kingsley) [5.17 pm]: I support the motion. As members of Parliament we are community leaders. We receive many letters about drug use by young people. We also receive many visits and telephone calls from parents of young people who have been involved in or have become addicted to a form of drug, whatever that may be. They feel a great deal of despair and concern over the issue of drugs and they also feel that the Government is not doing enough. The debate on drugs has been raging for over 20 years. It affects not only the parents of these children but also the grandparents, the siblings and everybody associated with them. There are more people out there than just the immediate families involved who feel that more needs to be done about this matter. They believe that kids should say no to drugs; a message that we have always given to kids. With the Government's new policy it is giving a mixed message to parents and children. The Government's message now is that it is okay to go soft on drugs. Growing two cannabis plants will be a civil offence and it will no longer be a criminal offence. What sort of message is that sending out to the public? The Premier referred to proportionality between the punishment and the crime. What about some level of proportionality between the message being sent out by the Government and that being given by the community to children? As community leaders we should be protecting young people. Many laws are put in place to protect young people and every time we change policies, we take away some power from parents. If we take away power from parents, we will continue to create an environment in which young people will go off and create conflict. Whatever the Premier says, there is no proportionality between the message that the Government is giving and the message that parents are giving to young people. It defies logic that the Labor Government wants to make it easier for people to gain access to drugs. In this instance we are talking about cannabis. I will refer later to research demonstrating that it leads to experimentation with harder drugs. As community leaders, we cannot ignore that.

Our core approach should be to reduce drug abuse. The Premier said that that is the Labor Government's preferred approach. However, every signal from the Government suggests a soft approach to drugs. A classic example of that is its failure to tackle the real issues. What about the deterrent effect? This will not create that necessary deterrent effect. What have we heard about education? Deterrents and education are essential weapons in the war against drugs. The Labor Government's approach has been criticised by the United Nations International Narcotics Control Board. It has said that there is no substantial evidence that going soft on drugs works. The board has said that there is no evidence from western European countries that have adopted a more relaxed legal stance towards cannabis use that such an approach reduces the demand for illicit drugs. It has cast doubt on the effectiveness of any Government's softer stance on cannabis possession in reducing hard drug use. The Premier's approach to stopping drug abuse and coming down on hard drug use does not work. Proportionality does not operate that way. The board's report calls on the Governments of those European countries which have decriminalised possession and which openly tolerate the abuse of drugs, particularly cannabis and ecstasy, to consider whether that is the proper strategy to use to achieve that goal. That is my challenge to the Government: will its strategy reduce drug abuse? It will find in due course that it will not. Everyone knows that there is no simple solution. We are here to consider the heartbreak of families and young people. The drug issue cannot be considered in isolation. Drugs go hand in hand with crimes such as breaking and entering, stealing, robbery, assault and so on.

We have mentioned alcohol as a major problem with young people. In fact, its abuse is a greater problem than illicit drug use. That is certainly true in my electorate. The counsellors who advise families and young people

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tell me that alcohol is a bigger issue. However, the combination of alcohol and cannabis creates an even greater problem.

What about drug use and its effect on driving? Cannabis stays in the body for a long time; in fact, it stays in the body longer than any of these other drugs. What will the Government do about that issue? We are dealing with the effects of cannabis and alcohol and cannabis and driving.

The South Australian experience has clearly demonstrated that cannabis use leads to harder drug use. The member for Kalgoorlie referred to New South Wales psychologist John Anderson, who runs the Brain and Behaviour Centre in Westmead, Sydney. He came to Western Australia to speak at the Coalition Against Drugs seminar held at Sorrento. He told the seminar that if people could grow marijuana plants for personal use, dealers would lose business and would turn to dealing in other drugs. He said that South Australian laws similar to those proposed by the Western Australian Government had been scaled back after a cannabis cottage industry began to boom. Apparently dealers in South Australia were trading home-grown cannabis for cocaine and amphetamines from other States. I do not think that we should support any policy that could lead to an increase in criminal activity. It simply cannot be justified. The South Australian experience has demonstrated that that is exactly what happens when authorities go soft on drugs. No-one can say that the Labor Party's approach is not a softening of the drugs policy.

Allowing even limited amounts of cannabis to be grown has resulted in crime syndicates exploiting the law. To ignore that is to ignore reality. Members can put an infinite number of facts on the table, but that fact cannot be ignored. We must take a precautionary approach. That exploitation is not surprising when one considers the easy money that can be made because of the limit. We have been presented with examples of how that limit can be exploited far beyond what the average smoker uses in a year.

Has anyone considered the health effects of this drug abuse? Our community has a number of high-risk groups. The National Drugs Strategy monograph series No 25 deals with the health and psychological consequences of cannabis use. It states -

- Adolescents with a history of poor school performance may have their educational achievement further limited . . .
- Adolescents who initiate cannabis use in the early teens are at higher risk of progressing to heavy cannabis use and other illicit drug use . . .
- Pregnant women . . .
- Women of childbearing age . . .

It goes on to state that -

Persons with a number of pre-existing diseases who smoke cannabis are probably at an increased risk of precipitating or exacerbating symptoms of their diseases. These include:

- individuals with cardiovascular diseases, such as coronary artery disease, cerebrovascular disease and hypertension;
- individuals with respiratory diseases, such as asthma, bronchitis, and emphysema;
- individuals with schizophrenia, who are at risk of precipitating or of exacerbating schizophrenic symptoms;
- individuals who are dependent on alcohol and other drugs, who are probably at an increased risk of developing dependence on cannabis.

The Victorian Government has released a cannabis and psychosis fact sheet. Cannabis is a depressant drug and it can cause mild hallucinogenic effects. Most people who use cannabis do not experience any obvious harmful effects. However, regular and longer-term use can cause major problems. The fact sheet states -

. . . regular use may produce a number of short term effects including paranoia, confusion, increased anxiety, and even hallucinations, which can last up to several hours. Longer term risks may include asthma and bronchitis, cancers of the mouth, throat, and lungs, poor concentration and memory, learning difficulties, and occasionally, psychosis.

Reference is made to psychosis and the development of much more serious mental illnesses, such as schizophrenia. It states -

A psychosis is a condition where a person experiences some loss of contact with reality. A person with a psychosis can experience any one or more of the following symptoms: auditory hallucinations

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(hearing voices that aren't there), visual hallucinations (seeing things which aren't there), delusions (believing things that aren't true), jumbled thoughts and strange behaviour.

It is believed that cannabis use may cause a condition known as a drug-induced psychosis which can last for up to a few days and is often characterised by hallucinations, delusions, memory loss and confusion. However, in some cases, cannabis use may contribute to the development of a serious mental illness, such as schizophrenia.

Cannabis use can prolong the duration of symptoms of mental illness and can lower a person's chances of recovering from a psychotic episode.

What are we doing to our young people? Apart from giving them mixed messages - and not supporting parents and families - we are leading them to greater opportunities for mental illness. As if we have not got enough problems with mental illness among young people today.

Until now it had not been established that marijuana use caused depression. *The Sydney Morning Herald* of 6 February 2002 reported a study by researchers from the Centre for Adolescent Health of the Royal Children's Hospital in Melbourne. To obtain the data, they followed 2 000 youths for seven years from the ages of 14 to 21 years. They found the strongest evidence yet that heavy marijuana smoking causes depression, especially in young women. The centre's director, George Patton, said -

"The effects are profound, particularly in young women where the rates of mental health problems have increased many, many times in daily cannabis users.

"This is the best evidence yet that . . . cannabis is bad for your mental health and does cause higher rates of depression and anxiety problems . . .

The policy the Government is promoting gives rise to major issues. It is not protecting young people but leading them to greater levels of mental health problems, such as depression. Those people who the Government says are its major target will be involved in a greater level of criminal activity. The message must be that there is no safe level of drug use, not that we are soft on the use of cannabis and that it is okay and will not be a crime but merely a civil offence. Instead of giving mixed messages to young people, we must continue to promote the message that parents have been promoting for many years: young people must say no to drugs.

MR KUCERA (Yokine - Minister for Health) [5.33 pm]: I could dismiss the motion on its wording, which refers to the decriminalisation of the possession of up to 25 grams of cannabis and the cultivation of two cannabis plants. None of the opposition speakers is here. I specifically wanted to ask the member for Kalgoorlie, the member for Kingsley and other members of the Opposition whether they had read the Prior report. How many members opposite have read the Prior report? The number of members opposite who conveniently forget to read things is amazing. On other occasions we have talked about whether the members for Murray-Wellington and Dawesville have read reports. I am not being smart, but I say to the member for Dawesville that John Prior and his team went to a great deal of effort and listened very carefully to the issues that were put together by all those people who came together in the people's House and talked about drugs last year at the Community Drug Summit. John Prior and his team also went to South Australia to listen to what people there had to say about all the issues that the member for Kalgoorlie raised today. I will refer to that later.

The motion and all the issues referred to by members opposite are dealt with in the Prior report, clearly, succinctly and with supporting evidence.

Mr Masters: That does not make it correct.

Mr KUCERA: If the member for Vasse speaks in this debate, I hope that he has read the report. If he has not, I would be more than happy to supply him with a copy. I know that he more than anybody relies on statistics and does his research.

Mr Masters: I will quote statistics.

Mr KUCERA: Nobody has any arguments with any of the issues concerning the medical effects of cannabis that were raised by members opposite. Nothing in the Prior report or the Community Drug Summit report supports the use of cannabis or says anybody should go soft on drugs. I will refer to that in a moment.

I will refer to decriminalisation. Under the previous Government a regime of cautioning was introduced; in other words, people received a slap on the wrist and went off with no criminal penalties whatsoever. The police had no discretion other than to do that. While this Government is in power, the police of this State will always retain the discretion to charge people with a criminal offence for the possession of drugs. However, the Government has introduced another regime. I will refer to the deeming provisions that existed under the previous Government. The member for Kalgoorlie should listen to this. The police have been given the

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discretion to issue an infringement notice or charge a person found to be in possession of less than 30 grams of cannabis or no more than two plants. They also retain the discretion at all times under this proposal to charge people with a criminal offence. In my book if people can be charged with a criminal offence, there is no such thing as decriminalisation.

Mr Birney: Will you take an interjection?

Mr KUCERA: I will not take interjections at this stage. I need to address some key issues.

Under the previous Government people were allowed to possess 100 grams of cannabis or grow 25 plants. If members opposite wish to use the word “allow”, under the existing regime when people grow 25 plants they are deemed not to be in possession with intent to sell or supply. It is said that people in possession of up to 25 plants have them for their own use. We are now saying that threshold will come down to 10 plants. That is over a 50 per cent reduction in the threshold in the deeming provisions. In other words, if people have 10 plants in their backyard, they are dealers, full stop. The police also have the discretion to charge. People who have two plants growing in their backyard will find that that is illegal and an offence. Police have discretion. People do not pass go; they go straight to jail and are locked up because possession is a criminal offence.

I will refer to what Barry King said last month when he was here for the international drug strategy conference that was organised by the Commissioner of Police.

Incidentally, Barry King is the chief of police of Brockville in Ontario, Canada. For those members who are interested, I am more than happy to provide a transcript of the excellent interview conducted by Liam Bartlett on 8 May 2002. During the Community Drug Summit, Liam Bartlett was one of those people in the media in this State who took a very balanced view to make sure that we got out into the public arena once and for all the kinds of issues that needed to be debated. I will refer to what Barry King had to say about the term “decriminalisation” because we need to put this into perspective. He said -

Right, well we’re not sure what’s finally going to shake out in Canada, but our recommendations, strong recommendation from police, from health, addiction agencies, everyone, are saying the same thing. Decriminalisation seems to be a term that’s misused or people are . . . they’re already got their definition. So if I said I’m in favour of decriminalisation, it’s because you’re going to take it as what you think it is.

That is what is happening on the other side of the House. Everything is twisted around and people ignore the fact that there is a criminal sanction in place. Barry King said -

. . . let’s get away from that because what we’ve done is hurt ourselves and we’ve fought a battle that we shouldn’t have been fighting. What we should be looking for is accountability and we don’t want them to lose accountability. So if someone does have possession, we want a range of options for the officers, just like they do if they stop you for speeding. Now in some cases they may just let you go. Other cases they may give you a warning. Other cases they may give you a . . . I’m not sure here whether it’s a notice that you attend in court, and other times just a ticket and you’re going to go to court.

There is a raft of options. All the Government is doing is putting a system in place that allows it to deal with people in a sensible, normal way.

Let us talk about sanctions. The member for Kingsley talked about the deterrent effect. Let us go to the statistics for 2000 that were quoted in the Prior report. The Leader of the Opposition has just entered the Chamber. I ask the Leader of the Opposition one simple question: has he read the Prior report?

Mr Barnett: Make your speech; I have made mine.

Mr KUCERA: I thank the Leader of the Opposition . If members opposite want to debate an issue in this House, it would be fairly sensible to at least read the report that is recommending changes to the legislation and the opinions that came out of the Community Drug Summit. While I am talking about that summit, I want to note the dismissive and patronising way the member for Kalgoorlie dealt with the 100 delegates to the summit and the couple of thousand people who came here to try to do something about the drug problem. I wrote down the member’s words. He said that the Community Drug Summit was a warm and fussy smokescreen, a con job perpetrated by people in here.

The member’s exact words will be recorded in *Hansard*. I have to tell the member for Kalgoorlie that I will be very pleased to send his comments to each and every member of the Community Drug Summit who spent their time in this House trying to come up with solutions for one of the greatest problems in this State. For the member for Kalgoorlie to turn around and say that those 100 delegates were simply a warm and fuzzy bunch of people who came up with motherhood statements is an insult to the people who came here and gave of their

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time, and who are still giving of their time - mothers, fathers, addicts and everyone else. It is reprehensible that they should be treated in such a patronising, low way.

I will now talk about the deterrent issues to which the member for Kingsley referred earlier. Except for the cautioning system that was introduced by the previous Government - the slap on the wrist - Western Australia imposes one of the strongest criminal sanctions for drug use of all the States. I will run through a couple of the statistics in the Prior report. At page A39, the Prior report refers to recidivism and reads -

A recent study by the CRC -

The Crime Research Council -

based on re-arrest statistics for the period 1989 to 1999, found that 46% of the first offenders charged with cannabis possession/use as their most serious offence had not been re-arrested up to 11 years later.

The report contains other statistics to confirm this.

The reality is that the vast majority of young people who use cannabis will do so on only one, two or three occasions. We must have a way of dealing with them. As Barry King said in his interview with Liam Bartlett, in North America a person convicted of one single offence of cannabis use is virtually stopped from any involvement with government. That means that many of the things those people wanted to do in their future lives were not open to them. The whole issue of using this kind of system is to ensure that those people who have one, two or three offences are not stigmatised throughout their lifetime because of a little stupidity in their younger days. It is as simple as that. People do not change in this regard. We can stick our heads in the sand and go on as we are, or we can listen to those 100 people and this group of eminent experts who produced the Prior report and came up with these recommendations.

I will cite a couple of other statistics. Members opposite have made much of the situation in South Australia. Let us consider the 1998 figures of the recency - that is, the percentage use - of cannabis use among persons aged 14 years and over by jurisdiction. I understand a new set of figures came out recently that pretty much follow the same path. The figures show that the highest usage of cannabis in this country is in the Northern Territory, with 36.5 per cent. The second highest usage is in Western Australia; the third highest usage is in the Australian Capital Territory; the fourth highest is in Victoria and the sixth highest is in South Australia. They are the statistics. I keep saying to members on the other side of the House that before they formulate their arguments they should read the statistics that were compiled and presented in the Prior report. Despite all this talk by the Opposition about South Australia's free and easy cannabis laws, it still has only the sixth highest cannabis usage of all the States. All this doom and gloom talked by members opposite, particularly by the member for Kalgoorlie, is simply not correct. The figures are set out in the Prior report if members opposite want to read them.

There is another interesting statistic. Apart from probably Singapore, where drug users are executed, which country has the most punitive approach in its drug laws? It is the United States of America. Where is the highest recorded and surveyed use of cannabis anywhere in the world? Surprise, surprise! It is Australia! The US is second, followed by England and Wales. Currently, Australia has the highest cannabis use of anywhere in the world. The graph gradually goes down - there has been talk about Denmark, Finland, Germany and the Netherlands - to virtually nothing in Sweden. The statistics are all in the Prior report. Before people start putting out misinformation, they should read these excellent papers.

I will quickly summarise the issues that came out of this report and the directions we wish to take regarding future legislation. This Government is not decriminalising the possession of cannabis. It will remain illegal, full stop. However, the police will have discretion to make sure that those young people who take on board a bit of silliness and put themselves at risk will not acquire a criminal record for the rest of their life. However, if they continue to flout the system as young people - these are the words of John Prior, the head of the Law Society of WA - they will be charged. That is the second point. Police will retain that discretion. The Government is committed to reducing harm from cannabis. It will engage in a major statewide education campaign. I compliment the member for Kingsley on some of the educational issues she mentioned. She is absolutely right. The greatest weapon we have against drug use is education - not the kind of misinformation that is peddled around this town about the sorts of things we are doing now with young people. The Government will introduce prohibition with civil penalties. I have already mentioned that. There will be a \$150 on-the-spot fine, and a \$200 fine if a person has more than the prescribed amount. If a person has 10 plants, or there is the kind of nonsense we read about in the newspaper a couple of months ago with the bags of lawn clippings, that person will go straight in the bin - and it will not be the rubbish bin. It is as simple as that. The intention is to remove the potential of a criminal record. However, cannabis will remain illegal. Those detected using any amount will be penalised. The evidence and expertise are available. All these things are in the report.

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MR MASTERS (Vasse) [5.52 pm]: I fully support the motion that has been moved by the member for Kalgoorlie on behalf of the Leader of the Opposition. Through the Chair, I ask the minister when were copies of the Prior report sent to members of Parliament?

Mr Kucera: My understanding is that the report is on the Internet. Copies were not sent out, but the report is freely available on the Internet.

Mr MASTERS: I am happy to advise the minister that I have not seen, and therefore have not read, the Prior report. It could be because it is a well-kept secret. I say that in the sense that all members of Parliament are inundated with paperwork, and the fact that a report is on the Internet, but not on the desk of MPs, makes it difficult for us to delve into that report to check certain aspects that we think are relevant to a particular debate that we wish to enter into. For the minister to berate us because we have not read a report cover to cover is belittling the sorts of jobs that we, as members of Parliament, must do. It is disappointing that he should make a personal attack when we are debating an issue that we believe is very important for the whole community.

Mr McRae: You speak without knowledge.

Mr MASTERS: I speak with a lot of knowledge, but not with the knowledge that the member wants me to speak with. That is the problem for the member for Riverton.

Mr Johnson: He is the fountain of all knowledge.

Mr MASTERS: The fountain or the mountain?

Mr Johnson: The member for Riverton is the fountain of all knowledge. He knows everything.

Mr MASTERS: It is important to ask why the Government is moving to decriminalise, soften or legalise the possession and use of marijuana. I know that the Government does not like using those terms. Therefore, having listened to the Minister for Health, maybe we should call it discriminatory decriminalisation. Interestingly, that has the same initials as drink driving - DD. I will let members think about that for a short time. The question is, why is the Government trying to decriminalise the use and possession of marijuana when Morgan Gallup polls conducted in January of this year showed that a large number of Australians do not want marijuana to be legalised? In spite of the concerns of the community, as represented by polls and by complaints that members on this side of the House receive, the Government is still pursuing the decriminalisation or softening of marijuana laws - whatever one wants to call it. Yet the reality is that, in the same breath, the Government, with the Opposition's support, is trying to put out messages along the lines that people should reduce their alcohol consumption, reduce or stop smoking and drive with greater respect for the damage that can be done as a result of dangerous driving. The Opposition agrees with the Government that a range of messages should be given to the wider community.

However, on the issue of marijuana, there appears to be a change of attitude or direction by the Government; namely, that it does not accept that there are any problems with marijuana; or, if there are, they are nowhere near as severe as people would have the Government believe. As a result, the Government believes that the increased use of marijuana through decriminalisation, softening of the laws or legalisation is an acceptable message to send to the community.

I refer to a letter to the editor that was published in *The West Australian* of 21 July 2000. It was from Matthew Waldron, who was a counsellor with a group called Drug ARM. To be honest, I do not know of that group. He made a very good point when he said -

... as someone who works with people having problems with their drug use, I am also concerned about the message being sent to drug addicts.

The rationale for these services is that an addicted person can't stop their drug use. While this is the experience of the addict, it needs to be challenged, not reinforced. By providing services to assist people to feed their addiction, we become an accomplice with the drug addict avoiding responsibility for his or her behaviour. Not so long ago, this was called co-dependency.

This may not be the motivation for suggesting such services, but that is the message being sent to drug users.

People say don't judge the person, judge the behaviour. I agree. So don't support the behaviour, support the person.

The Government is proposing co-dependency by allowing people who have small amounts of marijuana and no more than two plants to be cautioned or fined and not have a criminal offence recorded against their name. The Government is saying to the people that it is not prepared to address the problem of drug use; instead, it will

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attack a peripheral issue, which is the consequence of drug use, from a criminal and law-enforcement point of view. I believe that the Government is sidestepping its true responsibilities.

There is no doubt that what happened in South Australia, which started some years ago, was and is still seen to be a failure. *The West Australian* of 23 January this year had an article entitled "Marijuana laws wound back". I will quote from three places in that newspaper article. It states -

In 1987, the Labor government of John Bannon introduced a daring policy that decriminalised personal marijuana use. Instead of being jailed, personal users were fined for growing up to 10 plants.

Adelaide flourished as the marijuana capital until 18 months ago when the Liberal Government cut the plant limit from 10 to three. In November it was cut to one.

...

"The 1987 model failed and we were seeing drug networks set up," Police Minister Robert Brokenshire said.

...

Home invasions - many violent - have been a particularly nasty consequence of home crops. But the nature of cannabis also has changed. Cultivation methods improved so much that more potent varieties have emerged.

"The new varieties of cannabis with very potent THC component cause serious health issues," Mr Brokenshire said.

There is no doubt that the experiment undertaken in South Australia was a failure. That experiment was modified to allow just three plants to be grown in the backyard, and was then wound back even further to the extent that it is now legal to grow only one plant. That is because allowing the cultivation of 10 plants, or even three plants, did not send the right message. We must target the younger, impressionable generation, which is more likely to experiment with marijuana. The South Australian model failed to send the right message and to achieve the law enforcement goals of the Government of the day. To back that up, I refer to a newspaper article that was published in the New Zealand *Sunday Star Times* on 23 April 2000. The article was written a few months after the Labour Party's success at the national election. One of the members of the new Parliament, Green Party member Nandor Tanczos, strongly supported the decriminalisation and legalisation of marijuana. The newspaper article tried to put some perspective on what life would be like in the event of significant decriminalisation of marijuana laws in New Zealand by the new Government. The newspaper article referred to the South Australia situation, and stated -

... a Commonwealth Department of Health and Family Services report shows only 45% of those dealt with under the scheme -

That is, the scheme of imposing fines rather than criminal convictions -
paid up without further legal action.

In other words, roughly half the people who were apprehended by police in South Australia for cannabis offences and who were subjected to a fine rather than court action failed to pay those fines. At best, the experiment can be considered to have been of only marginal or minor success. It is not the sort of success that this Government would have us believe. The newspaper article continues -

Cannabis use has also increased in the Netherlands, where small amounts of cannabis have effectively been legalised since 1976. An estimated 20% of Dutch 18-year-olds had used drugs in 1970, rising to about 30% in 1998.

The Minister for Health a few minutes ago said that many countries around the world had more enlightened attitudes than the United States, England and Australia, and that there had been no increase in drug use, including marijuana use, in those countries. I challenge the minister to respond to the statements in this newspaper article that the Netherlands experienced a 50 per cent rise in the use of drugs after the relaxation of marijuana laws in 1976.

Finally, I refer to the comments in the newspaper article of former New Zealand Labour Prime Minister Mr David Lange -

Lange still stands by his claim that butter has killed more people than marijuana ... but he is no advocate for decriminalisation.

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“I got put off the idea about 1996 when I saw the Legalise Cannabis Party television advertisements. It seemed to me that smoking cannabis gave people quite serious brain damage. They sort of shuffled along, spoke like zombies and went off into the night.”

Some members on the other side of the House might fit that description; however, I will leave it to others to make that judgment. When one of the most reformist - and I must say best - of Labor prime ministers in the history of New Zealand comes out with a clear statement that he does not advocate the decriminalisation of marijuana because of the impact it has on the people who smoke it, I have to say that this Government should listen.

I refer to an article published in the *New Scientist* magazine on 3 November 2001 titled “Going to pot? Reclassifying cannabis isn’t enough to break the link to hard drugs”. The United Kingdom is currently going through a major review of its drug laws. It is likely that the classification of cannabis will be reduced from a class B drug - meaning a fairly serious drug - to a class C drug, which is a drug of far less concern to the community. The use of class C drugs brings with it milder penalties for possession. However, the article goes on to say that placing a drug such as marijuana in a class C category falls short of legalisation or decriminalisation. The article goes on to say -

A study published last year revealed that 99 per cent of young New Zealanders who took hard drugs had started on cannabis. The link is undeniable . . .

If members wish to know more about that article, I refer them to the *New Scientist* magazine. However, I say to the Government, and other supporters of decriminalisation or softening of drug laws who say there is no clear link between marijuana use and the use of hard drugs, I am sorry, but an academic of the Christchurch School of Medicine, who conducted the survey, showed a link in 99 per cent of young New Zealanders between the use of cannabis and hard drugs. The minister and his Government do not understand what they will be letting the Western Australian community into should their drug law reforms pass through the Parliament. I suggest to the minister that if he were serious about creating better laws in this country, he would significantly review two aspects of the new proposals, namely the proposal to give police a discretion to fine or to let off with a caution people found in possession of up to 25 grams of marijuana.

I have with me an article from the *Guardian Weekly* of 3-9 January 2002 titled “Pilot scheme on cannabis to be extended”. The *Guardian Weekly* is no friend of right-wing politics in the UK; it tends to be a somewhat left-wing newspaper. An interesting paragraph in the middle of the article states -

The latest figures show that police issued 381 warnings to people caught with cannabis between July 2 and November 30.

I presume that refers to 2001. The minister is not listening to much of what I am saying, but I ask him to listen to this little bit. The article states -

The average amount -

Of cannabis -

seized was 5g, with an approximate street value of £15.

If the average amount of cannabis seized from those 381 people who were given warnings was five grams and the Government is about to decriminalise the possession of up to 25 grams, it will be decriminalising 500 per cent more than the volume of marijuana that appears to be reasonable for a person to carry and not be convicted of an offence.

I am no cannabis user. I have never smoked cannabis and I have never inhaled marijuana, except possibly secondary smoke at some parties. However, I cannot remember those parties, so I cannot say that I did take any marijuana in those days.

Mr McGowan: Is that an admission?

Mr MASTERS: No, it is not an admission. If in the United Kingdom the average amount of marijuana an ordinary user carries around is only five grams, where is the logic in this Government allowing 25 grams - enough marijuana for five people - to be carried legally before action is taken?

I am running out of time, so I will read one final quote and try to put a somewhat different perspective on this issue and one to which I hope this Government will listen. A large article appeared in the New Zealand newspaper *Sunday Star Times* of 23 April 2000 headed “MPs in cannabis backlash”, and subtitled “Samuels says decriminalisation would be cultural genocide for Maori”. It states -

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Decriminalising marijuana will result in “cultural genocide” for Maori, says Maori Affairs Minister Dover Sammuels, as he and other ministers lead a backlash against government plans to reform marijuana laws.

Police Minister George Hawkins has also weighed in with a damning critique on liberalising cannabis law - championed by Prime Minister Helen Clark - saying the move lacks logic given the greater restrictions being placed on tobacco.

The article continues -

Samuels said Maori organisations were telling him they were “totally opposed” to decriminalisation. “This is just another nail in the coffin and in my opinion it will be cultural genocide for Maori on top of what is already a major problem of liquor abuse. Ask our women’s refugees who are burdened with the implications and effects of liquor and drugs now.”

I do not have time to develop that theme. No doubt sections of our community, including Aboriginal people, are suffering because of excessive use of various sorts of drugs: alcohol and tobacco, which are legal; and petrol sniffing, which I believe is quasi-legal but obviously is to be discouraged. I know from first hand experience that some Aboriginal people, like any other group in society, are dependent upon heroin and other hard drugs. In New Zealand the Maori Affairs Minister issued a warning that a decriminalisation or softening of the marijuana laws would lead to severe problems in that ethnic group. I wonder if the Government has done the basic research and community consultation to find out whether the laws proposed to be amended for the personal use and growing of marijuana are laws that will sit comfortably with Aboriginal people. I have my doubts and I ask the Government to look into that matter.

MR MCGOWAN (Rockingham - Parliamentary Secretary) [6.12 pm]: Drugs use in our community, as in all western communities, is a complex problem, and complex problems require complex solutions. Simple solutions for this matter do not work; they have been shown overseas not to work. The member for Kingsley referred to the United States of America, which has a very simple solution for drug use. Its solutions revolve around the criminal justice system, end of story, full stop; that is the way that the United States deals with drug use. The consequence of that simplistic solution to this very complex problem is that millions of Americans are caught up in the criminal justice system, a system that brings them into contact with other people who get them more involved in the criminal justice system than they otherwise would have been. As we all know, that has generated a self-promoting, self-perpetuating cycle in the United States. The United States now has literally millions of its citizens incarcerated, and when they come out of prison there is an enormous recidivism rate, because when people go into these institutions they come into contact with others worse than they.

It is wrong and dangerous to say that there are simple solutions to this problem. I suspect that no-one in this Parliament likes drugs. We do not like the issue of drugs and we do not want people to take illicit drugs. We do not want people to sniff glue or solvents, to drink to excess, smoke cannabis or to use heroin or other hard drugs. We must provide a solution to this problem. I intensely dislike what illicit drugs do to people, as does everyone in this House. We all think they are bad.

During the first four years I was a member of this Parliament and I can recall what has happened in that time. My colleague and friend, the member for Willagee, was the Opposition’s spokesperson for a drug strategy. In 1998-99, 80 or 90 people died from heroin overdoses each year. The then minister responsible for the Government’s drug strategy was Hon Rhonda Parker, who sat in the seat in which I sit, which I hope is not an omen for me - I have been placed in an unfortunate position. The member for Willagee constantly asked her what the Government was doing about this issue. The Government was doing nothing because it refused to see that this was a complex problem.

When we came to office we solved the problem of naltrexone. We realised that naltrexone meets the needs of some people, but not all, who are addicted to heroin. We realised that Dr George O’Neil ran a decent program that needed a decent solution. If asked, Dr O’Neil would tell members opposite that this Government fixed the funding needs for his naltrexone program when it came to office. We put in place a Drug Summit to bring together all of the experts, including the people for and against decriminalisation. They debated the issues in this Chamber and came up with some structured and reasonable solutions to this complex problem. The Minister for Health is an expert on the issue of drugs. He knows more about drugs than anyone else and probably all of us put together in this Chamber. As a result of the summit, we came up with a complex solution that meets a complex problem. It is a minimalist solution, not a radical solution. However hard members opposite might argue that this solution represents a radical breakdown in society, they are wrong, it does not; it is a minimalist approach.

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Our proposals toughen up a range of areas in which people are involved in the production or dealing of drugs. We have increased the penalties for people who grow 10 plants. We will toughen the laws for dealers. However, we have also realised that we must do something about those low-level, small-time occasional users, particularly the very young users. The member for Kalgoorlie accused all members on this side of the House of being in moral decay. That says more about the member for Kalgoorlie than it does about us. I refer particularly to members who throw these allegations around, but many members of this House have children who are teenagers or older. I guarantee that some of those children will have used cannabis. One day, when the member for Kalgoorlie is fortunate enough to become a father and his children are grown up, I guarantee that his children will meet and mix with people who use cannabis and may even use cannabis themselves. He is saying that people in that situation are morally decayed. I will tell the House how many people are allegedly morally decayed. A few weeks ago the Minister for Health produced figures on how many people in our community have used cannabis. Those figures showed that more than 350 000 people have used cannabis, which is equivalent to the entire adult population of the southern suburbs of Perth; that is, the area that would be encompassed if a line were drawn along the river, out to Rockingham and Armadale and then up to the city. According to the member for Kalgoorlie, that many people in this State are morally decayed. That includes members whose children may have used cannabis. Some members know that their children have used cannabis, and some members will have used cannabis themselves. I do not think those members are morally decayed. I do not think any worse of them. We need to keep these young and impressionable people out of the criminal justice system. We need to ensure -

Mr Masters: Did you enjoy using cannabis in your younger days?

Mr McGOWAN: I have been asked that question before. The answer is no. As I said the last time this matter was debated, I joined the military at a young age and never used cannabis. I have had a drink before now. I drink coffee. They are probably the only two drugs that I regularly use. I have not used cannabis, but many of my friends from my younger days at school and university did. People who use cannabis on an irregular basis or who have used it once or twice should definitely be kept out of the criminal justice system. It is a dangerous system to get involved with. Their involvement in that system wastes police resources. It is also something that can stay with those people for the rest of their lives, in terms of future job opportunities and the ability to travel around the world.

Mr Masters: I agree with you to a certain extent, but I would support you more strongly if you lowered the 25 grams to five or 10 grams, and instead of two plants made it zero or one.

Mr McGOWAN: No matter what this Government does, the member for Vasse will oppose it. The Opposition opposes everything that the Government does, because it wants to create a political issue. Why do members opposite think the Government is doing this? Do they think we are putting this in place because we want to lose votes? We are doing it because it is right. If we did not want to lose any votes, we would not do it. Why are we doing this, when all it does is create an opportunity for members to mislead the public and cause trouble? Opposition members run press releases full of non-factual information and accuse government members of being morally decayed. They run around the place with bags of grass clippings pretending that somehow every household will have grass clippings all over their dining room tables. What the Government is doing enables the Opposition to do that. However, all the Opposition is doing is showing its hypocrisy, lack of policies and that it does not have much to offer apart from gimmicks and stunts. The Government is trying to come up with an answer to a very difficult problem.

I will outline a couple of the benefits of this proposal. Firstly, the presumption of dealing will now involve fewer plants; it will be reduced from 25 plants to 10. Secondly, it will free up police. I remind members opposite that this State has an independent police commissioner. Everyone knows that he is an independent individual. When this proposal was announced by the Minister for Health and the Premier, the Commissioner of Police came out and backed it 100 per cent. He went on television, with his senior officers, and backed the Government's action. If members opposite think that he is morally decayed, or that he would go out there under any pressure from the Government, they are wrong. He is a very independently minded and strong individual, and he would not have done that. The Government has the support of the Police Service. It frees police resources to concentrate on more important things.

Mr Bradshaw: Have you spoken to your local police?

Mr McGOWAN: I have, and they are quite happy with this proposal, because it enables them to get on with the job they are trained to do. It means they do not have to sit at the back of the local court once a week - all day sometimes without their case coming on - when they should be out doing real police work. They should be dealing with the real dealers, and the important issues in the community. This measure will remove 18-year-olds - sons and daughters of members - from the criminal justice system. Members opposite should be very pleased

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about that. It makes sure that people using hydroponics to cultivate drugs have no capacity to receive a civil penalty; criminal penalties will still apply to them. It makes sure that an education program about the faults and flaws of drug use will be in place. This is a minimalist change, but it is a change for the better, and the Government is doing it for the right reasons. For the Opposition to come in here and attack the Government over this does it no credit whatsoever.

MR JOHNSON (Hillarys) [6.27 pm]: I support the motion moved on behalf of the Leader of the Opposition. It condemns this Labor State Government for going soft on drugs. There is no question that this Government is going soft on drugs. It was part of its policy from the word go, to decriminalise cannabis. The Government was also considering legalised injecting rooms. That is what delayed the minister reporting from the drug summit what the Government intended to do. The Government got advice from other parts of Australia and the world which said that if the Government went down that line, it would certainly lose the next election. Therefore, it has introduced what it calls a minimalist option. I can never see this as a minimalist option. The member for Vasse said that a minimalist option would have been to extend the cautioning system. Nobody on either side of this House wants to see young people, particularly very young people, who have tried or may be in possession of a marijuana cigarette, have a criminal conviction recorded against them. The Opposition does not want to see that either. That is why, when it was in Government, it brought in the trial of the cautioning system.

Mr Kucera: So you decriminalised it.

Mr JOHNSON: The member for Yokine should not talk such nonsense. I would keep quiet at the moment if I were him. He hates taking interjections himself, but he is very good at giving them. I have never seen him accept an interjection. He is too afraid to. If he is not prepared to take it, he should not try to dish it out.

The simple facts are that the cautioning system, as I understand it, was working. It was trialled in two or three areas. If this Government were serious, and had the welfare of young people at heart, it would have expanded that cautioning system for very small amounts of cannabis. It could also change the law so that people found with a very small amount for their own use could have that conviction expunged after three years. It could even reduce that three-year period so that we do not have the situation that is found in parts of America in which people who are found in possession of cannabis have a criminal conviction for life. In some ways - I emphasise "in some ways" - cannabis is probably the lesser of the evils of illicit drugs. Heroin obviously is a dreadful drug that people kill for and that people can die from. People can die from cannabis as well, but perhaps not quite as easily. None of us in any seat in this Chamber wants people to die because they have been stupid enough to take illegal drugs. The member for Rockingham said that the previous Government did absolutely nothing; and he criticised the person who had occupied his seat in the Chamber before him, Hon Rhonda Parker, when she was the minister responsible for the drug strategy of this State under the Court Government. Our Government put things in place. Everyone seems to think education is the answer. Even the minister and the Premier have said education is the answer. We saw that education is the answer.

Ms Quirk: The federal Government launched a very expensive campaign to say just that.

Mr JOHNSON: We all agree, then, that education is the way to go. Is that right, member for Girrawheen? Is that what the member is saying?

Ms Quirk: I am saying it is one of a number of strategies. We cannot take the myopic view that we just have one strategy. It is a complex issue that requires complex responses.

Mr JOHNSON: That is a very good rhetoric-type answer.

Ms Quirk: It is from someone who has been in law enforcement for 22 years.

Mr JOHNSON: I took the member's interjection, but the member is not prepared to accept the fact that education is a very important factor in combating the use of drugs, particularly marijuana. Our Government did quite a lot. We set up drug education programs in schools. We also set up local drug action groups. I played a role in helping to set up a drug action group in my area. That group is known as the Whitfords local drug action group. We advertised that a local drug action group could be formed, and we invited interested people to come to a meeting, at which Terry Murphy from the Drug Strategy Office spoke. All I did was act as the chairman and convener of that meeting. As soon as the meeting was over, I stepped back. I said I would offer the group any help it wanted, but I did not want to get involved directly with that local drug action group because the last thing I wanted was for that worthwhile group to be used for political purposes. About 70 or 80 people came to that meeting, and from that meeting a committee was formed, and the group has been going ever since. That group has held a lot of worthwhile educational programs and done some tremendous work, particularly with young people. For members opposite to say the previous Government did nothing is wrong.. It is interesting that quite a lot of the people who came to that meeting had experienced problems within their family unit and had a keen interest in finding out what could be done to help them and what they could do to help other people. Those

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people were very selfless, because they were not interested just in their own problems and families but wanted to share their experiences with other people as a warning so that other families could do something positive to help their children. It was mainly young people - aged 13, 14 and upwards. I have never smoked a cannabis cigarette or joint in my life. About 20 years ago I wondered whether I was missing out on something because I had never smoked marijuana. One or two of my friends had smoked a marijuana cigarette, or half of one. Some said that it helped them in certain areas. I thought at one time that perhaps I should have a go. I did not. I do not have a clue where to buy them from, and nobody has ever offered me one. I am glad that I never started smoking them, because they are dreadful things - I have seen what they can do.

As a member I have had people come to see me over the years to try to get help to overcome the problems caused by their child's addiction to cannabis. Cannabis has always been the lead drug that has got people onto harder drugs, such as ecstasy and heroin. I remember one couple in particular. They had a 21-year-old son who had been taking cannabis since he was 15. They had tried everything they possibly could to get him off the drug. People who say that cannabis is merely a recreational drug are fruit loops, quite frankly, because they do not know what they are talking about. Cannabis is a hard drug to which people become addicted. The more people become addicted to it, the more they smoke it and the more harm it does to them. It kills their brain. It contains so many toxins that people must be absolutely crazy to smoke it. The couple who came to see me said that their son had virtually stolen most of their expensive items, and all their electrical items, to feed his habit. He was incapable of working. He could not hold down a job because he was addicted to marijuana - not heroin, ecstasy, amphetamines or any other drug. He could not get enough marijuana. Of course, he had to buy it.

The Government, in saying that it will do people a favour and make things much better, is taking a very narrow view. I can explain it in very simple terms. The Government will encourage people who try smoking marijuana to smoke more of it. I do not know how much a marijuana joint costs, but I am sure the Minister for Health can tell me. I suppose that if people smoke a reasonable number of them, the cost must mount up, otherwise people would not need to keep stealing to buy them. If people know they can grow their own marijuana and not have to pay for it, commonsense says that they will smoke more. It is like putting a great big jar of lollies in front of children, instead of giving them one at a time. The fact that the lollies are so accessible means that the children will stuff themselves silly with them. I said that members opposite would be like that if they came to run this State; that they would be like a bunch of schoolkids in a lolly shop who could not keep their hands out of the lolly jars and not have the money to replenish the stock. That is the way they are going.

Apart from the couple who came to see me about their very sad experiences, other parents have come to see me over the years with very similar experiences. They have said that, whatever I do, I should not help to decriminalise cannabis. When I was last in the United Kingdom in July 2001, I was looking through the *Daily Telegraph* and came across a page that I had to read. It is all about cannabis and is highlighted with a graphic picture illustrating what cannabis can do to people. It is headed "Cannabis devastates lives - We would be mad to legalise it." It is written by Penny Coleman, who watched so-called soft drugs turn her son into a liar and a thief. She warns that making cannabis more widely available will have dreadful consequences. I will quote from parts of this article, with your indulgence, Mr Acting Speaker (Mr Andrew).

The ACTING SPEAKER: A moderate amount.

Mr JOHNSON: Of course, Mr Acting Speaker. It is a poignant article that makes a significant point.

Mr Dean: It was not legalised at that time, but it did that to her son.

Mr JOHNSON: Smoking cannabis did that to her son whether it was legal or illegal. She says if it were legalised it would encourage people to smoke more of it. An average person such as the member for Bunbury could not smoke the crop from two cannabis plants in a year. What will he do with the balance? He should not trivialise a very serious issue.

Mr Birney: He will flog off the balance.

Mr JOHNSON: Exactly. It reads -

Our house is full of the memorabilia of cannabis. When I go to the airing cupboard I sometimes inadvertently pull out the England duvet cover and matching pillowcase with its sprinkling of small, brown-edged burn holes. These date from the time, not very distant, when our son's bedroom was a spliff-making factory and we lived in fear that the whole place would go up in flames.

This is a mother talking about her son.

Hidden under the rug by his bed there are contemporaneous scorch marks. Among the video collection still lurks the box without a name where he used to stash Rizla papers, bits of torn-off card, lumps of hash, vacuum-sealed pouches of weed and a small penknife. On summer nights, -

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Unfortunately, he has the same name as me. This is not my mother! To continue -

Rob uses the electric fan that was once an essential part of his cannabis armoury: he acquired it in a futile attempt to disperse the fumes.

In the hall is the jacket in which he was arrested. In the garden, a green wheelbarrow that he found useful to transport our CD player and speakers to the pawn shop a mile away. Even the empty spaces tell their story - spaces where two electric guitars and an amplifier stood before they were similarly carted off to raise money for mounting cannabis debts.

People in WA may not have mounting cannabis debts as a result of this Government's proposed legislation, because they will be able to grow their own plant. The Government is encouraging them to grow their own.

A government member interjected.

Mr JOHNSON: I would not have a go at me, my friend. By allowing people to grow their own cannabis, the Government will be encouraging them to smoke much more of the stuff. The article states further on -

We first noticed that something was wrong when Rob, aged 15, developed puzzling signs of a social conscience and an interest in other people. "How was *your* day?" he would ask. He started to worry that he was boring his friends. Why couldn't he, the life and soul, think of anything entertaining to say? He imagined that he had every disease in the news - BSE, ME, a brain tumour - and would examine the pupils of his eyes obsessively.

That is exactly what happened as a result of using cannabis. I urge people to read this article because it confirmed to me that we would be crazy to legalise cannabis. This is a plea from a mother about the devastating effects cannabis has had on her son. It is highlighted so graphically that I will give the Minister for Health a copy of it.

Mr Kucera: I will ensure you get a copy of the Prior report.

Mr JOHNSON: The minister should have done that a long time ago. It is no good the minister being a smart Alec and asking who had read the Prior report and then telling us it was available on the Internet. The Internet has millions of pieces of information. If the minister had been serious about this, he would have made sure that every member of Parliament received a copy of the Prior report. Was it a secret report hidden in the Internet somewhere? The Minister for Health is responsible for drug issues in this State, yet he did not make sure that that report was tabled in Parliament and every member received a copy. The minister should not come in here and try to be smart, because he is not up to it.

Mr Hyde: You start by turning on the computer.

Mr JOHNSON: I use the Internet quite often. I have so many things I want to look at that unless someone said that the report was on the Internet I would not find it. If the minister had told me it was available on the Internet I would have found it, because I am interested in the effect that illegal drugs have on people. I have four children and six grandchildren. I have a personal interest in what happens to our young people, so the minister should not start with me! Talk about hypocrisy! I have some quotes here -

Mr Kucera: Can I have a copy?

Mr JOHNSON: I will give the minister a copy, and he should read it. He has children and if he does not already have them, one day he will have grandchildren.

Mr Kucera: I will be happy to read it.

Mr JOHNSON: Good.

I could ask for a 10-minute extension of time, but I will not do that because I know many other members want to have an input on this very important motion. I fully support the motion. I condemn the Government, the Premier and the Minister for Health for being the forerunners in bringing to this State the sort of legislation that will devastate our young people in particular for many years to come.

MR HYDE (Perth) [6.48 pm]: I oppose this motion. I am prepared to cut my speaking time short, as we want to vote on this. The issue that has come up in debate and the many stories that are being told about the tragedies of drug use highlight that the current system is not working. We have all heard these horrendous stories about people flogging off the family's CDs and TVs, the dislocation of family units and the problems in society. This all happens under the current regime; the regime that was introduced by the former coalition Government. Clearly the system does not work.

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The Labor Government has followed the correct procedure. It has held the Community Drug Summit, consulted with the community and been open to all manner of suggestions. At the Drug Summit a number of suggestions came forward, the Minister for Health and the Cabinet fashioned a response and we have a policy. This policy is enjoying wide community support. We cannot colour it and call it something that it is not; it is prohibition with civil penalties at the very least.

I go back to a point made earlier. Under the legislation of the previous coalition Government, a dealer was able to have up to 25 plants and not be deemed to be a dealer. Our legislation will slash that dramatically. This policy is hard on drug use. The previous policy and the system that has evolved in WA has seen massive hydroponics gardens and whole areas of old-growth and new-growth forest taken over by drug cultivators working hand in hand with organised crime. The current policies are soft on organised crime. Labor's new legislation is hard on organised crime. Labor's new policy gives drug users the chance to get off drugs. Labor's new policy gives the parents, the friends and the neighbours of drug users the chance to decrease drug use.

All the information is available. The United States and Australia, with its current legal system, have the highest drug use in the world. The system is not working. In every place that has made a more proactive attack on drug use - this goes hand in hand with peer education - there has been a reduction in drug use. That system is enjoying wide community use. The polling and everything else tell us that the community is awake to the fact that the current system does not work.

The previous Government started tentatively with a cautioning system. The current Government is refining that and making it a proper system - not so that people can get away with just a caution - under which the police will have discretion. Under our legislation, a person can be nabbed as a dealer if he is a dealer. Forget about two plants. If a person has one leaf and the police believe he is a dealer, he will be charged. Under the previous Government's cautioning system, that person got away scot-free. The previous Government was soft on organised crime and on big drug dealers. Our legislation will get to the heart of the problem.

Under the system introduced by the previous Government, people in Western Australia were able to have 25 plants. People were dealers, and they were getting away with not being deemed dealers. The previous Government's legislation was soft on organised crime, on the big dealers and on the big problem of drugs. The Gallop Government is coming down hard on that big problem and is trying to reduce drug use in the community and its ramifications. It is important that we look at the legislation and the Prior report in detail. If members had come into this Chamber during the Drug Summit, as I did on a number of days, they would have seen the community people in this Chamber and heard tale after tale about how our current laws and current systems failed not only drug users but also their families, their neighbours and others who were caught up in the terrible ramifications of drug use in our society. All the evidence and all the stories were put before the Drug Summit. It was important that this Government react and not put the issue under the cover or in the duvet with the burn marks that the member for Hillarys mentioned. It was important that the Government did something. That is why we are introducing prohibition with civil penalties.

Under this scheme, even minor cannabis possession is illegal. Under the previous mob, people in the Mirrabooka district could have had one of those seven-foot - instead of 181 centimetres or six-foot - plants about which the member for Kalgoorlie spoke and they would have been cautioned. Under Labor's legislation, people will not get away with that. If a person is a hard-core drug user or is conveying drugs throughout the State and living off those people in society who have a drug health problem, he will be pinged under Labor's legislation. Under the previous Government's legislation, people got away with it, as did big time criminals and organised crime. Our forests were being cut down at one end, and at the other end they were havens for the big criminals that the previous Government's legislation encouraged. All over the world, incredible scenarios of organised crime are flourishing in places that have legislation based on "just say no". Organised crime in big business wants to hear the Opposition's rhetoric. It loves it because it encourages them. It enables the black market to flourish. It enables big organised crime groups to get away with illegal activities, and it allows harm to be done in our community.

The Government's proposals incorporate the comprehensive education of the public. This is an important aspect. Next door to my electorate office in Northbridge is the needle exchange centre, where 20 000 needles a month are exchanged. A good program of the previous Government, but which is funded properly by this Government, is for peer education and needle exchange. That centre does not have 17 divvy vans parked out the front ready to ping everyone who goes into the centre to exchange a dirty needle. People exchange their needles, get clean ones and receive peer education. What is the result of that program? Not only does it improve the health issues of society, and not only has there been a decrease in the use of Cash Converters and other such places as venues to which druggies go to get some quick money, but also people receive peer education and the harmful effects of drug use decrease. If this program for marijuana use mirrors the slow success of the heroin program, there will be a big improvement in the health of people in society.

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Apart from minor cannabis possession remaining illegal, penalties have been increased in a number of other ways. Juvenile cannabis users caught by the police will be required to attend treatment and support services. It is not possible to institute that initiative under the existing juvenile cautioning provisions. We are making it tougher, but we are also ensuring that the education that is provided will have a long-lasting effect. It is no good targeting children early without ensuring that they are provided with proper education so that a youthful indiscretion is not repeated. As we all know, placing children in institutions often teaches them about crime.

I would like to raise a number of matters, but I am conscious of the time, and members wish to vote on this motion.

Mr Johnson: No. There will not be a vote on this motion tonight; too many members want to speak about this issue.

Mr Kobelke: They have no conviction; they do not want to vote on it.

Mr HYDE: Members on this side of the House want to vote on the issue. The Opposition has moved a motion, and we want the Western Australian public to see where this Parliament stands on drugs. Is the Opposition soft on organised crime and hard drug use, or will it target drug use in this State along with the Labor Government? It is important that the Parliament put that on the record tonight. Let us not delay it. Let the Opposition put on the record tonight where it stands on this issue.

Dr Woollard: Then you should wait for everyone to have their say.

Mr HYDE: It does not work that way. There have been three hours of good debate. I am happy to speak all night, but I am a team player.

Mr Johnson: Sit down my friend.

Mr HYDE: I will. We want to vote on the motion. We want to give Western Australian parliamentarians such as the member for Dawesville and others the chance to put on the record where they stand on the issue of drug use. The Government is putting forward legislation to decrease drug use and to fix the health problems caused by drug use. Most importantly, it will get organised crime groups out of the drug business.

MR MARSHALL (Dawesville) [6.58 pm]: Some time ago, the Opposition quite jovially asked government members whether they had ever taken cannabis. Except for one or two, they all exclaimed, "No!" I am quite surprised that the Government suddenly wants to decriminalise the cultivation of cannabis, which is a more serious offence than possession. There is no reason for this change; yet the Government has again given in to a minority group. In the Labor Party's first year in government, we watched it give in to the Greens (WA) on the one vote, one value legislation. Then we watched it give in to another minority group on the gay and lesbian law reform legislation. Now it is doing the same with the cannabis legislation by listening to a minority group. Members of the Western Australian community do not want that to happen. They want a referendum on the issue. Once again, legislation will be bulldozed through the Parliament.

I will refer to some words of wisdom by Abraham Lincoln. I am sure that members are aware of the 10 statements for which he was famous.

Debate interrupted, pursuant to standing orders.

House adjourned at 7.00 pm
