

ADDRESS-IN-REPLY

Motion

MR BAKER (Joondalup) [11.54 am]: I move -

That the following Address-in-Reply to His Excellency's speech be agreed to -

May it please Your Excellency -

We, the Legislative Assembly of the Parliament of the State of Western Australia in Parliament assembled, beg to express loyalty to our most Gracious Sovereign, and to thank Your Excellency for the speech you have been pleased to address to Parliament.

I will expand upon a couple of the important features of the Administrator's address this morning, particularly the Government's response to the community's concerns about law and order, and I will outline the Government's continuing crackdown on organised crime, headed by the Mr Bigs of this State.

The community has made it abundantly clear that its primary concern is for the safety and security of families, seniors and the vulnerable. Our Government is listening. During this morning's address, the Administrator summarised our Government's strong and unprecedented five-pronged attack on crime and those who threaten the safety and security of the people of Western Australia: First, it has introduced the Sentencing Matrix Bill, which will increase penalties for a raft of criminal offences, particularly those against seniors and the vulnerable. Second, the Government will introduce new legislation to afford additional criminal and civil protection to the members of our community who legitimately protect themselves against intruders in their homes. Third, the Government has committed an additional 300 police officers to the front-line to protect our community. Of these, 100 will be redeployed from court security and transportation duties once the Court Security and Custodial Services Bill becomes law. The support of opposition parties is needed for that to occur. Fourth, it has introduced the new Criminal Property Confiscation Bill, which has been some three years in the drafting. Once passed into law, it will strip, in a summary and targeted manner, the assets and wealth of the Mr Bigs of crime in this State, particularly those involved in the trafficking of illicit drugs in our community. Fifth, the Government will adopt a bold new approach to adults released from prison and juveniles released from detention centres to ensure that recidivism rates are substantially reduced. These measures will greatly augment the criminal and sentencing laws of our State and, coupled with measures already in place to address the causes of crime, will result in an even safer and more secure community for the people of Western Australia.

At the next state election, the people of Western Australia will be faced with a stark and important choice between differing policies in the areas of law and order, safety and security and crime reduction. Never before have the people of Western Australia been faced with such an important decision. Their decision will have grave and long-term consequences for the welfare of our community; that is, our society, our families and our young people. People will be asked to choose between a tough law and order crackdown the likes of which are unprecedented anywhere in Australia, and a range of policies that will effect many regressive measures aimed at legitimising, decriminalising and repealing a raft of criminal offences and laws that have held our society in good stead and have maintained social order for nearly 100 years. The community will have a clear choice between tough law and order initiatives or opting for a softer, new-risk approach to crime that will result in an increase in criminal behaviour in our society. This new-risk approach will provide criminals and Mr Bigs with a better opportunity to further expand and further harm our community's families, seniors, young people and the vulnerable. This new, softer approach poses the risk of a new crime wave. This is a timely opportunity to conduct a comparative analysis of the competing law and order policies of this State's two major political parties to see what could be in store for families in the community of Western Australia after the next state election.

Most leading criminologists, senior members of the WA Police Service and our community leaders have repeatedly identified and highlighted the very strong link between illicit drugs, organised crime, the Mr Bigs of organised crime, and crimes such as home invasion, robbery and violent assaults on the vulnerable in our community. This strong linkage has been clearly identified in other Australian States and Territories and overseas. Our community readily identifies this linkage and its devastating social consequences, and demands new, strong measures to break this link and to attack those who direct organised crime.

The United States Department of Justice noted in 1995 that there was already an extensive body of research on the relationship between illicit drug use and crime. The department found convincing evidence that a relatively few illicit drug users, who have a serious drug problem, are responsible for an extraordinary proportion of crime. The heroin-using violent predators, who are among the most predatory, committed 15 times more robberies, 20 times more burglaries, and 16 times more theft than offenders who did not use illicit drugs. This research is reflected in similar research carried out in Western Australia.

Almost on a weekly basis our State's media report on criminal cases in which lawyers acting for persons convicted of murder, violent assault, robbery or theft who are about to be sentenced, raise in mitigation that at the time of the offence the person was under the influence of mind-altering illicit drugs, such as cannabis or amphetamines, or their behaviour was motivated by the very strong urge or desire to acquire and consume these or other substances or to get money to buy them. The reason certain drugs are illegal is that they are harmful to our community. As Elaine Walters noted in her book, *The Cruel Hoax: Street Drugs in Australia*, it is the responsibility of Parliament to pass and maintain laws to protect our community from myriad activities considered inherently dangerous, such as theft, assault or robbery. The destructive nature of illicit drug use on the mind and body, and the association of violence and central nervous system stimulants, cannot be eliminated by simply redefining this activity. It remains inherently dangerous and this danger is exacerbated as more people become involved. It is now well established that when street drugs are easily available and socially acceptable, there is an upsurge in use.

Permissive legislation conveys the message that the Government condones, and then supports, an intoxicated lifestyle for a larger number of people in the community. Taxpayers pay dearly in more ways than one. It follows that reducing the supply of illicit drugs, particularly heroin and amphetamines, will necessarily result in lower levels of crime, particularly those offences generally described as offences against the person. It is fair to say we all agree that as long as considerable profits can be made from trafficking illicit drugs, the Mr Bigs of organised crime will continue to expand and prosper. The challenge for Governments of all political persuasions is how to take the profits out of illicit drug trafficking and, at the same time, target the Mr Bigs of organised crime in our State.

Illicit drugs are every parent's worst nightmare, particularly those parents whose children have a genetic predisposition to addictive behaviour and psychosis. These drugs transcend all socioeconomic groups in the community, target the young and vulnerable, and destroy initiative and self-esteem. Unless controlled these drugs can destroy the future of our community by causing more crime, social dysfunction and violence.

We all strive to achieve the very best for our children in many areas, such as health and education. They carry the hope for our community's future in a safe and secure environment. However, all our endeavours in these areas can easily be destroyed if our children become dependent upon illicit drugs or commit serious offences when under the influence of illicit drugs. Our community realises two different pathways can be followed when trying to take the profits out of illicit drug dealing. Our community also realises that in the short term there is still time to change the path we are on. Each path will have radically different consequences for our community.

The first path is for the Government to adopt a new risky policy of legitimising, decriminalising and normalising illicit drug use. This policy, which I call the feel-good policy, seeks to legitimise and decriminalise the personal use, possession and cultivation of cannabis. The policy also advocates that the Government should provide free heroin for drug addicts and allow the establishment of heroin shooting galleries throughout the community, according to the needs and demands of the heroin addict. Such a policy would undeniably make harmful illicit drugs more freely available in our community and at a lower cost for a few people. However, if implemented, this policy will result in a giant leap down a new path of normalising and legitimising illicit drug use in the community, particularly injecting drug use. Once we have travelled down this path, it will be very difficult, if not impossible, to turn back. It will create new risks and could create new crime difficulties in our community.

In that regard, all we need do is compare the approaches to the issue of illicit drugs taken by the Swiss and Swedish Governments. Both initially took the new, risky, left-wing view of the world; that is, the consumption of harmful drugs is simply a matter of personal choice. After 20 years of this free and easy drug experiment, Sweden reverted to the prohibition model and with great success. It now has one of the lowest number of opiate dependants per capita in the whole of Europe. Switzerland, on the other hand, continues to experiment with the free drug approach, and it has the highest opiate user figures in the whole of Europe. Certainly, this free and easy drugs policy will take a small portion of the profits out of illicit drug dealing, but at what social cost to the community? What about the increased demand for illicit drugs that will flow from the introduction of this policy? There are many new risks in pursuing such a policy. For example, there will still be ample scope and opportunity for organised crime and the Mr Bigs of drug trafficking to grow and prosper, as a government-sanctioned expansion and demand for illicit drugs pervades the community. In terms of the illicit drug cannabis, we do not need to look overseas for strong evidence of this.

Another Australian jurisdiction has experimented with this feel-good drug policy. In 1987 it decriminalised the personal use, possession and cultivation of what was considered by that jurisdiction as small amounts of cannabis. It believed that the cultivation of 10 plants per person per household was a small number of plants. The risks associated with this new policy were ignored by this jurisdiction. According to botanists, a cannabis plant matures after three or four months' growth, and the average plant yields enough leaf for 100 cannabis cigarettes or joints. The cultivation of 10 plants over four months can therefore yield up to 1 000 joints for the cultivator. To consume that number of cannabis joints, a person would have to consume on average 10 cannabis

joints a day; two for breakfast, two for lunch, two for dinner and another four during the evening. This is described as personal use.

The experience of this jurisdiction gives a good insight into the consequences of this risky policy. The Adelaide newspaper, *The Advertiser*, reported in April 1996 that the number of cannabis offences detected by police in South Australia had almost trebled since on-the-spot fines were introduced in 1987. It stated that police issued 17 104 on-the-spot fines in the 1994-95 financial year, but only 45 per cent of these fines were paid. The article also stated that the lax drug laws of this jurisdiction were encouraging commercial drug cultivation because drug gangs or syndicates were renting houses, and paying young people to grow four cannabis crops of 10 plants each year, using hydroponic systems. The article then quotes South Australian police as saying that the practice of paying households to grow cannabis is widespread. Cannabis growers can expect to make up to \$8 000 for a kilogram of cannabis, or around \$50 000 a year. One must remember that these figures relate to 1996. The South Australian police also said that this practice was hard to police, because every day they have to be out in the community counting and seizing cannabis plants. In addition, it is difficult to prove in court that the people concerned were growing cannabis for commercial purposes. Clearly this new policy created new risks and a new crime wave in this jurisdiction. This free drugs policy also has severe risks.

Many studies have indicated that cannabis can be a gateway drug that leads to other forms of illicit drug use for the user, particularly of heroin. As far back as 1993, the National Drug and Alcohol Research Centre of the University of New South Wales conducted a survey of drug use in Australia. The results of this survey found that the crude risk of using heroin was approximately 30 times higher among those who have used cannabis than among those who have not. The Australian Bureau of Criminal Intelligence noted in its report of March this year that syndicated cannabis cultivating groups continue to operate in South Australia despite the reduction in the number of cannabis plants deemed as appropriate for personal use being reduced from 10 plants to three plants. The report also said that the new three-plant rule would fail. Of course, it is well known throughout Australia that South Australia has become a net cannabis exporter under this new risk policy.

In addition to the problems of the involvement of the Mr Bigs in cannabis, there are also the mental health problems associated with illicit drug use. Our public health system already has heavy demands placed upon it for the delivery of high-class health services and treatments. An increased usage of cannabis in the community will result in more mental ill health and, at the extreme, increased rates of suicide in our community, particularly for those vulnerable young members of our community who have a genetic predisposition to bipolar disorder and other psychoses. This link is irrefutable: Excessive consumption of illicit drugs can and will bring on the onset of psychotic episodes in young people, particularly young male risk takers. These episodes can lead to suicide. For example, in May last year a conference of Aboriginal and Torres Strait Islander alcohol and drug counsellors held in Darwin was told that the Tiwi Islanders, who have a potentially idyllic lifestyle, had the highest levels of youth suicide in the world. A speaker representing the Tiwi people who attended this conference said that the major cause of suicide among young male Tiwi people was cannabis. This cannabis-suicide link among the Tiwi people - relying upon an evidence-based approach - was confirmed by a Bathurst Island doctor on the ABC's *7.30 Report* program on 12 August last year.

The policy I have just described is the so-called drug abuse strategy policy being promoted by our political opponents. Our political opponents have at least one policy to decriminalise the possession of 100 grams of cannabis on private property and to allow the cultivation of five cannabis plants per person per household. That figure is two more than South Australia's current laws, following its experiment. It was confirmed last year that our political opponents would implement heroin trials if elected to government in Western Australia.

This drug policy, coupled with federal Labor leader Kim Beazley's statement of support for free heroin for heroin addicts, has caused outrage and disbelief from most right-minded, reasonable thinking community leaders in Western Australia who can see new, grave risks in this approach.

As was reported by the *Sunday Times* newspaper on 9 May last year, the Labor Party has committed itself to implementing the most liberal cannabis laws in the country. The so-called drug abuse policy I have just mentioned that is being peddled by our political opponents has been promoted by academics, drug law reformers, drug addicts and civil libertarians for many years. However, it is interesting to note that, essentially, the same group of people has also supported the repeal of our State's tough mandatory sentencing laws. As I mentioned earlier in my address, we can follow another pathway. We have another option. We have a way to avoid the potential social quagmire that will flow if this radical policy sees the light of day. That option is to continue with a strong illicit drug law enforcement approach and to bolster this approach with a raft of strong measures mentioned by the Administrator during his address this morning, particularly the Criminal Property Confiscation Bill. This Bill seeks to remove in a no-nonsense manner the profits of the Mr Bigs of organised crime in Western Australia, particularly those involved in illicit drug trafficking. It seeks to do this by giving the police and our State's Director of Public Prosecutions very strong powers. The likes of these powers have never been seen before in this country. The aim of this important Bill is to further protect our community by targeting

the Mr Bigs of crime and stripping them of their unexplained wealth and to redirect these sizeable funds into funding strong law enforcement, drug treatment and drug education programs. Under this new Bill a person who has acquired his wealth or assets from criminal activity - even if he has employed extensive, elaborate money-laundering techniques involving offshore companies, tax havens and sham domestic or foreign loans or trusts; even if he did these things many years ago and now ostensibly leads a life of commercial respectability - will find it difficult to explain his wealth if confiscation proceedings under the Act are instituted against him.

The Government acknowledges that this legislation involves some draconian powers and measures that are unprecedented in this country and will overturn previously upheld civil liberties. However, there can be no more important a civil liberty than the liberty and freedom to live in a safe and secure community without the threat of assault, robbery, the fear of crime, or the devastating social consequences of drug addiction, particularly among our young people.

The headline in yesterday's edition of *The West Australian* and the item it featured in last night's *Four Corners* program clearly illustrates the need for new tough measures to attack our State's crime syndicates and to strip the financial assets of these syndicates before their assets are transferred overseas. These new measures need to be non-conviction based. The golden opportunity or lost chance referred to in the newspaper article could have been dealt with in a more summary or aggressive manner without the need for criminal charges or convictions against syndicate members or the putative Mr Big, if the Criminal Property Confiscation Bill had been law at the material time. In view of this, I cannot think of any other Bill that deserves a more speedy passage through both Houses of Parliament without being watered down or bogged down by opposition parties in this or the other place.

The two options or pathways I mentioned earlier cannot coexist or sit side by side; they are mutually exclusive. The community elects either to proceed down one path or the other. There can be no half measures or easy turning back. The community must decide to either get tougher on crime or surrender to new risky approaches to dangerous drugs and the associated risks of a crime wave. It is not easy to predict or determine which path or policy the community will follow at the next state election.

The proponents of the decriminalisation, legitimisation and normalisation of illicit drug use are well funded. They have been attempting to soften up our community's attitudes to illicit drugs over the past five to 10 years. The drug law reformers have within their ranks people who have an almost fanatical commitment to legitimise and normalise all illicit drug use in the name of civil liberty, freedom and choice.

They are driven by a passionate desire to promote the so-called rights of illicit drug users to do what they like with their bodies, irrespective of their responsibilities to our community's families, young people and seniors.

On my assessment, the only group in our State that can possibly hope to benefit from relaxed and soft new drug laws, as evidenced by the experience of other Governments' ill-founded experiments with cannabis laws, coupled with research identifying the gateway or link between cannabis use and heroin use, will be the criminal Mr Bigs of our State.

As I said earlier, the people of Western Australia will have a very stark choice of policies at the next state election in the area of law and order. How the people of Western Australia respond to this choice will determine what sort of a society we will create for our community's families, children, young adults and seniors and our ability to build a safer and more secure community.

MR MASTERS (Vasse) [11.22 am]: I formally second the motion.

Debate adjourned, on motion by Mr Kobelke.