

MISUSE OF DRUGS AMENDMENT (METHYLAMPHETAMINE OFFENCES) BILL 2017

Receipt and First Reading

Bill received from the Assembly; and, on motion by **Hon Stephen Dawson (Minister for Environment)**, read a first time.

Second Reading

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Environment) [5.48 pm]: I move —

That the bill be now read a second time.

This bill fulfils a commitment the McGowan Labor government made to the people of Western Australia in February this year. It forms part of the McGowan Labor government's integrated methamphetamine action plan to address the devastation this drug causes in our state. The plan tackles supply and demand as well as the harm done through addiction.

There is no doubt that methamphetamine is a scourge in our community. Western Australia is tragically the Australian capital of methamphetamine use. The Australian Criminal Intelligence Commission's "National Wastewater Drug Monitoring Program" report, published on 1 March this year, showed that Western Australia has the highest levels of methamphetamine in wastewater, in both metropolitan and regional areas. The amounts far exceed the national average. The former Liberal-National government was too slow to recognise the impact of methamphetamine on the community. When it finally considered the issue, its response was piecemeal, short term and inadequately resourced.

Methamphetamine is a driver of crime. It is unique. Unlike some drugs of the 1980s and 1990s, methamphetamine is a drug like no other. It is purer and highly addictive. The high creates feelings of not only euphoria, but also invincibility, overconfidence and paranoia. The highs last for longer periods of time, with police battling violent offenders in cells for hours. It changes personalities. It damages mental health. This leads to violence, assaults, self-harm and, in some cases, attempted murder. Families are being torn apart. We have all heard terrible stories of parents not speaking to children on methamphetamine, of repeated promises to get off the drug, and of sons and daughters, husbands and wives, losing jobs, houses and businesses. Methamphetamine drives its addicts to other crimes. It drives individuals to theft and burglary to maintain their habit. Addicts are stealing from family members, friends and workplaces. The effects of methamphetamine on our community are just devastating. It has to stop. The community quite rightly expects tough action against methamphetamine dealers and traffickers. Our government will give police and the judiciary the tools they need to prevent and deter this trade.

This legislation implements our commitment to reduce the supply of methamphetamine by increasing penalties for drug traffickers. The penalties will be some of the toughest in the country. The bill targets methamphetamine dealers, manufacturers and suppliers further up the drug supply chain who feed lower end street dealers and addicts. Specifically, the Misuse of Drugs Act 1981 is being amended to increase the maximum sentence of imprisonment to a life penalty. The amendments provide that a drug dealer who is caught with 28 or more grams of methamphetamine will now be subject to a maximum penalty of life imprisonment. This is an increase on the current maximum penalty of 25 years' imprisonment.

The operation of this bill and the existing Sentencing Act 1995 will ensure that unlimited fines can be imposed on methamphetamine traffickers. This proposed increased penalty will operate alongside the existing drug trafficker declaration scheme, as it is considered appropriate that trafficking offences involving 28 or more grams of methamphetamine will still be subject to the confiscation provisions of the Criminal Property Confiscation Act 2000. To ensure that there is consistency in the treatment of offences involving 28 or more grams of methamphetamine, the penalty for conspiring with another to commit a methamphetamine trafficking offence will also increase from a fine not exceeding \$75 000 or imprisonment for a term not exceeding 20 years, or both, to a maximum penalty of life imprisonment. Additionally, the maximum penalty for conspiring with another to commit an offence involving a non-trafficable amount of methamphetamine will increase to a fine not exceeding \$100 000 or imprisonment for a term not exceeding 25 years, or both.

Currently, under the Misuse of Drugs Act 1981, an offender who attempts to commit a drug offence is liable to the same penalty applicable to the principal offence. This provision will also apply to the new penalties for methamphetamine trafficking contained in the bill. A person who attempts to commit a methamphetamine trafficking offence will automatically be subject to a maximum penalty of life imprisonment. The bill also proposes to amend the penalty in the Misuse of Drugs Act 1981 in relation to a person who incites another person to commit, or becomes an accessory after the fact to, a methamphetamine trafficking offence. Currently, a person who incites another person to commit such an offence, or becomes an accessory after the fact to such offences, is liable to a fine not exceeding half the fine and to imprisonment for a term not exceeding half of the term to which a person who commits the principal offence is liable. As the penalty for the principal methamphetamine trafficking offence

will be life imprisonment, this bill proposes that an offender charged with inciting will be liable to imprisonment for 14 years. This approach is consistent with the equivalent provisions in the Western Australian Criminal Code.

Finally, to ensure the new proposed increased penalty framework operates effectively, an extension of the criminal jurisdiction of the District Court of Western Australia is required. Accordingly, consequential amendments are required to the District Court of Western Australia Act 1969. Currently, matters heard in relation to the sale, supply or manufacture of methamphetamine are heard in the District Court, which has jurisdiction to hear all criminal matters, with the exception of offences that carry a maximum penalty of life imprisonment. Simply, increasing the maximum penalty applicable to methamphetamine trafficking offences to life imprisonment would have the effect of moving these offences to the jurisdiction of the Supreme Court. This bill allows methamphetamine trafficking offences to continue to be heard in the District Court.

In conclusion, this bill's early introduction is an indicator of our government's priorities. The devastating impact of methamphetamine must end. Our families and our communities cannot bear it any longer. This bill sends a strong message to drug dealers and traffickers: they will feel the full force of the law. If they traffic methamphetamine in Western Australia, they will now face the prospect of a life sentence.

Pursuant to standing order 126(1), I advise that this bill is not a uniform legislation bill. It does not ratify or give effect to an intergovernmental or multilateral agreement to which the government of the state is a party; nor does this bill, by reason of its subject matter, introduce a uniform scheme or uniform laws throughout the commonwealth.

I commend the bill to the house and table the explanatory memorandum.

[See paper 298.]

Debate adjourned, pursuant to standing orders.

House adjourned at 5.55 pm
