

MISUSE OF DRUGS AMENDMENT (LAWFUL PERSONAL USE OF CANNABIS) BILL 2024

Second Reading

Resumed from 21 March.

HON SUE ELLERY (South Metropolitan — Leader of the House) [10.04 am]: I rise as the lead speaker on behalf of the government to respond to the Misuse of Drugs Amendment (Lawful Personal Use of Cannabis) Bill 2024. We certainly acknowledge that the mover of the bill, who represents the Legalise Cannabis WA Party, was elected to this Parliament with a specific policy agenda and to move a specific amendment. The government has recognised and facilitated that to the extent that we have been able to, most obviously through our support for the member's Select Committee into Cannabis and Hemp, but we do not support the decriminalisation of cannabis for personal use. As some members might recall, we have had several debates and parliamentary questions on the legalisation of cannabis in fact since 2017. We have consistently said that the government has made no change to its position on cannabis laws.

We remain committed to ensuring that there is access to medicinal cannabis for people with medical needs. That includes enabling general practitioners to prescribe medicinal cannabis to patients, and, following one of the recommendations made by the select committee, the Department of Health is establishing a medicinal cannabis and safe driving working group. That group will bring together members with experience in clinical medicine, road traffic legislation and other relevant fields to consider the issue of medicinal cannabis and driving.

Overseas, examples of decriminalisation have had mixed experiences. Although it has been seen as a success in places like Portugal, in other places, like Oregon in the United States, it has been seen as a failure. The Australian Capital Territory government introduced laws to decriminalise drugs for personal use last year, and there has been a diverse range of opinions about that decision.

Members, although I again acknowledge that Hon Dr Brian Walker is bringing to the house legislation that is directly linked to the reason for his party's success, the government cannot support it.

HON PETER COLLIER (North Metropolitan — Leader of the Opposition) [10.06 am]: I was not intending to speak on the Misuse of Drugs Amendment (Lawful Personal Use of Cannabis) Bill 2024, but I think we are probably going to bring this debate to a conclusion, so I will make a few comments. My views on this issue and those of the Liberal Party and the alliance are well known. We do not support this bill. All members have to do is go back to my inaugural speech to see where I stand personally on this. I have had considerable experience in drug education over multiple decades. That goes way back to when I was first a chalkie and I was put on the national school drug education committee. We produced a report on drug education across the nation to have some sort of uniform approach towards drug education. The Western Australian education system is very proactive and very effective in this space from both sides of the chamber. I acknowledge Hon Dr Brian Walker's passion on this issue, and his—dare I say—view that cannabis is the panacea for all ills in society.

Hon Dr Brian Walker: Not at all!

Hon PETER COLLIER: But personally, I do not see it that way. I remain convinced—I do not care how we put it—that cannabis is an entrance drug. Kids and juveniles regardless of their age start somewhere—more often than not, with cannabis.

I will go back and talk briefly about a couple of personal anecdotes on this situation. As I have said on numerous occasions, back when I was a teenager, cannabis was a hanging offence and smoking was socially acceptable. Now, it appears almost the other way in a lot of areas, in that smoking is a hanging offence—you had to see it to understand where it was coming from!—and cannabis is increasingly becoming socially acceptable. That is because it is seen as being not just, as I say, a gateway or an entrance drug, but everyone does it, so it is okay, but that does not mean it is okay. It simply does not mean that it is okay, in my view. If as a society we get to the point at which we say it is okay and it does not really matter, we may as well lock up on the way out. That is how we feel. I do not feel like a philistine or a dinosaur because I have those views. I think it is a responsible position to have. It is pointless. For decades and generations, if a person engaged in cannabis use, it literally was a hanging offence. A person was ostracised so much both socially and legally. We have moved on from that endeavour, but to actually accept it in law to me is unacceptable.

I have told this story before about a young man whom I taught at Scotch College, so I apologise to those who have heard it. This story highlights how bad it was back then, but, at the same time, it was very important that we drew a line in the sand with cannabis use. I am not going to name him, but he was from a very comfortable background and had an extremely, dare I say it, supportive family. In addition to my academic and tennis responsibilities at Scotch, I was a house head, which is a pastoral role. After a house meeting one day, one of the year 8s came into my office and told me that someone had left their wallet in the house room. I took the wallet and opened it to see who it belonged to and there was a little stash of cannabis in the wallet. I just put it on the desk. Let us call the boy

“Jake”. About five minutes later, Jake knocked on the door and rushed in. He was evidently unnerved and said, “Sir, apparently you’ve got my wallet.” I said, “Yes, I have it, Jake. Here it is, mate.” I gave him the wallet and as he started to walk out, I could see the blood ooze from his face. He had just about got out the door and I said, “Jake, if it happens again, mate, you and I won’t be the only ones who know about this.” “Thanks, sir”, and he took off. If I had handled it differently and taken Jake to the headmaster, he would have automatically been suspended and ostracised and have that cloud over this head. He was in year 12, I might add, so that would have put a definite stain on that young man’s reputation within that community and beyond. Two years later, I was living in a place in Subiaco and had some friends over. We ordered pizza for dinner from Chelsea Pizza—great pizzas. About half an hour later, there was a knock at the door. I opened up the door and there was Jake. He was delivering pizzas. I do not know whether he still does that—probably not; this was almost 20 years ago, so he would be a middle-aged man now. He used to do—what do you call it?—god; I have a mental blank. He was a great swimmer and he used to do surf lifesaving. That is it. Anyway, I opened up the door and said “Jake!”, and he said, “Hi, sir.” I told him he did not have to call me “sir” anymore and that he could call me Peter, to which he replied, “Yes, sir.” I asked him how the surf lifesaving was going, and he was still doing it at that stage. He was also doing engineering at the University of Western Australia. I said, “Good on you, mate. Well done.” He turned around and started to walk off, but then he stopped, turned around and said, “Thanks, sir.” He and I knew what that message was all about. That is not a vanity exercise. He and I knew that had I handled that incident differently, his life would have changed. If that is used as example A, the community has moved on from that, but, fortunately, we are not at the point at which cannabis use is legalised. I hope we never get to that point, with all due respect.

I understand the passion of Hon Dr Brian Walker. I understand all the points that he makes, but I am with the Leader of the House on this one. There are mixed results with regard to this issue. It is very easy to be selective and pick out one particular area, but there are mixed results internationally. I am very accustomed to this issue. At that stage of my life, I was also on the state school drug education committee before it morphed in with driver education et cetera. I was on two committees at a state and a national level before I got into Parliament. We did an enormous amount of work to try to develop an education system and process in terms of whether we would take the abstinence approach or the harm-minimisation approach and how we educated children about the fact that illicit drug use ultimately had the potential to have a significantly negative impact on their life. If we, as a community, can curb every avenue into that high-order illicit drug use, we should do it. We are duty bound to educate our children to ensure that they understand that high-level illicit drug use always ends in tears. There is a massive methamphetamine problem now within our community. All those users started somewhere. They did not go straight from nought to meth, I promise you; they just did not. That has been shown in multiple research papers on drug use. If anyone thinks that someone goes out to a party and then all of a sudden starts to take heroin, cocaine or meth, they are naive in the extreme. It does not work that way. All the facts need to be on the table before we blindly go in and say, yep, because it is working here, it is doing this or it has these medical benefits et cetera, we should carte blanche legalise it. That is the wrong way to go.

The opposition understands that society has moved on, but we are not at that point, and I hope we never get to that point, at which we say that because everyone is doing it, we may as well legalise it; we will take the easy option and just legalise it. No, do not do that. When you go weak at the knees, you may as well give up. Do not do it. It is the same with everything in society. As soon as you start to make allowances or take the easy way out, just give up. By all means, present arguments for the medicinal use or otherwise of cannabis, but to take a carte blanche approach to its use and legalise it will have significant negative ramifications. For that reason, the opposition will not be supporting the Misuse of Drugs Amendment (Lawful Personal Use of Cannabis) Bill.

HON DR BRIAN WALKER (East Metropolitan) [10.17 am] — in reply: Thank you, President, and I also thank the Leader of the House for working with us on getting the Misuse of Drugs Amendment (Lawful Personal Use of Cannabis) Bill 2024 at least read to this point. I also thank the government for what it has done. The Select Committee into Cannabis and Hemp certainly was a very important starting point. I regret, however, that the medical cannabis THC working group has still not been formed 10 months after an agreement was made to do that, which means that the urgency is not there. I ask that the government please put a little more effort into making this happen because we need the facts. As the honourable Leader of the Opposition said, there is a need for actual evidence of what is going on. Doing things in the dark without the science to back it up is really not a clever idea. We need to know what is going on.

I take issue, however, with what my colleague Hon Peter Collier said. I have to state quite clearly that if I believed what he believes, I would agree with him entirely. Why do I not believe what he believes? It is because I have seen the facts. He made a number of assertions, and from what he has observed, I can understand where he is coming from. He first of all stated that cannabis is a gateway drug. That is a very common misperception. I understand where the member is coming from, but the repeated international research shows very clearly that cannabis is not a gateway drug. By making it illegal, people have to access it illegally and then come into contact with criminals who want to sell other drugs. That can absolutely be the case. If it is not illegal, that is not the case and people will not be associating with criminals. The real gateway to further drug use is, in fact, alcohol. That is a proven fact.

Alcohol is something that is freely available. If we go even further, the real gateway into all drug misuse is actually trauma, something I see on a regular basis in my clinic. I counsel here to revise that opinion because it is plainly not attested to by the facts.

I am also pleased to recognise that it has been noted that cannabis is becoming socially acceptable—it is about time, too. I will put the point across. I speak here as a doctor and as the Leader of the Legalise Cannabis WA Party. Members can expect me to be biased on one side because of my political affiliation; on the other hand, there has to be some degree of acceptance of my ability to see things from an experienced medical practitioner's view. Yes, we have medical experience of using cannabis for a wide variety of things. I will point out an interjection I made earlier on; I am not saying that cannabis is a universal panacea. In fact, I specifically mention this when talking to patients; it is not a panacea. It is, however, a very good drug for managing the endocannabinoid system, which is devoted to homeostasis in the body.

What we are looking at here is actually the result of decades of propaganda. If a lie is told often enough, we begin to believe it. This is something that we need to stand up against because we need to stand for truth and science. I very much value the input of people with different points of view because then we can discuss what the facts are, not the prejudices or the biases that manipulate people's thoughts into a particular course of action.

For example, it was said here that the use of cannabis by students can lead to severe problems with their mental functioning. I absolutely agree with that. If we are going to treat cannabis as an illicit substance, then we can say "Use of the illicit substance resulted in this". However, what is the result when a legal substance such as alcohol destroys someone's ability to function, especially when it is given to young people with growing brains? What happens to their ability to function in and outside of school? "It is exactly the same as cannabis". No, it is not; it is much worse. The use of any substance is going to be deleterious to the individual's health, wellbeing and future prospects. I agree with that entirely. That, friends, is the reason why we must regulate cannabis as a legally provided opportunity, much like alcohol. This is where the Legalise Cannabis Party stands; we need to treat cannabis just the same as alcohol. In fact, I suggest that we ought to have more restrictions on alcohol because of the damage it is causing throughout our society and that cannabis does not.

Alcohol given to growing brains in Indigenous communities is one reason why we have such problems in remote and rural regions. Parents who drink alcohol during pregnancy are causing a surge of what I call "patients" into Banksia Hill Detention Centre. We had terrible trouble managing the social complications due to alcohol. Why have we made cannabis illegal? If possible, what if it was regulated such that under-18s had no access to it, much like we do with alcohol? I ask members to consider for a moment what would happen in Northbridge. How would policing change? How would business change? Would people be able to access Northbridge after midnight for a pleasant night out with friends without the fear of being king hit by someone who has taken alcohol on board? Has that ever happened when someone has been high on cannabis?

I have to make a statement here. I thoroughly disapprove of using anything to get high. It is just not a good idea. We need to have our brains and wits about us. We need to use what we have available properly. It is much like what members have probably noticed when I am in the dining room. I enjoy a glass of gin and tonic; I do not drink the whole bottle. I did once: never again. It could have killed me. Had I taken a whole load of cannabis—which I have never ever used, by the way—it would not have nearly killed me. It cannot. There is a marked difference between what we tolerate socially and call legal and what we tolerate socially but call illegal. That is plainly wrong.

I much appreciate that minds are at least now open to considering this possibility. We need to follow science and facts. We do not need to follow propaganda, innuendo and pseudo-facts. Let us take the example of why we call cannabis illegal and dangerous. For example, why do we call it a narcotic? Let us bear in mind that, internationally, there are laws that say that cannabis is a narcotic. As I have repeatedly said before, that is a pharmacological lie. It has been propagated by politicians and lawyers who want to make this impossible to achieve. Why? Well, the original reason for cannabis being made so unpopular in the United States was because they wanted to prevent women from associating with negroes who might then appreciate jazz and smoke cannabis.

The speech by Henry Anslinger in 1930-something is an example of a racist xenophobic rant that would have brought joy to the face of any Ku Klux Klan member. Anyone who now continues on the path of supporting the illegality of the substance of cannabis is actually supporting a racist xenophobic point of view that has no place in civilised society at all. It did not have a place then, and especially does not now.

The Federal Bureau of Investigation then wanted to say "Right! Let's find a way of oppressing cannabis." Alcohol had been legalised again, so all the alcohol runners were out of a job, but the FBI agents chasing the alcohol runners were also out of a job. How did they find a job for 7 000 FBI agents? By pivoting to cannabis. That way, they could continue to oppress the Hispanics and negroes in the southern states of America with impunity. That racist mentality exists today. Are we aware that the illegality approach to cannabis was a justification used by Nixon to oppress the students who opposed the Vietnam War, a war that was illegally created? Thousands of young people

on all sides died. Economies were destroyed. They blamed the ones asking for peace and freedom in the world and called them cannabis-smoking hippies. They used the use of cannabis as an epithet to attack those people; “They are not like you. They’re drug users. Therefore, you can discount what they are saying about the war, which we are going to win because we are on the side of right, of capitalism, and communism is bad.” This is what we tolerate now in our society.

It is entirely inappropriate, intolerable and also undemocratic. We need to follow the science. Besides, as I have discovered, the science has shown how wonderful this preparation actually is. Again, I will say for the purposes of all in society that abusing cannabis is not acceptable. It is not a sensible thing to do. It does do damage if it is abused. Giving high dose tetrahydrocannabinol to young growing brains is a good way to ruin them. We do not want that. We want to regulate the use of a healthy healing herb that can be abused such that it can be enjoyed socially in a much safer way than alcohol currently is. Because of our fear of cannabis, we have restrictions on growing industrial hemp, and I would like them to be removed. That would then open up a multibillion-dollar industry to the world, and, I am very biased here, to Western Australia in particular. We are able to now transform our microclimate and society in ways that will only benefit the people of our state in any number of ways. Why do not we do that? It is because we are frightened of cannabis, specifically THC. I have to ask: how many people died of THC use in Australia last year? The answer, of course, is none. In the last 20 years? None. I have mentioned this umpteen times; we do not have deaths due to THC. Of course, if someone wants to abuse cannabis and then take other drugs—because if someone is using illicit drugs, they are exposed to other drugs as well—like alcohol and methamphetamine, bad things happen. They would happen anyhow if someone was taking alcohol and methamphetamine together. We cannot ask those who have passed away on our roads, but how can someone possibly manage to drive a car safely if they are using something as nasty as these drugs? We do not want people to do that.

We need to be very careful about what we are saying, scientifically speaking. I was really interested to hear it described as a literal hanging offence. Maybe it is in Singapore, but it is certainly not here.

Hon Peter Collier: It was in the 60s, mate.

Hon Dr BRIAN WALKER: I do not think many people were hanged for cannabis in Australia, but the member can correct me if I am wrong. If we are allowing this to be an illicit substance, criminals will become involved. Making something illegal is a great way to increase criminals’ business. The criminals are using the multimillion-dollar business that we are saying no to. What are they doing with that multimillion-dollar business, apart from getting guns for themselves and controlling rural communities? They are making methamphetamines and negatively transforming our rural communities, which are suffering from abuse mostly of methamphetamines because it is available and can be made very cheaply. Giving power to criminals is not a good way to control a community. It is not a good societal choice. We should have learnt by now that what we have done so far has caused a problem. The bill that we have put forward would be a way to regulate cannabis and give some certainty and security to our state. I desperately wish that members would listen to the facts.

I very much appreciate what the Leader of the House said about Oregon and the negative effects that have been experienced there, and also what the Leader of the Opposition, Hon Peter Collier, said about the variable results that are coming in. If we are talking about variable results, let me talk about antidepressants. As a doctor, I am going to segue into the variable results from antidepressants—selective serotonin reuptake inhibitors. If anyone has taken those substances, they will know that they are not a universal panacea at all. They might help reduce depression, but they also cause a variety of side effects, including, by the way, death. Anger is another side effect, which probably explains why 50 per cent, so I am told, of mass murderers in the United States seemed to have SSRIs in their system. These drugs might predispose people to anger. I have prescribed kilos of SSRIs. There are adverse effects. What happens when drugs are put on the market? One drug is created and 10 research studies are done on it. What happens is that three studies will show that the drug has a benefit, three will show that it has no benefit and four will be kind of in between. Can members guess which of those 10 studies will be published by the drug company? Of course, members have got it; it will be the three that show a benefit. When we think that we are taking a medication that has been scientifically proven, that is actually only half the story.

Let us look at what is going on with cannabis. What are we looking at? I was speaking with an eminent colleague of mine, a professor, who has prescribed a lot of cannabis and done studies on it. I asked him about the research that is coming out of the US and he said that it was an absolute dog’s dinner. Given the approach to cannabis there and the freedom that researchers have, we might say that it is good on the one hand, but on the other hand they are producing very sloppy research. We need to look very carefully at what is going on there. That is again why I say that we must look at the research and assess it properly and with an open mind. I will admit to the research studies from the US that are showing negative results, but when we look at what is actually going on, we see a lot of areas of concern. We need to do more valid scientific research. Do members know what? I think Australia is the best place to do that. There have been instances when scientists have done the wrong thing, but, in general, I am relatively certain that research that is done in Australia is valid. Even then, we will get different results because

we know that observer bias influences the outcome of research. We have to be careful with this. I can absolutely state that of the almost 4 000 patients to whom I have prescribed cannabis, I can count on the fingers of one hand the number who have had adverse effects. Were they major adverse effects? No. I have had one case of psychosis, but that was someone who was predisposed to that in the first place.

The bill will of course be voted down, but what I am asking for is that members look at this issue with open eyes, a clear mind and a recognition that our conditioning has led us to think in a certain way that does not reflect reality. I ask members of this house to take that into their thinking. This bill will not pass, but I am very hopeful that, in the near future, saner minds will look at this again. The benefits to our community outweigh the relative risks of allowing cannabis to become legal. It would result in a reduction in drunkenness, violence in the streets and domestic violence and an increase in our gross domestic product, because we would be able to use the full plant to its benefit. As I have said many times before, we could get a \$23 million yield from a hectare of industrial hemp on an average acreage in Western Australia if the full plant was used. Why would we not want to make use of that? I thank the house for listening to me, not just today but also over the last three years, and I hope for the next five years, when members will hear me call again and again for them to have an open mind, take a scientific approach and look at the truth of the issue. With those few words, I thank the house.

Question put and negatived.

Bill defeated.