

**MISUSE OF DRUGS AMENDMENT BILL 2023**

*Second Reading*

Resumed from 29 March.

**MS L. METTAM (Vasse — Leader of the Liberal Party)** [1.35 pm]: I rise to speak on behalf of the opposition as the lead speaker on the Misuse of Drugs Amendment Bill 2023. We certainly support the bill that has been presented. Our intention is to go through the bill in consideration in detail. It is my understanding that the bill has been requested by the Western Australia Police Force as a way to assist it to do its job better and to act as a means, in some respects, to replicate the measures that were identified during the pandemic period to reduce meth consumption in WA. We are happy to take advice from and support the requests of WA police in their endeavours to reduce crime in our community. On behalf of the opposition alliance, I thank and commend our police for the job they are doing under very difficult circumstances. I also thank the government for bringing this bill to the house. We will do anything we can to support the police.

As the government outlined, wastewater analysis during the COVID pandemic indicated a significant reduction in the use of meth during that period by about 51 per cent in the Perth metropolitan region, 73 per cent in Albany and 65 per cent in Geraldton. The consumption of meth has increased since the border restrictions were removed. We look forward to seeing how much meth consumption will be reduced by again, hopefully, with the enforcement of this legislation.

The legislation itself will create 22 border search areas, up from three I think, at strategic locations around WA. Those 22 BSAs will have very specific boundaries within which authorised officers may conduct preliminary drug-detection tests. We will still have a vast coastline and a border through which people will be able to enter our state without being subject to these new laws. That is not to say that what is proposed in these laws will not be effective, but the difference between what is proposed and the border restrictions during the COVID pandemic is that people gave up travelling at that time. People with nefarious means, if you like, could not travel. They can travel now. As we have seen in the news, they are creative; they look for all sorts of ways to try to enter our borders to undertake illegal activity or get drugs into our communities.

This bill will establish 22 border search areas, which will be in the most likely locations for drugs entering the borders. The legislation will give authorised officers the ability to conduct drug-detection tests on people entering the state through these sites. Although the border search areas are defined geographically, they are not always subject to these laws. Police will be able to use these powers only once the BSA has been activated, and the legislation will require an end date for the activation of no more than 28 days.

I hope that in his third reading speech the minister can outline what will trigger a BSA being activated and whether it will be planned, seasonal or only once intelligence is received by WA police. Appropriately, the bill includes oversight of the operations of the proposed BSAs and a statutory review, which is important.

Although this legislation is intended to make it harder to get drugs into our state, there will be occasions when drugs come in. For those occasions, our police force's capacity needs to be fully resourced, and when the police have apprehended perpetrators of drug crimes, appropriate penalties will need to apply.

We will be asking questions during consideration in detail about various aspects of the legislation. I pointed to the second reading speech and asked for some clarification on how the BSAs might be triggered and whether increased resourcing will be provided to WA police to enable them to ensure this legislation will be as effective as intended. Further to that, although we will be going through the consideration in detail process, I understand that there is some urgency for this bill to pass through the Legislative Assembly and the Legislative Council before July, and the opposition certainly support its passage. As I stated, we will seek some clarification about a few matters during consideration in detail, but on behalf of our shadow Minister for Police and other members of this place, I extend my gratitude to WA police and others who have provided support through the briefings and were able to give us the detail required.

**MR M.J. FOLKARD (Burns Beach)** [1.42 pm]: I rise in support of the Misuse of Drugs Amendment Bill 2023; it is a good piece of legislation.

I am in a unique situation, and I will explain that a bit further into my speech. I have a unique perspective on this in that I have been attacked by people with axes who have been under the influence of methamphetamine, and people have stabbed me—or have tried to, anyway—in that state. I am in favour of anything that can reduce the impact of drugs on our community.

I listened to the Leader of the Liberal Party and her earlier comments. Parliament should listen to only one piece of information about the impact methamphetamine or drugs have in our community, and that is the National Wastewater Drug Monitoring Program. No other piece of information or intelligence has such an impact as that program. It is run by the Australian Criminal Intelligence Commission and peer reviewed by the University of Queensland and

the University of South Australia. Arguably, it is one of the best pieces of intelligence that both government and police can use to determine how effective our drug-minimisation programs are in the community.

I have here a copy of its latest report, *National Wastewater Drug Monitoring Program: Report 18*, which I am quite happy to table after my words in support of this bill, but, firstly, I will quote from it. The CEO's foreword states —

Report 18 revealed that over 14 tonnes of methylamphetamine, cocaine, heroin and —

I will take a bit of time pronouncing this last word —

... methylenedioxyamphetamine (MDMA) was consumed between August 2021 and August 2022.

Later in the report, when I added up the figures, I found it was actually 14.2 tonnes, so 14 200 kilos of illicit drugs hit the streets of Australia. I took the liberty of taking from the report the figures that give the values of the sewage testing. In Western Australia alone, sewage testing shows that 1.123 tonnes of illicit drugs hit the streets of Western Australia.

Members will ask how it works. What happens is that people consume the drugs, whether it be meth, cocaine, MDMA or whatever. Their bodies metabolise those drugs, which then get passed out through our sewerage system, and our fine scientists go out to the sewerage system and collect the sewage. They then take the sewage to a central repository and put it through a mass spectrometer. We know that when people take heroin, it breaks down in their system and forms certain tells. Once they pass the sewage through the mass spectrometer, this test will tell us how much of a drug was used in a particular population. Probably about five years ago, the testing identified concentrations of meth use in the south west, our northern corridor and in my electorate that were the highest in Australia. This is the documentation. This was not highlighted in police reports or from police seizures. Police were doing a fantastic job and were seizing significant quantities, but this documentation relates to the difference between the seizure of drugs and the usage of drugs.

This government produced a methamphetamine strategy, and on reflection, I think that has worked because we have seen a significant reduction in drug usage over the past six years. We must claim some credit for that simply because it was this government that introduced those policies. We could say COVID had an impact on that, and it definitely has. Nationally, according to these tests, methamphetamine usage has dropped by—I am just doing the math in my head—two tonnes, or 2 000 kilos. We must be commended for that work. Was COVID and the shutdown of our borders conducive to that? I do not know, but I think that, combined with effective policing, produced a significant reduction in usage.

I also note in the national figures that heroin volumes have, surprisingly, remained consistent over the past six years, only rising by a couple of hundred kilos. Although that sounds like a lot, it is a significant result when compared across the national environment. Heroin usage has remained the same. I do not know whether that is because the source countries have been in a bit of a mess, but the result is there to see.

MDMA usage peaked prior to COVID but has dropped off a lot now. Nationally, at its height, between 2019 and 2020, it was over 2 600 kilos, but it has fallen away to 723 kilos. I can break that down even further. Past reports show that Western Australia had the highest rate of methamphetamine consumption in the country. That rate has reduced significantly. This government's strategy of dealing with methamphetamine through the implementation of the Methamphetamine Action Plan Taskforce when we first came to government in 2017 has had an impact. We no longer have the highest usage of meth per head of population in Australia; that distinction falls to Queensland. But we cannot be complacent because we are still very competitive in that environment. Too much methamphetamine has hit the streets and too much is being used.

Going forward, it is interesting to note that the use of cocaine in Western Australia is quite small compared with New South Wales. I always thought that New South Welshmen were off their faces, particularly when talking about our GST, but there is physical evidence to prove that. According to reports, Western Australia's consumption was just over 80 kilos, whereas consumption of cocaine in New South Wales was over 1 600 kilos. I would suggest that that is a lot of stuff to put up your nose. MDMA usage in Western Australia is small. Heroin usage is also fairly small, at 51 kilos, in comparison with the bigger states. Victoria has the largest consumption of heroin in this country, with just under 500 kilos. That is a significant amount. I would suggest that the impact on families would be phenomenal. Australia's illicit drug use is trending downwards. It is down by 1.5 tonnes, so that means 1 500 kilos has not hit the streets of Australia, which we must commend. Disturbingly, methamphetamine use continues to rise.

Heroin usage is on the rise again. The cost to this community is phenomenal. We are about to drop a couple of budgets, in both the federal and state space. The market value of illicit drug usage in this community is over \$10 billion. It is actually \$10.3 billion, which was a previous high. That is a lot of money. How many schools or hospitals could we build with that money? More importantly—I note that Mr Weatherill is sitting at the back—

how many early childhood doctors could we employ? We have a critical shortage of paediatricians. How many doctors could that money pay for? I shudder to think.

The report I referred to earlier is good reading for anyone who wants to talk about drug usage in this country. This piece of legislation will provide for the following points of entry: the port of Broome; Broome International Airport; the port of Port Hedland; Port Hedland International Airport; the port of Dampier; the port of Geraldton; Perth Airport, which I would have thought would have been part of this by its nature; the port of Fremantle, both inner and outer; Jandakot Airport; the port of Wyndham; the port of Bunbury; Busselton Margaret River Airport; the port of Albany; and the port of Esperance. They all have something in common: bulk haulage comes in and out of them and they have bulk passenger landings et cetera. I will talk about them in detail, particularly the Eyre Highway at Eucla. For those who do not know, I was a police officer in Eucla. I did three years out there. I will tell members some stories about that later in my speech. It will be interesting to see how a roadblock will work on Victoria Highway and Tanami Road up near Kununurra, having been out there.

**Mr D.J. Kelly:** They will build sandcastles.

**Mr M.J. FOLKARD:** Absolutely. I also refer to Duncan Road and the Great Central Road. I wonder if they will be based around Warakurna. The border is not far from Warakurna. It will be interesting to see where that is based. The last point of entry will be at the train station at Rawlinna. I will tell members some stories about that.

I say to the minister that the one place that was not listed that concerned me is the port of Useless Loop opposite Shark Bay. I mention that because in years past, I missed a methamphetamine delivery that was dropped over the side of one of the heavy salt carriers. It was collected by a cray boat and transported down the coast. I missed it by about 15 minutes when the meth landed on the coast coming through Murchison House Station.

**Mr P. Papalia:** So these are the ones at the request of the Western Australia police. Obviously, it is not finite. We may add to it, if necessary. It will be intelligence driven.

**Mr M.J. FOLKARD:** That is good to hear. The only reason I said that is that I had that experience. It is an interesting place.

I find comfort in the fact that to be declared points of entry, those areas require senior officer approval. That gives me peace of mind. It will give officers powers to stop and search vehicles and people, specifically to search for drugs. Earlier I said that I was a Eucla police officer. I spent three years out there on the border. When I was out there, the magistrates, particularly Kieran Boothman, had a nickname for Eucla police officers. He used to refer to us as Bradman. People would say, "What?" Every officer who worked in Eucla got over 100 arrests each, hence the name Bradman. I spent years out there.

This piece of legislation is interesting. Having read it from start to finish, I found it repeats what we used to do when I was a young officer out at Eucla. We stopped every vehicle that rolled through the checkpoint. I was out there when the checkpoint was built. When it came to fruition, it was seen as a bit of a joke. The fruit fly inspectors had more powers of inspection than we did. They could literally open every vehicle and search for honey or bananas, but if there were firearms or explosives in the vehicle and the person driving was Osama bin Laden, we could not touch him if we found those things. If they found an errant banana or some honey, they could tear the car apart! Those powers were not transferred to our police officers. That occurred only at the checkpoint, which it is now called.

During COVID, police officers seized more drugs when they were stationed out there. When I was an officer out there, I seized pounds of amphetamine and heroin, and literally tens of kilos of cannabis et cetera. Eucla police were known as the mobile roadblock of Australia. We had homicide detectives call us from all over the country chasing particular offenders. We had drug squads from Victoria and New South Wales and the Australian Federal Police asking us whether such and such had driven along the Nullarbor. We had certain methodologies. We knew not only what time they came through, but also what direction they were travelling, the car they were in, who was in the car with them et cetera. The intelligence we had when I was out at Eucla was arguably some of the best in Australia. We stopped everything.

I note that under this particular piece of legislation, once an area is declared a border search area, officers will have the ability to stop and search anything and everything. When I was out there, we saw the first signs of crooks attaching magnetic boxes underneath their vehicles to get things past us as they came across the Nullarbor. About 90 per cent of the meth that comes into Western Australia comes across the Nullarbor by air, rail or road. People use all sorts of methods to disguise it. When I was out there, we started seeing people putting magnetic boxes underneath their cars. We only stumbled across them when my partner, who is now an assistant commissioner, dropped a pen. When he looked down, he saw a square box sitting underneath the vehicle. He reached under and wrenched it off the bottom of the car. Approximately one kilo of heroin was inside the box. That was what we were finding back in my time. The methodologies have significantly improved. In recent times, the Australian Federal Police has seen significant quantities of meth hidden in the machinery of large earthmoving equipment, particularly in the boom arms of excavators. They hollow them out and place in the meth. Other times when I was out there, they would remove car

tyres and hollow them out. One time we found four tyres stuffed with cannabis. The cannabis had been packaged up and placed inside the wheels.

Debate interrupted, pursuant to standing orders.

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