

recorded, understood and accepted. We now have a situation in which this great consultative Government is making policy on the run that is likely to cost the people of Western Australia some considerable dollars. I refer to another situation that is reported in today's *The West Australian*. The article is headed "New safety rules rile builders" and relates to the Department of Housing and Works, the responsible minister of which is Hon Tom Stephens. It states -

WA builders are angry that the department's new guidelines relating to occupational health and safety were introduced without consulting the industry.

Here we go again! The minister admitted in this place that he would like to have consulted more on the issue of the tendering policy changes. This is another instance of policy on the run without consulting industry. Who does this minister believe he is? Is he representing the people of Western Australia or just himself and a few building mates like Kevin Reynolds?

Hon Ljiljanna Ravlich: The bell, thank goodness.

Hon RAY HALLIGAN: I still have three minutes to go, so the member should not hold her breath. I do not think she could do that for three minutes but perhaps she might try. The article continues -

The Master Builders' Association has described the latest changes as another ill-conceived move which could cost medium-sized to big builders tens of thousands of dollars.

Great governance for the people of Western Australia - ride roughshod over them! This is an arrogant minister to the extent that he makes all these policies without consultation with or consideration for the people that he is likely to hurt. Therefore, it is done without consideration for the rest of the people in Western Australia, who will be losers in the long term.

In *The Australian* of today another article about public housing states -

THE public housing crisis here is hitting homeless indigenous people in Perth hardest.

The wait for public housing is up to five years in some suburbs, and complaints of discrimination lodged against public housing agency Homeswest have reached unprecedented levels, according to the state's Equal Opportunity Commission.

Independent housing agency Shelter reported last September that 85 per cent of people contacting accommodation support agencies in Perth needed crisis housing within 24 hours, a rise from 68 per cent in March 2002.

That is an increase of 17 percentage points in that period. What is this Government doing? It is going down the path of enunciating policy on the run with no consultation with industry. It is not doing what it was elected to do and it is providing a thousand million dollars for a railway to Mandurah when people are screaming for housing. This Government is inept. It is not doing the right thing by the people of Western Australia. It has absolutely no idea whatsoever about its financial responsibilities. The sooner this Government is changed at the next election, the better for all of us.

Debate adjourned, on motion by Hon Bruce Donaldson.

CANNABIS CONTROL BILL 2003

Second Reading

Resumed from 7 May.

HON SIMON O'BRIEN (South Metropolitan) [11.05 am]: The Cannabis Control Bill 2003 amends the Misuse of Drugs Act 1981 to briete on the statute the offence of being in a place used for smoking cannabis. It creates a new offence of selling or supplying things knowing they will be used in the hydroponic cultivation of a prohibited plant, and it applies peculiar controls to retailers of cannabis paraphernalia. However, the core policy proposed by the Bill, as identified by the Government, is to create a system whereby police officers may issue a cannabis infringement notice - a CIN - to persons who are found cultivating or in possession of cannabis within defined limits or for possessing implements on which there are detectable traces of cannabis.

This idea is not new. It was embraced by the Labor Party some years ago and we have had some time to examine it in detail. Proponents of what is quaintly referred to as drug law reform have over a number of years asserted a number of arguments in favour of relaxing the laws relating to the possession of cannabis. Some of these are constructed in a manner that may give superficial appeal. However, on examination, each and every one of those assertions has been found to be hollow, lacking in foundation and false. It has been argued that cannabis is relatively harmless, even benign. A mountain of evidence now exists that comprehensively demonstrates that the reverse is the case. The Government now claims that cannabis is a dangerous drug with serious health consequences for the user. Proponents initially claimed that cannabis was a relatively harmless and benign drug, and therefore it must be decriminalised. They now say that cannabis is a dangerous drug with serious health consequences for the user, and therefore it must still be decriminalised - a leap of logic of almost cosmic proportions!

It is argued by the Government that police and court resources can and should be saved by having a relaxed cannabis regime. The Opposition has demonstrated in public, through reference to other jurisdictions, including South Australia, that this theoretical benefit is largely an illusion. The Government, in its second reading speech, is still keeping up the pretence that economies in police and court time will result from this new law, oblivious to its further claims about the way the policy will be administered which thereby render the claims of economies quite preposterous.

It continues to be argued, most notably by the Premier at every opportunity, that police should not be wasting their time pursuing minor cannabis offenders but should be pursuing serious criminal offenders. This pathetic, simple-minded argument is a dangerous nonsense. It has been demonstrated time and again that a community that fails to respect and enforce its own laws will, in turn, lose respect for itself and will lack the resolve to deal with the more challenging criminal behaviours that will inevitably emerge from this proposed new law.

It is also argued that this new law is needed to stop young people accruing a criminal record. First, that argument ignores the contradiction that young people - those under 18 years of age - are not covered by the provisions of this Bill. Second, it ignores the existing practice in Western Australia for dealing with first-time offenders. Third, it misses the whole point of having sanctions for law-breakers in the first place.

It is argued that this new law will keep people out of the criminal justice system. Yet, the Opposition has already demonstrated in this place and elsewhere that the model for this policy has produced the opposite result in its home jurisdiction of South Australia. No matter how much minor tweaking one does around the edges of that model, it is an egg that cannot be repaired. The Gallop Labor Government continues to be in denial over these matters. Persistence in certain circumstances can be an admirable quality; however, obstinate persistence in the face of overwhelming evidence of folly is not. The following exchange took place off Newfoundland in the North Atlantic in October 1995 between Canadian authorities and the United States Navy. It commenced with the Canadians sending the following signal by radio -

Canadians: Please divert your course 15 degrees to the South to avoid a collision.

Americans: Recommend you divert your course 15 degrees to the north.

Canadians: Negative. You will have to divert your course 15 degrees to the South to avoid a collision.

Americans: This is the Captain of a US Navy ship. I say again, divert YOUR course.

Canadians: No. I say again, you divert YOUR course.

Americans: This is the aircraft carrier USS *Lincoln*, the second largest ship in the United States Atlantic Fleet. We are accompanied by three destroyers, three cruisers and numerous support vessels. I demand that you change your course 15 degrees North. I say again, that's one five degrees North, or counter-measures will be undertaken to ensure the safety of this ship.

Canadians: We are a lighthouse. Your call.

The Gallop Labor Government is in charge of the ship of state, and it is heading for the electoral rocks on this matter. It is blind to the warnings of experience. It is deaf to the entreaties of reason. Hon Ljiljanna Ravlich, as the parliamentary secretary representing the minister who has responsibility for this Bill, has tried to interject, and I have ignored her, but I -

Hon Ljiljanna Ravlich: There is no way that we can be heading for the electoral rocks with you in opposition!

The PRESIDENT: Order! I commend the actions of the member who has the call in ignoring unruly interjections.

Hon SIMON O'BRIEN: In that case you will be a bit cross with me, Mr President, because I was about to say that I must respond and will respond, because I do not believe the parliamentary secretary knows anything about the subject that we are dealing with. During this debate, she might learn something if she could learn to clam up for a moment and listen, because the point I have just been making and that I have illustrated with that little story is highly pertinent to the ALP members of this place. I invite ALP members to consider on their merits the matters that I will place before the House - that is all I ask - and they may come away, at least privately, with a slightly different point of view. As I have already acknowledged, and I am about to go into detail, the Australian Labor Party has had a policy on this matter for some time. The debate and the awareness in the medical and other sectors of our community has moved on from that initial position. However, the ALP policy has by and large not moved on from that position. We have in this place and in the Government people who want a relaxation of the cannabis laws for whatever reason, including perhaps in some cases personal convenience. We have a large Caucus room at this time, which I think is populated in part by members who take on the party line. They accept the arguments that I referred to earlier as having some superficial appeal and as being easy to adopt, but they have not moved on from that. I invite ALP members, and particularly the parliamentary secretary, to perhaps learn a bit, because I can tell members that the parliamentary secretary has something to learn. When we on this side of the House refer to the arrogance of government, as Oppositions do from time to time, it is difficult to find a further superlative when members of the Government build upon that arrogance. If the parliamentary secretary thinks she knows it all, she may be due for some surprises in some of the material that we will present. The

reason we presume to present this information is that the parliamentary secretary has adopted her position because it was her party position years ago. She has not changed her position. She has not bothered to explore and challenge it. We have been actively exploring our position for years.

Hon Ljiljanna Ravlich: Why did you do nothing for six years?

Hon SIMON O'BRIEN: Is that the best the parliamentary secretary can come up with?

Hon Ljiljanna Ravlich: I want to know why you did nothing for six years.

Hon SIMON O'BRIEN: Is this an interrogation or a second reading debate?

The PRESIDENT: Order! The parliamentary secretary will come to order. If the parliamentary secretary was not so loud and so constantly interjecting, she might hear what the Opposition's policy is, but she cannot hear because of the loudness of her own voice.

Hon SIMON O'BRIEN: Your wisdom is appreciated, Mr President. I have already said that I intend to make it abundantly clear -

Hon Nick Griffiths: Then get on with it!

Hon SIMON O'BRIEN: I will.

We have considered this Bill in search of some net benefit to the community, and there is none. On the contrary, we believe this is a bad law that panders to the selfish agenda of a few while turning a blind eye to the victims it will create. There is not one sustainable argument in support of this Bill. There is not one argument that holds water and that stacks up and that cannot be demonstrated to have feet of clay. However, there are several that weigh heavily against it. The Gallop Government's policy in this matter sends an unmistakable message to the State that the Government is adopting a new lesser standard for tolerance of drugs. That view is already interpreted as meaning that cannabis is somehow less harmful and is safe, tolerated and normal - indeed, government approved. That is why the Government is putting so much effort into pushing this legislation through. This Bill if it becomes law will result in more criminal behaviour, not less, and it will create victims, especially among the vulnerable and those with few options in their lives. It will create innocent victims too: families, associates and strangers. Any policy that knowingly creates victims is an attack upon the dignity of us all. The Opposition will oppose this Bill at every stage.

I turn now to the provisions of the Bill. I do so in light of the Government's second reading speech, its explanatory memorandum, and the media statement of the Minister for Health when he introduced the Bill, dated 19 March 2003, the day before the Bill was introduced into the Legislative Assembly. I ask in passing: why is the Minister for Health dealing with this Bill? Which minister will have carriage of this Bill if it becomes an Act?

Hon Ljiljanna Ravlich: If you answered the question of what is your policy on this matter then I might answer that question.

Hon SIMON O'BRIEN: I have told the parliamentary secretary that we oppose the Bill. The parliamentary secretary does not even know which minister will have carriage of this Bill if it becomes an Act.

Hon Ljiljanna Ravlich: All will be explained in the fullness of time.

Hon SIMON O'BRIEN: The interjector from the black lagoon has suddenly gone all coy and retiring. The parliamentary secretary cannot tell me which minister will have carriage of this Bill if it becomes an Act.

Hon Ljiljanna Ravlich: I am not allowed to interject or speak!

Hon SIMON O'BRIEN: So she says by interjection! When I suggest, not in an unkind way, that the parliamentary secretary does not know about this Bill, I mean it. She does not even know which minister will have carriage of the Bill if it becomes an Act. Which minister has carriage of the Misuse of Drugs Act? I will try an easy one. Which minister is responsible for the police? No takers. Make no mistake: this is a Bill about police powers and operating procedures. Who is dealing with this Bill? It is not the minister responsible for the police, and not even the minister responsible for the courts, but the Minister for Health. Why is it the Minister for Health? How extraordinary that a Bill dealing with police procedures of an operational nature and police powers is dealt with by the Minister for Health. Why is it not being dealt with by the Minister for Police and Emergency Services? What does the Minister for Police think of this policy? I wonder how enthusiastic she is. Was there a bunfight in Cabinet in which she said, "No, no, no. I want to take up this Bill. I'm the Minister for Police. I insist on dealing with the Cannabis Control Bill. I want to be remembered as the minister who introduced this policy"? I wonder whether that happened in Cabinet. I will bet it did not. For some reason the Minister for Health is dealing with this Bill.

Hon Ljiljanna Ravlich interjected.

Hon SIMON O'BRIEN: No, the member would not know anything.

There is division in the ALP over this issue. In just a moment I will refer to a number of instances that demonstrate that. However, this is a good one to start with. There was a report in *The Australian* recently - I think it was on

30 April - under the heading "Party powerbroker slams Labor drug-law reforms". Members opposite were hoping I would mention this one, were they not? Roger Martin, a journalist with *The Australian* and a correspondent for *The West Australian*, writes -

One of Labor's senior factional leaders has blasted his own party's moves to decriminalise the use of marijuana, saying the policy is wrong.

At least we know one person in the Labor Party is prepared to stand up. It is a pity there are not a few more, but there is certainly one.

Hon Bruce Donaldson: Who was it?

Hon SIMON O'BRIEN: I thank the member. The article goes on to observe that -

Joe Bullock, state secretary of the powerful Shop Distributive and Allied Employees Association, stunned the party's state executive on Monday night by condemning Labor's drug-law reforms.

Mr Bullock, whose union controls almost a quarter of the votes on the state executive, told fellow members -

That is, according to this article -

that the West Australian Government would create more social problems by softening drug laws and that he would not support a motion supporting the reforms.

The article is in the newspaper if members wish to read it in full.

Hon Derrick Tomlinson: There goes Hon Nick Griffiths' endorsement.

Hon SIMON O'BRIEN: It is indicative of the pressures that must exist when a dyed-in-the-wool Labor man like Joe Bullock, a powerful figure on that party's state executive, comes out publicly in the national press and says that this is wrong. The article continues -

"The proliferation of illegal drugs in the community is criminal, and the Government, rather than be congratulated for the decriminalisation of marijuana, should be condemned," Mr Bullock told the meeting.

That was the meeting of the ALP state executive. We can only speculate - indeed we might - on other tensions inside the ALP. I will come to those in passing in due course.

The Government claims that this substantive proposal for decriminalisation arose from the Community Drug Summit. I was a close observer of the Drug Summit, which was held at Parliament House from 13 to 17 August 2001. I have also been an observer of the pro-drug lobby for a long time, and I can inform this House that this proposed law did not arise from the Drug Summit of August 2001. In the same way that this Government claims that a freight network review recommended alternatives to the Fremantle eastern bypass, when it was not even allowed to examine the Fremantle eastern bypass, and in the same way that Geoff Gallop claimed pre-election that a Labor Government would not raise taxes and charges, the claim that this proposal arose from the Community Drug Summit is a big black lie. It did not happen in that way. This Bill had its genesis as far back, as I can work it out, as 1994. One of the first indications we had of it to which I will refer - because we could go back forever on this - was in 1999.

Let us look at Labor's history and its agenda on this matter. What do we know? We know that the Minister for Agriculture, Forestry and Fisheries and Leader of the House, Hon Kim Chance, MLC, and the Minister for Planning and Infrastructure, Hon Alannah MacTiernan, MLA, are both members of the Australian Parliamentary Group for Drug Law Reform. We have the benefit of the presence in the Chamber of the Leader of the House. He can confirm or deny that as he wishes.

Hon Kim Chance: That is certainly correct.

Hon SIMON O'BRIEN: Is the Leader of the House still a member?

Hon Kim Chance: I think so, yes.

Hon SIMON O'BRIEN: I understand that a number of other members of this House are members of that group.

Hon Ljiljanna Ravlich: Good heavens, no!

Hon SIMON O'BRIEN: There is nothing wrong with being associated with people of like mind.

Hon Nick Griffiths: You're a member of the Liberal Party. That's a bit of a worry.

Hon SIMON O'BRIEN: This group has described South Australia's decriminalisation regime as a model that has been pretty successful in its application. I have previously reported to this House in a detailed document, which became a tabled paper, that in fact that is not the case. To hold that up as a beacon of success in any of its intentions and to claim that it is so does not stack up. To say that it has been pretty successful in its application shows a hopeful adoption of one's preferred position rather than a frank analysis of the facts. In any case, it goes back well beyond the Drug Summit of August 2001.

I take members back to the 1999 Australian Labor Party state conference at which we are told the ALP unanimously voted to make the decriminalisation and possession of up to 100 grams of cannabis and the cultivation of five plants part of the ALP platform. I wonder whether that policy is still on the books. On 24 November 1999, just after the ALP conference, Hon Kim Chance, member of the Australian Parliamentary Group for Drug Law Reform, Leader of the House, as he is now, and member for the Agricultural Region, renounced that policy through an article published in *The Geraldton Guardian* on 24 November, with which we are familiar; it has been discussed in this House before. That is very interesting. He obviously was not at the state conference or it would not have been a unanimous vote.

Hon Kim Chance: You don't have a vote all the time at the state conference.

Hon SIMON O'BRIEN: I see. It is a selective unanimity, is it?

Hon Kim Chance: It depends whether you are accredited at that particular time or not.

Hon SIMON O'BRIEN: The ALP was forced to back down on that policy position, with the then opposition drug strategy spokesperson, Alan Carpenter, MLA, saying on Radio 6WF on 27 November that year, three days after Mr Chance's comments were published, that the Caucus had decided that that policy had been misinterpreted and in fact went too far. That is all on the public record. A policy was passed unanimously at the state conference of the ALP. Then the bearers of that policy to the Caucus - that is, the State Parliamentary Labor Party - got rolled when they presented it to the Caucus; they had to back down. That is further evidence that all is not unanimous or agreed in the ALP on the decriminalisation of cannabis. The situation is the same in 2003 as it was in 1999 when the State ALP's unanimous policy position was rolled in the ALP's state caucus room, as reported -

Hon Kim Chance: Why is this a surprise to you on an issue that is divisive in the community, as are a number of other issues?

Hon SIMON O'BRIEN: It is not a surprise to me.

Hon Kim Chance: Why are you surprised that different points of view might be expressed on it?

Hon SIMON O'BRIEN: Is the Leader of the House confirming that there are different points of view within the ALP?

Hon Kim Chance: Of course there are different points of view.

Hon SIMON O'BRIEN: I thank the Leader of the House. In that case, the point has been made, and I will draw that thread back into the debate in due course. I thank the Leader of the House for his attention and his interest.

Things did not end there because the ALP election direction statement, headed "drugs and crime", which would have guided people at the most recent state election held in February 2001, in part states -

We propose a decriminalised regime which would apply to possession of 50 grams of cannabis or less and cultivation of no more than two plants per household.

There is tangible evidence that the 100 grams and five plants approved by the state conference had indeed been wound back and, as Mr Carpenter had said earlier, the Caucus felt that it went too far. That is a clear indication of what the ALP policy was, even if it was a compromise policy, before the state election following on from the 1999 state conference. Notice, too, that the word "decriminalisation" figures in the official comment and position papers of the ALP at the time. It is a word that disappears shortly thereafter.

When the Labor Party went to the state election, it was not quite sure what to do about this cannabis issue because, as the Leader of the House concedes, it is a pretty controversial issue. What does the Labor Party do when it does not know what to do? It decides to have a summit - tax, migration or another topic. Its policy going into the state election was that if elected, it would hold a drug summit and try to work out what the heck it would announce.

Hon Kim Chance: It is called involving the community actually.

Hon SIMON O'BRIEN: No; it is called hiding the Labor Party's intentions because it does not have the courage to come out publicly and say what they are.

Several members interjected.

The PRESIDENT: Order, members!

Hon Christine Sharp interjected.

The PRESIDENT: Hon Christine Sharp will come to order! She will have her opportunity in due course, as will the Government frontbench, but not yet.

Hon SIMON O'BRIEN: The Labor Government came to power on the basis that it would hold a drug summit. The fact of the matter is that it already knew what its policy would be, certainly its direction and the values it would propose as its own to the Western Australian community, which are represented in this Bill.

It held the Community Drug Summit in August 2001. Participants were carefully selected. Working group 7, which considered this matter, was carefully selected as well. To cover all other bases, the Labor Party got together

100 selected people, using the same formula we are now so familiar with, because it has done it with freight network reviews and so on, in which roughly 75 per cent lean its way and 25 per cent lean another way. It got those people together and pretended it was having some sort of consultation process. It turned into a talkfest and it was held in the Assembly Chamber. In that way the people who were not elected but who were selected by the Government actually thought that they represented the community when they did not and that that somehow legitimised the report that flowed from that pseudo-community consultation process. This formula was employed at the Community Drug Summit, which I attended every day. I spoke with the delegates before, during and after the summit, and I had some very interesting conversations.

To cover the other base, the Minister for Health caused to be presented a sheet called the “Community Drug Summit Brief: Matters for Consideration”, which was an introductory document to the summit. It contained this sort of pap -

The Government has a genuinely open mind on a number of matters but consistent with its policies on Health, Civil Rights, Law Reform and Crime it asks delegates to give consideration to, and make recommendations regarding:

It goes on to list a range of things, but at the sixth dot point the Government throws in -

- changes to the State’s cannabis laws involving decriminalisation of: -

There is that word again -

- the cultivation of up to 2 plants;
- possession of up to 50 grams;
- use by adults on private property; whilst
- the trade of cannabis would remain illegal.

That is what the Labor Party put forward.

Hon Peter Foss: And what came out?

Hon SIMON O’BRIEN: This is the extraordinary thing. What ultimately came out was recommendation 39 of the Drug Summit, which recommended a system of - this is a good phrase - prohibition with civil penalties. The word “decriminalisation” has started to go out of the official lexicon and the phrase “prohibition with civil penalties” is now used. To do what? It is to decriminalise the possession of a small amount of cannabis for personal use and the cultivation of up to two plants. The group that made that recommendation and others when it had its turn at the Drug Summit was, I think, group 7, which was headed by Mr Jason Meotti, who is prominent in this debate as he is part of a group called the Australian Drug Law Reform Foundation. He was pushing his group’s agenda. Who else was there? There was a lawyer called John Prior. I am on quite friendly terms with John Prior. John was awfully excited when he spoke to me in the foyer prior to the Drug Summit, because he told me what would come out of the summit and that he was there to produce that which was in due course produced. He introduced me to another member of the working group, Tim Atherton, a police officer, who looked very embarrassed when Mr Prior enthusiastically told me that not only was he there to do that but also Mr Atherton was there for the same purpose. They did that, and now of course this Bill is before us.

Let us have no nonsense about this. This was not some idea thrown up by the Community Drug Summit, and it is absolutely false to claim that it was. In observing that falsehood, that duplicity, we must ask ourselves, if it is such a good idea, why did the Labor Party have to go to such lengths to con the public that it came up with the idea when the whole idea has been the ALP intention since 1999 and other matters, which I will not go into now, can be traced back to certain actions in 1994?

Hon Kim Chance: Are you saying that Mr Prior was carrying the Labor Party’s agenda in this matter and is a member of the Labor Party? Is that your suggestion?

Hon SIMON O’BRIEN: No, he is not as far as I am aware. It is a case of people of like mind acting in concert. The Drug Summit was set up in part to produce recommendation 39. It was not quite what a number of the proponents wanted, but it was what they got.

Hon Ljiljanna Ravlich: That is a nonsense.

Hon SIMON O’BRIEN: Was Hon Ljiljanna Ravlich at the Drug Summit?

Hon Ljiljanna Ravlich: That is your theory, but it does not make it right.

The DEPUTY PRESIDENT (Hon George Cash): Order! Hon Ljiljanna Ravlich might be handling the Bill, but she might not be here to listen to the debate if she does not stop interjecting. A number of members want to speak on this Bill and I intend to allow each of them to speak in relative silence. I ask Hon Ljiljanna Ravlich to please not interject, as the member will have the opportunity to wind up the debate. If the member does not interject, she will not encourage others to do so.

Hon SIMON O'BRIEN: The Government then responded to the recommendation of the Community Drug Summit on civil penalties for these offences by establishing a drug law reform ministerial working party. The working group was headed by Mr John Prior and involved a number of other people. The same threads are running through as we go about the tortuous process that, in the fullness of time, has brought us to consider the Cannabis Control Bill 2003. The Prior ministerial working group applied itself to the task. Let us face it, it was keen to. I must congratulate it on the amount of work it did. The working group's report is an interesting source document, which will no doubt be referred to during the course of this debate. In its many appendices, it also draws together some data and statistics. I commented to the House on the large amount when the report was initially tabled. At the time, I said that the raw data was of value to the debate. It is. That is one thing we do not have to disagree on in this House. The figures speak for themselves. We have a problem on various sides deciding what the figures actually mean.

We must look in detail at what the Bill contains. Before we do that we must look at other influences that have come to play a part in this debate. I have one of many references to what is going on around the world. A movement that is keen to legalise and normalise drugs is actually called NORML - the National Organisation for Reform of Marijuana Laws. It has been around for quite a long time. I notice that it has 20 April as its special day in San Francisco. I noticed an excerpt on the Internet circulated by the North West Center for Health and Safety in the United States that reported -

Nearly 500 people showed up in San Francisco as the nation's oldest organization working to end marijuana prohibition, the National Organization for the Reform of Marijuana Laws . . . held its annual conference April 17-20, three days of standard conference plus a day of **student activist training**.

The NORML pot hippie contingent -- paunches growing larger, ponytails grayer -- came out in force, mingling with hempsters, activists, movement honchos, MDs and PhDs, patients in wheelchairs, and a sizeable student delegation -- in other words, a normal NORML conference.

One of the commentators, Kevin Zeese, is Executive Director of Common Sense for Drug Policy - executive director? This is big business in the United States; a lot of funding goes into it. He was reported as saying -

We have to think bigger than marijuana . . .

Single issue politics is not the way to go. We have to form coalitions with the undercurrent for progressive change that is coming, with anti-corporate and anti-militarist movements, we have to be active with the Greens and the Libertarians, and we have to target those politicians who are not responsive.

A further contribution was made by Rob Kampia, the Executive Director of the Marijuana Policy Project. There are a lot of executive directors. I wonder how much they get paid for the work they do. In addressing the conference he stated -

While it's important to make good solid arguments, at the end of the day emotional argument work better than logic . . . We need to appeal to emotion.

According to the report another activist -

. . . urged pot people to heighten the contradictions with their friends and families. "We need to tell them 'you can love me or you can be a prohibitionist . . . but you can't have both. And if you don't want to see me thrown in jail, why should you want to see that happen to anyone else.'"

I imagine that is what the student activists are being told to do in their training. They are trained to divide their families to get support from their parents with a ridiculous emotional argument. It is the same argument with which the Australian Drug Law Reform Foundation and the Australian Parliamentary Group for Drug Law Reform - which has members in this House - associates itself! That was exposed as recently as 30 November last year by a local investigative journalist - I am glad we still have a few left - called Norman Aisbett. He wrote a feature article in *The West Australian* that blew the whistle on the activities of some people in this country, and this State in particular. The article is highly relevant to this Bill, the debate and the motives of the Australian Labor Party. It is certainly relevant to the Greens (WA). Mr Aisbett advises that there are 18 Western Australian politicians in the Australian Parliamentary Group for Drug Law Reform. As I said earlier, if people of like mind wish to associate and conduct their campaigns in concert with each other, that is their prerogative. I do not see anything wrong with that, and I do not deny anyone the right to belong to an organisation or not, as he sees fit. I will not attempt to read the article into the record. It contains a few key points. It refers to the activities of a few billionaires who have suddenly decided that they want to contribute vast sums of money to the cause of changing drug laws around the world. They have been at it for a long time. George Soros was estimated to have spent tens of millions of dollars on the cause by 1997. He is still active and still spending. What is he spending it on? His money is being spent on a number of things including getting battalions of journalists, media advisers and spin doctors, as well as on-the-ground activists, to lobby to change the law, particularly in the United States. They are also active elsewhere, and that is the point.

I do not know a great deal of the laws of the various States in the United States. There is a wide variety of laws and I do not offer any opinion on whether they should be supported, changed, amended, varied or repealed. I am concerned

about laws in Western Australia that affect the people of Western Australia. The people of Western Australia will have noticed over time that there is a group of people that has no trouble at all getting published, particularly through letters to the editor in our major daily newspaper. I have not done a count but I know someone who has claimed to. That person has seen letters from a Mr Robert Sharpe and his associates. They total 30 appearances in the letters to the editor in *The West Australian* in a 12-month period. I am certainly not going to go back over a year's editions of that newspaper to try to count them. A number of members and I have observed a number of letters that have been repetitive in tone from the same number of correspondents from the United States. Mr Aisbett, the investigative journalist from *The West Australian*, tracked down some of the letter writers. Lo and behold, he found they were members of groups funded by offshore billionaires. The groups included the Lindesmith Center and the Open Society, all of which are funded very heavily by some of the activists. If people in the land of the free want to use their money to push their own agenda, they are entitled to do so. Mr Aisbett tracked down Mr Robert Sharpe, a familiar correspondent to *The West Australian*. I will refer to one of Mr Sharpe's letters in a moment. Mr Sharpe claims to be from the Drug Policy Alliance, which is a group based in Washington. Mr Sharpe is an advocate for changing, softening, repealing and legalising drug laws. Mr Norm Aisbett, as reported in the article, asked Mr Sharpe why he is so keen to encourage cannabis law reform in Western Australia. When interviewed over the phone for the *Weekend Extra*, Mr Sharpe was happy to explain -

... the tough anti-drugs policies of successive US governments were the most "Neanderthal" in the world and threatened to make America the last nation to get liberalised laws.

"From a selfish perspective of wanting to change US drug laws, we need reform in Australia or some other English speaking country to help us pressure our legislators while also believing it's right for Australians."

Well that is very big of him. The alliance wants to use Western Australia as a testing and lobby ground. It could be asked why on earth people from Washington DC give a damn about our cannabis laws in Western Australia. The fact is that they do not. It would be convenient for them if we relaxed our laws so that they could use it as a lever to influence US opinion. I take grave exception to our public agenda being misused in that way. I note that the lobbyists and the proponents in this current debate are like-minded. It would be interesting if we were to find out the full extent of the contact and cooperation that exists between, for example, the Drug Policy Alliance and the Australian Drug Law Reform Foundation. I think we would find some interesting bedfellows. However, that goes beyond the scope of what we are considering today.

I commend Norm Aisbett's exposé on the agenda that is being run by foreign interests in our daily newspaper. That campaign gives comfort to people who want to change our domestic cannabis laws to suit themselves. That campaign should not influence this jurisdiction. To the extent that this Government is giving comfort and support to those offshore interests through this legislation, I say shame on it.

That is an illustration of the type of lobbying that is attempting to give this issue currency - by jeez, they have to keep working on it and beating it up because there is no clamour from the mums and dads in this State to relax our cannabis laws; it is all coming from vested interest groups around this Chamber and the Western Australian political scene. The campaign is aided and abetted by the views from overseas.

I refer to *The West Australian* letters column of Tuesday, 17 December 2002. We all read those letters. Some of the letters on that day were as bad as they get. Following a speech by Major General Michael Jeffery, our recent Governor, a lady called Diedre Lyra of the Australian Family Association wrote a letter, which was published in the letters column. She said that the family association and others liked the views that were being expressed by Major General Jeffery and were opposed to liberalised drug laws. They are the sentiments one would expect from a member of that group. Three other letters were written on the same subject on that day, which all pushed a pro-legalisation or pro-relaxation line. The heading given to one letter was "Harsh drug penalties cause most damage" - a diatribe from Stephen Heath, the Public Relations Director of the Drug Policy Forum of Florida, US. Another was headed "Choice still a valued freedom", from Jeff Moore of Staunton, Virginia, US. Another diatribe headed "Drug prohibition the danger" was signed by a familiar correspondent, Mr Robert Sharpe, the program officer of the Drug Policy Alliance, Washington DC. Why on earth are our opinion columns being filled with this type of rubbish from overseas lobbyists trying to change our laws? It is because there is no clamour on any comparable scale in Western Australia for our community to change the laws, yet this Government, with all its ties to the Parliamentary Group for Drug Law Reform and the rest of it, wants to do just that. The Government has introduced the Cannabis Control Bill 2003. To the extent that it is influenced by and gains comfort from overseas lobbyists, I say shame on it.

A letter of mine was published in *The West Australian*. I cannot get 30 letters a year published in *The West Australian*. My letter was published on 21 December 2002, just after the letters to which I have referred were published. I wrote to the paper to put my views on the public record to point out that it is outrageous that US lobby groups should be seeking to change our values to suit themselves. I asked what lengths those lobby groups would go to achieve their purpose. How much money has been spent on pushing the odious line of the reformers?

Hon Ljiljanna Ravlich: Is that the first time a letter of yours had been published?

Hon SIMON O'BRIEN: No, it was not the first time.

I also asked how many politicians were behind the Gallop Government's push to liberalise cannabis use in WA, regardless of the overwhelming opposition to such a move. As I demonstrated earlier in my remarks, in part, some of that opposition comes from inside the Labor caucus room. I did not see too many letters in the letters section of the newspaper from the US after my letter was published. Whether there was an editorial change -

Hon Ljiljanna Ravlich: You are kidding. Do you mean that the US Government actually took note of your letter?

Hon SIMON O'BRIEN: It is not the US Government, but the pro-legalisation lobby groups.

Hon Ljiljanna Ravlich: Do you think they are scouring *The West Australian* to look for your letters to the editor?

Hon SIMON O'BRIEN: They are not scouring the newspaper for my letters. The member can have a copy of the letters and see what they are responding to. She will see that that is exactly what they are doing. When they get the opportunity, they successfully get their own views published in our daily newspaper. Yet when I called the daily newspaper to account over that, the letters from the US mysteriously dried up. Does the member think that that is not a case of cause and effect?

Hon Ljiljanna Ravlich: It is an interesting theory.

Hon SIMON O'BRIEN: That is what happened. I will see whether I can improve the parliamentary secretary's education, even if I cannot improve her humour.

In any consideration of this subject, members must first understand the nature of cannabis and how it affects the body. A pre-eminent Australian in this sphere was a friend of mine, the late Dr John Anderson. He was a consultant psychophysiologicalist in New South Wales. He made a tremendous contribution to public debate and public education on this matter across Australia over many years. Sadly, Dr Anderson passed away from lung cancer some time ago. However, when discussing these matters with him, I asked whether I could use his turns of phrase, which appealed to me. I asked John, "If you don't mind, I want to use some of your stuff in the public debate" and he said, "Go for your life." He died not long after that and for me those words now assume a particular poignancy. I will try to do justice to some of his research that I will refer to in addition to other general matters. John frequently said -

Excessive drug use is commonly a time-limited behaviour with a decrease in use often occurring after approximately 10 years. Drug use becomes a greater problem when associated with problem behaviours such as truancy, marked aggressiveness, communication problems within the family, runaway behaviour or sexual promiscuity . . . It becomes of greater concern when it interferes with school performance or participation in other peer group activities that might lead to a sense of increased competency and social effectiveness. Perhaps the most damaging psychological effect of continued cannabis abuse is the development of Amotivational Syndrome perceived as being the experience of losing interest and motivation to continue to participate in activities in which they were previously competent and enjoyed. There is a spiraling decline in academic performance and an equally dramatic sudden refusal to complete homework or assignments. The resultant consequence of a lack of input leads to a concrete outcome of failure to achieve and an ensuing further decline in self-esteem which in turn gives rise to an internalised justification for escaping reality by smoking more cannabis. And so the cycle continues until a dependent level of use is maintained.

Whilst there is no specific personality type predisposed to substance abuse there have been a number of psychosocial and physical factors identified as contributing risk factors in the development of substance abuse.

These were the matters that Dr Anderson noted in his contact with thousands of patients through his consultancy, and I thank him for leaving us with this legacy of clinical example. He went on to say -

The interpersonal risk factors include peer and parent models for addictive behaviour; peer and parent attitudes that tolerate addictive behaviour; . . . the family's socio-economic status, whether or not a parent has a dependency problem, whether or not the family is in tact . . .

I am sure all those themes will be teased out by other speakers and become recurrent themes. So they should, because Dr Anderson based his observations on thousands of clinical examples and distilled that knowledge into the legacy he has provided to us in a number of media from which, hopefully, we will now be able to take benefit.

Hon Ljiljanna Ravlich: Did he do research with high school students?

Hon SIMON O'BRIEN: I thank the member for the interjection.

Hon Ljiljanna Ravlich: I don't believe it.

Hon SIMON O'BRIEN: It was an intelligent interjection.

Hon Ljiljanna Ravlich: Thank you.

Hon SIMON O'BRIEN: What is today; the fourteenth?

Hon Barry House: Yes.

Hon SIMON O'BRIEN: I will note that on 14 May Lily made a good interjection.

Dr Anderson's patients came from a wide age group. They included quite mature-age people and, as one would expect, many teenagers. He was particularly concerned about the 14 to 19-year-old demographic - I will refer to them shortly - and people in their twenties. He had patients from all stages of life. Another good aspect of his research was the very big sample of people he had to work with because he specialised in drug problems. Most general practitioners come across people who have this or that drug problem and some GPs become more interested in a particular problem which then becomes a larger part of their practice. However, Dr Anderson specialised in the brain function that is affected by drug use. Dr Anderson went on to say -

Adolescents are likely to become exposed to four broad spectrums of drugs. The first of these could be referred to as the depressants. Drugs included in this category would include alcohol, cannabis (although for a few users it may act as a stimulant), inhalants, heroin, and certain prescription drugs.

I will come back to depressants in a moment. The other broad spectrums were stimulants, hallucinogens and steroids, which were also a part of Dr Anderson's speciality.

The cannabis that we are talking about is basically the cannabis sativa plant. There are three types of cannabis and cannabis sativa is the one that we are principally dealing with in this Bill. When I say cannabis, therefore, I am referring to that part of the plant. We are talking about cannabis sativa because it contains in sizeable quantities the cannabinoid called delta-9-tetrahydrocannabinol, which I am sure we will all refer to as THC from here on in. I believe that about 67 cannabinoids have been identified in cannabis sativa. Not all of these cannabinoids have been fully evaluated and mapped out. I suspect that some have not even been identified. Some have been examined for the effects they produce. They do not always produce a psychoactive response. THC has a psychoactive response but others have a biological response. People use cannabis by and large for the psychoactive properties of THC. I do not know of anyone who specifically uses cannabis to get the effect of cannabinoid No 57. The stuff is grown for THC and that is what it is marketed and used for.

Hon Christine Sharp: What are the others used for?

Hon SIMON O'BRIEN: It varies because curiously they affect users differently. I think all members would be familiar with how a range of other substances affects users differently, even when they take a similar dose; cannabis does that.

I will talk about the psychoactive properties that create a stoned or euphoric effect when cannabis is smoked. The first thing members should know about cannabis is that, unlike all other drugs of abuse that I am aware of, including nicotine and alcohol, THC is alone in that it is fat soluble, or lipophilic. It is absorbed into the fatty tissues of the body, particularly the fatty tissues of the brain, the liver and the reproductive organs. Being lipophilic, or fat soluble, THC is very slowly excreted from the body compared with other drugs of abuse that I have mentioned.

Hon Peter Foss: What does that do and can it have an effect on lactating mothers?

Hon SIMON O'BRIEN: It can have a range of effects. According to available data, THC has a half life of between seven and eight days. Seven or eight days following any dose of THC, 50 per cent will be excreted from the body; seven or eight days later another 50 per cent of the remainder; and so on until it is all excreted. After eight to 12 weeks THC can be detected in a person's system, certainly as to the way in which the brain operates, though that may not necessarily be obvious to the man in the street. However, brain impulses can be detected eight to 12 weeks after initial use. That has some implications for society with which I think the Government agrees, so I do not know that those matters will be bones of contention.

Hon Derrick Tomlinson: Surely it has a cumulative effect.

Hon SIMON O'BRIEN: I thank Hon Derrick Tomlinson for leading me into the next point. Cannabis users, especially chronic users, do not smoke only a single joint every six months. Within the first half life, they might top up after three days, whether it is with another joint or several joints. Some people have a cone ready to use and they roll out of bed and smoke all day. Smoking cannabis has a cumulative effect because of its lipophilic property that causes the substance to build up and remain in fatty tissues.

It has been stated that after consumption of a single joint or about five cones, aberrant and subtle, but significant, brain dysfunction is detectable even after eight to 12 weeks. That similar brain dysfunction can be identified three to five years later in long-term, regular users of cannabis who suddenly stop smoking. That cumulative build up has a significant impact on the system. A number of issues are involved. That property in cannabis causes many problems. The acute and long-term effects are probably principally as a result of that lipophilic property. The obvious problems include a decline in short-term memory, loss of concentration, temporal disorientation, changes in perception and mood swings. I understand that further serious medical complications may arise - not will arise - and do arise in some subjects. As I said, I will deal with that as a health matter generally at that stage of the debate.

Hon Christine Sharp: Will the member describe the other effects people feel? Will he explain why people might voluntarily do such things?

Hon SIMON O'BRIEN: If the member would like that explained to the House, why does she not get up in due course and tell us all about it? I am not sure exactly what she is asking.

Hon Christine Sharp: You are telling the House about the effects of cannabis but you are not explaining what causes people to voluntarily smoke it. I am asking whether you will touch on that.

Hon SIMON O'BRIEN: I think I can deal with that matter. It is the point I intend to touch on now. However, I am not an authority on why people want to smoke cannabis and whether in their perception it is a positive or a negative experience. I am thankful to Dr Anderson for describing to me in terms I understand perhaps the answer to the question Hon Christine Sharp has raised. His description worked for me, and it might work for other members of the House.

In a normal, healthy brain there are two chemical messenger neurotransmitters called dopamine and noradrenalin. Some members probably remember hearing about those chemicals during human biology studies at high school. Those two neurotransmitters constantly interchange through an enzyme called tyrosine hydroxylase. They are maintained in a homeostatic balance. In a healthy brain, when too much dopamine is in the system, it converts to noradrenalin and vice versa. Both dopamine and noradrenalin belong to a group of neurotransmitters called catecholamines. I am sure it is a term with which we are all familiar! Dopamine is a cortical inhibitor, or a brake. In addition to regulating the speed of electrical conduction along neuropathways, which is its normal function, it is one of the primary transmitters responsible for creating a feeling of reward. As an antidepressant, the dopamine activity gives a feeling of reward. Noradrenalin, among other things, regulates arousal and modulates emotions of anxiety, irritability, aggression and paranoia. There are two antagonist neurotransmitters, which, in a normal brain, help to maintain a homeostatic balance most of the time. Ingestion of cannabis by the usual method of smoking and the inhalation of smoke through the walls of the airways - it can be consumed in other ways - in the first instance, leads to an increase in dopamine activity and activation. That process contributes to the feeling of wellbeing when the user is stoned.

Hon Paddy Embry: Is it coincidence that the term dope comes from dopamine?

Hon SIMON O'BRIEN: I do not think so. I think the research of which we have the benefit is comparatively recent, whereas the term dope has been applied to a range of drugs for a very long time. The level of dopamine increases and the excess is converted to noradrenalin. As the stoned, or what we might perceive as the relaxed or euphoric, effect wears off and the dopamine depletes, the excess noradrenalin in the system attempts to convert back to dopamine. However, we must bear in mind that the THC is fat soluble and stays in the system for an extended period. That acts to block conversion of noradrenalin back to dopamine. The result is an excess level of noradrenalin, which the brain does not want to persist. In order to deplete the unnaturally raised level of noradrenalin that persists, the brain sends out its triggers that increase anxiety, irritability and some times aggressive behaviour. It would be interesting to study someone with a cannabis problem who also had an alcohol problem. This behavioural response, which I understand is predictable because it is common, was able to be isolated and identified. It manifests itself in symptoms that some of us have observed such as irritability, the munchies and a range of other indicators, some of which, including paranoia, are highly undesirable in some subjects -

Hon Peter Foss: Does it do anything to the hair, such as make it stand on end and do funny things? I thought I had observed many other things but I wondered about hair.

Hon SIMON O'BRIEN: I am not sure. The anxiety or frustration users feel in that situation is undesirable; therefore, because they would prefer a feeling of reward, they pull another cone and recommence the cycle. It is a cycle that, because of the lipophylic nature of THC, is not broken quickly. I have mentioned seven or eight days for the half-life for THC. To put that in perspective, the maximum half-life for other drugs of abuse, such as alcohol, heroin or cocaine, is four hours. The effect of THC is quite radically different from that of other drugs of abuse. It affects different people in different ways.

I am sure the House would be very interested in the situation in which young people enter adolescence with the disorder known as attention deficit hyperactivity disorder, which puzzles, perplexes and upsets a lot of people. I am advised that ADHD is a neurobiologically based disorder. Alarm bells start ringing because I think of what would happen if the effects that I have just described were combined with someone who already has a neurobiologically based disorder in the first place. I will not go through the problems that already beset adolescents with ADHD trying to adjust to their environment and the interaction they must have. We all know that it is hard enough to be a teenager anyway and to go through all that, without having ADHD on top of it. The problem for those young people is compounded by the fact that at least in the initial stages smoking cannabis will increase their abnormally low level of dopamine and noradrenaline.

If people have a neurobiologically based disorder in the first place, their levels of dopamine and noradrenaline are already deficient. What happens if they take cannabis and increase their levels of dopamine and then subsequently it converts to noradrenaline? They experience a sense of normality, which at face value would seem to be a good thing. ADHD adolescents will feel calmer, think clearer and be less impulsive and less hyperactive. They will not have to behave in a manner that overcomes the physiological hyper-aroused state that they normally experience; in other words, they have self-medicated by using cannabis. However, there is a problem. Again I come back to those lipophylic properties. If it were not for them, that improved feeling of reward could be maintained, but of course it cannot be maintained. Therefore, when ADHD subjects start to feel the downside, having taken a dose of cannabis and experienced all the neurobiological effects of the sequence of events that I have described, they get to a stage at which

the depressant effect is far greater and they need to recover the sense of normality that they glimpsed for such a short time. For those subjects it is a particularly dangerous form of risk-taking behaviour.

Hon Ed Dermer: For people who may have inherited ADHD and for that reason are prescribed drugs, how does it combine with drugs such as dioxin amphetamine? Do you have any information on the possible effects of that combination?

Hon SIMON O'BRIEN: Our colleague asks a good question. I do not have clinical experience. Like him, I can research and discover things and allow clinical experts to give me their blessing and say what things I might like to know, but because I have not researched that, I would not like to offer any information to the House. I know that the member is interested.

Hon Peter Foss: It is a very good question.

Hon SIMON O'BRIEN: It is a good question.

Hon Barry House: One would not imagine that the interaction with another substance would be beneficial.

Hon SIMON O'BRIEN: Yes. I have some printed matter, which I will be more than happy to provide to Hon Ed Dermer. It contains some contact names and numbers. I hope that some good might come out of this debate.

Hon Ed Dermer: I appreciate that.

Hon Peter Foss: Is there any research to show whether there is a connection between the current high incidence of ADHD and the smoking of marijuana by parents?

Hon SIMON O'BRIEN: Yes there is.

Hon Peter Foss: It seems to fit.

Hon SIMON O'BRIEN: I was going to raise this matter later on in connection with some health aspects. As Anderson identified this effect, I will touch on it briefly. I mention that one of the repositories for fat soluble THC is in the reproductive organs. Certainly the group with which Anderson worked, the Brain and Behaviour Centre, the Neuroscience Psychological Services ADD clinic at 163 Hawkesbury Road, Westmead, New South Wales 2145, did examine this matter and reached a conclusion; that is, that some cannabinoids - not THC incidentally - can cause genetic mutation. This is getting away from the principal policy area, but the short answer to Hon Peter Foss is yes, it has been identified that cannabidiol and cannabinol do not have a psycho-active reaction on the subject but they have a biological effect. One of those effects is that interference with DNA. As members know, the most microscopic interference with DNA can have substantial effects. It has been postulated - I am certainly not in a position to offer a firm conclusion - that there is a direct link between the gene that determines whether a person has ADHD and either of the parents consuming cannabis. In addition to the THC they were presumably seeking to experience, they also experienced the gene-changing effects of some of the other cannabinoids. As I said earlier, 67 cannabinoids have been isolated, some of which we know nothing about and the downsides of others we are starting to find out about. It is like the contents of a cigarette; upon examination of a cigarette, all sorts of poisons can be found.

Hon Ljiljana Ravlich: You should know.

Hon SIMON O'BRIEN: That is right. It is not just a matter of THC and the effects that it has; people should consider other matters before they decide to consume cannabis.

Another interesting aspect is that although doctors may adopt a harm minimisation position on heroin, for example, and tell people who intend to use the stuff how to use it safely and not contract any blood-borne diseases, they do not do that for the use of cannabis. Why? It is because by and large most users smoke it. Doctors know about the harmful effects of smoking, but they also know that cannabis contains cannabinoids other than the one people use to chase THC.

I now move to a different matter, but it is also information that we need to know about cannabis. I refer to the marketing of cannabis. It is proposed that a person found in possession of less than 30 grams of herbal cannabis may receive a cannabis infringement notice or elect to attend an education session. The word "lecture" is of course gaining currency although that word does not do justice to what is contemplated and indeed what is occurring now.

Members need to understand how cannabis is marketed and what these amounts mean because this is the key to understanding this Bill. For the record, I note that I have with me a plastic bag containing about 30 grams of a herbal material that is not cannabis. For the purpose of illustration, I show to the House a 30 gram bag. This is commonly referred to as a "deal bag". It is a traditional ounce of cannabis. However, an ounce of cannabis is not always an ounce of cannabis - somewhere between 26 to 30 grams is the typical unit of currency known as a "deal size", and this has been the case for donkey's years. Interestingly, although the term "kilogram" is used for mass quantities of cannabis, we still use ounce with street deal quantities, such as that which I hold.

Cannabis enters the market in a number of bulk forms. I recall seeing some very large quantities uncovered that were clearly of a commercial nature. The largest one with which I was involved I did not get to see. Fortunately, some of my colleagues drew the short straw to sit on Bernier Island in the 1980s getting eaten alive by sandflies for several days

and nights keeping watch on a beach, to which no subjects returned. My colleagues then had to dig up 2.8 tonnes of the stuff while I was happily at home.

Hon Ljiljanna Ravlich: Was it 2.8 tonnes like that material?

Hon SIMON O'BRIEN: No. It was compressed cannabis heads packed into a variety of bags. Each bag was square, but long with square sections, and sausage shaped. Each section contained 10 or more one kilo packs. The bags were roughly the size of a throw cushion - that is, they were about 15 inches square and three or four inches thick - and were packed with compressed cannabis heads. It was clearly a commercial quantity.

The Bill raises the question of whether 30 grams can be considered to be a quantity for personal use or some other wider use. A deal of cannabis of this size - let us say 30 grams - is like a half-tonne of firewood. The Leader of the House knows what I mean: heaven knows what a half-tonne quantity of wood weighs. It is simply the amount of wood that fits into the trailer that is dumped in the backyard.

Hon Peter Foss: Does the "deal" in any way mean anything? It sounds like dealing.

Hon SIMON O'BRIEN: A deal is both a noun and a verb.

Hon Peter Foss: I wonder whether the term is "deal" because it's associated more with dealing than use.

Hon Kim Chance: Only as a verb, not noun.

Hon SIMON O'BRIEN: No doubt the honourable member would like to explore that matter in his time. Mine is limited.

The DEPUTY PRESIDENT (Hon George Cash): I am sure the member will do so. I am sure the derivation of "deal" and what it means can be taken up in due course.

Hon SIMON O'BRIEN: I now turn to the cost of a 30-gram bag or deal of cannabis. I do not think any disagreement arises on this point: the price can vary from about \$200 for pretty rough bush cannabis, which is not much sought after, to, say, \$500 for very high quality, hydroponically grown flowering heads. For the purpose of the exercise, when there is no such thing as an industry standard deal in quality, quantity or weight, a bag might on average be about \$300. However, the average adolescent does not have 300 bucks to spend. They may club together with friends. The market operates by someone obtaining that amount of money, perhaps on credit from another party who has several of these deals. That person can then divide this cannabis up into smaller portions, which are called foils. Maybe that is because in the past they were packaged in quantities in tin foil. These days they are packaged in these small plastic bags I hold to illustrate, which are large postage stamp size. They are freely available. I am sure they have legitimate purposes, such as for storing buttons. The deal can be broken down into a number of foils, which can contain anything from a gram or less to maybe two and a half or even three grams of cannabis. It is an expression of use. The weights and measures people do not go around to check what people are doing.

One can have a quantity of foils. Depending on how the foils are packed, some might contain rubbish material with leaf and twig, and others might contain the flowering head, which is richer in THC content. They vary. One divides the 30 grams into a number of smaller packages that can be sold for around \$25 on the street. One might get 30 foils out of that original deal bag. If they were smaller foils and more than 30 were made, they would be sold for less than \$20. Fifteen foils might be sold for \$50 each, or 30 foils sold for \$25 each. The going price in South Australia by the way is \$12.50, which is about half the WA price. That indicates that the laws of supply and demand hold firm even in the illicit markets. Notionally, one could convert the \$300 bag to a \$750 retail amount. That is with an ideal realisation of the investment, and people would generally not do that well. However, the message is clear: one buys the bag for, say, \$300 to be broken up into a number of smaller units retailed to associates. One retains some of the foils for one's own use. The sold quantities pay for the initial purchase, and one might have a bit left over as well to make a cash profit.

That is what most people who receive their foil size packets are doing. They buy them from friends, as they call them, although they are probably just casual associates. That is the low-level market, in which people do not come into contact with the mythical Mr Bigs.

Hon Ljiljanna Ravlich: With all due respect, you would be simply done for such actions for dealing under the Misuse of Drugs Act. It's that simple.

Hon Peter Foss: That's hard because you will be allowed to carry it under this measure.

Hon SIMON O'BRIEN: The parliamentary secretary has gone straight to the subject of the measure. This is where, with respect, the Government is dead wrong. It has been shown in other jurisdictions -

Hon Ljiljanna Ravlich: I put this to you honourable member -

Hon SIMON O'BRIEN: Why does the parliamentary secretary not want to hear my response?

Hon Ljiljanna Ravlich: For a first or second offence with a quantity under 25 grams, there was no fine under the cautioning system. The person was cautioned if he or she attended an education session. This is not a compelling argument the member runs given his Government's prior -

Hon SIMON O'BRIEN: Let us hear the argument.

Several members interjected.

The DEPUTY PRESIDENT: Order! One interjection at a time, members.

Hon Ljiljanna Ravlich: What hypocrisy.

Hon SIMON O'BRIEN: Hang on, there is no need for that. If the member is going to start that sort of nonsense, I too will get the gloves off.

Hon Ljiljanna Ravlich: I am ready.

Hon SIMON O'BRIEN: I will show up government members as the damn fools and humbugs they are. Earlier in my remarks I invited government members to consider that maybe they were told in their caucus room what the policy is. There are superficially appealing arguments in favour of that policy, and because they do not dare buck the party line, they have adopted without question the superficial appeal of those arguments. That is what I suggested happened. The parliamentary secretary has just demonstrated that. While I am pursuing -

Hon Ljiljanna Ravlich: Do not get angry. Move on.

Hon SIMON O'BRIEN: She wants me to move on.

The DEPUTY PRESIDENT: Order! We were going very well because everyone was interested in what was being said. Then the interjections started, and that has caused members to lose their focus.

Hon SIMON O'BRIEN: The interjector wants me to lose focus.

The DEPUTY PRESIDENT: I do not.

Hon SIMON O'BRIEN: I will not lose my focus. It shows the lack of instruments and argument at her disposal when the best she can do when I mention something is to refer to notes from the minister's office that tell her to ask me about the cannabis cautioning system and to get really irate and call us hypocrites. She uses the term hypocrite. I am trying to deal with the debate in a civilised way, and those opposite do not want to hear it. They are proving my argument. The parliamentary secretary was being very good by sitting and listening - I give credit and positive reinforcement where it is due - and she might have learnt something.

We are dealing with how cannabis is marketed.

Hon Ljiljanna Ravlich: You have been set off. What set you off?

Hon SIMON O'BRIEN: The member's unnecessarily abusive terms that come out of left field. I will not wear that. I will not wear those terms.

Hon Christine Sharp: Do you mean like hypocrite?

Hon SIMON O'BRIEN: Yes, pothead.

The DEPUTY PRESIDENT: Order! If the member addresses the Chair, we may make some further progress.

Hon SIMON O'BRIEN: What I am saying is relevant because 30 grams of cannabis is more than anyone would need or in many cases is likely to have in his possession for his personal needs. I again illustrate my point with these packets, even though it cannot be easily recorded in *Hansard*. It is good to have a visual demonstration. I hold up for the House the deal and all the foils that might notionally be made up with it. The amount in weight is the same. I now show how much an everyday cannabis user would need.

Hon Kim Chance: That looks like a lot.

Hon SIMON O'BRIEN: That is a lot. I am holding several of the foils. The Leader of the House says that is a lot. It is a helluva lot. Each of the envelopes I am holding would contain quite a few cones. The Leader of the House says that is quite a lot. I now show the House the rest of the foils that were made up from the 30 grams. In my right hand I have what the Leader of the House describes as a lot, and on the table is a much larger quantity. If this small amount is a lot, how much is the larger pile, which is the remnant?

Hon Kim Chance: Even more.

Hon SIMON O'BRIEN: Indeed it is. Different people who use cannabis use different quantities. Even the larger amount is far more than what an everyday, all-day user would need for his immediate needs. A chronic user might use 10 grams a week, and that is the quantity I am holding.

Hon Derrick Tomlinson: Is that handful a week's supply?

Hon SIMON O'BRIEN: Different people use different amounts. It is about a week's worth.

Hon Kim Chance: You said that was used in one day, and that is why I said the amount you were holding was a lot. It is a lot for one day.

Hon SIMON O'BRIEN: No, that is a week's supply.

Hon Kim Chance: If it is for a week, it is less than a lot.

Hon SIMON O'BRIEN: A chronic user would take about three weeks to use 30 grams; that is, about 10 grams a week. To the extent these things can be quantified, that is a recognised, staple amount.

Hon Peter Foss: How much would a social, weekend user use?

Hon SIMON O'BRIEN: Substantially less than that. The smaller packet would be considerably more than enough.

Hon Ljiljanna Ravlich: How do you know all this? I would not know any of that.

The DEPUTY PRESIDENT: Order, members! It does not matter how someone knows something. The main thing is that members seem to be interested. Let the member continue.

Hon SIMON O'BRIEN: Thank you, Mr Deputy President. I am trying to impart some information to members, who in many cases do not know this. It is highly relevant. The deal bag contains 30 grams. Some users might take a long time to use that. It is a good three weeks worth for a heavy, everyday user. How many packets of cigarettes would a heavy, all-day, everyday smoker require over three weeks?

Hon Kim Chance: Between 20 and 40.

Hon SIMON O'BRIEN: He would need, say, 21, 25 or 30 packets. Who walks around with 25 or 30 packets of cigarettes on his person? Someone who drinks every day and reasonably substantial amounts on each occasion might drink three cartons of beer in a week. Would he at any time have nine cartons of beer with him available for personal use? Would he have five or six bottles of scotch at his disposal for immediate personal use?

Hon Peter Foss: An alcoholic probably would not carry that around.

Hon SIMON O'BRIEN: There are some good reasons for that.

Hon Louise Pratt: You can buy alcohol at the shop. You cannot buy marijuana at the shop.

Hon SIMON O'BRIEN: She is a sad little case.

Several members interjected.

Hon SIMON O'BRIEN: Those are the juvenile things we have to put up with from across the Chamber. That is the genius of the backbench of April, May and June. Bless their little cotton socks.

Several members interjected.

Hon SIMON O'BRIEN: I am happy to deal with this matter at whatever length members wish.

The DEPUTY PRESIDENT: Members, I want the honourable member to continue his comments. I am assured by the looks on members' faces that they are interested in what is being said. Let us make some progress and worry about the smart comments another time.

Hon SIMON O'BRIEN: I agree, Mr Deputy President. There should not be any smart-alec comments, as I am sure I heard you say!

I will make my point and move on. Thirty grams of cannabis would cost about \$300. That would be a three-week supply. It is roughly equivalent to people carrying 25 to 30 packets of Marlborough cigarettes, five or six bottles of scotch or, for those who drink beer all day, every day, nine cartons of beer. I make that comparison and ask: who buys a 30-gram bag of marijuana? There are a few people who do it.

Hon Kim Chance: It is not so much who buys it. I do not want to anticipate the point you are trying to make, but is it that a person who carries 30 grams with him is probably a dealer?

Hon SIMON O'BRIEN: The minister is anticipating. I will develop my observations a little more. If we take nine cartons of beer as a three-week supply for a person, is a person who drinks nine cartons of beer in three weeks likely to have nine cartons of beer in his possession? Obviously that is physically too much beer for a person to have in his pockets. A person may have the beer in a locker at home. However, although there may be the odd person who will achieve that, by and large people do not do that. They go to the bottle shop and buy a carton or two as they need it. There are some reasons for that.

Hon Kim Chance: A lot of people have designated beer fridges that may well contain that much beer - doesn't everyone?

Hon SIMON O'BRIEN: Yes, but for most people the purchase of that quantity of beer is not something they can do in one go. People who have substantial cash means and an enormous beer fridge, or whatever, may do it.

Hon Kim Chance: Country people, for example, often do that.

Hon SIMON O'BRIEN: Indeed, but the average person will buy beer in considerably lesser amounts, if for no other reason than the expense. Even if a person knows that it will be more convenient to make one trip or get it home

delivered so that it is all done and out of the way, he will not do it because he may not have that much disposable income to buy all that beer, all those cigarettes, which are very expensive, and all those bottles of scotch. An adolescent or an unemployed person, or anyone for that matter, who is using large quantities of cannabis will not necessarily have \$300 to buy a 30-gram deal. However, of course there is another way of doing it. I am equating this 30-gram bag of cannabis with nine cartons of beer, 25 or 30 packets of cigarettes and five or six bottles of scotch. Realistically, people do not buy beer, cigarettes and scotch in those quantities. Of course, cannabis users are no different; they buy a more manageable supply that meets their needs, and they buy it for \$25, or thereabouts, unless they need the stuff in such quantities that a \$25 foil will not last them very long because they are on a 10-gram a week habit, and they have the \$50, \$70 or \$100 that they need to buy that cannabis. We all know that we save if we buy in bulk. That sounds like an ad on television! If people buy in bulk, they can do what I have already described. The amount is broken up, not necessarily in a lot of neat packages as I am demonstrating here, and a bit at a time is taken out and sub-retailed to an associate for \$25, or whatever the foil is sold for. That is how a person can get the \$300 to buy the bag in the first place. He is subsidised in that he is keeping a quantity for his personal use, and he is making a bit of a profit as well.

Hon Kim Chance: That is a criminal act, though.

Hon SIMON O'BRIEN: It is a criminal act.

Hon Kim Chance: And will remain so.

Hon SIMON O'BRIEN: Yes. We may even extend it further than that. If a person can do that with one bag and shift that in a day, why not sell another bag as well and make some more pure profit?

Hon Kim Chance: It is still a criminal act, though.

Hon SIMON O'BRIEN: Yes. Then, of course, if a person wants to he can reinvest the profits into further purchases and sales and so on. For a lot of people, the dealing is done at that level. It is not done by a mythical Mr Big in a black hat and coat standing on a street corner. It is done by someone whom people know. I will come back to that later, because it is all about who we are targeting in this Bill. The Government claims that the Bill is not targeting certain people and it is targeting certain people who need to be targeted. I think the Government has got it wrong.

Hon Bruce Donaldson: Is this how it gets into the schools - in these little foils?

Hon SIMON O'BRIEN: It does. Let us face it. A teenager may be using this stuff. Most teenagers have restricted means, so they will perhaps club together with some of their mates and put \$5 or \$10 each in the pot to buy a foil. That is the reality of it. Whatever we do in this place translates into the street, the schoolyard and the home. That is where it impacts. Under this proposed new law, a person can have up to 30 grams of cannabis and be subject to the cannabis infringement notice regime that is proposed in the Bill.

Hon Kim Chance: So long as he is not dealing.

Hon SIMON O'BRIEN: Yes. I will come to that. The other point is that we are also talking about the number of plants that a person can grow. The 30 grams and the two plants do not relate to each other at all. Does the minister know how much material a person can get off two plants that are non-hydroponically grown?

Hon Kim Chance: Quite some kilograms, I imagine.

Hon SIMON O'BRIEN: A person can get quite a bit, because again how big is a plant? It can be anything from a seedling to a large shrub of almost tree-like proportions. That is one of the great contradictions in the Bill. I would have liked to be further advanced at this stage of the day, but the interjections have interrupted me. We have a situation in which the Bill will provide some protection for people who want to engage in dealing with amounts of 30 grams or less.

Hon Kim Chance: That is incorrect.

Hon SIMON O'BRIEN: That is correct.

Hon Kim Chance: That is incorrect.

Hon Ljiljanna Ravlich: That is a nonsense.

Hon SIMON O'BRIEN: If the parliamentary secretary and the minister could listen for one minute, they might learn something.

Hon Kim Chance: I am trying to help. You have made an incorrect statement.

Hon SIMON O'BRIEN: I have not made an incorrect statement. I will tell members what happens when we have a regime whereby people can keep a quantity of cannabis in their pockets.

Hon Kim Chance: Possession is not a crime.

Hon SIMON O'BRIEN: Yes; they can possess it. What will happen under this proposed new law if a person is found in possession of that amount of cannabis?

Hon Kim Chance: It is still prohibited.

Hon SIMON O'BRIEN: Yes. What will happen then?

Hon Kim Chance: Unlike the situation under the coalition Government, the person would pay a fine. Under the coalition Government, the person would have been able to get off scot-free.

Hon SIMON O'BRIEN: He would go to a lecture or pay a fine. That is what would happen. What if I am about to sell most of this cannabis to my associates in the schoolyard or on the street? There I am. That is my intent. I have got this cannabis, and I am participating in transactions to enable this to happen. I have the same packet of cannabis that I was just referring to and that we were discussing a moment ago, and that is in my pocket and I am going down the street. If I am found by a police officer with that in my possession, what will happen then?

Hon Kim Chance: You have not committed the offence of dealing until you have dealt.

Hon SIMON O'BRIEN: No, but I intend to.

Hon Kim Chance: Intent to commit a crime is not a crime.

Hon SIMON O'BRIEN: What does the minister think I did with the bag I had yesterday?

Hon Kim Chance: If you dealt, then you committed a criminal offence.

Hon SIMON O'BRIEN: Okay. That is what happened. How can it be proved?

Hon Kim Chance: Where is the change? You have to commit a crime.

Hon SIMON O'BRIEN: The change is that I can make money out of that. I can laugh at the \$150 penalty, because I am making more on that every time I sell a part bag of this stuff. That is why the Bill will encourage crime, because people can go about not only possessing but dealing with impunity. That is the issue.

Debate interrupted, pursuant to sessional orders.

Sitting suspended from 1.00 to 2.00 pm

SELECT COMMITTEE INTO WATER SERVICES - ESTABLISHMENT

Amendment to Motion

Resumed from 7 May on the following motion moved by Hon Norman Moore (Leader of the Opposition) -

- (1) A select committee is appointed to inquire into and report on the issues confronting Western Australia that arise from, or relate to, the present and future supply, retention, and maintenance of water services throughout the State.
- (2) The committee has power to send for persons, papers and records.
- (3) Standing Orders Nos 322, 323, 330 and 331 apply to the proceedings of the committee and any contrary or inconsistent provision of chapter XXIII is modified accordingly.
- (4) The committee may present interim reports without a requirement for leave and is to report finally not later than June 3 2003.

to which the following amendment was moved by Hon Dee Margetts -

In paragraph (1) -

- (1) after "future" - to insert "sustainable"; and
- (2) after "supply," - to insert "quality,"

HON NICK GRIFFITHS (East Metropolitan - Minister for Racing and Gaming) [2.00 pm]: It seems like only yesterday that I was addressing this very important issue, and the procedural matter proposed. Some aspects of the motion interest me, but they have been adequately dealt with in the debate by other members, so I am referring to the procedural aspects. When I commenced my comments on this matter last week, I made reference to the alternative to a select committee; namely, a standing committee of the Legislative Council. My reasons for that had to do with the primary resource of the Legislative Council - the membership of the House. I suggested that two standing committees lent themselves to an examination, if the House were minded to go down that course, rather than appoint a select committee: the Standing Committee on Public Administration and Finance and the Standing Committee on Environment and Public Affairs. Of the two, the terms of reference of the Standing Committee on Public Administration and Finance lend themselves more readily to this matter than do those of the Standing Committee on Environment and Public Affairs.

We have set up a system of standing committees that works well. Members attend to their duties enthusiastically. I fear overloading if we set up a select committee outside of the standing committee system. From time to time it may be appropriate to set up a select committee. That would be the case if it was something of a very discrete nature that could