

**CANNABIS LAW REFORM BILL 2009**

*Second Reading*

Resumed from an earlier stage of the sitting.

**MR A.P. JACOB (Ocean Reef)** [3.05 pm]: Before the debate was interrupted for question time, I was saying that it is widely accepted that cannabis is a harmful drug, particularly if it is used regularly. I was discussing the large amount of research, both domestically and overseas, that links cannabis use, particularly a high level of cannabis use, with a range of mental health problems, including schizophrenia. I state again at the outset that I believe that in the view of the Western Australian public, the current cannabis cautioning regime, which we are seeking to change, has been inadequate. At the very least, it did not discourage cannabis use; and potentially, it even encouraged it. One of my biggest objections was the fact that under that regime, people are able to grow up to two cannabis plants for personal use. That has enabled what is already a readily available and cheap drug to become even more readily available and even cheaper. The big problem with cannabis is that it is easy to obtain and easy to grow. I think it can be well argued that the legislation that this government has introduced hits the ground in meeting both the need to be punitive and the need to take a soft and compassionate approach. It is far too easy to argue that harsh laws have little or no effect and that we should, therefore, take a soft approach and treat cannabis use as we treat smoking and drinking. However, similarly, we do not want to take an approach that is too draconian, because that will not deal with the range of issues that surround cannabis use. The opposition has signalled that it is likely to support this bill, on the basis that before the Labor government lost office in September 2008, it was in the process of toughening up its cannabis cautioning scheme.

Under this legislation, the amount of cannabis that will attract a caution will be reduced from 30 grams to 10 grams. First-time offenders will also be required to attend a mandatory—that is very important—cannabis education program. A cannabis intervention requirement, or CIR, may be issued by a police officer, even on the spot. That will lead to a cannabis intervention session, or CIS, if the amount of cannabis is not more than 10 grams, and if that amount does not include cultivated cannabis plants or cannabis resin or any other cannabis derivative. As I have said, under this legislation we will be taking a softer, as well as a punitive, approach. The legislation provides that a cannabis intervention requirement cannot be given to an adult if the person has previously been given a cannabis intervention requirement, or if the person has previously been convicted of minor cannabis related offences. Also, a cannabis intervention requirement cannot be given to a young person if the person has twice previously been given a CIR. A slightly softer approach will be taken for juveniles. However, we are not going to overlook this behaviour ad nauseam. If a person has been given a CIR and has attended a mandatory program but continues to offend, perhaps we will need to look at imposing tougher measures.

I believe that this legislation provides a good balance. It is far tougher than the current legislation. However, I am particularly excited about the fact that although this legislation is far tougher at the front end, and although we are saying to people that cannabis use is not appropriate, and that for their own good we need to come down hard on cannabis use, at the same time we are also providing measures that will allow us at the back end to be compassionate and look out for people, particularly young people, who decide to do the right thing and get their lives back on track. That is, I believe, the four-year spent conviction. If someone has a minor drug conviction and can show that he has managed to stay clean for up to four years, consideration will be given to removing that conviction. I think that is a fantastic, compassionate provision that has been suggested by the Attorney General and the Premier in their approach to this issue. I think that is the right approach. As I said, we are being strict at the front end in saying, “No; that’s not appropriate behaviour; we need to address it straightaway and we have a very good strategy here for addressing it.” In addressing that, straightaway they will be sent on schemes whereby we will work with them proactively in an educational way. This bill will make those schemes mandatory, which is a very important part of this legislation. Okay, a person has been caught; he has foolishly done what he has done. However, especially as a young person, he has turned around and got his life on track, and while he is going forward we are coming up alongside him and converting his conviction to a spent conviction. That will be a fantastic thing. I believe strongly in second chances here, especially for people who turn around their lives and make a go of it. We are saying, “If you do turn it around and make a good go of it, this is not something that should hang over you as a cloud for the rest of your life; we believe we certainly should have a stronger penalty at the front end, but we do not believe it should follow you for the rest of your life if you get yourself on track.” I strongly believe in the second chance with this issue.

The bill provides for mandatory attendance at the cannabis intervention session. In discussing this bill, the previous speakers spoke about how previously attendance at this program has been very low. That is an issue. I picked up on their comments that we need to ensure that we properly resource these programs and are ready for a potential spike in the attendance at them. The low attendance would not have been because the programs were not provided, but simply because people did not bother showing up and there was little or no consequence for

not showing up. If people are convicted under this legislation, it is important we make it mandatory that people show up to the programs, for no other reason than to enable us to proactively engage them in turning around their lives so that, hopefully, four years later they will be in a position to get a spent conviction. As I said, it is very important that the attendance at this program be mandatory. I do, however, acknowledge that the legislation could be open to criticism if the education program is not in place properly and is under-resourced. I agree with the member for Maylands that on the one hand we must ensure that people attend the programs and on the other hand we must make a concerted effort to ensure that those programs are well resourced and are available. I do not believe we should run a program just for the sake of it. Let us look at world's best and at what gets results from those programs. It is easy to say "a program", but let us make sure that we run programs that have a proven track record of turning around this issue. The offenders will often be young people and we do not want to demonise them. We want to give them the best opportunity to turn around their own lives so that, for the rest of their lives, a conviction is not hanging over their heads for the sake of a few silly choices when they did not have the maturity to make a sensible, informed decision.

The editorial in *The West Australian* of 5 September last year, which I referred to earlier, backed quite strongly the government's changes. Having said that, as I said before, it said some unflattering things about both sides of this house. The editorial may or may not have had a point.

**Mr D.A. Templeman:** What did it say about you; was it very flattering?

**Mr A.P. JACOB:** It was unflattering about both of us equally.

**Mr D.A. Templeman** interjected.

**Mr A.P. JACOB:** No; just in general about the approach both sides have taken to this issue. Nonetheless, the editorial was very supportive of this bill being dealt with expeditiously. I think that was generally the gist of its criticism of our side. In researching this I came across an article written in 2006 that quoted the then current "UN World Drug Report". It said that countries that downgraded the cannabis threat ended up with the drug problem they deserved. That is quite a strong statement, but it backs up the comment that cannabis is a doorway to other drugs. It is certainly something that we reflected in our party's policy on this issue that we took to the last election. It was concerning to see that former members have commented in this place that cannabis does not lead to harder drugs. There is a clear, mounting body of evidence to show that it does. I certainly think it does, and I will speak more on that in a second.

Briefly touching on other drugs, alarmingly the 2004 National Drug Strategy Household Survey revealed that the rate of use of amphetamines in Western Australia is the highest in the country. It revealed that WA had the highest proportion of recent users aged 14 years and under—more than four and a half per cent of under 14-year-olds—using harder drugs such as cannabis.

[Member's time extended.]

**Mr M.P. Whitely:** A 2005 survey showed that of the kids who have used amphetamines, 84 per cent had abused diverted prescription amphetamines. They are actually ADHD drugs that have been abused. It was 5.5 out of 6.5 at that time. Part of the reason we have had very high rates of amphetamine abuse in Western Australia is that we had very high rates of prescription.

**Mr A.P. JACOB:** I think the member for Bassendean will find that often the two go hand in hand. Often, the cohort he will speak about when he discusses that issue is very much my generation. I went through my schooling predominantly through the 1990s and graduated in 1997. I knew that a lot of those on prescription medication would also be mixing it with cannabis at the same time.

**Mr M.P. Whitely:** Your generation understands that so much better than mine, frankly. Mine doesn't get it, but yours does because you lived through the reality of it.

**Mr A.P. JACOB:** It is certainly something I saw firsthand. As I said, when I touched on this previously —

**Mr M.P. Whitely:** Read an "Agenda" features article by Clare Trevelyan in *The West Australian* of two or three weeks ago. I'll get you a copy because it sums up that culture very accurately.

**Mr A.P. JACOB:** Yes. It is not just the dexamphetamine. One is also Ritalin.

**Mr M.P. Whitely:** That's classified as a new amphetamine.

**Mr A.P. JACOB:** That is also an interesting one. I knew a lot of people who were on those. Some were prescribed but some were not. Often kids sell their prescription drugs around the schoolyard, or were doing so in the 90s.

**Mr M.P. Whitely:** Twenty-seven per cent of kids on prescribed drugs sold or gave them away in 2009.

**Mr A.P. JACOB:** It was an income stream for canteen money at the time. That was certainly the culture. I referred to young people wrecking their lives because of that. That is what I was saying about the spent conviction. We never want to be in the position of saying, “Too bad, you’ve messed up; your life’s wrecked.” But they have set themselves back and put roadblocks in their own way. I will not say his name, but I thought of a very good friend of mine, who I would say was far more intelligent than I am, and would be in this place light years ahead of me, although, interestingly enough, he would have been on the member for Bassendean’s side. But that is beside the point.

**Mr M.P. Whitely:** I won’t go there!

**Mr A.P. JACOB:** I am not trying to draw a link with that. He was quite heavily into cannabis use in his late teens and still has the same job now that he had 12 years ago. As I said, 12 years ago I was working in a nursery and that person had a similar level job elsewhere. Considering the nursery environment I was working in, fortunately I managed to avoid the temptations there, which were prolific. That person still has the same job he had then. He has enrolled to study four different university degrees but he never made it past the first year. That is something I have seen firsthand in people I know. Predominantly, cannabis use is often mixed in with dexamphetamine use.

**Mr M.P. Whitely:** The positive news is that, although our kids are still the highest users in Australia, the rates of amphetamine abuse among teenagers in the survey you were talking about were at least double a decade ago. The proportion was well over 10 per cent in 2002. Things have at least got a bit better because prescription rates are coming down.

**Mr A.P. JACOB:** I agree that use certainly leads into cannabis use, but I think we would find a very high percentage of those who were sharing cannabis use and dexamphetamine use —

**Mr M.P. Whitely:** Often they use dexamphetamine to balance the effects of the cannabis.

**Mr A.P. JACOB:** That is right.

**Mr M.P. Whitely:** Cannabis is a depressant so they need an upper.

**Mr A.P. JACOB:** Certainly the next morning that would often be the case.

**Mr M.P. Whitely:** Exactly, so that they can get up and go to work.

**Mr A.P. JACOB:** That is right.

**Mr M.P. Whitely:** Binge drinking is another means.

**Mr A.P. JACOB:** Or they would generally be used together.

**Mr M.P. Whitely:** I’ll let you read my book.

**Mr A.P. JACOB:** I thank the member very much. As I said, the comments in the UN drug report indicated that countries that downgraded the cannabis threat in many ways ended up with the problem they deserved. It is a doorway to other drugs.

I will relate another instance. In 2001 while visiting Amsterdam, I was walking through the streets in the more famous districts where cannabis use is legal and very open. I was walking through the streets of Amsterdam as a tourist with my father and younger sister, and I was carrying my three-year-old cousin. I was in the midst of a family of all generations, and the drug pushers were coming up to me. I was aged 21 at the time, and I was being offered not cannabis, as that was freely available, but speed, ecstasy and anything I wanted! This was in broad daylight. When the cannabis threat is downgraded, it opens the door to the next drug, and the end result is a drug problem far beyond the initial problem.

The young lady who introduced my wife to me is another person who I know began smoking cannabis at 12 years of age. It is a readily available and accessible drug. It is not particularly hard for little kids to grow it out in the bush or down the back of the park. That is often what happens, and would happen, if we legalise the growing of two plants in the backyard for persons aged 18-plus. In this example I recount, this girl started using cannabis at 12 years of age, and she has ended up with a range of mental health problems; she went on to use much harder drugs. Her access to the drugs was through ripping off her dad’s stash! Little kids are always watching what we are doing. We need to be very, very careful on this matter. A lot of the danger relates to the next generation, and it is not unusual for kids aged as young as 12 and 14 years—in some cases younger—to be experimenting with such things.

As I said previously, one of the fantastic things about the Western Australian approach is that we offer a clean slate after four years. We are strong at the front end, but if people do the right thing and get their life on track—

not the right thing by the community, but their own lives—we will partner them and give them an opportunity that does not relate to and talk about the past. The past is gone; let us step forward.

As I said, it is widely accepted that cannabis is a harmful drug, especially if it is used regularly, but sometimes harm is caused even when it is not regularly used. I have read a range of books on this subject over the years. One very good book by one of the ABC's prize-winning authors was *Strange places: a memoir of mental illness*, which is available in the Parliamentary Library. It is a pity the member for Bassendean has stepped out of the chamber, because I would thoroughly recommend that book to him. The name of the author escapes me. I probably should have brought the book into this place. It was written by a Queensland author who is about the same age as I am. We went through high school at the same time. He chronicles his own drug use and how it played out in episodes of paranoid delusions and chronic mental health issues that he has taken forward in his life. I am delighted that he has found a new path as an author. In many ways he has made that work for himself, which is great if someone can do that. He has become a prize-winning author. He gave a very good and candid interview providing an insight into that sort of life and what often happens with these activities.

**Mr A.J. Simpson:** Is the author Will Elliott?

**Mr A.P. JACOB:** Yes; I thank the member for Darling Range.

Cannabis use manifests itself across society, but I think it is a little more prevalent in the more marginalised areas of society. The member for Southern River touched on Indigenous health. I grew up in Wanneroo, which is a beautiful place, but it is a place of extremes. It has a lot of areas in which low socioeconomic families reside, and cannabis use is more openly present in those areas; but, at the same time, I knew a lot of people in more affluent areas who equally dabbled. It is not an issue that discriminates across socioeconomic lines, but I think those in the lower socioeconomic brackets are more vulnerable to drug use.

I think the government's approach in this legislation with the cannabis intervention requirement is the right way to go; that is, we deal with the problem at the front end. We catch it straightaway and send people on a course, and get them through the course. It needs to be a world's best practice course. I do not have a lot of information on what the course offers in terms of counselling, but the process provides a real opportunity to get alongside and help these people. We are not putting them in jail for such things. We are approaching it proactively. We are treating it as a criminal offence—as it should be because of the range of consequences that come with cannabis use—and we are trying to stop those consequences manifesting themselves. When I worked at Graylands Hospital a long time ago for about three or four years in the late 1990s and early 2000s, we certainly saw increasing numbers of young people attend. When I spoke to them, I would think that they were perfectly normal. They were people of my age—18, 19, 21 and 22-year-olds. However, the staff's advice to me at that time was that 80 per cent or 90 per cent of them were there because they were manifesting drug-related psychoses. That issue comes out in young people more than anyone else, particularly when they have had a relaxed regime. Maybe the argument is that people who are a bit more mature know better and can govern their own lives, but what about the little kids coming up behind them who knock off the older person's plants in the backyard to experiment with them? The younger generation is always watching what the generation ahead is doing. We need to set the example here and avoid as many of these mental health issues arising from cannabis use as we possibly can.

As I said at the beginning, it is widely accepted that cannabis is a harmful drug, especially if it is readily available and used regularly. It can be well argued that the government's proposed legislation hits the middle ground between being punitive and being soft. I think we have got the balance right. We are being very clear that this is inappropriate as they need to get their life on line. However, the soft approach with the spent conviction is also a fantastic backup to that. We have the carrot and stick in very good balance.

It will be clearly shown and was shown through the election results that this legislation has strong public support. Certainly that article in *The West Australian* indicated very strong public support, and I believe that the opposition will support it—although I could be wrong. I commend the bill to the house.

**MR M. MCGOWAN (Rockingham)** [3.26 pm]: As the member for Kwinana outlined, the opposition will be supporting the Cannabis Law Reform Bill 2009. It is not in dispute that the opposition will support the legislation. As I recall, back in 2008 some changes were mooted by the former Attorney General to the laws that were passed in 2001 that reflected some of the changes contained in this legislation. It was something that was going to happen following a review of the original laws that were passed in 2001–02 to change the way cannabis use in particular was dealt with in Western Australia.

Having been in this place for a while, I recall the Drug Summit that took place in this chamber in 2001. That was designed to bring together many of the people with expertise in this area and many of the external groups—families, family organisations, law enforcement bodies, community health organisations, health experts, substance abuse experts and so forth—to try to reach some sort of consensus on what to do. The Drug Summit

came about following appeals by WA Police, which indicated that it would like to see some cannabis law change because the previous approach provided no opportunity for infringement notices to be issued. Police regarded that to be a waste of their officers' time and felt there could be better ways of dealing with offenders, particularly first offenders. The other factor in the late 1990s was that large numbers of people were dying through heroin use. I recall, I think, in 1999 that more than 90 Western Australians died as consequence of heroin use. That went on for a few years with large numbers of Western Australians—up towards the hundred mark—dying on the streets or in their homes, I suppose, as a consequence of heroin use.

There was an imperative to look at this issue through new eyes to work out different ways of dealing with the problem. Following the 2001–02 period, greater resources were given to George O'Neil to deal with some of his clients in Subiaco who suffered from heroin addiction, and the rate of deaths of people from heroin overdoses declined significantly. That was a significant improvement. To me, it was tragic that in 1998 and 1999, 100 or so Western Australian families had a son, daughter, wife or husband die from heroin abuse. Many of those people were not the people one might see sleeping in the park or living on the street; many of them were functioning people, but they were dying. There was recognition, and I supported it, of a drug summit to bring together all those people to try to work out ways of dealing with the problem.

Heroin is a difficult drug to deal with; it often depends upon the intensity—I am not sure of the word—the quality or the type of heroin that people use. Some types of heroin are more likely to kill people than other types of heroin, simply because of the degree of purity. It is a difficult drug to deal with because of that; if a bad batch comes in, people will die as a consequence. I have been to visit George in Subiaco a number of times; he sought additional support for an interesting measure, and the previous government provided that support back in 2001–02. That may have made a difference; certainly, the people one meets at his clinic absolutely and completely swear that it makes a huge difference in keeping them alive.

That was part of a series of events. There was, of course, the little-remembered but much-celebrated at the time Uchtenhagen affair. The Uchtenhagen affair caused some considerable mirth amongst some people about Professor Uchtenhagen in Switzerland and his views on Western Australia's laws. It was followed intently by a couple of investigative journalists at the time. I will not bore the house with the details of the Uchtenhagen affair, but it caused some trouble for a former minister in the Court government, Rhonda Parker, the then member for Ballajura. She had some difficulty explaining the Uchtenhagen affair; she had some trouble pronouncing it as well, as I recall! The Uchtenhagen affair was part of the lead-up to the defeat of the Court government. As one discovers as time goes by, a government is like a ship that needs careening, and there are a range of barnacles stuck to it. The Uchtenhagen affair was one of the barnacles stuck to the Court government, and it had a great deal of difficulty navigating through the waves with that barnacle attached to it. It was a comparatively minor barnacle, but it was of some note at the time.

That is part of the historical context of this issue. The member for Ocean Reef mentioned that he has known people who have used cannabis; indeed, I think we probably all have. In fact, we probably all know people who still use cannabis, and there may even be people in this place who use cannabis, for all I know. It is a drug that some people can use recreationally, and one would not know. We have all known such people; in fact, I recall that in years 11 and 12 at high school in 1983 and 1984, some of the students I went to school with, whom I will not name, used to smoke cannabis before arriving at school!

**Mr C.J. Barnett:** Did you smoke it after arriving at school?

**Mr M. McGOWAN:** I am sure it will not surprise the Premier to discover that I was a very studious and serious young man, and I was absolutely committed, during my high school years, to getting into law. Attending a public high school in the country, I had to try very, very hard to do it, and I succeeded. Once I was there, I was pretty keen to remain in the course, despite my lack of enjoyment of it whilst I was doing it.

**Mr C.J. Barnett:** Which school?

**Mr M. McGOWAN:** I went to school in northern New South Wales; a school called Coffs Harbour High School, and I went to the University of Queensland. I do not recall cannabis being commonly available there, but I attended a college where the drug of choice was very commonly available and came in a can; it was highly abused by many of the people I attended college with! That is part of the broader argument, I suppose—that people abuse all sorts of drugs, and it is part of the human condition. In all cultures around the world, there are drugs that people use for various reasons and for various forms of relaxation.

Cannabis has been around for a long time, but I think that what has changed—this may have been mentioned already—is that the intensity, concentration or effect of the same amount of the drug is these days higher than perhaps it was 27 years ago when the kids whom I went to school with were using it. Somehow, people have managed to propagate the plants in such a way that the leaf and heads are much more concentrated, so that when

they are converted into leaf that is put into a cigarette or implement, the effect from the same amount of inhalation is now much greater. That is part of the problem, and some people who use it have confirmed to me that the impact of the same amount is far greater today than it was at another time. In the 1960s and 1970s the drug was illegal, but I think it had a degree of social acceptability around it, and it was a much softer drug than it is today. I think that that is indisputable; there is also some truth in the claim that the intensity or purity of the drug that is around today causes some psychological issues for some people. In fact, I have been advised by people in public life that their siblings use cannabis and that they believe it has been responsible for psychosis or schizophrenia and the like. I do not know the medical provability of that, but no doubt it can exacerbate tendencies in some people to act a bit more strangely than they might have acted had they not used it. That is a significant issue for many people out there in the community.

On the broad spectrum, I am not what one would call a hardliner on this issue; as I said, in the country town public high school I attended, kids were using it, and I do not think they were criminals. I do not regard them as criminals; I do not think they were bad people. In fact, as I have heard recently, some of them have very responsible and serious jobs. I do not think they are particularly bad people and I do not take the view that society should regard them that way. I think that that is a pretty commonly held sentiment. As I understand it, in the 1960s and 1970s it was very common in universities; most of the people who attended universities then came from the more affluent suburbs, so I suspect that people are not hardline about this issue, but it is a common sentiment that they would like to see usage reduced.

**Mr C.J. Barnett:** Anecdotal evidence suggests that the effects are minimal when people are young and healthy, but then maybe when people get to their late 30s and early 40s, the effects start to come in.

**Mr M. McGOWAN:** Does the Premier mean that earlier usage comes back to haunt people?

**Mr C.J. Barnett:** No, continued usage. When people are young and active and have fitter and younger bodies, they tend to cope, but a lot of people who are regular users and maybe have sound careers and sound lives can be fine but around that age will start to fall apart.

**Mr M. McGOWAN:** I think the Premier is probably right. I have learnt that as one gets older the things one did when one was younger are no longer easy, particularly if it involves running 10 kilometres or so.

**Mr F.M. Logan:** Unless you are Tony Abbott.

**Mr M. McGOWAN:** Unless one is Tony Abbott. I actually think that Tony Abbott is on something that is very unusual. Anybody who rides a bike for 10 days straight must have something going on. I do not know who is advising him. Perhaps he could have done it for a day and gone back to work.

Cannabis is more intense and more dangerous today than it was in the past. I do not have a hard or nasty attitude towards people who use it. Up to 50 per cent of society have used it; therefore, one cannot take that view. Many of those people go on to have significant careers in public life, business and the community sector and many of them are sound family people with children. We cannot take too hard a view of those people.

However, we must try to discourage the use of cannabis. Despite the rhetoric, there were penalties for the use of cannabis following reforms by the previous government. If a person was caught a few times, he or she would suffer serious consequences. However, we gave people a chance. These reforms are a watering down of the Labor government's reforms, but they still give people a chance. For example, a juvenile will be given a couple of chances before the criminal justice system kicks in. An adult will have one chance before the criminal justice system kicks in. It is a fair compromise, and it is reasonable. I do not like the idea that people who are otherwise good citizens might have lifelong consequences for doing something that in the overall scheme of criminality is a minor thing.

I remember when I was in the military I was told that if I used cannabis, I would be out. It was a serious consequence for people in the military. I also remember it being said that if we used cannabis and were caught and subsequently had a record, we would never be able to visit certain countries. Again, it is a very harsh consequence for an 18-year-old that he will never be able to go to the United States of America.

This bill is a toughening of, but not a complete reversing of, a system that is criminal based, and that is probably a good thing. Some people will be unfairly treated as a consequence of these laws. I will give to the house one example in which there should be a provision in Australian law for people, and I think the Premier would be interested in this. I know he has a lot of paperwork after his recent travel.

**Mr C.J. Barnett:** It mounts up when you go away.

**Mr M. McGOWAN:** I will refer to a person I met—I will not say where—and who died a few months ago. I have a program of visiting people in nursing homes in my electorate. In one nursing home there was a man who

suffered from either cerebral palsy or a degenerative disease. He had photos of himself on the wall and as a young man he was a solid fellow and had a trade. At age 29 he developed this degenerative disease.

[Member's time extended.]

**Mr M. McGOWAN:** I visited him between six and eight times. He was a skinny, very decrepit person lying in a bed. He had a TV in front of him that was tuned to sport all the time. He was surrounded by posters of football teams and some memorabilia of his life. It was tragic that he was in a nursing home. It was shocking and it is difficult to resolve, because to be close to his family that is where he had to be. If we had a central facility for people like him, which is something we should consider, it could make it more difficult for his family to visit him. He was lying in his bed and his condition was degenerating. Every time I spoke to him I had to repeat myself three or four times. I understand that one thing that provided him with enjoyment in life was the marijuana that one of his family members would bring him. He told me a number of times that it was one of the things he looked forward to every day. In the evening he smoked marijuana and that would relieve his pain. Each time he moved, sat up or was lifted out of his bed and onto a chair it was painful for him. Even breathing was painful for him. It was very sad visiting this guy. I would sit there for about 40 minutes and try to interpret what he was saying. As I said, marijuana was brought to him and it relieved his pain. I asked him whether there were other drugs that could help him. He said that there was nothing else. He told me that if he took morphine, it would be problematic and if he took Panadol, it would damage some organs, and his organs were already fragile. Cannabis gave him pleasure, and that is fair enough. If there is a way that the law can allow for people in that horrible situation to use cannabis without the threat of criminality —

**Mr C.J. Barnett:** I do not know what the law states, but I think there is scope for therapeutic use.

**Mr M. McGOWAN:** How can it be provided? There is no legal way to grow it as far as I am aware.

**Mr C.J. Barnett:** The Minister for Health may be able to advise on that.

**Mr M. McGOWAN:** Maybe we need some advice on that. He was certainly not using it lawfully.

**Mr C.J. Barnett:** I agree with that.

**Mr M. McGOWAN:** Does the Premier agree with me?

**Mr C.J. Barnett:** The member makes a good point and I have heard about that case. I understand it does happen in some cases.

**Mr M. McGOWAN:** I think a blind eye was turned by some of the staff, but they did it surreptitiously. They hid in a courtyard away from people while he smoked the cannabis. He would finally relax.

When I was in the military I represented a sailor in the Rockingham court. I saw a person present with a shocking case of arthritis and that person was on cannabis. I thought at the time that there must be grounds for therapeutic use of cannabis. That person was not dealing but was using and that was before the changes to the law in 2001. That person was hit with a significant fine in the thousands of dollars. He could barely walk and was not putting it on. I could see his twisted hands. He said that cannabis was the only thing that gave him relief from the pain he suffered. We should provide those people with an exemption from the law and find a way for them to grow cannabis lawfully for their use.

These changes to the legislation will give people the opportunity not to have a criminal record, and that is a good thing. The opposition has indicated that it will support the changes to the law.

As I said, my friend died about two or three months ago and it brings into focus the issue of his living in a nursing home. It was a sad way to spend seven years of his life. I was told that earlier in his illness he would travel around the corridors of the nursing home at high speed on his gopher, but for the past four or five years he could not get out of his bed. He lay in his bed in a tiny room that had Celtics posters around the walls and the only thing that gave him pleasure was cannabis. If we can ensure that people in those positions can get the release, relief and enjoyment that cannabis provides, it would be a great thing. I see the point in trying to reduce the usage of and the harm caused by smoking cannabis, and I support any initiatives that reduce the usage and harm.

**MRS L.M. HARVEY (Scarborough) [3.50 pm]:** It is my pleasure to support the Cannabis Law Reform Bill 2009. One of the key reasons for my support of it is that it is in line with the Liberal Party election commitments that we took to the community in September 2008. Our policy on drugs was drawn from our reaction to some of the reports that were available at the time, one of which was produced after the introduction of the Cannabis Control Act 2003, which was enacted in 2004. The report shows that since the enactment of that legislation, there has been an increase in the number of drug trafficking offences of 11.3 per cent and in drug possession charges and offences of up to 24.9 per cent. That was a fairly clear indication to our party at that time that those laws were contrary to the community's objectives and sentiments towards drug use in our community. In 2006,

the Mental Health Council of Australia produced a report called “Where There’s Smoke: Cannabis and Mental Health”, which uncovered information about the effects of drug use and its linkages to mental health problems and disorders, which have already been dissected in great detail in this chamber today. In light of all that, we took a very strong zero-tolerance approach to the election in 2008 and I believe that the community responded very well to that drug policy. Certainly the people in my electorate have very strong views about illegal drug use and about cannabis use in particular. In my electorate, Scarborough Beach has always been frequented by people who like to release their inhibitions, one might say. In the past, we have suffered from a number of antisocial problems that are often linked to alcohol and drug use. Over time, the misuse of amphetamines has caused a significant increase in the number of violent offences committed in my community.

This legislation is not the whole answer to the drug problem. I do not believe that anyone in the chamber believes that a strong law regarding the use of cannabis is the only answer to drug use. However, it is a good start. I believe that the link between mental health issues and drug use is a chicken-and-egg type of argument. A longitudinal Swedish study into its defence force personnel discovered that the defence force personnel in their 30s who had been heavy cannabis smokers in their youth experienced a 600 per cent increase in the incidence of mental health disorders. I am concerned that we might be dealing with a ticking time bomb. When we see the explosion of mental health disorders in our community, we must ask ourselves how much of that can be traced back to the expansion of drug use over the past 30 years.

The facts are becoming clearer. There is clearly a predisposition to drug and alcohol addiction. However, as that position becomes clearer and we get further into our research into these areas, we will probably get much clearer public policy about how to manage the drug issues in our community. Until we find that point, I do not believe that the relaxation of our attitudes towards drug use is the answer. I feel so strongly against the use of cannabis and illegal drugs partly because of my personal experience and partly because of the experiences of people in my community who have suffered serious detrimental effects from drug use, including premature death. Some constituents of mine lost their son to suicide at the age of 18. They link their son’s suicide to his excessive use of cannabis to the point at which he lost his will to live. Tragically, that is an outcome that is experienced by many Western Australian families from year to year, which is absolutely horrendous. As an employer, we watched employees whose work performance deteriorated. They became unable to remain attentive or even to turn up to work. They became unpunctual, displayed erratic behaviour and developed depressive disorders. We saw their relationships dissolve as a result of smoking cannabis every night, in some instances. There is an argument that cannabis is not addictive, but I dispute that. At one time I worked at the Barradale roadhouse, which is no longer there. During that time I worked with people who would pack a bong before they went to bed and could not get out of bed in the morning or start their day until they had smoked a bong. They would spend their breaks smoking bongs too. Sadly, I have lost touch with most of those people. I found out fairly quickly that our lives were on divergent paths. Clearly, the path that they were taking was not the one that I was willing to take.

This bill will send a very clear message that cannabis use is dangerous. It is very important to send that message to our young people. I am particularly impressed with that part of the bill that makes it illegal to sell or display cannabis smoking implements. There are a couple of places in my electorate that display and sell a wide range of drug paraphernalia. The view of most of the parents in my community is that displaying those implements normalises drug use. People then reduce their tolerance and become less willing to engage in a conversation about the associated harm of partaking in cannabis smoking. Plenty of parents in my electorate will be very happy to see those implements removed from the shelves of our shopping centres, simply because it will prevent them from having to explain to their children what the implements are for. By the same token, their children will not receive a subliminal message every day as they walk past those shops that those implements can be a part of everyday life. That is a very important message to send.

The University of New South Wales National Drug and Alcohol Research Centre published paper 44 in its monograph series. The paper states that some of the things that we should note with adolescents is that —

In cross-sectional surveys of young people, cannabis use is related to failing to complete a high school education and job instability in young adulthood.

There is also suggestive evidence that heavy cannabis use has adverse effects upon family formation, mental health, and involvement in drug-related crime ...

The paper also states —

Cross-sectional and longitudinal studies of adolescence in the 1970s and 1980s indicate that chronic heavy cannabis use may adversely affect adolescent development in a number of ways. These include minor delinquency, poor educational performance, nonconformity and poor adjustment.

We must be mindful of the health and psychological effects of cannabis use. It is good that the government has introduced a bill that shows leniency and that understands the impulsiveness of youth as it allows young people

to apply for spent convictions after a period of time because they have made a mistake in experimenting with the drug.

Debate adjourned, pursuant to standing orders.