

**MISUSE OF DRUGS AMENDMENT (METHYLAMPHETAMINE OFFENCES) BILL 2017**

*Second Reading*

Resumed from 20 June.

**MR C.J. TALLENTIRE (Thornlie — Parliamentary Secretary)** [12.32 pm]: I rise to speak on the Misuse of Drugs Amendment (Methylamphetamine Offences) Bill 2017. I begin, as I know many members in this place have, by saying this issue that affects us all. We can all relate cases of constituents with families who have been touched by some drug or intoxicant that has caused their family enormous stress and strain, grief, and in many cases tragedy. This is a very real issue that affects all Western Australians. By way of this bill the government is trying to increase and toughen the penalties, and I know there has been a strong call for that measure. Indeed, good supporting evidence exists to suggest that this will have a strong impact on the availability and supply of drugs—in this case methamphetamine. I will talk a little in my contribution about how we can tackle the problem of the demand for that terrible substance.

Before doing that I want to talk a little about my electorate, Thornlie, and about how we are touched by this issue, and some of the services we have to counter the problem. We have a wonderful organisation right next door to my office in Spencer Road—the Palmerston and Next Step service. It provides for people who have made that very important decision—that commitment—to cease their dependence on this terrible substance. I am aware of people coming and going from the premises, but I have to say it is all very discreet. I could well imagine that someone who has gone through a period of this terrible drug dependence might feel some degree of awkwardness about going into a building where they are clearly seeking help. But I do not think that is the feel on the street in Spencer Road where I am. On the contrary, I think there is a diversity of people going in there—people from all kinds of backgrounds—and I think in some cases it is family members who have been touched by having a drug-dependent person as a family member. The service provides for many people, but it is clear that they are from all walks of life—tradies, professionals, homemakers and students—just ordinary people who have in some way fallen into the clutches of this terrible drug. They made the decision, though, to recover, and they are getting on that road to recovery.

Sometimes I come to the office and see litter around the place and half-drunk bottles of Jim Beam and things, and I wonder whether that is because a police patrol has gone around and someone has thought they had better get out of there, rather than wait to get in to see the drug place. I am joking there, but I think the overall atmosphere is one of recognition of the important step people are taking and their enthusiasm and keenness to get into some form of treatment and recognise that that treatment program is a contract that cuts both ways. I have noticed—I have also been advised by the people working next door to me—that if someone is not committed to going into the program, they will not be accepted. That is very important in any form of drug rehabilitation. Of course, we are talking about legal drugs as well—the mind-altering alcohol, highly addictive nicotine and illegal and prescription substances. These are all substances and addictions that the good people of Palmerston and Next Step are assisting people with, so that they can move on.

Today meth is the focus of much of our efforts, and legitimately so. When we bear in mind that the latest wastewater survey work detected something like 1.5 tonnes of meth going through our system, with an incredible street value of \$1.5 billion, meth is clearly a major problem. I note that at varying stages in the past the emphasis was on ecstasy, heroin, marijuana, glue sniffing, crack cocaine, magic mushrooms, ketamine, skunk and LSD; all those different mind-altering and addictive substances have at various stages been the focus of our efforts. Here we are seeing that by increasing the penalties and maximum sentencing, we can focus in on this problem of meth. As to the discussion around public policy to counter meth, I think there is some evidence that it is beginning to pay a benefit and dividend already in that we have seen a decline in the amount of substances detected in the wastewater treatment analysis.

But there is much more work to be done. There is a long way to go. To my mind, education is also a very important part of this discussion. This is where we really tackle the problem of the demand for the substance. Why would someone want to experiment with or, for some other reason, take methamphetamine? That is the real question we have to tackle. I used the word “experiment”. In the past I know it has been the case that some people have wanted to experiment with drugs, but our education has to be of a standard and prevalence that people realise that experimentation is so close to addiction that it is a step that just cannot be taken. I am not clear on this, but I wonder whether the portion of demand for meth due to experimentation is relatively small. Of far greater concern is that the biggest contributor to demand seems to be that something is missing in people’s lives. Is it some grief that they have? Is it some inability to cope with other challenges that life has thrown before them? Is that what is really driving the demand for methamphetamine that some people are facing? Is it peer pressure in some circumstances? Is it because there is a view, as I sometimes hear, that a fly in, fly out worker can take meth as it will be removed from their metabolism by the time they go back on site and it will not show up in drug testing? Is it that sort of myth? Those things are perhaps contributing factors to demand, but I suspect

that the overwhelming problem—one we can all work towards resolving—is that people take these drugs because of a lack of meaning in their lives. They find that they have challenges that are just way beyond them and for some reason they see drugs as an accessible route to some momentary escape. That is a real concern and it makes us realise that the challenge is with us all. As parliamentarians, with the organisations we are connected to and the whole of society, we have to encourage people to realise that there is meaningful opportunity for them; there are ways they can lead fulfilling lives. That is where we need to take this discussion. I say yes to tougher legislation, and I support this legislation wholeheartedly—it is a part of controlling the supply side of the problem—but how do we tackle the demand? How do we ensure that Western Australians are wise and well informed enough to make the conscious choice not to take methamphetamine? How do we make sure that they are properly armed to refuse any proposition from a person seeking to sell this stuff for profit? How can we do that? That is where we really want to take this public discussion.

This is a problem that touches all our electorates. I know some people would believe that locking up every single drug dealer is the only way to go. Yes, I know that tough penalties have a role to play, but there is also the very challenging circumstance of tough love, and I know that is faced by many families across the state. Parents, brothers and sisters, carers or whoever are faced with the very tough decision to sometimes cut off a family member who has become a meth addict. My heart bleeds for those people and the challenge that they face when a loved one is so caught up with methamphetamine and is such a threat to the wellbeing of that family and society that their family's only option is to say, "We can't have you in our family home; we want to guide you towards rehabilitation." Then the question arises of whether those rehabilitation services are available. Where are they? What services are there? That is another very important part of this discussion and it is something we have to tackle. But I say again that tackling this problem at the demand side is probably the most effective way of dealing with things. I see people who have been through marvellous rehabilitation programs and who to some extent have become normal drug-free citizens. I think some would say once an addict always an addict, but those rehabilitated people manage the thread of their addiction. Those people often have ongoing mental health problems. They struggle to engage in meaningful employment and inevitably they are a cost to society as well. Even if we were to just put things into crude dollar terms, there is a cost to our society that comes from having this terrible substance in our community. That is why we need to educate people to realise that methamphetamine is not worth taking in the first place and that no matter what challenge they are facing, there are better options for them to resolve their concerns.

I think another reason that there is demand for substances such as meth is a sense of confusion about someone's place in society. Some people feel that they are not quite normal or typical and that they do not quite fit in. This is when we, as a whole society, have to be as inclusive as possible. Some people feel that they are not quite normal for whatever reason. It could be because of ethnic background, gender, sexual persuasion or whatever. There is a whole host of reasons that some people feel that they do not fit in. It is the fault of our whole society if we have led some individuals to believe that they do not fit in and are not part of the broader community and that for them the only momentary escape is some form of drug that gives them some kind of solace. As a society, we have to work to make sure that no member of our community feels that they are rejected in such a way that they turn to drugs as a form of solace. Essentially, I am talking about attacking the root cause of this problem more than attacking the symptoms; I think that is always the best way to go. I know it is very easy to have the broad philosophy of attacking the symptoms and I think that is very sound, but we have to face day-to-day reality. Not too long ago, somebody in the car park just outside my office was shooting up. It was quite interesting that when my staff reported this to the police, the police came along but were not able to do very much because the person had not committed an offence by procuring the drug; they were just administering it. I was amazed to hear that eventually the person drove off. How that can come to pass really worries me. The problem is very prevalent and it is one that we all have to tackle in the sense that we have to make sure that our fellow citizens do not feel the need to turn to terrible substances. The legislation before us is very sound. It will make a contribution to reducing the supply of drugs on our streets. Meth is a substance that we will have to deal with in years to come.

In conclusion, I support the legislation. I look forward to hearing more from the Minister for Police and other ministers about how we will present programs to educate Western Australians on the danger of methamphetamine and all other drugs and how, as a society, we will move towards making people feel that they are a part of our community, that their lives are full of meaning and they have meaningful roles to play, and that they do not need to take this terrible route of escapism through a substance such as methamphetamine.

**MS E. HAMILTON (Joondalup)** [12.49 pm]: I would like to speak in support of the Misuse of Drugs Amendment (Methylamphetamine Offences) Bill 2017. I stand before the chamber today as a representative of the Joondalup community. It is quite clear from the contributions on both sides of the chamber and from conversations I have been having with the community that methamphetamine affects all the community and the state as a whole, and Joondalup is not immune. I could go into the many studies, statistics, figures and evidence—it is all there. We have a problem. It is an issue that Parliament needs to look at, and the McGowan Labor government is addressing it as a matter of priority. I support the government's very strong

position on dealing with methamphetamine use in our communities. Meth is a disgusting drug. It ruins people completely. The families of users are also affected. It is costly and it is a difficult problem that needs a strong response. The bill before Parliament today is not to be taken as an isolated response to the issue of meth and drug addiction. The bill forms part of our government's response to a community issue. The meth action plan, which this legislation forms part of, is a plan that I campaigned for in my electorate and the community wants to see action on it. We are committed to rolling out the plan during this term of government; this legislation is the start.

Meth use has been on the increase. The drug is tearing families apart and it is filling up our hospitals' emergency departments and prisons. Those who choose to use the drug are adversely affected by it for the rest of their lives. The drug does not discriminate and it is seen across all demographics. While on the campaign trail, I remember quite well one door I knocked on that was answered by a middle-aged mother. I was walking in Heathridge when I knocked on her door. After an initial conversation, she said that she had heard about the Labor Party's recent announcement about meth. She became very emotional and spoke to me about the challenges that her family faced. She had a daughter who was using meth and she spoke of her family's inability to access much-needed support. She spoke of her daughter's inability, in her coherent moments, to access the care that she needed. She said drug rehabilitation beds were very difficult to access. I also spoke to grandcarers who were raising their grandchildren because of the effects of drugs and their detrimental effects on the family unit. While doorknocking in Heathridge, I also spoke to two gentlemen who were enjoying time out the front of their house one January afternoon. They told me their concerns about syringes in the sand in the playground at a local primary school. I was very concerned about this. It was something that I had heard from families around the suburb from time to time. I listened to these concerns and I was able to respond by providing the local parents and citizens association with funds to install soft-fall in an attempt to deal with this issue and maintain a safe playing environment for the students.

The effects that drugs have on individuals are far and wideranging. There are physical effects that people often cannot see. They also have the ability to cause mental health issues that can have lifelong implications. I have seen firsthand how someone changes when they use this drug. It changes their personality, appearance, sense of reality, understanding and ability to be rational. It is highly addictive. Aggressiveness and antisocial behaviour are common. It is a costly addiction and although rehabilitation can begin to address these issues, users who reach the point of being able and willing to participate often find it very difficult to access the help that they need.

It is true that Western Australia has the highest rate of meth use in the country—3.8 per cent of our population use it compared with the national average of 2.1 per cent. The effects that this drug has on families are heartbreaking, confronting and very concerning. It is ruining lives. As mentioned, a large number of people who present at local emergency departments are terribly affected by both drugs and alcohol. Often these people cannot be talked down because they are in such a state. They are often irrational and display paranoid behaviour.

Joondalup Health Campus has one of the busiest emergency departments in the country. Having toured the health campus on numerous occasions and having a good working relationship with the staff, I know that the issue of drugs is being felt there. I was advised that just three weeks ago, a new filter in the emergency department information system was implemented that will now provide a way to track, in isolation, the number of people who present to the emergency department because of meth use or other specific reasons. Although the tracking has begun, it is new; so the health campus was unable to provide me with specific figures at this stage. But it is happening. Joondalup Health Campus has, over the years, also put security guards in place. This is because of the increasing number of drug and alcohol-related incidents and they also assist with the increased presentation of the ageing population who may be suffering from dementia. It is important to note that 60 per cent of the hospital-wide security incidents that the guards attend happen in the emergency department.

The McGowan Labor government has committed to upgrading and expanding Joondalup Health Campus. This is a welcome move in our community. It means that people will not only be able to receive the necessary treatment, but they will also be able to receive it close to where they live. Part of the works will see an additional 30 mental health beds to address the chronic shortage in Joondalup. There is a direct link between mental health issues and drug addiction. Be it mental health issues or drug use, what comes first is a redundant conversation. The takeaway point is that drug addiction has the potential to result in mental health issues and these additional mental health beds are very welcome.

I have met with numerous groups, organisations and key community representatives since taking office. I recently met with officers at relevant local police stations that oversee parts of the Joondalup electorate. It was not surprising to me to hear from them directly that drug issues are prevalent in our community. Although it is not the major issue, it is one that confronts local police on a day-to-day basis. It results in increased crime rates, including petty crimes, as people need to feed their habits. We heard yesterday from my fellow members who have served as police officers, the member for Burns Beach and the member for Darling Range, about their firsthand experiences as law enforcement officials who dealt with the issue of drugs. In an article on 26 February of this year, Joe Francis said during the election campaign that the meth action plan "stunk" of

“a cheap political stunt”. Colin Barnett said it would be inconsequential. The former government, now the opposition, failed to adequately deal with this issue over the past eight years, and electorates like mine spoke. It is pleasing to hear that the opposition will support this bill.

I have said, as have my colleagues, that this bill is not a magic bullet that will fix the meth issues crippling our streets. There is no magic wand to rid our communities of drugs, meth in particular, but this legislation is a real start. This issue has a flow-on effect to dusty corners of our community. In Joondalup, a number of support services in the northern corridor are feeling the effects of meth use. The drug presents a very difficult and real problem as people who are affected, as I said earlier, are unable to be talked down. The aggressive and violent nature of their behaviour is very difficult to deal with. The need for support by women’s refuges has increased. There is a strong link between meth—or ice as it is otherwise known—and family and domestic violence. Additional resources are required by local community support groups to give them the ability to provide additional support and assistance for people and their families. Young people in our community are also using meth. The figures on this group are confronting. As I have learnt in this place, people as young as 11 years old are using meth. In Joondalup, and in the northern suburbs more widely, we are fortunate to have Youth Futures, a support service for 15 to 24-year-olds. One area that it addresses is drug education and support.

Meth is a very serious issue and it is one that the government is addressing. The bill before the house needs to be implemented as a matter of priority. We are going to get tough and this can be seen in the sentencing for meth traffickers. Our meth action plan will deal with the issues of prevention, treatment and rehabilitation. We need community awareness to continue to increase understanding about the detrimental effects of this life-changing drug. We, as parents, also need to continue to ensure that we are having conversations with our children and that we educate the young people of today about the effects and consequences of the drug. As sure as night follows day, throwing a supplier in jail will result in another one popping up. It has been said that we are getting tough on drug traffickers. We are providing the courts with the tools needed to impose tougher penalties on drug suppliers. We also have to start to deal with the users and provide support and access to adequate rehabilitation and continue the strong education campaign with the young people of today. We have to talk to them about the detrimental effects that this drug will have on their lives. If we start with one person at a time, one user at a time and one family that receives the support that they need, we will begin to deal with the issue of supply. If we lessen the need for supply, the demand will begin to dissipate. The legislation before the Parliament today shows that the government is serious about addressing the issue. As I said, this legislation will not be a complete solution, but it will form part of a combined effort and a coordinated strategy. It shows that the McGowan Labor government is serious about addressing the problem of meth.

**MR M. HUGHES (Kalamunda)** [12.59 pm]: I rise to make a short contribution to the debate on the Misuse of Drugs Amendment (Methylamphetamine Offences) Bill 2017. Unlike the member for Darling Range and the member for Burns Beach, who have significant grassroots experience of the problem as former members of Western Australia Police, my experience is somewhat more limited. I had, though, in the time prior to coming into this place, served as a member of the violence restraining order court in the Central Law Courts as a justice of the peace. Drug abuse, particularly its part in domestic violence, was something that I dealt with regularly on the occasions when I sat with fellow justices, dealing with applications.

Equally, my wife holds a position with the Department for Child Protection and Family Support, and I am aware of the devastating part that methamphetamine use and abuse plays in the lives of many of our children and their families. I make a distinction between use and abuse. I am not advocating the use of illicit drugs at all, but the abuse of this substance is much more directed to the circumstances of the lives that people have and the often dysfunctional nature of the families from which children come. Children, of course, become teenagers and teenagers then become young adults. In terms of intergenerational dysfunction, the desperate situations of many of our families are, I think, a substantial source of these problems for the community, and influence the ways in which we respond to these difficulties today.

It is a complex issue and requires the engagement of all agencies. I am particularly interested in the information we have on foetal alcohol syndrome and the effect that has on the development of young people. There is not yet any substantial research on methamphetamine use and its consequential effect on physical and cognitive development. That is something that I think this Parliament needs to address.

This debate fundamentally turns on a difference of view. I am pleased that the opposition supports the general thrust of this legislation, notwithstanding that it has some concerns about the rigour with which it is to be applied. The opposition argues for and focuses on minimum mandatory sentencing and is implicitly, if not directly, critical of the courts in their approach. The opposition talks about judges who are out of touch with what is going on in our community. That is not the case. Admittedly, the ABC Radio report I now refer to goes back to February 2015, but that is not so far back in history for it not to be pertinent. In the report, Western Australia’s Chief Justice, Hon Chief Justice Wayne Martin, is quoted as observing that 95 per cent of armed robberies and

up to half of all murders could be attributed to people taking methamphetamine, also known as ice or crystal meth. He stated —

“Within our armed robberies, I can’t remember a case that didn’t have a drug component; they are almost all—95 per cent—related, and of the drugs, methamphetamine has become overwhelmingly the drug of choice. So the vast majority of those armed robbery cases involves methamphetamine,” he said.

He then goes on to make some points about what is available for prevention and for dealing with the criminal class, if we want to put it that way. The article states —

Justice Martin said the justice system was not enough of a deterrent to people using methamphetamine.

“We’ve been throwing the book at offenders for a long time; upper level dealers have been getting very heavy sentences, 10 years plus, for more than a decade now,” he said.

This is our Chief Justice. The article continues —

“But the fact is that they have not reduced the spread of the drug, and it has continued to prosper and flourish.

“What it tells you is that people have an inflated view of the criminal justice system to change behaviour. By the time people get into the courts, it is a bit like shutting stable door after horse has bolted.

“Really police and courts must continue to do what they are doing, in terms of punishing people ...

He is talking about a specific deterrent for people who have committed a crime, rather than a general deterrent such that, if people commit this crime, they face life imprisonment. It matters little to people who are determined to commit those crimes. They make a risk assessment; they balance the risk of getting caught against the consequential punishment, and the sums of money involved are huge, particularly at the higher level. This bill, which seeks to toughen the drug laws in this state, is intended to deal with the people at the top of the heap. I am concerned that people who are users and are, in fact, lower-level marketers of the substance who have become caught up in it during their teenage years, could be subject to mandatory minimum sentences. As we know, no drug rehabilitation is done in our prison system for people on remand, and little for those who have been imprisoned. Plenty of evidence has been brought before this Parliament to show that little is done in our prisons to adequately look at rehabilitation. Putting young people in prison for substantial periods of time is not the answer.

I said I would be brief; I intend to be brief. The government’s “Methamphetamine Action Plan” is a comprehensive document, and this legislation is simply part of a broader process to effect a reduction in supply and demand, which also involves a process of education and dealing with this problem as a health issue.

Looking at other jurisdictions, mandatory sentencing was once America’s law and order panacea. There is now a move away from that. All it does is punish the most vulnerable members of society—those from the most marginalised sections of our community. We have an underclass in our society, but we choose not to recognise that. We have children born into families in which little nurture and support is given to them. They see physical trauma in the relationship between their parents. They could, in any other sense, be regarded as being in a war zone.

We have to understand that this is a complex issue. There has been an attempt by the United States Congress to pull back from mandatory sentencing options. All it has done is put the most vulnerable and marginalised sections of the US community in prison. It is not surprising, in those circumstances, that we are talking about racial disparity between white sections of the community and black Americans. We can mirror that here in Western Australia with our Aboriginal community.

I refer to an article from the Human Rights Watch webpage, “US: Repeal Mandatory Federal Drug Sentences”. It states —

Human Rights Watch recommended the elimination of all drug-related mandatory minimums 16 years ago in its report, “Punishment and Prejudice: Racial Disparities in the War on Drugs.” Judges should be able to exercise their informed judgment —

Members of the opposition —

in crafting proportionate and effective sentences for drug offenders. Mandatory minimums make this impossible. They force judges to sentence offenders without adequate regard to the particular circumstances of their case, often resulting in disproportionate sentences for relatively minor crimes. Enforcement of US drug laws disproportionately affects racial minorities, and mandatory minimums greatly compound the impact of that broader disparity.

I know that this government is committed to a comprehensive methamphetamine action plan. I will not go into the detail. It is available if opposition members care to read it. I know that the McGowan Labor government will see the reduction in the level of methamphetamine use in the community as one of its key performance indicators. I commend the bill to the house as part of the comprehensive methamphetamine action plan brought before the public prior to the election.

**MR J.R. QUIGLEY (Butler — Attorney General)** [1.10 pm]: I rise to support the Misuse of Drugs Amendment (Methylamphetamine Offences) Bill 2017. I draw the house's attention to the inactivity by the previous administration. A paper was published on the former Premier's website on November 2006; that is before his party came to government. The paper, titled "Ice Age", highlights the dangers of amphetamines and crystallised ice. That paper was published in 2006 and in 2015 he convened a methylamphetamine summit. That means that although he had particular knowledge of this issue, he did nothing for nine years. We have heard from the former Deputy Premier the member for Scarborough about what the Liberal-National government did, and I do not seek to berate or diminish the efforts of the former government in that regard, but mandatory sentencing never entered its mind as one of the things it should do.

How did we get to this situation if the former Premier knew about it for nine years before he called the summit? As a result of the summit, he did not come forward with an idea of mandatory sentencing and nor did the Minister for Police. How did we get to this situation? The first thing we have to bear in mind is that I realise that I am making these comments in the presence of the acting assistant commissioner of state crime, who is in the Speaker's gallery. His substantive position is commander of state crime. He has been a very experienced criminal investigator, especially into organised crime and the distribution of narcotics. I have known him for over 20 years and he is a very experienced man. I am sure he said—if not, it was the Commissioner of Police and I do not want to verbal him—that we cannot arrest our way out of this problem. The criminal justice system is but one element of the fight. There are all sorts of other elements to it. We would be deluding ourselves here this afternoon to think that the application of criminal law will fix this problem by itself.

Before the 2017 election, Premier McGowan, the then Leader of the Opposition, called all relevant shadow ministers together to see what could be done in their particular portfolios to strengthen the community's fight against the prevalence of methamphetamine. That included the mental health, health, communities and corrective services shadow ministers, and me as shadow Attorney General. We all had to put into an overall strategy. The shadow Minister for Corrective Services as he then was, Mr Paul Papalia, came up with the terrific idea of having male and female drug rehabilitation prisons where there would be daily testing for drugs, because we know they are rife in our prison system. There would be clinical support for addicts to turn them around in these specific methamphetamine rehabilitation prisons for males and females. The Leader of the Opposition, the now Premier, turned to me and asked what could be done. I said that in my area we could lift the penalty from 25 years to life imprisonment. Why did I suggest that? It is because that is the federal penalty for importation of the same drug. So if a syndicate or a ring brings it in, why should an importer and a local distributor not face the same maximum penalty? It was not a solution in itself, but it was to bring the same maximum penalty across from the national jurisdiction. It is not a panacea in itself.

The member for Churchlands is with us this afternoon. He sort of went on and asked what difference this is going to make but none. Whenever we raise the maxima, it makes a difference. I will tell members who pointed that out to this Parliament. It was Hon Christian Porter when he raised the maximum penalty for arson to life imprisonment. Some might have asked what difference would increasing the penalty from 20 years to life make? A member who was far more intelligent and learned in the law than the member for Hillarys and who was tipped to be the next commonwealth Attorney-General said that it would make a significant difference. The same Attorney General, Hon Christian Potter, LLM, much more experienced in these matters than the member for Hillarys, raised the maximum penalty for manslaughter from 20 years to life imprisonment and in this chamber said that this chamber would be sending the strongest message to the judiciary to raise the tariff—and it did. People of the Liberal Party who are far more learned than the tail end of the Liberal Party who survived the last massacre in March and now occupy a couple of seats in this chamber, the likes of Hon George Brandis, QC, the federal Attorney-General, who says that for importing trafficable quantities of methamphetamine, the maximum penalty should be life. Hon George Brandis has not gone to these desperate political measures that the current Liberal opposition is going to. No, Hon George Brandis says that the maximum penalty should be life imprisonment.

**Mr P.A. Katsambanis:** We agree with that.

**Mr J.R. QUIGLEY:** Is the member for Hillarys communicating or does he communicate only through telephone calls at 3.00 am when he is drunk? Maximum penalties in themselves do not deter anyone. Under section 474.14 of the commonwealth Criminal Code, there is a maximum penalty of three years' imprisonment for making harassing phone calls. That did not deter the member for Hillarys from going down that path.

We have the same maximum penalty in this bill as the commonwealth has imposed for the importation of illicit drugs. How did we get to the situation that the Liberal Party comes to today of insisting on mandatory minimum penalties? I will tell members how that came about. In response to the Labor Party's methamphetamine package involving all those portfolios to which I referred and to which the member for Kalamunda has just referred in the document he held up in the chamber on 2 February 2017, the Leader of the Opposition, together with me as Attorney General, announced raising the maxima to life. That was on 2 February. On 3 February, the very next day, the Liberals went into a panicked auction mode. It was very critical of Labor's plan and it said that it would announce its plans in due course. It cobbled together this announcement on Friday, 3 February, and then on 5 February it rolled out its plan for mandatory minimums in the three-tier terms set out. That was done in a rush to try to deflect from Labor's very well thought through total meth action plan. As I said at the start, nothing was done for nine years after Mr Barnett published his paper on the ice age, which I hold here, dated November 2006. Following the meth summit, there was a meth plan but no increase in penalties. However, within two days, the opposition responded to Labor's well thought through plan with a hurried rollout of mandatory minimum penalties.

Then there was a press conference. Yesterday afternoon Liberal Party members dishonestly represented the Premier's comments, which is true to form to their dishonest statements in this chamber, such as "fully costed, fully funded"—we heard all that last term; all dishonest—and the former Premier's statements that he would never lead a government that delivers a deficit budget and who never delivered a surplus budget. It was lie after lie. Then they came into this chamber and said that Premier Mark McGowan had agreed to their minimum mandatory plan and that he had broken a promise.

I go to the transcript of that press conference and a reporter referring to the Liberal's plan said, "The mandatory minimum term is a tougher regime; how do you react to that—the idea that perhaps Labor is being weak on this issue?" Mr McGowan: "I'm fine with what they are saying, but what I will say is this: do they support our life imprisonment approach; do they support having an activist AG who will go and appeal inadequate sentences?" Reporter: "So, would you? Do you? If?" Mr McGowan: "I'm saying yes; that's what I am saying." Reporter: "So you would impose?" McGowan: "I am saying yes." From those words and those words alone, the opposition misrepresents to this chamber that Mr McGowan had unequivocally committed to mandatory imprisonment for methamphetamine dealers. This matter was reported in *The West Australian* of 6 February 2017, the very next day, by a very senior crime reporter, Grant Taylor. May I read from that article, Mr Acting Speaker?

**The ACTING SPEAKER:** You may, member.

**Mr J.R. QUIGLEY:** Mr Taylor states —

But the solutions proposed by the Liberals and Labor differ in one fundamental way.

The Liberals have proposed introducing mandatory minimum jail terms for dealers, including a 15-year sentence for anyone caught with more than 200g of the drug. They would have to spend 13 years in custody before being eligible for parole.

Mandatory minimum jail terms have been a hallmark of the Barnett Government's tenure, leaving the judges and magistrates no choice but to imprison offenders for crimes such as assaulting police or sparking a police pursuit.

It goes on —

Labor's meth crackdown would introduce a maximum life prison term for meth traffickers caught with more than 28g of the drug.

May I lay that article on the table, Mr Acting Speaker?

[See paper 348.]

**Mr J.R. QUIGLEY:** That same press conference was reported on the very next day. Reporter Grant Taylor was under no misunderstanding about what Mr McGowan had said.

Two and a half weeks later, on page 22 of *The West Australian*, a comparison of Labor and Liberal policy was published. At the top it has "Liberal". I have marked it for you, Mr Acting Speaker, and it states —

Australia's harshest penalties for methamphetamine dealers, including life sentences and mandatory minimum terms of 15 years for 200g or more.

Further down on the page, in red, under "Labor", it states —

Convicted methamphetamine traffickers will face life in prison.

May I lay that on the table?

[See paper 347.]

**Mr J.R. QUIGLEY:** Members can see that what is developing here is a consistent line of reporting by the most senior reporters at *The West Australian*, who were under no misapprehension about Labor’s policies and they were putting them in prominent positions in the paper right before the election.

I come to the final article I wish to refer to, published on page 5 of *The West Australian* of 9 March 2017, two days before the election, under the headings “Law and order” and “WA Labor”, which states —

- maximum sentences for methamphetamine trafficking increased to 25 years ...
- \$40 million meth border force with 100 dedicated officers.

May I lay that article on the table?

[See paper 349.]

**Mr J.R. QUIGLEY:** Finally, I think it was the member for Churchlands—I will stand corrected if it was one of his colleagues—who referred to Josh Jerga’s tweet. Was it the member for Churchlands who referred to Josh Jerga’s tweet that stated that Labor agrees? We will find it in the *Hansard* and I will clean up the member for Churchlands in the third reading.

**Ms M.M. Quirk:** The member for Scarborough.

**Mr J.R. QUIGLEY:** It was the member for Scarborough who said, “What about Josh Jerga’s tweet that Labor supports mandatory minimum?” I have spoken to Mr Jerga and he was not even at the press conference; he was relying on something a Liberal had told him. He would be an absolute mug to rely on something that a Liberal had told him.

Government members have gone through some of the sentences that have been handed out. The members for Hillarys and Carine read press reports of some sentences. They pointed to, for example, the case of MSO v The State of Western Australia, in which a sentence of eight years and two months was handed out for possession of 10.5 kilograms of methamphetamine and a sentence of seven years and six months was handed out for possession of 2.4 kilograms of heroin, and said that those sentences were grossly inadequate.

Sentencing as a tool against crime is not the blunt edge of an axe, but is the sharp edge of a scalpel, because it is a tool in the law enforcement area in the fight against methamphetamine.

[Member’s time extended.]

**Mr J.R. QUIGLEY:** Press reports can be read out in here but they are not the full transcript of the hearing. What was not detailed to this chamber was the level of cooperation that MSO may have given to the state of Western Australia. I can assure members that I am not being presumptive in any way, because I know how things work. The assistant commissioner of crime, Mr Scanlan, as he now is, or the state commander of crime, would expect his investigators, on the seizure of a large quantity of amphetamine, to ask an offender from whence it came: what is the source of this drug? That is their job. Part of their job is to induce an offender to reveal more about further up the supply chain. The way they do that is by saying, “If you cooperate, we can’t make a promise, but we will go to the DPP and inform the DPP of your cooperation,” and as it were—we are in the chamber now and not in court—have a talk behind the Speaker’s chair. They would send a letter to His Honour, which would not be referred to in open court, other than in code language, and the offender could get up to a 50 per cent discount if he were to put in someone higher up the chain. That is as it should be. This process would absolutely be killed by the imposition of mandatory minimum sentences. It would mean that the police could not go to an offender and say, “If you cooperate, if you put your life at risk and tell us who your supplier is, we will send a letter to the judge.” The Liberals want to rip up this system and this very important part of police work. Its members say that these are totally inadequate sentences. I said, “How about 23 years? What would you say about 23 years?” The member says, “Oh, 23 years would get them there closer” in his weird voice and affected style. He would be happy with 23 years.

**Mr P.A. Katsambanis** interjected.

**Mr J.R. QUIGLEY:** We have heard the member for Hillarys and I invite everyone to listen, on *The West Australian’s* website, to his voice when he made his drunken call of harassment. He was undeterred by three years’ imprisonment and by section 474.14 of the commonwealth Criminal Code. Do not lecture us on this side of the chamber. I asked, “How about 23 years?” “23 years would be good” he said. Marc Quaid got 23 years and it was not for 10.5 kilograms of methamphetamine. It was for only four kilograms of methamphetamine.

**Mr P.A. Katsambanis** interjected.

**Mr J.R. QUIGLEY:** Oh good, he says, shaking his head like a nanny. Good, because even though Mr Quaid had less in quantity, he had been identified at the top of the chain. These people at the top of the chain sometimes have nothing. That is why we are introducing unexplained wealth provisions within the jurisdiction of the Corruption and Crime Commission. Even those criminals who do not get caught with any powder will still end

up before Commissioner McKechnie, QC, and have to give an explanation about how they were able to purchase a big black muscle car and adorn themselves in thick gold chains. Quaid gets 23 years for four kilograms. The way the Liberals would work is that MSO should have got more than Quaid, because he had 10.5 kilograms. The Liberal Party just treats sentencing as a dumbed down arithmetical exercise, in which what the courts are doing, with precision, is trying to cut the head off the snake. In apprehending Mr Quaid and associates of that distribution ring, the police cut the head off the snake and Mr Quaid languishes in the special handling unit of Casuarina Prison.

Then we go to Mr Yik To Ng. He was only 19 years of age. He copped 20 years' imprisonment, not just based on weight, but also where he was in this hierarchical chain of distribution. Mr Joshua Gaskell, 35 years old, had 21 kilograms, somewhat more than the 10.5 plus 2.4 kilograms of heroin for MSO. He gets 20 years out of a 25-year maximum. What is happening here is a precision application of the criminal law by very wise judges who are looking at this close-up on a daily basis. Not just once in nine years, as the Liberal Party has done, but on a daily basis. They have to undertake the most difficult task on behalf of our community. I understand; I get it that the far right of politics hates the judges. We have seen that around the world. The Leader of the Opposition from Missouri, who learned his politics in Missouri, hates them as much as Donald Trump hates them. The opposition comes to this chamber and runs down the judiciary time and again, saying that the government will have to take over because the judges are wimps and are not doing it properly. That undermines the confidence of the community in the judiciary.

I have pointed out one of the problems with this regime of mandatory sentencing. I pointed out that even Mr Porter—who is ten times more learned than the members for Hillarys or Churchlands and, we have on good authority, is soon to be the Australian Attorney General—who would introduce tougher penalties for arson and manslaughter, did not introduce a mandatory regime. At least he had confidence in the judiciary to act wisely. He did not upset the whole system by giving the judiciary no discretion. Through their discretion and working with the police they have leverage on these evil people by saying, “If you tell us who you got it from.” Someone has dobbed in Quaid. Quaid was not just walking the streets of Northbridge with four kilograms of meth in his back pocket. He was informed on. He is a dangerous character. He was a Special Air Service officer gone rogue, and his brother is in Long Bay Correctional Centre, serving an equal term for this sort of offence—the worst of the worst. I have no doubt that they were captured as a result of information supplied to Western Australia Police by people further down the chain. It is by this discretion that the courts can exercise and by the purchase that it gives the police over these offenders, to say that they will put a good word in for the offender with the Director of Public Prosecutions, but only if they tell us who is next up the rank. That is how we catch him and this is what the member for Hillarys wants to tear asunder.

I also went to the Director of Public Prosecutions, Ms Amanda Forrester, SC, who prosecutes these people on a daily basis and asked how she is feeling about this and the Liberal Party's proposal. She gave me a five-page letter of her serious concerns if these proposals go ahead. I am happy to table them here in Parliament today for the enlightenment of all members. The opposition gets up and just mouths these mealy-mouthed words: “We know that the Labor Party is philosophically opposed to”—which is code for soft on crime—“mandatory sentencing. We know that the Attorney General is philosophically opposed to mandatory sentencing.” What does it say about the DPP? Is she soft on crime? She spends her whole career pursuing criminals whilst for half of it, opposition members are in the members' bar. On a daily basis she is pursuing the worst of the worst. She pointed out, amongst other things, that this will send the number of trials through the roof because everyone will plead not guilty. I have a letter from the Chief Justice of the District Court that states that presentations in the District Court have gone up 26 per cent in the last couple of years because of methamphetamine and that it could not get extra judicial officers out of the Liberal government. The Liberal government would not give them the judges to deal with the meth addicts. That meant that if offenders pleaded guilty they were waiting between 28 weeks—that is over six months—and 52 weeks to have their sentence struck. During that time they are held on remand and cannot be put on any program to get them off amphetamines because they have not been sentenced. It has also sent our prison spend through the roof. The member for Hillarys beats a retreat from the chamber. Sound the retreat! He is out; he is gone!

We have over 1 100 prisoners on remand, as the DPP pointed out. It will massively increase prison trials and have a massive impact upon the police, because they will have to have officers there at all these extra trials, waiting to give evidence. It is going to have a massive impact on expert evidence because everyone will want to test the product down to the last quarter of a gram, so there will need to be more expert evidence and more expert witnesses. The Liberals ran PathWest into the ground; we have seen that. It will create inequity between offenders. As the Director of Public Prosecutions points out, the Liberal Party election promise would require that an offender with 10 grams of methylamphetamine receive the same mandatory sentence as one with 49 grams of methylamphetamine. However, it is clear that the imposition on the criminal justice system of mandatory sentencing in this area of prolific offending would be extremely resource intensive. This is not the Labor Party being soft on crime: these are the grave concerns of the Director of Public Prosecutions for

Western Australia. Before the member for Kalgoorlie votes for mandatory sentencing today, he ought to read the DPP's letter. I table that letter.

[See paper 350.]

**MRS M.H. ROBERTS (Midland — Minister for Police)** [1.41 pm] — in reply: I thank all members for their contribution to this debate on the Misuse of Drugs Amendment (Methylamphetamine Offences) Bill 2017. It is agreed by everyone in this chamber that methamphetamine is a scourge in our community. It is also not something new. It has been a significant problem Australia-wide for over 10 years. I am not saying that that is when the issue first began, but it has certainly escalated greatly in that time. Unfortunately, I doubt that there are many people in the community who have not been affected by it one way or another. The Australian Criminal Intelligence Commission has warned for years that methamphetamine is one of the most harmful substances impacting on Australia. I draw members' attention to the National Wastewater Drug Monitoring Program report, dated 1 March 2017, which I believe is available online if members would like to look at it. The March 2017 wastewater monitoring program found that Australia ranks second in the 18 countries tested for the consumption of methamphetamine. A silver medal there at the wrong end of the spectrum is not a record of which to be proud. Within the Australian context, Western Australia has the highest levels of methamphetamine consumption, with both city and regional sites significantly exceeding the national average. Among illicit drugs, methamphetamine consumption was the highest across all regions of Australia, and it has been increasing. The levels are currently at historical highs according to the Australian Criminal Intelligence Commission. The use of methamphetamine in regional areas is higher than in our capital cities and metropolitan areas. The ACIC also reports that results from the second half of 2016 show that demand for methamphetamine remains high and there are some indications that methamphetamine use continues to increase.

I know that some members opposite as part of their argument presented in the debate tried to suggest that somehow we are already on the path to recovery and that this problem was already dissipating. However, consistent evidence to show that does not exist. Most people who talk to others in the community are aware that the level of methamphetamine use is still colossally problematic. It is having an impact on all sectors of our community. It is having an impact in many areas of government. It is driving misery for families and in the community. It is certainly driving crime within the community, but it is having an impact in so many other areas. It is having an impact in education and on the ability of kids to function at school and for them to have a good family life, for them to be able to have opportunities into the future because their friends and/or relatives are hooked on this dreadful substance. It is having a colossal impact, therefore, in areas such as child protection and within our health system. I think most people here would be aware of the impact it has on emergency workers responding to situations, be they police or ambulance workers or the staff in hospital emergency wards. Nurses, doctors, orderlies and other people working in those areas confront violence driven by methamphetamine on a daily basis. It is no doubt having an impact on workforce productivity, road crashes, suicide rates, and a range of things across our community, so it is very important to get this situation under control. If we can drive down the rates of methamphetamine use in the community and drive down the prevalence of it in our community, we can have a significant impact on the wellbeing of children, young adults and older people within our community.

We are often focused on the impact methamphetamine has on young children and the teenagers who take it, but, as exhibited by many of the excellent contributions to this debate, I think that people here know the impact that it is having on parents—on mothers who are at the end of their tether, wondering how they will look after their children and/or grandchildren as a result of this drug. It is having an impact on grandparents not only because of the family situations they find themselves in, but also as victims of crime, who are being assaulted and stolen from, in some instances by members of their own family and in other instances by others who are addicted to this vile substance.

It is addictive like no other drug. Again, that is something that I think just about everyone in this chamber agrees on. The human tragedy of it is of the utmost concern. From just a financial perspective, a perspective of government cost, this issue is driving spending across a range of state and federal areas. It is no doubt driving costs in child protection, health, education, policing and our court and prison systems. It is undoubtedly also driving federal costs for the numbers of people who are on disability benefits or who now have a Health Care Card or who are on unemployment benefits because they cannot function and hold down a job and be a productive member of the community. The cost of rehabilitation services is also significant. Across just about every area of government endeavour and expenditure, a link can probably be made back to methamphetamine.

Drug use monitoring in Australia, the DUMA program, which examines drug use for offending patterns among police detainees, shows that in 2014–15, 50 per cent of detainees self-reported methamphetamine use in the 12 months prior to arrest; that is, over half of the detainees self-reported methamphetamine use. There may well be others who determine that they did not see there was any advantage in reporting that they had been using

methamphetamine. That is an increase from the 48.9 per cent recorded in 2013–14. The number of detainees in police lockups reporting methamphetamine use in the previous 12 months is still increasing.

Let us be very clear that there has been no silver bullet so far. I am very pleased that the McGowan government has been able to act so quickly to implement one of its key election promises. In and of itself, this bill is not the silver bullet that will fix methamphetamine use in the community. That is why we have a methamphetamine action plan. This bill is one component of that plan; it is a component that fits squarely in the police portfolio. In addition to the changes to the law that will be brought about by this amendment bill, police are responsible for other elements of the plan. As members will be aware, in recent times police have made a number of very good arrests and colossal amounts of methamphetamine have been taken off the streets of Western Australia. A lot of misery has been taken off the streets. Police are redoubling their efforts to get those people who are trafficking methamphetamine in our community and they are taking kilograms of drugs off the streets. That is part of their job and that is why another part of our methamphetamine action plan is the meth border force. An additional 100 officers will be dedicated to the task of eradicating methamphetamine from our community. It is not about just standing at the borders or the like; it is about looking at all the transit routes—from the bigger transit routes to the smaller transit routes in the suburbs.

Prior to its last couple of terms, the previous government made promises at elections that we asked it about two, three or, indeed, four years later. We asked it when it was going to bring that legislation forward. Sometimes in the autumn session we got the answer that it should be by the end of the year. In the spring session we were told that it should be by the end of the year and it rolled on into the next year. Every six months or so, we asked the government when it would deliver on its commitment. That is not the case with this legislation. This is something we committed to at the election in March and have made a drafting priority. I was delighted to be able to introduce this legislation to Parliament during the first full sitting week. The fact that this legislation is before the house—I am hopeful that it will pass through the house, if not today, then tomorrow—and that we have achieved that within 100 days of government is something that the McGowan government can be proud of. Indeed, those opposite sat on their hands for over eight and a half years. A number of opposition members rose to their feet and said that this legislation was not the answer, that it should do more or that we could do something else. My answer to them is that they had eight and a half years. Why did they not do more?

The member for Girrawheen and others referred, as I have, to the Australian Criminal Intelligence Commission report. The story has been there to be told; the information has been there for 10 years. Sadly, it was only in the last year, as has already been commented on by the member for Girrawheen, that the Liberal–National government finally started to take a few initiatives. Frankly, those initiatives were too little too late and were not part of a comprehensive plan. We went to the election with some simple commitments and we are delivering on them. I note that this bill is one part of a comprehensive plan.

Unfortunately, the previous government's lacklustre approach to the meth problem meant that there were not even funds for meth enforcement in the WA Police budget beyond 30 June 2017. As reported by Phoebe Wearne in *The West Australian* of 26 May, the federal Liberal government has just looked on. It has given Western Australia just two rehabilitation centres with 11.4 per cent of the federal funds that have been announced in the past few years. It is widely acknowledged that Western Australia has the worst methamphetamine issue of any state in the country, yet we got less federal funding than any other state. That is just not good enough.

Since coming back to the role of Minister for Police, I have found that a statutory review of the Misuse of Drugs Act 1981 is well overdue. Again, that review was ignored by the former government. It should have been put in place by now, but it has not, so I need to turn my attention to that now. Members opposite can rest assured that that is something I will get on to posthaste now that the former government's lack of action has been drawn to my attention.

I would like to thank all the speakers in this debate. We heard from former police officers who used to be on the beat, mothers whose foster family experience was harrowing and a number of lawyers who explained sentencing principles very eloquently and, indeed, showed a much better knowledge of sentencing principles than members opposite. We heard also from the member for Bunbury and the member for Kalgoorlie on the impact of the drug in regional areas. I acknowledge that regional areas have higher usage of methamphetamine and often do not have the same level of resources and support that can be found in the metropolitan area, so it is all the more important that we attempt to stamp out this scourge in those regional centres. Some representative community perspectives have been raised during the debate. Having had eight and a half years in government, for those opposite to suggest what we should now be doing indicates a level of hypocrisy. We are delivering on our election commitment, and we are delivering on it in full.

Today, the Attorney General made a very worthy contribution to this debate. His comments about the rising costs associated with the amendments put forward by the opposition are significant. When the opposition moves

Mr Chris Tallentire; Ms Emily Hamilton; Mr Matthew Hughes; Mr John Quigley; Mrs Michelle Roberts

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its amendments, it will be interesting to see whether it has any idea of the cost implications of those amendments. I am not talking about just the potential cost for increased prison terms, but also the increased court and policing costs associated with there being zero incentive for people to plead guilty. I do not think that those opposite have thought that through. The minimum penalty amendments put on the notice paper by the opposition go as low as 10 grams of the drug. The risk is that those amendments may capture some users who are being used to peddle very small amounts of the drug. I am not sure whether the consequences of that have been properly thought through. I hope that the member for Hillarys takes the opportunity to read the papers that have been tabled by the Attorney General today, particularly the advice from the Director of Public Prosecutions about the consequences that passing his amendments would have. Perhaps the member would like to reconsider whether he should move those amendments.

In conclusion, I would like to thank all members for their contributions to the debate. We are getting on with the job, we are getting on with it quickly, and, hopefully, we will have the Misuse of Drugs Amendment (Methylamphetamine Offences) Bill 2017 through this house within our first 100 days of government.

Debate interrupted, pursuant to standing orders.

[Continued on page 1417.]