

Legislative Council

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CONTROLLED SUBSTANCES (SIMPLE CANNABIS OFFENCES) AMENDMENT BILL

The Hon. A. BRESSINGTON (16:24): I move:

That this bill be now read a second time.

I have previously spoken extensively in this place on the health effects of cannabis consumption, so I will not repeat myself today. Needless to say, the body evidence that cannabis harms continues to grow, with the link between cannabis use and mental health disorders and cannabis dependence and withdrawal now widely recognised. Despite this evidence, the Controlled Substances Act of 1984 continues to treat cannabis as a soft drug with users and, as I will argue, dealers able to possess large quantities, yet only face an expiation fee.

As some honourable members may be aware, cannabis is sold in varying quantities depending on the stage of the supply chain in which the transaction takes place. Those who grow cannabis for profit will typically sell to distributors in pounds, the price of which varies from \$2,000 to \$4,000 depending on the time of the year and the manner in which it is grown. Distributors will then typically separate each pound into 16 ounces, or 28.5 grams in the metric system, and on-sell each ounce to street dealers for between \$280 and \$350, depending on the usual market pressures of supply and demand. Street dealers then again separate each ounce into street deals, which South Australian police inform me vary in size from two grams to five grams but which average two grams, which they sell for \$25.

This is the most efficient pyramid-selling scheme that has ever been developed. It is here that the problem with the existing scheme lies. By allowing a person to be in possession of up to 100 grams, the expiation notice scheme allows a street dealer to be in possession of up to 50 two-gram bag street deals. Despite the potential retail value of \$1,250 a dealer would face only a \$300 fine. So, that up to 100 grams for personal use is broken down into 50 individual two-gram bags, which are then on-sold for about \$25 each. If anyone is carrying 50 two-gram bags, you would have to be suspicious of whether that would be for personal use or whether—

The Hon. B.V. Finnigan interjecting:

The Hon. A. BRESSINGTON: The Hon. Mr Finnigan has it. Can I have my bag back, please? I might add that this is not cannabis. This is a two-gram bag, and in this bag there would be about six to eight joints or 30 to 40 cones. They will be carrying 50 of those bags around on them, and that is for 'personal use'. I believe it is a little extreme.

The PRESIDENT: Please refrain from bringing exhibits A, B or C into the council. It is not a courthouse: it is Parliament House.

The Hon. A. BRESSINGTON: I apologise, Mr President; I have never done that before and I will certainly never do it again. So, this is regardless of how it is packed. A dealer can literally have 50 individual bags, street deals, demonstrating a clear intent to supply, but under the current law a police officer is powerless to arrest, let alone prosecute, and can do nothing more than issue a fine. While I know that ideology shaped the cannabis expiation notice scheme, I hope it was never the intention to decriminalise street dealing; however, by

allowing possession of up to 100 grams that is the result, and street-level cannabis dealers can walk the streets with impunity.

That the current cannabis expiation notice scheme inadvertently captures dealers is supported by the result of a recent freedom of information request which revealed that in the last financial year over 5,211 expiation notices were issued for possession of less than 25 grams of cannabis but only 375 were issued for possession of more than 25 grams but less than 100 grams of cannabis. This shows what is already well-known; users typically buy cannabis in \$25 street deals, which weigh as little as two grams, and rarely buy more than half an ounce for consumption. It is street dealers who buy in ounces who are in possession of more than 25 grams. Based on this, one has to question how many of the 375 people expiated for being in possession of over 25 grams were street dealers who escaped criminal conviction because of this flawed scheme.

To reduce cannabis consumption we need to get on top of street dealing. It is street dealers who push cannabis on our young people, but I repeat that, at present, the police are powerless to prosecute. By allowing 100 grams of cannabis South Australia stands alone nationally, with no other state or territory permitting more than half this amount. Many other states permit significantly less, with the Australian Capital Territory expiating 25 grams—as I am proposing—and New South Wales and Western Australia restricting their schemes to 15 grams and 10 grams, respectively. Western Australia is of significance to this debate as it is the latest to amend its relevant law: the Cannabis Control Act 2003.

The amending bill, the Cannabis Law Reform Bill 2009, introduced by the governing Liberal Party, was supported by the Labor opposition, which all but conceded recently, when the bill went to a vote, that its social experiment had failed. Importantly, Western Australia only ever expiated 30 grams, less than one-third of our current expiable amount and yet the Western Australian government considered it a failure and took it to the last election as such. It is to be commended for standing up to the pro-pot lobby which, in my opinion, has too great a sway with both the South Australian major parties, given its minority status.

I encourage members present to look to their Western Australian counterparts for guidance. By reducing the permissible amount to less than 25 grams (which is less than an ounce), my bill will bring South Australia into line with the rest of the nation and close the loophole that allows street dealers to be in possession of up to 50 street deals of cannabis and not face conviction. By increasing the expiation notice to \$300, it will also serve as a financial disincentive to dealers, as the penalty will roughly be the equivalent of purchasing 25 grams of cannabis.

I remind members that the present law potentially allows a dealer to be in possession of \$1,250 worth of street deals and face only a \$300 fine. The bill requires a police officer issuing a cannabis expiation notice to also provide the offender with a pamphlet approved by the minister which outlines the health risks and criminal penalties related to cannabis consumption. The reason for the pamphlet is that we know that there are the diehards out there who refuse to acknowledge that there are any ill side effects to cannabis. It is all a beat-up.

Many people also believe that cannabis is legal. If we can put a pamphlet out there that can clear up both those myths, then we may be on our way. The time has come for our social experiment to come to an end. Just as this parliament recognised that allowing someone to grow 10 plants was open to abuse by criminals, it is now time we wake up and prevent street dealers from abusing the cannabis expiation notice scheme. I would just like to add that

Sweden has the lowest level of cannabis consumption amongst school-aged and young people.

The reason that they have been so successful in controlling their drug use—I am not saying it does not exist, but it is very much lower than what we are experiencing in this country—is that this is exactly what they have done. They have targeted street dealing; they have gone for the demand reduction model rather than the harm minimisation model. It is not turning people into criminals: it is simply hitting them in the hip pocket where it hurts most, usually. I am not advocating that drug users be criminalised. I am just asking for a reasonable balance in possession and expiation fee increases.

Debate adjourned on motion of Hon. B.V. Finnigan.