

LEGISLATIVE COUNCIL

Wednesday 30 May 2007

SUMMARY OFFENCES (DRUG TESTING ON ARREST) AMENDMENT BILL

The Hon. A.M. BRESSINGTON obtained leave and introduced a bill for an act to amend the Summary Offences Act 1953. Read a first time.

The Hon. A.M. BRESSINGTON: I move:

That this bill be now read a second time.

This bill has been drafted to deal with a situation that continues to be an ever-increasing problem, whereby serious offences committed against people or property are being dealt with in an ineffective or inefficient way in the courts because they are unable to determine exactly the core of the problem in terms of the offences being committed. This measure will provide for drug testing on arrest for any person who has committed an arrestable offence. They will be required to undergo a drug test to show whether their crime has been due to either their being drug-affected or just because they enjoy committing crime. We take into consideration the case of the two gentlemen who were stabbed by a man who was spinning out on methamphetamines, and the perpetrator was sentenced under the mental impairment provision.

In fact, even Frances Nelson QC has said that it is of grave concern to her that these perpetrators of violent crimes, who are off their face on drugs and high as a kite because they are psychotic or whatever, are getting lesser sentences because of the mental impairment plea. In fact, they are not mentally impaired: they are drug addicted. They are causing a huge clog up with the Parole Board as well. She has actually made the statement to the Hon. Nick Xenophon and me that they laugh at her. They say, 'I have this particular impairment and there is not much you can do about it.'

The aim of this bill is to determine the difference between people who are drug-affected and committing crimes against people and property, and those people who may just be hardened criminals who have committed a serious or arrestable offence and who test positive for drugs. I would hope it would then be diverted into some sort of treatment because this cycle, once it starts, is not going to just end itself. I know that all these drug testing bills that are coming up may seem onerous but, at the end of the day, in trying to get clear information on the extent of our drug problem, it is obvious that the data collection is scarce.

There is no real picture of exactly what we are dealing with, and I think even if we were to do this drug testing on arrest for a pilot period of only 12 to 18 months, it would give us a very clear picture on the extent of drug use and crime. Although there is evidence to show the correlation, I still do not believe that that is being accurately portrayed. This is a simple bill that will require any person who is arrested for an offence to be drug tested, and those results will then determine how and why it will be dealt with. They will be tested for all drugs, namely, cannabis, methamphetamine, heroin, ecstasy and other drugs of

dependence. I commend this bill to the council and look forward to the debate that ensues.

The Hon. J. GAZZOLA secured the adjournment of the debate.