

## LEGISLATIVE COUNCIL

Wednesday 20 June 2007

### CONTROLLED SUBSTANCES (CULTIVATION OF CONTROLLED PLANTS) AMENDMENT BILL

Adjourned debate on second reading.  
(Continued from 30 May. Page 195.)

**The Hon. A.M. BRESSINGTON:** Today I rise to support the bill introduced by the Hon. Dennis Hood for an increase in penalties for the cultivation of cannabis plants. I note that the honourable member stated that the laws in South Australia are out of step with other jurisdictions. I also recall the statements of this government when the law was changed from having 10 plants for personal use to three plants to one plant. The perception of the general public who were not cannabis users was that the law should be clear and no plant should be allowed for personal use. Most people believed that the government was on the right track at long last, yet many people still write to me saying that the drug laws in this state are a joke—a bad joke. Now we find that there is a maximum penalty set for magistrates—a mere \$500 for cultivating cannabis—and a person can appear before the courts on unlimited occasions with no recourse at all.

This is not tough on law and order and it is not tough on drugs. This government is—and I hate to have to say it—a government of smoke and mirrors where it seems that legislation actually supports and condones criminal activity. Whether or not it is the intention of the government, this is actually what is occurring. Cultivation of cannabis crops is a cottage industry in this state and the penalty that these criminals face is nothing more than a slap on the wrist. Who would not risk cultivating cannabis crops, with such a small dent in their profit from these activities based on this legislation? As the Hon. Dennis Hood stated, the crops can be worth up to \$40 000, so a fine of \$500 is less than what a person would pay in tax for that same amount of income for legitimate employment.

As a matter of fact, a very poor message is being sent: do not work, grow a crop, perhaps even collect the dole and your life will be sweet, even if you do get caught. I have to wonder how our hardworking police officers feel. They take the time and energy to seek out cannabis crops and for what? To have a criminal walk from the court and suffer a minor inconvenience or a minor irritant. Cannabis was identified by the Australian Federal Police as a source of funding for illegal motorcycle gangs. Cannabis is a drug identified as a substance that provides the cash flow for the production and distribution of other drugs. Once again, the entire Controlled Substances Act, I believe, needs to be gutted and some serious thought needs to go into what it is we want for this state in respect of drugs.

In my short time in this place, I have heard the term 'the intent of the bill'. I cannot believe that this legislation (the Controlled Substances Act 1984) has been explained or enforced with respect to its true intent. If it has, then those who worked to develop this piece of legislation and sell it as 'the way to go' should feel some sense of failure. If it has not been enforced appropriately, we have to ask why. On 8 December 1983, the Hon. J.R. Cornwall in commenting on the legislation said:

No single approach will adequately deal with the drug problem—it must be tackled in several ways. Dealers, pushers and traffickers must be prevented from making a

profit from human fallibility and vulnerability. Those who have become dependent on drugs or have sustained harm from their drug use must be offered treatment and rehabilitation.

The Hon. Dr Cornwall went on to say:

The Controlled Substances Bill implements the recommendations of the Sackville report in most respects and also takes account of the Williams report with its emphasis on increased powers and penalties to deal with drug traffickers.

I ask members in this place to please explain how the penalties for drug trafficking have increased, given that the cultivator of cannabis crop can be fined only \$500, regardless of whether or not the person is a repeat offender. Was this really the true intent of the bill? Apparently not, because Dr Cornwall went on to say:

As I mentioned previously, the government believes that urgent action is necessary to combat the drug problem. This bill spearheads the government's strategy. It has involved extensive consideration by the police and officers of the Health Commission and Attorney-General's Department. I believe it will be the most significant piece of legislation in the health area to come before this house for many years.

Significant piece of legislation, indeed! It appears not. In 1993 an intelligence report by the Australian Federal Police stated that South Australia was responsible for the majority of cannabis on the streets of other states; and in 2007 we live with the dubious reputation of being the cannabis capital of Australia—an industry which, contrary to the beliefs of some in this place, is funded by organised crime. It is pointless going over the disastrous health effects of cannabis because it seems to fall on deaf ears in this place.

We do have members in this place who believe—or appear to believe—against all the credible research that cannabis is a benign drug, and there are members in this place who appear to believe that drug use is a lifestyle choice. In saying that, we are told that repetition is the mother of all learning. So, just for the record, I will summarise again some of the proven side effects of marijuana use: respiratory diseases; cannabis addiction; memory damage and decline in other intellectual skills; increased risk of cancers of the aerodigestive tract; increased risk of developing schizophrenia; increased risk of leukaemia in offspring exposed to this drug while in the womb; possible chromosome damage; increased risk of birth defects in children of women who use cannabis during pregnancy; a marked decline in occupational performance in adults; educational under-achievement in children; reduced production of reproductive hormones; impaired ovulation, sperm production and libido; and reduced white blood cell production and impaired immune systems.

Given these scientific and medical facts, the average reasonable citizen would expect that a person who cultivates and distributes such a substance should experience the full force of the law. This substance causes addiction, it is a substance that affects children born to drug users and it is a substance that funds organised crime. But what do we do in this state to deal with it and work towards a solution? We allow individuals to continue to profit from the cultivation of cannabis and walk from the courts, laughing at them all and those of us who have made it.

It is comforting to know that the Hon. Dennis Hood is looking at this tragic act and putting up legislation that will address the many gaps that exist. I cannot for the life of me understand why, since 1984, government after government has not taken a strong and honest look at the failings of this legislation and made efforts to solve the problem of illicit drugs in our community. As I have stated many times in this place, only one country in the developed world has abandoned this morally-bankrupt policy of harm minimisation, and that one country is the only place that has achieved and maintained outcomes that do serve the greater good.

Let us consider looking to Sweden where it has been proven that drug control does work and, what is more important, possible to enforce. It just takes the political will and willingness to admit that what we are doing is simply not working. The World Drug Report of 2006 states that cannabis use in Sweden was at 2.2 per cent, while the Netherlands was at 6.1 per cent and Australia 13.3 per cent. What further proof do we need given that Sweden targets street dealing as part of its drug strategy and targets it with quite a zealous approach? This state actually encourages it with ridiculously inadequate legislation.

**The Hon. B.V. FINNIGAN** secured the adjournment of the debate.