



Speech by

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Hansard 19 July 2000

DRUGS MISUSE AMENDMENT BILL

Mr FELDMAN (Caboolture—CCAQ) (2.30 p.m.): It is with pleasure that I rise to speak on the Drugs Misuse Amendment Bill 2000. I will indicate right at the start that the City Country Alliance will be supporting this Bill. Drugs, both legal and illegal, can be responsible for a great many problems for individuals in society, including physical illness, dependency, psychological problems, social disruption, violence, family breakdown, economic loss, accidents—and I will speak more about accidents later on—and death. In Australia there were an estimated 22,700 drug related deaths in 1997 and, of these, 18,200 were due to tobacco, 3,700 were attributed to alcohol and 800 were attributed to illegal drugs, and that number has been climbing.

The Drugs Misuse Amendment Bill seeks to include anabolic androgenic steroids, Rohypnol and ephedrine to the dangerous drugs schedule in the new Schedule 2A of this Bill. The problem encountered with finding someone in possession of performance and image enhancing drugs such as anabolic androgenic steroids has been analysis and prosecution. Police were left in the invidious position of seeking approval to prosecute under the Health (Drugs and Poisons) Regulation and having to go through the trauma of wondering whether, in fact, it was actually that form of drug coming back from the lab. There was no provision for imprisonment and there was only a fine option.

On most occasions it was generally found that the person in possession of these types of drugs was usually supplying or at least dealing in these types of drugs with other persons. By the inclusion of Schedule 2A in the Drugs Misuse Act, the Drugs Misuse Amendment Bill will achieve its purpose, as police will have the ability to prosecute the offences of unlawful trafficking, supply, production and receiving or possession of property obtained from trafficking and supply in steroids. These offences will carry a five-year term of imprisonment. Possession of the drugs will carry a two-year imprisonment provision.

I also note that the evidentiary provisions within the Drugs Misuse Act are certainly a lot more narrowly drafted and provide more significant safeguards than those that were contained in the Health Act, and I noted the Minister's comments in his second-reading speech in that regard. Rightly or wrongly, certain sporting activities have found themselves at the centre of the performance enhancing drugs controversy. Gymnasiums, body building and weight-lifting are just three that come to mind straight away when we start talking about anabolic steroids.

The use of performance enhancing drugs and other steroids to bulk up and to body sculpt is probably a sign of our times. We obviously live in a very vain society where the quest for the body beautiful is thrust before our very eyes at every flick of the switch on the television set. I guess some people are drawn too quickly into that type of quest. Now at least we will have a deterrent to the quick path to gaining that sort of form of the body beautiful or the dream of weight-lifting glory.

When we think about steroid use and abuse, we also think of the controversy that surrounds the Olympic Games. With the approach of the Games, there has to be a deterrent to stop this sort of quest. With the approach of the Olympic Games to Australian shores and because of the fact that Queensland is hosting several front-line events, especially soccer, and is hosting training in several other sports, we must have this legislation in place to deter people who think that they can bring these sorts of drugs into our community—especially from overseas—without any sort of countenance whatsoever.

It is essential that this Bill commences as soon as possible—and I concur with the Minister when he said that—to ensure that we in Queensland do not become targets for the supply and distribution of this type of drug during the Olympic Games. I think it would be a great shame for Australia and, indeed, Queensland if this type of drug related activity was discovered to be occurring in our State during this Olympic period and we did not have laws in place to adequately deal with it and to deal with it promptly.

I agree with the comments of the previous speaker, the honourable member for Toowoomba South. I, too, do not think that anyone wants to see cheats in sport. We have seen what has happened in the past to those who have been caught: they have been banned and they are now virtual pariahs from the very sport they professed to have loved so much. I also agree that if we pass legislation it must be more than just a scrap of paper that the Legislative Assembly has put in place to feel warm and fuzzy.

The Minister must also ensure that there are sufficient police and other staff to enforce the provisions of the Bill. There must be an increase in staff at the Government Chemical Laboratory, where more staff are already needed to deal with the backlog of requests for analysis of drugs. Obviously new or at least better testing equipment may need to be purchased for equipping the laboratory and then the staff will need to be trained to use that equipment. We must ensure a decent level of commitment to ensure the provisions of this Bill can be met with the expectation that we here have spoken of and that, indeed, the community at large would expect from the provisions of such a Bill.

The City Country Alliance is in agreement that these substances are dangerous and should be classified as illegal, especially in relation to the drug Rohypnol and the increasing number of date rape incidents, as the previous member outlined in his speech as well. These date rape incidents are not only those that are reported to police but also those that are reported to rape crisis centres and hospitals. Unfortunately, a large percentage of those that are reported at those places probably go unreported to police to investigate, and I think that is because of a lot of the problems with the drug itself. We do not have to go too far back to remember Queensland newspapers carrying stories of flight attendants suspected of spiking female colleagues' coffee. As the previous speaker pointed out, there were several news items in southern papers, in the Australian and here in Queensland in the Sunday Mail in relation to offences that had been perpetrated on several women in this State, including one in which a gang rape had basically occurred.

The problem is that the drug itself, Rohypnol, produces a less inhibited and drugged state. As the previous speaker said, it is called the forget me date drug, roofies and a few other names, and it is now reported on the Internet quite widely as the preferred date rape drug of choice, the reasons being that the side effects of taking Rohypnol with alcohol produce decreased inhibition and amnesia. It is the amnesia effects of the drugs that are most distressing to the inadvertent user and to the police. Generally the user cannot remember, or the drug prevents the user from remembering, how or why they took the drug, the circumstances under which they took the drug or even when or where others may have given them the drug or where they obtained it.

As I said before, there have been several reports of women being gang raped while under the influence of the legal concoction of Rohypnol and alcohol. The induced stupor of the mixture has made them unable to recall the full account of the incident and renders them incapable of fighting off the perpetrators of the crime. As insidious and disgusting and, indeed, perilous as this circumstance of unprotected sex sounds, it can become even more dangerous than that. Rohypnol, when mixed with alcohol or other drugs, may lead to respiratory depression, asphyxiation and even death. When taken repeatedly it can lead to physical and psychic dependency, which is thought to increase with both dose and duration of use.

Benzodiazepine has a number of listed adverse side effects as well. The drug causes a loss of memory, impaired judgment, dizziness and prolonged periods of blackouts. Although it is a sedative, Rohypnol can induce aggressive behaviour. These are certainly not the effects that have been broadcast around the nightclub circuit, where Rohypnol seems to have found a home of use. It has been reported as a dangerous drug around the club scene, rave parties, dance parties and parties held at homes. It is being used at these places for the purposes I mentioned before. It has been reported on in the United States since the early 1970s. It was put on that country's dangerous drugs list in 1996.

It is all well and good for drug companies to place dye in the drug itself so that it can permeate a drink when it is mixed with alcohol. One drug company is using blue dye. However, there are drinks that the drug can still be put into without people knowing. Even if the dye is in the drug, it can still be hidden in dark coffee and drinks that have a blue tinge, such as blue curacao and others. I do not believe that putting dye in the drug will prevent drinks from being spiked in establishments, especially when nightclubs are not all that well lit and are crowded. Drinks are usually taken in haste. People usually try to push drinks down the throats of younger persons in these establishments. This will continue to go on, perhaps to an even greater extent, if something harsh and hard is not done. The only reason a person would be in possession of such a drug at a nightclub is for the purpose of spiking the drink of an unsuspecting male or female for the purpose of reducing their inhibitions. I personally

feel that there should be a separate offence for this type of possession which carries a greater punishment.

The provisions of the Criminal Code are quite specific with respect to the administering of a stupefying drug with intent to commit an indecent act. Section 218(c) of the Criminal Code, Procuring Sexual Acts by Coercion, states that administering to a person or causing a person to take a drug or other thing with intent to stupefy or to overpower the person to enable a sexual act to be engaged in with the person commits a crime. The maximum penalty is 14 years' imprisonment. With such a deterrent under the Criminal Code, one wonders why a person would enter a club with this type of drug in their possession.

The only reason I can think of for someone to enter a club or party with this type of drug in their possession is so their victims pass out or are in such a state that they can be easily forced into an act of impropriety or improper sexual contact. By taking a drug such as Rohypnol to a club or licensed premises, a person has already shown a mens rea, a state of mind, and the initial preparedness to commit such an offence. I certainly believe that possession of this type of drug in a licensed premises should carry a greater penalty than that of five years' imprisonment. I wait in anticipation for the amendment by the coalition with respect to this. I pass that on for the Minister's consideration, bearing in mind that provisions of the Criminal Code, especially section 218, refer to the administering of a stupefying drug. Other offences such as attempted rape carry a similar imprisonment term.

The final drug being added to Schedule 2A of the Drugs Misuse Act 1986 is ephedrine, the central nervous system stimulant which is structurally similar to amphetamines. Although ephedrine is commonly found and sold in over-the-counter cold and flu capsules and tablets, allergy preparations, nasal sprays and the like, the reason for its inclusion is due to the dramatic increase in its use as a stimulant, especially by truck drivers in order to stay awake on long trips. Recent research has proved that fatigue is a big cause of death in the trucking industry, attributing to 30% of all truck-related crashes. Apparently there is an attitude in the industry that there is no such thing as fatigue. I am sure that a strong union stalwart such as the member for Bulimba would agree with me that truck drivers are being pushed too far and too hard. No matter how many bypasses we build around towns to reduce the fatigue of a long trip, their times and logbook records are altered by some not so scrupulous trucking firms.

In fact, if we are to believe recent newspaper articles, it has become common practice that some trucking companies actually hand their drivers coffee jars full of drugs when giving them their pick up and delivery schedules. Drivers, particularly solo owner/drivers and small operators, also pursue unnatural means to manage their fatigue, the most popular being ephedrine, appetite suppressants and, in more serious cases, the use of speed. The wife of the truck driver recently killed on the Bruce Highway in my electorate said that the company he worked for was pushing her husband too hard and too long. I know that an investigation is under way, and I will not pre-empt what the police investigators will find. However, I think it is a tragedy if what she said was true and that he had been deprived of sleep for some two days before that incident occurred. If that is the case, I would imagine that that trucking company has some questions to answer. Indeed, truck drivers themselves should stand up more as a unified body to stop that situation from occurring.

It is of great concern that truck drivers are being forced to take drugs in order to meet unrealistic schedules set by their employers or their clients. It is also of great concern that some trucking companies actually hand drugs to their drivers in order to combat inevitable fatigue. This Bill will help combat some of the problems by enforcing penalties for the trafficking, supply and possession of ephedrine. However, it will not stamp out the problem of driver fatigue due to the setting of unreasonable deadlines. Perhaps this is an issue that the Minister for Transport should pursue further.

As I indicated at the beginning of my speech, the City Country Alliance will be supporting this Bill because it puts in place a more severe deterrent for the possession of Schedule 2A drugs. I commend the Bill to the House and commend the fact that we are seeing a responsible approach to the reduction of drugs in our streets and our society by being tougher rather than accepting what has become a commonplace drug culture. I commend the Minister. I look forward to the amendment which will be moved in the Committee stage by the Opposition with respect to penalties in relation to Rohypnol.
