



Speech by

Hon. R. WELFORD

MEMBER FOR EVERTON

Hansard 17 October 2001

DRUGS MISUSE (AMPHETAMINE OFFENCES) AMENDMENT BILL

Hon. R. J. WELFORD (Everton—ALP) (Attorney-General and Minister for Justice) (10.00 p.m.): I understand that the opposition will be making some comments in the second reading debate, but in general terms it intends to withdraw the bill.

An opposition member: Who told you that?

Mr WELFORD: That is what I understood.

An opposition member: Well, you're wrong again.

Mr WELFORD: Okay, those opposite are going to proceed with it, notwithstanding the impracticality of it. As members of the House know, for some time the government has been working on a whole-of-government comprehensive strategy to tackle the drug problem. It is a fundamental problem which all of us in this House have encountered in our own electorates. It is a problem that seriously affects our community. Addictions of all kinds—not just to hard drugs—are a major social problem, a problem that destroys families, destroys communities and a problem that is of enormous expense to the entire community. For that reason, it is understandable that the opposition would seek to at least make some symbolic or token effort to deal with it.

But the reality is that these things cannot be done in an ad hoc way. They cannot be done in a knee-jerk way, as this bill does. It simply reacts to what the opposition and the National Party in particular know best—that is, the law and order auction. If there are social problems, particularly in relation to criminal law, criminal activity or law enforcement, one of the unfortunate habits that the National Party lapses into is the habit of knee-jerk reactions and tub-thumping with ever-increasing bids for higher penalties and so forth. It is appropriate in these circumstances to categorise amphetamines as a category 1 drug for the purposes of appropriate penalties where trafficking is involved, and the government has of course done that. But we have done it in the context of a broader, more sophisticated and more responsible approach that recognises that we cannot just focus on penalties to deal with the drug problem. The drug problem will never, ever be solved solely as a law and order issue. It will never, ever be solved simply by putting people in prison, whether it is for 10 years or 50 years.

So the opposition's initiative here is an initiative inspired not by a serious interest in addressing the drug problem in an holistic way; it is inspired by a desperate attempt to gain political capital and fly the flag in a law and order auction, which it always does when it comes to law and order issues. It simply goes for the easy publicity stunt, and that can always be done by simply saying that penalties should be higher. The opposition says, 'If it's seven years now, make it 14 years. If it's 15 years, make it 25.' That is the easy option. Any dill can turn to the legislation and say that the penalties are not high enough. The penalties need to be high, but high penalties alone do not solve what is essentially a social and, in many cases, a serious health problem.

A serious drug addict does not turn their mind to whether they are going to go to jail for 15 years or 25 years when they are seriously addicted. That is a simple, physical and practical reality. If parliaments—not just governments but parliaments—are to collectively tackle the serious social problem of drug addiction, we need to do more than just engage in a law and order auction centring around the scale of the penalties.

As part of our drug strategy we have recognised that trafficking in certain drugs is creating such a serious social problem that the penalties should be at the top of the scale. We have done that for heroin and for amphetamines. But where does the opposition propose to go after this? What is its next proposal if the only focus of its drug strategy is imprisonment and the scale of the penalty involved? That seems to be the only thing this bill addresses, and that is why the government does not support it. We urge the opposition to get serious about dealing with drugs and to support our initiatives and the proposals we have brought forward to deal not only with the crimes relating to drug activities but also with the causes of those crimes so that we stop the cycle of drug-related crime.

The main problem with drug addiction in our society is not just the addiction itself and the social harm that causes to the addict but the related crime that is generated by the need to feed that addiction—that is, the crime of property offences, the break and enters, the thieving and stealing. These are serious problems that derive from the problem of drug addiction. We have to address those issues in the broader context and have a more sophisticated and more rational approach to the broader social problem and not simply see it as a law and order issue in the way that this bill proposes.

This bill is the sort of thing that one might expect the member for Callide to raise, because he is, after all, the shadow spokesman for police. He is focusing on one aspect of the drug problem, namely, the policing problem. I suppose it is natural enough when they focus only on the policing of addiction and drug trafficking that they turn their mind to penalties. But my approach as Attorney-General and Minister for Justice is to try to bring to the government's consideration of these issues and to the public debate something that is broader and more holistic than simply focusing on penalties and the natural game of politicians of being tough or pretending to be tough on alleged offenders. We have to take a more sensible approach to dealing with the causes of this problem.

The drug courts—which the opposition supports, and I acknowledge that—are a first step in that process. When we brought in our most recent drug strategy reforms we not only addressed the penalty issue but also expanded the diversionary processes, the processes that allow us to get to people at the earlier stages in their addiction to avert them from the criminal justice system if possible by dealing with their addiction rather than just dealing with the symptoms of their addiction, namely, the property crimes or other crimes they might commit. That is the dual function and the dual focus we need to have. We should not focus solely on the addiction and the trafficking itself but focus on what drives that addiction, focus on getting people out of their addictive habits and getting them out of the cycle of related crime that they commit to feed their addiction. It is about addressing the causes, not just the symptoms. It is about focusing on solutions, not just band-aids for the consequences.

Obviously, dealing with penalties alone is simply dealing with the issue after the event. It does not solve the problem, because we know that people are being put into prison addicted and coming out of prison still addicted and they then return to the cycle of drug-related crime. That is not a solution. All of us on all sides of the House need to recognise that while penalties are appropriate to a certain extent to deal with deterrence, they deter only those who are capable of understanding the nature of their problem. The real character of serious addiction is that some people simply do not acknowledge their addiction. Alcoholics deny their alcohol addiction; it is the same with other addicts. They simply do not see their problem. Until they can face up to that fact, simply putting them in prison will not solve the problem.

That is why we have taken an approach where all these issues are dealt with cohesively in a comprehensive drug strategy. We know that there are elements of that strategy which the opposition endorses and adopts. We urge it to come on board and take a bipartisan approach to the entire strategy and to put up proposals that help build on the strategy that we have already developed rather than, as this bill does, rehash old, tired, hackneyed solutions to problems that cannot be solved in this way.
