

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

5 March 2008

The Hon. D.G.E. HOOD: I will not detain the council; I understand the numbers in the chamber. This bill is really an attempt to do one simple thing: to provide a strong disincentive to grow cannabis for on-selling. Under current legislation, the growing of up to five cannabis plants with, I am told, a street value in some cases of up to \$40,000 attracts a maximum penalty under South Australian law of \$500. That is the maximum a judge can impose: judges have before them no other penalty options whatsoever; that is the maximum. Potentially, if a person is growing a crop worth up to \$40,000, or let us say that it is even half that—say it is a poor crop this year, and they grow \$20,000 worth of cannabis—the maximum penalty that can be imposed on them under current law is \$500.

The Hon. A. Bressington: By the regulations.

The Hon. D.G.E. HOOD: By the regulations. How that is tough on drugs— *The*

Hon. B.V. Finnigan interjecting:

The Hon. D.G.E. HOOD: Indeed. I do not understand how that is tough on drugs; it is just a fantasy to suggest that. The Hon. Mr Wortley may not have prepared that speech himself, but I suggest that he gets a new speech writer because—

An honourable member interjecting:

The Hon. D.G.E. HOOD: Well, maybe he did. The suggestion that the current regulations are tougher than this legislation is absolutely ridiculous. Put simply, what this bill does is it allows judges to impose much stricter penalties for people who are growing cannabis. To the government's credit, under the regulations, it

used to be that 10 plants and above was the number at which the tougher penalties applied, and the government has now reduced that to five plants. Family First heartily supports that and gives the government credit for it.

But the truth is that five plants can still fetch approximately \$40,000 on the street and, if the maximum penalty is \$500, what is the disincentive to stop doing it? Let us be clear: the penalty is \$500 maximum no matter how many times I have been caught doing it; I could be caught doing it a thousand times. Indeed, I have looked at the court cases, and there are literally dozens and dozens of examples of people who have been caught growing multiple cannabis plants. They are usually slapped with not the maximum but a \$300 or \$400 fine and, you know what, they are back in the courts six weeks later for exactly the same offence. Why? Because there is no disincentive to stop doing it.

If I can earn \$40,000 by growing five plants and the maximum fine that can be imposed is \$500, why would I stop doing it? If I can get \$39,500 tax free, why would I stop doing it? There is no disincentive whatsoever under the current law to stop doing it. This bill would correct that once and for all. What is more, it is not a particularly draconian penalty I am proposing. All I am proposing under this bill is that judges have the option—and I mean the option—to impose penalties up to a maximum of \$10,000 (which is still about a quarter of what can be earned through growing these plants) and/or up to two years' imprisonment.

I do not envisage that many people will go to gaol for growing cannabis. In fact, no-one goes to gaol for that at the moment. Under this bill, judges will at least have the option to impose other penalties, such as community service orders, for example. They would have options available. At the moment, the only option available to a judge is a financial penalty to a maximum of \$500, regardless of how many times the offence has been committed. What a joke. How can that be considered to be tough on drugs? It is anything but.

The Hon. R.P. Wortley: For self use.

The Hon. D.G.E. HOOD: The Hon. Mr Wortley says: for self use. Five plants would supply somebody for years. It just absolutely defies belief. Be that as it may, I understand that the government does not support the bill, and that is disappointing, to say the least.

In summing up, having explained what the bill is really about, I would like to thank members for their contribution. I thank the Hon. Ms Bressington, who contributed way back in June last year; although she has indicated her opposition to this bill. I thank the Hon. Ms Kanck for her contribution back in July last year; I thank the Liberal Party, which indicated its support back in November last year; and, indeed, the government, which has put forward its position this evening through the Hon. Mr Wortley.

The Hon. B.V. Finnigan: Ably.

The Hon. D.G.E. HOOD: Ably and succinctly, although I am afraid I cannot help but disagree with everything that was said. I would also like to draw some comparisons with the penalties that exist in other states. Needless to say, we are at the absolute bottom of the scale with respect to penalties for this offence.

In New South Wales the penalty is—guess what?—up to two years' imprisonment; exactly what I have proposed. The penalty in Victoria is up to one year imprisonment; in Queensland it is up to 15 years' imprisonment for the same offence; and in Western Australia it is up to two years' imprisonment. Why should we be at the bottom end of the scale? The suggestion by many people interstate and, indeed, in this state that we are indeed the cannabis capital is absolutely correct. The fact that the government refuses to acknowledge that is really disappointing and only serves to reinforce the fact that, indeed, we are the cannabis capital.

I will quote some statistics which prove that cannabis is not a harmless substance, as many people often suggest. Research at Yale University in the US has shown a clear link between cannabis use in teenage years and mental illness later in life. The report states: Those who smoked the drug regularly at 18 were 1.6 times more likely to suffer serious psychiatric problems, including schizophrenia, by their mid-20s. Just five or six years later. It goes on to state: For those who were regular users at 15, the stakes were even higher, with their risk of mental illness being 4.5 times greater than normal.

It is little wonder that Holland has such a high rate of schizophrenia, given their weak and lax laws with respect to cannabis. I will quote another few facts with respect to the danger that cannabis presents to our community. Other research carried out at the Maudsley Hospital—a major psychiatric hospital in the UK—has also suggested that the interference with brain function caused by cannabis can cause permanent damage, particularly in cases where young teenagers were consuming the drug. The report states: For those who started up in their early teens, there is some evidence that, five or 10 years after they have stopped, they are left with cognitive impairment.

This is not a harmless drug, but our laws suggest that it is. If passed, this bill will change that. The penalties are not draconian: the maximum penalty is \$10,000 and the maximum term of imprisonment is up to two years. I do not envisage that many people would receive those maximum penalties. Certainly, at the moment, nobody receives those maximum penalties. Our penalties in South Australia are clearly at the absolute bottom rung of any of the penalties nationally. Why shouldn't they be the same here?

This is a significant bill, because cannabis is a gateway drug to other drugs, and we know that for certain; the research is overwhelming. If we are serious about tackling the problem of drugs in our community, why shouldn't we start with a

drug that most people try and which leads them to other drugs? For that reason, I commend the bill to members and ask for their support.