

CRIMINAL LAW (SENTENCING) (DRUG OFFENCES) AMENDMENT BILL

14 March 2007

The Hon. D.G.E. HOOD obtained leave and introduced a bill for an act to amend the Criminal Law (Sentencing) Act 1988. Read a first time.

The Hon. D.G.E. HOOD: I move:

That this bill be now read a second time.

I will be as brief as possible, but I want to strongly state that Family First believes that court penalties for people dealing in drugs and people manufacturing drugs are plainly inadequate, and we believe it is time that that is changed once and for all. The bill proposes an end to what I might call the inadequate penalties provided by our court system. Family First believes that head sentences with token non-parole periods are not real sentences at all. The bill proposes that people who make drugs—whether it be by growing cannabis or cooking up amphetamines, or whatever it may be—or who actively trade in drugs must serve a minimum of 75 per cent of their head sentence as a non-parole period.

Family First research of recent District Court sentences for drug dealers and manufacturers revealed that, on average, offenders walk out of gaol after serving approximately half their head sentence. The toughest sentence overall was five years and seven months, with a non-parole period of just two years and six months (which represents 45 per cent of the head sentence) for supplying an Australian record of 100 litres of fantasy. According to our research, one ecstasy dealer received a head sentence of five years and 10 months, with a non-parole period of only two years and 10 months, representing some 49 per cent of the head sentence—and, in that case, even the non-parole period was suspended. I seek leave to insert in *Hansard* a statistical table my office compiled of penalties following recent drug sentences

(taken over the last few months from the Courts Administration Authority Sentencing Remark website).

Leave granted.

TABLE TO BE INSERTED

The Hon. D.G.E. HOOD: I believe that a copy of the table has been distributed to members. Members will note from the data in that table that the current average non-parole period is 56.1 per cent of the head sentence, with an average non-parole period of just over six months (including non-custodial sentences calculated as zero months' imprisonment).

The Family First proposal will apply the 75 per cent rule for the offences of producing, possessing for supply, manufacturing and taking part in the manufacture, supply and cultivation of illicit drugs, including amphetamines. Family First wants criminals who peddle in the drug trade to know that, if they are caught, they will serve at least 75 per cent of their sentence in gaol. As I have said, the current average time spent in gaol is under 50 per cent, and that is for people who make a living out of dealing in drugs.

I note the Prime Minister's speech at the Anglicare Christmas dinner recently where he said that the once unpopular and now accepted tough on drugs stance is working. I further note that on 24 November 2006 South Australia's Chris Pyne, the commonwealth Parliamentary Secretary for Health and Ageing, reported that from the years 1996 to 2005 there was a decrease from 15 to 6 per cent in 12 to 15 year olds' cannabis use and, in the same period, a decrease from 27 to 12 per cent in cannabis use by 16 and 17 year olds. Mr Pyne described those results as 'an extraordinary vindication of the government's tough on drugs program'. The fact is that we do not have to use trial and error against the drug epidemic. Across the world various countries have tackled the drug epidemic and they have met with both success and failure. Family First suggests that we put aside theory and copy the strategies of those countries that are winning and, indeed, the country we have discussed

significantly in this chamber is Sweden, which has had tremendous success in limiting the proliferation and the use of drugs of dependence. Sweden's drug policy is based on strict and tough penalties for dealers, but it has a strong focus on rehabilitation for addicts. There are seven recognised pillars of the Swedish system:

1. The overall goal is that of a drug-free society.
2. Harm reduction programs are only available in a limited fashion.
3. Treatment is abstinence based and coerced.
4. Consumption of narcotics is an offence and urine and blood tests are used to detect those suspected of drug use.
5. Drug laws are strictly enforced.
6. Discussions regarding the medical value of marijuana are almost non-existent.
7. Swedish legislation strictly adheres to and even surpasses the requirements set out in three United Nations drugs conventions.

This is compared to countries such as the Netherlands, which is only a short distance south of Sweden, which focus on harm reduction. In the Netherlands, we have seen teenage drug use spiral out of control, and I am not in the least surprised that the Netherlands has one of the highest incidences of schizophrenia in the world. Family First believes strongly that harm minimisation in this particular area simply does not work; it serves as no incentive at all. Family First believes that getting tough on drug dealers—and I am talking here about drug dealers, I want to be clear about that—is the only approach that works. I emphasise that this relates not to users but to dealers—a belief that is reinforced by the success of the Swedish system and the absolute miserable failure of the Netherlands model. Family First does not

believe that we can allow drug dealers to escape our courts with inadequate sentences. In short, this bill is to see that at least 75 per cent of the head sentence that a drug dealer receives is actually served in prison. I commend the bill to members.