

SECOND READING SPEECH

ROSALIE WOODRUFF MP

Misuse of Drugs Amendment (Drug Analysis) Bill 2018

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I move - That the bill be now read the second time.

We are building on the experience and evidence of other countries around the world to introduce a safe, legal framework for drug analysis in Tasmania. This bill amends the Misuse of Drugs Act 2001 by inserting a new Part 4A to establish a legal framework for lawful drug analysis pill testing. The bill establishes a drug analysis advisory committee that would include clinicians, police, community services and paramedics and would advise the minister on matters related to drug analysis.

The new Part 4A establishes a system for the issuing of permits and licences for conducting drug analysis. It provides penalties for a service that breaches a permit or licence condition, including being able to revoke a permit or licence and disqualify those services from delivering drug analysis services. This bill sets out the circumstances when a person would not be liable for a drug offence under the act.

Specifically, a person would not be committing an offence if they were delivering a permitted or licensed drug analysis service or if they were using that service. In the case of a person procuring a pill testing service, they would still be committing an offence if they possessed a trafficable quantity of an illicit substance.

The purpose of this bill is to make sure that more kids get home safe after a festival. That is the bottom line.

Pill testing services have been operating in some form for around 25 years in a number of countries. It first emerged in the 1990s in the Netherlands and is now part of that country's official drug policy. Similar initiatives are in place in Sweden, Switzerland, Austria, Germany, Spain, France, the United Kingdom and in some states in the United States.

Importantly, they are now also available in some capacity in the ACT.

The Liberals continue to trade in this information in relation to pill testing. They have consistently argued that it would condone illicit drugs; that it would lead to a culture of implicit endorsement of illicit drugs and would lead to an increase in the number of people using illicit drugs. In fact, that is a totally misinformed view because exactly the opposite happens. This is now well established from the evidence of the ACT and of the other countries that I mentioned.

The people who peddle that misinformation are at least two decades removed from the youth drug-taking culture, and they are two decades removed from the new approach to providing information and pill testing. That means that people are exposed to an extensive and comprehensive education about illicit drugs and pills before they are able to undertake pill testing.

It also is an indication that people with those views are completely misinformed about youth culture.

Youth culture today is highly informed; social media keeps young people very well connected. They are fully plugged into information through social media but the problem is that the information that they get access to - that we all get access to - is not always correct. Young people not want to put harmful things into their mouths; that is obviously true.

Young people are informed and want to be informed about what they put into their bodies.

Young people also go to music festivals to have fun; they go to enjoy themselves. They go to have a positive experience. Festival pills people take are labelled 'recreational drugs' because people take them typically at parties when they are recreating. Those people are usually not part of a regular illicit drug-taking culture. It is a different group of the population.

Because of that, these young people are an especially vulnerable group.

Typically, young people taking pills at festivals are highly naïve about drug effects. They have typically little or no idea about the contents of what they are putting into their mouths. They usually have no information or idea about the dangers of mixing drugs. They would not understand the toxic and life-threatening contents black market drugs are now being regularly diluted with. These people are very much influenced, as we all are, by what their friends are doing. When they are not well informed, they are typically trusting and sadly gullible. This group of young people may be well off or they may not. They are potentially my kids, your kids, our kids. They are always somebody's kids.

The point is that this bill is about trying to keep them safe. Pill testing in the form that it is undertaken at festivals gives respected, reliable professionals privileged access to young people. In order to get a pill tested in that situation, a young person would have to sit down first with a well-informed member of the community and hear about the risks of illicit drugs. In the ACT where a pill-testing trial has been run and found to be overwhelming successful, the drug information is provided in combination between health professionals and law enforcement officers. I hope you are listening to this minister, because you have both portfolios of Health and Police.

It is the united desire of law enforcement officers and health professionals in the ACT to reduce drug-related harm to young people.

That means they are working collaboratively together and providing young people with information about harm. Often in this situation, that encounter with the drug educator is the first engagement a young person has ever had with information about the risk of illicit drugs.

Pill testing gives people enough information to change their behaviour. By providing reliable information in conjunction with pill testing, we know that more people change their minds and they walk out choosing not to take the pill.

The evidence is that pill testing reduces the consumption of illicit drugs. Through education it changes the way people use drugs. It reduces the number of people who use at all because a proportion of people walk out and refuse to take them. It reduces the number of people who mix drugs, which is a particularly dangerous activity.

Pill testing is actually the ultimate in viral counter-marketing to a youth drug culture. It gives young people information about the dangers inherent in an illicit drugs market. It deters them from using drugs.

The evidence from other jurisdictions is that they pass this information on to their friends. That is the important thing. It provides information in a viral way out to a community of people who are particularly hard to educate about risk.

Young people, more than any other group in the community, are prone to thinking they are invulnerable and are not that interested in thinking about their mortality.

It is an amazing lever, a huge opportunity to get health professionals in a one-on-one conversation with a young person to explain what is happening in their life and what may be in that drug and the dangers of taking an unknown substance.

Given the nature of the illicit drug market, which is a black market, there is almost no way for police to get information about the substances being traded in the community. Pill testing provides police with much better knowledge about the illegal drugs that are available, far more than they are able to get themselves. It is simply not possible for the police to have access to the drugs being sold in the illegal drug market.

From the evidence of research overseas and from the ACT we know that pill testing changes the black market. Products that have been publicly outed as dangerous leave the market. That is because when information goes back into the community that a particular drug has a highly dangerous toxic substance in it, people stop buying it altogether. They may never purchase a drug like that again or they may purchase another one but at least they stop being exposed to a highly dangerous product. There is evidence this puts pressure on illegal manufacturers, perhaps preventing them from putting toxic adulterants into their drugs.

We consulted widely on the drafting of this bill. We spoke to Harm Reduction Australia, the Alcohol, Tobacco and Other Drugs Council and the Drug Education Network, who produced

a fantastic and comprehensive paper on pill testing and the evidence behind pill testing. We spoke to the Royal Australian College of General Practitioners. The Salvation Army are up against the hard end of people trying to recover from addiction in their drug treatment programs. We spoke to the community legal centres. I recognise Ben Bartl in the Chamber today. Ben is a fantastic outspoken advocate for all people through the community legal centre movement. His work is exceptional.

Since our pill-testing bill was tabled last week, it has been publicly supported by the Youth Network of Tasmania, the Tasmanian branch of the Australian Lawyers Alliance and, yesterday, Dark MOFO. Dark MOFO's Creative Director, Leigh Carmichael, wants Tasmanian festivals to be able to offer legal pill testing to save lives. He said, 'We know drug use happens, particularly in environments like music festivals, so we must do what we can to reduce the risk of harm or death ...'. He urged all political parties to stop playing politics with young Tasmanians' lives.

We took advice from Dr David Caldicott, a highly respected emergency clinician at the ACT's major Canberra hospital and who is also a member of the consortium for hospital-based testing services. The ACT has now undertaken a formal pill testing trial. After running that trial, a recent survey of ACT residents found 85 per cent of people in the ACT support pill testing. That is a substantial understanding that this is about protecting people's lives and reducing harm. The evidence of that study comprehensively shows that it does both those things.

Dr Caldicott coordinates the life-saving drug analysis testing program that has been in place in Canberra since 2013. It now happens as a matter of course for any patient admitted to the emergency department for a drug overdose. They do a drug analysis test of the patient and the results are given immediately to clinicians and to police, who are involved in essential first-line response to people who may be overdosing in a community. It is like a canary in the coal mine. It points to the possibility of a cluster effect, where more than one person may be exposed to some toxic substance that caused a person to overdose. The person, once recovered, is provided with the information about what caused them to overdose. They return to the community and circulate that information among their networks so that people know and are less exposed to harm.

This is the sort of good work we could have in Tasmania if we pass this bill and establish the ministerial advisory committee, which is a cautious and conservative way of approaching this. We are not suggesting the establishment of a pill testing trial that does not have a framework of support, with advice from a range of experts in the community about how that trial should be conducted. This suggests we bring together, as a state and we recognise this is so important, a ministerial advisory committee with all the key stakeholders. They will sit down, use the evidence, have the conversation and prescribe the conditions under which a licence may be granted to a service to conduct pill testing or drug analysis. They will

prescribe the conditions under which a permit could be issued so that a festival such as Dark MOFO could, on a one-off basis, can conduct pill testing.

In writing this bill, we have built on the experience of these other jurisdictions and the ACT. We have learnt from them that we need a legal framework and a space for all the stakeholders, the police, the clinicians, the paramedics, GPs, alcohol and drug agencies and festival organisers, to work out the evidence to establish the best conditions under which a permit and licence could be issued.

Dr Caldicott from the ACT was invited last month to outline that state's pill testing approach and the evidence behind it to the Ambulance Australia's Tasmanian Branch. Members present were overwhelmingly in favour of this bill being introduced in the ACT and of that approach. They know it will decrease their workload. Having pill testing available at music festivals frees up paramedics and volunteer ambulance resources to focus on heart attacks, dehydration and all the other injuries that occur at these large public events. This bill is not about condoning or seeking to normalise illicit drug use. It is about giving people enough reliable health information to change their behaviour.

When we drafted this bill, we anticipated that it would be a long shot to get the Liberals over the line. We assumed that, unfortunately, the Liberals would continue to remain opposed to this life-saving, harm reduction measure. Despite the overwhelming evidence this approach works and the strong community support to put the health of young people first, we know this Government continues to be committed to an ideologically punitive approach to illicit drug taking and that they have closed their mind to protecting young people from harm. I was totally unprepared for the Labor Party's response. It is really disappointing that the Leader of the Labor Party, Rebecca White, is not in the Chamber to hear this.

The Tasmanian Labor Party passed a policy to support pill testing at their annual conference two years ago this month. Members reportedly cheered when the HACSU Secretary, Tim Jacobson, moved for the party to adopt a health-based approach to recreational drugs and to support pill testing at music events. Either I am grossly politically naïve or I have an enduring belief that people will do what they say they will, but I honestly thought Labor would work with us to craft the best possible bill on pill testing.

It is clear the Labor Party was not intent on working with the Greens to craft the best possible bill that could be passed by this House. It is clear that when Dr Broad went straight to the media and called it a political stunt, it was fairly rich coming from a party that has printed out 3000 pictures of a Health minister, stuck them onto parliament lawns and filmed it with a ridiculous soundtrack over the top.

It shows a wilful amnesia to our public statements about pill testing since we returned from the winter break. He calls it a stunt, and they have failed to remember we have been talking

about this for four months. I find that surprising. The Labor Party also slammed it for being badly drafted and not based on evidence. I have outlined the extensive consultation this bill has been through with all the key stakeholders and the mountain of evidence for this conservative and inclusive ministerial committee approach. The stakeholders were passionately hopeful that finally politicians would put the health of young people first.

I would like to hear from the Labor Party who they consulted with to form their position. Was it the Alcohol and Drug Services? Was it the emergency doctors who they spend so much time talking to? Was it the Lawyers Alliance? Was it festival operators like Dark Mofo? What about all the Labor members who were jubilant about their party's pill-testing policy commitment?

I think we all know the answer. The Labor Party consulted with their spin doctors and decided they would rather throw their own party's policy under a bus than support a Greens bill. This is a self-servicing political position from Rebecca White, the Leader, who stands in this place every day telling us Labor puts health first. This is from a Labor Party that once had a proud, evidence-based health-first harm-reduction policy. It is the same Labor Party that established at the federal level in the 1990s a world-first and world-recognised harm reduction approach to drug use that led to Australia's outstandingly successful response to the AIDS crisis. They have held that position for decades, but how times have changed. They now seem to have taken up the Liberal's failed zero-tolerance approach to illicit drugs.

On the shoulders of the Labor Party members is the responsibility for Tasmania not having a legal framework to establish pill testing today, because if the Labor Party had made an effort and crawled over and had a conversation with us and done anything they wanted to amend this bill, Madam Speaker, it would have been up to you to put your ethical lens over the bill to consider the issues and make an assessment about how you would vote. But clearly that is a fairly pointless exercise to go to that effort when it does not have the support from the Labor Party to continue with their policy commitment.

Responsible law-makers, as we are, should do everything possible to keep young people safe. Young people have always indulged in risky behaviour and we feel a law-and-order approach to drugs will not stop festival overdoses or deaths and neither will stern warnings, but good education in the right circumstances might. When it comes down to it, wouldn't we want to do everything we can to make sure people are not putting dangerous, life-threatening things into their bodies?

I commend the bill to the House.