

MISUSE OF DRUGS AMENDMENT BILL (NO. 2) 2010

Introduction and First Reading

Bill introduced, on motion by **Mr R.F. Johnson (Minister for Police)**, and read a first time.

Explanatory memorandum presented by the minister.

Second Reading

MR R.F. JOHNSON (Hillarys — Minister for Police) [12.16 pm]: I move —

That the bill be now read a second time.

The government has introduced this bill to ensure that the sale of ice pipes in Western Australia remains prohibited. Evidence suggests ice pipes are designed solely for the purpose of smoking the prohibited drug methylamphetamine. As the use of methylamphetamine can have negative health consequences, including stroke, cardiovascular collapse and death, it is important that the implements used to administer the drug are regulated.

Presently, the Consumer Affairs Act 1971 allows the Commissioner for Consumer Protection to make orders to restrict or prohibit the supply of certain goods. A prohibition order was published in the *Western Australian Government Gazette* on 24 March 2006 prohibiting the supply of objects, including ice pipes, which are used, intended for use or designed for smoking or inhaling into the human body methamphetamine crystals. However, on 1 January 2011 the commonwealth government and all states and territories will implement a nationally consistent consumer law that replaces all generic consumer protection legislation currently in place in Australia. The implementation of the nationally consistent consumer law will involve the repeal of the Consumer Affairs Act 1971. The current power of the Commissioner for Consumer Protection to permanently ban unsafe goods will be transferred to the Australian Competition and Consumer Commission. In turn, all orders currently made under the Consumer Affairs Act 1971, including the ban on the supply of ice pipes, will lapse.

During the reform of consumer law all product safety orders were reviewed to achieve a nationally consistent set of instruments; however, whilst the Department of Commerce recommended that the ban on the sale of ice pipes be retained, the Australian Competition and Consumer Commission has advised that a national ban on the sale of ice pipes will not be put in place as it is not possible for the product to be regulated by commonwealth legislation. As the current ban on the sale of ice pipes will lapse on 1 January 2011, it is important that the amendments to the Misuse of Drugs Act 1981 included within the current bill are progressed as a matter of urgency to ensure that the sale of ice pipes in Western Australia remains prohibited, and becomes permanently prohibited, past this date.

The bill provides two distinct offences for the sale of ice pipes. The first offence relates to the sale of ice pipes to children under the age of 18 years. The penalty for the sale of ice pipes to a child is a fine of \$24 000 or imprisonment for two years or both. The second offence relates to the sale of ice pipes in all other circumstances, for which the penalty is a fine of up to \$10 000. The bill also provides that it is an offence for ice pipes to be displayed, or authorised to be displayed, for sale in a shop or other retail outlet. The penalty for this offence is a fine of up to \$10 000.

It should also be noted that a consequential amendment will be made by the bill to schedule 2, “Class 2 offences”, of the Working with Children (Criminal Record Checking) Act 2004. The consequential amendment includes the offence of selling ice pipes to children within schedule 2 of this act. Scheduling this offence as a class 2 offence has the effect of requiring a negative notice to be issued by the working with children screening unit to working with children check applicants who are identified as having convictions or pending charges for the offence of selling ice pipes to children, unless there are exceptional circumstances.

This bill will ensure that ice pipes remain banned from sale from 1 January 2011, and will, in turn, be permanently banned from sale in Western Australia.

I commend the bill to the house.

Debate adjourned, on motion by **Mr M. McGowan**.