

**BUTANE PRODUCTS CONTROL BILL 2009**

*Second Reading*

**MR R.H. COOK (Kwinana — Deputy Leader of the Opposition)** [5.55 pm]: I move —

That the bill be now read a second time.

On 13 May 2006 Dayle Koch attended a party in Kelmscott.

**The ACTING SPEAKER (Mr P.B. Watson)**: If anyone wants to have a meeting, please go outside as I want to hear what the member is saying.

**Mr R.H. COOK**: At that party she and a group of friends did what many teenagers do at social gatherings: Dayle experimented with recreational drugs. She also, with friends, inhaled butane purchased during the evening from a local retailer. She was not alone, and no doubt was encouraged to follow along by the party atmosphere and the fact that her friends too were partaking in that recreational activity.

That night something went terribly wrong. Dayle died of ventricular fibrillation suffered after inhaling butane. A subsequent coronial inquest into her death found that Dayle's death, while complicated by the lack of medical attention she received, was in part caused by the inhalation of butane and the abuse of the substance.

Last year the State Coroner, Alastair Hope, held a coronial inquiry into Dayle's death. His inquiry recommended prohibiting the sale of butane to minors. This private member's bill is designed to give practical effect to that recommendation and ban the sale of butane-based products to minors, including butane cigarette lighters and canisters of butane.

While the government has said that it is tough on drugs, it has declined to act on the coroner's recommendation. The opposition presents this bill to demonstrate its commitment and support to the Kochs, and all parents desperate to keep their young families from falling prey to this product.

The bill seeks to ban the sale of three types of products to minors: butane cigarette lighters; canisters of butane cigarette lighter refill material; and such other products or classes of products as may be prescribed by regulation.

The bill utilises the existing legislative framework provided by the Tobacco Products Control Act 2006. It also utilises the same inspection and policing regime as that contained in that act. In doing so the bill takes account of the limited resources available to the government to police and control the nature of the sale of these types of products. Consistent with the Tobacco Products Control Act, the Director General of Health can delegate by authorisation to either officers of the department or police to carry out activities under this act. To this end, the intention of this bill is to create a regime that treats the abuse of butane products as a health response issue by extending and complementing the provisions of the Tobacco Products Control Act. Prosecutions under the bill will be carried out in a manner that is consistent with the Tobacco Products Control Act.

While retailer compliance enforcement of this law makes it almost impossible to have a blanket ban on all butane-based products, this bill seeks to ban the most commonly available forms of butane. It should also be noted that retailers have the option of stocking products with non-butane, non-harmful propellants such as hydrocarbons.

Butane is a legal product that is abused by some teenagers. It displaces oxygen in the lungs, resulting in a mild euphoria. But it can also have other less pleasant side effects, including disorientation, frostbite, drowsiness, asphyxia or heart failure. Dayle Koch's death is not an isolated incident. The coroner has reported that there were at least a dozen deaths in WA between 1997 and 2008 from butane use, and these are just the deaths that we know about.

Today I wish to acknowledge the tireless campaign of Dayle Koch's mother, Lee, and her aunt, Toni James, and I acknowledge their presence in the gallery this evening. It must be difficult for them to listen to this debate each time it gains prominence, given the painful memories this must evoke. But rather than be overwhelmed by the grief of Dayle's death, the Koch family have personally campaigned so that their daughter's death is not in vain, and that other teenagers may not have easy access to butane.

In October 2006 the former Minister for Health, Hon Jim McGinty, responded to the death of Dayle Koch by introducing a trial voluntary code of conduct among retailers for them to refrain from selling butane to minors and requiring butane to be kept behind the counter or in locked cupboards. This trial was to be reviewed after 12 months. At the time, Hon Jim McGinty said that if the trial was not successful, he would legislate to ban the sale of butane to minors. A study by the Drug and Alcohol Office in 2008 found that fewer than 70 per cent of retailers were complying with the most important part of the code: for it to be displayed out of reach of minors. It has become clear that the voluntary code is not working, and stronger action needs to be taken to protect children

from the harmful effects of butane. We tried the code; it does not work. There have been other examples of the trial not being shown to be successful. One newspaper reported a 16-year-old easily purchasing butane products from discount stores. My notes record the young person saying —

I was shocked. I just went straight through the checkout and they didn't even blink an eyelid—it was like I was buying makeup or something they were so casual about it.

That was in 2007. Another newspaper conducted a review of the sale of butane products. That study demonstrated that of the 13 retailers surveyed, over half sold butane, in the form of a cigarette lighter, to a 15-year-old girl without asking for her identification to check her age or asking for what purpose she wanted to buy it. The most commonly abused form of butane is in cigarette lighters. Given that smoking is illegal for those under 16, there is no legitimate reason for children to have cigarette lighters. As late as today Channel 7 news sent a 16-year-old to a Maddington newsagent to buy butane. She was successful; no questions were asked. The director of the National Drug Research Institute reported in 2008 that the voluntary code of conduct was not working. The State Coroner has said that it is not working. The government's own survey has demonstrated that it is not working. According to several youth services, such as the Swan City Youth Service, out in the community, butane abuse is on the rise.

This private members' bill will not bring Dayle Koch back and it will not stop all young people from participating in the dangerous acts of experimentation with and abuse of drugs. It will, however, take the ambiguity away in the public's mind and clearly state that, as a community, we want to stop the abuse of butane and we want the government to use its resources to help stop the sale of butane products to minors. I commend the bill to the house.

Debate adjourned, on motion by **Mr R.F. Johnson (Leader of the House)**.