

DRAFT SECOND READING SPEECH

HON SARAH COURTNEY MP

Poisons Amendment Bill 2019

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Madam Speaker, I move that the Bill now be read a second time.

This Bill amends the *Poisons Act 1971* to deliver on the Government's commitment to ban the sale and display of ice pipes by retailers and wholesalers.

We know that crystal methamphetamine, or ice, is one of the most dangerous drug scourge to face Australia.

It is considered to be more potent, more dangerous and more addictive than other illegal drugs.

The National Drug Strategy Household Survey and the National Wastewater analysis program confirms that while cannabis remains the most commonly used illicit drug in Tasmania, the misuse of meth/amphetamine is of great concern.

This is a very important issue in our community, which is why we committed to strengthening Tasmania's response to the problems posed by all drugs in our society, with a particular focus on ice.

All Tasmanians deserve to live in safety and free from the harms of drugs, and this Bill is another step towards delivering on our commitment protect our community.

We know that the current law sends a mixed message where the drug is illegal, but the paraphernalia used to consume it has been available for purchase in some retailers with no specific powers to prevent it.

Ice pipes are pipes made of glass or other materials, and are commonly used for smoking ice, and other drugs such as crack cocaine.

Our commitment and this Bill will fix this contradiction, and will restrict access to this method by banning the sale of ice pipes through retail and wholesale stores and outlets.

Like many other jurisdictions, Tasmania has generic drug paraphernalia possession offences.

However, currently only Tasmania and Western Australia do not have specific offences relating to restricting or prohibiting ice pipes in retail or wholesale settings.

These amendments will therefore better align our laws regarding illicit drugs, and provide for quick and decisive action to limit the visibility of ice pipes to the general public.

This will serve to help reduce the uptake of illicit activities by people purchasing the pipes for the intent of smoking ice.

Banning the sale of ice pipes will also reinforce the very strong message to Tasmanians that the illegal use of ice is highly addictive, dangerous to health and further discourage its use.

I will now turn to the specific provisions of the Bill.

The key amendment is the introduction of an offence for anyone found to be selling an ice pipe in a shop, or in connection with a shop.

Due to the broad definition of 'selling' in the Principal Act, the offence also captures sales by wholesale or retail stores, as well as the display and possession of ice pipes with the intent to sell.

The wide range of retail sales will mean that these devices will no longer be able to be displayed or sold at market stalls, booths, vehicles, as well as traditional bricks-and-mortar shops.

The specific reference of sales 'in connection with a shop' has also been included, so that a person cannot escape the offence by displaying or selling ice pipes outside the business premises.

By making the display and sale of ice pipes illegal, they will not be out on display and readily available, which only serves to 'normalise' the devices as every-day retail items.

This will address the somewhat confusing message to the community – to young Tasmanians in particular – that while it is illegal to possess or smoke ice and other illicit substances, it is currently ok to display and sell equipment that's primary use is for that purpose.

The definition for ice pipes is based on the scope of similar offences from other jurisdictions.

The focus is on a device that is capable of being used for the inhalation of fumes from heating a controlled drug in a crystal or powder form.

This targets ice specifically, but also applies to other drugs that can be smoked in ice pipes, like crack cocaine.

The definitions of ice pipe and shop are broad enough to ensure effective enforcement of the provisions by police officers and inspectors, as appointed under the Poisons Act.

The scope of the definitions includes any additions or exclusions of particular types of shops or devices provided for in regulations.

This new offence will incur a maximum penalty of 100 penalty units – which currently equates to a maximum fine of \$16,800.

The high level of the penalty is in line with other jurisdictions, and reflects the seriousness attributed to the offence of selling these devices.

The amendments also retain the power to issue on-the-spot infringement notices for offences. Infringement penalties will be prescribed in the regulations.

It is important to note that the amendments include a defence.

That is, a defence applies if a person charged proves that the ice pipe is designed primarily for a purpose other than administering a controlled drug.

In order to use the defence, it is up to the person charged with the offence to provide further evidence to show the primary design and use of the device is for another purpose.

However, it will not be enough for a retailer to simply claim by an oral or written disclaimer that an object meeting the definition of ice pipe is designed or intended for some other use.

The Bill includes similar enforcement provisions for police officers and inspectors in line with existing powers under the Act.

This includes powers relating to entry to a shop, inspection, and seizure of devices by police officers and inspectors.

There is also requirement for the return of anything seized if the reason for its seizure no longer exists. This ensures that seized things are returned if the police officer or inspector determines they are not ice pipes.

In addition, where a person is found guilty of the offence, or taken to have been convicted after issue of an infringement notice, there is power for the Court or Secretary of the Department to direct that the ice pipes are destroyed.

In addition to the new offence relating to ice pipes, the Bill increases the penalty for the current drug paraphernalia possession offence in the Act, from 20 penalty units to 50 penalty units.

This increase will address a current inconsistency and bring the penalty into line with the similar offence under the *Misuse of Drugs Act 2001*.

This Bill delivers on an important election commitment by this Government to tackle the serious and insidious public health impacts caused by the presence of ice and crystal methamphetamine in our community.

We know the significant harm and costs this drug has on individuals, their families and the broader Tasmanian community.

The introduction of this ban will restrict the very small number of unscrupulous retailers who currently display and sell these devices, and go a long way to changing the views held by some that smoking methamphetamines is acceptable.

I commend the Bill to the House.