

2008

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Mr Richard Mulcahy)

Criminal Code (Drug Equipment) Amendment Bill 2008

A Bill for

An Act to amend the *Criminal Code 2002*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 **1 Name of Act**

2 This Act is the *Criminal Code (Drug Equipment) Amendment*
3 *Act 2008*.

4 **2 Commencement**

5 This Act commences on the day after its notification day.

6 *Note* The naming and commencement provisions automatically commence on
7 the notification day (see Legislation Act, s 75 (1)).

8 **3 Legislation amended**

9 This Act amends the *Criminal Code 2002*.

10 **4 New part 6.4A**

11 *insert*

12 **Part 6.4A Sale of drug equipment**

13 **621A Definitions—pt 6.4A**

14 In this part:

15 *cocaine kit* means 2 or more cocaine kit items packaged together for
16 the purpose, or for the apparent purpose, of using the items to
17 prepare cocaine or introduce cocaine into a persons body.

18 *cocaine kit item* means any of the following:

- 19 (a) a glass bottle;
20 (b) a mirror;
21 (c) a razor blade;
22 (d) a scoop;
23 (e) a tube;

1 (f) any other item that can be used with an item mentioned in
2 paragraphs (a) to (e) to prepare cocaine or introduce cocaine
3 into a persons body.

4 ***drug equipment*** means—

5 (a) a cocaine kit; or

6 (b) a drug pipe; or

7 (c) a water pipe.

8 ***drug pipe***—

9 (a) means a device, or components that together make a device, or
10 with an adjustment or modification make a device, for the
11 purpose or apparent purpose of smoking cannabis, cannabis
12 resin or methamphetamine crystals; and

13 (b) includes a device commonly known as—

14 (i) a hash pipe; or

15 (ii) an ice pipe.

16 ***water pipe***—

17 (a) means a device, or components that together make a device, or
18 with an adjustment or modification make a device, for the
19 purpose or apparent purpose of drawing smoke fumes through
20 water or another liquid; and

21 (b) includes a device commonly known as—

22 (i) a bong; or

23 (ii) a ghalyan; or

24 (iii) a hookah; or

25 (iv) a narghile; or

26 (v) a shisha.

1 **621B Selling drug equipment**

2 A person commits an offence if the person sells or supplies drug
3 equipment.

4 Maximum penalty: 100 penalty units, imprisonment for 2 years or
5 both.

6 **5 New section 625A**

7 *insert*

8 **625A Selling drug equipment to a child**

9 (1) A person commits an offence if the person sells or supplies drug
10 equipment to a child.

11 Maximum penalty: 200 penalty units, imprisonment for 2 years or
12 both.

13 (2) It is a defence to a prosecution for an offence against this section if
14 the defendant proves that the defendant—

15 (a) considered whether the person to whom the drug equipment
16 was sold or supplied was a child; and

17 (b) had no reasonable grounds for believing that the person was a
18 child.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 2008.

2 Notification

Notified under the Legislation Act on 2008.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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