

2008

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

CRIMINAL CODE (DRUG EQUIPMENT) AMENDMENT BILL 2008

EXPLANATORY STATEMENT

Circulated with the authority of

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Member for Molonglo

CRIMINAL CODE (DRUG EQUIPMENT) AMENDMENT BILL 2008

OUTLINE

This Bill amends the *Criminal Code 2002* to insert two new offence provisions for the sale or supply drug equipment. These offences are designed to prevent the facilitation of existing illicit drug offences by the supply of equipment that is used for the purposes of illicit drug use.

The Bill inserts an offence provision which makes it an offence for a person to sell or supply drug equipment and another offence provision which makes it an offence for a person to sell or supply drug equipment to a child.

DETAILED EXPLANATION

Formal clauses

Clauses 1, 2 and 3 are formal requirements. They refer to the short title of the Act, the commencement date and to the legislation being amended. The Act is to commence on the day after its notification day.

Sale of drug equipment

Clause 4 adds a new Part 6.4A to the *Criminal Code*. This Part includes a definition of **drug equipment** under section 621A and a new offence provision under section 621B.

Under section 621A, drug equipment is defined to include a cocaine kit, a drug pipe or a water pipe. These are defined to include only items which are for the purpose or apparent purpose of drug use.

Section 621B makes it an offence for a person to sell or supply drug equipment. This offence is punishable by a maximum penalty of 100 penalty units, imprisonment for two years or both. This offence is subject to the fault elements applying under the *Criminal Code*.

Selling drug equipment to a child

Clause 5 adds a new offence provision under section 625A. This section makes it an offence for a person to sell or supply drug equipment to a child. This offence is punishable by a maximum penalty of 200 penalty units, imprisonment for two years or both. This offence is subject to the fault elements applying under the *Criminal Code*. Moreover, it is a defence for the defendant to prove that the defendant considered whether the person was a child and had no reasonable grounds for believing that the person was a child.