

METHAMPHETAMINE — CRIMINAL CODE PROVISIONS

827. Hon COLIN TINCKNELL to the minister representing the Minister for Police:

In relation to question without notice 804 that I asked yesterday, I thank the minister for his answer. It is clear from section 34(4) of the Misuse of Drugs Act 1981 that the minister referred to that a conviction relating to children under 16 years of age can occur only in circumstances in which someone is successfully convicted under section 34(4).

- (1) Is the consideration of a child being present relevant only if the offender is successfully convicted under section 34(4); and, if this is the case and someone is not charged under section 34(4) but rather a charge of personal use, what protections exist for children in those circumstances?
- (2) Why is this conviction reliant upon the successful prosecution of section 34(4) and not a standalone offence?

The PRESIDENT: Minister for Environment, I am not sure whether the member is seeking a legal opinion from you, but I will be interested in your response.

Hon STEPHEN DAWSON replied:

Madam President, there is no legal advice provided in the answer, so I am happy to provide it on behalf of the Minister for Police.

I thank the honourable member for some notice of this question. The following answer has been provided to me by the Minister for Police.

- (1) Advice was sought from the Western Australia Police Force, which advised that the answer is no. The presence of a child is also relevant to other offences, including those referenced in section 34(3) and 34(5) of the Misuse of Drugs Act 1981.
- (2) These amendments were introduced by the former government.