

METHAMPHETAMINE — CRIMINAL CODE PROVISIONS

1220. Hon COLIN TINCKNELL to the Leader of the House representing the Attorney General:

I refer to my two previous questions without notice 804 and 827 asked on 13 and 14 August respectively.

- (1) Can the Attorney General tell me whether it is an offence under any general criminal legislation to contaminate a child with illicit substances, and whether the offence under section 101 of the Children and Community Services Act 2004 would apply in these circumstances?
- (2) Does the government feel this is appropriate protection for children, given the long, drawn-out and intrusive process that necessarily must occur with the Department of Communities before such an offence can be referred to police?
- (3) Does the government have any plans to rectify this situation and bring in better, less convoluted protections for children?
- (4) Does the government find it inconsistent that a person can be directly charged for consuming tobacco products around a child due to the dangers it causes, but the law does not provide the same safeguards in relation to illicit substances?

Hon SUE ELLERY replied:

I thank the honourable member for some notice of the question.

- (1) It is an offence, punishable by up to 10 years' imprisonment under section 101 of the Children and Community Services Act 2004, to fail to protect a child from harm.
- (2) The police can, and do, commence prosecutions under section 101 of the Children and Community Services Act 2004 without prior consultation with the Department of Communities. Simultaneous or subsequent referral of appropriate matters to the Department of Communities may occur in the best interests of the child.
- (3) Not applicable.
- (4) The government considers that the maximum penalty of 10 years' imprisonment for failing to protect a child from harm under section 101 of the Children and Community Services Act 2004 provides a robust response to persons who may expose a child to harm—in this case, by exposing a child to the contaminants of illicit substances.