

PSYCHOACTIVE SUBSTANCES — PROHIBITION

Statement by Minister for Police

MRS L.M. HARVEY (Scarborough — Minister for Police) [12.02 pm]: I rise to inform the house that the Liberal–National government’s amendments to the Misuse of Drugs Act, prohibiting the sale, supply, manufacture, advertising and promotion of psychoactive substances, come into force as of today. The emergence of new psychoactive substances and their related harm has been an ongoing concern for the government, and closing the regulatory gap to prevent this has been a high priority. Western Australia has been at the forefront nationally in dealing with the issue of new and emerging psychoactive substances under our existing legislation and in 2011 was the first state to ban, using the Poisons Act, synthetic cannabinoids sold under names such as Kronik. These new laws will further strengthen our response and help remove these extremely dangerous substances from circulation.

A primary source of these substances is through retail outlets such as sex shops, herbal-highs outlets, and some tobacconists. The packaging marks many of these products as “not-for-human consumption”, despite these products being clearly sold for their psychoactive effects when consumed, and other products are marketed and sold as being legal alternatives to banned drugs. Producers are continuing to introduce new chemical derivatives of substances that have been banned, resulting in governments around the world having to catch up using existing legislation. The new laws explicitly ban the sale, supply, manufacture, advertising and promotion of any psychoactive substance that is not already captured by existing legislation. That will control these potentially harmful new and emerging psychoactive substances that have no legitimate use and are otherwise unregulated, and will help remove them from circulation in Western Australia in a timely and effective manner.

In advance of the commencement of these new laws, the Mental Health Commission has written to more than 1 500 local retailers and suppliers, advising them about the health dangers and the new laws. An article about the changes will also appear in the Australian Retailers Association newsletter. The Alcohol and Drug Support Line has been provided as a point of reference for further information for those seeking clarification of the changes. Police officers have also been contacting retailers and visiting their premises to inform them of the new laws and the penalties that will apply. Therefore, there should be no excuse for people who sell psychoactive substances not to know about the changes to the law.

Although police efforts to date have been focused on engagement and education, now that the new laws have been proclaimed the focus will turn to enforcement. Western Australia Police will not hesitate to exercise the full powers provided under the new laws to seize and destroy any substance that has, or is said to have, a psychoactive effect. WA Police will not hesitate to prosecute retailers who do not comply with the new laws, who will face, if convicted, penalties of up to \$48 000 and/or four years in prison. The Liberal–National government is committed to removing these harmful substances from the community.