

EXPLANATORY MEMORANDUM

MISUSE OF DRUGS (METHYLAMPHETAMINE) AMENDMENT BILL 2007 (No. E222)

(Introduced by Mr Cowper, MLA)

The proposed amendment would simply change Schedule III of the *Misuse of Drugs Act 1981*, which deals with the amount of prohibited drugs determining court of trial. Specifically, Item 80, which relates to Methylamphetamine.

Currently, if one is in possession of an amount of less than 6.0 grams of Methylamphetamine, the matter can be determined summarily in a Magistrates Court.

This is in contrast to Item 11 of the Schedule III, which determines that if one is in possession of an amount less than 4.0 grams of Amphetamines the matter can be determined summarily in a Magistrates Court.

Methylamphetamine is now much more potent than it has been in recent years, with new era drugs evolving onto our streets in the form of “Ice”, “Crystal Meth” and “Rock” with a purity of somewhere between 80-90%, and in the case of “Crystal Meth” or “Rock”, it is harder to cut and has significant effects on users.

Amphetamine has a much lower purity rate and is far less volatile than these “new era” drugs.

Methylamphetamine is a scourge, accounting for a vast number of crimes being committed in our society.

The intent of this bill is to have continuity between the possession of Amphetamine and Methylamphetamine, so that our Law Enforcement Officers dealing with drug offenders can charge without having to differentiate the weight of the two prohibited drugs before processing offenders to the appropriate Court.

Potentially, an Offender in possession of 5.9 grams of Methylamphetamine would be dealt with summarily in a Magistrates Court and face a significantly reduced sentence.

Whereas if that same offender was in possession of 5.9 grams of Amphetamine they would be liable, if sentenced by a District Court, to a fine of up to \$100,000 or to imprisonment for a term not exceeding 25 years or both.

Therefore, I propose that this matter be given serious consideration by members in the fight against drugs.

Financial Impact

The proposed amendments are not expected to have any impact on Government expenditure, therefore not requiring an appropriation.

Notes on clauses

Clause 1—Provides that the proposed Act is to be cited as *Misuse of Drugs (Methylamphetamine) Amendment Act 2007*.

Clause 2—Provides for the commencement of the proposed Act.

Clause 3—Amendments are made to the *Misuse of Drugs Act 1981*.

Clause 4—Schedule III is amended at item 80 by deleting “6” and inserting “4”.
