




Speech By  
**Hon. Jarrod Bleijie**

**MEMBER FOR KAWANA**

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## **CRIMINAL LAW (CHILD EXPLOITATION AND DANGEROUS DRUGS) AMENDMENT BILL**

### **Second Reading**

 **Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (4.00 pm): I move—

That the bill be now read a second time.

I thank the Legal Affairs and Community Safety Committee for its consideration of the Criminal Law (Child Exploitation and Dangerous Drugs) Amendment Bill 2012. I note that the committee tabled its report on the bill on 7 March 2013. I now have the pleasure of tabling a copy of the Queensland government's response to that report.

*Tabled paper:* Legal Affairs and Community Safety Committee: Report No. 23—Criminal Law (Child Exploitation and Dangerous Drugs) Amendment Bill 2012, government response [\[2319\]](#).

In its report the committee made three recommendations about the bill. The committee's first recommendation, that the Criminal Law (Child Exploitation and Dangerous Drugs) Amendment Bill 2012 be passed, is welcomed. Recommendation 2 is that the definition of 'dangerous drug' be amended to capture synthetic drugs that are intended to have the same pharmacological effect as a scheduled dangerous drug in accordance with the government's stated policy intention. The government supports this recommendation.

In its July to December 2012 six-month action plan, the Queensland government pledged to amend laws to address synthetic drugs. Clause 40 of the bill amends section 4 of the Drugs Misuse Act 1986, in particular the definition of 'dangerous drug' contained in paragraph (c). The bill amends the definition of 'dangerous drug' to provide that a dangerous drug is a thing that has a chemical structure that is substantially similar to the chemical structure of a scheduled drug or that has a substantially similar pharmacological effect. This means that only one of the two limbs needs to be satisfied to come within the section 4(c) definition. This changes the current position where both limbs have to be proven.

Subsequent to the introduction of the bill, it became apparent that the amendment contained in clause 40 was inadequate in fully achieving the government's stated policy intention. Therefore, during consideration in detail of the bill I intend to move amendments to further extend the definition of 'dangerous drug'. I will discuss this in more detail shortly. The government notes and supports the committee's observation at page 26 that the proposed changes will be utilised as a stopgap measure to enable the police and other authorities to keep pace with emerging developments in the manufacture and supply of dangerous drugs.

Recommendation 3 of the report is that the fee for applications made under the blue and yellow card systems, which will be automatically withdrawn as a result of changes to the Children and Young

People and Child Guardian Act 2000 and the Disability Services Act 2006, be refunded within three months of parts 2 and 4 of the Criminal Law (Child Exploitation and Dangerous Drugs) Amendment Bill 2012 commencing. The government supports recommendation 3 of the report.

I would now like to foreshadow that I intend to propose a number of amendments to the bill during the consideration in detail stage of the bill. These amendments, to the Criminal Code and the Drugs Misuse Act have been circulated in my name. The amendments to the Drugs Misuse Act will amend section 4 paragraph (c) to extend the definition of 'dangerous drug' to circumstances in which the offender intends a thing to have a substantially similar pharmacological effect. This further amendment will ensure that offenders who package, market and supply substances, intending that the substance has a substantially similar pharmacological effect on the user, will be caught within the offences of the Drugs Misuse Act. This will ensure that the government's policy intention with regard to dangerous drugs and, in particular, synthetic drugs is realised. The purpose of the amendment to the Criminal Code is simply to correct a drafting anomaly.

In closing, I would like to acknowledge the contribution of others who have made submissions on this bill to the committee. The Queensland government is committed to addressing activity that threatens vulnerable individuals and drug related crime in Queensland. This bill fulfils the government's pledge in its six-month action plan to amend laws to address the penalties for child pornography and child sex offences, create a new offence of grooming a child and address the issue of synthetic drugs. I look forward to the debate that will now ensue, and I commend the bill to the House.