

**CRIMINAL LAW CONSOLIDATION (SERIOUS CRIMINAL TRESPASS)
AMENDMENT BILL 2007**

7 February 2007

The Hon. D.G.E. HOOD I seek leave to introduce a bill for an act to amend the Criminal Law Consolidation Act 1935.
(leave to be granted)

The Hon. D.G.E. HOOD: I move:
That this bill be now read a second time.

In introducing this bill today, I want to make it plain that Methamphetamine manufacturers are dealing in death – plain and simple.

FAMILY FIRST has been devoting all its energy this week to make meth dealer's lives as hard as possible.

As a cornerstone of our campaign, this bill toughens up the law relating to break-ins on pharmacies and on other places that legally store controlled drugs or drugs containing controlled precursors.

To quote from the Pharmaceutical Society of Australia *Code of Practice* regarding Pseudoephedrine (November 2006):

<quote>"For some time now, pseudoephedrine has been targeted for non-therapeutic purposes. All forms (single ingredient and compound solid dose forms, liquid preparations and raw powder) are being used in the manufacture of amphetamines in clandestine laboratories for the illicit drug market. Recent reports show that most of the methamphetamine now available on Australia's illicit drug market is produced from pseudoephedrine-containing medicines diverted from community pharmacy."<end quote>

Now, in the past two months it has been widely reported that we've had 26 pharmacy break-ins.

26 pharmacies is 26 pharmacies too many. Almost one break-in every two days is totally unacceptable.

A recent newspaper article focussed on one particular pharmacy in Northgate being the latest target - thieves smashing in a hole in their door last Thursday in the early hours of the morning and again with the pseudoephedrine based drugs being targeted.

My office did a survey of several pharmacists in the Adelaide area, with one pharmacist just off Rundle Mall telling us that they are often threatened to hand over cold and flu tablets – apparently one client only last week had become very aggressive when they quite rightly refused a sale.

Prior to entering this place I worked for Johnson and Johnson - one of the largest pharmacy companies in the world in an executive capacity. For that reason it's fallen on me to formulate (I won't say 'cook up') this bill for Family First, as what we think is part of the antidote to the pseudoephedrine / break-in problem.

I am pleased to have the support of the South Australian Pharmacy Guild President, Ian Todd. To quote his comments that appeared in the Advertiser on Saturday:

<quote> "Having harsher penalties would be another way of sending the message to people that it is an unacceptable risk to break into a pharmacy." <end quote>

We have also been in contact with the Registrar of the Pharmacy Board, Peter Halstead, regarding this proposal – who was also, of course, very concerned with the large number of break-ins recently and supportive of any measures to clamp down on offenders.

Lawyers or Members familiar with the Criminal Law Consolidation Act will be familiar with the provisions relating to Serious Criminal Trespass. There are different categories for trespass to residential and non-residential premises. Then there is also a different category for what is called 'aggravated' and 'non-aggravated' offences.

In a nutshell, there is a list of characterisations which make an offence 'aggravated'. For instance, breaking in to a residential house and threatening to use or using a weapon is one aggravating factor. And for example, breaking in and committing an offence against a police officer or prison officer aggravates the offence.

This bill makes breaking into a pharmacy an aggravated offence. Now, pseudoephedrine is also stored in other drug repositories, surgeries, laboratories and warehouses, and these places are also protected under the bill.

Importantly, the bill is designed to protect those businesses that are acting lawfully and will not afford protections to those who are running illegal drug labs or storing chemicals illegally.

When we make these offences aggravated, they become Major Indictable offences rather than Minor Indictable offences – and the offences are dealt with in the District Court rather than the Magistrate's Court. Penalties increase from a maximum of 10 years imprisonment to a maximum of 20 years imprisonment. In Family First's opinion, meth cooks who break in to pharmacies should be dealt with by a judge and not as defendants in minor Magistrates Courts proceedings.

I note that increased penalties for pharmacy break-ins tie in well with the increased Commonwealth penalties for the importation, domestic possession, manufacture and trafficking of precursor chemicals as part of the 2005 amendments to the Commonwealth Criminal Code.

Some Members might ask whether the new laws are necessary. It is true that last year pharmacies reduced the standard pack sizes of cold and flu tablets from 30 tablets to 12. The Pharmacy Guild has done its utmost advising chemists to reduce the holdings of pseudoephedrine tablets left unsecured overnight. Some pharmacists that have the facilities to lock up the tablets at night are doing so.

However, the problem is still so severe that there has been talk of removing pseudoephedrine based tablets completely from stores, and relying on alternatives such as the 'Sudafed PE' tablets which are based instead on phenylephrine. Unfortunately, pseudoephedrine based tablets are required in the treatment of several conditions such as chronic sinusitis and middle ear infections, and are generally considered to be far more effective than phenylephrine based tablets.

While pseudoephedrine is found in chemists, they will remain targets. I therefore believe that this bill is necessary.

Methamphetamine addiction is destroying lives, communities, and families. Methamphetamine type drugs are the mostly widely used illicit drugs after cannabis. More than 52,000 South Australians over 14 have used methamphetamines in the last year – according to a recent paper released by the Australian National Council on Drugs. The report also found that meth use was on the rise – with 73,000 dependent users across Australia.

I have made some comments earlier today about the effects of Methamphetamines and the steps that Montana has taken to address this scourge.

I would like to also point out another U.S. program, called 'Faces of Meth' – which is primarily a website at www.facesofmeth.us, and run by an Oregon Sheriff's department. It shows graphic pictures of the before and after shots of people who had been abusing methamphetamines for some time. If anyone is

in doubt as to the terrible effects of methamphetamine, this website is a wonderful tool.

A little while ago Robert Mittiga, Program Director of the Gambling and Addiction Treatment Service, went on the record to say that “Methamphetamine is the next heroin” and that “It’s the devil’s drug”.

It is not a harmless party drug as some say, and he talked about the consequences – and I quote:

“violent crimes, serious domestic violence, road rage and violent brawls. These people are not normally aggressive but they can become total animals”. <end quote>

Now, I rarely agree with Dr David Caldicott. However, even he says and I quote:

<quote>“The size of the methamphetamine problem is now every bit as big as heroin in the late 1990s. It is a tremendous concern because methamphetamine is associated with addiction, psychosis and violent psychosis”.<end quote>

I might like to add that it is a major trigger for crime in this State, draining on our legal system, a trigger for domestic violence, and the break up of families.

No words that I could say could do justice to the amount of damage that pseudoephedrine based drugs have done to South Australian families.

So for two reasons I ask Members to support my bill today – first, to warn members of our society that pharmacies should not be broken in to. Our business owners deserve increased protection.

Second, my bill attempts to restrict the flow of pseudoephedrine, and therefore the operations of clandestine drug labs – manufacturers of misery and despair for our families.

I commend the bill to members.