

House of Representatives

Supplementary Order Paper

Wednesday, 28 November 2018

Psychoactive Substances (Increasing Penalty for Supply and Distribution) Amendment Bill

Proposed amendments

Chlöe Swarbrick, in Committee, to move the following amendments:

New clauses 5 to 9

After *clause 4* (page 1, after line 11), insert:

- 5 Section 71 deleted (Offence relating to personal possession of psychoactive substance that is not approved product)**
Delete section 71.
- 6 Section 72 amended (Interpretation)**
In section 72, definition of **infringement offence**, delete paragraph (c).
- 7 Section 81 amended (Power to demand information where offence against section 48, 50, or 71 suspected)**
 - (1) In the heading to section 81, replace “, 50, or 71” with “or 50”.
 - (2) In section 81(1), replace “, 50, or 71” with “or 50”.
- 8 Section 82 amended (Forfeiture)**
In section 82(3)(a), replace “, 50, or 71” with “or 50”.
- 9 Schedule 1 amended**
In clause 12(7) of Schedule 1, delete paragraph (c).

**Proposed amendments to
Psychoactive Substances (Increasing Penalty for Supply
and Distribution) Amendment Bill**

Explanatory note

This Supplementary Order Paper inserts *new clauses 5 to 9* into the Psychoactive Substances (Increasing Penalty for Supply and Distribution) Amendment Bill.

This amendment removes the criminal offence of possession of personal psychoactive substances by deleting section 71 of the Psychoactive Substances Act 2103 and making a number of other consequential amendments.

The Bill currently focuses on supply and distribution but does not consider users of psychoactive substances. There is cross-party agreement that there should be a health-based approach to users of drugs, even if there is disagreement on the approach to the supply and distribution of drugs. A health-based approach involves support for those suffering from addiction. Criminal convictions and fines are a barrier to getting people to seek help and to discuss their drug use with service providers.