

House of Representatives

Supplementary Order Paper

Wednesday, 28 November 2018

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

Proposed amendment

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

Clause 4

Replace *clause 4* (page 1, lines 10 and 11) with:

4 Section 70 amended (Offences relating to psychoactive substance that is not approved product)

In section 70(3), replace paragraph (a) with:

- (a) in the case of an individual who has not also been convicted of an offence under any of sections 25 and 26, to a term of imprisonment not exceeding 2 years:
- (aa) in the case of an individual who has also been convicted of an offence under any of sections 25 and 26, to a term of imprisonment not exceeding 8 years:

Explanatory note

This Supplementary Order Paper replaces *clause 4* of the Psychoactive Substances (Increasing Penalty for Supply and Distribution) Amendment Bill, which amends section 70 of the Psychoactive Substances Act 2013.

The new *clause 4* provides that the sentence is a maximum of 8 years' imprisonment only if an individual has also been convicted of illegal manufacture or importation of psychoactive substances. In other cases, it would remain a maximum of 2 years' imprisonment.

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

SOP No 160

The Bill currently targets sale and supply of psychoactive substances, but there are many different types of people selling and supplying these substances. Those selling minimal amounts of psychoactive substances to fund addiction should not be dealt with in the same way as others.

The Bill does not change the approach to illegal manufacture and importation. These offences continue to have a sentence of up to 2 years' imprisonment in the case of an individual.

This amendment seeks to differentiate between those who are only minimally involved in the distribution chain of psychoactive substances (only involved in sale and supply) and those who have a more substantive role as manufacturers or importers.