

# 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*

In *clause 4*, insert as *subclause (2)* (page 1, after line 11) with:

- (2) After section 70(3), insert:
- (4) When sentencing an individual under subsection (3)(a), the court must take into account as a mitigating factor the lack of an individual's involvement in—
  - (a) the importation of psychoactive substances without a licence:
  - (b) the manufacture of psychoactive substances without a licence.

### **Explanatory note**

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

This amendment requires the court to consider a lack of involvement in manufacture or importation of psychoactive substances as a mitigating factor for the purposes of sentencing.

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.

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

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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 ensures that the court will, when sentencing, consider the difference 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.