

House of Representatives

Supplementary Order Paper

Wednesday, 28 November 2018

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

Proposed amendment

Priyanca Radhakrishnan, 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,—
 - (i) to a term of imprisonment not exceeding 8 years; and
 - (ii) when sentencing under **subparagraph (i)**, the court must have particular regard to the health, including mental health, of the offender:

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.

This addresses the issue of sentencing guidance for judges by recognising that in many cases a high penalty will not serve any useful purpose in terms of deterrence, rehabilitation, or reintegration. In some cases, the conduct of the offender will be heavily influenced by the poor health, including mental health, of the offender. Accordingly, under this amendment the court will be able to reserve very high sentences for those exceedingly rare cases where it will serve some useful purpose.

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

The deaths and harm caused by synthetic drugs are extremely disturbing to the public, and our legislation must reflect this level of concern.