

House of Representatives

Supplementary Order Paper

Wednesday, 28 November 2018

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

Proposed amendment

Dr Liz Craig, in Committee, to move the following amendment:

Clause 4

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

- (2) After section 70(3), insert:
- (4) Without limiting any other powers of the Judge to adjourn, the Judge may adjourn the proceedings at any time after a person is convicted of an offence under subsection (1) and prior to imposing a sentence under subsection (3)(a) in order to allow the Judge to determine—
 - (a) what opportunities for rehabilitation are available to the offender, whether in custody or in the community:
 - (b) where the offender is in need of health (including mental health) services, whether those services are able to be best accessed in the community or in custody.

Explanatory note

This Supplementary Order Paper amends *clause 4* in the Psychoactive Substances (Increasing Penalty for Supply and Distribution) Amendment Bill to add a *new section 70(4)* to the Psychoactive Substances Act 2013.

This amendment allows the Judge to adjourn proceedings to obtain further information which may be relevant to the sentencing decision, including the availability of rehabilitation and health services, and whether they are best accessed in the community or in custody.

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

SOP No 175

The deaths and harm caused by synthetic drugs are extremely disturbing to the public and our legislation must reflect this level of concern. To address this, a health-based response is needed and any offender needs to be placed where his or her health needs can be best addressed.