

House of Representatives
Supplementary Order Paper

Tuesday, 9 July 2013

Psychoactive Substances Bill

Proposed amendments to SOP No 268

Hon Todd McClay, in Committee, to move the following amendments:

Clause 11A

In *clause 11A(3)(d)*, replace “the use of the trial is periodically reviewed” (on page 27) with “the advisory committee, at least annually, reviews the use of the trial ”.

Clause 21

In *clause 21(1)(d)(ii)*, replace “person” (on page 32) with “body corporate”.

New clause 25A

After *clause 25* (on page 34), insert:

25A Offence relating to sale of approved product without licence

- (1) A person must not, without reasonable excuse, sell an approved product by retail or by wholesale without an appropriate licence that authorises the sale.
- (2) A person who commits an offence against **subsection (1)** is liable on conviction to a term of imprisonment not exceeding 3 months or a fine not exceeding \$40,000.

Clause 29

In *clause 29(5)(d)*, replace “for” (on page 37) with “for entering”.

Clause 48

In *clause 48(1)*, delete “, in a public place (within the meaning of section 2(1) of the Summary Offences Act 1981),” (on page 46).

Clause 64

In *clause 64*, definition of **infringement offence**, *paragraph (a)*, replace “psychoactive” (on page 59) with “psychoactive”.

Clause 83

Replace *clause 83(1)(j)* (on page 80) with:

Quantity, dosage, and serving restrictions or requirements

- (j) prescribing restrictions or requirements relating to—
 - (i) the quantity of approved products that may be sold together at any one time:
 - (ii) the maximum dosage or serving of an approved product that may be sold at any one time:

Restrictions or prohibitions on form of approved products

- (ja) prescribing restrictions or prohibitions on the form that an approved product may take:

Schedule 1

In *Schedule 1*, *clause 3(2)(c)(i)*, replace “and” (on page 88) with “; and”.

In *Schedule 1*, *heading to clause 5*, replace “**psychoactive**” (on page 88) with “**psychoactive**”.

In *Schedule 1*, *clause 6(5)*, replace “the full application” (on page 89) with “the full application under **section 31**”.

In *Schedule 1*, after *clause 6(7)* (on page 89), insert:

- (8) If an interim approval is revoked under **subclause (7)**, the revocation takes effect on the date on which the Authority notifies the person who applied for the interim approval of the revocation.

In *Schedule 1*, *clause 7(1)(e)*, replace “psychoactive” (on page 90) with “psychoactive”.

In *Schedule 1*, *clause 7(1)(f)*, replace “psychoactive” (on page 90) with “psychoactive”.

Explanatory note

This Supplementary Order Paper amends SOP No 268 to—

- correct various typographical errors:
- provide that for the purposes of *clause 11A(3)(d)*, the advisory committee must, at least annually, review the use of any trial where a suitable alternative does not exist:
- omit the reference to supply in a public place from *clause 48(1)*. The effect of the change is to make it an offence to supply an approved product

to a person aged under 18 years regardless of whether the supply occurs in a public or private place:

- recast *clause 83(1)(j)* as *new clause 83(1)(j) and (ja)*. The effect of *new clause 83(1)(ja)* is to authorise regulations to be made prohibiting or restricting the form that an approved product may take:
- clarify the date on which an interim approval is revoked under *clause 6(7) of Schedule 1*:
- incorporate a new offence in the Bill (*new clause 25A*) that relates to 2 new types of licences that were inserted by the select committee.

New offence

New clause 25A creates offences in respect of selling approved products by retail or by wholesale without an appropriate licence that authorises the sale. The penalty on conviction for an offence against *new clause 25A* is a term of imprisonment or a fine not exceeding \$40,000. This penalty aligns with the penalty on conviction set out in section 233 of the Sale and Supply of Alcohol Act 2012 for sales by unlicensed persons.
