



The Hon Anthony Roberts MP

Minister for Fair Trading

MEDIA RELEASE

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SYNTHETIC DRUGS OUTLAWED UNDER NEW LEGISLATION

Minister for Fair Trading Anthony Roberts said a range of synthetic drugs have now been outlawed under new legislation which comes into effect today.

“There is no silver bullet to protect people from the scourge of these psychoactive substances, but the NSW Government now has ground breaking laws in place which will continue to make a significant impact,” Mr Roberts said.

The amendments to the *Drug Misuse and Trafficking Act 1985* (DMTA) make it an offence to possess, manufacture, supply, or advertise psychoactive substances, with penalties of \$2,200 or two years imprisonment.

The DMTA has also been amended to make it an offence to possess, supply, or manufacture substances listed in Schedule 9 of the Commonwealth Poisons Standard. Applicable penalties range from \$2,200 or 12 months imprisonment for possession and \$2,200 or two years imprisonment for supply and manufacture offences.

In addition, 45 new substances, which consist mainly of synthetic cannabinoids, cathinone analogues and synthetic phenethylamines, are now considered prohibited drugs after being added to Schedule 1 of the DMTA on 27 September 2013.

Minister for Police Michael Gallacher said under the legislation, it is also an offence to manufacture, supply or advertise any psychoactive substance for sale for human consumption.

“These substances are dangerous and the new legislation has been created by the NSW Government in close consultation with the NSW Police Force, Fair Trading, the Attorney General’s Department and NSW Health,” Mr Gallacher said.

Attorney General Greg Smith said that existing drug offences under the Drug Misuse and Trafficking Act would continue to apply, noting the recent insertion of numerous synthetic drugs into Schedule 1 of that act.

“The new offences are not intended to displace the existing framework for drug legislation, but to work in conjunction with them,” Mr Smith said.

New psychoactive substances which appear on the market can be prohibited under the new offences and a penalty of up to two years imprisonment will apply to their sale and manufacture.

Once a substance has been identified and concerns relating to its misuse, health risks and any criminal activity associated with the substance have been considered, it can be specifically included in Schedule 1 of the Drug Misuse and Trafficking Act.

“This will then allow existing serious drug offences to be used against people dealing in such substances. These offences carry penalties of up to life imprisonment depending on the circumstances,” Mr Smith said.

Minister for Mental Health Kevin Humphries said synthetic drugs in all their forms represent a real danger to people’s safety and well-being and have been known to lead to serious injury, illness and in some instances death.

“Synthetic drugs are just as, if not more dangerous than other illicit drugs. It is not known what drugs or ingredients have been used and in what quantities to create each new version,” Mr Humphries said.

“These products can contain untested chemicals, with unknown toxicity and potential for addiction and adverse reaction. They pose an extreme risk to the user, who has no way of knowing what experimental chemicals they are taking.

“In other words, they are playing Russian roulette with their health.”

These new laws are designed to outlaw all synthetic psychoactive drugs and prevent manufacturers from passing through legal loopholes by tweaking the drugs’ chemical structures. Recent incidents have clearly demonstrated that customer safety is not a priority for many synthetic drug producers.

Retailers should note that there is now no such thing as a “legal” sale of these substances and a retailer found selling or advertising them could be arrested and face criminal charges.

More information about the new legislation can be found at:

<http://www.police.nsw.gov.au/syntheticdrugs>

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