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Response to

Crimes Legislation Amendment (Psychoactive Substances and Other Measures) Bill 2014

320.2 Importing psychoactive substances

(2) Subject to subsection (3), this section does not apply to a substance if it is:

Please give consideration to adding here an exemption for the importation of seeds and other propagation material of plants normally cultivated for non-drug-related purposes which happen incidentally to contain psychoactive substances. Such substances occurring naturally in ornamental plants likely to be imported for non-drug-related purposes include but are not limited to scopolamine, dimethyl-tryptamine, and mescaline.

There seems to be no point, from a drug control perspective, of criminalising the importation of such plants as i) plants containing such substances are already present and readily accessible in Australia, either in horticulture, as weeds, or native — for example scopolamine is found in the ornamental *Brugmansia*, the weed *Datura*, and the native *Duboisia* (pituri); dimethyltryptamine is widespread in native *Acacia* (wattle) species and some pasture and native grasses etc; mescaline occurs in nearly all cacti (and often only in trace amounts). ii) Many potentially criminalised individual importers of such plants would be unaware of and/or uninterested in their psychoactive contents. iii) Identifying plant material that contains such substances is in many instances a highly skilled and specialised job. iv) In the vast majority of ornamental species of plant with psychoactive properties, there is little or no evidence of an associated illicit drug-related market. v) The supply of such plants FOR their psychoactive properties [i.e. as drugs or medicines] is already appropriately and adequately constrained under the Department of Health and Ageing Therapeutic Goods Administration Poisons Standard 2009 prepared under the Therapeutic Goods Act 1989.

I submit that criminalising the importation of such plants would merely constrain legitimate activities without contributing to the effective control of illegal or undesirable psychoactive drugs.

Yours faithfully

Alistair Hay
[Retired Senior Research Scientist and Director Botanic Gardens & Public Programs, Royal Botanic Gardens & Domain Trust, Sydney. This submission is not on behalf of RBGDTS]