



**National Council of
Women of New Zealand**

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Wahine O Aotearoa

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**Submission to the Health Select Committee on the
Misuse of Drugs Amendment Bill (No 3)**

Introduction

The National Council of Women of New Zealand (NCWNZ) is an umbrella organisation representing 42 nationally organised societies. It has 33 branches throughout the country attended by representatives of those societies and some 150 other societies. The Council's function is to serve women, the family and the community at local, national and international levels through research, study, discussion and action. NCWNZ has a longstanding history of encouraging the promotion of social and health issues, particularly as they affect women.

NCWNZ Policy

NCWNZ has had an ongoing interest in the abuse of drugs in New Zealand for many years. As early as 1927 the following resolution was passed "That the International Council of Women be urged by the National Council of Women of N.Z. to send a letter to the Opium Committee of the League of Nations commending it on its endeavour to regulate the traffic in opium and other dangerous drugs and expressing sympathy with it in its work." Sadly the problems that caused this resolution are still reflected in today's society.

In 1956 a further resolution stated, "That N.C.W. views with concern the fact that young people are able to procure amphetamine sulphate (Benedrine) from some chemists without a doctor's prescription, and urges that this practice should not be allowed."

In 1978 a resolution was passed that stated, "NCW views with concern lawlessness and crimes of violence within the community and requests the Judiciary to consider penalties closer to the maximum allowable especially in cases of rape, and crimes in the committing of which the consumption of alcohol and/or other drugs plays a significant part such consumption not to be regarded as a mitigating factor."

A similar resolution in 1986 asked "that in the proposed revision of the Crimes Act it be clearly stated that self-induced intoxication be not admissible as a defence in crimes committed by people under the influence of alcohol and/or other drugs".

While these latter resolutions were primarily aimed at drunkenness as a defence, it is just as appropriate today in terms of the methamphetamines and other drugs now in use in New Zealand.

NCWNZ is, therefore, pleased to be able to have an input into the Misuse of Drugs Amendment Bill (No3) and feel that it is appropriate and timely.

Members of the Health Standing Committee and other interested parties were asked for their input into this document. The following is a summary of their comments.





Comments

PART 1

Clause 5 - Amendment of schedules that identify controlled drugs and precursor substances (under Section 4 of the principal Act)

NCWNZ commends this amendment in the hope that it will enable responses to be made more quickly and efficiently as changes occur in the New Zealand drug scene.

Clause 7 - Matters to which Minister must have regard before recommending Order in Council under section 4(1) (of the principal Act.)

Clause 7(3) and (4)

NCWNZ agree that advice must be sought from those with substantial knowledge of the nature and effects of the drugs being considered. As new “designer” drugs come onto the market, such expertise will be essential when determining matters of legislation, in the way referred to in this amendment.

Clause 9 - Dealing with controlled drugs

This amendment clarifies the situation regarding controlled drugs and the amount, level or quantity at or over which they are presumed for supply. This change is commended by NCWNZ.

Clause 11 - New sections 12AB and 12AC inserted

The inclusion of section, “12AB Offence to knowingly import or export precursor substances for unlawful use” and, “12AC Offence to import or export precursor substance without reasonable excuse” is to be commended. NCWNZ is concerned about the increase in importation of precursor substances. These new sections should allow the authorities to control their importation.

Clause - 14 Miscellaneous offences

In considering the effects of this clause, it was deemed appropriate that under section 13 of the principal Act there should be included an existing defence, formerly located in the Health (Needles and Syringes) Regulations 1998, to the offence of possessing a needle or a syringe to commit a Misuse of Drugs Act offence.

Members were surprised that other paraphernalia associated with drug taking was not dealt with also.

Clause 20 - New Part 3 added to Schedule 4 of the principal Act

It is pleasing to see that the precursor substances, ephedrine and pseudoephedrine, are being dealt with in this legislation. NCWNZ hopes that the mechanisms for making changes to the schedule will be flexible enough to allow new precursor substances to be added quickly.

Clause 22 – New Schedule 5 is added

This schedule contains the list of controlled drugs and the amounts at which they are presumed to be for supply.

NCWNZ commends this change and hopes that by including methamphetamine at 5 grams it gives an indication of the potential damage that this drug can cause. As a result of information gained at several seminars, it must still be borne in mind that a single dose, depending on the purity of the substance being used, can lead to addiction. A single dose may be as low as 0.1 gram (1 point). Thus 5 grams may be broken down into 50 doses, some of which may be sold off, or used to attract other users, to pay for what the initial user still needs. NCWNZ believes that this represents dealing and that the level set for methamphetamine should be reduced.



PART 2

Clause 26 New sections 12A to 12D inserted

Section 12A Searches relating to persons involved in delivery under section 12

Section 12A(4) It is accepted that at times it is essential for a member of the police or a Customs officer to enter “any building, craft, carriage, vehicle, premises, or place in order to carry out a search under **subsection (1).**” without a search warrant. Concern, however, was expressed that when a mistake is made there is no provision for the mistaken party to gain redress for the damage done either to persons or property. The fact that in Section 12A(5) a written report must be submitted within 3 working days, by the member of the police or the Customs officer who undertakes the search is of little help to the public upon whose trust these professions depend for information and/or assistance.

Conclusion

NCWNZ has, in recent times, become more aware of the consequences of the manufacture, supply and use of methamphetamines in the community. This effort to try to control not only the drugs but also the precursors is to be commended. It is hoped that as new “designer” drugs are introduced there is enough flexibility in this legislation to enable pro-active measures to be taken to control them. NCWNZ looks forward to seeing the enactment of this Bill.

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National President

Catherine Gurnsey
Convener, Health Standing Committee