



**National Council of
Women of New Zealand**

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Wahine O Aotearoa

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S05.02

**Submission to the Health Select Committee on the
Misuse of Drugs Amendment Bill No 3 SOP 298**

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 and families.

General Comments

NCWNZ has recently made a submission on "The Misuse of Drugs Amendment Bill (No 3), and is pleased to be asked to contribute this submission also.

Unfortunately, because of the time of year and the deadlines, the wider membership was not able to contribute to this submission. 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.

Members feel that it is important to include the restricted substances referred to in this SOP, in another 'schedule' of the legislation, such as that proposed. It is felt that if these restricted substances were not included, the ability to regulate sales to young people (under 18 years) and the vulnerable would be difficult to implement.

NCWNZ agrees that there will always be a conflict of rights when balancing the freedom of expression with the possibility of harm to others resulting from that freedom. Protection of the vulnerable in society is important, even if it curtails the freedom of others. Where there is a matter of supplying substances that could be abused, even though legally able to be supplied, rights with which this legislation could come into conflict should be acknowledged, but are secondary in this case.

Placing restrictions on the age group to which products can be sold, the places where the products can be sold, and the quantity allowed for sale, may have a significant effect on the quantity sold, thereby affecting the sellers' bottom line. These examples may be seen as areas of conflict but possibly necessary if people are to be protected, in some instances, from themselves.

Members also expressed concern about manufacturing companies and how their products are promoted. NCWNZ holds strong views on the importance of accurate labelling, and in this instance it might have the effect of limiting sales of synthetic substances (commonly called "herbal" which gives a false impression of their origin). This applies to "natural" substances, too. Surely, publicity about deaths associated with the product would also curtail sales.





Specific comments

Part 3: Restricted Substances

It was agreed that the proposed headings for the schedule adequately address the problems associated with restricted substances.

Offences relating to restricted substances

Clauses 50, 51, 52, 53, 54, 55, 56.

Respondents stated that there needs to be some flexibility/discretion with penalties. Some minor offences could be dealt with under relevant professional disciplinary procedures, a warning given and/or a fine imposed. More serious offences and repeated offences should be dealt with by prosecution, which may result in a criminal conviction.

Clauses 58, 59, 60 relating to enforcement officers and their powers.

NCWNZ acknowledges that enforcement officers must have suitable training and qualifications. They would need to be knowledgeable about restricted substances, dealing with the public, and to have skills to work with police in possibly violent situations. It would be expected that officers would at all times carry an instrument of appointment, and photographic identification.

Conclusion

NCWNZ commends the actions being taken to address these problems by means of this legislation. There is always the possibility that in the future new designer drugs, sometimes masquerading as 'natural' products, will appear on the market and the vulnerable in society will be put at risk. We look forward to seeing the successful passage of this legislation.

Christine Low
National President

Catherine Gurnsey
Convener, Health Standing Committee