

Misuse of Drugs Act Review Terms of Reference

The Commission will review the Misuse of Drugs Act 1975 and make proposals for a new legislative regime consistent with New Zealand's international obligations concerning illegal and other drugs.

The issues to be considered by the Commission will include:

- (a) Whether the legislative regime should reflect the principle of harm minimisation underpinning the National Drug Policy;
- (b) What is the most suitable model or models for the control of drugs;
- (c) Which substances the statutory regime should cover;
- (d) How should new psychoactive substances be treated;
- (e) Whether drugs should continue to be subject to the current classification system or should be categorised by some alternative process or mechanism;
- (f) If a classification system for categorising drugs is retained, is the current placement of substances appropriate;
- (g) The appropriate offence and penalty structure;
- (h) Whether the existing statutory dealing presumption should continue to apply in light of the Supreme Court's decision in the *Hansen* case;
- (i) Whether the enforcement powers proposed by the Commission in its report on *Search and Surveillance Powers* are adequate to investigate drug offences;
- (j) What legislative framework provides the most suitable structure to reflect the linkages between drugs and other similar substances;
- (k) Which agency or agencies should be responsible for the administration of the legislative regime.

It is not intended that the Commission will make recommendations with respect to the regulation of alcohol or tobacco in undertaking this review.