

Peter Dunne

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Next Government will overhaul Misuse of Drugs Act

The near 40-year-old Misuse of Drugs Act will be overhauled and replaced and legislation developed to create a new regime for currently unregulated psychoactive substances, Associate Health Minister Peter Dunne said today in delivering the Government's official response to the Law Commission's report on the Act.

The Law Commission report, *Controlling and Regulating Drugs: a Review of the Misuse of Drugs Act 1975*, was delivered in May and the Government has since been considering its findings and recommendations.

In tabling the Government's response in Parliament today, Mr Dunne said that along with a fundamental overhaul of the Misuse of Drugs Act it was "clearly unacceptable that psychoactive substances can be sold without regulatory controls or any assessment of their potential harm".

The Government has already taken all synthetic cannabinoids such as Kronic off the market through temporary class drug notices, and will deliver a permanent legislative solution next year, he said.

"The legislation we will bring in will reverse the onus of proof so anyone wishing to sell these products would need to prove they are safe," he said.

Mr Dunne said that as well as wider legislation to replace the existing Misuse of Drugs Act, further policy work was still required on a number of the Law Commission's 144 recommendations before detailed legislative proposals would be presented to Parliament.

"These are big issues; they are complex and have consequences and a long term impact and that impact actually plays out in peoples' lives with issues like drugs, so it is important that we take the time to get it right and do not rush things," he said.

"It is clear to the Government that the Misuse of Drugs Act needs updating and we are in agreement with the Law Commission on that.

"The current Act was developed nearly 40 years ago at a time when drugs and their use were very different than they are today and the argument for a substantive update is clear and compelling

Mr Dunne said it is unlikely that all the Law Commission's recommendations would find their way into Government policy or law.

“Officials are evaluating all the recommendations and will advise the next government on how best to incorporate some of the key into a new Act to be considered by the incoming Parliament,” he said.

Among the more controversial Law Commission recommendations in its May report was that clinical trials be conducted into the medical use of leaf cannabis.

“We are not going with that recommendation. It is the Government’s view that is not its role to initiate clinical trials on cannabis leaf or any other product or substance.

“If the active ingredient of cannabis is seen as essential or beneficial for pain relief there are already pharmaceutical forms of it available that provide measured doses and quality control,” he said.

Mr Dunne said that the Law Commission’s recommendations that specialist drug courts be established was being progressed separately by Justice Minister Simon Power.