

## NARCOTICS AMENDMENT BILL

### EXPLANATORY NOTE

THIS Bill amends the Narcotics Act 1965.

*Clause 1* relates to the Short Title.

*Clause 2* amends section 4 of the principal Act so that the whole of the First Schedule to the principal Act may from time to time be replaced by Order in Council. The Schedule contains a list of narcotics and at present the Schedule may be amended, but not replaced, by Order in Council.

*Clause 3* inserts a new section 5A in the principal Act. The new section makes it an offence, punishable by imprisonment for a term not exceeding 14 years, to aid, incite, counsel, or procure, in New Zealand, the doing or omission in any place outside New Zealand of any act, if that act or omission—

- (a) Is punishable under the provisions of any law corresponding to section 5 of the principal Act and in force in that place; or
- (b) Would if done or omitted in New Zealand constitute an offence against section 5 of the principal Act.

In this second case it is a defence if the person charged proves that the doing or omission of the act to which the charge relates was not an offence under the law of the place where it was, or was to be, done or omitted.

The insertion of the new section accords with New Zealand's obligations as a party to the Single Convention on Narcotic Drugs, 1961. A similar provision was section 16 of the Dangerous Drugs Act 1927 but that section was not re-enacted in 1965 because reliance was placed on section 69 (3) of the Crimes Act 1961 although the maximum penalty for an offence against that subsection is imprisonment for a term not exceeding 7 years. Also offences against that section are not extradition offences under the Extradition Act 1965, although this problem was largely solved by the amendment made by section 4 (1) of the Extradition Amendment Act 1969.

*Clause 4* inserts a new section 6A in the principal Act. The new section makes it an offence against the principal Act, punishable by imprisonment for a term not exceeding 7 years,—

- (a) To steal a narcotic; or
- (b) To obtain a narcotic by false pretences; or

(c) To receive a narcotic knowing it to have been dishonestly obtained,—irrespective of the value of the narcotic stolen, obtained, or received. Under the Crimes Act 1961 the penalty which may be imposed for these offences is, subject to certain exceptions, governed by the value of the narcotic stolen, obtained, or received.

*Clause 5* inserts a new section 20A in the principal Act. The new section provides that where in the course of proceedings in any Court or before a Coroner, reference is made to any narcotic, the Court or Coroner may in its or his discretion order that the name of that narcotic shall not be published in relation to those proceedings at any time before the expiration of a period of 5 years from the date of the final disposal of those proceedings. The new section is based on section 43 of the Poisons Act 1960 (as substituted by section 2 of the Poisons Amendment Act 1964). The insertion of the new section implements a recommendation of the Board of Health Committee on Drug Dependency and Drug Abuse in New Zealand which is set out on page 94 of the Committee's report.

---

*Hon. Mr McKay*

## NARCOTICS AMENDMENT

---

### ANALYSIS

Title	3. Aiding offences against corresponding law of another country
1. Short Title	4. Theft, etc., of narcotics
2. Amendment of First Schedule	5. Power of Court to restrict publication of name of narcotic

---

### A BILL INTITULED

#### **An Act to amend the Narcotics Act 1965**

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same,  
5 as follows:

- 1. Short Title**—This Act may be cited as the Narcotics Amendment Act 1970, and shall be read together with and deemed part of the Narcotics Act 1965\* (hereinafter referred to as the principal Act).
- 10 **2. Amendment of First Schedule**—Section 4 of the principal Act is hereby amended by inserting, after the words “that Schedule”, the words “, or revoke that Schedule and substitute a new Schedule,”.
- 15 **3. Aiding offences against corresponding law of another country**—(1) The principal Act is hereby further amended by inserting, after section 5, the following section:

\*1965, No. 45

No. 6—1

“5A. (1) Every person commits an offence against this Act and is liable on conviction on indictment to imprisonment for a term not exceeding 14 years who, in New Zealand, aids, incites, counsels, or procures the doing or omission in any place outside New Zealand of any act, if that act or omission— 5

“(a) Is punishable under the provisions of any law corresponding to section 5 of this Act and in force in that place; or

“(b) Would if done or omitted in New Zealand constitute an offence against section 5 of this Act. 10

“(2) It is a defence to a charge under paragraph (b) of subsection (1) of this section if the person charged proves that the doing or omission of the act to which the charge relates was not an offence under the law of the place where it was, or was to be, done or omitted. 15

“(3) Subsections (3) and (4) of section 5 of this Act shall apply in relation to an offence against this section as they apply in relation to the like offence against that section.

“(4) Nothing in subsection (1) or subsection (2) of this section shall derogate from any provision in the Crimes Act 1961.” 20

Cf. 1927, No. 18, s. 16; 1960, No. 97, s. 46; 1961, No. 43, s. 69 (3)

(2) The First Schedule to the Extradition Act 1965 (as amended by section 4 (2) of the Extradition Amendment Act 1969) is hereby further amended by omitting from Part II so much thereof as relates to the principal Act, and substituting, in their appropriate columns, the following words: 25

“The Narcotics Act 1965	5	Dealing with narcotics	30
	5A	Aiding offences against corresponding law of another country.”	

**4. Theft, etc., of narcotics**—(1) The principal Act is hereby further amended by inserting, after section 6, the following section: 35

“6A. (1) Every person who—

“(a) Steals a narcotic; or

“(b) With intent to defraud by any false pretence, either directly or through the medium of any contract obtained by the false pretence, obtains possession of or title to a narcotic, or procures a narcotic to be delivered to any person other than himself; or 40

“(c) Receives a narcotic obtained by any crime, or by any act wherever committed which, if committed in New Zealand, would constitute a crime, knowing that narcotic to have been dishonestly obtained,—  
 5 commits an offence against this Act and is liable on conviction on indictment to imprisonment for a term not exceeding 7 years.

“(2) Subsections (2) and (3) of section 258 of the Crimes Act 1961 shall apply in respect of any proceedings for an  
 10 offence against paragraph (c) of subsection (1) of this section.

“(3) The definition of “crime” in section 2, and sections 220, 222, 225, 226, 245, 259, 260, and 261, of the Crimes Act 1961, shall apply, with such modifications as may be necessary, for the purpose of construing subsection (1) of this  
 15 section.”

(2) The First Schedule to the Summary Proceedings Act 1957 (as amended by section 5 (7) of the principal Act) is hereby further amended by omitting from Part II so much  
 20 thereof as relates to the principal Act, and substituting, in their appropriate columns, the following words:

25	“The Narcotics Act 1965	5 5A  6A	Dealing with narcotics Aiding offences against corresponding law of another country Theft, etc., of narco- tics.”
----	-------------------------	-------------------	----------------------------------------------------------------------------------------------------------------------------------

(3) Section 5 of the principal Act is hereby consequentially amended by repealing subsection (7).

30 **5. Power of Court to restrict publication of name of narcotic**—The principal Act is hereby further amended by inserting, after section 20, the following section:

“20A. (1) Where, in the course of proceedings in any Court or before a Coroner, reference is made to any narcotic, the  
 35 Court or Coroner may in its or his discretion order that the name of that narcotic shall not be published in relation to those proceedings at any time before the expiration of a period of 5 years from the date of the final disposal of those proceedings:

40 “Provided that no order made under this subsection shall apply to the publication of that name to scientists or to members of the legal, medical, dental, veterinary, nursing, or pharmaceutical professions or to persons studying to become

scientists or members of those professions or in any publication of a scientific or technical character solely or mainly intended for circulation among scientists or members of those professions or persons so studying or in any publication published by or on behalf of the Crown.

5

“(2) Where the publication of the name of a narcotic is prohibited under this section in relation to any proceedings every person who, within the said period of 5 years, publishes the name of that narcotic or any name or particulars likely to lead to the identification of that narcotic as the narcotic to which reference was made in those proceedings commits an offence against this Act.

10

“(3) Nothing in this section shall be construed to limit the provisions of any other enactment relating to the prohibition or regulation of the publication of reports or particulars relating to any judicial proceedings.”

15