



Psychoactive Substances (Increasing Penalty for Supply and Distribution) Amendment Bill **Justice Select Committee**

The Salvation Army New Zealand Fiji and Tonga Territory Submission

EXECUTIVE SUMMARY:

1. The Salvation Army **supports** the passing of this Bill into law. We believe these illegal psychoactive substances are a real blight in our society and are causing severe harm to our local communities. Through our network of drug treatment services across New Zealand, The Salvation Army has clearly seen the massive destruction these substances are having on people. Therefore, we sincerely hope that this increased sentence will act as an effective deterrent that will greatly reduce the supply and distribution of illicit psychoactive substances in our communities.
2. However, we submit that equally important to the increase in penalty for those selling or supplying these substances are other critical issues that must be considered in this wider debate. These include:
 - a. The need to focus on a comprehensive education and awareness campaign to ensure the public is sufficiently informed and equipped to avoid these types of drugs;
 - b. The urgent need to reduce our record high prison numbers;
 - c. The reality that many of those selling or supplying these substances, from our experience, are also users of and addicts to these substances. For that reason, having sufficiently funded and resourced drug addiction treatment services is vital to ensure that these addictions are addressed whether inside prisons or in the public;
 - d. The importance of learning from the recent history of classifying methamphetamine as a Class A drug which has not led to reduced usage of these substances.

BACKGROUND:

3. The Salvation Army is an international Christian church and social services organisation that has worked in New Zealand for over one hundred and thirty years. The Army provides a wide-range of practical social, community and faith-based services, particularly for those who are suffering, facing injustice or those who have been forgotten and marginalised by mainstream society. We are passionately committed to our communities as we aim to fulfil our mission of caring for people, transforming lives and reforming society through God in Christ by the Holy Spirit's power.¹
4. We have over 90 Community Ministry centres and Churches (Corps) across the nation, serving local families and communities. The Army's Addiction, Supportive Accommodation and Reintegration Service (ASARS) provide services at more than 30 locations throughout the country. ASARS support people seeking help with alcohol, other drugs, and gambling

¹ <http://www.salvationarmy.org.nz/our-community/mission/>

related problems, emergency housing options and assisting people transitioning from prison to the community. ASARS oversees The Salvation Army Bridge Programme which provides alcohol and other drug treatment services (day programmes and residential care), alcohol-related advice and counselling, and Recovery Church services to support people and their whanau who are on a journey to recovery.

5. This submission has been prepared by the Social Policy and Parliamentary Unit of The Salvation Army. This Unit works towards the eradication of poverty by encouraging policies and practices that strengthen the social framework of New Zealand. This submission has been approved by Commissioner Andrew Westrupp, Territorial Commander of The Salvation Army's New Zealand Fiji and Tonga Territory.

GENERAL COMMENTS:

6. The Salvation Army believes that human beings are created in the image of God and that therefore the body should be treated with respect (1 Corinthians 3:16). Accordingly, The Salvation Army promotes the welfare of the body, as well as the mind and spirit. While certain lifestyle choices may be legally and socially acceptable, some choices may be neither helpful to the person concerned, nor to those likely to be influenced by their actions (1 Corinthians 8:9).² Although social or recreational use of other drugs (both legal and illegal) does not inevitably lead to dependence, such use impairs judgement and is a contributing factor in many personal and social tragedies. Even prescription drugs can be harmful when misused. The Salvation Army will actively support legislation restricting the availability and use of illegal drugs and the abuse of legal drugs.³
7. Through our Bridge Programmes across New Zealand, we have direct experience with those misusing and addicted to psychoactive substances. Some frontline Bridge workers reported that in 2017, they identified a significant increase in the number of people presenting to their services with addictions or issues related to these substances. However, in recent discussions, some frontline workers have reported less people presenting with these issues. Generally, we can see how destructive and dangerous these substances are for people in local communities. One of the 'street' names we have been told for these substances is 'frothys' – that is, it is called this because people collapse and froth at the mouth when they are misusing these drugs. These names give some indication of how damaging these substances are, particularly for very vulnerable and marginalised people. So, as mentioned above, we are definitely supportive of the spirit and purposes of this Bill. The Salvation Army definitely wants to see an end to the use and abuse of these drugs.
8. After lengthy internal deliberation and discussion, we have come to the conclusion that supporting this Bill will go in some way to deterring and hopefully eliminating the use of these substances. This approach is in line with our position statements discussed in Paragraph 6 above. We want to see an end in the harm and deaths resulting from the use of these non-approved products. Still, it is pertinent to acknowledge here that supporting an

² <http://www.salvationarmy.org.nz/about-us/position-statements/alcohol-tobacco-drugs>

³ Ibid.

increase in prison sentences is difficult for us given that some of those selling are themselves addicts, and also the state of prisons is not always leading to positive rehabilitation outcomes for many prisoners.

9. Nevertheless, we support this Bill. Yet we also want to strongly advocate that there are other essential issues that are relevant to the discussion about this Bill. We contend that these issues, taken into consideration with the move to increase the penalty for sale and supply of these drugs, will contribute to reducing the hugely detrimental effects of these drugs. These relevant issues are discussed below.

10. The need to focus on a comprehensive education and awareness campaign to ensure the public is sufficiently informed and equipped to avoid these types of drugs.

a. We contend that in order for non-approved psychoactive substances and their effect on our communities to be effectively minimised, there should be greater education and information for people before they turn to experiment with these substances. In 2017, there was a lot of media attention on the effects of these harmful drugs. While media attention can be helpful, we submit that accurate and evidence based information must be presented to the public about these drugs. We believe that increasing the knowledge and awareness of these illegal substances can greatly assist in deterring people from using prohibited psychoactive substances.

b. We note the recent Emergency Departments USED Programme being facilitated by the New Zealand Institute of Environmental Science and Research (ESR) which is researching the increase of deaths linked to synthetic cannabinoids.⁴ The findings from research like this can be used to inform public education and awareness campaigns about these illegal psychoactive substances.

c. We question what role the Psychoactive Substances Regulatory Authority could have in this education and awareness facet as it administers the Principal Act. Given that there are currently no approved products because of the prohibition on animal testing, we support some sort of awareness raising role for the Authority in conjunction with the Ministry of Health to minimise harm to users of these substances and the wider public.

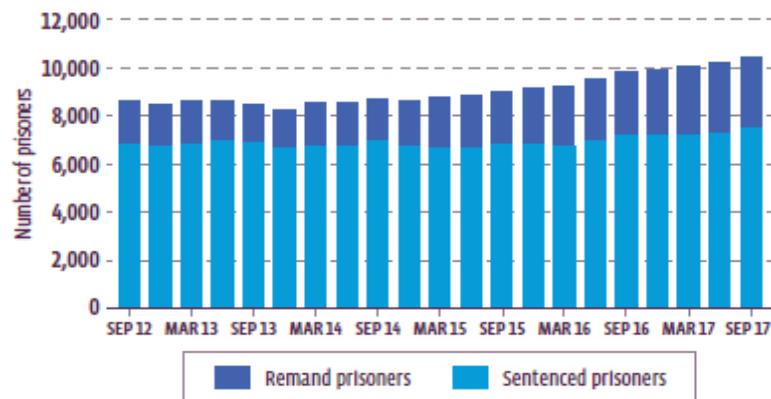
11. The urgent need to reduce our record high prison numbers.

a. The Salvation Army has commented several times before about our nation's extremely high prison numbers. As reported in our 2018 State of the Nation Report, we are seeing record high prison numbers as shown in the graph below, particularly since 2013/14.⁵

⁴ <https://psychoactives.health.govt.nz/>

⁵ <http://www.salvationarmy.org.nz/research-media/social-policy-and-parliamentary-unit/latest-report/State-of-Nation-2018>

Figure 8: Prisoner population—2012–2017 (quarterly)³³



- b. Additionally, this Government has promised to reduce the prison muster by 30 per cent in the next 15 years. It is doubtful this Bill will reduce the numbers of people in our prisons because it increases the sentence to up to 8 years. Instead, it would mean those convicted of these offences will likely serve longer sentences. The potential for effective rehabilitation inside prison, or post prison, is lessened given that our recidivism and reimprisonment rates continue to remain fairly high as illustrated in the Table below⁶:

Table 18: Prisoner recidivism and spending on rehabilitation and reintegration services—2012–2017 (June years)³⁸

Year ending June	2012	2013	2014	2015	2016	2017
TOTAL PRISON POPULATION						
12 month reimprisonment rate	27.0%	26.7%	25.9%	28.1%	29.7%	31.2%
12 month prison to reconviction	43.3%	44.2%	41.7%	43.7%	44.2%	45.5%
24 month reimprisonment rate	37.0%	37.3%	36.8%	36.5%	39.6%	42.2%
24 month prison to reconviction	59.9%	58.8%	58.9%	57.0%	59.0%	59.7%
MĀORI PRISON POPULATION						
12 month reimprisonment rate	30.4%	30.1%	29.3%	32.1%	33.0%	36.5%
12 month prison to reconviction	47.3%	48.4%	46.2%	49.0%	48.7%	51.4%
24 month reimprisonment rate	40.8%	41.8%	41.2%	41.3%	44.8%	47.0%
24 month prison to reconviction	65.6%	63.5%	64.4%	63.2%	65.5%	65.8%
Year ending June	2012	2013	2014	2015	2016	2017
Spending on rehabilitative programmes & reintegration services (\$millions nominal)	153.6	145.9	161.9	169.1	176.3	180.9
Average spend per sentenced prisoner in \$ Jun 17	24,000	22,300	24,600	25,600	26,300	25,300

- c. We recognise that the shift in penalty in this Bill is there to deter those sellers and suppliers preying on vulnerable users of these drugs. But we cannot ignore our problematic prison numbers or our recidivism and reimprisonment rates. Finding the balance between effective prevention, punishment, rehabilitation and reintegration is enormously difficult, especially given how deadly these non-approved substances are.

12. The reality that many of those selling or supplying these substances, from our experience, are also users of and addicts to these substances. For that reason, having sufficiently

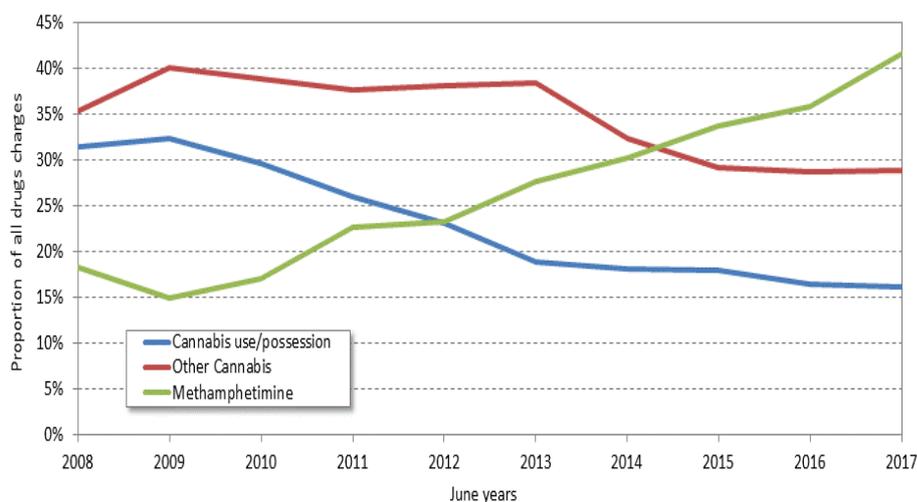
⁶ <http://www.salvationarmy.org.nz/research-media/social-policy-and-parliamentary-unit/latest-report/State-of-Nation-2018>

funded and resourced drug addiction treatment services is vital to ensure that these addictions are addressed whether inside prisons or in the public;

- a. Our ASARS staff have reported regularly that many drug dealers, including those supplying these illegal substances, are themselves addicts and selling these drugs to support their own addictions. Of course it is important to stop them from dealing these substances. But it is also crucial to address the addictions these people have to reduce the chances of them coming back to drug dealing after they have served their sentences.
- b. We submit that adequately funding services that are working with people suffering harm from these non-approved substances should be a focus of the government. Research like the USED Project mentioned above can help shape more effective treatment services that can address these psychoactive issues. Furthermore, these existing treatment services are already working with clients with these specific addictions issues. Therefore greater collaboration and funding for this work can help provide effective treatment pathways for those suffering from psychoactive substance harm.

13. The importance of learning from the recent history of classifying methamphetamine as a Class A drug which has not led to reduced usage of these substances.

- a. The Salvation Army has reported on arrests for drug crime in our annual State of the Nation report for the last 10 years. In the 2018 report, we clearly identified a trend whereby arrests for methamphetamine offences had gradually increased over the last decade. Conversely, arrests for cannabis use and other drugs had steadily decline over the same time period. These patterns are shown in the graph below⁷:



⁷ <http://www.salvationarmy.org.nz/research-media/social-policy-and-parliamentary-unit/latest-report/State-of-Nation-2018>

- b. From the graph above, it is evident that this classification has not acted as the deterrent for either dealers or for those using the drug. The landscape for methamphetamine use today is incredibly concerning, with reports that methamphetamine is easier to access than cannabis.⁸ In the case of methamphetamine, the classification and penalty changes have not had their desired effect to prevent the harm caused by drugs for individuals and communities.
- c. This Bill applies the penalty of a Class C drug to illegal psychoactive drugs. But psychoactive substances have not been classed yet under the Misuse of Drugs Act 1975. We submit that the Government should explore classifying these illegal psychoactive drugs under the Misuse of Drugs Act, thereby bringing penalties for selling and supplying these drugs in line with Class C drugs.

CONCLUSIONS:

- 14. The Salvation Army supports the passing of this Bill. We see the devastating effects of drug use, harm and addiction daily in our work. We know the damaging effects that it has on our communities, on families and on individuals. The Salvation Army is committed to transforming lives, and ensuring that psychoactive substances are no longer impacting our communities. While the focus of this Bill is on increasing the penalty associated to sale and supply of these drugs, we have tried to discuss wider relevant issues that we believe contribute greatly to reducing and removing the harm caused by non-approved psychoactive substances.
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⁸ <https://www.stuff.co.nz/auckland/102207178/methamphetamine-much-easier-to-find-than-cannabis-according-to-study>