

# THE REP: DRUGS

This education kit will help you facilitate a conversation with young people about the law around alcohol, smoking, drugs and drug searches. It includes classroom activities, workshop slides and background legal notes. This workshop is designed to last between 1-1.5 hours.



CL

community law

free legal help  
throughout aotearoa



# How to deliver a REP module

*Use this information to inform your facilitation.*

Kia ora! Thank you for being a REP volunteer. Your participation in The REP will help young Aotearoians become more aware of their legal rights and responsibilities. By connecting young people with local support services, you will also help build a stronger community for all of us. So... what do you need to know about delivering a module?

## Know your Community Law Centre

- The most important thing about The REP is the connection you can build between members of your community and your local Community Law Centre.
- If a class takes only one thing out of a workshop, it should be that if they have a legal problem they can get help from their local Community Law Centre or YouthLaw.
- Use The REP modules as a way of talking about how Community Law Centres, other community-based services and lawyers can actually help. Learn about local support services available for youth in your area.
- If anyone in your class asks for help or needs legal advice (which you are not allowed to give if you are not a lawyer), direct them to their local Community Law Centre.
- Consider going the extra step: go along with a student to a Community Law Centre so they feel supported.

## Know the audience

- The second most important thing about The REP is that our education is meant to be interactive and fun. Getting your audience to relax and have a laugh is as important, if not more important, than talking about the law.

- Treat this resource as a guide only – try hard to deliver the material in a way that will suit your audience and that your audience will enjoy.
- REP modules are learner-led, so focus on what the class wants to talk about. There is no need to cover all the material in the time you have been given. See where the conversation goes, focus on what the class identifies as being important or relevant, and explore those ideas. Just to repeat: there is no need to get through all the material!

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- Every group you work with will be different, with different levels of knowledge, different needs, and different expectations. Let the group both guide and teach you; work together to build a picture of how the law actually works in New Zealand.
- Try and get to the heart of the matter: talk about the real world, and the greater social implications of the law. You will get much more out of it, and so will your class.

### *Know the activities*

- In general, everybody likes to know why they are here, whether it's relevant, and how long it will take. Take your time to signpost what the module is going to cover and the activities by explaining or perhaps writing up a short plan on the board.
- These modules are structured so that all the important information can be covered through running the activities. The activities aim to get your class thinking about the issues being discussed and engage with them in a practical way.
- It is important to know and understand the way the activities are run, so you can lead them smoothly and effectively.
- If you can think of more diverse, more engaging and more fun games and exercises, please do. Just make sure you feed these new improved activities to us at The REP.

### *Know the law*

- You need to be up-to-date with the area of law this module covers.
- That said, you are not expected to know everything! If you don't know an answer, a good technique is to reflect the question to the whole class or say you will find out and let them know. Remember, if you say you will find something out, make sure you do.
- The background material in this guide is to help you learn the law. The Community Law Manual is also a fantastic guide to all the areas of 'community' law. Check out the manual online for the relevant chapters to this module here: [www.communitylaw.org.nz](http://www.communitylaw.org.nz).



- It's always helpful to have some relevant examples up your sleeve of how the law works in practice. If in doubt, check out the news, talk to your friends, family, teachers, or the lawyers and other kaimahi at your local Community Law Centre.

### *Know some different teaching styles*

- Everybody learns differently. Very few people enjoy being lectured to!
- The activities in this module attempt to cater for different kinds of learners:
  - Some people like to visualise what they're learning (by seeing it written down, making a list or studying an image)
  - Other people need to hear things to take them in (maybe by listening to a story or using rhythm or sound as memory aids)
  - Some people learn by talking (by sharing with a neighbour or taking part in a discussion)
  - Other people prefer to learn while moving around (when up on their feet and active)
  - And others learn with their hands (getting creative, drawing or cutting things out)
- Work hard at improving your own facilitation practice so that everybody can get involved in the class.

### *From the outset, it is important to*

- Establish a safe space. Be aware that the modules contain sensitive content. The key is how you leave the young people *feeling*, so make sure class members are comfortable at all times.
  - For example, if a young person blushes when answering a question, say "have a think about it" and move on to someone else or if a joke is made about a class member, divert the heat onto yourself
  - If you notice that a young person seems triggered, approach them quietly and one-on-one or flag it with their teacher
- Build rapport with the young people. Be respectful, honest and authentic. Young people have a lot of lived experience, so start with the assumption that they know more than you. If you give them the chance to step up, they will.
- Establish flexibility. There is no 'right' way to facilitate these modules. If the class is only interested in one topic, that's fine. Be responsive to your audiences' needs and their body language.
  - For example, if the energy is flat, mix the games up and start with an activity involving movement or with a pair exercise "talk to your neighbour about..."

- Make participation voluntary. Encourage everyone to be involved, but always ask for volunteers so no one is embarrassed by being singled out. Don't ask the young people to do anything you wouldn't do!
- Work with the teacher. Most classes are likely to have a teacher present during your session so check in before the class starts. If something disruptive happens, ask the teacher to step in.
- Have fun! If you're having fun, the class will have fun. Having funny anecdotes helps the class relate to the content and if the session is fun and interesting, young people are more likely to remember.

### ***Evaluations***

- Getting feedback is essential to improving The REP. Leave enough time at the end of the class to hand out and collect the evaluation forms. And remember to feed this back to us at The REP.
- Don't forget to fill in your facilitation evaluation form!

### ***Last, but not least...***

... Smile! Enjoy yourself, have a laugh, and thanks again for volunteering your time.

## **WHAT YOU WILL NEED**

- Projector and laptop
- Slides (Ctrl+L for fullscreen)
- Facilitator notes
- Printing materials
  - Activity #1: 1 x per group
  - Activity #3: 1 x Class A, B & C cards
- Post-it notes
- Evaluations 1 x per class member
- Chocolate
- Community Law Centre flyers



# Opening



## THE REP: DRUGS

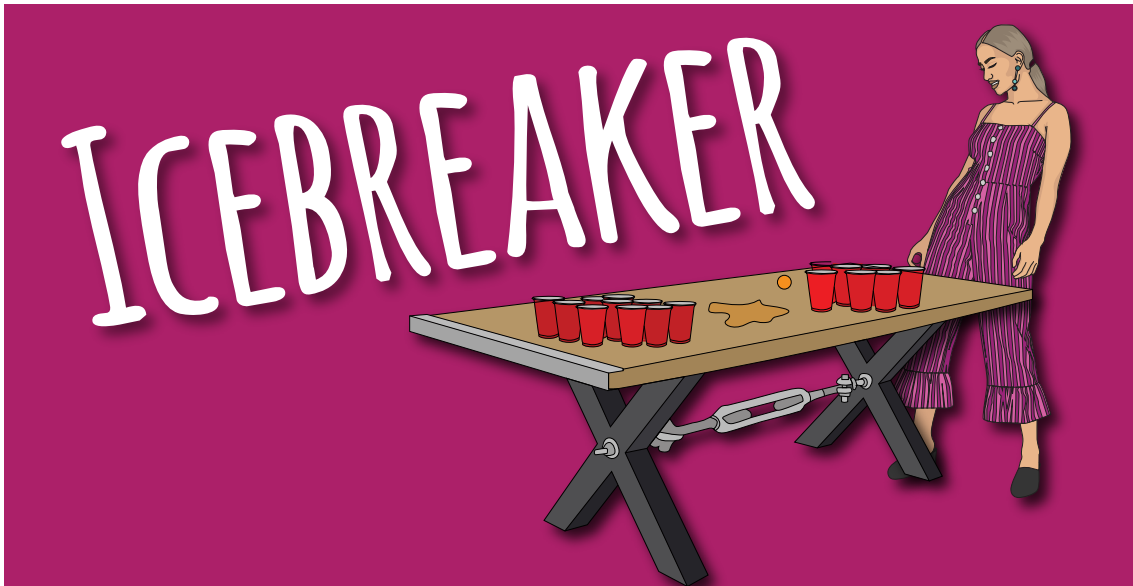


### GREETINGS

- “Kia ora, talofa lava, nǐ hǎo, hello” (introduce yourself, your name, a bit about yourself).
- “This session is brought to you by the Community Law Centre and The REP: the Rights Education Project”.
- Introduce the Community Law Centre:
  - Community Law Centres provide free legal advice, on most topics. You can see a lawyer, for free, on anything to do with employment, family, criminal, tenancy, debt, and beyond
  - Make sure the class knows where to find their local Community Law Centre and how to contact YouthLaw. For example: “Your nearest Community Law Centre is in Wellington Central at 15 Dixon Street on Level 2 or Lower Hutt at 59 Queens Drive on Level 2. Come in and see us some time!” and “You can call YouthLaw on **0800 UTHLAW (0800 884 529)** to talk to someone who can help!”
  - Community Law Centres are situated throughout New Zealand and you can locate your nearest one at: [www.communitylaw.org.nz/our-law-centres/](http://www.communitylaw.org.nz/our-law-centres/)
- Introduce The REP:
  - We are here to let you know your legal rights and responsibilities. We present the law on a number of areas, but if you have anything you are particularly interested in, we are always open to new ideas!

# Icebreaker

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## INSTRUCTIONS

- This module begins with an 'icebreaker' to make it easier for participants to feel comfortable contributing to the workshop.
- The idea of this icebreaker is to encourage participation and to introduce the class members. Work hard to remember the names of everyone in the class.
- This icebreaker introduces The REP: Drugs by asking the class to say their name and answer a question.
- Ask the class "What do you think a drug is?"
- After you have gone around the group, acknowledge the class for their contributions. Clarify that a drug is any substance that has an effect on the body:
  - Drugs can be legal (such as paracetamol or coffee)
  - Drugs can be illegal (such as marijuana or LSD)
  - Drugs can be regulated (such as alcohol and cigarettes)
  - Drugs that are legal when prescribed by a Doctor can be illegal for someone who they are not prescribed for (such as Ritalin or codeine)

## SECTION 1

# Alcohol



### ACTIVITY #1 INSTRUCTIONS

- Divide the class into groups and hand out a 'Mythbusters' worksheet to each group.
- Explain to the class that there are five multi-choice questions and each group needs to identify which of the three statements is a MYTH!
- The group that identifies the most myths correctly wins chocolate.

## ACTIVITY #1

# Mythbusters

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1.

- a. Police can arrest you if you're caught with unopened cans of beer in a liquor ban area
- b. Police can make you tip out your alcohol if you're drinking it in a liquor ban area
- c. Police can't confiscate your unopened alcohol if you are passing through a liquor ban area with it

**A:** Police can't arrest you with unopened alcohol in a liquor ban area (unless you are committing another offence!)

2.

- a. The only people who can supply you with alcohol if you're under 18 are your parents or guardians
- b. If you're under 18, your host can serve you alcohol if they have your parent or guardian's permission
- c. If you are on a private property, your family members may supply you with alcohol without your parent or guardian's permission

**C:** Only your parent or guardians can supply you with alcohol or give permission to someone over 18

3.

- a. Police can enter any licensed premises without warning and you have to give them your name, address and proof of age
- b. If you are caught with a fake ID, all the Police can do is confiscate it and tell you off
- c. If you use a fake ID you are committing fraud and you could get a big fine

**B:** If you are lucky, Police or barstaff will just confiscate the fake ID and tell you off. But both using a fake ID or giving someone else a fake ID to use are criminal offences and you could get a fine of up to \$2,000

4.

- a. The drinking age in New Zealand is 18
- b. You can be employed to serve alcohol on a licensed premises even when you are under 18
- c. The purchasing age in New Zealand is 18

**A:** Technically there is no minimum drinking age in Aotearoa. However, if you are under 18 you need your parent or guardian's permission. Also, if you get caught purchasing alcohol underage you can be fined up to \$2,000

5.

- a. Accepted forms of ID for purchasing alcohol include a driver's licence, a Kiwi Access Card or a passport
- b. Accepted forms of ID for purchasing alcohol include a birth certificate, a student ID or a bank statement
- c. You can be refused service if you are underage or drunk, but not because of discrimination

**B:** You cannot be refused service because of your race, sexual orientation (for example, if you're heterosexual, homosexual, lesbian or bisexual) or because you have HIV/AIDS. If you think this has happened, you could complain to the Human Rights Commission, as discrimination on these grounds is illegal



## LEGAL NOTES

*Learn this information and integrate it into your facilitation. Don't read it out word for word!*

### **Buying alcohol**

- The 'purchasing age' in NZ is 18 years or older. There is no legal minimum drinking age in Aotearoa.
- If you get caught buying alcohol at an earlier age you can be fined up to \$2,000.
- If the staff selling you alcohol get caught, they can be fined up to \$2,000 and the manager/owner can also be fined up to \$10,000.
- It is legal for your parent/guardian to buy you alcohol when you are under the age of 18.
- However, it is against the law for someone else to buy you a drink. If they do buy you alcohol they could be fined up to \$2000.

### **Drinking at home**

- If you are under 18, you can drink at home or on private premises only if your parent or guardian supplies you with alcohol.
- If you are under 18, at home or on private premises, your 18+ host can only provide you with alcohol if they have permission from your parent or guardian.
- The penalty for allowing under 18s to drink at home or on private premises without your parent or guardian's permission is a fine of \$2000.

### **Drinking in public places**

- If you are under 18 you cannot drink in a public place – unless you are with your parents or guardian.

### **Liquor bans**

- A liquor ban means you can't have alcohol in that area, no matter how old you are.
- Liquor bans don't cover licensed premises (like bars, bottle shops, supermarkets) or carrying unopened bottles from licensed premises to areas outside the liquor-free zone.
- It is an offence to consume or possess opened alcohol in a liquor ban area!
  - The police can ask you to tip out the alcohol or leave the area and charge you for breaching the liquor bylaw if you refuse
  - You might have to go to court and could be fined up to \$250

### **Drinking in bars**

- If you are 18+, you can go into any pub, and any area of a pub, by yourself. If you are under 18, it depends on whether you are on 'designated premises' (either a 'restricted area' or 'supervised area') or in an 'undesignated area.'
- You can be in an 'undesignated area' at any age, without having an adult with you. Many places where alcohol is sold, such as supermarkets, are undesignated areas but usually pubs and bars aren't.
- Most places where alcohol is sold are called 'designated premises'. These are divided into 'restricted areas' and 'supervised areas.'
  - You can't go into a restricted area, such as a nightclub, if you are under 18
  - If you are caught in a restricted area underage, or in a supervised area without a legal guardian, you are breaking the law and could be fined up to \$1000
  - A supervised area can be a pub, a restaurant, or even a family lounge, which you can only go into if you are with your parent or legal guardian
  - If you are under 18 you can serve alcohol in a supervised area but not a restricted area
- It is not always possible to tell whether you are in a restricted area or supervised area just by looking, but all licensed premises must have their licence hanging up near the entrance. This will tell you which areas are restricted and which are supervised.
- If you don't know what kind of area you're in, ask someone working in the pub or restaurant.
- Regardless of age, it is illegal to allow someone to get intoxicated on a licensed premises, or sell alcohol to someone who is intoxicated.

### **Identification of age**

- Accepted forms of identification when buying alcohol or entering licensed premises are limited to:
  - NZ Driver's Licence
  - NZ or overseas passport
  - Kiwi Access Card (replaces the 18+ Card)
- How to get a Kiwi Access Card:
  - You can get an application form from a Post Shop, AA Centre or at: [www.kiwiaccess.co.nz](http://www.kiwiaccess.co.nz)

- You have to complete a form, attach a passport photo, have it signed and witnessed by an authorised witness (like a lawyer) and show them documents to prove you are over 18 (like a birth certificate or proof of address such as a bank statement)
- The card costs \$45
- Police can enter and inspect any licenced premises without warning.
  - You have to give them your name, address and proof of age BUT you don't have to answer anything else
  - If you refuse to give them these details or lie, you could be fined or arrested

## Fake IDs

- It is an offence to both use a fake ID and give someone else a fake ID. This is fraud and heavy penalties apply.
- Fraudulent use of IDs can attract penalties ranging from a \$500-\$2,000 fine.
- In practice, if the staff at the club/bar/alcohol store/supermarket discover that you are using a fake ID, they will most likely take the ID off you and tell you to leave the premises, then pass the fake ID onto the police.
- However, if the police discover you using a fake ID, which is possible as police regularly carry out ID checks in clubs/bars, you might find yourself in more trouble than simply having the ID taken off you and being asked to leave, so using a fake ID – though common amongst young people in NZ – is very risky.

## Refused service?

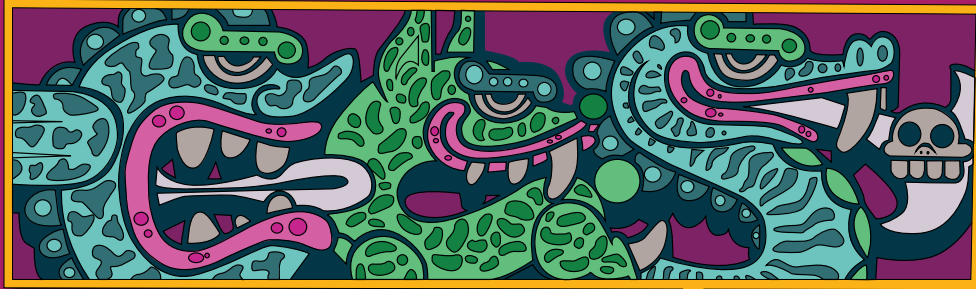
- If you are refused service because they think you are underage, you should show them proof of your age.
- However, the owner or manager of a pub or nightclub is allowed to ask you to leave at any time without giving you a reason. If this happens, it's probably better to go without arguing. If you argue with the owner, and your friends get involved, there could be trouble and bouncers may get involved.
- If you think the owner wouldn't let you in, refused to serve you or asked you to leave because of discrimination – such as race, sexual orientation (for example, if you're heterosexual, homosexual, lesbian or bisexual) or because you have HIV/AIDS – you could complain to the Human Rights Commission, as discrimination on these grounds is illegal.

## Where can you go for help?

- There are a number of support services available for alcohol addiction.
- Alcohol Anonymous (AA) offers support group meetings to help people stay sober.
  - Phone: **0800 229 6757**
  - Website: [www.aa.org.nz](http://www.aa.org.nz)
- Al-anon provides resources and runs meetings for families or friends affected by the alcoholism of a loved one.
  - Website: [www.al-anon.org.nz](http://www.al-anon.org.nz)
- Alcohol & Drug Helpline is a free 24/7 helpline for people struggling with addiction and their families or friends.
  - Phone: **0800 787 797**
  - Website: [www.alcoholdrughelp.org.nz](http://www.alcoholdrughelp.org.nz)
- Care NZ is a mostly free service offering community-orientated alcohol and drug treatment options for people struggling with addiction.
  - Website: [www.carenz.co.nz](http://www.carenz.co.nz)
  - You can take a free online test to find out whether you or a loved one has a problem with drugs or alcohol and needs help: [www.carenz.co.nz/alcohol-self-assessment](http://www.carenz.co.nz/alcohol-self-assessment)
- The NZ Drug Foundation provides information about alcohol and drugs in Aotearoa.
  - Website: [www.drugfoundation.org.nz](http://www.drugfoundation.org.nz)
  - The NZDF (often under the name KnowYourStuffNZ) also provides free drug testing at some music festivals
- To find drug and alcohol addiction services: [www.addictionshelp.org.nz/Directory](http://www.addictionshelp.org.nz/Directory).
- Find advice and information to reduce alcohol-related harm: [www.alcohol.org.nz](http://www.alcohol.org.nz).
- Learn about local support agencies so you have the best information about support services available for youth in your area.

## SECTION 2

# Smoking and vaping



## SMOKING QUIZ



### ACTIVITY #2 INSTRUCTIONS

- Divide the class into groups and ask each group to come up with a buzzer and team name.
- Go around the groups and get them to trial their team buzzer (loud is good!).
- In each round, read out the clues and the teams have to 'buzz in' with the correct answer.
- The first team to buzz in gets a shot at answering the question. If the answer is wrong, the other teams have a chance to buzz in.
- Keep a tally of which team wins each round.
- The first round is a practice, but all the rest of the rounds will be about smoking.
- The team with the most points at the end wins chocolate!

## ACTIVITY #2

# Smoking Quiz

### Practice round

- I come from a plant
- Some people think I'm addictive
- I am delicious
- I can come in white, dark and milk flavours...
- I'm produced by companies like Whittaker's and Cadbury

*I am* **CHOCOLATE**

*But in the real game, all the rounds relate to smoking and the law: let's start!*

## ROUND 1

- It is not illegal to grow me
- I am found in a legal drug
- It is not illegal to sell my leaves
- But it is illegal to process me to be smoked
- Cigarettes are made of me

*I am* **TOBACCO**

## ROUND 2

- I am found in tobacco
- I am one of 4,000 chemicals found in cigarettes
- I can be used to keep bugs off plants
- I am highly addictive
- People can get me from gum, patches and e-cigarettes to help them quit

*I am* **NICOTINE**

## ROUND 3

- I kill more people than heroin
- It is an offence to sell or supply me to people under 18
- 23% of 14-15 year olds in Aotearoa have used me
- I can cause cancer and heart disease
- There are graphic pictures on the outside of my packet

*I am* **CIGARETTES**

*continued...*



## ROUND 4

- Only people over 18 years old can purchase me
- You can get me in different styles and flavours
- 38% of 14-15 year olds in Aotearoa have used me
- I'm used to help people quit smoking, but I still carry some health risks
- I produce vapour, not smoke

*I am* **E-CIGARETTES**

## ROUND 5

- I'm free
- You can text me
- I am a support service
- I can give you cheap patches and gum
- You can call me if you want to quit on **0800 778 778**

*I am* **QUITLINE**

## LEGAL NOTES

*Learn this information and integrate it into your facilitation. Don't read it out word for word!*

### **Buying tobacco and vaping products**

- It is illegal for shops to sell cigarettes or vaping products to a person under 18, for a person to supply a young person with cigarettes or vaping products in a public place and for parents or guardians to supply cigarettes to their children
- Unlike alcohol, it is not an offence for minors to attempt to buy tobacco.

### **Smoking and vaping inside**

- Smoking and vaping is banned in:
  - Buses, taxis, aeroplanes, ships and trains, except in special designated 'smoking areas'
  - Passenger waiting rooms and lounges, except in special designated 'smoking areas'
  - Indoor areas of pubs, bars, restaurants, cafes, clubs, casinos and pokie venues
  - Indoor work areas
  - Prisons
  - Schools
- If you smoke in a non-smoking area, you cannot be charged with an offence but you can be asked to stop or to leave. However, while you can't be fined, the person responsible for that area could be!

- In 2011, the Government adopted the Smokefree 2025 goal for Aotearoa, with the goal of reducing smoking prevalence and tobacco availability to minimal levels, thereby making Aotearoa essentially a smoke-free nation by 2025 (Ministry of Health).

### **Growing tobacco**

- It is not illegal to grow your own tobacco, or to sell the raw uncut leaf.
- It IS illegal to "manufacture" tobacco (process into a state for smoking).

### **Other drugs/chemicals in tobacco**

- Cigarette smoke contains over 4,000 chemicals, including 43 known cancer-causing (carcinogenic) compounds and 400 other toxins. These include tar, carbon monoxide, formaldehyde, ammonia and arsenic.
- Nicotine is one of the chemicals responsible for cigarettes being so addictive.

### **Where can you go for help?**

- Quitline is a free 24/7 support line to help people quit their smoking addiction:
  - Phone: **0800 778 778**
  - Website: [www.quit.org.nz](http://www.quit.org.nz)

## SECTION 3

# Drugs

# DRUG CLASS



## ACTIVITY #3 INSTRUCTIONS

- Facilitate a class brainstorm of drugs that class members can name and write them up on the board.
- Hand out a post-it note to each class member and ask everyone to choose one drug and write it on their post-it.
- Place the Class A, B and C cards at three points around the room.
- Ask the class to move to the Class A, B or C cards, depending on which drug class they think the drug they have written down belongs in.
- On the back of each Class card are some questions for each group to discuss. Ask the class to have a conversation in their group about why they think the drugs they chose are in this drug class, what it means to possess or deal drugs and the questions on the back of the card.
- When the groups have finished, facilitate a class discussion about what drug classes are, what it means to possess or deal drugs and the penalties if you get caught in possession or dealing.
- Reward good contributions to the discussion with chocolate!

## ACTIVITY #3

# Drug classes

*What does it mean if a drug is Class A, B or C?*

Drugs are classified for the purpose of fixing the penalty that applies to their illegal production, distribution, possession and use

*Where can you go for help if you have a drug problem?*

There are a number of support services available for drug addiction (see background notes). Your local Community Law Centre or YouthLaw can help by referring you to local support services

*Is the maximum prison sentence for possession of these drugs three months or six months?*

*Is the maximum fine for possession of these drugs \$500 or \$1000?*

*Can you get a fine and a prison sentence?*

Penalties for possession:

- Class A drugs: six months' prison or \$1,000 fine or both
- Class B and C drugs: three months' prison or \$500 fine or both
- If you are over 17 and are convicted, even if you only receive a fine, you will have a criminal record unless you receive diversion or are discharged without conviction

*Is the maximum prison sentence for dealing these drugs 8 years, 14 years or life in prison?*

Penalties for dealing:

- Class A = Up to life in prison
- Class B = Up to 14 years in prison
- Class C = Up to eight years in prison

CLASS A

CLASS B

CLASS C



## LEGAL NOTES

*Learn this information and integrate it into your facilitation. Don't read it out word for word!*

**Note:** Remember that most drugs have adverse side effects on health but whatever your stance, we're just here to pass on the facts!

### Legal and illegal drugs

- A drug is defined as any substance that alters normal bodily function and includes:
  - Legal drugs (caffeine, tobacco, alcohol)
  - Prescription drugs (anti-psychotics, depression drugs, sleeping drugs)
  - Illegal drugs (any banned drug or psychoactive substance not approved for regulation)
- Drugs can be restricted, banned and even legalised over time as new drugs are developed and society changes.
- This section will focus on illegal drugs.

### Drug classification

- Broadly, there are three classes of illegal drugs: Classes A, B and C. Drugs are classified for the purpose of fixing the penalty that applies to their illegal production, distribution, possession and use.
  - Class A (includes: heroin, LSD, Methamphetamine (P), Magic Mushrooms)
  - Class B (includes: cannabis resin and oil, speed, morphine, hash, MDMA, Ritalin)
  - Class C (includes: cannabis plants and seeds, pharmaceutical drugs such as codeine and psychoactive substances such as synthetic weed, party pills and BZP)
- Under the Psychoactive Substances Act 2013, psychoactive substances such as party pills can become approved for sale if they are safe. However there are currently no approved products.
- Legal highs (which were widely sold but are now illegal) such as synthetic cannabis and bath salts are linked to a number of deaths in Aotearoa over the past few years.
- Roofies is a general term for drugs that are incapacitating and known to be used as date rape drugs.
- Glue/solvent sniffing is not illegal but has short term side effects such as vomiting and serious health implications such as a heart attack or death.

### Drug offences

- There are many different kinds of crimes/offences relating to drugs in Aotearoa:

- Use and possession
- Dealing
- Growing
- Manufacturing
- Possession of drug paraphernalia (equipment to use drugs) such as pipes and needles
- Allowing your car or house to be used for drug offences

### Use and possession

- It is against the law to carry, keep or use illegal drugs.
- The penalties are serious and can include prison time:
  - Class A drugs: six months' prison or \$1,000 fine or both
  - Class B and C drugs: three months' prison or \$500 fine or both
- If you are over 17 and are convicted, even if you only receive a fine, you will have a criminal record.
- Since 2019, it is legal for terminally ill people to use cannabis to help manage their pain.

### Dealing

- Dealing drugs is a serious crime and the definition of "dealing" is different depending on the drug:
  - Dealing in class A and class B drugs can include simply giving someone that drug
  - Dealing in class C drugs (like marijuana) is more than giving someone the drug (unless that person is under 18), it's actually selling it to them (but the police will assume you are getting something in return)
  - If you are found with 28+ grams (one ounce) of cannabis OR 100+ joints, you are also considered to be dealing, even if the police can't prove you actually sold it to anyone (so you will need to prove you were not dealing)
- Maximum penalties for dealing drugs:
  - Class A = Up to life in prison
  - Class B = Up to 14 years in prison
  - Class C = Up to eight years in prison
  - The penalties for dealing drugs are some of the harsher penalties for crime. You are very likely to go to prison for dealing Class A or B drugs. You may receive options for Class C drugs (including home detention or community service) depending on whether it is your first offence and a number of other factors

## ***Growing cannabis***

- Growing drugs (such as cannabis) carries a penalty of up to seven years in prison.
- However, it is more common to see a fine or community service if you are only growing cannabis for personal use.

## ***Possession of drug paraphernalia***

- If you have a pipe or a utensil for using or making drugs the penalty is a prison term of up to one year or a fine of up to \$500 or both.
- Ordinarily it is an offence to have a needle or a syringe in your possession for the use of drugs. An exception is if you obtained it through the needle exchange programme (see below).
- It is an offence to dispose of a used needle or syringe in a public place, to use a used needle or syringe or to offer it to someone else to use. The penalty is a fine of up to \$500.

## ***Allowing your house to be used for drug offences***

- Allowing your house or vehicle to be used for any drug offence is illegal. This includes using, possessing, making and dealing drugs. The penalty for this depends on the class of drugs:
  - Class C: Three years jail
  - Class B: Seven years jail
  - Class A: Ten years jail

## ***Drug offences on your criminal record***

- Having drug offences on your record can be worse than a lot of other offences.
  - Many countries restrict travel for people with drug convictions, so for example, you may not be able to get a visa to the country you want to visit
  - Other areas in your life can also be negatively affected, including employment opportunities, renting options and insurance

## ***The needle exchange programme***

- Allows people who use illegal drugs which they have to inject into their own bodies to obtain new, clean needles from pharmacists.
- The programme has been effective at preventing drug users from contracting HIV and Hepatitis B.

- Generally it will cost about \$1 for each new needle and syringe. The price can vary from outlet to outlet.
- However, most outlets provide a one for one exchange so that if you bring a used needle and syringe into the exchange you can receive a new replacement needle and syringe at no cost.

## ***Compulsory treatment for drug addiction***

- If your drug problem is serious and you are in danger to yourself and other people, the police or someone you know can request that the District Court grant an order for you to be treated.
- Before this can be done two doctors will have to agree that you are addicted.
- You can be kept for up to two years. After six months you can apply to be released. If you are not released you have a right to appeal.

## ***Where can you go for help?***

- There are a number of support services available for drug addiction.
- Narcotics Anonymous offer support groups to help people recover from using drugs.
  - Phone: **0800 NA TODAY (628 632)**
  - Website: [www.nzna.org](http://www.nzna.org)
- Alcohol & Drug Helpline is a free 24/7 helpline for people with struggling with addiction and their families or friends.
  - Phone: **0800 787 797**
  - Website: [www.alcoholdrughelp.org.nz](http://www.alcoholdrughelp.org.nz)
  - The programme has been effective at preventing drug users from contracting HIV and Hepatitis B
- To find drug and alcohol addiction services: [www.addictionshelp.org.nz/Directory](http://www.addictionshelp.org.nz/Directory).
- The NZ Drug Foundation provides information about alcohol and drugs in Aotearoa.
  - Website: [www.drugfoundation.org.nz](http://www.drugfoundation.org.nz)
  - The NZDF also provides free drug testing at some music festivals
- Quitline is a free 24/7 support line that can also help people quit smoking marijuana.
  - Phone: **0800 778 778**
  - Website: [www.quit.org.nz](http://www.quit.org.nz)
- Learn about local support agencies so you have the best information about support services available for youth in your area.

## SECTION 4

# Drug searches and drug testing

TO SEARCH  
OR NOT TO  
SEARCH?



### ACTIVITY #4 INSTRUCTIONS

- Draw an imaginary line from one side of the room to the other.
- Ask the class members to move to the place on the line to show what they think in response to each question. If they are unsure, they can stand in the middle.
- Read out the questions on the next page. After you ask each question, ask the class members to discuss why they chose to stand there with those around them.
- After a minute or two, ask for volunteers from different places on the line to share their answer with the class.
- Reward good contributions to the discussion with chocolate!

#### ACTIVITY #4

### To search or not to search

LEGIT



UNSURE

NOT LEGIT

*When my teacher asked, I agreed to let them search my bag for a missing cell phone*

**Legit.** A teacher can legally search a student or their property if the student consents. Even if you agree, teachers should still have a good reason for asking. If a phone goes missing and a teacher asks you to empty your bag and you comply freely, you have agreed to the search

*My school randomly strip searches students*

**Not legit.** Your school can't do random searches, they have to have a good reason which is specific to the individual they want to search. Searches may include going through your possessions, checking your outer clothing for items or looking through electronic information but they cannot be unreasonably intrusive such as strip searches. Teachers cannot touch your body or ask you to remove clothing that would reveal your underwear or skin, for example, your stockings, but they can ask you to remove your shoes and socks

*I refused to let my teacher search my phone and they grabbed it off me*

**Not legit.** If you refuse to comply with a teacher's request to search you, they can take disciplinary steps but cannot use physical force unless it is necessary to protect themselves or someone from immediate harm

*Everyone is searched before they are allowed to go in to the venue for the school ball*

**Legit.** For school events that are optional to attend (such as a school ball), schools can set any search conditions they see fit

*continued...*



LEGIT

UNSURE

NOT LEGIT

*After I was searched, my teacher gave me back all my belongings*

**Legit.** Any clothing or bag must be returned to you immediately after the search. When conducting a search, the teacher should be the same sex as you and have another teacher of the same sex present, you must be given as much privacy as possible and the teacher should tell you what they are looking for, why it is dangerous and the reasons why they think you have it

*My school brought sniffer dogs in and they walked the dogs past all the lockers!*

**Depends.** Sniffer dogs can be brought in if there is a reasonable suspicion that an individual has drugs at the school but not for random searches. If the school are using a private company, they are only allowed to use sniffer dogs to search school property, not you or your private property

*Everyone in my class was told we have to take a random drug test*

**Not legit.** Schools cannot drug test students UNLESS they belong to a sports team (students can choose not to belong to the team), if they reasonably believe a student has used drugs on school grounds or as a condition of re-entry to school after suspension for drug use

## LEGAL NOTES

*Learn this information and integrate it into your facilitation. Don't read it out word for word!*

### School searches

- Schools can have policies which allow searches in some circumstances, for example, teachers may be allowed to search lockers or desks as they are school property. But it is important to remember that schools cannot have policies which are contrary to the laws of NZ.
- However, generally teachers do not have the right to search school students or their bags (the NZ Bill of Rights Act 1990 protects everyone from unreasonable searches).
- Your school can't do random searches, they have to have a good reason which is specific to the individual they want to search.
- Searches may include going through your possessions, checking your outer clothing for items or looking through electronic information.
- A teacher can legally search a student or their property if the student consents. For example, if a phone goes missing and a teacher asks you to empty your bag and you comply freely, you have agreed to the search. Even if you agree, teachers should still have a good reason for asking.
- If you refuse to comply with a teacher's request to search you, they can take disciplinary steps but cannot use force unless they must do so to protect themselves or others from immediate harm.
- As schools are obliged to protect students from harm, they may be justified in carrying out the search themselves, though this does not entitle schools to carry out unreasonably intrusive searches such as strip searches.
- A teacher must have a good reason to believe that you have an item that is an immediate threat to another person's physical or emotional safety. For example, where a teacher has good reason to suspect a student is in possession of something which could harm other students, like a weapon or drugs.
- If you are searched by a teacher these rules (if they are practical in the circumstances) should be followed:
  - The teacher should be the same sex as you and have another teacher of the same sex present
  - You must be given as much privacy as possible
  - The teacher should tell you what they are looking for, why it is dangerous and the reasons why they think you have it
- They cannot touch your body or ask you to remove clothing that would reveal your underwear or skin, for example, your stockings, but they can ask you to remove your shoes and socks
- Teachers can't use physical force against you unless it is necessary to defend someone from immediate danger
- Any clothing or bag must be returned to you immediately after the search
- To decide whether a search is reasonable, a number of factors should be considered:
  - The need for the search
  - The degree of the invasion of privacy
  - The effect of the search on the students
- For school events that are optional to attend (such as a school ball), the school can set any search conditions they see fit.
- Or in granting permission to go on a school trip, parents/guardians may have agreed to their child being subject to drug and alcohol searches on the trip.
- Schools may only bring in drug sniffer dogs (either from the police or a private company) if there is a reasonable suspicion that an individual has drugs at the school, rather than for random searches. If the school are using a private company, they are only allowed to use sniffer dogs to search school property, not you or your private property.
- If you have been searched, visit your local Community Law Centre for advice or contact YouthLaw!

### Drug testing in schools

- Drug testing cannot be enforced except in circumstances such as:
  - Belonging to a sports team (as this is voluntary, the student can choose not to belong to the team)
  - A belief held on reasonable grounds that drugs have been consumed on school premises
  - As a condition of re-entry to the school after suspension for drug use

### Police powers

- The police have pretty wide powers when it comes to drugs:

- They can search any place, vehicle, or person without a warrant if they have reasonable grounds to believe that you have possession of illegal drugs
- Legally they don't have to tell you the reasons they suspect you are in possession of illegal drugs
- They can also detain you until they find out if there are drugs around
- However, police **MUST** identify themselves to every person they search and to every person in the place or vehicle who questions their right to come in and search
- Additionally, the police **MUST** say that the search is being carried out under section 18 of the Misuse of Drugs Act 1975
- If the police detain you then they can make you go to a doctor to get an internal search if they have any grounds to think that you have class A or B drugs within your body
- You can't be physically forced to do the exam, but if you don't you can be detained and your behaviour can affect whether you receive bail (allegations that you have drugs internally will greatly reduce your chances of bail)
- Tips if you are searched:
  - It is a good idea to take the police officer's name, rank and badge number (which are displayed on black disks located on their collars)
  - Keep your friends near so they can witness what is going on – though not so close as to obstruct police
  - You are allowed to record the situation and police are not allowed to take your camera or force you to delete photos, but stay calm and respectful
- Body searches may only be performed by a police officer of the same sex, for example, girls can only be searched by a female police officer
- Drunk or high in public:
  - The police can take you home if you agree
  - If you or your parent/guardian do not agree for you to be returned home, you will be placed in the custody of Oranga Tamariki
  - The focus is on your care and protection so unless you are arrested you should not be put in a cell, but in practice this does happen
  - See The REP: Police for more on your rights being searched or arrested

### ***Voluntary drug testing stations***

- Voluntary drug testing stations, such as the ones run by KnowYourStuffNZ, are common at events and festivals where drugs are likely to be consumed.
- Drug testing stations aim to reduce harm from drugs which are more dangerous than they might first appear. Testing stations tell users whether a drug is what they thought or whether it's a more dangerous drug which could cause serious harm.
- Evidence shows that voluntary drug testing is effective at discouraging harmful drug use. KnowYourStuffNZ's data shows that more than 50% of people who possessed a more dangerous drug than they thought decided not to use the drug.
- From 2020, drug testing stations are completely legal and immune to all drug charges for the purposes of drug testing.
- If you decide to get your drugs tested, you cannot be charged for getting them tested and the result of the drug test cannot be used against you as evidence.

# THANK YOU!



## WRAPPING UP

- Hand out the evaluation forms: make sure everyone fills one in.
- Thank everyone for participating. Find your own way to wrap up the class.
- Remember to link people in with their local Community Law Centre or YouthLaw if needed.
- Follow up on any questions or issues: bring the correct answers to your next class.
- Make sure to pass on any feedback you have about this module to: [info@wclc.org.nz](mailto:info@wclc.org.nz)
- Have a rest!

## ACTIVITY #1

# Mythbusters

1.

- a. Police can arrest you if you're caught with unopened cans of beer in a liquor ban area
- b. Police can make you tip out your alcohol if you're drinking it in a liquor ban area
- c. Police can't confiscate your unopened alcohol if you are passing through a liquor ban area with it

2.

- a. The only people who can supply you with alcohol if you're under 18 are your parents or guardians
- b. If you're under 18, your host can serve you alcohol if they have your parent or guardian's permission
- c. If you are on a private property, your family members may supply you with alcohol without your parent or guardian's permission

3.

- a. Police can enter any licensed premises without warning and you have to give them your name, address and proof of age
- b. If you are caught with a fake ID, all the Police can do is confiscate it and tell you off
- c. If you use a fake ID you are committing fraud and you could get a big fine

4.

- a. The drinking age in New Zealand is 18
- b. You can be employed to serve alcohol on a licensed premises even when you are under 18
- c. The purchasing age in New Zealand is 18

5.

- a. Accepted forms of ID for purchasing alcohol include a driver's licence, a Kiwi Access Card or a passport
- b. Accepted forms of ID for purchasing alcohol include a birth certificate, a student ID or a bank statement
- c. You can be refused service if you are underage or drunk, but not because of discrimination

ACTIVITY #3

Drug classes

CLASS A

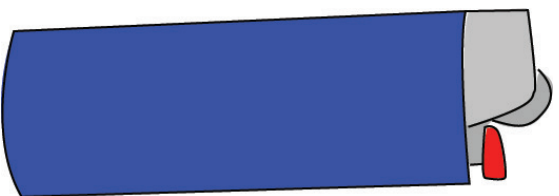


### ACTIVITY #3

## Drug classes

**What does it mean if  
a drug is Class A, B or C?**

**Where can you go for help if  
you have a drug problem?**



**Is the maximum prison sentence  
for POSSESSION of Class A drugs  
three months or six months?**

**Is the maximum fine for POSSESSION  
of these drugs \$500 or \$1000?**

**Can you get a fine and a  
prison sentence?**

**Is the maximum prison sentence  
for DEALING Class A drugs 8 years,  
14 years or life in prison?**

ACTIVITY #3

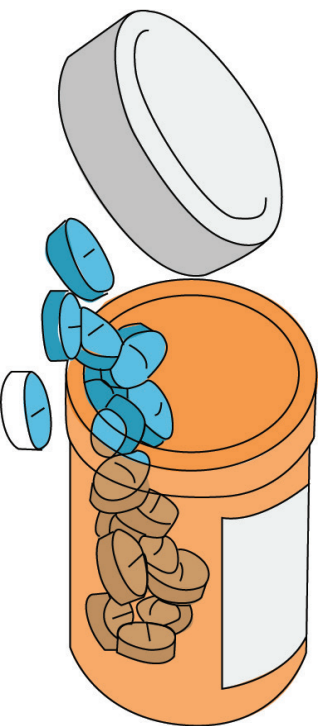
Drug classes

CLASS B

## Drug classes

**What does it mean if  
a drug is Class A, B or C?**

**Where can you go for help  
if you have a drug problem?**



**Is the maximum prison sentence  
for POSSESSION of Class B drugs  
three months or six months?**

**Is the maximum fine for POSSESSION  
of these drugs \$500 or \$1000?**

**Can you get a fine and a  
prison sentence?**

**Is the maximum prison sentence  
for DEALING Class B drugs 8  
years, 14 years or life in prison?**

ACTIVITY #3

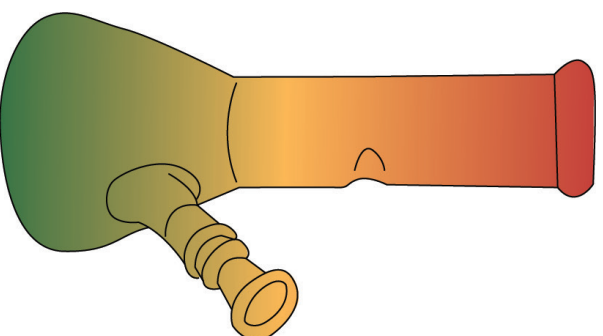
Drug classes

CLASS

## Drug classes

What does it mean if  
a drug is Class A, B or C?

Where can you go for help  
if you have a drug problem?



Is the maximum prison sentence  
for POSSESSION of Class C drugs  
three months or six months?

he maximum fine for POSSESSION  
of these drugs \$500 or \$1000?

Can you get a fine and  
a prison sentence?

Is the maximum prison sentence  
for DEALING Class C drugs 8  
years, 14 years or life in prison?