

16 March 2023

Section (9)(2)(a)

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Ref: OIA 102121

Tēnā koe Section (9)(2)(a)

### Official Information Act request: 2020 cannabis referendum

Thank you for your email of 8 December 2022, to the then Prime Minister, Rt Hon Jacinda Ardern, which included the request for information about the 2020 referendum on cannabis, under the Official Information Act 1982 (the Act).

On 18 January 2023, the following parts of your request were transferred to the Ministry of Justice (the Ministry) under section 14(b)(ii) of the Act, as they are more closely connected with the Ministry's responsibilities:

- 1. How can you validate the credibility on the 2020 Cannabis Control Referendum and its adjudication when Parliament's Select Committee reviewing the 2020 Cannabis Control Referendum has yet to report over 2 years on from the referendum.*
- 2. Given the referendum with respect to cannabis control, was a health law, order and justice matter. What plans do you have to address any of these issues?*
- 3. What issues do you believe you have addressed since around 48% of the voters voted 'no' in a non-binding Cannabis control referendum? What harm minimization policy/laws have demonstrated benefit since commencing your current term as Prime Minister since the last General Election?*

Please find the Ministry's responses to each part of your request below.

In response to your first question, the Ministry has interpreted it as referring to the Justice Committee's Inquiry into the 2020 General Election and Referendums. This part of your request is refused under section 18(d) of the Act, as the information is publicly available. The report was published in December 2021 and is available at: [parliament.nz/en/pb/sc/business-before-committees/document/INQ\\_104172/inquiry-into-the-2020-general-election-and-referendums](https://parliament.nz/en/pb/sc/business-before-committees/document/INQ_104172/inquiry-into-the-2020-general-election-and-referendums)

Regarding your second and third questions, we understand you would like to know:

- what the Government has done in respect of cannabis control since the 2020 referendum;
- how the Government can show these measures are effective; and
- the Government's plans to address the issues with cannabis as it relates to health, drug laws, and enforcement.

To respond to your questions, we have consulted with the Ministry of Health and the Police. I am refusing your request under section 18(e) of the Act, as there are no documents relevant to your questions in scope. However, the following information may be of interest to you.

As you know, 50.7 percent of the electorate voted against the legalisation of cannabis in the referendum. The Government is committed to honouring the outcome of the referendum and does not have plans to change the legal status of cannabis at this time.

The Government is committed to reducing the harm caused by drugs in New Zealand and agrees that a health-based approach to personal drug use is the most effective way to reduce harm for individuals and communities.

In 2019, Parliament passed the Misuse of Drugs Amendment Act 2019 (the Amendment). It affirms that the Police have discretion to decide whether addressing personal drug use with a health-based approach is more helpful than prosecution.

Information regarding the Police discretion applied to offences related to possession or use of controlled drugs and possession of utensils can be found at: [police.govt.nz/sites/default/files/publications/drugs-part-15-police-discretion-with-possession-use-of-controlled-drugs-280622.pdf](https://police.govt.nz/sites/default/files/publications/drugs-part-15-police-discretion-with-possession-use-of-controlled-drugs-280622.pdf)

The Ministry of Health reviewed the Amendment in 2021. The Amendment has resulted in fewer people prosecuted for personal possession and use of cannabis, with more people diverted from the justice system and into health and other social support. The resulting report is publicly available at: [health.govt.nz/system/files/documents/publications/misuse\\_of\\_drugs\\_amendment\\_act\\_2019\\_post-implementation\\_review.pdf](https://health.govt.nz/system/files/documents/publications/misuse_of_drugs_amendment_act_2019_post-implementation_review.pdf)

The Government's response also includes preventing drug-related crime, such as the importation, production, and supply of illegal drugs. The Police focuses enforcement activities on drug supply and manufacture for supply as the greatest contributor to harm. This approach also recognises the broader impacts of illicit cannabis supply on our communities, where proceeds of crime may be reinvested into other illicit activities.

Please note that this response, with your personal details removed, may be published on the Ministry website at: [justice.govt.nz/about/official-information-act-requests/oia-responses](https://justice.govt.nz/about/official-information-act-requests/oia-responses)

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at [ombudsman.parliament.nz](https://ombudsman.parliament.nz) or freephone 0800 802 602.

Nāku noa, nā



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