

[AS REPORTED FROM THE JUSTICE AND LAW REFORM  
COMMITTEE]

*House of Representatives, 7 July 1987.*

**Words inserted are shown in roman underlined with a  
single rule**

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE HOUSE]

*House of Representatives, 9 July 1987.*

**[This Bill was formerly clauses 20 to 22 of the  
Violent Offences Bill (No. 2)]**

*Right Hon. Geoffrey Palmer*

## MISUSE OF DRUGS AMENDMENT (NO. 2)

### ANALYSIS

Title	
1. Short Title and commencement	21. Inadmissibility of evidence of private communications unlawfully intercepted 22. Inadmissibility of evidence of private communications lawfully intercepted

### A BILL INTITULED

#### **An Act to amend the Misuse of Drugs Act 1975**

BE IT ENACTED by the Parliament of New Zealand as follows:

5 **1. Short Title and commencement**—(1) This Act may be cited as the Misuse of Drugs Amendment Act (No. 2) 1987, and shall be read together with and deemed part of the Misuse of Drugs Act 1975 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the 1st day of August 1987.

10 **21. Inadmissibility of evidence of private communications unlawfully intercepted**—(1) Section 25 (1) of the Misuse of Drugs Amendment Act 1978 is hereby amended by omitting the expression “and (3)”, and substituting the expression “to (4)”.

No. 126—3E

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(2) Section 25 of the Misuse of Drugs Amendment Act 1978 is hereby further amended by adding the following subsection:

“(4) Subsection (1) of this section shall not render inadmissible evidence of a private communication by any person who intercepted that communication by means of a listening device with the prior consent of any party to the communication.” 5

**22. Inadmissibility of evidence of private communications lawfully intercepted**—Section 26 of the Misuse of Drugs Amendment Act 1978 is hereby amended by adding, as subsection (2), the following subsection: 10

“(2) If, in any proceedings for any offence described in section 312B (1) (a) of the Crimes Act 1961 or a conspiracy to commit such an offence,—

“(a) Evidence is sought to be adduced of a private communication intercepted in pursuance of an interception warrant or an emergency permit issued under this Part of this Act; and 15

“(b) The Judge is satisfied, on the evidence then before the Judge,— 20

“(i) That a warrant or permit could have been issued under Part XIa of the Crimes Act 1961; and

“(ii) That the evidence sought to be adduced would have been admissible if the warrant or permit had been issued under that Part of that Act,— 25

the evidence may be admitted notwithstanding subsection (1) of this section.”