

**IN THE DISTRICT COURT
HELD AT AUCKLAND / WHANGAREI**

CRI-2016-XXX-XXXX

IN THE MATTER of breach of Section 3A of The Health Act 1956 in regards to the Function of Ministry in relation to public health; by failure to carry out it's core founding function of improving, promoting, and protecting public health in relation to Cannabis.

IN THE MATTER of removing, in its capacity of administration of the act, and due to overwhelming evidence in support of the medicinal use of Cannabis Sativa and it's variant strairngs, all mention of Cannabis plant and extracts in any schedule of the Misuse of Drugs Act 1975, an act which is solely administered by the Ministry of Health.

AND IN THE MATTER of contravention of part 2 section 17 of the NZ Bill of Rights Act 1990 in relation to Freedom of thought, conscience, and **religion**. Namely that everyone has the right to freedom of thought, conscience, **religion**, and belief, including the right to adopt and to hold opinions without interference.

AND IN THE MATTER of contravention of article 24, clause 1 of the UN Declaration on The Rights of Indigeonous Peoples 2007; expressly that Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital **medicinal plants**, animals and minerals. Indigenous individuals also have the **right to access**, without any discrimination, to all social and health services.

AND IN THE MATTER of the resulting financial, physiological and psychological damages arising from punishments out of all proportion to the "crimes" committed, and resulting from the lack of access to appropriate herbal medicine

BETWEEN **REDACTED**

REDACTED

Applicant

AND **CHAI CHUAH**

DIRECTOR-GENERAL MINISTRY OF HEALTH

Respondent

AND **LT GEN RT HON SIR JERRY MATEPARAE
THE GOVERNOR GENERAL**

Respondent

AND **JONATHAN DAVID COLEMAN
THE MINISTER OF HEALTH**

**AFFIDAVIT OF REDACTED
IN SUPPORT OF THE PRIVATE PROSECUTION**

SWORN this
For hearing

June 2015
June 2015

Respondents contact details:
chai_chuah@moh.govt.nz
j.coleman@ministers.govt.nz

SOLICITOR:
[REDACTED]

COUNSEL:
REDACTED

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Declaration

I, **REDACTED**, SWEAR as follows:

1. I am the applicant.
2. I live at **REDACTED**.
3. I am **REDACTED** years of age.

Incorrect Classification of Drug Schedules

4. Recent scientific evidence has come to light that shows the plant and concentrated extracts of Cannabis Sativa, Cannabis Indica, and Cannabis Ruderalis, listed in schedules of the Misuse of Drugs Act 1975 do in fact have therapeutic value as medicines; and should therefore be removed from the act.
5. In relation to the plant Cannabis the contravention of the following UN Declaration: Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.
6. Right honorable Peter Dunne, member of parliament, recently gave his approval for the use of Cannabis Sativa whole plant extracts to be use for therapeutic use in the treatment of a severely epileptic patient in Wellington. This fact alone is entirely sufficient evidence for the immediate removal of cannabis sativa from the act.
7. Cannabis Sativa has been shown to reduce incidence of Glaucoma.
8. Cannabis Sativa has been shown to be effective in the treatment of multiple sclerosis, and inhibition of the following cancers: liver, lung, brain.
9. The endocannabinoid system is a group of neuromodulatory lipids and their receptors in the brain that are involved in a variety of physiological processes including appetite, pain-sensation, mood, and memory; it mediates the psychoactive effects of cannabis and, broadly speaking, includes: The endogenous arachidonate-based lipids, anandamide (N-arachidonylethanolamide, AEA) and 2-arachidonoylglycerol (2-AG); these are

known as "endocannabinoids" and are physiological ligands (electron pair donors) for the cannabinoid receptors; The enzymes that synthesize and degrade the endocannabinoids, such as fatty acid amide hydrolase or monoacylglycerol lipase; The cannabinoid receptors CB1 and CB2, two G protein-coupled receptors that are located in the central and peripheral nervous systems; The endocannabinoid system has been studied using genetic and pharmacological methods. These studies have revealed that cannabinoids act as neuromodulators for a variety of physiological processes, including motor learning, synaptic plasticity, appetite, and pain sensation.

10. I respectfully request that the Court considers my application for removal of Cannabis and its extracts from all schedules of the Misuse of Drugs Act 1975, primarily for the purposes of conducting additional studies in preparation for application for legal sale via the Psychoactive Substances bill.

SWORN at Auckland / Whangarei by)
REDACTED)
this day of June 2015)
before me:)

A Barrister & Solicitor of the High Court of New Zealand
Registrar/ Deputy Registrar
Justice of the Peace

Appendix of Evidence

Expert Advisory Committee on Drugs give a high priority to its reconsideration of the classification of cannabis.

*Page 49-50 of DBSCH-SCR-2531-2399.pdf**

Inquiry into the public health strategies related to cannabis use and the most appropriate legal status – Report of the Health Committee.

*Page 57 of DBSCH-SCR-2531-2399.pdf**

** Forty-seventh Parliament (Steve Chadwick, Chairperson) August 2003*

Cannabinoid action induces autophagy-mediated cell death through stimulation of ER stress in human glioma cells

Guillermo Velasco, Complutense University, Madrid, Spain. 2009.

Cannabinoid action induces autophagy-mediated cell death through stimulation of ER stress in human glioma cells

*Salazar et al. Journal of Clinical Investigation, 2009;
DOI: 10.1172/JCI37948.*

THC Shrinks Tumours

Munsen A.E et al. J Nat Cancer Inst, Vol 55, No. 3, Sept 1975.

Emerging Clinical Applications for Cannabis & Cannabinoids

A 2009 review of nearly 200 scientific trials assessing the therapeutic utility of cannabinoids for the treatment of nineteen clinical indications: Alzheimer's disease, ALS, chronic pain, diabetes mellitus, dystonia, fibromyalgia, gastrointestinal disorders, gliomas, hepatitis C, HIV, hypertension, incontinence, MRSA, multiple sclerosis, arthritis, sleep apnoea, and Tourette's syndrome.

Minister Peter Dunne approves one-off use of Cannabidiol product 'Elixinol'

9 June 2015 Beehive Press Release <https://www.beehive.govt.nz/release/minister-approves-one-use-cannabidiol-product-%E2%80%98elixinol%E2%80%99>

Associate Minister of Health Hon Peter Dunne has today approved on compassionate grounds the one-off use of Elixinol, a cannabidiol (CBD) product from the United States to be administered by clinicians treating Wellington patient Alex Renton.

...

"I have also considered the absence of any other treatment options, the low risk of significant adverse effects, and the conclusion reached by the hospital ethics committee from an individual patient perspective."