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## **SAYING NO TO AUSSIE RULES**

Handing control of our natural health products to an offshore agency would be a disaster, writes Green MP Sue Kedgley.

A controversial bill making its way through Parliament at the moment would, if passed, result in hundreds of herbs and natural supplements becoming illegal. The move has angered many New Zealanders, who are taking to the streets tomorrow to protest.

The legislation – the innocuous sounding Therapeutic Products and Medicines Bill - contains provisions that will hand over control of our natural health products to an off-shore agency set up under Australian legislation, headquartered in Canberra and staffed primarily by Australians.

The new agency is, in reality, an extension of an existing heavy-handed Australian regulator, which has hamstrung and hobbled the Australian natural health industry, driven many Australian businesses offshore, and significantly reduced the range of natural health products available to Australians.

If the legislation is passed, and we adopt the Aussie rules, it will become illegal to sell, import or manufacture a traditional herbal medicine or natural health product, if it contains an ingredient that is not on an 'approved' list, and has not been individually licensed, at great expense - even if it has been used safely for centuries without any known adverse event, and approved by credible overseas regulators.

The problem is that the Aussie regulator has already identified more than 700 ingredients that are widely used in New Zealand, that are not on their permitted list. After three years of evaluating these 700 ingredients, we still have no idea how many of them won't make it through the pharmaceutical based evaluation system and will therefore become illegal –but there are credible estimates that as many as 50% won't get approval.

And many more will be lost because businesses won't be able to afford the huge compliance costs of licensing hundreds of new products and ingredients.

Kawakawa and other traditional Maori herbs with health giving properties are not on the Aussie list, so New Zealanders could be faced with the prospect of being prosecuted for selling a traditional herb with beneficial qualities that is part of Maori taonga, and guaranteed protection under the Treaty of Waitangi.

The new regulations would also profoundly affect natural health practitioners, because they would wipe out many of their tools of trade – the products they use to treat people — and hence their ability to practice.

For example, the 252 FDA-approved Chinese herbs that one Wellington clinic uses to treat people would become illegal, making it difficult for it continue to practice. That's why many people see the bill as an attack on our health freedom.

The crippling compliance costs of the new regime would also wipe out most of New Zealand's small and flourishing natural health businesses, leaving the industry in the hands of a few large, Australian-owned companies.

It's not wonder that virtually all New Zealand-owned companies oppose the legislation.

The new agency would have unprecedented and draconian powers – police powers of search and seizure, the power to impose instant fines of up to \$550,000 for even minor infringements and to prosecute with penalties of up to \$5.5 million dollars and six years in jail. These powers mean they could effectively put a company out of business before it's had a chance to defend itself in court.

And based on its record in Australia, it wouldn't hesitate to use these powers.

I have a letter that the Australian regulator recently sent to one natural health practitioner who had been importing natural health products to treat his patients with. The regulator threatened him with imprisonment of 5 years, or a fine of \$440,000 because he had imported some products that weren't on the Australian approved list.

The unelected and unaccountable managing director of the agency would be a law unto himself - solely responsible for the agency's unprecedented regulatory powers.

His delegated statutory powers would enable him to make, enforce and police regulations that would have the force of law in New Zealand even though they had not been debated or voted on in our Parliament. These powers directly undermine the sovereignty of our Parliament.

The agency, in short, would be a disaster for New Zealand. Let's hope the government won't get enough votes to pass it.

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