

## Government Response

### Parliamentary Joint Committee on the Australian Crime Commission Report

#### **Inquiry into the manufacture, importation and use of amphetamines and other synthetic drugs (AOSD) in Australia**

**Recommendation 1:** The Committee recommends that the Australian Government and the States, the Territories and their agencies standardise the terms being used to describe amphetamines and other synthetic drugs (AOSD), particularly for research and statistical purposes.

#### **Accepted**

The Government recognises the importance of standardising drug terminology, particularly for research and statistical purposes.

Efforts have already been made to standardise drug terminology in Australia. For example, the Australian Crime Commission (ACC) and the Australian Federal Police (AFP) are represented in the Police Statisticians' Group, which deals with the collection and analysis of regional crime statistics and works closely with the Australian Bureau of Statistic (ABS) National Crime Statistics Unit (NCSU). The Police Statisticians' Group considers and adopts standard definitions and terminology for its purpose on an ongoing basis, including illicit drugs terminology. This group is currently developing a standardised data dictionary together with the NCSU. Once this data dictionary is completed, it will be provided to the Ministerial Council of Police and Emergency Management – Police (MCPEMP) and the Ministerial Council on Drug Strategy (MCDS).

Further attempts to refine these terms will require the support of the health and law enforcement agencies on MCDS.

**Recommendation 2:** The Committee recommends that the Australian Crime Commission develop a nationally coordinated response to new and emerging communications technologies used by organised criminal networks to undertake serious criminal activities.

#### **Accepted-In-Principle**

The Government agrees that law enforcement and the intelligence community would benefit from a nationally coordinated response to new and emerging communications technologies used by organised criminal networks. However, it would not be appropriate for the ACC to assume the coordination role outlined in the recommendation as the ACC primarily has an investigative and intelligence focus.

On 16–17 April 2009, the Standing Committee of Attorneys-General (SCAG) agreed to a set of resolutions for a national response to combat organised crime.

Attorneys-General also agreed to establish a Senior Officers' Group to undertake work on the legislative, interoperability and information sharing measures that were agreed to. Attorneys-General agreed to a range of further measures to support the national response to combat organised crime agreed to in April 2009.

The Attorney-General's Department has led the development of an Organised Crime Strategic Framework (the Framework) that clearly articulates the roles and responsibilities of Commonwealth law enforcement agencies in combating organised crime. The Framework was released on 25 November 2009 and proposes a stronger collaborative approach and a significant focus which on enhanced intelligence and information sharing capabilities, attacking the criminal economy and building community and business resilience.

It is understood that other jurisdictions are also developing high-level strategic frameworks to address organised crime at the State and Territory level. It will be important to coordinate Commonwealth, State and Territory strategic frameworks in order to achieve a coherent national response to organised crime

**Recommendation 3:** The Committee recommends that the Australian Crime Commission work with Federal, State and Territory law enforcement agencies to achieve consistency in the collection and analysis and reporting of data on the chemical composition of seized illicit tablets, as well as drug identification and coding.

### **Accepted-In-Principle**

The Government considers that consistency in data collection, analysis and reporting is an important objective. The Commonwealth's law enforcement agencies currently apply the ABS Standard Classification of Drugs of Concern to their data collection and analysis activities and request input from their partners in line with this standard.

The AFP has developed the Australian Illicit Drug Intelligence Program which aims to establish a series of Amphetamine Type Stimulants (ATS) fingerprints or 'signatures'. This will allow chemists to conduct comparisons between batches of drugs. This information is important in identifying the source of finished ATS, precursors used in ATS manufacture and production methods.

In response to an Attorney-General's Department funded report – Building Illicit Drugs Forensic Capacity across Australia – which was endorsed by MCDS in May 2008, the AFP, in partnership with the Department, has developed a business case for the implementation of a national illicit drug forensic system. This business case involved significant consultation with State and Territory law enforcement agencies and would assist in achieving greater consistency in the collection and analysis and reporting of data on the chemical composition of seized illicit tablets, as well as drug identification and coding. Importantly it would also expand the drug seizures subjected to profiling to include samples from State and Territory seizures.

Although the ACC will continue to work with other Commonwealth, State and Territory agencies in developing a consistent process for the collection of seized drug

data, the AFP and the Attorney-General's Department are better positioned to take the lead on this issue.

**Recommendation 4:** The Committee recommends that the Australian Crime Commission continue to be funded commensurate with the anticipated increase in organised criminal activity in relation to amphetamines and other synthetic drugs (AOSD).

#### **Noted**

The ACC has received increased funding to address AOSD issues. The ACC continues to maintain a focus on drug-related intelligence and investigative issues. In 2008–09, for instance, the ACC received an additional \$5 million to address issues associated with the proliferation of synthetic drugs in Australia.

Any proposals for increased funding for the ACC's AOSD work will be developed and considered as part of the Government's annual budget process, including within the context of cross government and portfolio funding proposals.

**Recommendation 5:** The Committee recommends that public education and demand reduction campaigns for illicit drugs be factual, informative and appropriately targeted. The Committee also recommends that such campaigns seek input from young people, and take account of user experiences of amphetamines and other synthetic drugs (AOSD).

#### **Accepted**

This recommendation reflects the current approach to social marketing campaigns developed by the Commonwealth Department of Health and Ageing in relation to both licit and illicit drugs. Public education and demand reduction campaigns are strongly underpinned by advice from drug and alcohol experts and comprehensive market research amongst young people to ensure the education and campaign resources are appropriately targeted and effective with the intended audience.

This approach will be maintained in the development and delivery of the Government's *Illicit Drug Use – targeting young people who use methamphetamines*, announced in the 2008 Budget.

**Recommendation 6:** The Committee recommends that, in the execution of the National Drug Strategy, harm-reduction strategies and programs receive more attention and resources.

#### **Accepted**

The Commonwealth is committed to the aims contained in the *National Drug Strategy 2004–2009* – improving health, social and economic outcomes by preventing the uptake of harmful drug use and reducing the harmful effects of licit and illicit drugs in Australian society. As part of a comprehensive approach, the Commonwealth, along with its State and Territory partners, will continue to pursue the eight priority areas identified in the Strategy:

- prevention
- reduction of supply
- reduction of drug related harms
- improved access to quality treatment
- development of workforce, organisations and systems
- strengthening partnerships
- implementation of the *National Drug Strategy Aboriginal and Torres Strait Islander Peoples Complementary Action Plan 2003–2009*, and
- responding to emerging trends.

The Government is of the view that effective interventions to prevent drug use, treat those with drug problems and stop drug trafficking and manufacture all contribute to a reduced level of harm to individuals and the community.

The *National Drug Strategy 2004–2009* is currently being evaluated. The results of the evaluation will inform the development of the next phase of Australia’s National Drug Strategy, including the role of harm reduction strategies.

**Recommendation 7:** The Committee recommends that the Victorian feasibility study for an illicit tablet monitoring and information service be monitored and, as appropriate, the outcomes independently evaluated by the appropriate Commonwealth Government agency.

### **Not Accepted**

While the Government is supportive of measures aimed at reducing the harm caused by illicit drug use, it has concerns about the use of pill testing at dance venues and similar locations that are similar to those raised in the report. In particular, the Government is concerned that:

- there are problems with the accuracy of current pill testing procedures, in that they do not provide information about:
  - the size of the dose
  - the purity level
  - what other harmful additives are present
  - how the drug will react with other substances taken, or
  - individual responses to the drug
- any official conduct and sanction of pill testing might be interpreted as condoning illicit drug-taking
- pill testing programs could expose those conducting the tests to liability for any harm resulting from the use of pills that have been tested, and
- the pill-testing process could provide users with a false sense of security. There is no guarantee that a particular pill, brand or logo is safe just because it has been through a testing process, and

- the current testing procedures do not have adequate quality assurance or controls.

However, the Government is prepared to consider the results of any research aimed at providing new or more objective information about the impacts of pill testing.

**Recommendation 8:** The Committee recommends that a review of the provisions of the Law and Justice Legislation Amendment (Serious Drug and Other Offences) Act 2005 be undertaken and that it be amended to provide for regular reviews of the effectiveness of the provisions at two-year intervals after the initial review.

### Accepted-In-Principle

The Government agrees that the provisions of the *Law and Justice Legislation Amendment (Serious Drug and Other Offences) Act 2005* should be reviewed. The Government considers that the initial review should consider whether and when any subsequent reviews should be undertaken and whether there is a need to amend the Act to make provision for regular reviews.

**Recommendation 9:** The Committee recommends that the States and Territories consider adopting drug offence regimes based on the Law and Justice Legislation Amendment (Serious Drug and Other Offences) Act 2005 with the aim, as far as is practically possible, of establishing greater national consistency in the offences and penalties that apply to crimes related to amphetamines and other synthetic drugs (AOSD).

### Accepted

The Commonwealth will continue to work with State and Territory Governments through MCDS and the Standing Committee of Attorneys-General to encourage national consistency of drug offences and precursor offences. In particular, it will do so by supporting the implementation of model serious drug offences as agreed by all jurisdictions through Model Criminal Code Officers Committee in 2002, and the implementation of the model schedules of drugs, plants, precursors and threshold quantities developed by the MCDS–Scheduling Working Party in 2007.

**Recommendation 10:** The Committee recommends that the Commonwealth government undertake regular reviews of the effectiveness and interaction of Commonwealth and State drug legislation.

### Accepted

The AFP and State and Territory police services monitor the ongoing effectiveness of serious drugs legislation. The Commonwealth supports the principle that regular reviews should occur to ensure streamlining of the different jurisdictions' drug and precursor legislation. The Commonwealth considers that the review of the provisions of the *Law and Justice Legislation Amendment (Serious Drug and Other Offences) Act 2005* (see response to Recommendation 8), should also cover the interaction of Commonwealth, State and Territory drug legislation. That review should consider whether, when and by whom any subsequent reviews should be undertaken. The

Government believes that as the key ministerial forum on illicit drug issues MCDS is best placed to progress any regular reviews.

**Recommendation 11:** The Committee recommends that the Commonwealth Government continue to work with the State and Territory Governments to encourage national consistency of offences relating to amphetamines and other synthetic drugs (AOSD) and precursor chemicals.

### Accepted

The Government accepts this recommendation and, as outlined in response to Recommendation 9, will continue to work with State and Territory Governments through MCDS and SCAG to encourage national consistency of drug offences and precursor offences.

In February 2005, the Intergovernmental Committee on Drugs (IGCD) formed the Scheduling Working Party on Controlled Substance, which consisted of relevant Commonwealth, State and Territory agencies and industry representatives, to recommend model schedules of controlled drugs, plants and precursors and relevant quantities to the IGCD and MCDS. Model schedules and quantities for drugs, plants and precursors were completed in May 2007 and subsequently noted by MCDS at its May 2007 meeting.

In 2002, the Commonwealth established a National Precursor Working Group to facilitate the implementation of the National Precursor Strategy. Under this Strategy the Precursor Working Group has promoted the implementation of a range of nationally consistent policies, including, where appropriate, uniform criminal provisions and regulation (for example, the rescheduling of pseudoephedrine). A National Precursor Control Framework was developed under the National Precursor Strategy and was presented to MCDS in 2009. The Framework is designed to encourage greater national consistency for the regulation of precursor chemicals. The Precursor Working Group brings together 45 members from Commonwealth, State and Territory law enforcement agencies, forensic and health services, and non-government members including the pharmaceutical and chemicals industries.

**Recommendation 12:** The Committee recommends that the Commonwealth Government, in collaboration with State and Territory Governments and pharmacists, continue to implement Project STOP nationally.

### Accepted

The national rollout of Project STOP in pharmacies took place in August 2007 as part of the *National Strategy to Prevent the Diversion of Precursor Chemicals into Illicit Drug Manufacture*. As of 18 August 2009, approximately 75% of pharmacies nationally (3,856 pharmacies nation-wide) had registered with Project STOP and over 3.3 million transactions had been processed.

The Commonwealth has committed \$463,782 in funding to the Pharmacy Guild of Australia for the national rollout of Project STOP as part of the National Precursor Strategy. The Department of Health and Ageing has also committed a further

\$156,242 towards awareness raising on Project STOP as part of the Pharmacy Development Program for the Pseudoephedrine Awareness Campaign.

**Recommendation 13:** The Committee recommends that the Australian Crime Commission collaborate with the Australian Federal Police, the Australian Customs Service and the relevant State and Territory law enforcement agencies to improve performance measurements for drug law enforcement under the National Drug Strategy.

### **Accepted**

The Commonwealth has undertaken a number of initiatives to improve performance measures for drug law enforcement.

The ACC has concluded a research project in collaboration with Victoria Police and Macquarie University which looked at the effectiveness and efficiency of strategic and operational activities including models for calculating return on investment of ACC investigations. Further analysis is occurring on measurable performance indicators and flexible forms of structure and management.

The AFP has acknowledged the need to balance supply and demand side indicators with performance measurements of drug law enforcement by developing the AFP Drug Harm Index (DHI) in 2001. The DHI, which is updated regularly (latest update was published in 2006), combines supply and demand side indicators into a single measure that encapsulates the potential value to the Australian community of AFP drug seizures. The benefits of the DHI approach have recently been recognised by overseas and international agencies, which are independently developing their own drug harm indices.

The National Drug Law Enforcement Research Fund previously commissioned a project by the Australian Institute of Criminology to develop a performance measurement framework for drug law enforcement in Australia. The project, completed in December 2006, developed a model performance measurement framework for Commonwealth, State and Territory law enforcement agencies to better assess the effectiveness of law enforcement strategies in tackling the supply and distribution of illicit drugs in Australia. Stage 2 of the project, which focussed on refining the framework's performance measures and exploring options for implementation within individual law enforcement agencies, was completed in November 2009. The report made a number of recommendations for progressing the implementation of the framework nationally. This work is being continued in 2010.

**Recommendation 14:** The Committee recommends that the reporting of Australian Federal Police statistics show separately the drug law enforcement policing outcomes for the ACT and federal jurisdictions.

### **Accepted**

The usual practice of the AFP and ACT Policing is to report drug law enforcement policing outcomes separately and distinctly from each other. This is critical as the

outcomes for the AFP are reported to the Australian Government, whereas the outcomes of ACT Policing are set in consultation with the ACT Government.

For example:

- the AFP and ACT Policing publish separate Annual Reports each year
- the AFP and ACT Policing have separate statistical listings in the Australian Crime Commission's annual Illicit Drug Data Report, and
- the AFP and ACT Policing made separate submissions to the Parliamentary Joint Committee on the Australian Crime Commission–AOSD Inquiry.

Circumstances where the AFP may report all drug seizure statistics (AFP National and ACT Policing) together are generally limited to United Nations questionnaires seeking whole-of-country or whole-of-agency data.

**Recommendation 15:** The Committee recommends that the Australian Crime Commission and other Commonwealth law enforcement agencies, in conjunction with the relevant State and Territory agencies, develop a standard data dictionary to ensure that information shared is as accurate as possible.

### Accepted

As noted in the response to Recommendation 3, the Commonwealth's law enforcement agencies currently apply the existing ABS Standard Classification of Drugs of Concern to their data collection and analysis activities and requests input from their partners in line with this standard.

As highlighted in the response to Recommendation 1 the Police Statisticians' Group is currently in the process of developing a standardised data dictionary together with the NCSU and this will be presented to MCPEMP and MCDS for endorsement once it is completed.

**Recommendation 16:** The Committee recommends that the Australian Crime Commission review its current sources of information so that the potential for double counting between State, Territory and Commonwealth agencies is minimised. Such a review should be published so stakeholders have a clear understanding of the basis and accuracy of supply data.

### Accepted

The ACC engages in a continual dialogue with contributors to the Illicit Drug Data Report (IDDR) in its effort to produce a robust statistical report. However, there are limitations in its ability to confirm the accuracy of each data entry that exists, and these are stated in each edition of the IDDR, allowing users to assess the suitability of the data for their purpose.

Currently, the ACC imposes standard data requirements on contributors and sources IDDR data from the most relevant agencies in each jurisdiction to minimise the incidences of double counting. The ACC uses the National Illicit Drug Reporting Format system to process data for the IDDR. This system has enabled the ACC to improve the statistical accuracy and reliability of data. However, ultimately the ACC

must rely on the data controls established by the jurisdictions for the accuracy of the data it receives. The ACC does not consider that alternative sources of data exist given that it is collected directly from police forces and contracted forensic laboratories.

The ACC is confident that it currently accesses the most authoritative available data. However, it will continue to work with contributors to identify data improvements to enhance the data provided to it as part of the ongoing process of compiling and annually reviewing the IDDR.

**Recommendation 17:** The Committee recommends that the Australian Crime Commission work with the State and Territory law enforcement agencies to increase their participation in data provision to the Australian Crime Commission's databases.

### Accepted

The ACC has been actively working with the States and Territories to increase data flow into the Australian Criminal Intelligence Database (ACID).

To enable jurisdictions to more effectively share criminal information and intelligence, the ACC implemented the Standard Information Exchange Format (SIEF) enhancement to ACID. SIEF facilitates information exchange among law enforcement agencies by allowing disparate systems to share, exchange, accept and translate information. By supporting SIEF, criminal information and intelligence can be more efficiently and effectively uploaded to ACID by agencies, providing users with wider access to law enforcement intelligence and the ability to undertake more effective searching.

The ACC provides regular training to State and Territory law enforcement agencies on the use of ACID and the analytical tools available to ACID users. The ACC presented to the ACC Board in December 2009 on the current ACID/Australian Law Enforcement Intelligence Network (ALEIN) functionality and options for further investment in ACID/ALEIN.

The National Clandestine Laboratory Database (NCLD) was rolled out nationally in August 2008. The NCLD helps law enforcement agencies better target their drug investigations by integrating information on seized clandestine laboratories from all police and forensic agencies around Australia. The ACC has completed NCLD training programs for all jurisdictions.

**Recommendation 18:** The Committee recommends that the Australian Crime Commission work to include the data provided by the State and Territory law enforcement agencies to further develop the Illicit Drug Data Report.

### Accepted

The ACC remains committed to producing a quality statistical report in the form of the IDDR and, where possible, to enhancing its value. The IDDR is the only report of its type in that it combines law enforcement data on a national basis with standardised counting rules. While there was some criticism aimed at the report in submissions to

the committee, generally the IDDR receives widespread acknowledgement as the most authoritative description of the drug situation in Australia for the reporting period.

The ACC will continue to work with jurisdictions to identify data improvements to enhance data collection and reporting methods as part of the ongoing process of compiling the IDDR.