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Committee Secretary
Parliamentary Joint Committee on Law Enforcement
PO Box 6100
Parliament House
Canberra ACT 2600

BY EMAIL: le.committee@aph.gov.au

Dear Ms Beverley

**INQUIRY INTO THE CHALLENGES AND OPPORTUNITIES FOR LAW ENFORCEMENT
IN ADDRESSING AUSTRALIA'S ILLICIT DRUG PROBLEM**

Thank you for the opportunity to make a submission to the Parliamentary Joint Committee on Law Enforcement into the challenges and opportunities for law enforcement in addressing Australia's illicit drug problem.

I am pleased to enclose the Western Australia Police Force's written submission.

If the Committee requires further information relative to the submission, or relative to the terms of reference in general, the WA Police Force is ready to assist.

Yours sincerely,

COL BLANCH APM
COMMISSIONER OF POLICE

29 December 2022

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| Attachment – The Western Australia Police: Submission to inquiry into the challenges and opportunities for law enforcement in addressing Australia's illicit drug problem | |
| The Parliamentary Joint Committee on Law Enforcement agreed to inquire into and report on the challenges and opportunities for law enforcement in addressing Australia's illicit drug problem with particular reference to: | Response from the Western Australia Police Force: |
| a. Trends and changes relating to illicit drug markets in Australia, including the supply, trafficking, production, distribution and use of illicit drugs. | <p>Western Australian's are among the highest per capita methylamphetamine consumers in the nation. The market in Western Australia is supplied by importation rather than domestic production.</p> <p>Nationally, there has been an increase in the availability of illicit drugs post COVID border restrictions, enabling the return of established domestic supply routes into WA from offshore and Eastern States crime groups.</p> <p>Internationally, there is a growing trend towards Middle Eastern and Iranian based crime syndicates using South Africa as a transit point for importing illicit drugs into WA via sea.</p> <p>While the most common methylamphetamine manufacture method in WA is the addict-level birch reduction (Nazi) method, the number of methylamphetamine producing clandestine drug laboratories detected has declined over recent years. The Western Australia Police Force have seen an increase in the detection of N,N-Dimethyltryptamine (DMT) producing labs and cannabis oil extractions.</p> |

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| <p>b. Emerging trends and risks, such as new psychoactive substances, adulterated drugs and other new sources of threat.</p> | <p>Novel psychoactive substances have been observed in the laboratory at ChemCentre WA since 2011. In an attempt to evade drug legislation, novel drugs are created that can often be classified as derivatives of more traditional or known drugs.</p> <p>In recent years, an average of 12 new substances a year are identified. These substances are added to the Poisons Standard in accordance with national guidelines for medicines and poisons.</p> |
| <p>c. Law enforcement's ability to detect and respond to the trafficking of precursor chemicals and illicit drugs, including the adequacy of screening techniques and the impact of seizures on illicit drug availability and use.</p> | <p>i. Illicit Drugs</p> <p>The WA Police Force recently formed the Transnational Serious Organised Crime Squad (TSOC), to align with a nationally consistent approach to combatting transnational serious organised crime groups, who cause considerable harm to the community of WA. The WA Police Force TSOC will target TSOC groups who predominately operate offshore, identifying, investigating and disrupting key syndicates.</p> <p>By working effectively across governments, domestically and internationally, and within the private sector, community, civil society and academia, the WA Police Force intend to have maximum impact on the criminal business models by formulating a rigid counter network disruption strategy.</p> <p>The WA Police Force places a heavy emphasis on enhancement of capabilities that increase our ability to collect data and other actionable intelligence through partnerships and technological advancements, to ensure the WA Police Force equip investigators with the right tools to combat the threat now and into the future.</p> <p>Additionally, the Border Operations Squad will target drug distribution networks and couriers at the State's border points; including land, rail, air and sea, while the Drug and Firearm Squad continue to focus on WA based drug networks directly causing harm to the community.</p> <p>Changes to legislation are currently being sought to create Border Search Areas at sea, air, and territorial entry/exit points targeting key areas for the transportation of both illicit drugs and proceeds of crime.</p> |

ii. Precursor Chemicals

Precursor chemicals and equipment at risk of diversion to the manufacture of illicit drugs are regulated in WA. These chemicals/equipment often have legitimate industrial use in various industries.

In WA, the sale or supply of regulated precursor chemicals/equipment requires the mandatory submission of an End User Declaration (EUD). This document contains details of the supplier, purchaser, details of the purchase including amount, and the purpose for which the chemicals/equipment is required. Under current legislation, the EUD and valid identification of the purchaser is required to be submitted to the WA Police Force.

The EUD legislative framework and implementation is inconsistent across the states and territories, which provides opportunities for exploitation by criminal organisations and individuals seeking to access precursor chemicals and equipment in order to manufacture illicit drugs.

In October 2016, the former Law Crime and Community Safety Council agreed to harmonise laws and develop a real-time on-line national EUD system. An online system would streamline the current paper-based system, provide information to law enforcement agencies regarding the sale and supply of precursor chemicals and equipment in real time, together with implementing a comprehensive cross-border intelligence gathering and sharing network. The WA Police Force is still supportive of such a system.

Additionally, border controls regarding precursor chemicals and equipment are not aligned to state and territory legislative and regulatory schedules. 'Tranche 2' precursors including 1,4 Butanediol, benzaldehyde, hypophosphorous acid, helional and iodine can be freely imported.

In response, the WA Police Force, Australia Border Force and Australia Post have been involved in joint operations since 2015, targeting precursor chemicals and equipment sourced from overseas, not controlled under Commonwealth legislation and commonly used in the manufacture of prohibited drugs in WA.

Vulnerabilities in precursor legislation provides opportunities for organised crime and creates challenges for law enforcement in preventing the manufacture of illicit drugs.

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| | <p>iii. Wastewater Analysis</p> <p>The WA Police Force analyse the wastewater results from the Australian Criminal Intelligence Commission (ACIC) National Drug Wastewater Monitoring Program (NWDMP). The wastewater data assists in identifying changes in the consumption of illicit drugs and enables the interrogation of other data sources to try and determine what may have caused these changes. For example, during hard border closures between WA and other states, there were dramatic drops in methylamphetamine consumption which would then tend to increase when these border restrictions were relaxed.</p> |
| <p>d. The involvement of law enforcement in harm reduction strategies and in efforts to reduce supply and demand, including the effectiveness of its involvement.</p> | <p>i. Naloxone Pilot</p> <p>The WA Police Force naloxone pilot is an example of a harm minimisation initiative which has shown positive outcomes to date. The pilot involved training a sample of police officers in high harm areas in the management of opioid overdose situations including the intranasal administration of the opioid reversal drug 'naloxone'. Law enforcement are often the first persons on scene and the ability to provide life-saving interventions before an ambulance arrives improves the potential outcome for the person overdosing.</p> <p>During the initial 12-month trial period, naloxone was administered by officers on 20 occasions resulting in a positive outcome to patients. While the carriage of naloxone by police is used by several overseas law enforcement agencies such as Scotland and the United States, the WA Police Force is the first police jurisdiction in Australia to do so. There has been significant interest from law enforcement from other jurisdictions who are looking at emulating the WA initiative.</p> <p>ii. Interagency working groups</p> <p>The WA Police Force have representation on a number of interagency working groups such as the Overdose Strategy Group (OSG) which aims to reduce supply, demand and minimise harm. The Early Warning System subgroup of the OSG operates to identify illicit drugs of concern, unusual clinical presentations, anomalies in drug purity, and overdose or drug toxicity clusters in the WA community. The aim is to ensure early detection, should a drug of concern be identified. This information will assist to inform frontline services (including paramedics,</p> |

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| | <p>emergency departments and police) and to develop appropriate targeted or general messages/warnings if they need to be issued. The primary goal is harm minimisation for the public of WA.</p> <p>iii. Drug Diversion</p> <p>The WA Police Force has a Police Drug Diversion Program that enables officers to divert eligible drug offenders to drug treatment sessions at a Community Alcohol and Drug Service. In brief, the Cannabis Intervention Requirement (CIR) requires attendance at one Cannabis Intervention Session and the Other Drug Intervention Requirement (ODIR) requires attendance at three Other Drug Intervention sessions.</p> <p>While the CIR is a 'non-criminal' penalty it does not amount to the full decriminalisation of possession of small amounts of cannabis for personal use. The WA Police Force officers maintain the discretion to charge an offender, in possession of small quantities of cannabis, if there is further evidence to suggest the 'intent to sell or supply' cannabis, or other serious offences.</p> |
| <p>e. The strengths and weaknesses of decriminalisation, including its impact on illicit drug markets and the experiences of other jurisdictions.</p> | <p>Nil response.</p> |
| <p>f. Other related matters.</p> | <p>i. Medicinal Cannabis</p> <p>Increase in prescriptions of medical cannabis in the form of dried cannabis flowers have presented a serious challenge for law enforcement agencies as these products can't be readily distinguished from illicit cannabis flower without documentation.</p> <p>Therapeutic Goods Administration (TGA) have been approving an exponentially increasing number of medicinal cannabis products (122,000 in 2021 C/- 58,000 in 2020) and 'dried flower' is the second most common type of product approved (75,300 in less than four years). These are approved under a Special Access Scheme (SAS) for, as yet, unapproved medicines.</p> |