

## Action Plan - Group Discussion

### **Gaps and Vulnerabilities**

- limited types of drugs covered under current drugs legislation/ precursors
- consideration of applicable UN conventions (both drug and other related conventions)
- proportionality of offences and penalties:
  - o no delineation between type of drugs
  - o quantity
  - o purity
  - o consideration of aggravating circumstances
  - o criminalisation
- inward looking domestic legislation:
  - o maritime jurisdiction issues – and related issues extradition/ mutual assistance
- interception
  - o absence of powers
  - o not used
  - o don't apply for precursor offences
- proceeds of crime
- forensic sampling:
  - o presumptions
  - o security of samples
  - o chain of custody
  - o disposal
- monitoring and reporting requirements
- diversion schemes/ alternative penalties (eg: fines)
- witness protection
- transshipment issues
  - o controlled delivery
- internet pharmacies
- donations of medicines
- storage/ destruction of medicines
- statistics (drug use, seizures etc)/ barriers to data collection
- constitutional issues

### **Policy Framework**

- present link between drugs and crime
- link between drug policy/ legislation and related policies/ legislation that may be affected – eg: licensing of precursors/ medicines legislation
  - o consistency
- balancing licit needs with combating illicit activities
- responding to both current and emerging threats – building resilience
- whole of government approach (health, community safety, crime prevention etc)
- ability to assist other countries – good international citizen
- need for regional approach
- establishment of central authorities – eg for extradition/ mutual assistance
- protection of law enforcement officials
- balance between alleged offender's rights/ community interests

**Consultation**

- steering committee process – in some cases involved in initial development, in others primarily for consultation
- ministries need to engage closely
- licensing – health, customs, commerce and industry, non-government organisations/ industry groups, attorney's office, police, corrections, professional organisations (health care professionals, retailers etc)
- engaging with community chiefs (Matai council)
- awareness raising (both targeted and broader community)
  - o can be used to get buy-in from key stakeholders/ ministers
- judiciary – appropriate sentencing guidance/ legal practitioners (including defence lawyers)
- sharing of best practice approaches between SPPCF members
- regional networks and organisations (eg: PIFS) – international (UNODC)

**Research**

- consideration of similar or related legislation in other countries;
- law library resources
- UNODC reports
- consideration of available data – including law enforcement/ health information/ intel sharing
- making use of informal international/ regional networks

**Implementation**

- awareness raising – law enforcement, community, chiefs
- possibly considering drug reforms as part of bigger legislative reform package to garner political support – recognising completing national priorities
- resourcing issues – including availability of legislative drafters
- engagement with law reform commissions, where available
- delay in legislation coming into force to allow time for development of necessary infrastructure, training, awareness raising, development of complementary regulations (licensing regime)
- PILON – garner regional political support (possible officials working group)

**Other Issues**

- code of practice for industry
- need for corresponding licensing regime
- absence of resources to support diversion schemes
- need for better cooperation on transshipment issues