

# Drug Policy Update

Kaupapa Ārai Whakapōauau

Volume 3 No.1

April 2004

ISSN 1175-4974

## Inside this issue

Ecstasy comes to end at the border .....	2
Available for Consumption .....	3
National Drug Policy Review .....	4
Reviewing the Smoke-free Environments Regulations (1999) .....	5
Ministry develops addictions workforce .....	5
Ministry reviews regulations .....	6
New handbook for drug education .....	7
Update on amendment to the Misuse of Drugs Act 1975 .....	8

This newsletter is published by the Ministry of Health on behalf of the Inter-Agency Committee on Drugs.

See the

National Drug Policy website

[www.ndp.govt.nz](http://www.ndp.govt.nz)



## Editorial

*In 2003 the Government increased the funding for border enforcement as part of its commitment to reduce the drugs supply. That extra funding has gone to work in a number of areas including an increase in Investigations and Intelligence positions for Customs, and has led to significant improvements in our ability to combat drug smuggling.*

The New Zealand illicit drug scene is a complex and changing environment that continues to challenge enforcement agencies.

A decade ago it was New Zealanders who largely dominated drug importations into New Zealand.

Since then a fundamental shift has occurred with an increasing number of overseas-based groups seeking to exploit the New Zealand market, especially those engaged in the ecstasy trade.

The people involved are profit-motivated professionals who employ sophisticated modus operandi and who traffic drugs on a very large scale.

The additional Investigations and Intelligence positions will enable Customs to proactively target the larger and more



Hon Rick Barker,  
Minister of Customs

sophisticated trafficking syndicates who are responsible for the largest volume of illicit drugs entering New Zealand.

Attacking the profits of drug dealers is acknowledged internationally as an extremely effective tactic in curtailing these activities.

The current review of the Proceeds of Crime Act 1991 is intended to make it easier to recover assets from drug traffickers.

One of the biggest challenges in recent times has been the emergence of amphetamine-type stimulants (such as MDMA and methamphetamine).

Amendments being proposed to the Misuse of Drugs Act 1975 this year, including the

*Continues on page 2*

# Editorial

*Continued from front page*

introduction of importing and exporting offences for precursor chemicals such as pseudoephedrine, will strengthen the ability of Customs to deal with the challenge.

We have also seen the appearance of a new range of chemical drugs such as GHB (Fantasy) in New Zealand.

The establishment of the Expert Advisory Committee on Drugs and its ability to expedite the classification of new and existing drugs has ensured that we are able to respond in a more timely fashion as new substances of abuse emerge on the market.

Despite the successes we cannot be complacent.

Supply control strategies are only one part of an overall response to the problems of drug abuse. Important work also needs to be done in terms of education and awareness. Without a co-ordinated response the gains made in one area are wasted.

This year a review of the National Drug Policy is under way that I am sure will re-emphasise the importance of this balanced approach.

The Government will continue to consider and develop new and innovative strategies within the drug policy framework to reduce the harms caused by illicit drug abuse.

---

## Ecstasy comes to end at the border

***During 2003 the Customs Service made 28 seizures of commercial-scale drugs at New Zealand's border. These larger scale importations (as opposed to personal-use quantities) reflect the growing targeting of New Zealand by overseas-based trafficking syndicates.***

The 28 seizures made up a large proportion of the total drugs seized by Customs in 2003. They included 266,000 tablets (or powder equivalent) of MDMA (ecstasy), 862 grams of crystal methamphetamine (ice), 335 grams of methamphetamine, 1455 grams of heroin and 7060 grams of cocaine. As a result of these, the Police arrested 44 people, including 16 couriers, who have now appeared in court.

These statistics are an increase on previous years' figures with interceptions of ecstasy at an all-time high. The ecstasy figures included the interception of 61,711 tablets from a courier at Auckland airport in July 2003; New Zealand's largest ecstasy seizure to date.

Follow-up investigations by Customs drug investigators, working closely with their Police counterparts, identified that the heroin and cocaine seized were ultimately destined for the bigger Australian market. The estimated street value of those seizures alone was in excess of \$6 million.

In an emerging trend, Customs also seized over 830,000 tablets (or powder equivalent) of ephedrine and pseudoephedrine in 433 separate incidents at New Zealand's border. These substances are key precursors used to manufacture methamphetamine. This compared with 254,000 tablets in 2002 and just 32,600 in 2001.

Despite the successes in 2003 Customs does not anticipate that drug seizure activity at the border will abate in the near future, largely because of the significant profits that can be made by traffickers. It is believed that international drug trafficking syndicates see New Zealand as an increasingly viable and profitable market.

# Available for Consumption

---

***The volume of spirit-based drinks available for consumption increased to 34.5 million litres in the December 2003 year, according to Statistics New Zealand. This is an increase of 3.1 million litres, or 9.8 percent, compared with the December 2002 year.***

The demand for spirit-based drinks (with an alcohol content of no more than 23 percent) has been rising steadily since 1995, and now represents 79 percent of all spirits and spirit-based drinks, and 7.9 percent of all alcoholic beverage available for consumption. Spirits with an alcohol content of more than 23 percent have fallen to 9.4 million litres in the December 2003 year. This is a decrease of 400,000 litres or 4.0 percent compared with the December 2002 year. Spirits with an alcohol content of more than 23 percent have remained within the range of 8.7 to 9.8 million litres since 1995.

The total volume of alcoholic beverage available for consumption in the December 2003 year was 436.5 million litres, an increase of 0.6 percent compared with the December 2002 year. The total volume of pure alcohol available in the December 2003 year was 27.98 million litres, a decrease of 0.1 percent compared with the December 2002 year. This reflects the decrease in consumption of spirits and fortified wines.

The total volume of wine available for consumption increased to 79.1 million litres in the year to December 2003. This represents an increase of 1.0 percent compared with the year ended December 2002.

Table wine (up to 14 percent alcohol) available for consumption increased by 1.2 million litres, or 1.6 percent, in the December 2003 year, compared with the December 2002 year. Table wine produced in New Zealand increased by 977,000 litres, or 1.7 percent, while imported table wine increased by 247,700 litres, or 1.3 percent over the same period. Fortified wine (with an alcohol content of 15 percent or more) fell to 1.3 million litres, a 25 percent decline in the December 2003

year, compared with the December 2002 year.

Beer available for consumption in the December 2003 year fell to 313.5 million litres, a 0.3 percent decrease compared

with the December 2002 year. The availability of beer with an alcohol content of more than 4.35 percent increased from 21.8 percent of the total in the December 2002 year to 23.9 percent in the December 2003 year. Beer with an alcohol content of 2.5 to 4.35 percent, the most common strength available in New Zealand, decreased by 2.9 percent.

During the December 2003 year, the number of cigarettes available for consumption fell 16 percent to 2367 million compared with the previous year. The number of cigarettes available for consumption peaked at 6346 million in the December 1977 year, and the number available remained between 5900 and 6500 million until 1984. From 1985 to 1988, the level of cigarettes available for consumption was between 5200 million and 5700 million per year, falling to the 4000 million to 4500 million level between 1989 and 1991. For the last three calendar years, the level of cigarettes available for consumption has remained below the 3000 million level.

Tobacco available for consumption fell to 795 tonnes in the year ended December 2003, a decrease of 1.8 percent when compared with the previous year.

The volume of cigarettes and tobacco made available for consumption is sensitive to changes in excise duty, which may affect comparisons between years.

The volume of cigarettes and tobacco available for consumption represents tobacco products cleared for local consumption on which duty has been paid. Caution should be used in interpreting these figures to represent actual consumption.

# National Drug Policy Review

**Government Ministers have approved a review of the National Drug Policy 1998 – 2003. The NDP outlines the Government's intentions regarding drug issues in New Zealand over a five-year period. It provides the framework for encouraging the development of strategies and programmes which prevent and reduce drug-related harm.**

The NDP was designed to provide a single strategic cohesive national policy that brought together cross-government strategies and interventions. Specifically it was intended to:

- form a basis for coherent policy development across a wide range of settings and agencies
- assist co-ordination of strategies and delivery through identification of any gaps and overlaps, and through establishing key linkages and co-ordination mechanisms
- provide for the development of measurable outcomes against which the impact of the strategies may be assessed.

The overarching goal of the current NDP is to minimise the harm caused by tobacco, alcohol, illicit and other drug use to both individuals and the community, as far as possible and within available resources. This approach recognises that there is a continuum of harm associated with drug use which cannot be addressed by a single set of strategies or approaches. Harm can be minimised through supply control measures, demand reduction measures, or problem limitation measures.

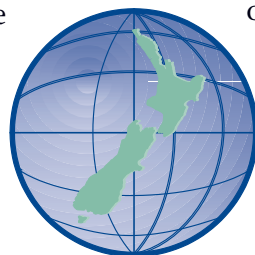
In order to determine how effective and collaborative the existing NDP

framework has been in minimising harms arising from drug use in New Zealand, Allen and Clarke Policy and Regulatory Specialists has recently completed a qualitative assessment of the implementation of the NDP. This scoping exercise identifies the basis for a public consultation in mid 2004 on what a future National Drug Policy will look like. It is hoped that the sector and the community in general will contribute to the development of a forward-looking, workable and generally agreed approach for the next five years.

Some of the questions that need to be addressed at the consultation phase are:

- What sort of document should it be – high or low level, general or specific, fixed or flexible?
- Should harm minimisation remain the overarching principle for drug policy in New Zealand?
- What are the priorities and how should they be established?
- Should tobacco, alcohol, illicit and other drugs all continue to be dealt with under the policy?
- Is it more important to address different substances than target groups within society?
- How can an emphasis on outcomes be assured?
- What resources will be required?
- What mechanisms should there be to co-ordinate views and action across the sector?

The consultation process should be completed by August. A new National Drug Policy will be ready for consideration by Government in November 2004.



## New name on the door?

Due to its healthy circulation, *Drug Policy Update* needs help from YOU to keep the mailing list up to date. Please help us by checking to see that we've got your name, position and address correctly recorded (especially if you have replaced someone).

Also, please let us know if you have a colleague or associate who would like to join the network receiving *Drug Policy Update*.

Martin Doyle  
Public Health Directorate  
Ministry of Health  
PO Box 5013  
Wellington

Fax: (04) 495 4479  
Email: martin\_doyle@moh.govt.nz

# Reviewing the Smoke-free Environments Regulations (1999)

**Graphic pictures, larger warnings and banning terms on cigarette packets that might mislead smokers are issues being considered as part of a review into the Smoke-free Environments Regulations (1999).**

The scope of the review is being developed and key stakeholders have been contacted. The Associate Minister of Health, Damien O'Connor, says, 'We want feedback from as wide a section of the community as possible, and as well as taking public submissions we will be going directly to key stakeholders, including health groups, the tobacco industry and retail organisations.'

'The review will help ensure domestic regulations meet the requirements of the World Health Organization's Framework Convention on Tobacco Control, which New Zealand has ratified.'

That means increasing the size of warnings on tobacco products to 30 percent or more of the principal display areas.



Hon Damien O'Connor,  
Associate Minister of Health

It could also mean including pictorial warnings which show the damage caused by smoking.

The review, co-ordinated by the Ministry of Health, will help determine what information should be displayed on tobacco products and whether the use of certain terms should be banned as they recently were in the UK to protect consumers from being misled. 'There is no such thing as a safe cigarette,' says Mr O'Connor.

Options for reducing the harm caused by tobacco use, such as regulating the ingredients, will also be covered in the review.

A consultation process is in place to ensure that interested parties are aware of the review and have a fair chance to comment on the proposals. Public consultation on the review will start in July and run to mid-September.

'The government will not be making any decisions until after the consultation process is complete, and I expect to have final analysis of submissions by the end of October this year,' says Mr O'Connor.

## Ministry develops addictions workforce

**The Ministry of Health has established a National Addictions Workforce Development Structure through the National Addictions Centre (NAC). It will be responsible for developing and implementing a National Addictions Treatment Workforce Development Programme including the following goals.**

- Develop a five-year strategic plan for national addictions treatment workforce development in collaboration with the treatment sector.
- Undertake specific Māori addictions treatment workforce development in collaboration with Te Rau Matatini.
- Build on the existing leadership in the addictions treatment sector and implement strategies that will build the capacity and capability of the addictions treatment workforce.
- Develop an addictions treatment training provider network.

# Ministry reviews regulations

***When the Hon Damien O'Connor announced that New Zealand had ratified the World Health Organization Framework Convention on Tobacco Control (FCTC) he noted that the Government had requested a wider Review of Smoke-free Environments Regulations 1999.***

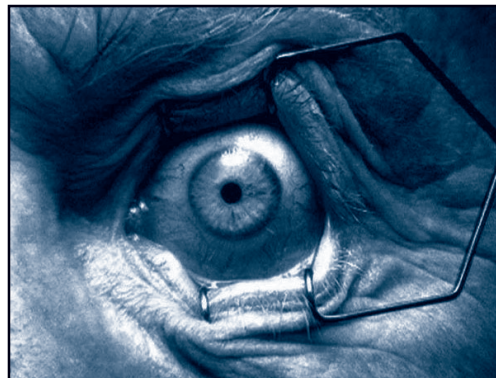
The Government has directed the Ministry of Health to progress this Review as a matter of priority to ensure that, at a minimum, regulations are made to give effect to mandatory requirements under Article 11 of the FCTC prior to Article 11 coming into effect for New Zealand.

The objectives of the Review include:

- ensuring that New Zealand complies with the mandatory requirements of Article 11 of the Framework Convention on Tobacco Control, as a minimum
- determining what warnings, messages, and other information (including the possibility of pictorial warnings) should optimally be required to be displayed on all tobacco products
- reviewing whether the use of certain terms, descriptors and markings should be regulated or prohibited on the grounds of actual or potential ability to mislead or deceive consumers
- reviewing options for reducing the harm caused by tobacco use.

The Review covers but is not limited to:

- increasing the size of health warnings to be 50 percent or more of the principal display areas but not less than 30 percent of the principal display areas
- developing options for health warnings, including options for pictorial warnings
- reviewing the use of terms on tobacco products that might mislead or deceive consumers



*'Smoking causes blindness.' Health warnings may be pictorial.*

- reviewing the disclosure of information to government, on tobacco constituents, the constituents of tobacco smoke and additives to tobacco products
- Reviewing the information on constituents of tobacco products to be on or inserted in tobacco packaging
- considering the required references to nicotine/tar/CO levels and whether they provide accurate information
- canvassing options for harm reduction measures including:
  - the possible development of a regime for the regulation of novel tobacco products
  - regulating constituents of tobacco.

The Ministry will consult with key stakeholders including health groups, retail organisations and the tobacco industry on proposed changes to the Regulations. This will enable all interested parties to provide input, particularly with regard to the impacts that any proposals may have, so that their views can be taken into account in the decision-making process.

The Ministry is committed to ensuring that all interested parties receive information pertaining to proposed changes, including the rationale for the proposals and the evidence upon which they are based. It will give stakeholders a fair opportunity to comment. Proper consideration will be given to submissions prior to any decisions being made.

*Continued on page 7*

*Continued from page 6*

A consultation paper will be prepared which draws together the information and analysis necessary to facilitate the consultation process. The consultation paper will provide robust evidenced-based analysis related to any proposals – including likely impacts. It will clearly set out the rationale for proposals in a specific area and the evidence supporting change.

The Ministry anticipates that the consultation paper will be disseminated by mid-July 2004 and submissions on the paper will close on 10 September 2004. Although the relevant provisions of the FCTC do not come into effect until 2007 at the earliest, it is necessary to progress the Review as quickly and effectively as possible in order to allow sufficient time for implementation.

Ratification of the FCTC will require New Zealand to continually improve on tobacco control efforts. As part of the Review there will no doubt be proposals advanced that are related to non-mandatory provisions of the FCTC, or that are beyond the scope of, or extend the FCTC provisions.

The Ministry has written to key stakeholders and invited them to identify specific topics that are within the scope of the Review and that might be usefully included in the consultation paper. The Ministry is available to discuss these issues if necessary. The contact person for this is Marilyn Stephens, phone (04) 460 4788 or email [marilyn\\_stephens@moh.govt.nz](mailto:marilyn_stephens@moh.govt.nz)

# New handbook for drug education

---

***The Ministry of Youth Development (MYD) has been directed to identify and encourage evidence-based best practice for drug education for young people as part of the Government's Action Plan on Alcohol and Illicit Drugs.***

---

During 2003, MYD completed a literature review and analysis on drug education for young people. You can read the literature review, *Effective Drug Education for Young People*, on MYD's website at <http://www.youthaffairs.govt.nz/page.cfm?i=394> It discusses school-based, family-based and community-based approaches and social marketing.

From the review findings, MYD developed a draft handbook for school-based drug education. It sets out best practice for the design, delivery and evaluation of drug education. The purpose of the handbook is to provide schools with a practical tool for strengthening the curriculum-based approach to drug education and guidance for schools' decisions about involving external programmes.

In developing the handbook, MYD received support from an interagency advisory group which had representatives from the Ministries of Education, Health and Justice, Te Puni Kōkiri, the Alcohol Advisory Council of New Zealand and New Zealand Police. It also drew on the skills of external reviewers with expertise in education, health, evaluation and Māori and Pacific perspectives.

Consultation on the draft handbook took place between 16 February and 31 March 2004. During this period, MYD made the handbook and feedback form available on its website [www.myd.govt.nz](http://www.myd.govt.nz).

Feedback on the draft handbook is being analysed and the handbook will be redrafted with the assistance of the interagency advisory group and the external reviewers. The MYD expects to publish and distribute the handbook in September 2004.

# Update on amendment to the Misuse of Drugs Act 1975

*In December 2003, Cabinet endorsed the Misuse of Drugs Amendment Bill proposed by the Ministries of Health and Justice. The Bill has three main objectives. It will give effect to a number of recommendations made in the Government's Methamphetamine Action Plan by strengthening Customs and Police officers' powers. In addition, it will amend the 'presumption of supply' regime within the Misuse of Drugs Act 1975 to make it more efficient and responsive to changing patterns of drug use in New Zealand. Finally, it will lower legal barriers to injecting drug users participating in the Needle and Syringe Exchange Programme (NSEP).*

The Parliamentary Counsel Office is currently drafting the Misuse of Drugs Amendment Bill and Cabinet has prioritised the Bill to be passed in the 2004 calendar year.

## **Powers of Customs and Police**

The illegal importation of the precursor substances, ephedrine and pseudoephedrine, for domestic manufacture of methamphetamine is a growing problem in New Zealand. Since 2001 there has been a 300 percent increase in the amount of substances seized by Customs destined for methamphetamine production. In addition, the numbers of clandestine methamphetamine laboratories detected by Police rose from nine in 2000 to 200 in 2003. One key tactic to reduce methamphetamine prevalence is reduce the availability of ephedrine and pseudoephedrine for use in the illicit production of methamphetamine.

The Bill will create specific offences for the importing and exporting of precursor substances and will allow Police to search for ephedrine and pseudoephedrine without warrant. At present Customs are able to allow illegally imported packages of controlled drugs to proceed to the intended destination under the control and surveillance of Customs officers (a procedure known as a 'controlled delivery'). The Bill will allow Customs to carry out controlled deliveries in respect of precursor substances in addition to controlled drugs.

The Bill also rectifies a problem that has occurred in relation to persons detained under the Misuse of

Drugs Amendment Act 1978 because they are suspected of concealing a controlled drug within the body. Such persons are detained to allow for drugs to pass naturally through their bodies, with the intention the drugs will then be seized by Police or Customs officers. Previously, there have been problems as Police and Customs officers have not been empowered to search detainees who they suspect have hidden controlled drugs in their clothes after having hidden them in body cavities. The Bill gives Police and Customs officers the ability to carry out personal searches in such situations.

## **Presumption of supply**

When a person is found with an amount of a drug larger than would normally be possessed for personal use, there is a legal presumption that the person intended to use the drug for supply and is known as 'presumption of supply'. The Bill will amend provisions relating to 'presumption of supply' to ensure that the Government can respond more efficiently and effectively to changing patterns of drug use. The Bill will also set specific 'presumption of supply' amounts for methamphetamine and methcathinone.

## **Possession of a needle and syringe**

The Needle and Syringe Exchange Programme (NSEP) was set up in 1987 to ensure injecting drug users (IDUs) have access to clean needles and syringes, thereby minimising the transmission of blood-borne viruses. However, possession of a needle and syringe is an offence under the MODA. At present IDUs have a defence (under the Health [Needle and Syringe] Regulations 1998) to this offence, if they obtained the injecting equipment from a NSEP outlet. There have been concerns that fear of arrest and prosecution for possession of a needle and syringe is a significant barrier to IDUs accessing clean needles and syringes and returning used ones.

The Bill will move the defence from the Regulations into the MODA to make it more conspicuous. It will also reverse the onus of proof. As a consequence, to obtain a conviction the prosecution will have to establish that the IDU did not obtain the injecting equipment from an NSEP outlet.