



# Families and Friends for Drug Law Reform (ACT) Inc.

*committed to preventing tragedy that arises from illicit drug use*

## February Newsletter 2016

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Perhaps a little late, but best wishes for the New Year from Peter and Bill.

### Next Meeting

**A reminder that our first meeting for the year will be on the fourth Thursday of February (25th) at the meeting hall of the St Ninian's Uniting Church in Lyneham at 7:30 pm.**

With elections looming large this year we will be discussing the opportunities this presents for instigating discussions with politicians. We also need to consider methods for further distribution of "The Drug Law Wars".

A very brief administrative note. If anyone who currently gets the newsletter via post wishes to change this to email please let me know via the president email (above).

Now some news items.

### Award to Brian McConnell

Brain was awarded the Medal of the Order of Australia (OAM) on Australia Day this year. In the Australian honours system appointments to the Order of Australia confer recognition for outstanding achievement and service. The Medal of the Order of Australia is awarded for service worthy of particular recognition.

Brain was awarded the medal for his services as President of FFDLR since 1996, being a board member of Directions ACT Drug and Alcohol Services 1998 to 2014 and in his capacity as a volunteer for Family Drug Support. A well merited award, but I know that Brian would also want the

support of Marion to be recognised as well as all the others who have contributed to FFDLR over the years.

### National Family Drug Support Day

The inaugural National Family Drug Support Day will be held on Wednesday 24th February.

The event will be celebrated at Parliament House Canberra at 10am and there will be other State events held around Australia. For updated details on all events go to <http://nationalfdsday.fds.org.au>

Drugs affect all members of the community but it is the families and drug users themselves who bear the brunt of the problems. The National Day will deliver some key messages for affected families.

Tony Trimmingham - Founder and CEO of Family Drug Support stated:

'Any family anywhere in Australia, regardless of background, economic and other circumstances can be affected by drugs. Drug users and their families are often misrepresented, stereotyped and discriminated against. Families struggle with the negative effects of drug use. This is a barrier to them seeking help and support and hinders the prospect of positive outcome. We hope this new annual event will reach members of the community and change some of the negative attitudes that exist. We also hope it will encourage affected families to reach out

*When anyone takes action to attempt to make something happen, that something becomes more likely*

for support – Let’s Talk”.

Mr Trimmingham also said ‘Criminalising drug use has the opposite effect of what is intended. It hinders progress, wastes valuable resources and adds to the burdens carried by families. We hope to increase the understanding of dealing with drug use in the way the disability and mental health sectors have been successful in achieving!

**Please support this event by registering to attend on the [://nationalfdsc.org.au](http://nationalfdsc.org.au).**

## **Drug Policy Australia looking for help to get DPA to the next level**

Drug Policy Australia Limited is a charity registered with the Australian Charities and Not-For-Profit Commission and with the Australian Tax Office for Tax deductible donations.

It shares with FFDLR a conviction that legally enforced abstinence is unrealistic and counter-productive in modern Australia and advocates for evidence based drug policy.

The directors are, Greg Chipp, known for his involvement with the Australian Democrats, Doctor John Sherman, an addiction specialist and author and Tim Peters, lawyer and company secretary. The Advisory Board includes Tony Trimmingham OAM founder of Family Drug Support and Professor Nick Crofts currently working at the United Nations in the drug policy area and former director of Turning Point Alcohol and Drug Centre.

DPA is seeking start-up funding from individuals or companies that are sympathetic to the cause of Drug Law reform in Australia. It accepts donations from businesses or individuals with an altruistic interest in establishing legal and regulated drug markets as a means to minimise the health consequences of drug use. DPA does not accept support from big tobacco, pharmaceutical and alcohol companies.

Drug Policy Australia is growing rapidly with the website generating volunteers and small donations, a team of writers providing articles on drug policy, Google grants providing DPA \$10,000 a month for AdWords advertising, IT infrastructure allowing DPA to communicate and collaborate using Google

Apps for Work and it has established a core group of volunteers.

For more information visit [www.drugpolicy.org.au](http://www.drugpolicy.org.au) DPA believes it has all its ducks in a row so to speak but its vision of creating the Australian Conservation Foundation of Drug Policy is being thwarted by a lack of funds.

Greg Chipp tells us that after working full time for the last 3 months, he needs help to get Drug Policy Australia to the next level.

For example, Senator Dr Richard Di Natali and Dr David Caldicott are lined up for a media launch in early March but \$1500 is needed to hire a venue and promote the event. The problem is getting the ball rolling. Once we establish a public profile we will be able to attract donations.

Drug Policy Australia is an independent tax deductible NGO for drug policy reform.

**If you can help or have any idea how DPA can move forward, Greg Chipp would love to hear from you. His phone is 0417 773372.**

## **United Nations General Assembly Special Session on the world drug problem UNGASS 2016**

In April this year the UN is holding a special drug summit. UNGASS2016.

One of the documents provided as support for this important event is the 2009 Political Declaration and Plan of Action on International Cooperation towards an integrated and Balanced strategy to counter the World Drug Problem. In the foreword the executive director of the UN Office on Drugs and Crime states:

*“Most importantly, UNGASS has increased awareness that drug dependence is an illness. The United Nations Office on Drugs and Crime (UNODC) works with governments to place health at the centre of drug control, so as to put addicts in the hands of doctors rather than policemen.”*

<https://www.unodc.org/documents/ungass2016/V09>

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[84963-English.pdf](#))

A 2014 UN review of the 2009 plan “*recognizes that drug addiction is a health problem and that many Member States have adopted national drug strategies with drug demand reduction components that include primary prevention, early intervention, treatment, care, rehabilitation, recovery and social reintegration measures...*” It also invites consideration of “*challenges faced by vulnerable groups, such as children, adolescents, vulnerable youth, women, including pregnant women, people with medical and psychiatric co-morbidities, ethnic minorities and socially marginalized individuals*”

<https://www.unodc.org/documents/ungass2016//V1403583-1-2.pdf>)

Let us hope that the Special Session provides an impetus that influences our leaders.

## Support for drug law reform

Talking on Radio National Breakfast on the 15<sup>th</sup> of February, Greens Senator Richard Di Natale, a former GP and convenor of a multiparty Parliamentary Group looking into drug policy reform, eloquently explained the position of the decriminalisation of illicit drugs along the lines of the Portuguese model.

<http://www.abc.net.au/radionational/programs/breakfast/richard-di-natale-pushes-to-decriminalise/7167314>

Bill and Peter attended a round table discussion held by the Greens at the NSW Parliament house on the 19<sup>th</sup> of February. The first session was run by Richard Di Natale. This was to gather information ahead of the Parliamentary Drug Summit described below. The second session, run by David Shoebridge considered Roadside Drug Testing, Drug Detection Dogs and drug testing at dance parties.

In between the two sessions Richard conducted a hard hitting media interview. It was inspiring to see a politician talking to media and not pulling any punches. During discussion sessions the Greens expressed concern about being isolated with the strong stance they are now taking on decriminalising drugs - so it is up to us to provide support in whatever way we can whatever our political persuasion.

## Roadside Drug Testing

Following the round table discussions we met with David to discuss a possible presentation from him in Canberra. The topic we are considering is Roadside Drug Testing. We will discuss this further at our upcoming meeting. There is much concern about the issue and we need to consider effective formats and venues. Whilst a public forum is an option a closed meeting with local Representatives may also be worthwhile.

**We welcome thoughts on this. See Bill's in-depth article later in the newsletter.**

## Brian to attend Parliamentary Drug Summit

Brian has been invited to attend the Parliamentary Drug Summit to be held on the 2nd of March as former president of FFDLR. The Summit will comprise of International and Australian representatives with expertise in health, NGO, justice, lived experience and academia, and will assist state and federal MPs to gain a greater understanding of Australia's drug policy and options for the future.

International panellists already confirmed include Beau Kilmer, the co-director of the RAND Drug Policy Researcher Center and New Zealand Health Minister Peter Dunne.

The Summit's primary purpose is to engage members of the Australian Parliament to build support for law reform. There will be limited opportunities for input on the day during the Summit.

## Naloxone scheduling change

Naloxone, the antidote to opiate overdose, has been reclassified by the Department of Health such that it can be obtained without prescription from the chemist. One of the reasons for the decision was the success of the naloxone trial conducted in the ACT. However, AIVL have advised FFDLR that the drug companies have not yet produced an over-the-counter packet for consumers. Consequently naloxene still cannot be readily obtained. It is hoped that this state of affairs will be corrected soon.

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<https://www.tga.gov.au/book-page/interim-decisions-matters-referred-expert-advisory-committee-12-14>)

## **Loss of funding for AIVL is a threat to Australian public health (18/12/15)**

The following is taken from the UnitingCare ReGen website concerning the proposed funding cuts to the Australian Injecting and Illicit Drug Users League (AIVL). Brian McConnell has also submitted an opinion editorial to the Canberra Times in regards to this issue.

With the Australian alcohol and other drug sector already stretched to breaking point and the potential impact of recent Federal funding announcements on specialist treatment services far from clear, the loss of another national peak body represents a significant threat to our public health. UnitingCare ReGen CEO Laurence Alvis says it's time for the Turnbull government to commit to funding peer advocacy and harm reduction measures that are proven to prevent the transmission of blood borne viruses, improve health outcomes and save lives.

Melbourne, VIC, 17th December 2015 – The apparent exclusion of the Australian Injecting and Illicit Drug Users League (AIVL) from new Federal disease prevention funding poses a significant threat to public health.

AIVL is the national peak body representing people who use/have used illicit drugs in Australia. The organisation has been a key partner in national initiatives to work with affected communities to prevent the spread of blood-borne viruses such as HIV and Hepatitis C, develop effective, evidence based models for reducing the harm associated with injecting and other illicit drug use.

The Federal Government's "Blood Borne Viruses and Sexually Transmissible Infections Prevention and Education Programme" under the Communicable Diseases Prevention & Service Improvement Grants Fund has provided AIVL's main source of funding for the past five years. A recent restructure of the Programme now appears to exclude AIVL from applying for continued funding

and poses an immediate threat to the organisation's sustainability.

For over 20 years, AIVL has provided essential representation of people who inject drugs in policy discussions at a local, national and international level and has provided consistent, co-ordinated information and resources to support improved health outcomes for some of the most marginalised and socially isolated people within our communities.

The loss of this organisation would be a body blow to the Australian alcohol and other drug sector and would further erode our capacity to advocate for evidence based, effective drug policy, harm reduction and treatment services. We know that successive Federal Governments have reduced harm reduction funding over the past decade, in spite of the clear evidence for its effectiveness as one of the three pillars of Australia's Harm Minimisation policy framework.

Since the defunding of the Alcohol and Other Drugs Council of Australia (ADCA) in the early days of the Abbott government, alcohol and other drug treatment services have lacked a national peak body. This has had a significant impact on the sector's capacity to advocate for consistent approaches at a Federal level. These new changes threaten to remove the voice of people directly affected by illicit drug use from public debate and to place even further strain on an already overburdened sector.

We appreciate the recent change in rhetoric from the Turnbull government and the commitment of funding a balanced response to methamphetamine related harm within our communities. However, at a time when the not-for-profit sector has been under unprecedented pressure, there remain significant concerns about whether the announced funding will improve the sustainability of specialist treatment and harm reduction services or improve service accessibility for those most in need of support.

The loss of another key organisation will undermine our capacity to protect public health, reduce drug related harm and advocate for evidence based policy. ReGen calls on the Federal Government to assure the continued funding of AIVL and its commitment to allocating appropriate resources for harm reduction measures within Australia's National Drug Strategy.

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<http://www.regen.org.au/regen-in-media/698-loss-of-funding-for-aivl-is-a-threat-to-australian-public-health-18-12-15#sthash.ZmkoBylG.dpuf>

## 4 Corners “Dying to Dance”

A famous quote of Albert Einstein defined insanity as doing the same thing over and over again and expecting a different result. The 4 Corners program aired on Monday the 15th of October graphically illustrated that the current drug laws and their method of enforcement through police and sniffer dogs at dance parties is simply maintaining the status quo of the consumption of the drug Ecstasy (MDMA).

<http://www.abc.net.au/4corners/stories/2016/02/15/4404734.htm>

The program provides a valuable insight into the current dance party scene for those of us who do not visit such venues. However, from my rather aging perspective it did bring back thoughts of perhaps the first of such dance parties – Woodstock in 1969. The drug of choice there was of course marijuana. The switch to manufactured pills does not seem an improvement. The ABC research showed that even if the pills had not been adulterated by substances more harmful than MDMA – the dosage factor in a pill can vary by a factor of twelve. Police action was shown to be ineffective in terms of reducing supply with arrests targeting users not suppliers. Figures quoted were that the annual number of arrests for personal use in NSW had increased from 710 in 2006 to 3039 in 2015 whilst for a similar period trafficking arrests increased marginally from 402 to 567. Meanwhile the number of ecstasy related admissions to emergency departments in hospitals has doubled over the last six years.

Nicholas Cowdery, former NSW director of public prosecutions had this to say: *Unless we make a major change - a change of direction - people will continue to die. People will continue to suffer illness as a result of drug use. Criminals will continue to profit inordinately from that drug use. We shouldn't be kidding ourselves: that will all just go on. So we do need to change.* Towards the end of the program Mick Palmer (former AFP commissioner) commented *More and more people in the*

*community now are recognising our current policy doesn't work. To continue to do what we're doing is absolutely a failed experiment.*

Thanks to the ABC team and particularly Caro Meldrum-Hanna for an exceptionally well researched and logically developed program.

Mick Palmer has written extensively in “The Drug Law Wars” as has Alex Wodak, who was also interviewed on the program.

## DRUG DRIVING: AN ABSENCE OF CORRELATION OF IMPAIRMENT

Bill Bush

In the twenty noughties jurisdiction after jurisdiction in Australia tripped over itself in haste to enact legislation to make drug driving an offence. The ACT was the last to hold out against this rush but even it succumbed in 2010. There was one fundamental difference between drug driving and drunk driving. This lay in the fact that a blood alcohol level above .05% of alcohol was known to be dangerously degrade the capacity of the user to drive safely. When each state and territory legislates legislated to ban drug driving no known level of drug consumption impaired the driving capacity of users. The result was that all the legislation made it an offence to have merely the presence of any of the listed drugs which in the case of the ACT lists methylamphetamine, ecstasy and an active ingredient of cannabis (THC).

As Families and Friends warned in an ACT Assembly submission and an op ed published in the Canberra Times (reproduced in Newsletter July 2010), it was obvious that legislation as defective as this would produce gross injustices and this is what is happening. In a case that has received a lot of publicity, a Lismore magistrate has thrown out a drug driving charge against a man who, when he was tested positive for cannabis was told by the police officer that's he should wait at least a week after smoking cannabis before driving. A month later he was again drug tested when cannabis was again detected. He challenged the charge on the ground that on that second occasion he had waited nine days

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after smoking cannabis before driving. The magistrate acquitted him on the basis that he had made an “honest and reasonable mistake of fact.” ??? In another case at Byron Bay a driver who had his drink spiked with methamphetamine??? escaped conviction.

The current drug regimes are not based on any scientific measure of driving impairment with the result of that the law which is meant to enhance road safety has become just another means of prosecuting drug users. As enacted in the ACT, for a first offence one stood to be fined by up to \$1,100, be disqualified from driving for three years or both. The penalties far exceeded the \$550 and 6 months disqualification for a first 0.05g. blood alcohol level measured by a breath test

Arrest and prosecution disconnect people from their family, work and protective factors that can militate against the continuing drug use. As Johann Hari has so eloquently pointed out “The opposite of addiction isn't sobriety. Its connection." In other words drug driving laws do little to improve road safety but are an additional means of drug law enforcement to intensify the marginalisation of one of the most marginalised people in the community, namely dependent illicit drug users.

The injustice and counter-productive foolishness of this approach is redoubled by the fact that tests of driving incapacity have now become available. One fears though that politicians see existing drug driving laws that test mere presence as electorally popular. Having a go at “worthless” drug users is seen as a good politics. One would hope that the attitude of such politicians may change if confronted with a positive drug driving test by themselves or, more likely, child or other loved relative.

There might have been a case for adopting a zero tolerance position towards any illicit drug when levels of impairment were not able to be ascertained but that justification has ceased to exist now that tests of impairment have that become available.

17/2/2016

The ABC Radio National Law Report devoted most of its program on the 9th of February to the decision of the Lismore magistrate.

<http://www.abc.net.au/radionational/programs/lawreport/nsw-driver-beats-cannabis-driving->