



# FAMILIES & FRIENDS FOR DRUG LAW REFORM

## NEWSLETTER APRIL 2018

### Australia21 Round Table, Melbourne on The Social Impact of Australian Drug Laws

On 22 March at a Round Table organised by Australia21, health and social service providers and policy leaders turned a new page in moving Australia to reform its prohibitionist drug policy. It reframes the narrative in its focus on the harm that existing drug policy causes rather than on the harms directly attributable to drug use or the social and environmental antecedents that are known to be associated with the use of illicit drugs and addiction to them. Thanks to Fiona Patten, member of the Victorian Legislative Council, the round table took place across a long table in the mosaic glory of the Parliament House in Melbourne at the top of Bourke Street. The gathering examined a proposition that Families and Friends has long been urging that Australian drug policy is implicated in virtually all of Australia's most intractable, chronic and expensive social problems. Bill and Marion had the privilege of sitting at that table with a stellar collection of heads of large

agencies involved in the formulation and advocacy of better welfare policy and the delivery of social services.

By the end of the day 34 of the participants issued the following joint statement:

"We the undersigned call on Australia's federal, state and territory governments to treat drug use primarily as a health and social issue and to remove criminal sanctions for personal use and possession.

"We make this call because our own professional experience supports overwhelming evidence that current Australian drug laws, although well-intentioned, create and/or worsen a wide range of health and social harms."

The statement acknowledged that there exist "complex two-way interactions between the punitive approach to drug use and problems including pov-

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Time to renew  
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consider  
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### Next FFDLR meeting—Thursday 26 April—Public Welcome

- **Date: Thursday 26 April, 2018**
- Meeting at 7.30pm speaker at 8.00pm
- St Ninian's Uniting Church Hall, cnr Brigalow and Mouat Sts, Lyneham
- **SPEAKER: Jill Hughes, Operational Director of AOD Services, ACT Health**
- **Topic: What Alcohol and Other Drug Services are offered by ACT Health for individuals, their family and friends?**

*There will be a time for questions and discussion followed by supper.*

## Pill Testing at Musical Festivals



Pill testing at musical festivals continues to be in the media. Groovin' in the Moo will be held at the University of Canberra on 29 April but it is still not known whether pill testing will actually occur there.

Dr David Caldicott interviewed on TripleJ said

"The benefit for them is there. There's not really anyone in the ACT who isn't on their side. You've got the venue, the local law enforcement, the Government, scientists and doctors, all of whom are prepared to do this for free".

An independent review of Australia's National Drug Strategy released on 10 April was published in the open access Harm Reduction Journal and reported in Scimex, online science news. It stated that pill-testing should be part of Australia's drug strategy. Dr Andrew Groves at Deakin University said, "The most surprising finding of our research is that the evidence has clearly identified the inadequacy of existing punitive, zero tolerance strategies across several countries, and yet such policies often remain embedded in government legislative action.

An example of pill testing he examined in Austria where users were presented information on the quality or purity of their drug two thirds of users reported that they would not consume their drugs if presented with a negative result and would also warn friends against taking them. The examples he evaluated in his study supported the idea that party-drug use requires pragmatic, evidence-based initiatives, such as pill testing, rather than criminal justice responses.

FFDLR signed an open letter written by Shane Rattenbury to the Cattleyard Promotions asking them to support the trial of pill testing at the forthcoming event.

Given the support for pill testing at music festivals, for Cattleyards to permit it at their events would attract more patrons and thus enhance their bottom line.

## Breaking News

Today 17 April Senator Richard Di Natale called for legalisation of cannabis for recreational use as well as the creation of a regulated market. Dr Di Natale says.

"Criminalising people for using cannabis drives them away from getting help when they need it, exposes people to a dangerous black market and can saddle them with criminal records (often for getting caught with only a small amount for personal use).

Under the policy, the Greens would establish a new agency to issue licences for the production and sale of cannabis as well as monitoring and enforcement of licence conditions. The agency would purchase cannabis from producers and then sell "plain packaged product to retail stores to ensure quality and consistency". Sale would be prohibited to anyone under 18.

Members of FFDLR need to show support for Richard and encourage their local members to support his proposal.

**DON'T FORGET  
THE FFDLR  
MEETING ON  
26th APRIL  
WITH JILL  
HUGHES"**

## Electoral Bills restricting advocacy by not-for-profit groups

On Wednesday, 28<sup>th</sup> March, Families and Friends joined 158 other not-for-profit big and small groups that signed an open letter to all federal members of Parliament calling for changes to a package of proposed electoral legislation that, under the smokescreen of restricting foreign interference in the Australian electoral process and on national security would have obstructed the people of Australia and our country's civil society from the freedom to exercise their views. Indeed the open letter pointed out that "the proposed legislation will tear at the fabric of our democracy, unpicking the freedoms that have made our national conversation so rich."

In short the legislation would have obstructed civil society groups from advocating any change.

Bill and Mary Bush attended a sausage sizzle at a Senate courtyard at which the open letter was launched. Three politicians spoke, including Andrew Leigh, ALP member for Canberra, Senator Rachel Siewert from the Greens and the chair of the committee considering the package of Bills.

**Australia21 Round Table, Melbourne on The Social Impact of Australian Drug Laws cont'd**

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erty, social disadvantage, unemployment, homelessness, family violence, child protection interventions, mental illness and suicide. Poor drug policy also leads to further crime. The human and financial costs of the negative impacts of the current drug laws are borne not just by drug users, but by their families and communities, and the nation as a whole."

This statement, which will be fleshed out in the Australia 21 report of the round table, will open the way for a new approach in our efforts to secure better drug policy. This new approach complements existing efforts to improve our drug laws. It strengthens rather than undermines the standard emphases on health (physical health, addiction and blood-borne diseases), crime and financial cost.

Families and friends have long put the case that:

- Drug policy far from just being ineffective in limiting the supply of illicit drugs to the community, serves as a stimulant to their supply;
- Making criminals of people

using drugs marginalises them and reinforces many of the very drivers that moved them to dabble with drugs in the first place; and

- Making criminals of drug users undermines their capacity to take responsibility for themselves and their dependents. Indeed, prohibition is a perverse and harmful extreme form of nanny-state paternalism. Any measure that further marginalises drug users, such as the recent passage of Commonwealth welfare "reforms", will be counter productive, providing as they do, drug testing to drive the drug users off welfare. .

We hark back to the wise closing words of Johann Hari: in his insightful book, *Chasing the Scream*:

"The opposite of addiction isn't sobriety. Its connection. It's all I can offer. It's all that will help [his friend] in the end. If you are alone, you cannot escape addiction. If you are loved, you have a chance. For a hundred years we have been singing war songs about addicts. All along, we should have been singing love songs to them."

The political discourse on drugs ignores the foundation of our values and civilisation expressed in the Universal Declaration of Human Rights that recognises: "the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world."

**More prisons in WA**

Although research and evidence demonstrates that drug issues are best treated by the health and social workers WA is boasting of yet another prison. This time a prison dedicated for drug-and-alcohol inmates costing \$22.5 million. Apparently prisoners are to voluntarily admit themselves. Premier Mark McGowan said that the unit was important in tackling WA's methamphetamine problem. Corrective services Commissioner Tony Hassell said that more than half of the 6800 prisoners in WA had a mental illness or addiction to drug or alcohol. Surely this says that we need to remove the criminal sanctions for personal drug use so that those with drug issues will seek help before they end up in prison, a very costly alternative for governments .

**Snippets of recent events**

**New ACT Drug Strategy**

The ACT has not had a current drug strategy since the previous one expired in 2014. Since then the Commonwealth Government in July 2017 released a new National Drug Strategy 2017 – 2026. ACT Health, which has been undergoing many substantial changes, circulated at the beginning of this year a draft ACT Drug Strategy Action Plan. Completing a very busy March, Families and Friends

submitted comments on this draft.

**AOD Safer Families Program Practice Guide**

The launch of this resource took place in the ACT Assembly on Monday 16 April. Three Australian first tools that aim to inform more effective responses for people who use AOD in harmful ways and either experience domestic and family violence (DFV) and/or are at risk

of using DFV was launched by the ACT Health & Wellbeing Minister, Meegan Fitzharris and Deputy Chief Minister, Yvette Berry. The outstanding efforts of the AOD and DFV stakeholders in the development of the resource were recognised at the event.

## Victorian parliamentary report on drug law reform

The much awaited report of Inquiry of the Victorian Parliament's Law Reform, Road and Community Safety Committee into drug law reform, was tabled on 27 March. It has provided a significant impetus in the direction of less harmful drug policies. Families and Friends put a lot of effort into this enquiry, with a written submission on 15 March 2017 and appearances of our Victorian members Brenda Irwin and Jo Wade with Bill Bush on 18 September and Marion at the committee's hearing in Sydney on 23 May in the delegation of the Uniting Church of Australia. With just one minority report, the committee of four Labor members, three Liberals and Fiona Patten, Reason Victoria's member of the Victorian Legislative Council, settled upon a suite of recommendations that should form a basis for drug law reform in Victoria and beyond.

Of most significance was the statement of principle that the Victorian government "treat the offences of personal use and possession for all illicit substances as a health issue rather than a criminal justice issue" (recommendation 13). Unfortunately, though, the committee made this recommendation subject to the caveat that "all current drug offences in law" should be maintained. In other words the principle will be given effect to only through existing schemes that divert drug users from criminal prosecution or punishment. Families and Friends see this as a worthy interim step to the removal of criminal sanctions on drug users. It is inherently wrong and counter-productive that the very people to be protected are marginalised as criminals. The diversion schemes including drug courts still rely upon mechanisms of the criminal law as gatekeepers and ultimate enforcers. That approach does little or nothing to remove the insidious isolation and marginalisation of drug users.

That said, there are a number of other positive recommendations that at least establish the political foundation for substantial reform:

### Cannabis

The committee considered different regulatory models for "the non-medical use of cannabis (also termed 'adult use')" and concluded that "this is an area of drug law reform worthy of further examination."

It's recommended improved patient access to medical cannabis products, "particularly in relation to streamlining requirements at federal and state levels to ensure patients who will benefit from medicinal cannabis treatment in appropriate circumstances have proper access to it" (rec. 18).

### International developments:

The committee noted the acknowledgement that Parties to the multilateral drug conventions have "a certain flexibility and discretion in the choice of legal and policy measures they deem appropriate to react to unlawful behaviour, namely to possession for personal consumption". The committee was impressed by regulatory approaches adopted by different countries like Portugal and recommended their investigation. Thus it is proposed the investigation of "international developments in the regulated supply of cannabis for adult use" (rec. 23). This is a course that could lead to the removal of criminal sanctions.

### Drug driving:

All Australian jurisdictions have adopted roadside drug testing. Families and Friends believe that no one should drive when impaired by any substance, legal or otherwise, but we point out that there are real concerns about the present arrangements for drug testing:

- there has been no assessment of whether present arrangements have improved road safety. Indeed roadside drug testing may have reduced road safety through the diversion of scarce police resources from the roadside breath testing, a measure supported by a strong evidence base;
- whereas random breath testing tests for impairment, roadside drug testing does not do so even though this is technically possible;
- contrary to the professed intention that roadside drug testing is a road safety rather than a drug control measure, this testing is used to target known or suspected drug users and has thus become yet another way of marginalising drug users.

In this context the Victorian committee proposed the investigation of:

- "the current drug driving laws and procedures to determine their effect on road crashes and as a deterrent strategy", and
- "alternative drug driving regimes that use impairment limits/thresholds, and their potential applicability in Victoria" (rec. 24).

### Treatment.

Improved treatment has been a topic upon which those opposed to the reform of drug policy can find

common ground with those who favour it. For this reason it has been all too often an easy option for politicians to urge. Even so, the recommendations of the committee in this space are significant:

- treatment should be a fourth pillar of the overall harm minimisation drug policy. Victorian drug policy should diverge from the long-standing National three pillar approach to an approach "that views treatment and prevention as separate and individual pillars, along with law enforcement (supply reduction) and harm reduction."
- Thus, treatment should be separated out from the existing pillar of demand reduction
- "In recognition of the imbalanced investment in drug-related expenditure under the three pillars of demand reduction, supply reduction and harm reduction, the Victorian Government develop a new drug strategy based on the four pillars of:
  - Prevention
  - Law enforcement
  - Treatment
  - Harm reduction" (rec. 2).

**Caveat:** While welcoming the higher profile for "treatment", Families and Friends is concerned at the profile given to the amorphous but appealing term "prevention" which has been a Trojan horse used to undermine the overall concept of harm minimisation.

- The Victorian government should "develop a practice-friendly treatment pathway" (rec. 26).
- "As part of Department of Health and Human Service's workforce development and training, ensure that health professionals are equipped to appropriately deal with patients identified in the real-time prescription monitoring system (RTPM) with substance use issues, for example through providing immediate and seamless access to harm reduction and/or treatment services (rec. 39).

### Heroin assisted treatment and hydromorphone

Robust support for additional opiate substitution pharmacotherapies, namely heroin assisted treatment and hydromorphone, was the most satisfactory aspect of the Victorian report. The measures were ones that Families and Friends particularly urged in their submission and oral evidence before the committee on 18 September 2017. The committee has opened the way for a trial of these pharma-

cotherapies even though Families and Friends urged, because of the existing strong evidence base, that heroin assisted treatment could safely be implemented without the need for a trial:

"The Committee found there was a strong evidence base for such treatments, with key benefits including improved health and wellbeing, reduced crime rates, and cost effectiveness. The Committee considered that exploring such options, particularly through a trial of other controlled and pharmaceutical grade opioids (such as hydromorphone) for a small group of people should be conducted, accompanied by robust evaluation."

Thus, the committee recommended that:

- "The Victorian Government establish a dedicated arm of government to actively manage opioid substitution therapy (OST) policy in Victoria." (rec. 31).
- "The Victorian Government trial the expansion of the opioid substitution therapy program to include other controlled and pharmaceutical grade opioids (such as hydromorphone), for a small group of people for whom other treatment types have not been successful. This should be accompanied with robust evaluation" (rec. 34).
- "immediate and seamless access to harm reduction and/or treatment services, such as opioid substitution therapies" (rec. 39).

### Medically supervised injecting facilities

In addition to recommending the exploration of "avenues to increase NSP availability in areas where there is an identified shortfall particularly after-hours, such as in public hospitals, vending machines/dispensing units, and community pharmacies" (rec. 40) The committee recommended the development of emergency responses including the:

"possible establishment of temporary medically supervised injecting facilities in areas with high concentrations of injecting drug use and overdoses" (rec.47).

### Drug testing at music festivals

The committee recommends drug testing.

"The Victorian Government [should] work with the Department of Health and Human Services, Victoria Police, Ambulance Victoria and DanceWize to facilitate the availability of an onsite drug testing unit for

## **FAMILIES AND FRIENDS FOR DRUG LAW REFORM**

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Families and Friends for Drug law Reform began in March 1995 following the death by overdose of eight young people in Canberra. At the request of one father, Michael Moore, then Independent Member of the ACT Legislative Assembly, called a meeting to include families who had been affected. Forty people attended this first meeting which was the beginning of Families and Friends for Drug Law Reform. All in attendance believed that the drug laws were more the problem than the solution and called for change. They wanted laws and policies that caused less harm. They wanted addiction to be treated as a health and social issue not a law enforcement one. They believed that the huge profits made by the illegal trade made drugs more available to their kids. Their efforts continue today. If not already please consider becoming a member via the website ffdrl.org.au.

### **National Wastewater Drug Monitoring Program**

The recent report of the Wastewater drug monitoring program by the Australian Criminal Intelligence Commission prompted the mainstream media to report on 'our shocking addiction to ice'. The front page of the WA newspaper reported on the 'ice epidemic'. The WA Minister for Law Enforcement proposed that the problem was being tackled by law enforcement agencies. A Liberal member also interviewed suggested that this report was evidence 'for drug testing of welfare recipients'. An article A.O.D. Media Watch on April 9 said "If we are going to make a difference, the whole community needs to better understand the health and social factors that lead to alcohol and other drug-related harms, For this to occur, the media has an important role to play. Journalists should consider interviewing not only politicians but alcohol experts in treatment and prevention. They should also consider reporting guidelines, such as those provided by AOD Media Watch, and as recommended by last week's (Victorian) parliamentary inquiry (into Drug Law Reform). You may read the A.O.D Media Watch article at <http://aodmediawatch.com.au/fuelling-the-methamphetamine-epidemic-with-law-enforcement-what-about-prevention-and-treatment/>

*Victorian Report (Continued from page 5)*

health and law enforcement authorities at an appropriate music festival" (rec. 48).

The stipulation is unfortunate that there should be a law enforcement presence co-located with the testing unit but robust acknowledgement of the value of drug testing should be a useful encouragement to the promoters of dance festivals in the ACT to overcome their reluctance to permit drug testing.

#### **Improved governance structure.**

The Committee recognised the importance of strong engagement from across government and non-government groups and individuals, including those who "actively work with and support people with substance use issues, in addition to the wisdom of people recovering from addiction."

Accordingly, to oversee its drug strategy, the Committee urged the Victorian government to set up an Advisory Council on Drugs Policy "comprising experts to advise the Victorian Government on drug-related issues and research in Victoria, in addition to individuals (current users, recovering users, affected families) who actively work with and support people affected by substance use."

The principle of broad engagement with service providers, users and families is under threat in the ACT with the current draft drug action plan not affirming the continuation of the broadly representative Alcohol, Tobacco and Other Drug Strategy Evaluation Group.

#### **Enhanced family support**

"The Victorian Government provide increased support and funding to family support programs to minimise the adverse impact of substance misuse on family and friends, and to contribute to the effective reintegration of people with substance use disorders back into the community." (rec. 29)

This timely recognition of the need for more family support was influenced by the evidence that Families and Friends gave to the committee which quoted the moving evidence of Brenda Irwin and Marion McConnell. Even so, the committee's reaction demonstrates that politicians have still not grasped the essence of the reform of drug policy. Families and Friends are not primarily about sympathy and support for grieving families and friends. We are on about righting an injustice - the wrongfulness of persevering with a policy that kills our children and loved ones.