



# FAMILIES & FRIENDS FOR DRUG LAW REFORM

## JUNE NEWSLETTER 2019

### Fair Treatment - Half a Million Steps

The documentary, Half a Million Steps had its premiere showing at the Chauvel Cinema in Sydney on Thursday 13th June.

Hundreds of people attended what was an excellent documentary not only depicting the difficulty for users wanting treatment, but also the failure of a punitive system

of drug law enforcement.

The hope is that this documentary will be seen across the country.

It is presently being shown at

Dendy Cinemas in Newtown and Circular Quay. Information here <https://www.dendy.com.au/events/half-a-million-steps-682>

ALSO you can register to attend or host a screening and view the trailer here <http://www.fairtreatment.org/walk/>

It takes half a million steps to walk from Dubbo to Sydney – the distance a person in regional New South Wales may have to travel just to reach the drug treatment they need. A long and lonely road to recovery.

In October 2018, Uniting sought a new path for drug reform.

Step by step, people joined the walk from Dubbo to Sydney to deliver a letter signed by people

of NSW to bring care closer to home. Along the way, stories were gathered and signatures collected to support the cause with one purpose: making sure that all Australians can access the care they need.

These stories and the walk were collected in a powerful documentary called 'Half a Million Steps'

There will be a public showing in Canberra in July but it is hoped that other organisations and individuals will host screenings across the country. Packages containing a DVD and help on hosting an event are available at <http://www.fairtreatment.org/walk/>

Please phone Marion 61697678 for further information.

This is a great opportunity to further raise awareness about our crazy drug laws that cause so much suffering.

It is important that you encourage your politicians to see this documentary. Anyone with half a heart or mind will be moved by this documentary and see the need for change.



**“It is most important that you encourage your politicians to see this documentary.”**

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**NEXT FFDLR MEETING**  
Thursday 27 June, 7.30pm,  
at St Ninian's Uniting Church,  
Cnr Brigalow and Mouat Sts,  
Lyneham

**A video of  
HALF A MILLION STEPS  
will be shown at the meeting  
Don't miss this opportunity to see this  
powerful documentary.**

## A question of tension: When will the feds let the ACT govern itself?

The ACT is heading for yet another stand-off with the feds, with a Commonwealth government agency shaping up to scuttle another initiative of the ACT government. This time the ACT's very own police force is shaping up to scuttle the ACT government's plans to take cannabis out of the hands of organised crime and instead regulate it according to public health principles. We have seen the ACT and Northern Territory governments dragged back into line on euthanasia and same-sex marriage. This time it is the turn of the government sponsored bill to legalise the personal use of cannabis.

There is absolutely no doubt that the Commonwealth can keep the Territories on a short leash given its plenary power under section 122 of the Constitution. Territories are creatures of the Commonwealth so that the powers of self-government that they are granted can always be withdrawn.

The difference this time is that the possible, even likely, extinguishment of the ACT initiative comes not from legislation passed specifically to override an ACT law but from Commonwealth executive action to implement Commonwealth legislation that has been in place for 15 years. Here is a case therefore of the ACT democratic will being frustrated from the grave by an act of the Howard government.

A bit of history helps understand the current predicament. Traditionally, drug laws have been enacted and enforced by States initially under the guise of restricting access to poisons. The only legislative role of the Commonwealth was to control the national border through customs and now Border Force and in the investigation and prosecution of corrupt practices crossing state borders by the National Crime Authority. This approach continued after the advent of international regulation of addictive drugs by means of multilateral treaties. The Commonwealth alone has competence to assume treaty obligations. For all that, it was not until the Howard government came along that the practice that had existed since Federation of relying upon State and Territory laws to give effect to those treaty obligations was upset. State rights were at stake.

The challenge for the Commonwealth was always to ensure that State legislative action was adequate. To that end it often encouraged, through the Council of Australian Governments, the devel-

opment of model legislation for states and territories to adopt. This is precisely the process that was embarked upon in 1990 when the Standing Committee of Attorneys-Generals entrusted to a committee of officials the development of model drug laws.

The committee presented draft model legislation in 1998. This was around the time when drug policy had risen to national prominence courtesy of:

- the Prime Minister vetoing the heroin trial promoted by the ACT Liberal Chief Minister, Kate Carnell,
- the inopportune comments of the Chair of the National Crime Authority contradicting the government's narrative that, with the heroin drought, its law enforcement effort was at last controlling the import of drugs,
- the advent of crystal methamphetamine and
- controversy about the establishment of the medically supervised injecting centre in Sydney.

Crystal meths that flooded in during the heroin drought is a highly addictive stimulant associated with serious mental health problems and violence.

Model legislation produced by the officials' working party was available at an opportune time when the Commonwealth government, alarmed at States and Territories wandering from its narrow view of the drug treaties, saw the opportunity of overturning a century of convention and enacting the Commonwealth's very own drug legislation [extending all the way from the border down to street level dealing](#). It did so in the guise of the extravagantly named, *Law and Justice Legislation Amendment (Serious Drug Offences and Other Measures) Act 2005*. The constitutional authority to underpin this legislative grab for power was the external affairs power.

At the time, many believed that the medically supervised injecting room in King's Cross, condemned by the then International Narcotics Control Board, was in the sights of the Commonwealth government. Whatever the Howard government's thinking, the Commonwealth never moved to close down the Sydney Medical Centre as it was perfectly entitled to do under its so-called serious drug crimes legislation.

(Continued on page 4)

## What are the trends in recorded drug crimes in the ACT and Australia? - From ATODA's May 2019 eBulletin

The ABS has released the *Recorded crime—offenders* data for the 2017-18 year, and for the preceding decade. With respect to drug offences, nationally, it provides the following key findings:

- Illicit drug offences and acts intended to cause injury were the most common principal offences.
- In 2017–18, offenders of illicit drug offences and Acts intended to cause injury accounted for the largest number of offenders (78,167 and 78,391 offenders, respectively).
- Between 2016–17 and 2017–18, the number of Illicit drug offenders decreased by 4% (or 2,993 offenders).
- Over two thirds (67%) had a principal offence of possess and/or use illicit drugs.

Over the decade 2008-09 to 2017-18, nationally, the number of offenders with illicit drug offences recorded as their most serious offence increased from 56,310 to 78,176, a 39% increase. The rate (number of offenders per 100,000 population) increased from 301 to 362, a 20% increase. *The increase in the ACT was far higher than nationally with respect to both the number of recorded offenders and the rate: the number increased from 239 to 506, an increase of 112%, while the national rate increased from 78 to 140, an increase of 81%.*

Disturbingly, the number of recorded offenders in the ACT increased by a massive 21% in the single year 2016-17 to 2017-18 (from 418 to 506 offenders). Nationally, the number fell by 1% over the same period.

Of the 506 ACT offenders recorded in the 2017-18

year, 68 (13%) had the most serious offence of deal or traffic in illicit drugs, 21 (4%) the offence of manufacture or cultivate illicit drugs, and 413 (82%) the offence of possess and/or use illicit drugs.

The ACT 2017-18 rate of 140 per 100,000 population is just 39% of the national rate of 362 per 100,000.

*The good news in the dataset is that the proportion of offenders diverted away from the courts has increased markedly. In the ACT in 2008-09, 52% of offenders were proceeded against by police in the courts, and 48% diverted. A decade later, in 2017-18, the proportion appearing before the courts was 37%, with 63% diverted.*

...Australian Bureau of Statistics 2019, *Recorded crime, offenders, 2017-18*, cat. no. 4519.0, Australian Bureau of Statistics, Canberra, data cubes, [www.abs.gov.au/ausstats/abs@.nsf/mf/4519.0](http://www.abs.gov.au/ausstats/abs@.nsf/mf/4519.0).

**Comment:** *ATODA continues to be concerned that, based on these figures, ACT Policing continues to target people who use drugs (the possession and self-administration offences) rather than those involved in serious drug crimes such as manufacturing and trafficking. The Canberra Times (24 March 2019) reported that 'An ACT Policing spokesman said one of the reasons behind the increase in illicit drug offenders was a population increase of about 21 per cent in the 10 years to 2017-18'. What is concealed by this statement is the fact that the rate of increase in recorded drug crime over the decade was 81%, and over the last year 21%, levels far higher than the rate of increase in the size of the ACT population. ATODA urges the ACT Government to investigate the reasons for this massive increase in recorded drug crime in the ACT, as it is inconsistent with other information sources about trends in the prevalence of drug use.*

*On the other hand, ATODA is pleased to see the significant increase in the proportion of drug offenders who are being given the opportunity of diversion away from the courts, as research evidence indicates the benefits, to both the offenders and the community, of the drug offender diversion programs such as those we have in the ACT.*

**Editor's Note:** FFDLR have the same concerns about the police targeting of users rather than more serious drug crimes.

### FAMILY DRUG SUPPORT INTERNATIONAL REMEMBRANCE DAY

Fri 19th July King's Cross

Sat 20th July Ashfield

Mon 22nd July Brisbane

For more details and venues please go to the Family Drug Support Website

[www.fds.org.au](http://www.fds.org.au) or

Ph: 02 4782 9222

Email: [office@fds.ngo.org.au](mailto:office@fds.ngo.org.au)

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[ffdlr.org.au](http://ffdlr.org.au)

We're on twitter

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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 [ffdlr.org.au](http://ffdlr.org.au) or sign in as a supporter.

### A Question of Tension—When will the Feds let the ACT Govern itself? Cont'd from page 2

The ACT, which has already had a taste of Commonwealth intervention in the form of the National Capital Development Authority refusing permission for pill testing to take place on land it controls, is receiving similar attention by another Commonwealth agency □ none other than the ACT's very own police force which is a contracted offshoot of the Australian Federal Police.

This takes us to the current cannabis bill which Asst Commissioner Ray Johnson, Chief Police Officer for the ACT declares would "[create a tension for ACT policing](#) members be-

tween their obligation to implement ACT government policy intent and to have regard to the Commonwealth criminal law" (CT, 26 March p1).

As a matter of law this is hard to deny but . . . and it is a gigantic but, on the same reading, how is it that the medically supervised injecting rooms now in Melbourne as well as in Sydney are permitted to operate? Surely there is just as much an obligation on AFP police to search and arrest suspected drug users seeking to [access sterile syringes](#)? Pill testing would be blocked. The ACT Chief Police Officer selectively ignores the

enormous tension at the heart of the National and ACT drug strategies that purportedly balance threefold objectives of supply reduction, demand reduction and harm reduction. If the mindset exemplified by the head of the ACT's own police force is to prevail, supply reduction, demonstrably the least effective and most harmful of the three pillars of Australian drug policy would trump the rest.

So here we go again, when the rubber hits the road, the ACT self-government is not permitted to stray further from nanny Commonwealth than its agencies decree.

*Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it is the only thing that ever has.—Margaret Mead*

