



FAMILIES & FRIENDS FOR DRUG LAW REFORM

FEBRUARY NEWSLETTER 2019

Injustice reinvestment by Bill Bush

It is difficult to imagine a more confused and confusing set of measures than those being pursued by the ACT government. On the one hand the government is supporting a bill that will legalise the possession and cultivation of small quantities of cannabis and has just announced that the second trial of pill testing will take place at the *Groovin the Moo* music festival in April. Families and Friends for Drug Law Reform has given enthusiastic support to both these initiatives because each removes the obstruction of the criminal law that hinders the deployment of health and social interventions and the dissemination of credible information about the harmful impact of drugs.

On the other hand the same government is pushing ahead with two other initiatives that each buttress the intervention of the criminal law in drug treatment. These are the introduction of a drug court in the Australian Capital Territory and its announced intention to build a “reintegration centre” which is effectively an 80 bed extension of the existing high security ACT prison that, after barely 10 years, is already bursting at the seams with 591 inmates. The sad part is that both these initiatives are motivated by the best of intentions. In the words of the Attorney General at our remembrance ceremony in October, the

government is committed to “a health based approach and support [of] people rather than a criminal justice approach.” The corrections Minister applies the moniker of “Justice reinvestment” to justify the “reintegration centre”: “Justice reinvestment means being honest about the reality of incarceration in Australia: that we cannot continue to simply spend millions, if not billions, building prisons. We can choose to reinvest some of this effort into building communities.”

Families and Friends wholeheartedly endorses the concept of justice reinvestment but considers the government is fooling itself, if not being misleading, in seeking to badge what is plainly funding the extension and operation of the ACT prison as a redeployment of “taxpayer dollars from prisons and [investment] back into communities.”

If reoffending is to be addressed, the two most prominent characteristics of those sentenced to prison must be addressed. These are dependence on illicit substances and a range of other serious

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NEXT FFDLR MEETING

Thursday 28th February, 7.30pm
At St Ninian’s Uniting Church
Cnr Brigalow and Mouat sts
LYNEHAM

Come along and join in a BRAINSTORMING Session

to help your committee develop strategies for 2019. Suggestions:

- Pre-election
- Tribunal model instead of courts
- Facebook potential
- other

QandA

The ABC QandA program on Monday 18 February covered drug law reform issues focussing on pill testing at musical festivals. Tony Jones is the host of the program.

The panel consisted of Chief Superintendent Stuart Smith, NSW Acting Assistant Commissioner, Kerryn Redpath, author, drug educator and former drug user; Dr David Caldicott, pioneer of pill testing in Australia; Dr Marianne Janucey, Medical Director, Uniting Medically Supervised Injecting Centre; Mick Palmer, former AFP Commissioner.

Some FFDLR members submitted questions but unfortunately none of them seemed to be selected. Thank you to all who took the time to do so. If you were in the audience please let us know your thoughts on the program.

In response to a question about the Portugal model of decriminalisation Tony asked Stuart Smith if decriminalising would make his job easier and his response was, "we'd solve a lot more homicides, I guess". But Keryn Redpath's response to this was that the success of the Portuguese model "was a complete myth". She said that people are still seen on the streets "hitting up drugs".

David Caldicott replied, "wherever we have this situation we have a trade-off - you have a trade between how many people use drugs and how many people die from drugs. As a medical practitioner we are pretty keen on the not dying thing. Portugal has an order of magnitude of less deaths than we have in Australia".

Dr David Caldicott told us that the person who introduced the Portugal experience is now the Secretary General of the United Nations. David went on to say that the (Secretary General) still believes the same way about drugs and health and globally this is changing dramatically, by the year and Australia will look a little foolish, soon very soon, if we continue to prosecute policies that are more reminiscent of Nancy Reagan than of any other form of policy."

It was a worthwhile debate and you can see more on the Q&A website.

Pill Testing

The ACT Chief Minister, Andrew Barr has given the go-ahead for the second trial in the ACT for pill testing at dance festivals. This will again take place at the Groovin the Moo music festival to be held in April. This comes on the back of the NSW Premier Gladys Berejiklian refusing to allow pill testing in NSW. FFDLR wrote to the Premier urging her to agree to this life saving policy but a recent response advised, "The heartbreaking events at some recent music festivals are a reminder that there is no such thing as a safe illegal drug or pill, irrespective of whether it has been tested. Just one illegal pill can poison or kill." A very stark statement from the Premier. This in contrast to the ACT Chief Minister's response which was that the decision reflected the government's responsibility to not only try to prevent drug use but to support initiatives that reduced the harm associated with drugs.

"Pill testing does not make taking illicit drugs safe and our message to the community will always be, don't take drugs," he said.

"However, pill testing provides a health intervention at the point when someone is making the decision to take a pill."

This second pilot, according to STA-SAFE, who will run the trial, will be larger than the first. It will build on what was learned from the first trial. Users of the pill testing facility will firstly be told the safest way is not to take the pill and pill testing gives the opportunity to advise young people about the possible consequences of taking pills while making it as safe as possible if they decide to consume.

The evaluation at this trial will be done by a team from the Australian National University.

Dr Caldicott, who will lead the pill testing team told the Canberra Times: "At a personal level, it's gratifying to be living in a jurisdiction where the science counts for something. Where there was a lot of anxiety and apprehension about the last event, I think there's a lot more confidence going into this one .."

He also said "pill testing does not make taking illicit drugs safe and our message to the community will always be, don't take drugs," he said.

"However, pill testing provides a health intervention at the point when someone is making the decision to take a pill."

Other Australian States still remain opposed to pill testing.

Michael Pettersson's Bill on Cannabis Legalisation

This Bill (Drugs of Dependence (Personal Cannabis use) amendment Bill 2018 (Mr Pettersson) has been agreed to in principle and resumption of debate was to continue in the ACT Legislative Assembly on Tuesday 19 February. The Bill is to allow individual possession of up tot 50 grams of cannabis and will also allow for the cultivation of up to four cannabis plants.

In his speech to the Assembly when presenting the Bill he said in part:

“Cannabis is not a particularly harmful substance in comparison to other legal drugs like alcohol, tobacco and prescription medication. According to the Australian Institute for Health and Welfare, in their report on the impact of alcohol and illicit drug use on the burden of disease and injury in Australia, alcohol represents 4.6 per cent of the total disease burden, tobacco nine per cent and cannabis only 0.1 per cent.” and

“In the ACT on average almost one Canberran a day is arrested for cannabis consumption and over 50 per cent of all drug-related arrests are cannabis consumers—that is, people are caught with a small amount of cannabis for personal use. Valuable police resources are being wasted focusing on recreational marijuana users who are causing no harm except to themselves.

By legalising cannabis we can prevent recreational users from getting criminal records and can allocate police resources to focus on real criminals. Putting people into the criminal justice system creates an unnecessary harm that has a flow-on effect to the wider community. Getting caught with a small amount of cannabis should not ruin a person's life. We need to legalise it.”

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mental health conditions that afflict about two thirds of prisoners. The predicament of women is even worse.

So crowded are prisons with people suffering from mental health conditions that they have become modern day mental health institutions. In a large measure the [drug laws are drivers of this situation](#) not in terms of imprisonment for minor use and possession charges but in terms of young people becoming mixed up with a criminal peer group, being enticed by the easy money of drug dealing and property crime to fund their dependency – possibilities enhanced by common pre-existing mental health conditions like depression and youthful risk taking.

The criminal law both mediates access to drug courts and the reintegration centre and will serve as the ultimate guarantor of compliance with the usual drug free regime imposed in prisons. Effectively therefore, the drug courts and the reintegration centre are exercises in compulsory drug treatment.

It does not make sense to invest heavily in compulsory treatment when there is a crying shortage of treatment slots for those who seek it voluntarily.

“The ACT is the only jurisdiction in Australia that does not have an outpatient withdrawal program as part of its alcohol and other drug treatment services system . . . The availability of bed based-only AOD withdrawal care represents a major gap in service delivery in the ACT ([ATODA](#) budget sub);

the absence in Belconnen of an induction clinic for opioid maintenance treatment. At present the need to attend building 7 at the Canberra Hospital in Woden is a big inconvenience for clients and the services; there is a wait time of between two weeks and six months to access detox services securing rehab beds is particularly difficult because the detox must line up with it. The ACT users group informs us that “it often requires people to keep ringing back every morning to see if there is a spot available” typically for several weeks to a month.

In all likelihood, plugging gaps in voluntary services is cheaper and more effective in reducing offending than compulsory services embedded in the criminal

justice system. ATODA reports that “Reduced involvement in crime was the number one self-reported outcome of specialist AOD treatment in the ACT, with 91% of service users reporting a reduced involvement in crime since accessing the service” ([ATODA](#) budget sub).

How exactly the drug court and the reintegration centre are to function is yet to be revealed if not also determined. What is clear though is that both systems will draw heavily upon the human and financial resources of the existing drug treatment services. Unless there is a greatly increased deployment of those resources there is the real danger that those presently servicing voluntary clients will find themselves even less able to meet current voluntary demand. This situation could produce negative unintended consequences. The Australian National Council on Drugs has warned:

Another unintended negative outcome that can arise from compulsory treatment programs is the displacement of limited treatment resources available in the community. Through diversion programs, treatment places are allocated preferentially to people coercively referred via the criminal justice system, leaving fewer places for those voluntarily seeking treatment ([ANCD](#)).

Indeed in an environment of shortage of services there is the potential for ‘perverse incentives’ for people to access treatment via the criminal justice system.

I wish to be clear that Families and Friends for Drug Law Reform wholeheartedly endorses prison programs that address critical needs of drug dependency, mental ill health and other well-recognised risk factors for offending. Programs therefore need to be put in place to attend to the needs of the current prison population but the inflow needs to be and would be staunch by measures such as the cannabis legislation and pill testing that facilitate health intervention and social support undisrupted by the processes of the criminal law.

A conviction and doing time in the government’s proposed “reintegration centre” would destroy a young Australian’s life chances. The life courses of Michael Pettersson in the ACT, Kate Faehrmann in New South Wales and numerous other politicians who have had the courage to fess up to having tried illicit drugs in their youth would have been

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ruinously derailed had they been caught by the police and prosecuted.

This very weekend, I learnt of someone whose family could afford a top notch barrister who moved a magistrate to record no conviction of their child arrested for a drug offence. That child would not now be a successful, highly respected architect.

We know of others in less fortunate circumstances who bear a brand for life because of a youthful drug charge – a brand that has deprived the nation and our community of enormous talent and benefit.

Similar considerations operate in the case of older Australians. There is absolutely no community interest or benefit in disrupting the well established life of a latter day tax paying family man reliving his hippie days for whom a drug charge would mean a loss of livelihood, family and disgrace.

We made a [submission](#) in support of the Michael's Petterson's [Drugs of Dependence \(Personal Cannabis Use\) Amendment Bill 2018](#). The most significant reservation that we raised was the unfairness of subjecting those under 18 to the simple cannabis offence notice (SCON) system who will thereby be subject to a fine (and possible prosecution if they do not pay it) when adults would be subject to no penalty.

The conflicted position of the ACT government as revealed by its recent drug policy initiatives shows how difficult it is to appreciate the implications of a health and social support based approach that it ostensibly embraces. In formulating measures to implement its vision the government can so easily slide away from the courage of its convictions.

Bill Bush

FAMILIES AND FRIENDS FOR DRUG LAW REFORM

**PO Box 7186, KALEEN
ACT 2617
P: (02) 62571786
E: president@ffdlr.org.au
secretary@ffdlr.org.au
treasurer@ffdlr.org.au**

**We're on twitter
@FFDLR**

**We're on the
web: ffdlr.org.au**

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 or sign in as a supporter.

Vale Ann Symonds



It was very sad for members of FFDLR to hear of Ann Symonds passing on 16 November 2018. Ann has been an advocate for Drug Law Reform for as long or longer than FFDLR itself. She was a Labour member of the NSW

Legislative Council from 1982 to 1998. When Brian and Marion first met her she was a member of the recently formed Parliamentary Group for Drug Law Reform and was an instigator of that group. She was also a member of the Australian Drug Law Reform Foundation which helped FFDLR get up and running in those early days. Ann was admitted as a Member of the Order of Australia for significant service to social justice, particularly through drug law reform, and to the Parliament of NSW. Ann was well known for her social justice advocacy including, as well as drug law reform, assistance of women escaping domestic violence and for care of the children of those incarcerated. She was known as "the champion of the untidy and inarticulate". Ann had a very warm personality and very supportive of the work of FFDLR.

Quote of the week

Mick Palmer, former Federal Police Commissioner on the QandA program, responding to comments about lack of evidence for pill testing said:

"We entered into the Iraq war on the basis of far less convincing evidence".

**DON'T FORGET THE
FFDLR MEETING ON
28TH FEBRUARY -
"BRAINSTORMING".**

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

