

FAMILIES & FRIENDS FOR DRUG LAW REFORM

OCTOBER NEWSLETTER 2019

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TERRITORY POLITICS Historic laws to permit cannabis for personal use

ACT legalises cannabis

On 25 September the ACT Legislative Assembly enacted legislation to legalise for adults the possession, cultivation and consumption of small quantities of cannabis. The legislation is unfortunately mired in legal uncertainties arising from overlapping Commonwealth law and an antagonistic attitude by the Commonwealth government. Even so, the passage of the ACT legislation has been the occasion for a clear statement of many of the reasons why the criminal law should have no place in an effective drug policy – an effective policy that puts the well-being of drug users, their families and the community first.

The following are some extracts from the debates on the passage of the legislation. <http://www.hansard.act.gov.au/hansard/2019/pdfs/20190925.pdf>

Prohibition of cannabis hasn't worked

The 2017 Australian Criminal Intelligence Commission report on organised crime in Australia identified cannabis as the most commonly used illicit drug in Australia. The report noted that almost all cannabis consumed in Australia is cultivated domestically. The Australian Institute of Health and Welfare's national drug strategy household survey 2016 found that 35 per cent of Australians aged 14 or older had used cannabis in their lifetime and that, in 2016, 8.4 per cent of people aged 14 or older living in the ACT had used cannabis in the past 12 months. It is clear that what has been done in the past has not worked and that new and more creative approaches must be taken. The focus must be on strategies to prevent and manage the harm caused by illicit drugs in our community and which recognise drug use as a health issue. In considering harm minimisation initiatives, the government continues to work closely

with ACT Policing and recognises that reforms in this area require a collaborative whole-of-government approach. (Attorney-General, Gordon Ramsay)

It is by now well established that the war on drugs is failed policy. Across the world, it has destroyed countless lives and decimated whole communities. It is based on flawed science and misinformation. It has not stopped drug use. It has not reduced drug use. As former Victoria Police Commissioner Ken Lay has stated, you can't "arrest your way out of this problem." It is time we moved away from this harmful and punitive system. Let us lead Australia once again and follow other jurisdictions across the world who have made the step to legalise the personal use of cannabis.

Cannabis is the most commonly used illicit drug in Australia. Over one-third of Australians have used cannabis in their lifetime, and one in 10 people have used it in the last year. A huge portion of our population is therefore criminalised. Legalisation of cannabis for personal use is supported by 54 per cent of Canberrans, with only 27 per cent of Canberrans opposed to this change. Our community supports this progressive reform. (Michael Pettersson)

Drug law enforcement against users is a waste of money and of police resources

Currently, federal law enforcement spends over a billion dollars a year on drug law enforcement. Over 50 per cent of arrests in Australia are cannabis related, and 91 per cent of those were consumer arrests—in other words, small amounts purely for personal use. This is a waste of resources. Police time and criminal justice resources would be better spent catching real criminals. (Michael Pettersson)

Legalisation is unlikely to lead to an increased use of cannabis?

One public concern is whether further decriminalising cannabis will lead to more people using the drug. The national drug strategy household survey 2016 indicated

Inside this issue:

ACT legalizes cannabis	1
Pill Testing	3
Half a Million Steps	3
Remembrance Ceremony	4

DON'T FORGET
SCREENING OF HALF A MILLION
STEPS
TUESDAY 29 OCTOBER

24th Annual Remembrance Ceremony

Monday 28th October, 12.30pm

This year we are going to continue the theme set last year of 'walking in other people's shoes', and therefore if you are remembering a special person on that day we are inviting you to bring along shoes or other memorabilia of the person you are honouring..

Remember if you or someone you know would like a loved one remembered at the ceremony to let Marion (61697678) or Bill (62571786) know.

that 82.1 per cent of people would not use cannabis even if it was legal. In addition, illicit drug use amongst young people has been declining for some time, with the Australian secondary schools alcohol and drug survey showing 17.4 per cent of ACT school students aged 12 to 17 reporting using illicit drugs in 2017, which is down significantly from 37.5 per cent in 1996. (Attorney-General, Gordon Ramsay)

Contrary to Mr Hanson's [the Opposition shadow A-G] advice to the chamber, a 2018 report from the European Monitoring Centre for Drugs and Drug Addiction concluded that there was no clear relationship between changes in cannabis possession penalties in EU countries and use rates by young people. . . . Cannabis consumption has continued a downward trend since that time, entirely contrary to Mr Hanson's scaremongering about the potential impact of this bill. In 1998, 20 per cent of ACT residents aged 14 and older reported using cannabis in the past 12 months. But in 2016 this had fallen to eight per cent reporting past 12-month use. (Health Minister, Rachel Stephen-Smith).

Cannabis use and dependency should be approached as a health issue

Most importantly, these reforms treat addiction as a health issue, not a criminal justice issue, and may prevent individuals from unnecessarily coming into contact with the criminal justice system. The ACT government is committed to a justice system that is restorative and rehabilitative. When it comes to people who face our courts primarily as a result of addiction, it is important to focus on the evidence that we have about their behaviour. The evidence is overwhelming that treating addiction as an issue of right and wrong is not only ineffective but also is not in accordance with what we know about the biology and psychology of drug use.

By treating cannabis addiction as a health issue, we can address these dependencies and in turn we can build more resilient people, families and communities. (Attorney-General, Gordon Ramsay).

We also acknowledge, as jurisdictions across the globe have acknowledged, that prohibition does not work as an effective strategy for dealing with drug use in our community. This argument was reflected in the HACS inquiry submission from the Australian Medical Association ACT Branch, the AMA Mr Hanson is so keen to quote. Their submission states:

... that cannabis use should be seen primarily as a health issue and not primarily as a matter for law enforcement. The most appropriate response to cannabis use should give priority to policies, programs and regulatory approaches that reduce the harms potentially associated with its use, particularly the health-related harms.

This is precisely what this bill seeks to achieve. Removing recreational cannabis use by adults from the justice system allows problematic cannabis use to be treated as a health issue. Whilst drug experts rate cannabis as a drug that causes lower levels of harm to health than alcohol, tobacco, opioids and amphetamines overall, we know that heavier and more regular

use of cannabis in particular is associated with harms to health. (Health Minister, Rachel Stephen-Smith).

People will no longer be deterred from seeking treatment by fear of prosecution

It is clear that some people experience adverse mental health effects from using cannabis and that its use can be problematic. Again, no-one on this side of the chamber is arguing anything different in relation to that matter. However, these health risks already exist for anyone who uses cannabis under current legislative settings. Combined with a concerted public awareness-raising campaign, the changes proposed in this bill will assist in enabling individuals and the community to address some of these health risks.

As the Alcohol, Tobacco, and Other Drugs Association ACT, ATODA, put it in their submission to the HACS inquiry:

There is no reason to believe that legalising minor cannabis offences will lead to increased incidence of health-related harms ... On the other hand, it will lead to benefits in removing a large number of young people from the risk of contact with the criminal justice system.

The ACT's drug strategy action plan recognises that a criminal record for drug use and possession may increase stigma and disadvantage, and it sets out the government's commitment to increasing diversions from the criminal justice system. It is anticipated that shifting recreational cannabis use from being a criminal justice issue to one of health and wellbeing will reduce the stigma associated with cannabis use and remove the risk of punishment associated with illegal drug use. Evidence suggests that this will mean cannabis users will be more willing to seek out and access the necessary supports and services. (Health Minister, Rachel Stephen-Smith)

The existing expiation notice system, the Simple cannabis offence Notice scheme, still enmeshes many cannabis users in the criminal justice system

In the ACT, on average, almost one Canberran a day is arrested for cannabis and over 50 per cent of all drug-related arrests are for cannabis consumers. Further, a third of simple cannabis offences went through the criminal justice system and were not diverted. That means that one in three people caught in possession of cannabis are arrested, charged before the court or receive a summons. This is despite the decriminalisation position that we have already implemented in the ACT. It is clear that this system is still ensuring that people are being caught up in the criminal justice system. (Michael Pettersson)

The impact on health of the threat and consequences of prosecution of cannabis users accentuates many of the health and social harms of cannabis itself

Submissions received during referral to the committee, and letters and personal anecdotes that I have received, all too often touched on people's experience of being caught with cannabis. For the most vulnerable members of our society, being caught with a small

amount of cannabis could have an enormous consequence. This is something that we have the power to change. We should not be criminalising such a large portion of our community. . . . During this debate we have heard scaremongering tactics about health concerns associated with cannabis. Like all drugs—legal and illegal—cannabis can have an effect on a user's health. But in comparison to legal drugs such as alcohol, tobacco or prescription medication, the health concerns are massively overblown.

Alcohol and tobacco combined kill over 20,000 Australians every year. Alcohol represents 4.6 per cent of the total burden of diseases and injuries in Australia, tobacco nine per cent and cannabis 0.1 per cent. The misuse of prescription drugs such as codeine and other opioids causes more deaths than all illicit drugs combined. These legal drugs cause far more health problems than cannabis does, yet I can easily purchase these drugs and would not receive a fine or possible criminal record for simply having them in my possession. Rightly, we treat addiction to these drugs as a health problem, not a criminal one. It is time to do the same thing with cannabis. (Michael Pettersson)

Pill testing

Here is a post by Adriana Buccianti about the leaking this week of the New South Wales coroner's report supporting front of house pill testing along the model used at two music festivals in Canberra without fatal consequences. We are privileged to have Adriana speak at this year's remembrance ceremony. We encourage you to follow her on change.org,

MUM'S PILL TESTING FIGHT

OCT 17, 2019 —

This week, someone leaked an early draft of the coroner's report into drug-related festival deaths. Below, you can read the main points of what the coroner is recommending. As a parent whose only son didn't come home from a festival, I totally support these recommendations.

Whoever leaked the report seems to have got what they wanted - the NSW Premier has already come out saying she will ignore those recommendations. I'm saddened to think that Gladys Berejiklian has this attitude.

As many of you know, **I went to Sydney to the coronial inquest, I met the parents, and what I saw was heartache beyond measure.**

When I looked at those parents, I saw myself and here we are having the same discussion. **And unfortunately, young people will die if we don't do anything about it.**

The coroner went to great lengths to look at the evidence, and made the following recommendations:

A NSW Drug Summit that would consider pill testing, decriminalising personal use of drugs, expanded regulation of currently illicit drugs, and 'redefining illicit drugs as primarily a health and social issue'

Pill testing services

Early warning systems

Removing drug detection dog operations from festivals

More limits on strip searches

Better safety guidelines and features at festivals like chill-out spaces, and improved medical emergency procedures

Peer-delivered safety services like DanceWize

Improved education programs for young people

The coroner's list of recommendations is a good place to start. We need to provide something now. **The festival season is starting and it scares me to no end thinking some parent would have to feel this ever ending heartache of losing a loved one who will never come back.**

Soon, I will be in touch with a special request to help me get to Sydney, alongside the families involved in the inquest, for the coroner's report on November 8. We have a lot of work to do, and I am so grateful to have all 124,708 of you in my corner. Never giving up, and always for Daniel, Adriana.

**HALF A
MILLION STEPS**

Free Red Carpet Screening of

HALF A MILLION STEPS

Tuesday 29 October 6pm—8.30pm

At the **Palace Theatre**, 2 Phillip Law Street, Canberra

Free but registration required at [https://](https://www.eventbrite.com/e/red-carpet-screening-half-a-million-steps-tickets-75977784599)

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PLEASE LET YOUR FAMILY, FRIENDS AND WORKMATES KNOW about this widely acclaimed film telling personal stories behind a movement to reform drug laws and policy and make treatment available to all.

This will probably be the only screening on the big screen in Canberra so don't miss it.


**FAMILIES AND FRIENDS FOR DRUG
LAW REFORM**

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Families and Friends for Drug Law Reform (ACT) Inc
invites you to its



24th Annual Remembrance Ceremony

'for those who lose their life to illicit drugs'

Monday 28th October 2019

12.30pm – 1.30pm

at

Weston Park, Yarralumla, ACT

to take place at the dedicated memorial
located on the eastern side of Weston Park Road
opposite Pascott Lane junction.

Supported by ATODA and Uniting

Speakers include:

- Rachel Stephen-Smith, Minister for Health, ACT Assembly
- Rev'd Roger Munson
- Adriana Buccianti, family member

Refreshments will be served following the ceremony.

Reading of Names

If you have a family member or friend who has lost their life to illicit drugs and would like them remembered by name at the ceremony please phone Marion on 61697678 or email: mcconnell@ffdlr.org.au

Website: www.ffdlr.org.au

email: mcconnell@ffdlr.org.au

Twitter: @ffdlr

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

