

Response to phone in on Radio Canberra 29/1/2020

The entry into effect today of the ACT cannabis legalisation legislation has been rather swamped by the bushfires and declaration of state of emergency call on their account. You may well have been listening to the talkback program on ABC >666 Morning program(31/01) with Adam Shirley (<https://www.abc.net.au/radio/canberra/programs/mornings/mornings/118998>). Angela Smith, the president of the AFP Police Association and Michael Pettersson, the ALP private member who sponsored the legalisation bill were among those who phoned in. There was a fair bit of criticism of it particularly of the difficult position that punters and the police will be put into with inconsistent Commonwealth and territory law. The serious implications for those using cannabis for medical purposes caught with THC detected in their system was one of the themes. I, President FFDLR, rang in after the 10 am news and admitted that the legislation was a work in progress but affirmed in so far as it distanced users from the harmful impacts of the criminal justice system, it was to be welcomed. I framed Angela Smith's critical comments about the difficult position in which the police will find themselves and lack of direction from the police hierarchy in the context of the history of the Commonwealth government overriding democratic decisions made by the ACT legislative assembly. Here was potentially another example of the Commonwealth taking back with one hand, the right of self-government of the ACT that it had given, with the other. In that context I said that we welcome the comment of the Prime Minister in his Press Club address on 29 January when he affirmed that the regulation of the use and possession of drugs should remain in state hands ("States have the legal authority over these matters and I've always been a federalist and states will make their own decisions according to their own priorities and complexion of their own governments and that's up to them.). I also mentioned that the claim by the ACT policing senior officers whom we had spoken to, that the effect the discretion of the constable on the beat could not be restricted, was a claim that did not hold water. In the past the ACT policing hierarchy had given directions that when called to a domestic situation, officers were to make an arrest if violence was found to have occurred. This was one aspect of Angela Smith's otherwise critical comments that are to be welcomed. She stressed the need for a serious community discussion about cannabis legalisation. This suggests that the AFP Police Association would be willing to support a citizen jury on the subject of drug law reform.

NOTE: That the Prime Minister in his Press Club address hedged his bets. After conceding that States should formulate their own drug laws and policies, he added that " I would expect federal law enforcement agencies to enforce the law." This is curious and confusing because the existing Commonwealth law is as effective in the states as much as it is in territories.