

Decriminalisation: Much ado about a little

by

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As I listened to the debate on the decriminalisation bill last Thursday it came to me that I was witnessing a contest of world views. Strange as it may seem, it brought to mind the contest about regenerative agriculture described by Charles Massey. With my head in my hands I felt an affinity for his words: "It is my experience the majority of farmers don't understand that they are captured by, or exist and operate within, a particular view of how the world works".

Michael Pettersson, whose private members bill it was, concluded the in principle debate by responding on behalf of the Government to the speeches made on it. Pettersson acknowledged the validity of many of the points that the Liberal opposition made in opposing the bill in principle. This level of agreement was hardly surprising, given the support in the past by the Liberals here and across the country for diversion of people caught with drugs for their personal use from the criminal justice system and support for a traffic infringement type expiation notice system in place of criminal prosecution. In truth, the bill passed by the Assembly did little more than codify those principles.

What seemed to fire up Jeremy Hanson, who led the attack on the bill, was the descriptor *Decriminalisation*. One could be excused for thinking that the argument was simply a dispute over wording.

The ACT, he claimed, would be flooded with crystal methamphetamines (ice), heroin and cocaine. It would make the territory a magnet for drug tourists and a refuge for organised crime. A Liberal government would be sure to repeal the legislation were it to win the next election.

Hanson's language contrasted with his conciliatory tone in August 2020 when supporting a motion mentioning the importance of a health approach to drugs. This was on the eve of the previous election. In its terms, the Assembly agreed that whichever party won the forthcoming election would "investigate the feasibility of a simple offence notice for other drugs of dependence to ascertain the legal, social and health impacts." The motion had mentioned cannabis and the need for better integration of mental health and drug and alcohol services.

There was an outburst of interjections in the Assembly when Peter Cain, who had chaired the select committee considering the Pettersson Bill, said that no evidence was produced to the committee that the criminalisation of possession of drugs for personal use ever deterred people from accessing the health services they needed.

Was this a closed mind speaking? "Why", asks champion of Regenerative farming, Charles Massey, in the context of persuading farmers to change their damaging ways, "is it so hard to shift from a Mechanical to an Emergent mind?" Did not the thousands of fatal drug induced deaths mentioned to the committee and the high level of suicides among them bear on that? The ACT currently has the highest rate

of drug induced suicide in the country. Stigma and marginalisation brought about by the criminalisation of drug users is lethal.

Our Families and Friends submission quoted Dr Sue Packer, former Paediatrician to the ACT Child at Risk Assessment Unit and Senior Australian of the year as saying that

“There is so much guilt associated with drug use. Substance using mothers often see themselves as “bad mothers” and this can be a barrier to them seeking “mainstream” help from health, mental health, housing and A&D services. I believe the way we offer these services, with so much “gate keeping”, can be quite daunting”.

Hanson accused government speakers of cherry picking their authorities, yet for him the word of the serving AFP Commissioner that decriminalisation means trouble for his officers was worth more than the opinion of a former police commissioner, Mick Palmer or the expressed willingness of the ACT’s own Chief Police Officer Neil Gaughan to make the legislation work. Hanson showed no willingness to evaluate the array of data that shows that drug supply has flourished under prohibition.

Milton Friedman once observed, “Only a crisis – actual or perceived – produces change”. Many politicians, like the majority of farmers, do not understand that they are captured by or exist and operate within, a particular view of how the world works until shaken out, as Massey writes, by a crisis. In the case of the land it is realisation, in Australian bush vernacular, that ‘the thinking that got us in the shit won’t get us out of it.’

It was the crisis of death that led those who formed Families and Friends in 1995 to question their own assumption that the drug laws were rightly there to protect their loved ones. It was that shock that transformed them from quiescent supporters of the *status quo* to advocates for lifting the criminal law from the back of drug users. The more those foundation members looked into the rationale and operation of drug laws founded upon prohibition, the stronger their conviction that the laws meant for their protection were responsible for their loss and grief.

It is to mark the worth of those lives lost and to celebrate and honour them as human beings not defined by their drug use that Families and Friends holds its annual remembrance ceremony **today** in Weston Park.

As it happens, this will be a day after the nearby ceremony marking the 21st anniversary of the SIEV X disaster. In that case, too, opposing mindsets were at play: the protection of Australian borders versus the value of human life and our international obligations to refugees. The numbers don’t tell the whole story but they mean something: 353 lives were extinguished on the sinking of the refugee boat; across Australia the latest available annual number of drug induced deaths stands at 2,220.

The question of Massey’s grandson in connection with destructive farming practices is pertinent here: “Grandpa, why do you have to kill things to grow things?’ In other

words, why do we perpetuate so much violence, even hate, on the Mother [Earth] who sustains us?”

Drugs and drug policy are implicated in every intractable, chronic, costly social problem afflicting Australia –issues as varied as corruption, homelessness, poverty, unemployment and child protection. These and so many more would be so much more amenable to resolution with a drug policy based on sound public health principles

All that is required to liberate us from the thrall of drugs is a little different thinking. Johann Hari gets it: “The opposite of addiction isn’t sobriety. It’s connection. . . . If you are alone, you cannot escape addiction. If you love, 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.”

Words:1126