

Families and Friends for Drug Law Reform (ACT) Inc.

committed to preventing tragedy that arises from illicit drug use

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NEWSLETTER

August 2004

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NEXT Meeting

Thursday 26 August, 2004

Meeting commences at 7:30pm,

Speaker at 8.00pm

Venue: St Ninian's Uniting Church, cnr
Mouat and Brigalow Sts, Lyneham.

Guest Speaker: Peter Schwarz

Topic: The work of Open Family
especially as it relates to the
ACT drug scene and young
people.

Peter is one of two Open Family street workers in Canberra dealing with homeless young people. His target clientele is aged between 13 and 18 but finds that because of the need he is working with young people up to 25. Please come along and hear from the grass roots.

Refreshments will follow

Meeting dates:

FFDLR meets on the **fourth Thursday** of each month except December and January, unless otherwise advised.

Expected dates for meetings for 2004 are:

23rd September, 28th October, 25th November.

Any enquiries please phone 6254 2961.

Remembrance Ceremony will be held on Monday 1st November.

Editorial

Today I sat through the debate in the ACT Legislative Assembly on the Criminal Code (Serious Drug Offences) Amendment Bill. At the conclusion of the debate the Bill passed into law for the ACT.

Although aimed at drug traffickers and serious drug offences, this law in fact widens the net and imposes draconian penalties on young people experimenting in or addicted to drugs.

Families and Friends for Drug Law Reform called for the Bill to be withdrawn for reconsideration because misdemeanors that in plain language would not be regarded as 'serious crimes' will be labeled as such with severe penalties.

For example a teenager at a dance party who resells to a friend a single ecstasy tablet that he has bought for a

night out together is a 'serious drug offender' and could be penalised \$100,000 or 10 years or both.

Or a flat dweller growing one cannabis plant under lights in his bathroom for his own use could be penalised \$20,000 or 2 years jail or both.

Parents should be very concerned about the implications of this Bill. As parents and grandparents we want our kids and grandkids to survive their experimenting years without the burden of a criminal record because of their risk taking.

The report that gave rise to the Bill acknowledged that tougher laws cause greater harm. Harms such as: arrest and punishment, risks to health or life, delayed medical intervention, neglecting expenditure on necessities for high priced illegal drugs, increased property crime, etc

Despite acknowledging those risks the report concluded that such tougher laws would be a greater deterrent and worth the risks.

Evidence from within Australia and from overseas demonstrates that tougher laws do not stop drug use nor have they stopped the drug trade – the huge profit margins generated by prohibition guarantees continuation of the drug trade. A piece of evidence which seems to have eluded governments.

During the debate the Liberal opposition supported the Bill. They were clearly delighted that tougher laws were being introduced, not only for the drug traffickers but for cannabis users also. They claimed that such tougher laws would stop people using cannabis for example.

The Labor government claimed that the Bill was only about serious drug traffickers and those that felt the Bill widened the net and caught users simply did not understand. Those of us who expressed concern were lectured to and told that police would use discretion and would simply not even consider such actions.

The shining lights in the debate were the Democrats' Ros Dundas and the Greens' Kerrie Tucker. Both clearly and logically expounded their opposition to the Bill.

But it was to no avail. With only two Assembly members opposing, the Bill was passed.

It reflected badly on the ACT government. The government that showed such great promise and espoused great principles. Principles such as harm minimisation, a whole of government approach, a social inclusion plan, a new drug strategy, and so on. The government took none of those issues into account.

It was not as if a great deal was being asked. All that was sought was that those aspects of the Bill that widened the net on drug users be corrected. Neither an impossible nor difficult task.

It was a sad day for the ACT community as well. The Bill wound back the Simple Cannabis Offence Notice System removing protection against criminal prosecution. (The number of plants covered by the SCON has now been reduced from 5 to 2 and growing hydroponically has now been totally prohibited.)

The original SCON system aimed to:

- separate the market (that is to separate 'soft' drugs from 'hard' drugs).
- minimise harm associated with use.
- minimise the harm associated with policing of cannabis use.
- keep kids out of the courts and thus avoiding a criminal record
- better deal with an activity undertaken at some time by 1/3rd of the population.

The SCON system has served the ACT well for about 15 years. Cannabis use in the ACT has been no different to other states or territories despite different and sometimes stronger cannabis laws. No evidence was presented during the debate that the system had failed. The Assembly was told that some believed that it was legal to grow up to 5 plants or that growing hydroponically made the person a dealer.

But this is not evidence of failure of the SCON system. It is a failure of community education about the legality of cannabis on the one hand. And on the other hand not all who hydroponically grow cannabis sell their produce. It is obvious who are the major hydroponic growers when whole houses are turned over to growing the crop and when there are many more plants than the SCON limit of five plants.

The Democrats', Ros Dundas pointed out that because an election is imminent, a law and order bidding war had begun. Common sense and application of harm minimisation principles have taken a back seat.

But because it is an election year you have an unique opportunity to have a say about the way the various parties deal with drugs. FFDLR has never advocated that drugs are without harms but consider this when you cast your vote: if you have a young person in your family of teenage years would you want them to have a criminal record for doing what should be regarded as a minor infringement.

Examination of the transcripts of the Assembly debate may help you decide. So too could the parties' policies.

(Details of the transcripts of the Assembly debate and links to various parties drug policies will be posted on our website when they are available.)

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First they ignore you, then they laugh at you, then they fight you, then you win.

Mohandas Gandhi

Walter Cronkite | Prisons needlessly overpopulated with drug offenders

From the USA's Centre Daily, Fri, Aug. 06, 2004

In the midst of the soaring rhetoric of last week's Democratic Convention, more than one speaker quoted Abraham Lincoln's first inaugural address, invoking "the better angels of our nature." Well, there is an especially appropriate task awaiting those heavenly creatures: a long-overdue reform of our disastrous "war on drugs."

We should begin by recognizing its costly and inhumane dimensions.

Much of the nation, in one way or another, is victimized by this failure, including, most notably, the innocents, whose exposure to drugs is greater than ever.

This is despite the fact that more than 500,000 people are housed in federal and state prisons and local jails on drug offenses. Clearly, no punishment could be too severe for that portion of them who were kingpins of the drug trade and who ruined so many lives. But, by far, the majority of these prisoners are guilty of only minor offenses, such as possessing small amounts of marijuana. That includes people who used it only for medicinal purposes. The cost to maintain this great horde of prisoners is more than \$10 billion annually.

And that's just part of the cost of this war on drugs: The federal, state and local drug-control budgets last year added up to almost \$40 billion.

These figures were amassed by the Drug Policy Alliance, one of the foremost national organizations seeking to bring reason to the war on drugs and reduce substantially those caught in the terrible web of addiction.

There are awful tales of tragedy and shocking injustice hidden in those figures -- the product of an almost mindlessly draconian system called "mandatory sentencing" in which even small offenses can draw years in prison.

Thousands of women, many of them mothers of young children, are included among those minor offenders. Those children left without motherly care are the most innocent victims of the drug war and the reason some call it a "war on families" as well as on drugs.

Women are the fastest-growing segment of the U.S. prison population, with almost 80 percent of them incarcerated for drug offenses.

The deep perversity of the system lies in the fact that women with the least culpability often get the harshest sentences.

Unlike the guilty drug dealer, they often have no information to trade for a better deal from prosecutors and might end up with a harsher sentence than the dealer gets.

Then there are women such as Kimba Smith, in California, who probably knew a few things but was so terrified of her abusive boyfriend that she refused to testify against him.

(Those who agree to testify, by the way, frequently are killed before they have a chance to do so.)

Smith paid for her terrified silence with a 24-year sentence.

Nonviolent first offenders, male and female, caught with only small amounts of a controlled substance frequently are given prison sentences of five to 10 years or more.

As a result, the number of nonviolent offenders in the nation's prisons is filling them to overflowing, literally.

The resulting overcrowding is forcing violent felons onto the streets with early releases.

The Drug Policy Alliance also points out other important areas of injustice in the present enforcement system.

For instance, people of color -- blacks and Hispanics -- are far more likely to be jailed for drug offenses than others.

And college students caught in possession of very small amounts of illegal substances are denied student loans and even food stamps.

The alliance and other organizations are working to reform and reframe the war on drugs. And they are finding many judges on their side, who are rebelling against this cruel system.

We can expect no federal action during the congressional hiatus in activity ahead of the November elections, but it would be of considerable help if, across the country, campaigning politicians put this high on their promises of legislative action, much sooner than later.

Walter Cronkite's column is distributed by King Features Syndicate. E-mail him at mail@cronkitecolumn.com.

Secret soft turn on hard drugs

Wendy Pryer The West Australian

People caught with small amounts of hard drugs including heroin and amphetamines are being let off with a caution under a controversial change to police procedures that has been operating for seven months.

The change, introduced without announcement, lets people caught for the first time with up to half a gram of amphetamines or heroin or up to two tablets of ecstasy or other drugs to escape criminal penalty by going to three counselling sessions.

The State Opposition says the change shows the State Government is soft on drugs.

WA Police Service rules were changed in January to allow small-time users who admit their guilt, have not offended before and were not involved in another crime when caught with the drug, to be diverted out of the justice system and into the health system. They are

charged with the drug offence if they do not attend counselling.

Coalition deputy and National Party leader Max Trenorden attacked the new rules, saying the State Government was sending the WA community the wrong message about drugs.

"These are the drugs that parents worry about when their kids go to nightclubs," he said.

"They are sending the message that it's all right to go around with small amounts of drugs. It will encourage trafficking because people know they can get away with it. That is a significant change to drug enforcement and they did it without telling the population as a whole."

But Drug and Alcohol Office acting executive director Steve Allsop said the diversion program was restricted to small numbers of people and was part of a national initiative funded by the Federal Government and supported by all other States.

"I think it has been shown to be effective because if somebody is referred to compulsory treatment, it is an effective way of getting them off drugs," Professor Allsop said.

He rejected claims the program had been kept quiet because of fear of public backlash, saying it had just not been launched with any fanfare.

It was an extension of a trial that began under the former Court Government, in December 2000, and operated in Geraldton, Perth and Mirrabooka, he said.

The trial ended and became formal police policy across the State on January 1. Legislative change was not required.

Since January 1 this year, 32 people caught with illicit drugs have been diverted to treatment under the program. Nineteen have completed counselling.

Of those 19, all were caught with amphetamine-like substances, including amphetamine, methylamphetamine and MDMA (ecstasy).

But people caught with small amounts of cannabis or growing two plants or fewer cannot go through the diversion program. They must opt for a fine or one education session under controversial new laws that took effect in March.

Professor Allsop said it was too early to say if the trial had reduced re-offending rates for drug offences, saying it would be evaluated when more people had been through it.

Family Drug Support

Next STEPPING STONES course

A practical course to help family members cope with drug and alcohol issues

Fri 5 Nov, 5.30pm – 9pm

Sat 6 Nov, 9.30am – 5pm

Fri 12 Nov & Sat 13 Nov at the above times
and a follow up evening on 17th Nov.

Venue: Calvary Hospital, Function room
Register soon on 6205 4515
Cost: \$30 per family includes booklet Guide to Coping.
Run by the Alcohol & Drug Program and Ted Noffs Foundation. Course developed by Tony Trimmingham, Family Drug Support

**NEXT FAMILY DRUG SUPPORT
TELEPHONE LINE TRAINING**

16-17 October at Calvary Hospital
Register by phoning 6205 4515

MEMBERSHIP OF FFDLR



If you are not already a member of Families and Friends for Drug Law Reform but would like to join and help us agitate for more humane and sensible drug laws please look at our website for a membership form or send \$10 (\$5 conc) with your name and address details to FFDLR, PO Box 36, HIGGINS, ACT 2615. A receipt will be posted to you with the next newsletter. Your support will be much appreciated.

Invitation for parents to participate in research into experiences of having a child with a substance use problem

The Australian National University, School of Psychology

About the Research

Drug and alcohol use can have a significant negative impact on individuals and their families. The aim of this study is to understand parents' experiences of and adjustment to their child's problematic drug or alcohol use. We are particularly interested in whether parents' experience loss and grief in relation to their child's drug or alcohol use. It is hoped that this study will help provide information that will assist health professionals to better understand the experiences of parents who have a child with problematic drug or alcohol use, and to more effectively help support parents and families.

Who can participate?

We are looking for parents who are concerned about or distressed by their child's drug or alcohol use and feel that it is causing significant problems for their child. We would like the child to be aged 16 years or older.

What would it involve?

If you agree to participate in this research you will be asked to provide a few background details about yourself and your child and to answer some questionnaires relating to your feelings about your child's drug or alcohol use, your relationship with your child and your health and wellbeing. The questionnaires can be completed in your own home and should take about 40 minutes to complete. Once you have completed the questionnaires you will place them in a self-addressed and stamped envelope and post them back to us.

(This is a very important study and one that could benefit families so we will email a copy of the questionnaire to members for whom we have an email address. If we do not have an email address for you we urge you to contact Amanda.)

Parents interested in participating in the study can contact **Amanda Oreo (Intern Psychologist, School of Psychology) on 6125 0412.**