

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

*committed to preventing tragedy that arises from illicit drug use*

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**NEWSLETTER**

**May 06**

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**NEXT Meeting**  
**Thursday 25 May**  
at 7.30pm  
speaker at 8.00pm

**Speaker: Victor Hugo Martin A/g Deputy  
Public Advocate**

**Topic:** "Advocating for people with impaired  
decision making ability - do drugs  
play a part?"

The Public Advocate for the ACT has a range of statutory functions and powers with respect to children and young people, and adults with a mental illness or impaired decision making ability, who require protection from abuse, exploitation or neglect. Victor Martin, Deputy Public Advocate, will discuss his office's role in these areas and especially how drugs play a part.

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

## Drug Action Week

Drug Action Week is a national week of activities coordinated by the Alcohol and other Drugs Council of Australia (ADCA) to raise awareness about alcohol and other drug issues and to promote the achievements of those who work to reduce drug related harm

During Drug Action Week Families and Friends for Drug Law Reform and the Australian Parliamentary Group for Drug Law Reform have organised a

### **PUBLIC FORUM**

on Wednesday 21<sup>st</sup> June at 12.30pm

in the Reception Room, the Legislative Assembly,  
Canberra

**SPEAKER:** Father Peter Norden

**TOPIC:** Prison, Drugs and Mental Illness: must they  
always go together?

Further details are on the enclosed leaflet. Please invite friends and display the leaflet on work notice boards.

**MEMBERS PLEASE NOTE** – This meeting will  
replace the June monthly meeting

## MEMBERSHIP SUBSCRIPTIONS

Last month a membership renewal form was sent with the newsletter. Thank you to all who have renewed their membership and a reminder to those who may have forgotten. Membership fees are very important to our ongoing work.

## Editorial

The Ministerial Council on Drug Strategy met recently. This is a body of all health and justice ministers who decide on policy in relation to drugs.

One of the issues they focussed on was a proposed cannabis strategy. The joint communiqué issued by the council on 15 May had this to say:

### **National Cannabis Strategy:**

*Cannabis is the most widely used illicit drug in Australia and in response to this Ministers today endorsed Australia's first National Cannabis Strategy 2006-2009 which will build on the achievements of the States and Territories. The Strategy has a strong prevention emphasis with a range of actions recommended to set national priorities for targeting cannabis production, supply and use. The Strategy focuses on reducing public acceptability of cannabis, research into usage rates and the link between cannabis use and poor mental health, providing education on the harms associated with use, a range of law enforcement supply reduction strategies, developing the capacity of the health sector to address cannabis problems and investigating and encouraging treatment of cannabis addiction, including diversion programs.*

As with most things of this ilk the devil is in the detail.

The Hon Christopher Pyne MP, Parliamentary Secretary to the Minister for Health and Ageing followed up with a media release which said in part:

*"Cannabis is the most commonly used illicit drug in Australia, with about 1.8 million Australians continuing to use cannabis despite the emerging evidence about its harms to mental health.*

*"Of recent cannabis users, 16.5 per cent reported diagnosis or treatment for a mental health condition in the past 12 months, compared with 8.6 per cent of non-users. Cannabis use is also strongly associated with the misuse of other licit and illicit substances, which increases the likelihood that users will have complex and costly care needs in the longer term. Up to 10 per cent of people in drug treatment now declare cannabis as their primary drug of concern.*

*"Cannabis is an illicit drug that has serious consequences for the user, their families and communities and Australia's society at large."*

And as with most politicians the devil is in what has not been said. The reference to "associated with the misuse of other licit and illicit substances" relates to the fact that according to the 2001 Household Survey 95% of recent cannabis users used concurrently with alcohol and 26% with amphetamines and about 20% with MDMA. Only 2.7% did not use cannabis with other drugs. No effort has been made to tease out the effects of combined use of these drugs. The implication is that cannabis is the sole cause, which may not necessarily be true.

Nor has any effort been made to take into account the recently completed report *Evidence-based answers to cannabis questions – a review of the literature* that was undertaken by the government's own peak drug advisory body, the Australian National Council on Drugs. It will not surprise many that little of this evidence, even from the government's own peak drug advisory body, finds its way to those responsible for determining drug policy. Or if it does it is selectively used.

There are two further points to make on this issue. Firstly FFDLR does not argue that some use of some drugs can be harmful. It is a question of how to determine policies that will cause the least possible harm to users, families and society.

The second point, that must be strongly made even though it has been made before, is about the National Cannabis Strategy. The terms of reference for the development of this strategy that was commissioned by the federal government was very narrowly constructed and specifically excluded the possibility of changing the laws relating to cannabis.

The development of that strategy was a community consultation process but because of the limitation of the terms of reference was flawed from the start.

That strategy would have been an ideal opportunity to implement laws based on evidence that would have reduced many of the harms associated with cannabis and with cannabis laws – laws that would not have increased use. But it could have done more. Changes if based on The Netherlands model could have introduced controls over the age at which people use, introduced some measure of supervision of users, introduced a measure of quality control over the product, and like cigarettes carried health warnings.

But having said that the cannabis strategy would make no changes to the laws we see headlines like these:

*SA should toughen cannabis laws: Pyne; and  
Pyne: Treat cannabis like heroin.*

The federal government is demanding that SA, WA, NT and the ACT apply criminal law ie fines or jail terms which will result in a criminal record for minor cannabis offenders.

But it is more than just a demand. The federal government by another avenue is making changes to laws relating to cannabis and other drugs.

It has introduced laws that run parallel to state drug laws and additionally is employing bullying tactics for states and territories to change their laws to bring them into line. But where states or territories choose not to fall in line, the tougher federal laws could be used.

Thus while the federal government has ensured that there was no suggestion of changes to the laws in the "consultative" process that had input from experts and those at the front line, it has changed the laws.

There can be little doubt that far from improving matters the bullying tactics by Mr Pyne and others in the federal government will almost certainly make matters worse.

## "2020 Group" Begins Building an International Drug Reform Movement

5/12/06 <http://stopthedrugwar.org/chronicle/435/2020group.shtml>

As the International Harm Reduction Association annual conference in Vancouver wound down last weekend, leading drug reformers from Canada, the US, Australia, and Europe met in a downtown meeting hall to lay the groundwork for an international movement to end the drug war by 2020. Known informally as the 2020 Group, the reformers and the organizations they represent are now agreeing to work together toward this common goal.

The year 2020 is somewhat -- but not completely -- arbitrary. That year will come just a few months after the 2018 (or 2019) meeting of the United Nations General Assembly Special Session on Drugs. While reformers hold little hope of making significant progress at the special session set for 2008 (or 2009), when the international body will ponder how close it came to its stated goal of wiping out drug use by 2008, aiming at just beyond the next special session suggests that it will be a target of serious reform efforts.

"This group is about trying to end prohibition, and we would like to get it done by 2020," said Gillian Maxwell, head of Keeping the Door Open and host for the meeting. "That's the vision. We have all bought into that vision and we all agree that we want to work together to do it. But right now, we are just in the gestation period; we still have a few things to figure out. We are suggesting that we need to move beyond prohibition, but we haven't yet articulated how that is going to work," she told DRCNet.

The 2020 Group may not have figured out the ideal means of regulating currently illicit drugs, but at least three of its members have done significant work in that regard that will be the basis for a common position. The King County Bar Association, Transform, and the Health Officers Council of British Columbia have all issued reports on how the drug market may be regulated, and representatives of those three organizations will be working over the next 12 months to arrive at a consensus position.

"We have three models from England, Seattle, and Vancouver, and the three groups are working together to nail this down," said Maxwell. "All three papers articulated a regulatory model, and they are all astonishingly similar given that they were written separately in different countries. There is a real synergy here. What we in the group suggested and what the three groups agreed is that they will collaborate in wrestling with these big issues."

## Jailed addicts suing government

**Drug-addicted prisoners who were forced to go "cold turkey" while in jail are suing the [British] Home Office.**

Six test cases are due to go before the High Court which, if successful, could lead to 198 offenders - all addicted to opiates - seeking compensation.

The claimants' lawyer said many had received treatment with methadone, a heroin substitute, but this was withdrawn when their sentences began.

The Home Office said it was aware of the litigation.

"We are aware of the ongoing litigation about drug withdrawal treatment that has been brought by a number of prisoners. We are unable to comment further on an ongoing case," said a spokesman.

### 'Short, sharp detoxification'

The Opiate Dependant Prison Litigation is expected go before the court on 13 November and is likely to focus on alleged deficiencies in the medical treatment of prisoners.

The case will reportedly claim trespass - arguing the prisoners did not give consent for treatment - and criminal negligence.

They are also claiming breaches of articles three and 14 of the Human Rights Convention, which ban discrimination, torture or inhuman/degrading treatment or punishment, as well as article eight, enshrining the right to respect for private life.

Claims could also be made against the private contractors running jails where 26 of the prisoners are or were being held.

The claimants' lawyer, Richard Hermer, said they were upset at the short period they were allowed to continue using opiates once they were jailed.

"Imposing the short, sharp detoxification is the issue," Mr Hermer told the Times.

## Europe: Scottish Cops Say Legalize It All

4/14/06 <http://stopthedrugwar.org/chronicle/431/scottishcops.shtml>

Scotland's Strathclyde (Glasgow area) Police Federation, the county's largest police union representing some 7,700 Scottish police officers, is calling for the legalization of all drugs, the Daily Mail Scotland reported Thursday. Even hard drugs like cocaine and heroin should be legal and available to be licensed for use by addicts, the federation said.

Current prohibitionist approaches simply are not working and waste millions of dollars in a futile effort, said Inspector Jim Duffy, chairman of the federation. The laws must be transformed to cut the death toll, he said. "We should legalize all drugs currently covered by the Misuse of Drugs Act -- everything from class A to C, including heroin, cocaine and speed. We are not winning the war against drugs and we need to think about different ways to tackle it. Tell me a village where they are drug-free," he said. "Despite the amount of resources and the fantastic work our girls and guys do, we are not making a difference. We don't have any control at the moment."

The federation plans to take its position to its fellow Scottish police officers. The group will present a discussion motion at a forthcoming national police conference to garner support from officers across Scotland.

The startling announcement was music to the ears of Danny Kushlick, director of the drug reform group **Transform**. "For a policy that aims to eliminate drug supply and use, it has failed in spectacular style," he said in a statement greeting the call. "Over the last 40 years illegal drug use has risen by at least 300%. Attempts to curtail drug supply have been equally ineffective, with drugs now cheaper and more available than ever before," Kushlick said.

"When high demand for drugs collides with laws that prohibit them, the result is a dramatic rise in drug prices, with low value commodities becoming, quite literally, worth more than their weight in gold," Kushlick continued. The hugely lucrative opportunities this creates attract the violent criminal entrepreneurs who now control the world's largest criminal market, worth \$500 billion a year. Inflated drug prices mean that low income dependent drug users often resort to property crime or prostitution to support their habits. The government estimates that this relatively small population of dependent heroin and cocaine users is now responsible for 54% of robberies, 70-80% of burglaries, 85% of shoplifting and 95% of street prostitution. In addition, prohibition criminalizes millions of (otherwise law abiding) drug using adults, making it unparalleled in its contribution to prison overcrowding and the wider crisis in the criminal justice system. This is not a debate that invites fence sitters and Strathclyde police federation has courageously climbed down."

## Value of US Drug Seizures Less than 1%

The US Drug Enforcement Agency credits itself for having made drug seizures valued at about \$477,000,000 in 2005. (<http://www.dea.gov/pubs/pressrel/pr122805.html>)

The most recent statistics from the Office of National Drug Control Policy at the White House estimates that in 2000 the value of the illegal drug trade was \$62,900,000,000:

[http://www.whitehousedrugpolicy.gov/publications/drugfact/american\\_users\\_spend/index.html](http://www.whitehousedrugpolicy.gov/publications/drugfact/american_users_spend/index.html)

Even if one assumes that drug use and hence the value of the drug trade in the U.S. has gone down by 10% in the past five years (a wildly exuberant estimate), the percentage of the value of seizures relative to the value of the total market in 2005 is less than 0.8%

This means, that by the U.S. government's own numbers, they are intercepting less than 1% of the total illegal drug trade.

Current estimates put the value of US seizures at less than 1% of the illicit drug market. The market is worth \$62 trillion dollars, and the US is spending \$20 billion every year to subsidise and maintain it.

## The long arm of the drug war

Los Angeles Times May 14, 2006

Washington quashes yet another mild reform in a neighboring country.

By Brian Doherty, *BRIAN DOHERTY* is a senior editor at Reason magazine and the author of "This is Burning Man." May 12, 2006

THE RISE AND FALL of Mexican drug-law reform over the last two weeks has been, for drug legalizers, a dizzying high followed by a painfully abrupt crash. U.S. drug authorities laid down their usual bumper: No user is going to get off easy on *their* watch. And thanks to the United States' overwhelming power and influence, their watch extends everywhere.

Mexico isn't the first nation to suffer side effects from America's estimated \$30-billion-a-year drug war. A 2003 attempt by former Canadian Prime Minister Jean Chretien to liberalize drug possession laws met with threats from U.S. drug czar John Walters that the tougher resulting border security could hold up U.S.-Canadian trade, and the idea soon went up in smoke. Colombia has been for years the site of what is essentially a damaging and expensive proxy war in the service of the United States' delusion that it can wipe out cocaine production.

Still, both cops and heads must have been hallucinating if they thought Mexico's mild reform proposals would have ushered in some kind of lotus-eaters' utopia, a permanent Altered State down Mexico way.

The legislation, which passed Mexico's House and Senate with President Vicente Fox's initial support, would have legalized the possession of minute quantities of substances such as pot, cocaine and heroin (5 grams of pot, 0.5 grams of cocaine — only a few lines — and 25 milligrams of heroin), in an attempt to focus drug enforcement resources on larger scale

dealers. But sales, and possession beyond the tiniest weekend's worth, would have remained illegal. State and local cops would have been dragged into a Mexican drug war that had heretofore been federal, increasing the total resources spent on drug enforcement — and introducing more cops to the lure of drug-money corruption.

Even before this policy, you could beat a possession rap by convincing a Mexican judge that you're an addict. The quantities allowed under that definition have been undefined; the new law would have defined them, in an effort to eliminate judicial corruption.

As the bill came perilously close to receiving Fox's signature, White House drug officials raised the fear that Mexican border towns would become out-of-control party towns for thrill-seeking U.S. youth. (What else is new?) Border city cops spouted nonsense about how the new policy would lead to unmanageably rowdy public chaos, as if potheads and junkies are an energetic bunch, or as if any substance creates more troublesome public inebriation than already available alcohol. Because sales still would have been illegal under the new law, warnings by U.S. officials — from the mayor of San Diego to the spokesman for the Office of National Drug Control Policy — that the proposal would have led to a drugged-out free-for-all just don't fly.

Trade in other commodities, even damaging ones such as cancer-causing cigarettes or obesity-triggering sugary soft drinks, doesn't generate the rampant violence and corruption of the illegal drug business. The ugly side of drug trafficking isn't inherent in the drugs. It arises because illegal businesses by definition demand artificially high profits, lack peaceful institutions for settling disputes (if you can't take your opponent to court when you feel ripped off, you might feel more compelled to shoot) and attract risk-seeking, violence prone types to begin with.

When drugs are outlawed, only outlaws deal drugs. If it weren't illegal, the sale of narcotics would be no more prone to violence and corruption than the sale of cola or cigarettes.

Reform far more radical than what Mexico contemplated would drastically *reduce*, not exacerbate, the serious problems associated with drug-law enforcement.

WE ARE fortunate enough not to have rebel armies funded by profits from the illegal coca market within our borders. And we can afford not to care about the thousands of murders a year and dangerously rampant police corruption in Mexico caused by the drug laws we refuse to let it change.

Americans angry about Mexican immigration complain that the country is exporting its troubles to us. In fact, with our drug-war bullying, we're exporting our enforcement troubles back to Mexico, adding to the problems that make so many people want to come here to begin with.

The White House's disproportionate panic can't be explained by any actual damage the law could have caused. Maybe U.S. drug warriors realized that if we saw firsthand, right across the border, just how unnecessary are the laws against drug possession, the futility of making 1.7 million drug arrests each year would be exposed, and that's never a happy thought for any bureaucrat. In Amsterdam, where pot, hash and mushrooms can be sold freely in certain shops, surveyed use of most drugs is lower than in the United States, illustrating that legalization does not equal everyone getting high. The social order still stands.

Experienced drug users have an ethic: You don't force other people on your trip against their will. Pity that U.S. drug policymakers can't be that sensible.

## Stepping Stones Course - ACT

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

Date: Thursdays 12 - 2 pm from 15 June 2006 for 9wks  
Facilitator: Bruce Munro (Family Counsellor Alcohol & Drug Program)  
Venue: Training Rm 1, 1st floor, ACT Health Bldg, 1 Moore St Civic,  
Enquiries: 6207 9977 business hrs, email: bruce.munro@act.gov.au

**Register soon**