

Families and Friends for Drug Law Reform (ACT) Inc

Committed to preventing tragedy that arises from illicit drug use

NEWSLETTER

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Join us.

NEXT MEETING

Thursday 26 April, 7.30pm
St Ninian's Uniting Church hall,
cnr Mouat and Brigalow Sts, LYNEHAM
Meetings are followed by refreshments and time for
a chat.

Editorial

Australia 21 roundtable report

The Australia 21 report: "The prohibition of illicit drugs is killing and criminalising our children and we are all letting it happen", launched recently, makes two significant points: The current prohibition approach to illicit drugs has failed, and a national debate or conversation about drug use, its regulation and control needs to start. This most welcome report for which Australia 21 is to be commended, is the outcome of a high level roundtable that comprised many former politicians, academics, a former AFP commissioner, the former NSW director of public prosecutions, family members and young people.

Foreign Minister Bob Carr, a member of the roundtable, said that police were wasting their time pursuing young cannabis users with sniffer dogs and called for a decriminalisation of minor possession of illicit drugs similar to that of Portugal. Prime Minister Gillard in a knee-jerk reaction, before considering the report, said that she had no intention of decriminalising drugs and "drugs kill people, rip families apart, they destroy lives".

Exactly! Drugs can be dangerous but our prohibition laws have made them more so. That is why they need to be changed.

Over 40 years ago, in 1961, Australia adopted the first of the US driven United Nations drug conventions which claim to be about protecting our children. The motives of the US were not based on logic nor evidence. Then, there were no deaths from heroin but now there are about 400 deaths per year. The laws certainly do not protect those people.

Former AFP Commissioner Mick Palmer, a member of the roundtable, confirmed that policing of supply "makes little if any difference". The data supports his statement: It has been estimated that lost revenue due to the drug trade stands at \$6,684 million and those "biggest drug busts" we read about, capture less than 25 percent, leaving more than 75 percent of illicit drugs to be consumed on our streets.

The evidence is that treatment works and can be more effective if drug addiction is treated as a health matter not a criminal one. But treatment is only part of any solution.

Generally there is a shortage of doctors willing to prescribe methadone, a maintenance substitution drug for heroin. One can speculate as to why there is a shortage of doctors willing to

prescribe, perhaps it is the stigma and stereotype associated with drug use, or perhaps there are insufficient resources. Some of the law enforcement money redirected to health services would certainly help.

Many would like to know now what changed drug laws might look like. Some will, for whatever reason, make exaggerated claims to maintain a status quo or pre-empt any change. This is jumping the gun well before the conversation has been had. The field for the conversation is wide and has the potential for making the drugs less available and saving many lives.

The conversation starts from a point that law enforcement aimed at user control is ineffective and that drugs are already easily available - reports from the National Drug and Alcohol Research Centre say they are "easy to very easy to obtain". The drug industry is driven by huge profits and is uncontrolled except by force of violence - gang turf wars, murders and the like. And all the while the Mr Bigs are making super (untaxed) profits.

Perhaps Mexico with its drug turf wars, decapitations, kidnappings and other bloody crimes that is spreading like wildfire in the Americas portends a future for Australia if changes are not made. Parents, concerned about their children's health and wellbeing, have more to fear from a continuation of the current prohibition system than any changed new system.

We can look to overseas evidence where a number of overseas countries have implemented change with success, such as Portugal and Switzerland. Switzerland introduced prescription heroin to the severely addicted, which for users saved lives, improved health and other social circumstances, and importantly for those who have had a home invasion lately, it reduced such crimes dramatically. And that country now has substantially less heroin dealers. In the UK the think tank, Transform argues rightly that everything that we consume is regulated and controlled except illegal drugs.

If the straw polls conducted on social media and media internet pages are anything to go by, there is majority support for changing our prohibition drug laws. No one should stand idly by on this issue.

Laws are made or changed by politicians. It is they who are responsible for those laws, even if they say or do nothing, they are still responsible. We elected them to make sensible laws and that includes really protecting our children. So let us start the conversation with all of us taking part. It can be as simple as talking to your neighbour or friend, writing to the paper but do not forget to include your member of parliament.

The Australia 21 report is available at: www.australia21.org.au

Australia 21 Report - Executive summary

It is time to reopen the national debate about drug use, its regulation and control.

In June 2011 a prestigious Global Commission stated that the 40-year “War on Drugs” has failed, with devastating consequences for individuals and societies around the world. It urged all countries to look at the issue anew.

In response to the Global Commission report, Australia21, in January 2012, convened a meeting of 24 former senior Australian politicians and experts on drug policy, to explore the principles and recommendations that were enunciated by the Global Commission. The group also included two young student leaders, a former senior prosecutor, a former head of the Australian Federal Police, representatives of Families and Friends for Drug Law Reform and a leading businessman.

The Australian group agreed with the Global Commission that the international and Australian prohibition of the use of certain “illicit” drugs has failed comprehensively. By making the supply and use of certain drugs criminal acts, governments everywhere have driven their production and consumption underground and have fostered the development of a criminal industry that is corrupting civil society and governments and killing our children. By defining the personal use and possession of certain psychoactive drugs as criminal acts, governments have also avoided any responsibility to regulate and control the quality of substances that are in widespread use. Some of these illicit drugs have demonstrable health benefits. Many are highly addictive and harmful when used repeatedly. In that respect they are comparable to alcohol and nicotine, which are legal in Australia and, as a result, are under society’s control for quality, distribution, marketing and taxation. Australia has made great progress in recent decades reducing the harm from tobacco – a drug which kills half the people who use it.

A substantial proportion of Australia’s street and household crime is a direct consequence of the trade in illicit drugs and the need for dependent users to find money to acquire drugs. Large numbers of young people who experiment with these drugs are criminalised by the enforcement of prohibition laws – even though those thus criminalised are only a minority of the huge numbers of experimenters. The current policy of prohibition discredits the law, which cannot possibly stop a growing trade that positively thrives on its illegality and black market status. Our prisons are crowded with people whose lives have been ruined by dependence on these drugs. Like the failure of the prohibition of alcohol in the USA from 1920 to 1933, the current prohibition of illegal drugs is creating more harms than benefits and needs to be reconsidered by the Australian community. Many other countries are starting to review this area. A decade ago, and with excellent results, Portugal decriminalised the possession of small quantities of all illicit drugs consistent with personal consumption. A number of other countries have adopted versions of this approach. In December 2011, the current Presidents of 12 Central and South American countries called for the use of ‘market mechanisms’ in response to illegal drugs. In a 2011 US Gallup poll, 50% supported the legalisation of marijuana with 46% opposed.

Discussion

Every year some 400 Australians die from illicit drug usage. Thousands of others suffer the short and long term health consequences of drug dependence, unsafe injecting practices

and infections. Their families suffer with them from these consequences. Discussion of drug policy in recent years has been largely absent from the Australian political agenda except as an excuse for being tough on law and order.

Fifteen years on from a landmark decision by the Howard government to embark on its “Tough on Drugs” policy and to override a 6:3 Ministerial Council on Drug Strategy decision to support a trial of the use of prescribed heroin in the management of heroin dependent users, illicit drugs continue to be widely available on the streets and in Australian prisons and a culture of illicit drug use flourishes among young people. Courts and prisons continue to be dominated by those involved in drug-related crime, with few positive results, even though prevalence statistics suggest that only about three per cent of marijuana users are apprehended in a given year.

Fear of illicit drugs, their culture and consequences is widespread among parents. If policy change is contemplated parents of young children will need firm reassurance that the new policies will not exacerbate the problems. If politicians are to move to change this culture they also will need to be confident that any change will improve, not worsen, the current situation. A growing body of international evidence demonstrates that such concerns can be alleviated.

Both heroin and marijuana have valuable medical uses, but it became virtually impossible for patients to continue to benefit from these drugs after they were prohibited, even though the international treaties have provisions permitting medical and scientific use of the otherwise proscribed drugs.

In other parts of the world, the medical use of cannabis is now being enabled and the treatment of heroin dependent users with prescribed and carefully controlled heroin has proven medically and socially effective, both in improving the health and social well-being of dependent users, and in preventing crime. Heroin was legal and could be prescribed by doctors in Australia until 1953. That is, heroin became a problem after, and not before, it was prohibited. The prohibition of heroin in Australia in 1953 was severely criticised at the time by the then leaders of the medical profession. Cannabis was included in the official list of medical drugs in the USA until 1937.

A number of alternative options for managing illicit drugs in Australia were discussed, including: depenalisation, decriminalisation, legalisation, regulation and taxation (see definitions of these terms in the text).

Prohibition places the emphasis on law enforcement and criminalisation, whereas the other options make it possible to focus primarily on the health and social effects of drug use. Governments in Australia often use a harsh rhetoric when referring to drug use and drug users. There are clear contrasts with two other psychoactive drugs in widespread use in Australia, nicotine and alcohol. They are not prohibited, despite creating far more health, social and economic costs to our people and society than do the currently illegal drugs. In the case of nicotine, use has diminished as regulation, taxation and social control have been invoked. In the case of alcohol, there have been identifiable social harms as earlier regulatory and social controls have been relaxed. But neither drug is prohibited. Instead, they are controlled not by organised crime, but by governments.

The group did not propose a specific set of policy changes. Rather it saw the need to promote a new national discussion about prohibition of drug use. It proposed placing the onus on

governments and the community generally to consider the range of available alternatives to the current criminalisation approach, and to develop one which is more effective. The unacceptably high number of drug deaths among young Australians cannot be allowed to continue.

There is a particular need to engage parents and young people in considering the benefits and costs of a shift away from prohibition.

A bipartisan political approach to this tricky issue is highly desirable. The move against prohibition is gathering momentum in other countries across the ideological spectrum as communities around the world place responsibility for the costs of prohibition where it belongs: with those legislators who continue, by default, to support the international prohibition approach.

The group also recognised, however, how difficult this issue is for politicians. Sometimes, approaches such as the emphasis on law enforcement are popular despite being proven to be ineffective and more rational approaches which are proven to be effective can be unpopular in the beginning. Another difficulty is trying to make political progress in this difficult area within a single electoral cycle. Reform will have to be slow, cautious, step-wise and incremental.

Media response to A21 report

The media response to the report has been nothing short of outstanding. Thanks to Sam Liebelt from AIVL these have been collected together. The list and links to the media stories can be seen at the following web address: <http://aivl.org.au/#p=255>.

Here also is the link to the Alan Jones interview with Dr Michael Wooldridge concerning the Australia21 report. It is well worth listening to.

http://www.2gb.com/index.php?option=com_podcasting&task=view&id=2&Itemid=41.

Scroll down to get to Wed 04 Apr 2012 "The War on Drugs"

Pope's View of Government response to call for conversation



Cartoon © David Pope/The Canberra Times. Reproduced with permission.

Illicit drug trade is all about big bucks, of course

Prohibition has not worked - it's killing and criminalising our children, BILL BUSH writes.

The Canberra Times, 4-Apr-12

On the Federal Highway as you head down the hill to Watson is a sign that proclaims the mission of the Australian Federal Police: "To fight crime together and win". It's the "and win" that I chuckle at. The sign evokes an intense discussion at headquarters with the top brass and a highly paid public relations consultant.

It's readily agreed that the AFP is to fight crime. A cynic points out that in this era of so many wars with Australia on the losing side, a commitment to fight is not enough. We need to declare victory before we start.

So Canberra always welcomes me as a city of indomitable optimism. But the cynic was right to pre-empt victory against crime. According to syndicated extracts from Nick McKenzie's *The Sting*, over the past 30 years the blue police's drug war record has been about as successful as their khaki-clad colleagues.

Sure, particular battles have been won but the war continues. In the article "Guns, drugs and money" (Forum, March 24, pp4-5), McKenzie reports a \$500 million liquid ecstasy haul and that, "despite getting big busts, [the Australian Crime Commission's] work was failing to dent the flow of narco-dollars overseas - or the corresponding flow of illicit drugs into Australia". The then AFP commissioner made a similar point in 1998 after Australia's biggest heroin bust.

There's so often a disconnect between the bubbling public relations optimism of law enforcement agencies and their political masters and the sceptical grim assessments of "new" measures said to turn the tide on a gigantic illegal trade. In 2005 the UN Office on Drugs and Crime estimated this to be \$US321 billion, which was then larger than international trade in iron,

steel and motor vehicles and on a par with world trade in oil and gas. Organised crime in Australia is estimated to have an annual turnover of at least \$19 billion.

The AFP's total revenue from the government is \$1 billion. It is not an even playing field and senior police recognise that smart "new" ideas like following the paper trail and stings will not be the answer. A lot of my time in government was spent helping weave a network of extradition and criminal assistance treaties to net a previous generation of big fish.

The illicit drug marketing plan is impeccable. Young Australians with a dependency are small-time dealers in it to finance their habit: direct marketing to one's mates. These are the cannon fodder.

Those higher in the food chain are also dispensable. MacKenzie

concedes that Australian police have made numerous arrests of “key individuals from crime groups ... but even where this affects the supply chain, new supply chains are quickly established. Such local arrests do not deter the criminal principals who are resident overseas”. My dream is that politicians will wake up to the reality that “it’s economics, stupid”. The Bureau of Statistics is at least starting to do so.

A recent forum in Sydney heard of steps to include “all forms of illegal drug economy into the Australian System of National Accounts”. The researchers assess that, in 2010, the “Gross Value Added by the drug market trade” was \$6684 million. Back in 1994 a Queensland Justice Commission member reported that: “Queensland is the supply state for Australian users and the 70 tonnes of cannabis produced each year is conservatively worth \$360 million”.

On the basis of its full access to criminal intelligence, the National Crime Authority estimated that in 1999-2000 law enforcement was intercepting only about 12 per cent of heroin for the Australian market. A 2003 confidential intelligence report to the British Blair government observed of Afghanistan that: “a sustained seizure rate of over 60 per cent is required to put a successful trafficker out of business”, though a rate “as high as 80 per cent may be needed in some cases”. It added that “sustained successful interventions on this scale have never been achieved”.

No wonder you hear top police with integrity and intelligence talking more like social and health workers than law enforcement warriors. The pages of The Canberra Times reports our own chief police officer talking of mental health, sobering-up shelters and liquor licensing.

The head of the National Crime Authority lost his job after declaring in 2001 that, “the scale of the illicit drug problem and its onward progression is such as to demand the highest attention of government and the community - it simply is not a battle that can be won by law enforcement alone or in partnership with the health sector. A coordinated and holistic approach is required, building upon and updating the foundation already established”.

Former AFP Commissioner Palmer, who urged a similar approach, put his finger on the difficulty for politicians: fear. “Medically managing existing addicts doesn’t mean it’s carte blanche for the rest of society. When you read something in the paper that says heroin will be next to the bags of sugar on the supermarket shelves, it’s very annoying. It is emotive and wrong. Existing addicts would be managed. The criminal element surely would lose interest in it because there isn’t a dollar in it.” (The Age Friday, May 28, 1999, pp. A16-A17).

The title of the report, issued on April 3, of an Australia21 Round Table in which Palmer participated, puts an irrefutable case for at least opening up the issue for discussion: “The prohibition of illicit drugs is killing and criminalising our children and we are all letting it happen.”

FFDLR Petition for a debate

In November 2011 FFDLR presented Amanda Bresnan, MLA with a petition calling on the Legislative Assembly to conduct a debate. The government had on 20 March 2012 responded to the petition by tabling a statement and having it included in Hansard.

Readers will note that the response simply ignored the call for a debate.

The Petition reads:

This petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that: current prohibition drug laws and policies have failed to stop the trade and use of drugs and that they are in serious need of revision.

Your petitioners therefore request the Assembly to: conduct a public debate on drug laws and policies with a view to revising relevant ACT laws and policies. That debate to be evidence-based rather than one based on prejudice or political self-interest masquerading as public morality.

Now read from Hansard the ACT Government’s response

The ACT Government notes the petition submitted by the petitioners, lodged by Ms Bresnan MLA on 8 December 2011, and makes the following comments:

The petitioners raise three issues for consideration by the ACT Government. For clarity, these issues will be considered in three sections titled:

- the failure of the ACT Government to stop the prohibited drug trade;
- the failure of the ACT Government to stop the use of drugs in the ACT; and
- the request that the ACT Government conduct a public debate with a view to revising relevant ACT drug laws and policies.

The failure to stop the prohibited drug trade

The illicit drug trade is a global problem that is faced by governments both domestically and internationally. The ACT Government recognises that the international drug trade is a complex issue that transcends borders and involves serious and organised crime groups.

The ACT Government’s response to the international drug trade relies on the Commonwealth Government’s law enforcement and legislative response, the co-operation of State and Territory Governments and Australia’s international treaty obligations. The ACT Government actively contributes to the development and review of our national response to the illicit drug trade through our involvement with national working groups, committees and reviews.

Australia’s national response to the illicit drug trade is guided by the National Drug Strategy. The Strategy provides the framework for our national drug policy, which has the aim of minimising the harms to individuals, families and communities from alcohol, tobacco and other drugs.

The National Drug Strategy is based on the harm minimisation approach which encompasses three broad concepts: demand reduction, supply reduction and harm reduction. Supply reduction is the concept that directly relates to the illicit drug trade, and the criminal legislative response. The National Drug Strategy describes the aims of supply reduction as „to prevent, stop, disrupt or otherwise reduce the production and supply of illegal drugs; and to control, manage and/or regulate the availability of legal drugs“.

The ACT Government contributes to this strategy and the policies that operate under the strategy through our involvement in the Intergovernmental Committee on Drugs (IGCD). The IGCD is a Commonwealth, State and Territory Government forum that consists of representatives from health and law enforcement agencies in Australia and New Zealand.

The Commonwealth's serious drug offences, located in the Criminal Code Act 1995 (Cth) (the Commonwealth Criminal Code), were updated and modernised in 2005 in order to target organised illicit drug traders and commercially motivated drug crimes. The ACT Government has also implemented amendments, with our Criminal Code (Serious Drug Offences) Act commencing in 2005. These amendments were informed by a national discussion (the Model Criminal Code) aimed at producing model serious drug offences.

Domestically, to address the role of serious organised crime and the illegal drug trade, the Commonwealth, State and Territory Governments have committed to a national response to serious and organised crime. In 2010, reforms were passed to Commonwealth legislation to strengthen and target the legislative response to serious organised crime.

To support the national approach to serious and organised crime, in 2009, the ACT Government presented the Government Report to the Legislative Assembly: Serious Organised Crime Groups and Activities to the Legislative Assembly. The report contained a number of recommendations aimed at strengthening the Territory's ability to combat serious and organised crime.

In 2010 the ACT Legislative Assembly passed the Crimes (Serious Organised Crime) Amendment Act. The Act introduced the offences of affray, participation in a criminal group and recruiting people to participate in criminal activity into our criminal laws. The Act also extended our existing offences relating to the protection of people involved in legal proceedings.

Additionally, the ACT has now implemented cross border criminal investigation laws. The laws cover controlled operations, assumed identities, surveillance devices and the protection of witness identity.

ACT Policing (ACTP) is a portfolio of the Australian Federal Police, the Commonwealth's principal law enforcement agency and the primary advisor to the Federal Government on policing issues. The AFP works closely with Commonwealth, State/Territory government and law enforcement agencies to implement the Commonwealth Organised Crime Strategic Framework. This framework seeks to unite the fight against serious and organised crime using law enforcement and regulatory means combined to disrupt criminal enterprises nationally and internationally.

The AFP works with private sector as well as Commonwealth, State/Territory partners to determine where crime prevention efforts might more effectively operate across the jurisdictions.

ACTP has the benefit of the AFP's global profile and can draw on a broad law enforcement knowledge base to inform good practice in investigations and crime prevention.

The ACT Government is strongly committed and involved in addressing the supply and trade in illegal drugs. The ACT Government is actively engaged and involved in the legislative and policy response to the illicit drug trade at a national and international level. This involvement is supported by our legislative and policy response in the ACT as we endeavour to ensure that our law enforcement agencies are sufficiently resourced and supported to investigate and prosecute these crimes.

The failure to stop the use of drugs

The ACT's criminal legislative response to illicit drug use is located in chapter 6 of the Criminal Code Act 2002, based on the Model Criminal Code, and the Drugs of Dependence Act

1989.

A key policy underpinning the ACT's criminal law response to the use of illegal drugs is the ACT's 'Alcohol, Tobacco and Other Drug Strategy 2010-2014' ("the ACT Strategy"). The strategy is a multifaceted approach applying evidence-informed practice that attempts to intervene to enhance health promotion and early intervention.

Like the Commonwealth strategy, the ACT strategy is guided by the harm minimisation approach. The demand reduction and harm reduction aspects of the harm minimisation approach are important concepts that aim to both reduce the uptake of harmful drug use and the drug related harm to individuals and communities. The ACT Strategy recognises the many underlying causes of illicit drug use, and aims to provide programs and services to address these causes.

By acknowledging the on-going causes and use of illicit substances in the community, the ACT Strategy will continue to focus on those who continue to suffer disadvantage, which includes people who are affected by the harms caused by illicit drug use. The ACT Government is committed to minimising the harm that is caused by illicit drug use, while recognising the individual needs of all citizens in the ACT.

The revision of current laws

The ACT Government is keen to ensure that ACT laws continue to be effective tools in the investigation and prosecution of serious drug offences and serious organised crime. In doing so, the Government has sought to ensure that serious drug laws target those trafficking in illicit drugs rather than inadvertently categorising illicit drug-users as traffickers.

The ACT Government has recently undertaken a process to review and update the substances that are notified classified as controlled precursors in the ACT. The prohibited precursor schedules underpin the serious drug offences in chapter 6 of the Criminal Code 2002, as they recognise the substances that are used to create controlled drugs. It is imperative that the drugs and chemicals included in the schedules keep pace with contemporary law enforcement.

On 25 October 2010 the Criminal Code Amendment Regulation 2010 was notified. The regulation substituted a new definition of „controlled drugs“, a new definition of „controlled precursors“, inserted three new substances to be classified as controlled drugs and substituted a new precursor schedule.

The 2010 amendments adopt a selection of the reforms noted by the Ministerial Council on Drug Strategy ("MCDS") in May 2007 for the model national approach to controlled drug, precursor and plant schedules.

The ACT Government recognises that it is necessary to periodically review the controlled drugs, plants and precursors due to the development of new drugs and the changes in the methods and precursors used to produce the controlled drugs. Consistent with the ACT Strategy, it is the intent of the criminal justice response to illegal drug trade and use to develop evidence-based policies and initiatives to ensure that issues associated with harmful alcohol, tobacco and other drug use are addressed in an effective way.

The ACT Government is continuing to review its criminal justice response to illicit drugs. The ACT Government is currently reviewing its approach to the drugs and amounts that are prescribed as "controlled drugs" and has convened

a Drug Schedules Working Group to consider the model schedules and quantities for drugs, plants and precursors that the Intergovernmental Committee on Drugs developed ("the model drug schedules"). The Drug Schedules Working Group consists of members from ACT Policing, the ACT Director of Public Prosecutions, Legal Aid ACT, the ACT Government Health Directorate, including a member from the ACT Governmental Analytical Laboratory and the ACT Government Justice and Community Safety Directorate.

The ACT Government thanks the petitioners for raising their concerns about the approach and response to illicit drug use.

War on drugs goes up in smoke

Opinion, SMH, Wendy Squires, April 7, 2012

They looked like cuddly granddads from central casting but were nudging each other like timid boys in a school playground. "You ask her," Joe said, pushing his mate Bob to tentatively step forward. "Go on!"

I had just met two American men, war buddies in their late 60s, over lunch at an Amsterdam pub at the start of a cruise down the Rhine last week, when this reticent approach was made. "I wonder if you would mind doing us a favour," Bob eventually asked. "You see, Joe and I have led a bit of a sheltered life and our wives think we're crazy but we want to, you know, take some marijuana. We figure if we're ever going to do it, now's the time."

Seeing my face light up at the complete cuteness of the situation, Joe joined in. "It's on our bucket list," he explained. "We want you to take us to one of those special cafes they have here and help us get a reefer."

And so, last week, I spent a delightful afternoon taking photos of two old men giggling like Japanese schoolgirls as they puffed comically on a joint in a Dutch coffee shop. It was an absolute pleasure - a highlight of my trip - to help them out.

Which is why I couldn't help but laugh out loud on the plane back when I read that a newly released report by think tank Australia21 has found that the war on drugs is lost.

Well, who would have thought?

Even with Nancy Reagan's "just say no" finger-wavering in the '80s, the scary ads of late, constant health warnings, tut-tutting from church and state and dire legal consequences for their possession and use, could it be that drugs are here to stay? That people still think it is OK to imbibe?

Oh yes, it appears. Yes indeed.

Just before leaving on holiday, I had a weekend away watching DVDs with friends and their kids. The teenagers chose both Hangover movies and we all laughed along watching a group of men of an age at which they "should know better" suffering a drug-induced blackout.

When it was the adults' turn, we popped It's Complicated in the machine to see Meryl Streep and Steve Martin share a joint, laugh, bond and fall in love as a result. Same deal with Lost In Translation, with Bill Murray and Scarlett Johansson relating over a universal peace pipe. And Cameron Diaz barely had a joint out of her mouth all the way through Bad Teacher.

Later, when I asked if the parents were OK with their children watching positive images of drug taking, they were aghast. They just hadn't thought about it. They had become immune to

dope being depicted not only as a rite of passage, but a vital life catharsis - the only way to find your true, happy self - on film and TV.

Some effective war we're waging.

Out of the estimated one third of Australians who admit to breaking the law and taking drugs, 60 per cent are over 40. So, there goes that generation.

And as for today's inquisitive celebrity-worshipping youth, there is little chance they are going to heed "gateway to harder drug" messages when their idols such as Mischa Barton, Lindsay Lohan, Cameron Diaz, Drew Barrymore, Snoop Dogg, Nicole Richie, Paris Hilton, Michael Phelps, Rihanna and Woody Harrelson have all been photographed smoking dope - Charlize Theron puffing away on an apple bong no less - unapologetically.

If that isn't enough to tap the war on drugs generals on the shoulder and whisper, "no one is listening", then perhaps the fact that Jennifer Aniston, George Michael, Brad Pitt, Barbra Streisand, Guy Pearce and Oliver Stone all admit to smoking dope, with Justin Timberlake justifying his use with, "some people are just better high".

Including pot in the blanket term illegal drugs, which include heroin, methamphetamine, cocaine and myriad other deadly substances, may be one of the first errors in this inane "war".

Yes, I am aware that grass - like all drugs - can also have dire consequences, but that is not the point I'm trying to make, which is that it's impossible to win a war against popular culture. The message that marijuana is the devil's weed has been long lost. It's time for a new one.

Even politicians are agreeing the fight is over and drugs have won. Not that we should step aside all together from the war; just pick our battles better and know the real enemy.

Foreign Minister Bob Carr, whose brother died of a heroin overdose 1981, told the Seven Network this week: "Modest decriminalisation, de facto decriminalisation at the edges, simply freeing up police to be doing the things they ought to be doing, would be a sensible way of going."

"We wouldn't have armies of police patrolling outside nightclubs ... and we wouldn't be having police chasing individual users of marijuana," he added to the ABC.

It is strange to think that buddies Joe and Bob may have been arrested for ticking a joint off their life list last week had they not been in Amsterdam, where pot is not actually legal, merely tolerated. But it crossed my mind for a moment when Bob's wife approached me that night.

"I'm not sure you should have taken Bob to that cafe today," she said. "He hasn't stopped eating cheese since he got back and he knows he's got high cholesterol. But thanks for taking the photos. They're hilarious. Our kids will love them."

Wendy Squires is a Melbourne journalist, editor and author.