



The Committee Secretary
Select Committee on the Drugs of Dependence (Personal Use) Amendment Bill 2021
ACT Legislative Assembly
GPO Box 1020, Canberra, ACT, 2601
By email: LASelectCommitteeDDAB2021@parliament.act.gov.au

Inquiry into the Drugs of Dependence (Personal Use) Amendment Bill 2021

Dear Committee

Thank you for providing Harm Reduction Australia (HRA) with an opportunity to provide a submission to your very important Inquiry.

As you may be aware, HRA is a volunteer organisation with no paid staff and limited resources hence the brevity of this submission. Accordingly, our efforts are primarily focussed on advocating for drug policies and programs that reduce the intolerable harm they currently cause to so many individuals, families and communities.

If appropriate, I would like to encourage the Inquiry to invite HRA to give evidence directly at any hearings it may be conducting, so we can provide more depth to our submission.

Nonetheless, it is important to establish at the start that no matter how strong our desire for people not to use drugs or our efforts at education and prevention, people will use drugs. This is not to undervalue drug education and prevention programs but rather to be realistic about their impact and the evidence of their effectiveness, particularly in the long-term. We know from numerous surveys that a large proportion of people in Australia use drugs at some time in their lives. The majority enjoy the experience and encounter little if any adverse effects. However, for too many people the illegality of the drugs will significantly raise the potential for many unnecessary and in some cases, lifelong harms.

It is imperative to understand that first and foremost, all of us want those we care for and who may be using drugs, not to be harmed.

When we do tackle the problems associated with some drug use we should also emphasise the health and well-being of the person using drugs, and focus on supporting them and their families, not use it as an opportunity to punish.

Rather than describe the range of information we can provide, we have provided a number of relevant articles and documents as links at the end of this correspondence as part of our submission.

It would be beneficial to read the following recent opinion piece regarding cannabis laws in this country:

Australian laws and regulations on cannabis, with the exception of some recent ACT amendments on personal possession, are so out of date and dishonest, it is difficult to understand how opposition to reform is possible, yet alone able to win the argument.

We have seen important breakthroughs in recent years in access to medicinal cannabis for people who can benefit from the range of products now available. However, the refusal of our elected representatives and law enforcement officials to rectify an obvious problem with the current system results in thousands of patients having to decide between being able to drive - and for some that means earning a living - or taking their prescribed medication, because the laws as they stand do not allow you to do both.

Despite there being a distinct lack of evidence of a correlation between a positive drug test and impairment, drivers, including those taking prescribed medicinal cannabis, can be punished with an [immediate loss of licence and exorbitant fines](#) if they test positive. Police know their testing can pick up presence well beyond the current research of at most a [seven-hour impairment window](#) after cannabis use. Yet many [government campaigns](#) ignore the facts and instead perpetuate propaganda. To add insult to injury, medicinal cannabis remains the only prescription to which such a law applies.

It is also well-known that the whole roadside drug testing program has no concrete road safety basis, as unlike alcohol there are no defined impairment levels in play. Instead, the program serves as a tool for the continuation of a war-on-drugs mentality that allows wide-scale testing and punishment of citizens if any past drug use is detected.

Even in the ACT, where cannabis use and possession laws have been amended, the driving laws still seek to punish for any detectable presence, not impairment.

Then there is the issue of how, outside the ACT, all the cannabis laws seek to inflict maximum damage well beyond any legal principle of proportionality. Does anyone believe a 19-year-old smoking a joint deserves to have a multitude of lifelong employment and travel opportunities ripped away by having a drug conviction?

The fact is that every 10 minutes in this country, [someone is arrested for the use or possession of a small quantity of cannabis](#). This farce is inflicted on people every day without remorse, and as if playing a role in a B-grade movie, our elected representatives and law enforcement officials declare these harshest of punishments as justified as all are drugs evil - except the ones they like. Damn the evidence, damn the consequences (for others) it seems.

Even when attempts are made to be reasonable on cannabis use, such as the [NSW Medicinal Cannabis Compassionate Use Scheme](#), the need not to be seen as soft on drugs inexplicably results in forcing people outside the ACT to access cannabis from the black market. Best you engage with organised crime rather than any accusation of our governments being soft on drugs.

Our successful response to COVID-19 has been led by a reliance on evidence-based health advice, yet any calls for similar approaches to cannabis laws and regulations, or seemingly any currently illicit drug, are [rejected without even due consideration](#).

Hopefully Australia can learn from New York, which has just passed [new legislation](#) that eliminates penalties for possession of marijuana, directs 40 per cent of tax revenue to low-income communities and automatically expunges past convictions that are no longer crimes.

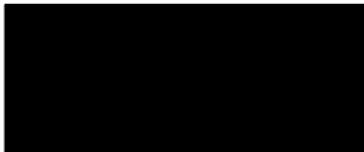
It's hard to know what it will take to fix the legal problems we have here with cannabis but one thing we do know is that the current approach based on a "[don't take drugs](#)" (alcohol excepted) approach is not only a cruel joke but has become completely irrational.

<https://www.canberratimes.com.au/story/7195616/australian-cannabis-laws-are-dishonest-and-need-to-change/>

As a final note, we reiterate that saving lives of should be paramount. Policies and practices to reduce harm, treat drug use and support people and families in our communities are meaningless when the person has died as a result of policies that increase harm.

Please do not hesitate to contact HRA should you require any further information.

Yours sincerely



Gino Vumbaca BSW MBA MAICD Churchill Fellow
President
Harm Reduction Australia
5 June 2021

HRA Links for Further Information

<https://johnmenadue.com/gino-vumbaca-drug-reform-series-at-last-a-government-sanctioned-pill-testing-program/>

<https://www.dailytelegraph.com.au/rendezview/drug-users-shouldnt-be-treated-like-criminals/news-story/f1fd08e21c86861aa10e99686e8fc96f>

<http://www.smh.com.au/comment/the-war-on-drugs-is-a-war-against-our-own-children-friends-and-families-20151125-gl7kkl.html>

[HRA & PTA Jan 2021 Newsletter](#)

[HRA & PTA September 2020 Newsletter](#)

<https://www.theguardian.com/commentisfree/2019/jan/17/how-to-navigate-dinner-conversations-about-pill-testing>

<https://www.abc.net.au/news/health/2019-01-15/pill-testing-claims-put-to-the-test/10703370>

<https://www.hit.com.au/story/disappointment-as-pill-testing-overlooked-in-festival-safety-review-110398>

<https://www.harmreductionaustralia.org.au/wp-content/uploads/2018/06/Pill-Testing-Pilot-ACT-June-2018-Final-Report.pdf>

<https://www.harmreductionaustralia.org.au/wp-content/uploads/2018/06/Pill-Testing-Pilot-ACT-June-2018-Final-Report.pdf>

<https://www.harmreductionaustralia.org.au/wp-content/uploads/2019/04/PTA-MEDIA-RELEASE.pdf>

<https://pilltestingaustralia.com.au/wp-content/uploads/2019/08/Report-on-the-2nd-ACT-GTM-Pill-Testing-Pilot.pdf>

<https://www.anu.edu.au/news/all-news/pill-testing-trial-backed-by-independent-review>

The NSW Coroner's Report and NSW Special Commission also reviewed the evidence, and their reports are available here:

<https://coroners.nsw.gov.au/coroners-court/download.html/documents/findings/2019/Music Festival Redacted findings in the joint inquest into deaths arising at music festivals .pdf>

<https://www.dpc.nsw.gov.au/publications/special-commissions-of-inquiry/the-special-commission-of-inquiry-into-the-drug-ice/>