



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

SELECT COMMITTEE ON THE DRUGS OF DEPENDENCE (PERSONAL USE)
AMENDMENT BILL 2021

Mr Peter Cain MLA (Chair), Dr Marisa Paterson MLA (Deputy Chair),
Mr Johnathan Davis MLA

Submission Cover Sheet

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

Submission Number: 45

Date Authorised for Publication: 30 June 2021

From: [REDACTED]
To: [LA Select Committee DDAB2021](#)
Subject: Re: Just copying you into DFA's anti-decriminalisation arguments for the ACT and NSW
Date: Tuesday, 15 June 2021 4:19:07 PM

CAUTION: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Sorry David- please date that 14 June 2021 .

Bill S

On Tue, Jun 15, 2021 at 4:17 PM Bill Stefaniak <[REDACTED]> wrote:

Dear David,

I now send you the rest of my submission.

SUBMISSION TO THE ACTLA COMMITTEE LOOKING INTO THE PETTERSSON BILL

Dear Committee members,

BACKGROUND

1. As already mentioned please take my article (which you now have)from the City News and my earlier comments and the email from Drug Free Australia (dated 6 May 21) as part of my submission to you.

2 .Please also note that I have had an interest and experience in issues around drug use and laws from the 1960s onwards . I have on about 3 or 4 occasions smoked cannabis (I'd never buy the stuff) and once in 1971 at a party in O'connor, unwittingly used what my mates and I think was LSD put into apples by a mate of ours- who is now famous .

3 As already indicated I have defended and prosecuted drug users and pushers from 1976 (in Muswellbrook NSW and then in the ACT) until 1995) I have closely followed developments and trends as an MLA and more specifically as Police minister and AG and shadow AG and police minister from 1995 to 2008

4. In the 3rd and 4th Assembly I was actively involved as a member of cabinet , and also in the Liberal Party generally , in discussions around a " safe injecting room" or " shooting gallery " as it was colloquially called . Indeed I was the only member of cabinet to oppose it and was given a dispensation to publically do so by our very practical and fair CM at the time Kate Carnell . The parties policy ,which I supported , was not to have one until it had been put to the people at the next election (a bit like the same sex Marriage plebisite) As the government did not have the numbers in the assembly - or even in our party room to advance the issue , it lapsed -, thank God !

I could not see any benefit in that proposal (the shooting gallery) and a whole lot of negatives. Indeed it broke a number of laws , which this bill also seems to do (albeit, I'm sure , unwittingly) I can elaborate further orally if need be .

5. As a prosecutor and defence counsel, I saw first hand the damage drug pushing and

drug use did to people .

6. I must say that I rarely (certainly in the last 20 years) saw little evidence of people ending up before the courts in the ACT just charged with possession of small quantities of drugs . I really cannot recall anyone going to jail in Canberra for just possession of a small quantity of illicit drugs - It was always linked to more substantive crimes like serious assaults or armed robbery and the like .

People only seemed to go to jail for possession of large trafficable quantities of drugs (as they should)

7.. I had no problem with and indeed supported the infringement notice scheme for possession of a small quantity of cannabis (fine \$100) telling my party colleagues that that was all a person would get if they went to court . - Mr Petersson's cannabis bill has complicated that issue and I'd recommend you should go back to the cannabis law as it was several years ago.

7. As Appeal President of ACAT 2009 to 1 January 2016 I presided over numerous mental health cases.

Probably over half of them involved patients whose mental health issues were exacerbated by using hard drugs .Of the hard drugs perhaps only heroin was a drug where some patients could operate at a reasonable level without too much adverse effect ,but the other hard drugs would be very dangerous to the patient and their families and the general public who came into contact with those patients .To say it added their brains was often an understatement .

Hydroponic cannabis also had a dreadful effect on many MH cases too. I do note that some medical patients suffering from chronic pain can be helped by cannabis use and methadone, whilst addictive has been used to combat heroin addiction for decades now .

I have no problem with any drugs medically prescribed to alleviate a person's medical condition .

It's recreational useage that's the problem .

INCREASED DRUG USE .AS A RESULT OF THIS BILL

1 I draw members attention to the article from Drug Free Australia and the startling figures showing increased usage (59%) as a result of the Portugese experiment as well as the increased death rates as a result and the increased drug use by young people.

2 I also point out the fact that very few Australian approve of illicit drug use (see the Drug Free Australia email of 6 May 21) . We have enough problems with Alcohol and Tobacco - the latter though , thanks to great Ad programs, is decreasing in use - therein lies a message for this committee -

3 Apart from some drugs or derivatives thereof used for medicinal purposes , all the evidence points to illicit drugs being bad for people.

4. Dealers prey on the young and try to encourage young people to use drugs - This bill ,which will make it easier to use hard drugs, merely encourages that - as do to perhaps a lesser extent -,shooting galleries and pill testing rooms . This bill gives a greater legitimacy to hard drug usage .

5. The Portugese experience proves the bleeding obvious - If you decriminalize possession of hard drugs more people will use them because the risk factor of falling foul of the law is weakened

LEAVE THE LAW AS IT IS

1. This committee needs , if it has not already done so, to get stats from the ACT magistrates court and supreme court to see just how many people have been jailed for just simple possession of a small quantity of hard drugs in say, the last 10 years .

The stats need to be limited to defendants appearing before the courts only charged with possession and not for any other crimes as well,such as assault, armed robberies etc committed whilst on drugs)

As I said in my City News article, the police don't really bother to arrest people just for possessing a small quantity of drugs .

Accordingly the " stigma " argument goes out the window .

2 This bill appears to be a reaction to a virtually non existent problem . it also does nothing to address the real problems associated with drug use and only exacerbates them and encourages vulnerable people to use hard drugs

3 The bill does nothing to stop or discourage the drug pushers and dealers and indeed only helps boost their business .

The only way to totally stop the dealers in their tracks would be to legalise all hard drugs and sell them as a government monopoly. The only time that was done was in Manchukuo (Manchuria) by the Japanese from 1933 to 1945, where they effectively doped up about 30% of the population on opium to keep them docile.- not a good move .

(I have had some personal experience with what dealers do at the lower end of the scale to users and how they get new recruits in and what happens to gullible young users if they cross the dealers - and I am inclined to elaborate further if my family wants me too.- perhaps in closed session I can discuss this further with the committee secretary if need be)

4. This bill misses out on the 2 things needed to help reduce drug use .

1. Decent rehab programs properly funded to attack the problem early on :and
2. A proper , full anti drug Ad campaign to discourage usage in the first place .

I find it amazing and indeed worrying that there have been NO anti drug Ads on TV or radio for years . A hard hitting saturation campaign- showing the severe deleterious effects of hard drugs (say ice for example - there is some great TV footage of the effects of ice on people) ,- would have a big effect in discouraging people not to take up drug use - just like the Grim Reaper ads in the 80's in relation to Aids and the more recent anti smoking ads have- Graphic shock ads telling it as it is .

The committee, and the Assembly would be well advised to ditch this dangerous bill and instead keep the law as it is , increase early intervention drug ReHab programs and spend money on an anti drug blitz advertising campaign along the lines I suggest.

Bill Stefaniak AM,RFD.

14 May 2021

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On Tue, Jun 15, 2021 at 2:38 PM Bill Stefaniak <[REDACTED]> wrote:

Dear David ,, in case you have not got this from drug free Australia, I now include it as part of my submission .It's a document sent to me by [REDACTED] dated 6 may from drug free Australia.

please note in case I could not attach it to this email, I forwarded it onto you several minutes before I sent you this email.

regards,

Bill s

----- Forwarded message -----

From: **Bill Stefaniak** <[REDACTED]>

Date: Tue, Jun 15, 2021 at 2:34 PM

Subject: Fwd: Just copying you into DFA's anti-decriminalisation arguments for the ACT and NSW

To: LA Select Committee DDAB2021

<LASelectCommitteeDDAB2021@parliament.act.gov.au>

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From: [REDACTED] <[REDACTED]>

Date: Thu, May 6, 2021 at 9:05 AM

Subject: Just copying you into DFA's anti-decriminalisation arguments for the ACT and NSW

To: [REDACTED] <[REDACTED]>

Anti-decriminalisation colleagues in the ACT

The Uniting Church recently released its arguments in favour of decriminalising the use of hard drugs such as heroin, ice, speed, cocaine and ecstasy. So we at Drug Free Australia are now highlighting the significantly increased damage decriminalisation does to any society that supports it and moving to the wider arguments beyond the failure of Portugal's decriminalisation (which is where we started with 2CC in the ACT)

Below are Drug Free Australia's arguments against the assertions within the Uniting Church [document](#) . A far more [extensive response](#) to each Uniting assertion is available on Drug Free Australia's website and we would encourage you to look into the arguments in the more extensive document because each response has been framed as a media sound-byte challenging Uniting's arguments.

Arguments against decriminalising illicit drugs (heroin, ice, speed, cocaine and ecstasy)

Drugs harm much more than the user

Uniting believes we need more compassion for drug users, but

- Illicit drug use adversely affects a whole constellation of people – the drug user’s partner, their children, their children’s grandparents, siblings, friends, workmates, other road users, and the rest of the community (crime, welfare etc) drawn into the vortex of their drug use (those not familiar with these many harms best read p221ff of the Bishop Senate Inquiry [report](#) into the impact of drug use on families)
- The unacceptable harms of drug use are attested by a simple fact – our governments have spent hundreds of millions of dollars on ‘[harm reduction](#)’ programs for drug use – it’s in the name

Why there must be legal consequences

Uniting wants to remove all meaningful legal impediments to hard drug use

- Illicit drug use has historically attracted a conviction because of the unacceptable harms it causes to so many. For instance, the value of lost retirement and savings for [grandparents](#) raising their grandchildren due to drug-dependent parental neglect represents a ‘stolen’ cost infinitely greater than petty sums attracting criminal sanctions for shoplifters or embezzlers
- [96-99%](#) of Australians do not approve the regular use of heroin, ice, speed, cocaine or ecstasy, suggesting that Australians would want less drug use, not more, which only rehab and recovery can achieve, making them mandatory. Decriminalisation will never drive recovery – it removes all meaningful limits or deterrence value in drug laws, being little different to fully legalising drugs practically-speaking. **Australian Drug Courts have been an effective avenue for streaming drug users into rehab and treatment, where scrapping such interventions will lead to escalating drug use and associated harms**
- With no legal mandated deterrent for a user to cease drug use by entering rehab, drug use markedly increases as it has in Portugal (their preferred model), which decriminalised all illicit drugs in 2001 only to see drug use rise [59%](#), overdose deaths rise [59%](#) and drug use by high school minors up [60%](#) by 2017. By comparison, Australia’s Federal Tough on Drugs policy from 1998 to 2007 reduced drug use [42%](#) and overdose deaths [75%](#) by maintaining convictions and funding more rehab. Portugal increased societal harms, Australia reduced them
- Drug Free Australia promotes the introduction of ‘spent’ convictions, where a criminal record is totally erased if a drug user can return drug free tests over a three-year period

Keeping drugs illegal works

Uniting infers that the illegality of drugs hasn't worked

- [73%](#) of Australians say they have no interest in illicit drugs. Relevant to the remainder that likely would have an interest, [32%](#) of Australians say they don’t use drugs because of their illegality. If cannabis was legalised here, [10%](#) who’ve never tried it would use it, and [3%](#) who use it would use more, multiplying the established harms

caused by cannabis

- Changing the legal status of drugs removes these deterrents. When cannabis was decriminalised in the ACT in 1992, [43%](#) of Territorians thought it was now legal to use, explaining its skyrocketing use by 1993 where monthly use amongst lifetime users went from [0% to 31%](#)

All use is problematic

Uniting believes that few drug users have problematic use

- The argument that few have problematic drug use is contradicted by Australia's most prolific researcher on heroin use, Prof. Shane Darke, who [wrote](#) that very few heroin users "use it in a non-dependent, non-compulsive fashion." [1 in every 3 Australian illicit drug users becomes addicted](#)
- Their argument ignores the harms of occasional use where, for instance, [29%](#) of ecstasy deaths in Australia are from car crashes endangering the lives of passengers as well as people in other vehicles. Their argument is akin to saying that drivers who speed on our roads without causing loss of life should not be penalised for speeding. But the law does not work that way. And occasional users often still promote their drug use to friends and family who can become dependent. In fact [3 in every 5 Australian illicit drug users were introduced to drug use this way](#)

There is no 'right' to use drugs

Uniting thinks laws against hard drug use are unfair

- A recent Uniting Church [document](#) supporting drug decriminalisation argued that our drug laws should "reflect the essential worth and rights of every person." But Australian drug users have never been denied any right available to any other Australian. Of greatest importance, there has NEVER been a United Nations 'right' to use illicit/controlled drugs. In fact the UN Convention on the [Rights of the Child](#) accords each the right to live unaffected by illicit drug use and the [UN Drug Conventions](#) have always kept drugs illegal
- The aforementioned [document](#) argues for Equity in drug policy, i.e. all drug use should be treated the same – all must be decriminalised. This is the same principle that guided international drug policy for [110 years](#) – all drugs with unacceptable harms, whether heroin or cannabis, should be equally illegal

Drug Free Australia is encouraging Australian Parliamentarians to work towards the drug free society that is suggested by Australian attitudes concerning illicit drug use – Australians do not approve of it. From 1912 until the 1960s, during those years when legislators had the will and commitment to keep their societies drug free, there was [negligible](#) drug use worldwide. 'Tough on Drugs', a successful Australian drug prevention campaign (1998 to 2007) showed us what works – all we need now is the Political Will to take that approach again.

Regards



Drug Free Australia