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Senate Standing Committees on Economics
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Subject: Parliamentary Inquiry into measures to restrict Personal Choice.

To the Senate Standing Committees on Economics,

I am writing this submission to you in order to recommend that Australia's drug law policies should balance Western liberal views allowing people to make poor personal choices on the one hand with, on the other hand, suitable regulation to protect people from the poor choices that they may make throughout their lives. Australia's National Tobacco Campaign is the prime example used in this submission to show how sound policy can positively influence people's behaviour.

Specifically, the aim of this submission is to show its readers that Australia's drug laws have created criminals out of drug users, and, as a consequence, caused stigma and a loss of innocence to drug users and their families.

SUMMARY

First Challenge:

Increased funding towards law enforcement has not led to a reduction of demand in illicit drugs. It has also led to a growing prison population. The criminalisation of illicit drugs has assisted in empowering organised crime in Australia and, in turn, a wider use of violence by such criminals to protect their criminal interests.

Recommendations:

- 1.1 Introducing regulatory systems, such as that currently used with tobacco, to other drugs. Specifically, ban advertising, introduce plain packaging, warning labels, minimum age requirements, regulations on where they can be used and sold etc;
- 1.2 Increase funding towards harm minimisation programs such as safe-injecting rooms, grants to not-for-profit drug treatment services and diversionary programs and the provision of support to states and territories towards treatment services for prison inmates.

Second Challenge:

While, financially, the medical costs associated with the misuse of alcohol, tobacco, and prescription drugs (eg. hospital stays and surgery) are paid for by all taxpayers via Australia's taxation regime,

the same medical costs, when associated with the misuse of illicit drugs, are not paid by the consumers, or producers, of illicit drugs sold on the black market.

Recommendations:

- 2.1 Extend GST to products such as cannabis, cocaine, heroin etc;
- 2.2 Require growers of marijuana, and other currently illicit plants, and producers of marijuana joints, and other currently illicit drugs, to pay excise duty on their product;

Third Challenge:

Compared to Australia's National Tobacco Campaign, Australia's National Alcohol Campaign has been of marginal impact in reducing alcohol use.

Recommendations:

- 3.1 Prohibit advertising of all alcoholic beverages;
- 3.2 Adjust taxes on alcohol as an incentive towards healthier choices, especially for young/new consumers;
- 3.3 Introduce plain packaging on all alcohol products;
- 3.4 Place warning labels on all alcohol products;

Forth Challenge:

Disease, ambulance call-outs, hospital admissions and overdoses all place costs upon Australia's health system.

Recommendations:

- 4.1 Increase funding towards harm minimisation programs such as grants to not-for-profit drug treatment services and diversionary programs;
- 4.2 Increase funding to school-based prevention programs via the National School Drug Education Strategy;
- 4.3 Widen media campaigns through the National Drug Strategy;
- 4.4 Encourage states and territories to introduce safe-injecting rooms in all capital cities. This would have the benefit of reducing health costs by minimising the spread of diseases like HIV and Hepatitis, ambulance call-outs and hospital admissions.

Fifth Challenge:

Imprisoning individuals for either the possession of the trafficking in drugs can affect not only the person incarcerated, but also their families. The imprisonment of a parent can be particularly harmful to children. It may mean:

- *Increased likelihood of offending in children later in life;*
- *Increased possibility of divorce between the prisoner and the partner living in the community;*
- *Relocation for the family so that they can be near imprisoned loved-ones (disrupting children's schooling and social networks); and*
- *Economic hardship for families, particularly if the incarcerated person is the sole breadwinner.*

Recommendations:

See those stated above.

AUSTRALIAN DRUG LAW POLICY

In 1985 the Commonwealth Government in collaboration with the States and Territories adopted the policy of harm minimisation.¹ Specifically, the focus of that policy was to reduce demand, supply and harm.² The 1985 approach continues today in the *National Drug Strategy 2010-2015*.³ Prior to this, illicit drugs were a purely law enforcement matter.⁴

Australia is a signatory of the UN *Single Convention on Narcotic Drugs*.⁵ The purpose of which is to restrict the production, distribution and sale of narcotics to medical and scientific purposes.⁶ Though this treaty allows for harm minimisation policies, in its current form it proscribes the legalisation of drugs. The treaty was passed into Australian law with the introduction of the *Narcotic Drugs Act 1967*.⁷

Weaknesses in Australia's strategy were highlighted in a 2005 study.⁸ This study found that in the 2002-03 period, 56% of drug policy spending went to law enforcement and interdiction.⁹ A mere 23% was spent on prevention and 17% for treatment.¹⁰ Ostensibly, the rhetoric of harm minimisation does not equate to these facts.

¹ Parsons, T. (1999). The myth of drug prohibition. *Law Institute Journal Victoria* 73(10) (p. 58).

² Australian Government. (2003). *Evaluation of the National Drug Strategic Framework 1998-99 – 2003-04*. Retrieved from

<[http://www.nationaldrugstrategy.gov.au/internet/drugstrategy/Publishing.nsf/content/33B3F1FD97B13446CA2575B4001353A3/\\$File/ndsf_eval.pdf](http://www.nationaldrugstrategy.gov.au/internet/drugstrategy/Publishing.nsf/content/33B3F1FD97B13446CA2575B4001353A3/$File/ndsf_eval.pdf)>.

³ Department of Health and Ageing. (2011). *The National Drug Strategy 2010-2015: A framework for action on alcohol, tobacco, and other drugs* (D0224) (p. 4). Canberra, Australia: Commonwealth of Australia.

⁴ Parsons, T. (1999). The myth of drug prohibition. *Law Institute Journal Victoria* 73(10) (p. 58).

⁵ United Nations. (1961). *Single Convention on Narcotic Drugs, 1961*. Retrieved from <http://www.incb.org/pdf/e/conv/convention_1961_en.pdf>.

⁶ United Nations. (1961). *Single Convention on Narcotic Drugs, 1961*. Retrieved from <http://www.incb.org/pdf/e/conv/convention_1961_en.pdf>.

⁷ Australian Government. (2011). *Narcotic Drugs Act 1967*. Retrieved from <<http://www.comlaw.gov.au/Series/C2004A07597>>.

⁸ Moore, T. J. (2005). *Drug Policy Modelling Project – Monograph 01: What is Australia's "Drug Budget"? The Policy Mix of Illicit Drug-Related Government Spending In Australia*. Victoria, Australia: Turning Point Alcohol and Drug Centre Inc.

⁹ Moore, T. J. (2005). *Drug Policy Modelling Project – Monograph 01: What is Australia's "Drug Budget"? The Policy Mix of Illicit Drug-Related Government Spending In Australia* (p. i). Victoria, Australia: Turning Point Alcohol and Drug Centre Inc.

¹⁰ Moore, T. J. (2005). *Drug Policy Modelling Project – Monograph 01: What is Australia's "Drug Budget"? The Policy Mix of Illicit Drug-Related Government Spending In Australia* (p. i). Victoria, Australia: Turning Point Alcohol and Drug Centre Inc.

COST OF DRUG LAW ENFORCEMENT

Between 1973 and 2009 there was an increase in prosecutions for drug offences from 6,705¹¹ to around 84,000.¹² This is an increase of over 12 times from the 1973 period. On top of this, it is estimated that the total cost of illicit drug use in Australia is about \$6 billion per year.¹³ This includes the costs to individuals, governments and businesses.¹⁴ The Australian Government estimates that in 2004-05 alone, tangible cost of drug use on the criminal justice system alone was around \$2.2 billion: police (\$1,716.9 million), courts (\$146.8 million), and prisons (\$348.6 million).¹⁵

Of the 29,700 prisoners in gaols across Australia in 2010, 3,233 (11%) were there for drug-related offences.¹⁶ This is an increase on the 2,227 (10.3%) prisoners in gaol on similar offences in 2000.¹⁷ Meanwhile, the overall rate of imprisonment increased from 150 prisoners per 100,000 adult population in 2000 to 170 prisoners per 100,000 adult population in 2010.¹⁸

Disturbingly, in their 1999-2000 report, the Australian Bureau of Criminal Intelligence (now the Australian Crime Commission) acknowledged that the rates of drug use in gaols “is usually higher than in the general community.”¹⁹ Assuming this is still true, it suggests that gaol is not a good option for drug rehabilitation.

¹¹ Jiggins, J. (2005). The cost of drug prohibition in Australia. *A paper presented to the Social Change in the 21st century conference held on the 28th of October 2005 at the Centre for Social Change Research, Queensland University of Technology* (p. 4).

¹² Commonwealth of Australia. (2010). *Illicit Drug Data Report 2008-09 Snapshot*. Canberra, Australia: Australian Crime Commission. Retrieved from <
http://www.crimecommission.gov.au/publications/iddr/ files/2008_09/IDDR%202008-09%20SNAPSHOT.pdf>.

¹³ Collins, D., Lapsley, H., & Marks, R. (2007). *The three billion dollar question for Australian business* (p. 4). Australian Drug Law Reform Foundation.

¹⁴ Collins, D., Lapsley, H., & Marks, R. (2007). *The three billion dollar question for Australian business* (p. 4). Australian Drug Law Reform Foundation.

¹⁵ Collins, D. & Lapsley, H. (2008). *The costs of tobacco, alcohol and illicit drug abuse to Australian society in 2004/05* (p. 64). Canberra, Australia: Commonwealth of Australia.

¹⁶ Australian Bureau of Statistics. (2010). *Prisoners in Australia, 2010* (no. 4517.0) (pp. 8-15). Canberra, Australia.

¹⁷ Australian Bureau of Statistics. (2001). *Illicit drug use, Sources of Australian Data, 2001*(no. 4808.0). Canberra, Australia.

¹⁸ Australian Bureau of Statistics. (2010). *Prisoners in Australia, 2010* (no. 4517.0) (p. 9). Canberra, Australia.

¹⁹ Commonwealth of Australia. (2001). *Australian Illicit Drug Report 1999-2000* (p. 93). Canberra, Australia: Australian Bureau of Intelligence.

AFFECTS ON FAMILIIES

Incarceration of family members affects, not just prisoners, but also, prisoners' families. For families, prison can lead them being vicariously punished for their relative's incarceration. The imprisonment of a parent can be particularly harmful to children.²⁰ It may mean:

- Increased likelihood of offending in children later in life²¹;
- Increased possibility of divorce between the prisoner and the partner living in the community²²;
- Relocation for the family so that they can be near imprisoned loved-ones (disrupting children's schooling and social networks)²³; and
- Economic hardship for families, particularly if the incarcerated person is the sole breadwinner.²⁴

Welfare organisations acknowledge that the imprisonment of parents can lead to children, often already disadvantaged, suffering further discrimination and stigmatisation because of the imprisonment.²⁵ Essentially, the stigma spreads from the prisoner to those all those connected to them.²⁶ For the child, this can cause behavioural and emotional problems like fear, anxiety and other health problems.²⁷

For partners of prisoners, they can miss the companionship typical of normal couples.²⁸

Generally, drugs can impoverish families. Money spent on living expenses may be used, instead, for the purchase of drugs. Where money is unavailable, drug users may sell family items, or steal, to support their habit.

²⁰ Cunningham, A. (2001). Forgotten families: the impacts of imprisonment. *Family Matters* 59, 35-38.

²¹ Cunningham, A. (2001). Forgotten families: the impacts of imprisonment. *Family Matters* 59, 35.

²² Arditti, J. A., Joest, K., & Lambert-Shute, J. (2003). Saturday Morning at the Jail: Implications of Incarceration for Families and Children. *Family Relations* 52(3), 196.

²³ Cunningham, A. (2001). Forgotten families: the impacts of imprisonment. *Family Matters* 59, 36.

²⁴ Cunningham, A. (2001). Forgotten families: the impacts of imprisonment. *Family Matters* 59, 36.

²⁵ Cunningham, A. (2001). Forgotten families: the impacts of imprisonment. *Family Matters* 59, 37.

²⁶ Arditti, J. A., Joest, K., & Lambert-Shute, J. (2003). Saturday Morning at the Jail: Implications of Incarceration for Families and Children. *Family Relations* 52(3), 196.

²⁷ Cunningham, A. (2001). Forgotten families: the impacts of imprisonment. *Family Matters* 59, 37.

²⁸ Hernandez, S.H., Jorgensen, J.D., & Warren, R.C. (1986). Addressing the Social Needs of Families of Prisoners: A Tool for Inmate Rehabilitation. *Federal Probation* 50, 50.

HEALTH

Both, licit and illicit drug use can raise the spectre of health problems. Studies show that out of the 23,313 drug related deaths in Australia in 1998, 19,019 were caused by tobacco smoking, 3,271 to alcohol use and 1,023 to the use of illicit drugs (most of which were heroin users).²⁹

The affects of using other illicit drugs however is unclear. For example, cannabis use may cause schizophrenia or psychosis.³⁰ It may also increase the likelihood of depression and anxiety.³¹ Such disorders, however, are “largely mediated by factors other than cannabis use.”³²

Like alcohol, illicit drugs can impair cognition and psychomotor functioning.³³ They can also heighten aggressiveness.³⁴ For injecting drug users there is the added potential of becoming ill from “blood borne diseases” caused by needle sharing.³⁵ They also risk death from overdose.³⁶

²⁹ National Centre for Education and Training on Addiction. (2004). *Alcohol & Other Drugs: A Handbook for Health Professionals* (p. 3). Canberra, Australia: Department of Health and Ageing.

³⁰ National Drug & Alcohol Research Centre. (2007). *Illicit drug use in Australia: Epidemiology, use patterns and associated harm* (2nd ed) (p. vi). Canberra, Australia: Commonwealth of Australia.

³¹ National Drug & Alcohol Research Centre. (2007). *Illicit drug use in Australia: Epidemiology, use patterns and associated harm* (2nd ed) (p. vi). Canberra, Australia: Commonwealth of Australia.

³² National Drug & Alcohol Research Centre. (2007). *Illicit drug use in Australia: Epidemiology, use patterns and associated harm* (2nd ed) (p. vi). Canberra, Australia: Commonwealth of Australia.

³³ National Drug & Alcohol Research Centre. (2007). *Illicit drug use in Australia: Epidemiology, use patterns and associated harm* (2nd ed) (p. vi). Canberra, Australia: Commonwealth of Australia.

³⁴ National Drug & Alcohol Research Centre. (2007). *Illicit drug use in Australia: Epidemiology, use patterns and associated harm* (2nd ed) (p. vii). Canberra, Australia: Commonwealth of Australia.

³⁵ National Drug & Alcohol Research Centre. (2007). *Illicit drug use in Australia: Epidemiology, use patterns and associated harm* (2nd ed) (p. xi). Canberra, Australia: Commonwealth of Australia.

³⁶ George, J., & Kinner, S.A. (2009). Crime, drugs and distress: patterns of drug use and harm among criminally involved injecting drug users in Australia. *Australian and New Zealand Journal of Public Health* 33(3), 223.

ORGANISED CRIME

The illicit drug market is the most prolific organised criminal activity in Australia.³⁷ The Australian Crime Commission recognises;

“Australians are among the world’s highest per capita consumers of illicit stimulants, and drug prices in Australia far exceed prices overseas, making domestic drug production and importation highly profitable.”³⁸

The impact of organised crime upon Australian society can be observed through the growth of Australia’s various illicit drug markets. Since 2004 in Australia, there has been a substantial increase in cocaine use.³⁹ Authorities believe that Mexican cartels are becoming principal suppliers into the Australian cocaine market.⁴⁰

In 2008-09 a record number of 449 illicit drug laboratories, which were producing amphetamine-type stimulants (ATS), were found in Australia.⁴¹ Evidence suggests that the manufacturing of ATS encourages other crimes like: breaking into pharmacies to procure precursor drugs and using false identities to obtain medicine containing pseudoephedrine.⁴²

Cannabis production and distribution is another entrenched organised criminal activity in Australia controlled by, inter alia, outlaw motorcycle gangs.⁴³

Organised crime, linked as it is to corruption, is not unknown in Australia.⁴⁴ Numerous Royal Commissions (eg. Costigan, Fitzgerald, Moffitt and Woodward inquiries) have highlighted the need for constant vigilance. The 2008 charging of the, then, Assistant Director of

³⁷ Australian Crime Commission. (2011). *Organised Crime in Australia* (p. 3). Canberra, Australia: Commonwealth of Australia.

³⁸ Australian Crime Commission. (2011). *Organised Crime in Australia* (p. 54). Canberra, Australia: Commonwealth of Australia.

³⁹ Australian Crime Commission. (2010) *Illicit Drug Data Report: 2008-09* (p. 5). Canberra, Australia: Commonwealth of Australia.

⁴⁰ Australian Crime Commission. (2011). *Organised Crime in Australia* (p. 57). Canberra, Australia: Commonwealth of Australia.

⁴¹ Australian Crime Commission. (2010) *Illicit Drug Data Report: 2008-09* (p. 13). Canberra, Australia: Commonwealth of Australia.

⁴² Australian Crime Commission. (2011). *Organised Crime in Australia* (p. 58). Canberra, Australia: Commonwealth of Australia.

⁴³ Australian Crime Commission. (2011). *Organised Crime in Australia* (p. 65). Canberra, Australia: Commonwealth of Australia.

⁴⁴ See for example, Hickie, D. (1989). *The Prince and the Premier*. NSW, Australia: Angus & Robertson.

Investigations with the NSW Crime Commission with attempting to import precursor drugs underlines this fact.⁴⁵

While one of the outcomes of these Royal Commissions was to establish state-based anti-corruption bodies, to date, no such institution exists at the national level.⁴⁶ As a consequence, it is difficult to unmask corruption at the federal level.

With organised crime comes money laundering and tax evasion. Such exercises place the tax burden upon honest taxpayers.⁴⁷

AFFECTS TO BUSINESSES

⁴⁵ Bureau of International Narcotics and Law Enforcement Affairs. (2010). *2010 INCSR: Country Reports – Afghanistan through Colombia*. USA: US Department of State. Retrieved from <
<http://www.state.gov/p/inl/rls/nrcrpt/2010/vol1/137194.htm>>.

⁴⁶ Australian Government. (2004). *The Worldwide Fight against Transnational Organised Crime: Australia – Technical and Background Paper Number 9* (p. 51). Canberra, Australia: Australian Institute of Criminology.

⁴⁷ Collins, D., Lapsley, H., & Marks, R. (2007). *The three billion dollar question for Australian business* (p. 9). Australian Drug Law Reform Foundation.

Costs to business from current policy derive from losses to productivity and the reduction of consumption of legal goods.⁴⁸ Drug use and addiction can cause reductions to the workforce, lower efficiency of employees and increase absenteeism.⁴⁹ Businesses are also affected by drug-related property crime.⁵⁰

A study by the Australian Drug Law Reform Foundation found that the Australian business community lost approximately \$1.6 billion to the illicit drug market in 2003.⁵¹

If these costs were reduced businesses could benefit in a number of ways including⁵²:

- A larger workforce;
- Elevated productivity in existing workforce;
- Larger consumer demand;
- Reduced business taxes;
- Higher profits; and
- Bigger share rate returns.

SOLUTIONS

⁴⁸ Collins, D., Lapsley, H., & Marks, R. (2007). *The three billion dollar question for Australian business*. Australian Drug Law Reform Foundation.

⁴⁹ Collins, D., Lapsley, H., & Marks, R. (2007). *The three billion dollar question for Australian business* (pp. 7-8). Australian Drug Law Reform Foundation.

⁵⁰ Collins, D., Lapsley, H., & Marks, R. (2007). *The three billion dollar question for Australian business* (p. 3). Australian Drug Law Reform Foundation.

⁵¹ Collins, D., Lapsley, H., & Marks, R. (2007). *The three billion dollar question for Australian business* (p. 10). Australian Drug Law Reform Foundation.

⁵² Collins, D., Lapsley, H., & Marks, R. (2007). *The three billion dollar question for Australian business* (p. 14). Australian Drug Law Reform Foundation.

While harm minimisation is a commendable alternative to law enforcement models, the above statistics highlight the need for, at the least, a more balanced approach in budgetary spending.

Harm minimisation strategies such as Federal Government providing methadone clinics with free methadone and buprenorphine, and its support of diversion programs are a good start, however, more needs to be done if a reduction of harm to individuals and society is to occur.⁵³

Short term aims could include the Commonwealth Government working with the states and territories to encourage genuine harm minimisation strategies. Change could begin with the expansion of safe injecting rooms (such as the one in Sydney⁵⁴).

The provision of these facilities would reduce numbers of overdoses, spread of diseases,⁵⁵ ambulance call-outs and hospital admissions⁵⁶ and, in turn, reduce health costs. It would also be aligned with article 38 (1) of the *Single Convention on Narcotic Drugs* which states that:

“Parties shall give special attention to and take all practicable measures for the prevention of abuse of drugs and for the early identification, treatment, education, after-care, rehabilitation and social reintegration of the persons involved and shall co-ordinate their efforts to these ends.”⁵⁷

With the spread of safe-injecting rooms into all major capital cities, some assistance to other ongoing programs such as the *Third National Hepatitis C Strategy 2010-2013*⁵⁸ could be diverted to groups running these other facilities.

⁵³ Moore, T. J. (2005). *Drug Policy Modelling Project – Monograph 01: What is Australia’s “Drug Budget”? The Policy Mix of Illicit Drug-Related Government Spending In Australia* (pp. 13-15). Victoria, Australia: Turning Point Alcohol and Drug Centre Inc.

⁵⁴ Jauncey, M. (2011). Injecting centres a realistic, compassionate response to drug use. Retrieved from <<http://www.smh.com.au/opinion/politics/injecting-centres-a-realistic-compassionate-response-to-drug-use-20110526-1f5y8.html>>.

⁵⁵ Malkin, I. (2001). Establishing Supervised Injecting Facilities: A Responsible Way to Help Minimise Harm. *Melbourne University Law Review* 25(3), 681.

⁵⁶ Jauncey, M. (2011). Injecting centres a realistic, compassionate response to drug use. Retrieved from <<http://www.smh.com.au/opinion/politics/injecting-centres-a-realistic-compassionate-response-to-drug-use-20110526-1f5y8.html>>.

⁵⁷ United Nations. (1961). *Single Convention on Narcotic Drugs, 1961* (p. 19). Retrieved from <http://www.incb.org/pdf/e/conv/convention_1961_en.pdf>.

⁵⁸ Australian Government. (2010). *Third National Hepatitis C Strategy 2010-2013*. Retrieved from <[http://www.health.gov.au/internet/main/publishing.nsf/Content/ohp-national-strategies-2010-hcv/\\$File/hcv.pdf](http://www.health.gov.au/internet/main/publishing.nsf/Content/ohp-national-strategies-2010-hcv/$File/hcv.pdf)>.

Decriminalisation is another measure which could reduce the strains on law enforcement and the criminal justice system. Decriminalisation of cannabis has already occurred in parts of Australia.⁵⁹ Evidence in these jurisdictions shows that decriminalisation, with its imposition of civil penalties (ie. fines) is more cost effective than reliance on the criminal justice system, of which taxpayers must support.⁶⁰ It has not increased drug use.⁶¹

A good example of this is in Portugal. There, the decriminalisation of all drugs occurred in 2001.⁶² Studies of Portugal's drug policy have found "that decriminalisation has had no adverse effect on drug usage."⁶³ In fact, when compared to EU countries, including those with strict criminal laws, some of the lowest rates of drug use are found in Portugal.⁶⁴

Once decriminalisation is in operation, drug users will no longer have criminal records imposed upon them. This could make it easier for people, who may find getting a job difficult, less so. Drug use would become a harm minimisation issue rather than a law enforcement and criminal justice one.

Boosts to amounts given as grants to not-for-profit drug treatment services and the provision of support to states and territories towards treatment services for prison inmates would also be helpful.⁶⁵ So too, would be more support to family-based interventions.⁶⁶ This kind of intervention can address multiple issues in families, not just a single (drug) issue.⁶⁷

⁵⁹ National Cannabis Prevention and Information Centre. (2009). *Cannabis and the Law*. Retrieved from <<http://ncpic.org.au/workforce/alcohol-and-other-drug-workers/cannabis-information/factsheets/article/cannabis-and-the-law>>.

⁶⁰ Ali, R., Christie, P., & Single, E. (2000). The Impact of Cannabis Decriminalisation in Australia and the United States. *Journal of Public Health Policy* 21(2), 167.

⁶¹ Ali, R., Christie, P., & Single, E. (2000). The Impact of Cannabis Decriminalisation in Australia and the United States. *Journal of Public Health Policy* 21(2), 166.

⁶² Greenwald, G. (2009). *Drug Decriminalisation in Portugal: Lessons for creating fair and successful drug policies*. Washington D.C, USA: CATO Institute.

⁶³ Greenwald, G. (2009). *Drug Decriminalisation in Portugal: Lessons for creating fair and successful drug policies*. Washington D.C, USA: CATO Institute.

⁶⁴ Greenwald, G. (2009). *Drug Decriminalisation in Portugal: Lessons for creating fair and successful drug policies*. Washington D.C, USA: CATO Institute.

⁶⁵ Moore, T. J. (2005). *Drug Policy Modelling Project – Monograph 01: What is Australia's "Drug Budget"? The Policy Mix of Illicit Drug-Related Government Spending In Australia* (pp. 13-15). Victoria, Australia: Turning Point Alcohol and Drug Centre Inc.

⁶⁶ Atkinson, J., Best, D., Dawe, S., Evans, C., Frye, S., Harnett, P., Lynch, M., & Moss, D. (2007). *Drug Use in the Family: impacts and implications for children* (p. xi). Canberra, Australia: Australian National Council on Drugs.

⁶⁷ Atkinson, J., Best, D., Dawe, S., Evans, C., Frye, S., Harnett, P., Lynch, M., & Moss, D. (2007). *Drug Use in the Family: impacts and implications for children* (p. xi). Canberra, Australia: Australian National Council on Drugs. (p. xi).

Longer term government aspirations should be geared towards the legalisation of all narcotics. This would require the Federal Government to amend the *Narcotic Drugs Act 1967*⁶⁸ in line with legalisation. It would also require the Australian Government to either, reject the UN's *Single Convention on Narcotic Drugs*,⁶⁹ outright, or, to advocate on the global stage, via the UN, on amending the treaty so that narcotic use, production and supply is not restricted to scientific and medical purposes.

This would better equip Australian governments' ability to regulate drug production, supply, distribution and demand. Legalisation would drastically reduce the taxpayer burden of law enforcement, court expense, and, in the states and territories, corrective services.⁷⁰ Globally, it would have similar results.

By placing illicit drugs within the legal economy, the market could determine the price for drugs. Competition could erase the criminal element involved in the drug industry. Drugs would also, then, come under taxation laws, thereby increasing the amount collected in tax.

The savings in law enforcement and criminal justice created by drug reforms could be directed to extending harm minimisation programs. The Commonwealth, particularly, could increase funding to school-based prevention programs via its *National School Drug Education Strategy*⁷¹ and media campaigns through the *National Drug Strategy*.⁷² Similarly, the states and territories could divert savings to similar projects.

Policy would have to be enacted requiring producers of cannabis, coca and opium to be licensed, as is current for tobacco producers.⁷³ Government should also legislate plain

⁶⁸ Australian Government. (2011) *Narcotic Drugs Act 1967*. Retrieved from <
<http://www.comlaw.gov.au/Series/C2004A07597>>.

⁶⁹ United Nations. (1961). *Single Convention on Narcotic Drugs, 1961*. Retrieved from <
http://www.incb.org/incb/convention_1961.html>.

⁷⁰ Moore, T. J. (2005). *Drug Policy Modelling Project – Monograph 01: What is Australia's "Drug Budget"? The Policy Mix of Illicit Drug-Related Government Spending In Australia* (pp. 19-21). Victoria, Australia: Turning Point Alcohol and Drug Centre Inc.

⁷¹ Moore, T. J. (2005). *Drug Policy Modelling Project – Monograph 01: What is Australia's "Drug Budget"? The Policy Mix of Illicit Drug-Related Government Spending In Australia* (p. 9). Victoria, Australia: Turning Point Alcohol and Drug Centre Inc.

⁷² Moore, T. J. (2005). *Drug Policy Modelling Project – Monograph 01: What is Australia's "Drug Budget"? The Policy Mix of Illicit Drug-Related Government Spending In Australia* (p. 11). Victoria, Australia: Turning Point Alcohol and Drug Centre Inc.

⁷³ Australian Government. (2011). *Excise Act 1901* (section 28). Retrieved from <
http://www.comlaw.gov.au/Details/C2011C00395/Html/Text#_Toc294619837>.

packaging, as is currently being done in regards to tobacco,⁷⁴ ensure producers provide instructions on dosage and place warning labels on packages. One can assume that, just as tobacco use has fallen over the past 30 years, thanks largely to Australia's tobacco policy,⁷⁵ similar policies would reduce use of cannabis, cocaine, heroin and other illicit substances in Australia.

It is probable that any Australian government attempting to implement these reforms could risk recriminations from conservative organisations such as Drug Arm⁷⁶ and Drug Free Australia⁷⁷ whom promote prohibitionist messages. I believe, however, that, once better policies are put in place, and the evidence of this is highlighted, conversions will take place within these circles.

SUMMARY

Irrespective of the law, the harm caused by drugs affect us all. However, without a regulated, legal market, the effects of drugs in an unregulated, illicit one are far more damaging, both, to individuals, and to society.

The stated aims of Australia's current illicit drug policy are tokenistic. Australian governments spend much more money on law enforcement and criminal justice than they do on harm minimisation initiatives. While minimal treatment strategies are in place, the health

⁷⁴ Australian Government, (2011). *Consultation Paper: Tobacco Plain Packaging Bill 2011 – Exposure Draft*. Canberra, Australia: Department of Health and Ageing.

⁷⁵ Australian Government. (2005). *Statistics on drug use in Australia 2004*. Canberra, Australia: Australian Institute of Health and Welfare (p. xvi).

⁷⁶ Drug Arm. (n.d). *Our History*. Retrieved from http://www.drugarm.com.au/content/standard.asp?name=About_History.

⁷⁷ Drug Free Australia. (n.d). *About DFA*. Retrieved from < <http://www.drugfree.org.au/about/>.

of individuals fall, as too, does the wellbeing of families affected by drugs and society at large. Organised criminals are accumulating millions in untaxable income at the cost to individuals, legal businesses and society. At the same time, the penal system is hurting those in prison and their families. The drug trade in gaol is alive and well, making rehabilitation difficult at best.

Only by legalisation will the Australian Government alleviate the problems associated with drug use, its manufacture, supply and demand. Without reform, the drug issue Australian's face today will be us tomorrow.