

PARLIAMENTARY JOINT COMMITTEE ON LAW ENFORCEMENT

The challenges and opportunities for law enforcement in addressing Australia's illicit drug problem.

About Your Community Health

Your Community Health (YourCH) is a registered community health not for profit organisation based in Melbourne's north-east. It has worked in partnership with our very diverse local community for over forty years, delivering health and wellbeing services and promoting equity. A wide range of services, including COVID-19 response, medical, dental, allied health, drug and alcohol services and social support programs, are delivered through community outreach, place-based settings and at on-site clinics.

YourCH welcomes the opportunity to contribute to the Parliamentary Joint Committee on Law Enforcement inquiry into the challenges and opportunities for law enforcement in addressing Australia's illicit drug problem. In developing this response, we draw on our experience in delivering one of the oldest and busiest needle and syringe programs in Victoria.

The outreach and centre-based needle and syringe distribution and disposal operates 365 days a year. In 2021-22, we distributed almost 600,000 syringes. Twenty percent of these were distributed through our state-wide steroid education program.

The program has long-standing and trusted relationships with many of the people using the service. These relationships facilitate broader health outcomes for this marginalised population including health literacy and engagement with other YourCH services including counselling, oral health and medical services.

The voices of drug users using our services have been used to inform this submission.

Your Community Health is a member of VAADA and support its submissions to this Inquiry.

General comments

There is, extensive, rigorous and unequivocal evidence that shows that law enforcement strategies are ineffective in stemming supply and trafficking of illicit substances and are harmful at the personal level¹.

¹ Van Duyne, P.C. and Levi, M. (2005) *Drugs and Money: Managing the Drug Trade and Crime-Money in Europe*, London: Routledge



YourCH advocates strongly for policy makers to view addiction as a health issue and to recognise that rigorous use of law enforcement approaches further marginalises an already significantly disadvantaged population. Criminal convictions and fines have a disproportionate impact on those who are already socially and economically disadvantaged, contributing to homelessness and exclusion from employment.

Experience and the substantial international evidence base² demonstrate that decriminalisation of personal use does not increase drug use, and frees up resources which could be redirected to support better health outcomes through expansion of the treatment and support sector³.

YourCH supports a harm minimisation approach to drug use including decriminalisation of personal use, easy access to drug testing, community education on safe use, increased funding for harm reduction and treatment programs, access to affordable housing and a greater emphasis on supporting individuals to engage with health and wellbeing services. As evidence suggests, punitive approaches embed stigma and a sense of shame which can sustain substance use. We need to prioritise health-based approaches that support overall wellbeing and social engagement.

Specific response to Terms of Reference

Please find below our response to the Terms of Reference, with the exclusion of TOR2 as this lies beyond our area of knowledge and expertise.

TOR 1: Trends and changes in supply, trafficking, production, distribution and use

Through the work of our Harm Reduction Program, YourCH observes the following trends:

- Changing patterns of steroid use. In the past, steroid use was largely seen in the body building and security community. We are now seeing increased cultural diversity and younger people using steroids. These are mainly young men who are using the substances for body enhancement rather than body building. They are ill-informed about the risks and dangers, and unlikely to use formal avenues for health information.
- An increasing proportion of Needle and Syringe program clients are long-term heroin users with complex health needs, age related conditions and variety of living situations including retirement villages.
- Increased demand for equipment for GBH and increased poly drug use (including illicit and prescribed pharmaceuticals)

²

https://www.unodc.org/documents/ungass2016/Contributions/Civil/DrugPolicyAlliance/DPA_Fact_Sheet_Approaches_to_Decriminalization_Feb2015_1.pdf

³ https://www.vaada.org.au/wp-content/uploads/2022/05/SUB_VAADA-election-statement_12042022.pdf



TOR 3: Law enforcement's ability to detect and respond to the trafficking of precursor chemicals and illicit drugs, including the adequacy of screening techniques and the impact of seizures on illicit drug availability and use

YourCH cannot comment on the capacity to detect and respond to trafficking, but we have some observations about the impact on availability and use at the personal level. Despite popular views, evidence suggests that drug seizures have minimal impact on personal use or street price. As an example, despite record methamphetamine seizures in 2014 and 2015, personal use continued to increase and access was not impeded⁴.

Enforcement at the personal level has little impact at the broader level of supply, and can have a negative impact on health, mental health and housing of those apprehended, and further marginalise clients and reinforce isolation, fear and harassment. We support an approach that recognises drug use as a health issue and addresses the social inequities and obstacles that prevent people accessing the services and help they need.

"I hadn't gone to the doctors for eleven years. If it wasn't for the (NSP) team I wouldn't have gone." – NSP client

Some of our clients are involved in small scale trafficking to support their habits. Law enforcements strategies at this scale can create havoc for the individuals involved and potentially lead to other forms of illegal behaviour. Regulating access to substances would help alleviate the need for this illegal activity.

Further investment in pre and post release programs, including housing, counselling and employment support to facilitate individuals being able to make lifestyle changes, that minimise recidivism are also recommended. Evidence suggests that continuity of support pre and post release is generally not sufficiently available, and availability of appropriate accommodation is a key factor in re-offending⁵.

"I was going to be homeless. They helped me find a home and supported me with housing services. They have also helped me get onto buprenorphine when I was trying to quit. They're amazing." -NSP Client

TOR 4: Involvement of law enforcement in harm reduction and in efforts to reduce supply and demand, including the effectiveness of its involvement

- YourCH supports a stronger role for law enforcement in partnering with health and peer-led services in safety focused initiatives including education and drug testing.
- Addiction is a health issue⁶. Harm minimisation approaches need to be informed by this, recognising the impact of structural inequality and trauma in creating conditions for problematic substance use.

⁴ Australian Crime Intelligence Commission 2015 Illicit Drug Data Report 2014-2015, <https://www.acic.gov.au/sites/default/files/2020-08/acic-iddr-2014-15.pdf>

⁵ <https://www.aic.gov.au/sites/default/files/2020-05/tandi325.pdf>

⁶ https://link.springer.com/chapter/10.1007/978-3-030-83913-0_12



- Diversion programs are a constructive response but will only be successful with a substantial investment in treatment and support services and access to affordable housing options. At the present time, the demand for treatment services far outstrips supply⁷ which impedes the success of diversionary programs.
- Current approaches to enforcement drive supply 'underground' which carries its own risks and harms:
"When I use drugs now, its Russian Roulette as to what your getting. If things go bad, its usually tainted gear or unknown strength. If the drugs I used were not off the street, I'd know what was in them and it would be safer" "polydrug user, 33

TOR 5: The strengths and weaknesses of decriminalisation, including its impact on illicit drug markets and the experiences of other jurisdictions

- YourCH supports a harm minimisation approach that builds health literacy, safety and help-seeking behaviour in the drug using community and responds to the needs of specific risk groups including young people⁸. A harm minimisation approach allows for consideration of context and the behaviours that follow and does not preclude prosecution for other criminal behaviour.
- We specifically support decriminalisation of personal drug use and highlight the additional unnecessary harms created by current law enforcement approaches. We suggest that controlling and regulating the production and distribution of all drugs would go a long way towards reducing those harms, as advocated by the Global Commission on Drugs:

a regulatory system would enable... reshaping the discourse and removing political and ideological obstacles, a public health and wellbeing-based approach that would produce long term benefits. It would create a context that could facilitate tackling the social conditions that underlie problematic use, and better deal with wider drug related harms⁹.

- In our experience, many long-term heroin users struggle with reducing use for health and financial reasons and view methadone as a poor option. Medical supply of heroin should be linked with addiction support to assist people to access services and supports to ensure safe use and reduction over time.
- Prosecution complicates lives, hinders work prospects, and contributes to impoverishment and homelessness. The stigma and shame associated with drug use and criminal convictions can limit capacity for behaviour change and prolong use.

⁷ https://www.vaada.org.au/wp-content/uploads/2022/05/SUB_VAADA-election-statement_12042022.pdf

⁸ https://cdn.adf.org.au/media/documents/Minimising_the_harm_of_illicit_drug_use_among_young_adults.pdf

⁹ https://www.globalcommissionondrugs.org/wp-content/themes/gcdp_v1/pdf/Global_Commission_Report_English.pdf p.10



- The factors that give rise to illicit drug use are complex, and enforcement is a blunt instrument that has the potential to reinforce rather than reduce those factors. Our strategies need to be focused on reducing risks and maximising the conditions for change.
- There is substantial international evidence to draw on which supports decriminalisation and regulation at the individual user level, noting the benefits to the individual, reduction in policing and health costs and potential to reduce the illegal drug trade¹⁰

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¹⁰ Greenwald, G. Drug Decriminalization in Portugal: lessons for creating fair and successful drug policies. (2009)

