

Discussion paper: Drug Law Reform

Date: 28 February 2020

Purpose

To seek the views of members of the Society of St Vincent de Paul Society (NSW) on whether and how the Society should respond to growing debate around drug law reform.

The issue

In Australia, an estimated 4 million people are struggling with some form of drug dependency.ⁱ For many, this will have far-reaching consequences. Tragically, there has been an increase in the number of drug-induced deaths over the last 15 years.ⁱⁱ The number of deaths now exceeds the annual road toll.

There is a strong correlation between drug use and other social issues, and this is borne out by higher rates of drug-induced deaths in low socio-economic areas.ⁱⁱⁱ Many people begin using drugs as a coping mechanism for serious social, physical health or mental health issues such as trauma, stress, unemployment, social isolation, homelessness, mental illness and chronic health conditions. Yet in the long term, drug use can often make these issues worse.

Even when a person decides to seek help, treatment can be difficult or impossible to access, especially in rural and regional areas. Too often, drug dependency instead brings people into contact with the criminal justice system, which can make it even harder for someone to rebuild his or her life.

Globally, there has been mounting support for a radical re-think of responses to problematic drug use. In Australia, a growing number of organisations, academics, medical professionals and others agree that our laws are not working as a deterrent and that alternative solutions should be explored. In 2018, for example, the Uniting Church launched its [Fair Treatment campaign](#) calling on the NSW Government to reform drug policy and invest in making treatment more readily available. And in February this year, the Special Commission of Inquiry into the Drug 'Ice' called for the decriminalisation of drug use. The current approach, the Inquiry found, caused 'disproportionate harm' to users, did not curb drug use, and gave society 'tacit permission to turn a blind eye' to factors underlying drug use such as childhood abuse, domestic violence, unemployment and social disadvantage.^{iv}

Our current response

The St Vincent de Paul Society NSW provides daily assistance to people experiencing drug dependency issues through our Conference work, and through both community-based and residential treatment services such as Matthew Talbot, Frederic House, Rendu House, Rosalie House and the Continuing Coordinated Care Program.

Many of the people supported by Vinnies have come into contact with the criminal justice system as a result of drug use linked to poverty, homelessness, mental health issues and trauma, brain injuries or chronic health conditions. Julie Smith from Matthew Talbot Clinic states that 'people experiencing addiction who attend the clinic often have very traumatic histories and are victims of their background, they have been abused and the damage was often done very early in life'.

Because the St Vincent de Paul Society NSW is a key provider of drug treatment services, we are often asked to engage in relevant public debates, or to comment in the media. As the NSW Government considers its response to the Special Commission of Inquiry, this is likely to happen with increasing frequency.

Drug law reform – what does it look like?

Proponents of drug law reform argue that a more compassionate, health-based response is needed to address problematic drug-use. A core component of such a response is drug decriminalisation. This means the removal of

criminal penalties for the possession of drugs for personal use. Decriminalisation does not apply to the manufacturing or supply of illicit drugs, which would still result in criminal penalties.

Drug law reform has the potential to shift the focus from a punitive response to problematic drug use, to one that prioritises access to treatment and support. International evidence suggests this can lead to a significant reduction in drug-related deaths and harmful drug use.

The rate of deaths due to drug overdose in Portugal, for example, is now 20 times lower than in Australia.^v Since decriminalising drug use more than 17 years ago, Portugal has also seen an increase in the number of people seeking treatment, supported by increased investment. While the personal possession of drugs is no longer a criminal offence, it is still an administrative violation, with the specific penalty determined by a 'Dissuasion Committee' (comprising legal, health and social work professionals). The Committee assesses the person's circumstance and determines the best response, which may include referral into counselling or treatment, together with community service and/or fines.^{vi} More than 20 other countries have now removed criminal charges for low level possession, with fairly consistent results.^{vii}

One of the main concerns raised in response to drug law reform proposals is that decriminalisation may lead to an increase in drug use. International comparisons, however, show no consistency in the relationship between the punitiveness of a country's drug laws and its rate of drug use.^{viii}

Next steps

The Social Justice Committee is gathering views from the membership as to whether and how we should engage in current debates around drug law reform and policy responses to problematic drug use. In responding, we encourage you to consider how a modern day Frederic Ozanam might approach those facing addiction today.

Discussion Questions

- *What do you think about drug law reform, and the growing push for drug decriminalisation?*
- *Should the St Vincent de Paul Society NSW use its voice to advocate on this issue? Why/why not?*
- *If we decide to support drug law reform, what approach should we take? (E.g. develop a Social Justice Statement, contribute to public debate through media commentary, support Uniting's Fair Treatment campaign etc)*

Simon's Story

Simon is a 52-year-old man who, following a happy childhood, was diagnosed with ADHD at age 11 and prescribed medication. His hyperactivity and inability to concentrate resulted in him leaving school at 16 with no formal qualifications. At the same time, Simon excelled in sport, becoming an elite athlete and coach. Despite these successes, his mental health deteriorated and he began using drugs to help him cope with the debilitating symptoms.

Following a diagnosis of Bipolar Disorder and Schizophrenia, hospitalisations, periods of homelessness and increasing dependence on drugs, Simon's physical health deteriorated to the point he could no longer work. He became estranged from his family and has spent most of the last decade struggling on the streets. Despite this, he is an enthusiastic individual who is keen to improve his health and find meaningful work. He has 12 convictions for possession of small amounts of drugs and says that these convictions have harmed his mental health and hampered his job and accommodation prospects. He is constantly in fear of going to prison, yet coping on the streets with little support makes it difficult to stop using. Drug treatment services are very difficult to access, particularly with his existing mental health problems. Simon is a kind and caring person who has fallen victim to the effects of drug use because of his almost lifelong battle with mental illness and trauma. He would benefit from assertive assistance with his drug problems, not a further conviction or a jail term.

ⁱ Addiction Center (2020) *Addiction in Australia*

ⁱⁱ Penington Institute (2019) [Australia's annual overdose report 2019](#)

ⁱⁱⁱ Ibid

^{iv} ABC News, 'Pill testing at festivals, decriminalisation among key ice inquiry findings'.

^v Uniting (2019) *Decriminalise drugs before overdose destroys more lives*

^{vi} Rosmarin, A. and Eastwood, N. (2013) 'A Quiet Revolution: Drug Decriminalisation Policies in Practice Across the Globe', Release.

^{vii} Uniting (2019) *Decriminalise drugs before overdose destroys more lives*

^{viii} Degenhardt, L. et al. (2008) 'Toward a Global View of Alcohol, Tobacco, Cannabis, and Cocaine Use: Findings from the WHO World Mental Health Surveys', *PLoS Medicine*, vol. 5, no. 7, pp. 1053-1067, and European Monitoring Centre for Drugs and Drug Addiction (2011b) 'Looking for a relationship between penalties and cannabis use'.