

**Christianne Andonovski**

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**From:** Inquiry into Drug Law Reform [REDACTED]  
**Sent:** Wednesday, 8 March 2017 11:37 AM  
**To:** LRRSC  
**Subject:** New Submission to Inquiry into Drug Law Reform

Inquiry Name: Inquiry into Drug Law Reform

Tesla Kavanagh  
[REDACTED]

[REDACTED]

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**SUBMISSION CONTENT:**

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File1: [58bf522dd0f3c-TeslaKavanagh\\_InquiryIntoDrugLawReform\\_Submission.docx](#)

File2:

File3:

ATTN: Law Reform, Road and Safety Committee  
Parliament of Victoria  
Spring Street  
East Melbourne Vic 3002

**RE: Inquiry into Drug Law Reform**

To the Members of the Committee,

**Background of the Submission**

I make this submission from the perspective of a member of the Victorian community whose family members have suffered from drug addiction, and made the brave and difficult decision to address their problems and build a support framework for themselves which prevents relapse. This process is what is colloquially known as 'recovery' from addiction.

My personal background is within the Legal profession.

Please find below my response to the Inquiry's Terms of Reference (TOR). I hope that my response may assist your inquiries into the potential for reform of the current drug law framework in Victoria. I welcome any questions you may have of me, and I am comfortable with the publication of this submission.

**TOR 1: The effectiveness of laws, procedures and regulations relating to illicit and synthetic drugs and the misuse of prescription medication in minimising drug related health, social and economic harm.**

Initial Remarks

I believe the medical profession is leaps and bounds ahead of the current criminal institutional framework that exists in Victoria, and I submit to the Inquiry that there is a conflicting system within Victoria for the treatment of users of drugs (illicit, synthetic, and prescription misuse inclusive). On one side of the coin exists a holistic and proven medical approach to treatment of addiction, and on the other side exists a historically ingrained criminalisation and politicization of addiction.

Side One: Medical Frameworks

A medical framework exists quite prominently in Victorian hospitals and allied health services, wherein the approach of general practitioners, mental health professionals and social workers is to approach treatment in a holistic manner. Depending on the individual involved, this cross-disciplinary approach may incorporate:

- pharmaceutical remedies (consider prescription replacements for illicit drugs with excessive withdrawal symptoms, or the prescription of anti-depressants / anti-psychotics to assist mentally ill individuals through a recovery process);
- educating on the interactions between drugs and the body, and the volume at which a 'safe' dose is possible, and a 'weaning off' can be effective;
- therapy or counselling (approaching the root cause of addiction, in a one-on-one forum or within a group session);
- re-ordering of social structures (removing themselves from social environments that inspire relapse, cutting out 'bad influences', approaching new community groups to establish healthier connections);
- establishing independence (through employment, volunteering, working with social workers and similar professionals to establish financial stability in some form);
- establishing safety nets and frameworks to prevent relapse (often a combination of all of the above)

I applaud the work of mental health professionals, social workers and community groups who dedicate themselves to this work. I applaud even more loudly drug users who try to make it through what is often years of trial and error until they manage to get out of the cycle of addiction. Recovery is never, ever fool proof. Relapse is often a part of the recovery process. It is through trying and testing the framework to prevent relapse that holes can be found and filled.

A common response I hear from individuals with some distance from the issue is that the medical framework treats drug as 'victims', when these drug users made a 'choice to use' in the first place. I believe the above has outlined the huge expectations and massive hurdles that an addict attempting recovery will inevitably face. It is hardly smooth sailing to attempt recovery, and addicts are hardly babied as some victim.

Additionally, given how many Australians – including everyday Victorians – use drugs (in particular alcohol and marijuana), I feel it is out of touch and irresponsible to not consider the 'choice to use' drugs as a common theme in our shared culture – whether we like that fact, or not.

## Side Two: Criminal Frameworks

The criminal framework, on the other hand, provides excessive barriers for any individual to approach a comprehensive recovery from illicit drug addiction. These barriers are (i) harmful to health outcomes; (ii) harmful to social outcomes; and (iii) harmful economically.

(i) *Harm to health outcomes*

Most obviously to the individual is the criminalization of a drug addict puts on hold any work towards the above medical treatment of addiction. If a drug addict is arrested, any work towards an effective withdrawal plan or effective framework for work and social structures in line with the above is put on hold and the body is sent into a shock withdrawal. Addiction has been time and time again proven to relate to an individual's sense of self-worth, and sense of belonging: the process of criminalization including criminal records, jail time, or bail requirements all influence an individual to feel even less worthy and belonging than they did before. The likelihood of relapse becomes higher and higher. The ability of an individual to effectively recover reduces substantially.

(ii) *Harm to social outcomes*

Social outcomes are intricately tied to the above. An individual who is struggling with relapse will often be struggling with holding valuable relationships including friends and family, and establishing a sense of self-worth that is essential to becoming independent financially and socially. By virtue of being a criminal, they will not be seen as a valued individual by the wider community. Their social structures are effectively undermined even more so than before.

Importantly, the criminalization process creates greater networks between individuals that are often 'bad influences' on one another. How can someone distance themselves from an influence they spend an immense amount of time near in jail or in housing for the recently released? This structure inspires relapse, or even brings them further into drug 'culture' through dealing, trafficking or use of other illicit substances.

(iii) *Harm to economic outcomes*

With a criminal record, access to employment and ongoing financial independence is thwarted. There is also potentially negative outcomes for the stability of their housing. The potential value of their economic output cannot be realised for the community generally. There is an obvious negative outcome for the wider Victorian and Australian economy where absenteeism or unemployment outright becomes and remains the norm for such a large portion of the community.

NOTE: I wish to recognise that many members of the Judiciary are conscious of the above, and actively attempt to avoid these very issues. They do not want to inspire a first offender to fall 'deeper' into the culture. They often establish access to publicly provided mental health professionals, or rehabilitation programs, but there are simply offenders who are unable to 'fully embrace' programs and effectively recover in the first instance. It is in this way that the courts attempt to respond to this very issue, but ultimately have little choice when the offender is 'too deep' in the system. Where someone is a repeat offender, and where

someone fails to 'adequately utilize' an opportunity the first or second time around, they will indeed be sentenced in line with other criminals.

This is in direct conflict with the fact outlined above that recovery is *not* a linear process. Relapse is very much a part of recovery and recognised as such by medical professionals. The likelihood that an individual can effectively utilize a court-supervised, individual opportunity to recover without failure (particularly where the stress of the alternative is jail) is out of touch and has demonstrably fallen on its face time and time again.

I am not suggesting 'infinite chances' from our courts. I am not expecting a Magistrate to continuously and indefinitely delay a jail sentence in order for someone to try and fail, and try and fail again (and again) on a whim. My point instead is that we are addressing the issue too late in the chain of events, and through the wrong institution. The job of overseeing recovery is not one for our courts, trained only in the law, nor something to be forced on an individual without any adequate support structures. It is a job for our social welfare, mental health, and medical professionals to complete in a holistic and individualised setting. I will continue on this point in response to TOR 2 below.

#### Politicization of Addiction

The politicization of addiction is widespread, and by no means exclusive to Australia. The fear our public has is, for the most part, not a fear of addiction itself. It is a fear of what drugs, when used incorrectly or carelessly, can do to our society as a whole. These fears are valid. I appreciate that there have been horrific acts committed by people who were fuelled by drugs, or who were desperate for their next hit. The 'ice epidemic' is the biggest modern example of this phenomena.

The outcome for someone who acts violently to another individual should and will always be appropriately treated as criminal. The use of drugs does not excuse someone from an act of assault (or worse).

The question becomes how we can minimize the risk of violence and this negative impact on the Victorian community. I submit to the inquiry that this fear should be met with education. The public – users and non-users alike – ought have a better understanding of what is actually *in* the drugs that people use, how to know whether that drug has been tampered with, and how to mitigate the effects where someone has gone too far. Acts of excessive violence can be avoided where the public knows the dosage for standard use, symptoms of over-use to detect such a situation, and the treatment plan for mitigating risk.

**TOR 2: The practice of other Australian states and territories and overseas jurisdictions and their approach to drug law reform and how other positive reforms could be adopted into Victorian law.**

I join the voices of countless others in encouraging the Victorian Parliament to decriminalise possession for individual use, or small-scale trafficking that is pursued for the end of financing personal use. I ask that the Committee consider the great success that was drug law reform in Portugal, and the reforms that have been made in other jurisdictions to foster 'safe use' through purity and content testing facilities and services, supervised injection rooms, and even treating chronic and terminal illnesses with prescription cannabis products.

I believe it is also our responsibility as a society to celebrate more widely and loudly the great successes that users have had in recovering. I believe there is such a stigma on drug use because individuals – even those who do not touch drugs at all in their current lives – fear the repercussions to admitting previous acts. The libertarian inside of me kicks myself for suggesting it, but Victorian Parliament *could* foster social change by protecting the right to housing or employment for recovered addicts who speak about their experiences and act as a mentor or public speaker for the objective of rehabilitation. Having speakers with the ability to speak freely about such a taboo would be invaluable in cutting the cost of addiction on the Victorian public. Those who are fully recovered often live 'incognito' and avoid acknowledging their past out of fear for how it may impact their present. Current addicts would benefit from success stories, mentors and transparency about the kind of people they can become once they get a handle on their addiction.

**Conclusion**

I hope the above has provided the Committee with some guidance in their consideration of the public's stance on drug law reform. I also hope that the Committee is able to implement some degree of change – I understand the barriers to change are very high for issues such as these. Nonetheless, this is what I believe to be a common sense issue.

Victoria should approach drug addiction as a public health issue and decriminalise accordingly.

*Tesla Kavanagh*