



SUBMISSION TO THE LEGISLATIVE COUNCIL SELECT
COMMITTEE INTO ALTERNATE APPROACHES TO
REDUCING ILLICIT DRUG USE AND ITS EFFECTS ON
THE COMMUNITY

**It's time to end the War on Drugs: A call to the Western Australian
Parliament to reject superstition and fear, and embrace reason and
compassion in our policy making**

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Executive Summary

In this submission I will provide observations, analysis and personal opinions to make the case that **the Parliament of Western Australia should legalise, adequately regulate, and tax the production, sale, and consumption of all illicit drugs**. The tax revenue generated should be used to provide treatment services for people who suffer from drug related illnesses and education messaging to reduce harm associated with both drug use and drug abuse.

In doing so, I will explain that discarding the failed policy of the prohibition of illicit drugs will increase the availability and effectiveness of support services for people who need them; take money away from organised crime syndicates; provide consumer protections and improved the health outcomes for people who use or abuse illicit drugs; save the State money currently spent on law enforcement and prisons; and reduce crime and social disfunction in our community.

I have taken an expansive approach to Term of Reference (2)(d), which allows the Select Committee to consider any other relevant matter, and humbly request that the Committee receive it in the good faith with which I intend it.

Terms of Reference

(2) The Select Committee is to inquire into and report on –

(a) other Australian state jurisdictions and international approaches (including Portugal) to reducing harm from illicit drug use, including the relative weighting given to enforcement, health and social interventions;

(b) a comparison of effectiveness and cost to the community of drug related laws between Western Australia and other jurisdictions;

(c) the applicability of alternate approaches to minimising harms from illicit drug use from other jurisdictions to the Western Australian context; and

(d) consider any other relevant matter.

'It's everyone else who is stupid' - or, why the 'Floodgates Argument' is used as a crutch by the fearful and uninformed

When I discuss my belief that that all illicit drugs should be legalised, regulated and taxed, I am mostly met with one of two responses: 1) "Of course that makes sense, but it will never happen"; or 2) "That would be an utter disaster". When I ask people who give the first response for their reasons, I am mostly met with an answer along the lines of: "Politicians are too craven to make the change, even though they know prohibition is a mess, because it is politically easier to be 'tough on drugs' than it is to explain complex public policy issues to the community." When I ask the people who give the second response for their reasons, I am mostly met with the 'Floodgates Argument': "If we legalise [insert illicit drug here], then everyone would start using it." When I ask these people if they would start using [insert illicit drug here] if it were to become legal, regulated and taxed, they always answer 'no'. The implication being that it is everyone else who is stupid, not them. I can understand the fear that someone who has never taken an illicit drug might have of the unknown, but this fear is not a sound public policy reason to continue a policy of prohibition that has, not only, so clearly and demonstrably failed to achieve what it was intended to achieve, but has also created so many other unintended detrimental consequences.

Drug Reform in Portugal (2001 - Current)

There is evidence that the underlying fear that drives belief in this 'Floodgates Argument' can cloud the judgement of people. This evidence can be found in

the response to the introduction of the Portuguese drug reforms by João Figueira, Chief Inspector of the Lisbon Drug Squad. The Portuguese drug reforms only came to pass when both the Government and the Opposition agreed in advance to adopt the recommendations of an independent panel of experts prior to knowing what those recommendations would be. Removing the issue from the cut-and-thrust of a partisan political debate allowed the Portuguese political establishment to implement evidence-based policy approaches without the political point-scoring and ‘tough on crime’ grandstanding that ordinarily mars the discussion. Figueira, however, remained deeply sceptical. By his own admission, he expected the Portuguese drug reforms to be a disaster, predicting an “explosion of consumption”. Following the introduction of the Portuguese drug reforms, and his experience of what subsequently came to pass, Figueira was moved to say that:

“The things we were afraid of... didn’t happen ... What happened here was a good result, and the statistics we have here prove it. There is no ideology in this... Now everyone, conservatives or socialists, accepts the situation.” [recounted by Johann Hari in ‘Chasing the Scream: The First and Last Days of the War on Drugs’]

Following the introduction of the Portuguese drug reforms, all Portuguese governments, left or right-wing, have kept the decriminalisation policy in place. If pre-reform Figueira had his way, then post-reform Figueira would never have known just how wrong he had been. The lesson Figueira teaches us is to keep our minds open to the possibility that our fears and assumptions might never come to pass. Keep this in mind as you read on.

Address the underlying causes rather than punishing people for the symptoms – or, why, despite all their rage, Prohibitionists are still just rats in a cage

For too long, policy makers have used prohibition and the ‘war on drugs’ as a smoke screen to avoid addressing the social and economic factors that can lead people to abuse drugs. Most drug use (legal and illegal) is recreational and does not become addictive. You know this is true because not all of the people you know who use alcohol are, or become, alcoholics.

Addiction, as compared to recreational drug use, has social and societal causes mostly based in despair. It is only by addressing these underlying social and societal causes that we can hope to significantly decrease addiction amongst drug users. If your reflex response to this call to action is to think ‘oh, but the chemical hooks!!’, then chances are you are not across the findings of the ‘Rat Park’ study.

The chemical hooks theory of addiction is deep in the psychology of prohibitionists. The story I have been told goes that drugs like heroin and cocaine are so addictive that when rats are exposed to them, they will continue to take the drugs until they die. So powerful are the addictive properties of these drugs that they rewire the reward systems of the rats’ brains to the point that the rats would prefer another fix than being alive. This is true if you are a rat locked in a cage by yourself with only two things to do: drink drugged water or drink undrugged water, but like humans, rats are social animals with a need for meaning, connection and purpose in their lives.

The 1970s ‘Rat Park’ Study

To test the theory that it was the isolation created by the cage, more than the chemical hook of the drug itself that led to rat drug addiction and death from overdose, Canadian psychologist Bruce K. Alexander and his colleagues at

Simon Fraser University in British Columbia, Canada conducted a study commonly known as 'Rat Park'. Rat Park was a 9-metre square complex (about 200 times the size of a usual lab rat enclosure), full of wheels and ramps and toys, and other rats to play with. There were around 18 rats living in Rat Park, and they were allowed to play and breed and do the things rats generally seem to enjoy doing. Rats were fed morphine for 57 days in a row and then released into the park. Many of them experienced some withdrawal symptoms in their first days, before integrating into the community of rats.

The rats in Rat Park had access to water, as well as water laced with morphine. Despite the rats having become addicted to opiates, they mostly ignored the morphine. The rats who were kept in isolated cages consumed around 19 times more morphine than the rats in Rat Park. Even when sweetener was added to the morphine water, the rats tended to try it once or twice, and then not use it. This study suggests that, for rats at least, having a pleasant environment is a protector against addiction.

We have no idea the extent to which rats experience the same emotions as humans. Are they capable of feeling sad, or lonely or depressed? Do they feel despair? While we do not know, it is open to say that rats in isolated cages generally experiencing less pleasant emotions than rats in Rat Park. It is also open to say that the increase in the drug use of rats in isolated cages was significantly due to the negative experience of being a caged rat.

Other studies that reinforce the 'Rat Park' findings include observations that:

- Environmental enrichment reduced cocaine seeking behaviour in mice [Chauvet, Claudia et al. "Environmental Enrichment Reduces Cocaine Seeking and Reinstatement Induced by Cues and Stress but Not by Cocaine." *Neuropsychopharmacology*: official publication of the

American College of Neuropsychopharmacology 34.13 (2009): 2767-2778.];

- Environmental enrichment can reduce established addiction-related behaviours [Solinas et al."Reversal of cocaine addiction by environmental enrichment." Neuropsychopharmacology. 2009 Apr;34(5):1102-11. doi: 10.1038/npp.2008.51.]; and
- Removing mice from enriched environments can increase vulnerability to cocaine addiction [Nader, Joëlle et al. "Loss of Environmental Enrichment Increases Vulnerability to Cocaine Addiction." Neuropsychopharmacology 37.7 (2012): 1579-1587].

If isolation and disconnection from others is an underlying cause of addiction, what does it say about our society that we seek to put people with addictions into prison cells? This is a costly approach, that evidence suggests makes addiction problems worse.

A more effective approach would be to recognise and treat addiction as the illness it is in the health system, not the prison system. Legalising, regulating and taxing drugs and using the revenue to provide evidence-based treatment services to drug users on request and providing education services to drug users at the point of sale and in other advertising would help addicted drug users with addictions to find the connection, purpose and meaning their lives need. Jail does not.

Lies, damn lies, and statistics - or, why dishonest political propaganda prevails over evidence-based approaches to drug policy.

A wealth of disinformation about drugs and drug use is given to us by ignorant and prejudiced Parliamentarians who peddle myths upon lies for their own

partisan political ends to a willing media that delights in manipulating the associated controversy.

Legalisation and taxation of illicit drugs would help to disseminate open, honest and truthful information to drug users and non-users, to help them to make decisions about whether, and how, to use drugs in exactly the same way that we do for cigarettes, alcohol and sugary drinks. We could also begin research again on presently illicit drugs to discover all of their uses and effects both positive and negative without stigma.

A Brief History of Cannabis Reform in WA (2003-2011)

An example of the lies (and damn lies) told by Parliamentarians in pursuit of their partisan political agendas can be seen from then WA Police Minister Rob Johnson about the rollback he oversaw of the Gallop Government's modest decriminalisation of Cannabis use in Western Australia in 2011.

Mr Johnson was quoted in WAToday as saying when Gallop was Premier, he presided over a surge in drug use after his government decriminalised the smoking of small amounts of the substance. "We became known as the cannabis capital of Australia and we saw cannabis use grow extensively," Mr Johnson said. But was this true, or was it #FakeNews?

Steve Allsop, director of the National Drug Research Institute, disagreed with Mr Johnson's claim and was quoted in the same article as saying that cannabis use had declined after the introduction of the laws by Labor in 2003.

Why did Steve Allsop say this? Because he was a scientist and academic interested in the findings of research rather than a member of Parliament interested in perpetuating a narrative for political gain or newspaper editor seeking to profit from the controversy generated by the narrative.

In a paper authored with Simon Lenton, published in 2009 titled ‘A tale of CIN—the Cannabis Infringement Notice scheme in Western Australia’, Allsop explored the issues surrounding the politics of drug policy using the WA Cannabis laws as a case study. In a section related to the 2007 review of the Gallop government reforms, Allsop observed:

“The West Australian newspaper was able to position itself as forcing the government to toughen up the reforms, which it championed in a subsequent editorial as ‘making good sense’ [31] on a day when it also published a piece [32] on our own research [33], which confirmed other findings [17] that, despite the initial cannabis reforms, cannabis use had declined in WA.”

When discussing his role in briefing Parliamentarians about the research and the findings he had this to say:

“During the WA cannabis law debate, after briefings on the research evidence, senior politicians from each side of the political spectrum explained, independently and privately, that while research is important, politics is about perceptions [3]. Another senior politician advised that he agreed with the evidence and with the proposed changes to the legislation, indicating that he thought it should have happened ‘years ago’. However, he indicated that he would vote against the proposed legislation for a variety of reasons (party politics, community perceptions, etc.). He was subsequently vociferous in the argument against adopting the legislation. Yet another politician listened politely to the evidence, concluding that while it was very interesting, and he had no criticism of it, in his view ‘a tough approach was generally best’. While academe is mainly about evidence and argument, politics is often about perceptions and bargaining [45]. Our experience is that, at best, policy research will be used by politicians to support their arguments when findings are consistent with them and will be ignored when findings suggest a contrary policy position [3]. Given our account of the way the print media dealt with the research, a similar axiom could at times also apply ‘the Fourth Estate’ [46].”

It must have been deeply frustrating for Steve Allsop, a person with subject matter expertise and understandings derived from contemporary research, to cast pearls

before swine. It is little wonder that modest progress of a sort was only achieved in Portugal when the Parliamentarians agreed to get out of the way. Is it too much to ask that the members of the Western Australian Parliament do the same? Time will tell.

People are allowed to explore their own bodies. They should also be allowed to explore their own minds.

People have used arguments about morality as a justification for attempting to control other people's behaviour for centuries. For a long time, some moralists actively attempted to stop people from masturbating because they believed that masturbation was inherently wicked, which is why, to a large extent, the practice of masturbation remains stigmatised in our community. People who seek the occasional pleasure of being affected by illicit drugs are similarly stigmatised, and moral arguments are also raised against illicit drug users.

While I have been accused of being cynical, I am firmly of the view that people should not masturbate in public places. I do, however, believe that people should be free to find pleasure in the experience of their own bodies so long as no one is harmed in the process more than they want to be, it is done in private, and any adult witnesses have given prior and informed consent to witnessing the experience.

Similarly, I believe that adults should be free to explore their own minds with illicit drugs, so long as no one else is harmed in the experience. I also believe that this freedom of psychological exploration should not be curtailed by the State any further than is necessary to ensure a well-regulated and taxed market for drugs that provides consumers with the protections necessary to do so safely.

As author, Sam Harris, was moved to say in his essay 'Drugs and the Meaning of Life':

"The "war on drugs" has been lost and should never have been waged. I can think of no right more fundamental than the right to peacefully steward the contents of one's own consciousness. The fact that we pointlessly ruin the lives of nonviolent drug users by incarcerating them, at enormous expense, constitutes one of the great moral failures of our time ... I have two daughters who will one day take drugs. Of course, I will do everything in my power to see that they choose their drugs wisely, but a life lived entirely without drugs is neither foreseeable nor, I think, desirable. I hope they someday enjoy a morning cup of tea or coffee as much as I do. If they drink alcohol as adults, as they probably will, I will encourage them to do it safely. If they choose to smoke marijuana, I will urge moderation. Tobacco should be shunned, and I will do everything within the bounds of decent parenting to steer them away from it. Needless to say, if I knew that either of my daughters would eventually develop a fondness for methamphetamine or crack cocaine, I might never sleep again. But if they don't try a psychedelic like psilocybin or LSD at least once in their adult lives, I will wonder whether they had missed one of the most important rites of passage a human being can experience. This is not to say that everyone should take psychedelics. As I will make clear below, these drugs pose certain dangers. Undoubtedly, some people cannot afford to give the anchor of sanity even the slightest tug. It has been many years since I took psychedelics myself, and my abstinence is born of a healthy respect for the risks involved. However, there was a period in my early twenties when I found psilocybin and LSD to be indispensable tools, and some of the most important hours of my life were spent under their influence. Without them, I might never have discovered that there was an inner landscape of mind worth exploring."

The Beatles are a case in point. Before their well-documented experiences with LSD, The Beatles wrote:

"Love, love me do
You know I love you
I'll always be true
So please, love me do
Whoa, love me do

Someone to love
Somebody new

Someone to love
Someone like you”

After LSD The Beatles wrote the Sgt. Pepper’s album, which after its release in 1967 spent 27 weeks at number one on the UK Albums Chart and 15 weeks at number one in the US. I can see no crime in the psychedelic journey that The Beatles took exploring the inner landscape of their minds, a journey that led them to subsequently write:

“We were talking, about the space between us all
And the people, who hide themselves behind a wall of illusion
Never glimpse the truth, then it’s far too late when they pass away

We were talking, about the love we all could share
When we find it, to try our best to hold it there, with our love
With our love we could save the world, if they only knew

Try to realize it’s all within yourself, no-one else can make you change
And to see you’re really only very small
And life flows on within you and without you

We were talking, about the love that’s gone so cold
And the people who gain the world and lose their soul
They don’t know, they can’t see, are you one of them?

When you’ve seen beyond yourself
Then you may find peace of mind is waiting there
And the time will come when you see we’re all one
And life flows on within you and without you”

If you do honestly believe, as compared to merely taking an expedient political posture, that The Beatles were immoral for using LSD, and that they should have been prevented from exploring the inner landscape of their own minds under threat of jail, then it is my considered opinion that you would greatly benefit from taking such a journey yourself.

Legalise, regulate and tax the market for drugs; educate people about the risks involved; and provide treatment services for those who need them from the taxes

raised, but allow adults the freedom to explore the inner landscapes of their minds just as they are free to explore the rest of their own bodies.

Legalising, regulating and taxing illicit drugs will reduce crime in our community – or, why bottle shop owners in Chicago don't shoot each other in the streets

Prohibition and its supporters are the cause of a significant amount of violent crime in our community. The supporters of prohibition might not understand that this is the case, but it is, nevertheless, true and they should be ashamed of the damage they do through their support of this failed and destructive policy. The failed experiment of the prohibition of alcohol in the United States teaches us this lesson, and the same is true of all illicit drugs.

The prohibition of alcohol in the United States was an abject failure. It did not eliminate drinking, but it did succeed in creating a black market for alcohol that mobsters like Al Capone profited from and regulated with violence.

As Prohibitionists praised the new Federal law, they failed to notice that the urge to drink did not go away. Before long, bathtub and basement stills, supply networks, and speakeasy bars sprang up to satisfy the nation's continuing thirst. The small, private stills soon gave way to larger operations run by gangsters and thugs who battled one another for a bigger share of the market.

Bootlegging violence became commonplace because manufacturers and distributors had no legal recourse to lawyers, courts, or insurance companies to help them to settle their differences. Come, as the peasant said to Monty Python's King Arthur, see the violence inherent in the system.

After the prohibition of alcohol in the United States was repealed, organised crime lost nearly all of its alcohol profits to liquor stores and the liquor store owners used contract law to resolve their disputes rather than tommy guns. The use of violence to resolve disputes is the same with any black-market trade created by the prohibition of any drug, and so too, would this violence be reduced if those participating in a legal and well-regulated market were able to use contract law to resolve their differences.

Similarly, being given access to a legal, well-regulated, and taxed market for currently illicit drugs would reduce the need for drug users with poverty and addiction problems to break into people's homes to steal things, or engage in insecure sex work to purchase the contaminated drugs dealers sell tax-free on the black market at wildly inflated prices.

Legalisation would enable us to regulate the market, determine a much lower price and remove users need to raise funds through crime. Our legal system would be freed up and our prison population dramatically reduced, saving billions.

Make all drug use safer by regulating the production and supply of drugs – or, stop prohibition or you will go blind

In 2015, Indonesia instituted a nationwide ban on the sale of beer at minimarts in order to "prevent the corruption of the youth." According to a report by the Centre for Indonesian Policy Studies (CIPS), "Nationwide, 487 people died from illegal alcohol poisoning between 2013 and 2016 – a 226 percent increase over figures from 2008 to 2012." A restriction on the legal and well-regulated supply of alcohol has led to an increase in the prevalence of black-market alcohol that is contaminated with methanol which causes people to lose their eye sight and to die needlessly. This is hardly a new phenomenon. During the prohibition years in the United States, over 10,000 people died from drinking wood alcohol. Others who were not killed went permanently blind or were left with severe organ damage.

In Australia, recent discussion has turned to the need to pill-test black market pills sold as 'MDMA'. The evidence that this modest harm reduction measure can identify contaminated pills and reduce harm and fatalities is so prevalent and obvious as to not need repeating here. But pill testing is not the answer. Pill testing is a modest transitional step that would reduce harm, but the real solution is to allow adults to go to the pharmacy and purchase pure MDMA in a measured and regulated dose so that consumers enjoy the full protection of consumer protection laws. That same is true of every illicit drug. Make it so.

Eliminate the criminal market place – or, why prohibition is a drug dealer’s best friend

Prohibition unnecessarily criminalises millions of otherwise law-abiding people. Recent research conducted by the Commonwealth Government’s own Australian Institute of Health and Welfare published in the National Drug Strategy Household Survey 2016 reveals that 44.3% of Australians over the age of 18 have used at least 1 of 16 classes of illicit drugs in their lifetime. 50.6% of Australian males aged 20-29; 57% of Australian males aged 30-39; 57.4% of Australian males aged 40-49; and 51.9% of males aged 50-59 have used at least 1 of 16 classes of illicit drugs in their lifetime. Do we, as a society, really want to make criminals of the majority of Australian men aged 20-59? I do not. If you do, then please ask yourself why this is the case.

Prohibition also removes the responsibility for distribution of drugs from policy makers and hands it over to unregulated, sometimes violent crime gangs. Making the production, supply and use of some drugs illegal creates a vacuum into which organised crime moves. The profits from the sale of illicit drugs are worth billions of dollars in Australia each year. Prohibition protects the untaxed and violent black-market economy from which organised crime gangs derive much of their income.

Legalisation forces organised crime from the drugs trade, starves them of income and enables us to regulate and control the market through measures such as prescription, licensing, laws on sales to minors, and advertising regulations. It enables controls and regulations to be put in place to protect the vulnerable. This is the reason Canadian Prime Minister Justin Trudeau gave for legalising cannabis in his country. Why would we not take the same approach here? The only people with something to lose are the organised crime gangs who profit from the status quo.

Prohibition just doesn't work – or, It's Time.

There is no evidence to show that prohibition is succeeding, and there is over 100 years' worth of evidence to show that, not only has it failed, but that it also creates new problems. The question the Committee must ask itself is this: **What are the benefits of criminalising any drug?** If, after examining all the available evidence, you find that the costs outweigh the benefits, then you must recommend an alternative policy.

Legalisation is not a cure-all but it does allow us to address many of the problems associated with drug use, and those created by prohibition itself. **The time has come for an effective and pragmatic drug policy that embraces reason and compassion.** You have the unique ability to recommend to the Western Australian Parliament that this is course of action to take. Please do.