

## The punishment must fit the crime - 2 November 2011

Australia's exports could include its approach to drug possession.



The case of the Australian boy arrested on drug charges in Bali offers the opportunity to review our nation's own response to drug use, both here and abroad.

While empathy for the boy's family is warranted and genuine, the case should also raise the question of what would happen to someone in Australia caught with a similar small amount of cannabis or other illicit drug.

The most recent data we have is provided in the Australian Crime Commission's annual illicit drug report for 2010. It reports that there were almost 50,000 arrests of adults and minors for cannabis possession alone in Australia last year - that's almost 1000 people a week. Not trafficking, not supply, but possession for personal consumption. It is true that possession and use of cannabis is against the law, so police are simply doing their job in arresting these people. It is also true that some of these charges will be part of a longer list of charges. But the fact remains that up to 1000 people every week are brought into contact with the criminal justice system for possession and use of cannabis.

The big difference is that unlike in Indonesia and many other countries in our region, a significant proportion of these people are likely to receive a caution, a fine or diversion into education or treatment. If they are Indigenous, then it is more likely they will join the ranks of those charged and brought before the court system, where a conviction can have lifelong consequences. Try getting some jobs with a "drug conviction" or try travelling to the US or other countries if you have a drug record, no matter how minor the offence or how long ago it occurred.

No doubt some will quote the adage "do the crime, do the time", but surely it is the "punishment must fit the crime" adage that is appropriate.

What is missing is a national agreement that recognises that possession of small amounts of illicit drugs is best dealt with by means other than police, courts and prisons. The Illicit Drug Diversion Initiative was established many years ago but its devolution of federal oversight to the states has seen it begin to fade as a primary response to drug possession charges. The funding earmarked for drug education and treatment services has diminished over time. This, coupled with other funding pressures, has made the ability of services to lead or even participate in the initiative increasingly difficult.

This is also a case that highlights an issue for our aid development agencies. Traditionally, our region has seen an over-investment in punitive approaches to drug use. Examples include prison-like compulsory treatment centres that exacerbate HIV transmission, and the regular execution of people on drug-related charges.

In contrast, Australia has developed a good reputation in the region for its approach to drug use. Our response is a mix of law enforcement, prevention, treatment and harm reduction. The mix may vary at times, but the overwhelming majority of people in these sectors support the continuation of this balanced approach. The most recent survey of Australian attitudes to drug policy and programs shows only 13 per cent favouring prison or weekend detention for cannabis possession and 87 per cent wanting a referral to treatment, fine,

warning or no action.

The opportunities for Australia's development agenda to take a role in advising, assisting and supporting countries and people in our region addressing drug use are critical. The evidence is quite clear that drug use creates poorer health, poverty, discrimination and hardship for communities.

We need to turn this national attention on the 14-year-old in Bali on drug possession charges into positive changes in the way we do things for adults and young people in Australia and our region.

Treating individual drug use as predominantly a health issue, limiting the consequences for people caught up in drug use, working with the countries of our region to develop more humane and effective responses to drug use, and exporting the sophisticated models of drug prevention, treatment and harm reduction we have developed in Australia are all options that should be considered by governments.

If all we end up doing is attacking the system of another country without offering solutions or even looking at the way we act here, then it is an opportunity lost, and everyone, including the family living this nightmare in Bali, deserves better.

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