

Drug laws are "junk"

In the last month or so there has been a "hullabaloo" in the news regarding the Government's new drug legislation.

OED: "Hullabaloo: tumultuous noise: clamorous confusion". I stress the confusion aspect.

It provides a graphic example of how our media and political entities in combination can create absolute junk ostensibly in pursuance of the democratic way.

That junk is now law: specifically the additions and amendments to the *Misuse of Drugs Act* creating drug premises etc.

The creation of that junk and the reporting thereof to the public by our media shows that democracy ain't up to what it's cut out to be.

The opposition Labor Party in a bid to win votes declared in their pre election manifesto their intention to get tough on crime by getting tough on drugs.

As we all know for the last 20 years or so getting tough on law and order is attractive to politicians as it wins them votes.

The reasons for that are multifarious and in the main spurious.

The CLP were great at it, of course. "Hanging's too good for them!"; "throw the key away!"; "mandatory sentencing" and "life means life" were their catchcries.

In the main such an approach has been proven to be ineffective and often regressive but nevertheless it's a political winner and what we discovered is, that's all that counts.

The Labour Opposition knew this and in the main during the



John Lawrence, President CLANT

period when mandatory sentencing was brought in sat on its hands. Politically they were damned if they opposed and damned if they didn't.

Eventually they whispered opposition to mandatory sentencing but still agreed with mandatory life being retained for murder.

Their political "bods" who invent policies on the basis of getting Government rather than improving society, came up with an alternative which would confirm that they were opposing the CLP Government while at the same time getting tough on crime.

What was invented was getting tough on drug crime which they claimed was the real cause of property crime.

Now, of course, this is the Northern Territory where every man and his dog knows that if there is one thing that causes crime (and there is no shortage of crime) it's VB. These "bods" are probably from the big smoke down south and via the US of A.

Much of this approach to drug related crime is à la USA from 20 years ago. Zero Tolerance and the Forfeiture provisions in particular are American invented and have been seen to be absolute disasters.

The ALP catchcry became – *We'll be against the CLP but we'll still be tough on crime: we'll attack the drug dealers*. It became part of their political election campaign. It was called **3 Point Plan: Tough on Drugs**.

Now, much to their surprise on 18 August Labour was voted in. The electorate's decision to so do probably had nothing to do with any of the party's respective policies on law and order.

And so, in the May sittings the new Government fulfilled their election promise by introducing new laws designed to attack this enemy, the drug dealers.

We had the *Misuse of Drugs Amendments Bill* and the *Criminal Property Forfeiture Bill*.

The philosophy is property crime (the target of the previous Government's mandatory sentencing regime promptly repealed by this Government) is drug generated and we will attack it by attacking drug dealers.

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The “bods” who created this “junk” then got to work. Before the Bills were tabled in Parliament the local newspaper, privy to their substance and intent by virtue of briefings from the “bods” no doubt, tell us in “*an exclusive*” on the front page and inside what the Government is going to do and its purport. This includes colour photographs of Chief Ministers and Attorney-Generals, etc, etc.

The Bills were then tabled in Parliament during that week.

And what is the new law?

Well, before we talk about its substance let’s just watch how the media then covered its introduction. They, of course, predictably look for “bites” in reaction from various interest groups. This is how news works.

They wanted one from CLANT and they got others from the usual suspects: civil liberties groups, drug experts from down south, etc. None of those, of course, fancied the legislation. As predicted by the “bods” it’s political manna from heaven for the Government: a whole bunch of lily livered do gooders oppose us; we must be right. What is known as good politics.

What about the law?

At long last, on the evening of 15 May, CLANT was given the Misuse of Drugs Amendment Bill which creates the new regime attacking drug premises.

Legislation creating procedures and substance as regards targeting premises and having them declared “drug premises” and, consequently, assisting the police in killing the cause of property crime.

Now, of course, prior to this we happen to have had the reporting by the media of the existence of certain houses in the suburbs of Darwin which are dealing in drugs and the apparent inability of the authorities to deal with the same.

Namely, the “House of Horrors” and “Speed Plus” This new law was going to help our men in blue stop all that and consequently the blight of property crime.

The Attorney-General said the new law would address “operational problems”

which the police had in dealing with the crimes going on in and about these houses.

Now, we all know, including the Drug Squad, that that is arrant nonsense. If these households exist our police have more than ample powers and ability to deal with the crimes being committed in them. Sit, watch, follow, get phone warrants if need be, assist, seize, you name it, our police have the power to address the situation. The creation of this new procedure is pure cosmetic political nonsense.

Unfortunately, parts of the new legislation include heavy handed and undesirable features.

For instance, the new offence of possessing literature, yes literature, which purports to set out how a dangerous drug (which, of course, includes cannabis) can be produced if you have another “article” that **may** be used in such production. Whoa! Maximum penalty 7 years no less. What tripe.

MISUSE OF DRUGS AMENDMENTS

So, having now read it, is the reason why I earlier called it junk. Again, the OMD: **junk: worthless stuff, rubbish.**

Over 30 sections will now be law involving procedures and applications to the Local Court, the giving of orders and the consequences of having premises declared “drug premises”.

Some of them are, indeed, increases in police powers, increased penalties and new offences plus they do infringe on civil

liberties but really in the main it’s a new body of law that isn’t worth the paper it’s written on. It’s a gigantic waste of time, resources and discussion created by politicians manipulating the media which takes our community absolutely nowhere as regards its problems with crime and dealing with it.

It is in the main window dressing and show. It will lead to increased litigation and more work for lawyers and will have little effect on the claimed problem it seeks to address (or is it invented?).

Property crime will continue. Drug offences will continue and nothing in this legislation will reduce either. The legislation is nothing more or less than a cynical political exercise.

A demon has been created and then attacked and the problem which our society will continue to endure will merely laugh up its sleeve as it surrenders its lease and moves its household elsewhere.

Darwin is not Brooklyn or Cabramatta. Nor is Yuendumu or Port Keats. Crime is high in the Territory. It always has been.

Drug offences, like elsewhere, are increasing. It would be good if our Government genuinely wanted to reduce those aspects.

This cynical exercise shows that our democracy produces Governments who are intent on retaining government rather than righting wrongs and problems. ①

The views of this column, are purely the author’s and those of the Association.

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