

DRUG LAW REFORM ANNOTATED BIBLIOGRAPHY

Introduction

Given ongoing discussions about drug law reform, the Drug Policy Modelling Program (DPMP) has put together a list of Australia and international reference material that addresses drug law reform explicitly. Our choice was guided by:

- seminal pieces;
- original contributions; and
- a desire to include a range of reports and articles, that are all publicly accessible.

The list is structured as follows:

1. Australian-focussed drug law reform material (Table 1)
2. International material (Table 2)
3. Cannabis legalisation materials (Table 3)

The citations are ordered by year.

This work was updated in November 2022

Table 1. Australian-focussed material

| Authors   | Year | Reference  | Key point(s)  |
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| Tom McClean, Alison Ritter, Will Tregoning, Marianne Jauncey, Emma Maiden | 2020 | <a href="#">Possession and use of drugs: Options</a>   |   |
| Seear, K.   | 2020 | <a href="#">Drug policy's past, present and future: Where should Australia head now?</a>   | Gives an overview of the various inquiries and shifts in Australian drug law and policy over the past few years up to 2020 (including a brief history of drug laws). Suggests that long-held views about the inherent harmful and dangerous nature of illicit drugs may be breaking down. |
| Howard, D.  | 2020 | <a href="#">Special Commission of Inquiry into Crystal Methamphetamine and other Amphetamine-Type Stimulants (The NSW 'Ice' inquiry)</a> | Extensive NSW Government inquiry  |

(All Four Volumes can be found [here](#))

Hughes, C.

2018

[The Australian experience and opportunities for cannabis law reform](#)

Chapter 15 in Decorte, Lenton & Wilkins (ed) Legalizing Cannabis:







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|   |      |  | 'progress' in drugs policy is defined and measured and who's interests are served by current definitions of progress associated with decriminalisation.  |
| Nougier, M.,<br>Fernández, A. & Putri,<br>D.  | 2021 | <a href="#">Taking stock of half a decade of drug policy: An evaluation of UNGASS implementation</a><br><br>International Drug Policy Consortium | The 2016 UN General Assembly Special Assembly (UNGASS) on drugs shifted policy towards human rights, health and development approaches to drug use and away from punitive policies. Half a decade on (and 50 years after Nixon declared a war on drugs), this paper evaluates the impacts of the 2016 UNGASS, provides recommendations for future international drug policies and suggests how countries may better move from 'rhetoric to reality'. |
| Luong, H.T., Hoang,<br>L.T., Le, T.Q., Hoang,<br>T.A., Vu, M.T., Tran,<br>H.Q., Thomson, N. | 2021 | <a href="#">'We realised we needed a new approach': Government and law enforcement p</a>   |  |

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| Room, R., Rossow, I.,<br>Strang, J. |      |   | prescription drug regimes. The final chapters discuss the current state of drug policy in different parts of the world, and describe the need for a new approach to drug policy that is evidence-based, realistic, and coordinated. |
| Transnational Institute             | 2018 | <a href="#">The 10<sup>th</sup> Asian Informal Drug Policy Dialogue</a> | Provides a narrative overview of shifts in  |



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|  |      |   | They offer several examples from countries who have decriminalised drugs in some way. Authors support that low level supply in the drug trade need alternatives to punishment (particularly those doing so to alleviate socioeconomic marginalization). Recommendations in this report include 1) abolishing the death penalty, 2) ending all penalties for use/possess and cultivation for personal use 3) alternatives to punishment (ie. Diversion) 4) UN member states to remove penalization of drug possess as a treaty obligation, and 5) Explore regulatory models following decriminalisation.   |
| LSE Expert Group on the Economics of Drug Policy | 2016 | <a href="#">After the Drug Wars: Report of the LSE Expert Group on the Economics of Drug Policy</a>   | In this report puts together a number of articles on drug policy utilising the Sustainable Development Goals. Each article considers metrics for evaluation and policy recommendations in lead up to UNGASS 2016.   |
| Goodwin, J.                                      | 2016 | <a href="#">Public health approach to drug use in Asia: principles and practices for decriminalisation</a> . International Drug Policy Consortium | This report describes the principles underpinning decriminalisation (describing both de jure and de facto separately) with a focus on regulation in Asia, and provides recommendations for designing and implementing decriminalisation models, guidance on program priorities for countries moving towards decriminalisation. The report does not address legalisation. Chapter 3 describes various mechanisms to divert people away from the criminal justice system, including the role of police, courts, prosecutors, and healthcare/community workers. De jure decriminalization models can differ based on legal frameworks, police authority, judicial/administrative process, and sanctions for drug use, but do remove criminal sanctions for drug use/possess. A best practice model for them is one which the law is changed to remove all penalties (administrative and criminal sanctions), but do have regulations around use activities, and offer public health resources. De facto decriminalization models have the following characteristics: use/possess is a criminal offence, but practice allows people to avoid penalties/conviction. Instead, there is no penalty or civil or administrative sanctions apply and/or are diverted. |
| EMCDDA   | 2015 | <a href="#">Web Resource: EMCDDA Penalties for drug law offences in Europe at a glance</a>  |   |







Domoslowski, A.

2011

[\*Drug policy in Portugal: the benefits of decriminalizing drug use\*](#), Open Society Foundations, Global Drug Policy Program, New York



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| Costa, A.M. | 2008 | <a href="#">Making drug control 'fit for purpose': building on the UNGASS decade. Report by the Executive Director of the Office on Drugs and Crime as a special report for the twentieth special session of the General Assembly, E/CN.7/2008/CRP.17, Office on Drugs and Crime, Vienna</a> | A landmark paper in which the author acknowledges that the current approaches to drug policy, led by his Office, have produced a range of negative unintended consequences, and that much of the international approach to illicit drugs is no longer 'fit for purpose'. He proposes directions for improvement which include:<br><ul style="list-style-type: none"> <li>Bringing public health "back to centre stage"</li> <li>Enforce the laws, prevent use, treat and rehabilitate those who are not deterred or prevented from using drugs, and mitigate the negative consequences of use and trafficking related crimes.</li> <li>Mitigate the unintended consequences of the drug problem through crime prevention, harm minimisation, and the protection of human rights.</li> </ul> |
|             |      | <a href="#">The Economics of Economic Affairs.</a>   | Monograph/Report which covers a range of prohibited goods/markets, including drugs. Generally points out flaws in prohibition.  |
|             |      | <a href="#">Do economists reach a consensus? Independent Review XI(3), 417-422.</a>  | From the abstract: "Although drug-policy researchers and economists in general seem opposed to prohibition, they are timid in their advocacy of decriminalization and even less supportive of legalization".  |
|             |      | <a href="#">The case for the debate.</a> Bristol, UK: The Centre for Drug Policy Research, 2008.   | Makes the case for drug policy and law reform and shows how to conceptualise and articulate the arguments for reform.   |
|             |      | <a href="#">The Drug Control Board: watchdog or gatekeeper? The Drug Policy Programme, report 7, The Centre for Drug Policy Research, Bristol, 2008.</a>   | From the website: 'While the Board's role in overseeing and quantifying the legal   |

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|  |      |   | drug black market, and levels of drug consumption. While the main focus of this article is intravenous drugs, it draws some lessons from cannabis research.'  |
| Dorn, N., & Jamieson, A.                 | 2001 | <a href="#">European Drug Laws: the Room for Manoeuvre - The full report. London: DrugScope.</a>                                    | Overview of comparative legal research into national drug laws of France, Germany, Italy, Spain, the Netherlands and Sweden and their relation to three international drugs conventions.  |
| MacCoun, R., & Reuter, P.                | 2001 | <a href="#">Drug War Heresies: Learning from Other Vices, Times, and Places. Cambridge: Cambridge University Press.</a>             | One of the classic text books outlining drug law reform issues. The book outlines the various positions and provides a framework for assessing the alternatives that uses a harm matrix which includes types of harm, and who bears the harm.   |
| MacCoun, R., & Reuter, P.                | 1998 | <a href="#">Drug Control. Reprinted from The Handbook of Crime and Punishment. Santa Monica, Drug Policy Research Centre, RAND.</a> | From the website: " The effort to control illicit drugs seems to have become a permanent element of American social policy in the last third of the twentieth century. A large fraction of adolescents experiment with illicit drugs, primarily marijuana. Most do no more than experiment, but enough go on to consume them frequently that drug use and selling, as well as drug control itself, have become a major source of harm to the nation. These harms, particularly the ones related to crime, are heavily concentrated in urban minority communities. Cross-national comparisons of social policy are fraught with problems. Nonetheless, we draw four lessons: depenalization, prevalence of use, goals of drug policy, and the role of government. As currently implemented, U.S. drug policies are unconvincing. They are intrusive, divisive, expensive, and yet they leave the nation with a massive drug problem" . |
| MacCoun, R., Reuter, P., & Schelling, T. | 1996 | <a href="#">Assessing alternative drug control schemes. <i>Journal of Policy Analysis and Management</i>, 15(3), 330-352.</a>       | From the abstract: 'The debate over alternative regimes for currently illicit psychoactive substances focuses on polar alternatives: harsh prohibition and sweeping legalization. This study presents an away of alternatives that lies between these extremes. The current debate lacks an explicit and inclusive framework for making comparative judgments. In this study, we sketch out such a framework...'  |
| Kleiman, M.A.R.                          | 1992 | <a href="#">Against excess: drug policy for results, Basic Books, New York, NY.</a>   | 'Policies have unwanted side effects. Taxes create moonshining, regulation creates evasion and corruption, prohibition creates black markets, programs cost money and often create perverse incentives. Since all drugs are dangerous and all policies are costly, we ought to consider, for each drug and for all of them together, what set of policies would create the least onerous overall problem, adding together the damage done by drug abuse and the damage done by attempts to control it.'   |







| Reuter, P. | 2010 | Marijuana Legalisation: What can be learned from other countries? Santa Monica, CA: RAND.<br><a href="http://www.rand.org/pubs/working_papers/2010/RAND_WR771.pdf">http://www.rand.org/pubs/working_papers/2010/RAND_WR771.pdf</a> |  |
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