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The Committee Secretary
Inquiry into the impact of illicit drugs being traded online
Parliamentary Joint Committee on Law Enforcement
Via email: le.committee@aph.gov.au

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Thank you for the opportunity to provide a written submission for the *Inquiry into the impact of illicit drugs being traded online*.

This submission has been written jointly by a consortium of researchers within three research centres at RMIT University: the Social and Global Studies Centre, the Centre for Innovative Justice and the Blockchain Innovative Hub. RMIT University, officially the Royal Melbourne Institute of Technology, is a public research university in Melbourne, Australia.

The Social and Global Studies Centre (SGSC)'s mission is to deliver transformative research for social justice. Our research develops new knowledge and critical interventions to transform policy, practice, culture and lives, locally, nationally and internationally. It is underpinned by a commitment to respond to the Global Challenges agenda and is aligned with five 2030 Sustainable Development Goals: good health and well-being; gender equity; reduced inequalities; peace, justice and strong institutions; and quality education. Researchers within the Crime, Justice and Security theme of SGSC study crime and justice within the context of societal changes in the use of technology, the impact of terrorism, shifting political conditions and relationships, and recognition of extensive gender and race inequalities in criminal justice systems.

The Centre for Innovative Justice (CIJ)'s objective is to develop, drive and expand the capacity of the justice system to meet and adapt to the needs of its diverse users, with a focus on people's lived experiences. CIJ brings together an experienced team of multi-disciplinary researchers and practitioners to develop solutions to complex problems through research and innovation that is strategic, accessible and practical. Our approach is centred on the experiences of those people and communities who are affected and brings stakeholders together to work collaboratively on designing solutions. The Centre's work includes research on therapeutic jurisprudence, restorative justice, victim services, family violence, women's decarceration, and disability in the criminal justice system, as well as the application of human-centred design to legal issues and processes. The Centre is also co-located at RMIT University's Social Innovation Hub with two community legal centres – Youth Law and the Law and Advocacy Centre for Women – providing opportunities for research to practice, and practice to research insights.

The Blockchain Innovation Hub (BIH)'s mission is to work on crypto economics, business strategy and adaptation to blockchain technologies, mapping the blockchain economy, and identifying the public policy challenges that will hold back or accelerate this economic revolution. BIH seeks to develop deep theoretical understanding, to build new measures, to work with business experiments (start-ups and corporates) and social experiments (community-led and government) and to conduct research and offer education in order to help facilitate and guide blockchain innovation. Recently, BIH was ranked #2 globally for education and academic research impacting blockchain technology in a ranking exercise conducted by Coinbase in conjunction with Stanford University. Researchers in the BIH have pioneered multiple areas of research in blockchain design and applications, with the aim to understand how blockchain will disrupt and transform our economy and society. BIH also collaborates with research centres and external universities to deliver large scale projects such as the Victorian Government funded Digital CBD Project.



Introduction

The Parliamentary Joint Committee of Law enforcement has commenced an inquiry into the impact of illicit drugs being traded online. In its media release dated 2 November 2021 the Inquiry notes “while the value and quality of illicit drugs traded online is currently small relative to the overall market, it is growing at a rapid and troubling rate. There are also some early indications that the COVID-19 pandemic may have accelerated these trends, as noted in the recently released United Nations Office of Drugs and Crime’s World Drug Report 2021, underlining the need for an inquiry into this issue at this juncture.”

A proportionate response

It is important to note that drug purchasing through cryptomarkets remains a minority activity. Drug sales on cryptomarkets (online e-commerce platforms hosted in the dark web), were recently estimated at EUR 750,000 (approx AUD \$1.18m) per day from European vendors (1), represent only a small fraction by volume of total global drug trade. The most recent Global Drug Survey data show the vast majority (92%) of people who use drugs continuing to access them through in-person networks (2), with only 11% reporting obtaining drugs through cryptomarkets, 9% from open websites, and 9% from social media or messaging apps (2). Australian studies mirror these figures, with 98% of respondents to the Ecstasy and Related Drugs Reporting System reporting collecting their drugs in-person in the last 6 months and only 7% reporting use of cryptomarkets (3). Globally, the use of cryptocurrency for illicit activity (not limited to drugs) is estimated at 0.34% of the total volume of cryptocurrency transaction in 2020 (4).

While the full impact of the COVID-19 pandemic on global drug markets is still being determined, some studies have found that the rate of drug cryptomarket transactions that were not successfully received increased during the pandemic in 2020, likely due to the impact of lockdowns on market activities (5,6). So, we should not assume that more people are accessing drugs through digital channels; it may be that these channels were disrupted during the pandemic. As evidenced later in our submission, there is also no evidence to suggest that there are any greater net harms (social and health related) associated with online drug purchasing. Indeed there are evidenced reductions in harms if comparing to drugs purchased through traditional means, e.g. through reduced opportunities for physical violence during purchasing, more full information about content and purity of the substances purchased, and quality control mechanisms via feedback and review mechanisms.

Given that digitally facilitated drug trading is still a minority activity in Australia and is not necessarily associated with greater harms than other forms of drug trading, we therefore urge the inquiry to analyse the issue of illicit drugs being traded online with proportionality relative to the extent of issue in Australia.

Harm reduction

Whilst the United Nations World Drug Report (7) provides significant analysis of global drugs markets, it unfortunately makes little reference to the well documented harms associated with drug law enforcement (8).

Similarly, we are concerned that the terms of reference of this inquiry into the impact of illicit drugs being traded online seem to assume a law enforcement lens, rather than a health or harm reduction one. Implicit in the terms of reference, for example, is the assumption that any type of illicit drug use is inherently harmful, despite the fact that the vast majority of people who use illicit drugs do so for short periods of time and in ways that do not result in any significant or lasting harm (9).

Also implicit in the terms of reference seems to be the assumption that enhancing drug law enforcement is inherently positive and that any legislation or policies that seek to decriminalise drug use will have a negative impact.

There is however, significant Australian and international research demonstrating that prohibition and law enforcement approaches to drug problems have failed to reduce either drug use or the harms associated with it (10,11). In Australia, despite their criminal status, the number of people who use drugs has remained largely stable over the last decade (12) whilst Australian illicit drug markets remain large and shows signs of expansion (13).

There is also extensive evidence that criminal regulation of drug use has in fact created more harm than it seeks to prevent. This includes: worsening the health and wellbeing of people who use drugs, discouraging people who use drugs from seeking treatment, increasing preventable overdose deaths, increasing risk behaviours, and encouraging other crime to support drug dependence (e.g. see 14–16).

Evidence coming out of Portugal and elsewhere shows that decriminalising drugs and investing savings from the criminal justice system into health support and education can dramatically reduce problematic drug use, drug-related offending and drug-related harms, and increase the capacity of law enforcement agencies to pursue more impactful policing (17–21).

Shifting away from a criminal justice focus and toward a health and harm reduction lens opens the possibility of a wider and more constructive analysis of online drug markets. There is already emerging evidence, for example, that online drug market communities may help to prevent harm, through forum discussion networks that act as a peer support and education mechanism and reduce drug-related harms.

We therefore urge the inquiry to analyse the issue of illicit drugs being traded online with proportionality relative to the extent of the issue in Australia and through a health and harm reduction rather than criminal justice and law enforcement lens.

Addressing the Terms of Reference

In the remainder of this submission we will address the terms of reference in order, focusing on how Australia's overall National Drug Strategy (22) goal of minimising harms can be better achieved.

1. Trends and changes in relation to online drug availability;

Digital communication technologies have facilitated the trade of illegal drugs for many decades, with the first reported example occurring in 1971 between university students using their institutions' Apranet accounts (a predecessor to email) (23). In the intervening years, new digital technologies have been adopted by drug buyers and sellers alike, including pagers and mobile phones (24). From the 2000s, 'clear' or 'surface' websites (25) sold semi-illegal psychoactive products—including pharmaceutical drugs without prescription and novel substances advertised as 'research chemicals', 'spice' or 'plant food' (26–28). At this time, it was not yet feasible to buy illegal drugs through the web.

In 2011, this changed when the first 'cryptomarket' or 'darknet market' (Silk Road) began trading (29,30). Cryptomarkets are online marketplaces that provide participants with anonymity due to their location on the dark web (25) and use of cryptocurrencies for payment. They host multiple sellers and aggregate and display customer feedback ratings and comments (30,31). Over the last decade, cryptomarkets have offered cannabis, MDMA, heroin, cocaine and many other illegal substances in plain sight of law enforcement (e.g. see 32). Law enforcement initiatives have removed some marketplaces, but the cryptomarket ecosystem remains active, with administrators

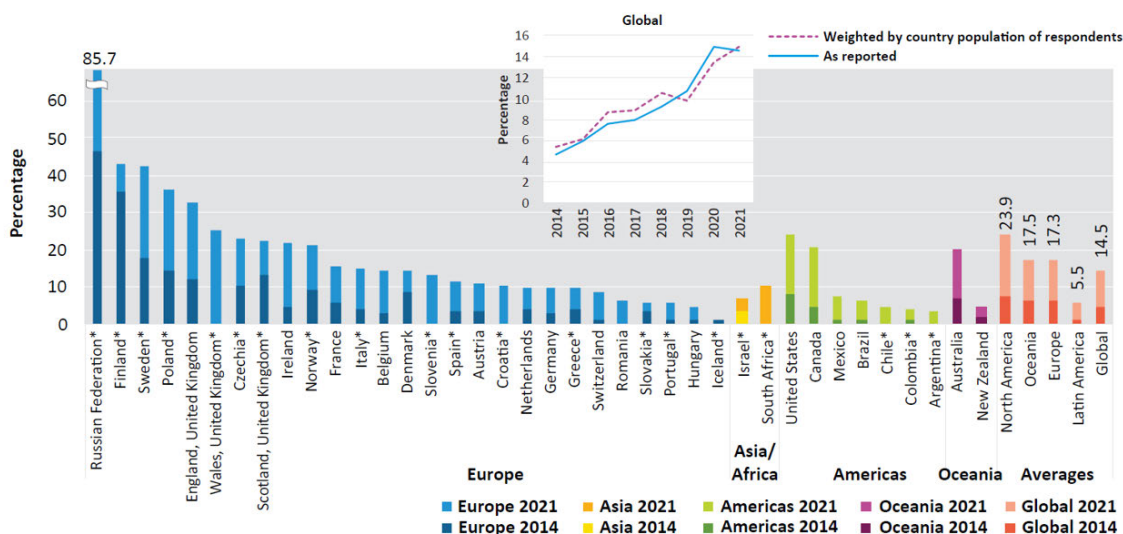
responding to threats by innovating their services (for example, by developing more secure transaction processes) (33,34).

Concurrently, other important changes in the digital media and communications landscape were occurring. Messaging apps, in particular those that offered encrypted messaging services and real-time mobile group messaging (35–37), as well as social media services that facilitated interaction and the sharing of user-generated content (38), afforded new possibilities for drug trading (39–47), alongside the dramatic rise in social media use (48).

Rates of cryptomarket use are currently limited by the specialised knowledge required to successfully complete a cryptomarket drug purchase. Such knowledge, which includes learning to access the dark web, acquiring and managing cryptocurrencies, and learning to use encryption software, currently restricts its appeal to sub-populations with specialised knowledge and skills (40,49). Sourcing through social media, messaging apps and open websites requires less specialised knowledge but also offers fewer security protections to those involved.

In terms of trends over time of drug cryptomarket use, Figure 63 from the World Drug Report (7) (based on Global Drug Survey data) provides overall trends and country differences. There is a steady increase in rate of cryptomarket purchasing over an 8-year period, with the Australian sample reaching 20% (1 in 5 people using drugs obtained them through cryptomarkets). It should be noted that GDS is not a representative sample and will overestimate the proportion in the general population. Prevalence rates of purchasing drugs through cryptomarkets from a representative sample are not yet available.

FIG. 63 Proportion of people purchasing drugs over the dark web among surveyed Internet users who used drugs in the past year, global average and selected countries, January 2014 to January 2021 (or latest year available)



*Data for either January 2014 or January 2021 were not available; data from the most recent year available were taken as a proxy.

Source: UNODC calculations based on Global Drug Survey 2021 data (and previous years); detailed findings on drug cryptomarkets.

Note: The Global Drug Survey is based on a convenience sample of 100,000 to 500,000 people every year, of whom 20,000 to 90,000 replied to questions on drug purchases over the dark web (24,000 in January 2021). All regional averages are weighted by the population of each country. North America: averages based on information from respondents in Canada and the United States; Europe: averages based on information from respondents in 26 European countries (not included are data from the Russian Federation, which are only available for 2018 and 2020); Oceania: averages based on information from respondents in Australia and New Zealand; Latin America: averages based on information from respondents in Argentina, Brazil, Chile, Colombia and Mexico.

While the full impact of the COVID-19 pandemic on global drug markets is still being determined, some studies have found that the rate of unsuccessful drug cryptomarket transactions increased during the pandemic in 2020, likely due to the impact of lockdowns on market activities (5,6). The World Drug Report figure above also shows a steady rise in rates of obtaining drugs from cryptomarkets, rather than a change in pattern, during the last year (which covers the pandemic period). There are many push and pull factors from the pandemic and our responses to it that

affect drug markets differentially (50). For example, social mobility restriction may make buying online more appealing, but may make it harder for drug traders to move their stock and fill orders, while restrictions on air travel may reduce overall supplies to island nations like Australia, although increased use of international mail overall and diversion of resources to pandemic policing may make it easier to get contraband through customs. Given there are multiple factors at play, we advise that it should not be assumed that digitally enabled drug trading would necessarily increase during the pandemic restrictions.

2. The impact of technologies, including online communications, cryptocurrency, and encryption and anonymising technologies on law enforcement responses to the online illicit drug trade;

Technologies for online communication (from email, chat channels and forums to social media and messaging applications), digital payments (PayPal, credit cards and cryptocurrencies), and online privacy (encryption and anonymising technologies) support e-commerce practices and enable access and connection, whilst ostensibly reducing perceived harms and risks, for populations engaging online. Engaging with the online drug trade is not the primary use of these technologies. Rather it is an incidental one based upon the available mundane technologies people use to communicate, shop, connect and find information more generally in their everyday lives.

Law enforcement activities into and through these media capture a wide net of user activities, beyond illicit drug trading. Thus there is an issue of consent for, and likelihood of inappropriate or unanticipated, data capture of people's lives more broadly. This point highlights that large volumes of data about people may be collected that is outside of the scope of investigation of a law enforcement activity. If police are given more power for data harvesting in order to manage the policing of drugs, this may cause overreach in other areas. Additionally, given that these technologies tend to mediate global communications and exchanges, the range of practices and communications traced may occur beyond national or jurisdictional boundaries.

The online communication channels most commonly used are connected to commercial platform providers, where there is generally a real name policy or user identification practice in place. Digital payment platforms such as PayPal, credit card providers and cryptocurrency exchanges practice a 'Know Your Customer' policy in accordance with regulatory requirements. Whilst online activity through these media may be perceived as anonymous by users, there are very few instances where it is more than pseudonymous. A small portion of users, who are tech savvy, may be more comfortable using privacy enhancing features. Doing so, however, does not make them by default more likely to be engaging with the online illicit drug trade. Encryption technologies, cryptocurrencies and blockchain technologies more broadly, are important innovations in technology and have a wide array of applications for social good and entrepreneurial activities (51,52).

These conditions suggest that there is a significant need for law enforcement to narrow the scope and utilise targeted strategies rather than undertake large scale data harvesting in these environments (53). The fact that these digital technologies make it possible to generate big data sets consisting of user trace data, does not mean that this is the most effective or just policing approach. Existing research into predictive policing methods indicate that these big data techniques do not mitigate against injustices such as racial profiling and targeting vulnerable populations given that they are subject to algorithmic biases (including biased training data sets for machine learning) (54).

People who use cryptocurrencies as a digital payments mechanism within cryptomarkets do so because they are the medium of exchange in these market places. This suggests that many people are using cryptocurrencies for convenience (i.e., it is the only method of payment accepted) rather than as a means of obscuring transactions (55). Indeed, the paradox of cryptocurrency is that its associated data create a forensic trail that can make your entire financial history public information (56). Given the pseudonymous nature of cryptocurrencies and their public transactional

record, there is an emerging industry of digital forensics that tracks and traces cryptocurrency payments and connects them with identities (e.g., Chainalysis, CipherTrace) (57–61). Cryptocurrencies are used for the purposes of speculation, as much as they are for their intended purposes as decentralised tokenised payment systems. Their substantial volatility in value means that they are purely a means to an end for many users and are only employed at the point of transaction rather than held as a store of value (62,63).

In Australia, preliminary research by RMIT University suggests that there have been 36 reported criminal cases involving cryptocurrency in the Australian courts between 2014 and 2019 – representing a tiny proportion of the hundreds of thousands of criminal proceedings commenced each year (64). Where cryptocurrency is involved in the factual matrix of legal cases relating to drug trafficking, it's typically considered as an aggravating factor in sentencing following a plea or finding of guilt. However, the reported cases in the Australian courts reveal that traditional law enforcement methods are used to intercept drugs purchased from cryptomarkets. It is likely that this is because although payment may be obscured through the pseudonymous nature of cryptocurrency, people are nevertheless purchasing tangible goods that must be sent by the vendor to the purchaser through postage or freight networks. The reported cases reveal that physical packages can be intercepted by customs/border force that leads to state or federal law enforcement agencies obtaining search warrants over persons and property (see e.g. *Stebbins v Tasmania* [2016] TASCCA 6). The Senate Committee can be provided with updated data and analysis from this study when it is published.

3. Supply chains and sourcing online, including the role of individual suppliers and criminal organisations;

How do cryptomarkets integrate into broader drug supply chains? Studies based on web scrapes from drug cryptomarkets have determined that around one quarter of sales of drugs could be classed as wholesale (65). Wholesale amounts are therefore assumed to be on-sold, either bought by cryptomarket vendors who on-sell via the online platforms, or bought by retailer level sellers who distribute via in-person networks. This is where the data collected directly from drug consumers about use of digitally facilitated supply at the retail level may underestimate the role of digital supply more broadly, as they may have been sold drugs that were digitally acquired at previous steps in the supply chain.

It is inherently difficult to study drug sellers who have good reasons not to participate in research. In a rare study of this kind, 13 interviews were conducted with cryptomarket vendors, examining their pathways into selling and their stated motivations (66). The motivations included a more favourable balance between profit and risk when vending online compared with traditional in-person activities, while others noted motivations related to social supply, simply wishing to obtain and then on-sell to friends. The authors observed that “all interviewees reported either no longer selling illicit drugs directly to consumers offline, or never being involved in offline drug selling in the first instance” (66). While the small sample is limited, these findings are not congruent with the involvement of organised crime (OC) as direct vendors in cryptomarkets. Indeed, a recent review of the evidence concluded that “there are no empirical evidences of direct involvement of OC as vendors in darkmarkets. However, there are evidences of an indirect role of OC in darknet drug trafficking, as supplier of illegal drugs to the online-vendors.” (67). Thus it may be more that OC is supplying traditionally to vendors who then operate in online spaces, rather than OC groups becoming online vendors themselves.

There is scant research investigating the use of other digitally mediated drug trading platforms, like encrypted apps and social media platforms, for drug trading at various levels of the supply chain. One study examining public Telegram messages in Dutch groups found that the amounts being offered were typically small: “from single tablets or grams of powder to tens of tablets or grams of powder” (39). It may be that cryptomarkets are preferred for larger amounts given the lack of security measures on most social media sites.

4. Impacts on at-risk groups, young people and their families, and the community due to the availability of illicit drugs online;

Who purchases drugs online?

Survey and interview research demonstrates that the individuals who purchase drugs from cryptomarkets tend to be young adults (e.g. in their 20s), male (typically 80%+ of samples are male), and with above-average levels of education and employment (68–71). Those who report purchase of drugs from social media or messaging apps tend to be younger (early 20s) and less overwhelmingly male (although still majority male) (2,41,47). By definition this population requires access to digital devices and internet connectivity to access these platforms, and for cryptomarkets, they require specialist knowledge, typically linked with higher education levels.

When new technologies emerge (particularly those accessed predominantly by younger people), it is typical for concerns to arise and lead to targeting these new technologies for greater surveillance (72). Recently, news media articles have shared concerns (especially from parents) about the potential for young people to purchase drugs from social media and social entertainment sites, such as Facebook, Snapchat and TikTok (73,74). While it is true that there are online vendors who do promote the sale of drugs through these platforms, such claims are inflated (and do not represent typical experiences of social media use for most young people). These concerns are also complicated by the conflation of all drug-related content on such websites; that is, health and harm reduction focused content on social media is often conflated with the promotion of drugs and drug use (75). As such, is worth fact-checking whether online drug markets do indeed lead to greater use and greater harms.

Does online availability lead to increased use and uptake?

It is important to understand the drug use trajectories of people who purchase drugs from cryptomarkets to assess the overall impact or risk. Research (70) has found that while there was typically a 'honeymoon' period where upon first learning how to use a cryptomarket, drug use increased and different/unusual drugs were purchased and consumed, for most study participants, this period was time limited, with a more routine consumption pattern established thereafter. This study also found that a small subgroup reported never having used illegal drugs until being able to access them via cryptomarkets – this group could be considered to be initiated into drug use through the online environment. The annual Global Drug Survey finds, year on year, around 5% of people who report obtaining drugs from cryptomarkets agreed with the statement "I did not consume drugs prior to accessing them through darknet markets". Put another way, 19 out of 20 people had already previously consumed drugs when they began using cryptomarkets. While attracting new entrants into drug use may be considered by some to be a harm in its own right, there are other harm-reducing aspects of the cryptomarket environment that need to be weighed up.

Does online availability lead to increased harms?

Surveys of customers and vendors from both offline drug markets and cryptomarkets show that cryptomarket users report fewer threats to safety and experiences of violence as well as a reduced likelihood of detection by law enforcement in comparison to their offline counterparts (69). That is, buying drugs from strangers or in public carries greater risk of violence or social harms (e.g. arrest) than cryptomarket purchasing. There is also emerging evidence that drugs purchased through cryptomarkets are more likely to contain the expected substance (that is, not be substituted or adulterated) (76). Greater transparency for vendors in these platforms is encouraged via mechanisms for buyers to rate vendors and their products (30). These ratings are highly valuable to vendors, as buyers use them to choose who to purchase from. Therefore, vendors have additional incentives to provide products as advertised (rather than, for example, to deceive buyers through on-selling a cheaper drug as something more desirable). For buyers, if drugs are more likely to be as expected, then harm-reducing information around dosage and expected effects is more likely to be accurate and helpful. While these benefits are expected given the structure of cryptomarkets, it should also be noted that it is very difficult to make valid comparisons between in-

person and online markets when it comes to levels of adulteration and more research here is needed.

What are the potential benefits of online markets?

While it is understandable that in this context, the natural assumption is that there will be *negative* impacts on 'at-risk' groups, young people, their families and the community due to online drug markets, this should be balanced with considerations of other impacts that are more benign or even positive.

Firstly, it is possible to capitalise on known digital spaces frequented by people who use drugs, as spaces to promote health and harm reduction information. On the surface web, concerns about drug content online typically leads to censorship, which can effectively lead to the inadvertent censorship of health-related content, such as tools for harm reduction (77). Censorship also misses opportunities to leverage the affordances of social media platforms, such as content warnings that can direct users to health advice, for example in the style of COVID content warnings implemented by Instagram and TikTok, or fact-checking warnings implemented by Twitter (78).

In the case of cryptomarkets where drugs are sold, these spaces already do sometimes include harm reduction information. The original cryptomarket, Silk Road, hosted a harm reduction forum, and it also had a medical doctor who answered people's health questions (79). Stigma towards people who use drugs is a major barrier to seeking health information from more official sources (80), like general practitioners, and for many people in this population, access to anonymous online forums where health information can be sourced, as well as harm reduction information and techniques discussed, is a vital peer-driven service. The kind of harm reduction information sought through online discussion groups in these spaces includes learning how to use drugs more safely and learning how to avoid bad experiences with drugs (77).

In conclusion, while there is no definitive evaluation of the net harms or benefits of online drug trading (81), many individuals surveyed and interviewed assessed a net benefit in moving from traditional drug supply to online drug supply. Although digitally enabled drug markets may make drugs more accessible to some individuals who would not otherwise access them, there are clearly a number of ways in which this space can reduce harm including: reduced risks of physical violence when purchasing; access to supplies that are likely less adulterated (and with more reliable systems of reporting adulterated substances where they occur); and access to online communities within which harm reduction information is produced.

5. The dangers of purchasing drugs online, including the chemical content of 'recreational' drugs;

We would like to point out to the committee that while there may be 'dangers of purchasing drugs online', these need to be considered alongside the dangers (or risks) of purchasing drugs through more traditional methods. As we have already shown, almost all individuals surveyed and interviewed about their cryptomarket drug purchasing are already familiar with 'in-person' methods of purchasing drugs. These includes from friends (also called 'social supply' (82)), from people who are primarily sellers or dealers that are well-known to the buyer, as well as from strangers who sell, such as in street market settings or festivals (69). These 'dangers' also need to be considered alongside opportunities for reducing harm that occur in these different purchasing settings. It is certainly an incomplete picture to only consider one aspect of this equation: here defined as the harms of purchasing drugs online. Many of these harms/benefits have been discussed in the answer to ToR No. 4 above.

'The chemical content of recreational drugs' is indeed concerning. In particular, the unknown or variable content of the drug supply can cause considerable harm, including death. As previously argued, the prohibition of drugs itself causes considerable harm to people who use drugs (14,15). This is one such harm which is clearly caused by the lack of regulation of drug supply inherent in

our continued global prohibition, which ensures supplies are produced in underground unregulated settings.

A recent Australian example can be found reported by the Coroner of Victoria (83), where a spate of five deaths occurred when individuals ingested what they believed to be MDMA powder (or in one case, psilocybin) that actually contained an unusual combination of novel synthetic substances: 4-FA (a stimulant) and 25C-NBOMe (a potent psychedelic). This case series led the Coroner to urgently recommend that a drug checking service be established in Victoria, where individuals could get substances analysed to determine their content and purity. Existing research demonstrates that when people who use drugs receive credible and timely information indicating that a new and/or particularly harmful substance has been substituted or added to drugs they were considering consuming, the majority discard or abandon those drugs (84–87).

However, as discussed in response to ToR No. 4, there is emerging evidence of lower rates of adulterated product purchased from cryptomarkets. Indeed, when asked why they prefer to purchase from cryptomarkets, buyers mention that better quality and reliability of the drug product is a key motivation (68). While no buyer of drugs in an unregulated market (online or offline) has a guarantee of quality, the mechanisms of feedback present in the cryptomarket setting appear to increase the reliability of vendor claims. These protective aspects are not present in social media markets, where feedback systems and vendor ratings are not available to buyers.

6. The impact of legislation and policies that seek to decriminalise drug use and possession on the online availability, quality control and the capacity of law enforcement agencies to police illicit drugs

As highlighted at the beginning of this submission, we urge the inquiry to analyse the issue of illicit drugs being traded online with proportionality relative to the extent of issue in Australia and through a harm reduction rather than law enforcement lens.

We have had the opportunity to read the submission of Drug Policy Modelling Program (DPMP) at the UNSW and we echo their position that decriminalisation of drug use is an evidence-based policy supported by significant international models and multiple studies. This research confirms no evidence of significant increases in the prevalence of use and many positive harm reduction outcomes such as reduction in the burden on the criminal justice system and improved employment and economic outcomes (18). Relevant to proportionality we also agree with DPMP's analysis that online illicit drug markets are a minor part of personal purchasing behaviour and that decriminalisation efforts in Australia are **unlikely** to have impact on technological development or online availability of drugs.

While decriminalising the use and possession of drugs is an important and necessary step toward reducing drug-related harms in both online and offline contexts, we suggest that the inquiry also investigate the ways in which **regulating the supply** of drugs, through a pharmaceutical-type model, would go much further to reducing harm. From a health rather than a criminal justice lens, we can see that not all illicit drug use is itself problematic, in the sense that not all drug use causes harm for users or their communities (9).

Problematic and harmful drug use tends to be a result not of the drugs themselves, but of trauma and social dislocation (88). Problematic drug use can be understood as a form of self-medication for people who do not have access to existing psychotherapeutic interventions, or for whom those interventions do not work. The movement towards **safe supply** – that is, access to regulated supplies of drugs without adulterations or substitutions and of known strength – is gaining momentum globally, especially in North America (89–91). Cryptomarkets provide a more constant availability of a more consistent drug product, and therefore provide a microcosm of what a regulated drug market could look like, and some of the health and harm reduction benefits that would likely accrue. As previously reviewed (ToR 4), the drug use trajectories of people purchasing

drugs from cryptomarkets settled to occasional or semi-regular levels, rather than escalating to dependent levels. Even when someone's use is daily or dependent, access to a safe(r) supply removes overdose risks associated with adulteration and unknown purity, as well as risks of violence and the use of crime to fund purchase.

Decriminalising use and possession, providing regulated supply, and investing the money saved from law enforcement and incarceration into drug education, drug treatment, and healthcare support (both physical and psychological care) would dramatically reduce both drug use related health harms, and broader drug related crime and harm for communities.

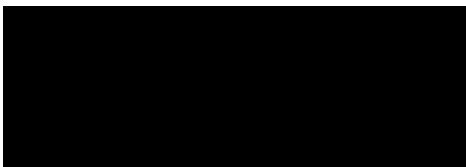
Conclusion

In conclusion, we urge the committee to:

- adopt a health and harm reduction approach to the issue of drugs, as our National Drug Strategy guides us to do;
- treat online drug trading as a relative small part of global drug markets and recommend responses that are proportional to its relative size;
- challenge the assumption that all psychoactive drug use is harmful given that we know that most drug use is occasional, time-limited and non-dependent;
- carefully consider the harms that may be caused by any new proposed law enforcement responses to online drug purchasing, including to people who use drugs as well as to people who conduct other business through the use of cryptocurrencies that may be affected by harsher controls or regulations;
- recommend decriminalisation of use/possession of drugs and consider models of regulated or safe(r) supply as overall policy models that can supersede the need for online illicit drug trading altogether.

We welcome an invitation to provide additional evidence on any parts of our submission.

Yours sincerely,



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