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Media, Policy and the Law: The Case of Crystal Methamphetamine

Pota Forrest-Lawrence

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degree of Doctor of Philosophy

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To the memory of my grandmother, Pota Caralis,
who passed away during the writing of the thesis.

Abstract

Crystal methamphetamine has been constructed by Australian media as the most dangerous illicit drug of the twenty-first century. Such representations, so readily available in print media commentary, have transformed the image of the drug from relative obscurity to a drug worse than heroin and a modern-day folk devil. Media calls for swift and urgent political action to address the methamphetamine problem have urged policymakers to respond to this 'national drug threat'.

This thesis explores the media construction of crystal methamphetamine, its users, manufacturers, importers and those who policed them over the period 2000-2009. It examines whether, and if so, to what extent, media have contributed to the development of illicit drug policies and legislation during this period. The state of NSW was selected as a case study for this analysis. A total of 433 print media articles and six methamphetamine-related policies and laws were subject to a discourse analysis. It is argued that media created a 'new ice risk' that encouraged punitive policy making.

The research reveals that the media response to the drug during this period drew on law enforcement, public health and government discourses. Embedded within this media response were competing and contradictory discourses of the 'methamphetamine user', 'the enforcers' and 'the folk devil drug' and their respective discourse strands. These discourses and strands, fuelled by dramatic metaphors, research evidence and expert commentary, contributed to a media narrative that presented the public and policymakers with an image of a risky and dangerous drug.

Through the convergence of these discourses, a 'new ice risk' was created that became part of the larger risk environment. This 'risk' fed off a 'culture of control' that had developed in government responses to problematic social issues. Media and policymakers thus worked together to produce a punitive response to a drug purported to be a major threat to society.

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This thesis was reviewed and edited for grammar, structure, tone and syntax, and proofread, by Lorraine Shannon (chapters 1 to 8) and Paul Dower (chapters 9 and 10).

Declaration of Originality

I hereby certify that this thesis is entirely my work and that any material written by others has been acknowledged in the text.

The thesis has not been presented for a degree or for any other purposes at The University of Sydney or at any other university or institution.

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List of Acronyms

ABC	Australian Broadcasting Corporation
ACC	Australian Crime Commission
ACT	Australian Capital Territory
AFP	Australian Federal Police
AIC	Australian Institute of Criminology
AIDS	Acquired Immune Deficiency Syndrome
AMA	American Motorcyclists Association
ANCD	Australian National Council on Drugs
AOSD	Amphetamines and Other Synthetic Drugs
APC	Australian Press Council
ATS	Amphetamine Type Stimulants
BOCSAR	Bureau of Crime Statistics and Research
Cth	Commonwealth
CMC	Queensland Crime and Misconduct Commission
CMO	Comprehensive Multidisciplinary Outline of Future Activities relevant to the Problems of Drug Abuse and Illicit Trafficking
Customs	Australian Customs and Border Protection Services
HIV	Human Immunodeficiency Virus
Hon	Honourable
IDRS	Illicit Drug Reporting System
LSD	Lysergicacid-diethylamide
MCCOC	Model Criminal Code Officers Committee
MCDS	Ministerial Council on Drug Strategy
MDMA	Methylen-dioxi-meth-amphetamine
MLC	Member of Legislative Council
MP	Member of Parliament
NCADA	National Campaign Against Drug Abuse
NDARC	National Drug and Alcohol Research Centre
NDSHS	National Drug Strategy Household Survey
NSW	New South Wales
NSWCC	New South Wales Crime Commission
NSWPF	New South Wales Police Force
NT	Northern Territory
OMC	Outlaw Motorcycle Club
OMCG	Outlaw Motorcycle Gangs
PCP	Phencyclohexylpiperidine
SDO Act	Serious Drug Offences and Other Measures Act 2005
TOR	Terms of Reference
UK	United Kingdom
UN	United Nations
US	United States of America
WA	Western Australia
WWI	World War 1
WWII	World War 2

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Section I

1 Introduction

It is appropriate that we take strong action to minimise the damage caused by the use of this drug and its supply. It is a dirty, filthy, pervasive chemical cocktail. Australia needs more prevention, more enforcement and more treatment options. We want to know that our kids are protected from this drug, that young people who fall prey to its evil effects can be rescued in time, and that the vermin who peddle this menace on our streets are crushed with the full and overwhelming force of law.¹

These powerful and passionate words from former New South Wales (NSW) Premier Morris Iemma in his 2006 announcement of the 'National Leadership Forum on Ice', firmly positioned crystal methamphetamine² on the state and national political agenda. Iemma identified ice as a dangerous illicit drug that affected the entire community, though young people were selected as a group most susceptible to its effects. Tough laws were thus required to protect society.

I remember reading this Parliamentary announcement and the escalating number of media articles afforded to crystal methamphetamine in my final year as an undergraduate student, particularly during one of my policy elective classes. I had followed some of the media commentary on the drug, including the Four Corners Special Report by Matthew Carney, titled, '*The Ice Age*' that aired in March 2006.³ This was a confronting and disturbing glimpse into the life of dependent methamphetamine users, and the devastating effects this drug can have on them and the wider community. Such reports, however, inspired me to look more closely at media and the role they play in advancing particular images of illicit drugs and their users, and how we as 'information consumers' absorb and make sense of this information.

This interest in illegal drugs, drug policy and media led me to undertake an honours thesis the following year that examined licit and illicit drug use amongst undergraduate students. What I discovered was that there was some degree of

¹ Morris Iemma, NSW Parliamentary Debate, Legislative Assembly, 19 October 2006, 3074.

² Crystal methamphetamine, crystal meth and ice are used interchangeably in this thesis.

³ Matthew Carney, *The Ice Age*, aired March 20 (Sydney: Four Corners- ABC TV, 2006), television broadcast.

public 'misinformation' regarding young people and drug use, most of which appeared to be delivered by print media groups. I considered this finding crucial to broader discussions of, and debates on, illicit drugs in Australia, and noteworthy enough to explore further in doctoral research. I thus commenced a thesis that sought to examine what role, if any, print media played in advancing particular commentary and rhetoric and to what degree, if any, government took on board what the media had to say.

1.1 Why Methamphetamine?

Methamphetamine use in Australia increased in early 2001 and coincided with the apparent 'heroin shortage'. This 'shortage' was mostly felt in NSW as it had the largest number of heroin users. An abrupt reduction of heroin in all Australian jurisdictions in a matter of weeks from January to April 2001 soon followed.⁴ The heroin shortage led to an increase in ice importations, a shift from heroin injecting to ice use,⁵ a dramatic increase in the price of heroin on the streets and a major decrease in heroin purity.⁶ For example the price of heroin increased from \$220 a gram in 2000 to \$320 a gram in 2001.⁷ Similarly, the cost of a cap doubled from \$50 in 2000 to \$100 in 2001.⁸

In 2004, Australia was said by the United Nations (UN) to have one of the highest levels of methamphetamine use in the world.⁹ This was supported by evidence from the 2004 National Drug Strategy and Household Survey (NDSHS) that found 9.1% of the population had used meth/amphetamines with 21.1% of those persons aged 20-29 years having tried the drug in their lifetime and 10.7% having tried the drug in the last 12 months. A total of 38.6% of those persons considered 'current users' had used

⁴ Carolyn Day, Louisa Degenhardt, and Wayne Hall, "Documenting the Heroin Shortage in New South Wales," *Drug and Alcohol Review* 25, no. 4 (2006): 1.

⁵ Sussanah O'Brien et al., "Australian Drug Trends 2006 - Findings from the Illicit Drug Reporting System (IDRS)," (Sydney: National Drug and Alcohol Research Centre, 2007).

⁶ Carolyn Day, Louisa Degenhardt, and Wayne Hall, "Drug Alcohol Rev," 297.

⁷ Libby Topp et al., "Australian Drug Trends 2000 - Findings of the Illicit Drug Reporting System (IDRS)," NDARC Monograph 47 (Sydney: National Drug and Alcohol Research Centre, 2001).

⁸ Libby Topp et al., "Australian Drug Trends - Findings of the Illicit Drug Reporting System (IDRS)," NDARC Monograph 48 (Sydney: National Drug and Alcohol Research Centre, 2002).

⁹ United National Office of Drugs and Crime, *World Drug Report 2004: Volume 2: Statistics*, United Nations Publication Sales, No. E.04.XI, 16, Vienna, 2004.

the crystal form of methamphetamine.¹⁰ In 2005, a study by McKetin et al. estimated the number of regular and dependent methamphetamine users in Sydney, NSW and Australia. This study presented crystal methamphetamine as a drug that caused complex problems to its users, including, but not limited to, an increased risk of psychosis and an array of physical and mental problems. Notably, dependent methamphetamine users demonstrated higher levels of contact with the criminal justice system.¹¹

The following year in March 2006, the *Australian Broadcasting Association (ABC) Four Corners* documentary titled, '*The Ice Age*' by journalist Matthew Carney, provided a first person account of injecting methamphetamine users in Australia. Carney presented a pervasive culture of addiction that existed in the complex world of the dependent methamphetamine user. Viewers were met with horrid images of physical deterioration and the psychological effects of methamphetamine dependency.¹² Such imagery exposed the daily struggles of dependent users and emphasised the ugliness associated with methamphetamine consumption. This further heightened the risk these groups posed to themselves and to the broader civil society. This documentary was one of the first to explore dependent methamphetamine users in Australia and, according to Hughes, was heralded as the catalyst for media reporting on methamphetamine.¹³

It is clear that crystal methamphetamine is a dangerous and toxic drug that presents its users and the community with an array of complex problems. However, what I question in this thesis is the apparent excessiveness of both the public policy and media response, especially when compared to other drugs like alcohol and tobacco. Expert evidence has shown that tobacco is the 'leading cause of preventable illness and death in Australia, account[ing] for eight per cent of the total burden of disease

¹⁰ Australian Institute of Health and Welfare, "*2004 National Drug Strategy Household Survey: Detailed Findings*," Drug statistics series no. 16 (Canberra: AIHW, 2005), 59-60.

¹¹ Rebecca McKetin et al., "*Estimating the Number of Regular and Dependent Methamphetamine Users in Australia*," Technical Report no. 230 (Sydney: National Drug & Alcohol Research Centre, 2005).

¹² Carney, *The Ice Age*.

¹³ Caitlin Hughes, "*The Australian (Illicit) Drug Policy Timeline: 1985-2012*," (Sydney: Drug Policy Modelling Program, 2012).

in 2003' and costing an estimated \$31.5 billion in 2004-05.¹⁴ Similarly, estimates on alcohol suggest it accounts for 13% of deaths of Australians aged 14-17 years with one teenager dying from the drug and more than 60 hospitalised weekly from attributed causes.¹⁵

Additionally, alcohol use contributes to an increase in related violence. Research by the Bureau of Crime Statistics and Research (BOCSAR) found that alcohol misuse accounted for more than five times the number of violent crime convictions when compared to drugs like methamphetamine. While the research results showed that the misuse of methamphetamine was related to 3.4% of all violent crime convictions, the misuse of alcohol accounted for 16.2% of such convictions.¹⁶ Further evidence shows that alcohol yielded a 'clear dose-response increase in aggression' whereas methamphetamine 'failed to yield a clear effect on aggression'.¹⁷ Largely, this evidence demonstrates that alcohol misuse produced a higher proportion of persons exhibiting aggressive behaviour that led to violence, when compared to drugs like methamphetamine.

This research indicates that both licit and illicit drugs have caused considerable harm to the individual and the broader community. However, alcohol and tobacco are clearly the *leading* causes of drug-related deaths and serious illness in Australia, and the cost of this harm far exceeds that of illicit drugs combined. This harm was quantified by Collins and Lapsley in 2008 who estimated that the total social cost (tangible and intangible)¹⁸ of alcohol and tobacco abuse to be \$22,855.70 billion (74%), more than three times higher than the cost of illicit drug abuse, estimated at

¹⁴ Australian Institute of Health and Welfare, "*Drugs in Australia 2010 - Tobacco, Alcohol and Other Drugs*," Drug statistics series No. 27 (Canberra: AIHW, 2011), x.

¹⁵ National Health and Medical Research Council, "Australian Guidelines to Reduce Health Risks from Drinking Alcohol," (Canberra: Commonwealth of Australia 2009), 26.

¹⁶ Rebecca McKetin et al., "*The Relationship between Methamphetamine Use and Violent Behaviour*," Crime and Justice Bulletin no. 97. (Sydney: NSW Bureau of Crime Statistics and Research, 2006), 7.

¹⁷ *Ibid.*, 5.

¹⁸ Note that tangible refers to labour in the workforce, labour in the household, healthcare, crime and intangible refers to loss of life, and pain and suffering (road accidents).

\$6,915.40 billion (22.4%).¹⁹ These figures overwhelmingly position alcohol and tobacco as the leading contributors to the social cost of drug abuse in Australia.

Such figures raise important questions about why alcohol and tobacco received far less policy and media attention during the vast majority of the years of the present study (2000-2009), when compared to drugs like crystal methamphetamine. Although public policy and legislative measures such as the *Public Health (Tobacco) Act 2008* (NSW) and the *Public Health (Tobacco) Regulation 2009* that prohibited overt tobacco advertising of related products and required that health related warnings be displayed on packaging, formed part of a government response to tobacco, they did not appear until 2008.²⁰ Such measures did not prohibit the use of tobacco but rather sought to regulate aspects such as its advertising. Similarly, in 2008 the newly elected Rudd Labor Federal Government sought to address teenage binge drinking by increasing the excise tax by 70% on 'ready to drink' alcohol (e.g. Barcadi Breezers).²¹ Such approaches were far less punitive than those proposed to address crystal methamphetamine, and guided more by civil rather than criminal law.

This was also the case with illicit drugs like ecstasy and cannabis. Certainly, public policy initiatives have been implemented over the last decade to reduce the use of marijuana and ecstasy, particularly amongst young people. For example, in January 2003, the Ecstasy and Related Drugs Reporting System was established.²² In 2005, ecstasy featured alongside marijuana and speed in the National Drugs Campaign. That same year, cannabis and ecstasy were identified as 'drugs of concern' under the National Drugs Campaign. In 2006, the NSW Government made changes to the *Drug Misuse and Trafficking Act (1985)* to include an increase to the maximum penalty for

¹⁹ David J. Collins and Helen M. Lapsley, "*The Costs of Tobacco, Alcohol and Illicit Drug Abuse to Australian Society in 2004/05*" (Canberra: Attorney General's Department, 2008), 64.

²⁰ Becky Freeman, Indra Haslam, and Vicki Tumini, "Tobacco Advertising and Promotion," in *Tobacco in Australia: Facts and Issues* 4th ed. Michelle Scollo and Margaret Winstanley (Melbourne: Cancer Council Victoria, 2012).

²¹ Natacha Carragher and Jenny Chalmers, "What Are the Options? Pricing and Taxation Policy Reforms to Redress Excessive Alcohol Consumption and Related Harms in Australia," (Sydney: NSW Bureau of Crime Statistics and Research, 2011), 22.

²² Supported by the Australian Government Department of Health and Ageing, this national monitoring system for ecstasy and related drugs identified emerging trends within these drug markets.

cultivation of plants.²³ These penalties were five times greater than those for non-hydroponic cultivation. However these public policy and legislative responses were limited when compared to those implemented to address crystal methamphetamine.

This intense focus on crystal methamphetamine directs us to the work of Douglas, who claims that some dangers are pronounced as 'risks' while others are not.²⁴ These 'chosen' risks invoke feelings of anger, fear and danger within the community, are electorally appealing and make for popular politics. For example, former CEO of Network of Alcohol and Other Drugs Agencies stated that methamphetamine was 'good politics but bad policy' that 'provides spectacular cases, but numerically they're small'.²⁵ Such commentary highlights what one may perceive as a disproportionate media and policy focus on, and response to ice, that ignores or pays far less attention to other detrimental legal and illegal drugs. This warrants further investigation.

In this thesis, I examine the complexities of media representations of crystal methamphetamine to determine why this particular drug was elevated to a status of immense policy importance that invoked such strong sentiments amongst our government leaders. This involves asking a number of questions about media including: how language is used to produce certain problematic images of crystal methamphetamine and its users; how media present illicit drugs and its users more broadly so as to gauge the appropriateness of their representation of ice; and whether these images appear or are mirrored in public policy discussions, initiatives and decisions on a state and national level in Australia.

These questions raised a number of challenges that required resolution before I embarked on my doctoral journey. The primary one has been grappling with the notion of causation, being, in its simplest form the 'cause and effect' principle (where one event (cause) produces the other (effect)). I was aware that I could neither prove nor show that media can influence illicit drug policy, at least exclusively. Instead, I chose to consider the discursive media conditions that were necessary and perhaps allowed for certain illicit drugs policies and laws to emerge.

²³ See *Drug Misuse and Trafficking Act 1985* (NSW) s 23 (1A) (2).

²⁴ Deborah Lupton, *Risk* (New York: Routledge, 1999), 53.

²⁵ Article 268.

Another important challenge I faced was whether to examine a wide range of media, including, television, radio, print and Internet or focus exclusively on one medium. I concluded that print media were the most suitable for this thesis for several reasons. Firstly, they are a stable and permanent document that allows material to be examined and reviewed repeatedly. Secondly, they generate both public and political interest in an issue and can reach a wide audience enhancing the power effects of discourses.²⁶ Lastly, they are a major source of dominant discourses.²⁷

My ultimate challenge in this thesis was how to best understand the nexus between print media, public policy and law. This is not a simple exercise and my argument must be framed in such a way that it captures the nuances involved in analysing this relationship. It is my proposition that risk, as a theoretical framework, provides a helpful way to recognise the complexities involved in the media and policy relationship. Risk allows us to examine how crystal methamphetamine could transform into something so politicised that an urgent public policy response was both encouraged and expected. The concept of risk gives power to technologies such as law, regulation and policy that allow governments to regulate and control that which is considered dangerous or problematic. Coupled with the concept of punitiveness that examines the appropriateness of punishment as a governmental response to crime, I perceive risk as a way to conceptualise the interworkings of the media-policy nexus.

I distinguish public policy from legislation by defining public policy as a product of government with no legislative power and legislation as a statutory law enacted by Parliament. A total of six public policy and legislative instruments were analysed for this thesis. These policies and laws met two strict criteria; one, they were enacted or amended in the period of the study (2000-2009), and two, they focused predominately on methamphetamine and/or precursors involved in its manufacture. A number of other policies emerged during the period of the study. These policies

²⁶ Robert K. Yin, *Case Study Research: Design and Methods* 4th ed., Applied Social Research Methods Series (California: Sage Publications, 2009), 102; Gerlinde Mautner, "Analyzing Newspapers, Magazines and Other Print Media," in *Qualitative Discourse Analysis in the Social Sciences* ed. Ruth Wodak and Michal Krzyzanowski (New York: Palgrave MacMillan, 2008), 32.

²⁷ Mautner, "Analyzing Newspapers, Magazines and Other Print Media," 32.

focused on a range of illicit drugs and therefore were not included in the analysis. The National Amphetamine Type Stimulant Strategy (2008-2011) is such a policy. Developed as an outcome of the 2006 Ministerial Council on Drug Strategy (MCDS), the Strategy aims to 'reduce the availability and demand for illicit amphetamine-type stimulants and prevent use and harms across the Australian community'.²⁸

This introduction first situates the thesis in a broader discussion of media and illicit drugs so as to understand how media have typically reported on socially controversial issues such as drug use. This is followed by a critical overview of the illicit drug policy making process to show how policy of this nature is debated and then formed. I then lay out the remaining chapters of the thesis.

1.2 Media and Illicit Drugs

1.2.1 The Truth is Out There

The challenge of knowing the true impact of illicit drugs, not just on the user, but on the wider community is difficult although not impossible. In 2008, Collins and Lapsley set out to uncover the cost of alcohol, tobacco and illicit drug abuse to the Australian society over the 2004/2005 period, and found that illicit drug abuse cost \$8,189.8 million, an amount that factored in tangible and intangible costs.²⁹ This illicit drug abuse was also considered by way of government budgets; a \$427million impact on the federal and \$2,264.80 million impact on state budgets.³⁰ These costs are extraordinary and clearly demonstrate the financial impact of illicit drugs on our community. They also tell us that illicit drugs stand as an important public policy issue on the government agenda, given a large proportion of federal and state budgets are dedicated to its 'appropriate' address. Although these figures provide a glimpse into the cost of illicit drug abuse, they do little to enlighten us on the impact of illicit drugs in our everyday lives.

²⁸ Ministerial Council on Drug Strategy, "National Amphetamine Type Stimulant Strategy 2008-2011" (Canberra: Commonwealth Government 2007), 13.

²⁹ Collins and Lapsley, "*The Costs of Tobacco, Alcohol and Illicit Drug Abuse to Australian Society in 2004/05.*," xi. Example of tangible costs include crime, road accidents, fires, production in the home, production in the workforce and health (net), while examples of intangible costs include value of loss of life.

³⁰ *Ibid.*, xiv.

We turn to media, research articles, books, the Internet and many other forms of discourse and communication to obtain information on illicit drugs. Media in particular is a major source of such knowledge. According to Garland, it provides both entertainment and commentary on an issue that is newsworthy and deviant in nature such as illicit drugs.³¹ This type of news is often communicated to its readers through dramatic headlines that present illicit drugs as dangerous substances, and text that highlight the 'numerous' warnings attached to their use.³² Bell describes these headlines as 'news items' used by media to portray drugs as causal agents that assume a 'powerful, active, apparently independent efficacy' that is usually negative, dangerous or harmful.³³ These elements form part of a broader media strategy that position illicit drug issues within a problematic framework.

The media's use of particular strategies 'designed to foster a heightened sense of danger' about illicit drugs and its users has been well documented.³⁴ Collins, in his study on the reclassification of ecstasy in the United Kingdom (UK) identified media strategies employed to evaluate the so-called 'drug risks' and the exclusion of users, while Meylakhs, in his study of the Russian media and its construction of a 'drug problem' offered an examination of media strategies that illuminate the dangers of illicit drugs and their use.³⁵ These strategies encourage the construction of particular images of illicit drugs so as to create various drug scares or panics that invoke social and political anxieties about the drug, its users and their effect on the broader community. This has allowed illicit drugs to be imagined and confined largely within a criminalised space.³⁶

³¹ David Garland, "On the Concept of Moral Panic," *Crime Media Culture* 4, no. 9 (2008): 15.

³² Philip Bell, "Drugs and the Media," *Drug and Alcohol Review* 4 (1985): 235.

³³ *Ibid.*, 235.

³⁴ Peter Meylakhs, "The Discourse of the Press and the Press of Discourse - Constructing the Drug Problem in the Russian Media," in *Critical Readings: Moral Panics and the Media* ed. Chas Critcher, *Issues in Cultural and Media Studies* (Berkshire: Open University Press, 2005), 180. 234.

³⁵ Jeremy Collins, "Sending a Message: Ecstasy, Equasy, and the Media Politics of Drug Classification," *Heath, Risk and Society* 13, no. 3 (2011): 231.

³⁶ Richard Giulianotti, "Drugs and the Media in the Era of Postmodernity: An Archaeological Analysis," *Media, Culture & Society* 19 (1997): 414.

1.2.2 Media Representations of Illicit Drugs and Illicit Drug Users

1.2.2.1 International Focus

Panics, some labelled 'moral panics' and others labelled 'drug panics', are an important part of the history of media representations of illicit drugs.³⁷ Several of these drug/moral panics have appeared in media commentary over the years, particularly in the UK and the United States (US). For example, recently in the UK, the legal drug Mephedrone was constructed as a moral epidemic that threatened the youth of Britain.³⁸ As a result of an intense media campaign that blamed the drug for a spate of teenage suicides and overdoses, the UK Government sought to ban Mephedrone and classify it as a high-risk drug.

Previous to this, the UK newspaper *The Independent* claimed that Britain was under threat by its 'deadliest drug problem', crystal methamphetamine. This article heightened the image of the risk posed by this illicit drug by using senior law enforcement commentary (primary definers) to announce how this drug problem had spread to nations like the US, New Zealand and Australia.³⁹ Ayres and Jewkes however found that the crystal methamphetamine *problem* in the UK was nothing more than a media facilitated 'drug-crime-scare-that-never-was'.⁴⁰

Such media commentary on illicit synthetic drugs that positioned the substance largely within a problematic and risk framework has been even more pronounced in countries like the US.⁴¹ Reinerman and Levine, for instance, exposed the media's role in constructing the 'crack scare' that apparently permeated the social and moral fabric of the US. They emphasised the significant role played by media and politicians in launching this scare.⁴² Other influential US authors such as Jenkins and Goode have

³⁷ *Ibid.*, 414.

³⁸ Liviu Alexandrescu, "Mephedrone, Assassin of Youth: The Rhetoric of Fear in Contemporary Drug Scares," *Crime Media Culture* 10, no. 1 (2014).

³⁹ Jason Bennetto and Maxine Frith, "Crystal Meth: Britain's Deadliest Drug Problem," *The Independent*, 2006.

⁴⁰ Tammy C. Ayres and Yvonne Jewkes, "The Haunting Spectacle of Crystal Meth: A Media-Created-Mythology?" *Crime Media Culture* 8, no. 3 (2012): 329.

⁴¹ Susan Boyd and Connie I. Carter, "Methamphetamine Discourse: Media, Law, and Policy," *Canadian Journal of Communication* 35, no. 2 (2010): 223.

⁴² Craig Reinerman and Harry G. Levine, "The Crack Attack: Politics and Media in the Crack Scare," in *Crack in America: Demon Drugs and Social Justice* ed. Craig Reinerman and Harry G. Levine (Berkeley, California: University of California, 1997), 19.

also interrogated the role of media in fuelling drug panics and scares commonly labelled 'epidemics'.⁴³ For example, Jenkins, in his seminal work on 'US drug (synthetic) panics' provides a rare glimpse into the various ways illicit drugs have been constructed and presented in US media discourse over the years. He explains how media groups create then spread a mass social hysteria about illicit drugs that eventually leads to the formation of moral panics. This is first evident in his examination of the 'PCP Crisis' that spanned a decade (1975 to 1985). He documents how in 1977, the *Washington Post* described PCP as a drug that could, '... turn a person into a raging semblance of a cornered wild animal'. Such media commentary only served to further agitate an already anxious public whose main source of information was the mass media.⁴⁴

Jenkins also critiqued the media's construction of the 'Ecstasy Panic' (1984 to 1995), and the 'Methamphetamine (Ice) Panic' of the 1990s. Crystal methamphetamine was described by US media as the most dangerous substance available. By 1995, its use, according to the *New York Times*, was considered to be at an 'epidemic' level.⁴⁵ Its users, according to Armstrong, were predominately cast outside of the 'boundaries of middle-class propriety' and considered 'guilty' because they engaged in the consumption of a dangerous and dirty drug.⁴⁶ Such images contributed to the overall media construction of the use of methamphetamine, as a type of 'otherness', outside the normative boundaries of society.

Similar media discourses on synthetic illicit drugs like ecstasy and methamphetamine have surfaced in countries like Canada, where they have formed a broader media construction of the 'rave culture', something that emerged as particularly problematic in Canada following the death of three young consumers of ecstasy. These deaths heightened the media's attention on dance raves and the use of ecstasy, as evidenced in dramatic headlines produced by the *Toronto Sun* that

⁴³ Philip Jenkins, *Synthetic Panics - the Symbolic Politics of Designer Drugs* (New York: New York University Press 1999); Erich Goode, "Moral Panics and Disproportionality: The Case of Lsd Use in the Sixties," *Deviant Behavior* 29 (2008).

⁴⁴ Jenkins, *Synthetic Panics - the Symbolic Politics of Designer Drugs*, 64.

⁴⁵ *Ibid.*, 135.

⁴⁶ Edward G. Armstrong, "Moral Panic over Meth," *Contemporary Justice Review* 10, no. 4 (2007): 432.

described the drug as 'catastrophic'.⁴⁷ This ecstasy panic, according to Hier, showed how 'easily' the media transformed ecstasy use into an 'epidemic' that problematised dance raves (sites of ecstasy use).⁴⁸

The media's use of stock phrases such as 'epidemic' and 'plague' was also evident in another drug panic that ostensibly gripped British Columbia, Canada in 2005. This was noticeable in several newspaper headlines that sought to present the drug as a major social problem of epidemic proportions. For instance, *The Province* newspaper headline titled, '*The menace of crystal meth*', was one of the first to detail such a description of the drug to its audience. Further, the drug was linked to notions of criminality, morality and addiction.⁴⁹ Draped within a fear and threat narrative, methamphetamine and its users became an abject part of society. This image was supported by the citation of atypical cases that involved the drug and its users, yet were presented as something typical in newspapers.⁵⁰ It is within this representation of crystal methamphetamine and its consumers that the drug was positioned as a relatively 'unique contagion'; one that heralded a new wave of legislative and policy action.

1.2.2.2 Domestic Focus

In Australia, research on media constructions of illicit drugs has noted a shift in the tone and type of reports produced during the 1980s and 1990s. A more sensationalised and negative type of reporting that emphasised drugs and crime emerged as a typical approach during this period.⁵¹ One of the most influential studies to interrogate the print media and its construction of illicit drugs and crime was conducted in 2000 by Teece and Makkai of the Australian Institute of Criminology (AIC).⁵² This research showed that heroin featured in almost half (48%)

⁴⁷ Sean P. Hier, "Raves, Risks and the Ecstasy Panic: A Case Study in the Subversive Nature of Moral Regulation," *Canadian Journal of Sociology* 27, no. 1 (2002): 42.

⁴⁸ *Ibid.*, 41.

⁴⁹ Boyd and Carter, "Methamphetamine Discourse: Media, Law, and Policy," 222-3.

⁵⁰ *Ibid.*, 228.

⁵¹ Morag McArthur, "Pushing the Drug Debate: The Media's Role in Policy Reform," *Australian Journal of Social Issues* 34, no. 2 (1999): 157.

⁵² Michael Teece and Toni Makkai, "*Print Media Reporting on Drugs and Crime, 1995-1998*," in *Trends and Issues In Crime and Criminal Justice* no. 158 (Canberra: Australian Institute of Criminology, 2000).

of all media articles published on drug issues between 1995 and 1998 while other drugs such as amphetamine and cannabis received little mention.⁵³ It was heroin that was largely reported as a problematic substance and identified as 'the main problem drug' within this study.⁵⁴ Similarly, Elliot and Chapman explored the media's construction of heroin between 1992 and 1997, and found heroin was reported as the most demonised psychoactive substance in Australia, and its users depicted as deviant criminals and a burden on the society.⁵⁵ In effect, media became a contributor to the 'drug problem', largely because of its continuous production of 'distorted media images'.⁵⁶

Negative constructions of heroin and its users were evident in media commentary during the public debate on the Australian Capital Territory (ACT) heroin trial in 1997. The tabloid newspaper, *The Daily Telegraph*, led a campaign to steer government towards revoking its decision to support the ACT heroin trial.

This media-led campaign interrogated by several authors, documents the strategic role played by print media in creating a policy shift from drug treatment to drug eradication. The media campaign on the ACT heroin trial largely comprised several negative images that demonised the drug, its users, its trade and the ACT trial itself. Lawrence, Bammer and Chapman, in their analysis of media reports during this period noted that 78% of *The Daily Telegraph* articles that discussed this trial were negative in orientation.⁵⁷ These articles referred to heroin as a 'community scourge' and an 'evil and pernicious drug', descriptions that largely formed the basis of the print media campaign to reverse the Federal Government's decision on the ACT heroin trial.⁵⁸

⁵³ Ibid.

⁵⁴ Ibid., 6.

⁵⁵ Amanda J. Elliott and Simon Chapman, "Heroin Hell Their Own Making: Construction of Heroin Users in the Australian Press 1992-1997," *Drug and Alcohol Review* 19, no. 2 (2000): 192.

⁵⁶ McArthur, "Pushing the Drug Debate: The Media's Role in Policy Reform," 151; Russell W. Fox and Ian Matthews, *Drugs Policy: Fact, Fiction and the Future* (Sydney: The Federation Press, 1992), 173.

⁵⁷ Glenda Lawrence, Gabriele Bammer, and Simon Chapman, "Sending the Wrong Signal: Analysis of Print Media Reportage of the ACT Heroin Prescription Trial Proposal, August 1997," *Australian and New Zealand Journal of Public Health* 24, no. 3 (2000): 258.

⁵⁸ Ibid.

Similarly, the NSW Drug Summit that took place on 17-21 May 1999 was a direct response to a front page article in *The Sun Herald* showing a confronting photograph of a young teenager injecting drugs in a Redfern laneway. This article stated the boy was 12 or 13 years of age and suggested that he obtained the injecting equipment from a nearby needle-exchange outlet. This report was actually false; the boy was 16 and did not obtain the drugs from the stated outlet.⁵⁹ As a consequence, the needle-exchange was closed by the then Health Minister Dr Andrew John Refshauge who also called for a review of the program. Subsequently, *The Sun Herald* stated that this 'national emergency' had to be addressed. The following week, then NSW Premier Bob Carr announced that a drug summit would take place should he win the state election.

In 2000, the Victorian heroin trials, a public policy measure supported by the former Bracks Government, was ultimately rejected by the Upper House of the Parliament of Victoria following a campaign by *The Herald Sun* newspaper to garner support against the proposed trials. This was achieved by representing heroin and its users within a moralistic framework that encouraged notions of 'otherness' through the use of a persistent 'us and them' discourse.⁶⁰ For example, heroin users were presented as the 'forces of evil' while several metaphors such as 'epidemic' and 'health scourge' were used to describe heroin and its supposed pervasiveness within the community.⁶¹ Further, metaphorical concepts such as 'epidemic' and 'health scourge' were used to exaggerate the pervasiveness of heroin and its use.⁶²

Such media frames however were not homogenous and although *The Herald Sun* 'waged a 'War on Drugs' that proclaimed heroin and its use as 'evil, immoral, dangerous and unhealthy', *The Age* newspaper publicly supported the Victorian trial through its informative 'heroin debates'. This support however framed heroin and its users as 'damaged' and 'living on the margins of the law', utilising a range of traditional stereotypes to further construct a problematic image of the drug and its

⁵⁹ Marie Swain, "*The New South Wales Drug Summit: Issues and Outcomes*," Background Paper no. 3/99 (Sydney: NSW Parliamentary Library Research Service, 1999), 1.

⁶⁰ Rob Watts, "Headlining Heroin: Policy Change and Reporting the Heroin Problem," *Media International Incorporating Culture and Policy* no. 108 (2003): 72-3.

⁶¹ *Ibid.*, 72, 75-8.

⁶² *Ibid.*, 75-8.

consumers.⁶³ Like the *Herald Sun*, *The Age* used a range of metaphors to present Melbourne as a city in the grips of an epidemic. It was clear the constructions of heroin and its users by *The Herald Sun* and *The Age* newspapers positioned them as a 'policy problem worth addressing'.⁶⁴

These studies highlight the important role played by print media in constructing and disseminating certain images of illicit drugs and their users to the general public and policymakers. In a response to concerns raised by Teece and Makkai that media had produced a number of reports that were largely negative and sensationalised, the Australian Press Council (APC) implemented several media advisory guidelines in 2001 (no. 246 (ii)) to 'appropriately' address the reporting of drugs by drawing upon recommendations put forward by the authors.⁶⁵ Although these guidelines provided a framework for the responsible reporting of illicit drugs, they did little to deter the escalating media coverage of illicit drugs and its relationship to crime. There remained a persistent media proclivity for the negative portrayal of illicit drugs and its users, even after the APC guidelines were issued.

It is apparent that these negative images of illicit drugs and their users that have circulated in media texts over the last few decades have persisted into the twenty-first century, as I demonstrate in the forthcoming chapters. They have steadily appeared in numerous media-led campaigns, made available through a range of strategies purported by media to be opportunities for the public and policymakers to obtain reliable information about illicit drugs. It is also obvious that the use of negative descriptors present several implications for how illicit drugs and their users are envisioned by the general public and policymakers.

1.3 Illicit Drug Policy Making

Policy can be defined as an activity undertaken by government and/or other interest groups, as well as a tool used by institutions such as government, media and

⁶³ Ibid., 75-6.

⁶⁴ Ibid., 79.

⁶⁵ "Advisory Guidelines - Drugs and Drug Addiction: General Press Release No. 246 (ii)," Australian Press Council, accessed May 19, 2011, <http://www.presscouncil.org.au/document-search/guideline-no-246-ii-drugs-and-drug-addiction/>

commerce to govern and address a particular problem.⁶⁶ Issues that receive attention are negotiated and debated amongst policymakers and others involved in the policy making process. These issues can present a perception of crisis or urgency though this is not always the case. New policy developments may be the result of wider social issues or structural shifts in society.⁶⁷ Policy in this instance can be viewed as a reactive tool that attempts to rectify a 'social problem'.

Drug policy is defined as both strictly a field of government⁶⁸ and a confluence of various initiatives and outcomes from a range of sectors, both public and private. Regardless of its classification, drug policy, particularly policy relating to illicit drugs, is controversial as it invokes discussion on issues of mortality, morbidity and morality. It is shaped by domestic and international trends, criminal activities, technology, travel and so on.⁶⁹

The making of such policy is not a straightforward exercise but rather a complex process of negotiations involving multiple players and stakeholders. It involves discussions about treatment options, the effects of the drug on its users and the community, related social costs, as well as how to best regulate the drug. The making of such highly sensitive policy is difficult, firstly because of the many stakeholders vying to express their views and secondly because of the wide-ranging effects such policies have on the community. The process is complicated as policies affect not only the social, but also the health and legal domains. Although drug policy making may appear to be a top-down linear process where government enacts measures and institutes change without outside influence, it is actually an interactive process where social forces and actors such as media, have the capacity to shape discussions and direct debate.⁷⁰

⁶⁶ Hal K. Colebatch, *Policy* (Berkshire: Open University Press, 2009), 4.

⁶⁷ Brian W. Head, "Three Lenses of Evidence-Based Policy," *Australian Journal of Public Administration* 67, no. 1 (2008): 8.

⁶⁸ Thomas Babor et al., *Drug Policy and the Public Good* (New York: Oxford University Press, 2010), 4.

⁶⁹ *Ibid.*, 6.

⁷⁰ Alison Ritter and Gabriele Bammer, "Models of Policy-Making and Their Relevance for Drug Research," *Drug and Alcohol Review* 29 (2010): 356.

In this thesis, I highlight how media plays an active role in encouraging government action on illicit drugs. However the paucity of research available on media reportage of illicit drugs and its impact on drug policy is surprising, given the media's ability to influence public perception on illicit drugs.⁷¹ Previous research indicates how media framing of illicit drugs plays a role in the way the public consider whether illicit drugs are an issue of importance.⁷² Although a steady flow of Australian literature has explored media reporting of illicit drugs, such research has largely focused on heroin and cannabis.⁷³ The limited research available on media representations of drugs like methamphetamine warrants further investigation. This thesis thus contributes to research on the media construction of illicit drugs and its role in drug policy and law.

It is important to recognise that this thesis is not strictly about the making of public policy and law. Other works such as those by Australian policy analyst and feminist Eva Cox AO, or foreign policy analyst Owen Harries, provide a rich analysis of policy in diverse contexts. Rather, this thesis centres on media and how they advance certain images and rhetoric that can shape public and political discourse on an illicit drug such as crystal methamphetamine.

In light of the above, this thesis aims to explore media representations of methamphetamine over the period 2000 to 2009 to examine whether, and to what extent, these representations contributed to the development of illicit drug policies and legislation in NSW. This is achieved through a discourse analysis of newspaper articles, taking NSW as a case study, followed by an analysis of select public policy, legislative and regulatory instruments that focus on methamphetamine.

⁷¹ Teece and Makkai, "Print Media Reporting on Drugs and Crime, 1995-1998," 1; Kari Lancaster et al., "Illicit Drugs and the Media: Models of Media Effects for Use in Drug Policy Research," *Drug and Alcohol Review* 30 (2011): 397.

⁷² Lawrence, Bammer, and Chapman, "Sending the Wrong Signal: Analysis of Print Media Reportage of the ACT Heroin Prescription Trial Proposal, August 1997," 254; D. Fan, "News Media Framing Sets Public Opinion That Drugs Is the Country's Most Important Problem," *Substance Use and Misuse* 31(1996).

⁷³ For example see Elliott and Chapman, "Heroin Hell Their Own Making: Construction of Heroin Users in the Australian Press 1992-1997"; Lawrence, Bammer, and Chapman, "Sending the Wrong Signal: Analysis of Print Media Reportage of the ACT Heroin Prescription Trial Proposal, August 1997."

1.4 Remaining Chapters

This thesis is divided into two sections. The first section introduces the literature on methamphetamine and provides a historical overview of illicit drug policies and law in Australia. This is followed by the theoretical framework and the research methods chapter that situates the research questions, case study approach and discourse analysis. The second section of this thesis presents the analytical findings of the empirical research, namely 433 media articles that were subject to a discourse analysis. It also outlines the policy and legal response to methamphetamine, a critique of this response, followed by the policy implications of the media analysis.

1.4.1 Section I

Chapter 2 (*Literature Review: Methamphetamine and Illicit Drug Policy and Legislation*) is presented in two parts. The first part outlines methamphetamine with a focus on its importation, production, use and impact on public health. The second part provides a historical background that examines the criminalisation of drugs and their users since the early 1900s. The chapter makes the argument that many of the policies and laws enacted to address illicit drugs like heroin, cannabis and methamphetamine are part of a broader punitiveness available in government responses to problematic issues like illicit drugs. This allows us to question the driving forces behind their introduction and the role groups like media play in presenting certain images of illicit drugs and their users.

In Chapter 3 (*Framing Risk and Punitiveness: a Review of the Literature*) I interrogate a number of theoretical and conceptual ideas that contribute to an understanding of the empirical data. I draw upon literature on crime, law enforcement and media to illustrate the symbiotic relationship between law enforcement and media. This relationship allows me to understand how some law enforcement and crime-based issues are constructed and then presented by media as more newsworthy than others.

Further, in Chapter 3, I examine several risk-based theories posited by Beck, Giddens, Douglas and Foucault to demonstrate the role of risk in both problematising and politicising methamphetamine. Giddens work, particularly on manufactured risk and

the risk environment, offered this thesis a way to imagine new risks in our society. This is followed by a discussion on the concept of the folk devil. I argue that in its current form, the folk devil is rather antiquated and suggest instead that a reconstruction of the concept that positions it as a distinct entity rather than a key component of a moral panic (condition, episode, behaviour or group), is more appropriate to this thesis. Garland's 'criminology of the other' forms the next theoretical discussion in this chapter. This criminology and the 'criminologies of the self' are part of a culture of control that has increasingly become evident in government responses to controversial issues. These criminologies question how certain persons are constructed as problematic and, as a consequence, excluded from society and policed by law enforcement. As is demonstrated in the case of the dependent methamphetamine user, such persons are largely positioned as threats to society.

An overview of punitiveness is also developed in this chapter. The literature on punitiveness is usually related to the most serious forms of punishment such as harsher penalties and an increased use of imprisonment, and it is within this context that I use the ideas embedded in the notion of punitiveness to examine the policy measures imposed on persons who engaged in the importation, production, manufacture and possession of crystal methamphetamine. A discussion of the 'new paternalism' forms the final section of chapter 3. I outline the limitations of the traditional forms of paternalism and how the new paternalism offers a more nuanced advancement of paternalism theory. I demonstrate the key aspects of new paternalism, notably how the theory dictates the way in which policies driven by government attempt to reshape citizen behaviour by influencing choices that makes the population better off.⁷⁴

Chapter 4 (*Research Method and Design*) considers the research method of the thesis and presents the research questions. An explanatory case study using a single case design was employed as the most suitable research method for this thesis as it pays particular attention to contextual conditions and allows for an in-depth analysis of a

⁷⁴ Richard H. Thaler and Cass R. Sunstein, *Nudge: Improving Decisions About Health, Wealth, and Happiness* (New Haven: Yale University Press, 2008), 5.

single case, in this instance, NSW. I utilise this method to analyse media constructions of methamphetamine by identifying the various discourses embedded within the newspaper articles during the period of the study.

A discourse analysis was employed as the most suitable analytical tool for this thesis. I specifically chose a Jager and Maier approach as it searches for patterns in and within language to identify how knowledge is embedded in discourses and how this knowledge is connected to power relations and the production of meaning. I use this analytical approach to disentangle the dominant media discourses that emerged within the various texts.

1.4.2 Section II

Chapter 5 (*The Media Response: The Results of the First Stage of the Media Analysis*) is the first of four media chapters of this thesis that outline the results of the newspaper article analysis. It is divided into two parts. The first part documents the preliminary analysis, while the second part charts the quantitative results by providing an overview of the sample of 433 print media articles. It highlights significant media discursive events that emerged during the period of the study, and identifies the dominant media discourses ('methamphetamine user', 'the enforcers' and 'the folk devil drug') and discourse strands that were subject to analysis. This chapter argues that significant media reporting events such as the release of the 2005 McKetin et al. report, comments by the former NSW Police Commissioner Ken Moroney, and the Mark Standen importation and trafficking case, contributed to methamphetamine becoming an issue of public significance.

Chapter 6 (*Media and the 'Methamphetamine User'*) proposes that media constructed a dichotomous image of the crystal methamphetamine user. This dichotomy developed over the period of the study and presented problematic images of dependent methamphetamine users. The dichotomy was an important way for media to frame two opposing images of the user that received different attention and responses. First, I present a media construction of the dependent user as someone 'risky' who impacts negatively on the community, law enforcement and public health. This person was positioned as an abject citizen who engages in

criminality and acts of violence. Second, I argue that this image developed alongside that of the 'at risk' recreational user, a person who socially smoked methamphetamine and was unaware of the risks attributed to its use. This user was positioned as an innocent victim of methamphetamine who was vulnerable to the effects of the drug.

In Chapter 7 (*Media and 'The Enforcers'*) I present the media construction of law enforcement as the solution to the methamphetamine problem. They were presented as the saviours of the city and domestic crime fighters who sought to protect the community from the drug. This was exemplified in the numerous media articles that documented the successes of law enforcement such as drug busts, arrests and border seizures, legitimising this positive image of law enforcement. Alternatively, the importers and traffickers of crystal methamphetamine were presented as the 'enemy' and bound in a discourse of foreignness. This foreignness encouraged the construction of this group as the 'other', who perpetuated society's fear and anxiety about the drug. Manufacturers and producers of crystal methamphetamine were represented as a domestic threat that had infiltrated the community, evident through a proliferation of clandestine laboratories operating throughout NSW. I argue that media disseminated certain images of law enforcement and its adversaries that contributed to the good (hero) versus bad (enemy) narrative available in this discourse.

In Chapter 8 (*Media and 'The Folk Devil Drug'*), I explore the construction of crystal methamphetamine as a pervasive risk that infiltrated the community. I then discuss the uncertain environment that appeared in the early years of the study. This environment comprised media warnings that Australia was effectively identified as a suitable methamphetamine destination. The use of particular metaphors such as 'plague', 'epidemic', 'scourge' are then examined so as to evaluate whether such language, coupled with images of the drug as something dirty and dangerous and 'worse than heroin', contributed to its construction as a modern day folk devil. I conclude this chapter with a discussion of the media's campaign to eradicate crystal methamphetamine that emerged during the period of the study, although most pronounced in 2006.

Chapter 9 (*Policy, Law and the 'New Ice Risk'*) critiques the NSW and Federal public policy and legislative response to crystal methamphetamine. I suggest that a 'culture of control' was an important mechanism used by policymakers to inform the way controversial issues like illicit drugs were perceived and subsequently addressed.

I argue that a 'new ice risk' was produced by way of the three dominant discourses and their respective discourse strands presented in Chapters 6, 7 and 8. This new risk, which became part of the broader risk environment, enabled media to heighten particular images of crystal methamphetamine that steered government towards a punitive response to the drug.

Chapter 10 (*Conclusion*) shows how media and policymakers produced problematic constructions of crystal methamphetamine that only allowed for the drug to be imagined and addressed through a risk-based framework. I advance the position that government should consider the possibility that users are rational actors who voluntarily engage in the consumption of crystal methamphetamine. By doing so, governments would once again position harm minimisation as the leading policy framework for *all* illicit drugs in Australia.

2 Literature Review- Methamphetamine and Illicit Drug Policy and Legislation

2.1 Introduction

Illicit drug issues in Australia have been subject to ongoing political and social debate, as well as media attention over the years. Since the early years of the twenty-first century, methamphetamine in particular has acquired the public profile of a catastrophic drug that causes irrefutable harm to its users. This chapter provides background on methamphetamine in Australia. It is divided into two sections: Section I focuses on the drug methamphetamine, in particular its chemical construction, its use, production, distribution, and impact on public health. Section II details relevant policy initiatives and the regulation of methamphetamine and other illicit drugs in NSW, the Commonwealth and select international jurisdictions from the early twentieth century, in order to contextualise the current response to ice. The inclusion of particular UK and US initiatives is necessary as these jurisdictions have historically influenced the making of illicit drug policy in Australia, notably throughout the twentieth and twenty-first centuries.

2.2 Methamphetamine: the Drug

The chemical n-methyl-1-phenyl-propan-2-amine, commonly referred to as methylamphetamine, desoxyephedrine or methamphetamine, is a synthetic stimulant that speeds up the central nervous system. There are two forms of methamphetamine, one that is legal and the other illegal. The *l*-methamphetamine (left-handed molecule) provides medicinal benefits without any of the addictive potential. Legal forms of *l*-methamphetamine include cold and flu medicines such as a Vicks inhaler. The *d*-methamphetamine (right-handed molecule) is three to four times more potent than the *l*-form, is illegal and highly addictive.¹ The illegal form of methamphetamine is available as crystal, speed or base.

Crystal methamphetamine is the purest form of methamphetamine available in Australia. With a purity level of 80%, the effects are stronger and last longer, making

¹ Randi Mehling, *Methamphetamine - Drugs: The Straight Facts* (New York: Chelsea House Publishers, 2008), 33.

the drug more addictive.² It is usually smoked or injected but can also be sniffed, swallowed or inserted through the anus. It has stronger side effects and a worse comedown than speed or base.³ 'Speed' was the most popular form of methamphetamine available in NSW during the mid-1990s although its popularity waned by the year 2000.⁴ It is not as pure as crystal methamphetamine; it has a median purity level of 10%. It can be administered in several ways including sniffing, injecting or swallowing.⁵ 'Base' on the other hand is a damp or oily substance with a median purity level of 21%.⁶ It is usually injected but can also be swallowed. 'Ice' and 'base' comprise almost two-thirds of methamphetamine consumption in Sydney, mostly because of their higher purity levels.⁷

2.2.1 Production and Manufacture of Crystal Methamphetamine

A range of chemicals are required to manufacture crystal methamphetamine. Some are freely available on the commercial market and include products such as ammonia and lithium strips from batteries.⁸ Others, such as pseudoephedrine, the primary active ingredient, are available in over-the-counter cold and flu medication such as the nasal decongestant Sudafed. Both pseudoephedrine and ephedrine (an alkaloid derived from the Ephedra plant), undergo a synthesis process (method) to become the illegal form of methamphetamine.⁹

Methamphetamine, although largely imported, is also produced locally in Australia in clandestine laboratories. The Australian Crime Commission (ACC) suggests the

² Rebecca McKetin, Jennifer McLaren, and Erin Kelly, "The Sydney Methamphetamine Market: Patterns of Supply, Use, Personal Harms and Social Consequences," NDARC Technical Report no. 172 (Sydney: National Drug and Alcohol Research Centre 2005), xiv.

³ Anxiety, depression, paranoia, lack of energy and sleep disturbances are notable effects of methamphetamine come-down. The come-down may last two to three days. Benzodiazepines are taken by methamphetamine users to counteract the symptoms of the come-down from ice, *ibid.*, 104.

⁴ Libby Topp et al., "The Emergence of Potent Forms of Methamphetamine in Sydney, Australia: A Case Study of the IDRS as a Strategic Early Warning System," *Drug and Alcohol Review* 21, no. 4 (2002): 345.

⁵ McKetin, McLaren, and Kelly, "The Sydney Methamphetamine Market: Patterns of Supply, Use, Personal Harms and Social Consequences," xiv, 16.

⁶ *Ibid.*, 16.

⁷ *Ibid.*, 74.

⁸ United Nations Office on Drugs and Crime, "Amphetamines and Ecstasy - 2011 Global ATS Assessment," (Vienna: UNODC, 2011), 98.

⁹ Mark A. R. Kleiman and James E. Hawdon, eds., *Encyclopedia of Drug Policy* 2 vols., vol. 2 (Thousand Oaks: Sage Publications Inc 2011), 511.

majority of these laboratories are detected in residential locations. Evidence from their 2012 illicit drug data report showed that a record 703 clandestine laboratories were detected in Australia in 2010-11, the majority of which were producing amphetamine type stimulants (ATS) such as amphetamine or methylamphetamine.¹⁰ The number of ATS (excluding MDMA¹¹) laboratory detections increased from 252 in 2001-02 to 703 in 2010-11.¹²

These laboratories adopt specific methods to extract the necessary precursor chemical to produce methamphetamine; the hypophosphorous method; the red phosphorus method; the 'Nazi' method; and the P2P or Leuckart method are four distinct methods used in the Australian production process. The hypophosphorus method,^{13,14} is the most common in local clandestine laboratories as it produces a faster and more efficient reaction, in addition to providing a greater yield of methamphetamine.¹⁵ Findings from the 2011 UN Office on Drug and Crime Global ATS Assessment report showed that seized laboratories using the hypophosphorous method had almost tripled globally from 16 in 2008-2009, to 51 in 2009-2010.¹⁶

2.2.2 Detection at the Border

Australia is exposed to a number of specific drug law enforcement issues because of its unique geographical position. As a nation without land borders, Australia is most vulnerable to drug importation and trafficking from countries such as China and other South East Asian nations, given they are the largest suppliers of heroin and

¹⁰ Australian Crime Commission, *"Illicit Drug Data Report 2010-11"* (Canberra: Australian Crime Commission: Commonwealth of Australia, 2012), 32.

¹¹ Methylenedioxymethamphetamine, commonly referred to as ecstasy.

¹² Australian Crime Commission, *"Illicit Drug Data Report 2010-11,"* 134.

¹³ Hypophosphorus acid is used as a reagent (a chemical that facilitates a particular reaction). It is commonly found in the commercial industries and in laboratories for various reasons (as a bleaching agent, in food preparation, water treatment and so on, Adrian Cherney, Juani O'Reilly, and Peter Grabosky, *"The Governance of Illicit Synthetic Drugs,"* Monograph series no. 9 (Canberra, Australasian Centre for Policing Research, 2005), 8.

¹⁴ Australian Crime Commission, *"Illicit Drug Data Report 2009-10"* (Canberra: Australian Crime Commission: Commonwealth of Australia, 2011), 114; Cherney, O'Reilly, and Grabosky, *"The Governance of Illicit Synthetic Drugs,"* 8.

¹⁵ McKetin, McLaren, and Kelly, *"The Sydney Methamphetamine Market: Patterns of Supply, Use, Personal Harms and Social Consequences,"* 32.

¹⁶ United Nations Office on Drugs and Crime, *"Amphetamines and Ecstasy - 2011 Global ATS Assessment,"* 36.

methamphetamine.¹⁷ As a result, Australia has experienced growing levels of heroin, methamphetamine and precursor chemicals importations over the years, with many of these drugs, detected at Australian borders.

The heroin shortage of 2001¹⁸ was both a period of apparent decrease in heroin availability in Australia and rapid increase in the availability of potent forms of methamphetamine. Whether the reduction of heroin was a result of aggressive law enforcement border practices and operations, or arrests of key personnel, it was evident that Australia had become an unattractive heroin destination at this time.¹⁹ Consequently, this country experienced a massive increase in border seizures of methamphetamine, in its complete form, as well as precursor chemicals, used to manufacture and produce the drug.

Between 2000 and 2003, a number of significant seizures of ice in Australia were noted in a 2005 report by McKetin, McLaren and Kelly: 79kg of ice in November 2000²⁰, 260kg of tablet methamphetamine in July 2001 and 233kg of ice in May 2003, the largest seizure at an Australian border to date.²¹ Furthermore, attempts to import precursors had steadily increased during the early years of the twenty-first century. The Australian Customs and Border Protective Services (Customs) seized 550kg of ephedrine in a crystalline powder form in September 2001, one of the largest precursor border detections in Australian history. This was followed in September 2003 with a 750kg shipment of pseudoephedrine and in March 2004 with a 1.5 tonne shipment of pseudoephedrine intercepted in the Philippines although destined for Australia.²² By 2008-09, over two tonnes of precursor chemicals had been detected at

¹⁷ Alison Ritter et al., *An Assessment of Illicit Drug Policy in Australia (1985 to 2010): Themes and Trends*, "Drug Policing Modelling Program Monograph 21. (Sydney: National Drug and Alcohol Research Centre, 2011), 5-6; Louisa Degenhardt, Carolyn Day, and Wayne Hall, *The Causes, Course and Consequences of the Heroin Shortage in Australia*, "Monograph series no. 3 (Sydney: National Drug and Alcohol Research Centre, 2004), xv.

¹⁸ This is explained later in the chapter.

¹⁹ Louisa Degenhardt et al., "Evaluating Explanations of the Australian 'Heroin Shortage,'" *Addiction* 100, no. 4 (2005): 465.

²⁰ This is significant as it was the first major 'ice' seizure in Australia. Previous 'ice' seizures were of only small quantities.

²¹ McKetin, McLaren, and Kelly, "The Sydney Methamphetamine Market: Patterns of Supply, Use, Personal Harms and Social Consequences," 25-6.

²² *Ibid.*, 36.

the Australian border, almost double the quantity detected in 2007-08.²³ This trend was also highlighted internationally with the 2011 World Drug Report stating that in 2009 'global seizures of ATS rose significantly exceeding the high level of 2007'.²⁴

The border seizures of ice and precursor chemicals showed that a new drug had entered the Australian illicit drug market. Unlike heroin, a drug that is largely imported, methamphetamine can be produced domestically using precursor chemicals. Therefore intercepting shipments of precursor chemicals destined for Australia was equally important as intercepting methamphetamine in its production phase. Regulations for precursor chemicals were subsequently put in place in a number of Australian jurisdictions to address the criminal offences of production, manufacture and trafficking. These regulations emphasised the growing use of crystal methamphetamine in Australia.

2.2.3 Methamphetamine Use in Australia

Methamphetamine use has only been extensively explored in Australia since the late 1990s, receiving independent examination in the first Illicit Drug Reporting System (IDRS) in 1998.²⁵ It was through the IDRS that researchers were able to determine the availability and use of methamphetamine in Sydney and other Australian jurisdictions. During the 1990s, 'speed' was reported as the most common form of methamphetamine used in Australia. Its use however began to wane and by the latter part of that decade a noticeable shift towards the use of heroin was evident, mostly because of its relative cheapness and availability.²⁶ By 1999, new, more potent and pure forms of methamphetamine, particularly ice and base had become increasingly available.²⁷

²³ Australian Crime Commission, *"Illicit Drug Data Report 2008-2009"* (Canberra: Australian Crime Commission: Commonwealth of Australia, 2010), 91.

²⁴ United Nations Office on Drugs and Crime, *"World Drug Report 2011"* (Vienna: UNODC, 2011), 17.

²⁵ The IDRS collects annual data on illicit drug use trends in Sydney, NSW.

²⁶ Shane Darke, Sharlene Kaye, and Joanne Ross, "Transitions between the Injection of Heroin and Amphetamines," *Addiction* 94, no. 12 (1999); McKetin, McLaren, and Kelly, "The Sydney Methamphetamine Market: Patterns of Supply, Use, Personal Harms and Social Consequences," xix.

²⁷ McKetin, McLaren, and Kelly, "The Sydney Methamphetamine Market: Patterns of Supply, Use, Personal Harms and Social Consequences," xiii, 1.

This increase in the availability of crystal methamphetamine since 1999²⁸ coincided with the apparent heroin shortage that began in Australia at around Christmas 2000.²⁹ This shortage caused dramatic changes to the heroin market, noticeably from early 2001. For example, in NSW, the street purity of heroin fell from 60% to around 25-30%, the availability of heroin decreased significantly, and the price of a 'cap' of heroin doubled from \$25 to \$50.³⁰ This reduction in heroin availability was most severe from January to April 2001 and caused an apparent shift from heroin to methamphetamine and cocaine use.³¹ By the end of 2001, methamphetamine had eclipsed heroin as the drug of choice for intravenous drug users.³² This was evidenced in IDRS findings that the use of methamphetamine amongst such users increased from 0% in 1998 to 58% in 2001.³³ Topp et al., drawing on these IDRS results, showed how ice was consumed by 28% of methamphetamine intravenous drug users in the last six months of 2001.³⁴

These figures however only provide a glimpse into methamphetamine use amongst intravenous drug users. It is equally important to ascertain use amongst the general population. The NDSHS is a reliable indicator of illicit drug use in the general Australian population although unfortunately could not capture specific methamphetamine use until 2004. With the inclusion of methamphetamine as a separate category in 2004, researchers could isolate its use independent of other types of amphetamines, and figures related to methamphetamine use in the general population could be collected and analysed for the first time in Australia.³⁵

The 2004 NDSHS results showed that 532,100 (3.2%) of persons surveyed identified themselves as recent methamphetamine users who had consumed the drug for non-

²⁸ Australian National Council on Drugs, *"Methamphetamines: Position Paper,"* (Canberra: ANCD, 2007).

²⁹ Degenhardt et al., "Evaluating Explanations of the Australian 'Heroin Shortage,'" 908.

³⁰ Louisa Degenhardt et al., "Effects of a Sustained Heroin Shortage in Three Australian States," *Addiction* 100, no. 7 (2005): 908.

³¹ *Ibid.*, 908.

³² Louisa Degenhardt and Carolyn Day, *"Impact of the Heroin Shortage: Additional Research,"* Monograph series no. 19 (Sydney: National Drug and Alcohol Research Centre, 2006), 7.

³³ Topp et al., "The Emergence of Potent Forms of Methamphetamine in Sydney, Australia: A Case Study of the IDRS as a Strategic Early Warning System," 344.

³⁴ *Ibid.*, 344.

³⁵ Australian Institute of Health and Welfare, *"2004 National Drug Strategy Household Survey: Detailed Findings,"* 2.

medicinal purposes.³⁶ Powder (74.3%) followed by crystal (38.6%) were identified as the two most common forms of methamphetamine used. Further, males and those aged 20-29 years were more likely than females or those of other ages to have consumed meth/amphetamines.³⁷ The 2004 results were an effective way to generate aggregate data on methamphetamine use. However such self-report surveys neglected to capture audiences/groups that normally would not or could not participate in a large-scale survey.³⁸

In 2005 McKetin et al. estimated the number of regular and dependent methamphetamine users in Australia. These findings showed approximately 17,700 (8.5%) of regular and 14,700 (7%) of dependent methamphetamine users were in Sydney. In NSW 36,900 regular users and 28,000 dependent users were aged 15 to 49 years.³⁹ Further, 73,000 dependent methamphetamine users and 103,000 regular users were aged 15 to 49 years in Australia.⁴⁰ These findings, although identified as indirect prevalence estimates using benchmark data sources⁴¹ and multipliers,⁴² indicate a higher prevalence rate for regular and dependent methamphetamine use, when compared to the NDSHS results of methamphetamine use in the general population.

The NDSHS data reported a decline in recent methamphetamine use in the general population from 3.2% in 2004 to 2.1% in 2010.⁴³ The 2010 results note that recent methamphetamine use amongst males also declined from 4% in 2004 to 2.5% in 2010. Recent female use however experienced a minor increase from 1.6% in 2007 to

³⁶Recent users' indicates consumed in the last 12 months prior to the survey.

³⁷ Australian Institute of Health and Welfare, "2004 National Drug Strategy Household Survey: Detailed Findings," 59-63.

³⁸ Such groups include those who are marginalised such as illicit drug users and the Indigenous.

³⁹ McKetin et al., "Estimating the Number of Regular and Dependent Methamphetamine Users in Australia," 19.

⁴⁰ Ibid., 20.

⁴¹ Specific data sources were used as a benchmark to estimate the number of dependent and regular methamphetamine users in 2005. McKetin et al., (2005) identify the benchmark data sources as hospital separation data, arrest data and drug treatment data (derived from Sydney, NSW and Australia).

⁴² The multiplier benchmark method is a common indirect prevalence estimation technique. Multipliers are generated by using the benchmark data obtained from specific sources to estimate the total number of regular and dependent methamphetamine users in a target population.

⁴³ Australian Institute of Health and Welfare, "2010 National Drug Strategy Household Survey Report," Drug statistics series no. 25 (Canberra: AIHW, 2011), 127.

1.7% in 2010, although there was an overall decrease from 2004 (2.5%).⁴⁴ Although these results exhibit a decline in methamphetamine use, it is specific to the general population. We are unable to ascertain whether this decline has been mirrored in those marginalised groups where illicit drug use is most prevalent. Current estimates, such as those calculated by McKetin et al. in 2005, are required to determine prevalence rates within marginalised groups.

2.2.4 Impact on Public Health (Physiological and Psychological Risks)

Methamphetamine use has been known to cause a range of physical problems such as headaches, hostility and aggression, hunger pains and an elevated heart rate. The smoking of crystal methamphetamine increases the risk of dependency when compared to other non-intravenous types of administration.⁴⁵ Chronic methamphetamine use also increases the risk of stroke and cardiac failure.⁴⁶ Prolonged use can cause long-term effects such as dependency, depression, skin lesions and poor dental hygiene.⁴⁷ Other effects may include overdose, drug dealing, involvement in property crime, death and an increased risk of human immunodeficiency virus (HIV) transmissions through risky sexual behaviour and the sharing of needles when injecting methamphetamine. The transmission of HIV and other blood borne diseases is a serious risk to injecting methamphetamine users in particular.⁴⁸

Chronic methamphetamine use can also induce temporary psychosis manifesting as delusions and hallucinations. Disorganised speech, illogical thoughts and repetitive behaviour are other manifestations of methamphetamine induced psychosis.⁴⁹ A 2005 study of the Sydney methamphetamine market found that regular methamphetamine users were 11 to 12 times more likely than the general

⁴⁴ Ibid., 127.

⁴⁵ ANCD, "Methamphetamines: Position Paper," 2.

⁴⁶ Sharlene Kaye and Rebecca McKetin, "Cardiotoxicity Associated with Methamphetamine Use and Signs of Cardiovascular Pathology among Methamphetamine Users," NDARC Technical Report no. 238 (Sydney: National Drug and Alcohol Research Centre, 2005).

⁴⁷ McKetin, McLaren, and Kelly, "The Sydney Methamphetamine Market: Patterns of Supply, Use, Personal Harms and Social Consequences," xvii.

⁴⁸ ANCD, "Methamphetamines: Position Paper," 6-12; Rebecca McKetin, "Meth/Amphetamine," in *Illicit Drug Use in Australia: Epidemiology, Use Patterns and Associated Harm* ed. Joanne Ross (Sydney: Commonwealth of Australia, 2007), 31.

⁴⁹ ANCD, "Methamphetamines: Position Paper," 4.

population to experience psychosis.⁵⁰ Statistics on the number of hospital presentations of individuals with psychotic disorder due to methylamphetamine were 153 separations in 2008-2009 and 122 separations in 2009-10.⁵¹ Previous 1999-2007 statistics provided aggregate data on hospital presentations of individuals with psychotic disorder so data specific to methylamphetamine could not be generated.

Access to treatment options for those dependent on methamphetamine is relatively poor in Australia. Although the 2006 National Leadership Forum on Ice⁵² noted a number of treatment options are available to methamphetamine users, it acknowledged deficiencies with some programs and recommended ways to strengthen existing measures.⁵³ Although treatment options can be accessed by dependent users, and some government public policy has reflected the need to provide this public health service, Australian law still dictates that the use and possession of methamphetamine is prohibited and therefore criminalised. This may hinder dependent user engagement with treatment options. Part II of this chapter documents key public policy and legislative initiatives pertaining to methamphetamine and illicit drugs more broadly both internationally and domestically (NSW and Commonwealth only).

2.3 Illicit Drug Policy and Legislative Making in Australia (1900-2009)

This section includes a discussion on national and international drug policies and legislation largely pertaining to illicit drugs including methamphetamine. The aim is to document the criminalisation of certain drugs over the last century, in particular post World War II (WWII). I contextualise these laws by providing a discussion of the criminalisation of drug use and the user in Australia, and then situate these regulatory instruments at particular historical junctures in order to provide an

⁵⁰ McKetin, McLaren, and Kelly, "The Sydney Methamphetamine Market: Patterns of Supply, Use, Personal Harms and Social Consequences," 109.

⁵¹ Separation statistics refer to the administrative process that involves a hospital recording the cessation of an episode of care for a patient within the one hospital stay. Australian Institute of Health and Welfare, "Separation Statistics by Principal Diagnosis in ICD-10-AM, Australia, 2008-09 to 2009-10," (Canberra: AIHW, 2011).

⁵² An examination of the National Leadership Forum on Ice is available in Chapter 9.

⁵³ For a complete account of the Forum's discussion on treatment options, refer to "National Leadership Forum on Ice – Compendium of Jurisdictional Achievements," Ministerial Council on Drug Strategy Joint Communique, accessed April 1 2008, <http://www.nationaldrugstrategy.gov.au/internet/drugstrategy/publishing.nsf/Content/mcdis-16may07-communique>

overview of the history of drug policies and law in Australia, in particular those that regulate use, possession and distribution. I also refer to policies and laws specific to certain drugs like heroin and cannabis; their criminalisation in Australia has been an important marker in Australian drug law and policy history.⁵⁴

2.3.1 Pre-World War I: The Control of Drug Use

Drug use has a long history in Australia. From the opium dens that adorned the streets of various regional towns across NSW during the Gold Rush era, to the offices of medical practitioners who used opium as a component in certain medicines, the use of drugs like opium was commonplace in Australia during the late 1800s. Consumed for either recreational or medicinal purposes, opium was a drug of choice for many Chinese settlers and Australians alike during this period.⁵⁵

The beginning of the 1900s however brought the recreational practice of opium into disputation and Chinese settlers, the most visible consumers of the drug, became the focal point of an agenda described by some authors as racially motivated.⁵⁶ A public and political discourse emerged that both criticised the practice of opium use in dens, and accused these Chinese consumers of using the drug to 'lure white women into opium dens where they were taken advantage of sexually'.⁵⁷ This was intensified by tabloid media who informed the public that European women had been lured by Chinese opium users who 'enslaved them to opium addiction and prostitution'.⁵⁸ This type of media rhetoric intensified the focus on Chinese opium users.

This spurred a public and political campaign that led to the enactment of the *Police Offences (Amendment) Act 1908 (NSW)*, a law that criminalised the use, sale and supply of opium, except in cases for medicinal purposes, and included specific provisions for dealing with opium (ss 18-20).⁵⁹ This legislation was undeniably a major

⁵⁴ Note that this is by no means an exhaustive account of the criminal law of drug offences.

⁵⁵ David Brown et al., *Criminal Laws - Material and Commentary on Criminal Law and Process of New South Wales*, Fifth ed. (Sydney: The Federation Press, 2011), 858.

⁵⁶ Desmond Manderson, *From Mr Sin to Mr Big: A History of Australian Drug Laws* (Melbourne: Oxford University Press, 1993).

⁵⁷ Brown et al., *Criminal Laws - Material and Commentary on Criminal Law and Process of New South Wales*, 858.

⁵⁸ Amy Gibson et al., "Global and Australian Heroin Markets," NDARC Technical Report no. 167 (Sydney: National Drug and Alcohol Research Centre, 2003), 37.

⁵⁹ Note that the *Poisons Act 1902 (NSW)* authorised the use of opium for medicinal purposes.

turning point in both the way drug laws were structured in NSW and how drug users were imagined by the public and politicians. Coupled with the *Poisons Act 1902* (NSW), it targeted the non-medical use of opium. Both Acts were specifically directed at Chinese opium smokers and part of a larger global campaign that had emerged during the early part of the twentieth century that, according to Manderson, was evidently anti-Chinese.⁶⁰ These racially based laws were reinforced with other domestic drug changes. For example, the *Opium Proclamation* was introduced by the Australian Government in 1905 and prohibited the smoking of opium. By 1914, the proclamation was expanded and conditions placed on the importation of cocaine, heroin and morphine (*Opium Proclamation 1914*).

Changing attitudes towards the increase of drug use also emerged in Australia during this time. Drug use was recast from an enjoyable social activity to a moral vice. This was also driven by medical practitioners who objected to the quasi-medicinal use of opium. This ultimately led to a decline in the social acceptability of opium-based treatment and exemplified the growing power of doctors who set the limits and contexts of acceptable opium use, and dictated social perception.⁶¹

These changes to Australian and NSW drug laws made prior to World War I (WWI), signified the first legal departure from the acceptability of drug use as recreational practice, and a shift towards the criminalisation of drugs and their users. Although medicinal use of certain drugs was still permissible under Australian drug laws, the practice was very much under the control of medical practitioners who were responsible for deciding who was able to consume the drug without legal ramifications.

2.3.2 Post WWI: Beyond Opium

Following WWI, Australia became a signatory to a number of international conventions that advocated for stricter controls of certain drugs. These international commitments were largely a reaction to an apparent heightened public concern

⁶⁰ Desmond Manderson, "Proscription and Prescription - Commonwealth Government Opiate Policy 1905-1937," (Canberra: Department of Health, 1987), 5.

⁶¹ *Ibid.*, 6-7.

regarding cocaine use in NSW, labelled a 'cocaine crisis'.⁶² This led to the enactment of the *Police Offences Amendment (Drugs) Act 1927 (NSW)*. This law went beyond the criminalisation of opium and its use to include cocaine, heroin and morphine.⁶³ Users of these drugs became the target of harsh drug laws and their practice of consumption criminalised. They were perceived by society, media and legislators as more deserving of tough penalties for possession charges. *The Sydney Morning Herald*, for example, openly criticised the maximum penalty (fine) for possession charges and 'called for gaol without the option of a fine'.⁶⁴

The criminalisation of these drugs and their users, however, did not reduce consumption or impact on usage patterns. As Australia had already developed into a heroin-using culture since the early part of the twentieth century, the new laws that banned the use of heroin for purposes other than medicinal appeared to be nothing more than a political formality.⁶⁵ Heroin users continued to consume the drug and by the 1930s, Australians were recognised as consumers of 7.5% of the world's legal heroin.⁶⁶

Numerous conventions, controls, amendments and repeals of key Acts such as the *Police Offences Amendment (Drugs) Act 1927 (NSW)* occurred throughout the 1930s and 1940s. Global pressure was placed on the Australian Government by countries such as Great Britain to adopt recommended changes⁶⁷ and to espouse non-medicinal drug use as immoral and illegitimate. However by the mid-1940s, British influence over Australia had waned largely because of a perception that Great Britain was incapable of adequately safeguarding Australia's defence during WWII.⁶⁸ This ultimately changed Australia's relationship with Great Britain; it now turned to the US, a country that had become a new source of influence.

⁶² Manderson, *From Mr Sin to Mr Big: A History of Australian Drug Laws*, 99.

⁶³ Brown et al., *Criminal Laws - Material and Commentary on Criminal Law and Process of New South Wales*, 859.

⁶⁴ Manderson, *From Mr Sin to Mr Big: A History of Australian Drug Laws*, 100.

⁶⁵ Note that a provision in the legislation required that heroin could be used if prescribed by a licenced doctor.

⁶⁶ James Rowe, "Pure Politics: A Historical Look at Australian Drug Policy," *Alternative Law Journal* 26 no. 1 (2001): 125.

⁶⁷ Examples include the adoption of the *Geneva Convention 1931*.

⁶⁸ Manderson, *From Mr Sin to Mr Big: A History of Australian Drug Laws*, 117.

In sum, this period marked two important moments in Australian drug law history. Firstly, it expanded the number of drugs criminalised in Australia (except for medicinal use) to include heroin, cocaine and morphine. Secondly, it demonstrated Australia's growing ties with the US and its departure from UK influence.

2.3.3 Post WWII: Recreational Use and Manufacture

The 1950s brought further legislative amendments such as those made to the *Police Offences Amendment (Drugs) Act 1954* (NSW) that banned the possession, supply and use of heroin for medicinal purposes. These changes were a direct result of the January 1953 report by the Central Board of the UN that found the annual Australian per capita consumption of heroin⁶⁹ increased from 2.42kg in 1946 to 5.25kg in 1951.⁷⁰ Although this evidence showed that heroin use was high, it was only specific to medicinal use; heroin addiction in Australia was rare.⁷¹ Although this law was repealed and replaced by the *Poisons Act 1966* (NSW), it served as a way for government to address a certain calibre of drugs through the process of criminalisation. This process however created a social schism that positioned conventional society (law abiding, non-drug taking citizens) on one side and drug users (a demonised subculture largely perceived as foreign and dangerous) on the other.⁷²

This schism clearly impacted on the way certain segments of the population viewed those who consumed non-medicinal heroin. Community and political perceptions of young people consuming heroin had quickly gained traction.⁷³ Coupled with warnings that heroin addiction was a 'consequence of psychological disturbance and immorality' and heroin addicts were '... weak, unhappy persons; who were homosexuals', this perception was used by government to justify the implementation

⁶⁹ Note that heroin use is noted as the annual per capita consumption in kilograms per million individuals in Australia.

⁷⁰ United Nations Office on Drugs and Crime (formerly known as the Central Opium Board), "Legal Trade in Narcotics in 1951," in *Bulletin on Narcotics* (Vienna, 1953), 49.

⁷¹ Brown et al., *Criminal Laws - Material and Commentary on Criminal Law and Process of New South Wales*, 859. See also a discussion by Manderson, "Proscription and Prescription - Commonwealth Government Opiate Policy 1905-1937," 28.

⁷² Dennis Howitt, *Crime, Media and the Law* (West Sussex: John Wiley and Sons Ltd, 1998), 158.

⁷³ Wendy Swift et al., "Transitions between Routes of Administration among Caucasian and Indochinese Heroin Users in South West Sydney," NDARC Technical Report no. 42 (Sydney: National Drug and Alcohol Centre, 1997), 5.

of a heroin ban.⁷⁴ The ban however did little to abate heroin use in NSW. Heroin and cannabis use continued to increase amongst the general population during the 1960s even though regulations on cannabis were introduced and its importation completely banned in 1956. This increase was largely attributed to the US servicemen on leave who either injected heroin or smoked cannabis, practices which spread to the local community.⁷⁵

The tough response to drug use adopted by the NSW Government was the result of international influences and pressures, notably from the UN and the US. The US had begun a campaign to criminalise the medicinal use of drugs such as heroin and cannabis while the UN had issued its *Single Convention on Narcotic Drugs 1961*, which came into force in 1964 and was ratified in Australia in 1967. This international drug treaty focused primarily on demand control and covered substances that derived from coco leaves, cannabis, opium and other cognate synthetics.⁷⁶ To carry out its obligation to this treaty, the Commonwealth Government enacted the *Narcotic Drugs Act 1967* (Cth) in order to control the manufacture of illicit drugs. It also amended the *Customs Act 1901* (Cth) to strengthen controls related to the importation of illicit drugs.

During this period of enhanced regulatory controls, parallel changes were taking place in the Australian drug market, and a number of alternative drugs to heroin and cannabis began to emerge as popular recreational substances. Psychoactive drugs like LSD⁷⁷ and amphetamines became popular during the cultural revolution of the 1960s. This change in drug type was more a reaction to the political environment than a dislike of heroin.⁷⁸

The significance of this change cannot go unmentioned; it brought forward a different image of the illicit drug user. Although still considered a deviant, the user was described by the 1971 Senate Committee on Drug Trafficking as a 'young, long-

⁷⁴ Rowe, "Pure Politics: A Historical Look at Australian Drug Policy," 128.

⁷⁵ Eric Rolls, *Sojourners: The Epic Story of China's Centuries Old Relationship with Australia* (St Lucia: University of Queensland Press, 1992).

⁷⁶ Babor et al., *Drug Policy and the Public Good*, 204.

⁷⁷ Lysergic acid diethylamide.

⁷⁸ Rowe, "Pure Politics: A Historical Look at Australian Drug Policy," 128.

haired person, adopting an exaggerated style of dress, careless in his habit and probably a university student'.⁷⁹ These *new* heroin and cannabis users *chose* to consume the drug, unlike the older 'therapeutic addicts' who consumed heroin for medicinal purposes.⁸⁰ This was a defining moment in the evolutionary development of the image of the illicit drug user as it challenged the medicinal dominance over illegal drugs by exemplifying that persons were consuming these drugs purely for recreational purposes. And thus the practice of illicit drug use became more acceptable and less dangerous, particularly amongst young people.⁸¹

Marijuana was singled out by policymakers as the new drug of choice amongst young people. This drug was said to result in 'dropping out, indolence, lowering of goals and alienation'.⁸² These apparent changes in drug use patterns led to the enactment of the *Poisons and Therapeutic Goods Act 1966 (NSW)*, a law that removed any distinction between medicinal drugs and drugs of addiction. Two important shifts were signified by these reforms: first, the emergence of a new type of user that shattered the presumption that persons consumed drugs of addiction for medicinal purposes, and secondly, the politicisation of drug use in NSW and Australia.

The manufacture of synthetic drugs steadily grew as an international area of concern during the 1970s. In 1971, the UN adopted the *Convention of Psychotropic Substances*, a regulatory instrument that focused on the manufacture of synthetic substances such as LSD, barbiturates and amphetamines, as they were not covered by the 1961 Single Convention.⁸³ This was the first time synthetic substances were addressed and subsequently regulated. A number of changes also took place in the

⁷⁹ Senate Select Committee on Drug Trafficking, "Drug Trafficking and Drug Abuse Report from the Senate Select Committee," (Canberra, 1971), 31.

⁸⁰ Manderson, *From Mr Sin to Mr Big: A History of Australian Drug Laws*, 860.

⁸¹ Yvonne Bonomo, "Adolescent Substance Use," in *Drug Use in Australia - Preventing Harm* ed. Margaret Hamilton, Trevor King, and Alison Ritter (South Melbourne: Oxford University Press, 2004), 119-20; Chas Critcher, *Moral Panics and the Media* (Philadelphia: Open University Press, 2003), 58.

⁸² Manderson, *From Mr Sin to Mr Big: A History of Australian Drug Laws*, 147.

⁸³ Babor et al., *Drug Policy and the Public Good*, 204.

UK with the enactment of the *Misuse of Drugs Act 1971*, a law that introduced a three category drug classification system (A, B, C) to tackle illicit drugs.⁸⁴

During this same period, Australia had become a signatory to several international conventions and launched several inquiries into illicit drug use. A number of senate committees were also formed in the late 1970s to investigate licit and illicit drug use in Australia. In 1977, the Senate Standing Committee on Social Welfare issued a report titled, *Drug Problems in Australia - An intoxicated Society?*⁸⁵ that recommended drug use be considered a social and medical problem rather than a legal one.⁸⁵ This was met with staunch criticism by former Australian Prime Minister Malcolm Fraser, who rather than support the Committees' recommendation, appointed Justice Edward Williams to lead a Federal Royal Commission into Drugs. This Royal Commission, with its deterministic terms of reference that were restricted to the legalities of drug trafficking rather than the social and medical aspects of use, was constructed in a way that lent support to the continued prohibition of drugs like cannabis and the enhancement of social controls rather than a political re-evaluation of their use.

During the 1970s, various international conventions were put into domestic law in Australia. This created a range of criminal drug offences on a Commonwealth level that became operational. By this stage all the *Police Offences Acts* had been repealed which presented an interesting dilemma; there was no longer any clear demarcation between those drugs consumed for medicinal purposes and those drugs that were 'abused'.

Drugs had also become an important political issue that caused tension between parties vying for power and control of the issue. This tension led the NSW Government to propose the need for further law enforcement measures during the 1970s. Encouraged by the NSW Minister for Customs and Excise, Don Chipp, the government turned its attention to the trafficking of illicit drugs. The *Poisons*

⁸⁴ Illicit drugs were either classified according to the level of harm they inflict so those with the most serious effect are classified as A (heroin and cocaine), B (Cannabis) or C (benzodiazepines).

⁸⁵ Senate Select Committee on Social Welfare, "Drug Problems in Australia - an Intoxicated Society?" (Canberra, 1977), 164.

(Amendment) Act 1970 (NSW) enabled Government to distinguish between the immoral trafficker and the subjugated drug user by making it a separate offence to deal or sell 'drugs of addiction'.⁸⁶

Throughout this period, however, heroin and marijuana use was still increasing in Australia and many young people were consuming the drug for recreational purposes. Although this issue was gaining momentum in the media rhetoric, it was momentarily sidelined by certain crucial events. The first of these was the 1977 disappearance of anti-marijuana campaigner and liberal candidate for Griffith Donald Mackay. His disappearance prompted an intense media campaign that sought to expose the organised crime dimension of marijuana cultivation in Australia. It also produced a domino effect that led to an intensified police crackdown on marijuana, an increase in criminal charges related to marijuana, and an exposé of criminal syndicates operating in and out of Australia. It also uncovered hidden police corruption that came to the forefront in the Stewart Royal Commission in 1983.⁸⁷ These dramatic changes to the illicit drug landscape elicited a public outcry directed towards police and illicit drug users.

This period brought about three important moments that politicised drugs in Australia, and shaped the direction of illicit drug policy making. The first was the criminalisation of drugs like heroin for medicinal use, the second was the intense focus on the manufacture of synthetic drugs, and the third was the political realisation that many drugs were consumed by young people for recreational purposes.

2.3.4 The 1980s: Towards Harm Minimisation

By the 1980s, a shift in domestic drug consumption patterns presented the Australian Government with a situation that required attention. Amphetamines had become popular amongst young people who were consuming the drugs for recreational purposes. Marijuana use had also increased and '... bec[o]me a focus for political anger and action'.⁸⁸ Its use was now associated with young, middle-class users

⁸⁶ Manderson, *From Mr Sin to Mr Big: A History of Australian Drug Laws*, 159.

⁸⁷ Rowe, "Pure Politics: A Historical Look at Australian Drug Policy," 128.

⁸⁸ Manderson, *From Mr Sin to Mr Big: A History of Australian Drug Laws*, 143.

engaged in promiscuous sex and permissive behaviour, practices that spread fear and hatred in society because of their moral connotations.⁸⁹ This prompted a demand for government action; drugs like marijuana were reclassified as 'dangerous', creating a new climate in drug policy. Drug use, once relegated to the remit of medical practitioners, had now become a serious political and legal issue in Australia.

Alarmist rhetoric in both political and media discourses on illicit drugs and their users prevailed in the 1980s. Heroin users continued to be stigmatised and repeatedly cast as deviants, branded 'dole bludgers' and harassed by police'.⁹⁰ This compelled government to act and address this burgeoning social problem by holding a number of Royal Commissions. The Woodward Royal Commission into Drug Trafficking (1977-1979), the Williams Federal Royal Commission Inquiry into Drugs (1977-1979) and the Stewart Royal Commission of Inquiry into Drug Trafficking (1980-3/4/5) were instrumental in addressing the issue of organised crime and drugs. Of particular importance was the Williams Inquiry as it pertained to the rise in the availability of illicit drugs following the Vietnam War. Although these Royal Commissions sought to interrogate all facets of illicit drugs, they did little to curb the growing use in the community.

The 1980s proved to be a redefining period in Australian illicit drug policy and legislative making. In September 1984, former Prime Minister Bob Hawke publicly revealed that his daughter was addicted to heroin and may die as a result of her addiction. Soon after, on the 2 April 1985, he organised a Summit that involved all ministers (Federal and State), premiers and law enforcement to address 'substance related problems in Australia'.⁹¹ This Drug Summit led to Australia's first national illicit drug strategy that appeared in the form of the National Campaign Against Drug Abuse (NCADA). Australia was recognised as one of the first countries to address illicit drug use within a harm minimisation framework. This strategy was mirrored in a number of state and territory statutes across Australia, notably in NSW with the enactment of the *Drug Misuse and Trafficking Act 1985*. What emerged was a harm

⁸⁹ *Ibid.*, 148.

⁹⁰ *Ibid.*, 168.

⁹¹ Neal Blewett, "1985 and All That: The Establishment of Australia's Drug Strategy," *Drug and Alcohol Review* 28, no. 2 (2009): 96.

minimisation policy that addressed the harms of drug use in the community and how to best support users and those affected by drugs.

Harm minimisation has thus been a drug policy directive of the Australian Federal Government and the guiding framework for the National Drug Strategy since 1985. It is premised on three overarching aims; harm reduction, supply reduction and demand reduction. It is not concerned with 'curing' a drug dependent user and therefore does not pass moral judgment on individuals who 'choose' to consume illicit drugs. It does not segregate drug users from mainstream society but rather regards such persons as members who can be reintegrated back into society.⁹² Overall, emphasis is placed on the prevention and treatment of users, with law enforcement initiatives typically reserved for high-level traffickers. This policy change welcomes an acceptability of illicit drug use by constructing the practice as an amoral action that regards users as 'rational individuals' who choose to consume illicit drugs'.⁹³

This harm minimisation response to illicit drugs is evidenced in several NSW and Commonwealth policies over the last few decades, many of which were implemented to reduce the harm caused by illicit drugs, particularly those consumed intravenously (e.g. heroin). Examples of these policies include needle-exchange programs, part of Australia's National HIV/AIDS Strategy,⁹⁴ and a medically supervised injecting centre established by the NSW Government in 2001 at Kings Cross. These public health measures purportedly reduce both the 'risk of the spread of infectious diseases' and the 'incidence of theft and assaults in drug users'.⁹⁵ An evaluation of the services

⁹² Alex Wodak, "What Is This Thing Called Harm Reduction?" *International Journal of Drug Policy* 10 (1999): 170.

⁹³ Pat O'Malley and Mariana Valverde, "Pleasure, Freedom and Drugs: The Uses of 'Pleasure' in Liberal Governance of Drugs and Alcohol Consumption," *Sociology* 38, no. 1 (2004): 36.

⁹⁴ Michelle Keenan, "The Social Context of Drug Use," in *Drug Use in Australia - Preventing Harm* ed. Margaret Hamilton, Trevor King, and Alison Ritter (South Melbourne: Oxford University Press, 2004), 71.

⁹⁵ Joint Select Committee into Safe Injecting Rooms, "Report on the Establishment or Trial of Safe Injecting Rooms," (Canberra: Parliament of New South Wales, 1998), 1-2.

offered at the injecting centre and the number of deaths averted presented the measure as an effective tool to address illicit drug concerns.⁹⁶

Other significant harm minimisation measures introduced to combat heroin dependency were pharmacotherapies, legal drugs that replace users' drug of choice, such as methadone.⁹⁷ Although used since the 1960s to treat heroin dependency, its use waned for some time but regained popularity in the mid-1980s. This measure is considered by many health experts to be a 'successful public health initiative'.⁹⁸

By the late 1980s, it was apparent that precursor chemicals were being used to manufacture particular illicit drugs. In 1988 the UN Convention against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances was created and ratified in Australia in November 1992. It led to the enactment of the federal legislation *Crimes (Traffic in Narcotic Drugs and Psychotropic Substances) Act 1990* (Cth) in Australia. Both the treaty and legislation were concerned with illicit trafficking but also with the diversion of precursor chemicals used in the manufacture of illicit drugs. Simultaneously, Australia was a major contributor to the 1988 UN 'Comprehensive Multidisciplinary Outline of Future Activities relevant to the Problems of Drug Abuse and Illicit Trafficking' (CMO), a convention that led to the implementation of policy and legislative measures both in Australia and globally targeting precursor chemicals.

The 1980s signified a period of continued Australian and UN focus on the manufacture of illicit drugs, particularly the use of precursor chemicals. It was also a period where the Australian Federal Government departed from a tough stance on illicit drugs by implementing a harm minimisation framework to address illicit drug use.

⁹⁶ Medically Supervised Injecting Centre Evaluation Committee, "Final Report of the Evaluation of the Medically Supervised Injecting Centre," (Sydney: Medically Supervised Injecting Centre, 2003).

⁹⁷ Alison Ritter and Nick Lintzeris, "Pharmacotherapy Maintenance Treatment," in *Drug Use in Australia - Preventing Harm* ed. Margaret Hamilton, Trevor King, and Alison Ritter (South Melbourne: Oxford University Press, 2004), 237-38.

⁹⁸ Morag McArthur, "A History of Methadone Treatment in Australia: The Influence of Social Control Arguments in Its Development," in *History of Crime, Policing and Punishment Conference* (Canberra: The Australian Institute of Criminology, 1999), 2.

2.3.5 The 1990s: Punitiveness and Shift towards Precursor Chemicals

The emergence of over-regulation during the latter part of the twentieth century was encouraged by a criminal justice approach that promoted what Young describes as a punitive turn.⁹⁹ Research that interrogates this punitive turn identifies the influence of nations such as the US and the UK in promoting a punitive response to crime control issues like illicit drugs. These nations are documented as the primary exporters of crime control 'ideas and practices' to Australia and the source of contemporary crime control measures.¹⁰⁰ They transfer illicit drug policy frameworks to western nations that promote tighter regulations and harsher penalties and support an increase to the law enforcement budget as the best approach to illicit drugs.

This punitiveness was particularly prominent in the US political response to illicit drugs in the 1970s through the various US declarations of 'War on Drugs'. In 1971, former US President Nixon declared a War on Drugs, a war where mandatory sentencing was introduced for minor crimes involving marijuana. A decade later, in 1982, former US President Reagan declared a new War on Drugs, and labelled illicit drugs a threat to national security.¹⁰¹ Long periods of incarceration for drug offences soon followed. However the Clinton Administration (1993 to 2001) momentarily departed from this 'tough on drugs' approach and initially advocated for a drug treatment policy where addiction was considered a health rather than a criminal problem.

This was difficult to execute especially with a constituency that had become acutely supportive of a tough on drugs rhetoric. What transpired was a choice for the Clinton Administration between supporting a somewhat harm reductionist agenda or political survival; it chose the latter. A number of legislative and policy initiatives

⁹⁹ Jock Young, *The Exclusive Society: Social Exclusion, Crime and Difference in Late Modernity* (Thousand Oaks: Sage, 1999).

¹⁰⁰ Tim Newburn and Richard Sparks, "Criminal Justice and Political Cultures," in *Criminal Justice and Political Cultures: National and International Dimensions of Crime Control* ed. Tim Newburn and Richard Sparks (London: Willan, 2004), 5.

¹⁰¹ Andrew Glass, "Reagan Declares 'War on Drugs', October 14, 1982," *Politico*, October 14 2010.

followed in both Clinton's first and second terms as President. He wanted to appear tough on drugs and not soft on crime.¹⁰²

During his terms as President, the US experienced an increase in the number of domestic methamphetamine laboratories, and a rise in the domestic production of methamphetamine.¹⁰³ This led to the creation of the *Chemical Diversion and Chemical Act* in 1995. By 1997, the *Comprehensive Methamphetamine Control Act* was enacted; it cast a wide regulatory net that captured pseudoephedrine products, regardless of whether these products contained other medicinal ingredients.

On a national level, Australia experienced a change in Federal Government from Labor to Liberal, with John Howard elected as Australia's Prime Minister in 1996. His four terms as Prime Minister were marked by instability in the Asia-Pacific Region, several international wars that involved the deployment of Australian troops, and many domestic issues. Terrorism also emerged as a ubiquitous global issue following the September 2001 terrorist attack in New York and the 2002 Bali Bombings. This global issue directed Australia's attention towards border and airport security and other domestic security issues.¹⁰⁴ Economically, Howard's first term involved a spike in inflation and an economic slowdown, although by his third term, the Howard Government had transformed Australia into a nation of unparalleled economic growth. During this period, illicit drugs had become an important political challenge to address.

Influenced by prohibitionist and pro-abstinence groups, the Howard Government curtailed its support for harm minimisation as a framework for illicit drug use in Australia. In 1997, it vehemently opposed the inauguration of a supervised injecting facility in Sydney. In 1998, Howard created the Australian National Council on Drugs

¹⁰² Eva Bertram et al., *Drug War Politics: The Price of Denial* (Berkeley: University of California Press, 1996), 173.

¹⁰³ Office of National Drug Control Policy, "*Synthetic Drug Control Strategy - a Focus on Methamphetamine and Prescription Drug Abuse*" Office of National Drug Control Policy. (Washington: Executive Office of the President, 2006), 4.

¹⁰⁴ John Howard, "Federal Election Speech," (speech, Sydney, October 28, 2001).

(ANCD), his key advisory body on drugs.¹⁰⁵ The Council openly supported a prohibitionist approach to drug use. In addition, various media campaigns linking drug use to mental illnesses provided further ammunition for this Government to maintain its prohibitionist position, one far removed from the once dominant harm minimisation national framework for tackling drug issues.¹⁰⁶ This approach continued for most of Howard's terms as Prime Minister of Australia.

The Howard Government demonstrated its support for an American style 'War on Drugs' in Australia. This was evident during various visits to Australia by prominent US prohibitionists, the first of which took place in 1999 when Barry McCaffrey, an American General leading the US 'War on Drugs', was invited to Australia by John Howard. An avid opposer of harm minimisation, McCaffrey labelled the policy a 'mere smokescreen used by legalisers to undermine public distaste for drug use'.¹⁰⁷ Other American, anti-drug campaigners visited Australia soon after, including former FBI director, Judge Louis Freeh. These US prohibitionists perhaps played an influential role in shifting Australia's position on illicit drugs towards a tougher approach.

It was during this time that the government presented its 'law enforcement war' to stop illicit drugs from entering into Australia.¹⁰⁸ Howard personally called this position his 'moral crusade' and stated he wanted to stop drug dealers preying on school children.¹⁰⁹ This approach, although viewed favourably by both the public and media, presented a hard line by a socially conservative government on the illicit drugs issue.¹¹⁰ This position was markedly different to that in NSW, with a less conservative approach enlisted as the best way to approach illicit drugs.

¹⁰⁵ Major Brian Watters of the Salvation Army was chosen to chair the Australian National Council on Drugs (a government advisory body). Major Watters was a major supporter of prohibitionist policies.

¹⁰⁶ Philip Mendes, "Fighting the Drugs War: The Role of Prohibitionist Groups in Australian Illicit Drugs Policy," *Dissent* no. 26 (2008): 57-58.

¹⁰⁷ Philip Mendes, "Social Conservatism Vs Harm Minimisation: John Howard on Illicit Drugs," *Journal of Economic and Social Policy* 6, no. 1 (2001): 10.

¹⁰⁸ *Ibid.*, 6.

¹⁰⁹ John Howard, "Tough on Drugs - Launch of the National Illicit Drug Strategy," (speech, Sydney, November 2, 1997).

¹¹⁰ Lawrence, Bammer, and Chapman, "Sending the Wrong Signal: Analysis of Print Media Reportage of the ACT Heroin Prescription Trial Proposal, August 1997."

The political climate in NSW during the 1990s was marked by major tort reforms, public-private partnerships, a tough on crimes rhetoric, and a tumultuous economic management of the state budget.¹¹¹ Drug law reforms were also evident, and new initiatives that dealt specifically with illicit drugs were introduced. Many of these drug law reform changes, particularly those made under the *Police Act 1990 (NSW)*,¹¹² were initiated by Bob Carr during his three terms as NSW Premier from 1995 to 2005. Such reforms were largely the result of the Wood Royal Commission into the NSW Police Service (1995 to 1997) that revealed extensive police corruption.

The Wood Royal Commission revealed that corrupt police officers controlled the local heroin market and had tightened the distribution and flow of heroin.¹¹³ What followed was significant; although the corrupt conduct ceased, the disruption to the way heroin was controlled locally was replaced by large-scale heroin importation by organised criminal groups. The expansion of these and other similar illegal drug operations resulted in public criticism of the Carr Government for not adequately addressing illicit drug issues in public policies and resources.¹¹⁴

The following year, in 1998, the Carr Government, spurred on by this public criticism, promised that if re-elected as NSW Premier, would implement a 'Drug Summit' to address Australia's drug problem.¹¹⁵ Carr was victorious, and in March 1999 launched a Drug Summit, where a number of important social issues related to illicit drug use, including the treatment of chronic users, particularly those on heroin, and the role of law enforcement were addressed.

Law enforcement, and its role in treatment, was raised as a key issue by leading experts and policymakers at the Summit. One such expert, BOCSAR director Dr Don Weatherburn, claimed that the 'correct balance between treatment and law

¹¹¹ Roza Lozusic, "Public Liability - an Update," Briefing Paper no. 11/02 (Sydney: NSW Parliamentary Library Research Service, 2002), 10-17.

¹¹² One of the most dramatic amendments to the *Police Act 1990 (NSW)* took place in November 1996. This amendment under s 181D (now repealed), allowed then NSW Police Commissioner Peter Ryan to remove NSW Police Officers based on 'loss of the Commissioner's confidence'.

¹¹³ Degenhardt et al., "Evaluating Explanations of the Australian 'Heroin Shortage'," 460.

¹¹⁴ Rafe Champion and Jennifer Gray, "May 1999 NSW Drug Summit," *NSW Public Health Bulletin* 14, no. 3 (2003): 59.

¹¹⁵ *Ibid.*, 59.

enforcement ha[d] not been struck'. Therefore it is important to see drug crime as a problem that requires a treatment 'answer' rather than a law enforcement one.¹¹⁶ This position on drug crime was also shared by other leading experts.¹¹⁷ An overall focus on treatment as the best way to deal with drug users was a step in a different direction to that of the Federal Government. This position, however, shifted once Carr resigned from public office, and in 2005, a tougher approach, similar to that espoused by the Federal Government prevailed as the dominant public policy position in NSW (detailed later in this chapter).

In general, the 1990s was an intense period of punitiveness towards illicit drug issues. This was most apparent in countries such as the US although also locally in Australia. The newly elected Federal Howard Government preferred to emulate a tough on drugs approach similar to that of the US and thus step away from the overarching harm minimisation framework adopted by his Labor predecessors. This however was not the case in NSW, with the former NSW Carr Government opting to address illicit drugs through a harm minimisation framework that espoused treatment rather than punishment.

2.3.6 2000-2009: The Methamphetamine Focus

The 2000 to 2009 period presented national and international governments with a number of illicit drug challenges, principally how to deal with crystal methamphetamine and associated precursors. This new drug, up until the turn of the century, was mostly ignored by governments in Australia, whose foci were on regulating drugs like heroin and cannabis. What differentiated methamphetamine from drugs such as heroin, cocaine and cannabis was its method of production; it could be manufactured entirely by using commercial chemicals and precursors. Drugs such as cannabis are prepared naturally, and although cocaine and heroin require reagents, chemicals extracted from plants are required to process the drugs. Although synthetic stimulants such as amphetamine and methamphetamine were addressed in the *Psychotropic Substances Act 1976* (Cth) (Schedule II of the Act), precursor chemicals used in their manufacture were not. Both the UK and the US had

¹¹⁶ Marie Swain, "The New South Wales Drug Summit: Issues and Outcomes," 15.

¹¹⁷ Marie Swain, "The New South Wales Drug Summit: Issues and Outcomes," 38-39.

implemented regulatory and legislative measures to address precursor chemicals but it was not until the year 2000 that Australia, specifically NSW, addressed the precursor issue and regulated accordingly.

2.3.6.1 International Focus

Following on from Clinton's strategy on illicit drugs, George W Bush (2001-2009) considered that a massive monetary injection into law enforcement would be the best way to win the 'War on Drugs'. Tough law enforcement initiatives, such as paramilitary SWAT raids on Americans accused of minor and non-violent drug offences soon followed and became widespread throughout the US. This created a type of militarisation of America's domestic drug law enforcement and openly presented America's punitive position on illicit drugs. This punitiveness was allowed to flourish within drug policy because the Bush Administration addressed illicit drug issues such as addiction within a criminal rather than a medical model, as the latter was perceived to be inadequate.¹¹⁸ Drug law enforcement was thus granted more power under this criminal model, and tough new laws and regulations soon developed.

The drug war policy of the US Bush Administration shifted focus from cocaine to methamphetamine in the early 2000s. In 2002, the Bush Administration released the National Drug Control Strategy to reduce drug use in America.¹¹⁹ Further, it introduced an International Methamphetamine Strategy, specifically targeting the international market in precursor chemicals. In 2005, a key aspect of the strategy, the *Methamphetamine Epidemic Act ('Combat Meth Act')* was enacted by Congress. The provisions of this legislation enabled a Federal regulatory platform coupled with more aggressive state restrictions.¹²⁰ Notably, these provisions eliminated any potential loophole that could be exploited by methamphetamine traffickers, enhanced the criminal penalties for those involved in the manufacture and distribution of methamphetamine, and placed restrictions on the sale of pseudoephedrine based products. In 2006, the Office of National Drug Control Policy

¹¹⁸ Bertram et al., *Drug War Politics: The Price of Denial*, 163.

¹¹⁹ Office of National Drug Control Policy, "Synthetic Drug Control Strategy - a Focus on Methamphetamine and Prescription Drug Abuse," 4.

¹²⁰ *Ibid.*, 13-17.

issued a 'Synthetic Drug Control Strategy' with a specific focus on methamphetamine and prescription drug abuse. This strategy proposed a 15% reduction in the use of methamphetamines over three years in addition to a 25% reduction in domestic methamphetamine laboratories over the same period.¹²¹

Parallel changes were also taking place in the UK. In 2006, the UK media commenced an incessant campaign to eliminate the burgeoning 'crystal methamphetamine' epidemic that had supposedly infiltrated Great Britain.¹²² Although minimal evidence of methamphetamine use was available to substantiate these media claims, the drug was soon reclassified from a Class B to a Class A on 18 January 2007. This placed methamphetamine in the same category as heroin, LSD, cocaine and 'crack', and viewed as a drug most likely to cause harm.¹²³ This change in classification allowed for a sentence of life imprisonment to be imposed on persons found guilty of the production and supply of methamphetamine, and up to a seven-year custodial sentence for those guilty of possession.¹²⁴

2.3.6.2 National Focus

The Federal Government, prompted by growing concerns over methamphetamine manufacture and precursor availability, formed the National Precursor Working Group on the prevention of the diversion of precursor chemicals into illicit drug manufacture in 2002. The aim of this Group was to provide strong advice to the Commonwealth Government on issues pertaining to the availability of precursors such as pseudoephedrine and their diversion into criminal practice. This group worked on a number of initiatives, and focused on the development of a national regulatory model to prevent the diversion of precursor chemicals and related equipment. It was specifically tasked with the diversion of precursor chemicals from either illegitimate or legitimate sources.¹²⁵ This working group informed the National

¹²¹ Ibid.

¹²² Jason Bennetto and Maxine Frith, "Crystal Meth: Britain's Deadliest Drug Problem."

¹²³ "Drugs and the Law - Penalties for Possession and Dealing," Home Office, accessed January 19, 2012, <http://www.homeoffice.gov.uk/drugs/drug-law/>

¹²⁴ Niamh Eastwood, "Meth Madness," *Drugs and Alcohol Today* 7, no. 3 (2007): 11.

¹²⁵ Attorney-General's Department, "Criminal Justice Division Submission to the Productivity Commission's Study into Chemicals and Plastics Regulation," (Canberra: Attorney-General's Department, 2007).

Strategy to Prevent the Diversion of Precursor Chemicals into Illicit Drug Manufacture (National Precursor Strategy).

At around the same time (2002 to 2003), Federal Government funding of proactive drug law enforcement comprised 63% of the national spending on illicit drugs, equating to a total expenditure of \$1.3 to \$2 billion for this period.¹²⁶ This was a markedly different political response to drug law enforcement in the 1990s where limited funds were devoted to such initiatives.¹²⁷ Drug law enforcement thus emerged as the largest budgetary drug policy component and remained at the forefront of government expenditure on illicit drugs.

These budgetary readjustments were the result of a perceived need to protect Australia's borders and the Australian community. Tough drug law enforcement initiatives were therefore deemed necessary to counteract this 'growing' risk. Reactive law enforcement measures such as raids, crackdowns and police operations in conjunction with proactive approaches such as intelligence-led operations that targeted international drug operations were advanced as the best solution to the methamphetamine issue.

Other measures such as changes to drug laws and the introduction of drug policies were also initiated to address methamphetamine and precursor chemicals. For example, changes to the *Criminal Code Act 1995* (Cth) by way of a new Part 9.1 'Serious Drug Offences' outlined newly created domestic drug possession offences.¹²⁸ The *Law and Justice Legislation Amendment (Serious Drug Offences and Other Measures) Act (SDO Act) 2005* (Cth) introduced offences for the import, export, manufacture or possession of precursors.

In 2007, Project STOP, a centralised pharmacy database system which enables real-time reporting of unusual pseudoephedrine sales was rolled out nationally by the

¹²⁶ Ransley et al., "Reducing the Methamphetamine Problem in Australia: Evaluating Innovative Partnerships between Police, Pharmacies and Other Third Parties," (Canberra, 2011), 5; Timothy J. Moore, "The Size and Mix of Government Spending on Illicit Drug Policy in Australia," *Drug and Alcohol Review* 27 (2008): 409.

¹²⁷ Amy Gibson et al., "Global and Australian Heroin Markets," NDARC Technical Report no. 167 (Sydney: NDARC, 2003).

¹²⁸ Brown et al., *Criminal Laws - Material and Commentary on Criminal Law and Process of New South Wales*, 883.

Howard Government.¹²⁹ This nationally linked database was able to record the sale of pseudoephedrine-based products and allow for the tracking, identification and blocking of 'pseudo runners'. The primary aim was to stop 'pseudo runners' from accumulating enough pseudoephedrine-based products to manufacture methylamphetamines. The system provided law enforcement in all states and territories with separate data on suspicious sales activity, given each jurisdiction was individually responsible for the policing and oversight of the Project.¹³⁰ By March 2009, Project STOP was adopted and implemented by 40% of NSW pharmacies and by February 2010, this had increased to 64%.¹³¹ By 30 June 2011, '79 per cent of pharmacies were registered with Project STOP'.¹³²

The Commonwealth Government also introduced the National Strategy to Prevent the Diversion of Precursor Chemicals into Illicit Drug Manufacture (National Precursor Strategy) in 2007. It committed \$5.4 million to the Strategy that aimed to reduce the supply of precursor chemicals for methamphetamine production.¹³³ The Strategy introduced a number of responsive measures including the national clandestine laboratory database and regulatory restrictions on the sale of pseudoephedrine-based products. Other 2007 initiatives included the Commonwealth inquiry into the manufacture, importation and use of amphetamines and the third wave of the national media campaigns targeting methamphetamine ('ice' and 'speed'). In March 2009, the Australian Government launched the 'meth website' that provided advice for self-managing methamphetamine related issues.

¹²⁹ The national rollout was funded by the Australian Government and implemented by the National Pharmacy Guild of Australia.

¹³⁰ Janet Ransley et al., "Reducing the Methamphetamine Problem in Australia: Evaluating Innovative Partnerships between Police, Pharmacies and Other Third Parties," 18.

¹³¹ Janet Ransley et al., "Reducing the Methamphetamine Problem in Australia: Evaluating Innovative Partnerships between Police, Pharmacies and Other Third Parties," 16. Note that the 2009 figures are derived from the report titled "Evaluation and monitoring of the National Drug Strategy 2004–2009: Final report. Volume 2: Case Studies, Literature Reviews, and Headline Indicators," by Siggins Miller (2009: 25). The 2010 figures were provided by the Pharmacy Guild of Australia, in their Branch Newsletter. These data are unpublished.

¹³² Australian Crime Commission, "*Illicit Drug Data Report 2010-11*," 134.

¹³³ Attorney-General's Department, "National Strategy to Prevent the Diversion of Precursor Chemicals into Illicit Drug Manufacture- National Precursor Strategy," Canberra: Criminal Justice, 2008, 4.

2.3.6.3 NSW Focus

On 2 November 2000, Bob Carr announced in NSW Parliament a proposal to amend the *Drug Misuse and Trafficking Act 1985* (NSW) to prohibit the possession of precursor chemicals used in the manufacture of illicit drugs. He also proposed to increase the penalty for those in possession of such chemicals with intent to manufacture or supply.¹³⁴ On the 29 November 2000, former Parliamentary Secretary Bryce Gaudry introduced the Crimes Legislation Further Amendment Bill in NSW Parliament.¹³⁵ This Bill introduced Schedule 1 to the *Drug Misuse and Trafficking Act 1985* (NSW) that created a new offence for the possession of precursor chemicals to be used in the manufacture of illicit drugs.

This Schedule was inserted into the Act as section 24A and listed ephedrine, amphetamine, methylamphetamine, and pseudoephedrine (not entirely) as prohibited substances.¹³⁶ This legislative change ignited the precursor issue by recognising that certain precursor chemicals can be used in the manufacture of illicit substances, particularly methamphetamine. What followed in this decade was a systematic attempt by the NSW Labor Government to combat the precursor issue and the increase in methamphetamine use and production following the heroin drought of 2000.

Other additional changes were made to existing drug statutes that focused exclusively on precursor chemicals once the former NSW Premier Morris Iemma acquired office. In May 2006, amendments were made to the *Drug Misuse and Trafficking Act 1985* (NSW) banning the supply and display of water and ice pipes (s 11A). In November 2007 changes to the Act banned the possession of certain precursors and apparatus used in the manufacture of methamphetamine. In September 2006 the *Drug Misuse and Trafficking Regulation*, was introduced to tackle the precursor issue. Prohibited precursors were listed in Schedule 1 and 2 of the *Drug Misuse and Trafficking Regulation 2006*. It was a separate Schedule to that

¹³⁴ Bob Carr, NSW Parliamentary Debate, Legislative Assembly, 2 November 2000, 9669.

¹³⁵ This Bill amends the *Drug Misuse and Trafficking Act 1985*, the *Criminal Procedures Act 1986*, the *Poisons and Therapeutic Goods Regulation 1994* and the *Crimes (Forensic Procedures Act) 2000*.

¹³⁶ Bryce Gaudry, NSW Parliamentary Debate, Legislative Assembly, 29 November 2000, 11166.

of the *Drug Misuse and Trafficking Act 1985* (NSW). Section 24A, clause 10 listed ephedrine, hydriodic acid¹³⁷ and pseudoephedrine as prohibited precursors.¹³⁸ Schedule 4, section 24B, effective since 2007, outlined the related precursor quantity; phosphorus (red or white) as 0.1kg and phosphorus acid (also known as phosphonic acid) as 0.25L.

In addition to these regulatory restrictions placed on precursor chemicals, the NSW Government addressed the methamphetamine issue in December 2006 at the 'National Leadership Forum on Ice' to discuss the 'urgent need for a comprehensive and coordinated response to combat ice'.¹³⁹ It was apparent that methamphetamine had transformed into an issue of political importance. This period brought about a new national and international focus on crystal methamphetamine, particularly its importation, production and manufacture. A number of restrictive policy and legal measures were implemented by governments to address what appeared to be a burgeoning drug problem. Many of these public policy and legislative measures and the role of media in their formulation are further examined in chapter nine. These changes were broad and not only captured those engaged in the methamphetamine trade, but also those who were in possession of the drug. This had major consequences for the drug user who could be mistakenly considered a manufacturer or producer of methamphetamine.

2.4 Conclusion

This chapter has provided an overview of methamphetamine use and a history of regulation; Section I presented a definition of the drug and focused on issues related to its chemical construction, production, distribution, use and impact on public health. Section II provided a historical overview of drug policy and legislation in Australia. As the UK and US were influential in various periods of Australia's drug

¹³⁷ Note that Hydriodic acid is used to manufacture speed in conjunction with red phosphorus and pseudo/ephedrine.

¹³⁸ Note that all but one apparatus (hydrogen sulphide gas cylinder) stipulated in Schedule 3, section 24A and clause 11A of the *Drug Misuse and Trafficking Regulation 2006* can be used in the manufacture of amphetamines and methyl/amphetamines.

¹³⁹ "National Leadership Forum on Ice Communique - 14 December 2006," NSW Government, accessed April 1, 2008, http://www.druginfo.nsw.gov.au/national_leadership_forum_on_ice

policy and law history, key aspects of their policy and legislative approaches were explored.

Methamphetamine, and precursors used in its manufacture, only became a serious political issue in Australia in the twenty-first century. This was, at least in part, the result of the 'heroin drought' of late 2000. This drought was a turning point in Australia's drug history as it led to the emergence of methamphetamine as the new drug of choice for intravenous drug users. This presented legislators and policymakers with a new 'drug problem'.

Ultimately a legislative approach to address the possession, production and distribution of methamphetamine was adopted by the NSW and Commonwealth Governments. These policies and legislative changes prompt us to question the driving forces behind them. The following chapter provides an overview of several theoretical and conceptual ideas that help us understand the nexus between media reporting on methamphetamine and policy and law.

3 Framing Risk and Punitiveness: A Review of the Literature

3.1 Introduction

This chapter outlines the theoretical and conceptual framework of this thesis. It provides an overview of literature that helps demonstrate how social phenomena, such as media, can inform government strategies. The aim of the chapter is to introduce select bodies of work that shape the way we imagine and understand risks in our society, particularly the risk of illegal drugs like methamphetamine. This literature guides the analysis throughout the thesis.

The relationship between crime, media and law enforcement is examined first. Media have the capacity to shape public consciousness about crime and those who police it. They typically report on law enforcement issues in a positive way, highlighting successful events and praising police for disrupting crime. Such media reportage can be understood to reflect the relationships that connect media to their sources, pointing to the complexities and interchangeable nature of the relationship between law enforcement and media.¹

The chapter then considers the concept of risk. A broad overview of social risk forms the initial component of this section. This is followed by an examination of the main theoretical approaches to risk that are relevant to this thesis. These include: the risk society perspective as posited by Beck and Giddens, with an emphasis on the politicisation of risk; the cultural/symbolic perspective of risk as explored by Douglas; and risk from a governmentality position, by drawing on select works inspired by Foucault. These perspectives form the primary risk framework of this thesis.

A discussion of Garland's 'criminology of the other' and Cohen's folk devil follow. Garland and Cohen's work each focus on the ways deviance is demonised. The 'criminology of the other' interrogates the demonisation of persons constructed as problematic and who must therefore be excluded from society and policed accordingly. Cohen's folk devil is the product of deviancy and one of the key

¹ Vincent F. Sacco, "Media Constructions of Crime," *The Annals of the American Academy of Political and Social Science* 539, May (1995): 141.

components of moral panic; an individual, behaviour, condition or episode that accentuates society's fears and anxieties about the 'other' by invoking moralistic sentiments around certain social transgressions. I argue that although the traditional folk devil offers a way to imagine a moral threat in society, it is a somewhat limited concept that should be re-conceptualised as an entity or an object rather than simply a type of person.

The concept of punitiveness is also explored in this chapter. Drawing on aspects of Garland and Pratt's work, I show how punitiveness has become an evident fixture of the criminal justice systems' response to problematic issues. Garland's work demonstrates how the voices of crime policy experts have been steadily cast aside and replaced by those of the public. This shift marks what some refer to as a 'punitive turn', an environment that has encouraged tougher sentences and increased penalties.² Similarly, Pratt claims that this punitiveness is the product of a shift towards a neo-liberal political programme that seeks to appease an anxious and demanding public.³ I explore these conceptual contributions as they allow us to understand how law enforcement police aspects of methamphetamine, and how policymakers manage and govern risks attributed to methamphetamine.

The last section of the chapter explores the idea of neo-paternalism, a notion that helps expose how government appears justified in intervening in the lives of its citizens through measures that reshape their behaviour. Firstly, I outline the traditional ideas of paternalism, where governments deployed authoritative policy directives to manage the population. This is followed by a discussion of neo-paternalism, a coercive approach that identifies risk or those considered to be 'at risk' and must therefore be managed through certain measures.⁴ To conclude, I bring these ideas together to provide a guiding conceptual and theoretical framework for this thesis.

² David Garland, *The Culture of Control: Crime and Social Order in Contemporary Society* (Oxford: Oxford University Press, 2001), 142.

³ John Pratt, *Punishment and Civilization* (London: Sage Publications, 2002), 182.

⁴ Mark A. R. Kleiman, "Coerced Abstinence: A Neo-Paternalistic Drug Policy Initiative," in *The New Paternalism: Supervisory Approaches to Poverty* ed. Lawrence M. Mead (Washington, D.C.: Brookings Institution Press, 1997), 197.

3.2 Crime, Law Enforcement and the Media

Media play an important role in shaping how crime is defined publicly and perceived in society.⁵ They have the capacity to shape public consciousness about crime and those who police it. They achieve this by creating what Jewkes refers to as a 'cultural climate' that presents particular criminal behaviour 'more frequently, and with 'greater intensity, than others'.⁶ Generally, media report on issues and events they consider newsworthy. This is supported by research that dictates how certain criteria make an event of news value.⁷ Law and order issues for example, are considered of 'new value' as they involve aspects of drama, action, violence and immediacy.⁸ Violence in particular holds a special status in crime-based news as it allows other associated crimes to become more visible.⁹ Law and order events such as drug raids usually involve elements of violence, drama and action, so are typically considered by media to be of news value. Likewise, police themselves also consider them newsworthy, given they routinely film these raids and distribute the footage to news broadcasters and also upload them on social media in order to publicise the event.¹⁰

Drug law enforcement issues have dominated the pages of several state and national newspapers in Australia over the last two decades.¹¹ Typically, these newspapers feature stories on drug law enforcement events taking place at the border, or other domestic task force operations such as drug busts and drug raids.¹² They are reported in newspapers as effective, presented as important steps in the 'fight' against illicit drugs, and so considered a 'successful and effective enterprise'.¹³ These events,

⁵ Rob White and Santina Perrone, *Crime, Criminality and Criminal Justice* (Melbourne: Oxford University Press, 2010), 33.

⁶ Yvonne Jewkes, *Media and Crime* 2nd ed. (London: Sage, 2011), 177.

⁷ Jewkes, *Media and Crime* 2nd ed. (London: Sage, 2011); Steve Chibnall, *Law and Order News - an Analysis of Crime Reporting in the British Press*, (London: Tavistock Publications Limited, 1977).

⁸ Chris Greer, "News Media, Victims and Crime," in *Victims, Crime and Society* ed. Pamela Davies, Peter Francis, and Chris Greer (London: Sage Publications, 2007), 26.

⁹ *Ibid.*, 26.

¹⁰ Murray Lee and Alyce McGovern, *Policing and Media: Public Relations, Simulations and Communications* (New York: Routledge, 2014), 122.

¹¹ Teece and Makkai, "Print Media Reporting on Drugs and Crime, 1995-1998."

¹² Caitlin Hughes et al., "Drugs in the Australian News Media: Trends and Impacts on Youth Attitudes to Illicit Drug Use," *DPMP Bulletin* No. 20, Sydney, National Drug and Alcohol Research Centre, 2010.

¹³ Vincent F. Sacco and B. James Fair, "Images of Legal Control: Crime News and the Process of Organizational Legitimation," *Canadian Journal of Communication* 3, no. 3-4 (1988).

however, are only reported by media as successful if they contain information on arrests.¹⁴ This inflates the public's perception of law enforcement as a consistently productive and effective tool to combat all sorts of crime.¹⁵

As crime is typically reported by media as a growing problem, the police appear to be the only way to stop the tide of lawlessness. Police and other crime fighters are represented as heroes who use various forms of legitimate violence to stop those who engage in criminality. They are depicted as upholders of the law who risk their lives to fight crime and arrest criminals. Chibnall describes police, the most familiar face of law enforcement, as 'symbolic defenders of consensual values and institutions', whose attributes include 'righteousness, moderation, peacefulness, honesty, rationality, humanity'.¹⁶ This positive image of police regularly appears in media texts where they are praised for their efforts in thwarting crime and for doing so in a professional and honest manner. Notably, police are presented as protectors of the community, an image that resonates particularly well with the general public who claim they need protection. Such a 'protective view of police' and their practices serve to influence how the public perceives the effectiveness and appropriateness of law enforcement.¹⁷

3.3 The Relationship: Media and Law Enforcement

The extent to which police and other law enforcement agencies navigate media content has been heavily debated. Hall et al. suggest that media act as secondary definers, those persons or groups who obtain official and authoritative sources from primary definers, such as the police.¹⁸ The media, in their role as secondary definers, supply primary definers with 'public opinion', which in reality is simply 'media reaction'. This 'public opinion' creates an over-representation of, and justification for, a public reaction to a threat. This 'shaping of public consciousness',¹⁹ as noted by Hall

¹⁴ Ibid.

¹⁵ Howitt, *Crime, Media and the Law*, 38.

¹⁶ Chibnall, *Law and Order News - an Analysis of Crime Reporting in the British Press*, 143.

¹⁷ White and Perrone, *Crime, Criminality and Criminal Justice*, 34.

¹⁸ Primary definers are described as 'those individuals or groups with established authority or expertise who have the power to define the terms of the debate about a social problems,' Critcher, *Moral Panics and the Media*, 182.

¹⁹ Stuart Hall et al., *Policing the Crisis - Mugging, the State, and Law and Order* (London: The Macmillan Press Ltd, 1978), 220.

et al., demonstrates both the power of media, and its symbiotic relationship with primary definers (police).

Chibnall claims that agencies of social control, like police, attempt to 'protect the public reputation and image' of officers and their respective agency by steering media content towards a more favourable representation.²⁰ This is largely achieved by 'picking and choosing' content before it is passed on to groups such as print media.²¹ Such images, according to Lee and McGovern are first regulated through police media units, who mediate all content before its distribution to media groups.²² It is important to police to maintain a positive public image; however, on the one hand, this may prove difficult at times, given that media may not always comply with such police expectations (e.g. reporting of the Mark Standen case).²³

On the other hand, media groups rely on police for information to create and then legitimise their news stories.²⁴ Such stories, according to Marsh and Melville, detail the manner in which police deal with offenders and form a 'significant part of the mass media content' that can extend from a factual context to one of pure entertainment.²⁵ This content is largely obtained via police contacts and sources and is valuable to journalists as it informs and shapes their crime news stories. These stories are typically of significant interest to the general public who have a growing fascination with criminals and criminality and a penchant for more violent imagery. Perhaps Katz's claim that 'crime news focuses on criminals much more than on victims' adequately denotes how media present stories that spark reader interest

²⁰ Chibnall, *Law and Order News - an Analysis of Crime Reporting in the British Press*, 173.

²¹ Rob C. Mawby, "Completing the 'Half-Formed Picture'? Media Images of Policing," in *Criminal Visions: Media Representations of Crime and Justice* ed. Paul Mason (Cullompton: Willan Publishing, 2003).

²² Murray Lee and Alyce McGovern, *Policing and Media: Public Relations, Simulations and Communications* (New York: Routledge, 2014), 27.

²³ Frank Leishman and Paul Mason, *Policing and the Media: Facts, Fictions and Factions* (Cullompton: Willan Publishing, 2003).

²⁴ Ian Marsh and Gaynor Melville, *Crime, Justice and the Media* (New York: Routledge, 2009), 130.

²⁵ *Ibid.*, 130.

(e.g. drug busts, criminal arrests) rather than those that do not (e.g. revictimisation by the criminal justice system).²⁶

However, we cannot ignore that in addition to the production of positive images of law enforcement, police will often release reports on police misconduct or wrongdoing, such as when an officer is arrested for offences such as drink driving. Lee and McGovern emphasise the difficult balancing act maintained by police; on one side it is important to uphold a positive image, while on the other side, it is equally important to display a level of 'openness' and preserve their reputation.²⁷ Securing and then maintaining public confidence and trust in the police force, alongside transparency, are therefore considered by police to be of paramount importance.²⁸

Importantly, favourable media reporting of drug law enforcement and events however raises a number of issues concerning the objectivity of claims made in newspapers. Previous evidence showed how law enforcement officials have been a major source of information for media, while simultaneously law and order events represent a large portion of the daily news.²⁹ This suggests a media dependency on law enforcement to supply both event details and expert commentary in order to 'authenticate' their many crime news stories. However, it can also be an opportunity for law enforcement to use media as a tool to disseminate positive images of police. These positive images are specially crafted by police public affairs branches to improve public confidence of police and policing practices.³⁰ This symbiotic relationship raises questions about the media's ability to provide value-free reporting of law enforcement and law and order events.³¹ It also lends support to the

²⁶ Jack Katz, *Seductions of Crime: Moral and Sensual Attractions in Doing Evil* (New York: BasicBooks, 1988), 70.

²⁷ Murray Lee and Alyce McGovern, *Policing and Media: Public Relations, Simulations and Communications* (New York: Routledge, 2014), 55-57.

²⁸ Yvonne Jewkes, *Media and Crime* 2nd ed. (London: Sage, 2011), 165.

²⁹ Teece and Makkai, "Print Media Reporting on Drugs and Crime, 1995-1998," 3; Chibnall, *Law and Order News - an Analysis of Crime Reporting in the British Press*, 146.

³⁰ Lee and McGovern, *Policing and Media: Public Relations, Simulations and Communications*, 118.

³¹ Chibnall, *Law and Order News - an Analysis of Crime Reporting in the British Press*, 146.

argument that 'media representations vastly exaggerate the success of the police ... in combating crime'.³²

3.4 Risk: An Introduction

Risk is a globalised phenomenon that has eclipsed terms like danger and threat.³³ It is commonly associated with negative or undesirable outcomes.³⁴ Gradually weaving its way through history, replacing fate and helplessness with choice and decision, risk is primarily about seeing the future through the present. It has the capacity to influence aspects of sociological, criminological and legal theory as aptly demonstrated in the works of Beck, Giddens, Rose, Douglas and Foucault.

Risk has unequivocally become part of our everyday lives. As consumers, we choose from an array of products such as insurance, funeral plans and superannuation to mitigate the effects of risk. As a result, responsibility has been shifted to individuals to manage such risks without questioning whether they are equipped to understand the nature of their different complexities. The responsibilised individual, such as the one depicted by Jeremy Bentham's or Adam Smith's *homo economicus*,³⁵ must therefore determine 'what is a risk' and 'what is risky'. This disguises an implicit type of 'knowingness' commonly attributed to groups like media, who can provide the requisite information about risk.

Risk has also played a pinnacle role in social and criminological theory. Ontologically, mostly through the work of Ulrich Beck and institutionally, through the work of Foucault, risk has embedded itself in the agenda of the social.³⁶ The work of Mary Douglas, notably her book *Risk and Blame*, identifies a gap in the social theorising of risk which she addresses through her cultural/symbolic perspective, particularly

³² Robert Reiner, Sonia Livingstone, and Jessica Allen, "Casino Culture: Media, and Crime in a Winner-Loser Society," in *Crime, Risk and Justice: The Politics of Crime Control in Liberal Democracies* ed. Kevin Stenson and Robert R. Sullivan (Oregon: Willan Publishing, 2001), 179.

³³ Mary Douglas, *Risk and Blame: Essays in Cultural Theory* (London: Routledge, 1992); Nikolas Rose, "Governing Risk Individuals: The Role of Psychiatry in New Regimes of Control," *Psychiatry, Psychology and Law* 5 (1998): 178-80.

³⁴ Douglas, *Risk and Blame: Essays in Cultural Theory*.

³⁵ Adam Smith, and Andrew Skinner, *The Wealth of Nations* (London: Penguin Books, 1999).

³⁶ Kelly Hannah-Moffat and Pat O'Malley, "Gendered Risks an Introduction," in *Gendered Risks* ed. Kelly Hannah-Moffat and Pat O'Malley (New York: Routledge-Cavendish, 2007), 166.

though her classic book *Purity and Danger*, a poignant work that explores the notion of taboo, stigma and purity in a social context.

3.5 The Risk Society

3.5.1 Beck and the Risk Society

Beck's 1992 seminal work '*Risk Society - Towards a New Modernity*' provides a macro level theory of risk that comprises three major themes; the risk society thesis, reflexive modernisation and individualisation. At the foundation of this society is uncertainty and unpredictability. Risks, according to Beck,

induce systematic and often *irreversible* harm, generally remain *invisible*, are based on *causal interpretations*, and thus initially exist only in terms of the (scientific or anti-scientific) *knowledge* about them. They can thus be changed, magnified, dramatized or minimized within knowledge, and to that extent they are particularly *open to social definition and construction* (original emphasis).³⁷

This definition, and his work on risk more broadly, has been met with staunch criticism from other theorists. In response, Beck has more recently provided a new way to define risk, as a 'peculiar, intermediate state between security and destruction, where the *perception* (original emphasis) of threatening risks determines thought and action'.³⁸ Here he questions whether actual risks have intensified or merely the perception of these risks, yet claims that this distinction (between real and perception) is irrelevant given they typically yield the same response.³⁹ He considers risks as 'a systematic way of dealing with hazards and insecurities induced and introduced by modernization itself'.⁴⁰

Beck advances the idea that 'new risks' are a consequence of an increasing risk awareness that may appear to be unmanageable and/or ungovernable.⁴¹ These new risks have the capacity to 'transform from an individual to a collective level' and

³⁷ Ulrich Beck, *Risk Society: Towards a New Modernity* (London: Sage, 1992), 22-23.

³⁸ Ulrich Beck, "Risk Society Revisited: Theory, Politics and Research Programmes," in *The Risk Society and Beyond: Critical Issues for Social Theory* ed. Barbara Adam, Ulrich Beck, and Joost Van Loon (London: Sage, 2000), 213.

³⁹ Beck, *Risk Society: Towards a New Modernity*, 55.

⁴⁰ *Ibid.*, 21.

⁴¹ Ulrich Beck, "Word Risk Society and Manufactured Uncertainties," *IRIS- European Journal of Philosophy and Public Debate* 1, no. 2 (2009).

develop as part of a new risk society.⁴² He asserts that the proliferation of these 'risks' is a result of the risk society, a concept he commonly refers to as the 'media information society'. Media, who hold a privileged place in this society, inform the social agenda by way of their role as a space where risk, its definition, its consequences and its criticisms are debated.⁴³ Through this process, media socially define risks by making them visible to the public. In this way, Beck affords the mass media a privileged role in the social construction of risk.⁴⁴

A key component of this risk society is the politicisation of risk, that is, when risk becomes a matter of politics. Beck dictates how this politicisation first emerges in the form of a struggle between those who define the risks (the experts), and those who experience them (the public). Sceptical of science, as it has produced many global risks, the public views scientific knowledge as deficient and contradictory, and therefore incapable of solving the problems it creates. This fosters a society of ambivalence and insecurity where expertise is undermined and risk becomes highly politicised.⁴⁵ This process invariably allows risk to transform into something that requires political intervention.

3.5.2 Giddens, Risk and the Risk Society

Giddens has contributed widely to the social theorising of risk and the risk society, a society he claims 'no one completely understands and which generates a diversity of possible futures'.⁴⁶ To live in this risk society, is to adopt an attitudinal precision to the diverse possibilities of action that continually confront individuals and the global society.⁴⁷ This society comprises dangers and hazards that have been

⁴² Claus Moldrup and Janine Mary Morgall, "Risk Society - Reconsidered in a Drug Context," *Health, Risk and Society* 3, no. 1 (2001): 71.

⁴³ Beck, *Risk Society: Towards a New Modernity*, 196; *ibid.*, 22-23; Ulrich Beck, *Ecological Politics in an Age of Risk* (Cambridge: Polity Press, 1995), 101.

⁴⁴ Simon Cottle, "Ulrich Beck, 'Risk Society' and the Media - a Catastrophic View?" *European Journal of Communication* 13, no. 1 (1998): 8; Scott Lash, "Risk Culture," in *The Risk Society and Beyond: Critical Issues for Social Theory* ed. Barbara Adam, Ulrich Beck, and Joost Van Loon (London: Sage Publications Ltd, 2000).

⁴⁵ Pat O'Malley, "Uncertain Subjects: Risk, Liberalism and Contract," *Economy and Society* 29, no. 4 (2000): 461.

⁴⁶ Anthony Giddens, "Risk and Responsibility," *The Modern Law Review* 62, no. 1 (1999): 3.

⁴⁷ Anthony Giddens, *Modernity and Self-Identity* (Cambridge: Polity Press, 1991), 28.

reconceptualised as risks. It is these risks, Giddens notes that are generated by a 'society increasingly preoccupied with the future'.⁴⁸

Giddens identifies two main yet distinct risks, the 'external' and the 'manufactured'. External risks such as floods are largely predictable and calculable, and may unexpectedly affect individuals. Alternatively, manufactured risks, such as Chernobyl, are a result of human activity. They are embodied by the new risk environments, the unknown milieu of the incalculable. These risks are unforeseeable,⁴⁹ enveloped in an uncertainty that cannot be easily resolved.⁵⁰ Manufactured risks are the evident limitations of the industrial society and the foundation of the risk society, a society Giddens claims invites a 'new moral climate of politics'.⁵¹ Later modernity has engendered a greater magnitude of these risks.

Risk according to Giddens is typically mobilised through two stages. The first stage allows us to view risk as an 'essential calculus'; it promotes certainty and precision where risk can be monitored and controlled and its components calculated.⁵² The second stage allows us to develop 'plausible scenarios' to address risk because we are unable to precisely calculate it. As a result, these two stages create a high level of uncertainty and ambivalence about the future.

The role of experts also features prominently in Giddens's work on reflexivity, a term that implies a 'response to conditions that arouse fear or anxiety', and one he uses to critique expertise.⁵³ He notes that this reflexivity, the result of misgivings as to the role and importance of religion and tradition, has paved the way for a new type of thinking to emerge, one that is guided by experts and their specific knowledge. Consequently, this shift from a reliance on and trust in tradition has generated a higher level of uncertainty, and created cynicism amongst the population regarding 'new claims' (those made by experts) to progress.

⁴⁸ Anthony Giddens, "Risk Society: The Context of British Politics," in *The Politics of Risk Society* ed. Jane Franklin (Cambridge: Polity Press, 1998), 27.

⁴⁹ These risks are not foreseeable by science and technology.

⁵⁰ Giddens, "Risk and Responsibility," 4.

⁵¹ *Ibid.*, 5.

⁵² Anthony Giddens, "Living in a Post-Traditional Society," in *Reflexive Modernization: Politics, Tradition, and Aesthetics in the Modern Social Order* ed. Ulrich Beck, Anthony Giddens, and Scott Lash (Cambridge: Polity Press, 1994), 58.

⁵³ Lupton, *Risk*, 23.

Politics also plays an important role in this new era of risk. Giddens claims that a 'new moral climate of politics', ushered by the advent of the risk society, has transformed the nature of political decision making. He notes that this activity is now about managing those risks that 'do not originate in the political sphere yet have to be politically managed'.⁵⁴ These manufactured risks are the evident limitations of the risk society. Different political strategies are thus required to pursue these new and expanding risks in our community.

Overall, Beck and Giddens recognise different forms of reflexivity as a key response to the notion of uncertainty. This uncertainty plays a crucial part in the politicisation of risk, an important aspect of their work that recognises that certain 'manufactured' risks transform into issues of political importance. Their contribution to the field recognises how risk is generated and dealt with at a macro-structural level of society, the subsequent political implications and any potential social conflicts that may arise. Their work can offer this thesis a way to envisage manufactured (new) risks that have emerged in our society.

3.6 Foucault and Risk: The Governmentality Approach

Governmentality is the study of the government of others and the government of one's self, emphasising the present and encouraging an unrestricted 'positive account of practices of governance in specific fields'.⁵⁵ It is inclined to observe 'the present as contingent and the future therefore as open and malleable'.⁵⁶ According to Garland, governmentality is not a totalising theoretical premise but rather one that interrogates current practices, and reveals the way in which these practices exercise power, something that is dependent upon 'specific ways of thinking (rationalities) and specific ways of acting (technologies) as well as upon specific ways of 'subjectifying' individuals and governing populations'.⁵⁷

⁵⁴ Giddens, "Risk and Responsibility," 5.

⁵⁵ Technologies of the self are referred to by Foucault as governmentality. Refer to Michel Foucault, "Technologies of the Self" in *Technologies of the Self: A Seminar with Michel Foucault* ed. Luther H. Martin, Huck Gutman, and Patricia H. Hutton (Massachusetts: University of Massachusetts Press, 1988), 19; David Garland, "'Governmentality' and the Problem of Crime: Foucault, Criminology, Sociology," *Theoretical Criminology* 1, no. 2 (1997): 174.

⁵⁶ Pat O'Malley, *Crime and Risk* (London: Sage Publications Ltd, 2010), 13.

⁵⁷ Garland, "'Governmentality' and the Problem of Crime: Foucault, Criminology, Sociology," 174.

According to Foucault, governmentality offers a way to understand the exercise of political power. This power, described as biopower, is connected up to the operations of the state and extends beyond its boundaries.⁵⁸ It involves very diverse forms of government that use data and/or knowledge to make policy that controls the population.⁵⁹ The purpose of biopower is twofold; first, to develop useful capacities within individuals (the disciplined bodies), and secondly, to regulate the population through processes such as risk management.

Such power is not to be viewed in the conventional sense, i.e. economically as a commodity or as a negative force. Rather, it is available in the form of procedures, tactics, strategies and techniques capable of directing conduct on a particular course. Because of the ubiquitous nature of this power, its techniques and their effects are described by way of examining how power is exercised in local, regional and material practices rather than a monopolised focus on the state.⁶⁰ Rose dictates how power techniques of government may impact of an individuals' freedom in order to shape conduct in a positive way. This is achieved by encouraging a type of successful self-governance at an individual, group and community level.⁶¹

Although Foucault offers discussion on governmentality and its relationship to power, there is little in the way of risk and what role it plays in this nexus, given its significance in contemporary society. It is however explored in subsequent works on governmentality, briefly by Donzelot, though in more detail by Ewald, Defert and Castel. These three authors discuss risk and its relationship with government. Risks, they claim, are a technology of government. They are not inherently real, rather ways in which problematic issues can be perceived, understood and addressed.⁶² The

⁵⁸ Michel Foucault, *History of Sexuality, Volume One* (London: Penguin, 1978), Chapter 2.

⁵⁹ Mitchell Dean, "Risk, Calculable and Incalculable," in *Risk and Sociocultural Theory: New Directions and Perspectives* ed. Deborah Lupton (Cambridge: Cambridge University, 1999).

⁶⁰ Barry Smart, *Michel Foucault* ed. Peter Hamilton, revised ed., Key Sociologists Series (London: Routledge, 2002), 78.

⁶¹ Nikolas Rose, *Powers of Freedom: Reframing Political Thought* (Cambridge: Cambridge University Press, 1999).

⁶² See Francois Ewald, "Insurance and Risks," in *The Foucault Effect: Studies in Governmentality* ed. Graham Burchell, Colin Gordon, and Peter Miller (London: Harvester/Wheatsheaf, 1991); Robert Castel, "From Dangerousness to Risk," in *The Foucault Effect: Studies in Governmentality* ed. Graham Burchell, Colin Gordon, and Peter Miller (Chicago: The University of Chicago Press,

governmentality framework can therefore be considered one of the most effective in understanding risk minimisation. Its approach to risk is specific and individualised when compared to Beck's vision of the totalised risk society.

From a Foucaultian perspective, risk is a 'moral technology' that is used to govern social problems within moralistic parameters.⁶³ It takes the form of a construct, made visible through strategies, discourses, institutions and practices, which are then used by government as ways to manage individuals and populations.⁶⁴ This results in a shift in the role of government from the 'welfare state' to the overseer of risk management that allows risk to be problematised, calculated and made governable.

These risks, considered either 'high risk' or 'at risk', enable governments to regulate and exert control over a population by one, *forcing* 'free choice making' individuals to take responsibility for their actions, and two, requiring that these risks meet some sort of intervention. A governmentality approach to risk can provide a conceptual tool to investigate how particular discourses produce certain policy outcomes. It can also investigate and expose the rationality and strategies of government through which governable subjects are managed and responsabilised.

3.7 Cultural Theory of Risk

3.7.1 Mary Douglas and Cultural Risk

Douglas has examined risk from an anthropological and socio-cultural perspective initially with Wildavsky in '*Risk and Culture*' and then independently in '*Risk and Blame*'.⁶⁵ Building on her earlier work on purity and danger, Douglas provides tools to develop the idea of risk and culture.⁶⁶ A cultural understanding of risk, Douglas notes, tells us that the world is constantly moralised and politicised, and as a result,

1991) ; Daniel Defert, "'Popular Life' and Insurance Technology," in *The Foucault Effect: Studies in Governmentality* ed. Graham Burchell, Colin Gordon, and Peter Miller (London: Harvester/Wheatsheaf, 1991).

⁶³ Ewald, "Insurance and Risks," 207.

⁶⁴ Dean, "Risk, Calculable and Incalculable," 131.

⁶⁵ Douglas, *Risk and Blame: Essays in Cultural Theory*; Mary Douglas and Aaron Wildavsky, *Risk and Culture - an Essay on the Selection of Technical and Environmental Dangers* (California: University of California Press, 1982).

⁶⁶ This is in reference to *Purity and Danger* (1966). It is a book that explores the working of taboos in culture. Douglas's analysis explicitly focused on the ideas and rituals pertaining to pollution and cleanliness within a broad spectrum of society.

particular social practices are expressed in moral terms (i.e. either right or wrong). These moral discourses invoke stereotypes of groups, persons or practices considered to be types or forms of pollution.⁶⁷ The identification of the wrongdoer or wrong behaviour then provides 'legitimations for intervention'.⁶⁸

Contrary to Beck's notion that the risk society has produced a proliferation of risks, Douglas and Wildavsky suggest that an increase in the perception of risks rather than the risks themselves is the case. These risks are typically constructed by social actors like media who present a social reality that corresponds with their claim that risks are increasing in the community.⁶⁹ Risks are thus part of a selection process, where some are ignored while others invoke high anxiety, fear or anger.⁷⁰

Although the concept of risk itself is hypothetical or metaphorical; 'it is not a thing, it is a way of thinking, and a highly artificial contrivance at that',⁷¹ it has come to signify danger, emerging as a key concept because of its use as a forensic resource.⁷² This is because risk has shifted from its traditional mathematical and probability application to a cultural word with references to a much broader context including accountability.⁷³ Risks are now always a question of purity and danger, of some sort of ritual pollution.⁷⁴ Douglas signifies that although risk is socially constructed, it responds to a 'real danger' that exists in society. She examines risk by comparing it to the idea of sin. Here she identifies a clear distinction between being 'at risk' to being 'in sin'. While being 'in sin' signifies being the cause of harm, 'at risk' nominates the person as a victim who is vulnerable to events that are caused by others. This victim,

⁶⁷ Lupton, *Risk*, 67.

⁶⁸ Alan Hunt, "Risk and Moralization in Everyday Life," in *Risk and Morality* ed. Richard V. Ericson, and Aaron Doyle (Toronto: University of Toronto Press, 2003), 171-83.

⁶⁹ Social actors include the media and experts.

⁷⁰ Mary Douglas and Aaron Wildavsky, "How Can we Know The Risks we Face? Why Risk Selection is a Social Process," *Risk Analysis* 2, 2 (1982), 49.

⁷¹ Douglas, *Risk and Blame: Essays in Cultural Theory*, 46.

⁷² *Ibid.*, 24.

⁷³ Richard Sparks, "Perspectives on Risk and Penal Politics," in *Crime, Risk and Insecurity: Law and Order in Everyday Life and Political Discourse* ed. Tim Hope and Richard Sparks (New York: Routledge, 2000), 137.

⁷⁴ Lash, "Risk Culture."

according to Douglas, is equivalent to 'being sinned against'.⁷⁵ Although blame may still be apportioned to those persons deemed 'at risk', this is considered by Douglas as a mere diversionary strategy that 'facilitates social control'.⁷⁶

3.7.2 Purity and Danger

The idea that certain substances are 'unacceptable' is explored by Douglas in her 1966 classic piece, '*Purity and Danger, an analysis of concept of pollution and taboo*', where she argues that rules demarcate good from bad, edible from inedible and so on. These rules form a social collectiveness (akin to Durkheim's organic solidarity) that identifies behaviour that is acceptable and unacceptable. Objects linked to the unacceptable behaviour are considered taboo. This classification process sets to create social boundaries that prohibit and exclude certain behaviours in order to maintain some form of social order.

The consumption of dangerous drugs is regarded by authors like Douglas as both unacceptable behaviour and a defilement of the body and mind.⁷⁷ Although objects like a syringe are not themselves dirty, it is the 'polluting behaviour' attributed to the object that condemns it. For example, a syringe can be used to administer life-saving medication to a person in need yet it can also be used to inject dangerous and illicit drugs like heroin and methamphetamine into the body. This latter use of the syringe, according to Douglas, is 'out of place' and an example of symbolic boundary violation.⁷⁸ It is this behaviour that stirs anxieties and fears in society about dangers that invoke high levels of control and policing.⁷⁹ Such 'symbolic power of drug imagery' is well demonstrated in media commentary where drugs like heroin and methamphetamine are not only presented as taboo but a major risk to society.⁸⁰

⁷⁵ Douglas, *Risk and Blame: Essays in Cultural Theory*, 28.

⁷⁶ Mary Douglas, *Risk Acceptability According to the Social Sciences* (New York: Russell Sage Foundation, 1985), 59.

⁷⁷ Mary Douglas, *Purity and Danger: An Analysis of Concept of Pollution and Taboo* (London: Routledge and Keegan Paul, 1966), 45-7.

⁷⁸ *Ibid.*, 45-7.

⁷⁹ Lupton, *Risk*, 59.

⁸⁰ Paul Manning, "An Introduction into the Theoretical Approaches and Research Traditions," in *Drugs and Popular Culture: Drugs, Media, Identity in Contemporary Society* ed. Paul Manning (Devon: Willan Publishing, 2007), 12.

The core assumption of Douglas's cultural approach is that an individual's perception and response to risk cannot be understood through individual cognition. Rather it can only be understood 'against the background of their embeddedness in a sociocultural background and identity as a member of a social group'.⁸¹ Thus membership of a culturally aligned social group is integral in the construction and subsequent meaning of risk.⁸² The central idea in cultural theory derives from Douglas's grid/group model; an attempt to differentiate particular modes of organisation and their response to risk.⁸³

A cultural theory of risk perception allows us to understand why there is a growing sense of urgency to fend off risk. It provides insight into why particular risks are selected and how and why others are ignored. Further, it enables us to recognise that different cultures accentuate or downgrade different risks. Douglas suggests that certain risks are ignored while others are elevated to a level of significance both on a social and media platform. This irrational approach that allows one risk to be selected over another can provide a deeper understanding of the selection process undertaken by social agents such as media through the use of particular discursive terminology.

3.8 Moral Panic and the Folk Devil

3.8.1 Moral Panic

The term 'moral panic' was originally coined by Jock Young in his study 'The Drugtakers', although it was launched worldwide by Stanley Cohen in his seminal study of Britain's Mods and Rockers in 1972.⁸⁴ The concept of moral panic has undergone various changes though Cohen's remains one of the primary definitions that moral panic theorists draw upon to guide their research. Integral to Cohen's construction is the perception of a putative threat and not its actual existence. Cohen

⁷⁶ Douglas and Wildavsky, *Risk and Culture - an Essay on the Selection of Technical and Environmental Dangers*, 6-7.

⁸² John Tulloch and Deborah Lupton, *Risk and Everyday Life* (London: Sage, 2003), 8.

⁸³ For a detailed explanation of the grid/group model, refer to Douglas and Wildavsky, *Risk and Culture - an Essay on the Selection of Technical and Environmental Dangers*, 138.

⁸⁴ Jock Young, *The Drugtakers: The Social Meaning of Drug Use* (London: McGibbon and Lee, 1971).

emphasised the role of key agents in a moral panic, namely the media as social constructors of information.

Moral panic, according to Cohen is a condition, episode, behaviour or group that is perceived as a moral threat to social order. This threat is presented to the public and expatiated by media, a key agent in the construction and amplification of a moral panic. The media, according to Cohen play a crucial role in the dissemination of information to the general public. Experts, policymakers and authoritative figures provide solutions to reduce or eliminate the threat imprecated by the moral panic. Solutions may appear as policies, regulations or legislation that are implemented or amended to manage the consequences of the moral threat.⁸⁵

Through this work, Cohen identified deviancy as a form of rule-breaking, and something that followed social reaction. This challenged the social science orthodoxy that deviance is not an attribute of an act but a constructed category of social control agents.⁸⁶ He was thus able to emphasise the key agents involved in the moral panic process and identify their role in the social reaction and construction of deviance. The media emerged as a key agent in the moral panic model, described by Cohen as creators of moral panic, constructors of social meaning and amplifiers of information.⁸⁷

3.8.2 Folk Devil

The 'folk devil' has traditionally occupied a special place in moral panic theory. According to Cohen, it is the product of deviancy born from a group, episode, condition or behaviour that poses a moral threat.⁸⁸ Such was the case with the 'Mods and Rockers' described by media as 'actors in a particular episode of collective behaviour'.⁸⁹ These groups represented a new youth subculture, 'the wild ones', who 'beat up the town,' and emerged as symbols of terror.⁹⁰

⁸⁵ For a full description of Cohen's phases that comprise his deviancy amplification model, see Stanley Cohen, *Folk Devils and Moral Panics - the Creation of the Mods and Rockers* (London: Granada Publishing Limited, 1972), 27-139.

⁸⁶ Critcher, *Moral Panics and the Media*, 11.

⁸⁷ Cohen, *Folk Devils and Moral Panics - the Creation of the Mods and Rockers*.

⁸⁸ *Ibid.*, 41.

⁸⁹ *Ibid.*, 19.

⁹⁰ *Ibid.*, 19.

Hall et al.'s work on the supposed muggings that took place in England in 1972-73 identified folk devils as 'the negation ... the bearer of all our social anxieties but we turn against [them] the full wrath of our indignation'.⁹¹ These persons were the young, 'black', inner city drug-dealing muggers who reflected the fears and anxieties of society. Class and 'race' were influential factors in inflaming these anxieties towards minority groups as society appeared to be immersed into a 'felt sense of crisis'.⁹² The randomness of these muggings, and the innocence and vulnerability of the victims, created an environment of fear and anxiety as to who might be the next robbery victim.

Cohen's version of moral panic dictates that folk devils are prone to immediate identification as 'unambiguously unfavorable symbols'.⁹³ These symbols, according to Hier, 'serve as the ideological embodiment of deeper anxieties, perceived as 'a problem' only in and through social definition and construction'.⁹⁴ This malleable construct can then emerge as an 'other', a deviant labelled scapegoat whose portrayal as such is aided by media and interest groups. Garland asserts that the deviant group that is afforded the folk devil status possesses suitable characteristics upon which society can project 'sentiments of guilt and ambivalence'.⁹⁵

The concept of the folk devil has been criticised by McRobbie and Thornton as anachronistic and unable to deal effectively with 'empowered' folk devils. They suggest that the concept be amended to suit a postmodern society.⁹⁶ Other criticisms highlight that the narrow way of examining the concept has placed limitations on its applicability to entities outside of those defined by Cohen and other traditional moral panic theorists. Although this may be the case, Cohen's original definition did not

⁹¹ Hall et al., *Policing the Crisis - Mugging, the State, and Law and Order*, 161.

⁹² *Ibid.*, 301.

⁹³ Cohen, *Folk Devils and Moral Panics - the Creation of the Mods and Rockers*, 41.

⁹⁴ Sean P. Hier, "Risk and Panic in Late Modernity: Implications of the Converging Sites of Social Anxiety," *British Journal of Sociology* 54, no. 1 (2003): 6.

⁹⁵ Garland, "On the Concept of Moral Panic," 15.

⁹⁶ Angela McRobbie and Sarah L. Thornton, "Rethinking 'Moral Panic' for Multi-Mediated Social Worlds," *British Journal of Sociology* 46, no. 4 (1995).

preclude the possibility that a folk devil could be an object. For example, recent studies have broadened the concept beyond that of Cohen's and identified items such as video games and guns as possible folk devils. These studies are important as they show that the concept can be theoretically imagined and applied outside the strict confines of Cohen's original definition.⁹⁷

Whether presented as an empowered group or the personification of evil, the folk devil has almost always been considered a person or group who is/are both the object of society's fear and anxieties, and a threat to society. This narrow way of discussing and imagining the folk devil has limited its scope and hindered its application to entities such as objects. In this thesis, I consider and examine the folk devil as an object⁹⁸ and something of a morally charged device used by primary and secondary definers, and politicians as a way to introduce moral technologies to address and respond to crystal methamphetamine.⁹⁹

This reconceptualised folk devil is considered theoretically separate from moral panic. Evidence by Hayle suggests that the folk devil has only ever appeared in the context of a moral panic, something that 'develops in response to the behaviour of folk devils'.¹⁰⁰ He does, however, propose that the folk devil could exist outside the parameters of a moral panic, even suggesting the two can be mutually exclusive. Drawing on evidence from Canadian newspapers, Hayle showed how individuals had been 'folk-devilled', without a direct connection to all components of a moral panic.¹⁰¹ This is a new way of theorising the folk devil and is adopted in this thesis.¹⁰²

3.9 The 'Criminology of the Other'

David Garland's pinnacle work *The Culture of Control: Crime and Social Order in Contemporary Society* identifies two forms of criminology central to contemporary 'cultures of control'. These are the 'new criminologies of everyday life' and the

⁹⁷ Stephen Stockwell, "Panic at the Port," *Media International Australia* 85, no. 3 (1997): 60.

⁹⁸ For a discussion of this idea see Michael Levi, "Suite Revenge? The Shaping of Folk Devils and Moral Panics About White-Collar Crimes," *The British Journal of Criminology* 49 no. 1 (2009).

⁹⁹ Pat O'Malley and Stephen Mugford, "Moral Technology: The Political Agenda of Random Drug Testing," *Social Justice* 18, no. 4 (46) (1991).

¹⁰⁰ Steven J. Hayle, "Folk Devils without Moral Panics: Discovering Concepts in the Sociology of Evil," *International Journal of Criminology and Sociological Theory* 6, no. 2 (2013): 1126.

¹⁰¹ *Ibid.*, 1133.

¹⁰² *Ibid.*, 1133.

'criminology of the other'. While the criminologies of everyday life suggests that crime is a 'routine risk', a normal aspect of life and a result of contemporary society rather than a 'moral aberration', the 'criminology of the other' describes crime as something of a catastrophe that is framed within a discourse of disorder and chaos.¹⁰³ This type of criminology is enveloped within an environment of fear and anxiety towards the outsider and is fuelled by images, archetypes and constructions of a category of persons that fosters social exclusion.¹⁰⁴

The 'criminology of the other' divides society into two groups; that of the law abiding and that of the criminal/deviant. It renders the 'criminal/deviant' group abject citizens by pronouncing them as ungovernable subjects. Garland claims that it is through this type of criminology that we can observe the emergence of a political discourse reliant on an 'alien other', the object of media fascination and societal concern.¹⁰⁵ This criminology produces types of theoretical, practical and empirical knowledge that allows for the control and monitoring of risk groups such as illicit drug users and immigrants. These groups are positioned as threats to the prevailing social order and must therefore be politically addressed, managed, policed and controlled.

Crime control strategies are formed to respond to this 'criminology of the other' in some way. Garland dictates how such strategies however 'invoke images of the criminal' as 'profoundly anti-social', the bearer of specific risks, and the 'other', themselves fostering certain social anxieties. In effect, these images put forward the need for and the importance of a 'strong state response'.¹⁰⁶ Policies are thus implemented that seek to segregate and discriminate, demonise and classify particular groups and behaviour as criminal.

These types of policies are particularly noticeable in responses to intravenous illicit drug users. This category of drug user is largely considered a 'threat, provoking anxiety and concern' and is represented as 'criminal, diseased, sick and morally

¹⁰³ Garland, *The Culture of Control: Crime and Social Order in Contemporary Society*, 127, 84.

¹⁰⁴ *Ibid.*, 135.

¹⁰⁵ *Ibid.*, 135.

¹⁰⁶ *Ibid.*, 135-6.

reprehensible'.¹⁰⁷ Such morally charged images can extend to other groups such as traffickers and smugglers of various illicit drugs. The 'War on Drugs' is an example of government policy that packages illicit drug users as dangerous persons who contribute to social decline. For example, a study by Elliot and Chapman found that in the US, drug users were viewed more as criminals and a cost/threat to society than as victims.¹⁰⁸ It is these pervasive and negative constructions of the illicit drug user as the 'criminal other' that ultimately encourage a punitive state response.

Using Simon's work on 'governance through crime', an idea that allows us to distinguish between those who are innocent and require protection from those who are guilty and must be met with stricter controls, we can see how the 'other' is used by government as a tool to implement harsher penalties.¹⁰⁹ This is most apparent in discussions that move beyond the 'other' to what is described by Hudson as the 'monstrous other', a person constructed as so different that they 'really do seem to be beyond inclusion in the liberal community'.¹¹⁰ This collective group of 'others' who do not conform to societal rules and norms, must therefore be excluded and removed from society.

The 'criminology of the other' generates governance through crime, harsher penalties that are reactionary rather than precautionary, and fuels an anxious public to espouse a more punitive response to deal with certain social issues and failings. Such unintelligible policies are made intelligible and justified through the construction of the 'other'. Offenders are treated with no sympathy and viewed as mere criminal individuals. They are consequently disenfranchised and rendered abject citizens. It is within the 'criminology of the other' that harsher policies are nurtured and espoused. These elicit an emotive and often populist approach and response.

¹⁰⁷ Erica Southgate et al., *Dealing with Risk - a Multidisciplinary Study of Injecting Drug Use, Hepatitis C and Other Blood-Borne Viruses in Australia*, ANCD research paper 7. (Canberra: Australian National Council on Drugs, 2003).

¹⁰⁸ Elliott and Chapman, "Heroin Hell Their Own Making: Construction of Heroin Users in the Australian Press 1992-1997," 196-98.

¹⁰⁹ Jonathan Simon, "Governing through Crime," in *The Crime Conundrum: Essays in Criminal Justice* ed. Lawrence M. Friedman and George Fisher (Boulder: CO: Westview Press, 1997).

¹¹⁰ Barbara Hudson, *Justice in the Risk Society* (London: Sage, 2003), 204.

3.10 Punitiveness

Punitiveness can be broadly considered a consequence of a new type of social intolerance that has permeated contemporary society. It is a response to crime that typically involves strategies and measures centred on penal control. According to Garland, punitiveness includes 'harsher sentencing and the increased use of imprisonment, among a range of measures ... that appear to signify a punitive turn in contemporary penalty'.¹¹¹

Through the works of Foucault, notably *Discipline and Punish*, (in the opening pages) we witness a graphic display of physical and obviously punitive form of punishment. Although we may profess that punishment has shifted from such barbaric means as torture, evidence suggests that western society has gravitated towards a veiled type of new punitiveness, not as markedly open as the scene eloquently articulated in Foucault's opening chapter, but one that punishes certain acts and groups through tough and restrictive measures.

Tougher law enforcement measures, longer custodial sentences and harsher legislation have been argued as the best approaches to combat a supposed rise in crime. Such punitive responses to crime however are schizophrenic when compared to sociological discussions on crime control. Durkheim for instance denotes that crime is considered normal and a fundamental aspect of society.¹¹² Garland claims that government considers crime part of our everyday life although it requires punitive state intervention.¹¹³ Regardless of whether or not crime is considered normal, its control, notably for drug offences, has largely been punitive.

Whether punitiveness is viewed from below (a response to an angry public) or top-down (politicians play on society's apprehensions in order to gain electoral support), a shift from a reliance on experts and practitioners to the public has heralded what some refer to as the punitive turn.¹¹⁴ This is most apparent over the last 20-30 years,

¹¹¹ Garland, *The Culture of Control: Crime and Social Order in Contemporary Society*, 142.

¹¹² Emile Durkheim, *Suicide: A Study in Sociology* (New York: Free Press, 1966).

¹¹³ Garland, "'Governmentality' and the Problem of Crime: Foucault, Criminology, Sociology," 181.

¹¹⁴ Roger Matthews, "The Myth of Punitiveness," *Theoretical Criminology* 9, no. 2 (2005): 176; Garland, *The Culture of Control: Crime and Social Order in Contemporary Society*, 142.

where the public voice has dictated discussions on, and the making of, crime policy. Pratt describes this shift as the tilting of the 'axis of penal power', where the state is prepared to address community concerns on issues such as crime and 'lenient' custodial sentences. He recognises that politicians, in order to achieve electoral success, go as far as to be led by these community concerns and fears, and so often appear active, interested and engaged in public rhetoric.¹¹⁵

This reliance on the public voice to steer crime policy has generated what Wacquant describes as a government that is more reactive and willing to respond to crime in a more punitive way.¹¹⁶ Reactive initiatives that are 'urgent and impassioned, built around shocking but atypical cases', reassure the public by way of an often instantaneous response.¹¹⁷ These measures are meant to 'restore public confidence' in the criminal justice system and re-impose state control. Such punitive measures generally ignore evidence and simply do not work as appropriate responses to crime.

The rise in this new type of populist punitiveness is perhaps a by-product of the risk society, an environment of fear and anxiety largely precipitated by media.¹¹⁸ The media have been a key driving force in the rise of populism and tend to either portray crime as increasing or present it as a moral or social threat that requires immediate and instantaneous action.¹¹⁹ According to Pratt, media 'enlarges the risks we face and increase our sense of unease and insecurity ... danger thus becomes more omnipresent and incalculable'.¹²⁰ This in turn creates a more punitive public to which government must appease and respond. The government response to crime is thus driven by public anxieties rather than rational experts or evidence-based research.¹²¹ Whether this new punitive environment is dictated by an anxious and fearful public or fuelled by a frenzied media who want to 'maximise their 'viewing figures and

¹¹⁵ John Pratt, *Punishment and Civilization: Penal Tolerance and Intolerance in Modern Society* (London: Sage Publications, 2002), 166, 82; John Pratt, "Elias, Punishment and Decivilization," in *The New Punitiveness - Trends, Theories, Perspectives* ed. John Pratt et al. (Portland: Willan Publishing, 2005), 266.

¹¹⁶ Loic Wacquant, "The New Peculiar Institution: On the Prison as Surrogate Prison," *Theoretical Criminology* 4, no. 3 (2000): 177.

¹¹⁷ Garland, *The Culture of Control: Crime and Social Order in Contemporary Society*, 132.

¹¹⁸ Matthews, "The Myth of Punitiveness," 182.

¹¹⁹ Pratt, "Elias, Punishment and Decivilization," 271.

¹²⁰ Pratt, *Punishment and Civilization: Penal Tolerance and Intolerance in Modern Society*, 183.

¹²¹ *Ibid.*, 188.

newspaper sales', it is persons such as dependent illicit drugs users who become the obvious target of political attention.¹²²

The public features prominently in this new punitiveness that has guided political responses to crime over the last few decades. Governments appear to react to public outrage by instituting tough measures that protect them.¹²³ A punitive response by government dictates to the public that '*something is being done* - here, now, swiftly and decisively'.¹²⁴ Such measures are populist and politicised, they elevate the voice of the public although at the same time they diminish the views and opinions of criminal justice experts.¹²⁵ The concept of punitiveness offers this thesis a way to examine the broader political response to methamphetamine over the period of the study by interrogating the impact of 'cultures of control' on the way governments responded to the drug.

3.11 New Paternalism

The old or traditional ideas of paternalism thrived in the twentieth century by way of public indifference.¹²⁶ They typically involved government deploying authoritative policy directives to deal with the public. In particular, the idea that those who were more powerful have an obligation to the less powerful was paramount. Stuart Mill's attack on paternalism appeared in his work *On Liberty*. Although there are parallels between paternalism and Mills' harm principle, there are various points of contention.¹²⁷ Mills claimed state involvement should be limited in relation to individual affairs, but did concede that the state can play an active role in creating good citizens. He noted the state is only justified in interfering in order to prevent harm to others.¹²⁸ He thus provided a gloomy outlook for paternalistic interventions by the state and noted it is often done wrongly and in the wrong place.¹²⁹

¹²² Matthews, "The Myth of Punitiveness," 188

¹²³ Garland, *The Culture of Control: Crime and Social Order in Contemporary Society*, 133.

¹²⁴ *Ibid.*, 135.

¹²⁵ *Ibid.*, 142.

¹²⁶ John Pratt, "Penal Populism and The Contemporary Role of Punishment," in *The Critical Criminology Companion* ed. Thalia Anthony and Chris Cunneen (Sydney: Hawkins Press, 2008), 267.

¹²⁷ For an overview of the harm principle - see *On Liberty* by John Stuart Mill.

¹²⁸ John Stuart Mill, *On Liberty and Utilitarianism* (New York: Alfred A. Knopf Inc, 1992), 79-81.

¹²⁹ John Stuart Mill, *On Liberty* (London: Yale University Press, 1843).

Paternalistic policies have been introduced by the state to address issues such as the 'addiction' of young persons, mental illness and disability. For example, a paternalistic measure to address illicit drug use limits a person's access to drugs on the basis that they chose to ignore relevant information provided by the state. The state therefore intervenes to correct this 'failure in people's reasoning'.¹³⁰ The outcomes of such policies and measures however, can inevitably be damaging to drug users, as they may partake in more risky behaviour and practices.

The state justifies the introduction of such measures by claiming it can 'raise the welfare of those individuals' through interventions such as regulations, taxes or provisions for education.¹³¹ For example, a research paper by the Social Policy Section of the Parliament of Australia showed that paternalistic interventions may be justifiable 'under circumstances where high stake decisions are involved, the decisions being made by individuals are irreversible and it is possible to identify failures in people's reasoning.'¹³² It is in these circumstances that the state is most likely to interfere in order to create good citizens.

A principal aim of paternalism is to alleviate poverty amongst those less privileged in society.¹³³ Although it may appear as a benevolent approach, at times it has involved coercive means to achieve its purpose. Suber notes paternalism 'advances peoples interests (such as life, health or safety) at the expense of their liberty'.¹³⁴ However there has been an obvious shift in recent times from the more traditional paternalistic ideas to that of a 'new paternalism'.

New or neo-paternalism is an ideological system that moves beyond that of traditional paternalism by allowing individuals to have freedom of choice yet attempts to 'influence choices in a way that will make choosers better off, as judged

¹³⁰ Matthew Thomas and Luke Buckmaster, "Paternalism in Social Policy When Is It Justifiable?" ed. Social Policy Section (Canberra: Parliament of Australia, 2010).

¹³¹ Julia Le Grand, "Nudge Theory and the Nanny State," (London School of Economics, 2013).

¹³² Thomas and Buckmaster, "Paternalism in Social Policy When Is It Justifiable?"

¹³³ Mary Evans, "Paternalism," in *Cambridge Dictionary of Sociology* ed. Bryan S. Turner (Cambridge: Cambridge University Press, 2006), 432.

¹³⁴ Peter Suber, "Paternalism," in *Philosophy of Law: An Encyclopedia* ed. Christopher B. Gray (New York: Routledge, 1999), 632.

by themselves'.¹³⁵ In essence, the government appears to be playing an active part in 're-shaping citizen behaviour'.¹³⁶ For example, the Northern Territory 'national emergency intervention', packaged as the 'Northern Territory (NT) Emergency Response', was implemented by John Howard and some ministers (not his government), on 21 June 2007 to address the supposed horrific practice of child sexual assault taking place in NT communities. It was however more broadly a 'protectionist and paternalistic measure' that intervened in the lives of certain NT Indigenous communities by controlling their access to social welfare, amongst many things.¹³⁷ This sort of 'supervision within society'¹³⁸ is indicative of neo-paternalistic measures led by government that are proactive although enforced through 'close supervision'.¹³⁹

New paternalism offers a way to examine policies that appear to be the most appropriate response to an issue, and where persons would receive the most benefit. 'Choices' are framed in such a way that it appears almost implausible to consider anything but that which is presented. Thaler and Sunstein in their book '*Nudge*', note how the community is often 'nudged' into embracing such policies by appearing to know what the public wants (new paternalism) rather than appearing to know what is best (traditional paternalism). New paternalism offers this thesis a way to examine policies implemented to address certain types of methamphetamine use.

3.12 Conclusion

The theoretical and conceptual ideas introduced in this chapter offer this thesis a way to understand and analyse the empirical data. The literature on crime, law enforcement and media, explored the evident complexities inherent in the relationship between media and law enforcement. This relationship has been broadly positioned as one of reciprocity where media draw on law enforcement for

¹³⁵ Thaler and Sunstein, *Nudge: Improving Decisions About Health, Wealth, and Happiness*, 5.

¹³⁶ Thomas and Buckmaster, "Paternalism in Social Policy When Is It Justifiable?"

¹³⁷ Jon C. Altman, "*The Howard Government's Northern Territory Intervention: Are Neo-Paternalism and Indigenous Development Compatible?*", Topical Issue 16/2007 (Canberra: Centre for Aboriginal Economic Policy Research, 2007).

¹³⁸ Thomas and Buckmaster, "Paternalism in Social Policy When Is It Justifiable?"; Lawrence M. Mead, "The Rise of Paternalism," in *The New Paternalism- Supervisory Approaches to Poverty* ed. Lawrence M. Mead (Washington, D.C.: Brookings Institution Press, 1997), 25.

¹³⁹ Mead, "The Rise of Paternalism," 2.

information to construct their crime 'news' stories, and law enforcement relies on media as a tool to disseminate relevant police information and provide them with a positive image. The symbiotic nature of this relationship is important to recognise in this thesis as it offers insight into the way media constructed law enforcement and their activities throughout the study.

Beck and Giddens provide a discussion of the risk society and the proliferation of risks, both perceived and real, that have the power to influence political perceptions. It is the politicisation of risk that is most beneficial to this thesis and Beck and Giddens offer a way to examine this process in detail, particularly how certain risks must be politically managed. Risk from a Foucaultian perspective can be viewed as a type of 'moral technology'.¹⁴⁰ His work on governmentality and its connection to risk can be used as a tool to assist in the analysis of policy positions and response, and the governance of individuals. Notably, Foucault's work on power and knowledge allows me to investigate how media discourses produced certain policy outcomes.

Douglas' cultural theory of risk questions why some risks are elevated to a status of importance while others are not. These risks exist as part of a world that is constantly moralised and politicised. Her discussion on symbolic pollution offers a way to imagine illicit drugs, particularly when consumed intravenously. Drugs like crystal methamphetamine that are damaging to the social body, are considered a type of defilement that moralises the practice of drug use. This theory can offer insight into the risk selection process.

Although the moral panic concept has been plagued by theoretical and conceptual limitations, the folk devil is still a viable theoretical construct. This chapter has offered a reconceptualisation of the folk devil concept that has moved away from the traditional moral panic definition of a reaction to an 'individual, behaviour, condition or episode' to that of an object or entity. I use this theoretical idea of the folk devil to examine methamphetamine.

David Garland's work on the 'criminology of the other' is an important theoretical component of the thesis as it interrogates the demonisation of the actor/criminal

¹⁴⁰ Lupton, *Risk*, 87.

who must therefore be excluded and policed. I use this theoretical idea to discuss the construction of the methamphetamine user as dangerous, particularly those addicted to methamphetamine, as well as importers, traffickers, producers and manufacturers of the drug, who were constructed as the antithesis to law enforcement.¹⁴¹

Garland and Pratt's work on punitiveness in the criminal justice system focuses on the tough approach undertaken by policymakers and law enforcement. Garland documents how the voices of crime policy experts have been neglected and replaced by those of the public, resulting in the punitive turn, an environment that promotes longer sentences and tougher penalties.¹⁴² Pratt also claims that this type of punitiveness is the result of a shift towards a neo-liberal political programme that adheres to an anxious public who places demands on policymakers.¹⁴³ I use these theoretical ideas to discuss the punitive direction undertaken by law enforcement to police aspects of methamphetamine (i.e. use, production); both applauded and encouraged by media. Further, I draw upon Garland and Pratt's work to demonstrate the punitive ways policymakers have responded to the risk of methamphetamine.

Although I provide evidence to demonstrate that policymakers and legislators embarked on a punitive agenda in response to the methamphetamine issue, this has at times been juxtaposed with a neo-paternalistic approach. Through a paternalistic lens (where the state appears 'justified' to intervene) policymakers have recognised aspects of methamphetamine (e.g. social smoking) as 'at risk' behaviour; these risks must therefore be managed through policy/regulation.¹⁴⁴

The following chapter outlines the research method and design of this thesis including the research questions, and documents the analytical approach undertaken to analyse the empirical data.

¹⁴¹ David Garland, "The Limits of the Sovereign State: Strategies of Crime Control in Contemporary Society," *The British Journal of Sociology* 36, no. 4 (1996); Garland, *The Culture of Control: Crime and Social Order in Contemporary Society*.

¹⁴² Garland, *The Culture of Control: Crime and Social Order in Contemporary Society*, 142.

¹⁴³ Pratt, *Punishment and Civilization*, 182.

¹⁴⁴ Kleiman, "Coerced Abstinence: A Neo-Paternalistic Drug Policy Initiative," 197.

4 Research Method and Design

4.1 Introduction

This thesis employs a case-study research method, using a single-case to examine the role of media in the development of methamphetamine policies and legislation over the period (2000-2009). I chose the case-study method as I wanted to gain an in-depth understanding of media reporting of methamphetamine. This qualitative method enabled me to explain and understand a case by going beyond a mere description of the data.¹ By using a single-case design I was able to explore one case in greater detail.

My empirical data included newspaper articles as well as policy and legislative documents pertaining to methamphetamine.² These data were subject to discourse analysis. By identifying the main discourses within the media articles, I was able to determine whether these discourses were reflected in related policies and legislation and thereby examine the media's role in the policy making process.

This chapter explains the research method and design of this thesis. It includes the research objective and research questions, the case study method, the single-case research design, and the procedure involved in the analysis of discourses.

4.2 Research Objectives

The purpose of this study was twofold; firstly, to explore media representation of methamphetamine in NSW over the period 2000-2009, and secondly, to examine whether, and if so, to what extent, this representation contributed to the development of illicit drug policies and legislation in NSW during this period. A risk-based framework was adopted as the lens for interpreting media representation and its impact on illicit drug policy and legislation.

¹Albert J. Mills, Gabrielle Durepos, and Elden Wiebe , eds., *Encyclopedia of Case Study Research* vol. 1 (California: Sage Publications, 2010), 69.

² I have removed regulation and just refer to policy and legislation (as regulation is a type of delegated legislation).

The study was limited to newspaper articles, policy and legislative documents for the period 2000-2009, using NSW as a representative case study site. A discourse analysis was employed to analyse the emerging and embedded discourses located within the newspaper articles. I chose the period 2000–2009 for a number of reasons; firstly, methamphetamine emerged as an important media issue that received considerable attention during this period; secondly, it was a time of significant methamphetamine policy and law making in NSW and nationally; and thirdly, I could examine how the construction of methamphetamine changed over time.

4.2.1 Research Questions

The study sought to address three questions in pursuit of these objectives. These questions are provided below.

1. What are the dominant discourses in media representations of methamphetamine in the period 2000 to 2009?
2. Have these dominant discourses shaped methamphetamine policy and legislation, and, if so, how, and to what extent?
3. What broader socio-cultural factors have informed these media discourses and the policy and legal responses to them?

4.3 Research Method

4.3.1 The Case Study

A case study is a research method that involves an in-depth understanding and analysis of a case. It is commonly utilised by researchers from various disciplines such as psychology, anthropology, education, nursing, economics, sociology, law, political science and many more, as it can investigate intricate social events on a holistic level.³ One of its strengths is its distinctive ability to uncover the intricacies of complex social phenomena. Unlike experiments or surveys that intentionally separate a phenomenon from its context by controlling for particular variables, the case study method pays particular attention to contextual conditions. It is a useful method for

³ Mills, Durepos, and Wiebe, eds., *Encyclopedia of Case Study Research*, 177.

investigators who seek to examine contemporary events where behaviour cannot be manipulated, or otherwise understand the unfolding case over time.⁴

Researchers typically employ an explanatory, exploratory or descriptive case study to examine and understand the phenomenon under investigation. An explanatory case study explains how events transpire over time. It can also examine cause and effect relationships. Allison, for example, employed an explanatory single-case study to examine the 1962 Cuban Missile Crisis.⁵ Alternatively, an exploratory case study aids in the development of theories and hypotheses, whereas a descriptive case study describes the phenomenon in its context. Whyte used a descriptive case study to examine an Italian influenced US neighbourhood.⁶

A case study can either comprise a multiple-case or single-case design. A multiple-case design is usually chosen to provide a better understanding about a collection of cases, in addition to the exploration, testing and building of theory. Stake claims that a multiple-case study examines how the subject of interest operates in different settings and contexts.⁷ This is demonstrated in the work of Yeh and Hedgespeth, who used a comparative multiple-case study of 15 families of adolescents to examine the relationship between particular family factors and alcohol/drug abuse.⁸

Alternatively, a single-case design, according to Merriam, is selected because the researcher seeks to understand the intricacies of a specific case in detail.⁹ Similarly, Stake notes that the single-case design attempts to understand one particular case in depth rather than what is mostly '... true of the many'.¹⁰ Skar and Prellwitz used a single-case to describe how a child diagnosed with obesity understood his

⁴ Yin, *Case Study Research: Design and Methods*, 11.

⁵ Graham T. Allison, "Conceptual Models and the Cuban Missile Crisis," *The American Political Science Review* 63, no. 3 (1969).

⁶ William F. Whyte, *Street Corner Society: The Social Structure of an Italian Slum* 2nd ed. (Chicago: University of Chicago Press (original work published in 1943) 1955).

⁷ Robert E. Stake, *Multiple Case Study Analysis* (New York: The Guilford Press, 2006), 23, 27.

⁸ Lois Seminara Yeh and Joanne Hedgespeth, "A Multiple Case Study Comparison of Normal Private Preparatory School and Substance Abusing/Mood Disorder Adolescents and Their Families," *Adolescence* 30, no. 118 (1995).

⁹ Sharan B. Merriam, *Qualitative Research and Case Study Applications in Education* (San Francisco: Jossey-Bass, 1998), 208.

¹⁰ Robert E. Stake, "Qualitative Case Studies," in *The Sage Handbook of Qualitative Research* ed. Norman Y. Denzin and Yvonna S Lincoln (Thousand Oaks: Sage Publications, 2005), 445.

involvement in play activities.¹¹ This method allowed them to provide a deeper understanding of this issue. Single-case studies are also appropriate for investigators under time constraints.

Case study research cannot confidently make scientific generalisations, particularly if a researcher intends to use a single-case design as the case is based on specificities such as precise events, locations or periods of time.¹² In order to address this limitation, Stake argues for 'naturalistic generalization', a proxy process that enables the generalisation of findings from a single-case. This permits a level of generalisability previously not available to case study research, particularly single-case design studies. More specifically, 'naturalistic generalizations' are conclusions that enable researchers to gain insight into a case by reflecting on its details. Researchers determine how particular details of a case are similar to other situations by drawing on these reflections to generalise. This process allows findings from one case study to be applied to another similar case study in order to establish useful and relevant understandings.¹³ Such generalisations are reinforced through repeated encounters.¹⁴ This process only applies to situations and circumstances that are considered similar. Applying the findings to a 'similar situation' has its own issues, namely who decides what is and what is not similar.

Case selection is dependent on particular factors, such as the goal of the research or the features of the case to be examined.¹⁵ Using a rationale to select a case is necessary as it provides essential parameters of the research. For single-case studies, Yin documents five rationales for selecting a case, including the critical,¹⁶ extreme or unique,¹⁷ representative or typical,¹⁸ revelatory,¹⁹ and longitudinal.²⁰ The careful

¹¹ Lisa Skar and Maria Prellwitz, "Participation in Play Activities: A Single-Case Study Focusing on a Child with Obesity Experiences," *Scandinavian Journal of Caring Sciences* 22, no. 2 (2008).

¹² Mills, Durepos, and Wiebe, eds., *Encyclopedia of Case Study Research*, 21.

¹³ Robert E. Stake, "The Case Study Method in Social Inquiry," *Educational Researcher* 7, no. 2 (1978): 75.

¹⁴ Stake, "Qualitative Case Studies," 454.

¹⁵ Albert J. Mills, Gabrielle Durepos, and Elden Wiebe, eds., *Encyclopedia of Case Study Research* vol. 2 (California: Sage Publications, 2010), 614.

¹⁶ The critical case normally tests a well-formulated theory.

¹⁷ This rationale is selected should a case present as either unique or extreme and therefore rare in some way.

selection of data using multiple sources such as media reports and audio visual material also facilitates this process.²¹ As discussed in the following chapter, Yin's third (representative or typical) rationale was most applicable to this thesis.

Taking the above comments into consideration, I chose an explanatory case study as the research method of this thesis as it allowed me to interrogate media representations over time by identifying the discourses embedded within newspaper articles. This enabled me to explain and understand the relationship between media reporting on methamphetamine and policy development. I used a single-case design to gain a deeper understanding of one case, but one that does allow for broader generalisations to be drawn in comparable circumstances.

4.4 The Analytical Process

4.4.1 Discourse

Discourse enables words to be given meaning and permits us to construct perceptions about the world within which we live.²² It also allows us to determine what is and what is not.²³ As a form of communication, discourse may appear as text, visual images or an oral presentation.²⁴ Texts such as newspaper articles, policy documents and so forth function as specific types of discourse that can frame issues within a historical context, and provide knowledge about its producer.²⁵ As well as producing knowledge that generates meaning and determines our reality, discourse

¹⁸ This rationale is chosen if a case is typical and the researcher aims to capture everyday circumstances.

¹⁹ Revelatory cases provide researchers with an opportunity to examine a phenomenon that had been previously inaccessible.

²⁰ The researcher is able to study the same single case at two or more points in time; Yin, *Case Study Research: Design and Methods*, 47-50.

²¹ John W. Creswell, *Qualitative Inquiry and Research Design: Choosing among Five Approaches* 2nd ed. (Thousand Oaks: Sage Publications, 2007), 73.

²² James A. Holstein and Jaber F. Gubrium, "Interpretive Practice and Social Action," in *The Sage Handbook of Qualitative Research* ed. Norman K. Denzin and Yvonna S. Lincoln (Thousand Oaks: Sage Publications, 2005), 491.

²³ Jean Carabine, "Unmarried Motherhood 1830-1990: A Genealogical Analysis," in *Discourse as Data - a Guide for Analysis* ed. Margaret Wetherell, Stephanie Taylor, and Simeon J. Yates (London: Sage Publications, 2001), 275.

²⁴ Mills, Durepos, and Wiebe, eds., *Encyclopedia of Case Study Research*, 311.

²⁵ Siegfried Jäger and Michael Maier, "Theoretical and Methodological Aspects of Foucauldian Critical Discourse Analysis and Dispositive Analysis," in *Methods of Critical Discourse Analysis* ed. Ruth Wodak and Michael Meyer (London: Sage Publications, 2009), 37.

can also transport it, thus playing an important role in the application and exercise of power.²⁶

This power, according to Foucault, is one of the main purposes of discourse. It is not, however, power in its traditional sense (i.e. juridical/disciplinary), but rather is a productive force that exists within a discourse.²⁷ Garland, drawing on the works of Rose and Miller, refers to this power as a process that 'enlists the cooperation of chains of actors who 'translate' power from one locale to another'.²⁸ Discourses are able to utilise and exercise this power through the management of human actions and behaviour. For example, media act as instruments and constructors of knowledge, and disseminators of information that employ discursive strategies in the exercise of this power. This is achieved by determining what material is published and how it is presented to the general public.

Similarly, policymakers and legislators can employ a range of tools to engage in the exercise of discursive power.²⁹ According to Chilton and Schaffner they regularly rely upon the power of discourse to organise relationships, select topics for discussion, set agendas and make assumptions about reality. It is through these discourses that policymakers and legislators validate and gain authority for their actions, as they regulate 'ways of talking, thinking and acting'³⁰ and control 'other's use of language' through censorship.³¹

Another way for policymakers to exercise power through discourse is via 'shared codes'; the interdependency of a text that frame it into existence.³² Kirsteva refers to these codes in one of two ways; those that operate along a 'horizontal axis', where

²⁶ Ibid., 37.

²⁷ James A. Holstein and Jaber F. Gubrium, "Interpretive Practice and Social Action," in *Strategies of Qualitative Inquiry* ed. Norman K. Denzin and Yvonna S. Lincoln (Thousand Oaks: Sage Publications, 2008), 183.

²⁸ Garland, "'Governmentality' and the Problem of Crime: Foucault, Criminology, Sociology," 182.

²⁹ This notion of power is addressed in the section on the Foucaultian approach to discourse.

³⁰ Jager and Maier, "Theoretical and Methodological Aspects of Foucaultian Critical Discourse Analysis and Dispositive Analysis," 35.

³¹ Paul Chilton and Christina Schaffner, "Discourse and Politics," in *Discourse as Social Interaction - Discourse Studies: A Multidisciplinary Introduction* ed. Teun van Dijk (London: Sage Publications, 1997), 212.

³² Julia Kristeva, *Desire in Language: A Semiotic Approach to Literature and Art* (New York: Columbia University Press, 1980), 69.

the audience and creator of a text are intertwined, and those on a 'vertical axis', where a singular text is connected to other texts. These 'codes' are typically shared amongst groups such as government, law enforcement and media, and act as a form of discursive power.

4.4.2 Discourse Analysis

There are different ways of doing discourse analysis. One way identified by Potter and Wetherell is the social psychological approach. This approach enables the researcher to analyse how individuals utilise language to actively select resources to construct their social reality.³³ The analyst is encouraged to select material that appears significant by looking at contradictions and variations within the text.

Critical discourse analysis is another way of undertaking discourse analysis. Founded and popularised by Norman Fairclough, it examines how power is distributed through unclear relationships, such as discursive practices, events and texts.³⁴ It is primarily concerned with the opacity embedded within texts.³⁵ This type of analysis exposes the social effects of meaning.³⁶

A third way of doing discourse analysis is using a Foucaultian-type approach. This approach searches for patterns that exist in and within language to identify the knowledge embedded in discourses, and to determine how this knowledge is connected to power relations.³⁷ It is through the media narrative that we examine how information is constructed by media and then presented as knowledge, and then trace how this knowledge makes its way into political discourse.

In order to analyse the power effects of discourse one must separate the effects of the discourse from the effects of text. As a singular entity, a piece of text has negligible effects that are mostly imperceptible. A discourse with its repetitive

³³ Jonathan Potter and Margaret Wetherill, *Discourse and Social Psychology: Beyond Attitudes and Behaviour* (London: Sage Publications, 1987), 33.

³⁴ Norman Fairclough, *Critical Discourse Analysis - the Critical Study of Language* (London: Longman, 1995a), 132.

³⁵ A common misconception regarding the use of the term critical is to mean something negative; instead, critical is understood as having a particular distance from the data.

³⁶ Terry Locke, *Critical Discourse Analysis* (London: Continuum, 2004), 26.

³⁷ Jager and Maier, "Theoretical and Methodological Aspects of Foucauldian Critical Discourse Analysis and Dispositive Analysis," 34-5.

content, however, can lead to the development of knowledge. It is therefore the repetition of statements rather than the singular text that is of particular importance as it enables discourses to generate meaning and authority over time.³⁸ This process reveals the sustained effects of discourse.

All three approaches to discourse analysis are valid; selection of an approach for this thesis was therefore contingent on my own epistemological position. As a constructionist piece of work, my thesis attempts to interrogate media constructions in articles and determine how these constructions (as media discourse) are reproduced in policy. That is, I interrogate how knowledge is produced (through media discourses) and how that knowledge engenders relevant meaning (in policy). It is through a Jager and Maier inspired analysis of discourse that I am best able to follow and trace this discourse trajectory. This analysis is not a close following of Foucault but rather one that is built around an interpretation of Foucault by others, namely Jager and Maier.

4.4.3 Jager and Maier: Discourse Analysis³⁹

My analytical approach draws on the work of Jager and Maier. Their type of discourse analysis equipped me with analytical tools (i.e. discourse strands, discourse fragments and discourse planes) to disentangle emerging discourses. This 'toolbox' of concepts facilitated a process that was amenable to my research objective. I also included Willig's first stage⁴⁰ of discourse analysis (the identification of discursive constructions) into my analytical approach because it was relevant to my analysis and not included as a step in the Jager and Maier model.⁴¹

³⁸ Ibid., 38.

³⁹ Foucault's genealogy for example is a common approach utilised by researchers in their analytic endeavours. Jean Carabine (2001) undertook a comprehensive Foucaultian style genealogical discourse analysis of unmarried motherhood (1830-1990). Jean Carabine, "Unmarried Motherhood 1830-1990: A Genealogical Analysis " in *Discourse as Data - a Guide for Analysis* ed. Margaret Wetherell, Stephanie Taylor, and Simeon J. Yates (London: Sage Publications, 2001).

⁴⁰ Carla Willig, "Discourse Analysis in Sex Education," in *Applied Discourse Analysis: Social and Psychological Interventions* ed. Carla Willig (Buckingham: Open University Press, 1999). Note this is the first of six stages used by Willig in her analysis of sex education among adult learners.

⁴¹ The identification of discursive constructions involved looking for the different ways that an object was referred to within a text.

4.4.4 Discourse Strands, Discourse Fragments and Discourse Planes

Before I outline the discourse analysis process, I provide details of specific analytical tools documented by Jager and Maier in order to contextualise the process.

Discourse strands are a critical tool in the discourse analysis toolbox. They are a combination of texts that converge on a related topic or a number of sub-topics (if required, these sub-topics can be further compartmentalised into groups). A discourse strand thus consists of texts (or fragments) that refer to these topic(s). The fragment may refer to the whole topic or a section of a topic. Discourse fragments that discuss the same topic collectively create the discourse strand.⁴² For example, discourse fragments on motherhood, sexuality and employment may refer to the discourse strand of women. This strand however can become 'entangled' if it refers to multiple topics. This entanglement is referred to as a discursive knot.⁴³ Collective symbols (things we all know) are used to connect these discourse strands and to identify the discursive knots.⁴⁴

Further, a discourse strand operates on a discourse plane, such as politics, finance or media. These planes are referred to as 'social locations from which speaking takes place' and can interrelate with and influence each other.⁴⁵ For example the media plane may capture and adopt discourse fragments from medical or legal discourses which it can then mould and manipulate in order to sensationalise certain claims.⁴⁶ Of particular importance is when and for how long an event appears on a discourse plane, as this event may shape and 'influence the development of discourse'.⁴⁷

A discourse plane consists of sectors. Drawing on the aforementioned example, newspapers, television, and social media are specific sectors located on the media discourse plane. These sectors can intertwine resulting in similar content appearing in different sectors. This sharing of material or codes is commonly observed within

⁴²Jager and Maier, "Theoretical and Methodological Aspects of Foucauldian Critical Discourse Analysis and Dispositive Analysis," 47.

⁴³Ibid., 47.

⁴⁴Ibid., 47-8.

⁴⁵Ibid., 48.

⁴⁶Ibid., 48.

⁴⁷Ibid., 48.

the various sectors located on the media discourse plane (e.g. newspaper and social media).

In order to analyse discourse strands of crystal methamphetamine as they appeared in the newspaper sector, I adopted a synchronic approach. This involved examining a discourse strand at particular chronological stages to gain insight into its changing nature over the period of the study.⁴⁸ Finally, my analysis examined how a discourse plane, such as the media and policy domain, utilised the fragments that emerged from various strands.⁴⁹

This analytical approach used the tools of discourse strand, plane and fragment to interrogate and disentangle the web of social discourse on methamphetamine. It revealed discourses embedded within forms of communication, and enabled me to interrogate how dominant discourses were produced and disseminated through the media plane. It allowed me to gain insight into competing discourses and ideologies by weaving through the text to determine, not only the ideologies embedded within it, but 'how language [was] being used to create social meaning'.⁵⁰ Figure 1 illustrates the analytical process discussed above using the discourse strand of illicit drug use as an example. It shows how three separate discourse fragments on methamphetamine use amongst intravenous drug users, benefits of harm minimisation strategies (in relation to illicit drug use), and findings from the NDSHS in relation to the recent heroin use amongst the general population, formed the discourse strand of illicit drug use. These fragments and strands were part of the newspaper sector which was located on the media discourse plane.

⁴⁸ Ibid., 46.

⁴⁹ Ibid., 49.

⁵⁰ Sharlene N. Hesse-Biber and Patricia Leavy, *The Practice of Qualitative Research* 2nd ed. (California: Sage Publications, 2011), 238.

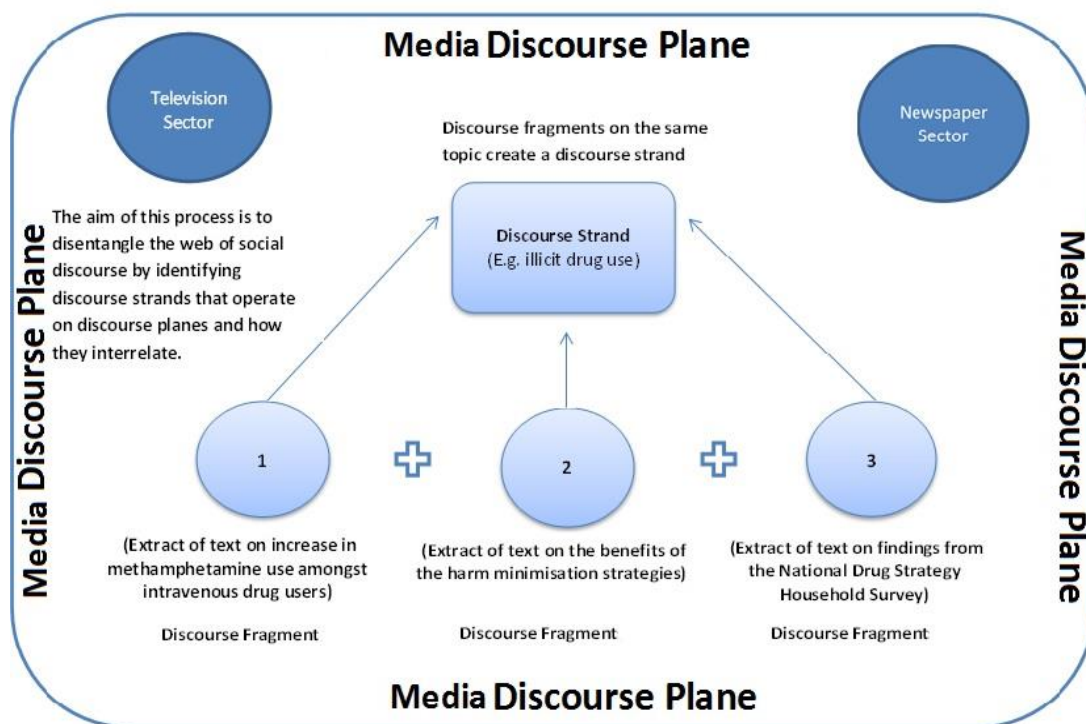


Figure 1: Components of a Jager and Maier inspired discourse analysis

4.5 The Discourse Analysis of Media Articles

A total of 433 media articles from select NSW and national newspapers were subject to this discourse analysis in my study.⁵¹ A detailed overview of the sample selection processes involved, including source (newspaper type and quantity) selection and data cleaning (removal of irrelevant or duplicate material), and the search terms used to generate the newspaper articles, are outlined in the next chapter, and form part of the preliminary analysis section of the thesis. A general guiding structure outlining how I conducted this discourse analysis is detailed below. Some steps were more pertinent than others and not all steps were applicable to every media article. The questions are adapted from the work of Jager and Maier who document a general procedure in undertaking a discourse analysis.⁵² Further, I draw on Willig's work to identify discursive constructions within the text. This is illustrated in step 11 of the analytical strategy. This is an important component in my analysis as it allows me to identify the different ways the same object was constructed in the article. I use this

⁵¹ Details of the preliminary analysis are provided in the following chapter.

⁵² Note that this type of discourse analysis structure draws heavily on the work of Jager and Maier, "Theoretical and Methodological Aspects of Foucauldian Critical Discourse Analysis and Dispositive Analysis."

aspect of her analysis to show how language operates within power relations between media, law enforcement, public health and policymakers.

My analytical strategy involved the following steps/questions:

1. A brief structural analysis of the articles with particular focus on typical characteristics located within the text (i.e. layout, headings/subheadings,).
2. What was the purpose of this article?
3. Where and in which newspaper did this article appear?
4. What type of language was used in the article? (use of vocabulary - casual (idioms, clichés), professional terminology, political and so forth).
5. Which topics/sub-topics were referred to in the article? (which discourse strands was the article a fragment of?). Sub-topics were categorised into several groups.
6. With what frequency did particular sub-topics appear in the text? What were the main sub-topics mentioned? Were any overtly neglected?
7. How were sub-topics represented over the period 2000-2009? Did particular sub-topics appear at certain times? How did this relate to discursive events?
8. What is the relationship between the topics and how did they overlap? (entanglement of discourse strands).
9. What collective symbolism was used? Was statistical evidence utilised? How?
10. Which actors were mentioned and how were they portrayed? (e.g. drug users, politicians, experts).
11. How were relevant objects discursively constructed within the text?
12. What references to knowledge were made? (to studies, legislation or policy, experts and other forms of knowledge, etc.).

Separate Microsoft Word documents were constructed for each of the 433 newspaper articles. Each document was comprised of the questions (relevant ones only) noted in the analytical strategy above, and their respective answers. Once this process was completed, a Microsoft Excel document was constructed. I separated the data into twelve separate columns (according to the analytical strategy questions). These data were then ready to be coded in NVivo.

4.6 The Discourse Analysis of Public Policy and Legislation

I searched for all relevant public policies and laws that discussed and addressed methamphetamines over the period 2000 to 2009. This time period was selected to allow for consistency between media articles and policies and laws. This involved accessing the NSW Parliamentary Debates (Hansard) for the period 4 January 2000 to 18 December 2009 (during sitting dates for both Houses (Lower House - Legislative Assembly and Upper House - Legislative Council)), as well as the Parliament of Australia Senate Hansard for the period 15 February 2000 to 20 November 2009, and the House of Representatives Hansard for the period 15 February 2000 to 26 November 2009.

I conducted a key word search using terms 'crystal methamphetamine', 'methamphetamines', 'ice', 'precursor chemicals', 'pseudoephedrine', 'ephedrine' and 'illicit drugs' to generate relevant parliamentary discussions. I identified a number of relevant documents including bills and their progression via the first, second and third readings during parliamentary sittings. Once the bill assented to law, I downloaded the relevant Act either through the NSW Government (NSW legislation) website (<http://www.legislation.nsw.gov.au/#/>) or the Federal Register of Legislation website (<https://www.legislation.gov.au/>).

I also conducted a separate search of the NSW Hansard (both Houses - 1 January 2010 to 24 January 2010), Senate Hansard (2 February 2010 to 25 November 2010), and House of Representatives Hansard (2 February 2010 to 26 November 2010) to account for any relevant laws and policies that may have appeared the following year (perhaps were not assented by November 2009). This search did not produce any relevant laws that should be subject to analysis in this thesis.

This method also generated discussions on methamphetamine-related policies during the period of the study. I chose six key methamphetamine-related public policies and laws where crystal methamphetamine was the focal point of discussion. Although a number of amphetamine policies were introduced during the period of the study, they focused on a range of ATS. This precluded them from the sample as they did not identify methamphetamine as the main drug for discussion.

My thesis does not claim that media discourses influenced all policy making during the period of the study. Rather, it examines how media may have shaped some methamphetamine-related public policies and laws that were recognised as crucial in the regulation of the drug over the period of the study. These policy and legislative instruments were subject to the same analytical strategy as the media articles.

4.6.1 Coding and Interpretation

The use of NVivo, a computer-assisted qualitative data analysis software program, aided the analysis of the newspaper articles, and public policy and legislative documents. NVivo 9 provided me with the tools to code and categorise the data. Prior to coding, the data were imported into NVivo and assembled for analytical purposes. Nvivo cases were identified and assigned to each document for ease of identification. The data were divided into separate calendar years for analytical ease.

The results of the media analysis will inform the next four chapters of the thesis. The first of these four chapters outlines the main quantitative findings (using a content analysis approach), while the other three, drawing on the theoretical material presented in Chapter 3, interrogate the three dominant discourses that emerged from the discourse analysis. Details related to the process involved in selecting these discourses are provided in the next chapter.

The results of the public policy and legislative analysis will inform Chapter 9 of this thesis. This chapter will draw upon the main qualitative findings available in the media analysis chapters, in addition to the theoretical ideas proffered in Chapter 3, to present a detailed analysis of the relationship between public policies and laws and media constructions of methamphetamine.

4.7 Conclusion

This chapter has provided an overview of the research method and analytical approach employed in this thesis. Firstly, I documented the research objective and research questions that steered my study. These questions outlined the direction of my thesis and the approach I adopted to understand the relationship between media reporting on methamphetamine and its role in the policy making process. They also assisted me in selecting the most appropriate research method, design and analytical

framework. I moved between questions, method and design many times in order to achieve consistency and fluidity in the research process.

I chose a case study research method to gain an in-depth understanding of one case. Specifically I employed an explanatory case study to examine and explain the media reporting and policy development relationship on methamphetamine over the period 2000-2009. A preliminary analysis of print media articles over this period resulted in the selection of a single-case for further examination. This case is identified and discussed in greater detail in the following chapter.

Finally, this chapter documented the discourse analysis I employed to analyse the print media articles. Drawing mostly on the work of Jager and Maier, in particular their use of discourse strands, discourse fragments and discourse planes, I was able to adapt their analytical strategy to provide a comprehensive general guiding structure to my analysis.

The aim of the analysis was to uncover and interrogate various discursive themes that emerged from the written forms of communication. This involved identifying discourses embedded within media texts to determine if and how they shaped policy and legislation. The following chapter provides an overview of the preliminary analysis and the main quantitative research findings of this thesis.

SECTION II

5 The Media Response: The Results of the First Stage of the Media Analysis

This chapter is the first of four that outline the results of my analysis of the print media articles on methamphetamine over the period 2000-2009. It is divided into two sections; Part 1 provides the results of the preliminary analysis of methamphetamine-related media articles in order to select the single-case. It also includes details of the carefully composed syntax used to develop the media sample. Part 2 provides an overview of the quantitative findings of the study; it identifies three media discursive events and documents the main discourses and discourse strands that emerged from the analysis. These discourses and discourse strands are analysed in three separate and subsequent chapters, by drawing on the relevant theoretical material discussed in Chapter 3.

5.1 Part 1: Preliminary Analysis

A preliminary analysis of print media articles on methamphetamine was conducted in order firstly to ascertain the level of media reporting in all Australian jurisdictions over the period of the study, 2000 to 2009, secondly, determine any relevant patterns or trends in this reporting, and thirdly, identify a single-case that would be subject to discourse analysis.

I used the Factiva database to generate the sample of media articles as it provides a comprehensive collection of regional, state-wide and national newspapers.¹ I chose the discourse plane of media and the newspaper sector for several reasons. Firstly, newspapers, commonly referred to as print media, are a stable and permanent type of document that enable material to be reviewed repeatedly. Secondly, they generate public and political interest on an issue.² Thirdly, with their high intensity of usage and public attention they can disseminate to a wide audience thereby

¹ Factiva is a research tool that aggregates content from sources, such as newspapers, television transcripts, magazines etc. (<http://www.dowjones.com/factiva/index.asp>) accessed 3 November 2011.

² Yin, *Case Study Research: Design and Methods*, 102.

enhancing the power effects of discourse.³ Lastly, they are a major source of dominant discourses.⁴

My sample included articles published between 2000 and 2009. As discussed in the methods chapter, this period was chosen because it allowed me to gain a deeper understanding of how the emergent issue of methamphetamine was constructed and responded to over time. This was best achieved through the acquisition and examination of qualitative data over a longer period of time. A number of significant illicit drug developments occurred during this period in Australia. As demonstrated in Chapter 2, methamphetamine became a popular drug following the heroin drought of late 2000. There were also a number of significant seizures of methamphetamine and associated precursors between the years 2000 and 2003. These developments led to increases in media reporting of methamphetamine and research specific to its production, distribution and use throughout this period.

The aim of this preliminary analysis was to obtain a national picture of media reporting on methamphetamine, and determine possible trends across Australia. A two-step process was undertaken in the analysis. First, a total of two national and 98 state and territory newspapers were selected for the analysis, however only two national and 53 state and territory newspapers yielded results.⁵ The results comprised the top 25 Australian newspapers⁶ confirmed by websites *TheNewspaperWorks* and *Newspapers.com.au*.⁷ These newspapers recorded the

³ Mautner, "Analyzing Newspapers, Magazines and Other Print Media," 32.

⁴ Ibid., 32.

⁵ See Appendix II for a list of these newspapers and the number of methamphetamine-related articles they produced.

⁶ Information was provided by the Audit Bureau of Circulations.

⁷ *TheNewspaperWorks* is an Australian industry body that espouses newspapers as an influential and effective type of advertising medium <<http://www.thenewspaperworks.com.au/>> viewed 10 November 2011. The website provides newspaper fact sheets on all Australian jurisdictions, outlining the major metropolitan and regional newspapers, <<http://www.thenewspaperworks.com.au/implementation/newspaper-facts-sheets>> viewed 10 November 2011. *Newspapers.com.au* is a website that provides a comprehensive list of all Australian newspapers. Details of newspapers are divided into jurisdiction.

highest circulation and readership figures in Australia.⁸ The second step was to select the single-case for the case study.

Using the Factiva database, I narrowed my search to articles that focused on specific subjects.⁹ I then created a syntax (search terms) using 'durable' words to generate articles on methamphetamine for the period 01/01/2000 to 31/12/2009. I considered the changing social, media and cultural language so my syntax covered all possible conceptual combinations.

Syntax (search term):

Crystal near meth or methamphetamine* or precursor* or ice near drug* or speed near drug* or speed near methyl* or meth* near legislation.

A total of 1711 media articles across Australia were generated in Factiva. Miles and Huberman state that tabulating the frequency of different events, which they describe as an analytic manipulation, is an appropriate starting point when looking at the data as it allows evidence to be placed in some order.¹⁰ Using this approach, I tallied and graphed the preliminary findings. The results presented in Figures 2 to 11 below are a jurisdictional breakdown of media articles on methamphetamine from 01/01/2000 to 31/12/2009.

⁸ Circulation refers to the total number of sold, reduced price or free copies of newspapers distributed on an average day over a stipulated period of time. Readership refers to the total number of people who read a newspaper on an average day over a stipulated period of time.

⁹ These pre-determined FACTIVA subjects included drug trafficking/dealing, drug enforcement administration, drug/substance abuse, trafficking/smuggling, social issues, crime/courts, usage statistics, law enforcement, health, national security, political/general news and organized crime.

¹⁰ Matthew B. Miles and A. Michael Huberman, *Qualitative Data Analysis: An Expanded Sourcebook* 2nd ed. (Thousand Oaks: Sage Publications, 1994).

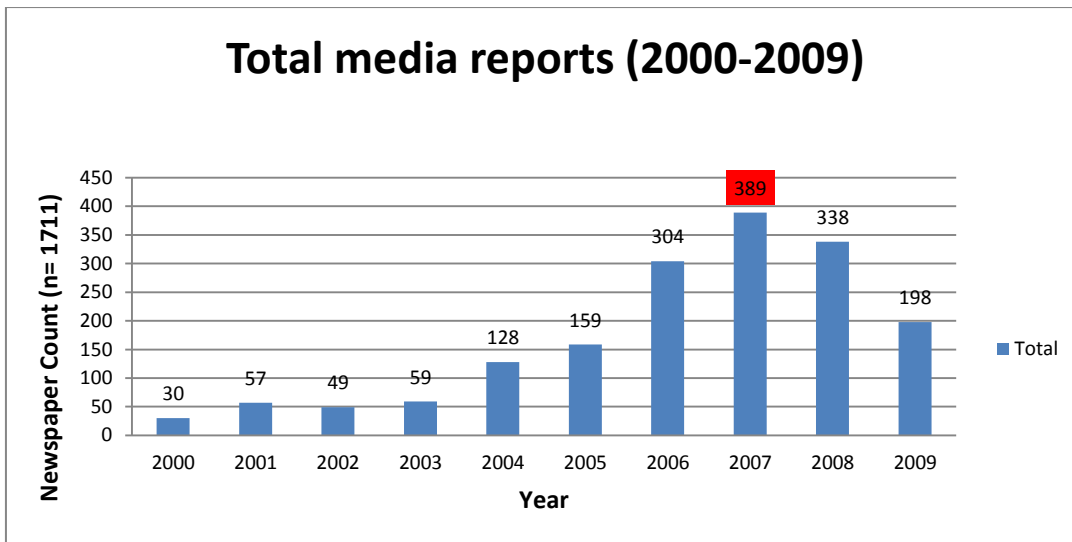


Figure 2: Total Australian media articles

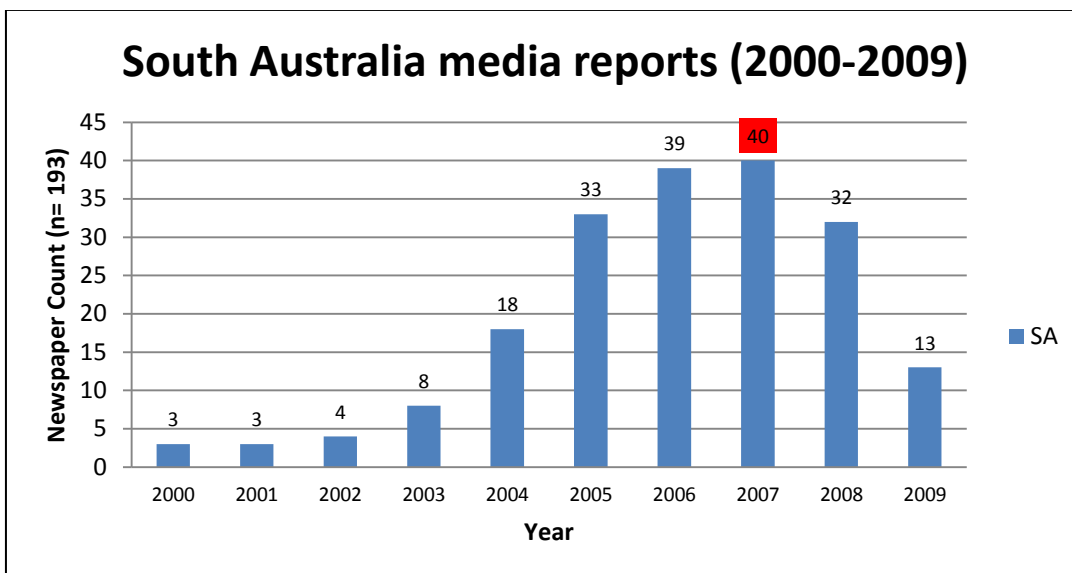


Figure 3: South Australia media articles

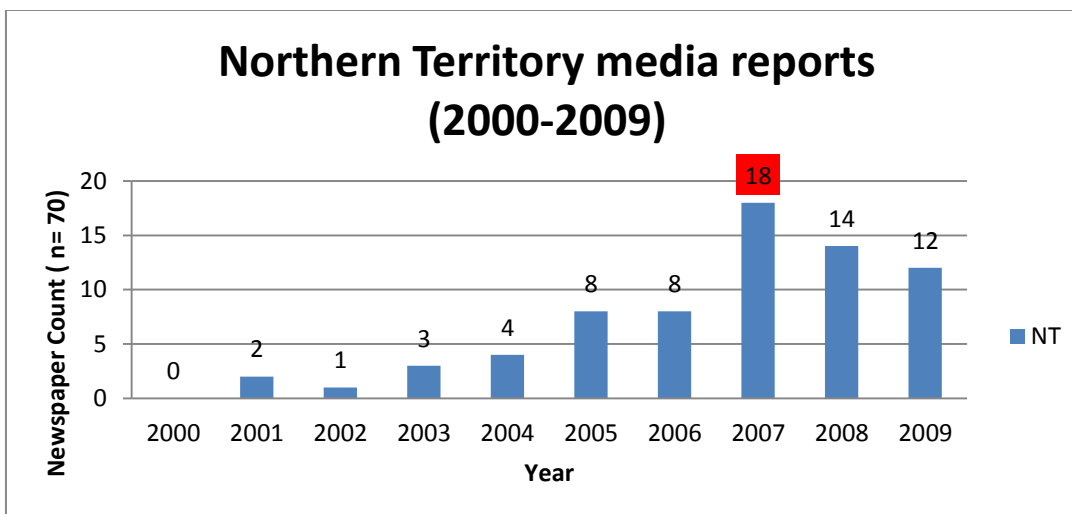


Figure 4: Northern Territory media articles

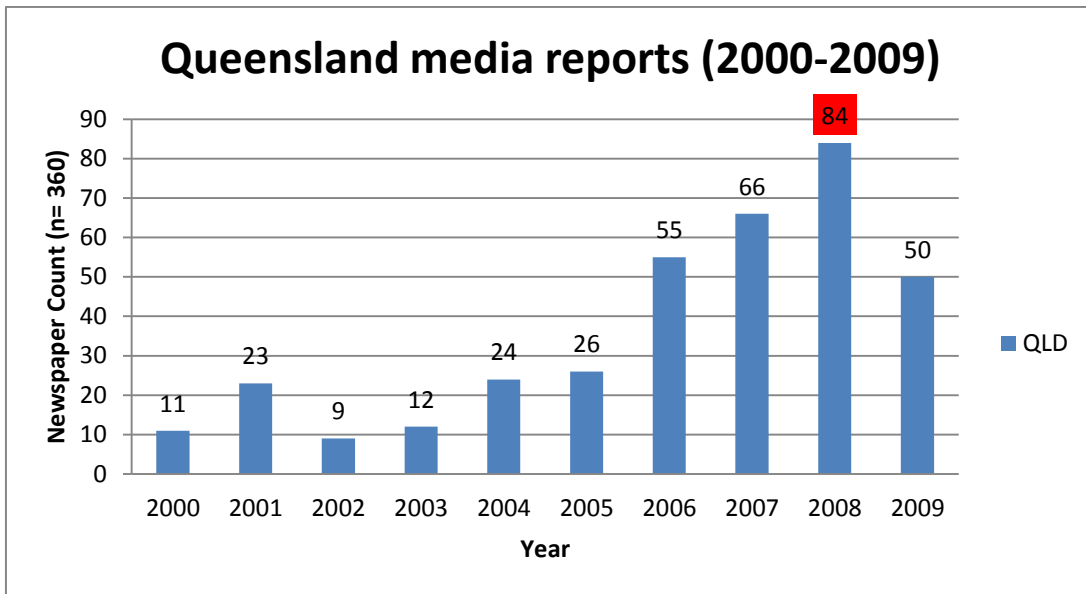


Figure 5: Queensland media articles

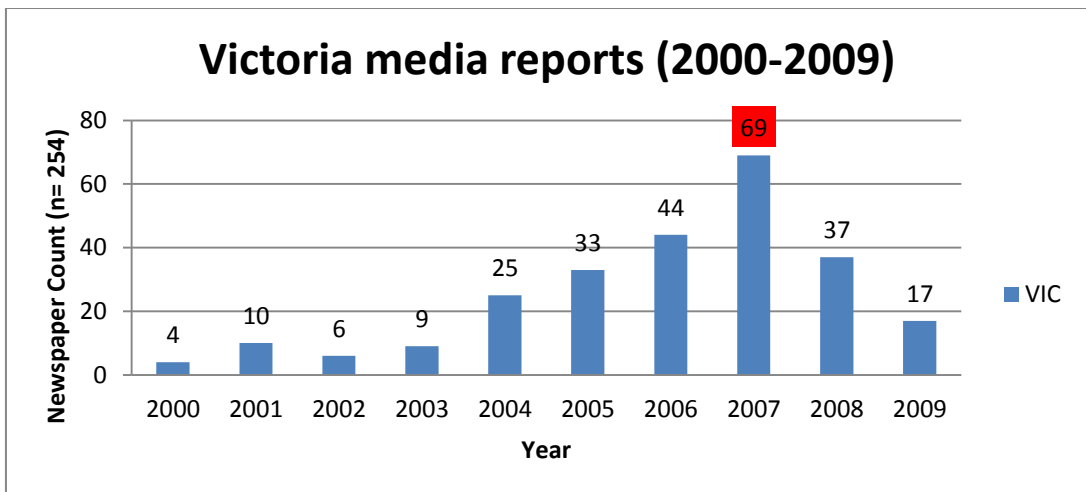


Figure 6: Victoria media articles

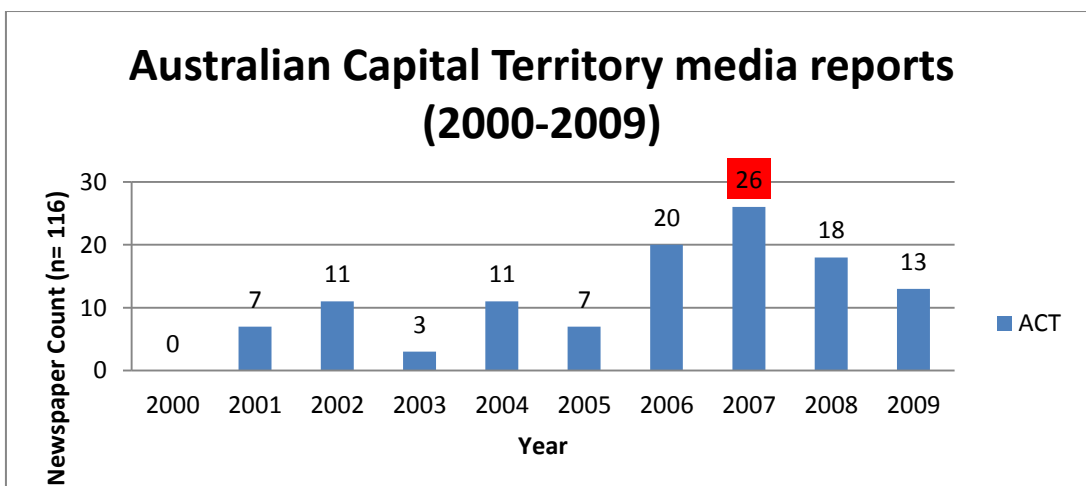


Figure 7: Australian Capital Territory media articles

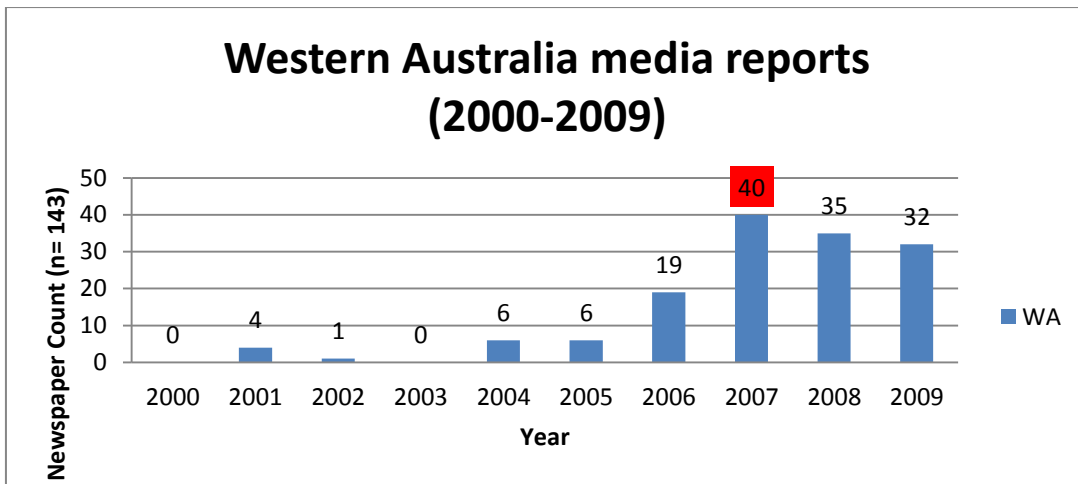


Figure 8: Western Australia media articles

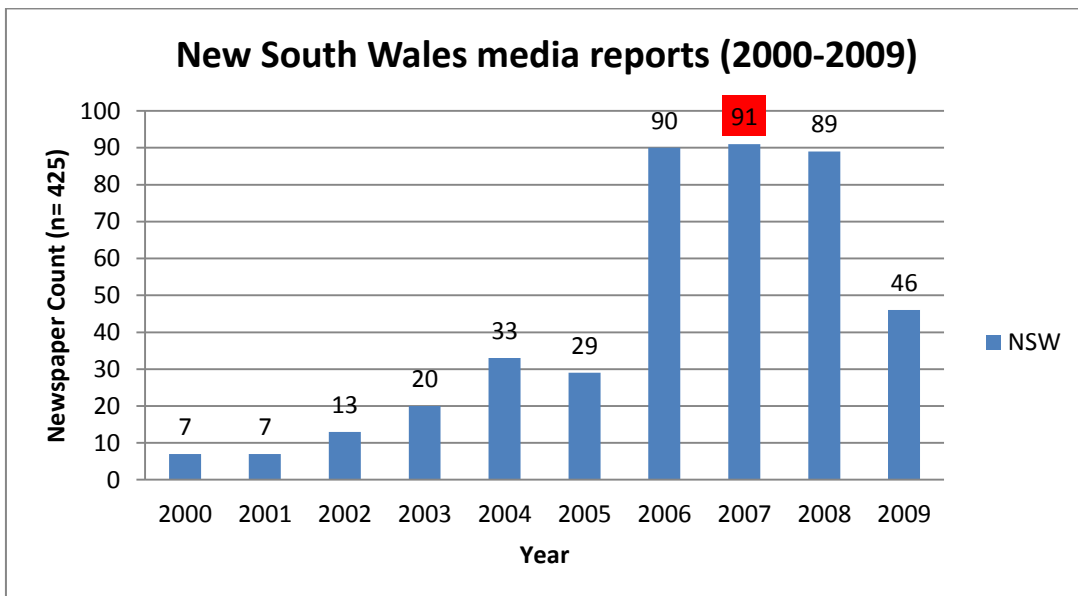


Figure 9: New South Wales media articles

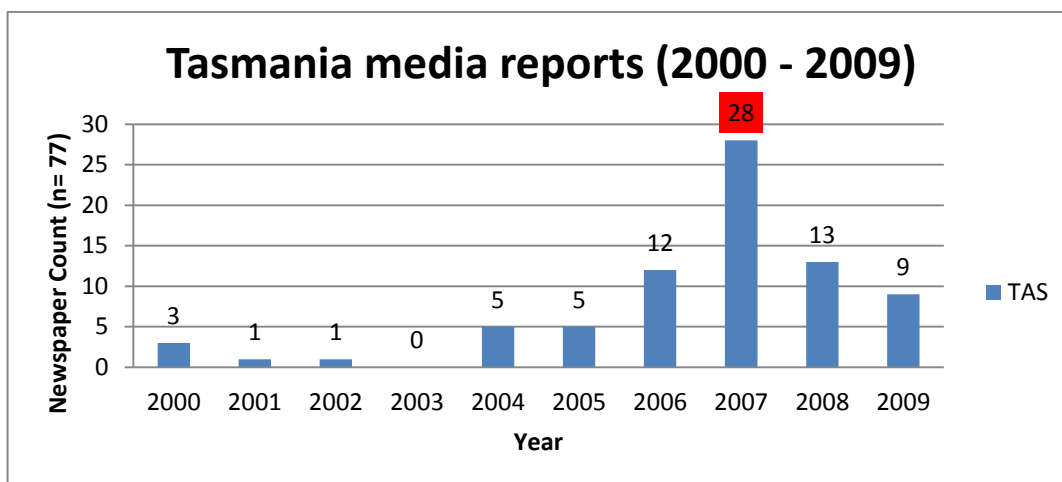


Figure 10: Tasmania media articles

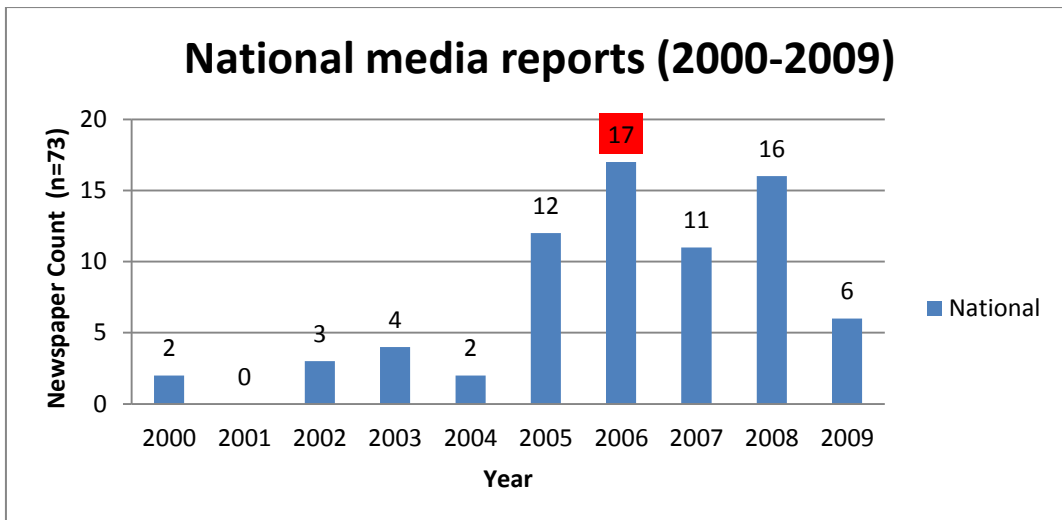


Figure 11: National media articles

5.1.1 Preliminary Results

These graphs present a number of key findings. One, they show an upward trend in the level of media reporting from 2003 in most jurisdictions. This is followed by a peak in 2006/2007 and then a decline in 2008. The only two major exceptions are Queensland, where reporting peaked in 2008, and national newspapers, where reporting peaked in 2006.¹¹ Two, a further decline in media reports is evident in 2009 in all jurisdictions. In particular, national newspapers, Tasmania, New South Wales, Victoria, South Australia and Queensland all showed a sharp decline in media reports of methamphetamine from 2008 to 2009.

Due to the high number (n= 1711) of media articles generated, it was neither practical nor time conducive to examine every article across all Australian jurisdictions. By establishing a trend, I was able to isolate a single case (one jurisdiction) for the case study. The state of NSW was selected as the single-case because of its typicality and representativeness of the same mode of reporting across almost all Australian jurisdictions. Further, most NSW newspapers achieved the highest circulation and readership figures in 2011.¹² *The Newcastle Herald* produced the highest circulation figures of all regional newspapers across Australia. A snapshot

¹¹ Queensland has consistently reported the highest number of clandestine laboratory detections in Australia since 1997 when detection records were kept. Further, there was a higher number of methamphetamine-related arrests across Queensland which may have resulted in an increase in media reports. This is anecdotal evidence.

¹² Note that figures prior to 2011 were only available to subscribers and could therefore not be obtained.

of the circulation and readership figures for select NSW newspapers is presented in Table 1.

Newspaper ¹³	Jurisdiction	Circulation Figures	Readership figures
The Sydney Morning Herald ¹⁴	NSW	543, 173 (Mon – Sat)	1, 767, 000 (Mon – Sat)
The Daily Telegraph ¹⁵	NSW	684, 259 (Mon – Sat)	1, 789, 000 (Mon – Sat)
The Sun Herald ¹⁶	NSW	426, 559 (Sun)	1, 077, 000 (Sun)
The Sunday Telegraph ¹⁷	NSW	621, 982 (Sun)	1, 463, 000 (Sun)
The Newcastle Herald ¹⁸	NSW	48, 100 (Mon – Sat)	305, 000 (Mon – Sat)

Table 1: Circulation and readership of newspaper figures

The total number of NSW articles (n= 425) equated to 25% of the total number of media articles (n= 1711) across the country. This provided an adequate sample size for this thesis. Confining the analysis to NSW provided rich qualitative data for analytical purposes. National media articles were then added to the NSW sample as these newspapers were available for circulation in the state. This brought the sample size to 506 articles. Upon further inspection, a total of 73 articles were discarded due to duplication or irrelevance to ensure an accurate and valid data set. For example, a small number of media articles focused on ice (the solidified form of water) and were thus discarded from the sample. This left a total of 433 articles that comprised the complete sample of newspaper articles.¹⁹

Based on the reasons noted above, the state of NSW was selected as the single case of this thesis. In sum, it was representative of media reporting of methamphetamine across most Australian jurisdictions during the period 2000-2009. The selection of this case was based on the preliminary analysis of the level of media reporting of methamphetamine during the period 2000-2009.²⁰

¹³ Note that FACTIVA data provides a combined figure for *The Australian* and *The Weekend Australian*.

¹⁴ <http://www.adcentre.com.au/the-sydney-morning-herald.aspx> viewed 1 September, 2011.

¹⁵ http://www.newsspace.com.au/Daily_Telegraph viewed 1 September, 2011.

¹⁶ <http://www.adcentre.com.au/the-sun-herald.aspx?show=audience> viewed 1 September, 2011.

¹⁷ http://www.newsspace.com.au/Sunday_Telegraph viewed 1 September, 2011.

¹⁸ <http://www.adcentre.com.au/the-newcastle-herald.aspx> viewed 1 September, 2011.

¹⁹ Note: all 433 sample articles are listed in a table titled 'Complete list of newspaper articles (sample)' in Appendix A of the thesis. Any reference to these articles will appear as a footnote displaying the relevant article number (e.g. Article 4).

²⁰ Preliminary analysis provides a rationale for selecting the single-case of NSW.

5.2 Part 2: Quantitative Findings - The Sample

A total of 433 print media articles were subject to a quantitative (content) analysis in order to identify the main discourses and discourse strands available in the media text. This sample comprised one national and 17 NSW state newspapers, a combined total of 18 newspaper sources. Figure 12 below shows that *The Daily Telegraph* produced the highest number of methamphetamine-related articles over the period 2000 to 2009, with a total of 142 articles published, one-third of the sample (33%). This was followed by *The Australian*, the only national newspaper, with 62 reports (14%); the *Illawarra Mercury* with 55 reports (13%); and both *The Sydney Morning Herald* and *The Newcastle Herald* each producing 45 articles (10% each). Together, these newspapers produced 80% of all methamphetamine-related reports during the period 2000 to 2009.

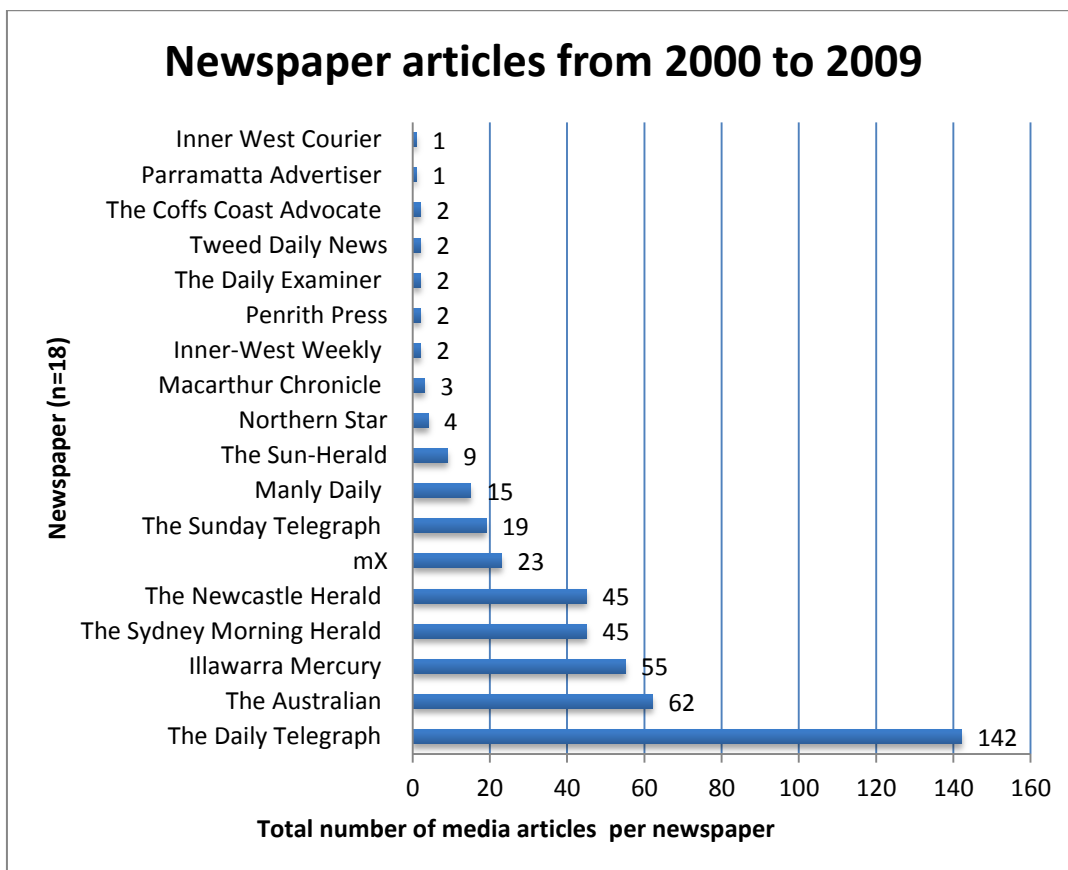


Figure 12: Media articles for 2000 to 2009

Figure 13 below outlines the total number of NSW and national print media articles published on methamphetamine-related issues for the period 2000 to 2009. It shows that levels of media reporting over this period varied. The year 2006 produced the

largest number of articles, a total of 104, equating to almost one quarter (24%) of the sample.

A steady incline was evident in levels of media reporting from 2002 to 2005. This was followed by a sharp incline from 2005 to 2006 with reports having almost tripled from 36 articles in 2005 to 104 articles in 2006. A decline followed from 2007 to 2009, particularly between 2008 (n=80) and 2009 (n=39).

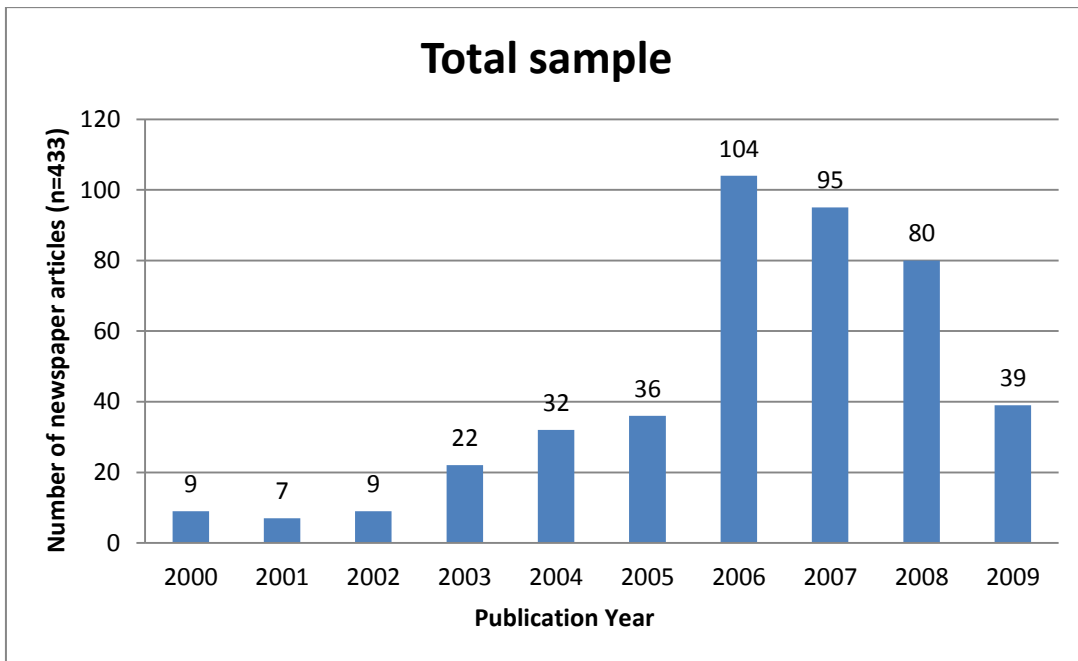


Figure 13: Total number of newspaper articles (2000 to 2009)

5.2.1 Significant Media Discursive Events

This section of the chapter identifies three media events that stood out in the print media articles over the period of the study. These events attracted high levels of media attention during this time and will be referred to throughout subsequent chapters.

5.2.1.1 Release of the McKetin et al. (2005) Report on Methamphetamine Use

In 2005, an Australian-first technical report that estimated the number of regular and dependent methamphetamine users in Sydney, NSW and Australia was published by NDARC researchers McKetin et al.²¹ This report focused on methamphetamine use, in particular dependency. A total of seven of the 36 articles (19%) published in 2005

²¹ McKetin et al., "Estimating the Number of Regular and Dependent Methamphetamine Users in Australia."

discussed the findings of this report. Of those seven articles, three were published by *The Sydney Morning Herald*, two by *The Australian*, one by the *mX* and *The Daily Telegraph*.

The articles produced by *The Sydney Morning Herald* drew heavily on the report findings to identify the negative impact of ice on the user. Notably many of these articles did not describe these users as addicts, but rather detailed the dangers associated with methamphetamine use, as evidenced in the article, '*Drug study signals danger in meth*'.²² Alternatively, *The Daily Telegraph* emphasised addiction, and even claimed that 'nearly two-thirds of those who use 'meth ... known as ice are addicted to the drug', a statement not supported by the McKetin et al. evidence.²³ Further, the *mX* produced a front page article with the title, '*Addicts on ice - Deadly party drug has 12,000 hooked*', describing users as mostly unemployed drug dealers.²⁴ This representation conflicted with that of *The Australian* who described users as young, well-educated and employed professionals.²⁵

5.2.1.2 Former NSW Police Commissioner Ken Moroney Comments on Ice

On 25 September 2006, then NSW Police Commissioner Ken Moroney took part in an exclusive interview with *The Australian* newspaper. This newspaper produced a report titled '*Ice worse than heroin, says top cop*'. In this report, Moroney described ice as a drug worse than heroin, noted 'the greatest challenge facing NSW Police is the ice epidemic', and warned that 'Australia risked losing a generation of young people to the drug ice'.²⁶ Such comments were emphatic and passionate, and generated Australia-wide media attention.

What transpired was an intense focus on methamphetamine in major Australian and NSW newspapers, notably there were 67 reports, almost two-thirds of those produced in 2006, published between September and December, as outlined in Figure 14 below. A total of 15 of those articles (22%) discussed in detail or made reference to the Moroney comments. *The Daily Telegraph* produced 33 (32%) articles

²² Article 109.

²³ Article 106.

²⁴ Article 107.

²⁵ Article 108.

²⁶ Article 159.

in 2006, with 23 (70%) of those published during this period. This was followed by *The Australian*, which produced 16 (15%) articles in 2006, with 10 (63%) of those published in the last four months of the year.

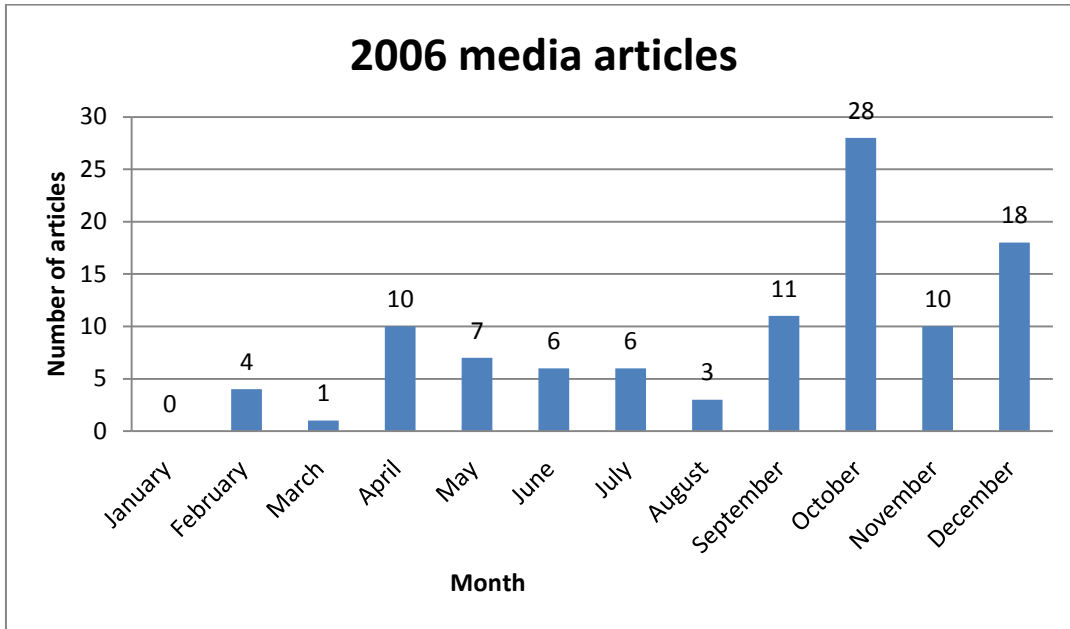


Figure 14: 2006 newspaper articles

5.2.1.3 High Profile Cases

Two high profile methamphetamine-related cases were first reported in 2008 and continued into 2009. The first involved former Assistant Director of the New South Wales Crime Commission (NSWCC) Mark Standen who was arrested for conspiring to import 600kg of pseudoephedrine chemicals in order to produce more than \$120 million worth of crystal methamphetamine. This case was discussed in eight articles in 2008 and six articles in 2009, all published on or after his 3 June 2008 arrest. *The Australian*, *The Daily Telegraph* and the *mX* featured this story on the front page of their respective newspapers on the 3 June 2008. All articles were critical of Standen’s actions raising issues such as breach of trust and corruption. His case further highlighted the precursor issue, with many of the articles published in 2008 and subsequent to his arrest, discussing either precursors or their importation.

The second case involved ABC correspondent Peter Lloyd who was arrested in Singapore on drug-related charges. His case was discussed in 16 of the 80 (20%)

articles published in 2008. It highlighted the issue of methamphetamine use and possession, with several other articles focused on possession related issues.

Both these cases garnered considerable print media attention during 2008 (23% of articles) and 2009 (18% of articles), as exemplified in Figure 15 below.

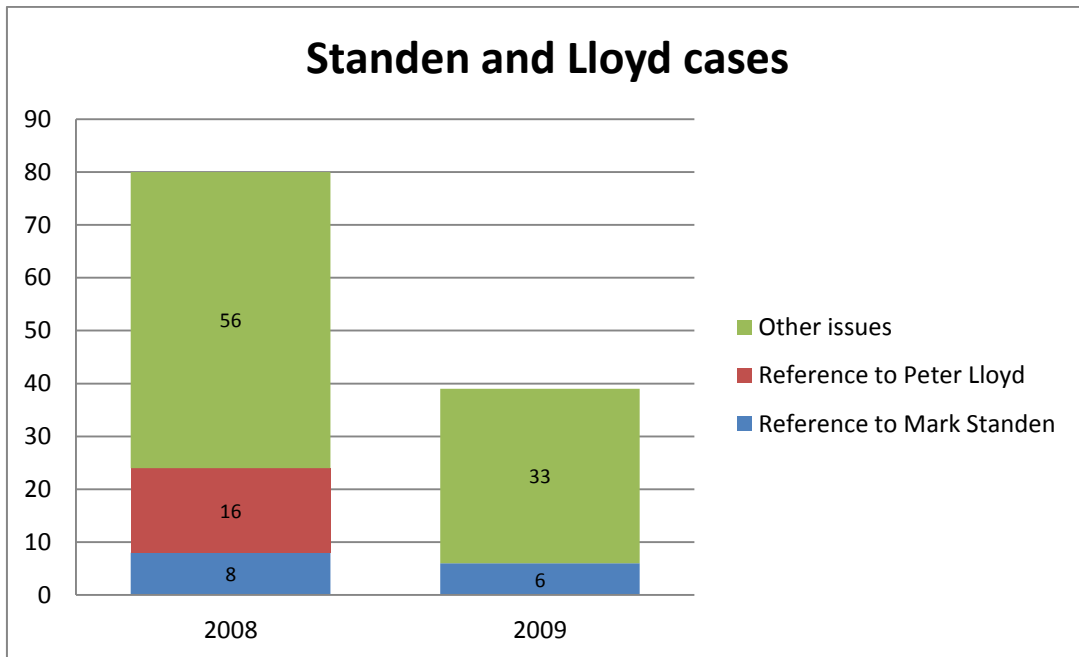


Figure 15: Print media references to the Standen and Lloyd cases

As I discuss in later chapters, the two main protagonists, Standen and Lloyd, were constructed in markedly different ways, with Standen presented as a drug trafficker, motivated by self-interest and greed. He was primarily cast as a villain who used his influential position within the NSWCC to engage in criminal activity. Alternatively, Lloyd was presented as a victim of circumstance, a man who consumed methamphetamine because of personal traumas. In effect, there was a major distinction in the way Standen, the 'drug trafficker', was constructed and characterised when compared to Lloyd, 'the user', who was in possession and admitted to having consumed methamphetamine.

These key discursive events ultimately and perhaps inadvertently paved the way for a fervent media response to methamphetamine, particularly from 2005 onwards. This year marked a key turning point in the way methamphetamine was conceptualised by media and portrayed to the general public through media articles. Not only did media reports on methamphetamine increase in quantity, having almost tripled from

36 in 2005 to 104 in 2006, but the language used to describe the drug transformed from mostly descriptive to more pejorative and accusatory, particularly when its use, production and manufacture were discussed.

5.2.2 Emergent Discourses and Discourse Strands

A number of discourses emerged once the 433 media articles were subject to the discourse analysis discussed in the methods chapter (analytical process). In order to determine the most dominant discourses that formed the main empirical component of this thesis, I divided the articles into categories according to topics and sub-topics. Once the newspaper articles were divided into these categories, a content analysis was undertaken to determine which topics and sub-topics appeared most in the text. Three dominant media discourses (methamphetamine user, the enforcers, and the folk devil drug) emerged. The details are presented below.

Methamphetamine use and the user appeared a total of 266 times in newspaper articles. Of these 266, 133 referred to the methamphetamine user discourse in some way. The most dominant constructions, identified as discourse strands, were dependent user ($n = 60$) and recreational user ($n = 41$).

Law enforcement ('the enforcers') topics were discussed in newspaper articles a total of 663 times. Topics were divided into two separate categories (international and domestic). The (international) discourse strands of importation, trafficking and Asian criminal syndicates appeared a total of 202 times in newspaper articles. The (national) discourse strands of manufacture, and production appeared a total of 461 times in newspaper articles. 'The enforcers' thus emerged as the main discourse identified in the analysis.

The negative construction of crystal methamphetamine on its own was noted 194 times in newspaper articles. Of these references, 47 appeared as metaphors such as scourge, ice age, ice storm, epidemic and plague. A further 14 articles referred to ice as a drug worse than heroin (discourse strand).

These dominant discourses and their respective discourse strands emerged from within the media text to shape the way methamphetamine was imagined and

presented to the general public. An overview of these discourses and strands forms the next part of this chapter, and is then analysed in detail in subsequent chapters.

5.2.3 The 'Methamphetamine User' Discourse

Media attention on methamphetamine use and the user was limited in the early years of the study, with only six articles in the sample published between 2000 and 2003. An emphasis on international cases and trends in South East Asia was most apparent during this period. By 2004 media reporting on methamphetamine use had increased; it was discussed in eight of the 32 (25%) articles published that year. This upward trend peaked in 2006, with 89 of the 104 (86%) articles published making reference to methamphetamine use or the methamphetamine user, as illustrated in Figure 16 below.

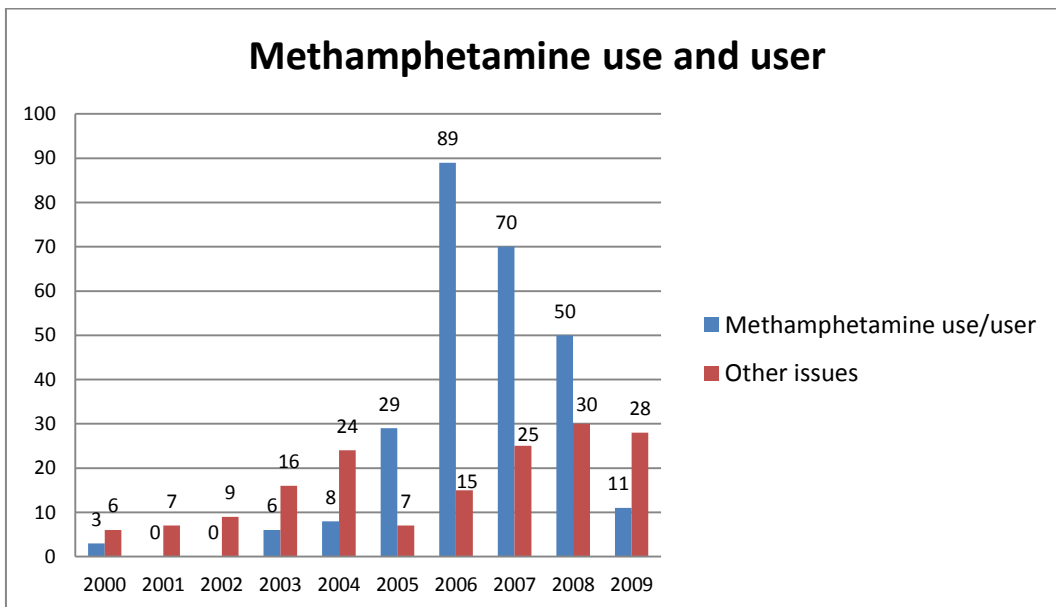


Figure 16: Articles that discuss methamphetamine use/user

5.2.3.1 Construction of the Methamphetamine User

The methamphetamine user discourse was constructed by print media in a number of ways. The most dominant discourse strand was the dependent user (addict), with a total of 60 articles using the 'addict' term over the 2000 to 2009 period. The young recreational user strand was the second most dominant construction, with 41 articles using this phrase, followed by the term 'methamphetamine user' only (neither addict nor young recreational user), with a total of 26 articles published. A further six articles described these persons as either a druggie (n=3) or a junkie (n=3).

These discourse strands were most prevalent in the years 2006 and 2007. The term 'addict' appeared most in 2007 (n=26) followed by 2006 (n=16). The phrase 'young recreational user' appeared most in 2006 (n=17), and the phrase 'methamphetamine user' only was most evident in 2007 (n=9). This is shown in Figure 17 below.

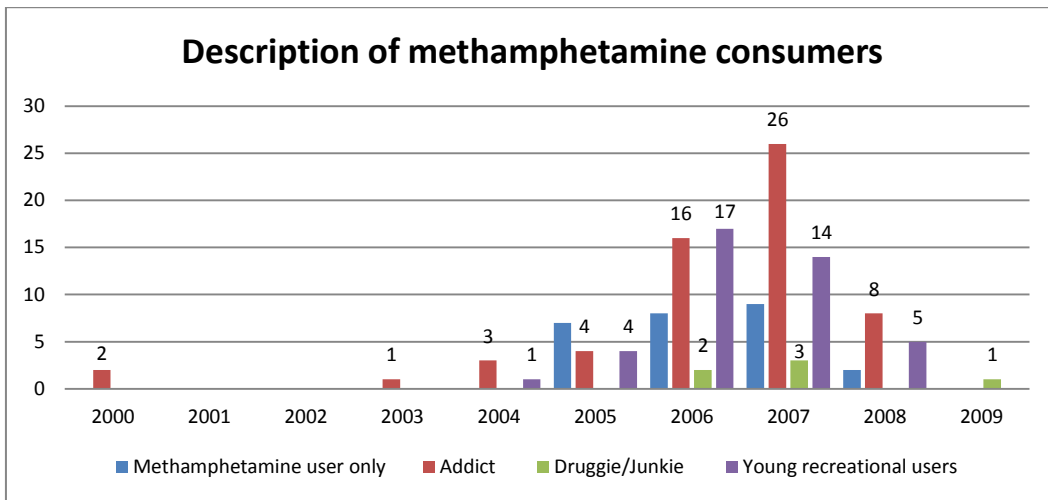


Figure 17: Description of methamphetamine consumer according to year

5.2.3.2 Dependent User Discourse Strand

Turning to the question of where these terms appeared, a total of 11 of the 18 newspapers used the term addict. *The Daily Telegraph* did so more frequently than any other newspaper, using it in 18 (30%) of the 60 articles that used this term. This was followed by *The Australian* which published 13 (22%) such articles, and *The Sydney Morning Herald*, with seven (12%) articles. These details are presented in Figure 18 below:

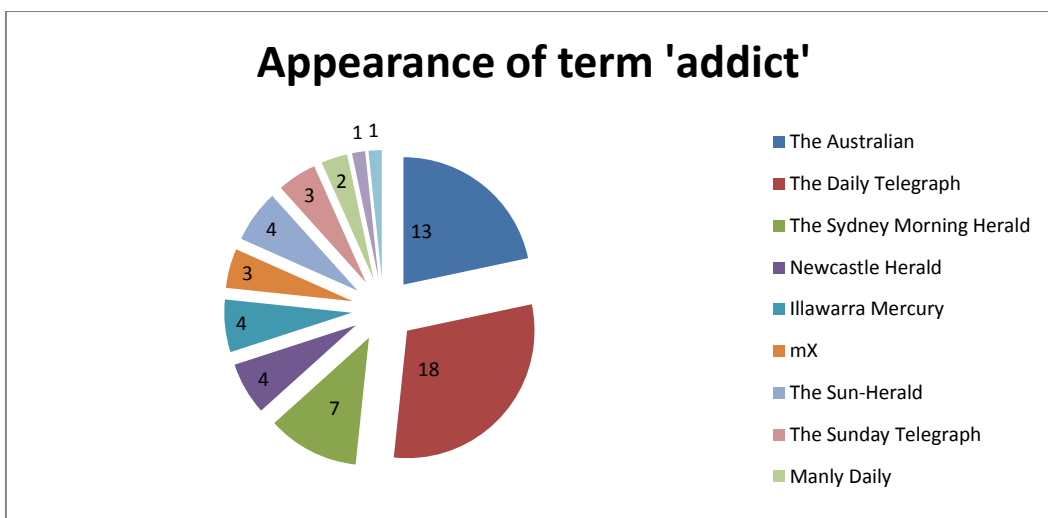


Figure 18: Use of the term addict according to newspaper

Over the course of the study, 73 articles (17% of total sample) described methamphetamine consumers as persons who engaged in violence and criminality. From 2000 to 2005, only eight of those articles described these persons in such a way. This increased to 31 in 2006, though decreased to 19 in 2007, 11 in 2008, and three in 2009. Of the 73 articles that positioned methamphetamine consumers within a violence and criminality context, 17 referred to them as addicts. This occurred most frequently in 2006 (n=9) and 2007 (n=5). These figures are presented in Figure 19 below.

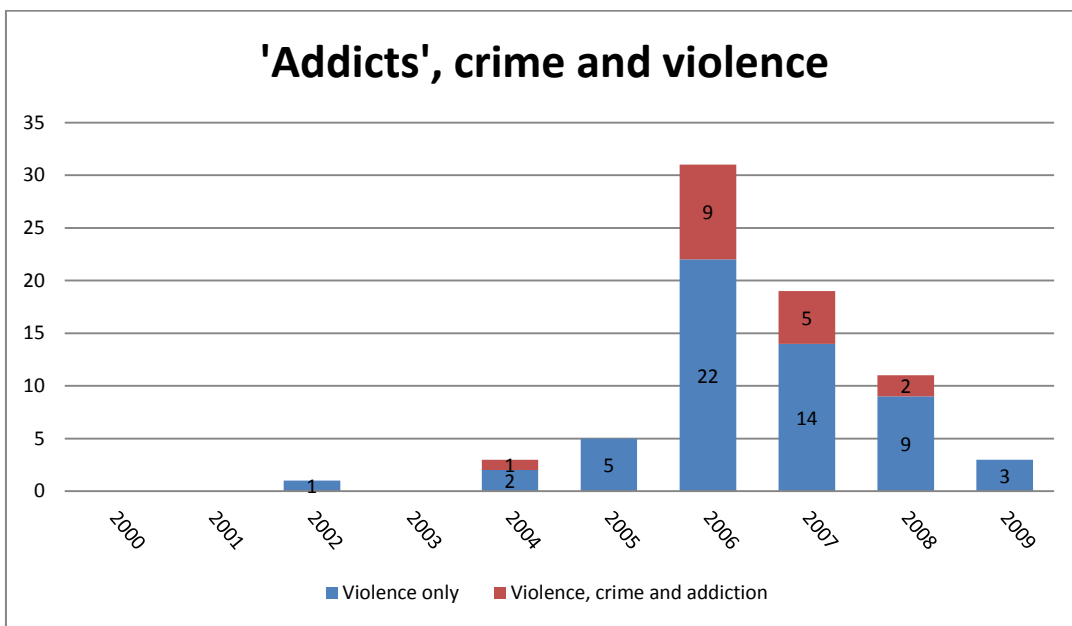


Figure 19: Articles on addicts, crime and violence

5.2.3.3 Recreational User Discourse Strand

As noted, above, a total 41 articles referred to methamphetamine consumers as young recreational users. This occurred largely in 2006 (n=20), although declined to 11 articles in 2007, four articles in 2008 and zero articles in 2009. Of those 41 articles, 35 (85%) were published after the 2006 Moroney comments on young people, and of those 35, seven (21%) referred to these consumers in some way. *The Daily Telegraph* produced almost a third (29%) of these articles. This was followed by *The Sydney Morning Herald*, *mX* and *The Australian* newspapers which produced six articles each that referred to young recreational users. These details are presented in Figure 20 below.

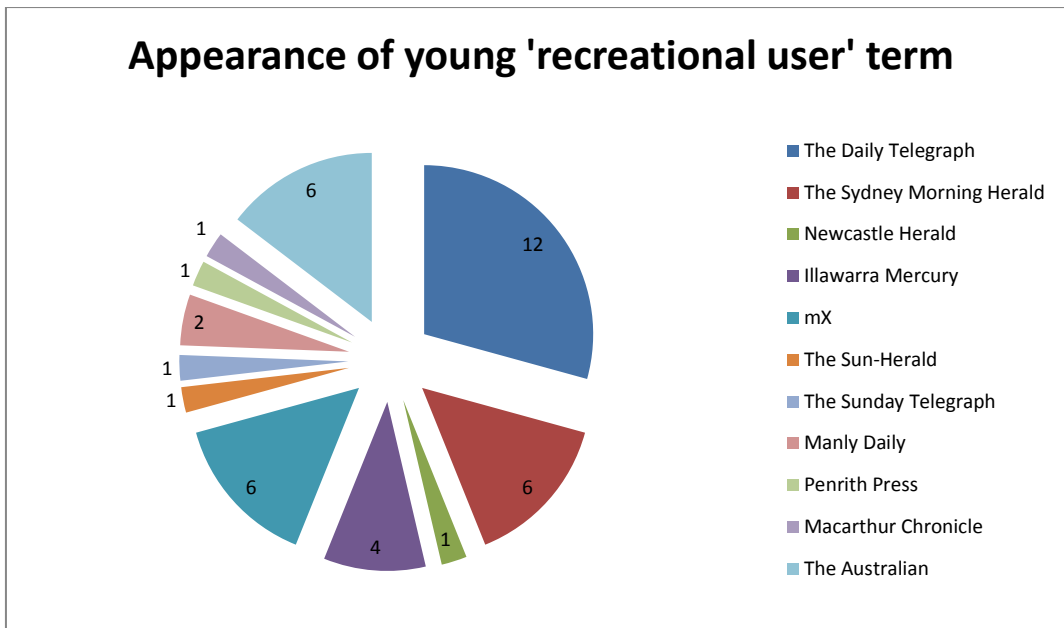


Figure 20: Use of the term young recreational user according to newspaper

This category of user was referred to as 'at risk' of harm and/or vulnerable victims of the drug ice, with 32 of the 41 (78%) articles referring to them in this way. The majority of these articles were either published in 2006 (n=15) or 2007 (n=12). These figures are presented in Figure 21 below.

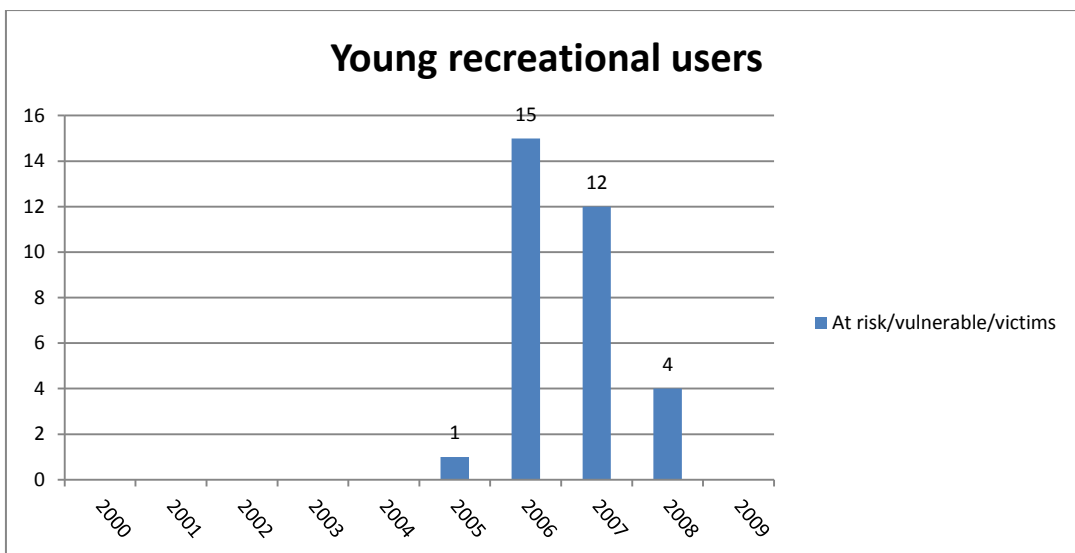


Figure 21: Recreational users described as 'at risk'/vulnerable/victims

5.2.4 'The Enforcers' Discourse

The second major discourse that my analysis identified was the enforcers. It typically included law and order issues such as drug busts and raids, border seizures, police operations, importation, smuggling, precursor chemicals, manufacture, production,

clandestine laboratories, criminal syndicates, arrests and so on. Law and order was also the most referenced source in media articles. A total of 167 (39%) of the 433 articles published over the course of the study comprised a direct law enforcement reference or paraphrased law enforcement source. This was followed by public health and research organisations (76, 18%); courts and the legal profession (54, 13%); and politicians (38, 9%). These details are presented in Figure 22 below.

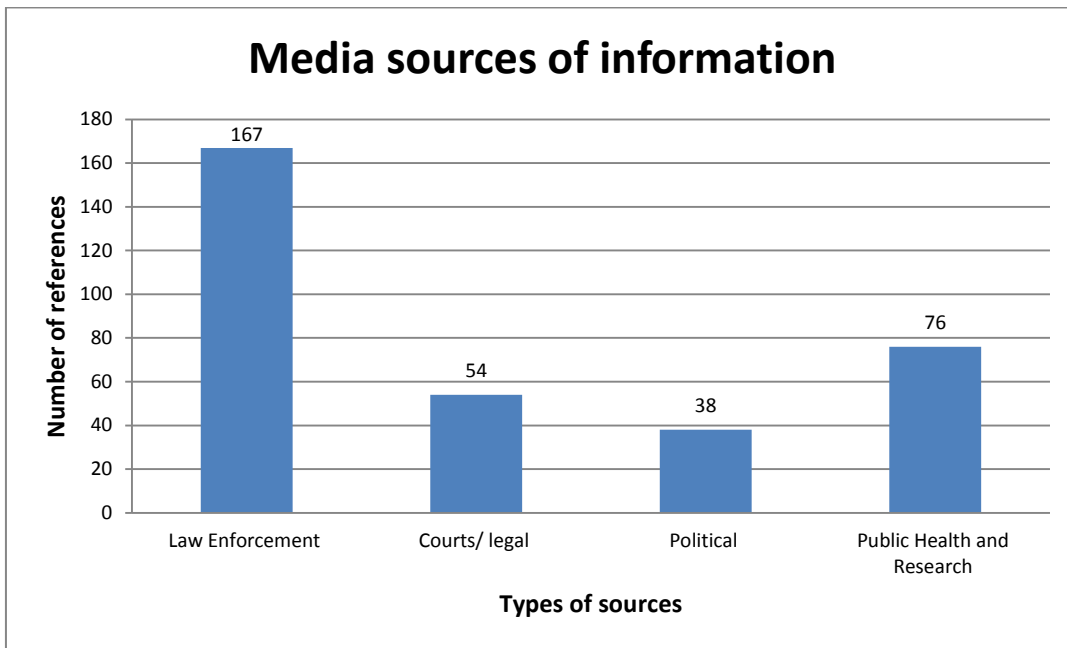


Figure 22: Direct sources that appeared in media articles

5.2.4.1 The International Side

A number of law enforcement themes were considered international issues. These included drug seizures at the Australian border, importation, smuggling and trafficking of methamphetamine, some criminal syndicate operations and certain drug busts. Importation (26%) and trafficking (26%) both accounted for over half (52%) of the articles on international methamphetamine issues and thus emerged as major discourse strands. This was followed by border seizures by the Australian Federal Police (AFP) and Customs (16%), smuggling issues (15%) and articles on Asian criminal syndicates (13%), as indicated in Figure 23 below.

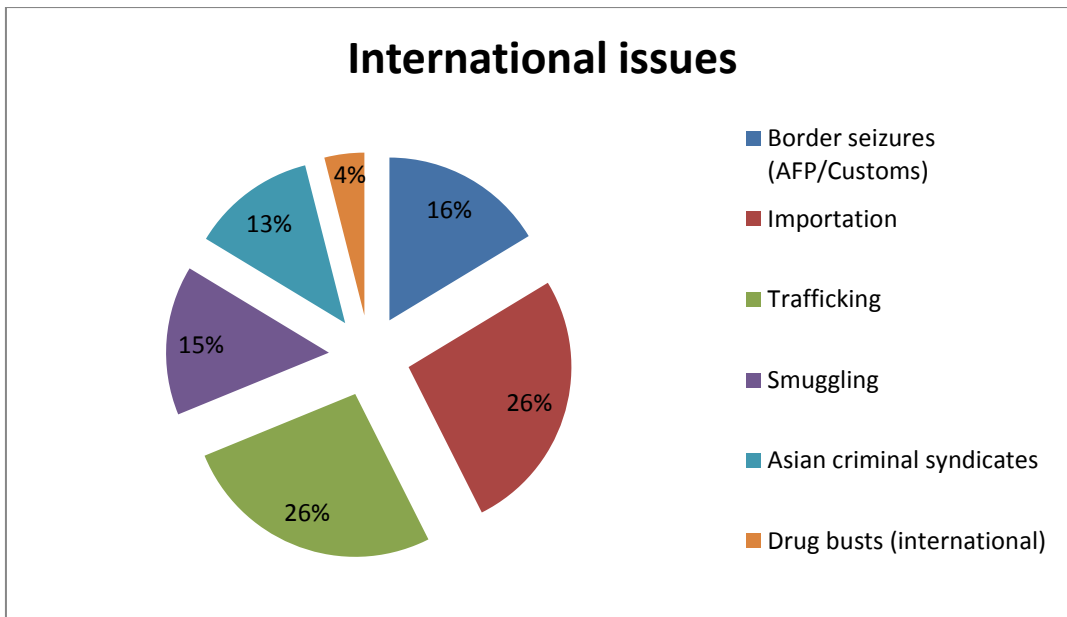


Figure 23: International methamphetamine-related issues

Importation and trafficking issues received the most print media attention of all the international law enforcement themes, producing a combined total of 106 articles. These articles discussed issues such as the importation of methamphetamine, importation of precursor chemicals such as ephedrine and pseudoephedrine, and the traffic of methamphetamine. A total of 40 (48%) of these articles were published in 2008 (n=35) and 2009 (n=5), coinciding with both the Mark Standen and Peter Lloyd cases discussed earlier in this chapter.

Meanwhile, methamphetamine and precursor chemical border seizures by the AFP and Customs appeared throughout the course of the study. A total of 23 articles were produced, with the year 2003 recording the highest number of articles (n=6, 26%), followed closely by 2007 (n=5, 22%). Almost two-thirds of these articles (n=14, 61%) were published in early years (2000 to 2005) of the study.

So-called 'Asian organised criminal syndicates' and their involvement in the methamphetamine trade generated 14 articles over the course of the study. Eleven (79%) of these were produced during the 2005 to 2009 period. This was also the case with articles on the smuggling of methamphetamine; 15 out of 19 (79%) were produced during the latter half (2005 to 2009) of the study, as demonstrated in Figure 24 below:

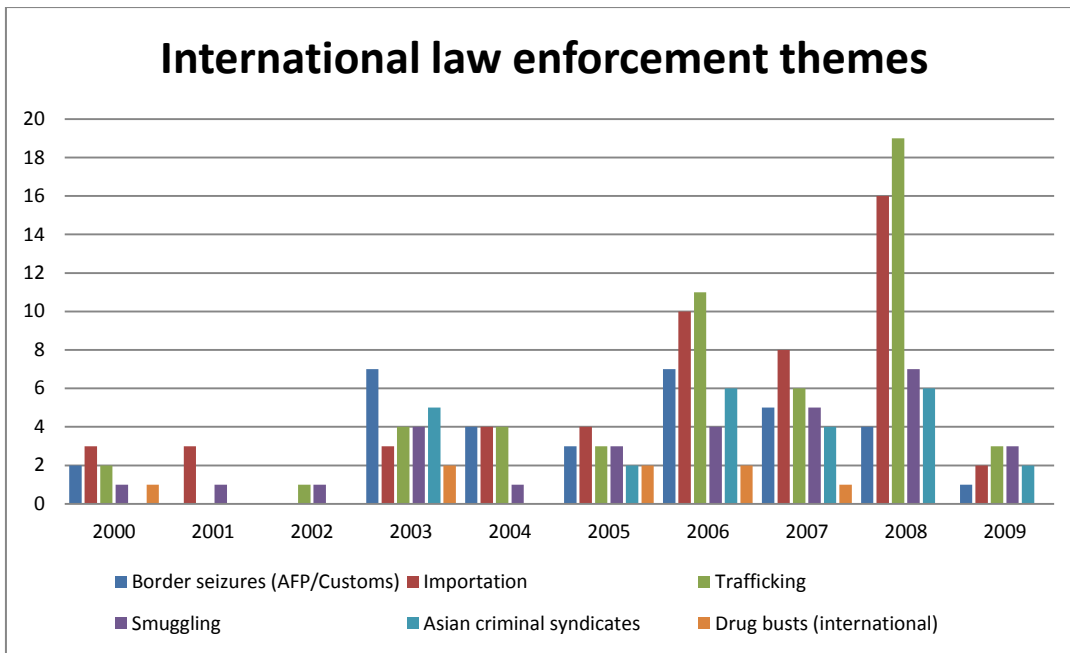


Figure 24: Law and order: international side

Throughout 2006, media reporting of most international law enforcement issues waned and were replaced by domestic issues, notably police operations that included drug raids and busts, and production and manufacture issues.

5.2.4.2 The Domestic Side

Several law enforcement discourse strands were focused on domestic methamphetamine-related issues. These included the manufacture and production of methamphetamine and outlaw motorcycle gangs (OMCGs). Issues related to one or both of these strands include clandestine laboratories (also referred to as ‘meth labs’, ‘cland labs’, ‘super labs’ or ‘backyard labs’), precursor chemicals (in a domestic context), methamphetamine-related arrests, and successful task force/strike force operations. These issues were referred to in 461 instances over the course of the study.

Arrests received the most media attention and were referred to in 135 (31%) articles over the 2000 to 2009 period. These were followed by precursor chemicals (n=72), with close to two-thirds (n=47, 62%) published between 2007 and 2009; manufacture issues (n=59); production issues (n=48); drugs busts/raids (n=45); clandestine laboratories (n=44); OMCG issues (n=30) and task force/strike force operations (n=28). These figures are presented in figure 25 below.

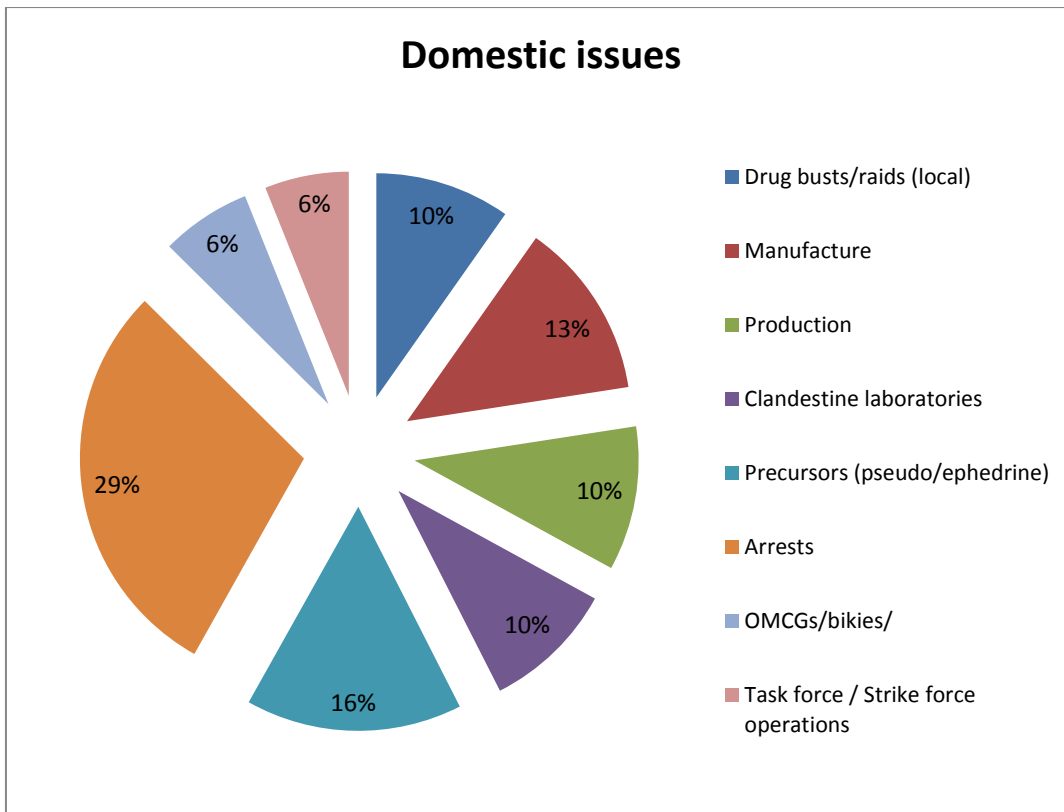


Figure 25: Domestic methamphetamine-related issues

Between 2000 and 2005, a total of 108 law enforcement issues were identified in the 115 articles produced. Half (n=54) of these issues related to the manufacture and production of methamphetamine, clandestine laboratories and precursor chemicals. Between 2006 and 2009, 380 law enforcement issues were identified in the 318 articles produced.

Reports on most law enforcement domestic-related issues occurred in 2006 (n=103) and 2008 (n=105). In 2006 alone, almost all articles (103 of the 104) referred to some domestic law enforcement issue. This included references to arrests (n=42); clandestine laboratories, precursor chemicals and the manufacture and production of methamphetamine (n=45); successful police drug busts and raids (n=14); and task/strike force operations (n=2). In 2008, some of the 80 articles published referred to 105 separate law enforcement issues, as was the case in 2009, with some of the 39 articles published referring to 70 law enforcement issues. These figures are presented in Figure 26 below.

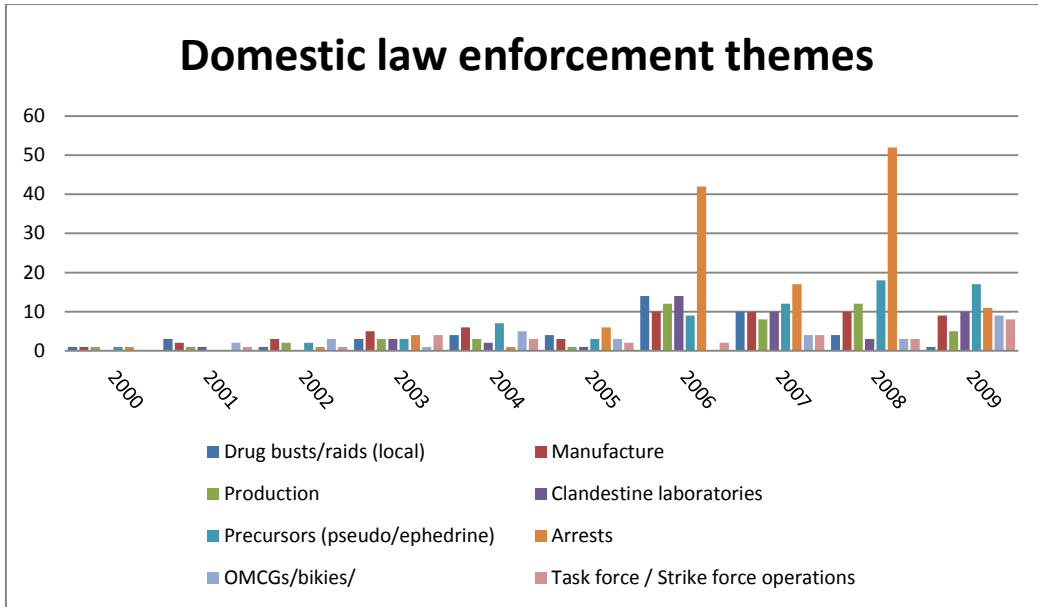


Figure 26: Law and order- domestic side

Arrests were the most common law enforcement issue discussed between 2006 and 2008. In 2008 alone, arrests featured in 52 of the 80 (65%) articles published. Similar results were noted in 2006; the number of articles that featured arrests increased seven-fold from six in 2005 to 42 (40%) in 2006.

These figures, when compared to those during the 2000 to 2005 period, coincided with several social and political issues such as the Standen case, the increased media and political attention afforded to OMCs and the 'bikie wars', in particular their involvement in the manufacture and production of methamphetamine, and the acquisition of precursor chemicals trade. These figures are presented in Figure 27 below.

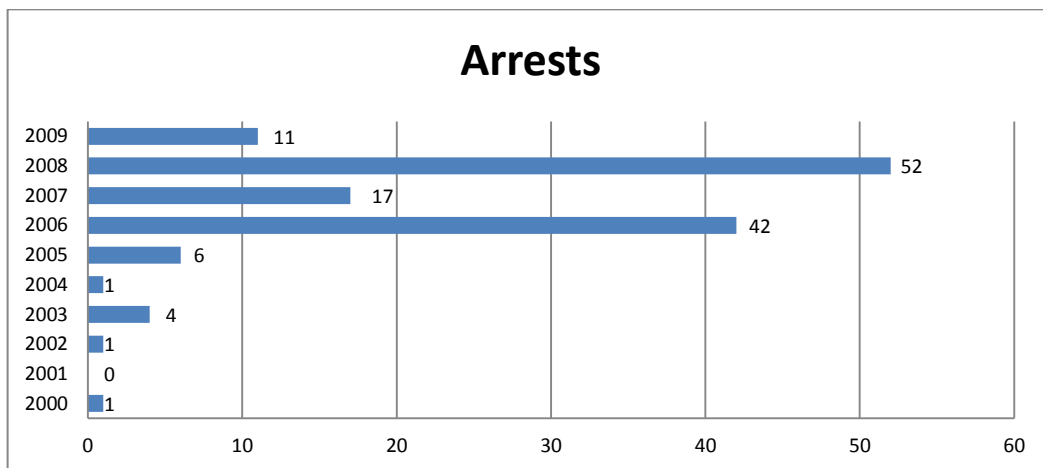


Figure 27: Number of articles that discuss arrests over the 2000 to 2009 period

Media reports of the discourse strand of OMCGs (bikies) as producers and manufacturers of crystal methamphetamine increased four-fold from zero articles in 2006 to nine articles in 2009. A total of 12 of the 39 articles (31%) published featured a story on drug supply, with bikies mentioned in seven of those articles. Overall print media portrayed bikies as gangs that were involved in the large-scale manufacture of methamphetamine in Australia.²⁷ These details are presented in figure 28 below.

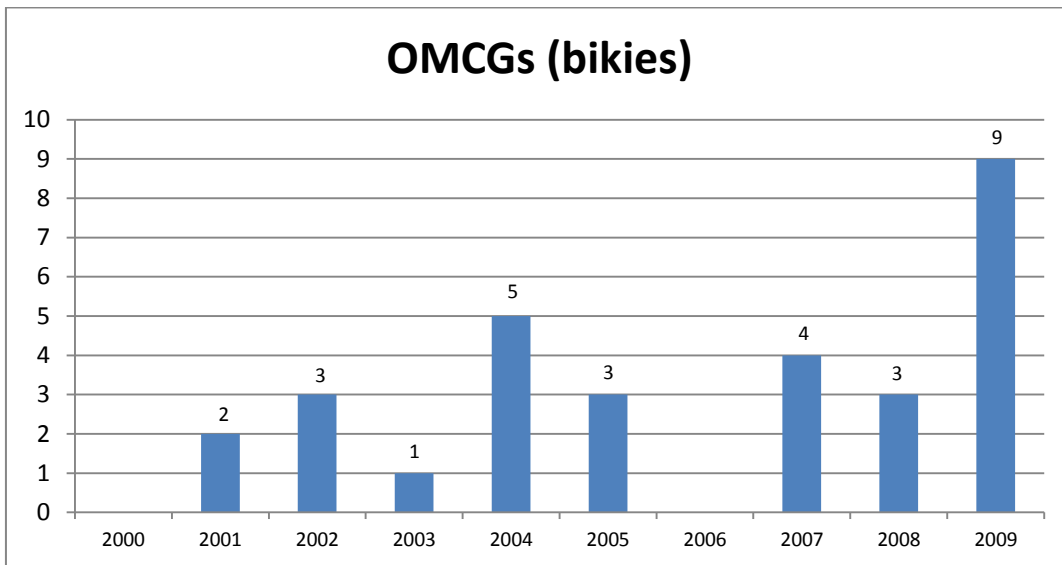


Figure 28: OMCGs identified in print media articles

5.2.5 'The Folk Devil Drug' Discourse

The third dominant discourse that my analysis identified was the folk devil drug. The negative reporting of methamphetamine, as a drug on its own terms, with its own social impact, rather than the reporting of the methamphetamine user discourse (which is about the construction of groups of people and impact of the drug on them as individuals, or the reporting of those groups who policed, manufactured, produced, imported or trafficked the drug), gained momentum over the 2000 to 2009 period. Pejorative terminology such as killer party drug²⁸, poor man's cocaine²⁹, disgusting chemical plague³⁰, vile drug³¹, highly addictive³², destructive drug³³ was

²⁷ Articles 397, 398, 402, 403, 404 and 422.

²⁸ Article 106.

²⁹ Article 120.

³⁰ Article 183.

³¹ Articles 199, 200 and 201.

³² Articles 270, and 297.

³³ Articles 265 and 338.

commonly used by print media to describe methamphetamine. A total of 12 negative descriptors that appeared 108 times were used to refer to ice over the course of the study. A further two non-value laden descriptors ('party' and 'designer') appeared 37 times during the 2000 to 2009 period.

The most frequent descriptor employed was 'addictive', appearing 32 times; 12 (38%) of those in 2006 and 10 (31%) in 2007. This was followed closely by the word 'party', used 31 times, 10 (32%) of those appearing in 2006. The term 'party', although not negative on its own, became associated with negative descriptors over the course of the study, thus became more negative, particularly from 2006 onwards. Combined with 'addictive' and 'party', the descriptors 'deadly' (n=26) and 'dangerous' (n=23) appeared 112 times over the 2000 to 2009 period, and comprised 58% of all descriptors of methamphetamine. These details are presented in Figure 29 below.

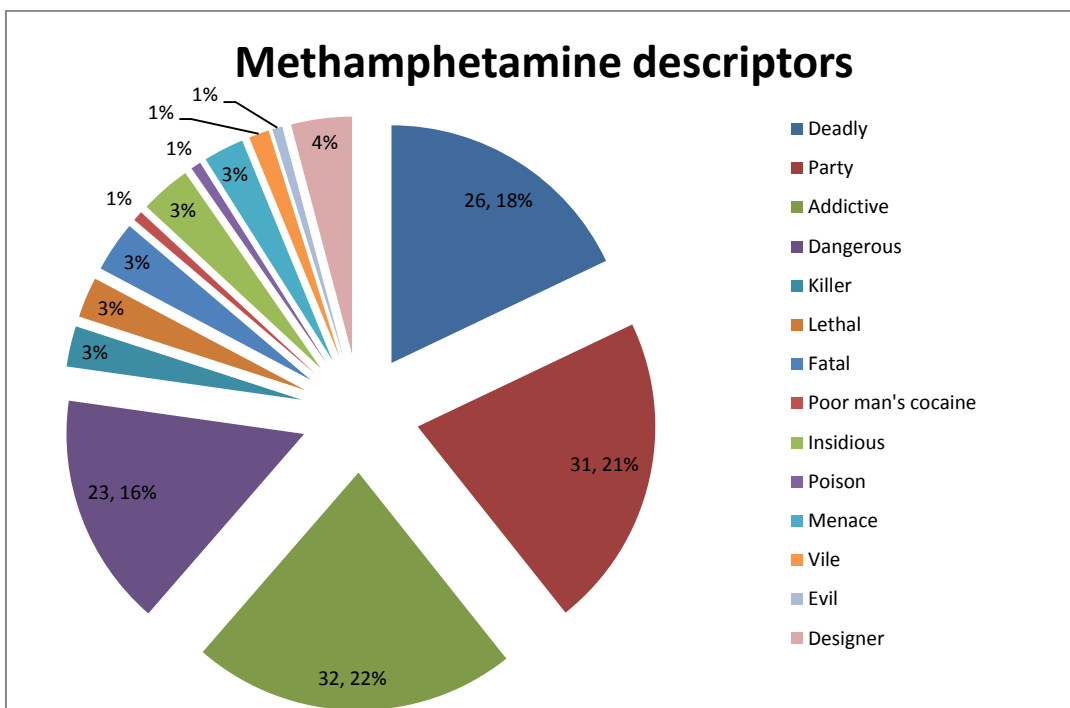


Figure 29: Descriptors of methamphetamine

Many of these negative descriptors were employed by *The Daily Telegraph*. For example, the newspaper used the term 'deadly' 13 of the 26 times it appeared over the course of the study. Of the 108 negative descriptors identified in the sample, 37 (34%) appeared in articles published by *The Daily Telegraph*. Ten of these descriptors appeared in articles published in 2006 and 11 appeared in articles published in 2007.

The Australian newspaper produced the second highest proportion of articles that comprised negative descriptors (n=18, 17%), four of which were published in 2006 and five in 2007. This was followed by the *Illawarra Mercury* (n=15, 14%) and *The Sydney Morning Herald* (n=13, 12%). These details are presented in Figure 30 below.

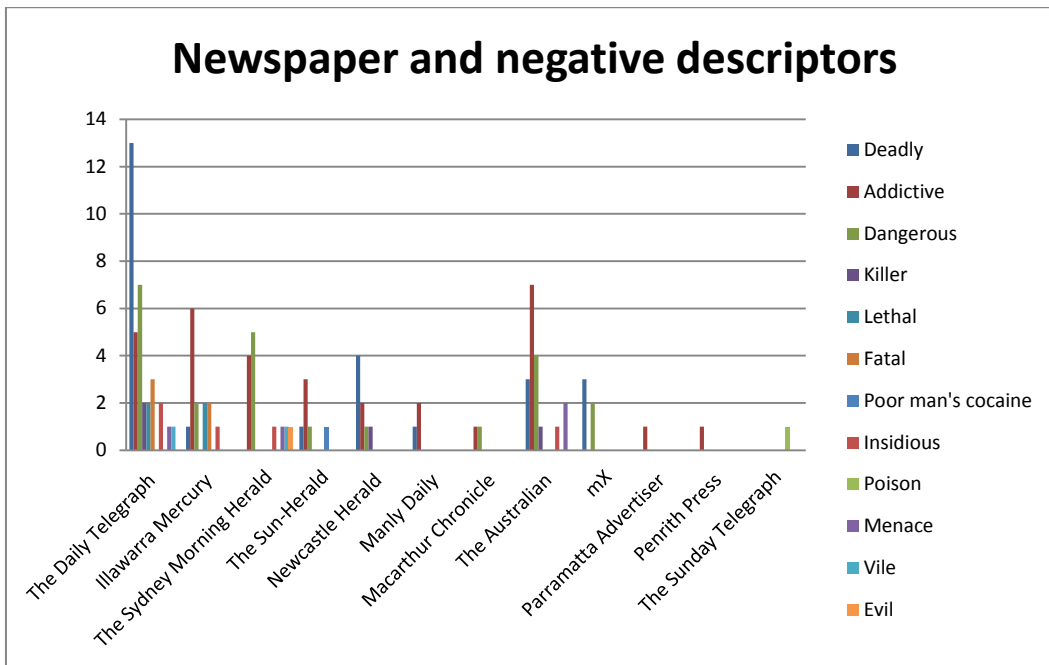


Figure 30: Negative descriptors according to newspaper

A total of two non-value laden descriptors ('designer' and 'party') were employed by newspapers over the course of the study. The word 'party' was used in 31 articles, and the word 'designer' was used in six articles. These descriptors appeared most frequently in 2006 (n=14), followed by 2004 (n=7), 2005 (n=5), 2008 (n=4), 2003 (n=4) and 2007 (n=3). They were used most by *The Daily Telegraph* (n=10), followed by *The Australian* (n=7) and *The Sydney Morning Herald* (n=6).

Various metaphors and expressions were employed by newspapers to describe the social effects of methamphetamine and the environment it produced in NSW. These include plague, scourge, ice age, epidemic, ice storm and 'worse than heroin', and when combined, appeared a total of 63 times over the course of the study. They largely appeared in the years 2006 (n=28) and 2007 (n=25) and were sporadically noted in 2008 (n=6), 2004 (n=3) and 2005 (n=1).

The most common metaphor employed by newspapers was epidemic, appearing in 26 media articles over the course of the study. This was followed by the expression 'worse than heroin', which appeared 14 times; 'scourge' (n=12); ice age (n=7); ice storm (n=2) and plague (n=2). These details are presented in Figure 31 below.

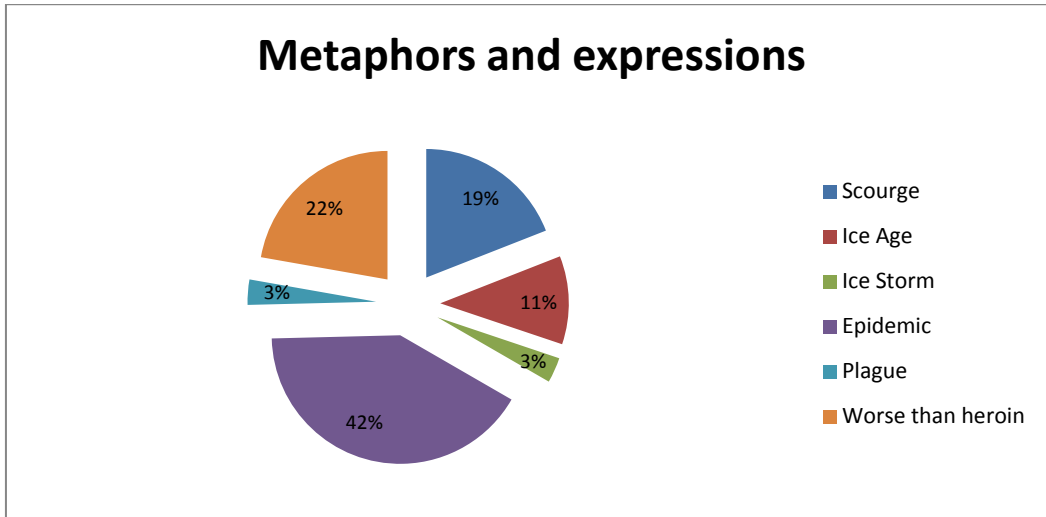


Figure 31: Types of metaphors and expressions

The Australian produced the most articles (n=15) that utilised either a metaphor or an expression to refer to the methamphetamine situation in NSW. It used the metaphors epidemic (n=5) and scourge (n=4), and the expression 'worse than heroin' (n=6). This was followed by *The Daily Telegraph* (n=13) who used the metaphors epidemic (n=7); scourge (n=2); ice age (n=1), ice plague (n=1) or the expression 'worse than heroin' (n=2). The full details are presented in Figure 32 below.

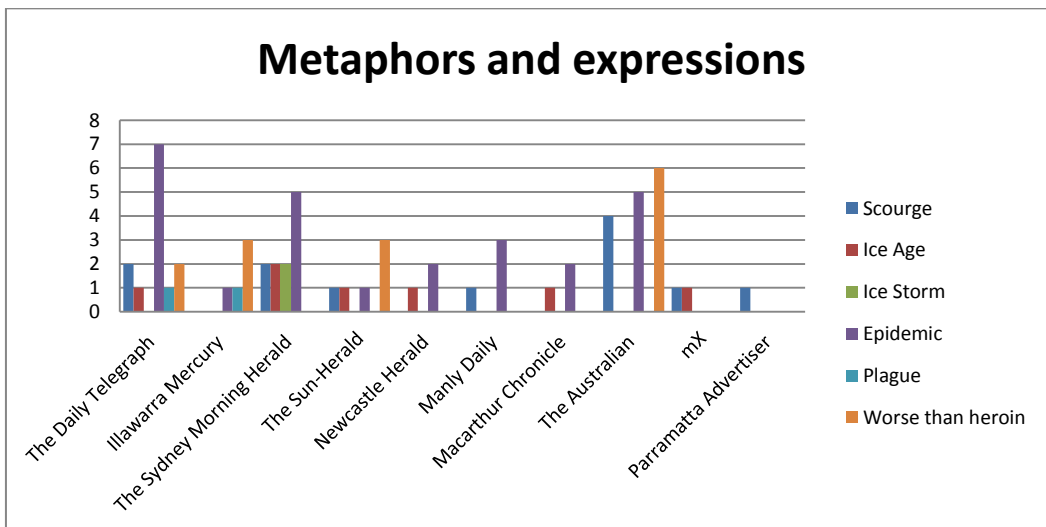


Figure 32: Metaphors and expressions according to newspaper

5.3 Conclusion

This chapter has outlined the preliminary results of the study and main quantitative findings that inform the qualitative analysis in the following chapters. It has documented how methamphetamine received escalating national and NSW state media coverage over the period 2000 to 2009. This was largely encouraged by *The Daily Telegraph*, which produced the highest number of articles on methamphetamine-related discourses, discourse strands and key discursive events.

A total of three dominant media discourses and a number of discourse strands emerged during the period of the study that indicated how methamphetamine was largely perceived by interest groups and policymakers, and possibly perceived by the general public. The first was the methamphetamine user discourse that produced two main discourse strands of 'dependent user' and 'recreational user'. This was followed by 'the enforcers' discourse, which produced a range of law and enforcement discourse strands including importation, trafficking, manufacture and production, Asian criminal syndicates and OMCGs. The last was 'the folk devil drug' discourse, which produced the 'ice is worse than heroin' discourse strand and a number of metaphors.

The 'methamphetamine user', 'the enforcers' and 'the folk devil drug' discourses and their respective discourse strands all contributed to a particular media construction of the methamphetamine issue. They are discussed and examined in detail in three separate and subsequent chapters. The following chapter outlines the findings of the analysis of the methamphetamine user discourse.

6 Media and the 'Methamphetamine User'

6.1 Introduction

In contributing to public discussions on illicit drug use, media play an important role in shaping how drug users are imagined by the public and addressed by policymakers. In this study, two dominant discourse strands that appeared in media articles can be seen to construct people who use drugs in one of two significantly different ways. While one category of user is constructed as dependent, dangerous and risky, another is presented as recreational, vulnerable and at risk of harm. The difference in these discourse strands of the drug user is referred to as dichotomous, and it is this concept that is used to analyse reportage of the methamphetamine user. This chapter argues these dichotomous images are crucial to understanding the media's role in the construction of the methamphetamine user discourse as a whole.

The first images of the methamphetamine user as a 'dependent user' began to appear in late 2004. This dominant discourse strand typically presented this user as a violent, criminal and 'risky' addict, and a threat to society. By doing so, it emphasised the sub-topic of addiction, and the additional discourse strands of violence and criminality. Evidence in the form of law enforcement and public health expert commentary was used by media to support this construction. Although such evidence appeared to strengthen the media's position that the dependent user was a dangerous criminal, it also raised questions about its legitimacy as a true representation of dependent users.

The image of the dependent methamphetamine user was, however, contradicted by the simultaneous emergence of an image of the 'recreational user'. This dominant discourse strand framed this type of user as a young, vulnerable and naïve individual in need of protection, thus emphasising the discourse strand of young people. This construction was supported by passionate and paternalistic discussions of young persons, including school children, as victims of the drug, and strengthened by images of them as 'at risk' of immediate and long-term harm. These images centred

on their vulnerability and victimhood and differed markedly from those presented of the dependent user.

6.2 The Dependent User

6.2.1 Addiction and the Risky User

Addiction emerged in this study as an important sub-topic of the dependent user discourse strand. It was largely used by media to describe the altered behavioural state of dependent methamphetamine users, or 'addicts' as commonly referred to in their texts.

The dependent user was first described in the years of this study as an 'addict' in the 2004 *Illawarra Mercury* article titled '*Lethal drug a dilemma for society*'.¹ Two days later, the word 'addict' featured in the same newspaper in an article titled '*Users skate on thin ice*'.² Here, journalist William Verity emphasised the catastrophic effects of addiction by detailing the personal struggle of Peter, a media-described 'addict' who used ice regularly.³ Peter warned the audience of the dangers of ice use, and urged them to 'don't even try it'. Yet it was not until the release of the McKetin et al. report in mid-2005, an instrumental discursive event that generated social and political attention, that crystal methamphetamine use, particularly dependency, emerged as a topic of news value.

The McKetin et al. report did not present judgemental images of methamphetamine users and only served to quantify the number of dependent and regular users on a city, state and national level. This was evidenced by the obvious absence of words like addiction and 'addict' from the body of the report; the term addiction only appeared in the reference list.⁴ The media responded to this report with fanciful headlines, negative descriptors and dramatic feature stories. For example, discourse fragments on dependency that were made available in *The Daily Telegraph* and *mX* newspapers employed the term 'addict', a common 'collective symbol' that invokes

¹ Article 59.

² Article 60.

³ Article 60.

⁴ McKetin et al., "Estimating the Number of Regular and Dependent Methamphetamine Users in Australia," 29-33.

certain cultural stereotypes, as well as other value laden concepts such as 'addiction' and 'hooked' to present this user as particularly problematic.⁵ The *mX* in particular was quite critical in its description of these users and portrayed them as typically unemployed, with limited education, who acted as drug dealers to support their drug habit, and had served time in prison.⁶ These discourse fragments framed regular and dependent methamphetamine use as a risky practice and dependent users as risky and criminal subjects.⁷

Ensuing print media reportage on ice use steadily shifted from positioning dependent methamphetamine users within a health context, to emphasising the threat these 'addicts' posed to the community. This was exemplified by an explosive *ABC Four Corners* documentary by Matthew Carney titled '*The Ice Age*', a report that some referred to as 'the catalyst for media reporting on methamphetamine'.⁸ Former member for Strathfield Virginia Judge MP also described this documentary as a '... journey into the dark heart of the Ice Age'.⁹

The author/narrator of '*The Ice Age*' invited the viewing audience to witness the 'reality' of the problem by displaying a number of images that dealt with the topic of injecting. Images of injecting users, referred to as 'addicts', who lived in squalid conditions and were dependent on government funds to further their 'addiction', were sprawled across our television screens. These persons posed an imminent threat to the community because of their addiction, a practice Lupton claims '... both disgusts or horrifies and fascinates us'.¹⁰ This was vividly captured in the documentary through 'Maddy', an ice user who injected the drug into his calf on screen. He lived in what Carney described as a 'netherworld inhabited by hardcore "ice" addicts' who injected ice several times a day.¹¹

⁵ Articles 106 and 107.

⁶ Article 107.

⁷ Roger E. Kasperson and Jeanne X. Kasperson, "The Social Amplification and Attenuation of Risk," *Annals of the American Academy of Political and Social Science* 545 (1996): 97.

⁸ Hughes, "The Australian (Illicit) Drug Policy Timeline: 1985-2012."

⁹ Virginia Judge, "NSW Parliamentary Debate, Legislative Assembly, 27 September 2006, 2441.

¹⁰ Lupton, *Risk*, 41.

¹¹ Carney, *The Ice Age*.

Dependent users such as ‘Maddy’ were visibly cast outside the boundaries of civil and mainstream society and consequently viewed as abject citizens, largely because they bore ‘... little resemblance to ‘us’’.¹² These persons were disconnected from what Marshall refers to as social citizenship, the right to ‘... live the life of a civilized being according to the standards prevailing in the society’, because they injected ice, something not considered acceptable by the prevailing social order.¹³ A clear distinction between those who consumed the drug because of dependency and those who did not rapidly unfolded in media commentary. It is at this point that this construction of the ‘addict’ emerged in the newspaper sector as a risk worthy of further coverage.

Discourse fragments that displayed dependent users as ‘addicts’ and dangerous persons began to appear more frequently in the newspaper sector. These fragments presented the injecting of ice into the human body as a particularly risky practice that could potentially cause a range of public health concerns including, but not limited to, psychosis and sexually transmitted diseases.¹⁴ This type of polluting behaviour and defilement of the body signified a rejection of an ordered system of social and legal rules, and therefore was deemed ‘out of place’.¹⁵

This problematic and risky construction of the ‘addict’ was visible in *The Daily Telegraph* campaigns ‘Ice Age’ and ‘Ice Epidemic’, both launched almost immediately after the Moroney comments on ice in September 2006 discussed in the previous chapter.¹⁶ At centre stage of the ‘Ice Age’ campaign was Sally Brennan, a car-jacking ‘addict’ whose actions were reported as a direct result of her ‘addiction’. Her story, which featured in several media texts in late 2006, served to accentuate the riskiness of dependent users.¹⁷

¹² Garland, *The Culture of Control: Crime and Social Order in Contemporary Society*, 135.

¹³ T. H. Marshall, "Citizenship and Social Class," in *The Welfare State Reader* ed. Christopher Pierson and Francis G. Castles (Malden: Polity Press, 2000), 32.

¹⁴ "On Ice", Rebecca McKetin and Sally Rooke, National Drug and Alcohol Research Centre, accessed January 8, 2014, <http://ndarc.med.unsw.edu.au/resource/ice-0>

¹⁵ Douglas, *Purity and Danger: An Analysis of Concept of Pollution and Taboo*, 44, 45-7.

¹⁶ Articles 172 and 174.

¹⁷ See articles 172, 174 and 182.

Slang words and attention grabbing headlines such as 'Scourge of ice',¹⁸ 'Caught in the Ice Age: Sally the face of a drug tearing families apart'¹⁹ and 'The cold reality of a jail cell - Ice addict Sally cannot fall any further',²⁰ all produced by *The Daily Telegraph*, reinforced this negative and risk-based construction of Sally. This was obvious in an article that stated:

ADVOCATES (original emphasis) of "harm minimisation" as the best approach to illegal drugs should read today's report of the circumstances of 20-year-old alleged carjacker Sally Brennan.

*Sally's life is a disaster -- and the root cause is simple; she's a methamphetamine addict. Her life is consumed by her addiction.*²¹

This article described Sally as an 'addict' who was unable to be a productive member of society, and criticised the adequacy of harm minimisation as an effective measure to address her 'addiction'. It validated her exclusion from social citizenship by presenting her as nothing more than a product of her 'addiction'. This image had usurped her identity; she was first and foremost an 'addict', rather than a mother, daughter or member of the community. It also eclipsed other possible causes or factors for her situation such as abuse or family background.

These types of campaigns, coupled with an already heightened media response on methamphetamine dependency, perpetuated the use of pejorative and critical language that fuelled images and archetypes of this seemingly 'ungovernable' group. For example, *The Daily Telegraph* produced a number of articles comprised of discourse fragments that emphasised a negative construction of dependent users, as exemplified by phrases such as 'hollow eyed ice addicts',²² and bad parents.²³ Pregnant women dependent on the drug were also vilified as 'killers of unborn children';²⁴ they violated the stereotypical gender role of women as nurturers.²⁵

¹⁸ Article 174.

¹⁹ Article 172.

²⁰ Article 182.

²¹ Article 174.

²² Article 204.

²³ Article 257.

²⁴ Article 222.

²⁵ Maria Elizabeth Grabe et al., "Gender in Crime News: A Case Study Test of the Chivalry Hypothesis," *Mass Communication and Society* 9, no. 2 (2006): 152; Philip J. Jones and Claire

These judgemental and hyperbolic labels amplified the supposed moral transgressions of these women by depicting them as 'sinners' (being 'in sin') and the cause of harm.²⁶ They were therefore dually constructed as 'addicts', who engaged in the taboo practice of methamphetamine consumption, and potential murderers, who deliberately caused harm to, and possibly the death of, their unborn children.

By 2007, a sub-topic of the discourse strand of dependent users emerged in media commentary. Discourse fragments produced by both media and research experts presented these users as aggressors who exposed their children to 'unprecedented levels of illicit drug use'.²⁷ Stories with dramatic headlines that identified young children as victims of dependent methamphetamine users frequented the pages of *The Daily Telegraph*. For example, journalist Michelle Cazzulino drew on public health discourse fragments on drug use in the family (ANCD report), to claim that:

*MORE than 14,000 Australian children are being exposed to methamphetamine in the family home by parents who use the drug at least once a month.*²⁸

This fragment, that quantified the number of children exposed to methamphetamine on a monthly basis, coupled with those produced by print media, criticised these parents for exposing their young children to methamphetamine on a regular basis, instead of protecting them from harm. Headlines such as '*Children with bad parents - Drugs shock*',²⁹ and '*Parents who are druggies - Shocking picture of family substance abuse*',³⁰ in conjunction with the use of adjectives such as 'staggering' and 'shocking', were used to portray these users as villains. This was achieved by systematically accentuating the vulnerability of children.

This is not to say that these children were not at risk of immediate harm, they were indeed exposed to danger as a result of their parent's actions. As 'ideal victims' they

Wardle, "Hindley's Ghost: The Visual Construction of Maxine Carr," in *Framing Crime - Cultural Criminology and the Image* ed. Keith J. Hayward and Mike Presdee (Oxon: Routledge, 2010), 54.

²⁶ Douglas, *Risk and Blame: Essays in Cultural Theory*, 65.

²⁷ Article 258.

²⁸ Article 258.

²⁹ Article 257.

³⁰ Article 258.

were young, vulnerable, and in need of protection from their 'druggie' parents.³¹ It was however these images of drug dependent parents that reinforced the need to exclude them from society, given they placed their children in direct harm by exposing them to a risky environment of methamphetamine use.

By this stage, the newspaper sector had actively disengaged from providing any semblance of a balanced construction of dependent users. There was little to no media consideration given to dependency as a temporary affliction that required treatment, rather than social exclusion. Instead, discourse fragments that portrayed images of ice addicted car-jackers such as Sally, and methamphetamine addicted parents who voluntarily risked their children's lives, dominated the pages of major newspapers.

These persons were continually depicted as social pollutants, who would 'lie, cheat, and steal to get it [Ice]',³² and as such denounced for 'polluting' the general public.³³ They were portrayed in a similar light to the 1990's media construction of heroin users as 'junkies', most likely because many of them also consumed illicit drugs intravenously.³⁴ Such pervasive constructions showed how the intravenous use of illicit drugs is grounded in moral discourses that invoke particular threatening stereotypes of dependent users. These images, that readily appeared in several media fragments, acted as building blocks to heighten the problematic existence of methamphetamine dependency, particularly when linked to crime and violence.

6.2.2 Violence, Criminality and the Dependent User: The Discursive Knot

Violence emerged during the course of this study as an important discourse strand, particularly because of its tight entanglement with the discourse strand of dependent user. This entanglement was entertained in several media fragments that contained commentary by primary definers such as law enforcement and public health experts.

³¹ Nils Christie, "The Ideal Victim," in *From Crime Policy to Victim Policy: Reorienting the Justice System* ed. Ezzat A. Fattah (Hampshire: Mamillan, 1986).

³² Article 180.

³³ Ian Hacking, "Risk and Dirt," in *Risk and Morality* ed. Richard V. Ericson, and Aaron Doyle (Toronto: University of Toronto Press, 2003), 38; Helene Joffe, *Risk and 'the Other'* (Cambridge: Cambridge University Press, 1999), 27.

³⁴ Elliott and Chapman, "Heroin Hell Their Own Making: Construction of Heroin Users in the Australian Press 1992-1997," 197.

This was most apparent in 2006, following comments by Moroney that were previously discussed.

Prior to the Moroney comments, the link between methamphetamine dependency and violence was tenuous, particularly in the early years of the study, with media occasionally showcasing a link by detailing dramatic accounts of the mayhem created by users in the community.³⁵ Although this was limited to sporadic articles, an attempt to directly link violence to dependency rather than just methamphetamine use became increasingly noticeable. Perhaps due to the relative ease in linking issues such as violence and addiction with criminality, a discourse strand that contained the topics of robbery and assaults, print media began to construct dependent users as addicts who committed violent crimes in the community.

Imagery of violent dependent methamphetamine users was encouraged by public health primary definers such as Dr Gordian Fulde, head of Emergency at St Vincent's Hospital. Dr Fulde detailed the battle fought by medical staff to contain the 'most out of control, most violent human beings I've ever seen in my life' in his personal exposition of the issue during Carney's 'Ice Age' documentary.³⁶ This was further echoed in a special investigation published by *The Sun-Herald* titled, 'The drug that's transforming people into monsters'. Dramatic first-hand comments by a psychiatric nurse consultant at St Vincent's Emergency Department in Darlinghurst legitimated those made by Dr Fulde. These methamphetamine users, the nurse claimed were:

*... becoming an increasing burden on the emergency department ... The potential for violence is phenomenal. These people are so violent that it requires the most robust intervention from burly security guards ... When you try to approach them they can just explode because they are so fearful we are going to do something to them, that we are going to do some bizarre experiment on them.*³⁷

Regional newspapers like *The Newcastle Herald* also echoed such public health concerns, and identified dependent users as a risk to the community, police and doctors in the Hunter region, as well as a burden on public health. This tight

³⁵ Article 71.

³⁶ Carney, *The Ice Age*.

³⁷ Article 120.

entanglement of dependency and violence was made obvious in the front page article, *'Ice-cold killer'*. Journalist Brooke Newstead showed both the increased danger 'violent and psychotic users' posed to police and the strain they placed on the Mater Hospital Emergency Department. In the same article, Newstead referred to comments by primary definer, Newcastle Local Area Command acting Crime Manager Gerard Lawson, that described dependent users as 'addicts', who were a direct threat to the safety of his officers.

*One of the problems is that they are far more aggressive ... And it's a vastly different aggression. Their ability to see logic is very slim and it's very hard to reason with them.*³⁸

Sydney-based newspapers reinforced this discursive knot that positioned dependent methamphetamine users as ostensible burdens on society. One such article, by *The Sydney Morning Herald* titled, *'Junkies heaviest users of 'ice' drugs'*, described injecting ice users as more likely to be 'heavy, problematic users' than persons who consumed both ecstasy and other non-injecting forms of methamphetamine. Drawing on IDRS research, journalist Ruth Pollard told us how injecting users 'continued to place a significant burden on front-line police and health-care workers'.³⁹

Such pervasive images served to further demarcate these users from the general public. They had become highly undesirable persons, regarded by many as abject citizens.⁴⁰ As a result they were viewed from a distance and cast as ungovernable subjects and a risk to groups like law enforcement and public health professionals, tasked with serving and protecting the community.

6.2.2.1 Post-Moroney Comments

A significant marker that emphasised the entanglement of the discourse strand of dependent user with the discourse strands of violence and criminality was the 2006 comments by Commissioner Moroney. Discussed in previous sections of this thesis, these comments were reproduced in part, or paraphrased in newspaper fragments at the time, many of which preserved the image of dependent users as violent and risky

³⁸ Article 134.

³⁹ Article 192.

⁴⁰ Garland, *The Culture of Control: Crime and Social Order in Contemporary Society*, 135.

individuals. Notably, the comment 'one could draw a link to ice in a majority of personal violence and robbery offences', furnished this particular discursive knot.⁴¹ As an authoritative law enforcement officer and primary definer, Moroney could shape the direction of discussions on dependent methamphetamine users and emphasise their role in crime and violence within the community.

Hence, *The Daily Telegraph* moved quickly to connect an increase in crime and violence in NSW to dependent methamphetamine users. It produced a number of articles comprising fragments that showed how 'ice addicts committing violence in drug-induced rages are fuelling a rise in assaults across NSW'.⁴² It did this by using commentary by primary definers such as expert law enforcement and government figures to validate the threat posed by these persons. For example, former Police Minister Watkins claimed that dependent users 'driven by the urgency of their addiction ... will turn to crime to satisfy their violent cravings'.⁴³ Such powerful and dramatic commentary depicted dependent users as criminals, and the reason for an increase in violence in NSW. These types of statements showcased evidence of the discursive knot (entanglement of dependent user, violence and criminality) in media discourse fragments.

By late 2006, it was difficult to locate print media fragments on the 'addict' without the prefix 'violent'. This continued to be the case for the duration of the study, but was most obvious when fragments contained supporting statistical evidence. For instance, *The Daily Telegraph* continued to cultivate this image of the 'violent addict' throughout 2006 by drawing loosely on statistics to support its claims. These statistics were used to exaggerate the prevalence of violence and methamphetamine use, a similar approach recorded by Boyd and Carter in their study of methamphetamine and the media in Canada.⁴⁴ Drawing on the National Drug and Alcohol Research Centre (NDARC) research and other expert commentary, *The Daily Telegraph* presented a relationship between assaults, methamphetamine use and arrests that appeared causal, even though the research did not indicate such a relationship.

⁴¹ Article 159.

⁴² Articles 173 and 175.

⁴³ Article 200.

⁴⁴ Boyd and Carter, "Methamphetamine Discourse: Media, Law, and Policy," 226.

For example, in the article, *'State's assault rate doubles as use soars'*, journalist Clare Masters claimed that the assault rate over the last decade had nearly doubled, and that during this period, people arrested for methamphetamine use had risen by 253%.⁴⁵ Masters, however, neglected to mention that the rise in these arrests may have been a result of other mitigating factors such as special police directives that target drug use (taskforce police operations), extra vigilance employed by NSW Police Force officers, increased availability of the drug on NSW streets, tougher policies and laws targeting use and so forth. There was a presumption put forward by Masters that the increase in arrests was a direct result of methamphetamine use, although the evidence did not indicate such a finding.

Yet, chronic methamphetamine use alone according to McKetin et al. did not appear to lead to violent behaviour.⁴⁶ In a media release published on the BOCSAR website, McKetin claimed there was 'no direct evidence that simply taking this drug makes people become violent'.⁴⁷ Although some evidence showed that ice could make *some* people violent, it was neither direct nor causal but rather correlative and accounted for other confounding factors such as polydrug use.

The Daily Telegraph neglected to engage with and publicise these comments by McKetin, and instead used these statistics to present its own interpretation of the findings as 'the truth'. Masters committed completely to the statements she made in the article, evident in her choice of objective ('ice addicts ... fuelling a rise in assaults') rather than subjective (e.g. ice use may lead to violence) modalities. This presented her knowledge claim as incontrovertible, and reinforced the media's authority as providers of 'objective commentary'.⁴⁸

Other primary definers such as public health research experts were sourced by the newspaper sector to help define the terms of the issue. For example, *The Daily*

⁴⁵ Article 173.

⁴⁶ McKetin et al., "The Relationship between Methamphetamine Use and Violent Behaviour."

⁴⁷ "Methamphetamine Arrests in NSW Double over the Past Decade," National Drug and Alcohol Centre, NSW Bureau of Crime Statistics and Research, accessed January 8, 2014, NSW Bureau of Crime Statistics and Research. Accessed January 8, 2014, http://www.bocsar.nsw.gov.au/Documents/mr_cjb97.pdf

⁴⁸ Louise Phillips and Marriane Jørgensen, *Discourse Analysis: As Theory and Method* (London: Sage, 2002), 84.

Telegraph article, 'Ice spikes a main street crime wave' by Michelle Cazzulino blamed 'hollow-eyed ice addicts' for elevating Blacktown's status to that of a 'crime spot'.⁴⁹ Similarly, *The Manly Daily* article, 'Drug numbers up', reported that ice was the reason for an increase in armed robberies.⁵⁰ This was also the case with *The Daily Telegraph* article titled, 'Ice, guns and lethal mix', where the author linked ice use to firearms and asserted that 'it's difficult to imagine a more lethal combination' and that ice had the 'potential to lead to violence on a massive scale'.⁵¹

These three articles drew on BOCSAR research, which showed a 70.8% increase in the number of robberies with a firearm in Inner Western Sydney.⁵² However, this BOCSAR data, which appeared in several media articles between late 2006 and early 2007, did not suggest a relationship between methamphetamine use and firearm offences. Rather it highlighted an increase in robberies with a firearm over the last 24 month period only, without any reference to crystal methamphetamine. Although the author of the BOCSAR evidence, Dr Don Weatherburn, was quoted in *The Sydney Morning Herald* article, 'Police blame ice for rise in robberies', as saying, 'there was no evidence to show the use of ice was behind the rise in robberies',⁵³ these comments failed to appear in or be referred to in any way by *The Daily Telegraph*. Instead this newspaper only utilised comments by major primary definer, then NSW Police Minister John Watkins, who suggested a 'direct relationship existed between the increasing number of methamphetamine (ice) users and areas where crime such as robbery were becoming more prevalent'.⁵⁴

Methamphetamine use had become what Meylakhs referred to as 'automatic problematization'; it was connected to other social problems such as violence and crime.⁵⁵ This evident discursive knot that tightly entangled the discourse strands of dependent user, violence and criminality, was expounded by other newspapers such

⁴⁹ Article 204.

⁵⁰ Article 224.

⁵¹ Article 200.

⁵² NSW Bureau of Crime Statistics and Research, "New South Wales Recorded Crime Statistics," Statistical Report Series Quarterly Update September. (Sydney: BOCSAR, 2006), 7.

⁵³ Article 201.

⁵⁴ See article 204.

⁵⁵ Meylakhs, "The Discourse of the Press and the Press of Discourse - Constructing the Drug Problem in the Russian Media," 180-1.

as the *Illawarra Mercury*, particularly in the article, 'Addiction linked to crime spikes' that relied on expert evidence (e.g. BOCSAR data) to link addiction to violence. As was the case with *The Daily Telegraph*, this link was weak and misrepresented.⁵⁶

The newspaper sector continued to use police commentary to present the 'on the ground' truth and 'real picture' about crime and methamphetamine dependency. For example, according to Sergeant Smith of Lake Illawarra's Drug Unit, 'addicts' were fuelling crime, and their addiction was leading to spikes in 'break and enter' crimes'.⁵⁷ This link between dependency and crime was supported by further comments by Moroney that appeared on the front page of *The Sydney Morning Herald* article, 'Ice violence puts police at risk, says Moroney', in July 2007. In this article, journalist Alexandra Smith drew heavily on Moroney's comments, that claimed:

*There is no doubt that the feedback from operational police points to a strong connection between violent crime and the use of crystal methamphetamine ... Police deal with the violent behaviour on the street. They risk injury when confronted with hostile offenders on crystal methamphetamine, and particularly when ice use is also combined with alcohol use ... The police experience is that crystal methamphetamine users can maintain their violent resistance for far longer than offenders using other drugs.*⁵⁸

These emphatic comments by such a prominent primary definer exemplified the 'true' nature of the problem; violent crime and ice use were ostensibly linked.

Media had in fact produced various discourse fragments using BOCSAR data as well as police comments to present a case for a strong relationship between dependent methamphetamine use and violence. The use of powerful language by leading police officers such as the Police Commissioner and local area Commanders validated the media's position that this category of user was a threat to the community, so much so, that drastic ways to address this apparent burgeoning problem were proposed.⁵⁹ For example, *The Daily Telegraph* article 'Taming violent users - THE ICE EPIDEMIC' (original emphasis) discussed the use of Tasers to suppress ice users. Drawing on commentary by then Police Minister Carl Scully, the article claimed that:

⁵⁶ Article 266.

⁵⁷ Article 266.

⁵⁸ Article 271.

⁵⁹ Articles 173, 175 and 177.

*Taser X26 stun guns can disable a person from 10m with 50,000 volts, and have been trialled by the police public order and riot squad since June. These items are proposed to be used on ... people who suffered psychotic episodes [and] posed problems for conventional policing and healthcare.*⁶⁰

This article showed how methamphetamine dependency was discussed in the context of punishment. This discourse fragment positioned Tasers as a possible way to suppress the violence inflicted on police officers by those dependent on methamphetamine. It did this by informing the public that dependent users were irrational and dangerous persons who must be punitively detained, thereby heightening the effects of chronic methamphetamine use and presenting the public with a 'true image' of 'addiction'.

The risks these dependent users posed to law enforcement, public health personnel and the general public brought forth anxieties that arguably engendered a sense of powerlessness amongst the community. This legitimated the need to impose extreme measures to counteract and address this type of individual.⁶¹ The use of Tasers was therefore not presented as an extraordinary measure but rather an appropriate one to respond to these violent individuals who displayed an unacceptable form of deviance that must be contained in order to maintain community safety.⁶²

6.2.2.2 Media: The New Experts

Throughout 2006, public health researchers were counteracting the judgemental images of dependent users, and rejecting some of the evidence (see previous comments by McKetin and Weatherburn) put forward by the newspaper sector and law enforcement. This was emphasised in media releases, which also focused on the need to enhance treatment for dependent users, as well as some media texts. However, these views were largely sidelined in favour of dramatic law enforcement comments that showcased dependent users as 'addicts' and the cause of much violence in NSW. Some media groups, namely *The Sydney Morning Herald*, went a

⁶⁰ Article 177.

⁶¹ Garland, *The Culture of Control: Crime and Social Order in Contemporary Society*, 135-6.

⁶² Douglas, *Risk and Blame: Essays in Cultural Theory*, 104.

step further and positioned themselves as experts. By doing so, it could attack the credibility of some public health evidence and commentary.

An attempt by *The Sydney Morning Herald* to challenge public health expert research findings on violence and dependent users unfolded in July 2007. Unlike *The Daily Telegraph*, which utilised expert evidence to present a particular image (albeit distorted) of the link between these two discourse strands, *The Sydney Morning Herald* systematically criticised experts for either ignoring the issue⁶³ or using an inadequate research methodology to investigate it.⁶⁴ It did so via its investigation into violent homicides and methamphetamine.

Journalist Malcolm Knox, author of '*Scattered, the inside story of ice in Australia*',⁶⁵ proclaimed that not only was expert evidence incorrect in claiming there was no direct link between methamphetamine use and violent crimes, it was in fact underreported.⁶⁶ Using a range of medical and law enforcement commentary and fragments, Knox's 'ICE STORM' campaign (original emphasis) showed that a causal link between violence and methamphetamine use was indeed evident.⁶⁷

Such 'pick and choose' research by *The Sydney Morning Herald* demoted the role and status of some research expert evidence (particularly that which contravened its claims) on use and violence. It also highlighted what Beck acknowledged as an evident aspect of the risk society, the loss of expert authority and the challenge of groups to claims made by experts.⁶⁸ This investigation showed how expert knowledge on risk was increasingly contested by lay people, in this instance the newspaper sector.⁶⁹

The media's use of strategic discourse fragments as tools to reject certain expert research evidence produced by organisations such as the NDARC and BOCSAR, denied them the status of reliable sources for explaining the methamphetamine

⁶³ Article 273.

⁶⁴ Article 269.

⁶⁵ Malcolm Knox, *Scattered: The inside Story of Ice in Australia* (Sydney: Allen and Unwin, 2008).

⁶⁶ Article 269.

⁶⁷ Article 273.

⁶⁸ Beck, *Ecological Politics in an Age of Risk*, 125-6.

⁶⁹ O'Malley, "Uncertain Subjects: Risk, Liberalism and Contract," 461.

issue. Instead, journalist Malcolm Knox proclaimed his 'independent research on methamphetamine use and violence' as the most reliable source of information. His use of 'on the ground' medical staff and law enforcement commentary added credibility to his claim of this seemingly obvious causal link.

The 'ICE STORM' investigation magnified the power of media to dismiss expert evidence in order to present what it considered to be a 'true representation' of the relationship between methamphetamine use and violence. By doing so, it defined this relationship as a risk and itself a 'crucial domain in which processes of social definition take place',⁷⁰ and thus proceeded to set the agenda on ice. In this scenario, media performed a revelatory act; it showed the public and policymakers that ice and violence were invariably linked, and dismissed any conflicting findings as limited or inadequate research. This marked a clear departure from reliance on expert evidence as 'the truth' and a shift towards media as that which reveal the truth.

In sum, the risky image of the dependent user was made most visible by *The Daily Telegraph*, which produced several discourse fragments that exposed the negative and adulterated construction of these persons as dangerous and 'addicts'. These fragments transformed the image of the dependent user from 'addict' to 'violent addict'. Given that media inform the social agenda and play a role in the social construction of risk, it was clear that *The Daily Telegraph* and *The Sydney Morning Herald* campaigns and front page articles, shaped the way the dependent user was presented to the public; largely as a risky 'addict' and a risk to the broader community.⁷¹ This was exemplified in a 2006 NSW Parliamentary briefing paper by Drabsch who found that the public considered 'all users became hostile and aggressive when 'high' and that a 'person is addicted from the moment the drug is sampled'.⁷²

Voices of those belonging to some research experts, police, politicians, medical practitioners and emergency department staff reinforced media images of the

⁷⁰ Cottle, "Ulrich Beck, 'Risk Society' and the Media - a Catastrophic View?" 10.

⁷¹ *Ibid.*, 8.

⁷² Talina Drabsch, "Crystal Methamphetamine Use in New South Wales," Briefing Paper no. 19/06 (Sydney: NSW Parliamentary Library Research Service, 2006), 42.

dangerous user that needed to be contained and managed through treatment options or further punitive measures (Tasers, longer custodial sentences). Yet, simultaneously, these 'expert voices' warned of the dangers of casual consumption, and emphasised the vulnerability of the young *recreational* user. The construction of the dependent user as a risky, 'violent and out of control person'⁷³ developed alongside that of the recreational user, a victim of methamphetamine rather than a perpetrator of violence.

Print media discourse fragments on the dependent ('addict') user discourse strand were pervasive and graphic, and received far more exposure in terms of the number of articles produced (n=60) when compared to the recreational user. Although the number of media fragments on recreational users was less than those on 'addicts', they were more fear-based, and instead targeted anxious parents and paternalistic policymakers who sought to protect these young persons from the drug. A clear distinction between the guilty (ungovernable addict) and the innocent (recreational user) emerged in the media texts. This is discussed next.

6.3 The Recreational User

6.3.1 The Young 'At Risk' User

The first glimpse of the recreational user in this study appeared in 2003 following the release of the UN report titled, '*Ecstasy and amphetamines global survey*' that claimed Australia had the second highest levels of methamphetamine abuse worldwide.⁷⁴ Print media briefly engaged with this research evidence; *The Daily Telegraph* produced an article titled, '*Aussies lead in ecstasy abuse*'⁷⁵ as did *The Sydney Morning Herald*, with its article '*Australia Tops Use of Ecstasy: UN*' identifying drug use as a 'serious and growing ... phenomenon in Australia, particularly amongst young people'.⁷⁶ At this stage, however, methamphetamine use had yet to become a major media reporting issue.

⁷³ Article 330.

⁷⁴ Office on Drugs and Crime, "*Ecstasy and Amphetamines Global Survey 2003*," United Nations, (Vienna Office on Drugs and Crime, 2003), 21.

⁷⁵ Article 44.

⁷⁶ Article 45.

Media fragments on the recreational user discourse strand resurfaced in early 2005, following almost no appearances in 2004. These fragments presented recreational users as a group attracted to crystal methamphetamine, a substance they referred to as a 'party drug'. By late 2005, evidence showed that young people preferred to smoke rather than inject crystal methamphetamine. A visible concern for young ice users was growing amongst media and public health researchers at this time.⁷⁷ These young people effectively 'assumed' the role of recreational users in almost all subsequent media commentary and thus emerged as an important discourse strand. Over the course of the study, the young people strand became intensively entangled with the discourse strand of recreational user.

A public health report by McKetin, McLaren and Kelly titled '*The Sydney methamphetamine market: patterns of supply, use, personal harms and social consequences*,' was the first to emphasise the enormous risk social smoking posed to young people.⁷⁸ The authors claimed:

*The smoking of ice among young recreational drug users is an important new trend that warrants urgent attention. Smoking ... provides an instant drug effect with very few immediate deterring side-effects; [it]has a high dependence liability and has been associated with a range of adverse consequences ... [it]has the potential to introduce a younger, less drug involved population of people into a more risky pattern of drug use, and increase their risk of becoming dependent on methamphetamine.*⁷⁹

A number of media discourse fragments on social smoking were generated following this report. For example, *The Sydney Morning Herald* article '*Drug study signals danger in meth*' by medical journalist Jaqueline Maley drew heavily on the McKetin et al. report to express 'fear for recreational users'.⁸⁰ She claimed:

⁷⁷ Articles 143; 160.

⁷⁸ McKetin, McLaren, and Kelly, "The Sydney Methamphetamine Market: Patterns of Supply, Use, Personal Harms and Social Consequences," 90.

⁷⁹ *Ibid.*, xvi.

⁸⁰ Article 109.

*Recreational drug users are turning in droves to the highly addictive form of methamphetamine known as 'ice' or 'crystal meth'... which yields a rapid and intense effect akin to injection, and in turn makes the drug user more susceptible to addiction.*⁸¹

Maley presented these users as persons oblivious to the addictive properties of the drug and the potentially catastrophic effects of ice smoking.⁸² They were young, professional, in regular employment, had no criminal record, and considered themselves devoid of a drug problem.⁸³ This commentary perpetuated images of these recreational users as naïve consumers who preferred ice over ecstasy because of its relative cheapness and almost instantaneous effect. In short, these images presented recreational users as 'at risk' of serious harm.⁸⁴

The characterisation of recreational users as young and vulnerable members of society resonated with the general public, policymakers and law enforcement. Political discourse fragments that exemplified and validated the discursive knot (entanglement of recreational user strand with young people strand) began to appear. For example on 4 May 2006, then NSW member for Manly David Barr noted in NSW Parliament that 'the smoking of ice is a worrying trend among young recreational drug users and warrants urgent attention'.⁸⁵

The most fitting imagery that exemplified this 'at risk' and 'victim' status of the recreational users appeared as two separate yet influential discourse fragments in 2006. The first of these was the Carney documentary discussed earlier in this chapter. Although largely an exposition of dependent users, it did briefly engage with recreational use by documenting how 'recreational users tend to smoke ice' and as a result were 'becoming entrapped'.⁸⁶ The Carney documentary served to highlight the complexities surrounding ice smoking, particularly the nonchalant attitude of young people regarding their casual consumption, and their perception that smoking is a far

⁸¹ Article 109.

⁸² Article 109.

⁸³ Article 108.

⁸⁴ Article 161.

⁸⁵ David Barr, NSW Parliamentary Debate, Legislative Assembly, 4 May 2006, 22687.

⁸⁶ Carney, *The Ice Age*.

'safer way' to consume the drug, when compared to injecting.⁸⁷ It perhaps spurred the second discursive event, comments by Commissioner Moroney that young people were particularly at risk of ice.⁸⁸ Consequently, his comments coupled with the Carney report prompted an intense response by the newspaper sector on young people and their methamphetamine use.

Recreational methamphetamine use was swiftly lifted to the front pages of several tabloid and broadsheet newspapers. A consistent flow of media fragments emerged in late 2006 that emphasised the age of young social smokers. Led predominately by *The Daily Telegraph* and *The Australian* newspapers, and supported by public health expert research, teenagers as young as 16 were reported as social methamphetamine smokers. These young persons, according to *The Australian*, had emerged as targets of drug syndicates who were 'deliberately seeking a younger market'.⁸⁹ These articles showed how victim fragments became entangled with organised crime fragments.

Young recreational drug users were thus mobilised in media texts as victims of organised criminal groups. Essentially, they were what Douglas refers to as 'sinned against', being vulnerable to the events caused by others.⁹⁰ As such, their status in the community was that of 'at risk' of harm, given their youth and inability to recognise their heightened exposure to harm. This 'at risk' status, noted by Lupton, is equivalent to assuming the role of victim; a person who is 'threatened by risks imposed upon oneself by other agents, rather than being seen as bringing risk upon oneself through one's own actions'.⁹¹ Certain media fragments on criminal groups such as those produced by *The Sydney Morning Herald*, exemplified the ruthlessness of these organised criminal enterprises that were perpetuating misery by targeting young and vulnerable persons as potential customers. This image highlighted the victimhood of these young recreational methamphetamine users.⁹²

⁸⁷ McKetin, McLaren, and Kelly, "The Sydney Methamphetamine Market: Patterns of Supply, Use, Personal Harms and Social Consequences," 90.

⁸⁸ Article 159.

⁸⁹ Article 161.

⁹⁰ Douglas, *Risk and Blame: Essays in Cultural Theory*, 28.

⁹¹ Lupton, *Risk*, 65.

⁹² Article 161.

Alarmist media reporting quickly ensued in late 2006 that further emphasised the ‘at risk’ status of recreational users. Media fragments on ‘at risk’ users, largely produced by newspapers such as *The Daily Telegraph* expounded this status. They comprised graphic details surrounding the acquisition of methamphetamine by young school children. These fragments generated an intense climate of fear within the community, particularly amongst already anxious parents. For example, *The Daily Telegraph* article titled ‘*Horror for sale on a city street- THE ICE EPIDEMIC*’ appeared to be directed at parents. Journalist Gemma Jones produced dramatic and confronting commentary about young people and school children either accessing ice with relative ease or being treated at St Vincent’s Hospital in Darlinghurst, suffering its effects’.⁹³ The author warned:

If you're a parent and think your child is immune to the drug ice, think again - it can be bought anywhere, with a deal taking just seconds. In a terrifying dose of reality, the first dealer approached by The Daily Telegraph on a busy Kings Cross street yesterday offered a hit of the frightening, mind-bending drug for \$50. It was lunchtime in the city, with hundreds of people around, and in just 15 seconds the dealer had secured the drug with a mobile phone call.

Parents were warned that the drug could be effortlessly acquired in the streets of Sydney, as well as delivered to ‘youngsters’ doorsteps, an experience *The Daily Telegraph* likened to a pizza home delivery service.⁹⁴

Additional discourse fragments on recreational ice use emerged over the next two years that presented other reasons for casual consumption amongst young people, outside night clubs and dance parties. For instance, *The Sunday Telegraph* article titled, ‘*Girls using drugs for slimming*’ revealed that young girls were using ice to lose weight.⁹⁵ This was also evident in *The Daily Telegraph* article titled, ‘*Women using ice to lose weight*’ that emphasised this ‘new trend’ of ice consumption amongst young women in order to lose weight. These young women were portrayed as helpless victims of ice.⁹⁶

⁹³ Article 178.

⁹⁴ Article 178.

⁹⁵ Article 208.

⁹⁶ Article 374.

Other articles described how high school students from private schools, some as young as 12, were taking ice as a replacement for Ritalin.⁹⁷ These students, *The Daily Telegraph* claimed, would order the drug via a text message which was then delivered to their home.⁹⁸ This, according to the article, prompted educational concerns, as 'students using the drug will be unable to complete their studies'.⁹⁹ Such confronting images coupled with those by *The Daily Telegraph* that described how children were 'using trendy ice'¹⁰⁰ because it was glamorous, both validated the 'at risk' construction of the young casual users, and the need to protect them from the risks of methamphetamine.

Although these users were not the archetypal 'ideal victim' because they voluntarily engaged in illegal drug use,¹⁰¹ they were still afforded the victim status because of their age, gender, class and race, characteristics that perhaps determined news media interest and the direction of the issue. This was similar to the way the media reported the death of Anna Wood in 1995 to ecstasy. Anna was constructed by media as a victim; she was from a middle-class family with many advantages and not an injecting drug user. Importantly, she was a recreational and not a dependent user and this had a significant impact on how she was framed by media and subsequently addressed by policymakers.¹⁰²

In short, those images that generated the most alarmist media attention were of young, well-educated persons in professional employment, or those who attended prestigious high schools.¹⁰³ These users hailed from the North Shore and Inner City suburbs of Sydney.¹⁰⁴ The 'at risk' construction that prevailed in media texts as the dominant representation of the young recreational methamphetamine user encouraged the idea that these users could be vulnerable victims who required protection. It was these images of 'innocent' users as vulnerable victims of a very

⁹⁷ Article 208.

⁹⁸ Article 208.

⁹⁹ Article 208.

¹⁰⁰ Article 364.

¹⁰¹ See Christie for a description of the ideal victim - Christie, "The Ideal Victim."

¹⁰² Shane Homan, "The Tabloid, the Dance Party and the Premier: The Policy Legacy of Anna Wood," *Media International Australia Incorporating Culture and Policy* no. 108 (2003): 35.

¹⁰³ Article 208.

¹⁰⁴ Article 178.

dangerous drug that dominated in media texts and became particularly problematic for policymakers.

6.4 Conclusion

The methamphetamine user discourse emerged in a challenging and tumultuous social climate of illicit drug reporting. Methamphetamine use leapt into the forefront of media interest as a salacious topic of immense news value, as well as a new risk to interrogate. Perhaps, like heroin, it was the intravenous method of administration that heightened social anxieties about methamphetamine use in an already hypertensive media, or the influence of international media rhetoric that drew on various discourse fragments from law enforcement, public health, and media discourse planes to exemplify the seriousness of the issue. Nevertheless, stories related to methamphetamine use had the capacity to mobilise deep-seated anxieties surrounding users within the public. Such stories, like Sally's in *The Daily Telegraph*, were available to the community, who paid to discover the alleged risk and threat posed by these 'addicts' that had become part of their everyday life.¹⁰⁵

The media discourse plane comprised many discourse fragments that divided the methamphetamine user into two discursive constructions, firstly, the 'risky' addict who victimised the community through their violent and criminal behaviour, and secondly, the 'at risk' user who was a vulnerable and naïve victim. This dichotomisation of the methamphetamine user discourse resulted in a judgemental style of reporting of dependent users and a sympathetic approach to issues pertaining to young, recreational users.

The dependent user was generally constructed as a violent and criminal 'addict' and the manifestation of society's fears and anxieties about illicit drug use and the user. This 'addict' was presented as a 'risky' and ungovernable subject who threatened the social and moral fabric of society. Alternatively, the recreational user was presented as a young and vulnerable subject who engaged in methamphetamine consumption for excitement, was ignorant of the consequences of their use, and was the victim of unscrupulous organised criminal syndicates that were expanding their client base to

¹⁰⁵ White and Perrone, *Crime, Criminality and Criminal Justice*, 44.

include young children. These users required intervention to preclude them from experiencing further harm.

The image of the dependent 'risky' user dominated the pages of newspapers, when compared to that of the recreational 'at risk' user. Both the community and policymakers were exposed to media saturated images of violent individuals addicted to methamphetamine wreaking havoc in the community. There was little attempt by the newspaper sector to balance these images with others not so negative that focused on the rehabilitation or treatment of these persons. Largely, dependent users were constructed as violent 'addicts', a burden on the health system that placed medical staff and law enforcement personnel at risk, and the cause for an increase in violent crime and assault rates across NSW. Such clear and often stereotypical depictions of dependent users promoted a punitive reaction by law enforcement; as exemplified in the proposed use of Tasers as an appropriate way to respond to them.¹⁰⁶

Methamphetamine use had thus emerged as a dichotomised issue that required individualised solutions. The recreational user required direction, protection and salvation whereas the dependent user required management and containment. This was the media-infused canvas presented to policymakers on methamphetamine use. The following chapter examines 'the enforcer's' discourse, with a specific focus on law and order. I interrogate the discourse strands of methamphetamine importation, trafficking, manufacture and production, as well as on-the-ground policing efforts in the context of media reporting.

¹⁰⁶ Article 177.

7 Media and ‘The Enforcers’

7.1 Introduction

This chapter offers an examination of the media’s representation of ‘the enforcers’ discourse, to ascertain its role in the broader construction of the public image of methamphetamine. I argue that this representation generated the ‘enemy’ and ‘hero’ discourse strands, that together put forward the idea that drug law enforcement, and associated initiatives, were the best solution to the NSW methamphetamine problem. An interrogation of the media’s construction of the importation and trafficking discourse strands, that include ‘enemy’ groups such as importers,¹ traffickers,² and various organised criminal syndicates, is provided. Such constructions allowed for the problem of methamphetamine importation to become racialised. I argue that ethnicity was used at times by media to invoke notions of ‘otherness’ and an ‘us and them’ discourse, the consequences of which created these groups as the antithesis to law enforcement at the border.

The domestic manufacture and production of crystal methamphetamine emerged as important discourse strands in the media’s overall construction of the methamphetamine problem. These strands were largely discussed in the context of ‘successful’ Federal and NSW law enforcement interventions such as arrests via drugs busts and raids, and major task force police operations that targeted clandestine laboratories. These interventions were considered by media as appropriate responses to the manufacture and production of methamphetamine, particularly given their construction as a ‘serious domestic threat’. This threat is examined in order to effectively evaluate the role of media in creating this issue as a major social risk that required a law enforcement response.

¹ An importer is an accused who has imported or attempted to import border controlled drugs, plants and/or precursors. They are dealt with specifically under the *Customs Act 1901* (Cth), notably ss 307.1 - 307.4; ss 307.22 - 307.13; ss 307.5 - 307.7.

² A trafficker is an accused who intends to sell a prohibited drug or deal the drug ‘with a belief that it will be sold’- see Brown et al., *Criminal Laws - Material and Commentary on Criminal Law and Process of New South Wales*, 893-4. The accused is dealt with under the *Drug Misuse and Trafficking Act 1985* (NSW) or the *Criminal Code Act 2005* (Cth) ss 302.1 - 306.1.

OMCGs act as a case study in this chapter. This discourse strand presented these groups as producers, manufacturers and suppliers of crystal methamphetamine in Australia during a period where negative images of OMCGs were well entrenched in social and political discourse. I argue that these images were encouraged by the construction of OMCGs as a gang. This gang label was an important concept employed by media in its presentation of OMCGs as a major drug risk to society.

I conclude this chapter with an examination of the drug law enforcement discourse strand. This strand praised the efforts of police, both local and national, in fighting the importers, traffickers, manufacturers and producers of methamphetamine. Through the reporting of drug raids, drug seizures and drug busts as successful, and the constant reportage of related arrests, media presented drug law enforcement as both protectors of the community and Australian borders and real-life heroes.

7.2 Importation and Trafficking: The International Threat

Illicit drug trafficking and importation are important issues that have been addressed legislatively since the second half of the twentieth century. For example, the *Poisons (Amendment) Act 1970 (NSW)* was introduced to address drug trafficking and the drug trafficker. This legislation encouraged both the expansion of law enforcement measures that targeted trafficking and traffickers, and increased the penalty for those found guilty of 'deemed' supply or sale of 'drugs of addiction'.³ A similar tough approach to importers was evident in certain Federal drug law statutes. In 1971, the *Customs Amendment Act 1971 (Cth)* for example reversed the onus of proof onto the accused to demonstrate their innocence on importation offences.⁴

Such legislative measures were perhaps the result of broader social influences that shaped the public and political discussion on trafficking and importation. The most influential of these forces is identified in this chapter and more broadly in the thesis as media.

The importation of prohibited drugs like crystal methamphetamine into Australia has generated considerable media attention over the years. This attention has centred on

³ Manderson, *From Mr Sin to Mr Big: A History of Australian Drug Laws*, 159-60.

⁴ *Ibid.*, 160.

the construction of this discourse strand as a serious criminal border control issue, and a risk to Australia and all Australians.⁵ This risk was magnified through continual media reportage of successful drug seizures at the border, by the AFP and Customs during the period of the study.

These media reports emphasised certain aspects of the seizure including the type and quantity of the drugs seized, and the value of these drugs had they reached the streets of Sydney. This is illustrated in headlines such as *'Record \$2.2m ice drug haul'*,⁶ *'Four arrested over \$1.4bn drug haul'*,⁷ *'Drug haul worth \$12m'*,⁸ *'\$100m drug haul arrests'*,⁹ *'\$2 billion drug hauls as Australian agents tackle a new ice age'*,¹⁰ *'Three charged over 20kg of ice'*,¹¹ that frequently circulated in the newspaper sector. In addition to these importation related articles, trafficking also emerged as a discourse strand highly publicised in media texts.

During the 2000 to 2009 period, notable shifts in the type of drugs trafficked and imported into Australia were reported in several different discourse fragments. Drugs like methamphetamine and precursor chemicals such as pseudoephedrine and ephedrine appeared in newspaper articles in the context of border drug seizures, a crime that, according to Customs experts, 'posed a great risk to the Australian community'.¹² The identification of this risk by an expert served to cultivate insecurities regarding the extent of the methamphetamine issue and those engaged in the traffic and importation of prohibited drugs.¹³

7.2.1 Importers and Traffickers: 'The Racial Enemy'

Negative constructions of illicit drug traffickers have existed for some time in social, media, and political discourse. Historically, they have typically been presented as

⁵ Article 424.

⁶ Article 3.

⁷ Article 41.

⁸ Article 57.

⁹ Article 72.

¹⁰ Article 164.

¹¹ Article 310.

¹² Article 424.

¹³ Richard V. Ericson and Kevin Haggerty, *Policing the Risk Society* (Oxford: Oxford University Press, 1997), 86.

either evil people, who 'prey upon the weaknesses of others',¹⁴ or 'insidious and unscrupulous' pedlars who cause Australia's drug abuse problem.¹⁵ Similarly, illicit drug importers, commonly referred to as smugglers,¹⁶ have been presented as dangerous persons who are ruthless and persistent,¹⁷ a description that has dominated media reportage of these groups.

Importers and traffickers emerged as 'enemy' groups during the period of this study. This construction was first noticeable in media texts in 2003, following the arrest of two persons for their involvement in the importation of 223kg of ice into Australia. A number of border seizure discourse fragments of this event described it as the largest ice border seizure ever recorded by the AFP and Customs. For example, *The Daily Telegraph* article titled, 'Noodle packs hid \$112m drug haul', described how this seizure '... equalled all previous seizures of the drug combined'.¹⁸ An AFP media release titled, 'Record 'ice' seizure - two arrested', also described this event as a major border seizure achievement. These discourse fragments positioned the importer at the forefront of both law enforcement and media attention, and triggered the start of an intense focus on importers and traffickers that spanned the course of the study.¹⁹

Media fragments that inferred importers and traffickers were the 'enemy', largely centred on their identification as foreigners. Fragments that referred to and engaged with the topic of 'foreigners', presented certain ethnic groups in a negative way. For example in the year 2000, importers were described by journalist Peter Alford of *The Australian* in the article, 'Here comes killer speed', as 'ethnic Chinese distributors' who 'import ... heroin into Sydney and Melbourne, and are now showing active interest in diversifying'.²⁰ These groups, who had purposely selected Australia as a prospective methamphetamine destination, were fast becoming Australia's enemy and the primary villains in the methamphetamine battle.

¹⁴ Manderson, *From Mr Sin to Mr Big: A History of Australian Drug Laws*, 182.

¹⁵ *Ibid.*, 159.

¹⁶ Articles 16, 90 and 215.

¹⁷ Article 309.

¹⁸ Article 28.

¹⁹ "Record 'Ice' Seizure - Two Arrested," Australian Federal Police, accessed July 25, 2013, <http://www.afp.gov.au/media-centre/news/afp/2003/May/record-ice-seizure---two-arrested>

²⁰ Article 4.

The image of the foreign methamphetamine importer gained momentum in media texts in 2003. Media fragments typically highlighted either the ethnicity of the importers (e.g. *'The Korean Connection'*),²¹ or referred to their ethnic background more broadly (e.g. *'The import gangs - Asian ingredients fuel local party drug boom'*²²; - or *'Asian crime drug hauls'*)²³. Law enforcement commentary also expressed concern over Chinese organised criminal groups smuggling methamphetamine into Australia, as did other media texts that documented the arrest of Chinese nationals for importation and trafficking related offences.²⁴

A steady flow of provocative media discourse fragments emerged in 2005 that emphasised the 'foreignness' of the importers. These fragments sought to unveil 'the truth' about methamphetamine importation. Journalist Amanda Hodge of *The Australian* informed readers in the article, *'Chinese move in as crystal meth becomes new heroin'*, that:

*Chinese drug syndicates are targeting Australia as a growing market for crystal methamphetamine - a cheap, addictive and highly dangerous drug that police and doctors warn is the new heroin on Australian streets.*²⁵

This article emphasised the role of Asian organised criminal syndicates as those who actively brought this 'addictive and highly dangerous drug', referred to as the 'new heroin', into Australia.

This attempt by media to link ethnicity to serious criminal offences such as importation and trafficking is not a new phenomenon. Poynting, Noble and Tabar in their analysis of media, ethnicity, gangs and moral panic, showed that the 'ideological linking of aliens with criminality' is not a novice idea, and the labelling of Asian immigrants with drugs has seen a resurgence, notably in media.²⁶ For example

²¹ Article 27.

²² Article 198.

²³ Article 315.

²⁴ See article 72.

²⁵ Article 96.

²⁶ Scott Poynting, Greg Noble, and Paul Tabar, "Middle Eastern Appearances: 'Ethnic Gangs', Moral Panic and Media Framing," *Australia and New Zealand Journal of Criminology* 34, no. 1 (2001): 46.

several discourse fragments, many of which were produced by *The Daily Telegraph*,²⁷ identified the ethnicity of lone or organised criminal syndicate importers as Chinese,²⁸ Korean,²⁹ or Hong Kongese,³⁰ or referred to them as ‘ethnic Chinese Australian’, an attempt to distinguish ethnicity from residency.³¹ Little else was said about these persons, aside from their gender. These frames appeared to validate the use of race as a legitimate category as they disassociated ‘Australians’ from importation and instead associated this crime with those identified in media texts as ‘Asian’. These images invoked a sense of ‘otherness’ that both encouraged the perception of these persons as the enemy of Australia and Australians, and the antithesis of good and righteousness, a position held by law enforcement.

Although these racially based images of importers and traffickers were widely available in several media fragments, they ignored research evidence that persons and groups from other nationalities, such as those from the Middle East, Europe and North America, were involved in the traffic and importation of methamphetamine into Australia.³² This evidence that reported ‘...no typical profile of methamphetamine traffickers based solely on nationality or ethnic background’, raises questions about the almost exclusive media focus on Asian groups as the primary drug traffickers and importers of methamphetamine into Australia.³³

7.2.2 The Standen Case

The Standen case was a significant media discursive event that occurred in 2008, as discussed in Chapter 5. It generated several media discourse fragments that highlighted two important issues, one; the alleged criminal involvement of an Australian law enforcement officer in a major drug crime, and two, that persons or groups outside of what media referred to as ‘Asians’, conspired to import and traffic methamphetamine into Australia.

²⁷ Refer to articles 9, 10, 26, 72, 81, 90 and 253.

²⁸ See articles 72, 81, 96, 234 and 253.

²⁹ See article 27.

³⁰ See articles 9, 10, 90 and 278.

³¹ Article 26.

³² Alison Ritter, David Bright, and Wendy Gong, *Evaluating Drug Law Enforcement Interventions Directed Towards Methamphetamine in Australia*, Monograph Series no. 44 (Sydney National Drug and Alcohol Research Centre, 2012), 34.

³³ *Ibid.*, 34.

The image of the foreign (Asian) importer and trafficker was momentarily shattered by the Standen case. This case questioned the media's consistent construction of the importer and trafficker as predominately Asian. Discourse fragments that explored this local importer, identified key domestic players, including trusted law enforcement persons, as those involved in the attempted traffic and importation of methamphetamine into Australia. The case produced an initial explosive media response although interest waned shortly thereafter.

The media responded to the Standen case with front page articles and headlines, certain to captivate their readers. Several of these articles comprised discourse fragments that emphasised either the position of Standen (e.g. top cop, former AFP officer), avenue of capture (e.g. arrest, bust) or affiliated crime (e.g. ice scheme, ice cartel), as exemplified in the front page article by *The Australian* read "Top cop arrested over \$120m ice scheme",³⁴ and *The Daily Telegraph* article, 'TOP COP BUSTED IN ICE CARTEL (original emphasis).³⁵ The latter article also identified the event as 'potentially threatening the security and integrity of some of the nations most sensitive and secret police operations'.³⁶

Although the initial response to the Standen case was explosive, there was little evidence of ongoing media commentary on the issue. This may partly be due to external forces outside of media control, such as legal considerations, particularly given the magnitude of the case. Media had to be extremely careful not to publish anything prejudicial to the case or provide evidentiary details that may hinder the case itself.³⁷ That said, only eight articles were published in 2008, with many of these diminishing the role played by Standen in the overall foiled conspiracy. For example, discourse fragments produced by *The Australian* quickly shifted attention from Standen, first described on 3 June 2008 as '... allegedly masterminding a plan to cook up the nation's biggest batch of the deadly designer drug ice',³⁸ to a 'Dutch man', as the 'main suspect' in this attempted importation. The 4 June 2008 article by *The*

³⁴ Article 340.

³⁵ Article 341.

³⁶ Article 341.

³⁷ Sharon Rodrick, "Open Justice and Suppressing Evidence of Police Methods: The Position in Canada and Australia," *Melbourne University Law Review* 31 (2007): 449.

³⁸ Article 340.

Australian described Standen as merely a person 'allegedly involv[ed] in the 'multi-million dollar international drug smuggling ring', rather than its mastermind, a title it had bestowed upon Standen only the previous day.³⁹ Ultimately, it lessened the role played by Standen, a local importer, to that of accomplice, rather than orchestrator of this criminal plan.

This 'contained' media response to such an important social, political and law enforcement issue raises questions about the media's role in emphasising some risks over others. Douglas suggests that risk is a selective process with some risks ignored or down played while others are responded to with a heightened sense of fear, anxiety and danger.⁴⁰ Perhaps the risk posed by Standen and his involvement in the foiled pseudoephedrine importation scheme was considered less newsworthy than that posed by 'foreign' importers.

It also raises questions about the appearance of tapered media coverage that reduced the circulation of negative imagery of law enforcement. Law enforcement values the importance of maintaining a positive public image in order to appear productive crime fighters for the community. This image was momentarily tainted by the actions of Standen. Therefore the scant reporting of the Standen case may be a result of restricted media access to case details in order to limit '... an unfavourable impression of policing'.⁴¹ It was important to law enforcement that media present the Standen case as an isolated event, and instead focus more on the positive endeavours of police in their fight against methamphetamine.

The Standen case was an important topic that showed groups and persons other than 'Asian' criminal syndicates were involved in the importation of methamphetamine or its precursors into Australia. Standen's actions involved several breaches of security and trust yet these were not appropriately explored in any detail in media discourse fragments. There were some scant fragments that highlighted issues of corruption, such as those produced by journalist Charles Miranda of *The Daily Telegraph*, who

³⁹ Article 345.

⁴⁰ Douglas and Wildavsky, "How Can we Know The Risks we Face? Why Risk Selection is a Social Process," 49.

⁴¹ Jewkes, *Media and Crime*, 165.

described the Standen event as ‘... one of the most serious allegations of corruption ever made in Australian law enforcement history ...’.⁴² That aside, print media mostly limited their coverage of the case, perhaps a result of reader interest, or the legal risks with providing details before the case went to trial (which could hinder the accused’s right to a fair trial and place the media at risk of contempt of court proceedings),⁴³ or the influence of law enforcement. Regardless, the case disappeared as quickly as it had appeared and the discursive construction of methamphetamine importers and traffickers as the ‘foreign enemy’ persisted in media discourse fragments.

This negative construction of the importer emerged within an environment preoccupied with the burgeoning risk of methamphetamine. This risk appeared in many forms although largely as a ‘warning’ from law enforcement⁴⁴ that Australia had been identified by Asian criminal syndicates as a new and viable methamphetamine market.⁴⁵ This risk to Australians was supposedly created and perpetuated by the enemy trafficker and importer who sought to make money from the misery of Australians. During this time, a focus on new domestic drug risks identified in the following section as the discourse strands of production and manufacture, as well as police operations tasked with thwarting it had emerged.

7.3 Production and Manufacture: The Domestic Threat

The manufacture and production of crystal methamphetamine are important discourse strands to explore in this chapter for two main reasons. Firstly, they produced discourse fragments on sub-topics such as clandestine laboratories and precursor chemicals, in the context of drug raids, busts and seizures, that helped identify those criminal groups involved in the manufacture and production process (Asian criminal syndicates and OMCGs) as the ‘enemy’, and secondly, by doing so, they strengthened the ‘hero’ image of the ‘enforcers’, given they policed, apprehended and arrested those groups. In order to assess the appropriateness of

⁴² Article 341.

⁴³ Sharon Rodrick, “Open Justice and Suppressing Evidence of Police Methods: The Position in Canada and Australia,” *Melbourne University Law Review* 31 (2007): 452.

⁴⁴ Article 34.

⁴⁵ Article 33.

the hero label bestowed upon law enforcement, it is crucial to discuss 'the local enemy' so as to demonstrate the risk they posed to the community.

7.3.1 Clandestine Laboratories and Precursor Chemicals

The manufacture and production of methamphetamine in Australia has grown exponentially since 1998/9 and evolved into a serious drug law enforcement issue.⁴⁶ This growth has resulted in a rise in the number of clandestine laboratories detected nationally, from 150 detections in 1999 to 2000, to 449 detections in 2007 to 2008.⁴⁷ The growth in both the domestic manufacture and production of the drug and detection of clandestine laboratories throughout Australia largely contributed to a heightened media response that linked the manufacture of methamphetamine to its use.⁴⁸

Crystal methamphetamine became problematic for law enforcement following changes to the domestic illicit drug market. These changes were encouraged by the apparent heroin drought of late 2000 and the increased popularity and availability of methamphetamine, a substance manufactured and produced domestically in clandestine laboratories, something not possible with heroin.⁴⁹ This created a number of challenges for law enforcement namely that local production equated to an increase in local distribution and therefore more availability of the drug within the community. These changes and challenges, coupled with the increase in illegal laboratories detected throughout NSW, steadily appeared in media articles as issues that required law enforcement intervention.

Media reports on the discovery of these laboratories gained momentum in late 2001 to early 2002. They comprised discourse fragments that emphasised the size of the drug seizures, which in turn prompted praise for police efforts in thwarting criminal operations and dismantling their illicit methamphetamine laboratories. For example,

⁴⁶ Rebecca McKetin and Jennifer McLaren, *"The Methamphetamine Situation in Australia: A Review of Routine Data Sources"* NDARC Technical Report no. 172 (Sydney: The National Drug and Alcohol Research Centre, 2004), 36.

⁴⁷ Australian Crime Commission, *"Illicit Drug Data Report 2008-2009,"* 93.

⁴⁸ McKetin, McLaren, and Kelly, "The Sydney Methamphetamine Market: Patterns of Supply, Use, Personal Harms and Social Consequences," 25, 29.

⁴⁹ Louisa Degenhardt et al., "The Australian "Heroin Shortage" Six Years On: What, If Any, Are the Implications for Drug Policy?" (Sydney: The Beckley Foundation Drug Policy Programme, 2007); Australian Crime Commission, *"Illicit Drug Data Report 2008-2009."*

a page three *The Daily Telegraph* article titled, '\$20m drugs seized in raid' claimed that the seizure 'was one of the biggest hauls in the state', and '... a conscious effort by police' to 'clean up not just Cabramatta but the Greater Hume Region'.⁵⁰ Such fragments informed the public of the existence of these laboratories in residential parts of the city that threatened the entire community. This in turn produced a media focus on public safety, a topic that began to steadily creep into media dialogue on clandestine laboratories, particularly since the rate at which they were being discovered by police was rapidly growing.

By 2003, several clandestine laboratories, according to *The Australian*, were being 'unearthed in NSW'.⁵¹ This, according to media, posed a major public safety risk to the community, and threatened the social and moral fabric of good neighbourhoods and good homes.⁵² Fragments that explored this public safety dimension, focused on the volatility of certain chemicals and their removal from the environment. For instance, one fragment, which appeared in *The Illawarra Mercury* titled, 'Police raid drugs laboratory', highlighted comments by senior Sergeant John Klepczarek that:

*The chemicals were ... removed for safety reasons ... Chemicals used in the process of making speed, if not appropriately stored, could be volatile and pose a risk to the community.*⁵³

Another fragment on public safety that appeared in this article outlined ways for readers to reduce their risk of exposure. The first was to follow a step-by-step guide to laboratory 'spotting' provided by Senior Sergeant John Klepczarek:

*... neighbours concerned about suspicious drug activity in their street should look for a number of signs including a large number of cars coming and going during the day and night; residents going to great lengths to stop people seeing inside a house or garage; strange smells emanating from the house or garage and the storage of large gallon drums of chemicals.*⁵⁴

⁵⁰ Article 15.

⁵¹ Article 40.

⁵² Boyd and Carter, "Methamphetamine Discourse: Media, Law, and Policy," 231.

⁵³ Article 43.

⁵⁴ Article 43.

The second was to report their suspicions of illicit methamphetamine laboratories operating near their home to local police. By doing so, the responsibility for outcomes was shared with the community. This type of corporatist practice, according to Garland, offset 'the organization's liability'.⁵⁵ It also magnified the perception of the risk posed by these laboratories in the community.

These law enforcement comments served to accentuate the supposed ubiquity of these laboratories; validate the need to eradicate this risk from the public domain; and share responsibility with the community for finding these illegal laboratories in Sydney neighbourhoods.⁵⁶ The community was thus urged by media and law enforcement to help solve the problem of the illegal manufacture and production of methamphetamine. While this discussion on clandestine laboratories was unfolding, a parallel discussion on the significance of precursor chemicals had gained momentum in media texts.

Precursor chemicals such as pseudoephedrine and ephedrine were largely referred to in various discourse fragments on methamphetamine as the 'precursor problem'. Identified as particularly problematic because of their use in the manufacture and production of illegal methamphetamine in Australia, and their illegal acquisition via importation or through local pharmacies in the form of cold and flu products, precursor chemicals garnered considerable media attention following reports of several significant Customs seizures and police drug raids taking place throughout NSW.⁵⁷

Fragments that discussed these law enforcement seizures and raids, typically presented them as successful events, particularly when the quantity of the precursors seized and the value of this seizure was reported. For example, a 2003 article by *The Australian* titled, '*Four arrested over \$1.4bn drug haul*' proclaimed the event a 'first operational success' of the ACC given it achieved two outcomes, one, 'seized 750kg of pseudoephedrine, the largest Australian haul of the chemical used to make methamphetamine', and two, '... dismantled the syndicate to a point where it

⁵⁵ Garland, *The Culture of Control: Crime and Social Order in Contemporary Society*, 119.

⁵⁶ Article 43.

⁵⁷ Example articles 17, 24, 41, 42, 50, 57, 61, 65, 73, 123, 124, 236, 315 and 340.

can no longer operate'.⁵⁸ The reporting of these seizures and busts as successful, reinforced through the use of words such as 'largest', continued for most of 2003.

A number of these articles on precursor chemical seizures also highlighted the growth of a new sub-topic of precursor chemicals, the 'cold and flu' market.⁵⁹ This market involved persons obtaining cold and flu tablets from pharmacies in order to extract ephedrine or pseudoephedrine to manufacture methamphetamine. This 'extraction method' had become the most popular and quickest way to produce and manufacture methamphetamine domestically.⁶⁰ It was also a cheaper and less risky alternative to smuggling the drugs into Australia given both the AFP and Customs attention on drug seizures at the border.

Media discourse fragments that examined this 'cold and flu' market did so mostly in the context of economic expansion. For example, an article by *The Sun-Herald* titled, '*Chemists called on to combat speed, ice*', showed how this '...multimillion-dollar drug racket...had become an industry on its own', that involved '...runners offload[ing] the tablets to the drug cooks for double the over-the-counter price'. It emphasised that the purchase of cold and flu tablets had become the easiest way for criminals to procure the precursor chemicals required to manufacture methamphetamine.⁶¹ Interestingly, this fragment showcased the economic benefits of this market expansion, as did *The Sunday Telegraph* article titled, '*The import gangs- Asian ingredients fuel local party drug boom- EXCLUSIVE*', that documented that market expansion was a result of methamphetamine demand that had contributed to a 300% increase in the price of methamphetamine.⁶² These fragments emphasised both the growth of the methamphetamine market more generally, and precursor chemicals used to manufacture the drug.

Media interest in precursor chemicals generated a resurgence of reportage on clandestine laboratories. Newspaper articles on this topic increased from one in 2005

⁵⁸ Article 41.

⁵⁹ Example articles 24, 73, 74, 140, 143 and 303.

⁶⁰ Australian Crime Commission, "*Illicit Drug Data Report 2006-2007*" (Canberra: Australian Crime Commission: Commonwealth of Australia, 2009).

⁶¹ Article 54.

⁶² Article 198.

to fourteen in 2006 and reignited the importance of dismantling these clandestine laboratories in the community. This was particularly evident in the discovery of what many newspapers referred to as a 'super lab', an event that made state and national headlines.⁶³ The first to report on this massive police bust was *The Sydney Morning Herald* in the article, '*Huge drugs factory, police say*'.⁶⁴ Journalist Les Kennedy claimed that:

AN AUSTRALIAN syndicate with connections to criminals in Hong Kong and China is alleged to have set up a laboratory in NSW able to produce up to 500 kilograms a week of the synthetic party drug ice.

Kennedy utilised law enforcement comments by AFP's national border and international network manager Mike Phelan to detail the importance of this drug bust. According to Phelan:

This laboratory was set up on the lines of the 'super labs' in places like the Philippines and one uncovered in Fiji. That is a process we have never seen here before. The manufacturing process they employed with precursor chemicals was expensive but meant they could produce greater volumes of the crystal ice.

This is one of the largest and most sophisticated clandestine drug laboratories discovered in Australia, capable of making extremely large quantities of ice... We believe we have completely dismantled a major syndicate operating in Australia.

Similar comments were also expressed in *The Australian* article, '*Police claim meth super lab is the tip of the iceberg*', which noted that the operation was using 'more basic recipes to produce a low quality form of methamphetamine',⁶⁵ and in *The Daily Telegraph* article, '*Police raid drug super-lab-Flood of illegal ice foiled*'.⁶⁶ Both newspapers reported on the significance of this drug bust.

Less than one month later, *The Australian* published a page three article titled, '*Backyard drug labs skyrocket*', that emphasised 'ever large quantities of the potentially fatal drug ice are being produced by an illicit network of backyard

⁶³ Refer to articles 123, 124, 125 and 126.

⁶⁴ Article 123.

⁶⁵ Article 124.

⁶⁶ Article 125.

amphetamine laboratories throughout the country'.⁶⁷ Drawing on evidence from an ACC study, the article described the increase in such laboratories as a 'home grown threat' and blamed these facilities for the rise in methamphetamine use amongst young recreational users.⁶⁸

This intensive discursive knot between the discourse strands of manufacture, production and recreational users, produced an important development in the broader 'enemy' discourse strand. The use of fragments from the public health discourse plane, particularly those by the chief executive of the ACC that '... more lives are at risk ... because of the poor quality of production techniques and chemicals used' positioned operators of clandestine laboratories (manufacturers and producers) as the main drug enemy of and within Australia. These groups had in effect developed into what media described as a 'home growth threat' that risked the lives of young and vulnerable recreational users.

These comments followed those made in February 2006 by the NSW Crime Commission in its submission to the 'Parliamentary Joint Committee on the Australian Crime Commission (ACC) - Inquiry into the Manufacture, Importation and Use of amphetamines and other synthetic drugs (AOSD)' in Australia. The submission criticised the relative ease in accessing and downloading methamphetamine making 'recipes' from the Internet and blamed this unregulated process for the rapid growth of methamphetamine manufacture in NSW.⁶⁹ This prompted the ACC to propose the introduction of generic offences to allow the law to 'easily adapt to changing recipes'.⁷⁰

This intense focus on the sub-topics of clandestine laboratories and precursor chemicals highlighted the involvement of domestic criminal organisations. The prevailing media discourse on organised criminal syndicates was intense, and brought to the forefront the domestic players involved in this aspect of the methamphetamine trade.

⁶⁷ Article 131.

⁶⁸ Article 131.

⁶⁹ NSW Crime Commission, "Submission 9a," (Parliamentary Joint Committee on the Australian Crime Commission Inquiry into Amphetamines and Other Synthetic Drugs, 14/02/2006), 1.

⁷⁰ *Ibid.*, 5.

7.3.2 Asian Criminal Syndicates

The role of criminal syndicates in the local manufacture and production of methamphetamine was an issue of heightened media interest, notably since 2006. Described in previous sections of this chapter, Asian criminal syndicates were heavily involved in the importation and trafficking of methamphetamine into Australia, and therefore their involvement in its domestic manufacture was considered both problematic and newsworthy.

A number of media articles referred to police 'drug raids' and 'drug busts' of operations run by domestic Asian criminal syndicates.⁷¹ Some of these articles presented a link between these groups and international criminal organisations, identified in text as 'southeast Asian drug cartels.'⁷² For example, the article by *The Sunday Telegraph* titled, '*The import gangs - Asian ingredients fuel local party drug boom - EXCLUSIVE*' (original emphasis) linked these domestic criminal syndicates to both the importation and manufacture of methamphetamine discourse strands. Journalist Ben Johnson claimed:

*CRIME gangs manufacturing the dangerous party drug "ice" are smuggling in large quantities of the main ingredient -- cold and flu tablets -- from south-east Asia.*⁷³

Direct commentary from Richard Janeczko, Customs national investigation manager, also identified the role of 'motorcycle gangs' as distributors of precursor chemicals such as pseudoephedrine.

Other scant references were made to Asian criminal gangs and their involvement in the domestic manufacture of methamphetamine. For example, *The Daily Telegraph* article titled, '*Gang lab out of business*', documented a 70 kilogram seizure of pseudoephedrine by the NSW Police joint Asian criminal group, and the dismantling of a clandestine laboratory.⁷⁴ These types of articles, however, were limited, and seldom appeared in the latter years of the study.

⁷¹ Example articles 123, 124, 125 and 126.

⁷² See article 124.

⁷³ Article 198.

⁷⁴ Article 407.

By 2007, media had shifted most of their attention from Asian criminal syndicates to OMCGs. The media discourse strand of domestic OMCGs identified these groups as major players in the manufacture and production of methamphetamine in Australia. They emerged as a dangerous and threatening group and a massive risk to society, responsible for the increase in methamphetamine use across NSW. These groups stood alongside the importers and traffickers as the 'enemy', by way of dramatic imagery that emphasised their role in the methamphetamine saga. The following case study documents the history and role of OMCGs in Australia in order to provide an appropriate context from which to understand the media's construction of OMCGs as the enemy.

7.3.3 OMCGs: Case Study

The concept of OMCGs originated in the US around WWII.⁷⁵ The 'outlaw' label, commonly used to describe these groups, however, emerged during the 1930s and was applied socially for two main reasons. One, these groups considered themselves 'outsiders' who engaged in a 'deviant' lifestyle and, two, these groups were unsanctioned given they were not members of the American Motorcyclists Association (AMA). This 'outlaw' label, however, did not suggest these groups were criminal but rather non-AMA members.⁷⁶ To differentiate themselves from AMA members, 'outlaw' groups dressed and behaved differently to their counterparts and began to ride Harley Davidson motorcycles. They would also disrupt AMA events, actions that ultimately changed the public image of these motorcycle riders from a motorcycle group to an outlaw gang.⁷⁷

Since the end of WWII, OMCGs have expanded their operations worldwide, with various 'chapters' located in countries such as Australia.⁷⁸ The ACC notes there are currently 44 'outlaw motorcycle gangs' with 179 chapters in Australia, and a total of 4483 members nationally.⁷⁹ The Rebels, Hells Angels, Lone Wolf, Comanchero and

⁷⁵ Thomas Barker, *Biker Gangs and Organized Crime* (Cincinnati: Anderson Publishing, 2007), 2.

⁷⁶ *Ibid.*

⁷⁷ *Ibid.*, 25-6.

⁷⁸ A chapter is defined as a localised group of a single, often large motorcycle club.

⁷⁹ "Outlaw Motorcycle Gang Infographics," Australian Crime Commission, accessed June 11, 2014, <https://www.crimecommission.gov.au/media-centre/release/australian-crime-commission-multimedia/outlaw-motorcycle-gang-infographics>.

the Bandidos are the most common OMCGs in Australia, with the Rebels claiming 25% membership of this population.⁸⁰ These OMCGs are largely identified by colour and their club patch.⁸¹

Although many OMCGs claim they are not a criminal organisation, evidence suggests otherwise. According to police, OMCG criminal activity has largely centred on the domestic production of meth/amphetamine including the procurement of raw materials such as pseudoephedrine, to the sale and distribution of the final product.⁸² These groups are considered one of the most integral criminal players in the production and manufacture of methamphetamine in NSW, and Australia.

7.3.4 OMCGs and the Gang Label

The term 'gang' has been a difficult concept to define particularly because of its varied and often subjective meaning. Regardless, 'gang' is most commonly used by media groups to loosely describe a group of persons who engage in criminal activity.⁸³ These persons share a collective identity that is bound by a 'strong code of loyalty to the group'.⁸⁴ McDonald claims that this 'gang' is a response to feelings of social exclusion; it fosters a cohesiveness and camaraderie, not possible through mainstream society.⁸⁵ It is these attributes that forge a unity amongst its members and a universal commitment to the 'gang' and its operations.

The main difference between a club/group and a gang is involvement in criminal activity. Whereas a group or club comprises persons who share common interests, a gang involves persons who engage in crime. This distinction is important to make

⁸⁰ Ibid.

⁸¹ A patch is typically sewn on to the middle of the back of the motorcycle vest. It adorns both the name of the club and its logo.

⁸² Ritter, Bright, and Gong, "Evaluating Drug Law Enforcement Interventions Directed Towards Methamphetamine in Australia," x; 35.

⁸³ For example see Karen Katz, "The Enemy Within: The Outlaw Motorcycle Gang Moral Panic," *American Journal of Criminal Justice* 36, (2011): 233.

⁸⁴ Kevin McDonald, "Marginal Youth, Personal Identity, and the Contemporary Gang: Reconstructing the Social World?" in *Gangs and Society: Alternative Perspectives* ed. Louis Kontos, David Brotherton, and Luis Barrios (New York: Columbia University Press, 2003), 68.

⁸⁵ Ibid., 66.

given the construction of OMCGs as either 'voluntary associations united by the biker lifestyle or criminal organisations'.⁸⁶

The construction of OMCGs as 'gangs' first appeared in the US in the 1970s. The Hells Angels shifted from a group about brotherhood, one of the key mantras of the group, to one about drugs and drug dealing.⁸⁷ Canadian motorcycle groups soon followed, with membership contingent on the individual's ability to be a 'good drug pusher'; ownership of a motorcycle or the ability to ride one was not mandatory.⁸⁸ In Australia, it was initially the link to violence more than to drugs that had the bikies assigned the 'gang' label. It was, however, the combination of the bikies' penchant for violent behaviour, their drug dealing activities and their link to organised crime that made the label 'gang' all the more acceptable.

Despite this, a plethora of bokie accounts and autobiographies have rejected the 'gang' label and bikies, identification as a criminal enterprise. Veno and van den Eynde discuss the conflicting academic evidence regarding the status of OMCGs, and claim they 'are not organized criminal organizations'.⁸⁹ To support this position, these authors drew on a 1999 study by Queensland's Crime and Misconduct Commission (CMC) titled '*Project Krystal*' that claimed 'not all OMCs [outlaw motorcycle clubs] are involved with criminal activities, and even the most notorious CMCs have chapters free of criminality'.⁹⁰ This was echoed in a submission to a 2007 Senate 'Inquiry into the Legislative Arrangements to Outlaw Serious and Organised Crime Groups'. The president of Queensland's Hells Angels Motorcycle Group stated that 'the club does not break the law, as a rule ... we are not an organised crime outfit'.⁹¹ Although such strong commentary from OMCGs was evidenced during the Inquiry, it clearly occupied a secondary role when compared to the mounting law enforcement evidence that positioned OMCGs as gangs and major criminal organisations.

⁸⁶ Barker, *Biker Gangs and Organized Crime*, 96.

⁸⁷ *Ibid.*, 98.

⁸⁸ *Ibid.*, 107.

⁸⁹ Arthur Veno and Julie van den Eynde, "Moral Panic Neutralization Project: A Media-Based Intervention," *Journal of Community & Applied Social Psychology* 17, no. 6 (2007): 492.

⁹⁰ *Ibid.*, 492.

⁹¹ Parliamentary Joint Committee on the Australian Crime Commission, "Inquiry into the Legislative Arrangements to Outlaw Serious and Organised Crime Groups," (Canberra, 2009), 28.

The use of the 'gang' label to describe outlaw motorcycle groups has become both socially and politically acceptable. It is this acceptability that has enabled organisations like media to use the term gang in almost any context. This extends to law enforcement agencies such as the AFP and ACC, who now use the word 'gang' to identify and discuss almost all issues related to OMCGs, with the term 'group' relegated to the pages of history.⁹² What this means for OMCGs is that they will predominately be viewed and constructed as gangs and criminal enterprises by law enforcement, politicians, media and social groups, and the wider community. This has various consequences for OMCGs, firstly, in terms of the measures introduced to address them, secondly, the ease with which a range of crimes can be attributed to OMCGs, and thirdly, the ability for groups like media to create an environment of fear, with OMCGs centred as the primary villains.

One of the major effects of this gang label is the perception that all OMCGs are gangs and therefore dangerous.⁹³ This gang label enables OMCG members to be cast as deviants and outsiders, persons who break the rules and the law, and therefore cannot be trusted.⁹⁴ These 'gang members' are thought of as violent criminals who 'threaten the values and even the existence of society'.⁹⁵ This is particularly visible during a period in NSW history described as the 'bikie wars'.

7.3.5 The 'Bikie Wars'

Prior to a heightened media focus on OMCGs and their involvement in the manufacture and production of methamphetamine, OMCG violence was reported as a serious community issue. This is best illustrated in the so-called 'bikie wars' that emerged as a major media reporting issue in 2008 and 2009. Details of these 'wars' regularly appeared on the front pages of prominent NSW tabloid newspapers and

⁹² "Outlaw motorcycle gangs fact sheet," Australian Crime Commission, accessed June 11, 2014, <https://crimecommission.gov.au/publications/intelligence-products/crime-profile-fact-sheets/outlaw-motorcycle-gangs>; Australian Federal Police, "Police Minister Council," Australian Federal Police, accessed June 11, 2014, <http://www.afp.gov.au/media-centre/news/afp/2001/June/police-ministers-council.aspx>.

⁹³ Karen Katz, "The Enemy Within: The Outlaw Motorcycle Gang Moral Panic," *American Journal of Criminal Justice* 36, (2011): 232, 234.

⁹⁴ Howard S. Becker, *Outsiders - Studies in the Sociology of Deviance* (New York: The Free Press, 1963).

⁹⁵ Jenna L. Cyr, "The Folk Devil Reacts: Gangs and Moral Panic," *Criminal Justice Review* 28, no. 1 (2003): 29.

broadsheets. Prominent primary definer NSW Police Commissioner Andrew Scipione⁹⁶ condemned these 'bikie conflicts' and described 'bikies' as 'terrorists' that should be dealt with accordingly. Such a response by our leading NSW law enforcement officer sought to normalise the use of 'terrorist' by making it an acceptable way to refer to OMCGs.⁹⁷ In doing so, OMCGs became part of a broader discourse of public terror.⁹⁸

These 'bikie wars' reached their apex in 2009 with a plethora of newspapers vying to inform the public of the latest bout of bikie violence. *The Daily Telegraph* vigorously reported on these 'wars'. In February 2009, it published, '*Outlaw bikie war fuelled by rage, greed and speed*', an overly melodramatic motif of OMCG violence that, according to the author, 'could be coming to a town near you'.⁹⁹ Fears of another 'Milperra Massacre' by methamphetamine supplying 'bikies', were littered throughout the lengthy article, as were discourse fragments that referred to OMCGs as those who have 'created violence and fear in the city'.¹⁰⁰ This violence, stated the author, 'cannot be stopped because nobody knows what is happening,' and as a result, we are unable to tell when the next 'bikie strike' will take place. The use of the word 'war' further signified the battle that was occurring in Sydney and the ongoing warfare between different OMCGs. Embedded in this exposé of OMCG violence was a fleeting mention of 'methamphetamine labs' and the role of OMCGs in the manufacture and production of crystal methamphetamine. This, however, was overshadowed the following month with the death of Anthony Zervas, a Hells Angels associate, at Sydney Airport.

In April 2009, Anthony Zervas was bludgeoned to death at Sydney Airport in full view of bystanders. His death spurred a range of tough and punitive measures across the country. In NSW, this incident garnered a swift government response with the enactment of seemingly draconian laws such as the *Crimes (Criminal Organisations*

⁹⁶ Andrew Scipione assumed the office of NSW Police Commissioner on 31 August 2007.

⁹⁷ George Morgan, Selda Dagistanli, and Greg Martin, "Global Fears, Local Anxiety: Policing, Counterterrorism and Moral Panic over 'Bikie Gang Wars' in New South Wales," *Australian & New Zealand Journal of Criminology* 43, no. 3 (2010): 585.

⁹⁸ *Ibid.*, 583-88; 592-95.

⁹⁹ Article 395.

¹⁰⁰ In 1985, a Comancheros and Bandidos battle dubbed the 'Milperra Massacre' left seven people dead and dozens injured.

Control) Act 2009. Parts of this legislation, notably section 26 (commonly referred to as consorting), have been described as ‘most intrusive’.¹⁰¹ Loughnan claims that making it an offence for a ‘controlled member’ (person subject to a control order) of a declared organisation to associate with a controlled member of the same organisation is an example of ‘punitive penalty’.¹⁰² Such measures are likely to have severely impinged on the civil liberties of OMCG members and their associates at the time. Although in 2011, this legislation was deemed invalid by the High Court, and amendments were made to the Act, it existed for more than two years as a legislative tool available to government and law enforcement.

The NSW response to OMCGs spearheaded a co-ordinated multi-agency and law enforcement approach in the form of The Commonwealth Organised Crime Strategic Framework, and a range of legislative measures enacted in almost all Australian jurisdictions that addressed organised crime and OMCGs.¹⁰³ This type of populist punitiveness¹⁰⁴ that prioritised the voice of the public and addressed community concerns over OMCGs was particularly exemplified by the launch of 'dob in a bikie' campaign by the NSW Gangs Squad.¹⁰⁵ This campaign encouraged the general public to be a part of bringing OMCG criminals to justice. Such reactive forms of policy making¹⁰⁶ appeared to be the result of an ongoing media focus on the events at Sydney Airport.¹⁰⁷ This type of response was extended to commentary involving OMCGs and their role in the manufacture and production of methamphetamine.

7.3.6 Media, OMCGs and Methamphetamine

The intense media focus on OMCGs and their involvement in criminal and nefarious activities extended from the 'bikie wars' to methamphetamine. This occurred during a period of heightened media reporting of crystal methamphetamine use more

¹⁰¹ Arlie Loughnan, “The Legislation we Had to Have?: The *Crimes (Criminal Organisations Control) Act 2009 (NSW)*,” *Current Issues in Criminal Justice* 20, no. 3 (2009): 460.

¹⁰² Loughnan, “The Legislation we Had to Have?: The *Crimes (Criminal Organisations Control) Act 2009 (NSW)*,” 462.

¹⁰³ Lorana Bartels, “The Status of Laws on Outlaw Motorcycle Gangs in Australia,” in *Research in Practice No. 2* (Canberra: Australian Institute of Criminology, 2010), 9.

¹⁰⁴ Pratt, *Punishment and Civilization: Penal Tolerance and Intolerance in Modern Society*, 166.

¹⁰⁵ Anonymous, “Public Urged to Dob in a Bikie,” *The Sydney Morning Herald*, 22 June 2009.

¹⁰⁶ Wacquant, “The New Peculiar Institution: On the Prison as Surrogate Prison,” 177.

¹⁰⁷ Morgan, Dagistanli, and Martin, “Global Fears, Local Anxiety: Policing, Counterterrorism and Moral Panic over ‘Bikie Gang Wars’ in New South Wales,” 585-588.

broadly. This seamless transition occurred during a period where media and political rhetoric on OMCGs was overtly negative and accusatory. This rhetoric encouraged the construction of OMCGs as violent gangs of drug dealers, and manufacturers of methamphetamine, to be made with relative ease. Collective symbols such as 'bikie gangs' were used to assign negative meaning to OMCGs, and entangle this discourse strand with the discourse strands of manufacture and production of crystal methamphetamine. These symbols appeared regularly in media and law enforcement commentary on the 'bikie wars'.

This construction of OMCGs was evident over a number of years although it was mostly emphasised by media during the 2007 to 2009 period. This period was a critical time in the wider construction of OMCGs, as discussed earlier in this chapter, with several Federal Parliamentary inquiries (such as the inquiry into the legislative arrangements to outlaw serious and organised crime groups) and a series of high profile violent events ('bikie turf wars') taking place.¹⁰⁸ Other representations of OMCGs and their violent and drug-related activities also emerged, although the most important was their construction as a serious domestic threat that impinged on national security.¹⁰⁹ This presented both state and national implications for OMCGs including the enactment and expansion of 'targeted' laws, and an increase in police powers.

Prior to these high profile OMCG events that garnered intense media interest, OMCGs' involvement in the methamphetamine trade was seldom discussed in media texts. Media discourse fragments focused more on describing drug raids and the related arrests of OMCGs rather than their drug-related activities. For example, a 2001 article by *The Daily Telegraph* titled, '*Seven arrested in drug raids*', documented the success of four police drug raids throughout Sydney and the arrest of seven Bandido members.¹¹⁰ This entanglement of the discourse strand of OMCGs with the sub-topic of arrest was evident for the remainder of the study, particularly once OMCGs transitioned in media text from groups to gangs. Interestingly, this was the

¹⁰⁸ Parliamentary Joint Committee on the Australian Crime Commission, "Inquiry into the Legislative Arrangements to Outlaw Serious and Organised Crime Groups."

¹⁰⁹ Australian Crime Commission, "Outlaw Motorcycle Gangs."

¹¹⁰ Article 11.

only article in this study to describe OMCGs as clubs rather than gangs, a descriptor that disappeared the following year.

By 2002, no newspaper referred to OMCGs as clubs, instead using the term 'gang'. The *Newcastle Herald* article titled, 'Nomads bikie gang officer to stand trial on 75 charges', was the first article in this study to use the term 'gang' to describe OMCGs and their members.¹¹¹ This 'gang' label persisted for the duration of the study and remained the primary term of reference used by media in any discussion of OMCGs.

7.3.6.1 OMCGs: Domestic Drug Threat

The involvement of OMCGs in the methamphetamine illicit drug trade gained traction in 2007, but escalated in 2009 following an intense political, law enforcement and media focus on the 'bikie gang wars', discussed in the previous section. In mid-2007, *The Daily Telegraph* produced the first of many articles on OMCGs and their role in the methamphetamine trade. Discourse fragments, several of which used the collective symbol of 'bikie gangs' referred to OMCGs as some sort of drug threat. For instance, an article titled, '*Fighting bikies on speed - National drug threat*', highlighted the growing national threat posed by OMCGs, clearly evidenced in the opening sentence:

*BIKIE gangs now have control of the production and supply of the drug speed across sections of Sydney, the country's most senior crimefighter has revealed.*¹¹²

Drawing on evidence produced by an ACC report, and comments by experts ACC chief executive officer Alastair Milroy and ACC general manager Jeff Pope, journalist Rhett Watson presented a very alarming picture of OMCG involvement in the methamphetamine trade. Notably, he reproduced comments by Pope, who claimed:

... motorcycle gangs were a major threat in the illegal drug trade ... Our intelligence ... is clearly indicating they are a significant player in the [amphetamines] market. It seems clear that ... they are involved in precursor chemical diversion, [amphetamine] manufacture, production, distribution ... pretty much the entire supply chain.

¹¹¹ Article 25.

¹¹² Article 254.

The ACC report and the newspapers that documented its findings, however, neglected to identify the involvement of other criminal networks in the production, manufacture and supply of methamphetamine.¹¹³ Instead, these media and law enforcement discourse fragments positioned OMCGs as leading drug threats and significant players in this aspect of the drug trade. This is surprising given the ACC report cited a study by McKetin, McLaren and Kelly that indicated the dominant role of OMCGs in this trade but also identified the growing trend of other criminal enterprise¹¹⁴ in the manufacture and supply of methamphetamine.¹¹⁵ This selective use of research evidence heightened the impression of the threat posed by OMCGs by emphasising their involvement above other groups. They had indeed been selected by media and law enforcement as a risk worth reporting.

Comments like those noted above by primary definers served to heighten and legitimate the threat posed by OMCGs. This threat provoked anxiety and concern about the extent to which these groups contributed to the presence of crystal methamphetamine in the community, particularly since collective symbols such as 'bikie gang' appeared in many discourse fragments that discussed this topic. Fragments produced by law enforcement experts presented OMCGs as bearers of a broad spectrum of specific risks that extended from the acquisition of precursor chemicals to the distribution of the manufactured and produced drug. They had become what Garland has referred to as 'dangerous others who threaten our safety'.¹¹⁶ According to Garland, these types of offenders are depicted as 'evil-doer[s]' who unconditionally chose to engage in a criminal act, in this instance, the manufacture and production of methamphetamine.¹¹⁷ Their identification and expulsion from society was therefore required in order to protect society from this imminent and burgeoning risk.

¹¹³ Australian Crime Commission, *"Illicit Drug Data Report 2005-2006"* (Canberra: Australian Crime Commission: Commonwealth of Australia, 2007), 14.

¹¹⁴ Note that the McKetin et al. report mentions the involvement of other criminal networks although it does not identify these networks. They are discussed in a broad sense.

¹¹⁵ McKetin, McLaren, and Kelly, "The Sydney Methamphetamine Market: Patterns of Supply, Use, Personal Harms and Social Consequences," 31.

¹¹⁶ Garland, *The Culture of Control: Crime and Social Order in Contemporary Society*, 184.

¹¹⁷ *Ibid.*, 184.

This risk-based construction of OMCGs intensified in 2009, following the death of Zervas. Several media discourse fragments that discussed the role of OMCGs in the methamphetamine drug trade also highlighted the topic of law enforcement success, in this instance, via the dismantling of OMCGs illicit drug operations. The first of such articles was published by *The Daily Telegraph* in April 2009, and heralded law enforcement as victorious in their war against methamphetamine making OMCGs. Titled, '*Drug raids target the toy-store-bikie - A city under siege*', the article outlined a successful police raid of a 'bikie gang chief's' home that contained an amphetamine laboratory and precursor chemicals, and emphasised the need for law enforcement to reclaim the city from the OMCGs.¹¹⁸ These groups emerged as the enemy that had to be appropriately managed and addressed by law enforcement.

These strong and powerful words ('a city under siege') were echoed the following day in *The Daily Telegraph* article, '*Bikies exploit drug law loophole*'.¹¹⁹ This article discussed another successful raid of an OMCG clubhouse where six kilograms of pseudoephedrine-based tablets and 100 litres of precursor chemicals were found by police. It also contained a link to a video and pictures of the 'bikie violent wars', an attempt to reacquaint the reader with negative collective symbols (e.g. bikie gangs) and entangle the strands of violence and OMCGs. The media's attempt to link OMCGs and methamphetamine imputed another dimension to the construction of OMCGs, as Australia's drug tsars.

By the end of 2009, media had intensified their reporting on ways the law and law enforcement was responding to this major drug risk in society. Articles that documented the various Strike Force Operations underway in NSW that targeted OMCGs were steadily making their way onto the front pages of prominent newspapers. *The Daily Telegraph* reported on these successful police operations that disrupted major OMCG methamphetamine-related activities. For example, one such article titled, '*Laboratory preparing drugs for bikie sales*', documented the success of Strike Force Kook. It highlighted the voice of an expert, Assistant Commissioner Catherine Burn, who sought to link an accused OMCG member with the manufacture

¹¹⁸ Article 402.

¹¹⁹ Article 403.

of methamphetamine.¹²⁰ She was portrayed in the article as a champion in the fight against OMCG and methamphetamine manufacture.

Such articles were among many that vehemently linked the discourse strands of OMCGs, drug law enforcement and methamphetamine manufacture. This was largely achieved through the use of carefully crafted media and law enforcement discourse fragments that contained references to or discussed topics such as threat, intelligence and law enforcement success (e.g. drug raids, drug busts and arrests). Together, these topics produced fragments that created OMCGs as problematic, and their role in the manufacture and production of crystal methamphetamine in Australia. They also solidified the 'enemy' status of OMCGs, particularly once they were apportioned the label of 'domestic drug threat'.

The combination of the ACC report, Scipione's terrorist comments and his declaration of war on OMCGs, and a number of discourse fragments that referred to OMCGs as a domestic drug threat encouraged their construction as a major risk to society.¹²¹ By proclaiming OMCGs as both a ubiquitous and dangerous threat evidenced through the violence they imposed on the community via the 'bikie wars', as well as identifying their leading role in the production, manufacture and supply of methamphetamine in Australia, the newspaper sector presented its readers with a credible and real risk, one confirmed by law enforcement expert knowledge. This in turn created new insecurities regarding the magnitude of this risk that were realised, particularly in 2009.¹²² Simultaneously it provided a solution to the methamphetamine problem by assigning law enforcement the role of pillars of authority and righteousness and thus the best solutions.¹²³

7.3.7 The Distribution of Blame

While media discussions on methamphetamine use largely centred on the construction of either the 'risky user' or the 'at risk user' and the serious health risks

¹²⁰ Article 404.

¹²¹ Australian Crime Commission, *"Illicit Drug Data Report 2005-2006."*

¹²² Ericson and Haggerty, *Policing the Risk Society*, 86.

¹²³ Alexandra Campbell, "Imagining the 'War on Terror': Fiction, Film and Framing," in *Framing Crime: Cultural Criminology and the Image* ed. Keith J. Hayward and Mike Presdee (New York: Routledge, 2010), 105.

associated with chronic use of the drug, they also included a focus on the role of producers and manufacturers in methamphetamine use as the root cause of the problem. One article by *The Australian* titled, 'Young turning from ecstasy to ice', published only two days after the Moroney comments on young people and ice use, produced public health discourse fragments by way of expert commentary by the ANCD. This fragment highlighted that 'we underestimate the marketing ability of illicit drug manufacturers. They're targeting younger people'.¹²⁴

Such direct and accusatorial commentary was important for two main reasons; firstly, it highlighted the topic of blame; it shifted blame for methamphetamine use from the user to the producers and manufacturers by framing the act of production and manufacture within a moralistic context, and secondly, it provided further support for the broader construction of manufacturers and producers as the 'enemy' by portraying them as morally reprehensible and unscrupulous wrongdoers. This blame, directed at the Asian criminal syndicates and OMCGs, occurred once methamphetamine use was considered dangerous, and had transformed into a highly politicised risk.

These criminal producers and manufacturers of methamphetamine emerged within media texts as one of the primary reasons why NSW was in the grips of a 'methamphetamine (Ice) epidemic'.¹²⁵ They were largely blamed for this 'epidemic' because they manufactured and produced a drug considered to be one of the worst ever circulated in the Australian community. In particular they were blamed for the consequences of methamphetamine use such as mental and physical harm, dependency, violence and criminality. This was enabled through the entanglement of the methamphetamine use and methamphetamine production and manufacture discourse strands. This entanglement allowed the blame for methamphetamine use, once apportioned solely to the user, to be distributed to the manufacturers and producers.

¹²⁴ Article 161.

¹²⁵ Liam Bartlett, "The Ice Epidemic," *60 Minutes*, aired September 10 (Sydney: Channel Nine TV, 2006), television broadcast ; Gemma Jones, "Horror for Sale on a City Street - the Ice Epidemic," *The Daily Telegraph*, 20 October 2006.

A steady stream of newspaper discourse fragments that engaged with the topic of blame emerged in 2006. For example, *The Newcastle Herald* article titled, 'A deadly addiction', apportioned blame to the manufacturers for producing more potent forms of crystal methamphetamine that brought 'a surge in deaths, crime and health problems ranging from spectacular tooth decay to brain damage and serious mental illnesses'.¹²⁶ These media claims, although unsourced, blamed the manufacturer for the physical and psychological consequences of methamphetamine use.

The following year, comments by then Minister for Police David Campbell, who described manufacturers as 'merchants of death and misery', appeared on the first page of *The Sydney Morning Herald* article titled, 'Ice violence puts police at risk, says Moroney'.¹²⁷ Although this article was predominately about methamphetamine 'addicts' and their violent tendencies, which placed police officers at risk of harm, the Campbell comments were included as a way to accentuate the construction of the problematic manufacturers and producers of ice, and to simultaneously boast the successes of law enforcement in combatting these groups. Campbell claimed:

*Police continue to hunt down the merchants of death and misery who make and sell illicit drugs such as ice. In the first five months of this year the NSW Drug Squad has dismantled 17 clandestine drug laboratories, uncovered four drug storage sites and shut down three illegal pill-press production sites.*¹²⁸

By using this political discourse fragment in an article on methamphetamine use and violence, journalist Alexandra Smith was able to intertwine the image of the manufacturer as a morally reprehensible and unscrupulous person with that of bringers of death and destruction into the community. This article exemplified the media's ability to entangle different discourse strands into one text that sensationalised certain claims, and thus presented this image as a true representation of groups such as OMCGs.

Manufacturers and producers of ice were largely presented in media texts as criminal and morally repugnant persons given they targeted young and vulnerable

¹²⁶ Article 135.

¹²⁷ Article 271.

¹²⁸ Article 271.

recreational users, some as young as 12 years of age. Alongside this media commentary stood the police as law enforcement, presented in media texts as champions and heroes, and the best response to this domestic threat.

Importers, traffickers, manufacturers and producers of methamphetamine were constructed by media and law enforcement as the enemy of Australia and the primary villainous protagonists in the methamphetamine war. These groups could only be stopped by law enforcement such as the AFP, local police, police task force operations, and Customs, who were elevated to the status of heroes. This binary opposition of good versus evil emerged during a period where methamphetamine was purported to be the 'replacement' for heroin, and pressure was placed on policymakers to respond to a media reported 'methamphetamine epidemic'.¹²⁹ This epidemic was part of a larger discourse of fear entangled in media commentary on methamphetamine. Heroes were therefore needed to stop these groups, and to put an end to the fear that had purportedly engulfed the community.¹³⁰ The next section examines law enforcement and their response to the importation, traffic, manufacture and production of methamphetamine.

7.4 Law Enforcement and the Media

7.4.1 Border Control and the Discourse of Fear

Drug law enforcement at the border is a crucial component of Australia's wider border protection policy. This type of border protection exists within a neo-liberal style of governance that identifies drug law enforcement as a type of prevention measure that attempts to disrupt the importation of illicit drugs into Australia. Research evidence suggests that drug law enforcement has led to the arrest of importers and traffickers who have targeted Australia as a possible methamphetamine destination.¹³¹ This was well documented in numerous media articles during the period of the study that highlighted both the topics of arrest of importers by drug law enforcement, and the increase in methamphetamine and

¹²⁹ Articles 59, 135 and 159.

¹³⁰ See article 159, notably Moroney's comments about the fear of losing a generation of young people to ice.

¹³¹ Degenhardt et al., "Evaluating Explanations of the Australian 'Heroin Shortage'," 460.

precursor chemical detections at the border. This media focus on border-related issues developed as part of the broader discourse of fear of methamphetamine that had gained traction in the newspaper sector, particularly during the early years of the study.

The discourse of fear, particularly the role of media in perpetuating it, has been discussed at length in the works of Altheide.¹³² According to Altheide, it is part of an environment of 'risk and danger' where 'individuals hold the common idea that 'we are all actual or potential victims'. Notably, this discourse can present certain social images as problematic.¹³³ The notion that 'we' or those 'close to us' could or most likely will be in danger inevitably breeds a sense of insecurity that he claims 'pervades everyday life'.¹³⁴ He identifies media as agents of social control that emphasise fear through the careful selection of texts that promote an abundance of violence, drugs, crime and so forth. I distinguish the discourse of fear from the discourse of risk by defining the former as the, 'pervasive communication...and expectation that danger and risk are a central feature...in everyday life'.¹³⁵

This discourse of fear developed in media commentary, particularly in reports on methamphetamine importation and trafficking. *The Australian* newspaper produced many articles that amplified this discourse of fear. In 2000, it emphasised the potential for Asian drug smugglers to send methamphetamine into Australia.¹³⁶ By 2003, it had highlighted the growth in drug trafficking in the South East Asian region.¹³⁷ These articles identified the risk, in this case the traffic and importation of methamphetamine as pervasive and encircling Australia, like predators stalking their

¹³² David L. Altheide, "The Lens of Fear," in *Critical Readings: Moral Panics and the Media* ed. Chas Critcher, *Issues in Cultural and Media Studies* (New York: Open University Press, 2002), 242. David L. Altheide, "Moral Panic: From Sociological Concept to Public Discourse," *Crime Media Culture* 5, no. 1 (2009): 81.

¹³³ Altheide, "The Lens of Fear," 242; Altheide, "Moral Panic: From Sociological Concept to Public Discourse," 81.

¹³⁴ Altheide, "The Lens of Fear," 243.

¹³⁵ Altheide, "Moral Panic: From Sociological Concept to Public Discourse," 81.

¹³⁶ Article 4.

¹³⁷ Article 27.

prey. This heightened the risk of methamphetamine and invoked images of fear that Australia may be 'invaded' by an insidious drug.¹³⁸

Fragments such as 'doom and gloom' warnings that featured in the pages of national and NSW newspapers, appeared to perpetuate this fear of methamphetamine importation into Australia. 'You don't have to be too bright to see what's coming', voiced former Federal Justice Minister Amanda Vanstone in *The Australian*. These words accentuated the danger of methamphetamine importation and echoed the absolute need to strengthen Australia's borders.¹³⁹ Other similarly inspired comments by the Head of the NSW Drug Squad Paul Jones that 'Australia missed out on crack but it's safe to say we are not going to miss out on ice' also encouraged a fear about ice entering our community.¹⁴⁰

7.4.2 Police: Raids, Busts and Action - The Reactive Response

Media fragments on drug busts, drug raids, police taskforce operations and various other concurrent law enforcement efforts became a staple news item in prominent newspapers throughout the period 2000 to 2009. These fragments formed part of the broader 'hero' discourse strand. Articles that included these fragments detailed information including arrest details, location of the event and details of persons apprehended. They also praised the efforts of the NSW Police Force (NSWPF) and other law enforcement groups in fighting the manufacture and production problem in NSW. This praise exemplified law enforcement as heroes and important crime fighting tools and the best way to protect the community from ice.

The media presented the NSWPF as local heroes tasked with the difficult job of eliminating the domestic manufacture and production of methamphetamine. A number of police fragments on the discourse strand of drug law enforcement, supported this positive construction. For example, police were described as champions who 'swooped in' and dismantled volatile and high risk clandestine 'superlabs' and 'narcotics kitchens' that were operating in and around residential

¹³⁸ See articles 4 and 18.

¹³⁹ Article 4.

¹⁴⁰ Article 35.

homes. They were praised for risking their lives to stop the manufacture and production of methamphetamine.¹⁴¹

This hero image was further reinforced through media reports that identified the topics of drug raids and drug busts as successful events by highlighting either the number of arrests made (e.g. seven arrested in drug raids),¹⁴² the monetary value of the seizure (e.g. \$180m Ice seized),¹⁴³ the weight of the quantity seized (e.g. 223kg of methamphetamine),¹⁴⁴ or the approximate effect of the seizure (e.g. 1kg of Ice equals 10,000 hits).¹⁴⁵ As noted above, these police officers were praised for these 'tangible results' and their efforts described as successful. This praise ultimately aided the construction of the hero image of police that was bolstered to the front pages of newspapers, whilst their adversaries were considered criminals, villains and the enemy.

7.5 The Construction of the Law Enforcement Hero

Heroic images of law enforcement are quite common, particularly in Hollywood police films. Clint Eastwood as 'Dirty Harry', Mel Gibson as 'Martin Rigg' or Bruce Willis as 'John McClane' are famous examples of maverick police officers engaged in the pursuit of justice who are largely presented by media, and accepted by the audience as heroes. The viewers of these police films regularly 'assume the police will succeed' in their quest to capture the criminals and bring them to justice.¹⁴⁶ These police are proclaimed as heroes who 'take on conspiracies and corruption by the state and other police organisations', and remove these criminals from the community thereby making it a safer place.¹⁴⁷ They normally stand for the pursuit of justice at any cost.

These brave images of law enforcement have steadily crept into the real world. Several authors have discussed the blurring of TV police hero images with real life law enforcement, resulting in the audiences' acceptance and expectation of real life

¹⁴¹ Article 123.

¹⁴² Article 11.

¹⁴³ Article 7.

¹⁴⁴ Article 28.

¹⁴⁵ Article 377.

¹⁴⁶ Thomas Leitch, *Crime Films* (New York: Cambridge University Press, 2002), 216-19.

¹⁴⁷ Yvonne Jewkes, *Media and Crime* 2nd ed. (London: Sage, 2011), 203.

police as champions who always catch criminals.¹⁴⁸ Jewkes has referred to this blurring of real life and film as 'simply art imitating life and life imitating art'.¹⁴⁹ Alternatively, these brave images of police may be about journalists writing positive news stories to ensure they maintain an 'effective relationship' with the police.¹⁵⁰ Nevertheless, the construction of the police as heroes contributed to the flow of courageous images of law enforcement in the media commentary. These images were presented by media during the period of this study in the context of drug raids and other drug related incidents such as border seizures.

7.5.1 The Real Life Heroes: Response to the 'Enemy Discourse Strand'

The extent to which heroic images of law enforcement appeared in media texts was not fully realised in the early years of the study. During the period 2000 to 2002, the actions of drug law enforcement were periodically documented in scant mentions in only a handful of the 32 media articles written on methamphetamine. This dramatically changed from 2003 when law enforcement was constructed as the best way to stop methamphetamine and its importers and manufacturers. Words such as 'fight',¹⁵¹ 'swoop',¹⁵² 'crushed',¹⁵³ and 'crime fighters'¹⁵⁴ became recognisable fragments of the drug law enforcement discourse strand, and steadily made their way into media texts. For example, *The Illawarra Mercury* page one article titled, 'COP THIS - Police swoop on Wollongong apartment' (original emphasis), documented how a 'heavily armed police ... squad of 10 specialist officers marched into the apartments ... and allegedly found a quantity of methamphetamine and a firearm in the apartment'.¹⁵⁵

This article signalled the battle-like conditions experienced by law enforcement in their fight against criminal syndicates, and other groups involved in the illegal

¹⁴⁸ Alasdair McMillan, "Heroism, Institutions, and the Police Procedural," in *The Wire: Urban Decay and American Television* ed. Tiffany Potter and C. W. Marshall (London: Continuum, 2009), 50.

¹⁴⁹ Yvonne Jewkes, *Media and Crime* 2nd ed. (London: Sage, 2011), 204.

¹⁵⁰ Murray Lee and Alyce McGovern, *Policing and Media: Public Relations, Simulations and Communications* (New York: Routledge, 2014), 49.

¹⁵¹ See articles 30, 41, 254, and 404.

¹⁵² See articles 64, 85, 147 and 185.

¹⁵³ Article 138.

¹⁵⁴ See articles 251 and 419.

¹⁵⁵ Article 147.

importation, manufacture and production of methamphetamine.¹⁵⁶ Such images persisted throughout the period 2003 to 2009 but were particularly heightened during two major media reporting events: one, the so-called 'ice epidemic' of 2006-2007, which is discussed in the next chapter, and two, the 'bikie wars' of 2008-2009, referred to previously in this chapter. These reporting events perhaps contributed to a massive increase in the number of media articles on law enforcement topics such as arrests, drug busts and raids. These topics, considered by media to be of 'news value' because they contained 'an emphasis on the dramatic',¹⁵⁷ formed a significant part of media reportage on ice, notably in 2006 and 2008.

7.5.1.1 Drug Seizures and Arrests

A deluge of arrest fragments that showcased significant law enforcement successes appeared as headlines in various leading newspapers throughout 2006. Examples such as 'Two men arrested over raid on alleged drug lab',¹⁵⁸ '11 arrested in drug raids',¹⁵⁹ 'Traffickers collared in drug busts',¹⁶⁰ 'Two arrests in ice bust',¹⁶¹ documented these successes by detailing the number of arrests made by law enforcement and the circumstances surrounding these arrests. This was also the case with several fragments on drug and precursor seizures. For example, journalist Natalie O'Brien of *The Australian*, claimed in article titled, 'Cold, flu tablets seized', that:

*TWO million cold and flu tablets, allegedly destined to be turned into 80kg of the illicit drug "ice", have been seized by authorities after they were discovered inside a shipping container filled with Indonesian furniture. Four people were arrested in Sydney and charged over the importation of the drugs, which could have produced methamphetamine with an estimated street value of \$22 million... Federal Agent Rudi Lammers said yesterday the seizure was significant*¹⁶²

O'Brien emphasised the significance of this seizure by producing details of the total quantity seized (two million tablets), the prospective weight of the drug had it been

¹⁵⁶ For example articles 96, 112, 123.

¹⁵⁷ Chibnall, *Law and Order News - an Analysis of Crime Reporting in the British Press*, 13, 26.

¹⁵⁸ Article 126.

¹⁵⁹ Article 146.

¹⁶⁰ Article 170.

¹⁶¹ Article 189.

¹⁶² Article 140.

manufactured (80kg of ice) and its total street value (\$22 million). The author also detailed the number of persons arrested and their related charges. The use of a direct source such as a federal agent further validated the significance of this seizure and the efforts of law enforcement in thwarting ice.

This was also the case in October 2006, as exemplified in *The Sun-Herald* article, ‘\$2 billion drug hauls as Australian agents tackle new ice age’. Police reporter John Kidman highlighted the quantity of ice seized at the border and claimed ‘more than \$1 billion worth of deadly crystal methamphetamine, also known as ice, has been seized on Australia's doorstep in the past three years’.¹⁶³

Kidman also utilised comments by AFP federal border manager, Mike Phelan, to promote such seizures as law enforcement successes, and present federal law enforcement as protectors of Australian borders. These types of ‘protection’ fragments were integral to the broader construction of the hero discourse strand. For example, a protection fragment produced by Phelan claimed:

... focusing on thwarting imports of precursor chemicals used to make crystal meth ... and clearly contributed to stopping at least a tonne of ice being manufactured here [Australia].

Kidman bolstered these claims by Phelan by using unsourced statistics that showed ‘domestically, the AFP seized 143 kilograms of methamphetamine - almost all of it ice - in 2004-05’, while NSW Police say the local manufacture of ice has begun to ‘take off’. His comments appeared to act as a conduit for the views of law enforcement, who positioned themselves in this and many more articles as effective crime fighting tools, poised to stop the criminals involved in the methamphetamine trade.

The voices of law enforcement experts appeared to become ubiquitous, particularly following the September 2006 Moroney comments. They were utilised by media to either present the successful fight against ice, support a position of eradication (this is discussed in the following chapter), or emphasise the enormous risk ice and those involved in its trade posed to the community. Notably, the use of authoritative figures and primary definers such as federal agency managers, commissioners and

¹⁶³ Article 164.

other high ranking police officers, served to make what they were saying all that more believable.¹⁶⁴ This was evidenced in the continued flow of drug raid and arrest fragments that presented crime-fighting police as those who 'raided ice making laboratories' and arrested evil and morally repugnant manufacturers, and played a crucial role in 'fostering a positive and favourable image of the police'.¹⁶⁵

This 'heroic' image of law enforcement also served as an important way for police to garner community support in their fight against the importation, manufacture and production of methamphetamine. This was reflected in numerous articles where many arrests were made, clandestine laboratories were dismantled or major drug busts took place. *The Daily Telegraph* article titled, 'Police seize the drug ice', for instance, acknowledged that the drug was seized by police in a brazen raid.¹⁶⁶ Such positive presentations of police undeniably gave an impression to the public that methamphetamine-related crimes were addressed and that the police were the best weapon to detect manufacturers. It also reassured the public that 'the police are effective at catching criminals'.¹⁶⁷

7.5.1.2 Drug Raids and Drug Busts

Favourable images of law enforcement were exemplified in 2007 although particularly reinforced in 2008, with articles on topics such as successful police raids appearing more frequently, and in more prominent positions within newspapers. For example, journalist Garry Linnell of *The Daily Telegraph*, highlighted comments by NSW drug squad commander Detective Superintendent Greig Newbery in an article titled, 'Ice curse tightens grip on Sydney-EXCLUSIVE' (original emphasis), that pseudoephedrine crackdowns '... had forced out many of the smaller illegal manufacturers ...'. He also documented how the commander's squad had '... detected 19 clandestine labs in the past six months'.¹⁶⁸ Similarly, journalist Michelle Hctor of the *Illawarra Mercury* produced an article titled, 'Police claim drug syndicate smashed', that showcased the successful drug raid of a home by police. Hctor stated

¹⁶⁴ Chibnall, *Law and Order News - an Analysis of Crime Reporting in the British Press*, 39.

¹⁶⁵ Marsh and Melville, *Crime, Justice and the Media*, 132.

¹⁶⁶ Article 261.

¹⁶⁷ Marsh and Melville, *Crime, Justice and the Media*, 129.

¹⁶⁸ Article 327.

that 'WOLLONGONG police have smashed a major heroin and methamphetamine supply network following a series of raids on homes throughout the region'.¹⁶⁹

This success was further reinforced through various fragments that documented the number of persons arrested and the type and number of charges laid against these persons. Direct comments from primary definer Police Inspector Mark Lavers claimed:

*six men had been arrested over the past two days and face a combined total of 79 drug supply charges. The three-month operation was carried out by the Wollongong drug unit and involved investigation into the sale of illicit drugs in the Wollongong area ... The investigation was like a bit of a web where police identified all the players ... As a result, police have closed down a fairly large drug supply syndicate.*¹⁷⁰

Drug bust and drug raid fragments typically appeared in media articles on domestic task force operations, such as 'Police strike force Trouton'¹⁷¹ and 'Operation Icecraft'.¹⁷² These events were presented as 'successful NSW Police raids' that enhanced the positive and victorious image of police to the public. They were of immense news value because they allowed the reader to be both an 'active' spectator, who 'consumed' entertainment, as well as a member of the audience. Drug raids and busts were thus a public spectacle, watched by the anxious and equally insatiable public who wanted law enforcement to protect them and Australia's borders.¹⁷³ Thus fragments of drug raids and drug busts began to coalesce with protection fragments that served to provide a continuous positive and heroic image of law enforcement, both local police and those at the border.

7.5.1.3 The Protectors

Interestingly, protection fragments surfaced in texts that documented both the effects of methamphetamine on the user and the wider community and successful law enforcement operations. For example, *The Daily Telegraph* article titled, *Noodle packs hid \$112m drug haul*, noted the success of Customs and police in finding

¹⁶⁹ Article 384.

¹⁷⁰ Article 384.

¹⁷¹ Article 376.

¹⁷² Article 384.

¹⁷³ *Ibid.*, 25-6.

methamphetamine, a drug that could cause 'severe psychological problems'.¹⁷⁴ Other articles followed this lead, and presented a link between drug raids and importation seizures and the effects of drugs had they not been found by law enforcement.¹⁷⁵

This was most evident in articles in late 2007 and 2008. For example, *The Daily Telegraph* noted that 'if these precursors had entered the community they would have caused up to \$215 million worth of social harm to our community',¹⁷⁶ while *The Sydney Morning Herald* article titled, '*Ruthless drug group smashed*', claimed that the seizure of 11kg of crystal methamphetamine 'had prevented ice and ecstasy worth \$13.7 million from hitting Australia's streets'.¹⁷⁷ A *Newcastle Herald* article titled, '*Ice network allegations*', went as far as to identify 'two men of retirement age' as 'running a major drug distribution network' in the Central Coast, where police seized 'enough methamphetamine for about 10,000 hits'.¹⁷⁸

Largely, these articles emphasised the effectiveness of drug law enforcement in protecting the community by minimising the potential spread of and risk posed by the drug. They also reinforced the hero status of law enforcement and validated their actions and operations as a necessity in order to protect the community from the drug and its consequences.

As part of the hero discourse strand, law enforcement occupied the role of experts on drug issues. Expert fragments continuously appeared in media articles that positioned law enforcement as key sources on drug border seizures and other methamphetamine importation and manufacture issues. Over the period 2000 to 2009, law enforcement, as experts, warned Australia and Australians of the dangers of methamphetamine, as noted in the *Newcastle Herald* article titled, '*Ice-cold killer*'.¹⁷⁹ Further, *The Sun Herald* article titled, '*\$2 billion drug hauls as Australians agents tackle a new ice age*', used expert commentary to highlight the extent to

¹⁷⁴ Article 28.

¹⁷⁵ For example articles 32 and 351.

¹⁷⁶ Article 351.

¹⁷⁷ Article 309.

¹⁷⁸ Article 377.

¹⁷⁹ Article 134.

which law enforcement disrupted illegal methamphetamine operations.¹⁸⁰ As experts on methamphetamine issues, law enforcement were utilised as valid media sources that added credibility to stories on major drug busts and seizures at the border.

Largely, law enforcement images occupied a specific place within the media commentary during the period of this study. Heroic images of police who actively risked their lives to protect Australians from the 'enemy' importers, traffickers, manufacturers and producers, were coupled with media fragments that detailed 'successful drug intercepts', 'major arrests', or described methamphetamine and precursor chemical seizures as 'significant',¹⁸¹ 'major',¹⁸² 'largest',¹⁸³ 'BIG'¹⁸⁴ (original emphasis) and 'record'.¹⁸⁵

Notably, border successes and the role of the AFP, Customs and the NSWPF were presented by media as major importation victories. These positive media reports reinforced the crime-fighting image of law enforcement and accentuated their hero status within the community. In particular, they emphasised the heroism of law enforcement in subduing dangerous and volatile criminal operations in their quest to fight methamphetamine trafficking, manufacture and importation.

The positive images of police within the newspaper sector highlighted the media's support for law enforcement ('heroes') while simultaneously criticising its adversaries ('enemy').¹⁸⁶ Police were fighting the Asian criminal syndicates and OMCGs who polluted the streets with methamphetamine. The result of this media good versus bad narrative was the repetitive presentation of the police 'hero' image and its adversaries as a major threat and risk to the community.

Such heroic images of law enforcement existed primarily within the context of a 'drug war', where drug raids, importation busts and other drug-related operations were the only way that law enforcement could succeed in their fight against

¹⁸⁰ Article 164.

¹⁸¹ Articles 34 and 140.

¹⁸² Article 164.

¹⁸³ Article 72.

¹⁸⁴ Articles 7, 9, 10 and 32.

¹⁸⁵ Article 32.

¹⁸⁶ Chibnall, *Law and Order News - an Analysis of Crime Reporting in the British Press*, 145.

methamphetamine. The public was informed of this unrelenting drug war and, acting as both spectators and audience, were urged to support law enforcement action (such as drug raids) to stop it. These heroes, however, required an appropriate arsenal in order to continue their pursuit of 'the enemy'.

7.5.1.4 The Arsenal

A number of 'arsenal' fragments circulated in media articles over the period 2000 to 2009. These fragments centred on the efficacy of law enforcement measures required to fight methamphetamine importers. These measures were presented as a part of the law enforcement arsenal needed to stop traffickers and importers, and protect Australian borders and the community from methamphetamine. Of significance in some of these fragments was criticism directed at the Howard Government, which had neither amended Commonwealth drug laws to include crystal methamphetamine as a serious drug, nor expanded the scope of law enforcement measures needed to appropriately fight methamphetamine importers.

Media criticism of the Federal Government's inability to arm law enforcement and the judiciary with appropriate powers to combat methamphetamine importation had slowly gained traction over the 2000 to 2009 period. Fragments by the judiciary that criticised the inadequacy of the law appeared prominently in a 2004 *The Daily Telegraph* article titled, '*Drugs and high rollers - Favoured casino patrons jailed*'. This article highlighted comments by Judge Michael Finnane in the sentencing hearing of methamphetamine importers. He noted that:

*If this drug were heroin or cocaine, the applicable sentence would be a life sentence ... I've had a number of cases before me where the persons ... have acted violently and claim to have been affected in some way by this drug. It's obviously a very dangerous drug.*¹⁸⁷

Additional criticism followed by way of a 2006 *The Daily Telegraph* article titled, '*Lax checks help ice smugglers*', where the author drew on comments by former NSW Police Minister Watkins who criticised the Federal Government for 'not doing enough to catch drug smugglers'.¹⁸⁸ This fragment highlighted how 'good police work' was let

¹⁸⁷ Article 76.

¹⁸⁸ Article 215.

down by 'Australia's porous borders'.¹⁸⁹ Such criticism emphasised the need to bolster law enforcement measures to better protect Australia and its borders.

In what appeared as a response to this media criticism, the Federal Government decided to increase the drug law enforcement budget, a move recognised and encouraged by media. For example, a 2007 *The Sunday Telegraph* article titled, 'Elite squad to target ice - \$150m extra for drugs fight', praised the Howard Government for allocating funding to an AFP deployment team, consisting of an 'international flying squad of elite police' and 'state-of-the-art drug-detection equipment for the Customs service' to stop the importation of methamphetamine into Australia.¹⁹⁰ As border protection became an important Federal issue, the significance of drug law enforcement was duly recognised. This allowed for the introduction of additional law enforcement measures to address methamphetamine importation.

The support for more punitive sanctions against the methamphetamine importer was evident on both legal and media discourse planes. The media commentary drew on arsenal fragments by legal experts to convey support for longer custodial sentences and a more punitive approach to methamphetamine importers. These legal experts appeared as judges and magistrates, and were largely depicted as 'custodians of the rule of law and interpreters of the constitution, legislation and public policy'.¹⁹¹ Perhaps acting as 'moral entrepreneurs' who spoke from a position of status,¹⁹² these judges identified the shortcomings of Commonwealth drug statutes and the need to classify methamphetamine as a serious illicit drug. The media articles thus served as a vehicle for discussions of the risk importers and traffickers posed to the wider community, and the need to implement harsher penalties for those convicted of methamphetamine importation, trafficking, manufacture and production in Australia, something that is explored in Chapter 9.

¹⁸⁹ Article 215.

¹⁹⁰ Article 245.

¹⁹¹ Mario Gomez, *Judges and Environmental Law: A Handbook for the Sri Lankan Judiciary*, (Sri Lanka: Environmental Foundation Limited, 2009): 6.

¹⁹² Chris Jenks, "Opening Address: 'Moral Panics -- the Impact of the Concept'," in *Moral Panics in the Contemporary World Conference* (Middlesex: Brunel University, accessed February 1, 2012), <http://www.youtube.com/watch?v=5qFdm-CV1V8&feature=related>

7.6 Conclusion

This chapter provided a detailed examination of the media's representation of law enforcement and the groups they policed over the period 2000 to 2009. This examination was critical to this thesis for two reasons; one, to determine the image disseminated to the public of law enforcement in the context of methamphetamine, and two, to ascertain whether, and to what extent, the construction of methamphetamine importers, traffickers, manufacturers and producers impacted upon the image media presented of law enforcement.

In most cases, the image conveyed to the public of law enforcement was of domestic heroes and crime fighters tasked with protecting Australia's borders and the Australian community. Media rewarded law enforcement with a hero status by highlighting their actions as necessary and labelling their operations a success. These successful actions and operations were portrayed as warranted in order to protect the community from methamphetamine. Heroic images largely of the AFP, NSWPF and Customs prevailed and persisted in media texts.

Alternatively, the importers, traffickers, manufacturers and producers of methamphetamine were constructed as 'the enemy', and largely blamed for methamphetamine use amongst young recreational users. In particular, the importer, generally presented as Asian criminal syndicates, emerged in media discourse fragments as a racialised construct, whose foreignness allowed this group to be considered and presented as the 'other'. This group represented society's fears and anxieties about methamphetamine. Similarly, the manufacturers, largely presented in media commentary as OMCGs, were constructed as a domestic threat and a major risk that pervaded the Australian community.

The juxtaposed media images of law enforcement as the heroes who seized illicit drugs at the border and conducted various drug busts and raids across NSW with those of manufacturers as dangerous motorcycle gang members, and importers as largely Asian criminal syndicates, was a consistent narrative evident within media discourse of the enforcers. It is argued that this good versus bad narrative ultimately

paved the way for the introduction and acceptance of punitive policy and legislative measures to address these persons and groups (examined in Chapter 9).

The media's amplification of methamphetamine manufacture as an important social, political and health issue took place throughout the study period. This amplification was achieved firstly by selecting manufacturing as a 'new area of concern and preoccupation' evident from reportage containing carefully chosen fragments on clandestine laboratories and precursor chemicals to emphasise the enemy status of manufacturers; secondly, by claiming manufacture to be a major 'domestic threat'¹⁹³; and thirdly, by including fragments such as 'gang' to identify and describe manufacturers, whom the media largely blamed for the methamphetamine use problem. These gang fragments were most relevant to OMCGs who were constructed as a dangerous and burgeoning risk to the Australian community, particularly given their role in the acquisition of precursor chemicals and their use of clandestine laboratories to manufacture and produce crystal methamphetamine.¹⁹⁴

Undeniably, media presented the discourse strands of importation, traffic, manufacture and production of methamphetamine as particularly risky. This presentation coincided with a heightened media response to both the broader methamphetamine issue and the role of law enforcement in protecting Australian borders and the wider community from these enemy groups. Therefore the importance of media and its ability to present positive images of law enforcement and problematic images of its adversaries cannot go unstated.

The following chapter examines the media's construction of methamphetamine itself, and provides a critical account of its impact on how methamphetamine was imagined, acknowledged and addressed by interest groups such as the media, law enforcement, experts and policymakers.

¹⁹³ Article 254.

¹⁹⁴ Pat O'Malley, "Policing Crime Risks in the Neo-Liberal Era," in *Crime, Risk and Justice: The Politics of Crime Control in Liberal Democracies* ed. Kevin Stenson and Robert R. Sullivan (Oregon: Willan Publishing, 2001), 93.

8 Media and 'The Folk Devil Drug'

8.1 Introduction

Media play a major role in how social problems like illicit drugs are defined, built and received by their readers. They sort and process information before its dissemination to the general public. Media contribute widely to the public knowledge available on illicit drugs, and although alone are unable to provide a 'complete answer' to the drug phenomenon, they shape how this knowledge is framed and presented to their audience.¹ Given the important part media play in the formation of social discourse, it is imperative to examine their construction of illicit drugs that has featured so prominently in the news.

This chapter examines how print media shaped particular images of the drug methamphetamine itself, rather than the users of the drug or the enforcers of the law that governed it. In turn, these images had certain implications for how the drug was perceived by the public and addressed by policymakers. As with previous chapters, this is achieved by analysing newspaper articles on methamphetamine between the years 2000 and 2009. Overall, I argue that the construction of methamphetamine as a problematic substance was fuelled largely by media fragments acting as textual 'truth claims' that called for government intervention to eradicate the 'methamphetamine problem'.

The 'uncertain environment' emerged in the early years of this study as a formative discourse strand. It acted as a springboard that allowed for other strands to launch and develop within the media narrative on ice. This strand presented the social and physical environment in NSW as something uncertain. This uncertainty, legitimated through several warning fragments, emanated from political and law enforcement experts who informed society that ice was indeed coming to Australia.

The following section provides a background on drugs considered either 'dangerous' or 'managed'. These diametrically opposed categories played an important part in shaping social and political perceptions about the nature and effects of illicit drugs.

¹ Jenkins, *Synthetic Panics - the Symbolic Politics of Designer Drugs*, 20.

This sets the scene for a discussion on methamphetamine and the metaphors used to describe the drug in print media articles during the period of the study. These metaphors were embedded within textual fragments on ice that were instrumental in the development of the subsequent 'ice worse than heroin' discourse strand. Such fragments relied on metaphors more than the fragments in previous chapters.

A discussion of the discourse strand of 'ice worse than heroin' follows. This strand comprised several metaphors such as 'epidemic', 'plague' and 'scourge' that encouraged the perception of ice as a drug worse than heroin and something readily available in society. These fragments were used by media to highlight the detrimental effects of the drug, particularly during the 2006 to 2008 period. Voices of political, law enforcement and public health experts and primary definers contributed to this narrative.

Both the 'uncertain environment' and 'ice worse than heroin' discourse strands culminated in the construction of ice as a folk devil. This was emphasised through the media commentary that formed the strands themselves, as well as metaphors and a number of risk fragments, some of which made their way into political rhetoric. I examine the conceptual relevance of this folk devil image of ice to determine its place within media commentary.² This image of ice was further encouraged by the repetitive use of negative descriptors of the drug.

Finally, this folk devil image of ice, facilitated through the aforementioned strands, encouraged the development of an eradication discourse on crystal methamphetamine. In other words, as a folk devil, ice became something considered so destructive that the national illicit drug policy of harm minimisation came to be seen as a deficient political response to ice. For the purposes of this chapter, eradication is defined as the deliberate removal of and/or complete destruction of an entity, in this instance crystal methamphetamine.

² Garland, "On the Concept of Moral Panic," 15.

8.2 The 'Uncertain Environment'

Early print media commentary on crystal methamphetamine largely presented the drug in the context of the psychological and physiological effects of ice on its users,³ or the various law enforcement drug raids and seizures at the Australian border.⁴ There was little evidence in the first few years of the study to suggest that methamphetamine, whether in its powder form (speed) or crystalline form (ice) was framed as a national threat, emerging menace or massive risk to society. Nonetheless, this commentary was significant in the development of methamphetamine in the media text as it provided a fervent ground for an 'environment of uncertainty' to unfold, that according to Ungar is at the 'core of the risk society'. This environment of uncertainty was a fundamental stepping-stone in the construction of methamphetamine as a drug worse than heroin, and a socially 'manufactured' and ubiquitous risk.⁵

The 'uncertain environment' discourse strand originated in the early years of the study and comprised elements of fear, anxiety and panic about the unknown effects and consequences of methamphetamine.⁶ It was first visible in the year 2000, notably in a detailed piece by journalist Peter Alford of *The Australian* newspaper titled, '*Here comes the speed*'.⁷ Here, Alford announces the inevitable arrival of methamphetamine into Australia by drawing heavily on commentary by political primary definer the Federal Justice Minister Amanda Vanstone. In this article, Vanstone asserted that:

*... you don't have to be too bright to see what's coming. I would be very surprised if we don't see people trying to shift quantities here ... and if that happens there will be a price war on the local market.*⁸

This was further supported by direct commentary from a counter-narcotics agent in Bangkok who claimed:

³ For example see articles 32, 35, 44, 45, 48, 58, 59 and 60.

⁴ For example see articles 7, 10, 11, 12, 15, 27, 28, 33, 39 and 57.

⁵ Sheldon Ungar, "Moral Panic Versus the Risk Society: The Implications of the Changing Sites of Social Anxiety," *British Journal of Sociology* 52, no. 2 (2001): 282.

⁶ Lupton, *Risk*, 18-19.

⁷ Article 4.

⁸ *Ibid.*

*My personal opinion is that the arrival of this drug into Australia in large quantities has become an inevitability in the past 12 months.*⁹

Juxtaposed with this inevitability of a methamphetamine 'invasion' was the onset of a media commentary that circulated warning fragments about ice, its use and manufacture. Some of these fragments appeared as either unsourced drug expert warnings that 'ice is an emerging drug of choice across Australia'¹⁰ or as warnings given by specific groups such as the community-based Southern Suburbs Safety Taskforce when comparing ice to heroin.¹¹ Other fragments, as noted in Chapter 7, emphasised the growing number of home-grown laboratories raided by law enforcement throughout NSW that served as 'a warning' to all Australians that the drug was manufactured locally.¹² Media sought to 'inform' the community that methamphetamine had effectively made its way to, and was manufactured in, Australia.

These warning fragments began to escalate in the media narrative on ice, and by 2003, had become more direct and more certain about the existence of ice in NSW. For example, *The Daily Telegraph* article, titled '*Deadly ice spreads to bush*', informed the reader that 'the deadly drug ice ha[d] penetrated suburban Sydney - and is moving to country towns'.¹³ To support this position, the newspaper claimed its 'special investigation' into ice showed that '... the addictive and dangerous form of crystal methamphetamine had arrived in Wagga Wagga in recent weeks'. The journalist then used comments by law enforcement primary definer, former head of the NSW drug squad, Paul Jones, to legitimate the threat of ice. Jones asserted that 'Australia missed out on crack but it's safe to say we are not going to miss out on ice'.¹⁴

Over the next three years, warning fragments about ice transitioned from warnings about the possibility and/or likelihood of ice arriving in Australia to warnings that confirmed the existence of the drug in the community. Some of these fragments

⁹ Ibid.

¹⁰ Article 7.

¹¹ Article 58.

¹² Article 29.

¹³ Article 35.

¹⁴ Article 35.

focused on 'Asian criminal syndicates' who identified Australia as a growing market for crystal methamphetamine,¹⁵ while others, notably by experts such as police and doctors, warned that methamphetamine '[wa]s the new heroin on Australian streets'¹⁶ or warned of the surge of ice in the Hunter region and the threat users posed to the safety of police officers.¹⁷ Some warnings were also firmly directed at parents who were urged to 'warn their children about its [ice] dangers', as expressed in Chapter 6.¹⁸

These overt warnings worked in conjunction with others in media text. As noted in chapters five and six, the most prominent of these was made by Moroney who feared 'a whole generation of young people would be lost to the vile drug'.¹⁹ Such fear mongering, masquerading as a warning, emphasised the uncertain future of Australians should ice remain in the community. They also emphasised the dirtiness of the drug, not in the traditional sense (unclean) but rather as a social pollutant, something discussed later in this chapter.

These warnings presented an uncertain environment that had been brought about by the drug itself. This environment was wrought with unknowingness about the potential consequences of ice on the individual and the broader community. Ice had thus become a social risk that media responded to with a heightened sense of urgency. A number of metaphors, appearing as either headlines in newspaper articles or comments by key law enforcement primary definers, were utilised by media to convey particular problematic images of crystal methamphetamine to the community.

8.3 The Dangerous Drug

The normalisation of illicit drug use amongst some populations was most apparent in the latter part of the twentieth century, spurred on by the growing popularity of raves and dance parties. Drugs like ecstasy, notes Critcher, became an 'intrinsic part of youth culture' and assumed a 'normal status' alongside legal drugs such as 'alcohol

¹⁵ Article 96.

¹⁶ Article 96.

¹⁷ Article 134.

¹⁸ Article 195.

¹⁹ Article 159.

and tobacco in the adult culture'.²⁰ It emerged during a period where pleasure had become a motive for consumption rendering recreational use acceptable, and harm minimisation initiatives rendered the use of substances like heroin, ecstasy and cocaine more acceptable.²¹

A profound effect of this normalisation of illicit drugs was the formation of two drug categories; the 'managed'²² and the 'dangerous'.²³ The 'managed' drugs, like marijuana, were considered less harmful and more benign than the 'dangerous' drugs, given they were largely consumed by young people to relax, relieve stress or have fun.²⁴ Strong community support for their decriminalisation and/or legalisation, particularly in the case of marijuana, gained traction, and calls for medicinal use made their way into both political and social debate.²⁵

Alternatively, illicit drugs like methamphetamine were considered 'dangerous' because they were seen to cause more extensive physical and mental health problems- such as death, addiction, psychosis- than those deemed 'managed', as discussed in Chapter 2. This is a result of many factors including method of consumption (these drugs are normally taken intravenously which can increase the risk of blood-borne infections), higher potency and purity levels.²⁶ Research evidence suggests methamphetamine, notably in its crystalised form, is more addictive and dangerous than many other illicit drugs, including heroin,²⁷ and as a result is labelled the 'world's most dangerous drug'.²⁸ In effect, this dangerous drug emerged as an 'unacceptable' substance, and those who consumed it as engaging in unacceptable

²⁰ Ibid., 55.

²¹ O'Malley and Valverde, "Pleasure, Freedom and Drugs: The Uses of 'Pleasure' in Liberal Governance of Drugs and Alcohol Consumption," 36, 26.

²² Managed illicit drugs are those considered less harmful than dangerous drugs, less addictive, not intravenously administered, and more socially acceptable.

²³ Dangerous illicit drugs are those considered more harmful than managed drugs, more addictive, intravenously administered, and not socially acceptable.

²⁴ Jan Copeland et al., "Young Cannabis Users' Attitudes and Beliefs About Cannabis and School Drug Education," (Sydney: National Drug and Alcohol Research Centre, 2001), 11; Jennifer McLaren et al., "Cannabis and Mental Health: Put into Context," Monograph series no. 68 (Canberra: Department of Health and Ageing, 2008), 8.

²⁵ Laurence E. Mather et al., "(Re)Introducing Medical Cannabis," *The Medical Journal of Australia* 199, no. 11 (2013): 760.

²⁶ Drabsch, "Crystal Methamphetamine Use in New South Wales," 22.

²⁷ ANCD, "*Methamphetamines: Position Paper*".

²⁸ Lisa Ling, "World's Most Dangerous Drug," *National Geographic Explorer*, aired October 18 (California, 2006), television episode.

behaviour, thus defiling their bodies.²⁹ This unacceptability was visible in the media's use of provocative metaphors.

8.4 Drug Metaphors

Metaphors are forms of language commonly used to convey certain images and arguments in public and media discourses. They can manifest in political speeches, media releases and newspaper headlines. Evidence suggests that metaphors, may 'offer a partial or skewed picture' of reality. However they can also be an invaluable way for 'complex or abstract issues' to be simplified and better understood by the audience.³⁰ They can therefore be used to reinforce particular ideologies or create new ways to view problematic issues.³¹ It is within these parameters that fragments relied upon metaphors such as 'epidemic', 'scourge', 'age', 'storm' and 'plague', to achieve two important things; one, offer the community and policymakers a way to understand ice and its effects, and two, strengthen the legitimacy of the 'ice worse than heroin' discourse strand discussed later in this chapter.

8.4.1 Epidemic

The word 'epidemic' is largely rooted in the health sciences and typically signifies the spread of an infectious disease. Its application, however, has moved beyond the strict confines of contagions to now include other non-infectious conditions such as obesity and drug use. These 'conditions' according to Johnstone, are treated as infectious diseases that evoke our '... deepest anxieties and largely repressed fears of death'.³² With strong links to anxiety, fear and death, epidemic was employed by media as a metaphor to help explain ice and its effects on the community.

The use of metaphors like 'epidemic' within media text is not a new phenomenon. Boyd and Carter claim that the use of such words is dramatic and conceals the true nature of issues such as drug use.³³ Other authors such as Chiricos suggest terms like

²⁹ Douglas, *Purity and Danger: An Analysis of Concept of Pollution and Taboo*, 46.

³⁰ Mark J. Landau and Lucas A. Keefer, "The Persuasive Power of Political Metaphors," in *Sixteenth Annual Sydney Symposium of Social Psychology* ed. Joe Forgas, Bill Crano, and Klaus Fiedler (Sydney: The University of New South Wales, 2014), 19.

³¹ *Ibid.*, 19.

³² Megan-Jane Johnstone, "Metaphors, Stigma and the 'Alzheimerization' of the Euthanasia Debate," *Dementia* 12, no. 4 (2013): 382.

³³ Boyd and Carter, "Methamphetamine Discourse: Media, Law, and Policy," 226.

'epidemic' are a form of rhetoric and their use implies a sense of urgency where 'swift and serious action is explicitly justified'.³⁴ Commonly used with signature phrases such as 'plague' and 'scourge' to accentuate the seriousness of an issue, the epidemic metaphor was employed by media to emphasise the prevalence of methamphetamine and its use, and portray a social environment 'attacked' by the drug.

Such was the case in NSW where the use of metaphors commonly appeared in newspaper articles on methamphetamine. Fragments that contained the metaphor epidemic first appeared in April 2004 in an *Illawarra Mercury* article that described how methamphetamine had reached 'epidemic proportions'.³⁵ It then resurfaced in September 2006 following its use by then NSW Police Commissioner Ken Moroney, in his claim that 'the greatest challenge facing NSW Police is the ice epidemic'.³⁶ These Moroney comments produced a media response that quickly adopted this law enforcement rhetoric with ensuing media articles describing ice as either an 'epidemic' or a 'scourge'.

The Daily Telegraph was the first to use 'epidemic' in its articles following the Moroney comments. For example, in an article titled, '*Caught in the Ice Age: Sally the face of a drug tearing families apart*', journalist Rhett Watson blamed the 'ice epidemic' for destroying Australian families and lives.³⁷ Article headlines with the word 'epidemic' soon followed and ice was singled out as the leading cause for much violence in the community. A page four *The Daily Telegraph* article by journalist Clare Masters titled, '*Addiction and psychosis society pays a terrible price - violence fuelled by drug epidemic*', informed readers that 'Ice addicts committing violence in drug-induced rages are fuelling a rise in assaults across NSW ...'³⁸ The 'ice epidemic', it was claimed, caused much violence, addiction and the destruction of families in our state.

³⁴ Theodore Chiricos, "Moral Panic as Ideology: Drugs, Violence, Race and Punishment in America," in *Critical Readings: Moral Panics and the Media* ed. Chas Critcher, *Issues in Cultural and Media Studies* (Berkshire: Open University Press, 1996), 117.

³⁵ Article 59.

³⁶ Article 159.

³⁷ Article 172.

³⁸ Article 175.

This was particularly noticeable in *The Daily Telegraph* October 2006 campaign titled, 'THE ICE EPIDEMIC' (original emphasis).³⁹

This short campaign comprised dramatic headlines that sought to accentuate the seriousness of the ice problem in NSW. For example, the article '*Taming violent users - THE ICE EPIDEMIC*' presented violent users as problematic, while the article '*Horror for sale on a city street - THE ICE EPIDEMIC*', claimed that methamphetamine was easily accessible to school children.⁴⁰ The campaign informed the public of the drug and its effect on the community by using the 'epidemic' metaphor as a 'shock and awe' tactic to heighten reader reaction. This ICE EPIDEMIC campaign by *The Daily Telegraph* perhaps spurred *The Sydney Morning Herald* to launch its own in mid-2007.

8.4.2 Scourge

Scourge, according to Taguieff, can refer to something natural, like a tsunami, or something cultural like war or illness.⁴¹ More commonly in literature, scourge appears as a type of pathological or moral metaphor, although in more obscure applications, scourge manifests as a way to best describe social problems like racism.⁴² During the period of the study, fragments that used the metaphor 'scourge' emphasised the enormity of the ice issue in NSW.

'Scourge' first appeared in media fragments on ice in 2006, when Commissioner Moroney proclaimed ice the 'greatest scourge faced by the community' that he has personally witnessed over his 41 year career in the police force.⁴³ Such dramatic comments by the most prominent law enforcement officer in the state prompted a media response that labelled ice a community 'scourge'. A litany of media articles soon followed that perpetually heightened the seriousness of the ice problem by proclaiming ice as one of the largest drug threats in Australia.

³⁹ See articles 177 and 178.

⁴⁰ Articles 177 and 178 respectively.

⁴¹ Pierre-Andre Taguieff, *Force of Prejudice: On Racism and Its Doubles (Contradictions of Modernity)*, (Minneapolis: The University of Minnesota Press, 2001), 111.

⁴² *Ibid.*, 111.

⁴³ Article 159.

Almost two weeks later, an article by journalist Simon Kearney titled, '*Urgent report on scourge of ice*',⁴⁴ appeared on page three of *The Australian*. It drew heavily on comments made by ANCD head John Herron, who claimed 'there was a lot of debate as to whether there was a real problem with amphetamines. Till that was put together we didn't realise the real problem ... It's a huge problem'.⁴⁵

Other newspapers such as *The Sun Herald* also drew on comments by primary definers to emphasise the seriousness of the issue. Health journalist Louise Hall reiterated comments by former Parliamentary Secretary for Health Christopher Pyne that 'ice is a scourge on Australian society', and the 'nation's worst drug problem'.⁴⁶ This was followed four days later by two *The Daily Telegraph* articles titled, '*Scourge of "Ice"*' and '*Addiction and psychosis - society pays a terrible price – violence fuelled by drug epidemic*', the first of which criticised harm minimisation as an available approach to address illicit drugs like ice. It supported these comments by presenting the particulars of the case of 'alleged car-jacker Sally Brennan', described in detail in chapter six.⁴⁷ This perhaps set the tone for a continued and dramatic reportage of methamphetamine.

On 19 October 2006, then NSW Premier Morris Iemma announced in NSW Parliament that a forum would be held in Sydney to address ice. In this announcement, Iemma described ice as a '... scourge that poses new and urgent risks in our society'.⁴⁸ A succession of media headlines and articles soon followed that described ice as the 'scourge of our age',⁴⁹ the 'new scourge',⁵⁰ a 'growing scourge',⁵¹ or a 'generational scourge'.⁵² These fragments packaged methamphetamine as a ubiquitous problem of epidemic proportions, accentuated by either the

⁴⁴ Article 169.

⁴⁵ Article 169.

⁴⁶ Article 171.

⁴⁷ Article 174.

⁴⁸ NSW Premiers Office, "Iemma Calls for National Forum on 'Ice' Crisis: Media Release," (Sydney, 19 October, 2006).

⁴⁹ Article 183.

⁵⁰ See articles 199, 200 and 201.

⁵¹ Article 229.

⁵² Article 272.

parliamentary comments made by lemma or the repetitive use of the Moroney comments in various media texts.⁵³

8.4.3 Storm

The use of a storm metaphor has regularly appeared in literature to describe myriad human and other physical and psychological situations. For example, Shakespeare in his classic work *King Lear* (Act 3) uses the metaphor 'raging storm of the heath' to describe both Lear's fragile psychological state and his growing rage towards his daughters.⁵⁴ Its use is also evident within the Holy Bible when Jonah was caught in a great 'storm', a punishment from God for not adhering to his command to go to the city of Nineveh, perceived as a cowardly action, for which he was swallowed by a fish.⁵⁵ Given the flexibility of this metaphor, its use in a media campaign to address ice was therefore not unusual.

The front page '*Herald* investigation' titled 'The ICE STORM', first appeared in July 2007. It was an attempt to explicate the seriousness of the ice problem by using the metaphor 'storm' to establish a link between methamphetamine use and homicide.⁵⁶ This metaphor sought to reflect a social environment enveloped by a drug that had wreaked havoc in the community. The apparent destructiveness of this drug was akin to a 'wild' storm that implied some type of disturbance or turbulent state and unpredictability that was dangerous.

8.4.4 Ice Age

Another major metaphor used by the print media during the period of the study was the 'Ice Age'. The 'age' metaphor has long been used by scholars to present historical periods of time that have demonstrated great prosperity. From Ovid's description of the 'Golden Age' of Ancient Greeks and Romans where peace and prosperity provided the desired utopian society, to periods of technological advancement such as the 'Golden Age of television' or the 'Space Age', the 'age' metaphor has typically

⁵³ Article 159.

⁵⁴ William Shakespeare, *King Lear* ed. Ralph E. C. Houghton (Oxford: Clarendon Press, 1978), Act 3.4.4.

⁵⁵ Jon. 1: 1-17.

⁵⁶ Article 269.

represented some period of progression.⁵⁷ Conversely, it has also described a time of great challenge for humanity and periods of deterioration, evidenced in the metaphor the 'Dark Ages'. It is this latter metaphorical use of the term 'age' that is most applicable to the way print media utilised the term in its commentary.

The 'Ice Age' metaphor first appeared in October 2006 in *The Sun Herald* article titled, '\$2 billion drug hauls as Australians agents tackle a new ice age'. This fragment was used by police journalist John Kidman as a way to firstly, describe the seriousness of the ice problem in NSW and, secondly, publicise the efforts of law enforcement in tackling the 'new ice age'. Kidman presented ice as a deadly drug with over \$1 billion worth of it 'seized on Australia's doorstep in the past 3 years'.⁵⁸ He drew on several law enforcement primary definers to boast the quantity of ice seized and the number of clandestine laboratories found in Australia. In particular, he emphasised comments by former AFP federal border manager Mike Phelan that:

... the agency [AFP] was focusing on thwarting imports of precursor chemicals used to make crystal meth. A tonne of Australian-bound cold remedy ingredient pseudoephedrine was seized in Greece in April with the AFP's help.

*I'm not a chemist, but my best advice says that ephedrine makes one for one ... so we clearly contributed to stopping at least a tonne of ice being manufactured here.*⁵⁹

This article informed the public that Australia was in the midst of an era (Ice Age) where methamphetamine could only be fought with tough law enforcement measures. By proclaiming the ice situation as an 'age', Kidman sought to enlighten the public as to the severity of the ice 'problem'.

Similarly, the author of the *Sunday Telegraph* article titled, '*Our deadly new Ice Age*', used the 'age' metaphor to highlight the enormity of the 'methamphetamine problem'. They referred to ice as the 'scourge of our age' and a 'disgusting chemical plague' that further amplified the seriousness of the issue and its ability to cause

⁵⁷ Ovid, *The Metamorphoses: Selected Stories in Verse*, ed. Tom Crawford, Dover Thrifty Editions (New York: Dover Publications, 2003).

⁵⁸ Article 164.

⁵⁹ Article 164.

death and destruction.⁶⁰ They emphasised a number of public health fragments such as the psychological effects of ice (e.g. dangerous psychotic episodes and paranoid schizophrenia) to perpetuate the deleterious consequences of ice use. Further, the author concluded the article with an emphatic plea to all Australian governments urging them to remove ice from the community, and stop those persons or groups (importers, traffickers, manufacturers and producers) who generate a profit from its use.⁶¹

Fragments that contained the 'Ice Age' metaphor were also available in a *Macarthur Chronicle* article titled, '*Ice age having a shocking impact*', where young recreational users were 'more at risk of addiction' because of their consumption of ice, the purest form of methamphetamine,⁶² and *The Coffs Harbour Advocate* article titled, '*Health workers at risk from Ice Age*', that described how 'addiction to the drug Ice is posing an extreme risk to frontline health workers'.⁶³

Media commentary sought to utilise the 'age' metaphor as a way to inform the community of a period of major drug upheaval in NSW, caused by crystal methamphetamine, a major contemporary affliction that generated great challenges for government and society. This was evidenced by almost all articles that discussed ice in the context of an 'Ice Age', given they were buttressed by opinions and commentary from health, law enforcement and government experts who legitimated claims made as to the effects of ice. This allowed for the 'scourge' and 'epidemic' of ice to appear more threatening and plausible.⁶⁴

8.4.5 Plague

The term plague has appeared in various forms of literature over the years. Its use has invoked both theological and moral interpretations, principally because it inflicts something, in most situations a disease. One of its earliest appearances in text was in the Holy Bible, particularly the Book of Exodus, where the ten 'plagues' of Egypt ravaged the country, a punishment inflicted on Egypt by the Israelite's God to

⁶⁰ Article 183.

⁶¹ Article 183.

⁶² Article 263.

⁶³ Article 420.

⁶⁴ Jenkins, *Synthetic Panics - the Symbolic Politics of Designer Drugs*, 106.

persuade the pharaoh to release them from bondage and slavery.⁶⁵ The term has also been used to describe 'The Black Death', a bacterial infection circulated by fleas on rodents that killed over half the population of Europe in the Middle Ages, known commonly as the 'bubonic plague'.⁶⁶

In the latter part of the twentieth century, plague was used as the main metaphor to describe diseases like Acquired Immune Deficiency Syndrome (AIDS). In her classic work titled, *'Illness as metaphor and AIDS and its metaphors'*, Sontag showed how AIDS had been likened to diseases like leprosy and syphilis and constructed as repulsive and retributive, and very much invasive and polluting.⁶⁷ Her later chapters explored the metaphorical place of AIDS in literature and how 'plague' emerged as the 'principal metaphor by which the AIDS epidemic is understood'.⁶⁸ It was here that AIDS was constructed most prominently as a plague that is 'inflicted, not just endured'.⁶⁹ This plague, she claimed, was a judgment on society, and a statement that had certain implications on those infected with the virus.⁷⁰ This application of the plague metaphor was comparable to the way print media used 'plague' to describe ice and its effects in NSW.

Internationally, media began to use the term plague to describe crystal methamphetamine in the early part of the twenty-first century. In 2002, journalist Kevin Ivers of the *Hawaii Reporter*, produced an article titled, *'The new plague - an epidemic swallowing Gay America'*. In it he described how a 'lethal sickness' known as crystal methamphetamine, although colloquially referred to as 'Tina', had spread through 'Gay America' and caused mass devastation.⁷¹ In 2004, an American radio broadcast titled, *'Drug plague in Rural U.S. Creating 'Meth Orphans''* detailed how the methamphetamine plague had impacted on families; children were removed

⁶⁵ Exod. 7:14 - 12:36.

⁶⁶ Norman F. Cantor, *In the Wake of the Plague: The Black Death and the World It Made* (New York: The Free Press, 2001), 51.

⁶⁷ Susan Sontag, *Illness and Metaphor and Aids and Its Metaphors*, (New York: Picador USA, 1989), Chapter 2.

⁶⁸ *Ibid.*, 132.

⁶⁹ *Ibid.*, 133.

⁷⁰ *Ibid.*, 142-3.

⁷¹ Kevin Ivers, "The New Plague - an Epidemic Swallowing Gay America," *Hawaii Reporter*, 15 April, 2002.

from their 'addict' parents and subsequently placed into care.⁷² By 2005, *Newsweek*, a New York based news magazine, produced a front page cover titled, 'America's most deadliest drug'. Its editorial piece labelled methamphetamine both a societal plague and epidemic.⁷³

Similar media commentary surfaced in Canada in the mid-2000s. Journalist K Ramsay of *The Vancouver Sun* produced an article in 2005 titled, 'The plague of crystal meth addiction'. In this article, Ramsay described methamphetamine use in Canada as a plague.⁷⁴ This descriptor also appeared in American law enforcement and political discourse later that year in the form of a submission by the National Association of Police Organisations, Inc. on the Federal statute *Combat Meth Act 2005*. This law referred to the methamphetamine situation in the US as a plague.⁷⁵

Although use of the 'plague' metaphor gained momentum in the international media landscape, the term did not surface in Australian media commentary until 2006. The 'plague' metaphor first appeared in the *Illawarra Mercury* article titled, 'Ice plague spreads', an editorial piece that most likely heightened reader anxiety about crystal methamphetamine.⁷⁶ This was achieved by firstly likening the drug to Australia's 'drought' affliction and, secondly, by describing ice users as cheaters and thieves.⁷⁷ The drought analogy ('like the drought, this is an issue that goes beyond political and state borders') presented dependent ice users as a national issue with the potential to affect all Australians and reaffirmed their precarious and unwanted presence in the community.

The headline informs the reader that ice is indeed a plague; this suggests that the drug is what Douglas refers to as a type of out-of-placeness; it is a threat to good

⁷² Lauren Grau, "Cutting Off the Building Blocks to Methamphetamine Production: A Global Solution to Methamphetamine Abuse," *Houston Journal of International Law* 30, no. 1 (2007): 162.

⁷³ "America's Most Deadliest Drug," *Newsweek*, August 7, 2005.

⁷⁴ As cited in Mark Haden, "Controlling Illegal Stimulants: A Regulated Market Model," *Harm Reduction Journal* 5, no. 1 (2008): 1.

⁷⁵ Committee on the Judiciary House of Representatives, "Methamphetamine Epidemic Elimination Act - Hearing before the Subcommittee on Crime, Terrorism, and Homeland Security, of the Committee on the Judiciary," H.R. 3889. Serial No. 109-61 (Washington DC: House of Representatives - One hundred ninth Congress, 2006), 81.

⁷⁶ Article 180.

⁷⁷ Article 180.

order, and so ... regarded as objectionable'.⁷⁸ By using the plague metaphor, the author informs the reader that the drug, as demonstrated by Creswell in his analysis of various metaphors, has the 'capacity for rapid spread', and as result, is a 'threat to normal function'.⁷⁹ It is our hegemonic society that is ultimately threatened by crystal methamphetamine and its capacity for destruction. The article informed readers that no person was safe from the far-reaching tentacles of ice and its users.

In another article by *The Sunday Telegraph* titled, 'Our deadly new Ice Age', the author utilised both 'plague' and 'age' metaphors to emphasise the abject properties of ice. Descriptors such as 'disgusting chemical plague' and 'destructive poison' were scattered throughout the article in order to exemplify the seriousness of the 'problem'.⁸⁰ The use of these public health fragments served to emphasise the risk ice posed to the broader community. The drug was specifically demarcated from other drugs, and positioned as a type of social pollutant, a threat to society that violated social norms, values and expectations.⁸¹ It was the drug's identification as a 'disgusting chemicals plague' in particular that affirmed its 'disease-like' properties, and by doing so, provided the reader with a context where ice could only be imagined as a risky and destructive contagion, and its users, as 'polluting people' who '... have transgressed cultural norms or taboos and ... place[d] others in danger by their actions'.⁸²

8.4.6 The Effects of the Metaphors

The use of metaphorical fragments by various journalists to describe ice provided a filtered view of reality. This is not to say that the effects of the drug were not real, but rather that the metaphors of 'plague', 'epidemic', 'scourge', 'age' and 'storm' all proposed a non-pragmatic way of describing and viewing methamphetamine. As a result, media presented the drug and its use in a largely biased way.⁸³ A clear

⁷⁸ Douglas, *Purity and Danger: An Analysis of Concept of Pollution and Taboo*, 197.

⁷⁹ Tim Creswell, "Weeds, Plagues and Bodily Secretions: A Geographical Interpretation of Metaphors of Displacement," *Annals of the Association of American Geographers* 87, no. 2 (1997): 337.

⁸⁰ Article 183.

⁸¹ Lupton, *Risk*, 61-2.

⁸² *Ibid.*, 61.

⁸³ Alice Deignan, *Metaphor and Corpus Linguistics* (Amsterdam: John Benjamins Publishing, 2005), 125.

example of this bias was evident in *The Daily Telegraph* article titled, 'Scourge of 'Ice'', where the author provided a provocative title (use of the term 'scourge') to ensure from the outset that the drug was positioned as a serious community affliction. By doing so, readers were confronted with a textual truth claim, in this instance 'ice is a scourge on the community',⁸⁴ that allowed them to only imagine the drug as something dangerous (emphasis added).

Such truth claims enabled media to argue for a tough stance on methamphetamine as opposed to one of harm minimisation. The author claimed that a harm minimisation response to illicit drugs in Australia should be sidelined to make way for a 'methamphetamine free agenda'.⁸⁵ The use of truth claims such as 'ice is a scourge on society' or ice is a 'disgusting chemical plague' were a biased way of presenting information thereby making the 'methamphetamine problem' more credible and believable to the public.

These metaphor-based media headlines also served the critical purpose of 'summoning cultural representations and scripts about social phenomena'.⁸⁶ Van Dijk refers to such cultural representations as retrieval cues; those items best remembered by readers. These representations centred on the drug as a deadly substance that causes severe physical and psychological problems.⁸⁷ Epidemic, scourge and plague fragments acting as both textual truth claims and retrieval cues thus conveyed to readers that a punitive response to crystal methamphetamine was necessary and the only way to protect the community.

Retrieval cues were most obvious in headlines following the 2006 Moroney comments. Examples including 'Urgent report on scourge of ice',⁸⁸ 'Scourge of 'Ice'',⁸⁹ 'Addiction and psychosis society pays a terrible price - violence fuelled by drug epidemic',⁹⁰ packaged methamphetamine as a ubiquitous problem of epidemic

⁸⁴ Emphasis added.

⁸⁵ Article 174.

⁸⁶ Tuen van Dijk, *News Analysis: Case Studies of International and National News in the Press: Lebanon Ethnic Minorities and Squatters* (Amsterdam: University of Amsterdam Press 1986), 88.

⁸⁷ See articles 58, 159, 162, 347.

⁸⁸ Article 169.

⁸⁹ Article 174.

⁹⁰ Article 175.

proportions. Readers could use the cues of 'epidemic', 'scourge' and 'plague' to retrieve information about methamphetamine. This had possible implications for how they perceived the drug and how policymakers could potentially frame and then address it.

The metaphorical fragments 'plague', 'scourge' and 'epidemic' signified an 'out-of-placeness', a metaphorical term used by Douglas to describe persons who ignore 'socially produced common sense' and therefore do not belong,⁹¹ that required ice to be removed from society. They also stood as powerful symbols of decay and dirt, wielding a type of cultural power. This dirt is described by Douglas as 'essentially disorder', as the drug, in its illegal form, came to symbolise something that was dangerous and therefore out-of-place.⁹² Consequently these metaphors presented particular ways to envisage crystal methamphetamine, almost always within the confines of fear, anxiety and panic. Their appearance in media narratives demonstrated how these images of ice moved beyond descriptions in text to become types of actions; once labelled a plague, epidemic, or scourge, the drug is strongly considered for removal.⁹³ These metaphors, as noted by Creswell, 'ensure a negative image [of ice] is created'.⁹⁴

Overall, the use of metaphorical fragments ensured that an inflammatory, exaggerated and risky image of crystal methamphetamine was sustained in media commentary. Newspaper readers were presented with this myopic imagery of ice that became the 'best and perhaps only way' for them to understand and evaluate the drug and its effects.⁹⁵ These fragments were given power and authority through their use as broader truth claims, and their abundant regularity in media commentary. This repetition, revealing the formation of certain discursive textual

⁹¹ Creswell, "Weeds, Plagues and Bodily Secretions: A Geographical Interpretation of Metaphors of Displacement," 334.

⁹² Douglas, *Purity and Danger: An Analysis of Concept of Pollution and Taboo*, 2.

⁹³ Andrea Sharkey and Rob Shields, "Abject Citizenship - Rethinking Exclusion and Inclusion: Participation, Criminality and the Community at a Small Town Youth Centre," *Children's Geographies* 6, no. 3 (2008): 249.

⁹⁴ Creswell, "Weeds, Plagues and Bodily Secretions: A Geographical Interpretation of Metaphors of Displacement," 337.

⁹⁵ *Ibid.*, 337.

patterns, encouraged the subsequent production and development of the 'ice worse than heroin' discourse strand in the media narrative on ice.

8.5 'Ice Worse than Heroin'

The 'ice worse than heroin' discourse strand emerged as an important way for media to present crystal methamphetamine to everyday society. It transformed from a drug 'equally as bad as heroin' in the year 2000, to a drug 'worse than heroin' in 2004, to the 'new heroin' by 2005, and reached its climax in late 2006 following the Moroney comments. Several metaphorical fragments, described in the previous section of this chapter, were utilised by media in an attempt to present ice as a drug worse than heroin that is abundantly available on Sydney streets. However, in order to effectively examine this discourse strand, it is critical to first understand the harm caused by heroin. This allows for a more refined understanding of media comparisons between ice and heroin over the course of the study.

Heroin has long stood in Australian illicit drug history as one of the most catastrophic substances ever available in the community. Causing a range of physical and psychological effects such as an increase in the number of drug-related fatalities (due to overdose, notably in the 1990s) and blood-borne diseases, heroin effortlessly acquired the label of the most harmful drug in Australia over the last four decades.⁹⁶ Such a label enabled heroin to be considered a major threat to society that produced deviant criminals.⁹⁷ This construction shaped the way the drug was perceived by the broader community.⁹⁸ It was this negative image of heroin, so prominent in the social and political discourse during the 1980s and the 1990s that was eventually usurped by illicit drugs like crystal methamphetamine.⁹⁹

The construction of methamphetamine as Australia's most destructive substance was not obvious in the early years of the study. As noted in previous chapters, in the year 2000, methamphetamine was discussed in media commentary although more so in

⁹⁶ Wayne Hall, "The Contribution of Research to Australian Policy 1990-2001: A Personal Retrospection," *Addiction* 99 (2004): 560.

⁹⁷ Elliott and Chapman, "Heroin Hell Their Own Making: Construction of Heroin Users in the Australian Press 1992-1997," 191.

⁹⁸ Degenhardt et al., "The Australian "Heroin Shortage" Six Years On: What, If Any, Are the Implications for Drug Policy?" 1.

⁹⁹ *Ibid.*, 1.

the context of trafficking and smuggling and policing of Australia's borders by law enforcement groups such as the AFP and Customs. Articles of a similar nature persisted until 2004, when media discourse fragments began to emphasise the physiological and psychological effects of methamphetamine on the user. These effects were identified as worse for methamphetamine than heroin users.¹⁰⁰ The *Illawarra Mercury* in its 2004 article titled, *'Party' Drug Ice Now The Big Danger'* by William Verity, used commentary by the Southern Suburbs Taskforce, a group comprised of experts including health and community workers, council representatives, police and government department personnel, to compare the effects of ice with those attributed to heroin. One task force member, Sheryl Wiffen claimed:

*You can use opiates all your life and when you stop using, it hasn't attacked your organs ... Research I have seen from the United States indicates that when you come off (ice), the damage is irreparable.*¹⁰¹

This was the first comparison to heroin made by print media during the period of the study.

These comparisons became more frequent, and featured more prominently in media commentary in 2005. Items either emphasised how the demand for methamphetamine had surpassed that of heroin, as evidenced in the page three article by *The Sydney Morning Herald* titled, *'Need for speed is greater than heroin'*,¹⁰² or how methamphetamine had become the new heroin, as noted in *The Australian* article titled, *'Chinese move in as crystal meth becomes new heroin'*.¹⁰³ In this latter article, author Amanda Hodge emphasised police and doctor warnings that ice *'... is the new heroin on Australia streets'*. She legitimated these warning by drawing upon public health discourse fragments available in the McKetin et al. study on ice dependency, to suggest that ice is more problematic than heroin:

¹⁰⁰ Article 59.

¹⁰¹ Article 58.

¹⁰² Article 91.

¹⁰³ Article 96.

... the methamphetamine problem is now as large as heroin abuse was during its peak in the late 1990s. As many as 73,000 people nationwide are addicted to methamphetamine, about 1 ½ times the number of heroin addicts.¹⁰⁴

Journalist John Stapleton of *The Australian* also drew upon the same public health discourse fragment to make similar claims to those made by Hodge. In an article titled, *'Ice heads party list'*, Stapleton asserted that '... Australians were addicted to methamphetamines, more than double the number dependent on heroin'.¹⁰⁵ He surmised that '... [ice] had outstripped heroin as the drug of concern for health and law enforcement officials and replaced ecstasy as the drug of choice for partygoers'.

By 2006, methamphetamine had developed into 'one of the most destructive drugs to date', a result of a consistent media narrative that compared methamphetamine to heroin.¹⁰⁶ This comparison was most noticeable in September once former Commissioner Moroney announced that ice was worse than heroin.¹⁰⁷ In order to support this claim, Moroney described ice as an epidemic, a 'scourge of the community' and the 'greatest challenge facing NSW Police'. Such strong and accusatorial commentary, particularly evidenced through the use of two powerful metaphorical fragments (epidemic and scourge) was echoed in subsequent print media articles that served to heighten the profile of crystal methamphetamine and accentuate the dangers associated with its use.

Ensuing media commentary in late 2006 continued to cultivate the construction of ice as a drug worse than heroin. A number of journalists from *The Australian* newspaper reproduced Moroney fragments such as ice is 'a greater scourge than heroin' in their respective articles.¹⁰⁸ The repetitive use of these metaphorical fragments by media further emphasised the acceptable use of provocative forms of language expression in everyday discourse. For example, the article titled, *'Urgent report on scourge of ice'* borrowed Moroney fragments (e.g. scourge) to present ice as a 'huge problem'. Only then did the author, or more broadly the newspaper, utilise such fragments to

¹⁰⁴ Article 96.

¹⁰⁵ Article 108.

¹⁰⁶ Article 171.

¹⁰⁷ Article 159.

¹⁰⁸ For example see articles 167 and 169.

describe the drug or its effects on the community. This recycled use of Moroney fragments continued for the remainder of 2006.¹⁰⁹

By 2007, articles were repeatedly using aspects of empirical research to substantiate their comparisons between ice and heroin. For example, health journalist Louise Hall reported almost exclusively on the results of a survey of ice users conducted by Open Family Australia in *The Sun Herald* article titled, '*Crystal meth is worse than heroin*'.¹¹⁰ Hall reproduced certain research evidence that reflected the devastating effects of ice, particularly when compared to heroin. She drew heavily on comments by the chief executive of Open Family Australia Sue Renkin, who claimed:

*the community can suffer seemingly more drastic consequences from two ice addicts than 50 heroin users who might go largely unnoticed ... the ice epidemic threatened to impose an even greater burden on the health system than heroin.*¹¹¹

This article is critical to the examination of the 'ice worse than heroin' discourse strand for three reasons. The first is the use of the obvious textual 'truth claim', available in the article's headline. Renkin is telling the readers with conviction and a degree of certainty that ice is unequivocally a drug worse than heroin. Secondly, she supports this claim through the use of public health fragments to quantify the effects of ice on the community and argue that ice had reached epidemic proportions. The third is the continued use of the epidemic fragment in media text that reinforced the acceptability of its use into late 2007.

Crystal methamphetamine challenged the status long held by heroin as the most destructive and harmful drug available in Australia. It emerged in the media narrative as something far worse than heroin, a drug that has led to many deaths and diseases over the last several decades. This was achieved through the use of carefully chosen expert voices, research paper narratives or textual truth claims to present a particular image of the drug, or metaphor fragments such as scourge and epidemic to strengthen the construction of ice as something problematic. The combination of these fragments largely presented crystal methamphetamine as one of the most

¹⁰⁹ Article 169.

¹¹⁰ Article 300.

¹¹¹ Article 300.

catastrophic ‘epidemics’ in Australia’s drug history.¹¹² Through superficial parallels with heroin, ice became ‘... an attractive and easily comprehended menace’.¹¹³ The Moroney comments were perhaps the catalyst that facilitated a new way for media to report on this drug, and a new way for the general public and politicians to envisage it.

The appearance and repeated availability of the ‘uncertain environment’ and ‘ice worse than heroin’ discourse strands during the period of the study enabled the construction of ice to emerge and ultimately develop into a type of folk devil.

8.6 Ice: Modern-Day Folk Devil

‘Folk devils’, as demonstrated in Chapter 3, have been typically understood as a condition, group, episode or behaviour, perceived as some sort of moral threat. In his original analysis of the Mods and Rockers, Cohen argued that folk devils possess suitable characteristics ‘upon which society can project sentiments of guilt and ambivalence’.¹¹⁴ Examples of these characteristics as detailed by Garland include, but are not limited to, parental status (single parent), sexuality (gay men), health status (AIDS sufferer), immigration status (illegal immigrant), and so on.¹¹⁵ Other groups such as child sex offenders are typically singled out as folk devils because they possess a unique set of characteristics that makes them a deplorable group and therefore easily the subject of society’s fears and anxieties surrounding the vulnerability of children.¹¹⁶

These folk devils have traditionally appeared in media and sociological literature as ‘unambiguously unfavourable symbols’ that act as ‘visible reminders of what should not be’.¹¹⁷ Although conceptual ‘advancements’, such as those proposed by McRobbie and Thornton,¹¹⁸ have allowed folk devils to be imagined outside the strict confines of deviancy, they number only a few, as folk devils are still largely theorised

¹¹² See articles 172, 177 and 178.

¹¹³ Jenkins, *Synthetic Panics - the Symbolic Politics of Designer Drugs*, 107.

¹¹⁴ Garland, "On the Concept of Moral Panic," 15.

¹¹⁵ *Ibid.*, 14.

¹¹⁶ *Ibid.*, 15.

¹¹⁷ Stanley Cohen, *Folk Devils and Moral Panics: The creation of the Mods and Rockers*, 3rd ed. (London: Routledge, 2002), 37, 2.

¹¹⁸ See chapter three for a more detailed account of McRobbie and Thornton comments and analysis of the folk devil.

as the 'personification of evil'.¹¹⁹ Further, these advancements have also failed to engage with what it is that constitutes a folk devil, beyond the definition proposed by Cohen and other traditional moral panic theorists.

This section of the chapter presents the folk devil concept as a new type of evil, something outside the scope of moral panic that temporarily exists as part of the heightened response to ice over the period of the study. This concept emerges from the representation of ice as a drug worse than heroin and the uncertain environment that became certain.

8.6.1 Discourse Strands and the Folk Devil

The 'uncertain environment' was the first strand to illuminate ice as something potentially dangerous, risky and catastrophic. It presented a consistent flow of doom and gloom predictions about the drug, made visible through warning fragments by experts like former Justice Minister Amanda Vanstone, detailed earlier in this chapter.¹²⁰ Her warnings mirrored concern for the possible consequences and impact of ice on the community. They hinted at a possible methamphetamine invasion and singled out the drug for closer inspection and monitoring, at least by media initially.

Other warning fragments by law enforcement and health professional experts presented ice and its users as both dangerous and potentially harmful to the safety of police and medical personnel. These, coupled with warnings made by Police Commissioner Moroney in September 2006, highlighted the potential devastation of the drug and the immense threat it posed to everyone. This may have resonated most with groups such as parents given Moroney claimed ice had the potential to destroy generations.¹²¹ Such expert evidence was reproduced by media as 'adequate proof' that methamphetamine was indeed a threatening and dangerous substance.¹²²

¹¹⁹ Erich Goode and Nachman Ben-Yehuda, *Moral Panics - the Social Construction of Deviance* (Massachusetts: Blackwell Publishers, 1994), 28.

¹²⁰ Article 4.

¹²¹ Article 159.

¹²² Lupton, *Risk*, 46.

A demonised image of ice had thus gained traction in the media narrative. This was most noticeable when the drug was constructed as something worse than heroin.¹²³ Various metaphorical fragments such as epidemic, scourge and plague, as well as expert commentary that claimed ice created many 'addicts';¹²⁴ the physical effects of ice use were far worse than heroin (attacks organs, causing irreparable damage);¹²⁵ there were more 'ice addicts' in the community (more than double those on heroin);¹²⁶ or that the consequences for the community were far worse (when exposed to ice, rather than heroin users),¹²⁷ further verified the demonised construction of ice. Such comparisons were exceptional given that heroin was a symbol of death and destruction and had long held the status of the worst drug available in Australia.¹²⁸ Furthermore, not only had heroin *not* been compared so openly and so vehemently to any other illicit drug in Australia to date, but these constructions also allowed ice to be politically imagined outside the parameters of a harm minimisation policy approach.

8.6.2 The Folk Devil Image of Ice

This 'new evil' folk devil image of ice temporarily heightened the most threatening characteristics of the drug; it became instantly recognisable as a major threat through its invariable relationship to highly visible atypical events.¹²⁹ All mentions of the drug now centred on its 'exclusionary negative features', rendering the drug 'demonstrably deviant and stigmatized'.¹³⁰ It was now a 'demon drug',¹³¹ a 'pernicious evil',¹³² a 'disgusting chemical plague',¹³³ a 'killer party drug',¹³⁴ a 'vile

¹²³ Critcher, *Moral Panics and the Media*, 13.

¹²⁴ Public health professionals did not refer to dependent users as addicts.

¹²⁵ Article 58.

¹²⁶ Article 108.

¹²⁷ Article 300.

¹²⁸ James Rowe, "Heroin Epidemic! Drugs and Moral Panic in the Western Suburbs of Melbourne 1995-1996," in *Outrageous! Moral Panics in Australia* ed. Scott Poynting and George Morgan (Hobart: ACYS Publishing, 2007).

¹²⁹ Article 120.

¹³⁰ Erich Goode and Nachman Ben-Yehuda, *Moral Panics: The Social Construction of Deviance* 2nd ed. (Oxford: Wiley-Blackwell, 2009), 27-28.

¹³¹ Article 271.

¹³² Article 200.

¹³³ Article 183.

¹³⁴ Article 106.

drug',¹³⁵ a 'destructive drug',¹³⁶ 'insidious',¹³⁷ 'poor man's cocaine',¹³⁸ and a 'social menace'.¹³⁹

This drug, purported to be the most deadly chemical substance ever available in Australia, emerged as something exceptionally dangerous. It was both a chemical pollutant, potentially manufactured using cat litter, drain cleaner and rat poison,¹⁴⁰ and a symbolic pollutant, something that created fear and anxiety in society.¹⁴¹ It was, as Douglas described, 'matter out of place'.¹⁴² This was communicated in media texts through the use of highly emotive and at times inflammatory language that positioned ice as the 'greatest scourge on the community'.¹⁴³ Notably, its construction as a pollutant, something inherently anomalous, signified its potential to disrupt the order of things in society.¹⁴⁴

This folk devil image meant that the drug had to be removed from society in order to protect its members from further harm. This process is exemplified by Goode and Ben-Yehuda, who claim that once folk devils are:

*... engaged in wrongdoing; their actions undermine and subvert the moral order and harm society ... they must be stopped, their actions neutralized. Only an effort of substantial magnitude will permit us to return to normal.*¹⁴⁵

What followed was a strident media campaign that proposed 'eradication' as the best way to combat crystal methamphetamine. This campaign was encouraged and largely enabled by the two discourse strands discussed earlier in this chapter, coupled with the understanding of ice as a modern-day folk devil, a construction that positioned

¹³⁵ Articles 199, 200 and 201.

¹³⁶ Articles 265, 338.

¹³⁷ Articles 180, 184, 228, 246 and 271.

¹³⁸ Article 120.

¹³⁹ Article 200.

¹⁴⁰ "Meth Just Wants More Meth," The Crystal Meth BC Information Website, accessed March 22, 2016,

<http://crystalmethbc.ca/modules.php?name=News&file=categories&op=newindex&catid=3>

¹⁴¹ Hacking, "Risk and Dirt," 41.

¹⁴² Douglas, *Purity and Danger: An Analysis of Concept of Pollution and Taboo*, 44.

¹⁴³ Article 159.

¹⁴⁴ Mona Lynch, "Pedophiles and Cyber-Predators as Contaminating Forces: The Language of Disgust, Pollution, and Boundary Invasions in Federal Debates on Sex Offender Legislation," *Law and Social Inquiry* 27(2002): 539.

¹⁴⁵ Goode and Ben-Yehuda, *Moral Panics: The Social Construction of Deviance*, 28.

ice as a national threat. Calls for eradication in the media ultimately led to punitive and exclusionary policy responses that will be discussed in the next chapter. These images of ice encouraged a media campaign to remove ice from the streets of Sydney. This campaign was direct, intense and structured in a way that demanded an urgent political response.

8.7 Building the Case for Eradication

This folk devil image of ice emerged in the public discourse at a time where both the NSW and Federal Governments were considered socially unpopular and heading into elections. The NSW Government was embroiled in massive controversies surrounding various ministers throughout 2006 while the Federal Government had caused social unrest when it introduced major changes to the industrial relations laws.¹⁴⁶ Both tiers of government sought to address this drug through a punitive and risk framework. So the drug became a symbol of terror, a result of both society's trepidations and fears about methamphetamine, and the desire for both levels of government to win public support for their impending and respective elections.

This folk devil image positioned the drug as something so horrible that harm minimisation, the overarching national illicit drug policy directive of the Australian Federal Government, was considered an ineffective and inadequate framework from which to address ice. Instead, the image encouraged the development of an eradication discourse on crystal methamphetamine. In the following section, I engage with the media commentary that vocally supported this eradication discourse as the best social, law enforcement and political solution to the 'ice' problem in NSW. This commentary was largely aided by pervasive media constructions of ice as a drug worse than heroin that served to justify a need to remove this drug from society. This eradication commentary had a particular effect on the way ice was presented to state and federal policymakers, something that will be explored in Chapter 9.

¹⁴⁶ John Wanna, "Political Chronicles - Commonwealth of Australia: July to December 2006," *Australian Journal of Politics and History* 53, no. 2 (2007): 291.

8.7.1 Media and the Call for Eradication

Newspapers such as *The Sydney Morning Herald* and *The Daily Telegraph* have typically played an important role in informing the public of illicit drug issues. Information on these issues has generally appeared in articles, editorials or opinion pieces. In other instances, these newspapers have launched campaigns and exposés to raise awareness of illicit drug issues they consider to be of importance. Examples of such media campaigns include coverage of the ACT heroin prescription trial and the Kings Cross medically safe injecting room, both harm minimisation measures.¹⁴⁷ For example, in 1997, *The Daily Telegraph*, openly and successfully campaigned to overturn a decision made by the Ministerial Council on Drug Strategy (MCDS) to allow heroin prescription trials in the ACT.¹⁴⁸ Such campaigns exemplify the role of media in steering social and political discussion on issues they consider newsworthy to inform society and policymakers of 'what needs to be done'.¹⁴⁹

During the period of this study, both *The Sydney Morning Herald* and *The Daily Telegraph* launched campaigns to increase community awareness of ice and the dangers associated with its use. These newspapers claimed it was in the public's best interest to report on serious social issues such as the new drug 'ice'. While *The Sydney Morning Herald* highlighted the importance of treatment and supported options such as pharmacotherapy,¹⁵⁰ *The Daily Telegraph* launched a vocal campaign calling for the eradication of crystal methamphetamine. It is this campaign that forms the focus of the following section.

8.7.2 The Open Campaign for Eradication

The tabloid newspaper *The Daily Telegraph* played an instrumental role in shaping the direction of media commentary on methamphetamine. Producing almost 33% of all media articles (as evidenced in Chapter 5), published on issues pertaining to the

¹⁴⁷ Lawrence, Bammer, and Chapman, "Sending the Wrong Signal: Analysis of Print Media Reportage of the ACT Heroin Prescription Trial Proposal, August 1997"; J. Brough, "No Go: PM Blocks Act Heroin Trial," *The Sydney Morning Herald*, 20 August, 1997 1997.

¹⁴⁸ Lawrence, Bammer, and Chapman, "Sending the Wrong Signal: Analysis of Print Media Reportage of the ACT Heroin Prescription Trial Proposal, August 1997," 254.

¹⁴⁹ Warwick R. Blood, Jordan Williams, and Kerry McCallum, "Representations of Public Risk: Illegal Drugs in the Australian Press," *Media International Incorporating Culture and Policy* 108 (2003): 83.

¹⁵⁰ See articles 123 and 272.

drug over the period of the study, *The Daily Telegraph* became the leading print media voice on crystal methamphetamine. Several of its articles employed alarmist and sensationalised frames that used certain discursive language (e.g. metaphors like 'ice epidemic') to emphasise the dangers of the drug and position it as a major social risk.¹⁵¹ Using this approach in its commentary, this newspaper launched a state-wide campaign in October 2006 that openly sought the eradication of crystal methamphetamine. Following on Ken Moroney's comments in *The Australian* newspaper on 25 September 2006, *The Daily Telegraph* openly campaigned for government to remove this drug from the community.

The 'ICE AGE' campaign (original emphasis) appeared as a series of articles that presented the drug as something toxic and insidious that must be dealt with swiftly and harshly. Although the initial campaign narrative was perhaps indicative of a 'tough on drugs' justice approach to crystal methamphetamine, it quickly materialised into something different; it called for the 'eradication' of ice. This demand for eradication was firmly directed at all levels of government and the onus for the protection of the community was thus squarely placed at the feet of policymakers.

This type of media sentiment was echoed in several articles published by *The Daily Telegraph* and *The Sunday Telegraph*. The most direct of these articles titled, '*Our deadly new Ice Age*', contained numerous negative descriptors and metaphors, such as 'disgusting chemical plague' and 'powerful poison' to present a dangerous and risky image of crystal methamphetamine as a folk devil.¹⁵² Such an image, similar to the one presented by Jenkins in his analysis of the media constructed 'ice epidemic' in Hawaii during the 1990s,¹⁵³ made eradication a plausible and necessary solution to the ice problem.

The government was then instructed to remove crystal methamphetamine from society, as highlighted in the extract below:

¹⁵¹ Blood, Williams, and McCallum, "Representations of Public Risk: Illegal Drugs in the Australian Press," 82.

¹⁵² Article 183.

¹⁵³ Jenkins, *Synthetic Panics - the Symbolic Politics of Designer Drugs* 106.

*Governments must do everything possible to spread the message that ice is not a fun "party" drug. It is a powerful poison that has the potential to permanently destroy lives -- after even one use. Every step -- legal and medical -- must be taken to eradicate this modern-day blight on society, to protect those addicted to it and stop those who profit from their misery (emphasis added).*¹⁵⁴

Governments on every level were singled out to perform two main tasks; the first, to redefine the way ice should be imagined and referred to by its consumers, not as a party drug but as a dangerous drug, the second, to remove the 'modern-day blight on society'. These two tasks would supposedly protect the community from this so-called 'powerful poison'.¹⁵⁵

This eradication-focused rhetoric was subsequently reflected in *The Daily Telegraph* article titled, '*Ice, guns lethal mix*'.¹⁵⁶ This November 2006 piece was one of the most obvious attempts by media to navigate the public discourse on ice towards support for its removal from the community. The author used specific words such as 'terrifying', 'disturbing' and 'bleak' to describe the effects of ice in the community, and identified dependent users as persons '... [who] will turn to crime to satisfy their violent cravings'. This overtly negative commentary on the drug and its users was accompanied by authoritative language that demanded government take punitive action to remove ice. As highlighted in the below extract, the author dictated to government and law enforcement what was needed (a planned and executed eradication campaign) and demanded to know when this would be achieved. This was particularly explicit in the concluding remarks of the article:

*What is required now is a carefully planned and executed campaign to rid the community of this pernicious evil. Minister, Commissioner, let us have the plan.*¹⁵⁷

While some articles by *The Daily Telegraph* and *The Sunday Telegraph* were direct and openly advocated for the eradication of the drug, others were not as forthright. For example, *The Daily Telegraph* article titled, '*Scourge of "Ice"*' focused more on criticising harm minimisation as a measure to address crystal methamphetamine

¹⁵⁴ Article 183.

¹⁵⁵ Article 183.

¹⁵⁶ Article 200.

¹⁵⁷ Article 200.

rather than putting forth a position on whether to eradicate the drug from the community. In the opening sentence, the author claimed:

*advocates for harm minimisation as the best approach to illicit drugs should read today's report on the circumstances of 20 year old car jacker Sally Brennan. Sally's life is a disaster -- and the root cause is simple; she's a methamphetamine addict. Her life is consumed by her addiction.*¹⁵⁸

The last line of this article read:

*.. the help she needs is help to give up this killer drug, not help to use it safely. For that is impossible.*¹⁵⁹

This article was a dramatic portrayal of methamphetamine dependency and its link to criminality. The author sought to emphasise the catastrophic effects of the drug on the dependent user (presented as a 'methamphetamine addict') and her family in order to criticise the efficacy of harm minimisation as a solution to the ice problem. The 'safe use' of the 'killer drug' was considered 'impossible' as the drug produced 'methamphetamine addict[s]'. The commentary further added that 'Sally' required 'help to give up this killer drug'. The use of such emphatic language directed reader attention to the limitations of a harm minimisation response, and the need for a tough political stance to appropriately respond to this folk devil.

8.8 Conclusion

This chapter has explored the developing media commentary on crystal methamphetamine over the period 2000 to 2009. This commentary positioned the drug as something exceptionally dangerous that posed unique and irrevocable consequences for its users. It exposed ice as a major social threat and something best met through its removal. It did so by linking crystal methamphetamine to crime that was opportunistic, violent and random, even when some research evidence demonstrated no direct or causal relationship.¹⁶⁰ Methamphetamine emerged in print media as a dangerous drug and 'unacceptable' substance. This was largely

¹⁵⁸ Article 174.

¹⁵⁹ Article 174.

¹⁶⁰ McKetin et al., "The Relationship between Methamphetamine Use and Violent Behaviour," 1.

enabled through two discourse strands ('uncertain environment' and 'ice worse than heroin') that culminated in the construction of ice as a modern-day folk devil.

The media construction of methamphetamine as a serious threat and an increasing risk to society occurred gradually over the period of the study. It became most obvious following the high publicity afforded to major methamphetamine seizures by the AFP and Customs, the release of ground-breaking studies on the drug and its users (notably by authors McKetin et al.),¹⁶¹ and vocal admonitions towards the drug, its use, manufacture and distribution by health experts and law enforcement bodies. These were important markers in the methamphetamine narrative as they steered the media commentary towards a more confronting and accusatorial direction.

A number of media images of ice contributed to its risky presentation, the most prominent of these constructing it as a drug worse than heroin. Commentary that highlighted either a 'reluctant relief at an influx of heroin' or identified heroin as a safer drug to use than ice,¹⁶² presented a new way to imagine this newly emergent 'social menace'.¹⁶³ The media's persistent comparisons to heroin, a drug considered by many social and medical researchers as one of the worse to have ever appeared in the Australian drug landscape, contributed to the *risky* profile of the drug.

This construction was accompanied by several dramatic and fanciful metaphorical fragments such as 'plague', 'scourge' and 'epidemic', that heightened the threat posed by crystal methamphetamine, and confirmed the existence of an ubiquitous risk capable of affecting the entire community.¹⁶⁴ This sort of media rhetoric which generated an 'insatiable sense of fear and anxiety' was aided by the existence of an uncertain environment in the early years of the study. Ultimately, these images of ice resulted in its construction as a folk devil. It emerged as a viable threat, prone to immediate identification as a dangerous drug that could only be reconciled through eradication.

¹⁶¹ See McKetin et al., "Estimating the Number of Regular and Dependent Methamphetamine Users in Australia."

¹⁶² Article 59.

¹⁶³ Article 200.

¹⁶⁴ Pratt, "Elias, Punishment and Decivilization."

The media thus slowly built a case for eradication that centred on the use of shocking personal stories that captured the detrimental effects of the drug on both the individual and the community. These stories regularly appeared in the media texts and were a way to 'inform' readers and urge policymakers that eradication was the best way to combat the ice 'scourge'. Given the persistently negative media commentary on crystal methamphetamine, it almost became implausible for governments to consider the drug outside the scope of eradication.

Newspaper readers and policymakers were thus faced with a media rhetoric that supported the eradication of methamphetamine as the most suitable and viable way to address the drug. The use of truth claims and retrieval cues to support this narrative presented a filtered view of reality; ice was ubiquitous, catastrophic, dangerous, a 'pernicious evil'¹⁶⁵ and 'powerful poison'.¹⁶⁶ This myopic way of envisaging the drug had broad implications for legislators and policymakers who sought to respond to ice through largely punitive and populist measures.

The print media's open campaign for eradication, led by *The Daily Telegraph*, was an attempt to encourage a tough law and order response to crystal methamphetamine, given the populist view that urged further regulation,¹⁶⁷ and to steer the policy debate on this controversial illicit drug towards its removal.¹⁶⁸ Given that both the NSW and Federal Governments were nearing crucial elections, it appeared the most appropriate time for policymakers to support a tough on drugs approach to address crystal methamphetamine. The intensified media campaign on methamphetamine over the period 2000 to 2009 encouraged a NSW and Federal Government response that largely centred on its control and eradication, rather than its management. The following chapter critiques key methamphetamine-related policies and laws in order to evaluate the role of media in shaping and shifting them during the period of analysis.

¹⁶⁵ Article 200.

¹⁶⁶ Article 183.

¹⁶⁷ Australian Institute of Health and Welfare, "2007 National Drug Strategy Household Survey Results - Detailed Findings," Drug statistics series no. 22. (Canberra: AIHW, 2008), 86.

¹⁶⁸ Article 199.

9 Policy, Law and the 'New Ice Risk'

9.1 Introduction

This chapter examines the relationship between policies and laws on methamphetamine and media constructions of methamphetamine over the period of the study. It does so by drawing on the dominant discourses and discourse strands identified in the 'methamphetamine user', 'the enforcers' and 'the folk devil drug' chapters. Its aim is three-fold; one, to introduce and then discuss the relevance of the risk environment; two, to present the main components of the media image of methamphetamine identified in earlier sections of this thesis to reveal how this rhetoric was translated into policy and law; and three, to explore the major implications of these policy responses to the new ice risk.

The risk environment will be examined first. Drawing on previous discussions of risk and risk society put forward in Chapter 3, I argue that the 'risk environment', as proposed by Giddens, is a manufactured uncertainty that produced a heightened sense of insecurity in the Australian community. Such an environment generated a culture of control, as evidenced by the 'criminology of the other' and 'criminologies of everyday life' that informed the way governments perceived and responded to controversial issues like illicit drugs.

The chapter then turns to a discussion of 'new risks'. Drawing on the works of Giddens and Beck who examine the emergence of these risks in our society, I introduce the 'new ice risk', the convergence of the dominant media discourses of 'methamphetamine user', 'the enforcers' and 'the folk devil drug', and their respective strands, and argue that this convergence is critical given it encouraged an urgent social dialogue about ice. This presented policymakers with an important challenge: how to best address this new ice risk.

A summary of six policy and legislative instruments enacted or amended during the period of the study will follow. These instruments showed the greatest impact of media on policy, while others, such as the rescheduling of pseudoephedrine in 2006, or the third phase of the National Drugs Campaign in 2007, revealed only a minor

impact from media and therefore are not analysed in this chapter. I revisit the same policy documents and laws, but examine different aspects to draw out the link with relevant media discourses and strands. These laws and policies are then critiqued in order to evaluate the nexus with media. I will then discuss the policy implications of the new ice risk.

No policy developments during the study period contravened the media image put forward in this chapter. In other words, no laws or policies were introduced during the years of the study that reflected competing discourses or contradictory images of ice. Previous research, discussed in Chapter 1, exposed the strategic role played by media in creating policy shifts and steering policy debates on illicit drug issues in general. This impacted on how we acknowledge, identify and imagine social actors like media in the policy arena.

Figure 33 below outlines the key features of the analysis presented in this chapter. It highlights the main media discourses and their respective discourse strands (identified in chapters six, seven and eight), and shows the relevant policies and laws in which these discourses and strands are reproduced. Only the media strands and discourses that were clearly taken up in these policies and laws are presented below. For example, some discourse strands that I have examined above, such as 'uncertain environment' were not reproduced in law or policy, largely because they could not be governed by law and policy.

One noticeable limitation of this diagram is that it does not acknowledge the circularity of discourses evident within the policy making process. However, this circularity is discussed on pages 276 – 278 of this chapter. The diagram therefore appears linear in order to show the primary directions of the media and policy relationship analysed in this chapter, but clearly, the nexus between media and policy is not simply a linear one.

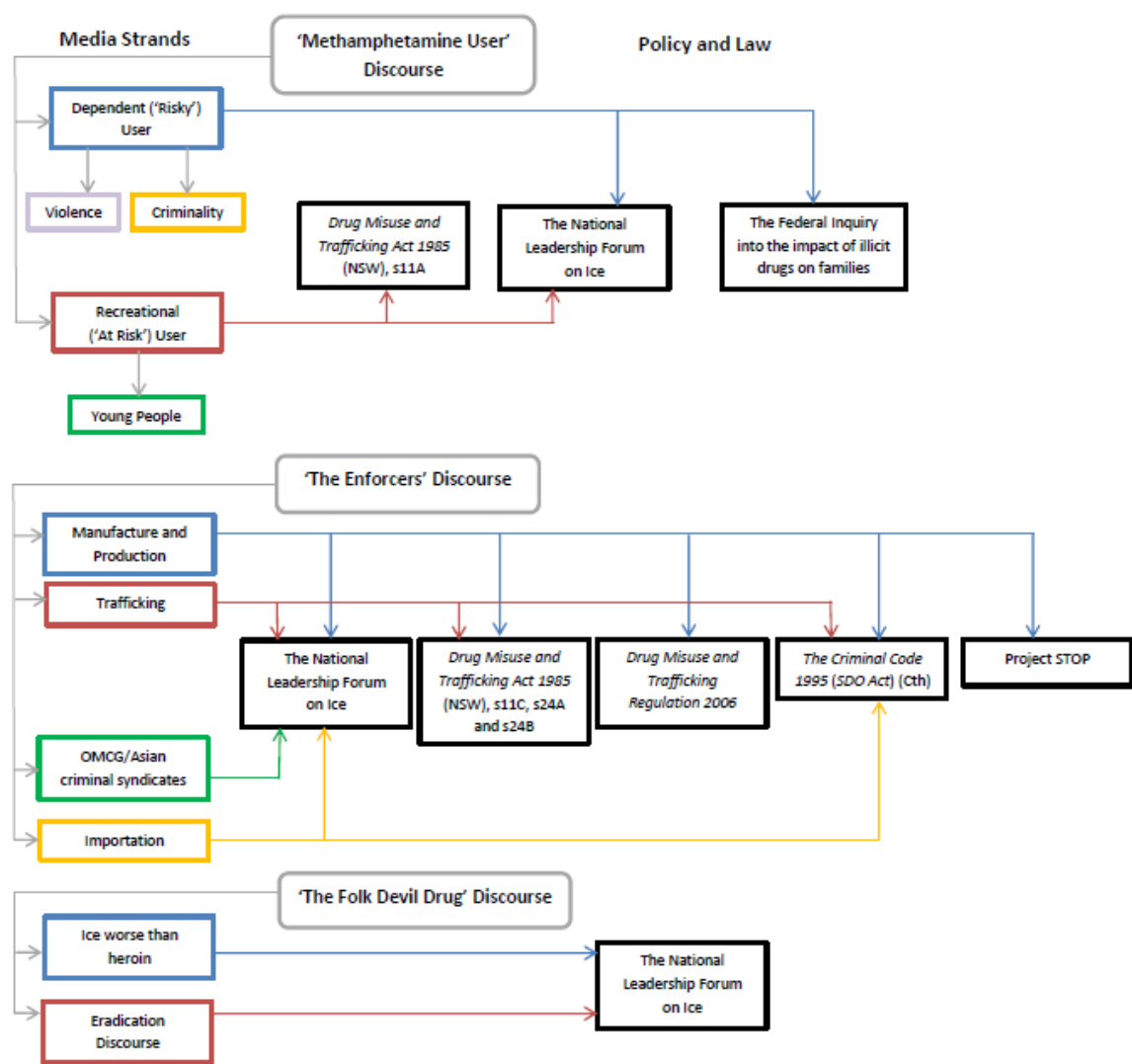


Figure 33: Discourses, respective strands, and corresponding laws and policies

9.2 The Risk Environment

Giddens' work, titled *The Consequences of Modernity*, was the first to describe the risk environment as one 'structured mainly by humanly created risks'.¹ In subsequent works, namely *'Modernity and Self-Identity'*, he suggests that since we live in a 'universe of high modernity', by default we live in environments of 'chance and risk'.² This environment, he claims, is important to modern constructions of risk, given it produces an anxiety and uncertainty about the future that is constantly under amplification.

¹ Anthony Giddens, *The Consequences of Modernity* (Cambridge: Polity Press 1990), 111.

² Giddens, *Modernity and Self-Identity*, 109.

Giddens distinguishes the risk environment of pre-modern cultures from that of modern cultures by offering three characteristics that determine the level of threat and/or danger.³ Those relevant to a modern 'environment of risk' are: one, the 'threats and dangers emanating from the *reflexivity* of modernity'; two, 'the threat of *human violence* from the industrialisation of war; and three, 'the threat of *personal meaninglessness* deriving from the reflexivity of modernity as applied to the self'.⁴ Of relevance to the forthcoming analysis is the first characteristic, given this type of reflexivity has made us more self-aware and thus reflective and reflexive of the dangers and threats around us.

Although such analysis enriches our understanding of this 'modern' risk environment, history, Giddens claims, has 'provide[d] us with very little previous experience' of it, the risks it produces, and how to calculate them.⁵ Although we know that these modern risks are 'humanly created',⁶ stem from the 'created environment', and lead to a 'greater awareness of risk as risk', there exists an unknowingness and ambiguity about them that generates a 'new riskiness to risk'.⁷ This encourages practices of exclusion, and segregation, noticeable when we inspect the outcomes of a 'culture of control', explained later in this chapter, which emerged as a result of the changing global landscape on crime.⁸

Consequently the nature of risk, according to Giddens, has fundamentally altered.⁹ Risks have become more globalised, are rapidly expanding, and are no longer confined to the local. These new risks have surfaced in our modern world and are now most visible in 'institutionalized risk environments'. Therefore 'risk is not just a major individual action', but part of 'environments of risk' which 'collectively affect

³ Giddens, *The Consequences of Modernity*, 102.

⁴ *Ibid.*, 102.

⁵ Giddens, "Risk and Responsibility," 4.

⁶ Giddens, *The Consequences of Modernity*, 111.

⁷ Giddens, "Risk and Responsibility," 4.

⁸ Garland, *The Culture of Control: Crime and Social Order in Contemporary Society*.

⁹ For a more detailed analysis of the link between risk and security, see Giddens, *Modernity and Self-Identity* and Giddens, *The Consequences of Modernity*.

masses of individuals- in some instances, potentially everyone on the face of the earth'.¹⁰

Ultimately, this modern risk environment allows for new risks to develop in our society that intrude on our everyday life.¹¹ This is an inevitable outcome of an anxious society, 'increasingly preoccupied with the future' given its constant exposure to both new and old risks.¹² These risks, increasingly made visible by groups like media,¹³ are then identified, magnified, and dramatised by them,¹⁴ and, in turn, are 'managed' through new political strategies implemented to challenge them.¹⁵

9.2.1 Risk in Policy Making: The Precautionary Approach

Risk plays an important part in the way governments respond to vulnerable persons or problematic issues. The concept of risk is used by policymakers as a technology of governance to manage segments of the population and social problems.¹⁶ It allows governments to view, analyse and problematise an issue by imagining it in ways that make it governable.¹⁷

Government and policymakers have long been preoccupied with preventing, minimising, and/or managing risk. Like Giddens, Lupton notes that this obsession is a consequence of modernity,¹⁸ whereas Castel claims it is based on a need to exert absolute control over the unpredictable and the accidental. Such an obsession, Castel asserts, is built upon:

a grandiose technocratic rationalizing dream of absolute control of the accidental, understood as the irruption of the unpredictable...thus a vast hygienist utopia plays on the alternate registers of fear and security, inducing a delirium of rationality, an absolute

¹⁰ Giddens, *The Consequences of Modernity*, 35.

¹¹ Giddens, "Risk and Responsibility," 4.

¹² Giddens, "Risk Society: The Context of British Politics," 27.

¹³ Cottle, "Ulrich Beck, 'Risk Society' and the Media- A Catastrophic View?" 8.

¹⁴ Beck, *Risk Society: Towards a New modernity*, 22-23.

¹⁵ Giddens, "Risk and Responsibility," 5.

¹⁶ Deborah Lupton, *Risk and Sociocultural Theory- New Directions and Perspectives* (Cambridge: Cambridge University Press 1999), 4.

¹⁷ Pat O'Malley, "Governmentality and Risk," in *Social Theories of Risk and Uncertainty* ed. Jens O Zinn (Canterbury: Blackwell Publishing, 2008), 5.

¹⁸ Lupton, *Risk*, 9.

*reign of calculative reason and a no less absolute prerogative of its agents, planners and technocrats, administrators of happiness for a life to which nothing happens.*¹⁹

Castel highlights the importance policymakers place on the prevention, management and control of risk. They are often guided by an agenda that seeks to control that which is 'anomalous' or 'dangerous' because public images of risk can 'legitimate policy or discredit it', and therefore must be met with an urgent response.²⁰ The state thus assumes the role of risk manager who governs risk through 'extensive regulation'.²¹

Franklin refers to this approach as the precautionary principle:

*a political mechanism which enables politicians to take precautionary action in situations where there is any reasonable doubt of risk to public health...without waiting for conclusive scientific proof.*²²

Here, Franklin claims that the need to address risks surpasses that of scientific evidence, which determines (through research) the extent or impact of individual risk on the community, for example. As a result, experts have been undermined, scientific knowledge has become deficient, and risk has become highly politicised.²³

Geitstfeld notes that Franklin's precautionary principle suggests that any uncertainty surrounding risk is best addressed through regulation. He builds on this definition (although discussed in the context of environment law) by claiming:

¹⁹ Castel, "From Dangerousness to Risk," 289.

²⁰ An example of this urgent response to issues deemed risky is former Prime Minister Tony Abbott's commentary and position that raised Australia's terrorism threat level to high in September 2014. The risk of terrorism in Australia was high and therefore an urgent political response was required to appropriately address the issue. See <http://www.smh.com.au/federal-politics/political-news/terror-risk-high-tony-abbott-announces-increase-in-national-terrorism-public-alert-system-20140912-10g1mz.html>; Douglas, *Risk and Blame: Essays in Cultural Theory*, 26.

²¹ Hacking, "Risk and Dirt," 26.

²² Jane Franklin, "Introduction," in *The Politics of Risk Society* ed. Jane Franklin (Cambridge: Polity Press, 1998), 4

²³ O'Malley, "Uncertain Subjects: Risk, Liberalism and Contract," 461.

any uncertainty regarding the hazardous properties of a substance or activity ought to be resolved in a manner that favors regulation (and the associated possibility of risk reduction).²⁴

He elaborates further to emphasise that 'regulators can control stringently or ban a substance on the grounds that it is potentially hazardous, even if the underlying scientific data are inconclusive'.²⁵ In other words, policymakers are increasingly preoccupied with the need to reduce, prevent and manage *potential* risks, regardless of whether or not evidence supports the magnitude of such risks.

In the context of criminal justice, Garland explains how this 'precautionary principle' functions as a regulatory instrument to shape policy responses to issues considered risky.²⁶ Such 'reactive policy making', he claims, emerges when politicians evaluate policy measures on popular appeal rather than evidence, and do so during election time and in full view of media. These politicians, according to Pratt, are led by community fears and concerns, and must therefore appear to be active and engaged in public rhetoric.²⁷ This way of creating policy, Garland suggests, is:

...often reactive, triggered by special events.... As a consequence they [policy initiatives] tend to be urgent and impassioned, built around shocking and atypical cases and more concerned to accord with political ideology and popular perception than with expert knowledge or the proven capacities of institutions.²⁸

Media often trigger or reinforce this type of policy making by announcing special events and presenting atypical and shocking cases as typical. They can present issues as threats or crises, enlarge the risks we face,²⁹ and reframe a local problem into something of national importance that demands swift and urgent government

²⁴ Mark Geistfeld, "Reconciling Cost-Benefit Analysis with the Principle that Safety Matters More than Money," *New York University Law Review* 76, no. 1 (2001): 119.

²⁵ *Ibid.*, 174.

²⁶ David Garland, "The Rise of Risk," in *Risk and Morality* ed. Richard V. Ericson and Aaron Doyle (Toronto: University of Toronto Press, 2003), 76.

²⁷ Pratt, *Punishment and Civilization: Penal Tolerance and Intolerance in Modern Society*, 82, 166; Pratt, "Elias, Punishment and Decivilization," 266.

²⁸ Garland, *The Culture of Control: Crime and Social Order in Contemporary Society*, 111-2.

²⁹ Pratt, *Punishment and Civilization: Penal Tolerance and Intolerance in Modern Society*, 183.

intervention.³⁰ This is most obvious during election times when media can actively and visibly set the agenda by 'highlight[ing] important election issues'.³¹

Consequently, this fosters policy making that is conducive to social conditions where expert knowledge is at times ignored in favour of a more sensationalised and impassioned media rhetoric. It also draws attention to the messy bottom-up process of negotiation and debate between groups like media and policymakers on controversial issues.

9.3 The 'Culture of Control'

Garland argues that the 'culture of control' emerged as a reaction to the inherent problems with penal modernism. It is the outcome of a 'series of adaptive responses to the cultural and criminological conditions of later modernity' such as 'crime and insecurity' (concern about the family and anxiety about crime). Such conditions have led to the advent of emergent criminologies of control, as discussed in Chapter 3.³² One such criminology, the 'criminology of the other', signifies a 'punitive turn in contemporary penalty', whereas another, the 'criminologies of everyday life', offers more practical approaches to crime control that are non-punitive in nature.³³ Ultimately these criminologies, as noted by Garland, 'respond to, and further entrench, the culture of control that has increasingly taken hold of public discourses about social and criminal issues'.³⁴

More explicitly, the concept of the 'criminology of the other' refers to a society threatened by 'dangerous others', and so concerns itself with its own defence against these persons;³⁵ whereas the 'criminologies of everyday life' offer an approach to social order that accepts the exclusion of groups so long as this produces 'a more

³⁰ Philip Jenkins, "The Ice Age: The Social Construction of a Drug Panic," *Justice Quarterly* 11, no. 1 (1994); Suzanne Fraser and David Moore, "Governing Through Problems: The Formulation of Policy on Amphetamine-Type Stimulants (ATS) in Australia," *International Journal of Drug Policy* 22, no. 6 (2011), 499.

³¹ Ariadne Vromen, Katharine Gelber and Anika Gauja, *Powerscape: Contemporary Australian Politics* (Sydney: Allen and Unwin 2009), 183.

³² Garland, *The Culture of Control: Crime and Social Order in Contemporary Society*, 184.

³³ *Ibid.*, 142, 184, 187.

³⁴ *Ibid.*, 185.

³⁵ *Ibid.*, 184.

integrated and well-run system'.³⁶ These cultural and criminological shifts, part of what Garland describes as the 'crime complex', have ushered in exclusionary and concern-based policy responses committed to social control;³⁷ and the monitoring, surveillance and risk management of those considered risky or 'at risk' subjects.³⁸

This culture of control must be understood within the broader risk environment that I have outlined above. This control culture encourages urgent policy responses that largely favour exclusion, fortification and segregation to 'maintain' social order and control.³⁹ Next I examine how government responses to issues such as border security, the changing nature of summary offences, and illegal drugs over the last several decades reflect aspects of these cultures of control. This allows us to observe how contemporary policy reactions to methamphetamine were part of a wider political response to vulnerable and risky groups, largely governed through a restrictive and at times punitive lens.

9.3.1 Border Control

Border control, as opposed to border security, is an example of how a social and international culture of control became part of government responses to vulnerable persons who threatened particular forms of the larger prevailing social order in Australia. For example, in 2001 the Howard Government introduced immigration policies directed at asylum seekers that were considered by human rights groups to be punitive, controversial and in contravention of various UN treaties and conventions to which Australia was a signatory. A 'turn back the boats' policy, framed as the 'Pacific Solution', was implemented to address boat arrivals to Australia. This tough policy was met with criticism, particularly following the release of a report by Justice P.N. Bhagwati, the Regional Advisor for Asia and the Pacific of the United Nations High Commissioner for Human Rights, who claimed it contravened the

³⁶ Ibid., 183.

³⁷ Ibid., 197.

³⁸ Ibid., 193.

³⁹ Ibid., 194.

International Covenant on Civil and Political Rights and the UN Convention on the Rights of the Child.⁴⁰

By implementing exclusionary practices such as this, such 'criminologies of everyday life' measures etched a particularly hard-line figure of the Federal Government and its position on governing vulnerable persons like asylum seekers.⁴¹ They did, however, provide this Government with a way to restore both public approval and government authority through a valued electoral motif: the protection of Australian borders from 'unknown' asylum seekers who were arriving in Australia by boat and not through proper administrative immigration channels.⁴² Their rejection as part of the 'Pacific Solution' was deemed a successful political strategy, given it secured the Howard Government's third term in Federal office.⁴³

9.3.2 Law and Order

Within this prevailing culture of control, law and order responses to other vulnerable persons emerged in several states and territories of Australia during the 1990s. For example, in 1996, mandatory sentencing laws came into effect through changes to the Western Australia *Criminal Code Act 1913* (WA). This legislation was extended to now include juveniles in 'circumstances of aggravation', as specified in s 400 (1).⁴⁴ The following year, changes to the Northern Territory *Sentencing Act 1995* (NT) by way of s 78A took effect. Certain property offences now invoked a mandatory sentence, available on a first offence.⁴⁵ Other tough measures such as boot camps also

⁴⁰ Justice P.N. Bhagwati, "Human Rights and Immigration Detention in Australia": (United Nations, 2002), 15-19.

⁴¹ In this instance, the most vulnerable groups are identified as illicit drug users and asylum seekers (notably children).

⁴² Loic Wacquant, "The Great Penal Leap Backward: Incarceration in America from Nixon to Clinton," in *The New Punitiveness: Trends, Theories, Perspectives* ed. John Pratt, et al. (Devon: Willan Publishing, 2005), 17.

⁴³ Jane McAdam and Kate Purcell, "Refugee Protection in the Howard Years: Obstructing the Right to Seek Asylum," *Australian Year Book of International Law* 27 (2008): 96; Karin Fathimath Afeef, "The Politics of Extraterritorial Processing: Offshore Asylum Policies in Europe and the Pacific," RSC working paper no. 36. (Oxford: Refugee Studies Centre, 2006), 13-14.

⁴⁴ For further information regarding this legislation, refer to Section 401 (4) of the *Criminal Code Act 1913* (WA) that outlines offences related to 'circumstances of aggravation'. such as being armed with a dangerous weapon; being in company with other persons; causing bodily harm; threatening to kill or injure.

⁴⁵ Law Council of Australia, "The Mandatory Sentencing Debate," (Sydney: Law Council of Australia, 2001), 4.

appeared as 'appropriate' government responses to young offenders in Queensland.⁴⁶

In NSW, changes in the criminal law, most notably the introduction of strict liability offences, reversed the burden of proof for some offences by placing it on the accused, thus eroding principles of justice.⁴⁷ This was not limited to drug offences, but also extended to offences under the *Summary Offences Act 1988 (NSW)*,⁴⁸ *Graffiti Control Act 2008 (NSW)*⁴⁹ and *Crimes (Criminal Organisations Control) Act 2009 (NSW)*.⁵⁰ Such changes to territory and state statutes signified a departure from more traditional criminal law principles such as the burden of proof and the presumption of innocence.

9.3.3 Illicit Drug Use

Prior discussions in this thesis identified how shifting political ideologies on illicit drugs in general have transformed over the years. An historical analysis of national and international illicit drug policy and laws proffered in Chapter 2 presented an opportunity to critically capture the often rapid amendments made when different political parties acquired office. Perhaps the most striking change in Australia occurred in 1985 when the then Hawke Labor Government introduced harm minimisation as the new illicit drug policy framework. This drug policy directive sought to reduce the supply of and demand for illicit drugs, and any associated harms to the users and community. What followed was a rise in restrictive policy developments on illicit drugs in Australia.

In the mid-1990s, mounting evidence that heroin use and overdose fatalities were increasing appeared in public health publications.⁵¹ This was coupled with disturbing

⁴⁶ Terry Hutchinson and Kery Richards, "Scared Straight: Boot Camps for Queensland," *Alternative Law Journal* 38 no. 4 (2013).

⁴⁷ Brown et al., *Criminal Laws - Material and Commentary on Criminal Law and Process of New South Wales*, 391.

⁴⁸ Examples include s 11F (sale of knives to children); s 11FA (custody or use of laser pointer in public place)

⁴⁹ Examples include s 7 (Sale of spray paint cans to persons under 18; s 4 (Damaging or defacing property by means of graffiti implement).

⁵⁰ Examples include s 26 (Association between members of declared organisations subject to interim control order or control order).

⁵¹ Wayne Hall and Shane Darke, "Trends in Opiate Overdose Deaths in Australia 1979-1995," *Drug and Alcohol Dependence*, 52 (1998).

reports that showed heroin users were introduced to the drug at a young age.⁵² Such trends in the illicit drug market sparked concerns that heroin was now more readily available in the community.⁵³ In 1997, *The Daily Telegraph* led a campaign to reject the ACT heroin trial, a harm minimisation approach to heroin use approved by the Australian Ministerial Council on Drug Strategy.⁵⁴ The newly elected Howard Government reacted to these public concerns by rejecting the ACT heroin trial, claiming that its support would 'send the wrong signal to the community'.⁵⁵ Possibly encouraged by the media's commitment to images of heroin users that misrepresented the complexities involved in heroin consumption, the Howard Government signalled its support of a 'zero-tolerance' approach towards heroin and its departure from harm minimisation as a public health drug policy position.⁵⁶

A restrictive federal government response to illicit drugs had thus unfolded and led to changes in the illicit drug landscape in the early part of the twenty-first century. Such changes included the successful reduction of the availability of heroin in the market, a result of a federal government budgetary injection into tough law enforcement measures. These measures disrupted heroin importation at the border, led to a decrease in the purity level of heroin, and an increase to its price per gram, notably in Victoria, South Australia and New South Wales.⁵⁷ These measures caused major shifts in the domestic illicit drug market, resulting in the heroin drought of 2000.⁵⁸ Although these changes meant that less heroin was available in the community, they

⁵² Shane Darke, Sharlene Kaye and Joanne Ross, "Transitions Between the Injection of Heroin and Amphetamines," *Addiction* 94, no. 12 (1999): 1795-6.

⁵³ Jodie Brough, "No Go: PM Blocks ACT Heroin Trial," *The Sydney Morning Herald*, 20 August 1997.

⁵⁴ Lawrence, Bammer, and Chapman, "Sending the Wrong Signal: Analysis of Print Media Reportage of the ACT Heroin Prescription Trial Proposal, August 1997."

⁵⁵ *Ibid.*, 254.

⁵⁶ Alex Wodak, "Is the Howard Government Tough on Drugs?" Social research briefs no. 7 (National Centre in HIV Social Research, 2004).

⁵⁷ Degenhardt, Day, and Hall, "The Causes, Course and Consequences of the Heroin Shortage in Australia," xv.

⁵⁸ *Ibid.*, xv.

inadvertently brought about a transition from heroin use to other drugs such as cocaine, benzodiazepine and methamphetamine.⁵⁹

Drawing on these examples, we see that Australian Governments were governing a diversity of 'risky' and 'at risk' persons through a zero tolerance lens, centred, for example, on the protection and control of Australian borders, Sydney's streets and the broader community. Such examples of 'criminology of the other' strategies show how control and 'public protection', part of the larger risk environment, had become tools of political and social governance of vulnerable and 'risky' subjects.⁶⁰ These emerged as part of a new and changing world that sought to monitor or exclude those considered potentially dangerous.⁶¹ This, according to Garland, showed the:

*risky, insecure character of today's social and economic relations in the social surface that gives rise to [a] newly emphatic, overreaching concern with control and to the urgency with which we segregate, fortify and exclude.*⁶²

This contemporary 'culture of control' ushered in situational controls and technologies to address heroin users, asylum seekers and young people, most visible when John Howard acquired Federal Office in March 1996. These control measures emerged as a result of an apparent urgency to manage and minimise particular risks in society (around vulnerable and threatening groups of people). The assumption followed that such risks were best responded to through: one, the 'criminology of the other', a new criminology of control⁶³ that espoused situational controls and technologies like reactive policy initiatives, and tougher legislation (e.g. law and order issues and illicit drugs discussed above); and two, the 'criminologies of everyday life', that fostered approaches such as zero tolerance (e.g. illicit drugs and border control), so long as these approaches minimised opportunity for deviance and therefore allowed the criminal justice system to run more smoothly. Both criminologies offered

⁵⁹ Don Weatherburn et al., "The Australian Heroin Drought and its Implication for Drug Policy," Contemporary Issues in Crime and Justice Bulletin no. 59. (Sydney: NSW Bureau of Crime Statistics and Research, 2001), 10.

⁶⁰ Garland, *The Culture of Control: Crime and Social Order in Contemporary Society*, 186.

⁶¹ *Ibid.*, 132 and 193-4.

⁶² *Ibid.*, 194.

⁶³ *Ibid.*, 187.

approaches that sought to negate the risks posed by heroin, its users, young people and asylum seekers.

9.4 New Risks

New risks are characterised by their 'unpredictable and uncontrollable but invisible' nature,⁶⁴ and develop as part of a risk society,⁶⁵ or as Giddens claims, a larger risk environment. According to Beck, new risks are a consequence of increasing risk awareness in our lives that may appear unmanageable or even ungovernable.⁶⁶ They have emerged as a result of human progress, evidenced by technology and science, both of which offer an abundance of possibilities, but at the same time provide an abundance of uncertainty that cannot be 'solved' by 'further scientific advance'.⁶⁷

Essentially, these new risks can transform from an individual to a collective level, as presented by Moldrup and Morgall in their example of genetic testing and the social and regulatory issues (new risks) brought about by new genetic technologies such as the BRCA analysis test. This test, although able to inform women from families with breast cancer whether they carried the 'gene defect', presented a number of 'new risks' concerning the confidentiality and privacy of persons who tested positive. One such risk was the potential for health insurance companies to discriminate against healthy women on the 'basis of their genetic predisposition'.⁶⁸ This promoted calls from former US President Clinton for regulation to make it illegal for health insurance companies to engage in such forms of discrimination. Consequently, as Beck states, these new risks and their ability to move from the individual to the collective level have increased our risk awareness that appears to have penetrated our daily lives.⁶⁹

⁶⁴ Hier, "Risk and Panic in Late Modernity: Implications of the Converging Sites of Social Anxiety," 7.

⁶⁵ Claus Moldrup and Janine Mary Morgall, "Risk Society- Reconsidered in a Drug Context," *Health, Risk and Society* 3, no. 1 (2001): 71.

⁶⁶ Ulrich Beck, "Word Risk Society and Manufactured Uncertainties," *IRIS- European Journal of Philosophy and Public Debate* 1, no. 2 (2009).

⁶⁷ Giddens, "Risk and Responsibility," 4.

⁶⁸ Moldrup and Morgall, "Risk Society- Reconsidered in a Drug Context," 60-71.

⁶⁹ Beck, "Word Risk Society and Manufactured Uncertainties."

We face these new risks every day via social and economic changes connected with our transition to a post-modern world.⁷⁰ As a result, these new risks have become ubiquitous to the extent that politicians may be forced to admit their existence, given the 'political costs of omission are much higher than the costs of overreaction'.⁷¹ Such risks, Beck claims, 'do not respect nation-state or any other borders', are not confined to environment or health areas, and include those that affect our contemporary life. These types of new risks have the capacity to garner prominence and rise to the top of policy agendas.⁷²

In the sections that follow, I will argue that within the larger risk environment and broader culture of control set out above, ice emerged as one of these 'new risks'. In particular, I will suggest that media made a specific contribution to the emergence of this risk through the discourses and discourse strands they generated on ice. It is the convergence of these discourses that influenced policies and laws on methamphetamine that were enacted during the period of my study.⁷³ This convergence is central to my argument and will inform the analysis of the media and policy relationship that will follow. In order to support this argument, I will need to firstly outline these policies and laws.

9.5 Methamphetamine Policies and Laws

The period 2000 to 2009 was a time of significant law and policy making around methamphetamine. A select number of key methamphetamine-related policies and laws are included for analysis in this study. As discussed in the methods chapter of this thesis, these instruments met strict criteria for inclusion: one, they were enacted or amended during the period of the study (2000 to 2009); and two, they focused either exclusively or predominately on methamphetamine and/or related precursor chemicals used in its manufacture.

⁷⁰ Peter Taylor-Gooby, "New Risks and Social Change," in *New Risks, New Welfare: The Transformation of the European Welfare State* ed. Peter Taylor-Gooby. (New York: Oxford University Press, 2004), 2-3.

⁷¹ Ulrich Beck, "Living in the World Risk Society," *Economy and Society* 35, no. 3 (2006): 335-6.

⁷² Ungar, "Moral Panic Versus the Risk Society: The Implications of the Changing Sites of Social Anxiety," 273.

⁷³ The main discourses and discourse strands in chapter six: methamphetamine (dichotomous user), recreational user, dependent (addict) user; chapter seven: law enforcement, manufacturers, producers, traffickers, importers, OMCGs, Asian criminal syndicates; chapter eight: ice (the drug itself), uncertain environment and ice worse than heroin.

In order to capture and critically analyse the media to policy translation that will form the remainder of this chapter, the following section sets down six major policies and laws (three policies and three laws), all of which were introduced in Chapter 2. This section only documents the most pertinent aspects of each law and policy that will be then critically analysed later in the chapter. These six items are detailed below.

9.6 Policies

9.6.1 The National Leadership Forum on Ice (The Forum)

On 19 October 2006, Premier Iemma announced in NSW Parliament that a Forum would be held later that year to address ice. On the same day, he issued a media release titled *'Iemma calls for National Forum on 'Ice' Crisis'*⁷⁴ that included draft terms of reference (TOR) stating the Forum should:

- *investigate how 'ice' is getting into Australia, how it is being transported around Australia, and how the ingredients and equipment to manufacture 'ice' are being obtained;*
- *investigate how law enforcement responses should be enhanced to fight dealing, manufacture and use of 'ice';*
- *find solutions to keep our borders secure and stop illegal manufacturing operations;*
- *consider whether our laws and the penalties they contain are strong enough to deal with 'ice';*
- *investigate how the spread and use of this drug can be prevented, and how community action could contribute to combating this drug;*
- *identify measures to increase the ability of the health system, and other social services, to cope with 'ice', including examination of available treatment and support options for those affected and their families;*
- *examine whether special measures are required to keep our young people safe from this scourge;*
- *identify national coordination mechanisms to ensure that solutions are found and disseminated, and emerging trends can be monitored and solutions identified and implemented early.*⁷⁵

Unlike other state and federal initiatives that discussed various illicit drugs, this Forum focused on ice exclusively. A number of resolutions were formed during four

⁷⁴ NSW Premiers Office, "Iemma Calls for National Forum on 'Ice' Crisis: Media Release," (Sydney, 19 October, 2006).

⁷⁵ Ibid.

sessions of the one day Forum and made publicly available in a Communique issued by the NSW Government the following day.⁷⁶ Details of these sessions are noted below:

- *Session 1: 'Drug trafficking across National and jurisdiction borders – rates – issues – existing law enforcement legislation and measures';*⁷⁷
- *Session 2: Prevention education and community responses to address use and related harms;*⁷⁸
- *Session 3: Rehabilitation – treatment and other support responses – families, community, courts, corrections – existing measures and recommendations to strengthen;*⁷⁹
- *Session 4: Issues including manufacture and supply of ingredients and equipment, and existing law enforcement legislation and measures.*⁸⁰

9.6.2 Federal Inquiry into the Impact of Illicit Drug Use on Families

In September 2007, a Federal Parliamentary Committee Inquiry report into the impact of illicit drug use on families titled *'The winnable war on drugs'* emerged as one of the most striking federal policy instruments to target dependent users. It encouraged harm prevention rather than harm minimisation to address methamphetamine and heroin dependency by recommending users become 'permanent drug-free...individuals'.⁸¹ The report emphasised the victimisation of children and the need to take protective action,⁸² given they were in imminent danger if they remained in the same home as their 'drug dependent parents'.⁸³ The Committee's main recommendations to the Federal Government included the adoption of children of drug dependent parents aged 0-5 years,⁸⁴ and the withdrawal of treatment funding from organisations that did not foster a drug free approach and

⁷⁶ National Leadership Forum on Ice Communique - 14 December 2006," NSW Government, accessed April 1, 2008, http://www.druginfo.nsw.gov.au/national_leadership_forum_on_ice .

⁷⁷ Ibid., 4.

⁷⁸ Ibid., 5-6.

⁷⁹ Ibid., 6-7.

⁸⁰ Ibid., 7.

⁸¹ House of Representatives Standing Committee on Family and Human Services, "The Winnable War on Drugs- The Impact of Illicit Drug Use on Families," (Canberra: Parliament of the Commonwealth of Australia, 2007), xxiii.

⁸² Martin Innes and Nigel Fielding, "From Community to Communicative Policing: 'Signal Crimes' and the Problem of Public Reassurance " *Sociological Research Online* 7, no. 2 (2002): para 5.2.

⁸³ House of Representatives Standing Committee on Family and Human Services, "The Winnable War on Drugs- The Impact of Illicit Drug Use on Families."

⁸⁴ Ibid., 84.

implement such measures accordingly. Its 31 recommendations advocated a zero-tolerance approach to drug use.

9.6.3 Project STOP

Project STOP was rolled out nationally in August 2007 as part of the National Strategy to Prevent the Diversion of Precursor Chemicals into Illicit Drug Manufacture (National Precursor Strategy).⁸⁵ It is an online reporting and centralised pharmacy database system that enables real-time reporting of unusual pseudoephedrine sales, tracks illegitimate purchases of pseudoephedrine-based products at pharmacies, and blocks pseudo-runners from acquiring these drugs.⁸⁶ It provides law enforcement with data on suspicious sales activities with a view to identifying suspected pseudo-runners.

9.7 Laws

9.7.1 Criminal Code Act 1995 (Cth)

On 6 December 2005, a new Part 9.1 'Serious Drug Offences' was inserted into Schedule 1 of the *Criminal Code Act 1995* (Cth) outlining new domestic drug possession offences at the federal level.⁸⁷ The *Law and Justice Legislation Amendment (Serious Drug Offences and Other Measures) Act (SDO Act) 2005* (Cth) introduced offences for the import, export, manufacture or possession of precursors. Schedule 1, Part 1 s 314.3 identified pseudoephedrine as a controlled precursor. It moved previous import and export offences from the *Customs Act 1901* (Cth), together with a number of new drug offences, into the *Criminal Code Act 1995* (Cth). It captured persons who dealt in precursors by way of pre-trafficking offences.⁸⁸ The *SDO Act* targeted domestic ATS manufacture by creating new offences to deal with precursor chemicals. It also significantly increased the penalties for existing federal drug offences, and enhanced national law enforcement capabilities between federal

⁸⁵ Attorney-General's Department, "National Strategy to Prevent the Diversion of Precursor Chemicals into Illicit Drug Manufacture- National Precursor Strategy", 10.

⁸⁶ The Pharmacy Guild of Australia, "Submission 26," (Parliamentary Joint Committee on the Australian Crime Commission Inquiry into Amphetamines and Other Synthetic Drugs, 10/05/2006.

⁸⁷ David Brown et al., *Criminal Laws- Material and Commentary on Criminal Law and Process of New South Wales*, 883.

⁸⁸ *Ibid.*, 883.

drug laws and the laws of states and territories. This Act ensured that all serious drug offences were centrally located in one statute.

9.7.2 *Drug Misuse and Trafficking Act 1985 (NSW)*

One of the most significant pieces of NSW drug legislation was the *Drug Misuse and Trafficking Act 1985 (NSW)*, introduced during a period of major drug law reform in Australia and prior to the period of this study. It focused on the use, traffic, supply, manufacture and production of illicit drugs like heroin and amphetamines. Minor amendments were made to the Act over the years, though the most critical changes occurred during the study period.

The first of these changes took place in the year 2000 with the inclusion of a new section 24A.⁸⁹ In this section it became an offence for a person to be in possession of a precursor that he or she intended to use for the manufacture and/or production of prohibited drugs like methamphetamine. Subsequent (relevant) changes occurred some years later.

In the second reading of the Drug Misuse and Trafficking Bill in June 2005, former NSW Attorney General Bob Debus introduced amendments targeting ice pipes. He stated:

*The trend towards the use of...ice is another emerging drug threat...accompanied by the use of ice pipes...a new offence of sale, commercial supply or display of ice pipes...will carry a maximum penalty of two years imprisonment.*⁹⁰

In May 2006, this Bill was passed and s 11A was introduced to ban the sale, display, and supply of water pipes and ice pipes. The amendment defined an ice pipe as:

*a device capable of being used for the administration of a prohibited drug by means of the smoking or inhaling of the smoke or fumes resulting from the heating or burning of the drug in a crystal or powder form.*⁹¹

In 2007, further changes to the Act by way of Schedule 4 created new offences for persons in possession of instructions or recipes for the manufacture of drugs (s 11C)

⁸⁹ Bryce Gaudry, NSW Parliamentary Debate, Legislative Assembly, 29 November 2000, 11166.

⁹⁰ Bob Debus, NSW Parliamentary Debate, Legislative Assembly, 6 June 2005, 16931.

⁹¹ *Drug Misuse and Trafficking Act 1985 (NSW)* s 11A.

or the possession of a drug manufacture apparatus (changes to s 24A). Additional new offences targeted those who possessed a substance capable of being used to produce and/or manufacture a prohibited drug precursor listed in the Regulations (s 24B). This new s 24B inserted into the *Drug Misuse and Trafficking Act 1985* (NSW) made it an offence to be in possession, without a lawful excuse, of amounts of those precursors noted in Schedules 1 and 2 of the *Drug Misuse and Trafficking Regulation 2006*.

9.7.3 *Drug Misuse and Trafficking Regulation 2006* (NSW)

In 2006, prohibited precursors were listed as Schedules 1 and 2 to the *Drug Misuse and Trafficking Regulation 2006*, for the purposes of section 24A of the *Drug Misuse and Trafficking Act 1985* (NSW).⁹² Amendments to the Regulation in 2008 followed that listed substances in Column 1 and corresponding quantities in Column 2 of Schedule 4 as precursors ‘for the purposes of section 24B of the Act’.⁹³

The policies and laws identified above were introduced to address the burgeoning problem of methamphetamine. They targeted use, manufacture, importation and production of the drug, with some focusing on one issue, while others addressed a range of issues, and in some cases all of them. The following section will examine these policy and legislative developments to determine the role of media constructions in advancing certain images of ice that worked their way into policy language.

9.8 The Policy, Law and Media Nexus

The remainder of this chapter explores the media image of methamphetamine presented in previous sections of this thesis, to expose how media rhetoric appeared in select laws and policies implemented, enacted or amended during the period 2000 to 2009 (the six laws and policies summarised above). As noted earlier, I revisit some policies and laws more than once if they contain material relevant to multiple media discourses and strands. The discussion is divided into three sections according to the dominant media discourses of ‘methamphetamine user’, ‘the enforcers’ and ‘the folk devil drug’. Each section will employ the same structure to maintain consistency. The

⁹² *Drug Misuse and Trafficking Regulation 2006* Part 3 s 9(1).

⁹³ *Drug Misuse and Trafficking Regulation 2006* Part 3 s 9(1)(1B) (1C).

landscape will outline the main media constructions of the discourse and strands, and how they come together. A critique of the relevant policies and/or laws will form the second part of each section.

9.9 Policy, Law and the 'Methamphetamine User' Discourse

9.9.1 The Landscape

The methamphetamine user, discussed in chapter six, was a complex discourse for policymakers to address because of its dichotomous construction. This dichotomy was first visible in the media narrative once the McKetin et al. report on methamphetamine dependency made its way into the public domain. This report, although illuminating the seriousness of the issue, may have inadvertently provided media with a way to construct two separate and superficial images of the ice user.⁹⁴

As discussed in Chapter 6, the first of these two images of the methamphetamine user was the 'risky' addict who perpetrated violence in the community,⁹⁵ and was a threat and danger to emergency hospital staff, drug and alcohol workers, ambulance workers and law enforcement officers.⁹⁶ These negative images of dependent users were contrasted with those of the young 'at risk' and vulnerable recreational users who were 'taking to the drug in droves'⁹⁷ and using it for fun,⁹⁸ or to 'quickly shed weight'.⁹⁹ These users, according to media, were unaware of the devastating effects of ice, notably dependency,¹⁰⁰ a result of their propensity to smoke ice socially.¹⁰¹

This dichotomous construction became most visible during an important time in NSW politics. The Lemna Government was preparing for the March 2007 state election and sought re-election. Early polling evidence showed its 'commanding lead over the coalition',¹⁰² although this was shadowed by ongoing government scandals, Sydney's

⁹⁴ McKetin et al., "Estimating the Number of Regular and Dependent Methamphetamine Users in Australia."

⁹⁵ See article 159.

⁹⁶ See articles 134 and 165.

⁹⁷ See article 72.

⁹⁸ See article 169.

⁹⁹ See articles 208 and 374.

¹⁰⁰ See articles 109, 161 and 301.

¹⁰¹ See articles 131, 162 and 263.

¹⁰² Quentin Dempster, *Hubris*, aired September 1 (Sydney: Stateline – ABC TV, 2006), television broadcast.

transport crises and 'economic woes'.¹⁰³ This was compounded by comments from the Liberal Opposition who called for the Kings Cross safe injection room to be closed because 'addicts [we]re using it to shoot up Ice'.¹⁰⁴ The NSW Government was compelled to show a heightened concern for community and public safety.

In response to what appeared as mounting pressure by various social and political actors to address these users urgently and immediately, and before or shortly after media coverage of methamphetamine users had gained momentum in 2006, two policies (The Forum and the Federal Inquiry) and one NSW drug statute (*Drug Misuse and Trafficking Act 1985* (NSW)) were either introduced or amended. Each of these developments appeared to address the 'at risk' user, the 'risky' user, or both.

The following section begins by exploring the policy and legal response to the dependent user discourse strand, best represented through the Forum and The Federal Inquiry.

9.9.2 Dependent User

Media reporting of dependent users as risky subjects was largely supported by law enforcement commentary that criticised their role in violent and criminal offences. This was enhanced by dramatic media imagery of these users and their psychotic episodes, which was broadcast on national television ('*Ice Age*' documentary), sprawled across myriad newspaper articles,¹⁰⁵ and formed the focus of several public health and research expert reports.¹⁰⁶ References to so-called 'addicts'¹⁰⁷ and images of them appeared in at least sixteen articles, once Commissioner Moroney had made

¹⁰³ For example, the so-called 'Scully scandal', which involved former Police Minister Carl Scully, centred on accusations he misled Parliament in a report on police conduct during the Cronulla Riots. This was followed shortly by the 'Orkopoulos scandal' involving former Aboriginal Affairs Minister Milton Orkopoulos who was charged with multiple child sexual assault and drug offences. These scandals, described as a 'new low for the Lemma Government', occurred close to the March 2007 NSW state election. See Wanna, "Political Chronicles - Commonwealth of Australia: July to December 2006," 289-91.

¹⁰⁴ Article 209.

¹⁰⁵ For example see Carney, *The Ice Age*, refer to articles 173, 195 and 300.

¹⁰⁶ These reports include but are not limited to the following: McKetin et al., "Estimating the Number of Regular and Dependent Methamphetamine Users in Australia"; McKetin, McLaren, and Kelly, "The Sydney Methamphetamine Market: Patterns of Supply, Use, Personal Harms and Social Consequences," McKetin et al., "The Relationship between Methamphetamine Use and Violent Behaviour."

¹⁰⁷ For example see articles 60, 107, 120, 136, 145, 165, 168, 171-175, 182, 193, 204, 209, 214, 225, 226 and 227.

his comments in September 2006. The perpetual use of such value-laden language turned the word 'addict' into a socially acceptable and even appropriate descriptor of these persons.

In late 2006, media, notably *The Daily Telegraph*, launched a campaign that dismissed the basic tenet of harm minimisation, the removal of harm. References to the inadequacies of harm minimisation evidenced by the inability for ice users to 'safely' consume the drug, were documented in several articles during this period.¹⁰⁸ As noted in Chapter 6, such references featured in the ICE EPIDEMIC campaign whose lead character Sally, a 'car-jacking 'addict'', was violent and destructive because of her ice 'addiction'. Media presented Sally as the quintessential image of 'addiction', and so their rejection of harm minimisation as a viable and appropriate response to ice use appeared reasonable.

9.9.3 Policy: The Forum

Media's perpetual use of the term 'addict' paved the way for policymakers to openly utilise such a value-laden concept in their policy documents and speeches.¹⁰⁹ This was most apparent in lemma's announcement to his fellow parliamentarians that part of the ice problem was the need to 'rehabilitate addicts', a term he used that day on three occasions to describe dependent users in this policy document.¹¹⁰ Although at first glance this government rhetoric appeared paternalistic given its support for rehabilitation, the identification of dependent users as 'addicts' simply reinforced a stigma already attached to this group: the word 'addict' invoked negative judgements about the person.

The use of such language by government reaffirmed the flexibility and usability of the term 'addict', a word that, according to O'Malley, had disappeared from policy texts when the harm minimisation paradigm was ushered into the political dialogue on illicit drugs.¹¹¹ It also added a new level of riskiness to dependency by positioning the 'addict' rather than the 'dependent user' in the policy spotlight. This created a

¹⁰⁸ For example articles 174 and 178.

¹⁰⁹ See lemma, NSW Parliamentary Debate, Legislative Assembly, 19 October 2006, 3074.

¹¹⁰ Ibid., 3073-4.

¹¹¹ O'Malley and Valverde, "Pleasure, Freedom and Drugs: The Uses of 'Pleasure' in Liberal Governance of Drugs and Alcohol Consumption," 36.

greater awareness of these users as merely ‘addicts’ rather than persons dependent on ice, especially given its affirmation by the NSW Premier.

9.9.3.1 Parliamentary Announcement

Throughout his parliamentary announcement, lemma made similar claims to Moroney about persons ‘addicted’ to ice. His claims, however, appeared more accusatorial and almost exclusively painted an image of dependent users as a threatening and dangerous other. He did this by drawing on report findings from NDARC researchers McKetin et al. on the methamphetamine user and violence.¹¹² He reproduced extracts of this research and stated that ‘45 per cent’ of those ‘addicted’ had ‘committed crime in the past month’, ‘report[ed] high levels of aggression’, and ‘ha[d] a higher rate of violent offending compared to the general population’.¹¹³ He neglected, however, to inform his parliamentarians of the full extent of the research, notably the sentence directly after these ‘findings’ that noted:

*It is not clear, however, whether high levels of violent behaviour among methamphetamine users can be attributed to methamphetamine use per se, or whether they are related to factors that co-occur with methamphetamine use, such as violence inherent in the drug market, polydrug use, predisposing personality.*¹¹⁴

Like the simplified media reports (notably by *The Daily Telegraph*) on dependent users that identified them as the primary cause for a rise in assaults in NSW in 2006,¹¹⁵ lemma provided only a partial account of this research that served two purposes: one, it reinforced a particular image of the dependent user as a risky, violent and criminal ‘addict’, and two, it presented the need for a national forum to address the negative impact of these users on the community. To reinforce this image, lemma consistently and repeatedly told his political audience that dependent users were persons ‘on a direct pathway to crime and violence, social dysfunction, and serious health problems’.¹¹⁶

¹¹² McKetin et al., "The Relationship between Methamphetamine Use and Violent Behaviour," 10.

¹¹³ lemma, NSW Parliamentary Debate, Legislative Assembly, 19 October 2006, 3073.

¹¹⁴ McKetin et al., "The relationship between Methamphetamine Use and Violent Behaviour," 10.

¹¹⁵ See articles 173 and 175.

¹¹⁶ lemma, NSW Parliamentary Debate, Legislative Assembly, 19 October 2006, 3072.

This entanglement of the dependent user strand with the violence and criminality strands furnished a particular image of the dependent user that had circulated comfortably in the media commentary, particularly following Moroney's comments. This image was of dependent users as risky, dysfunctional, harmful, dangerous, violent and criminal individuals who pose a threat to society. Similar to media, lemma crafted this image around research, not in its entirety but rather through partial findings that provided an incomplete picture of the evidence, and therefore a selective image of the methamphetamine dependency and violence link.

Such policy constructions informed the NSW public of how the dependent user should be perceived and understood: first and foremost as a risky 'addict' and largely as a violent and dangerous 'other' who 'threatens our society'.¹¹⁷ Supported by ongoing media and law enforcement commentary that positioned dependent users as risky and violent 'addicts' and a danger and threat to society, this image offered us a way to contextualise the effects these persons have on our everyday lives. This then allowed policymakers to easily introduce measures that seek to control, exclude and monitor these persons. Although the term was not used in the Compendium of Jurisdictional Achievements (outcomes of the Forum), its existence in this policy context reinforced a stigmatised view of this user, a construction that had developed in media and law enforcement rhetoric, as illustrated in Chapter 6.

9.9.4 Policy: The Federal Inquiry- Harm Minimisation to Harm Prevention

One of the most striking features of the Federal Inquiry report on *'The winnable war on drugs: The impact of illicit drug use on families'*, was the recommendation to replace harm minimisation with harm prevention in order to encourage drug free individuals. Drawing on a range of submissions, the Inquiry report documented the 'mixed messages from harm minimisation',¹¹⁸ the 'hidden harm' on children as a result of harm minimisation,¹¹⁹ and positioned the Swedish drug control policy, that espouses a drug free society, as the most ideal drug model.¹²⁰ By doing so, it

¹¹⁷ Garland, *The Culture of Control: Crime and Social Order in Contemporary Society*, 184.

¹¹⁸ House of Representatives Standing Committee on Family and Human Services, "The Winnable War on Drugs- The Impact of Illicit Drug Use on Families," 106-11.

¹¹⁹ *Ibid.*, 112-14.

¹²⁰ *Ibid.*, 115.

promoted eradication as an ideal 'solution' to dependent methamphetamine use. Such convergence of strands (dependent user) and discourses (eradication of the drug via the rejection of harm minimisation) illuminated the presence of the new ice risk.

To further illuminate this convergence, the Inquiry report recommended the Federal Government use 'actual photographs of methamphetamine and heroin users to illustrate how their physical appearance deteriorates dramatically over time'.¹²¹ This, and the 'face of meth' campaigns in the US, were akin to the 1987 'grim reaper' a Federal Government (ANCD) campaign targeting HIV/AIDS, even though evidence has shown that this ANCD campaign further stigmatised gay men and reinforced 'homophobic constructions of HIV'.¹²² The use of such images was designed to communicate certain meanings about these persons (the physical manifestation of 'addiction') and hence increase public risk awareness of dependent use as a community affliction worth eradicating.

However it was the consistent use of the word 'addict', already circulating in the media narrative, law enforcement commentary, and NSW Government policy debates, that reinforced the riskiness of dependent users. For example, the Inquiry report made reference to 'addicts' a total of 35 times and referred to their dependency as 'addiction' a further 45 times, relegating dependent users to 'dangerous others', even 'monstrous others', as noted by Hudson, who must be met with restrictive and exclusionary measures such as the removal and subsequent adoption of their children.¹²³ The report claimed that:

*children are put at risk because of drug-addicted parents and the attitudes shared by state departments and many magistrates that force children to be with their biological parents as their preferred policy.*¹²⁴

¹²¹ Ibid., 14.

¹²² Asha Persson, David Barton and Wendy Richards, "Men and women living heterosexually With HIV- The Straightpoz Study, Volume 1," Monograph 2 (Sydney: National Centre in HIV Social Research, 2006); 12; Jennifer Power, *Movement, Knowledge, Emotion: Gay Activism and HIV/AIDS in Australia* (Acton: ANU Press 2011), 69.

¹²³ Hudson, *Justice in the Risk Society* 204.

¹²⁴ House of Representatives Standing Committee on Family and Human Services, "The Winnable War on Drugs- The Impact of Illicit Drug Use on Families," xi.

*The children of drug addicts usually grow up in poverty, which has serious effects on their lives, including health, education, social and family relationships, and the likelihood of developing their own addictions.*¹²⁵

The threat to remove children from the care of their 'addict' parents and a 'potentially risky environment'¹²⁶ appeared reasonable, particularly since an ANCD report by researchers Dawe et al. released earlier that year exposed the number of children living in these circumstances.¹²⁷ Further, media had reported on these ANCD findings in May with articles describing these parents as 'bad'¹²⁸ 'druggies'.¹²⁹ In effect, dehumanising these users by declaring their unworthiness of parenthood did not contravene circulating media constructions.¹³⁰

The threat to remove children from their parents had instead surreptitiously encouraged their isolation and continued vilification by packaging child removal as 'therapeutic remediation'. What this showed was that the needs of children superseded those of their drug dependent parents, given that these children were largely innocent victims of parents who were cast as villains. This was clearly illustrated in the report:¹³¹

*There has to be change. The new policy must be [in] the best interest of the child not the drug addicted parent.*¹³²

Such a strong statement stripped them of their rights and responsibilities as parents where their needs were discounted and removed from consideration, and further segregated them from both the community and their own families.¹³³ It reinforced the need to further isolate them from society, as demonstrated in chapter six. This

¹²⁵ Ibid., 67.

¹²⁶ Ibid., 72.

¹²⁷ Sharon Dawe et al., *"Drug Use in the Family: Impacts and Implications for Children,"* ANCD research paper (Canberra: Australian National Council on Drugs, 2007). Note this report did not recommend the removal of children from their homes. Rather, it recommended treatment for those persons dependent on drugs like methamphetamines.

¹²⁸ Article 257.

¹²⁹ Article 258.

¹³⁰ Richard Elliott, "Harm Reduction and International Law: Drug Control vs. Human Rights-International Policy and Practice," in *Harm Reduction in Substance Use and High-Risk Behaviour* ed. Richard Pates and Diane Riley (Oxford: Blackwell Publishing 2012), 40.

¹³¹ House of Representatives Standing Committee on Family and Human Services, "The Winnable War on Drugs- The Impact of Illicit Drug Use on Families," 72.

¹³² Ibid., xii.

¹³³ Marshall, "Citizenship and Social Class."

‘criminology of the other’ strategy produced images of these parents as ‘criminal’, ‘profoundly anti-social’ and therefore unworthy of parenthood, thus illuminating the need to address these ‘others’ through a ‘strong state response’.¹³⁴

Such government ‘concern’ for the family, in this instance the safety of children, was part of a larger feeling of insecurity expressed only months earlier in media articles on children living in risky environments with their drug-using parents.¹³⁵ Prospects for the rehabilitation of these parents were negated by the very existence of their dependency. They were risky ‘addicts’, first and foremost, not persons who could be reintegrated back into society. The repeated reference to these users as ‘addicts’, a term that rapidly increased in media articles in late 2006 and early 2007 and adopted in policy speeches by government officials like Iemma, reinforced the need to institute control mechanisms so as to protect children from their ‘drug addicted’ parents.¹³⁶

9.9.5 Recreational User

The recreational methamphetamine user, as discussed in Chapter 6, was largely constructed by media, public health and law enforcement as an ‘at risk’ victim of the drug ice who required protection. In 2005, public health researchers McKetin, McLaren and Kelly noted that the ‘smoking of ice among young recreational drug users is an important new trend that warrants urgent attention’.¹³⁷ By March 2006, Carney’s *The Ice Age* documentary had propelled this user to national television screens where he amplified the dangers of ice smoking through dramatic and very personal imagery.

The combination of media, law enforcement and public health commentary made recreational users visible; their ‘at risk’ status reaffirmed their contribution to and their place in a risk environment, and their importance to the construction of the new ice risk discourse. These images of the casual, young recreational user resonated with

¹³⁴ Ibid., 135-6.

¹³⁵ See articles 257, 258 and 259.

¹³⁶ House of Representatives Standing Committee on Family and Human Services, "The Winnable War on Drugs- The Impact of Illicit Drug Use on Families," 84.

¹³⁷ McKetin, McLaren, and Kelly, "The Sydney Methamphetamine Market: Patterns of Supply, Use, Personal Harms and Social Consequences," xvi.

NSW members of Parliament like Virginia Judge, and became the quintessential image of recreational methamphetamine users in NSW.¹³⁸

The policy and legal responses to the recreational methamphetamine user strand were best represented through the Forum and relevant changes to the *Drugs Misuse and Trafficking Act 1985* (NSW).

9.9.6 Policy: The Forum

lemma's October 2006 NSW Parliamentary announcement of the Forum dictated the importance of protecting young recreational methamphetamine users from ice. His address informed us that ice 'devours the independence and strength of our young people's minds'.... and 'threatens the future of many of our kids'.¹³⁹ His preoccupation with the future of young people, heightened by an anxious public exposed to dramatic media imagery of children as young as 12 using ice, added a new riskiness to the recreational user strand by entangling it with the young people strand. This entanglement, most evident once Moroney made his emphatic comments about losing a generation of young people, emerged as part of the 'new ice risk', was catapulted to the policy stage via initiatives such as the Forum, and stood as a critical illicit drug concern of the NSW Government at the time.

9.9.6.1 Media Release

Much of lemma's commentary on the Forum mirrored rhetoric circulating already in media and law enforcement narratives for most of 2005 and 2006. For example, lemma took a similar approach to that undertaken by Moroney (only three weeks prior to the Forum announcement) and print media by singling out recreational users for special attention. He did so by using emphatic and paternalistic language, like Moroney, to inform the public that these users were a special category of persons that needed protection and security. He considered the recreational methamphetamine user so important that a TOR for the Forum was specifically designed to address them. This TOR, highlighted in his media release, noted that the Forum should:

¹³⁸ See Virginia Judge, "NSW Parliamentary Debate, Legislative Assembly, 27 September 2006, 2441; David Barr, NSW Parliamentary Debate, Legislative Assembly, 4 May 2006, 22686.

¹³⁹ lemma, NSW Parliamentary Debate, Legislative Assembly, 19 October 2006, 3072.

*examine whether special measures are required to keep our young people safe from this scourge.*¹⁴⁰

The inclusion of ‘special measures’ distinguished the recreational user from the dependent user by positioning the former as more deserving of exclusive policy, and government concern and protection. The emphasis on the young people strand and their safety informed the community of the importance government placed on this user.¹⁴¹ It was a way to appease widespread community anxiety about young people and their casual ice use. This approach was best captured in emphatic comments in Parliament that:

*We want to know that our kids are protected from this drug, that young people who fall prey to its evil effects can be rescued in time.*¹⁴²

9.9.6.2 Forum Resolutions

These concerns about young people falling prey to the evil effects of ice were addressed in Session 2 of the Forum.¹⁴³ A call to target what the Communique described as ‘at risk’ groups such as young users via social marketing was proposed as a suitable educational measure.¹⁴⁴ This ‘at risk’ label, which according to Douglas nominates the person (in this case a young person) as a victim,¹⁴⁵ was extensively used by media during the period of the study. This label prevailed in media texts as the dominant representation of young recreational users who were vulnerable victims to ice. This ‘criminologies of everyday life’ approach, that sought to change the way young people viewed ice by informing them of the dangers and associated risks of the drug, was an attempt to bring recreational users in line with ‘prevailing normative codes’.¹⁴⁶

¹⁴⁰ NSW Premiers Office, "Iemma Calls for National Forum on 'Ice' Crisis: Media Release," TOR 7.

¹⁴¹ Thaler and Sunstein, *Nudge: Improving Decisions About Health, Wealth, and Happiness*, 5.

¹⁴² Iemma, NSW Parliamentary Debate, Legislative Assembly, 19 October 2006, 3074.

¹⁴³ Session 2 of the Forum focused on the prevention education and community responses to address use and related harms- see National Leadership Forum on Ice Communique - 14 December 2006," 5-6.

¹⁴⁴ *Ibid.*, 5.

¹⁴⁵ Douglas, *Risk Acceptability According to the Social Sciences*, 59.

¹⁴⁶ Garland, *The Culture of Control: Crime and Social Order in Contemporary Society*, 183.

9.9.7 Law: *Drug Misuse and Trafficking Act 1985 (NSW)*

The introduction of section 11A into the Drug Misuse and Trafficking Bill in 2006 was criticised in the second reading speech by Greens MLC Lee Rhiannon for presenting users with a litany of risks that would have them:

*turn away from pipes to more dangerous means of using drugs, [and] spread blood-borne diseases, [and] re-use...old and broken glass pipes.*¹⁴⁷

Regardless of these concerns, the Bill was passed and s 11A was introduced in late May 2006. This amendment responded directly to the recreational user strand by targeting both their primary method of consumption, ice smoking, and primary tool of consumption, ice pipe, by expanding the definition of pipe from water pipe to 'water and ice pipes' (s 11A).¹⁴⁸ Earlier that month, concerns about recreational methamphetamine users, almost identical to those made by public health researchers McKetin, McLaren and Kelly, were expressed in NSW Parliament by former member for Manly, David Barr. These concerns stirred social anxieties about young people and their engagement in voluntary risk-taking activities such as recreational ice use.¹⁴⁹ Barr labelled ice smoking a:

*worrying trend [that has the] potential to introduce a younger group of people into a more risky pattern of drug use and to increase their risk becoming dependent on methamphetamines; [it] warrants urgent attention.*¹⁵⁰

Such comments, coupled with escalating media (newspaper and television) commentary on ice smoking and its affiliated dangers,¹⁵¹ represented this practice in a particular way: it was not a social activity but a risky practice that led to addiction. This entanglement of the recreational user strand and the young people strand further served to accentuate the vulnerability and victimhood of young users who were increasingly 'sinned against' and targeted by organised crime groups.¹⁵²

¹⁴⁷ Lee Rhiannon, NSW Parliamentary Debate, Legislative Council, 7 March 2006, 21036.

¹⁴⁸ Section 11A of the *Drug Misuse and Trafficking Act 1985 (NSW)* bans the sale, supply and display of water or ice pipes, an offence punishable with \$2200 and/or two years imprisonment.

¹⁴⁹ Stephen Lyng, "Edgework: A Social Psychological Analysis of Voluntary Risk Taking," *The American Journal of Sociology* 95, no. 4 (1990).

¹⁵⁰ Barr, NSW Parliamentary Debate, Legislative Assembly, 4 May 2006, 22686-7.

¹⁵¹ For example see Carney, *The Ice Age*.

¹⁵² Douglas, *Risk and Blame: Essays in Cultural Theory* 28.

Section 11A is another example of a ‘criminologies of everyday life’ approach that sought to identify ‘recurring criminal opportunities’ (the sale, supply and display of ice pipes) and govern them by ‘developing situational controls that will make them less tempting or less vulnerable’¹⁵³ (for example, imposing a two year gaol term for persons like tobacconists who sell and display these tools and may not be aware of the law). As a consequence, young people’s access to ice smoking tools was barred via this amendment. The entanglement of the strands identified above heightened the ‘at risk’ status of young recreational users and contributed to the largely unopposed amendment.

This neo-paternalistic law aimed at ‘reshaping [young peoples’] behaviour’,¹⁵⁴ was clearly an attempt to stop them from smoking ice. By criminalising the implement (ice pipe), legislators considered that young people would be ‘better off’, and therefore any attempt to influence their choice to engage in ice smoking was deemed acceptable.¹⁵⁵

Perhaps inspired by a government eager to protect young recreational ‘at risk’ methamphetamine users from the thralls of addiction, or by a larger sense of insecurity brought about by the developing ‘new ice risk’, this legislative change was designed to stop ice smoking by targeting those who enabled it to flourish, and by then attaching a high penalty to this new offence to act as a deterrent.¹⁵⁶

9.10 Policy, Law and ‘The Enforcers’ Discourse

9.10.1 The Landscape

‘The enforcers’ discourse, as noted in Chapter 7, comprised the main discourse strands of importation, trafficking, manufacture and production. These strands, along with groups such as Asian criminal syndicates and OMCGs who were constructed by media as the ‘enemy’, received extensive media coverage over the period of the study. Similarly, the police and public health response to these strands was comparable to the media response. Several studies and publications identified the

¹⁵³ Garland, *The Culture of Control: Crime and Social Order in Contemporary Society*, 129.

¹⁵⁴ Thomas and Buckmaster, "Paternalism in Social Policy When Is It Justifiable?"

¹⁵⁵ Thaler and Sunstein, *Nudge: Improving Decisions About Health, Wealth, and Happiness*, 5.

¹⁵⁶ Penalty- monetary fine of \$2200 and/or a two year imprisonment sentence if found guilty.

threat posed by the domestic production and manufacture of methamphetamine, as well as the importation of ice and its precursors into Australia.¹⁵⁷ These activities, according to the literature, increased the availability of ice to casual, regular and dependent users.¹⁵⁸ OMCGs and other criminals groups were regarded by law enforcement agencies as major suppliers of ice to such users.¹⁵⁹

Law enforcement commentary and media reports on ice and precursor chemicals busts at the border and around Sydney were also increasing in number during the early years of the study. These reports presented ice as a serious and encroaching risk to Australian lives. Several record seizures by AFP and Customs, reported in newspapers like *The Sydney Morning Herald*, catapulted the issue to one of national importance.¹⁶⁰ These media reports, detailed in Chapter 7, also accentuated the role of Asian criminal syndicates in methamphetamine and precursor chemicals importation.¹⁶¹

Members of the legal fraternity, such as District Court Justice Michael Finnane, criticised the ineffectiveness of the Commonwealth law for not recognising methamphetamine as a serious drug. This, Justice Finnane claimed in 2004, limited the ability for judges to impose longer sentences (e.g. a life sentence) on those persons found guilty of commercial quantity importation offences.¹⁶² Such legal commentary was emphasised and supported by media.

This coverage enabled media to highlight five risks associated with the methamphetamine trade: one, its domestic production (appeared to taking place in clandestine laboratories everywhere, including residential locations); two, its manufacture (the use of precursor chemicals such as pseudoephedrine and ephedrine to manufacture the drug); three, its traffic (through organised criminal

¹⁵⁷ See McKetin and McLaren, *The Methamphetamine Situation in Australia: A Review of Routine Data Sources*, vii; Australian Crime Commission, "Illicit Drug Data Report 2005-2006."

¹⁵⁸ McKetin and McLaren, *The Methamphetamine Situation in Australia: A Review of Routine Data Sources*, 44.

¹⁵⁹ Australian Crime Commission, "Submission 18," (Parliamentary Joint Committee on the Australian Crime Commission Inquiry into Amphetamines and Other Synthetic Drugs, 13/03/2006), 9.

¹⁶⁰ See articles 28, 31, 32, 33, 50, 61, 64, 72, 82 and 83.

¹⁶¹ Article 42.

¹⁶² Article 76.

syndicates); four, its importation (through criminal groups); and five, its use by young recreational users.

The following section explores the policy and legal response to the strands of importation, trafficking, manufacture and production. Two policies (The Forum and Project STOP), alongside two NSW laws (*Drug Misuse and Trafficking Act 1985* (NSW) and *Drug Misuse and Trafficking Regulation 2006*) and one federal law (*Criminal Code Act 1995* (Cth)), were either amended or introduced in ways that reflect the main discourses contained within these strands. These changes responded to an environment that emphasised the most risky aspects of the methamphetamine trade, and were implemented to curtail and eradicate the danger and threat posed by the importation, trafficking, manufacture and production of ice, consistently made visible by media. Such responses simultaneously emphasised the growing presence of the new ice risk that had developed as part of the larger risk environment around illicit drugs, law and order and vulnerable groups of people.

9.10.2 Policy: The Forum

In addition to the recreational and dependent user strands discussed above, the Forum addressed the manufacture and production, importation and trafficking of ice, each of which featured consistently as discourse strands in media articles, particularly during the 2005 to 2006 period. Some of these ‘enforcer’ strands, as noted in Chapter 7, appeared to dominate the scope of the Forum as seen in two policy documents available prior to the December event: one, lemma’s media release and two, lemma’s announcement in NSW Parliament, both disseminated on 19 October 2006. This is illustrated by the fact that five of the eight TOR drafted for this Forum targeted several of these strands,¹⁶³ and two of the four Forum Sessions (1 and 4) focused on trafficking and manufacture issues.¹⁶⁴

9.10.2.1 Parliamentary Announcement

lemma’s Parliamentary announcement entwined various ‘enforcer’ strands with the methamphetamine user discourse by labelling ice ‘highly’ addictive and then linking this directly to descriptions of ice traffickers as ‘vermin’, as shown below.

¹⁶³ NSW Premiers Office, "lemma Calls for National Forum on 'Ice' Crisis: Media Release," 2.

¹⁶⁴ National Leadership Forum on Ice Communique - 14 December 2006," 4, 7.

*The highly addictive form of refined methamphetamine...is manufactured in filthy backyard chemical laboratories and also imported from Asia.*¹⁶⁵

These traffickers, he stated, were:

*vermin who peddle this menace on our street [and must be] crushed with the full and overwhelming force of the law.*¹⁶⁶

By entangling the methamphetamine user discourse with certain 'enforcer' strands, lemma accentuated a precariousness and uncertainty about the illicit drug (ice is 'manufactured in filthy clandestine laboratories' and 'imported from Asia') while simultaneously identifying the dangerous 'enemy' 'others' (importers, traffickers, manufacturers and producers) as those who contributed to this risk. As a result, in this policy document, lemma amplified the new ice risk as something that required 'greater action'; and a 'ramp up [of] attacks' to combat it. He presented it as a national issue whose 'effects on the broader community are...serious'.¹⁶⁷ He stated:

*I am urging real progress on a plan of action that covers the following areas: how ice gets into Australia, how it is being transported, and how the ingredients and the equipment are used and obtained, what are the best international law enforcement options, how to prevent illegal manufacturing, consideration of heavier penalties, and considering of the broader health and social implications of the use of ice.*¹⁶⁸

9.10.2.2 Media Release¹⁶⁹

Similar to his Parliamentary announcement, lemma linked several enforcer strands with the methamphetamine user discourse in his 'media release' document. Here he informed the public that these two issues exhibited a cause (traffickers and suppliers) and effect (increased ice use) relationship, and that a 'national action plan' was required to address it. He stated:

*That's why we urgently need an agreed national action plan to combat the increased use of ice and give traffickers and suppliers nowhere to hide.*¹⁷⁰

¹⁶⁵ lemma, NSW Parliamentary Debate, Legislative Assembly, 19 October 2006, 3072.

¹⁶⁶ Ibid., 3074.

¹⁶⁷ Ibid., 3073.

¹⁶⁸ Ibid., 3074.

¹⁶⁹ This media release pertains directly to the Forum and therefore is included here as an important part of this policy material.

¹⁷⁰ NSW Premiers Office, "lemma Calls for National Forum on 'Ice' Crisis: Media Release," 1.

The entanglement of these (user and the enforcer) and other discourses and strands examined in chapters six and seven respectively, was particularly obvious in this media release once the 'Draft Forum Terms of Reference' were outlined. These TOR were evidence of the gradual emergence of ice as new kind of risk, where discourses and discourse strands had become interconnected as well as interdependent; a relationship where one strand, for instance recreational methamphetamine use, was dependent on and given meaning through another strand, the manufacture of methamphetamine.

The first four TOR¹⁷¹ framed the new ice risk as a major threat by encompassing what Garland described as 'language of warfare and social defence' such as 'fight', 'stop', 'combat', 'penalties', and 'strong enough', that accentuated the dangerousness of manufacturers and producers.¹⁷² This threatening language packaged the new ice risk as something that required an all-of-government intervention. It was also indicative of a populist punitiveness that had developed towards methamphetamine, as reflected in community responses that favoured increased penalties (83.7%) for the sale and supply of the drug.¹⁷³

9.10.2.3 Forum Resolutions

Such punitiveness was also mirrored in the Forum resolutions, available in a Communique issued the day after the Forum.¹⁷⁴ For example, resolutions 1.12 and 1.13 of Session 1¹⁷⁵ identified the involvement of 'organised criminal groups' in the 'production and trafficking of ice'¹⁷⁶ and the need for law enforcement agencies to 'disrupt' their operations.¹⁷⁷ Asian criminal syndicates and OMCGs, although not explicitly identified here, were recognised as such by the AFP¹⁷⁸ and media, who repeatedly linked them to these criminal activities.¹⁷⁹ A tough law enforcement response to address these groups was recommended, mirroring media constructions

¹⁷¹ Ibid.

¹⁷² Garland, *The Culture of Control: Crime and Social Order in Contemporary Society*, 184.

¹⁷³ Australian Institute of Health and Welfare, "2004 National Drug Strategy Household Survey: Detailed Findings," 94.

¹⁷⁴ New South Wales Government, "National Leadership Forum on Ice- Forum Communique."

¹⁷⁵ Ibid., 4.

¹⁷⁶ Ibid., resolution 1.12.

¹⁷⁷ Ibid., resolution 1.13.

¹⁷⁸ Australian Federal Police, "Police Minister Council."

¹⁷⁹ For example see articles 113, 124 and 198.

of police as 'effective and efficient investigators of crime'.¹⁸⁰ This was also the case with resolutions 4.7 and 4.8 of Session 4¹⁸¹ that addressed the acquisition of equipment and ingredients such as precursor chemicals, the unlawful possession of methamphetamine-making recipes and formulas,¹⁸² and the expansion of legislation in order to capture more persons on methamphetamine-related offences.¹⁸³

Issues raised in these sessions and adopted as resolutions had garnered considerable media and law enforcement attention, particularly since 2004. Media had incrementally reported on various drug lab busts, coming to a climax in 2006, with 14 articles emphasising the risk of clandestine laboratories, and the discovery of 'super methamphetamine labs' by national and NSW law enforcement teams, as discussed in Chapter 7.¹⁸⁴ In December 2005, two days prior to the commencement of Schedule 1 (*SDO Act*), discussed later in this chapter, the Parliamentary Joint Committee announced an Inquiry into the manufacture, importation and use of AOSD in Australia to investigate drugs like methamphetamine. This inquiry generated submissions by the NSW Crime Commission and the ACC, both of whom raised concerns about the growing use of the Internet to procure precursor chemicals, and methamphetamine making recipes and formulas.¹⁸⁵ Both media and law enforcement agency comments played a part in raising the issue for policy discussion and perhaps influenced debate amongst experts and politicians at the Forum.

9.10.3 Policy: Project STOP

The national rollout of Project STOP occurred during a tumultuous period in Federal politics. The November 2007 Federal election was imminent and prospects for a fifth consecutive term for the Howard Government were grim.¹⁸⁶ It was therefore

¹⁸⁰ Howitt, *Crime, Media and the Law*, 37.

¹⁸¹ New South Wales Government, "National Leadership Forum on Ice- Forum Communique," 7.

¹⁸² *Ibid.*, 8.

¹⁸³ *Ibid.*, 8.

¹⁸⁴ See articles 123, 124, 125 and 126.

¹⁸⁵ Australian Crime Commission, "Submission 18," 2; NSW Crime Commission, "Submission 9a," 1.

¹⁸⁶ Polling data by Newspoll, News Limited, indicated the Howard Government was performing poorly in the lead up to the federal election. Newspoll founder Sol Lebovic, stated 'in the past twenty years no party has maintained such a large and consistent lead [Rudd Labor- leader of the Opposition] going into the election. See Rodney Tiffen, *"Polls, Elections and Australian Political History: A Primer,"* Inside Story August 2010 (Melbourne: Swinburne Institute for Social Research, 2010).

important for this Government to address critical social concerns swiftly, and the manufacture of methamphetamine was one of the most topical social issues at the time.

Media reports in 2007 on OMCGs and their involvement in the manufacture and production of ice had quadrupled compared to 2006. Newspapers such as *The Daily Telegraph* claimed that 'bikie gangs now controlled the production and supply of the drug...across sections of Sydney'.¹⁸⁷ The Howard Government reacted quickly via a letter issued by former Federal Minister for Justice and Customs David Johnston that proposed the financial support of the national rollout of Project STOP.¹⁸⁸

In this policy document, Johnston identified methamphetamine as 'Australia's most significant drug problem', and emphasised the unique quality of the drug, in that it was 'mainly produced domestically in backyard laboratories and use[d] a range of legitimately available 'precursor' chemicals'.¹⁸⁹ The phrasing and tone in this letter indicated that manufacture and production were of major concern to this Government given they impinged on community safety and contributed to methamphetamine use.¹⁹⁰

As identified in the above analysis of the Forum, the entanglement of strands like manufacture and production with the user discourse enhanced the perceived seriousness of the ice issue, increased the visibility of the new ice risk, and encouraged the introduction of risk management measures. This risk, according to the Howard Government was real, a position supported by various statistics available in the Ministerial announcement.¹⁹¹ This evidence informed the public that the illicit diversion of precursor chemicals was indeed a serious social issue, and a major risk to the community. However the timing of this announcement was perhaps also motivated by the current political climate.

¹⁸⁷ Article 254.

¹⁸⁸ David Johnston, "Letter from the Minister- Project STOP," (Canberra: Attorney-General's Department 2007).

¹⁸⁹ *Ibid.*

¹⁹⁰ *Ibid.*

¹⁹¹ Note that the Johnston letter referred to an increase in clandestine laboratory detections across Australia. See *ibid.*

The implementation of this policy showed that the Howard Government- either considered the matter to be one of high importance, or sought to appear to consider it that way, to boost its opinion poll ratings prior to the election. Regardless, the response to aspects of the enforcers discourse was prominently positioned within the broader government 'Tough on Drugs' strategy.¹⁹² Part of its policy approach was to support measures and initiatives that focused more on the eradication of illicit drugs rather than harm minimisation. It was along these rhetorical lines that government support for policy measures such as Project STOP, an initiative aimed at the eventual eradication of methamphetamine, developed.

9.10.4 Law: *The Criminal Code 1995 (SDO Act) (Cth)*

In 1998, the Model Criminal Code Officers Committee (MCCOC) issued a draft report on serious drug offences. This report did not include possession offences as there was;

*considerable risk that legal rules which deem an accused to be a dealer, on proof of possession of a traffickable quantity, will catch a significant proportion of mere users, who have no commercial involvement in trafficking.*¹⁹³

The criminalisation of possession of traffickable quantities of drugs, according to the MCCOC, would deviate from the Government's commitment to harm minimisation principles that required laws to discriminate between traffickers and users. Such was the case until 2005, when methamphetamine emerged as a new and problematic substance that required a different kind of solution.

Only months after criticism of Commonwealth drug laws by legal and media groups was made public did then Attorney General Philip Ruddock introduce the Law and Justice Legislation Amendment (Serious Drug Offences and Other Measures) Bill 2005 into Federal Parliament. On 26 May, during its second reading, Ruddock stated:

This bill demonstrates the government's commitment to reduce the supply of illicit drugs. This bill will introduce new federal offences that focus specifically on the trade of precursors, the substance that can be used to manufacture...designer drugs...the max

¹⁹² Department of the Prime Minister and Cabinet, "More Funding to Combat Illicit Drugs: Media Release," (Canberra: 22 April, 2007).

¹⁹³ Model Criminal Code Officers Committee, "Model Criminal Code- Chapter 6- Serious Drug Offences Report, ": (Canberra: Commonwealth Government, 1998), 87.

*penalty for manufacturing commercial quantities of... 'designer drugs; will be appropriately increased from 10 years imprisonment to life imprisonment. The manufacture of illicit drugs in clandestine laboratories is of great concern to the Australian government because it...pose[s] significant...risks. It is clear that these 'backyard' drug manufacturing operations pose significant risks of harm to innocent bystanders, particularly children. Drug abuse directly touches the lives of thousands of Australians and indirectly affects us all. It is essential that drug traffickers are met with a consistent and more sophisticated array of laws.*¹⁹⁴

The accompanying Explanatory Memorandum noted these changes were necessary because they:

*target conduct considered to be a danger to the community.*¹⁹⁵

Here, Ruddock demonstrates his preoccupation with the future by identifying and then converging the strands of importation, trafficking and manufacture as major social risks that lead to 'drug abuse' in Australia. He contextualises the effect of these strands on the community by announcing their impact on 'innocent bystanders' and 'children'. In order to eliminate these risks, the government proposed the introduction of punitive penalties (from 10 years to life imprisonment) as crime control measures to manage these individuals. These dangerous others who voluntarily choose to engage in such crimes and by doing so 'threaten[ed] our safety', had to be expelled from society.¹⁹⁶ Therefore such an incapacitative penalty (life imprisonment) was deemed acceptable in order to ensure community safety and security.¹⁹⁷

This amendment is one of the first examples where legislators framed the entanglement of certain enforcer and user strands as a cause and effect relationship (manufacturers and producers make ice which is then trafficked to users who then suffer from 'drug abuse'). It involved a convergence of these discourses and strands

¹⁹⁴ Philip Ruddock, Commonwealth Parliamentary Debate, House of Representatives, 26 May, 2005, 6.

¹⁹⁵ House of Representatives, "Law and Justice Legislation Amendment (Serious Drug Offences and Other Measures) Bill 2005 - Explanatory Memorandum," (Canberra: The Parliament of the Commonwealth of Australia, 2004-2005), 6.

¹⁹⁶ Garland, *The Culture of Control: Crime and Social Order in Contemporary Society*, 184.

¹⁹⁷ Malcolm M. Feeley and Jonathan Simon, "The New Penology: Notes on the Emerging Strategy of Corrections and its Implications," *Criminology* 30, no. 4 (1992): 458.

into a 'new ice risk' that captured many persons under strict measures instituted to control through regulation. For example, it transformed dependency into a law and order issue that rendered the individual illicit drug user a possible dealer¹⁹⁸ or trafficker by criminalising those who possessed a marketable quantity of a controlled drug (e.g. ice), an offence that now carried a maximum penalty of 25 years imprisonment.¹⁹⁹ In addition, the onus was now placed on the accused to prove, on the balance of probabilities, that they had no intention to sell the drug, further eroding traditional principles of criminal liability and the presumption of innocence. These 'dangerous others' who held the title of ice dealer, ice trafficker, ice manufacturer or ice producer, had to be controlled and managed, and their criminal activities eliminated.

The 2005 inclusion of domestic drug possession offences into the *Criminal Code Act 1995* (Cth) marked a key turning point in Commonwealth Government drug law making. This differed markedly from the 1998 position held by the MCCOC. Effectively, it was a reaction, at least in part, to media, legal and law enforcement commentary, particularly the construction of importers, traffickers, manufacturers and producers as a threat and danger to society. Media had consistently presented Asian criminal syndicates as notorious groups that imported and distributed ice and related precursors, and occasionally (at this point in time) emphasised the role of OMCs, although more so in domestic ice-related activities. These amendments, however, widened the net to capture dependent users under possession offences.

9.10.5 Law: *Drug Misuse and Trafficking Act 1985* (NSW)

In 2000, during the second reading of the Crimes Legislation Further Amendment Bill,²⁰⁰ former Parliamentary Secretary Bryce Gaudry²⁰¹ stated that the inclusion of a new s 24A into the *Drug Misuse and Trafficking Act 1985* (NSW) (an offence to be in

¹⁹⁸ Involvement in drug dealing was more strongly related to heavy drug use' and therefore this activity was discussed in the context of dependent use. See McKetin, McLaren, and Kelly, "The Sydney Methamphetamine Market: Patterns of Supply, Use, Personal Harms and Social Consequences," 97.

¹⁹⁹ Note that the marketable quantity for a controlled drug like methamphetamine under the *Criminal Code Act 1995* (Cth) is 2.0grams.

²⁰⁰ This Bill would amend the *Drug Misuse and Trafficking Act 1985* (NSW) by way of a new s 24A.

²⁰¹ Gaudry, NSW Parliamentary Debate, Legislative Assembly, 29 November 2000, 11166.

possession of a precursor that is intended for use in the production and manufacture of illicit drugs), would not target the:

*naïve or innocent [but] stop manufacturers of prohibited drugs...who are preying on our society...these chemicals are finding their way onto our streets and in the form of harmful illicit drugs being used by our young people.*²⁰²

Here Gaudry claims that this amendment would only target the manufacturers of illicit drugs who are providing these substances to young people, and not those persons he describes as either 'naïve' or 'innocent', although he does not clarify what he means by these terms.

Such comments signified one of the first instances where discourses and strands appeared to converge under the auspices of a broader ice issue. They created a greater awareness of and added a new riskiness to this ice issue. Through the use of phrases such as 'preying on our society', ice manufacturers were constructed as a threat to the community; as were suppliers, who provided 'harmful drugs' to vulnerable persons such as 'young people'. Section 24A was therefore a crime control response to manage broader ice risks, particularly those related to precursor chemicals.

Subsequent legislative amendments were ushered in years later during a period of intense media and law enforcement focus on ice.

9.10.6 Law: *Drug Misuse and Trafficking Regulation 2006 (NSW)*

From 2000 to 2006, manufacture, production and trafficking strands featured prominently and consistently in media texts. As shown in Chapter 7, several media headlines comprised dramatic words and phrases, such as 'superlab',²⁰³ 'ice's deadly tools',²⁰⁴ 'backyard drug labs skyrocket',²⁰⁵ to emphasise the danger of clandestine laboratories and the manufacture and production process more broadly. Such

²⁰² Ibid., 11167.

²⁰³ See articles 123, 124 and 125.

²⁰⁴ Article 184.

²⁰⁵ Article 131.

provocative commentary may have spurred a succession of legislative amendments and enactments during the period 2006 to 2008.²⁰⁶

One such enactment was the *Drug Misuse and Trafficking Regulation 2006*, amended by way of the Criminal Legislation Amendment Bill 2007, and designed by legislators to list prohibited precursors and their quantities separate to the Act. This Bill, introduced on motion by former Parliamentary Secretary Barry Collier on behalf of Mr David Campbell, introduced a new s 11C, making it an offence to be in possession of instructions or recipes to manufacture drugs like ice. An additional offence targeting those who possessed a substance capable of being used to produce and/or manufacture a prohibited drug precursor above the amount stipulated in the Regulation (s 24B) was also introduced. This amendment reversed the onus of proof onto the accused to show lawful purpose of possession, further eroding principles of justice. This erosion of the presumption of innocence was also noticeable in changes to the *Criminal Code 1995* (Cth) in 2005, as previously discussed.

It appeared both the NSW and Federal Governments considered the introduction of such punitive laws that targeted some of ‘the enforcer’ strands to be necessary, regardless of their impact on those persons charged with importation, manufacture or production related offences discussed above. These ‘evil-doers’ had engaged in criminal acts that threatened community safety, so the assumption was that their legal rights could be disregarded. They remained outside of what Garland refers to as ‘civil community’.²⁰⁷

In his NSW Parliamentary announcement of the Criminal Legislation Amendment Bill 2007, Collier stated:

All of us have read with horror of the effects of the drug ice. This highly addictive form of refined methamphetamine can be manufactured in backyard chemical laboratories. The Government has acted swiftly to combat the ice scourge, including hosting the countries

²⁰⁶ There may have been at least 9 relevant changes here, particularly to the *Drug Misuse and Trafficking Act 1985* (NSW) including s 11A, s 11C, s 24A, s 24B, s 31(1B), s 32 AB and the introduction of and changes to the *Drug Misuse and Trafficking Regulation 2006*, *Drug Misuse and Trafficking Amendment (Precursors) Regulation 2007*, and *Drug Misuse and Trafficking Amendment Regulation 2008*. I will focus on just two of these as the key examples.

²⁰⁷ Garland, *The Culture of Control: Crime and Social Order in Contemporary Society*, 185.

*first leadership forum targeting ice last year. This bill strengthens our attacks on the ice plague.*²⁰⁸

Here, Collier uses metaphorical fragments (ice scourge and ice plague) to illuminate the danger of ice manufacture in clandestine laboratories. He identifies the dangerous 'other' (manufacturer) as the creator of a 'highly addictive' drug whose effects produced a sense of 'horror' amongst politicians and the community. He links 'the folk devil drug' discourse (the drug itself) with strands of dependent user and manufacture, to illuminate the emergence of a 'new ice risk' as something urgent and dangerous. Consequently, the introduction of these strict regulations to govern manufacturers was packaged as a necessity that superseded their impingement on principles of justice. As noted by Garland in his discussion of the 'criminology of the other', 'someone must be blamed' and it these dangerous others who must bear the full force of the law.²⁰⁹

Unequivocally, these changes 'widened the net' to capture suppliers; end-users; those in possession of recipes, instructions and precursor chemicals; and all manner of persons involved, or suspected of involvement in the manufacture and production of ice.²¹⁰ This response was perhaps a result of resolutions reached at the Forum, or pressure by media groups who reported on numerous law enforcement 'drug busts' involving clandestine laboratories and the discovery of methamphetamine-making recipes and instructions.²¹¹

9.11 Policy, Law and 'The Folk Devil Drug' Discourse

9.11.1 The Landscape

As demonstrated in Chapter 8, the risk of ice itself, not only for those who imported, trafficked manufactured, produced, or used it, was first noticeable in the early years of the study via the uncertain environment discourse strand. Several primary definers *confirmed* that ice was indeed destined for Australia, which then encouraged the 'ice worse than heroin' strand to emerge in the media narrative. For example, warnings in

²⁰⁸ Barry Collier, NSW Parliamentary Debate, Legislative Assembly, 19 October 2007, 970.

²⁰⁹ Garland, *The Culture of Control: Crime and Social Order in Contemporary Society*, 186.

²¹⁰ Stanley Cohen, *Visions of Social Control: Crime, Punishment, and Classification* (Oxford: Polity Press, 1985).

²¹¹ See articles 116, 126, 150, 170 and 190.

the year 2000 by then Justice Minister Amanda Vanstone²¹² and then Head of the NSW Drug Squad, Paul Jones,²¹³ showed that methamphetamine was heading to Australia soon.²¹⁴ This was confirmed by the growing number of drug busts of ice and its precursors at the border and clandestine laboratories throughout NSW, confirmed by local police, AFP and Customs, and documented in media articles.²¹⁵

A general consensus amongst primary definers had developed that ice was indeed a dangerous and risky drug. Public health commentary claimed it posed a number of complex problems to its users, including dependency, psychosis and a range of other physiological and psychological risks such as heart disease and 'high rates of suicidal behaviours'.²¹⁶ Such problems extended to the wider community as intravenous users, it was claimed, had a higher propensity to engage in violent behaviour.²¹⁷

While such commentary focused on the drug's effect on the user, the law enforcement centred on the importation, production, manufacture and traffic of ice, and ultimately its removal from the community. An incessant and open media campaign followed that proposed the eradication of the drug ice as the only way to protect young people and the community from future harm. This was achieved through the consistent use of metaphorical fragments such as 'ice epidemic',²¹⁸ 'scourge of ice',²¹⁹ and other negative terms that presented an image of ice as something risky and harmful in itself.

A burgeoning law enforcement commentary, led at times by Moroney, showcased ice as a 'vile drug', 'worse than heroin',²²⁰ the 'new scourge' that was 'fuelling violent robberies in parts of Sydney', images that were reproduced in many articles, particularly towards the end of 2006.²²¹ The metaphorical fragment 'ice scourge', as

²¹² Article 4.

²¹³ Article 35.

²¹⁴ Refer to article 4.

²¹⁵ For example articles 4 and 11.

²¹⁶ Shane Darke et al., "*Physical and psychological harms of psychostimulant use*," NDARC technical report no. 286 (Sydney: National Drug and Alcohol Research Centre 2007,) 257.

²¹⁷ *Ibid.*, 258.

²¹⁸ For example see articles 159, 177 and 178.

²¹⁹ For example see articles 169 and 174.

²²⁰ Article 159.

²²¹ Articles 199 and 201.

discussed in chapter eight, first appeared in the media narrative in a direct citation by Commissioner Moroney, and was quickly adopted by many newspapers, as demonstrated in headlines such as *'Urgent report on scourge of ice'*,²²² and *'The scourge of ice'*.²²³

These problematic risk-based images packaged ice as a new evil and a modern-day folk devil, a construction that problematised and politicised the drug. This perhaps prompted governments to pursue the regulation of ice, while simultaneously ignoring 'old' risks like alcohol and tobacco that caused the most harm to the community, as noted in Chapter 1.

The following section examines the policy response to the eradication discourse and 'ice worse than heroin' strand. One policy (The Forum) was introduced to respond to this discourse and strand. The language used in this policy response emphasised the need to remove ice from the community. It also illuminated the new risk, a threat that comfortably developed in our new risk environment.

9.11.2 Policy: The Forum

The metaphorical fragment 'scourge', first used by law enforcement but emphasised by media, was replicated in part in policy dialogues on ice. For example, on 15 October 2006, then Federal Parliamentary Secretary Christopher Pyne described ice as a 'scourge on Australian society' and the 'nation's worst drug problem' that is 'causing more community problems than heroin'.²²⁴ Its description as a drug worse than heroin only fuelled government uptake of 'scourge' and normalised its application in a broader context, as evidenced in the Forum.

Subsequent appearance of the term 'scourge' emerged in the Forum Communique,²²⁵ a 2007 media release by Howard titled *'More funding to Combat Illicit Drugs'*, where he noted that 'The Australian Government will target the scourge

²²² Article 169.

²²³ Article 174.

²²⁴ Article 171.

²²⁵ New South Wales Government, "National Leadership Forum on Ice- Forum Communique," 2. This was however a reproduction of the TOR featured in Lemma's media release on 19 October 2006.

of Ice’;²²⁶ and in the introduction of the Criminal Legislation Amendment Bill 2007 into NSW Parliament by Collier, who noted:

*Government has acted swiftly to combat the ice scourge [and how] this bill strengthens our attacks on the ice plague.*²²⁷

The fragments ‘scourge’ and ‘plague’ appeared to be used interchangeably by policymakers to describe ice, and to address anxiety and concern about its existence in society.

9.11.2.1 Media Release

lemma was the first NSW parliamentarian to refer to ice as a ‘scourge’ in a policy document. It was visible and prominently positioned in two sections of his media release on the Forum:²²⁸ one, in his prelude to the TOR (as a verbatim quote), and two, in the seventh TOR. In his prelude, lemma informs us that ‘Ice is a scourge that poses new and urgent risks in our society’.²²⁹ Such powerful words instilled a sense of urgency around ice, particularly since it was both a scourge and a risk. It was, as Hall et al. would say, a folk devil and ‘the bearer of all our social anxieties’.²³⁰ This construction of ice had consistently appeared in media text, notably since the Moroney comments. In doing so, it contributed to the emergence of ice as a new risk in the drug environment, something that required immediate attention.

The construction of ice as both a scourge and risk was accentuated by lemma’s claims that ice ‘wrecks families and users more quickly than any other substance’. Although not explicitly stated, lemma indirectly positioned ice as a drug worse than heroin, a view emphasised by Moroney in 2006, which had been expressed and repeated many times in media articles from 2004 onwards. The entanglement of these representations validated lemma’s calls for ‘special measures’, ‘strong’ laws and

²²⁶ Department of the Prime Minister and Cabinet, “More Funding to Combat Illicit Drugs: Media Release.”

²²⁷ Collier, NSW Parliamentary Debate, Legislative Assembly, 19 October 2007, 970.

²²⁸ NSW Premiers Office, “lemma Calls for National Forum on ‘Ice’ Crisis: Media Release,” 2.

²²⁹ *Ibid.*, 1.

²³⁰ Hall et al., *Policing the Crisis – Mugging, the State, and Law and Order*, 161.

penalties, and 'enhanced law enforcement responses' to counter the perceived threat.²³¹

As noted above, scourge appeared as an ice descriptor in the seventh TOR. Lemma claimed that the Forum should 'examine whether special measures are required to keep our young people safe from this scourge'. Here he explicitly entangled the discourse strand of young people with the fragment 'scourge' to present ice as a drug that risks the lives of young people and must therefore be removed from society in order to protect the community from future harm. Such impassioned language was also available in his parliamentary announcement of the Forum.

9.11.2.2 Parliamentary Announcement

When responding to a question without notice posed by former member for Macquarie Fields Steven Chaytor, Lemma emphatically stated:

*All of us read with horror of the effects of the drug known as ice [a] dirty, filthy, pervasive chemical cocktail.*²³²

It can be fatal...it devours the independence and strength of our young people's minds, poisons families and threatens the future of many of our kids.

*That is why it is time for greater action to be taken to ramp up our attacks on the ice plague.*²³³

In addition to responding to the users and the enforcers discourses, we can see in these comments that the Forum was also a direct response to 'the folk devil drug' discourse, which allowed government to contextualise the effects of ice, both on the individual (e.g. serious health problems), and on the broader community (e.g. poisons families and threatens the future of our kids). It was made most visible in this policy announcement and parallel media release. He did this convincingly by relating to his audience (all of us 'read with horror of the effects of ice') through the inclusion of the self: he is one of the 'collective', a person who has 'read with horror'.²³⁴ In effect, he

²³¹ Ibid., 2.

²³² Lemma, NSW Parliamentary Debate, Legislative Assembly, 19 October 2006, 3074.

²³³ Lemma, NSW Parliamentary Debate, Legislative Assembly, 19 October 2006, 3072.

²³⁴ Ibid.

used powerful shock and awe language such as ‘horror’ and ‘devour’ to reaffirm the dangers of ice to his fellow parliamentarians and the broader community.

The repetitive use of such alarmist fragments confirmed an ‘unwritten’ consensus that ice should indeed be recognised, understood and reported as a ‘scourge’. Through the application of descriptors and metaphorical fragments such as ‘plague’, ‘scourge’, ‘dirty, filthy, pervasive chemical cocktail’, ‘poison’, ‘threat’ and ‘fatal’, ice was constructed in these Forum policy-related documents as something so horrible that harm minimisation measures were not enough to adequately address it.

Eradication, although not explicitly identified in this policy measure, came to be surreptitiously inserted as the preferred approach to combat ice. It appeared that the ‘neutralization’ of this folk devil drug, as noted by Goode and Ben-Yehuda, was therefore considered the only way for our society to ‘return to normal’.²³⁵

9.12 The Circularity of Discourses

Media at certain times acted as a reference point and reservoir²³⁶ for the circulation of discourses, discourse strands and metaphorical fragments that appeared in various policies and laws during the course of the study. Certain ways to refer to ice, its users, and those who imported, trafficked, manufactured and produced the drug, were put forward by media and then reproduced in most of the policy documents and laws analysed in this chapter. This exemplified how a social actor like media contributed to the political dialogue on ice.²³⁷

This analysis largely focused on how media discourses infiltrated and were then adopted by governments by way of the laws and policies discussed in this chapter. It showed how media magnified certain discourses (for example, through the use of the word plague to describe the drug ice) by carrying words and ‘idioms far from their sources’ and into the policy dialogue on ice.²³⁸

²³⁵ Goode and Ben-Yehuda, *Moral Panics: The Social Construction of Deviance*, 28.

²³⁶ Debra Spitulnik, "The Social Circulation of Media Discourse and the Mediation of Communities" *Journal of Linguistic Anthropology* 6, no. 2 (1996): 161.

²³⁷ *Ibid.*, 162.

²³⁸ John J Gumperez, "The Speech Community," in *Language and Social Context* ed. Pier P Giglioli (New York: Viking Penguin, 1971), 223.

However, it must also be recognised that this media to policy relationship was not linear; nor was it one-way. Both the NSW and Federal Governments used the media to reproduce and bolster their own political message around ice. At times, media acted as disseminators of political information. In other words, government used the media to maximise public knowledge of involvement in particular high profile issues surrounding ice.²³⁹ For example, Iemma issued a timely media release to inform the community of his intention to address ice at a national forum, while Johnston (former Minister for Justice and Customs) issued a letter alerting the public to the national rollout of Project STOP.

Indeed, in some cases the same language appeared to oscillate between government, media, and law enforcement, solidifying public opinion along the way. For example, metaphorical fragments such as scourge, first used by law enforcement to describe ice, then publicised by media, were then adopted by both Iemma and Howard in their respective media releases to make policy announcements on ice. These media releases were then fed back to the media for public consumption. This evidence of what Kristeva refers to as 'shared codes', the interconnectedness of texts through 'codes', was apparent between policymakers, media and law enforcement groups. The repetitive use of such language advanced a linguistic consensus amongst these groups that ice should indeed be considered a dangerous and risky drug. This repetition highlighted a circulatory of discourses and discursive language that further heightened the new ice risk in NSW.

9.13 The New Ice Risk and the Implications of Policy

The 'new ice risk' developed into one of the most important policy issues in this study.²⁴⁰ It is the culmination of the convergence of all major ice discourses and strands identified and discussed in this thesis. The works of Giddens and Beck, discussed earlier in this chapter as well as in Chapter 3, provided a way to theoretically envisage this new ice risk that emerged in our society. A product of the risk environment that Giddens claims has ushered in a manufactured uncertainty into

²³⁹ Daniel Callahan and Bruce Jennings, *Ethics, the social sciences and policy analysis* (New York: Plenum Press 1983).

²⁴⁰ Michel Foucault, *The Order of Things: An Archaeology of the Human Sciences*, trans. A M Sheridan Smith, (London: Tavistock Publications Limited, 1970).

our lives; the new ice risk is the manifestation of a media preoccupation with a drug that appeared to have encroached on the lives of everyday Australians.

This new ice risk was made visible by media through 'conditions of possibility' that allowed it to take shape. For instance, media's abundant use of risk fragments defined and maintained normative boundaries about ice as a social abnormality and imminent danger.²⁴¹ In addition, law enforcement commentary, by primary definers such as Commission Moroney that linked ice and its users to violence, generated a massive media response that transformed ice from something 'collectively imposed, individually unavoidable' to something readily available 'in the future'.

These conditions generated a 'greater awareness' of ice²⁴² within the community by adding a new level of riskiness to it.²⁴³ This allowed the public to assess and categorise the '[hazardous] relationship that ice has to us, our future and 'our well-being',²⁴⁴ and offered us a way to contextualise its broader effects on the community. In other words, these favourable conditions provided the public with a way to understand the competing and circulating narratives about ice, and also provided policymakers with a way to identify and then manage it.²⁴⁵ Such conditions paved the way for the 'new ice risk' to be considered a major illicit drug issue in NSW and nationally.²⁴⁶

This 'new ice risk' produced conditions favourable for tough policies and laws to emerge, as demonstrated in the previous analysis. These conditions offered policymakers a way to perceive the new ice risk, always within a danger, fear and anxiety context that emphasised its consequences of harm, death, violence and destruction; as well as a way to manage it, largely through restrictive, punitive and regulatory measures. As a result, the new ice risk was not considered a single risk such as the risk of ice users or the risk of manufacturers and so forth. It was what lemma identified broadly in his media release announcing the Forum as the 'ICE

²⁴¹ Lupton, *Risk and Sociocultural Theory- New Directions and Perspectives*, 112.

²⁴² Lupton, *Risk*, 59.

²⁴³ Giddens, *Risk and Responsibility*, 4.

²⁴⁴ David Garland, "The Rise of Risk," 52.

²⁴⁵ Dean, "Risk, Calculable and Incalculable," 131.

²⁴⁶ Ulrich Beck, "World Risk Society and Manufactured Uncertainties," 293.

CRISIS'.²⁴⁷ New types of political strategies that considered the many discourses and strands simultaneously were therefore required to pursue this new and politically reflexive ice risk.²⁴⁸

Moreover, the 'new ice risk' presented the NSW and Federal Governments with an opportunity to react (in full view of media) with an almost instantaneous and insatiable sense of urgency (in order to protect society) that 'justified' their deflection from licit drugs like alcohol and tobacco. This type of reactive policy making, which happened to occur during election time for both governments, paved the way for policymakers to institute restrictive and punitive measures such as changes to the *Criminal Code Act 1995 (SDO Act)*(Cth) and the *Drug Misuse and Trafficking Act 1985* (NSW) that were swift, urgent and retaliatory.

I observe that this new ice risk, as part of the larger and more pervasive risk environment identified by Giddens, perpetuated fear of the unknown (for example, the Asian importers who had their sights on Australia as a suitable crystal methamphetamine destination)²⁴⁹ and anxiety about the future (for example, parents anxious about the future of their children given the drug could be 'delivered to their doorstep').²⁵⁰ However it was not confined to the local (NSW) but rather impacted upon the broader Australian and even international community (as demonstrated by the Forum).

As discussed earlier in this chapter, new risks have the capacity to rise to the top of government agendas,²⁵¹ and that is exactly what this new ice risk achieved: state and national political prominence. The Forum and Project STOP were policy responses to this new ice risk. These examples in particular, where a multiplicity of discourses and strands were addressed under one policy, showed that ice issues could not be compartmentalised, but rather came to be imagined and understood as the culmination of a new risk.

²⁴⁷ NSW Premiers Office, "Iemma Calls for National Forum on 'Ice' Crisis: Media Release."

²⁴⁸ Giddens, *Risk and Responsibility*, 5.

²⁴⁹ Refer to article 4.

²⁵⁰ Refer to article 138.

²⁵¹ Ungar, "Moral Panic Versus the Risk Society: The Implications of the Changing Sites of Social Anxiety," 273.

The Forum was a unique policy response as it addressed all three major media discourses analysed in this thesis. It pushed the boundaries of social definition by looking holistically at separate and compartmentalised issues relating to ice, such as those surrounding users or enforcers. It signalled a carefully constructed effort by the NSW Government to present the new ice risk as something exceptionally dangerous and threatening. It did this by drawing together discourses around methamphetamine users, importers, traffickers, producers and manufacturers, and the drug itself, and informing the public that we had reached the point where such issues must be addressed collectively, as reflected in the title of Premier Iemma's media release, *'IEMMA CALLS FOR NATIONAL FORUM ON 'ICE' CRISIS'* (original emphasis).²⁵² The new ice risk, the convergence of major strands and discourses identified in this thesis, addressed all these issues simultaneously. It therefore required a unifying response, evidenced when Iemma urged the Prime Minister and other heads of state in Australia and New Zealand to come together to be 'part of a leadership forum targeting ice'.²⁵³ This new ice risk transcended state borders to become a national and international issue.

The preceding discussion demonstrates that a new drug risk had emerged in media that had to be addressed in policy and law. Douglas's work shows that this new ice risk was selected above many other risks as one worth pursuing, mostly because it invoked fear, anger and high anxiety.²⁵⁴ It also appeared unpredictable, ubiquitous and capable of transcending the local to become an international issue of political importance. The policy and legal reactions to the media discourses and strands that comprised the new ice risk therefore provide evidence that ice was actually perceived and then responded to as a new risk.

Policymakers responded to the new ice risk with a raft of policy and legislative measures, as shown in previous sections of this chapter. Some of those addressed a singular discourse or strand, others more than one; however the Forum, as discussed above, emerged as a policy initiative that capitalised on this newly created risk by

²⁵² NSW Premiers Office, "Iemma Calls for National Forum on 'Ice' Crisis: Media Release," 1.

²⁵³ Iemma, NSW Parliamentary Debate, Legislative Assembly, 19 October 2006, 3074.

²⁵⁴ Mary Douglas and Aaron Wildavsky, "How Can we Know the Risks we Face? Why Risk Selection is a Social Process.," 49.

addressing its every dimension. The Forum and other policy and legal initiatives, although attempting to curtail illegal practices associated with ice, did in fact impact on vulnerable groups. The final section of this chapter explores three problematic implications of the policies and laws examined in this chapter. The first examines the effects of regulation that extended the criminalisation of ice; the second examines the marginalisation of vulnerable groups; the third discusses the construction of the new ice risk as a criminal problem or a public health issue.

9.13.1 The Effects of Regulation: Extending the Criminalisation of Ice

The policy and legal responses to the new ice risk were a reaction to a drug constructed and then presented as something exceptionally dangerous. These responses were largely punitive and restrictive and sought to criminalise all aspects of the drug including its trade, and associated activities, as well as its use. Although this was not unusual given the nature of the drug, these responses were constructed in a way that they could also capture and then criminalise persons or groups not necessarily involved in certain aspects of the trade, thus causing these persons or groups to be ‘unjustly caught by the provisions’ introduced.²⁵⁵

Changes to the *Criminal Code Act 1995* (Cth), namely the SDO Act, widened the net to capture more persons under new drug offences. This was particularly troubling for some methamphetamine users, given the inconsistencies between Commonwealth and NSW trafficking laws. For example, under Commonwealth law²⁵⁶ a traffickable quantity of methamphetamine is listed as 2.0g while in NSW it is listed as 3.0g.²⁵⁷ This inconsistency shows that a mere ‘traffickable quantity amounts to a marketable quantity if taken across Australia’s borders’.²⁵⁸ This is further expounded by the fact that Commonwealth drug laws would supersede those in NSW in any disputed claims.

These changes contravened MCOCC warnings: the inclusion of possession offences as a serious drug offence under federal drug laws could recognise ‘mere users’ as

²⁵⁵ Rhiannon, NSW Parliamentary Debate, Legislative Council, 7 March 2006, 21036.

²⁵⁶ See Division 314 (1) *SDO Act 1995* (Cth).

²⁵⁷ See Schedule 1 *Drug Misuse and Trafficking Act 1995* (NSW).

²⁵⁸ Brown et al., *Criminal Laws- Material and Commentary on Criminal Law and Process of New South Wales*, 885.

'dealers' or even drug traffickers.²⁵⁹ No assurances were provided by the former Attorney General Philip Ruddock when announcing the Bill in Federal Parliament that 'naïve or innocent' persons, as described by Gaudry in his announcement of the Crimes Legislation Further Amendment Bill 2000,²⁶⁰ would not be affected by this new federal law. Instead, the SDO Act passed relatively unchanged in Parliament.

Section 11A, which banned the sale, supply and display of ice pipes, was introduced into *Drug Misuse and Trafficking Act 1985* (NSW) to largely curtail ice smoking among young recreational users. This legislative amendment, however, severely penalised those persons who sold, supplied or displayed ice pipes. Such a person, identified by former MLC Lee Rhiannon as a typical tobacconist, could face a two year custodial sentence if found guilty of such offences. Rhiannon labelled this 'grossly unfair', given such a person may have 'overlook[ed] a glass pipe on display, or is ignorant of its use, or is unaware of the law'.²⁶¹

Such punitive and 'deterrent' measures, although impinging negatively on certain groups (tobacconists) in society, were considered acceptable given they would help stop young recreational users from smoking ice. These measures, however, did not consider that by removing these implements (ice pipes) from the market, young recreational users would possibly engage in more risky practices of ice use such as injection of the drug.

9.13.2 Further Marginalisation of Vulnerable Groups

Many of the policies and laws implemented to address the new ice risk directly impacted negatively on vulnerable groups such as dependent methamphetamine users. This was most evident in the 2007 Federal Inquiry report titled '*The winnable war on drugs*' that proposed recommendations it considered would win the war against drugs like ice and heroin.²⁶² Such an unrealistic objective encouraged the Committee to suggest a number of punitive and restrictive recommendations that

²⁵⁹ Model Criminal Code Officers Committee, "Model Criminal Code- Chapter 6- Serious Drug Offences Report, ": 87.

²⁶⁰ Gaudry, NSW Parliamentary Debate, Legislative Assembly, 29 November 2000, 11166.

²⁶¹ Lee Rhiannon, NSW Parliamentary Debate, Legislative Council, 7 March 2006, 21036.

²⁶² House of Representatives Standing Committee on Family and Human Services, "The Winnable War on Drugs- The Impact of Illicit Drug Use on Families."

considered the removal of children from persons they described as their 'drug addicted parents' to be an appropriate response to the ice issue in Australia.²⁶³

The removal of children from their homes not only targeted a vulnerable group in society, but also replicated old policy sentiment not dissimilar to that found in the 1940 Commonwealth policy of assimilation and protection that produced the Stolen Generation, where children of Australian Aboriginal and Torres Strait Islander descent were forcibly removed from their homes. Such policy initiatives were motivated by 'child protection' rhetoric. The *Aborigines Protection Amending Act 1915* (NSW) enabled this practice to legally continue until 1969.

Although not of the same magnitude as the children of the Stolen Generation, the recommendation to remove children from the homes of their parents was indeed a prohibitionist political manoeuvre by a Committee far removed from the complexities of illicit drug dependency; and was a socially illegitimate way to govern this population. In this sense, then, it can be understood as part of broader punitive and targeted recommendations that had the propensity to affect a large proportion of a clearly vulnerable group.

In effect, the Federal Inquiry recommended the governance of dependent methamphetamine users, described consistently in the report as 'addicts', through 'criminology of the other' type strategies. It ignored clinical and academic explanations of drug use, particularly how drug taking challenges the rational actor model by presupposing that both intoxication and addiction involve the failure of self-command, making individuals far less cognisant of the consequences of their actions while under the influence of drugs, notably those considered psychoactive.²⁶⁴

By ignoring such evidence, the Committee appeared justified in recommending interventions (such as the financial support of measures only if they espoused drug-free individuals) that restricted the availability of psychoactive substances to address illicit drug use.²⁶⁵ These recommendations would be damaging to these users, as

²⁶³ Ibid., xii.

²⁶⁴ Kleiman, "Coerced Abstinence: A Neo-Paternalistic Drug Policy Initiative," 11.

²⁶⁵ Ibid., 193.

public attention shifted towards punishment as opposed to protection, removing any benevolent aspects to such coercive interventions.²⁶⁶ This could increase the risk on drug users who may engage in more risky behaviour.

9.13.3 Criminal Problem or Public Health Issue

The new ice risk challenged traditional harm minimisation approaches to illicit drugs by appearing largely as a major criminal problem. The analysis offered in this chapter shows that discourses and strands were responded to with a range of policy and legal measures and perhaps influenced by a range of social actors. For example, the dependent user was constructed in media articles and referred to in law enforcement commentary as a violent, criminal and 'risky' addict. Tough measures such as the use of Tasers were recommended by police given these users posed a risk to the safety of officers, and increased violent assaults in the community.

Alternatively, public health researchers claimed that only a small number of dependent users were 'receiving formal treatment', and recommended an improvement of treatment coverage for these persons²⁶⁷ given they were less likely to engage in traditional forms of treatment.²⁶⁸ The ANCD also identified a lack of treatment options for users.²⁶⁹ While this sentiment could be found in the public health response to ice, and available in some media articles that advocated for a greater investment in treatment to address dependency and use more broadly, it was not replicated in criminal justice policy or law.²⁷⁰ Most of the policy and legal responses analysed in this chapter responded to dependent users with restrictive measures (Federal Inquiry recommendations to remove children from dependent users); however the Forum acknowledged the importance of treatment (Session 3) and proposed the continuation of public health driven approaches such as rehabilitation.

²⁶⁶ Ibid., 195.

²⁶⁷ McKetin et al., "Estimating the Number of Regular and Dependent Methamphetamine Users in Australia," 27.

²⁶⁸ Ibid., 26-7.

²⁶⁹ Dawe et al., "*Drug Use in the Family: Impacts and Implications for Children.*" Also available in articles 169 and 173.

²⁷⁰ For example see article 121.

Within the criminal justice policy and law reform, the public health discourse did have some sway for the recreational user. This was aided by media constructions of these users as 'at risk' of harm and addiction, a risk they did not fully understand, and by law enforcement commentary that presented them as young and vulnerable members of society who were targeted by unscrupulous ice traffickers. These homogenous constructions of the recreational user prompted legal and policy responses that were neo-paternalistic and protectionist, and encouraged the cessation of use by punishing others (e.g. s 11A (tobacconists) and ss 24A and 24B (manufacturers, producers and traffickers) of *Drug Misuse and Trafficking Act 1985* (NSW)).

The policy and law responses to the importation, trafficking, manufacture and production of ice were punitive and restrictive (Project STOP – monitoring and possibly limiting the sale of products that contain ephedrine or pseudoephedrine), and an attempt to eradicate ice from NSW and Australia. They targeted all aspects of the methamphetamine trade and imposed tougher and longer sentences (see changes to the *Criminal Code Act 1995 (SDO Act)* (Cth)) to deter organised criminal groups from engaging in various practices. These responses corroborated media, law enforcement and public health rhetoric that constructed these 'enforcer' strands as a risky criminal problem.

The new ice risk revolutionised the way state and federal government leaders responded to illicit drugs. Harm minimisation approaches were considered inadequate to effectively deal with the new ice risk. Supported by media calls for the eradication of ice from our society, policymakers proposed tough, punitive and populist measures to deal with the new ice risk. However, these measures had a detrimental effect on some vulnerable groups such as dependent methamphetamine users. This effect, however, was denied by the enormity of the new ice risk, and what it represented: one of the biggest drug threats ever available in Australia.

9.14 Conclusion

The risk environment, discussed in various sections of this chapter, created a greater awareness about ice, its users, and those who imported, trafficked, manufactured

and produced the drug. In doing so, it ushered in a new ice risk that developed into one of 'the' major drug risks in NSW and Australia. This new ice risk, the convergence of the methamphetamine user,' the enforcers', and 'the folk devil' drug discourses and their strands, fostered impassioned government engagement in the ice debate, much of which centred on punishment and eradication.²⁷¹ These discourses and strands shaped the way the drug was presented to the community and how it was adopted, albeit in part, in policy and law largely as a major crime control problem.

Media had encouraged paternalistic and punitive responses via its dichotomous construction of the methamphetamine user discourse. They elevated the vulnerability and victimhood of the young, 'at risk' recreational user strand to such an extent that policymakers responded by positioning them in a category that required special attention, as reflected in the Forum's TOR,²⁷² or via s 11A of the *Drug Misuse and Trafficking Act 1985* (NSW) that directly addressed their ice smoking. Alternatively, dependent 'risky' users were constructed in media and policy texts as 'addicts' and targeted via recommendations, such as the Inquiry, that encouraged the removal of their children. These recommendations dehumanised these users and simultaneously stripped these persons of their rights as parents.

Media and law enforcement commentary on the enforcer strands triggered an intense government focus on the methamphetamine trade. This bottom-up type of policy making allowed for the implementation of restrictive policy and legal measures aimed at those persons or groups (OMCGs and Asian criminal syndicates) because they increased the risky practice of ice use and threatened the social stability and safety of the community.²⁷³

Legislators and policymakers therefore penalised these persons through policy measures (e.g. Project STOP and the Forum) and legislative and regulatory changes (e.g. *Drug Misuse and Trafficking Act 1985* (NSW), *Drug Misuse and Trafficking Regulation 2006* and *SDO Act*) that imposed stringent conditions, longer custodial

²⁷¹ See articles 169, 174, 183 and 200.

²⁷² NSW Premiers Office, "Iemma Calls for National Forum on 'Ice' Crisis: Media Release."

²⁷³ For example see article 91 and Rebecca McKetin et al., "Estimating the Number of Regular and Dependent Methamphetamine User in Australia."

sentences or an increase in penalty points, to capture and criminalise them. These measures linked certain enforcer strands with the methamphetamine use discourse, producing an entanglement that illuminated the new ice risk. Clearly, such measures sought to also address ice directly by limiting its availability. They cast a net very far and very wide that captured a range of persons under such offences in order to eradicate ice from the community. Such measures (e.g. s 11A of the *Drug Misuse and Trafficking Act 1985* (NSW) that targeted persons like tobacconists) were deemed reasonable and acceptable, regardless of their potential detrimental effect on individuals.²⁷⁴

The NSW and Federal Governments were to some extent also informed by the public health and law enforcement commentary replicated in media articles. This commentary presented ice as a risky public health issue and an extensive criminal problem that was best met with restrictive intervention, given the impact it had on the community. This developed into an eradication campaign amplified by media (such as the Ice Epidemic' campaign by *The Daily Telegraph*) that trickled into the policy debate and then policy development on ice. Eradication thus emerged as the primary response to the new ice risk, encouraged by one, its existence as part of a risk environment, and two, cultures of control that had influenced the way governments responded to criminality.

In sum, it is critical to acknowledge the importance of media as constructors of risk knowledge who problematised, politicised and made ice into something governable and requiring governance (as the new ice risk). As a forum where political and social agendas are constituted and reconfigured, media made a critical contribution to making this new ice risk visible.²⁷⁵ Only then did it become transferable, from media commentary to policy and legal debates. This signalled the significance of the media space as both an avenue for the contestation of issues and a platform for policymakers from which to select issues worthy of political intervention.

²⁷⁴ Cohen, *Visions of Social Control : Crime, Punishment, and Classification*.

²⁷⁵ McRobbie and Thornton, "Rethinking 'Moral Panic' for Multi-Mediated Social Worlds."; Colin Hay, "Mobilization Through Interpellation : James Bulger, Juvenile Crime and the Construction of a Moral Panic" *Social and Legal Studies* 4(1995).

What this chapter ultimately presented was that heightened media attention on ice and the NSW and Federal Governments' policy and legislative response appeared at times to work in tandem to advance a position that catapulted this new ice risk into the public spotlight. It was evident that government policies on criminal issues had been steadily traveling along a punitive road, a result of the growing risk environment that had become an instrumental part of a global and political collective governance of illicit drugs.

10 Conclusion

During the years 2000 to 2009, methamphetamine transformed from a virtually unknown illicit substance that received scant media attention, to a substance that was perceived to be one of the most catastrophic and dangerous drugs ever available in Australia. It leapt onto our television screens and grabbed our newspaper headlines in the year 2006 in particular. We were confronted with images of ‘out of control users’ rampaging through Sydney streets, children as young as 12 using ice for fun, organised crime groups manufacturing ice in backyard laboratories, and NSW Police proclaiming that ice was a drug worse than heroin. Perhaps influenced by international media rhetoric that encouraged a negative approach to its reporting of methamphetamine issues,¹ or a need to present certain controversial issues as risks while at the same time ignoring others², print media represented ice as a serious problem in NSW worthy of government intervention.

10.1 Research Rationale

This thesis began by questioning the role of print media in law and policy making on illicit drugs. A limited amount of Australian research currently exists that intimately explores this media and policy nexus. Of the studies published so far, some have explored media constructions of heroin users or media drug campaigns and their effect on government decisions (for example the ACT heroin trial),³ while others have examined print media reporting of illicit drugs more broadly.⁴ Although such studies provide valuable insight into the relationship between media and illicit drug policy making, they are only but a few. To date, no Australian study has explored print

¹ Boyd and Carter, "Methamphetamine Discourse: Media, Law, and Policy."

² Douglas and Wildavsky, "How Can we Know The Risks we Face? Why Risk Selection is a Social Process," 49.

³ Elliott and Chapman, "Heroin Hell Their Own Making: Construction of Heroin Users in the Australian Press 1992-1997."; Lawrence, Bammer, and Chapman, "Sending the Wrong Signal: Analysis of Print Media Reportage of the ACT Heroin Prescription Trial Proposal, August 1997."; McArthur, "Pushing the Drug Debate: The Media's Role in Policy Reform."

⁴ Caitlin Hughes, Kari Lancaster and Bridget Spicer, "How do Australian News Media Depict Illicit Drug Issues? An Analysis of Print Media Reporting Across and Between Illicit Drugs, 2003–2008," *International Journal of Drug Policy* 22, no. 4 (2011); Hughes et al., "Drugs in the Australian News Media: Trends and Impacts on Youth Attitudes to Illicit Drug Use"; Teece and Makkai, "Print Media Reporting on Drugs and Crime, 1995-1998,"; Philip Bell, "Drugs and the Media."

media coverage of methamphetamine and its impact on policies and laws, particularly over a long period of time.

In the absence of local research, we can turn to the growing international literature that explores this nexus, so as to broaden our understanding and knowledge of print media constructions of ice and how these constructions translate in a policy context.⁵ Such research, however useful, does not recognise the uniqueness of the Australian media landscape, for example, that Australian journalists must adhere to APC guidelines when reporting on illicit drugs and related issues.⁶

This empirical study is unique as it analysed print media constructions of ice over a ten year period and evaluated their impact on policies and laws. It examined the language used by media as well as their use of expert and primary definer commentary that presented a particular reality about ice, its users, its importers, traffickers, manufacturers, producers and those who policed these groups and their activities.

10.2 Research Method and Design

This research employed an explanatory single-case study design to interrogate media representations of ice in NSW and nationally over time by identifying the discourses embedded within newspaper articles. This provided an in-depth understanding of media reporting of crystal methamphetamine, notably the intricacies of a specific case (NSW). The study was guided by three research questions: (1) what are the dominant discourses in media representations of methamphetamine in the period 2000 to 2009?; (2) have these dominant discourses shaped methamphetamine policy and legislation and, if so, how, and to what extent?; and (3) what broader socio-cultural factors have informed these media discourses and the policy and legal responses to them?

⁵ For examples see the following studies: Boyd and Carter, "Methamphetamine Discourse: Media, Law, and Policy"; Jenkins, *Synthetic Panics - the Symbolic Politics of Designer Drugs*; Edward G. Armstrong, "Moral Panic over Meth."

⁶ "Advisory Guidelines - Drugs and Drug Addiction: General Press Release No. 246 (ii)," Australian Press Council.

In order to answer these questions, a total of 433 print media articles and six policies and laws were examined using a discourse analysis. This analytical process enabled me to interrogate how knowledge was produced (through discourses and discourse strands) and how that knowledge engendered relevant meaning (in policy and law). A number of social and criminological theories and perspectives provided a conceptual framework that allowed me to analyse how we imagine and understand the role of risk in our society. The framework provided this thesis with a means to analyse the empirical data.

There are some limitations to this research. Given the qualitative nature of the study and the use of a single-case study research method, I was unable to make generalisations confidently beyond the state of NSW. However, I was able to make what Stake refers to as 'naturalistic generalizations', by reflecting on the specific details of the single-case of NSW.⁷

Another limitation of this research was the use of print media (old media) articles, as opposed to 'new media' outputs (access to information on the Internet). New media, as described by Lumby, are not 'simply carriers of information, they are force fields which reorganise social relations in their wake'.⁸ They provide vast opportunities for the public voice (or the 'citizen journalist', as referred to by Jewkes) to be heard via social media, blogs and other online forms of communication.⁹ New media has changed the media landscape. Although print media still has some potency in communicating information on important issues, new media, particularly social media, is a platform from which the public voice can be better heard on issues like illicit drugs. Given its dominance in the twenty-first century, it is important to explore new media's role in the policy making process on controversial issues such as ice, notably the 'Ice Epidemic' that apparently gripped Sydney in late 2014 and early 2015.¹⁰

⁷ Stake, "The Case Study Method in Social Inquiry," 75.

⁸ Catharine Lumby, "Panic Attacks: Old Fears in a New Media Era," *Media International Australia* 85(1997): 45.

⁹ Jewkes, *Media and Crime*, 65.

¹⁰ Generation One, "The Ice Epidemic," *GenerationOne Blog* (blog), October 31, 2014, <http://generationone.org.au/blog/2014/10/the-ice-epidemic>

10.3 Research Findings

This criminological thesis exposed the media response to ice during the study period. It identified and analysed the media discourses of 'methamphetamine user', 'the enforcers', 'the folk devil drug', and their respective strands, that framed ice as something highly risky and problematic, and illuminated the influential role played by the media discourse plane in promoting these discourses into the policy domain.

The first of these dominant discourses was the methamphetamine user, constructed in media texts as a dichotomy. The first strand of this dichotomy, the dependent user, was largely presented by media as a risky 'addict'. A consistent narrative developed that perpetuated the most visibly threatening images of this user, evidenced through explosive headlines such as *'The drug that's transforming normal people into monsters'*,¹¹ and dramatic commentary; these people who have 'extraordinary strength to rip out posts'¹² will 'lie, cheat and steal to get it [ice]'.¹³ Alternatively, the second strand of this dichotomy, the recreational user, was constructed in media texts as a young, naïve and vulnerable victim of the drug ice. These persons would consume the drug for fun, and were unaware of the consequence of their use; they were 'at risk' of serious harm and addiction.¹⁴

This dichotomous construction of the methamphetamine user developed alongside 'the enforcers' discourse. This discourse comprised the dominant strands of drug law enforcement, importation, trafficking, manufacture and production of crystal methamphetamine. The law enforcement strand presented police as those groups tasked with protecting Australia's borders from ice importers, and stopping the production and manufacture of crystal methamphetamine, nationally and in NSW. This construction was made available through continued media reports that praised law enforcement efforts (drug busts and arrests) in thwarting methamphetamine-related crime.

¹¹ Article 120.

¹² Article 71.

¹³ Article 180.

¹⁴ McKetin, McLaren, and Kelly, "The Sydney Methamphetamine Market: Patterns of Supply, Use, Personal Harms and Social Consequences," xvi.

The importation and trafficking strands presented Asian criminal syndicates as those who selected Australia as a suitable methamphetamine destination.¹⁵ Such representations, however, enabled importation to become racialised given that the importers' ethnicity, usually signalled as 'Asian', formed a large part of this strand. This in itself invoked notions of otherness that presented importers as the antithesis of law enforcement and the 'enemy' of Australia.

The other strands of manufacture and production cast groups who made ice in sophisticated clandestine laboratories ('super labs')¹⁶ or in residential 'backyard' locations (backyard labs) as villains.¹⁷ In particular, media highlighted the involvement of organised crime groups like OMCGs in various aspects of the methamphetamine trade. OMCGs were positioned as a 'national drug threat'.¹⁸ This was most noticeable once media had extensively reported on the so-called 'bikie wars', and NSW Police Commissioner Andrew Scipione described 'those responsible for the violence [bikie-related] [as] terrorists'.¹⁹ Thus the parallel construction of OMCGs as gangs and terrorists served to further problematise them as major drug threats. They were positioned as all-encompassing risks to Australia that heightened existing uncertainty and ambiguity about our future.

This uncertainty was made most obvious in the third discourse of 'the folk devil drug'. This discourse was widely presented in media texts through pervasive images of addiction, violence and death. Two main discourse strands, the 'uncertain environment', and 'ice worse than heroin', emerged to present ice as a ubiquitous risk, a new-evil and folk devil. Such constructions were typically amplified through the use of dramatic metaphorical fragments and risk-based language to communicate the most dangerous aspects of ice.

These dominant media discourses and strands presented a certain way for the public to imagine, and policymakers to then 'manage', methamphetamine. Only the most

¹⁵ Article 34.

¹⁶ See articles 123, 124 and 125.

¹⁷ See articles 59, 131 and 198.

¹⁸ Article 254.

¹⁹ Morgan, Dagistanli, and Martin, "Global Fears, Local Anxiety: Policing, Counterterrorism and Moral Panic over 'Bikie Gang Wars' in New South Wales," 585.

risky aspects were emphasised in the media, highlighting the seemingly deeply problematic nature of the drug. Hence, through these discourses, and the strands that comprised them, media strategically positioned methamphetamine as a dangerous problem that required political intervention, and by doing so, illuminated the existence of the 'new ice risk'.

The new ice risk emerged within the larger, pre-existing risk environment that already permeated Australian society and was influenced by aspects of a 'culture of control' (such as the 'criminology of the other' and 'criminologies of everyday life'). It was the convergence and thus culmination of the discourses of 'methamphetamine user', 'the enforcers' and 'the folk devil drug' that propelled ice to the apex of the political debate on illicit drugs. Over the years of the study, ice became *the* major drug risk in Australian society. The idea that it represented a new and serious risk fostered impassioned NSW and Federal Government responses that encouraged a social and policy dialogue centred on punishment and eradication.²⁰ This paved the road for a policy position that supported the removal of ice from the community due to its status as a menace to society,²¹ a scourge²², and a national crisis and threat²³ that must be addressed swiftly and urgently.

This new risk, produced through the omnibus of discourses and strands discussed extensively in this thesis, presented a new way of looking at ice through carefully selected information and knowledge that allowed us to imagine it only through the strict confines of the risks it was said to embody. We observed this new ice risk and the shape it took by examining the policies and laws analysed in Chapter 9.

This analysis showed how policymakers adopted or responded to particular aspects of media discourses and strands (discussed in earlier chapters) and integrated them into the key policies and laws. These policies and laws presented ice as a serious risk and domestic threat that was best addressed via punitive sanctions of certain

²⁰ See articles 169, 174, 183 and 200.

²¹ Iemma, NSW Parliamentary Debate, Legislative Assembly, 19 October 2006.

²² Article 159.

²³ Article 254.

groups.²⁴ This punitiveness was largely directed at Asian criminal syndicates and OMCGs, though other groups, such as dependent users, were also targeted through punitive and control-based policy and legislative measures.

The methamphetamine user discourse was addressed by policymakers either through paternalistic interventions (such as the Forum) or punitive measures that sought to manage and control those users considered 'risky'. The identification and separation of users as either 'at risk' or 'risky' provided a clear path on how to individually govern these two classes of user. Legislative measures such as changes to the *Drug Misuse and Trafficking Act 1985* (NSW), notably the insertion in 2006 of s 11A that banned the sale, display and supply of 'ice pipes', were a direct and neo-paternalistic response to young recreational users and their ice smoking. Other policy measures such as the Federal Inquiry were directed at dependent users. However, unlike the paternalistic measures introduced to handle recreational users, dependent users were cast as 'addicts' and addressed through 'criminology of the other' type of punitive measures such as the possible removal of their children.

By far, most of the policy and legislative initiatives addressed the trafficking, manufacture and production of methamphetamine. The *SDO Act* (part 9.1 of the *Criminal Code 1995* (Cth)) served to severely incapacitate individuals convicted of trafficking and manufacture offences by increasing the penalty of said offences from 10 years to life imprisonment. Most concerning was that it aligned possession offences alongside those related to importation, manufacture and production. Doing so meant that dependent users could be positioned as possible drug traffickers and be dealt with by the full force of the law, thus turning dependency into a law and order issue.

Other legislative changes made to the *Drug Misuse and Trafficking Act 1985* (NSW) such as s 24A and s 24B depicted manufacturers and producers of ice as preying on society, particularly young people. Most changes were directed at the illegal use of precursor chemicals and drug manufacturing apparatus, respectively, as was the implementation of the *Drug Misuse and Trafficking Regulation 2006* that was entirely

²⁴ O'Malley, "Policing Crime Risks in the Neo-Liberal Era," 93.

created to address the precursor issue in NSW. Longer sentences for involvement in manufacture, production and trafficking offences were imposed, some of which (for example s 24B) reversed the onus of proof onto the accused to show lawful possession.

Policy measures such as the national rollout of Project STOP responded to the manufacture and production strands by introducing measures to stop the illegal acquisition (via pharmacies through products like Sudafed) of precursor chemicals like pseudoephedrine. This perhaps was a response to extensive media reporting of major police busts of clandestine laboratories and precursor chemicals; and alongside law enforcement commentary, identified OMCGs as those involved in this aspect of the methamphetamine trade.

The National Leadership Forum on Ice, however, was the only government response to address all aspects of the new risk simultaneously (methamphetamine users, importation, trafficking, manufacture and production, (including criminal organisations such as OMCGs), and the drug itself. Its terms of references, coupled with the involvement of leaders from both the Australian and New Zealand Governments, demonstrated a cooperative approach to the governance of the ice issue. It was an international response to what law enforcement (Moroney) and media described as the 'scourge of ice',²⁵ which could only be addressed through eradication, not harm minimisation.

Government responses to the new risk presented a number of policy implications. First, the *SDO Act 2005* (Cth) widened the net to capture more persons under pre-trafficking and manufacture-related offences. Mere users could now be considered traffickers or dealers. Second, recommendations put forward by the Federal Inquiry into the impact of illicit drug use on families further marginalised vulnerable groups such as dependent methamphetamine users by suggesting the removal and then adoption of their children as an acceptable policy intervention. Third, framing the new ice risk as more of a criminal problem than a public health issue meant that more restrictive interventions were introduced to address it. This is best represented

²⁵ See articles 159, 169 and 174.

in s 11A of the *Drug Misuse and Trafficking Act 1985* (NSW), where persons convicted of selling, displaying or supplying ice pipes (used by recreational users to smoke ice) could receive a two year custodial sentence.

By supporting the eradication of crystal methamphetamine, both the NSW and Federal Governments rejected harm minimisation as the best policy approach to the governance of crystal methamphetamine, rejected the notion that the drug could be consumed for pleasure purposes,²⁶ rejected the idea that ice consumers could be rational choice actors who made a decision to consume the drug, and rejected the idea that certain methamphetamine-related activities (such as consumption) should be considered a public health rather than a criminal issue. By rejecting these crucial factors, government offered a myopic response to the crystal methamphetamine issue that was largely punitive, populist and overly influenced by the image of the new ice risk that had emerged in the media: an image that cultivated public insecurities by illuminating the most threatening and dangerous aspects of ice.²⁷

10.4 Moving Forward

This research serves as a reminder that media are a powerful group whose influence should not be ignored when it comes to understanding drug policy. They have the ability to structure the way we envisage illicit drugs and equally to shape the way policymakers respond to these drugs. This raises a number of important questions, namely whose voices are heard and whose voices dominate in the policy making process. Porteous refers to this aspect of policy making as the 'magician's hat'; many voices enter the hat though only some emerge to play a role in the public policy process.²⁸ Policy making is thus an interactive process, developed in what Banks refers to as a 'fluid environment', subjected to competing vested interests, and dually influenced by groups like media.²⁹

²⁶ Fiona Measham, "The Decline of Ecstasy, the Rise of 'Binge' Drinking and the Persistence of Pleasure," *Probation Journal* 51, no. 4 (2004).

²⁷ Ericson and Haggerty, *Policing the Risk Society*, 86.

²⁸ Mike Porteous, "The Magician's Hat: Evidence and Openness in policy making," *Science and Public Policy* 43, no. 2 (2016): 157-158.

²⁹ Gary Banks, "*Challenges for Evidence-Based Policy-Making*" (Canberra: Australian Public Service Commission, 2009).

This thesis has demonstrated that the role of media as an active force in the drug policy making process must not be relegated to mere mentions in policy textbooks. It should be explored closely, including through the analysis of 'new' media. We have entered a technological era that has fundamentally changed the way we communicate with each other. The rise of the fifth estate, as referred to by Jericho, encompasses Internet networks such as social media, Twitter and Facebook.³⁰ These different forms of modern communication must be examined to determine how images of illicit drugs like ice are imagined, constructed and disseminated, and whether or how these images appear in the policy landscape. Importantly, however, new media is simultaneously a space where citizen voices are arguably more readily heard and contested.³¹ This presents an opportunity to move beyond research that examines the traditional dynamic between old media and policymakers, to explore how citizen voices are, or are not, integrated into illicit drug policy making. Such research is critical if we are to understand the extent to which new media re-instates democratic processes through direct participation and thus provides a new level of openness and transparency in policy making. This thesis acts as an important stepping-stone for further research into this largely untapped area.

³⁰ Greg Jericho, *The Rise of the Fifth Estate: Social Media and Blogging in Australian Politics* (Victoria: Scribe Publications, 2012).

³¹ Jewkes, *Media and Crime*, 65-68.

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Criminal Code Act 1995 (Cth)

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Criminal Procedures Act 1986 (NSW)

Customs Act 1901 (Cth)

Customs Amendment Act 1971 (Cth)

Drug Misuse and Trafficking Act 1985 (NSW)

Drug Misuse and Trafficking Amendment Regulation 2008 (NSW)

Drug Misuse and Trafficking Regulation 2006 (NSW)

Graffiti Control Act 2008 (NSW)

Law and Justice Legislation Amendment (Serious Drug Offences and Other Measures) Act (SDO Act) 2005 (Cth)

Methamphetamine Epidemic Act ('Combat Meth Act') 2005 (US)

Misuse of Drugs Act 1971 (UK)

Narcotic Drugs Act 1967 (Cth)

Poisons Act 1902 (NSW)

Poisons Act 1966 (NSW)

Poisons (Amendment) Act 1970 (NSW)

Poisons and Therapeutic Goods Act 1966 (NSW)

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Police Offences Amendment (Drugs) Act 1927 (NSW)

Psychotropic Substances Act 1976 (Cth)

Public Health (Tobacco) Act 2008 (NSW)

Public Health (Tobacco) Regulation 2009 (NSW)

Sentencing Act 1995 (NT)

Summary Offences Act 1988 (NSW)

Treaties and Proclamations

Opium Proclamation 1914

United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances 1988

United Nations Convention of Psychotropic Substances 1971

United Nations Single Convention on Narcotic Drugs 1961

APPENDIX A: Complete list of newspaper articles (sample)

Article Number	Article Details
Article 1	Alford, Peter, "Tunes Differ on Revival of Executioner's Song", <i>The Australian</i> , 8 January 2000.
Article 2	Anonymous, "Jury out in Driver Case", <i>The Daily Telegraph</i> , 30 March 2000.
Article 3	Anonymous, "Record \$2.2m Ice Drug Haul", <i>The Daily Telegraph</i> , 21 April 2000.
Article 4	Alford, Peter, "Here Comes Killer Speed", <i>The Australian</i> , 16 October 2000.
Article 5	Anonymous, "Upsurge of 'Ice' Drug", <i>The Daily Telegraph</i> , 30 November 2000.
Article 6	Holder, Peter & Casamento, Jo, "Downey Saved by Brave Mel", <i>The Daily Telegraph</i> , 6 December 2000.
Article 7	Anonymous, "\$180m Ice, Heroin Seized", <i>The Daily Telegraph</i> , 22 December 2000.
Article 8	Anonymous, "Ice Suspect Refused Bail", <i>The Daily Telegraph</i> , 23 December 2000.
Article 9	Anonymous, "Fourth Man on Drugs Charge", <i>The Daily Telegraph</i> , 25 December 2000.
Article 10	Anonymous, "Three in Court over \$15m 'Ice'," <i>The Daily Telegraph</i> , 9 January 2001.
Article 11	Anonymous, "Seven Arrested in Drug Raids," <i>The Daily Telegraph</i> , 10 February 2001.
Article 12	Anonymous, "Aussie Arrested", <i>Sunday Telegraph</i> , 17 June 2001.
Article 13	Anonymous, "Guilty Plea over 'Ice'", <i>The Daily Telegraph</i> , 22 June 2001.
Article 14	Anonymous, "300 Drug Arrests", <i>The Daily Telegraph</i> , 29 August 2001.
Article 15	Downie, Stephen, "\$20m Drugs Seized in Raid", <i>The Daily Telegraph</i> , 17 October 2001.
Article 16	Anonymous, "Drug Import Plea", <i>The Daily Telegraph</i> , 5 December 2001.
Article 17	Anonymous, "Police Raid Nets Drug", <i>The Daily Telegraph</i> , 9 January 2002.
Article 18	Anonymous, "Heroin to Flood World Market, Thailand Warns", <i>The Australian</i> , 30 March 2002.
Article 19	Anonymous, "Jail for Drugs Priest", <i>The Daily Telegraph</i> , 19 April 2002.
Article 20	Anonymous, "\$1.5m Military Drug Bust", <i>The Daily Telegraph</i> , 4 July 2002.
Article 21	Lyall, Kimina, "Youth Drug Blamed for Hostage Drama", <i>The Australian</i> , 30 August 2002.
Article 22	Lyall, Kimina, "'Crazy Pill' Blamed for Hostage Drama", <i>The Australian</i> 30 August 2002.
Article 23	Anonymous, "Police Monitor 405 Calls with Dealer", <i>The Newcastle Herald</i> , 11 September 2002.

Article 24	Anonymous, "Flu Pills Stolen", <i>The Sunday Telegraph</i> , 29 September 2002.
Article 25	Anonymous, "Nomads Bokie Gang Officer to Stand Trials on 75 Charges", <i>The Newcastle Herald</i> , 18 December 2002.
Article 26	Anonymous, "Australian Sentenced", <i>The Daily Telegraph</i> , 27 March 2003.
Article 27	Lunn, Stephen, "The Korean Connection", <i>The Australian</i> , 22 April 2003.
Article 28	Lawrence, Kara, "Noodle Packs Hid \$112m Drug Haul", <i>The Daily Telegraph</i> , 16 May 2003.
Article 29	Anonymous, "'Ice' Haul a Warning", <i>Illawarra Mercury</i> , 16 May 2003.
Article 30	Anonymous, "Teenager on Drugs Charges Refused Bail", <i>Illawarra Mercury</i> , 17 May 2003.
Article 31	Anonymous, "Pymont Drug Haul", <i>Illawarra Mercury</i> , 19 May 2003.
Article 32	Lawrence, Kara, "Ravers Heat up for Ice", <i>The Daily Telegraph</i> , 20 May 2003.
Article 33	Warne-Smith, Drew, "Police Put Freeze on Party 'Ice'", <i>The Australian</i> , 20 May 2003.
Article 34	Anonymous, "Party Ravers Heat up for Ice", <i>The Daily Telegraph</i> , 20 May 2003.
Article 35	Anonymous, "Deadly Ice Drug Spreads to Bush", <i>The Daily Telegraph</i> , 14 June 2003.
Article 36	Lamont, Leonie, "Drug Used to Counter Fatigue Was in Crash Truckie's Bloodstream", <i>The Sydney Morning Herald</i> , 1 July 2003.
Article 37	Treasure, Kim, "Police Worried at Effect of Pure Batch of Drugs", <i>Illawarra Mercury</i> , 5 July 2003.
Article 38	Anonymous, "'Drugs Revealed' after Man Refused Bail", <i>The Newcastle Herald</i> , 19 July 2003.
Article 39	Anonymous, "Snowfield drug raids", <i>The Daily Telegraph</i> , 29 July 2003.
Article 40	Barrett, Steve, and Natalie O'Brien, "Internet 'Cookbook' Fuels Drug Wars", <i>The Australian</i> , 30 July 2003.
Article 41	Chulov, Martin, and Caitlin Fitzsimmons, "Four Arrested over \$1.4bn Drug Haul", <i>The Australian</i> , 13 September 2003.
Article 42	Dasey, Daniel, and Les Kennedy, "Drugs Disguised as Plates Seized", <i>The Sydney Morning Herald</i> , 13 September 2003.
Article 43	Woolage, Danielle, "Police Raid Drugs Laboratory", <i>Illawarra Mercury</i> , 23 September 2003.
Article 44	Anonymous, "Aussies Lead in Ecstasy Abuse", <i>The Daily Telegraph</i> , 25 September 2003.
Article 45	Pollard, Ruth, "Australia Tops Use of Ecstasy-UN" <i>The Sydney Morning Herald</i> , 25 September 2003.
Article 46	Anonymous, "Drug Blamed for Man's Demise", <i>The Newcastle Herald</i> , 9 October 2003.
Article 47	Anonymous, "Fatal Lesson Lost on Driver", <i>The Newcastle Herald</i> , 21 October 2003.

Article 48	Wyld, Ben, "Multiple Drug Users Make the Party a Bit Too Hearty", <i>The Sydney Morning Herald</i> , 15 January 2004.
Article 49	Mitchell, Alex, and Candace Sutton, "Naked City", <i>The Sun Herald</i> , 25 January 2004.
Article 50	Anonymous, "Local Briefs", <i>The Australian</i> , 11 February 2004.
Article 51	Anonymous, "Jail for Speeding Driver Who Was Also in Hold of Heroin", <i>The Newcastle Herald</i> , 14 February 2004.
Article 52	Anonymous, "Bond for Teen Who Was a 'Go between' in Drug Deals", <i>The Newcastle Herald</i> , 17 February 2004.
Article 53	Anonymous, "Driver Caught Twice Influenced by Drug", <i>The Newcastle Herald</i> , 7 April 2004.
Article 54	Gregory, Denis, "Chemists Called on to Combat Speed, Ice", <i>The Sun Herald</i> , 11 April 2004.
Article 55	Dowling, Joshua, "Roadside Drug Test Trap for Legal Users", <i>The Sydney Morning Herald</i> , 19 April 2004.
Article 56	Anonymous, "Home Drug Supply", <i>Illawarra Mercury</i> , 20 April 2004.
Article 57	Anonymous, "Drug Haul Worth \$12m", <i>The Daily Telegraph</i> , 21 April 2004.
Article 58	Verity, William, "'Party Drug' Ice Now the Big Danger," <i>Illawarra Mercury</i> , 22 April 2004.
Article 59	Anonymous, "Lethal Drug a Dilemma for Society", <i>Illawarra Mercury</i> , 22 April 2004.
Article 60	Verity, William, "Users Skate on Thin Ice," <i>Illawarra Mercury</i> , 24 April 2004.
Article 61	Anonymous, "Briefly", <i>Macarthur Chronicle</i> , 27 April 2004.
Article 62	Anonymous, "\$800,000 Border Drug Bust", <i>Illawarra Mercury</i> , 4 May 2004.
Article 63	Anonymous, "Police in Speed Trap", <i>The Newcastle Herald</i> , 8 May 2004.
Article 64	Anonymous, "Three Arrested in Speed Lab Blitz," <i>Illawarra Mercury</i> , 14 June 2004.
Article 65	Anonymous, "Two Charged over Cold Medicine Trail", <i>The Newcastle Herald</i> , 17 July 2004.
Article 66	Proudman, Dan, "Cash and Drugs Taken in 'Ninja-Style' Hold-Up", <i>The Newcastle Herald</i> , 21 July 2004.
Article 67	Anonymous, "Fatal Drug Accused in Court", <i>The Daily Telegraph</i> , 26 August 2004.
Article 68	Anonymous, "A Lethal Cocktail", <i>The Sunday Telegraph</i> , 19 September 2004.
Article 69	Anonymous, "Charges over Fatal Drug Supply", <i>The Daily Telegraph</i> , 23 September 2004.
Article 70	Anonymous, "Death Count on Cards: Police," <i>The Newcastle Herald</i> , 23 September 2004.
Article 71	Anonymous, "Vandals' Drug-Fuelled Crime Spree", <i>Illawarra Mercury</i> , 29 September 2004.
Article 72	Anonymous, "\$100m Drug Haul Arrests", <i>The Daily Telegraph</i> , 23 October 2004.
Article 73	Anonymous, "Court over Flu Tablets", <i>The Newcastle Herald</i> , 13 November 2004.

Article 74	Anonymous, "Buying Cold Tablets Led to Tip-Off: Police", <i>The Newcastle Herald</i> , 19 November 2004.
Article 75	Petrie, Andrea, "Victorian Drivers Face Saliva Drug Tests", <i>The Sydney Morning Herald</i> , 1 December 2004.
Article 76	O'Grady, Kate, and Charles Miranda, "Drugs and High Rollers-Favoured Casino Patrons Jailed", <i>The Daily Telegraph</i> , 4 December 2004.
Article 77	Anonymous, "Drugs and High Rollers- Casino Crooks", <i>The Daily Telegraph</i> , 4 December 2004.
Article 78	Anonymous, "Local Briefs", <i>The Australian</i> , 14 December 2004.
Article 79	Anonymous, "Father on Drug Charges", <i>The Daily Telegraph</i> , 21 December 2004.
Article 80	Hickman, Belinda, "Hefty Heroin Prices Save Young from Overdoses", <i>The Australian</i> , 3 January 2005.
Article 81	Anonymous, "'Syndicate' Linked to Ice Haul", <i>The Daily Telegraph</i> , 13 January 2005.
Article 82	Anonymous, "Briefly", <i>Inner West Weekly</i> , 13 January 2005.
Article 83	Kennedy, Les, "More Drug Charges for Gay Media Promoter", <i>The Sydney Morning Herald</i> , 15 January 2005.
Article 84	Anonymous, "Drugs Ban for Keeper", <i>The Sunday Telegraph</i> , 23 January 2005.
Article 85	Anonymous, "Date for Couple's Drug Sentencing", <i>The Newcastle Herald</i> , 11 February 2005.
Article 86	O'Shea, Frances, "Supplier Guilty after Drug Death", <i>The Daily Telegraph</i> , 15 March 2005.
Article 87	Marriner, Cosima, "Drugs, Guns Seized in Crackdown", <i>The Sydney Morning Herald</i> , 19 March 2005.
Article 88	Anonymous, "Speedy Semitrailer Driver Loses Licence", <i>The Newcastle Herald</i> , 25 May 2005.
Article 89	Kennedy, Les, "Bomber on drugs", <i>The Sydney Morning Herald</i> , 25 June 2005.
Article 90	Anonymous, "'Smuggler' Held at Airport", <i>The Daily Telegraph</i> , 27 June 2005.
Article 91	Pollard, Ruth, "Need for Speed Is Greater Than Heroin", <i>The Sydney Morning Herald</i> , 28 July 2005.
Article 92	Anonymous, "Evidence in Crop Drug Charge Heard", <i>The Daily Telegraph</i> , 9 August 2005.
Article 93	Powell, Sian, "Teacher Arrested over Pills, Syringe", <i>The Australian</i> 23 August 2005.
Article 94	Anonymous, "Payne Won't Reveal Names", <i>The Daily Telegraph</i> , 25 August 2005.
Article 95	Sproull, Richard, Jeremy Roberts, and Sian Powell, "Aussie Won't Face Death", <i>The Australian</i> , 25 August 2005.
Article 96	Hodge, Amanda, "Chinese Move in as Crystal Meth Becomes New Heroin", <i>The Australian</i> , 5 September 2005.
Article 97	Anonymous, "Man in court on drug charges", <i>Penrith Press</i> , 9 September 2005.
Article 98	Anonymous, "Another Aussie in drug bust", <i>The Daily Telegraph</i> , 22 September 2005.
Article 99	Anonymous, "Drug Aussie faces 5 years", <i>The Daily Telegraph</i> ,

	23 September 2005.
Article 100	Anonymous, "Top Chef's 'Rampage High on Ice 'Drug'", <i>The Australian</i> 28 September 2005.
Article 101	Edwards, Verity, "Another Aussie Faces 20 Years' Jail over Drugs", <i>The Australian</i> , 28 September 2005.
Article 102	Anonymous, "Agony of One Ecstasy Pill", <i>The Australian</i> , 30 September 2005.
Article 103	Pollard, Ruth, "Alarm as Ecstasy Users Turn to Ice", <i>The Sydney Morning Herald</i> , 1 October 2005.
Article 104	Anonymous, "Potent Pills - Ecstasy Warning", <i>The Sunday Telegraph</i> , 9 October 2005.
Article 105	McLean, Stuart, "Party Drug Death Link - Fears Schoolgirl, 15 Died of Ice Overdose", <i>The Daily Telegraph</i> , 10 October 2005.
Article 106	Anonymous, "Users Addicted to Killer Party Drug", <i>The Daily Telegraph</i> , 26 October 2005.
Article 107	Sun, Matt, "Addicts on Ice-Deadly Party Drug Has 12,000 Hooked", <i>Sydney MX</i> , 27 October 2005.
Article 108	Stapleton, John, "Ice Heads Party List", <i>The Australian</i> , 28 October 2005.
Article 109	Maley, Jacqueline, "Drug study signals danger in meth", <i>The Sydney Morning Herald</i> , 28 October 2005.
Article 110	Anonymous, "Drug Trials Starts for Teacher", <i>The Daily Telegraph</i> , 2 November 2005.
Article 111	Anonymous, "Accused Used Meth 'for Stress'", <i>The Daily Telegraph</i> , 23 November 2005.
Article 112	Anonymous, "Five Arrests in Drug Raids", <i>The Daily Telegraph</i> , 1 December 2005.
Article 113	Anonymous, "Miner on Drug Charge in Borneo", <i>The Australian</i> , 6 December 2005.
Article 114	Anonymous, "Teacher Faces Year's Jail in Indonesia", <i>The Australian</i> , 9 December 2005.
Article 115	Anonymous, "Go Easy Plea for Aussie", <i>The Daily Telegraph</i> , 20 December 2005.
Article 116	Anonymous, "Drugs Worth \$17m Found in Boat", <i>The Daily Telegraph</i> , 8 February 2006.
Article 117	Anonymous, "Fifth Man on Drug Charge", <i>Sydney MX</i> , 16 February 2006.
Article 118	Anonymous, "Office Drug Tests with a DIY Kit", <i>The Daily Telegraph</i> , 23 February 2006.
Article 119	Roderick, Laurel-Lee, "One Years' Jail for Car as Weapon", <i>Illawarra Mercury</i> , 23 February 2006.
Article 120	Munro, Catharine, "The Drug That's Transforming Normal People into Monsters", <i>The Sun Herald</i> ,
Article 121	Pollard, Ruth, "Rising Toll from Party Drug's Use, Say Doctors", <i>The Sydney Morning Herald</i> , 1 April 2006.
Article 122	Karvelas, Patricia, "Site Targets Cold Tablet Rackets", <i>The Australian</i> , 7 April 2006.
Article 123	Kennedy, Les, "Huge Drugs Factory Found, Police Say", <i>The Sydney Morning Herald</i> , 8 April 2006.
Article 124	Hodge, Amanda, "Police Claim Meth Super Lab Is Tip of the

	Iceberg", <i>The Australian</i> , 8 April 2006.
Article 125	Lawrence, Kara, "Police Raid Drug Super-Lab - Flood of Illegal Ice Foiled", <i>The Daily Telegraph</i> , 8 April 2006.
Article 126	Drummond, Andrew, "Two Men Arrested over Raid on Alleged Drug Lab", <i>Illawarra Mercury</i> , 8 April 2006.
Article 127	Dennis, Jenny, "SMS Divulged Crystal Meth Deals-Police", <i>Illawarra Mercury</i> , 11 April 2006.
Article 128	Anonymous, "Man Jailed over Kidnap", <i>The Newcastle Herald</i> , 13 April 2006.
Article 129	Anonymous, "Eight Years for Kidnap", <i>The Daily Telegraph</i> , 13 April 2006.
Article 130	Anonymous, "Arrests over 'Ice'", <i>The Sunday Telegraph</i> , 23 April 2006.
Article 131	O'Brien, Natalie, "Backyard Drug Labs Skyrocket", <i>The Australian</i> , 3 May 2006.
Article 132	Anonymous, "Man Nabbed", <i>Sydney MX</i> , 3 May 2006.
Article 133	Anonymous, "12 Months' Jail for Menace and Theft", <i>The Newcastle Herald</i> , 4 May 2006.
Article 134	Newstead, Brooke, "Ice-Cold Killer", <i>The Newcastle Herald</i> , 15 May 2006.
Article 135	Anonymous, "A Deadly Addiction", <i>The Newcastle Herald</i> , 16 May 2006.
Article 136	Mercer, Neil, "Addict Shares the Cold Truth", <i>The Sunday Telegraph</i> , 21 May 2006.
Article 137	Bevin, Edith, "Drugs Factory Found in Home", <i>The Daily Telegraph</i> , 29 May 2006.
Article 138	Anonymous, "Drug Raid's \$4m Booty", <i>The Daily Telegraph</i> , 1 June 2006.
Article 139	Emery, Ryan, "Six Held over 'Ice Lab Plan'", <i>The Australian</i> , 12 June 2006.
Article 140	O'Brien, Natalie, "Cold, Flu Tablets Seized", <i>The Australian</i> , 20 June 2006.
Article 141	Anonymous, "Marijuana Use a Real Rail Worry", <i>The Daily Telegraph</i> , 21 June 2006.
Article 142	Anonymous, "Suspended Jail Term for Assault", <i>The Newcastle Herald</i> , 21 June 2006.
Article 143	Stapleton, John, "Indonesia Helps AFP Bust Drug Syndicate", <i>The Australian</i> , 30 June 2006.
Article 144	Jacobsen, Geesche, "Pistols Drawn at Crash Pair, Court Told", <i>The Sydney Morning Herald</i> , 10 July 2006.
Article 145	Kennedy, Les, "Gang Used Hotels as Drug Shops, Police Say", <i>The Sydney Morning Herald</i> , 13 July 2006.
Article 146	Anonymous, "11 Arrested in Drug Raids", <i>The Daily Telegraph</i> , 13 July 2006.
Article 147	Anonymous, "Cop This Police Swoop on Wollongong Apartment", <i>Illawarra Mercury</i> , 19 July 2006.
Article 148	Anonymous, "Drug Arrests", <i>Sydney MX</i> , 20 July 2006.
Article 149	Anonymous, "Refused Bail after Ice Bust", <i>The Daily Telegraph</i> , 21 July 2006.
Article 150	Anonymous, "Raids Bring in \$200,000", <i>Sydney MX</i> , 11 August

	2006.
Article 151	Anonymous, "Drivers' Ecstasy Tests", <i>The Daily Telegraph</i> , 30 August 2006.
Article 152	Anonymous, "In Brief", <i>The Newcastle Herald</i> , 30 August 2006.
Article 153	Anonymous, "Criminal's Tears after Vizard Raid", <i>The Daily Telegraph</i> , 1 September 2006.
Article 154	Anonymous, "No Bail for Woman in Ice Case", <i>The Newcastle Herald</i> 1 September 2006.
Article 155	Anonymous, "Roadside Drug Tests", <i>The Newcastle Herald</i> , 4 September 2006.
Article 156	Wingate-Pearse, Gabriel, "Teen to Face Trial on Road Fatality", <i>The Newcastle Herald</i> , 7 September 2006.
Article 157	Anonymous, "Death Crash P-Plater on Drugs, Court Told", <i>The Daily Telegraph</i> , 7 September 2006.
Article 158	Anonymous, "Party Drug Risks Advertised", <i>The Daily Telegraph</i> , 18 September 2006.
Article 159	Kearney, Simon, "Ice Worse Than Heroin, Says Top Cop", <i>The Australian</i> , 25 September 2006.
Article 160	Anonymous, "One in 10 Using Speed- Drug Alarm", <i>Sydney MX</i> , 27 September 2006.
Article 161	Kearney, Simon, "Young Turning from Ecstasy to Ice", <i>The Australian</i> , 27 September 2006.
Article 162	Dunn, Emily, "A Party in Your Head, but the Clean-up Is a Real Mess", <i>The Sydney Morning Herald</i> , 28 September 2006.
Article 163	Franklin, Matthew, and Simon Kearney, "Drug Attack Guidelines", <i>The Australian</i> , 28 September 2006.
Article 164	Kidman, John, "\$2 Billion Drug Hauls as Australian Agents Tackle a New Ice Age", <i>The Sun Herald</i> , 1 October 2006.
Article 165	Kearney, Simon, and Michelle Wiese-Bockman, "Police Redesign Drug Tactics to Break the Rise of Ice", <i>The Australian</i> , 2 October 2006.
Article 166	Anonymous, "Judge to Rule If Ice Led to Rape", <i>The Australian</i> , 5 October 2006.
Article 167	Anonymous, "Ice Users Should Pay Up", <i>The Australian</i> , 5 October 2006.
Article 168	Goldner, Viva, "Rapist's Psychiatrist Was a Painkiller Addict", <i>The Daily Telegraph</i> , 6 October 2006.
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Article 384	Hocctor, Michelle, "Police Claim Drug Syndicate Smashed", <i>Illawarra Mercury</i> , 11 October 2008.
Article 385	Anonymous, "Driver on Drugs Mix, Court Told", <i>Manly Daily</i> , 24 October 2008.
Article 386	Welch, Dylan, and McKenny, Leesha, "Police Fear Ice Fuelled Attack", <i>The Sydney Morning Herald</i> , 30 October 2008.
Article 387	Maley, Paul, "Marked Rise in Seizures of Ice", <i>The Australian</i> , 4 November 2008.
Article 388	Wilson, Lauren, "ABC Man Spared One Drug Charge", <i>The Australian</i> , 5 November 2008.
Article 389	Anonymous, "Jailed for Illicit Drug", <i>The Daily Telegraph</i> , 22 November 2008.
Article 390	Anonymous, "Lloyd Sentencing", <i>The Daily Telegraph</i> , 26 November 2008.
Article 391	Wilson, Lauren, "ABC Sacks Jailed Journalist", <i>The Australian</i> , 3 December 2008.
Article 392	Anonymous, "Lloyd Jailed 10 Months", <i>The Daily Telegraph</i> , 3 December 2008.
Article 393	Campbell, Tess, "Binge Babies", <i>The Newcastle Herald</i> , 8 December 2008.
Article 394	Anonymous, "Charged over 2kg Drug Haul", <i>The Daily Telegraph</i> , 27 December 2008.
Article 395	Kent, Paul, "Outlaw Bikie War Fuelled by Rage, Greed and Speed", <i>The Daily Telegraph</i> , 6 February 2009.
Article 396	Anonymous, "Ice Sold to Cop", <i>The Sunday Telegraph</i> , 15 February 2009.
Article 397	Irby, Ross, "Bandido Bilie Pleads Not Guilty to Drug Supply", <i>The Northern Star</i> , 24 February 2009.
Article 398	Anonymous, "Bikie 'Threw Drugs into Boat Harbour'", <i>Tweed Daily News</i> , 26 February 2009.
Article 399	Anonymous, "21yo Arrested", <i>Illawarra Mercury</i> , 7 March 2009.
Article 400	Anonymous, "Chocolate Was on Ice", <i>The Daily Telegraph</i> , 14 March 2009.
Article 401	Pelly, Michael, "Standen 'Kept Close Watch on Customs'", <i>The</i>

	<i>Australian</i> , 4 April 2009.
Article 402	Lawrence, Kara, and Fife-Yeomans, Janet, "Drug Raid Targets the Toy-Store Bikie - a City under Siege", <i>The Daily Telegraph</i> , 9 April 2009.
Article 403	Fife-Yeomans, Janet, "Bikies Exploit Drug Law Loophole", <i>The Daily Telegraph</i> , 10 April 2009.
Article 404	Anonymous, "Laboratory 'Preparing Drugs for Bikie Sales'", <i>The Daily Telegraph</i> , 27 April 2009.
Article 405	Anonymous, "Drugs, Guns Seized in Raid - Two Charged", <i>Sydney MX</i> , 1 May 2009.
Article 406	Williams, Kylie, "Ice Used to Relieve Back Pain", <i>The Newcastle Herald</i> , 8 May 2009.
Article 407	Anonymous, "Gang Lab Put out of Business", <i>The Daily Telegraph</i> , 14 May 2009.
Article 408	Anonymous, "Drug Charges", <i>Illawarra Mercury</i> , 20 May 2009.
Article 409	Irby, Ross, "Man Attends 'Sex Fest' Party Then Rapes Four-Year-Old Girl", <i>The Northern Star</i> , 23 May 2009.
Article 410	Anonymous, "Standen Falls in Third Bid for Ball", <i>The Daily Telegraph</i> , 28 May 2009.
Article 411	Anonymous, "Double Dutch Connection", <i>The Daily Telegraph</i> , 11 June 2009.
Article 412	Anonymous, "Standen Committed over Drug Import Plot", <i>The Australian</i> , 11 June 2009.
Article 413	Anonymous, "Drug Supplier to Face Sentencing", <i>Illawarra Mercury</i> , 11 June 2009.
Article 414	Anonymous, "Ice Hidden in Cupboard", <i>The Daily Telegraph</i> , 17 June 2009.
Article 415	Callaghan, Greg, "ABC Reporter out of Changi Jail Early", <i>The Australian</i> , 24 June 2009.
Article 416	Anonymous, "In Brief", <i>The Daily Telegraph</i> , 29 July 2009.
Article 417	Watson, Rhett, "Motorists Get High on Speed - Drug-Drive Testing on Rise", <i>The Daily Telegraph</i> , 3 August 2009.
Article 418	Anonymous, "Drug Trial for Ex-Cop", <i>The Daily Telegraph</i> , 8 August 2009.
Article 419	Woolley, Rebecca, "More Drug Test Vans on the Way", <i>Inner West Courier</i> , 11 August 2009.
Article 420	Deans, Matt, "Health Workers at Risk from Ice Rage", <i>The Coffs Coast Advocate</i> , 18 August 2009.
Article 421	Anonymous, "Drugs at Airport", <i>The Sunday Telegraph</i> , 23 August 2009.
Article 422	Anonymous, "Police Raids Break Drug Ring", <i>The Coffs Coast Advocate</i> , 25 August 2009.
Article 423	Anonymous, "Man to Face Drug Counts - Lab Discovered", <i>Sydney MX</i> , 17 September 2009.
Article 424	Anonymous, "Charged over Drug", <i>The Daily Telegraph</i> , 19 September 2009.
Article 425	Anonymous, "Fire and Illegal Ice", <i>The Daily Telegraph</i> , 29 October 2009.
Article 426	Anonymous, "All-Woman Drug Ring", <i>The Daily Telegraph</i> , 6 November 2009.

Article 427	Trenwith, Courtney, "Drug Dealing Denied", <i>Illawarra Mercury</i> , 11 November 2009.
Article 428	Anonymous, "Extradition from Thailand", <i>The Daily Telegraph</i> , 28 November 2009.
Article 429	Anonymous, "Drug Clamps Cut Use", <i>The Sunday Telegraph</i> , 22 November 2009.
Article 430	Anonymous, "Drug Raid Results in Charges", <i>Illawarra Mercury</i> , 12 December 2009.
Article 431	Hocor, Michelle, "Man Held over Drug, Replica Pistol Possession Charges", <i>Illawarra Mercury</i> , 28 December 2009.
Article 432	Ryan, Stephen, "Jailed for Robberies", <i>The Newcastle Herald</i> , 15 December 2009.
Article 433	Anonymous, "Banned Driver Had Drugs, Replica Gun", <i>The Daily Telegraph</i> , 28 December 2009.

APPENDIX B: Complete list of newspapers in preliminary analysis

Number	Name of newspaper	Jurisdiction	Total articles
1	Canberra Times	ACT	106
2	The Chronicle (Canberra)	ACT	10
3	The Australian	National	72
4	Australian Financial Review	National	1
5	The Daily Telegraph	NSW	172
6	Illawarra Mercury	NSW	54
7	The Sydney Morning Herald	NSW	53
8	The Newcastle Herald	NSW	47
9	Sydney MX	NSW	28
10	Sunday Telegraph	NSW	27
11	Manly Daily	NSW	13
12	Sun Herald	NSW	10
13	The Northern Star	NSW	5
14	Inner West Courier	NSW	4
15	Macarthur Chronicle	NSW	3
16	Penrith Press	NSW	2
17	The Daily Examiner	NSW	2
18	Tweed Daily News	NSW	2
19	The Coffs Coast Advocate	NSW	2
20	Parramatta Advertiser	NSW	1
21	Northern Territory News	NT	65
22	Centralian Advocate	NT	4
23	Darwin Palmerston Sun	NT	1
24	The Gold Coast Bulletin	QLD	93
25	The Courier-Mail	QLD	72
26	Townsville Bulletin	QLD	62
27	The Cairns Post	QLD	51
28	MX (Brisbane)	QLD	18

29	The Sunday Mail (Brisbane)	QLD	36
30	Fraser Coast Chronicle	QLD	8
31	The Morning Bulletin	QLD	8
32	Brisbane City News	QLD	8
33	Sunshine Coast Daily	QLD	4
34	The Advertiser	SA	167
35	The Sunday Mail	SA	26
36	Hobart Mercury	TAS	72
37	Sunday Tasmanian	TAS	5
38	Geelong Advertiser	VIC	46
39	The Age	VIC	39
40	MX (Melbourne)	VIC	32
41	Sunday Age	VIC	6
42	Brimbank Leader	VIC	2
43	Geelong News	VIC	2
44	Maribymong Leader	VIC	1
45	Herald Sun	VIC	114
46	Sunday Herald Sun	VIC	9
47	Oakleigh Monash/Springval e	VIC	2
48	Mornington Peninsular Leader	VIC	1
49	The West Australian	WA	88
50	Sunday Times (Perth)	WA	25
51	Kalgoorlie Miner	WA	24
52	Joondalup Times	WA	3
53	Hills Gazette	WA	1
54	Western Suburbs Weekly	WA	1
55	WA Business News	WA	1