



**LEGISLATIVE ASSEMBLY**  
FOR THE AUSTRALIAN CAPITAL TERRITORY

---

SELECT COMMITTEE ON THE DRUGS OF DEPENDENCE (PERSONAL USE)  
AMENDMENT BILL 2021

Mr Peter Cain MLA (Chair), Dr Marisa Paterson MLA (Deputy Chair),  
Mr Johnathan Davis MLA

## Submission Cover Sheet

Inquiry into the Drugs of Dependence  
(Personal Use) Amendment Bill 2021

**Submission Number: 47**

**Date Authorised for Publication: 30 June 2021**

**Submission to the Select Committee on the  
Drugs of Dependence (Personal Use)  
Amendment Bill 2021  
(ACT)**

**Brief Submission from the National Drug  
Research Institute, Curtin University (NDRI)  
*June 2021***

[Redacted]  
[Redacted]

National Drug Research Institute  
Curtin University

[Redacted]  
[Redacted]  
[Redacted]

[ndri@curtin.edu.au](mailto:ndri@curtin.edu.au)



## **Overview**

The National Drug Research Institute's (NDRI) mission is to conduct and disseminate high quality research that supports evidence informed policy, strategies and practice to prevent and minimise alcohol and other drug-related health, social and economic harms among individuals, families and communities in Australia.

Since its inception in 1986, the Institute has grown to employ about 30 research staff, making it one of the largest centres of drug research and public health expertise in Australia. Researchers have completed more than 500 research projects, resulting in a range of positive outcomes for policy, practice and the community. For example, NDRI research has significantly informed and contributed to policy and evidence-based practice such as the National Amphetamine-Type Stimulants (ATS) Strategy, the National Drug Strategy and the National Alcohol Strategy; contributed to Australia's involvement in international strategies, such as WHO Global and Regional Strategy to Reduce Harmful Use of Alcohol; significantly contributed to international evidence-based school interventions; influenced NHMRC guidelines to reduce alcohol health risks; been cited in development of policy documents for Aboriginal Australians; directly contributed to Australian and State government alcohol and illicit drug policy, including naloxone availability and cannabis policy.

## ***Two points of concern regarding the Drugs of Dependence (Personal Use) Amendment Bill 2021***

Firstly to note this written submission is brief and limited to some specific points about the Bill. Should there be an opportunity to provide verbal evidence to the Select Committee, matters addressing the other terms of reference will be addressed.

The points I want to make regarding the bill are:

- 1) I support the intention of the Bill, namely to :
  - (i) Bring ACT drug laws more in line with modern community standards;
  - (ii) Reflect global trends that seek to treat drug use as a public health problem and not one first and foremost of the criminal justice system; and
  - (iii) Reduce the burden on our criminal justice system by allowing police to divert drug users at the first point of contact to appropriate services and avert prosecution.
- 2) However, as it stands the weight cut-offs for deeming personal use are far too low. This is likely to result in many drug consumers being criminalised which seems to run directly contrary to the intention of the Bill. I point the Committee to the excellent report by Caitlin Hughes and colleagues (Hughes et al., 2014) which directly goes to this issue and provides specific details on typical personal use amounts for a range of drugs and how they relate to such thresholds.
- 3) In only applying financial penalties, the Bill may risk increasing criminal justice consequences on persons unable to pay the fine. I would note that there are examples of other schemes (e.g. Prior et al., 2002) where attendance at a drug education session has been offered as an alternative to fine payment in order to mitigate against that adverse outcome.

However, it is important that if attendance at an education session is brought in as an alternative to fine payment, it is important that the law enforcement sector does not develop unrealistic expectations about the ability of such education sessions to 'change offenders' lives' (Sutton and

Hawks, 2005) as if more people chose to pay the fine, rather than attend the education session, there is a risk that police and other stakeholders will see this as a failure of the scheme. As we have argued elsewhere (Lenton and Allsop, 2010), an option to attend an education session in lieu of a fine should not be seen as a public health strategy or replace a comprehensive community drug education strategy which informs the public about the new laws, the effects of drugs and how to seek treatment if appropriate.

## References

- Hughes C, Ritter A, Cowdery N, et al. (2014) Evaluating Australian drug trafficking thresholds: Proportionate, equitable and just? Canberra: Criminology Research Advisory Council.
- Lenton S and Allsop S. (2010) A tale of CIN - The Cannabis Infringement Notice Scheme in Western Australia. *Addiction* 105: 808-816.
- Prior J, Swensen G, Migro J, et al. (2002) Implementation of a scheme of prohibition with civil penalties for the personal use of cannabis and other matters - Report of the Working Party on Drug Law Reform to the Minister for Health. Perth: Drug and Alcohol Office, Health Department of WA. Available at <http://www.wa.gov.au/drugwestaus/core.html> [accessed 11/12/02].
- Sutton A and Hawks D. (2005) The Cannabis Infringement Notice Scheme in Western Australia: A review of policy, police & judicial perspectives. *Drug and Alcohol Review* 24: 331-336.