



## LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

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### SELECT COMMITTEE ON ESTIMATES 2022-2023

Mr James Milligan MLA (Chair), Mr Andrew Braddock MLA (Deputy Chair),  
Dr Marisa Paterson MLA

### ANSWER TO QUESTION TAKEN ON NOTICE DURING PUBLIC HEARINGS

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Asked by Jeremy Hanson MLA on Monday, 29 August 2022: Neil Gaughan, Chief Police Officer – ACT Policing took on notice the following question(s):

[Ref: Hansard Transcript Monday, 29 August 2022 [PAGE 136]]

In relation to:

**Dep Commissioner Gaughan:** So we can caution someone for small amounts of—for shop lifting, criminal damage, small amount possession of drugs, we are not obligated to take a certain course of action and that is the discretion that is built in every time an officer swears an oath of office.

You know, I cannot dictate to a constable what action he or she takes in relation to an individual, particularly someone of young age or someone that has not come to notice before through our embassies or indeed, through the criminal justice system more broadly. So there is a raft of avenues we can divert people to and that is what we—we use that discretion and you know, usually, before someone actually steps inside a court, that person has been given ample opportunities through cautions, different diversion programs, to actually try and steer them on a course of conduct.

But if it is an addiction they are dealing with, I think we need to ensure that there is actually those health processes in place to stop them using drugs or, indeed, give them some sort of medication so they actually do not commit crime. And you know, I think, that that is one beauty of the bill that is being proposed is that actually provides us, potentially, with more opportunities to divert people away from the criminal justice system and ultimately, lead to a better outcome for the individual.

**MR HANSON:** Right. And when you divert someone, that is the decision of, sort of, the police officer, what the diversion would be. Because my understanding is, no one is being charged with possession, simple possession offences, at the moment, is that the case?

**Dep Commissioner Gaughan:** That is not necessarily true, I mean, I will get Peter to go through some stats in relation to how many drugs—the drugs we have seized over the last 12 months or so. But if someone is in possession of, say, a small amount of drugs, and they are actually in a stolen motor vehicle, they are going to be charged—

**MR HANSON:** I understand. But these are for offences—because we went through this with cannabis as well, I remember, that if you are just in possession, but not other offences, my understanding is that it is a very, very small number, if any, that are actually being charged and prosecuted for a simple drug offence that is not connected—

**Dep Commissioner Gaughan:** It is a very small number.

**MR HANSON:** What is that number?

**Dep Commissioner Gaughan:** I think it is around 20 a year but we will have to take it on notice, but it is a pretty small number compared to the overall number of charges that go through the watch house.

**MR HANSON:** Yes, can you take that on notice, to—

**Dep Commissioner Gaughan:** We will take it on notice, absolutely.

**MR HANSON:** These are people who have got, you know, a small amount of possession, no other charges laid, whether they, you know—

**Dep Commissioner Gaughan:** We will take it on notice.

**MR HANSON:** How many would then go to court? Yes.

**THE CHAIR:** Thank you. Any other supplementaries? Mr Braddock, substantive.

Mick Gentleman MLA, Minister for Police and Emergency Services: The answer to the Member's question is as follows: –

Between 1 July 2021 and 30 June 2022, there were 127 individuals apprehended with drug possession charges only.

**Drug Possession Charges and Unique Apprehensions where no other type of charge is present**

	<b>2021-22</b>
<b>Charges*</b>	134
<b>Apprehensions**</b>	127

Source: PROMIS as at 30 August 2022

\*If an apprehension contains multiple drug possession charges, all charges will be counted.

\*\*An individual may be counted multiple times if they have multiple apprehensions containing only drug apprehensions charges.

\*\*\*This data only reflects apprehension for possessing a quantity less than a trafficable amount.

Approved for circulation to the Select Committee on Estimates 2022-2023

Signature:



Date: 7/19/2022

By the Minister for Police and Emergency Services, Mick Gentleman MLA