



**LEGISLATIVE ASSEMBLY**  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY  
Mr Peter Cain MLA (Chair), Dr Marisa Paterson (Deputy Chair),  
Mr Andrew Braddock MLA

## Submission Cover Sheet

### Inquiry into the Corrections and Sentencing Legislation Amendment Bill 2022

**Submission Number: 004**

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The Committee Secretary  
Standing Committee on Justice and Community Safety  
ACT Legislative Assembly  
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**Inquiry into the Corrections and Sentencing Legislation  
Amendment Bill 2022 presented 30 November 2022**

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## Introduction

The Alcohol, Tobacco and Other Drug Association ACT (ATODA) represents the alcohol, tobacco and other drug (ATOD) sector in the ACT. Members include specialist alcohol and other drug treatment organisations; distinguished drug experts with deep knowledge of the criminal justice system and population health; the group representing families and friends who have lost loved ones to drugs; and the peer-based organisation for people with lived experience of drug use in the ACT.

ATODA welcomes this Inquiry and its Terms of Reference. Given ATODA's remit and our sector's particular areas of expertise, this submission is specific to the proposed changes to the Corrections Management Act 2007 to facilitate the upcoming smoking ban at the Alexander Maconochie Centre (AMC).

## Non-smoking areas

ATODA notes that the planned smoking ban at the AMC is of significant interest for the alcohol, tobacco and other drug (ATOD) sector in the ACT and ATODA understands this is the sector's only opportunity to formally provide comment on the proposed changes.

ATODA supports the proposed change to Section 86 of the Corrections Management Act 2007 to allow the director-general to declare all of a correctional centre smoke-free. The recent publication of the ACT Inspector of Correctional Services' Healthy Prison Review of the AMC Report 2022 highlighted the need for this change.<sup>1</sup> According to this report, 59% of detainees surveyed reported smoking in 2022 (compared to 14% in the general population<sup>2</sup>), and 84% of non-smokers responding to the survey reported having to share a cell with someone who smoked in the cell.<sup>1</sup> In addition a substantial proportion of AMC detainees smoke more on their discharge from prison than compared with prior to prison: nationally 10% of detainees smoke more, but in the ACT 47% of detainees smoke more.<sup>3</sup>

However, considered implementation of this policy change at AMC is critical. The Explanatory Statement for the Corrections and Sentencing Legislation Amendment Bill 2022 states that "detainees who are smokers (will be) treated humanely, with access to appropriate therapeutic treatment." The proposed legislative amendments include the following: "*the director-general may only declare the whole of a correctional centre as a nonsmoking area if the director-general is reasonably satisfied that appropriate therapeutic support is available to help detainees at the correctional centre stop smoking*".<sup>4</sup>

These considerations are welcome, however ATODA is concerned that "appropriate therapeutic support" could be too narrowly defined. 70% of detainees at AMC who smoked and responded to the 2022 survey would either give up smoking or were unsure whether they would if they had access to free support such as nicotine replacement therapy and counselling.<sup>1</sup> Detainees have also previously advised the Office of the Inspector of Custodial Services that there needs to be a greater variety of nicotine replacement options at AMC.<sup>1</sup>

Given this, ATODA recommends that "appropriate therapeutic support" should at a minimum include the following:

1. The availability of all types of evidence-based nicotine replacement therapy at no cost to detainees. Best practice use of nicotine replacement therapy combines patches with intermittent forms of nicotine replacement therapy. Ready access to a suitably trained prescriber should also be available.
2. The availability of specialist counselling services at no cost to detainees to support quit attempts. These should be offered by specialist organisations and staff with relevant expertise.



3. The availability of ongoing support to cease smoking upon exit from prison, given 43% of detainees exiting prison report intending to smoke upon release.<sup>3</sup>

ATODA also recommends that the director-general liaise with the ATOD sector to understand the range of evidence-based therapeutic supports available in the ACT community and options for the ATOD sector to play a role in supporting smoking cessation amongst detainees both during and post detention.

## Recommendations

ATODA recommends that the ACT Government consider the following:

- Understand “appropriate therapeutic support” in relation to a smoking ban at the AMC to at a minimum include the following:
  1. The availability of all types of evidence-based nicotine replacement therapy that can be used concurrently and ready access to a suitably trained prescriber, at no cost to detainees;
  2. The availability of specialist counselling services at no cost to detainees to support quit attempts; and
  3. The availability of ongoing support to cease smoking upon exit from prison.
- Consult with the ATOD sector on evidence-based appropriate therapeutic supports for smoking cessation and options for the ATOD sector to play a role in supporting smoking cessation amongst detainees both during and post detention.

ATODA appreciates the opportunity to provide this submission to the Committee, and is available to provide any additional detail that may be required.

## About ATODA

ATODA is the peak body for the alcohol, tobacco and other drug (ATOD) sector in the ACT. Its purpose is to lead and influence positive outcomes in policy, practice and research by providing collaborative leadership for intersectoral action on the social determinants of harmful drug use, and on societal responses to drug use and to people who use drugs.

ATODA’s vision is a healthy, well and safe ACT community with the lowest possible levels of alcohol, tobacco and other drug related harms. Underpinning ATODA’s work is a commitment to health equity, the social and cultural determinants of health, and the values of collaboration, participation, diversity, respect for human rights, social justice and reconciliation between Aboriginal and Torres Strait Islander people and other Australians.

Note: While the term AOD (alcohol and other drug) is commonly used to refer to the alcohol, tobacco and other drug sector, ATODA’s preference is to use the term ATOD. This acknowledges the role that specialist service providers in this sector play in providing tobacco cessation support, and because tobacco use is the leading preventable cause of the burden of disease in Australia, contributing far more than alcohol or all illicit drugs combined.



## References

1. ACT Inspector of Correctional Services. *Report of a Review of a Correctional Centre by the ACT Inspector of Correctional Services - Healthy Prison Review of the Alexander Maconochie Centre 2022*. 2022. Canberra: ACT Government.
2. Australian Institute of Health and Welfare. *Alcohol, tobacco & other drugs in Australia*. 2021. Canberra: Australian Institute of Health and Welfare.
3. Australian Institute of Health and Welfare. *The Health of Australia's Prisoners 2018*. 2019. Canberra: AIHW.
4. Legislative Assembly for the Australian Capital Territory. *Corrections and Sentencing Legislation Amendment Bill 2022 (As Presented)*. 2022.