



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: 02

Date Authorised for Publication: 26 May 2021

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

Submission to ACT Legislative Select Committee

6 May 2021

Contents

Who we are.....	4
Introduction	5
Doing More Harm than Good – The need for a health focused legal response to drug use.....	5
Conclusion.....	6

Who we are

The Australian Lawyers Alliance (ALA) is a national association of lawyers, academics and other professionals dedicated to protecting and promoting justice, freedom and the rights of the individual.

We estimate that our 1,500 members represent up to 200,000 people each year in Australia. We promote access to justice and equality before the law for all individuals regardless of their wealth, position, gender, age, race or religious belief.

The ALA is represented in every state and territory in Australia. More information about us is available on our website.¹

The ALA office is located on the land of the Gadigal of the Eora Nation.

¹ www.lawyersalliance.com.au.

Introduction

1. The ALA welcomes the opportunity to have input into the ACT Legislative Assembly Select Committee ('the Committee') inquiry into the Drugs of Dependence (Personal Use) Amendment Bill 2021 ('the Bill').
2. The ALA considers that a drug policy focused on prohibition is counterproductive and causes significant harm additional to that resulting from drug use. In February 2021 the ALA released the report *Doing More Harm than Good – The need for a health focused legal response to drug use*. The ALA includes that report as part of this submission to the Committee's inquiry.

Doing More Harm than Good – The need for a health focused legal response to drug use

3. In the report the ALA advocates for a shift in drug policies across Australia from an emphasis on law enforcement, to a focus on the broader health and social issues associated with the harmful use of drugs. The ALA submits that criminalisation of drug use has not worked. It has not stopped people from continuing to use drugs. It has not stopped people from overdosing. It has often exacerbated people's disadvantage, resulting in further financial distress, mental illness, and difficulties finding and keeping housing.
4. The ALA agrees with the many medical and public health experts who advocate for a shift in the focus of drug policy from criminal law enforcement to the broader health and social issues associated with the harmful use of drugs. This would involve the diversion of government funding and financial resources from law enforcement, prosecution and incarceration into health and social services.
5. The report details the best practice policy approaches and responses undertaken in other jurisdictions, including internationally, to reduce harm and societal impacts from drugs. As noted in the report, there is increasing recognition both within Australia and internationally that criminalisation of illicit drug consumption has been a policy failure, both in terms of reducing crime and addressing the significant health and social problems associated with drug consumption. With this recognition, a momentum has developed to shift the focus of the policies from criminal law enforcement to initiatives that focus on health and harm minimisation, and to address the social problems associated with drug consumption. These include financial hardship, mental illness, unemployment and homelessness.

6. From a financial and economic perspective, the policy of criminalisation and prohibition is not sustainable. The significant public expenditure on law enforcement, the courts, community corrections and prisons, as well as the continuing ongoing costs associated with drug consumption, including health issues and mental illness, is not providing sufficient return to warrant its continuation. The ALA submits that this money would be better spent on health, housing and social services that will serve to address the underlying causes of substance abuse and the associated social problems that go with it. Public investment in harm minimisation and health responses to drug consumption will result in significant savings for the criminal justice system and improved health and wellbeing for people who suffer from addiction.
7. As more and more countries recognise the failure of criminalisation as a policy response to substance abuse, the evidence for the effectiveness of health-focused harm minimisation strategies is becoming apparent. Australian states and territories have been cautious in their approach by comparison. However, there has been increasing awareness of the need to give greater recognition of the need to divert people with drug abuse problems away from the criminal justice system and towards services that can address the underlying health problems associated with addiction.

Conclusion

8. The Australian Lawyers Alliance (ALA) welcomes the opportunity to provide this submission and the *Doing More Harm than Good* report to the Select Committee inquiry into the Drugs of Dependence (Personal Use) Amendment Bill 2021.
9. The ALA considers that the Bill represents a further positive step in the approach to drug law reform towards decriminalisation. It presents an opportunity for the ACT Government to further focus on harm minimisation, and invest in public health and social services to address drug abuse and the associated social and health effects. The ALA strongly encourages the ACT Legislative Assembly to pass the Bill.

10. The ALA is available to provide further information in relation to any of the matters raised by this submission.



Amber Wang
ACT President, Australian Lawyers Alliance