



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: 45a

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From: [REDACTED]
To: [REDACTED]
Subject: FW: Drugs of Dependence Committee - Public hearing on Thursday, 8 July 2021
Date: Monday, 26 July 2021 11:47:41 AM
Attachments: [image002.jpg](#)

OFFICIAL

From: Bill Stefaniak <[REDACTED]>
Sent: Sunday, 25 July 2021 4:43 PM
To: Monk, David <[REDACTED]>
Subject: Re: Drugs of Dependence Committee - Public hearing on Thursday, 8 July 2021

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Dear David and committee members , ,

I would be grateful if you would admit this further email/submission following on from the hearing I attended earlier this month.

1. As I may have indicated at the hearing , I found a problem with the current Act that makes it legal to possess 1 or 2 cannabis plants but makes it unlawful to possess more than 4 (and indeed deems that quantity to be for supply) . .

I may be missing something here but this seems to leave the status of someone busted for having 3 or 4 planets up in the air .

I assume 3 or 4 are not meant to be "deemed for supply " (as over 4 are) , but nor , it seems, are they deemed to be legal.

What is the status of possession of 3 or 4 plants? This seems to need rectifying .

2. As I also indicated at the hearing, the bill says absolutely nothing about rehabilitation , nor does it say anything about advertising and/or informing the public about the harm drugs of dependence cause users .

This needs to be fixed if you are serious in reducing the usage of these illicit drugs .

3. I also believe I have found a solution to what this bill is supposed to achieve- ie avoiding the " stigma" of going to court and getting a criminal record . The solution is to keep the law as it is but in addition to the current law put in a new section/s giving the Police a formal power to use their discretion as to whether they charge someone for possession of these hard drugs .

The provision should be worded so that apprehending police can either charge the offender for possession or give the offender a notice to attend a stated , approved drug rehabilitation program in lieu thereof.

Now apparently, apart from rarely if ever taking drug users to court for possession simpliciter , Police I have recently spoken to tell me they do direct offenders to drug rehab . - the problem

is , the offenders usually don't turn up.

If this discretion was put formally into the Act , with a penalty attached for not turning up, then the bill would achieve one of its most important supposed and stated objectives - I 'd suggest a similar penalty to what appears in the current Act in other areas- namely 50 penalty units and/or 2 years imprisonment (as well as confiscation of the drugs which I understand also occurs automatically. as a matter of course)

4. Finally, I detected an opposition at the committee hearing to an advertising campaign warning people, especially young people of the dangers of using drugs .Without such a campaign a lay person looking at this bill will rightly conclude that it seems to encourage hard drug use as it make it easier for people to use small quantities without penalty .

I hope that is not the committee's intention - You did seem to all agree that these drugs are of no benefit to users and only hurt people. The above offers some guidance as to how you can achieve your stated objectives without incurring any unintended consequences.and warn would be users to think again before trying these drugs

I note you have further public hearings and I'm happy to reappear before you if you have any further questions , either in person or by way of a telephone hook up..

regards ,

Bill Stefanaik .

On Mon, Jul 5, 2021 at 2:27 PM Monk, David <[REDACTED]> wrote:

OFFICIAL

Good afternoon,

As previously, I would like to confirm my invitation for you to meet with ACT Legislative Assembly's Drugs of Dependence Committee for a public hearing for its inquiry into the Drugs of Dependence (Personal Use) Amendment Bill 2021. The hearing schedule is below.

The Committee is setting up public hearings during July 2021 and intends to hear evidence from a range of individuals and organisations. The inquiry terms of reference are attached, for your information. Could you please let me know if you have any special needs arising from a disability so that they can be accommodated. Also, I would appreciate your advice on whether you have any matters of concern about your submission or your evidence that you expect to give so that we can address them before Thursday. Finally, I have attached a witness guide.

Location

The hearings will be held in the Prince Edward Island Room (Committee Room 1) on the

ground floor of the ACT Legislative Assembly building on London Circuit, Canberra City. You will need to present to the public entrance (on the Civic Square side of the building where the fountain and statue of Ethos are). Pay parking is available in the public car parks near the Canberra Theatre Centre. The attendants at the Assembly's public entrance can direct you to the committee room.

Format

At the start of your appearance you will be called by the Chair to sit opposite the Committee. The Chair will ask you if you have read and understood the privileges card/statement (attached for your information) and ask that you acknowledge whether you understand the privilege implications. Witnesses are then invited to make an opening statement of around 5 minutes in order to provide an overview of your lived experience with drugs of dependence, which will be followed by questions from the Committee. The Committee may ask you questions about what changes to government services or government policy are required. You can decline to answer such questions if you do not wish to comment on these areas.

Because the hearing is indoors, we request that you bring a mask and wear it when in the building. The Committee Members will also wear masks at the hearing. If it is impractical to conduct the hearing this way, we can use the ACT Government's [exemption](#) that people remove their masks when clear enunciation is essential. If you have not already done so, please advise if you have access to Zoom. We will be in touch if we need to conduct the hearing on that basis.

Hansard

To provide a record, Hansard will transcribe the hearing. In addition, in accordance with the *Legislative Assembly (Broadcasting) Act 2001*, proceedings of public hearings may be broadcast to Government offices and the media. Hearings are also available through web-streaming on the Assembly's website at: <http://aod.parliament.act.gov.au/>. Media, including TV cameras, may also be present. If you have any objections to your evidence being broadcast please contact me as soon as possible before the hearing date.

I have provided you with a form that you will need to complete and return via email to the Committee Support Office by 12 noon this Wednesday. This form ensures that your name and personal details are recorded correctly for Hansard and that you are aware of the process.

Privilege

Please note that public hearings of Assembly committees are legal proceedings of the Legislative Assembly, protected by parliamentary privilege. That gives you certain protections but also responsibilities. It means that you are protected from certain legal action for what you say to a committee within the hearing (such as being sued for defamation, or being prosecuted). It also means that you have a responsibility to tell the truth. Giving false, misleading or defamatory evidence will be treated by the Assembly as a serious matter.

Additional material

At the hearing you may wish to present additional information/documents to the Committee. It will be a decision of the Committee whether or not it receives this material. The Committee may not be in a position to make these decisions on the day of the hearing. You should also note that privilege will not apply to documents provided to a committee if the document has a purpose beyond the Committee's inquiry, such as a report commissioned by and for another body or a copy of correspondence from one individual to another. If you intend to provide a document to the Committee during the hearing, please ensure you have four copies of each document (one for each member and one for the Secretary). If the document is available online, one copy is sufficient. Documents should be handed to the Secretary to distribute.

Transcripts

Around four business days following the hearing, a Proof Hansard transcript of the hearing will be available, which is a verbatim record of what was said at the hearing. The Committee Support Office will send this to you for review and comment. It will also be available at the [Committees' transcript page](#).

Contact

Please contact me should you require further information or if you wish to discuss any matter raised in this letter. If you need to contact me on the day of the hearing, once the hearing has already started, please email me or call our office on 620 50127 and my colleagues can get a message to me.

Yours faithfully,

Dr David Monk

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Public hearing program

Thursday, 8 July 2021
Prince Edward Island Room, ACT Legislative Assembly

Time	Witness
1.30 pm	Mrs and Mr Bingham
2.00 pm	Judith Girdler and Lawrie Paul
2.30 pm	Bill Stefaniak

3.00 pm Marion McConnell

3.30 pm Peter Taylor

4.00 pm *Close*

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