



**Rachel Stephen-Smith MLA**

Minister for Health

Minister for Families and Community Services

Minister for Aboriginal and Torres Strait Islander Affairs

Member for Kurrajong

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Mr Tom Duncan  
Clerk  
ACT Legislative Assembly  
London Circuit  
CANBERRA ACT 2601

Dear ~~Mr Duncan~~ *Tom*

Thank you for your letter of 2 August 2022 enclosing petition no 22-22, lodged by Mr Jeremy Hanson MLA, concerning the Drugs of Dependence (Personal Use) Amendment Bill 2021 (the Bill). This letter is my response to the petition in line with Standing Order 100.

The Government supports the Bill, as its premise and intent align with the ACT Government's aim of harm minimisation in relation to the use of alcohol and other drugs (AOD). The Government's proposed amendments will ensure the Bill can achieve its goals – supporting people with health needs to access care and reducing drug-related stigma to facilitate access.

Impact on drug use

I note that the Bill and Government amendments propose to reduce, not remove, penalties for personal possession of small amounts of illicit drugs and provide an additional option for diversion away from the criminal justice system. Research indicates that drug use is not strongly linked to legislated levels of punishment for personal possession. Many factors influence levels of drug use including the availability of drugs, their price, perceived likelihood of getting caught, and general trends in drug use.

Diversion options for possession offences have been available in the ACT for many years and drug use has trended downwards over that time. Wastewater testing indicated there was no significant change in cannabis use rates in the ACT after adult penalties for small quantity cannabis possession were completely lifted at the end of January 2020. However, the Government will carefully monitor drug trends following any legislative change, and the impact of the legislation will be reviewed.

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### Effect on young people

The Bill follows a recommendation from the 2020 Inquiry into Youth Mental Health in the ACT to investigate the appropriateness of a simple drug offence notice, to increase diversion of young people from the criminal justice system. The inquiry process following the introduction of the Bill, alongside the Government's own policy work and engagement with stakeholders, has enabled consideration of the diversity of views and experiences in the community.

The Bill recognises that in most instances, contact with the criminal justice system for drug possession can do more harm than good, and it will mean fewer people get a criminal record for a minor drug offence. This will limit the damage to the life prospects of Canberrans, particularly our young people, that can occur through a criminal conviction for a minor drug offence. It will also help to reduce drug-related stigma, helping to ensure young Canberrans access health services.

### Alcohol and other drug treatment services

The Government is committed to investing in evidence-based and practice-informed harm minimisation responses to alcohol, tobacco and other drugs. The ACT Government invests more than \$22 million each year in AOD treatment and harm reduction services in the ACT. The Government has invested more than \$32 million in harm minimisation initiatives since the commencement of the ACT Drug Strategy Action Plan 2018-2021.

This includes significant investments in the 2022-23 Budget, with more than \$13 million of additional funding for harm minimisation services. A key component of this investment is more than \$6.4 million of funding over four years to deliver support services and counsellors for families, carers and children of people who use drugs; boost residential alcohol and other drug treatment services; and increase targeted treatment for methamphetamine dependence. The Budget also continues our commitment to redevelop the Watson health precinct, which will allow a significant increase in services for young people and Aboriginal and Torres Strait Islander people when completed.

The ACT Government is currently undertaking a commissioning process to ascertain the current and emerging needs of the community to ensure future services are designed to meet those needs. This process will provide opportunities to consider the appropriate suite of AOD treatment and support services.

### Education campaigns

The Government does not condone drug use. It remains risky and dangerous to consume illicit drugs, and this Bill does not change that view. However, a "just say no" approach is not effective in preventing or delaying commencement of substance use in young people. The Bill with Government amendments will have a 12-month implementation period, allowing time for messaging so the ACT community can build awareness about what the changes mean for them. This work will also provide an opportunity for targeted communication to reiterate that there is no safe amount of illicit drug consumption, and to highlight relevant helpful resources.

I also note that as part of implementation of the ACT Drug Strategy Action Plan 2018-2021, the Positive Choices website has been publicised to teachers as a key resource, with a range of alcohol and other drug education materials to support delivery of the Australian curriculum in schools.

Canberra Health Services has also expanded the Prevent Alcohol and Risk Related Trauma in Youth (P.A.R.T.Y) Program for students aged 15-16 years, through outreach to schools.

I trust this information is of assistance.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'R. Stephen-Smith', with a long horizontal flourish extending to the right.

Rachel Stephen-Smith MLA  
21 September 2022