



**ACT**  
Government

Justice and Community Safety

Mr Geoff Howard MP  
Chair  
Law Reform, Road and Community Safety Committee  
[lrrcsc@parliament.vic.gov.au](mailto:lrrcsc@parliament.vic.gov.au)

Dear Mr Howard

## **Inquiry into Drug Law Reform**

Thank you for the opportunity to provide a submission to the Parliament of Victoria's Law Reform, Road and Community Safety Committee, Inquiry into Drug Law Reform. This is a joint submission from the Justice and Community Safety Directorate (JACS) and ACT Health.

In 2011, the ACT Government commissioned expert advice from the Drug Policy Modelling Program, National Drug and Alcohol Research Centre, University of New South Wales on the amount of illicit drugs a person could be apprehended for possessing that would clearly and fairly distinguish between people who purchase and possess drugs for their own use, and those who purchase and sell drugs for profit.

The research took into account a range of factors including the relative harms that different drugs are likely to cause, local research into the quantities of drugs ACT users were likely to use and purchase and legislation in other jurisdictions. The review process concluded that existing trafficable quantities for ecstasy and cocaine were disproportionately low, but trafficable quantities for heroin and methamphetamine were disproportionately high.

In 2013, the ACT Government amended the *Drugs of Dependence Act 1989* to increase the amount of cannabis that a person could possess from 25 grams to 50 grams and still incur a discretionary police fine under the ACT's Simple Cannabis Offence Notice Scheme (the scheme).

Evidence indicated that a typical purchase for personal use was around 28 grams. The previous threshold meant that cannabis users could have been subject to court proceedings for possessing the average amount purchased for personal use. The Government considered this issue was more appropriately handled by a discretionary fine. The scheme also reduces the cost to the community and police of taking the offence to court. The Government has also introduced an online portal to provide a simple, quick and convenient way for people to pay their fines.

Another important initiative introduced by the Government in 2013 was the Community Work Order and personal development programs. These programs allow people to

discharge accumulated traffic fines, or other penalties, by doing community work or attending a personal development program. The legislated definition of 'personal development program' specifically includes drug or alcohol treatment attendance. This means if a person attends a drug and alcohol treatment program they can potentially have their fines reduced, or licence or registration suspension lifted.

In 2014, the ACT Government accepted the recommendations of the review and amended the trafficable quantities in legislation. The changes reduce the risk of people who possess drugs for their own use and who are not engaged in the selling of those drugs for profit, being inadvertently convicted of a serious drug trafficking offence due to the quantity of the drug they possess.

In 2016, the Government amended ACT legislation to clarify that peer distribution of sterile injecting equipment is not a criminal offence when carried out for the purpose of preventing the spread of blood-borne diseases.

Also in 2016, the Government amended ACT legislation to legally protect good samaritans administering life-saving medicine, Naloxone, in an emergency situation to reverse opioid overdose. The protection applies even if the samaritan is impaired by a drug themselves.

This amendment followed the independent evaluation of the ACT 'Implementing Expanding Naloxone Availability' Program 2011-14. The program was Australia's first overdose management program, providing Naloxone on prescription to potential overdose victims with over 200 participants. The report into the Program documented 57 overdose reversals with no serious adverse events. Practitioners, participants and other stakeholders involved in the program were supportive of the program and its continuation.

Thank you again for the opportunity to provide input to the Inquiry.

Yours sincerely



David Pryce  
Acting Director-General

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