

Guidance for families and friends on writing a submission to the Inquiry into the Drugs of Dependence (Personal Use) Amendment Bill 2021

Document prepared by Families and Friends for Drug Law Reform (FFDLR) – May 2021

Brief Overview

The Inquiry has grown out of the Private Member's Bill which was presented by Michael Pettersson, Labor Party MLA in February 2021.

This Bill amends the Drugs of Dependence Act 1989, Sections 169 & 171. The name of the Act is the Drugs of Dependence (Personal use) Amendment Act 2021. If enacted, it will commence on 1 February 2022.

A Committee was formed to consider Michael Pettersson's Bill, but it was decided this would also present an opportunity for a critical overview of the alcohol and other drugs treatment and harm reduction programs and policies available in the ACT. Therefore there are two parts to this ACT Assembly Inquiry.

This submission guide is to help families and friends who have had or are presently experiencing drug use within their family or amongst their friends write a submission to the committee exploring the:

1. Decriminalisation Bill - this is draft legislation that proposes partial decriminalisation of offences for possession of set amounts of certain drugs. It covers possession of drugs only. This present bill applies the old expiation notice system or SCOns (Simple Cannabis Offence Notices) to people apprehended with certain drugs other than cannabis. This notice, now called the Simple Drug Offence Notice (SDON), also applies to people under the age of 18 in possession of cannabis. (Adults can now possess and grow certain quantities of cannabis as well as use in their own home). This Bill is a draft only and will likely change based on review of submissions made to the Inquiry and witness statements made at the public hearing. See **ATTACHMENT 3**.
2. Review of alcohol and other drug treatment and harm reduction policy and programs. See **ATTACHMENT 2**.

The Inquiry is overseen by a three-person committee of Members of the Legislative Assembly (MLA) -Mr Peter Cain, Chair (Liberal); Dr Marisa Paterson, Deputy Chair (Labor); Mr Johnathan Davis (The Greens). The committee will review written submissions and invite testimony in person at public hearings as it sees fit from organisations and individuals making them. It is a privilege to receive an invitation but it can be declined.

They will not call everyone who makes a submission. Each witness will be given up to five minutes to summarise their key points and then the committee will ask questions about their evidence. They will also be given an opportunity to comment on the submissions of other organisations and individuals.

Most public hearings are held in the ACT Legislative Assembly building on London Circuit. Public hearings are open to the general public and the media.

After the public hearings, the committee will report to the ACT Assembly. The draft Decriminalisation Bill will also be finalised and presented for voting in the Assembly. The whole process is scheduled for completion by December 2021.

Confidentiality

Submissions may be published online. If a submitter wants their evidence to remain confidential, that should be included in the covering letter. However, it is ultimately the committee's decision to confer confidentiality on a submission. Committees will generally advise or consult with affected parties prior to publishing. The proforma includes an option at the top to indicate if the person wishes their submission not to be made public.

Official guidance on making a written submission and a witness statement is given here:

https://www.parliament.act.gov.au/_data/assets/pdf_file/0020/1063037/Witness-guide-2020-Dec.pdf.

Why write a submission

The ACT government is considering decriminalising possession of drugs for personal use. It also wants to know what is working well and what could be improved in drug treatment and harm reduction strategies. It is important that the ACT Government hears from families and friends who have experienced drug use within the family or amongst friends either now or in the past. FFDLR will be making a submission but making your own written submission gives you the opportunity to tell your personal story. It's important you relate experiences including any with police or the courts and what impact that has had on your family life or the life of you and your friends. Relating your story of experiences with support and treatment services is also especially important. Your story and comments will all help our government know where improvements are required. The government should know what worked well for you and what did not and your ideas to make things better.

To help you in this process tips and a suggested proforma is included in this document.

The deadline for submissions is **Friday 4 June 2021**. If you have a disability that means you cannot write a submission, you can request to record it.

Many organisations that provide services to people who are using drugs or alcohol will also make submissions.

Tips on writing a submission:

- Write in plain English and preferably not too long.
- Tell your story. Use evidence and research where you can.
- Keep to the point.

ATTACHMENT 1 - Sample Proforma for a written submission

Cover Page

The Committee Secretary
Select Committee on the Drugs of Dependence (Personal Use) Amendment Bill 2021
Legislative Assembly for the ACT
GPO Box 1020, Canberra, ACT, 2601

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

Your name (INSERT)

A postal address and contact telephone number (INSERT)

An e-mail address (INSERT)

If you wish you may ask for your submission to be treated in confidence and not published.

Instructions on how to submit:

- ' EMAIL to:
LASelectCommitteeDDAB2021@parliament.act.gov.au
- POST to:
The Select Committee on Inquiry into the Drugs of Dependence (Personal Use)
Amendment Bill 2021
GPO Box 1020, CANBERRA CITY ACT 2601
- HAND DELIVER to:
Committee Support Office of the Legislative Assembly
Legislative Assembly for the ACT
196 London Circuit, Canberra ACT 2601

Typed submissions are preferred, but you can also submit a hand-written submission.

It's recommended you write 600-1200 words – about 2-4 pages of A4 - split fairly evenly between the three headings below. The questions under each are to prompt your responses. You don't need to answer all the questions. You can add anything else that you think is relevant.

Please note the questions below are only suggestions to help you when writing your submission. They are based on telling your story as that is often a powerful way to get your points across. You may of course have your own way of doing this. It is also helpful to use evidence including statistics and research to support your point of view and your personal story.

Guiding questions that may help you write your submission

As you write keep in mind the terms of reference for the Inquiry (Attachment 2)

1. My personal journey

What is your experience of drug use within your family or amongst your friends?

How has this impacted on family life or your friendship?

2. Issues with using drugs

How has drug use affected the health of your family member or friend?

How has your own health been impacted?

What has the impact been on your relationship with your drug using family member or friend?

Has adequate support been readily available for you as a family member or friend?

If so, has it been easy to find?

If so, has it been helpful – what kind of help did you receive?

Did you receive any education on 'safer use practices', i.e., how to revive an opiate overdose with naloxone, not mixing drugs, not using alone? – safe messages that could be shared with your family member or friend.

Have you had any experiences with the criminal justice system? How did this affect you and/or your family member?

Have you felt stigmatized, alienated or shamed because of drug use within your family? If so, why do you think this is so?

3. Decriminalisation and recommendations for the future

Please refer also to the Explanatory Statement – see link at the bottom of attachment 3.

How would decriminalisation change the life of your family member or friend including any impact on them accessing treatment and any impact on the way they are viewed by society?

*Do you think the Decriminalisation Bill is a good idea and are there any changes you would make to the bill? **(Summarised in attachment 3 below)***

What can be done to improve services for families and friends as well as the drug user? (It is well documented that including the family in programs and education is advantageous to both drug user and the family (Family Drug Support www.fds.org.au).

What can be done to better support early intervention & prevention of harm from drug use and harm from present drug policies?

Attachment 2 - Terms of Reference

Drugs of Dependence (Personal Use) Amendment Bill 2021

The Committee's inquiry will include an examination of the Bill's provisions as well as any other related matters, including:

- a) best practice policy approaches and responses undertaken in other jurisdictions, including internationally, to reduce harm and societal impacts from drugs;
- b) the health, criminal justice and social impacts of current policy and legislation approaches to drug use in the ACT (including the ACT government's *ACT Drug Strategy Action Plan 2018-2021*);
- c) the adequacy and implementation of the ACT government's current funding commitments to support drug control and harm reduction;
- d) opportunities and challenges for community-based and community-controlled organisations, programs and initiatives to reduce harm from drugs (for example a clinically supervised drug consumption site in the ACT);
- e) issues specific to the drug rehabilitation and service sector (covering alcohol and other drug services) including the following:
 - i) identifying current strengths and weaknesses in the sector;
 - ii) assessing current and future demands; and
 - iii) recommending services, referral pathways and funding models that will better meet people's needs;
- f) the availability, access and implementation of best practice drug education material to enable and support prevention, early intervention, and community safety.

Drugs of Dependence (Personal Use) Amendment Bill 2021 – Summary

Introduction:

This document summarises the provisions of the draft Private Member’s Bill presented by Michael Pettersson, Labor Party MLA.

The Bill amends the Drugs of Dependence Act 1989, Sections 169 & 171. The name of the Act is the Drugs of Dependence (Personal use) Amendment Act 2021. If enacted, it will commence on 1 February 2022.

Summary of Bill:

- It covers possession of drugs only.
- It is an expansion of the previous SCON (Simple Cannabis Offence Notice) to the SDON (Simple Drug Offence Notice) which also includes cannabis possession for those under 18.
- A person commits an offence if they possess a drug of dependence and the amount is lower than the personal possession limit.
- A list of substances covered by the Bill and the personal possession limits for each are provided in Table 1.
- The maximum penalty for possession of a drug under the personal possession unit is 1 penalty unit. The person would receive a warning like the current Simple Cannabis Offence Notice (SCON), which becomes a Simple Drug Offence Notice (SDON).
- The Bill does not affect the prosecution or enforcement of Commonwealth and Territory laws relating to driving under the influence of drugs, the manufacture, sale or trafficking of illicit drugs, including laws for possession in amounts above the thresholds in the Bill.

Table 1. Substances included for partial decriminalisation and personal possession limits

Substance	Personal possession limit
MDMA	0.5g
Amphetamine	2g
Cannabis (dried cannabis)	50g
Cannabis (harvested cannabis)	150g
Cocaine	2g
Heroin	2g
Lysergic acid	0.002g

Lysergide (LSD, LSD-25)	0.002g
Methadone	2g
Methylamphetamine	2g
Psilocybine (active ingredient in magic mushrooms)	2g

Explanatory statement can be downloaded here:

https://www.legislation.act.gov.au/DownloadFile/es/db_63826/current/PDF/db_63826.PDF