



POLICY IN AOD

CHAIR: MOLLY O'REILLY, GENERAL MANAGER, WITHDRAWAL & COMMUNITY SERVICES, WINDANA

1. What We Heard: The Statewide Centre for Addiction and Mental Health Consultation Update
2. Achieving drug decriminalisation amidst change: lessons for Victoria from the ACT
3. Connecting state priorities to a national voice: Driving holistic responses through a national peak

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Achieving drug decriminalisation amidst change: lessons for Victoria from the ACT

Devin Bowles, CEO, ATOD

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Alcohol Tobacco & Other Drug
Association ACT

Achieving drug decriminalisation amidst change: lessons for Victoria from the ACT

Dr Devin Bowles

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Alcohol Tobacco and Other Drug Association ACT (ATODA)

VAADA Conference - Melbourne, 8 February 2023

ATODA acknowledges and celebrates the Ngunnawal people as the traditional custodians of the lands of the ACT where ATODA works, and the traditional custodians of the lands of all people gathered here today. We pay our respects to Elders past, present and emerging. ATODA recognises and continues to learn from the contributions of Aboriginal and Torres Strait Islander people to the alcohol, tobacco and other drug sector.

Conflict of Interest statement

There are no conflicts of interest to disclose

Celebration of partnership

- Success in the ACT was a group effort
- Many local partners
 - Each brought a different insight into local politics, local challenges, local opportunities and brought relationships with government spanning decades
- Especially want to acknowledge the amazing role played by the Canberra Alliance for Harm Minimisation and Advocacy (CAHMA) and Chris Gough
 - CAHMA is the drug user organisation and alcohol, tobacco and other drug (ATOD) consumer organisation for the Australian Capital Territory.

Introduction and overview

- Decriminalization is a key part of reducing discrimination and the harm from contact with the justice system
- Decriminalization is being scoped in many jurisdictions locally and overseas
- Opportunity in Victoria
- Overview of the current situation in the ACT
- How we achieved success in the ACT
- Lessons for Victoria

Decriminalization is key business

- Reduce discrimination and stigma
 - Barriers to treatment
- Reduce harm from contact with justice system
- Potentially frames as health issue
- Adds legitimacy to harm reduction and treatment

Potential Opportunity in Victoria

- New term for Labor
 - Now is the time for reform if Labor wants, because they don't need to worry about an election
 - If don't initiate change now, unlikely to occur this term of Government
- Significant power for the Legalise Cannabis party on the crossbench of the Legislative Council
 - Legalise Cannabis party might be seen as having taken 'natural' Labor seats
 - Questions around how Labor will engage with Legalise Cannabis
 - I do not have local knowledge

Overview of the current situation in the ACT – Cannabis from January 2020

“If you’re aged 18 and over in the ACT, you can now:

- possess up to 50 grams of dried cannabis or up to 150 grams of fresh cannabis
- grow up to two cannabis plants per person, with a maximum of four plants per household
- use cannabis in your home (personal use).

It’s now an offence to:

- smoke or use cannabis in a public place
- expose a child or young person to cannabis smoke
- store cannabis where children can reach it
- grow cannabis using hydroponics or artificial cultivation
- grow plants where they can be accessed by the public...

It’s still illegal:

- to sell, share or give cannabis as a gift to another person
- for people aged under 18 to grow, possess, or use cannabis
- to [drive](#) with any cannabis in your system.”

[https://www.act.gov.au/cannabis/home#:~:text=If%20you're%20aged%2018,your%20home%20\(personal%20use\).](https://www.act.gov.au/cannabis/home#:~:text=If%20you're%20aged%2018,your%20home%20(personal%20use).)

Overview of the current situation in the ACT – Cannabis continued

- Possible modest decline in use according to wastewater (probably just noise in the data), but then COVID-19 intervened
- No one really noticed
- No legal method of distribution
- Not perfect, but probably near point of lowest total harms (from drugs and justice system)
- What would I change? – ban on hydroponics and artificial cultivation, which isn't suited to the climate in either jurisdiction

Overview of the current situation in the ACT – other drugs

- October 2022, ACT Legislative Assembly passed legislation that would decriminalize personal possession of small amounts of a wide range of drugs from October
- Key points
 - Three tiers of offence
 - Ministerial discretion about drugs and amounts
 - Receive fine or Simple Drug Offence Notice
 - Either can be discharged by attending an approximately 1 hour session
 - Exploring the role of drugs in persons life, NOT forced treatment
 - Includes amphetamines
 - Distribution still illegal
 - Driving still illegal
 - Built in review

The power of a backbencher (or cross bencher)



- The Victorian Government will decide the fate of the Legalise Cannabis party

Coalition formation – stage 1

- It's good to have friends

Develop a shared policy position

- Find the overlap of desirable and possible
 - Beware of the echo chamber
- Widespread agreement
 - Developed and iteratively circulated comprehensive submission
 - Align advocacy voices
- Don't be tempted to move the goalposts as success seems closer

Develop a shared theory of change

- ACT – ATODA's theory of change
 - Not going to successfully attack the ACT Government from the left
 - Labor and Greens both in Government
 - Why would we attack the most progressive Government on this issue?
 - Aim to enhance status as a trusted partner
 - Not all change will happen in a single term of government
 - There are lots of changes possible that will benefit people who use drugs
- Rely on the policy process using evidence

Coalition formation – stage 2

- Some players can be coaxed into involvement and want guidance on optimising policy
- 59 submissions to Inquiry into the Drugs of Dependence (Personal Use) Amendment Bill 2021
 - By contrast, 18 submissions to the Inquiry into Housing and Rental Affordability
 - Most submissions favorable
 - Strong showing from AOD sector
 - Drug organisations from interstate – e.g. QNADA, WANADA
 - Many not from drug organisations
 - Other health organisations
 - Social service organisations
 - Legal organisations
 - Academic organisations

Government is multifaceted

- Ministers make decisions
- Good ministers also take advice from their offices and public servants
- Be the trusted partner
 - Provide cover in media
 - Praise publicly when warranted, constructively criticise privately
 - Provide policy detail
 - Demonstrate electoral appetite
 - Accept compromise

Those in opposition

- Many interstate and/or funded internationally
- Will manipulate/distort statistics
 - A note on ACT cannabis data
 - Arrest data
- Zombie argument
- Wedging

The media


- ACT media coverage was largely evidence-based and constructive
 - Engage actively
- Different media landscape in Victoria will be more challenging

Strategic questions

- Level of ambition – further thoughts later
- Health lens or liberty lens?
 - Consider long game
 - Consider potential allies
 - Consider what is possible

Final thoughts

- Local knowledge and local consequences should mean local leadership
- Politics is the art of the possible
- Momentum is our friend
 - Momentum can be the friend of individual policy makers
- This is a national issue settled locally
 - Momentum occurs nationally
 - A setback anywhere will slow things down nationally
 - Gather evidence to help other jurisdictions (knowing that evidence from your jurisdiction might be twisted)
 - The model for cannabis in the ACT would transfer well
 - The model for other drugs might be uniquely suitable to the ACT



Thank you for your attention.

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