

Harm Reduction in Australia

History, development and current ACT
decriminalisation policy

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Australian Harm Reduction - The beginning

- HIV Crisis and priority populations – federal bi-partisan support paves the way for funding of peer-based organisations for priority populations – sex workers, people who inject drugs, Aboriginal people and LGBTIQ+ people.
- Harm reduction officially recognized as a pillar of drug policy - The Australian Drug Strategy -1985 – called “the National Campaign Against Drug Abuse (NCADA)”

Australian Harm Reduction - The beginning

- First formal NSPs began – 1986
- 1987 – first formal drug user organisations began forming across Australia
- 1988 - The Australian IV League began as an unfunded national network representing drug users and drug user organisations
- 1990 – NHMRC released first formal statement on HCV

The Foundation for success

Peer Based Drug User Networks

- Network of affected communities empowering peers to strive for shared goals:
 - Access to NSP, ATOD treatment and BBV testing and treatment
 - Peer education – sharing knowledge in communities that are criminalized and where information difficult to find
 - Health promotion – messaging by and for us
 - Recognise and fight against stigma and discrimination
 - Input into decision making processes for better policy
 - Community development – growing strength and leadership
 - “Nothing about us without us”

The Foundation for success

Research organisations, charity and social justice organisations, advisory groups.

Research Organisations

- Specialist research organisations developed – NDRI, NDARC
- Building evidence base for harm reduction interventions
- Working with peer organisations to produce co-designed research

Charity and social justice organisations

- Uniting, ADLRF
- Advocate to broader community and government
- Recognise and fight against stigma and discrimination

Government Advisory Groups

- Ministerial Council on Drug Strategy (MCDS) and National Drug Strategy Committee (NDSC).
- Provide forums for evidence to be considered, positions adopted.
- Channel to influence political decisions

Australian Harm Reduction - Key successes

- NSP – key HIV and HCV intervention for people who inject drugs. Australia has one of the lowest HIV rates in the world.
 - Sterile injecting equipment
 - Health promotion
 - Safer using and other harm reduction information
 - Pathway for HCV testing and treatment

Australian Harm Reduction - Key successes

Supervised Injecting Facilities

Medically Supervised Injecting Centre – Kings Cross

- May 2001 – NSW trial of the Medically Supervised Injecting Centre began. MSIC remained a trial until Nov 2010

Medically Supervised Injecting Room - Richmond

- June 2018 – MSIR opened as a 5 year trial. Made permanent 2023

Australian Harm Reduction - Key successes

Naloxone Programs

- First trialled in 2011 in the ACT – CAHMA, ATODA, ACT Health
- Spread rapidly to other jurisdictions.
- Now – federally funded supply of naloxone for free to all jurisdictions, NSP access, pharmacy access, community organisation access.

Drug Checking and Festival Based Harm Reduction

- Dancewize – festival based harm reduction HrVic and NUAA
- PTA – festival based drug checking service trialled and evaluated 2018
- CanTEST fixed site Drug Checking facility opens 2022
- Queensland fixed site and festival service 2024
- MSIC and The Loop residue trial 2024

Australian Harm Reduction - Early Drug law reform

Expiation Notice Programs - Cannabis

- 1986 – South Australia Cannabis Expiation Notice (CEN) – first infringement notice
- 1992 - ACT Simple Cannabis Offence Notice (SCON)
- 1997 – Victoria – Cannabis Cautioning Program Trial before state wide adoption in 1998
- 1998 – WA – simple cannabis offence – cautioning and education system trialed.
- 2000 – NSW Cannabis cautioning scheme rolled out.

Diversion Programs

- 1999 – COAG nationally consistent drug diversion – IDDI Illicit Drug Diversion Initiative signed off.

Australian Harm Reduction - Drug Law Reform - Current

- ACT Cannabis Law Reform – 2020
- ACT Drugs of Dependence Amendment – partial decriminalization of personal drug use.
- QLD – Increasing diversion programs
- Vic – Push for decriminalization of personal drug use.
- NSW – Drug Summit
- Uniting Fair Treatment Campaign – advocating decriminalization of personal drug use

ACT - Drug Law Reform - Current

- ACT Cannabis Law Reform – 2020
 - January 2020 – over 18 exclusion to current Cannabis law
 - 2 plants per person and max 4 per household
 - 50g dry weight Cannabis allowed
 - 150g wet weight Cannabis allowed
- ACT Drugs of Dependence Amendment – partial decriminalization of personal drug use
 - October 28th 2023 – amendment of drugs of dependence act to form a simple drug offence notice (SDON) – fine or diversion to 1 hr CHS health assessment.
 - New “small quantities” thresholds put into law
 - Still possible to be charged with drug possession if you have more than the small quantity but less than the trafficking limit

Quantities and types of illicit drugs included in the changes

Drug	Small quantity
Amphetamine	1.5g
Cocaine	1.5g
Methylamphetamine ('ice' or 'meth')	1.5g
3,4 Methylendioxyethylamphetamine (MDMA or 'ecstasy')	1.5g (or 5 DDU)**
Cannabis (dried)*	50g
Cannabis (harvested cannabis)*	150g
Heroin	1g
Lysergic acid**	0.001g (or 5 DDU)**
Lysergide (LSD, LSD-25)	0.001g (or 5 DDU)**
Psilocybine ('magic mushrooms')	1.5g

Existing threshold amounts in ACT - ACT Evidence based personal possession and federal personal possession limits over which a trafficking charge is laid

Substance	Possession limit ACT (trafficking threshold)	Possession limit federal (trafficking threshold)
MDMA	10g	.5g
Amphetamine	6g	2g
Cannabis (dry)	300g	250g
Cannabis (wet/harvested)	300g	250g
Cocaine	6g	2g
Heroin	5g	2g
Lysergic Acid	.003g	-
Lysergide (LSD, LSD 25)	.003g	.002g
Methamphetamine	6g	2g
Psilocybine	2g	2g

Consequences of new small quantities

- People can still be charged with drug possession for amounts more than small quantity but less than traffickable quantity.
- Maximum possession charge reduced from 2 yrs imprisonment to 6 months
- Legislation is very complex and difficult to understand
- Not evidence based but politically motivated

ACT - Drug Law Reform - Current

*Note only those aged under 18 can be given a Simple Drug Offence Notice for possession of small amounts of cannabis. There are no penalties for low-level adult possession of cannabis.

**There is a discrete dose unit (DDU) for MDMA, lysergide and lysergic acid which are often packaged as a single dose, for example, capsules or tablets. This means you can be eligible for a diversion if you have no more than 5 MDMA, lysergide or lysergic acid doses, such as capsules or tablets.

Holding two or more different drugs

If an individual has 2 different types of eligible illicit drugs, they may be eligible for a Simple Drug Offence Notice (SDON) if they have no more than 100 per cent of the small quantity limit of each drug.

If they carry smaller amounts of multiple drugs which add up to no more than 200 per cent of a small quantity limit, they may still be eligible for an SDON.

For example, 1.5g is the small quantity for amphetamine, cocaine and MDMA. A person may be eligible for an SDON if they had:

What is changing

- Maximum penalties for possessing small amounts of some illegal drugs for personal use have been reduced, as listed in the table on this page.
- Small quantities of drugs found on a person may attract either diversion to a health education and information session, or the option of paying a \$100 fine.
- If the person does either of these things, no further action will be taken.
- If you are in possession of drugs and charged with other offences, it is likely that you will be charged with drug possession offences at the same time – you will not be referred to a health session or issued a fine.
- If the matter goes to court, a \$160 fine can be issued, with a potential criminal conviction.
- In most instances, police will seek to divert or fine an individual. However, police will retain the power to summons or arrest an individual to appear before a court, particularly when other offences are involved.

What is not changing

What is not changing

- The listed drugs are still illegal and drugs will be confiscated.
- It is still illegal for a person to drive with any level of illegal substances in their system.
- These changes do not affect the 2020 cannabis reforms. Rules about cannabis, including personal possession limits and the number of plants that a person can grow, will still apply and be enforced.
- If a person is in possession of drugs and charged with other offences at the same time, it is likely they will be charged with drug possession offences alongside the other offences rather than referred to Canberra Health Services or issued a fine.
- Possession of large amounts of these drugs (above the new 'small quantity' thresholds but below drug trafficking limits) will still attract higher fines (up to \$8,000) and potential prison sentences of up to 6 months (reduced from 2 years).
- It is still illegal to supply and manufacture drugs. Penalties for these offences will not change.

ACT - Drug Law Reform - Under 18

- ACT Cannabis Law Reform – 2020
 - Cannabis remains illegal to possess for people under 18 and you can get a Simple Drug Offence Notice (SDON) for possession
- ACT Drugs of Dependence Amendment – partial decriminalization of personal drug use
 - This reform includes people who are under 18
- A hybrid law therefore works for under 18s where Cannabis (under 50 g dry and 150g wet) is included in the new SDON for people under 18
- The legislation also seems to leave room for guardians of children to be charged but CAHMA is unsure how this works and whether it is being used in practice.