

## The Next Steps for Drug Law Reform in Australia – Potential and Pitfalls

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**Introduction:** The Australian Capital Territory (ACT) is the first Australian jurisdiction in which drug decriminalization, beyond the specific case of cannabis, has been made the subject of a comprehensive legislative proposal. This Bill, currently under consideration by the Legislative Assembly, proposes to replace criminal sanctions with fines for the possession of small amounts of specific illicit drugs.

**Approach:** As with all new laws, there is a need to analyse alignment of the proposal with existing legislation and the potential for unintended consequences. A multi-disciplinary team of academics have reviewed the Drug of Dependence (Personal Use) Amendment Bill 2021.

**Key Findings:** The Bill marks a significant step forward and places ACT at the forefront of legal innovation in drugs policy in Australia, and is in step with evidence-based recommendations of recent major inquiries into reducing the harms of drugs. Public resources would be (re)focused towards social and health goals. Close examination of the Bill, however, highlights a number of key features that require further consideration. For example, some proposed thresholds for personal use are lower than found in common practice; the helpfulness of a fine alone (without social and health responses) is limited; the issue of 'supply' in the Criminal Code may create unintended harms related to this Bill; and interaction between the Bill and current drugged driving legislation needs careful consideration.

**Conclusions:** The legislation indicates both the potential for further drug reform in Australia in line with harm reduction approaches, but also indicates the complex and consequential aspects connected with this kind of change.

**Implications for Practice or Policy:** *While drugs can cause harms, so can drug policies. To evaluate and improve drug policy it is essential to consider possible effects of different legal actions and interactions. Overall, we think the Bill will reduce the harmful impacts of criminalising personal use of illicit drugs. However, a number of articles may inadvertently place users at greater risk of penalisation.*

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