

7 July 2021

The Hon Mark Speakman MP SC  
Attorney General  
52 Martin Place  
SYDNEY NSW 2000

Dear Mr Speakman

### RESPONSE TO THE SPECIAL COMMISSION OF INQUIRY INTO THE DRUG 'ICE'

The NSW Council for Civil Liberties (NSWCCL) is Australia's longest continuously existing civil liberties and human rights organisation.

NSWCCL calls on the NSW Government to publish its Final Response to the *Special Commission of Inquiry into crystal methamphetamine and other amphetamine-type stimulants*, and to implement its recommendations to align drug policy in NSW with the weight of expert evidence and community sentiment.

In 2018, announcing the Inquiry, the Premier of NSW, Gladys Berejiklian, said:

*'Ice is a destructive drug that is ruining too many lives across NSW, especially in our regional centres. We are establishing a powerful Special Commission of Inquiry because we want every option on the table to bolster our existing efforts to combat the evolving threat of this dangerous, illegal drug – and to get help for those who need it.'*

The urgency of the situation was underlined by the tragic deaths of six young adults who attended music festivals in NSW between December 2017 and January 2019.

The Inquiry noted that:

- *'Australia has the highest rate of amphetamine dependence in the world and, of all the world's regions, Australasia has, by a substantial margin, the highest rate of all-cause deaths associated with amphetamine dependence.'*
- *'It has been 10 years since NSW had a drug and alcohol strategy to support and guide policy. In this time, there has been a clear lack of direction for AOD health services, and significant gaps in services for people who need treatment, rehabilitation and support.'*
- *'Recognising illicit drug use as a health and social problem rather than a criminal justice issue is a fundamental first step.'*

Its recommendations included decriminalisation, diversion, and a whole-of-government AOD (alcohol and other drugs) policy for NSW that recognised the use of drugs as a health and social issue, prioritised health and education and recognised the harms associated with punitive responses.

In its Interim Response, the NSW Government said: 'The Government will carefully consider the Inquiry's findings and recommendations and will prepare a final response'. However, no final response has been forthcoming after nearly 18 months. The Government also used its Interim Response to reiterate its opposition to 'pill testing' services, needle and syringe programs, and ceasing the use of drug detection dogs at music festivals. Our opposition to the use of sniffer dogs, which are wrong more often than they are right, often leading to the infringement of innocent people's civil liberties, is on the record. There is a significant evidence base in support of all of these proposals.

In relation to 'pill testing', the report noted:

*'Implementation of a substance testing pilot is supported by professional medical, healthcare and peak bodies, including the Australian Medical Association, the Royal Australasian College of Physicians, the Royal Australian College of General Practitioners, the Australasian College for Emergency Medicine and St Vincent's Health Australia.'*

*'The Inquiry has found there is strong and compelling evidence to support substance testing as an effective harm reduction measure used in conjunction with other harm reduction strategies.'*

For decades, the NSWCCCL has recognised the failure of prohibition and supported the decriminalisation of personal use of drugs. We note the Grahame Coronial inquest of 1 March 2019, which investigated six deaths due to opioid overdose, and recommended full and genuine consideration of decriminalising personal use of drugs, saying:

*'During the inquest it became alarmingly clear that many opioid deaths are genuinely preventable. Lowering the rate of opioid overdose is clearly achievable but it will require a government willing to listen to health experts and to act decisively on their advice.'*

*'As former Commissioner of the Australian Federal Police, Michael (Mick) Palmer told the inquest, it will require us to rethink our drug policy, "we can't 'prohibition' our way out of the current problem.'"*

*'Other jurisdictions have completely reframed their approach to illicit drugs in response to an overdose crisis, with great success. The court heard, for example, from Dr Nuno Capaz, Vice President of the Dissuasion Commission of Lisbon, Portuguese Ministry of Health, about the decriminalisation of all personal drug use in Portugal. That change has only been successful because it came about with a corresponding massive injection of funds into drug treatment programs of all kinds. It is a legislative reform worthy of close scrutiny.'*

The NSWCCCL encourages the Government to consider changes in community attitudes, as evidenced by the 2019 National Drug Strategy Household Survey, which found that:

- 57% of Australians supported 'allowing potential drug users to test their pills/drugs at designated sites'.

- The most common action supported for people in possession of drugs including amphetamines was 'referral to treatment or an education program'.
- For the first time, from a theoretical \$100 to spend on reducing illicit drug use, people allocated more money to education than law enforcement.

The NSWCCCL urges the Government to publish its Final Response as a matter of urgency and to reconsider its opposition to measures that focus on health outcomes. It is time to fundamentally rethink our current approach to drug policy to better reflect our society's values and expectations. We need an evidence-based approach that prioritises health and education and supports, rather than stigmatising, those affected by drug use.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Pauline Wright', with a stylized, cursive script.

Pauline Wright

**President**  
**NSW Council for Civil Liberties**