

# CHANGING OUR DRUG LEGISLATION.

Let's start an important conversation.



In Australia, there is overwhelming public consensus that we need to modernise our approach and remove criminal sanctions for personal use of all drugs, in line with global evidence. Current laws are outdated - they don't stop people using drugs, and they're expensive. What's more, they get in the way of people seeking treatment and support when they need it, and they stop us having an open and honest conversation about drugs.

The question is not whether we need to change our laws, but how best to do it. This document provides some practical options for what that change should look like.

## 1. IN SHORT, WHAT SHOULD HAPPEN IF SOMEONE IS FOUND WITH DRUGS?

---

Uniting believes that if a person is in possession of drugs intended for their personal consumption, they should only ever receive a health and social welfare response.

## 2. ARE WE TALKING ABOUT ALL DRUGS?

---

Yes. The evidence recommends that no matter which drug is taken, responding with a health lens and focusing on people's wellbeing is cheaper and more effective at reducing harms and drug use.

Nearly half of all Australians admit to having used an illegal substance in their life, including 16% in the last year. Criminalising half the population doesn't make sense, and it increases the harms that the laws cause.

There is currently no logical relationship between the harm of a drug and its legal status (for example, cigarettes kill a higher proportion of regular users than heroin). We need a consistent, evidence-based response to drug use, led by health.

## 3. SHOULD THE NEW LAWS APPLY TO EVERYONE? OR SHOULD THERE BE ELIGIBILITY CRITERIA?

---

Uniting believes that new laws should apply to everyone. The current laws need to change, and everybody should have the same fair treatment under improved evidence-based laws.

Criteria for who the law applies to can make it even more complicated and can mean inconsistent application. This would stop some people accessing support and healthcare because they don't meet certain eligibility requirements.

We believe everybody using drugs should be offered support, and nobody should have a criminal record for the very act of minor drug possession. Criminal records can significantly impact a person's future.

## 4. WHAT IF A PERSON IS FOUND WITH DRUGS MORE THAN ONCE?

---

Uniting believes that drug use alone (including repeatedly being found with drugs) should never lead to a criminal record.

In many areas of life, repeated criminal behaviour receives an escalating response. But if a person is repeatedly coming to the attention of police for drug use, Uniting believes it is even more imperative they are given a response which offers support and treatment.



In examining options for change, Uniting is focused on creating a fairer, more effective, and more transparent system.

## 5. HOW IS PERSONAL USE DEFINED?

---

Unfortunately, our existing legislation doesn't distinguish clearly between people who use drugs and people who supply them. In NSW, we currently use 'threshold quantities' to make this assessment. Below a designated weight (different for each drug), any drugs found are considered to be for personal use; above it, and you are automatically deemed to be a supplier. The system is arbitrary, not in line with evidence, and is starting to be scrapped by jurisdictions around the world.

Uniting believes this current method reverses the burden of proof which Australia's justice system is built upon. A person should be presumed innocent until guilt is proven. Our position is that weight thresholds should be abolished. Instead, proof of indicators of a supply offence should be required, including evidence of financial transactions, intent to sell, packaging and distribution.

Uniting asserts that large-scale drug traffickers and criminal cartels should be the focused target for Australia's criminal justice system.

## 6. WHAT SHOULD HAPPEN AFTER A PERSON IS FOUND IN POSSESSION OF A DRUG?

---

One common and simple suggestion is that people found with drugs for personal use should be referred into treatment. Yet, most people use drugs recreationally and don't require treatment. Only a small proportion of those who use currently illegal substances have a problem, such as dependency, that would benefit from treatment – and treatment services themselves are already overstretched and underfunded. An option of referral for assessment is more logical, as it would enable a tailored approach that could identify what action, if any, is needed. For example, one person may not require any action, whereas another may benefit from education or treatment.

Issuing a fine is another option. Though fines have a far greater impact on people who can't afford to pay, and ultimately could see those who are already marginalised being further disadvantaged and at risk of jail through non-payment.

## 7. SHOULD POLICE BE SEARCHING PEOPLE AND CONFISCATING DRUGS IF POSSESSION ITSELF ISN'T CRIMINALISED?

---

Many people throughout our community use drugs and lead normal lives. While some people may think it's necessary to confiscate drugs whenever they're found in a person's possession, it's important to consider the ramifications of stopping and searching people for the purpose of confiscation, and the consequent unnecessary interaction with police.

In examining options for change, Uniting is focused on creating a fairer, more effective, and more transparent system. We suggest removing the right for police to stop and search for small, personal quantities of drugs, a practice which has been shown to be implemented unfairly across our community.

We believe that other people and services in the community are better placed to respond to an individual's drug use. This might include parents, teachers and community workers who can form a therapeutic relationship with the person, and work with them to make the best choices going forward.

Confiscation in clearly defined circumstances (such as among a younger age group or those at higher risk of harm) could be a more efficient use of police resources.

LET'S START THE  
CONVERSATION



## WHAT NEXT?

Uniting hopes these questions and answers will help you engage people in a discussion about drug laws, and consider our options for change.

Every conversation is a step towards fairer, more sensible approaches to drug use in our community. We all want a system that's designed, above all, to keep people safe. We also want a system that's cost-effective, better directs police resources, allows greater access to treatment when it's needed, and prevents ineffective criminal records from negatively impacting people's futures.

We want you to feel confident in encouraging your families, friendship groups, workplaces and communities, to consider the issues and options for positive change.

Get in touch for further information or to get involved.



[www.fairtreatment.org](http://www.fairtreatment.org)

