



Media Release

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Don't confuse a drug user with a drug trafficker: New evidence-based ACT drug threshold laws

"ATODA congratulates the Attorney-General Simon Corbell and the ACT Government for the evidence-based reforms to legal thresholds for heroin, methamphetamine, cocaine and MDMA (ecstasy) in legislation announced today," said Ms. Carrie Fowlie, Executive Officer of the peak body the Alcohol Tobacco and Other Drug Association ACT (ATODA).

"Drug trafficking is a very serious offence which attracts heavy penalties. The ACT legal system correctly recognises that drug traffickers should receive heavier penalties than drug users," said Ms. Fowlie. "Up to now, however, the laws were not effective in differentiating between drug traffickers and people who possess illicit drugs for their personal use."

"Legal thresholds set a total weight limit for a drug. Possession under that threshold weight is assumed to be for personal use and above it for trafficking."

"The ACT thresholds for MDMA and cocaine had been set too low, putting Canberrans possessing small quantities of these drugs simply for personal use at risk of being charged with trafficking. Meanwhile, the thresholds for heroin and methamphetamine needed to be reduced to ensure that drug traffickers weren't being treated simply as drug users."

"The new thresholds more closely align with ACT drug use and purchasing patterns. They also give the police, the prosecution, the judiciary and the public greater confidence that the penalties match the seriousness of the offences."

"The new thresholds enable a more rapid, just, equitable and evidence-based response to people who commit drug offenses in the ACT."

"While commending the Government for this initiative, ATODA continues to oppose the reverse onus of proof involved in the legislation. People charged with drug offenses should be considered innocent until found guilty by the court. Under the existing laws, drug users possessing amounts of drugs above the thresholds have to prove that the drugs were for their personal use, rather than the prosecution having to prove that the person was a trafficker", she added.

"The legislation also includes banning 44 individual chemicals as a response to new psychoactive substances, such as Kronic, Bath Salts and N-Bomb."

"Unfortunately banning individual chemicals doesn't appear to meaningfully change the availability of emerging drugs. Each time a chemical is banned, a new drug, which we know even less about, replaces it."

"New psychoactive substances represent one of Australia's biggest drug policy challenges. We need to ensure our approach to emerging drugs is consistent with that of other drugs, such as expanding drug diversion programs."

"At ATODA's conference later this year, research on emerging drugs will be presented to support innovative, evidence-informed ACT policy responses."

**For comment for further information please contact:
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