

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Dear [REDACTED]

### **DECISION ON YOUR ACCESS APPLICATION**

I refer to your application under section 30 of the *Freedom of Information Act 2016* (FOI Act), received by ACT Health Directorate (ACTHD) on **Tuesday 8 November 2022**.

This application requested access to:

*'All emails held by the ACT Health Minister's office that were sent to or received from Ministerial and Assembly colleagues or their staff in relation to the YourSay survey Drug Law – Final Report. The period of this application is to be from 01/01/2021 and 21/10/2022 inclusive.'*

I am an Information Officer appointed by the Director-General of ACT Health Directorate (ACTHD) under section 18 of the FOI Act to deal with access applications made under Part 5 of the Act. ACTHD was required to provide a decision on your access application by **Thursday 29 December 2022**.

I have identified seven documents holding the information within scope of your access application. These are outlined in the schedule of documents included at [Attachment A](#) to this decision letter.

#### **Decisions**

I have decided to:

- grant full access to three documents; and
- grant partial access to four documents.

My access decisions are detailed further in the following statement of reasons and the documents released to you are provided as [Attachment B](#) to this letter.

In reaching my access decision, I have taken the following into account:

- The FOI Act;
- The contents of the documents that fall within the scope of your request;
- The views of relevant third parties; and
- The *Human Rights Act 2004*.

#### **Full Access**

I have decided to grant full access to three documents at references 1, and 6-7.

### **Refuse Access**

I have decided to grant partial access to four documents at references 2-5. The documents have been identified containing information that I consider, on balance, to be contrary to the public interest to disclose under the test set out in section 17 of the FOI Act.

### **Public Interest Factors Favouring Disclosure**

The following factors were considered relevant in favour of the disclosure of the documents:

- Schedule 2, 2.1(a)(i) promote open discussion of public affairs and enhance the government's accountability;
- Schedule 2, 2.1(a)(ii) contribute to positive and informed debate on important issues or matters of public interest; and
- Schedule 2, 2.1(a)(viii) reveal the reason for a government decision and any background or contextual information that informed the decision.

### **Public Interest Factors Favouring Non-Disclosure**

The following factors were considered relevant in favour of the non-disclosure of the documents:

- Schedule 2, Schedule 2.2 (a)(ii) prejudice the protection of an individual's right to privacy or any other right under the *Human Rights Act 2004*.

The information contained in the documents are partially comprised of personal information of ACT Government employees and has not been disclosed as this could reasonably be expected to prejudice the protection of the individual's right to privacy.

On balance, the factors favouring disclosure are outweighed by the factor favouring non-disclosure as the information would not provide any government information pertinent to your request. Therefore, I have determined the information identified is contrary to the public interest and would not advantage the public in disclosing this information.

### **Charges**

Processing charges are not applicable to this request.

### **Disclosure Log**

Under section 28 of the FOI Act, ACTHD maintains an online record of access applications called a disclosure log. The scope of your access application, my decision and documents released to you will be published in the disclosure log not less than three days but not more than 10 days after the date of this decision. Your personal contact details will not be published.

<https://www.health.act.gov.au/about-our-health-system/freedom-information/disclosure-log>.

### **Ombudsman review**

My decision on your access request is a reviewable decision as identified in Schedule 3 of the FOI Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in ACT Health's disclosure log, or a longer period allowed by the Ombudsman.

If you wish to request a review of my decision you may write to the Ombudsman at:

The ACT Ombudsman  
GPO Box 442  
CANBERRA ACT 2601  
Via email: [ACTFOI@ombudsman.gov.au](mailto:ACTFOI@ombudsman.gov.au)  
Website: [ombudsman.act.gov.au](http://ombudsman.act.gov.au)

ACT Civil and Administrative Tribunal (ACAT) review

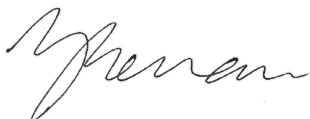
Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal  
Level 4, 1 Moore St  
GPO Box 370  
Canberra City ACT 2601  
Telephone: (02) 6207 1740  
<http://www.acat.act.gov.au/>

**Further assistance**

Should you have any queries in relation to your request, please do not hesitate to contact the FOI Coordinator on (02) 5124 9831 or email [HealthFOI@act.gov.au](mailto:HealthFOI@act.gov.au).

Yours sincerely,



Vivien Bevan  
**Head of Office**  
Office of the Director-General  
ACT Health Directorate

21 December 2022

## FREEDOM OF INFORMATION SCHEDULE OF DOCUMENTS

Please be aware that under the *Freedom of Information Act 2016*, some of the information provided to you will be released to the public through the ACT Government's Open Access Scheme. The Open Access release status column of the table below indicates what documents are intended for release online through open access.

Personal information or business affairs information will not be made available under this policy. If you think the content of your request would contain such information, please inform the contact officer immediately.

Information about what is published on open access is available online at: <http://www.health.act.gov.au/public-information/consumers/freedom-information>

APPLICANT NAME	WHAT ARE THE PARAMETERS OF THE REQUEST	FILE NUMBER
██████████	<b>All emails from 01/01/2021 &amp; 21/10/2022 held by the ACT Health Minister's office sent to/rec'd from Ministerial &amp; Assembly colleagues/their staff in relation to the YourSay survey Drug Law – Final Report</b>	<b>ACTHDFOI22-23.14</b>

Ref Number	Page Number	Description	Date	Status Decision	Factor	Open Access release status
1.	1 – 2	RE: Unfortunate misrepresentation in your media release	1 September 2022	Full Release		YES
2.	3 – 18	FW: Research	17 October 2022	Partial Release	Schedule 2, 2.2 (a)(ii) Privacy	YES
3.	19 – 20	RE: Research	17 October 2022	Partial Release	Schedule 2, 2.2 (a)(ii) Privacy	YES
4.	21 – 22	RE: Research	17 October 2022	Partial Release	Schedule 2, 2.2 (a)(ii) Privacy	YES
5.	23 – 25	RE: Research	18 October 2022	Partial Release	Schedule 2, 2.2 (a)(ii) Privacy	YES

6.	26 – 29	Email with attachment – FW: Correspondence from Minister Stephen-Smith	19 October 2022	Full Release		YES
7.	30 – 45	Email with attachment – FW: Correspondence from Minister Stephen-Smith	19 October 2022	Full Release		YES
<b>Total Number of Documents</b>						
<b>7</b>						

## Allen, Jonas (Health)

---

**From:** STEPHEN-SMITH  
**Sent:** Thursday, 1 September 2022 4:12 PM  
**To:** Tomlinson, Benjamin  
**Cc:** Bergin, Catherine; ACT Health DLO  
**Subject:** RE: Unfortunate misrepresentation in your media release

Great! Thank you 😊

---

**From:** Tomlinson, Benjamin <Benjamin.Tomlinson@act.gov.au>  
**Sent:** Thursday, 1 September 2022 4:11 PM  
**To:** STEPHEN-SMITH <STEPHEN-SMITH@act.gov.au>  
**Cc:** Bergin, Catherine <Catherine.Bergin@act.gov.au>; ACT Health DLO <ACTHealthDLO@act.gov.au>  
**Subject:** Re: Unfortunate misrepresentation in your media release

It's with cath or minister.

B

Get [Outlook for Android](#)

---

**From:** STEPHEN-SMITH <[STEPHEN-SMITH@act.gov.au](mailto:STEPHEN-SMITH@act.gov.au)>  
**Sent:** Thursday, September 1, 2022 4:07:14 PM  
**To:** ACT Health DLO <[ACTHealthDLO@act.gov.au](mailto:ACTHealthDLO@act.gov.au)>  
**Cc:** Tomlinson, Benjamin <[Benjamin.Tomlinson@act.gov.au](mailto:Benjamin.Tomlinson@act.gov.au)>  
**Subject:** RE: Unfortunate misrepresentation in your media release

Hey Tara,

Can I get an update on this response, please? The constituent has contacted us again to follow up.

Thanks,  
 Martin

### Martin Elliffe

#### Office Manager | Office of Rachel Stephen-Smith MLA

Minister for Aboriginal and Torres Strait Islander Affairs | Minister for Families and Community Services |  
 Minister for Health

Member for Kurrajong

ACT Legislative Assembly, 196 London Circuit, Canberra ACT 2600 | P: (02) 6205 2661 | [www.act.gov.au](http://www.act.gov.au)



Please note that, from 1 January 2018, all Ministers' Official Diaries are subject to publication on the ACT Government's Open Access Website under section 23 of the new *Freedom of Information Act 2016*.

---

**From:** STEPHEN-SMITH  
**Sent:** Monday, 8 August 2022 3:07 PM  
**To:** ACT Health DLO <[ACTHealthDLO@act.gov.au](mailto:ACTHealthDLO@act.gov.au)>

Cc: Tomlinson, Benjamin <[Benjamin.Tomlinson@act.gov.au](mailto:Benjamin.Tomlinson@act.gov.au)>  
Subject: FW: Unfortunate misrepresentation in your media release

Hi Leticia,

For response, please.

Thanks,  
Martin

---

From: actnow forsaferrroads <[actnowforsaferrroads@gmail.com](mailto:actnowforsaferrroads@gmail.com)>  
Sent: Monday, 8 August 2022 2:13 PM  
To: STEPHEN-SMITH <[STEPHEN-SMITH@act.gov.au](mailto:STEPHEN-SMITH@act.gov.au)>  
Subject: Unfortunate misrepresentation in your media release

**Caution:** This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe. [Learn why this is important](#)

Dear Rachel,

Can I please direct you to the following media release.

[https://www.cmtedd.act.gov.au/open\\_government/inform/act\\_government\\_media\\_releases/rachel-stephen-smith-mla-media-releases/2022/act-to-decriminalise-small-amounts-of-illicit-drugs#:~:text=The%20ACT%20Government%20has%20today,of%20progressive%20health%2Dfocused%20reform.](https://www.cmtedd.act.gov.au/open_government/inform/act_government_media_releases/rachel-stephen-smith-mla-media-releases/2022/act-to-decriminalise-small-amounts-of-illicit-drugs#:~:text=The%20ACT%20Government%20has%20today,of%20progressive%20health%2Dfocused%20reform.)

In it you state "A YourSay Survey conducted in 2021 indicates that Canberrans overwhelmingly support drug decriminalisation and only one in 10 people supports imprisonment for drug possession offences".

With a degree in Applicable Mathematics I find the following statement to be particularly worrying given the sample size of 017% and that the survey was not widely known as being available in the Canberra community then this statement is, if not a lie, most definitely is misleading.

Can you please reissue the media release sticking to the facts - the number of people who responded to the survey and the results without inferring it is indicative of the support of the entire Canberra community.

You simply do not have a sample size to validate this as evidence.

Regards,  
Tom McLuckie  
@ACTNowforsaferrRoads.

## Allen, Jonas (Health)

---

**From:** Cook, Caitlin  
**Sent:** Monday, 17 October 2022 4:10 PM  
**To:** Stephen-Smith, Rachel  
**Cc:** Tomlinson, Benjamin; Bergin, Catherine  
**Subject:** FW: Research  
**Attachments:** Drug research.pptx

Hello –

Attached is the YourSay drug research results we discussed last week. Below are AIHW links, I assume these are the ones Ben mentioned?

We won't refer to any of the attached in pro-active comms but have included some facts in reactive TPs.

Thank you,  
 Caitlin

I have attached some research we have done in relation to substance use. There are two pieces:

- 1) Community attitudes towards substance use and preferred actions for personal possession of drugs (i.e. punitive or rehabilitative measures) – run on the YourSay Panel in March 2021
- 2) Community views towards pill testing and medically supervised injecting facilities – asked in the CATI Community Views research undertaken by ORIMA in March 2019

There are also a few other data points / sources that may be useful. They might give an indication of drug use and some other metrics:

**AIHW, use of illicit drugs in the last 12 months:** <https://www.aihw.gov.au/reports/alcohol/alcohol-tobacco-other-drugs-australia/contents/data-by-region/illicit-drug-use>

- Most recent data is 2019; it estimates in the ACT use of any illicit drug was nearly 15% among those aged 14+ with cannabis use at 10.5%. From what I can tell there is currently a 2022 survey in progress but no data yet.

**AIHW, Use of alcohol and other drug treatment services in the ACT:**

<https://www.aihw.gov.au/reports/hse/250/alcohol-other-drug-treatment-services-australia/contents/state-and-territory-summaries/australian-capital-territory>

- The most recent data is for 2020-21. The main comment I'd make about this is obviously it only captures those using such services and not all substance use

**ASIC, National Wastewater Drug Monitoring Program, ACT:**

<https://www.acic.gov.au/sites/default/files/2022-07/Key%20findings%20Australian%20Capital%20Territory%E2%80%94Report%2016.pdf>  
<https://www.acic.gov.au/sites/default/files/2022-06/Australian%20Capital%20Territory%E2%80%94Report%2016.PDF>

- Data from end of 2021 /early 2022. Looks like consumption of many substances increased, though cannabis was the exception.

This is what we have at hand and I hope it's useful but let us know if we can help in any other way.  
 Cheers,



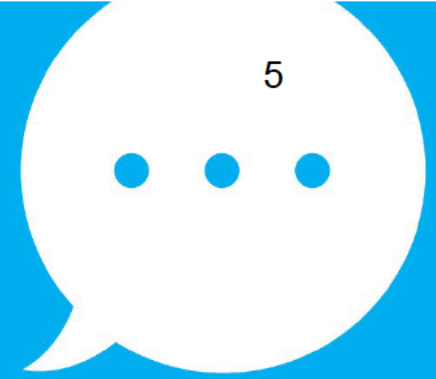
Claudia

**Claudia Doman | Senior Director, Strategic Communications, Research and Engagement**

Mobile: [REDACTED] | Email: [claudia.doman@act.gov.au](mailto:claudia.doman@act.gov.au)

**Communications & Engagement | Chief Minister Treasury and Economic Development Directorate | ACT Government**  
220 London Circuit, Canberra City | GPO Box 158 Canberra City ACT 2601 | [www.act.gov.au](http://www.act.gov.au)





# YourSay Community Panel Mixed Topic Survey

## Drug Law – Final Report

19 April 2021



**Background:** Research via the YourSay Community Panel provides an efficient, robust and timely platform to capture data on the views and experiences of Canberrans regarding life in the ACT. This Mixed Topic Survey (March 2021) – replacing previous telephone ‘Omnibus’ surveys – explored Canberrans’ perceptions on a range of issues, including community attitudes towards drugs.

**Purpose:** The findings from the survey will support multiple Directorates along with whole-of-government approaches in relation to policy, program and communications development.

**Timeframe:** The survey took place between **10 – 15 March 2021**.

**Sample:** **1,617** YourSay Community Panel members completed the survey.

**Weighting:** The results have been weighted to reflect relative population proportions based on Australian Bureau of Statistics (ABS) Census figures.

**Rounding:** In single choice questions, results may not add up to 100% due to rounding.

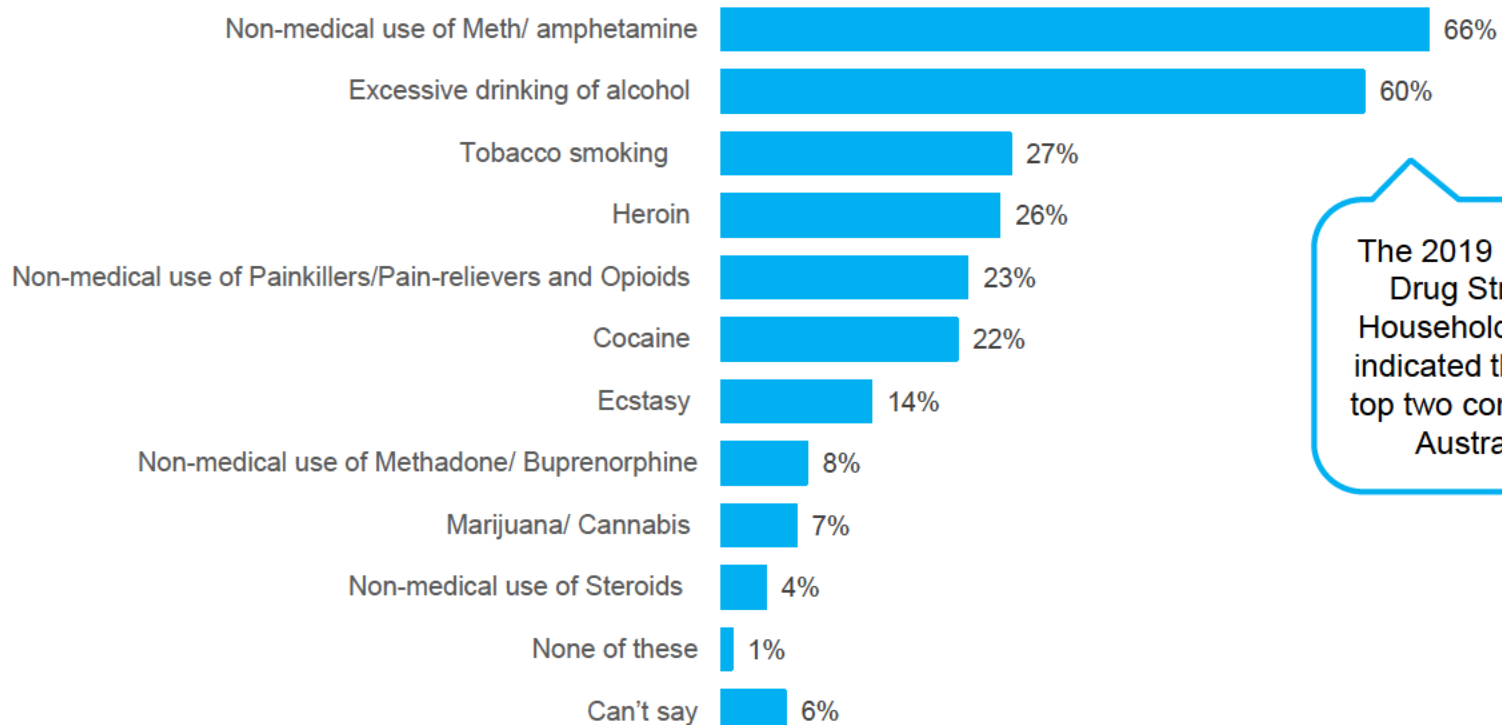
**Limitations:** The methodology is biased towards those with internet and computer literacy.

## Key findings

- ▶ Concerns around substance use emerge predominantly in relation to meth/amphetamine ('ice') and excessive use of alcohol, with more than six in ten Canberrans nominating these as concerns for the ACT community
- ▶ Despite this, approval of alcohol for personal use is widespread, while there is majority acceptance of personal use of marijuana / cannabis
- ▶ For other drugs, a majority of Canberrans disapprove of their personal use
- ▶ In terms of potential action for drug possession, around two in ten Canberrans indicate there should be no action or a caution for personal possession of hallucinogens, ecstasy or cocaine
- ▶ The most common preference for personal possession is for treatment and / or education – this is particularly pronounced in relation to heroin, meth/amphetamine and methadone/buprenorphine
- ▶ Compared with national data, Canberrans appear to lean more strongly towards remediation and rehabilitation for drug use as opposed to more punitive measures

## Meth/amphetamine (Ice) and excessive alcohol consumption are the biggest community concerns in terms of substance use

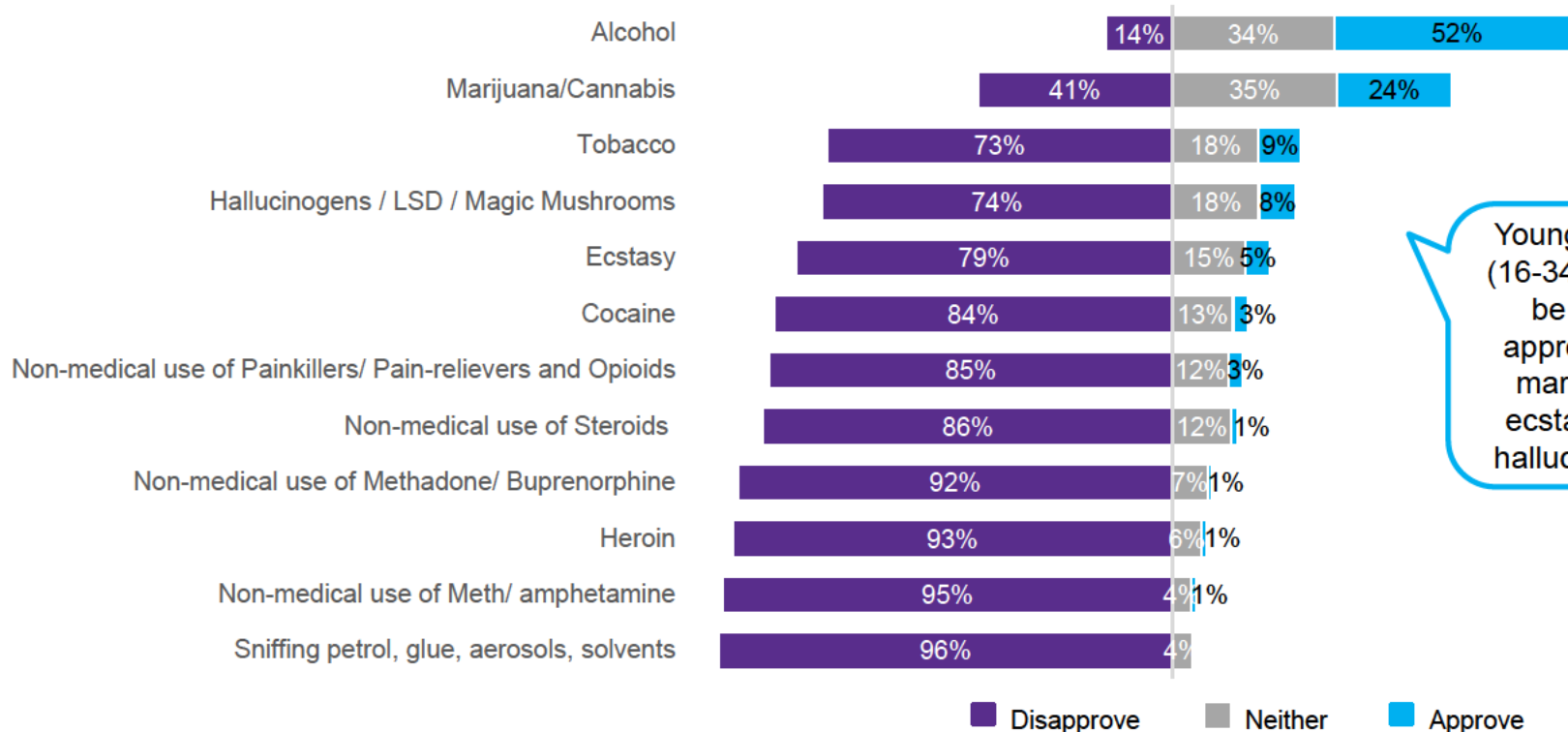
Q. Which of these forms of substance use do you think are the most serious concern for the general community in the ACT?



The 2019 National Drug Strategy Household Survey indicated the same top two concerns in Australia \*

## Approval for personal use is highest for alcohol and marijuana, with widespread disapproval of other substances

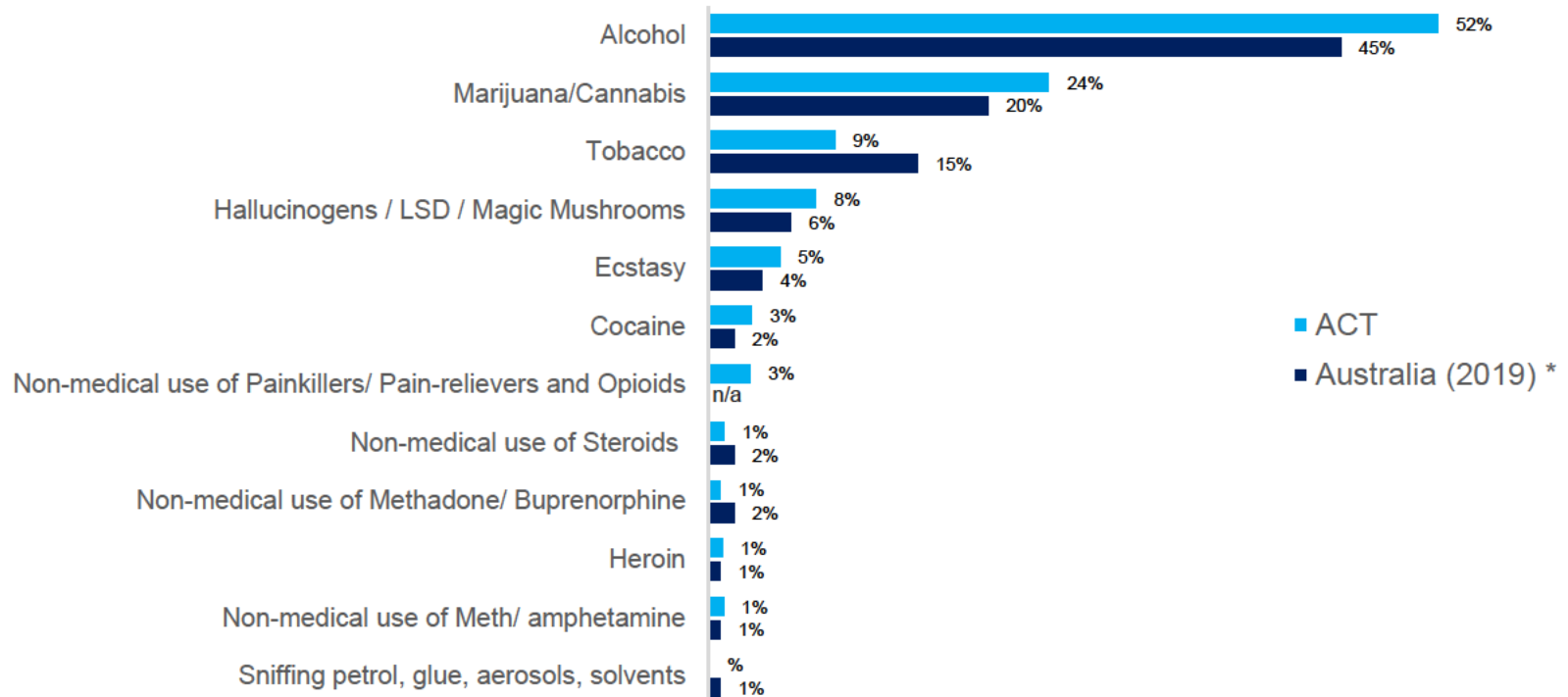
*Q. For each of the substances listed below, do you personally approve or disapprove of their regular use by an adult? \**



Young people (16-34) tend to be more approving of marijuana, ecstasy and hallucinogens

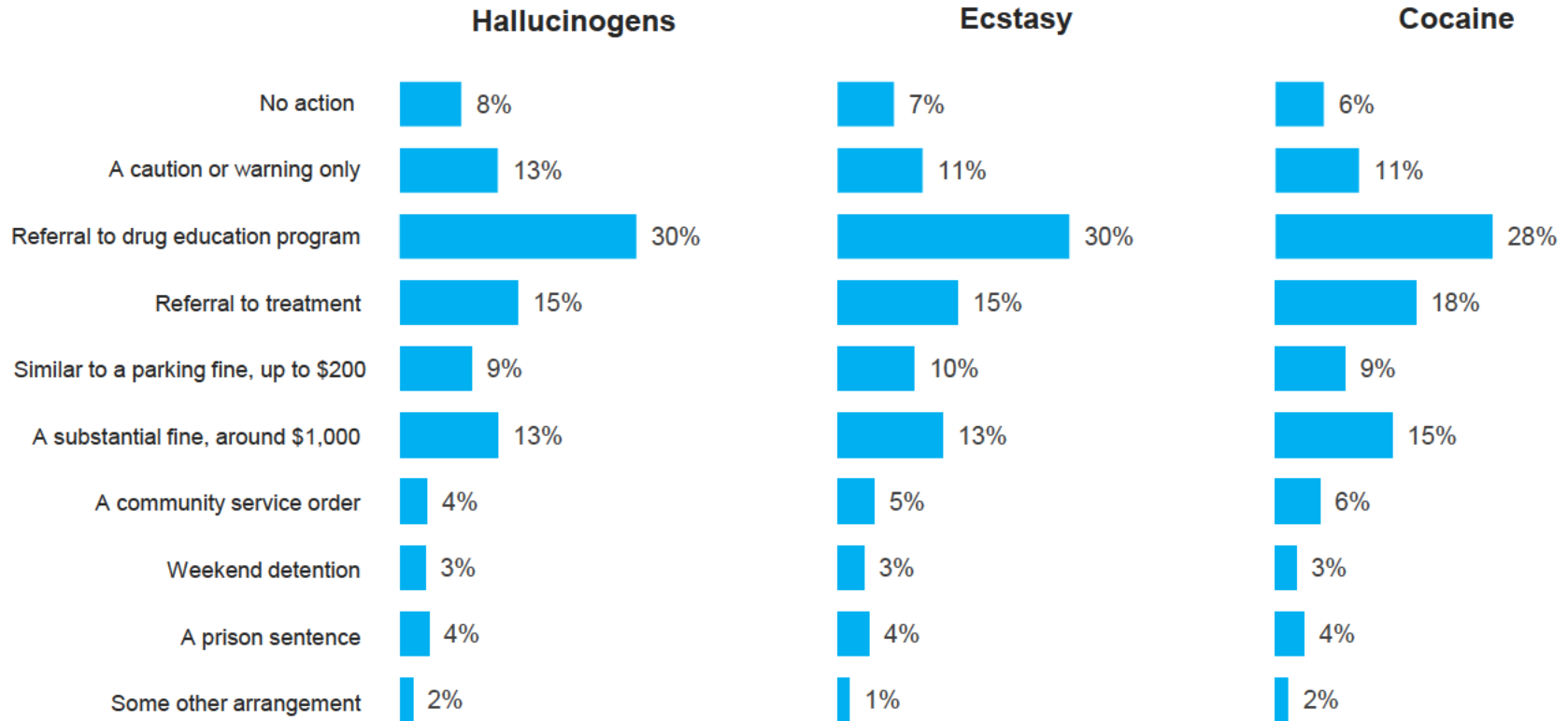
## Rates of approval for personal use in the ACT are broadly similar to those nationally

*Q. For each of the substances listed below, do you personally approve or disapprove of their regular use by an adult? \**



## Around two in ten suggest no action or a caution only for personal possession of hallucinogens, ecstasy or cocaine

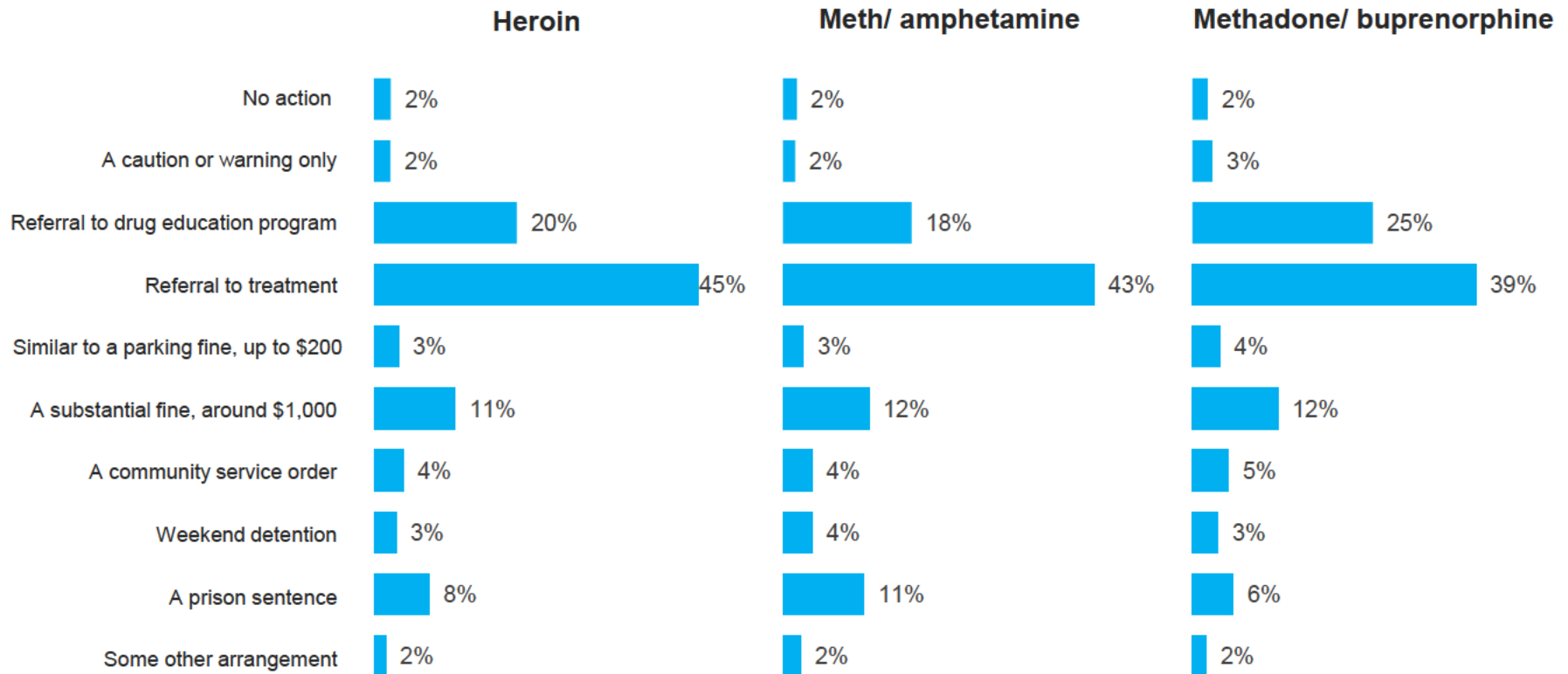
*Q. What single action best describes what you think should happen to anyone found in possession of small quantities of the following drugs for personal use? \**





## Education and treatment feature more strongly as a course of action for other substances

*Q. What single action best describes what you think should happen to anyone found in possession of small quantities of the following drugs for personal use? \**



## Compared with national sentiment, ACT residents tend more towards education and treatment over punitive measures

Q. What single action best describes what you think should happen to anyone found in possession of small quantities of the following drugs for personal use? \*

Action	Hallucinogens		Ecstasy		Cocaine		Heroin		Meth/ amphetamine		Methadone / Buprenorphine	
	ACT	AUS	ACT	AUS	ACT	AUS	ACT	AUS	ACT	AUS	ACT	AUS
No action or a caution	20%	13%	18%	18%	17%	na	5%	4%	3%	4%	5%	na
Education or treatment	46%	46%	45%	40%	46%	na	64%	51%	60%	49%	64%	na
A fine	22%	18%	23%	22%	24%	na	15%	16%	15%	15%	16%	na
Community service or weekend detention	7%	8%	8%	8%	8%	na	7%	9%	8%	10%	8%	na
Prison sentence	4%	13%	4%	11%	4%	na	8%	19%	11%	20%	6%	na
Some other arrangement	2%	2%	1%	1%	2%	na	2%	2%	2%	2%	2%	na

\* Percentages based on those able to provide an answer (i.e. excluding don't know / not stated)

## Other comments about this issue are diverse and sometimes polarised between acceptance and action

Drug use should be treated as a medical issue, not a criminal one

Provide support, treatment, education, a compassionate response

Need to address underlying causes of drug use – e.g. isolation, mental health, poverty

Zero tolerance approach

Decriminalise

Tiered approach to enforcement – e.g. warnings, more punitive approaches for repeat offences

Provide individualised / contextualised responses to use – e.g. if harm / risk to others

Concerned about drug users causing problems in society (e.g. violence, safety)

More attention needs to be paid to alcohol misuse and related problems

# ACT Government

Community Views Survey

March/April 2019 Combined Cycles

**DRAFT**

May 2019

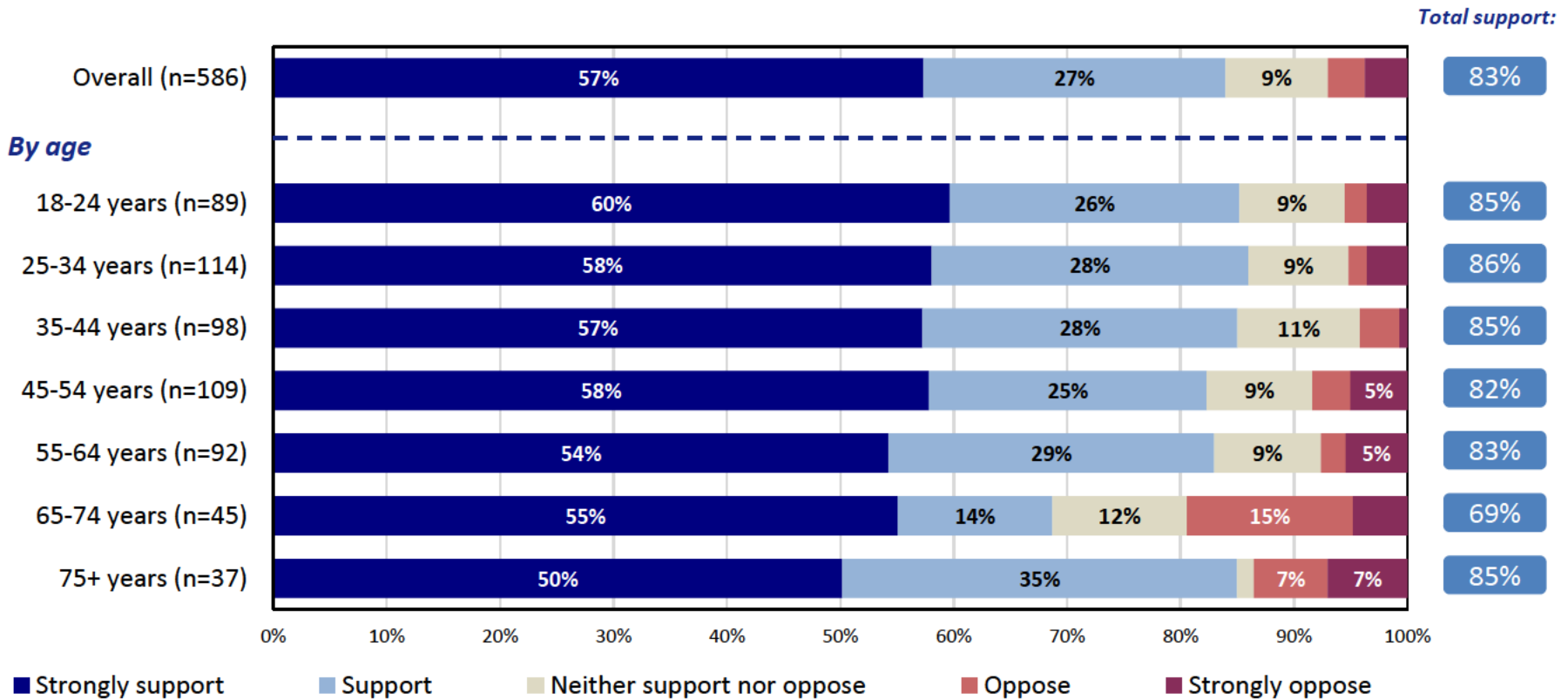
MELBOURNE CANBERRA SYDNEY BRISBANE

[www.orida.com](http://www.orida.com)



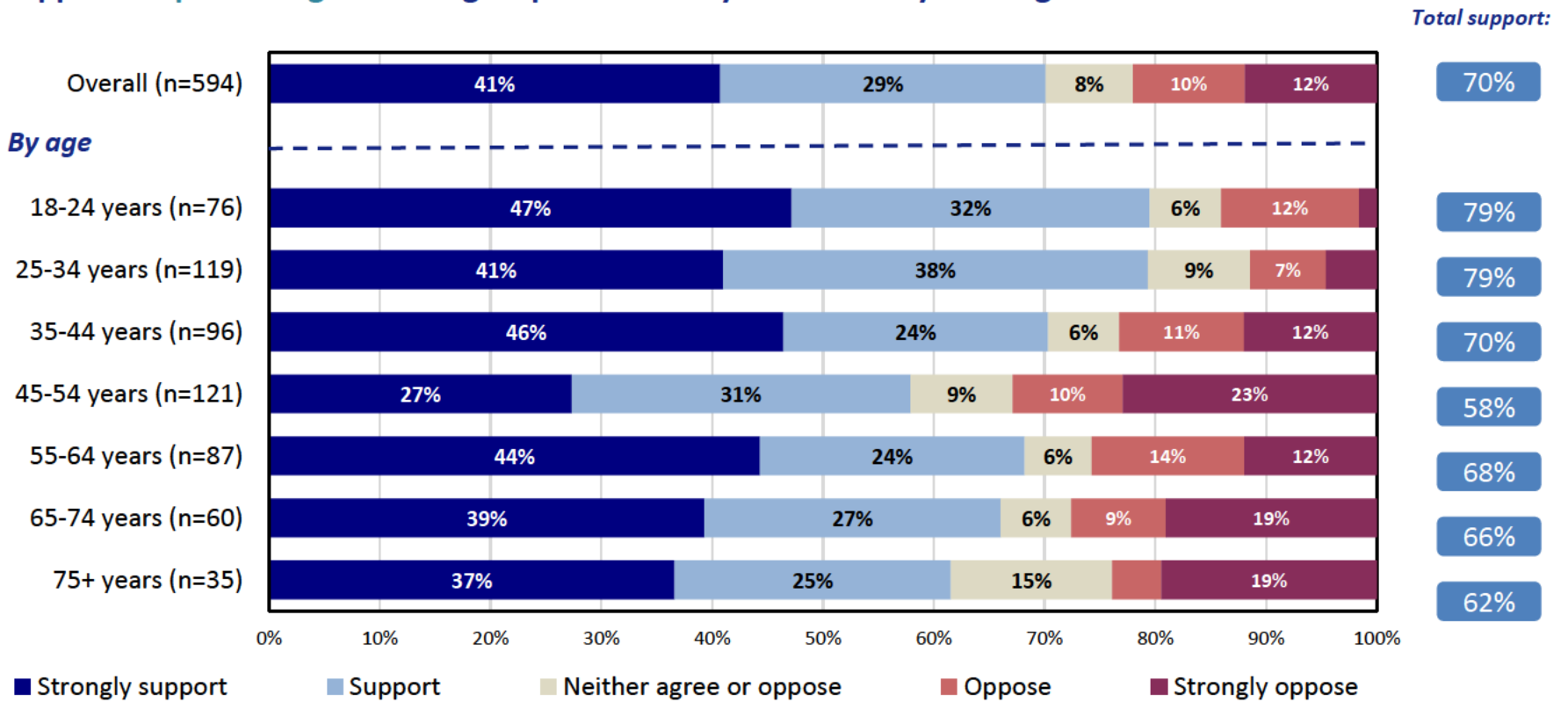
# Harm minimisation (May 2017)

The ACT Government is considering the introduction of testing the chemical composition of illicit drugs at music festivals and other high risk events to curb overdoses and raise drug awareness. To what extent would you support or oppose pill testing?



# Harm minimisation

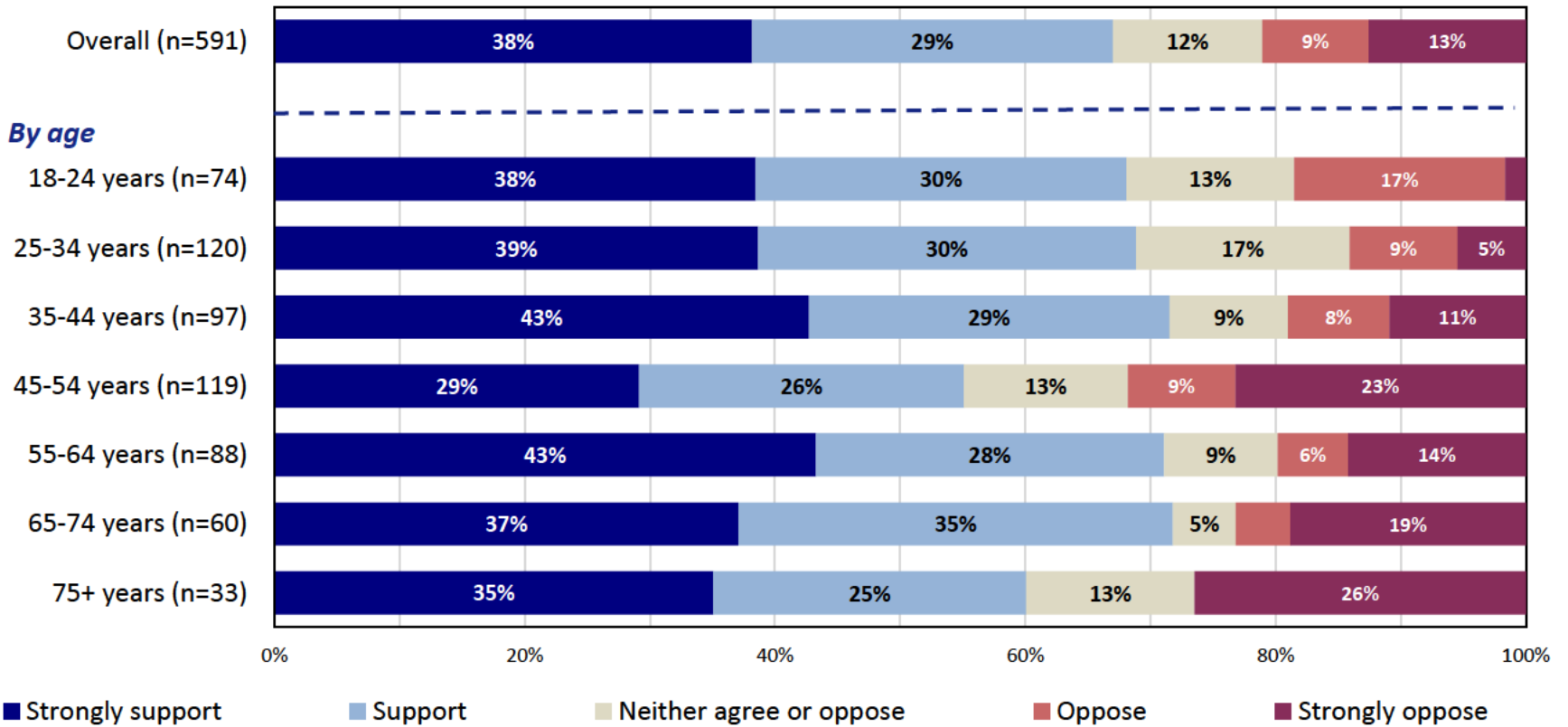
## Support for pill testing at CBD night spots on Friday and Saturday evenings



Base: All respondents

# Harm minimisation

## Support for a medically-supervised injecting facility in the ACT



Base: All respondents

## Allen, Jonas (Health)

---

**From:** Tomlinson, Benjamin  
**Sent:** Monday, 17 October 2022 4:37 PM  
**To:** Cook, Caitlin; Stephen-Smith, Rachel  
**Cc:** Bergin, Catherine  
**Subject:** RE: Research

Hi Rachel (and CC)

One additional report:

**Australia's attitudes and perceptions towards drugs by region, 2019** (released 24 August 2022)

- <https://www.aihw.gov.au/reports/illicit-use-of-drugs/australias-attitudes-and-perceptions-towards-drugs/contents/about>

I took the below from the data tables for the ACT as a whole from 2019. Key point being that ACT residents support progressive approach to illicit drugs for personal use (even for meth, where 70.8 per cent support education, treatment or a fine).

Choice of action that should be taken against people found in possession of selected illicit drugs for personal use				
	Ecstasy	Heroin	Methamphetamine	Hallucinogens
A caution / warning / no action	23.9	7.1	6.9	15.9
Referral to treatment or education	39.7	56.2	53.1	46.7
Fine	24.2	17.7	17.7	21
Community service / weekend detention	5.7	9.2	9.4	8.3
Prison sentence	5.4	9.8	12.9	6.4
Some other arrangement	1.1	-	-	1.6

Cheers  
Ben

---

**From:** Cook, Caitlin <Caitlin.Cook@act.gov.au>  
**Sent:** Monday, 17 October 2022 4:10 PM  
**To:** Stephen-Smith, Rachel <Rachel.Stephen-Smith@act.gov.au>  
**Cc:** Tomlinson, Benjamin <Benjamin.Tomlinson@act.gov.au>; Bergin, Catherine <Catherine.Bergin@act.gov.au>  
**Subject:** FW: Research

Hello –

Attached is the YourSay drug research results we discussed last week. Below are AIHW links, I assume these are the ones Ben mentioned?

We won't refer to any of the attached in pro-active comms but have included some facts in reactive TPs.

Thank you,  
Caitlin

I have attached some research we have done in relation to substance use. There are two pieces:



- 1) Community attitudes towards substance use and preferred actions for personal possession of drugs (i.e. punitive or rehabilitative measures) – run on the YourSay Panel in March 2021
- 2) Community views towards pill testing and medically supervised injecting facilities – asked in the CATI Community Views research undertaken by ORIMA in March 2019

There are also a few other data points / sources that may be useful. They might give an indication of drug use and some other metrics:

**AIHW, use of illicit drugs in the last 12 months:** <https://www.aihw.gov.au/reports/alcohol/alcohol-tobacco-other-drugs-australia/contents/data-by-region/illicit-drug-use>

- Most recent data is 2019; it estimates in the ACT use of any illicit drug was nearly 15% among those aged 14+ with cannabis use at 10.5%. From what I can tell there is currently a 2022 survey in progress but no data yet.

**AIHW, Use of alcohol and other drug treatment services in the ACT:**

<https://www.aihw.gov.au/reports/hse/250/alcohol-other-drug-treatment-services-australia/contents/state-and-territory-summaries/australian-capital-territory>

- The most recent data is for 2020-21. The main comment I'd make about this is obviously it only captures those using such services and not all substance use

**ASIC, National Wastewater Drug Monitoring Program, ACT:**

[https://www.acic.gov.au/sites/default/files/2022-](https://www.acic.gov.au/sites/default/files/2022-07/Key%20findings%20Australian%20Capital%20Territory%E2%80%94Report%2016.pdf)

[07/Key%20findings%20Australian%20Capital%20Territory%E2%80%94Report%2016.pdf](https://www.acic.gov.au/sites/default/files/2022-07/Key%20findings%20Australian%20Capital%20Territory%E2%80%94Report%2016.pdf)

[https://www.acic.gov.au/sites/default/files/2022-](https://www.acic.gov.au/sites/default/files/2022-06/Australian%20Capital%20Territory%E2%80%94Report%2016.PDF)

[06/Australian%20Capital%20Territory%E2%80%94Report%2016.PDF](https://www.acic.gov.au/sites/default/files/2022-06/Australian%20Capital%20Territory%E2%80%94Report%2016.PDF)

- Data from end of 2021 /early 2022. Looks like consumption of many substances increased, though cannabis was the exception.

This is what we have at hand and I hope it's useful but let us know if we can help in any other way.

Cheers,  
Claudia

**Claudia Doman | Senior Director, Strategic Communications, Research and Engagement**

Mobile: [REDACTED] | Email: [claudia.doman@act.gov.au](mailto:claudia.doman@act.gov.au)

**Communications & Engagement | Chief Minister Treasury and Economic Development Directorate | ACT Government**

220 London Circuit, Canberra City | GPO Box 158 Canberra City ACT 2601 | [www.act.gov.au](http://www.act.gov.au)



**Allen, Jonas (Health)**

---

**From:** Stephen-Smith, Rachel  
**Sent:** Monday, 17 October 2022 10:19 PM  
**To:** Tomlinson, Benjamin; Cook, Caitlin  
**Cc:** Bergin, Catherine  
**Subject:** Re: Research  
**Attachments:** image001.jpg; Drug research.pptx

Thanks Caitlin and Ben for the further data.

Please discuss tomorrow whether we can provide more detail on this YourSay Community Panel data for Tom McCluckey? This is what he has been asking for, but I don't think this report is public? (Some are, which would be confusing.)

Thanks again,  
R

Sent from my iPad

Begin forwarded message:

**From:** "Cook, Caitlin" <Caitlin.Cook@act.gov.au>  
**Date:** 17 October 2022 at 4:09:44 pm AEDT  
**To:** "Stephen-Smith, Rachel" <Rachel.Stephen-Smith@act.gov.au>  
**Cc:** "Tomlinson, Benjamin" <Benjamin.Tomlinson@act.gov.au>, "Bergin, Catherine" <Catherine.Bergin@act.gov.au>  
**Subject:** FW: Research

Hello –

Attached is the YourSay drug research results we discussed last week. Below are AIHW links, I assume these are the ones Ben mentioned?

We won't refer to any of the attached in pro-active comms but have included some facts in reactive TPs.

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1. Community attitudes towards substance use and preferred actions for personal possession of drugs (i.e. punitive or rehabilitative measures) – run on the YourSay Panel in March 2021
2. Community views towards pill testing and medically supervised injecting facilities – asked in the CATI Community Views research undertaken by ORIMA in March 2019

There are also a few other data points / sources that may be useful. They might give an indication of drug use and some other metrics:

**AIHW, use of illicit drugs in the last 12 months:**

<https://www.aihw.gov.au/reports/alcohol/alcohol-tobacco-other-drugs-australia/contents/data-by-region/illicit-drug-use>

1. Most recent data is 2019; it estimates in the ACT use of any illicit drug was nearly 15% among those aged 14+ with cannabis use at 10.5%. From what I can tell there is currently a 2022 survey in progress but no data yet.

**AIHW, Use of alcohol and other drug treatment services in the ACT:**

<https://www.aihw.gov.au/reports/hse/250/alcohol-other-drug-treatment-services-australia/contents/state-and-territory-summaries/australian-capital-territory>

2. The most recent data is for 2020-21. The main comment I'd make about this is obviously it only captures those using such services and not all substance use

**ASIC, National Wastewater Drug Monitoring Program, ACT:**

<https://www.acic.gov.au/sites/default/files/2022-07/Key%20findings%20Australian%20Capital%20Territory%E2%80%94Report%2016.pdf>  
<https://www.acic.gov.au/sites/default/files/2022-06/Australian%20Capital%20Territory%E2%80%94Report%2016.PDF>

3. Data from end of 2021 /early 2022. Looks like consumption of many substances increased, though cannabis was the exception.

This is what we have at hand and I hope it's useful but let us know if we can help in any other way.

Cheers,  
 Claudia

**Claudia Doman | Senior Director, Strategic Communications, Research and Engagement**

Mobile: [REDACTED] | Email: [claudia.doman@act.gov.au](mailto:claudia.doman@act.gov.au)

**Communications & Engagement | Chief Minister Treasury and Economic Development Directorate | ACT Government**

220 London Circuit, Canberra City | GPO Box 158 Canberra City ACT 2601 | [www.act.gov.au](http://www.act.gov.au)

**Allen, Jonas (Health)**

---

**From:** Cook, Caitlin  
**Sent:** Tuesday, 18 October 2022 2:49 PM  
**To:** Stephen-Smith, Rachel; Tomlinson, Benjamin  
**Cc:** Bergin, Catherine  
**Subject:** RE: Research

Thank you -

I've spoken to CMTEDD and this doc has only been shared with members of the YourSay panel. This falls back to a previous process where CMTEDD would only share panel survey results with panel members.

This has since changed so there is no issue passing this on to public members and we can arrange to have it made public on YourSay website, though can't guarantee this will happen this week.

CMTEDD / CMO were happy for our office to provide to Tom McCluckey if you like.

Thanks,

**Caitlin Cook**

Senior Communications Adviser – Minister Rachel Stephen-Smith  
Government Communications Unit  
Office of the ACT Chief Minister

T: (02) 6207 8731 | M: [REDACTED] | E: [caitlin.cook@act.gov.au](mailto:caitlin.cook@act.gov.au)

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**From:** Stephen-Smith, Rachel <Rachel.Stephen-Smith@act.gov.au>  
**Sent:** Monday, 17 October 2022 10:19 PM  
**To:** Tomlinson, Benjamin <Benjamin.Tomlinson@act.gov.au>; Cook, Caitlin <Caitlin.Cook@act.gov.au>  
**Cc:** Bergin, Catherine <Catherine.Bergin@act.gov.au>  
**Subject:** Re: Research

Thanks Caitlin and Ben for the further data.

Please discuss tomorrow whether we can provide more detail on this YourSay Community Panel data for Tom McCluckey? This is what he has been asking for, but I don't think this report is public? (Some are, which would be confusing.)

Thanks again,  
R

Sent from my iPad

Begin forwarded message:

**From:** "Cook, Caitlin" <[Caitlin.Cook@act.gov.au](mailto:Caitlin.Cook@act.gov.au)>  
**Date:** 17 October 2022 at 4:09:44 pm AEDT  
**To:** "Stephen-Smith, Rachel" <[Rachel.Stephen-Smith@act.gov.au](mailto:Rachel.Stephen-Smith@act.gov.au)>

Cc: "Tomlinson, Benjamin" <[Benjamin.Tomlinson@act.gov.au](mailto:Benjamin.Tomlinson@act.gov.au)>, "Bergin, Catherine" <[Catherine.Bergin@act.gov.au](mailto:Catherine.Bergin@act.gov.au)>

**Subject: FW: Research**

Hello –

Attached is the YourSay drug research results we discussed last week. Below are AIHW links, I assume these are the ones Ben mentioned?

We won't refer to any of the attached in pro-active comms but have included some facts in reactive TPs.

Thank you,  
Caitlin

I have attached some research we have done in relation to substance use. There are two pieces:

1. Community attitudes towards substance use and preferred actions for personal possession of drugs (i.e. punitive or rehabilitative measures) – run on the YourSay Panel in March 2021
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1. Most recent data is 2019; it estimates in the ACT use of any illicit drug was nearly 15% among those aged 14+ with cannabis use at 10.5%. From what I can tell there is currently a 2022 survey in progress but no data yet.

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Cheers,  
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220 London Circuit, Canberra City | GPO Box 158 Canberra City ACT 2601 | [www.act.gov.au](http://www.act.gov.au)

## Allen, Jonas (Health)

---

**From:** STEPHEN-SMITH  
**Sent:** Wednesday, 19 October 2022 5:06 PM  
**To:** Tomlinson, Benjamin  
**Subject:** FW: Correspondence from Minister Stephen-Smith  
**Attachments:** response RSS 06092022 DECRIM.pdf

**Martin Elliffe**

**Office Manager | Office of Rachel Stephen-Smith MLA**

Minister for Aboriginal and Torres Strait Islander Affairs | Minister for Families and Community Services | Minister for Health

Member for Kurrajong

ACT Legislative Assembly, 196 London Circuit, Canberra ACT 2600 | P: (02) 6205 2661 | [www.act.gov.au](http://www.act.gov.au)



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---

**From:** actnow forsaferrroads <actnowforsaferrroads@gmail.com>  
**Sent:** Wednesday, 7 September 2022 11:23 AM  
**To:** STEPHEN-SMITH <STEPHEN-SMITH@act.gov.au>  
**Subject:** Re: Correspondence from Minister Stephen-Smith

**Caution:** This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe. [Learn why this is important](#)

Thank you Martin.

Please find a response letter for the Minister's attention. There are specific questions not answered in the Minister's response I had hoped to have answered from my original emails.

Can you confirm if the Minister would have any concerns if either her letter to myself or my response were made available for public record?

Best Regards,  
 Tom McLuckie  
 ACTNowForSaferRoads

On Mon, Sep 5, 2022 at 1:32 PM STEPHEN-SMITH <[STEPHEN-SMITH@act.gov.au](mailto:STEPHEN-SMITH@act.gov.au)> wrote:

Dear Mr McLuckie,

Please find attached a letter from Minister Stephen-Smith.

Kind regards,

**Martin Elliffe**

**Office Manager | Office of Rachel Stephen-Smith MLA**

Minister for Aboriginal and Torres Strait Islander Affairs | Minister for Families and Community Services |  
Minister for Health

Member for Kurrajong

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Tom McLuckie



ACTNowforsaferroads



actnowforsaferroads@gmail.com

6<sup>th</sup> September 2022

Dear Minister,

Thank you for your letter on the 5<sup>th</sup> of September 2022 and for the thoughtful condolences. I was hoping you could clarify a few things in terms of my original request which was in regard to the **media release on the 9<sup>th</sup> of June 2022**.

The statement advises that "A YourSay Survey conducted in 2021 indicates that Canberrans overwhelmingly support drug decriminalisation." I am keen to understand the sample sizes and methodology applied in determining how you established "overwhelming support".

For clarification:

- I have searched the <https://yoursayconversations.act.gov.au/projects> including all closed projects and cannot find any YourSay survey relating to drug decriminalisation in 2021. **Was a YourSay survey conducted in 2021 and can this report be made available?**
- **How many submissions were made in this survey and specifically how many in regards to drug decriminalisation?** I thank you for the % responses but this was not the question. % responses based on a low sample size can lead to skewed results.
- How was it **weighted to reflect Australian Bureau of Statistics populations proportions?**
- If the report does not exist, it is possible a reference was being made to the YourSay survey in 2018? This had 49 submissions, and it states "Several submissions supported health-based approaches to illicit drugs in preference to law-enforcement based approaches". **Is it possible to advise how many submissions (define several)?**

Thank you for the Australian Institute for Health and Welfare's 2019 National Drug Strategy Household Survey results. I am familiar with the survey and the report. I refer you to the survey [NDSHS2019-questionnaire.pdf.aspx \(aihw.gov.au\)](https://www.aihw.gov.au/nshs2019-questionnaire.pdf.aspx), specifically A5 where people were asked "What SINGLE action best describes what you think should happen to anyone found in possession of small quantities of the following drugs for personal use?". No reference to limits defined for personal use were made mention of in the survey – referred to as "small" quantities, and respondents could only select a single response. Asking if people support treating addiction as a health issue is not the same as asking people if they wish for the ACT to unilaterally decriminalise illicit drugs. This is a bit of a stretch from the original survey questions.

I fully agree with treating addiction as a health issue and totally support the current Illicit Drug Diversion Program, and also the Drug and Alcohol Sentencing List (although there are evidently concerns at funding and resourcing, even raised in the ACT Courts where the DASL has been full and cannot accept more candidates). I fully appreciate the program under [Youth Alcohol and Drug Diversion Programs | Australian Capital Territory Policing \(act.gov.au\)](https://www.act.gov.au/youth-alcohol-and-drug-diversion-programs) where diversion is the current approach unless a more severe criminal activity has been undertaken

I attended the debate on 3<sup>rd</sup> August and heard multiple impassioned statements in regards to how we were criminalising and "victimising" vulnerable people who have an addiction. As per Hansard from the debate, you stated "The government is proposing considered, progressive, evidence-based amendments to ensure that the bill can best be implemented to achieve its goals—supporting people who have health needs to access the care they need...".

For clarification:

- What evidence is the government able to provide that indicates we are criminalising vulnerable people for the **principal offence of illicit drug possession alone given the current Diversion program**?
  - Note: I am awaiting a response from a Freedom of Information (FOI) request to the Directorate of Justice and Community Safety to clarify that the number of people being victimised for small illicit drug possession as a principal offence. It has been implied that this number is highly likely to be **ZERO** due to current diversion processes in place. The FOI response should clarify this for us and I will happily share the response.

I do appreciate some members of the Community will be challenged by policy responses to minimise the harm from drug use. I am not one of them. It is why I would support a **National approach to decriminalisation and rehabilitation**, rather than the ACT going alone simply to be an exemplar of 'liberal legislation'. This is a national issue, and similar to the cross-jurisdiction and Commonwealth approach to gun crime under the National Firearms Agreement, a national approach is required. Decriminalising illicit drugs in isolation here in the territory has huge risks.

If we take an evidence-based approach, I would conclude we are legislating for a problem that does not actually exist – 'criminalising vulnerable addicts' as implied by Messrs Pettersen and Davis. We run the risk of becoming a haven of illicit drug use, and attracting criminal elements – basic supply and demand economics will come into play.

With the current challenges being highlighted with the state of our Health Services, I am not confident the resourcing, programs or funding necessary to deal with increased levels of addiction will be sufficient, and I remain fearful we will see increased drug related criminal offences such as has been witnessed by the approach to decriminalisation in Washington State and Oregon in the US.

As per advocate for decriminalisation Mike Marshall from Oregon Recovers ([www.oregonrecovers.org](http://www.oregonrecovers.org)), if we put the "cart before the horse" and our Health system is "not prepared" we will only exacerbate the complex issues surrounding illicit drug use. If our approach to rehabilitation fails, addicts will still need to commit crimes to get the money to pay for their addiction, unless we are proposing to provide the illicit drugs for free? We are going to see more and more people needing help because drugs are going to be more readily available; overdoses will go up, crime will go up and drug dealing will flourish in the ACT.

It is due to these concerns among other issues (such as being in conflict with the Commonwealth Criminal Code) that Will Tregoning (CEO of Unharm), the AFP Association, The ACT Law Society, and the ACT – Pharmacy Guild of Australia, as well as NSW and Federal Police Commissioners are concerned at pushing ahead with this legislation. I also suggest, as per the framing of both the YourSay and AIHW survey questions, I do not believe there is overwhelming community support to decriminalise unilaterally as you have implied, but rather to proceed with the current diversion methods.

I request the ACT Government takes time to reflect further on the potential impacts of this legislation on our community, our safety in light of concerns that have been raised, and that we focus on a national approach (in consultation with the Commonwealth and other jurisdictions as part of the National Drug Strategy 2017-2026). I would suggest deferring proceeding with passing this legislation without further consultation with our Commonwealth and State and Territory partners.

Regards,

*Thomas McLuckie*

Tom McLuckie

## Allen, Jonas (Health)

---

**From:** STEPHEN-SMITH  
**Sent:** Wednesday, 19 October 2022 5:06 PM  
**To:** Tomlinson, Benjamin  
**Subject:** FW: Correspondence from Minister Stephen-Smith  
**Attachments:** Your Say Panel Mixed Topic Survey - Drugs (Report).PDF

### Martin Elliffe

#### Office Manager | Office of Rachel Stephen-Smith MLA

Minister for Aboriginal and Torres Strait Islander Affairs | Minister for Families and Community Services |  
 Minister for Health

Member for Kurrajong

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**From:** STEPHEN-SMITH  
**Sent:** Tuesday, 4 October 2022 3:59 PM  
**To:** actnow forsaferrroads <actnowforsaferrroads@gmail.com>  
**Subject:** RE: Correspondence from Minister Stephen-Smith

Good afternoon Tom,

Thank you for your further email. My apologies for the delay in coming back to you.

The 2021 YourSay survey referred to in the Minister's correspondence is attached to this email for your information. We understands that the survey results were weighted according to the age group, gender, and suburb of survey participants in order to bring them into line with the overall ACT population (aged 16+ years) 2016 Census data. The survey received responses from 1,617 YourSay Panel members, who responded to the questions on drug use as well as a range of other questions.

We note you have also referred to a 2018 YourSay survey to consult on the draft ACT Drug Strategy Action Plan 2018-21. We can advise that, of the 49 submissions, 17 supported health-based approaches to illicit drugs over to law-enforcement based approaches, and the remainder did not explicitly mention this issue.

Regarding drug possession offences, ACT Policing has advised that eight people were charged and convicted of illicit drug possession as a standalone offence during the 2021-2022 financial year. The ages of these people ranged from 18 years old to 45 years old, and the types of illicit drugs involved included methamphetamine, heroin, cannabis and Gamma butyrolactone (GBL).

The National Drug Strategy 2017-26 provides support for diversion as a preferred response to personal possession of illicit drugs. One of the National Drug Strategy's key underpinning strategic principles is national direction, jurisdictional implementation. This allows for governments to take action relevant to their jurisdiction, within a national harm minimisation approach, and recognises that strategies should reflect local circumstances and address emerging issues and drug types. This approach recognises that coordination and collaboration supports states and

territories to develop better responses and innovations within the national approach that can inform and benefit all jurisdictions through the sharing of practices and learning.

While the ACT's proposed reforms are nation-leading, they have been informed by NSW and Victoria. Both of these states define small quantity amounts for a selected range of drugs within offences which are eligible for lower sanctions.

Thank you again for your email. We hope that you have found this information helpful.

Kind regards,

**Martin Elliffe**

**Office Manager | Office of Rachel Stephen-Smith MLA**

Minister for Aboriginal and Torres Strait Islander Affairs | Minister for Families and Community Services | Minister for Health

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**Sent:** Wednesday, 7 September 2022 11:23 AM

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**Subject:** Re: Correspondence from Minister Stephen-Smith

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ACTNowForSaferRoads

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**Martin Elliffe**

**Office Manager | Office of Rachel Stephen-Smith MLA**

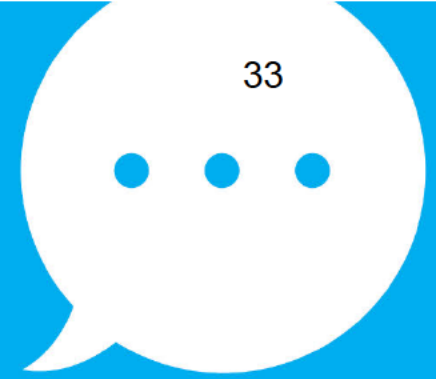
Minister for Aboriginal and Torres Strait Islander Affairs | Minister for Families and Community Services |  
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# YourSay Community Panel Mixed Topic Survey

## Drug Law – Final Report

19 April 2021



**Background:** Research via the YourSay Community Panel provides an efficient, robust and timely platform to capture data on the views and experiences of Canberrans regarding life in the ACT. This Mixed Topic Survey (March 2021) – replacing previous telephone ‘Omnibus’ surveys – explored Canberrans’ perceptions on a range of issues, including community attitudes towards drugs.

**Purpose:** The findings from the survey will support multiple Directorates along with whole-of-government approaches in relation to policy, program and communications development.

**Timeframe:** The survey took place between **10 – 15 March 2021**.

**Sample:** **1,617** YourSay Community Panel members completed the survey.

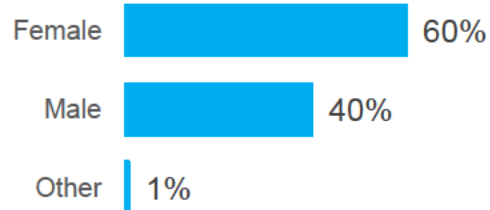
**Weighting:** The results have been weighted to reflect relative population proportions based on Australian Bureau of Statistics (ABS) Census figures.

**Rounding:** In single choice questions, results may not add up to 100% due to rounding.

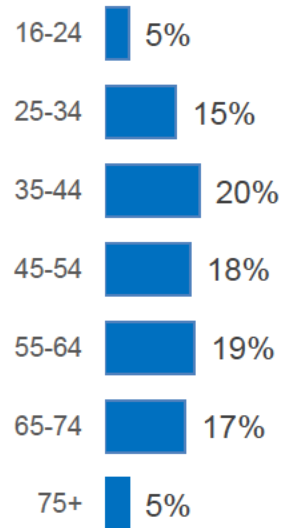
**Limitations:** The methodology is biased towards those with internet and computer literacy.

## Sample profile (unweighted)

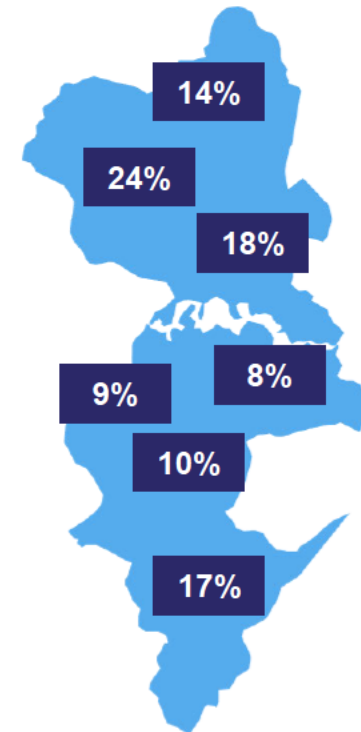
### Gender



### Age



### Region







**ACT**  
Government

**YOURsay**  
Community panel

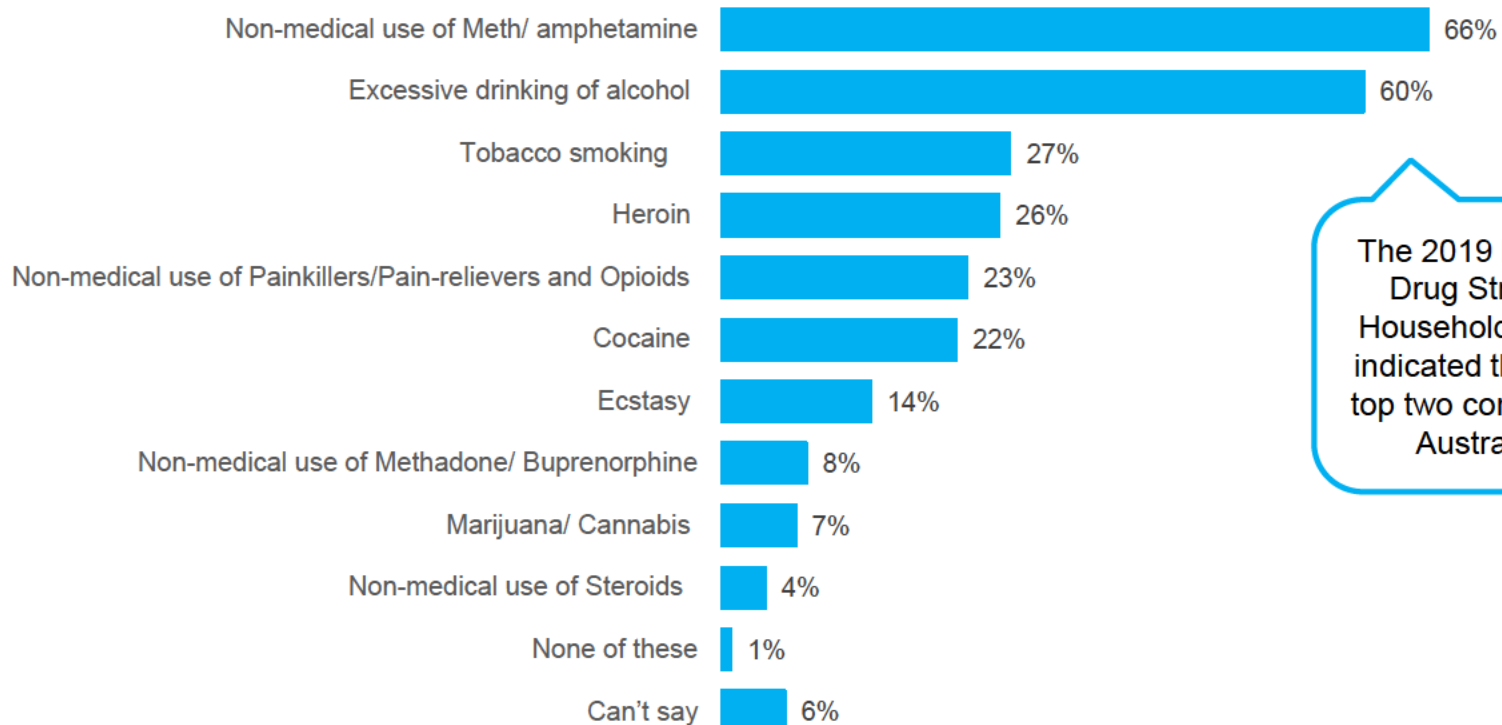
# Drug law

## Key findings

- ▶ Concerns around substance use emerge predominantly in relation to meth/amphetamine ('ice') and excessive use of alcohol, with more than six in ten Canberrans nominating these as concerns for the ACT community
- ▶ Despite this, approval of alcohol for personal use is widespread, while there is majority acceptance of personal use of marijuana / cannabis
- ▶ For other drugs, a majority of Canberrans disapprove of their personal use
- ▶ In terms of potential action for drug possession, around two in ten Canberrans indicate there should be no action or a caution for personal possession of hallucinogens, ecstasy or cocaine
- ▶ The most common preference for personal possession is for treatment and / or education – this is particularly pronounced in relation to heroin, meth/amphetamine and methadone/buprenorphine
- ▶ Compared with national data, Canberrans appear to lean more strongly towards remediation and rehabilitation for drug use as opposed to more punitive measures

## Meth/amphetamine (Ice) and excessive alcohol consumption are the biggest community concerns in terms of substance use

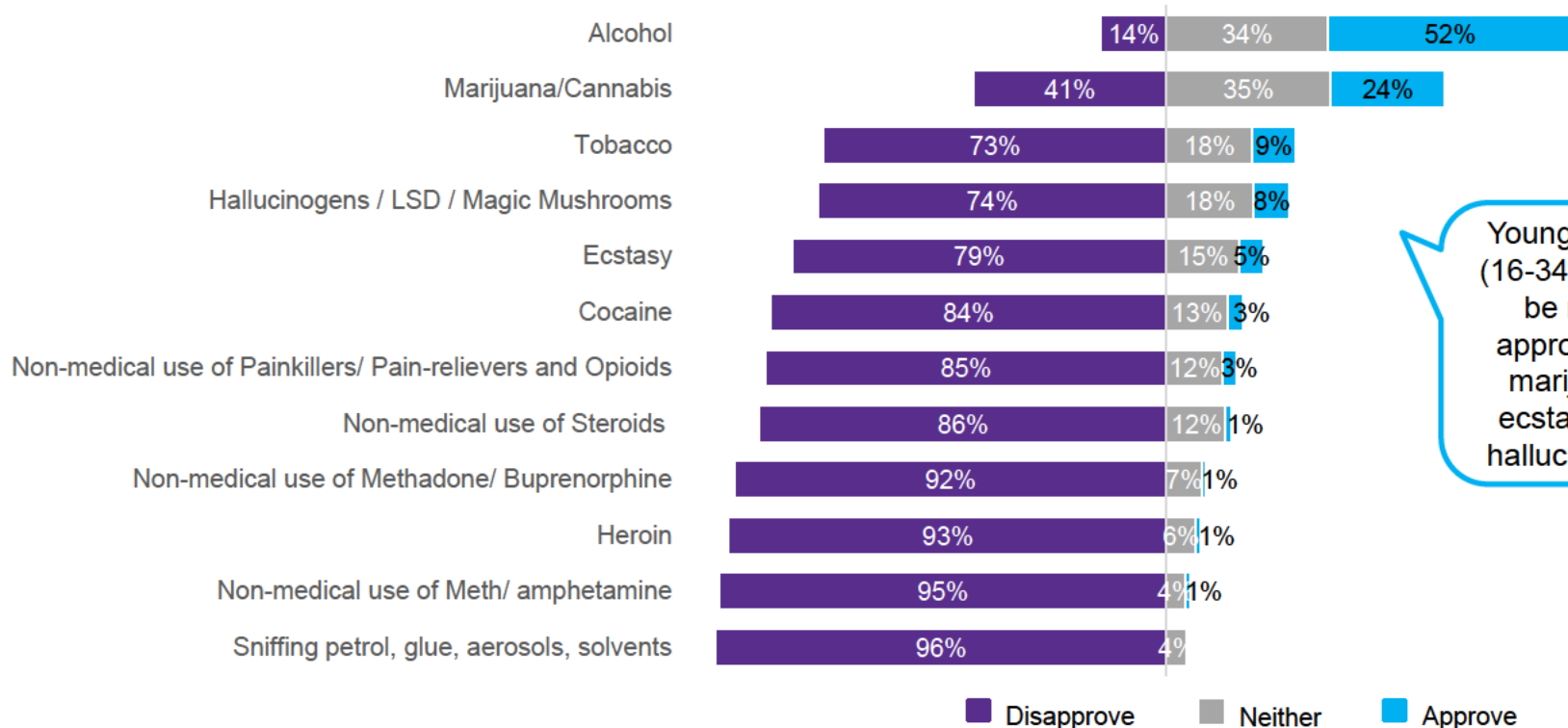
*Q. Which of these forms of substance use do you think are the most serious concern for the general community in the ACT?*



The 2019 National Drug Strategy Household Survey indicated the same top two concerns in Australia \*

## Approval for personal use is highest for alcohol and marijuana, with widespread disapproval of other substances

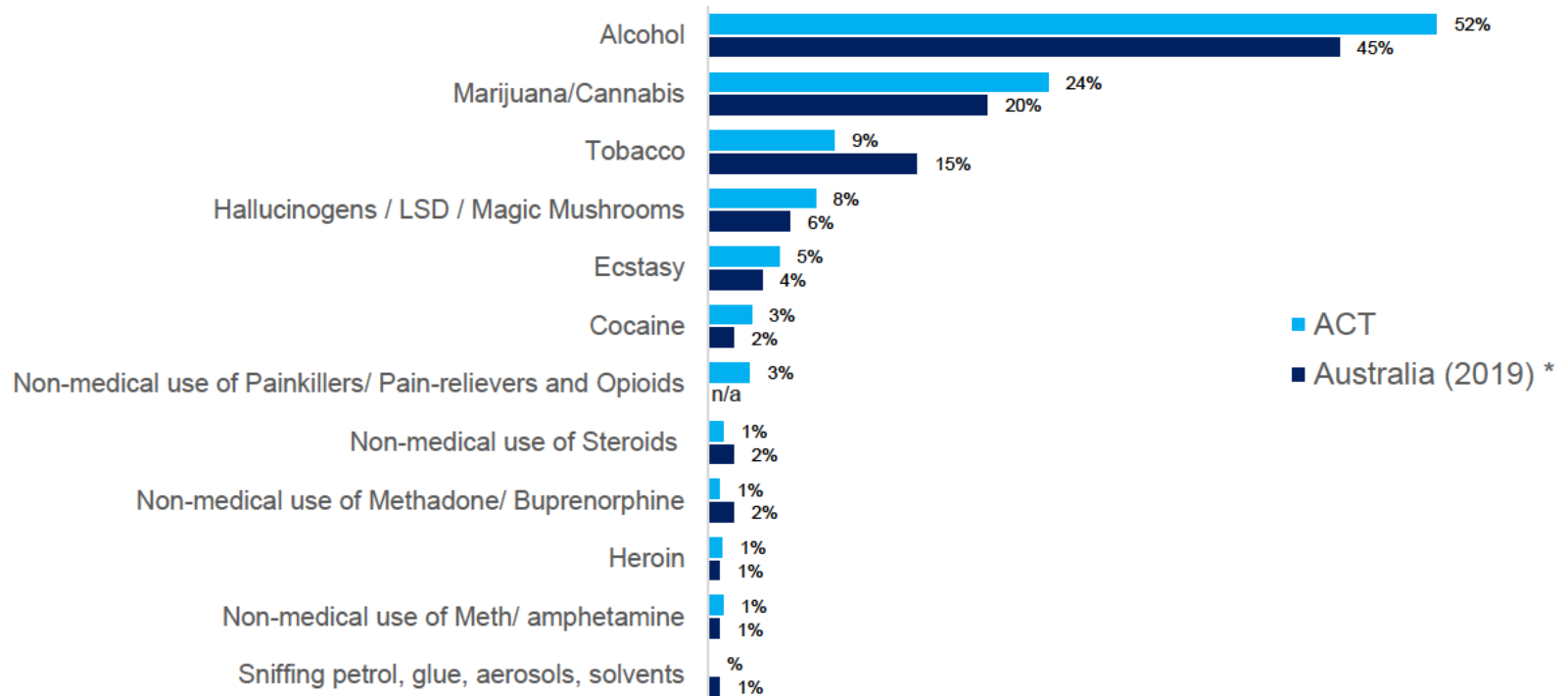
*Q. For each of the substances listed below, do you personally approve or disapprove of their regular use by an adult? \**



Young people (16-34) tend to be more approving of marijuana, ecstasy and hallucinogens

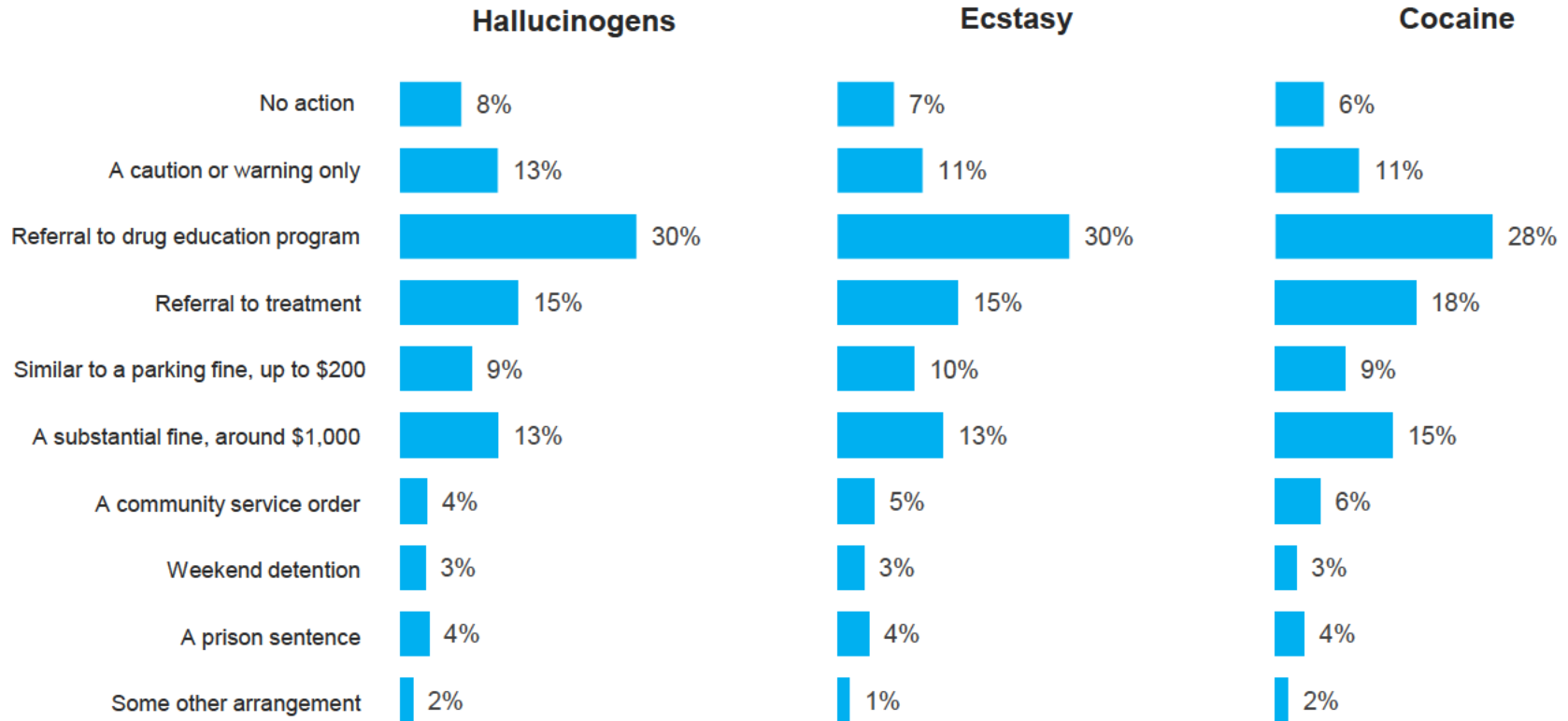
## Rates of approval for personal use in the ACT are broadly similar to those nationally

*Q. For each of the substances listed below, do you personally approve or disapprove of their regular use by an adult? \**



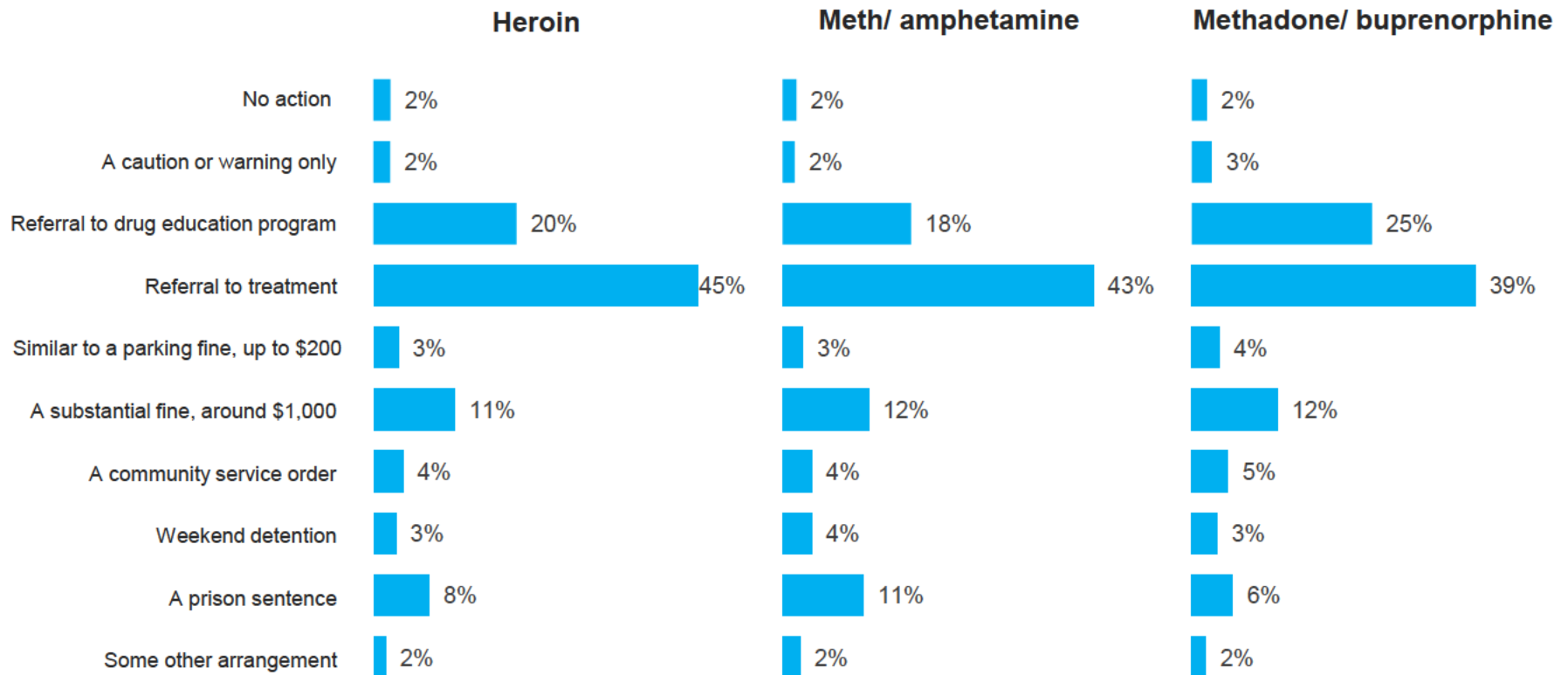
## Around two in ten suggest no action or a caution only for personal possession of hallucinogens, ecstasy or cocaine

*Q. What single action best describes what you think should happen to anyone found in possession of small quantities of the following drugs for personal use? \**



## Education and treatment feature more strongly as a course of action for other substances

*Q. What single action best describes what you think should happen to anyone found in possession of small quantities of the following drugs for personal use? \**



## Compared with national sentiment, ACT residents tend more towards education and treatment over punitive measures

Q. What single action best describes what you think should happen to anyone found in possession of small quantities of the following drugs for personal use? \*

Action	Hallucinogens		Ecstasy		Cocaine		Heroin		Meth/ amphetamine		Methadone / Buprenorphine	
	ACT	AUS	ACT	AUS	ACT	AUS	ACT	AUS	ACT	AUS	ACT	AUS
No action or a caution	20%	13%	18%	18%	17%	na	5%	4%	3%	4%	5%	na
Education or treatment	46%	46%	45%	40%	46%	na	64%	51%	60%	49%	64%	na
A fine	22%	18%	23%	22%	24%	na	15%	16%	15%	15%	16%	na
Community service or weekend detention	7%	8%	8%	8%	8%	na	7%	9%	8%	10%	8%	na
Prison sentence	4%	13%	4%	11%	4%	na	8%	19%	11%	20%	6%	na
Some other arrangement	2%	2%	1%	1%	2%	na	2%	2%	2%	2%	2%	na

\* Percentages based on those able to provide an answer (i.e. excluding don't know / not stated)



## Other comments about this issue are diverse and sometimes polarised between acceptance and action

Drug use should be treated as a medical issue, not a criminal one

Provide support, treatment, education, a compassionate response

Need to address underlying causes of drug use – e.g. isolation, mental health, poverty

Zero tolerance approach

Decriminalise

Tiered approach to enforcement – e.g. warnings, more punitive approaches for repeat offences

Provide individualised / contextualised responses to use – e.g. if harm / risk to others

Concerned about drug users causing problems in society (e.g. violence, safety)

More attention needs to be paid to alcohol misuse and related problems



**Y**OURsay  
Community panel

