

31 January 2019

Professor Howard, SC
Commissioner, Special Commission of Inquiry into the Drug 'Ice'
By email (c/-): tracey.howe@cso.nsw.gov.au

Submission to the preliminary consultation on the terms of reference for the Special Commission of inquiry into the drug 'ice'

Dear Professor Howard,

Community Legal Centres NSW welcomes this opportunity to make a preliminary submission on the proposed terms of reference for the Special Commission of Inquiry into the Drug 'Ice' (the Commission).

ABOUT COMMUNITY LEGAL CENTRES NSW

Community Legal Centres NSW is the peak representative body for almost 40 community legal centres in NSW. Our team supports, represents and advocates for our members, and the legal assistance sector more broadly, with the aim of increasing access to justice for people in NSW.

Community legal centres are independent non-government organisations that provide free legal services to people and communities, at times when that help is needed most, and particularly to people facing economic hardship and discrimination. Community legal centres use the knowledge gained from providing direct legal services to improve the legal system, by advocating to change laws and policies which discriminate against or disadvantage groups of people or communities.

Community legal centres witness daily the negative impacts of criminalisation and the 'War on Drugs' on people and communities across NSW. These failed policies have a disproportionate impact on people experiencing social and economic hardship. They have had little success reducing drug use in the community and instead are driving people into poverty, homelessness and social isolation. The War on Drugs approach acts as a disincentive for people to access health and rehabilitation services and increases harmful contact with the criminal justice system.

HARM MINIMISATION AND DECRIMINALISATION

Community Legal Centres NSW strongly recommends the Commission seriously consider the role and potential benefits of harm minimisation approaches and the decriminalisation of drug use as part of its investigations into:

- The adequacy of existing measures to target ice in NSW (term of reference B)
- Options to strengthen NSW's response to ice, including law enforcement, education, treatment and rehabilitation responses (term of reference C).

Harm minimisation approaches treat substance abuse primarily as a health issue rather than a criminal justice issue. They recognise that punitive responses will not stop the illicit trade and use of drugs and prioritise compassionate, person-centred responses to problematic drug use.

Around the world, harm minimisation approaches have been demonstrated to save lives and to reduce the negative health effects of illicit drug use, including the spread of diseases like HIV and Hepatitis C. They are also cost-effective: Australian Department of Health research conducted in 2009 found that for every dollar spent on needle exchange programs, twenty-seven dollars is saved in health care costs.

In Portugal, the only country that has decriminalised all drugs, drug-related deaths, levels of injecting drug use, HIV transmissions and incarceration rates have all reduced dramatically. At the same time, there has been an increase in voluntary drug treatment.

New South Wales' punitive approach to drugs does not and will not work. If we are serious about reducing the harm associated with problematic drug use in our communities, we must seriously consider and act on the clear evidence that harm minimisation and decriminalisation are more effective than criminal justice responses.

CONDUCT OF THE INQUIRY

Expert advisory panel

Community Legal Centres NSW strongly supports the inclusion of someone with specific expertise in harm minimisation on the expert advisory panel, such as a representative from Harm Reduction Australia. In addition, we recommend the panel include:

- Someone who identifies as Aboriginal and Torres Strait Islander or represents an Aboriginal-controlled organisation or community, such as an Aboriginal-controlled community health service (rather than a non-Indigenous person who represents an Aboriginal organisation)
- Someone with lived experience of drug use, such as a representative from the NSW Users and AIDS Association
- Someone with an understanding of the specific issues affecting drug users from culturally and linguistically diverse communities, such as a representative from the Drug and Alcohol Multicultural Education Centre
- Someone with experience providing treatment and rehabilitation services in non-government, not-for-profit settings such as a representative from the National Network of Alcohol and other Drugs Agencies.

Other draft proposals for the conduct of the inquiry

Community Legal Centres NSW strongly supports the Commission's intention to hold public hearings in regional, rural and remote areas. As Uniting Care NSW-ACT's [Long Walk to Treatment](#) in October 2018 highlighted, people in regional, rural and remote areas face significant barriers to accessing timely and appropriate treatment and rehabilitation services close to home. For some communities, the closest treatment centre is 400km away – the distance from Dubbo to Sydney.

It is critical that the Commission hears directly from people in regional, rural and remote areas about the specific needs of and challenges faced by their communities.

Hearings should also be held in a variety of locations across Sydney, including Western Sydney.

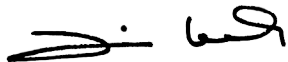
To promote transparency and accountability, we also recommend that the terms of reference make clear that all submissions (unless the maker requests their submission remain confidential) and the final report will be made public.

MORE INFORMATION

Thank you for taking the time to consider our submission. If you would like further information, please contact Emily Hamilton, Senior Policy Officer via emily.hamilton@clcnsw.org.au or on (02) 9212 7333.

We look forward to make a more detailed submission to the inquiry in due course.

Yours sincerely,



Tim Leach
Executive Director
Community Legal Centres NSW