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Illegal drug use and possession: Current policy and debates

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5.5.2 Medically Supervised Injecting Centre

Origins: Following the NSW Drug Summit, the NSW Government supported the trial of one Medically Supervised Injecting Centre (MSIC).²⁰² The MSIC began operating in May 2001 as the first service of its type in the English-speaking world.²⁰³

Legislative basis: A legislative basis for the operation of the MSIC was established by the *Drug Summit Legislative Response Act 1999*, which inserted a new Part 2A into the *Drug Misuse and Trafficking Act 1985*. Part 2A effectively provides that only one licensed MSIC can operate at any given time.²⁰⁴ As set out in s 36B, the objects of an MSIC are:

- (a) to reduce the number of deaths from drug overdoses,
- (b) to provide a gateway to treatment and counselling for clients of the licensed injecting centre,
- (c) to reduce the number of discarded needles and syringes and the incidence of

²⁰² *NSW Drug Summit 1999: Government Plan of Action, 1999*, Government of NSW, 3.15, p 47.

²⁰³ [The MSIC story: Our story](#), Uniting Church Medically Supervised Injecting Centre.

²⁰⁴ Section 38A of the *Drug Misuse and Trafficking Act 1985*.

drug injecting in public places,

(d) to assist in reducing the spread of blood-borne diseases, such as HIV infection or Hepatitis C.

Under s 36I, it is an express statutory condition of a licence for a MSIC that no child (defined by s 36D to mean “a person who is under the age of 18 years”) is to be admitted to that part of the centre that is used for the purpose of the administration of prescribed drugs; and that the centre’s internal management protocols (which exclude pregnant women)²⁰⁵ are to be observed.²⁰⁶

Division 4 of Part 2A provides for exemptions from liability for users and operators of the MSIC. As set out in s 36N(2), despite any other provision of the *Drug Misuse and Trafficking Act 1985* or any other law, it is not unlawful for a person at an MSIC:

- to possess (otherwise than for supply) no more than a small or exempt²⁰⁷ quantity of a prohibited drug;
- to possess equipment for use in the administration of a prohibited drug;²⁰⁸ or
- to administer or attempt to administer to himself or herself no more than a small or exempt quantity of a prohibited drug.

Other exemptions include:

- it is not unlawful for a person “to engage, participate or otherwise be involved in the conduct of a licensed injecting centre” (s 36O); and
- a person is exempt from civil liability for any act or omission done in connection with a licensed MSIC if the person acted in good faith for the purpose of executing Part 2A and was not reckless or grossly negligent (s 36P).

Operation: The Uniting Church operates the sole MSIC, which is located in Kings Cross. As to how the MSIC achieves the legislative objectives set out in the *Drug Misuse and Trafficking Act 1985*, the Uniting Church states:

[R]egistered nurses and counsellors/health education officers supervise episodes of drug injecting that would otherwise happen elsewhere – often in public, and under more dangerous conditions. There is immediate access to emergency medical care in the event of an overdose or other health issue. Our staff connect with clients and offer them referrals to a variety of services, including specialist addiction treatment.

²⁰⁵ See Uniting Medically Supervised Injecting Centre, “[Inside the injecting centre](#)”.

²⁰⁶ For a discussion of the recent controversy over whether medically supervised injecting centres should be able to provide their services to a person who is pregnant and to persons under 18, see: A Hitchings, “[MP says injecting rooms won’t open to kids](#)”, 25 July 2016, [news.com.au](#); S Nicholls, “[Why Troy Grant is so wrong about the Kings Cross injecting room](#)”, 25 July 2016, *Sydney Morning Herald*.

²⁰⁷ Such quantity of the drug as prescribed by the regulations: *Drug Misuse and Trafficking Act 1985*, s 36N(1)(b).

²⁰⁸ Ordinarily, an offence against s 11(1) of the *Drug Misuse and Trafficking Act 1985*.

Clients come to the centre with drugs they have already purchased; Uniting MSIC does not supply them. We support the work of the police to reduce the amount of drugs being supplied in Kings Cross, and we do not support drug dealing – selling or buying drugs at MSIC is illegal and not allowed. Anyone attempting these activities is required to leave the centre.²⁰⁹

Evaluation: The MSIC has been independently evaluated a number of times since it commenced operation on a trial basis in May 2001.²¹⁰ The latest (2010) evaluation stated:

This evaluation builds on a number of previous independent evaluations and analyses commissioned by the NSW Government since the Trial began, which have concluded that the MSIC positively impacts on clients, has a high level of support from local residents and businesses, has not been shown to cause an increase in local crime or drug use and saves at least \$658,000 per annum over providing similar health outcomes through other means in the health system.²¹¹

In terms of specific outcomes, the 2010 evaluation found that:

- From May 2001 to April 2010, there were 609,177 visits to the MSIC, with an average of 5,641 visits per month.
- From May 2001 to April 2010 the MSIC has managed 3,426 overdose events with no deaths onsite.
- From May 2001 to April 2010 the MSIC provided 8508 referrals to other services, including 3,871 referrals related to drug treatment.
- The proportion of surveyed residents observing public injecting has halved since before the commencement of the MSIC.
- There has been a decline in the proportion of surveyed residents and businesses seeing publicly discarded syringes (from 66% of surveyed residents in 2000 to 46% in 2010; and from 80% of surveyed businesses in 2000 to 46% in 2010).²¹²

Proposals to expand service to encompass an inhalation room: Recently there have been proposals to extend the use of the MSIC to include supervised smoking rooms to cater for ice users who smoke, rather than only those who inject, the drug, and to establish such facilities in Western Sydney. The proposals have been supported by a number of drug law reform proponents, including former Premier Bob Carr, who said drug policy should adapt to

²⁰⁹ *What we do*, Uniting Church Medically Supervised Injecting Centre.

²¹⁰ For a timeline of MSIC developments, see: *The MSIC story: Our story*, n.d., Uniting Church Medically Supervised Injecting Centre.

²¹¹ *Further evaluation of the Medically Supervised Injecting Centre during its extended Trial Period (2007–2011)*, 2010, NSW Health and KPMG, Sydney, p ix. The evaluation covered the period June 2007 to April 2010.

²¹² *Further evaluation of the Medically Supervised Injecting Centre during its extended Trial Period (2007–2011)*, 2010, NSW Health and KPMG, Sydney, p ix–xi. An absence of suitable data from before May 2001 meant it was not possible for the evaluation to assess the impact of the MSIC on infection rates for blood-borne diseases.

changing patterns of drug use.²¹³ Illustrating those changing patterns, the 2014 Enhanced Data Collection Survey conducted as part of the Needle and Syringe Program (NSP) found that:

among NSP clients in NSW, methamphetamine was the most commonly reported drug last injected (27%) and has overtaken heroin as the most commonly reported substance last injected.²¹⁴

Dr Graham, an addiction medicine specialist, has argued that:

If people are considering whether to inject or inhale, it is a bit perverse that you can access safe, clean needles but not safe, clean ice pipes ... Once you have safe inhalation equipment, you should have a safe space with appropriate links to health services.²¹⁵

Assistant NSW Minister for Health, Pru Goward, has said that the proposal for an ice smoking room is not supported by the Government.²¹⁶

²¹³ E Duff, "[Former NSW Premier Bob Carr backs calls for ice smoking room trial](#)", 3 July 2016, *Sydney Morning Herald*.

²¹⁴ [Crystalline Methamphetamine: Background Paper—NSW Data](#), September 2015 (revised), NSW Health

²¹⁵ E Duff, "[Former NSW Premier Bob Carr backs calls for ice smoking room trial](#)", 3 July 2016, *Sydney Morning Herald*. See also: "[Drug experts lobby to open a drug inhalation room in Sydney so addicts can smoke](#)", 29 June 2016, *News.com*

²¹⁶ A Park, "[Drug experts plan Australia's first ice smoking room despite Government opposition](#)", 8 July 2016