

FACT SHEET

Alcohol and Drug Dependency Repeal Bill 2021

The purpose of this Bill is to repeal legislation that is out of date and unnecessary.

This Bill repeals the *Alcohol and Drug Dependency Act 1968* (the ADDA) and subordinate regulations and orders. It also makes minor consequential amendments to definitions in the *Community Protection (Offender Reporting) Act 2005*, the *Poisons Act 1971*, and the *Road Safety (Alcohol and Drugs) Act 1970*.

In its current form, the ADDA provides for the admission and detention of persons to a treatment centre; establishes a tribunal with limited review powers; and allows for the designation of treatment centres and appointment of superintendents and welfare officers.

The ADDA is over 50 years old. Numerous amendments made to the ADDA over time have rendered it confusing and difficult to apply.

The ADDA is out of step with human rights and current, evidence-based approaches to alcohol and drug service delivery. The ADDA permits a person with decision-making capacity to be detained against their will for up to six months. Treatment, however, may only be given to a person who is detained under the ADDA if the person consents, or if the treatment is authorised by or under the *Guardianship and Administration Act 1995*.

The ADDA's use has been in steady decline and it has not been used at all since early 2016. The Tribunal has received only two applications in the last 18 years, with the last being received in 2009.

The ADDA is not used because people suffering from alcohol or drug dependency can, and do, receive treatment and services on a voluntary basis like any other consumer of health services.

The Alcohol and Drug Service, a part of the Tasmanian Health Service, works with people with severe substance dependence, and their families, to identify admission and treatment pathways as a voluntary patient, or under authority of the *Guardianship and Administration Act*. People who are admitted are free to leave at any time.