

**INQUIRY INTO THE DRUGS, POISONS AND CONTROLLED
SUBSTANCES AMENDMENT (REGULATION OF PERSONAL ADULT
USE OF CANNABIS) BILL 2023**

Organisation: Australian Medical Association

Date Received: 13 December 2024

AMA Victoria submission on the Drugs, Poisons and Controlled Substances Amendment (Regulation of Personal Adult Use of Cannabis) Bill 2023 Inquiry

13/12/2024

AMA Victoria appreciates the opportunity to contribute to the discussion on the regulation of cannabis for personal use in Victoria through this inquiry into the Drugs, Poisons and Controlled Substances Amendment (Regulation of Personal Adult Use of Cannabis) Bill 2023. The proposed legislation raises important questions about public health, regulatory frameworks, and societal impacts.

The AMA nationally is a firm proponent of the decriminalisation of cannabis, recognising that criminal penalties for personal possession can disproportionately harm individuals and communities and increase the health and other risks to which cannabis users are exposed. However, the AMA does not support the legalisation of cannabis for recreational use, given the significant health risks associated with its consumption.

AMA Victoria acknowledges the complexity of this issue and the diversity of perspectives within both our membership and the broader medical community. While some members see potential benefits from a harm-reduction standpoint, others have expressed significant concerns about unintended health and societal consequences, particularly in the absence of robust safeguards. This submission integrates these views, with a focus on the health impacts of cannabis use and the measures required to minimise harm. In this context, we reiterate our strong support for the decriminalisation of personal cannabis use as the more balanced and health-focused approach.

All information and evidence provided in this submission are drawn from the AMA's previous policy work, most notably the AMA's [submission to the Senate Legal and Constitutional Affairs Committee on the Legalising Cannabis Bill 2023](#), as well as direct accounts and feedback from AMA Victoria members.

Health impacts of cannabis

Public health considerations should be central to any policy change concerning cannabis.

Cannabis remains the most commonly used illicit drug in Australia, with 36% of Australians aged 14 and over reporting lifetime use, and 11.6% reporting use in the past 12 months. Vulnerable populations, including adolescents, Aboriginal and Torres Strait Islander communities, and individuals with histories of substance dependence, face heightened risks from cannabis use.

Although the absolute risk of harm is lower for occasional users, both short- and long-term impacts of cannabis use are well-documented. Immediate mental health effects can include reduced brain function, anxiety, paranoia, and memory loss, while long-term use is linked to more severe outcomes, such as psychoses, schizophrenia, cognitive impairment, and cardiovascular damage.

Research also links cannabis use during pregnancy to lower birth weights and developmental issues in infants. Additionally, cannabis use often correlates with the consumption of other substances, such as alcohol and tobacco, creating a compounded risk for users.

In jurisdictions where cannabis has been legalised, such as Canada and certain U.S. states, there has been an observed increase in cannabis-related health issues, including acute cannabis poisoning and a higher prevalence of cannabis-impaired driving.

Furthermore, while legalisation can lead to the normalisation of cannabis use, particularly among young people. Evidence from jurisdictions such as Colorado and Washington suggests that legalisation has been associated with increased cannabis use among adolescents, who are particularly vulnerable to the cognitive and psychological effects of cannabis. The rise in popularity of cannabis-infused edibles- often indistinguishable from non-cannabis products- has led to a surge in accidental ingestions, particularly among children. In jurisdictions like Canada and the United States, this has resulted in an increase in hospitalisations due to accidental consumption.

Additionally, the rise in cannabinoid-related hospitalisations and cannabis-impaired driving in legalised areas has placed considerable pressure on healthcare systems, particularly in under-resourced sectors like mental health and addiction services, which are already strained in Victoria. If legalisation was to proceed, it would necessitate significantly increased investment in mental health and addiction services to address the expected increase in demand and to provide appropriate care.

Decriminalisation (as opposed to legalisation)

While the national AMA position opposes the legalisation of cannabis for recreational use due to the health impacts explored above, it equally acknowledges that criminal penalties for personal cannabis use can often exacerbate the health and social risks associated with cannabis consumption. Criminalising users does not only fail to address the root causes of cannabis use but can also lead to unnecessary social and health consequences, particularly for vulnerable individuals. This is especially true for those from disadvantaged backgrounds, young people, and first-time offenders, for whom criminal penalties may disproportionately contribute to long-term harm.

In alignment with harm-reduction principles, AMA Victoria likewise strongly advocates for the decriminalisation of personal cannabis use. Decriminalisation would involve replacing criminal penalties with civil penalties, such as court-ordered education, treatment programs, or diversion to therapeutic services, particularly for young or first-time offenders. This approach shifts the focus from punishment to health and prevention, facilitating early intervention and support rather than entrenching individuals in the criminal justice system.

Police diversion programs have shown effectiveness in addressing the root causes of cannabis use and preventing reoffending by redirecting individuals to preventive and therapeutic services. Research from the Australian Institute of Criminology indicates that such programs can reduce drug use and offending while improving overall outcomes for individuals involved with the criminal justice system. By embracing these approaches, Victoria can better address cannabis use in a way that prioritises public health, minimises criminal justice involvement, and offers individuals the opportunity for rehabilitation.

Regulatory and enforcement challenges

While proponents of cannabis legalisation argue that it could reduce harm by eliminating the illicit market and ensuring safer products, evidence from regions where cannabis has been legalised reveals that outcomes are far from straightforward. In these areas, unintended consequences have often emerged, particularly where policies have been poorly designed or inadequately enforced.

Key challenges in the context of this Bill include the enforcement of cultivation and possession limits, as well as preventing cannabis from entering illegal commercial markets. For example, under the proposed legislation, individuals could cultivate up to six plants per household, a limit higher than in jurisdictions like the ACT (two plants) and Canada (four plants). Monitoring compliance with these limits will potentially require resources, including tracking and inspection systems.

If enforcement is insufficient, there is a fuelling the illicit market and undermining public health and safety. Consequently, it is relevant to consider whether the wider regulatory includes sufficiently comprehensive tracking systems, as well as enforcement mechanisms to prevent diversion into illegal channels. Without these, the intended benefits of the Bill could be compromised.

Additional safeguards for legalisation

Should Victoria proceed with legalisation, additional safeguards must be introduced to mitigate the associated health risks. These include:

- **Public education campaigns:** Government-funded campaigns are essential to educate the public about the risks of cannabis use, particularly its mental health and addiction implications. Targeted efforts should be made towards vulnerable populations, such as young people, parents, and those with existing health conditions, to counter misconceptions about cannabis safety.
- **Investment in mental health services:** Significant investment is needed to address the anticipated rise in cannabis-related mental health issues. Mental health services should be adequately funded and equipped to manage the expected increase in demand, and healthcare providers must be trained to identify and address cannabis-related harms effectively.

Conclusion

AMA Victoria recognises both the potential benefits and significant risks associated with the Bill and the potential legalisation of cannabis for personal use. As a medical association, our foremost concern is the health and wellbeing of Victorians. The risks of cannabis use, particularly in vulnerable groups like adolescents, pregnant individuals, and those with pre-existing health conditions, are well-documented and must be carefully considered in any policy decisions.

AMA Victoria strongly advocates for the decriminalisation of personal cannabis use, viewing it as the more health-focused approach. This would reduce criminal justice involvement and instead provide opportunities for education, treatment, and harm-reduction programs. We believe this strategy prioritises public health, minimises societal harm, and offers a safer alternative to legalisation. However, if legalisation proceeds, it must be accompanied by sufficient regulatory safeguards, targeted public education campaigns, and significant investment in mental health services to mitigate potential harm.

AMA Victoria remains committed to working collaboratively with the government and all Victorian parliamentarians to develop a policy framework that places public health and community wellbeing at the forefront. Any decision regarding cannabis legalisation or decriminalisation must be crafted carefully, with a focus on the broader health impacts, to ensure the policy is both effective and safe for all Victorians.