

## **Inquiry into the Use of Cannabis in Victoria — Public hearing: 19 May 2021**

### **Responses to questions on notice**

#### **1. What are your thoughts on the idea of removing discretion from police so they did not have the ability to charge for possession of small quantities?**

In our view, removing police discretion and making it a requirement for police to offer diversion to all adults detected for possession of cannabis would be an opportunity to ensure a more fair and just approach to drug law in Victoria. In South Australia, diversion is almost universal, and experts attribute these results to the removal of police discretion through legislation.

It is worth noting that the Victorian Parliamentary Inquiry into Drug Law Reform (2018, p.191) proposed "codifying and removing the discretionary elements currently in place" was an important first step in "establishing an effective and widespread health approach to the treatment of these offences."

In our view, removing police discretion, expanding the number of times someone can be offered diversion, removing the requirement for people to admit the offence

and ensuring threshold quantities are high enough are all important steps forward in decriminalisation.

#### **2. In terms of police in New South Wales receiving incentives around diversions that are given out, how do the incentives work?**

My understanding is that in some jurisdictions, drug diversions have been added to performance monitoring systems, including the use of Key Performance Measures- setting targets for each officer that are monitored by supervisors /managers. Studies have shown that this has increased the numbers of diversions offered. In addition are targets for specific geographic regions (apparently there is some competition in various regions regarding the numbers of diversions). This is not limited to NSW.

Another method of incentivising diversion is to require reports from each region on diversion numbers, and having these reports published.

However, if offering diversion for cannabis users was legislated, it would reduce the need to incentivise it.

#### *References for the above answers:*

*Hughes, C., Seear, K., Ritter, A. & Mazerolle, L. (2019). Monograph No. 27: Criminal justice responses relating to personal use and possession of illicit drugs: The reach of Australian drug diversion programs and barriers and facilitators to expansion. DPMP Monograph Series. Sydney: National Drug and Alcohol Research Centre, UNSW Sydney.*

<http://doi.org/10.26190/5cca661ce09ce>

*Inquiry into drug law reform, 2018, Parliament of Victoria, Law Reform, Road and Community Safety Committee*

**Ashleigh Newnham,  
Manager, Strategic and Community Development  
Springvale Monash Legal Service Inc.**