



# **Inquiry into Cannabis Use in Victoria - Response to Questions on Notice**

June 2021



## Contents

<b>Background</b>	<b>2</b>
<b>Question One – VLA Data</b>	<b>2</b>
<b>Question Two – Experience of drug reform in other jurisdictions</b>	<b>3</b>

© 2021 Victoria Legal Aid. Reproduction without express written permission is prohibited.

Written requests should be directed to Victoria Legal Aid, Strategic Communications, 570 Bourke St, Melbourne Vic 3000.

[www.legalaid.vic.gov.au](http://www.legalaid.vic.gov.au)

Connect with Victoria Legal Aid  

Victoria Legal Aid operates on Aboriginal country throughout Victoria; we acknowledge the traditional custodians of the land and respect their continuing connections to land, sea and community.

## Background

Victoria Legal Aid (**VLA**) provided evidence to the Inquiry into the Use of Cannabis in Victoria on 19 May 2021. During the hearing, the Committee requested further information from VLA on the following questions:

1. Can you provide data on the number of people charged with possession of drugs of dependence who have used Victoria Legal Aid services?
2. In terms of recommendation 2, 'the indictable offence of cannabis possession should be reclassified as a summary offence', what is the experience of your counterparts in other jurisdictions where there have been reclassifications of relevant offences? Have you got any information that you could provide to the committee in relation to that?

Our responses to these two questions are set out below.

### Question One – VLA Data

VLA data shows that:

- we provide services to over 4,000 unique clients each year across all service types for use or possession of a drug of dependence as a primary or secondary charge;
- most of the services VLA provide for charges of use or possession of a drug of dependence as a primary or secondary charge are provided as duty lawyer services across the State;
- more intensive grants of legal assistance are required for approximately one in four unique clients who are charged with use or possession of a drug of dependence.

This data has been extracted from our file management system and includes advice, duty lawyer services and more intensive assistance provided under a minor work file or a grant of legal assistance. This data relates to services where the use or possession of cannabis as a primary or secondary charge.

Unfortunately, our file management system does not enable us to provide data on cannabis as a specific drug of dependence as our file management system follows the criminal offence. There is no separate offences for cannabis use and/or possession. Our data also does not provide information about the quantity of the drug of dependence or whether it was for personal use. The data recorded for 2020/2021 is not a full financial year.

Financial Year	Service Type	Number of Services	Unique Clients
FY2017	ADVICE	462	415
	DUTY LAWYER	4,622	3,414
	MINOR WORK FILE	263	262
	SUBSTANTIVE GRANT	1,142	1,065
	TOTAL	6,489	4,411 *
FY2018	ADVICE	343	309
	DUTY LAWYER	4,150	3,136
	MINOR WORK FILE	203	201
	SUBSTANTIVE GRANT	1,152	1,086
	TOTAL	5,848	4,112 *
FY2019	ADVICE	339	319
	DUTY LAWYER	4,965	3,781
	MINOR WORK FILE	293	292
	SUBSTANTIVE GRANT	1,425	1,346
	TOTAL	7,022	4,929 *
FY2020	ADVICE	327	296
	DUTY LAWYER	4,123	3,265
	MINOR WORK FILE	224	223
	SUBSTANTIVE GRANT	1,496	1,394
	TOTAL	6,170	4,478 *
FY2021	ADVICE	459	404
	DUTY LAWYER	1,925	1,606
	MINOR WORK FILE	162	161
	SUBSTANTIVE GRANT	1,458	1,347
	TOTAL	4,004	3,049 *

\* Clients may receive more than one services spanning more than one service type. Therefore, the number of unique clients for each service will not add up to the total

## Question Two – Experience of drug reform in other jurisdictions

Following the request from the Committee, Victoria Legal Aid contacted all other legal aid commissions (LACs) to invite reflections on their experience of drug reform, with a particular focus on the reclassification of drug offences.

A number of LACs responded that their clients continue to experience harsh consequences associated with the continuing enforcement of drug offences and resulting involvement in the criminal justice system.

However, the experience of the Australian Capital Territory (ACT) was more positive. ACT Legal Aid noted the positive impact of the passage of the Drugs of Dependence (Personal Cannabis Use) Amendment Bill 2018.

Following those reforms, it is no longer an offence in the ACT for an adult to:

- possess up to 50g of cannabis; or
- cultivate two plants (not artificially) so long as they are the persons residence and not accessible to the public.

The ACT noted that the practical impact of these reforms on the provision of legal aid services have been minimal. This is because these amendments build on existing approach to the possession of low quantities of cannabis. Prior to the 2020 amendments, possession of less than 50g of cannabis could already be dealt with by a Simple Cannabis Offence Notice and the maximum penalty was a fine of \$150.

According to ACT Legal Aid, people would generally only go to court for these offences where they were tied to other criminal matters. However, their anecdotal experience was that possession of small amounts of cannabis were often not prosecuted where there was other offending involved.