

Inquiry into the use of Cannabis in Victoria

Mr Luc Nguyen

Organisation Name:
Your position or role:

SURVEY QUESTIONS

Drag the statements below to reorder them. In order of priority, please rank the themes you believe are most important for this Inquiry into the use of Cannabis in Victoria to consider::

Accessing and using cannabis, Social impacts, Public health, Criminal activity, Mental health, Public safety, Young people and children, Education

What best describes your interest in our Inquiry? (select all that apply) :

Individual

Are there any additional themes we should consider?

Select all that apply. Do you think there should be restrictions on the use of cannabis? :

Personal use of cannabis should be decriminalised.

(Decriminalised: there are no criminal or civil penalties instead a person is referred to a drug diversion program or other health/ treatment service), Personal use of cannabis should be legal. , Sale of cannabis should be legal and regulated. , Cultivation of cannabis for personal use should be legal.

YOUR SUBMISSION

Submission:

Do you have any additional comments or suggestions?:

Given the current nature of this state of emergency, I am still unclear whether I wish to appear before the committee myself.

Will this appearance be physically in-person at Parliament House or through an alternative method?

FILE ATTACHMENTS

File1: [5f4a28840ebc9-Inquiry into the use of Cannabis Proposal .docx](#)

File2:

File3:

Signature:

Luc Nguyen

Parliament of Victoria
Legislative Council, Legal and Social Issues Standing Committee
Parliament House, Spring St
EAST MELBOURNE VIC 3002

Dear Committee,

INQUIRY INTO THE USE OF CANNABIS IN VICTORIA

First, I wish to thank the Legal and Social Issues Committee for welcoming the opportunity to respond to the Inquiry into the use of Cannabis in Victoria to best determine a suitable outcome for future regulation. In this submission, I acknowledge the position towards the need ensuring drug-related harm needs to be minimized, whilst putting forward the endorsement to promote its appropriate facilitation across Victoria. Ultimately, responsible individuals should be able to make their own choices given they do not harm others.

Background

Cannabis is a psychoactive drug that is sourced from the Cannabis plant (*Cannabis sativa*, *Cannabis indica*, and *Cannabis ruderalis*) that is flowering as a genus of the Cannabaceae. *Sativa* is generally the principle type of the plant allocated for the purposes of recreational and medicinal usage, although hybrids of other Cannabis plants are sometimes used.

Historical usage of Cannabis dates back at least the third millennium BC in recorded history, and likely further back by archaeological evidence. Being an introduced plant species, the importation of Cannabis had first arrived in Australia during 1788 on the First Fleet at the request of Sir Joseph Banks. Around the 19th and 20th century, international efforts such as the 1925 International Opium Convention were made to designate the criminalization of Cannabis which Australia was a signatory towards. In 1928, the prohibition of cannabis use was introduced in Victoria via *Poisons Act 1927 (Vic)* presumably under global pressure from the League of Nations.

Limited recreational usage in Australia presently only exists within the Australian Capital Territory under the conditions specified in Australian Capital Territory's *Drugs of Dependence (Personal Cannabis Use) Amendment Bill 2018(ACT)*, while no state and Commonwealth territories is yet to fully decriminalize possession and usage. Although Cannabis is not entirely legal in ACT given it still remains a prohibited substance, this would allow personal usage in limited quantities where individuals would be encouraged to seek support rather than being forced through the justice system

Currently the usage of Cannabis already remains the most widely sought illicit drug in Victoria, supporting a billion-dollar black market that gives a revenue stream into criminal enterprises with a lack of oversight. Enforcing this 'War on drugs' relies on exceeding budget allocations to help enforce such drug policies often at the expense of harm-reduction measures. Ultimately this only boosts the monopolized position that organized crime can result in, rather than the possible economic benefit the prospective cannabis industry could have for Victorian commerce.

Given that there are already multiple examples of harmful substances that can be legally consumed, this only illustrates against individuals having the liberty to make their own informed decisions. Although present widespread use of Cannabis might incur economic costs in the health system like any drug, the rate of death, injury and health damage that directly link to its usage have already shown lower rates than most present legal and prescribed drugs. This is shown through current foreign markets in multiple states where recreational cannabis has decriminalized, with these models we can conclude no increase in drug-related harm or usage by minors. Presently on this widespread scale, those who consume illegally obtained cannabis have no way of identifying if what they ingest could contain other harmful substances. Through legalisation of cannabis where consumer safety can

be reinforced, this ensures that with the appropriate testing, regulations and standards that further possible harm can be minimized and prevented.

Cannabis and the Criminal Justice System

Today the laws regarding Cannabis affecting Victorian jurisdiction derive from both State and Federal legislation, with Victoria containing laws on Cannabis pursuant to the *Drugs, Poisons and Controlled Substances Act 1981 (Vic)*. Here the most common cannabis offence being possession of a drug of dependence in a small quantity, penalties could range up to 5 penalty units or in more serious cases level 6 imprisonment/400 penalty units. While cultivation and possession are a criminal offence in Victoria, legal prescription has been done with the federal licensing scheme under *Section 8E of the Narcotics Drugs Act 1967(Cth)* for medicinal usage since 2017, delivering positive healthcare outcomes for patients.

As of 30th June 2019, according to the Australian Bureau of Statistics, Victoria's prison population comprised of 1,162 individuals incarcerated for illicit drug offences making up 14% of the state's total prison population. Over the last five years, the average length of a sanctioned imprisonment term for cultivating a non-commercial quantity of narcotic plants (most being Cannabis) was 1 year and 1 month in Victoria. For those sentenced with the principal offence of possession, majority of convicted offenders on average were found to had little to no prior convictions for other indictable offences outside the scope of drug crimes. Generally, the criminal conviction for solely possessing a plant can have drastic impacts for future prospects, employment or international travel etc of those convicted. It could also act as a possible deterrent towards seeking health support and advice among many users of the widely used illicit drug.

Through Victoria Police's Police Law Enforcement Assistance Program (LEAP), we are able to analyse the visualisation of cannabis related convictions making up a high frequency of drug offences:

Select drug offences by drug type

To filter the data, select an **Offence Subdivision** or **CSA Drug Type** of interest from the following dropdown filters.

Data are also available for **Offence Group** and/or **Offence Description**.
To view, hover over the **Offence Subdivision** and/or **CSA Drug Type** label to view a + symbol.
Click on the + symbol to expand the data.

Offence Subdivision: (All) CSA Drug Type: Cannabis

		Year ending March									
Offence Subdivision	CSA Drug Type	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
C10 Drug dealing and trafficking	Cannabis	912	940	1,051	1,002	966	959	875	850	950	828
	Total	912	940	1,051	1,002	966	959	875	850	950	828
C30 Drug use and possession	Cannabis	5,870	6,565	6,738	7,409	8,387	8,606	8,786	8,148	8,897	9,195
	Total	5,870	6,565	6,738	7,409	8,387	8,606	8,786	8,148	8,897	9,195
Grand Total		6,782	7,505	7,789	8,411	9,353	9,565	9,661	8,998	9,847	10,023

(Source: Crime Statistics Agency: Recorded Drug Offences by Drug Type 2011-2020)

Personal Recommendations:

Progressing towards the first stage of legislation for this plant will emerge a prospective industry that will deliver job prosperity & economic benefits right back from the monopolized black market. According to Victoria Police, it's present wholesale and retail value within the black market alone in Victoria is estimated to reach over \$8 billion AUD annually. This is a gigantic sector of commerce lost and without any source of accountability nor exhibit how it reassures user safety in the community. Currently, the continuing number of purchases of black-market cannabis has remained problematic even for those prescribed for legal medicinal cannabis due to the high costs it can associate with for some. Although referencing a recent line from the Minister of Health, the Honourable Jenny Mikakos who had expressed interest to wait until medicinal Cannabis was designated under the Pharmaceutical Benefits Scheme. It is often attributed that the amount of excessive regulation and taxpayer coverage for this that can attribute to the high costs and the driving force behind the black market that has still thrived. Introducing greater participation and reducing barriers of entry into a free cannabis marketplace will we see competitive pricing that help enable more affordable options.

- The State of Victoria should seek transition through a phase-gate process into establishing the legal framework that would enable the legalisation of recreational cannabis.
This could involve:
 - Decriminalisation of specific cannabis penalties surrounding personal use relative to the *Crimes Act 1958(Vic)* and *Drugs, Poisons and Controlled Substances Act 1981 (Vic)*. Similar to the approach recently taken by Australian Capital Territory, Victoria should endorse measures that encourage support through the health system, rather than forcibly through penalties within the criminal justice system.
 - Repealing commercial prohibitions against the cultivation, processing, possession, sale and transport of cannabis and its derivative by-products within Victoria jurisdiction. This could offer an introduction for possibly licensed cannabis providers to partake in the regulated retail network
 - Endorse the right of individuals and organizations who may or may not wish to engage with cannabis or it's users. Private entities should be provided with the appropriate flexibility to draft its own policies in relation to enabling/restricting cannabis use, consistent with their respective interests and values.
 - Subject to a prescribed criterion for a possible expungement system, the Secretary of Department of Justice and Community Safety should be vested with the discretionary power on application to extinguish criminal convictions regarding summary offences related to cannabis. Doing this would promote the possible re-integration and rehabilitation of former first-time offenders in the community who may have been confined from future prospects due to historical conviction or criminal record.
- Continuing to enforce cannabis and controlled substance laws and regulations relating to the safety and wellbeing of the general public should be sensibly reformed and continue to be fully endorsed.
 - Like many stimulants that may induce short-term impairment towards human cognitive and psychomotor behaviour and functions, present regulations should continue to ensure the legal restrictions against operating a vehicle under the influence of cannabis.
 - Appropriate penalties should continue to be present in relation to the distribution of cannabis outside the respective licensing provisions and proposed regulated scope. This could likely mean replicating similar regulatory requirements currently in practice for legal drugs (e.g age limits, place of consumption, unauthorised secondary supply etc).
 - Licensees of recreational cannabis who wish to sell (by retail or wholesale) should be expected to ensure they are able to present prescribed point-of-sale health information or warning signs. Doing this helps promote safe usage by communicating the possible risk associated and encourage the best possible precautions that individuals can take to appropriately consume.
 - Controls in relation to the relevant place of consumption, cultivation and manufacture for cannabis should remain confined to private residences and licensed premises. To minimize exposure to second-hand cannabis smoke among the general public, measures might be set to restrict usage in enclosed workplaces and public spaces as prescribed within the *Tobacco Act 1987 (Vic)*.

I trust that this can best help assist the committee's inquiry where possible and I look forward to hearing the outcomes that are reached on this topic. Should there be any further queries by the committee about my recommendation please do not hesitate to contact me at

Yours faithfully,

Luc Nguyen