Inquiry into the use of Cannabis in Victoria

Mr Greg Chipp

Organisation Name: Drug Policy Australia
Your position or role: Managing Director

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,Criminal activity,Public health,Public safety,Education,Young people and children,Mental health

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

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 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?:

FILE ATTACHMENTS
File1: 5f4cbd776171a-Drug Policy Australia - Victorian Cannabis Inquiry Submission.pdf
File2:
File3:

Signature:
Greg Chipp

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31ˢᵗ August 2020

Legal and Social Issues Committee
Inquiry into the Use of Cannabis in Victoria
Parliament House, Spring St
EAST MELBOURNE VIC 3002

1. Introduction

Drug Policy Australia is pleased to provide our submission to the *Inquiry into the Use of Cannabis in Victoria*.

Drug Policy Australia is a Health Promotion Charity established in May 2014 that aims to focus public attention, and that of policymakers, on scientific evidence supporting health-focused, harm-minimisation approach to managing drug use in Australia.

Victoria's illicit drug framework follows a prohibitionist model that aims for the elimination and complete abstinence from *all* illicit drugs. Drug Policy Australia considers this to be an unrealistic and counter-productive goal. The basis of prohibition is persecuting and prosecuting people who use drugs to discourage their use. It sanctions imprisoning citizens for doing an action in the privacy of their own home that affects no one except themselves.

Drug Policy Australia advocates that a full **legal regulation** model for cannabis will allow for increased public education, public health, and public safety. A legalisation model will stymy the illegal cannabis trade and provide the Victorian Government considerable taxation revenue.

Cannabis is the most used illicit drug in Australia. The Australian Institute of Health and Welfare 2019[1] estimates that 11.6% of Australians have used cannabis in the past 12 months, which increased from 10.4% in the 2016 survey. Among the population who have used cannabis in the past 12 months, the majority of 82% of cannabis users were classified as 'low risk' of becoming problematic cannabis users and only 2.9% were at 'high risk' of developing cannabis dependence.

The fact is that Australians are one of the largest consumers of illicit cannabis in the world. It is an enduring and unchangeable fact that members of society, particularly its youth, will seek out mood-altering substances as a source of social interaction, recreation and pleasure. Failure of legislators to appreciate this fact, at the expense of the health care of its citizens, has resulted in massive social costs. Sound health-focused government policy can discourage young people from using cannabis, but it cannot completely stop the practice. Attempting to do so, does

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[1] The Australian Institute of Health and Welfare. National Drug Strategy Household Survey 2019.
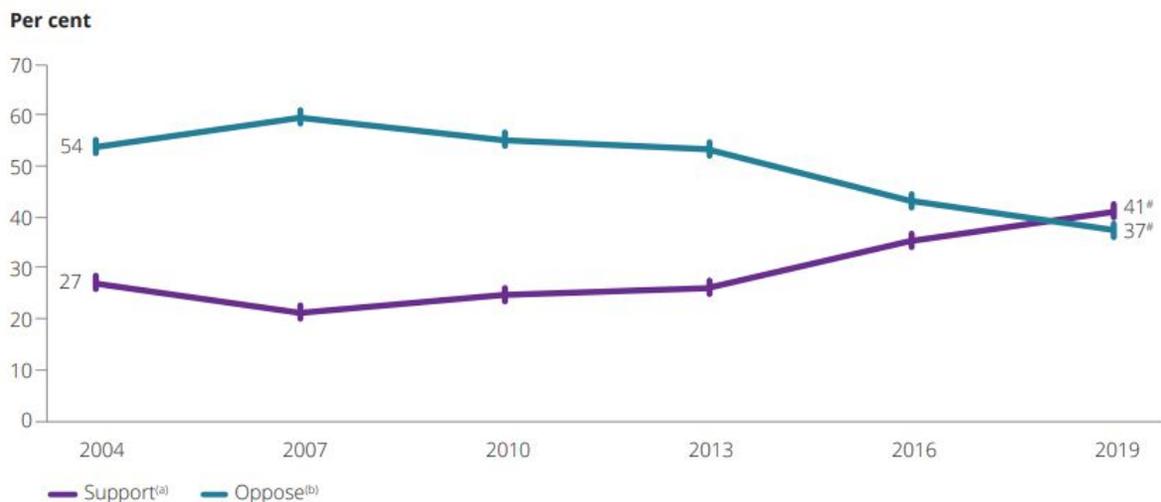
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more harm than good. Drug policy Australia believes that substantial efforts need to be made to counter the social disadvantage that drives problematic drug use.

2. Changing Attitudes to Cannabis in Australia

According to the *National Drug Strategy Household Survey 2019,* public attitudes towards illicit drugs have been steadily changing over the past twelve years. Australians are increasingly supportive of cannabis use. In 2019, 41% of those surveyed stated they support the legalisation of cannabis, where 37% of respondents opposed it[2]. This shift is supported by the trend towards education rather than law enforcement as the preferred method of reducing drug consumption.

Figure 9.2: Levels of support and opposition for the legalisation of cannabis, people aged 14 and over, 2004–2019 (per cent)

Statistically significant change between 2016 and 2019.
(a) Support or strongly support (calculations based on those respondents who were informed enough to indicate their level of support).
(b) Oppose or strongly oppose (calculations based on those respondents who were informed enough to indicate their level of support).
Note: The proportion of those who neither support nor oppose is not included in this figure.
Source: Table 9.26.

Source: National Drug Strategy Household Survey 2019, pg. 78.

Drug Policy Australia submits that without full legal regulation of cannabis, individual users will continue to be persecuted and prosecuted at great expense to the community. Expensive law enforcement operations will remain impotent against a very buoyant market. Organised crime will continue to derive billions of dollars, and the taxpayer will continue to fund ineffective and

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[2] Australian Institute of Health and Welfare 2019, National Drug Strategy Household Survey.

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feeble weapons in a war on cannabis users which has already been lost.

3. Law Enforcement and Governance

Heavy-handed law enforcement responses to drug use have been proven to increase the likelihood of harm to drug users and the community. Drug policing strategies, like the use of sniffer dogs[3] or harsher sentencing guidelines for drug offences, have no evidence base as deterrents.

With over 10% of victorians using cannabis regularly, it is self evident that the law enforcement approach to cannabis use has failed. Drug Policy Australia supports the view espoused by Former Victorian police commissioner Ken Lay, that we cannot arrest our way out of the drug problem.

We share the community concern about cannabis use, particularly with respect to young people but note that the unintended consequences of criminalising drug users is also a significant problem. A criminal conviction for cannabis has devastating lifelong consequences for young Australians well beyond and disproportionate to any harm caused by the use of the drug. It severely limits travel and employment opportunities that affect not just the young person but their family and the entire community.

While many individuals can use cannabis with little or no long term harms, for those that experience dependence, or other drug-related harms, the most effective response involves treatment and support rather than arrest. Yet, few politicians have the courage to acknowledge the obvious conclusion that an entirely new approach is needed.

It is for these reasons that we ask the committee to recommend not only rescinding all criminal statutes that criminalise the use and possession of cannabis but importantly restore justice by expunging all historical cannabis convictions.

4. Legalising Cannabis

Canada, a Commonwealth country with similar cultural history to Australia, has fully legalised the adult use of cannabis. As of October 2018, recreational use of cannabis would no longer violate criminal laws. The legalisation came with a similar regulatory model as alcohol in Canada, limiting home production, distribution, and consumption areas and sale times[4]. The regulation process implemented taxation and strengthened punishment of those either supplying cannabis to minors, or of impairment while driving a motor vehicle.

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[3] NSW Ombudsman 2006, 'Review of the *Police Powers(Drug Detection Dogs) Act 2001*'.
[4] Canadian Justice Laws, Cannabis Act (S.C. 2018, C. 16).

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We submit that the Victorian Government should *immediately* legalise the possession and use of cannabis and allow the home cultivation of at least four plants per person as recommended in the Canadian Government's November 2016 report, "A Framework for The Legalization and Regulation of Cannabis In Canada".[5]

There are now 11 U.S. states that have fully legalised the recreational use of cannabis, and 16 states have decriminalised the recreational use of cannabis. Uruguay fully legalised the production and sale of cannabis in December 2013. Australia is slowly moving forward with medicinal cannabis but will eventually be affected by these irreversible international trends towards legalisation.

While it is early to evaluate the full effects of legalisation, the reduced arrest rates and tax revenue from legal cannabis sales have offered the Government's significant financial benefits. Many of these states have diverted income from cannabis towards education and drug treatment programs, offering new and more effective means of reducing drug-related harms. Overall crime has decreased, and significantly opioid overdose death rates have declined in states that have legalised cannabis.

The National Drug and Alcohol Research Centre has estimated that a regulated government monopoly could secure direct income of $600 million a year for a regulated cannabis market in New South Wales[6]. Although Victoria has a slightly smaller total population than NSW, the potential taxation income would still provide considerable benefits. The immense revenue generated could be redirected towards harm reduction initiatives and drug treatment programs.

The so-called "War on Drugs" - which requires criminalisation of drug users, and the rejection of standard drug control mechanisms applicable to legal drugs such as alcohol and tobacco – has the effect of ceding control of illegal drugs to organised crime syndicates, and preventing governments from adequately controlling the health outcomes.

5. Cannabis in Victoria

The National Drug Strategy Household Survey 2019[7], reveals that over 700,000, or 11.4% of Victorians had used cannabis in the last twelve months. This black-market cannabis infrastructure with millions of customers and tens of thousands of retail outlets gives almost every Victorian easy access and exposure to other more dangerous drugs like methamphetamine, colloquially known as 'ice'. The solution would be to fully legalise the

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[5] Canadian Dept of Health Publication, A Framework for The Legalization And Regulation Of Cannabis In Canada.
[6] The National Drug and Alcohol Research Centre. Decriminalisation or legalisation: injecting evidence in the drug law reform debate.
[7] The Australian Institute of Health and Welfare. National Drug Strategy Household Survey 2019.

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cannabis market, thereby separating the supply chains and limiting retail opportunities for other, more damaging drugs.

According to the Illicit Drug Data Report, by The Australian Criminal Intelligence Commission[8], in 2017-18, there were 9,675 cannabis arrests in Victoria alone. Most of these arrests, over 90%, were for the consumer only offences with the average arrest accounting for only 54 grams or about an ounce and half of Cannabis.

TABLE 6: Number and percentage change of national cannabis arrests, 2016–17 and 2017–18

State/Territory[a]	Arrests		
	2016–17	2017–18	% change
New South Wales	16,765	16,679	-0.5
Victoria	10,164	9,675	-4.8
Queensland	23,836	21,126	-11.4
South Australia	1,877	1,672	-10.9
South Australia (CENs)[b]	9,200	8,961	-2.6
Western Australia[c]	10,523	9,342	-11.2
Western Australia (CIRs)[d]	2,004	1,763	-12.0
Tasmania	1,460	1,591	9.0
Northern Territory	627	507	-19.1
Northern Territory (DINs)[e]	707	675	-4.5
Australian Capital Territory	304	338	11.2
Australian Capital Territory (SCONs)[f]	82	52	-36.6
Total	**77,549**	**72,381**	**-6.7**

a. The arrest data for each state and territory include Australian Federal Police data.
b. Cannabis Expiation Notices.
c. The 2017–18 data provided by the Western Australia Police Force reflects improvements made to the quality of the drug seizure and offender dataset. As a result, caution should be exercised in comparing data from previous reporting periods.
d. Cannabis Intervention Requirements.
e. Drug Infringement Notices.
f. Simple Cannabis Offence Notices.

Source: Illicit Drug Data Report 2017-2018, pg. 51.

6. Conclusion

We believe that the Victorian approach to cannabis needs urgent reform so that any health risks associated with cannabis use can be appropriately mitigated and controlled by the Victorian Government that has a responsibility to protect the health of its citizens.

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[8] Australian Criminal Intelligence Commission. Illicit Drug Data Report 2017-18.

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The effective regulation of cannabis that adopts accepted systems for the management for licit drugs and has a harm minimisation, rather than a criminal justice focus, has a much greater chance of successfully containing cannabis use in Victoria.

Furthermore, legal regulation of the cannabis market is more economically efficient, compared to the current prohibitionist approach that costs taxpayers billions of dollars in law enforcement, the administration of justice and lost taxation revenue.

Drug Policy Australia firmly believes that in the absence of a careful re-evaluation of the evidence and politically fearless debate regarding legalisation, the existing strategy will continue to affect the lives of young Victorians and demonstrably fail the needs of all Victorian families.

Drug Policy Australia stands firm in its commitment to meaningful change in the current "war against cannabis users" for a healthier and safer Victoria.

Further, considering the above, we predict that these, or similar sad words of contrition will again be spoken in the Victorian Parliament, hopefully, in the not too distant future.

"There was a time in our history when we turned thousands of ordinary young men into criminals…But I look back at those statutes and…I can't possibly explain why we made these laws, and clung to them, and fought for them." - spoken by Premier Daniel Andrews apologising for the criminal laws that persecuted homosexuals.

Prepared by,

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On behalf of Drug Policy Australia