

Inquiry into Homelessness in Victoria

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Organisation Name:Australia Drug Law Reform Foundation

Your position or role: President

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

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

other – please explain

Retired working in the alcohol and drug services sector

Are there any additional themes we should consider?

Roadside drug testing; benefit/cost current cannabis policy; unintended negative consequences of cannabis prohibition;

YOUR SUBMISSION

Submission:

Submission to Victorian Legislative Council Inquiry by Legal and Social Issues Committee regarding recreational cannabis

Thank you for inviting submissions regarding this issue. I am a physician, originally from Melbourne, and was Director of the Alcohol & Drug Service at St Vincent's Hospital, Sydney from 1982 until I retired in 2012. I am President of the Australia Drug Law Reform Foundation, a Director of Australia21, Chair of the Progressive Public Health Alliance and a Board member of the Australian Tobacco Harm Reduction Association. Together with colleagues I helped establish the National Drug and Alcohol Research Centre, the Australian Society of HIV Medicine, the NSW Users AIDS Association, and when both were pre-legal, Australia's first needle syringe program and Australia's first Medically Supervised Injecting Centre. I was awarded an AM in 2010.

Prevent young people and children from accessing and using cannabis in Victoria

Australian states began to prohibit cannabis after receiving a request to do so from the Commonwealth which had been represented at a League of Nations meeting in Geneva in 1925. At the meeting it was agreed to prohibit three plant based drugs and their derivatives viz opium, cocaine and cannabis. Cannabis had only been added to the agenda shortly before the meeting. Delegates were provided with very limited information about cannabis. The Minutes of the meeting were carefully and critically reviewed (Kendell R, 2003 <https://pubmed.ncbi.nlm.nih.gov/12534418/>) NSW responded to the request from the Commonwealth by noting that cannabis was not known in that state but nevertheless the request would be complied with.

Demand and supply of recreational cannabis in Australia was minimal until the 1960s. Both demand and supply have increased considerably since then. As there was no legal source of cannabis, the black market (including domestic cultivation) was the only supplier. Clements estimated that the financial size of the cannabis black market in Australia was comparable with the size of the wine industry. The cannabis industry in Queensland was considered to be that state's second largest agricultural industry. As the black market was the only supplier, there have been no regulatory controls on recreational cannabis in Victoria (or any other

jurisdiction). This means that there have never been any age restrictions on the sale or use of cannabis in Australia. Age restrictions can only be introduced if the sale of recreational cannabis is regulated. These age restrictions could follow the policies used to restrict sale of alcohol and tobacco to young persons. Although age restrictions would not prevent all use of cannabis by under age Victorians, it would prevent at least some and probably prevent most such use. Delaying the initiation of cannabis use is a very definite advantage to the young people concerned and the community.

Regulation of recreational cannabis would have many other potential benefits including mandated package health warnings, help seeking information and consumer product information. These are not trivial potential benefits. Health warnings could include a recommendation that Victorians under the age of (say) 18 years should not consume cannabis. Cannabis users could be advised to not smoke the drug but rather to vape it. Consumers could be advised to have at least (say) two days per week without cannabis. Help seeking information would include telephone numbers and internet addresses of agencies offering help to people struggling to cut down or stop. Consumer product information could include the percentage of 9-delta-tetrahydrocannabinol, the most important psychoactive ingredient of cannabis.

Although it may seem counterintuitive, it is the unregulated supply of cannabis which is a threat to young people and the regulated supply which provides some, albeit imperfect, protection. Six decades of cannabis use in Australia should teach us that neither the demand nor the supply of cannabis is going to disappear. If the only supply is from the black market, some young people seeking cannabis are inevitably going to make contact with suppliers who under current arrangements also provide heroin, cocaine and methamphetamine. How can that be a good thing for young Victorians? If the only supply is the black market, some young Victorians will be sanctioned in ways that risk damaging their education, employment prospects, relationships, accommodation, relationship with their parents and right to travel. How can these be benefits when we know that these sanctions have little, if any, impact on their future cannabis consumption? Experience of regulated recreational cannabis is still limited although there is considerable international experience of substantial reductions of punitive policy. The general consensus is that, notwithstanding the frequent confident assertions that any liberalisation of policy would massively increase cannabis consumption and harm, reduction of punitive policy has not resulted in increased consumption. Early evaluation of regulated recreational cannabis suggests that consumption in young people is unchanged but consumption by middle aged and older populations may have increased very slightly.

Recommendation 1: The regulation of recreational cannabis, rather than decriminalisation or prohibition of the drug, will be far more effective in preventing young Victorians from accessing and using cannabis.

Protect public health and public safety in relation to the use of cannabis in Victoria

Decades of generous funding and encouragement of research to identify physical harm from cannabis has found little evidence of serious harm. Several studies comparing the life expectancy of people reporting cannabis use with people reporting never cannabis use have found minimal or no differences. Generally, the use of drugs supplied by black markets is far more harmful than when the same drug is supplied by a regulated market. Bootleg liquor, for example, is much riskier than regulated alcohol. This suggests that the regulated supply of recreational cannabis will cause even less than the modest physical harm resulting from the use of unregulated recreational cannabis.

The nature and extent of adverse mental health rather than physical health consequences of recreational cannabis is more uncertain. The stronger the case for serious adverse mental health consequences, counterintuitively, the stronger the case for a regulated supply where the state has, at least some, leverage. When criminals are the only supplier, the state has zero leverage.

In theory, bystanders may be at some physical health risk from second hand cannabis smoke. I am unaware of any studies of second hand cannabis smoke. The risk is likely to be negligible. Whatever the risk might be

from second hand cannabis smoke, the risk from from second hand cannabis smoke from vaping cannabis would likely be less than from smoking it.

In 2019 a brief epidemic of lung injury (termed 'EVALI') was reported from one country (US). It has now been concluded that by far the major and probably the only cause was vaping cartridges containing 9-delta-tetrahydrocannabinol (THC) dissolved in vitamin E acetate. The problem was caused by the vitamin E acetate. The cartridges were only available from the black market. This epidemic should remind us of the risks of unregulated black markets rather than the risk of vaping.

In 2004 Victoria became the first jurisdiction in the world to legislate road side drug testing for THC. The majority view is that cannabis use by drivers does increase the risk of a road crash but this is by no means certain. If there is a risk, it is a small risk. Many other drugs (including therapeutic medicines) represent a much greater risk to road users but are not tested for. There has not been any comprehensive evaluation of the effect of roadside drug testing on road safety despite over a decade of road side drug testing for THC. The penalties for offenders are out of proportion to the penalties for alcohol impaired drivers. Random Breath Testing for alcohol is highly cost effective.

The cost effectiveness of (much more costly) road side drug testing for THC is unknown. The scientific aspects of roadside drug testing are very uncertain. There is very strong support for the principle that it is better for ten guilty persons to go free rather than one innocent person to be punished. There is at least a possibility, if not a probability, that many innocent Victorian drivers are currently being convicted and disproportionately punished.

Recommendation 2: The regulation of recreational cannabis, rather than decriminalisation or prohibition of the drug, will be far more effective in protecting public health and public safety in relation to the use of cannabis in Victoria

Recommendation 3: Road side drug testing for THC of recreational cannabis in Victoria requires serious and urgent review, possibly including a parliamentary inquiry.

Implement health education campaigns and programs to ensure children and young people are aware of the dangers of drug use, in particular, cannabis use

Despite high expectations in the community and among politicians, evaluation of mass and school health education of young people regarding drugs has generally found only modest and often only temporary benefits. Some evaluations have found outcomes were actually worse. Drug education is relatively inexpensive and has moderate cost effectiveness.

Recommendation 4: No additional drug education of young people be conducted in Victoria unless a review of current drug education programs demonstrates clear gaps or weaknesses

Prevent criminal activity relating to the illegal cannabis trade in Victoria

At present all demand for recreational cannabis in Victoria is supplied by domestic cultivation or the (criminal) black market. The greater the extent that demand is met by supply from a regulated legal source and/or domestic cultivation, the less supply there will be by the black market. Domestic cultivation should be allowed. Not because it is inevitably risk free but because it cannot be eliminated and risks are less than the black market. Some boundaries will be needed to determine the limits of domestic cultivation. Inevitably these boundaries will be somewhat arbitrary.

Black markets are extremely pernicious. They risk corrupting police and other officials, the law and the financial industry. They supply cannabis products possibly contaminated by heavy metals, pesticides, other toxins and microbes. Supply by domestic cultivation may also suffer from some of these concerns. If the

same black market supplier of cannabis also supplies heroin, cocaine, methamphetamine and other drugs, there are also risks that people seeking cannabis may be introduced unintentionally to higher risk drugs. Supply by domestic cultivation is likely to only supply some of the market.

There are many possible ways of providing a regulated supply of cannabis. It is unclear at this stage which option is optimal. Most likely the poorest form of legal supply is less bad than the best form of unregulated supply. It is time to consider the best options available for legal cannabis supply and how to achieve a legal supply in Victoria. New Zealanders will vote on a proposal for regulated cannabis on 19 September. My hope is that any regulated cannabis system would include a ban on all advertising from the outset. If possible, there should also be a ban on donations to political parties.

Recommendation 5: The criminal supply of recreational cannabis in Victoria should be replaced as much as possible by a regulated supply with domestic cultivation within certain boundaries being accepted to supply some of the market.

Assess the health, mental health, and social impacts of cannabis use on people who use cannabis, their families and carers

The use of cannabis is not free of risk. But the risk of physical health complications is much lower than the risks associated with the legal drugs alcohol and tobacco or most other currently illegal drugs. Criminalising cannabis probably increases the physical health risks as it does for many other drugs. Synthetic forms of cannabis have been developed in recent years, probably in response to the prohibition of plant cannabis. The risks associated with synthetic cannabis are much greater than the risks associated with plant cannabis. The prohibition of plant cannabis also has considerable social costs.

There has been much discussion about mental health complications of cannabis in recent years but minimal discussion about how these risks might be decreased. These adverse consequences are increased by early initiation and the use of large and frequent doses especially in the teen years. Mental health risks are probably dose dependent so moderating consumption will probably reduce risks. People with established mental health problems are probably more sensitive to further problems from cannabis.

Most people who use cannabis do so infrequently. Presumably they enjoy the experience just as many people who drink alcohol infrequently presumably enjoy the experience. There is little to show from more than half a century of trying to suppress the social use of cannabis apart from significant damage to the lives of many cannabis users. Minor cannabis offenders in SA treated with mild sanctions fared much better than minor cannabis offenders in WA treated more punitively

(https://www.researchgate.net/publication/230001286_Infringement_versus_conviction_The_social_impact_of_a_m) Comparison found that “The majority of both groups saw themselves as largely law-abiding, had respect for the law in general and had positive views regarding cannabis. However, more of the convicted group, compared to the infringement notice group, reported negative employment consequences (32% vs. 2%), further problems with the law (32% vs. 0%), negative relationship consequences (20% vs. 5%) and accommodation consequences (16% vs. 0%) as a result of their apprehension. While neither conviction nor infringement deterred subsequent cannabis use for the vast majority, the negative social impacts of conviction were far greater than those resulting from an infringement notice. The findings have implications for the legislative options for regulation of cannabis possession and use.” Cannabis prohibition is an expensive way of damaging the lives of many minor cannabis users while making no discernible difference to the cannabis market.

Another social cost of cannabis prohibition is the loss of potential government revenue. This cannot be ignored in the post COVID era when governments face huge debt mountains. Keeping on kicking the can of cannabis regulation down the road because it is politically difficult is no longer an option. Governments need revenue for schools, hospitals, public transport, social safety net and many other worthy reasons. Hypothecating revenue from regulated cannabis to pay for alcohol and drug prevention and treatment may

be the only way to adequately fund this socially very worthwhile activity.

The cost of spending by Victoria on police, courts and prisons to enforce cannabis laws is not known but is likely to be considerable. Identifying health, social and economic benefits of this expenditure is challenging while identifying serious collateral damage is unfortunately often all too easy. What is the cost effectiveness of cannabis law enforcement? What are the opportunity costs of enforcing cannabis laws. What government spending is foregone because unregulated cannabis is taxed by criminals but not by the community?

Recommendation 6: Regulating the supply of recreational cannabis in Victoria is likely to improve the health, mental health, and social well being of citizens who use cannabis use, their families and communities.

Do you have any additional comments or suggestions?:

No

Thank you

FILE ATTACHMENTS

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Signature:

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