

Drugs, Poisons and Controlled Substances Amendment (Regulation of Personal Adult Use of Cannabis) Bill 2023 (Vic)

Submission to the Legislative Council Legal and
Social Issues Committee, Parliament of Victoria

13 December 2024

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Who we are

The Australian Lawyers Alliance (ALA) is a national association of lawyers, academics and other professionals dedicated to protecting and promoting justice, freedom and the rights of the individual.

We estimate that our 1,500 members represent up to 200,000 people each year in Australia. We promote access to justice and equality before the law for all individuals regardless of their wealth, position, gender, age, race or religious belief.

The ALA is represented in every state and territory in Australia. More information about us is available on our website.¹

The ALA office is located on the land of the Gadigal people of the Eora Nation.

¹ www.lawyersalliance.com.au.

Introduction

1. The ALA welcomes the opportunity to have input to the Legislative Council Legal and Social Issues Committee ('Committee') on the Drugs, Poisons and Controlled Substances Amendment (Regulation of Personal Adult Use of Cannabis) Bill 2023 (Vic) ('Bill').
2. The ALA agrees with the many medical and public health experts who advocate for a shift in the focus of drug policy away from criminal law enforcement to drug policy which focuses on health and regulation.
3. The ALA's submission addresses approaches to cannabis policy, and also reflects on the experience of decriminalisation in the Australian Capital Territory (ACT).

Approaches to cannabis policy

4. The ALA considers that cannabis policy focused on prohibition or criminalisation is counterproductive.
5. We submit that the criminalisation of cannabis possession and use in Victoria has not worked. This includes:
 - a. the reality that it has not stopped people from accessing and using cannabis – 10.2 per cent of people aged 14 years and older in Victoria reported using cannabis from 2022 to 2023;² and
 - b. the disproportionate effect the status quo has on Aboriginal and Torres Strait Islander peoples, who "face higher arrest, prosecution and incarceration rates for drug offences than other communities ... despite similar rates of drug use and selling among (and between) different races".³
6. As such, the ALA supports a shift in cannabis policy in Victoria from a focus on law enforcement to a health-focused legal response to cannabis possession and use.

² Australian Institute of Health and Welfare, Australian Government, 'Use of illicit drugs', *Alcohol, tobacco & other drugs in Australia* (Web Report, 10 July 2024) <www.aihw.gov.au/reports/alcohol/alcohol-tobacco-other-drugs-australia/contents/data-by-region/illicit-drug-use>.

³ Colleen Daniels et al, 'Decolonizing drug policy' (2021) 18(1) *Harm Reduction Journal* <<https://pubmed.ncbi.nlm.nih.gov/34838050>>.

7. From a financial and economic perspective, the policy of criminalisation and prohibition is also not sustainable. The significant public expenditure on law enforcement, the courts, community corrections and prisons, as well as the continuing ongoing costs associated with drug consumption, including health issues and mental illness, is not providing sufficient return to warrant its continuation. The ALA submits that these public funds would be better spent on health, housing and social services that will serve to address the underlying causes of substance abuse and the associated social problems that go with it.
8. **The ALA, therefore, supports the provisions of this Bill which seek to allow “a person of or over the age of 18 years to possess a small quantity of cannabis and tetrahydrocannabinol”,⁴ and which authorise a person of or over the age of 18 years “to use cannabis and tetrahydrocannabinol in a place other than a public place”.⁵**

The impacts of the Australian Capital Territory’s decriminalisation of the personal possession and use of cannabis

9. The ALA notes that this Committee is also considering the impacts of the decriminalisation of the personal possession and use of cannabis in the ACT.
10. In the ACT since 31 January 2020, people over the age of 18 years can “possess up to 50 grams of dried cannabis or up to 150 grams of fresh cannabis” without penalty.⁶
11. A recent review of the *Drugs of Dependence (Personal Cannabis Use) Amendment Act 2019* (ACT) (‘the Cannabis Act’), the legislation unpinning the 2020 changes, found that:⁷
 - Rates of cannabis use in the ACT have largely remained stable;
 - People in the ACT continue to be less likely to have recently used cannabis than the national average;
 - Charges laid for cannabis offences and diversions have continued to decline to very low levels, reflecting a significant change in policing practices in line with the intent of the Cannabis Act;

⁴ Explanatory Memorandum, *Drugs, Poisons and Controlled Substances Amendment (Regulation of Personal Adult Use of Cannabis) Bill 2023* (Vic); See: new section 69Z.

⁵ *Drugs, Poisons and Controlled Substances Amendment (Regulation of Personal Adult Use of Cannabis) Bill 2023* (Vic) s 69ZA.

⁶ ACT Government, *Cannabis* (Web Page) <www.act.gov.au/cannabis/home>.

⁷ ACT Health Directorate, ACT Government, *Review of the Drugs of Dependence (Personal Cannabis Use) Amendment Act 2019* (Report, August 2024) 16.

- No increase in charges laid for trafficking or cultivation offences since the commencement of the Cannabis Act; ...
- There does not appear to have been any substantial increases or decreases in cannabis-related presentations to ambulances and hospital admissions.

12. Anita Mills, Alcohol, Tobacco and Other Drug Association ACT CEO, has aptly summarised the impact of the ACT's reforms:

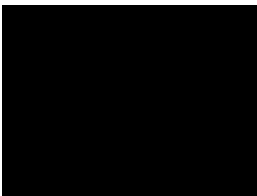
At the time when reforms like this are coming in and there's a lot of public debate and discourse around it, including amplified voices of those who don't support [the reforms], what we really look to keep our eye on in the immediate aftermath of the implementation is: are all those fears being realised? And certainly with the cannabis reforms they weren't ... I think the stats speak for themselves around cannabis use in the ACT. There hasn't been a huge spike ... We use less cannabis in the ACT than nationally.

13. The ALA, therefore, contends that the experience of the ACT decriminalising the personal use of cannabis affirms the benefits of moving away from criminalising cannabis and instead diverting public resources to focus on health services, rehabilitation and the underlying causes of substance abuse.

Conclusion

14. The Australian Lawyers Alliance (ALA) welcomes the opportunity to have input to the Legislative Council Legal and Social Issues Committee on the Drugs, Poisons and Controlled Substances Amendment (Regulation of Personal Adult Use of Cannabis) Bill 2023 (Vic).

15. The ALA is available to provide further assistance to the Committee on the issues raised in this submission.



Susan Accary

President, Victoria Branch Committee

Australian Lawyers Alliance