

Public Hearings for Inquiry into the Drugs, Poisons and Controlled Substances Amendment (Regulation of Personal Adult Use of Cannabis) Bill 2023

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on behalf of the Burnet Institute Alcohol and Other
Drug working group



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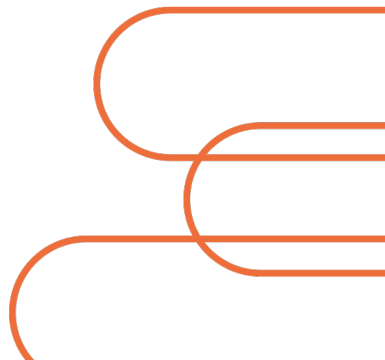
At Burnet Institute, we proudly acknowledge the Boon Wurrung people of the Kulin Nations as the Traditional Custodians of the land on which our office is located. We pay our respect to Elders past and present, and extend that respect to all First Nations people.





BURNET POSITION: INQUIRY INTO USE OF CANNABIS IN VICTORIA (2020)

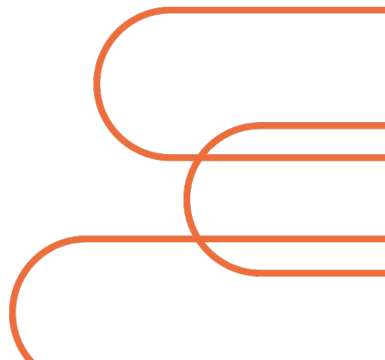
- *de jure* changes to cannabis policy
- Public-health framework to cannabis policy
- Review of international models of cannabis legalisation, regulation and taxation
- Strict regulatory framework
- Strict monitoring and evaluation
- Scheme to expunge historical criminal convictions in relation to cannabis use, personal possession and cultivation





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

- The lawful possession and use of cannabis and cannabis cultivation products and materials
- Permitting the lawful cultivation of up to six cannabis plants by people aged over 18 on their principal private residence
- The lawful gifting of cultivated cannabis products with adults aged over 18





Burnet position

- We support the basic tenets of the Amendment Bill as a first step in cannabis policy
 - Expected reduction criminal justice involvement
 - 11,000+ cannabis-consumer arrests in VIC 2020-21¹
 - ACT evidence suggests negligible change in rates of use or cannabis-related harms²
- However, we believe it is a missed opportunity to implement a tightly controlled regulated cannabis market that could:
 - Enable strict potency controls
 - Generate taxation revenue
 - Be expected to further reduce cannabis purchased in the illicit market
- May create some unintended consequences

¹ Australian Criminal Intelligence Commission. *Illicit Drug Data Report 2020-2021*. Canberra, ACT: Australian Criminal Intelligence Commission (2023).

² Zhou C, et al., *An analysis of the cultivation, consumption and composition of home-grown cannabis following decriminalisation in the Australian Capital Territory*, *Scientific Reports*, 15, Article number: 2649 (2025).

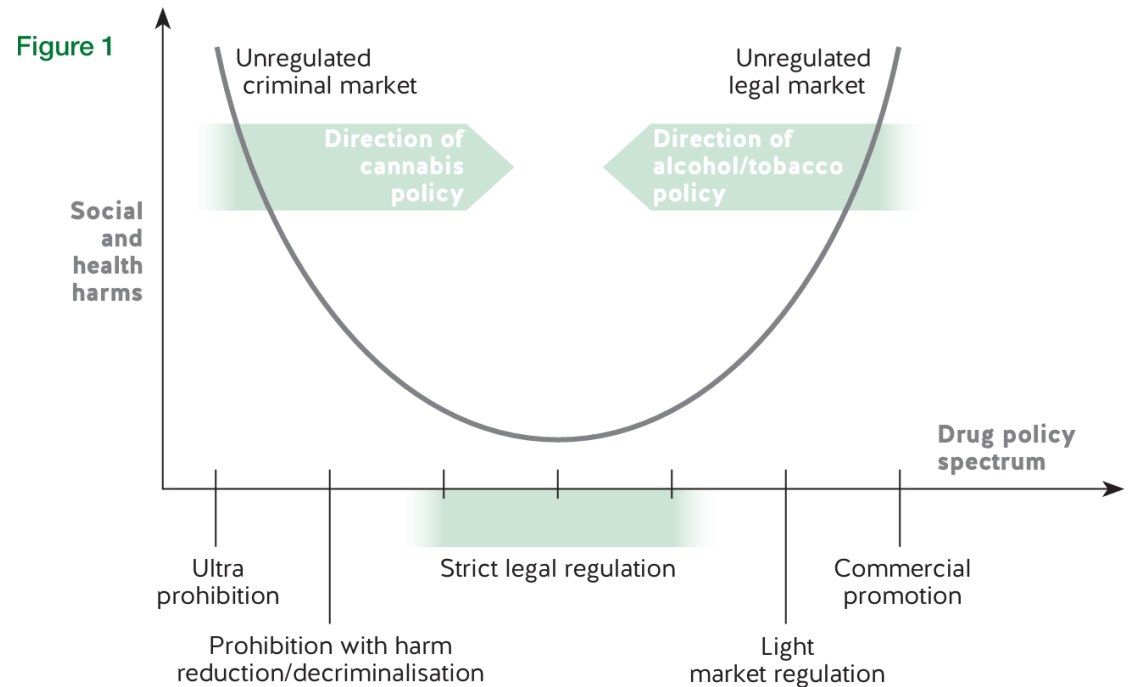


Key considerations for legalisation and regulation of cannabis markets

Key questions for the regulation and taxation of cannabis³

- Where and how can cannabis be sold?
- What type and strength of products can be sold?
- What is the role of commercial entities (if any)?
- What can we learn (and improve on) from the regulation of tobacco and alcohol?

Spectrum of cannabis policy options⁴



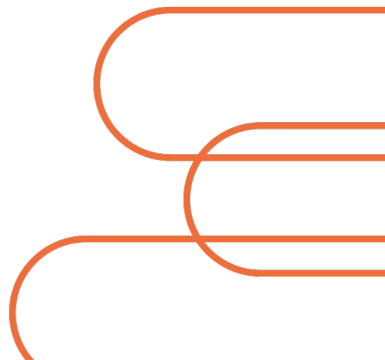
³ Caulkins J. & Kilborn ML., *Cannabis legalisation, regulation, & control: a review of key challenges for local, state, and provincial officials*, *The American Journal of Drug and Alcohol Abuse*, 45:6, 689-697

⁴ Transform Drug Policy Foundation. *How to Regulate Cannabis: A Practical Guide 3rd edition*: Transform Drug Policy Foundation; 2022.



Burnet position

- Cannabis legalisation and regulation must prioritise public health interests over commercial interests
- Cannabis legalisation and regulation must be subject to strict evaluation and monitoring
- Alternative models of legalisation can achieve these aims and be expected to achieve additional benefits:
 - Not-for-profit (e.g., cannabis clubs)
 - State-owned monopoly



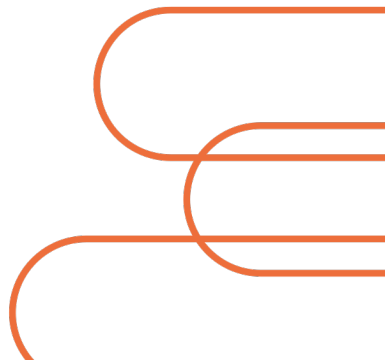


Cannabis clubs

- *“Not-for-profit associations of cannabis users that are officially registered; their main aim is supplying their members with cannabis and its derivatives for their own consumption”⁵*
- Potential benefits:^{5,6}
 - Peer education on safer cannabis consumption and production
 - Access to licit cannabis for people unable to grow or be gifted cannabis
 - Limited pressure for market expansion relative to commercialised models
- Potential limitations:^{5,6}
 - Limited economic benefit
 - No control over cannabis prices

⁵ Belackova V, Wilkins C. Consumer agency in cannabis supply – Exploring auto-regulatory documents of the cannabis social clubs in Spain, *International Journal of Drug Policy*, 54, p26-34 (2018).

⁵ Belackova V, et al., *Cannabis Social Clubs in Contemporary Legalization Reforms: Talking Consumption Sites and Social Justice*, *Clinical Therapeutics*, 45, p551-5594 (2023).





State-owned monopolies

- Government monopoly of production, wholesale and/or retail sales of cannabis
- Potential benefits:^{7,8}
 - Mechanism for strict product regulation (e.g., type, strength)
 - Potential for additional government revenue
 - Price, retail outlet control
 - Limited pressure for market expansion relative to commercialised models
 - Greater access to licit cannabis (i.e., reduced illicit market)
- Potential limitations:^{7,8}
 - Increased cannabis use

⁷ Caulkins J, et al., *Considering Marijuana Legalization. Insights for Vermont and Other Jurisdictions*. (1st ed.). RAND Corporation (2015).

⁸ Room R, Ornberg J. *Government monopoly as an instrument for public health and welfare: Lessons for cannabis from experience with alcohol monopolies*. *International Journal of Drug Policy*, 74, p223-228 (2019).



Potential unintended consequences

- **Consider revisions to reduce impact on people experiencing homelessness.**
- Legalisation of possession, use and cultivation at one's "principal place of residence" may place people who use cannabis experiencing homeless and other forms of unstable housing at risk of cannabis-related arrest.
- **Make accompanying revisions to threshold quantities specified in *Drugs, Poisons and Controlled Substances Act 1981*.**
- Legal number of plants often yields an illegal amount of cannabis
 - Recent study from ACT found¹
 - Median yield per plant (IQR): Dried = 120g (40-280); fresh = 150 (1-600)
 - Anxiety among consumers about potential for trafficking arrest
 - *De facto* changes in enforcement possible; but inequitable application possible

² Zhou C, et al., *An analysis of the cultivation, consumption and composition of home-grown cannabis following decriminalisation in the Australian Capital Territory*, *Scientific Reports*, 15, Article number: 2649 (2025).



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