

# TRANSCRIPT

## LEGISLATIVE COUNCIL LEGAL AND SOCIAL ISSUES COMMITTEE

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

Melbourne – Friday 14 February 2025

#### MEMBERS

Trung Luu – Chair

Ryan Batchelor – Deputy Chair

Michael Galea

Renee Heath

Joe McCracken

Rachel Payne

Aiv Puglielli

Lee Tarlamis

#### PARTICIPATING MEMBERS

Melina Bath

John Berger

Georgie Crozier

David Ettershank

Anasina Gray-Barberio

Sarah Mansfield

Nick McGowan

Richard Welch

**WITNESSES**

Robert Taylor, Manager, Policy and Engagement, Alcohol and Drug Foundation; and

Professor Paul Dietze, Co-Program Director, Disease Elimination, and

Dr Michael Curtis, Postdoctoral Fellow, Burnet Institute.

**The CHAIR:** I declare open the Legislative Council Legal and Social Issues Committee's public hearing for the Inquiry into the Drugs, Poisons and Controlled Substances Amendment (Regulation of Personal Adult Use of Cannabis) Bill 2023. Please ensure that your mobile phones have been switched to silent and that background noise is minimised.

Before we continue I would like to begin this hearing by respectfully acknowledging the Aboriginal people, the traditional custodians of the various lands that we are gathered on today, and pay my respects to their ancestors, elders and families. I particularly welcome any elders or community members who are here today to impart their knowledge of this issue to the committee. Welcome to members of the public watching via the live broadcast.

Before I continue I would like to introduce the members on my committee. To my right is the Deputy Chair Mr Ryan Batchelor, and further to my right are Mr Michael Galea –

**Michael GALEA:** Good morning.

**The CHAIR:** Mr Lee Tarlamis and Mr Aiv Puglielli. To my left is Ms Rachel Payne –

**Rachel PAYNE:** Hello.

**The CHAIR:** and joining us also is Mr David Ettershank.

**David ETTERS HANK:** Good morning.

**The CHAIR:** Morning, gentlemen. My name is Trung Luu. Also joining us today is Mr Joe McCracken on Zoom, and a bit later on Dr Renee Heath will be joining us as well.

Joining us today and participating we have two doctors from the Burnet Institute, Dr Michael Curtis and Professor Paul Dietze, and from the Alcohol and Drug Foundation Mr Robert Taylor. Welcome, gentlemen.

Before we continue I just want to read some information to you. All evidence taken is protected by parliamentary privilege as provided by the *Constitution Act 1975* and further subject to the provisions of the Legislative Council standing orders. Therefore the information you provide during this hearing is protected by law. You are protected against any action for what you say during this hearing, but if you go elsewhere and repeat the same thing, those comments may not be protected by this privilege. Any deliberately false evidence or misleading of the committee may be considered a contempt of Parliament.

All evidence is being recorded. You will be provided with a proof version of the transcript following the hearing. The transcript will ultimately be made public and posted on the committee website.

For recording purposes, could you please state your full name and the organisation you are appearing on behalf of.

**Michael CURTIS:** Michael Curtis from the Burnet Institute.

**Paul DIETZE:** Paul Dietze from the Burnet Institute.

**Robert TAYLOR:** And I am Robert Taylor from the Alcohol and Drug Foundation.

**The CHAIR:** Thank you. Good morning. I know you have made your submission, but I would like to invite you each to make an opening statement before we proceed for the members to ask questions.

**Paul DIETZE:** We will see how we go with the PowerPoint. We actually brought a presentation that we might just quickly run through. Michael has put this together, but I will speak to it and we can just tag team.

### **Visual presentation.**

**Paul DIETZE:** We always acknowledge the traditional owners on the lands on which we work. The main office of the Burnet Institute is housed on the lands of the Boon Wurrung people, and we respectfully acknowledge elders past, present and emerging. We just highlight that many of the issues related to drugs play very heavily in First Nations communities.

We in our submission really made reference to our previous submission in relation to the inquiry into the use of cannabis in Victoria that we put in in 2020, and basically we were arguing that there should be de jure changes to cannabis policy. We suggested that everything should be framed within a public health framework rather than a law enforcement framework, which is essentially where we are at the moment. We recommended that international models of cannabis regulation get reviewed, because there are so many variations and so many vagaries to all of the different models that exist now. But we did say that whatever path was chosen really does need a very strong regulatory framework, and we are basically trying to caution against some of the most liberal commercial markets that exist in some parts of the US in particular and highlight the need for strict monitoring and evaluation, which is something that is absent from a lot of the changes that have taken place in the US in particular.

One of the things that we really want to highlight is that if there is any change like this, we need to expunge previous convictions, because they do impact on people's lives. One of the things that we have spoken to these committees before in relation to is the fact that some people are walking around with charges that really do need to be removed from their records so that they are not at risk when they are in the community.

In terms of the current amendment Bill, basically we understand that it allows the lawful possession and use of cannabis and cannabis cultivation products, that it permits the lawful cultivation of up to six plants by people over the age of 18 at their principal private residence and that it allows gifting for adults over 18. I mean, they are the three key features, and it is a relatively simple amendment, obviously canvassing a huge change. Our basic position is that we support the ideas presented here as a kind of first step. We expect that there would be a major reduction in criminal justice involvement for people with 11,000 cannabis consumer related arrests in 2020–21. That is a huge burden on police and the community, and we are seeing this debate around policing resources at the moment. This is one of the things that takes up a lot of time from police as well as the people who are obviously charged. In many respects – and I know the committee were in the ACT I think yesterday – I know the model shares a lot with the existing ACT model that is there now, and the evidence that is just coming to the fore in the ACT is that there are really negligible changes in cannabis use and related harms. Obviously the decriminalisation has essentially meant that people are not being arrested anymore, which is a huge removal of a big burden.

We think that there is still further to go in that we think that the market could go further. We see this as some kind of first step towards a heavily regulated sort of quasi commercial market which would enable stricter potency controls, which is one of the major concerns that people have around cannabis law reform. It would also allow taxation revenue to be generated, and I think any inroads we can make to remove the illicit market are really important. I mean, there may be some unintended consequences as well, which I think we will come to in in a couple of slides.

Just in terms of this, many of you will have seen this U-shape of law policy options. Basically we need to find the right part of the U-shape. We do not want an unregulated legal market, such as in Colorado and so on, which leads to these high-potency products that are potentially very dangerous, whereas the unregulated criminal market that we have at the moment is something that is obviously leading to a lot of arrests and a lot of things that we would rather avoid. Ultimately we need to learn from the alcohol and tobacco markets, is what we are saying, and I think this is a sensible first step towards what we think is where we should eventually land.

The next slide: we are a public health organisation, so it is not surprising that we say that we should be prioritising public health. We need evaluation and monitoring – we are a research organisation; we are going to say that too, but it is really important to properly understand the impacts of these sorts of things. We do think that there is further to go, though. Alternative models of legalisation could achieve additional benefits with

state-owned monopolies and so on. The lesson from alcohol in relation to that is pretty clear too, so it is not surprising that we would be advocating the same for cannabis.

I think the next slide has a couple of things about the cannabis clubs, which are not-for-profit associations that are officially registered where people can essentially supply within the club. It gives the potential benefit of peer education and so on, that you have licit cannabis for people who cannot grow – and we will come back to that in a minute – and there is limited pressure from market expansion compared to those commercial models in Colorado and other places that we talked about. We cannot control prices and there is limited economic benefit here because you do not raise taxation from those clubs, depending on the way that they are run.

On the next slide, a state-owned monopoly, as I said, builds on the alcohol frameworks that have been implemented in various countries. The Nordic countries actually have alcohol monopolies, and the government monopoly over, in particular, retail sales means that you have got product regulation and you have got government revenue coming in and all sorts of controls that go with that. Ultimately, though, there is the potential offside with all of these things that we might see slight increases in cannabis use, which we have seen overseas.

Returning back to the Bill, which I think the next slide does, the issue that has been raised by a number of people is just the fact that the current Bill is referring to people who have a principal place of residence, which means that people who are homeless will have difficulty benefiting from the change, and they are the ones who are often at risk in relation to policing and things that go with that. Also, with the size of the plants that people can grow, it is pretty easy to get over the trafficable quantity, so we suggest that there really do need to be changes relating to what the threshold is for a trafficable quantity. There is some evidence that people get anxious about what they are growing and so on. But ultimately we see many benefits in the proposal and think that it is an important first step.

**The CHAIR:** Okay. I am just mindful of time; there will be time to ask you questions as well. I will just invite Robert to give a quick opening statement before we go over to the committee.

**Robert TAYLOR:** Actually, it would only be repeating what Paul just said. We are of a very similar mind. I will just say briefly we are very supportive of the provisions in this Bill. We think that by removing the criminal charges associated with possession and use of cannabis you are removing, quite simply, a harm that has been ineffective at actually (a) changing behaviour and (b) improving public health in any meaningful way, and it has served as a kind of detriment to public health. So this Bill, by removing that, quite simply we believe should improve social outcomes and increase people's personal liberty. Everything that Paul said around the steps beyond this, again, we agree with. That U-shaped curve that was demonstrated is really what we are searching for – that point that minimises harm, basically; trying to find a way to make something in the community that can be harmful available in a way that minimises harm is the goal. I am happy to take your questions.

**The CHAIR:** Thank you. I am just mindful of time. I will quickly open up with a question, and then I will pass over to the rest of the committee. With respect to the Alcohol and Drug Foundation submission, there were two recommendations that you put forward. The second one – you recommend that the Bill be amended to remove criminal penalties for personal cannabis use and possession by people who are under 18. Through our inquiry, really research and academics suggest – and also in the ACT – that they limit under-18s' possession and use of cannabis due to health reasons down the track. I am just wondering: can you expand on your recommendation why criminal penalties should not be for personal use and possession for people under 18, please?

**Robert TAYLOR:** Look, we certainly do not want people under 18 using cannabis. I think I will say that as a start. But the reality is young people do use cannabis, just the way young people drink. What has been really effective over the last couple of decades in lowering youth drinking rates has not been criminalising alcohol; it has been a combination of education, public health campaigns, changes to advertising regulation and so on. It is through this wide variety or suite of measures that we have actually managed to drive down youth alcohol use, and similarly we would say the best way to prevent young people from using something while their brain is developing is to do it via a public health approach, like we have with alcohol. Criminalisation we know just pushes people into the margins. Putting someone through the justice system at a young age disengages them from school, disengages them from their peer group and disengages them from protective factors like sports,

hobbies, family and so on, all of which can contribute to further risk of harm down the track from substances or other issues. So criminalisation we do not see as serving any purpose. We see it actually as being a genuine harm and creating further risk of harm, and it does very little to deter young people – we know that. We know that for deterrence to be effective in law there has to be a high likelihood of someone being detected, otherwise the application of the law is really unequal. Certain communities get policed more than others, so they would bear the brunt of that law while others continue to use cannabis with no deterrent effect and are not policed. Yes, that is what I would say to that.

**The CHAIR:** Thank you. Ryan.

**Ryan BATCHELOR:** Thanks, Chair. Thanks very much, everyone, for coming along. Mr Dietze, I might start. You talked about alternative preferable options. You said there is a bit of a missed opportunity and there are better ways to go about it. I am not going to dwell on my reflections on the capacity of not-for-profit clubs to be a malignant influence on public health. The use of electronic gaming machines in particular is probably a good case study of why that is not necessarily a panacea. But particularly on the government monopoly on retail sales, we know it has worked in other jurisdictions with alcohol. That model, though – is it consistent? Would it be able to be done consistently if this Bill took a first step towards legalisation of personal cultivation and supply?

**Paul DIETZE:** I think absolutely, because the gifting component of it would enable a quasi version of a regulated market as a first step. Beyond that, though, I think if there is, like in the ACT, good evidence that there are no major impacts, then it makes sense to go to that next stage where there is a monopoly. There is a recent article that has just come out that has done a comparison of the controlled monopoly versus the more liberal areas in – Canada, isn't it? I will throw it to you.

**Michael CURTIS:** Yes. There was a recent paper published in the last week or two in the *Lancet Public Health* that has reviewed outcomes on a variety of fronts relating to comparing before and after cannabis legalisation in America and in Canada. There are a lot of conflicting findings within there, which is not surprising given the variety of models that are used both within America and Canada, but one of the clear themes that does come through is the lower rates of cannabis-related harms in the state of Quebec, where they are probably the only jurisdiction running a quite tightly regulated state-owned monopoly. One of the clear examples just looking within Canada compares childhood poisonings from –

**Ryan BATCHELOR:** Gummies and stuff?

**Michael CURTIS:** From gummies, exactly, and there is clear evidence of much lower rates of childhood poisonings in Quebec, where they do not actually allow those products and have much tighter controls, compared to I think Ontario and Alberta, where they have much bigger retail markets and allow those products.

**Ryan BATCHELOR:** I am just conscious of giving my colleagues a chance. You say there need to be lessons learned from the current state of the tobacco and alcohol markets, particularly looking at the current state of the tobacco market, which is in the news constantly. What do you think the big lessons that we need to be drawing from that are when thinking about how to move forward with cannabis regulation in Victoria?

**Paul DIETZE:** My own personal view in relation to the tobacco issue at the moment is that the pricing is creating opportunities for the illicit market to have emerged. The pricing is a really useful tool for reducing consumption to a point, but I think we have probably reached that point and we have probably gone beyond it. So that would be one lesson: you would not want to create a pricing regime that would mean that the illicit market would continue to flourish because it could be undercut. What we have seen –

**Ryan BATCHELOR:** Particularly by people growing it at home. People do not grow tobacco at home, I suppose.

**Paul DIETZE:** Yes, true. We have seen in the US that the undercutting that people were concerned about with some of the monopolies, I think it was in Washington, they have not actually seen because people are so happy that it is not an illegal thing that they are happy to pay a little bit more than what they might have in the past. So I think pricing is a key issue that would need to be considered and that is one of the lessons, but also things like major controls on marketing and advertising and so on, which we are failing on in relation to a whole range of commodities and behaviours. But as Robert was saying, one of the lessons from alcohol and

tobacco is removing marketing of any type. I think plain packaging is an appropriate option. Those sorts of things are things that we would argue should be endorsed.

**Ryan BATCHELOR:** I could go on all day, but I will leave it there. Thanks, Chair.

**The CHAIR:** Thank you. Rachel.

**Rachel PAYNE:** Thank you, Trung. And thank you to you all for making a submission to this inquiry. It has been really helpful information, and it has helped form some of the questioning that is coming out today, but also just reflecting on the capabilities of the Bill. On that point, Robert, in the ADF submission there is mention that the Bill should be amended to include provisions regarding safety and storage of cannabis products just to ensure that they are not accessible to people under the age of 18, and that is a reflection on the ACT legislation. Would you mind expanding on that a little bit more and maybe even considering whether we should also be looking at how plants are being stored and kept in the home environment as part of this Bill?

**Robert TAYLOR:** Yes. This is a really delicate legal area because the enforceability of these laws for someone's backyard is really low, basically. We would not be expecting police to be doorknocking and looking in people's backyards. We would not want that to be the case. But that being said, we also do not want people to be behaving in a maybe negligent manner with regard to making cannabis accessible to people who it might not be appropriate for, like young people. Having something that is symbolic within the legislation that is there around just ensuring that it is stored safely might be worth considering. But that being said, we already do have very potent medications that people take home from pharmacists that do not have those kinds of legal requirements around them. I am not sure if I have got a strong answer for you there, but I just wanted to raise that it does raise some issues.

**Rachel PAYNE:** Yes, thank you. When we spent some time with the ACT police, it did not seem like it was an issue. But I think having that as part of the legislation just means that there is that level of expectation there. So that makes sense.

I want to talk more about the idea around historical convictions and expunging those convictions. Would you mind expanding a little bit further on the implications of having a conviction but also how you would see that that would be part of a broader reform when it comes to cannabis reform?

**Paul DIETZE:** One of the things that Simon Lenton did a lot of work around was just the social impacts of having a cannabis arrest and conviction and the fact that it limits your opportunities around a whole range of different things, including things like a historical cannabis conviction being able to stop you from getting a liquor licence if you want to trade in a hotel or something like that. It limits some employment opportunities and things. So it seems that if we move to a point where we have essentially de jure legalisation, we should really expunge those convictions so that people are no longer affected by them. Those are the fundamentals of it.

**Rachel PAYNE:** Have I got time for one more question, Trung?

**The CHAIR:** We can come back to you.

**Rachel PAYNE:** Yes, sure.

**The CHAIR:** Michael.

**Michael GALEA:** Thank you, Chair. Good morning. Thank you for joining us. I might start with you, Professor Dietze. In your submission you concentrate on the need for a public health approach to certain at-risk individuals, including specifying individuals with a history of psychosis or a first-degree relative with a history of psychosis. How does cannabis contribute to psychosis in some people?

**Michael CURTIS:** Sure. The evidence for a causal pathway between cannabis use and schizophrenia and other psychotic disorders is still somewhat contentious. It would be leaning towards there being a small, elevated risk during a finite period of time, generally adolescence into early adulthood, thinking about that 15- to 25-year-old period. We are talking a fairly small absolute risk, though. There is a likely contributing factor there for some additional risk of schizophrenia.

**Michael GALEA:** Is it likely that it exacerbates potentially a genetic factor?

**Michael CURTIS:** Exactly, yes. If cannabis had the same risk of causing schizophrenia for everybody in the general population, then we should see rates of schizophrenia in the community increasing at the same rate as cannabis use.

**Michael GALEA:** Is there a way of screening? For example, I might have a relative who has had complications as a result of cannabis use. Is there a way for me to hypothetically then test whether I would be affected in the same way?

**Paul DIETZE:** I am not aware of any simple test for that kind of thing. To be honest, that sort of precision medicine is something that may well be coming, but at the moment I am not aware of any kind of testing like that.

**Michael GALEA:** In your view, under a decriminalisation model, would having that public health approach enable earlier interventions for people who do experience those symptoms?

**Paul DIETZE:** Absolutely, and that is the focus. Instead of trying to police that, let us have early interventions.

**Robert TAYLOR:** I was just going to say one of the things you have not mentioned is one of the benefits of decriminalisation is destigmatisation. Stigma is just such a massive, massive factor when it comes to both alcohol and drugs and people seeking help. The median time that it takes someone to seek treatment for alcohol use issues in Australia is about 17 years. We note with cannabis, while it is not considered as bad in those terms as some other drugs, there is still a lot of stigma around seeking help, and that is really poor for public health.

**Michael GALEA:** Of course. Mr Taylor, your submission talks about the ACT model and how they also had the SCON, the simple cannabis offence notice, for around 25 to 30 years before decriminalisation. To what extent do you attribute the very positive results we saw in the ACT to the fact that they already had that system in place for such a long time?

**Robert TAYLOR:** It is an interesting question. I am not sure I can give you a strong evidence-based answer to that. I would say, though, that with regard to the offence notices one of our key issues with those is that someone still incurs a penalty, and that penalty is still regressive in the sense that for someone on a lower income, whether it is \$100 or \$150, that is going to take up a large portion of their income. In those cases when they did not take up that notice, there was still the risk of criminalisation beyond that. That is certainly what you might call an enhanced diversion scheme, and we are seeing more of that, which is beneficial. But truly we think for decriminalisation to work in its fullest, in a de jure sense, you really have to remove that offence fully from the legislation.

**Michael GALEA:** Thank you. I would love to ask more; maybe we will have time later. Thank you, Chair.

**The CHAIR:** Thank you, Michael. David?

**David ETTERS HANK:** Thank you, Chair. Firstly, thank you very much for your contributions. It is greatly appreciated. Looking at the relationship between what we are putting up in this Bill and Canberra, we have now had with the ACT obviously the statutory review and we have had the Lambert Initiative's review of the review, as well as of the Bill. I would be interested in your insights as to the degree to which the Bill that is being proposed picks up absences in the ACT legislation and perhaps also what is missing, recognising that it obviously does not have the regulated market.

**Michael CURTIS:** I might start with one point. I think the slightly higher number of plants within this Bill probably makes sense, if one of the aims is to try and make inroads against the illicit market. One of the papers published in the last couple of weeks that I referenced in my slides notes that of respondents to that survey quite a few noted that four plants was not enough for them to actually meet their daily cannabis requirements, which were relatively low at roughly a gram a day. They were still potentially running out before the next plants were ready to be harvested. But of course that then, as we noted, raises issues potentially about consistency with the current threshold quantities.

**Robert TAYLOR:** I would just add that there has been that issue in the ACT legislation around seeds and access to seeds, so I think picking that up here is really sensible.

**David ETTERS HANK:** There is a certain metaphysical quality to four plants without seeds or cuttings, absolutely. One of the things that has also come up in discussion is the definition of weight, and particularly I think wet weight. Comments?

**Robert TAYLOR:** This is a big issue across every drug, because for an individual in possession it is sometimes easier for someone to just weigh what they have rather than trying to calculate in their head, ‘Do I have X dry weight?’ Yes, it is a complicated issue. I do not know if we have a strong opinion either way.

**David ETTERS HANK:** When we met with the ACT police they indicated that they did not actually bother policing weight and they simply went with plant numbers. Does that sound sensible?

**Michael CURTIS:** I think it does, but I would be concerned about the potential for inequitable application of the law if that was not then aligned with the threshold quantities. We know that, as Robert said before, some communities get policed in different ways to others, and I think this is a particularly sensitive area where removing any ambiguity in the law would be beneficial. If they kept just plant numbers, as the Bill currently stands, unless I am mistaken, there is that inconsistency where if those six plants yielded more than 50 grams of cannabis in a single harvest, if they were harvested at once, then they are potentially at risk of a trafficking charge. It is correct that police discretion could be applied in that scenario but may not be.

**David ETTERS HANK:** Chair, maybe if I could just help the witness clarify – in the draft Bill that is before consideration there is no weight for wet cannabis defined, only for dry and on your person. Does that assist you in responding?

**Paul DIETZE:** Might have to think it through.

**Michael CURTIS:** Yes, I can take that on notice.

**David ETTERS HANK:** Take it on notice, by all means. That would be great. Thank you. Thank you, Chair.

**The CHAIR:** Mr McCracken, would you like to ask some questions? Thank you, Joe.

**Joe McCracken:** I have a couple of questions first for the Burnet Institute. I want to know more about the liberal markets that you would probably have more caution with. What are the characteristics of those markets, and what is it about them that you would caution? I think you said before they would need more monitoring and evaluation. Can you just expand on that, please?

**Paul DIETZE:** It is essentially the flip side of what I was saying earlier about the lessons from tobacco, so where there is a free market where potency is not controlled, the types of products are not controlled and marketing and advertising are basically uncontrolled as well, and there are examples of that in the US. So we are advocating that we would want much stricter market controls so that those things are quite heavily regulated. In terms of monitoring and evaluation, for some of the states in the US there is literally no evaluation framework set up prior to them establishing their models, so as a consequence it has been very piecemeal and patchy, the sort of evidence that has come together to try and evaluate what the impacts have been. That means that we end up in a position now, more than 10 years after a lot of these reforms, where we do not really know what the impacts of these unregulated markets are. We are getting a better sense with some of the more tightly regulated ones, and I know a lot of the European countries who are moving to a different regime have set up evaluation frameworks, which is exactly what we would want to do in this instance too.

**Joe McCracken:** That is fair enough. I have another question for both as well – the ADF. I am interested in and quite a bit has been raised about the gifting provisions. Are there ways around the gifting provisions at all that you can see?

**Paul DIETZE:** Around in what sense? You mean –

**Joe McCracken:** I mean if I say to you, 'Here's 50 grams of cannabis; it's a gift,' are there other ways around it to say, 'Well, later on you can give me \$50' or something – I do not know how much they cost, but you know, that sort of thing.

**Paul Dietze:** So how it would actually play out – I do not think we have a good sense of that yet, because I do not know that there is any other regime equivalent. I think that is exactly the sort of thing you would want to monitor and properly understand.

**Joe McCracken:** That goes to what I was getting at before: how would you monitor and scrutinise those sorts of provisions?

**Robert Taylor:** I would probably just say that that is already happening. That would be my only comment, that that is exactly what we already have going on. While yes, the policing and enforcement around gifting would be challenging, I would personally see that as no different to what is currently occurring – people selling cannabis for money with very little policing around it. If anything, it opens up a framework for people to engage in that behaviour that is not going to lead to greater harm, as Paul mentioned, with the associated charges and their harms.

**Joe McCracken:** I think my time is up, but thank you.

**The Chair:** Thank you, Joe. Lee.

**Lee Tarlamis:** I am happy to cede my time, Chair.

**The Chair:** Mr Puglielli.

**Aiv Puglielli:** Thank you, Chair. Good morning. I think both groups here today have talked about the policing of the current laws and the impacts that is having on the community. Are you able to expand a bit more on what we are seeing right now and why this Bill can seek to address those concerns?

**Paul Dietze:** There are a couple of things in response. We run prospective cohort studies of people who use drugs – basically we recruit them into the study and then we follow them up over time to see how things progress for them. Most of our studies are focused on people who inject drugs and people who smoke methamphetamine and so on, and what we find is that they often will find the way in which the cannabis laws are policed means that essentially the police will be targeting them for, say, injecting drug use but they will use cannabis charges to actually get them and arrest them, because they might not have any kind of injectable drug on them but they might have a small amount of cannabis. So that is one of the impacts of the laws at the moment, this kind of net widening, and the discretion that goes around policing in this space is something that is ideally not what we want. Then obviously the 11,000 arrests that happened in 2020–21 – I mean, that is a huge burden on the police force, but also stress and all of those sorts of things that go with it. Then if people get diverted into a program, that is taking away other resources that could be used for drugs that people are struggling with more and so on, so all of those sorts of things come into it.

**Aiv Puglielli:** Thank you.

**Robert Taylor:** Look, we know in general between 80 to 90 per cent of people that use a specific substance will not be dependent on that substance, so in fact the greatest harm that they may experience from their use may actually be the risk associated with the criminalisation rather than the risk of harm from the substance itself. Then for those 10 to 20 per cent who are dependent on the substance criminalisation does nothing but push them away from the support that they really need. I have worked in drug and alcohol programs in prisons, and yes, it is an opportunity to work with people, but it is not the best opportunity. Working with people in the community without them having this kind of thing over them that is going to impact their life more negatively – preventing criminalisation is going to be a much better way of approaching that.

**Aiv Puglielli:** Thank you. For our Burnet Institute representatives today: you were talking about the number of plants and the implications that can have for whether someone has access to their own homegrown cannabis year round. Does this Bill get it right in terms of the number of plants, and what are the risks if we do not have sufficient supply in that scenario?

**Michael CURTIS:** Insufficient supply would reduce the potential of this Bill to make inroads against the illicit market. I am not sure whether six is exactly the right number; we would need some really good data on daily cannabis use, production from plants et cetera, to actually nail a number down there. But based on the experience from the ACT and one of the papers in the slides there, it would suggest that it would go closer to that.

**Aiv PUGLIELLI:** Thank you.

**The CHAIR:** Okay. A few quick questions, Michael?

**Michael GALEA:** Thank you, Chair. Thanks, again. Dr Curtis, in one of your previous answers I believe you referenced the Lambert study.

**Michael CURTIS:** Yes.

**Michael GALEA:** You may have mentioned it again just now. One of the interesting things I found from that was it found that the average THC concentration amongst the sample plants was around 9 per cent, whereas the average of plants that were seized through criminal operations was 15 per cent. Would I be right to assume that the higher the THC, the higher the risk, and if so, what does that changing risk profile look like, from 9 to 15 and beyond?

**Michael CURTIS:** Yes. Firstly, the higher the THC content, the greater potential risk for cannabis-related harms. Sorry, what was the second part?

**Michael GALEA:** What is the difference between the risk of 9 per cent as compared to 15? I know you cannot be precise on those numbers, but broadly speaking, in those ranges, what are we talking about in terms of a difference?

**Michael CURTIS:** It is a really difficult question to answer, because we do not know how people may be titrating their cannabis consumption relative to the strength of the cannabis that they are consuming. For risks to increase we would be making the assumption that they are consuming the same weight of cannabis with a greater strength, but we do know that many people will reduce the amount that they use, so I am not sure that I can provide a clear answer to that question.

**Michael GALEA:** The study also shows that of those that have cultivated their own there was an increase in the amount that they used. Now, we know that the overall trend for use, the number of people taking it, has actually stabilised, if not decreased, but the study also showed that there was an increase, I think; I do not have it here, but maybe about 28 per cent of existing users. Does that counterbalance any other potential benefits of lower THC?

**Paul DIETZE:** Yes, potentially, because increased frequency of use does potentially increase the risk of harm.

**Michael GALEA:** It is a simple – yes, sure. Thank you.

**The CHAIR:** Thank you, Michael. Now let us have a quick one from you too.

**Rachel PAYNE:** Thank you, Chair. Your submission notes an independent review of international cannabis legalisation models needs to be undertaken before any moves to legalise cannabis in Victoria. Would you consider an expert advisory panel to be the appropriate mechanism to conduct an independent review, and who would you see that would be included in that? What stakeholders or sectors would be included?

**Paul DIETZE:** Sure. I think that makes a lot of sense, and certainly the standard health law enforcement stakeholders should be included. But I think given the social situation and context, you would really want to be thinking about housing and other representatives in there as well.

**Robert TAYLOR:** Yes, a consumer voice.

**Paul DIETZE:** Absolutely. That is something that has been missing in so much: consumer perspectives on changes.

**Rachel PAYNE:** Okay. Would you like to take that on notice if you wanted to add more thought to that?

**Paul DIETZE:** Sure, happily.

**Michael CURTIS:** Yes, absolutely.

**Rachel PAYNE:** That would be great. Thank you.

**The CHAIR:** Thank you, Rachel. Just because of the time, thank you so much, everyone, for coming in and giving us a chance to speak to you regarding your submissions.

**Paul DIETZE:** Thank you for the opportunity.

**The CHAIR:** On behalf of the committee, thank you very much for your time.

**Witnesses withdrew.**