



Legislative Council Legal and Social Issues Committee

Hearing date: 14 February 2025

Question taken on notice

Directed to: Burnet Institute

Received date: 3 March 2025

1. **David ETTERS HANK, p. 7**

Question asked:

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.

Response:

Expanding and clarifying our response to the previous question asked by Minister Ettershank regarding “the degree to which the Bill that is being proposed picks up absences in the ACT legislation and perhaps also what is missing” we reiterate two previous points. Firstly, we believe the greater number of plants able to be grown under this bill compared with legislation in the ACT could be expected to make further inroads against the illicit cannabis market as this will go closer to meeting demands for people who consume cannabis daily. Secondly, we remain concerned that this bill does not address the shortcomings of the ACT legislation whereby threshold quantities (50 grams) are set well below the median yield from one cannabis plant (120 grams; see Zhou et al, 2025), resulting in people possessing illegal amounts of (dry) cannabis from a single harvested plant. We wish to add that in the above study, 25% of yields were reported to exceed 250 grams, placing people at risk of trafficking charges for possessing cannabis harvested from a single legally grown cannabis plant. We encourage the committee to consider changes to the threshold quantities specified in Schedule 11 of the Drugs, Poisons and Controlled Substances Act to better align with the proposed bill.

Regarding the absence of wet weights from the Victorian bill, we understand the purpose of wet weights being defined in ACT legislation is to differentiate between cannabis which has recently been harvested but is not yet prepared for consumption and the final ‘dry’ product for consumption, as recently harvested cannabis will be heavier owing to

‘water weight’, stems and other plant material which may not be preserved in the final ‘dry’ product. While we appreciate the importance of legal clarity, we expect policing wet versus dry cannabis would be difficult (e.g., when does wet cannabis become dry? How is this distinction assessed by law enforcement?) The absence of a wet weight definition from the proposed Victorian bill seems like a sensible and pragmatic response given these complexities, however the absence of wet versus dry weight distinctions does risk placing more people who grow cannabis over legal possession thresholds as currently defined if they encountered law enforcement early in the post-harvest processing/drying phase. Minister Ettershank stated that the committee were told by ACT police that they do not enforce weight (we are unclear whether this referred to wet and dry weights, and whether this only applied to a private residence) and simply focus on the number of plants being grown. We have interpreted this comment to relate to policing cannabis possessed in private residences. If our interpretation is correct, legislation of these practices may be a sensible response to the above complexities. However, as previously stated, it is our position that all drug policy should be legislated and not rely on police discretion as this can result inequitable outcomes among certain individuals or community groups.

2. **Rachel PAYNE, p. 9-10**

Question asked:

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?

Response:

A non-exhaustive list of stakeholders and/or sectors we believe should be included if an expert advisory panel were convened to undertake an independent review of international cannabis legalisation models includes:

- People who consume cannabis
- Families and carers of people who use cannabis and/or are living with cannabis dependence
- Health officials including healthcare providers from primary healthcare, emergency departments and mental healthcare (community and public/acute settings)
- Cannabis treatment providers
- Academics from the following areas:

- Cannabis epidemiology
 - Alcohol policy
 - Tobacco and vaping policy
- Law enforcement
- Social housing providers
- Youth services, including youth substance use and mental health services

Reference:

Zhou, C., Lavender, I., Gordon, R. *et al.* An analysis of the cultivation, consumption and composition of home-grown cannabis following decriminalisation in the Australian Capital Territory. *Sci Rep* **15**, 2649 (2025). <https://doi.org/10.1038/s41598-024-84897-w>