

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

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WITNESS (*via videoconference*)

Professor Iain McGregor, Academic Director, Lambert Initiative for Cannabinoid Therapeutics, University of Sydney.

The CHAIR: Welcome back to the Inquiry into the Drugs, Poisons and Controlled Substances Amendment (Regulation of Personal Adult Use of Cannabis) Bill 2023. Joining us for our last session is Professor Iain McGregor from the Lambert Initiative. Welcome, Professor.

Iain McGREGOR: Thank you very much.

The CHAIR: Just quickly before we continue, I just want to read you this information regarding the evidence you are about to give us. 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 with.

Iain McGREGOR: My name is Professor Iain McGregor. I am the Academic Director of the Lambert Initiative for Cannabinoid Therapeutics at the University of Sydney.

The CHAIR: Thank you, Professor. I know you made a submission. I would just like to invite you to make a brief opening statement, if you like, before I open the floor to my colleagues to ask you questions.

Iain McGREGOR: Yes, absolutely. Thank you for the opportunity to give evidence this afternoon. The Lambert Initiative is a philanthropically funded research organisation devoted to the study of medicinal cannabis. We undertake a wide range of studies, everything from a drug discovery pipeline, cellular and animal pharmacology, through to clinical trials and studies that inform drug policy around cannabis. We do a lot of survey work in the community amongst health professionals and users of medicinal cannabis, but also I have a focus on impairment related to driving and workplace activities. Although our primary mission is around medicinal cannabis, inevitably we run into recreational cannabis in that many medical users are what we call dual users, so they are using for both medical and non-medical purposes, so we have an interest in policy development in this area.

There are two things that I would like to highlight in my evidence today. The first is a study that I furnished the committee with just before Christmas, and that was an investigation of cultivators in the Australian Capital Territory subsequent to the decriminalisation of cultivation of small amounts of cannabis in the territory in 2020. We undertook quite a detailed survey of these cultivators and examined their lived experience around cannabis cultivation, their attitudes towards policy change and what you might call some wrinkles in the policy that could be improved upon, and we also conducted an analysis of their cannabis.

The second quality issue that I think we come across quite a lot is the extent to which the current legal access to medicinal cannabis is being used by people for non-medical reasons. We have quite a lot of interest in whether the existing model of medicinal cannabis access could be actually co-opted as a vehicle for providing medically and pharmacist guided access to cannabis that could be used for non-medical purposes. That is something that we give quite a lot of thought to as well. They are probably the two main things that are in scope in terms of what I would be able to discuss with you today, but I am happy to take questions around that.

The CHAIR: Thank you for that. I will keep my questions brief and short as well. Regarding your study on cannabis use, this Bill is basically going to focus on recreational cannabis. If we legalise cannabis in Victoria, do you see the increased use of cannabis in young adults, which means under 18s?

Iain McGREGOR: This is a question that has been examined in many research papers subsequent to legislation in a broad range of jurisdictions throughout the world. I think the bottom line is really that what the evidence is telling us is that there is not really any great concern around increased uptake amongst young people. For example, with the ACT study that we have looked at, there is nothing coming from the medical authorities and there is nothing in the wastewater analysis to suggest that the decriminalisation initiative there had any major effect on cannabis consumption. In fact the ACT I think has the lowest cannabis consumption of any jurisdiction within Australia despite having the most relaxed laws. If you go to the Netherlands, for example, it is another place historically where there has been a lot of relaxation of cannabis laws, and their young people have relatively low rates of cannabis consumption compared to other jurisdictions within Europe. It is the same story in Canada. I am not aware of any signal that there has been a massive expansion of cannabis use in young people subsequent to legalisation in 2018. I think we can probably conclude from all of this evidence that it is unlikely that relaxation of laws within other Australian jurisdictions will have any major impact on consumption.

The CHAIR: Thank you, Michael.

Michael GALEA: Thank you, Chair. Thank you very much for joining us, Professor McGregor. Your research has been very timely for this committee, to say the least.

Iain McGREGOR: Thank you.

Michael GALEA: I noticed it was quite interesting that you found some distinctions between users' perceptions of what sort of levels of THC and CBD were in the cannabis and what you actually found. It is also particularly interesting that you found that there was a mean average of 9 per cent THC content, or very, very close to, and that was lower than what gets picked up by organised crime. Given the fact that, as far as I am aware, this is the first time that anyone under the ACT model has been able to have their cannabis tested and that there are no up and running services where people can go and get their cannabis checked for things like THC levels in the ACT, if we were to adopt that model in Victoria, how important do you think it is that, whether it is private sector or public sector, there is some sort of testing capability for people to actually use and be confident that they are taking what they think they are?

Iain McGREGOR: It is not the first study that we have done where we have looked at the association between what people think is in their cannabis that they are using and what actually is in there. We find that endlessly fascinating and speculate on this. One of the major things is that people assume that their cannabis has a lot of CBD in it for some reason – not universally, but there is that kind of broad perception. For example, we did a study with the parents of children who have epilepsy. These people were dealing with very sick children but were so desperate to get hold of medicinal cannabis products that they would make them themselves or get them illegally. They all assumed that there was a huge amount of CBD in the oils that they were giving their children, and what we found in fact was that there was very little CBD in any of the oils that were being used. I think that helped actually with the increased provision of legally available CBD oils in Australia. That study was done back in 2016–17. It was similar with the ACT study that we have just published, which suggested a real disassociation between what people wished was in their cannabis and what was not.

I think we make the point in the paper that the provision of testing services would probably be quite a good thing in terms of allowing people to focus on cannabis that may be less harmful for health. When you add CBD to your cannabis in addition to THC, arguably you end up with a product that is better for your mental health. CBD has anxiety-reducing properties, and it has a range of other potential benefits. So if you could guide people or confirm for people that their cannabis did not have CBD in it, that would be a valuable thing – and also to know the THC content – although you have to be wary of getting in an arms race. You know, as soon as you start measuring THC, certain sections of the cultivation community will be keen to win the 'cannabis cup' as it were. I think the biggest reading we have had is 35 per cent THC from confiscated cannabis. But a lot of the prescription cannabis that is available in Australia now is between 20 and 30 per cent THC, which we do have some concerns about. The one thing that gives us less concern is that we know that people tend to titrate, so if they are using very high potency cannabis, people tend to use less than if it is weaker cannabis. That titration has been well described in the scientific literature. But you worry perhaps about more vulnerable members of the community using high-potency cannabis in the same way as they would use low-potency – i.e. consuming greater amounts.

Michael GALEA: Thank you very much, Professor. I am out of time, but if I may just ask a very quick question with a quick answer if possible: the results show some high levels of arsenic, lead and cadmium but only in a very small number of samples. I actually only recently discovered that cannabis is quite good at absorbing those minerals from the ground. In those small number of cases where that is present, is it as risky and as concerning as I might assume it to be to see those high levels?

Iain McGREGOR: It is obviously not very good to vaporise cannabis with high levels. There was only really one sample where we had serious concerns. You will find heavy metals throughout Australian gardens, and I make the point that if the person was growing lettuce or tomatoes, they may also have had arsenic in them. But cannabis is an excellent bioaccumulator, and there is a lot of interest in using hemp to remediate old industrial sites where there are heavy metals. But obviously if there was a publicly available testing program, similar to what we have done in the CAN-ACT study, then people could identify these potential problems in their growing site.

Michael GALEA: Thank you very much. Thank you, Chair.

The CHAIR: Rachel.

Rachel PAYNE: Thank you, Chair. Thank you, Professor McGregor, for speaking with us today and your submission. It is very timely that your research has come out so that we can review that with you. What has come up quite a bit throughout this inquiry has been the question around gifting and sharing. I note that in your study it showed that the majority of people who were growing cannabis in the ACT did report that they were sharing with family, with friends and with other cultivators. In your view, how important is it that any reform of cannabis laws in Victoria does not criminalise that element of sharing, much like they do in the ACT? It would be great to hear your experience of doing research in that space.

Iain McGREGOR: I think it is extremely important that this issue is managed. I mean, 10 per cent of the cultivators in our study were what we call altruistic cultivators, so they were not even using the cannabis for themselves. In fact the study was inspired by a gentleman who contacted us who was growing cannabis for his desperately ill wife, who had brain cancer. She was getting extraordinary relief from home-cultivated cannabis, and he was desperate to know what was in it because of its miraculous effects, but he was not a user himself.

So I think if you were to think of ACT-plus, or something that was an enhancement on the current model that we see in the ACT, that would be one of the things that would have to be included. When you have a system where the majority of cultivators are sharing their cannabis and breaking the law in doing something then it tells you that the laws are imperfect and perhaps the German model of cannabis-growing clubs is something that we might want to look at.

I am acutely aware with the ACT study that we did that a lot of the cultivators were privileged, middle-class people who were fully employed and owned their own homes, and obviously for more vulnerable members of the community – people with disabilities, younger people who cannot afford to get on the property ladder – there are less opportunities to be able to cultivate without a home. And in fact we found amongst the past cultivators – people that had given up cultivation – they were often younger people who had greater instability in terms of their housing.

Or some kind of model where you can altruistically grow or you can form a consortium or a club to swap notes on cultivation – that is another thing that came out, that it is actually quite tricky, cultivating cannabis. There is quite a long list of problems that are mentioned in the paper – everything from spider mites to inability to thrive during the harsh Canberra winter. I think it was 80 per cent of cultivators that reported some sort of difficulty that they experienced. That would be another benefit to having social communities around that. You would have to think carefully about where the line falls between that sort of shared social cultivation and more sinister industrial-level supply of cannabis for profit. I mean, a very small number – I think it was only 3 per cent – of cultivators were growing cannabis to sell in our particular cohort, which is quite encouraging.

Rachel PAYNE: Thank you.

The CHAIR: Thank you. Dr Heath.

Renee HEATH: My questions have already been asked. Thank you so much.

The CHAIR: Thank you. David.

David ETTERS HANK: Thank you, Professor McGregor; I always love your work. Can I ask you about wet weight of cannabis? The ACT legislation has got this ‘50 grams dry, 150 wet’. When we spoke to the ACT police about wet weight they said, ‘We don’t even use that anymore. It’s just too difficult. We just count the number of plants.’ Could you perhaps share with the committee your sense of how practical it is to define wet weight, and does that sort of 50–150 ratio work?

Iain McGREGOR: I think with all the greatest due respect to the people that drafted the legislation in the ACT, the wet weight and dry weight numbers in relation to numbers of cannabis plants were wildly inaccurate, and even back then in 2020 they probably could have consulted the literature and found more accurate data. The primary problem is more to do with the dry weight – that a healthy cannabis plant will produce 120 grams of dry and if you have two of these plants legally available, you end up with 240 grams, which is fivefold the 50-gram limit that they impose. So I very much hope that you will bring in your own legislation in Victoria. I would suggest that relaxing the dry weight would probably be the most practical solution. If it were two cannabis plants, then you might want to contemplate a 250-gram dry limit.

Interestingly, the cultivators we spoke to were for the most part quite happy with the four-plant limit. I think the majority of them were quite happy with that. There was no great desire to have 100 plants or 500 plants or industrial installations, but there was a great deal of anxiety around these limits and the possibility that the two plants they were growing were going to land them in difficulty with the law because of the dry weight produced. I think the wet weight 150 to dry weight 50 is not a good equation. I think when we looked at the estimates from the cultivators, 150 wet was turning into 120 of dry, so that was not very useful at all. These things have to be looked at under the microscope, and there are data available now to allow you to do it.

David ETTERS HANK: In the draft Bill that the committee is looking at, there are plant numbers and there is 50 grams for what you can be taking out in public, and there is not an attempt to define it.

Iain McGREGOR: Yes.

David ETTERS HANK: Is it actually a fool’s errand to try and define a sort of wet-weight, dry-weight ratio if you do not need to?

Iain McGREGOR: I think you are spot on there. We should be focusing on dry weight because that is what people use, and we should be focusing on number of plants as well. I think the idea maybe of limiting the amount that you can take out in public is not a bad one either as long as there is a proviso that you can have a greater store at home.

I am also mindful that the climate is not terrific down your part of the world – perhaps not as bad as Canberra – but you might want to take that into account as well. One issue obviously was that 11 per cent were growing hydroponically, and that was breaking the law as well. That is something else you may wish to consider. Not all cultivators were aware that hydroponic growth was against the legislation in the ACT. Hydroponics is obviously more favourable if you are in a harsher climate, so it is maybe something else that the committee may wish to consider.

David ETTERS HANK: Can I get a clarification on that?

The CHAIR: I will go to Aiv first.

Aiv PUGLIELLI: I honestly do not mind if we get that clarified before it comes to me. Is that okay?

The CHAIR: Yes. David?

David ETTERS HANK: Just to clarify that point, I think from a growing point of view it is very similar in Melbourne to Canberra. If we are aiming to reduce dependence on illicit by allowing homegrown, as I understand it, the climatic reality is that if you cannot grow in a greenhouse or indoors hydroponically, it is virtually impossible to have that dependency. You are only going to get one crop in the backyard, and then it is highly unlikely that you will have enough to get you through the year, if I can put it that way. Does that seem a reasonable proposition?

Iain McGREGOR: Yes, that is right. The majority of the cultivators in our study – I know there is a lot of information in the paper, but you will find somewhere the notion that the cultivators were for the most part accessing other cannabis in addition to their cultivated cannabis that was either medicinal cannabis on prescription or illicit sources. They were consuming on average 1 gram a day. If you think of 365 grams per year and two plants outdoors yielding 240 grams of cannabis, 120 grams for each plant, then you end up with a deficit of 125 grams on average amongst these cultivators, and that starts to explain why they were moving to other sources to make up that shortfall to enable their 1 gram per day.

David ETTERSANK: Thank you. Thank you, Chair.

The CHAIR: Thank you. Aiv.

Aiv PUGLIELLI: Thank you, Chair. Good afternoon, Professor. Just looking through what I understand from the work you have been doing, 311 ACT residents were surveyed post-decriminalisation in the ACT who currently or previously cultivated. I understand you found that 48 per cent said that avoidance of illegal suppliers was a primary motivation for cultivation. Therefore, looking here in Victoria with this Bill and us considering decriminalising, could we expect then here a proportion of the community, if this Bill passes, will grow their own in avoidance of engaging with that illicit market?

Iain McGREGOR: Absolutely.

Aiv PUGLIELLI: ‘Piercing the balloon’, potentially, I think is what it was referred to as today.

Iain McGREGOR: I think, yes, that was a strong motivation for people to cultivate their own cannabis, that they did not want to engage with criminal networks. Obviously supply of the self and others for medicinal and non-medicinal purposes was another motivation. The one that surprised us the most was just the sheer enjoyment that people gained from growing cannabis. I did not see that one coming, but that was listed as a motivation by a large number of cultivators. Also, when we spoke to some of them it kept coming up that it is actually a really enjoyable process and very satisfying to grow something like that that becomes a medicine. So that is another thing to consider in your deliberations.

Aiv PUGLIELLI: Thanks, Professor. Just on cultivation further, from a public health and harm reduction perspective, this study as I understand it suggests that education on cultivation best practices and quality control measures could mitigate health risks associated with, say, contamination from cultivation. Could you just explain a bit further what is meant by that and what that would look like in the Victorian context?

Iain McGREGOR: Well, I guess if you had testing available similar to what we have done ourselves – and just to clarify, we contracted out the pesticide and heavy-metal testing to ChemCentre Perth, who are a world-class facility for that kind of analysis; we analysed the THC and CBD content ourselves. But obviously, if people were allowed, say, a yearly test, partly subsidised by the government, then they would be able to find out if there are any potential nasties within their homegrown cannabis. I would point out that that is vastly superior to what happens when you are accessing illicit networks. We know that some of the criminal gangs involved in cultivation use high levels of pesticides and have no concern whatsoever around circulating product widely that has been grown in less than optimum growing conditions. So it is a great advantage in a way to have that information available to cultivators and to get them out of these illegal networks.

Aiv PUGLIELLI: Fantastic. Thanks, Professor.

The CHAIR: Thank you. Thank you, Professor. That concludes our time. Thank you so much for your time and for giving your contribution today.

Iain McGREGOR: It is a great pleasure. Thank you for the opportunity.

The CHAIR: We have come to the end of our session. Before that I just want to say thank you to the staff, the broadcasting team, the staff who assisted today and the committee members for a very delightful day.

Committee adjourned.