

**Submission
No 54**

**INQUIRY INTO THE DRUGS, POISONS AND CONTROLLED
SUBSTANCES AMENDMENT (REGULATION OF PERSONAL ADULT
USE OF CANNABIS) BILL 2023**

Organisation: Liberty Victoria

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20 December 2024

Executive Officer
Legal and Social Issues Committee
Parliament of Victoria
Parliament House, Spring Street
EAST MELBOURNE VIC 3002
By email: lsic.council@parliament.vic.gov.au

Dear Committee Members,

INQUIRY INTO THE USE OF CANNABIS IN VICTORIA

Liberty Victoria

1. Liberty Victoria is the peak civil liberties organisation in Australia that has worked to defend and extend human rights and freedoms in Victoria since 1936. For more than eighty years we have advocated for civil liberties and human rights. We seek to promote Australia's compliance with the rights recognised by international law and the *Victorian Charter of Human Rights and Responsibilities Act 2006 (Vic) (Charter)*. We are a frequent contributor to federal and state committees of inquiry, and we campaign extensively for better protection of human rights in the community.
2. Thank you for the opportunity to provide a submission to this important Inquiry.

Introduction

3. Liberty Victoria has consistently advocated for the reform of Victoria's cannabis laws. In August 2020, we made a submission on this issue to the Legal and Social Issues Committee's Inquiry into the use of Cannabis in Victoria, which may be accessed [here](#). We adopt this submission.
4. In that submission, we stated that the best way to protect the health of those adults who use cannabis, to protect public health and safety, and to prevent criminal activity relating to the illegal cannabis trade in Victoria, is to decriminalise cannabis possession, use, and limited cultivation as has occurred in the Australian Capital Territory (**ACT**).
5. Accordingly, Liberty Victoria supports the reforms proposed by the Drugs, Poisons and Controlled Substances Amendment (Regulation of Personal Adult Use of Cannabis) Bill 2023 (Vic) (**Bill**).
6. That is because Victoria's cannabis laws have fallen out of line with community standards. In their current form, they support criminal activity, place a terrible burden on the criminal justice system, divert precious law enforcement resources, and are responsible for substantial harm to community health and safety.
7. In addition, prohibition has failed to decrease either the demand or supply of cannabis. The penal approach to cannabis criminalisation has failed. A fundamentally different approach is required, underpinned by health-based prevention and harm minimisation.
8. The proposed reforms would bring Victoria's laws into alignment with community attitudes and the approach taken by other leading jurisdictions around the world. Decriminalisation of the possession and cultivation of cannabis will protect the health of those adults who use cannabis, promote public health and safety, and prevent criminal activity relating to the illegal cannabis trade in Victoria. It is critical that this reform is combined with a responsible health and education-based response.

The Benefits of Reform

9. There are a number of significant benefits to decriminalising the possession, use, and limited cultivation of cannabis:
 - i) Outright prohibition brings people into contact with the criminal justice system. It prevents people seeking help when they need it. Decriminalisation and a harm-minimisation approach allows focus on early intervention strategies that maximise health and safety and community wellbeing;

- ii) It removes the stigma arising from criminalisation and encourages people to ask for help if they need it, to access treatment and other supports, and removes barriers to employment;
- iii) It reduces health and social consequences for current and former users, their families and their community;
- iv) It enables users of cannabis, who cultivate a limited number of plants for personal use, to know the effects of that cannabis and that it has not been adulterated. This would reduce the risk that users of cannabis accidentally ingest the dangerous compounds commonly found in large-scale illegally cultivated cannabis and synthetic cannabinoid products;
- v) It reduces health inequality between specific groups that are disproportionately affected by the current regime. Specifically, the National Drug Strategy Household Survey 2022–2023 reports that:
 - i. After adjusting for differences in age, gay, lesbian and bisexual people were 2.6 times as likely to have used cannabis in the previous 12 months as heterosexual people;
 - ii. Trans and gender diverse people were 2.4 times as likely as cisgender people to have cannabis in the previous 12 months; and
 - iii. After adjusting for differences in age, First Nations people were 1.2 times as likely to have done so as non-Indigenous people.¹
- vi) By allowing users to cultivate cannabis for personal use, it removes a major revenue source for organised crime and greatly weakens the black market and criminal elements that profit from the supply of cannabis and other drugs;
- vii) It reduces the burden on an already overstrained criminal justice system, at both the level of policing and the Courts; and
- viii) It allows resources to be redirected towards the implementation of health education campaigns and programs to ensure children and young people are aware of the dangers of drug use, including cannabis use, as occurs with licit drugs such as alcohol and tobacco. This will result in significant social and economic benefits for the wider community.

¹ The National Drug Strategy Household Survey 2022–2023 may be accessed [here](#).

The ACT Model

10. Liberty Victoria commends the progressive cannabis decriminalisation reforms that have been introduced in the ACT. On 31 January 2020, the *Drugs of Dependence (Personal Cannabis Use) Amendment Act 2019* (ACT) (**Cannabis Act**), came into operation in the ACT.
11. The *Cannabis Act* operates in a similar manner to the bill currently before the Committee: its passage decriminalised the possession and cultivation of small amounts of cannabis for personal use with the intention of reducing criminal justice system involvement for people who use cannabis and treating cannabis use as a health issue.
12. The *Cannabis Act* included a number of relevant key reforms:
 - i) It abolished criminal penalties for the possession of up to 50g of dried cannabis or up to 150g of cannabis that has been harvested and not dried ('wet' cannabis) for adults in the ACT;
 - ii) It abolished criminal penalties for the cultivation of one or two cannabis plants for adults in the ACT, with a limit of four cannabis plants per premises;
 - iii) It prohibited cannabis cultivation at a place other than where the person lives and in an area accessible to members of the public;
 - iv) It retained prohibition of the artificial cultivation of cannabis including hydroponic cultivation or using an artificial light or heat source;
 - v) It prohibited smoking cannabis in a public place; and
 - vi) It prohibited exposing a child to smoke or vapour from cannabis use.²
13. Recently, the ACT Health Directorate conducted a review of the operation of the reforms under the *Cannabis Act* to determine whether the reforms were operating as intended (**Review**). The Review used a mixed-approach, collecting both qualitative data from interviews conducted with key stakeholders and quantitative secondary data from existing data sources and publications.
14. In its report from August 2024, the ACT Health Directorate found that the reforms under the *Cannabis Act* 'have been positively received and are achieving positive impacts for people who use cannabis.'³

² Review of the operation of the *Drugs of Dependence (Personal Cannabis Use) Amendment Act 2019*, p 9. The ACT Cannabis Act Review may be accessed [here](#).

³ The ACT Cannabis Act Review, p 5.

15. The key findings from the Review's analysis of the quantitative data indicated that:
- i) Rates of cannabis use have largely remained stable;
 - ii) People in the ACT continue to be less likely to have recently used cannabis than the national average ;
 - iii) 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*;
 - iv) There has been no increase in charges laid for trafficking or cultivation offences since the commencement of the *Cannabis Act*, indicating that the decriminalisation is yet to have a significant impact on large-scale illegal cannabis cultivation or supply that was not decriminalised under the reforms; and
 - v) There does not appear to have been any substantial increases or decreases in cannabis-related presentations to ambulances and hospital admissions.⁴
16. It is clear that the ACT's cannabis reforms are justified from a harm minimisation perspective and supported by the weight of the scientific evidence. The reforms are working well alongside other harm reduction and diversion programs.
17. Given that a legal framework of the kind introduced by the Cannabis Act had not been tried in Australia before the Cannabis Act, the ACT Government acknowledged at the time of its passing that there was a degree of uncertainty and risk associated with the approach.
18. There is now no such uncertainty. The Victorian government should follow the same evidence-based approach as the ACT. The *Cannabis Act* is operating as intended, with little to no quantifiable unintended consequences, and is an appropriate model for Victoria.

Possibilities for Further Reform

19. The ACT scheme does not address the supply of cannabis. At this stage, Liberty Victoria does not propose to advocate for reform going beyond the ACT scheme. However, we do note that the simplest way to undercut the black market and prevent criminal elements from profiting from the supply of cannabis would be for the Government to tightly control the legal supply of cannabis to users. This would have the great benefit of enabling the Government, at the point of supply, to promote a public health response that makes cannabis users aware of the potential harm of cannabis use (as occurs now with licit drugs such as alcohol and tobacco).

⁴ The ACT Cannabis Act Review, page 4.

20. We thank you for the opportunity to make this submission. Please do not hesitate to contact our President, Michelle Bennett, or our Chair of Criminal Justice Workgroup, Jonathan Cooper, through the Liberty Victoria office at info@libertyvictoria.org.au if we can provide any further information or assistance.

Michelle Bennett

President

Liberty Victoria