

# Submission by the National Drug and Alcohol Research Centre

## Inquiry into the Legalising Cannabis Bill 2023

### Purpose of this submission

The purpose of this submission is to draw the Inquiry's attention to a number of facts pertinent to any policy involving legalisation of cannabis production and consumption.

### How many people are arrested for cannabis use or supply

According to the latest Criminal Intelligence Report (Australian Criminal Intelligence Commission (2023), there were 66,285 arrests across Australia in 2020/21 for consuming or providing (selling) cannabis. The vast bulk of these arrests (59,353 or 90%) were for using or possessing cannabis.

### Would cannabis consumption increase if the bill became law?

A number of studies have been conducted suggesting that decriminalisation of cannabis, in jurisdictions that have taken that step, has not resulted in any increase in cannabis consumption (Single 1989; Donnelly et al. 1998; Hughes and Stevens 2010). In 2001, for example, all drug possession and use offences in Portugal became administrative offences. Hughes and Stevens (2010) evaluated the reforms and found that the prevalence of illicit drug use in Portugal increased slightly in the seven years following decriminalization but cited evidence suggesting that 'problematic drug use' had actually declined (Hughes & Stevens, 2010, p. 1008).

Many of the above mentioned-studies, however, failed to control for any pre-existing trends in cannabis use and could have mistaken a pre-existing downward trend for a policy-related reduction. Other studies, with more stringent controls, have found evidence that decriminalisation increases cannabis consumption. Saffer and Chaloupka (1995, 1998) and Pacula, Chriqui, and King (2003) found the impact of depenalization on marijuana smoking in

the United States to have been positive and significant. Similar positive effects in Australia have been reported by Williams (2004), Zhao and Harris (2004), and Damrongplasit, Hsio, and Zhao (2010). The latter study is particularly noteworthy because it controlled for the possibility that cannabis users might migrate to depenalization states. This greatly increased the estimated effect of cannabis depenalization in Australia (from around 5 to 16.3%).

The change in cannabis consumption in jurisdictions that have decriminalised it or reduced the penalties associated with it appears quite modest. Williams (2004), for example, found that depenalization of cannabis use in Australia was associated with an increase in the prevalence of use only among males over the age of 25. She also found no effect of depenalization on frequency of use among existing users. The Australian National Drug Strategy Household Survey asks respondents whether they would use cannabis if it was legal. Based on affirmative responses to this question, Weatherburn et al. (2021), estimated that 4.2% of the population aged 14 and over (n = 882 708) who have never tried cannabis before would try it, while 2.6% of the population aged 14 and over (537 000) would use more cannabis if its use were made legal.

It is important to note that in most jurisdictions where cannabis use and possession (of small amounts) have been decriminalised, cannabis cultivation and supply have remained illegal. Evidence from jurisdictions in the United States that have decriminalised both use and supply indicates that decriminalisation reduced the price of cannabis, increased its purity, and increased its consumption among adults (but, so far, not youth) (Hall & Lynskey 2020). Similar effects were reported in the Netherlands following the legalisation of cannabis sales in that country (MacCoun & Reuter 2001). In 1976, the Dutch adopted a formal written policy of not enforcing the prohibition against cannabis possession wherever the quantities involved were 30 g or less. Initially this change had no effect on cannabis use. From the mid-1980s onwards, however, the number of Dutch coffee shops selling cannabis began to grow, and the prevalence of cannabis use grew with it (MacCoun & Reuter 2001).

## Would cannabis-related harms increase if the Bill became law?

Around 10 per cent of cannabis users become dependent on the drug. Use of cannabis (especially regular use) can also induce psychosis (Darke, Lappin & Farrell 2019). The earlier-cited study by Weatherburn et al. (2021) found that respondents who frequently use cannabis and/or who are suffering from mild, moderate, or severe psychological stress, were more likely

to say they would use more cannabis if it was legal than those infrequently using cannabis and/or not suffering from such stress. Other studies have shown that cannabis use, particularly when combined with alcohol, increases the risk of a motor vehicle accident (Calabria, Degenhardt & Lynskey 2010). These facts suggest that an increase in the prevalence of cannabis use could result in an increase in cannabis-related mental health problems.

Health related harms, however, are not the only relevant consideration. The present policy of prosecuting cannabis users itself causes a great deal of harm. Cannabis users who are prosecuted end up with a criminal conviction. There is no evidence that prosecuting drug users has any effect on their willingness to continue using illegal drugs (Alexeev & Weatherburn 2022; Weatherburn & Young 2021; Spohn & Holleran, 2002). There is plenty of evidence, on the other hand, that a criminal conviction can seriously hamper a person's future earnings and employment prospects (Fagan & Freeman, 1999; Good, Pirog-Good, & Sickles, 1986; Hunter & Borland, 1999; Sampson & Laub, 1993). It can also result in travel restrictions. Diverting drug users away from the criminal justice system would remove these costs as well as reduce the amounts spent by Government arresting, prosecuting, and sanctioning illicit drug users. Tran, Weatherburn and Poynton (2023) have shown that a policy of issuing infringement notices or cautions for drug use/possession could result in an increase in NSW Government revenue of \$225.00 per offence.

## What do the public think about decriminalising cannabis?

The National Drug Strategy Household Survey asks two questions relevant to this issue. The first asks respondents 'to what extent would you support or oppose the personal use of the following drugs [cannabis, heroin, meth/amphetamine, cocaine ecstasy] being made legal. The second asks respondents 'what single action best describes what you think should happen to anyone found in possession of small quantities of the following drugs for personal use?' One of the drugs was cannabis. The response options provided to respondents were as follows:

1. No action
2. A caution or a warning only
3. Referral to a drug education program
4. Referral to treatment
5. Something similar to a parking fine, up to \$200
6. A substantial fine, around \$1000

7. A community Service Order
8. Weekend detention
9. A prison sentence

Weatherburn, Alexeev and Livingston (2021) grouped these options into three categories: ‘no sanction’ (comprising 1 and 2), ‘diversion/minor fine’ (3, 4 and 5), and ‘punishment (6, 7, 8, 9)’. Forty-one percent of respondents said they supported the personal use of cannabis being made legal. More than a quarter (28.9%) of those who do not support legalising the use of cannabis, either want no action taken against those caught in possession of a small quantity of cannabis for personal use or no more onerous sanction imposed upon them than a warning or caution. Earlier surveys have shown a steady increase in support for cannabis decriminalisation and a softening of penalties. These figures are therefore likely to have increased since 2019.

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