

Submission
No 355

INQUIRY INTO IMPACT OF THE REGULATORY FRAMEWORK FOR CANNABIS IN NEW SOUTH WALES

Organisation: Justice Action
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Submission to Inquiry into the Impact of the regulatory framework for Cannabis in NSW



July 31, 2024

Executive Summary

That Portfolio Committee No. 1 - Premier and Finance inquire into and report on the impact of the regulatory framework for cannabis in NSW.

The criminalisation of cannabis in NSW has had ripple effects that have disproportionately impacted marginalised communities, vulnerable individuals, and stimulated organised crime involvement in the community.

Current frameworks of the criminalisation of the consumption of cannabis has demonstrated the inefficacy of misdirected policing as a widespread black market trade continues to persist. This has inadvertently enabled organised crime groups to expand their operations, deriving untaxed profits that are funnelled deeper into the realm of black market crime. Legalising cannabis for personal recreational use would cause a decrease in other drug-related crime as well as ending the current ineffective possession charges that discredit the police who are required to enforce them.

Individuals who acquire cannabis illegally off the black market inadvertently sponsor organised crime. The industry's high demand ultimately empowers organised crime financially and socially, consequent in higher rates of drug-related crime and violence. Deflecting the number of individuals who are incarcerated for drug related crimes can weaken organised crime groups by reducing the potential for underground recruitment, since prisons are the fertile ground for it to occur.¹ Criminalisation hence inflates crime rates, which consequently endangers members of the general community.

Criminalisation does not curb rates of cannabis use. Instead, it subjects both users and non-using individuals to unintended harm.

Black market access to cannabis acts as a gateway drug to other substances which users would not otherwise seek. Dealers have 'harder' drugs such as cocaine, and meth and opioids² and offer them to cannabis users to increase their profits. A legalised, government regulated market would successfully counter this as users would not be exposed to drugs they did not intend to acquire. Consequently, individuals who purchase cannabis irrespective of its legality are needlessly endangered due to potential tampering of the substance, as well as being induced to try 'harder substances'. This presents a concern for public health.

In this Submission we call for action from the Parliament to redraft the guidelines on the notion of provisions within the Drug Misuse and Trafficking Amendment (Regulation of

¹ Kriegler, A. 2024, 'Drug Policy Reform and Organised Crime Series: Cannabis Policy reform and Organised Crime, A Model and Review for South Africa', Global Initiative <https://globalinitiative.net/wp-content/uploads/2024/02/Anine-Kriegler-Cannabis-policy-reform-and-organized-crime-A-model-and-review-for-South-Africa-GI-TOC-February-2023.pdf>

² Williams, AR. 2020, 'Cannabis as a Gateway Drug for Opioid Use Disorder.' J Law Med Ethics, doi: 10.1177/1073110520935338. PMID: 32631185; PMCID: PMC7359408. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7359408/>

Personal Adult Use of Cannabis) Bill 2023. Those issues are examined in reference to terms (a) to (h).

The call for reform stems from empirical evidence that reveal the harms from the criminalisation of cannabis to be of great significance to communities nationwide. It proposes economic advantages through the redirection of tax funding towards rehabilitative measures and creation of a regulated and taxed cannabis market, creating both jobs and a stream of government revenue by deflecting it from the pockets of organised crime groups.

There is a very significant imbalance with the impact of current laws on vulnerable communities. First Nations Peoples are particularly vulnerable to criminalisation for cannabis use and possession.

Three jurisdictions in Australia and many other countries have removed criminal enforcement for the use of cannabis. There haven't been negative consequences and the benefits are clear in many areas, most significantly removing the incentive for organised crime involvement in the widely accepted social space.

About Justice Action

Justice Action (JA) is a not for profit, self-funded organisation based in Australia that champions the interests and rights of marginalised members of the society. We have been involved in service provision, peer mentoring and accommodation as well as supervising Community Service Orders for twenty three years.

JA advocates for the improvement of the social and mental health of people locked in prisons and hospitals ensuring their voices and those connected to them are heard and respected. In pursuance of those goals, JA engages in policy development, initiates campaigns and liaises with stakeholders including victims of offences.

We have decades of experience working with mental health consumers, including four cases before the NSW Supreme Court, being Primary Carer to seven people and representing them before the Mental Health Review Tribunal for many years.

More information about us is [here](#). Our [Strategic Plan](#) is here. Some of [our achievements are here](#).

We present specific material about the Corrective Services system and the recent NSW initiative to give every prisoner an in-cell computer device with managed access to communication and services. Telehealth information and counselling services are now becoming available which will include drug counselling.

We ask to give evidence to the Committee regarding these matters, bringing witnesses about criminal involvement in the area. We ask that consideration be given for those witnesses to give evidence in camera.

(a) the historical development and implementation of the regulatory framework for cannabis

The recreational use of Cannabis and its importation was prohibited by the Australian Federal Government for the first time in 1926, in order to ratify the *International Opium Convention 1925* treaty.³ Australia is also a signatory to the *Single Convention on Narcotic Drugs* (1961), which sets the international standard for cannabis to be criminalised for personal use.⁴

Criminal Code Act 1995 (Cth), *Crimes (Traffic in Narcotics and Psychotropic Substances) Act 1990* (Cth), *Drug Misuse and Trafficking Act 1985* (NSW)⁵ treat Cannabis as an illegal narcotic drug, criminalising the use, possession, cultivation and supply of cannabis.⁶ Despite the criminalisation of the cannabis to deter its use, the use of cannabis in Australia has remained steady. In 2022-2023, 11.5% of people in Australia had used cannabis in previous 12 months, equating to around 2.5 million people. Similarly in 2019, the rate sat at 11.6%, whilst in 2001 it was 12.9%.⁷ The lack of fluctuation suggests that the demand and levels of cannabis use remain constant despite criminalisation and increased policing efforts.⁸

The *Therapeutic Goods Act 1989* (Cth), *Customs Act 1901* (Cth) has regulated the supply or access to cannabis as a therapeutic medicine by imposing controls on the quality safety and efficacy of therapeutic substances that are used in exported from Australia. It has categorised Cannabis as a drug that cannot be imported or exported from Australia without a licence and permit.

The *Hemp Industry Act 2008* (NSW) regulates the grant of licence to authorise the cultivation, supply, manufacture or research involving industrial hemp for non-therapeutic purposes such as manufacturing textiles, paper, building materials, cosmetics and foods (hemp seed and hemp oil).

The *Narcotic Drugs Amendment Act 2016* (Cth) provides a legislative framework for cultivation of cannabis to provide medicinal cannabis treatment to patients in Australia.⁹ This regulation allows an authorised doctor to prescribe medical cannabis products to patients over the age of 18, who are subject to review. For the doctor to be able to prescribe medicinal cannabis, their credentials and specialty medical knowledge are evaluated.¹⁰

³Tadeh Karapteian, Criminalisation of Cannabis in NSW: Is harm minimisation going up in smoke? <<https://www8.austlii.edu.au/au/journals/UNSWLawJISuS/2017/1.pdf>>.

⁴Tadeh Karapteian, Criminalisation of Cannabis in NSW: Is harm minimisation going up in smoke? <<https://www8.austlii.edu.au/au/journals/UNSWLawJISuS/2017/1.pdf>>, p5.

⁵*Drug Misuse and Trafficking Act 1985* (NSW) ss 10, 12, 23, 23A & 25.

⁶<<https://www.sydneycriminallawyers.com.au/blog/your-guide-to-new-south-wales-cannabis-laws/>>.

⁷Australian Government - Australian Institute of Health and Welfare, *National Drug Strategy Household Survey 2022-2023: Cannabis in the NDSHS* <<https://www.aihw.gov.au/reports/illicit-use-of-drugs/cannabis-ndshs>>.

⁸Tadeh Karapteian, Criminalisation of Cannabis in NSW: Is harm minimisation going up in smoke? <<https://www8.austlii.edu.au/au/journals/UNSWLawJISuS/2017/1.pdf>>, p5.

⁹ Explanatory Memorandum, *Narcotic Drug Amendment Act 2016* (Cth) 1.

¹⁰ Tadeh Karapteian, Criminalisation of Cannabis in NSW: Is harm minimisation going up in smoke? <<https://www8.austlii.edu.au/au/journals/UNSWLawJISuS/2017/1.pdf>>, p16.

Medical Cannabis can be prescribed by specialists and Doctors through the process of Therapeutic Goods Administration's (TGA's) Special Access Scheme Application.¹¹ The underlying issue of purchasing prescribed medicinal cannabis is that they are more expensive than purchasing a similar product in black market. Patients from low-socioeconomic backgrounds are then obligated to purchase cannabis illegally even when they have a legal prescription.¹²

The *Road Transport Act 2013* (NSW) prohibits driving with the presence of prescribed illicit drugs in person's oral fluid, blood or urine.¹³ The person would be found criminally liable for only the presence of cannabis in their system even if their abilities are not impaired, often resulting in large fines. Therefore, it often creates hurdle for cannabis users, as having a prescription will not constitute as a defence.¹⁴

¹¹ Australian Government - Department of Health and Aged Care, SAS and AP Online System Information

<<https://www.tga.gov.au/products/unapproved-therapeutic-goods/prescribe-unapproved-therapeutic-good-health-practitioners/sas-and-ap-online-system-information>>.

¹²ABC NEWS, *Medicinal Cannabis Regulation Costing Patients &600 a Month, Forcing Some to Turn to the Black Market*, by Sasha McCarthy and Tom Joyner (20 Feb 2020)

<<https://www.abc.net.au/news/2020-02-20/medicinal-cannabis-cost-forcing-patients-to-black-market/11976282>>.

¹³*Road Transport Act 2013* (NSW) s111.

¹⁴AJGP, *Medicinal Cannabis and Driving*

<<https://www1.racgp.org.au/ajgp/2021/june/medical-cannabis-and-driving>>.

(b) the socioeconomic impact of the current regulatory framework for cannabis

The current socioeconomic cost incurred by cannabis trade is a product of the ineffective regulatory law frameworks, which enable a high volume of dealer and consumer meetings. The high cost of cannabis on the blackmarket remains affordable for frequent consumers. The Australian Criminal Intelligence Commission (ACIC) estimates that one gram of cannabis purchased illegally costs around \$22.50 on average.¹⁵ However, daily and weekly users are more likely to purchase by the ounce - 28 grams, which averages at \$300; equating to an approximate \$11 a gram.¹⁶

Approximately 90% of all cannabis-related arrests between 2011 and 2021 were for small amounts of possession.¹⁷ Law enforcement related to cannabis alone costs Australia \$1.7 billion annually.¹⁸ In decriminalising cannabis for recreational use, the Australian Government will be at liberty to reinvest resources into educational and rehabilitative sectors that better target the health aspects related with drug use.

The total cost of cannabis use to society was roughly \$4.5 billion in 2015 to 2016.¹⁹ Around \$2.4 billion of this cost was related to the criminal justice system which involved imprisonment, community supervision orders and impact on victims of crime.²⁰

The cost of cannabis laws are heightened by the impact of limited and lack therefore of enforcement. The high demand for cannabis has remained constant, despite attempts to limit the supply, making the cannabis-business more lucrative for dealers. With such a high demand, limiting suppliers has no impact, as when one dealer falls another simply replaces him.²¹

The black market distribution of cannabis sanctions millions of dollars of revenue to be funnelled into the untaxed profits of illegal dealers. The National Drug and Alcohol Research Centre stated that, in the 2015-2016 financial year, it was estimated cannabis cost Australians \$4.5 billion in revenue.²² This money is then transferred to conduct other illegal

¹⁵ Williams, J, Rose, C, 2024, 'How can we measure the size of Australia's illegal cannabis market and the billions in taxes that might flow from legalising it' The Conversation https://theconversation.com/how-can-we-measure-the-size-of-australias-illegal-cannabis-market-and-t-he-billions-in-taxes-that-might-flow-from-legalising-it-229287#:~:text=But%20the%20daily%20and%20weekly,most%20of%20the%20current%20market;https://www.acic.gov.au/sites/default/files/2023-10/illicit_drug_data_report_2020-21_forweb.pdf

¹⁶ Ibid

¹⁷ Penington Institute, 2023, 'Cannabis in Australia', Melbourne

¹⁸ Ibid

¹⁹ AIHW, 2024, 'Alcohol, Tobacco & other drugs in Australia' <https://www.aihw.gov.au/reports/alcohol/alcohol-tobacco-other-drugs-australia/contents/impacts/economic-impacts>

²⁰ Ibid

²¹ Karapetian, T, 2017, 'Criminalisation of Cannabis in New South Wales: Is Harm Minimisation Going Up In Smoke?', UNSWLawJIStuS Student Series No 17-01

²² Drug and Alcohol Research Connections, 2020, 'New Research Shows Cannabis Use Costs Australia \$4.5 billion' <https://www.connections.edu.au/news/new-research-shows-cannabis-use-costs-australia-45-billion>

activities such as money laundering, violence, and corruption.²³ In 2023, it was estimated that cannabis earns the blackmarket up to \$25 billion a year in profits.²⁴ Blackmarket crime and organisational crime groups thrive on the prohibition of cannabis, authorising its merchandise without adhering to national standards of drug safety.

Users are not protected by consumer law, risking their exposure to added harmful substances or polyuse narcotics. The security and safety within the cannabis-manufacturing business, otherwise known as the 'jet-fuel of organised crime', encourages a monopoly of external income and finances for other illicit narcotics, such as heroin and methamphetamine²⁵, allowing transnational gangs in Australia receive an incredible profit from the criminalisation of cannabis.²⁶ Cases such as Donald Mackay demonstrate the power placed on cannabis and its accessibility and its relationship with organised crime.²⁷

On the evening of the 15th of July 1977, Donald Bruce Mackay, 43, went missing from the car park of the Griffith Hotel on Kooyoo Street, Griffith. Blood and bullet cartridges were located near Mr Mackay's locked van. While no body has been found to date, a coronial inquest concluded that Mackay died from wilfully inflicted gunshot wounds. In the 1970s, a Royal Commission into Mackay's disappearance suggested that he was murdered by a hitman due to his strong advocate for ending organised crime.

Mackay was a prominent Australian businessman and an aspiring politician who ran and lost in both state and federal elections as the Liberal Party candidate in Griffith. He was also an anti-drugs campaigner with strong opposition to marijuana. His death was ultimately due to 'his attempts to expose marijuana-growing rackets' in the area.²⁸ Mackay had been concerned about the increase of marijuana being sold and distributed across Griffith and had

²³ National Drug & Alcohol Knowledgebase, 2024, 'How many cannabis arrests are there each year in Australia'

<https://nadk.flinders.edu.au/kb/cannabis/cannabis-crime/how-many-cannabis-related-arrests-are-there-each-year-in-australia>

²⁴ Remeikis, A, 2023, 'Australia Spends Billions 'Failing to Police' Cannabis That Earns Black Market \$25bn a year, Greens say', The Guardian

<https://www.theguardian.com/society/2023/mar/18/australia-spends-billions-failing-to-police-cannabis-that-earns-black-market-25bn-a-year-greens-say>

²⁵ Lucas, C, 2024, 'Criminalising Cannabis: How Australia's War on Weed Hurts the Poor', The Age

<https://www.theage.com.au/politics/victoria/criminalising-cannabis-how-australia-s-war-on-weed-hurts-the-poor-20240723-p5jvv8.html#:~:text=Penington%20Institute%20chief%20executive%20John,such%20as%20heroin%20and%20methamphetamine.>

²⁶ Mulachy, S, 2024, 'Call to regulate sale of cannabis to stem rise in organised crime', Herald Sun

https://www.heraldsun.com.au/subscribe/news/1/?sourceCode=HSWEB_WRE170_a_GGL&dest=http%3A%2F%2Fwww.heraldsun.com.au%2Ftruecrimeaustralia%2Fpolice-courts-victoria%2Fcall-to-regulate-sale-of-cannabis-to-stem-swell-in-organised-crime%2Fnews-story%2Fc29bde5a9de63afc7989170d66eaff1&memtype=anonymous&mode=premium&v21=GROUPA-Segment-2-NOSCORE#:~:text=Cannabis%20is%20generating%20huge%20profits,a%20law%20and%20order%20problem%E2%80%9D.

²⁷ ABC News, 2013, 'Donald Mackay's death one of Australia's longest-enduring crime mysteries', ABC News

<https://www.abc.net.au/news/2013-06-13/donald-mackays-death-one-of-australias-great-murder-mysteries/4750730>

²⁸

<https://www.smh.com.au/opinion/organised-crime-thrives-40-years-after-the-donald-mackay-murder-20170709-gx7sg4.html>

also tipped off drug detectives about marijuana cultivation in Coleambally which led to local organised crime dealers being arrested. Mackay's death was presumed to be as a result of the planning and organisation of prolific organised crime in the area, for which one man has been jailed and since released for conspiracy to murder Mackay.

(c) the historical, current and future financial cost of cannabis prohibition to the Government and the economy

The current legal framework is both unsuccessful in restraining the supply and availability of cannabis in Australia; facilitating a network of illicit substance laundering and capitalism. Government resources are being wasted and the community experiences minor benefit from the attempt to reduce the prevalence of a substance that remains so widely available, despite its illegality.²⁹

Further economic and financial advances within the merchandising and financial cost of cannabis prohibition from the Australian Government can be founded in section B of the inquiry submission.

²⁹ Karapetian, T, 2017, 'Criminalisation of Cannabis in New South Wales: Is Harm Minimisation Going Up In Smoke?', UNSWLawJISuS Student Series No 17-01

(d) the impact of the current regulatory framework for cannabis on young people, the health system, personal health, employment, road safety, crime and the criminal justice system

Current legislative frameworks surrounding the use of cannabis harbour scepticism and concerns of youths' accessibility to narcotics and illicit substances. Legalisation should be considered since it would provide safer, long-term health results for drug users.

Reports indicate that amongst Australian adolescents aged 14-19, 15% reported to consuming cannabis within the past year (2023).³⁰ With the substance currently criminalised, youth offenders and users obtain cannabis via illegal means, potentially becoming exposed to the black market and organised crime group. Black market distributors of cannabis do not conduct ID checks nor adhere to legal standards of deterring underage drug use. Legalisation would restrict the market and prevent access to cannabis for users young as 14.³¹

Medical practitioners and officers extend the concerns of youth and criminalised cannabis use³². Unregulated cannabis use carries across long and short terms effect, including harbouring minor effects of paranoia, vertigo and disorientation to extremes of respiratory disease, developmental stunting and cardiovascular damage from drug poisoning via admixtures drugs. Ergo, there is overwhelming results to support a health-based response to drug use³³, as the the criminalisation of drug use causes harms for individuals and the community, and contributes to the shame, stigmatisation and marginalisation of drug users³⁴. The decriminalisation of drugs, cannabis, forwards a cooperative coalition that seeks out help and guidance, rather than perpetuating an addiction of drugs.

³⁰ Penington Institute, 2024, 'Inquiry into impact of the regulatory framework for cannabis in New South Wales', Submission No 111

³¹ Greens Party NSW, 2024, 'Our Plan to Legalise It', <https://greens.org.au/nsw/legalisecannabis2023#:~:text=The%20Greens%20plan%20will%20legalise,cannabis%20markLegalise Cannabis 2023 | Greens NSWet%20by%20large%20corporations>.

³² Australian Institute of Health and Welfare, 2021. 'Alcohol, tobacco & other drugs in Australia'.

³³ The Lancet (2023). 'Drug decriminalisation: grounding policy in evidence', 402, (10416), 1914. [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(23\)02617-X/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(23)02617-X/fulltext)

³⁴ NSW Government. (2020). Special Commission of Inquiry into the Drug 'Ice' report. <https://www.nsw.gov.au/the-cabinetoffice/special-commissions-of-inquiry/drug-ice>

(e) the impact of the regulatory framework for cannabis on Aboriginal, LGBTIQ+, regional, multicultural and lower socioeconomic communities

The 2023 NSW Bureau of Crime Statistics and Research report found that there was a 32.2 percentage point difference in cautioning rates between Indigenous and non-Indigenous offenders charged with cannabis use or possession.³⁵ The rate for Indigenous offenders was 11.7% compared with 43.9% for non-Indigenous offenders.³⁶ Whilst some of this is accounted for by the eligibility factors, which state that offenders can only be cautioned if they do not have prior drug, violent or sexual offences, a discrepancy still exists. In fact, when eligibility factors were considered, only 39.5% of eligible Indigenous offenders were handed a caution, compared to 73.9% of eligible non-Indigenous offenders.³⁷

Most of this discrepancy attributed to the manner in which the current cautioning scheme is indirectly biased against Indigenous offenders. The eligibility factors requiring offenders to not have any prior relevant offences is skewed against Indigenous people who statistically have higher rates of contact with the criminal justice system, which may be caused by their lower socioeconomic environments. The police discretion to issue cautions allows their personal biases to infiltrate their conviction of Indigenous offenders, and deepens the discriminatory gaps.

³⁵ Teperski, A, Rahman, S, 2023, 'Why are Aboriginal adults less likely to receive cannabis cautions?', NSW Bureau of Crime Statistics and Research https://www.bocsar.nsw.gov.au/Pages/bocsar_publication/Pub_Summary/CJB/CJB258-Summary-Cannabis-cautioning.aspx#:~:text=Key%20findings&text=%22There%20was%20a%2032.2%20p.p.major%20source%20of%20this%20disparity.

³⁶ Knaus, C, 2023, 'NSW police less likely to give Indigenous offenders warnings for minor cannabis offences', The Guardian <https://www.theguardian.com/australia-news/2023/jun/07/nsw-police-less-likely-to-give-indigenous-offenders-warnings-for-minor-cannabis-offences>

³⁷ Ibid

(f) alternative approaches to the regulatory framework for cannabis in other jurisdictions

South Australia:

South Australia (SA) is a first state in Australia to decriminalise cannabis use in 1987 for small Cannabis Offences, by introducing an alternate deterrent method of an expiation to pay a fine.³⁸ Under the *Controlled Substances Act 1984* (SA), it is still illegal to keep, use, grow or give away cannabis, cannabis oil, or cannabis resin, but it has decriminalised Small Cannabis Offences relating to personal possession up to 100 grams of cannabis. Possession up to 20 grams of cannabis resin has also been decriminalised, as well as smoking cannabis in private, possessing equipment, or cultivating not more than one cannabis plant.³⁹ These are now dealt by fine, rather than criminal conviction.⁴⁰

Northern Territory:

In the Northern Territory (NT), under the *Misuse of Drugs Act 1990* (NT), where a person is found to be in possession of cannabis material less than 50 grams in their own home, one gram of cannabis oil, or 10 grams of cannabis seed, they are faced with fine rather than a criminal charge.⁴¹

Australian Capital Territory:

In 31 January 2020, new rules regarding personal use of Cannabis in the *Australian Capital Territory* (ACT) was introduced to help support the cannabis users to stay out of the justice system. Although cannabis has not been legalised, the change has made ACT the first Australian jurisdiction to decriminalise the possession or personal use of small amounts of cannabis. It has effectively allowed people who use cannabis to seek support without the fear of being put through the justice system.⁴²

Furthermore, amendments to the *Drugs of Dependence Act 1989* (ACT),⁴³ which came into execution on 28 October 2023, allowed an individual of the age of 18 and above to possess 50 grams of dried cannabis or to possess 150 grams of fresh cannabis. The changed

³⁸*Controlled Substances Act 1984* (SA), s45A.

³⁹Legal Services, Simple Cannabis Offences <<https://www.lawhandbook.sa.gov.au/ch12s10s02.php>>.

⁴⁰Government of South Australia, *Illicit Drug Laws* <<https://www.sahealth.sa.gov.au/wps/wcm/connect/public+content/sa+health+internet/conditions/legal+matters/illicit+drug+laws>>.

⁴¹*Misuse of Drugs Act 1990* (NT) s7B.

⁴²ACT Reform, Cannabis <<https://www.act.gov.au/cannabis/home>>.

⁴³*Drugs of Dependence Act 1989* (ACT)

<https://www.legislation.act.gov.au/View/a/alt_a1989-11co/current/html/alt_a1989-11co.html>.

law further allowed to grow up to two cannabis plants per person, with maximum of four plants per household for personal use, and to use cannabis in home.⁴⁴

However, it is important to note that it is still an offence to smoke or use cannabis in public place, expose a child or young person to cannabis smoke, or store cannabis where children can reach. Furthermore, artificial cultivation and cultivation in public spaces is also illegal, alongside supplying, gifting, or selling the drug to persons under the age of 18.⁴⁵

The decriminalisation of personal use of cannabis has not had any effect of inducing a spike in the rate of cannabis use since 2020. It maintained a steady rate even after one year of this legislative reform.

A positive effect is that the decriminalisation has seen a significant drop in simple cannabis offences by 90%, from 56 to 5 Simple Cannabis Offence Notices. The decriminalisation of personal use of Cannabis in small quantity in ACT has valued to treat the problem of drugs and cannabis use as an issue of public health problem, rather than a criminal offence.⁴⁶

⁴⁴ ACT Government, Drug Law Reform

<https://www.act.gov.au/health/topics/drugs-alcohol-smoking-and-vaping/drug-law-reform?SQ_VARIATION_2301883=0>.

⁴⁵ACT Reform, Cannabis <<https://www.act.gov.au/cannabis/home>>.

⁴⁶ABC News, What has changed in the years since cannabis possession was legalised in the ACT? Sun 31 Jan 2021, Michael Inman

<<https://www.abc.net.au/news/2021-01-31/what-has-changed-since-cannabis-was-legalised-in-the-act/13105636>>.

(g) the provisions of the Drug Misuse and Trafficking Amendment (Regulation of Personal Adult Use of Cannabis) Bill 2023, and

The Drug Misuse and Trafficking Amendment (Regulation of Personal Adult Use of Cannabis) Bill 2023 would make it lawful to possess small quantities of cannabis for personal use, and for an adult to cultivate not more than six cannabis plants for personal usage.

Justice Action is supportive to this proposed legislative regulation. It aligns with the previously covered inquiries and submission presented above. It is understanding that vulnerable groups, Aboriginal and Torres Strait Islander people; LGBTIQ+ people; people in regional, rural and remote areas; and lower socioeconomic communities, are at risk of greater harm from coming into contact with law-policing enforcement and the criminal justice system.

We encourage safe and protective measures for drug use that do not endanger individuals, families, and the communities. It is to be exercised that drug testing and medical checkup be a routine implementation to minimise the effects of drug impairment, having biannually psycho-medical check-ins for health maintenance.

Furthermore, we encourage the regulations and campaigned awareness of the accessibility to cannabis to be flexible and dynamic. This awareness of cannabis legalisation combats the revenue derived from the cultivation and manufacturing of an illegal substance. Thereby, the demand for cannabis becomes less intensified with organisational crime groups no-longer having a profitable market that capitalises off drugs-trafficking. In turn, the legalisation of drugs provides protection for children by limiting their access to drugs and potential health detriments. It also retaliates the economic modelling and profit margin of organised crime groups and provides preventative measures against organised crimes group to direct individuals to supply of other drugs, money laundering, and violence. It limits the overrepresentation of First Nations people and other vulnerable individuals in the prison system, and benefits the wider economy by conserving the funding that was previously spend on law enforcement.

(h) any other related matters

In conclusion, Justice Action is supportive of public policy and legislative changes that propose to decriminalise the use of cannabis. We support a harm minimisation approach that recognises that drug use is complex phenomenon, provides the best outcomes for individuals and the broader community in combatting against the spread of organised crimes groups.

We are urged to close the gap for Aboriginal and Torres Strait Islander and provide protective measures for the youth: minimising both the stigma and marginalisation. We find it imperative to adopt an approach that is considerate of the the impact of the regulatory framework for legalised cannabis use within New South Wales.