



# LET'S GET REAL ABOUT DRUGS

## Cannabis: Just legalise it

### Regulating cannabis to reduce harm

We need to get real about cannabis. Countries all around the world are realising that prohibition causes more harm than it prevents, and are moving to develop a regulated legal market. With 35% of Australians having used cannabis, it's time we listened to health experts and joined those countries. The Australian Greens would redefine cannabis as a legal substance for adult use in a tightly regulated market, to reduce harm, increase protections for vulnerable populations, and redirect resources into treatment.

#### > CANNABIS PROHIBITION HAS FAILED

Every year in Australia, both the consumption of cannabis and arrests associated with its use continue to rise. 35% of Australians have used cannabis,<sup>1</sup> and according to the latest statistics from the Australian Criminal Intelligence Commission, cannabis accounts for the greatest proportion of illicit drug arrests across Australia – rising 6% from 75,105 in 2014–15 to a record 79,643 in 2015–16.<sup>2</sup> These statistics show that, despite the current illegality of cannabis, Australians choose to use it. The reality of this choice is that millions of Australians are forced to buy cannabis of unknown quality or strength from criminal drug dealers, or grow cannabis plants at home illegally.

Creating a regulated legal market for cannabis – as many states of the US, Spain, Uruguay (and soon Canada) have done – would bust the business model of criminal drug dealers, ensure greater protections for vulnerable cannabis users, and allow for the current vast expenditure on the criminal response to cannabis to be redirected to drug treatment, education, and other harm reduction programs.

#### > HARMS OF CANNABIS PROHIBITION

Criminalisation of the production and use of cannabis has led to multiple harms, including:

- People convicted of drug use being forced to live with criminal records – a disproportionately severe punishment that can impede future job opportunities – the burden of which often hits hardest on already vulnerable groups;

- Interaction with criminal dealers rather than trained professionals in safe, regulated outlets is putting people at risk and meaning the cannabis products they purchase are of unknown strength and quality;
- Funds directed into ineffective law enforcement responses to drug use, rather than drug education and health services; and
- The criminal market for cannabis has led to more harmful strains which contain high levels of THC (tetrahydrocannabinol) and low CBD (cannabidiol).

#### > INTERNATIONAL EXPERIENCE AND SUPPORT AT HOME

While this would be a significant reform in Australia, we are playing catch up with other countries around the world that have moved to legalise cannabis.

In the USA, nine states (Alaska, California, Colorado, Maine, Massachusetts, Nevada, Oregon, Vermont, and Washington) as well as the District of Columbia have moved to legalise cannabis. Spain and Uruguay have also legalised and Canada has committed to legalising this year.<sup>3</sup> In our own region, the New Zealand Prime Minister has agreed to a referendum on cannabis legalisation.<sup>4</sup>

In Uruguay, early data shows that drug-related crime has dropped 20% since cannabis became legal since July 2017.<sup>5</sup> Early evidence from the US appears to point to reduction in alcohol consumption, violent crime and a reduction in prescription opiate overdoses.<sup>6</sup>

<sup>1</sup> Australian Institute of Health and Welfare, National Drug Strategy Household Survey 2016: detailed findings.

<https://www.aihw.gov.au/reports/illicit-use-of-drugs/ndshs-2016-detailed/data>

<sup>2</sup> Australian Criminal Intelligence Commission, Illicit Drug Data Report 2015-16, p. 69.

[https://acic.govcms.gov.au/sites/g/files/net1491/f/2017/06/iddr\\_2015-16\\_cannabis.pdf?v=1498020153](https://acic.govcms.gov.au/sites/g/files/net1491/f/2017/06/iddr_2015-16_cannabis.pdf?v=1498020153)

<sup>3</sup> <https://www.ontario.ca/page/cannabis-legalization>

<sup>4</sup> <https://www.reuters.com/article/us-newzealand-election-cannabis/unlikely-allies-eye-vote-to-legalize-cannabis-in-new-zealand-idUSKBN1CTOHG?il=0>

<sup>5</sup> The Entrepreneur 'Uruguay Legalized Marijuana and the Crime Rate Has Plummeted', 6 Feb 2018.

<https://www.entrepreneur.com/article/308557>

<sup>6</sup> Journal of Economic Behavior & Organization, 'Crime and the legalization of recreational', 20 Feb 2018

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Insights from international markets will continue to be analysed to inform the regulatory environment in Australia. The Greens are committed to the development of a legalised industry for cannabis production and consumption which is evidence based. For this reason, our plan includes a fully independent review after two years of implementation.

Here in Australia, support for legalising cannabis is strong and growing. In January 2017, a poll of over 1000 Australians by Essential Media found that 55% of respondents thought cannabis should be taxed and regulated like alcohol or tobacco, and only 26% opposed.<sup>7</sup>

## > THE AUSTRALIAN CANNABIS AGENCY

In place of prohibition, the Australian Greens would create a tightly regulated adult use market for legal cannabis. At the heart of our plan is reducing harm, recognising that people choose to use cannabis. Our plan would:

- Establish an Australian Cannabis Agency which draws together state and territory governments, experts and regulators. The agency would issue licenses for production and sale, carry out a program of monitoring and enforcement of premises of production and sale, and conduct ongoing review and monitoring of the regulatory scheme to ensure it is functioning optimally;
- The Australian Cannabis Agency would also act as the single wholesaler for cannabis – purchasing cannabis from the producers and selling on plain packaged product to the retail stores to ensure quality and consistency;
- Establish cannabis retail shops which would:
  - o Require ID for entry, and ban the sale of cannabis to anyone under the age of 18;
  - o Sell only plain packaged cannabis – with clear information about the strain and health warnings; and
  - o Require all sales staff to undertake a responsible sale of cannabis (similar to RSA) course, as well as mental health first aid training. Spot checks would be undertaken to ensure compliance.
- Prohibit all advertising;
- Avoid 'big cannabis' by promoting small scale production and plain packaged products;
- Allow growth of up to six plants (or if already decriminalised, consistent with existing state laws) at home for personal use only;
- Impose strict penalties for:
  - o Sale of unlicensed or black market cannabis

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<https://www.sciencedirect.com/science/article/pii/S0167268118300386>

<https://drugabuse.com/legalizing-marijuana-decreases-fatal-opiate-overdoses/>

<sup>7</sup> The Guardian, *Regulating cannabis is inevitable. We should talk about getting it right*, 5 Jan 2017

<https://www.theguardian.com/commentisfree/2017/jan/05/regulating-cannabis-is-inevitable-we-should-talk-about-getting-it-right>

- o Sale to under age consumers
- Penalties for those found to be driving under the influence of cannabis to continue (with clear need to improve the testing for drug impairment);
- Impose GST as well as federal excise;
- Create new jobs in the production and sale of legal cannabis;
- Have an Advisory Committee of experts from across harm reduction, clinical, mental health, user advocate, law enforcement and other relevant sectors; and
- Commission a full independent review of the regulations after 2 years with public reporting of all findings and recommendations.

## > PROTECTING MORE VULNERABLE CANNABIS USERS

Cannabis is not as harmful as other illicit drugs, but like all drugs, legal or illegal, it has the potential for harm. This is true for those with existing mental health issues, when used excessively, or on the developing brain in younger people. Legalising cannabis increases the protections for these groups by bringing its production and sale into a tightly regulated market, rather than leave it to criminal drug dealers who are happy to sell to vulnerable people.

Our plan would include tight restrictions to protect young people, including ID checks required to enter cannabis retailers, and harsh penalties for anyone supplying cannabis to those under the age of 18.

Our plan also provides for education about the potential risks associated with chronic cannabis consumption and for those with pre-existing mental health issues. Those selling cannabis would be required to undertake responsible service training as well as mental health first aid, with information provided at point of sale about the potential harms of consumption and health referrals.

The money raised through tax revenue and saved in the law enforcement response would be invested in drug treatment services, mental health services and drug education programs.

## > BUSTING THE CRIMINAL BUSINESS MODEL

As long as cannabis is illegal, its production and supply is in the hands of criminal gangs and syndicates. The 'war on drugs' approach has done nothing to stop or even reduce cannabis use in Australia, so the huge law enforcement response to illegal cannabis supply is an expensive failure.

A key benefit of legalising cannabis through this controlled market is busting the business model of the criminal gangs and diverting profits away from organised crime. In a legal market, people interact with trained professionals and not illegal drug dealers.