

Addressed to: Western Australian Legislative Council

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Title: Extending a legalisation model to recreational cannabis

Summary

This report focuses on cannabis and its law reform in Australia. The report advocates for extending a legalisation model to recreational cannabis only. In response to Legislative Council Inquiry into Personal Choice and Community Safety, this report responds to item three in the terms of reference which states refers to “any other measures introduced to restrict personal choice for individuals as a means of preventing harm to themselves”. Cannabis is one of the most frequently used drugs throughout the world and it is also one of the most controversial drugs in terms of its legalisation. Due to the high prevalence and serious adverse health effects of cannabis, a harm minimisation approach is recommended to be taken with this drug. This approach would include decriminalising recreational cannabis and implementing more harm minimisation programs. People should have the right to use cannabis for recreational purposes as it should not be a crime. Criminalising recreational cannabis does not prevent its use or reduce its harms. Examples of harm minimisation programs and initiatives for cannabis include the Climate Schools program. Similar and additional harm minimisation initiatives should be implemented to reduce the supply, demand and harm of cannabis.

What is cannabis?

Cannabis, also known as marijuana, refers to a variety of plants which, in the modern world, have been used as a drug for their psychoactive constituents. It is believed that the first human contact and use of cannabis was due to religious and ceremonial reasons almost 2000 years ago. After this period, there was a gradual transition from cultivation of cannabis to civilization of cannabis whereby it came to be used an intoxicant once its effect was evident. Following these historic events, cannabis became known for its psychoactive effects and currently, labelled as an illicit drug in most parts of the world.

Cannabis as a drug is now known to contain over 400 chemicals with numerous adverse and beneficial health outcomes. The adverse effects of cannabis include psychotic experiences such as hallucinations, delusions and persecutory ideation. However, there are also many medicinal uses and benefits of cannabis. The medicinal use of cannabis has been proven to alleviate intractable cancer pain, symptoms of multiple sclerosis, epilepsy and Dravet syndrome. Due to its history and medicinal benefits, cannabis should be reconsidered to be given the label as a licit drug.

The prevalence of cannabis in Australia

Cannabis has long been and still remains the most frequently used drug throughout Australia. In 2016, approximately 10.4% of the Australian population reported to have used cannabis in the past 12 months. The use of cannabis was around 5.8 times higher among vulnerable populations including people who are homosexual and bisexual. Furthermore, people who are unemployed and those living in remote areas were reported to use more cannabis. The age of which people are starting to use cannabis is decreasing meaning the onset of the use of cannabis is becoming earlier and people are likely to use it longer. Through these figures, it is evident that those who use cannabis are not likely to stop doing so regardless of it being illegal for recreational purposes. Therefore, a different method needs to be implemented to reduce the prevalence of cannabis use.

There is a lack of education on cannabis and as a result are not likely to stop the use of cannabis because the law says so rather because they have enough information to do so. Most Australian people reported that they support policies targeted at reducing the harms resulting from drug use. These policies can be linked to having a harm minimization approach whereby they focus on supply, demand and harm reduction of drugs. Furthermore, the majority of Australians believed in having more education and treatment on drugs and lower support for law enforcement approaches.

The current legislation on cannabis in Australia

Cannabis use and possession for recreational purposes is currently illegal throughout Western Australia. On September, the 23rd in 2003, the Cannabis Control Bill was passed through the West Australian Parliament. The Bill was called the Legislative Backing behind the Cannabis Infringement Notice (CIN) Scheme, and came into effect on 22 March 2004. The act prohibited and allowed for civil penalties for minor cannabis offences. Western Australia was the fourth Australian jurisdiction, after South Australia, the Australian Capital Territory and the Northern Territory, to adopt a prohibition with civil penalties scheme for minor cannabis offences.

Currently in Western Australia the use of cannabis for medical purposes is permitted if it abides by the guidelines and laws. Under current legislation, a cannabis based product can only be lawfully prescribed and dispensed if:

- importation is in accordance with Australian Customs laws; or
- cultivation and manufacture is in accordance with Australian Narcotic Drugs laws; and
- manufacturing is according to Therapeutic Goods laws; and
- unregistered goods are approved for supply under Therapeutic Goods laws; and
- Schedule 8 items are approved by the WA Department of Health or as part of the S8 Prescribing Code; and
- Prescribing and dispensing meet all requirements of the WA Medicines and Poisons Act and Regulations

These guidelines are very strict and do not allow everyone who is need of cannabis for medical purposes to receive the access they require.

Studies have shown that in other states of Australia such as South Australia and the Australian Capital Territory where possession and use of cannabis is not a criminal offence, the use of cannabis is lower than in other states where it is a criminal offence. In the Northern Territory where possession and use of cannabis is a criminal offence, the percentage of people to have used cannabis in the last twelve months was relatively higher than the percentage of those in South Australia and the Australian Capital Territory. This suggests that placing a law against the use of recreational cannabis does not deter its use. On the contrast, this case proves that placing a law that permits the use of recreational cannabis may reduce the use of cannabis.

Freedom of personal choice

People who are influenced by certain policies should have a voice in the conditions of that policy. Australia is a democratic country and people should have the right to inform the policies that the government passes. The current policy on cannabis is not informed by those who it influences the most. People who use drugs were reported to support the supply, demand and harm reduction of cannabis and other drugs. However, when interviewed about the methods of reducing the prevalence of cannabis use they disagreed with the current policy which criminalises the use of recreational cannabis. Most people who use drugs are in need of help and if the current law criminalises the use of cannabis then it is labelling these people as criminals rather than individuals in need of help which is what they are. People should have the

freedom to choose if they want to use cannabis for recreational purposes or not. However, when it comes to reducing the harm of cannabis then other methods should be used to assist those in need of help rather than passing down a law which treats them as criminals.

A harm minimisation approach

Instead of investing time and effort into the false solution of treating the use of recreational cannabis as a criminal act, a harm minimisation approach should be taken to address this issue. An example of this approach is the Climate Schools: Alcohol and Cannabis Module. This module is a universal harm-minimisation school-based prevention program which is aimed at young people aged 13–15 years. In 2007, the program was developed in Sydney, Australia through the combined collaboration of teachers, students, and health professionals. The Climate Schools program was conducted with 1734 Year 10 students with the average age of 15 years from 21 secondary schools in Australia. The schools were chosen at random to receive either the six-lesson computer-based Climate Schools program or their usual health classes, including drug education, through the school year. The Climate Schools program was proven to increase health literacy of cannabis and psychostimulants and reduce pro-drug attitudes. There was a difference between students who received the program and students who received drug education as usual. Those students who received the Climate Schools program used cannabis significantly less frequently. This harm minimization approach should be taken into consideration and similar approaches should be used rather than resorting to criminalising recreational cannabis.

Conclusion

Cannabis remains the most frequently used drug in Australia and many countries around the world. The current approach towards recreational use of cannabis is that it is prohibited by law. However, this legislation has been proven to have no effect on decreasing the use of cannabis. Furthermore, the harms of cannabis have been shown to increase and therefore a harm minimization approach should be taken to address this issue. In Australia, everyone has the right to a freedom of choice and this should also be the case in regards to recreational cannabis. The current policy on cannabis is providing no solution to the harms of this problem, rather it is creating more issues. The issues of cannabis have led to the foundation of harm minimisation programs and initiatives such as the Climate Schools program which have been proven to prevent and delay the onset of the use of cannabis along with many other drugs. Programs and intervention that undertake a harm reduction approach would be supported through the decriminalisation of recreational cannabis.