



Families and Friends for Drug Law Reform (ACT) Inc.

committed to preventing tragedy that arises from illicit drug use

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Ms Bec Cody MLA,
Chair
Standing Committee on Health, Ageing and Community Services
Legislative Assembly Building
London Circuit,
CANBERRA, ACT 2601
Australia



Dear Ms Cody

Last Tuesday when you kindly heard evidence from Marion McConnell, Bernadette Bryant and me on behalf of Families and Friends for Drug Law Reform, you requested that we provide reference to the mention in a report of the Australian Crime Commission on the impact of 2003 bushfires on the price of cannabis. It was included in the cannabis section of the Commission's *Illicit Drug Data Report 2003-04* (Australian Crime Commission, Canberra, March 2005) which is available at http://content.webarchive.nla.gov.au/gov/wayback/20160615081809/https://www.crimcommission.gov.au/sites/default/files/iddr_0304_cannabis.pdf.

In a submission in 2006 to a Review by the Parliamentary Joint Committee on the Australian Crime Commission of the Australian Crime Commission ACT 2002, we summarised in the following terms the significance of indicators of the illicit cannabis market. The full text of the relevant paragraphs from that submission is at <http://www.ffdlr.org.au/submissions/docs/AccReviewSub.pdf>:

A. CANNABIS

30. The fairly reliable surveys of usage of this drug show it to be in decline since 1998 (figure 7, p. 29). This is occurring in the context of the following market indicators.

31. *Price*: According to the Illicit Drug Reporting System (IDRS) the price was overwhelmingly stable or declining (figure 4, p. 26):
“Consistent with the result of the IDRS in previous years, cannabis remained cheapest in SA and the price of an ounce of cannabis has gradually declined from 1997 in VIC, NSW and SA. The price has remained relatively stable (ranging from \$200-\$300) in the other

jurisdictions since data collection began in 2000. The majority of the national sample [of users who were surveyed] reported the price of hydroponic and bush cannabis as stable: 72% and 61% respectively. Substantial minorities in the NT (16%) and SA (15%) reported that the price of hydroponic cannabis had increased recently" (IDRS 2004, 85). Information from law enforcement sources reported by the ACC fairly much co-incide with that: "During the reporting period a slight rise in the price of a pound of cannabis head was recorded in South Australia, Western Australia, Tasmania and Northern Territory. The price of a pound of bush-grown cannabis increased from around \$2400 to \$3500 in the ACT after the January 2003 bushfires, however, it is unclear how long this increase in price continued" (IDDR 2003-04 cannabis, p. 5).

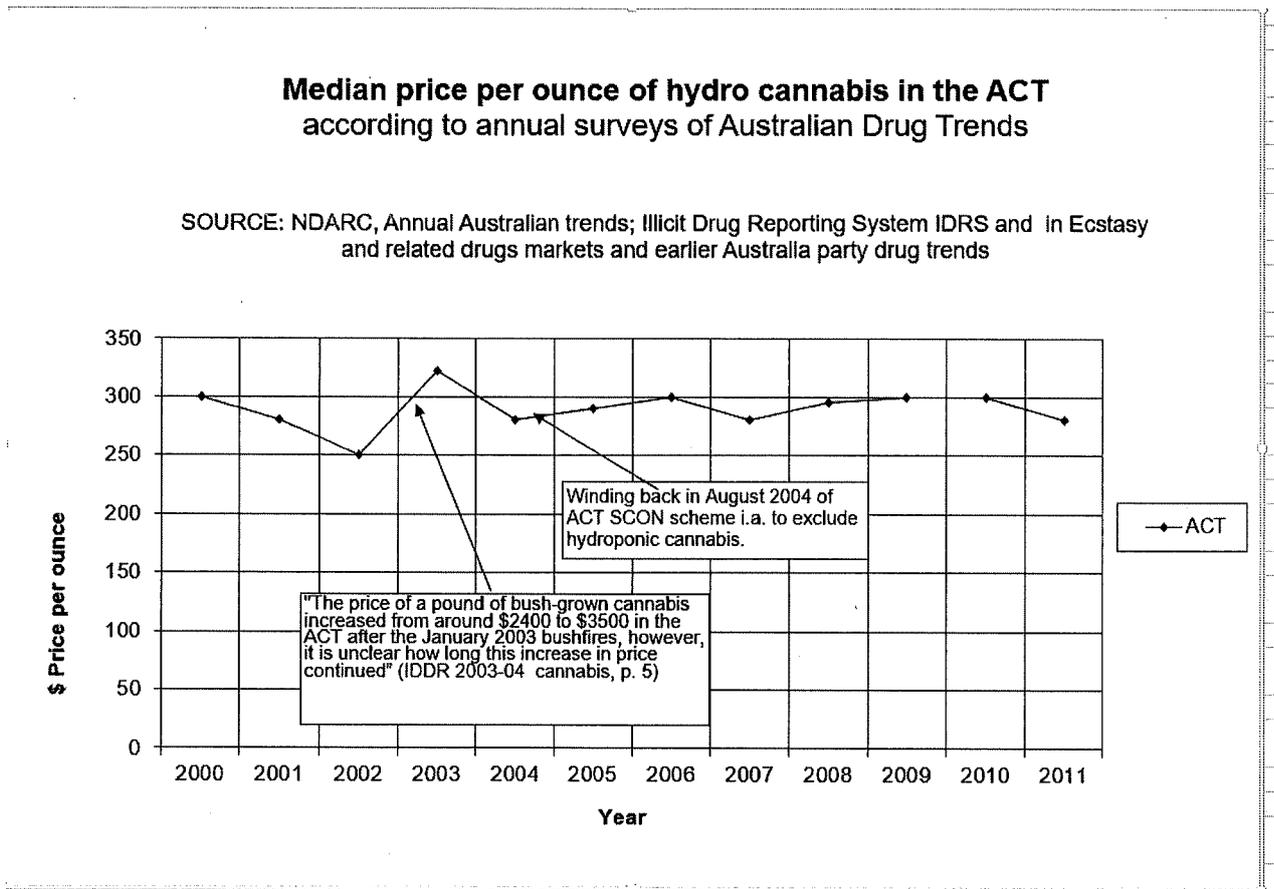
32. *User reports of drug availability:* "As in previous years, cannabis (hydroponic and bush) was described as 'very easy' or 'easy' to obtain by the vast majority of participants in all jurisdictions, and the majority of those [injecting drug users] who commented perceived the availability of hydroponic and bush cannabis to be stable over the six months preceding the interview. Substantial proportions in TAS reported that hydroponic and bush cannabis had become easier to obtain over the last six months (22% and 20% respectively)" (IDRS 2004, 88). The ACC reported that: "Cannabis remained widely available throughout Australia" (IDDR 2003-04 cannabis, p. 5).

33. *Conclusion regarding cannabis drawn from indicators:* In this environment of easy availability, law enforcement indicators show an increase of 14% in arrests between 2000-01 and 2003-04 (figure 11, p. 32) contrasting with a low level of seizures (figure 14, p. 34). Indeed the quantity seized in 2003-04 was the lowest for many years.

34. The indicators show that the use of cannabis, while still the most popular illicit drug in Australia, is declining. This cannot be because of law enforcement bringing about a reduction in supply. Other things being equal, a small level of seizures would be

consistent with low availability but market indicators show this is not the case. The reduction in cannabis usage must be attributable to one or other of the other factors mentioned above at p. 8.

The committee may find it convenient to have the following chart we prepared of cannabis price in the ACT. I am also attaching a copy of the Excel spreadsheet which includes the data from 2000 to 2011 of cannabis in all Australian jurisdictions including the ACT:



The information about the impact of the 2003 bushfires on cannabis supply is from:

Australian Crime Commission, Illicit drug data report 2003-04 (Australian Crime Commission, Canberra, March 2005)

I take the opportunity of correcting an error in paragraphs 43-45 of our submission. The paragraphs concerned should be replaced by the following:

What the Personal Cannabis Use Bill does.

43. The Bill's ground breaking change would be to remove ACT criminal sanctions altogether on adults possessing up to 50 g of cannabis or who cultivate up to 4 cannabis plants. It does this by

implication in spelling out when that possession or cultivation does constitute an offence (cls. 162 and 171AA). In common law, conduct that is not specified to be an offence is permitted.

44. In spite of the liberty accorded adults, young people will continue to be subject to the expiation notice system of simple cannabis offence notices or SCONs. The quantities of drugs that, henceforth, are eligible for processing by way of a SCON remain as they have been since 2013, namely, the SCON on the spot fine system is limited to possession of up to 50g. It would also now apply to a young person caught growing up to four cannabis plants (s. 171A(7)). The Bill would thus:

- legalise for adults the possession and cultivation of small quantities of cannabis; and
- confine the SCON system to young people under 18.

45. The SCON expiation notice system had been introduced by the *Drugs of Dependence (Amendment) Act 1992* (no. 52 of 1992) (possession of up to 25g & cultivation of not more than 5 cannabis plants). The *Criminal Code (Serious Drug Offences) Amendment Act 2004* reduced the number of plants to 2 and excluded artificially grown ones. The *Crimes Legislation Amendment Act 2013 (No 2)* (A2013-50) increased the quantity from 25g to 50g but left unchanged the limit of plants to 2.

We are very grateful for the opportunity to have appeared in person to provide evidence to your committee and for the careful attention you gave to our submission.

I would be happy to answer any further queries that should occur to you.

With kind regards



Bill Bush
President,
Families and Friends for Drug Law Reform