

**TO:** Parliament of Victoria  
Legislative Council  
Legal and Social Issues Committee  
Parliament House  
EAST MELBOURNE VIC 3002

## **Submission to Inquiry into the Use of Cannabis in Victoria**

The Eros Association is Australia's industry association for adult retail, wholesale, media and entertainment.

We welcome the opportunity to make a submission to the Inquiry into the Use of Cannabis in Victoria.

Eros believes that in order to prevent cannabis usage by young people, and protect public health and safety, a legalised model for recreational cannabis should be implemented in Victoria.

### **Cannabis Legalisation**

Cannabis consumption carries a low risk of harm both individually and socially.<sup>1</sup>

Current prohibitionist policies on cannabis in Australia arose as a result of politically opportunistic moral panic and xenophobia, rather than concerns about public health.<sup>2</sup> As such, many public health organisations have noted that current policies cause more harm than good.<sup>3</sup>

The criminalisation of cannabis is ineffective at deterring use. Over a third of Australians have used cannabis in their lifetimes, with around 1 in 10 using regularly.<sup>4</sup>

Cannabis has been legalised for recreational use in Canada, Uruguay and 11 states in the United States.

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<sup>1</sup> David J Nutt, Leslie A King, Lawrence D Phillips. Drug harms in the UK: a multicriteria decision analysis. *The Lancet*, 2010; DOI: 10.1016/S0140-6736(10)61462-6

<sup>2</sup> Desmond Manderson (1999) Symbolism and racism in drug history and policy, *Drug and Alcohol Review*, 18:2, 179-186

<sup>3</sup> See statements by the United Nations and World Health Organisation on drug decriminalisation.

<https://www.independent.co.uk/news/health/united-nations-world-health-organisation-drugs-decriminalised-a7818726.html>

<sup>4</sup> Australian Institute of Health and Welfare 2017. National Drug Strategy Household Survey 2016: detailed findings. Drug Statistics series no. 31.

Cat. no. PHE 214. Canberra: AIHW

In jurisdictions that have legalised cannabis, there is no evidence of increased usage by young people,<sup>5</sup> and evidence that cannabis usage has decreased amongst teens in some areas.<sup>6</sup>

Moreover, there is no evidence cannabis legalisation has resulted in wider social harms such as increased vehicular fatality rates,<sup>7</sup> or crime rates.<sup>8</sup>

There are a number of advantages to the legalisation of cannabis in Victoria including:

- The collapse of black markets in cannabis, disrupting a key revenue source for organised crime.
- Robust age restriction control and prohibited access to cannabis by minors.
- Regulatory control over cannabis purity, quality, price and advertising.
- Potential State revenue through the implementation of a cannabis permit or licensing scheme.

### **Eros Association Principles for Cannabis Retail**

The Eros Association has developed a number of principles for cannabis retail in Australia (See Appendix 1).

As experts in age-restriction, the adult retail industry is well placed to inform policymakers on best practice retail supply of adults-only products.

Eros is of the view that:

- Cannabis supply should be restricted to adults.
- Cannabis supply should be formally legalised and not merely 'tolerated' as is the case in the Netherlands.
- Cannabis supply should remain separate to tobacco retail and liquor retail outlets.
- Cannabis retailers should be formally trained in cannabis and its effects.
- Cannabis retail should be an age-restricted environment.

The adult retail sector is ready and able to guide cannabis retail in Victoria, including the implementation of strict self-regulatory measures to meet community expectations.

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<sup>5</sup> JA Dilley, SM Richardson, B Kilmer, RL Pacula, MB Segawa, M Cerda Prevalence of cannabis use in youths after legalization in Washington State *JAMA Pediatr*, 173 (2019), pp. 192-193

<sup>6</sup> Anderson DM, Hansen B, Rees DI, Sabia JJ. Association of Marijuana Laws With Teen Marijuana Use: New Estimates From the Youth Risk Behavior Surveys. *JAMA Pediatr*. 2019;173(9):879-88

<sup>7</sup> JD Aydelotte, LH Brown, KM Luftman, et al. Crash fatality rates after recreational marijuana legalization in Washington and Colorado *Am J Public Health*, 107 (2017), pp. 1329-1331

<sup>8</sup> Hall, Wayne, Stjepanović, Daniel, Caulkins, Jonathan, Lynskey, Michael, Leung, Janni, Campbell, Gabrielle and Degenhardt, Louisa (2019). Public health implications of legalising the production and sale of cannabis for medicinal and recreational use. *The Lancet* 394 (10208) 1580-1590.

## **Regulatory Control Over Drug Paraphernalia**

Along with the legalisation of cannabis use and supply, Eros supports reforms to end the prohibited sale of drug paraphernalia for cannabis consumption.

In 2012, there was a populist political impetus to “ban the bong” - implementing a series of harsh criminal sanctions for the sale of cannabis water pipes in Victoria.

Rather than ending the purchase of “bongs” in the state, this merely shifted consumers to purchasing cannabis paraphernalia online.

As a result, authorities currently lack regulatory oversight over the sale of cannabis water pipes in Victoria, posing an ongoing risk to public health and safety.

Eros therefore recommends that parliament consider “unbanning the bong”.

## **Conclusion**

The Eros Association welcomes the opportunity to assist lawmakers in the legalisation of cannabis in Victoria.

As such we are more than willing to present evidence to the committee on the possibilities for cannabis retail locally.



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