



3 November 2023

Committee Secretary
Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
Canberra ACT 2600

Re: Inquiry into the Legalising Cannabis Bill 2023

To the Committee Secretary,

About Us

[Harm Reduction Australia \(HRA\)](#) is a national organisation for individuals committed to reducing the health, social and economic harms potentially associated with both drug use and drug policy approaches. HRA was formed in 2015 by a group of professionals concerned about drug policy in Australia.

Under the auspices of Harm Reduction Australia, [Drive Change](#) is a national law reform campaign to amend the driving laws giving patients on prescribed medicinal cannabis the same rights as all other patients.

Both HRA and Drive Change welcome the opportunity to comment on the Legalising Cannabis Bill 2023, and we would be pleased to provide further advice should the Committee consider that useful.

Overview of the Legalising Cannabis Bill 2023

We support the Legalising Cannabis Bill 2023 as it addresses the low-level cannabis offences of possession and/or use of cannabis, within the current justice system.

The removal of criminal sanctions for these low-level offences would help to reduce the negative impact of the current laws on individuals and their families as well as reducing the burden on law enforcement and judicial systems.



The Legalising Cannabis Bill 2023 is a step in the right direction, and we ask for the Committee to consider the following recommendations:

1. Whilst the vast majority of possession charges are prosecuted by state and territory authorities, the Commonwealth offences remain a practical hindrance to reform, particularly in the territories.

Recommendation: We urge for the removal of these unnecessary provisions to unburden the State and Territory authorities of this additional hurdle for reform.

2. From a harm reduction perspective and in reference to Clause 30, and the conditions of operating a cannabis cafe, HRA and Drive Change seek clarity around what would be considered as “responsible service of cannabis.”

Recommendation: For the Agency to establish rules around dosing limits (quantity), potency levels of THC to ensure that the supply of cannabis products are focused on both consumer safety and harm minimisation.

3. While the Bill considers regulations around cannabis advertisements and compliance around this, HRA and Drive Change urge for the Agency to consider public health promotion within an adult use of cannabis framework.

Recommendation: To create a public awareness campaign for the education of, and public health messaging about cannabis that will place consumer safety and harm minimisation at the forefront of an adult use of cannabis framework.

Other Matters:

Drug driving laws and the legalisation of cannabis

While this Bill does not address drug driving laws, HRA and Drive Change hope that there is consideration to explore this issue and ensure that with the legalisation of cannabis, drug driving laws are amended to shift away from a nationwide detection system that continues to test for the presence of THC, as opposed to impairment.

Medicinal cannabis products have been legal since 2016. Still, drug driving laws throughout all Australian states and territories are constructed so that medical cannabis patients consuming a dose of medication that is *too low to cause impairment*, remain vulnerable to unjust and outdated laws with life-changing penalties.

We urge for current discriminatory and unjust drug driving laws to be addressed, in the push for legalisation of adult use of cannabis in Australia.



Workplace drug testing and legalisation of cannabis

In consideration of adult use of cannabis in Australia, it is important for employers to consider what effect this may have on the work readiness of their employees.

HRA and Drive Change recommend that drug testing in the workplace be addressed prior to legalisation to ensure that employees are not subjected to any discrimination and/or unfair dismissals within their workplace.

With the current medical framework, there is great opportunity to review existing drug screening policies to ensure that these tests and/or screenings do not discriminate against anyone who may choose to consume cannabis products, when there is an adult use of cannabis framework in Australia.

Conclusion

HRA and Drive Change believe that there needs to be consideration of all frameworks of legalisation internationally (Canada, United States, Uruguay and the Netherlands), in order to determine the best approach for an adult use of cannabis framework in Australia. Legalising cannabis will help to impose greater regulatory control of the product and decrease stigma that can improve both the health outcomes and human rights for people who use cannabis.

As noted above, we are supportive of the Legalising Cannabis Bill as it presents an opportunity to divert people away from the criminal justice system, and encourage a harm minimisation approach on the use of cannabis.

We welcome the Committee to work in partnership and in collaboration with HRA and Drive Change and other relevant stakeholders in forming the best regulatory framework for adult use of cannabis in Australia.



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Harm Reduction Australia



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