



Submission to the Legal and Constitutional Affairs Legislation Committee

Inquiry into the Legalising Cannabis Bill 2023

The Northern Territory (NT) Police Force (NTPF) opposes the Legalising Cannabis Bill 2023 (the Bill).

Background

The NTPF works hard to promote community safety and works closely with community groups and other government agencies in helping address issues relating to crime and other anti-social behaviour. The NTPF is unique, having a comparatively small number of personnel providing services across the NT.

Relevantly, the associated health and social burdens of cannabis misuse is well recognised in the NT, and members of the NTPF have witnessed first-hand the harmful effects that cannabis has on the community, particularly the adverse health outcomes.

The supply, cultivation, manufacture, possession, and use of cannabis for recreational purposes is prohibited in the NT. Cannabis is categorised as a 'Schedule 2 drug' under the *Misuse of Drugs Act 1990* (NT). Depending on the nature of the offence, the maximum penalty for an offence can range anywhere between 5 years and 25 years imprisonment. Otherwise, the courts can impose a significant financial penalty.

In 2007, the Select Committee on Substance Abuse in the Community tabled a report on '*Substance Abuse in Remote Communities: Confronting the Confusion and Disconnection*' in the NT Parliament (the Report).¹ The Report was a result of an inquiry into alcohol and other drugs use in remote NT communities. It found that there were very high rates of cannabis use in remote communities, which was causing significant social, physiological and psychiatric harms, compounding from poverty and unemployment. Anecdotal information was also provided that indicated a link between cannabis misuse and suicide. One of the key recommendations in the Report was to reduce the illicit supply of cannabis to minimise these negative outcomes. The decriminalisation of cannabis would have the opposite effect of this, and result in disproportionately worse outcomes for Aboriginal communities when compared to non-Aboriginal communities.

Research in three East Arnhem Land communities in the NT also documented 'endemic' levels of cannabis use with 'over 70% of males and 20% of females being current users' (around twice the consumption of regular cannabis users elsewhere in Australia)², and with around 90% of Aboriginal users reporting

¹Select Committee on Substance Abuse in the Community, Legislative Assembly of the Northern Territory. Substance abuse in remote communities: confronting the confusion and disconnection. Darwin: Northern Territory Government, 2007. <http://www.nt.gov.au/lant/parliament/committees/substance/Substance%20Abuse%20Report%20CONTENT.pdf>

²Cannabis use in remote Indigenous communities in Australia: endemic yet neglected. Lee KSK, Conigrave KM, Patton G and Clough AR, Medical Journal of Australia, 2009; 190 (5) Online at: www.mja.com.au/public/issues/190_05_020309/lee11321_fm.htm

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symptoms of cannabis dependence. Subsequently, in a five-year follow-up study, the 'great majority' reported continuing heavy cannabis use, indicating more than a mere adolescent experimentation.³

If the Bill is passed, it may result in increased resource implications on the NTPF including but not limited to: increased incidents of trespass, thefts, robbery, and burglary associated with the theft of cannabis; increased complaints from the concerned community members; and potential increase in offences due to cultivation and harvesting of excessive cannabis. If this were to occur, the NTPF's existing resources would be inadequate to effectively implement the Bill.

Further, the Bill has not taken into consideration the long-term impacts of cannabis on the wider community, including the dangers it poses if not regulated properly.

Review

Subclause 18(2) allows a person to grow a cannabis plant at their private residence for personal use. It further provides that a person can have a total of six cannabis plants growing at their private residence. Based on the potential yield of a cannabis plant, a person growing six cannabis plants for personal use is manifestly excessive. This could potentially lead to commercial quantities of cannabis being grown and supplied (sold or otherwise) to others. It is recommended that one plant is sufficient for personal use, and that restrictions should apply to both the private residence and the individual.

Subclause 25(2)(b) provides where a person under the age of 18 years is found in possession of cannabis, police can seize and destroy it. The Bill makes no reference to recording or capturing records for the number of occasions when, in the course of the exercise of the police power conferred, cannabis was seized and/or disposed of. This is inconsistent with current NTPF practices whereby members are required to maintain sufficient records of dangerous drugs seized and destroyed under NT legislation.

Clause 26 provides that it is not an offence to possess cannabis. If the intention of the Bill is to legalise personal use of cannabis, it is recommended that a limit is prescribed as to how much cannabis a person can possess outside of their private residence. For example, it is not reasonable that a person is at the cinema and in possession of 500g of cannabis for personal use.

Additional clarity is required to remove uncertainty surrounding a number of undefined terms contained in the Bill. For example;

- 'access' (clause 22);
- 'residential zoned area' (subclause 29(f));
- 'officers and employees of a state or territory' (subclause 49(1)(c)); and
- 'officers and employees of authorities of a state or territory' (subclause 49(1)(d)).

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Commissioner of Police

³Five year longitudinal study of cannabis users in three remote Aboriginal communities in Arnhem Land, Northern Territory, Australia. Lee KSK, Clough AR, Conigrave KM, et al Drug Alcohol Review, 2008. Online at: www.healthinfonet.ecu.edu.au/health-resources/bibliography?lid=15819