

### **AN EVALUATION OF THE IMPACT OF CHANGES TO CANNABIS LAW IN WA - SUMMARY OF YEAR 1 FINDINGS.**

#### **NDLERF MONOGRAPH No. 12**

**Lenton, Chanteloup, Fetherston, Sutton, Hawks, Barratt & Farrington (2005).**

Plain English summary and implications for police prepared by Roger Nicholas.

#### **Methodology**

The research comprised four components: (i) A telephone survey of 809 Western Australian (WA) residents which sought to ascertain their attitudes towards cannabis, knowledge of existing cannabis laws, attitudes towards proposed legislative changes, general attitudes towards the law and police, and their own experience of cannabis use. (ii) An in-depth interview study of 100 regular (at least weekly) cannabis users. (iii) A small focus group and interview study with criminal justice personnel and policy makers. (iv) A survey of 2,638 students in years 9-12 and focus groups held with 24 drug education teachers.

#### **Key findings:**

- In the absence of explanation, the telephone survey respondents had a poor understanding of the meaning of the phrase *prohibition with civil penalties*. Following an explanation, the majority (79%) indicated that they believed that it appeared to be a “good idea”, with a similar proportion indicating that the level of penalties that would be applicable would be “about right”.
- Forty eight percent of the WA residents sampled agreed that hydroponic cultivation of cannabis should be excluded from the infringement notice system, 44% did not. There was strong support for the idea that police should have powers to deal with criminal suppliers of hydroponic equipment and that police should have discretionary powers to prevent offenders exploiting loopholes within the new laws, such as engaging in supply offences that were under the infringement notice limits.
- Members of the public surveyed did not believe that the new laws would have any noticeable effect on the use of cannabis, the cost of the drug, or the ease of obtaining the drug, although 51% believed that more people would cultivate cannabis. Regular cannabis users had similar beliefs.
- Some 78% of the general public supported educational approaches to minor cannabis offences in preference to legal sanctions that would result in offenders receiving a criminal record.
- The regular cannabis users indicated that the possession level (30 grams) that would enable offenders to receive a Cannabis Infringement Notice (CIN) was “about right”. This level was also workable for police, given that 67% of users typically bought less than 3 grams, well below the 15 gram amount for a Level 1 CIN. This suggested that, in the majority of cases, there should be no need for police to weigh the cannabis to determine whether a low level CIN should apply.

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- Thirty six percent of regular cannabis users indicated that their cannabis came from a backyard user/grower, 28% from a large scale supplier, 9% indicated that they cultivated cannabis themselves, and 23% did not know the origin of their cannabis.
- The cannabis users emphasised that in relation to cannabis potency, the strain or variety of cannabis plant was more important than whether the cannabis was hydroponically or non-hydroponically grown.
- The regular cannabis users indicated that there was a diverse range of cannabis suppliers in WA, some of whom had access to other drugs for sale.
- Seventy two percent of regular cannabis users interviewed indicated that they intended to grow cannabis when the new legislation is introduced. Of these, most said that they were intending to grow only 1-2 non-hydroponic plants (which is within the limits for an infringement notice). Some 27% of the sample indicated that they would consider selling cannabis for profit once the new legislation was introduced. This included 16% who were current sellers and who would continue to do so, 5% who had sold cannabis in the past and who might consider doing so again, and 5% who had never sold cannabis before but would now consider it. The majority (81%) of regular cannabis users also indicated that they, or cannabis users in general, would be more willing to seek treatment as a result of the new legislation.
- The study of police, policy makers and criminal justice personnel indicated that the new cannabis laws were being implemented professionally. WA Police officers were, however, extremely cautious in their implementation of the infringement notice procedures. Police officers were taking offenders back to the police station to weigh the seized cannabis, rather than issuing infringement notices on the spot. This was related to fears of accusations of corruption. This approach was not entirely consistent with the legislators' intention to grant police significant capacity to exercise judgement and discretion in relation to the issuing of these notices. There was also little evidence that commercial producers were seeking to exploit the infringement notice provisions.
- The researchers identified a need to enhance the understanding of police and members of the public concerning the new legislation.
- The survey of school students indicated that 50% of the year 12 students and 28% of the year 9 students indicated that they had used cannabis. More than half of the students indicated that they had been given the opportunity to use cannabis and 25% indicated that they had been given the opportunity to use other drugs. The use of cannabis alone or in combination with alcohol was likely to be associated with deterioration in school work.
- The teachers who participated in the focus group study believed that the new cannabis laws would have no adverse impact on student cannabis use as cannabis use remained illegal under the scheme.

## Implications for police

There appears to be a high level of public support for *prohibition with civil penalties* schemes for minor cannabis offences in WA. There is also little evidence that these schemes have any major adverse impact on rates of cannabis use, however, some users may change their behaviour so as to fit within the limits to be eligible for a CIN, once these schemes are implemented.

When implementing these schemes, it is important for policing organisations to ensure that the ways in which the schemes are implemented are consistent with the intention of the legislation. This is particularly relevant as far as ensuring that police feel protected against allegations of impropriety, even when they are acting in good faith. There is a clear need for prominent media and other campaigns to inform the public about the introduction of these schemes, in particular that cannabis use and cultivation is illegal, and to warn about the risks associated with cannabis use.

A full copy of this report is available on the NDLERF website at [www.ndlerf.gov.au](http://www.ndlerf.gov.au)

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