

Submission  
No 338

**INQUIRY INTO IMPACT OF THE REGULATORY  
FRAMEWORK FOR CANNABIS IN NEW SOUTH WALES**

**Organisation:** Ted Noffs Foundation Ltd

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**NOFFS**™

**SUBMISSION TO: NSW LEGISLATIVE COUNCIL  
INQUIRY INTO THE IMPACT OF THE REGULATORY  
FRAMEWORK FOR CANNABIS IN NEW SOUTH WALES**

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**APPROVAL:**

**THE FOLLOWING SUBMISSION TO THE NSW LEGISLATIVE COUNCIL INQUIRY INTO THE REGULATORY FRAMEWORK FOR CANNABIS IN NEW SOUTH WALES IS APPROVED BY:**

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## **BACKGROUND:**

# **THE TED NOFFS FOUNDATION (NOFFS) IS AUSTRALIA'S LARGEST PROVIDER OF DRUG TREATMENT AND CRIME PREVENTION SERVICES FOR YOUNG PEOPLE.**

### **Established in 1992, Noffs operates in New South Wales, Queensland and the Australian Capital Territory.**

Delivering early intervention, counselling and case management, mentoring, homelessness and residential treatment services, Noffs works with one of the most at-risk populations in Australia.

These are young people who feel that they have never been in control.

Their connections to family and community have broken down. They have serious psychological difficulty in saying 'no' – be it to drugs, involvement in crime, unsafe behaviour or inappropriate relationships. Almost without exception, our clients have experienced substantial trauma in their lives.

It is well known that young people who have experienced childhood trauma, neglect, abuse and family violence are significantly overrepresented in the drug treatment and youth justice systems.

Our programs aim to reduce or eliminate substance use and criminal behaviour and deal with other aspects of the clients' lives that contribute to problematic drug use, thereby assisting young people to manage their lives more effectively. A holistic strengths-based perspective is taken to facilitate sustainable, positive change.

## **TOR (D) THE IMPACT OF THE CURRENT REGULATORY FRAMEWORK ON YOUNG PEOPLE: UNDER THE CURRENT REGULATORY FRAMEWORK, CANNABIS, UNLESS LAWFULLY PRESCRIBED AS A MEDICINE, IS A PROHIBITED DRUG IN NSW.**

**Its use, possession and supply can attract criminal sanctions. However, under the Cannabis Cautioning Scheme, police have the discretion to issue a caution to a person having less than 15g of dried cannabis, having no prior convictions for drug, violent or sexual offences and who admits to the offence and consents to the caution. Individuals can receive up to 2 cautions. Any subsequent offences may result in police proceeding to prosecution.**

The adoption of the Cannabis Cautioning Scheme reflects the widespread public support in Australia for a less punitive, less law enforcement approach to cannabis use. However, there is significant concern about the impartiality with which the scheme is implemented and the over-policing of marginalised population groups.

Research has found that non-Indigenous people in NSW are four times as likely to be offered diversion for cannabis than Indigenous people. (1) These Indigenous people, who are overrepresented in contacts with police and the criminal justice system to start with, are much more likely to face the prospect of criminal prosecution if found in possession of cannabis. This entrenches systemic discrimination and the social harm caused by the criminalisation of the drug.

Similarly, NSW police have the power to undertake either general or strip searches if they suspect someone has illicit drugs in their possession or to use sniffer dogs to indicate possible possession. The application of these lawful but questionable police tactics are particularly prevalent at music festivals predominately attended by young people.

The 2006 NSW Ombudsman's Review of the Police Powers (Drug Detection Dogs) Act 2001 found that drug detection dogs were costly, harmful to public health and ineffective in achieving their stated aim of reducing drug supply. It found that drug detection dogs make a large number of false indications, and when accurate, most often find minor quantities of drugs, usually cannabis. (2)

One of the recommendations of the 2020 Special Commission of Inquiry into the drug ice and amphetamine-type stimulants was to cease the use of drug detection dogs at music festivals. In 2023, across 663 deployments and 4006 searches, drugs were identified just under 29 per cent of the time. Experiencing an encounter with a police dog and subsequent strip search creates understandable trauma and fear amongst young people. The Special Commission of Inquiry also recommended that there be limits on strip searches to mitigate against this harm. (3)

It is quite apparent that the continued criminalisation of cannabis contributes to several harms, including high availability, personal use harms, and the marginalisation of communities targeted by law enforcement efforts. Criminalisation also leads to the perpetuation of stigma surrounding cannabis use, which can deleteriously influence individuals from seeking help for related health issues.

Even a depenalisation and de facto decriminalisation approach such as the Cannabis Cautioning Scheme falls short of achieving the desired goal of reducing drug related harm in Australian society and strongly indicates that the current regulatory framework for cannabis is inadequate.

The Ted Noffs Foundation endorses a more nuanced, strategic approach to regulation of the cannabis market. This approach would fully legalise cannabis but to stringently control its supply through a government or commercial market. This is the current situation in Australia in relation to substances like alcohol and tobacco.

The current policy of prohibition spends a great deal of money on arresting people, in court time and on locking people up – all with little hope of changing behaviours. Prohibition offers not much in terms of control and clearly does not stop large chunks of our society from taking drugs.

A strategic regulation of cannabis will allow us to take control of the current situation. We need a regulated supply of drugs, where doctors and pharmacists, rather than dealers, are in control of someone’s dependency.

Regulating drugs doesn’t mean unmitigated use. It seeks to take control of a harmful substance (just as with alcohol and tobacco), totally ban advertising, strictly limit its reach to young people and use the taxes the approach creates to provide help to those who are harmed by its use.

Regulation is not a utopia for those who elect to use drugs. Rather, it’s a pragmatic approach that will change things for the better. It will create a healthier and safer society where harms to our children are reduced and lives saved.



## REFERENCES

1. Teperski A, Rahman S. Why are Aboriginal adults less likely to receive cannabis cautions? Sydney, NSW; 2023.
2. Review of the Police Powers (Drug Detection Dogs) Act 2001 (2006)  
NSW Ombudsman
3. <https://www.nsw.gov.au/the-cabinet-office/special-commissions-of-inquiry/drug-ice>



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