

# **OPTIONS FOR CANNABIS POLICY IN NEW ZEALAND**

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## **INTRODUCTION<sup>1</sup>**

Debate on cannabis policy has tended to focus on retaining the current system of prohibition, versus "decriminalisation." The term decriminalisation usually refers to a change in policy that would see minor cannabis offences become civil rather than criminal offences, and incur on-the-spot fines. However, in the debate over prohibition versus decriminalisation, the wide array of other cannabis policy options are often overlooked. There are many different policy measures available to policy makers to deal with cannabis as a recreational drug. Each option has advantages and disadvantages, and each offers different approaches to meeting New Zealand's needs.

Key to assessing policy options is the likely impact on prevalence of use of the drug. An increase in prevalence may well be accompanied by an increase in related problems, as is the case with the use of other recreational drugs (Edwards et al. 1994). Accessibility including price, is likely to affect levels of use and social health impact. Any proposed change in policy should therefore be accompanied by an assessment of its impact on accessibility.

The role of the suppliers of any drug is also key in policy development, as the profit motive tends to be counter to social health goals. Policy impacts on either the black market, or the development of a legal industry, are important.

Debate on policy options often focuses on the financial costs of the present policy, which are presented as a strong argument for change. The financial resource implications of all potential policy change (including costs of civil penalties administration, education and enforcement of prohibition or regulations, and need for increased treatment services) are therefore relevant.

Social costs (including criminal convictions) are also perceived as important reasons for policy change. The way in which charges for cannabis offences are used within current policing and how this would change is relevant. Disadvantaged groups within New Zealand are currently experiencing harm associated with marijuana use (Health Select Committee 1998), and policy impacts on them require particular consideration.

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Whatever policy options are put in place, there will be a need for community responses to deal with ongoing problems. There is an identified need within New Zealand for treatment services (Health Select Committee 1998), and some innovative community-level initiatives have been developed in response to local problems (Conway et al. in press). The need for resourcing of these responses may influence policy choices. A recent initiative in the UK is the development of a Confiscated Assets Fund, which channels money seized from drug traffickers back into activities aimed at countering the drug problem (International Narcotics Control Board 1999). Activities funded to date include a review of drug services for hard-to-reach groups, and a range of pilot projects (Cabinet Office 2000).

In New Zealand, in the four years since 1996/97, at least \$2.5m has been paid to the Crown by the Official Assignee, using money confiscated under the Proceeds of Crime Act 1991 (Ministry of Economic Development 2000). To date, the confiscation powers under the Act have been exercised predominantly in relation to drug offences, and the money is channelled into the Consolidated Fund. Although the amount obtained has fluctuated from year to year, a policy option could be for this money to be directed to community initiatives aimed at countering drug problems in New Zealand.

A political consideration is the extent to which any policy change complies with New Zealand's international obligations under United Nations Conventions. The International Narcotics Control Board (INCB) monitors individual states' drug policies, and reports annually on the Board's views on the policies' consistency with UN Conventions (International Narcotics Control Board 1999). Policy changes that move away from total prohibition do not necessarily violate UN Conventions (Krajewski 1999), but they will come under some international scrutiny.

Internationally, a clear trend has emerged of trying alternatives to simple prohibition. This paper contributes to the debate by outlining a number of options for cannabis policy, and discussing the likely advantages and disadvantages of these given the New Zealand situation. These options are canvassed within the context of research on drug use in New Zealand, drawing particularly on the results of recent New Zealand surveys (Field and Casswell 1999a, Field and Casswell 1999b).

## THE NEW ZEALAND CONTEXT

Under the United Nations 1961 Single Convention on Narcotic Drugs, and the 1971 Convention on Psychotropic Substances, New Zealand is obliged to assist with international efforts to control cultivation, production and distribution of cannabis, as well as a broad range of other recreational drugs. New Zealand currently meets its obligations through a mixture of supply reduction, demand reduction and harm-minimisation strategies (Abel and Casswell 1998a). Essentially, cannabis control is exercised through a policy of prohibition, under the Misuse of Drugs Act 1975. However, some limited options are available as alternatives to

criminal prosecution, through use of standard police discretion, and the more formal Police Audit Diversion scheme.

### Prevalence of Use

A 1998 survey of drug use found marijuana use is common in New Zealand, despite its legislative prohibition. Half of a national sample of people aged 15-45 years had tried marijuana, 20% had used the drug in the last 12 months, and 15% were current users. Heavier use of marijuana (10 or more occasions in the previous 30 days) was confined to only 3% of the sample, and only 1% were daily users (Field and Casswell 1999b).

For most people who had tried marijuana, use was occasional rather than regular. Of those who had ever tried marijuana, 61% had not used it in the last 12 months and 15% had used it once or twice in the last 12 months. More than two-thirds of those who had tried marijuana had since stopped using the drug.

A comparison of results from two regional surveys, conducted in a metropolitan area (Auckland) and a provincial/rural area (Bay of Plenty), carried out in 1990 and 1998, reveal some changes in marijuana use, although not as much as might be popularly supposed. Use of the drug in the previous year had grown from 18% in 1990 to 22% in 1998 among metropolitan respondents, but there was no increase in use among provincial/rural respondents. However, more people had used marijuana for the first time by age 16 in 1998 (52%), compared with 1990 (40%) (Field and Casswell 1999a).

### Attitudes to Enforcement

The regional surveys showed a shift occurred between 1990 and 1998 in attitudes towards enforcement against people caught with marijuana for their own use, to perceiving the law as "too heavy". In 1990, 25% said they thought the current level of enforcement was too heavy; in 1998, this had increased to 32% of the sample. Those who thought laws were "too light" fell from 24% of the sample to 21%. These findings are in line with other surveys indicating growing support for a change in cannabis laws (Sell 2000).

### Health and Welfare Risks

According to the Ministry of Health, cannabis use in New Zealand poses a small to moderate public health risk, where this risk is defined according to the proportion of the population experiencing adverse health effects, and the severity of those effects (Ministry of Health 1996). In comparison to alcohol and tobacco, cannabis is less of a public health issue. However, all drug use carries risk, and if prevalence increased then the extent of community-wide harm would increase accordingly. In particular, cannabis use is perceived as creating learning problems within the school system in New Zealand (Ministry of Education 1999). Other identified harm from heavier use includes respiratory damage, and psychological and social consequences including cannabis

dependence (Hall and Babor 2000, Hall et al. 1994, McGee et al. 2000, Strang et al. 2000).

## SEVEN POLICY OPTIONS

A review of the research literature and consultation with international research colleagues has suggested seven policy options for consideration (Lenton et al. 1999, McDonald et al. 1994). They are:

- Total prohibition
- Prohibition with exclusion for medicinal use
- Prohibition with an expediency principle
- Prohibition with cautioning
- Prohibition with civil penalties
- Partial prohibition
- Regulation of production and distribution

It should be noted that some, but not all, of these options are mutually exclusive. It is possible, for example, for a prohibition with civil penalties approach to incorporate cautionary provisions.

## TOTAL PROHIBITION

The policy of strict prohibition is currently in force in New Zealand. Total prohibition also operates in most US states (Abel and Casswell 1998a). Some Australian states offer formal cautioning or diversion within a generally prohibitionist legal framework (Lenton et al. 1999).

### Prevalence of Use

One of the main arguments given in favour of prohibition is that it provides a symbolic deterrent to use. Research casts doubt on the effectiveness of cannabis law as a specific deterrent (dissuading offenders from further use). Canadian and Australian research has found that the majority of people prosecuted for personal marijuana use continued using the drug (Erickson 1980, Lenton 2000). Research from Australia and the United States indicates that removal of criminal penalties for personal cannabis use has not led to higher use in decriminalised states compared to other states, suggesting that its role as a general deterrent is not more effective than civil penalties (Single et al. 1999).

## Availability and Supply

A further argument is that prohibition limits the supply and availability of the drug. There is some evidence to support this: a comparison of the New Zealand regional drug surveys found there was no increase in reports of opportunity to try marijuana among non-users between 1990 and 1998. However, prices appeared to be lower in 1998 compared with 1990, although stable over the previous 12 months. Also, more current marijuana users maintained at least an occasional supply of marijuana, and more users said access to marijuana was the same or easier (Field and Casswell 1999a).

The degree to which a prohibition policy affects availability depends on the level of control of the illegal market, which depends in turn on the enforcement resource directed towards it. Despite prohibition in New Zealand, a substantial black market in cannabis exists, which has formed an important part of some rural economies. (Walker et al. 1998). Some violence is associated with this black market (Walker et al. 1998), although much of the sale to users proceeds without violence or fraud (Wilkins 1999).

Through dealings with black market suppliers, the underground cannabis market may also expose people to other illicit drugs. The 1998 national drug survey found that 28% of current users who purchased marijuana knew their dealers also sold other drugs. Of current users who bought at least some of their marijuana, 8% said they had been encouraged by their suppliers to buy other drugs (Field and Casswell 1999b).

## Financial and Social Costs

Enforcement of laws against cannabis cost the police an estimated \$22m and 305,000 work hours in 1998-99; one-quarter of this related to enforcement of crimes involving procuring or possessing cannabis for personal use (New Zealand Police 2000).

Cannabis prohibition also results in a substantial number of people carrying criminal convictions; between 1990 and 1998 there was an average of 6,622 convicted for cannabis offences each year. In 1998, 3,134 people were convicted for cannabis possession for personal use, representing 45% of all cannabis-related convictions, although this had declined from 58% in 1990 (Lash 2000). In 1995, the most recent year for which re-offending data is available, most people (88%) convicted for offences involving cannabis use carried at least one previous criminal offence, and the remaining 12% were first-time offenders (Ministry of Justice 2000).

The most common penalty for cannabis offences in 1998 was monetary fines (48% in 1998) and periodic detention (26%). Custodial sentences were less frequently imposed (7% of 1998 convictions) (Lash 2000).

Illicit growing of cannabis plants has had a negative impact on maintenance of the conservation estate (Gregory 2000); farmers have also reported cannabis grown on their properties by trespassers (NZPA 2000).

Prohibition may also make education, prevention, harm minimisation and treatment measures difficult because users fear prosecution. (Abel and Casswell 1998b). In the 1998 national drug survey, a small number of respondents wanted to reduce their level of marijuana use, but had not got help. Reasons for not seeking help included fear of what would happen on contacting services, and fear of law or police (Field and Casswell 1999b).

## International Compliance

A policy of prohibition is clearly in line with New Zealand's international obligations under United Nations drug conventions: the Single Convention on Narcotic Drugs 1961 (as amended in 1972), the Convention of Psychotropic Substances 1971, and the Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances 1988 (Krajewski 1999).

## PROHIBITION WITH EXCLUSION FOR MEDICINAL USE

The option of combining prohibition with an exclusion for medicinal use, that is, allowing the cultivation and consumption of marijuana for personal medicinal use, has been gathering momentum in the United States in recent years. Although to a certain extent it provides some liberalisation of cannabis laws, it nevertheless operates within a policy of prohibition of recreational cannabis use. It has been adopted in many US states (including California, Arizona, Nevada, Oregon and Washington), despite disapproval by the federal government (Abel and Casswell 1998a, Zeese 1999). Such policies may specify illnesses that may be legally treated with cannabis, require certification of medical need and a register of legal users, specify the amount of cannabis that can be protected, and may protect doctors who prescribe cannabis. In California, passage of this policy has seen a number of "cannabis clubs" established, ostensibly to distribute marijuana to sick people bearing doctors' prescriptions, but authorities have in some cases moved to close them down (Hammer 1998).

While this system recognises emerging evidence on medicinal value of cannabis (Strang et al. 2000), it does not attempt to deal with recreational use and, as with many other options, it does not tackle the black market in cannabis.

## PROHIBITION WITH AN EXPEDIENCY PRINCIPLE

The option of prohibition with an expediency principle is essentially the system that is best known from the Netherlands, where policy distinguishes between "hard" and "soft" drugs, for the purposes of management of offences, with cannabis defined as a soft drug. Although under Dutch law cannabis use is illegal, there is a formal written policy of non-

enforcement for violations involving possession or sale of up to five grams (one or two joints) of cannabis (MacCoun and Reuter 1997).

Variations of this system of "depenalisation" also operate in Denmark, Germany and Poland (Krajewski 1999). In Denmark cannabis-related offences are punishable by a fine or up to two years' imprisonment. However, the Chief Public Prosecutor recommends that, for possession of small quantities of cannabis, police should dismiss offenders with a caution (European Monitoring Centre for Drugs and Drug Addiction 1999). In Germany and Poland, although possession of any drugs is a criminal offence, possession of small amounts of cannabis is generally exempt from prosecution (Krajewski 1999).

### Prevalence of Use

The Netherlands has maintained a low rate of cannabis use by the general population, as well as by young people, relative to New Zealand. The rate of cannabis use in Germany and Denmark appears similar to that of the Netherlands (European Monitoring Centre for Drugs and Drug Addiction 1999). Data for Poland was not readily available at time of writing.

### Availability and Supply

Proponents of this system highlight the separation of the cannabis markets from the more harmful hard drugs markets. In the Netherlands, coffee shops, which are authorised to sell cannabis, operate within specific guidelines; they have become the dominant public providers. Prices for cannabis at coffee shops have stayed high, mainly because they are public venues (in the same way that coffee served in a café costs more than from other retail outlets) (Jansen 1998). However, there has also been an increase in home growing (Lindesmith Center 1998).

A drawback of this policy is that the grey market which supplies coffee shops remains illegal, and there is also the concern that suppliers are criminal organisations which are involved with hard drugs, making the distinction between hard and soft drugs less credible (Instituut voor Verslavingsonderzoek (IVO 1997)).

### Financial and Social Costs

Implementation of the policy in the Netherlands has led to a reduction in convictions, and proponents argue it leads to a more conducive environment for education and treatment (Cohen 1990).

### International Compliance

Politically, the prohibition with expediency system, as applied in the Netherlands, has come under considerable international pressure for change. This has resulted in the maximum amount of marijuana permitted for sale or possession being lowered from 30g

to 5g in 1995 (MacCoun and Reuter 1997). Nevertheless, this system is seen to be operating within UN Conventions (Krajewski 1999).

## PROHIBITION WITH FORMAL CAUTIONING AND/OR REFERRAL

The option of prohibition with formal cautioning and/or referral has recently been implemented in Victoria and Tasmania (Lenton et al. 1999). Such systems are intended to provide an alternative to court proceedings and the stigma associated with a criminal record.

In Victoria, where the system applies to those aged 17 years and over (but not to those with prior drug offences), police can issue a caution for possession or use of small amounts (up to 50g) of cannabis. The person has to admit the offence and a caution cannot be administered to the same person on more than two occasions. In Tasmania, the system is at the discretion of the police officer and some offenders may be required to make a court appearance for potentially cautionable offences (Lenton et al. 1999).

All Australian state governments are also implementing diversion programmes, with the support of the federal government. Under these initiatives, minor drug offenders are given the option of treatment or education, as an alternative to entering the criminal justice system (Office of the Prime Minister 1999). A pilot programme implemented in Western Australia gives police officers the option of issuing a caution for a simple cannabis offence to first-time offenders, providing the offender attends a mandatory education session. The education session focuses on the health, psychological and social harms of cannabis, and is intended to motivate behaviour change (Penter et al. 1999). If the offender does not attend the mandatory education session, a summons is issued for the offence. The Western Australian pilot also allows only one caution to be issued per person (Lenton et al. 1999).

In England and Wales, cautioning has become a very common means of dealing with cannabis possession offences, and avoids court proceedings (Hough 1996). The number of cautions for cannabis possession increased eightfold between 1987 and 1997. As a proportion of people apprehended for possession of cannabis, those cautioned increased from 31% to 58% over the period 1987 to 1997 (Corkery 1999). In some areas, cautioning can be accompanied by providing the option of talking to a drug worker (Hough 1996).

In Sweden, use or possession of small amounts is usually subject to a fine. However, fines may be substituted by counselling on a voluntary basis. In special cases, the proceedings may be suspended. In France, the Ministry of Justice recommends not prosecuting occasional users of illicit drugs. Instead, offenders receive warnings or referral to health or social services. As mentioned earlier, police practice in Denmark is to dismiss those possessing small amounts of cannabis with a caution (European Monitoring Centre for Drugs and Drug Addiction 1999). Although in Canada simple possession



offences can be punished by fine or imprisonment, judges have discretion to place possession offenders on probation or discharge them (Lindesmith Centre 1998).

Cannabis policy in New Zealand to some degree operates a system that, through the Police Audit Diversion scheme, straddles cautionary and civil penalties approaches. With the diversion scheme, a first-time offender is arrested and charged, and may be "diverted" into a variety of avenues such as community work, counselling, referral to agencies, or a donation to charity. If diversion requirements are met within the Court-specified time, the case is dismissed (Laven 1996). Police are also able to exercise their discretion, depending on circumstances. There are also instances in court proceedings where offenders may be discharged without conviction.

### Prevalence of Use

There is no evidence of the impact on prevalence of cannabis use in jurisdictions that operate systems of formal cautioning.

### Availability and Supply

A cautioning system will maintain a black market in the drug, as it retains penalties associating with growing and possessing cannabis.

### Financial and Social Costs

By removing the costs associated with criminal prosecutions, cautioning systems may result in savings in drug enforcement and other costs. Referrals to education or treatment entail additional costs. An evaluation of the Western Australian pilot, which included education sessions, suggested clear shifts in participants' knowledge of cannabis and the potentially harmful consequences of use, and some evidence of changes in attitudes and behaviour. However, the study had a limited sample on which to base its conclusions (Penter et al. 1999).

Use of police discretion may be selective or arbitrary, and applied inequitably (Abel and Casswell 1993). It is also possible that those receiving a caution may have increased subsequent attention from police, leading to a growing involvement in the criminal justice system (Lenton et al. 1999). However, the limited data available about cautioning in the UK suggests that reconviction rates following cautions are low: a Merseyside study found three-quarters of those cautioned for a drug offence between 1987 and 1989 had not been reconvicted by the end of 1992, and that first offenders were least likely to be reconvicted (Hough 1996).

Because use may still incur a penalty, it is questionable whether the context of community and other health promotion initiatives would change markedly (Abel and Casswell 1998b).

## International Compliance

By retaining the ultimate sanction of criminal penalties, cautioning systems can be justifiably argued to be operating within UN Conventions.

### PROHIBITION WITH CIVIL / ADMINISTRATIVE PENALTIES

The recent decriminalisation debate in New Zealand has often focused in part on the merits or otherwise of the policy option of prohibition with civil and/or administrative penalties. Forms of this policy operate in South Australia, Northern Territory and Australian Capital Territory, some states in the US (including Oregon, California, Colorado, Ohio, Minnesota and New York), and also in Italy. With this option, minor cannabis offences become civil rather than criminal offences, and incur on-the-spot fines.

Under the Cannabis Expiation Notice system in South Australia, persons over 18 years found cultivating three or fewer cannabis plants (recently reduced from ten), or possessing implements or cannabis for personal use, can avoid court appearances and possible criminal convictions through paying a minimum fine within a prescribed time period (Humeniuk et al. 1999). A similar system has recently been recommended by an official inquiry in Britain, although this was immediately rejected by the government (Travis 2000a, Travis 2000b). In Italy, following a 1992 referendum, personal possession and use of cannabis became subject to administrative sanctions, such as suspension of driver's license or passports. In Spain, personal possession and use in public places is subject to administrative fines (Lindesmith Center 1998). To a limited degree, as mentioned earlier, the diversion scheme in New Zealand functions as a civil penalties programme by administering such penalties as community service or a donation to charity.

### Prevalence of Use

A civil penalties approach could be construed as symbolising a position in favour of cannabis use. Survey data from South Australia suggests more people there thought marijuana use was legal following decriminalisation, than in states where no change had occurred (Single et al. 1999). However, research suggests that this system, of itself, does not lead to higher rates of cannabis use. A review of the experience of Australian and United States jurisdictions has found no discernible impact on rates of cannabis use (Single et al. 1999). A comparison of South Australia and Western Australia suggested that the expiation and total prohibition approaches to cannabis use appear equally ineffective in lessening cannabis offenders' subsequent cannabis or other drug use behaviours (Single et al. 1999).

### Availability and Supply

There is no research evidence on the impact of decriminalisation in Australia or the United States on availability of cannabis, but it is unlikely that reduction in penalties under decriminalisation has an impact on availability (US Department of Health and Human Services 1998). An infringement notice scheme will therefore also maintain a black market in the drug (although it is possible that the black market could be weakened in South Australia by the inclusion of growing up to three cannabis plants in the infringement notice scheme).

### Financial and Social Costs

The South Australian system has achieved substantial savings in drug enforcement costs. However, in South Australia the rate of payment of fines has been consistently low, at around 50%. Those who do not pay are liable for criminal prosecution. Reasons for the low rate of payment include financial hardship; notices issued in context of other (often more serious) charges being laid; insufficient or false identifying information provided by offenders; and lack of understanding that a conviction would result from failing to pay expiation fines (Humeniuk et al. 1999, Single et al. 1999).

A related problem of net-widening (fines being issued to people who formerly would only have been warned) has also occurred in South Australia. This has resulted in as many or perhaps even greater numbers of people receiving convictions in South Australia following the policy change (Single et al. 1999). A high rate of non-payment of fines, and net-widening by police, may also lead to "clogging up" of the courts with cannabis cases. South Australia has recently introduced the possibility of paying fines by instalments or by community service. If cautioning were incorporated within a civil penalties system, net-widening might be reduced. In all of the US states in which decriminalisation occurred, there were reductions in the number of marijuana possession cases in the law enforcement system, and reduction in costs (Aldrich and Mikuriya 1988).

Because use still incurs a penalty, it is questionable whether the context of community and other health promotion initiatives would be changed (Abel and Casswell 1998b).

### International Compliance

Many infringement notice systems for cannabis use have to date been interpreted as operating within international treaties. An exception is the Italian system, which the International Narcotics Control Board argues is not in line with UN Conventions (International Narcotics Control Board 1999).

## PARTIAL PROHIBITION

Under partial prohibition, use, possession and cultivation of small amounts of cannabis for personal use are legal; but the cultivation and possession of large amounts, and the sale of any amount, are illegal. Partial prohibition has been recommended by official

government inquiries in Canada (Canadian Government Commission of Inquiry into the Non-Medical Use of Drugs 1972) and the United States (National Commission on Marihuana and Drug Abuse 1972) in the early 1970s and more recently in Victoria, Australia (Premier's Drug Advisory Council 1996).

Such a policy has operated to a limited degree in Spain, where, until recently, in order to protect individual privacy rights, the use of cannabis in private settings was not considered subject to any legal restriction (Lindesmith Center 1998). However, a 1998 Supreme Court decision rejected such an interpretation of the law, and defined any form of possession as being administratively punishable, including possession in private (Dorn and Jamieson 2000). Possession or use of small quantities of cannabis or its derivatives in public places has consistently been interpreted as carrying no criminal penalty, but incurs administrative fines. Possession of more than 50g is deemed a public health threat and carries fines and/or prison sentences (European Monitoring Centre for Drugs and Drug Addiction 1999, Lindesmith Center 1998).

The Victorian inquiry recommended that personal possession and use of marijuana and growing up to five plants should no longer be an offence, but that trafficking in marijuana and possession and use of more potent cannabis products and other illicit drugs should remain offences. The report recommended that these measures should be implemented in conjunction with appropriate education and public advice on the dangers of abuse of marijuana, and appropriate penalties for dangerous use. The Victorian Premier's Drug Advisory Council report also recommended maintaining criminal penalties (including fines and imprisonment) for sale of marijuana to young people.

If partial prohibition were adopted in New Zealand, an option for consideration could be to extend such a provision to supply of marijuana to minors. This would be consistent with the prohibition of both "sale and supply" of alcohol to those under 18, under the Sale of Liquor Amendment Act 1999. However, as the current experience with alcohol sale and supply to young people illustrates, this legislative provision would need to be supported by adequately resourced enforcement and public information campaigns.

Although not initially implemented by the Kennett government, the Victorian Labor government elected in 1999 expressed support for the Premier's Drug Advisory Council report in its election manifesto, and pledged to decriminalise possession and use of small quantities of marijuana (Victoria Australian Labor Party 1999). It is unclear if the "decriminalisation" pledge was to fully implement the Council's recommendations or to implement a different system.

### Prevalence of Use

A partial prohibition policy could be interpreted as symbolising a position in favour of cannabis use, which may have an impact on levels of use. However, since this policy has only operated to a limited extent in Spain, there is insufficient data which to draw any conclusions.

## Availability and Supply

As possession of small amounts would not be an offence, a partial prohibition policy could enhance accessibility of cannabis (although trafficking would remain illegal). Partial prohibition might, however, undermine the black market. Although only three per cent of New Zealand's current users reported growing all or most of their own supply in 1998 (Field and Casswell 1999b), growing might increase if it were legal to do so. However, questions have been raised about what alternative sources of revenue, such as sale of other illegal drugs, those involved in the black market would turn to, if home growing increased. Enforcement of prohibition of an illicit drug market would remain necessary.

## Financial and Social Costs

Partial prohibition would eliminate personal possession cases, and reduce convictions and court costs. Resources could be redirected to increase focus on supply; in 1998, fewer than half (41%) of cannabis-related convictions related to supply (Lash 2000). Such a system may result in increased confidence in the law, and may increase the chance of implementing harm-reduction strategies.

## International Compliance

A partial prohibition approach could be construed as inconsistent with UN Conventions relating to cannabis use, leaving New Zealand open to international pressure, particularly from the International Narcotics Control Board.

## REGULATION OF PRODUCTION AND DISTRIBUTION

The final option of regulating cannabis production and distribution would see cannabis become a drug on the open market, in the same way that tobacco and alcohol are available. This option was recommended by NORML and the Drug Policy Forum Trust (Drug Policy Forum Trust 1998).

## Availability and Supply

Regulation would allow cannabis to be treated in a manner consistent with alcohol and tobacco. Regulation is likely to lead to increases in availability, which could result in increased use and increased risk of harm from the drug. Regulation of cannabis, as a legal drug, may significantly undermine the black market. This would, however, depend on levels of taxation, as high prices would encourage both home and home growing and a black market. Increased prices through taxation could decrease accessibility, provided the illicit market could be controlled.

## Financial and Social Costs

Regulation could provide some measure of control over sale of the drug and, through taxation, provide government revenue. It would eliminate personal possession cases, but not supply.

With regulation, promotion of use is also possible on a legal-to-sell / legal-to-advertise basis. It would also establish another industry sector, which, going by experience of alcohol and tobacco, tends to influence policy development in a liberal direction, counter to public health objectives.

The incentive for business enterprises to maximise sales to increase profits is likely to increase use and undermine public health objectives. It is also possible that brands may be produced that combine tobacco with marijuana, leading to increased use of tobacco.

## International Compliance

The regulation option would also clearly contravene New Zealand's international obligations through UN Conventions.

## CONCLUSION

A number of options for change are available to policy makers. An appropriate New Zealand policy response must take into account the problems associated with the black market in cannabis; the likely impact of policy change on least advantaged members of the community, especially via net-widening and the inability to pay fines; the impact of changes in access by young people; and likely effects on overall prevalence of use.

Whatever policy is adopted, problems of drug-related harm will not disappear. There will still be a need for resourcing to allow people and agencies at the community level to deal with problems of drug use, particularly among the more vulnerable sectors. The legislative framework provides a crucial policy framework, but solutions to reducing drug-related harm will also require resourcing of community action.



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