

18 Drug-related legislation

Support for legalisation of illicit drugs

Survey respondents were asked to indicate their level of support or opposition to the legalisation of four illicit drugs for personal use. Responses of 'strongly support' or 'support' were grouped to indicate general support for legalisation. For all four illicit drug categories, levels of support for the legalisation of these drugs was low (Table 18.1). Results include:

- Support for legalisation was highest for marijuana/cannabis – three in 10 (29.1%) Australians aged 14 years and over approved of legalisation for personal use of this drug.
- Those aged 20–29 years were the age group most likely to support the legalisation of marijuana/cannabis (42.1%).
- Less than one in 10 Australians supported the legalisation of heroin (7.6%), amphetamines/speed (6.8%) and cocaine (6.6%).
- A greater proportion of males than females supported the legalisation of each of these illicit drugs.

Table 18.1: Support for the legalisation of selected illicit drugs, persons aged 14 years and over, by age and sex, Australia, 2001

Drug	Age group						All ages
	14–19	20–29	30–39	40–49	50–59	60+	
	(per cent)						
	Males						
Marijuana/ cannabis	30.1	46.6	39.9	31.5	24.0	13.6	31.3
Heroin	5.6	6.9	10.7	8.3	8.0	6.7	7.9
Amphetamines/ speed	7.3	9.6	8.5	6.7	5.9	5.9	7.3
Cocaine	5.1	7.4	8.5	6.8	6.9	6.2	6.9
	Females						
Marijuana/ cannabis	28.1	37.5	33.4	26.5	22.5	14.5	27.0
Heroin	4.9	5.4	7.5	8.2	8.6	7.9	7.2
Amphetamines/ speed	7.0	6.0	6.2	6.3	6.5	6.0	6.3
Cocaine	5.6	5.3	6.2	6.4	7.3	6.2	6.2
	Persons						
Marijuana/ cannabis	29.1	42.1	36.6	29.1	23.2	14.1	29.1
Heroin	5.2	6.1	9.1	8.3	8.2	7.3	7.6
Amphetamines/ speed	7.2	7.8	7.3	6.5	6.2	5.9	6.8
Cocaine	5.3	6.3	7.3	6.6	7.1	6.2	6.6

Note: Base is those who had an opinion.

Between recent users and those who had never used or were ex-users, there were differences in the level of support for the legalisation of illicit drugs:

- Three-quarters (76.9%) of recent users of marijuana/cannabis supported the legalisation of this drug, compared with 21.7% of those who were not recent users of marijuana/cannabis.
- The legalisation of heroin for personal use was supported by 31.4% of recent users of heroin, compared with 7.5% of those who were not recent users of this drug.

Support for increased penalties for the sale or supply of illicit drugs

Survey respondents were asked to indicate their level of support for increased penalties for the sale or supply of illicit drugs. In 2001, the proportion of Australians aged 14 years and over that supported increased penalties was similar between males and females (Table 18.2):

- Approximately three in five males (57.9%) and females (64.4%) supported increased penalties for marijuana/cannabis sale or supply.
- Increased penalties for the sale or supply of heroin, amphetamines/speed and cocaine were supported by over 80% of both males and females.
- Those aged 60 years and over were the age group most likely to support increased penalties for the sale or supply of marijuana/cannabis (80.1%), heroin (90.9%), amphetamines/speed (90.7%) and cocaine (90.8%).

Table 18.2: Support for increased penalties for the sale or supply of illicit drugs, persons aged 14 years and over, by age and sex, Australia, 2001

Drug	Age group						All ages
	14–19	20–29	30–39	40–49	50–59	60+	
(per cent)							
Males							
Marijuana/ cannabis	53.0	41.5	50.6	57.6	64.7	78.9	57.9
Heroin	83.1	86.1	86.5	89.3	89.1	90.8	87.8
Amphetamines/ speed	77.8	78.2	83.4	87.1	88.8	90.4	84.7
Cocaine	80.8	81.1	84.6	88.4	88.7	90.7	86.0
Females							
Marijuana/ cannabis	54.1	50.4	58.5	64.2	72.5	81.1	64.4
Heroin	82.1	85.8	89.4	90.4	90.9	90.9	88.8
Amphetamines/ speed	78.4	80.3	86.9	89.3	90.5	91.0	86.7
Cocaine	80.4	82.9	87.6	90.2	91.0	90.9	87.7
Persons							
Marijuana/ cannabis	53.5	45.9	54.6	60.8	68.5	80.1	61.1
Heroin	82.6	86.0	88.0	89.8	89.9	90.9	88.3
Amphetamines/ speed	78.1	79.2	85.2	88.1	89.6	90.7	85.7
Cocaine	80.6	82.0	86.1	89.3	89.8	90.8	86.9

Note: Base is those who had an opinion.

Levels of support for increased penalties for the sale or supply of illicit drugs differed between recent users and those who were not recent users:

- Those who were not recent users of marijuana/cannabis (68.2%) were four times more likely than recent users (14.9%) to support increased penalties for sale or supply.
- More than four in five of those who had not used heroin (88.4%), amphetamines/speed (87.4%) or cocaine (87.6%) in the past 12 months supported increased penalties.
- About half of recent users of heroin (54.9%) and two in five recent users of amphetamine/speed (39.7%) and cocaine (36.9%) supported increased penalties.

Support for actions against those in possession of illicit drugs

Survey respondents selected the single action they thought best described what should happen to anyone found in possession of small quantities of selected drugs for personal use (Table 18.3):

- For the possession of marijuana/cannabis for personal use, the action most likely to be supported by Australians aged 14 years and over (48.2%) was a caution or warning, or no action.
- Referral to treatment or a drug education program was the action most supported for possession of ecstasy/designer drugs (42.5%). A quarter of Australians (23.8%) supported a monetary fine for ecstasy/designer drug possession.
- Almost half of Australians (47.0%) supported referral to treatment or a drug education program for persons found in possession of heroin. A prison sentence was the next most supported action (27.8%).
- For the possession of amphetamines/speed, the most supported action (43.8%) was referral to treatment or a drug education program.

Table 18.3: Support for actions against anyone found in possession of illicit drugs, persons aged 14 years and over, by age and sex, Australia, 2001

Action	Age group				All ages
	14-19	20-29	30-39	40+	
(per cent)					
Marijuana/cannabis					
A caution/warning or no action	48.3	55.5	51.2	44.7	48.2
Referral to treatment/education program	18.6	18.8	21.8	31.8	26.2
Fine	22.6	18.7	18.2	14.3	16.7
Community service order or weekend detention	6.4	3.8	4.0	4.2	4.4
A prison sentence	2.8	2.5	3.9	4.2	3.7
Some other arrangement	1.2	0.6	1.0	0.8	0.8
Ecstasy/designer drugs					
A caution/warning or no action	8.5	13.8	8.6	6.6	8.4
Referral to treatment/education program	30.7	32.0	39.7	49.5	42.5
Fine	37.3	29.5	23.7	19.1	23.8
Community service order or weekend detention	10.3	8.9	8.8	6.8	8.0
A prison sentence	11.4	14.6	17.4	16.7	15.9
Some other arrangement	1.8	1.2	1.8	1.3	1.4
Heroin					
A caution/warning or no action	1.4	3.0	2.5	2.4	2.4
Referral to treatment/education program	35.8	43.0	46.0	51.0	47.0
Fine	23.3	13.5	11.0	11.4	13.0
Community service order or weekend detention	12.3	8.1	7.4	5.4	7.0
A prison sentence	24.9	28.7	29.8	27.4	27.8
Some other arrangement	2.2	3.9	3.2	2.3	2.7
Amphetamines/speed					
A caution/warning or no action	5.1	7.8	4.7	3.5	4.7
Referral to treatment/education program	28.4	35.4	42.7	50.3	43.8
Fine	33.6	22.9	18.0	16.2	19.6
Community service order or weekend detention	13.0	9.9	8.8	6.8	8.4
A prison sentence	17.0	21.1	23.5	21.2	21.2
Some other arrangement	2.9	2.8	2.2	2.0	2.3

Note: Base equals those who had an opinion.

Typically recent users of illicit drugs were less likely than those who had not used in the past 12 months to support actions against those found in possession of small quantities of these drugs:

- Four in five (83.2%) Australians aged 14 years and over who had used marijuana/cannabis in the last 12 months supported a warning or no action, compared with 42.9% of those who had not used.
- Among those who had used ecstasy/designer drugs in the last 12 months, a warning or no action was the most supported action (48.2%). Those who had not used in the last 12 months considered education or treatment to be the action most appropriate (43.0%).
- Of those who had used heroin in the last 12 months, one in five (21.1%) supported no action if found in the possession of these drugs. This action was supported by 2.3% of those who had not used.
- For possession of amphetamines/speed, the action most supported by both recent users (40.4%) and those who had not used in the last 12 months (44.6%) was education and referral to treatment.
- For all four illicit drugs, support for a prison sentence was more likely to be nominated by those who were not recent users than by recent users.

Legalisation of marijuana

Survey respondents were asked if they thought that the possession of small quantities of marijuana/cannabis for personal use should be a criminal offence. About four in 10 (37.7%) Australians aged 14 years and over considered that offenders should acquire a criminal record (Table 18.4):

- Support for the possession of marijuana/cannabis being a criminal offence was similar between males (37.1%) and females (38.4%).
- Those aged 60 years and over (52.4%) were the age group most likely to support marijuana/cannabis possession as a criminal offence.
- Marijuana/cannabis possession being a criminal offence was least likely to be supported by those aged 20–29 years (28.7%).

Table 18.4: Support for the possession of marijuana/cannabis being a criminal offence, persons aged 14 years and over, Australia, 2001

Drug	Age group						All ages
	14–19	20–29	30–39	40–49	50–59	60+	
	(per cent)						
Males	39.0	26.4	29.6	33.8	41.9	54.6	37.1
Females	42.1	31.0	34.5	34.0	40.1	50.3	38.4
Persons	40.5	28.7	32.0	33.9	41.1	52.4	37.7

Note: Base is those who had an opinion.

Differences were also found between recent users of marijuana/cannabis and those who had not used in the past 12 months:

- Of recent users of marijuana/cannabis who had an opinion, 3.5% thought it should be a criminal offence. In comparison, about four in 10 (43.2%) of those who had not used in the last 12 months thought it should be a criminal offence.
- If marijuana/cannabis were legal to use, two-thirds (66.6%) of recent users indicated that they would use marijuana/cannabis about as often as they do now. Less than one in 10 (7.8%) recent users indicated they would use more often than they do now.
- Over 90% (93.0%) of those who were not recent users of marijuana/cannabis indicated that they would not use marijuana/cannabis even if it was legal.