

**The persistence of criminal penalties for drug use and possession: the role of evidence, public opinion and problem framing in Victorian Inquiry recommendations, 1996 to 2018.**

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**Introduction and Aims:** Despite evidence in support of removing criminal penalties for drug use and possession for personal use, the Australian Capital Territory, the Northern Territory and South Australia are the only Australian jurisdictions to do so, and only for cannabis. Several Australian public Inquiries have, however, explored whether the response to drug use and possession should be changed. This research aimed to analyse how Inquiries in Victoria have made recommendations about criminal and non-criminal approaches to drug use and possession for personal use.

**Method / Approach:** Qualitative documentary analysis of six Victorian Inquiry reports, published from 1996 and 2018, specifically examining how the framing of the policy problem, research evidence and public opinion informed the recommendations relating to criminal and non-criminal approaches to drug use and possession, and the changes over time.

**Key Findings:** Despite no Inquiries concluding that prohibition was an effective approach, only two recommended removing criminal penalties for drug use and possession, 22 years apart. The problem framing and public opinion appear more important than research evidence in the lack of recommendations for removing criminal penalties for drug use and personal possession.

**Discussions and Conclusions:**

This analysis highlights how Inquiry actors weigh up public opinion and political context in addition to research evidence to form recommendations, despite the Inquiry process often being framed as a process of rational evidence-evaluation.

**Implications for Practice or Policy** (optional): Researchers and advocates' contributions to Inquiries (through public submissions or hearings) may be improved by careful consideration of how the policy problem is framed in the terms of reference, public opinion, or the general political environment.

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