



NEW SOUTH WALES
BAR ASSOCIATION

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Ms Sophie Dunstone
Committee Secretary
Legal and Constitutional Affairs Legislation Committee
PO Box 6100
Parliament House
Canberra, ACT 2600

Dear Ms Dunstone

Inquiry into the Regulator of Medicinal Cannabis Bill 2014

Thank you for your letter dated 6 January 2015 inviting the New South Wales Bar Association to contribute to this important reference.

On 24 November 2014 the Association released a Discussion Paper prepared by the Criminal Law Committee on the topic of drug law reform. A copy of this paper is enclosed, for your information.

The Criminal Law Committee has considered the issues around the production, trafficking and use of illicit drugs. It has not specifically considered the use of currently illicit drugs for medicinal purposes, and I note that the Association's members are legal professionals, not medical professionals who may be in a better position to comment authoritatively on the medical aspects of the use of cannabis for the treatment of pain.

Generally, the Criminal Law Committee of the Association has formed the preliminary view (expressed in the enclosed Discussion Paper), that the current general legal prohibition on cannabis should be replaced with a system of regulated availability.

The regulatory model contained in the 'Regulator of Medicinal Cannabis Bill 2014' is similar in nature to that established in New Zealand for the regulation of 'party pills'. It is the Criminal Law Committee's view, that it is also a model that could be adapted to apply to illicit drugs more generally, with some adaptation. A regulatory regime for all illicit drugs could involve varying degrees of regulatory control depending upon the drug and its capacity for harm (prescription, licensed supply or pharmacy-controlled availability, for example).

A concern often expressed is the potential for the 'commercialisation' of cannabis use that could flow from regulated availability of medicinal cannabis (similar to the commercialisation of tobacco and alcohol). If a regulatory scheme for medicinal cannabis was introduced, it would be necessary to have very strict restrictions on advertising, to ensure that some of the mistakes in America are not replicated here. It would be similarly important to devote adequate resources to law enforcement in order to prevent the diversion of 'licit' cannabis to the illicit black market.

The Association has yet to form a view on the regulation of all illicit drugs, but provides a copy of its Discussion Paper in the hope that some of the issues canvassed therein may be of some assistance to the Legal and Constitutional Affairs Legislation Committee in preparing its report.

Kind regards

P A Selth

Executive Director