

To the Senate Standing Committees on Legal and Constitutional Affairs

Parliament of Australia

re: The Criminal Code and Other Legislation Amendment (Removing Commonwealth Restrictions on Cannabis) Bill 2018

My name is \_\_\_\_\_ and I belong to numerous drug law reform groups. These law reform groups include Western Australia Supports Change, and the Medical Cannabis Users Association of Australia (MCUA) along with 17,400 other medical cannabis users or carers.

I support the Bill on numerous bases including that: -

1. Harm minimisation should be the primary driver of all public safety and drugs policies. Drug use or drug abuse are both Health & mental health issues and must again be treated as such - not as "criminal" matters. Re-legalisation of cannabis will remove the greatest harm users face namely that it's deemed "criminal" to use it. 100% of users are criminalised without good reason or even electoral support. Meanwhile, the minority (cannabis prohibitionists often claim about 10% problematic users) being the most vulnerable "10%" who most need help - are further demonised and alienated. Harm is exacerbated by the very laws supposedly enacted to "help" citizens not "suffer the consequences of drug abuse". The prohibition experiment; misguidedly undertaken over the last 70 years or so; has maximised harm instead of prevented it. The experiment must end - it did not work.

2. Personal drug use, for whatever reason; whether medicinal or recreational; is a personal health and personal choice matter and therefore, it is a Human Rights matter. To criminalise a person's individual health choices; and which personal choices do others no harm; is a Human Rights abuse - most particularly for "medicinal" cannabis users. For many, the stark choice is: "to be illegally alive" or "legally dead". The state has no "right" at law to dictate to its citizens what they must do or not do in respect of their personal health choices as long as that conduct does no harm to others - and is demonstrably the case with cannabis. The right to chose is a basic Human Right now being denied.

3. The denial of legal access to cannabis negatively impacts the largest and allegedly most discriminated against minority in Australia namely cannabis users who (according to recent polls) now constitute about 15% of the population. Cannabis is becoming a more widely used commodity despite its' failed prohibition; especially amongst older Australians; because of the scientifically proven health benefits of cannabis to treat multiple disorders via the endocannabinoid system existent in every sentient being on the planet.

4. Cannabis has now been scientifically shown to be extremely effective to treat various cancers, Chronic pain &/or fibromyalgia, Epilepsy, Parkinson's, Tourette's, Multiple Sclerosis, PTSD, Crohn's disease and IBD to name but a few. Current research also indicates cannabis as a useful treatment and prophylactic for Alzheimer's and osteoporosis. It is inarguable that these medical conditions now negatively affect far more Australians than the very small group that (according to the "Reefer Madness" inspired naysayers) supposedly "may be" negatively impacted by "excessive cannabis use" and which prohibition has spectacularly failed to prevent or remedy but instead has greatly exacerbated - entirely BECAUSE of cannabis criminalisation.

5. The medical benefits of cannabis use to address the postulated clinical endocannabinoid deficiency (per researchers including Dr Ethan Russo, Prof Raphael Mechoulam & others) in the population far outweighs the allegedly scientifically discredited "Reefer Madness" propaganda alleged "mental health harms" still disingenuously being cited by opponents of cannabis legalisation. Cannabis is currently deemed a "dangerous drug" with no medical benefits which is patently and demonstrably false most especially given that the US Government now holds a patent for cannabis use to treat the aforementioned medical conditions.

6. Even if it was true (albeit arguable) that cannabis has negative mental health effects for a small minority of cannabis users - supposedly up to 9% of all heavy long-term users - the alleged "harms" of "excessive cannabis use" in perhaps a total 1.35% of the population not harming anyone else cannot justify the current criminalisation and demonisation of the net balance of ten times as many current cannabis users - being a current total of 13.5% or thereabouts of the Australian population. A further unknown number of Australians would probably try cannabis if it was legal but they are now being arbitrarily denied that opportunity - a Human Right - to even discover for themselves if cannabis would be effective in treating their medical conditions.

7. Arguably personal cannabis use should never have become a criminal offence from the outset because prohibition was allegedly based on flawed assumptions and now discredited myths about often imaginary "harms" of such use. Exaggerated "harms" as predicted by anti-cannabis lobbyists have not been borne out by research or practice in states where cannabis is once again legal following the 7+ decade failed experiment with prohibition. Legalisation will restore currently absent freedom of choice and remove an unnecessary burden from the cannabis using (about 15% of all) citizens, and a huge but counter-productive burden from police. Legalisation will improve state finances if and only if a STATE BASED stamp duty is applied in lieu of federally collected GST or any excise. Federal taxes or excise will not be returned to the states from whence those imposts were generated. Cannabis is and should always remain a state matter.

8. The 2 tier TGA & state government medicinal cannabis access scheme has been an abject failure. Only about 600 Australians - a minuscule percentage of the population - have gained legal access to cannabis after negotiating almost insurmountable barriers which have been deliberately designed to deny cannabis access via an expensive, convoluted scheme which implies that cannabis is a "dangerous drug" when the converse is true. The vast majority of people who use cannabis will not even subject themselves to the unnecessary labyrinthine and intellectually insulting application process.

9. The cost of the legal cannabis products is generally prohibitive - in excess of \$1,500 per month. This extortionate price is unnecessary most especially if users can grow their own. Legal cannabis may also lack any actual cannabis at all (because some synthetics have been approved) or alternately the legal medication has had key components (eg: THC) removed. An estimated 100,000 or more Australians currently use black market or home grown cannabis and will continue to do so in defiance of the failed current cannabis prohibition and the ludicrous access denial scheme. This entire situation brings the administration of justice into disrepute.

10. An estimated 1 in 5 Australians - 20% of our population suffer from chronic pain for which cannabis is an effective and unarguably relatively SAFE remedy. The only alternatives to treat severe chronic pain offered by modern medicine are dangerous opiates and other highly addictive pharmaceuticals which are KNOWN to have serious side effects. Prescription drugs caused at least 1880 deaths in Australia in 2016 alone. It is an outrageous situation to knowingly allow people to become addicted to dangerous Big Pharma drugs; often funded by the PBS (the public purse); but to continue to criminalise those who seek a safer and more cost effective alternative when they grow their own cannabis - which is deemed to be a "crime" even though no one else gets hurt.

11. There is also an alleged "conflict of laws" given that it is a criminal offence under the similarly worded Criminal Codes in both Western Australia and Queensland to deny the "necessaries of life" to anyone. Examples of cannabis being a proven "necessity" for numerous medical patients abound. Queensland police have already refused to lay charges against Katrina Spraggon for openly supplying cannabis to her epileptic daughter Kaitlyn because it is unquestionable that the greater harm in this situation would be denial of the "necessity" of life being the only effective medication available; namely cannabis; to stop Kaitlyn's intractable, brain-damaging seizures. Thus the Qld Crim Code DUTY to provide the necessities "trumps" the Controlled Substances Act in that state and my own state WA.

12. The tort law of "necessity" has also been successfully cited in court in other jurisdictions by users charged with cannabis related "offences". Because most cannabis cases citing the defence of necessity are heard in the Magistrates' Courts, most such cases remain unreported - but Magistrates are increasingly "voting with their feet" and not applying maximum penalties. Therefore the law is already being selectively applied and this remains an unsatisfactory state of affairs which continues

to bring the administration of justice into disrepute whilst simultaneously denying our Human Rights to the "proven to be safe" medicine or recreational drug cannabis.

13. If cannabis was more readily available and people could grow their own medicine, or freely access legal supplies, the savings to the annual \$155 billion Australian health budget could be significant given that opioid use and abuse has dropped markedly in states (eg California & Colorado) with legal access to cannabis. This anticipated cost savings to the health system would be in addition to the considerable estimated multi-million dollar reduction in currently wasted expenditure on state and federal policing and the overloaded judicial systems which are clearly the wrong forums to address what is in reality a health issue and should never have become a criminal issue. It is an affront to common decency and everyone's Human Rights that this situation prevails.

14. The existing approximately 15% of the population currently using cannabis and perhaps an additional 5% or 10% who can potentially be helped by occasional cannabis use would represent roughly 20 to 25% of the population. In states where cannabis has been legalised there has not been a significant increase in use. The numbers of those who will or may benefit from cannabis legalisation far outweigh those who may somehow be "harmed" by the allegedly "detrimental-to-mental-health-excessive-cannabis-use" so emphasised by anti-cannabis lobbyists and which they insist is already happening in Australia despite the failed cannabis prohibition they continue to support. Einstein's definition of insanity is to keep doing the same things over and over again and expecting a different result.

15. The oft cited "gateway drug" theory as an excuse for prohibition has been thoroughly discredited scientifically. The alleged ACTUAL "gateway drugs" are alcohol and tobacco but these toxic substances are legal despite the undeniable harms they cause - to society at large - not just their direct users. Alcohol is used by over 81% of all Australians, some 27% or more are using alcohol at risky levels - this is about 24% or nearly ONE QUARTER of adult Australians. Alcohol is the real health problem and it not only directly affects users' health - causing brain & liver damage and being a known class 1 carcinogen . Alcohol leads to increases in violence especially domestic violence and accidents.

16. Tobacco is similarly addictive and there is no safe level of use because it too is a known carcinogen. But these 2 very dangerous drugs alcohol and tobacco are legal and taxed and regulated with some success in restricting excessive usage. Reductions in risky use of the real "gateway drugs" tobacco and alcohol are only ever achieved by regulation and education and never yet in recorded history by the repeated but failed experiments with prohibition.

17. Opponents of cannabis law reform often cite selective "research" allegedly linking negative mental health issues to cannabis use (as is evident in 2 such submissions tabled re this proposed Legislation). Sources cited include the (in 2013 "defunded") now debunked DSM V. No causative link re causing mental health problems (as claimed by some cannabis opponents) has been established - instead cannabis users may be more likely to be "self-medicating" their previously occurring but otherwise unaddressed health or emotional issues. In which case advocates for prohibition support criminalisation and resultant penalties continuing to be applied to those - whom they admit remain undeterred by prohibition - and are in their own view most likely to need mental health intervention! Such a punitive and unrealistic stance defies all logic - the results of prohibition are clear. It is a failed strategy based on failed logic. The "harms" of cannabis use have never been avoided but instead have been multiplied many-fold by the continued insistence upon failed cannabis prohibition.

18. Current scientific research re cannabis supports the great potential for good versus a low risk of harm - numerous recent scientific papers cite the benefits of cannabis to treat a range of human conditions because of the universal existence of the endocannabinoid system - free of the usual "selection biases" inherent in previously conducted anti-cannabis studies. Other studies have debunked previously accepted myths about cannabis induced "harms" still being cited by opponents to cannabis legalisation in this series of proposed legislation submissions. The rhetoric which previously underpinned cannabis prohibition has crumbled, the experiment has failed. It is time for Legislation to recognise that reality.

Perhaps the greatest "threat" posed by cannabis legalisation would be to the health of the Big Pharmaceutical companies' operating profits - which cannabis does reduce as has been emphatically proven in the US "legal" states. Therein may lie the true reason that cannabis remains illegal - that and that uninformed politicians may still be labouring under the misapprehension that cannabis legalisation is an electoral liability - when in fact the converse is true.

19. The "War on Drugs" focuses most efforts and resources on "supply reduction", being the least efficient way to dissuade drug use. For example tobacco use has been greatly reduced by measures like removing advertising, plain packaging and education -not prohibition because that will never work. Policing has failed to decrease drug use &/or abuse which has increased, despite greatly increased police expenditure. Police resources currently wasted on victimless (socially harmless) cannabis related "crime" can be more productively used to target real criminals whose conduct actually does harm to others. Resources now wasted on financially costly but largely ineffective drug possession policing can be diverted to more cost effective and beneficial approaches like education and treatment. Result = less police work and less distrust of police by otherwise law-abiding cannabis using citizens. This will improve police-public relations and stop the administration of justice from remaining in disrepute as it is with about 15% of the population currently flouting laws they self-evidently perceive to be unjust.

20. This "tough on drugs" approach exacerbates the harm which may potentially be caused by the drugs especially cannabis which is a relatively safe substance compared to freely available but regulated drugs like alcohol and tobacco. Consumers of drugs are criminalised, and instead of being helped they are further marginalised, demonised and excluded from mainstream society. The burden of the current prohibition of cannabis impacts thousands of personal users by limiting travel and work opportunities, applying discriminatory road traffic testing (or detecting & punishing past use not actual driver impairment). This failed "punishment" based approach offers nothing to help the "problematic users" with any actual cannabis use problems except to ensure that they are - "legally" - therefore financially and socially harmed by their "low risk to others" (socially harmless) cannabis use.

21. The current illicit market for cannabis in Australia is estimated to be well over 10 billion dollars annually in spite of it being illegal. Prohibition has failed to achieve its stated aims - it hardly makes a dent in supply. It is exactly BECAUSE cannabis is illegal that it is so profitable for criminal elements who deal in its supply. Demand has not reduced but has remained constant or increased despite prohibition. Illicit cannabis therefore remains in the complete control of unregulated, untaxed and otherwise unaccountable dealers. The ONLY way to really protect consumers and society at large is to legalise and regulate the supply of cannabis. This will remove the criminal element and remove the vast untaxed profits now available to them and simultaneously derive considerable state revenue - depending upon the regulation model which may be chosen by the respective states.

22. I do not support the proposal to apply a Commonwealth levied excise or any GST to raw cannabis or extracts of same. Cannabis is basically a herb or vegetable which can be used as a natural dietary supplement or food and should not be subject to GST on that basis alone - basic raw ingredients, oils, fresh & frozen foods do not attract GST and cannabis is in that category. Processed edibles could be subject to GST in the same way as cakes and confectionery are currently taxed at Federal level.

23. The other reason I do not support GST being applied to cannabis is that GST is demonstrably not fairly distributed by the federal government. Western Australia is particularly disadvantaged by the system which penalises our state far more than any other jurisdiction by returning well under 50c per dollar of GST income derived from WA. Therefore if cannabis was legalised in WA and GST applied; over 50% of the financial benefits would flow to other states - whether or not they too legalised cannabis. If Tasmania did not legalise, but WA did, the net result would be an increase in the significant subsidy already paid to that state, to the financial detriment of our own.

24. The ongoing GST rip-off of WA will be compounded if we legalise it and unnecessarily deprive the state of the income needed to fund the regulation of cannabis and provide more currently underfunded essential services. A state based "stamp duty" would provide the state with income for the much needed boost to mental health services, project to tackle homelessness and other

"difficult to fund" services which are now unable to cope with the damage primarily caused by the most dangerous drug in society namely alcohol.

25. I vehemently oppose the imposition of any federal "excise" applied to cannabis. The excise from alcohol and tobacco sales is federally collected but it is the state governments which bear the burden of the massively increased health costs caused by these 2 legal drugs which are both more harmful than cannabis. The individual states should collect and retain the above-mentioned "stamp duty" which is a state-based administrative fee covering any cannabis transactions - from licenced grower to retail outlet or dispensary. Health Minister Greg Hunt was quick to point out on camera that "cannabis legislation is a state matter". There is no need for any Federal Government intervention whatsoever - except to get out of the way of legalisation and leave it to the states.

26. Cannabis regulation or use has nothing to do with the federal government and most certainly should not be used as another attempted Canberra "cash grab" from the already cash-strapped states. Retaining state regulatory and financial control of cannabis is essential and will help to redress the current lack of funding from the federal government back to the state level for overstretched essential services. The new cannabis stamp duty (state not federal money source) will be diverted from organised crime or drained from the existing Black market and spent as the local conditions dictate - not as Canberra decides.

I personally refuse to obey any unjust law which arbitrarily denies my Human Right to effective treatment or (rephrased) denies me access to cannabis which I have found to be the ONLY effective treatment for my diagnosed PTSD. I have tried numerous pharmaceutical medications the net result of which was a suicide intervention in April 2014. PTSD is not even listed in my state WA as one considered for cannabis treatment. Even if I could be bothered (I cannot justify that waste of time and resources) to undertake the lengthy and expensive approvals process (most likely to fail given so very few are granted access to a script - not even 40 successful applications in WA to date) I will refuse to be "legally" financially extorted at the rate of over \$1,500 per month just so I can function free of harmful but ineffective Big Pharma drugs or my past addiction to alcohol - resolved by more recent cannabis use and nothing else. Given that PTSD is negatively affected by stress and anxiety, it is an affront to be forced to face the unnecessary fear of prosecution hanging over my head and considerably adding to the stress to my life for what is a proven necessity to treat my PTSD.

I have found cannabis to be a "Gateway Drug" but ONLY in the sense that it is my proven "Gateway to Health" as it is for many others in similar medical related circumstances. I point blank refuse to comply with current prohibition which in fact demonstrably threatens my very existence. I support the right of anyone to use cannabis for whatever reason they may so choose most especially for medicinal use.

Most intelligent people are already aware that prohibition does not work except to make criminals of the otherwise law-abiding users of illicit substances and to simultaneously ensure tax-free and often extreme profitability for organised criminals who deal in large quantities of such prohibited substances or commodities. Prohibitionists invariably resort to "higher moral ground" arguments and that the banning of any given item is somehow "for the greater good".

For example: - Blue denim jeans were prohibited in Tito's Yugoslavia during the 1970's because the errant propaganda was that clothing choice was supposedly symbolic of "corrupt capitalism" and "moral decadence" and therefore posed a "danger" to their "more righteous" Communist society. So importing jeans became a "crime". But the false myths often repeated to "justify" banning denim jeans and criminalising "traffickers" did not magically become true just because it was the official "story-line". In fact the original Levi Strauss blue jeans were not only unabashedly "working class" but also made of hemp fibre (hemp has 3 times the tensile strength of cotton) and was durable enough to survive the work-related wear and tear from the manual labourers who wore them. Hemp was substituted for the inferior cotton fibre only because of prohibition. Many other widespread industrial, animal fodder and fuel related uses of hemp were substituted for what now transpires to be inferior petrochemical and "Big Agriculture" alternatives which cause negative environmental impacts. Much has been lost because of prohibition which was predicated on false myths - similar to the false myth concerning blue denim jeans.

Because prohibition always fails - it caused the above-mentioned jeans to be far more sought after and expensive in Eastern block countries at that time - and also infuriated the vast majority who found the demonising myth unconvincing and logically inconsistent. Those who wished to wear the clothing of their choice without the heavy handed and misguided intervention of the state openly defied the law because it was an unreasonable Human Rights denial. The exact same types of myths or propagandist falsehoods as those used to demonise blue jeans have also been employed to demonise cannabis which instead of being a "threat to public health" appears to be for most people the exact opposite - proving instead to be a life-saver for some and a desirable recreational substance of choice for others.

The demonising myths surrounding cannabis evaporate like mist before the morning sun when held up to the light of rational science and countless lived experiences. Cannabis users are tired of being demonised and having their Human Rights to freedom of choice and expression denied by the failed "War on Drugs" memes. It is time the legislation caught up with the science-backed public sentiment. This bill will start the process to restore the currently absent freedom of choice and end the denial of Australian citizens' Human Rights.

I thank you for the opportunity to make a submission to this inquiry.

Yours Sincerely