



**LEGISLATIVE ASSEMBLY**  
**FOR THE AUSTRALIAN CAPITAL TERRITORY**

---

STANDING COMMITTEE ON HEALTH, AGEING AND COMMUNITY SERVICES  
Ms Bec Cody MLA (Chair), Mrs Vicki Dunne MLA (Deputy Chair)  
Ms Caroline Le Couteur MLA

## Submission Cover Sheet

Inquiry into Drugs of Dependence (Personal Cannabis  
Use) Amendment Bill 2018

**Submission Number: 16**

**Date Authorised for Publication: 21.03.2019**

## Submission to the inquiry into the Drugs of Dependence (Personal Cannabis Use) Amendment Bill

### ISSUES

I enjoy the feeling of getting high on the marijuana and want this feeling to be part of my life. By nature, cannabis use is a medical and not a criminal issue, much as alcohol and tobacco. The current laws also make it a human rights issue. I therefore consider the proposed legalisation of cannabis use to be a step into the right direction. Supply of this substance should also be legalised and regulated, such as is happening in other jurisdictions around the world.

### BACKGROUND

I am a private citizen and claim no expertise in the field of public health. However, I have lived in the Netherlands and would like to draw the attention of the committee to a number of observations which I made there:

- 1.) Cannabis can be bought, sold and consumed in special so-called “coffee shops” all over the Netherlands without the threat of prosecution from the state.<sup>1</sup> As a result a variety of different types of cannabis is, literally, on the menu. Personally, I much enjoyed Jamaican and Thai cannabis because it is not as strong as hydroponic weed. By “not as strong” I mean that the THC content, and hence the intoxicating effect of consumption, is less than it is with other varieties of the plant. Cannabis which has a high THC content may pose a risk of psychological damage to users; lawmakers who are concerned about the wellbeing of cannabis users ought to find a way to make different types of cannabis available to the general public.
- 2.) Dutch “coffee shop” owners who wish to sell cannabis must have an official license to do so. In the Netherlands, local councils decide how many licences are granted to prospective “coffee shop” owners in each municipality. This approach allows councils to increase or reduce the number of quasi-legal selling points for cannabis as desired (and therefore to respond to changes in demand, but also public sentiment, over time).
- 3.) Because the sale of cannabis is being separated from the sale of other drugs, people who wish to buy cannabis, in particular younger people, do not get exposed to criminal salespeople who might also get them into contact with more harmful drugs. This calculation was, initially, the reason why the Dutch government adopted this policy.

In addition, I'd like to share my concerns about organised crime and human rights with you.

Organised crime: As a private citizen I wish to live in a society that is free of organised crime as much as possible. Organised crime is in large part funded by drug money. In other words, prohibition effectively works as a subsidy for organised crime.<sup>2</sup> This is a very high price to pay for a public health policy.

---

<sup>1</sup> [REDACTED]

<sup>2</sup> The United Nations Office on Drugs and Crime notes that “drugs continue to represent a major source of revenue

According to the Australian Criminal Intelligence Commission, “the Australian cannabis market is large and entrenched, with organised criminal groups and individuals maintaining a strong presence in the market.”<sup>3</sup> I am wondering whether the benefits of outlawing cannabis really outweigh the costs, in particular when it comes to the de-facto subsidisation of organised crime. Legalising and taxing the sale of this substance is a more responsible approach; it takes money away from organised crime and gives a fair dinkum percentage of that money to the government. By the way of an example, the state of Colorado reports revenues just shy of \$1 billion since it chose to liberalise the cannabis market in 2014.<sup>4</sup>

Human rights: Finally, I would like to draw the committee’s attention to two recent decisions handed down by the high courts of South Africa and Mexico respectively. In each case, the courts found that humans have a natural right to consume this substance for reasons of religious worship (South Africa) and self-development (Mexico), thus striking down prohibition laws as unconstitutional.

In the words of the Mexican high court, adults have a “fundamental right to the free development of the personality” without interference from the state. And: “That right is not absolute, and the consumption of certain substances may be regulated, but the effects provoked by marijuana do not justify an absolute prohibition of its consumption.”<sup>5</sup>

Just as with alcohol, the vast majority of users consume cannabis in a responsible manner. Still, about 4000 people die in Australia from alcohol-related causes in a given year.<sup>6</sup> Yet few would argue that alcohol be banned on account of these victims.

Because alcohol is legal in the ACT while cannabis isn’t, I feel that I have a right to know the reason why the effects provoked by cannabis should be such that they justify an absolute prohibition, while at the same time the effects provoked by alcohol should be such that an absolute prohibition is not warranted. If no compelling answer can be found, then a reasonable person may well conclude that cannabis prohibition is actually not based on any rational grounds and therefore worth reconsidering. I am optimistic that the ACT will soon join jurisdictions which base their approach to human rights and public health on a more reasonable, liberal philosophy.

## RECOMMENDATIONS

a.) I recommend that the committee follow the wisdom of the Mexican high court and acknowledge my right, and therefore the right of every responsible adult, to consume cannabis without undue interference from the state.

b.) I recommend that the committee consider the liberalisation and regulation of cannabis sale in the ACT, in order to:

- Separate its supply from the supply of more harmful drugs;
- Make it easy for consumers to obtain cannabis with varying concentrations of THC;
- Increase government funds through taxation; and
- Reduce the irresponsible de-facto subsidisation of organised crime via drug money.

---

for organised crime”, vide: [REDACTED] page 4.

3

4

5

– data as of February 2019.