

PARLIAMENT

“Honourary Members of this Parliamentary Portfolio Committee” ...

1. Andrew Lawrie and I speak on behalf of Schindlers Attorneys, which has supported cannabis legalisation efforts since at least 2013, almost entirely *pro bono*. I will address some general jurisprudential observations, while Mr. Lawrie will address you as to how and why meaningful and effective reform of our cannabis laws is not too big a fish to deliciously fry.
2. You have our written submissions (25 pages, with little repetition) so I propose to not waste anyone’s time by re-hashing those. Also, I’ll try not to overlap with what other speakers have said or are anticipated to say. Of course, we avail ourselves to answer any questions.
3. I talk to you today as a lawyer. But, fundamentally, I am a human being, who is subject to your law-making and its application. While I therefore address Parliament with due respect and deference, I appeal to you as empathetic human beings, as the following hopefully make clear.
4. The criminal prohibition of so-called ‘*drugs*’, especially the low-harm ones, is illegitimate: -
 - a. Your very own National Drug Master plan acknowledges that the “*War on Drugs*” has failed and that problem drug use is a public health (not a criminal justice) concern.
 - b. Section 36 (keyhole) Constitutional analysis: -
 - i. Reasonable and rational regulation (abandoning criminal prohibition) is “*less restrictive means to achieve the purpose*”. This will be addressed by Mr. Lawrie.
 - ii. General rationality – when a less restrictive, but more effective, option exists (as it does here) the State stands accused of irrationally harsh law-making and application of those laws if it nonetheless prefers the more restrictive, but less effective, option. It is a literal assault on its citizens.
 - iii. I say this because you have, with respect, entirely failed to account for the unthinkable and unjustifiable harms which befall an individual when they are dragged through the criminal justice system.
 1. These outweigh even the worst harms of cannabis use (which were overstated by the Department of Health).
 2. This results in a system whereby, in an otherwise legitimate endeavour to ‘*prevent harm*’, the State inadvertently causes more harm than it could ever purport to prevent.
 - c. I must add that this philosophical and fundamentally-human realisation applies to all so-called ‘*drugs*’ that fall below the established harms of tobacco and alcohol.
 - i. Why must we keep suing government for incremental change, substance by substance, entheogen by entheogen? Mention Griffith Molewa??
 - ii. Why not a task team, or commission of enquiry, that entirely reforms our drug laws, on the basis of the science and statistics which long-ago overtook 1970s political propaganda? The data exists. Just ask and it shall be forthcoming.
5. Preamble to Act should read “*To regulate the many uses of cannabis, mindful always to not do more harm to our fellow human beings, our brothers and sisters, than we prevent*”.