

Queensland Council for  
Civil Liberties

**Public Health (Medicinal Cannabis Affordability) Amendment Bill 2017**

**QCCL Submission to:**

**Health, Communities, Disability Services and  
Domestic and Family Violence Prevention Committee**

The Secretary  
The Health, Communities, Disability Services and Domestic and Family Violence Prevention  
Committee

Thank you for inviting QCCL to make a submission on this Bill.

QCCL twice made long submissions regarding the 2016 Queensland Medicinal Cannabis legislation, first to the draft prepared by Queensland Health, and second to the parliamentary committee reviewing the revised draft Bill. Both submissions were pretty much ignored. Leaving aside all the excellent and commonsense initiatives the Council recommended, our submissions argued the major flaw in the legislation was the failure to address supply. That view has now been vindicated, with only a tiny number of Queensland patients accessing cannabis medicines to date. The council takes no satisfaction from that.

Rather than revisiting the arguments made in 2016, this submission seeks only to comment on the reasons why the legislation failed.

**Argument**

Patients requesting medicinal cannabis just want to be dealt with in the same straightforward manner as any other persons seeking medicines to alleviate their health problems.

We are a million miles from that still.

The recent laws are a scandal because they don't provide affordable, disease-specific and timely supply.

It is a bizarre fact that there are far fewer rules and regulations surrounding the prescription of opioid pain killers and other potentially **lethal** prescription drugs than are required for cannabis in Queensland and other Australian legislation.

All the Kafkaesque bureaucratic and legal barriers preventing Queenslanders from having access to legal medicinal cannabis arise from a mentality that cannabis intoxication is a very bad thing, dangerous to individuals and dangerous to society. This mentality has poisoned one or even two generations—a generation is 25 years—of the political, legal, law enforcement and administrative elite that oversees drug laws in Australia. Community

pressure has dragged this elite kicking and screaming to the point where medicinal cannabis has been legalised, but the elites' deeply entrenched beliefs stopped them from taking the next logical step, to address supply.

Why is supply such a problem? Because state laws enacted in 1971-1972 introduced an ideological schism between possession and supply that demonized supply, resulting in ever increasing penalties for supply at the same time as there was a gradual relaxation of penalties for possession and use. The demonization has been so effective that black market compassionate and grow-your-own suppliers are now treated as if they are master criminals.

Stepping back a little, the Council's assertion is that everything that blocks the introduction of viable medicinal cannabis laws can be traced back to the very beginning, President Nixon's 1971 War on Drugs.

Human Rights Watch has written about the "disastrous unintended consequences" of Nixon's War on Drugs, as though the war was motivated by the purest of intentions, such as to free society of the harmful effects of recreational drug use. In fact Nixon's war had a very specific intended consequence, to cause maximum possible harm to his political enemies. Here is what John Ehrlichman, Watergate co-conspirator and member of Nixon's inner circle, told journalist Dan Baum in 1994:

'You want to know what this was really all about?' he asked with the bluntness of a man who, after public disgrace and a stretch in federal prison, had little left to protect. 'The Nixon campaign in 1968, and the Nixon White House after that, had two enemies: the antiwar left and black people. You understand what I'm saying? We knew we couldn't make it illegal to be either against the war or black, but by getting the public to associate the hippies with marijuana and blacks with heroin, and then criminalizing both heavily, we could disrupt those communities. We could arrest their leaders, raid their homes, break up their meetings, and vilify them night after night on the evening news. Did we know we were lying about the drugs? Of course we did.' "

<https://harpers.org/archive/2016/04/legalize-it-all/>

Nixon's biggest target was cannabis users, who, according to the Beckley Foundation, account for 99 percent of all illegal drug users worldwide. As this quote shows, Nixon's War on Drugs had **absolutely nothing** to do with protecting users from the harms associated with cannabis intoxication, or the potential harms to the community resulting from widespread cannabis use.

There was no contemporary medico-scientific evidence to justify Nixon's categorisation of cannabis as equally harmful to heroin. After the War on Drugs was declared, conservative governments and institutions around the world spent millions of dollars trying to find such harms, no matter how insignificant, none of which came even slightly close to justifying the draconian criminal sanctions that were put in place by governments kowtowing to the US agenda. As part of this agenda, research into the medical benefits of cannabis was prohibited for the best part of 40 years.

That is how we have ended up with this **unholy mess**.

## Other effects

Apart from turning countries like Mexico into narco-states, Nixon's War on Drugs had other very harmful effects. A big one is the waste of national treasure. According to the ACLU the US spent US\$1 trillion on the War between 1971 and 2011. And the ABC reports Australia currently spends \$1 billion per year.

Another effect is civil liberties, which is where QCCL has a particular interest. It was Nixon's War on Drugs that introduced the widespread use of **reverse onus** of proof—something the recipients of Centrelink robo-debt calls can thank him for—as well as various other attacks on civil liberties, notably the substitution of the civil standard of proof for the beyond reasonable doubt standard in many laws after 1971.

## Submission

For detailed arguments, QCCL generally supports the submission by MCAGQ, particularly

- a) the reinstatement of Category A access to medicinal cannabis;
- b) making medicinal cannabis affordable by prescribing it through public hospital pharmacies;
- c) legalising protection for everyone involved in supply, including compassionate cultivators and manufacturers and grow-your-own individuals; and
- d) legalising protection for everyone taking cannabis for medical reasons.

The council is happy to discuss these issues further if the committee so wishes.

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For and on behalf of the Queensland Council for Civil Liberties  
27 April 2017

## References

### QCCL Submission July 2016

<https://qccl.org.au/wiki/qccl-submission-on-medicinal-cannabis-bill-july-2016/>

### Medical Cannabis Advisory Group QLD

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<https://www.facebook.com/medcanadvisorygroupqld/>