

**Submission
No 66**

**INQUIRY INTO IMPACT OF THE REGULATORY
FRAMEWORK FOR CANNABIS IN NEW SOUTH WALES**

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Cannabis Legalisation is a No-Brainer

I am a 53-year-old, retired executive, and father. I do not regularly drink or consume any other substances except for cannabis. I have consumed cannabis throughout my adult life to help quell anxiety, overcome insomnia and for recreational purposes while others are drinking. I am a staunch advocate for the legalization and regulation of the sale of cannabis for improved public health and safety, more balanced equity and justice, and a no-nonsense approach to managing the risks of a highly stigmatized yet natural product.

Firstly, I reject and repudiate the stigma and gross generalisations regarding cannabis use. In my lived experience, cannabis is not a “gateway drug” leading to more addictive and harmful drug usage. I have used cannabis for more than thirty years without any interest in using other drugs. I am in good health, physically and mentally. I regulate my cannabis usage like others who regulate their alcohol usage. In fact, I ceased consuming alcohol several years ago when I realized that it was not good for my health, my well-being or my mood. Contrary to the stigma and tropes regarding regular cannabis use, I enjoyed a successful 30-year career in large Australian and international corporations. In fact, from time-to-time, my cannabis use enabled me to think more laterally. On occasion, it has inspired me to innovate in the way I led teams and developed strategy. I retired early to give back to the community.

Cannabis is not as harmful as the fear-mongers would have you believe. It has one of the lowest harm profiles of any drug. In fact, in Australian society, alcohol causes far greater harm to users and victims of alcohol-related violence. Ironically, my personal experience with alcohol was extremely negative. My father had a very unhealthy relationship with alcohol. Under the influence of alcohol, unable to regulate his emotions, he committed violent acts of physical abuse on me and my mother for my entire childhood. I have spent my life recovering from the trauma inflicted on me by his alcohol-fueled rage. I am convinced that, had he been sober and occasionally enjoyed a little cannabis to manage his own anxiety and stress, my father would not have been anywhere near as angry and violent.

Of course, it would be disingenuous to not acknowledge that there are real issues and risks related to cannabis. However, these risks are only exacerbated by the unregulated and underground sale of cannabis. Primarily, the production, sale and usage of cannabis should be considered a public health issue, like alcohol, as opposed to being treated as a criminal issue. Making it a criminal issue worsens the health outcomes because it unjustly harms otherwise law-abiding citizens. Regulated distribution and sale would address most health and equity issues. Before the availability of medical marijuana, I was forced to obtain cannabis from the underground. As an otherwise upstanding citizen, I took great care not to be caught. Fortunately for me, I was sufficiently discrete as to avoid detection. My career and life would have been ruined by a criminal conviction. I would have been prevented from working in many organisations and travelling internationally. As such, a criminal penalty would have been wildly disproportionate to the harm caused by my actions of smoking an occasional joint. I also strongly believe that I am entitled to bodily autonomy and should be free to consume cannabis without fear of persecution and prosecution. I should also be able to legally obtain clean, affordable cannabis from a reputable and regulated provider without concern for product quality.

As a strong advocate of legalization and regulation, I do not think that decriminalisation goes far enough from a public health and safety perspective. In fact, decriminalisation leaves open a sizable opportunity for the continued and illegal sale of a product by bad actors who are not subject to the same standards as the medical marijuana industry. The product should be tested and monitored for chemical traces of fertilizer, insecticide, and alien substances (such as fentanyl). Decriminalisation is a poor half measure that leaves open the risk of poor and unsafe products and enables criminal groups to rule the underground marketplace. Full legalization would also enable research and development to better understand and mitigate public health risks related to cannabis consumption.

As for potential models for legalization, I would urge the NSW Parliament to deeply consider the regulatory models and failures of other industries of vice such as alcohol and gambling. I sincerely hope that NSW legislators err on the side of caution when it comes to “throwing it over to the free market”. Like all vices, there are risks. The regulatory model should consider public health risks such as product strength and consistency, product innovation, for-profit motives, advertising and promotion, age permissibility and controls, and product quality monitoring. Rampant commercialism has not helped to protect the public from the risks of gambling and alcohol. The same can be said for the legalization of cannabis in some states of America where there is unbridled free market spirits driven by the profit motive. I believe that there are serious lessons to be learned and applied in consideration of these industries and markets.

At the end of the day, the punishment is worse than the crime. I will close on a personal experience. A close friend of mine has been less fortunate than me in evading the attention of the police. As a result, they have been unlucky enough to be charged and convicted with possession offences on three occasions. Apart from these criminal convictions, they are a fabulous parent, an active contributor in the community, a successful small businessperson, and an otherwise law-abiding citizen. Despite all these positive attributes, and their important role as a parent, their charges resulted in sudden and unexpected stints in detention which destabilized housing security for them and their children. Owing to the courts being overwhelmed with cases, their case took 2½ years to settle. Not only is this unjust treatment to an upstanding parent of young children, but it also unduly harmed their children with housing, financial, and parental instability directly caused by aggressive policing and the resultant criminal proceedings and persecution. Yes, they broke the law but I ask who were they harming?

Australia is a free and fair society. We allow gambling. Alcohol has been an integral part of our culture since the arrival of the First Fleet in 1788 and the Rum Rebellion in 1808. Gay marriage is not only recently permissible, but it is celebrated and embraced by our community at large. As Australians, we respect and celebrate each other’s right to choose what we do with our bodies. Despite these liberties, there are risks. Instead of prohibiting these liberties, we spend vast amounts on public education and public health as the harm of prohibition is worse than the risks that these liberties pose. I strongly urge the NSW Parliament to eliminate cannabis prohibition, legalise it, and, instead, focus on public health and education as a responsible means for managing any related risks to cannabis consumption ... risks which will only continue regardless of the cannabis laws.