

**Submission
No 104**

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

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Submission

PC1 Inquiry into the *impact of the regulatory framework for cannabis in New South Wales*

The Libertarian Party supports the decriminalisation and indeed the legalisation of all substances that are less harmful than tobacco or alcohol. When it is unclear or disputed as to whether a substance meets that threshold we side with legalisation.

We do not advocate drug use. We recognise drug use usually has a net negative impact on an individual's life. There are some drugs that do cause extreme mental distress in users and often causes them to act violently towards others or that cause such acute addiction users turn to crime to fund their addiction. We do not support liberalising laws relating to that category of drug. Cannabis is not in that category.

The use of cannabis while likely a vice is not a crime. In the 19th century the American proto-libertarian Lysander Spooner said:

'Crimes are those acts by which one man harms the person or property of another. Vices are simply the errors which a man makes in his search after his own happiness. Unlike crimes, they imply no malice toward others, and no interference with their persons or property.'

We are supportive of privately funded efforts to minimise vices. Our support for legalisation, however, is based on the indisputable fact that criminalisation of products that consumers want creates a black market.

The black market then creates a well-funded criminal class and all the associated downsides with that. Indeed the criminal class is the only beneficiary of criminalising cannabis use. The textbook example is the American effort to criminalise alcohol a century ago.



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When prostitution and gambling were illegal in NSW there was still plenty of prostitution and gambling. It was underground, ugly and run by ruthless gangsters who became rich and powerful through violence and the corruption of many NSW Police who were paid to look away. In the 1970s these laws were rolled back and now we have regulated, law-abiding, taxpaying businesses offering prostitution and gambling. For most, these services remain repugnant but they are ancient vices no law will stamp them out not even North Korea can stamp out drug use.

Libertarians support the legalisation of cannabis because we are fearful of a government so powerful it can intervene at the micro level and threaten violence to prevent people consuming cannabis.

There is a credible debate over whether cannabis can cause dependency and psychotic reactions in a small number of users. The extent of this phenomenon is hard to measure but it is an important debate and if accurate the problem is better dealt with by the product being brought out from the underworld.

That small number who may be susceptible to a psychotic reaction will be far easier to identify and treat if the product is legal – at the moment they are consuming cannabis in the shadows and their possible adverse reactions are not being managed because of the illegal stigma. Peanuts cause fatal and near-fatal reactions in around 2% of people – we don't ban peanuts but we do identify those at risk and put in place measures to prevent that 2% consuming peanuts.

Some people report positive reactions to cannabis in mild doses. They may well be deluded but those people should be free to make their own voluntary choices. It is likely cannabis is a net negative in every person's life who has consumed it but so are many things we don't ban like soft drinks, hamburgers and alcohol.



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One of those who spoke glowingly of the effect of cannabis was Dr Carl Sagan – the brilliant NASA official in the 1970s and 1980s. In 1969 Sagan contributed an essay to a book entitled *Marijuana Reconsidered*. He had to write anonymously as he didn't want to hinder his academic career but he reported long term positive experiences: *“My high is always reflective, peaceable, intellectually exciting, and sociable, unlike most alcohol highs, and there is never a hangover. The illegality of cannabis is outrageous, an impediment to full utilization of a drug which helps produce the serenity and insight, sensitivity and fellowship so desperately needed in this increasingly mad and dangerous world.”* Sagan may have been right or maybe he would have been even greater figure without his decades long use of cannabis (he did die early on lung cancer)... but surely this is a decision for an individual and not the state.

The Libertarian Party supports the abolition of 'random breath tests' for drug consumption. The technology to detect drug use in drivers today is woefully inaccurate resulting in some being found criminals even though they had only a trace element of a drug (often legally obtained) in their system. We do support increased punishment for drivers who are under the influence of drugs and who police have observed are driving erratically. We resolutely oppose a government so powerful it can detain and search an individual for drug use ... based on zero evidence.



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