



Select Committee on Personal Choice and Community Safety Submission by the WA branch of the Liberal Democrats

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Overview

The Liberal Democrats are a national political party, with branches all around the country and with current elected representation at Federal, State and Local Government levels. As classical liberals, we are committed to individual liberty, personal responsibility and limited government. We believe the only justification for government action interfering with individual freedom is to protect others from harm.

The Western Australian branch of the Liberal Democrats welcomes the opportunity to make this submission to the Select Committee on Personal Choice and Community Safety, as it is a topic for which we and all our members are very passionate about.

Western Australia is beset by a myriad of so-called “nanny-state” laws, those in place that for no other reason than to protect the individual from their own actions. The Liberal Democrats believe that provided no one else is being harmed, the individual should have complete dominion over their own body, and thus be allowed to make their own choices, and take full responsibility for those choices. As well as being a significant imposition on individual liberty, upholding nanny-state laws burden the taxpayer significantly in law enforcement costs, and also redirect scarce police resources away from focusing on real crime.

The Liberal Democrats believe Western Australian adults are responsible enough to make their own decisions in how they live their life, and subsequently we oppose all nanny-state laws. In this submission, we’ve chosen to limit our discussion to four topics subject to the most egregious legislation here in WA: vaping, bicycle helmets, Airsoft & cannabis.

Part One: Term of Reference 2a.

The economic and social impact of measures introduced in Western Australia to restrict personal choice 'for the individual's own good' on risk-reduction products such as e-cigarettes and heat-not-burn tobacco products, including any impact on the wellbeing, enjoyment and finances of users and non-users.

A. Background

1. Nicotine was first isolated from the tobacco plant in 1828 by Posselt and Reimann of Germany. They considered it a poison¹.
2. Nicotine is a chemical that is considered dangerous not because it causes cancer, but because it can lead to an addiction to smoking.
3. Until recently the cigarette trade has had a virtual “nicotine maintenance monopoly” – anyone who wanted nicotine on an ongoing basis had little choice but cigarettes. E-cigarettes (and vaporizers) disrupt that monopoly.
4. Inhaled nicotine travels quickly to the brain, where it acts as a stimulant and increases heart rate and breathing. The mood-altering effects of nicotine are subtle, complex and powerful. Levels of dopamine, norepinephrine, and serotonin all increase with nicotine usage².
5. Long-term use of nicotine replacements (gum, lozenge, sprays) has not been found to be harmful³.
6. Vaping is almost certainly less dangerous to your health than smoking. A burning cigarette gives off noxious gases, such as carbon monoxide and hydrogen cyanide. Cigarette smoke also contains an ultrafine suspension of tar. Most of the carcinogens in cigarette smoke are found in the tar.
7. The major benefit of e-cigarettes, compared to regular cigarettes, is that they do not produce the tar or the toxic gases found in cigarette smoke⁴.
8. As a means of quitting tobacco smoking, vaping has some anecdotal appeal because: (1) vaping replicates the hand-to-mouth habit of smoking (that quitters have sometimes replaced with snacking, attributing to post-smoking weight gain); (2) the ‘hit’ is similar in timing to tobacco smoking, without the digestion lag of conventional quitting treatments; and (3) quitters can transit to non-nicotine formulations while maintaining the advantages of points 1 & 2.

¹ <https://en.wikipedia.org/wiki/Nicotine>

² camh.ca/About_Addiction_Mental_Health/Drug_and_/tobacco_dyk.html

³ https://www.webmd.com/smoking_/nicotine-replacement-therapy-for-quitting-tobacco

⁴ <https://www.health.harvard.edu/blog/electronic-cigarettes-good-news-bad-news-2016072510010>

B. Australian legal context

1. In Western Australia, provisions that relate to e-cigarettes and heat-not-burn tobacco products are within the Tobacco Products Control Act 2006 and the Medicines and Poisons Act 2014. In accordance with the Tobacco Products Control Act 2006, a person must not sell any food, toy or other product that is not a tobacco product but is designed to resemble a tobacco product or package.⁵
2. Australian laws about e-cigarettes are unnecessarily complex and vary between different jurisdictions. In Australia, Commonwealth law overrides state and territory law when there is any inconsistency.
3. Nicotine for human consumption is listed in the Commonwealth *Standard for the Uniform Scheduling of Medicines and Poisons* as a prescription-only medicine in the schedule 4 (S4) classification, except when used as an aid in the withdrawal from tobacco smoking in preparations (e.g. nicotine patches, gum or mouth sprays). In the S7 classification, nicotine is listed as a poison, except in preparations for human therapeutic use or in tobacco prepared and packed for smoking.
4. Nicotine is currently listed in the Poisons Standard in Schedules 7, 6 and 4, Appendix F (Part 3), and Appendix J (Part 2).
5. Nicotine 'juice' used for e-cigarettes falls within S7 classification if it is not treated as an aid in the withdrawal from tobacco smoking. There are no restrictions on importation, but individuals may commit an offence under state and territory laws when they take possession of, or use, imported nicotine.
6. In all Australian states and territories, it is an offence to manufacture, sell or supply nicotine as an S7 poison without a licence or specific authorisation. This means e-cigarettes containing nicotine cannot be sold in any Australian state or territory. There are several reported instances where individuals have been charged with the illegal supply of liquid nicotine for use in e-cigarettes in WA, the most notorious case being *Hawkins v. Van Heerden* [2014].⁶
7. If a consumer wishes to use nicotine e-liquids for therapeutic purposes such as to quit smoking or easing nicotine withdrawal, they should purchase e-cigs and e-liquids registered by Therapeutic Goods Administration (TGA). Unfortunately, at the time of writing, there aren't any vaping products registered by TGA yet, mainly due to tough rules, vastly expensive and almost impossible procedures to follow. These strict regulations have been imposed to fail the applicants even before they launch their application⁷.
8. A recent clarification from the Federal Department of Health has advised that nicotine can be imported by an individual for use as an unapproved therapeutic good (e.g. a smoking cessation aid),

⁵ https://ww2.health.wa.gov.au/Articles/A_E/Electronic-cigarettes-in-Western-Australia

⁶ <https://www.tobaccocontrolaws.org/litigation/decisions/au-20140410-hawkins-v.-van-heerden>

⁷ <https://soulblu.com/current-australian-law-about-importing-nicotine-from-overseas/>

but the importer must hold a prescription from an Australian registered medical practitioner and only import 3 months' supply at any one time. The total quantity imported in 12 months cannot exceed 15 months' supply of the product at the maximum dose recommended by the manufacturer.

9. Most current consumers are unlikely to visit medical practitioners for a prescription of products that are readily available over the internet. The purchase and possession of nicotine by individuals are not regulated by Commonwealth legislation except for importation as allowed under Commonwealth law.
10. In Western Australia, the law prevents the sale of products that resemble a tobacco product. In all states, it is not illegal to possess an e-cigarette without nicotine. However, inhaling from an e-cigarette is included in smoking bans in many states. This underlines the uncertainty around how current laws may be applied when there is no e-cigarette-specific provision in the law. Whether public smoking bans apply to e-cigarette use in states without specific e-cigarette laws has not been tested in the higher courts, or in other jurisdictions. In all Australian states and territories, it is either illegal to possess or use nicotine as an S7 poison (i.e. when not considered to be a therapeutic good) without an approval, permit or authority⁸.

C. Australian Government revenues from smoking

1. Excise and customs duty applicable to cigarettes and other tobacco products, expressed as Dollars per cigarette or cigar weighing less than 0.8 g, has increased from \$ 0.18872 in November 1999 to \$0.69858 in September 2017⁹.
2. Total revenue and GST on tobacco products \$11.74 billion (2017-18 MYEFO) despite declining consumption¹⁰.
3. At the time of writing the Federal Government appears not to have a clear strategy on how to tax e-cigarettes and heat-not-burn tobacco products.

D. Manufacturers

1. As of 2015, no tobacco products were manufactured in Australia.
2. The tobacco market in Australia is dominated by three major companies

⁸ <https://www.racgp.org.au/afp/2015/june/e-cigarettes-and-the-law-in-australia/>

⁹ '13.6 Revenue from tobacco taxes in Australia' Tobacco in Australia – Facts & Issues via <http://www.tobaccoinaustralia.org.au/chapter-13-taxation/13-6-revenue-from-tobacco-taxes-in-australia>

¹⁰ http://www.budget.gov.au/2017-18/content/bp1/download/bp1_bs5.pdf, pp 5-16

3. Although the Australian tobacco market is considered to be mature and per capita consumption is in decline, the tobacco companies remain highly profitable entities and continue to successfully operate despite the challenging regulatory environment¹¹.
4. What was once a market populated by small independent manufacturers has given way to Big Tobacco, and this move has anti-smoking organizations concerned.
5. Today, global e-cigarettes and heat-not-burn tobacco products sales amount to around \$5 billion a year (~5% market share) and is expected to grow 24 percent per year through 2018.
6. The tobacco industry appears so confident in the technology that they are now funding research that looks at the health effects of e-cigarettes vs. regular cigarettes¹².

E. Case for decriminalisation of e-cigarettes and heat-not-burn tobacco products

1. The UK's Royal College of Physicians recently found that it is not possible to precisely quantify the long-term risks of e-cigarettes and heat-not-burn tobacco products, but the available data suggests they are unlikely to exceed 5 per cent of those associated with smoked tobacco products, and may well be substantially lower¹³. A 2014 study in Greece came to a similar conclusion¹⁴.
2. Tobacco tax increases disproportionately affect vulnerable people in the community who are unwilling or unable to quit their nicotine addiction, this cohort made up of aged pensioners on fixed incomes, indigenous people, mentally ill people & people detained in the criminal justice & refugee detention systems. A shift to a safer form of nicotine consumption is a better outcome for these people¹⁵.
3. The annual indexation of tobacco excise (multiple times over CPI) is an unconscionable gouge into the budget of affected citizens, to address an inability of the Federal Government to control spending in its budget.
4. The TGA in Australia decided there was a risk people who had never smoked may take up the habit after using nicotine e-cigarettes, which is an illogical, typically nanny-state intervention¹⁶. Why should bureaucrats dictate whether a citizen chooses or not to consume nicotine, or sugar, or anything for that matter?

¹¹ '10.3 The manufacturing and wholesaling industry in Australia—major international companies', Tobacco in Australia – Facts & Issues via <http://www.tobaccoinaustralia.org.au/chapter-10-tobacco-industry/10-3-the-manufacturing-and-wholesaling-industry-in-australia>.

¹² 'Tobacco Companies Taking Over the E-Cigarette Industry' Huffington Post 27/02/2017

¹³ <https://www.irishtimes.com/opinion/now-is-not-the-time-to-tax-e-cigarette-liquid-1.2768585>

¹⁴ <http://vaping411.com/myocardial-function/>

¹⁵ <https://theconversation.com/tobacco-tax-hikes-are-great-so-long-as-youre-not-a-poor-smoker-75211>

¹⁶ <http://www.abc.net.au/news/health/2017-11-14/e-cigarettes-is-australia-out-of-step-with-other-countries/9138430>

5. The anti-smoking lobby has made the claim that vaping is a gateway to smoking tobacco, to support their objection to the legalisation of e-cigarettes and heat-not-burn tobacco products. The gateway theory is not compatible with either (1) the decrease in smoking prevalence observed in adolescents in countries where vaping increased, or, (2) an increase in smoking among teenagers after age restrictions were imposed on e-cigarette purchases. The anti-smoking lobby often cite since-criticised research conducted over a short time horizon (1 month) over a small sample size (< 100 people) in just one state of the US.
6. A spurious gateway effect proposed by the anti-smoking lobby can be produced artificially by mathematical models in which a propensity to use substances is correlated with opportunities to use substances. Finally, neither nicotine medications nor smokeless tobacco produce gateway effects, so the logic of how the use of e-cigarettes and heat-not-burn tobacco products produce gateway effects is hard to understand.¹⁷

F. A pathway to decriminalise e-cigarettes

1. If e-cigarettes and heat-not-burn tobacco products have ~5% market share now & expected to have a steep increase in market share going forward, the Government has to consider the folly (and overall cost) of prohibition.
2. If e-cigarettes and heat-not-burn tobacco products were listed in the Commonwealth *Standard for the Uniform Scheduling of Medicines and Poisons* as a restricted product in the schedule as a S7 classification (nicotine listed as a poison), except in preparations for human therapeutic use, prepared and packed for smoking/vaping, the product could be sold as cigarettes are sold presently, to everyone except minors, by local companies that sell cigarettes now. This prevents minors from directly buying e-cigarettes as the existing framework does.
3. If e-cigarettes and heat-not-burn tobacco products were listed as a S4 classification similar to nicotine patches, gum or mouth sprays, a potential problem is the unrestricted way the product is available in retail outlets (for instance, the Medicinal aisle of a supermarket). The potential for minors to obtain the product, especially with the proliferation of self-check-outs will make the Government nervous & give the prohibitionists something to scream about. A S7 listing is a more robust retail framework by comparison.
4. Having the product available & sold locally (as opposed to buying internationally over the internet) the Government has the opportunity to collect excise & GST. If the Government extends the gouge of the citizen with unconscionable excise indexation to e-cigarettes, the citizen will be inclined to revert to purchasing over the internet & cutting out local suppliers.

¹⁷ <https://www.ncbi.nlm.nih.gov/pubmed/28786147>

5. Legislation needs to be enacted to compel the Therapeutic Goods Administration (TGA) to provide a robust and reasoned method of registering e-cigarettes & vaping products, rather than what seems to be a massively complex & burdensome framework motivated by an ideological opposition to the product.

G. Summary

1. Nicotine is addictive but not proven to be carcinogenic, as witnessed by the fact that the use of nicotine replacements (gum, lozenge, sprays) has not been found to be harmful.
2. Vaping does not result the poisonous gases of combustion of smoking namely carbon monoxide & hydrogen cyanide.
3. Vaping does not produce the tar produced by smoking & it is the tars that contain the carcinogens attributable to smoking.
4. Current research estimates the harm reduction in vaping compared to smoking (visa vi in consuming nicotine) to be in the order of 95%.
5. The Therapeutic Goods Administration (TGA) have created a wall of tough rules, vastly expensive and almost impossible procedures to register e-cigarettes & vaping products for legal sale & use in Australia. These strict regulations appear to have been designed to fail the applicants even before they launch their application.
6. Listing the nicotine fluid as a Schedule 7 chemical under the Commonwealth Standard for the Uniform Scheduling of Medicines and Poisons (SUSMP) as a restricted product for human therapeutic use, prepared and packed for smoking/vaping, provides a retail framework similarly robust to that of conventional cigarettes.
7. Having the product available & sold locally (as opposed to buy internationally over the internet) the Government has the opportunity to collect excise & GST.
8. Considering the amount of revenue the government raises through taxes on cigarettes, people are starting to ask the question – is this ban a health issue or a revenue issue?¹⁸

H. Recommendation

1. The Liberal Democrats WA strongly recommend the full legalisation of the importation, production, distribution, sales and possession of ALL nicotine products and nicotine delivery devices for those over the age of 18 in Western Australia.

¹⁸

<https://www.gotocourt.com.au/legal-news/western-australia-the-first-jurisdiction-in-the-world-to-outlaw-the-sale-of-e-cigarettes/>

Part Two: Term of Reference 2b.

The economic and social impact of measures introduced in Western Australia to restrict personal choice 'for the individual's own good' on outdoor recreation such as cycling and aquatic leisure, including any impact on the wellbeing, enjoyment and finances of users and non-user.

2.1 BICYCLE HELMETS

A. Background

1. The wearing of bicycle helmets, and attitudes towards their use vary around the world. Compulsory use of helmets is the subject of much dispute based largely on considerations of overall public health. Only two countries (Australia and New Zealand) currently require and enforce universal use of helmets by cyclists. In some other jurisdictions, partial rules apply - for children, in certain states or sub-national areas, or under other limited conditions.¹⁹
2. There has been an 80 per cent increase in cyclist deaths on Australian roads in the past 12 months, figures released by the Australian Automobile Association show.
3. Australia has ludicrous laws on bicycle riding on the footpath, where in most states only children under 12-16 can ride on the footpath, but thankfully since 26 April 2016 people of all ages are permitted to ride a bicycle on footpaths in Western Australia.²⁰

B. Discussion

1. Intuitively, a head impacting a solid object or the ground without a helmet is likely to sustain more damage than a head protected by a helmet. While head protection is very important, they do not prevent other injuries that may result in serious injury or death.
2. Reduction in risk is greater where crashes are more common, such as for children. It is hard to mount a case for children not wearing helmets when bike riding, and we are not proposing that here.
3. Legislation that compels compliance may selectively reduce cycling in the subgroup of cyclists who tend to cycle more slowly and have less equipment like helmets. Compulsory use of bike helmets also makes ventures like bike sharing even more complicated & possibly had some small part in the demise of the three operators that set up in Australia and subsequently failed in the recent past.²¹
4. In countries like Denmark and the Netherlands, low injury rates without helmets are achieved through interventions like good infrastructure, legislation to protect cyclists, and a culture of routine

¹⁹ https://en.wikipedia.org/wiki/Bicycle_helmet_laws_by_country

²⁰ <https://www.bwa.org.au/bikes-and-riding/behaviour/riding-on-footpaths/>

²¹ <https://www.businessinsider.com.au/bike-sharing-industry-end-australia-2018-7>

non-sporty, non-risky cycling. In WA local & state governments are continually working on developing the urban cycle path network & infrastructure and this fact should be reflected in the compulsory use of bike helmets.

5. Risks and benefits are exaggerated or discounted due to political, cultural, and psychological factors & assumptions. The impact of compulsory use of bike helmets legislation has not been as decisive as hoped, rather the opposite given the increase in cyclist fatalities in Australia, and it seems decisions about laws are not made simply on the basis of evidence.²²
6. Under Australian Road Rules 2008, rule 297, drivers must take all precautions to drive in the safest manner possible. This includes wearing shoes that are suitable for operating pedals.²³ It could be argued that thongs and high heels do not meet this criteria. Is the next step in nanny state bicycle laws to prohibit the wearing of thongs or stilettos when riding a bike?
7. Should individuals not be allowed to assess risk and make a judgement that they are entirely responsible for?
8. Is enforcement of compulsory wearing of a helmet while riding a bicycle by the Police (whom have responsibility over the Australian Road Rules) a good use of their time?

C. Summary

1. Only two countries (Australia and New Zealand) currently require and enforce universal use of helmets by cyclists.
2. In countries like Denmark and the Netherlands, low injury rates without helmets are achieved through interventions like good infrastructure, legislation to protect cyclists, and a culture of cycling as a means of non-competitive commuting.
3. As Western Australia now permits people of all ages to ride a bicycle on footpaths, there seems a sensible case to allow adults choose to ride non-competitively and on either paths or non-arterial roads to decide whether or not they wear a helmet, rather than be made to wear one compulsorily.

D. Recommendation

1. The Liberal Democrats WA strongly support the complete abolition of compulsory bicycle helmet laws in Western Australia.

²² <https://sciencebasedmedicine.org/do-helmets-prevent-head-injuries/>

²³ <https://www.lifehacker.com.au/2018/03/is-it-legal-to-drive-in-thongs/>

2.1 AIRSOFT

A. Background

1. Airsoft is a competitive team shooting sport, similar to paintball, in which competitors fire small projectiles, usually made of plastic, from replica air guns known as airsoft taggers.
2. The sport is currently enjoyed by hundreds of thousands of players worldwide.
3. Airsoft is illegal in all states and territories in Australia.
4. Airsoft is legal in every other western democracy around the world.

B. Discussion

1. The rationale behind the legal status of Airsoft is that as taggers are classified as firearms under the import regulations and state firearms legislation, and therefore that a genuine reason is required to acquire an airsoft tagger.
2. Subsequently, no active Airsoft clubs currently exist in Australia. Enthusiasts regularly fly overseas (especially to NZ or Japan) to engage in the sport.
3. Comparatively, airsoft projectiles have an order of magnitude less energy than paintballs²⁴, and thus are significantly safer.
4. Despite this, Paintball was permitted in Western Australia since the amendments introducing paintball into the Firearms Act came into operation on 1 January 2005, but Airsoft remains illegal.
5. The Law Reform Commission of Western Australia released a report in 2016 which specifically recommended it be permitted under the current Firearms Legislation.²⁵
6. Western Australia Airsoft Club collated a petition of 2,400 in May 2017 supporting the legalisation of the sport.
7. If popularity was comparable to that of the United Kingdom, estimated to be an \$18 million industry here in WA, with over 12,000 players from Western Australia being involved in the sport²⁶.
8. A newly found Airsoft industry in Western Australia will also likely provide a significant tourism boost for the state.
9. Usually played on a large field, Airsoft is a physically demanding game requiring both endurance and fine motor skills. Subsequently, there are numerous health benefits when engaging in the sport.
10. A private members bill to legalise the sport is expected to be tabled by the Hon. Aaron Stonehouse MLC some time in early 2019²⁷.

²⁴ https://en.wikipedia.org/wiki/Airsoft_pellets#Pellet_ballistics

²⁵ https://www.lrc.justice.wa.gov.au/_files/P105_FR.pdf

²⁶ <http://airsoftwa.com.au/wp-content/uploads/WA-Airsoft-Briefing-Note-June-2018.pdf>

²⁷ <https://medium.com/aaronstonehouse/video-stonehouse-launches-campaign-to-legalise-airsoft-f0fb62d309f>

C. Summary

1. A popular skirmish sport in all other western democracies, Airsoft remains illegal in Western Australia.
2. It is safer and a cheaper alternative to Paintball, which is legal in Western Australia.
3. It likely to be enjoyed by over 12,000 Western Australians, creating a \$18M industry and boosting tourism into the state.

D. Recommendation

1. The Liberal Democrats WA strongly support the full legalisation of Airsoft in Western Australia, and recommend the committee throw their full support behind the private members bill expected to be tabled in early 2019 by the Hon. Aaron Stonehouse MLC.

Part Three: Term of Reference 2c.

The economic and social impact of measures introduced in Western Australia to restrict personal choice 'for the individual's own good' regarding any other measures introduced to restrict personal choice for individuals as a means of preventing harm to themselves.

3.1 CANNABIS

A. Background

1. Cannabis has been used by humans for over 3000 years, but deemed illegal in many jurisdictions around the world for the last 100 or so years.
2. There have been zero recorded deaths worldwide associated with cannabis.
3. Most common illicit drug used worldwide, about a third of Australians have tried in their lifetime, and 10.4% (2.1 million) have tried in the last 12 months.²⁸
4. In Western Australia, possession and use of cannabis is illegal, but if a person is found by police to be in possession of 10 grams or less of cannabis (or cannabis seeds) for personal use and/or a smoking implement with traces of cannabis, the police officer may issue a Cannabis Intervention Requirement (CIR) to that person.
5. Anyone caught with more than 10 grams of cannabis can face up to two years jail or a \$2,000 fine.

B. Discussion

11. As the most popular illicit drug, a third of Australians have tried cannabis in their lifetime, and not a single death has ever been reported from its use.
12. The cost to Australian taxpayers of enforcing our current drug laws in 2013 was estimated to be in the range of \$1.5 billion annually. Of this, 70% of all drug prosecutions are related to cannabis-related offences, costing over one billion dollars each year.²⁹
13. In WA, the year from June 2017 to May 2018, 7603 possession charges were made by police, and 632 charges to sell or supply relating to cannabis³⁰
14. Regardless of subtle changes in cannabis legalisation, usage remains reasonable constant³¹

²⁸ <https://www.aihw.gov.au/reports/illicit-use-of-drugs/2016-ndshs-detailed/contents/table-of-contents>

²⁹ John Jiggins, The Cost of Drug Prohibition in Australia, <https://eprints.qut.edu.au/3442/1/3442.pdf>

³⁰ Hansard, WA Legislative Council, p2451b, August 14th 2018

³¹ <https://aic.gov.au/publications/cfi/cfi121>

15. With the 40+ year war on drugs now largely recognised as an abject failure, jurisdictions around the world have begun to liberalise their cannabis laws³²:
- i. Netherlands and Spain allow the sale at licensed premises;
 - ii. Nine states and one district in the United States have legalised sale and consumption of cannabis;
 - iii. Uruguay legalised cannabis in 2013;
 - iv. In October 2018 Canada is set to announce full legalisation the plant;
 - v. A national referendum on cannabis legalisation in New Zealand is set for the current parliament, which is expected to pass.
 - vi. Courts in South Africa have recently ruled possession and consumption of cannabis to be legal.
16. The US state of Colorado, where cannabis was legalised in 2014, has a cannabis industry now valued at US\$1.1 billion annually.³³ With comparable rates of use to that of Australia, extrapolating to the Western Australian population, would puts rough estimates of the potential size of the industry for legal cannabis in WA could be as large as \$720 million. This could generate \$72 million in GST revenue each year.
17. Studies ranking the comparative harm posed by recreational drugs consistently show cannabis to be very low in terms of potential harm to users or the broader community
18. Cannabis is noted for its many and varied medical applications. The anti-emetic, anti-inflammatory, analgesic and anti-convulsive properties of cannabis have been widely documented. Cannabis has also been prescribed to treat conditions as diverse as cancer, HIV/AIDS, epilepsy, Alzheimer's disease, multiple sclerosis and glaucoma. The lack of significant contraindications for cannabis makes medical marijuana a highly regarded complementary treatment.
19. Recently attempts to allow for medicinal cannabis to be available to Australia patients have been problematic at best. Regulatory hurdles make access difficult, and prescriptions for treatment have been reported to cost in some cases over \$40,000 a year³⁴, estimated to be perhaps ten times the black market price.

C. Summary

1. Cannabis has been shown to be objectively safer than both alcohol and tobacco, both of which are currently legal for adults to possess and use as recreational drugs.

³² https://en.wikipedia.org/wiki/Legality_of_cannabis

³³

https://www.chapman.edu/wilkinson/_files/2016%20smoller%20conference%20bio%20photos/Updated%20White%20Papers/Marijuana%20Industry%20Overview-%20Chapman%202017.pdf

³⁴ <https://amp.9news.com.au/article/5d1bd23e-6081-4040-86ad-2cef12bd6f2b>

2. The current legislative approach of prohibition has been unsuccessful in its stated aims of curtailing the use of cannabis in Western Australia.
3. The current approach of prohibition results in the criminalisation of behaviour that takes place between consenting adults and affects no one but those voluntarily involved.
4. The alternative approach of legalisation of cannabis for recreational use by adults has been demonstrated in other jurisdictions to have positive effects both in economic and social terms.
5. The legalisation of cannabis will solve the numerous issues being faced by patients try to seek current “legal” medicinal access to the drug.
6. There is no valid ethical or moral basis for legislation aimed at curtailing the recreational use of cannabis and its derivatives by informed, consenting adults.

D. Recommendation

1. The Liberal Democrats WA strongly support the full legalisation of the cultivation, production, distribution, sale, and possession of ALL cannabis and cannabis-delivery products for adults in Western Australia.