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Committee Secretary  
Senate Standing Committees on Community Affairs  
PO Box 6100  
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Dear Committee Secretary

### **Improving Access to Medicinal Cannabis Bill 2023**

Thank you for the opportunity to comment on the Improving Access to Medicinal Cannabis Bill 2023. Overall, the bill should be supported as an opportunity to increase Australians' access to regulated, legal cannabis and remove more Australians from the criminal justice system.

I completed my PhD dissertation on the UN drug conventions and have published research in how to interpret the UN conventions. The main purpose of this submission is to clarify [comments made by Senator Anne Urquhart on 22 March 2023](#).

In her second reading speech Senator Urquhart made the following comment:

Article 30 of the Single Convention on Narcotic Drugs, 1961, as amended by the 1972 protocol, which is a treaty that Australia is a party to, requires drugs, including cannabis and extracts regardless of THC concentration, to be under medical prescription. So the proposal in this bill would not be consistent with Australian's obligations under the Single Convention.

The *Single Convention* is a very problematic document and should not be driving government policy. In particular, the convention allows and perhaps encourages capital punishment for cannabis and other drug offences. The [Commentary to the Convention](#) makes this clear at page 449 where it explains article 39 "Application of stricter national control measures than those required by this Convention":

It is suggested that substitute measures should clearly be "more strict or severe" to prevent any such doubts. Permissible substitute controls would be, for example, the prohibition of manufacture of and trade in certain drugs instead of subjecting them to a system of licensing, or the **imposition of the death penalty** in place of "imprisonment or other penalties of deprivation of liberty".



This 60 year old Convention is responsible for many of the atrocities of the War on Drugs, including the [recent execution](#) of a cannabis offender in Singapore.

In addition, the UN is increasingly recognising that its criminalisation of cannabis has had catastrophic consequences. Many offices at the UN are recommending drug decriminalisation (despite this being contrary to the Conventions) and the UN may be considering rescheduling cannabis to belatedly mitigate the harms of the War on Drugs. Over 20 states in the USA, and Canada, have regulated recreational cannabis use. Many countries are poised to follow. The EU is drafting regulations on how to regulate recreational cannabis. All of these countries have recognised the harms caused by the *Single Convention* and are moving towards regulations defiantly contrary to the Convention.

Rather than hiding behind the *Single Convention*, the Australian government should be making all efforts to significantly reform, or abolish, the Convention. The Improving Access to Medicinal Cannabis Bill 2023 is a simple opportunity for Australia to lead the way in our region and globally to encourage our neighbours to adopt more humane drug policies rather than to continue to support draconian measures. Passing this bill will be a small step to ending executions of drug offenders in Southeast Asia.

Please don't hesitate to contact me if I can provide more information.

Sincerely

Ben Mostyn