

The Help End Marijuana Prohibition (HEMP) Party represents an increasing number of Australians who use Cannabis.

This fact is confirmed in many ways, including recent elections, as well as the 2019 Federal election where over 250,000 Australians (2.2%) used the anonymity of the polling booth to vote for cannabis law reforms as their number 1 issue that concerns them.

The HEMP Party is based at the Nimbin HEMP Embassy which has become a world-renowned cannabis inspired destination. The HEMP Party remains an optimal source of information of up to date developments in cannabis law reforms around the world.

HEMP has made dozens of submissions, provided much information and educated 100's of politicians about the failures of cannabis prohibition, as well as innumerable instances of the negative consequences that continue to occur.

HEMP also continues to point to expanding positive consequences, foreseen and unforeseen in jurisdictions where cannabis law reforms have been allowed.

Many Victorian politicians have sought to rationalise cannabis law reforms by speaking their minds, all to no avail. Australian Federal obligations under international Drug Treaties override State rights and absolutely forbid any sovereign nation, let alone a State government to do anything but forbid cannabis use.

Jeff Kennett made many admissions about his personal dilemmas with the cannabis issue. As did John Brumby who rallied for the decriminalisation of cannabis while in opposition, his views were later adopted as Labor Party policy.

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Between John Brumby and Steve Bracks, Victoria led Australian police forces and the rest of the country into a zero-tolerance phase directed at cannabis users. Victorian Governments have since funded saliva testing studies which have corrupted the academic process of scientific research methodology. The upshot is that road fatalities have risen and people are using other inappropriate substances which aren't tested for or are expelled from the body much much quicker than cannabinoids.

Many may recall the extraordinary lengths the NSW Carr Government went through in the early 2000's in an attempt to introduce medical cannabis. Many thought this an easy popular attempt to pick the low hanging fruit of cannabis law reform. After several years, public consultations and the appointment of an Expert Working Party, nothing came of this at all. Simply because State governments don't develop new 'medicines', as well as federal and international obstacles.

More recently, Australians watched as Premier Daniel Andrews drew attention to himself by trumpeting his support for medical cannabis. Premier Andrews made many claims about what Victoria could do to speed up the process of growing cannabis in Victoria to getting that cannabis to patients. After almost 3 years of Federal legislation allowing 'medical cannabis', it has become very clear that no State in Australia has been able to speed up anything. Moreover, the head of the new Federal Office of Drug Control (ODC) referred to Victoria as a 'people's republic that thought they could go it alone on medical cannabis'.

We invite the public and this Committee to understand and take on board the core points contained within this submission so that other Australian States and politicians may cease to

waste time and money on tinkering with the failed worldwide prohibition on social or adult uses of cannabis.

Fact check is invited.

1. Cannabis prohibition is a Federal/International issue.

2. No 'State' Governments in the world have willingly introduced meaningful cannabis law reforms. Some American States conducted a 'Citizens Initiated Referendum', though all State Governments ran a 'VOTE NO' campaign. Citizens voted for cannabis law reforms. Cannabis is still illegal under US Federal laws. The same odd situation exists in The Netherlands.

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5. No Government in the world owns cannabis, just like opium and coca. A small number of companies own the only internationally recognised lawful sources of the plants.

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10. There now appears to be absolutely no consequences when a sovereign government observes the right of its citizens to introduce common sense regulations around cannabis uses.

11. Australian State governments must unite and raise cannabis law reforms at the National Cabinet so that the federal Government of the day will finally agree to develop all necessary regulations with the assistance of the HEMP Party, appropriate government departmental staff and substantial user representation.

12. Only a willing Federal Government can seek to develop and initiate genuine cannabis law reforms, not an opposition, nor the Greens or minor parties.

***Prevent young people and children from accessing and using cannabis in Victoria.**

The Victorian Government must encourage all other States and Territories to address meaningful cannabis law reforms at the National Cabinet so that a federal approach can be developed.

Exactly like the failed alcohol prohibition in the US, Australian Governments can not expect to address youth use by maintaining cannabis prohibition.

The Netherlands, some American States and Canada have shown the only way to understand and provide somewhat controls around young people and children from accessing and using cannabis is to initiate federal dialogue on the issues.

***Protect public health and public safety in relation to the use of cannabis in Victoria;**

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As with any prohibition, criminality is strongly linked to corruption, and no other issue relates so intricately and entwines itself like Australia's cannabis use.

Below is a relatively small selection of quotes and recommendations from the NSW Woods Royal Commission into police corruption and involvement with cannabis and other drug use.

Wood Royal Commission into NSW Police Corruption.

Relevant and selected findings in relation to police, drugs, political agenda, discretion, unpopular laws, corruption and the temptation of corruption.

STRUCTURAL ISSUES

1.20 Initiatives in this regard which have either been taken or are in the course of development include: · the issue of fresh guidelines for matters such as the exercise of police discretions, and harm minimisation in drug law enforcement;

THE NATURE OF THE JOB

2.13: The powers entrusted to police to carry arms, to use coercive force in the proper course of their duties (and, in extreme circumstances, to take lives), to inquire into personal affairs and to eavesdrop (pursuant to a warrant) on private conversations, to deprive citizens of their liberty, to enter and search their premises, to seize and hold their property, and to initiate proceedings that will require them to defend themselves before the courts, are very substantial powers – possessed by no other class of employee.

Conversely with the significance of their impact, they are most commonly exercised by the younger and less experienced officers working at street level, rather than by commanders having the benefit of age and experience.

2.14: Notwithstanding the responsibilities of the office to which these powers attach, it has been argued that policing and corruption go hand in hand. The job is said to be corrupting in that police officers may:

- find themselves continually faced with temptation and opportunity for graft or favours;
- through exposure to horrific accident and crime scenes and to the worst aspects of society, become hardened to violence and criminal behaviour in all its forms;
- through the establishment of informant relationships develop friendships and shared values with the criminal element;
- become acutely aware of the substantial difference between their take home pay and the financial opportunities available through crime;

- feel isolated when faced with resistance, lack of co-operation or outward anger from the public when carrying out routine work, such as duties in traffic law enforcement;
- find, in the areas of greatest vulnerability (prostitution, gaming, liquor licensing, drugs, and pornography) that the crime is either victimless or one for which there is a high demand by users, so that there are unlikely to be too many complaints about police inaction;
- find that they are rarely recognised or rewarded for ethical behaviour, but are quickly punished for disciplinary infractions;
- feel compelled to cut corners if they are to control the streets, or lock up those who they know are guilty of crime; and
- become cynical and distrustful of the judiciary and of the broader community when they appear to pay insufficient regard to the dangers and difficulties of the job and fail to extend gratitude for the work of police in solving crime, in peacekeeping, and in times of civil disaster.

2.15: Each of these factors is very real, and the opportunity for police to engage in corrupt behaviour is only enhanced by the fact that:

- much police work is unsupervised and discretionary;
- the risk of detection and punishment is often seen to be low;
- senior police, who should be in a position to stamp out corrupt practices, are often known to be compromised by their own unethical behaviour while junior officers;
- there is often an imperative to deny corruption either because of close political association with the Service, or because it is expedient to avoid scandal.
- recruitment has in the past favoured young, impressionable and poorly educated males, who have little experience of work or the diversity of society, and who quickly respond to a machismo environment and invitation to join a 'brotherhood'; and
- police are regularly confronted with law and order campaigns calling for an aggressive and result-oriented style of policing that does not cater for due process, and favours both rough justice and the fabrication of evidence.

POLICE CULTURE

2.19: For many years it has been suggested that it is not uncommon for police to form a distinct occupational culture. In response to the demands of the job, police officers are seen to develop a set of values, norms, perspectives, and craft rules which mould their conduct and which are often unrelated to, and may even contradict, the formal written laws, regulations and guidelines regarding police practice.

It has been suggested that this distinctive way of interpreting and responding to society – which accounts for the police officer's 'working personality'- is characterised by the following traits:

- a sense of mission about police work;
- an orientation towards action;
- a cynical or pessimistic perspective about the social environment;
- an attitude of constant suspiciousness;
- an isolated social life coupled with a strong sense of solidarity with other police officers;
- a clear categorisation of the public between the rough and the respectable; · a conservative stance in politics and morality;
- a machismo outlook that permits sexism and glorifies the abuse of alcohol and heterosexual indulgences;
- a prejudiced attitude towards minorities; and
- a pragmatic view of police work which discourages innovation and experimentation.

POLITICS AND POLICING Corrupt Relations with Politicians

2.24: Police corruption has sometimes become enmeshed in and encouraged by local politics. This was very much the experience in the United States up until the 1950s. It also emerged in the Fitzgerald Commission of Inquiry in Queensland in 1987, where the findings extended beyond the corruption of the Licensing Branch which effectively protected vice, gaming and licensing interests, to the political system of that State.

2.25: It has been alleged, although it remains unproven, that at earlier times similar political influences were in play in NSW, with some senior police and politicians sharing the spoils of protection, and setting an agenda under which certain laws were not enforced.

2.26: Events such as the establishment of the ICAC, tend to suggest that whatever corrupt relationships may have existed in the past between police and politicians, they have not been a significant factor in more recent times. Certainly no current relationships of this kind came to light in the investigations of this Royal Commission, and such complaints or allegations as were made in this regard were soon found to be of the 'conspiracy theory' genus, or to be unfounded.

2.27: Notwithstanding, the danger of such relationships, and the need for vigilance against their re-emergence cannot be understated since:

- they represent a most significant betrayal of public trust, and hence have the potential to seriously undermine public confidence in the Service and the political system;

- they can allow the appointment of a 'tame' Commissioner, and the installation of the corrupt into key positions within the Service;

- they have the potential to seriously undermine any anti-corruption strategies developed, whether internal or external;

the direction and the efficacy of the Service in selected fields of law enforcement, can be captured by the corrupt; and

the existence of any such arrangement is very difficult to detect and prove, if for no other reason than that the government of the day is usually able to determine whether any public inquiry or Royal Commission should be established to investigate the Service.

The Political Agenda

2.28: In a quite distinct fashion, the potential for corruption can be affected by the agenda of the government of the day in relation to the enforcement or maintenance of laws that lack substantial public support. The police do not make the laws, but they can be left in real difficulties where:

they are expected to enforce laws which are, at best, only partially enforceable; and

there are contradictory movements within the decriminalisation/regulation spectrum as has occurred with public order offences. So far as an uncertain or wide discretion is left, or unpopular laws are preserved, a window for abuse and for corrupt practices inevitably opens.

2.29: Thus it is a generally accepted conclusion that police corruption is a likely social cost of the legislative creation and maintenance of victimless crimes. The prohibition of substances and services for which there is significant public demand has been said to place police officers upon an 'invitational edge of corruption'.

The view sometimes advanced that corruption is responsible for illegal activities, for example, that an illegal drug trade exists in Kings Cross because of police corruption, is, however, too simplistic. The existence of such a trade provides a good opportunity for corruption, but it is not the cause of it.

On the other hand, once individual police or groups of police are exposed to and become involved in corrupt practices in such an area of policing, they are likely to succumb in other areas and in other rotations within the service.

2.30: In the case of laws that are, in practical terms, at best only partially enforceable, corruption can become, at the same time, an attractive proposition for some police, and conversely a mechanism by which other police attempt the impossible. The results are rarely other than destructive, as is indicated by the experience in NSW in the enforcement of the laws prohibiting off-course bookmaking.

2.31: When, in response to political pressure, police were forced to attempt a crack-down on this activity, they did so by attacking the communication and broadcast of betting information and by targeting the hotels and premises from which SP runners and bookmakers operated. The results were:

the development of illegal systems of communications; the syndication of operations; the development of a complex illicit telephone network; the deployment of commission agents, cockatoos, standover men and enforcers to collect on credit bets; and the eventual demise of the small, independent operators, as power became concentrated in a relatively small group of influential organised crime figures;

along the way corruption of police, as well as that of telephone technicians, became substantial and organised;

moreover, functional links with organised crime were established, and the illicit funds collected were used to bankroll activities in other areas of gaming, vice and narcotics, where there was similar consumer demand;

the increasing sophistication of the operators, and the public demand for their services was such that suppression by law enforcement became impossible, and regulation only marginally less achievable. Yet legalisation of the activity was impossible because of the identity of those who had captured the market; and

the only solution was that of legalisation and the introduction of government-run or licensed competition with the illegal market via the Totalisator Agency Board.

2.32: Within this context, where suppression of prohibited services or substances is effectively impossible, yet politicians or governments insist on maintaining the law and on its enforcement, the police priority is to get the best control it can over the activity. Its function becomes one not of enforcement of the law, but regulation of the illegal activity.

120 Corruption almost inevitably emerges in that process and becomes a means by which police can influence or control who is involved, where it occurs, and how it is done. This point is made not to encourage or condone corruption, but to underscore the role that the political process has in creating the environment in which it occurs.

PROCESS CORRUPTION

2.33: Process corruption is one of the most obvious, pervasive and challenging forms of police corruption, which:

has its roots in community and political demands for law and order;

is seen by many police to be in a quite different league from the forms of corruption which attract personal gain;

is subject to the confusion which exists over the definition of 'good policing'; and

is compounded by ambiguities within the legal and regulatory environment in which police work, and by senior police and members of the judiciary apparently condoning it.

2.38 Process corruption may result from an exercise of partiality in criminal investigations and/or prosecutions. Partial investigations and prosecutions involve the abuse of police powers resulting from the ability of officers to exercise discretion. The existence of

attitudes to particular crimes which police themselves may commit, or personally condone, for example, drug taking, domestic violence, or driving while drunk;

financial gain in return for protection given to drug dealers and others;

the desire to obtain convictions, or information, regardless of the legality of the means used, or their consequences;

the existence of personal attitudes based on race, gender, sexuality, religion, and/or socio-economic status;

the desire to protect a fellow officer at the expense of a member of the public;

the desire to protect friends or family suspected of an offence; and

undue respect for, or concern as to the consequence of charging people who are particularly well placed socially or politically.

An unbiased, impartial approach to the exercise of police powers is important. If the community perceives that the Service is partial in the discharge of its duties, it will not be trusted. Moreover if process corruption is motivated by prejudice, the effectiveness of the court system is diminished.

2.40: Fundamental change is required to bring about a definition of 'good policing' that is understood and accepted by the rank and file, is based upon sound ethical standards and impartiality, and excludes matters such as process corruption.

FACTORS OUTSIDE THE CONTROL OF THE SERVICE

6.29: It cannot be denied that the increase in drug-related crime during the past 20 years has had a significant effect on the incidence of corruption. The opportunities available to corrupt police from these activities has far exceeded anything that was ever available through selective policing and protection of SP betting, gaming, sly grogging, and vice. Furthermore, it has increased the number of police exposed to the temptations of easy money.

6.30: As has earlier been recorded, it became commonplace for police to steal from offenders who were raided or to offer favours to them. Corruption was bound to occur where temptation of this form was high and the co-operation of criminals could be bought easily. Although responsibility for the proliferation of recreational and habitual use of drugs cannot be laid at the door of the Service, its poor supervision, the failure to rotate police out of drug-related squads, and minimal training in ethics and integrity or reinforcement on the job have affected its ability to detect and address this sort of corruption.

6.31: The earlier illegality of betting, gambling, pornography and prostitution and their current qualified 'legitimate status' have similarly contributed to the problems of corruption. Their policing has not been addressed any better than that directed towards the drug trade, which has the potential by itself to undermine any police service.

*Assess the health, mental health, and social impacts of cannabis use on people who use cannabis, their families and carers;

The Victorian Government must encourage all other States and Territories to address meaningful cannabis law reforms at the National Cabinet so that a federal approach can be developed.

Exactly like the failed alcohol prohibition in the US, Australian Governments can not expect to assess the health, mental health, and social impacts of cannabis use on people who use cannabis, their families and carers by maintaining cannabis prohibition.

The Netherlands, some American States and Canada have shown the only way to understand and provide somewhat controls around assessing the health, mental health, and social impacts of cannabis use on people who use cannabis, their families and carers is to initiate federal dialogue on the issues.

* Further requires the Committee to assess models from international jurisdictions that have been successful in achieving these outcomes and consider how they may be adapted for Victoria.

The Australian HEMP Party remains open for discussion and is available to provide more detailed and critical information for this Committees' consideration.

Andrew Kavasilas

Secretary, HEMP Party Australia.

On 31/08/2020 4:54 pm, Michael wrote:

Awesome work AK. Really appreciate it. I changed a few spellers and an odd word...you too heathen? Fiona said submissions dont have to be in on time so no rush. Anyway, many thanks Drew

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2.24: Police corruption has sometimes become enmeshed in and encouraged by local politics. This was very much the experience in the United States up until the 1950s. It also emerged in the Fitzgerald Commission of Inquiry in Queensland in 1987, where the findings extended beyond the corruption of the Licensing Branch which effectively protected vice, gaming and licensing interests, to the political system of that State.

2.25: It has been alleged, although it remains unproven, that at earlier times similar political influences were in play in NSW, with some senior police and politicians sharing the spoils of protection, and setting an agenda under which certain laws were not enforced.

2.26: Events such as the establishment of the ICAC, tend to suggest that whatever corrupt relationships may have existed in the past between police and politicians, they have not been a significant factor in more recent times. Certainly no current relationships of this kind came to light in the investigations of this Royal Commission, and such complaints or allegations as were made in this regard were soon found to be of the ‘conspiracy theory’ genus, or to be unfounded.

2.27: Notwithstanding, the danger of such relationships, and the need for vigilance against their re-emergence cannot be understated since:

- they represent a most significant betrayal of public trust, and hence have the potential to seriously undermine public confidence in the Service and the political system;
- they can allow the appointment of a ‘tame’ Commissioner, and the installation of the corrupt into key positions within the Service;
- they have the potential to seriously undermine any anti-corruption strategies developed, whether internal or external;
- the direction and the efficacy of the Service in selected fields of law enforcement, can be captured by the corrupt; and
- the existence of any such arrangement is very difficult to detect and prove, if for no other reason than that the government of the day is usually able to determine whether any public inquiry or Royal Commission should be established to investigate the Service.

The Political Agenda

2.28: In a quite distinct fashion, the potential for corruption can be affected by the agenda of the government of the day in relation to the enforcement or maintenance of laws that lack substantial public support. The police do not make the laws, but they can be left in real difficulties where:

- they are expected to enforce laws which are, at best, only partially enforceable; and
- there are contradictory movements within the decriminalisation/regulation spectrum as has occurred with public order offences. So far as an uncertain or wide discretion is left, or unpopular laws are preserved, a window for abuse and for corrupt practices inevitably opens.

2.29: Thus it is a generally accepted conclusion that police corruption is a likely social cost of the legislative creation and maintenance of victimless crimes. The prohibition of substances and services for which there is significant public demand has been said to place police officers upon an ‘invitational edge of corruption’.

The view sometimes advanced that corruption is responsible for illegal activities, for example, that an illegal drug trade exists in Kings Cross because of police corruption, is, however, too simplistic. The existence of such a trade provides a good opportunity for corruption, but it is not the cause of it.

On the other hand, once individual police or groups of police are exposed to and become involved in corrupt practices in such an area of policing, they are likely to succumb in other areas and in other rotations within the service.

2.30: In the case of laws that are, in practical terms, at best only partially enforceable, corruption can become, at the same time, an attractive proposition for some police, and conversely a mechanism by which other police attempt the impossible. The results are rarely other than destructive, as is indicated by the experience in NSW in the enforcement of the laws prohibiting off-course bookmaking.

2.31: When, in response to political pressure, police were forced to attempt a crack-down on this activity, they did so by attacking the communication and broadcast of betting information

and by targeting the hotels and premises from which SP runners and bookmakers operated. The results were:

- the development of illegal systems of communications; the syndication of operations; the development of a complex illicit telephone network; the deployment of commission agents, cockatoos, standover men and enforcers to collect on credit bets; and the eventual demise of the small, independent operators, as power became concentrated in a relatively small group of influential organised crime figures;
- along the way corruption of police, as well as that of telephone technicians, became substantial and organised;
- moreover, functional links with organised crime were established, and the illicit funds collected were used to bankroll activities in other areas of gaming, vice and narcotics, where there was similar consumer demand;
- the increasing sophistication of the operators, and the public demand for their services was such that suppression by law enforcement became impossible, and regulation only marginally less achievable. Yet legalisation of the activity was impossible because of the identity of those who had captured the market; and
- the only solution was that of legalisation and the introduction of government-run or licensed competition with the illegal market via the Totalisator Agency Board.

2.32: Within this context, where suppression of prohibited services or substances is effectively impossible, yet politicians or governments insist on maintaining the law and on its enforcement, the police priority is to get the best control it can over the activity. Its function becomes one not of enforcement of the law, but regulation of the illegal activity.

120 Corruption almost inevitably emerges in that process and becomes a means by which police can influence or control who is involved, where it occurs, and how it is done. This point is made not to encourage or condone corruption, but to underscore the role that the political process has in creating the environment in which it occurs.

PROCESS CORRUPTION

2.33: Process corruption is one of the most obvious, pervasive and challenging forms of police corruption, which:

- has its roots in community and political demands for law and order;
- is seen by many police to be in a quite different league from the forms of corruption which attract personal gain;
- is subject to the confusion which exists over the definition of ‘good policing’; and
- is compounded by ambiguities within the legal and regulatory environment in which police work, and by senior police and members of the judiciary apparently condoning it.

2.38 Process corruption may result from an exercise of partiality in criminal investigations and/or prosecutions. Partial investigations and prosecutions involve the abuse of police powers resulting from the ability of officers to exercise discretion. The existence of

- attitudes to particular crimes which police themselves may commit, or personally condone, for example, drug taking, domestic violence, or driving while drunk;

- financial gain in return for protection given to drug dealers and others;
- the desire to obtain convictions, or information, regardless of the legality of the means used, or their consequences;
- the existence of personal attitudes based on race, gender, sexuality, religion, and/or socio-economic status;
- the desire to protect a fellow officer at the expense of a member of the public;
- the desire to protect friends or family suspected of an offence; and
- undue respect for, or concern as to the consequence of charging people who are particularly well placed socially or politically.

An unbiased, impartial approach to the exercise of police powers is important. If the community perceives that the Service is partial in the discharge of its duties, it will not be trusted. Moreover if process corruption is motivated by prejudice, the effectiveness of the court system is diminished.

2.40: Fundamental change is required to bring about a definition of ‘good policing’ that is understood and accepted by the rank and file, is based upon sound ethical standards and impartiality, and excludes matters such as process corruption.

FACTORS OUTSIDE THE CONTROL OF THE SERVICE

6.29: It cannot be denied that the increase in drug-related crime during the past 20 years has had a significant effect on the incidence of corruption. The opportunities available to corrupt police from these activities has far exceeded anything that was ever available through selective policing and protection of SP betting, gaming, sly grogging, and vice. Furthermore, it has increased the number of police exposed to the temptations of easy money.

6.30: As has earlier been recorded, it became commonplace for police to steal from offenders who were raided or to offer favours to them. Corruption was bound to occur where temptation of this form was high and the co-operation of criminals could be bought easily. Although responsibility for the proliferation of recreational and habitual use of drugs cannot be laid at the door of the Service, its poor supervision, the failure to rotate police out of drug-related squads, and minimal training in ethics and integrity or reinforcement on the job have affected its ability to detect and address this sort of corruption.

6.31: The earlier illegality of betting, gambling, pornography and prostitution and their current qualified ‘legitimate status’ have similarly contributed to the problems of corruption. Their policing has not been addressed any better than that directed towards the drug trade, which has the potential by itself to undermine any police service.

*Assess the health, mental health, and social impacts of cannabis use on people who use cannabis, their families and carers;

The Victorian Government must encourage all other States and Territories to address meaningful cannabis law reforms at the National Cabinet so that a federal approach can be developed.

Exactly like the failed alcohol prohibition in the US, Australian Governments can not expect to assess the health, mental health, and social impacts of cannabis use on people who use cannabis, their families and carers by maintaining cannabis prohibition.

The Netherlands, some American States and Canada have shown the only way to understand and provide somewhat controls around assessing the health, mental health, and social impacts of cannabis use on people who use cannabis, their families and carers is to initiate federal dialogue on the issues.

* Further requires the Committee to assess models from international jurisdictions that have been successful in achieving these outcomes and consider how they may be adapted for Victoria.

The Australian HEMP Party remains open for discussion and is available to provide more detailed and critical information for this Committees' consideration.

Andrew Kavasilas

Secretary

Australian HEMP Party