

NB DISCLAIMER: *Please note that this excerpt of the S.A.C.C.R.A. petition to the Court is a very small representation of the full argument, which brief is over fifty pages long with several Gigabytes worth of supporting documentation and electronic testimony; and as such may not be used other than as a reference to formulating other arguments. Any S.A.C.C.R.A. member may use the full argument in court at any time, and/or enter the evidence ex-parte at their local court.*

S.A.C.C.R.A. PETITION TO ENSURE FREE AND FAIR ACCESS TO RESPONSIBLE USE OF THE CANNABIS PLANT FOR ALL

APPLICATION IN TERMS OF SECTION 11 OF THE RULES OF THE CONSTITUTIONAL COURT

ubi ius ubi remedium Where there is a right, there is a remedy.

S.A.C.C.R.A. SOUTH AFRICAN CANNABIS COMMUNITY & REGULATORY ASSOCIATION 20 MAY 2016

OUTLINE OF THE ARGUMENT ON THE UNCONSTITUTIONALITY OF THE PROHIBITION ON FREE AND FAIR ACCESS TO RESPONSIBLE USE OF THE CANNIBIS PLANT FOR ALL

CHAPTER 2 OF THE CONSTITUTION OF SOUTH AFRICA: THE BILL OF RIGHTS

Section 7. Rights

7. (1) This Bill of Rights is a **cornerstone of democracy** in South Africa. It **enshrines the rights of all people in our country and affirms the democratic values of human dignity, equality and freedom.**

(2) **The state must respect, protect, promote and fulfil the rights in the Bill of Rights.**

All information provided in the Heads of Argument will be supported as far as possible by evidence and affidavits obtained from the relevant individuals as well as expert witnesses, bearing in mind that the State prosecutor has refused to grant immunity from prosecution to anyone testifying to Cannabis use, beneficial or detrimental, in this matter; and that the State reserves the right to prosecute anyone testifying under current law, despite the fact that many precedents have been set in stays of prosecution pending the outcome of the current High Court cases.

The applicants respectfully request that the Honourable Court make a fair ruling on this matter before proceeding so that the applicants may have the opportunity to collect and present such affidavits and testimony with immunity from prosecution.

Section 33. Just Administrative Action

Section 33. (1) **Everyone** has the right to administrative action that is **lawful, reasonable and procedurally fair**.

Heads of Argument

ANNEXURE A Cannabis is a plant which can be used naturally, not a drug.

The administrative procedure which included Cannabis in restrictive drug laws was based on racist belief and not on scientific inquiry; it also ignored common lore knowledge and cultural tradition to deprive people of a beneficial plant used for millennia in society with no actual adverse effects.

Section 33. (2) Everyone whose rights have been adversely affected by administrative action has the **right to be given written reasons**.

Section 9. Equality

9. (1) **Everyone is equal before the law and has the right to equal protection and benefit of the law.**

Heads of Argument

ANNEXURE B Cannabis in its raw form is not dangerous and is in fact extremely beneficial.

To date no irrefutable evidence has been provided to prove that the Cannabis plant is harmful. Recent evidence proves the opposite i.e. that Cannabis in its raw form is remarkably non-toxic and has unprecedented medicinal value.

The current legislative review process by the Portfolio Committee on Health has to date excluded the views of:

- a) traditional medicine practitioners,
- b) lay experts in the field of Cannabis medicine,
- c) the people who have experienced cures, and
- d) the public

and is therefore not in the best interest of the public who are mostly uninformed of what is possible with Cannabis medicine; and which is therefore unrepresentative, unfair and unconstitutional.

Section 33. (3) National legislation must be enacted to give effect to these rights, and must—

- (a) provide for the **review of administrative action by a court** or, where appropriate, an **independent and impartial tribunal**;
- (b) impose a duty on the state to **give effect to the rights** in subsections (1) and (2); and
- (c) **promote an efficient administration**.

Heads of Argument

ANNEXURE C Cannabis has been used beneficially in agriculture for thousands of years as food, medicine and for other beneficial purposes.

The position papers submitted by the Dept. of Health i.e. the C.D.A. the M.C.C. and the M.R.C. and others are skewed and do not **fairly represent what is true of the plant/people** on whose behalf they are making decisions.

Section 27. Health care, food, water and social security

27. (1) Everyone has the right to have access to—

- (a) **health care** services, including reproductive health care;
- (b) **sufficient food** and water; and

Heads of Argument

ANNEXURE D Cannabis has tremendous nutritional value.

Cannabis has been **traditionally used for thousands of years** as food, medicine, tobacco (intsangu mkulu) and a veterinary remedy. The leaves and seeds of the Cannabis plant are **extremely nutritionally valuable** to humans and animals, containing all essential fatty acids and amino acids necessary for the human body to thrive.

Section 10. Everyone has inherent dignity and the right to have their dignity respected and protected.

Section 27(1) (c) social security, including, if they are **unable to support themselves and their dependants**, appropriate social assistance.

Section 12. Freedom and security of the person

12. (1) Everyone has the right to freedom and security of the person, which includes the

right—

- (c) to be **free from all forms of violence** from either public or private sources;
- (e) not to be **treated or punished in a cruel, inhuman or degrading way**

Heads of Argument

ANNEXURE E The prohibition of Cannabis has caused gross violation of human rights.

Many families in South Africa have been **severely affected by HIV/AIDS and T.B.** and many **elderly people living in the rural and outlying areas** of the country are raising grandchildren **with little or no access to employment, schools or health care facilities.** **Many of these areas are routinely sprayed with toxic chemicals by the S.A.P.S. Airwing Unit to eradicate their Cannabis crops, causing human suffering and damage to the environment.**

Section 27. (2) The state must take **reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of each of these rights**

Heads of Argument

ANNEXURE E The prohibition of Cannabis has caused gross violation of human rights.

Many people who have treated and/or cured themselves of dread disease or assisted others in doing so with Cannabis have been criminalised, and their rights have been violated by various organs of the state such as the S.A.P.S. based on outdated laws pertaining to the Cannabis plant. **Instead of protecting these rights and allowing genuine, safe exploration of these cases, the healers are arrested, threatened and even physically violated.**

Section 12. Freedom and security of the person

12. (1) Everyone has the right to freedom and security of the person, which includes the right—

- (a) not to be deprived of freedom **arbitrarily or without just cause;**

Heads of Argument

ANNEXURE E The prohibition of Cannabis has caused gross violation of human rights.

Many recent raids on Cannabis users produce **only a few plants or small amounts of medicine** for personal use, and are exaggerated in the press by the S.A.P.S. officers involved. The State consistently fails to genuinely prove harm to the community in many cases.

Section 27. (3) No one may be refused emergency medical treatment.

Heads of Argument

ANNEXURE E The prohibition of Cannabis has caused gross violation of human rights.

Many people, including children, where pharmaceutical medications have failed, depend on Cannabis Oil to stay alive. One drop of Cannabis tincture can stop a life threatening seizure in a small child.

Section 15. Freedom of religion, belief and opinion

15. (1) Everyone has the right to **freedom of conscience, religion**, thought, belief and opinion.

Section 31. Cultural, religious and linguistic communities

31. (1) Persons belonging to a **cultural or religious community** may not be denied the right, with other members of that community (a) to enjoy their culture, and practise their religion.

Heads of Argument

ANNEXURE F Cannabis has been used as a spiritual aid for thousands of years.

Cannabis has **traditionally been used as part of spiritual practice** in combination with medical applications as a holistic treatment as well as for **practical uses in cultures all over the world for thousands of years**.

Section 12. Freedom and security of the person

12. (2) Everyone has the right to **bodily and psychological integrity**, which includes the right—
(b) to security in and control over their body;

Heads of Argument

ANNEXURE G Cannabis has innate medicinal value which has always been accessed freely.

All naturally occurring and /or organically cultivated Cannabis, has medicinal value and has traditionally been used for thousands of years as a health remedy. Documentation exists from the latest few centuries which attests to the medicinal use of the plant in many cultures all over the

world, as is common knowledge. **Free and fair access to traditional healing is an inalienable right and an expression of individual medical sovereignty.**

Section 9. Equality

9. (1) Everyone is equal before the law and has the right to **equal protection and benefit of the law.**

9. (3) The state may not **unfairly discriminate directly or indirectly against** anyone on one or more grounds, **including social origin, religion, conscience, belief, culture, birth.**

Heads of Argument

ANNEXURE H The medicinally active components of Cannabis fully accessible in the raw plant. To restrict access to this plant is therefore unconstitutional. Ref Dr. William Courtney.

Section 9. Equality

9. (1) Everyone is equal before the law and has the right to **equal protection and benefit of the law.**

Section 12. Freedom and security of the person

12. (2) Everyone has the right to **bodily and psychological integrity**, which includes the right—
(b) to security in and control over their body;

Section 27. Health care, food, water and social security.

27. (1) Everyone has the right to have access to— (a) **health care** services

Heads of Argument

ANNEXURE I The medicinal components of Cannabis can be safely extracted in a domestic setting.

Cannabis has been used as a traditional medicine for thousands of years **mostly by people of 'low' economic/social status.** Currently, the law **favours the politically connected, wealthy entrepreneurs or corporations** with licenses or patents for medicinal and industrial production.

At the same time individual citizens are prosecuted or harassed for exercising their inherent right to individual medical sovereignty i.e. control over their body, by treating themselves safely and effectively with Cannabis.

Section 11. Life (Non-derogable right protected in its entirety by the Constitution)

11. Everyone has the right to life.

Section 12. Freedom and security of the person

12. (2) Everyone has the right to **bodily and psychological integrity**, which includes the right—

(a) to security in and control over their body; and

Section 27. Health care, food, water and social security

(1) (a) **health care** services

Heads of Argument

ANNEXURE J The medicinal benefits of Cannabis have been scientifically proven over at least forty years.

Hundreds of scientific studies, and thousands of peer reviewed articles on the endocannabinoid system and cannabinoids, have in the past four decades **proved that Cannabis and Cannabis derivatives can successfully treat and/or cure a long list of illnesses including a variety of cancers.**

ANNEXURE K Extensive testimony is available as to the success of treatments by laypeople.

Section 34. Access to courts

34. Everyone has the right to have **any dispute that can be resolved by the application of law** decided in a **fair public hearing before a court or, where appropriate, another independent and impartial tribunal or forum.**

ANNEXURE L Currently, the State hinders presentation of evidence by refusing immunity from prosecution, and reserving the right to prosecute witnesses even with pending Supreme Court action.

Section 28. Children

28. (1) Every child has the right—

(c) to basic nutrition, shelter, **basic health care** services and social service

28. (2) A child's best interests are of **paramount importance in every matter concerning the child.**

Heads of Argument

ANNEXURE M Cannabis extracts have proven to be safe, effective treatment for children.

Withholding affordable, effective treatment such as Cannabis extracts from people, **including children**, who could have been or still can be cured from cancer and other dread diseases is a **direct violation of every citizen's right to life, dignity, freedom, and health**

Section 32. Access to information

32. (1) Everyone has the **right of access** to—

(b) any **information** that is held by another person and that is **required for the exercise or protection of any rights**.

Heads of Argument

ANNEXURE N Cannabis has proven to be less invasive and damaging than allopathic medicine. Doctors are prevented from sharing relevant information including information about natural alternatives through the conditions of their license to practice.

Section 10. Human dignity

10. Everyone has inherent dignity and the **right to have their dignity respected and protected**.

ANNEXURE O Cannabis is useful in palliative care.

Section 10. Human dignity

10. Everyone has inherent dignity and the **right to have their dignity respected and protected**.

Section 12. Freedom and security of the person

12. (1) Everyone has the **right to freedom and security of the person**, which includes the right—

(a) **not to be deprived of freedom** arbitrarily or **without just cause**;

Section 35. Arrested, detained and accused persons

35. (1) Everyone who is arrested for allegedly committing an offence has the right—

e) to **conditions of detention that are consistent with human dignity**, including at least exercise and the provision, at state expense, of **adequate accommodation**, nutrition, reading material and **medical treatment**;

Heads of Argument

ANNEXURE P Cannabis is useful in the treatment of drug addiction and the prevention of relapse.

Recent studies have shown that Cannabis is **not addictive** if used in its pure form. Innumerable South African people have been **arrested and incarcerated unconstitutionally for Cannabis possession and use**. To treat Cannabis users and patients as criminals is a violation of the right **not to be deprived of freedom without just cause, and to conditions of detention which are actually commensurate with the offence and therefore consistent with human dignity**.

Furthermore, Cannabis is an **effective tool for treating alcohol, drug and tobacco addiction, and assists in preventing relapse in addicts**. The prolific availability of **legal, synthetically produced compounds** described as “synthetic cannabis” such as Spice, which are **highly dangerous and addictive**; and the practice of drug dealers mixing dangerous drugs such as Nyaope (heroin) with Cannabis, is a **direct result of prohibition which keeps this beneficial plant in the hands of drug dealers instead of the community**.

Section 24. Environment

24. Everyone has the right—

(a) to an **environment that is not harmful to their health or wellbeing**; and
(b) to **have the environment protected**, for the benefit of present and future generations, **through reasonable legislative and other measures** that—

- (i) **prevent pollution and ecological degradation**;
- (ii) **promote conservation**; and

Heads of Argument

ANNEXURE Q Cannabis has multiple industrial applications.

Cannabis Sativa L. containing less than 0.1% of THC, also referred to as industrial hemp, has proven to be an **economically viable, sustainable replacement for the manufacturing of a variety of currently harmful, polluting and ecologically degrading products**.

ANNEXURE R Cannabis is ecologically beneficial.

Cannabis can also contribute to the **restoration of the environment** as it acts as a bio-accumulator and can be used to **clean soil contaminated by pollutants such as diesel, oil and even radiation**

Section 24. Environment, and 24 (b) (iii) secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.

Section 22. Freedom of trade, occupation and profession

22. Every citizen has the **right to choose their trade, occupation or profession freely**. The practice of a trade, occupation or profession may be **regulated by law**.

Heads of Argument

ANNEXURE S Cannabis as a sustainability key is socio-economically beneficial to everyone.

Cannabis, for medicinal, industrial and social use, has the potential to establish **a multi-trillion Rand truly free market industry in South Africa which has the potential to create sustainable self-employment and thus individual self-empowerment for millions of South African Citizens**. Divided by the number of South Africans of working age in this country, this equates to an estimated minimum possible income of R200 000 per annum per person. This clearly has **the potential to eliminate poverty and all its inherent social ills**.

Section 33. Just administrative action

33. (1) **Everyone has the right to administrative action that is lawful, reasonable and procedurally fair.**

33. (2) Everyone whose rights have been adversely affected by administrative action has the **right to be given written reasons**.

33. (3) **National legislation must be enacted to give effect to these rights**, and must—

(a) **provide for the review of administrative action by a court or, where appropriate, an independent and impartial tribunal;**

(b) **impose a duty on the state to give effect to the rights in subsections (1) and (2); and**

(c) **promote an efficient administration.**

Section 9. Equality

9. (1) Everyone is **equal before the law** and has the **right to equal protection and benefit of the law**.

9. (2) Equality includes **the full and equal enjoyment of all rights and freedoms**. To promote the achievement of equality, **legislative and other measures designed to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination may be taken**.

Heads of Argument

ANNEXURE T Cannabis was included in the Law on an unsound basis to protect vested interests; The current Parliamentary review process on cannabinoids is biased.

Cannabis was first prohibited in South Africa in 1870, when European settlers passed a law "prohibiting the smoking, use, or possession by the sale, barter, or gift to, any coolies whatsoever, of any portion of the hemp plant (*Cannabis sativa*) ..." [27]. There was **no domestic cause other than Colonialist racist beliefs; no basis in science, no lobbying for or against prohibition; no Parliamentary debate and certainly no public participation**. In fact, the benefits of the Cannabis plant were well known and scientifically proven in the U.S. long before Harry Anslinger launched his intense propaganda campaign which included Cannabis in the "war on drugs" - a major political platform for President Nixon and which led to the **United Nations Single Convention on Narcotic Drugs** which then imposed the U.S. unilateral drug policy internationally.

Since then, the "**worldwide patent on cannabinoids**" was granted to the U.S. Govt. Dept. of Health in 2003. More recently **patents on cannabinoids and/or licenses to produce cannabinoid medicine have been granted to GW Pharmaceuticals and others**, whereas **citizens who choose to heal themselves with the same cannabinoids present in the raw plant** by making their own medicine, or buying it from a verified source, are **prevented from doing so by the S.A.P.S. and are criminalised**.

This is in direct contravention of the Bill of Rights which grants **equal treatment under the law to all citizens**. Existing legislation in S.A. came into effect with the promulgation of the **Drugs and Drug Trafficking Act (Act 140 of 1992)** assented to on 2 July 1992. **The prohibition on Cannabis applies to the whole plant** as provided for in the definition namely: "Cannabis (dagga), the whole plant or any portion thereof, except dronabinol [(-)-transdelta-9 tetrahydrocannabinol]" which was excluded through an amendment for pharmaceutical purposes, and **both appear in the Schedules of the Medicines & Related Substances Act**.

Section 36. Limitation of rights

36. (1) The rights in the Bill of Rights may be **limited only in terms of law of general application to the extent that the limitation is reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom**, taking into account all relevant factors, including—

- (a) the **nature of the right**;
- (b) the importance of the **purpose of the limitation**;
- (c) the **nature and extent of the limitation**;
- (d) the **relation between the limitation and its purpose**; and
- (e) **less restrictive means to achieve the purpose**.

36. (2) Except as provided in subsection (1) or in any other provision of the Constitution, **no law may limit any right entrenched in the Bill of Rights.**

Heads of Argument

ANNEXURE T The Parliamentary review currently in process on cannabinoids is biased.

In 2014, the E.F.F. proposed a motion to nationalise Cannabis in order to protect it as a national natural resource belonging to the people of South Africa. **This motion was approved in a plenary session of Parliament with no objections.** Subsequently, the **Medical Innovations Bill** was introduced in Parliament by private member Mario Ambrosini using the Cannabis Position Paper produced by the S.A.N.C.W.G. The applicants respectfully submit that the Medical Innovations Bill **does not reflect the ethos of the Cannabis Position Paper or the people who developed it.** After Mr. Ambrosini's death, the Bill was re-introduced by the **Inkhata Freedom Party** and is currently under Parliamentary review by the Parliamentary Committee on Health.

To date no response has been received by S.A.C.C.R.A. from the Parliamentary committee on Health, the Department of Health or the Department of Social Development Services, nor any government department regarding proposals and or information supplied to them on the benefits of the responsible use of the Cannabis plant, self-regulation at community level, or the benefits of the social development model, which uses Cannabis as a sustainability key, proposed by S.A.C.C.R.A. The continued refusal to acknowledge **less restrictive means to achieve the purpose of a legal, responsibly regulated Cannabis industry in South Africa is unconstitutional.**

Section 7. Rights

7. (1) This Bill of Rights is a **cornerstone of democracy** in South Africa. It **enshrines the rights of all people in our country and affirms the democratic values of human dignity, equality and freedom.**
(2) **The state must respect, protect, promote and fulfil the rights in the Bill of Rights.**

Section 39. Interpretation of Bill of Rights

39. (1) When interpreting the Bill of Rights, a court, tribunal or forum—

- (a) must **promote the values that underlie an open and democratic society based on human dignity, equality and freedom;**
- (b) must **consider international law;** and
- (c) may **consider foreign law.**

Heads of Argument

ANNEXURE U Cannabis in international law contravenes the Declaration of Universal Human Rights.

By continuing the prohibition on Cannabis the South African Government is **failing its duty to respect and fulfil its obligation to promote the values that underlie an open and democratic society based on human dignity, equality and freedom;**

With regard to applicable International Law,

Article 2 of the UNSCND provides for the following, in reference to Schedule IV drugs:

“A Party shall, if in its opinion the prevailing conditions in its country render it the most appropriate means of protecting the public health and welfare, prohibit the production, manufacture, export and import of, trade in, possession or use of any such drug except for amounts which may be necessary for medical and scientific research only, including clinical trials therewith to be conducted under or subject to the direct supervision and control of the Party.” The official Commentary on the UNSCND indicates that parties are expected to make this judgment in good faith.

ANNEXURE V Cannabis is subjected to unfair disparity in foreign law.

More than half of States in the United States of America, and many other countries in the world have lifted the prohibition on the use of the Cannabis plant to some extent and many fully.

In the United States, there is still a disparity since, although Cannabis is legal in some form in most States under State Law, **it is still subject to Federal prohibition** which means many legitimate businesses still suffer persecution and criminalisation and **many patients are still prohibited from accessing their medicine.** This is an obvious violation of **Universal Human Rights.**

Heads of Argument

ANNEXURE W The State has a constitutional obligation to examine and consider alternate, beneficial, less restrictive models for the implementation of legal Cannabis in South Africa.

In view of the cultural history of the plant, the plethora of current **success in a massive variety of treatments obtained globally by laypeople, herbalists, and integrative doctors,** and the extensive changes in legislation globally currently being made, the applicants respectfully suggest that it makes perfect sense to **correctly redefine Cannabis as a beneficial plant** and to **remove it from the Schedules of the Medicines & Related Substances Act** as well as the **Drugs and Drug Trafficking Act** on **compassionate grounds as the most appropriate means of protecting public health and welfare.**

The massive socio-economic benefits of **an intelligently implemented, equitably based, community managed system** such as the one described in the S.A.C.C.R.A. model, make this proposal socially sound, and we respectfully submit that it is a **moral and judicial duty under the Constitution for the South African Government to act on it**. Sufficient moral and judicial justification exists for the **referral of this case to the Constitutional Court** if necessary, as well as the International Court, and suggest that **the S.A. Government be instructed to do this on behalf of the People of South Africa**.

Section 36(1) (e) less restrictive means to achieve the purpose.

Section 39. (2) When interpreting any legislation, and when developing the common law or customary law, every court, tribunal or forum must promote the spirit, purport and objects of the Bill of Rights.

Section 39. (3) The Bill of Rights does not deny the existence of any other rights or freedoms that are recognised or conferred by common law, customary law or legislation, to the extent that they are consistent with the Bill.

Heads of Argument

ANNEXURE X Less restrictive means exists to regulate Cannabis use in South Africa.

S.A.C.C.R.A. was formed in February 2015, and a small membership has been developing its model's infrastructure at local level. The Association proposes **self-regulation by independent, affiliated Cannabis Community Associations aligned in ethos via membership**.

Section 31. Cultural, religious and linguistic communities

31. (1) Persons belonging to a cultural community may not be denied the right, with other members of that community—

(a) to enjoy their culture; and

(b) to form, join and maintain cultural, religious and linguistic associations and other organs of civil society.

Section 31. (2) The rights in subsection (1) may not be exercised in a manner inconsistent with any provision of the Bill of Rights.

Section 38. Enforcement of rights

38. Anyone listed in this section has the **right to approach a competent court, alleging that a right in the Bill of Rights has been infringed or threatened, and the court may grant appropriate relief, including a declaration of rights**

The persons who may approach a court are—

- (a) **anyone acting in their own interest;**
- (b) **anyone acting on behalf of another person who cannot act in their own name;**
- (c) **anyone acting as a member of, or in the interest of, a group or class of persons;**
- (d) **anyone acting in the public interest; and**
- (e) **an association acting in the interest of its members.**

The ethos and structure of S.A.C.C.R.A. the South African Cannabis Community & Regulatory Association as a membership association are **inherently based on the ethos of all human rights as described in Chapter 2 of the Constitution** of South Africa and indeed is designed to **both protect and promote such rights.**

Any consumable products sold commercially can be legally regulated like any other natural medicine and testing facilities can be made available via State facilities to ensure free and fair availability, quality assurance and the protection of all concerned.

The applicants propose to implement this via active Cannabis Community Associations, affiliated via the S.A.C.C.R.A. regulatory agreements as developed, and being developed, by the S.A.C.C.R.A. Executive Council and Legal, Medical, Industrial, Agricultural & Environmental, Social Development and Youth Structural Councils.

Conclusion

Sufficient evidence and extensive common human experience is readily available to prove, given fair and affordable opportunity, that Cannabis is an **acceptably safe, effective traditional remedy.**

The applicants respectfully request the Honourable Court to find that it is the **duty of the government to remove all reference to the Cannabis plant and/or its parts and components,** from the **Drugs & Drug Trafficking Act (Act 140 of 1992)** and all subsequent amendments; and the **Schedules of the Medicines & Related Substances Act, (Act 101 of 1965)** as well as all subsequent Amendment Acts, including Act No. 14 of 2015, and other restrictive laws which may apply.

It is respectfully submitted that there is a moral and judicial duty on the Constitutional Court to adhere to this provision and consider proposed alternatives such as those described in the S.A.C.C.R.A. Prospectus, which is currently under continued development. This negates the need for new legislation and provides less restrictive means to achieve the purpose of ensuring free and fair access to responsible use of the Cannabis plant for all. The applicants respectfully submit that this petition from S.A.C.C.R.A. as a member association, and as individual members is constitutionally sound under Section 38 of the Bill of Rights.

Prepared by the S.A.C.C.R.A. Executive Council on behalf of all current and potential members, at Killarney Valley, tin his month of May 2016.

NB DISCLAIMER: *Please note that this excerpt of the S.A.C.C.R.A. petition to the Court is a very small representation of the full argument, which brief is over fifty pages long with several Gigabytes worth of supporting documentation and electronic testimony; and as such may not be used other than as a reference to formulating other arguments. Any S.A.C.C.R.A. member may use the full argument in court at any time, and/or enter the evidence ex-parte at their local court.*