

Submission
No 128

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

Name: Mr Benn Banasik

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Partially
Confidential



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**PORTFOLIO COMMITTEE NO. 1 - PREMIER AND FINANCE
IMPACT OF THE REGULATORY FRAMEWORK FOR CANNABIS IN NEW SOUTH WALES**

To the Members of the Portfolio Committee No. 1 - Premier and Finance,

Summary

Thank you to the Committee for considering my submission. I believe my story, my ability to give this submission and the contribution I can now give to my community should be considered when shaping future laws in this State.

Many of the people in this place know me from my political past roles, it is no secret that I worked with Liberal, Labor and the Greens, I then left politics and took up roles in academia and my not so small business, The Game Center.

Since then I have needed to sell my business due to my surgery treatment for Cancer which has left me unable to lift and in constant chronic pain. Thankfully, after selling my business I have been able to find work but I need to drive. The choice of patients today taking the prescribed medicinal cannabis which does contain THC, but does not affect driving, technically breaks the NSW road rules for weeks after a single dose. Patients face the choice of this risk with the law or they commonly use a cocktail of over the counter pain relief, destroying stomach linings long term or using alternative antidepressants and/or opioids that will render patients like myself unable to do fast paced work. This is a choice I and other patients should not need to make.

Background

After leaving politics I expected never to return and I gave it my all as small business owners do. Through Covid, changes in market conditions for collectables, the rise and fall of a number of markets, I navigated to create a lasting brand that would become one of the largest individual collectable card trading stores in the world. We would import and export to all around the world and the size of our goods went from 2 pallets per month to 8 per week. This all sounds great, until you get told you have Cancer.



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In January 2021 I called my GP saying the wait for the referral he gave me for the lump on my chest was taking too long. The small lump which I had a biopsy years prior was cleared as having no issues, but it had moved and was growing rapidly. I was sent for an ultrasound which showed it was nothing but a sebaceous cyst and was advised to have it removed.

I went to the doctors to see the local surgeon and they insisted I had to wait for the specialist to see me. They provided me with countless referrals as I spent a week calling around to see if anyone else could see me. The earliest appointments I could find were in late January. The wait felt like a lifetime. Below you can see just over my daughter's left shoulder there is a mass under my shirt. This was the lump in the second week of January, it had grown from a small 5 cent piece size to the size of a squash ball.



With my daughter in January 2021

The Bowral based specialist I saw that week had me booked into Bowral Private Hospital an agonising four weeks later to have it removed. By now I was on constant



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nurofen and panadine forte, wreaking havoc on my stomach. I called the specialist each week saying it was growing, complaining about the pain and asking for the messages to be passed on to the surgeon. His office each time would tell me there was no way to change the dates and that was the earliest appointment.

On 23 February as I was being prepped for day surgery remaining positive about the outcome, the specialist looked at it and said “It wasn’t this big when I saw you, I don’t think I can remove this, it’s too big, it’s Cancer.” As I lay there with no phone, no way to contend with what he had said to me, I asked, stammering for the words, “What do you mean Cancer? What type of Cancer? I told you that it was growing, I told you I was in pain... is it, is it aggressive?”. He looked me in the face and said “Well of course it’s aggressive, look at it.” He said he would be doing a biopsy and I demanded he pass my details on to a Doctor who knew what they were talking about.

I awoke groggy and told my wife Jodie about the news, just outside the doors of the new Bowral Hospital building. Within a week I was referred to the specialist Dr [redacted] a specialist in Sarcomas, and he told me the news I needed to hear, that I wasn’t going to die from the Dermatofibrosarcoma Protuberans (DFSP). The rare Cancer I had sat looking like an octopus in the dermis layer of my skin, eating away at any fat tissue and muscle it could find. I was sent home for the weekend, told there was a chance it could explode, literally, but that I was going to be ok.

DFSP is unresponsive to chemo or localised treatment, it is so aggressive that the only way to ensure recurrence doesn’t take place is to remove all connecting tissue, a 3 cm margin in all directions. By now the lump was the size of a baseball and I struggled to lift my bag without shaking in pain. The worst was when I felt I couldn’t lift anymore, my beautiful 12-month old daughter. My friend Stewart at my store that my wife Jodie and I owned, was one of the few who noticed as I covered it over with a jumper. Telling my staff at The Game Center that I was going to step aside as Manager for the next few weeks for Jodie to step in was difficult, but I thought it would be fine, less than a month away was easy to plan for with the cycle of set releases.

The lump didn’t explode much to Dr [redacted] surprise he would tell me jokingly later. Over the next few weeks I had the Cancer removed and waited for the lab results to confirm all margins of the DFSP had been removed on the molecular level, something



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Dr [redacted] assured as he had removed so much. He also removed another benign lump from my back at the same time. I lay in the hospital with my chest exposed covered by the vacuum dressing seal. The change of dressing was while I was awake and the nurses would constantly maximise my pain dosages as the tearing pain I felt. The muscle and nerves were cut and whenever I would move, reach or clench my muscles would create a ripple of pain that burnt the hole in my chest.

The worst moment was when the vacuum dressing seal had come off once in the middle of the night, I awoke with a sticky feeling on my side. The blood had poured from my body out of the vacuum seal. I pressed the buzzer and the shocked look of the nurses as I lay in my poorly lit hospital bed, due to the lighting being on the fritz for the ward that day. Over the next few hours the nurses would help hold bandages on the wound until I was sent back down into surgery to seal it again. I cancelled my visitors that day and I convinced the nurses to grab my phone and take the photo below as I was awake.

Finally confirmation came that I had clearance to have the skin graft taken from my leg. I was stitched up and waited around for a week for the clearance to finally go home and return for removal of staples a few weeks later.



All stapled up, in immense pain but convincing the nurses I'm ready to go home.

Over the next few months I recovered but had constant pain requiring medication, first it was opioids and I reduced these to nothing a week after leaving the hospital. It was back to nurofen and panadeine forte. The reliance for these would never subside and I



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began to notice that I had phantom pains down my arm, side and even up the right side of my face.



Never to hold back with your kids! Here I am playing with
pocket Draw 4!

holding firm here with a

I would get assistance from a physiotherapist for a while who sought to give me exercises but these did nothing for the nerve pain, something that I felt elevated any time I would lift or move anything. At the same time my business was in growth, we had opened our Narellan store and was planning on finally shutting down the Macarthur Square store to open in Campbelltown CBD to a much larger store. After being unable to lift anything beyond about 5kg with my right arm without struggle, even unable to hold a coffee in my right arm while I walked, I sought a permanent solution to my pain management in January 2022 through seeking out a Doctor who specialised in chronic pain.



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After researching the alternatives I saw Dr [redacted] a specialist in pain management. While I've been fortunate to have created a pain management strategy with Dr [redacted] there are many others in my situation that aren't as fortunate to have access to a doctor who is willing to negotiate through the mess of requirements in order to prescribe my treatments. It's thanks to Dr [redacted] and Dr [redacted] that I was able to not only survive, but grow my business to the size where I couldn't handle due to my own limitations. It's thanks to them that I am able to give my all to my job each day and be present for my family finally after these past years.

Since January 2022, every day I have taken a mixture of medicinal Cannabis products, the pain is still there but is measurable. It also obviously has not inhibited me in my roles. I have worked alongside many of you in this place, negotiated succession of Bills for my employer, facilitated meetings and engaged with constituents on matters of the greatest importance. There is no discrimination in the workplaces I have both run and had the fortune to work within. There is however an injustice that exists with the driving laws in this state.

If I get in a motor accident or if an over zealous police officer wants to blood test me, I will be positive for delta-9-tetrahydrocannabinol (THC), the headline components of the Cannabis plant that is my prescribed medicine. Due to this, I would be found guilty due to the road laws that are inconsistent with the legalisation of Cannabis as a medicine in Australia. While I concede that taking amounts beyond control and without medical supervision would be a risk to drivers, I take a regimented amount that does not affect my driving long term. Even worse, the alternatives of the opioid mix or antidepressants would inhibit my driving long term and more than what the shorter term effect of the THC, but these drugs are legal.

There is also ambiguity on the term 'effect', the lucid effects of the drug means lower doses do not affect driving at all for patients taking the drug long term. Even according to the NSW Health Fact Sheet on 'Prescribed cannabis medicines and fitness to drive' the higher dose effect is conceded, to quote: "The risks of impairment are greatest with initiation of treatment with THC and with dose increases. Impairment tends to be dose-related with greater impairment observed at higher doses." High doses are not taken with a prescription medicine, nor should the state assume a patient will want to



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take a higher dose beyond what they need to manage their own pain. No other fact sheet about legalised medicines refers to the chance a person may take more of their own prescribed drug.

The injustice in this state is due to a disconnect of laws, the siloing that exists here has dire consequences for people like me. I live in Wollondilly, a place where over 60% of my community leave the area for work or study each day. This exodus daily means we need to rely either on public transport or cars. There is an inadequate train service and there are only a few buses through the day that do not connect to other services. Car travel remains the only viable means for travel. Mix this with over 60% of the workforce being directly connected to trades and labourers most likely to be prescribed Cannabis oil due to the intensive work. The result in my area is that the disconnect creates a situation where patients are at risk of being found guilty of driving under the influence of an illicit drug.

I implore members to highlight this injustice and hold the Government to account to change these laws. Holding back any decision relating to drugs for the long awaited and promised Drug Summit is not a viable answer, it shows a disrespect to the patients and is not in the community interest.

Thank you again for considering my submission, I sincerely hope my story leads to a positive change in this state for patients like me.

Kind regards,

Benn Banasik