

# Submission

11<sup>th</sup> October 2018

Re: Interim decision to amend the listing of alkyl nitrites within the Poisons Standard

[REDACTED]

## OVERVIEW

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### 1. Introduction to the purpose of the submission

My name is [REDACTED], I am a Sydney based LGBTIQ community advocate and leader and I am writing this submission on behalf of the (as of 3:00pm 15<sup>th</sup> January 2019) 5060 signatories of the petition I started on Change.org titled 'TGA: Don't Ban Poppers,' but I am also writing to you as a concerned gay man. I began the petition and have been leading the grassroots effort to communicate to you the shock and anger that the LGBTIQ community have shown at the TGA's

interim decision to amend the listing of alkyl nitrites within the Poisons Standard. The crux of my argument and that of my community can be found in the wording of the petition that the thousands of concerned signatories have agreed to (this can be seen below). This petition will not conclude at this point in time, so this submission is simply to inform the TGA of the level of concern at the designated date of submission.

## 2. Change.org petition details

Please follow the link to see the full petition details on its home website at <https://www.change.org/p/therapeutic-goods-administration-tga-don-t-ban-poppers>. The 5060 signatories agree to the following petition:

"TGA: Don't Ban Poppers

The Therapeutic Goods Administration is seeking to list amyl/poppers and all associated chemical variations as schedule 9 drugs alongside illegal drugs such as heroin and marijuana. Details on the interim decision can be found at <https://www.tga.gov.au/book-page/13-alkyl-nitrites> however a final decision may not come until later in 2018.

For decades gay men and receptive partners have relied on amyl/poppers to comfortably enjoy sex, and decades of research on the effects of poppers have shown that the negative effects are minimal and contained - amyl/poppers are not a drug of dependence or addiction and result in little harm. The TGA has proven capable of regulating Viagra (a comparably dangerous substance) for the benefit of active partners, we believe the TGA should acknowledge the need for poppers and regulate the substance for safe use by receptive partners. Poppers have been used safely for decades - its use should be legitimised not criminalised.

The reasons stated by the TGA for this listing do not justify the criminalisation and control of adults engaging in consensual and considered behaviour that is accepted in many other jurisdictions around the world - this is overreach of the nanny state. In 2016 the UK Government attempted to ban amyl/poppers however the bid was unsuccessful when the justifications were put under scrutiny - we believe that the same findings can be made in Australia and that common sense may prevail and the

listing of these substances as schedule 9 not occur. The UK Government Advisory Body on the Misuse of Drugs found the use of poppers was 'not seen to be capable of having harmful effects sufficient to constitute a societal problem.'<sup>[i]</sup>

You can help us further by making your own submission to the TGA before October 11, you can do that

at <https://www.tga.gov.au/scheduling-decision-interim/publication-interim-decisions-proposing-amend-or-not-amend-current-poisons-standard-september-2018#how>

You can see a thoughtful example of a submission on the poppers ban at this blog post by health researcher Daniel Reed, <https://badblood.blog/2018/09/13/last-chance-to-challenge-poppers-ban/>

You should also contact your local MP and alert them to this overreach and ask them to stand up for your right to access and use poppers.

A ban on amyl/poppers and a listing of the substances as a schedule 9 drug will disproportionately affect gay men and queer Australians - overnight an entire class of law-abiding adults will be regarded as criminals.

We ask that the TGA does not criminalise the sex lives of gay men and queer Australians that seek to have comfortable, consensual sex in the privacy of their own homes with the assistance of amyl/poppers, we ask that the TGA ceases all action to further restrict the use of or access to amyl/poppers in Australia."

### 3. Concluding statement

I have consulted broadly with the Australian LGBTIQ community, with doctors, and with researchers, during this process in order to build enough momentum to draw attention to what I believe would be an unjust, unfair, and discriminatory outcome of these substances being amended within the Poisons Standard and effectively banned.

Overwhelmingly the community have asked for the therapeutic benefits for sexual intercourse to be acknowledged and enshrined by the TGA, to allow the substances to be safely produced, distributed and consumed. Essentially, the costs you have outlined do not outweigh the benefits to the LGBTIQ community. We seek that the TGA understands the importance of these substances in having sexual intercourse safely, consensually, and comfortably. The TGA must understand that various states

and territories in Australia criminalise the use, possession, and production of schedule 9 substances, and the TGA must understand that any decision to list these substances as schedule 9 will criminalise the sex lives of the vast majority of LGBTIQ Australians who have safely and responsibly used these substances for their therapeutic benefits during sexual intercourse. The community demands harm minimisation over prohibition, and any further restrictions to access these substances is unacceptable.

Thank you for taking the time to hear us, please do not amend the listing of the substances we refer to as amyl and poppers - they have been essential for sex within the LGBTIQ community for decades, they have enabled relationships to flourish, they have enabled us to have sex comfortably and confidently. Most importantly they have helped the community safely enjoy this small part of what can be a very difficult life as an LGBTIQ Australian.