



Honourable Yvette D'Ath MP
Attorney-General and Minister for Justice
Minister for the Prevention of Domestic and Family Violence

Our ref: 7131541

Your ref: 4050-24

1 William Street Brisbane Q 4000
GPO Box 149 Brisbane Q 4001
Telephone +61 7 3719 7400
Email attorney@ministerial.qld.gov.au

19 SEP 2024

Mr Neil Laurie
The Clerk of the Parliament
Parliament House
George Street
BRISBANE QLD 4000

Dear Mr Laurie

I refer to e-Petition 4050-24 tabled in the Legislative Assembly on 20 August 2024 titled, *Amnesty from prosecution for prescribed medical cannabis patients allowing them to grow their own cannabis*.

In Queensland, cannabis is a dangerous drug under the *Drugs Misuse Act 1986* (DMA) and the *Drugs Misuse Regulation 1987* (DM Regulation). Any person unlawfully possessing, producing, supplying or trafficking in cannabis commits a criminal offence. Section 4 of the DMA defines 'unlawfully' as meaning without authorisation, justification or excuse by law.

The cultivation of cannabis for any purpose other than that explicitly allowed for through the licence and permit schemes under the DMA and the *Narcotic Drugs Act 1967* (Cth) is a criminal offence in Queensland.

Regulation of the cannabis hemp industry

The industrial cannabis (hemp) industry in Queensland is regulated under the DMA and DM Regulation. The Department of Agriculture and Fisheries (DAF) is responsible for managing the licensing framework for the commercial production of industrial cannabis in accordance with Part 5B of the DMA.

Regulation of medicinal cannabis

Medicinal cannabis products are regulated as medicines in Australia, therefore, medicinal cannabis is regulated under both state legislation and the Commonwealth's *Therapeutic Goods Act 1989*. Approval from the Commonwealth Therapeutic Goods Administration (TGA) must first be obtained to allow lawful access and use of unapproved/ unregistered medicinal cannabis in Australia.

All medicinal cannabis products in Australia must also meet the standards set by the TGA for minimum quality requirements and microbiological standards. To ensure safe prescription and dosage decisions by doctors, medicinal cannabis products need to be consistent, contaminant free and high quality.

In Queensland,

- any registered medical practitioner can prescribe medicinal cannabis for any patient, with any condition, if they believe it is clinically appropriate and have obtained the required Commonwealth approval;
- medicinal cannabis in the form of Cannabidiol (Epidyolex) was available through the Compassionate Access Scheme (CAS) at Queensland Children's Hospital with a valid prescription written by an approved prescriber. This trial ceased on 30 June 2020, once Epidyolex was registered on the Australian Register for Therapeutic Goods (ARTG) and subsidised through the Pharmaceutical Benefits Scheme;
- medicinal cannabis products are classified as either Schedule 4 or Schedule 8 controlled substances, most products are not listed on the ARTG;
- in circumstances where patients need access to therapeutic goods that are not included in the ARTG, a Therapeutic Goods Administration approval is required in order for the medicine to be prescribed. These approvals are provided under the Commonwealth Special Access or Authorised Prescriber schemes; the cultivation, manufacture and wholesaling of medicinal cannabis products is regulated by a combination of Commonwealth and Queensland Government schemes. In Queensland, medicinal cannabis wholesaling is regulated through the *Medicines and Poisons (Medicines) Regulation 2021*.

I note the *Narcotic Drugs Amendment (Medicinal Cannabis) Act 2021* implemented a number of the recommendations from the Final Report of the Review of the *Narcotic Drugs Act 1967* (Cth) as conducted by Professor John McMillan AO. These included replacing the existing three licence structure (for cultivation and production, manufacture and research) with a single licence for medicinal cannabis products; allowing medicinal cannabis licenses to be granted in perpetuity; and including a statement that the purpose of the medicinal cannabis scheme is to ensure that medicinal cannabis products are available to patients in Australia for therapeutic purposes.

The Queensland Government supports that medicines manufacture should be underpinned by appropriate processes and standards that can ensure patients, health professionals and governments have confidence in the safety and efficacy of products being used for the treatment of often complex medical conditions.

There are well-established pathways for accessing both registered and unregistered medicines in Australia. The Queensland Government believes that these pathways in combination with existing Commonwealth Department of Health and Aged Care oversight adequately manages the risks associated with prescribing medicinal cannabis.

Recreational or unregulated cannabis products are not overseen by a doctor, and they remain outside of the treatment plan, consequently, there may be potentially dangerous drug interactions that are not known to either the doctor or patient. Using recreational or unregulated cannabis does not guarantee that the products are safe or

effective for patients to use. Further, recreational or unregulated cannabis products are unable to be used by healthcare professionals in hospital settings. Therefore, when patients are admitted to hospital there is no capacity to continue their use.

Queensland Police Drug Diversion Program

I'd also like to draw to the petitioners' attention that, in 2023, legislative amendments were made expanding the Police Drug Diversion Program (PDDP) to include the minor possession of all types of drugs through a new tiered approach:

- 1st minor drug-possession offence - a police officer issues a warning, accompanied by a drug warning notice and a police referral to a support service.
- 2nd and 3rd minor drug-possession offence - a police officer offers the opportunity for the person to participate in a mandatory Drug Diversion Assessment Program.
- 4th minor drug-possession offence - a police officer issues the offender with a notice to appear in court.

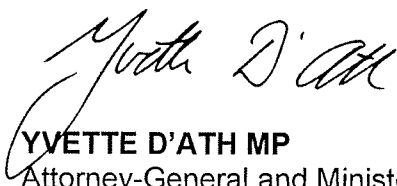
The Police Powers and Responsibilities and Other Legislation Amendment Bill 2023 was passed by the Legislative Assembly on 20 April 2023.

A person is eligible for diversionary action under the PDDP if the person is arrested for, or questioned by, a police officer for a minor drugs offence and the police officer reasonably believes the drug matter is for personal use. The quantity of illicit drugs to be considered a 'minor drugs offence', and therefore eligible for diversionary action by police, is prescribed under the *Police Powers and Responsibilities Regulation 2012*.

The expanded PDDP commenced on 3 May 2024.

I trust this information is of assistance and I thank the petitioners for bringing their concerns to the attention of the House.

Yours sincerely



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