



Attorney-General and Minister for Justice  
Leader of the House

In reply please quote: 572305/5; 5191240

22 May 2020

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

Dear Mr ~~Laurie~~ Neil

I refer to e-Petition 3217-19, tabled in the Legislative Assembly on 22 April 2020, regarding the legalisation of cannabis.

I note the petitioners request that the House legalise the growth, possession, use and supply of cannabis for adults in Queensland, provide amnesty for people with current cannabis-related convictions and increase funding for drug support services.

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

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

As part of its response to the Queensland Productivity Commissions' inquiry into imprisonment and recidivism (QPC Report), the Palaszczuk Government recently confirmed that it has no intention of altering any drug laws in Queensland. You can find the Government's response in full at: <https://www.qpc.qld.gov.au/inquiries/imprisonment/>.

The Queensland Government's response to dangerous drugs in our community is one of harm minimisation, comprised of three actions: harm reduction, demand reduction and supply reduction.

The Queensland Government has a proud record of evidence-based policy in this area; in response to recommendations made by the *Queensland Drug and Specialists Courts Review: Final Report*, the Palaszczuk Government provided funding to reinstate the Queensland Drug and Alcohol Court (QDAC) and to establish Court Link.

QDAC operates in Brisbane and provides a response to adult defendants with severe drug and/or alcohol use directly associated with their offending. QDAC utilises a therapeutic approach, which includes case management, strict supervision and monitoring of participants by the Court. Participants are sentenced to undertake treatment to address their drug and alcohol dependencies and criminal behaviour, with the goal of reducing

future offending. Any Magistrate in Queensland may refer a defendant to QDAC, as long as the defendant is facing charges at a Magistrates Court and resides within the district of the Brisbane Magistrates Court.

Court Link is an integrated court assessment, referral and support program. Court Link addresses underlying contributors to offending behaviour and provides individualised case management support to eligible participants.

Court Link's purpose is to provide support and assistance to people in accordance with their risk of re-offending and their needs, including facilitating access to Alcohol and Other Drug treatment services.

Court Link is operational in Brisbane, Cairns, Southport, Ipswich, Redcliffe, Maroochydore and Caboolture, and Mount Isa.

In the Redcliffe, Maroochydore and Caboolture Court Link locations, Queensland Health provide a dedicated Alcohol and Other Drug treatment service and access to rehabilitation for participants.

In addition to QDAC and Court Link, the Illicit Drug Court Diversion (IDCD) program and Drug and Alcohol Assessment Referrals (DAAR) are programs offered State-wide to defendants appearing before the Magistrates Courts to address drug use in its early stages and reduce further drug related offending.

The IDCD program is for defendants who plead guilty to eligible minor drug offences and are required to attend a drug assessment and education session, as a condition of a recognisance order imposed, instead of a traditional fine.

The DAAR program is available to defendants who identify substance use as a contributing factor in their offending behaviour but who may not be drug and/or alcohol dependent.

More information on court-based programs and the *Queensland Drug and Specialists Courts Review* that was undertaken can be found on the Queensland Courts website at: [www.courts.qld.gov.au/courts/drug-court](http://www.courts.qld.gov.au/courts/drug-court).

While drug courts and other court-based programs are an important part of the criminal justice system, they are only one of a number of responses to the extensive problem of illicit drug abuse-related crime.

In relation to minor drug offences, section 379 of the *Police Powers and Responsibilities Act 2000* empowers police to offer an eligible person the opportunity to participate in a drug diversion assessment program, as an alternative to prosecution. To be eligible for drug diversion, a person must:

- be arrested for, or questioned about, a minor drugs offence;
- not have committed another indictable offence in circumstances related to the minor drugs offence;
- not have been previously sentenced to serve a term of imprisonment for supply, trafficking or production of a dangerous drug or precursors;

- not have been previously convicted of an offence involving violence against another person or if they have, the rehabilitation period under *the Criminal Law (Rehabilitation of Offenders) Act 1986* must have expired;
- admit to having committed the minor drugs offence during an electronically recorded interview; and
- not have previously been offered drug diversion by a police officer.

The drug diversion assessment program is a brief health intervention that helps people address their drug use and offending behaviour at an early stage. Further information on the police drug diversion program can be found at: <https://www.police.qld.gov.au/drugs-and-alcohol/police-drug-diversion-program>

Finally, on 22 November 2018, the Honourable Dr Steven Miles MP, Minister for Health and Minister for Ambulance Services, announced *Shifting Minds: Queensland Mental Health, Alcohol and Other Drugs Strategic Plan 2018-23* (Shifting Minds Plan), a new plan for improving the mental health and wellbeing of all Queenslanders. The Shifting Minds Plan sets the five-year direction for reforming Queensland's mental health and alcohol and drug systems, with a focus on early intervention and prevention. It takes a holistic approach to wellness and wellbeing that recognises the importance of good clinical care being delivered alongside psychosocial support and a range of human and social services. The Shifting Minds Plan is available on the Mental Health Commission's website at: <http://www.qmhc.qld.gov.au/shifting-minds>.

The Palaszczuk Government is also cognisant of growing community interest in the use of cannabis as a medicine. Medicinal cannabis products are regulated as medicines in Australia under both state legislation and the Commonwealth's *Therapeutic Goods Act 1989*. In Queensland, lawful access to medicinal cannabis is provided by a doctor prescribing it for a patient's treatment. However, any use of cannabis outside of this process remains illegal.

This approach ensures that treatment is monitored by a doctor, the prescribed product is of a known consistency and quality, and treatment can be continued if the person is admitted to hospital.

All medicinal cannabis products in Australia must meet the standards set by the Therapeutic Goods Administration 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.

The Queensland Government is streamlining processes for lawfully accessing medicinal cannabis. On 1 July 2019, the *Public Health (Medicinal Cannabis) Act 2016* was repealed. Medicinal cannabis is now regulated in the same manner as other controlled drugs (schedule 8 medicines) or restricted drugs (schedule 4 medicines). This means that most Queensland-specific approvals for medicinal cannabis have now been removed.

Requirements for prescribing medicinal cannabis will be further streamlined through the new legislative framework for medicines, poisons and pest management in the *Medicines*

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*and Poisons Act 2019*. The Medicines and Poisons Act will enable non-specialist medical practitioners to prescribe without the need for approval from Queensland Health, eliminating duplication with the Commonwealth approval process. It is expected this change will commence in the second half of 2020.

Further information about changes to the regulation of medicinal cannabis in Queensland is available at: <https://www.health.qld.gov.au/public-health/topics/medicinal-cannabis>. I can assure you the Government will continue to monitor and review the relevant drug legislation to ensure it remains responsive.

Whilst this may not be the response the petitioners had hoped for, I can assure the community that this Government is committed to further developing health-based approaches to illicit drug use within current legislative and policy frameworks, some of which are outlined in the Government's response to the QPC Report.

I thank the petitioners for bringing their concerns to the attention of the House.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Stirling', with a long, sweeping underline that extends to the right.

**STIRLING HINCHLIFFE MP**  
Acting Attorney-General and Minister for Justice