

# Public Health (Medicinal Cannabis) Bill 2016

## Explanatory Notes

### FOR

## Amendments to be moved during consideration in detail by the Honourable Cameron Dick MP, Minister for Health and Minister for Ambulance Services

### Title of the Bill

Public Health (Medicinal Cannabis) Bill 2016.

### Objectives of the Amendments

The objective of the amendments to the Public Health (Medicinal Cannabis) Bill 2016 (the Bill) is to remove the chief executive's ability to request a criminal history report about a patient or an applicant for an approval for medicinal cannabis.

The discretion to request criminal history information was intended to enable additional controls to be put in place if required to ensure medicinal cannabis products are not diverted and used illegally.

The Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee tabled its report on the Bill on 30 September 2016. The Committee recommended that the Bill be amended to remove references to criminal history from clauses 10 and 11 and omit clauses 28 to 31, which provide for the chief executive to request a criminal history report about an applicant for an approval or medicinal cannabis or a patient. This recommendation reflects the concern expressed by some stakeholders that patients might be denied access to medicinal cannabis on the basis of their criminal history or their medical practitioner's criminal history. The amendments to be moved during consideration in detail are made in response to the Committee's recommendation.

While the discretion to request a criminal history report will be removed, all medicinal cannabis approvals will remain subject to conditions designed to ensure the safety of patients and the security of the cannabis products. The effect of these conditions and the offence provisions in the Bill and the *Drugs Misuse Act 1986* will facilitate the safe and secure use of medicinal cannabis products in Queensland.

## **Achievement of the Objectives**

The amendments remove the clauses of the Bill relating to criminal history checks, and renumber relevant clauses to reflect the omissions.

## **Alternative Ways of Achieving Policy Objectives**

There are no alternative ways of achieve the policy objectives.

## **Estimated Cost for Government Implementation**

There are no costs associated with these amendments.

## **Consistency with Fundamental Legislative Principles**

The amendments are consistent with fundamental legislative principles.

## **Consultation**

During consultation on the Bill, some stakeholders expressed concern that patients might be denied access to medicinal cannabis on the basis of their criminal history or their medical practitioner's criminal history.

The Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee recommended that the provisions that enable the chief executive to request a criminal history report about an applicant for an approval for medicinal cannabis or a patient be removed from the Bill.

## Notes on provisions

### **Amendment 1**

*Amendment 1* removes the chief executive's ability to consider a person's criminal history in determining the suitability of an applicant for an approval.

### **Amendment 2**

*Amendment 2* inserts '(c)' into page 15, line 15 to reflect the omission of previous subsection (c).

### **Amendment 3**

*Amendment 3* inserts '(d)' into page 15, line 19 to reflect the omission of previous subsection (c) and subsequent renumbering.

### **Amendment 4**

*Amendment 4* inserts '(e)' into page 15, line 21 to reflect the omission of previous subsection (c) and subsequent renumbering.

### **Amendment 5**

*Amendment 5* inserts '(f)' into page 15, line 25 to reflect the omission of previous subsection (c) and subsequent renumbering.

### **Amendment 6**

*Amendment 6* removes the chief executive's ability to consider a patient's criminal history in determining their suitability to undergo treatment with medicinal cannabis.

### **Amendment 7**

*Amendment 7* inserts '(c)' into page 16, line 14 to reflect the omission of previous subsection (d) and subsequent renumbering.

### **Amendment 8**

*Amendment 8* inserts '(d)' into page 16, line 15 to reflect the omission of previous subsection (d) and subsequent renumbering.

### **Amendment 9**

*Amendment 9* inserts '(e)' into page 16, line 16 to reflect the omission of previous subsection (d) and subsequent renumbering.

### **Amendment 10**

*Amendment 10* removes clauses 28 to 31 of the Bill relating to the process for a chief executive to request a written report about the criminal history of an individual, the individuals in relation to whom a criminal history check may be conducted, the requirement for the Commissioner of Police to notify the chief executive of changes in the individual's criminal history and the application of the *Criminal Law (Rehabilitation of Offenders) Act 1986*.

### **Amendment 11**

*Amendment 11* removes the reference to criminal history checks in clause 217 relating to Regulation-making powers, as a consequence of the removal of the criminal history check provisions from the Bill.

### **Amendment 12**

*Amendment 12* removes definitions relating to criminal history checks from the Dictionary, as a consequence of the removal of the criminal history check provisions from the Bill.