

Chapter 5

Committee comments and recommendations

5.1 As outlined throughout this report, the committee heard much evidence in support of the intent of the Bill as well as evidence highlighting potential issues requiring attention.

5.2 With regard to the use of cannabis for medicinal purposes and research into medicinal cannabis products, there remain significant gaps in our scientific understanding. The committee was informed that there are numerous conditions for which cannabinoid therapy is under investigation, including treatments for tumours and cancer, seizures in patients with severe forms of epilepsy, endocrine-metabolic modification in diabetes, post-traumatic stress syndrome, Alzheimer's disease, and inflammatory bowel disease. As discussed in chapter 2, academics from the University of Sydney explained that cannabinoid science is a rapidly developing field and has 'remarkable potential to influence human disease and wellbeing'.

5.3 The committee is encouraged by and supportive of the research activity in this space. While medical experts and researchers voiced differences of opinion over the effectiveness of medicinal cannabis during the course of the inquiry, further research will demonstrate in what circumstances medicinal cannabis is a safe and effective remedy, and where it is ineffective or inappropriate.

5.4 This medical perspective was put into context by the personal accounts of witnesses such as Mrs Lucy Haslam and Mrs Joelle Neville. The committee again thanks those submitters and witnesses willing to share their personal experiences with the committee: this evidence gave the committee an insight into the dire and sometimes tragic circumstances in which patients and families find themselves where conventional therapeutic options have failed or are intolerable. The committee acknowledges the relief from symptoms many patients experience as a result of medicinal cannabis and the difficulties they face in obtaining a remedy they have found to be of benefit.

5.5 The committee is particularly persuaded by the personal accounts it heard and is unanimously in support of patient access to products derived from cannabis. However, for the safety of patients and the protection of medical professionals the committee believes it is important that medicinal cannabis is used to treat identified medical conditions where it has been proven to be safe and effective.

Recommendation 1

5.6 The committee supports, in principle, the access to products derived from cannabis for use in relation to particular medical conditions where the use of those products has been proven to be safe and effective.

Recommendation 2

5.7 The committee recommends that the Bill is amended, if necessary, to establish mechanisms by which scientific evidence about medicinal cannabis products can be assessed to determine their suitability for use in the treatment of particular medical conditions.

5.8 Some submitters and witnesses raised concerns about the interaction between the Bill and Australia's existing regulatory framework as well as its obligations under international law. For example, the Department of Health (the department) and Therapeutic Goods Administration (TGA) raised concerns about the interaction of the Bill with the *Therapeutic Goods Act 1989*, the *Narcotics Drug Act 1967*, customs regulations in respect of prohibited imports and exports and the *Crimes (Traffic in Narcotic Drugs and Psychotropic Substances) Act 1990* (see chapter 4). Both the department and the TGA were concerned about the Bill's interactions with this Commonwealth legislation and the potentially confusing and contradictory regulatory regime which could result.

5.9 While the committee is supportive of patients' access to medicinal cannabis in appropriate circumstances, the committee does not believe it is appropriate to burden regulators, industry or medical professionals with unnecessary red tape. The committee shares the concerns of the department and the TGA: any duplication, contradiction or uncertainty arising from the Bill's implementation must be resolved. The committee therefore recommends that the Bill is amended to address the issues raised by the department and the TGA about its interaction with the existing Commonwealth regulatory system for medicinal products, including but not limited to the *Therapeutic Goods Act 1989*, the *Narcotics Drug Act 1967* and relevant customs legislation.

Recommendation 3

5.10 The committee recommends that the Bill is amended to address issues raised about its interaction with the existing Commonwealth regulatory framework for medicinal products, including the *Therapeutic Goods Act 1989*, the *Narcotics Drug Act 1967* and relevant customs legislation.

5.11 The committee also notes the significant concerns raised not only in relation to the Bill's interaction with existing Commonwealth legislation but also with Australia's international obligations. As discussed in chapters 2 and 4, Australia is party to the *Single Convention on Narcotic Drugs* (the Single Convention), the *Convention on Psychotropic Substances* and the *United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances*. In particular, the department highlighted inconsistencies between the Bill and Australia's international obligations, and the risk that passage of the Bill in its current form may result in Australia breaching these obligations.

5.12 To address these concerns, the committee recommends that the Bill is amended to ensure that medicinal cannabis products can be made available in

Australia in way that is consistent with Australia's international obligations, including under Articles 23 and 28 of the Single Convention.

Recommendation 4

5.13 The committee recommends that the Bill is amended to ensure that medicinal cannabis products can be made available in Australia consistent with Australia's international obligations, including under Articles 23 and 28 of the *Single Convention on Narcotic Drugs (1961)*.

5.14 The operation of the regulatory regime proposed by the Bill and its intersection with state and territory laws and approaches to cannabis (both medicinal and illicit) was the subject of some discussion during the course of the inquiry. The committee notes that some submitters were supportive of a Commonwealth medicinal cannabis scheme providing clarity and consistency, while others indicated that imposition of a Commonwealth regulator would complicate regulation and enforcement by the states and territories as well as confuse patients accessing the scheme.

5.15 This confusion and any contradiction or conflict between the operation of the proposed Commonwealth regulator and the states and territories should be addressed to ensure the effective implementation of a scheme to access medicinal cannabis in Australia. The committee urges the Commonwealth government to consult with the states and territories about the inter-relationship of relevant laws to ensure a consistent approach and to facilitate compliance not only with any medicinal cannabis access scheme but also with Australia's international obligations.

Recommendation 5

5.16 The committee recommends that the Commonwealth government consult with its state and territory counterparts about the interrelationship of relevant laws to ensure a consistent approach to accessing medicinal cannabis and to facilitate compliance with any such access scheme and Australia's international obligations.

5.17 If the concerns raised in this chapter and detailed elsewhere in this report are addressed, the committee recommends that the Bill, as amended, is passed.

Recommendation 6

5.18 Subject to the preceding recommendations, the committee recommends that the Bill be passed.

**Senator the Hon Ian Macdonald
Chair**

